

## SECOND READING

## THE APPROPRIATION BILL

**The Assistant Minister for Finance (Mr. Echakara):** Mr. Deputy Speaker, Sir, I beg to move that the Appropriation Bill be now read a Second Time.

Mr. Deputy Speaker, Sir, His Excellency the President has signified his consent to this Bill. The 1982/83 Recurrent and Development Estimates have been discussed at length in this House and hon. Members have had a chance to make their contributions to the following Votes:

- Vote—31—Ministry of Basic Education.
- Vote—32—Ministry of Industry.
- Vote—10—Ministry of Agriculture.
- Vote—9—Ministry of Livestock Development.
- Vote—1—Office of the President.
- Vote—2—The State House.
- Vote—3—Directorate of Personnel Management.
- Vote—11—Ministry of Health.
- Vote—16—Ministry of Tourism and Wildlife.
- Vote—22—Ministry of Co-operative Development.
- Vote—4—Ministry of Foreign Affairs.

Mr. Deputy Speaker, Sir, the rest of the Votes were guillotined according to our Standing Order No. 142(7), and the purpose of the Appropriation Bill of 1982 is to seek statutory approval from this House for the financial provision that we have been discussing in this House according to section 100(2) of our Constitution.

As the hon. Members are aware, the ministries are now meeting their expenditure for the current financial year on the basis of the Vote on Account, which was authorized by this House on 23rd June, 1982, under section 101 of the Constitution of Kenya. The Vote on Account allows me to release half of the provision in the Annual Estimates, and once this Bill is approved and assented to by His Excellency the President, I will be able to issue the total amount from the Consolidated Fund.

Mr. Deputy Speaker, Sir, the Appropriation Bill of 1982 contains the provisions of each vote, including the Appropriations in Aid. It is a condensed statutory estimate as contained in the 1982/83 Recurrent and Development Estimates books.

Clause two of the Bill provides for the issue from the Consolidated Fund of a sum of K£853,029,300 required to meet the public expenditure, both recurrent and development, during the year ending 30th June, 1983. This sum of K£853,029,300 includes the amount which was authorized by Parliament on 23rd June, 1982. This clause also appropriates the money granted to the services and part—

*(There was noise in the Chamber)*

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Mr. Deputy Speaker, Sir, The other side of the Chamber is developing into a market! Is that right?

**Mr. Deputy Speaker:** Order! Order! Hon. Martin Shikuku, you know you can never refer to this honourable House at any time as a market! This is always,

and will always remain, an honourable House. The hon. Members are not making any noise at all; they are merely having the usual consultations.

*(Applause)*

**The Assistant Minister for Finance (Mr. Echakara):** Thank you very much, Mr. Deputy Speaker, Sir. This clause also appropriates the money granted to the services and purposes specified in the Schedule. Clause three makes provision for Appropriations in Aid of those services and purposes as specified in the Schedule.

The provisions in this Bill are in accordance with the established practice, and I would urge hon. Members to pass this Bill so that I can release the total voted provision to the ministries for the development of our country.

With those few remarks, I beg to move.

**The Minister for Constitutional Affairs (Mr. Njonjo):** Mr. Deputy Speaker, Sir, we have debated this matter for the last three months and, therefore, I beg to second the Bill.

*(Question proposed)*

**The Vice-President and Minister for Home Affairs (Mr. Kibaki):** On a point of order, Mr. Deputy Speaker, Sir, Since we have debated this issue at length, would I be in order to move that the Mover be now called upon to reply?

**Mr. Deputy Speaker:** The decision is yours, hon. Members.

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

**The Assistant Minister for Finance (Mr. Echakara):** Mr. Deputy Speaker, Sir, I would like to thank hon. Members for passing the Bill and with those few remarks, I beg to reply.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)*

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*(Mr. Deputy Speaker left the Chair)*

## IN THE COMMITTEE

*(The Temporary Deputy Chairman (Mrs. Onyango) took the Chair)*

## THE APPROPRIATION BILL

*(Clauses 2 and 3 agreed to)*

*Schedule*

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Madam Temporary Deputy Chairman, I would like to draw the attention of my colleague to the Schedule on page 181 of the Bill, R31; I am not interested in all the other things, but I am interested in that part where they talk of the School Milk and Feeding Programme and other expenses in connection with the promotion of basic education. I would like to be enlightened on this because

**MURRAMING OF ROAD LEADING TO KANYANGI MARKET**

**Mr. Mwanjasi:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Transport and Communications the following Question by Private Notice:

- (a) Is the minister aware that a portion of 10 kilometres to Kanyangi Market in Yatta Location, Kitui District, is impassable and has completely cut off the inhabitants of these areas?
- (b) Is he further aware that sick persons from that area can hardly attend medical treatment?
- (c) Would he send a D.4 tractor there and murrum the distance?

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

I am aware that this road, along with others like E12, has suffered serious damage because of the current heavy rain. I am also aware that transport and communication has become very difficult, and there is little that can be done because of the very heavy rainfall. But as soon as the rain subsides, we shall mobilize and make sure that the road is passable once again.

**Mr. Mwanjasi:** Thank you very much, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Next Order.

**POINTS OF ORDER****CORRECTION—WRONG MEMBER'S NAME IN NEWSPAPER REPORT**

**Mr. arap Ng'eny:** Mr. Deputy Speaker, Sir, I am rising on a point of order arising out of yesterday's proceedings in this House when I raised a supplementary question regarding the examination results, and hon. Joseph Kamotho was replying. Normally, I would not make quarrels with newspapers, and I have not done so in this House. But when the newspapers decide to report what I say here and decide to baptize me at this late age, I have reason to ask, through the Chair, for a big correction by the *Nairobi Times*, who reported in their morning edition that I am now supposed to be called "Joseph arap Ng'eny". Now, for the information of the reporter of the *Nairobi Times* in this House, I was baptized about 28 years ago; my name is "Samuel" and I have not changed it. I would request, through the Chair, that the reporter of the *Nairobi Times* makes the correction, and an apology, so that I can excuse them. Thank you.

**Mr. Deputy Speaker:** I am sure they have heard it.

**CORRECTION OF RADIO REPORT ON MEMBER'S SPEECH**

**The Assistant Minister for Works and Housing (Mr. Lotiliyo):** On a point of order, Mr. Deputy Speaker, I also stand to correct the Voice of Kenya. Last Thursday, when I was contributing to the debate in the House, the Voice of Kenya reported me as having said that the late President Mzee Jomo Kenyatta was detained at Marsabit. But actually, I said that he was detained at Maralal and he was released right at Maralal when he came here. I hope that next time

they will be very careful to listen to the names of towns. May be there was a confusion between the names "Maralal" and "Marsabit". I think the late President was never detained at Marsabit!

**Mr. Deputy Speaker:** Point taken. Next Order.

**PROCEDURAL MOTION****REDUCTION OF PUBLICATION PERIOD OF THE APPROPRIATION BILL**

**The Vice-President and Minister for Home Affairs (Mr. Kibaki):** Mr. Deputy Speaker, Sir, I beg to move the following Motion:

THAT, this House in accordance with Standing order No. 98, orders that the publication period of the Appropriation Bill (Bill No. 24) be reduced from seven days to two days.

The Bill, as hon. Members know, normally does come immediately after we have finished the debate on the individual votes and after the guillotine of voting. It usually happens at the end of October.

Now, for some reasons which I need not bother this House about because the whole House is very busy really, the publication of this Bill was delayed, and what we are really pleading with the House, since this is appropriation on matters over which we have debated in great detail, is to agree to take it immediately, so that we can formalize the budget aspects and then get on with the other business that is before this House.

**Mr. Deputy Speaker, Sir, I beg to move.**

**The Minister for Constitutional Affairs (Mr. Njonjo):** seconded.

*(Question proposed)*

**The Minister for Constitutional Affairs (Mr. Njonjo):** On a point of order, Mr. Deputy Speaker. Since this is a Procedural Motion and, in fact, the Bill itself looks to me to be procedural, may I move that the Mover be now called upon to reply?

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

**The Vice-President and Minister for Home Affairs (Mr. Kibaki):** Mr. Deputy Speaker, Sir, I am very grateful for the eloquent support that the House has given to this particular Motion.

I beg to move.

*(Applause)*

*(Question put and agreed to)*

**BILLS****FIRST READING****THE APPROPRIATION BILL**

*(Order for First Reading read—Read the First Time—Ordered to be read the Second Time today by leave of the House)*

## SECOND READING

## THE APPROPRIATION BILL

**The Assistant Minister for Finance** (Mr. Echakara): Mr. Deputy Speaker, Sir, I beg to move that the Appropriation Bill be now read a Second Time.

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**The Assistant Minister for Economic Planning and Development** (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir, The other side of the Chamber is developing into a market! Is that right?

**Mr. Deputy Speaker:** Order! Order! Hon. Martin Shikuku, you know you can never refer to this honourable House at any time as a market! This is always,

and will always remain, an honourable House. The hon. Members are not making any noise at all; they are merely having the usual consultations.

*(Applause)*

**The Assistant Minister for Finance** (Mr. Echakara): Thank you very much, Mr. Deputy Speaker, Sir. This clause also appropriates the money granted to the services and purposes specified in the Schedule. Clause three makes provision for Appropriations in Aid of those services and purposes as specified in the Schedule.

The provisions in this Bill are in accordance with the established practice, and I would urge hon. Members to pass this Bill so that I can release the total voted provision to the ministries for the development of our country.

With those few remarks, I beg to move.

**The Minister for Constitutional Affairs** (Mr. Njonjo): Mr. Deputy Speaker, Sir, we have debated this matter for the last three months and, therefore, I beg to second the Bill.

*(Question proposed)*

**The Vice-President and Minister for Home Affairs** (Mr. Kibaki): On a point of order, Mr. Deputy Speaker, Sir, Since we have debated this issue at length, would I be in order to move that the Mover be now called upon to reply?

**Mr. Deputy Speaker:** The decision is yours, hon. Members.

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

**The Assistant Minister for Finance** (Mr. Echakara): Mr. Deputy Speaker, Sir, I would like to thank hon. Members for passing the Bill and with those few remarks, I beg to reply.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)*

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[Mr. Deputy Speaker left the Chair]*

## IN THE COMMITTEE

*[The Temporary Deputy Chairman (Mrs. Onyango) took the Chair]*

## THE APPROPRIATION BILL

*(Clauses 2 and 3 agreed to)*

*Schedule*

**The Assistant Minister for Economic Planning and Development** (Mr. Shikuku): Madam Temporary Deputy Chairman, I would like to draw the attention of my colleague to the Schedule on page 121 of the Bill, R31; I am not interested in all the other things, but I am interested in that part where they talk of the School Milk and Feeding Programme and other expenses in connection with the promotion of basic education. I would like to be enlightened on this because

**[The Assistant Minister for Economic Planning and Development]**

some of the schools, particularly in the rural areas these days, just hear of the milk and they never see it. Could he tell us, now that I am voting this money, whether indeed Butere children will get their milk?

The Assistant Minister for Finance (Mr. Echakara): Madam Temporary Deputy Chairman, since this was a Presidential directive, whoever is not carrying it out will be punished severely. We are going to investigate and see whether it is true that some schools are not getting milk.

*(Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**THE ANTIQUITIES AND MONUMENTS BILL**

*(Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45,*

*46 and 47 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

The Assistant Minister for Finance (Mr. Echakara): Madam Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Appropriation Bill, and the Antiquities and Monuments Bill, and their approval thereof without amendment.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[Mr. Deputy Speaker in the Chair]*

**REPORTS AND THIRD READINGS**

**THE APPROPRIATION BILL**

Mrs. Onyango: Mr. Deputy Speaker, Sir, I beg to move that a Committee of the whole House has considered the Appropriation Bill and approved the same without amendment.

The Assistant Minister for Finance (Mr. Echakara): Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Assistant Minister for Agriculture (Mr. Hirsi) seconded.

*(Question proposed)*

*(Question put and agreed to)*

The Assistant Minister for Finance (Mr. Echakara): Mr. Deputy Speaker, Sir, I beg to move that the Appropriation Bill be now read the Third Time.

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): Mr. Deputy Speaker, Sir, I beg to second the Motion "That the Appropriation Bill be now read a Third Time".

Hon. Members: You are late! What are you doing?

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): Mr. Deputy Speaker, Sir, I am seconding the Motion that has been moved. While

seconding this Motion, I would like to say that our job has been done. As elected representatives of the people, we have now voted the money, and our job ends there. When it comes to actual implementation of this Bill—Hon. Shikuku is not a driver of a D. 7 or a D. 8 tractor. If money has been allocated for roads in Butere or whatever is intended to be done in that area; if those projects are accomplished, that will have been done by the Government and not by hon. Shikuku. Therefore, it is unfair for anybody to ask a Member of Parliament to do anything because he is not in a position to do anything.

We are now giving out this money and no Member of Parliament is given so much money for his constituency so that he could be asked why he is not doing such-and-such a thing. The job of a Member of Parliament is to speak in this House and vote this money. There is no reason, therefore, for anybody to go on asking, "What has your Member of Parliament done?" No Member of Parliament has a government of his own. If anything is going to be done, it is going to be done by the Government and not by any Member of Parliament.

I hope that those who have ears have heard, and for those who have no ears, someone should write that message for them on the board, so that they can read. A member of Parliament is not supposed to do anything. Some of us think that they can do anything, and that is why they find themselves in a lot of problems as far as yelling for Harambee and begging from left and right is concerned. It is only the Government which can do things.

*(Question proposed)*

Mr. Wamaiwa: Mr. Deputy Speaker, Sir, I have just a few comments to make, particularly on the Ministry of Transport and Communications. I get the feeling that my Trans Nzoia District is a district that is ignored very much, and I do not quite understand why. This is because in terms of producing maize, we produce more maize than any other district in the country, and in terms of producing milk, we produce more milk than any other district in the country too. We are also the nursery for the breeding of all seeds, particularly maize seed, oranges, Kitale Apples and what-have-you, and yet our roads are the worst in the Republic. In fact, from Nairobi I cannot get to my farm; I cannot even move around by constituency as there are no roads at all. When you go to the local Ministry of Transport and Communications man there, he has the cheek to tell me that if I want the roads done, I should give him diesel. How am I expected to finance a programme like that? How can I gravel roads, which the Government ought to do?

Mr. Deputy Speaker, I appeal to the minister, in case he is not aware of what is going on in Kitale, that we feel abandoned. We feel completely abandoned and live in the bundu, and we would like the ministry, if not anything else, to gravel our roads. We are not asking for tarmac; tarmac roads can be built going to heaven or wherever they are wanted, but we just want the roads to be gravelled.

[Mr. Wamalwa]

One other little thing that I wanted to point out from the farmers' point of view is this scheme by the Agricultural Finance Corporation, namely the rehabilitation. There is one case in point in Kitale where the Agricultural Finance Corporation team took over a company farm that owed the Corporation about Sh. 300,000. After the Corporation's rehabilitation team running the farm for four years, they are now telling the owners of the farm that they owe the Corporation Sh. 2 million. I think that is an amazing thing. The farm in question is Koikoi Farmers' Company in Saboti, and they were only owing Sh. 300,000, but after the Agricultural Finance Corporation rehabilitation team took over, they now owe Sh. 2 million. This amaze me.

With those few remarks, Mr. Deputy Speaker, I beg to support.

**The Minister for Constitutional Affairs** (Mr. Njonjo): On a point of order, Mr. Deputy Speaker. May I move that the Mover be now called upon to reply?

*(Question put and agreed to)*

**The Assistant Minister for Finance** (Mr. Echakara): Mr. Deputy Speaker, Sir, I thank all the hon. Members for—

**An hon. Member:** For giving you the money!

**The Assistant Minister for Finance** (Mr. Echakara): No, actually I have not been given any money. What we have done is to allow the ministries to go ahead and spend the money.

Now, Sir, I know that some of this money has been spent, and there is still more to be spent. But I would like to warn the ministries at this appropriate time that the Treasury will not tolerate any overexpenditures this year.

Secondly, the ministry will neither tolerate any money being returned to the Exchequer, money that was supposed to be used in development projects. The hon. Members can help the Treasury and Government by trying to follow up whatever moneys is unspent.

Sir, the hon. Member, Mr. Wamalwa, made a comment about roads in Trans Nzoia. It is true the roads are bad, and the ministry concerned should ensure that the money allocated should be spent on essential roads.

With those few remarks, I beg to move.

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

#### THE ANTIQUITIES AND MONUMENTS BILL

**Mrs. Onyango:** Mr. Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered the Antiquities and Monuments Bill and approved the same without amendments.

**The Assistant Minister for Constitutional Affairs** (Mr. Njuguna Mwangi): Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the Report.

**The Minister for Constitutional Affairs** (Mr. Njonjo) seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Assistant Minister for Constitutional Affairs** (Mr. Njuguna-Mwangi): Mr. Deputy Speaker, Sir, I beg to move that the Antiquities and Monuments Bill be now read the Third Time.

**The Assistant Minister for Economic Planning and Development** (Mr. Shikuku): Mr. Deputy Speaker, I take this opportunity again, to second this Third Reading of the Bill, which has been moved by my own friend. I also want to record my heartfelt disappointment because the brilliant suggestions made during the Second Reading of this Bill, which I thought the assistant minister would bring up and include at this stage, were not considered. To my dismay, there is nothing like that at all. However, let me hope, as I have understood from my friend in the same ministry, that amendments will be brought, which will take into account the expressions and views made by hon. Members during the Second Reading. This would be in the interest of the nation and not Shikuku, or any other Member. It will be in the interest of the whole nation that those suggestions made in the Second Reading are included in the amendment.

Mr. Deputy Speaker, my hon. friend who moved this Bill was here throughout, and attended all discussions, and let us then hope that these amendments will be forthcoming, to make sure that whatever we have remains ours and nobody amongst us, or those who will be on the Committee, will connive and collude with outsiders to rob us of what we have.

Thank you, Mr. Deputy Speaker.

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

#### Second Reading

#### THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

*(The Attorney-General on 30.11.82)*

*(Resumption of Debate interrupted on 30.11.82)*

**An hon. Member:** Who was speaking last time before we adjourned?

**The Vice-President and Minister for Home Affairs** (Mr. Kibaki): On a point of order, Mr. Deputy Speaker, Sir, since there is nobody here who seems to be wanting to speak, am I in order to move that the Mover be now called upon to reply.

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

**The Attorney-General** (Mr. Kamere): Mr. Deputy Speaker, Sir, I have listened with interest the points raised by my friend, hon. Shikuku. We usually refer to various things in this Bill so that we can get all the materials which we require to put together in one single Bill. That does not make it necessary for us

**[The Vice-President and Minister for Home Affairs]**

to have a separate Bill for each amendment. I was pleased with the reception that this important Bill received.

It is an open secret that there is a great need to have more judges for the Court of Appeal, and magistrates and all those people concerned with the administration of law. That point has been taken into consideration. What prevents us from increasing the number of judges at random is the fact that we are constrained by the money voted to our ministry. If hon. Members could give us more money, we would increase the number of judges and magistrates.

There was one important point which was raised by the hon. Member for Butere in respect of the Magistrates' Jurisdiction (Amendment) Act. That is contained on page 138. This is very important because if you look at the Memorandum of Objects and Reasons, you will see that the last paragraph deals with that particular issue, which is very important to wananchi. The last paragraph says as follows:

"The proposed amendment to the Magistrates' Jurisdiction (Amendment) Act 1981 clarifies the procedure on appeal with regard to cases heard and determined before that Act came into force (31st December, 1981). As it is declared of that law on and after that date, the operation of the amendment is by clause 3 of the Bill made retrospective."

The importance of this section is simple. There was a confusion in rural areas as to whether the cases which were pending in courts would continue to be heard by the courts or they would be sent back to the elders. The position here is clarified in that all those cases which had been heard and determined and were only waiting for appeals at that time—that is 31st December, 1981—would continue as though this Bill had not been passed. However, those cases which had not been heard at all could be sent to the elders to hear them and determine them.

We have not done away with the problems in this particular area because land is a very important commodity. We are keeping a very open eye on this matter because there have been a lot of accusations that some elders are siding with one group whereas the others are siding with the other. We are going to carry out a survey of all returns in respect of cases pertaining to land. It will be on the basis of that survey that we shall be able to bring any required amendment. It is very important for our land matters to be heard and be determined once and for all, so that we do not revive them after ten years, thereby bringing in matters which had been decided on by the courts.

I thought that the hon. Member for Butere did make a very, very important point, and that is why I have taken the time to explain the position of cases which were determined and judgement given, and their appeals are pending in the Court of Appeal. Those cases will go on, as though the Act had not come into force. However, those cases which had not been heard and determined, but were pending before the courts, will have to go back to the elders to be heard.

Another point that I would like to make very clear is that in future, all the sections to be amended will be

appended to the amending Bill. That is very important because it will act as a simple reference for the hon. Members. So, they will not need to go through all the volumes. So, that should not be a ground for any opposition to this Bill which is very simple but important.

With regard to the Co-operative Societies Act, what we are doing here is only to correct the misprint and nothing else. I know that there has been great need to have an Act to replace the Co-operative Societies Act. I am sure that the minister in charge of co-operative societies will take that request into consideration. I am sure that he will give instructions as to how we should go about this thing. I am also sure that while doing so, he will put therein the matters which have been a subject of complaint, and we will do our best so that in the next Session, the Bill could be brought into this House because there is a great need for that Act to be reviewed.

As far as the Traffic Act is concerned, I would like to assure hon. Members that our police force is doing a wonderful job. However, as usual, there is always a black sheep in a family. I am sure that the new Commissioner of Police, who is doing a real good job, will look into this matter, so that the traffic police officers do not disturb our people by demanding "chai" or whatever it is.

With regard to the Price Control Act, I must remind hon. Members that the Act was not enacted with the objective of "killing" the up-coming African businessmen. It was intended to cater for the loopholes which had been seen by the Government as well as the minister concerned. It is important to remember that you are responsible for the people you employ to do your job. Wherever you may be you are responsible. The only thing which you are not responsible for is their criminal acts. If your employee injures another person, you cannot be charged, but if it is a question of you being his salesman and the act which the manager is alleged to have committed is an act pertaining to your terms, then you are responsible under the vicarious liability.

Mr. Deputy Speaker, as for the Trade Unions Act, the section we are trying to amend is to accommodate the Tom Mboya Labour College at Kisumu. It is very important that money which belongs to a trade union should not be used without there being authority, and as the hon. Member from Kwale explained, this provision will make the Tom Mboya Labour College an entity by itself. It will be able to sue or be sued on its own without bringing in the Central Organization of Trade Unions. The Central Organization of Trade Unions will have the opportunity of voting so much money every year to assist this College. It is going to be a very important institution in our trade union movement.

Mr. Deputy Speaker, as far as the Armed Forces Act is concerned, you will appreciate the fact that a man of 65—and there could be only a few in this House—is still young and can be employed in an advisory capacity. He may not be able to go into the field, but he could be a very important asset to the Army. What

**[The Vice-President and Minister for Home Affairs]**

we are saying here is that the retirement age of officers of that class should be 65, and this should be the time when they are called upon to retire completely. Of course, a soldier will always be a soldier at any age.

As far as the Dangerous Drugs Act is concerned, the cases under this Act were formerly dealt with by the first and second class magistrates. Our courts are right now being manned by professionally qualified persons, and that is the reason why we have now amended the Act so that all our subordinate courts manned by those professional people can tackle the Dangerous Drugs Act.

Mr. Deputy Speaker, another point which was raised by hon. Echakara is about the Cotton Lint and Seed Marketing Act. Here, the hon. assistant minister will have to do some homework with the Minister for Agriculture. It is rather strange that a crop which I grow with a lot of sweat does not belong to me. If that is the case because of the Act, as it is, hon. Echakara will definitely have our support in having this matter reviewed.

Apart from the hon. Member for Bahati, who hold a negative attitude towards this Bill, I have not heard any adverse comments made about this Statute Law (Miscellaneous Amendments) Bill. With those few remarks, I would like to thank all the Members who have made their honourable contribution to this Bill.

Mr. Deputy Speaker, I beg to move that the Statute Law (Miscellaneous Amendment) Bill be now read a Second Time.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)*

## SECOND READING

## THE HOTEL ACCOMMODATION (AMENDMENT) BILL

**The Assistant Minister for Finance (Mr. Echakara):** Mr. Deputy Speaker, Sir, I beg to move that the Hotel Accommodation (Amendment) Bill be now read a Second Time.

Mr. Deputy Speaker, Sir, the Bill that is before us is supposed to help formulate various proposals made by the Minister for Finance in his Budget Speech concerning the extension of the Act, Cap. 478 of our laws, to establishments offering facilities similar to those in hotels. These are mainly service flats, apartments or cottages at the Coast. You realize there has been a lot of hue and cry about the owners of various premises at the coast evading this hotel accommodation tax because of the definition of an hotel in this Act. Previously, "an hotel" meant any premises which includes those known as game lodges in which accommodation and food is supplied, or is available for supply to five or more adult persons at any one time in exchange for money or other valuable consideration.

Mr. Deputy Speaker, today we would like to amend that Act so that the definition of an hotel changes to mean any premises on which accommodation is supplied, or is available for supply, with or without food

or services, to five or more adult persons at one time in exchange for money or money's worth, and includes premises known as "service flats", "service apartments", "beach cottages", "holiday cottages", "game lodges" and "bandas" but does not include premises on which the only accommodation supplied or available for supply is under a lease or licence of not less than one month, unless by prior arrangement the occupier may, without penalty, terminate that lease or licence on less than one month's notice.

Mr. Deputy Speaker, the object of this Bill is to make occupiers of these premises which are offering holiday or short-term accommodation liable to pay tax in the same way that hotel guests presently do, while exempting from payment of tax those who occupy premises, or units in premises, where the only occupation offered is for a minimum of one month. This distinction is made to ensure that tax is not levied on occupiers of premises which provide, or which can fairly be regarded as providing residential accommodation. This takes care of hostels. We are not saying that hostels that are catering for young fellows or students and which provide humanitarian accommodation be included. The words "unless by prior arrangement" at the end of the proposed new definition are inserted by way of an "anti-avoidance" provision to prevent monthly or longer leases, or licences from being determinable with impunity after a matter of, for example, a few days' occupation. This gives a definition of casual worker.

In this country people can employ workers for 29 days and dismiss them but still they are within the definition of a casual labourer. In this regard, Mr. Deputy Speaker, we would not like to have loopholes in the Hotel Accommodation Tax (Amendment) Bill whereby somebody can keep on renewing his licence for a month, so that he can continue using that accommodation without being liable for taxation.

One of the other reasons why we are bringing this Bill is that the Government has been subjected to criticism about the collection of revenue. This is one way where we are trying to close the loopholes where tax has not been collected. In this regard, the Ministry of Tourism and Wildlife should be more active in terms of defining what a hotel is.

Mr. Deputy Speaker, we feel that with the enactment of this law, there will be more premises brought into the tax bracket, and the Government will definitely realize more revenue from this taxation. I would like to caution hon. Members by saying that this is not punitive. We are not doing this to punish or to witch-hunt anybody, but all that we are trying to do is to bring into line this Act and make sure that all the premises involved pay tax and not evade paying.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to move.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Mr. Deputy Speaker, I stand to second the Second Reading of this Bill for two reasons. One is that it is calculated to earn this Government more revenue which has been escaping

**[The Assistant Minister for Economic Planning and Development]**

discovery by us. Many people have taken advantage of this, and we are now trying to close this loophole so that we can get more revenue.

Secondly, Mr. Deputy Speaker, I am seconding this Bill and supporting it at the same time because it seeks to enlarge the meaning of a hotel. It would have been better if all Bills were brought in this manner. This is the old way in which we used to see Bills being brought to this House and since we are seeing it again, we should pay tribute to the Attorney-General for doing what he has done. He has shown on page 140 of this Bill Cap. 478 which we are amending. The old meaning of a hotel is also being shown on page 140 and on page 139 we now see the new meaning of the word "hotel". In this way, hon. Members can see what we are talking about, and it is very easy for us to follow this Bill. However, I thought that my hon. colleague from the Ministry of Finance would have taken into account some of the loopholes where Government is losing revenue. All these loopholes should have been brought here so that we block them with one sole aim of getting money into the kitty, so that we can be able to meet our commitments in terms of development and also recurrent.

The last point I wanted to speak about is connected with the question of what is said by some people that this Bill may be aimed at other people. It is not aimed at anybody. It is wrong for anybody who owns these cottages—be he an African, be he Shikuku—at the Coast, and mostly near the beach, where people go and rest, not to pay tax. It is also wrong for some people to revert to video whereby they stay in their houses and we fail to get taxes from them. If they were to go to the Kenya Cinema or Twentieth Century Cinema, we would get some taxes from them, but when they sit in their houses, we miss entertainment taxes from them.

So, anybody with a cottage at the Coast or in whatever corner of this Republic, who has been evading to pay hotel tax, should be made to pay tax. I can do that by going to the cottage, instead of going to the Nvali Beach Hotel, stay there for a full month enjoying myself and paying nothing to this Government, yet at the same time, I require this very Government to cater for my other services. I would like roads to be constructed, drugs to be bought, and all other facilities made available to me when I, as Shikuku, am not willing to go to the hotel because I know that when I go there, I will pay hotel tax. So, I go and hibernate in cottages there for months while paying nothing to this Government.

Mr. Deputy Speaker, we must pay taxes. We must give an example in this House. Therefore, anybody in this House who avoids paying tax should be regarded as somebody who is not looking after the welfare of this country. Taxes must be paid by everybody. Anybody who knows people who are evading taxation should report this matter to us, so that we do something about it. A hotel is one of these places where we have a lot of people avoiding paying taxes.

We are told, for example, that tourism is booming year in, year out, but I have always maintained, and I still maintain, that it is not booming in our interest. It is booming in the interest of somebody else. I have said this, and I will continue saying it because I know of people who are booking for hotel accommodation wherever they are coming from and paying all their money there. When such a person comes here, he buys nothing apart from buying tobacco for his pipe after running short of it; or if he has taken so many photographs and he finds that he has run short of films, then he only buys those films. So, in the final analysis, what we see in this country is the wrinkled face of that old man or woman, or the beauty of that girl, or the handsomeness of that fellow who has brought us nothing. In return, he sees our lions and everything. On top of it, if he has any venereal disease, he leaves it here. That is all that we get.

So, Mr. Deputy Speaker, it is sad that after avoiding paying taxes and keeping the money out of this country they only come to leave us with a disease which requires special drugs. Sir, I was told something very interesting last night whereby some gentlemen got in touch with some tourists and they ended up socializing themselves, only to find immediately after whatever exercise they engaged in, that some people had to be rushed to the hospital. This disease has never been known in this country; it came from a tourist. Now, this tourist left his money overseas; paid everything there, but only came here to give us the disease which is bothering our doctors to find out what type of disease it is.

*(Laughter)*

**The Assistant Minister for Finance (Mr. Echakara):** On a point of order, Mr. Deputy Speaker. Hon. Shikuku has categorically said that our tourists bring diseases to this country. Could he substantiate that?

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** I know that my hon. friend is not serious. I am talking of things I know. I said "Some of these people". Not all tourists bring diseases here. So, some of these people, having kept their money there, come here with some diseases and pass them on to our people. In fact, last night I got a report that some of my Kamba friends went to the "Small World" with—

**Mrs. Onyango:** On a point of information, Mr. Deputy Speaker, if the hon. assistant minister could give way.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Yes.

**Mrs. Onyango:** I would like to inform the assistant minister that although these people pay money, you might find that the person who is given this money spends more money than that which he has received on treating the disease which has been passed on to him.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** I thank the hon. Gracious Lady for that information. I am saying this because the disease I am talking about is a special one, and



**[The Assistant Minister for Economic Planning and Development]**

the doctors are wondering about it. So, it will definitely cost a person who is having it more than what that fellow was paid.

Mr. Deputy Speaker, this is the problem. Now, to be serious, until such a time that the Ministry of Tourism and Wildlife will control the hotels here and make sure—I think we suggested here sometime that every person who comes here will have to pay his hotel bills in foreign currency. Until we do that, we must know that we are being taken for a ride.

An hon. Member: That is the point.

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): We must insist and persist that every tourist who comes here pays his hotel bills in hard foreign currency. That is the only time when we shall be able to have control over this, but at the moment, we know that there are hotels here which have their branches overseas and their owners have also got their brothers here; and so, sometimes it is very difficult to know whether these people pay their bills in foreign currency when they are here. For example, let us look at the people who attend conferences here. Many people from foreign countries come here to attend conferences, but we do not know where they pay their bills. So, since when they come here they go to these hotels which are not ours, you find that the profits which these hotels make, or the money that is paid in these hotels, is taken out of the country.

The Assistant Minister for Water Development (Mr. Mwamzandi): On a point of order, Mr. Deputy Speaker. The hon. assistant minister is misleading the House when he says that if the foreigners who come here could pay their bills in foreign currency, it would control diseases.

Hon. Members: Oh, no he never said that!

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): Mr. Deputy Speaker, the question of diseases had already been done away with, and now I am on a serious matter. The question of diseases is with us, but we have to forget about it. We are now looking at the future. With regard to diseases, we should warn our people not to go so easily for some of these tourists in order to be able to keep themselves in a safe position. But let us forget about the diseases because we are now talking about how the tourists who come here should pay their hotel bills, and saying that these hotel bills should be paid in hard foreign currency.

With these few remarks, Mr Deputy Speaker, I beg to second the Bill.

*(Question proposed)*

The Assistant Minister for Constitutional Affairs (Mr. Olang'): Thank you, Mr. Deputy Speaker. I will also be brief because the hon. assistant minister who moved this Bill did it very exhaustively. He told us the reasons for bringing this Bill, and since the Bill has only three sections, I will be a bit brief in contributing to it.

Mr. Deputy Speaker, firstly, I would like to appeal to the hoteliers, or owners of the hotels, to be honest, at least, because what is happening now is that you find them not recording the names of the guests who go to their hotels with the purpose of evading tax. Mr. Deputy Speaker, if you look at the section of the Hotel Accommodation Tax Act which is being amended, you will see that it is very important because tourists do not only go to hotels at the Coast, but that they also go to the game reserves and places like Samburu, where there are cottages, to enjoy themselves.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker (Mrs. Onyango) took the Chair]*

Madam Temporary Deputy Speaker, these are the right people to be taxed. Therefore I support this Bill because we are going in the right direction.

Madam Temporary Deputy Speaker, talking about tourists' influence on our people, I think we should be a little more serious about the behaviour of the tourists who come to this country. For example, if you go to some of the hotels at the coast which are quite often frequented by tourists, you will just find out from the smell in the area that there is heavy smoking going on in the area. I think it is high time we took more interest in this because if we allow these people to continue doing the sorts of things they do in our hotels, they will ruin our people. Some of these things, like the one which was given by hon. Shikuku as an example, come about because we are lax. We have left our hotels unchecked, so that when the tourists come to this country, they do what they like in these hotels.

Madam Temporary Deputy Speaker, one day I came across a young lady at the coast wearing a vest with words written on it to the effect that "I love grass; it makes me high". The young lady who was wearing that vest was walking around with it. The word "grass" in that context means bhang. So, she says that she loves bhang because it makes her high. These are the sorts of things which we must stop in our hotels, and we can only stop these things if we have constant checks in our hotels, particularly those hotels which are frequented by tourists, so that our culture is not ruined and so that we do not have bad examples such as the hon. Shikuku brought in.

Madam Temporary Deputy Speaker, my final appeal is strictly on the hoteliers who record the names of people who go into these hotels, and who in turn pay the tax that this Bill is asking for. We need money very badly, and I am glad that the Minister for Finance has at last done what he promised he would do during his Budget Speech, and that is that he would bring in an amendment to the Hotel Accommodation Tax Act, so that tax evaders, particularly in the hotel industry, could be brought into the line. I, therefore, appeal to the hoteliers to see that they record the names of the people who go to their hotels, so that the money they pay in these hotels could be remitted to the Treasury, so that other services can also benefit.

**[The Assistant Minister for Constitutional Affairs]**

Madam Temporary Deputy Speaker, since this is a simple Bill, I do not want to dwell very much on it. So, I just want to thank the assistant minister because he exhaustively explained the aims and objects of this Bill.

With those few remarks, Madam Temporary Deputy Speaker, I beg to support the Bill.

**Mr. Wamalwa:** Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity also to contribute to this Bill. I am also going to be very brief.

I would like to start by saying that this is a most welcome Bill. It is about time this was done, particularly the question of definition of a hotel. As it so often happens in legal history, sometimes it takes something to happen before the definition of another thing becomes necessary. In England, for a long time, there was no definition in law about a dog until eventually a major case occurred, and the definition of cattle was extended to cover dogs as well. Now, in this case, it looks as if it has become necessary now to extend the definition of hotel not to cover just hotels properly so called, but pseudo institutions that fulfil the functions of a hotel. This Bill should be supported because it advocates taxation. This Government needs taxation and taxation is absolutely necessary for this Government to work, and anybody earning revenue ought to pay tax. So, those pseudo institutions that do provide the services of a hotel-like nature should rightly be taxed.

Madam Temporary Deputy Speaker, I would also like to talk a little about the tightening of loopholes in terms of foreign exchange that the tourists bring or should bring into this country. Some time last year, there was a scandal about package tours. Now, Sir, package tours is an American Company based in New York which used to send tourists to this country, and they never spent a penny in foreign exchange. There was a Mr. Singh who used to provide them with the local currency they needed on arrival. So, they paid all their dollars abroad. I listen carefully to hear what subsequent steps would be taken in this case, and nothing has happened. So, the suggestion by hon. Shikuku that all tourists should pay for their hotel accommodation and their food in foreign exchange is a dire necessity, and there is no question about that because any tourist coming here has foreign exchange anyway. So, I think asking him to pay for his services in foreign exchange is not really inconveniencing him at all. As a matter of fact, you inconvenience him if he has to change his foreign exchange elsewhere and pay you in Kenya shillings. He should pay you right away in foreign exchange and in this way, we would be sure that all the foreign exchange we should earn from tourism, we actually do earn it.

Madam Temporary Deputy Speaker, in this definition of a hotel on page 139, there is mention of a specific number of people that would make such an institution competent under this definition. It says that a hotel means premises on which accommodation is supplied or available for supply, with or without food or services to

five or more people. Now, I do not know why they have to put up this quantitative definition. I would have thought that any establishment, even if it has one bedroom and was for sale, tax ought to be paid for that one bedroom. So, to insist on five people, I do not see the need for it because I can see a very tricky businessman building beach cottages that have only two bedrooms or three bedrooms just for the purpose of defeating this Act. He will let out these beach cottages to three people at a time, and if he has 30 such cottages, can you imagine how much money he is going to make. You cannot tax him because you are talking about a magic figure of five. I would suggest to the ministry that they should look at this again and even if there is only one person enjoying the services or facilities of a hotel, tax should be levied on that one person.

There is also definition of "money" or "money's worth". I hope I will not be accused of being one-track-minded, but money or money's worth leaves a lot of loopholes. If you look at the definition, "money's worth"—A hotel, as everybody knows, is frequented by a lot of women, and if it is not insisted upon that a woman will have to pay for her accommodation, it is quite conceivable that she might opt to pay for her accommodation in terms of rendering certain services which may be of an illegal nature. So, money or money's worth covers a multitude of sins literally and metaphorically and maybe, that clause also ought to be looked at. Otherwise, the spirit of this Bill is proper and needed, and the sooner it is implemented the better.

With those remarks, I beg to support.

**Mr. Otendo:** Madam Temporary Deputy Speaker, I stand to support this Bill. This Bill should have been brought here earlier on, but it has now been brought at a time when the ministry has considered it to be opportune as the minister indicated. There are, however, one or two things that perhaps the minister should have paid a little more attention to. The assistant minister has already said that he has fully covered the hostels in this provision, but I am not convinced that this is the right thing to do. I am saying this because I do not see how a provision should not be made for hostels. A hostel is an institution where, generally speaking and not always, younger people stay while, say, they go to school. However, it is not always for young people because very often in towns like here, there are hostels catering for working girls, for instance and I can mention one—Watani Hostel in Nairobi West, and there are many others like this.

Now, we have got to be careful so that while we are debating this Bill, we should remember in eight or ten years or whatever period after this, somebody else will be using this Bill and they may use it for different purposes at that time; and it is quite possible, while the minister is very clear in his mind that hostels are excluded, that at a future date, there is no guarantee that hostels will not be included by this definition. Therefore I would like the minister to be quite sure he provides, with this Bill, sufficient protection against possible inclusion of hostels in this tax net. Madam Temporary Deputy Speaker, this is extremely important because as Nairobi, Mombasa and other towns grow,

**[Mr. Okondo]**

there will be more hostels, especially those catering for unmarried girls who do not have a home to stay in while they are working in town. These ladies, as well as young men, would want a place to stay in, where facilities are commonly provided for them and from where they can go to work and come back. They must not be subjected, at a future date, to the tax that hotels as defined here, pay and they should be protected. I believe, right now, and the minister ought to make this provision through an amendment of this definition of hotels accordingly.

Madam Temporary Deputy Speaker, I will support hon. Wamalwa on his statement on money's worth. This term of money's worth is a very vague term, and I do not think it ought to be used in a Bill like this. After all, what is the definition of money? What is money? Money is not a bank note; money is not a coin; money is officially defined as what money does. So, when we talk of money's worth, what are we talking about? What is money's worth? Everything is money's worth. My shoe is money's worth, and I think this is a very loose definition which ought not to be used here because it can be misused terribly. What is money's worth? Are we going to pay our hotel bills in our jackets; are we going to pay them in books or are we going to leave our spectacles? All these things are money's worth.

Are we going to shine other people's shoes? Am I going to do laundry in a hotel when I stay there and in that way pay my hotel bill by doing work? Am I going to be asked to pay for my hotel bill by waiting at the table? This is a thoroughly unsatisfactory definition of payment of hotel bill because it cannot be paid in money's worth. It must be paid in what is currently understood as cash or money. So, I would ask the minister to look into the possibility of removing this term "money's worth" and putting in a term that properly defines what he has in mind, that is collecting taxes, and this is what he should be looking into and not using some rosy words like "money's worth" which, generally speaking, economists use for situations that are unrelated to taxation. I would ask the minister to carefully look into this and see that those two things are taken care of before this Bill become an Act.

Madam Temporary Deputy Speaker, this Bill, generally, is pretty good except that I would like to add too that it is high time that the ministries of both Finance, Tourism and Wildlife, and Government in general, realized that tourism is, perhaps, one of the most unique sources of foreign exchange; an international capital. You are sitting here and somebody comes to see your country and brings in money. Now this factor does not seem to be properly appreciated by the Government, or by the ministry although we talk a lot about encouraging tourism; we have set up a Ministry of Tourism and Wildlife, and here is the Ministry of Finance putting taxes on tourism. We are not doing enough to show the world that we have got a marvellous market in tourism, and that this market can bring us so much money; much more than coffee can; much more than tea can, at much less per capita expenditure.

Madam Temporary Deputy Speaker, this is a ministry that ought to be given a doyen position in our national expenditure structure. We ought really to put our tourism potential on the map in a bigger way than we are doing today. How much are we spending on advertising our tourist facilities? A negligible amount of money compared to what we spend on some other things like sports stadia. We do not need a sports stadium in this place of the calibre that are being built all over the place! We can wait to build a sports stadium at a later stage. We can use that money to bring in a lot more tourists—

The Assistant Minister for Finance (Mr. Echakara): On a point of order, Madam Temporary Deputy Speaker. The hon. colleague of mine is talking about a sports complex, but this is outside the Bill. Is he in order to drag in issues that are outside the Bill?

Mr. Okondo: Madam Temporary Deputy Speaker, we use taxpayers' money collected in this way that the assistant minister is proposing to pay for those things. And I am saying that instead of spending the taxpayers' money so collected in doing those things, let us use the taxpayers' money in developing the source of the tax. This is what I am saying and if we do then—

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): On a point of order, Madam Temporary Deputy Speaker. When the hon. Member talks of a sports complex, is he not misleading the House because this is an agreement between the Kenya Government and the Chinese Government, and it has nothing to do with this?

Mr. Okondo: Madam Temporary Deputy Speaker, there is nothing done that will not involve some money or that will not involve the tax-payers' money. What I am trying to put across is the idea that we should spend a lot more money on—

The Assistant Minister for Finance (Mr. Echakara): On a point of information, Madam Temporary Deputy Speaker. May I inform my colleague that if that sports complex is completed, we might even ask for the Olympic Games which bring in a lot of foreign exchange. And in that case, the money we are talking about will even be doubled during that time.

Mr. Okondo: Thank you, hon. Assistant Minister for Finance. But I will continue to say that at the moment, we are not doing enough to spend our tax money on developing the tax base. This is a very important aspect in taxation; the tax base has to be developed, and tourism, the way it is done here, is not getting sufficient treatment. For instance, how much are we spending in advertising our beach potential outside Kenya? When you look at what other nations do, say, Portugal, Spain and so on, it is a lot. What they do in advertising their nations, which increases their tax base for taxation of tourism, is a terrific amount of this kind of service. But we are contented with a small little office somewhere in a hidden corner of New York or some other place, which hardly puts out materials for this; yet, this is the biggest of money sources as the minister correctly realizes. This is the biggest source of international capital to this country, for which we contribute so

**Mr. Okondo:**

little per capita. We have to enlarge this tremendously by spending only a quarter proportionately as we spend, say, on growing coffee or tea.

So, this is a very important aspect, and I do hope that the minister will, in his wisdom, look into the possibility of increasing services in this respect, so that we get a little more from international tourism. From international tourism today, we only get about 400,000 to 600,000 tourists. I believe that this country could be getting 3 to 4 million tourists a year, and this could make a terrific difference to our economy; a terrific difference to our taxes in the Treasury, and a terrific difference to all our social services. This is a Bill that cannot be minimized. If we are going to do that, it also means that we must find a way of taking the tour operators into our confidence so that they work with us. At present, no matter how much tax you put on these hotels, if tourists are not coming, then it will be a hollow tax with nothing in it. But, if you can bring the tour operators into your confidence so that you have more tourists coming in, then this tax Bill would have meaning.

**An hon. Member:** But they are the ones who rob us!

**Mr. Okondo:** At the present, we handle the tour operators in such a way that they go away saying, "Ah, the only way to deal with Kenya is only to rob Kenyans; the only way to deal with those guys in Nairobi is to rob them and to cheat them". This is because we handle them in such a way that in the end they say, "Well, what the hell am I going to do with those people?" I am sorry if I use that kind of language, but this is the way. We must find a way. We are a mature nation and we are an important nation in the world. So, we must now go out and find a way because it is not beyond our capacity to do so.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Do we have to put them on our laps?

**Mr. Okondo:** I hear the assistant minister asking me whether we must put them on our laps. Okay. How many girls do you put on our laps? Madam Temporary Deputy Speaker—

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Madam Temporary Deputy Speaker. I am just seeking your guidance on this issue. Is it in order for my hon. friend to ask us about how many girls we put on our laps, when he knows very well that you can only afford one at a time?

**The Temporary Deputy Speaker (Mrs. Onyango):** It is probably because you provoked him. When you provoke him, you must be ready to get such answers.

**Mr. Okondo:** That is exactly what they have been doing!

Madam Temporary Deputy Speaker, it is very important that we cultivate the tour operators. There is no point in us sitting in Kenya and saying that the tour operators are rubbish, or horrible, or awful people. I mean there is the rest of the world to which

they can go and leave us all alone. We must not behave as if we are the only country in the world that is offering tourism facilities. We are certainly not. There are so many other countries. For instance, there is Morocco with beautiful beaches; there is Algeria with a marvellous countryside; there is Australia and so on. So, if we do not increase our tax base so that we can bring in more money, then we will scream ourselves hoarse.

So, I suggest that if this Bill is going to have the benefits that the minister is looking for, he must widen the base of that tax. He can only do so if we can manage to bring the tour operators into his confidence. This is very important, so that they will feel like bringing in more tourists into Kenya. When these tourists come, they will then pay the tax that the minister is providing for here. But if they are not going to come here because we are all the time telling them that they are scoundrels; that they are horrible; that they are bad, and yet we are part of the human race just like any other person; and we are telling them that they should not come here; they are ruining our country and so on; good heavens; these people can go somewhere else. They can even go to racist South Africa and not bring the money here!

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Madam Temporary Deputy Speaker. My hon. friend is very much carried away because he is now talking about accusations, while some of us just said that some of them have diseases. Is it bad or wrong for us to point out such things? Is he in order also, to wander completely out of the Bill? He is not talking about taxation; he is now discussing the whole tourism as such. Is he in order?

**Mr. Okondo:** My point is that if this Bill is going to benefit Kenya, then we must widen the tax base from which we are going to tax those people. So, this is a very important concept. You cannot tax a vacuum. Madam Temporary Deputy Speaker, you can only levy a tax where there is money to be taxed. This money can only come if you have the people to bring the money here. So, this is extremely important. Can the minister find a way to win the confidence of the tour operators so that they can bring more tourists to Kenya? This is what I am asking him to do, and if he can provide for this, he will have gone a long way to winning the confidence of the tour operators.

Madam Temporary Deputy Speaker, the next aspect of this is that we can provide for these taxes as we have done in this Bill. But if all the tour operators who bring the tourists here are foreigners, we benefit, but we benefit much less. It is high time that the ministry found a way to assist the African tour operators to go international, and not just to hire a few kombis run from here to Amboseli National Park and back to Nairobi. No! Our African tour operators must be assisted to go international, so that they can also get people from another country in order to contribute more substantially to our tax Bills. These are factors which need the attention of the minister when he is planning the tax that he is providing for here. He has not told us anything about that.

[Mr. Okondo]

I do urge him to look into that aspect because a tax being raised from a small base will only yield a few hundred thousand shillings. But if the base is big, it will yield several hundred million shillings. This is why I am insisting that the minister should look immediately into the possibility of assisting African tour operators to organize tours to Thailand, India and other countries like the United States of America, and bring tourists from those parts of the world as well. They cannot do this without specific assistance from the ministry concerned with tourism.

Madam Temporary Deputy Speaker, a lot has been said about hotels that are being taxed here. As we know today, the majority of the hotels in Kenya are foreign-owned. Although the assistant minister does not seem to be listening I would like to repeat that the majority of these hotels are foreign-owned. Being foreign-owned, these hotels must repatriate their profits back home to America, or England or to wherever they came from. Of necessity, they must do so, and if they cannot be allowed to repatriate their profits they will not be here. So, is there a way—and I am sure there is—in which the minister can make sure that the increasing numbers of African businessmen are assisted and helped, and given the opportunity to build international hotels, so that they contribute positively to the earning of taxation as the minister is trying to do? This is an extremely important point but the ministry has closed its eyes to realities in this respect. The ministry has been looking entirely to encouraging these foreigners only, and they have never set up a programme of Africanizing the hotel industry and getting Africans involved in hotels.

The other ministries like the Ministry of Commerce went out of their way to put Africans into business. They try to get Africans to own shops, but what the Ministry of Tourism and Wildlife has done is only to say, "Here is an hotel site for those who have money; let us come and develop it" This has been beyond the capacity of the average person. So, why can the ministry not do a proper research in this and find out how to assist Africans to participate in international hotels, so that we keep some of this money back?

Today, many of the big hotels have shares owned by the Government. These are hotels like Hotel Inter-Continental and the rest. Can the ministry make sure that these shares which Government owns in hotels are made available on the Stock Exchange for wananchi to buy? Would the ministry take note of this?

Madam Temporary Deputy Speaker, if you would help me, I would like the Assistant Minister for Finance, Mr. Echakara, to pay particular attention to this issue. I would like him to pay special attention to this question. Would the Government make sure that the shares which it has in international hotels in Nairobi and around, are made available on the Stock Exchange for the African shareholders to buy? This will enable us to Africanize this part of the hotel industry, so that we can benefit from this tax Bill which the minister has proposed. But at the present moment, you will find that nothing is being done about

this; absolutely nothing! This is so important that I do not understand what the ministry has been doing, overlooking, and not paying attention to a thing like that. Why can they not do so, and do so now?

Madam Temporary Deputy Speaker, the points I have raised are of fundamental importance to the improvement of the tax base from which these taxes are going to be levied. I do hope that the minister will give me some answers to all these questions I have raised. If he cannot do so, I do hope that he will be able to give me a definite answer as to why he is not able to do so.

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

Mr. Muthira: Thank you very much, Madam Temporary Deputy Speaker. I would like to say that the minister has done a good job, not only by bringing this Bill here, but by also defining the word "hotel" and giving us a lot of other terminologies which I think have been invented, or used by those who want to evade taxes.

When you move around the city, you will see different words written on these buildings; you have such terms as guest house, rest house, restaurant, lodging, boarding and lodging, service apartments, beach cottages, holiday cottages, service flats and so on. All these buildings are meant for people to sleep in.

A business is a business, whether it is on Moi Avenue in Nairobi or Kenyatta Drive in Nakuru or Nkrumah road in Mombasa or probably in the biggest "Majengo" in East Africa which is in Nanyuki Town. If we have to get a charge from a small shop, or from a small hotel in the rural areas, we will benefit a lot; even if we have a small single room which is used for sleeping and the appropriate tax is charged for that, we shall be able to get revenue. If all the terminologies we have been given by the assistant minister—which mean the same thing—If all these terms are meant to deny Government the revenue that we need so much, they should all be gotten rid of so that we have one term for all hotels, whether it is Hotel Inter-Continental, Hilton Hotel or a small hotel in Majengo or Gikomba; we should have one and the same term for them, so that those who use these terminologies to evade taxes are caught.

Madam Temporary Deputy Speaker, there is a section in this Bill which talks of the collection of tax. I was wondering whether the ministry, and the Government as a whole, makes sure that each and every single cent that is due to the Government in the form of hotel tax is collected. It is very likely that some of these taxes are not collected. The Government should be more serious and see to it that tax from hotels is collected 100 per cent wholly. We have been treated with information that it is the Ministry of Tourism and Wildlife which gives this country most of the revenue. I was wondering whether this revenue comes from hotels or from game viewing and other places of interest and pleasure to the tourists.

Still on the terminologies used here, you find that there are some of these places where you just have a place to sleep in, and the next morning there is no

**[Mr. Muthura]**

breakfast; you do not even get supper there in the evening. In fact, these are places where you go after having had your supper and, probably, after having had all the beer you wanted from somewhere else; you just go there to sleep.

I would like to say that I have been to several hotels in Mombasa, Nairobi, Nakuru, Kisumu, Nyeri and other places. You find that in some of these hotels, if you go there for lunch, the price of that lunch is shown on a daily basis. For instance, they may say, "today our lunch will cost K.Sh. 45, K.Sh. 32, and so on and so forth. One day I was invited by a friend to the Inter-Continental Hotel, and I was surprised to see that there was no common lunch. We had to say, "I want this and that," and you find that in such places, you have to pay for each and every dish you have taken. We have some hotels in this country which have more and better services than others.

For example, you can go to some place and find that they have swimming facilities, laundry facilities, game viewing, golf courts and, probably, horse-riding and others. I think the minister should go deeper—and I hope that the assistant minister is taking note of what we are saying.

**The Assistant Minister for Finance (Mr. Echakara):** I am taking notes.

**Mr. Muthura:** Madam Temporary Deputy Speaker, we have heard of service charges, and I thought we could go deeper into the pockets of these people and charge taxes on these services. If there is a golf pitch, horse-riding, swimming facilities, laundry services and others, I feel that we should collect taxes from these services. There is no Government, no matter what kind of a government it is, that can function without money. I always say—and even hon. Njonjo was commenting on this, this morning—that even when local authorities want to be up-graded to municipal status, county council status, and so forth, they have to understand that when this is done, they have to cough more money from their pockets so as to maintain these statuses. If we want the Government of this country to function, we must be ready to support it, and this must be done by paying money where necessary. One of these necessities is paying tax, and one of the taxes I am talking about is hotel accommodation tax. We should try to ensure that the ministry collects as much revenue from these hotel resources as possible.

Madam Temporary Deputy Speaker, there is the question of a manager of a certain hotel becoming lax, thus making the Government lose money in form of tax. That means that the manager may allow some people to evade tax. If any manager of a hotel, who knows his job and would like to keep it, allows any person to evade tax—and this should be a very irresponsible person—I think a very severe disciplinary action should be taken against him. I say this because not all hotel managers that we have in this country are Africans. Some of them are Whites, and I believe that some of them do not have the interest of this country at heart; they are only after milking the country of its revenue and take it to their country. Therefore,

I think if anybody allows somebody else evade tax paying, he should be dealt with seriously. If any agent, clerk or servant in hotel is responsible for the loss of any revenue in the form of cash, there is a part of the Bill that says that the proprietor of the hotel should be taken to be responsible for the act.

I think the minister is a bit unfair in this because the manager or the proprietor may not be in a position to know about everything that happens in his hotel. So, I thought that if any employee of a hotel is found responsible for the loss of revenue, he should be dealt with directly instead of dealing with the proprietor of the hotel. It has been said, even in this House, that when tourists come to this country, some of them pay all their hotel expenses and the rest in their home countries. As a result of that, they come here with only a little money which they use for buying things like carvings, woodwork, and so on and so forth. I do not see what would be wrong in making it mandatory that all the bills which are to be incurred by tourists from a country like West Germany, for example, or Britain or the United States—and I hope the assistant minister is listening to this very carefully—should be paid in this country. I think this is another way of earning foreign exchange which we very much need.

We have always been told that we are lacking foreign exchange and, I think if the Ministry of Tourism and Wildlife is the one which gives us a lot of revenue, there is one way—and now is the time—for the minister to see that all the bills to be incurred by tourists from overseas are paid here. If I may ask, do those tourists who leave this country to go to other countries pay all their bills here before they leave? I doubt it. If this is not the case, then I think that those tourists coming to this country should pay their bills here.

If you look around, you will see that after two or three months, a tour company comes up. Why does this happens? It is because they reap a lot of money from this country; they get a lot of income from the tourism business. I think the more you get, the more you should pay in tax. Let the minister go deep into this and see that they extract each and every single penny which we very much need in this country.

On the side of tourism development, I would like to inform this House that the other day, I took a friend of mine to the Minister for Tourism and Wildlife, and that friend of mine was promised some financial assistance because he wanted to put up a high class hotel in our beautiful town of Nanyuki. This was sometime in 1980 and, sometime in the middle of this year, my friend was informed that there was no money for development, money which had been allocated to the ministry by the Treasury. If we are to encourage our fellow Africans; if we want to Africanize our economy—I am never, and never will I be, for Kenyanization, but I am for Africanization—one way is to encourage our fellow Africans to go into the hotel business.

Madam Temporary Deputy Speaker, one of the ways of Africanizing the hotel industry is, by encouraging our fellow Africans to go into the industry. This will

**[Mr. Muthura]**

only be possible by the Ministry of Tourism and Wildlife availing adequate funds to the Africans, so that they can compete with the other operators. Of course, it is understandable that it is not possible for an African in Kenya to compete with the Hilton Hotel, the Hotel Inter-Continental, the New Stanley Hotel, and the rest. However, I think these people were not born with the knowledge and ability they have, but they started from scratch. If we assist our fellow Africans financially, they will start from the ground and come up.

The time has come when the Ministry of Finance, through the Ministry of Tourism and Wildlife, should avail money to the Africans who are ready to start, and we will stand a good position to start these international standard hotels by putting them up; otherwise, we can keep on singing the song of Africanizing tourism and the hotel industry for many years.

With those few remarks, Madam Temporary Deputy Speaker, I beg to support.

**Mr. Gor:** I also wish to contribute to the Hotel Accommodation (Amendment) Bill. It is important that this Bill has been brought to this House, so that we can be able to tie up the loopholes that have been existing in the hotel industry.

Madam Temporary Deputy Speaker, I feel strongly that taxation in the hotel industry is very important because the hotel operators have been making money and avoiding to pay tax to Government. This is more so in the small hotels in towns, and these have not been closely followed. This House would like to see the Ministry of Tourism and Wildlife employing an inspector, a responsible person, who would follow up these hotels and collect the due taxes. The small hotels are collecting money in many ways. Some collect money on short-time services and on many other services which, unless we follow them up closely, we cannot get the due collections.

Madam Temporary Deputy Speaker, I feel strongly that in order to net these businessmen who are avoiding taxes, each and every district should have a tourist inspector employed by the Ministry of Tourism and Wildlife, and attached to the district commissioner's office, whose main job should be to follow up the hotels and get the monthly returns, or on a weekly basis. In that way, we can know who used the hotel accommodation yesterday, and those expected even tomorrow. Without such an exercise, even if we passed this amendment, we cannot get the actual collections from the hotels as we would expect.

With regard to the international hotels in Kenya, I am actually in favour of wananchi being involved in their operations. This is because the main problem lies there. Most of our tourists come to this country and are brought in by tourist agencies from their countries of origin, and when they come here, they have a number of ways of paying money. Some pay their money through the American Express Cards, Dinner Cards, and some use credit vouchers, just because the payments are arranged between the Hilton Hotel, Nairobi,

and the other Hilton Hotel in London. There is all this confusion, and even if we follow the confusion, up, we will hardly get the 100 per cent remittance from the tourists. However, it will be good if these hotels are taken on by indigenous wananchi who would be involved in their operations. In that way, they can also demand that all the profits have to be accrued locally.

Madam Temporary Deputy Speaker, the international hotels will never worry about the profits or whether they run the hotels on overdrafts, and this is why I feel strongly that we have to look seriously into ways and means of setting up these hotels.

Madam Temporary Deputy Speaker, it has been very difficult for our Government to collect revenue from taxation in time. All the time we do not get money in time. We shall not get our money if we do not involve ourselves seriously in the hotel industry. I agree with the new economic policy which was put forward by His Excellency the President, that the local wananchi should now take these responsibilities. Government was to relax some regulations affecting the local wananchi, and get busy to enable wananchi to involve themselves in businesses.

I feel strongly that we should be very strict with our Kenyan people. We cannot allow this country to become a dumping place, where somebody comes in, dumps and goes. Even though we appreciate foreign exchange earnings through tourism, we have to control our culture. That is why we have the Ministry of Culture and Social Services, and we would not like to mix up with the tourists. I would like to call upon Government to watch the activities of the tourists very closely. This is because they tend to confuse the school-leavers, mostly the young girls. They give them very funny foreign ideas, and they think that this is the way of making love. This is not our cultural way of making love at all. I think this type of love affair will lead us nowhere. We should be very careful about such movements.

The tourism business, if it is not properly controlled, can eventually end up confusing the whole young generation. I would call upon the Ministry of Tourism and Wildlife to take care of this confusion. This is because the young generation does not know what is what. I agree with the hon. Members who say that some tourists can move around with our young girls and give them bad diseases. This is very possible. They do not pay for these diseases because nobody follows them up. No action is taken even if such incidents are reported. We should, therefore, have a law so that if any tourist in the country passes on such a disease to one of our Kenyans, he should be punished, that way he will pass that knowledge to another tourist coming to Kenya. We cannot leave our country to be so free. We have to control it. We like the tourism industry, but we would like to keep our culture.

We have to control, also, these international hotels in Kenya. This House would like to see the Ministry of Tourism and Wildlife getting proper returns from these hotels monthly. These returns have to tally with

[Mr. Gor]

the foreign currency paid to the respective hotels by the tourists. These payments have to tally, too, with the number of people who have spent their holidays in such a given hotel until the time they left this country. Should we discover that the tourists have been touring our country by means of these vouchers, the ministry should take appropriate action against the hotel dealing in those vouchers. The operator can even have his licence taken away. This is because we cannot live on "Father Christmas"; we have to earn revenue for the country.

So, I think the terms of payment should be very strict, and the ministry should be very serious about the tax collection and payments remitted to the country through the Central Bank of Kenya, and should even try to follow up the "voucher tourists" who have been coming to this country.

With those few remarks, I support the Bill.

The Assistant Minister for Works and Housing (Mr. Njuno): Thank you, Madam Temporary Deputy Speaker, for having given me this opportunity to contribute to the debate on this very important Bill.

Firstly, I must say that the Minister for Finance this time was very wise because he was able to discover where a lot of Government revenue was being squandered by hotelkeepers. Recently, most of the hotels were being sold because the owners of those hotels wanted to build apartments instead of hotels. Maybe, that is how they wanted to evade paying taxes. It was very encouraging for the minister to have discovered that, and to have brought this Bill here. Even big hotels like Block Hotels had started building very many apartments and renting them instead of concentrating on the hotel business. Usually, it is not very expensive to run apartments. All that happens is that people just build apartments and then start renting them. Most of the tourists found it better to live in apartments instead of staying in hotel because some of them come here and stay for even two months. So, I am very grateful to the Minister for Finance for having discovered that loophole.

The other thing that I would like to do is congratulate our people who try to go into the hotel business like hon. Matiba. It is very encouraging to learn that there are Africans who go into the hotel industry. If we do not have Africans in the hotel industry, we will live for many years as "slaves" of foreign companies, and we shall continue to be frustrated by the hotel managers who are fond of bluffing our people.

The only misgiving I have here is that those hotels which are still owned by big foreign companies have refused to give any responsibility to Africans. Personally, I have some experience on how these hotels are run. For instance, it will be surprising to learn that it will take a man of Higher School Certificate standard of education as long as 20 years to become an assistant manager of a given hotel. If he shows that he is ambitious, clever or intelligent to take up responsibilities, he is frustrated. After he has been frustrated, the Ministry of Labour is told that the gentleman who was

just about to be given some responsibilities, say, at Nairobi Hilton, left his job because he did not want it.

However, as far as I know, those people are really frustrated. Even after working for so long in a given hotel, having been promised that one day he would become an assistant manager, he never achieves that. The hoteliers do not like their White tourists, when they come to visit their hotels, to meet a black man. In fact, they are very sensitive about that. They think that if you have very many black men at the reception desk without a Mzungu working there, the business will flop. They have a feeling that if an hotel is managed by Africans the tourists will not have confidence to stay in that hotel.

In all the high-class hotels we have here, you cannot see an African with some responsibilities working there. For instance, it is not possible to see an African working there as an assistant manager. The only Africans you can find working in hotels as assistant managers are those so-called night managers, or reception assistant managers, and so on. However, such people have no responsibilities to execute. They are not even allowed to make decisions. They cannot also attend the managerial board meetings. They are kept there as window-dressing.

This has been happening in all hotels except in one, the Panafric Hotel. That is where you can find Africans with responsibilities. If Africans cannot manage the Hilton Hotel or Hotel Inter-Continental, how are they able to manage the Panafric Hotel? The general manager there is an African, and the hotel operates very well. Why do the other hoteliers not allow Africans to have responsibilities?

At one time, we had the so-called Kenyanization of Personnel Bureau. The Government had spent a lot of money to establish that Bureau. However, the Bureau was frustrated, not by all industries, but mostly by the hotel industry. It was frustrated so much that today we do not have anything like that. The Kenyanization of Personnel Bureau was established so that if could force these people to Africanize jobs in various areas. What we have today is only the Utalii College. If a fellow with Higher School Certificate standard of education goes to Utalii College and stays for two or three years there, when he comes out, he will start working as a waiter. His work will be to serve tea in a cafeteria. We except that man, because he has already been trained as a hotelier, to run a big hotel like the Hilton one day. However, he will never get such a chance. He will continue to serve as a waiter for a long time. After that, he might become an assistant floor manager; thereafter, he might become a beverages assistant manager, and so on. From there on, the frustrations begin.

The Africans work for long without being given any responsibility, and they are frustrated so that they might leave. They are usually not sacked. They are just frustrated to such an extent that they run away. So, once they run away and you ask what happened, you are told that the fellows could not persevere long



**[The Assistant Minister for Works and Housing]**

enough, and that they expected to be big men immediately, and so they refused to work. This is a trick that has been employed by foreigners in order that we have no Africans in those top posts at the big hotels.

Madam Temporary Deputy Speaker, if we believe that we should not have Africans in top posts at the big hotels because tourists will not come here any more, what do we think happens when they go to Addis Ababa, Lagos and other African countries? Hotels in other African countries are run by Africans, and I wonder why it is only in Kenya that we have that fear that if the top posts are Africanized, the tourists will not come here any more? If I had my way—

**An hon. Member:** What you mean is Kenyanization?

**The Assistant Minister for Works and Housing (Mr. Njuno):** I will not agree with Kenyanization, and I will always talk Africanization and anybody who wants to be Kenyan should be a black man: even if he is yellow in colour, he should claim to be a black man. If he comes here and says that he is a black man just like us, we will accept him.

Madam Temporary Deputy Speaker, to get back to the Bill, the point here is that we must get the Minister for Tourism and Wildlife to categorize how many students qualify from the Utalii College and how many of them get responsible positions in these hotels after five years. Otherwise, we will have the Utalii College recruiting our children, who would have gone on to university to do medicine for seven years and qualify as doctors, work as waiters for the Hilton International for 15 years. If the same students can be trained as doctors in seven years, how come they cannot be trained to become hotel managers in 15 years? I ask this because I know so many of them who were trained at Utalii College and were even taken to Switzerland and Paris and came back as very qualified cooks, but have only worked for a few years and then the frustration comes in and they leave their jobs.

**An hon. Member:** My daughter was there for four years!

**The Assistant Minister for Works and Housing (Mr. Njuno):** You hear, Madam Temporary Deputy Speaker; that the hon. Member's daughter was trained at the Utalii College for four years, and when she qualified and went to work in an hotel, she was asked to serve tea. We must find a way to solve this problem. Hon. Matiba, who is a pioneer in this industry, should advise us what to do. Why should we have the Utalii College consuming the tax-payers' money, and yet the students who qualify from there are useless? I tell you, 75 per cent of the students who are trained at Utalii College are now jobless because when they have qualified and gone out to work in hotels, they are asked to sweep the floor and wash the dishes, and then they are asked to serve tea. When they have done this kind of work for five years, they get fed up and leave, thinking that there was no need for them to have gone to school and then on to Utalii College just to serve tea in hotels. After all, they can do that kind of work without going to Utalii College.

Our waiters here who serve us very well in our bar and lounge never went to Utalii College, and yet they are doing their job properly. It is very bad to take somebody to Utalii College for four years only to have him serve tea for five years and then start frustrating him. It is a shame to us.

Madam Temporary Deputy Speaker, there should be someone in the Ministry of Labour, or the Ministry of Tourism and Wildlife, who will take the trouble to find out how we can Africanize these top posts in the hotels. If this becomes very difficult, we should have a law enacted by this House, which will force all the hotels to sell at least 51 per cent of their shares to local people. Why can we not do that? We have so many people who would want to buy the shares. I think even hon. Gautama will be able to buy some of these shares, and we will be able to control these situations. However, we will not be able to control Americans and other foreigners. This is something we must do in order to try and get into that industry.

Madam Temporary Deputy Speaker, the other thing I want to talk about is the prices of food and services in hotels. Nairobi is one of the most expensive cities to live in just because the hotel owners want to grab anything that they see. Vegetable soup in these hotels costs K.Sh. 25, when all they do is cut up the vegetables and boil them and the vegetables have come from some woman in Nyandarua who originally sold them for only K.Sh. 2. What a price difference! We are told that it is because of services and other things, and I wonder what services can be so costly. I think many hon. Members will agree with me that it is cheaper to have lunch in London than it is to have it in Nairobi hotels. In London, you eat enough at reasonable costs, but here you pay from K.Sh. 80 to K.Sh. 160 just for a lunch, and I think this is too much. When we do this, by the way, the tourists go away thinking that Kenyans are very lazy people and cannot produce enough food, and that is why it is so expensive. This is what they go home thinking.

Madam Temporary Deputy Speaker, I would now like to go on and speak about the cost of drinks in these big hotels. I cannot understand the kind of profits that these hoteliers make, and I will not ask you to tell us because you probably do not know either. I think they make almost 500 per cent profit from one bottle. I say this because if you buy a bottle of brandy at K.Sh. 300 and sell a tot of it at K.Sh. 45, you will probably get a profit of 500 per cent.

**Mr. Matiba:** On a point of order, Madam Temporary Deputy Speaker. I would like to enlighten the hon. assistant minister that I represent Mbiri Constituency in this House and not the hoteliers and so, he must stop looking and pointing at me every time he is talking about these things.

**The Assistant Minister for Works and Housing (Mr. Njuno):** Madam Temporary Deputy Speaker, as you know, hon. Matiba owns a chain of hotels and that is why I think he is more experienced than anybody here on these matters.

**[The Assistant Minister for Works and Housing]**

Madam Temporary Deputy Speaker, I would like to thank the owners of those tourists hotels in Nairobi because they are, at least, kept to very high standards. I would like to thank them for this even if they are Indians, Europeans and other foreigners. So long as they maintain those hotels to those high standards, we will continue to thank them. Now, are we people in Kenya not ashamed that after our sitting here today, for example, if we want to drink—

**Mr. Gautama:** On a point of order, Madam Temporary Deputy Speaker. Is it in order for the hon. Member to go on bringing up irrelevant issues when we are discussing the Hotel Accommodation (Amendment) Bill of 1982? The hon. Member is talking about matters that have nothing to do with taxation at all.

**The Temporary Deputy Speaker (Mrs. Onyango):** The Chair would like to bring hon. Njuno's attention back to the Bill, so that he can talk on the Bill and not whatever is taking place in the hotels within the Republic.

**The Assistant Minister for Works and Housing (Mr. Njuno):** Madam Temporary Deputy Speaker, as you know, taxes are paid because the hotels get profit, and they get this profit because of their cleanliness. This is what I was trying to put across.

Madam Temporary Deputy Speaker, I now want to talk about taxes which are supposed to be levied on the African hotels in River Road, Duruma Road and other areas. I do not know who is responsible for these hotels. Whoever is responsible should have some people to tell those people in the hotels that their hotels must be maintained to the standard that is acceptable by human nature. I am saying so because these hotels are rotten. They do not even sweep them for three days or so.

**Mr. Gautama:** Could the hon. Member substantiate what he is talking about?

**The Assistant Minister for Finance (Mr. Echakara):** Even if they are dirty, they will still be taxed.

**The Assistant Minister for Works and Housing (Mr. Njuno):** The "taxman" here says that even if they are dirty, he will still tax them.

However, what I was saying is that the hotels that are situated on River Road and along all those places are very dirty; so much that if you go to drink there and meet people—

**Mr. Gautama:** On a point of order, Madam Temporary Deputy Speaker. Are we referring to restaurants or hotels? I do not understand the hon. Member's contribution at all. Is it restaurant or hotel?

**The Assistant Minister for Works and Housing (Mr. Njuno):** Madam Temporary Deputy Speaker, as you know—

**The Temporary Deputy Speaker (Mrs. Onyango):** Order! That was a question and not a point of order. Continue, hon. Njuno.

**The Assistant Minister for Works and Housing (Mr. Njuno):** Madam Temporary Deputy Speaker, as you know, he and myself do not see eye to eye, and that is the problem. However, he is my friend.

I am very serious, Madam Temporary Deputy Speaker. We must tell the health officers to inspect those hotels on River Road and other places because they are very filthy. They are so bad that if I have an African friend from somewhere else, who is an assistant minister like myself, I can only take him to Hilton, New Stanley or these other big hotels. If he asked me to take him to the local hotels where we could meet the people, I would not accept those places because they are filthy. There are no toilets, nothing. There must be somebody who can go and force those people, or teach them how to keep the hotels clean.

I would like to say another thing before I sit down. We have been "singing" in Kenya since independence, that we must have a Kenyan dish. We have to know what is a Kenyan menu. All the time we are talking about French menus and what-have-you. Can we not have a Kenyan menu, whereby somebody can read it and understand that it is a Kenyan menu?

Madam Temporary Deputy Speaker, I would like to give a chance to other hon. Members and so, with those few remarks, I beg to support the Bill.

**Mr. Michoma:** Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to join my colleagues in supporting the Bill. The Bill is intended to bring more income to the country and, therefore, I would like to thank the minister for bringing it to this House. It is an important Bill, and it has been long overdue.

Having said that, Madam Temporary Deputy Speaker, I would like to say that I wish the Minister for Tourism and Wildlife and the Minister for Finance—the assistant minister is here—were all here to listen to this very important debate on this Bill. I would like to say that there must be price control in hotels and lodges. Some hotels and lodges charge exorbitant prices which Africans, or people who are employed, cannot afford. I would, therefore, like to call upon the minister concerned to ensure that— Madam Temporary Deputy Speaker, I request you to protect me from hon. Echakara.

**The Assistant Minister for Finance (Mr. Echakara):** You go on!

**Mr. Michoma:** Madam Temporary Deputy Speaker, I was saying that some hotels and lodges charge exorbitant prices.

One other thing is that the standard of some hotels is very low whereas in other hotels the standard is very high. I would like to quote an example of some two hotels in the Rift Valley, and these are the Stag's Head Hotel in Nakuru, and Kitale Hotel.

**Mr. arap Ng'eny:** It has been closed.

**Mr. Michoma:** I am told that it has been closed. The minister should come up with plans to build modern hotels in Siaya and Kisii. Those hotels should match the standard of the Tea Hotel in Kericho and Sunset Hotel in Kisumu.

**[Mr. Michoma]**

Madam Temporary Deputy Speaker, I would like to say that tourists should not be allowed to induce our people at the Coast, and elsewhere, to do bad things by giving them money. The giving of money by tourists to our young girls and boys, and to some women should be forbidden. This is mostly done at the Coast. When I was at the Coast last time, I noticed tourists who were naked, which is contrary to African culture, especially Kenyan culture. This is very bad.

The other point I would like to mention is that this Bill will ensure that foreign currency is paid here in the country. I would like to repeat that foreign currency should be paid in Kenya and not in America, Britain or elsewhere, so that tourists who come here do not bring any income to the country. This why the country has lost a lot of foreign currency. In this connection, I would like to urge the Minister for Tourism and Wildlife and the Minister for Finance to ensure that foreign currency is paid in Kenya before the tourists come here.

Madam Temporary Deputy Speaker, as I said earlier on, we should control prices in hotels. The Minister of Commerce should make sure that prices are controlled in hotels, so that these people are not allowed to charge more than what is required. High standard of food in hotels should also be maintained. When you go to some hotels, you cannot find what you want. Therefore, there must be a standard of food in certain classes of hotels. The minister concerned should see to it that this is maintained.

*(There was a lot of noise in the House)*

Madam Temporary Deputy Speaker, there is a lot of noise in the House, and I would like to request for your protection.

**The Temporary Deputy Speaker (Mrs. Onyango):** Order! Hon. Members have raised their tone, and they are requested to lower it so that the Chair and all of us can hear what the hon. Member on the Floor is talking about.

**Mr. Michoma:** Thank you, Madam Temporary Deputy Speaker, for protecting me.

Africanization in hotels has been stressed by other hon. Members who spoke before me. When the Minister for Labour was answering a question here he said that Africanization in hotels is going on, but in practice, as hon. Njuno pointed out, it is not being done. It is only done on paper. It is now 20 years since Kenya attained independence, and we would not like to see our people loitering around Nairobi streets and other places without jobs.

I know of three people—one lady and two men—who were trained at Utalii College, which is training people to be managers and assistant managers, but have not been given managerial posts. So, the Minister for Labour, in conjunction with the Minister for Tourism and Wildlife, should see that this is implemented. We should not be told that Africanization is going on when it is just on paper and not in practice. I would like to see these people who have been trained being appointed to important posts in the hotel industry.

For example, the people we have here in Parliament are doing a good job, and so, if they are trained, I think they can man some of these hotels. But if you go to the Hilton Hotel, Panafria Hotel and Serena Hotel, you will find that Africans are given very junior jobs such as sweeping, cleaning, serving food and cooking in the kitchen, while the foreigners who are there work as managers, assistant managers and so on, and so forth. This is very unfair in a country like Kenya. We should be practical now rather than being theoretical. I, therefore, call upon the Minister for Tourism and Wildlife, and the Minister for Labour to see that Africanization is put into practice.

Madam Temporary Deputy Speaker, I would also like to see that Africans are assisted with loans to enable them enter hotel business. I know several of them, some of whom are hon. Members in this House, but I do not want to mention their names, who are doing a good job. I would like to call upon the Minister for Industry and the Minister for Commerce to see that Africans are assisted in order to enable them to enter hotel business. For example, Africans in small growing towns like Keenju, Nyamira, Sotik, Ogembo and Ahero should be given loans, so that they can build second-class modern hotels to attract tourists who pass through these areas. It is unfair for us to say that we are progressing and yet in other areas we are not assisting our own people or brothers to come up in businesses. Therefore, I would like to see the ministers in charge of the ministries which I mentioned earlier on assisting the Africans to come into, or acquire hotel businesses.

Madam Temporary Deputy Speaker, the other point I would like to touch on is to ask the Minister for Tourism and Wildlife to consider places like Siaya and Kapsabet by building modern hotels there. He should also consider the other towns in this country as far as the question of modern hotels is concerned. I think, at times, we do a disservice to our people instead of doing what we are supposed to do. We come to this House and keep on talking over the same things without doing what we are supposed to do. I, therefore, call upon the ministers concerned to come up with a master-plan to help our people, so that we can truly say that Kenya is progressing. I know that people have come up with plans to enter into other businesses instead of hotel business because they have no money. Madam Temporary Deputy Speaker, I would also like to see other towns coming up, for example, Gilgil, Turbo and so on, to ensure that hotels are built in those towns.

Madam Temporary Deputy Speaker, I would also like to call upon the Minister for Economic Planning and Development, in conjunction with the Minister for Tourism and Wildlife, the Minister for Industry and the Minister for Commerce, to put their heads together so that they can help our people to come up in this hotel business.

Madam Temporary Deputy Speaker, hon. Members have said quite a lot on this Bill and since I do not want to repeat what they have already said, may, I with those few remarks, support the Bill.

**Mr. Matiba:** Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to make a few comments in support of the Bill before this House. Before I do so, I would like to clarify the position and, first of all, declare my interest by saying that I am the Chairman of Kenya Association of Hotel-Keepers and Caterers, and I also happen to be in the hotel business.

Having said that, let me say that I represent Mbiri Constituency in this House—

**Mr. Kiragu:** On a point of order, Madam Temporary Deputy Speaker. Mhe Mbunge alimwambia Bw. Njuno kwamba yeye si mwanahoteli na kwa hivyo. angecondoa hayo maneno sasa.

**Mr. Matiba:** I do not know whether I am expected to answer that because the hon. Member was present when I said I represent Mbiri Constituency and therefore, I would only like to make a few remarks to contribute to this general debate mainly on taxation. I would like, first of all, to say that the general interest shown by this House on tourism is most welcome by the tourism industry, and although a lot of comments are made, most of which have no basis, the industry much appreciates the concern the hon. Members of this House always show towards the industry.

There are reasons why the industry feels that it is misunderstood. This industry, particularly, the member of Kenya Association of Hotel-Keepers and Caterers, does not incorporate all the parties involved in the tourist industry because there are hoteliers or tour operators, and there are travel agents and travel organizers who would like to have an opportunity to clarify some of the points which they feel are misunderstood. Let me first of all talk about foreign exchange and the general accusation labelled particularly to the hotel industry that very little money in foreign exchange is received in this country. It is possible, and I only say it is possible, that there are some hoteliers who may not necessarily remit all the foreign exchange earned by tourists into this country. However, our view is that this is a very small proportion, and that possibly, between 90 and 95 per cent of all the earnings are remitted to this country. Where we suspect—and this is a matter that the industry discusses all the time, and we have our own ethics particularly with the hotel-keepers—that one group or the other does not remit all the earnings, we do not hesitate for one moment to report to the Government authorities, and this we have done time and again. But what one gets surprised about is that even when it has been reported, sometime no action seems to be taken.

Furthermore, although the allegations are sometimes made even by Governmental authorities, they make the allegations perhaps with some knowledge of what might be happening, and yet they do not catch the people or provide the law to catch these people. So, the hoteliers in particular ask themselves, "What are we expected to do because somebody is saying that we are keeping the money out of this country contrary to one law or the other?" When somebody makes such an allegation, he must have some information of what happens and yet, why are the culprits not brought to book or before a court of law? We have never been able to find an answer to that question.

Now, Madam Temporary Deputy Speaker, as I said earlier on, we are more than just one party to this industry. We have here tour operators, who are the people who organize the tourists from Europe and then they come a hotelier. This is the man who has a brick and mortar establishment properly furnished to receive guests. That particular man's interest is only to sell a bed or beds to a tour operator. He says, "This is my price" and the tour operator buys, say, 50 beds in the Hotel Inter-Continental or the Hilton or wherever, and he waits for the tour operator to bring in the tourists. He says "This is my price".

To the best of my knowledge, all members receive their remittances in foreign exchange, and each hotel has an account in one bank or the other. So, if any hotel is required to produce an account to show how much money has been brought in by way of foreign exchange for a number of tourists who have come here, I am sure that every hotel will be able to do that. They produce that information and we have it. But the hotels also, in getting these tourists, pay commissions to the tour operators. However, I do not know what a tour operator does with this money. I cannot say because I am not a tour operator; I am not in that business.

And as I said earlier on, we have a third party, and that is the travel agent; the man who transports the tourists on the ground. What happens there I do not know. But this House will recall that a few months ago, one travel agent for tour operators was caught red-handed. He was said to have been fiddling foreign exchange. We are still waiting for action and to see what is going to happen. We feel, as hoteliers, that these are the people who make the tourism industry—

**An hon. Member:** Is this the man who run away? What is his name?

**Mr. Matiba:** I do not know who it is. I think it was an American company.

Madam Temporary Deputy Speaker, hotels provide employment in this country. However, those are the people who are giving the tourist industry a bad name. Let us accept one thing: The tourist industry is very, very important for this nation and it is very sad that there should be such misunderstanding between the leaders of this nation and the industry. But there are reasons to it which I will refer to later on. It is sad because currently, and I am always talking about the current position, it should be accepted as a fact that the tourist industry is now the only remaining area which has room for expansion in earning foreign exchange for this country. We have been relying on coffee, tea, pyrethrum, sisal and a few manufactured goods for export and so on. If you look at any of those sectors, you will find that they are, in fact, all of them, shrinking in their capacity to earn us foreign exchange. The only area which remains, and which can be expanded, is the tourist industry.

