

H A N S A R D

Tuesday, 8th November, 1988

The House met at thirty minutes past Two o'clockMr. Speaker in the Chair

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following

Members:-

Vincent Sakwa M' Maitisi

John Aggrey Omukangu Okwara

ORAL ANSWERS TO QUESTIONS

Question No. 448

MR. BUJRA alimuuliza Waziri wa Afya kwa vile hospitali ya Kisiwani Lamu imeshakamilika kujengwa, kama ana mipango ya kuifungua rasmi ili ihudumie wakazi wa huko.

THE ASSISTANT MINISTER FOR HEALTH (Dr. B.A. Godana): Bw. Spika, naomba kujibu.

Ni kweli kuwa hospitali mpya ya Kisiwani Lamu imekamilika kujengwa. Hivi karibuni, Wizara ya Ujenzi itakagua kazi iliyofanywa na kampuni iliyopewa kandarasi ya ujenzi. Wizara ya Ujenzi ita ikitosheka na jinsi kazi ya ujenzi ilivyofanywa, itatoa cheti cha kuirahusu Wizara yangu kuichukuwa hospitali na kuifungua ili ihudumie wakazi wa huko. Baada ya kuifungua, Wizara itafanya mipango kabambe ili hospitali hiyo ifunguliwe rasmi.

MR. SPEAKER: Next Question.

Question No. 441

MR. SPEAKER: Mr. Mwenje has not yet arrived? We shall come back to his Question later.

Question No. 434

MR. ARTE, kwa niaba ya Mr. Wakole, alimuuliza Waziri wa Kilimo:-

- (a) ~~Kama~~ ni watu wangapi kutoka Wilaya ya Tana River ambao wamepata mikopo kutoka shirika la Agricultural Finance Corporation toka mwaka 1980 hadi 1988;
- (b) ~~Kama~~ katika muda huu, ni kiasi gani cha pesa kilichotolewa kama mikopo, na kama ni kiasi gani kimelipwa na ~~kama~~ ni kiasi gani kinadaiwa na wakulima
- (c) kwa vile wananchi wa sehemu hii walipatwa na maafa ya ukame na mafuriko mfululizo, kama ~~Waziri~~ anaweza kufuta deni lote la wakulima hawa.

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. Ngaruro): Bw.

Spika, naomba kujibu,

(a) Ni wakulima 275 kutoka Wilaya ya Tana River ambao wamepewa mikopo kutoka kwa shirika la Agricultural Finance Corporation tangu mwaka wa 1980 hadi 1988.

(b) Katika muda huu kiasi cha ~~sts.~~20,815,305/= kilitolewa kama ^{Mikopo}~~mikopo~~ kwa wakulima. Kiasi cha ~~sts.~~2,723,550/= kimeshalipwa kwa shirika hili. Kwa hivyo, kiasi cha ~~sts.~~18,902,755/= bado ~~kinaendelea~~ kulipwa na wakulima.

(c) Mikopo inayopewa wakulima wa Wilaya ya Tana River ni ^{ya} muda unaozidi miaka miwili ili kuwawezesha wakulima hao ^{kuunua}~~kuunua~~ mifugo ya kuuza baadaye. Deni kama hili haliwezi kufutwa kwa ajili ya ukame wa muda.

END A.....

TIC

MR. WAKOLE: Bv. Spika, ningependa kumjulisha ~~wa~~ Waziri Msaidizi kuwa wilaya ya Tana River imekumbwa na ukame mkubwa sana na hali kadhalika mafuriko. Wizara ya Kilimo inafikiria nini juu ya kuwasaidia watu wa wilaya hii?

MR. NGARURO: Shirika la Agricultural Finance Corporation (A.F.C.), halina habari kuhusu hasara yoyote iliyotokana na maafa ya ukame au mafuriko. Hata hivyo, ni wajibu wa mkulima binafsi kueleza shirika hili kama amepatwa na maafa kutokana na ukame na mafuriko. Hii ni kwa sababu, malalamiko mengine ya kutolipa deni hayana msingi. Wakulima wengine hutumia pesa za mikopo kwa mambo yasiyohusikana na lengo la mikopo hiyo.

MR. WASIKE-NDOMBI: Bv. Spika, hivi karibuni, kulitangazwa kuwa wale wakulima walioko katika sehemu kama Tara River ambako kuna shida za kiangazi na mafuriko, mikopo yao ~~itupiliwe~~ itupiliwe mbali. Je, Waziri Msaidizi hajatekeleza amri hiyo yakutupilia mbali mikopo ya watu wa Tara River?

MR. NGARURO: Wakulima ambao wana shida ya kulipa deni zao wanapaswa kupeleka malalamiko yao kwa ~~wa~~ msimamizi wa shirika la A.F.C. wa wilaya ya Tara River. Malalamiko yao yatasikilizwa na ikiwa kuna ~~msaada~~ msaada wowote waraweza kupatiwa, basi, Serikali itazama kuwa shirika hili liwapatie wakulima hao msaada.

MR. WAKOLE: Bv. Spika, hayo malalamiko yarafaa kupelekwa wapi?

MR. NGARURO: Bv. Spika, ingefaa hayo malalamiko yapelekwe ~~na~~ mahali walipatiwa mikopo.

Question No. 427

MR. JAIDESSA, on behalf of Mr. Mohammed, asked the Minister for Transport and Communications:-

- (a) whether he is aware that all the fourteen locations in Wajir West Constituency have no telephone facilities; and
- (b) when these facilities will be ~~so~~ installed at least in the divisional headquarters, that is, Bute, Bura and Giriftu.

THE MINISTER FOR TRANSPORT AND COMMUNICATIONS (Mr. Matiba): Mr. Speaker Sir, I beg to reply.

(a) Yes, I am aware.

(b) Telephone facilities will be installed in Bute, Bura and Girifta Divisional Headquarters by June 1989.

MR. JAIDESSA: Thank you.

Question No. 439

MR. SPEAKER: Mr. Kagwira not here? We will leave his Question until the end then. Next Question.

Question No. 431

MR. JAIDESSA, asked the Minister for Labour:-

- (a) why the services of Mr. Annah Wako were terminated by his employer, Immaculate Heart of Mary Hospital, of P.O. Box 7, Thika, on 16th September, 1987; and
- (b) whether Mr. Wako has been paid his terminal dues, and if so, how much.

THE ASSISTANT MINISTER FOR LABOUR (Mr. Mibei): Mr. Speaker Sir, I beg to reply.

(a) The services of Mr. Annah Wako who was employed as a watch-man by Messrs. Immaculate Heart of Mary Hospital, in ~~z~~ Thika ~~was~~ were terminated on 16th September, 1987 after being suspected of stealing ~~z~~ the hospital's racks used for hanging towels.

(b) Yes, Mr. Wako has been paid his terminal benefits amounting to Shs. 841.50.

MR. JAIDESSA: Mr. Speaker Sir, sometimes we get problems here because some Ministers and Assistant are not able to answer Questions or that they are not serious about answering Questions which ~~z~~ have been asked. If Mr. Wako was sacked because he ~~has~~ was suspected of stealing the ~~hospital's~~ hospital's property, has he been ~~taken~~ arrested and ~~is~~ taken to any police station? Secondly, the Assistant Minister said that he has been paid all his dues, is the Shs. 841.50 really ~~is~~ has been working for this hospital for over ten years?

MR. MIBEI: He was not taken to any police station. If he had been taken to court, he would have lost all his benefits.

MR. JAIDESSA: Mr. Speaker Sir, I am well informed about this case because I have been with this young man. I know that he did not steal anything from that institution. Can the Assistant Minister go back ~~to~~ and carry out a thorough investigation on this issue. The reply he is reading to us has just been given to him by the employer who dismissed him and alleges that he suspected him of having stolen something ^{when}. There was nothing like that, can he go back and give us a proper ~~reply~~ reply.

MR. MIBEI: Mr. Speaker Sir, Mr. Wako has been paid all that was due to him. There is nothing that I can go back to investigate further.

MRS. NDETEI: Under the current labour law, in Kenya, there is no way you can suspect an employee of stealing the employer's property and yet qualify ^{him} for any benefits. Is the Assistant Minister right to say that this employee was suspected of stealing ~~them~~ and yet he qualifies for some benefits? That is contrary to the law.

MR. MIBEI: Okay, Mr. Speaker Sir, I would like to make further investigations about the case.

(Applause)

Question No. 452

MR. BIDU, on behalf of Mr. Kiliku, asked the Minister for Labour:-

- (a) whether he is aware that the contributions of N.S.S.F. ~~£~~ by employees of KUSCO of P.O. Box 90550, Miritini, Mombasa, have not been received by the N.S.S.F. headquarters since 1978;
- (b) what happened to these contributions; and
- (c) whether he could ensure that these contributions are remitted to N.S.S.F. headquarters and recorded accordingly.

~~THE HONOURABLE THE MINISTER FOR LABOUR (DR. WAKO) XXXXX SPEAKER SIR XXXX~~

THE ASSISTANT MINISTER FOR LABOUR (Mr. Mibei): Mr. Speaker Sir, I beg to reply.

(a) I am not aware that N.S.S.F. contributions by the ~~the~~ employees of KUSCO, Mombasa, have not been received by the N.S.S.F. headquarters since 1978.

(b) According to the Fund Ex records, all contributions due from these employer have been received, including contributions for September, 1988.

(c) This part of the Question, not applicable because of the reply which has ~~been~~ been given to part (b) of the Question.

MR. BIDU: Mr. Speaker Sir, the Assistant Minister ~~say~~ says that he is not aware that contributions by the said employees were not received by the N.S.S.F. headquarters. He has now been made aware that these contributions have not been remitted to N.S.S.F. headquarters. What is he going to ~~go~~ do to ensure that this money is received because we know that it is not received:

MR. MIBEI: It is not true that the money has not been received. For example in June, 1988, the employer sent Shs.68,492.00 for 432 employees. In July, 1988, ~~he~~ he also sent Shs.68,450.00 for 431 employees. In September, 1988, we received Shs.68,675.00 for 434 employees. We also have records for the other months.

MR. BIDU: Mr. Speaker Sir, while appreciating the reply given by the Assistant Minister, I would like to inform him that the Question does not enquire about 1988 contributions. It enquires about contributions for 1978. What does he have to say about that year's ~~and~~ contributions?

MR. MIBEI: Mr. Speaker Sir, I did not come here with records showing the 1978 contributions. However, if the hon. Member requires the list, I can bring it here for him to see.

Question No. 394

MR. LEWA, asked the Minister for Public Works:-

(a) what has been the cause of the delay in tarmacking the section of the road C 107 between Mavueni-N Daitsoni-Kaloleni and Mariakani; and

(b) when the ~~the~~ work to tarmac this section of the road will start.

MR. KIILU: On a point of order, Mr. Speaker, Sir. The Question indicates that the ~~contribution~~ contribution figures have not been received by the National Social Security Fund (NS N.S.S.F.), since 1978, and the Assistant Minister has said that he does not have any answer. Is he right?

MR. SPEAKER: Mr. Kiilu, what did you say? I did not hear what you said; can you repeat it?

MR. KIILU: Mr. Speaker, Sir, I was ~~ref~~ referring to Question No.452. The Assistant Minister has said that he has never brought the contributions of ~~the~~ N.S.S.F. by employees of KUSCO to the N.S.S.F. Headquarters since 1978. The 1978 figure is the one which is indicated in this Question. Is he right?

MR. SPEAKER: Order, Mr. Kiilu. The hon. Assistant Minister has promised to go back and ~~ex~~ check on the 1978 figures. Let us now get the answer to Mr. Lewa's Question.

THE ASSISTANT MINISTER FOR PUBLIC WORKS (Mr. Maiyani): Mr. Speaker. Sir, I beg to reply.

(a) The delay in tarmacking the ~~a~~ section of the roads C107 between Mavueni-Dzitsoni-Kaloleni and Mariakani, was caused by lack of ~~a~~ sufficient funds.

(b) The tarmacking of this road has been programmed to commence in 1990/91 Financial Year subject to availability of funds.

MR. LEWA: Mr. Speaker, Sir, while thanking the Assistant Minister for that reply what preparations does the Ministry have to ensure that this road which traverses about eight locations is maintained properly between now and the time the programme is likely to start? There are times of the year ~~when~~ when people going to Mariakani or Kaloleni are forced to travel all the way from Kilifi to Kombasa, back to Mariakani, and then to Kaloleni. There is a stretch of about 23 kilometres which is very bad; the stretch is between Mavueni and Kaloleni. What arrangements are there to ensure that this portion is made an all-~~we~~ weather road between 1990/91 Financial Year, when tarmacking is likely to start?

MR. MAIYANI: Mr. Speaker, Sir, since this project has been programmed to start in ^{the} 1990/91 Financial Year, it is obvious that my Ministry will, from time to time, repair any stretch of the road that ~~xxxxxx~~ has been damaged. The officers in the Ministry should be informed of any damages ~~xxxxxx~~ ^{of the road} that may occur. The hon. Member would help if he would report any ~~xxxx~~ road damages to our Ministry's officers, so that they can raise the matter with the Ministry's Headquarters in case of any funds required for repair.

However, I would like to give a further information on this road. The tarmacking of this road, C107, has already been designed and included in a programme review and a forward budget for the period ^{And} 1988/89 ^{of the} 1991/92 Financial Years. The implementation ^{of the} programme is expected to commence in ^{the} 1990/91 Financial Year, and is expected to cost the Government over Kshs200 million. The proposed programme review and the forward budget provisions are as follows:-

Financial Year

In 1990/91, there is a provision of Kshs.5 million.

In 1991/92, Financial Year, there is a provision of Kshs.20 million.

We hope that the programme will continue until the road is completed.

MR. EKIDOR: Mr. Speaker, Sir, when the Assistant Minister was answering the Question, he said that the delay of the tarmacking of the road was due to lack of funds. In his supplementary information, ^{U.C.} he has referred the House to ~~1991/92~~ the 1990/91 budget. What ^{Q.C.} happened to the funds we ~~x~~ Voted to this Ministry this year?

MR. MAIYANI: Mr. Speaker, Sir, the answer to that question is very simple. We are aware of what happened this year. Our Ministry's funds for this year were drastically used in repairing damaged bridges and roads which had been damaged by the rains and had to be repaired. It was not only this road which was affected. Many roads were ^{affected} ~~damaged~~ including roads in my own Constituency.

MR. LEWA: Mr. Speaker, Sir, would the Assistant Minister find out whether it is possible ~~to~~ for this project to be tied up with the on-going ~~existing~~ project of the Kilifi bridge, which has already started, and is ^{likely} to be completed in ^{the} 1991/92 Financial Year. I am saying ~~that~~ this because ~~in~~ this road is, in fact, one of the feeder roads to this bridge and would ~~in fact~~ justify the implementation of both projects.

MR. MAIYANI: Mr. Speaker, Sir, that is not possible, because the ~~project~~ on-going project has got money allocated to it, and this one does not have any money. We have arranged to ~~be~~ tarmack that road during that period which I have mentioned. The Treasury would find it very difficult to ~~to~~ look for money for this project, because there are very many ^{roads} all over the Republic which are waiting to be tarmacked. So, I would ask the hon. Member to agree with us that we ~~shall~~ repair the damaged parts of the road, and maintain it properly until we start tarmacking it.

MR. SPEAKER: Can we now go back, to Mr. Mwenje's Question.

Question No.441

MR. MWENJE: Mr. Speaker, Sir, I wish to apologise for ~~being~~ coming in late.

MR. MWENJE, asked the Minister for Local Government and and Physical Planning:-

- (a) why Dandora Maternity Hospital has not started operating yet it has been completed, and
- ~~RC~~ (b) when will it start operating.

THE ASSISTANT MINISTER FOR LOCAL GOVERNMENT AND PHYSICAL PLANNING (Mr. Mbori): Mr. Speaker, Sir, for the benefit of the hon. Questioner, and with your permission, and for the benefit of the House and the nation, I consider the ^{reply I have} ~~question~~ inadequate, ~~so~~ I beg that this Question be put on the Order Paper next week.

MR. MWENJE: Mr. Speaker, Sir, I have no objection to that request and I hope that the Assistant Minister will do some research and give us a proper answer/ But last week, the same Ministry promised us that a road-----
next week.

MR. SPEAKER: Order! Mr. Mwenje. Can we now move to Mr. Kagwima's Question for the second time?

Question No.439

MR. SPEAKER: Mr. Kagwima not here? Let us now move on to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

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

What assistance has the Government given to the families of the fifteen Administration Policemen and two homeguards who were killed by armed thugs on 29th September, 1988, in Kibishi Division, Turkana District?

(END.....C)

R. J. Ink.

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Keen):

Mr. Speaker, Sir, I beg to reply.

In the case of the families of the police officers who were killed during the incident of 29th July, 1988, all of them are entitled to death gratuity, workmen's compensation, and group personal accident claims. These are being processed and will be paid immediately when all the documentation exercise is completed.

MR. EKIDOR: Mr. Speaker, Sir, while thanking the Assistant Minister for that brief reply, I would like to ask a question on the side of homeguards. These people died while they were defending their nation from outside enemies. Can the Assistant Minister, or the Government, not buy a few goats for their families so that they can remember them? He has not mentioned anything about them.

MR. KEEN: Mr. Speaker, Sir, the Government appreciates the amount of work and assistance which is being done by the homeguards. But unfortunately, as far as this case is concerned, homeguards are people's guards, and they do not fall within any scheme of Government service. Therefore, there will be very little that I can do about it at the moment. They are being deployed in the operational areas at the request of wananchi themselves.

MR. EKIDOR: Mr. Speaker, Sir, even the Assistant Minister has also appreciated the work done by these homeguards. Because these men have done a very good job, can it not be arranged locally for them to be bought some few goats so that their families can remember them?

MR. KEEN: Mr. Speaker, Sir, I still entirely appreciate the sentiments expressed by the hon. Member. But since I cannot find any place that I can fit them within the Government terms of service, I am afraid there is very little I can do now unless the law is changed one day.

MR. WASIKE-NDOMBI: Mr. Speaker, Sir, considering that the kind of work that the Administration policemen do is tedious and also the kind of risks they carry are high, will the Assistant Minister consider introducing an insurance scheme for such type of employees of the Government since the type of gratuity or compensation scheme that is there may not be enough to sustain the families that they leave behind?

MR. KEEN: Mr. Speaker, Sir, I think I have made my point clear as far as the Administration police are concerned. I have said that there is a permanent scheme of service, death gratuity, and also workmen's compensation assistance. They will be catered ^{for} under these schemes. As I have already said the families will be paid within a very short time. Indeed they will be paid as soon as the documentation of all their papers is complete. As far as the home guards are concerned, there is very little I can do at the moment.

(DR. MISOI) to ask the Minister for Labour:-

- (a) why was Mr. Charles Atuya dismissed by his employers, Smith Kline and French Laboratories Ltd. of P.O. Box 49582, Nairobi?
- (b) has Mr. Atuya been paid his terminal benefits, and if not, when will he be paid?

MR. SPEAKER: Dr. Misoi not here? ~~We will leave his Question until the end.~~ We go to Mr. Mang'oli's Question.

(MR. MANG'OLI) to ask the Attorney-General:-

- (a) is the Attorney-General aware that the property of Mr. Maurice Paisei, of Bungoma, worth over KSh.93,000/- was auctioned to recover a debt of Sh.3,155/- in civil case No.158 of 1984?
- (b) is he also aware that Chweya Auctioneers are still holding a Peugeot pick up and household effects worth over KSh.90,000/-
- (c) if the answer is in the affirmative, what steps will he take to ensure that justice is seen to be done?

MR. SPEAKER: Mr. Mang'oli not here? ~~We will leave his Question until the end.~~ Next Order.

MINISTERIAL STATEMENT

J.K.
THE MINISTER FOR PUBLIC WORKS (Mr. J. Karap Koech): Mr. Speaker, Sir, I want to make a Ministerial Statement in connection with the ^{re-}introduction of the axle load ~~weights~~ ^{weighing}.

Mr. Speaker, Sir, last week I gave a statement to the effect that my Ministry would be re-introducing the axle load weighing with effect from Monday

THE MINISTER FOR PUBLIC WORKS (Contd.):

this week. When I looked through the Press this morning, there are quite a good number of misleading information in connection with the axle load ^{weighing} weights.

The Standard had said that I have introduced some forms which must be carried out by the drivers, and unless they have these type of forms they will not be allowed to go. Now, I want to say that the forms which are supposed to be obtained from the police have nothing to do with the Ministry of Public Works. So, my report in full is as follows:-

A report appeared in today's edition of The Standard newspaper which alleged that certain sections of the transport industry were at a standstill owing to "new regulations" introduced by the Ministry of Public Works. The report stated that cargoes in excess of 24 tonnes were banned from Kenyan roads, and that the Ministry of Public Works had introduced a new form to be carried by transporters which had to be inspected and stamped at a number of check points on the public highways.

The report was confused and highly misleading. Two entirely separate issues have been mixed up by the reporter responsible. Firstly, the new documentation referred to is a police matter and has nothing to do whatsoever ^{to} ~~do~~ with my Ministry, or the recently introduced axle load control check units.

Secondly, the 24 tonnes mentioned in the report refers only to the axle load limit on a particular type of axle used on some trucks using Kenyan roads. It has nothing to do with the payloads. In other words, it does not mean that a vehicle transporting more than 24 tonnes will be barred from the roads. But it is on certain sections of the axle which we are referring to. So, what is appearing in the newspapers is to scare people away and give very wrong information.

Now, as far as the axle load regulations are concerned, it has been conservatively estimated that overloaded goods vehicles are causing approximately KSh.400 million damage to our highways every year, and that damage is being done by a small minority of transporters. Now, if we are going to stop the vehicles which are damaging our roads, it means that we shall be able to save more than KSh.400 million which will be used to open up quite a good number of areas in our country for further economic activity, and it is going to add to the economic

THE MINISTER FOR PUBLIC WORKS (Contd.):

development of this country instead of concentrating this amount of money on only the main highways. So, this matter has been taken with a lot of ~~our~~ consideration on the benefit both to the transporters and also to the country as a whole. So, this is something that we have taken with the national interest at heart.

So, contrary to the report in The Standard which inferred that 15 checkpoints were in operation between Nairobi and Busia, the Ministry's check unit, in a joint operation with the police, operated axle checks at Athi River between midday and 3.00 p.m. yesterday. 140 trucks were weighed and 18 were found to be overloaded. There was no disruption to the traffic.

The question of bulk fuel tankers which cause a lot of damage to our roads was raised in formal consultations with the Kenya Transport Association^(K.T.A.) and the Kenya Association of Manufacturers (K.A.M.) in 1986. The Ministry expressed its concern that due to the size of some of the tanks, which are manufactured locally, overloading was inevitable. The industry was advised on the maximum sizes of tanks to cater for the various types of refined petroleum products being transported. The response from the K.T.A. was that rather than Government introducing new regulations on these matters, the industry was also capable of regulating itself. This issue was again raised at the joint meeting with the K.T.A. and the K.A.M. held in the Office of the President in April, 1988.

There are no "new regulations" on axle load limits. Allowable limits were raised in 1984 to their present level. These limits now apply to all the northern corridor countries, Kenya, Uganda, Zaire, Rwanda and Burundi. We expect the same limits to be introduced as the regional standards for all the P.T.A. (Preferential Trade Area) countries according to recommendations made last week by the P.T.A. Transport and Communications Committee Meeting in Lusaka, Zambia.

End D.

THE MINISTER FOR PUBLIC WORKS (CTD.):

As far as the operations of the Axle Load Check Unit are concerned, we have nothing to hide. If any member of the public, be he a transporter or not, is dissatisfied with the performance of our staff or the conduct of the operations, the Ministry will welcome all comments and constructive criticism from him and ensure that they are seriously considered with the objective of producing efficient and honest ^{service} ~~staff~~ for our country.

The effective enforcement of axle load control will enable the Government to realise substantial savings in road maintenance costs. Such savings can be deployed in opening up road communication to areas of the Republic presently suffering from difficult road conditions. All of us should support this useful idea of controlling the axle load. I would also like to appeal to transporters who may face any difficulties - this issue has been discussed several times - not to go and cry out using newspapers, but to come to us so that we can iron out some of the points they raise if they are considered to be useful. I appeal to them to have a positive approach to the whole matter rather than to go to the Press and ^{give} ~~give~~ all sorts of ~~points~~ ^{stories}.

That is all, Mr. Speaker, Sir. Thank you.

BILL

(Second Reading)

The Restrictive Trade Practices, Monopolies and Price Control Bill

(The Minister for Finance (Prof. Saitoti on 2.11.88))

(Resumption of Debate interrupted on 3.11.88)

THE ASSISTANT MINISTER FOR COMMERCE (Mr. Gakunju): Thank you, Mr. Speaker, Sir, for giving me the opportunity to carry on from where I left last time with regard to my support for the Restrictive Trade Practices, Monopolies and Price Control Bill.

Even at the risk of repeating myself, I would like to reiterate

THE ASSISTANT MINISTER FOR COMMERCE (Mr. Gakunju)(Ctd.):

the need for the hon. Minister to consider appointing a commission, instead of a commissioner, to deal with these very important matters concerning our commerce, industry and economy. Various decisions will require to be taken in administering this Bill when it becomes law. There is need for a commission to deliberate on these matters, instead of a decision being taken by one man and the people concerned having to go to a tribunal. I plead that a commission, instead of a commissioner, be appointed consisting of people with experience in commerce, industry, law and public affairs so that every decision to be taken is considered before it is actually taken.

The other point that is of concern is the ^{incorporation} ~~introduction~~ of price control ^{Act} ~~Law~~ introduced ^{into} the proposed law. This may make matters complicated. We want businessmen to properly understand this proposed law and ~~adapt~~ ^{adapt} to it properly.

Mr. Speaker, Sir, I would like to say something about the use of the Kenya Bureau of Standards and other control bodies with respect to taking measures on manufactured goods which are distributed to the general consumers. Although we like to encourage local manufacturers to manufacture not only for local consumption but also for export in the Preferential Trade Area and other markets, it is important that we have quality goods in ^{our} shelves. We should manufacture goods that are able to compete in world markets. We would want to feel proud of Kenyan goods, whatever they are. Therefore, in administering this proposed law and others that are related to it, we should ensure that proper quality, safety, shelf life of goods, and so on, are taken into consideration before goods are let into the market.

As I mentioned, we know that there are complaints every now and then about certain soaps and creams to the effect that they are not fit, but they are still to be found on the shelves of our shops. We know now

THE ASSISTANT MINISTER FOR COMMERCE (Mr. Gakunju)(Ctd.):

that petroleum jelly is not the best baby cream, but, even after this has been said for many years now, petroleum jellies are still on the shelves of our shops. We need to get into this matter and make sure that we have quality goods that are properly controlled and fit for use by wananchi.

This Bill is welcome because of its monopoly aspect, especially in the case of a manufacturer monopolising the whole business of manufacturing, distributing and retailing. We would like to let manufacturers live ^{and} ~~live~~ ^{should} they also let others live by appointing goods distributors without giving the distribution monopoly to people of the manufacturer's race or ~~his~~ friends. We should make sure that the distribution of goods is evenly spread out, so that not one distributor only is appointed for a large area. With the District Focus for Rural Development Strategy, there should be distributors of certain goods in administrative and geographical areas of the country so that the wananchi with businesses in rural areas are able to distribute goods in their areas, rather than to have to go to major towns to buy the same commodities. Three or four wholesalers, say, from Kangundo, would go to a town like Machakos ^{town} and buy goods to retail in one area. It would save time if one of them was appointed a distributor, although he may not be as big as the one in Machakos ^{town}. This would save other traders a lot of time.

End E *R/John*

THE ASSISTANT MINISTER FOR COMMERCE (Mr. Gakunju) Ctd:

This would also save costs when selling the same kind of goods either in retail or wholesale in a given area. So, distribution of goods should be made further in the remote areas.

In that respect, I would like to appeal to the Minister to publicise available facilities and potential areas of trade ~~and other~~ for business people. These things should be made known to the business community especially the small business people. Proper public education and information should be made available so that wananchi can know what is available to them. In this way, they will have the opportunity ^{to distribute} ~~of distributing~~ certain products in a given area. In this way, one can be made aware of things he can trade in if need be.

Where it is possible, the main manufacturers of a given article ^{business} should be encouraged to use small people to manufacture components for use in the main article. That is another kind of monopoly that we would like to see take effect. If we do this, the small people will be given the opportunity to manufacture parts or components for use in finished goods. Since the manufacture of small components will not need big ~~size~~ machinery, large space and a lot of money, I am sure many small businessmen would venture into such areas. If such facilities are distributed to several places, such as the jua kali area, say, in the manufacture of marble, one would need to employ just a few people to assist him. In this case, such people will not need ^{to go to} ~~to look~~ for employment in big cities where they will have a problem of housing, travelling long distances everyday and so on. This will, perhaps, reduce the cost of the finished goods and the distribution costs as well.

The other area that, perhaps, needs to be looked into, Mr. Speaker, Sir, is that the people who are going to be affected by certain goods in a certain area, should be involved in the manufacture of such goods. These people should not just get the end results. When an industry or a business is going to be established in a certain area, the people of that area should be given the opportunity to know what is in the pipeline for them. In this way

THE ASSISTANT MINISTER FOR COMMERCE (Mr. Gakanju) Ctd.

they will be ready for it.

The other thing that I want to mention is with regard to making use of the institutions that exist. This can be done by educating the wananchi and consulting the people who matter in a given area where there is need for information on matters concerning commerce and industry.

Finally, Mr. Speaker, Sir, I would like to say that it is important for us, as a developing country, to make our priorities known in industry and other matters. For example, a new brewery is going to be started. We should ask ourselves, through the Ministry of Industry ~~and~~ and others, and decide whether we need a brewery now or a fertilizer factory. Do we need fertilizers for producing enough food and for increasing our horticultural production for export or do we need to make more beer for ~~us~~ our people? We should know what to begin with. One may say that we need all of them because we have the facilities but the financial facilities that are available may not justify the investment.

For example, if a person starting a brewery is lent the money, then the man who wants to start a small fertilizer factory or an organic manure complex or an animal feeds plant for feeding our chicken and pigs, may not have the facility. In that respect, I would like to urge the Ministry of Finance to consider increasing the ^{financial} facilities that would be made available to wananchi especially the small man. The small man should be encouraged to venture into such businesses by making him ^{aware} ~~know~~ that there is somewhere he can go to borrow money on favourable terms to enable him to start an industry that will help him.

There are also other areas that would help the businessman, say, availing to him the results of feasibility studies on industries that are suitable for certain areas. In this way, he can be encouraged to venture into such businesses rather than waiting for such a person to carry ^{out} certain studies for which they have no facilities or knowledge.

With those few remarks, I support the Bill.

THE ASSISTANT MINISTER FOR ENERGY (Mr. M'Mukindia): Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this very important Bill. First, I believe that this Bill is a restatement of Kenya's philosophy on how we should grow economically. This Bill is long overdue because in the last 25 years, we have seen monopolies growing in this country, ^{Cartels} ~~curtains~~ being formed and we have seen our indigenous people try to enter the economy of this country without much success. I believe that this is a restatement by the hon. Minister that the time has come for the indigenous people of this country to enter into business unrestricted by monopolies or curtains.

I would like thank the hon. Minister for introducing this very important Bill to the House and I would like to say also that it is long overdue.

END

THE ASSISTANT MINISTER FOR ENERGY (Mr. M. Mukindia) (Ctd):

There will be very many difficulties in implementing this Bill once it becomes an Act. This is because at the moment the monopolies and cartels still do exist, and also the indigenous people of this country do not have sufficient finances to really enter into the market in force. Therefore, the question then is how we are going to assist our people to play their full role in the economy. I believe there will be a time when, once the economy is liberalised to the extent that virtually anybody can ^{enter} the market, there will be forces that will continue to play the monopoly game. I will give an example; in 1980 I, personally, was interested in making barbed wire. I tried to carry out a study to see how the barbed wire can be ~~made~~ made and sold in our rural areas. I checked on all the manufacturers of the plain wire, which is the raw material for the barbed wire, and found out that the barbed wire sold in our shops today is cheaper than the raw material it is made from. There is really no way in which the final products could be cheaper than the raw materials. So, whether you are in Meru, Mombasa, or Kisumu, there is a cartel existing in this country that controls virtually all the prices of products made in this country. If you go to the metal and plastics industries you find that the same thing happens. The question is how we are going to break this circle of evil in our economy. Without breaking that circle, we may pass any number of Bills, ~~or Acts~~, but, finally, our people will not enter the economy ^{way} they want them to.

Mr. Speaker, Sir, this is a challenge for the Minister for Finance and his officials to see how best to assist the indigenous people of this country to really play an effective role in our economy. Soon we will have an instrument which we can use to help wananchi enter into the economy. So, we expect the implementers of this Bill to carry out their duties with dedication and honesty. It does not matter how many Bills we pass if the ~~implementers~~ implementing officers

THE ASSISTANT MINISTER FOR ENERGY (Mr. M'Mukindia)(Ctd):

finally do not follow the ^{regulations} ~~of~~ of that Bill. Therefore, at the end of the day, we shall depend on the implementing officers to carry out whatever the provisions of this Bill ~~are~~. It is important to tell the this Ministry's officials that we place an extremely important job on their shoulders to assist this country and its people. Doing that also goes a long way in ensuring the long-term stability of our nation.

Mr. Speaker, Sir, while we have stated that Kenya is really a free enterprise country, I think we must recognise that we are not endowed with many natural resources. Therefore, our greatest resource is the human one. We must, therefore, ~~not~~ squeeze out every ounce of human ability from our people. Thus we must let them free to do the best they can not only for themselves but also for this country. So, as this Bill is a restatement of Kenya's ^{Policy} ~~of~~ of being a free enterprise country, I support it very strongly.

I believe that one of the areas, for example, where it may be difficult to get rid of monopolies or cartels is where an industry requires ~~an~~ a customer or a distributor to buy a minimum ^{Quantity} ~~quantity~~. If there is no control of the minimum quantity that any industry may set up, it may mean that a minimum of goods worth Shs. ¹⁰⁰ ~~1~~ million will be set up ~~in~~ by some industries. This in turn means that only very few people can ~~in~~ actually enter into the business ~~of~~ of distribution of a particular product. So, the question of minimum quantities being set up by factories ~~in~~ ~~manufacturers~~ must be looked into very carefully, because that may become a clever ^{of} way ~~of~~ introducing monopolies or limiting competition.

While I would not like to talk a lot about parastatal bodies, I think it is also important that the Ministry looks at the role some of the parastatal bodies will ~~in~~ play. This ^{is} because some of the parastatal bodies are themselves ~~are~~ monopolies. If, indeed, we are discouraging monopolies in the private sector, we also ought to look

THE ASSISTANT MINISTER FOR ENERGY (Mr. M. Mukindia) (Ctd):

at the parastatal bodies and see whether they play a complementary role to the industries in the private sector, so that at least only those parastatal bodies that are absolutely important for our economy can then remain as monopolies. But if some private entrepreneur wishes to compete with some of the parastatal bodies, then I believe he should be allowed to do so.

Mr. Speaker, Sir, finally, I would like to urge the Ministry to review the financing of indigenous entrepreneurs. This is because no matter much intelligence and determination one has, in the final analysis, he will need money to set up a business. It is very unfortunate that the finances available to businessmen in this country today are so expensive that very few indigenous entrepreneurs can afford to effectively ^{enter} into the business world. Now, coupled with the introduction of this Bill, and knowing that today here we have monopolies, cartels and restrictive practices, and knowing that we want to move from the stage we are in now to another stage maybe in one or two years time, we must give wananchi the tools to enable them to move from the situation they find themselves in to what we want them to be tomorrow. Without giving them those tools, we shall not really be very effective, or this situation will ^{take} a very long time.

With those few words, Mr. Speaker, Sir, I beg to support.

MR. P.J. MASINDE: Thank you very much, Speaker, Sir, for giving me this opportunity to contribute to this very important Bill. Hon. Members ^{have} aired a lot of very important views in connection with this Bill. I would like to join them up, and start off by saying that a lot of encouragement should be given to our indigenous people to set up businesses not only by helping them to get finances, but also by providing them with guidance in the running of various businesses, including manufacturing businesses. Indeed, our Government has institutions such as the Industrial and Commercial Development Corporation, ~~the~~ Agricultural Finance Company and

MR. P.J. MASINDE (CTD):

the Kenya Industrial Estates for helping the indigenous people run their businesses. Unfortunately, it takes far too long for a prospective entrepreneur to get these loans so that he can engage in ~~his~~ business. Sometimes, it takes as long as a year. Surely, if one has started a business ^{And it} ~~which~~ is ailing and he needs assistance, obviously within a year this business will have to collapse. Even where some of these corporations have assisted by giving loans, where they could have assisted faster, they do it so slowly that in the end, sometimes, they move in and threaten those ^{who} may have had loans with putting ~~it~~ their businesses under receivership.

END

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R/ Jmb

MR. P.J. MASINDE (Ctd.):

Mr. Speaker, Sir, I feel that the Ministry of Finance in co-ordination with this financing body will draw up a very definite and straightforward method of lending the prospective entrepreneurs. Also, let this process be done fast enough to salvage whoever is trying to survive.

For the manufacturers - be ~~they~~ they indigeneous or otherwise - they should manufacture their goods and distribute them to those who are not manufacturers. Experience has shown that most manufacturers in this country do the manufacturing; the distribution and ~~retail~~ ^{retailing} of their products. They pretend to have given the distribution ~~to~~ to others by forming bogus companies which are sponsored by the same parent company to do the distribution or retailing of their products. The Minister for Finance, and the Attorney-General, should look into this and where they confirm that a certain company is doing the manufacturing; the distribution and retailing, they should ~~nowhere~~ see to it that the ^{goods so manufactured should be} ~~business is~~ distributed fairly to the wananchi.

Distributors should also be encouraged and allowed a fair price which they would pass on to the retailers who in turn gives a fair price to the consumers. Otherwise, when goods pass through ~~many~~ too many hands at high rates and prices, it becomes ~~very~~ very difficult for the consumer to afford even the bare necessities. The distribution should also be diversified. The practice here is that you find one distributor handling too many items ^{for example} ~~one distributor may be the same one who is distributing~~ sugar, cement, iron-sheets and other foodstuffs, ~~for example~~. It also becomes very difficult for some people to be able to do business in some of the items which should in the first place ^{have} ~~gone~~ to the hands of various distributors. Allowing one distributor

MR. P.J. MASINDE (Ctd.):

to deal with too many commodities is just like entering a ~~closed~~ closed shop. Such a distributor is denying other people a chance to do business and he can easily play around with prices of goods.