I am very happy to see the Minister for Finance bring a Bill like this one to try and net a few more people who are engaged in the tourist industry, and who might be escaping taxation. That is a good thing and we support the minister. What we are concerned about is that the only area which now remains for us to earn foreign exchange is not commanding the

[Mr. Matiba]

priority, or in fact, the recognition it deserves. It is because of that that we feel that the attitude of this nation towards this industry has to change. This is because if it does not change, then we will be denying ourselves the badly needed foreign exchange in this country. This is a field that can be expanded three to four times what it is now.

Currently, Kenya is receiving 350,000 tourists every year; we still have the capacity to receive more tourists. The tourist industry has the capacity to bring in double or treble that number of tourists per year. We can do that, but in order to be able to do that, there must be certain basic ingredients that must be injected into the tourist industry. One of them, and probably the most important one, is goodwill from the leadership of this nation. This is because if there is no goodwill from the leaders of this country, investors are not going to be attracted to come to this country; the goodwill of this nation must be there; the leaders must show goodwill to the investors. The people who operate ground transport for tourists are also investors just as the investor who establishes an industry in any industrial area is; there is no difference.

Madam Temporary Deputy Speaker, you will find that every hon. Member here is clamouring for an industry to be established in his constituency. We are asking for industries to be started in our constituencies because we do recognize the importance of these industries. We always say that we do welcome foreign investors to come and invest their money in this country. But why do we single out the tourist industry and criticize it? There must be something wrong somewhere. This industry is very, very important, and I can only say that if this industry is so important, all of us must stop to think and ask ourselves the following question: Why is it that we are not friendly to this industry?

Madam Temporary Deputy Speaker, one hon. Member here was giving an example of his daughter who is in the streets. Perhaps, his daughter would not have been in the streets looking for employment if there were some 10 more hotels coming up in this country. There is ample room for more hotels because our beaches are not touched as yet. We can build another 100 hotels at the coast and then the hon. Member's daughter would not be in the streets looking for employment.

Besides bringing in foreign exchange, the hotel industry is an employer; in fact, it is a significant employer in this nation. The tourist industry is stimulating agricultural development in this country because, when tourists come here, they eat eggs, eat vegetables and use almost everything that is grown in this country. The tourists even drink beer which is made out of barley that is grown in this country. Tourists also buy our curios and, because of that, the industry is important, and we should not ignore it; neither should we look at it in a sceptical manner and treat it as if it was here to rob this nation, and that as the sole purpose of its existence. That is the wrong attitude, and I think, this House would be very well advised to accept that we have a problem.

The problem is that we must study and understand the tourist industry; understand its significance and the responsible section of the industry which is not sympathetic to any kind of wrongdoing in this country; or any law-breaking. As I mentioned, we have already pointed out that we reckon that some of the curio dealers deal in foreign exchange illegally. They have illegal ways of dealing in foreign exchange. In one or two instances, we have pointed out and said, "Look, watch out that one", although we have not had the machinery to man and catch anybody breaking the law. We can only say, "We suspect", and then leave it to the authorities to take the necessary action. That is our responsibility. I am very sure that the industry wants to trade honestly and is ready to co-operate with the Government of this nation for the betterment of Kenya.

Madam Temporary Deputy Speaker, this is all because we accept one thing that tourism is very sensitive, and for it to survive, there must be political stability. Political stability is the one factor that could make or break the industry, much more than any other. Therefore, we are conscious that we must support the Government, so that it is able to help the attainment of the political stability; so that the industry can operate. That is our duty and, I think, this House should be very well advised.

Coming back to the question of foreign exchange which the Minister for Finance should be taxing, I would like to say that we reckon that last year, the tourist industry brought into this country something in the region of K£80 million, plus. We would like proper methods to be established so that the figures and statistics that are issued by the Government departments are synchronized. This is because, we have in the past heard a Governmental authority stand up and say, "The tourist industry brought only Sh. 40 million". Another one stands up the following week-end and says, "It was Sh. 50 million", and others follow giving different figures. I would appeal to the Minister for Industry, and I know this is a point he will take and appreciate, that we must have proper accounting systems. This requires proper co-ordination between the Central Bank of Kenya, Kenya Commercial Bank, the ministry and the Statistical Department of the Ministry of Economic Planning and Development. This is because currently, we get the impression that there is no proper co-ordination as to whether those statistics are correct, and yet they originate from the same source.

Madam Temporary Deputy Speaker, the statistics are from the hoteliers, the tour operators and from the ground transporters. When these statistics go in, they are treated quite differently—who does that we cannot know—and we get uncoordinated statistics being issued by Government ministries and you see one Government ministry contradicting another, prompting the industrial sector to ask, "Where are we?". I hope the Ministry of Finance will take up that point and do something about it. This is because it is important, and the ministry must know what they are going to tax. They cannot just go on to tax figures they do not understand. It is important that they should know, and in fact, they should be insisting on proper statistics being drawn.

**[Mr. Matiba]**

I thought I should deal with that aspect of foreign exchange and say that in our estimation, as far as the hotel industry is concerned, it is a very small fraction. We have pointed out where we think there is something wrong, but we know that there are certain cases where it is not the members of the associations who do these things. They have made overtures to the Government as to who might be the culprit, and they await to see action on the matter; they are interested because they feel that their name has been maligned unnecessarily and unfairly.

Madam Temporary Deputy Speaker, I would now like to turn to the employment part of the industry. A lot of members have expressed great concern about employment, and particularly Kenyanization. It is true

that some of the hotels might be attempting—or some tourist industries—to kid the Government authorities as far as Kenyanization is concerned. But, by and large, the majority of them, I honestly believe, are doing the right thing, and they are always ready to explain to the authorities exactly what is happening.

**ADJOURNMENT**

**The Temporary Deputy Speaker (Mrs. Onyango):** Hon. Members it is now time for interruption of business. The House is therefore adjourned until tomorrow, Thursday, 2nd December, at 2.30 p.m.

*The House rose at thirty minutes  
past Six o'clock.*

**Thursday, 2nd December, 1982**

The House met at five minutes past Four o'clock.

[Mr. Speaker in the Chair]

**PRAYERS**

**ADMINISTRATION OF OATH**

The Oath of Allegiance was administered to the following Members:

Francis Koima Kimosop.  
Jonathan Njenga.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Mr. Speaker. I thought you would enlighten us about something that I have been seeing for future reference. Normally, after the Member has read the Oath and the Speaker shakes his hand welcoming him, he comes up to the Table and signs the book. Previously we only used to applaud the hon. Member after he had signed the book but nowadays, people sometimes applaud him before he signs the book. Could you guide us as to when we should applaud?

**Mr. Speaker:** I think that, for the sake of decorum, it is better to wait until he has signed the book.

**ORAL ANSWERS TO QUESTIONS**

No. 746

**RETIREMENT BENEFITS FOR MR. HALAKE JILLO**

**Mr. Liban** asked the Minister for Finance—

(a) what the cause of delay in paying Mr. Halake Jillo, P/No. 1579, who retired from the Ministry of Livestock Development on age grounds on 1st November, 1981 was; and

(b) if he would consider paying his pension/gratuity on the spot.

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

(a) The cause of delay in paying Mr. Halake Jillo, P/No. 1579, his retirement dues was as a result of delay in the submission of Mr. Jillo's pension claim documents by the Ministry of Livestock Development to my ministry.

(b) However, Mr. Jillo will be paid his pension dues as soon as he has indicated his option in accordance with Regulation of the Pensions Act.

**Mr. Liban:** Mr. Speaker, Sir, since Mr. Jillo retired on age grounds and he is now unable to do any work, and his children are always being sent away from school because of lack of fees, what will the assistant minister do to see that Mr. Jillo's money is paid out to him immediately?

**Mr. Echakara:** Mr. Speaker, it is true Mr. Halake Jillo retired on 1st November, 1981 but his pension claim papers were received by the Ministry of Finance on 24th November, 1982 from the Ministry of Livestock Development. The Ministry of Livestock Development has informed the Ministry of Finance that Mr. Halake

Jillo's personal file was misplaced during the time the Ministry of Livestock Development was split from the Ministry of Agriculture, thus causing delay in submitting the relevant documents. A letter was written on 29th November, 1982 to the Ministry of Livestock Development and copied to the pensioner asking them to help us by submitting the commutation forms to my ministry. The date of payment cannot be known until and unless the pensioner has declared his option under regulation No. 27 of The Pensions Act, which makes it mandatory for a retired person to opt either to commute a quarter of his pension or not to commute. So, I would request hon. Liban to advise Mr. Halake to come to the ministry and fill a form which will advise the ministry what option he would prefer.

**Mr. Liban:** Mr. Speaker, Sir, Mr. Halake was not in charge of the files. Since the hon. assistant minister has told the House that the file was misplaced by the Ministry of Livestock Development and as he is at the same time suggesting that I should bring Mr. Halake Jillo to Nairobi whereas Mr. Halake has no single penny to pay for his fare, would the ministry incur the expenses?

**Mr. Echakara:** Mr. Speaker, Sir, I said earlier on that the ministry had misplaced the file. That is true. However, the file has since been found. The second mistake was that up to now Mr. Halake has not given an option as to either commute a quarter of his pension or not to commute. This is required under regulation No. 27 of The Pensions Act. That is why I am requesting the hon. Member to come and collect these forms from the Pensions Department in the Ministry of Finance, take them to Mr. Halake Jillo and let him complete a very small part and action will be taken any time.

**Mr. Liban:** On a point of order, Mr. Speaker, Sir, I agree that I will bring Mr. Halake Jillo next week. Would the assistant minister, therefore—

**Mr. Speaker:** No! No! I think the advice was good. All that you should do is to collect the form, take it to Mr. Halake and the job will be done.

No. 734

**LAND CONTROL BOARD IN LARI DIVISION**

**Mr. P. T. Mungai** asked the Minister for Lands, Settlement and Physical Planning when Land Control Board would be established in the new division of Lari.

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Mr. Kubo):** Mr. Speaker, Sir, on behalf of the Minister for Lands, Settlement and Physical Planning, I beg to reply.

The issue of establishing Land Control Board in the new division of Lari is being looked into by the ministry. So far the Provincial Commissioner, Central Province, has been requested to submit the proposed names of the board members. Once the names have been received, the ministry will finalize formalities for establishing Land Control Board in that division.

**Mr. F.T. Munga:** Mr. Speaker, Sir, since Lari is a division now and considering that when people go to Githunguri or Limuru for that matter, they feel that they do not belong to Lari Division, may I request the assistant minister to hasten that matter so that Lari people could go to Lari rather than to either Githunguri or Limuru?

**Mr. Kubo:** Mr. Speaker, Sir, the ministry is fully aware of the problems and this is why it has taken this action. As soon as the names are received from the district commissioner, action will be taken.

No. 754

#### ELECTRICITY SUPPLY TO MARKETS IN WINAM

**Mr. Speaker:** Mr. Anyumba not here?

We will leave his question until the end then.

*(Question dropped)*

No. 511

#### TRANSPORT FOR LAIKIPIA SCHOOL INSPECTORS

**Mr. Muthura** asked the Minister for Basic Education whether he could provide Laikipia District School Inspectors with sufficient transport to enable them to inspect schools more regularly.

**Mr. Speaker:** Anyone here from the Ministry of Basic Education?

We will then leave that until the end.

*(Question deferred)*

No. 750

#### EXTENSION OF POSTAL SERVICES AT HAKATI

**Mr. Okondo** asked the Minister for Transport and Communications when Money Order, Post Office Savings Bank and Telegram services would be instituted at Namakooli (Hakati) Post Office.

**The Assistant Minister for Transport and Communications (Mr. ole Nampaso):** Mr. Speaker, Sir, I beg to reply.

A survey is going to be launched soon to gauge the existing demand and if there is some indication of adequate demand for these services, then the Kenya Posts and Telecommunications Corporation will take steps to extend the Money Order and Post Office Savings Bank services to Hakati Sub-post Office as soon as possible. As for now, there are no immediate plans to provide the Money Order and the Post Office Savings Bank facilities at the sub-post office.

The telegram services, however, have been operational at Hakati from 19th September 1979, when the Hakati manual telephone exchange was commissioned.

**Mr. Okondo:** Mr. Speaker, Sir, the answer has not been very clear to me. Perhaps the assistant minister has a written answer and I will benefit from it. However, if I repeat myself it will be because the answer was not clear. I heard him say that the telegram service is being operated by telephone booth. This does

not answer the position that telegrams should be sent and received at that place. Would the assistant minister state when this can be done and when the Post Office Money Order system can be serviced at Hakati?

**Mr. ole Nampaso:** Mr. Speaker, Sir, I told the hon. Member that we are carrying out a survey to assess what demand is available there. Once we finish surveying and we find that the demand is high, we shall do what the hon. Member is asking. If the hon. Member wants a written reply to this question, I promise to give him tomorrow.

**Mr. Okondo:** Thank you, Mr. Speaker.

#### QUESTIONS BY PRIVATE NOTICE

##### ARREST OF FIREWOOD COLLECTORS IN FAZA

**Mr. Mzamil:** Bw. Spika, naomba kumwuliza Waziri wa Nchi, Ofisi ya Rais, Swali Maalum lifuatalo:

Mbona Mkuu wa Tarafa na Machifu wa Tarafa ya Faza wanaingilia kazi ya kuwatisha na kuwakamata mabibi wanaokota kuni za kupikia msituni wakati ambapo idara ya misitu ina walinzi wake katika tarafa hiyo?

**The Assistant Minister, Office of the President (Mr. Kuguru):** Bw. Spika, naomba kujibu.

Si kweli kwamba mkuu wa tarafa na machifu wake wanawatisha na kuwakamata wanawake wanaokota kuni. Ukweli ni kwamba watu wanaokota kuni katika misitu ya Serikali, hata kama ni wanawake au wanume, bila vyeti vya kuwaruhusu kuokota kuni hukumatwa na kushtakiwa. Ningetaka kuongeza kuwa kama kuna mwanamume au mwanamke anayetaka kuokota kuni msituni hulazimika kutoa K.Sh. 4 kila mwezi. Kila siku anaweza kuokota bunda (bundle) moja la kuni. Kama nilivyosema, mtu akipatikana hana cheti cha kumruhusu kuokota kuni msituni, anaweza kukamatwa na askari wa misitu, askari wa utawala au askari wa polisi na kushtakiwa kortini.

**Mr. Mzamil:** Bw. Spika, kwanza ningetaka kumfahamisha waziri msaidizi kwamba jawabu ambalo alipewa si la kweli. Ukweli ni kwamba watu hawa—nina risiti za korti—walishikwa na mkuu wa tarafa walipokuwa wakitoka mashambani mwao na kuni zao. Ningetaka kusema zaidi kwamba msitu huu haujatangazwa katika Gazette Rasmi la Serikali. It is not a gazetted forest. Ningetaka waziri msaidizi aangalie Sheria ya Misitu Cap. 385, section 11 (c)—forest area. Msitu huu haujatangazwa katika sheria. Ikiwa msitu huu umetangazwa, watu ambao wangepaa kuwashika wanawake hawa ni "any magistrate, justice of the peace, forest officer, chief game warden, or any senior game warden or game warden". Kulingana na Sheria ya Misitu, yaani Forest Act, maofisa hao ndio wangewashika watu hao, lakini mkuu wa tarafa na machifu waliyachukua mambo hayo kisiasa tu na kwa kuwaoonea raia. Kwa hivyo, waziri msaidizi anaweza kutuambia ni chini ya kifungu gani cha sheria ambako watu hao walishtakiwa na kila mmoja wao akatozwa K.Sh. 50?



**Mr. Kuguru:** Bw. Spika, kwa upande wa sheria, si kazi yangu kusema ni kifungu gani inayowazuia mkuu wa tarafa na machifu kuwakamata watu hao. Kitu ambacho ningependa kusema ni kwamba kwa msitu huu wa Serikali—

**Mr. Mzamil:** Jambo la nidhamu, Bw. Spika. Msitu huo ulioendewa si msitu wa Serikali, na kwa hivyo, waziri msaidizi asilipotoshe Bunge hili kwa kulijibu swali kama vile anavyotaka; ni heri alijibu kulingana na maovu yalifanywa na huyo mkuu wa tarafa.

**Mr. Kuguru:** Bw. Spika, majibu niliyonayo ni kwamba msitu huo ni wa Serikali na ni gazetted. Kwa hivyo, ikiwa watu hao walikamatwa wakiokota kuni katika msitu huo na wakapelekwa kortini, hiyo ni sawasawa. Lakini ukisema kuwa msitu huo si wa Serikali, basi, ni lazima nipatiwe nafasi niende nika-fanye uchunguzi ili tuweze kujua ni misitu gani ya Serikali iliyoko upande huo, na ni misitu gani ambako wenyeji wa sehemu hiyo wanaweza kwenda na kuokota kuni bila kuulizwa kutoa malipo yoyote na watu wa misitu. Hata hivyo, ningependa kusema kuwa msitu huo ni wa Serikali.

**Mr. Bwana:** Bw. Spika, waziri msaidizi amesema kuwa msitu huo ni wa Serikali na hali kama vile tuna-vyofahamu ni kwamba msitu wa Serikali ukiwa umefanywa reserved au umekuwa gazetted ni lazima nambari ya gazette hiyo iweko. Je, anaweza kutwambia ni gazette nambari gani iliyofanya msitu huo uwe wa Serikali?

**Mr. Kuguru:** Bw. Spika, ningependa kusema tena kuwa swali hili haliulizi nambari ya gazette; linazungumza juu ya kukamatwa kwa mabibi walipokuwa wakiokota kuni katika msitu na mkuu wa tarafa na machifu. Lakini ikiwa Mhe. Mbunge anasema kuwa msitu huo ambako mabibi hao walikamatwa si wa Serikali, na kwamba ni mashamba ya watu, basi ningependa kuomba ruhusa "huyo" alete ramani ili tuweze kujua kama msitu huo ni wa Serikali ama sivyo.

**Mr. Bwana:** Jambo la nidhamu, Bw. Spika. Nasikitika kumsikia waziri msaidizi akisema "huyo". Sasa hatujui kama "huyo" ni Mhe. Mbunge au mtu mwingine. Je, anaweza kutwambia "huyo" ni nani?

**Mr. Kuguru:** Bw. Spika, mimi si mtu anayetoka upande wa pwani, na kwa hivyo, sijui Kiswahili sana. Kwa hivyo, hata kama nilisema "huyo", ningependa kusema kuwa nilikuwa nikizungumza juu ya msitu na kusema kuwa ikiwa wana hakika kwamba msitu huo si wa Serikali, na kwa hivyo, wanaweza kwenda huko na kuokota kuni bila kuulizwa na wafanyakazi wa misitu kutoa malipo yoyote, basi, ni heri waje ofisini mwetu na ramani inayoonyesha kuwa msitu huo si wa Serikali. Kwa hivyo, ningependa kusema kuwa sina lolote zaidi ambalo naweza kusema bila kuwa na ramani kama hiyo.

**Mr. Mzamil:** Bw. Spika, swali ni kwamba Mhe. waziri msaidizi alikuwa ameliahidi Bunge hili kwamba angetuletea sheria inayohusika na jambo hili. Je, ni lini atapotuletea sheria hiyo? Nimekwishamsomea sheria, au nimesema kuwa sheria hiyo ni Cap. 385 section 11(c). Sheria hiyo haimruhusu mkuu wa wilaya au chifu kuwashika watu ambao wanachukua kuni msituni.

Je, anaweza kutuletea, au kuliahidi Bunge hili, ni katika nambari gani ya gazette ambako aliona kwamba msitu huo ni gazetted na ni wa Serikali?

**Mr. Kuguru:** Bw. Spika, ikiwa nambari ya gazette ambayo iliufanya msitu huo uwe wa Serikali ndiyo swali hapa, basi, ni heri hiyo isiwe mabishano hapa bali ingefaa tukubaliwe tuende tukaitafute gazette hiyo na kuileta hapa Jumanne ijayo.

#### DELAY IN REMITTING SEASONAL CREDIT

**Mr. J. N. Mungai:** Mr. Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice:

- What has caused the delay in remitting seasonal credit to Agricultural Finance Corporation this season and yet the farmers in various parts of the country are waiting for it?
- Could the ministry ensure that the finances are available to the Agricultural Finance Corporation so that the farmers are not late for the next season?

**The Assistant Minister for Agriculture (Mr. Hirsi):** Mr. Speaker, Sir, the answer to this question is not yet ready and, therefore, I would like to ask to be given more time.

*(Question deferred)*

#### WORKMEN'S COMPENSATION FOR MR. VITALIS ABICH

**Mr. Kanindo:** Mr. Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice:

- Why has Mr. Vitalis Abich, who worked with H. Young and Co., not been paid compensation for injuries received in an accident?
- When is he going to be paid as per the letter of 24th September, 1982 from the District Labour Officer, Homa Bay?
- How much is due to him?

**The Assistant Minister for Labour (Mr. Kitele):** Mr. Speaker, Sir, I beg to give the following reply.

The Government doctor at Homa Bay General Hospital assessed Mr. Vitalis Abich's permanent incapacity as 70 per cent. The employer disagreed with this assessment and consequently made arrangement to have the workman medically examined on 26th July, 1980 by the company's medical practitioner whose assessment was 10 per cent permanent incapacity. The minister then referred this question to the Director of Medical Services for determination. A medical board was appointed and they gave their final assessment as 35 per cent permanent incapacity on 25th November, 1981. When the company which employs the person brings their assessment, and the employee also brings his assessment, and then there is a dispute, we call the Director of Medical Services who convenes the meeting of the board to decide on the degree of the incapacity.

Mr. Speaker, Sir, Mr. Abich will be paid his compensation as soon as he reports to the labour officer as the money has already been sent there.

**[The Assistant Minister for Labour]**

With regard to part (c) of the question, I would like to say that the total compensation payable amounts to Sh. 8,425.50.

Mr. Speaker, Sir, according to the final assessment of the Medical Board, the permanent incapacity of Mr. Abich entitles him to get Sh. 7,749. He was also awarded three months' temporary incapacity in respect of which he will receive a further Sh. 676.50.

Mr. Speaker, Sir, when the assessment was done, we in the Ministry of Labour fought for him to be given at least three months' pay.

Mr. Karindo: Mr. Speaker, Sir, while thanking the assistant minister for the effort which has been made by his ministry on this matter, could he tell the House why, after the medical board had decided that Mr. Abich be paid, it took many months before he received his payment? What caused this further delay which made the person who had this accident continue suffering?

Mr. Kitele: Mr. Speaker, Sir, as I said earlier on, the employee went to Homa Bay Hospital where he was examined and his permanent incapacity was assessed at 70 per cent, but the employer objected to this by saying that it was too high. So, the employee was taken to the company doctor where his permanent incapacity was assessed at 10 per cent. Therefore, there was a dispute about this. Now, when such a dispute comes about, we normally ask the Director of Medical Services to call a meeting of the medical board which is composed of doctors from Kisumu, Mombasa and other places where, under the chairmanship of the Director of Medical Services, the final assessment is made. So, this medical board assessed Mr. Abich's permanent incapacity at 35 per cent. The delay was, therefore, caused by that.

**TERMINATION OF SERVICE OF TRANSELEC EMPLOYEES**

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

- (a) Is the minister aware that the services of 10 linesmen, employees of Translec (Canada), were terminated verbally on 18th November, 1982, at the Kitui site?
- (b) Is he further aware that they were transferred to Nyalii, Mombasa, and were refused transport to return to Kitui which is the paying centre?
- (c) What is the cause of the termination of their services?
- (d) When are they going to be paid one month's salary for November, and leave payment?

The Assistant Minister for Labour (Mr. Kitele): Mr. Speaker, Sir, since this question was by Private Notice and the reply is not ready, we will reply to this question on Tuesday next week.

(Question deferred)

**REGENT AUCTIONEERS SELLING MR. S. MWENESIS' PROPERTY**

Mr. Wasike-Ndombi: Mr. Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice:

(a) Why did Regent Auctioneers sell the property of Mr. Solomon Mwenesi worth K.Sh. 12,225.50 in spite of a High Court order restraining the auctioneers from selling the property in civil case No. H.C.C.C. 1964 of 1972 against Mr. Charles Shimbira?

(b) Will the Attorney-General take steps to compensate Mr. Mwenesi fully for his sold property?

The Attorney-General (Mr. Kamcre): Mr. Speaker, Sir, I beg to reply.

(a) The goods in question were sold by Regent Auctioneers on 3rd July, 1979, three days prior to the order of Mr. Justice Hancock on 6th July, 1979.

(b) The Government or the Attorney-General is not responsible for the act, lawful or unlawful, of court brokers. This was decided by the Court of Appeal about three years ago.

(c) The Attorney-General has no funds to pay compensation to Mr. Solomon Mwenesi, neither would he be justified in advising that the said person be paid out of Consolidated Fund.

Mr. Speaker, Sir, if Mr. Mwenesi thinks that he has any claim for redress, he should get his lawyers to take proceedings against Regent Auctioneers.

Mr. Wasike-Ndombi: Mr. Speaker, Sir, while thanking the Attorney-General for his answer, is he not aware that Charles Shimbira was an employee of Mr. Solomon Mwenesi and it was Charles Shimbira who had a case in court and the court ruled against him? Mr. Solomon made an appeal in the High Court and while the case was pending at the High Court, the magistrate informed Regent Auctioneers not to do anything about selling Mr. Mwenesi's property until the case had been finalized by the High Court? Can the Attorney-General confirm or deny in this House that Regent Auctioneers were right in auctioning the property of Mwenesi and not Shimbira's whose case had been in the court?

Mr. Kamcre: Mr. Speaker, Sir, I am not aware and I would not be expected to be aware that the case was against Charles Shimbira. The answer I have given, Mr. Speaker, Sir, is in accordance with the law and as I have already indicated, the goods were sold before the court order was issued to the Regent Auctioneers. What Mr. Mwenesi should have done at that material time was to apply to the court for setting aside the sale and if he did not do so, the Attorney-General has nothing to do with it. However, I sympathize with Mr. Mwenesi but it is unfortunate that I cannot take up a civil matter of a private citizen.

Mr. Mutwa: Mr. Speaker, Sir, could my learned friend tell us what became of the amendment Bill which we pass here in the House on the Auctioneers and Court Brokers Act and to the regulations which we passed? These amendments were meant to avoid

**[Mr. Mulwa]**

these kind of things, that is, to protect people from unscrupulous court brokers. We did pass this Bill and we would like to know why it was not put into force.

**Mr. Kamere:** Although, Mr. Speaker, Sir, that is not part of the question before the House, I would like to inform the hon. Member that if he observed the case in question and the subject matter of the question before this House, he would agree with me that this happened long before the enactment of the Court Brokers Amendment Bill which was passed in this House. Mr. Mwenesi will have to take up the case in court under the Court Brokers Act and I am sure he will get redress.

**Mr. Wasike-Ndombi:** Mr. Speaker, Sir, it is normal practice that when an employee of any firm has a civil suit against the firm, an application is made to attach his salary or something like that in which case a third of his salary would go towards the civil suit. Now, how come that in this particular case, instead of Mr. Solomon Mwenesi being asked to attach the salary of Mr. Charles Shimbira, his property was sold instead. That means the employers' property was sold instead of the property of Charles Shimbira?

**Mr. Kamere:** Mr. Speaker, Sir, I consider that I have given the answer necessary to the hon. Member and I would like to repeat here once again. The Attorney-General does not act in matters pertaining to citizens. He is only allowed to take up matters pertaining to Government and citizens and I have already given my honest opinion that the hon. Member should refer his constituent to a private lawyer who will be prepared to take up the matter before a court of law and any redress available will be given by the court.

**Mr. Okondo:** On a point of order, Mr. Speaker, Sir. If the Attorney-General disclaims the responsibility to answer questions like this which pertain to legal matters, whom do we go to?

**Mr. Kamere:** On a point of order, Mr. Speaker—

**Hon. Members:** Can you let him finish? Sit down!

**Mr. Okondo:** The Attorney-General has said that he does not take action on civil matters but surely, there must be some minister in this House to whom hon. Members can appeal in matters which relate to legal proceedings between citizens outside for direction on the system. Could, Mr. Speaker, assist us on this matter?

**Mr. Speaker:** I think Mr. Kamere has stated clearly how far his responsibility goes. He says that his responsibility does not go beyond a certain limit.

**Mr. Okondo:** Mr. Speaker, Sir, if the responsibility to answer such questions purely stop at actions between Government and citizens, there must be somewhere that hon. Members of this House can go to ask some minister of this Government questions relating to issues between citizens in legal litigation. I should think that is the field of the Attorney-General and there must be some ways in which the Attorney-General must be able to help us.

**Mr. Mulwa:** Mr. Speaker, Sir, I think the Attorney-General would have come in this particular question if the Questioner would show that the court broker

had been served with a court order. If he can show that despite that order the auctioneers proceeded to sell the property, then he would have asked the Attorney-General to explain because that amounts to a malpractice by that particular broker and that is why we passed those regulations. However, the Attorney-General is the advisor of Government and not to private citizens and so unless we prove that those people broke the regulations and the law because of such malpractices, then the Attorney-General can come in. However, I think it is for the Questioner to prove that the court broker had been served with a court order and not withstanding that order he went ahead and auctioned the property. However, where it is just a question of getting remedies or rights, I think he has to get a lawyer and that is where we come in. After all, what does he think we are there for?

**Mr. Wasike-Ndombi:** Mr. Speaker, hon. Mulwa has declared his interest but the magistrate in Kakamega wrote a letter restraining Regent Auctioneers from going ahead with the sale of the property, but in spite of that they just went ahead and sold the property. Now, does the Attorney-General not come in since the court was the one which gave these instructions which were not followed and the courts are under him. Does he not come in in this particular case?

**Mr. Mulwa:** No, we have to help the Attorney-General here, Mr. Speaker, the point I am making is this—

**Hon. Members:** Are you now the Attorney-General?

**Mr. Speaker:** Mr. Mulwa, you have not been briefed by Mr. Kamere to defend him here.

*(Laughter)*

**Mr. Kamere:** Mr. Speaker, this is a very sensitive question in the sense that somebody's goods have been sold illegally as the hon. Questioner alleges. What that owner of the goods should have done was to see a private lawyer who would have raised an objection before a court of law in accordance with the law. However, the Attorney-General cannot move to the court on behalf of the person who is aggrieved and I am trying to explain this not with any bad faith at all. These are the procedures which ought to be followed in this particular case and I am sure hon. Members do understand that where a citizen and another citizen are involved, if the Attorney-General were to intervene, that would be illegal. The lawyers are there to make money and they are entitled to do their job and do it properly.

**Mr. Mulwa:** Not to take money but to help; they just help!

#### POINTS OF ORDER

##### CLARIFICATION OF A REPLY TO QUESTION No.638

**The Assistant Minister for Finance (Mr. Echakara):** On a point of order, Mr. Speaker, Yesterday when I was replying to a question, I promised the House that I would make a categorical statement on the ownership of Kenya commercial banks by the Kenya Government.

**[The Assistant Minister for Finance]**

Mr. Speaker, I said that the Kenya Government owns two banks, that is the Kenya Commercial Bank and the National Bank of Kenya. The hon. Karauri disputed and said that the Government owns maybe 71 per cent of the Kenya Commercial Bank.

Mr. Speaker, on 8th December, 1970, the Government acquired 60 per cent of the shares from the then National and Grindlays Bank of Kenya. In November 1976, the Government of Kenya took the remaining 40 per cent of the shares from the National and Grindlays Bank and, therefore, the Kenya Commercial Bank was formed because the Government acquired 100 per cent shares.

Mr. Speaker, the next thing I heard over the Voice of Kenya this morning was an announcement saying that I stood here and said that I would teach the hon. Members something to do with banking. I did not say this and I would like to seek your guidance and protection on this issue because I said that I was the authority for the Government in as far as that bank's issue was concerned, and nothing to do with banking as a profession.

So, Mr. Speaker, I hope that my friends in the Voice of Kenya will correct this and clean my name of this. Thank you.

**A MINISTER WHO DISOWNS HIS STATEMENT SHOULD WITHDRAW IT**

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Mr. Speaker. I have two points of order to make. One is in connection with my hon. friend, the hon. Member for Kikuyu, when he was contributing on the hon. Cheka's Motion.

I do recall having heard him saying that there is no point for these county councils and other municipalities having these funny robes for the chairmen and mayors. So, when I stood on a point of order and asked him whether he was in order to refer to mayoral clothes as funny, he denied that he did not do so. But then I promised the House that I would check with the HANSARD and prove that my hon. friend indeed did say what he did say. And with your permission, Sir, may I quote the HANSARD which says:

"It really does not mean to look for a mayoral car and all these funny robes that they wear, and flags on their cars, but it means more."

These are the words of my hon. friend. Now, with all the evidence here, is it not time that I call upon my brother to swallow his words because he did say and use the word "funny", and not Shikuku. He said it was me, but I did not use that word. In the HANSARD it is him!

**The Minister for Constitutional Affairs (Mr. Njonjo):** What am I supposed to do, Mr. Speaker? What is wrong with the word "funny"?

**An hon. Member:** Swallow your word "funny"!

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order,

Mr. Speaker. My hon. friend is even making matters worse. The question yesterday was that I challenged my friend that he called the mayoral robes "funny". He denied that he never used the word "funny". I said I heard him and he did use the word "funny". But now even in the HANSARD it is clearly printed and I have quoted where the hon. Member called these robes "funny". It is him and not Shikuku. He said it was me who had used the word "funny". But HANSARD bears me out. Now, is it not time for him to withdraw and apologize for having refused to accept what he said?

**An hon. Member:** But they are funny!

**The Minister for Constitutional Affairs (Mr. Njonjo):** Mr. Speaker, they are funny.

*(Laughter)*

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Mr. Speaker. Is it in order for the hon. Member not to go by our rules? I have already proved that what he said was true. Is it not time he apologized rather than standing up and repeating the word "funny"? What does that mean?

**Mr. Speaker:** Well, he means they are funny!

**The Minister for Constitutional Affairs (Mr. Njonjo):** Well, Mr. Speaker, I swallow the word "funny"!

**An hon. Member:** How?

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Mr. Speaker. You agree it is becoming even funnier now. So, the hon. friend of mine admits that he used the word "funny" and now he is swallowing it?

**The Minister for Constitutional Affairs (Mr. Njonjo):** Yes!

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Thank you, Mr. Speaker.

*(Applause)*

**SUBSTANTIATION OF ALLEGATION ON SMUGGLING OF DRUGS**

**The Assistant Minister for Industry (Mr. Aden):** Jambo la nidhamu. Bw. Spika. Jumanne nilipokuwa nikizungunza juu ya Sessional Paper No. 4 nilikuwa nikisema kwamba dawa zinatolewa kutoka hospitali ya Mandera na zinapelekwa kule kwa majirani halafu wananchi wa Kenya wanakwenda kuzinunua hizo dawa upande mwingine. Niliposema hivyo Mhe. Shikuku aliniuliza nitaye jina la mtu ambaye anahusika na magendo hayo. Jina lenyewe ni Dkt. J. E. O. Arua, Medical Officer of Health, Mandera District Hospital.

*(Applause)*

**MISREPORTING BY THE VOICE OF KENYA**

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** One other point of order, Mr. Speaker, which I wanted to raise is about the proceedings of this House. We normally have a Mover moving a Motion, seconded and then proposed and we speak to it. But I have recently noted particularly yesterday when hon. Cheka moved his Motion, it was

**[The Assistant Minister for Economic Planning and Development]**

seconded by hon. Munyasia. But when I was listening to the Voice of Kenya, I did not even hear the names of hon. Cheka moving and hon. Munyasia seconding. But I heard of these remarks about the cars, hon. Members not going home and so fourth. Now, could we not make it known to the Voice of Kenya that they should let the public know how the process went rather than the Mover not being mentioned and somebody else who spoke to the Motion being mentioned, and sometimes even on things that are completely irrelevant to the Motion? This should be corrected. The public should be given the sequence of our deliberations.

**An hon. Member:** You are right!

## BILLS

## COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Speaker left the Chair]

## IN THE COMMITTEE

[Mr. Chairman took the Chair]

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS)  
BILL

**Mr. Anyieni:** On a point of order, Mr. Chairman. I would like to make my objectionable remarks to one of the sections of this amendment. But now what you are reading are clauses 2, 3, and so on. Are you going to come down to the Schedule?

**The Chairman:** Yes, we will come to the Schedule.

**Mr. Anyieni:** Thank you, Mr. Chairman.

(Clauses 2, and 3 agreed to)

**The Attorney-General (Mr. Kamere):** Mr. Chairman, I would like to move an amendment to Cap. 233 of the Trade Unions Act—section 41—. There are a few words that we would like to insert so that the clause reads as follows:

“Provided that the minister may, by notice in the Gazette, authorize the transfer of specified property with the consent of the trade union concerned and by notice in the Gazette, authorize the transfer of specified property of that trade union.”

That is the first amendment I would like to make in that section. I will make another amendment after we have come to the end of the Schedule.

**Mr. Anyieni:** Mr. Chairman, Sir, I appreciate the amendment which has been moved by the Attorney-General. But in case that trade union does not exist—For example there was this former Civil Servants Union which was banned. That trade union had owned a lot of property; it had started to build houses for its members. That trade union was banned and it cannot be referred to as the trade union which should give consent because it was banned and it is now an illegal union. In a case like that one what procedure does the Attorney-General intend to follow in transferring

properties of this type? I am saying this because you have a situation where people organized themselves and something went wrong somewhere and their organization is banned and then you have people coming up and assuming responsibility for what they do not know at all. In this case the interests of the workers will not be taken care of because the consent to transfer property is not going to be sought from an illegal union. So, what does the Attorney-General intend to do in this case?

**The Attorney-General (Mr. Kamere):** Mr. Chairman, Sir, this proviso has been necessary by the creation of the Tom Mboya Labour College at Kisumu. This is because no money belonging to the Central Organization of Trade Unions can be used for any other purpose other than the trade unions' purpose or a public purpose. In respect to the question which the hon. Member has asked, when a trade union is no longer in existence, the property of that trade union rests in the Public Trustee and the Public Trustee has rules which control the transfer of that property. But for the time being, we are concerned with the Tom Mboya Labour College and that is why we really have made this amendment so that the trade union—Cotu itself—is not going to be attached if the Tom Mboya Labour College is involved in debts. It is going to be an entity of its own. I think the hon. Member is satisfied with that explanation.

**Mr. Anyieni:** Mr. Chairman, Sir, I am very grateful for the explanation given by the Attorney-General. But, maybe, the Attorney-General should have been kind enough also to tell the House what happens to the property of a trade union which is banned, for example the Civil Servants Union which was banned the other day. This is because this law does not specifically mention the Tom Mboya Labour College. What the Attorney-General has said is all in theory. But in practice, what is happening? We would like the Attorney-General to introduce a law—if the trade union was not there—that makes the position clear. This is because the other day we read in the newspapers about a new civil servants union which is being formed and they were handing over keys—To whom were they handing over the keys? I think that it would have been better for Government to take care not only of the interests of the union, but of the innocent contributors to these schemes. We do not mind about the trade unions being banned; let them be banned. But we are worried about the contributors to these funds. For example, the civil servants who had hopes of attaining homes should not suffer because the leadership of their trade union went wrong! I think these civil servants should have their rights. Have they had the right to trace their property? The Attorney-General has said that the public trustee has taken over these properties. But have the civil servants had their rights? They have not! This is the assurance we want to get from the Attorney-General.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Mr. Chairman. I have been listening and I do remember that the Attorney-General did promise during the

**[The Assistant Minister for Economic Planning and Development]**

Second Reading stage of this Bill that he would bring an amendment in order to take care of Cotu. But the point being raised here is also quite valid. This is because we who were present at that time know that this is intended for the Tom Mboya Labour College at Kisumu. But the principle which is being raised by the hon. Member is quite valid and I was wondering whether there would be another amendment to cater for trade unions which have been done away with. As the hon. Member has said, the Kenya Union of Civil Servants was banned by a Presidential directive. I am wondering because I have not heard the Attorney-General say anything otherwise. But I hear there are some people who are again reviving this trade union and yet I have not heard—and I stand to be corrected—the President saying the thing should be reinstated again. But I have seen some people parading around and saying they are organizing the Kenya Civil Servants Union and they are being handed over keys and so on. Are they going against the Presidential directive and what is the Attorney-General doing to get these people before the court so that they can be disciplined? They should be put in!

**The Attorney-General (Mr. Kamere):** Mr. Chairman, Sir, I think when I was answering that point hon. Shikuku was not listening. Since he was not listening, and for his benefit, I have said that the property of such a trade union would rest in the hands of the public trustee. But since that question has not arisen and has not been brought before this House, all I can promise the House is that I will look into it and see what happened to their property and then I will be able to advise the House accordingly.

**Mr. Anyieni:** Mr. Chairman, Sir, I am glad to hear the assurance given by the Attorney-General. Meanwhile, would the Attorney-General restrain any other people who may be taking actions that may be harmful to the members who contributed money for this purpose? There are some strange people who want to create a new trade union—

**The Attorney-General (Mr. Kamere):** Mr. Chairman, Sir, if the hon. Member would care to let me know the strange fellows who are dealing with those properties of that trade union, obviously, I will take the necessary action.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Mr. Chairman, this is something very interesting. Although my hon. friend, the Attorney-General, said that I was not listening but, I was definitely listening. I do nothing in this House other than listening, and I heard him talk about the properties going to the hands of trustees. It is now about four or five years since the former Union of Civil Servants was disbanded and, yet, the trustees have not been handed over the property of that union. If he talks about being given the names of the people forming the new union, I would like to inform him that this is an obvious thing because those people were in the Press recently. They met the Chief Secretary who assured them that after organizing themselves,

they would take over the former Kenya Civil Servants Union's property; in fact, keys to the houses which had been built were handed over to the organizers of the new union. What other information does the Attorney-General want? This is open knowledge, as it was in the Press.

Now, Mr. Chairman, could the Attorney-General give an assurance to this House these fellows who were parading, and who said that they met the Chief Secretary and had wonderful discussions will not go ahead and fiddle around with property which belonged to the former Kenya Civil Servants Union. Can he assure us that the directive of the President still stands because we have not heard him rescinding it? Can he assure us that he will not allow anybody to joke around and that he will get hold of these boys and put them where they should be?

**Mr. Mutwa:** Mr. Chairman, I do not have information about another union being formed, but I would like to stress the point that hon. Anyieni is raising, which is valid. This is in connection with the question where a trade union holds property. There is always a regulation under the rules and constitution of that trade union providing for trustees. This is also in accordance with the Trade Unions Act, Cap. 233, so that if that union is dissolved, like we did with the former Union of Kenya Civil Servants, the union is dissolved together with those trustees, so that the trustees are also set aside. So, the point I am making—and I would like my learned friend, the Attorney-General, to listen carefully—is what would happen to such property in case of dissolution under such circumstances whereby the trustees, who hold the property on behalf of the union, under the union constitution, and in accordance to the Trade Union Act, are set aside. That provision is not there because, as of now, the Kenya Civil Servants Union was dissolved together with their own trustees who were holding such property. So, in fact, there is a vacuum there and what we are asking is: is it not possible to provide a provision because now we have set a precedent whereby a trade union can just be dissolved like that? That was not catered for in their constitution because they never thought that the union would be dissolved as it was. So, we need a provision whereby that property would be held by a certain body, on behalf of the members of the trade union. As of now, the rules and the constitution of the union, and even the Act itself, do not provide such a provision whereby the Public Trustee could come in. Perhaps, now the Attorney-General might care to bring in a provision whereby, such property would fall on the hands of the Public Trustee to take care of.

**The Attorney-General (Mr. Kamere):** Mr. Chairman, what the hon. Member for Makueni suggests is quite reasonable and I cannot see how I can resist the temptation of bringing in a provision, if that need be. However, my understanding of the law is that any property which is left without the owner is taken over and vests in the hands of the Public Trustee. In fact, we were not talking about the trustees of the unions under the union's regulations. I was talking about the Public Trustee.

Mr. Okondo: Mr. Chairman, Sir, under these circumstances, would it not be convenient or desirable for the Attorney-General to hasten and bring a suitable amendment to this clause so that it reflects the existing situation in the present amendment, rather than leaving it in a doubtful situation?

*(Question, that the words to be left out be left out, put and agreed to)*

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

*(Clause 41 as amended agreed to)*

Mr. Chairman: Mr. Kamere, you can now move the second amendment.

The Attorney-General (Mr. Kamere): Mr. Chairman, Sir, on page 138—

Mr. Anyieni: On a point of order, Mr. Chairman, Sir. Before we come to page 138, I thought you would read the Bill section by section. I do not know what is going to happen if we move to page 138 because I have an objection on the amendment to the Traffic Act, Cap. 403, section 119(1) (g), on page 137. If the Attorney-General moves the second part of the amendment on page 138, we shall have finished with the Bill completely. It is for that matter that I thought you would read the Bill section by section so that whoever has an objection can raise it, and when you read the relevant section where the Attorney-General has an amendment to, then he can stand up and propose his amendment.

The Chairman: You see, hon. Anyieni, we are dealing with the Schedule and all this is in one schedule.

Mr. Anyieni: Mr. Chairman, I am seeking your guidance as to what junction I should make comments.

The Chairman: That should be after the Attorney-General has proposed his amendment.

Mr. Anyieni: However, Mr. Chairman, the Attorney-General has started to propose an amendment to something ahead of what I am objecting to. He talked of page 138, and my objection is not there but on page 137, on the Traffic Act.

The Chairman: Okay, hon. Anyieni, you can raise your objection.

Mr. Anyieni: Thank you very much, Mr. Chairman. I am sorry that I was kept away by constituency work and, for that matter, I was not here yesterday when the Second Reading of the Bill was taking place. Otherwise, I should have given my intention to introduce an amendment to the Traffic Act, Cap. 403, section 119(1) (g).

Mr. Chairman, this House consists of hon. Members, men and women, who have been elected by people majority of whom are poor. It is with this in view that our late President Kenyatta, allowed wananchi to operate matatus, which are providing essential transport facilities for a lot of people in this country. You can imagine a situation in a place in this country without matatus, and without enough buses to go over and collect people. Because buses cost so much, they can only be bought by rich people. The ordinary people in every hon. Member's constituency who buy matatus have a capital of, say, K.Sh. 10,000 before they buy the matatu. Now,

if you look at the main Act, it enumerates all the traffic regulations. Part (g) of clause 119(1) of the previous Traffic Act used to state, and I quote:

"The penalties which may be imposed for the breach of such rules, in the case of the first conviction, a fine not exceeding K.Sh. 2,000 or imprisonment for a term not exceeding six months, or both fine and imprisonment."

Still, on the main Act, it is further stated that:

"In the case of a subsequent conviction, a fine not exceeding K.Sh. 5,000 or imprisonment not exceeding one year or both such fine and imprisonment".

Now Mr. Chairman, this is the law as it is today. This is the law which is applied when you are found with your car, having not noticed that your licence has expired and when the magistrate sees it fit to give you the maximum punishment, which is K.Sh. 2,000 and take you to prison for six months. Now the Attorney-General says that this is not enough.

Mr. Chairman, the Attorney-General now wants to have it that if you are found not having renewed your road licence or any other of these offences, like the tyres being worn out and so on, the fine is to be Sh. 5,000, in addition to six months' imprisonment. My question to the Attorney-General is this—

An hon. Member: That is a fair amount!

Mr. Anyieni: No, that is too much! If you find this poor matatu operator in your constituency and he is being fined some Sh. 5,000, this man has no money and you are going to finish him completely. The Attorney-General also argues that some matatu owners would rather pay the fine which is less than—

The Minister for Constitutional Affairs (Mr. Njonjo): Can I have a look at that book?

Mr. Anyieni: Yes, of course. The Minister for Constitutional Affairs can also assist us. Please protect the wananchi, hon. Njonjo.

The Attorney-General argues that some people have decided that they should not, for example, buy a road licence, or should not buy new tyres, or any such other related items. They would rather go to court and pay a fine of Sh. 2,000 or go to jail for six months, or both, instead of buying a new road licence. I do not accept this sort of argument, Mr. Chairman. This is because, if you are driving from Nairobi to Kericho, the policemen can charge you when you are just two miles from Nairobi. Another one will charge you at Naivasha and another at Nakuru and so on and so forth, and you can have even ten cases appearing in different courts on the same thing. You cannot, however, argue in court that because you were charged by a given policeman in a certain area, then you cannot be charged at the other place. The law does not provide that protection, and not only that, if you are fined the Sh. 2,000 that the Attorney-General is calling too little, the fine does not alternatively give you a road licence, and you will still remain without a road licence and the policeman can arrest you a day later. You can be paying this Sh. 2,000 fine even after every week, and in a year you will have paid about Sh. 100,000.

**[Mr. Anyieni]**

When the Attorney-General argues that it is cheaper to pay the fine than to buy the licence, I do not accept his argument.

So, Mr. Chairman, I would like to say that the law should be allowed to stand as it is. I know that according to Standing Orders, I cannot propose an amendment, but I am kindly asking the Attorney-General—who is the chief legal advisor of this House—that he leaves this law as it is; let the police administer it and the court does likewise. Imposing any more fines will be killing the matatu owners.

I must say, Mr. Chairman, that I also have had the problem of buying my road licence; I have not had the money to buy my own road licence. Now, if you tell me that you are going to fine me some KSh. 5,000, you are going to put me in prison for six months and then the additional six months will make one year. Now, if we do this, the law we are enacting in this House are going to appear to be more repressive to the interests of the community we represent in the House.

**An Hon. Member:** Do you have a matatu?

**Mr. Anyieni:** Mr. Chairman, I do not own a matatu, but I own a car, just like the hon. Member does. I do not know why the Attorney-General would like me to declare my interest because each and every hon. Member of Parliament here has a car. Not only that, each and every hon. Member of Parliament here has got people in his constituency whom he represents and who own matatus. If your matatu owners hear that you have come to this House to impose very heavy fines on them, and when these matatus are grounded, what is going to happen?

Mr. Chairman, I would, therefore, like to ask the Attorney-General—maybe in a later stage, to consider kindly to leave these amendments and bring them later. I am saying this because, if I were here yesterday, I would have moved the amendment and given enough notice, and I know that the majority of hon. Members, and even the Attorney-General, would, have accepted it. However, I am saying that I am always the supporter of the Front Bench, and I always preach a policy of no confrontation between the Front and the Back Bench. This is a case—not for me or for the Front Bench—for the people who have elected us, whether we are in the Front or in the Back Bench.

**The Minister for Constitutional Affairs (Mr. Njonjo):** Mr. Chairman, I think we are all interested in road safety, and this amendment which is being proposed and the reason why it is being proposed at the moment is that quite a number of people—What we are talking about is about wheels, tyres, springs, brakes as well as reflectors, parking lights as well as efficiency of the brakes themselves. What has been happening, and why this amendment must be supported, is that instead of these people repairing their vehicles, they will pay the Sh. 5,000 fine, rather than do the repairs. If we want to save our people, even if they are matatu operators, we have to bear in mind that the matatus carry people from point A to point B, and not to kill them between point A and B. The travellers want to get to point B and not to die before they do get there.

Therefore, we must be interested in the road safety and therefore, must pass this Bill so that these people who own these vehicles, whether it is me, or any other person, must keep the vehicles in good working order.

**An Hon. Member:** Roadworthy!

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Mr. Chairman, this is a very good example of failure on our part as hon. Members of this House, who are paid to be here, contribute and read every Bill that comes before us and make contribution on such a Bill.

Mr. Chairman, if the hon. Back-bencher had scrutinized this Bill, and because my friend was not in, he could have brought in the amendment and we could have seen how we can get there, but at the moment, to be honest, according to the procedures of this House, seeking an assurance from the Attorney-General at this stage is, to say the least, very absurd. This is because, assurances of the Attorney-General are not put in the Bill.

Immediately we pass a Bill, it is passed minus the assurance of the Attorney-General, and so we should accept from now on that we should be serious in this House and, indeed, I agree with hon. Anyieni that we represent matatu owners and the rest of them.

**The Assistant Minister for Finance (Mr. Echakara):** On a point of order, Mr. Chairman. My point of order is to ask whether hon. Shikuku is not out of order when he says that the views that are normally suggested and taken very seriously by the Attorney-General so that in future an amendment can be brought, are completely absurd?

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Mr. Chairman, this might be so, but I am talking in terms of practical things. The assurances either by me or by the Attorney-General are not put in the Bills. So, when a Bill passes it stays as has been passed until the Attorney-General brings in other amendments.

However, I would like to agree with my hon. friend, hon. Njonjo on this question of matatus. As much as I would like to have matatus working and so forth, they should be in good condition, otherwise we are likely to lose all our voters. They should be in good condition because to make the matter worse some of the matatus are owned by well-to-do people. They are not owned by really poor people. I have done my home-work and I know that matatus are owned by well-to-do-people, but they do not want to repair them. All that they tell their drivers is, "everyday bring here K.Sh. 500. So, if you can bring here K.Sh. 1,000, you will take K.Sh. 500." So, the poor drivers start driving at reckless speeds. They do not care whether there are parking spaces on the road and so on when they are driving. So, if they find you on those spaces they sweep you off because being a matatu driver you have a licence to do anything under the sun and nothing will happen to you. So, let us have this Bill passed so that the matatus will be in good condition so that we do not lose our voters.

Thank you very much, Mr. Chairman, Sir.



Mr. Okondo: Mr. Chairman, Sir, I would like very much to support my colleague, the hon. Member for Kikuyu, on bringing our attention to the fact that the matatus have great responsibility to transport passengers from point A to point B in safety. It is absolutely necessary that this is done. However, I must say that the matatus must be in good condition. Any matatu which is not in good condition should not be on the road at any given time; it should be pulled off our roads or put aside.

There is definitely a provision in the present legislation for the police to do this. At present if a vehicle is not in a good working condition it may not be on the road. However, I think what has not worked properly has been the enforcement of this legislation. Indeed, there has been poor enforcement of this law. So, I would like to appeal to the Attorney-General to make sure that this enforcement is effected. The police should pay attention to this law. We should not change the law in such a way that it is going to punish only a few people thereby giving a chance to those people who are smart or rich enough to pay these fines to continue killing our people. So, I am requesting the Attorney-General to bring here a suitable amendment that will make it easy for the law to be enforced so that we do not seem to be seeking a chance of punishing those who can afford to pay the fines or the poor ones who may be driven out of business by amending the law in this manner. So, could the Attorney-General assist us to come out of this problem by ensuring that the law in force is enforced instead of bringing this amendment here.

Thank you, Mr. Chairman.

## 2. Schedule

The Attorney-General (Mr. Kamere): Mr. Chairman, Sir, on page 138, we have given notice to amend the Valuation for Rating Act (Cap. 265), section 27 (1) by inserting the following words:

“Insert in paragraph (3) after ‘charitable institutions’ the expression, ‘museums’.”

Mr. Chairman, Sir, I beg to move.

*(Question of the amendment proposed)*

*(Questions, that the words to be added be added, put and agreed to)*

*(Schedule as amended agreed to)*

*(Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

The Attorney-General (Mr. Kamere): Mr. Chairman, I beg to move that the Committee doth report to the House its consideration of The Statute Law (Miscellaneous Amendments) Bill and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[Mr. Deputy Speaker in the Chair]*

## REPORT

### THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

Mrs. Oryango: Mr. Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered the Statute Law (Miscellaneous Amendments) Bill and approved the same with amendment.

The Attorney-General (Mr. Kamere): Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee of the whole House in the said Report.

The Assistant Minister for Finance (Mr. Echakara) seconded.

*(Question proposed)*

Mr. Anyieni: Mr. Deputy Speaker, Sir, I did raise an objection to the amendment on the Traffic Act, Chapter 4, section 119 (1) (g). My objection was based on the fact that the fine existing—that is Sh. 2,000 plus six months imprisonment—was sufficient to be imposed on those who commit the offence. There has been argument against my stand. Some hon. Members were of the opinion that there are people who have decided to be paying this fine instead of buying the road licence or repairing their own vehicles. For instance the Minister for Constitutional Affairs did refer to the question of repairing brakes. The cost of repairing brakes of various vehicles that we are talking about is much lower than Sh. 2,000. The cost of a licence even for my Range-Rover is Sh. 1,800; it is not Sh. 2,000. You can be fined Sh. 2,000 even 20 times in a year. The argument has been that a man like me—

The Attorney-General (Mr. Kamere): On a point of order, Mr. Deputy Speaker. The hon. Member is debating the Bill. Is he in order to do so at this stage?

Mr. Anyieni: Mr. Deputy Speaker, Sir, the hon. Attorney-General must know that I have been here much longer than himself. I happen to know that at this stage I can still give my views. That is not against our Standing Orders. The hon. Deputy Speaker knows that. If I was out of order, he should have told me to sit down. What I am saying is that this argument that we want people to move from spot A to B safely is correct and I also subscribe to it but the law that exists now is sufficient. The extra law that we are now enacting is going to prove to be more regressive than corrective.

Mr. Okondo: Mr. Deputy Speaker, I have also made my reservations on this clause known very clearly and I would like to add that the fact that this debate is taking place is indicative of a tendency that is developing in this House whereby ministers, too eagerly, move closures to debate in the Second Reading. I think that by moving closures so early in the debate you close off the opportunity for Members to bring out difficulties in a Bill like this. This Bill suffered such a closure which made it difficult for Members to speak at the Second Stage. I am, therefore, appealing that at a future stage, we should use the closure at a—

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): On a point of order, Mr. Deputy Speaker. I hate to interrupt my hon. friend but could he really substantiate that the members were

**[The Assistant Minister for Economic Planning and Development]**

not allowed to debate this Bill? I think we did have quite a run. The hon. Member says that the debate was closed early but I say that there was debate on this.

**Mr. Deputy Speaker:** Hon. Members, it appears that we are merely repeating what we are supposed to have said much earlier on. So, I will now put the question.

*(Question put and agreed to)*

**The Attorney-General (Mr. Kamere):** Mr. Deputy Speaker, Sir, I beg to move that the Statute Law (Miscellaneous Amendments) Bill be now read the Third Time.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku)** seconded.

*(Question proposed)*

**Mr. Deputy Speaker:** Mr. Kamere, you can now finalize.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Mr. Deputy Speaker. You have just proposed the question and I thought you should put the question now.

**Mr. Deputy Speaker:** I thought there were Members who wanted to speak but if there is no-one, then I will put the question. However, the Attorney-General has to wind up.

**The Attorney-General (Mr. Kamere):** Thank you, Mr. Deputy Speaker. I do appreciate the contributions made by the hon. Members. It is not always the case that closures are made for Bills which ministers bring to this House. It is clear that we have to have opinions expressed by the hon. Members and it is on those contributions that we do make amendments to the laws.

**Mr. Deputy Speaker:** the law is a living thing and it has to come up and be amended, modified and updated.

With those few remarks, Mr. Deputy Speaker, Sir, I beg to move that the Bill be read the Third Time.

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

**Mr. Deputy Speaker:** Hon. Members, I hope you are all aware that we have a Supplement Order Paper, in connection with the Finance Bill which is going to be introduced today. So, I hope the Leader of Government Business is going to move the Procedural Motion.

#### MOTION

#### REDUCTION OF PUBLICATION PERIOD—THE FINANCE BILL

**The Minister for Higher Education (Mr. Kamotho):** Mr. Deputy Speaker, Sir, I beg to move.

THAT, this House, in accordance with Standing Order No. 98, orders that the publication period of The Finance Bill (Bill No. 25) be reduced from 14 days to one day.

The Deputy Speaker, Sir, I would like the hon. Members to appreciate that this is a very short Bill. Most of the hon. Members have gone through, and I am sure they are quite ready to debate it this afternoon.

Secondly, hon. Members do appreciate that we have

had a lot of business in the recent weeks and so they are anxious to go back to their constituencies and continue with their commitments in nation building and also to enjoy their Jambhuri and Christmas celebrations.

With those few remarks, I beg to move.

**The Minister for Industry (Mr. Omanga)** seconded.

**Mr. Mulwa:** Mr. Deputy Speaker, Sir, I rise to support this Motion—

**Mr. Deputy Speaker:** Order! I think it has been seconded already. What I will do is to propose the question.

*(Question proposed)*

**Mr. Mulwa:** Mr. Deputy Speaker, Sir, this is a Procedural Motion, as the minister said, and we support it.

However, we would like to make a point in this House that this has become too much. We agree that Standing Orders provide for the reduction of the number of days, and there must be a reason for it. So, we do not want this to become a practice in this House whereby instead of the ministers producing the Bills in time—

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Mr. Deputy Speaker.

**Mr. Mulwa:** I am supporting the Bill!

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** I thought that the hon. Member seconded this Motion informally and now he is speaking on it. And if he did, Mr. Deputy Speaker, are those views tallying with the views of the Mover?

**Mr. Deputy Speaker:** Order! He was not seconding it, it was Mr. Omanga who seconded it. Mr. Mulwa is now speaking on the Motion.

**Mr. Mulwa:** Mr. Deputy Speaker, I said that I was supporting the Motion.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** And not seconding it?

**Mr. Mulwa:** I am supporting!

Sir, this is Finance Bill which comes every year, and before the minister comes here to ask for our permission to reduce the publication period, he should tell us why he did not do it in time.

**An hon. Member:** You are right.

**Mr. Mulwa:** The fact that this provision is in the Standing Orders is not an excuse for a minister who has not produced a Bill in time to come and say that it is a Procedural Motion. This time we will accept the Motion because we know that the minister has to deal with some rumours which made it necessary for him to give a Press statement about the increases which he refuted at that time. I do not know whether they are the same things that he is bringing now for us to regularize the rumours—

**The Minister for Finance (Mr. Magugu):** On a point of order, Mr. Deputy Speaker. Is the hon. Member in order to introduce the subject of rumours in this House? Is he not bringing something which is completely irrelevant? We do not discuss rumours here but we discuss facts.

Mr. Mutwa: I was only helping the minister by saying that instead of using the right time that he should have used to bring the Bill here, he had to deal with Press statements by giving some explanations. Next year, we are not going to have that. In future let the minister explain to the House why he could not do it in time. We are not begrudging him that indulgence when he asks for it, but there must be a reason. I think, Mr. Deputy Speaker, your duty to the House is to tell the House that this provision here in the Standing Orders is not automatic. It has to be used when it is not possible to produce a Bill in a given time. The public at large is entitled to have it published and discuss it even before it comes here. The reason why we have this provision here in the Standing Orders is to give a chance to the public to discuss the Bill. The requirement of the Standing Orders is that it should be here 14 days before it is discussed. Not only that, you find that there is also a provision that the Bill must be published and given to so many people so that they can discuss it. The fact that we are Members of Parliament does not mean that we have the monopoly of discussing an important issue among ourselves only. The public itself is also entitled to that. So in future, let us be given an explanation as to why the reduction of the period is necessary, and not just to say that it is a Procedural Motion. There must be a reason for that, Mr. Deputy Speaker, otherwise there would be no need having the Standing Orders.

With those few remarks, Mr. Deputy Speaker, I beg to support the Motion.

The Minister for Higher Education (Mr. Kamotho): Mr. Deputy Speaker, I would like to thank the Members who supported this particular Procedural Motion and, therefore, I beg to move.

*(Question put and agreed to)*

## BILL

### THE FINANCE BILL

*(Order for First Reading read—Read the First Time—  
Ordered to be read the Second Time today by  
leave of the House)*

#### Second Reading

### THE FINANCE BILL

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): On a point of order, Mr. Deputy Speaker. If you are reducing the period of publication of this Bill from 14 days to one day, I did not hear the order for the First Reading of this Bill being read. I did not hear any minister saying that it would be read tomorrow or something like that. Who did it?

Mr. Deputy Speaker: Definitely there was the First Reading and, therefore, my staff cannot be blamed for that. He read the order for the First Reading of the Bill in very good English. Secondly, I am sure everybody is anxious to go through this Finance Bill today, and that is why the Minister for Finance is already on his feet. Thank you.

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): On a point of order, Mr. Deputy Speaker. If we do not try to follow our rules here, there would be no need for them. I think the Minister for Finance should have been awake when the order for the First Reading of this Bill was read so that he could stand up and say that it would be read tomorrow or today. This is the way things should go. But, if he sits put like that, it is terrible.

Mr. Deputy Speaker: He definitely attempted to do so. In any case the Back-benchers were entitled to refuse to accept that, but nobody did so. So, they are all interested in having the Bill discussed today, or they are all looking forward very eagerly to debating this Finance Bill.

An hon. Member: You are quite right.

The Minister for Finance (Mr. Magu): Thank you, Mr. Deputy Speaker. I would like to be very brief also because the subject of this Bill has been discussed.

Mr. Deputy Speaker, as hon. Members have said in this very House, and as it has been said elsewhere, I would like to say that we are facing a very difficult time in Kenya today. So, this Bill has come about because of the difficult time we are facing. Right from the time we introduced the last budget, circumstances have changed; revenues have declined; earnings have declined; we are experiencing a lot of difficulties as far as unemployment is concerned; we are having layoffs; closure of factories, and so on and so forth. At the same time, we as a nation are not able to sell for good prices our agricultural products or produce. With all those things in mind, I think you are also aware that we are not earning enough foreign exchange whereas import prices continue to be very expensive, or our petroleum products continue to be very expensive, and the level of our revenue collection continues to decline. It is for this reason that we have had to re-look at the Budget proposals of the last financial year. This would help us to see what kind of additional revenue measures can be introduced by the House so that we can meet the daily needs of our nation.

Now, speaking a little on the overall implications of these measures, in order for Government to be able to function, we have to introduce certain measures which are not going to be very light. This will be done by including budget tax and other measures which will mean Government living more frugally than we have lived in the past. Ministries have had to reduce their expenditures extremely at a very high level and these circumstances are going to continue to prevail for the next two or three years before we come into actual recovery level.

Mr. Deputy Speaker, the essence of the Bill is to reintroduce price increases of items such as cigarettes and tobacco as indicated in the Bill which will mean that the rate of excise duty on cigarettes and tobacco will be increased by additional 10 per cent. This will have the effect of increasing the prices of brands of cigarettes and if I give the following example, hon. Members will find it easier to follow what I am

[The Minister for Finance]

talking about. A packet of Embassy cigarettes which now cost Sh. 8 will go up by one shilling to Sh. 9 and Sportsman will go up from Sh. 6.50 to Sh. 7. Other brands like Nyota will go up by 50 cents from Sh. 4 to Sh. 4.50. We touch on imports and the import duty is affected as follows: It will be increased on all dutiable imports by 10 per cent across the board, that means if the current duty is 10 per cent, the increase will be 44 per cent. On beers and stouts, the rate of sales tax on beers and stouts will be increased by 80 cents per litre. This will have the effect of increasing the prices of Tusker, Pilsner, White Cap and others by 40 cents per bottle with *pro rata* increases in the other brands of beers.

We have not, for quite some time, touched on the price of petrol and the ways these prices have been increased or affected by this Bill is an additional of 50 cents per litre of premium and 50 cents per litre of regular, and 30 cents per litre of diesel and 10 cents per litre of kerosine.

We have got to live within our means. We have got to cut our cloth according to our size. We have got to accept simple and straightforward and obvious facts that we in Kenya, have been used to good living. We have been used to luxuries and we have been used to good things and good life: Good food, imported drinks, imported honey, imported big cars and so on and so forth. Now, it is on this basis that we have realized that we cannot continue anymore to lead that kind of life, and much more so when the economy cannot sustain that kind of living. And we have got to come to grips with the realities that we have got to cut on or reduce on our expenditure. That has been illustrated on many occasions. We have seen the withdrawal of Government vehicles from officers. We have seen slowing down on development projects. We have seen no start, whatsoever, of new projects, and this will continue to be the song of the year and the next one, and maybe even the following one until we are able to recover.

Now, on the question of foreign exchange or rather availability of foreign exchange. Mr. Deputy Speaker, hon. Members have voiced their concern over this particular issue. I would like to say that it is unfortunate that we have very little, if any, available foreign exchange. What has been done is to give priority to essentials or goods of essential nature. The administration of the allocation of the foreign exchange available may be faulty, but the Government has already decided and given guidance as to what list of priority items should be allocated with priority in foreign exchange. For instance raw materials for the manufacturing sector as medicines, agricultural inputs and other items which we have got to import, and do away with anything that is not relevant to us at this stage of our development.

Mr. Deputy Speaker, to say the least, we expect that once these measures are agreed on, the implementing agencies or the implementors will take it seriously that we do realize what we intend to achieve by these measures. Hon. Mulwa has said that there were some rumours before, and I said these measures could

not have been released. I believe this is what the hon. Member for Makueni was referring to. These measures or proposals could not have been released to the Press or public without having been brought here. That is why we took the action to say that they were null and void. But once given the go-ahead by the House then they will become effective.

Mr. Deputy Speaker, I think the whole thing is quite straightforward, and I beg to move.

(Applause)

The Minister for Industry (Mr. Omanga): Mr. Deputy Speaker, Sir, I rise to support this Bill. As we are all aware, Kenya does not exist as an island on its own. In fact, what we see in the world today—Those of us who attended the General Agreement on Trade and Tariffs Conference recently or any of the economic decisions or conferences that are going on will see that we are almost going round in circles, in the sense that no country today can determine its own destiny in so far as its economic policies are concerned. We have seen—for example when we had a coffee boom and therefore our foreign exchange reserves built up—that we did not have the same problems we are having today. You will find that today the sales of our big foreign exchange earners such as coffee, tea and tourism have been affected, and to that extent we are also affected in the sense that we have to import things like spare parts or raw materials to support our own basic industry. This means that we also fall victims of what is going on elsewhere in the world. This is because this situation we are facing today is not an internal situation that has been created as such. But if our foreign exchange earnings had gone up at the same rate, and even increased, it would have been possible for us to take the same measures that we are taking today. However, when we are faced with a situation like the current one, it is only that we should be able to boldly accept that situation and then take austerity measures that are necessary, to be able to sustain our economy and also to enable us to pull on.

We have heard of countries like Britain taking austerity measures; one would have thought that perhaps they, themselves being in that kind of a situation, would not be faced with that kind of a problem. However, what we are doing is that we are reviewing the measures the Minister for Finance introduced during his Budget Speech and relating them to the present day circumstances. Therefore, this House is being asked to take certain measures of taxation to enable the country to carry on. However, let me just say this: Ultimately we will only be able to sustain our economy by our own production from both the industrial and agricultural sectors. This is some concern—and rightly so—that as our foreign exchange problem becomes more acute, the essential raw materials for the manufacturing industry may become unavailable. It is hoped that those who are dealing with the allocation of foreign exchange reserves will bear this in mind. This is because while we are trying, for example, to establish new industries it is our interest to see that the already existing industries can be able to continue and that employment can be able to be sustained somehow and carry on.

[The Minister for Industry]

With these few remarks I beg to support.

(Question proposed)

The Minister for Water Development (Mr. Nyagah):  
Mr. Deputy Speaker, Sir—

Mr. Michoma: On a point of order, Mr. Deputy Speaker, Sir. Is it in order, when you have called hon. Nyagah to speak, for another hon. Member to keep on standing, and especially when hon. Nyagah has started to speak? Is that in order? Hon. Kiptanui kept on standing after you called hon. Nyagah to speak!

Mr. Deputy Speaker: I am sorry I did not see anybody standing I only saw one hon. Member walking out. Hon. Members are entitled to walk out of the Chamber.

The Minister for Water Development (Mr. Nyagah): Mr. Deputy Speaker, Sir, I rise to support this Bill. I would like to say that the best method of taxation is that one which involves the greatest number of people. This is one such example, in that most people do travel; even if they do not travel in matatus or buses, they do travel in their own cars. Therefore getting a little money out of the travelling community is not a terribly bad idea, especially if it is meant to strengthen our economic situation. Those who feel that they can enjoy themselves by taking a few puffs of their cigarettes and those who want to be a little jolly by taking a few bottles of Tusker and so on, will contribute towards the common good of the wananchi. I am sure that it is not because the minister, as a person, wanted to bring this Bill. But the situation demands that, as we grow and take responsibility of our own country's management on our own hands, we must look around for ways and means of helping ourselves to be self-reliant. Those of us who have had an opportunity of visiting a few countries, either around us or far beyond, would agree with me that we, in Kenya, live a very reasonably cheap life. If you take, for example, the foodstuff that we eat in Kenya, you will agree with me that a kilogramme of meat in Kenya is very cheap as compared with the same kilogramme of meat elsewhere. A kilogramme of cabbage, or a kilogramme of cauliflower costs a lot in other countries. Even a cup of tea costs more in other countries. Here, in Kenya, we are nowhere near the very expensive kind of life which some people would call exploitation by Government. So, a little measure like this one should be accepted as a necessary responsibility on the part of everyone.

Mr. Deputy Speaker, I wish to support this Bill with those few remarks, and hope that the wananchi will congratulate the Minister for Finance for having brought it conveniently instead of first letting things go out of hand, which would have been very bad. We know that there are places where motor-cars cannot move because of the rationing of the petrol. Here, in this country, petrol is not being rationed; in fact, all we are saying here is that, you should pay for what you use. We have all the times said, "Be economical", and do not let your motor-car go on idling when you know it should not be idling.

Mr. Deputy Speaker, Sir, earlier on, in this House, some hon. Member said that when a minister is visiting a certain constituency or a certain area, he should not have a whole line of vehicles, one mile long because a few vehicles would be enough to effect savings for the nation.

With those few remarks, I beg to support the Bill and hope that other hon. Members will do the same for the good of our country.

The Minister for Foreign Affairs (Dr. Ouko): Thank you very much, Mr. Deputy Speaker, for also allowing me to support this Bill.

Sir, while supporting this Bill, I would like to strengthen an observation already made by a distinguished hon. Member of this House, which is that, what we are going through now is a consequence of the international economic situation, from which we are not immune because of the interrelations between nations. I think it is also pertinent to say, when supporting this Bill, that the stage we have reached now is an accumulative effect of a steadily deteriorating international economic situation, which started more than a decade ago, with spectacular rises in petroleum products. We are affected by this because our economy is linked up with the economy of the rest of the world.

Mr. Deputy Speaker, Sir, I think it is also important for us to note that, although we are undergoing this difficult situation, ours is not the most difficult. There are countries like Mexico, which have 100 per cent inflation, and there are others like America where the unemployment rate is so high that there are more unemployed people in America than there are in half a dozen African countries put together. There are other countries with virtually no employment opportunities at all. So, our situation is not the worst. However, I think we also need to take precautions to make sure that we do not slip into a situation where we shall be worse off than we are today. To do this, there are a few things that we have to bear in mind.

One of those things is that, as a nation, we have to export in order to survive. We can only benefit greatly if we exported manufactured goods, and to manufacture goods we need inputs, some of which are imported. I think, as the Minister for Finance has said, priority will be given to inputs in manufacture because our hope lies in the sale of manufactured goods. The second thing is that it is important for us to remember that it is more profitable for us, as a nation, to complete a few projects for which there is money, instead of spreading the money we have into starting projects which end up not being completed. That is not only a waste of resources but also creates a bad image of the Government. The third thing is that I think we have to take particular care to seal loopholes for corrupt practices.

Mr. Chairman, I think this matter gets rather emotional when people talk about it; people tend to take this thing personally but there is nothing personal about it. We are talking about corrupt practices, and it does not matter who does it. If we seal loopholes

**[The Minister for Foreign Affairs]**

for this, we will save our resources and promote our resources and promote our activity which will enable us to grow.

Finally, I want to say that our long-term salvation lies in—

The Assistant Minister for Constitutional Affairs (Mr. Njuguna-Mwangi): On a point of order, Mr. Deputy Speaker. Because there is nothing we are talking about, and we need the money we are talking about, may I move that the Mover be called upon to reply?

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

The Minister for Finance (Mr. Magugu): Thank you, Mr. Deputy Speaker, I think I read the minds of the hon. Members, and we are all thinking in the same terms. We expect to take the same directions and along those lines, I beg to move.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)*

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[Mr. Deputy Speaker left the Chair]*

## IN THE COMMITTEE

*[The Temporary Deputy Chairman (Mrs. Onyango) took the Chair]*

## THE FINANCE BILL

*(Clause 2 agreed to)*

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): On a point of order, Madam Temporary Deputy Chairman. I am wondering whether we are taking the two stages together.

Mr. Michoma: Are you speaking to yourself? Speak a bit more loudly.

The Temporary Deputy Speaker (Mrs. Onyango): Yes, hon. Shikuku, we are taking the two stages together today.

*Clause 3*

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): Madam Temporary Deputy Chairman. I would like to support the idea of not importing non-essential goods. At the moment, that is only a theory. In practice if you go to the Uchumi Market and other places you will find many items such as imported tomatoes, imported such-and-such and so on. These things are completely unnecessary. I do not know how they get the foreign exchange to bring in these useless things such as cutex, lipstick and so on. I would like to get an assurance from the minister

that these things will no longer be allowed to come here. We have tomatoes and many other things here. Even in Uchumi Market you get imported honey although we have local honey here. These sort of things are so many and if I enumerated them I might take a long time.

However, I would like the Minister for Finance to assure this House of one important thing. Even though at Uchumi Market they have all things, they are already killing the small-scale businessman. This is because I have been told that they have reduced the prices of Kimbo and other small things. That is something that ordinary wanauchi with small shops cannot do. Right now everybody is rushing to Uchumi Market. As the hon. minister knows Uchumi Market is owned by prominent people who are out to cut the throat of the small-scale businessmen who happen to be Africans.

Now I would like to make my last point which the minister should consider seriously. Although we are trying our best to save our economy, there is too much driving of huge cars which keep on siphoning petrol. I think there should be some restriction now. Something should be done about the weekend drives by somebody with a huge car alone or with his two or three children just to have a nice time. Although the money he pays for petrol comes from his pocket, the foreign exchange to pay for that petrol does not come from his pocket. It comes from the earnings that we get from tea and so on. Therefore, I feel that there should be some restrictions on these useless weekend drives so that we can save some money and help our people. This is something which we should tell our people. In fact, we are going to tell our people that things are not all that green; they are red. We should not start crying now. What they are getting now is only many-nyu and the real rain is coming. We should always tell our people the truth.

Thank you, Mr. Temporary Deputy Chairman.

*(Clause 3 agreed to)*

*(Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

The Minister for Finance (Mr. Magugu): Mr. Temporary Deputy Chairman. I beg to move that the Committee doth report to the House its consideration of the Finance (No. 4) Bill and its approval thereof without amendment.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[Mr. Deputy Speaker in the Chair]*

## THE FINANCE BILL

*(Report, Consideration of Report and Third Reading)*

The Minister for Finance (Mr. Magugu): Mr. Chairman, I beg to move that the Committee doth report to the House its consideration of the Finance Bill and its approval thereof without amendment.

## REPORT AND THIRD READING

## THE FINANCE BILL

**Mrs. Onyango:** Mr. Deputy Speaker, Sir, I beg to report that a Committee of the Whole House has considered the Finance Bill and approved the same without amendment.

**The Minister for Finance** (Mr. Magugu): Mr. Deputy Speaker, Sir, I beg to move that the Finance Bill be now read the Third Time.

**The Assistant Minister for Economic Planning and Development** (Mr. Shikuku) seconded.

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

## ADJOURNMENT

**Mr. Deputy Speaker:** Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 7th December, at 2.30 p.m.

*The House rose at twenty-five minutes past Six o'clock.*

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**Tuesday, 7th December, 1982**

The House met at thirty minutes past Two o'clock.

*(Mr. Deputy Speaker in the Chair)*

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:

Annual Report on the Administration of Prisons in Kenya.

*(By the Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Mr. Kubo) on behalf of the Vice-President and Minister for Home Affairs (Mr. Kibaki)).*

Agricultural Finance Corporation—Reports and Accounts for the years ended 31st March, 1974, 1975, 1976, 1977, 1978, 1979 and 1980.

*(By the Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Mr. Kubo) on behalf of the Minister for Agriculture (Dr. Waiyaki)).*

ORAL ANSWERS TO QUESTIONS

No. 640

ASSAULT AND RETIREMENT OF WORKER BY  
MUMIAS SUGAR COMPANY

**Mr. Wasike-Ndombi** asked the Minister for Agriculture what action he intends to take against the Personnel and Training Officer of Mumias Sugar Company who assaulted a subordinate member of staff and eventually retired him before investigations into such assault were completed by the police.

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

(a) I wish to inform the hon. Member for Lurambi South that any disciplinary action against an employee of any statutory board or a public company lies entirely with the board of directors of such organizations. If, as alleged, the Personnel and Training Manager of Mumias Sugar Company assaulted a subordinate member of staff, then the matter should have been reported to the police for appropriate action. As such, I do not intend to take any action against the officer concerned.

(b) Mr. Musa Chumba Manjichi, who is alleged to have been assaulted and then retired, was, in fact, retired on age grounds together with others in line with the company's regulations; and there are many of them who are retired.

**Mr. Munyasia:** Mr. Deputy Speaker, Sir, arising from that unreliable information by the assistant minister, does he mean to tell the House that Mr. Musa Chumba was retired because of his age after having been assaulted or he was retired before he was assaulted?

**Mr. Marita:** Mr. Deputy Speaker, Sir, I have said in this House that if Mr. Musa Chumba was assaulted, then the case should have been forwarded to the police, who would have taken immediate action. However,

as I said earlier on, the question of retirement involves a number of employees of the company.

**Mr. Yeri:** Bw. Naibu Spika, kulingana na jawabu la waziri msaidizi, anaweza kutueleza kama ni kweli huyu mfanyakazi alishambuliwa—kama swali linavyo-uliza—au si kweli? Ninauliza swali hili kwa sababu Mhe. Mbunge katika swali lake alisema mfanyakazi huyu alishambuliwa, na kungotaka waziri msaidizi atueleze alifanya uchunguzi gani.

**Mr. Marita:** Mr. Deputy Speaker, Sir, I will only confirm that one if the matter is taken to court and the court finds out that this gentleman was assaulted by the personnel and training manager of the company.

**Mr. Wasike-Ndombi:** Mr. Deputy Speaker, Sir, in this big company the personnel and training manager is the custodian of the discipline of that area. With your permission, Mr. Deputy Speaker, I would like to quote another incident which is relevant in this case. The other day when the city engineer quarrelled with the director of social services here, the two people had their services suspended and investigations carried out.

Sir, Mr. Musa Chumba, being a junior employee, was assaulted on 22nd January, 1982 and on 25th January, 1982 he reported this matter to Butere Police Station. I have documents here from the medical officer which say in part that "the assault took a duration of a few hours". It goes on to say "bruises were on the shoulders and on the neck". The doctor's report goes on to say that "Musa had difficulty in turning the neck". So, the doctor's impression was that there was an assault case. Now, if this is the position, why was Mr. Musa retired before the police had completed their investigation? He comes from somewhere near Maseno and it is now very difficult for investigations to go on when he is out of the compound.

**Mr. Marita:** Mr. Deputy Speaker, Sir, I have informed the hon. Member that if what he says is true and the case goes to court, and then we are given a report that the gentleman was assaulted, we shall take a very serious action against that officer. But although the hon. Member says that the matter was reported to the police, I would like to say that as far as the court is concerned up to this moment nothing has come up. As I have already said, it is not only Mr. Musa Chumba who was retired; there were a number of other employees of the company who were also retired on age ground, and since Mr. Musa Chumba is 69 years old, he is an old man and, therefore, he had to be retired.

**Mr. Wasike-Ndombi:** Mr. Deputy Speaker, Sir, who has to take the case to court, because this is now a state case? The innocent employee reported the matter to the police, and before the police had even carried out their investigations, he was retired. Who now has to take the case to court?

**Mr. Marita:** Mr. Deputy Speaker, Sir, my colleague is a Member of Parliament and, therefore, he knows what is done in such cases. The police have to take the case to court; but if they do not do so, then there are lawyers who can be consulted by Mr. Musa Chumba so that the case can be taken to court.



**Mr. Wasiko-Ndombi:** Mr. Deputy Speaker, Sir, could the assistant minister now confirm and direct that the police who were investigating this case should now take the case to court because there is medical evidence that Mr. Musa Chumba was assaulted by the personnel and training manager?

**Mr. Marita:** Mr. Deputy Speaker, Sir, the hon. Member knows the ministry which is in charge of the police. Could he, therefore, consult the Office of the President, because I belong to the Ministry of Agriculture; I do not deal with matters concerning law and order.

No. 757

#### PLANS FOR DISTRICT TECHNICAL SCHOOLS

**Mr. Deputy Speaker:** Mr. Okondo not here? Well, let us then move on to Mr. Anyumba's question.

No. 755

#### MATERNITY FACILITIES AT RABUOR HEALTH CLINIC

**Mr. Deputy Speaker:** Mr. Anyumba not here? Well, let us move on to Mr. Muthura's question.

No. 513

#### CHANGES IN CLASS TEXT AND READERS BOOKS IN SCHOOLS

**Mr. Muthura** asked the Minister for Basic Education whether he could reduce the frequent changes in class texts and readers books in schools to ensure more continuity in the learning process.

**The Assistant Minister for Basic Education (Mr. J. M. Kariuki):** Mr. Deputy Speaker, Sir, I beg to reply.

I wish to let the hon. Member know that I do not agree with his assertion that there are frequent changes in class texts and readers books. The changes that have been introduced have been gradual, calculated and necessary and have not been accidental at all. For example, the recent change in the teaching of mathematics.

**Mr. Muthura:** Mr. Deputy Speaker, Sir, when we speak of class texts, these have nothing to do with mathematics; they refer to language books such as Kiswahili and English. So, when I put forward this question, I knew that mathematics was not a class text, because a mathematics book is not a reading book.

**Mr. J. M. Kariuki:** Mr. Deputy Speaker, my ministry, through the Kenya Institute of Education, Inspectorate, Kenya National Examinations Council and the Kenya Schools Equipment Scheme, keeps on studying and reviewing schools' curriculum and syllabus and the teaching materials in our schools.

**Mr. Abuya Abuya:** Mr. Deputy Speaker, could the assistant minister assure this House that there will be enough textbooks in schools next year?

**Mr. J. M. Kariuki:** Mr. Deputy Speaker, could the hon. Member ask his question again because there was somebody murmuring here and, therefore, I could not hear what he was saying?

**Mr. Abuya Abuya:** Listen carefully now. Could you assure this House that there will be enough textbooks in all the primary schools in the country next year?

**Mr. J. M. Kariuki:** Mr. Deputy Speaker, I would like to say that there will be enough textbooks in the schools next year.

**Mr. Muthura:** Mr. Deputy Speaker, Sir, as far as textbooks for primary schools are concerned, we have seen changes now and then. For example, it was just some time back when we moved from Safari Course to New Progressive Course. Could the assistant minister tell the House what warrants the change from one class text to another?

**Mr. J. M. Kariuki:** Mr. Deputy Speaker, as I have already said, we have bodies which are reviewing our curriculum and syllabus and, therefore, if it is found by these experts that it is necessary to have a change, we do it.

**Mr. Muthura:** Mr. Deputy Speaker, could the assistant minister promise this House that no book will be used in our primary schools simply because it has been written by So-and-so?

**Mr. J. M. Kariuki:** Mr. Deputy Speaker, Sir, I think books are introduced in the schools because they have been found to be good and necessary for learning purposes.

**Mr. Deputy Speaker:** Mr. arap Koech's question.

No. 740

#### SHORTAGE OF DRUGS IN CHEPALUNGU

**Mr. arap Koech** asked the Minister for Health what immediate steps he was taking to remedy the current grave shortage of drugs in all health centres and dispensaries in Chepalungu.

**The Minister for Health (Dr. Mango):** Mr. Deputy Speaker, Sir, I beg to reply.

I am not aware of any shortage of drugs in all health centres and dispensaries in Chepalungu.

**Mr. arap Koech:** On a point of order, Mr. Deputy Speaker. There is so much noise in the House that I cannot hear what the hon. minister is saying in reply to my question.

**The Minister for Health (Dr. Mango):** Mr. Deputy Speaker, Sir, I beg to reply.

I am not aware of any shortage of drugs in all health centres and dispensaries in Chepalungu.

I am aware, however, that a consignment of drugs left Nairobi for Kericho District Hospital on 12th November, 1982 and that by now these drugs should have arrived at all the dispensaries and health centres in Chepalungu.

**Mr. arap Koech:** Mr. Deputy Speaker, while thanking the hon. minister for the good answer, I would like to know whether there are some problems in the transportation of drugs from Kericho to Chepalungu because of late we have been hearing of lack of transport, or lack of funds for transporting drugs to Chepalungu whereas the distance between Kericho and

**[Mr. arap Koech]**

Chepalungu is more than 100 kilometres? Is it the problem of transport that causes the delay in transporting drugs to Chepalungu or what?

**Dr. Mango:** Mr. Deputy Speaker, what happens to drugs from Kericho District Hospital to Chepalungu is a little bit difficult for us to know. The drugs leave the Central Medical Stores, here in Nairobi, for the district hospitals they are consigned to and until and unless we receive complaints that there are no drugs at these district hospitals we normally never get involved.

**Mr. arap Koech:** Thank you very much, Mr. Deputy Speaker. Now that the minister is aware that there could also be a problem at the district headquarters and in the constituencies, would he investigate so that he can make sure that we in Chepalungu also get these drugs? Is it true that these drugs leave Nairobi but at the moment they get to Kericho there is a problem? If the medical officer of health there does have enough fuel to transport them to Chepalungu, they are just kept there, while you rest here assured that we have received them, yet we continue to suffer because we have not received them. So, would he investigate to find out the reason for this shortage?

**Dr. Mango:** I will investigate.

**Mr. Deputy Speaker:** Can we go back to Mr. Okondo's question.

No. 757

#### PLANS FOR DISTRICT TECHNICAL SCHOOLS

**Mr. Deputy Speaker:** Mr. Okondo still not there? Let us move on to Mr. Anyumba's question.

*(Question dropped)*

No. 755

#### MATERNITY FACILITIES AT RARUOR HEALTH CLINIC

**Mr. Deputy Speaker:** Mr. Anyumba still not there either? We shall now move on to Questions by Private Notice.

*(Question dropped)*

#### QUESTIONS BY PRIVATE NOTICE

##### ACTION ON SHIFTA ATTACKS IN WAAMBA DIVISION

**Mr. Lalampaa:** Mr. Deputy Speaker, Sir, before I ask my Question by Private Notice, I would like to make a slight correction. On the third line of part (b) the question should read "Sere Olipi" and not "Sene Olipi" as is indicated on the Order Paper.

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

- (a) Is the minister aware that four people were killed and three more were injured by shifita on 22nd November, 1982 at Nakwamoru Manyatta, Archer's area of Waamba Division in Samburu District?

- (b) Is he further aware that an administration policeman was also shot and seriously injured on 25th November, 1982 at Ndonyio Wasin in Sere Olipi Location of the same division?

- (c) What is he doing about it?

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

The Government is aware of these two incidents, one in which four persons were killed, and the other one where an administrative police officer was injured on the 25th of last month. Police investigations are underway and both the police and the administrative police activities in the area have been intensified with a view to bringing the culprits to book.

**Mr. Lalampaa:** Mr. Deputy Speaker, Sir, since homeguards are doing a good job, would the hon. assistant minister consider increasing them and giving us more guns in order to enable us to deal with these shifita bandits effectively?

**Mr. Keen:** I think, Mr. Deputy Speaker, the hon. Member has a case and I will certainly take it up with a view to reinforcing the area with more homeguards, and if necessary improve their communication and provide other items that may be necessary in the course of maintenance of law and order in the area.

**Mr. Deputy Speaker:** Let us move on to Mr. Mungai's question.

#### DELAYED SEASONAL CREDIT SCHEME FUNDS TO FARMERS

**Mr. J. N. Mungai:** (a) What has caused the delay in remitting seasonal credit to Agricultural Finance Corporation this season and yet farmers in various parts of the country are waiting for it?

(b) Could the ministry ensure that the finances are available to the Agricultural Finance Corporation so that the farmers are not late for the next season?

**Mr. Deputy Speaker:** Mr. Mungai not there? We shall move on to the next question by Mr. Wakondo.

*(Question dropped)*

#### MASS FAILURES IN TEACHER-TRAINEE EXAMINATIONS

**Mr. Wakondo:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Basic Education the following Question by Private Notice:

(a) Would the minister investigate urgently and explain to the House why there were mass failures in the last untrained teachers' examination results in all colleges throughout the country?

(b) Why was it that the Kenya National Examinations Council gave K.J.S.E./K.C.E. candidates the same examination papers?

**The Assistant Minister for Basic Education (Mr. J. M. Kariuki):** Mr. Deputy Speaker, Sir, I would like to ask you, and the House as a whole, to give me more time as this question needs more detailed information which we have not yet received. I will answer the question later on.

**Mr. Wakondo:** Mr. Deputy Speaker, would the assistant minister indicate as to when he is going to answer the question? Will it be tomorrow?

**Mr. J. M. Kariuki:** Mr. Deputy Speaker, Sir, as soon as I get the relevant information, I will inform the hon. Member and the House immediately.

**Hon. Members:** Next year!

*(Question deferred)*

**MINISTER'S POWERS TO WITHDRAW CASES BEFORE THE INDUSTRIAL COURT**

**Mr. Yeri:** Bw. Naibu Spika, naomba kumwuliza Waziri wa Wafanyakazi, Swali Maalum lifuatalo:

(a) Je, waziri ana uwezo wa kundoa kesi ambayo iko katika Industrial Court kulingana na Trade Disputes Act, Cap. 234?

(b) Ikiwa hana, ni kwa nini ameiondoa kesi Cause No. 58/81, kutoka korti hiyo?

**The Assistant Minister for Labour (Mr. Kitele):** Bw. Naibu Spika, naomba kujibu.

Bw. Naibu Spika, swali hili ninalouliza, kama waziri ana uwezo wa kuondoa kesi kutoka Mahakama ya Viwanda, hivi sasa liko mbele ya mahakama hiyo ya viwanda.

Jibu kuhusu sehemu ya pili ya swali hili ni kwamba kwa sababu jambo hili linachunguliwa na hakimu si halali kulijadili maana ni sub-judice kulijadili katika Bunge.

**Mr. Mwachofi:** Bw. Naibu Spika, waziri msaidizi anasema kwamba kesi hii iko katika Korti ya Viwanda, na hali inajulikana wazi kwamba waziri ameandika barua kuondoa hiyo kesi kutoka Korti ya Viwanda. Anaweza kueleza Bunge hili ni kwa nini analipotosha Bunge na hali anafahamu kwamba kesi hii imeshandolewa?

**Mr. Kitele:** Bw. Naibu Spika, hata kama barua imeandikwa, ningetaka kusema tena kwamba hii kesi iko kortini na haijakatwa bado. Kama kesi hii ingekuwa imekatwa, hiyo ingekuwa shauri nyingine, lakini kwa wakati huu kesi hii iko kortini na hakimu atakata mwenyewe.

**Mr. Yeri:** Bw. Naibu Spika, kulingana na jawabu la waziri msaidizi, anaelewa kwamba sisi tunafahamu kesi hii ilipokuwa kortini waziri aliandika barua kwamba iondolewe? Ni kwa nini alifanya hivyo? Ni sheria gani inayompa uwezo?

**The Minister for Constitutional Affairs (Mr. Njonjo):** Unajuaje kwamba aliandika barua?

**Mr. Yeri:** Si niko na barua hiyo hiyo!

**The Minister for Constitutional Affairs (Mr. Njonjo):** I hope it was not stolen!

*(Laughter)*

Can we hear the contents of the letter, Mr. Deputy Speaker?

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Mr. Deputy Speaker. Do you not think that the hon. Member for Kikuyu is getting out of control? Is he really allowed to stand up and shout the way he did?

**Mr. Deputy Speaker:** Order! Order! I remember that there was a very lively kind of conversation and I do not remember having heard any shouts at all.

**Mr. Kitele:** Mr. Deputy Speaker, hata kama barua imeandikwa, kama Mhe. Mbunge anavyodai, kesi ingali kortini na bado haijakatwa. Kama kesi imekatwa kutokana na barua ambayo iliandikwa na waziri, hiyo ingekuwa shauri nyingine, lakini kesi iko kortini na uamuzi wake bado haujatolewa.

**Mr. Yeri:** Bw. Naibu Spika, inaonekana kwamba waziri msaidizi analipotosha Bunge hili. Mimi nimesema hivi: Sisemi juu ya kesi maana sisi sote tunajua kwamba kesi ilikuwa kortini, lakini tunataka kujua ni sababu gani iliyomfanya waziri kuandika barua kumwuliza hakimu wa Korti ya Viwanda aondoe kesi hiyo. Yeye ana uwezo gani wa kufanya hivyo?

**Mr. Kitele:** Bw. Naibu Spika, nimesema wazi kwamba hayo mambo yako kortini na bado hayajakatiwa shauri. Kama kesi hiyo ingekuwa imeshakatwa, hiyo ingekuwa shauri nyingine, lakini bado iko kortini.

**Mr. Wacira:** On a point of order, Mr. Deputy Speaker. Inaonekana kwamba kuna kutolewana baina ya Mhe. Mbunge mwenye kuuliza swali hili na waziri msaidizi, na labda ile barua ikisomwa tutaweza kujua ukweli uko wapi. Nasema hivyo kwa sababu waziri msaidizi anasema kwamba hajui chochote kuhusu barua hiyo, na kwamba kesi iko kortini na hali Mhe. Mbunge anasema waziri aliandika barua kuiondoa ile kesi. Kwa hivyo, nafikiri kuna haja ya kusoma ile barua ili tujue ni nani anayelipotosha Bunge hili.

**Mr. Yeri:** Mr. Deputy Speaker, Sir, barua ambayo iliandikiwa na Mhe. Waziri wa Wafanyakazi, iliandikwa tarehe 1st Novemba, 1982 na iliandikiwa Hakimu wa Korti ya Viwanda.

**Mr. Deputy Speaker, Sir,** the letter reads as follows:  
ML/IR/42/35/76. (38)

1st November, 1982

The Judge,  
The Industrial Court,  
P.O. Box 47606,  
Nairobi.  
Dear Judge,

CASE NO. 58 OF 1981

On 24th May, 1982, I submitted a dispute between the Kenya Bus Services Limited and Kenya Management Staff Association to you for arbitration. Since then my ministry has held several negotiations with the Federation of Kenya Employers and the Central Organization of Trade Unions on the revised industrial relations charter. Judging from the progress made so far, it is evident that several more meetings will be required to finalize the negotiations. In order to avoid prejudicing the negotiations in any manner, I hereby withdraw the dispute between the two parties from the Industrial Court.

I apologize for this inconvenience, which has been caused by unforeseen circumstances.

Yours faithfully,

Hon. T. K. B. Mbathi, M.P.  
(T. K. B. Mbathi)

**[Mr. Yeri]**

*Minister for Labour*

Copy to: The Executive Director,  
Federation of Kenya Employers, Nairobi,  
The National Chairman,  
Kenya Management Staff Association,  
P.O. Box 11856,  
Nairobi.

**The Minister for Constitutional Affairs (Mr. Njonjo):** On a point of order, Mr. Deputy Speaker, Sir.

**An hon. Member:** Are you answering?

**The Minister for Constitutional Affairs (Mr. Njonjo):** I am not answering but I am raising a point whether—it is quite clear that this matter is still before the court. I submit that according to law, this case is still before the Industrial Court, and this letter does not withdraw the case from the Industrial Court.

**Hon. Members:** It does! Read it!

**The Minister for Constitutional Affairs (Mr. Njonjo):** Mr. Deputy Speaker, Sir. I do not have to read the letter; I am telling the House what the law says. The minister has no power to withdraw a case once it has been taken to the Industrial Court. Therefore, I am suggesting that instead of debating this matter we should leave it to court because the court has not said that the case has been withdrawn. This is because the court is very independent and the judge has not said, "I agree with the minister and I order the withdrawal of the case". I am, therefore, urging that we do not discuss this matter any further because, in fact, we are now ruining the case which is in court.

**Mr. Deputy Speaker:** I am made to go by the fact that we will go by the reply given to us by the Assistant Minister for Labour. We are not going to go by papers collected from all over the place. The assistant minister has said that this case is still in court. So, I do not see where we differ.

**Mr. Yeri:** Jambo la nidhamu, Bw. Naibu Spika. Ningependa kusema kwamba si mimi niliyeandika hiyo barua. Kwa hivyo, sitaki ionekane katika Bunge hili kwamba ni mimi ambaye niliandika hiyo barua. Jambo ambalo ningependa ijulikane ni kwamba waziri—Ninamshukuru Waziri wa Mambo ya Katiba ambaye alisema kwamba Waziri wa Wafanyakazi hana uwezo wa kuondoa kesi yoyote katika Mahakama ya Viwanda. Lakini, sasa jambo ambalo tungependa kujua ni kama hii barua imeondolewa au la. Tunataka kujua jambo hilo.

**Mr. Deputy Speaker:** Order hon. Members! It has been clearly stated that this case is still in the Industrial Court. So, it has not been withdrawn in spite of the letter written by the Minister for Labour to the Industrial Court; that is what we will go by.

**Mr. Abuya Abuya:** On a point of order, Mr. Deputy Speaker. I think we are taking this House for a ride. We have documentary evidence to show that the minister had written to the court withdrawing the case. Do we trust the assistant minister or the documentary evidence we have here?

**Mr. Deputy Speaker:** Order! I do not see where we are being taken for a ride. This is because the assistant minister has clearly stated—and this is what we will go by; we will not go by letters from outside, however beautifully they are written. We will stick to the reply given to us by the assistant minister unless he gives us a different one.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Mr. Deputy Speaker. I do not wish to challenge your ruling, but it may have quite deep repercussions if we were to say that we would not go by papers from outside this House. How would one, in future, substantiate whatever one alleges if we say we will not go by papers brought from outside the House?

**Mr. Deputy Speaker:** Order! I am refusing only in this respect because we have been given a definite reply to the question before this House.

**Mr. Liban:** Jambo la nidhamu, Bw. Naibu Spika. Kama kweli waziri hana uwezo wa kuondoa kesi mbele ya Mahakama ya Viwanda—Mhe. Yeri, katika swali lake, alikuwa akitaka tueleze waziri alikuwa akikusudia kufanya nini alipomwandikia barua Jaji wa Mahakama ya Viwanda akitaka kuondoa kesi hiyo. Tungetaka kujua ni kwa nini waziri aliandika barua hiyo kama hana uwezo wa kuondoa kesi mbele ya Mahakama ya Viwanda.

**Mr. Deputy Speaker:** Order! Well I—

*(Laughter)*

Order! Order! You cannot expect the Chair to know what goes on in the mind of every minister or a Back-bencher or anybody else! We will only know what has been brought into this House and not what goes on in ministers' minds; what they write to their officers, senior or junior. So, let us go by what has been given to us.

**Mr. Lalampaa:** Jambo la nidhamu, Bw. Naibu Spika. Je huwezi kuona kwamba waziri anahitilafiana na waziri wake msaidizi? Hii ni kwa sababu waziri mwenyewe ameandika barua, kama Waziri wa Wafanyakazi, kuondoa kesi mbele ya mahakama. Hata hivyo, naye waziri wake msaidizi ameingia katika Bunge hili na kutwambia mambo mengine. Si hili ni jaribio la kulipotosha Bunge hili, linalofanywa na Wizara ya Wafanyakazi?

**Mr. Deputy Speaker:** I do not see where "kupotosha" business comes in. Unless the minister comes and refutes what the assistant minister has said in this House, there is no problem.

**Mr. Mwachofi:** Bw. Naibu Spika, kwa vile jambo hili ni muhimu sana kwa sababu linahusu wafanyakazi na wajiiri—Kesi hii ilipelekwa kwenye Mahakama ya Viwanda mwaka uliopita, na baada ya mwaka mmoja Waziri wa Wafanyakazi anafanya juhudi za kuondoa kesi hiyo mbele ya mahakama. Kwa kuwa waziri mwenyewe hayuko hapa leo, si lingekuwa jambo la busara kwa Kiti kuamuru kwamba kesho waziri aje hapa aeleze ni kwa nini aliandika barua hiyo?

Mr. Deputy Speaker: I do not see why I am being requested to do that, and yet we have received an adequate reply to this question. Why should the Chair be asked to do that? There is no reason at all! Let us move on to Mr. Munyasia's question.

NATIONAL SECURITY FUND CONTRIBUTIONS BY  
JOHN KILINGE

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

(a) Is the minister aware that a Mr. John M. Kilinge, an employee of National Cereals and Produce Board, of P.O. Box 164 Kitui, started his contribution to the N.S.S.F. on 16th September, 1974, membership card No. 435.576-612, No. 04 48 56, and was not issued with a membership card until 1978?

(b) How much were his contributions from 1974 to 1978?

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

The membership card number given in the question is not the correct one. But luckily, hon. Munyasia agreed to give me the correct number, and I have sent it to my office, and the matter is being looked into. Therefore, by January, next year, we will have received the proper information.

Mr. Munyasia: Mr. Deputy Speaker, Sir, while agreeing with the assistant minister that the matter is in good hands, would he tell this House whether the amount contributed will be counted as from 1974 or as from 1978?

Mr. Nassir: Mr. Deputy Speaker, Sir, the amount contributed will be counted as from the time this gentleman started making his contribution, and not one cent of his money will be lost.

Mr. Munyasia: Thank you very much.

POINT OF ORDER

MINISTERIAL STATEMENT REQUIRED OVER SUITABILITY  
OF FLUORIDE TOOTHPASTE

Mr. Kariuki: On a point of order, Mr. Deputy Speaker, Sir. My point of order is in connection with a report which appeared in today's *Daily Nation* newspaper, by the Director of Medical Services, Dr. Wilfred Koinange. A part of the report reads, and I quote:

"The Kenya Dental Association (K.D.A.) was yesterday asked to withdraw its controversial endorsement of fluoride toothpaste. The Director of Medical Services, Dr. Wilfred Koinange, warned the K.D.A. that he would 'take whatever action I consider appropriate if the dental body failed to consider its endorsement of fluoride toothpaste in Kenya'."

Sir, I rise on a point of order to seek a ministerial statement on this matter in order that the air is cleared for the people of this country because medicine is not something to play around with. We know that medicine is dangerous and can affect our people's

health. If those in the medical profession do not stand up with a clear mind as to what drugs should or should not be recommended, it is very dangerous. I have, and everyone here has, seen the advertisement of fluoride toothpaste on the television, where school children are shown a piece of chalk being dipped into ink and told, "Imagine that the chalk is your tooth, and the ink is fluoride; when you brush your teeth with fluoride toothpaste, it becomes harder". That kind of wide coverage of fluoride toothpaste has been going on for over a year now. Suddenly a certain company has introduced a new kind of toothpaste that does not contain fluoride. Immediately that was done, the Director of Medical Services made a statement to the effect that the Kenya Dental Association should withdraw its endorsement of the fluoride toothpaste.

Mr. Deputy Speaker, Sir, we should not have that controversy in medicine, and that is why I think that the Director of Medical Services should have made his statement during that time when the fluoride toothpastes were introduced, unless he has been sleeping. He has been around and he should have realized the dangers of the fluoride toothpaste earlier than now. Therefore, what I am calling for is a Ministerial Statement to clear the air in the country because these toothpastes are being used and we would like to know the truth. We want to know whether fluoride is harmful to our teeth.

Sir, I must also mention that this is not the first time we have seen this kind of controversy. There was controversy over a weight-loss institute which, at first, was condemned and then allowed to continue later on. Let us know the truth from the minister. If any drug is de-registered, it should not be re-registered just because of lack of experiments which can prove what drugs are good for our people. So, let us be told the truth of this matter.

Mr. Deputy Speaker: Well, my honest advice to you hon. Karuri, is that you bring in a Question by Private Notice. In other words, the Ministry of Health would also require a few days to prepare their reply.

*Second Reading*

THE HOTEL ACCOMMODATION (AMENDMENT) BILL  
(*The Assistant Minister for Finance (Mr. Echakara) on  
1st December, 1982*)

(*Resumption of Debate interrupted on  
1st December, 1982*)

Mr. Deputy Speaker: When the House adjourned last week, hon. Matiba was speaking and he will continue today.

Mr. Matiba: Mr. Deputy Speaker, Sir, may I have your protection? Hon. Karuri is obstructing me. What is the matter with you, hon. Karuri?

Mr. Deputy Speaker, Sir, when we adjourned last time, I was emphasizing the importance of tourism in this nation. I appealed to this House to cultivate very serious understanding of the tourist industry and note the foreign exchange that it has earned our nation for many years now. Since that time we have already

[Mr. Matiba]

been told by His Excellency the President how very serious the situation is. May I now just give a few statistics to make the point that the tourist industry is now the highest and the most important foreign exchange earning industry that we have.

In the year 1980, our total imports amounted to K6936 million, and our total exports earned us K£513 million or thereabouts; thus, we were in deficit in foreign exchange to the tune of K£423 million. During that year, coffee earned us K£108 million in export. But, Sir, the imports related to coffee cost us K£60 million. The net earning, therefore, from coffee, only amounted to K£48 million, which was about 44 per cent. Tea, which was our next crop that earned us a lot of foreign exchange, earned us K£57 million in export, and the related imports cost K£25 million. The net earnings, therefore, amounted to K£32 million. Tourism, however, earned us K£82 million, while the tourist related imports amounted to only K£16 million. Therefore, tourism earned us K£66 million. That shows how important tourism is today.

Mr. Deputy Speaker, since that time there have been a lot of happenings, and one is worried today that tourism is on the decline. It is very sad because tourism employs about 48,000 people today directly. It also employs 28 million people indirectly. That is a very big proportion of employment of our people. It is, therefore, very important that we treat tourism seriously.

There is no reason whatsoever why tourism should become a whipping boy of everyone in this country. I think a region like the Coast Province would be very seriously affected if tourism was to decline. Today it is declining and we are already beginning to see unemployment at the coast. There are layoffs; people are being declared redundant because we are not getting adequate number of tourists coming to this country.

Mr. Deputy Speaker, I have repeatedly said here that tourism could be doubled today. It is foreign exchange which we earn without Government making a lot of efforts through this tourism—

**The Minister for Constitutional Affairs (Mr. Njonjo):** On a point of order, Mr. Deputy Speaker. Could the hon. Member who is speaking, and who is familiar with the tourism industry, and has a hotel, tell us—because there is a lot of talk—whether it is true that tourism does not bring money into Kenya? These are allegations, and this is why I would like us to hear it from the horse's mouth. He can clear the air in the country. Allegations are made quite often that tourists do not bring any dollars to Kenya, and it would help us a lot if hon. Matiba, who is the Chairman of the Tourist Association, could speak here with some authority on behalf of his organization and tell us something about the tourism industry so that from today this nonsense stops or it is confirmed.

An hon. Member: He is not a minister!

**The Minister for Constitutional Affairs (Mr. Njonjo):** But he can tell us that the banks can vindicate this, whether dollars come into the country, or they do not.

**Mr. Munyasia:** On a point of order, Mr. Deputy Speaker. While agreeing with the Minister for Constitutional Affairs, I would also like to ask hon. Matiba to declare his interest.

**Mr. Matiba:** Mr. Deputy Speaker, if I am required to repeat, I will do that. I declared my interest last time and said that I was the Chairman of the Kenya Association of Hotel Keepers and Caterers—

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Mr. Deputy Speaker.

**Mr. Matiba:** I have not even finished answering hon. Munyasia.

An hon. Member: Answer him then!

**Mr. Matiba:** Mr. Deputy Speaker, I also declared that I have hotels and, therefore, I am personally involved in the hotel industry. I also said that I represent the Mbari Constituency in this House and not the hotel industry or anybody else for that matter.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Mr. Deputy Speaker. I do not know where we stand now because the hotel industry comes under the Ministry of Tourism and Wildlife, and it is constitutionally recognized that the minister for the time being responsible for a ministry is the only one who can make such statements. Is it, therefore, fair for my hon. friend to ask a chairman of an association, and who, on top of it, is an interested party, to tell us something about the tourist industry, when the minister is the one who should actually tell us? He is the one charged with the portfolio of explaining or giving the policy of that ministry. Are we not making hon. Matiba a minister *de facto*?

**The Minister for Constitutional Affairs (Mr. Njonjo):** Mr. Deputy Speaker, I do not really know why my hon. friend wants to put words into my mouth. I did not really ask for an authoritative stand, or a policy statement, but all I asked of him as an honest gentleman and hon. Member of this House was to tell us what happens in the industry in which he has a personal knowledge.

**Mr. Deputy Speaker:** Order! Order! There is not a single person—even the hon. Member—who has a monopoly of knowledge. Hon. Matiba has been in the tourism industry for quite some time and all hon. Njonjo was requesting was that hon. Matiba tells us a little more of his experience. That was all, and he was not making any policy statements; and if he had tried to do that, I would have asked him to sit down immediately.

**Mr. Murira:** On a point of order, Mr. Deputy Speaker—

**The Minister for Constitutional Affairs (Mr. Njonjo):** Who is this, now?

**Mr. Murira:** My name is MURELA the hon. Member for Ikolomani.

**The Minister for Constitutional Affairs (Mr. Njonjo):** Oh, I see!

**Mr. Murila:** I would agree if we have to ask hon. Matiba to talk about the allegations, and not about the "nonsense" because we cannot ask a hon. Member here to tell us about the nonsense that is being heard. I would only say that we ask hon. Matiba about the allegations we hear and not about the nonsense, as was said by hon. Njonjo.

**Mr. Deputy Speaker:** What is your point of order, Mr. Murila?

**Mr. Murila:** Mr. Deputy Speaker, it is about the word "nonsense".

**Mr. Matiba:** Mr. Deputy Speaker, I explained all this, and I appeal to this House that some of the fallacies and allegations which are made—

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Mr. Kubo):** On a point of order, Mr. Deputy Speaker. My point of order is exactly on what hon. Shikuku had asked. Is it in order for any of us to suggest to another hon. Member who is speaking as to what code of line he should take in what he is going to say? It appears as if now we are laying down the fact which hon. Matiba should follow in his contribution, that when he is contributing he should touch on certain allegations. Is it in order for us to say that an hon. Member speaking is supposed to speak on the allegations which he never made himself?

**Mr. Deputy Speaker:** That was not a point of order, as made by hon. Kubo. All that there was was that hon. Njonjo requested hon. Matiba to tell us the much he knows. I mean, hon. Matiba knows more about hotel business than I do, and more than hon. Shikuku knows, and he is only being asked to kindly help the House, as much as he can.

**The Assistant Minister for Culture and Social Services (Mr. Kalweo):** On a point of order, Mr. Deputy Speaker. My point of order is that when hon. Njonjo requested—not actually forced him to say it—the Member to tell the House more he just made a very humble request. This is because hon. Matiba has the knowledge and we have collective knowledge in this House. Some of us know about some things and others know about other things, like Shikuku who knows how to speak—All I am saying is that if hon. Matiba is able to tell us something, not on ministerial level, but on personal experience, he would be contributing to the House and we can pick some of the ideas. When the ministry comes to give us the correct facts, then we can judge fairly. My point of order, therefore, was whether we could allow the hon. Member to continue and tell us more.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Mr. Deputy Speaker. I would like to be convinced under which Standing Order this is being done because I have never seen anything like this in my tenure here; an hon. Member standing up to speak and another asking him to say "A", "B", "C".

I have never heard of something like that. However, if that is included in the Standing Orders, then it means that some Standing Orders were amended when I was out of this House for sometime. So, probably a new Standing Order has been added to the Standing Orders that I know of. If there is a new Standing Order, can I be informed? My objection to this is based on the fact that I cannot understand why, while an hon. Member was speaking, another one stood up and asked him to speak on something that he had not even touched on. That was not done in terms of substantiation or in terms of a point of information. So I would like to know under what Standing Order the hon. Member did that. If we start that precedent today, tomorrow when my hon. friend will be speaking I will stand up and ask him to talk about livestock!

**Mr. Deputy Speaker:** Okay. Honestly, I think we have taken too much of hon. Matiba's time. As we know, we have lawyers in this House, and we have always tended to listen to them when there is something that touches on law. For instance, hon. Kubo is a lawyer, but I am not a lawyer. We also have hon. Members, like hon. Shikuku, who are so conversant with the Standing Orders and so on, and we always expect them to give advice on Standing Orders. There is nothing wrong with that. I am not going to allow any other point of order on that. Continue, hon. Matiba.

**Mr. Matiba:** Mr. Deputy Speaker, Sir, I would like to assure the House that I am under no direction from anybody to talk about tourism. When I chose to speak on the subject, I did so on my own.

I wanted also to mention one of the points that has always been discussed in many quarters about tourism and particularly in connection with Kenyanization of hotels. There are two aspects which are always of interest to this nation. The first point that I would like to refer to is in connection with the Kenyanization of personnel. A lot of people in this nation are under the impression that there is no Kenyanization or Africanization that has been done in the hotel industry. That is not correct.

I think it is important that everybody should get the right bearing on this subject. Most of the hotels have very senior Kenyans of African origin managing them. The only problem is that no hotel has a big desk or a room for a gentleman who works while wearing a suit. Most of the hotels, as a matter of fact, demand that any manager of whatever calibre has to take off his coat and roll up his shirt sleeves and then get into the kitchen, bedroom and everywhere else to supervise whatever is being done there. Very few managers work while wearing suits. In fact, there is none who does that. There is no manager who has a white-collar job in a hotel. Consequently, when a lot of us go to hotels and see the managers, we tend to think that they hold very minor jobs. In fact, they hold very senior jobs. The only problem is that the job of a senior manager in an hotel demands that he has to go into the kitchen to help even in the chopping of cabbages and peeling potatoes. If you find him doing such jobs you would say that—

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): On a point of order, Mr. Deputy Speaker, Sir—Would the Member for Mbiri resume his seat because I have stood on a point of order under Standing Order No. 68?

I have the Bill before me here, and what we are amending is shown very clearly on page 140. What we are amending is the definition of hotels. That comes under section 2 of Chapter 478. What we are now talking about is the wider meaning of hotels. Is the debate on cottages related to white-collar jobs and the managers' responsibilities? Is the hon. Member still within the debate on this Bill?

Mr. Deputy Speaker: Order! What I am not sure about is whether you are trying to find out whether the hon. Member has exhausted his points and that he might be repeating himself. However, it does appear to me as if the House is listening to the hon. Member very attentively. So you may continue, hon. Matiba.

Mr. Matiba: Mr. Deputy Speaker, Sir, good management of hotels essentially means that the hotels should be able to earn more money for this nation. In that case the Minister for Finance should have something to tax. That is what we are talking about now.

Our hotels are very well managed. It is because of that management that our services have continued to attract a lot of tourists to come to this country. It is the money from those tourists who are able to pay in foreign currency that the Minister for Finance is able to tax.

Let me explain one point here: the people who come to these hotels as tourists pay their bills in foreign exchange. The only problem is that they do not pay directly to the hoteliers. This is because the tourist business is organized in a different manner. As I explained last time, a tour operator comes, say, to New Stanley Hotel and says, "I want you to allocate me with 50 beds". Therefore, he is a wholesale buyer, who buys beds in large quantities. Another tour operator comes and buys 20 beds; another one comes and buys 30 beds; and another one comes and buys 10 beds. They then go back to their countries and advertise Kenya; advertise the New Stanley Hotel. After that people start buying the beds from those particular tour operators. The money is paid to the tour operators by the individual tourists. The individual tour operator then comes with a lump sum of money. He goes to, say, the New Stanley Hotel and say: "You had sold me 20 beds or 50 beds". He then pays the hotel in foreign exchange.

All the hotels have foreign currency accounts into which they put their foreign exchange. If you challenge any hotel, it will be able to produce the total amount of foreign exchange that it has brought into this country. A lot of people are misled, then, when they see a tourist coming here and driving off back to Europe without having to pay for the hotel at the counter. That is because he did not book direct with, say, the New Stanley Hotel or whatever hotel. He actually booked through a tour operator.

As I said, we have one or two people who are possibly suspected. Even the Government suspects one or two people who might be fiddling foreign exchange because they happen to have travel agencies in Europe,

they have their own aircraft, they have their own hotels here, and they probably have their own ground transport, and through that chain they could easily manipulate their earnings. But this problem is there and it is known. Other hoteliers have pointed out to the Government and said "Look, instead of accusing the entire tourist industry of being fiddlers of foreign exchange, why do you not follow that particular group or individual?" That has been explained. The tourist industry has pointed out that there is that possibility. It has no facts and it cannot substantiate anything. All it can do is to air its suspicion. That has been done and the Government is fully aware of that. It is, therefore, wrong when everybody stands up and accuses either the hoteliers or tour operators or travel agencies of fiddling foreign exchange in this country because it is not always true.

In addition, Mr. Speaker, these allegations are always very highly exaggerated. They are highly exaggerated because you cannot run a hotel in this country without bringing in a lot of foreign exchange because there are operational costs which must be met. So, unless a hotel group or one hotel is owned by a group that is going other business, in which event it will be able to subsidize that hotel, then there is no way in which one is going to be able to keep substantial amount of money in foreign exchange overseas. What I think a lot of people confuse here is the question of who invests in hotels.

Mr. Deputy Speaker, it is true to say that Kenyans investment in the tourist industry is not as large as it should be. I think it is a matter for the Government, and the Ministry of Tourism and Wildlife in particular, to pursue that aspect of Kenyanization because any foreign exchange which is earned by the industry could go out of this country in the form of dividends. But then, that is very legal.

An hon. Member: Suggest that to the ministry!

Mr. Matiba: What the ministry should do is not for me to suggest, but the ministry has the Kenya Tourist Development Corporation. That body has done a lot of good work to date. But I feel that more could be done. More money should be found for investing in the hotel industry and in tourist industry in general because if we want to continue to earn more foreign exchange that is the only way. We will create employment by having more hotels; we will earn more foreign exchange and we will stimulate more economic activities in Kenya.

Mr. Deputy Speaker, I would also like to mention something about the prices of our hotels and tariffs.

An hon. Member: They are very high.

Mr. Matiba: There is tariff control in this ministry, and I put it to the hon. Member that the tariffs in this country are not high at all. In fact, the industry has totally been confused by statements which have been made from time to time by various people. For instance, you will hear, on one occasion, of a Government official who stands up and says "The tariffs in this country are too high. So, we are going to have price control". And these controls are then introduced. Then, another official stands up and says, "Our facilities are good; our hotels are very good; we are giving them away to



**[Mr. Matiba]**

these foreigners". We do not know exactly where we are. But the fact remains that our tariffs are just right because, first of all, it must not be forgotten that the hoteliers are in competition with one another. Therefore, no hotelier is willing to overprice himself. If the New Stanley Hotel prices itself too high, then nobody is going to go there because there is the Hotel Inter-Continental, the Hilton and many other good hotels. So, the management of New Stanley Hotel are always cautious and very, very careful that they do not overprice themselves. Secondly, the tour operators are free to run from one country to the other, and collectively, we are just a part of a wider tourist destination, we as Kenya. Therefore, we are aware of what other countries are charging, countries which have the same facilities as we have, and countries which we know could take away our tourists. We have, therefore, to be cautious.

When we hear an hon. Member standing up and saying that our food is too costly here, Mr. Deputy Speaker, we do not agree. I personally, as an hon. Member, will not agree because I travel a lot. Anybody going to London these days must know, surely, that when you look at the menu, you do not look at the food that is being offered. You first look at the price, and having seen the price you can afford, you then move back to see what that price is going to get you. That is what all of us are doing because the prices of food overseas are very high. If you go to the Hotel Inter-Continental here and have a luncheon for, say, K£5 or K£6, that is nothing, Mr. Deputy Speaker. It is a fallacy for anybody to suggest that our food is costly. It is not.

Mr. Deputy Speaker, I would like to talk about some of the things which are now crippling tourism. The Minister for Tourism and Wildlife had better be here and take very careful note of this.

An hon. Member: But he is here.

Mr. Matiba: We have one very important aspect, and that is the charter operators, inclusive of tour charters, as they are called. The Government has adopted a policy, which is right, of protecting the Kenya Airways, and one way of doing that is to try to reduce and cut down on tour charters. This has been a disaster for our tourism. A number of good charter operators have now been kept out of operation at least for a time. It is argued that they are competing with the Kenya Airways. But let me say that the problems of Kenya Airways, in fact, do not arise out of the competition posed by the charter operators.

The competition posed to Kenya Airways comes from the regular International Air Travel Association's regular airlines; those are the ones which pose a serious competition. The Kenya Airways is in a problem because it has very poor, outdated equipment. Its aircraft are old Boeing 707's which nobody wants to hear of these days. This is the problem of the Government. If the Kenya Airways is to succeed, Government has to buy the Corporation Boeing 747's. This way Kenya Airways is going to be competitive; but as it is today it is not competitive at all with its counterparts such as British Airways, Lufthansa and others.

Therefore, it is a fallacy for us to stop foreign exchange-earning activities in order to try and protect Kenya Airways and yet when it comes to us buying the equipment I am talking about we are going to need foreign exchange. Where is it going to come from? We do not want our foreign exchange to come from foreigners all the time. We should start surviving on our own without going to beg for aid from other countries. We should be making efforts to earn our own foreign exchange, and the areas which earn us foreign exchange should be encouraged and not curbed.

Finally, Mr. Deputy Speaker, I would like to touch on Africanization, Kenyanization and Utalii College. Allegations have been made that hoteliers do not recruit local people from the Utalii College. What I would like to say is that the industry has been recruiting graduates from Utalii Hotel. But the problem is that the industry is not able today to absorb all the graduates that that college can produce. Just as much as the country is not able to absorb all C.P.E. candidates, all Kenya Certificate of Education candidates, all Kenya Advanced Certificate of Education candidates and all university graduates, the industry is not able to absorb all Utalii College leavers. It should, therefore, be understood that we are going to run into trouble unless we can expand the tourist industry, and the hotel industry, in particular. If this is not done, we are going to continue to have surpluses of graduates from Utalii College and there will be very little we will be able to do about it.

An hon. Member: We should export them as expatriates.

Mr. Matiba: Yes, I think we should make them expatriates in other countries.

Mr. Deputy Speaker, I have another point to make. For some time, there has been a misunderstanding between the ministry and the industry on the way the Utalii College has been run. The industry has been kept totally out of the management of the college, but I am now glad to say that the principal—designate of the college and the Ministry of Tourism and Wildlife have realized that this weakness has been there, and this weakness is now likely to be rectified. That, of course, has tended to make the industry not particularly interested in the college because it has sometimes not even known what training the graduates there have been receiving.

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

The Assistant Minister for Labour (Mr. Nassir): Ahsante sana, Bw. Natibu Spika. Nami pia nafurahika kusema machache juu ya Mswada huu wa Hotel Accommodation na habari za utalii kwa sababu huko lavetu pwani, biashara ya hoteli ndiyo kubwa zaidi. Hoteli ndizo zinazowaajiri watu kazi zaidi, na ndizo hununua mboga, nyama na mazao yetu mengine. Pia haya mambo ya utalii yamewafanya watoto wengi wa pwani kujua lugha za Kifaransa, Kijerumani na hata Kiingereza kwa sababu wanakutana na watalii kila mara. Kwa hivyo, sisi tunapata manufaa sana na tungetaka utalii wa Kenya uenezwe kote ulimwenguni ili tupate pesa na kazi.

**[The Assistant Minister for Labour]**

Bw. Naibu Spika, ningependa kila mtu afahamu kwamba kuna mashindano ulimwenguni katika haya mambo ya utalii. Nchi kama Seychelles, Pakistan, America na nyinginezo zinataka kuwapata watalii zaidi na, kwa hivyo, ningependa kulomba Serikali isiwatoze watalii kodi zaidi ili waogope kuja Kenya. Serikali ingejaribu kila njia kulieneza zaidi jina la Kenya ili watalii zaidi waje na hoteli mengi zaidi yajengwe kuliko kufikiria kupata pesa zaidi kutoka kwa wale watalii wanaoingia humu nchini. Hofu yangu ni kwamba kila nchi katika ulimwengu inatia bidii kuona kwamba watalii zaidi wanaitembelea ili ipate pesa za kigeni. Kwa hivyo, ingawa Serikali yetu inatafuta pesa kwa njia zozote, ningependekeza isijaribu kuwatoza zaidi watalii kwa sababu tunataka waje zaidi. Ingefaa tutafute njia nyingine ya kupata pesa. Kuhusu mambo ya utalii, kuna Serikali nyingine ambazo hujinyima pesa lakini zinahakikisha zimefanya mambo mazuri ili watalii wengi wapate kuzitembelea. Kwa hivyo, naomba sisi pia tuwe namna hiyo.

Mhe. Mbunge aliyezungumza mbele yangu alisema juu ya Kenya Airways; lakini ningependa kumwambia kwamba ndege tulizonazo wakati huu zimelingana na uwezo wetu. Nina hakika ni nia ya Serikali kwamba sisi pia tununue ndege kubwa ikiwa kuna mashindano katika usafirishaji wa watalii, lakini tunangoja wakati ufike kwa sababu ukosefu wa pesa huko Kenya peke yake bali ni wa ulimwengu nzima. Kwa hivyo, kama Mkenya na kama mfanyabiashara hiyo, nategemea atajaribu kutuletea watalii zaidi kwa hizo hizo ndege za Kenya Airways badala ya nyingine.

Bw. Naibu Spika, ningependa kwamba baada ya wanafunzi kupewa masomo katika Utalii College wapolekwe katika hoteli kubwa katika nchi nyingine kama Amerika na Uingereza ili wajue kazi yao zaidi. Sisi huwapaleka wanafunzi wa masomo mengine huko nchi za nje, na nafikiri tungewapeleka wanafunzi wa biashara ya hoteli na utalii huko pia ili na wao wapate kujua jinsi mambo yanavyofanywa. Ningewaomba wawakilishi wetu katika nchi za nje wasaidie kueneza habari zo Kenya kuhusu yale ambayo watalii wana-weza kujionea wakija Kenya na yale ambayo yanaweza kuwarahisha. Ukitembelea nchi nyingine katika ulimwengu na uende kuona sinema, kitu cha kwanza unachoonyeshwa ni vitu ambavyo vinapatikana katika nchi hiyo. Unaonyeshwa mbuga za wanyama na samaki, mahali unapoweza kujistarehesha, na hata mahali pa kuchezea golf. Kwa hivyo, ningependa pia katika Kenya mambo kama haya yawe yakionyeshwa na kuuzwa katika ulimwengu mzima ili tuweze kuwapata watalii zaidi.

Haja vangu likuwa ni kuwafahamisha juu ya mambo yanayohusiana na utalii. Wakati tunavyofanya wile tuwezavyo kutoza mahoteli kwa minajili ya kujipatia ushuru, ingefaa tuwakubalishe watalii waje hapa kwa sababu tunahitaji pesa za kigeni.

Ahsante. Bw. Naibu Spika.

**The Minister for Constitutional Affairs (Mr. Njonjo):** On a point of order, Mr. Deputy Speaker. We have debated this Bill for quite some time, and since this

is an amendment to a very minor clause, would I be in order to move that the Mover be now called upon to reply?

**Mr. Deputy Speaker:** Well, the decision is yours, hon. Members. All I will do is to put the question.

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

**The Assistant Minister for Finance (Mr. Echakara):** Thank you very much, Mr. Deputy Speaker.

I would like to thank hon. Members who have ably contributed to this Bill, including the Member for Kikuyu. Sir, the amendment, as we said, is intended to broaden the definition of a hotel to include service flats, service apartments and bandas found particularly at the coast and Nairobi. We have been losing a substantial amount of revenue through these premises which offer the same facilities as hotels and are not taxed. The objective, therefore, is to levy the tax on occupiers of these premises and also to have our hotel industry. Of late many tourists have been known to go to these premises. However, a lease or licence offered should be for less than a month's duration to be eligible for tax. This means that the occupation offered would be offered for a minimum of one month and would fall outside the definition of a hotel. These premises, therefore, would have to be offered on at least a month's tenancy to be exempted from payment of the hotel accommodation tax. The definition of "hotel" is meant to close the loopholes whereby the proprietor would evade payment of tax for a few days' occupation.

Mr. Deputy Speaker, if I may comment on hon. Members' contributions or suggestions. I would like to share the sentiments that, in order to maximize our taxation and to close on the loopholes, we would like hotels—I advise this very strongly—to separate bills when giving them to the tourists. Our law requires that, for the taxation and foreign exchange purposes, the hotels should separate the accommodation bills from other bills. In other words, if somebody has eaten, he should not say, "Put the bill together with the accommodation bill" because it is required by the law that one pays accommodation bill by foreign exchange. For meals and other expenses, they can pay using the Kenya currency. It is illegal if they do not do this, and I would advise the hotels that if they were found, it would be unfortunate for them.

Mr. Deputy Speaker, also to insist on certain standards or certain items that are found in foreign countries so as to satisfy our tourists may be demanding too much on our scarce resources. I would, therefore, like to appeal to the tourist industry, particularly the hoteliers, to give our tourists what we have in Kenya and not to insist on the American or European standard of food when that standard of food is not found in Kenya.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Hear! Hear! They should eat ugali.

**The Assistant Minister for Finance (Mr. Echakara):** I would expect somebody from America to come and spend money here in order to enjoy what we have in Kenya and not to carry the bread that is maybe

**[The Assistant Minister for Finance]**

made in Alaska or Kansas so as to come and eat it while here. We would like to offer them ugali, sukuma wiki, kunde and the rest of these things. They would be happy and would enjoy them, and I know that some of them have enjoyed these meals.

Sir, I would also like to advise our Kenya Airways to stick to making money. We have said many times that all the corporations we have in Kenya should make money, and we are soon tabling a Motion in this House on the Report and Recommendations of the Working Party on Government Expenditures. We have talked about corporations making or losing money. Kenya Airways should make money by doing enough research. I advise hon. Members to be patriotic enough to patronize Kenya Airways. I am saying so because it is to our advantage that Kenya Airways should be able to carry our flag.

Mr. Deputy Speaker, on separate tariffs, hon. Members have suggested that the local tourists should enjoy the same facilities that the foreign tourists enjoy in this country. We would like to advise the hoteliers to be lenient to our local tourist so as to encourage domestic tourism. In this regard they could have separate tariffs for the residents and the tourists for the same facilities but give preference to the tourists when it comes to the earning of foreign exchange. Sometimes our people feel like going to a sub-standard hotel because they cannot afford the high tourists hotels' costs. In this regard we would like the tour operators, plus the hoteliers, to consider introducing separate tariffs for the domestic or local tourists and be able to maintain the tourist rates.

Finally, Mr. Deputy Speaker, I would like to appeal to all hon. Members, and the country at large, to continue according the tourists that come to this country the highest regard as we have been doing because they do two things when they come here. First, the tourists bring us foreign exchange and, secondly, they act as our advertisers. When they go back to Europe, Asia or America, the impression they give there is what brings more tourists to this country. Therefore, we should accord respect to the tourists, as we used to do, so as to maintain the good image of this country. In this respect I would like to give my congratulations to His Excellency the President, who has given the world his image, as of a very straightforward statesman, who has maintained peace and stability in this country, particularly political stability, which is a prerequisite to a booming tourist industry.

Mr. Deputy Speaker, Sir, the criticisms that we level against tourists are not intended to damage their reputation. However, the request I put is that our hoteliers and tour operators try to advise our tourists to respect our culture. Although Africans used to walk naked, I would not like to see nakedness in our hotels. In this regard, criticizing a tourist who comes here and exposes himself or herself does not mean that we do not want that type of person, but that we would rather have that person confine himself to what our society requires as being standard.

Sir, I would also like to comment about our ability to offer the right facilities to our tourists. I would like to appeal to our foreign friends to see that when they talk about Kenya they do not only talk about the dark side of Kenya. I am saying this because if you go to Europe or America, the only thing you sometimes see on the television programme is something to the effect that there is poaching of animals in Kenya, and yet this is something which His Excellency the President has ably controlled or banned in this country. In that regard we are finishing our animals, but someone may be interested in trying to smear the name of our country so that tourists are not attracted to come to this country. So, our friendly countries should help us to maintain the tourist traffic in order to help this country.

Finally, Mr. Deputy Speaker, the tour operators and hoteliers should be patriotic to this country. They should be sympathetic to our economy and realize that the facilities we are using in this country are available because we have spent a lot of money to install them. We do this in anticipation that we will receive money from the tourists, and if this money is not forthcoming, then our economy will flop. So, it is this that makes me call upon the tour operators and hoteliers to ensure that all the money that the tourists bring to this country is remitted to the Government. The money should go to the betterment or development of our hotel industry, roads and national parks. We receive this foreign exchange and use it to buy what we do not have in this country and, therefore, if the hoteliers and tour operators are going to allow the tourists to pay their money abroad and then come here to use the Kenya money, we will definitely not have enough revenue to improve our facilities, and in this case, it means that they are not useful to this country. In fact, I would recommend that if anybody was found allowing tourists to come here and use Kenya money instead of bringing foreign exchange here, he should be treated as somebody who is trying to sabotage the economy of this country.

Mr. Deputy Speaker, I would have said more but since hon. Members have contributed substantially to this Bill, and in view of the fact that we are anxious to finish the other business on the Order Paper, I have nothing more to say except to thank them once more for contributing to this Bill.

With these few remarks, Mr. Deputy Speaker, I beg to move.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)*

*Second Reading*

#### THE RADIATION PROTECTION BILL

The Minister for Health (Dr. Mango): Mr. Deputy Speaker, Sir, I beg to move that the Radiation Protection Bill be read a Second Time.

Mr. Deputy Speaker, the object of this Bill is to provide for the protection of the members of the public and persons handling radioactive materials from the dangers arising from their use, as we all know that

**[The Minister for Health]**

radiation and use of radiation may be dangerous to human life or the existence of life. One of the radioactive materials is X-ray, which we all know very well. We have elements in nature, such as potassium 40, carbon 14, radium, uranium, cobalt and others. All these elements emit active radioisotopes or particles in nature which may endanger our lives.

There are two types of radioactive materials and their sources. There are artificial or man-made radiation sources, and an example of man-made radiation source is X-ray, which is very well known, and this also accounts for about 99 per cent of the most dangerous radiation problems we are likely to encounter in our day-to-day life. For instance, we use X-rays for diagnosis purposes. We all know that when we go to the hospitals X-rays are taken to determine whether our chests are free of diseases or conditions which might be dangerous to our lives. So X-rays are used for diagnosis. X-rays may also be used for treatment. For instance, we use X-rays of known dosage or strength to treat cancer and some other ailments.

Mr. Deputy Speaker, we also have industrial or occupational radiation, and this is emitted from very luminous substances, like televisions, watches, bangles, gold-plated spectacles and others. For instance, in the food industry there is a method for preserving food by radiation. This kind of food is treated or preserved by radiation in order to make it stay almost for ever without getting bad.

Mr. Deputy Speaker, Sir, it is said that a very sophisticated lady wearing gold-framed glasses, bangles, a watch and all kinds of shiny objects living under a corrugated iron roof and watching television at normal hours, if she lived for 1,000 years, she would die from exposure to radiation, but since we do not live that long, that is natural radiation. If there is a lot of natural radiation around us but the dosage is so little, it does not really matter very much to us. So, that kind of lady will die at the age of only 80, but if she lived for another 100 to 1,000 years, she would die from just normal exposure to radiation, and also her children may be exposed to radiation, which might affect the generation thereafter.

Mr. Deputy Speaker, the other source of artificial or man-made radiation is the testing of atomic or nuclear weapons. The testing of nuclear weapons, especially in the air or atmosphere, creates radioactive fall-out or radioactivity. The dosage is usually so little that it does not quite affect us, especially if it is done very high up in the air. However—

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Mr. Deputy Speaker, Sir, Standing Order No. 24 requires 30 human beings to be present in this House—I am sorry, it requires 30 honourable human beings to be present here, and that does not seem to be the case now.

**An hon. Member:** There are more than thirty.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** There are not!

**Mr. Deputy Speaker:** Yes, there is no quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**Mr. Deputy Speaker:** We have a quorum now. Continue, Dr. Mango.

**The Minister for Health (Dr. Mango):** Mr. Deputy Speaker, I was saying that another artificial or man-made source of radiation is the testing of nuclear weapons or bombs for military use. We, in Africa zone and in Kenya in particular, are not exposed to this immediate danger. However, when nuclear weapons are tested in the atmosphere, the effects extends to a radius of 250 miles. That means that if a nuclear bomb of an average size or average strength was tested in Central Province of Kenya, then, nearly all people of Kenya would be affected because it would extend to the radius of 250 miles going as far as Busia, Mombasa, Isiolo and Mandera. Mr. Deputy Speaker, another source of artificial radiation is nuclear reactors for energy in countries where they have discovered that nuclear reactors can give them the type of energy they need for daily use. This could also be dangerous because if exposed to that mighty radiation, human beings may be in trouble.

Now, Sir, institutions using conventional sources of energy, like those in Kenya, where such sources of energy are used in hospitals, university and colleges of science and technology, research laboratories, food industries, military bases—although I am not sure they do—and some other specialized industries which produce certain equipment for this kind of purpose, may have effects of radiation. Mr. Deputy Speaker, Sir, these effects of radiation could be classified in long- and short-term periods. Long exposures of radiation under such circumstances may later on affect the generations to come. They may not affect the individuals exposed to them, but they might affect people who are born later on several decades or hundreds of years later.

Strong doses of radiation may cause immediate death to those people to whom it is exposed. For example, an X-ray machine not properly used can cause damage. For instance, if a pregnant woman is exposed to a large dose of X-ray, the cells which eventually end up in reproduction might be affected so that the children of those children born from the foetus in the mother's womb, might be affected to the extent that these children or their children might be born abnormal. On the other hand, if a woman who has reached a stage of not producing children is exposed to such an X-ray, there is almost no problem because she is not expecting to give birth to any child, except that if the amount of X-ray she is exposed to is too much she might suffer some immediate—

**Mr. Kanindo:** On a point of order, Mr. Deputy Speaker, I am worried about one of the points which the minister has made. The minister has said that an X-ray can make the cells of the children to be born later on to be abnormal. Would the minister tell us whether we have had such a case in Kenya, whereby some children have been born with this abnormality? Has this case been established now?

**Mr. Deputy Speaker:** Order, Mr. Kanindo! What is your point of order?

**Mr. Kanindo:** I would like him to substantiate that remark because there could be a danger that we do not know.

**Mr. Deputy Speaker:** It is high time that some hon. Members really knew what a point of order is. We have been here for three years and it is important that hon. Members know what a point of order really is; I think it is important to go through our Standing Orders booklet. That point raised by hon. Kanindo is a mere point of argument.

**The Minister for Health (Dr. Mango):** Mr. Deputy Speaker, Sir, although hon. Kanindo's statement was not a point of order, it was, however, a wrong statement.

I said that if a pregnant woman is exposed to large doses of X-rays it is not the foetus in the womb that will suffer but the children of the foetus might be born abnormal. Such situations do not exist; this only explains the effects of the wrong use of X-rays, and situations where protection against such problems may be necessary.

Mr. Deputy Speaker, Sir, when X-rays are misused, similar genetic effects also may result; that is actually known as mutation, whereby the reproductive cells are exposed to X-rays, and as a result abnormal children are born. Similar situations may also exist in radioactivity process; that is nuclear fall-out. An example of nuclear fall-out took place in Japan during the Second World War—in Hiroshima and Nagasaki—when atomic bombs were dropped on the two cities. There was a large amount of radioactivity and nuclear fall-out. You will find that those people who were not injured but were exposed to these large doses of radioactive fall-out, to the explosions, lived to marry and many of them gave birth to abnormal children. As I said earlier, we are not dealing with situations like that because we have no nuclear weapons testing here. However, this is something we must put into consideration; we do not want to get involved in nuclear weaponry. We condemn, as a matter of fact, the testing of nuclear weapons in the atmosphere.

Mr. Deputy Speaker, Sir, I have talked about dangers facing sophisticated ladies who wear bangles, spectacles and apply lipstick whose ingredients are not known to us. If such ladies lived long enough they would suffer from radioactive problems. So, the people who suffer or who may be exposed to radiation are the wananchi; wananchi may be exposed to radiation, and this Bill is meant to protect all these people.

The workers who handle various devices and who move about in the immediate areas of radioactive devices or materials may also be exposed to radiation. This Bill is actually an amendment to an existing Radiation Ordinance, Chapter 243, of 1963. This Radiation Ordinance is now outdated and we have found that during the last 20 or so years, because of advanced technology, a lot of things have changed. So we have found it necessary to introduce this completely new Bill in this House in order to protect our wananchi. When passed, this law will be supported by a code

of practice, and it will also set radiological standards in this country. This will set guidelines for the users and handlers of radioactive materials and devices. The Bill will also provide for a board, and this board will be responsible for advising the Government on radiation matters. This board will also make very definite and up-to-date regulations, and it will revise these regulations every now and again, as to how radioactive materials and so on should be handled, including the disposal of these radioactive materials.

The disposal of radioactive materials is going to be one of the biggest concerns of the 21st Century. Radioactive materials are very, very useful in industry, medicine and so on. However, a big concern is going to rest on how we are going to dispose of used radioactive materials. By used radioactive materials I mean the radioactive materials that we no longer need. These are materials that can no longer give us the active radiation we need for a particular purpose. So we have to throw away such radioactive materials.

However, in many cases, like the case of the element known as cobalt, radiation really never ends. There is something scientists call half-life of an element. Since the time these radioactive materials have been in use, they have not lasted long enough for the scientists to determine, for example, how long a piece of cobalt can stay active. This has not been determined. This element can stay for thousands of years still being active and bad enough to affect us, but not active enough for us to use. So, we have to care how we dispose of them.

You will find that in countries like the United States of America and the Soviet Union there are ways and means that are being devised as to how to dispose of these radioactive materials. This includes throwing them in the sea and all that. But we do not know; in one thousand or two thousand years' time these materials may float on the seashores and perhaps even be responsible for wiping out generations. So, the question of how to dispose of these radioactive materials is going to be extremely important. If and when this Bill is passed, the regulations will be made and we shall straightaway make regulations as to what we should do with our radioactive materials. At the present moment what Government and Ministry of Health do is to return these radioactive materials to their countries of origin after we have used them—After we have used an element like cobalt in the laboratory or an industry, we pack it up and return it either to Britain or to America for disposal; we are not in a position to dispose of these materials. But now we are going to make regulations, through this Bill, to enable us to handle these radioactive elements.

I am sure many hon. Members are very interested in the safety of our nation and our people and they would like to contribute to this Bill. It is a matter of life and death. The people who will be living in this country 3,000 to 4,000 years from now will thank Members of Parliament existing at this time for passing this Bill.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to move.

**The Minister for Lands, Settlement and Physical Planning (Mr. G. G. Kariuki) seconded.**

*(Question proposed)*

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Thank you very much, Mr. Deputy Speaker. The intentions of this Bill, as it stands, are well known. Some of us have read it and found it quite technical. But, nevertheless, its aim is to safeguard the lives of the people of this country, and we in this House, being representatives of the people, have a duty to try and understand this Bill.

Sir, I would like to take this opportunity to say something that I have said in the past. I think this is the right time for me to repeat what I have said in the past. That is that our having been colonized for 70 years has brought us a lot of problems. I am saying this because those people from the West came here and told us that we were primitive and that our ways of thinking were primitive. I do recall that one day one of my school teachers told me that an African could not see anything straight because he is born in a round hut, his paths are winding and what-have-you. This was aimed at degrading us and making us completely worthless and only believe that whatever a white man did was the right thing.

**An Hon. Member:** Was he a white man?

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Of course, yes. In fact, to make the matter worse, he was a priest. So, I am just trying to make a point on this Bill. It had gone like that for a long time until 1959 when I was fortunate enough to travel outside this country for the first time. When I arrived at Heathrow Airport in Britain—I had a friend who was living at 52 Golders Green who had given me a card. I met a taxi driver who could not read. When I showed him the card I had been given by that friend of mine, he could not read it and so he started looking for someone else to read it for him. There was nobody around, and because I had realized the problem, I just told him, "I want to go to 52 Golders Green". When I told him that, he said, "All right; all right", and took my box and put it in the taxi and we started off. However, these people know their job because I was taken right outside my friend's house. So, I must give the devil its due. In fact, when I was dropped outside my friend's house, I gave the taxi driver a big tip.

However, Mr. Deputy Speaker, Sir, I must point out here that I thought—and the people of this country still think—that every white man is a superhuman being and anything he does must be correct; they do not know that some white men do not know how to read and write. This even goes to the leaders where you have your wives— And I am glad that my hon. friend, the Minister for Health, has said that these lipsticks have some radioactive elements that can affect our girls. Why do our girls wear lipstick? Just because the white women apply lipstick, our girls must do so. Why? Because they would like to look like their former masters. In fact,

we are the majority in this country now and if you look around you will not see any white man who has painted himself black. Our women have really let me down. They want to leave no stone unturned in trying to look European, even if it means their death.

We have heard that Ambi, which is used to bleach our women's skin, has caused those who use it kidney problems and many have died. But still our women have gone on bleaching themselves. However, I must attribute this problem to the men in this country, and men must be blamed for this. In fact, a woman will do anything to please a man; she needs nothing but the attention of man. Every woman, even if she is the queen, lives only for attention; a woman will believe when you tell her that she is beautiful when she is 80 years old because they live by that. I think the time has come that men must tell their women who apply lipstick, which is dangerous to their health, and those who bleach their faces, that they look ugly and, I am sure, they will stop it. But so long as men go on telling them that they look wonderful when they have applied all those things, they will continue using those things and we are going to lose a lot of our people. I think I should call upon the leaders in this House to go and tell their wives that we do not know what is used to make whatever they paint on their nails. You find that women use the same hands they used in painting themselves for eating, and some of this stuff goes into their mouths, and that may affect their lives. Men should be men and— In fact, men themselves have not gone into these things; we do not see men having lipstick and all the rest of it. I think our men should tell our women that they look awful when they apply such things. In fact, I always tell them myself, that any girl with lipstick is out of my way— I tell her, "You look ugly". That is what I usually do, and I call upon all men to tell our women so and they will stop this thing.

The other thing I would like to talk about is that these days you find a lot of different types of oils being imported. I do not know whether the Minister for Health has examined these oils. Nowadays you find that there are some oils which are applied to the hair to make it look, not like sisal but something else that you cannot make out; in fact, you cannot tell whether that woman is an African, a chotara or a negro. To make the matters worse, all this stuff is advertised on the Voice of Kenya Television which you and I pay tax to maintain. The Assistant Minister for Information and Broadcasting is here, and I would like to inform him that his ministry is run from his tax, my tax and your tax. Sir, if we are going to use that media to mislead our women by showing these funny hairs with oils that we do not know what they are made of, then we are killing our people. In fact, we should be responsible and tell our women that when they apply those things on themselves they look awful. We have been told that these materials contain radioactive elements, and when the Minister for Health was moving this Bill he said that even lipstick contained radioactive elements. Sir, the problem is in this House; and you can

**[The Assistant Minister for Economic Planning and Development]**

see that all the hon. Members do not even understand what I am saying. If this House cannot uplift itself and lead this nation, the nation is going to fall.

Mr. Deputy Speaker, Sir, if you look at page 152, you will find that the Attorney-General tells us that it is anticipated that when this legislation is in full operation, the financial commitment out of our public funds will be approximately K£49,000. So, this is not a small thing and it is going to cost us money. Therefore, we must look at it seriously. I am quite happy with the board here— Although it is made up of heads of various ministries, I think this is logical because we cannot get a layman like me to be on board because the things that will be discussed will be rather too scientific for me to be of any use there. I was just wondering as to whether there will be any experts that will be required from the various developed countries—people who are experts in these radioactive affairs—who will be included or co-opted. I can see that some people will have to be recruited somewhere to be on this board, which will be so technical and very scientific. But I would not like to have this problem, where we have strong trust in people, who only end up misleading us later on, just as we have had this problem of the doctors' recommendation of fluoride toothpaste.

We have had this problem of doctors, some saying that there should be fluoride in toothpastes, and others saying that there should be no fluoride. Here we are now, and it is even being shown on television that fluoride acts like ink on chalk and the product becomes breakable and so on. We are at sea. We laymen do not know what is happening. Who is going to tell us the truth? Are we going to have the knowledgeable people probably siding with the various companies that manufacture some of these things and telling us that there is no radioactivity when there is radioactivity and some telling us that there is radioactivity when there is no radioactivity?

Mr. Deputy Speaker, we would like to be sure that when we give this trust to some people in the board these people will be committed to this country and not their stomachs. This is because they can be used by the companies manufacturing items which have radioactivity, so that when we raise questions here they come up and say that there is nothing in it. That would be the case when the board members are having cuts from such a particular company. This is where, actually, we have to trust it to God. However, let me hope—I expect I am not hoping against hope—that there will be some people with scientific knowledge who will not be there to sell us down the drain. This is the point. We would like to be told the truth behind these toothpastes. We have been told that water in some parts of our country has been the cause of our young women and men having brown teeth, as if they have bitten into an ant hill, or some other related matter.

Mr. Deputy Speaker, we would like some scientific explanation—we want to be told the truth. This is because we cannot go on lying to the young children

so that they can be using these toothpastes when they are actually detrimental to the health of their teeth. We would like to be told the truth.

At the same time you would find that children of people in high income brackets use toothpastes from very early ages, and even go to the extent of swallowing the toothpastes, because the stuff is sweet. So, we would like to be told more because the young ones do not even brush their teeth properly since they want to lick the paste.

Mr. Okondo: It is not dangerous!

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Mr. Deputy Speaker, my hon. friend, "Dr." Okondo, is telling me that the paste is not dangerous. Unfortunately, "Dr." Okondo is a Bachelor of Commerce degree holder, and how this degree is related to this issue, I do not understand. He only knows how to make money but not how these scientific things, like the toothpastes we are talking about, work.

Mr. Deputy Speaker, I would like to be made very clear that this Bill is very much welcome. The minister who has moved this Bill—and we have to take into account the fact that he is a doctor in this field—has made a thoroughly enjoyable lecture. I am wondering, as he said why we are not in a position to dispose of whatever we are using—the refuse—so that we have to export them to the countries of origin for disposal. When the minister stands up to reply, I would like to be assured that we shall be in a position to handle this stuff, and that we are not going to be faced with a situation whereby, because of the mismanagement and carelessness on the part of some people here, we might have some of these refuse being spilled all over the place and our people getting affected by it. Let us hope that the people who will be handling the refuse here in Kenya will be people with knowledge and not careless people. This can easily happen because from my experience, it is not the ability of the person that counts in terms of giving responsibility in this country. It happens that if one happens to be a brother to Shikuku and he is looking for employment, he gets that job since Shikuku is a big man in the Ministry of Health, not because he is qualified for it or has the capability but simply because he happens to be my relative. This type of fellow becomes careless and messes up things. We have seen these things.

We would like to be quite assured that the appointment of the people to handle these issues will be based on technical qualifications. It should not be taken as an opportunity to employ a brother or a sister. I am giving this warning early enough so that when we look for employment—I know we are passing clauses here through which people will be given posts, and through which somebody who will run the system will get all his sisters and brothers some jobs. And so we end up killing ourselves in the process— Many things might not go well simply because we might have the wrong people in these places. This is one of the reasons why we cannot implement some of these things which we pass here.

**[The Assistant Minister for Economic Planning and Development]**

Lastly, Mr. Deputy Speaker, on this point, I would like to draw the attention of the minister to page 148, where he talks about the powers of the radiation protection officers. These powers, as I can see them here, are vested in the chief radiation officer, or any person appointed as a radiation protection officer. The powers are there for this particular individual, but I was wondering who would be checking on him. Is it the board, which would be appointed, as stated in clause 4, page 143? This gentleman is getting some powers here, but I am wondering who will be checking him. This is because it so happens that when you give such powers to one person, a lot of things can go quite wrong, and we should have checks and balances to ensure that this person does not misuse his position. We have people who, because they have friends, interests, or they have been promised a cut here and there, tend to want to get away with a lot of things, knowing that they are the only persons to be consulted. I was wondering whether there will be a check to that situation.

**An Hon. Member:** Have you looked at section 14?

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Yes, I have seen section 14, which is on radiation exercise, and it is the one I am talking about. However, the establishment of the board under clause 4, which I have checked—I was wondering whether somebody would be checking on this person.

With those few remarks, I conclude by congratulating the minister, hoping that the implementation of the Bill will serve the interests of the people of this country. I beg to support.

**The Minister for Lands, Settlement and Physical Planning (Mr. G. G. Kariuki):** Mr. Deputy Speaker, I wish to agree with my hon. friend, Mr. Shikuku, that this Bill is a bit technical; but even if it is technical, we are not required to study the technicalities involved since this has been done by the minister and his officers. All they want us to do is to authorize them to take action on the lines they have just proposed.

I think this kind of Bill needed to have come before the House some years back. This is because a lot of this kind of radioactive materials have already been imported into this country unchecked. I do not think we have qualified people capable of checking radioactive commodities. Although I support the Bill *in toto* I am wondering as to whether the experts will be patriotic or national enough when dealing with this matter. The worst thing that we can do is to authorize questionable people to do these things, who instead of protecting the lives of our people will start looking for ways and means of making money. We have discovered that the so-called experts and specialists are the people who misuse their knowledge. In fact, they give us advice which does not help the country. In fact, they are only interested in serving their personal interests, and I am saying this with all seriousness.

If you look at the building industry you will be surprised. You will find that there are a number of people whose jobs are not known. However, those people are given authority under various Acts. For instance, we have the architects, quantity surveyors and engineers, who deal with one subject only. Before the Government awards any contract or tender, these people have to give advice. The problem is that these people have decided to go against the interests of this country. I am saying this because the biggest problem we have today is that we have people who are guided by money. Most of our technical people believe that this is the time that they can make money.

When somebody is given permission to legalize or authorize something, he becomes the target of businessmen and anything can happen. I hope our officers will take this matter seriously. They should be concerned with the protection of our people. They should only authorize some of these things when it is absolutely necessary. They should only authorize the importation of materials which are required in this country. Kenya is not an advanced country and so we cannot allow the importation of heavy equipment which have radioactive materials.

I think there is a need to establish an independent committee to be inspecting the import licences that have been issued. This committee should comprise of independent people who have high qualifications. Those people should not serve on the board; their work should be to check on the work of the board and that of the officers who will be responsible for issuing licences.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker (Mrs. Onyango) took the Chair]*

"Mr." Deputy Speaker, "Sir," what I am trying to say—

**An Hon. Member:** She is "Madam Temporary Deputy Speaker, and not "Mr. Deputy Speaker".

**The Minister for Lands, Settlement and Physical Planning (Mr. G. G. Kariuki):** Madam Temporary Deputy Speaker, one hon. Member is telling me that you are not "Mr. Deputy Speaker".

There are a number of advanced countries in Europe and Asia, such as Japan and America, which have produced this kind of equipment. What these countries are trying to do now is to get a market for goods which have been found to be useless in their own countries. As we know economy of the world is controlled by these countries, which also try their best to export their things to the so-called African countries. This is because they know that Africans can be made to do certain things by being offered money. They believe that we can accept anything if we are offered money. Our people should know that these tactics are used. However, we should always value the lives of our people.

There is another important point which I would like to touch on here. The Minister for Health must make these things public. Any equipment with radioactive materials must be published so that our people



**[The Minister for Lands, Settlement and Physical Planning]**

can know that such equipments are dangerous and, therefore, they should not handle them unless they are given protective materials. However, if this Bill is going to be left only in Statute books, then it is not going to serve any purpose. Our people need to be protected, and if we do not take appropriate steps, our businessmen will misuse this kind of thing. They will also take advantage of the ignorance of our people. Businessmen will press our people to handle dangerous things without giving them protective materials.

I think it would not cost the Government anything to publicize in the official Gazette all the items which have various radioactive materials. This is necessary because our people should be aware of things which are dangerous to their health. Unless we do that, then our people are likely to suffer. We should not forget that we are dealing with the members of the public, who are semi-educated. In this country we have sophisticated people, who are out to exploit our people in order that they can make money by whatever method.

I think this Bill is very important to us. All the records which are kept ought to be made public at times. I think it is important that devices and materials which have radioactive materials are known. I agree with the minister that all materials which are proved to be dangerous should be sent back to where they came from. We should also devise a way of disposing of these things. There are people who might feel that it is not necessary to send such things back to where they came from. The man who is referred to in this Bill as the Chief Radiation Protection Officer will be responsible for these things. That will not be the work of the board. The board will just be receiving reports and recommendations from this officer.

As my hon. friends know, economics come in when we come to the question of authorizing the importation of these things. On the question of the authorization of the control and importation of these things, I feel that this officer ought to be watched very closely. This is because right at the time of appointment he will take it that he has been appointed to make money but not to protect the people of this country. I think these are the people that we need to change all the times. Personally I do not believe that customs officers ought to be kept in a place for more than four months. This is the biggest problem we have in this country. We have good and highly trained officers but unfortunately they want to be rich in a day. That is why we suffer all the times.

Although hon. Shikuku said that this Bill is very technical, it is not technical as far as this Parliament is concerned. This Parliament is required to give authority so that this board can be formed. All that we are required to do is to give parliamentary approval to this Bill. As I had said at the very beginning, I support the Bill wholeheartedly and *in toto*. This Bill is very important, as I had said at the beginning. Before we adjourn the House in a few days, time—I think we should not allow ourselves to debate things like cosmetics, lipstick

and so on as my hon. Member has just been doing. It is up to every individual man to deal with his wife.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Madam Temporary Deputy Speaker. Do you not think the hon. Member is out of order to say that I referred to cosmetics? In fact, it was the minister, who is more qualified than the hon. Member, who mentioned the question of lipstick. I only talked about oils and the things that they are made from. Is he in order to say that whereas he knows I was referring to the subject matter raised by the minister, that is these cosmetics which can also have radioactive elements? But if the hon. Member wants his wife to have lipstick, let her have it; and if she dies, I really do not care.

**The Minister for Lands, Settlement and Physical Planning (Mr. G. G. Kariuki):** Madam Temporary Deputy Speaker, what I am trying to say, unless my friend was not listening because he was busy talking, is that this Bill is not technical, as one of my friends had said. I am saying that I hope we will not spend more time on it talking about cosmetics. I did not refer to the hon. Member, and I suggest that we do not take a lot of our time on it because the only thing we are required to do is to pass it so that the minister is given the go-ahead to do these things. This Bill can only be technical in the sense that none of us is able to bring any amendments. We are going to give you the consent.

What I was trying to say that it is up to the men of this country to know what is good for their wives. If they are corrupt to the extent that they want their wives to look like foreigners, that is entirely up to them, and it is also up to them to know whether that is the right thing to do. There are many things which we can introduce here. If we were to talk about our culture, we would talk the whole day and continue tomorrow and even the day after because it has really been intruded. Our culture has been dominated by others; it has been taken away from us and there is nothing we can do about it. Therefore, I think what we should do is bring a Bill here—if one is capable of doing that—to legalize what we think should be legalized.

Madam Temporary Deputy Speaker, I think the minister should try to study these cosmetics and all these other things and advise this nation against whatever he thinks is harmful to our good ladies and also to our men who also use them. Some men also use Ambi. It is commonly known—and even some of them, we are told, also go to the hairdressers—to have their hair done in a certain manner. They might be abnormal, but I think the minister, who is a scientist himself, as well as his assistant minister, should take it as their duty to tell this nation that Ambi and cosmetics a, b, c, d, are not good for African. The problem we have is that our specialists and experts, like the hon. minister and his assistant minister, and also African chemists, are not bothering to advise their brothers black Africans, on what they should do. They just leave them read whatever material is written by foreigners. I am also doubtful whether this Bill has not been drafted by a foreigner—I am sure it might be a foreigner who has

**[The Minister for Lands, Settlement and Physical Planning]**

sat down and worked on it. We have our educated people, and very intelligent, and yet we feel inferior when we are handling our own affairs.

**The Minister for Health (Dr. Mango):** On a point of order, Madam Temporary Deputy Speaker. Is it in order for the Minister for Lands, Settlement and Physical Planning to give a very misleading statement, or to mislead the House that this Radiation Protection Bill was drafted by foreigners when, literally speaking, 100 per cent of the Ministry of Health is composed of people, at least the policy-makers, who are all indigenous Africans, and even blacker than the hon. minister himself?

*(Laughter)*

**The Minister for Lands, Settlement and Physical Planning (Mr. G. G. Kariuki):** Madam Temporary Deputy Speaker, I said I was doubtful—There was no insinuation at all. The hon. minister should have waited at least to make a sensible point of order because this one is not.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Madam Temporary Deputy Speaker. I thought the hon. Member stood on a proper point of order to clarify that Africans are really the indigenous people—Now, is it in order for him to say that that was not a sensible point of order?

**An hon. Member:** It is an opinion.

**The Temporary Deputy Speaker (Mrs. Onyango):** I think Mr. Kariuki said that he doubted the matter, and the Minister for Health confirmed it categorically. So there was a difference because hon. Kariuki had doubts and the Minister for Health thought that that required his explanation.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** But the point of order I am raising is whether it is right for him to imply that what the minister said was not sensible because he is telling him that he should get a sensible point of order?

**The Minister for Lands, Settlement and Physical Planning (Mr. G. G. Kariuki):** Madam Temporary Deputy Speaker, I think hon. Shikuku, who is very well versed with the Standing Orders of the House, should allow us to contribute and play our part because when he was talking we were all listening to him. I hope he will give us a chance to speak. There is nothing between me and the Minister for Health. Nobody will create any difference between me and the Minister for Health in this manner.

I think we have talked adequately on the various aspects of this Bill. I personally have done so and said that I support the Bill very strongly. The reason why I emphasized African participation here is because I consider this matter to be very important. The minister is himself a scientist, and there are also other scientists here and outside this House, and they can help this nation to shape its policy the way we would want to see it. We are not lacking anything in this

country. We have all types of scientists—What we do not have is people who are prepared to sacrifice some of their time to sit down and write papers that will help in the betterment of this nation. This is a challenge I am throwing to the scientists of this country.

Madam Temporary Deputy Speaker, we have given our advice, and it is even detailed in the Bill how the minister intends to deal with this matter. Therefore, I think, as I said right from the beginning, we had better give the minister a go-ahead so that the Bill will be law by the day after tomorrow. The minister will move on and create the board provided for here, but I do not believe that it is only professionals who can be members of this board. I think there is a need even for an hon. Member of Parliament, a professional woman or even an ordinary woman, to be enabled to contribute in this kind of activity which, I think, is not going to be as technical as we are being told. The board is mainly going to be a business organization. This is the way I am looking at it. Therefore, we need people who can come and report to the House, and the Government, that they think what they see taking place is not the right thing.

With those few remarks I beg to support the Bill.

**The Assistant Minister for Culture and Social Services (Mr. Kalweo):** Thank you, Madam Temporary Deputy Speaker. I also stand to support this Bill. The point I can give is that it is high time that we Kenyans started feeling that we belong to Kenya, and we shall continue to belong here. I believe it is our own intentions and ideas as indicated in Bills like this one and others that will enable this country to make progress in all fields—Madam Temporary Deputy Speaker, the House is very noisy! Every ministry concerned should consult these volumes of laws as far as radiation is concerned so that they can see what is right for Kenyans to have and what we should not have. I say so because these radioactive items are not manufactured here in Kenya. They are imported into our country for business purposes and so we might say that it is a kind of commercial transaction between two countries. The inventors of these things have a lot of knowledge and they sell their commodities to Africans either with the right know-how or without it and, therefore, as hon. G. G. Kariuki said—

**The Temporary Deputy Speaker (Mrs. Onyango):** Order, hon. Members! There is a lot of noise in the Chamber, and those who would like to listen to the hon. Member cannot do so. I therefore, request you all to listen to the hon. Member who is speaking right now so that those of you who will speak on this Bill can avoid repetition.

**The Assistant Minister for Culture and Social Services (Mr. Kalweo):** Thank you, Madam Temporary Deputy Speaker.

As I was saying, hon. G. G. Kariuki said that this is a commercial field, whereby even though we do not invent these equipments we can still use them. The inventors in advanced countries have also an advanced knowledge, and because their market is Africa they

**[The Assistant Minister for Culture and Social Services]** know they can get us by offering us grants or technical aid. Once we accept such moves, they embark on how to mislead us. I would like to give an example of coffee co-operative societies. The Nordic countries give us grants in this field and they also send their representatives to follow up the application of these grants under the pretext that they are advisors. Despite the fact that these people are called advisors, you find that they have never seen a coffee plant in their countries of origin. Yet they are brought here as heads of advisory teams to advise Kenyans on coffee matters. These are some of the things which might fall under such a Bill as this one. These people come here to advise us on matters which we understand better than they themselves or which they do not understand at all. What I am driving at is that when the minister appoints the board that will administer this Bill, he should first look for people who have the interests of Kenya at heart and who love their fellow Kenyans. We hope that these people will actually assess and determine exactly what their fellow Kenyans should live with.

Madam Temporary Deputy Speaker, it is important that we have people of all cadres represented on this board. Women should be considered because if you go to hospitals nowadays—and I am not discriminating—you will find that the bigger percentage of patients are women. This is because of their nature. They have so many body activities—They produce children and they are involved in so many other things, and so they end up having more problems than men. When we look to the side of beauty, all the ladies want to look beautiful. The foreigners are very clever; they have introduced the idea that if a lady applies cosmetics she looks more beautiful and modern. This is why our culture is so important. In due course we are going to bring a cultural policy papers in this House for approval. This is one of the ways in which Government policy can be implemented. The policy will clearly show what our country needs to be the kind of dress we should wear and how we are expected to beautify ourselves. The Code of Conduct Committee which was recently appointed by His Excellency the President will define the requirements of this country in our behaviour. I hope that hon. Members will give their views to this committee, and also speak on the cultural policy paper when it is brought here.

Madam Temporary Deputy Speaker, I would like to request the minister for health not to hurry up in appointing this board. We are going to pass this Bill but he must be competent when appointing the board. The members of the board should not only be medical scientists but he should incorporate scientists from other fields and other people who have general knowledge, such as Members of Parliament, who love their voters so much, so that the board get ideas from all classes of people.

Madam Temporary Deputy Speaker, Maua Hospital was granted X-ray equipment by a certain country. We were very happy with this gift at the beginning but when the Ministry of Health posted a very qualified African doctor to the hospital it was discovered that this X-ray equipment was one of the first models which

were invented in America several years ago and, therefore, outdated. We had been so grateful to the donors who gave us the equipment and praised them so much. Even as of today we do not have X-ray equipment at Maua Hospital although it is a very big one—

**An hon. Member:** But it does not belong to the Government.

**The Assistant Minister for Culture and Social Services (Mr. Kalweo):** Yes, it is not a Government hospital; but the patients who go there belong to the Government. The people of that area are subjects of this Government and, therefore, we would like the Government to know that although that X-ray equipment was given to us, it is outdated.