We have heard of some of the items having their prices decontrolled and I would like to say ~~to~~ something on this. ^{Recently} ~~Recently~~, about one or two years ago, some items had their prices decontrolled - items such as Omo, meat, et cetera. Immediately after their prices were decontrolled, the manufacturers and dealers in these items raised the prices of these goods tremendously. For instance, meat price was raised from Sh.18 per kilogram to Sh.32 per kilogram. The price of Omo also went up until our Head of State had to ~~xxx~~ intervene. If the manufacturers and dealers were able to sustain themselves in business before the prices of ~~to~~ such items were controlled, there is no reason why they cannot be reasonable when the prices are decontrolled. They should be good enough to charge reasonable prices to the consumers.

When the ~~Mr~~ Minister of Finance decides to decontrol the price of a certain commodity, he should do it in such a way that it will not hurt the consumer. While the price of a certain commodity is decontrolled, the producer is quite happy but unfortunately, this hurts the consumer. Therefore, the Minister should look into this issue so that the move is fair to both the producer and the consumer.

I feel - and I hope that this House will support me - that this money is going to be spent properly. It is surprising that a short while ago, ~~xxx~~ all Ministries were authorised to ^{spend} the money on their Votes and now when you need some services

MR. P.J. MASINDE (Ctd.):

from a certain Ministry, you are ~~for~~ told that there is no petrol or that a certain thing cannot be done because there is no money to repair the vehicles. I feel that the Minister should advise the ~~my~~ other Ministries to look into this affair. It is too early for any Ministry to be ~~grambling~~ at the moment that they cannot give the services to wananchi or effectively do so because they have no fuel or vehicles.

With those few remarks, I beg to support.

(No hon. Member stood up to speak)

MR. SPEAKER: Since there is no other hon. Member who wishes to speak, I call upon the Mover to reply.

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): Mr. Speaker, Sir, I beg to reply to the various points that have been raised by the hon. Members of this House in respect ~~to~~ ^{of} The Restrictive Trade Practices, Monopolies and Price Control Bill.

Before I touch on the various points that have been raised, I would, first of all, like to thank the hon. Members for the very high degree of contributions that they have made in support of this Bill. The Ministry appreciates the points that have been made and I will only touch on those that we consider as the most important ones in the process of this reply. On the outset, I would like to ~~say~~ ^{to} thank all the hon. Members for the support they have given ~~of~~ ^{to} this Bill.

Just to recapitulate, the Restrictive Trade Practices, Monopolies and Price Control Bill, as read out by the hon. Prof. George Saitoti, set out as its main object to provide a consolidated ^{framework} ~~framework~~ of law for ~~x~~ prohibiting ~~the~~ restrictive trade practices and controlling monopolies and prices of goods and services. That is the key aspect as far as this Bill is concerned. The

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The rest of the Bill went into great detail to explain the definition in terms of what restrictive trade practices are and so on. In fact, hon. Members have read this in great details and the high quality contribution made is indicative of the very thorough job that they have done and the very thorough homework they have prepared in discussing and debating this Bill. So, I once again say thank you.

Let me now touch on perhaps the more salient points which hon. Members raised. I will take them one by one. First, hon. Members did talk a lot about the concentration of the economic power^{and} in this regard, the issue raised is ~~where~~ the current practice of manufacturers distributing their products right down to the retailer. This is a point which I think received a lot of support from hon. Members in condemning or asking that the Bill should see to it that a ^{manufacturer} ~~manufacturer~~ should not be also the wholesaler and he should not also be the retailer. In fact, this is what is known as the vertical integration and we have some sympathy in this respect. We do agree that a manufacturer should not produce a commodity while he is at the same time holding the distribution licence and also the same person be retailing the goods. We intend to correct this situation, therefore, ^{by} ~~the~~ incorporating into this Bill new paragraphs to curb such vertically integrated operations.

Another aspect that received hon. Members comments is the definition of monopoly. Hon. Members complained that whereas a manufacturer may not ~~have~~ control one half of the market of a given product, such manufacturer may still have the characteristics of a monopolist depending on the strength of competing producers. We shall re-examine this Bill in the Treasury and examine the percentage involved in describing a monopoly undertaking in consultation with the Attorney-General to harmonise this section with the general spirit of this Bill. So let hon. Members take note of the fact that we have taken due recognition of this comment and we will re-examine it.

The other point that received a lot of attention was with respect to mergers. A very valid issue was raised by one hon. Member as regards mergers or

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take-overs that are consummated outside Kenya which become holding^s on local subsidiaries of such firms. I agree that mergers such as these may be for the good of parties involved but not for our own national benefits and we have to safeguard such situations against the interest of foreigners. Consequently, such mergers as finalised outside Kenya will not become automatically valid before we ~~ratify~~ ^{ratify} them. We thank the hon. Members for this particular point and we will ensure that mergers will not become automatically operative here without the sanction of the Treasury. The issue may still be well taken care of perhaps to some extent under section 23 of the present proposed Act which makes it an offence for the conformation of such mergers without ~~the~~ an authorising order from the Minister. @ However, in order for foreigners to understand our practice clearly, a specific proviso to cover this area will be introduced in the Bill.

6-C A point that was a subject of heated debate was that of Good-will. Concern was expressed in this House regarding excessive sums of money charged as good-will with ~~purpose~~ ^{the aim} of discriminating against some ~~of~~ sections of our society from renting business premises. We in the Treasury share this view with the hon. Members and we thank them for raising it. The demand for good-will will in fact, be made a restrictive trade practice. In fact, the same sentiments have been expressed by His Excellency the President and hon. Members will be happy to see an end to this practice through the process of law. Indeed, we thank you very much hon. Members.

Yet another point that received great attention during the debate, was the issue of the adequacy of education with regard to the new law. An hon. Member wondered whether traders and manufacturers will become familiar, and in fact, conversant with the provisions of this new law. I wish to assure the House that Government regulations once made, it becomes the responsibility of the relevant department to disseminate the same information. Currently the Department of Price Controls has a section on consumer education which conducts lectures, seminars and writes ~~my~~ speeches to various interested groups including secondary schools. The preparation of this Bill did, in fact, involve consultations with

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the business community ^{and} the Government departments at large as well as individuals so that the level of awareness in this Bill is already pretty ^{high} ~~good~~.
 However, I would like to assure the hon. Members that once the commissioner has been appointed, it ~~is~~ will be one of his priority responsibilities to ensure that all parties become familiar with the new law and they will ensure that the necessary lectures, seminars and so on have been disseminated and the information disseminated to the public.

Another point that did receive fairly strong criticism was that of the appointment of the commissioner. The provision in the Bill is that there shall ^{be} appointed a Monopolies and the Prices Commissioner and such other officers as maybe necessary for the due administration of the Act.

END I...

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah)(ctd.):

This section is, in fact, silent, as to who should appoint the commissioner. However, hon. Members may have the assurance - and I do take the liberty to give them the assurance - that like any other commissioner within the Ministry of Finance and elsewhere within the Government, the person so appointed to this post will be a person of very high integrity and of impeccable character. I would, therefore, like hon. Members to put this trust in the hon. Minister, who is his Excellency the President's own appointee. I would like to allay the fears of hon. Members and assure them that their interests will be taken care of. I would further say that if, in due course, ~~as in the course of time~~, it does become necessary, hon. Members will be at liberty to move an amendment. But of now, we are convinced that the provisions contained in the Act are adequate ~~enough~~ and protective enough and will ensure that the mwananchi's interests are well taken care of.

I would now like to touch on a point of the approval of prices. An hon. Member raised his concern on manufacturers of price-controlled goods not being awarded price adjustments promptly; and that, at times, the price increases are inadequate to allow the manufacturers to operate profitably. This point was well noted, and I would like to say here that hon. Members will recall the Attorney-General talking about gradual decontrol so that ultimately, only few essential commodities will be on strict price control. The dealers in the few commodities ~~in~~ will be monitored very closely indeed, to ensure that they operate profitably without allowing them the chance of exploiting

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah)(ctd.):

consumers. The Ministry and the Treasury will endeavour, at all times, to be fair and deal with applications promptly, and if we are ^{slow} -- and I do believe there have been cases where we have been slow - we shall endeavour to improve on this and ensure that ~~we~~ responses are made as expeditiously as practicable.

As hon. Members know - the hon. Minister said this during his introductory speech when he tabled the Bill - it is the Government's policy to increase employment opportunities. This can only happen when our industries realize profits. That may enable them to expand and thus create more job opportunities for our people.

Another point raised by hon. Members was that of the fair trade practices office. It was proposed in this House that an independent fair trade practices office be established outside the Treasury. The Bill provides for a restrictive trade practices tribunal to hear and adjudicate on disputes with appeal lying ultimately with the High Court. This institutional set-up appears to the Ministry to be adequate, as of now, and it is ^{not} our intention to make this change. However, the long-term policy is aimed at divorcing the entire commission from the routine control of the Ministry of Finance - a step we shall come to at a later date as our operational experience in this new field is gained over the years.

Mr. Speaker, Sir, there is yet another point that was raised by hon. Members, which relates to the chairman's qualifications. There was a proposal made that the restrictive trade practices tribunal chairman need not be an advocate of the High Court. I would like, however, to point out that decisions made by this tribunal will be quasi-judicial and this will require, in my opinion, a legally trained mind. Other ~~pe~~ professionals

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will, of course, prepare ground work pertaining to the disputes to be brought to the tribunal. Such professionals are like engineers, accountants, secretaries, and doctors as the dispute may be. Persons with high qualifications in marketing and trade will also find their disciplines ^{coming} ~~come~~ into great use in this respect. However, all considered, we do not intend to change this aspect, and we believe that it is proper to have a judge, as proposed, to be the chairman of the tribunal.

Finally, ~~we~~ hon. Members made a contribution on bankruptcy laws. The question of matatu buyers who become victims under the law ~~was~~ on bankruptcy when they fail to honour their loan repayments, was raised in this House. I do, indeed, sympathise with those concerned, and I share, very greatly, this concern. The Attorney-General, I am sure, will look into this when considering amendments relating to the Bill or even under the current Law Review Commission. Also, in fact, he might do this when looking at the law on hire purchase, bankruptcy and the Banking Act. Those might be ~~x~~ the relevant areas where the matter can be raised. As of now, however, I do not think this is the right Bill in which to include a clause to cater for the bankruptcy of matatu owners.

So, Mr. Speaker, I believe I have touched on most of what I considered to have been ~~xxx~~ the more important points raised by hon. Members as far as this Bill is concerned. I have dealt at length at those points because I do consider seriously that those contributions were very meaningful, and constructive, and we benefitted to share hon. Members views in this particular Bill.

With those remarks, I beg to move.

J.4.....8.11.88

(Question put and agreed to)...

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

End J.

R/Finb

BILL

Second Reading

The Certified Public Secretaries of Kenya Bill

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): Mr. Speaker, Sir, I beg to move that the Certified Public Secretaries of Kenya Bill, be read a Second Time. This is a Bill for an Act of Parliament to make provision for the establishment of an Institute to be known as the Institute of Certified Public Secretaries of Kenya and a Registration Board to be known as the Registration of Certified Public Secretaries Board and for connected purposes. The main object of this Bill is to provide for the establishment of an Institute of Certified Public Secretaries and the Registration of Certified Public Secretaries Board for the purposes of promoting standards of professional competence amongst persons serving on companies the/secretarial profession. At present, although we do have professionals in this Republic called the Certified Public Secretaries, we do not have a law which guides or regulates the development of this particular profession, that is, the secretarial practice. Various aspects of secretarial practice are, in fact, contained in the ^{Companies} Companies Act. This Bill, however, when enacted as law, will establish an Institute that will guide members and make provisions for the necessary development of this particular profession and will help to develop the professional competence of Kenyans who become company secretaries.

Mr. Speaker, Sir, this Institute when formed, will carry out the functions as specified in Clause No.7 which says:-

- "The functions of the Institute shall be:-
- (a) to promote standards of professional competence and practice among members of the Institute;
 - (b) to promote research into the subject of secretarial practices and finance and related matters and the publication of books, periodicals, journals and articles in connection therewith;
 - (c) to promote the international recognition of the Institute;
 - (d) to advise the Examinations Board on matters relating to examination standards and policies;

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- (e) to carry out any other function prescribed for it under any of the provisions of this Act or under any other written law; and
- (f) to do anything incidental or conducive to the performance of the preceding functions.

Mr. Speaker, Sir, Part III of the Bill which comprises of practising Clauses 14 to 23, provides for issuance of/certificates to persons registered as Certified Public Secretaries. In fact, Clause 14 makes is an offence for any person to practise as a Certified Public Secretary without holding a practising certificate. What constitutes practice as a Certified Public Secretary is again spelt out in Clause 15. The Bill, has, in fact in total, six main sections as well as four schedules and I am sure that hon. Members have read the details of these clauses and are ready to discuss the Bill and contribute to the various clauses therein.

Mr. Speaker, Sir, Part IV of the Bill comprises of Clauses 24 to 30. Here the Bill makes provisions in respect of professional misconduct and enquiries into allegations of professional misconduct and the sanctions which ~~provisions~~ may be imposed in cases where a registered person is found guilty of a professional ~~misconduct~~ ^{misconduct}. The rest of the Bill sets out the various miscellaneous provisions necessary for us to achieve the main object of this Bill. It is estimated that the enactment of this Bill will result in additional expenditure of public funds which will be provided for in the normal annual estimates.

Mr. Speaker, Sir, as a developing country for 25 years of Independence, we have a number of professions which do require the enactment of such a law in order to place them in their right perspective. This is for the good of our Republic. ~~Establishing~~ The enactment of this Bill into an Act will help Kenyans to become full-fledged professionals in as far as Certified Public Secretaries are concerned. This will provide them with a ^{framework} ~~framework~~ within which to develop this profession. It will also ^{provide} ~~help~~ Kenyans with an opportunity to manage their own affairs. One may wonder what is Certified happening at the moment in so far as the/Public Secretaries are concerned.

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah)(Ctd.):

Mr. Speaker, Sir, within Kenya in so far as the Certified Public Secretaries are concerned, there are various charters from elsewhere. Our people have qualified in other countries and although there is a Certified Public Secretaries Examination, in the absence of an Act to guide the Certified Public Secretaries profession, we are, to some extent at a loss. It is therefore timely that this Bill is brought to the House now in order to give proper ^{guidance and perspective} ~~guidance~~ to the Certified Public Secretaries in our Republic.

With those few remarks, I beg to move.

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, I beg to second the Certified Public Secretaries of Kenya Bill. As the Assistant Minister has already highlighted the main object of the Bill, I will only go along and demonstrate, if I can, the purpose of the Bill. Without repeating what the Assistant Minister has said, the main object of the Bill is to regularize the companies secretarial profession in this country.

ENDK.

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THE ATTORNEY-GENERAL (ctd.):

This is another step towards the implementation of the Government policy to create sufficient manpower resources in all professional fields. More important it ^{will} ~~is to~~ protect members of the public from persons who claim to be professionals in a given field yet they are not professional qualified.

Mr. Speaker, Sir, where does the word "certified" come from? By definition, a certified public secretary is a professional administrator. He is a secretary in the sense that he carries out executive decisions of higher authority. He holds a professional qualification through a certification. That is where the title "certified" comes from. In other words, he holds that professional qualification through a qualification on certification. Hence the title "certified public secretary". So, it is proposed as it has been done in the case of public accountants to establish an institute of these people who will be known as Certified Public Secretaries. ^{It} ~~They~~ will be charged with the responsibility of promoting standards of professional ^{Competence} ~~competency~~ and practice among persons qualified in that capacity as company secretaries. At the moment you will hear of company secretaries and ^{accountants} ~~accountancies~~ being mentioned. But so far we have only managed to get the accountants having their own profession. So, this is a further step to have this institute of company secretaries who are certified established in the same way as we did ~~the~~ ~~parliament~~ in 1977 ~~to~~ ~~in~~ to establish the Certified Public Accountants Institute whose establishment can be seen in Chapter 531 of the Laws of Kenya.

When Parliament ^{enacted} ~~passed~~ that Certified Public Accountants Act in 1977, it was anticipated that a professional institute of company secretaries and administrators would be established soon thereafter. Indeed under Section 15 of the Certified Public Accountants Act, as the Assistant Minister has said, it ~~is~~ provided that the

THE ATTORNEY-GENERAL (ctd.):

members of the Kenya Accountants and ^{the} ~~Secretary~~ ^{to the} National Board must be nominated by the governing ^{body} ~~board~~ of such ^a professional institutes for company secretaries and administrators as may be established with the approval of my office.

The purpose of this Bill, Mr. Speaker, Sir, is, therefore, to provide for that institute as envisaged by ~~this~~ ^{enacting} ~~the~~ ^{enacting} August House when ~~enacting~~ ^{enacting} the Certified Public Accountants Act in 1977. Every person who registers as a certified secretary will be a member of the institute. It is also proposed to establish the registration of ~~also~~ certified public secretaries board which will deal with the registration of persons who are qualified to be registered as such. Clause 24 of this Bill states that a person will be qualified to be registered as a Certified Public Secretary if he has been awarded a final certificate of Certified Public Secretary examination by the Kenya Accountants and Secretaries National Examination Board (KASNEB) or he is both a citizen of Kenya and a ~~member~~ ^{member} of the Institute of Chartered Secretaries and Administrators of the United Kingdom.

We also have in the Bill made a provision for the registration board to approve the qualifications ~~of a person~~ which it considers sufficient to allow a person to be registered as a Certified Public Secretary. Once a person is registered, he will be issued with a practising certificate. It will ~~be~~ an offence for any person to practise as such a ~~secretary~~ without holding such a practising certificate.

The success of any profession ~~is~~ depends on the ~~the~~ integrity and competence of its members. It is my sincere hope that the institute will work towards moulding a well ^{disciplined} ~~disciplined~~ ^{line} of professionals who are able to carry ^{out their} ~~their~~ professional duties ^{diligently} ~~diligently~~ and honestly. So, the scope of the Bill is similar to many other Bills that have been before this House like the Certified Public Accountants Act.

THE ATTORNEY-GENERAL (ctd.):

Mr. Speaker, Sir, Part I of the Bill deals purely with interpretations ^{of what} we call the preliminaries. This is followed by Part II on page 25². This is the actual establishment of the institute. It states that:-

- "3. (1) There shall be established an Institute to be known as the Institute of ^{L certified} Public Secretaries of Kenya.
- (2) The Institute -
- (a) shall be a body corporate;
- (b) shall have a common seal which shall be kept in such manner as the Council directs;
- (c) may acquire, hold and dispose of property; and
- (d) may sue and be sued in its corporate name.
- (3) All courts, judges and other persons acting judicially shall take notice of the seal of the Institute affixed to a document and shall presume that it was duly affixed."

So, Part II (A) of the Bill is about the Establishment of Various Bodies or what we normally call the management aspect of the Bill.

Part III of the Bill deals with the ^{issuance} ~~issues~~ of Practising Certificates and Registration of Certified Public Secretaries. This is more or less the actual enforcement provision which provides how the practising certificates and registration will be carried out.

Part IV of the Bill just like in any profession or discipline provides a code of ethics. The code of ethics in this Institute is provided ^{for} in this Part IV - Disciplinary Provisions. It is identical to many other disciplines like medical and dentist boards, advocates accountants and so on. This is their code of conduct which they must adhere to in order to uphold the professional standing of this institute. Anybody who falls short of these callings is subject to discipline by the board. He can even be struck off ~~from~~ the register of the board. So we expect strict adherence to the code of ethics by the members just like in any other discipline.

(Mr. Speaker left the Chair)

(The Temporary Deputy Speaker, (Mrs. Ndetei) took the Chair)

END. L "

THE ATTORNEY-GENERAL (ctd):

Finally Madam Temporary Deputy Speaker, we have the General Provisions of the Bill which are purely normal just to enable the operation of the Act. Then they also provide with compliance to a certain section of the ~~Company~~ ^{Companies} Act which will have to be amended in order to accommodate them. For instance Section 178,

(1) states that:-

"Every secretary to the company shall hold a qualification prescribed by section 20 of Certified Public Secretaries Act, 1988."

We have to put that in the ~~Companies~~ Companies Act so that the ~~R~~ Certified Public Secretaries may be recognised for the purpose of our ~~Company~~ Companies Act.

Then there is the First Schedule which deals with meetings of the Institute and how they operate them. Then there is the Second Schedule which deals with the Council - Members of the Council ^{and} how it is composed and its operations.

Finally, we have the ~~Third~~ Third Schedule which deals with the process of registration - The Registration Board ^{and} Members of the Registration Board.

The fourth Schedule deals with the proceedings in the event of an inquiry ^{of that is} undertaken if a misconduct is committed by any member of this profession.

Madam Temporary ^{Deputy} Speaker, this is a straightforward ^{Bill} ~~case~~. This is a very ^{important} Bill which brings a class of persons known as ~~Certified~~ Public Company Secretaries to become a professional discipline like any other disciplines. Earlier on I mentioned advocates, ~~a~~ accountants, architects and quantity surveyors. The public is entitled ^{to} protection of qualified persons who present themselves as trustees for due performance of certain ethics as required by law. In this particular aspect, these are the sort of people whom you would approach for formation of a company. These are the sort of ~~a~~ people who are qualified to organise matters concerning a company like declaration of ~~div~~ dividends and so ~~in~~ on. These are the people who would attend ^{public} company meetings, ~~that is companies~~ ^{companies} which are quoted at the Stock ~~is~~ Exchange and other companies, and take minutes of those companies where ^{the} public's ~~own~~ interests could be looked after. So, here, we need persons of competence, ^{honesty} ~~honest~~ and of high integrity. Any ~~mistake~~ mistake will cause a lot of havoc to that company in violation of the Companies Act. So, they are very important people, just like the other professionals.

THE ATTORNEY-GENERAL (ctd):

We call upon them, if the Bill goes through and becomes an Act of Parliament, that they must live to a very high standard of ethical standards. Anyone short of that, I am afraid, will find it very difficult to exist. We have known other professionals ~~who~~ like advocates who have been taken to court for misappropriation of clients' money. That is not becoming of a professional man who is bound by a professionally bound discipline. We have also seen misconducts ~~in hospitals~~ of doctors in hospitals; we have also seen misconducts of architects and other professionals. That code of ethics is very important and I hope the hon. Members had a chance of going through and compare the provisions of this Certified Public Secretaries Act with the other provisions of the other Acts. I am suggesting that ~~that~~ that may enhance their operations so as to protect the public. No doubt they will look at them, but basically this is a standard Bill creating the discipline ~~for~~ for a professional body, governed by a board and under the Act, ~~they~~ they can discipline any member who misconducts himself ~~under~~ using the disciplinary proceedings which are contained in the code of ethics.

So, Madam Temporary Deputy Speaker, I do not think I have any more ~~points~~ points to add except just to say that I second the Bill.

(Question Proposed)

MR. MAKAU: Thank you Madam Temporary Deputy Speaker, for giving me this ~~opportunity~~ opportunity to contribute to this very important Bill which has come at the right time. ~~First~~ First of all, I would like to say that Certified ~~Public~~ Public Secretaries, for many years, have been regarded as people who did not belong to any profession, and yet they have been ~~performing~~ performing a very important role in the development of this country for ~~xx~~ a long time now. Since ~~when~~ these professionals are given charge of being company secretaries in a company, ~~the~~ and there is no professional body that governs ^{their} ~~the~~ ethics, many a times they have been looked down ~~xx~~ upon ~~xx~~ by accountants as if they are people who do not belong anywhere.

MR. MAKAU (ctd):

Madam Temporary Deputy Speaker, & this Bill is very important because these secretaries are given a sense of belonging. At the same time, it specifies what is expected of them. Because we are a developing nation, and we are moving to a stage where we are stressing on ~~enterprises~~ companies ~~and~~ doing well so as to boost our economy, it is very important that the Minister for Finance and the Attorney-General brought this Bill here so that the Certified Public Secretaries would feel that they have a rôle to play. Before I get down to the ~~next~~ details of this Bill, I would like to ~~warn~~ caution the Mover of the Bill, and the Attorney-General. While we say that we will fit the certified ~~public~~ public secretaries into the ~~Companies~~ Companies Act, and because the Companies Act states that the small companies that are starting, should have people who have been appointed as directors, will it not be made mandatory that the person who becomes the company's secretary should be a certified ~~public~~ public secretary? Many a time, in the Companies Act, the directors appoint one of the persons to be the secretary to the ~~company~~ company. That is when the company is ~~starting~~ starting. If that is not taken care of, you might find that companies might find it difficult to pay certified public secretaries. The moment we give them the professional status, they are going to be very expensive.

So, Madam Temporary Deputy Speaker, when the Minister for Finance and the Attorney-General mentioned that the certified public secretaries will be fitted into the ~~Companies~~ Companies Act, they should have looked into this area very seriously. At a given time a company should be expected to have a certified company secretary, but not at the beginning of a small company. Normally, when you start a limited company, ~~the~~ you may start it with your wife or son. One is appointed the chairman, the other the secretary and so forth. If we said that we get a very qualified certified public secretary, as a secretary to that small company, it might be difficult for some of the companies to survive.

M.4 8.11.88

MR. MAKAU (ctd):

Madam Temporary Deputy Speaker, I also feel that there is one ~~the~~ thing that ~~is~~ is very important; That is the introduction of the disciplinary committee. We have had a lot of cases of professionals, especially lawyers, who have been taken to court for swindling clients of their money.

END M.....



MR. MAXAU (ctd.):

Madam Temporary Deputy Speaker, Sir, this is a very welcome committee in this Bill. When I went through the Bill, there was one thing which was not clear to me. The Bill states that there will be ^a committee which will be set up. It was not clear whether that committee will be composed of the certified public secretaries ~~who will~~ ^{to} discipline the others. If such a committee is set up— These are new people who will be given the status of being professional, *and* for those who will get into it, ~~because~~ there will obviously be competition, although professionals are not supposed to keep on advertising for their jobs. The people who will be appointed in the disciplinary Committee should be people of integrity so that they do not ~~frustrate~~ frustrate those people who want to climb up the ladder. The Bill has specified the code of conduct that is expected of the m, but with a new professional body like this one, it might be difficult to know the ~~exact~~ exact areas where ~~ex~~ people should be disciplined on. If ~~a~~ some of these people have established their own private practices, and they are elected as members of the disciplinary committee, they ~~should~~ should not use this opportunity to frustrate others who seem to pose a threat ^{to} /their private practices. This is very important because professional ethics should be maintained.

Madam Temporary Deputy Speaker, I ~~am~~ happy that ~~these~~ these

1.c. Certified Public Secretaries are moving into professionals' cadre. After 25 years, we have started recognising that we do not have to depend on countries like Britain, whereby we have to do things their way. There has ~~ix~~ always been a tendency by professionals, not only here, but also in many parts of the world, of trying to make sure that nobody gets into their profession. This trend should stop. Last time we had ^{The} Clinical Officers Bill, 1.c. and now we are discussing this one of Certified Public Secretaries. These are two very important Bills, because, with the 8-4-4 system of education,

MR. MAKAU (ctd.):

a lot of people will ~~graduate~~ graduate, and not all of ^{them} will be admitted in our universities. Some of the se people who are not university graduates do a lot of work. For example, if you go to an architect's office, ~~most~~ most of the work is done by the ^{draughtsmen} ~~draughtsmen~~, and the architect only ~~keeps~~ checks and signs whatever has been done. As we continue implementing the 8-4-4 system of education, we shall need a lot of the middle cadre professionals who have not gone to the universities. This is a good move because we are taking care of those people who have not acquired any degrees. - If one has not degree he cannot be admitted to the ^{profession of} ~~architecture~~ or any other ~~degrees~~ professional bodies. The 8-4-4 system of education will produce people with skills, and some of the m will not be admitted to the universities, but they will develop their skills ~~at~~ ⁱⁿ the polytechnics. We have already dealt with the Clinical Officers Bill, and ^{was not} ~~we~~ have ~~now~~ come to the Public & Certified Secretaries, Bill, I expect the Attorney-General and the other relevant authorities to bring us another Bill concerning those people who are in the building industry, especially the ^{very} ~~draughtsmen~~ ^{draughtsmen} ~~profession~~. Most of these people go through/inte nsified training and sit for examinations like the Higher/Diploma ~~National~~ National Certificates, and they find it difficult to register or practise, because the university graduates keep on telling them that they do not belong to that profession, although they are working under it. So, this Bill is a very welcome.

Madam Temporary Deputy Speaker, having ~~said~~ said that, I would ~~like~~ like to touch on the practice of professionals in this country. We have a lot of indigenous Kenyans who are becoming professionals, for example, public certified ~~xxx~~ secretaries, architects, quantity surveyors; and quite a lot of other professionals. There is an out cry in this country that those indigenous Kenyans who have registered as professionals, ~~xi-~~ architects, quantity surveyors, and other ~~xi-~~ are being frustrated by the foreign professionals who have registered their operations in this country.

MR. MAKAU (ctd.):

In some areas like ^{architecture} ~~quantity~~ and quantity ^{surveying} ~~occasions~~, although we have indigenous & professionals in these fields, when we look at the professionals boards, the Africans do not appear there. There is a trend of African professionals disappearing from those boards. When people are putting up a building they check on the professional board to see who is the quantity surveyor, the ^{architect} ~~quantity~~ and the structural engineer. There are very many Africans who have ~~grad~~ graduated, and ^{who} ~~opera~~ ~~te~~ ~~the~~ their own practises, but there seems to be a ~~trax~~ trend of the ~~m~~ ~~dis~~ ~~ap~~ ~~pe~~ ~~ar~~ disappearing from those professional & boards. The major jobs are given to the foreigners, and this is ^a very ~~embarrasing~~ ^{embarrassing} situation. Most of the buildings are being ~~xxxx~~ put up by our parastatals ^{bodies,} like the Kenya Reinsurance Building which is next to the University of Nairobi. Luckily, this parastatal ^{body} appointed an African as the quantity surveyor, but in many cases you find that the indigenous professionals are competing with the foreign professionals who are re_gistered in this country. I would ^{like} to state that ~~a~~ foreign professional from ~~Exx~~ Britain or the ~~l.c.~~ United States of America does not invest anything tangible in a country.

Madam Temporary Deputy Speaker, if you look at the foreign ~~professionals~~ ~~re~~ ~~g~~ ~~is~~ ~~ter~~ ~~e~~ ~~d~~ ~~pro~~ ~~fe~~ ~~s~~ ~~s~~ ~~i~~ ~~o~~ ~~n~~ ~~a~~ ~~l~~ ~~s~~, they bring very little benefits from their countries. The publishers are also professionals, and they operate in our country. The foreigners bring a few expatriates who are professionals, and all the other work in that firm is done by the indigenous Kenyans. Most of the times those Africans who are working there are ~~xxxx~~ ~~fr~~ ~~u~~ ~~s~~ ~~t~~ ~~r~~ ~~a~~ ~~t~~ ~~e~~ ~~d~~ ~~by~~ those foreign owned professional bodies. They are given very funny titles, such as, the assistant general manager. These indigenous people are just there to do the ordinary work, and then the foreigners ~~expatriate~~ ~~re~~ ~~pa~~ ~~tri~~ ~~ate~~ the benefits they have acquired in the name of management fee.

MR. MAKAU (ctd.):

~~Originally~~ Later you might find out that whatever was transferred to this country in form of foreign exchange was just a salary of six months for those people who came to practise in this country, and they still continue repatriating all the benefits ^{to} ~~for~~ their countries

The other point I would like to mention is that these foreign owned professional bodies are the first ones to know when ~~in~~ our ~~country~~ country is getting an ~~in~~ aid. This is where our indigenous Kenyans are frustrated most. When our country is getting ^{an aid} /from the European Economic Community or the United States of America, the foreign owned professional bodies are the first to know, because they are multi-nationals, and ~~their~~ ~~companies~~ ~~are~~ ~~in~~ ~~the~~ ~~country~~ they get a chance of negotiating or lobbying before any Kenyan professional knows that there is money coming to this country. I would like to give ~~an~~ the example of the ~~money~~ money that was given ^{by} ~~to~~ the United States Agency for International Development (USAID) for encouraging the agro-industrial development in the ~~rural~~ rural areas. It was very easy for the multi-national companies like ~~Deville~~ ~~Haskins~~ ~~Limited~~ ~~and~~ ~~Haskins~~ ~~Limited~~ / ^{lobby} and the others to ~~lobbied~~ lobby before the Kenyan ~~professionals~~ professionals. So, by the time ~~the~~ money came into this country, it was stated very clearly that the former ~~Bill~~ Gill and Johnson was in charge of ~~the~~ ~~money~~ ~~to~~ be handled by the bank, but ~~the~~ Gill and Johnson was ~~in~~ in charge of everything. The foreign owned ~~professional~~ professional bodies ~~in~~ insist on the feasibility ~~studies~~ studies, and this is where the indigenous Kenyans get into problems.

(END...N)
R/Jmb.

MR. MAKAU (Contd.):

The person wishing to establish a honey-processing plant at Kibwa is asked to prepare a feasibility study if he is going to get money from these people, or if any recommendation is going to be done by them. Now, if an indigenous Kenyan professional company is given this responsibility, there is no problem at all. Most of the people who have money in the rural areas are not necessarily people who have been to school for many years. So, the question of a feasibility study might not arise although it is necessary professionally because you have to know what you are doing. But then ^{many a} times the elaborate feasibility studies and plans that are called for by these professionals for them to recommend you, or if they are making them, are extremely very expensive. So, what I am stressing here is that the local indigenous professionals must be assisted. There are many Kenyans who are qualified as Certified Public Secretaries (C.P.S.) who are going into this business. However, Africans find it difficult when the lobbying is done outside the country, especially when it comes to the question of money that we get from other places.

Madam Temporary Deputy Speaker, there was a case that I would like to refer of a problem like this one. About a year or two years, there was the question of grain storage assistance by the United States Agency for International Development (U.S.A.I.D.). This is contained from what we are getting from some of these people who are helping this country. I was amazed to find that after getting the money from the U.S.A.I.D. for the people to be shown how to store their grains, there was nothing new in it. This does not concern the National Cereals and Produce Board method, but it is a complicated one. Somebody who is a professional and he is an expert on grain storage, came here to do a research on grain storage. He was given a contract by the donor who had given us the aid to go round western Kenya to find out from the people the traditional methods of storing grains for him to recommend how we should do it after the research. I saw the paper that was done and it was good that he was paid for it. The person who was awarded the contract sub-contracted another Kenyan to do the job. The person who was awarded the contract was an American. He said he was specialised in grain storage in ^{Latin} America. So, he came over here with his group and

MR. MAKAU (Contd.):

was paid the consultancy fees. Now, the work that was done in western Kenya about how the Abaluhya and others store their grains traditionally ^{made one} you wonder what ^{we were} you are paying for because I do not think the people from western Kenya got any new ideas at all from those professionals. But instead, they taught those professionals how we store our grains here. So, this is really a waste of our money being paid to these professionals who are foreigners.

Madam Temporary Deputy Speaker, there is also a lot of exploitation by professionals. ^{feasibility} Feasibilities studies and plans are extremely expensive when getting them from the professionals. They charge heavy fees to prepare them.

The architects and also the quantity surveyors are covered by the Acts. But we have to look at these Acts. They are professional laws, but there are foreign aspects in them which we must look into. For instance, if you want to put up a house you have to contract an architect who also contracts a quantity surveyor. The two people sit down to ^{decide} design how much or what is going to be ^{the} cost of the house that you are going to put up because it is from that total cost of the house that they will charge their professional fees. If you had decided to put up a house worth KSh.200,000/- the architect might design a house worth, say, KSh.2 million, and then he charges professional fees of whatever amount because he is covered by law. He charges a certain percentage of the KSh.2 million. So, here is where the professionals in this country are exploiting others. I have only taken the example of architects and quantity surveyors, but I know also that the C.P.S. will also come into this category. That is why I am cautioning them here.

We have had cases whereby, if you want to put up a house, you are really in disagreement with the architect because you want to put up a house worth, say, about KSh.200,000/- and the quantity surveyor who has done the costing of the house will put it at, say, KSh.500,000/-. Now, we are in the process of amending this law and this is where the ^{Attorney-General should} ~~Attorney~~ should come in. We inherited it from the British Government and we have to find a way of checking the exploitative that we are getting from these professionals. They are the people to ^{design} ~~design~~ design the building and at the same time ~~they are the same people to~~ decide how much

MR. MAKAU (Contd.):

they should charge you. This needs to be looked into.

Also concerning the professionals in this country there ^{is} another problem that needs to be checked. Those professionals that operate here, the African owned, the indigenous Kenyan owned professional companies, like architects and others, sometimes look for a work permit for somebody to come and operate with them like an architect or a quantity surveyor. By the time the time those professionals come to operate here, the application for that permit ^{has already} ~~has~~ been ^{applied for} ~~done~~ by the indigenous Kenyan company here. This foreigner will have one, two or three contracts here and has access to the other foreigners who are operating here. So, they start looking forward to opening up their own registered organisation, and from there that architect or quantity surveyor becomes a competitor to the one who got him the work permit to come here. So, the foreign professional is also given a work permit to operate here. This is an area that needs to be looked into by the Attorney-General and the Immigration Department so that if a foreigner has come into this country because a Kenyan company wanted a professional ^{foreign} because they did not have a person here, that ~~professional~~ should not be allowed to get a permit to establish his own body. For instance, if he is a whiteman there is a tendency that he has worked in various places. So, he is going to meet other people who are likely to award him contracts. Therefore, he will leave the Kenyan company and form his own and start practising. So, this is an area that needs to be looked into. Very many of ^{our people are} ~~them~~ are being frustrated here.

Another area that needs to be looked is whether Kenya has had enough professionals. So, we should look for a law or an amendment to be brought saying specifically that if a foreign professional wants to practice in this country he should do so through the invitation of the professional bodies or the professional body that is concerned. While we are still training our own professionals at the four universities - who have done quite a lot - we should not leave it open to everybody for any professional to come and register in this country. If he is an architect, a lawyer or any other professional he should be registered through the local body concerned. For instance, we have talked about the C.P.S. body which is going to be formed. So, any professional ^{who} ~~body that~~ is coming to practice in this country should do so at the invitation

MR. MAKAU (Contd.):

of the registered body that is registered ^{here} / which is indigenous so that we do not make this country of ours a place for those professionals who cannot get jobs in their own countries to flood in here simply because we are getting aid from their countries. So, this is one of the areas that needs to be looked into now that we are producing so many professionals. With the current intake of 26,000 university students, if we allow foreign professionals to be flocking into this country without control then we will find that our professionals will be frustrated. We have a lot of multinationals coming into this country and our indigenous Kenyans will not get jobs from the bodies that have been formed.

End O.



MR. MAKAU (CTD.):

The other point, which is almost the last one I want to raise, is the question of Kenyan professionals. I would urge and plead with Kenyans to note that there is a tendency ^{of} ~~for~~ people to think that there is a lot of money to be got when you set up your own practice. It is necessary that when somebody has come from the University of Nairobi or any other university to realise that experience is very important. In the law profession, for example, you find that somebody leaves the university this year and, after three months' pupillage, he sets up his practice. I think ^{the reason why} we have had a lot of lawyers dealing with land-buying companies put in prison because of stealing clients' money, is that the lawyer leaves the university, he does not work anywhere and, after pupillage, he associates with an African law firm---

THE ATTORNEY-GENERAL (Mr. Muli): On a point of information, Madam Temporary Deputy Speaker. There is a full year post-graduate pupillage in the Kenya School of Law, which is mandatory. Anyone who leaves the University of Nairobi or any other university must comply with this requirement and pass some professional examination. This does not take the graduate less than a year. It is not three months' pupillage. That remark is not very fair. There is this post-graduate course. I agree, however, that experience is necessary.

MR. MAKAU: Thank you very much, Madam Temporary Deputy Speaker, for ^{that} ~~his~~ guidance from the Attorney-General.

What I would say is that after coming out of the university and post-graduates go to the Kenya School of Law, it is necessary that they get experience. That is what I am saying. You will find that we are likely to get into a situation like that of the Indians in Bombay ^{and} India, where very respected professionals like lawyers become mere letter writers because they are so many and they have no experience. If you left about Shs.20,000/= to such a person because he is attending to your

MR. MAKAU (CTD.):

case, and then you win the case and you want that money back, it is difficult to get it.

I know that our professionals are doing a good job, and all I am asking is that they should try, as much as possible, to learn ~~in~~ the trade for a number of years before they set up their own operations. We know that we are on the run, but when you come to professionals, it is very important that they get experience so that when you engage a lawyer, an architect or a quantity surveyor, you are confident that this person is going to handle your money without thinking that it is his money. There is a likelihood of that happening if the person concerned has no experience from another organisation where this kind of job is done.

Because we are talking about professionals, the other aspect I would like to mention is that the professionals in this country should really try to stop prostituting. What I am saying is that there is a tendency for Kenyans---

AN HON. MEMBER: The word "prostituting" is unparliamentary.

MR. MAKAU: No, it is not unparliamentary because I can explain what I mean by it. I am a professional ~~man~~ marketing man.

Let me explain this. You will find that a foreign organisation or a foreign architect comes here and, because he cannot be allowed to practise as such, he uses an African name. He calls himself Makau, and you find that his company is called Makau and another English name. I am happy that those who do that without being qualified are catered for here. Even when qualified foreigners come here, let us be ourselves and show that we are capable of setting up our own professional practice. I am not saying that people should not be in partnership, but I feel that there is a little bit of misuse by those who come here and want to use a Kenyan professional's name to acquire some contracts from the Ministry of Public Works or other Ministries. I would like to urge our professionals

MR. MAKAU (CTD.):

to have that pride. If they are determined to set up their own practice, let them make it indigenous. ^{Am not saying} I ~~mean~~ that they should not go into joint ventures. Most of the time, however, they end up being exploited by foreigners who have been here for long. Most of the foreigners who have been registered here have been in business for many years. It is good that our people be on their own even if they get only a few contracts. Let them not get big contracts but only a small percentage of ~~the profit and~~ ^{goes to the foreigners.} ~~the remainder~~ ^{l.c. firm} ~~is~~ ^{is} The remainder ~~is~~ ^{is} Our people usually end up being put into association.

I said that it is good for a professional body to invite those who would like to practise here. This body should be legislated. It is very easy to have such legislation. When the foreign professionals practising here link up with local indigenous Kenyan firms, they should be associates, rather than the principals because they earn money here while they have not brought in any money. When they operate as principals, they transfer a lot of money from this country in terms of management fees and other charges. Professionals are of a very funny breed, and their work is to look for loopholes. If a professional is an accountant or a lawyer, his company will want to get a better one who can look for a loophole in the law. This is why I ask that when a foreign professional comes to operate in this country - we see many of them with British and Kenyan names - they should do so as associates, and not as principals so that they do not take a lot of money out of the country.

Madam Temporary Deputy Speaker, I do not want to take a lot of time on this point. I would like to call upon the professionals in this country to realise - that is why this Bill is here - that ^{of} this country puts a lot of trust in them. The development of this country depends entirely on what we get from our professionals. I urge them to be extremely patriotic because it is the professionals all over the world, be

MR. MAKAU (CTD.):

they bankers or accountants, who are used by foreign organisation or individuals to exploit their countries, although this does not happen in many developed ~~countries~~ ^{countries}. You do not find an American or a Briton insulting his country or saying that the things happening in his country are very bad. I would urge our professionals to be more patriotic than they presently are and know that whatever they are doing, it is enhancing the development of this country. They should not be used by foreigners to exploit this country.

Because professionals are highly respected, when they make a statement, they should check the implication that the statement is going to have on the common mwananchi of this country. I say this because many times we have talked in and outside this House about statements that have been issued by professionals, especially when it comes to an amendment of some law. Professionals should know that this country respects them, and the moment they make a statement, the common mwananchi thinks that that is the truth. I would like to ^{call} ~~put~~ upon them to ^{be} ~~be~~ more patriotic and know that a statement from them is taken as the whole truth because they are professionals. I urge them to see that before they make any statement, they do a lot of consultation with the bodies concerned. If it is a Bill or an amendment to a law that we are discussing here, the professionals concerned should really make consultation with the necessary authorities that have been drafting the Bill and, at the same time, explain matters to their members. In this case, when they make a statement, it will not be destructive. We would like professionals to make constructive statements regarding the affairs of this country. We are Kenyans, whether we are making laws here, farming or doing anything else to make this country prosperous and stable.

End

MR. MAKAU (ctd):

Madam Temporary Deputy Speaker, I would like to call upon the professionals to be more patriotic and to continue supporting the policies of the Government. If this is done, all of us in this country will be satisfied because we will be moving in the right direction.

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

THE ASSISTANT MINISTER FOR ENERGY (Mr. M'Mukindia): Thank you very much, Madam Temporary Deputy Speaker, for giving me this opportunity to support the Bill.

First, I would like to thank the hon. Minister for bringing this Bill to this House. To me, this is an indication that the Ministry of Finance is in the process of assisting this ~~our~~ country to develop our professions. The development of professions is a slow, painful and expensive process. It takes time, money and a lot of efforts.

For the last 25 years, I think we have moved from a situation where we were depending on foreign training and professionals to a large extent to the locally trained professionals. I see this Bill in that background and it fits in the total development of professional manpower in this country.

It is true that professional certified public secretaries are in ^a limbo in this country and their profession has not been clearly defined. They, therefore, are not sure where they fit in. They do not know whether they fit in ^a personnel or accounts departments. They have been in limbo and I think this ^{Bill is} straightforward and their profession should be defined clearly.

The other aspect of this Bill concerns the definition of this profession. If this profession is defined clearly, it would be possible for these professionals to ~~provide~~ provide consultancy services and be employed as certified public secretaries. I think, like in other professions, consultancy services will be required in this field for the benefit of the normal day-to-day work of the Government.

THE ASSISTANT MINISTER FOR ENERGY (Mr. M'Mukindia) Ctd:

I look forward to the day that the Ministry will encourage local professional^s to become consultants. We know that, like hon. Makau said earlier on, a lot of dollars go back to the donor countries in the form of consultancy fee^s. Since the Ministry of Finance controls most of these donations, I think it ought to insist on getting our own local consultants in various fields. If we fail to get such services here, we can then get them from the donor countries.

COUNTRY

Since we know our^{self} better, we really ought to insist that we get the consultants ourselves. That will not only save the foreign exchange that goes back to those countries but will also encourage our own people to become consultants.

It makes it a lot easier if there is a recognised Act to enable professionals establish consultancy services. For example, doctors can set up their own ~~services~~ consultancy services easily. This also applies to architects, some of the engineers, quantity surveyors and land surveyors. It becomes very difficult for professionals in areas like personnel and manpower planning to establish their own consultancy services. This is because they are not easily recognised.

It is for this reason that I strongly support this Bill which now encourages people in the not so clear professions to ^{forge} ~~take~~ ahead. Such professions will be defined quite well in this Bill. I, therefore, hope that the Ministry of Finance will now continue to register consultants falling under professions which are not clearly defined.

I am looking at this Bill in the light that it may also help this country to earn foreign exchange. This can be realised if we develop our training facilities. We now ought to look at training facilities as a foreign exchange earner rather than as a spender of foreign exchange. I think this country has developed to such an extent that, in the field of training, we can offer ^{professional} training facilities to other countries. The Ministry of Finance should move a step further and encourage our own professional institutes to

THE ASSISTANT MINISTER FOR ENERGY (Mr. M'Mukindia) Ctd:

that we have rushed too fast in setting up our own professional consultancy services. We should move slowly in allowing our people to set up their own consultancy services.

In c_onclusion, I would like to look at other professions which are continuously changing. For example, engineering ~~xxx~~ is one of the field where there are changes everyday. I understand, it is very difficult for the law to keep up with the changes that take place in the technological field. In some of the engineering disciplines, it may be very difficult to know exactly what ~~ix~~ law governs a particular professional.

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THE ASSISTANT MINISTER FOR ENERGY (Mr. M. Mukindia) (Ctd):

For example, I am not very sure of the details, but I believe that maybe only one Act encompasses the practice of engineers in this country. Now, in engineering we have several disciplines: we have electrical, civil, chemical, mechanical and electronical engineering. There are more forms of engineering that are not common in everyday life. If a professional in any of these engineering fields wanted to set up his own practice, under what Act would he or she, therefore, practise? Would a civil engineer practise under the Act as an electronics engineer when they are doing quite different things in the field?

Madam Temporary Deputy Speaker, I believe that although the Ministry has done quite a lot, it should look into this field, which is generally known as engineering, but ^{with} ~~there~~ maybe, six or seven disciplines, ~~of engineering~~ to enable more professionals to set up their own practice. This is because if there is any area in this country where there ^{are} more foreign professionals than in any other, I think it is in engineering. However, we have a lot of qualified electrical, civil, chemical, mechanical, electronical and computer engineers. ~~But~~ If they are not assisted by the Government, it becomes very difficult for them to set up their own practice. They are qualified and are the same people who work for the expatriates; I think the engineers in this country need a break. I think the hon. Minister for Finance will do something to assist them.

With those few remarks I beg to support.

THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES (Mr. Kombo): Thank you, Madam Temporary Deputy Speaker, for giving me a chance to also contribute to this Bill. I would say that when the nation was celebrating the first Nyayo Era, the Institute of Certificate Public Accountants ~~was~~ was celebrating its first 10 years since its ~~own~~ establishment.

THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES

(Mr. Kombo)(Ctd):

We are now at the beginning of the second Nyayo Era, and we have a Bill here for the establishment of the Institute of Certified Public Secretaries. I take this opportunity to congratulate the Kenya Accountants and Secretaries National Examinations Board (K.A.S.N.E.B.), which is going to be responsible for the existence of the two institutes. I say so because many of the members of the Institute of Certified Public Accountants (I.C.P.A.) have gone through K.A.S.N.E.B. examinations to become members of that institute. I believe that once this Bill becomes an operational Act of Parliament, many of the members of the institute to be established will be past students of K.A.S.N.E.B.

Madam Temporary Deputy Speaker, I would say that when the I.C.P.A. was being established it was believed that the Institute of Certified Public Secretaries (I.C.P.S.) would also be established soon ^{thereafter}. It has taken 10 years to do this, and I would say that this is a bit too long for the establishment of an institute like this one. However, I think we have had enough time and I think we shall make use of the I.C.P.A. when setting up this new institute.

I would now like to turn to parts of the Bill and start by touching on examinations. I would say that K.A.S.N.E.B., which sets examinations for both accountants and secretaries, should be re-examined. This body ^{has} ^{done} a commendable job, but it is my sincere believe that now it cannot serve two institutes effectively. Maybe, it will be better for us to have separate examining bodies for the accountants and the secretaries. This is because the two separate institutes will be in a position to control the material to be covered by those who want to qualify as either accountants or secretaries.

Now, I would like to turn to the registration of members.

THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES

(Mr. Kombo)(Ctd):

of members of I.C.P.S. Once this Bill becomes an Act and the institute is set up, I would advise the registration board of the secretaries to borrow a leaf from the I.C.P.A. It will have a problem; at the time of the registration of the accountants many people ~~were~~ claiming to be qualified accountants came from nowhere. So, if this board borrows a leaf from what happened during the registration of accountants, I am sure registration of secretaries will be carried out smoothly and with certainty.

Madam Temporary Deputy Speaker, Sir, I would also like to talk about standards once the institute is set up. Many of our professionals tend to go back to more or less stereo-type standards of foreign bodies that are set up in various countries. I would suggest that our professional bodies should set up standards that will be applicable, rather than employ general standards which are applicable to, say, Great Britain and United States, but which will not apply very well here in Kenya. I would also request right away that the institute of secretaries that is to be established ~~from~~ starts its work by looking into the question of ethics and setting up ~~standards~~ ethical standards for guiding ~~secretaries~~ secretaries in future.

With regard to our professionals in general, I would suggest that our professionals should look ^{like} and be Kenyans. I say that they should look ^{like} and be Kenyans in this context: as professionals, one of whom I am, we should take care of our motherland; we ~~we~~ should serve this country ~~with~~ with dedication; we should be honest, first to ourselves, to our professional ^{bodies} ~~bodies~~ and to our country. If you ~~are~~ are honest to your country, I am sure that you will be an asset to that country. We should not be seen to be serving other foreign masters; we should not be seen to be criticising our Government; when Bills come up in this House we should not criticise for the sake of it. We

THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES

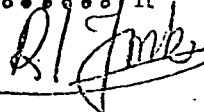
(Mr. Kombo)(ctd):

should come up with pieces of advice that help the executive arm of the Government and the Judiciary so that this nation may prosper. This is better than taking the other side of the table and being more or less only critics instead of being of assistance to the nation.

Madam Temporary Deputy Speaker, professionals should be mindful of other peoples' welfare. If a poor man who wants to set up a small business, to seek some guidance, I would ask my fellow accountants to be mindful of such a man's welfare and assist him, perhaps even free of charge. The same goes for lawyers and doctors. We should not have cases like one in the United States where someone died outside the doctor's door simply because he did not have his insurance number. The doctor said he could not treat the sick man because he did not have his insurance number and yet his insurance would compensate him. Let us not think about money and nothing else. If you are ~~an~~ a doctor and a patient comes to you, you should not give him part of the medicine and ~~say~~ and tell him to collect the rest of the medicine when he brings the rest of the money. If you are a lawyer and someone who has a case in court comes seeking your assistance, you should not say that you are not going to assist him until he has paid so many thousands of shillings. The same should apply to accountants and even the secretaries when they start operating independently.

END

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THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES

(Mr. Kombo)(Ctd.):

Madam Temporary Temporary Deputy Speaker, at the moment, the certified public secretaries are employed as personnel officers. I concur with the Attorney-General when he says that companies should have qualified company secretaries. When he says that, it does not mean that such a company should not engage a full-time company secretary but I am sure he means that they should have used the services of a qualified company secretary ~~who~~ who himself is a member of the Institute of Certified Public Secretaries. Even for the filling of the returns that are forwarded to the registrar of companies, you need a qualified person to come and assist you. I am sure that even a small company will try to use the services of a qualified company secretary if it does not want to go wrong. If you are a small businessman, you should try to use the services of an accountant if you do not want to go wrong. The small man will not ~~go~~ go to an accountant or a secretary if he knows that he cannot afford his fees.

The fee charged by these professionals is so high because of the foreign companies that are existing here that are doing the big jobs that should be taken by the local professionals. On the other hand, the local professional cannot be able to survive on the meagre fee he will get from his fellow Kenyan. For that matter, I will suggest that when allocating work - particularly if it is Government work - let us have a bias towards our indigenous firms of lawyers, accountants, doctors and the like. Unless we have a bias to our people, we shall not grow and a lot of money will always go out. These people have come to mint money; they have not just come to stay

THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES

(Mr. Kombo) (Ctd.):

in Kenya. They have come to mint money and squeeze the last drop of blood from Kenyans. For us to make ~~that~~ sure that the blood keeps on circulating in Kenya, then that blood must be kept by Kenyans who will be circulating it within ^{themselves} ~~themselves~~.

With those few remarks, I beg to support.

(applause)

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE

(Mr. Awori): Thank you very much, Madam Temporary Deputy Speaker, for allowing me to associate myself with my colleagues to support this Bill which I consider to be very timely.

We have many professions in this country. We have lawyers who have their own professional body; we have the medical people who also have their own professional body; we have architects, engineers and many others. These professional bodies are usually there to try and guide their members; to ~~try~~ try and assist them in different skills and to try and monitor some of the work that they do. I want to take this opportunity to congratulate all the professionals in this country. After 25 years of Independence, I think I am right in saying that our own people have acquainted themselves very well in the various professions.

The certified public secretaries are going to be of ~~very~~ great use ^{to} in this country if they have their own body that is local. It is only right that it should be so. If you equate public secretaries and doctors, you will find that it takes very much longer to train doctors than to train secretaries, yet we have had a professional body for doctors for very many years.

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori) (Ctd.):
 There is no reason whatsoever why there should not be a body for our own secretaries.

I would like to address myself to the forthcoming body & itself as to what they should really do. Besides the work that they do in big organizations like companies - the corporate work - I would like them to remember that 85 per cent of our people live in rural areas. It is in the rural areas that we want professional to go and assist. Today, we have many organizations such as the women groups and youth groups. These are organizations that are going into income generating projects. In many respects, they are going astray and they fail because they have no guidance. If we have professionals such as the secretaries, ~~that~~ being a body to help the rural people I think a very big service will have been given to our people.

I remember some years back when the then registrar-general ^{brought in} a lot of legal steps ^{to be} taken against many indigeneous organizations simply because they were not sending in returns every year as they are required. If we have our own body - I am not saying that we do not have secretaries - we want to ensure that the secretaries that we have are actually trained and they have their own professional body.

Looking at the Bill and its functions, the first - which should be the most important one - is to promote the standard of professionalism amongst the secretaries. I would like to see a slight difference. We all would not like to see a repeat of what has & happened in certain legal professions where we have seen a section of the legal practitioners being ~~be~~ brought before the courts for having misappropriated the funds of their own clients. We know that when, for example, it

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori) (Ctd.):
is only one lawyer who has done that, it is the whole ~~the~~ legal
profession that gets condemned. Yet, these are usually very
few—

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT
(Mr. Onyancha): The black sheep.

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE
(Mr. Awori): Yes; the 'black sheep' as hon. Onyancha - the
lawyer - says. We would like to ensure that we have a body of
professionals who will ~~we~~ ensure that the standards are maintained.
It is not only the standards of practice but of ~~the~~ competence.
They should advise the clients properly and ~~to~~ perform for them
properly. We ~~we~~ would not like to see a repeat of what has
happened to some accountants also. ^{where} Some of them have become
'black sheep'. There was a time I used to be the chairman of
the tribunal against income tax. There are many times that I
saw what was called an accountant misrepresenting a client.
There were many clients who need not have paid the ~~the~~ kind of
tax they were paying simply because they were not properly
represented by their professional accountants.

I hope that this body will ensure that its members
are in a position to represent their ~~the~~ clients properly. The
question of promotion of research in the work of secretaries is
also important. We want to ensure that the profession is modified
to meet the culture of this country. There is no need, whatsoever,
of importing wholesale the practice in the United States, in
the United Kingdom and ~~E~~ in Europe, to come and be utilized here.

end S.4.8.11.88



THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori) (Ctd.):

We want to make sure that our own body is internationally recognized. So that anyone who has passed the examination of the Secretaries here can be recognized to be able to represent somebody in any other part of the world. We would like to be proud of our own body here. To be proud of our body is to give the secretaries who are qualified here and who belong to the body work. It is always very disappointing to see, in a lucrative professions like engineering, architecture, and the legal work, the work being given to non-indigenous professionals. Many times the buildings which are funded by the Government, ^{are designed by} ~~you find that the~~ ^{architects who are} ~~architect that is designing it is~~ non-indigenous. Why should we do this? Why are we discriminating against our own professionals? We have got to be proud of ourselves. Many times we talk of indigenising of our economy, but unless we start indigenising the professions, then we are not going to succeed. In fact, I would like to see a deliberate policy of giving our local professionals preference particularly when it is public funds that are funding any projects.

In the proposal, it is stated that the practising certificate will be for only one year and that it will be re-n~~ew~~ew every year. I wonder why we cannot stretch this to three years. I know that there is a discretionary clause which says that it ~~can~~ can be extended and I also know that there will be no undue reason why a certificate should not be re-n~~ew~~ew every year. But it would ^{make} the work very much better if the certificate is given for three years and of course, if it so happens that the member breaks any of the regulations, then naturally, he will be deprived of that certificate.

This is a very straight-forward Bill, and therefore, I would finally like to mention the question of discipline. It is important that there is ^a very strong disciplinary clause so th~~at~~at anyone who breaks the ~~ethics~~ ethics or anyone who breaks the laws of the profession should be dealt with very severely as a deterrent to anyone else. This is because we have ^a saying which says that one rotten egg ~~infects~~ infects very many ~~others~~ others. When we have one person breaking the professional law, then ~~all~~ all the professional secretaries will be condemned. I therefore, hope and pray that when the body ~~is~~ has been formulated, that the

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori) (Ctd.):

disciplinary clause will not only be strong but it would be applied very strongly.

With those few remarks, I beg to support.

MR. MALEBE: Thank you very much, Madam Temporary Deputy Speaker, for giving me this chance to comment on this Bill. This Bill has been long overdue. In fact, it should have been brought a little bit earlier so as to take care of the professional secretaries. I know we have the Certified Public Accountants and the Certified Public Secretaries who, to the lay man appear to be the same. It is very difficult for a non-professional to distinguish between the two. This is because sometimes certified public accountants, practise as public secretaries and, therefore, sometimes it is very difficult to differentiate between the two.

This Bill therefore, will enable us to define the public secretary and it will also be easier to be able to know the scale of fees which the public secretaries charge as opposed to the fees being charged by the certified public accountants. One thing which we find in companies is that the public certified accountants have got the fees which do not seem to be scaled for the smaller businessmen to understand whether they are ~~not~~ being charged fairly or unfairly. This would be a point to be explained fully in the Bill so that a small businessman would be able to know how much he would be charged when he employs a public certified secretary. This point is not explained in the Bill; possibly it might appear as addendum to rules of the public certified secretaries.

The other point I note on the Bill is that the examination board which is being used by the two professions ~~is~~ seems to be administered by one council, the so called Kasneb. I find that Kasneb divides its examinations into three parts. You find that fellows leaving universities do not automatically qualify as certified public (C.P.A. III) or certified public secretaries (C.P.S. III) while they have studied enough although they have not done much practice. I find the question of getting the university graduates into the various practising examinations like Kasneb parts one to ~~the~~ three very difficult. This is because those graduates seem to come in at a lower level than somebody who has possibly never been to a

MR. MALEBE (Ctd.):

university and has studied through private studies and through practise obtains * this certificate. So it would be a good idea for the Minister concerned to specify at what level a university graduate will enter into this professional cadre of public certified secretaries or public certified accountants.

The Bill also comes at a very right time whereby there will be creation of employment. This is because it ~~is~~ would be easier to identify people qualified in this particular profession and how they can be deployed in the profession of public certified secretary. It would be easier to be able to select the candidates for the various levels of this discipline.

The other issue regards the scale of fees. I am repeating this because at the moment ~~is~~ without the professional Bill through, there are unscrupulous secretaries whose charges are very exorbitant. The small companies which do not understand the type of work involved are charged a lot of money. For instance, just for filling in the annual company returns, they are charged shs.500. This surely looks very exorbitant because that form can normally be filled by a company ~~is~~ director who after the introduction of this Bill will not be qualified to be a company secretary any more.

END T...

MR. MALEBE (ctd.):

The introduction of this Bill also makes the people aware of professionalism. This Bill will go ahead and reduce the 10 per cent commission claimed in contracts, and the cheating that might have been going on - public certified secretaries cheating their clients by charging them exorbitantly for services rendered. Apart from the disciplinary provisions of the Bill, there does not seem to be any indication as to how clients will be protected from professional misconduct. Section 24 of the Bill restricts the professional from cheating his clients, but how will the client know he is being cheated? It is difficult for a client to know he is being cheated because the cheating ~~is~~ is done very craftily, and ~~it is not easy for him to be immediately notified when he is being cheated.~~

Madam Temporary Deputy Speaker, I would like more Bills ^{on} ~~for~~ other professionals, to be brought into this House. We have professionals like geologists who have become quite many since Independence. At the time of Independence, we had just a few geologists, but today, I think we have more than 200 professional geologists. I, therefore, think a Bill to enact their professionalism is long overdue. I would like to urge the Minister for Environment and Natural Resources to bring that Bill to the House. I say this because in mineral exploration, or in ~~the~~ dealing with minerals or gemstones, you find that there is a lot of trafficking of minerals being done by unqualified fellows. This will make the people fall into the amendment which was ~~a~~ passed in this House last week whereby a person found in possession of certain things will be ~~fine~~ ^{fined} a certain amount of money or jailed for a certain period of time. If an ~~a~~ Act protecting geologists comes into force,

MR. MALEBE (ctd.):

everybody will be aware of the handling of minerals and also the exploration aspect of minerals. This Bill is overdue, and I think it is the ideal time that the Minister concerned with ~~the Ministry of the Environment and Natural Resources of Kenya~~ geologists comes forward and introduces a Bill on professional geologists.

THE MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES

(Mr. Nyagah): It is coming.

MR. MALEBE: Thank you. Madam Temporary Deputy Speaker, in Kenya, we have a lot of untapped minerals, and those which have been discovered keep ~~on~~ disappearing with unscrupulous and unprofessional dealers overseas, and we do not seem to take note of this. Recently, the Minister for Environment and Natural Resources, speaking to the Kenya Minerals Dealers Association - an association of people trading in minerals - requested them to be filling in CD 3 forms, to make sure that we do not repatriate a lot of Kenya's wealth without us knowing how much the country is being robbed of. I congratulate him for that.

The drilling and construction industry is controlled through licensing/ but, of late, I find the Ministry of Water Development licensing even unqualified persons to practice the drilling of water wells and ~~a~~ ^{for} minerals. In the past, you had to be qualified to move into that profession because it deals with finding what is unknown; it gives us information which assists us in research and helps us know what is beneath the earth's crust.

Madam Temporary Deputy Speaker, I will support this Bill but I would like to say that it is time the Government ^{looked} ~~looked~~ at the professional side of our people because it is very

MR. MALLEBE (Ctd.):

much neglected, and that is why you find a lot of foreign people coming here to carry out some work which should be carried out very efficiently by our own people.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): I now call upon the Mover ~~to~~ to reply.

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): Thank you Madam Temporary Deputy Speaker. ~~My reply.~~ In my reply, I wish to record my thanks to the hon. Members who have made various observations on this Bill and for the contributions they have made.

This Bill is very straightforward. Therefore, I will not take too much of the House's time in going through the Bill clause by clause. I will go over the points that have been raised one by one. Hon. Makau raised the point that small companies - man and wife companies - should be exempted from the need to have a company secretary as a certified public secretary. I would like to draw Hon. Makau's attention to Section 41 of the ^{Bill} ~~Act~~, which provides the exemption to that aspect. It states:-

"(1) Every secretary to the company shall hold a qualification prescribed by section 20 of Certified Public Secretaries Act, 1988.

(2) Notwithstanding the provisions of sub-section (1) the Minister may, on the advice of the Council and the Registration Board, exempt certain classes of companies, non-profit making organizations and charitable organizations from the provisions of that subsection."

End U.R. Jmk

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah)(Ctd.):

This is to say that the point is thus well provided in the Bill and therefore, I hope that hon. Makau will be satisfied on that aspect.

Madam Temporary Deputy Speaker, another point which was disciplinary was that a committee shall be set up to ensure that there is no victimization of wananchi. This committee will be comprised of professionals and they will, I am sure, being professionals and competent as Certified Public Secretaries, ^{and} will take care that wananchi are not victimised. I am saying this because one of the main reasons for bringing this Bill to Parliament to enact it as law, is primarily to ensure that the public is protected in so far as professional work of the Certified Public Secretaries is concerned.

Another point that was raised by hon. Makau was to ensure that those who do not make it to the university in the 8-4-4 system of education, are not shut out from this profession. We cannot bring in a clause to legislate specifically for that, but the Examinations Board will set the criteria and the Institute will also prescribe as to who should come in at the various levels. ^{If} ~~Provided~~ people are able to pass the relevant examinations, they will not be shut out by this Bill.

Madam Temporary Deputy Speaker, there was also another point which, I think, was raised by hon. Karauri who said that the Bill should incorporate a clause to register consultancy services. I do not think that is within this particular Bill. I am saying this because there are various types of consultancy services. We have engineering consultancy, accountancy consultancy, secretarial consultancy, medical consultancy, economic consultancy and so on. I believe that this is outside the scope of this Bill for us to incorporate a clause to permit specific consultancies to be legislated for in this Bill.

Madam Temporary Deputy Speaker, another point which was raised so far as the main body of the Bill is concerned, was raised by hon. Amos and this is a point relating to the duration of practising certificate.

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah)(Ctd.)

He said that instead of one year, the practising certificate should be allowed to carry on for three years. I would like to draw hon. Awori's attention to Clause 18 which related to the duration of the practising certificates. This is what Clause 18 says:-

- (1) A practising certificate remains in force unless it ceases to be in force under subsections (2), (4) or (5),
- (2) A practising certificate issued to any person ceases to be in force if that person ceases to be registered,
- (4) Subject to subsection 29 (3) (b) a practising certificate ceases to be in force during any period when it is suspended pursuant to section 28 (1) (e) or, if that period is varied on appeal under section 29 during the period as so varied.
- (5) A person may surrender to the Registration Board a practising certificate issued to him and in that event the certificate ceases to be in force.

Madam Temporary Deputy Speaker, I will certainly have a look at the issue of one year's duration because I do not specifically see where it is provided for. However, it is usual for all professions to make sure that the practising certificates of their members, are renewed annually because this annual renewal fees become a source of revenue. This point seems to be working pretty well in most of the professions and I do appreciate the point raised by the hon. Member all the same.

Madam Temporary Deputy Speaker, hon. Malebe said that he wanted the Minister to state at what unquestionable level would graduates enter this profession. Hon. Malebe himself a qualified engineer and he knows therefore, that we must have standards in this profession. - - -

AN HON. MEMBER: He is a geologist.

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): Oh, I am sorry.

I am being told here that he is a geologist. Thank you very much. Therefore, hon. Malebe knows quite well that it is not right for him to say that a final years student should go directly to ^{be} a Certified Public Accountant III. I do not know on what criteria the hon. Member has made that suggestion. However, if he cares to perhaps give me his reasoning later on, we shall certainly

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah)(Ctd.):

look into that aspect. However, I would expect him to accept that the Certified Public Secretaries will certainly state at what level the graduates should ~~be exempted from~~ enter the profession or what subjects they should be exempted in the professional examinations. So, we cannot really legislate for that provision in this particular Bill.

Now in terms of comments that have affected the clauses of this Bill, that is about the lot that I was ~~able~~ able to pick from hon. Members. However, for the benefit of hon. Members, let me very gently state that it is true that this Bill is long overdue after 25 years of Independence and I would like to thank hon. Members for congratulating us for bringing this Bill to the House now. Although it has come late, it is better late than never. Once again, I would like to say that this Bill is fairly simple and straightforward and since not many issues have been raised by hon. Members, I do not intend to really bore them by ^{repeating} ~~repeating~~ what the clauses in this Bill are all about. I know hon. Members have read this Bill and I am grateful for their contributions, 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)

MOTION

MR. TUVA: Thank you, Madam Temporary Deputy Speaker. I beg to move:-

THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 1984/85 which was laid on the Table of the House on 26th July, 1988.

END V

MR. TUVA (ctd.):

Madam Temporary Deputy-Speaker, to inform the hon. Members that although the Motion states that the Chairman of the Public Accounts Committee will move this Move, I was a member of the said Committee at the time when we were deliberating upon the Accounts of the Government of Kenya for the year 1984/85, but I was not the Chairman. The Chairman during that session was hon. Ayah who is now the Minister for Water Development and that is why he is not in a position to move the Motion himself.

The other members of the Committee were:-

Hon. J.M. Angatia, M.P.

Hon. J. Lalampaa, (The Assistant Minister in the Office of the Vice-President and Minister for Home Affairs and National Heritage)

Hon. Karauri, (The Assistant Minister for Education),

Hon. J.K. arap Koech, (The Minister for Public Works),

Hon. J. Kikuyu, (Who is no longer a Member of Parliament),

Hon. J. Njenga, (Who is no longer a Member of Parliament),

Hon. M.S. Gor, (Who is also no longer a Member of Parliament)

Hon. J.K. Kiliku, M.P.

Hon. Kamuren (The Assistant Minister in the Office of the President) and me.

The Committee interviewed ~~xx~~ almost all the Accounting Officers whose accounts were queried by the Controller and Auditor-General. Some gave explanations which were satisfactory to the Committee, but others did not explain the problems that had been pointed out by the Controller and Auditor-General concerning the accounts of their Ministries.

I would like to remind the House that we are the custodians of the public funds. The money that is ~~is~~ voted ~~for~~ by ~~a~~ Parliament has got to be accounted for by the Accounting Officers to the satisfaction of this House. If for any reason an Accounting Officer cannot explain how the money was spent or fails to explain why ~~there was~~

MR. TUVA CTD:

funds were misappropriated and the direct thefts of money by those who were supposed to oversee its expenditure, then the House has got to seek and get a thorough explanation of this. The House through the Attorney-General can ask the Government to take appropriate action ^{against} those who ~~were~~ were involved ⁱⁿ with the misappropriation or theft of public money. Therefore, this House should take this Report very seriously.

Madam Temporary Deputy Speaker, this Report was laid on the Table of the House on 26th July, 1988. It explains that period of spending from 19th July, 1984 to June, 1985. So it is upon the hon. Members after reading this Report to make the necessary recommendations to the Government as to what action ^{should} be taken. I would like to urge the House to read the recommendations that the Committee made for every paragraph that was ~~made~~ queried by the Controller and Auditor-General. For any reason if the House is not satisfied with anything in the said Report, then it can make other recommendations that would be most appropriate.

Madam Temporary Deputy Speaker, year in year out, the Controller and Auditor-General points out weaknesses in the Ministries that need rectifying. But there are some weaknesses that are re-
 (c) current in that they are repeated every year. ^{An} Examples of this ^{is the} ~~are~~ misuse of Government vehicles. This because the Government is spending a lot of money in buying and maintaining ~~h~~ vehicles. Unfortunately, you will find out that there is a lot of misuse of these vehicles and to make matters worse there is very little control over these ~~b~~ vehicles in almost all the Ministries. In some cases ~~;~~ you will find that an officer is using a vehicle without proper authority; ~~he~~ gets ^{involved in} an accident and the Government ends ^{up} ~~by getting involved~~ in paying a lot of damages to Third Parties concerned. In the process the Government ~~loses~~ the cases because it does not ~~h~~ any insurance cover on any of its

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MR. TUVA (ctd.):

vehicles. Also in most cases the ad damages that the Government incurs
can ~~be~~ never be recovered.

END-W.....

MR. TUVA (Contd.):

Madam Temporary Deputy Speaker, it is not only the misuse of Government vehicles that is recurrent, or that is repeated year after year. You will find senior people in positions of making decisions making careless decisions. When you look at the decisions that these people you would think that they never went to school because some of the decisions cost the Government a lot of money. Examples are ^{that a} the Ministry may be tendering for the supply of some goods. If an officer is not sure of the goods that he is getting he should even make use of the Government machinery - Kenya Bureau of Standards - to check whether the supplied goods are conforming to the requirements that were provided for in the tender. But you will find that several Ministries always tender, or they ask for purchases of some goods and always get sub-standard materials. A good example was the Ministry of Home Affairs where the Accounting Officer had to order wollen pullovers for the Ministry, and instead of getting wollen pullovers, the supplier, I think, was just too clever for the whole of the ^{Ministry of} Home Affairs. Instead of supplying wollen pullovers, he supplied acrylic material, and it took several months before somebody discovered that the material supplied, in fact, was not wollen but acrylic. When the supplier was asked to explain why he supplied acrylic instead of wollen pullovers, he just replied, "There is no difference between wollen and acrylic material".

Madam Temporary Deputy Speaker, it becomes even more serious when the arm of the Government that is supposed to carry out the legal problems of the Government - that is the Attorney-General's Chambers - given such a case to follow, it takes them a long time to come to a decision that they cannot prosecute such a person who has been cheating the Government. Therefore, you will find that the problem actually lies also with the legal section of the Government. This is because in most cases, when they are given problems to handle, plus the C.I.D., in most of the cases referred to the Attorney-General's Chambers, where the Government is the loser, you will find that there is no redress in the final analysis. Therefore, we also request the Attorney-General's Chambers to take this matter more seriously, and particularly the C.I.D. Whenever they are asked to follow up a case, say, of somebody who has been cheating the Government,

MR. TUVA (Contd.):

you will find that the outcome is nil.

Madam Temporary Deputy Speaker, the Committee had very big problem of trying to find out whether they can get commensurate punitive measures to the people involved in the losses of money to Government. This is because these losses occur through decisions made very senior civil servants, and if somebody is involved in the loss of several million shillings, even if he is surcharged, he cannot be surcharged enough to recover the losses. In most cases, the problem is that by the time the Public Accounts Committee discusses with the Controller and Auditor-General's Department these losses, a time lapse of about one year has already taken place. In most cases, the culprits, the people who have ^{made} such stupid decisions or faulty decisions will have left the Ministry. Some of them will have retired. Therefore, it is very, very difficult for the measures that we are trying to take to be any deterrent even for those who are still in the service. This is because those who are in the service see that the decisions that Parliament takes normally ~~is discussed here~~ or are discussed here two or three, or even four years after the offence has already been committed.

End X.

MR. TUVA (CTD.):

I think it would be better for Parliament to devise a way by which we can deliberate on what civil servants are deliberately doing in a manner as to cause the Government to lose a lot of money within a very short time after an offence has been committed. What I can say is that Accounting Officers should be more patriotic than they now are. With the love of their country, I think they would be more careful in seeing that the budgeted money is spent within the estimates as provided for year after year.

One other thing that is repeated almost every ^{year,} Madam Temporary Deputy Speaker, is the way in which Accounting Officers handle projects. There are regulations laid down by the Treasury as to how a variation order can be stated by whoever is implementing a project. Most of the losses caused to the Government occur mainly because of people making decisions on varying projects without getting the necessary authority from the Treasury. By the time such a project is completed, you find that a lot of money, over and above what has been budgeted, has been spent, and this results in over-spending money without the Treasury's authority and even without the authority of this House. Such money is not budgeted. Therefore, the Committee felt very strongly that the Government should take this matter very seriously---

(Noise)

MR. BIDU: Out of order, Madam Temporary Deputy Speaker. We cannot hear the hon. Member on the Floor well because the Ministers and Assistant Ministers over there are talking too loudly.