Madam Temporary Deputy Speaker, we do not have this problem only with radiation equipment but also with many other things. For instance, the Ministry of Education had agreed to introduce new mathematics into our schools. This was the system that had base 2, base 10 and others, but in our day to day lives these things are not operative. If you sent your children to buy sugar, they would not calculate the price using base 2 or base 3. It is the old mathematics, those taught by Carey Francis and Durell, that are applicable to our real life. That system was introduced into the country through corruption. Therefore, every ministry must remember that, as hon. G. G. Kariuki said, these things go wrong because of corruption.

Madam Temporary Deputy Speaker, some time ago I wanted to purchase a bakery, a project that was to cost me Sh. 5 million. When I was looking for the funds—and I am still looking for them even today—I recalled that there was somebody else to whom I could go for an estimate. On assessment by this second person, the bakery would now cost Sh. 932,000 in actual money, and inclusive of everything, the total sum required would be less than Sh. 2 million. This is why I am saying that before rushing to buy equipment, radioactive and the rest, we should make use of our foreign embassies.

Madam Temporary Deputy Speaker, our embassies abroad can do much for this country. We should have in our foreign embassy offices people with the know-how on items that we may want to import in this country so that they assess them there to avoid corruption. This is why I am calling on every ministry—not only on the Ministry of Health—to go through this Bill so that we can see what we are supposed to do and what we are not supposed to do. I would like to request the ministers to spend more time in their offices and consult each other on these things so that we can avoid going into a mess.

Madam Temporary Deputy Speaker, radioactive items are not manufactured here but abroad. These people use the knowledge they have in manufacturing such items to confuse the uneducated societies, mostly in black Africa, which is their market. For example, we are told that we have been helped or we have been given coffee grants amounting to Sh. 400 million. But when we send our coffee there, they lower the price so that they offset what they had granted to us. This is why in this Bill the source and the side

**[The Assistant Minister for Culture and Social Services]** effect of such an item should be understood before it is allowed to be purchased or used here.

Although I would not like to add points on this issue, I feel I should comment on Part IV—Licensing Provisions. Clauses 11 and 12 set out the licensing procedures and the duties of licensees, et cetera. This is an area where more Kenyans should be given facilities. In this regard, finance is a problem to most Kenyans and this is why we are suffering. For example, an African, an Asian or another fellow may apply for a loan to an African bank manager, but things may be made so complicated that the African fellow fails to get the loan whereas the Asian and the other fellow get it. We are all Kenyans and, therefore, we are not segregating, but sometimes we say that blood is thicker than water. Why should an African suffer when his fellow African has an authority to help him? That African in authority should apply his authority to enable his fellow Kenyan to develop. I am saying so because nobody will come from heaven to develop this country. It is we, ourselves, who will do that under the wise leadership of our Head of State, who is tirelessly leading this nation day and night. His speeches are directed to improve our living standards and our way of understanding. The Head of State himself is not going to come in my office to show me what to do; but it is our duty to listen to his talk and then act by implementing what he says. It is upon ourselves, including the youth, to implement the policies that our Head of State pronounces for the good of this country. He has given us the guidelines and it is upon ourselves to work hard.

Madam Temporary Deputy Speaker, while still on this point I would like all of us Kenyans to realize that it is our duty to develop this country. If we have this commitment no doubt we shall wipe out corruption. Let us give an example of a schoolgirl or a schoolboy. The duty of that child is to study hard and to be totally committed to this country so that the Ministry of Education could boast that they are doing a good job. It is also the duty of the Ministry of Culture and Social Services, where I belong, to try and advertise all that is being done in the ministry all over the country so that everybody may understand what is going on.

As I said earlier on, Madam Temporary Deputy Speaker, if Africans are given facilities in good time they can do good work. I would not like to say that we should not employ foreigners who are needed. If we do not have the type of calibre that we need among our fellow Africans, we can employ foreigners, but if we have fellow Africans who can do any kind of job, they must be given the chance. However, before I am appointed manager of something my life history should be looked into, and this is an area where our Special Branch and Criminal Investigation Department could come in. Before I, or my friend here, hon. Anyieni, who is heading the Commission of Soil Conservation, are appointed to serve on any board, our life history should be scrutinized so that anybody who is chosen is the right person. I am saying so because whereas we have professors of various subjects, we

do not have a “professor of honesty”. Honesty is in-born; it can be seen by looking at somebody’s record. Through our intelligence network—if those who are entrusted with these duties are true followers of Nyayo and are out to better our country—the life history of anybody proposed for appointment to any board could be checked so that we end up appointing better qualified people. We shall also end up appointing people who are not corrupt and who will not be misled by foreigners with their money.

Madam Temporary Deputy Speaker, we should also bear in mind that we should not betray our country because of want of money or riches. We should not forget that God created a beautiful world, and we should also not forget that each and everyone one has his own luck in this world. Somebody might struggle throughout his life but still end up a poor person. So, when you are in power, you should not start grabbing so as to become rich but you should work hard so that one day you may be lucky to be rich, if you want to be rich. The other day when our Head of State addressed the country after arriving from Tripoli, he said that he will not be buried with his property, and there is nobody who is going to be buried with his property. Therefore, we should not worship riches and forget our fellow countrymen.

**An hon. Member:** You are going off the Bill now.

**The Assistant Minister for Culture and Social Services (Mr. Kalweo):** I am not going off the Bill, Madam Temporary Deputy Speaker, but I am trying to elaborate on the people of high calibre who should be members of the board. This is why I brought in the intelligence network to assess the type of people who should be appointed by the minister to serve on the board.

With those few remarks, Madam Temporary Deputy Speaker, I beg to support the Bill.

**The Assistant Minister for Information and Broadcasting (Mr. Khasakhala):** Thank you very much, Madam Temporary Deputy Speaker, for allowing me to say a few words on this Bill. I am going to be very brief.

First of all, I would like to say that I fully support the Bill, and I think it has come at the right time. My first quarrel is with the board. The Director of Medical Services, who is the key man in the board, has already too much on him. I think we should have had another person to represent him on that board.

Madam Temporary Deputy Speaker, I would also like to say that the other people who are going to be on the board are those people who do not have much to do with radioactive matter. As far as I am concerned, the person who has much to do with radioactive matters is the Minister for Transport and Communications, because when they are making roads they use a lot of explosives. The others who should also be included in this Bill are representatives of my ministry, that is the Ministry of Information and Broadcasting. That one is very important because all our transmitting stations and others have very active radio transmitters devices and if we are not represented on this board we will keep on building these radio transmitting stations, like the ones at Lang’ata, Voi and other

**[The Assistant Minister for Information and Broadcasting]**

places without getting advice from the board on exactly what areas should be protected. So, our radio transmitting stations have very active devices and, therefore, we need a lot of advice when erecting these installations all over the country. The Ministry of Information, Broadcasting, especially the Engineering Section, should be fully represented on the board so that when it is fitting radioactive devices in our transmitting stations, which are now all over the country, they can get advice directly from the board. Our own representative should be there in order that they may know exactly what the Act provides so as to ensure that the people around these transmitting stations are protected. If you go to Ngong in the evening, you will see that the lights there are very powerful. This is because of the transmitting station which is there, and such a thing might be affecting people who are living around there without our knowledge. We might, in the long run, find some boys and girls born with a lot of defects on their bodies; some might be born without heads or hands because of these radioactive devices. So we feel that this board should consist of some of the people who are using radioactive equipment in the country.

Madam Temporary Deputy Speaker, I also feel that the Ministry of Defence should be represented on this board because I think it is also important for this ministry to know exactly what types of radioactive devices or materials they use and what precautions, they should take.

Madam Temporary Deputy Speaker, I would also have liked to see the minister including some protections in this Bill. Although he has said something about patients under clause 3(1) of the Bill, he should have gone further to state very clearly that patients will be protected when they are being X-rayed. Even those people who are taking X-rays in the hospitals need protection. I am saying this because when I was in London a few months ago, I heard the people there being advised on the radio as to the effects X-rays has on the lives of the people. So, I feel that this one should also have been explained very clearly by the minister. He should have told us what protection will be given to the patients who will be X-rayed and also those who will be X-raying them.

Madam Temporary Deputy Speaker, the other protection I think should have been included in this Bill is in respect of institutions with radioactive materials. That is to say that there should be control as to where these stations should be built or erected. That should be spelt out in this Bill so that we know exactly what areas are more dangerous so that protection could be given to the people who are living around those places. That is very important, and so it should be spelt out very clearly in the Bill. I am saying this because people might build stations with radioactive devices or materials in the Industrial Area here or in other towns without knowing that they will affect the lives of the people living in those areas. So, the distance from the area where the station will be built to the place where people are going to be allowed to stay should be spelt out very very clearly in this Bill.

Finally, Madam Temporary Deputy Speaker, the minister stated that whenever they want to destroy any of these radioactive devices or materials they will have to send them back to the countries which manufactured them. I would like to say that at times we have found that when these things are still in transit, they leak or get broken through accidents or any other means. So we would like to know the steps that will be taken when this takes place, or how the people who are living around the area where the station is built are going to be protected from these radioactive devices. When these things are being sent back to the countries which are manufacturing them, so that they can be destroyed, or when they are being imported to this country, we must have an expert accompanying them to their destinations so that they can reach there when they are still safe. If they are just sent back to there or imported to this country without the people handling them being provided with the necessary protection, they will be dangerous to the lives of the people in the areas where there happens to be an accident.

I would like to appeal to the minister to look into ways and means of protecting people from these dangerous radioactive devices. I am saying this because what we are discussing here is not just a simple scientific affair; it is a very dangerous scientific affair which can destroy very many people in the country, and even cause what happened to the Japanese during the atomic energy crisis. Although the atomic bomb fell in Japan many years ago, up to now children are still being born lame because of the effects of that bomb. So, the harm can go on for a long time. Therefore, I would like to appeal to the minister to be more vigilant or cautious as regards the advice he gets from this board.

Madam Temporary Deputy Speaker, I would also like to say that the minister has not stated anything in the Bill concerning appeals. If the board refuses to issue a licence to someone, or if it does not fulfil certain conditions or rejects the application of someone who wants to manufacture something, where does such a person appeal? This should be stated clearly in the Bill. It should be stated clearly in the Bill that such a person has the power to appeal either to the minister or to another tribunal set up by the minister to look into such appeals.

Madam Temporary Deputy Speaker, I feel that before the House is adjourned *sine die*, this Bill should be passed, or allowed to go through its normal stages, so that it can start working as soon as possible. I feel that it has come at the right time, when the House is just about to adjourn and, therefore, we should give it our blessings and allow it to go through all its stages.

With these few remarks, Madam Temporary Deputy Speaker, I beg to support the Bill.

**Mr. Bwana:** Thank you, Madam Temporary Deputy Speaker. I would like to make a few points on this very important Bill. It is fortunate that this Bill has been brought to this House although it has been brought very late. As it has been stated by the minister,

**[Mr. Bwana]**

the Radiation Bill is very important, particularly because radioactive devices are very dangerous. I think there is more to be done now and, as I said, we should take immediate action to pass this Bill. However, I am looking forward, through the ministry and the people who have drafted this Bill, to an amendment to this Bill. I am saying this because the Bill, as has already been said, is very technical, and as it is, one clause is missing. This is with regard to the waste matter of radioactive materials. How are we going to dispose of this radioactive materials?

Madam Temporary Deputy Speaker, section of the Bill says:

"Subject to the provisions of this Act, the Board shall have the following powers—

(a) to advise the minister on matters relating to radiation protection and radioactive waste disposal".

I think there should be an amendment here to protect the ordinary mwananchi from radioactive devices. It is important to have the law protecting our people and not just giving powers to a person who will just tell the minister what he thinks. So far the situation is not good enough because radioactive devices are everywhere; in the chemist shops, in the laboratories and so on. You will find a simple radioactive substance in a tap, whereby somebody washing his hands with some carelessness will be affected. Radioactive devices take thousands of years to lose effect and, therefore, as a precaution we have to get a place where radioactive waste will be stored for many years or until it becomes a real waste. You will find that some countries are dumping radioactive materials in the deep sea, while others dump them in the desert, and so on. I think here in Kenya we have a very big desert where we can dispose of this material, where there is very little rainfall. This should be a no-man's land, and I think this point should be considered seriously for the future of this nation.

**An hon. Member:** Is there a no-man's land in Kenya really?

**Mr. Bwana:** Yes, we have the desert where volcanic eruption has taken place. I understand you have to dig a big hole of— I do not know of how many metres deep, but the technicians would provide information on how radioactive material should be stored. It is only things like Iodine which take only about 20 years; other chemicals or radioactive materials, as I have said, take very many years to lose their effect. Radioactive substances are the things that normally cause cancer, and you nowadays find that cancer is very common. We used to think that it is only in America or Europe that people get cancer, but you go to Kenyatta National Hospital now and you will be surprised to find the number of people getting radiotherapy treatment, which is not even a solution.

Madam Temporary Deputy Speaker, I think we should be very careful in this, and I would like the ministry concerned to think very carefully on how to safeguard the lives of our people. They should think

of introducing a legislation for the protection of our people from radioactive materials. I would like to put this request to the ministry concerned because so far we only have one radio-therapy clinic in the country, and I think more units should be introduced. I think we should have one in Coast Province and a third one in Western Kenya at Kakamega, Kisumu or wherever they may think suitable for it.

With these few remarks, I support the Bill.

**Mr. Anyieni:** Thank you, Madam Temporary Deputy Speaker, for giving me a chance to say something about the Bill. First of all I would like to congratulate the minister for having introduced the Bill. I must also repeat one point, and that is that this is a very technical Bill. It is a scientific Bill, and we should not for any reason pretend that it is one that we fully understand. We must accept the fact that it is scientific, and we must congratulate the officers who participated in its preparation and eventual printing to the form in which we see it now.

Madam Temporary Deputy Speaker, one may not understand what we are talking about until, maybe, one has been to Japan. I have visited Hiroshima and Nagasaki where Americans dropped an atomic bomb during the last world war. It is now many years since this atomic bomb was dropped at Hiroshima, and it was said at the time that the bombs which were available were very crude, which means that they were not as sophisticated as today's bombs are. However, the radioactive effects are being hereditary, which means that they are being passed over from the father to the son. Even some very young girls, who at that time were affected by the radioactive material of the American bomb, have their children suffering from the effects today.

Having said that, I would like to say that developing countries who have very limited knowledge of what these things can do— We are grateful that our Government has seen it fit to introduce a legislation like this so that we will not be taken unawares by the radioactive materials or chemicals that might be brought to this country. This will enable our Government to protect our people. We would like to urge our Government, however, to introduce nuclear physics as a subject in our local universities so that our graduates— This is so that when we talk about the matter the people who will be nominated to that board will know what is being talked about. I do not object to other people also being appointed.

Madam Temporary Deputy Speaker, there must be specific people on this board who have sound knowledge of nuclear physics, so that when you talk about radioactivity they will understand what you are talking about. Also there should be a department and equipment— Madam Temporary Deputy Speaker, I do not understand when the minister says that about K£49,000 will be involved. I do not know whether this money is going to buy equipment which will assist the board to detect radioactive objects which might harm our people. It is important that we have some equipment for this purpose.

**[Mr. Anyieni]**

Madam Temporary Deputy Speaker, all industries established in this country by foreign investors should be scrutinized so that we do not have a factory which brings benefit to this country but also does harm to this country. An example of this is the Cobalt Factory which was being built in Naivasha only to be discovered that the waste materials coming out of that factory was going to cause a lot of problems to this country and the factory was abandoned in the middle. If we had a board like this one that would not have happened. Therefore, I suggest that whatever factory or equipment that is coming from the developed countries should be subjected to the scrutiny of experts employed by this board.

Madam Temporary Deputy Speaker, I can also see that in one part the Bill says that "Anybody who imports equipment carrying radioactive objects shall be fined Sh. 20,000". What is Sh. 20,000? If a person is able to handle radioactive materials he must be very sophisticated; he must be a very rich man. If it is a corporation then it must be an international one. So, when you talk of a fine of Sh. 20,000, you will find that the harmful effect of radioactivity is not properly compensated for by that fine! If this person imports a radioactive article and it affects many of our children, fining him Sh. 20,000 is not enough. Is that really a fine? That is why I was saying that sometimes we are lenient to people who should pay heavy fines and sometimes we are harsh to people who cannot afford heavy fines.

Madam Temporary Deputy Speaker, I do not know what is happening to our local scientists. They should be brave. You will find that they kept quiet when this House was debating the use of Depo Provera. Our scientists were just keeping quiet leaving this House to argue. They did not speak out, and there was no correspondence in the Press. We had to struggle with that debate alone; the only person who was speaking on our behalf, was one doctor somewhere; he was not even straight but quite vague. Now that the House has passed that Motion they have agreed with us, and we do not know whether that Motion is now being implemented.

**Mrs. Asiyo:** They are not implementing it.

**Mr. Anyieni:** Madam Temporary Deputy Speaker, there is now this question of toothpastes which contain flouride. When somebody talked about this some people said, "Oh, this man is mad; he does not know what he is talking about". You will find that the Voice of Kenya, an institution for which our people are paying tax, carries advertisements every evening showing our children a piece of chalk being dipped into ink and it absorbs the ink the way a tooth is supposed to absorb flouride. So, you will find that our children have been telling us, "Dad, I also want my teeth to be clean". However, it was only yesterday when we were told by the Director of Medical Services that flouride is harmful to our teeth. Why have our scientists kept quiet for so long? Did they get this knowledge yesterday? We must even blame our scientists because of these cosmetics which my hon.

friend, Mr. Martin Shikuku, likes to talk about. I am saying this because in the traditional African ways, our women had ways of making themselves beautiful. It is a duty, therefore, of our scientists to—

**The Assistant Minister, Office of the President (Mr. Kuguru):** On a point of order, Madam Temporary Deputy Speaker. Assuming that, possibly, hon. Members are satisfied with the debate on this Bill so far, would I not be in order to move that the Mover be now called upon to reply?

**Hon. Members:** No! No!

**The Temporary Deputy Speaker (Mrs. Onyango):** Well, hon. Members, it is up to the House to decide. Therefore, I will put the question.

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

**Mr. Anyieni:** Madam Temporary Deputy Speaker, I am very surprised because this is a very important Bill, and this idea of having ministers and assistant ministers, who are supposed to know what we are talking about sitting here and just calling upon the House to pass something without even talking about it is very bad. Why are we elected to this House? Are we elected to this House to come here and say "No, No?" Shame on you!

**The Assistant Minister, Office of the President (Mr. Kuguru):** On a point of order, Madam Temporary Deputy Speaker. I think I only put forward my request and the hon. Member, therefore, should be respectful enough not to quarrel with me. In fact, asking permission to move that the Mover be now called upon to reply does not mean that I ordered the debate to stop.

**The Temporary Deputy Speaker (Mrs. Onyango):** Order! Order! Hon. Anyieni, you are aware that it is allowed, according to our Standing Orders, for whoever feels we have had enough debate on a subject to move that the Mover be called upon to reply. In fact, it is up to the House to decide on that Motion, and the House has now decided that we have not had enough debate. So, I do not see why you are going back to the assistant minister because he was in order. You may now continue hon. Anyieni.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Madam Temporary Deputy Speaker. I thought it was also provided in our Standing Orders—or in the Parliament booklet—that you cannot shout "shame" to an hon. Member. I heard my hon. friend, Mr. Anyieni, say "shame on you". Is that in order?

**The Temporary Deputy Speaker (Mrs. Onyango):** Well, the Chair has called upon hon. Anyieni to continue contributing to the Bill without pointing a finger at the assistant minister. You can continue now, hon. Anyieni.

**Mr. Anyieni:** Madam Temporary Deputy Speaker, I am also saying that we must be very careful with a Bill of this type. A Bill like this one is very important, and we have to expound on it so that those people in the countryside, our own electorate, know what kind

**[Mr. Anyieni]**

of a Bill we are debating; they should be able to know that some of the objects imported into this country are dangerous.

I would like to repeat that our scientist—and we have them at the University of Nairobi, and we have our doctors here, for example, Dr. Wameyo—should be protected. We expect our doctors to protect those of us who are not doctors like ourselves; they should not keep idle. In fact, they should be brave enough to say, "That drug is bad". They should not just leave us to swallow everything that is manufactured by the developed countries. We know that it was proved by our Gracious Lady, hon. Mrs. Asiyo, that when Depo-Provera was being brought here, there were ways of bringing it here which I would not like to mention. We urge our scientists to make sure that this country is protected against harmful equipment.

Madam Temporary Deputy Speaker, I am not contradicting anybody. I saw on television yesterday some people—I think they were Americans—collecting waste materials from nuclear power stations and dumping them into the sea. Now, this Bill, should include a clause making it illegal for any ship coming to our waters to dispose of any such waste materials.

*(Applause)*

We should have the technical know-how to be able to carry out this exercise. It should be a serious international offence for any ships to dispose of waste materials here. The ship owners should be told that they should not dump nuclear waste materials in our waters. As a matter of fact, our representatives at the Law of the Sea Conference should bring up this matter. If the Americans want to pollute their own oceans, they can do so, and if the Soviets want to pollute their own oceans, let them do so, too. The developing countries must be careful because they do not have detectors of radioactive materials. Perhaps what I saw on television last night on this dumping business was not being done in the American coast but in the Indian Ocean here, but we have no equipment to detect anything.

Madam Temporary Deputy Speaker, for that reason we feel that the minister should be given more money so that he can be able to detect any of these dangerous wastes which may be dumped in our waters.

I was also talking about cosmetics like Ambi. Now, if our doctors have proved that Ambi is dangerous, why does the Ministry of Commerce, or Industry, licence these people to manufacture it, when it is a destructive product? Why allow them to manufacture the product? The first concern of an independent nation is to protect its own citizens.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Not these days.

*(Laughter)*

**Mr. Anyieni:** Therefore, I would like to appeal to our scientists, and I am repeating this because Government also depends on these scientists—Government depends on the Chief Chemist, or whoever it is.

The other day we passed a law here on chemicals, food and other things. We pass laws here, and we feel that we have done a job and congratulate ourselves for that work, but the trouble is that as soon as we finish passing a law that law is put in a shelf and that is the end of it. Things continue going on as they were before. If we pass this law, what would stop, for instance, Dr. Koinange, as the Director of Medical Services, from consulting with other doctors and then ordering the manufacturers of some of these cosmetics and dental creams not to manufacture them? Why can he not tell them that they should remove fluoride from tooth-pastes so that the product may not harm our children? What are we afraid of? Why are we not brave enough? We have been independent for almost 20 years now. Why?

It is my hope that all these manufacturers who are making these products are not giving kick-backs to our own people so as to be allowed to flood the country with dangerous drugs. This Bill has stated quite clearly the calibre of people who are going to be members of the board. For instance, the Minister for Labour will have a representative on the board, so will the Minister for Higher Education. Likewise, the Minister for Industry will be represented on the board.

**Mr. Karauri:** On a point of information, Madam Temporary Deputy Speaker, I would like to inform my hon. friend, hon. Anyieni, that in Kenya we have a Medical and Dentist Association, which advises the Director of Medical Services. So, the question we should be asking now is why he does not consult the association since it is composed of specialists. If they endorse something, they must be sure of what they are doing. However, maybe the Director of Medical Services does not consult the association.

**Mr. Anyieni:** Thank you very much for that piece of information. However, my contention is that we have passed many Bills in this House but they have not worked. We are also going to pass this Bill now, and it is our hope that after we have passed it, it will be implemented. This Bill is calling for the protection of our environment. If we failed to protect our environment we will have committed a sin against our own children. If the experts neglect our people simply because they want to get kick-backs at the expense of the health of the children we are producing, what is the use of that money if we are only going to produce children who are deformed or who are born sick?

I do not want to say a lot on this Bill. However, I would like to say that the minister, during the Third Reading of the Bill, should introduce amendments particularly to the section which talks about the fine of K.Sh. 20,000. We passed a Bill here that if a woman is found in the countryside brewing chang'aa she should be fined K.Sh. 10,000. We are also saying that an international crook who has introduced radioactive materials into our country should be fined K.Sh. 20,000. The fine should be Sh. 1 million. Why should such a person introduce something that has radioactive materials into the country? We do not need such things. If your child was born dead—what would be the use of importing such things?



**[Mr. Anyieni]**

We hope that the people responsible for storing the X-ray equipment at Kakamega are going to hurry up this matter. We hear that the equipment is exposed to sunshine, rain, dust and so on. We as laymen who know very little about science know that X-ray is radioactive. We have read about these things in the press. Even the minister toured that area.

**The Assistant Minister for Health (Dr. Wameyo):** On a point of order, Madam Temporary Deputy Speaker. Is the hon. Member in order to mislead the House by saying that at Kakamega we have X-rays? At Kakamega General Hospital we have an X-ray machine but not the X-rays.

**Mr. Anyieni:** If people who are educated talk the way the hon. Member has talked, it is very unfortunate. The hon. Member has not helped me at all. Indeed, he has not helped anybody.

**Mr. Okondo:** On a point of order Madam Temporary Deputy Speaker. Hon. Anyieni is misleading the House now. It is not the machine which is radioactive. It is the rays which the X-ray machine produces when the button is pressed which are radioactive. The X-rays go out after the machine has been switched on.

**Mr. Anyieni:** This is what the doctor was saying. I do not know what hon. "Okondo" wanted to say. However, I would like to thank him for the information he has given me.

**Mr. Okondo:** On a point of order, Madam Temporary Deputy Speaker. Is it in order for hon. Anyieni to mispronounce my name? He should pronounce my name correctly. Does he want me to call him "Mr. Ang'ieni"?

**Mr. Anyieni:** Madam Temporary Deputy Speaker, I have no intention at all of mispronouncing his name. He is my friend. I have no intention at all of calling him by any other name. Maybe it was just a slip of the tongue.

Madam Temporary Deputy Speaker, we knew that such equipment, although we are not scientists, when switched on produces radioactive signs—it should not be switched on the way it is done sometimes.

With those few remarks I beg to support.

**Mr. Okondo:** Thank you very much, Madam Temporary Deputy Speaker, for giving me the opportunity to contribute to this Bill.

I will start by saying that I stand to support the Bill that has been presented by the hon. minister, and in supporting it I have a few points to make.

First and foremost, I would like to say that it is a kind of habit or a kind of colonial hangover to provide in many Government Bill that where something is in dispute an appeal should be made to the minister. This is a fallacy, I submit, because here we are making the minister to be a judge in his own cause. It is not fair because the minister is the one who has laid down the policy for doing these things, and when there is a dispute between the board and the applicant, we are again asking the applicant to appeal to the minister. This is not fair to the applicant because the minister has views

of his own. He is a politician and he may very well wish to help somebody. Now, in this way we are distorting our legal or judicial processes. I am suggesting that when the minister speaks later he should introduce an amendment removing this appeal to himself because he is an interested party. He cannot, be a fair judge in his own case. I am, therefore, appealing to Government in general that in future whenever there is this kind of of a situation the appeals should be left to the judicial process and not made to the minister. This is distorting our judicial processes.

Further, as I mentioned in another Bill, it is quite possible that in an appeal of this kind the minister could be biased. Today we may have a good minister, but he is not going to be the same minister always. We may have a different minister taking that position, and to give this burden is really overburdening the position of a minister. So we should take it away and leave the appeals to go to a properly constituted tribunal or organization that can handle the matter impartially without necessarily involving the minister.

Further, Madam Temporary Deputy Speaker, the minister is a policy maker and he has made his policy. Why should we degrade his position by reducing it to that of administration? He has already made a policy position. So he is above the administration that takes place under that policy and we should not bring him back into administrative management. So, this is an important point of principle, and I would like to make it with all the emphasis that also in future Bills this point ought to be given consideration to the optimum so that the minister simply lays down the policy and legislation but does not again use the same legislation to judge his own case. This point, I repeat, cannot be overemphasized.

**An hon. Member:** What are you proposing?

**Mr. Okondo:** I am proposing that the minister looks into clause 15 (2) and amends it so that some kind of tribunal is created for this kind of thing, or some other superior board to the one he has appointed is created for appeals in this kind of situation. The minister remains the politician he is, generating policy and not going back to administer and to judge the policy which he has created, or administered. So, that goes with the appeals.

Madam Temporary Deputy Speaker, we have a situation here which, in my opinion is merely a hang-over from the colonial times. In the colonial days the the director of this service was in this House, and he continued in those circumstances to adjudicate various things that came to him under the direction of the colonial office in London. We inherited that position in our legislative processes, and we have not been careful enough to eliminate that sort of situation. Since we are now an independent nation, we should get away from this colonial hangover and administer our system in such a way that it is respectable and, in itself, providing justice for everybody.

Madam Temporary Deputy Speaker, I would have thought that the minister would have taken this opportunity to also deal with the handling of radioisotopes in this Bill because radioisotopes are used in various

**[Mr. Okondo]**

research situations. I am sure that in this country there are isotopes being used as tracer elements in various plants or fluids, and I think these too, which are more dangerous than the things that have been mentioned in the Bill, should be included. I have not seen their definition in this Bill, and so the minister could probably have a look at the Bill again and see if he can include radio-isotopes because they are being used in various kinds of research. I am not sure that they are at the moment included in this Bill. So, as it is they could easily be used without protection being accorded.

Madam Temporary Deputy Speaker, in the same token, I would have thought that the minister could perhaps have a look at whether we need our own research unit, apart from that of the University of Nairobi. He could look into the use of radioactivity for various developmental purposes. The world is turning to radiation for energy, cures and many other things. Are we, in Kenya, so backward that we cannot think in terms of using radiation? After all, radiation is with us day and night. Without radiation we cannot do anything. The sun is shining on us every day and it is irradiating us. Are we going to keep quiet and stay idle while all the other nations are

researching radiation as a tool for science, production, and economic growth and development? Are we going to sit idle and wait until Europe has done all the research or are we going to try at this time, as a nation, to do something to undertake research on radioactive materials? We must not sit back. It is absolutely imperative that we begin an embryonic system of research with radioactive materials, and I would have thought that this was an opportunity for the minister to say that some kind of provision will be made for this embryonic research unit to be started. But, of course, I am not saying that the minister is not thinking about it. It is quite likely that he is thinking in terms of doing that in a different Bill.

**The Temporary Deputy Speaker (Mrs. Onyango):**  
You will continue tomorrow, Mr. Okondo.

**ADJOURNMENT**

**The Temporary Deputy Speaker (Mrs. Onyango):**  
Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday 8th December, 1982 at 9.00 a.m.

*The House rose at thirty minutes  
past Six o'clock.*

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**Wednesday, 8th December, 1982**

*The House met at Nine o'clock*

*[Mr. Speaker in the Chair]*

**PRAYERS**

**ORAL ANSWERS TO QUESTIONS**

*No. 641*

**MINISTRY OF AGRICULTURE CASUAL WORKERS'  
DUES IN BUNYALA**

**Mr. Wasike-Ndombi** asked the Minister for Agriculture when he would pay 25 people their dues for the work they performed on cut-draining during the month of April, 1982 in Namirama Sub-location Bunyala, at an agreed rate of KSh. 3.85 per metre.

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

All the casuals who worked on the soil conservation project in Namirama Sub-location, Bunyala, and indeed in Lurambi Division, were paid their dues at the rate of K.Sh. 3 per cubic metre and not K.Sh. 3.85 as alleged by the hon. Member. The payment was made vide voucher No. 1261 of 5th May, 1982. The rate of minimum payment for such soil conservation works at national level is Sh. 2.65 per cubic metre.

**Mr. Wasike-Ndombi:** Mr. Speaker, I must thank the assistant minister for his good answer. But these being casual workers, why was it necessary to delay the payment, since casual workers are paid at the end of the day? Why was it necessary to delay the payment?

**Mr. Hirsi:** It was because of lack of funds, Mr. Speaker.

**Mr. Speaker:** Mr. Muthura's question.

*No. 626*

**CONSTRUCTION OF CATTLE DIPS IN LAIKIPIA**

**Mr. Muthura** asked the Minister for Livestock Development when construction of the five cattle dips planned for Mukogodo Division as per 1979/83 Laikipia District Development Plan would start.

**The Assistant Minister for Livestock Development (Mr. Murgor):** Mr. Speaker, Sir, I beg to reply.

The Pore and Musu cattle dips, built through a grant from range management, and Waso cattle dips, built through a game department grant, have been completed. These dips will be opened as soon as arrangements are finalized.

Mr. Speaker, Sir, three dips in Mukogodo Division, namely, Kipsing, Oljijo and Ngare Ndare received district development grants of K.Sh. 35,000 each, and the construction of the three dips will start as soon as the contractor completes the construction of the dips he has started in Rumuruti area, possibly in January, 1983.

Mr. Speaker, Sir, in fact, the wananchi were supposed to contribute Sh. 25,000 for the construction of one dip, and they are still collecting the money up to now. Perhaps the hon. Member could assist by urging them to speed up their collections.

**Mr. Muthura:** Mr. Speaker, were the wananchi informed that they were supposed to contribute the money that the assistant minister speaks about?

**Mr. Murgor:** Mr. Speaker, Sir, it is a well know thing that wananchi are supposed to contribute towards the construction of all dips. So there is no question of telling them that they were supposed to contribute this money because they know that they have to do so. Therefore, they should try their best to see that they collect the money.

**Mr. Lalampaa:** Mr. Speaker, Sir, is the hon. assistant minister aware that the people of Mukogodo Division lost many cattle during the 1980 drought and, therefore, they are unable to raise that amount of money? Could the hon. assistant minister consider building dips for the wananchi in that division, because they are not in a position to raise that amount of money?

**Mr. Murgor:** Mr. Speaker, Sir, I am not aware of that. As I said earlier on, wananchi are supposed to donate something towards the building of dips. Even working by hand is also counted as being a contribution. So, if their cattle died during the time the hon. Member is referring to, they can go to their district development committee and ask for more money.

**Mr. Muthura:** Mr. Speaker, if I heard the assistant minister correctly, he said that the construction of the other three dips will start when the contractor completes the construction of the dips he has started building in Rumuruti area. If that is so, what warranted the removal of the constructor before he had finished constructing all the five dips?

**Mr. Murgor:** Mr. Speaker, Sir, could he repeat his question?

**Mr. Muthura:** Mr. Speaker, Sir, if I heard the assistant minister correctly, he said that the work on the other three dips will start as soon as the contractor finishes or completes doing the work he is doing somewhere else. Why was this contractor removed from there before he had completed the five dips?

**Mr. Murgor:** Mr. Speaker, Sir, it was done because the wananchi had not collected the Sh. 25,000 which was required from them. That is the reason why the contractor had to move to another place where people were ready.

*No. 714*

**SHORTAGE OF RABIES VACCINES IN KERICHO**

**Mr. arap Koech** asked the Minister for Livestock Development what corrective measures he was undertaking to alleviate the recurrent shortage of rabies vaccines in Kericho District.

**The Assistant Minister for Livestock Development** (Mr. Murgor): Mr. Speaker, Sir, I beg to reply.

The shortage of rabies vaccine was experienced in the second quarter of this year. However, this was only due to the high demand of vaccine in the country and partly due to the breakdown of essential machinery used during production. At the moment the machinery have already been repaired and the vaccine is available. The district, therefore, gets its share of the vaccine like any other parts of the country.

**Mr. arap Koech:** Mr. Speaker, I am wondering whether there should not be another alternative because it is really a pity when somebody goes to the hospital for vaccine and he is told that there is no vaccine. In quite a good number of cases patients have gone to the hospital for the rabies vaccine only to be told that there is no vaccine, and later on they are admitted into the same hospital. This is very serious because once somebody has got rabies, there is no hope for cure and the only result is death. Why does the ministry not look for an alternative in order to save the lives of the people?

**Mr. Murgor:** Mr. Speaker, Sir, as I said, there was a breakdown in the machinery and, therefore, the vaccine was not provided in good time. We know that rabies is a deadly and often fatal disease and we, therefore, ask the public to co-operate with the officers of the ministry in controlling the disease by bringing all their dogs for vaccination as well as by destroying the unwanted and ownerless stray dogs.

**Mr. arap Koech:** Mr. Speaker, Sir, in addition to providing this vaccine for the prevention of rabies, which the assistant minister has assured us he will give us in good time—I thank him for that and I would like to inform him that we shall co-operate with his officers as we have always co-operated. However, I do not know whether the assistant minister would assure the House that in future when there is such a breakdown in the machine, they will look for an alternative. They can either import the vaccine or do something else so as to save the lives of the people rather than just keeping quiet.

**Mr. Murgor:** The assurance is given, Mr. Speaker.

No. 758

#### BULL-CAMPS IN BUNYALA

**Mr. Okondo** asked the Minister for Livestock Development whether he would send a suitably qualified member of his ministry to assist the farmers in Bunyala to improve their cattle stock by way of establishing two bull camps, one at Budalangi and the other at Magombe.

**The Assistant Minister for Livestock Development** (Mr. Murgor): Mr. Speaker, Sir, I beg to reply.

My ministry no longer runs bull camps because early trials during the late 1950's and 1960's proved unsuccessful. However, Sir, the ministry under the Integrated Agricultural Development Programme, Phase I and Phase II, is encouraging farmers in areas where artificial insemination services have not yet been established

to own grade bulls to improve their cattle stock. Budalangi and Magombe Sub-locations in Bunyala Location, and Hakati Division in Busia, are covered under the Integrated Agricultural Development Programme Phase I, and the purpose of the bull scheme is to improve the genetic milk and meat potential of local cattle breeds by the introduction of grade dairy or Sahiwal bulls.

**Mr. Speaker,** Sir, there are five bull schemes in Hakati Division and of these, two are in Bunyala. All these are under construction and have not been stocked with bulls. There are none in Budalangi and Magombe Sub-locations.

**Mr. Okondo:** Mr. Speaker, Sir, the reply to the question really reveals that the ministry has not been up to the mark with its work in this area. Will the assistant minister, in view of the fact that his ministry is not providing bull camps anymore, arrange a reliable system of artificial insemination because at present, these fellows do not turn up, nor do they appear anywhere, and that is why we are asking for bull camps instead of the non-existent artificial insemination service?

**Mr. Murgor:** Mr. Speaker, Sir, I have said that where artificial insemination service is not working, we encourage farmers to own bulls so that they can up-grade their cattle. However, where the artificial insemination service is running, we try to improve it by making sure that it runs properly and effectively. So, if there are any problems in the hon. Member's area, we would like to know so that we can rectify the situation.

**Mr. Okondo:** Mr. Speaker, Sir, the answer now being given by the assistant minister is utterly unsatisfactory. He is telling me that they do not run bull camps, and at the same time he is telling me that the artificial insemination service does not function, which gives me the impression that they really do not care. The fact is that these places do not have either the bull camps or artificial insemination service and I would like to know what the assistant minister intends to do to improve livestock in these areas?

**Mr. Murgor:** Mr. Speaker, if the artificial insemination service is not running in the areas that the hon. Member is talking about, as I said earlier on, in such places we encourage farmers to keep bulls. However, where the artificial insemination service is functioning, we do not encourage bull keeping and, therefore, we normally do not have bulls there. If the hon. Member is saying that in a particular area where artificial insemination service is supposed to be running, the service is not running effectively, then I would like to know so that I can get in touch with the officers there to see that the whole thing is put right. I am saying this because it is pointless for us to start artificial insemination service and then move the bulls there at the same time.

**Mr. Okondo:** Mr. Speaker, Sir, I am asking the assistant minister formally to investigate why the artificial insemination service is not running in my constituency. However, as this service is not running, he should not just encourage farmers but he should financially assist

**[Mr. Okondo]**

them to acquire bulls in lieu of the money that would have been spent on the artificial insemination service. Will the assistant minister do either one of these two things or, if possible, both of them?

**Mr. Murgor:** We shall do one of them and not both. However, if it is the artificial insemination which is not functioning properly, we shall see to it that we send more officers there and, maybe, more vehicles, but if there is no artificial insemination service in that area, then we shall get bulls for the farmers at a cheaper price to enable them to up-grade their cattle. This is not difficult and it would be done.

**Mr. Okondo:** Mr. Speaker, Sir, I am grateful to the assistant minister's last reply because it is a positive approach to the problem. However, may I further ask the assistant minister whether the next time I go to my constituency I can approach his livestock development officer in the district to see whether his answer has been put into effect.

**Mr. Murgor:** Yes, Mr. Speaker, he can do that.

No. 472

UNHEALTHY MILK SUPPLIED TO SCHOOLS IN  
KITUI WEST

**Mr. Munyasia** asked the Minister for Health why 514 cartons of primary schools milk were condemned by the field health inspector at Kalundu Market store in Kitui District on 11th February, 1982.

**The Assistant Minister for Health (Dr. Wameyo):** Mr. Speaker, Sir, I beg to reply.

The 514 cartons of school milk were condemned as unfit for human consumption at Kalundu Market because the milk was badly stored, and indeed had overstayed in the store to the extent of bursting the packets, growing sour and developing offensive smell. This was definitely unfit for use by children, leave alone other people.

**Mr. Munyasia:** Mr. Speaker, Sir, I would like to thank the assistant minister for disclosing the aim of this question. He has clearly stated that the milk was badly stored and that it had overstayed in the store. Now, would the House be told why this milk had overstayed in store?

**Dr. Wameyo:** Mr. Speaker, Sir, this milk, as stated by the Questioner, was stored at Kalundu Market although it was meant for schools and my ministry may not know as to why the schools concerned left it to overstay at Kalundu Market. Our action was to condemn the milk as being unsuitable for human consumption.

**Mr. Munyasia:** Mr. Speaker, Sir, I thought that perhaps the assistant minister would have taken more trouble to consult with the Minister for Basic Education because a lot of Government money was lost—over Sh. 100,000. Now, is the assistant minister aware that this milk overstayed because of lack of co-ordination? The district education officer refused to provide transport for the milk throughout the schools and the

vehicle just remained there, and that is why the milk went bad. I think he should be surcharged for this misbehaviour.

**Dr. Wameyo:** Mr. Speaker, hon. Munyasia is always thorough in matters of this nature, and what may go on after my answering this question is an internal matter within the Ministry of Basic Education. Since they are now here, I hope they will deal with that matter to make sure that in future no more milk is left to go to waste at such a great expense.

**Mr. Yeri:** Bw. Spika, inaonekana waziri hakulijibu swali la nyongeza la Bw. Munyasia, ambaye alitaka kujua ni kwa nini yale maziwa ya watoto wa shule yaliwekwa kwa muda mrefu bila kitolewa kwa watoto waliohusika. Je, waziri amefanya uchunguzi gani kuhusu kuwekwa kwa maziwa kwa muda mrefu na baadaye kuharibika kwa maziwa hayo, kabla hajaja kutoa nusu jawabu katika Bunge hili?

**Dr. Wameyo:** Mr. Speaker, Sir, I have said that we examined the milk and confirmed that it was unsuitable for human consumption, and condemned it. Information has come that this milk which was meant for schools was delayed because of unavailability of transport. This matter belongs to a different ministry, which does not come under public health regulations. But we will pass the information to the ministry concerned.

**Mr. Muthura:** Mr. Speaker, Sir, it is true that the person who had to go and examine that milk and to declare that it was not fit for human consumption left some other work to go and do that extra work. To avoid this, could the assistant minister alert the Minister for Basic Education so that such an irregularity does not occur again?

**Dr. Wameyo:** We will do that, Mr. Speaker, Sir.

**Mr. Munyasia:** Mr. Speaker, Sir, I think this is not a laughing matter because it involves public expenditures where K.Sh. 100,000 was lost. Could the assistant minister confirm to this House that he will take steps to consult with the Ministry of Basic Education so that this matter is sorted out? This is because K.Sh. 700,000 is a lot of public money; it is not equivalent to K.Sh. 5 or K.Sh. 10. This loss was caused by an individual.

**Dr. Wameyo:** Mr. Speaker, Sir, I have said that we will pass information to the Ministry of Basic Education to take steps.

**Mr. Speaker:** Let us move on to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

UNPAID SALARIES: EMPLOYEES OF LAMU  
COUNTY COUNCIL

**Mr. Mzamil:** Bw. Spika, naomba kumwuliza Waziri wa Serikali za Wilaya Swali Maalum lifuatalo:

(a) Waziri anafahamu kuwa "grant" ya Septemba, 1982 kwa County Council ya Lamu ililipa deni na kuwalipa madiwani allowances zao kimbele na kuacha wafanyakazi wa mishahara bila malipo ya Septemba na Oktoba 1982?

[Mr. Mzamil]

(b) Ikiwa county council hiyo haiwezi kujitegemea, ni hatua gani wizara inaachukua ili kurekebisha hali hiyo?

**Mr. Speaker:** Anybody from the Ministry of Local Government? Let us move on to Mr. Wakiondo's question.

MANAGEMENT OF KENYA NATIONAL EXAMINATIONS  
COUNCIL

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

- (a) Is the minister satisfied with the way the Kenya National Examinations Council is being run?  
(b) How many foreigners are working there and what positions do they hold?

**The Minister for Higher Education (Mr. Kamotho):** Mr. Speaker, Sir, I am satisfied with the way the Kenya National Examinations Council is being run.

There are four non-Kenyans out of a total of 61 professional officers working at the Kenya National Examinations Council. They are all rendering professional services but their jobs will be taken over soon by trained Kenyan who are currently studying abroad.

However, all these four non-Kenyans are working under Kenyans as follows:

We have a senior systems analyst, who is the head of the Data Processing Unit and works under the Principal Administrative Secretary of the Kenya National Examinations Council, who is a Kenyan. We also have a higher examinations secretary who is in charge of technical examinations and works under a Kenyan who is the head of the Test Development Department. The other two are research officers, one in mathematics and the other in physics and both of them work under the senior research officer, who is also a Kenyan.

**Mr. Wakiondo:** Mr. Speaker, Sir, while thanking the minister for his reply, in the course of his reply he has said that he is satisfied with the way the Kenya National Examinations Council is being run. But why are eight experienced officers being displaced by foreigners? These foreigners have replaced experienced Africans.

**Mr. Kamotho:** Mr. Speaker, Sir, I am not aware that there are experienced and competent officers who have been replaced by expatriates in the Kenya National Examinations Council. This is because the four expatriates I mentioned could not have replaced the eight officers mentioned by the hon. Member. In any case, these four officers were already in the Kenya National Examinations Council before any changes were made in the council. I would like to draw the attention of the hon. Member to the fact that the Kenya National Examinations Council came into existence in August, 1980, by an Act of Parliament which was passed by this House and took over all the functions of the former East African Examinations Council.

**Mr. Munyasia:** On a point of order, Mr. Speaker, Sir. If I heard the Questioner clearly, he said that there were eight Kenyans of African origin who were replaced by foreigners. Could he substantiate that by giving up the names of those eight foreigners who replaced the eight Kenyans of African origin?

**Mr. Wakiondo:** Mr. Speaker, Sir, with your permission, I beg to read the names of the eight Kenyans of African origin who were displaced by foreigners and then—

**Mr. Speaker:** No! No! Just read the names!

**Mr. Wakiondo:** Mr. Speaker, Sir, these are the replaced former East African Examinations Council employees who are still in the payroll without rendering services. Their names are as follows:

(1) David Wanyiri Gitonga, assistant secretary, displaced in December, 1981 up to now; (2) Mr. Alfred Nyaenya, administrative officer, displaced in December, 1980; (3) Mr. Albert W. Ochung, senior assistant secretary, displaced in December, 1980, and posted to Ngere Secondary School in Nyanza; (4) Mr. J. M. Kaithula, senior assistant secretary, displaced in December, 1980; (5) Mr. C. Omboga, executive officer, displaced in December, 1980; (6) Mr. Charles Liposhe, higher executive officer, displaced in December, 1980; (7) Mr. G. K. Manyara, computer programmer, displaced in December, 1980; and (8) Mr. C. Matundura, clerical officer, displaced in December, 1980.

Mr. Speaker, Sir, the foreigners who hold positions in the Kenya National Examinations Council are three Tanzanians and one White. Could the minister agree or disagree with all that I have said?

**Mr. Kamotho:** Mr. Speaker, Sir, I think the hon. Member is a little bit misguided. This is because the posts he has just mentioned are administrative positions which have nothing to do with the job titles which I mentioned and said that they are held by expatriates. The expatriates I mentioned were in the former East African Examinations Council or were working within our own educational institutions. There is no Kenyan mentioned who was replaced by any of the expatriates whom I referred to earlier on. If the hon. Member has any expatriates who replaced any of those Kenyans into any defined job of the Kenya National Examinations Council, he should mention them rather than mentioning clerical officers and administrative officers who might have been replaced by other Kenyans due to incompetence in the performances of their jobs in the country.

**Mr. Latampaa:** Mr. Speaker, Sir, the hon. Member told the House that the Kenya National Examinations Council employed three Tanzanians and one white. If that is true, do we really need Tanzanians or their services in this country, when we have qualified Kenyans?

**Mr. Kamotho:** Mr. Speaker, Sir, let us be professional in this matter because the two Tanzanians—I do not know where the hon. Member got the information from—were previously employed by the East African Examinations Council. The first one is a senior assistant analyst. We have already appointed two Kenyan

**[The Minister for Higher Education]**

assistant analysts who are under training and whoever comes out best, after the contract of this particular person has expired, will replace the Tanzanian. The other one is a higher examinations secretary—technical examinations. We did not have a Kenyan who was trained and developed, during the days of the East African Examinations Council, to take over from this person. However, at present the Kenya National Examinations Council has already recruited a Kenyan—he was recruited in September—to understudy this person, and as soon as his contract is over in August, 1984, the Kenyan will take over. What we do not want to do is to replace people in the Kenya National Examinations Council in such a hurry that we will kill the international image of the council, which is already highly reputable throughout the world.

**Mr. Munyasia:** Sir, would the minister be kind enough to tell the House why the 88 officers are still appearing on the payroll, since 1980 up to now? I am asking this because when I challenged the hon. Member to substantiate some remarks—which he did—the minister never denied what the hon. Member said. So, could the minister be kind enough to tell the House whether these people are still on the payroll or not?

**Mr. Kamotho:** Mr. Speaker, I did not want to go into those details because what the hon. Member is talking about—First of all, although that question is not related to the question on the Order Paper today, I would like to say that this issue is actually endangering some of those officers who have already been transferred from the Kenya National Examinations Council to other Government departments; they have not been sacked. The jobs the hon. Member talked about are not even related to those held by these expatriates. As he mentioned, some of the officers have been transferred to our teaching institutions and some of them are working in the ministry's headquarters. Since the money that the Kenya National Examinations Council uses to pay some of these officers is voted here by this House through the ministry, we only have to transfer that money to the Examinations Council. Therefore, the statement made by the hon. Member to the effect that officers have been sacked when, in fact, they have only been transferred from the Kenya National Examinations Council to the ministry is very misleading to this House.

**Mr. Michoma:** Mr. Speaker, Sir, I would like to get the facts of this matter from the minister. Were these normal transfers or were these officers found involving themselves in examination leakages, which are now very rampant in the country? The minister should tell us whether, having transferred these officers, examination leakages have now been cut out.

**Mr. Kamotho:** Sir, I do not see any relationship between examination leakages and the clerks or the administrative officers in the Kenya National Examinations Council. The cause of transfers, or probably the possible sackings of some of those officers, is valid and there are a lot of reasons behind it. Some officers

have just been found to be incompetent to carry out their own jobs. We must also realize and appreciate the fact that there have been some re-organizations in the Kenya National Examinations Council since it came into being. The reasons behind these re-organizations, re-adjustments and structural changes of the council are aimed at achieving maximum efficiency of performance. I do not want to make any statement to say that any action of the council was in any way related to any examination leakages in the past. However, I must state that I am quite satisfied that there has been quite a degree of improvement in the performance of the council.

**Mr. Abuya Abuya:** Mr. Speaker, Sir, would the minister confirm or deny the rumour going around that the Chief Examinations Officer in the Kenya National Examinations Council and his deputy have differed in programming the computer to undermark some areas?

**Mr. Kamotho:** Sir, I do not discuss rumours. If the hon. Member is not aware, it is scandalous to speak on issues which are unconfirmed anywhere. This is the first time I have heard the statement which has been made by the hon. Member and, therefore, unless he gives us further information so that we can investigate and be able to make a proper statement on the matter, I am not aware of the matter.

**Mr. Muthura:** Mr. Speaker, Sir, it is now almost 20 years since we became independent. The hon. minister says that we did not have somebody competent and able enough to take over the jobs of these white men. He goes on further to say that they have now appointed somebody to undergo training so that he can take over this job. Now, after 20 years of independence, and with people with long experience in the ministry concerned, would we not have trained somebody to take up this job?

**Mr. Kamotho:** Mr. Speaker, we live in an international community and we are inter-dependent when it comes to professional matters. These jobs were advertised in the local Press and we did not have Kenyans of that level of competence and training to take over these positions. I must repeat that out of the four expatriates, two are paid not from the money we vote here but through technical assistance. It is only the two Tanzanians, who have been in the former East African Examinations Council, who are paid with the money we vote here. In fact, it is because of their professional competence that we decided to give them a contract while we train Kenyans to take over from them. The hon. Members should also appreciate that computer is a new science and, therefore, we could not have trained people in the 1960s to operate computers which were not here then. For that reason, what Government is doing is to re-organize the structure of the Kenya National Examinations Council to be such that we are satisfied, in the ministry, that Government policies are properly observed for the interests of all Kenyans.

**Mr. Speaker:** Let us go back to hon. Mzamil's Question by Private Notice.

UNPAID SALARIES: EMPLOYEES OF  
LAMU COUNTY COUNCIL

Mr. Mzamil: Bw. Speaker, naomba kumwuliza Waziri wa Serikali za Wilaya Swali Maalum ifuatalo:

- (a) Waziri anafahamu kuwa grant ya Septemba, 1982, kwa County Council ya Lamu ililipa deni na kuwalipa madiwani allowance zao kimbele na kucha wafanyakazi wa mishahara bila ya malipo ya Septemba na Oktoba 1982?
- (b) Ikiwa County Council hiyo haiwezi kujitgemea, ni hatua gani wizara itachukua ili kurekebisha hali hiyo?

The Assistant Minister for Local Government (Mr. Ngala): Bw. Spika, kabla ya kujibu swali hili naomba msamaha kwa kuchelewa. Hata hivyo, naomba kujibu kama ifuatavyo.

Wizara ya Serikali za Wilaya ilitenga grant ya K.Sh. 400,000 kwa mwaka wa matumizi ya pesa wa 1982/83 kwa Baraza ya Lamu, ambayo ilikuwa ilipwe kwa malipo mawili mbalimbali. Malipo ya kwanza ya K.Sh. 200,000 yamekwishafanywa na pesa zile nyingine zitilipwa katika mwezi wa Januari, mwaka ujao. Kwa kuwa hii grant ni general, ni juu ya baraza lenyewe kuveza kuchagua priorities wanzofikiria kuwa za muhimu katika mipango yao katika kutumia pesa hizo. Kwa hivyo, wizara haina uwezo kamili wa kuingilia ndani ya matumizi ya pesa hizi, isipokuwa ni baraza lenyewe linalotakikana kutumia akili yake sawasawa na kuona vile wanavyoweza kutumia pesa hizo.

Kwa upande wa pili wa swali, Bw. Spika, tutachunguza na kuangalia ni sababu gani zinazolifanya baraza hili kuwa na matatizo ya pesa kabla hatujachukua hatua, au njia ya kuweza kuwasaidia watu hawa wa Lamu.

Mr. Mzamil: Bw. Spika, waziri msaidizi anafahamu kwamba mnamo tarehe 30 Novemba, 1982 na tarehe mosi Decemba, 1982 wafanyakazi hao ambao ni subordinate staff wa Lamu County Council waligoma, na afisa wa polisi akachukua dhamana kwamba fujo kama hiyo haingeendelea mpaka jumata, ambapo watu hao wangelipwa pesa zao? Mpaka sasa watu hawa hawajalipwa pesa zao. Je, ni hatua gani wizara inachukua kuirekebisha hali hiyo ambayo inaweza kuleta matatizo makubwa zaidi?

Mr. Ngala: Bw. Spika, niliwahi kujiibu na nikasema kuwa ikiwa kuna matatizo yoyote, basi, hayo ni matatizo ambayo hayahusikani na wizara. Pengine baraza lenyewe ndilo limekosea upande wa upangaji wa pesa walizopewa, na ikiwa, basi, kuna matatizo, ni juu ya baraza hilo la Lamu kuangalia ni kwa njia gani wanaweza kuyamaliza matatizo yenyewe.

Mr. Wasike-Ndombi: Bw. Spika, swali hili linaonyesha kuwa wafanyakazi wa mikonu wamekosa kulipwa mishahara na, kwa hivyo, wakafanya mgomo. Je, waziri msaidizi anaweza kuthibitisha katika Bunge hili kwamba madiwani wanapopata Sh. 1,200 kila mmoja, na mwenyekiti anapata Sh. 3,000, mwenyekiti hujilipa kimbele kiasi cha Sh. 6,000? Wakati huu tunapozungumza mwenyekiti wa baraza hilo yuko afisini mwake

katika huduma yake ya konseli na hali wafanyakazi wa mikonu, na ambao wanalipwa Sh. 300 kwa mwezi, bado hawajapata mishahara.

Mr. Ngala: Bw. Spika, hizi ni habari mpya ninazofahamishwa na Mhe. Wasike-Ndombi, lakini mimi mwenyewe sijamwona mwenyekiti wa baraza hilo la Lamu katika ofisi yake leo. Kwa hivyo, si haki kuku-baliana na Mhe. Mbunge kwamba nimenwona mwenyekiti wa baraza la Lamu. Lakini ikiwa mwenyekiti, au mfanyakazi mwingine yule, amejilipa, tumesema ni juu ya baraza hilo kutafuta au kufikiria ni yupi anayestahili kupatiwa mishahara kwanza. Ikiwa ni mwenyekiti anayefikiria kujilipa kwanza, wizara haina uwezo wa kufanya chochote, isipokuwa labda tumwombe asiwe mlafi wa kuzichukua pesa zote hizo na kujilipa yeye mwenyewe, na awafikirie wale wafanyakazi wengine wadogo ambao wangezipata pesa hizo.

An hon. Member: Unamwomba!

Mr. Cheka: Bw. Spika, kutokana na jibu la waziri msaidizi, inaonyesha wazi kuwa wizara inapotea kidogo. Itakuwaje wizara itoe pesa za kutumiwa na baraza hilo na isisimamie kuona pesa zile zimetumiwa sawasawa, na hasa kuhusu mishahara ya watu wanyonge na maskini ambao wanapata mishahara midogo, na ambao wanawekwa walingojea mishahara yao kwa miezi kama mitatu? Mwenyekiti na madiwani na katibu wa baraza wanajipatia mishahara na wizara inakaa imetosheka na kufikiria mambo yako sawa, na hali wananchi hawa wadogo wako taabani.

Mr. Ngala: Bw. Spika, utakubaliana nami kwamba si jambo la kawaida kuwa tunasimamia mipango ya mishahara ya baraza kama hilo. Tunakubali mabaraza kama haya yakiwa yamechaguliwa, na viongozi wako, basi, hao ni viongozi wenye busara ya kutosha kuwawezesha kufanya kazi bila kusimamiwa na wizara kila wakati. Kwa hivyo, ikiwa kuna makosa ambayo yalitokea, nimesema wizara haina lawama kwa sababu tumekwishatoa fungu la pesa. Kama tungekuwa bado hatujazitoa pesa zenyewe, basi, tungalumiwa, lakini pesa zimekwishatolewa. Fungu la kwanza limetolewa na fungu la pili litatolewa mwaka ujao. Kwa hivyo, sisi kama wizara hatuna lawama.

Mr. Cheka: Jambo la nidhamu, Bw. Spika. Singependa waziri msaidizi alipotoshe Bunge hili. Anasema watu wa Lamu hawajalalamika kuhusu jambo hili. Tumewahi kulalamika zaidi ya mara sita sasa kuwa watu wetu wanapata taabu. Ni kwa nini wizara bado hatijachukua hatua hapo awali?

Mr. Mzamil: On a point of information, Mr. Speaker.

Mr. Speaker: No, let hon. Ngala reply first.

Mr. Ngala: Bw. Spika, ni kweli kuwa watu wa Lamu wamelalamika kwa muda mrefu kwa mambo kadha wa kadha, mengine yakiwa ni kuhusu magari na kadhalika. Lakini jambo walilolalamikia nyuma kabisa ni tofauti na lalamiko la sasa. Walilalamika kuhusu utumizi wa pesa wa sasa, ambapo wafanyakazi bado hawajalipwa. Hili ni lalamiko tofauti na yale malalamiko mengine ya hapo mbeleni na, kwa hivyo, si kweli kuwa malalamiko yote yaliyolewa kwetu yalikuwa yakihusu mishahara, bali kulikuwa na malalamika mbalimbali.



**Mr. Mzamil:** Bw. Spika, ningependa kumfahamisha waziri msaidizi kwamba mimi, tukiwa na Mhe. Cheka na mwenyekiti wa county council, tulikwenda kumwona waziri, na waziri msaidizi alikuwepo pia, na tukaomba grant hiyo itolewe kwa madhumuni ya kuwasaidia wale wafanyakazi wa vyeo vya chini. Waziri aliahidi, mbele ya waziri msaidizi, kwamba wafanyakazi hao watalipwa mishahara yao kwanza. Mbona ahadi hiyo iliyotolewa na waziri haikutimizwa?

**Mr. Ngala:** Bw. Spika, ni kweli nilikuwepo wakati Wabunge walipofika kumwona waziri, na waziri aliamuru grant ilipwe na ndipo nikasema hapo awali kuwa grant ya laki mbili imekwishalipwa. Sasa iliyo-bakia ni grant hii nyingine ya laki mbili, ambayo italipwa mnamo mwezi Januari, mwaka wa 1983. Lakini, ni kweli kwamba waziri aliamuru kuwa grant ilipwe na nimewahi kusema kuwa ililipwa kiasi cha laki mbili.

**Mr. Cheka:** Jambo la nidhamu, Bw. Spika. Sijui kama waziri msaidizi ana habari kuwa hivi sasa, wale wafanyakazi wadogo wamelipwa mishahara wa mwezi mmoja kati ya mitatu, na madeni yamewazidi na hawana chakula. Ni hatua gani atakayochukua, au ni amri gani ambayo wangetoa, ili kuona wafanyakazi hao wamelipwa pesa hizo?

**Mr. Ngala:** Bw. Spika, ninasikitika kama wafanyakazi hao bado hawajalipwa mishahara kamili. Lakini, kuyafanya mafupi mambo haya, tutaangalia ni njia gani tutatumia kuwasaidia watu hawa, tukishirikiana na baraza hili, ili wafanyakazi wanaozihitaji pesa hizi wapewe mishahara yao.

#### PRIVATE MEMBERS' MOTIONS

##### CONSTRUCTION OF KABATI-KALIVU-IKUTHA ROAD

THAT, noting with great concern the importance of good communications in rural development and rural health care throughout the Republic in general and in Ukambani in particular, this House urges Government to construct a road from Kabati Market through Kwa-Mutonga, Kwa-Vonza, Kiusyani, Kanyangi, Ntongoni, Ilengi to join Kitui-Mombasa Road at Ikutha Market.

(*Mr. Munyasia on 1st December, 1982*)

(*Resumption of Debate interrupted on 1st December, 1982*)

**Mr. arap Koech:** Thank you very much, Mr. Speaker, for giving me this chance to contribute on this very important Motion moved by my colleague, hon. Munyasia. I stand to support this Motion because I find that it will go a long way to developing the areas pointed out by hon. Munyasia. As I find it, this is an area which is very productive, and it produces more than Sh. 3 million worth of cotton, and it is also an area where livestock can be improved quite well.

In supporting this Motion I would like to call upon the Ministry of Transport and Communications to do something towards the improvement of roads. Even at the moment, as I am speaking here, quite a large part of the roads in the country are impassable. To give an example, in the area where I represent in the House, we are losing quite a substantial quantity of

our milk because the roads are so poor. In areas where we have quite a good quantity of tea, you find that some tea cannot be transported to the factories because the roads have become impassable. This is very unfortunate because, at the time when we really need foreign exchange—there is no other time when we needed foreign exchange more than now—we are losing quite a substantial part of it because we cannot be able to transport our produce to the factories, or to the markets. This is a very unfortunate thing.

I would like to thank His Excellency the President for directing that all development projects should be centred around the districts. This is one way in which we can generate income in the districts, and thus be able to improve our roads, and the improvement of roads like this one in Kitui is very important in our development. However, how are we going to generate money for the roads in the district level? I would request the ministry to find some way or do some research on how to generate income in the rural areas. The Ministry of Transport and Communications cannot afford to maintain all the roads in the country at the moment. What are they going to do in order to accomplish this? Why does the Ministry of Economic Planning and Development, and the Ministry of Transport and Communications, not get together and decide on the best ways and means of generating revenue in the rural areas? For instance, in my constituency people have asked me as to whether we could organize Harambee meetings to raise funds for repairing roads. This is an indication that wananchi are ready to join Government in its efforts to improve the roads. So, why does the Ministry of Power and Communications not find ways and means of generating revenue? Any money raised by the ministry should be left in the hands of county councils so that the latter can improve their roads.

If we are only going to continue asking why county councils cannot improve their roads, then we will not go very far because it is not possible for county councils to do that without the support of the ministry concerned. County councils should be helped to generate revenue for improving roads. A lot has been said about county councils and the mayors. For instance, there has been some remarks made to the effect that mayors are fond of their robes, which they are given by their respective county councils. As we know, it is not the robes which are going to improve roads in the country. It is the ministry concerned which should advise the county councils. Government in general should take very bold steps to ensure that county councils can generate some revenue. As I had said earlier on, all the money generated in such a way should be left in the hands of county councils so that they can improve their roads.

At the moment there are no institutions within county councils which can assist them to generate money for improving roads. I know that a number of county councils charge cess on a number of farm produce, such as tea and coffee. However, most of the roads in the country-side are under the management of the Ministry of Transport and Communications. So, how

**[Mr. arap Koech]**

can we expect county councils to maintain roads when we know quite well that they are not supposed to do that? On the one hand, we ask ourselves this: Why can county councils not improve their roads? However, on the other hand county councils have been told that it is not their responsibility to improve roads. So, how can county councils come out of the problems that they are facing now? First of all they are told that it is the responsibility of the Ministry of Transport and Communications to improve the roads. So, why do we ask why county councils and mayors do not improve roads? In fact, county councils have been told that roads are actually under the Ministry of Transport and Communications. So, why do we not take a bold step and say that county councils are the ones which should improve the roads?

All we need to do is to give county councils machinery and the necessary supporting staff so that they can go ahead and improve their roads. I believe if we take that step we are likely to go a long way towards the improvement of roads in this country. If we improve roads in this country, then that will mean that we will get a lot of farm produce, which we could sell outside the country in order to earn foreign exchange for this country.

At the moment we are losing a lot of money. As I had said earlier on, a lot of tea is wasted. In a number of areas tea is not picked because there is no way of transporting it. For instance, in areas like Kericho District quite a good number of areas have become impassable and factories are working below half their normal capacity. In terms of incurring losses, this loss is colossal. So, it is high time the Ministry of Transport and Communications looked for funds. Why does it not go back to the rural areas to generate revenue? People have shown through Harambee efforts that they can be able to finance the improvement of our roads.

There is no need to cheat our people. In fact, it is better to tell the people the truth. I do not see why we cannot tell our people that due to the present economic situation, and as a result of various responsibilities which Government has undertaken, it is not possible for Government to give a lot of money. We should tell our people to try and generate more funds. Although the idea of raising money through Harambee efforts is a very good one, we should not rely too much on Harambee efforts. When we come here in Nairobi you find that our nerves are strained because of thinking too much about Harambee efforts. Why do we not relax a bit and start thinking more on how we can generate revenue for improving the basic infrastructure in this country?

While supporting hon. Munyasia's Motion, I would like to request the Ministry of Transport and Communications to pass this matter to a higher level so that we can get a more practical way of improving roads in this country. We should, for instance, see to it that the road that has been suggested by hon. Munyasia is improved. However, if we are going to pass the Motion and then be told that there are no funds, then we shall go back to square one. So I would like to request the Ministry

of Transport and Communications to prepare a paper and pass it over to a higher level so that we can get a practical way of solving this problem. If we are going to continue the way we are, then we shall keep on harassing the Minister for Transport and Communications by asking why he cannot improve certain roads. We should realize that his hands are tied up because he does not have the necessary funds to improve the roads. We should try to help the minister in other ways.

Sir, I do not have much to say on this Motion except that I support it. Indeed this is a very welcome Motion. In fact, this is one of the ways by which we can develop the rural areas. However, we must make sure that we get the necessary funds in order that we can implement this Motion.

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

Mr. Michoma: Thank you, Mr. Speaker, Sir, for giving me this opportunity so that I can join my colleagues in supporting this Motion.

First of all I must take this opportunity to thank hon. Munyasia for bringing this Motion to this House. He is trying to show hon. Members of this House the things that we ought to do. So I must commend very highly for the Motions he has been bringing to this House. He always tries to show us the crucial areas that need to be developed. For instance, he has clearly told the ministry concerned the roads which need to be murramed so that the people of the area concerned benefit. If hon. Members of this House, followed hon. Munyasia's example we would be having very constructive Motions here, which are easy to debate.

Having said that I would now like to say that the Central Government snatched from the local authorities three major services in 1969. These services are health, road and education. At that time we were assured that the Central Government was going to do much better than what local authorities used to do. However, to my surprise, if you go to the country-side now you will see tractors and vehicles lying idle in the ministry's yards. The ministry says that there is no diesel now. This is surprising because this House has just voted money to each ministry. So, where has the money which was voted to the Ministry of Transport and Communications gone? The Assistant Minister for Transport and Communications, who is in the House now should tell us where this money has gone when he stands up to reply. Most of the roads in the country-side, as I am speaking now, are impassable. So, the ministry should come out with some concrete plans for improving roads throughout the country.

Mr. Speaker, Sir, with your permission I would like to mention a few roads which need to be improved. This House has been passing Motions now and then without the Motions being implemented. The minister should apply for loans from other countries which are friendly to Kenya so that he can be able to improve our roads. First of all we should make our roads all-weather and then start tarmacking them. For instance, the road that passes through Lodwar to Lokitaung should be improved. Hon. Ekidor has been talking

**[Mr. Michoma]**

about this road for some time. Hon. Ekidor has been speaking about this road time and again in this House, and so it should be taken into account because that area was left behind in development during the colonial days.

The other road is Kaplong/Bomet/Narok/Mai Mahiu. We would like to request that this road be tarmacked. Right now we have a tarmacked road from Kisii to—

The Assistant Minister for Transport and Communications (Mr. ole Nampaso): On a point of order, Mr. Speaker, Sir, I think the hon. Member should stick to Kitui roads because we are not debating the whole country. This Motion is not talking about the roads in Lodwar and everywhere in the country but is particularly talking about roads in Kitui. So, the hon. Member speaking should stress on those roads in Kitui.

Mr. Speaker: Mr. Nampaso is absolutely right. This Motion is about Kitui; in fact, a section of Kitui and not even the whole district. We cannot start talking about Kitui North. So, if you want to discuss other things, you will have to use your own method. You will have to present your own Motion on that particular area, and this one will be confined to that part of Kitui which Mr. Munyasia has defined and nothing more.

(Applause)

Mr. Michoma: Mr. Speaker, since this Motion was introduced in the House, hon. Members have been speaking about their own constituencies and, as national Member, I thought I could take this opportunity to mention certain areas in this country—

Mr. Speaker: No, that is out of order, Mr. Michoma.

Mr. Michoma: Okay.

Mr. Speaker, Sir, it has been said time and again that local authorities should maintain roads, but some of these local authorities have no funds to do this job. For example, the County Council of Kitui—I have been there time and again—has no machinery, personnel or money. How are they going to construct the roads? I think it is the responsibility of the ministry to maintain these roads. They should not say that—I heard the minister saying it here one time—that hon. Munyasia has brought more than one Motion here. If hon. Munyasia is keen in representing his people well in this House, then he should be encouraged to bring Motions that go a long way in helping his people. That is why he was elected to this House. I would like to say that hon. Munyasia is doing well, and I would like the people of Kitui to hear that their Member is doing a good job in this House. I would like to urge all hon. Members to follow this very good example.

Mr. Speaker, it is a long way to travel between Kibwezi/Machakos/Yatta, which is 170 miles; so, if this road was constructed by the Ministry of Transport and Communications it would reduce the distance. People would not travel a long distance, thereby wasting money, petrol, time, energy and so on and so forth. When the minister comes to reply he should be able

to agree with hon. Munyasia. Hon. Munyasia has not requested that this road be tarmacked; he is requesting that it be murramed so that it is made all-weather road. It should be passable during the rain season. If you go to Kitui you will find that the place is flooded as a result of rain. The House feels that the people of Kitui should be given priority. If you travel around the whole district, you will find that there was no development in that area during colonial days. Other areas benefited more than Kitui. Therefore, I think the Kenya Government should initiate more projects there, or more development, so that the people of Kitui could be encouraged by the good communications to grow crops. I think it would be unfair for this House—I repeated this the other time—to pass Motions for the sake of it, only to heap them in the ministries concerned unimplemented.

With those few remarks, Mr. Speaker, I beg to support.

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): Thank you very much, Mr. Speaker. I would like also to join my colleagues in congratulating the hon. Member who has brought this Motion before the House. There is no doubt in the mind of anybody as far as the importance of roads in this country is concerned. I am saying so because it is through those roads that we can get our foodstuffs to the market and also on their way out for export. So, roads play a major part in our economic development.

Mr. Speaker, I must first of all congratulate His Excellency the President, and I can only say it in a few simple words: Long live the President of the Republic of Kenya, Daniel Toroitich arap Moi. The reason is that he has declared that development is going to be on district basis. He made a major step towards rapid and fair development of this country. Because development has been centralized previously, some areas have been developed more than other areas. Now as a result of the directive money is going to be dished out to the districts. Every district will have its share, and it will then be up to the Members of Parliament and councillors, after we have voted money here, to go and make sure that they develop their districts as they see it fit. Previously somebody has been sitting here in Nairobi in a cool office, swiveling in a comfortable chair, having coffee and all the rest of it and just writing memoranda here and there. This has been wasting a lot of time and many parts of the country have not been developed as fast as they could have been. I, therefore, congratulate him and pay the greatest tribute to this great man who has seen that this ought to be changed so that our people in various rural areas can get their money and develop their districts. The question, as he said in his speech, is that it will take time to get this system moving. However, it should be the responsibility of the people concerned with the implementation to go ahead and do all they can for our people. They should not just wait, saying, "this thing is not here; that thing is there", but should go ahead and make sure that, since we have voted money for Kitui, these roads that have been mentioned in this Motion that we are passing are constructed.

**[The Assistant Minister for Economic Planning and Development]**

Mr. Speaker, I also wish to congratulate the hon. Member who has moved this Motion because he has done his job. The job of a Member of Parliament is to bring Motions in this House. This must be repeated because some people have introduced very funny politics in this country, and these are people without politics. Their politics is money, money, money, money.

(Laughter)

They think that a Member of Parliament is a rich man with a lot of money to dish out for this and the other thing. The result is that many of the hon. Members are having a lot of problems. They are living from hand to mouth because they want to do things that they cannot do. A Member of Parliament is elected to bring Motions, like hon. Munyasia has done, to this Parliament. After Parliament has passed such a Motion, it is upon the implementers, who have the money that we have voted for a roads, to go and build those roads. It is not hon. Munyasia.

**Hon. Members: Hear! Hear!**

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** This must be made very clear, Mr. Speaker, to the public and also to those leaders who are misguided and who think that once you have money, then you are a leader. It is not so. A leader is like hon. Munyasia, who has brought the Motion in this House to be passed and implemented by the Government. It is not a Member of Parliament who does the job but the Government. A Member of Parliament brings the problem of his people to this House, which is made up of ministers and assistant ministers— It is this Nyayo Government that builds the roads and not hon. Munyasia. This must be made known because some people say, "Oh, Mbunge has not done anything." What can "Mbunge" do?

If we could do everything, why would we need to come to Parliament? If we could do everything I would stay in Butere and do everything in Butere. Why would I come here? I come here because I have to bring the problems of Butere here to the Government, and it is the Government that constructs the roads in Butere and not hon. Shikuku. So, there is no point in some hon. Members saying that you can do everything at home. You cannot; an hon. Member cannot do everything at home. It is the Government which does that, and the President has said so. No hon. Member can do anything; it is the Government which can do everything. And any hon. Member who, when something is done in his area, says that he has done it is taking his people for a ride because no hon. Member can do anything; it is the Government which does everything. The roads in Butere Constituency are in a wonderful condition, and I thank the Ministry concerned. It is this Government Ministry which has built those roads and not hon. Shikuku because I cannot even drive a D7 tractor, and I am also not qualified to construct roads or to build hospitals in Butere. Any development in any part of Kenya is done by the Nyayo Government. Hon. Members only bring Motions here. So, the credit must go to the Nyayo Government and

not to an individual Member of Parliament. And those individuals Members of Parliament who have money to dish out it is their money and once they will be asked where they got it from—

(Laughter)

Now, Sir, having said that I would like to go further and say that we, in this House, as hon. Members appreciate that we are in the National Assembly. Once you are elected from Chepalungu, immediately you arrive in this House you become a national member who is concerned with all the affairs of the nation. It is in this spirit that we in this House, though we may not come from Kitui—those of us who have travelled through Kitui and know it—are equally concerned with the welfare of the people of Kitui and their problems. That is why we support this Motion very strongly, and hope that those charged with the duty of implementing it and taking into account the fact that money is no longer with the Central Government but is already dished out to the districts will make sure that this road is made and constructed in the interest of the people of Kitui and for the development of our country.

Mr. Speaker, but I think it is ideal that I have made it very clear that it is not an hon. Member of Parliament who does things. I have seen even that some people, through the *Daily Nation*, which I have told not to publish anything about me, are continuously asking: "What has the hon. Member for Butere done?" The hon. Member for Butere cannot do everything. No hon. Member can do anything. It is the Government which is doing everything, and it is doing very well in Butere. It is funny that despite the fact that I came to this Parliament with over 19,000 votes, no one supports me because you only see anti-Shikuku letters about roads, and about other things. But how come that out of the 19,000 people no one supports me? It is because the editors of these papers want to portray the picture that hon. Shikuku does not have any support at all, which is physically impossible. Even on the question of Indians, how come I do not have any letters supporting me? It is physically impossible. And this is sabotage by the newspapers, and we know why they are doing it. They are representing the Indian and European interests in this country, yet this will not change the fact because the hon. Member for Butere still exists and his views are still supported. How come they are not? Butere has a lot of people in the elite class; they are not backward people. There are graduates there who can write. How come that not even one has written to—

**Mr. Michonza:** On a point of order, Mr. Speaker. Hon. Shikuku has made a statement that there are hon. Members in this House who represent Asian and European interests here. Can he name them?

**Hon. Members:** We know them!

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Mr. Speaker, I never said anything to that effect, and my friend should leave me alone. I said, and I repeat, that the *Daily Nation* represents the Indians interests and *The Standard* represents European interests. So, when I touch on the

**[The Assistant Minister for Economic Planning and Development]**

question of the economy, they must write letters even using the African names to say how useless hon. Shikuku is, and this is always being published, but no one writes in my support. How can that be? It is impossible! These are just concocted letters meant to degrade and make hon. Shikuku appear a useless person. But the more they write, the more the chance for hon. Shikuku to come back here with even a greater majority of votes. This is because I speak the minds of the people. These fellows, the Editors and so on, when the worse will come to the worst, will run away from here. *The Standard* man will find his way to London and somebody else will find his way to India. This is the problem with these fellows. But the truth will remain the same.

So, we are not supposed to do things; we are supposed to speak because there are people who do things. There are no road engineers in this House; there are no constructors who construct buildings and so forth in this House. We are just laymen elected by our people to speak on their behalf, and not to do things. We just speak; and the hon. Member who does not speak is the one to go out. Once one speaks and puts his views to the Government and nothing is done, the Government will explain. It will say that it was because of lack of money that they did not do that. So, in future the wananchi should not ask an hon. Member, "Wewe umefanya nini"; or "Umesema nini?" Nimesema, basi; no more; I have said. And those who are cheating wananchi that an hon. Member can only be an hon. Member if he dishes out a lot of Harambee money which he begs from Indians and Europeans, then he should understand. He is selling the people. Those who are giving this money are not giving it for free. No Mhindi will give you money freely, and wananchi should know that.

Thank you very much, Mr. Speaker.

**Mr. Speaker:** It is just a few minutes before the Government Responder.

**Mr. Muthura:** Thank you very much, Mr. Speaker.

The Ministry of Health deserve a pat on the back because they have either built or taken over dispensaries and health centres which have been put up by wananchi in Kitui. This has been shown by the map which has been drawn and circulated by the hon. Member who has moved this Motion. However, there is a problem. You cannot reach the sick people who are waiting to be treated at these health centres unless there are good roads. This is the sole reason why the Member for Kitui West, hon. Munyasia, brought this Motion.

Mr. Speaker, Sir, we were also told of an instance whereby a human being lost his life in this area because he was bitten by a snake. I understand three people have already lost their lives because of being bitten by snakes. This is because after they were bitten by the snakes they could not be taken to the hospital because there is a lot of rain in this area or all over the country. As a result of this, we have heard even of instances where some hon. Members cannot reach their constituencies. This is a very unfortunate situation.

The Ministry of Tourism and Wildlife also comes in here. We have the snake park at the museum, and I thought it is high time that the ministry took trouble to send their snake specialists to Kitui so that they can collect all those snakes and take them to the snake park. The people of Kitui, being part of the Akamba people, need to be congratulated because the statistics that were laid on the Table here yesterday showed that there were very few people from that area who are in jail. That shows that Akamba are good people and, therefore, they should be helped. So, I would not like to say that development should be—Wish those few remarks, Mr. Speaker, I beg to support.

**Mr. Speaker:** It is time for the Government Responder.

**The Assistant Minister for Transport and Communications (Mr. Ole Nampaso):** Mr. Speaker, Sir, I beg to reply.

First of all, it is the wish of my ministry—and if we had enough money we would do that—that we maintain all the roads in the country to passable standards during any weather.

Now, Mr. Speaker, Sir, I have seen that the hon. Member mentions some roads which needs to be graded in this Motion. We say that if we had enough money we would grade all the roads as requested here, but some of the roads mentioned here are not even classified. They are not within the ministry's scope. So, when the hon. Member goes home he should take all the roads that are not classified to the district development committee for consideration, and if they are passed there they will be graded. Also, it is possible that from the next financial year all the money will be sent to the districts and the district development committees and local leaders, such as Members of Parliament and councillors, will decide how to spend it. So, the hon. Member might be able to speak about this road in one of these meetings and the road might be graded next year if he gets support from the rest of the members of the district development committee.

Mr. Speaker, next year we are going to move the graveling unit to Kitui and some of these sections of the road that has been mentioned by the hon. Member are going to be graded. So there is no problem with the Motion. If we had enough money we would work on the road that has been mentioned here, but we are now just going to work on one part, and I am sure the hon. Member will be very pleased to see us take some action. It is not the wish of Government not to implement a Motion that has been passed immediately. We wish to implement all Motions as soon as possible, and once this particular Motion has been passed we hope the hon. Member will see something being done.

Mr. Speaker, the hon. Member mentioned to me that there is a particularly bad section measuring about 10 kilometres, which is impassable as of now. I would like to say that I have already taken action about this. I have already written a letter to the provincial engineer to start working on that section of 10 kilometres. I have also shown a copy of that letter to the hon. Member, and I would like to tell him that when he

**[The Assistant Minister for Transport and Communications]**

goes to his constituency he should liaise with the provincial engineer to see that the work is done. This will possibly be accomplished in January or February next year and the remaining part will be done later on.

Mr. Speaker, Sir, I do not think I will take long in replying to this Motion because we are willing to co-operate. I am sure if this small portion of the road which is impassable can be worked on the hon. Member can wait for the other parts to be worked on when funds are available.

So, with those few remarks, Mr. Speaker, I beg to support.

Mr. Muryasia: Mr. Speaker, before I reply to this Motion I would first like to thank His Excellency the President for having spared some of his time to come to Kitui last week and conduct a very successful Harambee meeting which collected Sh. 11 million. On behalf of my people I would like to say that we are very grateful for his help and we wish him a merry Christmas and a prosperous and happy New Year.

Mr. Speaker, coming back to the Motion, I am very grateful to the assistant minister for his reply, and also to those Members of Parliament who contributed to the debate on this Motion. I would especially like to thank the Minister for Constitutional Affairs, although I would like to say that we expected to see him at the Harambee meeting last week. I am thankful that he has supported this Motion very strongly, but the people of Kitui actually wanted to see him in person on that day. They have only seen hon. Charles Njonjo, the Minister for Constitutional Affairs, in the papers and I would like to request him to spare some of his time next time we have a meeting in Kitui so that those people can see him. I remember he went to Kitui North some time ago but the people of Kitui Central and other parts of the district would also like to see him.

Mr. Speaker, I would like to thank the Members of this House who contributed in support of this Motion for the spirit in which they participated. I would also like to say that what hon. Martin Shikuku said is true. The work of an hon. Member of Parliament is to voice the needs of his people. His work is not to dish out money to people or implement the projects. We must define the work of parliamentarians and civil servants and security officers properly.

An hon. Member: You must hold Harambee meetings for your people.

Mr. Muryasia: Mr. Speaker, I do not think there is any Member of Parliament who does not hold Harambee meetings in his constituency.

An hon. Member: Hon. Shikuku ..... (Inaudible).

Mr. Muryasia: Who says that hon. Shikuku does not do so? I think hon. Shikuku is the most sincere and honest parliamentarian. From what I know of hon. Shikuku, way back from 1963 up to now, one third of his salary is contributed towards the development of Butere, and I think that is a credit to him.

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): Mr. Speaker, I must thank the hon. Member for saying that because some people do not know I moved a Motion in this House back in 1968 to the effect that people in the super-scales should have their salaries reduced by 15 per cent, 10 per cent, 5 per cent and 1 per cent but the Motion was defeated because it affected Members of Parliament. Since that year 10 per cent of hon. Shikuku's salary goes towards the Butere Self Help Development Fund which was founded by the late hon. Ngala. So I do not have to shout anything here as if I get money from Indians. I do not get any money from Indians; it is all from my salary.

An hon. Member: Or from Arabs!

Mr. Muryasia: So, Mr. Speaker, that goes to show that hon. Martin Shikuku has done a lot for his people. He contributes a lot towards the welfare of his people. He contributes something every month but Harambee meetings are only held once in every three or four months.

The Minister for Constitutional Affairs (Mr. Njonjo): ..... (Inaudible).

Mr. Muryasia: Mr. Speaker, I think the language spoken by the hon. minister is not allowed in this House. With due respect to the minister, could you please protect me?

The Minister for Constitutional Affairs (Mr. Njonjo): You can also make friends with the Arabs and then you will be together.

Mr. Muryasia: Mr. Speaker, to get back to the Motion, I was saying that I thank those hon. Members of Parliament who have contributed to the debate on this Motion, and also that the work of the Member of Parliament is not to implement projects but to voice the needs of his people.

Mr. Speaker, this section of the road that the assistant minister talked about needs urgent action because even when the weather is good and it is not raining people cannot travel beyond Kanyangi from Ikutha because the road is stony and sandy. Our people have to take a long route if they are travelling to or from Nairobi or Mombasa. What really happens is that instead of going all the way round, people choose to travel along that portion of the road on foot, and women have to carry their luggage on their backs like donkeys, and this is a problem. So, if that 10 kilometres section of the road is murramed Government will have done a great job. I thank the ministry for the efforts it is making to work on the roads in Kitui. I have a high regard for this ministry because they have done a lot in the country, particularly in Kitui because they are now working on several other roads in the area.

Mr. Speaker, I do not have much to say on this Motion, and I do not want to repeat myself because the assistant minister has already accepted it. He has already shown me a copy of his letter dated 24th November, 1982 addressed to the chief engineer, which directs Mr. Mwasi to take action on this road. I have no quarrel with this and I am sure the ministry and the Government as a whole is being very helpful. I am very grateful to the Government.

[Mr. Munyasia]

We support the Nyayo Government because it is a Government of action. That is why the other time I said that I have a high regard for His Excellency the President because he has seen the need for every part of this country having an equal share in our development plans. That is why he created the Ministry of Regional Development, Science and Technology. Although people say that regions are not majimbo, I would like to say that they are majimbo. Therefore, we wish His Excellency the President a happier, progressive and long life because he has done a lot for the people of this country. He has the needs of the people at heart. He is a man who is not selfish. He is a man who works tirelessly for his people. We hon. Members do not work for 16 hours a day. That is why the other day I said that we must copy his example by seeing to it that we work for more than 12 hours a day. Some of us only work for seven or eight hours a day, but I think His Excellency the President only sleeps for about two hours a day and spends the rest of the hours thinking about the welfare of his people. Therefore, we must pray God to bless him so that he can live for more than 100 years.

With these few remarks, Mr. Speaker, I beg to move.

*(Question put and agreed to)*

#### ESTABLISHMENT OF INDUSTRIES IN NYAKACH

THAT, in view of the fact that there is not a single factory in Nyakach, this House urges the Government to establish the following industries in the area; high quality paper factory; stone quarry factory and clayworks factory.

*(Mr. K'Ombudo on 24th November, 1982)*

*(Resumption of Debate interrupted on 24th November, 1982)*

Mr. K'Ombudo: Mr. Speaker, Sir, first of all I would like to thank you for having this Motion on the Order Paper for today. As you know, this Motion should have been disposed of last week, and I am sorry that I was not able then to come to the House.

Mr. Speaker, as I was saying, when I moved the Motion, that this Motion seeks to give opportunity to the Government to implement its policy of decentralizing industries all over the Republic. It is indeed Government policy that industries should go to the people, or should go where the people are, and that is the rural areas. Therefore, when I brought this particular Motion, I did so with a view that it is consistent with Government policy. As I did say the other day, the Motion asks Government to establish a high quality paper factory in Nyakach. This is not in any way theoretical. The possibility of a high quality paper industry or factory in Nyakach is real. It is real because we are surrounded by hundreds of thousands of tons of papyrus reeds, which is the basic raw material for this type of industry. Papyrus reeds, as you know, Mr. Speaker, are to be found all along the Lake Lolwe shore and, therefore, there is more than enough quantity of this raw material for this type of industry.

Mr. Speaker, if this industry were established it would help Kenya earn the much needed foreign exchange. We would be able to sell high quality paper to our neighbours, in the first instance, and also to the overseas markets, and this will do our economy a lot of good.

Mr. Speaker, Sir, the situation as it is now is that although we have the papyrus reeds all over the place, nothing is being done to utilize this very valuable resource. The only thing that happens about the papyrus reeds at the moment is that they are the homes of mosquitoes now, and we, as a Government, are spending millions of shillings buying drugs to eradicate the menace of malaria. So, with the establishment of this industry we would reduce this danger.

Mr. Speaker I think it is now time for the Ministry of Industry, whose prime duty it is to spread industries to the rural areas, to start with this Motion. It should start through its agencies, such as the Industrial Development Bank or through its institutions such as the Industrial and Commercial Development Corporation and others to move industries where the people are.

I have also asked in the same Motion that the Government should do something about creating an industry based on clay, which is abundant in the Nyabondo Plateau. The clay in the Nyabondo Plateau is currently being used by the local people to manufacture bricks and various ceramics, sculpture and so on, and so forth. They are already doing it in a much smaller scale. But what the people of Nyakach have in mind—and that is why they asked me to bring this Motion here—is to see that this resource, or the clay that is abundant in the place, is exploited in a much bigger way. It should be exploited by Kenya, through the Ministry of Industry, in a much bigger way to earn us money, and to provide jobs for the people.

Mr. Speaker, there is no question of extended research about this particular industry. A research has been done by the local people themselves in a practical way by they themselves making bricks and tiles and then burning them there, and this has proved useful. So, it is for the ministry concerned to help them exploit this enormous resource.

In the same Motion, Mr. Speaker, I have talked about the need to exploit the stone quarry in Kandania, which stretches over many miles. In this area you will find over ten miles of black quarry stone, which is very good for building chips, blocks and all sorts of building materials. Again, Sir, I am not talking about anything theoretical here. The people themselves have made practical research to find out whether this stone is commercially viable. They brought the stone to me and asked me to go to the place, and I asked some of the quarry operators in Kisumu to take this stone and test it in their various mills and they found the stone to be very good indeed for the building industry. Now, I think through the ministry a huge programme could be mounted to supply quarry stones for building and chippings for roads everywhere in the western part of Kenya. It will be remembered that in Nyakach we have a lot of building sand. The sand which is used for building in Kericho area and in the Kisii Highland area comes basically from Nyakach. And if you have miles and miles of stone quarry and abundant stores of sand and,

[Mr. K'ombudo]

of course, abundant water from the Miriu River, what else is left? What is left is only the capital and the organization of this, and it is what the people are asking the Government to come to their aid for.

Mr. Speaker, Sir, I think we should, as a people, concentrate on the use of our resources. At the moment not much has been done to exploit our natural resources, and this is a shame. Currently we have this rather unusual long rains coming at the wrong time and we now have floods all over the Nyakach and Kano Plains, and you will find people are migrating to higher grounds. This is because the Nyando River, which is a natural resource, has not been harnessed and used properly and is left to flood the place. Now, like the papyrus reeds and the stone quarry in Kandaria and the clay in Nyabondo, we could use water to our advantage.

So, Mr. Speaker, with those few words, I beg to move and ask my friend hon. Omido, who has very kindly accepted to second this Motion, to do so now. Thank you very much, Mr. Speaker.

Mr. Omido: Bw. Spika, mimi nasimama kuunga Hoja hii mkono. Kwanza kabisa ningependa kutoa shukrani kwa Serikali, ambayo inafanya kila bidii kuanzisha viwanda katika kila pahali hapa nchini ili kuweza kuendesha na kuwasaidia wananchi kupata kazi. Katika Hoja hii, juhudi hiyo hiyo inahimizwa, na Hoja ina sema kwamba kuanzishwa viwanda hivi. Viwanda ambavyo vimeitajwa katika Hoja hii ni lazima vijengwe kwa majali ya kuwasaidia wananchi kupata kazi. Inajulikana wazi kwamba kwa wakati huu maelfu ya wananchi wanataka katika sehemu za mashambani na kuelekea wakitafuta kazi. Inajulikana wazi pia kwamba kila wanapokwenda kazi imekuwa shida sana kupata, na wanagonga milango kila pahali wakitafuta kazi bila kupata. Kwa hivyo kama viwanda hivi vingeweza kuanzishwa, ni wazi kabisa kwamba kungekuwepo na nafasi nyingi za wananchi wa Nyakach kupata kazi na kupunguza ule mialongo wa wananchi wanaokwenda mjini kutafuta kazi. Si hivyo peke yake, Mr. Spika, inajulikana wazi kwamba leo katika miji mingi, hasa katika Mji wa Nairobi, shida ya nyumba imekuwa mbaya zaidi na kwa sababu ya wingi wa watu wanaokuja hapa mjini taabu hii ingeweza kupungua kwa sababu wananchi watapatiwa kazi mahali walipo.

Bw. Spika, ni nia ya Serikali hii kuona kwamba kuna maendeleo katika kila sehemu ya nchi hii na sio tu katika sehemu ya Nyakach. Kwa hivyo, kwa vile kuna quarry nyingi katika kila pahali, na vile vile kuna mambo mengi ambayo yanaweza kuvifanya viwanda vingi vianzishwe kote nchini, lingekuwa jambo la busara kama viwanda vidogo-vidogo vingeanzishwa katika sehemu za mashambani ili kupunguza shida ya ukosefu wa kazi ambayo inaikabili nchi hii yetu. Katika nchi ya India, kama tunavyofahamu, viwanda vya mashambani vinaendelea kwa wingi, na hivi viwanda wanaviita cottage industries. Viwanda hivi vinaendelea kwa wingi na jambo hili linapunguza shida ya ukosefu wa kazi. Katika nchi hii yetu, Bw. Spika, mambo ya stone quarry, kama tunavyoambiwa katika Hoja hii, na vile vile kiwanda cha karatasi, kikianzishwa kinaweza kutusaidia sana. Ni wazi kwamba tuna haja kubwa ya karatasi ya hali ya juu, na tuna shida kubwa

kwa sababu karatasi hii inatajikana kwa wingi. Kama aina hii ya karatasi inatajikana kwa wingi, ni wazi kwamba wizara inayohusika inahitaji kufanya kila bidii kuisaidia nchi pamoja na Serikali kupata karatasi hii ya hali ya juu, ambayo kwa mara nyingine inaagizwa kutoka nchi za ng'ambo. Tukianza kutengeneza karatasi ya aina hii tunaweza kuzitumia zile pesa za kigeni tunazotumia kwa wakati huu kuagiza karatasi hii, kwa kuanzisha vifaa vingine ambavyo vinaweza kutumiwa katika viwanda vyetu ili viweze kuendelea mbale.

Bw. Spika, viwanda vingi vyetu leo vina shida ya kuendelea, na vingi vimeanza kupungua idadi ya wafanyakazi na vingi vinatishwa na kufungwa na hii ni kwa sababu ya ukosefu ya raw materials. Yaani vifaa vya kutumiwa katika viwanda hivi haviko, na ni wazi kwamba ni lazima kila juhudi ifanywe ili kuhakikisha kwamba pesa zote ambazo zinaweza kutumiwa ili kuleta pesa za kigeni zinatumiwa kwa kufanya viwanda hivi viendeleo ili wananchi waweze kupata kazi ili kusiwe na hofu ya kuwapunguza idadi ya wafanyakazi na kuongeza idadi ya wasio na kazi. Njia moja ya hakika ya kuondoa shida hiyo ni kuhakikisha tuna viwanda ambavyo vinaweza kutengeneza vitu ambavyo vinaweza kutuleta pesa za kigeni. Tuna Webuye Paper Factory na kiwanda kingine cha karatasi kikianzishwa kitongeze juhudi za kutengeneza karatasi ya kutosha ili nchi yetu iweze kujitegemea katika mambo ya karatasi ya hali ya juu.

Bw. Spika, ni wazi kwamba katika kila sehemu ya nchi hii kuna maendeleo. Leo viwanda fulani vina-jengwa na stone quarry inatajikana kwa wingi. Wakali tunapojenga hospitali au shule, makanisa, na nyumba zetu na kadhalika, tunahitaji mawe ya aina hii. Kwa sababu watu wa Nyakach wana stone quarry na wanaonyesha kwa vitendo kwamba wana moyo, nia na bidii pamoja na juhudi kubwa ya kujenga nchi, ni lazima wizara inayohusika ichukue nafasi hii kuwasaidia wananchi hao kwa kuwapa moyo zaidi wa kufanya kazi kwa bidii.

Bw. Spika, ni pia ya kila mmoja wetu kuona kwamba kunafanyika maendeleo katika kila sehemu ya nchi hii. Kuna kuwa na mazungumzo ya mara kwa mara katika Bunge hili—na pia nje ya Bunge hili—kwamba haifai kujenga viwanda mahali pamoja hapa nchini. Kwa hivyo, ni haki ya nchi hii kwa jumla kuona kwamba maendeleo yamefanywa katika kila sehemu. Maendeleo yafaa yanafanyika kila mahali, na hiyo ndiyo nia ya Hoja hii, kuona kwamba maendeleo yanafanyika kila mahali kote nchini. Kwa hivyo, ili kuhakikisha kwamba maendeleo yanafanyika katika sehemu mbalimbali, ni juu ya wizara inayohusika kuanzisha kiwanda hiki katika sehemu ya Nyakach.

Kama nilivyokuwa nikisema, kumekuwa na malalamiko ndani ya Bunge hili, na pia nje ya Bunge hili, kwamba haifai maendeleo yazidi kufanywa katika sehemu moja ya nchi peke yake, au kwamba maendeleo yawe yanaonekana yakielekezwa upande mmoja tu. Tunaweza kuondoa hofu hiyo na lawama hiyo ikiwa tutaoonyesha kwa vitendo kwamba tuko tayari kupeleka maendeleo sio tu huko Nyakach, bali katika sehemu nyinginezo hapa nchini ambazo zinahitaji maendeleo ya aina hii.



[Mr. Omido]

Bw. Spika. Hoja hii ni wazi na nia yake ni kujenga, na ina ule moyo wa Serikali wa kuona kwamba maendeleo yam sambazwa kote katika sehemu za mashambani. Huu kweli ndio mwanzo wa kufanya maendeleo yanaye maana na ambayo yanaweza kuonekana na wananchi ili waweze kutambua kwamba kumefanywa maendeleo ambayo yamewapatia kazi na pesa za kuwawezesha kufanya maendeleo zaidi.

Kwa hayo machache naomba kuunga mkono.

(Question proposed)

**The Minister for Constitutional Affairs (Mr. Njonjo):** Mr. Speaker, Sir, let me set the ball rolling on this Motion, as my friend says, and say that personally I do not support the Motion, for very good reasons and for the experience that we in this country have had in so far as Government operations are concerned. We have quite a number of Government-owned companies which have failed. There is one company in Nanyuki where they have not even unpacked the equipment, and it is said that there is another one in Kisumu where we had promised that the company was going to produce alcohol to be used by vehicles. That factory now is a white elephant. Therefore, I wish to suggest to my hon. friend, the Member for Nyakach, that he should not ask Government to start any operations. I have a view which I hold very strongly.

It is quite recently when the President said Government interests must be pulled out of any parastatal body which is not functioning profitably. I think that was in the Presidential Statement on the Current Economic Situation in Kenya. I do not think that Government should do any of these businesses. This should be done by private investors. What we should do is to create a climate that will encourage investors to come into this country and invest their money here. We in Kenya should not behave like Enoch Powell in Britain, condemning everybody who comes here. We should not condemn every effort that investors are making by saying that every investor who comes here is taking money out of this country, and so on.

**An hon. Member:** But they do so!

**The Minister for Constitutional Affairs (Mr. Njonjo):** Mr. Speaker, Sir, there is somebody at the back saying that investors do take money out of the country. That is true, but we are not saying that everybody is an angel; I cannot say that all businessmen are behaving honestly. There are those who do not behave honestly, and we should identify them and deal with them. But let us not condemn everybody wholesale as if it is a campaign we are conducting to attack a particular race. It is a mission we are conducting on behalf of somebody else. You will find that there have been attacks all the time—

**Mr. Okondo:** It is euphoria!

**The Minister for Constitutional Affairs (Mr. Njonjo):** It is euphoria! I do not want to use the word in case somebody takes it up and says that I am referring to him. But what we want is—and I suggest to my hon. friend, the hon. Member for Nyakach—that he should

not ask Government to start an industry in his constituency. We should encourage Government to invite people, or to create a climate that will attract private investors in Nyakach; they will bring their own money and the operation is bound to succeed because they will be investing their own money; it will not be Government money. I think you know how people behave when it is not their own money. You do not look after money which is not yours; after all, you are not losing anything. You will hear some people calling it "Mali ya Serikali". That is why these operations which are done by Government will never succeed.

We have one industry in Nanyuki and we have a complete one in Kisumu and it is set to fail; I am not a prophet but I know and I believe that that white elephant in Kisumu will never operate.

**An hon. Member:** And there is also the Kicomi!

**The Minister for Constitutional Affairs (Mr. Njonjo):** I am told there is also another factory called Kicomi in Kisumu. There is another one in Nanyuki.

Mr. Speaker, Sir, you will find that we just got involved and we were cheated by some people who are not going to lose any money. Those who are economists will come to tell us more when they speak on this Motion. However, money was borrowed and Government is the guarantor, and these fellows who we are in partnership with have nothing to lose even if this industry fails. It is Government which is going to lose money. Therefore, let us not take another industry to Nyakach which is also going to fail. I would prefer that we create a climate in that constituency whereby private investors will go and look at the raw materials that we are told do exist in that area. I am sure that if they think that the industry will be economically viable they will invest their money there and perhaps the local people there will also invest their money.

**Mr. K'Ombudo:** But the favourable climate is there!

**The Minister for Constitutional Affairs (Mr. Njonjo):** If it is there, let us— We are speaking now and all that we are saying is going to be in the Press and on the radio and people will hear about it and perhaps next week or next year the hon. Member will see some companies coming there just to have a look, and, maybe, they will do feasibility studies to see whether, in fact, they can start a paper factory or a quarry or these other factories the hon. Member is talking about. So, since they will be investing their money, they will make quite sure that the operation is going to be successful. This is because if you are investing your own money you will look after it and you will employ people who are experienced and who know what they are doing. In quite a number of operations that we have started, the problem has been that despite the fact that we do not have properly trained personnel, the people who we are supposed to go into partnership sometimes take 40 per cent share capital while the Government takes the remaining 60 per cent of the share capital. I feel that the Government should take 40 per cent of the share capital, so that the private investors take the remaining 60 per cent. That way we can have a good control of the investment and also make sure that the operation will succeed. We have been doing it the

**[The Minister for Constitutional Affairs]**

other way round; the private investors normally say, "The Government is the main shareholder and, therefore, we, as the private investors, have nothing to lose". If the investor has a bigger stake, he would make quite sure that that operation succeeds. So, my personal view—and I do not know what the attitude of the Ministry of Industry is going to be—is that Government should not be the one to carry out these operations; it should be done by a private entrepreneur so that even the local people in Nyakach can buy shares in these operations, and so that we all have a stake in ensuring that the operations are a success. If we do it as we have done in Nanyuki, Kisumu and other places where we have lost a lot of money because these companies are going into liquidation, we are going to lose still more money because the Government, being a guarantor, is going to pay money.

**The Assistant Minister for Health (Dr. Wameyo):** The Government does not make profit.

**The Minister for Constitutional Affairs (Mr. Njonjo):** Why does the Government not make profit? It is because if it is your own money you would make quite sure that you make profit but where Government money is concerned, your attitude would be "This is mali ya Serikali", and then you would not care whether the operation is successful or no. If it is your own money, you make sure that the operation is done correctly and that you make profit. Although, ideally, one would like to see factories in the rural areas, they should not be operated by Government; this should be done by private investors.

I would also like to point out that those who are hard and those who are very vocal—the Enoch Powels of Kenya—will not help us to have this climate that we want in this country because, every day in this House, there is condemnation of the Asians, expatriates, foreigners and other people. I sometimes wonder whether—

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Keep on wondering.

**The Minister for Constitutional Affairs (Mr. Njonjo):** Well, my hon. friend here tells me to keep on wondering. I sometimes wonder whether my friend does this campaign on behalf of the Arab League.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On behalf of Kikuyu.

**The Minister for Constitutional Affairs (Mr. Njonjo):** No, it must be on behalf of the Arab League. Why is it that every time we are hearing this condemnation of the Asians? Why does he not condemn the Arabs?

**Hon. Members:** What have the Arabs done?

**The Minister for Constitutional Affairs (Mr. Njonjo):** Or is he doing this on behalf of the Arabs? Every time—

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Why should I condemn the Kikuyu when they have done nothing?

**Mr. Speaker:** Order! Order!

**The Minister for Constitutional Affairs (Mr. Njonjo):** So, Sir, let us create a climate of peace and stability and encourage people from outside to come here and invest.

With those few remarks, Mr. Speaker, Sir, I beg to oppose the Motion.

**Mr. Kahengeri:** Bw. Spika, ni kweli kwamba katika nchi hii tumekuwa tukifanya juhudi zote za kuleta maendeleo na kuwafaidi watu wote wa nchi hii yote. Lilikuwa jambo halali—halikuwa jambo la makosa hata kidogo—kwa wale waliofikia mawazo kwamba Serikali inaweza kuunda kampuni katika nchi hii. Lakini, kwa bahali mbaya, kazi hii iliwekwa katika mikono ya watu ambao hawakuwa na fikira nzuri za mambo yanayofanywa katika nchi hii. Kwa hivyo, watu hao walipopatiwa kazi hiyo na kupewa pesa nyingi za kuwawezesha kuanzisha viwanda vya namna hiyo, walichukua nafasi hizo kunyakua pesa za nchi hii na kuzorotesha maendeleo yaliyokuwa yakitarajiwa; waliona kama walikuwa wamepatiwa njia nzuri sana ya kuiba. Ingawa hii ni kazi iliyokuwa imetarajiwa kwa minajili ya kihaki, waliopatiwa kazi hiyo waliona kwamba wakati wao wa kujitajirisha ulikuwa umejika.

Nikiendelea kuiunga Hoja hii mkono, ningependa kusema kwamba tumefika katika Bunge hili kuonyesha ni kitu gani kinachoweza kupatikana katika Wilaya ya Kitui, Karachuonyo na mahali pengine popote katika Jamhuri ya Kenya, ili wanaotakikana kuja hapa na kuleta pesa waweze kujua ni nafasi gani tulizo nazo katika nchi yetu. Ninasadiki hatuwezi kuketi chini tu na kungojea watu walete pesa hapa nchini. Ni lazima sisi, tukiwa katika nchi ya Kenya, tuwe tukijua ni wapi tunapoweza kupata bidhaa za kutengeneza vitu kama sabuni au karatasi. Kwa hivyo, ni haki sana kwa Mibuunge wa Nyakach kutueleza kwamba tunaweza kupata mali inayoweza kuisaidia nchi hii katika Nyabodo Plateau ili kutengeneza bidhaa zinazohitajika katika nchi ya Kenya. Hii ndio sababu ninatoa mwito Hoja hii ionekane kwamba ni Hoja inayoweza kuwasaidia watu wa Kenya. Ninasema hivyo kwa sababu majazi inayo-semekana kuwa iko kando kando ya Ziwa Victoria na mahali kwingine katika sehemu ya Nyakach ni ile ile inayoweza kutumiwa ikiwa viwanda vya namna hiyo vinaweza kujengwa katika nchi hii. Kama inavyotarajiwa na kila mwenye kutetea au kuwakilisha watu wa nchi hii, mali yote inayohusika na viwanda katika nchi hii yafaa iweze kuonekana na kutumiwa.

Bw. Spika, Hoja hii inaiarifu Wizara ya Viwanda kwamba katika sehemu ya Nyabodo kuna bidhaa ambazo tunaweza kutumia tunapotaka kutengeneza vitu vya kauli, karatasi nzuri na vitu vingine, na pia tunaweza kupatikana mawe ya kujengea nyumba. Kwa hivyo, ni juu ya Wizara ya Viwanda kuona kwamba—Mimi nimeona mifano mingi ya viwanda vinavyoanzishwa na Serikali, halafu watu wengine wanaingilia ndani na kusema, "Serikali inunue rasilimali kiasi fulani, na sisi tutanunua kiasi fulani na halafu sisi ndio tutakaendesha kiwanda hiki kwa niaba ya Serikali". Hilo ni jambo ambalo linatuleta shida nyingi sana kwa sababu milioni nyingi za pesa za nchi hii zimechukuliwa na wale waliojifanya kuwa wanaweza kuisaidia Serikali kupata faida ikiwa Serikali ingeweka rasilimali ya pesa nyingi sana katika kazi za namna hiyo.

**[Mr. Kahengeri]**

Bw. Spika, nilikuwa nikitaka kusema vafaa Serikali ichukue jukumu hili na kukubali imeshafahamishwa kuna nafasi ya kuanzisha kiwanda cha karatasi, nafasi ya kuanzisha kiwanda cha mawe na pia kiwanda cha vyombo vya kulia. Kwa hivyo, ingefaa Serikali ijue Nyakach ni mahali ambapo mtu akitaka kuendesha shughuli za kiwanda anaweza kupata nafasi hiyo.

Sio hivyo peke yake, bali ingefaa Serikali itie mkazo na kuwasaidia wale walio na haja na ambao wana matumaini ya namna hiyo, na wapatiwe nafasi nzuri ya kuwawezesha kuendesha kazi hii. Hii ni kwa sababu, kama tunavyoona sasa, watu wengine hujidai na kusema tunaweza kuendesha viwanda vya namna fulani tu, na tunajua jinsi mambo yanavyofanyika. Wao wanasema kuwa ndio wanaoweza kufanya kazi ya namna fulani na wanaiomba Serikali kuingiza pesa zake katika mipango yao, na ndipo unaona mipango hiyo yote ikianza kuhambika polepole, na mwisho unasikia kuna liquidation ya kampuni, na pesa za Serikali zinapotelea kwenye mipango kama hiyo.

Bw. Spika, ni hatari sana kuendelea kukubali kuona pesa za nchi zikitumiwa na watu wasio na fikira za kuendeleza nchi hii mbele. Tunatoa pesa kutoka kwenye Huzina ya Serikali na kuwapa watu hawa eti kutawala nazo na kutuonyesha jinsi ya kuendesha biashara, na mwishowe tunakuja kusikitika tukiona memilioni ya pesa ambayo zingejenga shule za watoto wetu, au kujenga barabara za uchukuzi hapa nchini, zinapotelea kwenye mfuko wa mtu mmoja mwenye uhodari wa udanganyifu. Sisi tumokubali hali hiyo na ni hatari sana. Kiwa tutaituata njia hiyo, kutakuwa na watu hapa ambao tutaitakiwa kuwaaabudu kama miungu yetu. Hilo si jambo la haki kwa nchi kama Kenya ambayo imekwisha jinyakulia Uhuru wake, na kuweza kuendelea kazi yake ya kujaribu kuwasaidia watu wake kukua.

Kwa hivyo, Bw. Spika, wazara itakapokuwa ikijibu kuhusu jambo hili, ningepanda likubali. Hii ni kwa sababu si wale tu wanaojifanya kuwa wajuzi wa kila siku, bali hata watu wa nchi hii pia wamekuwa watu wenye ujuzi. Kila ambacho hawapati ni rasimali, na ndiyo pekee inayotufanya tuwe kama watu ambao hawawezi kujifanyia chochote. Ukihukua, kwa mfano, viwanda vinavyoendesha hapa Nairobi, vingi vya viwanda hivi ni vyetu. Kusema kwamba kuna viwanda vingi vilivyo mikononi mwa watu weusi si kweli kabisa. Ukiingia ndani ya viwanda hivyo na utaona kuwa kila kitu kinachotengenezwa kinatengenezwa na watu weusi; watu wa Kenya. Wale wenye viwanda wametushinda tu kwa rasimali, na si haki kwetu kuwa tukiendelea kupanda mafunda na halafu yanachumwa na wengine.

Kwa sababu hiyo, tunamwomba Waziri wa Viwanda, atakapokuwa akisimama kujibu, aonyeshe kweli kuwa ana mapenzi na hali hii inayotakiwa na Mhe. Mbunge wa Nyakach, ili tupate nafasi na watu wa nchi hii waonyeshwe njia na kusaidiwa kwa fikira, ujuzi na hata pesa ili pia waweze kujisaidia na viwanda kama vinavyotatikana huko Nyakach.

Ninaona jambo hili likifanyika kwa kweli Nyakach patakuwa ni mahali gmoja panapoendesha viwanda vitakvyokuza nchi hii, na mahali ambapo watu wa

sehemu nyingine walapafurahia wakipatembelea, na wataweza kuona maendeleo ya viwanda.

Kwa hayo machache naunga mkono.

**The Assistant Minister for Labour (Mr. Kitele):** Thank you very much, Mr. Speaker, for giving me this opportunity to air my views on this Motion. The Motion is a very good one because the hon. Member is asking for the industries in view of the raw materials which can be manufactured to make a few products. There are, for instance, clayworks, quarries and other raw materials

Mr. Speaker, Sir, the other day I invited an Assistant Minister for Industry, and he came to my constituency to attend a Harambee meeting. He told me that if I could get my people together to form a company, the Ministry of Industry would assist them with some aid so that they could develop that company. I think it would be a good idea for the people of Nyakach to get together and form a company and then later approach the Ministry of Industry for assistance. This is because I know, and I am sure, that the Ministry of Industry would help, perhaps, on experts who would show the people how to work. I am sure hon. Wariithi will agree with me on that because his ministry is charged with the responsibility of helping wananchi.

The other thing is to woo the investors from factories in, say, Thika. The investors here can be wooed to go and invest in Nyakach. In Nairobi here there are people who can be requested to go and invest their money in Nyakach, and not only in Nyakach but also in other areas of the country, like my constituency, on which I will speak later. So, here I am giving a suggestion that the people of Nyakach Constituency should get together and form a company before approaching the Ministry of Industry. I am sure they would be given guidance on how to do it. They can even pose questions to the ministry like, "We do not have capital and so, what do we do?" The Ministry of Industry will give them ideas on how to go about it.

Mr. Speaker, Sir, there is a clayworks factory run by Kenyans at Roysambu, on your way to Thika. This factory is doing a wonderful job. They make bricks and sell them all over the country. Since water is not a problem in Nyakach, and the hon. Member has indicated that all the raw materials are available, then what remains is just cement, which can be taken there. The other thing is that if there are raw materials to start a cement factory, as the hon. Member claims, then they can be encouraged to start the cement factory there. They should approach the Ministry of Industry so that it can help them in starting the project.

The Ministry of Culture and Social Services has introduced village polytechnics, and these polytechnics are helping a lot. This is because they teach the people various trades, and with that knowledge the people are able to start small-scale industries without problems. So, this method should be encouraged, and we should ask the hon. Member to approach the Ministry of Culture and Social Services and ask them to set up a village polytechnic in Nyakach so that it can educate the people there on how to go about this problem and

**[The Assistant Minister for Labour]**

how to make use of the materials which he has cited here. The polytechnics are doing a good job in training our people, thus enabling them to earn a living in various trades. If a village polytechnic is started there, it may take it as a good idea to use these raw materials and might even be able to sell the products to other countries.

The Ministry of Industry should encourage African investors, as the hon. Member has stated in his Motion, to invest their money in small factories, such as the clayworks works factory. The clayworks factory that you see on your way to Thika was started in a small way. However, it is now a very big factory which even sells its products in Kisumu, Kakamega, Kericho, Machakos and so on. So, the Ministry of Industry should try to establish whether the investment that the hon. Member is talking about is viable. If they find that it is viable, then they should encourage investors to go there.

What we are saying here now will be broadcast over the Voice of Kenya. It will also be reported in the newspapers. As a result, some investors might approach the Mover of this Motion and ask him to show them where these things can be obtained. For example, there are some experts around the New Stanley Hotel who deal with stones. If they hear of what we are talking about, they might approach the hon. Member and ask him to show them where they can get these stones.

In my constituency we make blocks which we use to build houses. So, we would like the ministry to assist us in this field. About four or five wananchi have come together and formed a company and then started making blocks. As we know, all sand that is used to put up houses in Nairobi comes from Machakos. So we would like the people who make blocks in Machakos to be encouraged so that they can sell these blocks in Nairobi and other places.

Mr. Speaker, Sir, the Motion is requesting Government to establish a number of industries in this area. However, I do not agree with the suggestion that Government should start industries on its own. In fact, we should encourage private investors to do that. For instance we know that parastatal bodies are given a lot of money by Government. However, Government does not get any profit from the money it invests in such parastatal bodies. As we know, Government is getting a lot of money from private companies, such as East African Breweries and British American Tobacco Company. These companies pay sales tax, excise duty, income tax and so on. However, the parastatal bodies incur losses instead of generating profit and thus help to develop the country. In fact, we have seen balance sheets of such bodies at the end of the year and we know that they always incur losses. So I do not support the idea that we should ask the Government to establish these factories. I am opposed to that idea very strongly.

However, the Ministry of Industry should do something on what the Motion is asking for. They should not leave the matter as it is. They should go there and do feasibility studies so that they can know what to do.

As I said earlier on, if Government establishes these factories, whoever we might take there to be in-charge will not care to protect the public funds because he knows that it is not his money. In fact, he might say that that is *mali ya umma au ya Serikali*. However, if you run such companies individually as your companies, you will be very careful to see that not a single cent goes out. You will also be careful in the way you use your vehicles and the spare parts that you buy. So, I feel that Government should not be involved in such a thing. When we had a meeting here the other day, the President said that Government was going to withdraw from a number of industries.

However, I would like to recommend that the Ministry of Industry goes to this area and carries out some feasibility studies. If possible the ministry concerned should try to encourage people to come together, as we have done in Machakos, and form companies. We shall be approaching the Ministry of Industry for assistance very soon because we have started small industries there. For instance, in Mutituni, there is a small industry which we started for making shoes. Although we did not seek assistance from the ministry at first, we shall be approaching it for help very soon. The ministry should give us money so that we can extend the small factory that we have started there.

Mr. Speaker, Sir, with those few remarks, I beg to say that I am opposed to the idea of Government being involved in such a venture.

**The Assistant Minister for Industry (Mr Wariithi):** Mr. Speaker, Sir, I think it is advisable that I indicate early enough the position that Government is going to take on this Motion. We intend to move a small amendment, which is not going to make a big change in what some hon. Members have said. In fact, I was impressed by the remarks made by hon. Kahengeri. He talked about Government being involved or going into partnership with individuals. He also touched on the question of the experience that we have had on the issue.

First of all let me say at the outset that we are very happy with the spirit and the intentions of the Motion because they are very good. In fact, I must say that the hon. Member is aware of Government policy. The policy has been announced several times by the Ministry of Industry and by His Excellency the President. It is the intention of the Government to spread industries all over the country. It is also Government intention to see that industries are taken to the rural areas. In fact, industries should be started where the raw materials are available. This is one way of bringing about development. It is also one way of removing from the minds of our people the idea of going to towns to look for employment. In fact, it is one way of solving unemployment. It is also a way of earning foreign exchange, through the sale of our manufactured goods.

Nevertheless, it must be understood that before any industry is established there is quite a lot of work to be done. You may have raw materials, but still a lot needs to be done before an industry can be established.

**[The Assistant Minister for Industry]**

For instance, the hon. Member talked about papyrus. I do not doubt the availability of that commodity. Indeed, we have them in abundance. However, there is still quite a lot of work to be done to establish whether they are there in sufficient numbers. We should also be in a position to know what type of paper can be made from papyrus. We should also be in a position to know whether we have a market, international or local, for the paper.

The hon. Member talked about the establishment of quarry factory and a clayworks factory. However, a major decision needs to be taken before you can set up an industry. I do not want to refer to the words, "feasibility studies" because they have been misused in the past. In fact, some people have used that to delay projects or development. However, there is a lot of preparatory work which needs to be done before you decide as to whether you should start an industry or not. You should also be able to know where you are going to establish the industry, and you have also to look into the question of marketability of the goods that you are going to manufacture. You should also be able to know the area where you are going to get the machinery. Finally, you should be able to know whether the establishment of the industry is worth while or not.

However, we in the Ministry of Industry are happy because the hon. Member himself has brought to our knowledge that these raw materials do exist in this area. Nevertheless, we would like to say from the outset that we still have to do a lot of work to determine whether we have the raw materials he is talking about in sufficient quantities. In the Ministry of Industry we have a department called the Industrial Development Department. This department is there for the purpose of deciding and making a survey throughout the country. We have started with various districts in Kenya. We have done a few and we are still continuing. We have not yet gone to Kisumu District but we will soon be going there to carry out this survey. What we are trying to do is to have a kind of a library in the ministry so that any investor who would like to come and invest his money in paper industry, for instance, could be shown materials or a file dealing with the availability of raw materials in Nyakach, the amount involved, where he can get labour, machinery and what-have-you. We want to keep everything ready. We have done several of these surveys but not in all the districts.

I would like, therefore, to indicate the type of the amendment that I want to make. It is an innocent amendment, but I think it is very important. I have given the amendment to you, Mr. Speaker, and this is how I want this Motion to be amended. After the word "to" in the second line, you insert the words "encourage private investors to", so that from there it should read "to encourage private investor to establish the following industries in the area: high quality paper factory; stone quarry factory and clayworks factory."

Now, some of the reasons for moving this amendment, on behalf of my minister, Mr. Speaker, have already been given by earlier speakers. The Government, from

its experience over the last few years, has seen the dangers of going into investment itself or even in joint venture with the private investors. Quite often we have been put into a lot of trouble and Government has lost a lot of money. Even the Report and Recommendations of the Working Party chaired by Mr. Ndegwa, indicate very clearly the losses we suffered through companies that were helped by the Industrial and Commercial Development Corporation. The Industrial and Commercial Development Corporation invested a lot of money in these companies and the outcome has been that we have lost that money. There are other big companies that were mentioned earlier on where billions of shillings are likely to go to the drain. So it is the policy of the Government now that we do not go into private ventures. However, I would like to appeal to the hon. Member for Nyakach to bear with us—**But we are prepared to do anything we can to assist the people of Nyakach and of any part of this country to start industries.**

In this connection I would like to give a brief explanation of the machinery that does exist at the moment. At the moment any person or group of people in this country who want to start an industry, all that they have to do is to get organized as individuals or as a company and approach our industrial estates' managers who are scattered all over the country. They should put forward the proposals of what they want to do or what they want to start and then the industrial estates' manager will advise them on whether what they want to start is viable or not. Once you have been advised, we will then send our experts—we have engineers and economists employed by the Ministry under the Kenya Industrial Estates, and others in the Ministry of Industry—to come and discuss with you on the project and find out whether it is viable or not. There are many aspects that go along with the project—where to get your raw materials, where to get your machinery and where you can get your funds.

If money is not available, or you may not have enough, hon. Members may not know that we have the Industrial Development Bank which can assist in arranging for finances. We have the Kenya Industrial Estates, which also provide the funds and even buildings; we have the Development Finance Company of Kenya, which could arrange for funds, and we also have the Industrial and Commercial Development Corporation, a very well known organization which was started a long time ago which has helped many would-be entrepreneurs or industrialists.

So, for the people of Nyakach—if I may come back to the Motion—I have already informed my colleague here, my learned friend hon. K'Ombudo, what he should tell Nyakach people who would like to start some of these industries. Clayworks factory would not require a lot of money; quarry factory will be very cheap, it needs just a crusher; but a paper factory might require a bit of heavy funding. However, as I said, let him get a group of people from that area, let them see our manager in our Kenya Industrial Estates at Kisumu—If the project is too big, let him come to the ministry and we will try to do as much as we can to

**[The Assistant Minister for Industry]**

assist. I am not saying this for the benefit of Member for Nyakach only but it is for every Kenyan and hon. Members of Parliament here to do the same. Some of the Members who are here will bear me out that we have helped many people in the whole country—We are still prepared to help those who want to be helped.

Mr. Speaker, I was in Kakamega the other day and I can say that we are not very happy with our sheds. Kenya Industrial Estates sheds are not properly utilized. It is the same thing in Kisumu; Kenya Industrial Estates sheds are not properly utilized. We have put them up using a lot of money and yet people are not prepared to take them. In fact, there are very few parts of the country where these sheds are fully utilized. In my own Nyeri District about half of the sheds have not been utilized, although we started work there just the other day.

So, let it be noted seriously that we are not negative about this Motion. We are prepared to help. I would like to say that we people in this country must change our attitude to the idea that Government is going to start industries all over the country. We must change the attitude that the Government will start putting up schools and everything for us. The Government can provide a good climate. For instance, the climate of a stable Government that we have in Kenya is a big contribution to private investors coming to this country, and that is one major contribution that is provided by the Government. The Government can also provide the infrastructure—that is, things like water, electricity, roads, land and that kind of thing—so that anybody who wants to set up an industry will get a place where he can put up his industry. Take Thika, for instance, the reason why most industrialists go to Thika is because the town has water, land, good roads and electricity. In some places if you want to set up an industry it will take you from a year to three years to get a plot or land. Even if you get land after all that period, you will find that there is no water. You do not expect an investor, who has allocated, say, Sh. 10 million for the industry he wants to put up, to spend another Sh. 2 million to put up the water infrastructure. He cannot do that. He will go to an area where there is water already.

So, some of these things are important, and I think the local authorities, particularly the municipalities, who want to attract industries in their areas should be advised to set up plans which could be applied by the persons setting up industries. They should also set up the infrastructure—that is, sewerage, water, good roads and good houses for the employees—so that you do not have to waste a lot of time when you want to set up an industry.

Then there is the question of advisers. The ministry itself, as I said earlier, is employing more advisers and posting them to the various industrial estates so that they are able to advise any person who would like to start an industry.

Before I end my speech, Mr. Speaker, let me add that we are now expanding our industrial estates.

First of all we want to cover all the districts in the whole Republic, and then after that we will go to the rural areas, to small divisional headquarters and even to the markets. People should understand that we are here to help anybody. Even if you do not have a share in our industrial estates and you have your own permanent building and you have planned what you want to do, just go and inform our officers and they will try to help in whatever way they can.

I think I have said enough, and with that amendment which was proposed—I hope my colleague the assistant minister, hon. Aden, is here and will speak on the Motion. With that amendment I am sure the Government will accept the Motion. Thank you, Mr. Speaker.

**The Assistant Minister for Industry (Mr. Aden):** Thank you, Mr. Speaker, for allowing me to contribute and second the amendment proposed by my colleague, hon. Wariithi.

Mr. Speaker, though the spirit of the Motion is well intentioned, I believe the Motion has been overtaken by events because of the existing and pronounced Government industrialization policy, either made through the Ministry of Industry or through His Excellency the President. It is my ardent belief that hon. Members in this House are here to assist existing policies to function or to operate without any hindrance. As it has been mentioned earlier by other Members, a lot of money has gone down the drain through losses in the existing statutory boards. And in view of the enormous losses that we have incurred, the Government has made a very bold decision that any future industry, whether small or big, should be owned by private investors, whether they are local or foreign. This way it is my belief, the indigenous African citizens of this country have been given a very good opportunity, a challenge has been thrown to them, to show how they want to penetrate the industrial sector of this country. I believe that the best we can do, as hon. Members of this Parliament, is to take this opportunity and organize our wananchi into private companies or co-operative societies. We all agree that the most important element that is lacking to the African is the capital that one ought to raise for an industry. But if we take things seriously and organize people into groups, I am quite confident that we will contribute a lot to the industrialization of this country.

The Motion, as amended by hon. Wariithi, is still having our blessings. What the hon. Mover of the Motion is trying to attain is catered for because my ministry has all the facilities for ensuring the implementation of this Motion. Indeed, it is very important that it be accepted as amended because we have the facilities and avenues for encouraging private investors. However, I would like to request the hon. Mover to take this opportunity very seriously and start playing his part to make sure that this Motion is implemented. He should start knocking at the doors of the various sections of the Ministry of Industry so as to get guidance and advice from the economists stationed there to assist wananchi to go into the industrial sector of this country.

**[The Assistant Minister for Industry]**

As it has been mentioned by hon. Wariithi, one cannot just dream of setting up an industry in any given area. One of the prerequisites is the stability of the country. You can only lure investors from overseas when the atmosphere is favourable to them, and when they are assured that the money they are trying to invest in the country will be in safe hands. The other one is the existence of infrastructure, which includes water, electricity, labour and so forth. I believe that the required infrastructures are all available in Nyakach, and if not all, the remaining ones should be built before we embark on the industrialization of the area.

As to the question of lack of capital for African industrialists, Mr. Speaker, I believe our commercial banks and other financial institutions in the Republic are more than prepared to assist and support any viable industrial project in this country, be it in Nyakach, Mandera, Lamu or any other area.

The most serious area where one has to dwell on in ascertaining the viability of his project is a feasibility study, which can be done privately or through the assistance of the Ministry of Industry. I wish to advise the Mover to make use of the industrial promotion services in the ministry, which is free to wananchi. After obtaining the required advice, the hon. Mover will be in a better position to know how to handle the implementation of the Motion. This venture will remain a collective responsibility between our ministry and the Mover of the Motion because we would wish to see full participation by wananchi of Nyakach. It is only in the event of failure in the opportunity given to the people of Nyakach that we will look for foreign investors. So long as the Mover can assure this House that he is in a position to organize his people either into co-operative societies or companies, private or limited, he has the blessings of the Ministry of Industry. We will do all we can and at our disposal to make sure that this Motion is implemented.

With those few remarks, Mr. Speaker, Sir, I beg to support the amendment.

*(Question, that the words to be inserted be inserted, proposed)*

**The Minister for Constitutional Affairs (Mr. Njonjo):** Mr. Speaker, I just want to say how grateful I am that the hon. Member has proposed this amendment, which I support wholly because it really agrees with what I was saying, that these operations should not be started by the Government. In other words, it proposes exactly what I was suggesting: that we should create a climate that would encourage private investors to go to Nyakach and look at the projects that the hon. Member has been telling us about and see whether they are viable. I do not want to take any more time because I spoke earlier and I should give other hon. Members the opportunity to speak.

I fully support the amendment, Mr. Speaker.

*(Question, that the words to be inserted be inserted, put and agreed to)*

*(Question of the Motion as amended proposed)*

**Mr. Muthura:** Thank you very much, Mr. Speaker.

Mr. Speaker, the Minister for Constitutional Affairs, during his contribution on the first Motion, said that we should encourage, support and request our Government to create the atmosphere which will allow private investors to come and invest in this country. Under the umbrella of these words, let me condemn the ill-minded criminals who, three weeks ago, dropped seditious papers in Nanyuki town, which would reflect to our Government that the people of Laikipia District are probably not loyal. Let me say that the people of Nanyuki and Laikipia District as a whole are staunch supporters of the Nyayo Government—

**Mr. Speaker:** Mr. Muthura, that has nothing to do with this Motion.

**Mr. Muthura:** Mr. Speaker, I am coming to the point.

**Mr. Speaker:** No, this kind of irrelevancy must stop.

**Mr. Muthura:** Mr. Speaker, the Government has come out with a statement that development should start at the district level, and I believe this should be the case in industry. Nyakach should not be left out. Our Government has done a good job in setting up industries and going into partnerships to set up these industries. Unfortunately, there are people who have advised our Government wrongly, who are also thieves. After the Government has gone into partnership with them and pumped a lot of money into the projects, they have stolen the money; this money has gone into their own pockets.

When setting up industries, we are told that it is advisable to do that if raw materials are obtainable in the area where it is proposed that an industry should come up. We have been told by the Member for Nyakach that the area is rich in building sand, stone and papyrus, and these could be used in manufacturing whatever is required, such as building stone, paper and so forth. In fact, this has not always been the case. If this was the case, some of the factories we have in Thika would not be there, and some of the factories we have in Nairobi would not be here. If Nyakach is rich in all these raw materials, it qualifies for such industries. There are also other areas which are rich in raw materials that are necessary for goods to be manufactured.

If we encouraged private investors to go to Nyakach and establish a clayworks factory, a paper factory and a quarry, we would also create jobs for the people there. We know the young generation who are completing their education these days have that mentality which was instilled in the minds of the people of this country, that if you are educated, no matter how little that education is—even if it is only up to Standard 7 level—you can only go to the urban areas and look for white-collar jobs. This is not the case. There are no jobs in towns, and the few that are available are being competed for by so many other people. If we create a peaceful atmosphere in this country, it will be possible for these investors to come and help us out. Let us encourage them to move to the rural areas, such as Nyakach, rather than concentrating on the urban areas like Nairobi and Thika. We have small

[Mr. Muthura]

towns in the rural areas, such as Nanyuki, with all the necessary facilities for these industries. We have tarmac roads, enough water, adequate manpower, proper means of communication and sufficient land. So, Nanyuki town, just like Nyakach, qualifies highly for industries.

[Mr. Speaker left the Chair]

[The Temporary Deputy Speaker (Mrs. Onyango) took the Chair]

Madam Temporary Deputy Speaker, at this point let me express my displeasure at the fact that the Kenya Fibre Corporation at Nanyuki will soon be closing down because it is said not to be economically viable. It is unfortunate that this factory is going to be closed down after so much money has been pumped into it, and I hope when we have industries in Nyakach they are not going to suffer the same fate as the Furfural Factory at Eldoret, the Kisumu Cotton Mills and Molasses factory, and also the Kenya Fibre Corporation at Nanyuki. When we put up these industries there we hope Government will give them more encouragement and support.

We have heard that there are so many unemployed young people in Nyakach, and if we can establish at least two or three factories there, these young people will not come to Nairobi in search of employment. They will not even go to Kisumu; they will remain at home. If there was an industry within that area, some of them would come to work from as far away as five miles, and this would help the people there in many ways. The shortage of housing in the urban areas is very acute and, therefore, if we could take these industries to the rural areas we would solve the problem of people having to travel long distances to their places of work because of the shortage of housing. Madam Temporary Deputy Speaker, not only that, if these three factories could be established in Nyakach, the economy of that constituency or division would be uplifted. The economy of Kisumu District would as well be uplifted.

Madam Temporary Deputy Speaker, although we have been told to confine ourselves to the areas which is the subject of the Motion, I would like to say that there are also other areas with the same facilities like Nyakach where we could establish these industries so that we do not develop only one side. If we have three industries in Nyakach, let us have one in Kitui, Laikipia, Kwale and the other areas in this Republic.

Mr. Michoma: On a point of order, Madam Temporary Deputy Speaker. I think the Member is confused in his contribution to this Motion when he talks about the other areas. I am saying this because we were advised by the Chair last time that we should stick to the Motion before the House. If the Motion is about establishing a factory in Nyakach, we should only stick to that and not talk about other places.

Mr. Muthura: Madam Temporary Deputy Speaker, the hon. Member who has raised the point of order is without a constituency and, therefore, he does not sweat as we do. So, although he is trying to trespass,

he has no constituency or interest in what I am saying, that we need three factories in Nyakach.

Mr. Michoma: On a point of order, Madam Temporary Deputy Speaker. All the constituencies in Kenya including the Member's constituency, are my constituencies.

Mr. Muthura: Madam Temporary Deputy Speaker, I am sorry to say that we have no constituency called Kenya. When I say that we need three industries or factories in Nyakach, he is not happy because I have not said that one should go to Kisii. So, one should go to Kisii so that my colleague can feel happy. So, the only way in which we can uplift the economy of this country is by moving from the urban areas to the rural areas, taking these industries to the rural areas. In this case I have Nyakach in mind.

Madam Temporary Deputy Speaker, a lot of Government money has been wasted or stolen in these partnerships. I am afraid that I am not an economist, and so I do not know why this has happened. So, let us think twice or look before we leap so that we do not see any more of the Government money getting stolen, wasted or misappropriated, because we do not have money to be wasted or to be used to satisfy individual people's needs.

With these few remarks, Madam Temporary Deputy Speaker, I beg to support the Motion.

**The Minister for Environment and Natural Resources** (Mr. Omamo): Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to support the Motion.

As my good friend would like us to stick to Nyakach. I would like to say that when one climbs on Nyabondo Plateau of Nyakach and then looks down and westwards, one is impressed by the natural resources that are under-utilized, or the natural resources that have low value. The black clay in Nyakach could be given added value if it was converted into tiles, as the hon. Member has suggested.

Madam Temporary Deputy Speaker, standing still on Nyabondo Plateau in Nyakach, you would see that the rocks are hard—

**The Assistant Minister for Economic Planning and Development** (Mr. Shikuku): On a point of order Madam Temporary Deputy Speaker. Is it in order for the minister to mislead the House that he is standing on the Nyabondo Plateau in Nyakach when he is standing here?

**The Minister for Environment and Natural Resources** (Mr. Omamo): Madam Temporary Deputy Speaker, I would like to appeal to the hon. Member, who is my good friend, to use his imagination properly. I am saying that if you stand on the plateau of Nyabondo, the rocks underneath your feet are very hard rocks and these rocks could be given added value if, as the Motion is asking, a quarry factory was constructed there.

Madam Temporary Deputy Speaker, when you look further to the west, still standing on Nyakach Plateau, you see miles and miles of papyrus reeds. The papyrus



[The Minister for Environment and Natural Resources] that you see along the shores of Lake Victoria have been growing there for many years; for many centuries! I remember the day I was born I saw them there, and I am very old now.

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): On a point of order, Madam Temporary Deputy Speaker. I think what the minister is now saying is even more serious. He is telling us that on the day he was born he saw these papyrus reed. Surely, he could not possibly have seen them!

The Minister for Environment and Natural Resources (Mr. Omamo): Yes, I did! I was born right there, on the shores of the lake. Now, there is one characteristic about papyrus which should be revealed to this House. The papyrus by nature grow very fast. In fact, if you have a binoculars, you can see them growing.

Hon. Members: No! No!

The Minister for Environment and Natural Resources (Mr. Omamo): Yes! They grow very fast. The Motion which suggests that these papyrus should be utilized for making high quality paper, and this is a very good suggestion because there will be ample supply of papyrus. The portion of the lake in the Nyanza Gulf, together with that portion of the lake in Utonga Bay, that portion of the lake around Lake Sare, and the portion of the lake that stretches to Busia District, is all full of papyrus. I am pretty sure in my own mind that if papyrus was harvested and utilized for making high quality paper, the supply would be there. The papyrus can be used for making high quality paper, known as parchment paper. Parchment paper is paper of very high quality. The Holy Bible was first written on parchment paper, and the old Egyptian records were all written on parchment paper.

Technology is available, Madam Temporary Deputy Speaker. There is technology available in Italy, for instance, for the production of parchment paper using papyrus.

Having said that, I would like to talk about the fine point introduced in the amendment, that the Government should encourage private investors to go to Nyakach. Madam Temporary Deputy Speaker, I think this could be misunderstood. Encouragement by Government of private investors could be misunderstood because I feel there is need to go further than just encouraging investors. The recently started investments advisory committee has a part to play in this. I think if the papyrus in Nyakach is to be utilized it will require not only the climate but other things must also be available. There was mention recently that hon. Members should create the proper environment, the proper climate for investment in their own areas. This is true, and it is also easy to say, but I really think if clay works is to be started in Nyakach and paper factory started there too, this will require more than a climate. I feel that investors must be encouraged to invest in Nyakach because Nyakach is not like the Kikuyu Constituency of my hon. friend, Mr. Njonjo.

Madam Temporary Deputy Speaker, Kikuyu Constituency is not like Nyakach Constituency. In Kikuyu Constituency the climate to attract investors in already

there. It is not like Nyakach. You will find that the private industries in Kikuyu Constituency has flourished because there was what I call the priming effect which had to be there before these industries were established. Therefore I feel that there is need for this priming effect to be done. In Nyakach, for example, you need to have the road network—the road network is absolutely necessary, and it is also absolutely necessary that we encourage people with enough money. We do not want a Kicomi case to be repeated in Nyakach. This is because this is a project involving a lot of money and involving our own Government, and to hear that it is failing is just no good at all.

Madam Temporary Deputy Speaker, I would also like to add one more point. I really think that if the private investor is going to be encouraged to go to Nyakach, this should be done during our lifetime. Let us not postpone this thing until doomsday. We would like to have this done during what I call the short period and not during the long period. You will remember that the long period has been defined by Lord Cames as the time long enough to see all the projects implemented, but at that particular time we shall all be dead. I would like to suggest that these three projects in Nyakach should be encouraged and implemented, and they should materialize and see us alive. We do not know what happens in heaven; we do not know whether paper is utilized in heaven, and we do not know whether clay tiles will be utilized in heaven. But here on earth, we would like to persuade the ministry to come out quickly and help wananchi get employment and other benefits by having these factories established.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mrs. Onyango): It is time for the Mover to reply.

Mr. K'Ombudo: Madam Temporary Deputy Speaker, I want to say right from the outset that I am very grateful indeed to the Ministry of Industry for the attitude that it has shown in this matter. I want to say again, right from the outset, that on behalf of my people of Nyakach, I am very grateful to the attitude that has been shown by the hon. Members of Parliament, who have contributed to this Motion. This includes hon. Njonjo; I want to thank him for the attitude he has shown, although belatedly.

The point here is that in conformity with Government policy of distributing industries in the rural areas the ministry concerned should take steps to see to it that this policy is implemented.

We are going to get into a quandary here because on the one hand we are saying that Government should not involve itself directly in the establishment of industry and, on the other hand we are saying that in conformity with the Kanu manifesto, industries should be started in the rural areas. We know that our people in the rural areas have neither the capital nor the managerial ability to do the job. I think it is incumbent upon the Ministry of Industry to resolve the problem. The ministry was not created for nothing; there is a purpose for the existence of the Ministry of Industry. We cannot put up our hands and say:

[Mr. K'Ombudo]

"Oh, because the molasses factory in Kisumu has had problems, because we have had the Ken-Ren situation, because we have seen whatever happened at Nanyuki, we should now stay put and do nothing". We cannot say that; we must do something as a Government to make sure that industry moves; we must do something to make sure that our natural resources are utilized. It is all very well—underline the word hope—to hope that the private sector will see the light and open industries. That hope has not been forthcoming in a realistic way to the rural areas since Uhuru, otherwise there would have been no need for this Motion. Since Uhuru the hope that the private sector would go to the rural areas to establish industry has not materialized. Has it materialized in Hamisi?

Mr. Onamu: Not at all!

Mr. K'Ombudo: Has it materialized in Busia? Where are the industries in Busia? Has that hope materialized in Karachuonyo or Wajir? No, it has not and, therefore—

An hon. Member: What about Vihiga?

Mr. K'Ombudo: It has not materialized in Vihiga. We only hope that the private sector will see the light, given the right climate, to go to the rural areas. Even if that happens, the private investors are not going to see that light. That is why those who wrote our Kanu manifesto and the Sessional Paper No. 10 of 1966 saw the light. Therefore, it is the duty of the Government, through the right ministry—the Ministry of Industry—to take the initiatives. This is what this Motion is asking: the Ministry of Industry to take initiatives in Nyakach, to see that these paper, stone and clay works industries are established there.

Now, may I inform the Ministry of Industry that the people of Nyakach are already organized and prepared to take advantage of these industries. What they are lacking is the capital and the managerial know-how. This is where the Ministry of Industry, through the Industrial Development Bank and through the Industrial and Commercial Development Corporation, should come in and help the people of Nyakach. This is the area where the Government should move in and help.

Points have been raised about the molasses factory in Kisumu. Having invested billions of shillings in the Kisumu Molasses factory, we cannot just sit to see it rot; we cannot see it being a white elephant. I think it is about Sh. 2.6 billion that have been used. How can we see such an amount of money going down the drain? All right, a mistake has been made, some pilfering has been going on in the case of the molasses plant, but taking that aside, we should take remedial measures to see to it that the plant in Kisumu functions. After all, do we not need the power alcohol? We do, and particularly now that energy is becoming hard to come by. We need the power alcohol that the plant was expected to produce.

Madam Temporary Deputy Speaker, if it is the question of this Madhvani man stealing from Kenya, well, let him be dealt with through the normal legal channels available in the country. But we cannot go on throwing up our hands and crying that we have been

swindled by this Madhvani man in Kisumu and therefore, let the millions of shillings we have invested go down the drain. We cannot allow the Kisumu Molasses plant to become a white elephant. We cannot do that; instead, we should salvage this factory.

Madam Temporary Deputy Speaker, the Molasses plant in Kisumu was cited as a consequence that would also affect the proposals of this Motion and, therefore, I am right to touch on it. We should learn from our mistakes as a nation. That is a very great thing to do. We have made mistakes in projects like the Ken-Ren as well as the Kisumu Molasses and others, and the great thing is that we should learn from these mistakes. When we go to Nyakach, we should have learnt these lessons and industries will be established after having been properly studied.

I am very grateful to the Ministry of Industry for this, because, as I understand it, there shall be facilities for proper feasibility studies for these industries. As I said, our people are organized already and we would be very grateful to receive these facilities on the feasibility studies, and to establish the viability of these industries.

The money which we are borrowing from overseas, through the Industrial Development Bank or the Industrial and Commercial Development Corporation and other institutions, should be used in the rural areas, in places like Nyakach, rather than being used to build skyscrapers in Nairobi. Let us build factories in Kitui, which will make more sense, and this is proper economic planning.

With those few words, Madam Temporary Deputy Speaker, I beg to move.

*(Question put and agreed to)*

*Resolved accordingly:*

THAT in view of the fact that there is no a single factory in Nyakach, this House urges Government to encourage the private investors to establish the following industries in the area; high quality paper factory; stone quarry factory and clayworks factory.

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): Madam Temporary Deputy Speaker, I am wondering whether I could seek your guidance on this, because I am of the opinion that if we go to the next Order, that business will go on for only five minutes. On top of that, since the House is scheduled to adjourn tomorrow, the Motion will have to die a natural death. Is it really worth while to the exercise when we know exactly what is going to happen?

The Temporary Deputy Speaker (Mrs. Onyango): Well the decision rests with the House, but it is true that we have only five minutes to go.

*(Question of the adjournment, put and agreed to)*

#### ADJOURNMENT

The Temporary Deputy Speaker (Mrs. Onyango): Hon. Members, it is now time for interruption of business. The House is, therefore, adjourned until this afternoon at 2.30

*The House rose at twenty five minutes past Twelve o'clock.*

**Wednesday, 8th December, 1982**

The House met at thirty minutes past Two o'clock.

[*Mr. Deputy Speaker in the Chair*]

PRAYERS

ORAL ANSWERS TO QUESTIONS

No. 771

HEALTH CENTRES FOR DAGORETTI CONSTITUENCY

**Dr. Mungai** asked the Minister for Local Government—

- (a) whether he was aware that there are no health centres, clinics or dispensaries of any kind in Mutuini, Ruthimitu, Dagoretti Corner, Uhuru and Gatina; and
- (b) when they were going to be built to cope with the ever increasing population in these areas.

**Mr. Deputy Speaker:** Minister for Local Government not here? Next question, Mr. Muthura.

No. 627

A-LEVEL CLASSES FOR GIRLS

**Mr. Muthura** asked the Minister for Higher Education what his plans were to increase the number of "A" level classes to give girls as much opportunity as is given to boys.

**Mr. Deputy Speaker:** Minister for Higher Education not here? We shall move on to Mr. Wasike-Ndombi's question.

No. 642

POSTING OF A CLINICAL OFFICER TO NAVAKHOLO

**Mr. Wasike-Ndombi** asked the Minister for Health—

- (a) whether he was aware that a clinical officer had not been posted to Navakholo Health Centre as he had promised in the month of May, 1981 in an answer to Question No. 542;
- (b) what had caused the delay; and
- (c) whether he would ascertain that one is posted to the centre immediately.

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

We do have a clinical officer at Navakholo Health Centre by name James Wanyama, Personal Number, 192507 and it is due to shortage of clinical officers in the ministry caused by the very rapid expansion of health services, that we have found it difficult to post a second clinical officer to Navakholo Health Centre.

**Mr. Wasike-Ndombi:** Mr. Deputy Speaker, Sir, sometime last year in May, we asked for a doctor to be posted to Navakholo Health Centre and in view of the large turn up of questions in this House, the minister at that time promised that since the country was short of doctors, the least he could do for the people of Navakholo was to post a second clinical officer

there instead of a doctor. Is the assistant minister implying that this country is short of clinical officers and if it is the case, I have a brother who has retired from Government service and I wonder whether he would take him.

**Dr. Wameyo:** Mr. Deputy Speaker, apart from his brother, there are a few others who have retired and if they re-apply the ministry will consider their applications if necessary. However, it is true that we have a shortage of clinical officers because of the rapid expansion of the health services in the country and as a result, we are also going to have a third school to train clinical officers to see whether we can cope with the numbers required.

**Mr. Michoma:** Mr. Deputy Speaker, Sir, arising from the assistant ministers reply. Does he mean to tell the House that there will be no more opening of new health centres because there is a shortage of clinical officers this year? Does he mean to say that?

**Dr. Wameyo:** Certainly not, Mr. Deputy Speaker.

**Mr. arap Koech:** Mr. Deputy Speaker, Sir, while thanking the assistant minister for the good answer he has given to the House, I would like to know when he is going to implement the return into Government service, of those retired officers since we have a shortage of clinical officers. Is he going to consider this during this financial year or the next one? I am asking this because we are very much short of clinical officers in health centres throughout the country.

**Dr. Wameyo:** Mr. Deputy Speaker, I apologize because I have not understood the question from the hon. Member for Chepalungu. Could he please repeat the question?

**Mr. arap Koech:** Mr. Deputy Speaker, I am going to repeat my question. Now that the assistant minister says that he could consider reinstating those officers who have already retired due to the very big shortage of clinical officers, my question was: when is he going to consider reinstating them? Will he do so during this financial year or the next financial year. In fact, there is a very big shortage of clinical officers in our health centres.

**Dr. Wameyo:** Mr. Deputy Speaker, Sir, the hon. Member is putting words into my mouth. I said that if they re-apply to be employed on certain terms, the Ministry will consider their applications. That is all that I said.

**Mr. arap Koech:** On a point of order, Mr. Deputy Speaker. The assistant minister has not answered my question. He is now talking about certain terms and I wonder whether he could clarify the terms under which these officers would be re-employed. Will they be re-employed under contract terms or under what terms will they be re-employed?

**Dr. Wameyo:** Mr. Deputy Speaker, Sir, if they apply the ministry will consider if there is a necessity to re-employ them on contract terms.

**Mr. Wamakwa:** Mr. Deputy Speaker, Sir, the assistant minister has said that there is a gross shortage of clinical staff in the country and yet he is aware that

**[Mr. Wamalwa]**

there are so many retired people who could do this job. Is he now asking the people to apply for these jobs or is it not the Government policy that he should go out of his way and recruit these people to fill up these places?

**Dr. Wameyo:** Where the necessity arises, Mr. Deputy Speaker, the Government will consider this point. It is true. I have said, that we have a shortage of clinical officers. It is also true that certain clinical officers and other members of the Civil Service have retired, but you cannot force a person who has retired to come back and work if he does not want and, therefore, a person will have to apply for the job if he wants.

**Mr. Kasirado:** Mr. Deputy Speaker, Sir, hon. Wasike-Ndombi has, in his question, asked whether the minister would send a clinical officer to Navakholo Health Centre. Also the number of patients at the health centre is big and this is why the hon. Member is requesting the ministry to send a clinical officer there. Could the assistant minister assure us that he is going to post a clinical officer to Navakholo Health Centre in order to cope with the number of patients there? This is the question.

**Dr. Wameyo:** Mr. Deputy Speaker, Sir, I do not want to lie in front of this hon. House by giving an assurance of what we may not be able to do. That is not in keeping with the status of hon. Members.

**Mr. Wasike-Ndombi:** Mr. Deputy Speaker, Sir, the assistant minister has informed this House that the country is short of clinical officers. At the same time he has not informed this House that the ministry is short of funds. Now that we have officers who have retired and they are still willing to work, would the assistant minister consider posting one officer to Navakholo Health Centre if such an officer applies to the ministry for re-employment? This is because the ministry is not short of funds.

**Dr. Wameyo:** Mr. Deputy Speaker, Sir, I said that if they apply we will consider employing them; we will consider them.

No. 709

#### COMING TO FORCE OF AUCTIONEERS AND COURT BROKERS ACT

**Mr. Munyasia,** on behalf of Mr. Mulwa, asked the Attorney-General what had delayed the coming into force of the amendments to the Auctioneers and Brokers Act, that were passed by the House.

**The Attorney-General (Mr. Kamere):** Mr. Deputy Speaker, Sir, I beg to reply.

I would like to advise the hon. Member that there is no such an Act as the Auctioneers and Court Brokers Act. However, if the hon. Member means the Court Brokers Act of 1981, that Act came into force on 8th May, 1981, as shown in the Legal Notice No. 71 of 1981.

**Mr. Deputy Speaker, Sir,** in order to avoid any supplementary questions—

*(Laughter)*

**An hon. Member:** To avoid supplementary questions!

**The Attorney-General (Mr. Kamere):** Mr. Deputy Speaker, Sir, this Act was passed and assented to on 30th April, 1981. It came into effect on 8th May, 1981. So, there has been no delay. Thank you.

**Mr. Munyasia:** Mr. Deputy Speaker, Sir, I would like to thank the Attorney-General very much for the intensive research he has in his books; he is a man of books.

**Mr. Wamalwa:** Mr. Deputy Speaker, Sir, I wonder whether the Attorney-General is aware of the fact that although this Act has come into force, it has not been observed.

**An hon. Member:** Give examples!

**Mr. Kamere:** Mr. Deputy Speaker, Sir, as far as I am aware and unless the contrary is shown, the Act is in force and it is working. If it is not working or it is not being effected, then we have not received any complaints to that effect. Thank you.

No. 771

#### HEALTH CENTRES FOR DAGORETTI CONSTITUENCY

**Dr. Mungai** asked the Minister for Local Government—

(a) whether he was aware that there were no health centres, clinics or dispensaries of any kind in Mutuini, Ruthimitu, Dagoretti Corner, Uthiru and Gatina; and

(b) when were they going to be built to cope with the ever increasing population in those areas.

**The Assistant Minister for Local Government (Mr. Ngala):** Mr. Deputy Speaker, before I answer this question I would like to apologize to the House for coming late. However, I beg to reply.

The named areas get services from health centres around them and plans are under way to extend or build new health centres. But because of financial constraints progress in this direction has been hampered. So far services are rendered as follows:

Mutuini and Ruthimitu areas are currently served by Waithaka Health Centre, which has a dispensary and a maternal and child health clinic. There are plans to extend this centre by having a maternity unit. There are also plans to put up a new health centre at Ruthimitu—Plot No. 277—but this has been hampered by lack of funds. Perhaps the local leadership could assist by building it on a Harambee basis and the city council can take over the running and maintenance.

With regard to Dagoretti Corner area, I would like to say that there already exists a dispensary at Dagoretti Corner and there are plans to extend it by having a maternal and child health clinic and maternity unit. But lack of finances is the constraint.

**[The Assistant Minister for Local Government]**

Uthiru area is served by both Kangemi and Riruta health centres. These two health centres consist of each, a dispensary, a maternal and child health clinic and there are plans to extend them by having maternity units.

The health centres currently planned by Ruthimitu have been originally planned for Uthiru area but were shifted due to lack of land.

Gatina area is currently served by Riruta Health Centre. In the Urban Phase Two, World Bank Project, there was a proposal to put a health centre near this area but this had to be pruned down due to escalation in costs in the project. Land is still available for a health centre but funds are not yet available.

**Dr. Mungai:** Mr. Deputy Speaker, in his reply, the assistant minister said that there is a health centre at Dagoretti Corner; I am not aware of this health centre. I know of one near Kibera. But if the assistant minister says there is one, could he make sure that he builds one so that his words can come true in this House?

**Mr. Ngala:** Mr. Deputy Speaker, Sir, I think I mentioned Dagoretti Corner area; maybe it is near Dagoretti Corner area and that is why we used the name "Dagoretti Corner Area".

**Mr. Michoma:** Mr. Deputy Speaker, Sir, arising from the assistant minister's reply, and in view of the fact that this area is thickly populated—and we all know the area hon. Dr. Mungai is talking about—can the assistant minister assure this House that he is going to urge the Nairobi City Council to build at least one health centre or dispensary so that people in that area can be treated because they are paying rates to the Nairobi City Council?

**Mr. Ngala:** Mr. Deputy Speaker, Sir, I have not said that these things should not be done. But in my reply I said that it is financial constraints which are holding these things back. As soon as money is available I am sure something will be done by the city council.

**Mr. Gautama:** What are these financial constraints the assistant minister is referring to?

**Mr. Ngala:** Mr. Deputy Speaker, Sir, I did not hear what hon. Gautama was asking about!

**Mr. Gautama:** Mr. Deputy Speaker, Sir, my question is what financial constraints there are in the city council. This is because there is no development at all in Nairobi!

**Mr. Ngala:** Mr. Deputy Speaker, Sir, when I talk about financial constraints I am sure a lot of hon. Members know what that means. If hon. Gautama does not know what that means then I am sorry for him!

**Mr. Michoma:** Mr. Deputy Speaker, Sir, I think the assistant minister is trying to evade Dr. Mungai's question. Instead of answering the question he is evading it by talking about financial constraints. Can he explain what financial constraints there are and yet people are paying taxes, even now as I am talking here?

**Mr. Ngala:** Mr. Deputy Speaker, Sir, financial constraints are financial constraints and I do not see the reason why I should go on explaining the meaning.

**Dr. Mungai:** Mr. Deputy Speaker, Sir, is the assistant minister aware that on 12th December, 1973, the then President of the Republic of Kenya, the late President Kenyatta, announced on Jamhuri Day that two other hospitals were going to be built in Nairobi, one of them in the Eastlands and the other in Dagoretti? When is the construction for the Dagoretti hospital going to start? This is something that was promised by our late President and we intend to honour his promise.

**Mr. Ngala:** That is a very difficult question for me to answer. However, with all due respect to the late Mzee Kenyatta, I do not think I was in a position to know what was promised at that time. I am sure that if there was any pronouncement like that made by the late President, the City Council of Nairobi is going to do something about it in honour of the late President.

**Dr. Mungai:** If the assistant minister is not aware of the promise, or if he did not hear it, I would like to read a part of the speech that concerns the hospital. That part reads, and I quote:

**The Assistant Minister for Works and Housing (Mr. Njuno):** On a point of order, Mr. Deputy Speaker, Sir, I am just seeking your guidance on this matter because, normally, a back-bencher is not allowed or privileged to read the President's announcement to further his argument.

**Hon. Members:** No! No! Sit down; shame on you!

**Mr. Njuno:** Hon. Members, just listen to what I wanted to say.

**Hon. Members:** Sit down! Shame on you!

**Mr. Deputy Speaker:** Order! Order, hon. Members.

**Mr. Munyasia:** Tell hon. Njuno to sit down!

**Mr. Njuno:** Mr. Deputy Speaker, Sir, I wanted to seek your guidance as to whether there has been a new Standing Order allowing hon. Members to quote the President's speech for this argument.

**Mr. Deputy Speaker:** Order! I do not see why we are trying to be a bit difficult about this issue. This was a promise that was made to the nation. All that Dr. Mungai is doing is to help the assistant minister understand the question before the House.

**Dr. Mungai:** Thank you very much, Mr. Deputy Speaker, Sir. I am only trying to be helpful to the assistant minister so that he may remember and know what was said. Now, the part I wanted to read says, and I quote:

"In pursuance of better medical facilities for our people, the Government intends to build two district hospitals within the Nairobi area. One will be on the eastern side near Pumwani, and the other to the west at Dagoretti. This will relieve the Kenyatta National Hospital of its patients' burden and, thereafter, function as a reference hospital for provincial hospitals in the country. This has made a heavy demand upon our limited finances."

Sir, as you can understand, this hospital will not only be for Nairobi but it will relieve Kenyatta National Hospital of the burden of the local people in Nairobi

[Dr. N. Mungai] here, and then it will help other provincial hospitals. Can we be told, therefore, when the building of the hospital in Dagoretti will be effected?

Mr. Ngala: Mr. Deputy Speaker, Sir, I was carefully listening to the hon. Member when he was reading the late President's speech, and I think that particular paragraph he read was directly concerned with the Ministry of Health. So, it does not quite concern the Ministry of Local Government, and I am sure that our late President was a man of wisdom and he knew what he was talking about.

The Minister for Health (Dr. Mango): On a point of information, Mr. Deputy Speaker, Sir. The proposed Pumwani Provincial Hospital has been included among the 10 proposed hospitals all over the country. The Ministry of Health is looking for funds and the construction of these hospitals will start immediately the funds are available.

Dr. Mungai: Mr. Deputy Speaker, Sir, I very much appreciate the information given by the Minister for Health to this House, but I am still asking the same question as to when the promised hospital for Dagoretti will be built.

Dr. Mango: Mr. Deputy Speaker, Sir, the hon. Member for Dagoretti has a clinic in that area. What has he done about it as far as its expansion and use are concerned?

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

Mr. Deputy Speaker: Order! Order, hon. Members. I think, first of all, we should thank the Minister for Health for the information he has given us and then, maybe, understand that an answer to the question as to when the promised Dagoretti hospital will be built, will be given in the near future.

Dr. Mungai: Mr. Deputy Speaker, Sir, the assistant minister asked me what I have done about the expansion and use of the clinic I have at Dagoretti. I would like to inform him that I have built a clinic in Dagoretti which is helping the residents of that place. The question is not how many clinics I have built because I have built more than one. In fact, I have also built a maternity hospital at Thika. However, what I am asking is what the Ministries of Health and Local Government are doing to build a hospital at Dagoretti. I have been able to build a clinic; what are they doing to build a hospital?

Mr. Deputy Speaker: I am sure that this issue will be looked into in the near future. Let us now go on to the next question.

No. 627

#### A-LEVEL CLASSES FOR GIRLS

Mr. Muthura asked the Minister for Higher Education what his plans were to increase the number of "A" level classes to give girls as much opportunities as is given to boys.

The Assistant Minister for Higher Education (Mr. Mwita): Mr. Deputy Speaker, Sir, before I answer this question, I would like to apologize to the House for coming late. However, I beg to reply.

The present situation where appears to be more "A" level classes for boys as compared to girls has come about due to historical development of our education system which, for many years, encouraged more boys than girls go to school and to continue with schooling to higher levels of education. However, since independence, opportunities for "A" level classes for girls have been increased considerably and narrowed remarkably. There are, at present, 3,170 girls and 5,795 boys attending "A" level classes throughout the country.

The Government recently accepted the recommendations of the working party on a second university that the "A" level segment in our education system should be scrapped altogether, and that the entire educational system be suitably restructured. This means that secondary school education in this country will terminate at Form IV level.

Just to illustrate a bit, in 1980 there were 28 "A" level schools for boys while girls had 22 schools; in 1981 there were 15 "A" level schools for boys when girls had three; in 1982 we had seven "A" level schools for boys while girls had four and we expect to have eight "A" level schools for boys and five "A" level schools for girls in 1983.

Mr. Muthura: Mr. Deputy Speaker, while I am thanking the assistant minister for that reply, one can see, when one goes through the figures, that boys have a higher number than girls, and we know that the policy of secondary school education to have both boys and girls on an equal number is possible. What extra effort is the ministry going to make to see that there is at least a ratio of seven girls out of eight boys in the distribution of the student sexes? The number of girls is still small in comparison with that of boys.

Mr. Mwita: Mr. Deputy Speaker, efforts are being made this year to try and bridge the gap. If we have to continue with the exercise, then perhaps we will bring it down lower than what it is presently.

Mr. arap Ng'eny: Mr. Deputy Speaker, arising from what the assistant minister has said, particularly with regard to the restructuring of the secondary level of our educational system, and arising from the fact that we heard recently that this was forthcoming and he has now confirmed it, would he also confirm to the House, and to the nation as a whole, that when this four-year segment is introduced, every school will, therefore, be moving on towards that segment, and that there will be no phasing out of any stream in other secondary schools which do not have "A" level classes presently? This is because right now we have hardly 200 "A" level schools in the country, as he said, that is, 28 for girls and 24 for boys, and we have upwards of 1,400 secondary schools in the country.

Mr. Mwita: Mr. Deputy Speaker, there is no need, and there will be no question of phasing out any schools. When this happens, we will, definitely, continue as we are now.

**Mr. arap Ng'eny:** On a point of order, Mr. Deputy Speaker. I think the assistant minister did not get the intensity of my question, which was that, as of now, we are producing 10,000 students at "A" level classes, who have to pass through the narrow gate into the university. If, and when, we implement this new policy, there will be over 80,000 students who will be scrambling for the few places at university level. So, when I raised this question, I was trying to get the assistant minister to see the magnitude of the problem that we might be lumped with without adequate preparation. So, when he says there is no need to phase out any school, and so on, I think he is just touching the surface and not going deep into the magnitude of the problem when we do implement this new policy.

**Mr. Mwita:** Mr. Deputy Speaker, Sir, I think the hon. Member is aware that we are going to have a second university. When the "A" level classes are scrapped, I am aware—or the Government is fully aware—that we will have many students scrambling for places into these two universities. We are also aware that those who are left—those who will not find places in the two universities—will continue to find places elsewhere.

**Hon. Members:** Where!

**Mr. Muthura:** Mr. Deputy Speaker, if you add the figures for the three years that the assistant minister quoted, you will find that the figures in respect of boys is 50, when on the other hand it is 29 in respect of girls. If these facilities were availed, I am sure there would be girls who would make use of them. Is there any special reason why we cannot have equal number of facilities for both boys and girls?

**Mr. Mwita:** Mr. Deputy Speaker, Sir, I think the hon. Member is also aware that it is the policy of Government to look at the professional aspect of it, but the question of building more facilities—Most of the present facilities have been built by wananchi themselves, and Government has been encouraging wananchi to build more. Therefore, we are also aware that there is that anomaly between the girls and boys. I have also given the background as to why this happened, and that we are trying to narrow the gap. We cannot do that overnight.

**Mr. Kanindo:** Mr. Deputy Speaker, would the assistant minister agree with me that at the moment the ministry is frustrating girls in view of the census results of 1979 which showed that every man should have three wives? Is the ministry not frustrating girls as far as their education is concerned in view of this census?

**Mr. Mwita:** Mr. Deputy Speaker, the hon. Member can quote the 1979 census, but I am not aware that the ratio is 1:3 in terms of marital affairs. That is his problem.

**Mr. K'Ombudo:** On a point of order, Mr. Deputy Speaker. I think the record has to be put right here. Which census said that every man should have three wives?

**An hon. Member:** It is the ratio in terms of population!

**Mr. K'Ombudo:** I think there is no census that said that every man must marry three wives.

**Mr. Deputy Speaker:** Order! Order! I am sure we have not been told the source of that information, and I am also sure that the Ministry of Economic Planning and Development will not agree with that ratio. The entire House will agree with me on this point.

Let us now move on to the next Order, which is Questions by Private Notice.

## QUESTIONS BY PRIVATE NOTICE

### BUNYALA CHIEFS INTERFERING WITH DEVELOPMENT

**Mr. Okondo:** Mr. Deputy Speaker, Sir, in respect of the question I was supposed to ask, I would like to make the following statement.

When the District Commissioner of Busia, Mr. Mberia, got to know about this and looked at the matter, he was so gracious as to investigate the matter and gave me a complete satisfaction in the matter.

In the circumstances, since I have been fully satisfied, I beg to withdraw the question.

*(Question withdrawn)*

### WRONGFUL RETIREMENTS OF MR. S. NYACHIEO AND MR. J. NYAMWEYA

**Mr. Abuya Abuya:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice:

- Why were Mr. Samuel Nyachieo, Est. No. 13691 and Mr. J. Nyamweya, Est. No. 12886, born in 1946 and 1945 respectively, retired compulsorily in July 1982?
- Will he assure the House that both men will be reinstated with full benefits immediately as they have not attained the ascribed retirement ages?

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

(a) Mr. Samuel Nyachieo, Personal No. 13691, and Mr. J. Nyamweya, Personal No. 12886, were compulsorily retired in July, 1982 because the computer indicated that they had reached the compulsory retirement age of 55 years.

(b) I wish to assure the House, and the hon. Member, that both men have since produced the documentary evidence showing that they had not attained the age of 55 years and notices of compulsory retirement given to them have accordingly been withdrawn.

**Mr. Abuya Abuya:** Mr. Deputy Speaker, Sir, I wish to take this opportunity to thank the assistant minister for the reply compiled by the ministry, and for correcting the mistake. But, would the assistant minister tell us why it took five months to correct this mistake, while these two employees reported immediately with their identities and necessary documents to their immediate officers?

**Mr. Marita:** Mr. Deputy Speaker, Sir, the gentleman in question was producing the documents which the hon. Member has referred to. He was also supposed to verify the documents.

**Mr. Abuya Abuya:** Mr. Deputy Speaker, Sir, can the assistant minister also assure the House that the gentlemen will be reinstated with full benefits? Is it possible for me to collect letters to that effect from his office tomorrow?