THE ASSISTANT MINISTER FOR REGIONAL DEVELOPMENT (Mr. Muturia): On a point of order, Madam Temporary Deputy Speaker. While I agree with the hon. Member that there may be a bit of murmuring, was his point of "out of order" or of order?

MR. MAKAU: On a point of order, Madam Temporary Deputy Speaker.

MR. MAKAU (CTD.):

Is it in order for the Assistant Minister to reply to a point of order on which ^{You} are supposed to make a ruling from the Chair?

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): Let me request the Front Bench to consult rather quietly.

You may carry on, Mr. Tuva.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Karauri): On a point of order, Madam Temporary Deputy Speaker. Perhaps, there has been some misunderstanding in that when the hon. Member for Kinango, Mr. Bidu, stood up, he said, "Out of order." He stood up on a point of "out of order", and perhaps hon. Muturia was saying that he should be reminded that hon. Members stand up on a point of order, and not to shout, "Out of order."

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): Mr. Bidu, I am sure you meant to stand up on a point of order. So, the matter is settled.

You may carry on, Mr. Tuva.

MR. TUVA: Madam Temporary Deputy Speaker, I was on the point of variations of projects. We feel that the Government should take this matter seriously and, if possible, apart from taking the punitive measures recommended by the Public Accounts Committee, I think there should be other ways of punishing these people who involve the Government in a lot of losses.

Many hon. Members have been complaining that projects in their constituencies are not completed in time and that, sometimes, money is returned to the Treasury. We are told in the Public Accounts Committee that the Government has now decided on budget rationalisation.

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MR. TUVA (ctd):

That means providing only for those projects ~~xx~~ that can be implemented within a period of 12 months, that is, from July to June. The Committee was ^{give this assurance} ~~assured~~ ~~this~~ about two ~~xx~~ years ago but there has not been much improvement on budget rationalization. I think it is just a terminology that is used to, perhaps, convince the donors.

Madam Temporary Deputy Speaker, you will find that many projects have their funds not drawn from the donors or the money is returned to the Treasury because of lack of capacity to implement such projects. I think ^{seriously} the terminology of budget rationalization should be looked into by the Ministry of Finance because they are the supervisors of operations of all Ministries.

It looks as if the donor countries are losing confidence in our senior officers in the Government. In most cases, the donor countries come here to supervise the implementation of projects they are funding. This is not very ~~xxxx~~ encouraging because it appears as if they do not have confidence in our people.

It is the high time we became serious so that we do not have people giving us money and at the same time providing their expertise to see to it that projects are implemented to their satisfaction. In some cases, we cannot even be sure that the completed projects are worth the money we are told that has been spent by the donors. When the donors supervise these projects ~~by~~ themselves, we are not given room to provide local supervision.

The attitude of our people should change so that we win back the confidence of these donors because we do not need their expertise. We, as politicians, always blame the expatriates and say that we can do most of these projects ourselves. The people who give us money are not satisfied with our performance. I strongly feel that the Government should take this matter seriously ~~xxxxxx~~ and make sure that our people supervise the ~~xxxx~~ ^{funded} projects from overseas.

MR. TUVA (ctd):

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Madam Temporary Deputy Speaker; if you go through the Report of the Public Accounts Committee and the Report of the Controller and Auditor-General, you will find that many Ministries do not handle the imprest system to the required standards. Almost every Ministry is a ~~big~~ defaulter in the way imprests are handled. This situation is worsening and it is the high time we took this matter seriously. There are regulations with regard to how imprests should be handled. This problem has become perennial even with the introduction of the internal audit department.

I think we should complement the National Assembly, for the first time, ~~for~~ for not appearing on the Report of the Controller and Auditor-General as far imprests are ~~not~~ concerned.

ADJOURNMENT

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndeti): Hon. Members it is now time for the interruption of business. The House is adjourned until tomorrow, Wednesday, 9th November, 1988, at 9.00 a.m.

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

END

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H A N S A R D

Wednesday, 9th November, 1968

The House met at Nine o'clockMr. Speaker in the Chair

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 481

MR. SPEAKER: Mr. Muno is not in? Next Question.

Question No. 450

MR. FALANA, kwa niaba ya Mr. Bujra, alimuliza Waziri wa Afya ~~kuwa~~ kwa vile barabara za Kisiwani Lamu ni nyembamba kiasi cha kuwa gari haziwezi kupita, kama anaweza kutuma skuta maalum zinazoweza kuboba wagonjwa mahututi hadi hospitali.

MR. SPEAKER: Anyone here from the Ministry of Health to respond to that? We shall leave that Question until the end then.

Next Question.

Question No. 455

MR. FALANA, on behalf of Mr. A.I. Mohammed, asked the Minister for Health what steps his Ministry is taking to eradicate mosquito menace in Wajir township.

MR. SPEAKER: Anyone here from the Ministry of Health? We shall leave that Question until the end then.

Next Question.

Question No. 457

MR. WASIKE-NDOBEI, kwa niaba ya Mr. Wakole alikuuliza Waziri wa Ustawi wa Mifugo:-

- (a) Divisheni ya Carcen katika Wilaya ya Tana River ina ng'ombe wangapi;
- (b) idadi ya Veterinary Scouts katika divisheni hii wanao hudumia ng'ombe hawa ni ngapi; na
- (c) kama anatosheka kuwa idadi hii ya Veterinary Scouts inatosha kuhudumia ng'ombe wote kikamilifu.

MR. SPEAKER: Nobody here from the Ministry of Livestock Development to respond to that?

Let us move on to the next Question.

Question No. 478

MR. TANUI asked the Minister for Livestock Development:-

- (a) why Mr. Ezekiel K. Tuwei, P/NO. 40105, who works with the Ministry in Mosop Division in Nandi District, did not get his April salary in 1984; and
- (b) whether he could arrange to pay Mr. Tuwei without delay.

MR. SPEAKER: Nobody here from the Ministry of Livestock Development to respond to that?

Let us move on to the next Question.

Question No. 435

MR. EKIDOR asked the Minister for Health:

- (a) what happened to the construction of Lokitaung Sub-district Hospital which had been one of the priorities of the Turkana District Development Committee for a long time; and
- (b) when construction will commence.

MR. SPEAKER: Is there anyone here from the Ministry of Health to respond to that?

Next Question.

Question No. 456

DR. WAMEYO asked the Minister for Labour:-

- (a) when Mr. Joseph Okoye Asuna ID/No.1329057/64 PN. 057622, started working with Messers Technical Institute Secondary School, Jevanjee Garden, P.O. Box 43545, Nairobi;
- (b) when his services were terminated; and
- (c) how much the employer remitted to N.S.S.F. as Mr. Asuna's contribution during his period of employment.

MR. SPEAKER: Anyone here from the Ministry of Labour to respond

to that?

Next Question.

Question No. 464

MR. SPEAKER: Mr. wa Mang'oli is not in? We shall leave his Question until the end then.

Next Question.

MR. MWENJE: Mr. Speaker, Sir, before I ask my Question, I would like to say that I have not been supplied with a written answer. According to our Standing Orders, we are supposed to be supplied with written answers but I have not received mine.

Question No. 443

MR. MWENJE asked the Minister for Public Works:-

- (a) whether he is aware that the first 10 kilometres of the Nairobi-Kangundo Road from the city has become dangerous to drivers because of several potholes; and
- (b) when this road will be repaired.

THE ASSISTANT MINISTER FOR PUBLIC WORKS (: Archbishop Ondiek):

Mr. Speaker, Sir, before I reply, I would like to apologise to the hon.

Questioner for not supplying him with a written answer on time. I believe the ^{written} /
answers were ^{sent} / but he did not, perhaps, get ^{his} / on time.

(applause)

I beg to reply.

(a) Yes, I am aware that the first 10 kilometres of the Nairobi-Kangundo Road, C98, has developed several potholes.

(b) Plans have already been made to carry out the required repair on this section of the road as soon as possible.

MR. MWENJE: Mr. Speaker, Sir, there is nothing as vague as saying "As soon as possible." That is no answer at all because the ^{expression} ~~phrase~~ "As soon as possible" can mean anytime, like, next year or tomorrow. Can the Assistant Minister be specific and tell us the exact date when this road will be repaired because it is in a total mess?

ARCHBISHOP ONDIEK: Mr. Speaker, Sir, the unit which is supposed to repair that particular road is still working somewhere. As soon as this unit is through with the job it is doing at the moment, it will move to that particular road.

MR. MWENJE: Mr. Speaker, Sir, I think the Assistant Minister is avoiding this question. Why is he continuing to use the ^{expression} ~~phrase~~ "As soon as possible?" Can he give us the exact date when this road will be repaired? There are two sections which should be repaired on this road. The first one is in a total mess and the other part needs complete recarpeting. Which one does he mean? When is this going to be done? Can he give us a specific ~~date~~ date so that the people of Embakasi and Kangundo Constituencies can know when repairs will commence?

ARCHBISHOP ONDIEK: Mr. Speaker, Sir, the people of Kangundo will be very happy before the end of this month.

END

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MR. SPEAKER: Let us move on to the next Question, Mr. Kagwima.

MR. MWENJE: On a point of order, Mr. Speaker, Sir. I think the Assistant Minister is still avoiding the Question at hand. When he says--

MR. SPEAKER: Mr. Mwenje, this must be a point of order.

MR. MWENJE: It is a point of order, Mr. Speaker, Sir.

When he says that the situation will be rectified either this month or before the end of next month, and the road is now impassable, we do not understand. Could we know the exact date when the road is going to be repaired? The relevant unit in Nairobi does not have a lot of work because there are only four or five roads in the city which fall under the Ministry, since all the others---

MR. SPEAKER: What is your point of order?

MR. MWENJE: My point of order, Mr. Speaker, Sir, is whether the Assistant Minister could stop misleading this House and tell us when this road will be repaired? On what day of the month and in which hour will the road be repaired?

MR. SPEAKER: Order, hon. Mwenje. What the hon. Member has just said forms a part of the language that is acceptable in this House.

(Applause)

Question No. 440

MR. KAGWIMA asked the Minister for Technical Training and Applied Technology:-

- (a) how much money has been allocated to Marimanti Youth Polytechnic during the 1988/89 Financial Year; and
- (b) what has been causing the delay in utilising the available funds.

MR. SPEAKER: Is anyone here from the Ministry of Technical Training and Applied Technology?

Let us go back to Mr. Nuno's Question.

Question No. 481

MR. SPEAKER: Is Mr. Nuno still not here?

Let us move on to Mr. Bujra's Question.

Question No. 450

Bw. FALANA, kwa niaba ya Bw. Bujra, alimwuliza
- Waziri wa Afya kama, kwa vile barabara za Kisiwani
Lamu ni nyembamba kiasi cha kuwa magari hayawezi
kupita, anaweza kutuma skuta maalum zinazoweza
kubeba wagonjwa mahututi hadi hospitalini.

MR. SPEAKER: Is anyone here from the Ministry of Health?

MR. MANG'OLI: On a point of order, Mr. Speaker, Sir. ^{it} Is ^{it} true
^{is not represented here} that the Ministry of Health although the Questions here were sent to it?

MR. SPEAKER: Could you repeat your point of order, Mr. Mang'oli?

MR. MANG'OLI: My point of order, Mr. Speaker, Sir, is whether
it is true that the Ministry of Health is not represented here although
it knows that there are these Questions here to which it is supposed to
answer today

MR. SPEAKER: Is anyone here from the Ministry of Health?

THE ASSISTANT MINISTER, OFFICE OF THE VICE-PRESIDENT AND
MINISTRY OF HOME AFFAIRS AND NATIONAL HERITAGE (Mr. Lalampaa): Bw.
Spika, kwa niaba ya Waziri wa Afya, naomba kujibu.

MR. MWAMZANDI: Jambo la nidhamu, Bw. Spika. Bunge lina haki ya
kuombwa radhi kabla Swali hili halijajibiwa. Waziri Msaidizi hafai
kusimama tu na kuanza kujibu Swali na hali limeitwa mara mbili. Tunafaa
kuombwa radhi kwanza.

MR. SPEAKER: Okay. Go ahead and do that, hon. Assistant
Minister.

THE ASSISTANT MINISTER, OFFICE OF THE VICE-PRESIDENT AND
MINISTRY OF HOME AFFAIRS AND NATIONAL HERITAGE (Mr. Lalampaa): Bw.
Spika, naomba radhi.

THE ASSISTANT MINISTER, OFFICE OF THE VICE-PRESIDENT AND MINISTRY OF HOME AFFAIRS AND NATIONAL HERITAGE (Mr. Lalampaa)(Ctd.):

Kwa vile barabara za Kisiwani Lamu ni nyembamba kiasi cha kuwa magari hayawezi kupita, Waziri anaweza---

Pole. Naomba radhi, Bw. Spika.

Wizara yangu haiwezi kutuma---

Pole.

MR. MWAMZANDI: On a point of order, Mr. Speaker, Sir. Could we not defer this Question since the Assistant Minister is not at all sure of what he is talking about? In fact, he has just snatched the written reply from an hon. Member, and he does not understand what reply he should give. Could this Question be deferred to another day?

(Applause)

THE ASSISTANT MINISTER, OFFICE OF THE VICE-PRESIDENT AND MINISTRY OF HOME AFFAIRS AND NATIONAL HERITAGE (Mr. Lalampaa): Bw. Spika, hii ndiyo collective responsibility.

Wizara yangu haiwezi kutuma skuta maalum zinazoweza kuwabeba wagonjwa mahututi hadi hospitalini kwa kuwa haina skuta kama hizo.

MR. FALANA: Bw. Spika, Waziri Msaidizi amesema kuwa Wizara ya Afya haina skuta kama hizo. Mji wa Lamu ni maalum kwa taifa hili, na hali hakuna gari hata moja linaloweza kupitia barabarani zake. Kwa kuwa kuna wagonjwa huko wanaohitaji kupelekwa hospitalini, namwuliza Waziri Msaidizi kama Wizara ya Afya inaweza kuunda skuta maalum za magurudumu matatu ambayo ni membamba ^{zinazoweka} ~~Lamu~~ kubeba mgonjwa mmoja kila mara kutoka nyumbani kwake hadi hospitalini? Ni kwa nini Wizara haiwezi kuwasaidia wananchi wa Kenya, hasa wa Lamu, ^{kwa} ~~Lamu~~ kuunda skuta maalum za kuwabeba wagonjwa? Tunajua kwamba, kama ilivyosemwa, hakuna skuta kama hizi sasa hivi, lakini ni kwa nini Wizara haiweza kuunda skuta hizi ili kuyaokoa maisha ya watu?

MR. LALAMPAA: Bw. Spika, si wajibu wa Wizara ya Afya kuunda

MR. LALAMPAA (CTD.):

magari wala haiwezi kutumia skuta maalum kuwabeba wagonjwa kwa kuwa haina skuta hizi.

MR. SPEAKER: Let us go to the next Question, Mr. Mohammed.

MR. MANG'OLI: Jambo la nidhamu, Bw. Spika. Nakuomba utusaidie kuhusu uulizaji wa Maswali hapa. Maswali tunayouliza hapa hufahamika kule nyumbani. Ikiwa Waziri Msaidizi anakuja hapa kusema tu ^{kuwa} ~~Wazi~~ Wizara haiundi magari, na hali alisema hapo mbeleni kwamba kuna collective responsibility,---

MR. SPEAKER: What is your point of order, Mr. Mang'oli?

MR. MANG'OLI: Bw. Spika, ni haki kwa Waziri Msaidizi kuliambia Bunge ^{kuwa} ~~Wazi~~ Wizara ya Afya haiundi magari, na hali tumeuliza itupe msaada? Wizara hii ina mpango gani wa kuwasaidia wagonjwa huko Lamu?

MR. SPEAKER: Let us move on ^{to A.I.} Mr. Mohammed's Question.

Question No. 455

A.I.

MR. FALANA, on behalf of Mr. Mohammed, asked the Minister for Health what steps the Ministry is taking to eradicate mosquito menace in Wajir Township.

MR. SPEAKER: Is anyone here from the Ministry of Health?

Let us move on to Mr. Wakole's Question.

Question No. 457

BW. WASIKE-NDOMBI, kwa niaba ya Bw. Wakole, alimwuliza Waziri wa Ustawi wa Mifugo:-

- (a) Divisheni ya Garsen, katika Wilaya ya Tana River, ina ng'ombe wangapi;
- (b) idadi ya veterinary scouts katika divisheni hii wanaowahudumia ng'ombe hawa ni gani; na
- (c) kama anatosheka kuwa idadi hii ya veterinary scouts inatosha kuwahudumia ng'ombe wote kikamilifu.

THE ASSISTANT MINISTER FOR LIVESTOCK DEVELOPMENT (Dr. Wekesa):

Bw. Spika, naomba msamaha kwa kuchelewa.

Naomba kujibu.

(a) Kuna ng'ombe 199,545 katika divisheni hii.

(b) Kuna madaktari wa mifugo, yaani animal health assistants, wanane na wasaidizi wao wawili.

(c) Sitosheki.

MR. WASIKE-NDOMBI: Bw. Spika, kwa sababu ya idadi kubwa ya ng'ombe walio katika Wilaya ya Tana River, na hali madaktari wa mifugo ni wanane peke yake, Waziri Msaidizi anaweza kufikiria ^{idadi kuongeza idadi} ~~kuongeza idadi~~ ya madaktari hawa kwa sababu ni hivi majuzi tu tulipopitisha pesa za Wizara yake?

DR. WEKESA: Bw. Spika, nakubaliana na mhe. Mbunge kuwa tutaongeza ^{idadi} ~~idadi~~ ya madaktari hawa mwaka ujao.

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MR. MWAMZANDI: Bw. Spika, Waziri Msaidizi ana hakika kwamba ile idadi ya ng'ombe aliyoitaja ni sawa? Nauliza hivyo kwa sababu alisema kwamba idadi ya ng'ombe katika Tarafa ya Garsen ni 100. Lakini ukweli ni kwamba kuna ng'ombe wengi sana katika tarafa hii. Ikiwa havezi kuitaja idadi ya ng'ombe katika tarafa hii kwa Kiswahili, anaweza kufanya hivyo kwa Kiingereza ili idadi halisi ya ng'ombe hawa ijulikane? Nasoma hivyo ^{1/2} kwa sababu idadi ya hatuwezi kukubali kwamba/ng'ombe katika tarafa hii ni 100 peke yake. Ukweli ni kwamba kuna ng'ombe maelfu na maelfu katika ^{tarafa} tarafa hii ya Garsen. Je, Waziri anaweza kuitaja idadi ya ng'ombe hawa kwa lugha ya Kiingereza ambayo anaelewa zaidi badala ya kulipotosha Bunge hili?

DR. WEKESA: Bw. Spika, nina haki kwamba nilisema kwamba kuna ng'ombe 199,545 katika tarafa ya Garsen kulingana na ile hesabu tuliyoifanya mwaka wa 1986.

MR. MWAMZANDI: Bw. Spika, Waziri Msaidizi atakubaliana nami kwamba alikuwa ameitaja idadi ya ng'ombe hawa kimakosa? Ikiwa sasa anakubali kwamba idadi ya veterinary scouts katika tarafa hii hawatoshi, ni lini atawapeleka veterinary scouts wa kutosha kule ili kuwahudumia ng'ombe hawa sawasawa?

DR. WEKESA: Bw. Spika, nimesema kwamba nitawapeleka madaktari hawa mwaka ujao na ikiwa mhe. Mbunge angetaka kujua ni mwezi gani nitafanya hivyo, itakuwa mwezi wa Julai.

MR. SPEAKER: Let us now move on to Mr. Tanui's Question.

Question No.478

MR. TANUI asked the Minister for Livestock Development:-

- (a) why Mr. Ezekiel K. Tuwei, P/No.40105, who works with the Ministry in Mosop Division in Nandi District, did not get his April salary in 1984; and
- (b) whether he could arrange to pay Mr. Tuwei without delay.

THE ASSISTANT MINISTER FOR LIVESTOCK DEV_ELOPMENT (Dr. Wekesa):

Mr. Speaker, Sir, I beg to reply.

April

Mr. Ezekiel Tuwei did not get the actual salary for/1984 because the cash payroll for that particular month ^{for} Kapsaboi Station was tolen. Other officers including Mr. Tuwei went without salaries for that particular month. There was an investigation into the matter and a court case on this matter, ~~which~~ took a very long time. Eventually, it was established that his salary could not be recovered. However, Treasury authority was then sought to have another replacement cheque for Shs.104,000/- to pay the affected officers. This authority has now been granted by the Treasury and a replacement cheque has now been issued and Mr. Tuwei should be able to get his salary this month.

MR. MANG'OLI: Mr. Speaker, Sir, while appreciating the Assistant Minister's reply that a cheque has been issued to pay these officers, could he tell us what was the cheque number and when it was actually issued and delivered?

DR. WEKESA: Mr. Speaker, Sir, I do not have these particular details, but I am prepared to provide them to the House if it is all that necessary.

MR. SPEAKER: Can we move on to Mr. Ekidor's Question.

Question No.435

MR. EKIDOR asked the Minister for Health:-

- (a) what happened to the construction of Lokitaung Sub-district hospital which has been one of the priorities of the Turkana District Development Committee for a long time, and
- (b) when construction work will commence.

THE ASSISTANT MINISTER, OFFICE OF THE VICE-PRESIDENT, MINISTRY OF HOME AFFAIRS AND NATIONAL HERITAGE (Mr. Lalaampaa): Mr. Speaker, Sir, on behalf of the Minister for Health, I beg to reply.

(a) Currently, the construction of Lokitaung Sub-district hospital is funded by the Ministry of Planning and National Development through the Turkana Arid and Semi-Arid Lands Project (ASAL). I have reliably learned

THE ASSISTANT MINISTER, OFFICE OF THE VICE-PRESIDENT, MINISTRY OF HOME AFFAIRS AND NATIONAL HERITAGE (Mr. Lalampaa)(Ctd.):

that the project has been funded to the tune of K£125,000.

(b) My Ministry will administer the project during the next Financial Year, that is, 1989/90 through the same Turkana Arid and Semi-Arid Lands Project (ASAL). The project will be funded to the tune of ^{K£ 80,000}~~£125,000~~ by the Government of Kenya and K£125,000 by the Norwegian Agency for Development (NORAD). These are adequate funds to complete this project.

MR. EKIDOR: Mr. Speaker, Sir, arising from that very good reply from the Assistant Minister, and due to the fact that this project has been the priority of the Turkana District Development Committee, could he tell us why there has been such a long delay in implementing the project while there was enough money to carry out construction work.?

MR. LALAMPAA: Mr. Speaker, Sir, what the hon. Member needs is the proper answer to his Question. I have already said that Government has already provided enough funds and that the construction work on this project will start in the next financial year, that is, 1989/90. I am sure that the hon. Member is happy to note that there are enough funds to complete the project

MR. SPEAKER: Okay, Dr. Wameyo's Question.

Question No.456

DR. WAMEYO asked the Minister for Labour:-

- (a) When Mr. Joseph Okoyo Asuna ID/No.1329057/64 P/No.057622, started working with Messrs. Technical Institute Secondary School, Jevanjee Garden, P.O. Box 43545, Nairobi,
- (b) when his services were terminated, and,
- (c) how much the employer remitted to the N.S.S.F. as Mr. Asuna's contribution during his period of employment.

THE ASSISTANT MINISTER FOR LABOUR (Mr. Mibei): Mr. Speaker, Sir, I am sorry I was late to answer this Question. However, I would like to ask the indulgence of the House to be allowed to answer this Question tomorrow afternoon.

MR. SPEAKER: Let us move on then to Mr. Mang'oli's Question.

Question No. 464

MR. MANG'OLI asked the Minister for Information and Broadcasting:-

(a) whether he is aware that Bungoma District is not adequately covered by television crew due to lack of staff, and

(b) whether he could consider posting extra television staff to cover the district as a matter of urgency.

THE ASSISTANT MINISTER FOR INFORMATION AND BROADCASTING (Mr. Kachila):

Mr. Speaker, Sir, I beg to reply.

AN HON. MEMBER: Apologize first for coming late.

THE ASSISTANT MINISTER FOR INFORMATION AND BROADCASTING (Mr. Kachila):

Mr. Speaker, Sir, I think hon. Mang'oli was the one who was late to ask the Question. I would have answered it in time if he did ask it.

(a) I am aware that Bungoma District is not adequately covered by the television crew. This is because of lack of ^{colour} ~~gathering~~ equipment to cover the districts. At present, these equipments are situated at the provincial headquarters only; all over the country. In Western Province, they are situated at Kakamega.

(b) Once ^{colour} ~~gathering~~ equipments to cover districts are available, the television staff will be posted accordingly.

MR. MANG'OLI: While appreciating the Assistant Minister's reply, could he tell us how many pieces of equipment are there in every district and every province? I am asking this because I realized during the Nyayo era celebrations and the demonstrations which took place yesterday, ~~and~~ ^{and} these activities in most districts were shown on the television. I think it was only ~~in~~ Bungoma District which was not covered. Could the Assistant Minister tell us how many such equipments are there in every district?

MR. KACHILA: Mr. Speaker, Sir, it is not only Bungoma where there are no such equipment but as I said, we shall try to supply them to the needy district^s as soon as we get them.

MR. MANG'OLI: Mr. Speaker, Sir, the Assistant Minister has not answered part (b) of my Question. I asked him how many pieces of colour

MR. MANG'OLI (Ctd.):

equipment are there in the country. We know that such pieces of equipment were bought during the All Africa Games and we would like to know how many of such equipment is still there in the country.

MR. KACHILA: Mr. Speaker, Sir, I cannot give the answer to that question right now, but if hon. Member wants that information, I can provide it later although that is a different question altogether.

MR. MANG'OLI: On a point of order, Mr. Speaker, Sir. The Assistant Minister says that there is not enough colour equipment for the television, and I am asking him to tell the House how many pieces of such equipment are there in the country. He cannot say that they are not there now.

MR. KACHILA: Mr. Speaker, Sir, what I said is that we have enough for each province.

END C

MR. KACHILA: Mr. Speaker Sir, as I said earlier on, we have enough ~~for~~ ~~every~~ equipment for each province. In at least every provincial headquarter there is television equipment.

MR. MAKAU: Mr. Speaker Sir, arising from the Assistant Minister's reply and now that hon. Mang'oli has forwarded this complaint about some areas having coloured television equipment, what ~~was~~ criterion does his Ministry use to distribute their equipment? Some districts are lacking these equipment like Machakos District and likewise ~~to~~ Bungoma District.

MR. KACHILA: Mr. Speaker Sir, I think this is a rather ~~de~~ difficult question for me to answer, but we distribute the equipment according to the number of equipment we have. We do not say ~~is~~ that a certain district must have a coloured television ^{set} ~~equipment~~ while the other one must have a black and white television ~~equipment~~ ^{set}. We distribute the equipment according to the availability of equipment.

MR. MANG'OLI: Mr. Speaker Sir, since Bungoma District has ^{never had a} ~~no~~ television crew since Independence, 25 years ago, ^{was} ~~is~~ the Ministry's ~~policy~~ stand when they received this Question? What are they going to do send television equipment to Bungoma District? What is the Government's policy for the whole country today?

MR. KACHILA: Mr. Speaker Sir, that is a fair Question. While we appreciate the concern of hon. Mang'oli concerning his area of Bungoma, the Ministry is ~~doing~~ actually trying to equip every district with television equipment when funds are available. At the moment, the truth is that we ~~do not~~ have enough television crew but we are lacking equipment. Immediately we get funds, we shall make sure that Bungoma District gets ~~equal~~ the equipment it requires.

MR. KILIKU: I would like to know from the Assistant Minister why some districts have these equipment while others do not have them. Is it that his Ministry does not distribute the equipment fairly to all districts?

MR. KACHILA: Mr. Speaker Sir, as I said earlier on, not all the districts have television equipment. We have tried to share equitably the ones we have to the provincial headquarters.

Question No. 440

MR. KAGWIMA, asked the Minister for Technical Training and Applied Technology:-

- (a) how much money has been allocated to Merimanti Youth Polytechnic during the 1988/89 financial year; and
- (b) what has been causing the delay in utilising the available funds.

THE ASSISTANT MINISTER FOR APPLIED TECHNOLOGY AND APPLIED TECHNOLOGY

(Dr. R.K. Koech): Mr. Speaker Sir, I beg to reply.

AN. HON. MEMBER: Apologise first ~~of all~~ for coming late.

THE ASSISTANT MINISTER FOR APPLIED TECHNOLOGY AND APPLIED TECHNOLOGY

(Dr. R.K. Koech): All right, if I must apologise, I will do so. I apologise for coming late.

Mr. Speaker Sir, I beg to reply.

(a) A sum of Kshs. 122,580.00 has been allocated to Merimanti Youth Polytechnic during the 1988/89 financial year.

(b) There is no delay in utilising the money, as the financial year 1988/89 is only four months old.

MR. KAGWIMA: Thank you Mr. Speaker Sir. I am surprised that the hon. Assistant Minister says ~~that~~ that a delay of four months ~~is~~ is no delay at all. I do not know how much time he considers a reasonable delay? ~~Four months~~ ^{Since} Four months by proportion, we could have spent about Shs. 35,000.00. We are late by four months now, can the Assistant Minister tell us how much time he considers enough to delay, so that he could ~~be~~ get concerned?

DR. R.K. KOECH: Mr. Speaker Sir, under the District Development Committee Marimanti Youth ~~Ex~~ Polytechnic was considered for rural development funds, and a sum of Shs.631,360.00 was set aside for the ~~ix~~ polytechnic in July, 1987, to put up a dormitory and workshops. The ~~delay~~ duration of utilising the money is two years and it is renewable. ~~It is in this case, 1987/89.~~ So far, Shs.115,138.00 has already been spent on building materials for the project. A balance of ~~---~~ Shs.498,222.00 is still to be ~~spend~~ spent on the project. The Ministry has been made aware that there have been delays in implementing the project, occasioned by ~~some~~ some problems in the tendering system at the district level, coupled with transportation problems in the area. The problems are being tackled by the district development committee which the Questioner is a member.

MR. KAGWIMA: Thank you Mr. Speaker ~~ix~~ Sir. I would like to thank the Assistant Minister for giving us information on what I was about ~~ix~~ to ask. ^{him not} He has already admitted that there was a delay ~~and~~ but earlier on, he had said that there was no delay. ~~ix~~ He has also admitted ~~that~~ that ~~the~~ some of the money that was allocated last year, about Shs.600,000.00, only Shs.115,000.00 has ~~been~~ been spent. So, I think he will agree with me that he is admitting that we have this problem of implementing that project. Out of Shs.600,000.00, only Shs.115,000.00 has been spent in one year. How is the Assistant Minister going to ensure ~~that~~ that the other money is going to be utilised in the remaining ~~time~~ time before the time expires?

DR. R.K. KOECH: The ~~ix~~ delay is not being caused by the Ministry but it lies with the district development committee. I have just said that ~~the~~ hon. Kagwima is a member of that committee. Therefore, I would like to request him to go and meet with the district development committee members and ~~ix~~ expedite the expenditure of that fund.

MR. MANG'OLI: While appreciating what the Ministry is doing towards this project, will the Assistant Minister assure the House that everything will go on smoothly ^{since} The problem which has been causing the delay has been identified? Will the project go on ~~ix~~ as per the time allocated for its completion and that there will be no delay any more?

DR. R.K. KOECH: Mr. Speaker Sir, the problem is not with the Ministry, it is ~~x~~ with the district development committee.

MR. KAGWIMA: Mr. ~~x~~ Speaker Sir, I think the Assistant Minister should ^{agree} with this House that the implementing officer comes from the Ministry and not from ~~the~~ the district development committee. The district development committee will request for the money but the implementing officer ~~w~~ comes from the Ministry. So, it is the ~~xxx~~ responsibility of the Ministry to ensure that the implementation of the project is done. I think the Assistant Minister should withdraw that allegation instead of misleading the House.

DR. R.K. KOECH: The officer concerned cannot implement anything unless the district development committee so decides.

MR. MANG'OLI: On a point of order, Mr. Speaker, Sir. I thought the Assistant Minister had told us that the problem had been identified. In ~~a~~ normal circumstances, the district ~~dev~~ development ^{approved} ~~passes~~ these projects, but if the project was ^{approved} ~~passed~~ two years ago, is ~~he~~ he in order to tell us that the problem is with the district development committee? We know how the district development work. They convene a meeting and ~~pass~~ recommend for projects to be constructed and the Ministry is supposed to implement the projects. Is he in order to tell us that it is the district development committee that is delaying the implementation of the project?

DR. R.K. KOECH: Mr. Speaker Sir, that is another Question.

MR. SPEAKER: He is in order, that is the way he has chosen to reply to that Question. That is in order! Let us move on to Question By Private Notice.

END D.....

QUESTIONS BY PRIVATE NOTICE

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

(a) Why was the O.C.P.D. stationed at Lokitaung transferred to Lodwar?

(b) Could the Minister post a superintendent of police to Lokitaung to head this division?

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Keen):
Mr. Speaker, Sir, I beg to reply.

(a) The Officer Commanding Police Division (O.C.P.D.), Turkana District, who was formerly stationed at Lokitaung was moved to Lodwar District Headquarters to be closer to other district heads of departments for closer co-ordination of Government business in the district.

(b) The officer currently manning Lokitaung Police Station, and who is in the rank of a chief inspector, is considered suitable and capable of running the station.

MR. EKIDOR: Mr. Speaker, Sir, the division in question borders three other countries, and from the District Headquarters to the last police post at the border it is 420 kilometres. Over the last 25 years of Uhuru, and even during the colonial days, the O.C.P.D. has been manning those areas. The Assistant Minister's answer is only defensive. He has not told the House the major reasons why this O.C.P.D. was moved to Lodwar, while the chief inspector cannot man an area bordering three other countries. He should tell us why that happened.

MR. KEEN: Mr. Speaker, Sir, I do not intend to minimise the importance of Lokitaung Divisional Headquarters, but the ^{transfer} ~~moving~~ of O.C.P.D. to Lodwar is in line with the District Focus

MR. KEEN (CTD):

for Rural Development Strategy. It has been very difficult for him to travel from Lokitaung to Lodwar to attend ^{to} important Government business. The present station commander, who is only one rank below that ~~of~~ of superintendent, is considered quite adequate. In the event that some other time we find it necessary to move a more senior police officer to Lokitaung, we will do so.

MR. WASIKE-NDOMBI: Mr. Speaker, Sir, I wish to ask the Minister for Labour the following Question by Private Notice.

(a) Is the Minister aware that Messrs John Ochieng, Earnest Lupamo and 110 other employees of Cibelco & Construction Co. Limited of P.O. Box 67316, Nairobi, have not been paid for the months of July, August and September, 1988, for the work done at Kakamega Municipality?

(b) Is he further aware that the same Company has not paid for the materials supplied by Messrs Margaret Masitsa, Charles Shashio, Earnest Nampwayo, Richard Ambunya, Muhuntsa Mukoto, Pius Matakwa and Oliver?

(c) What steps is ^{the} Minister taking to make sure the ~~is~~ employees and suppliers referred to in (a) and (b) respectively are paid?

THE ASSISTANT MINISTER FOR LABOUR (Mr. Mibei): Mr. Speaker, Sir, I wish to request for more time till the 16th November, 1988, to be able to answer this Question, if the hon. Questioner has no objection.

MR. WASIKE-NDOMBI: Mr. Speaker, Sir, could the Assistant Minister speed up answering this Question? It involves the welfare of 110 people who are suffering because there ^{are} two bulls fighting.

MR. KILIKU: Did he ~~ask~~ ask for upto 16th November, 1988, to answer ~~the~~ the Question?

MR. WASIKE-NDOMBI: Did I hear the Assistant Minister ask for upto 16th November, 1988, that is one week?

MR. MIBEI: Mr. Speaker, Sir, yes, I need just one week so that I can have sufficient time to go into the depth of this matter.

(MR. MATE) to ask the Minister for Public Works:-

- (a) Is the Minister aware that the Roads Engineer, Embu District, is putting murrum along the tarmack road from Rupingazi towards Thuci River and, if so, was this work endorsed by the Embu D.D.C.?
- (c) Why is this work being done while there are so many roads in the district which are impassable and need murraming?

MOTION

THAT, in view of the fact that tourism is an important sector in our national economy and bearing in mind that the industry continues to be controlled by non-Kenyans; this House urges the Government to effect measures to ensure that 51% shares of tourism companies are owned by indigenous Kenyans so that we may ultimately realise total indigenisation of the tourist industry.

(Mr. hon. Galgallo on 2.11.88)

(Resumption of Debate interrupted on 2.11.88)

MR. SPEAKER: Hon. Muhanji is not in here? Okay, Mr. Kiliku, go on.

MR. KILIKU: Thank you very much, Mr. Speaker, Sir. First of all, I would like to congratulate the mover of this Motion. For 25 years since we attained political Independence, we have been trying to gain economic independence, which must support political independence. We cannot have this economic independence unless we have our indigenous people participating in the running of our economy. The only way they ^{we} can do this is by being allowed to own shares in parastatal bodies and companies. I think the Kenya Commercial Bank has sold shares to the public. I hope ~~other~~ others like the Standard Chartered Bank, National Bank of Kenya and the Barclays Bank, (Kenya Ltd) will do the same. Even the Nation Printers and Publishers are now

MR. KILLIKU (CTD):

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selling shares to wananchi. I think other companies, including those in tourism, must allow indigenous people to buy ~~the~~ shares in their companies.

Mr. Speaker, Sir, I find it very funny to see foreigners, who have no geographical ^{knowledge} of this country, being tourist operators. How can they know better than ourselves? We know the behaviour of wild animals in this country and where they are found; we thus know how best to operate. How does a foreigner ~~work~~ work as a tourist operator when he only knows Nairobi? If he knows the countryside, he only reads about ^{it} in the newspapers and also sees it on the map. It is the people of this country who know it better.

I remember that in his first speech, the current Minister for Commerce said that he was going to ensure that the economy of this country is indigenised. But how long will it take to do this? Now, it is 25 years since we attained our Independence. You find that we only benefit from 33% of our foreign loans while 67% goes back to benefit our respective creditors. This is because the projects on which we spend our loans are manned by foreigners who get a lot of money. So, it is high time that our wanachi were given a chance ~~to~~ to participate in their economy.

Even about three quarters of our beach hotels are owned by foreigners. Why can we not allow indigenous people, especially the indigenous people who have been managers in these hotels, to become shareholders and directors of those beach hotels? I think the Minister will agree with me that most of the beach and other big hotels in ~~the~~ both the North and South Coast in Mombasa are owned by foreigners. We are not trying to discourage foreign investment. I think we allow, and even encourage, it in this country. But ^{we} should not do this at the expense of our people. I remember that ~~since~~ although the House of Manji promised they would sell shares to the ~~people~~ upto now they have not done anything.