**Mr. Marita:** Mr. Deputy Speaker, Sir, all aspects of this matter will be looked into.

#### ALLOCATION OF PLOTS IN MIGORI SITE AND SERVICE SCHEME

**Mrs. Onyango:** Bw. Naibu Spika, naomba kumwuliza Waziri wa Serikali za Wilaya Swali Maalum lifuatalo:

(a) Je, ni njia gani ilitumiwa kugawa ploti mia tano (500) zilizotangazwa katika eneo la Migori, Kisumu mwaka uliopita?

(b) Wanakamati waliokaa kugawa ploti hizo ni akina nani kwa majina na ilikuwa tarehe gani?

(c) Ikipatikana kwamba kuna mtu aliyepata ploti tano au zaidi, ni njia gani itafuatwa kurekebisha kosa hilo ili wengine pia wapate?

**The Assistant Minister for Local Government (Mr. Ngala):** Bw. Naibu Spika, naomba kujibu.

Mpango uliotumiwa kwa kutoa viwanja 500 vya site and service scheme katika Migori, kwa watu wa Kisumu waliokuwa na mapato ya Sh. 400 hadi Sh. 1,200 kwa mwezi, na ambao walikuwa wametuma maombi yao, ni ule mpango wa balloting. Wale waombaji wote ambao walitoshesha kwamba wanahitaji viwanja vya kujenga na ambao walitumiza masharti ambayo yalikuwa yamevekwa walikuwa ni watu 2,800.

Kamati ya Housing Development Committee iliondeshwa mpango huo tarehe sita Oktoba, 1982. Kamati hiyo ndiyo ambayo inasimamia mipango ya maendeleo ya Benki ya Ulimwengu ambayo ndiyo inatoa pesa za kuendesha mpango huo.

Kamati hiyo ilikuwa na watu wafuatao: Councillor J. B. Oloo ambaye alikuwa mwenyekiti, Meya, Naibu wa Meya, Councillor J. O. Ochanda, Councillor J. L. Owino, Councillor S. Malaki, Councillor A. E. Dabha, Councillor G. W. Agola, Bw. O. Jobita, kutoka kwa Wizara ya Fedha, Bw. P. M. Mbatha kutoka kwa Wizara ya Mipango ya Uchumi na Maendeleo, Bw. Odipo kutoka kwa Wizara ya Serikali za Wilaya, Bw. G. N. Gitau kutoka kwa National Housing Corporation

Maofisa waliokuwako ni Town Clerk, Bw. Agutu, Deputy Town Clerk, Bw. Owuor Nandi, Acting Town Treasurer, Bw. Madowo, Town Engineer, Bw. C. Otieno, Director of Housing Development, Bw. Adhu, Director of Social Services and Housing, Bw. Owuor, Deputy Town Engineer, Bw. Okelo, Deputy Municipal Education Officer, Bw. Onyango, Assistant Town Clerk, Bw. Adul, Assistant Director B. Jobita na Senior Administrative Assistant Bw. Mumbo.

Kwa hivyo, si kweli kusema kwamba waliopewa ploti hizo walikuwa wamepewa zaidi ya ploti moja. Katika mpango wote wa balloting ambao ulitumiwa na kulingana na rekodi zote ambazo tunazo, hakuna makosa kama hayo ambayo yanaweza kufanyika na kila mtu yuko huru kwenda kukagua rekodi hizo ikiwa anataka. Konseli hiyo hivi sasa inakagua ile orodha ya majina

ya watu ambao walipewa ploti hizi. Konseli ikipata mtu yeyote ambaye amepewa ploti mara mbili au mara tatu basi jina lake litafutwa kutoka kwa orodha hiyo na balloting mpya itafanywa ili mwananchi mwingine aweze kupata ploti.

**Mrs. Onyango:** Bw. Naibu Spika, ningependa kumjulisha waziri msaidizi kwamba ingawa jibu lake lina sema kwamba mpango wa balloting ulitumiwa, mpango huo haukufanywa kamwe. Wale ambao majina yao yametajwa waliketi na wakaanza kuita majina ya watu ambao walikuwa wamepatiwa ploti. Lakini ukweli ni kwamba balloting haikufanywa. Waziri msaidizi amesema kwamba konseli yenyewe itakagua orodha ya majina ya wale ambao walipewa viwanja na ikigunduliwa kwamba kuna mtu ambaye alipata zaidi ya ploti mbili jina lake litafutwa kutoka kwa orodha na balloting nyingine itafanywa. Ningetaka kumjulisha waziri msaidizi kwamba kuna watu wengine ambao walipata zaidi ya ploti moja. Waziri msaidizi anaweza kukubaliana nami kwamba ingefaa angojee wale ambao wanakagua orodha ya majina hayo na halafu wamletee matokeo yake ili nayo wizara yenyewe ione kama balloting nyingine inaweza kufanywa ili watu wengine waweze kupata ploti?

**Mr. Ngala:** Bw. Naibu Spika, Mhe. Grace Onyango amesema kwamba ana hakika kwamba mpango wa balloting haukufanywa. Sisi tungefurahi, kama wizara, ikiwa Mhe. Mbunge anaweza kutupatia ushahidi wa kutosha. Kama tunavyojua, kwa kawaida mpango wa balloting ndio unaofuatwa. Ikiwa kuna ushahidi wa kutosha kwamba balloting haikutumika, basi tungemwomba Mhe. Mbunge atusaidie kwa kutupatia habari zaidi ili tuweze kutoa haki kwa wananchi wa sehemu hiyo.

**Mrs. Onyango:** Bw. Naibu Spika, waziri msaidizi amesema kwamba nikiwa na ushahidi wa kutosha ni vizuri niende ofisini mwao kupeleka majina ya wale ambao walipata zaidi ya ploti moja. Mimi mwenyewe nina hakika kwamba kuna watu wengine ambao walipata zaidi ya ploti 20.

**Mr. Ngala:** Bw. Naibu Spika, ni kwa sababu hiyo rimesema kwamba ikiwa Mhe. Mbunge ana ushahidi wa kutosha, tunamkaribisha aje ofisini mwetu atupatie bila kitu kinaganaga ili tuweze kuwasaidia wananchi.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Jambo la nidhamu, Bw. Naibu Spika. Mhe. Mbunge aliyetuzia swali hili amesema kwamba ana ushahidi wa kutosha. Hata amesema kwamba anajua kuna watu wengine ambao walipata zaidi ya ploti 20. Kwa hivyo, kwa sababu amesema jambo hilo katika Bunge hili, sijui kama inawezekana atulettee habari hiyo thapa ili tukienda nyumbani tuweze kujua ni akina nani ambao wananyonya nchi yetu.

**Mrs. Onyango:** Ni kweli nilisema hivyo. Lakini nilikuwa nikitaka kupata jibu kutoka kwa waziri msaidizi kwa sababu amesema kwamba konseli bado inakagua orodha hiyo. Kwa hivyo, ikiwa nimiesema uwongo, atatueleza. Ikiwa kama alivyosema, konseli inaendelea kukagua orodha ya majina hayo, ni heri tungojee matokeo ya ukaguzi wa konseli. Lakini hata mimi nitaleta habari hiyo katika Bunge hili baada ya kupata matokeo ya ukaguzi unaofanywa na konseli yenyewe.



**Mr. Deputy Speaker:** Kwa kawaida, kama Mhe. Mbunge ana ushahidi kwamba kuna wananchi ambao walipewa zaidi ya ploti moja, ingekuwa vizuri kwa Mhe. Mbunge kuweka karatasi juu ya Meza ya Bunge halafu waziri msaidizi atuambie atafanya kitu gani.

**Mrs. Onyango:** Bw. Naibu Spika, singependa kuweka karatasi Mezani leo kwa sababu waziri msaidizi ametuambia kwamba konseli yenyewe inakagua orodha ya majina ya wale watu waliopewa ploti. Inaonekana kwamba kama wangukuwa wamefanya mambo sawasawa hawangeiambia wizara kwamba bado wanaendelea kukagua orodha ya majina ya watu hao. Wanakagua orodha hiyo sasa kwa sababu wanajua kwamba kuli-kuwa na makosa. Kwa hivyo, ningependa waziri apate matokeo kutoka kwa konseli ili nami nilete ushahidi wangu.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Jambo la nidhamu, Bw. Naibu Spika. Swali la wizara au konseli kukagua orodha ya majina ni tofauti. Sijui kama masikio yangu ni mabaya. Lakini Mhe. Mbunge alisema wazi kwamba anajua—si konseli au waziri msaidizi ambaye anajua hivyo—kwamba kuna watu ambao walipata ploti tatu. Jambo langu la nidhamu liko juu ya jambo hilo. Kwa hivyo, tungetaka atuletee ushahidi kama kesho kabla hatujakwenda likizoni.

**Mr. Deputy Speaker:** Pengine kitu ambacho tutafanya, kwa sababu hakuna mabishano baina ya waziri msaidizi na Mhe. Grace Onyango, ni kuwataka waende kushauriana juu ya jambo hili katika wizara. Wasipokubaliana, basi tutakuwa tayari kulifuatilia jambo hilo.

Swali la Bw. Munyasia.

**Mr. Muthura:** On a point of order, Mr. Deputy Speaker. Ninajaribu kutafuta usaidizi kutoka kwa waziri msaidizi amesema kwamba diwani ndiye aliyekuwa mwenyekiti wa kamati hiyo na hali vile tunavyojua—

**Mr. Deputy Speaker:** Order! Tumemaliza swali hilo na sasa tuko kwa swali la Bw. Munyasia.

#### TERMINATION OF SERVICES OF TRANSELEC EMPLOYEES

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

- Is the minister aware that the services of 10 linemen, employees of Transelec (Canada), were terminated verbally on 18th November, 1982 at the Kitui site?
- Is he further aware that they were transferred to Nyali, Mombasa and were refused transport to return to Kitui which is the paying centre?
- What is the cause of the termination of their services?
- When are they going to be paid one month's salary in lieu of notice, one month's salary for November, and leave payment?

**The Assistant Minister for Labour (Mr. Kitele):** Mr. Deputy Speaker, Sir, this question is by Private Notice and it has just been received in our ministry. It involves Mombasa Provincial Labour Officer, Kitui

District Labour Officer and ourselves here. We have not got enough materials to enable us to answer this question. May I promise the House that I will reply to this question next week?

**Hon. Members:** No, no, no.

**Mr. Munyasia:** On a point of order, Mr. Deputy Speaker, I am seeking for guidance through the Chair. This question was not submitted this week but that it was submitted by me last week. A Question by Private Notice requires the ministry to give a reply within a period of 48 hours. My question, Sir, is: How will this question come next week when we are going on recess? The people in question are stranded in Kitui with their families. These are not only Kambas but there are also Kikuyus and Kalenjins. They are starving and suffering there. Why should the assistant minister take this matter lightly? Would I be in order to request the Chair to rule that this question be replied to tomorrow?

**The Assistant Minister for Labour (Mr. Kitele):** Mr. Deputy Speaker, Sir, I personally did not know that we are going on recess tomorrow. I am just hearing it now from the hon. Member. My ministry is trying all that it can to make sure that these things are settled. We are trying to do what we can to see that everything is done, but so far we have not had some details about this matter from Mombasa and Kitui. I agree with hon. Munyasia that people are stranded there without pay and without anything. However, we are trying all we can to settle this matter. As of now, I do not have a reply to that question.

**Mr. Munyasia:** On a point of order, Mr. Deputy Speaker—

**Mr. Deputy Speaker:** Order! If the assistant minister has clearly stated that he is not ready to give a reply to this question, honestly there is nothing we can do about it. If you give him more time, maybe he will be ready next time to give a reply to this question.

**Mr. Munyasia:** On a point of order, Mr. Deputy Speaker—

**Mr. Deputy Speaker:** We are waiting for the assistant minister to give us an undertaking.

**The Assistant Minister for Labour (Mr. Kitele):** Mr. Deputy Speaker, Sir, I will try to go back to the office now and see what we can do.

*(Question deferred)*

#### POINTS OF ORDER

##### CLARIFICATION ON STATEMENT MADE IN REPLY TO A QUESTION

**The Assistant Minister, Office of the President (Mr. Kuguru):** On a point of order, Mr. Deputy Speaker. Last week I promised to bring an official gazette which deals with the question raised by hon. Member from Lamu East.

**Hon. Members:** Use the microphone!

**The Assistant Minister, Office of the President (Mr. Kuguru):** Mr. Deputy Speaker, I was saying that I promised to bring an official gazette in which a forest and a swamp in Faza area, Lamu, were gazetted. A proclamation was made by the Governor Sir Joseph Aloysius Byrne in 1932—

**Hon. Members:** Oh!

*(Laughter)*

**The Assistant Minister, Office of the President (Mr. Kuguru):** Yes, I have got to give that information because that Governor was present during that time. The forest is also very old. As I was saying, a proclamation was made in 1932 and an area of land, where mangoes were grown, of 111,666 acres was gazetted to be the forest area. This was endorsed by the Minister for Natural Resources in 1964. That official gazette is there and is signed by Sir Joseph Aloysius Byrne.

Another declaration was made in the official gazette in 1964 and mangrove swamp areas in Mombasa, Kilifi, Kwale, Lamu and Tana River were gazetted to be forests. It was stated as follows:

“Those pieces of land of approximately 111,666 acres situated between high and low water-mark on the coast of Kenya, which were declared to be forest areas by Proclamation No. 44 of 1932 have been endorsed.”

I have even come with the Kenya Atlas because I consider this matter to be serious. The Faza area, where the hon. Member comes from, is a small island surrounded by the forest and a swamp. It is a very tiny island and, therefore, confusion could arise. The hon. Member's people are within an island which is a forest in high water-mark and swamp in a low water-mark where mangroves are grown.

Mr. Deputy Speaker, I beg to table these official gazettes here. I have got a Kenya Atlas book with me here for anybody who may wish to make further check.

**An hon. Member:** Are you laying the book on the Table?

**The Assistant Minister, Office of the President (Mr. Kuguru):** No, the book is not going to be laid on the Table. I have said that this information has come from the book. As I said, I have tabled the official gazettes. I have got the map with me here, and if anybody wants to see it, he is free to do it.

*(Hon. Kuguru laid the documents on the Table)*

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Mr. Deputy Speaker, Kufuatana na sheria za Bunge hili, kikatani yoyote unayoweza kusoma mbele ya Bunge hili kwa ikawaida huwa ni mali ya Bunge. Sasa hii ni safari ya kwaeza kuona mambo kama haya. Je, hii itakuwa mali yetu au itakuwa namna gani?

**Mr. Deputy Speaker:** Order! Kwanza, ninafikiria kuwa ingefaa tumshukuru waziri msaidizi kwa kazi kubwa ambayo amefanya. Inaonekana amefanya uchunguzi mkubwa. Pili, ningetaka kusema kwamba kitabu hicho ni mali ya Bunge, na kwa hivyo hakuna shida. It belongs to our library.

#### CALL FOR GOVERNMENT STATEMENT ON FLOODS IN NYAKACH

**Mr. K'Ombudo:** Mr. Deputy Speaker, currently there is a national disaster going on in Nyakach, Kano and Karachuonyo as a result of the overflow of the Miriu and Nyando rivers. Thousands of people have been forced out of their homes and are now living in various higher grounds, and so far nothing seems to have been done either by the Ministry of Health or the Office of the President which is responsible for relief services. There is a serious situation going on, or there is danger of people dying in thousands in Nyakach, in Sango in particular, and also in Nyando. I think the Ministry of Health should rush there. The officers in Kisumu are complaining that they do not even have diesel or petrol to get to Nyakweru, Ahero or Nyamware where thousands of people have fled their homes and they have no food or clothes. They have nothing. They have fled there with their children and cattle and a few of their belongings. I think we should take this matter as a national issue and one that requires an urgent attention. There is a national disaster going on in Nyakach, Kano and Karachuonyo and, therefore, action should be taken immediately by the Office of the President and the Ministry of Health by taking food, medicine and clothes to these people. The people in those areas are facing great danger:

**The Minister for Constitutional Affairs (Mr. Njonjo):** Mr. Deputy Speaker, I am not standing on a point of order, I am just standing up to appeal to the hon. Member to speak slowly because we want to hear the case he is putting forward.

**Mr. K'Ombudo:** Mr. Deputy Speaker, Sir, I will speak slowly as hon. Njonjo has requested. The point I am trying to put across is that thousands of people in Nyakach, Kano and Karachuonyo are facing death as a result of the present floods whereas the rain is not in Nyakach or Kano but it is in Kericho and Kisii, which are on the higher grounds. Even when we have no rain, we have floods. So, since people from the Office of the President are here, they should tell the nation what steps are being taken now to save lives in the thousands.

**An hon. Member:** Polepole.

**Mr. Deputy Speaker:** Well, in view of the fact that you have not really told us what you want the House to do, move on to the next Order.

#### REPLIES TO QUESTIONS BY ASSISTANT MINISTERS UNSATISFACTORY

**Mr. Omido:** On a point of order, Mr. Deputy Speaker. In recent months we have had, in this House, a situation where the replies to questions which had been asked by hon. Members had been given by assistant ministers. I would like to say that some of the replies which have been given by assistant ministers have been most unsatisfactory because some of the assistant ministers, instead of answering the questions, have tended to cover up the ministers concerned. Is there anything that can be done about this?

**An hon. Member:** Could you quote one example?

**Mr. Omido:** Mr. Deputy Speaker, Sir, I am being asked to substantiate or quote one example. We had a question in this House yesterday involving a minister, and is the Minister for Labour, and the reply which was given by his assistant minister was most unsatisfactory. Now, is there anything we can do about this?

**An hon. Member:** Are you questioning the Speaker's ruling?

**Mr. Omido:** No, I am not questioning the Speaker's ruling; I am just quoting that as an example. So, that is a sufficient example. My point of order is that this is not the only incident; we have had several similar incidents. Is there anything that you, Mr. Deputy Speaker, can do to get the ministers to come to the House to answer questions instead of their assistant ministers?

**Mr. Deputy Speaker:** Honestly, there is no Back-bencher who has come to us complaining about that kind of situation. In any case if a reply given by any minister or assistant minister to a question is not satisfactory, we have got proper channels or avenues to follow. You are allowed to raise such a matter and, therefore, all that you need to do is to see Mr. Speaker or me and then you will be given time to raise that matter, but you have not come to us asking to be allowed to do that. Mr. Omido, I am sure you have not come to us, and so, you are not serious when you talk about that.

#### MEMBERS NEED A SEMINAR ON PARLIAMENTARY PROCEDURE

**The Assistant Minister for Water Development (Mr. Mwamzandi):** On a point of order, Mr. Deputy Speaker. Since up to now some hon. Members do not understand the Standing Orders like the one hon. Omido has just talked about concerning what a Member can do if he is not satisfied with the reply given to his question, could the Speaker or the Deputy Speaker take the trouble to spare at least 30 minutes of his time one afternoon to coach the hon. Members on Standing Orders so that they can understand them better, because perhaps they do not have time to read them?

**Mr. Deputy Speaker:** Well, if a request is made by the hon. Members, we will definitely do something about it.

#### CONFLICTING STATEMENTS FROM GOVERNMENT MINISTERS

**Mr. Yeri:** Jambo la nidhamu, Bw. Naibu Spika. Jambo langu la nidhamu ni kwamba kuna kutoelewana juu ya jawabu ambalo lilitolewa jana kuhusu swali langu. Nasema hivyo kwa sababu wakati svali langu lililipo kuwa likijibiwa Waziri Msaidizi wa Wafanyakazi alisema kwamba waziri wake alikuwa na uwezo wa kuiondoa kesi kutoka kortini na baadaye Waziri wa Mambo ya Katiba akasema kuwa waziri hakuwa na uwezo wa kufanya hivyo. Kwa hivyo, tunataka Bunge hili liambiwe ni waziri gani ambaye alikuwa akisema ukweli. Je, kulingana na sheria. Waziri wa Wafanyakazi ana uwezo wa kuiondoa kesi kutoka kortini au mambo ni kama vile tulivyoelezwa na Waziri wa Mambo ya Katiba, Mhe. Njonjo?

**Mr. Deputy Speaker:** Ninavyokumbuka ni kwamba Waziri Msaidizi wa Wafanyakazi alilijibu swali hilo kwa kusema kwamba waziri wake hakuwa na uwezo kama huo, na jambo hilo likathibitishwa na Waziri wa Mambo ya Katiba. Kwa hivyo, kama una wasiwasi juu ya jambo hilo, ningependa kukuambia kuwa jibu lilikuwa kwamba waziri hakuwa na uwezo kama huo.

#### MINISTERS AND ASSISTANT MINISTERS HAVE COLLECTIVE RESPONSIBILITIES

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Mr. Deputy Speaker, Sir. Could the records be corrected because the hon. friend of mine, hon. Omido, said that assistant ministers replying to questions here have, most of the time or in his opinion, given unsatisfactory replies and so forth. Could he be corrected and be told that a minister or an assistant minister, when he replies, he replies as a minister. And if he would care to look at the Standing Orders, they say when we talk of a minister it is a minister and assistant minister. That is why Standing Order No. 173 states that the Front Bench is for ministers, and that means the ministers and the assistant ministers. So, if he is still not satisfied, he knows what to do.

**Mr. Omido:** On a point of order, Mr. Deputy Speaker. I said very clearly that there are "some"; I did not generalize. There is no doubt that the House is very much aware of the able manner in which my hon. friend, the hon. Member for Butere, has been answering question here. I do not think he needs to worry too much.

*(Applause)*

#### BILLS

#### COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[Mr. Deputy Speaker left the Chair]*

#### IN THE COMMITTEE

*[The Temporary Deputy Chairman (Mrs. Onyango) took the Chair]*

#### THE HOTEL ACCOMMODATION TAX (AMENDMENT) BILL *(Clauses 2 and 3 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Assistant Minister for Finance (Mr. Echakara):** Madam Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of The Hotel Accommodation Tax (Amendment) Bill and its approval thereof without amendment.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[Mr. Deputy Speaker in the Chair]*

## REPORT AND THIRD READING

## THE HOTEL ACCOMMODATION TAX (AMENDMENT) BILL

**Mrs. Onyango:** Mr. Deputy Speaker, Sir, I beg to report that the Committee of the whole House has considered The Hotel Accommodation Tax (Amendment) Bill and approved the same without amendment.

**The Assistant Minister for Finance (Mr. Echakara):** Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

**The Minister for Constitutional Affairs (Mr. Njonjo):** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Assistant Minister for Finance (Mr. Echakara):** Mr. Deputy Speaker, Sir, I beg to move that the Hotel Accommodation Tax (Amendment) Bill be now read the Third Time.

**The Minister for Constitutional Affairs (Mr. Njonjo):** seconded.

*(Question proposed)*

**Mr. Wamalwa:** Thank you, Mr. Deputy Speaker. I would like to congratulate the Ministry of Finance for coming up with this Bill which is more timely because it does fill certain loopholes in the hotel industry which some unscrupulous people have been exploiting for a long time, by bringing things like the beach cottages within the gambit of taxation for the first time.

Mr. Deputy Speaker, I would like to make just one observation hoping that the ministry will take this into consideration in future, and if it proves to be a viable proposal, maybe they can amend this Bill at a later stage to cater for a situation that might develop up as a result of a definition of a "hotel" giving a numerical limitation of five or more people. It is quite possible for somebody to have four-bedroomed cottages along the Coast that will take only four visitors at a time and own hundreds of such cottages in which case he will have more bedrooms than the Hilton Hotel, and still be able to evade tax because he does not have five or more people staying at the same time.

Apart from that, Mr. Deputy Speaker, like I said before, it is a very timely Bill. A Bill or an Act eventually as it will become, will only be as good as the people who will enforce it. And one hopes that the Ministry of Tourism and Wildlife will develop a machinery that will enforce this Act eventually and make much needed revenue for the Government.

I beg to support.

**The Assistant Minister for Finance (Mr. Echakara):** Mr. Deputy Speaker, Sir, while thanking the hon. Members, actually we realized that when defining a hotel, we are talking of a premise. So, if someone is scrupulous enough to own more than one premise that contain more than four beds, he cannot be licensed if such number of cottages or premises are more than the definition of a hotel. What I am trying to say is

that it is possible—What I mean to explain is about this point about this number of visitors of five or more. It is true that some unscrupulous hoteliers can try to bend the law. But we shall be on the look-out for these type of people, and the Government is trying to make sure that loopholes of this nature are closed.

So, with those few remarks, I beg to move.

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

*Second Reading*

## THE RADIATION PROTECTION BILL

*(Minister for Health on 7th December, 1982)*

*(Resumption of Debate interrupted on 7th December, 1982)*

**Mr. Okondo:** Mr. Deputy Speaker, Sir, I would like to continue contributing to this Bill, and I will continue to say that radiation is not an extraordinary thing. It is happening to us everyday. The sun is radiating us everyday. Radiation is very important for various situations if life is to continue nowadays. It is excessive radiation that is a problem and this is what we are trying to provide. I would have thought that the ministry would have taken this opportunity also to provide for the use of radiation, the positive aspects of radiation and how we can use radiation to develop our country. If the ministry has not looked sufficiently into this, I think they should have taken this opportunity and there is still time for the ministry to look into the possibility of bringing in new clauses into this Bill to provide for that kind of requirement.

Mr. Deputy Speaker, Sir, I also think that perhaps the minister can provide for some sort of classification of this radioactive material because there are three or four kinds of radioactive materials and the layman might not be aware that they are radioactive. I have heard a story that in some country that is neighbouring us, people were living with radioactive material next to them for a considerable time and it took a guest to discover that this materials was radioactive. By that time, of course, a terrific amount of damage had been done. So, I think it is desirable that the ministry should include in this Bill some regulation or rule requiring suitable labelling of the containers holding this kind of material so that they are recognizable from a distance so as to eliminate the danger of such material lying around and people not realizing that it is, in fact, radioactive. I do hope that when the minister comes to reply, he can take into account this aspect because it is a very important aspect of public health.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker (Mrs. Onyango) took the Chair]*

Madam Temporary Deputy Speaker, looking further into the Bill, I find at clause 5 that the minister is authorized to appoint nine members of the board and out of these nine members, one will be the chairman, and five will be public officers—that is, ex-officio. This is quite a heavy proportion of public officers on a

**[Mr. Okondo]**

board that is composed of only nine members. Could the minister look into the possibility of appointing more non-public officers to the board? I ask this because as well informed as public officers are, it is quite possible that members of the public who are not necessarily in employment may have a lot more knowledge about radioactivity and radiation problems. So, perhaps the minister could look into the possibility of increasing the number of members of this board by including people who are not necessarily in public service.

Madam Temporary Deputy Speaker, this Bill does not say who will appoint the chief radiation officer as secretary to the board. I take it that the chief radiation officer mentioned on clause 5 (b) will be a civil servant and will be appointed through the normal Civil Service processes. However, it is not said who is going to appoint him as secretary to the board. I do not know whether he is going to be a civil servant or not and I think that point should be clarified and also who is going to appoint him as secretary to the board.

Madam Temporary Deputy Speaker, in clause 6 (4) it is said that a quorum of the board shall be six out of nine members. This is a very high number. It is two-thirds of the board. It is therefore quite possible that the board will very often lack a quorum and not be able to meet. All that would be required would be for one person to fall sick, another to be away on safari and the third person late and the board would not be able to meet. I think the minister should consider reducing the number of members required for a quorum so that the board can function more frequently. I am a member of a number of boards of companies and other organizations and I know how difficult it can sometimes be to raise a quorum. So, if a quorum is put very high as in this Bill, we may find that a good deal of the time, the board will sit around and be unable to transact any business just because one member cannot be found, one has gone to Europe, another one is sick and yet another one is late. So, the other members will sit around doing nothing and it will be a terrible waste of time and money. So, perhaps the minister will reconsider this aspect and see whether it is not feasible to reduce the quorum to a smaller number so that the board can continue to do its job without having to wait and wait.

Madam Temporary Deputy Speaker, before I conclude my remarks on this, I believe I cannot over-emphasize the point of principle that I made yesterday. This is the point of principle that a minister should never be made a judge in his own cause, as many of these Bills have done. I think the Attorney-General was not here when I was speaking yesterday and neither was the Minister for Constitutional Affairs and I am repeating this as my view for their interest. I think we must move away from the situation whereby many Government Bills provide that a minister will hear the appeals from the relevant board. This is continuously making a minister a judge in his own cause and this is not fair in principle. There ought to be a tribunal of some kind provided for. I am not saying that

this Bill should provide for a special tribunal to hear this kind of thing but there ought to be a tribunal mechanism which is independent of the minister to hear the appeals. After all, the board is to be appointed by the minister and it is working under the minister and when there is an appeal from it, it is not right that it should go back to the minister. I am repeating this because I want the Attorney-General to hear this because he was not here when I said it for the first time and I also wanted the hon. Member for Kikuyu, who keeps our Constitution in place, to also hear this because it is a question of principle. It does not have to be done right now but, because it affects all the legislation we have been making in this House, we ought to look into the possibility of separating the judicial function from the political and legislative function that we are delegating to a minister.

Madam Temporary Deputy Speaker, with these few remarks, I beg to support.

**The Minister for Constitutional Affairs (Mr. Njonjo):** Thank you, Madam Temporary Deputy Speaker.

I just want to say that this is a very important place of legislation because it is dealing with protection of our people who might come into contact with radiation, and there are many: For example, when one has an X-ray taken or when one visits the dentist, all the necessary machinery emits a certain amount of radiation and some of it is dangerous.

Madam Temporary Deputy Speaker, there was a lot of nonsense being discussed in connection with this and I saw some of it in the papers today. I would like to say that my watch chain has no radiation. I even read of some argument that women's bangles have radiation and I think this is absurd because there is no truth in this. In fact, what bothers me more—and I think the minister will have to do something about this—is that the people who are going to supervise these matters are not scientists and are not qualified in radiology.

What does a Permanent Secretary know about radiology? What does hon. Njonjo know about radiology? Even if I were the Minister for Health, I would be the last person to say that I become a member of the Board. This is something which ought to have been considered when the drafting of the Bill was being undertaken to make quite sure that the people who are going to be in charge of scrutinizing these dangerous materials are people who are themselves qualified. At Kenyatta National Hospital, we have radiology experts. Why are such people not mentioned here specifically so that when some of them are appointed to the Board, there will be no doubt that the whole matter is left to experts. You should tie up this thing properly so that when it comes to appointment, you know you are appointing somebody who is qualified. You could appoint somebody from the University of Nairobi who is a scientist or a physicist. These are the type of people we require and not these public officers who are enumerated here. They talk about the Ministry of Labour being represented on the board. Here there may be an argument because in an industry, there might be a machinery that emits radiation, but I do

**[The Minister for Constitutional Affairs]**

not know. However, this is really something that should have been gone into. We are being told here about the chief radiation protection officer, but he does not exist and is going to be created. However, when you create him, and I am talking to the Assistant Minister of Health, we hope that because we are not tying you down, you are not going to appoint the Permanent Secretary as the chief radiation protection officer. We hope that this person will be qualified in radiology. We need physiotherapists because these are the people who deal with radiology.

An hon. Member: We need radiologists.

The Minister for Constitutional Affairs (Mr. Njonjo): That is exactly what I am saying, but I think the position has been left too open. We are lucky that we have an assistant minister who is a doctor today but tomorrow, we may have an assistant minister who is a layman like myself and then we are left in a situation—I do not know what to say about this really, but all I can say is that I am very unhappy about the composition of this board. In clause 5 we are told that the board shall consist of a chairman appointed by the minister. We are not even told whether the chairman shall be knowledgeable in these matters. In fact, the chairman, himself should be somebody who is qualified in radiology. I would like to say that this, in fact, should be the key man in the board. I think we can get somebody who is an expert in radiology from the university.

I think the head of the department of radiology at the University of Nairobi should be the man to be mentioned here as the chairman of the board. At least then we shall know that the chairman is an expert even if the others, all these public officers, are not qualified at all. All we are urging the minister to do is to make sure that this board is composed of the right people. I am saying this because the way it is composed at the moment leaves a lot to be desired. It is too wide open and we may find it difficult to run because it is very much unlike other boards. I am saying this because it does not matter with other boards because all you need is general knowledge, but in this particular board, we are dealing with dynamites. Therefore, unless we have experts to help us and to protect us because these are the people who know what radiology is all about, we are going to find it very difficult. We need to be advised how to protect ourselves from this radiation. For instance when I go for an X-ray, I normally see the radiologist wearing a red apron. I always used to wonder why he was wearing this apron until he told me that it was because of the radiation which comes from the X-ray machine. Dentists do not have this protection and there must be a certain amount of radiation in that X-ray machine that the dentists use. You just see a machine put against your face and you just hear "click". There must be some amount of radiation in that X-ray machine that the heard about fluoride. How much fluoride is in a toothpaste? The debate that we have seen in the Press makes one just laugh. You do not swallow toothpaste.

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): Children do!

The Minister for Constitutional Affairs (Mr. Njonjo): I started using toothpaste when I was a child and my teeth are white and not brown. I think water is the most dangerous stuff and that is what we should be worried about and not toothpaste. In radiology, there are people who are experts and these are the people who know the amount of radiology or radiation that comes out of a machine and these are the people who should be advising us on this. So, while one supports this Bill, I have certain worries about the composition in section 5 of the Bill regarding the board. I am unhappy about this and I feel that the minister should be more specific about the use of public officers. In fact, the use of public officers in this board frightens me and I would prefer the minister to talk about somebody who is a physicist, somebody who is a radiologist or somebody who is an expert in radiotherapy. These are the people who know the effect of radiation and they are the ones who should be protecting the hon. Member for Butere and myself because we are the people who do not know anything about radiology and radiation. We should be able to trust that we have experts who are going to be in charge of this board. I am sure the hon. Member for Karachuonyo has got a lot of knowledge about this and I am sorry I have used some of her knowledge. She has made a thorough research and I am told that her constituency has got about 30 scientists. That is the body she represents in her constituency and so she can speak with authority on this and I hope she will get an opportunity to make some contribution on this.

(Laughter)

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): On a point of order, Madam Temporary Deputy Speaker. Do you not think that the hon. Member for Kikuyu is soliciting and campaigning for the hon. Gracious Lady to catch your eye? Is that really allowed?

The Temporary Deputy Speaker (Mrs. Onyango): No, I do not think the hon. Member for Kikuyu is directly for the Gracious Lady but I think she will catch the Speaker's eye as soon as she stands.

The Minister for Constitutional Affairs (Mr. Njonjo): In fact, I did not campaign for the Gracious Lady nor did I look at the Chair and all I was saying is that because of the knowledge and the people the hon. Member for Karachuonyo represents, she deserves a chance to say something about this Bill, and I am sure she will catch the Speaker's eye.

With those few remarks, I beg to support.

The Assistant Minister for Works and Housing (Mr. Njuno): That you very much, Madam Temporary Deputy Speaker. I would also like to make a few comments on this Bill. First of all I would like to thank His Excellency the President, because we have seen that he has done very many things. It has been shown that he rules this country directly without going through anybody else. So, he knows very many things and he knows what we need. I say this because

**[The Assistant Minister for Works and Housing]**

the President has appointed several commissions; the Presidential Working Party, the Code of Conduct, Employment Commission and so on. The introduction of this Bill is one of the many good things that Government has done. In fact, we had left our people open to these dangers of radiation and it is good that the minister has now realized that this is an important Bill to be brought into this House.

What all these working commissions will do—or the Bills we are passing here—is exactly to protect our people. They can only protect our people if the people who are given the responsibility to work on these commissions—men and women—will do their jobs with dedication and devotion. They are bound to do what the Government expects them to do.

This radiation problem is a cumbersome one. This is because while we are trying to protect our people from the dangers of radiation we have also to use radiation in the development of our health, research and in many other processes. So, what Government is trying to do is to allow the radiation equipment to be used but only by people who are experts in handling such equipment.

Madam Temporary Deputy Speaker, I think that it is not only the sophisticated companies and international firms that will be using radiation equipment but there are some people in hospitals who will be using them. Maybe that is why the minister said that the penalty for mishandling radiation equipment will be Sh. 20,000 fine, and I do agree with him. I do not think hon. Anyieni's views are good when he says that everyone who will be using radiation equipment will be a rich person. Some of the people who will be handling such equipment are our simple technicians in Kenyatta National Hospital and they might also commit offences by not using these equipment in the proper manner. So, if we say that the penalty should be too high you will find that not many of them will be able to pay it.

I would like to say that the use of radiation equipment has a lot of problems. First of all we would like the minister to make sure that the use of X-rays is restricted to people who have enough technical knowledge of the equipment. This is because at the moment our people have that feeling or belief that any disease in their bodies can be detected by the use of X-rays. With regard to this one, we would like the minister to make sure that those who use X-ray equipment for treatment are qualified people. I have fears because some private doctors, having known that people believe in being examined by the use of X-rays, can go to the shops and buy radiation equipment and start using it in order to woo customers to come to their private clinics. If they use such equipment without adequate knowledge about it, it can do a lot of damage to the bodies of our people.

Madam Temporary Deputy Speaker, we are grateful to the Government because it is trying very hard to make sure that only highly-qualified people are given licences to open private clinics. But you will

also find that in places where we have X-ray experts there are so many people who are employed there and when a patient goes there for treatment—There are several such people who wear red gowns and we are not sure whether those people are qualified. As I can see it some institutions might also employ semi-qualified technicians because they know that the patients do not know anything about X-ray equipment. So, with regard to this one I would like to urge Government to make sure that anybody who handles X-ray equipment will not only be a qualified person but will also be a person of high integrity. His integrity should be looked into to make sure that he is a person of high integrity who will not use the X-ray equipment unnecessarily in order to cheat the patients.

Madam Temporary Deputy Speaker, I also want to mention something about the board. The board, as hon. Njonjo has said, is not an ordinary board like that one of Agricultural Finance Corporation and so on. This board should be composed of experts and for this reason we would have liked the minister to specify that the chairman of the board will be an expert. He should also clarify the institutions from which the members of that board will come so that we are assured that these people will be able to know what is happening.

There is also this question of the quorum of the board as an hon. friend of mine has mentioned. The quorum set is very high and I propose that we should have four members to make a quorum so that we are sure that every meeting will be conducted. Otherwise the quorum of six members—and knowing how busy people are—is too high; some people are members of several boards and others are very busy and they often travel abroad. So, the quorum of six members is too high and I would propose to the minister that the quorum be reduced to four members.

The other thing that I would like to mention is that we, in the rural areas, do not fear the dangers of radiation very much. But there are some things that the Ministry of Health should also look into. You will find that there are many kinds of pollution which may not have radioactive effects. But I would urge the ministry to make sure the health officers in every district do work in conjunction with county councils, so that where we find offensive smells they can find ways of eliminating them. If you travel along some roads in our rural areas, you will find that there are so many carcasses of dogs and cats and other animals and they remain there for a long time producing offensive smell. That place is supposed to be under the county council of that particular area. We know that there are health officers who are supposed to look into that matter. But the sight of dead cats and dogs on the streets has become the order of the day and nobody bothers to remove them. We would, therefore, like to urge the Minister for Health not only to think about radiation which will be brought to the Indian Ocean by explosions of atomic and nuclear bombs, but also to think about these little things which bother us. Such things are a nuisance

**[The Assistant Minister for Works and Housing]** to the people. For example people who live in Kario-bangi South have been living next to a sewage which produces offensive smell all the time. I think something must be done about that problem. How do you expect those people to live with that smell all the time? Do we really lack money to enable us to remove that sewage to the other end where there are no people? Can we not get some kind of chemicals to put into that sewage and stop that bad smell?

Madam Temporary Deputy Speaker, a few years ago I expected that there would be a certain company or institution which would go round removing coffee husks from the various coffee factories because the husks give out a very bad smell. If it is true, as we are told, that coffee husks can be used to make charcoal, why can we not have a certain company or an institution under the Ministry of Health or somebody else, that would remove the husks because they are going to pollute our air all the time?

**Mr. Michoma:** On a point of order, Madam Temporary Deputy Speaker. Although I would not like to interrupt my hon. friend, I would like to ask him, through the Chair, to confine himself to the Bill rather than beating about the bush here and there. I think he is bringing in things which are not relevant to radiation.

**The Assistant Minister for Works and Housing (Mr. Njuno):** Madam Temporary Deputy Speaker, the hon. Member is right in what he has said, but I am also right in bringing in some other things which do affect our health just as radiation does. However, I would like to say that what is more important in this Bill is that the minister should make sure that those people who use X-rays, not at Kenyatta National Hospital, but in places like River Road are supervised so that nobody uses X-rays without the proper knowledge.

With those few remarks, Madam Temporary Deputy Speaker, I beg to support the Bill.

**Mrs. Asiyu:** Thank you very much, Madam Temporary Deputy Speaker, for giving me the Floor to contribute to this very important debate in support of this Bill. Before I make any observations, I would like like to mention here that when the hon. Member Kikuyu was moving out, he came round to where I was sitting and asked me why I wanted to talk on this bill which is related to radiation. That made me feel like I did not know much about radiation. However, I boasted a little and told him that I represent an area with perhaps the highest number of serious and sober scientists in this country. That is true and I had consulted very closely with them and, as such, I intended to make a few remarks here. I am glad that the minister lobbied for me, but I knew that I would catch the Speaker's eye anyway. I would like to appeal to the minister, in the same breath, to use his good office and make sure that our scientists in this country, especially those from Karachuonyo, are fully used because they are serious people and they are concerned about the development of this country. Therefore, it would be very good if they were brought into the mainstream of our development.

This is a very timely and serious Bill, and I want to congratulate the Minister for Health for having brought it now although he should have brought it earlier than this. I guess, however, that now that we have a few new doctors in that ministry, they have seen things which other doctors did not see before. I am not very happy about clause 3 of this Bill because, as it is said in the introduction, this is "An Act of Parliament to provide for the protection of the public and the radiation workers from the dangers arising from the use of devices or material capable of producing ionized radiation and for connected purposes".

Now, Madam Temporary Deputy Speaker, clause 3 of the Bill talks about exemptions. I feel that the minister should think about this exemption a little more and bring about some debate between radiologists, radiographers and doctors because there are quite a number of unnecessary requests for X-rays. I would like to quote Professor Whittaker of the Department of Diagnostic Radiology at the University of Nairobi, in the very recent medical magazine, Volume 9. He says, "X-ray radiation is harmful and half of this radiation is from medical and dental use". This is a very serious issue and we cannot exempt, like the minister says in clause 3, that "The radiation safety requirements prescribed under this Act shall not apply to patients undergoing medical treatment by exposure to ionizing radiation by or under the supervision of an authorized person". Those who know about radiology disagree because they know that there are quite a few requests for X-rays which are not necessary. Therefore, there should be a lot of debate about this issue before we exempt patients undergoing such treatments.

My other point which was mentioned by the hon. Member for Kikuyu—and I am glad that he supported this Bill because I know that with his support, the minister will take this matter much more seriously than when it has just come from a mere Back-bencher—is on the membership of the board. I think that this is very loose and that it leaves a lot of room for manoeuvre or even for corruption. If, for example, there was a multinational institution that wanted to set up an industry using some radioactive substances, they could easily corrupt one or two members of the board if they did not know anything about radiation. Those members can be debriefed so that when they get there, they pass things that they did not know anything about and make this nation face a lot of serious problems. I think the Minister for Health must be very specific. Like, for example, he should say that the Minister for Higher Education will appoint the head of the faculty of physics at the University of Nairobi, as a member of the board, or that the Minister for Labour—I do not know what the Minister for Labour has to do with the Bill but I guess that if he comes to appoint somebody as a member of the board he will appoint his Permanent Secretary of somebody who knows about radiology and the harmful effect that it can have on a nation such as ours.

It is for that reason, Madam Temporary Deputy Speaker, that I am appealing to the Minister for Health to revise clause 5 of this Bill so that he appoints only



[Mrs. Asiyó]

those people who are qualified. I would also like to say that we should recognize our scientists in this country; we want to show them that we appreciate their being scientists because it is not every Tom, Dick and Harry that is going to become a scientist. It calls for a lot of work for any man or woman to work for 20 years of his or her life to become a scientist and when they come to this country, we start complaining about brain drain. Of course, they will go to the developed nations if we do not involve them in such commissions like this one here. Involving them in such things would be one way of Government showing appreciation for our scientists; to those men and women who have made it in the world of science. Unless we show them that we appreciate, they will be discouraged and they will be attracted by the big money that they will be offered by the developed countries. In fact, they would be offered bigger facilities and privileges for their wives and children and they will leave us without any scientists so that we will depend more and more on expatriate scientists, a thing that this nation cannot afford to do when we have so many of our people already right here. From Karachuonyo alone we have 22 scientists at the University of Nairobi who—

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Are they patriotic?

**Mrs. Asiyó:** Well, you cannot be a distinguished scientist in this world and opt to work for a young nation unless you are patriotic. I want to say here that most of the scientists who work in this country are very patriotic. Even the experts who come here—real experts, I am not talking about the bogus ones—actually sacrifice a great deal. You know that we cannot call them patriotic if they are not our nationals. However, I would like to emphasize here that our scientist nationals are very patriotic and sacrifice so much of wealth and everything else to come and serve this nation at our institutions of higher learning.

Madam Temporary Deputy Speaker, radiation is a very serious thing and I am glad that the Minister for Health is taking it very seriously. I think it is very important that we use the best of our brains in this country to formulate the quality and also to devise a code of practice in order that our people do not suffer.

Madam Temporary Deputy Speaker, this is because radiation is irreversible; it is cumulative and takes many years before you can notice. If, for example, something should befall on one of the submarines in the Indian Ocean, which is nuclear powered, say if a rock fell onto it, or the Russians decided to hit one of them, the whole of the Kenyan Coast—I am told by the Karachuonyo scientists—would be very badly affected. Today, as a result of that facility in the Indian Ocean, we must agree that we are what is called by the scientists Ground Zero, or in the Front Line. In that way every care and every protection must be taken; we cannot leave any stone unturned and we cannot politicize this field. We cannot even talk about cosmetics because they do not apply here. We are going to have to talk about very important and serious things, and not about the Colgate-Palmolive or Ambi, and so on.

I know that the Americans put a lot of care—

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Madam Temporary Deputy Speaker. There is some terminology that we would want to learn. We hear that the hon. Lady has been briefed by scientists from Karachuonyo, who are to the tune of about 22 or 32 in number. She talks about Kenya being "Ground Zero" and in the "Front Line". Could she elaborate further so that we may know how "Zero" we are and how "Front" we are too?

**Mrs. Asiyó:** Madam Temporary Deputy Speaker, I am not a scientist by profession, but I can be briefed. This is why I am talking at a little higher plane than about women's cosmetics. Ground Zero—as I am told—is an area where there is a facility, or you can call it a base, like the one we have in the Indian Ocean.

**An hon. Member:** Is it your worry!

**Mrs. Asiyó:** Yes, it is a big worry because I would want to see my children's children live in a healthy atmosphere. There is nothing political about it. I know that our Government will take care, and that any other government with a base anywhere will take care, but definitely, this is a Front Line, and therefore, we are going to be careful so that no harm can befall our people in future.

Madam Temporary Deputy Speaker, the rest of the clauses are acceptable to the hon. Member for Karachuonyo, and I am hoping that the minister will want to check on the serious remarks that have so far been made in the House.

**Mr. Michoma:** On a point of order, Madam Temporary Deputy Speaker. Although I did not want to interrupt the hon. Member for Karachuonyo, I remember hon. Shikuku raised a point of order, on two issues, but the hon. Member has not explained both. She has only explained the "Ground Zero", but has not explained about the "Front Line" aspect. Could she explain this further so that we can all be aware of what she was talking about?

**Mrs. Asiyó:** Madam Temporary Deputy Speaker, I do not think the hon. Member was listening when I was talking, but I believe that anybody who has a weapon is in the Front Line. We have a facility in the Indian Ocean and, therefore, people would be looking at us with envious eyes. We are, therefore, a Front Line. This is what I mean. Maybe, I have used the wrong terminology.

I am suggesting that this Bill be enacted upon as soon as possible and that we use the best of our brains to formulate the code of practice, and that we protect our people in the true sense of the word. I know that is what this Government wants, and that is what this august House also wants.

Perhaps some people did not take time to read through this Bill and have a discussion with some of the distinguished men now seated in the Civil Servants' Bench to listen to the contributions of the hon. Members of this House.

With those few remarks, Madam Temporary Deputy Speaker, I beg to support.

**The Minister for Constitutional Affairs (Mr. Njonjo):** That was a very good contribution. You convinced hon. Shikuku.

**The Temporary Deputy Speaker (Mrs. Onyango):** The Mover can reply.

**The Minister for Health (Dr. Mango):** Thank you, Madam Temporary Deputy Speaker. We want to be able to pass this Act as soon as possible so that Kenyans can be protected. After Kenyans have been well taken care of, there will be no need for any Kenyans running to Tanzania, as we are going to have our environment radiologically protected.

I would like to thank all the contributors—the hon. Members of Parliament—who observed and very wisely contributed and made very wise comments about the usefulness of this Bill. I would like to make a few comments on some of the remarks made by some of the hon. Members.

Yesterday, I talked about the possible effects by radiation on unborn babies. Most of the newspapers did not quote me right, and I think it was only the *Nairobi Times* which was almost correct. I did explain that when a woman who is expecting—or a pregnant woman—is exposed to X-rays, the child is not necessarily born deformed. If the X-ray dosages, or the level of radiation, is high, the child may be affected, that is, body damage. However, as far as genetic changes are concerned, this happens when radiation affects the reproductive cells of the unborn child, so that these cells undergo what we call a mutation. It is the grandchildren or the grand-child of the pregnant woman who becomes genetically affected, and not the child who was radiated. It is only the reproductive cells that are damaged.

As for the woman who is not pregnant and is in menopause—that is, she cannot reproduce—it is only the body cells that can be damaged.

As far as qualification of what we have available is concerned, the hon. Member for Karachuonyo has rightly pointed out that Karachuonyo alone has over 30 scientists, and I would like to say that Karachuonyo must be measuring very close to Busia also in the number of qualified scientists. So, we do not have any problems at all as far as producing qualified people who can represent us and form the nucleus of this protection unit in this country is concerned. We do have the qualified personnel and we will train more scientists at the University of Nairobi in the department of nuclear physics, which is in the process of being formed. Whereas we already have radiation centres, which are taking care of the equipment we need in radiation, most of the equipment for radiation protection are in the Ministry of Health.

As far as the question of local management of radioactive wastes is concerned, this is covered under the regulation stipulated in section 18 of the Bill. The regulation will be refined administratively, qualified and taken care of so that the management handling and transporting any kind of materials will be taken care of under this Act.

The chief radiation protection officer will be responsible to the protection board itself. This man will be a top scientist in the Ministry of Health. It will be a Civil Service establishment and we shall appoint only a man who is very, very qualified.

As far as the board itself is concerned, we feel that the chairman of the board needs not be a scientist. This will follow the usual routine in our Government when it comes to appointing chairmen of boards and parastatals. The chairmen of such bodies are not necessarily qualified in the areas that they represent. However, the chief radiation protection officer, as I had said, will be a top scientist. He will be either a nuclear physicist, a radiation physicist or a radiation biologist. So, we have no fear here at all.

The rest of the members of the board will be appointed by various ministries and institutions. According to clause 5 (c) (1), there will be a public officer nominated by the minister for the time being responsible for labour. This means that the Minister for Labour will appoint a man in his ministry who will be currently responsible for labour problems in industries. We do have such people in the Ministry of Labour who are responsible for inspection of factories. Such people are quite versed in radiation matters.

Secondly, there will be a public officer nominated by the minister for the time being responsible for higher education. This means that the Minister for Higher Education will nominate an officer, either from the university or from any of the institutes or colleges under him. Such man should be a physicist or a man who is qualified in some sort of radiation education. The Ministry of Agriculture will do the same. Finally, there will be a person nominated by the National Council for Science and Technology. This is an obvious place because here we have some of our top people. We have no problem in getting such a man from the council because we do have such people there.

Clause 5 (vi) says that the minister shall appoint not more than two persons having special knowledge in safe handling of radiation sources. These two people definitely will be scholars or academicians or physicists who are qualified in radiation in one form of radiation or another. They should either be qualified in radiation physics, radiation biology or radiation technology. As I had said, we are already training these people locally and abroad. I have also said that a department of nuclear physics is being formed at the University of Nairobi. So, there should be no problem at all about this. So long as this board will be formed by me, I will make sure that only qualified people are appointed to serve on the board. We shall not give any consideration with regard to their places of origin, tribes and so on. If one is a Kenyan, he is a Kenyan. It does not matter whether he is of Asian or European origin so long as he is a radiation physicist. The qualifications as far as I am concerned will be based on the fact whether one is a Kenyan. The second qualification will be that the person to be appointed will be a top physicist in radiation.

**[The Minister for Health]**

Hon. Okondo commented on the fact that all radiation sources should have placards and so on. We have already provided for that by making it a condition that all radiation sources will have placards and signs. These signs will be indicating the nature and quantity of radiation from whatever source we shall be dealing with. The maximum permissible concentration level from each radioactive material will be indicated. The exposure records will be kept by the licencees who have been authorized to sell, handle or buy radioactive materials as stipulated in the code of ethics for ionizing radiation.

One hon. Member wondered or wanted to know who had drafted the Bill. I would like to say that this Bill was drafted by local personnel in my ministry.

**An hon. Member:** Are they natives?

**The Minister for Health (Dr. Mango):** They are natives. The £45,000 will be used on personal emoluments and for buying additional equipment whenever we want them.

One hon. Member wondered as to why we were not talking about radioisotopes. In fact, we are talking about radioisotopes. When we talk about X-rays, neutrons, protons, ultra rays and so on, we must realize that they come under radioisotopes. We do use radioisotopes in medicines. We especially use uranium while conducting diagnosis of the kidney.

Madam Temporary Deputy Speaker, with those few remarks, I beg to move.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)*

**COMMITTEE OF THE WHOLE HOUSE**

*(Order for Committee read)*

*[The Temporary Deputy Speaker (Mrs. Onyango) left the Chair]*

**IN THE COMMITTEE**

*[Mr. Chairman took the Chair]*

**THE RADIATION PROTECTION BILL**

*(Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 agreed to)*

**Clause 16**

**Mr. Anyieni:** Mr. Chairman, is the minister convinced that this fine of Sh. 20,000 or imprisonment for a term not exceeding one year or both is really enough punishment meted out to a person who may have brought in radioactive materials which may cause the death of thousands of people? Is the minister satisfied that a fine of Sh. 20,000 is a sufficient punishment for an offence of that type? Would the minister consider, at some other stage, introducing suffer fine or longer term of imprisonment?

**The Minister for Health (Dr. Mango):** Mr. Chairman, much of these radiation sources and radioactive materials will be used either in our hospitals or in our university

and other institutions of higher learning, and in our research institutions which all belong to the Government. It, therefore, means that imposing a very stiff fine, you will actually be imposing it on the Government. So, under all considerations, we feel that this fine is deterrent enough and we think that it will do for the time being. However, should there be need to review this fine, when we are actually in practice, we shall consider making some amendment.

*(Clause 16 agreed to)*

*(Clause 17, 18 and 19 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Minister for Health (Dr. Mango):** Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The Radiation Protection Bill and its approval thereof without amendment.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Deputy Speaker (Mrs. Onyango) in the Chair]*

**REPORT AND THIRD READING****THE RADIATION PROTECTION BILL**

**Mr. arap Keino:** Madam Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered The Radiation Protection Bill and approved the same without amendment.

**The Minister for Health (Dr. Mango):** Madam Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku)** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Minister for Health (Dr. Mango):** Madam Temporary Deputy Speaker, I beg to move that The Radiation Protection Bill be now read the Third Time.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku)** seconded.

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

**MOTION****ADOPTION OF REPORT AND RECOMMENDATIONS OF THE WORKING PARTY ON GOVERNMENT EXPENDITURES**

**The Minister for Constitutional Affairs (Mr. Njonjo):** Madam Temporary Deputy Speaker, on behalf of the Minister for Finance, I beg to move:

THAT, this House adopts the Report and Recommendations of the Working Party appointed by His Excellency the President on 12th January, 1982, to

**[The Minister for Constitutional Affairs]**

recommend urgent and practical measures for containing Government expenditures within the level of limited Government receipts which was laid on the Table of the House on 7th October, 1982.

This Report was laid on the Table of the House on 7th October, 1982 and I am sure hon. Members have read it. It is an important document which must be used as a guideline as far as the expenditures of Government are concerned. The reason why His Excellency the President appointed this committee was because of the misuse and the extravagancy which had been shown in all Government departments in the use of money. This committee was headed by senior people and responsible people in the Government. One would like to commend them for the work that they did and one hopes that what they recommended would be implemented. Implementation is the most important thing. We can have a number of reports from committees or commissions, but as long as the implementation of what is contained in those reports is lacking, all the work which has been done; the amount of money, time and manpower which has been used will be of no avail. But since this is a matter in which the President is very much concerned, it is a matter that should concern us as Members of Parliament; it is a matter that should concern members of the Civil Service. Although we know that civil servants have become whipping boys, in that every time there is a problem the blame is put at their doors, we are all in this boat, and we must all be concerned about the expenditure and try and conserve our foreign exchange. For instance, I think one has heard the President saying that when we are going on a journey or trip and we are from the same ministry, we should use one vehicle, if possible. If we are flying, say, to Kisii to see my hon. friend there, instead of using two aeroplanes, we should only use one, and in that way we can conserve petrol. In fact, that is what was suggested by Mr. Philip Ndegwa who was the chairman of this commission, and who we are so delighted is now the new Governor of the Central Bank. The man is committed and has a lot of experience, and so, the recommendations that he makes are all very useful; they suggest how the Government should conserve its money, or how everybody should make quite sure that Government money, vehicles and so on, and so forth are used properly.

Madam Temporary Deputy Speaker, with those remarks, I commend this Motion to the House, and I suggest that it be debated as long as possible because we have one-and-a-half hours from now and the whole of tomorrow. I do not think there is anything else, and so, we can have a field day this afternoon. I am sure the hon. Member for Butere will have a lot to say because he has been studying the Report and Recommendations of the Working Party. I hope he will rise and second the Motion so that he can speak for the rest of the afternoon. We will have no objection to that because there is no other business. So, we must really use the time available to us because that is exactly what the Motion is talking about. We are paid to be in this House from 2.30 p.m. to 6.30 p.m. and, therefore, we must use this time to debate this very

important Motion. My friend, the Member for Butere and I, will spend our own time on this Motion and you will spend the rest of the time, and then tomorrow afternoon—

**Mr. Anyieni:** If I am allowed, I can speak for the whole afternoon.

**The Minister for Constitutional Affairs (Mr. Njonjo):** My friend hon. Anyieni is prepared to speak for the whole afternoon. We are all very keen to discuss this Motion because it is important; it affects the whole operation of the Government. It does say that we should make quite sure that Government expenditure is within the level of limited Government receipts, or that the money which is spent is within the level of the money voted in this House; we must not have excesses; we must not have overexpenditure. This is what Mr. Philip Ndegwa suggested. I, therefore, commend this Motion to hon. Members. I am sorry that the minister himself is not here, but obviously he must be very busy in his office; he is worried about the effect the problem of foreign exchange has on our economy. So, he is trying to make allocations so that we get more industries and export our goods to other countries and earn more foreign exchange.

Madam Temporary Deputy Speaker, I beg to move.

**The Assistant Minister for Health (Dr. Wameyo):** Thank you very much, Madam Temporary Deputy Speaker. I would like to second this Motion.

Madam Temporary Deputy Speaker, this is a very important report. It has highlighted very important points which have put the Government into difficulties financially, and so, it has been very difficult for the Government to cope with expenses because of the reduced income locally. The reduction of income both locally and externally was as a result of falling prices of our exports and the continued recession in the developed countries. So, this report brings it out clearly, and it finally tells us that we must cut our coats according to the cloth. There is no point cutting a big coat when the cloth is inadequate. That is the message that this report has brought to us. It has also brought to us a message concerning over-employment in certain Government ministries, and as a result of that there are too many people with very little work to do and yet they are earning salaries. This has resulted in these people forming a very bad habit of doing no work at all. But, of course, there has been a serious problem whereby there has been a lot of investments by the Government in many companies, some of which are wholly or partly owned by the Government, and others owned by the parastatals which are also owned by the Government. So, although a colossal sum of K£900 million has been spent in these companies, there has been no good returns at all. That is the message which is being given to us in this report. The irony is that some of the people who are now making this report are the people who were responsible for the formation of these companies that have drained the Government.

Madam Temporary Deputy Speaker, the report makes a comment about the Government resorting to borrowing

**[The Assistant Minister for Health]**

from the Central Bank and says that that is a euphemism for printing more money to pay people who are really doing nothing in their offices.

Madam Temporary Deputy Speaker, the problem of the parastatals and the companies is a crucial one. I am surprised that it is this committee that is pointing this out and yet some of the members of this committee who were in the Treasury and who were responsible for the formation of these companies did not see that problem then. I have, in this Parliament, pointed out the problem of companies which have been formed by the Government, or which are owned partly or wholly by the Government and are draining public funds and yet no action is being taken. It is like a man from Butere who went to Nyeri and got married and left his wife in Nyeri, and went back to Butere, and after ten years went back to Nyeri and found his wife with five children who are not his children. This is the problem of owning companies and leaving them to foreigners to run and then expecting dividends.

Madam Temporary Deputy Speaker, I am surprised that Industrial and Commercial Development Corporation which is owned by the Kenya Government has made no profit. Although on page 93 of this report it is stated that Industrial and Commercial Development Corporation is owned by the Government 100 per cent, I am surprised to see in this report that for the years this company has been in existence, it has made no profit. It cannot be true because this company has acquired shares in the already existing companies. For example, we have already heard about the Kisumu Cotton Mills. When the Kisumu Cotton Mills was owned by the private owners it was making profit. But when we as a Government, through, I think, the Industrial Development Bank (I.D.B.) took some 33 per cent shares the owners of the company decided to create a new system called "a management agency" whose offices were taken to Switzerland and the owners went to live in India. Now, what was the necessity of forming a management agency in Kisumu Cotton Mills which had been functioning originally very well without a management agency in Switzerland? That is a euphemism for draining funds out of the country and eventually creating a problem: "We are insolvent; we are broke and so on. The Government will come and rescue us". And, of course, when we had so much money in the bank, people used to run away with funds. But today since there are no funds at all to play about with, nobody rushes in. Therefore, the Kisumu Cotton Mills is having its own problems. And many of these companies are like that, and to my surprise, the situation is being seen now.

Madam Temporary Deputy Speaker, let me bring you back home in a situation in which I am very familiar: The Mumias Sugar Company. We as a Government, according to 1981 Report, owned 71 per cent shares. But in this report it says we own 82.2 per cent shares, but I will go by the Financial Report of the Mumias Sugar Company which I know says we own 71 per cent shares. Booker Agriculture International own only 5 per cent shares. They have been given the management agency. They have only 5 per cent shares, and

yet they have also the management agency for which we pay them millions of shillings in London. They appointed some ordinary fellows here—I do not know from where—to run the company for us, and yet we, as a Government here in this country, with 71 per cent shares have nobody on the spot running the place and looking after the Government funds. We have only a few odd fellows from the Ministry of Agriculture like the Permanent Secretary whose job is not all that permanent. I do not know how many Permanent Secretaries we have had in that ministry since 1979. They are not acquainted with the place. They go to the board meeting occasionally or send representative who do not even read the minutes. The implication is "Oh, previous minutes: approved; matters arising: nothing —and yet a lot has gone wrong. There was an occasion when the whole of Kakamega District, Busia District and Elgon Division, a lot of people around there were running their flour mills and lorries on diesel stolen from Mumias Sugar Factory and nobody was bothered. When I raised the issue here, the manager who is posted there by the management agency said "Dr. Wameyo, I am not a policeman". He told me this three times. I told him even me as Dr. Wameyo, if somebody told me that he has met my cattle on the road disappearing or somebody has stolen them, I will not say that I am not a policeman. I will rush to go and see who is this fellow saying I am not a policeman. So, the diesel went until policemen came from Nairobi here to go and arrest people who were dealing in diesel. But that thing was brought to an end temporarily. The Government was losing funds in millions.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** How about tyres!

**The Assistant Minister for Health (Dr. Wameyo):** The hon. Member for Butere talks about tyres; leave alone the tyres, the tractors themselves are also disappearing! We in Mumias do have police patrols but yet tractors in Mumias Sugar Company disappear every day. And yet Dr. Wameyo has spoken about it every day in this Parliament whenever I have a chance and yet no action is taken.

One day a man called Makhoka allocated a tractor to a driver called Ochuodho. Ochuodho went with the tractor and never came back with the tractor. He just came back alone. Then there was investigation. Makhoka said that he gave Ochuodho the tractor and this is where he signed. The irony of the matter is that Makhoka ended up in court as having stolen the tractor and not Ochuodho. The magistrate asked: "Where is Ochuodho who was given the tractor according to these records? Where is the statement? Bring him here!" Nobody took Ochuodho to court. So, the magistrate gave Makhoka the benefit of the doubt; acquitted him and Ochuodho never ended up in court. I wrote to the Attorney-General's Office and I got the most vague answer about that situation. The tractors have continued to be lost up to this day, and this is Government money disappearing day after day. Procurement of stores is—

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order,

**[The Assistant Minister for Economic Planning and Development]**

Madam Temporary Deputy Speaker, I hate to interrupt my hon. friend, but he has made a very important statement about his writing to the Attorney-General's Office on these thefts and got the most vague reply under the sun. Now, could we be told which Attorney-General is this one, because we have had so many of them? Was it Mr. Karugu, the present hon. Member for Kikuyu or the present Attorney-General because we have had so many of them? Could he be specific?

**The Assistant Minister for Health (Dr. Wameyo):** Madam Temporary Deputy Speaker, if it is the wish of the House, I addressed the letter to the Attorney-General, and a Mr. Chunga replied on behalf of the Attorney-General. I have written twice on this issue because this has been the most serious situation. Mumias Sugar Company is an industry in my constituency.

**Mr. Anyieni:** On a point of order, Madam Temporary Deputy Speaker. The assistant minister should know that we are interested to know who was the Attorney-General at that time. He might not have replied to the letter personally, but for this House, he is the man responsible to us and not Mr. Chunga. So, we want to know whether this was at the time of hon. Charles Njonjo, Mr. Karugu or Mr. Kamere because this thing reflects on the character, dignity and competence of the person.

**The Temporary Deputy Speaker (Mrs. Onyango):** Order, Mr. Anyieni! That is a debate by itself!

**The Assistant Minister for Health (Dr. Wameyo):** Madam Temporary Deputy Speaker, I wrote during the time of the present Attorney-General, and Mr. Chunga replied on behalf of the Attorney-General.

But Madam Temporary Deputy Speaker, these organizations have been given a lot of opportunities to fiddle with funds. They have been given the opportunity to procure equipment for the company, and yet the owners have a very small effect. We as the Government have the largest share, and I have been wondering as to what measures the Government was taking to make sure that these people do make a profit. So, a lot of losses have occurred in Mumias Sugar Company as a result of loss of diesel, tractors, local fertilizers and what-have-you. Also tyres, building materials, iron-sheets, name it, and sugar itself! And yet if you read the Report of the Mumias Sugar Company you will be told that they made a loss of—I do not know whether it was in shillings or pounds—K£2 million, and the reason was subsidizing the farmers; or we had a drought. We live in this country, you and me, and yet we get these papers from the Meteorological Department and it is not possible to prove that in 1981 we had drought in Mumias leading to a loss. Yet the company is unable to explain in what ways it is subsidizing the farmers. I am one of the farmers and there is not a single day they ever subsidized me and yet we have these losses. These losses are not said that they are due to the loss of tractors or fertilizers; but subsidizing the farmers.

We had so much sugar-cane crop in 1980 that the President himself had to request the sugar companies to take cane from non-contract farmers. It is very surprising that in 1981 Mumias Sugar Company recorded a loss and then attributed this to drought. I cannot, and do not, believe that a drought has occurred in Mumias in the 1980s. What is shocking is that the chief accountant of that company, who performed so inefficiently and who also acted as secretary to the company but never looked after the finances of the company, was later employed by the Kenya Meat Commission as the chief accountant. Can you believe it? On the pay-roll of Mumias Sugar Company there were many fictitious employees who were coming very often to collect money on the grounds that they were going on leave, and the chief accountant could not detect this until I pointed them out to him and yet he was recently given a job with the Kenya Meat Commission as the chief accountant. His name is Mr. Brittle from Sri Lanka. I was surprised that despite what I had said, the man still got another job in this country.

Madam Temporary Deputy Speaker, we are taking about Africanization of jobs in some of these companies. Of course, in Mumias Sugar Company a number of jobs should have been Africanized. I put it to the Chairman then that we were having very poor returns for investment in the Mumias Sugar Company because of too much corruption and while we were sitting, members from Kakamega District, we put it to the Chairman of Mumias Sugar Company that—

**QUORUM**

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Madam Temporary Deputy Speaker. The speech that the hon assistant minister is making is very serious and this Motion is also a very serious one but I think there is not the required number of hon. Members in this House under Standing Order No. 24. This matter is very important and I think the contributions should be heard by the hon. Members and most particularly, the ministry concerned. Is there a quorum in the House?

**The Temporary Deputy Speaker (Mrs. Onyango):** No, there is no quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker (Mrs. Onyango):** We have a quorum now. You may continue, Dr. Wameyo.

**The Assistant Minister for Health (Dr. Wameyo):** Thank you, Madam Temporary Deputy Speaker.

To continue with what I was saying, Mumias Sugar Company has been unable to make profit for the reasons I have given but I will continue to give more reasons that a number of our officers shut their eyes on and refuse to accept. Take the example of sugar-cane plots. There are farmers whose land has been taken over by Mumias Sugar Company for sugar-cane cultivation. These plots have been producing enough cane in the past but a system of corruption—

**Mr. Anyieni:** On a point of order, Madam Temporary Deputy Speaker. The hon. assistant minister is making very good and valid comments but the two assistant ministers who are supposed to take notes are not even listening to him. They are very busy discussing their own matters. Is this not disrespect to the House?

**The Temporary Deputy Speaker (Mrs. Onyango):** They have heard what you have said and one of them is even coming up this way. You may continue, Dr. Wameyo.

**The Assistant Minister for Health (Dr. Wameyo):** Madam Temporary Deputy Speaker, I am glad that these interruptions are not against me but are criticisms against other people.

So, as I was saying, Madam Temporary Deputy Speaker, certain officers in the Mumias Sugar Company refuse to cultivate the land of the people living around the factory so that transport costs and wastage are reduced to a minimum unless they are bribed. They go 33 kilometres away to cultivate land belonging to a Mr. X who has promised the man in charge of out-growers five acres of land, and another five acres of land to the other man. On the harvesting programme, they enter that the piece of land is only 13 kilometres away instead of 33 kilometres. Now, who pays for the extra distance of 20 kilometres? When I said this, I was challenged and asked to bring proof. I did not want to go to the Press and so I waited until we called a meeting at the Mumias Sugar Company at which the chairman the general manager, members of staff, the hon. Member for Butere, the hon. Wasike-Ndombi, hon. Angatia and I were all present. I asked the general manager to tell us the name of the owner of plot number, this-and-that in Marachi and he did so, whereupon I asked him which officers of his were involved with this particular plot and the distance of the plot from the factory and he told us this. I also asked him the distance that was recorded and he told us that it was 13 kilometres. Eventually he said that all this was a mistake and the computer had entered this figure incorrectly. We did not have the computer with us; we only had the papers. But you can see how our industries are being ruined openly by people who have been given management agencies and yet the Treasury and the Ministry of Agriculture are doing absolutely nothing when I, Dr. Wameyo, can point these things out to our ministers and then I am asked to prove it. When I prove it, everybody goes quiet and nothing happens. That officer is still working there and his name is still on that plot which is in Marachi, which is 33 kilometres away while it is put down as 13 kilometres on the harvesting programme. This is what is facing many Government companies which have been left to management agents who own only five per cent of the shares. They keep on saying they cannot declare dividends because they have made no profits and yet they know they do not need dividends because they are making a lot of money on equipment. Instead of going to manufacturers to buy the equipment in their countries of origin, they go through a subsidiary of the company.

You will find a subsidiary, crown agent, adding on their profit plus the management agent commission.

So, they are not interested in dividends at all and this is one serious mistake that we have made in Government going into business and leaving the business for other people to run. Civil servants may know how to run business, but running the business of Government is a different thing altogether because Government business as we have discovered is taken differently. People tend to think the Government business does not belong to anybody, they think that the Government belong to the President only. Wanasema kwamba ni mali ya umma! Even those companies which were making money in the past, like the Kenya Ports Authority, Kenya Cargo Handling Services and so on are not making money now because the imports have been reduced to a minimum, but if you look into the system, there are new ways of siphoning money out. I was surprised to find a very small shabby shop named the Super Duka in Mombasa was owned by the Kenya Meat Commission 100 per cent. But when the Kenya Meat Commission was being run in those days, certain individuals opened an outlet in Mombasa and a shop called Super Duka in which they used to take the meat, started exporting the meat to Seychelles and other places. However, when the situation changed and there was a change of management in the Kenya Meat Commission, then the Kenya Meat Commission took over the Super Duka which does nothing else apart from retailing meat in Mombasa. How can a whole Government company commit such an abuse by taking a small shop in a back street and start selling meat?

Madam Temporary Deputy Speaker, this has been the problem all over. Our friend here, the East Africa Power Lighting Company say they are not making profit. I gave you a theory sometime before. They are people who ought to be making money anytime. I pay my bill, you pay your bill and everybody else pays their bills. They do not even come to read the metres these days; they just send you a bill and if you do not pay, they come to cut off the electricity and there is no argument. How can they not make profit? We consumers even pay the surcharge for oil. How can they not make profit today and just reduce their profits to a minimum. I think we are being taken for a ride.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** And a very bad ride too!

**The Assistant Minister for Health (Dr. Wameyo):** The hon. Members who come from there know it. Madam Temporary Deputy Speaker, to confirm this and I am very glad that the Government has taken a decision to come out of business and leave the business to businessmen and businesswomen. That is a very good move although it has come very late when a number of people have profited. However, it is a good move and we must now appoint people who are permanently employed to see that the business is run properly. We do not have to appoint civil servants who go to attend board meetings. Today he is a Permanent Secretary in the Ministry of Agriculture and tomorrow he moves to the Ministry of Works and Housing and the day after tomorrow he moves to somewhere else and consequently, there is no continuity. If there is no continuity in business, there is a lot of talk that the people who have

**[The Assistant Minister for Health]**

come here to do business discovered that there was a loophole and the loophole was that we as a Government got interested. After getting an interest in the business, we did not appoint smart people to look after the business. They thought that if they only told the Government, "Oh the business has collapsed and we are going to sack these people", the Government would move in with money. This time that move have failed to impress the Government and I am very pleased that the Government has stuck to its guns and it is no longer going to put money in some of these bottomless holes which have been created by multinationals at our expense. Moving out of business for Government is very good and I fully support it, but we must now tighten screws and close these loopholes.

Where does one take a tractor stolen in Mumias? The Ministry of Economic Planning and Development which gives us money in the rural areas is doing a good job, and I am glad that development has now been put at the district level and the district commissioner is going to be the chief man or woman in charge of development. However, I have got one thing to say about this. When I went to sit at the district development committee because the Mumias people voted me here in Parliament, I had this wonderful opportunity to sit in this committee at Kakamega. I was shocked at some of the revelations. Cattle dips which had been financed by the district development committee were non-existent. Despite this the district commissioner is brave enough to ask the development officer to read that so much money has been spent on Nomulungu Dip, so much for Ingotse Dip, so much for Nubini Dip and so on. These are all dips which do not exist and the money has been spent and me, as the assistant minister, I am being made to swallow the stuff. There should be a system of looking after Government finances because finances are very difficult to come by these days and the people who have been spending money very carelessly should now explain where these cattle dips are because the money has already been spent.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** They should be arrested!

**The Assistant Minister for Health (Dr. Wameyo):** We do not have the courage to arrest them otherwise, we would arrest them!

**An hon. Member:** The askaris are there. Why do you not arrest them?

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Madam Temporary Deputy Speaker. This is really becoming too much for us. The hon. assistant minister says that these dips are not there and money has already been spent on non-existing dips. He further says that we do not have the courage to arrest those concerned. Could we know who are responsible for the arrest of these people. We the Members of Parliament, the Criminal Investigation Department or who? I think we do not have powers to arrest and

I think the Criminal Investigation Department should take up the matter. Or are they also part and parcel of the whole business?

**The Assistant Minister for Health (Dr. Wameyo):** Madam Temporary Deputy Speaker, I was using the regal "we" but those are the facts that in Mumias Constituency dips do not exist although money has been spent on them. They have been financed by the district development committee and they have put down very bravely on paper that Government spent so much on a dip here, a dip there and a dip over there, but then they say, "Oh, we do not have the signatures of the people who received the materials". That has led into a lot of Government expenditure resulting into wastage of good money on things which do not exist just because somebody seems to think that Government has so much money which cannot get finished.

Madam Temporary Deputy Speaker, I am sure at this stage of the Nyayo Government, we are going to apply rules on such expenditure so that we do not lose money where we do not even have cattle dips. As we are beginning to realize, money is getting very difficult to come by. We borrow money at a very high interest rate; we export our tea and coffee and we get paid very little for it. I do not know when this vicious circle will improve.

With those few remarks, I beg to second.

*(Question proposed)*

**Mr. Anyieni:** On a point of order, Madam Temporary Deputy Speaker. I do not wish to challenge the Chair, but before hon. Dr. Wameyo stood up to second the Motion you had called me to speak. But because, maybe, I am not a Front-bencher you asked Dr. Wameyo to second the Motion because it is normally seconded by the Front-bench. However, I am surprised to see that you have appointed another person to speak.

**The Temporary Deputy Speaker (Mrs. Onyango):** I hope you will take it easy since we have a lot of time, today and tomorrow and before we go on recess you will catch the Speaker's Eye. You may continue, hon. Shikuku.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Madam Temporary Deputy Speaker, I am sorry for my friend. However, I stood up very fast though I am older than my friend. I must first of all thank you, Madam Temporary Deputy Speaker, for having given me this opportunity to stand up and contribute on this very important document. Secondly, I must also thank the Almighty God for having preserved me up to this very moment. This is because after going through this document I have seen all the things I have talked about, way back from 1963 to this very moment. You will find that these things are now being brought into this House in black and white.

I am also very grateful to know that this document is going to be in our national archives and it is going to be in the HANSARD for the future generations to



**[The Assistant Minister for Economic Planning and Development]**

read and compare what this humble Member for Butere had been struggling for up to this very moment.

As I have said in the past, the truth is God and God is the truth will always remain the truth because it is there always. The truth, as my hon. friend, the Member for Mumias, has said, is what is written in this book. What is written in this red book are the sins that you have committed; these are the sins that have been covered for ages. These sins have come out during the Nyayo Era. This is because there was a period when the truth in this country was shunned. The sins that are in this book were not committed during the Nyayo Era and we must debate contents of this red book with that in mind. These sins, most of them, were committed during the other regime. This must be made very clear. Let somebody not be misguided and start saying "Oh, hii Serikali ya Nyayo—Unaona sasa mambo yananuka." No! The public must be told the truth and the truth is this document coming during the Nyayo Era. It was the President himself who appointed the Committee Working Party that has produced this document. If it was in my power this book would be translated into Lugha ya Kiswahili and be given in doses to wananchi to be read page by page, so that one day we read one page and the next day we read another page, for wananchi to understand. It should be on the Voice of Kenya, both radio and television. It should be produced in the television instead of having this stupid programme called Solid Gold where women are exposing themselves and embarrassing us with our daughters. This book should be read in the television and radio page by page. All this Solid Gold stupid music should be off the air. The Minister for Information and Broadcasting is not here to hear this. These are the people who are very much confused and yet they have to be called leaders.

**The Assistant Minister for Works and Housing (Mr. Njuno):** On a point of order, Madam Temporary Deputy Speaker. Did you not hear very clearly the hon. Member saying, "That the Minister for Information and Broadcasting is not here to hear this and these are the confused people"? We want to find out whether he really meant that the minister is confused.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** I talked of the ministry and I talked of the stupid Solid Gold programme and that I still call that programme stupid. This is the programme where we see women exposing themselves and embarrassing us when we are watching television with our daughters. I am sure that the hon. Member is also embarrassed when these women are twisting their bodies showing us what we already know.

(Laughter)

We know that thing more than some of them know it. We are fed up and this programme should be removed from television. I am, therefore, humbly

suggesting that a page of this book should be read every day on television instead of that Solid Gold programme which lasts one full hour, seeing women messing about on television. These are white women. Even some confused black women in the name of Negresses perform in this programme.

Some people say, when I make these remarks, that I am a racist; they call me the Mr. Enoch Powell of Kenya. I am an African and I am proud of it. But if there is a Mr. Enoch Powell of Kenya it is fair but it is worse when you have a Mr. Ian Smith of Kenya. This is because the Ian Smith of the former Rhodesia is in trouble already. He was the leader of the white minority in Rhodesia who were sitting on the majority and now he has problems with his passport; let us hope that one day the Ian Smith of Kenya will have problems with his passport.

(Laughter)

Madam Temporary Deputy Speaker, let me go ahead and confine myself to the most important section of this report. That is about the physical crisis and they are giving the reasons for this. I have said before— It will be recalled in this House that there was a time in 1968 when I pointed out that we should have savings and that we should make sacrifice in this country. This is because I could smell— I said that we should sacrifice ourselves, by giving money and working hard and so on. But nobody listened to me. I moved a Motion in this House. That was 1967 or 1968 when I talked about sacrifice and commitment to this country. I thought that the leaders could give an example by sacrificing a certain percentage of their salaries which should have gone towards taking care of our unemployed people by establishing small cottage industries. That was in 1967 and today we are talking of tightening our belts—in 1982. I do not know why Mr. Shikuku should not be the advisor to this Government. I do not understand this. If I could see things in those days—

**Mrs. Asiyu:** On a point of information, Madam Temporary Deputy Speaker. Now that the seat of an adviser is vacant, the hon. Member for Butere can apply for it and become the adviser.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Madam Temporary Deputy Speaker, I do not know which seat of adviser is vacant, but I would like to give the Gracious Lady another opportunity to inform me which—

**The Assistant Minister for Tourism and Wildlife (Mr. Mwithaga):** On a point of order, Madam Temporary Deputy Speaker. It is true that we do not allow the House to be left in suspense and hanging in the balance not knowing what we are talking about. The hon. Mrs. Asiyu has just given an information which is in itself informative of some element that does not exist— a seat of an adviser that is vacant. She has asked hon. Shikuku to apply for that post. Now, can we be guided by the Chair as to which seat of an adviser is vacant and which hon. Shikuku is being asked to apply for so that we at least can be in a position to know the truth?

**The Temporary Deputy Speaker (Mrs. Onyango):** Hon. Mrs. Asiyu was just giving information and you all know that information in this House can only be given to an hon. Member on acceptance. At that time hon. Shikuku accepted the information. So, we shall wait until hon. Mrs. Asiyu comes again with another information.

**Hon. Members:** Hear! Hear!

**The Assistant Minister for Finance (Mr. Echakara):** Madam Temporary Deputy Speaker, I am seeking your guidance here, and we would like to have the records of this House properly presented. Hon. Shikuku sits on the Front Bench, and he is also an assistant minister appointed by His Excellency the President in the Ministry of Economic Planning and Development. Now, my point of order is if it is in order for the hon. Shikuku to lament that he is not an adviser to the Government, when he is in the Government himself.

**The Temporary Deputy Speaker (Mrs. Onyango):** Hon. Shikuku was continuing to tell the House how he thinks he is not an adviser of the Government, and I think if you give him time, he is going to do just that.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Madam Temporary Deputy Speaker, I was just coming to that. I have said very many things here and the records here can show that. If you check all the HANSARD of 1960s up to now, you will find that this booklet contains most of the things that I have said here. However, what I was asking is why they are not agreeing with me, even when I am talking the truth. I say things and they come out. One day, before my detention, I said here that— If anything happens because we have said the truth, we shall go whenever we are supposed to go and we shall come back and find those who shall have sent us there dead and we shall plant maize on their graves.

**An hon. Member:** Do it now!

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** How can you plant maize on cement? The truth goes ahead and will always continue.

**Mr. Bwana:** On a point of order, Madam Temporary Deputy Speaker. As our Standing Orders stipulate, hon. Members are not allowed to repeat themselves. Now, hon. Shikuku has just told us that he has said whatever is in this House. Is he in order to repeat what he has already said?

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Madam Temporary Deputy Speaker, I sympathize with the hon. Member, and I will leave him alone. If he were to fight for election, he would not see this House but he is lucky enough because he is being nominated. Leave him alone.

To be on the serious note, I would like to say that if you read this book in details, you cannot help seeing tears coming out of your eyes if you are a normal person. But Kenya seems to have a lot of abnormal people.

**An hon. Member:** In what sense?

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** In the sense that when you point out—like my hon. friend has said—that stealing is going on in point B, and even put it in black and white, you have actually asked those whom you have written to promote that fellow who has stolen. So, we have nowhere to go. For example, we have been told that there is that person who messed up at Murnias Sugar Factory and is now employed by the Kenya Meat Commission which is a Government concern. What was the point of hon. Dr. Wameyo taking that pen and paper? He was actually promoting the person concerned. These things are being done in front of our faces and, yet, we talk of Africanization and at the same time we are being de-Africanized. Let it be known that during the Nyayo Government, the present President is trying to do his best but those nyang'aus whom we acquired from the other regime are still with him and are continuously pulling his trousers down and he is continuously trying to put it up. This exercise will have to stop.