MR. KILIKU (CTD):

Mr. Speaker, Sir, it is better for a Minister ^{to} say what he is sure of doing, rather than say it just to please the nation. The Minister ^{should} tell us how far they have gone with the indigenisation of the economy of this country.

Moreover, unless we encourage Indians to participate in Harambees, we will continue to face a drawback. We must tell Indians and foreigners in this country to feel that they are Kenyans. Now, ^{we} we are demonstrating against those who are condemning this country, how many foreigners have we seen in those demonstrations despite ^{the} fact that ^{they} they are ^{the} beneficiaries of our economy? How ~~may~~ many non-Africans have we seen demonstrating so far? They do not demonstrate; they remain behind while the indigenous people are demonstrating against the people who want to spoil the good name of this country and its people, and yet they are the beneficiaries of our economy.

END E

R. J. M. K.

MR. KILIKU (Ctd):

Mr. Speaker, Sir, the only problem with Kenya, which is a developing country, ^{is that} we cannot do without foreign investment. Notwithstanding this, we ~~we~~ want the ^{minds of} implementers of the policies of this country to be indigenized. Unless their minds are indigenized we cannot indigenize the economy. We also want the indigeneous Kenyans to be issued with import licenses to allow them import things which are allowed to be imported into this country. Why are these licenses issued more to the foreigners instead of the indigenous people of this country? The Ministry of Commerce and the Ministry of Tourism and Wildlife are the people who issue these licenses and the actual people who issue them are our brothers and sisters. We should not always blame the foreigners because a foreigner cannot operate a business here without a license. A foreigner cannot operate, for instance, a tourist ^{company} ~~company~~ ^{unless} ~~without~~ he is licensed to do so. That is why I am saying that we ~~we~~ should not blame the foreigners; we should blame the Minister our other fellow countrymen.

Today, we have ~~po~~ poachers who are out to finish our wild animals. They are killing the tourist ^{industry} industry which brings a lot of foreign exchange into this country by killing these wild animals. We are blaming the poachers - it is right to blame them - but we should first blame the Minister. For example, if there occurs a ~~ka~~ burglarly somewhere, we should not first blame the burglars who have entered there but first we should blame the watchman who was there. Why did he allow the thieves to enter the house? That is why I say that we should first blame the Ministry because this shows that there is some laxity there. This is why the poachers find their way to the national parks to kill these wild animals.

MR. KILIKU (Ctd.):

Nation Printers and Publishers Limited is selling shares to the public. I hope the National Bank Limited, Barclays Bank Limited and the Standard Newspapers Limited and the Kenya Times will follow suit. I know that the Kenya Times is owned by the Party but I hope the Standard will sell its shares to the ~~public~~ indigenous people.

It is better to have little which is distributed equally. The only problem with our economy is the distribution of our national ~~net~~ wealth. It is better to have fair distribution of the national income of this country and unless we allow the indigenous people to participate in the economy, the distribution will not be a fair one. There is no point of having a director who is ^a rubber-stamp. When, for example, one is appointed ~~as~~ a director of a certain company because he is an indigenous person ~~f~~ of this country but when he goes to that company, he is told: "You see, we have our directors here - we have for example, Moody Awori and hon. Makau as directors etc. cetera". But we well know that these ~~two~~ two are just rubber-stamps or sleeping directors.

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE

(Mr. Awori): On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to impute that I could be a rubber-stamp ^{director} in some of these companies?

MR. KILIKU: Mr. Speaker, Sir, I was just ~~to~~ giving a very friendly example. Since he is the Assistant Minister who perhaps is the one to reply to this Motion, I was just giving a friendly example.

With those few remarks, I beg to support.

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE

(Mr. Awori): Thank you very much, Mr. Speaker, Sir, for allowing me to make a few points in response to this Motion before we continue further.

All along, since Independence, the Government of Kenya has strived to create a climate in which Kenyans and other nationals can work together to build a base for a sustainable economic development. However, in pursuit of this policy of open economy the Government has not lost sight of the fact that indigenization of the economy in any Independent country is fundamental. For this reason, the Government has made every endeavour to provide ~~increased~~ increased participation of indigenous Kenyans in the management of the country's wealth and economy. The ~~ultimate~~ ^{ultimate} goal has always been and still remains to put the economy under the control of the majority indigenous people of this country.

As regards tourism, it is a fact that the industry continues to be controlled largely by non-Kenyans. The situation exists mainly because of historical and economic factors. The basic infrastructure for the industry such as tourist class hotels and tourist motor vehicles entail ~~very~~ very substantial capital investment. Additionally, the management of industry calls for specialization. This aspect of the management of the industry has constituted a major constraint on the part of the indigenous Kenyans, thereby slowing the rate and degree of their effective participation in the industry.

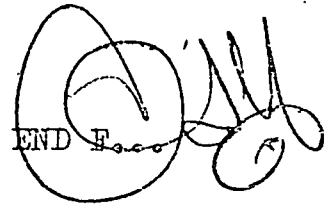
Sir, I wish however, to assure this august House that great strides are being made through training both at our world famous Utalii College and also overseas. At 32 leading hotels around the country, the top management positions are held very

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THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori)(Ctd.):
competently by indigenous Kenyans. I know of no hotel where
middle management such as food and beverage management are held
by ~~expatriates~~ expatriates as the Mover alleged last week.

Kenya Utalii college which was established in 1976
to train the necessary personnel for the tourist industry is
doing a tremendous job. I know that the graduates of the four-
year diploma management courses are taken up immediately by
the hotel industry. With exception of two lecturers, the entire
teaching staff of Kenya Utalii College - which is indigenous -
is very highly qualified.

END



THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori) (Ctd.):

The Principal Mr. M.K. Sio is a holder of the following qualifications:-
 a Bachelor of Science (hons) hotel management from ^{Cornell} ~~Harvey~~ University in the
 United States of Africa (U.S.A.), and he is also a holder of masters of science,
 hotel management, University of Nevada U.S.A. He has attended several short
 courses both locally and internationally. I want to emphasize that in order to
 disabuse the Mover who made aspersions as to the qualifications of the Principal
 of Kenya Utalii College.

To ensure that the goal of indigenisation is ultimately achieved,
 the Government has taken the necessary measures to assist indigenous Kenyans to
 overcome the inhibiting constraints. To this end, Kenya Tourist Development
 Corporation (K.T.D.C.) was established in 1965 as a channel through which the
 Government could have avail the necessary financial assistance in the form of
 loans to indigenous Kenya. Under our programme of indigenisation, K.T.D.C. maintains
 a revolving fund for assisting Kenyans to develop or acquire ownership of hotels,
^{RESTAURANTS}
~~Restaurants~~, lodges, travel operations, tour operations and curio business.
 However, in spite of this facility, the programme of indigenisation in terms of
 equity participation in tourism business cannot be said to have made appreciable
 impact particularly in our large urban centres such as Nairobi and Mombasa. These
 are the areas where concentration of the industry is to be found. The main
^{remains}
 constraints still ~~the~~ ^{is} incapacity on the part of indigenous Kenyans to secure
 loans for the very large amounts of finance required for a equity investments.
 During the last ten years of the Nyayo Era, for instance, K.T.D.C. has issued loans
 amounting to no less than shs.40 million under the indigenisation programme. But
 the bulk of this money has been invested in new tourist ~~ventures~~ ventures mainly in
 small ~~towns~~ towns such as Bungoma, Kisumu, Kakamega, Eldoret and Nyeri. Consequently,
 K.T.D.C. ^{resorted} ~~resorted~~ to direct participation to the equity investment on behalf of the
 Government in order to reduce the foreign domination of the industry especially in
 Nairobi and the Coastal zones. To-date, K.T.D.C. equity investment in the tourist
 industry stands at shs.110 million. Some of the major tourist enterprises in which
 K.T.D.C. has invested are as follows:- Hilton 38 per cent; Inter Continental Hotel --

AN HON. MEMBER: What is that?

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori): I am saying they have 33 per cent of the equity in Inter Continental Hotel, Kenya Safari Lodges 63 per cent, Pollmans Tours and Safaris Limited 39 per cent, Zimmerman 51 per cent, Meru Mulika Lodge 91 per cent, Sea Hotels 60 per cent, Sunset Hotel 95, Kilimani Hotel ⁴⁹ per cent, Lavington Hotel 10 per cent, The Arc 13 per cent and Pan Afric Hotel 31 per cent. K.T.D.C.'s efforts in the indigenisation of the industry through direct participation in equity have also been complimented to a considerable extent by those of African Tours and Hotels, a company in which the Government has the majority shareholdings.

African Tours and Hotels where K.T.D.C. holds 62 per cent shares owns the Trade & Winds Hotel in Mombasa and also leases Kilaguni Lodge in Voi. African Tours and Hotels manages 15 major hotels units throughout the country and in addition handles a substantial tour operation business.

As regards the existing tourist enterprises, the indigenisation of tour operators and travel agents is painfully slow and we at the Ministry are aware of that. Let me give you some of the pertinent figures. As far as tour operators are concerned, there is a total of 564 in this country. Of those, there are 425 Kenyans. We cannot hide from the fact that our constitution allows any Kenyans to carry out any business. But coming to the ^{number of} indigenous tour operators, we still have got a 193; we just fall short of 45 per cent. There are 32 foreigners. If I may enlarge here on the question of tour operators, the biggest number of tourists naturally comes ~~from~~ from Europe—

MR. MAKAU: On a point of order, Mr. Speaker, Sir. The Assistant Minister has said that we have over 400 Kenyans in the tourist industry. This Motion is talking about indigenisation, ^{Out} ~~part~~ of the 400 Kenyans, how many are indigenous Kenyans?

AND WILDLIFE
THE ASSISTANT MINISTER FOR TOURISM (Mr. Awori): Mr. Speaker, Sir, hon. Makau is always very attentive. I have just mentioned that 193 are indigenous & Kenyans and I said that they constitute just under 45 per cent; so 193 tour operators are indigenous.

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori) (Ctd.):

I was trying to mention that our tourists come from all over Europe, the United States of America (U.S.A.) and other places and it is the tour operators who have to persuade these people to come. The job of the tour operators is not only to take the tourists to the various lodges ⁱⁿ ~~and~~ various national parks. The tour operators have to identify the tourists and until such a time that our own indigenous Kenyans can setup business in Europe, U.S.A. and be able to persuade the tourists, regrettably no matter how much ^{we in} ~~at~~ the Ministry we would like to see a larger ~~proportion~~ proportion of tour operators being indigenous, I am afraid this will not be the situation.

MR. MAKAU: On a point of order, Mr. Speaker, Sir. The Assistant Minister is saying that indigenous Africans can only succeed in tourist business only when they establish tourist companies outside. But what is the role of the tourist offices that we have? Can we not use those offices to encourage tourists to come to this country?

MR. SPEAKER: Order, Mr. Makau, points of arguments can never act as points of order. You should just wait for your time to contribute.

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori): If I may now give figures of travel agents, there ~~are~~ ^{them} is a total of 212 of ⁱⁿ this country, there are 163 Kenyans of those and of those 163 Kenyans there are 76 indigenous Kenyans or nearly half the Kenyans tour travel agents. The Government will continue to encourage foreign investors to invite indigenous Kenyans to participate in equity investments. Also, funds permitting, the K.T.D.C. programme of indigenisation will be strengthened in order to ~~ens~~ ensure increased participation by Kenyans in equity participation in the industry.

Let me turn to the most serious matter voiced again and again both in this august House by contributors and also in the public and the newspapers today. This is the question of poaching. I am the first to admit that poaching has reached crisis levels and I know that the Government in every ~~ex~~ sphere and every area ^{is} ~~are~~ taking very serious steps to see that ^{we} ~~they~~ can fight this poaching. We do believe that it is not ordinary poaching as we know it; we do believe that

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori) (Ctd.):

there is something very serious and the Government, not only our Ministry, but using the very competent police, ^{is} ~~are~~ investigating to find out the cause. If this is the work of dissidents and if this is the work of economic saboteurs then when we have the information the Government will be forthcoming with the information to this august House

END G....

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori) (ctd.):
 I would like to inform the House that the Ministry, since the beginning of this year, has interdicted 32 officers of the Ministry who are undergoing investigation. None of these officers has been sacked because none of them has been proved to be involved. Nevertheless, investigations are still going ahead.

Mr. Speaker, Sir, the code of discipline which will strengthen the wardens and rangers is with the Cabinet and as soon as it finishes with it and brings it to this House, I am sure that it will be passed. This will indeed help the Ministry considerably because then it will not be necessary for the rangers to wait to pass their information to the police. The rangers will themselves then be able to prosecute the offenders in the court of law.

Wildlife is the mainstay of ^{our} tourist industry. We know that this industry is coming close to overtaking all other industries in earning this country foreign exchange. Anyone, be it he/she, a Kenyan or ^a foreigner who tries to decimate our heritage, will be the worst kind of criminal. What right have we got to try and destroy wildlife when we are the last trustees, not just in Kenya but practically in the whole world, of wildlife? I want to assure this House that the Ministry is taking this issue very seriously.

I appreciate very much the spirit of this Motion. I want to assure the Mover that the Ministry supports it. But in view of the arrangements already being made by the Government to assist indigenous Kenyans to participate in equity investment in the tourist industry, I would like to propose that the Motion be amended to read as follows:

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori) (ctd.):

THAT, in view of the fact that tourism is an important sector in our national economy and bearing in mind that the industry continues to be controlled largely by non-Kenyans; and ~~while~~ ^{while} noting the existing indigenisation programme under the Kenya Tourist Development Corporation (K.T.D.C.); this House urges the Government to require foreign investors to accommodate increased participation by indigenous Kenyans in equity investment, joint ventures so that we may ultimately realise appreciably indigenisation of the tourist industry.

Mr. Speaker, Sir, I beg to move.

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS AND INTERNATIONAL CO-OPERATION (Mr. Obure): Thank you Mr. Speaker, Sir.

MR. MWAMZANDI: On a point of order, Mr. Speaker, Sir. Is that the way we propose amendments to Motions? I am really ^{perturbed} ~~perplexed~~ and shocked by this!

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS AND INTERNATIONAL CO-OPERATION (Mr. Obure): Thank you again, Mr. Speaker, Sir.

MR. MAKAU: On a point of order, Mr. Speaker, Sir. Do our Standing Orders state that after an amendment has been proposed it must be seconded?

MR. MWAMZANDI: On a point of order, Mr. Speaker, Sir. The Standing Orders state that the Mover of an amendment must state what is to be deleted and what ^{is to be} ~~to~~ inserted. The Assistant Minister has not done that. We cannot have the procedures of the House being misused like that. We need the proper procedures of this House to be followed.

MR. SPEAKER: As far as I am concerned he has already told us which section of the Motion he has amended. If you are not satisfied with the way he has done it you can wait and I can later on do it for you.

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS AND INTERNATIONAL CO-OPERATION (Mr. Obure): Thank, Mr. Speaker, Sir, for giving me this opportunity to second the amendment moved ~~by~~ very ably by my colleague hon. Awori.

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS AND INTERNATIONAL
CO-OPERATION (Mr. Obure) (ctd.):

Mr. Speaker, Sir, the tourist industry in this country is making tremendous ^{and increased} contribution in foreign ^{exchange} earnings. I want to take thank all those who have been involved in the management of our tourist industry, particularly, the Ministry of Tourism and Wildlife who have created the right climate for the rapid expansion which we have experienced recently. I would like to particularly thank the current Minister of this Ministry who has demonstrated a great ability in managing the affairs of this Ministry. I would also like to thank all those who are ^{ASSISTING} ~~ASSISTING~~ him in making sure that our tourist industry continues to stay afloat.

I would like to thank the Minister once again for the stand he took recently at the time when there were serious threats to our wildlife. He has shown firmness, openness and has appealed to all Kenyans to help him to eliminate that menace. I would like to appeal to all leaders, particularly, my hon. colleagues in this august House, to assist the current efforts by this Ministry to fight the threat and menace of poaching. I think that the Minister's efforts require all our support and that of all Kenyans of good will.

The tourist industry is very delicate. Its continued expansion depends on continued stability and peace in this country. It also depends on the confidence that people have in all institutions that are charged with the responsibility of managing that industry. Continued expansion of the tourist industry also depends on the availability of adequate infrastructure, facilities and services in our country. ^{These} ~~These~~ services and facilities must be such that they are able to attract tourist in the face of competition from other countries which offer similar facilities.

It is true that the tourist industry ~~is~~ is largely ~~controlled~~ controlled at present by foreigners. I want to say that in my opinion

H.4.....9.11.88

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS AND INTERNATIONAL
CO-OPERATION (Mr. Obure) (ctd.):

the foreigners operating in this sector have helped this country to
achieve the levels at which we ~~now~~ ^{now} are. I do not believe that the
time has come when we should stipulate that we should go to the extent
of owning 51 per cent of all the shares in the foreign owned invest-
ments in the tourist industry. I do not believe that the time has
come for us to do that. I say so because it is really a matter of
confidence and contact and good will. If we are going to insist
that ~~obtain~~ all the tourist facilities that we take over, we ^{will} take
over 51 per cent, I am ^{not} sure that we have the personnel and capital
to do so.

END H.....

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS AND INTERNATIONAL CO-OPERATION (Mr. Obure) (ctd.):

It is for this reason that I will support hon. Awori for saying that what we need to do at this moment is to encourage ---

MR. MWENJE: On a point of order, Mr. Speaker, Sir.

Is the Assistant Minister not contradicting the Mover by saying that we ^{do not} have enough personnel from Utalii College, whereas the Mover had ~~said~~ said that we have enough of them? Which is which?

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS AND INTERNATIONAL CO-OPERATION (Mr. Obure): That it sounds to me like a point of argument, Mr. Speaker, Sir. What we need to do at the present time is to encourage our people to develop a capital base so that at some future date, we will be in a position to move and increase our investment in that ~~area~~ sector. What we should do is to intensify our training programmes in such a manner that we have adequate trained and experienced personnel to run the various institutions in tourism.

Mr. Speaker, Sir, I believe the Kenya Tourist Development Corporation has done a very good job. It has been outstanding in spearheading the indigenization programme in the tourist industry. We want to pay tribute to that corporation for the initiative it has taken in this field. I also want ~~to~~ ~~to~~ pay tribute to ^{the} African Tours and Hotels ^{Ltd,} which has also contributed significantly in an area which has ~~been~~ been very competitive indeed. There is a clear revival on the part of the African Tours and Ho_tels, and we want to encourage these two institutions ~~to~~ to continue playing a significant role in this area.

Mr. Speaker, Sir, I would like to urge the Ministry of Tourism and Wildlife, in particular, to pay a bit more attention ~~to~~ to the area of operation of curios and curio shops. This is an

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS AND INTERNATIONAL
CO-OPERATION (Mr. Obure)(ctd.):

area where, through the Kenya Tourist Development Corporation (K.T.D.C.), the indigenous Kenyans could play a more significant role than it is playing at the moment. Every encouragement should be given to the small ~~xx~~ curio shop owners so that they can take over this aspect of the tourist industry.

With respect to tour operators, it is gratifying to note that approximately 45 per cent of all the tour operators are indigenous people. I think we ~~xx~~ should encourage them so that more and more of our people can go into this business so that in the not very distant future, we should be able to take k over this aspect of our tourist industry.

With respect to travel agents and other people operating at that level, there is, in my opinion, a case for them to be encouraged, ~~s~~ also, so that they can establish offices in the major cities of the world so that they, in their own right, can ~~xxxx~~ start attracting people to this country so that we can all see a further expansion of the tourist industry in this country.

With those few remarks, I beg to second *the proposed amendment.*

(Question that the first part of the amendment
that the words to be left out be left out
proposed)

MR. MWAMZANDI: Thank you very much, Mr. Speaker, ~~s~~ Sir, for giving me this opportunity. I have no quarrel with the amendment proposed by the Assistant Minister. In any case, ~~waxhawaxatax~~ there is a lot that the Ministry ought to rectify in this Republic. We know that the K.T.D.C. is helping people to acquire some shares in Government ventures. All the same, we are not happy with the method ^{by} ~~the~~ which the tourism

MR. IWANZANDI (Ctd.):

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industry is run ⁱⁿ the Republic.

for some hotels,

Mr. Speaker, Sir, you will agree with me that/accommo-
dation and food payments are still made overseas. This is a denial
of foreign ~~ex~~ currency to our Republic. We also have so many
wananchi ~~xxxx~~ engaged in the transport business for tourists.
But you will realise that up to now, our people have not bene-
fitted from this venture because hotel managements will always
call the United Touring Company (U.T.C.) ^{instead of the local operators,} to take ~~round~~ tourists ~~around~~
~~rather than the local people.~~ As you know, the U.T.C. is a
colonial company. We, therefore, need hotels to be informed
that there is need for this business to go into the hands of
wananchi.

The Asistant Minister said that most tour guides and
tour operators are Kenyans, but I doubt it because you find that
most of these people are Europeans. In every hotel, you find
women tour leaders who are not of African origin. We want our
own people to be tour leaders and tour operators.

END I

R. J. M. K.

MR. MWAMZANDI (Contd.):

Also, another way for wananchi to benefit is to have permanent employment for all the members of staff working in the hotels. I do not know if it is the same all over the country, but it is the same in the Coast Province, particularly South Coast. The employees who are working there have always been temporary; they are not permanent. This industry is a permanent industry, but the employees are not permanently employed. This is unfair. The Ministry should see to it that our people are permanently employed.

Mr. Speaker, Sir, when the Minister was replying on poaching he surprised the House, particularly myself, when he said that the present poaching we have is beyond poaching. So, we leave it at that until he can give us a proper reply as to what sort of poaching it is because he said that he is still carrying out investigations. In any case, the Ministry should know for certain that all those animals within the national parks should be taken care of. But ^{for} stray animals like pigs, hyenas, baboons who come and eat our maize, and so on, I think the law should be amended so that all those animals that run away from the national parks or animal sanctuaries should be killed because they are a menace to the Republic. Whatever compensation form you fill for the Ministry to pay you just do not get any payment or compensation at all. He should protect the animals within the national parks. But if one is found with meat of wild pigs around the villages he is prosecuted. The animals have eaten his maize and there is no compensation.

Mr. Speaker, Sir, last week when I asked a question here about those people in my area who were mauled by a rabid ^a hyena I was told that the cheque was being prepared last week, but it has not been sent up to now. The Ministry has a method of delaying tactics so that some of the would-be beneficiaries of the payment die before the payment is made so that the money still remains in the Ministry. We would like to have this money sent to the people concerned.

Mr. Speaker, Sir, also there is a ^{committee} board for the determination of the crops destroyed by wild animals. But this committee meets regularly and no payments are received. We need to have this compensation to be paid to wananchi.

MR. MWAMZANDI (Contd.):

Mr. Speaker, Sir, while the animals either in the national parks or animal orphanage bring a lot of foreign currency to our country, the Ministry should employ honest game scouts. It has been revealed that some of these game scouts are the same people who take poachers to kill the animals. We should have honest people who can protect these animals.

Mr. Speaker, Sir, we also have the marine national parks in Kwale around Shimoni and some parts of ^{the} coastal area. I am sorry to say that we have similar and unfaithful park scouts. I am sure that the Assistant Minister does not know that ^{it is} the same game scout officers who take fishermen to the marine national parks to fish the lobsters in conspiracy for them to sell and earn a living. I can see the Assistant Minister is very busy talking; I do not know what he is doing.

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Mrs. Ogot): On a point of order, Mr. Speaker, Sir.. The hon. Member has made a very serious allegation to the effect that the game scouts are ~~discussing~~ are collaborating with poachers in killing the animals. Can he substantiate the allegation?

MR. MWAMZANDI: Mr. Speaker, Sir, I do not know what substantiation the hon. gracious lady is talking about because the Ministry itself said it earlier ~~at~~ that it has fired so many game scouts who go to the national parks with poachers. This has been substantiated very well by the Minister himself. He has fired some game scouts, and it is the same with the marine national parks. So, if the Minis-

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori): On a point of order, Mr. Speaker, Sir. I do not recollect ~~when~~ the Minister for Tourism and Wildlife ever mentioning any members of staff who are involved in encouraging poaching. When I contributed earlier, I stated that there were 32 members of staff who are under investigation, and in this country everybody is innocent until proved guilty.

MR. MWAMZANDI: Mr. Speaker, Sir, the Assistant Minister categorically accepts that there are 32 members of staff who are under investigation. On what grounds are they being investigated? They are under investigation on collaborati-
with poachers. I do not know what I am being asked to substantiate if the

MR. MWANZANDI (Contd.):

Assistant Minister categorically stated that 32 officers are under investigation. On what grounds are they being investigated? Are they being investigated on doing a good job? No, but on doing a bad job! The Ministry should be serious.

MR. MAKAU: On a point of order, Mr. Speaker, Sir. My point of order is also in line with that because about a month ago, the other Assistant Minister for Tourism and Wildlife, hon. Leakey, answered a question here and said that some members of staff had been sacked or suspended from their jobs because of collaborating with poachers in killing the wild animals. He was answering a question here, and it is in the record of HANSARD. So, the hon. Assistant Minister, Mr. Awori, should not deny this because the Ministry has told us this ~~here~~ in the House when answering a question.

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori): On a point of order, Mr. Speaker, Sir. Hon. Leakey never mentioned here that there was a member of staff who had been sacked or convicted of having collaborated with poachers. What he said is that they were suspected, and there is a big difference between suspecting and a fact.

MR. MWENJE: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to tell us that the officers were sacked for being suspected to have committed a crime? They could only have been sacked for having been known they were collaborating with poachers in killing the animals. So, he is out of order to tell us that they were sacked for being suspected to be in collaboration with poachers in killing the animals.

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori): On a point of order, Mr. Speaker, Sir. Interdiction and sacking are two different words or issues. There are people who are interdicted and after investigations they are found to be innocent, and they are reinstated.

MR. MAKAU: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: No, let us continue with the Motion. Hon. Mwanzandi.

MR. MWANZANDI: Mr. Speaker, Sir, I beg to support.

MR. SPEAKER: I think it is ^{important that} ~~in order~~ we deal with the amendments first.

So, I will put the question.

MR. SPEAKER (Contd.):

that

(Question of the first part of the amendment, the words to be left out be left out, proposed)

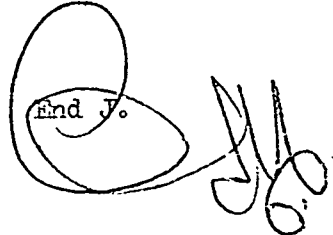
(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed)

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question of the Motion as amended proposed)

End J.



MR. CALGALLO: Thank you, Mr. Speaker, Sir, for giving me this opportunity to reply to this Motion as amended. I am very grateful for the sentiments which have been expressed by hon. Members on this Motion.

I also appreciate the fact that there is realization of the importance of this particular sector. I am also happy / that the Ministry has accepted this Motion.

As I said earlier on, tourism is an important sector. This Motion outlines the objectives of tourism and the Ministry appreciates the need to improve services and all that is required of this industry.

First of all, I want to emphasize my stand on the training of the personnel manning the tourist industry. As I said earlier, training is one of the most essential subjects in this field. I also said that the trainers at the Kenya Utalii College must be competent men and women of high calibre. So ~~that~~ the kind of manpower we get from that college must be able to man all those stations which need promotion, competence and so on. These are the kind of people who are needed in the indigenisation of this industry.

In the past, most of the students undertaking courses at the Kenya Utalii College used to take four years. They also used to specialise in a particular field for one year. These fields included such disciplines as the management of front office, food and beverages, tour operation and so on.

The trend has now changed and these courses are now being conducted on monthly basis. At the moment, a student is assigned a particular field for one month and then moves on to another the following month. That kind of training does not augur well ~~with~~ ^{for} the production of qualified personnel from that college

I would like to urge the Ministry to revert to the old system of training where students specialise in one field for one year before moving on to another area. It is imperative that we produce competent men capable of manning the tourist industry. Therefore, training people in various fields on ^a monthly basis does not augur well with the production of competent career men.

Mr. Speaker left the Chair

The Temporary Deputy Speaker (Mr. Mwamzandi) took the Chair

Secondly, Mr. Temporary Deputy Speaker, Sir, it seems that the Ministry of Tourism and Wildlife ~~does not have~~ has a lot of confidence ⁱⁿ the Kenya Tourist Development Corporation (KTDC). We also have confidence in this Corporation. We know that KTDC is a main body whose main duty does not fall under training but providing loan services to hoteliers. KTDC must understand that it is responsible for the indigenisation of ^{the} hotel industry in this ~~country~~ country and tourism as a whole.

We used to have the African Safari Club which was a very successful organisation. I do not know what happened but it just died slowly. African Tours and Hotels (AT&H) has got a very limited scope in competing with group tours which are normally organised from Italy, Germany and Switzerland. AT&H must be given enough finance and manpower to be able to compete favourably with these group tours.

It has come to our understanding that those who are responsible for siphoning out foreign currency ^{and} for non-payment in foreign currency as required, are the non-African entrepreneurs. These things are mainly done through group tours. The Ministry, in collaboration with AT&H, must move in fast and show these people that they are able to control the hotel business and if possible, take ~~in~~ over and accommodate business in most of these places.

The Ministry must realise that whatever achievements are made in the tourist industry must be ~~for~~ for the good of this country. It must be understood that whatever money is realised from this industry, should be used for the good of our national economy. It is, therefore, important that instead of just sitting and waiting for reports, the Ministry must move in to check on what is happening.

We have hotel inspectors who are neither qualified nor trained. Why should we ^{have} ~~we~~ a non-professional in this field to go and talk to those who are in the tourist industry? It is important for hotel inspectors to be competent and professional enough to be able to understand the accounting system in the hotel

industry. What happens is that since the hotel inspector is not a professional man in the hotel business ^{and} who cannot understand the accounting system there, he simply goes to the hotels, - for inspection purposes - sits there and is given free lunches and accommodation for two days. That is all ~~he~~ he does simply because he does not understand what he is supposed to do.

The Ministry must make sure those hotel inspectors who are responsible for loans which are lent to these hotels, must be men of ability and professionals in the tourist industry. That ^{is} why I said that we should introduce proper accounting system in hotels in this country. In this way, we will be able to know who is and who is not benefiting the country in this field.

Lastly, I would like to say something about poaching. We have been hearing of names of big men in the Ministry who are responsible for the poaching menace in this country. We have even heard of aircrafts hovering around the national parks, run by these people. The Ministry is keeping those people in employment ~~when~~ and they are only victimising the junior officers in the field.

END.....K

MR. GALGALLO (CTD.):

I think the Ministry is not doing its work properly. From where ^{would} a civil servant get the money to go and put up a tourist hotel? Where would he get all that money from? There is a game officer here who has put up chains of beach houses in Mombasa. Where does he get all the money to do so from? This is one of the people who must be thoroughly screened without having to victimise junior officers, such as ordinary game wardens or rangers. If such an officer was doing anything out of order, he was doing it under the instructions of big people. These big people are left in the job when the small man is victimised and sacked. I want to tell the Ministry that it has not done enough to control poaching in this country, and we, as Kenyans, are very concerned about the destruction of our wildlife. The Ministry should do what it is required to do.

THE ASSISTANT MINISTER, OFFICE OF THE VICE-PRESIDENT AND MINISTRY OF HOME AFFAIRS AND NATIONAL HERITAGE (Mr. Lalampaa): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is making a very useful contribution. He went to the extent of saying that they heard aircraft landing there, and so on. Could he substantiate that allegation and also tell us who the characters involved are? In this case, the Government would take drastic measures against the culprits.

MR. GALGALLO: Mr. Temporary Deputy Speaker, Sir, I said, and I repeat, that the men who were charged with the responsibility of protecting our animals are said to be involved in poaching. I think this point is very clear in that some of them have put up hotels worth Shs.10 million although they are mere civil servants. The Assistant Minister must surely know what I am talking about.

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member give the names of those involved in this poaching?

(Applause)

MR. GALGALLO: Mr. Temporary Deputy Speaker, Sir, if this point came from another hon. Member, it would be understandable, but it comes from an Assistant Minister who is quite conversant with what I am talking about. We are not here to give names merely for the sake of it. All we are here for is to straighten things for the good of this Ministry and the nation.

THE TEMPORARY DEPUTY SPEAKER (Mr. Mwanzandi): Order, Mr. Galgallo. I think you made it very clear that some people have built hotels, in which case, this becomes not an allegation but a fact. If you have this fact, ~~in that~~ it is wanted by the Assistant Minister. If you do not have it as a fact, you should withdraw the remark so that ~~the~~ ^{we} ~~may continue~~ ^{may continue}.

(Applause)

MR. GALGALLO: Mr. Temporary Deputy Speaker, Sir. My tire is flying very fast. What I am saying is that those who are responsible for controlling poaching---. The point is very clear. Those who are responsible for---

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member should name those concerned. When he says that those who have been charged with safeguarding our animals are responsible for poaching, he must know that I am one of those responsible for looking after wild animals. Could he name these people or withdraw his remark?

MR. GALGALLO: Mr. Temporary Deputy Speaker, Sir, I would not know how loosely they are connected on the other side, but I am talking about civil servants. Ministers and Assistant Ministers are only there to ~~implement~~ ^{make policies}.

As I said, Mr. Temporary Deputy Speaker, Sir---

THE TEMPORARY DEPUTY SPEAKER (Mr. Mwanzandi): Order. I think

THE TEMPORARY DEPUTY SPEAKER (Mr. Mwamzandi)(Ctd.):

this is just an allegation which the hon. Member cannot substantiate. In any case, time is up and we have to put the Question at this stage.

(Question of the Motion as amended, put and agreed to)

Resolved accordingly:-

THAT, in view of the fact that tourism is an important sector in our national economy, and bearing in mind that the industry continues to be controlled largely by non-Kenyans; and while noting the Indigenisation Programme under the Kenya Tourist Development Corporation; this House urges the Government to require foreign investors to accommodate increased participation by indigenous Kenyans in equity investment joint ventures so that we may ultimately realise appreciable indigenisation of the tourist industry.

THE TEMPORARY DEPUTY SPEAKER (Mr. Mwamzandi): Is Mr. Lagat not here?

Let us move on to the next Order.

MR. GALGALLO: Mr. Temporary Deputy Speaker, Sir, I beg to move the following motion:-

THAT, in view of the continuing rise of the population against the non-increasing land surface, and since there have been a simultaneous increase in the acreage and number of game reserves; this House urges the Government to review the entire structure of wildlife sanctuaries vis-a-vis the population demand for more land and degazette those reserves that are non-viable, with a view to releasing more land for public use.

In the early 1970's, there was a spate of making the number of game reserves more than one in every district. Nearly every district in the country today has about two or three game reserves. This has been so at the insistence and advice of the Ministry of Tourism and Wildlife. These game reserves were created with the hope that the Ministry, through tourism and other related projects, was going to finance districts in order to make game reserves income-generating projects. This was the main theme behind establishing as many game reserves as possible.

MR. GALGALLO (CTD.):

Because of this move, too many game reserves were created all over the country. Then came poaching, and the little manpower in the Game Department ^{was} ~~was~~ dispatched so that there would be between five and 10 ~~an~~ game scouts or rangers in every park to control this menace. Thus, it became impossible to have enough manpower to man national game reserves and national parks in order to contain the poaching threat in this country. Furthermore, because of this reduced manpower ^{which was} ~~was~~ unable to control poaching, our people were also exposed to unnecessary hardships. The available land for use became so small that people were forced to go and cultivate the land in game reserves and even in national parks. This was necessitated by our population growing fast. It has become impossible for our people to live with so many parks around.

End L
R. Jmb

MR. GALGALLO (Ctd.):

Mr. Temporary Deputy Speaker, Sir, every now and then our people have been ~~be~~ arrested for grazing their cattle in the game reserves and the national parks. This creates even a bigger problem to the well organized national parks that we have in this country. This has interferred with our ability to contain the poaching problem in this country. It is in this ^{Spirit} ~~spirit~~ therefore, that I have brought this Motion to the House. The land in these game reserves has been left to waste although it was meant to be an integrated project. In my home district, we have two game reserves. We have the Kora Game Reserve and we have ^{Motereho & private} ~~Motereho~~ Game Reserve. However, the county council has been unable to pay the staff there. The Department of Animal Conservation and Management is not able to give out any more money. Those game reserves are still there to humiliate the ordinary wananchi living near them. They cannot graze their cattle there and the county council has not been able to manage these game reserves. The county council is not paying any tax and there is no vehicle, they cannot pay councillor's allowances and everything has become stagnant.

Mr. Temporary Deputy Speaker, Sir, it is in this regard that I am appealing to the Ministry to come to our aid. We do not have the manpower to ^{mana} ~~man~~ these game reserves and national parks to be able to control poaching. Therefore, I am appealing to the Ministry to degazette some of these non-viable game reserves. Some time last year, His Excellency the President visited Kituh District and ordered that a certain game reserve somewhere in ^{Tseikulu} ~~Tseikulu~~ be degazetted so that people could be allowed to cultivate that land. This is one of the game reserves which is under the responsibility of the Ministry of Tourism and Wildlife. We hope that there is a lot of money in the Wildlife Fund and we hope that they will desist from throwing away anymore money from this Fund. The Ministry has abandoned these game reserves and left them in the hands of the poor county councils who are not able to manage them.

Mr. Temporary Deputy Speaker, Sir, we have seen game reserves
in order to frustrate wananchi living around them. ^{Because} ~~Because~~

of the creation of these game reserves, societies have completely been displaced. We agree that it is the policy of the Government to set aside x game reserves in gazetted areas, but what is there in these game reserves? These game reserves have now become a ^{haven} ~~haven~~ ^{of} ~~for~~ poachers and there is no way to control them because we do not have the manpower to do so. We do not have enough game rangers. After all, these are county council game reserves, but the ordinary people living near these game reserves have been denied the right to cultivate these areas and to graze their animals there while there is not even a ^{single} ~~single~~ game ranger there because they do not have the personnel to man these game reserves.

Mr. Temporary Deputy Speaker, Sir, we have an example here.

At the border between Kitui and Tana River Districts, ^a polling station was gazetted in 1983 but this polling station has now been converted into a game reserve. The people who had planted maize, sorghum and so on, had all their crops destroyed. To make the matter even worse, houses were burnt down simply because this area was converted into a game reserve. The people doing these things are the administration police because there are not game rangers ^{man} ~~in~~ to ~~man~~ that area. So, it is this suffering which the common mwananchi is subjected to that has made me to bring this Motion here. The common man in these areas has no right to till his land nor does he seem to have any right to graze his animals there simply because this is a x gazetted game reserve owned by the county council. The county council does not have the money to purchase vehicles to go round these game reserves to monitor what is going on there or ~~to~~ to employ the necessary personnel to man them and yet this is a gazetted game reserve. What is the purpose for doing this? This is meaningless! It does not help us. It is now six months since the last game warden visited Kora Game Reserve although this is a gazetted game reserve. What we see there are some European hippies whom I understand have a very powerful station there but the Game Department is not aware of what is happening in the place since there are no game rangers. We see planes landing and taking off from the place but there is no one to monitor their activities in this ~~ministry~~ ^{ministry} does not have the personnel to man this game reserve.