Madam Temporary Deputy Speaker, we should talk openly here. Now that we are going on recess, our electors must be told the ugly truth that there are parasites around the President who would like to continue with the old regime malpractices. We must tell the people that— On page 10 of this booklet—

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Mr. Kubo):** Who are those nyang'aus you talked about?

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** My hon. friend here is asking me things about the nyang'aus I talked about. May I tell him that when His Excellency the President was in Ukambani, he really got very angry and said, "I thought I had chosen people to help me in the race, but they are nyang'aus". I thought I heard him say that. However, I do not know whether I was the only one who heard that at Ukambani—

**Hon. Members:** He said it!

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Oh, so he did? Thank you very much!

**Hon. Members:** Yes!

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** I do not know why the hon. Member here did not hear it unless he was far away in Taita Hills. In any case, he heard it. Or is he a "stone"?

Now, Madam Temporary Deputy Speaker, this is a clear indication of the problems which are placed on the shoulders of the leader of the Republic of this country, Daniel Toroitich arap Moi. I hope that those who elected us into this House are taking note of this. We have drifted because of the swindling that goes on in this country. Some people here can afford to pay millions of shillings. To be a leader today you must have a lot of money because as they say, "Hatutaki maneno, tunataka vitendo. Kwa hivyo, mimi na rafiki zangu tumetoa milioni au elfu hizo za shilingi". Where do they get the money from and we know the salary of every hon. Member? We are getting into trouble.

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When you get some money from "Mulji Halji" or some other fellow, you should know that you are not getting anything for free. If the shirts for those people you represent cost KSh. 20 it will cost them KSh. 45 because KSh. 10 will go to hon. Shikuku for Harambee and the other KSh. 10 remains with him, therefore making inflation go up. That is where the problem is.

Whereas I agree, as it is written in this booklet, that the worldwide inflation started way back in 1973 by successful increases in the prices of crude oil, we must also at the same time look at ourselves. We can do nothing about the outside world, but we can do something in Kenya.

Madam Temporary Deputy Speaker, this has gone up because of the local inflation generated by us in this House, because we have to get some money for Harambee and, therefore, the cost of living of the people we represent here must be inflated, so that Shikuku gets 10 per cent of whatever increase to come to the meetings and say, "Me and my friends", and most of these friends are never mentioned, "we donate so-much". That is why I do not want those friends. This is because if you have such friends, they will bring misery to your people, and those who are doing this are selling their people. But one day, the truth shall be known, and if they shall be dead, their bones shall be exhumed and tried, and convicted by the future generation. Their bones will be burned to ashes and thrown into the Indian Ocean. And, those who are doing these things, grabbing whatever they want to grab in the interest of their families, their families will never live to enjoy whatever is being grabbed. The wealth shall be taken away by those many poor men and the grabbers will be put six feet below the earth level.

Madam Temporary Deputy Speaker, I am speaking with seriousness on this issue because the future of this country lies here. On page 11 you will find it stated as follows, and I am quoting section 34. on the fourth sentence from the top.

"Excessive expenditure growth and low productivity cannot be understood or effectively controlled without examining major policies which have contributed to those undesirable consequences."

And in the following section No. 35. it is stated:

"The working party has identified the following factors as the main causes of the fiscal problem now facing the nation:

- (a) The strategy of providing a wide range of services to a rapidly growing population has become too expensive; an additional consequence of the pursuit of this strategy has been a distortion in the relationship between Government and communities."

We have been told here to do family planning and this has been said in this House as well as in public places.

The Assistant Minister for Tourism and Wildlife (Mr. Mwithaga): It is just an advice. You can take it or leave it!

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): I am glad the hon. Member understands that it is a matter of, "Take it or leave it". This is a theory which has also brought a lot of problems. A lot of women have had problems because of the so-called family planning, and I do not have to repeat that here because we have an expert here, the Gracious Lady, the Depo-Provera expert.

Mrs. Asiyø: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Mrs. Onyango): Are you on a point of order?

Mrs. Asiyø: Yes, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Mrs. Onyango): Is it a genuine point of order?

Mrs. Asiyø: Yes, very genuine, Madam Temporary Deputy Speaker.

The hon. Member speaking has just referred to me as the Gracious Lady at the back, who is a Depo-Provera expert. Can the hon. Member, therefore, substantiate what he has just said?

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): Madam Temporary Deputy Speaker, this was just a humorous expression, and we do not really have to be so serious as to kill each other. However, you would recall that the House was subjected to a good lecture which was supported by documentary evidence from experts in this affair. I thought the hon. Member, Mrs. Asiyø, was an expert because the documents she produced are still in my library and I read them. I also try to advise young women in Butere on those notes, because the subject had been introduced by a lady who, in addition to that knowledge she, herself, knows much more about women.

Well, I thought she was an expert, and I think she still is one. However, if she refuses to accept that, then I would withdraw the expression. I withdraw the expression. If my hon. colleague does not want this compliment, then I withdraw. If I were the one being given that compliment, I would have stood up and bowed. We have tended to neglect or give consideration to the question of creating job opportunities for our people. We must agree that we have not done much to improve the employment situation. I can recall that my hon. friend, the Member for Nakuru, hon. Mwithaga, moved a Motion way back in 1967 calling on the Government to establish a builders brigade.

This shows that we were thinking on these lines even at that time. However, nobody took any heed about that. Today, on the Order Paper there is a Motion by hon. Okondo framed on the same lines. In other words, we do not take our business seriously. The business of this House is never taken seriously by these people who are supposed to implement projects. To make the matter worse, some of the ministers and assistant ministers forget that they are elected to

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come to this House to speak and contribute for the welfare of those who brought us here. Instead we become a stumbling block to the development of those who elected us.

First and foremost, I am a Member for Butere. If I am not a Member for Butere I cannot be an assistant minister because the Constitution forbids that. It says that you cannot be a minister or an assistant minister unless you are elected as a Member of this House.

**An hon. Member:** You can be nominated!

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Yes, one can be nominated. However, we do appreciate the fact that His Excellency the President has not so far appointed any Nominated Member a minister or assistant minister. May the Lord be praised. That is the right thing to do. He has given the wananchi a chance to elect their people who are then appointed ministers or assistant ministers. We have moved from the old age whereby we had Nominated Members being appointed ministers whereas they were not responsible to anybody when the worst came to the worst. They also do not have mandate of wananchi.

The time has come when ministers, assistant ministers and all Members of Parliament worked together. The ministers must make sure that whatever is passed by this House with amendments or without amendments is followed up. It is the responsibility of the Back-benchers also to be really hard on any minister who drags his feet. We should make sure that every Motion is implemented. The hon. Member responsible for such a Motion should follow the minister responsible to ask him what has happened to the Motion. He should ask the minister, "since the Motion was accepted by the Government, what happened to it?". The minister should be able to tell the hon. Member whether the Motion was not implemented due to lack of money or due to other things. Such information should be made public to wananchi of Kitui, Butere, Turkana and so on. We must pursue things for them so that they can see what we are doing for them. So, in this area we have not done much in terms of providing employment to our people.

It was a shame for the hon. Members who were here in 1967 when they opposed a Motion which I had moved calling on all of us to sacrifice something to enable us to start small cottage industries so that we could employ some people who keep on going around looking for employment. Hon. Members refused that Motion to go through because they were supposed to surrender 10 per cent of their salaries. It was very selfish of those hon. Members who opposed that Motion. Unfortunately for them, we voted and their names can be found in the HANSARD. However, some of them did not come back and I hope that they will never come here again.

There is one important part which the President and Government has stressed upon. This section says as follows:

"The Government investments on industrial activities absorbs an excessive portion of our budget and they have frequently resulted in incurring heavy losses."

We have been taken for a ride by various companies. In fact, I do not need to mention them again. As a result public money has gone and it will never come back. However, I must say this very humbly: some of the people who are responsible for making Government be committed into these funny ventures, which have ended up in losses of tax-payers' money, are still existing. Why do we not, as a House, pass a Motion here and make Back-benchers bring a Motion here that the people who were responsible for these things should be followed.

**Mr. Muthura:** Ah!

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Yes, Madam Temporary Deputy Speaker, they must be followed.

**Mr. Muthura:** Utapinga!

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Madam Temporary Deputy Speaker, the hon. Member for Laikipia East sitting there leisurely is saying that, "Utapinga". Well, he may be right, but let him play his part by moving the Motion and then let us see who is going to oppose it. His name will be in the record and the wananchi will take care of it. There is no point for the hon. Member sitting down and shaking under his pants instead of bringing a Motion in this House. He is just shaking and saying that "Utapinga" before he moves his Motion.

**Mr. Muthura:** Utapinga!

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Madam Temporary Deputy Speaker, it is absurd that the hon. Member is continuing his debate while he is seated. That is a defeatist attitude. I do not want to say something but I think the hon. Member should be careful when the other hon. Member is on the Floor. If he is not careful, he is likely to get something that may affect him in future.

*(Laughter)*

Madam Temporary Deputy Speaker, this is what the report says under paragraph 35, sub-paragraph (iv) on page 12, "the planning, implementation and control of development projects has been inefficient, and increasingly so". Madam Temporary Deputy Speaker, you will recall the events of 1960s. In this connection, I wish to pay my tribute to the great son of Kenya who fell the other day, the hon. J. M. Serooney. This great son of Kenya shall go down in history as the greatest son of Kenya. Though he has died with no decoration, I am sure those who will read the history of this country shall look for his grave and praise him with the right decoration on his grave. He was a gentleman who, as we are seated here, was the brain behind the independence Constitution of this country. He participated fully during the Lancaster House Constitutional talks. Though he was on the opposition, he contributed a great deal in Lancaster

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House. He was an expert in human rights, parliamentary democracy and this could be checked from the records of this House. In Lancaster House—

**An hon. Member:** Go ahead.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Madam Temporary Deputy Speaker, I will leave that and draw your attention to this planning and implementation. The public must be told that, although plans have been made and money supplied, the political trend in this country is becoming very dangerous in the sense that those who have money are automatically leaders whether or not they are empty upstairs. It is now taken that if you can give money then you are a leader, but if you do not give money, it does not matter how brilliant you are, you are nobody. If the money and plans that we have made were implemented, the wananchi would see what the Government is doing. However, some cunning people have made sure that the implementation and the planning is not carried forward so that the wananchi remain in the air hungry and ever begging for development, whereas there is money that this House has voted for but no one wants to implement it.

On the other hand, you find that money gets lost, or some people get it. They even harass some of the hon. Members here with Harambee collections in order to get more money. Some of us have gone into debts because of these Harambee collections when there is money here which would have used for doing what we are being asked to collect money for in the way of Harambee. Let nobody mistake me on this. We know that there is Harambee, but there is this money here which, if it was used, would lessen the work of Harambee. But since it is not being used, some people who have money want to create a platform whereby they do not have any politics in their heads at all; their politics is to give money in the form of Harambee. They keep on saying "What has he given you? We will give you so much. So-and-so is only talking". But wananchi must understand that the money from their taxes is here. Plans have been made to have this money used for development but some of the civil servants in the Government are sitting on this money. Some of them even give a lot of hardship to some of the hon. Members here after retiring from the civil service because they want to stand for election. You find that such civil servants sit on a project which is supposed to come in your area so that when there is an election in the future they can stand up and say "This Member has done nothing; anazungumza tu katika Bunge". Of course, we are supposed to talk here. We are elected to talk and not to punch each other. We are elected to speak and vote money. We are not elected to go and beg for money from various corners in the form of Harambee in order to sell our people when we have money here which is voted by this Parliament to do the job. Let the wananchi know that they are being sold down the drain.

Madam Temporary Deputy Speaker, let the wananchi know that when they hear that there is a shortage of rice or any other commodity, it is these people who are taking these goods from them. When there are no boxes of matches or cooking oil, it is these people who take away these goods and go and sell them in other areas so that they can go to an Harambee meeting tomorrow and say, "My friends and I have collected so much money", whereas it is money from magendo. Those friends are never mentioned.

Madam Temporary Deputy Speaker, the wananchi of this country must know that the shortages of commodities that we have been having are caused by the big men. The trailers on the road are not owned by the small men; they are owned by big men. The mataus are also theirs.

Madam Temporary Deputy Speaker, France is in this world and Kenya is in this world. I understand that France is made up of people like us, or human beings like us and, therefore, when we read about the French Revolution and the Tale of Two Cities, and God knows what, we should learn from such things. I am not against the rich men in this country, but they should understand that if the Frenchmen are human beings and some of us have married French women and have managed to produce human beings, which proves that they are human beings, what took place there can also take place here. The French Revolution can easily take place here one day. So, the rich men should understand that.

Madam Temporary Deputy Speaker, I congratulate or pay great tribute to the President for his recent speech when he said that you will leave whatever you have here and go naked as you came. I hope they heard what he said. So, we know that whatever amount of money the big men have has been stolen from the small men through magendo and, therefore, the small men should be ready to eat their money, as the President said, and refuse them votes to come to this House, so that, at least, they can be put in the right place where they are supposed to be.

So, Madam Temporary Deputy Speaker, it is the duty of this hon. House to explain to our people that a Member of Parliament is supposed to talk and lead his people in various things, but not to do what is supposed to be done by other people. If he is supposed to do the work which should be done by others, then it means, for example, that money will be voted here for Mbiri and then it will be given to the Member for Mbiri, hon. Matiba, to carry it to Mbiri so that he can do what he is supposed to do. But it is never done that way; it is centralized. But as it is now, money is not going to be given to the hon. Member for Mbiri; it is going to be given to Murang'a District. So, there is no need to ask the hon. Member for Mbiri, for example, "Anafanya nini"; "What is he doing?" "Atafanya nini?" "What will he do?" because he has no money. It is the Government which does things! What the hon. Member for Mbiri has done is that he has got money on district basis. It has gone to Murang'a and his job is done. Somebody else has got to take up. So, this issue of Harambee being drummed

**[The Assistant Minister for Economic Planning and Development]**

into the heads of wananchi “Oh, Mbunge wenu hafanyi hii; Mbunge wenu halati maendeleo na kadhalika” Analeta wapi? Let us tell our people the truth. Do not be hoodwinked into this stupid idea that an hon. Member of Parliament is supposed to do this or that. Some say that hon. Member for Butere is talking too much; he is not helping in the construction of roads, no hospital, no progress and so forth. Even there is one letter here which is written by some of my advertisers. I think they are Indians but they are calling themselves by African names. Butere is not one of these areas which are backward. I have never heard it referred to as such. We have so many graduates; not less than 20, 30 or 40 in Butere alone. It is made up of very elite people. How could they be so stupid to keep on electing the same hon. Member from 1963 up to now? How come? How come that an hon. Member who does nothing is continuously elected?

(Applause)

So, you can see how empty this thing is. It is only calculated, and it has been proved and I have also proved it that the Editor of *The Standard* and the Editor of the *Daily Nation* want to discredit hon. Shikuku because he talks about the other race we are told not to mention because if you do, you will be called a racist. And I am supposed to talk here! That is what I am elected to do! And I have been elected all these years to talk!

(Laughter)

**The Assistant Minister for Tourism and Wildlife (Mr. Mwithaga):** On a point of information, Madam Temporary Deputy Speaker. I am very pleased with the hon. Member for allowing me time to give him the little information on that serious note of speaking. An hon. Member of Parliament is elected through other adult suffrage to have a licence to speak internationally. Therefore, the hon. Member only missed the words “adult suffrage”. He was elected through that international aspect of elections to speak internationally and he should continue doing so!

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** The hon. Member reminds me of what we were fighting for because before independence, a Mzungu had three votes and a Mwafrika had one or nothing. And that word “one” means he must have some— So, we fought for adult suffrage. That is what we did and that is why I got this licence to speak, and I am licensed to speak.

But what I was trying to say is that it is not possible for Butere people to be stupid. I think those who publish papers are more stupid than the Butere people because the Butere people cannot be stupid to be electing somebody who does nothing. It is true that there are letters in support of hon. Shikuku which are never published. Many have written to me and given me copies. Especially even when it comes as to who controls the economy of this country, surely, you have not seen any letter in my support! How come that

hon. Shikuku is alone talking about the Africans to takeover the economy and not a single African is supporting him? How can that be?

**An hon. Member:** That is sabotage!

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Yes. They say, “How do you stand when all the people know that hon. Shikuku talks about the economy of this country?”

(Laughter)

**The Assistant Minister for Tourism and Wildlife (Mr. Mwithaga):** On a point of order, Madam Temporary Deputy Speaker. We all speak either English or Kiswahili and our accents are always understood. May I have your guidance as to how the Voice of Kenya will now record that and how it will be read?

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Madam Temporary Deputy Speaker, wananchi will understand what I was saying. As a matter of fact, I was only speaking English with an Asian accent. I spoke English and not Luhya. Maybe, I should do it slowly so that you might understand: “You see, this man, Mr. Shikuku, keeps on talking in Parliament about Indians controlling the economy of this country. How can that be when the Africans cannot do the jobs?” That is the way they talk.

To get back to what I was saying, Madam Temporary Deputy Speaker, you can see there is sabotage the Chief Editor of the *Daily Nation* and the Chief Editor of *The Standard* in order to suppress the truth but I want to tell them that one day they shall have to report the ugly truth and they shall fail to find the right adjectives to describe the situation. Even if the truth is suppressed, it will finally come up and those editors will live to be ashamed of themselves because it cannot be true that a man who was elected to this Parliament by well over 19,000 voters cannot even have one of them support him. It is physically impossible! I told them not to report me but they found their business was going down and continued to report me. When they report what Shikuku has said, their papers sell and so they know which side of their bread is buttered.

Madam Temporary Deputy Speaker, there is this (v) which says, and I quote:

“efficient supervision and co-ordination of local authority activities”.

This is another problem which has been troubling the local authorities. It is a very big problem with the local authorities. Many things have happened but I do not want to go into them because I am one of those people who are known to be anti-corruption, anti-tribalism and also anti-nepotism. I made this known right from the day I stepped into this Parliament. I am also anti-injustice. I remember moving a Motion here in 1963—and at that time I was in Kenya African Democratic Union—about nepotism and these other things. I even managed to be a chairman of a committee on stopping corruption, tribalism and so on. However, somebody negated it. I told the hon.

**[The Assistant Minister for Economic Planning and Development]**

Member who moved the Motion for the breaking up of that committee that he would never see the four walls of this House and, indeed, he never say them again. Instead, we are now seeing hon. Karauri. This was because he went against the truth and it caught up with him. I cursed him and he got it. I do not just like to curse people but when it comes to the truth and somebody wants to overlook it, I tell him he is fighting the law and the law will remove him and not hon. Shikuku. After all, what powers have I?

**The Temporary Deputy Speaker (Mrs. Onyango):**  
You will continue tomorrow, hon. Shikuku.

**ADJOURNMENT**

**The Temporary Deputy Speaker (Mrs. Onyango):**  
Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 9th December, 1982 at 2.30 p.m.

*The House rose at thirty minutes  
past Six o'clock.*

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**Thursday, 9th December, 1982**

The House met at thirty minutes past Two o'clock.

[*Mr. Speaker in the Chair*]

**PRAYERS**

**ORAL ANSWERS TO QUESTIONS**

*No. 755*

**MATERNITY FACILITIES FOR RABUOR HEALTH CLINIC**

**Mr. Anyumba** asked the Minister for Health whether in view of the great shortage of bed accommodation at both the Nyanza General Hospital and Ahero Health Centre, he would inform the House of the plans he had to provide maternity facilities at Rabuor Health Clinic in North-West Kano Location of Kisumu District.

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

Rabuor is only a small dispensary located in between Kisumu and Ahero Health Centre and there are no plans to provide maternity facilities to that dispensary. We do not provide maternity facilities in health dispensaries; we provide maternity facilities in health centres.

**Mr. Anyumba:** Mr. Speaker, Sir, in view of the reply by the minister, would he consider up-grading that health clinic to a health centre? This is because it serves a radius of about 15 miles with extremely bad communications. You will find that before some of these maternity cases can reach Kisumu or Ahero quite frequently you hear that a woman has given birth on the way because of lack of access roads. Would the minister, therefore, consider up-grading this health clinic to a health centre and then provide the maternity facilities?

**Dr. Mango:** Mr. Speaker, Sir, the problem is fully appreciated. However, because of financial constraints we are not in a position to put up any capital development during this Development Plan. So, we are not putting up new dispensaries, health centres or hospitals. However, if the hon. Member feels very strongly about he could initiate some kind of Harambee to put up the fact that this facility will be very useful, maybe a maternity wing and as soon as this is done we shall be very prepared to take it over.

*No. 772*

**CRIME INCREASE IN DAGORETTI DUE TO INADEQUATE POLICING**

**Dr. Mungai** asked the Minister of State, Office of the President—

- (a) whether he was aware that crime had increased a lot in Dagoretti due to inadequate policing;
- (b) whether he could up-grade the small police posts at Riruta and Kawangware to full police stations; and

(c) whether in the meantime he could increase the number of vehicles for the police to patrol the area effectively.

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

The Government is not aware of an increase in the crime rate in Dagoretti Constituency and I must add that Dagoretti is adequately policed at the moment.

**Dr. Mungai:** Mr. Speaker, Sir, I very much beg to disagree with the assistant minister. In this Republic, Government cares as much for the security of the poor as it does for the security of the rich. Yet you will find that in areas where the rich people live and who can afford to build brick walls, burglary proofing, buy dogs and employ guards and even install electronic security surveillance devices, there are more police stations—

**Mr. Speaker:** But Dr. Mungai, I thought you were going to ask a question!

**Dr. Mungai:** Yes, Mr. Speaker, Sir, I am asking a question. I am just showing the difference. For example we have Muthaiga Police Station, Spring Valley Police Station, Parklands Police Station and Central Police Station. All these police stations are very close to one another and yet there is no police station of any kind at Kawangware, Riruta, Kangemi, Muuini, Waitika and Ruthimitu. Therefore my question is: Since Government cares for the security of the poor as much as for the security of the rich, would the assistant minister consider building a good and adequate police station at Kawangware so that the people there can feel secure as the people who are living in Muthaiga?

**Mr. Salat:** Mr. Speaker, Sir, as hon. Dr. Mungai has said, I must say that there are no police stations in Riruta and Kawangware in Dagoretti Constituency. The one in Riruta is only a police patrol base under a police station. I remember I was once locked in that police patrol base. There is no police establishment in Kawangware, and there are no plans to up-grade Riruta Police Patrol Base to a police station, neither are there any plans to establish a police station at Kawangware. This is because the area is covered by Kabete, Muthangari, Karen and Kilimani Police Stations. Those police stations cover Kawangware and Riruta areas.

**Dr. Mungai:** Mr. Speaker, Sir, is the assistant minister aware that Dagoretti Division is served from outside because the headquarters of the Divisional Police of Dagoretti is in Pumwani Division? Would he promise this House that Dagoretti Division will have its police station?

**Mr. Salat:** Thank you very much to the Questioner, Mr. Speaker, Sir, because he has added another police station covering that area. I must congratulate him for that because it shows how that area is adequately policed.

**Dr. Mungai:** Mr. Speaker, Sir, if the hon. assistant minister would like to find out how adequately this area is policed, would he agree to accompany me from here in town to Kawangware by matatu at 7.00 p.m. so that he may have personal experience of the security there so that when he comes back here he tells the House about the situation from personal experience?



**Mr. Salat:** Mr. Speaker, Sir, I am not prepared to be advised here. I know what I am saying and I have my own personal car. If, therefore, I wanted to go to Kawangware, I would not go by a matatu. I am a Government minister and I have means of going there to find out whatever is happening in that constituency. If the hon. Questioner is prepared to go to that area with me, I am prepared to show him where police stations and patrol bases are situated in Riruta, Kawangware and other places.

**Dr. Mungai:** Mr. Speaker, Sir, just to help the assistant minister so that he may come out with something positive—not to come out with negative things all the time—would he consider, from security point of view, to have security lights installed at the bus stops and along the roads in Kawangware and Riruta so that when the poor workers return home from Nairobi are not molested?

**Mr. Salat:** Mr. Speaker, Sir, the Office of the President does not carry out the duties of providing lights along the streets of Nairobi. That is the work of the Nairobi City Council. As for the bus stop lights, I would like to advise my hon. friend, to emulate hon. Leakey. Hon. Leakey provided bus stop shelters in his constituency. So, if hon. Dr. Mungai wants lights installed at bus stops, let him apply to the Nairobi City Council and stop asking the Office of the President to do the job.

No. 531

PROMPT PAYMENT TO CONTRACTED SUPPLIERS

**Mr. Ddaiddo** asked the Minister for Agriculture—

- (a) why contracted suppliers of items such as building materials to Bura Irrigation Scheme had not been paid since 1980; and
- (b) what urgent steps the minister was taking to pay them forthwith.

**The Assistant Minister for Livestock Development (Mr. Murgor):** Mr. Speaker, Sir, on behalf of the Minister for Agriculture, I beg to reply.

(a) The contracted suppliers of items in Bura have always been paid on time as soon as their invoice are received and verified. However, there are a few suppliers who have not been paid for material supplied since May, 1981, but not 1980. This has been because of some investigations currently going on concerning the materials supplied in Bura. The affected suppliers have not been paid since the exercise is not complete. The investigations are expected to be completed within a month from now.

Due to the nature of the investigation, it has taken longer time than would normally be the case. The affected suppliers are listed here below showing what has been paid to them and what is still outstanding.

| Name               | Amount paid<br>Sh. | Amount owing<br>Sh. |
|--------------------|--------------------|---------------------|
| M. A. Bayusuf ...  | 9,494,918.15       | 1,873,290.45        |
| Abdalla S. Almaary | 1,912,972.85       | 1,183,475.00        |
| S. Salim Brothers  | 1,911,754.00       | 209,085.60          |

|                   |               |              |
|-------------------|---------------|--------------|
| Said M. A. Habani | 354,920.00    | 578,823.10   |
| Mbarak S. Bahamed | 792,215.95    | 126,246.80   |
| Total ...         | 14,466,780.95 | 3,970,920.95 |

(b) As soon as the exercise of investigations is completed, the affected suppliers will be paid immediately.

**Mr. Ddaiddo:** Mr. Speaker, Sir, could the assistant minister explain to this House what kind of investigations are going on and who has been arrested since the investigations started. Who has been apprehended for making these suppliers not be paid their money?

**Mr. Murgor:** Mr. Speaker, Sir, this question does not talk about arrests and what-have-you. I said that it is the materials which have been supplied which are being investigated and, therefore, the question of who has been arrested does not arise.

**Mr. Ddaiddo:** Sir, the intention of my question was to find out why suppliers have not been paid their money since 1980, and the assistant minister introduced the question of investigations here. Could he clear the air and tell the House what kind of investigations have been going on and who has been apprehended from the findings of these investigations because wananchi, or the people concerned have not been paid their money. I think those people should be told what kind of investigations are going on, and if that money went into some people's pockets, let us be told the truth.

**Mr. Murgor:** Mr. Speaker, Sir, as I said earlier on, these suppliers have been paid over K.Sh. 14 million and the balance of K.Sh. 3,970,920.95 has not been paid pending the findings of the investigations that are going on. The question of who has been apprehended does not, therefore, arise because no one has been accused of any offence.

No. 760

HEADMASTERS TO RESIDE AT SCHOOL COMPOUNDS

**Mr. Wasike-Ndombi,** on behalf of Mr. Okondo, asked the Minister for Basic Education whether he would consider directing that all headmasters of primary schools in rural areas reside on the compounds of their schools.

**The Minister for Basic Education (Dr. Ng'eno):** The Ministry of Basic Education cannot, at the moment, issue a directive requiring all headmasters of primary schools in the rural areas to reside in their schools since most of the schools do not have suitable accommodation.

**Mr. Wasike-Ndombi:** Mr. Speaker, Sir, since we have floods in Bunyala Location during the rain, would the minister re-introduce the old system whereby teachers had accommodation in the school compounds?

**Dr. Ng'eno:** Mr. Speaker, Sir, it has been my habit, as I travel around the country, to urge parents to provide teachers with housing, and not only to headmasters, and I have also said here before that we are now streamlining the Basic Education Act to give powers to the parents to make contributions towards the building of the educational facilities, including teachers' houses.

[Dr. Ng'eno]

So, until parents, or until I am satisfied that parents have provided these facilities for the teachers, I will not be able to give a directive, as to do so would be making a meaningless directive. However, we have encouraged, and we continue to encourage, parents to build houses for teachers.

**Mr. Kamindo:** Mr. Speaker, Sir, is the minister aware that as a result of quite a number of teachers staying outside the school compounds, a lot of school properties have been stolen, thereby reducing the parents' efforts to contribute?

**Dr. Ng'eno:** Mr. Speaker, Sir, that is a different question altogether. However, I would think that teachers are not in schools as watchmen. There are school watchmen to do that kind of work, and I thought the headmaster would be wanted to reside in the school compound in order to supervise the educational activities there, rather than be there as a watchman.

No. 643

#### SHORTAGE OF ANTI-MALARIA DRUGS AT NAVAKHOLO HEALTH CENTRE

**Mr. Wasike-Ndombi** asked the Minister for Health—

(a) whether he would take immediate remedial action to arrest the situation to reduce the present alarming rate of deaths since there is an acute shortage of anti-malaria drugs at Navakholo Health Centre, which is situated in malaria infested zone; and

(b) whether he would also supply printed stationary and paper for wrapping drugs to the centre.

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

There is now enough stock of malaria fighting drugs, particularly chloroquin, at the Navakholo Health Centre, and in addition to this, there is also a team of health workers in the area who are investigating the reported increase of malaria incidents in some parts of Kakamega District. They are also treating people there who are infected with the disease.

As I mentioned earlier, some time this year, malaria is best controlled by wananchi by helping the Ministry of Health by draining stagnant water in an effort to bring down the population of mosquitoes.

**Mr. Wasike-Ndombi:** Mr. Speaker, Sir, while Thanking the minister for the reply, can he inform this House—because it is only this week when I was at home—when he directed his team to go and carry out this investigation and when these drugs were delivered to Navakholo Health Centre? In addition to that, would he give an answer to part (b) of the question?

**Dr. Mango:** Mr. Speaker, Sir, this question was dated 15th October, 1982, which is about two months ago. During all this time, consignments of drugs have already been delivered to Navakholo Health Centre, through Kakamega Provincial Hospital, and the team of workers has also been organized within these two months.

As for part (b) of the question, the Ministry of Health does not normally supply printed stationery. However, we supply envelopes into which drugs are dispensed to patients.

**Mr. Wasike-Ndombi:** Mr. Speaker, Sir, maybe the minister is not aware, but at Navakholo Health Centre, patients are, first, supposed to buy papers for the prescription of the diseases they may be suffering from, and secondly, they have to buy paper for wrapping the medicines. The minister is now saying that the ministry does not provide the stationery for this kind of thing. How can the doctors be expected to write down the disease from which somebody is suffering?

**The Minister for Constitutional Affairs (Mr. Njonjo):** They have to come with the papers!

**Mr. Wasike-Ndombi:** Maybe in your area, hon Charles!

**Dr. Mango:** Mr. Speaker, that could only be on very occasional circumstances when funds have run out, but this is not the practice, nor is it intended to be the practice. We do supply enough stationery for doctors and clinical officers to write on the prescriptions, and we also supply enough envelopes in which to dispense the drugs. Sometimes it is not easy to supervise what goes on in remote dispensaries and health centres throughout the country, as far as the proper use of the stationery is concerned.

**Mr. K'Ombudo:** Mr. Speaker, I do not know, but is the minister aware that as a matter of fact, there is a shortage of medicines in almost all Government hospitals in the country, and that patients are asked to take their own medicines to hospitals?

**Mr. Speaker:** We are dealing with a particular issue.

**Mr. K'Ombudo:** Mr. Speaker, this applies to the general hospitals, for example—

**Mr. Speaker:** It may even apply overseas and everywhere, but we cannot allow ourselves such a wide margin. We should confine ourselves to the question.

Let us move on to Questions by Private Notice.

#### QUESTIONS BY PRIVATE NOTICE

##### PAYMENT OF HONORARIUM TO K.N.E.C. OFFICERS

**Mr. Sifuna** to ask the Minister for Higher Education:

(a) Is the minister aware that in November/December, 1981 the Kenya National Examinations Council paid over Sh. 300,000 to its officers as honorarium and has now spent a further Sh. 120,000 for the same purpose?

(b) Is he also aware that these officers work the normal working hours?

(c) Why is the money paid to them not taxed?

**An hon. Member:** Mr. Sifuna is not in.

*(Question dropped)*

**Mr. Speaker:** All right, we can go on to Mr. Wakiondo's question.

REASONS FOR MASS FAILURES IN TEACHERS  
EXAMINATIONS

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

- (a) Would the minister investigate urgently and explain to the House why there were mass failures in the last untrained teachers examination results in all colleges throughout the country?
- (b) Why was it that the Kenya National Examinations Council gave K.J.S.E./K.C.E. candidates the same examination papers?

**The Minister for Basic Education (Dr. Ng'eno):** Mr. Speaker, Sir, I beg to reply.

On part (a) of the question, I agree that there were more failures in the 1982 primary teachers examination than in the previous years. I have myself studied the situation and have directed my officers to have the situation corrected. Accordingly, the Kenya National Examination Council has been informed and I have since been told that the council is reconsidering the case with a view to adjusting the final results to enable more to pass.

On part (b) of the question, until 1978, the primary teacher trainees undertook three sets of examinations. One examination was for P1 teachers, the other for P2 teachers and the other for P3 teachers, and they were based on three sets of syllabi. But between 1978 and 1981, the examinations were being given on the basis of one syllabus. However, we have decided to go back to the earlier situation owing to the requirements to grade teachers according to academic qualifications.

**Mr. Wakioondo:** Mr. Speaker, Sir, while appreciating the reply given by the minister, I think the mass failures in all the primary teacher-trainee colleges was as a result of the council's error in setting the examination that is not equivalent to the candidates' own academic qualifications. Is it in order to have the examinations which do not correspond with the academic qualifications of the candidates in the country?

**Dr. Ng'eno:** Mr. Speaker, Sir, I have already said that the Examinations Council is looking into the matter. Of course, as time goes on there will be things that will need to be corrected. I do not think it is fair to blame the Examinations Council since after all it is new. It will continue to serve this country while still trying to rectify things as time goes. However, I do agree with the hon. Member, as I have said on a number of occasions, that if you look at what happens in other countries you will see that the examinations given to teachers are functioned in such a way that something like 90 per cent or 98 per cent of the candidates pass. This is because many of those teachers will have attained a certain level of education whereas the examinations are not based on the level of their academic level but on the subject matter that they are going to teach which is always lower. The contents of the examinations are lower than that attained by the teacher trainees themselves. So, I can only assure the hon. Member that

this matter is being looked into by the ministry very seriously and the necessary steps will be taken to correct the situation.

**Mr. arap Ng'eny:** On a point of order, Mr. Speaker, Sir. I am rising on a point of order because I am not sure that the minister is giving the correct information regarding what his ministry and former East African Examination Council, were doing. In a previous reply, he told the House that the change-over which resulted in all the trainees being grounded together was done in 1980/81. However, we know that in 1980 we passed a Bill in this House which created the Kenya National Examinations Council. So, is the minister not misleading the House when he alleges that these errors occurred because the Kenya National Examinations Council is young whereas we know that the change-over was effected by the same council?

**Dr. Ng'eno:** Mr. Speaker, Sir, I did not say that the problem has come about because of the newness of the Kenya National Examinations Council. However, I did say that the council is new and there are problems which it might have inherited and which it will have to streamline. In any case, when the hon. Member asks a specific question on the Kenya National Examinations Council, I feel that is not in order. Maybe, it would be good for me to frame another question because the Kenya National Examinations Council comes under the portfolio of my colleague, the Minister for Higher Education. I was simply replying to the question to do with the failures on the part of the primary school teachers. I have already said that we, as a ministry communicated the information to the council and we have been assured that the matters are being rectified. However, if the hon. Member would like to ask a question with regard to the Kenya National Examinations Council, he should frame another question and send it to the Ministry of Higher Education.

**Mr. Karauri:** Mr. Speaker, Sir, it is good that the minister has requested the Kenya National Examinations Council to rectify that mistake. However, would he at the same time assure this House that the K.J.S.E. candidates who passed—although there was mass failure, some of them passed because examinations are supposed to determine the grades of the candidates in the colleges—will be graded as P1s but not P2s?

**Dr. Ng'eno:** Mr. Speaker, Sir, the system that we are operating now is to grade those who have attained Division I, II to III in O-level examinations as P1s. We are also grading those with K.J.S.E. level of education as P2s. Since we still have some CPE candidates in certain remote areas, we are grading them as P3s. This is the system that we are using.

**Mr. Karauri:** Mr. Speaker, Sir, I had asked the minister whether the K.J.S.E. candidates who sat and passed this examination which was also set for K.C.E. candidates, who becomes P1s after passing the examination, will be graded as P1s instead of P2.

**Dr. Ng'eno:** Mr. Speaker, Sir, I have just stated that from now onwards the K.J.S.E. candidates will be graded as P2s. Those candidates with Division I, II or III in O-level examinations will be graded as P1s. In the past when they were doing the same examination,

**[Dr. Ng'eno]**

occasionally even a candidate with CPE standard of education would be graded as P1s. However, since Government has said that we have to grade people according to their academic qualifications, we will be giving different types of examinations which will enable a candidate with O-level standard of education, if he passes the examination, to be graded as P1. Likewise, K.J.S.E. candidate, provided he passes the examination, will be graded as P2. Also, a CPE candidate, if he passes the examination, will be graded as P3.

**Mr. Wakiondo:** Mr. Speaker, Sir, since the minister has accepted that there was mass failure in the country in all categories of candidates who sat for the examination, apart from the K.J.S.E. candidates and K.C.E. candidates, is he going to allow those who failed to be given another chance of repeating the examination because the examination was based on the standard that was not corresponding with their academic qualifications? Secondly, if the K.J.S.E. candidates sat for the examination with the K.C.E. candidates, and they passed, how can they be graded as P2s whereas they did the same examination paper with K.C.E. students who had gone two years further in their studies?

**Dr. Ng'eno:** Mr. Speaker, Sir, I agree with the hon. Member that there were more failures. However, I did not confirm that there was mass failure. In other other words, there were more failures this year than in the previous years. On percentage terms, last year the pass rate was 77 per cent. During the previous year the pass rate was roughly the same. However, this year the pass rate was 70 per cent. So, it was a little bit less. Of course, that means that the failure rate was higher. However, I did not say that there was mass failure. However, I have already said that my officers have been instructed to liaise with the Kenya National Examinations Council. I have been assured that the council is reviewing the matter with a view to enabling more candidates to pass. So, I do not see how I can be clearer than that.

**REPAIR OF MATUU-HORTICULTURAL CENTRE ROAD**

**Mr. Kakoi:** Mr. Speaker, Sir, I beg to ask the minister for Transport and Communications the following Question by Private Notice:

- (a) Is the minister aware that the road between Matulu Market and the Horticultural Centre is impassable and therefore vegetables cannot be brought out daily for overseas markets?
- (b) Could he take immediate steps to repair the road in order to ensure that the vegetables are transported to their destination in time?

**The Minister for Transport and Communications (Mr. Kosgey):** Mr. Speaker, Sir, I beg to reply.

I am aware of the serious damage done to the roads in Matuu area following the current excessive rains. However, as the hon. Member knows, this problem is nation wide. Owing to the short notice given and lack of adequate information in the question, I am unable to establish the road which serves the horticultural crops buying centres referred to by the hon.

Member. The Provincial Engineer, Eastern Province, has been instructed to investigate this matter around Matuu area and then take appropriate remedial action.

**Mr. Kakoi:** Mr. Speaker, Sir, while thanking the minister for the reply he has given me, I would like to know how soon—I know that he is going to do something here—he is going to take the remedial action.

**Mr. Kosgey:** I will do that as soon as the weather improves.

**Mr. Speaker:** We will now move on to hon. arap Koech's Question by Private Notice.

**REPAIR OF KAPLONG-BOMET ROAD**

**Mr. arap Koech:** Mr. Speaker, Sir, before I ask my Question by Private Notice I would like to make some corrections. On the first sentence the number referred to there should read B3 but not No. 11. Then, as you know, my name is hon. arap Koech.

Mr. Speaker, Sir, I beg to ask the Minister for Transport and Communications the following Question by Private Notice:

- (a) Is the minister aware that road No. B3 between Kaplong and Bomet is now completely impassable rendering the area to be cut off from the rest of the district?
- (b) If so, what immediate and long-term plans does he have to make the road all-weather?

**The Minister for Transport and Communications (Mr. Kosgey):** Mr. Speaker, Sir, I beg to reply.

I am aware of the damage caused to road B3 by the current heavy rainfall. As soon as the weather permits, a maintenance programme will be undertaken on this road and many others in the country which have been damaged by the current rains. The programme of repairing B3 roads to bitumen standard has been handed over to the World Bank for consideration.

**Mr. arap Koech:** Mr. Speaker, while thanking the minister for his reply, I would like to inform him that this is a major road in the district and for a long time it has been impassable from time to time. Does it mean that this road is going to be improved to the extent that in the next season or two of heavy rains it is not going to become impassable again?

**Mr. Kosgey:** I am aware of this road, Mr. Speaker, and it is a very important one. We normally call it Narok/Sotik road or Bomet/Sotik road, depending on who is asking the question. This question has been raised several times, and I have just said that we will improve this road. If we are very lucky, we may improve it to the bitumen standard.

**Mr. arap Koech:** Mr. Speaker, Sir, the minister has promised that the Government has some plans to make this road all weather road. I was wondering whether this is going to be done during the current plan period or in the next plan period? I am asking this question because this is a major road and quite a good amount of produce cannot get to the market. I would also like to add that even milk cannot be transported to the Kenya Creameries Co-operative

[Mr. arap Koech]

and, as a result, we are losing a lot of money. When is the minister going to consider improving this road permanently? As I said, this is one of the biggest roads in the district.

**Mr. Kosgey:** Mr. Speaker, that will be done when we get the money. In the meantime, we will keep it passable.

#### TERMINATION OF SERVICES OF TRANSELEC EMPLOYEES

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

- (a) Is the minister aware that the services of ten linesmen, employees of Transelec (Canada) were terminated verbally on 18th November, 1982 at the Kitui site?
- (b) Is he further aware that they were transferred to Nyali, Mombasa and were refused transport to return to Kitui which is the paying centre?
- (c) What is the cause of the termination of their services?
- (d) When are they going to be paid one month's salary in lieu of notice, one month's salary for November, and leave payment?

**The Assistant Minister for Labour (Mr. Kitele):** Mr. Mr. Speaker, Sir, I beg to give the following reply.

(a) My ministry is aware that ten linesmen, former employees of Transelec Inc. (Canada) resigned their employment on 18th November, 1982. On being informed that they were being transferred to Voi from Kitui, they stipulated a wage increase of one shilling per hour as a condition to accept the transfer which the employer was not able to grant. They refused to travel to Voi and they were, therefore, considered to have terminated their employment.

(b) Only one former employee travelled to Nyali in the employer's vehicle for payment. When his final payment was prepared he refused to accept it on the grounds that it did not include one month's pay in lieu of notice and disappeared. Nyali, and not Kitui, is the paying centre.

(c) The answer here is the same as in (a) above.

(d) In view of (a) above, they are not entitled to any pay in lieu of notice but all their other terminal benefits will be paid to them through the Kitui Labour Office. The issue of the ten linesmen has been thoroughly investigated by the Provincial Labour Officer, Mombasa, with the assistance of the Kitui Labour Officer. On the basis of his findings, the provincial labour officer has computed payments due to the ten linesmen in respect of *pro rata* leave, days worked and for public holidays. The total amount due to them is KSh. 17,020 which has been deposited with the Provincial Labour Officer, Mombasa. The amount is being transferred to Kitui Labour Office for payment to the people concerned.

**Mr. Munyasia:** Mr. Speaker, while I partially thank the assistant minister for the effort that he has taken, may I inform him that these people did not refuse

to go to Nyali, Mombasa, but that they travelled to Nyali on the 9th November, 1982 with an advance of Sh. 200 per head per week. After staying in Nyali, Mombasa, for one week and the money got finished, when they asked for extra money, they were told that there was no money and so they were told to go back to Kitui, which was the paying centre, to get another advance of Sh. 200 per head. When they asked for the transport to be taken to Kitui, they were refused. So, they had to foot from Nyali to Mkwembe Tayari where they took a train to Kibwezi. After arriving in Kibwezi, they took a bus to Kitui, and immediately after arriving in Kitui, on 17th and reported on the morning of 18th, they were told, "there is no work for you. You can go where you want to go".

Now, these people are still stranded in Kitui with their families. Why did the ministry have to wait from the 18th November up to this moment when I questioned this matter in order to take action? Why is it that from the 18th November up to this moment, the money has not been sent to them? They are now living on credit and their families cannot travel to their respective homes. Why wait for all these weeks without paying them, if the labour officer is telling the truth?

**Mr. Kitele:** Mr. Speaker, Sir, it is true that when you need food, you ask for it, and we were not aware of that. Perhaps these people did not report to the Labour Officer, Kitui, where they were supposed to report.

**Mr. Munyasia:** On a point of order, Mr. Speaker. I said that when these people arrived in Kitui on the 17th, they reported to the labour officer the following morning, where the Mzungu, or kaburu, refused to pay them some money, or their dues. Is he aware that they reported to his labour officer on the 18th?

**Mr. Kitele:** Mr. Speaker, Sir, I do not think that we have kaburus in Kenya. We have Kenyans. As soon as we got this information, we tried our best to settle this matter. We have even gone to Mombasa. So, it has been very difficult to investigate this matter because it involves Mombasa as well as Kitui Labour offices. However, the information I received is that these people were transferred to Voi and they refused to go to Voi. It is only one person who agreed to go with the employer to Nyali which was the paying centre. When he was told to work, he refused and he also refused to get his salary.

**Mr. Munyasia:** On a point of order. I think, Mr. Speaker, we must set the record correct. The assistant minister is misinformed about the one person who is said to have gone to Nyali. I am telling him that I am a resident of the area. Those ten people were carried in a van up to Voi whether they stopped to repair electricity wires. While in Voi, the van broke down, and they had to spend the whole day in Voi. The following morning, they were transported to Nyali. Who is telling the truth? Is it me or the assistant minister, who has been informed by his labour officer?

**Mr. Kitele:** Mr. Speaker, Sir, I normally give the House true information.

**Hon. Members:** No! No!

**Mr. Kitele:** This is the information I was given. However, as the hon. Member is saying, I am prepared to investigate this matter further. Since he is telling me that these people were transported to Nyali, I accept his information, and I will investigate the matter further.

**REINSTATEMENT OF MR. MBUGUA BY FIRESTONE (E.A.) LTD.**

**Mr. Muthura:** Mr. Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice:

When will Firestone (E.A.) Ltd. reinstate Mr. Erastus Mbugua s/o Stephen Mwaura suspended on 1st February, 1982 and in whose case the court decided on 20th August, 1982 that he had no case to answer since the company never presented any ground for prosecution?

**The Assistant Minister for Labour (Mr. Kitele):** Mr. Speaker, Sir, I beg to give the following reply.

This question was received by my ministry only yesterday, 8th December, 1982. Would the hon. Member give more information about the postal registered address of the company and where the 60 employees were working when their services were terminated in order to enable my ministry to investigate this case?

Sir, we have done thorough investigation and we could not trace this company. We even checked in the Post Office Directory but we could not find such a company. Could the hon. Member give us more information so that we can carry out the investigations?

**Mr. Speaker:** Order! Which company are you referring to?

**The Assistant Minister for Labour (Mr. Kitele):** Mr. Speaker, the company is—

**An hon. Member:** He is not answering the right question.

**The Assistant Minister for Labour (Mr. Kitele):** Mr. Mr. Speaker, Sir, the hon. Member has asked two questions and so I am confused. I beg to apologize.

Sir, I beg to reply to the question that is referring to Firestone (E.A.) Ltd.

The case for the reinstatement of Mr. Mbugua s/o Stephen Mwaura has been taken up by the Amalgamated Union of Kenya Metal Workers. On 5th November, 1982 the union wrote a letter to the company on the matter. In reply the company wrote to the union on 3rd December, 1982 inviting the union to avail itself at a meeting at any appropriate date to discuss the issue.

Mr. Speaker, Sir, in light of the above, the ministry does not wish to intervene in the matter before the machinery for resolution of dispute of this nature by the two parties has been exhausted.

Mr. Speaker, Sir, under the provision of the Trade Union Disputes Act, parties are required to exhaust their own negotiation machinery before they report a dispute to the ministry for intervention. It would, therefore, be premature, and indeed prejudicial, to the spirit of free and voluntary negotiation for the ministry

to intervene in this matter while the parties are in the process of seeking a solution to the dispute. Should they fail to reach agreement, the union would be expected to report a formal dispute in the event of which my ministry will intervene.

**Mr. Muthura:** Mr. Speaker, is the assistant minister aware that when the case went to court against Mr. Erastus Mbugua, the company was not ready to go and give evidence, or to give any grounds as to why Mr. Mbugua should be charged? Is he aware of that?

**Mr. Kitele:** Mr. Speaker, Sir, we in the Ministry of Labour do not interfere with a case when the trade union and the employer are negotiating. If they cannot agree, they will report to us and when we will intervene. But since the union is now negotiating with the employer, we cannot interfere.

**Mr. Speaker:** Mr. Muthura, your next question.

**PAYMENT OF DUES TO FORMER KUSTER INVESTMENTS EMPLOYEES**

**Mr. Muthura:** Mr. Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice:

When will Kuster Investments pay their former 60 employees whose services were terminated in May, 1982 their leave allowance, notice pay for three days left, et cetera, since the company has brought the work to a stop?

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

This question was received by my ministry only yesterday, 8th December, 1982. Could the hon. Member give us more information about the postal registered address of the company and where the 60 employees were working when their services were terminated to enable my ministry to investigate?

Mr. Speaker, Sir, although the hon. Member says that the name of the company is Kuster Investments, I would like to say that I personally, together with officers in my ministry, tried to look in the Post Office Directory and we found that there was no such a company. In fact, there is only the name of an individual called Kuster in the directory and not the name of a company. If the hon. Member can give us the information, we will make sure or do our best as far as this question is concerned.

**Mr. Muthura:** Mr. Speaker, the assistant minister says that Kuster is an individual. If this individual is the one who had employed these people, why can the assistant minister not take up the matter?

**Mr. Kitele:** Mr. Speaker, Sir, I do not know whether I talked in Kikamba; I thought I talked in English. I said that in the Telephone Directory where you can get all the registered companies, the company which you are talking about is not there. I stated very clearly that an individual name called Kuster is the one which is in the directory and not the name of a company. I hope that is clear to you now.

**Mr. Muthura:** Mr. Speaker, I am surprised to hear the assistant minister say that. If this company was registered in 1982 and the Directory which we are using now is that of 1980 or 1981, how could he expect it to be there?

**Mr. Kitele:** Mr. Speaker, Sir, could the hon. Member tell us where the company is, because if you appear in the Telephone Directory as Muthura, you will appear in every directory every year? So, could you tell us where the company is, because we do not know where it is?

**Mr. Muthura:** Mr. Speaker, Sir, I do not know whether the assistant minister is trying to run away from the question. The company is in Nairobi; it was carrying out some construction work just next to Belle Vue Cinema. So, I do not understand what the assistant minister is talking about when he says that there is no such a company.

**Mr. Kitele:** Mr. Speaker, Sir, I am pleased that the hon. Member has now given me the necessary information. I am saying this because, as I said, we tried our best to find the name of this company but we could not succeed, but now you have directed us where the company is. We are now going to do our best to make sure that the problem of these employees is looked into. But I would like to say that I am now pleased because when he asked this question, I thought it was about his constituents. However, since you have now directed me to where the company is, or that it is behind Belle Vue Cinema, we will take up the matter.

**Mr. Muthura:** Mr. Speaker, does it mean that it is wrong to ask a question involving my constituents who are working in a different place from my area?

**Mr. Kitele:** Mr. Speaker, Sir, I think the hon. Member is putting words into my mouth. I did not say that is wrong. You are free, as a Member of Parliament, to protect the workers. In fact, I am thankful to you because you are helping my ministry. Therefore, I did not say that you were wrong. So, you are just trying to put words into my mouth because I did not say that.

**Mr. Anyieni:** On a point of order, Mr. Speaker. The assistant minister has all the time been addressing hon. Muthura directly. He should address hon. Muthura through the Chair and not directly.

**Mr. Speaker:** Mr. Abuya Abuya's question.

#### PAYMENTS OF TERMINAL BENEFITS BY EMCO PLASTICS

**Mr. Abuya Abuya:** Mr. Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice:

(a) Why was a Mr. Maurice Otieno who worked for EMCO Plastics, Mombasa, for 15 years and made redundant in May, 1982 not paid his terminal benefits as per agreement between his union and the company?

(b) When will he be paid?

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

Mr. Maurice Otieno was not among the 22 workers declared redundant by the EMCO plastics in May, 1982. He is, therefore, not entitled to redundancy pay. In accordance with an agreement between himself and his union on the one hand, and his employer on the other hand, the employer is prepared to make an *ex-gratia* payment of Sh. 9,000 at any time. Earlier this year, Mr. Otieno and Mr. J. B. Odero, the Coast Provincial Representative of the Kenya Chemical Workers Union, jointly approached the management of EMCO Plastics and requested that Mr. Otieno be allowed to retire because his wife had died. They further requested that in view of his 14 years' service, the company pays him a long-service gratuity. After several meetings, the company agreed to make an *ex-gratia* payment of KSh. 9,000 as soon as he had indicated that he wished to go. In April, 1982 the company entered into discussions with the union on implementing redundancies, and during the discussions it was agreed that Mr. Otieno should not be paid Sh. 9,000 as agreed earlier on. Mr. Otieno, on the other hand, declined to take the Sh. 9,000 insisting that he be declared redundant. The Union and the Company are in agreement that Mr. Otieno's case was outside those declared redundant and he should adhere to the earlier agreement which had been entered into good faith. The money is still available for collection.

**Mr. Abuya Abuya:** Mr. Speaker, Sir, I would like to ask the assistant minister to repeat the amount of money he has quoted, because I did not get it well. I do not know whether he said that it is Sh. 9,000.

**Mr. Kitele:** Mr. Speaker, Sir, I said that there is an agreement between the union which represents Mr. Otieno and the management and that Mr. Otieno can collect Sh. 9,000 any time he wants, because he was not declared redundant.

#### PAYMENT OF GRATUITY TO LATE KAVITA'S DEPENDANTS

**Mr. Kakoi:** Mr. Speaker, Sir, before I ask my question, I would like to make a small correction. The date is September, 1978 and not 1982.

Mr. Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice:

(a) Why have the dependants of the late Mr. Mumo Kavita, ex-police constable No. 2073, not been paid his gratuity since September, 1978?

(b) Is it true that the money was forwarded to the office of the Public Trustee in October, 1980 and was not remitted to the District Commissioner, Machakos for payment to his dependants?

(c) When is the money going to be paid?

**The Attorney-General (Mr. Kamere):** Mr. Speaker, Sir, I beg to reply.

It is true that KSh. 10,400 was received from the Treasury in the Office of the Public Trustee on 1st August, 1980 as death gratuity. As usual, the amount was passed over to the Public Trustee before the beneficiaries referred the matter to the Public Trustee for administration and, therefore, he had to start the process of tracing the family through the District Commissioner, Machakos.

**[The Attorney-General]**

The first letter was written and addressed to the district commissioner on 11th September, 1980 enclosing the report of the death form. Now, after failing to receive any response from the district commissioner, another form was forwarded to the brother of the deceased, Mr. Mutua Kavita, on 16th June, 1981. The same form was returned to the Public Trustee in July, 1981.

Mr. Speaker, Sir, on 27th August, 1981 the district commissioner was requested to supply the list of legal heirs to the estate in accordance with the Akamba customary laws of inheritance. This information did not come to the Public Trustee until 15th March, 1982.

Mr. Speaker, Sir, after receiving the list of heirs as stated, the Public Trustee wrote to the district commissioner on 30th March, 1982 forwarding to him the consent form to be signed and returned to the Public Trustee by all the grown up heirs authorizing the Public Trustee to administer the estate. However, this form was not returned to the Public Trustee until 29th June, 1982.

Mr. Speaker, Sir, after obtaining the consent from the legal heirs, the case was advertised in the *Kenya Gazette* for claims on 16th July, 1982 which notice expired on 22 September, 1982. Therefore, in brief, the funds held by the Public Trustee have not been released because of:

- (a) The administration of this estate was referred to the Public Trustee in July, 1981.
- (b) The legal heirs to inherit this estate were not known to the Public Trustee until 18th March, 1982.
- (c) The legal heirs did not give the Public Trustee the consent to administer the estate until 29th June, 1982.
- (d) Notice to condition to submit their claims against the estate only expired on 22nd September, 1982 before which date distribution could not be made.

(e) The details and list of personal effects and their value were sought from the widows and unsatisfactory replies were given on 15th November, 1982. And further clarification is still awaited from the widows before the final distribution is arranged, if necessary.

All the above requirements must be complied with according to the Public Trustee Act Cap. 168. Thank you, Mr. Speaker.

**Mr. Kakoi:** Mr. Speaker, Sir, while thanking the Attorney-General for the long reply he has given, I would like to say that there was a mistake somewhere. I have got a letter here written to Mr. Mutua Kavita, brother of the deceased. Now, Mr. Mutua Kavita who was supposed to collect the money has also died. So, when he died the widows did not know whether there was a letter written to the brother who had also died. Now, since it appears it was not the mistake of the widow but of the district commissioner because he did not inform the wives of the man after the death of the brother, may I now know whether this lady can come to the Office of the Public Trustee to collect the money?

**Mr. Kamere:** Thank you, Mr. Speaker. I was not aware that the brother who was acting on behalf of the widows has also died. It appears from our records that we have now come to the end of the investigations, and the only question which remains now is to forward the money to the district commissioner for distribution. So, action will be taken.

**Mr. Speaker:** We go back to Mr. Sifuna's question. Well, if Mr. Sifuna is not here we go back to Mr. Mungai's question.

#### BAN ON HEAVY TRAFFIC USING UPLANDS-LONGONOT ROAD

**Mr. P. T. Mungai:** Mr. Speaker, Sir, I apologize for being late. I beg to ask the Minister for Transport and Communications the following Question by Private Notice:

Could the minister consider exempting residents in Nairobi who have heavy vehicles from the ban on heavy vehicles using the new Uplands-Longonot Road so that they may be able to transport their produce to Nairobi?

**The Minister for Transport and Communications (Mr. Kosgey):** Mr. Speaker, Sir, I beg to reply.

Heavy vehicles ban cannot be lifted from using new Uplands-Longonot Road because the basement needs strengthening. A contract has been made out to commence work immediately. It is expected that work will be completed in 18 months after which the road will be open to all traffic. In the meantime, special permits can be issued to local residents to use the road. These permits can be obtained from my ministry. Thank you.

**Mr. P. T. Mungai:** Mr. Speaker, I am satisfied by the answer.

#### COMMUNICATION FROM THE CHAIR

THANKS TO THE HOUSE FOR ITS CO-OPERATION—  
THANKS TO THE PRESIDENT FOR HIS LEADERSHIP

**Mr. Speaker:** Hon. Members, as you already know, this evening we shall be adjourning the House *sine die*, and I, therefore, want to take this opportunity to remind you that the debate on Order No. 5 will go on up to 4.30 p.m. and not beyond. And if that business is not concluded within that time, then it will lapse with the subsequent prorogation of the House, and it will require re-introduction as new business when the House resumes next year. Therefore, the shorter the time the hon. Member speaking take individually, the more the number of hon. Members who will be able to contribute to the debate before we move on to the Motion for Adjournment.

And before I sit down, may I also take this opportunity to thank you all for the excellent co-operation which you have given to the Chair throughout this Session.

And that applies both individually and collectively.

(Applause)



[Mr. Speaker]

You have also courageously grappled with many tough national problems and, indeed, throughout the Session, it has been evident that you have taken your work very seriously. I hope that we shall continue in the same spirit next Session; fighting the good fight with all our might, and fully confident that we shall overcome.

But we cannot forget that every achievement by this House in the course of the Session has been made possible by the continuing excellent leadership which we have enjoyed from His Excellency the President of this Republic, The Hon. Daniel Toroitich arap Moi.

(Applause)

He has continued to guide us with unstinting courage and foresightedness, and we must thank him for all that. We pray that he may be given strength to continue guiding this nation along the path of peace, love and unity.

On behalf of us all, I take this opportunity to wish His Excellency the President great felicitations on the occasion of Jamhuri Day and also a very happy Christmas, and a most prosperous 1983! And I also wish all of you my personal best wishes of the season.

Thank you.

(Applause)

#### MOTION

#### ADOPTION OF REPORT AND RECOMMENDATIONS OF THE WORKING PARTY ON GOVERNMENT EXPENDITURES

THAT, this House adopts the Report and Recommendations of the Working Party appointed by His Excellency the President on 12th January, 1982, to recommend urgent and practical measures for containing Government expenditures within the level of limited Government receipts which was laid on the Table of the House on 7th October, 1982.

(By the Minister for Constitutional Affairs (Mr. Njonjo) on behalf of the Minister for Finance (Mr. Magugi) on 8th December, 1982)

(Resumption of debate interrupted on 8th December, 1982)

Mr. Speaker: I think you were to continue, Mr. Shikuku.

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): Mr. Speaker, I do intend to take your advice very seriously and I have already promised my hon. friends that if they do not interject I will take exactly 10 minutes.

Mr. Speaker, I would like to draw your attention to (iii) of paragraph 35 on page 12, where it is clearly stated that, and I would like to quote:

“Government investments in commercial and industrial activities absorb an excessive portion of the budget, and have frequently resulted in heavy losses;”

I do agree with this and I wish to congratulate the President of the Republic for having made it very clear that Government is not interested any more in the so-called joint ventures between Government and individuals because this has hurt Government and the taxpayers very much. We did not know at the beginning that we were dealing with international crooks in these joint ventures but now that we know that crooks like those who caused the failure of Ken-REN, Halal Meat Products and the Kisumu Mollasses plant and so on, exist, we have learnt a bitter lesson. Therefore, I must congratulate His Excellency the President for having made that rule.

Mr. Speaker, I would like to go very fast and move on to my second point. This question that I am going to speak on is very serious. Subsection (iv) of the same section says, and I would like to quote:

“The planning, implementation and control of development projects has been inefficient, and increasingly so;”

This is what we have always talked of. This is what we have said right from the beginning. That is why I said yesterday that nearly everything that is said in this report is what we have always said in this Parliament right from 1963. You and I recall that we even went to the extent of amending the Standing Orders to provide for a Standing Order which would establish a committee of this House which would deal with nothing but implementation of Government policies and the Motions passed in this House. Some people did not like the idea but today they have come back to the truth. That is why I said that the truth is God and you can never run away from it. Here the Working Party is talking about implementation. What have we been talking about in the past? They have now come back to reality. When the Implementation Committee was appointed, according to Standing Order No. 152, some people somewhere made sure that the committee did not work because Mr. Shikuku happened to be elected its Chairman and they were afraid I would be pushing them. The committee had to be dissolved but the truth has emerged again in this report.

Mr. Speaker, the late Seroney and I were some of those who suggested that an amendment to Standing Orders be brought here to provide for Standing Order No. 152. That Standing Order says, and I would like to quote:

“(1) There shall be a select committee to be designated the Implementation Committee which shall be appointed by the Sessional Committee at the commencement of every Session.

(2) The committee shall scrutinize the decisions of the House and the undertakings given by the Government on the Floor of the House and report on—

(a) whether or not such decisions and undertaking have been implemented; and

(b) where implemented;

(i) the extent to which they have been implemented; and

**[The Assistant Minister for Economic Planning and Development]**

(ii) whether such implementation has taken place within the minimum time necessary for the purpose."

That is what Standing Order No. 152 says very clearly. We did not make use of that Standing Order and we are now crying over spilt milk. Everything has gone wrong because of the failure of implementation. Escalation of costs have occurred because of failure of implementation and the result is that we are only where we are right now. In my opinion, we are shedding crocodile tears and if we would only accept our responsibilities, we would not be where we are today.

Mr. Speaker, the most serious thing falls under (vi) of that same paragraph which says, and I would like to quote:

"a reluctance to make hard choices, and when such choices are made, most often by His Excellency the President, a resistance within Government ministries to their implementation."

This shows that resistance is always there. The President gives directives after having waited for people to do something and they do not, but even then there is still resistance to that directive. The question is this: This can only amount to one thing. There are people in this Government charged with the duties of implementation who are bent on sabotaging the Nyayo Government. There are people in this Government who are bent on doing that and this must be made very clear to wananchi. Now that we are going on recess, we should tell wananchi that the Government of President Moi is being sabotaged by some people within this very Government.

Mr. Speaker, that takes me back to a statement I made in this House some time back. In 1969, there was an oath taken—Many oaths have been taken but I am talking of this particular oath which took place in 1969 when several vehicles which had "Kanu Private" written on them were taken somewhere here and people swore that they would forever be in power. I still remember saying in this House that until another oath was taken by those very people to cancel the one they took in 1969, those people, who are now saying that they are following Nyayo, are cheating him. They are Nyayo by mouth but their hearts are still with the oath they took in 1969. Until another oath is taken, President Moi should know that he is being taken for a ride by those who took one in 1969. In fact, many of these people are still in Government.

Mr. Speaker, the other point I would like to speak on is that as a result of the failure of implementation, something has happened. A vacuum has been created and it is now being filled by what is known as "Harambee"—

**The Assistant Minister for Energy (Mr. Karume):** On a point of order, Mr. Speaker, Sir. That is a very serious allegation. The hon. assistant minister has said that there are some people who took an oath in 1969 and are not genuine Nyayo followers. Can he substantiate how he knows they are not and can he tell

us who they are so that we can know them? I think it is better that we know who are not true Nyayo followers because they took the oath. This is the best thing for the hon. assistant minister to do so that wananchi may know.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Mr. Speaker, I always say things I know and I am grateful to the hon. assistant minister for having asked me to substantiate. Now you will hear the whole truth; nothing but the truth. This is common knowledge and you can find it in *The Standard* or in the *Daily Nation* when these vehicles marked "Kanu Privates" were going to Gatundu and that was the time that the oath was taken. Even the missionaries denounced this oath and some of them died over this issue. All this information is in the Library. What else does the hon. Member want me to say. We know that this happened and—

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

**Hon. Members:** He is dealing with a point of order.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Mr. Speaker, Sir, I do not know why the hon. Member for Embu North is trying to stand on a point of order. I am still on a point of order. Let him sit put because what I am saying, Mr. Speaker, is nothing but the truth and there is nothing one should try and deny here. This was known and we still know it.

**Mr. Anyieni:** It was public information!

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Yes, it was public information. So, what am I being asked to substantiate? What I am saying is: According to those who believe in oath taking, once you take an oath, you remain bound by that oath until you take another one to cancel it.

Now, Mr. Speaker, the vacuum I was talking about is this: when implementation is not done on projects which wananchi want, what happens is this: Wananchi say, "We want a dispensary here", or we want this project here and this project there. However, because somebody is sitting on money which has been voted by this House, wananchi do not get these services and they start building health centres on Harambee basis when actually the money which was voted and planned for would have been used and therefore, there would be no need of that Harambee. However, somebody is sitting on the money and the people are therefore forced to start Harambee projects when their money is being sat on.

So, Mr. Speaker, let it be known that wananchi know that these Harambee projects are becoming too many because some of the money—the tax they are paying and which allocated and planned for—is being sat on by some people. As a result wananchi are now being asked to contribute for Harambee for projects which ought to have been built with the money already voted for this purpose.

Now, Mr. Speaker, Sir, the outcome of this whole exercise is that—

**Mr. Mbarire:** On a point of order, Mr. Speaker, Sir. Could the hon. Member now speaking tell us whether he has ever been a guest of honour in any Harambee meeting before he talks about Harambee projects.

**Mr. Speaker:** That is out of order, Mr. Mbarire.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Mr. Speaker, Sir, the hon. Member can be a guest of honour to as many Harambee meetings as he wants. I wish him the best of luck. He is a friend of mine, otherwise, I would have given him a "terrible thing". He is probably under the oath. Now, Sir, the other point which I would like to make is under Paragraph 5. Having talked about implementation, I would like to suggest very honestly, in the name of Kenya and in the name of the lives of the people of Kenya and in the name of the development of this country, that this House—

**Mr. Kioko:** On a point of order, Mr. Speaker. I have been listening very carefully to the hon. Member who is our brilliant debator here—hon. Shikuku. He said that the Government is being sabotaged by the people who took oath in 1969 and he went further and said that the people who took the oath were only in Gatundu while the heads of departments in one—

**Mr. Speaker:** Order, Mr. Kioko! We have already gone beyond that.

**Hon. Member:** Where were you before?

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Thank you very much, Mr. Speaker. I was in the process of suggesting what should be done. I would like to call upon the hon. Members of this House to remember that we were elected by our people to speak for them in this House and that whatever we speak is not our personal views but the views of those who brought us here. Whatever hon. Members of Parliament say here, it should be seriously taken by me, by the minister and the Government as a whole because we are all fighting to bring about good welfare to our people. Therefore, the question of ignoring the views of the elected representatives of the popularly elected Government of the people is tantamount to a mortal sin by whoever is doing it, be he a minister, a permanent secretary, assistant minister and the like.

**An hon. Member:** It is tantamount to treason.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** My hon. friend is telling me that it is tantamount to treason, but I say it is tantamount to a mortal sin and these sins must end. Some of the civil servants think that Members of Parliament can only talk and this is a challenge. Let us, Mr. Speaker, take the Standing Order No. 152 and chase everything that this House has passed. We should chase every money that this House has voted and allocated to the various projects so that our people can get the matunda of Uhuru and stop these people from sitting on the money of wananchi. Mr. Speaker, Sir, this is an honest suggestion and if the hon. Members do not see it that way, let them read the writing on the wall. When the worse comes to the worst in this

country, it will be the Member of Parliament, it will be the assistant minister, and the minister who will be instructed over the radio to stay where they are, but not the civil servant. So, we should never lose sight of that. That staying where you are is for easy reach so that they can collect you easily because if you go wondering around, they will spend time looking for you and they do not want to waste their time.

Now, Mr. Speaker, another thing which has made implementation difficult is the question of corruption. We have talked about 10 per cent and many other things. Mr. Speaker, Sir, I have said and I will repeat it once again to the distaste of some people, that if we want to stop corruption in this country, we cannot curb it unless you ask hon. Shikuku to declare his wealth. Let us agree to declare what we have and the question of asking why you should declare your wealth should not arise. If you worked for it legitimately and got it through the proper channels, why do you not want to declare it? However, as long as we do not declare what we have, corruption shall go on and I can sell the whole of this Parliament Building and then go to Kitui and donate the money for Harambee and nobody will ask me where I got the money, although they know what my salary is. So, ministers, assistant ministries, permanent secretaries and all other leaders including all public officers, even in the private sector, should be asked to declare what they have. I am saying this and repeating it again and I am not saying that somebody should be harassed, but let him declare what he has freely. This is only my request and as it is being written here, I am sure that one day a woman will produce a young man or woman who will not request but demand to know these things, and woe unto them that shall be alive that day, for they shall have to do it and also get something else after that, in which case, they will never be able to do it again. However, it is in the interest of this nation that we must declare what we have to that we live honestly, so that we can lead our people honestly. If we are corrupt leaders, why should we ask the small man below not to be corrupt when he can see it being done. Even during Harambee meetings, they do not listen to what is being said, they are always discussing when we give our money. They are always wondering, "Ah, hizo pesa zote alipata namna gani? Kwani mshahara yake ni pesa ngapi?" They are always talking. The wananchi are not fools and they know these things. So, if we are serious about removing corruption, let hon. Members of this House declare their wealth. Like hon. Shikuku has done, let every hon. Member of this House declare his or her wealth so that we can lead our people in honesty. This is only a suggestion by hon. Shikuku and it is being recorded.

Mr. Speaker, may I turn to the question of this document. This document, is a very important document and I think those who compiled it should be congratulated. Not only that, the President who dared to unearth the truth and appointed a committee to look into this should be highly congratulated. If all the things that have been said in this Red Book could be implemented and not to be talked about and shelved, we

**[The Assistant Minister for Economic Planning and Development]**

would get somewhere. Mr. Speaker, we must agree here now that everything in this book should be written in Swahili for everybody to read and it should be registered that all the things that have been mentioned in this report were not committed during the Nyayo Government.

Mr. Speaker, Sir, the sins written in this book were committed during that regime we know of and the people who were in that regime are still in the present regime. Therefore, we as the Nyayo Government wish to commend the President; we are now speaking openly because there is freedom of speech. There were those dark days when the truth was shunned and resented. But now the truth is in this book, and it is my hope that it is in the interests of this nation. I would also like to give a chance to other hon. Members who wish to speak.

With those few remarks, I wish to congratulate the Working Party.

*(Mr. K'Ombudo stood up)*

**Hon. hon. Member:** You are holding us!

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Mr. Speaker, Sir, if hon. Member wants to speak I can also tell him that I can speak on this Motion for five hours because I have read the report thoroughly! I can go clause by clause.

However, what I am saying is that the people in this country expect a lot from us, I would like to take this opportunity, before sitting down, to say this: I am elected to this Parliament and I am here to contribute in this Parliament but I have no money to do anything. I know that there is a campaign—and a quiet one—which is going on in the Press to try and manifest to the public and those who read, that this Member of Parliament does nothing. But the Butere people are the cleverest people in this Republic and they are very intelligent. How come that they cannot support their Member of Parliament—not even one man—even on the question of Asians? It is impossible; it is a campaign by the *Daily Nation* and *The Standard* to try and belittle the hon. Member for Butere.

**An hon. Member:** Are they frightening you?

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Mr. Speaker, Sir, I will never be frightened by foreigners because I fought them and they went home and now I am speaking here. I am sorry for the colonialists and those fellows who are owning these newspapers; they can support their agents and stooges in this country. But the truth is known. The wananchi know it and the only way in which they can suppress the truth is to ask members of the public not to attend this Parliament. This is because those who come to listen to the deliberations of this House—they do not have to read the *Daily Nation*—go and broadcast the things they hear from here. The *Daily Nation* and *The Standard* will not mislead anybody because the wananchi in this country are very well informed.

With those few remarks, Mr. Speaker, Sir, I beg to support.

**Mr. Anyieni:** Thank you very much, Mr. Speaker, Sir, for giving me this opportunity also to congratulate His Excellency the President for selecting a Working Party which studied the economic problems we have in this country and which eventually produced this report. If you read through this book you will find that the people who have written this book know the problems in which Kenya finds itself; they have given very positive suggestions as to what should be done to remedy the problems. But is there going to be any implementation of what is discussed in this book? Is there going to be any implementation?

Mr. Speaker, Sir, in the Public Accounts Committee which is selected by this House, there have been numerous recommendations as to what should be done about the mismanagement of our finances. But all these recommendations—and having read through this report here—I can now see that most of the things that we discussed in the Public Accounts Committee are in this report. But nothing has been done. As we debate this Report in this House we are also giving extra ideas as to what should be done in order to normalize the financial situation of our country.

Mr. Speaker, Sir, we all do agree that we have a financial problem in this country and this problem did not start today but it has been there for a long time. You will find that the other day His Excellency the President was forced by circumstances to order that Government should not invest its money in private companies. The reason why, in 1963, we decided that Government should be involved in private companies was because we knew that our people were not financially strong to be able to run big industries and big businesses. Therefore, on behalf of the indigeneous people, Government invested in private companies so that whatever profits accrued from that means of production would be shared among our people. But what has happened is that the foreigners whom we asked to assist us did not believe in Government participation in these industries. The local people whom we appointed to run these industries—

Mr. Speaker, Sir, I would like to say that these industries were running very well before the appointment of the Ndegwa Commission.

**An hon. Member:** Are you sure?

**Mr. Anyieni:** Yes, my friend! If you check you will find that I was an assistant minister at that time and I know what was happening. But as soon as the Ndegwa Commission was appointed—

**Mr. Speaker:** Address the Chair!

**Mr. Anyieni:** Thank you very much, Mr. Speaker, Sir, However, I was saying that as soon as the Ndegwa Commission said that civil servants could also engage themselves in business— There were some civil servants who were able to do honest business and they did good business and those other civil servants who were not able to do honest business got into these parastatal organizations. When they got

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into the parastatal organizations, they did not try to promote these parastatal bodies on behalf of their employer, the Government.

Mr. Speaker, Sir, today you will find that a parastatal organization is suffering from financial problems and it is in the red in the bank, but those people who run the organization are driving the best cars in the country; they live in the best houses in Nairobi. You would even find that they are developing estates of 100 houses in Nairobi; while the organization which they run is collapsing they themselves are flourishing in wealth. Where is all this wealth coming from?

Mr. Speaker, Sir, let me say something about the problem of this country. Whatever we say here, we are not going to solve any problem. The problem of this country is that nobody has messed up Government affairs and has suffered for it. Nobody has been punished for messing up Government affairs. You will find that a person comes and misuses Government funds and is even found out by the Public Accounts Committee and recommendations are made as to what should be done to him but nothing happens! So, when the others see this they say, "After all So-and-so stole Sh. 1 million from Government and he has become rich and everybody has forgotten about it. Why should we not do the same?" Therefore, You will find that everybody who gets into a parastatal organization does not go there with the intention of making that parastatal body succeed but it goes there to acquire wealth! This is the problem facing us in this country. Today we say that Government is very poor, and it is true, but some people who have been serving in this Government for some time are so rich that I tend to agree with hon. S. Akuka that people should be able to tell us where they got all those riches from. How do they become rich? At one time when we were at the Public Accounts Committee, we were given a report about a consignment of fertilizers which was imported by Government. This fertilizers was given to people to distribute to various places in this country. But these people sold all that fertilizers and they never gave that money to Government; millions and millions of shillings.

**An hon. Member:** Can you substantiate that?

**Mr. Anyieni:** Mr. Speaker, Sir, I do not see the reason why somebody should ask me who those people are because the Report of the Public Accounts Committee is a property of this House. The names of those people are in that Report of the Public Accounts Committee and so I do not need to mention them. It is spelled out who those people are. But nothing has been done to those people and you will find some of them took from Sh. 25 million to Sh. 30 million. They went and invested that money in certain companies. Do you know what they did when they heard that His Excellency President Daniel arap Moi had come to power? Because they feared that he was going to follow them up, they withdrew everything that was invested with those companies that were involved in the selling of fertilizers. In fact there was a time when one very big company in Nairobi here was

going under receivership. If my private company was being declared bankrupt, I would fight as hard as hon. Paul Ngei did. There was a certain transport company in Nairobi here—and you know it, Sir—where people were praying that the company be declared bankrupt and dissolved. What was involved in that company? The company owed Government more than K.Sh. 50 million and the owners wanted this company declared bankrupt and dissolved so that they could run away with Government money. This is the reason why there is no money in this country today, and nothing has happened to the very people who have been involved in the stealing of money.

Mr. Speaker, Sir, unless Government decides that if somebody is responsible for the loss of public funds that person should be taken to court and made to suffer for it, the situation will continue like it is today. But if that person is taken to court and is made to suffer for the loss of public funds, then other people will say, "Let me be satisfied with my own salary so that I do not go to prison". When a man is responsible for the loss of public funds, what happens these days is that he changes the name of his business and calls it another name and that person continues to enjoy Government money. When we asked the former Attorney-General, Mr. Karugu, to follow up these people, he told us that just a year before that time, a company that had taken away KSh. 30 million from Government had only KSh. 25 in its bank account. The owner of that company is known and it is stated in our laws that if you borrow money in the name of a company and that company runs bankrupt, within a specified period whoever you borrowed that money from can still follow you up to find out if you can be able to pay that money through your other investments. This was not done at all. Therefore, unless people are punished, we are going to talk and talk and this country is going to be poorer and poorer.

Sir, some of those people who want to run down the economy of this country are doing so for their own selfish reasons; they want to enrich themselves at the expense of the public. However, we are also suspicious that some of those people who are trying to run down the economy of this country are deliberately doing so to discredit the President and his Government, and say, "Look, this man cannot run the economy of this country properly".

**Hon. Members:** Hear! Hear!

**Mr. Anyieni:** Mr. Speaker, Sir, these are the very people in whose hands His Excellency the President has placed the management of the economy of this country. These are the very people who are deliberately mismanaging the economy of this country.

Mr. Speaker, Sir, we have been told that we cannot import raw materials for our factories. In fact, some factories are closing down and, yet, if you go to the town here, you will find things that have been imported from Hong Kong, Taiwan, China and other places—things that we do not need at all and things which are completely unnecessary. We can make these things from our own industries in this country. However, we must again congratulate the President for having appointed Mr. Phillip Ndegwa to go to the Central

[Mr. Anyieni]

Bank. We are congratulating the President in the hope that—and we hope that we are not hoping against hope—whatever little money we are getting in the form of foreign exchange through our produce, exports and loans will be allocated to import what this country really needs and not to import those luxuries that this country does not need at all. Still on import, I would like to mention some of the imported dresses you see being worn by women these days. When you go to the shop-keepers' files to find out if they have any foreign exchange allocation which allowed them to openly import these dresses, you find that there is nothing like that. This means that somebody somewhere is giving away our foreign exchange without following the proper machinery and at the expense of companies closing down and a lot of our people being declared redundant. I do not see why Government cannot follow this matter up by going to shops and when they find that there are some imported items which are not allowed to be imported, they question the owners who have imported such items. If there is no licence to import such things, let them go to the Central Bank and find out who signed for the import of such items then make the owner suffer. If you do that, people will fear and everyone will walk straight.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** They are also involved!

**Mr. Anyieni:** Unless that is done, hon. Shikuku may speak here and we applaud him but if there are no implementers— Those people who want to run down the economy of this country so that they can discredit President Moi's Government must also know one thing, that when there is a problem in the developing world, there are problems in the developed countries like America. The other day the Republicans in America were losing elections because of unemployment; more than 10 per cent of the American population is unemployed. I am using this example to say that let nobody imagine that if things went wrong in this country, there would be a section of our community which would be safe when another section would be suffering. If things go wrong, everybody is going to suffer.

Even those who have stolen public funds and enriched themselves will suffer together with the poor. So, for the sake of the peace of this country— When hon. Shikuku was talking about people who took some—I do not know what they took—some hon. Members here were trying to challenge him. But we know that at that time, if you refused to take whatever was being taken, you could even have lost your job. So, we say that let everybody be very honest in this country. Let that small cake that is remaining in this country now be shared fairly.

**Mr. Speaker,** if you take the Ministry of Water Development for example, and ask a question here regarding how much money has been spent in Nyanza Province on water development or how much money has been spent for the same purpose in all the provinces, you will be given a very big figure here. Billions and billions of shillings have been used in some areas for water development, while some areas are not

getting this money at all. The other day, when one of the hon. Members here was speaking in the radio about his constituency, he said that his constituency got KSh. 59 million for water development when, in fact, Majoge/Bassi Constituency, which I represent, did not get anything for water development. When you look at education, you find that examination results from Nyanza and Western Provinces are always poor. This gives a picture that the people of those areas are not serious and they cannot learn. This is not the truth. In some areas, Harambee secondary schools are manned by Government and qualified graduate teachers while in some parts of this country—and we all belong to one country and not to two countries—Harambee secondary schools are manned by unqualified teachers. In Ndihiwa, for example, how many Harambee secondary schools are manned by Government and qualified teachers?

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** They are pretending not to hear!

**Mr. Anyieni:** Yes, they are pretending not to hear but we are saying it. Let them not hear, but the walls are hearing.

**Mr. Speaker,** Sir, there is also another thing that is very important to this nation. If somebody is appointed a minister in the Government of Kenya, he is not appointed a minister for his own constituency but he is a minister of the Government of Kenya.

**Mr. Speaker,** this money should be fairly distributed in the whole country. The top-sided development is done like this: You have a programme taken to the United Nations or, say to the American Government, German Government, and so on, and say, "Oh, we need a water project in such-and-such a place", and you give your feasibility plans. But when feasibility studies are carried out in various places around the country, it is only a few of these studies that are taken to the donor countries. So, the foreign countries give millions of dollars in aid; they do not know that they are giving top-sided development, but they think that they are helping the whole country.

If this is going to continue, **Mr. Speaker,** this country is not going to agree. Why is it that, for example, in South Africa, the Africans and Europeans do not agree? It is because the natural resources of the nation are going to develop just the whites, while the blacks are suffering. In an independent Kenya, if it is a matter of tightening the belt, let all the people of Kenya tighten the belt.

**The Assistant Minister for Works and Housing (Mr. Njuno):** On a point of order, **Mr. Speaker.** I did not want to interrupt my hon. friend, but I think we would like to keep the record clear. It is rather irritating that hon. Anyieni is implying that Government is so irresponsible that it takes money to one side for development and leaves other sides. This is what we understand.

**Hon. Members:** No! No!

**Mr. Speaker:** Carry on, **Mr. Anyieni.**

**Mr. Anyieni:** Thank you very much, **Mr. Speaker,** for your protection.

I have not said that Government is inefficient.

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Mr. Kubo):** On a point of order, Mr. Speaker. In view of the fact that we want to dispose of this Motion, would I be in order to move that the Mover be now called upon to reply? This is because of the time limit.

**Hon. Members:** No! No!

**Mr. Speaker:** Order! Order! It hardly makes any difference now, because we have less than ten minutes before we go to the next business, and I think we might as well leave Mr. Anyieni, or somebody else too, to speak during the ten minutes remaining.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Mr. Speaker. I agree with your ruling, but if we continue and we do not complete the present Order, it will have to be continued next year. So, I do not think it is necessary for somebody to try and force a closure. We should continue and finish.

**Mr. Speaker:** That is all right. Let us go on for the remaining ten minutes.

You can go ahead, Mr. Anyieni.

**Mr. Anyieni:** Mr. Speaker, I wanted to make this point, and very clearly too. The President has demonstrated fairness even in his appointments of persons to various posts. He has tried to appoint people to his Government from all parts of the country. We even have an assistant minister from Turkana. So, I do not know why the assistant minister thinks that I am saying that Government is inefficient. I am saying that there are people who have been given jobs by His Excellency the President, but the way they administer them does not reflect the Nyayo spirit. They reflect the spirit of selfishness.

**An hon. Member:** Who are these people?

**Mr. Anyieni:** They know themselves. If you are one, then you know what I am talking about. I am not talking to deaf people, and so, he knows what I am talking about. As long as we have people in this country who do this—Some people have no shame. The other day, there were people who were being invited for an interview for a Government course. Out of 106 names of those who were selected for the course—when I looked through the list—I could not see even one Kisii name; I looked through the list and I could only see two Luhya names; I looked through the list, and I saw only three Kalenjin names, and about two Kamba names. My Lord! I found out that out of 106, 94 of those candidates came from one ethnic group.

**Hon. Members:** Which one?

**Mr. Anyieni:** Mr. Speaker, I do not know why hon. Members would like me to be their newspaper reader, when they also read the papers. This is because the facts are not private information; all these facts were in the *Daily Nation* and the paper is not a private paper belonging to hon. Anyieni, but a public paper. This is what is wrong with the implementation of Government policies.

Mr. Speaker, the President has called many public meetings. How many times has the President gone to the public meetings and said, "If I appoint you a boss,

do not appoint your own brothers to your office, and so on"? He has said this so many times, and here there is no shame for those concerned to put the lists of the names in the *Daily Nation* that are from one ethnic group. This is not fair; this is not the true spirit of Nyayo. These are acts of anti-Nyayo people.

**The Assistant Minister for Works and Housing (Mr. Njuno):** On a point of order, Mr. Speaker. Am I not in order to draw the attention of the hon. Member, Mr. Anyieni, to the fact that in the same *Daily Nation*, we also saw that there were so many Kikuyus who were in prison, more than the other tribes? Is this not a question of the majority?

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** No! That is not a point of order!

**Mr. Anyieni:** Mr. Speaker, I did not even mention that the 94 candidates were Kikuyu. I said that the names were in the papers.

Mr. Speaker, if the hon. Member really believes that it is according to Nyayo spirit to do things of that type, then our President is in trouble. He is in trouble, having people like that saying they are Nyayo followers, because they are not!

(Applause)

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Hear! Hear!

**The Assistant Minister for Works and Housing (Mr. Njuno):** On a point of order, Mr. Speaker. This is the National Assembly, and if a National Assembly Member will stand up and speak for ten minutes about one tribe, then this ceases to be a National Assembly. If all of us, 158 elected Members, do that I do not know what the hon. Member—

**Hon. Members:** That is not a point of order!

**Mr. Speaker:** Mr. Njuno, your interruption in the first instance was unjustified. Mr. Anyieni did not talk about any tribe by name, or anything like that, but he talked about something he had seen in the papers.

Now, this other outburst is, again, uncalled for. This is because, you more or less provoked it. So, shall we finish the few remaining minutes in peace!

**Hon. Members:** Hear! Hear!

**The Assistant Minister for Works and Housing (Mr. Njuno):** On a point of order, Mr. Speaker. I agree with your ruling—

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Yes, you had better do so!

**The Assistant Minister for Works and Housing (Mr. Njuno):** It is true the hon. Member is not referring to the Kikuyu tribe, and if that is the case, then he is referring to another tribe. My point of order was—whatever tribe he was referring to—that it would be wrong for him, or any other hon. Member for that matter, to talk about tribes.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Wacha! Shame! Shame!

**The Assistant Minister for Works and Housing (Mr. Njuno):** Shame on you too!

**Mr. Speaker:** Order! We shall not accept that kind of conduct again. We shall not.

(Applause)

**Mr. Anyieni:** Mr. Speaker, I have not mentioned any tribe at all. I am a senior politician, and I cannot talk politics like a small boy. I know what I am talking about. Even if those 94 candidates were of Kisii origin, it would still have been wrong. To select 94 Kisii people out of 106 people and think that that is fair, is not acceptable. We should not support the Nyayo philosophy with pretence.

(Question put and agreed to)

## MOTION FOR THE ADJOURNMENT

### ADJOURNMENT OF THE HOUSE "SINE DIE"

**The Vice-President and Minister for Home Affairs (Mr. Kibaki):** Mr. Speaker, Sir, I beg to move the following Motion:

THAT this House do now adjourn *sine die*.

Mr. Speaker, Sir, we are now going to the 19th Anniversary of Uhuru, during this very weekend, on Sunday. I believe that it is fitting that we are adjourning at this time so that we can give ourselves enough time to prepare for it. As we prepare for it, I am sure all of us are going to join you in the statement that you have made regarding how the President of this nation has led this nation. He has led this nation in a wonderful manner because he has shown true love for his own people. We have been going through difficult times, and it is his commitment and leadership by action and example that has made us remain united and that is why we act in unison. Mr. Speaker, Sir, so we are joining you in what you have said, that we send the President our best wishes for Christmas and a happy New Year.

Mr. Speaker, Sir, as we adjourn now, we should also thank you for the manner in which you, the Deputy Speaker and the Panel of Chairman, have guided this Session. We know that we shall be with you in the year to come. So, we wish you a happy Christmas and a happy New Year.

I am grateful to the hon. Members for the manner in which we have conducted our businesses in the House. Even when it warms up that is in nature of a good political fight that has been fought with all political might. However, we always remain as brothers and sisters. No one in this House is going to go anywhere else. Even when we die, we shall all be buried right here in Kenya. No one anywhere should presume that he has authority to order how other people should behave because they are genuine and true Kenyans. All Kenyans have equal rights in our independent nation. Therefore, we as hon. Members, represent them properly when we speak very frankly in this House.

As we adjourn, I would like to say something with regard to the analysis of the 1979 census which has now been completed by the Ministry of Economic Planning and Development. One very outstanding fact is that out of the 17 million Kenyans, 9 million Kenyans had not been born by December, 1963. So, out of those

of us living now, only 8 million Kenyans had been born at that time. It means that 9 million Kenyans are just below 19 years. This is a fact which we should go home with so that we can think about it during the recess with a view to ensuring that we shall continue with our efforts to intergrate the youth into social activities that are really productive.

We should encourage them to enrol with Kanu. We should also encourage them to help us in expanding the programme of adult education. We should make them join all activities of nation building. Above all, we should make them see that nationalism is the truest ideology that they should be committed to. They should have commitment to our own President and the nation. That is the primary ideology. The rest are not really relevant. However, we must utilize the energy, dynamism and idealism of youth. They are all too many. I think the time has come for us who are slightly older brothers of theirs to stop merely warning the youth, but to be positive in trying to make them join various activities which can attract them to be involved more positively in the programmes of development. If we do that, we shall enhance a lot of energy which is in the hands and minds of the youth. As I had said, they are the great majority. This is a challenge which should be faced by the leaders of this nation.

We should also encourage the youth to see that they are not going to succeed by engaging in programmes of confrontation. If they want to succeed, they must engage themselves in programmes of co-operating with everybody else. Even if they have new ideas, we are more likely to accept them if they agree to join us in Harambee programmes and in all other practical activities.

Finally, I would like to mention what I had said on a previous occasion. One of our greatest advantages in Kenya is the leadership of the President because even in difficult times like this one when we have severe economic problems, he tells the nation the whole truth. If we read—some do read—the reports about what is being said in the rest of Africa, we will see that very little truth is being spoken, and people are looking for scapegoats. However, our own President has told us truthfully that we are facing difficult problems. He has also told us that we should control expenditure. Above all, he has asked us to tell our people the whole truth about the economic circumstances. Indeed, we have a responsibility to do that.

So, as hon. Members, the most effective way in which we can show that we are truly following Nyayo is, in fact, to make it our responsibility to explain these problems to the people of Kenya. Above all, we should tell them that that is how the world is, and that those who are going to survive through this economic crisis are those who do not despair, but those who choose to go on working hard right through the recession period and the period of recovery. In the end, they will be found to be still producing effectively when the world economy revives. We hopefully pray that it will revive during 1983.



**[The Vice-President and Minister for Home Affairs]**

Sir, the only other point that I would like to mention on this question is the fact that as we celebrate the festivities of Christmas, New Year and everything else, we should not forget to pray that every Kenyan who is making very serious contribution to producing a lot of children without caring to know how they will be taken care of, may get a little inspiration during Christmas to realize that he has a responsibility to plan his family. That is the only responsible way to behave. Anybody who does not do that is being thoroughly irresponsible. We should be able to say so.

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

**The Minister for Constitutional Affairs (Mr. Njonjo):**

Mr. Speaker, Sir, I rise to second this Motion that this House do now adjourn *sine die*.

We have had a long Session, and we have done quite a lot of useful work. I think the spirit in the House has been excellent and we have not had any rows. Even if at times we had disagreed, that has been in the spirit of having debates. As from tomorrow, we shall go back to our own constituencies. When we go there, we should try to help those people who elected us. Perhaps, we are going to see them for the first time. So, we shall be introduced as having gone back to our constituencies.

I think the most important thing that we must do when we go back to our own constituencies is to explain to our own people the problems that Kenya is facing. We should tell them that it is not only Kenya which is facing these problems because the problems facing us are international problems. This is nothing that is peculiar to Kenya. We must also tell them that we must all tighten up our belts and help, wherever we can, the Government effort to conserve the little money that we have. We must conserve this. My appeal to our own people—Members of Parliament, those who are in the Civil Service and members of the public—is that they should try and help this Government to conserve energy, and the little money that we have, as my hon. friend was saying when he was speaking on another debate.

Mr. Speaker, we must all be committed. Commitment is the first thing that we must all love. I have spoken in the past about bringing back morality. We should bring back that morality or honesty, so that you are honest wherever you are, and in whatever you do. You should give an honest day's work because you are being paid for it.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** Hear! Hear! This applies to all of us here.

**The Minister for Constitutional Affairs (Mr. Njonjo):**

This applies to all the ministers, assistant ministers and to everybody. We have the whipping boy who is the civil servant, but let us first of all examine ourselves to see whether we, ourselves, are committed. Let us begin with "selves", and do not speak on behalf of others. There is no vicarious responsibility in

honesty. It is me; whether I am honest, whether I am loyal, I cannot say that "We are all loyal". Speak for yourself.

(*Applause*)

Do not say, "We are all loyal to the President", but say, "I am loyal to the President". If you can start with that, then we will know that we are talking the truth. But it sounds hollow when we apply these vicarious responsibilities by saying, "We, or on behalf of my people" and so on. We should bring back morality in all organizations. I am sure that Kenya has the resilience; our people are dynamic and our people have the determination. So, all that we should do is to set an example ourselves and our people will follow. But if you preach and you do not do what you are preaching; like the bishop who stands in the pulpit and says, "All be moral" whereas the silly man is most immoral; nobody will believe what you are preaching.

(*Applause*)

However, if you start with yourself, by being honest and committed to the future of this country; and you want to see that what the President is doing is being supported by all of us, then, of course, we shall succeed.

Mr. Speaker, you have said everything that we should have said about Christmas, the New Year and the best wishes to His Excellency the President. We want to thank you, too, for sitting there mute. You never say anything except, perhaps, when you want to bring us to order. You are the Speaker but you speak very little. However, you have led and guided this House in its deliberations. We would like to congratulate you and wish you well too, over this period.

(*Applause*)

Let us all go back and meet our constituents.

I beg to second.

(*Question proposed*)

**Mr. Anyumba:** Thank you very much, Mr. Speaker.

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** There is no problem of quorum this time!

**Mr. Anyumba:** There is no question of quorum.

Mr. Speaker, Sir, before I go home I would like, first of all, to thank the Government for what I witnessed the whole of last week, when the Government was endeavouring to help us in a flooding situation. Government did what it could, and I would like it to continue helping us because a lot of people have lost their properties. A lot of people have lost their livestock, chickens and even some people have lost their houses in the floods that are taking place in Nyanza today. Some of the people have lost their food because all their stores have been swept away in floods and, as a result, there is shortage of food overnight.

I would also like to thank at least the Roman Catholic Mission, which took a very active part in supplying medicine alongside the Ministry of Health. They have been providing chloroquine for malaria problems that followed the floods. However, this seems to be taken as a natural disaster which takes place

**[Mr. Anyumba]**

annually. It is time, therefore, that Government should be thinking very deeply in terms of its permanent solution. It can be solved. It should not be taken for granted that we were born some 50 years ago; we found it there and, therefore, it will continue. To me, it is part of deliberate Government efforts in increasing food production. If we were to come out to provide irrigation facilities in the area; if we were to come out and do the damming across the rivers; and if we were to come out and deliberately control water, which we seem to have too much of during the rainy season, and too little during the dry season, we should be constructing dams to contain water across the rivers, and also preserving this water to use during the dry season. We should not let too much water, flowing whenever it likes, to go. If it is too much, it should be contained in the dams, or be directed to flow into the lake instead of flowing all over the place.

I, therefore, feel that the Ministry of Agriculture, the National Irrigation Board and the Ministry of Regional Development, Science and Technology have a part here to play in providing permanent solution by using this water to produce more food. There is no doubt that if we preserve the water, we can begin to use it at a time when we need it instead of letting it flow all over the place.

Another point which I would like to raise, Mr. Speaker, is that one concerning our present economic disaster.

**The Assistant Minister for Constitutional Affairs (Mr. Olang):** We are not yet in a disaster!

**Mr. Anyumba:** I feel that we need to be more united than ever as a nation right now, in fighting the recession. Instead of blaming Government, or Government institutions left, right and centre, we should really look into reasons why we have not performed very well, so that we jointly tackle the problem of economic recession. I think we should also inform our members of the public, as hon. Njonjo has just said a short while ago, the truth about the fact that we are still better off in Kenya today, than many other African countries. This is information which we should impart to our members of the public. Why is it that we are not able to inform them that in some of our neighbouring countries, a loaf of bread costs something like Sh. 30? Why do we not give that as an example to our own constituents? Why do we not inform them that a bottle of beer costs Sh. 49 in our neighbouring countries? Why do we not inform them that a kilo of sugar is Sh. 35 in our neighbouring countries?

If we were to give these statistics alongside our own statistics, there is no doubt that most of our people would appreciate the fact that, although there is recession in our economy right now, we are still much better off than our neighbours. However, we seem to keep quiet and, as a result, people are uniformed about what is happening elsewhere, and so, they think that we are worse off.

Thank you very much, Mr. Speaker.

**Mr. Ddaiddo:** Thank you very much, Mr. Speaker.

I personally rise to request the ministers to travel widely in the country during the recess as His Excellency the President is doing, because even yesterday, he was in Isiolo. So, the ministers should follow suit.

**Mr. Speaker, Sir,** I would also like to say that since the Tana River is now flooded, we expect to miss essential foodstuffs in several locations. Places like Chara-Salama, Wayu and Gilisa have already been affected and, therefore, I am kindly requesting Government to see that these essential foodstuffs are sent to these locations, so that people do not suffer.

On education. I would like to ask the Minister of Basic Education to make sure that we have enough school equipment in 1983. The Ministry of Higher Education and the Ministry of Basic Education should always try to find out why some schools are not doing well in the examinations, so that they can do well next time; but if they only look after schools which are doing well, it would not be the proper way of serving the nation.

**Mr. Speaker,** as far as agriculture is concerned, I would like to say that my constituency has enough land, and so, if it is well used, it will not only feed the people of Tana River District, but it will also feed the other people in the world. So, I kindly ask the ministry to look into the possibility of helping small irrigation schemes.

On the question of the Tana River Development Authority, I would like to ask the ministry concerned to help this authority in the rice irrigation scheme which it is planning to carry out, so that Kenya does not run short of rice. The Ministry of Agriculture should also introduce a tractor hire service, so that wananchi can carry out work on their land without problems. I am saying this because tractors are very much needed by wananchi.

**Mr. Speaker,** on the Ministry of Tourism and Wildlife, which is a very big ministry, because it has a lot of things in my constituency, I have the following things to say. If you take the question of wildlife, Mr. Speaker, you will see that in Tana River District there are many wild animals; we have many crocodiles, elephants, hippopotamuses and buffaloes which kill wananchi in one way or another.

**Mr. Speaker,** on the question of crocodiles, I would like to say that they will start producing in December. One crocodile produces 360 eggs, and in January, those eggs will start hatching and, therefore, it is going to be a problem to go to the river. I have seen some notices from the Ministry of Tourism and Wildlife trying to stop wananchi from going to the river. What is that going to help us with? I am saying this because we have to go to the river to fetch water. Also, since our shambas are near the river, we must cross the river in order to reach some of the shambas. So, instead of the Ministry of Tourism and Wildlife telling us not to go to the river, it should come up with a better solution, so that wananchi are not finished by crocodiles.

**Mr. Speaker,** I would also like to say that wild animals, such as elephants, baboons and so on, and so forth, are destroying our crops. So, the Ministry

[Mr. D'Alitto]

of Tourism and Wildlife should come up with a solution to this problem because it is these wild animals which are the cause of hunger or famine in one way or another; an elephant is such a big animal that you cannot chase it away from your shamba and if you spear it, you are arrested and beaten up badly. That is not fair.

With these few remarks, Mr. Speaker, I beg to support the Motion.

**Mrs. Onyango:** Ahsante sana, Bw. Spika, kwa kuni-patia nafasi hii ili nami pia niweze kusema machache juu ya Hoja hii.

Ningependa kumshukuru Makamu-Rais na Waziri wa Mambo ya Nchini kwa kuipendekeza Hoja hii inayoturuhusu kwenda nyumbani ili tuonane na watu wetu na kundeleva na kazi huko mpaka mwaka ujao.

Lakini nina machache ambayo ningependa kusema. Ningependa kusema kwamba watu wa Kisumu ni waaminifu kwa Rais, Kanu na wananchi wote kwa jumla. Kwa hivyo, hakuna cha kusema kama mtu binafsi kwa sababu tunachaguliwa ili tuzungumze kwa niaba ya wale ambao wametuchagua.

Bw. Spika, jambo langu la pili ni juu ya Wizara ya Afya. Katika wadi 8 huko Nyanza General Hospital, wagonjwa wanalala bila mashuka au mablanketi, na kwa hivyo, ni lazima wazazi wa watoto wadogo ambao wamezaliwa waende na mablanketi, mashuka, maleso au taulo hospitalini, ili watoto waweze kufunikwa. Kwa hivyo, utapata kuwa watoto wanakufa kutokana na baridi. Hakuna dawa katika hospitali hiyo, na kwa hivyo, haridi inawaua watoto. Kwa hivyo, ningependa kumwomba waziri ajaribu kuliangalia jambo hilo.

Pia, ningependa kusema kuwa wagonjwa wamekaa kwa muda wa siku tatu bila kuwa na chakula cha kutosha kwa sababu ya steam ambayo wanatumia kwa kupika chakula. Wamejaribu kupata makaa lakini kwa sababu makaa hayo yanaagizwa kwa njia ya Local Purchase Order. Serikali huchelewa kuwalipa wenye makaa, na kwa hivyo, wamekataa kutoa makaa kwa hospitali hiyo; wakitoka makaa hayo, wanatoa tu kiasi kidogo. Kwa hivyo, ni heri waziri aliangalie jambo hili, ili wagonjwa ambao wanataka chakula wasije wakafa kwa sababu ya njaa.

Bw. Spika, ningependa kusema jambo moja kwa yote ambaye anawapatia wafanyakazi wa Serikali mada-raka. Nina hakika kwamba wanaume wanapata mada-raka kwa sababu wanajua njia ya kufanya lobbying. Wanaweza kwenda hapa na pale mpaka wapate promotion, lakini wanawake wanaofanya kazi katika maofisi ya Serikali hawapati madaraka. Ukienda katika maofisi ya Serikali, unaweza kuwaona wanaume wakienda nje na kuyaacha makoti kwa viti vyao. Lakini akina mama ambao wanafanya kazi katika Wizara ya Afya, Wizara za Elimu ya Juu na Msingi na nyinginezo, ikipatikana kuwa kuna kazi ambayo inaweza kufanywa bila kupata rushwa, wao ndio hupelekwa kufanya kazi kama hiyo. Kwa hivyo, ningependa kusema kwamba, ikiwezekana, ni heri akina mama ambao wamefanya kazi katika Serikali kwa miaka mingi wapate madaraka

katika mwaka wa 1983 kulingana na kazi yao. Kuna wengine ambao huwa wamefanya kazi kwa miaka mingi na wanasiaafu bila kupata madaraka na kwa hivyo, wakistaafu, hawawezi kupata hata sukari.

Nikiendelea, ningependa kutoa shukrani nyingi kwa Bw. Spika kwa kazi muhimu ambayo amefanya tangu tulipoanza mwaka huu. Pia, ningependa kutoa shukrani kwa maripota wa magazeti. Ingawa wakati mwingine tunawaudi kidogo, wamekuwa wakiendelea na kazi zao vizuri. Vile vile ningependa kutoa shukrani kwa maripota wa HANSARD ambao wamekuwa wakifanya kazi yao vizuri bila kuchoka. Hata tukikaa hapa mpaka jioni, au kwa muda mrefu, wanaendelea tu na kazi yao. Kwa hivyo, ningependa kutoa shukrani zangu kwa watu hao wote na kuwalakia heri njema wakati wa sikukuu na mwaka mpya.

Bw. Spika, ningependa kuwajulisha mawaziri na watu wengine ambao kazi yao ni kuingia katika mawakilisho ya wenzao wakome kufanya hivyo kwa sababu kitu wanachofanya si kizuri. Kila Mbunge amechaguliwa kufanya kazi katika mawakilisho yake, na kwa hivyo, ikiwa Mbunge fulani amemaliza kazi katika mawakilisho yake, ni heri asiyaingilie mawakilisho ya mwenzake; ni heri amwache mwenye mawakilisho hayo aendelee na kazi yake. Kuna mawaziri wengine ambao kazi yao ni kujaribu kuwapata marafiki zao na kuwaweka katika mawakilisho ya Wabunge wenzao ili waweze kuwasumbua. Jambo kama hili halitakikani; linataka kuondolewa.

Bw. Spika, ningependa kuendelea na kusema kwa mba—

**The Minister for Lands, Settlement and Physical Planning (Mr. G. G. Kariuki):** Jambo la nidhamu, Bw. Spika. Sitaki kuharibu wakati wa mama lakini—Umamaliza?

**Mrs. Onyango:** Kwa hayo machache, Bw. Spika, nunga mkono.

(Laughter)

**Mr. Speaker:** What were you saying, Mr. G. G. Kariuki? You had a point of order.

**The Minister for Lands, Settlement and Physical Planning (Mr. G. G. Kariuki):** Jambo la nidhamu, Bw. Spika. Ninauliza kama pia nawe unakubali kwamba mawaziri "wananusansa" mawakilisho ya Wabunge wengine? Kweli unaamini tunafanya hivyo, Bw. Spika?

**Mr. Speaker:** Alisema "wengine"!

**Mr. arap Chepkwony:** Ahsante sana, Bw. Spika, kwa kunipa hii nafasi ili niseme machache pia tukienda likizoni katika mawakilisho.

Jambo langu la kwanza, Bw. Spika, linahusu shida ambazo ziko baada ya mvua kubwa. Tunaumizwa sana na barabara. Ingawa tunaelewa shida tulizo nazo, wakati mwingine shida hizi hufanywa makusudi kwa kutochunga barabara. Wao wanaachilia barabara ziharibiwe na maji baada ya mvua nyingi, na siku ile mvua itakapokwisha, badala ya kuweka kokoto mahali ambapo barabara imeharibiwa na mvua, wanakuja na grader kungo'a ile kokoto yote juu na kuacha ule mchanga ambao ni mwepesi.

**[Mr. arap Chepkwony]**

Hivi, Bw. Spika, tukilinganisha, kuna kitu kimoja ambacho ni cha maana sana. Ingefaa watu wetu wafanye kazi yao wakijua wanajaribu kufanya nini kwa sababu tukifanya kwa sababu fulani, hata tusipofanya kwa haraka, au tusipofanya vizuri, tutalipwa mishahara mwisho wa mwezi. Hivi tunapoteza kwa sababu watu wetu wanataka barabara safi ili waweze kuleta vyakula kutoka mashambani kuja katika mitaa na mahali pa kuuzia. Lakini kama barabara zetu ni mbaya hatuwezi kuleta vyakula vyetu masokoni. Watu wa barabara wanafanya kazi kama ilivyo lakini ingawa ni kazi tu ya kusukuma siku au mwezi, tumepoteza mali nyingi sana. Kwa mfano, kuliko Kericho, katika sehemu nyingine, si ajabu kuona maziwa yakimwagwa chini kwa sababu ikiwa maziwa ya asubuhi hayawezi kuchukuliwa kwa sababu ya barabara mbaya, ni lazima ng'ombe wakamuliwe jioni. Huwezi kukataa kufanya hivyo eti kwa sababu bado hujauza yale mziwa ya asubuhi; ng'ombe atakufa. Kwa hivyo, itakubidi umwage yale waziwa ya asubuhi ili uweze kukamua tena.

Kwa hivyo, mambo kama haya ni ya maana sana kwa Wizara ya Uchukuzi na Mawasiliano kuangalia. Hapa tunazungumza juu ya kuangalia Kenya kama ni moja, na kuangalia usaidizi katika sehemu zote uwe ni moja. Nawaomba mawaziri, nami nasema hapa vile vile kama wengine wanavyosema, waangalie Kenya kama ni moja. Hii ni kwa sababu ikiendelea mpaka ifike wakati ambapo mawaziri wanaangalia juu na kusema tu, mambo yatakuwa mabaya sana. Sisi Wabunge wa Viti vya Nyuma (Back-benchers) hatufanyi hivyo lakini ni watu wa Kenya wanaosema hivyo. Kwa hivyo, ninawatetea hapa si watu wetu; ni watu wa Kenya. Kwa hivyo, si jambo la maana kwa waziri kufanyia waziri mwingine kazi, halafu waziri aje kufanyia waziri mwingine kazi na sisi Wabunge wa Viti vya Nyuma tutoe pesa za kujifanyia kazi. Watu wetu wanasema hatufanyi kazi.

Kama Mhe. Shikuku alivyosema, sisi hatuna pesa; pesa ziko katika wizara. Tukisema barabara fulani ni mbaya, waziri haifanyi kitu, na keshokutwa mwananchi atasema, "Mhe. Mbunge hakufanya kitu". Lakini sina uwzo katika Mawakilisho ya Belgut wa kuweza kute-ngeneza barabara. Jambo hilo liko katika wizara. Kwa hivyo, ni jambo la maana sana mawaziri kuangalia Kenya kama schemu moja, na wawe na commitment. Waziri wa Mambo ya Katiba amesema tuonyeshe kwamba commitment yetu kama mawaziri ni kwa Kenya.

*(Applause)*

Bw. Spika, tuko karibu kutimiza mwaka wa nne tukiwa hapa sisi sote. Kuna mawaziri wengine ambao hawajui hata mawakilisho yangu yako katika sehemu gani. Si lazima wanijue, lakini inapasa wajue mawakilisho yangu. Tunawaomba mawaziri wengine waje kufanya Harambee lakini wengine hawajafanya hivyo kwa muda wa miaka mitatu. Sasa commitment yao ni ya Kenya ipi? Kwa hivyo, kuna mambo mengine ambayo tunayaangalia na tunashangaa kama pengine hautafika wakati mwingine tuletete Hoja hapa tuimarisha Katiba yetu. Ingefaa tuwe kama nchi ya Marekani ambapo mawaziri wakiteuliwa wanakuwa na commitment kwa nchi yao. Hii ni kwa sababu sisi kama Wabunge wa

Viti vya Nyuma tunaumia kwa mambo mengi sana. Kuna sehemu nyingine ambazo unaona barabara zime-tiwa lami mahali ambapo kwa kweli ukilinganisha na mahali pengine katika Kenya, utaona kwamba jambo kama hilo si halali, lakini kwa sababu mtu fulani anatokea mahali fulani, ni lazima barabara hiyo itengenezwe. Kuna mahali ambapo ninaweza kutaja lakini sitaki kufanya hivyo leo. Jambo la maana ni kuambiana ukweli.

Kwa hayo machache, Bw. Spika, naunga mkono.

**The Minister for Labour (Mr. Mbatia):** Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to contribute on the Motion for the Adjournment.

First of all, Mr. Speaker, Sir, I wish to take this opportunity to thank His Excellency the President and those hon. Members of Parliament who found time to come to Kitui for our Harambee, for I sincerely believe that these Harambee meetings are one of the best avenues of building one Kenya, and promoting Kenya's nationhood. Through their efforts, we were able to raise more than Sh. 11 million, and we are very grateful to them for that.

Mr. Speaker, Sir, as we break for the Christmas and New Year season, I think we should all be filled with that spirit of peace and goodwill which the season symbol. I think this is a wonderful time for all of us to preach to our people what we have been preaching in this House namely, Nyayoism. Our people will be moulded as we motivate them for we are their leaders. And even show, as one hon. Member said—the Minister for Constitutional Affairs—by practical example that we do not merely say things in the National Assembly, but we mean them. Let us live to what we actually believe, and if we practise what we believe, then those whom we lead in our constituencies will follow suit, and we will mould Kenya motivated by the principles of Nyayoism namely, peace, love and unity.

Mr. Speaker, Sir, although there are many very important things that we could preach, I believe that some things are more important than others, and we should devote our time during this recess in preaching these things. First and foremost, I believe, like the Vice-President, that the question of family planning should not be taken lightly. If, in actual fact, out of the 17 million Kenyans, 9 million of these people are below the age of 20, what is Kenya going to become in the next 20 years? I think all our planning efforts could be ruined up to nothing if we failed in that one respect namely, to make our people family planning conscious. Let people have families with those children whom they can care for and educate properly. And if we can preach this message throughout the length and breadth of our Republic, I think we will be true leaders of our nation.

Secondly, Mr. Speaker, Sir, I believe that the problem of students is a very important one. We saw what happened on 1st August: Innocent students being induced to join the rebels who wanted to ruin our country. It is not because they are bad people; I believe it is because they were given poor leadership. I believe that if each one of us takes the responsibility of getting

**[The Minister for Labour]**

students to appreciate what this nation stands for, and that many people lost their lives while fighting for Kenyan nationhood, these students will follow suit. They are the leaders of tomorrow, and I think it is of vital importance that we, as Members of Parliament, should get students, wherever they might be; to appreciate Kenya; to love Kenya, and to be able to die for Kenya if the need should arise. If we achieve that objective of getting the students to join the reconstituted University of Nairobi full of love for Kenya, I think our recess will certainly have been well spent.

Mr. Speaker, Sir, I also believe it is our duty, as Members of Parliament, to tell the people the truth about the economic reality facing our nation, as has been stated before by other hon. Members. It is true that although we are confronted with these difficulties, we can say that Kenya is one of the best countries in Africa, and there is no doubt about that at all. Let us not be deceived that because we are facing these challenges, Kenya is coming to an end. Kenya is not coming to an end.

With those few words, Mr. Speaker, I beg to support.

**The Assistant Minister for Foreign Affairs (Mr. Munyi):** Thank you very much, Mr. Speaker, Sir, for giving me a chance to say something about this Motion which is very important.

Mr. Speaker, I have brought with me a collection of the local newspapers to show the reason why I support, in the strongest words possible, the recent announcement by His Excellency the President of the Republic of Kenya and the Father of the Nation, hon. Daniel arap Moi, that Kanu will have its own newspaper in the future. This is the right time for Kanu to have its own newspaper because it is rather disappointing the way our local newspapers treat some news.

Mr. Speaker, the first thing the newspaper in Kenya should do is recognize the President of the Republic of Kenya, who is also the Chairman of the Organization of African Unity. They should also recognize that all of us in this Parliament are political disciples of His Excellency the President. We have often seen a news item about our President being put in a small corner, and not the headlines, by *The Standard*. The *Nairobi Times* also just gives it a small space below the headline story. The *Daily Nation* also prefers to put a story about a Member of Parliament in its headlines, when it is just small news. Our President should be the first person to be reported in the newspapers. In fact, the other day, we wanted to demonstrate against these newspapers and tell them exactly what we think of them. There is yet another one. I know most of the Members do not read *Taitaleo* but I make a point of doing so everyday, so that I can see what they put down. Even this paper has put other news on its first page instead of His Excellency the President. They have put news there which does not even concern Kenya. We are soon having our Jamhuri Day celebrations, and the newspapers do not say anything about it. I am sure all hon. Members will

agree with me that we would like the newspapers to cover this event.

Mr. Speaker, the other day the countries of Africa refused to meet in Tripoli, Libya. Money has been given out and many meetings have taken place and all sorts of things have been done, but they have refused to meet. However, all the countries in the continent of Africa have unanimously agreed that the post of Chairman of the Organization of African Unity shall remain with our President, Daniel arap Moi. Is that not a great achievement for our country and our President? Is there any other leader in Africa who has ever served as Chairman of the Organization of African Unity for more than one year? Nobody has ever done so. Has our President not made history? Historians should take note of this, and should start writing the history of Africa and include this—

**An hon. Member:** Do not just say it here. Tell them!

**The Assistant Minister for Foreign Affairs (Mr. Munyi):** Yes, I am telling them what I want them to put down on record.

Mr. Speaker, Sir, I would also like to say that during this Nyayo Era, almost all districts in Kenya have been given either an assistant minister or ministerial post. Is there anyone who can contradict me?

**Hon. Members:** No!

**The Assistant Minister for Foreign Affairs (Mr. Munyi):** Is it not true that the people of Turkana have an assistant minister? Even those areas which were forgotten before have either an assistant minister or a minister. I think this is quite an achievement. It has not happened before. I would like to hear what district is not represented in that manner. If there is one, I am sorry to say— I see my time is up.

With those few remarks, I beg to support.

**Mr. Mwachofi:** Bw. Spika, nashukuru sana kwa kupata nafasi ili nami pia niungane na wenzangu katika Hoja hii ya kuahirisha Bunge.

Jambo la kwanza ambalo ningependa kusema ni kuhusu maongozi ya chakula. Jambo moja ambalo linatatiza maongozi ya chakula katika nchi hii, na ni tatizo kubwa sana, ni wanyama wa porini.

*[Mr. Speaker left the Chair]*

*[The Temporary Deputy Speaker (Mrs. Onyango) took the Chair]*

Mhe. Naibu Spika wa Muda, tangu Bunge hili lianze kukutana mwaka huu, kumekuwa na maswali mengi kuhusu uharibifu wa mimea na mifugo na wanyama wa porini. Ni wazi kwa kila Mbunge na kila wana-nchi kwamba wanyama wa porini wanaenda kinyume na maongozi ya chakula, na wakati umefika wa Serikali kukaa chini na kutafuta suluhisho la mwisho kuhakikisha kwamba juhudi za wananchi za kuongeza chakula—mimea na mifugo—hazitaendelea kutatizwa na wanyama wa porini. Wakati umefika ambayo pengine kungeteuliwa kamati ambayo ingeketi na kutafuta suluhisho la mwisho na la kudumu, hii tatizo hili liondoke kabisa. Ni kweli kwamba nusu, na hata wakati

**[Mr. Mwachofi]**

mwingine robo-tatu, ya jasho la wananchi wa sehemu za mashambani linapotea kutokana na janga hili la wanyama wa porini.

Ni kweli kwamba wanyama hawa wanatusaidia katika utalii, na pia ni kweli kwamba utalii unaleta pesa humu nchini, lakini jambo la muhimu zaidi ni kwamba chakula ndicho kitu cha kwanza katika maisha ya binadamu kuliko kitu kingine. Hatuwezi kuzungumza juu ya uchumi na maendeleo kabla watu wetu hawajakula na wakashiba. Ingawa nimelirudia sana jambo hili, nafikiri ni muhimu sana, na linapaswa kutiliwa mkazo. Wizara inayohusika naona imewakilishwa hapa sasa. Kwa hivyo, ingawa tunafunga Bunge leo, ningependa wachukue muda huu wa mapumziko ya sikukuu kufikiria sana juu ya vipi watafanya ili tatizo hili liondo-lewe.

Mhe. Naibu Spika wa Muda, jambo lingine ambalo linatatiza maongozi ya chakula ni jambo linaloitwa mismanaged farms. Katika Wilaya ya Taita-Taveta kuna mashamba makubwa ya mikonge na zaidi ya robo-tatu ya sehemu ya mashamba haya, hayalimwi na huko ndani ndipo kunafungwa ngiri, ndovu, punda milia, mbogo na kadhalika. Hawa wanyama wanafichwa katika mashamba ambayo hayalimwi ili waendeleo kuharibu chakula na wakati huo huo, maelfu ya watu, hasa vijana ambao hawana kazi na wana nguvu na wako tayari kufanya kazi mashambani, hawana mashamba. Ardhi inakaa bure na hayalimwi kamwe, na chakula kinendelea kukosekana. Hili ni tatizo ambalo linapinga yale maongozi ya chakula na huu ni ugonjwa mbaya sana. Inakuwa ni mwiko kuzungumza juu ya mambo ya ardhi siku hizi, lakini ikiwa kwa kweli tuna lengo la kuhakikisha kwamba watu wetu wana chakula cha kutosha; na kwamba uchumi utatengenezwa vizuri ili uendeleo kuneemeka; basi hakuna jambo lingine ambalo tutafanya ili kuhakikisha kwamba haya mashamba ambayo hayalimwi yanafunguliwa wananchi ili wayalime. Ningependa kuwapongeza wale wanaoitwa maskwata kwa kuingia katika haya mashamba na kukuza chakula kwa sababu wanafuata mwito wa mtukufu Rais wa kuongeza chakula.

Mhe. Naibu Spika wa Muda, rafiki yangu kutoka Kikuyu hapa, ananiambia kwamba nitoe taarifa kuhusu ndevu zangu. Sijui yeye ana maana gani, lakini ningetaka kumhakikishia kwamba hizi ndevu zangu zimekatiwa bima na akijaribu kuzinyoa, itamlazimu anilipe.

*(Kicheko)*

Mhe. Naibu Spika wa Muda, kuna maelfu ya watu ambao hawana kazi ya kufanya, na tunajua kwamba hakuna nafasi za kazi na uchumi unaendelea kuwa mbaya, lakini ni kwa nini watu ambao wana nguvu za kukuza chakula hawapatiwi mashamba wakati ardhi inakaa bure?

Kwa hayo machache, naunga mkono.

**The Member for Limuru (Mr. J. Njenga):** Thank you very much, Madam Temporary Deputy Speaker, for granting me this opportunity. May I first of all thank all the hon. Members of this House for their warm welcome to me. There was not even one of them who did not give me a warm welcome. I have been a civil servant for 26 years, and over those years during

that career, I have met a lot of hon. Members of this House, and also ministers and assistant ministers, and I am happy to say that they have all given me a very warm welcome. I have felt at home, and I have also enjoyed the very lively debate that has been going on in the House. There were times when I thought that the roof of this House would go, but it was all good fun. We have been able to go through very serious business in a very enjoyable manner. Unfortunately, I came to the House at the tail-end of a long and tedious Session. However, I came being ready to speak for Limuru but unfortunately, it is all over—

**Hon. Member:** No, there is still time.

**The Member for Limuru (Mr. J. Njenga):** I am sure when the time comes, unlike a civil servant who has been buried behind his files for the last 26 years, I shall have the opportunity to say what I have always wanted to say. Perhaps I shall say something good about the civil servants, but I would like, on behalf of my constituents, to thank all the hon. Members of this House for their warm welcome to me. Perhaps I have not had a handshake from quite a number of hon. Members, but I offer them all a hand of friendship and co-operation.

Madam Temporary Deputy Speaker, I would like to take this opportunity to thank His Excellency the President, Mr. Daniel arap Moi, particularly because he made it possible for our election to be a fair and democratic one. It is not often that Members come back not complaining that there was interference or pressures to elections, but in the Limuru elections, we had the opportunity to meet; that is, all the candidates concerned. We all met at Limuru, and we were all unanimous that this was a fair election. It was fair through the screening by the Kanu Party, and we went through all the drills set by the party with all the fairness, and I would like to thank those concerned very much for bringing about a fair and democratic election.

The meetings we had in the division were properly organized, and I do not know whether it would be in order to particularly thank the Returning Officer for—

**An hon. Member:** It is quite in order!

**The Member for Limuru (Mr. J. Njenga):** The Returning Officer for the Limuru seat was a man from Kiambu, and he is a very experienced civil servant. This man was very fair and I think the minister concerned should make a note that this is a civil servant who is mature and ready for promotion.

*(Laughter)*

Madam Temporary Deputy Speaker, when I say this, I would like to assure hon. Members that I am echoing the wishes of my constituents in Limuru.

I would also like to congratulate His Excellency the President for the manner in which he has conducted the affairs of this nation, particularly, the gallant and vigorous manner in which he has been grappling with the bad economic situation prevailing in the country. I would like to assure him that I, as a person, and my constituents understand the present bleak economic situation, and we are all prepared to follow him behind

[**The Member for Limuru (Mr. Njenga)**] and follow his Nyayo philosophy step by step, and hope that better times are just around the corner. We shall, therefore, tighten our belts and give him genuine and real support. We are committed to his leadership and, as somebody has said here, we are going to remain so, until the end of time.

With those few remarks, I beg to support.

**The Assistant Minister for Health (Mr. Njiru):** Thank you very much, Madam Temporary Deputy Speaker, for giving me this opportunity to join my colleagues in debating this Motion for the adjournment of the House *sine die*. First of all, I would like to support my colleagues who have pointed out that the time has now come for all the leaders in this country to explain to the people the exact position of the economic problems facing this country at the moment.

Madam Temporary Deputy Speaker, it is a fact that some people who want to grab power in this country have wanted to create an impression that what is happening in this particular country is not happening elsewhere in the world. I would like to point out that whatever is happening in this country as far as economic problems are concerned is also happening in the whole continent of Africa and the world as a whole.

The last point that I would like to make is about the party. We have seen great politicians and great civil servants who can very easily turn against the Government. So, I would like to appeal that it is high time for us, as Kenyans, to put the party above everything else. This is because you will find that we may be having big politicians, or very senior civil servants who can very easily turn against Government and the Head of State and even the party itself. But if today we embarked on party activities to make it more strong, that can be a solution to our problems. This is because we have seen in many countries, where individual powerful people have undermined heads of states, and have succeeded because parties are nowhere to be found. So, I would like to make an appeal through this House that we should think very seriously about the party and forget about individual powerful civil servants, or powerful politicians who can very easily betray a country like this one. Therefore, when we go into grassroot party elections—although this has already been done in Kirinyaga District and we are just waiting to see what is going to happen in other districts—democracy should be exercised.

When it comes to grassroot party elections, I would like to assure this House that, that is a very, very difficult exercise; it is not a simple exercise. This is where you find some people interfering with other people's constituencies or districts. But if during the grassroot elections, leaders will confine themselves to their own districts, there will be no problems. If there are any people who would like to contest for national seats in the party, they should wait until the grassroot elections have been held in every district, and after that they can start to woo the party delegates. But let them not start stirring up members of the public by interfering with other people's districts. You will find some people

from one district going to another district to stir people and so on.

**An hon. Member:** They spent over Sh. 2 million in Kirinyaga!

**The Assistant Minister for Health (Mr. Njiru):** Madam Temporary Deputy Speaker, the information that I am getting from my hon. friend here is that they spent over Sh. 2 million in Kirinyaga. So, let them not do it in other places because if they did so in Kirinyaga, they did not succeed at all.

With those few remarks, I beg to support.

**Mr. Murila:** Thank you very much, Madam Temporary Deputy Speaker. In supporting this Motion, I would like to join my colleagues in thanking His Excellency the President for the wonderful leadership he has given this country. However, we as Kenyans must be very careful. This is because some of us are being carried away by their emotions. If we are not careful, we are going to be like the Pharisees in the church who always prayed to God saying, "We are not like those ones". But God received the prayer of the poor sinner. We should all thank our President for what he has done for us. Let us not talk about ourselves and start saying, "We are not like those ones" because it is God who gives and takes away. We should praise and thank Government for what it is doing for us; I should be able to thank Government for what it is doing in Ikolomani, my constituency.

Let us talk about what Government is doing but not about what individuals are doing. This is because even if those individuals have millions of shillings, without stability, one day they will hide under their beds as I did on 1st August, this year. So, let us give thanks to Government all the time for what it has done for us. Let us not start antagonizing ourselves by saying that we are not like our neighbours and so on, because our President is a very able leader. Our President has never at any time said to anybody "you are poor" and as my hon. friend over there said, this is why he is still the Chairman of the Organization of African Unity.

Secondly, Madam Temporary Deputy Speaker, I would like to say that the greatest enemy of this country are those officers who do not implement development projects. For example you will find that the X-ray equipment in Kakamega General Hospital has not been installed because somebody here in Nairobi has decided to sit on the money; he just says "yes" or "no" and people in Kakamega are being told, "Oh, Government has no money". But there is money. So, I would suggest that any officer who does not implement development projects or Government proposals should be got rid of. In all fairness we must face this report which we are going to debate in this House when we resume next year. When a dentist wants to help he must remove the bad tooth. In the old days traditional dentists used to tell their patients "Just sit still" and the tooth would be extracted using a pair of pliers. So, let us do the same thing.

**[Mr. Murila]**

Madam Temporary Deputy Speaker, I am told that the Form Five Science class in Kaimosi Girls High School has been removed. If that is true, and I hope it is not, may I, through the Chair, ask the Minister for Higher Education to reconsider that case. That is actually punishing those girls for no fault of their own.

Madam Temporary Deputy Speaker, with regard to gravelling units I would like to urge the minister concerned to make sure that these gravelling units are provided with fuel for the tractors. You will find that work on some roads in Kakamega has come to a standstill because there is no fuel for the tractors.

Lastly, Madam Temporary Deputy Speaker, I would like to touch on the condition of Kakamega General Hospital. You will find that ward five, which is a children's ward, was demolished because they wanted to put up a new building there. So, all the children are crowded in one small room. May I also appeal to the minister concerned, if necessary, to hire some halls in Kakamega Town and use them as wards for children. If you go there, you will be surprised to find that all the children are packed in one small room together with their mothers. I think something should be done about that.

On dispensaries, I would like to ask the minister concerned to try and renovate some of these dispensary buildings. These are in places like Igulu, Ishamakhukhu, and Ishibwe; all these buildings are falling apart. I would, therefore, like to appeal to the minister concerned—although he is not here—to try and do something about these buildings. This is because if they are not repaired now, they might cost us a lot of money later on.

I would also like to touch on Mumias Road. This road has really been a bother to us, and I am hoping that during the next financial year something will be done on this road; this is not a road for Kakamega district alone; this road is useful to the Mumias Sugar Factory which produces sugar for the whole country. So, the minister concerned should make sure that this road is tarmacked. I do not want to go into details about roads, but the Mumias road is a national road, and it should be tarmacked in order to facilitate easy transportation of sugar from the factory.

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

**The Minister for Environment and Natural Resources** (Mr. Omamo): Thank you very much, Madam Temporary Deputy Speaker, for giving me this opportunity to support this Motion on adjournment.

There is one aspect that has been bothering me, and that is in connection with the national problems that has been mentioned in this House and in public meetings. This is the problem of tribalism. I often wonder why it is that when Kenyans meet overseas as students, they forget tribalism and refer to themselves as Kenyans. When they come back to Kenya, tribalism begins to bother them. In my own ministry,

I have taken time to record those who come to the Ministry of Environment and Natural Resources to try to get employment or any other kind of assistance. The trend is—if I may use a statistical term—schooling in favour of tribalism. When I take time to visit other ministers, my own fellow colleagues, and walk along the corridors, I find the corridors hot, and when I shake hands with wananchi, I realize that the situation is schooling in favour of tribalism.

When you go to the banks—and I do take time to go there—and try to shake hands with wananchi and ask them how they are getting on, they say, "Mheshimiwa we are getting on well". When I ask them what they want in the banks, one may say, for instance, "I want a loan". When I ask him whether he has got it, he replies, "Oh, I cannot get it because the bank manager here cannot see me because I come from a different tribe".

**Hon. Members:** Shame! Shame!

**The Minister for Environment and Natural Resources** (Mr. Omamo): That is how things are and, yet, every Kenyan belongs to a community. We cannot have two bank managers or two branch bank managers. This is the thing that is bothering us; tribalism is weakening Kenya from within. May I make a suggestion, that as we go on this long recess, let us all remember that Kenya will never fight tribalism by talking about it. Kenya only fights tribalism by acting against it. All of us, as Permanent Secretaries, Under Secretaries, bank managers, doctors, ministers, assistant ministers and hon. Member of Parliament, have to do something about tribalism and kill it in action. This is the example we are getting from our own President. See how he moves in a practical manner.

Lastly, Madam Temporary Deputy Speaker, I would like to make one point and appeal to hon. Members about something else. We have been given a target to plant 200 million trees next year. May I appeal to hon. Members individually, to check in their constituencies and find out how many trees every hon. Member has in his own constituency out of that total of 200 million. When you are lucky to have rains, you should remember one thing about trees; it is not the number of seedlings that you plant that matters. What really matters is the number of seedlings that survive. Take care of the seedlings so that even if you plant a few, they all survive.

With those few remarks, I have the great honour to wish all hon. Members kind environment and a happy Christmas and a prosperous New Year. Thank you very much.

**The Assistant Minister, Office of the President** (Mr. Salait): Ahsante sana, Mhe. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili nami niseme mambo kadhaa yanayohusu sehemu ninayowakilisha hapa Bungeni.

Kwanza kabisa, ningependa kuongea juu ya barabara katika sehemu ninayowakilisha, ambazo zimeharibika kabisa. Wakati huu ninaposema hapa, maziwa ambayo Mtu kufu Rais anatumia kuwalisha watoto wa Kenya



[**The Assistant Minister, Office of the President**] yanamwagwa chini kule Bomet kwa sababu ya ukosefu wa barabara ya kupelika maziwa katika kiwanda cha Kenya Co-operative Creameries.

*(There was a lot of noise in the House)*

**The Temporary Deputy Speaker (Mrs. Onyango):** Order, hon. Members. There is a lot of noise in the House.

**The Assistant Minister, Office of the President (Mr. Salat):** Mhe. Naibu Spika wa Muda, nilikuwa nikisema kwamba wakati ninapozungunza sasa, maziwa yote kutoka Bomet hayafiki katika kiwanda cha Kenya Co-operative Creameries na yote yanamwagwa ili wakulima waweze kuwa na ndoo safi ya kukamulia maziwa ili ng'ombe wao wasife. Tumesema jambo hilo kwa muda mrefu sana sasa, na inaonekana kana kwamba maofisa wa wizara inayohusika na jambo hilo wameweka pamba katika masikio yao.

**An hon. Member:** Ondoa hiyo pamba!

**The Assistant Minister, Office of the President (Mr. Salat):** Nimelisema jambo hili na nikarudia tena sana kwamba watu wa Bomet wameitikia mwito wa Mtukufu Rais wa kurudi mashambani na kufanya kazi kwa mikono yao. Ukienda katika kiwanda kinachoiwa Kakoros Factory, utakuta majani chai ya dhamani ya KSh. 5 milioni, na hayawezi kutolewa hapo na kupelekwa kule Mombasa ili yasafirishwe katika nchi za nje na tuweze kujipatia pesa za kigeni ambazo ni chache sana hapa nchini. Hayo yote ni kwa sababu ya ukosefu wa barabara safi. Tumeona barabara nyingine zikitengezwa mahali kwingine, na hatujui ni kwa nini ile barabara ya kutoka Narok kwenda Bomet na Sotik, ambayo ingekuwa ikitumiwa na watu wote wa Mkoa na Nyanza na Kisii, haiwezi kutengezwa. Barabara hiyo ilikuwa katika mpango wa maendeleo uliopita, na sasa iko katika mpango wa maendeleo ulioko sasa, na hakuna kitu ambacho kimefanyika kuitengeza. Ni kwa nini pesa zinapopatikana katika nchi hii zinatumiwa kutekeleza mipango ambayo haikuwa katika mpango wa maendeleo? Ningewaomba Waheshimiwa Wabunge kwamba waendapo nyumbani likizoni watuombe sana watu wa Bomet kwa sababu tuna taabu kubwa sana.

Jambo lingine ambalo ningependa kuongea ni kuhusu maziwa, na ningependa wanaohusika na Wizara ya Maendeleo ya Mifugo wasikilize kwa makini. Ni ajabu sana kuona maziwa yakipeleka katika kiwanda cha Kenya Co-operative Creameries kule Sotik, halafu maziwa hayo yanalewa mpaka Nairobi kuwelewa kwa Pakiti, na baadaye maziwa hayo yanarudishwa tena kule Sotik kupatiwa watoto. Hii ni njia moja mbovu sana ya kutumia pesa za Serikali. linge kuwa jambo la busara sana ikiwa wizara inayohusika ingefikiria kupeleka mashine za kuweka maziwa haya katika pakiti kule Sotik, ili maziwa yasiwe yakitoka Sotika kuja Nairobi na tena kurudishwa kule kule Sotik ili kupatiwa watoto. Ni lazima tujue kwamba hatuna pesa, na hatuwezi kutumia njia kama hizi. Kazi hii inafanywa sana na watumishi wa Serikali, ambao ndio wanaohusika na utekelezaji wa mipango ya maendeleo.

Hata tukiwa mawaziri kama vile tulivyo, tuko na taabu nyingi sana katika sehemu tunazowakilisha lakini hatusemi. Ni lazima tuseme kweli. Wengine wetu karibu sana tuanze kuogopa kurudi kule tunakotoka.

Mhe. Naibu Spika wa Muda, ningependa waziri yeyote ajitokeze na kusema ni mpango gani umefanywa huko Bomet tangu mwaka wa 1963. Ijapokuwa Wizara ya Elimu ya Juu imetusaidia kwa kujenga shule, wizara nyingine hazijatusaidia kwa chochote. Ninawasili mawaziri wa wizara nyingine wajaribu kutusaidia kwa kuwa tuko tayari kusaidiwa hasa kwa upande wa ujenzi wa barabara. Sitaki jambo lingine, bali ingefaa tujitokeze na kuungana na watu wengine walioendelea.

Kwa hayo machache, Mhe. Naibu Spika wa Muda, ningependa Wabunge wote wawe na Krismas nzuri.

**The Minister for Lands, Settlement and Physical Planning (Mr. G. G. Kariuki):** Ahsante sana, Mhe. Naibu Spika wa Muda, kwa kunipa nafasi hii. Nitasema maneno machache sana, ninafikiri sitaipoteza nafasi kubwa ya Bunge hili.

Kwanza, ningependa kuwashukuru Wabunge sana kwa sababu wizara yetu imewahi kupata maswali mengi sana kutoka kwao, na tumewahi kujaribu tuwezavyo kuyajibu maswali hayo. Lakini, ugumu ulioko ni kwamba si rahisi kuyatimiza matakwa yote ya Wabunge, hasa inapokuwa ni kuhusu mambo ya ardhi. Lakini tutajaribu tuwezavyo kwa sababu hiyo ni kazi tuliyo-pewa.

Jambo lingine ni kwamba Rais wetu amefanya kazi nyingi sana kujaribu awezavyo kuizunguka Kenya nzima, na kujaribu kuyaunganisha makabila yote ya Kenya yawe kitu kimoja, na Kenya moja. Tuna matumaini makubwa kwamba watu watauona mwongozo wake na kutimama imara na kumfuata jinsi iwezekanavyo.

Ningependa kugusia upande wa uchumi wetu. Wakati umeitika kwetu Wanakenya kujua kuwa tuna adui mmoja mkubwa sana, na huyo adui anajulikana kama uchumi. Hivi ni kama kusema kuwa wakati umeitika ambapo tunapata taabu ya kutosha. Ukitembelea sehemu nyingine, utaona kuwa hakuna bidhaa fulani, kama vile mafuta ya taa, mafuta ya kuendesha magari, na kadhalika, na hii ni kwa sababu uchumi wetu ume-dhufika. Kuna shida duniani kote, lakini walio wadogo ndio wanaoumia zaidi. Kwa hivyo, sisi ambao ni Wanakenya ni lazima tufahamu jambo moja. Watu wangezei kung'ang'ania vyeo fulani, na hata watu fulani kutwaa bunduki ili kufanya hivyo, na wengine wana-ving'ang'ania vyeo hivi vikubwa vya kisiasa, lakini yafaa ijulikane kwamba kama nchi imekabiliwa na shida kama hii tuliyo nayo sasa, mtu hata akipatiwa vyeo hivi kwa sahani, sijui anaweza kuvifanya nini vyeo hivyo. Sababu yake ni kwamba shida inayotukabili sasa ni kubwa zaidi kuliko ukubwa huu; ni zaidi ya kutafuta makuu tunayoyataka. Huu ni wakati wa kujua kuna shida, na ni wakati ambapo ikiwa mtu hampendi mwe-nzake hapa Bungeni; ama popote pale nchini Kenya; ampende sasa. Huu ni wakati ambapo hatuwezi kupata nafasi ya kugombania chochote kile.

Mhe. Naibu Spika wa Muda, watu fulani husema, "Uchaguzi wa Kanu unakaribia, na tutapambana kabisa". Nikiyaangalia mambo kama hayo, ninaona haya.

**[The Minister for Lands, Settlement and Physical Planning]**

Uchaguzi wa Kanu, ama uchaguzi wa Bunge hauwezi kuyasaidia mambo yetu. Mambo haya yanayotukabili ni makubwa kuliko haya ya uchaguzi, na kinachotupasa kufanya ni Wabunge kutafuta njia yoyote ile na wasikilizane kwa kuwa huu ndio wakati wetu wa kusikilizana. Huu ni wakati wa kuangalia kuwa mtu asiwe akisema jambo kuhusu kabila lolote; mtu asijaribu kuliandama kabila lolote. Wakati huu ni wa kujihadhari katika mambo yetu, na hasa mazungumzo yetu. Tujaribu kuleta amani na imani hapa nchini.

Mhe. Naibu Spika wa Muda, Mtukufu Makamu-Rais na Waziri wa Mambo ya Nchini aliwahi kusema hapo awali kuwa watoto wamezaliwa kiasi cha 9 milioni tangu mwaka wa 1963. Nami ninasema kuwa watu hawa ambao walizaliwa tangu mwaka wa 1963, sasa wengine wao ni watu wa umri wa miaka 18, 19 na 20. Hata ukihudhuria mkutano, unafurahia kuwaona wananchi wengi, na unasema, "Kweli watu walifika wengi sana kuhudhuria mkutano wangu". Unaweza kupoteza fikira ukifikiri kuwa ulikuwa ukiwazungumzia watu ambao wanaelewa, lakini ni vijana ambao walifika kuona na kusikia yale utakayoyasema.

Vijana wamezaliwa wengi, na ni lazima Bunge hili, na Wabunge wote kwa jumla, waanze kuwafunza vijana. Vijana wanafaa kufahamu shida zetu Serikalini na wafahamu taabu zinazoitabili Kenya, na wakishapata fahamu ya namna hii, basi tutakuwa kitu kimoja. Lakini tunapowapeleka vyaoni, tunawatukana wakiwa kando; mahali pongine pia tunawaweka kando na kuwaita watoto, juulize, kama mzazi, umewapatia elimu gani ili wakubali kukufuata.

Jambo muhimu ni kwamba sisi tukirudi nyumbani, yatupasa tuwaitie vijana wetu na tuzungumze nao, na waone shida tuliyo nayo. Tuwaonyeshe kuwa kuja kufanya kazi hapa Nairobi, mtu anapata kiasi cha Sh. 500 kwa mwezi, na hali mtu anaweza kujipatia pesa nyingi zaidi kwa kufanya kazi ya mkono. Hapa mtu wa mjini hufanya kazi ya kujipatia chakula tu, na kuombaomba.

Ahsante sana, Mhe. Naibu Spika wa Muda.

Mr. Wamalwa: Thank you very much, Madam Temporary Deputy Speaker. I would like to start by touching on a point that was brought up here by hon. Kamwathi Munyi, the "paramount chief" of Embu. Hon. Kamwathi Munyi, in his usual dramatic, or melodramatic manner, actually over-dramatised the issue which I think is very important, that the Ruling Party must have its own newspaper, and that this newspaper must be manned by professional people, and not just by handers-on, and flat-footed luckies who follow the leaders of the Ruling Party. It must be run by professional people, and it must be run on a professional footing to be able to compete favourably with the other newspapers, without favour. One hopes that this newspaper will not be full of stories about all the local moguls of the party, Naivasha, Eldoret and other places—

*(Laughter)*

—But that it will carry party news, national news and international news like any other newspapers.

Madam Temporary Deputy Speaker, I would now like to talk a little about the farmers in Trans Nzoia District, which is the district I represent in the House, to some extent. This district is about everything in this country and, yet, it has nothing.

An hon. Member: Oh no!

Mr. Wamalwa: Madam Temporary Deputy Speaker, Trans Nzoia District is the orchard of Kenya today because the farmers in Trans Nzoia District work their asses off to produce food to feed this nation—

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): On a point of order, Madam Temporary Deputy Speaker. Do you not think that language is completely unparliamentary? The hon. Member used the word, "Ass".

Mr. Wamalwa: Madam Temporary Deputy Speaker, I would like to remind the hon. Member for Butere that that word does also exist in the Queen's English, but if he insists, I will withdraw it.

The Assistant Minister for Economic Planning and Development (Mr. Shikuku): On a point of order, Madam Temporary Deputy Speaker. Words like, asses, fools and so on, are not allowed in the House and the hon. Member should withdraw.

The Temporary Deputy Speaker (Mrs. Onyango): Order! It is true there are some words which are not allowed in this House, and therefore, try to withdraw and continue because you have very limited time.

Mr. Wamalwa: I do thank you, Madam Temporary Deputy Speaker. I know some hon. Members have a terrible sensitivity, and so I withdraw that word.

*(Applause)*

To get back to more serious matters, Trans Nzoia District is a God-drawn country. Like I said here the other day, it produces more maize than any other district in the country; it produces more milk than any other district in the country—on a district by district basis—and yet, there has been practically no development in this area. Even factories that should have been set up in Kitale, like the Furfural Factory, which has now collapsed, are always set up elsewhere. Our roads cannot be described as roads any more; they are mud rivers, and we are thus unable to transport our produce. I would like to appeal to Government to treat us sympathetically. I have looked at the last two development plans and I have seen that there was nothing about the construction of any road in Trans Nzoia District, and yet those development plans talked about alleviating poverty. I do not know how our development plans are going to alleviate poverty if that is the way things are. I would like to plead for the farmers of Trans Nzoia here. The Government should take that district seriously. It has been referred to frequently as the granary of this country. However, I do not think it is getting its share of the national cake.

**[Mr. Wamalwa]**

In Trans Nzoia, there were farms which were taken over by the Agricultural Finance Corporation management team. There is one such farm called Koikoi Farmer's Company. When the Agricultural Finance Corporation management took over that farm, the farmers were owing Sh. 287,000 to the corporation. Today, although the farm is under the corporation's so-called professional management, this farm now owes, we are told, Sh. 2.4 million. Is it the corporation professional management or is it the Koikoi Farmers' Company which is more professional than the other one? I would like to say that the farmers of Koikoi Farmers' Company should not be held responsible for the extra amount of money and interest that has accrued as a result of bad management by the Agricultural Finance Corporation.

It has been a hard Session, and we are all now going back to our people. In fact, it will be nice to be with our people and work with them. I wish every hon. Member a very happy Christmas. Thank you.

**Mrs. Asiyo:** Thank you, Madam Temporary Deputy Speaker, for giving me the Floor so that I can also make some humble contributions to this very important Motion on adjournment.

Imbalance of development in this country has reached staggering proportions, and something has to be done about it right away. I am glad to note that many hon. Members in this House have addressed themselves to the problem of roads. I have a road in Karachuonyo Constituency which borders Kasipul/Kabondo Constituency. It is a pity that hon. Ayodo is not here. Recently, when the people of the Ministry of Transport and Communications were constructing that road, they came right up to the boundary of Karachuonyo and Kasipul/Kabondo and then they decided to drive their tractors back. The children who were around there heard them say, "This time we have fixed her". I think this is the worst attitude that any civil servant can have on any elected Member of Parliament. Right now, it has been impossible for the people of Karachuonyo to leave Kendu Bay to go to Kisii although that is the main road which has been there for more than 70 years. It is surprising to learn that the civil servants could be heard to say, "This time we have fixed her". I think it is a shame on the part of such civil servants.

So, I would like to call upon the Minister for Transport and Communications to go around the countryside during this recess, and see for himself the very appalling condition of our roads. The minister should especially visit Karachuonyo and see what is happening there. However, I would like to thank him for having taken a decision yesterday in his ministry, which is very helpful. He instructed the district engineer to start constructing that road. I have been informed that this morning they started working on that road after "fixing" me. That was a terrible attitude on their part.

There were some roads in Karachuonyo which a unit moved in to start working on. However, they mysteriously went away to a neighbouring constituency without giving any reason to the chief, district officer or any

other leader, as to why they were moving away from that area. The district development committee had given priority to that particular area, so that it could have at least three rural access roads. However, up to now no satisfactory answer has been given as to why they took that decision. I have been going to that office every weekend to find out why that unit was moved away but I have not come to learn as to why they did so. Up to now, that area does not have even a single rural access road. How do they expect the people of Karachuonyo to move either fish, farm produce and everything else to the market?

The President has always told us to have love, peace and unity. Why are some "wolves" wearing sheep's clothing and posing as leaders of this nation?

**An hon. Member:** Hear! Hear!

**Mrs. Asiyo:** Maybe the time has come when there should be some spiritual reawakening, so that there is a moral commitment in every public servant and anybody who dares call himself a leader. Even ministers must not serve their areas and other ministers' areas before they start serving areas where ministers do not come from. I think it is a shame! Every leader in this country should emulate the example set by our President because that is going to be the only way. Flooding in Karachuonyo has left 1,000 people homeless—children, women, expectant mothers and men. I know that the Office of the President has moved in, and has started doing something, but I would like to appeal to the Ministry of Health and other ministries to go in with medication, clothing and food, in order to assist these people who have lost almost everything that they owned. All their granaries, cattle, as well as clothing, have been swept into the lake.

Madam Temporary Deputy Speaker, a few months ago, the Assistant Minister for Livestock Development promised to come to Karachuonyo, and laid down a programme to visit that area. When he arrived there, the provincial director of livestock changed his programme so that he could not come to that area simply because the district development committee had given priority for Karachuonyo to get nine cattle dips. There was not a single cattle dip since April, 1980 when the district development committee requested the ministry to give that area nine cattle dips. So, when hon. Murgor came round, the officer had to reschedule his visit, and he by-passed that area because he had done absolutely nothing. Up to now, those nine cattle dips that were given top priority by the district development committee have not been constructed. I feel it is a shame that this country should be going the way it is going.

I beg to support.

**The Assistant Minister for foreign Affairs (Mr. Munyi):** On a point of order, Madam Temporary Deputy Speaker. Since this is a Motion on Adjournment of the House, and there are many hon. Members who would like to air their views, I beg to move that the sitting hours be extended to 7 o'clock.

**Hon. Members:** No! No! No!

**The Temporary Deputy Speaker (Mrs. Onyango):** It is not a practice for somebody who has spoken to move an extension of time. Therefore, your point of order is out of order.

Professor Ng'eno.

**The Minister for Basic Education (Dr. arap Ng'eno):** Thank you very much, Madam Temporary Deputy Speaker, for giving me the opportunity to make a contribution to this Adjournment Motion. I would like to do so by first of all—

**Mr. Michoma:** On a point of order, Madam Temporary Deputy Speaker. Since there are many of us who would like to speak on this Motion, could we extend time up to 7 o'clock?

**Hon. Members:** No! No! No!

**The Temporary Deputy Speaker (Mrs. Onyango):** Order! Well, it is up to the House to decide.

*(Question put and negatived)*

*(Applause)*

**The Minister for Basic Education (Dr. arap Ng'eno):** Thank you, Madam Temporary Deputy Speaker. As I was saying—

*(There was too much noise in the House)*

Madam Temporary Deputy Speaker, could you save me from this noise?

**The Assistant Minister for Economic Planning and Development (Mr. Shikuku):** On a point of order, Madam Temporary Deputy Speaker. I think there is too much noise and maybe it is because there are too many Members in the House.

**The Temporary Deputy Speaker (Mrs. Onyango):** Order! There is a lot of noise in the House. Since we are left with only 25 minutes to go, I would like to request hon. Members to be quiet a little.

**The Minister for Basic Education (Dr. arap Ng'eno):** Thank you, Madam Temporary Deputy Speaker. As I was saying, I would like to start by thanking His Excellency the President for the way he has continued to guide this country under the most difficult circumstances. We know that the world today is facing problems in its economy, and yet, here we still manage to float along, thanks to His Excellency the President.

In addition, I would like to thank His Excellency the President for continuing to show great interest in the education of the youth of this country. As you know, Madam Temporary Deputy Speaker—

*(Too much noise continued in the House)*

**The Temporary Deputy Speaker (Mrs. Onyango):** Order! Hon. Members, there is a lot of noise in the House. You are wasting the time of the hon. Member speaking and, therefore, I would request you to try and listen to what he is saying, as others were listening when some of you were talking.

**The Minister for Basic Education (Dr. arap Ng'eno):** I was saying, Madam Temporary Deputy Speaker, that I would like to thank His Excellency the President for continuing to show great interest in the education of the youth, of this country. As we are all aware, Madam

Temporary Deputy Speaker, he has led Harambee fund raising functions which have raised millions of shillings. Recently, we raised Sh. 11 million in Kitui; Sh. 11 million in Nyeri; Sh. 3 million in Nyandarua; Sh. 19 million in Kericho; Sh. 11 million in Nandi, and so on, and so forth. As we are all aware, I think the President needs our help and support, more particularly at this time when we are faced with a lot of difficulties as far as our economy is concerned. So, one way in which those of us who are in positions of authority can help is to try to think more about the plight of the small men.

I would like to say here that if we are going to help bring unity in this country, we have to have the economy of this country spread to the small men, and one way of doing this—and I am very thankful to Government for what it is doing—is through programmes such as those of the Kenya Industrial Estates. Unfortunately, after a small-scale industrial man, or an entrepreneur has done a research or what you call feasibility studies; and has decided that his project can take off; somehow, some big industrialist from nowhere comes to the area and floods the place with the products that he was not bringing there before for the purpose of killing the small-scale industrialist. I think we need to do something about that.

Madam Temporary Deputy Speaker, I can give you a number of examples. I know of a Kenya Industrial Estate in Nakuru, for example, which makes small paper-bags, and the cost of the paper-bags per kilogram has been Sh. 11.50, but these paper-bags have not been there. But as soon as the small-scale African industrialist, who is trying to make ends meet; or trying to come into the economy; or trying to share the national cake of Uhuru, starts a small-scale paper-bag industry there, then you see a big industrialist coming there with paper bags and cutting the price of those paper-bags to Sh. 10 per kilogram, and literally ruining the spirit of this new entrepreneur. I think, as a Government, and also as Members of this House, we have to do something to protect the Africans by introducing rules to regulate how the monopolistic industrialists should operate *vis-à-vis* the small-scale up-coming African industrialists.

Madam Temporary Deputy Speaker, I also want to say here that I think we need to change our values. I am very thankful to the President for having appointed a commission to draw up a code of conduct. I think we have gone dangerously to a position where if an individual in this country has so much money, no matter how he got that money; even if he is a dumdum, we have come to respect him; and if a man is an intellectual but he has very little money, we have come to deprecate him or look down upon him. I think we should change that kind of attitude. That is the only way in which we can encourage these young people who are going to school. I do agree with one hon. Member who said that we have not done enough in this country to give room to the intellectuals to contribute. We should look into that.

With these few remarks, Madam Temporary Deputy Speaker, I beg to support the Motion.

**Mr. Bwana:** Ahsante sana, Mhe. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili nami pia niweze kusema machache juu ya Hoja hii kabla Bunge hili halijaenda kupumzika.

Mhe. Naibu Spika wa Muda, kama vile Wabunge wenzangu na Mawaziri waliotengulia kuzungunza waliyosema, kusema kweli, yaliyopatikana katika Serikali hii chini ya uongozi wa Mtukufu Rais ni mengi, na mengi yaliyopatikana hakuna hata moja ambalo limefichika. Lakini kitu ambacho ningependa kusema ni kwamba udhaifu ulioko katika Kenya hii yetu ni vile viongozi wanavyochaguliwa.

Mhe. Naibu Spika wa Muda, ni lazima, ikiwa tunataka tuwe na viongozi wa kuiongoza nchi hii, tujue kwamba wale viongozi wamejifanyia nini kama viongozi. Upotevu ulioko sio kuchagua mtu eti kwa uhodari wa kusema; siyo kuchagua mtu eti kwa sababu yeye ni kiongozi wa kiganda fulani au bustani, au kiongozi wa chama cha mpira. Uongozi wa kuja mahali kama hapa au Kanu ni mtu ambaye ameiiongoza yeye mwenyewe; ameiiongoza jamii yake na kadhalika. Huyu ndiye anaweza kuwa kiongozi wa kuiongoza taifa hili. Kwa mfano, ni kama vile Mtukufu Rais alivyoanza kuwa kiongozi kama mwalimu; akaonyesha juhudi yake kama mwalimu, mpaka akafika hapa akatambulikana kuwa yeye ni kiongozi.

Vile vile, Mhe. Naibu Spika wa Muda, siyo tu kumchukua mtu kwa kuwa yeye ana ujuzi wa elimu, lakini bado hajaiongoza nafsi yake. Matatizo kama haya ni kama yaliyotokea tarehe mosi Agosti. Wale waliofanaya yale ni watu ambao wamedhibitisha kwamba wao wenyewe bado hawajajifanyia lolote. Kwa kuwa wao bado hawajafanya lolote, ndio wakafanya yale na ulimwengu mzima umethibitisha kwamba kwa kuwa wao hawakuwa viongozi, ndio wakaharibikiwa, na leo watu kama hao wamekosa; hawana hata nchi na sio Wakonya tena, naweza kusema hivyo. Maana yake Mkenya ni mtu yule aliyeko Kenya; Mkenya si aliyeko huko Tanzania wala huko Uganda.

Mhe. Naibu Spika wa Muda, napenda kutoa mwito kwa chama chetu cha Kanu. Kama tulivyopitisha kuwa na chama kimoja cha siasa, basi kirekebishe njia hii ya kuwachagua viongozi. Kwanza, wajulikane kuwa wao ni viongozi katika jamii zao au ni viongozi wa nafsi zao. Kusema kweli, yote haya yanayotokea; habari ya uchumi na kadhalika; ni kwishakuwa sisi si wa kweli maana yake kama sisi ni wa kweli, haya yote na shida hizi zote hazuwezi kutupata. Hata kama bei ya mafuta imepanda, sisi ni Wafrika. Tunajua namna gani kuishi kwenye shida. Leo Mwafrika anasema ana shida. Ana shida gani na kuzaliwa amezaliwa ndani ya shida? Tukizaliwa, tumezaliwa ndani ya shida. Lakini tumejitia kwenye shida sasa kwa kuwa tunataka makuu. Ukishakuwa wewe ni kiongozi, unataka uthibitishwe uwe na kizuri; uvalie suti nzuri na kadhalika, eti ndio utambulikane. Kutambulikana si nguo wala si gari kubwa. Mtu anatambulikana kwa utu wake; kwa uongozi wake. Lakini leo hapa tunasema habari ya uchumi. Wengine wanaenda mbio na wanataka kuleta au kuagizia magari makubwa makubwa kama Mercedes Benz na Volvo na hali wao ni viongozi.

**An hon. Member:** Unaweza kuthibitisha?

**Mr. Bwana:** Ninaweza kuthibitisha. Ukienda ofisi ya Ratibu wa Bunge hapa, utaona ni Wabunge wangapi wanaomba ruhusa kuleta magari makubwa hapa nchini.

**An hon. Member:** What is wrong with that?

**Mr. Bwana:** Mwingine anauliza kuna ubaya gani? Wewe unalilia gari kubwa, matumizi makubwa na kila kitu kikubwa na wala huna chochote. Mimi sina Mercedes Benz lakini yule aliye nayo, kama hana Sh. 200, hawezi kufanya kazi hapa Nairobi, kwenda nyumbani na kazini kila siku. Halafu mtu ambaye anatumia Sh. 200 kila siku kwa petroli si ni lazima mtu huyo huyo ndiye atakuwa mhalifu kwa kutumia vibaya pesa za Serikali? Mwingine anasema eti watu hawalali kama watu wa Mombasa. Nataka kumhakikishia Mbunge kama huyo kwamba watu wa Mombasa walifanya kazi kitambo; wakapanda minazi na miembe kitambo. Sasa wanastaafu ili wale matunda yao kwa sababu walipanda kitambo.

Kwa hayo machache, naunga mkono.

**The Assistant Minister for Constitutional Affairs (Mr. Olang):** Thank you, Madam Temporary Deputy Speaker, for giving me time to also join my colleagues in congratulating the Mover of the Motion.

First and foremost, I want to thank the people of Ndhiwa who elected me to this House. I want to thank them very sincerely because of their understanding. We are all politicians. Most of us who are elected Members of Parliament know that politics is rough in Africa, particularly in Kenya, for the fact that we are like an island in this region with neighbours who are not very friendly. We in Kenya, as elected Members of Parliament, know that politics is not very smooth; it is very rough. In some areas, it is rough; in other areas, it is rougher, and in some areas, it is roughest.

Madam Temporary Deputy Speaker, I thank the people of my constituency, because although it is one of the roughest areas for the reasons that I have given, they have been very understanding and have given me their fullest support this year. I have said several times before in this House that the roads in my constituency are very bad. In fact, as I speak to you now, the only road in Ndhiwa, which comes from Rodi Kopany to Karungu, that we all use—fishermen, farmers and everybody else—is impassable because of the rains. Despite all this, the people of Ndhiwa are still understanding, and you will not hear them grumbling. All they need is an explanation that something will be done for them soon.

Madam Temporary Deputy Speaker, you have also heard in this House about cholera outbreaks in that area. We have asked for help, and here too I would like to thank the people of Ndhiwa for their understanding and the support that they have given me.

Madam Temporary Deputy Speaker, August 1 was a trying day. It was a very bad day for this country and, as other hon. Members have said, actions speak louder. I am proud to say that not even a single case of those who celebrated originated from Ndhiwa. I want to thank the people of my constituency for their understanding on that occasion and their support for

**[The Assistant Minister for Constitutional Affairs]**

Nyayo. Therefore, I will say that the people of Ndhiwa are genuine followers of Nyayo and all that we want now is that they should be assisted.

His Excellency the President did talk to us here about economic problems that the country is facing, and he asked us to explain the same to our people. This has already been done in Ndhiwa. The leaders have sat together and explanations have been given to them, and word is now going round. I am glad to announce that the people of Ndhiwa will go with the rest of the Kenyans through this bad time of economic depression. However, I would like to appeal to the administrative officers in the field, particularly district officers, chiefs, assistant chiefs, and even the district commissioners, that we want to co-operate with them during this critical time. We also want their support, and they must learn to work with the elected Members of Parliament. We cannot help the President and the nation, and sail through these critical economic times, if we do not work together and we cannot successfully work together if the administrative officers in the field are not going to readily welcome us.

Madam Temporary Deputy Speaker, I also want to appeal, like other hon. Members have done, to Cabinet ministers to be visiting our constituencies. Assistant ministers should also visit other Members' constituencies. I want to thank those who had the time to visit Ndhiwa this year, and I also want to say that it is important that Cabinet ministers should visit constituencies. I have in mind the Minister for Basic Education, who has spoken here, and I would like to tell him that it is time he visited South Nyanza District to see the condition of basic education in that district, and also to give us the additional educational divisions that he promised the district.

Madam Temporary Deputy Speaker, I would finally like to appeal to Government to help the people of North Kadem in my constituency, who are suffering because of floods. They have no homes; their food was swept away by the floods, and they are suffering from malaria and other diseases and should be helped.

With those few remarks, Madam Temporary Deputy Speaker, I beg to support.

**Dr. N. Mungai:** Thank you very much, Madam Temporary Deputy Speaker, for giving me this chance to contribute to this debate before the House.

First of all, I want to congratulate His Excellency the President because of the manner in which he has led this nation, which has earned us respect overseas, since the abortive coup attempt of August 1. If this had happened in other countries, there would be a lot of witch-hunting and many people would be imprisoned or even killed, but because we have an honest and sincere leader who wants to see justice being done, justice has been seen and it is being done.

Madam Temporary Deputy Speaker, it is up to us in this House to make sure that we help him to maintain the stability of our nation. As we know, Kanu Party forms the Government and the Government is, therefore, a Kanu Government. Therefore, if there is

an attempted coup against the Government, it is the same thing as having an attempted coup against the party leadership. So, I would like to appeal to all the politicians in the country to work hand-in-hand and in unity to—

**Mr. Michoma:** On a point of order, Madam Temporary Deputy Speaker. There is far too much noise in the House, particularly from the Front Bench. We cannot even hear what hon. Dr. Mungai is trying to say.

**The Temporary Deputy Speaker (Mrs. Onyango):** Yes, I agree with Mr. Michoma. There is far too much noise, and although hon. Members are happy to be going Recess, please, I would like to request them to lower their tones. Will you continue, Dr. Mungai.

**Dr. N. Mungai:** Thank you, Madam Temporary Deputy Speaker. I was going to say that it is important that all of us help the President in maintaining the political stability of this country. We have had our own problems of August 1, and we also have the world economic recession which is affecting us and we should not create more political squabbles here and there which will make this country appear unstable. There are a few people who attempted a *coup d'etat* against the Kanu leadership in Nairobi and in Dagoretti, and I would like to say that there is no difference between *coup d'etat* of party leadership or *coup d'etat* of the Government. They are both the same, and I would like to remind these people that in 1965, some people attempted *coup d'etat* against the leadership of the party and they were all put in prison for two years each.

Madam Temporary Deputy Speaker, I would like to mention a few things about my own constituency of Dagoretti. I would like to see the Government paying contractors who do Government work, such as building projects. These people borrow money to buy materials, and they have a large labour force to maintain. I would like to see these contractors in Dagoretti being paid on time, particularly those who have built Kagumo Teachers' College extension and other buildings, so that they can have money to enjoy their Christmas as much as everybody else.

Madam Temporary Deputy Speaker, there are some Nyayo children who are living in darkness in some schools in Dagoretti. I am particularly speaking of Mutuini High School which the Minister for Higher Education visited the other day, and he promised that he was going to assist in having electricity brought to that school. I would like to appeal to the Minister for Higher Education to make sure that this school has electricity as he promised when he visited it, because it is one of the few places in Nairobi without electricity. These Nyayo high school children are still in darkness and I would like to request the Government to see that electricity is extended to Mutuini High School.

Madam Temporary Deputy Speaker, many people do go to markets at Kawangware and Kangemi, and these markets are kept in very bad conditions and I would like to see improvements in these markets so that they are kept in a good hygienic standard. I would like to see these markets improved to the standard of other

**[Dr. N. Mungai]**

markets in Nairobi like the Westlands Market and other wholesale markets in Nairobi, so that each person has his or her own stall. At the moment, these markets are just like muddy pools, and whenever you go to buy anything there, you also risk getting cholera or any other epidemic diseases that are very easily spread in Nairobi.

In Kawangware Market, they have been collecting Sh. 3 per head per stall from every person who sells anything there, and I would like to ask the Minister for Local Government to follow up this matter and find out what has happened to this money for the last five years. I am saying this because this money has amounted to thousands and thousands of shillings, and no improvement has been done on this market. It is important that new markets are built in these areas because they do not only serve Dagoretti, but also serve the whole of Nairobi. So, these markets are indeed very useful to wananchi who work there.

Finally, Madam Temporary Deputy Speaker, I would like to say that Dagoretti has now become the "bed-room" for Nairobi because very many people working here in Nairobi live in Dagoretti, and I feel that it would be of great help if the Government would establish a fund to enable people with title-deeds to get loans, so that they can build houses for renting. This will not only help them, but it will also help the workers in the City of Nairobi.

Thank you very much, Madam Temporary Deputy Speaker. With those very few remarks, I beg to support.

*(Question put and agreed to)*

**ADJOURNMENT**

**The Temporary Deputy Speaker (Mrs. Onyango):** Hon. Members, it is now time for the interruption of business and the House is therefore adjourned *sine die*.

*The House rose at thirty minutes past Six o'clock.*

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FOURTH PARLIAMENT—FOURTH SESSION

VOLUME LIX

Tuesday, 28th September, 1982 to Thursday, 9th December, 1982

### EXPLANATION OF ABBREVIATIONS

Notice of Motion = NoM; Motion or Question withdrawn = Wdn; Dropped = Drpd; Disallowed = Dislwd; Written Reply = (WR); Private Notice Question = (PN); Bills: Read First, Second or Third Time = 1R; 2R; 3R; In Committee = 1C; Report = R; Consideration of Report = ConR.

*NB.*—The full titles and numbers of questions are only shown against the names of the Members who actually asked the questions and the Ministers/Assistant Ministers who made the official Government reply. Only the Questions numbers (in brackets) followed by the column numbers, are shown against the names of Members asking supplementary questions.

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**Twarith, S. K.—**

(Baringo East)

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**(1) The Minister for Water Development—**

(The Hon. J. J. Nyagah)

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