The few personnel they have are scattered in the big game reserves and national parks. The county council does not have the money to deploy men to work in these game reserves. This has brought ~~him~~ unnecessary frustrations and sufferings to the common man there and it is in this light that I am appealing to the Ministry to concur with me in this Motion and see that the non-viable game reserves which were initially created with a hope of getting more money are degazetted so that we can concentrate our efforts ⁱⁿ the main national parks. The poachers are able to penetrate to the main national parks and butcher these animals indiscriminatory. What are we ~~to~~ going to do about these small game reserves under the county councils?

Mr. Temporary Deputy Speaker, Sir, it is in this light that I am appealing to the Ministry to understand that these game ~~is~~ reserves that were created by the county councils as a ~~is~~ source of income for those county councils, are no longer viable. They have brought a lot of suffering to the people living in those areas. Due to the current operation which is now going on, the people in my district have been totally displaced. A lot of houses were burned down and a lot of maize was destroyed in the shambas. Sir, can you image how painful this is? When a Government ranch was started in Kilifi, there was not even a single person from my area who was employed to work there. People employed as ~~is~~ civil servants from my place were even kicked out of employment just because people looking like poachers were seen there. It is in this light that I am saying the Ministry should look into this matter. This is our Government and these are our own people who are suffering and we should not continue ^{to subject them to} unnecessary suffering ~~to them~~. Therefore, I am appealing to the ~~Min~~ Ministry to see the truth in this matter. Some of these game reserves which were created by the county councils are no longer necessary. We ~~is~~ should now concentrate our ~~is~~ efforts in ~~is~~ protecting our animals in the main national parks. I think all these small game reserves should be degazetted, otherwise, a thorough research should be done to find out which of these game reserves are viable and which are not viable and the Ministry should take action along these lines.

M.4.-----9.11.88.

MR. GALGALLO (Ctd.)

I am saying this because this is our own Government and not a colonial Government and we have to reduce the suffering of our own people.

END M.

M

MR. CALGALLO (ctd):

Mr. Speaker Sir, it is not fair for us to bring suffering to our own people when we are governing ourselves. ~~not~~ I think this is due to bad advice or it is because we are pretending to be blind on this issue; this does not help. The image of this Ministry is being destroyed by the lack, or inability, of understanding. The Ministry is not able to do what is good for this country and avoid doing what is not good for this country.

Mr. Speaker Sir, we have ^{five} national ~~parks~~ ^{parks and} reserves in ~~my~~ my home district. A formula must be found to sort ~~max~~ out some of the problems. Instead of the delays of ~~max~~ payment of compensations, I would like to suggest to the Ministry to come up with a better formula, so that our people may love the animals and take care of them. Our people should see that they are directly benefiting from them. The Ministry should find some ~~way~~ way in which the population at large in that particular district benefits from those existing national parks and game reserves. There ~~is~~ are some countries which are using a good system of making the people to like the animals like Zimbabwe. We should use their ~~system~~ ^{game} experience, that ~~the~~ all the revenue accrued from the national parks and reserves, a certain token is paid to the county councils ~~or~~ or projects are set up so as to benefit the surrounding people. Facilities like water wells, health centres and schools can be ~~installed~~ ^{constructed} in those areas surrounding those game reserves and national parks ~~from~~ using money earned from tourists who ~~visit~~ go to ~~in~~ see the animals. If this is done, the people will be willing to live with those animals, they will love them and will like to protect them, because they will see them as a source of revenue ~~for~~ for their betterment.

Mr. Speaker Sir, when all the revenue accrued from national parks and game reserves come to the central government and do not ~~finally~~ directly benefit those people neighbouring the parks, it is not fair. This money ~~is~~ is used ^{by the Ministry} to buy big Volvos, putting up good houses for their members of staff and so forth. How would people feel when they do not benefit at all from revenue collected from these parks. We should not be seen as being forced to accept these animals, rather we should be tuned to love ~~them~~ these animals by directly benefiting from them.

MR. GALGALLO (ctd)

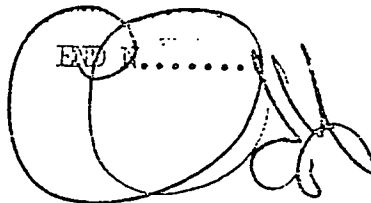
This is one way that the Ministry should adopt to make people to love and protect the animals.

Mr. Speaker Sir, our Government adopted a policy of compensating those who are injured by wild animals and those ~~who~~ people whose crops are destroyed by wild animals. Unfortunately, the Ministry is unable to meet those claims because they are just too many. Therefore, why does the Ministry not ~~not~~ adopt this policy of conveying a fraction of what ~~is~~ earned from the game reserves and national parks ~~to~~ to neighbouring districts like Tana River, Taita Taveta, Kajiado districts and so forth? Why can the people not directly benefit from earnings from the national parks and ~~a~~ game reserves? This is one formula that should be adopted to benefit our people.

Mr. Speaker Sir, our people should be properly orientated to understand why we need to keep wild life. ~~T~~ ~~a~~ Our people see this as if they are being forced to accept wild life. The people do not see the significance of wild ~~a~~ life. I therefore suggest to the Ministry that they adopt this Motion.

With those few remarks, I beg to move.

END



HON. MEMBERS: Who is the Seconder?

MR. GALGALLO: Mr. Speaker, Sir, this Motion was not supposed to come up today; even the Ministry had said that they were not prepared for it.

HON. MEMBERS: It has no Seconders. Withdraw it.

MR. GALGALLO: Mr. Speaker, Sir, my Motion will be seconded by Mr. Mcharo.

MR. MCHARO: Thank you very much, Mr. Temporary Deputy Speaker, Sir. We are always around here to support important Motions like this one, which is dealing with tourism.

AN HON. MEMBER: You are not supporting but seconding.

MR. MCHARO: I am only giving my opinion. So, Mr. Temporary Deputy Speaker, Sir, I would like to second this Motion which has been moved by my colleague, hon. Galgallo. Motions on tourism and wildlife are very important to us in this country. This is because we have been informed and know that tourism is a very important industry in our country, and anything that comes to this august House for discussion regarding tourism must be given full support.

The Motion is very clear in telling ^{us} that the population in this country is rising, and that the Government should do everything possible to ensure that some of the land that is now game reserves and national parks should be set aside for use by our population, which is rising very fast. It is our duty, as leaders of this country, to plan for the future of our people. There is no way we can stop the growth of population. However, we encourage everything possible to be done so that the fast rising rate of our population growth is reduced. Kenyan's population has more than doubled since Independence. We are told that by the year 2000 this population will rise to about 35 million people, and yet the size of the land occupied by the people still remains unchanged. Now that we have many game reserves and huge national parks, it is high time we ~~begin~~ began looking seriously

MR. MCHARO (CTD):

into the question of setting aside some land from some of these game reserves and national parks for the settlement of our people.

Mr. Temporary Deputy Speaker, Sir, what has been said by my colleague, hon. Galgallo, is quite true. Let me give the example of my own district, where about ^{two} thirds of the whole districts is national parks. Out of about 17,000 square kilometres, about 10,500 square kilometres is occupied by national parks. We love the wild animals and would like to co-exist with them the way we have been doing in the past. However, as it has been said, time has come for the Government to look into the question ^{land} utilisation, and consider land that has been set aside for other purposes, particularly for use by wild animals, for human settlement; our people must be settled in some of these lands.

I have given an example of my own district, and I will ^{at well} go further on this one. The question that we are asked all the time, as leaders, ~~is~~ who, between the people and the animals, is more important. As leaders, we must say both because we must support the tourist industry, which gives this country money for carrying out the various development projects we have. Now that we have no choice in the matter, I would like to re-emphasise a point that has been made: the money that accrues from the national parks is a lot as tourism comes second to agriculture in foreign exchange earnings. However, when it comes to compensating farmers and those who have ^{been Mauled} ~~mauled~~ by wild animals we are told, and we have been told this here, that there is no enough money to pay compensation to our people. Now, the question is whether we are being told the truth when we are told that tourism is the second foreign exchange earner, while there is not little money to compensate people whose crops have ^{been} destroyed by wildli. That is the question the Ministry of Tourism ^{and Wildlife} should look into very seriously. I support the idea that something should be set aside.

MR. MCHARO (CTD):

from whatever is earned by the Ministry of Tourism and Wildlife for the purpose of the welfare of the people of this country. I support the idea that something must be set aside from the same earnings to be given to local authorities so that it can be used for development, particularly in the county councils where we have these national parks, so that the people there can feel that tourism is part and parcel of their system. Right now, our people seem to be detached from the wildlife. I am saying ^{this} because just the other day, last Sunday and Monday, there were a lot of elephants around Mwatate, but when I told the people there not to harm those animals they could not understand what I was saying; this is because they think that they do not benefit in any way from these animals. The onus is on the Ministry of Tourism and Wildlife. Something must be done to make our people realise that this Ministry is important both to our Government and themselves. We will keep on saying this until something is done.

Mr. Temporary Deputy Speaker, Sir, earlier on we have debated poaching in the country, but the Ministry of Tourism and Wildlife have their own ideas. However, we would like our Government to continue being stable; our Government must be protected at all costs. Right now serious poaching is going on in the country; the Minister has already said ~~that~~ that poaching has reached a crisis level. If it has reached a crisis level, this is a clear indication that there is somebody, or a group of people, somewhere who is seriously destabilising the tourist industry. If this industry is being destabilised when we know it gives this country a lot of money, then these people are clearly out to destabilise the good Government of this country, but we will ~~not~~ resist them. So, something must be done at all costs to trap these people. When we are told that some people ~~have~~ have already been interdicted and that they are under investigation, we like something very serious to be done about them. As I said,

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MR. MCHARO (CTD):

my district is almost all national parks, and we are completely destabilised though we want peace. Since we want peace, I am requesting the hon. Minister to move down there immediately and get more people arrested and have something done about them.

END

R/P Jmk

MR. MCHARO (Ctd.):

Mr. Temporary Deputy Speaker, Sir, the other day, His Excellency the President told us that when these poachers are caught, they should be shot on sight. I wonder how many have been shot and the wild animals are being shot all the time? We have not heard of anybody having being shot, can they not be seen or found? That is a question which ~~is~~ those of use in this House and leaders in the country generally are asking themselves. I second the Motion that ^{some parks} some ~~game~~ ^{and} sanctuaries ^{and} national parks ~~part of them~~ should be set aside for the future of our people who are increasing very rapidly. We must look into their welfare and make sure that our people know where they are going to be settled in the future.

With those few remarks, I beg to second.

(Question proposed)

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE

(Mr. Awori): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I stand here to oppose this Motion.

(applause)

~~Earlier on,~~ we have just been discussing an important Motion which was brought by hon. Galgallo in which he showed how important the tourism industry is to this country. The particular Motion which I now stand to oppose contradicts the other Motion completely. God ^{in His} is Wisdom. When he created this country or this world, He set aside certain areas for human habitat and ~~set~~ certain areas for wild animals. In this country, we have helped God with His work in setting aside certain areas for national parks and game reserves.

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori)(Ctd.):

Sir, the Mover stated that the game reserves and national parks were set up as income generating. He is now asking us to degazette those game reserves that he believes are non-viable. All game reserves and national parks are viable. The problem we have is ^{the} increasing population and all of us are concerned. His Excellency the President is in the vanguard in ^{warning} ~~warning~~ us against rising population. Rising population does not mean that we have to degazette areas which are set aside for wild animals. Wildlife is our heritage and this is something we must remember all the time. It is not just a heritage for Kenya. There is a good reason why these animals were set by God in Kenya. We are supposed to be trustees for the world and that is why there is a wildlife club for the whole world - where people from all around the world take note and encourage us to keep our wildlife intact.

The national parks and game reserves offer employment and they do not just offer employment to only those people who work in our Ministry. They do not just offer employment to game wardens and rangers. Those game wardens and rangers have got families. So, for every ranger, you can take it that there are ten other people who are benefiting from the national parks.

The question of compensation figures in quite a lot and it has figured in the opening remarks to the Mover of this Motion. We are the first to admit here that it is inadequate and that it is unsatisfactory. But we have got to remember that ~~an example is~~ for instance, out of the Sh.250 million of compensation claims that are outstanding - if we want to be very honest with ourselves - probably 60 per cent of those claims are ^{fictitious} ~~fictitious~~. There has been a case of a claim of well over Sh.2 million


THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori) (Ctd.):
 allegedly of a farm where the elephants had destroyed crops.
 When we went into deep investigation of the matter, we found ~~that~~
 out that that farm had nothing but pilipili - pepper or chilli.
 I have yet to meet an elephant that would enjoy eating pilipili.
 That claim had it been paid, would have been ~~paid~~ ^{paid falsely} paid.

There is also the question of the county councils.
 In fact, for those people who have got no game reserves in their
 areas, they envy the areas where there are game reserves. I am
 sure that the people from my constituency or my district envy
 hon. Galgallo because he has got something that can bring money
 at his area. If we look at the Narok County Council, a great
 deal of their revenue is derived from the national parks. If
 we look at Meru County Council, Kajiado County Council, Samburu
 County Council and above all if we go to Taita Taveta where the
 seconder comes from, that county council derives quite a lot of
 its income from the national parks.

It is important that we, as leaders, ^{should} encourage everybody
 to appreciate wildlife. This is one reason for instance, why
 we have got the East African Wildlife Clubs where we introduce
 our youngsters, at school, to wildlife. We want them to co-exist
 with wildlife. We know, for instance, that there are some wild
 animals like the rhinoceroses which predate human beings. If
 these wild animals were here long before the human race, there
 is no reason why we should start decimating wildlife. It is
 important that we should, on the other ~~hand~~ ^{hand}, utilizing the
 land that we have got profitably and extensively.

We know countries such as Japan with 120 million
 people - it could probably fit in Central Province - yet she
 has a fantastic agriculture because they are utilizing their
 land intensively. If we go to ~~the~~ Israel with only about 3 million

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori) (Ctd.):
people and very little land, they are utilizing their land
intensively and profitably. Therefore, we would not be ^{honourable} ~~honorable~~
to our country if we come here to talk against the wildlife
with the reason that we have not got enough land. We can utilize
the land that we have properly.

END P... 

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori) (Ctd.):

I admit that we have not looked after some of our national parks properly and I also admit that we have not yet got adequate equipment ^{to police them}. For instance, we would like to have money to ensure that all national parks are roomed round with electric wires. This will help to keep the animals within the bounds of the national parks and the game reserves. It will also probably pose a danger to some of the poachers who sneak into the national parks. However, this will require a lot of money. Our Government looks at priorities. The money that we require to make our national parks and game reserves secure is beyond the capability of our own revenue. ~~It means~~ It means that our Government has to go out to look for funds and right now there is active discussions with the European Economic Community (E.E.C.) in order to help our regional ecosystem over Masai Mara National Park and continuing on into Serengeti National Park in Tanzania. We have had discussions with the World Bank to find funds that will help to bring electric wires around the national parks. When we get this, we will be able to have enough machinery so that roads can be properly maintained, so that we can have adequate vehicles that will be utilized by the rangers and by the game wardens in order to keep out the ^{Predators} ~~poachers~~ and in this regard I mean the poachers.

We are very much concerned with poaching. This is a point that has been discussed a great deal. May I appeal to my colleagues while we are discussing this serious question of poaching to be ^{honourable} ~~honourable~~ and not to make wild allegations. Sir, we desperately require information; we desperately require to know what is happening and if any leader particularly hon. Members of this august House have got any information as to who is encouraging the poachers, we appeal to them to bring in the information. This is because, if we look at it legally, if you have information about someone who is about to commit a crime or who has committed a crime and you do not bring it forward, then you are a party to that crime. May ^I ~~therefore~~ therefore, request my colleagues to be a little more courteous in making wild allegations.

Wildlife is the backbone of tourism in this country. There are many tourist attractions all over the world and because of distance and transportation, Kenya is one of the most expensive ~~is~~ tourist destination from Europe, United States

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori) (Ctd.):

of America, Japan and from other foreign countries. The only reason why tourists pay that much more than they would pay if they went to Jamaica is because of our wildlife. It is, therefore, ~~the~~ important that we should appreciate it. At this juncture, I would urge the hon. Members wherever they come from to help us create more wildlife. In areas, for instance, where they may not be in danger as the current national parks and game reserves. For example, if you look at the places like Western Kenya, those are the areas which are not so much susceptible to external poaching. We would like to create very many more national parks and game reserves.

It is hoped that one day it ^{will} ~~is~~ be necessary, and ~~this~~ I speak not on behalf of the Ministry but as an individual, that the national parks and the game reserves will be turned into parastatals so that they can be self-accounting. When a situation like that reaches, then we will have taken a greater step. When His Excellency the President created the Nyayo Buses, they were at that time a part of the Government, but in his wisdom he has created ~~an~~ a parastatal to run the Nyayo Buses. I am sure that if ^{the} a time comes for the national parks and the game reserves to be turned into a parastatal^s so that they can be self-accounting then they would be more economical than they are at the moment. Why do we say that tourism is important to us? Why do we say that it brings in more income from outside and yet we are unable to pay wildlife compensation? The two things do not go together. Wildlife compensation is paid by the Government. On the ^{other} hand, when the money comes from outside, it permeates from outside right into every area of our community. Vegetable sellers who sell vegetable to the hotels, people who grow flowers, little transporters, dress makers who make uniforms for hotel industry, curio shops and so on; all these people earn from tourist industry. On the hand they are liable to pay taxes and, therefore, the Ministry of Finance through taxation brings in the money.

We know that ^{the} tourist industry does not need as expensive inputs like agriculture. You cannot compare the two because with agriculture you need heavy equipment, you need big tractors, fertilizers, sprays, chemicals and therefore

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori) (Ctd.):

you are investing a lot of money in order to get a return. So as far as tourist industry is concerned the input is very little indeed. If we look at the question of employment, there are well over 100,000 people who are employed in tourism and such related industries. What we want is to encourage our people to go into tourist industry strongly. They should join hands. It is difficult for an individual indigenous Kenyans to go into building hotels; at the moment a hotel would cost you shs.400 million at the Coast.

Earlier on, I mentioned that through K.T.D.C. only a shs.110 million has been invested in equity with the others. We in this country, we must stop the practice of individual businesses. We must now think in terms of large businesses. So that instead of the capable indigenous people going out individually as entrepreneurs, let them come together and if they can mobilise from their own pockets shs 100^{million}/or shs.200 million they will then be able to attract probably another shs.200 million or shs.300 million.

END Q...

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori) (ctd.):
Temporary Deputy

Mr. Speaker, Sir, tourist industry is very important to this country and wildlife is so important to tourism. That is why we need as much land as possible for our national parks. We need as much land for our game reserves as possible. For that reason I hope that the majority of the hon. Members who are in this House will oppose the Motion.

I beg to oppose the Motion.

MR. MCHARO: On a point of order, Mr. Temporary Deputy Speaker Sir, I ^{heard} ~~hear~~ the Assistant Minister say that districts like Taita/Taveta are getting a lot of money from the tourist industry. I am not aware of that. I thought it only fair to wait until he had finished his contribution before I raised that matter on a point of order. Could he inform us in what form Taita/Taveta gets revenue from the tourist industry?

THE TEMPORARY DEPUTY SPEAKER (Mr. Mvamzandi): You can consult the Assistant Minister later, Mr. Mcharo.

MR. MAKAU: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to say something about this Motion. It is rather unfortunate that while the whole country is involved in condemning poaching, we get a Motion brought to this House whose aim is to poach land from the animals.

(applause)

When we talk of poachers, we talk of people who are killing the wild animals. When you ~~take~~ ^{are living} take the land that ^{in which} ~~is being used~~ by these animals then you are a worse poacher than the animal poacher. since you are depriving them of a place to live. What I am saying is that I am opposing this Motion.

It is very unfortunate to be sitting here discussing how to destroy the tourist industry. Anybody who ^{SUPPORTS} ~~supports~~ this Motion would ^{is} ~~be~~ killing ^{this} ~~his~~ country. The projection of revenue earned as given last

MR. MAKAU (ctd.):

year, was shs.8 billion. The tourist industry is the second earner of foreign exchange in this country. In this country 34 per cent of our foreign exchange earnings is used for servicing our foreign debt. So it would be ~~un~~ unfortunate to take away what attracts tourists to this country. Tourists do not come to Kenya because of the beaches. In fact, ~~the~~ 54 per cent of the tourists that ^{who go} to Mombasa go there because that is part of the tourist circuit. We have Americans who come here, and if at all they come here because of the beaches, then they could as well have gone to Florida. It is even clear from the brochure, like the ones we had when I was working for Thomson Organisations, that tourists do not come to Kenya because of the beaches. They come because of wildlife.

Mr. Temporary Deputy Speaker, Sir, we are very fortunate, despite the poaching menace, in that we are one of the few countries in the world which can still boast of abundant wildlife. Hon. Keen the other time told us that 20 years ago when they went to the United States of America, they saw only three animals in the national ^{Park} ~~part~~ that ~~was~~ they visited!

I am opposing this idea of degazetting the reserves because we have seen constantly people who are envious of Kenya trying to scare tourists away from this country. Some people who are not happy with the development of this ~~same~~ country, have realised that the prices of coffee and tea cannot be controlled since they keep on fluctuating. They have further realised that we have ~~of~~ the stability necessary for tourist attraction. They thus want to scare any tourist from visiting this country so that we do not earn any foreign exchange. These people started their scare programme by alleging that this country was infested with the Acquired Immune Deficiency Syndrome (AIDS). They put these reports in the newspapers, but ~~the~~ tourists still kept on coming to this country ~~because~~ because of our wildlife. Now, they are poaching on

MR. MAKAU (ctd.):

the same wildlife that is attracting the tourists. We have, in this country, condemned this ^{wanton} ~~unwarranted~~ killing of wildlife in this country.

Mr. Temporary Deputy Speaker, Sir, these people are economic saboteurs who I keep on saying are worse than political saboteurs. As I have already said, the second ^{largest} ~~second~~ earner of foreign exchange is tourism, and that 34 per cent of our foreign exchange earnings go into servicing our foreign debt. So if these people decide to kill our wildlife it means that they are killing us. So, these people ^{know} ~~know~~ that they can ~~do~~ finish us by refusing to buy our coffee and tea and by disrupting our tourist industry by poaching on it.

These are some of the reasons that make me oppose the Motion. It is not right to say that since our population is increasing, we need to degazette these reserves. It seems the Mover of the Motion did not have a chance to do a bit of biology. This is because an increase in population does not mean moving people to other areas. This is because the land ^{into} ~~in~~ which we move them might not be useable or like in this case if you moved them ~~into~~ into the national parks, they might not even use the land. It is a fact, ~~in fact~~, that we need more game reserves to enable our wildlife to increase. The Mover of the Motion also said that these game reserves are not economical. I do not know where he got those statistics from to arrive at such a conclusion. We know that the Maasai Mara, Narok and Kajiado County Councils are earning a lot of ~~the~~ revenue from these national parks and game ~~reserves~~ reserves. I think the Mover was ignorant of this fact.

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

MR. MAKAU: Mr. Temporary Deputy Speaker, Sir, I refuse to accept his point of ~~the~~ information. I have a right to refuse ~~myself~~ according to our Standing Orders!

THE TEMPORARY DEPUTY SPEAKER (Mr. Mwamzandi): Order! Sit

THE TEMPORARY DEPUTY SPEAKER (Mr. Mwamzandi) (ctd.):

down, Mr. Galgallo! Your point of information has not been accepted!

MR. MAKAU: Mr. Temporary Deputy Speaker, Sir, I was very delighted to hear hon. Awori in his private capacity stress the one point that I had raised here sometime^{back}. I had said that time has come when we should set up a parastatal to be~~be~~ responsible for the wildlife, national parks and game reserves. The importance of this is that currently the Ministry is saying that they do not enough money to set up^a parastatal. Of course, the Assistant Minister said this in his private capacity and not as a Minister. If such a parastatal w~~as~~ set up it could use the revenue that^{is} collected from the game reserves, national parks and so on to generate more and develop the tourist industry.

Finally, this morning we were talking about the indigenisation of the tourist industry. The Assistant Minister who was responding to that Motion agreed and^{supported} support the Motion by improving^{on} it by making an amending to it. Thus, it would be very contradictory to pass this Motion which intends to kill that other Motion. It would look so absurd. It is very unfortunate that the Mover of this Motion is the Mover of the other Motion. I think we should be responsible and should think about the future of our country when we are doing things. We should not mix good things and x bad things together. If we pass this Motion, then we would be killing the other one which we have already passed. Indigenisation of the tourist industry depends on the ability of the wildlife to attract a tourist^s. Now, if we degazetted the reserves then the tourists would not come because there would not be any animals to see. Thus, the ~~indigenisation~~ indigenisation programme would then not work.

END R.....

MR. MAKAU (ctd.):

Mr. Speaker, Sir, there is one thing that was mentioned concerning the capital base - the fiscal part - but I would like to say that the reason why we do not have indigenous Africans participating is because the money that is given to this country is sometimes taken to the wrong places such as the Industrial Promotion Centre (I.P.S.) whereby the I.P.S., which is owned by the Aga Khan ~~gives~~ gives money ~~to~~ to those who are not indigenous. I understand there is about Sh.50 million from the Usaid and the I.P.S. has been given the responsibility of disbursing it. This money should be channelled through the Kenya Tourist Development Centre (K.T.D.C.). If it is given to a privately-owned agency, it is likely to be given to the Asians because the Aga Khan Foundation serves the Ismaili community in this country. That is why we keep on having more Serena Hotels. But if this money was ~~given~~ channelled through the K.T.D.C., since the K.T.D.C. stands for indigenization, this country would benefit.

With those few remarks, I beg to support.

MR. MURUKIA: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support the Motion. I see no ulterior motive in the Motion as it has been presented by the Mover. I say this because I see no reason why we should have large tracts of idle land in this country while we know very well that ~~the~~ ~~we~~ we need all the land we can get for crop cultivation.

As the population keeps on rising, it will come a time when we shall not be able to feed our people. We can do away with game reserves, but we cannot do away with our own people.

MR. MUNUKIA (ctd.):

I think hon. Members have not taken ~~what~~ the Mover's idea into consideration. The point ~~is~~ is that the game reserves which are not being used ~~in~~ economically should ~~g~~ be given to the people for cultivation so that they can produce food ~~in~~ for their own ~~own~~ consumption.

Mr. Temporary Deputy Speaker, Sir, in 1984, when this country had a food problem, we had wildlife and game reserves, but our President had to go to overseas countries to get us food. In fact, this Motion touches on a very sensitive issue. When anything happens, you see people keeping away; they just say there is a problem. So, what I am saying is that we should only have game reserves which we can maintain, and probably they could become the best in the world, rather than have large tracts of land which we cannot manage because we do not have enough resources to do so.

Mr. Temporary Deputy Speaker, Sir, if you go to a place like China, you find that there are billions of people, but they do not have game reserves, and yet ~~they~~ they are feeding their people. We, ~~in~~ in this august House, should see what we can do for our country. When the Mover of this Motion brought it to this House, he was only trying to see how we can make our country better for our people. I, personally, see nothing sinister with this Motion. We should, therefore, support it.

In some places, you find that large tracts of land are not being properly utilized; you only find a dik dik after ~~x~~ travelling for ~~hundreds~~ hundreds of miles. There is no point of having that dik dik there. We could utilize this land by irrigation ~~and~~ and produce food which ~~we~~ we could even export.

MR. MURUKIA (ctd.):

There is no reason why we should be importing food so that tourists can come here.

When you look at the issue of wildlife compensaion, you find that the Government pays a lot of money to people whose crops ~~ix~~ have been damaged by wild animals. But where is the logic ~~ix~~ if we get money from tourism and then use it by paying wildlife compensation? We should have ~~ix~~ small game reserves which can be easily managed by our wildlife management personnel in such a way that poaching will not be heard of because all corners of the game reserves can be controlled. Poaching is done easily because of the large areas we have as game parks or game reserves, such that when the game rangers are at one ~~k~~ side of the game park or game reserve, the poachers are poaching on the other side because for them to ~~gt~~ get to ^{where} the problems/are is difficult. So, I think the idea of the Mover of the Motion ~~ix~~ was that we should reduce the sizes of the game parks and game reserves so that we can be able to manage the small ones we retain.

MR. MWENJE: On a point of information, Mr. Temporary Deputy Speaker, Sir. I am sure the hon. Member needs to be informed that these wild animals cannot be kept in a small area because some of them ~~ix~~ are opposed to one another. We cannot keep a lion and a gazelle together; one will eat the other.

MR. MURUKIA: Mr. Temporary Deputy Speaker, Sir, it is unfortunate that the hon. Member stays in ~~th~~ Nairobi while we stay in the rural areas where we ~~n~~ know what is required by wild animals.

MR. MWENJE: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member not ~~if~~ informed that even in Nairobi there is a national park. Is he ⁱⁿ ~~in~~ order to say that

MR. MVENJE (ctd.);

there is no national park in Nairobi whereas we know very well that the Nairobi National Park is in Nairobi?

MR. MURUKIA: Mr. Temporary Deputy Speaker, Sir, there is a difference between an ~~ex~~ animal orphanage and a national park.

What I was saying was that the aim of the Motion is to have the large tracts of land we have utilized to the maximum so that they can be productive to this country. When we say that we need a large tract of land for animals, the question arises: is it profitable to have a large tract of land for the few tourists who go to see animals there? For example, in the North-Eastern Province, where the Mover comes from, it would take six months before a tourist goes there. So, ~~it~~ is it economical to have a game reserve in such an area? We require game reserves where tourists will visit.

MR. MAKAU: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that the Mover of the Motion comes from North-Eastern Province while we know that he comes from the Coast Province?

MR. MURUKIA: Mr. Temporary Deputy Speaker, Sir, when a Motion is brought to this House, it is ~~not~~ not just brought ~~purposefully~~ for the hon. Member for the area mentioned; it is brought here for the benefit of the whole nation. If we have large tracts of land in the North-Eastern Province which are being used as game reserves, we should also talk about them.

THE TEMPORARY DEPUTY SPEAKER (Mr. Mwanzandi): Order! I think the hon. Member's concern is ^{your} ~~you~~ misrepresentation of where the hon. Member comes from.

S.5....9.11.88

MR. MURUKIA: Mr. Temporary Deputy Speaker, Sir, whether the hon. Member comes from Tana River District or some place in the North-Eastern Province, he still represents a part of Kenya. Before I was interrupted by that point of order, ---

MR. KILIKU: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to challenge the Chair?

THE TEMPORARY DEPUTY SPEAKER (Mr. Mvanzandi): He has not challenged the Chair.

MR. MURUKIA: Thank you Mr. Temporary Deputy Speaker, Sir. Where I come from - Laikipia District - we had plans of establishing a game reserve but we later found out that it would be uneconomical. We decided to produce food to feed our people with instead. As we know, about three-quarters of Kenya's land requires irrigation for food production.

Mr. Temporary Deputy Speaker, Sir, we, as hon. Members of this House, should seriously look into the most appropriate ways in which we can run our country economically. A country like Japan does not have game reserves, but they are doing very well ⁱⁿ ~~in~~ agriculture.

END S.
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MR. MURUKIA (Contd.):

So, we do not require game reserves everywhere. We require a game reserve economically where it will bring income to this country. That is why I want to support the Mover that we should review the game reserves which are not economical for this country so that the land which is idle can be given to people for cultivation.

With those few remarks, I beg to support.

THE ASSISTANT MINISTER FOR ENERGY (Mr. M'Mkindia): Thank you, Mr. Temporary Deputy Speaker, for giving me this opportunity to strongly oppose this Motion.

Mr. Temporary Deputy Speaker, we in Kenya are extremely privileged for the kind of fauna and flora that we find in this country. If we accept that this God-given privilege has to be protected for our future generations to see, or, in fact, for the world to see, then we must ask ourselves which is the best way to preserve the wildlife of this country.

Firstly, before the coming of the whiteman to this country our people were living side by side with animals. There was complete ecological balance between human beings and wild animals and flora. Therefore, there was really no conflict between our people and the wildlife as we lived in this country. But with the coming of Europeans to this country and the introduction of the commercial farming and also the increase in population, there was a conflict now between wild animals and the European farmers. So, they were forced to separate the wildlife from their own farming activities. This was necessary because large-scale farming was introduced. So, it ~~has really~~ continued from there ^{and} for the last 25 years. We have seen it fit that we ought to have certain areas set aside specifically to protect our wildlife.

Mr. Temporary Deputy Speaker, there is no doubt that population has increased tremendously for the last 25 years in this country. Although the Government is putting a lot of effort to see to it that we limit our population increase in this country, there is again no doubt that population will continue to increase for the next few years. The problem is not that every man and woman in this country must own a piece of land in order to produce enough food for our

THE ASSISTANT MINISTER FOR ENERGY (Mr. M'kindia)(Contd.):

people. I think the onus is really more in the usage of the land that is available in the best way possible to increase our food production. At the moment, this country is not short of food. Therefore, under what pretext would the hon. Mover say that we should give more land to the people? We are not faced with any famine. We are not faced with any shortage of food, and there is no reason to suggest that in future there will be food shortages because we have wildlife sanctuaries.

Mr. Temporary Deputy Speaker, I think all of us accept the fact that we have to protect our wildlife. Let me also take this opportunity to strongly condemn the recent killings of wildlife in this country, especially the five white rhinos in Meru National Park. I think although there has been poaching in this country recently, the killing of the five white rhinos was really an extremely arrogant act. It looks like it is a kind of an insult not only to all Kenyans, but also to the entire Government. We must all urge our Government to take very swift and ruthless measures to ensure that the culprits are brought to book.

We must also maybe learn from this act that we should be more ruthless to poachers. We should take the Zimbabwe example where since their Independence in 1980, they instituted measures to kill poachers on sight. I think the recent declaration by His Excellency the President will also go ² long way in reducing poaching ~~of~~ ⁱⁿ our game parks.

Mr. Temporary Deputy Speaker, we must also look at the long-term planning of the wildlife conservation. We must ask ourselves really if the land set aside today for wildlife conservation is enough? If we compare Kenya and Zaire, for example, we will find that only 10 per cent of our land surface in Kenya is set aside for wildlife conservation in game parks and game reserves and forests, whereas, say, in a country like Zaire, they have something like 15 per cent of their land mass ~~is~~ set aside for game conservation and forests. I think we should actually increase the number of game parks in this country. We should look at a very long-term planning and ask ourselves, for example, what is the saturation point for the number of tourists that go to a particular game park? Is Masai Mara Game Park today overstretched in terms of tourists that go there?

THE ASSISTANT MINISTER FOR ENERGY (Mr. M'Mkindia)(Contd.):

Therefore, considering the number of tourists today, if we were to decrease the number of our wild game reserves, we would possibly kill all the wildlife in the remaining game parks. We would synchronise the land area set aside for wildlife with the number of tourists that would be visiting those parks, say, for example, in 100 years time. The question that we must put to the Ministry of Tourism and Wildlife is, in 200 years' time, can we be sure that our great, great grand children will be able to see elephants in their wild environment? In about 200 years' time, are we sure that our own great, great grand daughters will be able to know how a lion looks like? Do we not have an onus, or an extremely big responsibility to ensure that those who come many, many years after us have the same ability to know and see these things in their true habitat? I think, therefore, perhaps what we should encourage the Ministry of Tourism and Wildlife to do is to engage itself in really long-term planning to ensure that wildlife truly is preserved in this country. The way we are going at the moment is that there is a danger. There is a danger that population pressures and some of the bad policies that are from time to time encouraged might end up by wiping out our wildlife. It will be a great shame. In fact, history will condemn leaders of this country if they condone this kind of thing, and especially the hon. Members of Parliament. Therefore, we must strongly oppose any move to reduce the land set aside for preserving wildlife.

Mr. Temporary Deputy Speaker, we should not confuse issues here. If, in fact, there is a shortage of manpower, then surely the hon. Member should move a Motion to increase manpower. If, in fact, payments are ^aproblem, then we should encourage the Government to ensure that payments are done on time. If poaching is a problem, we should encourage the Government to ensure that poaching is wiped out, but not - not - to wipe out wild animals by way of minimising the land area. In fact, I believe that in some cases we have made mistakes. We have given people land to settle on, land which is used as migration routes by animals. I know of some particular areas in Meru where people were settled, but these areas were, and even today are still used by elephants as migration routes; moving from one park to the next, or from one forest reserve to another forest reserve. These people are continuously suffering because they cannot harvest their crops. So, in the planning that the Ministry ought to do, they must take account of the fact that elephants and

THE ASSISTANT MINISTER FOR ENERGY (Mr. M'Kindia)(Contd.):

other animals must be given the right of ^{the} way. The animals in this country have an equal right with us, as human beings. We must recognise that and accept that. I believe that we should no longer apologise for saying that animals must be protected. I know wananchi push us a lot, but we are responsible.

Finally, to the preservation of wildlife of this country, I want to say that we cannot have our cake and eat it. We must pay a price for conservation and, therefore, I believe that we must tell wananchi or representatives that we must protect the wildlife.

With those few remarks, I wish to oppose the Motion.

End T.



THE ASSISTANT MINISTER FOR EDUCATION (Mr. Cheruiyot): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to oppose this Motion very strongly.

This Motion has come at a time when everybody in this country is mourning the killing of our famous rhinos in Meru National Park. The Assistant Minister for Tourism and Wildlife, hon. Awori, ably said how concerned they are in trying to conserve wildlife.

Sir, when we should be concentrating and harnessing our efforts in conserving wildlife ^{animals} since they are our national heritage, the Mover is instead telling us that we should degazette national parks. This is very serious because tourism is a foreign exchange earner in this country. Many hon. Members have talked at ^{length} ~~length~~ about tourism being ^{the second largest} foreign exchange earner after agriculture. As one hon. Member said here, the investment in agriculture is so expensive and the returns are not so much.

The conservation of wildlife is a cheap activity. Tourists come to see our wild animals and we get foreign exchange. At the moment we are concerned about the tea industry. The price of tea has come down and our farmers are complaining and if we are going to rely on earning foreign exchange from agriculture, say, tea and coffee, we shall not get very far.

One of the ways of getting our foreign exchange is, therefore, through tourism. We should, in fact, try to popularize, publicise ^{it} and encourage tourists to visit our country. I am reliably informed that there are so many people, particularly in the United States of America, who would like to come and see these wall-class countries which keep wildlife. When tourists are concerned about coming here, an hon. Member is moving a Motion that we should degazette national parks.

Hon. Makau correctly said that the hon. Member who ~~made~~ moved this Motion is indirectly telling us to poach wildlife. The concern of ^{the} ~~a~~ hon. Members is the killing and poaching of wild game. We have often said in this House that policemen should be deployed to patrol the game reserves because the people who

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Cheruiyot) Ctd:

engage in poaching are, in fact, economic saboteurs.

Last year, just before the commencement of the 4th All Africa Games, we had a very serious crisis. The people who wanted to create chaos in this country discovered that the only way to do so was to start killing small children and cutting tongues of people. This was aimed at creating panic.

These marauders who are killing wild animals are the same ones who have depleted animals in places ~~ix~~ like Somalia, parts of Ethiopia and they are now coming ^{down} ~~to the~~ south. We should strongly advise our people to conserve wildlife.

I would like to strongly commend the East African Wildlife Society and the Wildlife Clubs of Kenya for trying to create a strong awareness in this nation that our youth ~~should~~ of tomorrow should know that this is a national heritage. We must make our people aware that these animals were created by God and they have a right to live.

I know a few non-governmental organisations like the New York Zoological Society, the African Wildlife Foundation and the Elser Wildlife Appeal and others overseas who are concerned about the conservation of animals in this country. They have, in fact, given us grants and donations for the conservation of wildlife in this country.

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THE ASSISTANT MINISTER FOR EDUCATION (Mr. Cheruiyot)(Ctd.):

When we have people like these who are very concerned with our wildlife, we should, in fact, show that in this country we are thankful to God for giving us wildlife and maintain national parks.

Many tourists, as one hon. Member put it, come to Kenya today and bring us a lot of foreign exchange. They stay here and then fly to the Serengeti Plains. They are happy here because we have good hotels from where they can fly by helicopter and other small five-sitter or nine-sitter planes ~~and~~ to see our wildlife and come back. They have a country here which is stable enough, and we protect them well. This country is good enough.

The fact that the Mover of the Motion tells us to degazette some national parks surprises everybody here. The hon. Member comes from an area which gets a lot of revenue from national parks and game reserves. I think he had no ill motives and that he is only concerned about the population growth in this country. We have been shown that there are countries which do very well without necessarily having to evacuate people and create more land. What we should be doing is to intensify education on containing our population growth. Right now, we should thank our people, particularly urban communities, because they are well aware of the pinches and problems that go with large populations. Many men and women in Nairobi are now very concerned about this matter. As soon as we appreciate this fact, this knowledge will quietly spread out. We should also thank His Excellency the President because he has used nearly every forum in this country to preach and educate Kenyans on how to space our children.

Mr. Temporary Deputy Speaker, Sir, the other aspect which we should be concerned with regarding our population growth is the realisation that our farming is still very bad. If there was a way of mechanising our farming, it would be very good. I would like to thank

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Cheruiyot)(Ctd.):

many farmers in this country who carry out mixed farming. Right now, we ~~are~~ are exercising very good zero-grazing. This has maximised milk, poultry and other types of production. The only problem that we still have is the marketing of our horticultural crops. If we are going to have smaller plots and educate our farmers in trying to utilise these small plots, we will be able to export horticultural crops, such as vegetables, flowers, and so on, to European markets. In doing so, we will supplement the foreign exchange which tourism brings into this country.

This Motion was very badly brought up, and we should very strongly oppose it because, if ~~it~~ passed, it is going to destroy what God has given us and what we should expand in order to earn more foreign exchange.

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

MR. MAHIBU:---Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to oppose this Motion. I have quite a number of reasons for opposing the Motion. If the hon. Member had brought up this Motion 25 years ago, perhaps it would have made some sense, ~~but~~ ~~since~~ since Independence, this country has been investing heavily in tourism and the preservation of wildlife. Many hon. Members have expressed the view that tourists come to this country for particular reasons, firstly, to look at wildlife. If wildlife is not available, these tourists will not come here. The second reason why these tourists come here is to enjoy the comfort of our beaches. We have our own heritage.

The point I would like to highlight is that there has been so much investment made in infrastructure, and this has enabled Kenya to be a major tourist attraction. When we look at the investment this country has made in the Kenya Airways Corporation as a matter of interest, it is

MR. MAIHU (CID.):

so heavy. Millions and millions of pounds have been invested by the Kenya Government in the Kenya Airways Corporation basically to bring more tourists into Kenya and help us in earning foreign exchange. If we interfere with our national parks, we will be interfering with our ^{natural} ~~primitiv~~ heritage.

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MR. MAIHU (Ctd.):

Mr. Temporary Deputy Speaker, Sir, I was most surprised to read in one of the magazines that we buy from the streets that if you - - -

AN HON. MEMBER: What is the name of the magazine?

MR. MAIHU: It is the Current Financial Review of 7th November which said - - - First of all, I do not know whether the story carried in this magazine is true, but if it is, then it is a very serious matter. It said that if you take ivory from Kenya to Somalia, you would be rewarded. I would like to draw the attention of the Minister for Tourism and Wildlife to this particular article in the Financial Review of the 7th November because it does perhaps give us a ^{clue} ~~case~~ which we have been looking for, that the poachers have a market just next door. If that is true, Sir, then the matter is more serious and it is very important that we as a nation get the truth about this statement. The article says that if you take ivory ~~to~~ from Kenya to Somalia or Ethiopia, you would be highly rewarded.

Mr. Temporary Deputy Speaker, Sir, one does not collect ^{ivory} ~~ivory~~ from the streets of Nairobi or from the market in Kenya. ~~xxxx~~ One has to kill the ~~xxx~~ animal in order to get the ivory. So, I am ^{calling} ~~calling~~ upon the Minister ^{for} ~~for~~ Tourism and Wildlife to hold a meeting with the Somalia Minister for Tourism and Wildlife to go into these details with a view to finding out whether it is true that our animals are being butchered ~~xxxx~~ for a ready market next door. It is also very important that our people should be educated to have the love for the animals. ^{many} ~~in many~~ countries which went out of their way to clear their wildlife, are now making a lot of efforts resulting into heavy expenses in trying to get back these animals into zoos so that their children can see them to know ~~x~~ how they used to look like. Kenya is the only country where you can land as a visitor ^{at} ~~at~~ the Jomo Kenyatta International Airport and within half an hour's time, you are at the national park. There is no other country ~~xxxx~~ which has that kind of combination.

Mr. Temporary Deputy Speaker, Sir, my feeling is that while I

^{for} ~~for~~ the Mover of the Motion who also happens to have

MR. MAHIHU (Ctd.):

been the Mover of an earlier Motion which we debated in this House, this Motion seems to cancel the other one. I respect the hon. Member from Tana River because he knows quite a lot about wild animals because he comes from an area which has a lot of wildlife. He has also provoked Assistant the/Minister for Tourism to give us a lot of information this morning. The Assistant Minister for Tourism and Wildlife, did give us a lot of information about the indigenization of tourist industry in this country. That kind of information is required from time to time for public relations. Our people need to be reminded and educated about love for wildlife. Sometimes people might think that the Ministry is not doing much because they do not write in the press everyday about the achievements they have made. I know that the Ministry has been overloaded by this question. We are also aware that ~~many~~/all the good activities that the Ministry has undertaken ~~it~~ through the Kenya Tourist Development Corporation for the last ten years or so, have been overtaken by events. It is however, in my view that we should do everything possible to preserve our national parks. It is also important, Sir, to make sure that although the Kenyan population is increasing, - - -

ADJOURNMENT

THE TEMPORARY DEPUTY SPEAKER (Mr. Mwamzandi): Order Mr. Mahihu, you will continue from there next week. Hon. Members, it is now time for the interruption of business and the House is therefore adjourned until this afternoon at 2.30 p.m.

(The House rose at thirty minutes past Twelve o'clock)

END W

H A N S A R D

Wednesday, 9th November, 1988

The House met at thirty minutes past Two o'clockMr. Speaker in the Chair

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 483

MR. ARTE asked the Minister for Health:-

- (a) why the paediatric and adult isolations wards built in 1986 in Garissa General Hospital are not operating; and,
- (b) when they will be put into operation.

THE ASSISTANT MINISTER FOR HEALTH (Dr. B.A. Godana): Mr. Speaker, Sir, I beg to reply.

(a) The paediatric and adult isolation wards built in 1986, in Garissa General Hospital are not operating because the units are not complete.

(b) As soon as the building is complete and handed over, the units will be put into use.

MR. ARTE: Mr. Speaker, Sir, since these wards ^{were} ~~have been~~ built ~~since~~ ⁱⁿ 1986, and since at the moment there is overcrowding in the hospital and patients have ~~to~~ ^{to} share beds, why can the Assistant Minister not consider using these wards immediately?

DR. B.A. GODANA: Mr. Speaker, Sir, right now as I am talking in the House, Messrs. Ali African Contractors are on site and are working on the following items: Sitting benches, doorlocks, ~~ex~~ window panes and some other things, and items are to be supplied later. Funds have also been requested during ~~in~~ the forward budget. Otherwise the hospital has ~~some~~ £20,000 earmarked for buildings. This sum could be re-allocated to meet the cost of the equipment if the other works are completed. That, of course, ~~we~~ would have to have the permission of the Garissa District Development Committee (D.D.C.).

MR. MANG'OLI: Mr. Speaker, Sir, could the Assistant Minister tell the House when the operation is going to start?

Could he tell us when they are going to ^{start} put this operation?

He has said that--

AN HON. MEMBER: That question has already been answered!

MR. MANG'OLI: Mr. Speaker, Sir, I am sorry but I did not know that that question had already been answered. I thought that he had said that they were on site. According to their estimates, when is the work--

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Karauri): On a point of order, Mr. Speaker, Sir, is the hon. Member in order to keep on addressing the Assistant Minister directly when he should be addressing ^{the chair?} you?

MR. MANG'OLI: I am sorry, Mr. Speaker, Sir. I just wanted him to understand what I was asking him. I was trying to make him understand that I appreciate that they ^{are} making the final touches on the buildings. According to their schedule when is the building of the wards ^{expected} ~~expected~~ to be completed? This is because usually the Ministries have a specific time or period in which the buildings have to be completed and handed over.

DR. B.A. GODANA: Mr. Speaker, Sir, I think the hon. Member did not listen carefully to the reply that I gave. For his benefit, I will repeat what I had already said. I had said that the contractor are on site & working on a number of items. In addition to that, some equipment is to be supplied thereafter. We have made provision for it in the forward budget. In the meantime, the Garissa General Hospital has a sum of £20,000 allocated to it this year for buildings. With the permission of the Garissa D.D.C. that sum could be re-allocated if they recommended it. After that it would be incorporated in the forward budget.

MR. ARTE: Mr. Speaker, Sir, ~~could~~ the Assistant Minister

MR. ARTE (ctd.):

has agreed that this building was started in 1986 ^{and that is about two} ~~which upon this~~
 year^s is ^{ago} ~~a very long time~~. Could he now tell us when these buildings
 are going to be put in use? Leaving these buildings idle is ^{a waste} ~~of~~
~~of~~ ~~losing~~ money. If as he has said the contractor is on site, could
 he then tell us when these buildings will be handed over to the
 Ministry?

DR. B.A. GODANA: Mr. Speaker, Sir, I do not know what is
 troubling the hon. Member. The answer that I gave was very straight-
 forward. The buildings are definitely not a waste. I am sure the
 people of Garissa do not see those buildings as a waste even if they
 have taken a very long time to be completed. I have--

MR. ARTE: On a point of order, Mr. Speaker, Sir, I did not
 say that the buildings were a waste. What I said was, as ~~the~~ the
 Assistant Minister has confirmed, that these buildings were started in
 1986, ^{Could} ~~could~~ he then tell us when they ^{are} ~~were~~ exactly going to be put
 to use? If for that matter they are not put in use, then this is a
 waste.

DR. B.A. GODANA: Mr. Speaker, Sir, I am glad that the hon
 Member denied that he had made the allegations that ~~the~~ the buildings
 were a waste. As soon as the buildings are completed and the equipmer
 supplied, the buildings will start operating.

MR. SPEAKER: Let us move on to the next Question.

MR. KAGWIMA: On a point of order, Mr. Speaker, Sir. I would
 request that the Assistant Minister tells us the terms of the contrac
 Since 1986 when the work was started up to now is two years. We would
 like to know whether the contract was in phases or whether the first
 part of it ~~has~~ has been done and lastly whether the contractors are on
 schedule or not? Could you please tell us the facts?

MR. SPEAKER: Mr. Kagwima, that is not a point of order. ~~that~~
~~you raising.~~
 Next Question.

Question No. 458

MR. WAKOLE alimuuliza Waziri wa Serikali za Wilaya na Mipango ya Miji:-

- (a) ~~Waza~~ Baraza la Wilaya ya Tana River lilipata kiasi gani cha pesa kutokana na ushuru wa ng'ombe na mbuzi katika ya mwaka 1987 hadi 1988; na,
- (b) ~~Kwa~~ kutokana na pesa hizi, baraza hili limetumia kiasi gani cha pesa kwa kuanzisha miradi kama vidimbwi vya kuogesha wanyama, iki dawa za wanyama na vivuko vya wanyama, kwenye Mto Tana ili kuinua hali ya ng'ombe na mbuzi katika wilaya hii.

END A.....

THE ASSISTANT MINISTER FOR LOCAL GOVERNMENT AND PHYSICAL PLANNING

(Mr. Wagura): Bw. Spika, naomba kujibu.

(a) Pesa ambazo Baraza la Wilaya ya Tana River lilipata kutokana na ushuru wa mifugo waliouzwa katika masoko yake kati ya mwaka wa 1987 na 1988, ni Shs.811,695/=.

(b) Miradi ambayo inahusiana na uimwaji wa hali ya mifugo katika Wilaya ya Tana River inadhaminiwa na Wizara ya Ustawi wa Mifugo au watu binafsi. Hata hivyo, baraza hilo limewaajiri wafanyakazi wa mifugo wanaoshirikiana na Wizara ya Ustawi wa Mifugo. Kati ya mwaka wa 1987 na 1988, walilipwa mishahara ya kiasi cha Shs.62,602/=.

Pamoja na hayo, baraza hili lina jukumu la kuhifadhi minada yote ya mifugo na kati ya mwaka wa 1987 na 1988, kiasi cha Shs.44,000/= zilitumika kwa kazi hii.

MR. SPEAKER: Next Question.

Question No. 479

MR. TAIJI asked the Minister for Local Government and Physical Planning whether he could consider upgrading Kabiye, Chepterit and Chepterwai trading centres in Mosop; Kilimbwoni and Lessosi trading centres in Tindoret and Kaptumo; Kobuyoi and Serem trading centres in Aldai to urban councils.

THE ASSISTANT MINISTER FOR LOCAL GOVERNMENT AND PHYSICAL PLANNING

(Mr. Wagura): Mr. Speaker, Sir, I beg to reply.

It is the responsibility of the Nandi County Council and the local leaders to forward their request of upgrading of any of the trading centres within their areas of jurisdiction to my Ministry. After doing so, the hon. Minister will appoint a Local Government Commission to enquire and report on this matter before he exercises the powers conferred upon him, under Sections 5 and 9 of the Local Government Act, to upgrade these trading centres or not.

MR. SPEAKER: Next Question.

Question No. 446

MR. MWENJE asked the Minister for Transport and Communications:-

- (a) whether he is aware that the Aerodromes and Kenya Airways houses at Embakasi have no electricity; and
- (b) when the Ministry will paint these houses and supply them with electricity.

THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS (Dr. Momanyi):

Mr. Speaker, Sir, I beg to request that this Question be deferred because I am waiting for further information before answering it.

MR. MWENJE: Mr. Speaker, Sir, although I do not wish to object to that - and I have got a written answer to this Question - all I would like to request the Assistant Minister to bring a more positive answer because the reply I have is very negative.

HON. MEMBERS: That is why he deferred it.

MR. MWENJE: Mr. Speaker, Sir, I agree with the deferment.

MR. SPEAKER: Next Question.

Question No. 395

MR. LEWA asked the Minister for Labour when the following individuals will be paid their N.S.S.F. dues:-

- (a) Mr. Katana Karisa No. 203315502;
- (b) Mr. Charo Jefwa No. 344231518;
- (c) Mr. Ibrahim Mataza Nyiro No. 001055518;
- (d) Mr. Karisa Randu Katore No. 0443309503; and
- (e) Mr. Kenga Tsofwa Mweni No. 001078518.

THE ASSISTANT MINISTER FOR LABOUR (Mr. Mibei): Mr. Speaker, Sir,
I beg to reply.

(a) Mr. Katana Karisa, Fund Membership (F.M.) No.203315502, was paid his benefits on 16th September, 1988, amounting to Kshs.5,994/80 through Cheque No. 088533.

(b) Mr. Charo Jefwa FM No.344291518, was paid his benefits on 20th November, 1985, by cheque No. 024000 for Kshs.11,116/10 but the cheque was returned to the Fund unclaimed.

(c) Mr. Ibrahim Mataza Nyiro, FM No. 001055518, was paid his benefits on 30th August, 1988, by cheque No. 086655 for Kshs.61,182/15.

(d) Mr. Karisa Randu, FM No. 04430⁹503, was paid part of his benefits by cheque No. 065687 for Kshs.9,962/80 on 22nd September, 1987, but the cheque was returned to the Fund unclaimed.

(e) Mr. Kenga Tsofwa Mweni, FM No. 001073513, will be paid his benefits as soon as contributions made by his former employer ~~Wisma~~, the Ministry of Transport and Communications ~~on his behalf~~ have been ascertained.

(applause)

MR. LEWA: Mr. Speaker, Sir, I would like to thank the Assistant Minister for his reply. Can the Assistant Minister assure me that if I come with Mr. Charo Jefwa and Mr. Karisa Randu to his Ministry, they will be paid since their cheques were returned to the Fund unclaimed?

MR. MIBEI: Mr. Speaker, Sir, we are ready to assist in any way. We are looking for the proper addresses of the claimants.

MR. SPEAKER: Next Question.

Question No. 484

MR. KUBO asked the Minister for Education whether, in view of the fact that Eldoro High School, Taveta, is a Government maintained double-stream school, he will release to the school the grants for the second stream for the years 1986, 1987 and 1988 so as to enable the school to discharge its liabilities.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Cheruiyot): Mr. Speaker,

Sir, I beg to reply.

My Ministry has paid all the Grants-in-Aid for the maintenance of the double-stream in Eldoro High School, Taveta, between the period of 1986 and 1988.

MR. KUBO: Mr. Speaker, Sir, the information I have is that the Ministry has paid only half of that amount. Can the Assistant Minister explain how much they have paid?

MR. CHERUIYOT: Mr. Speaker, Sir, according to the records kept by my Ministry, we have paid in full. In fact, we have even given them advances. I have a breakdown of these amounts dating from 1986 to 1988 showing the details of the amounts, cheque numbers and all the four quotas payable in one year. According to us, we have already fulfilled the promise.

MR. KUBO: Mr. Speaker, Sir, the information I have is that the Ministry has only been paying for 40 students per class instead of 80 students per class. How much money has been given to this school?

MR. CHERUIYOT: Mr. Speaker, Sir, according to our records, the Ministry took over Eldoro High School in 1986. In the final estimates of 1986, the Grants-in-Aid for an additional class was catered for in the quarterly grants received by the school.

The second quota was Kshs.46,000/, the third one was Kshs.76,000/= and the fourth one was Kshs.119,825/=.

MR. KUBO: Mr. Speaker, Sir, the information I have is that the school has been getting an average of not more than Kshs.40,000/= per year. Can the Assistant Minister explain when these cheques were sent because they have not been received by the school?

MR. CHERUIYOT: Mr. Speaker, Sir, that is a different Question. According to our records, the cheques have been received and, since there were no complaints from the school, we assumed that they were very happy with the grants. The ^{advance} ~~last~~ quota for this year amounted to Kshs.⁶²140/= which is normally for the second stream school.

MR. KUBO: Mr. Speaker, Sir, I disagree with the Assistant Minister because I am an ex-officio member of the board of governors. On 29th October, 1988 - which is barely two weeks ago - we had a meeting and we had not received the money at all and that is why this ~~an~~ Question arose. Can he now explain how they have been sending ~~h~~ this money? In fact, right now the board of governors and the workers have not been paid at all for about three months because they have not received any money from the Ministry. This is a serious situation and he should explain it.

MR. CHERUYOT: Mr. Speaker, Sir, in the event of a delay of that kind, we do not have the money at ~~hand~~ hand at the Ministry because the grants section of our Ministry has dispatched all the cheques. We are not aware that the money has not gone to the school. If there is any problem, I beg leave to obtain details why the money has not gone to that particular school.

Question No. 444

MR. KAGWIMA asked the Minister for Water Development:-

- (a) What happened to the funds allocated for the Gachiongo water furrow project in Tharaka Division; and
- (b) when the Ministry is going to allocate more funds in order to complete this project.

THE ASSISTANT MINISTER FOR LOCAL GOVERNMENT AND PHYSICAL PLANNING (Mr. Mbori): Mr. Speaker, Sir, on behalf of the Minister for Water Development, I beg to reply.

(a) The funds allocated to Gachiongo water furrow project during the 1985/86 Financial Year, amounting to Sh.75,640 were spent on buying water-proof cement, reinforcement bars, timber and binding wires.

THE ASSISTANT MINISTER FOR LOCAL GOVERNMENT AND PHYSICAL PLANNING
(Mr. Mbori)(Ctd.):

(b) This project is purely a self-help water project and the Ministry has no funds to allocate to it. In addition to that, although money was allocated to the project through the Rural Development Fund, wananchi in the area have refused to assist in trenching, resulting in complete stagnation of the project. If they are willing to work and more money is allocated, my Ministry will be ready to give all the technical assistance required.

MR. KAGWIMA: Mr. Speaker, Sir, can the hon. Assistant Minister tell us where this material was kept ~~here~~ since the project was abandoned? Can he tell us where the material was kept so that when we revive the project we can use that material?

MR. MBORI: Mr. Speaker, Sir, with your permission, the following ~~ma~~ information is available with me: Gachiongo water project - a self-help based water project - was funded by the Rural Development Fund (RDF) and allocated with funds amounting to Sh.75,635 during the Financial Year 1985/86. The amount was supposedly sent ~~and~~ ^{for} construction of a new intake structure on Tananaki River when the old structure failed. The Authority to Incur Expenditure (AIE) of the same was to expire in August, 1987. Beyond ~~the~~ that amount, no more money ~~was~~ would be used unless the AIE was renewed. ~~At the time of the expiry date when the materials~~ ^{were procured} As at the time of the expiry date when the materials/namely, 144 kilograms of water-proof cement, 34 by 8 millimetres diameter ~~bars~~ reinforcement bars, 1,500 feet of 6 by 1 ^{cyprus} ~~cyprus~~ timber and 25 kilograms of binding wire. All the above materials are in the hands of the project ~~ex~~ committee on site.

MR. KAGWIMA: Mr. Speaker, Sir, I find it very unusual why the Ministry of Water Development ~~is~~ refused technical advice. The Ministry is expected to make estimates as to how much a project would cost before starting it. The Ministry is also expected to know what portion of construction would be done with that money. Can the Assistant Minister tell us how much money was expected to be spent for the completion of the whole project?

MR. MBORI: Mr. Speaker, Sir, it is the duty of the hon. Member to advise the (project) committee. This is a self help project and the committee sits down, estimates ~~and~~ calculates ^{and} the forwards ~~the~~ ^{and} its ~~problems~~ ^{estimates} to the District Development Committee (DDC). The hon. Member expected to contribute towards that issue.

MR. KAGWIMA: Mr. Speaker, Sir, I would like finally to inform the hon. Assistant Minister that wananchi in that area are willing to work and assist in the trenching of the project. We request that the Ministry allocates more funds so that the project may continue. Otherwise, it was not the fault of the wananchi; it is their officers who did not want to assist. The wananchi are willing and with more funds they will continue doing the trenching.

MR. MBORI: Mr. Speaker, Sir, as the hon. Member knows, if that problem is submitted through the normal way, that is, through the DDC, the Sub-DDC, this will be looked into very carefully.

MR. KIPKORIR: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to tell the hon. Member that he is supposed to advise the committee? Is an hon. Member

MR. KIPKORIR (Ctd.):

responsible for the technical knowhow or it is the Ministry which is supposed to send the technical people to look into the problems of a project? Why should the Assistant Minister tell the hon. Member that while he knows he is not a water technician?

MR. SPEAKER: Fortunately in this case, the hon. Member is a very qualified engineer. Next Question.

Question No. 482

MR. NUNO asked the Minister for Water Development:-

- (a) whether he is aware that the boreholes in Garissa District are operated by unqualified personnel; and
- (b) what measures the Ministry is taking to post qualified personnel to maintain these boreholes.

THE ASSISTANT MINISTER FOR LOCAL GOVERNMENT AND PHYSICAL PLANNING (Mr. Mbori): Mr. Speaker, Sir, on behalf of the Minister for Water Development, I beg to reply.

(a) I am aware that some of the boreholes in Garissa District are operated by unqualified personnel.

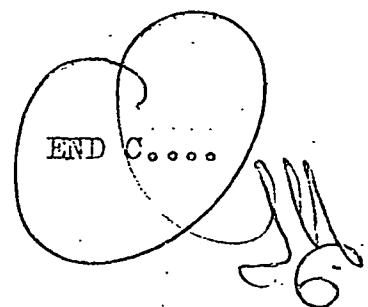
(b) The maintenance of these boreholes is carried out by qualified staff of the Ministry. In each of the divisions in Garissa District, there is a maintenance team except for Hulughu ^{supplies.} ~~Flige~~ where they have no borehole water ~~supply~~. The unqualified personnel are pump attendants and are therefore, not supposed to maintain the boreholes except to start and stop the engines in those boreholes. The Ministry is satisfied with the present ~~array~~ arrangements. ^{As more} ~~A small development~~ justify engaging more skilled personnel, appropriate action will be taken accordingly.

MR. NUÑO: Mr. Speaker, Sir, the Assistant Minister has agreed that he is aware that some of the boreholes are operated by unqualified personnel. So, when is he taking qualified personnel to operate those boreholes?

MR. MBORI: Mr. Speaker, Sir, the following arrangements have been made in the area: At Garissa water supply, there are 6 skilled operators; at Modugashe water supply - one; at ~~Kakuyi~~ ~~waka~~ Lugeo water supply - one; at Mbalambala water supply - one; at Dadal water supply - one and also in Nanga water supply and ~~at~~ Kapchuru water supply has got one. This makes a total of 11 skilled personnel.

MR. ARTEC: On a point of order, Mr. Speaker, Sir. The hon. Assistant Minister was asked, ~~that~~ now that he has accepted that there are no qualified technicians to man the machines in the boreholes, when is he posting qualified personnel? He is now giving us other things which are very different ~~for~~ from the question.

END C....



MR. MBORI: Mr. Speaker, Sir, I am surprised to hear hon. Arte... saying that I am answering other things. What I have given in my reply is what already exists in the area. He is asking for something which already exists in the area. There are already qualified staff who are handling these boreholes. So, what more do I need to do?

MR. KUBO: On a point of order, Mr. Speaker, Sir. When the Assistant Minister was first answering the Question, I remember very well that he said that there are no qualified staff. That is what he categorically said. Perhaps what he meant is that there are not enough trained staff with some basic skills in the management of these boreholes. So, can he clarify the position because this confusion may have been brought about by a question of language.

MR. MBORI: Mr. Speaker, Sir, in my answer to part (a) of the Question, I said that some of the boreholes in Garissa are operated by unqualified personnel while others are handled by qualified personnel, a list of which I have already given.

MR. ARTE: On a point of order, Mr. Speaker, Sir. We are concerned about the boreholes which are manned by unqualified personnel and not those that are manned by qualified personnel. Could the Assistant Minister tell us when he is going to post qualified personnel to manage these boreholes?

MR. MBORI: Mr. Speaker, Sir, the non-skilled staff are found in other places. For example, in Garissa Water Supply Project, there are seven pump attendants. These pump attendants need not be necessarily qualified people, but they can operate the pump as time goes by and they are on the job-training.

MR. ARTE: Mr. Speaker, Sir, this question has been brought here because these boreholes are in the remote countryside and some of them are 200 miles apart. These boreholes are the only sources of water in this area and therefore, ^{and} if a machine ^{breaks down} ~~just a mechanical breakdown~~ when the pump attendant is not qualified, there will be a problem. Somebody will have to travel from that place to take the message to Garissa so that a qualified person can come to repair the pump. We are asking the Minister concerned when he is going to post qualified personnel to ^{Mann} ~~use~~ these boreholes in view

of the fact that this is a very serious matter.

MR. MBORI: Mr. Speaker, Sir, I agree with the hon. Member that this is a very serious matter and therefore, I am going to give him a very serious answer as follows: As far as the maintenance of boreholes in Garissa District is concerned, each division has got a maintenance ^{team} ~~fee~~ except for ~~Huluglo~~ ^{Huluglo} where there are no boreholes or dams. There is a team based at Daldaab Divisional Headquarters for maintaining the boreholes and they have a vehicle for use in case of any breakdowns. This team is composed of an electrician, two mechanics, two pipe fitters, four plumbers, four borehole servicemen, who assist in pulling out any broken pump^s from the borehole. In addition to that, the team can be assisted by the pump attendants in the concerned boreholes. This team is on telephone and in case of any problem, they can get in touch with the District Headquarters at Garissa ~~or~~ for any reinforcements or requirements.

MR. ARTE: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister really in order to say that these boreholes are on telephone. That is a very misleading statement in this House. Most of these boreholes are in the remote areas where there ^{are} ~~is~~ no telephone^s at all. Even other means of transport in those areas is quite a problem. Would the Assistant Minister put us on the right footing because we are now confused?

MR. MBORI: Mr. Speaker, Sir, the hon. Member has asked whether some of these boreholes are manned by qualified personnel and in my previous reply, I attempted to indicate that there are qualified personnel managing these boreholes. I said that when there are breakdowns in the pumps, the pump attendants can use telephone to reach the team of qualified personnel which based at the district headquarters.

MR. SPEAKER: Mr. Mang'oli's Question.

Question No.465

MR. MANG'OLI asked the Minister for Manpower and Employment/
Development, what plans the Ministry has to ensure that there is adequate employment opportunities for the increasing number of University graduates and school leavers.

THE ASSISTANT MINISTER FOR MANPOWER DEVELOPMENT AND EMPLOYMENT

(Mr. Oluoch): Mr. Speaker, Sir, I beg to reply.

The problem of unemployment which our University graduates and school leavers are ~~ex~~ experiencing at the moment is caused by many factors. Therefore, several policy measures will have to be applied in an effort to solve the problem. In this regard, therefore, my Ministry is studying critically the past reports on unemployment in this country with a view to finding out the extent to which the recommendations thereof have been implemented in order that the Ministry, in consultation with other relevant arms of the Government, may implement those recommendations which are still pending. In particular, my Ministry is examining three important documents, namely, (a), The International Labour ^{Organization's} Report of 1972 on Employment, Income and Equality - a strategy for increasing employment in Kenya. (b) The Sessional Paper No.2 of 1985 on unemployment and, (c), The Sessional Paper No.1 of 1986 on Economic Management for Renewed Growth ~~1986~~.

In addition, Mr. Speaker, Sir, my Ministry will ^{Publish} ~~publish~~ before the end of this ^{calendar} ~~calendar~~ year, a report on the 1986 Manpower Survey which will show, among other things, the areas in which there are manpower shortages. I expect the filling of these shortages to go along way in alleviating the unemployment situation prevailing in the country. In addition, this Report ~~will~~ give manpower projections for the next five years. The training institutions, including our universities and schools, will use this information in planning their programmes and also in planning their intake for recruitment so that the university graduates and school leavers will have training which will match the requirements of the country.

Finally, Mr. Speaker, Sir, my Ministry is in the process of establishing District Employment Offices in line with the District Focus Strategy for Rural Development Policy so as to tap employment opportunities in the industrial and agricultural sectors. These offices will be expected to ensure that employers declare vacancies to them and that placement of job-seekers by employers is carried out in consultation with employment offices. The employment offices will also ensure that non-Kenyans will not

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THE ASSISTANT MINISTER FOR MANPOWER DEVELOPMENT AND EMPLOYMENT (Mr. Oluoch)(Ctd.)
be offered employment to do job which can be performed by Kenyans.

MR. MANG'OLI: Mr. Speaker, Sir, while appreciating that very long answer from the Assistant Minister ^{regarding} the question of University graduates and other school leavers, it appears that the Ministry is ^{just} serious in studying documents other than finding out ^{how} the University graduates and the school leavers are going to get employment.

DR. WAMEYO: What is your question!

MR. MANG'OLI: My question is: how many University graduates are not employed in the country? I would also like to know how many other school leavers are unemployed?

END D

THE ASSISTANT MINISTER FOR MANPOWER DEVELOPMENT AND EMPLOYMENT (Dr. Oluoch): Mr. Speaker, Sir, there are 1.2 million Kenyans who are not employed and about a quarter of that ^{number} are the university graduates and the school leavers that the hon. Member is talking about. The Ministry is not only concerned about the past reports ^{but} as I have said, we have carried out a national survey and the report of that survey will be made available next month. That report will contain at least two things. One, the vacancies existing now in the economy and these vacancies will be filled by some of those unemployed people. ^{Secondly,} this report will contain projections ^{of manpower requirements} about employment for the next five years so that the trainers will know where the jobs will be when they recruit students and then they plan the courses. So ~~that~~ when the students come out of the universities and schools ~~is~~ there will be jobs waiting for them in the economy.

MR. KUBO: Mr. Speaker, Sir, while appreciating the long answers given by the Assistant Minister, is he aware that in the sisal industry all the managerial ^{and that} jobs are held by non-citizens? In fact, no Kenyans ~~are~~ are allowed to manage sisal farms and to do any ^{jobs} other in the sisal farms at the managerial level? What is doing particularly in that field?

DR. OLUOCH: Mr. Speaker, Sir, I did not get the question, so could the hon. Member please repeat his question. ^{his best}

MR. KUBO: While the Assistant Minister is trying ^{on} to make sure that all Kenyans are placed ^{on} jobs, I am now informing him that in the sisal industry all managerial jobs are held by non-Kenyans. What ~~is~~ steps is the Ministry taking to make sure that jobs in the sisal industry are taken by Kenyans ^{that these Kenyans} and ^{they are} being trained for those jobs?

DR. OLUOCH: This report will also contain the vacancies existing in the sisal industry, ^{it} will also indicate what kind of persons are employed in the industry and when that report is available, we shall take the appropriate action.

MR. MANG'OLI: While I appreciate the reply from the Assistant Minister, I hope he ^{realises} is realising the seriousness ^{of the} involved with the unemployment problem especially with ^{regard to} the university graduates. What steps is the Ministry taking at the moment before the report is out ^{to give} ^{of getting} these school leavers and

MR. HANG'OLI (Ctd.):

university graduates jobs? This is because this report the Assistant Minister is talking about might take another financial year. The Assistant Minister has also said that the number of unemployed ^{people} ~~is~~ ^{is} now ~~are~~ 1.2 million; next year they will be about 3 million. These people might ~~end up~~ ^{SO} turning into poachers, ^{so} what the is the Ministry doing now to get them employment?

DR. OLUOCH: Sir, the Government policy on unemployment is very straight-forward. We would like to have as many ~~as~~ people as possible employed in useful and gainful employment. The unemployment situation has got ~~is~~ two sides, it has the demand side and the supply side. The demand side depends on the growth of the economy and we would like to advice the people concerned with making the policy to direct more resources towards the creation of more jobs. When ~~is~~ that is done, there will be more employment opportunities ~~created~~ for the people coming from the schools ^{who} ~~which~~ make up the supply side of the ^{situation} ~~equation~~. But the policy of the Government is to have as many people as possible employed in gainful employment.

MR. P.K. KINYANJUI: Sir, the problem of unemployment will be with us for a long time. We also know that it is not only in Kenya, it is in many countries in the world except perhaps ~~in~~ New Zealand. What the House is asking the Assistant Minister to do is to ~~we~~ come up with very clear recommendations to the Government as ^{to} ~~what~~ should be done in order to cope with the very many university graduates and other ~~in~~ schools leavers who are currently unemployed. We do not want studies, we want ideas. When will the Ministry ~~come~~ up with the recommendations on what should be done? For instance, would the Ministry consider recommending to the Government that any ~~an~~ unemployed university graduate be given loans so that they can participate in business, farming—

MR. SPEAKER: What is your question, Mr. Kinyanjui?

MR. P.K. KINYANJUI: Could we ~~hear~~ hear from the Assistant Minister on what practical ideas he is coming up with?

DR. OLUOCH: As I have already said let us wait until next month when

report is available. That report will contain the statistics we need to

DR. OLUOCH (Ctd.):

formulate the policy and it will also contain recommendations as to what should be done.

MR. MANG'OLI: On a point of order, Mr. Speaker, Sir. The Question is asking the Minister what steps he is taking to ensure that there is adequate employment opportunities for the increased number of university graduates and other school leavers. Now the Assistant Minister is telling us to wait for the report. I am asking him to tell us the steps he is taking now before the report is ready to see that these people are employed.

DR. OLUOCH: Planning requires that we must have statistics. So the first thing to do is to get that report which contains that information and the recommendations. This report will be available next month.

DR. WAMEYO: Thank you, Mr. Minister—

MR. MANG'OLI: On a point of order, Mr. Speaker, Sir. Is the hon. Dr. Wameyo who has been here for many years and is conversant with the Standing Orders in order to address you as Mr. Minister?

MR. SPEAKER: Order, Mr. Mang'oli, I did not hear that.

Question No. 459

DR. WAMEYO asked the Minister for Industry:-

- (a) how many tonnes of molasses are produced in the country annually,
- (b) how many of these tonnes are used annually by the Muhoroni Agro-Chemical and Food Processing Company, and
- (c) What the current cost of one tonne of molasses is

THE ASSISTANT MINISTER FOR INDUSTRY (Mr. Kiplagat): Mr. Speaker, Sir, I beg to reply.

(a) The country produces an average of 128,600 tonnes of molasses per year. The number of tonnes produced depends on the sugar cane harvested.

(b) Muhoroni Agro-Chemical and Food Processing Company uses about 60,000 tonnes of molasses produced annually.

THE ASSISTANT MINISTER FOR INDUSTRY (Mr. Kiplagat) (Ctd.):

(c) There is no fixed price of molasses. However, the current price ranges ~~per~~ from Kshs. 220 to 350^{shs.} per ton on local market, and from Kshs. 750 to shs. 800 per ~~ton~~^{the} on export market. This is an improvement compared with last year's price which ranged from shs. 185 to shs. 350 per ton^{on the local market} and shs. 450 to shs. 460 on the export market.

DR. WAMEYO: I would like to thank the Assistant Minister for that very good answer. May I know from the Assistant Minister if the the balance of molasses that ^{is 68,600} ~~is 68,600~~ thousands tonnes is enough for use at the Kisumu molasses plant or if it will be forced to import more molasses?

END E...

MR. KIPLAGAT: Mr. Speaker, Sir, the molasses factory in Kisumu is a separate question.

DR. WAMEYO: Mr. Speaker, Sir, the Assistant Minister should have understood the motive behind my bringing up this Question. What he has given is very simple because I, too, would have got it otherwise. The important point I want to bring to his attention is whether the balance of the molasses is enough to run the factory in Kisumu. Will we be forced to import more molasses? That is the basis of my Question, and not this other stuff.

MR. KIPLAGAT: Mr. Speaker, Sir, I think the hon. Member should have been specific as to what Question he wants us to answer. Let me point out to the House that there is Question No. 463 from the same hon. Member which is going to be answered by the Minister because there are some details that are still being awaited from the molasses factory in Kisumu.

DR. WAMEYO: I appreciate that answer from the Assistant Minister. I had put two Questions to his Ministry. May I know what the country does with the balance of molasses which weighs 68,600 tonnes.

MR. KIPLAGAT: Mr. Speaker, Sir, I think I have already indicated that what Muhoroni Agro-Chemical and Food Processing Company uses is about half of the molasses produced in the country annually. Some of the balance of 68,000 tonnes is exported and some is given to the local market so that farmers may feed their animals with it.

MR. EKIDOR: Mr. Speaker, Sir, if the balance of these molasses is not made use of, will not that encourage the local people to ^{beef} ~~live~~ chang'aa?

MR. KIPLAGAT: Mr. Speaker, Sir, once the factory in question has disposed of molasses, it really remains for the farmer to use them in any way he chooses as the factory cannot control this use very much.

MR. SPEAKER: Let us move on to the Question by Private Notice.

QUESTION BY PRIVATE NOTICE

MR. MOMANYI: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) What happened to vehicles No. GK J 558, GK C 157 and GK 881 X allocated to Manga, Keroka and Esani Health Centres, respectively?

(b) When are these three vehicles going to be delivered to the said health centres?

THE ASSISTANT MINISTER FOR HEALTH (Dr. Godana): Mr. Speaker, Sir, I beg to reply.

(a) Vehicle No. GK J 558, an ambulance, was designated to Manga Health Centre, but it was found to be unsuitable for rough roads. It was referred to be used in the district hospital in exchange for vehicle No. GK C 157, which was more ideal for rural roads. Vehicle No. GK C 157 broke down recently and was taken for repairs in the Ministry of Public Works garage, but it was found to be uneconomical to repair it. Hence, it was recommended that we bond it. Vehicle No. GK 881 X is still undergoing repairs in Thika.

(b) Vehicle No. GK 881 X will be delivered as soon as repairs are completed. Vehicle No. GK J 558 will continue to serve cases referred to Kisii District Hospital and Kisumu General Hospital, and it will be stationed at Kisii General Hospital.

I am happy to inform the hon. Member that my Ministry is in the process of giving Manga Health Centre another vehicle to replace vehicle No. GK C 157.

MR. MOMANYI: Mr. Speaker, Sir, while appreciating the answer from the Assistant Minister, I would like to know what will happen to the other health centres in question? These health centres are very far from Kisii General Hospital, and they have no vehicles nor any other means of communications, such as telephones.

DR. GODANA: Mr. Speaker, Sir, given our means at the moment, the motor-vehicles within the jurisdiction of Kisii General Hospital serve those health centres, but, I am sure that, as soon as funds are found, and in accordance with our policy of facilitating health services for our people in all areas of the country, those health centres, too, will be considered along with others.

MR. MWENJE: Mr. Speaker, Sir, could the Assistant Minister tell us specifically when this replacement of vehicle No. GK 157 will take place?

DR. GODANA: Mr. Speaker, Sir, I am sure that hon. Members will appreciate that it is not often very easy to state the exact date in such a case as this. However, as I have said, we have already begun working on the process of replacing the motor-vehicle in question. I am sure this will be done as soon as possible.

MR. JALANG'O: Mr. Speaker, Sir, could the Assistant Minister ~~advise~~ advise us on the estimated repairs to vehicle No. GK 157, which necessitated its being bonded? How much were these repairs estimated to cost?

MR. GODANA: Mr. Speaker, Sir, I do not have the exact figures in my hands right now, but if the hon. Member is very serious about knowing the estimated costs of repair which were found to be uneconomical, I welcome him to my office any time, and I will surely give them to him. Thank you.

MR. KUBO: Mr. Speaker, Sir, there have been several Questions similar to this one which have been asked by very many hon. Members, and the answer we have always got is that the vehicles in question are at Thika where they are being rehabilitated. Could we now get a categorical statement from the Assistant Minister as to whether his Ministry is in a position to pay for the work that is being done on these vehicles or whether the vehicles are being detained at Thika because of non-payment?

MR. KURO (CTD.):

Could we be assured that these repairs are going to be paid for?

DR. GODANA: Mr. Speaker, Sir, at the moment, I am only responsible for the Question that I am answering before the House, and not for past Questions about which I have not been notified that they will be brought up today. All I know is that the the Ministry undertakes to pay for the vehicles that ^{one taken} ~~in~~ Thika as soon ^{as} repairs have been completed.

MR. MANG'OLI: Mr. Speaker, Sir, while we appreciate the Assistant Minister's reply, in which he assures this House that payment will be made as soon as these vehicles are repaired, all we are asking is whether these vehicles are going to be brought back in time. He needs to encourage us by telling us when the vehicles are coming out of the garage. Does he have any record indicating when his Ministry is going to get these vehicles back? It is very interesting to have a vehicle ^{moving} ~~from~~ from Kisii to Thika. A vehicle breaks down Kisii and then it is brought all the way to Thika ^{for repairs,} I wonder whether there is some vested interest between the Ministry and the people in Thika. Could the Assistant Minister assure this House that the vehicles will come out ^{of} the garage as scheduled. He has the schedule of the times these vehicles are going to be ready.

MR. GODANA: Mr. Speaker, Sir, the garage in Thika where these vehicles are undergoing repairs is not just a simple backyard garage; it is the major Land-Rover Assembly Plant in the country. The vehicles taken there are those which we feel need to undergo major repairs. Thank you.

MR. KIILU: Mr. Speaker, Sir, does the Assistant Minister mean that spare parts could not be bought in Thika so that this vehicle could be repaired in Kisii? Was there any other idea behind sending these vehicles to Thika? Could he clearly tell the House the reason why this vehicle has been sent to Thika?

IN THE COMMITTEE

The Temporary Deputy Chairman (Mrs. Ndetei) took the Chair

The Certified Public Secretaries of Kenya Bill

(Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 agreed to)

Clause 20

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): Madam Temporary Deputy Chairman, I wish to propose some amendments to Clause 20 by the addition of two extra sub-paragraphs, that will be (e) and (f), after sub-paragraph (d) to read as follows:-

(e) he is, at the commencement of this Act registered as an Accountant under Section 24(1) of the Accountants Act; and

(f) he is qualified as an Advocate of the High Court of Kenya.

(Question of the amendment proposed)

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

(Clause 20 as amended agreed to)

(Clauses 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41 agreed to)

(Schedules First, Second, Third and Fourth agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): Madam Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of The Certified Public Secretaries of Kenya Bill and its approval thereof with amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

Mr. Speaker in the Chair

REPORT, CONSIDERATION OF REPORT AND THIRD READING

The Certified Public Secretaries of Kenya Bill

MRS. NDETEI: Mr. Speaker, Sir, I beg to report that the Committee of the whole House has considered The Certified Public Secretaries of Kenya Bill, and approved the same with amendment.

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS (Mr. Obure) seconded.

(Question proposed)

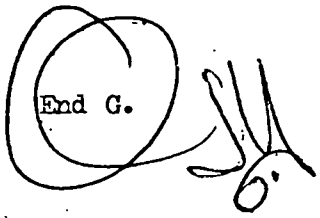
(Question put and agreed to)

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): Mr. Speaker, Sir, I beg to move that The Certified/^{Public} Secretaries of Kenya Bill be now read the Third Time.

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS (Mr. Obure) seconded.

(Question proposed)

End G.



l.c.
 MR. LWENJE: Mr. Speaker, Sir, my only comment is ... that now that we have passed this Bill, when the Minister comes to appoint X members of the Board, he should make sure that he puts there some members who will represent the business community and, possibly, Members of Parliament so that the Board may be seen to be effective and be seen to work properly. Otherwise, I support it.

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah):

Mr. Speaker, Sir, that is provided for in this Bill, and I do not think the Minister can go outside the provisions of what we have now passed. The Bill expressly states who is qualified to be a member of the Board. This is contained in clause 12, which states on what basis the Minister shall appoint the ^{members} ~~members~~ of the Registration Board. It states:-

"(1) The Registration Board shall consist of eight members appointed by the Minister, of ~~whom~~ whom -

(a) four shall be nominated by the Council;

(b) one shall be nominated by the Examination Board;

(c) one shall be nominated by the Minister for the time being responsible for commerce;

(d) one shall be the secretary of the Commission for Higher Education or a person nominated by him;

(e) one shall be the Director of Personnel Management or a person nominated by him.

(2) The members of the Registration Board appointed pursuant to subsection (1)(a) and (b) shall be nominated from amongst members of the Institute.

So, we have, in fact, made a provision for that in the Bill. But your sentiments, within the confines of this Bill, I am sure will reach the Minister.

(Question put and agreed to)

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

MOTION

THAT this House adopts the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 1984/85 which was laid on the Table of the House on 26th July, 1988.

(Mr. Tuva on 8.11.88)

(Resumption of Debate interrupted on 8.11.88)

MR. TUVA: Mr. Speaker, Sir, I would like to continue with what I was saying yesterday. Many friends of mine in the House have expressed the feeling that they did not receive copies of this Report. I would like to emphasise that the copies were distributed sometimes in July, this year, to every Member of Parliament.

Mr. Speaker, Sir, I think hon. Members should take this Report seriously because —

QUORUM

MR. MWENJE: On a point of order, Mr. Speaker, Sir, is there a quorum in the House?

MR. SPEAKER: No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

MR. SPEAKER: We have a quorum now. You may continue, Mr. Tuva.

MR. TUVA: Mr. Speaker, Sir, I was saying that hon. Members should take this Report seriously because it is only through the House that we can discipline the people who misappropriate or carelessly supervise public funds. In

MR. TUVA (ctd.);

this case, public funds ^{the} is/money collected through taxation -
 a money that ^{is} budgeted in the estimates and also money collected
 as appropriations-in-aid. This money cannot be spent a by
 anybody without the authority of this House. Therefore, if
 there is any ~~xx~~ violation a of the financial regulations, it
 is this House that can discipline the people who violate them.
 And it is through the Public Accounts Committee that we can do
 that.

Mr. Speaker, Sir, Kenya is not peculiar in this.
 Most of the ~~B~~ democratic Parliaments that follow our system
 have a public accounts committees. In some countries, these
 are called audit committees, but they serve the same purpose.
 The people who are supposed to oversee the well-spending of
 Government finances should also be in a position to penalise
 those who violate the use of these funds by misusing ~~ix~~ them.

Yesterday, I spoke generally, but now I would like
 to a cite some examples where Government money is, in some
 cases, openly stolen. There is an incident that happened at
 Ahiti Ndomba - I believe this is in Kirinyaga District - where
 money was a paid for a goods that were never delivered. This
 institution was under the Ministry of Agriculture and Livestock
 Development at that time. That is when the two Ministries were
 one but the institution was under the ~~Miniz~~ then Department
 of Livestock Development. In May, 1985, attention was drawn
 to the fraudulent manner in which a total of Ksh.95,337.50 was
 paid for foodstuff which was apparently not received by Ahiti
 Ndomba. The amount appears to have been paid to two merchants
 in Kerugoya through two separate payment vouchers with the

payments being claimed to be in respect of various foodstuffs purportedly ~~purportedly~~ supplied to the institute by them. A verification of the records made available for audit revealed that one of the vouchers for Ksh.49,000 originated from the institute, and items paid for were recorded as having been received and then issued out to the kitchen. However, ^{none} ~~any~~ of the kitchen staff at the institute will ~~re~~ ever remember having seen items such as cheese and tea bags, which were among the items paid for, being served in the dining hall.

Other items paid for through the second payment voucher for Ksh.46,337.50 would not be traced in the institute's store's records ~~and~~ and the certificate on the voucher that was received and taken on charge was, therefore, false. This second voucher, however, did not appear to have originated from the institute. A triplicate copy of the Local Purchase Order (L.P.O) supporting the voucher was obtained from a book that had been issued to the District Water Officer, Embu, while all the other copies of the L.P.O. were cancelled. The records at the district treasury also indicated that the voucher was not processed following the normal procedures.

^{during} ~~after~~ vigorous discussions by the Committee ^{On this matter,} ~~the~~ Committee ~~and to this recommendation.~~ ~~That~~ The Committee heard the explanation given by the ~~a~~ Accounting Officer and expressed ~~ga~~ grave concern at the apparent dishonesty on the part of the Ministry's staff and the ~~the~~ District Treasury, Kirinyaga, to defraud the Government. The Committee, therefore, ^{recommended} ~~recommended~~ that the Accounting Officer should thoroughly investigate this matter in consultation with the relevant authorities with a view ^{to bringing} ~~bringing~~ the culprits to book and recovering the money.

MR. TUVA (ctd):

This matter was reported to the police, investigations were carried out but no people have been brought to book up to now. This is an example where Government money is wasted and you will find that the arm that is supposed to investigate and take the people to court do not satisfy the Committee at all.

Mr. Speaker Sir, another instance is the way the Ministry of Health keeps its records. You will find that Members of Parliament who are having problems of trying to follow up pensions for the retired officers, ~~you~~ when you go to the Ministry of Health, you can hardly find a file within one ~~xxx~~ week. Here is an example where the Ministry does not properly keep personnel records of its employees.

Mr. Speaker Sir, page 30 of the ~~22~~ Report, under the Ministry of Health - Paragraph 182 shows the Excess Vote. That means overspent money; it states as follows:-

"The Appropriation Account for Vote R.11 - excess ~~excess~~ is made up of overexpenditure spread over the 1985 reflects an Excess Vote of K£884,204-12-35. The excess is made up of overexpenditure spread over the vote but mainly on Personal Emoluments - K£3,037,717; House Allowances - K£1,631,211. There is also a significant overexpenditure of K£1,626,078 against - Central Medical Stores - Item 158 - Drugs and Dressings".

After a lengthy discussion by the Committee and interviewing the Accounting Officer, the Committee came up with the following recommendation.

"The Committee heard the explanation given by the Accounting Officer and deplored the perennial inability to maintain accurate personnel records resulting into inaccurate estimates on personal & emoluments and house allowances, and failure to collect due Appropriations in Aid. The Committee further expressed disgust at the recurrence of Excess Votes year after year, in spite of their recommendations. The ~~xx~~ Committee therefore, recommends that the Accounting Officer should make every effort to budget accurately and spend strictly within provided provisions. The Committee further recommends that in particular the Accounting Officer should ensure that personnel records are accurately kept so as to control expenditure on personal emoluments and house allowances. The Committee, however, recommends that Parliament allow the Excess Vote.

MR. TUVA (ctd):

Mr. Speaker Sir, this will be confirmed by my fellow Members of Parliament who have got problems with the Ministry of Health where you can go with somebody to look for a file, ~~xxxx~~ and if for one or two weeks, you may not get it. These people who come to follow their problems with Ministry headquarters depend on Members of Parliament for accommodation, food and travelling expenses. Therefore, we are the people who feel the pinch. This is to confirm exactly what the findings of the Committee are, as pointed out to the Committee by the Controller and Auditor-General. - about the haphazard manner in which the personnel records are kept by the Ministry of health. I think it is time that ~~the~~ something is done by the Ministry to rectify this situation.

Mr. Speaker Sir, another instance I mentioned about the Ministry of Health, is the misuse of Government vehicles. Again, this Ministry is one of those Ministries that are rather careless in handling ^{their} ~~the~~ vehicles. The Controller and Auditor-General pointed ~~it~~ this out in Paragraph 208 under Misuse of Government Vehicles.

numerous

"In the past reports attention was drawn to numerous cases of misuse of Government Vehicles in the Ministry of Health on which effective remedial action appear ~~to~~ not to have been taken. During the 1984/85 the Government Vehicle Check Unit continued to report ~~cases~~ cases of misuse of Government Vehicles attached to the Ministry of ~~Health~~ Health. The Misuse reported included the following: —"

This is not only happening with the Ministry of Health, but it happens also to many other Ministries. Some are caught in the act that is why they seem to appear in the report of the Controller and Auditor-General, but this problem is prevalent in all the Ministries. They are as follows:-

- (i) Carrying of ~~a~~ unauthorised passengers.
- (ii) Use of vehicles in unroadworthy condition or with defective speedometers.
- (iii) Transporting children to and from school and use of the vehicles on private business.
- (iv) Driving vehicles without the necessary certification to facilitate checking.
- (v) Carrying passengers in a manner likely to interfere with safe driving of the vehicles.

Further, in only eight (8%) of the cases reported in which

MR. TUVA (ctd):

Further, in thirty eight (38) of the cases reported in which disciplinary action against the offenders was recommended, no such action has so far been taken."

The Committee, after interviewing the Accounting Officer, came up with this conclusion:-

"The Committee heard the explanation given by the Accounting Officer and noted that most queries have been resolved satisfactorily. The Committee, however, recommends that more deterrent disciplinary measures should be instituted in future so as to completely curb the misuse of ~~Govt~~ Government vehicles!"

Mr. Speaker, Sir, since copies of this ~~Report~~ Public Accounts Committee Report have been distributed to every Member of Parliament, it will not be necessary for me to go through the whole Report, but I am just trying to mention some of the incidences where special attention should be paid by the Accounting Officers. One of them is that of ~~the~~ the Ministry of Water Development.

"The Appropriation Account for 1984/85 for Vote D.20 - Ministry of Water Development - reflects an excess of K£521,905-01-05. The excess appears to have resulted from undercollection of Appropriations in Aid amounting to K£8,846,862-11-65 against a surplus of gross estimates overexpenditure of K£8,324,957-10-60."

Mr. Speaker Sir, this is an instance where the Accounting Officers provided in the estimates that ~~they are~~ ^{he is} going to spend so much ~~in~~ money for a project that will be funded by a donor. In the old practice, the Ministry had to spend in local currency and then they are reimbursed by the donor. Like in this case, the Ministry of Water Development, did spend the money and then failed to claim the Appropriations in Aid from the donor. This resulted in excess vote. This practice has been recurring always with the Ministry of Water Development. Therefore, the Committee, after interviewing the Accounting Officer, made the following recommendations:-

MR. TUVA (ctd):

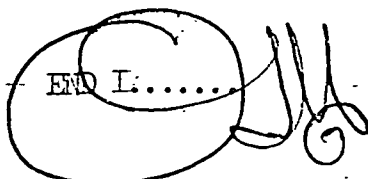
"The Committee heard the explanation given by the Accounting Officer and expressed grave concern at the recurrent failure ~~the~~ to collect Appropriation in Aid from donors." ~~The~~ —

This practice seems to be happening every year.

"The ~~u~~ Committee also deplored the obvious lack of sound ~~xxx~~ co-ordination between the Ministry and the various donors in the implementation of development projects!

The Committee further noted that once again the Ministry's accounts were not certified. In the circumstances, the Committee recommends that Parliament disallow the Excess Vote until the accounts of Vote D.20 are produced and certified.

END I.....



MR. TUVA (CTD):

This is an example where the Ministry has the compliment of Accounting ~~Officers~~ ^{Staff}, but will find excuses of not being able to bring their books to date to the satisfaction of the Controller and Auditor-General. ~~Therefore,~~ ^{Therefore,} ~~These~~ Parliament cannot accept, or ought not to accept, books of accounts that cannot be certified. So, we request the House not to allow these excess Votes until all the accounts of the Ministry of Water Development ^{for the period} of 1984/85 have been properly done.

Also the same Ministry has a Staff Training School in Nairobi South "C". On page 59, paragraph 373 of the Report, it is stated:-

"The attention of the Accounting Officer has been drawn to losses of various ~~stores~~ ^{stores} worth KShs.44,757.10 which occurred at the Staff Training School, Nairobi "C", and which were observed during an audit inspection carried out in March, 1985 as follows:

	Value (KShs.)
2 electric calculators not delivered by the supplier	5,800.00
3 facit manual typewriters	32,178.00
11 books lost by an individual	1,660.00
Defficiencies in miscellaneous stores	5,119.10
	44,757.10

It would appear that two electric calculators worth KShs.5,800/- were ordered from a supplier on 13th June, 1984, and paid for on 20th June, 1984, but, at the time of the audit inspection in March, 1985, they had not been received and have not, so far as I am aware, been received to date. Similarly three facit manual typewriters valued at Kshs.32,178/- were also ordered on 13th June, 1984 from the same supplier, and paid for on 21st June, 1984. However, the typewriters could not be produced for physical check although according to S.3 card No. 299171, they had been received on 19th June, 1984."

"The Committee heard the explanation given by the Accounting Officer and noted that there is disagreement over the purchase between the Ministry and the supplier. The Committee, however, recommends that in the event of there being no refund by the supplier, of the amount paid, the officer who carried out the transaction including payment for and ~~of~~ ^{of} the goods supplied without ensuring

MR. TUVA (CTD):

that they were in sound condition, be disciplined including surcharge."

Here is an example of somebody who should, in fact, feel the pinch because he is involved in Government loss of Kshs.44,757.10, but since the officer cannot be surcharged, that amount of money, ^{or} any amount that he is asked to pay is not commensurate with the loss to the Government. I feel that such punishment is not very much deterrent; there should be much more severe punishment to be given to officers who appear to be deliberately stealing stores and cash from the Government. There ^{are} instances where millions and millions of shillings are lost through variations, and I mentioned this yesterday. I feel very strongly that Parliament should take this matter very seriously, and see to it that in future anybody who is involved in Government losses should be severely punished, and, if possible, sacked in public interest.

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

MR. KILIKU: Ahsante sana, Bw. Spika. Ni juzi tu nilipozungumza hapa na kusema kwamba pesa za umma zinatumiwa vibaya, halafu nikaambiwa ^{nidhibitisho.} ~~nikaambiwa~~ Sasa Taarifa hii ni dhibitisho ~~kwa~~ ya vile pesa za umma zinavyotumiwa vibaya kwa ~~wali~~ Mawaziri waliotaka nidhibitisho. Ripoti hii ya kurasa 168 inaonyesha vile watu wanaopewa madaraka katika Serikali wanavyotumia vibaya pesa za umma badala ya kutosheka na mishahara yao. Katika mwezi Juni, 1985, Paymaster-General's Account ilikuwa overdrawn kwa zaidi ya Shs.1 billion Wakati huu tulikuwa tumejirekebisha kwa kuwa m katika mwaka uliotangulia tulikuwa na ^{overdraft} ~~overdrawal~~ ya Shs.1.5 billion. Kwa kuwa ~~sasa~~ sasa hiyo ^{overdraft} ~~overdrawal~~ imepungua kidogo, tunaendelea vizuri. ^{Kwanza} ~~Kwa~~ ninamshukuru Controller and Auditor-General, ambaye tangu kuchukue wadhifa huo amekuwa ~~sika~~ akiifanya kazi yake vizuri sana, na kuionyesha Public Accounts Committee zilivyotumika pesa za Serikali nayo Public Accounts Committee inaliletea Bunge hili

MR. KILIKU (CTD):

ripoti yake. Ninamshukuru huyo ofisa kwa kazi yake nzuri ya kuonyesha zilivyotumika pesa za umma. Kwa kufanya hivi ^{Anaisaidia} ~~na~~ ~~anaisaidia~~ nchi hii.

Bw. Spika, ninafikiri ~~m~~ waheshimiwa Wabunge ~~wak~~ wameisoma ripoti hii na kuona vile maofisa katika Wizara wanavyotumia pesa vibaya. Kwa mfano, katika ukurasa wa 31 chini ya Wizara ya Afya, imeonyeshwa kwamba Shs.200,000/- zilitumika kama mchango wa Harambee. Ofisa fulani ~~za~~ alizichukua pesa hizi na kwenda kuzitoa katika Harambee na hali pesa hizo ^{zilititishwa} ~~zilititishwa~~ na Bunge hili kwa ~~pesa~~ kazi fulani. Haifai kwa ofisa kwenda kujionyesha kama mpenda maendeleo akitumia pesa zilizopitishwa na Bunge hili ili kutimiza kazi fulani. Ni lazima mtindo huu ukome, na pesa zitumiwe katika miradi iliyopitishwa na Bunge hili. Si vizuri kwa Waziri, au maofisa wake, kuchukua pesa na kwenda kutoa katika Harambee kama mchango wa Wizara, au mchango wake na hali pesa hizo zilikusudiwa kwa kazi nyingine. Hatumkatazi Waziri au maofisa ~~z~~ wake kutoa michango ya Harambee, lakini ni lazima atoe pesa zake na marafikize.

Vile vile katika ukurasa huo wa 31 Serikali ilikusudia ^{kujenga} hospitali ya wilaya kule Lamu. Serikali ilitaka hospitali hiyo ijengwe huko Mukowe, ^{ile} ~~na~~ hali msaidizi wa kutoka nje alitaka ~~na~~ ijengwe katika kisiwani Lamu. Kandarasi iliyowekwa ilikuwa na ~~na~~ thamani ya Shs.28,871,415/-; kandarasi hiyo ^{ilitolewa} ~~ilitolewa~~ katika mwezi wa Julai, 1980.

END J

R/Jmb

MR. KILIKU (ctd.):

Baada ya mwaka mmoja ^{wasaitoa} ~~wakatoa~~ tenda nyingine. Yule mtu aliyeshinda tenda hii akaambiwa: "Wewe ndiye uliyefaulu kupata ~~k~~ tenda, lakini badala ya kukulipa shs.28 milioni tutakulipa ~~shs.~~ 50 milioni." Hii ni tofauti ya shs.22 milioni. Hapa lazima kulikuwa na kitu fulani au mpango fulani wa ^{ku chukua} ~~kuchukua~~ pesa za umma kuzitumia vibaya. Baada ya mwaka mmoja ^{iliongeraka} ~~liongeraka~~ tenda ^{iliongeraka} ~~liongeraka~~ kutoka shs.28 milioni hadi shs.50 milioni. Tenda hiyo tena imeshindwa na mtu mmoja.

Bw. Spika, ^{na} kulikuwa na mpango ~~x~~ wa kuijenga hospitali ya Mkowe lakini mpaka sasa bado haijakamilika. Mwaka wa 1984/85 tulikwenda huko pamoja na mhe. Karauri na mhe. Tuva kwa niaba ya Public Accounts Committee ^{na} ~~tukakuta~~ ^{haijamalizika} ~~kuwa bado~~ ~~haijaisha~~. Pesa zilikuwa zimeliwa; hospitali ^{iliyazwa} ~~imeanzwaka~~ kujengwa lakini bado ^{ilikuwa} ~~ilikwa~~ ~~kikakakakakaka~~ haijamalizika. Hospitali yenyewe ilikuwa inajengwa kichakana ambako kukikuwa hakuna watu waliokuwa wakienda au kuishi huko. Kama unaweka maji kwenye debe ambalo limetoboka, basi maji yatamwagika na wala debe hilo yaliwezi kujaa. Sisi huwa tunapitisha pesa hapa na kuzipatia Wizara lakini pesa hizo zinatumiwa vibaya. Je, kama ni hivyo, tutaendelea vipi? Jambo la ~~1~~ kuhuzunisha ni kwamba wale watu waliotumia pesa za umma vibaya mpaka leo hawajachukuliwa hatua yoyote.

^{iliwako pesa} ~~uli~~kiangalia katika Ripoti hii utaona kuwa Wizara ya Serikali za Wilaya na Mipango ya Miji ^{iliwako pesa} ~~waliko pesa~~ watu pesa lakini wao wakakosa kusichukuwa kwa wakati unaofaa. Hii inapatikana katika ^{ukurasa wa} ~~page~~ 37 - Collection of Appropriation-in-Aid. Sasa Wizara inakosa kuchukua pesa hizi za Appropriation-in-Aid na hali watu hawana dawa, ~~wak~~ na nyumba za kutosha. Makosa kama haya hayapatikani ^{katika} ~~Wizara~~ moja tu bali ^{zipatazo} ~~kama~~ patikana katika Wizara ^{kama} ~~21~~ hivi zilizotajwa katika Ripoti hii. Wizara zote hizi zinaonyeshwa kuwa zimetumia pesa za umma vibaya.

Bw. Spika, kuna mambo mengi katika k Ripoti hii.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Karauri): On a point of order, Mr. Speaker, Sir. I do not want to interrupt my hon. friend but it is misleading to say that all the Ministries appearing in the Report misused or embezzled funds. There are many Ministries that have appeared in the Report just because their accounts were not right and not because they misused money.

MR. KILIKU: Sasa, Bw. Spika, ^{ilama} hesabuizao si nzuri, si hiyo ndiyo sababu ^{Zimetajwa katika} ~~wameingizwa~~ ^{madani} ya Ripoti hii. Katika Wizara nyingine maofisa wao wameshindwa na kazi yao. Wizara zinatakiwa kufanya kazi zao sawa sawa. Katika Wizara nyingine maofisa huchukuwa imprest na kwenda ng'ambo lakini wanaporudi hapa hapa badala ya kuzirudisha pesa hizo ili ziwe ^{hawafanyi} accounted for ^{hawafanyi} hivyo.

Mr. Speaker left the Chair

The Temporary Deputy Speaker (Mr. Mwamzandi) took the Chair

Kwanza Ripoti hii imechelewa. Kwa hivyo tungeomba kuwa wakati mwingine Ripoti hii iwe inatolewa kwa wakati wake. Utaona kuwa sasa tunazungumzia juu ya mwaka wa 1984/85; na bado Ripoti za miaka ya 1985/86 na 1986/87 hazijatoka. Sasa ikiwa ni hivyo ^{Utaona kwamba} wakati Ripoti ~~kama~~ hii itakapoletwa hapa ^{yule} ~~kama~~ ofisa wa Wizara ^{ambaye alikuwa} amefanya uz ubaya fulani, atakuwa labda amestaafu au ^{kupewa} ~~amepewa~~ uhamisho kwenda ^{Katika} ~~kwa~~ Wizara nyingine. Tunataka Ripoti hii iwe inaletwa kila mwaka, halafu maofisa waliofanya makosa wataweza kuchukuliwa hatua wakati huo huo. Lakini hivi tunavyozungumza sasa labda wengine wao wamepandishwa ^{Uyeo} ~~madaraka~~ na ~~wa~~ wengine tayari washastaafu.

Tukiangalia ukurasa wa 58 - Ministry of Water Development utaona mtu mmoja alipewa kandarasi kule Mthetheni huko Wilaya ya Machakos. Alikuwa anatakiwa aimalize ~~k~~ kabla ya miezi sita. Lakini baadaye iligunduliwa kuwa huyo mtu ^{alikuwa hawezi kufanya} kazi hiyo ~~haiwezi~~. Wizara ya Maji badala ya kumsimamisha huyu mtu, walienda huko ^{wakavitwaa ufaa} ~~waka~~ ^{yule} ~~huko~~ vyakavya kazi ^{yule} ~~wakavitwaa~~. Hii ilikuwa kwa sababu waliona kuwa ^{yule} ~~mtu~~

MR. KILIKU (ctd):

Bw. Haibu Spika wa Kuda, tumefanya maandamano katika nchi ^{hi} kumlaumu Ngumba kwa sababu ya kukimbia na pesa za watu. Tuna akina Ngumba wengi katika Serikali wanaotumia vibaya pesa za umma. Watu kama hawa pia wamomlaumu Ngumba kwa kukimbia na pesa za umma. Je, ni kwa nini akina "Ngumba" hawa ambao wametajwa katika Ripoti ya Public Accounts Committee kwa kutumia pesa za umma vibaya ^{hawajatajwa} wazi? Controller and Auditor-General ametaja mambo wazi wazi katika Wizara mbali mbali na hali hakuna chochote ambacho kimefanywa. Tunawajua Makatibu wa Kudumu na Mawaziri ambao walikuwa katika Wizara hizo wakati pesa za umma zilitumiwa vibaya. Watu wengine walipeleka pesa na kuzitoa katika Harambee na hali tulizipitisha katika Bunge hili ili zitumike ^f katika miradi ya umma.

We should not do things to cover ourselves. Ni lazima tujilaumu wenyewe. Hata katika Bunge hili, kuna Mbunge mmoja ambaye ^{alitoa} ~~alipaa~~ hundi ambayo iliruka kwa sababu hakukuwa na pesa katika akaunti. Hii inaonyesha kwamba kuna watu wengi ambao ni wahalifu. Ingefaa Serikali ichukue hatua ^{dhidi ya} wali ~~wa~~ wale watu wanaotumia pesa za umma vibaya. Hii ^{ndiyo} njia itakayopunguza utumiaji ^{mbaya} ~~vibaya~~ wa pesa za umma. Kuthibitisha vile pesa hizi zilitumika haku-tasaidia hata kidogo.

Katika Ripoti ya Public Accounts Committee, wameandika "We noted..." lakini hakuna hatua yoyote ambayo imechukuliwa. Hawa ndio watu wanaotufanya tusiendeleo kama vile tunatarajia. Tunakopa pesa za kujenga hospitali fulani na kununua dawa. Badala ya kufanya kazi hii, watu wengine wanachukua pesa hizi na kuziweka mifukoni kwa matumizi yao wenyewe. Tukileta mambo haya hapa, hakuna hatua yoyote inayochukuliwa kwa sababu, pengine, mtu huyo ana cheo kikubwa Serikalini.

Ingefaa Makatibu wa Kudumu, ambao wanaangalia ^{ya} ~~ya~~ matumizi ya pesa hizi, waeleze vile pesa hizi zimetumika kila mwaka. Ningependekeza walete ripoti ya matumizi ya pesa kwa Public Accounts Committee kila mwaka na ^{husilubali} ~~zi~~ wachelewshe mambo kama vile wamefanya sasa.

Mr. Naibu Spika wa Muda, nimesikia kwamba pesa zote za Harambee zitakuwa sikichunguzwa pia. Tunataka tujue ^{ni wapi} yule uchunguzi huu umefika. Tungependa, wakati Waziri ^{atakapokuwa} ~~atawa~~ ekijibu Hoja hii, atueleze vile uchunguzi huu utafanywa na atuambie yule atakayesimamia mambo haya. Pesa zamuza zinatumiwa ~~za~~ vibaya na hali watu wengine hawana kazi. Swali lililetwa hapa kuhusu hatua inayochukuliwa na Serikali kuwapatia wananchi kazi na Waziri akashindwa kulijibu. Je, kazi itapatikana vipi ikiwa watu fulani katika ^{Wizara} ~~Wazara~~ watakuwa wakitumia pesa za umma vile wanavyopenda? Je, tutakuwa na maendeleo ya kiuchumi yanayoweza kuwaruhusu watu wengi waajiriwe kazi?

Kuna watu wengi wanaotumia pesa za umma vibaya. Ingefaa Ripoti hii ya Public Accounts Committee itafsiriwe katika lugha ya Kiswahili na ichapishwe ^{nali} kama ^{milioni} ~~milioni~~ 21 jili kila mwananchi apatiwe. Kwa njia hii watu wote watakuwa na uwezo wa kujua kwamba wale watu ambao wamesoma vizuri na kupata shahada na ambao wamepatiwa magari makubwa na Serikali ndio wanatumia pesa za umma vibaya. Wananchi watajua kwamba pesa zao zinatumiwa kwa njia isiyofaa.

Kila wakati tunaimba "Peace, Love and Unity." If you are mis-appropriating public funds, then you do not love this country. Urifanya kazi vizuri, basi unaipenda nchi yako. Si kusema tu "Mimi ni mtu wa Nyayo na ninawataka nyote muwe watu wa Nyayo." Je, hawa kweli ni watu wa Nyayo? Hawa watu wanaotaka tufilisike, ni watu wa Nyayo? Maana ya Nyayo ni kupendana lakini watu kama ~~hwa~~ hawa hawawapendi wananchi.

Nchi hii ingekuwa tajiri kuliko vile ilivyo sasa kama pesa zingekuwa zikitumiwa vizuri. Ndugu na dada zetu wanapoajiriwa, tunapata matatizo. Tumesikia kwamba Kenya Meat M Commission itasimamiwa na watu kutoka nchi za nje. Waziri alisema hapa hivi majuzi kwamba mikutano inaendelea nje ya nchi hii kuhusu maendeleo ya Kenya Meat Commission. Hii ni kwa sababu watu wetu wameshindwa. Je, wameshindwa kwa sababu gani? Je, ni vizuri wageni wayaongozo mashirika yetu? Ni lazima tuambiwe ile hatua itakayochukuliwa kuhusu jambo

hili.

Kwa wakati huu, mtu akiiba mbuzi, atafikishwa kortini mara moja. Mwananchi akifanya makosa madogo madogo, anafikishwa kortini mara moja na akipatikana na hatia, anafungwa. Lakini hawa watu ambao walitumia vibaya Kshs.1.5 bilioni katika mwaka wa 1984 na Kshs.1.2 bilioni katika mwaka wa 1985, hawajachukuliwa hatua. ~~Hawa wanasikia wachungu sana~~ Tunapoleta Maswali hapa, tunaambiwa "Pesa zikipatikana, tutafanya hivi na vile." Wananchi ^{huona} ~~anasikia~~ uchungu sana wanapopata majibu kama haya. Majibu kama haya huletwa mara tu pesa zimepitishwa katika Bunge hili.

Kitu kingine kinahusu imprests. Kama mtu anakwenda ng'ambo au safari yoyote nchini na anepatiwa imprest, ni lazima aeleze vile alitumia pesa hizo mara tu anaporudi. Kama ametumia pesa zaidi, basi ^{yafaa} jalipe tofauti hiyo papo hapo. Ripoti kuhusu matumizi ya pesa kuchelewa kwa sababu watu wengine hawarudishi au kueleza vile imprest hiyo ilitumiwa. Wakati mwingine mtu huyo anapelokwa katika Wizara nyingine na kumfuata inakuwa shida. Ingefaa mtu akichukua imprest, aeleze vile alitumia ili vitabu vya akaunti viwekwe sawa sawa. Kama ametumia pesa zaidi, basi ^{yafaa} jalipe tofauti kwa muda unaofaa na kama hawazidisha, basi arudishe zile zilizobakia.

Hatuwezi kufanya kazi vizuri ikiwa wale wanaofanya makosa hawachukuliwi hatua yoyote. Kule nje, maofisa wengine wa Serikali wanawaambia Wabunge "Siku hizi huko Bungeni ~~mez~~ mwaendelea kupiga kelele tu." Hapa hatupigi kelele. Tunazungumza mambo ~~ya~~ muhimu. Wanasema tunapiga kelele kwa sababu hata tukisema, hakuna hatua yoyote itakayochukuliwa. Je, itakosaje ^{kuitwa} ~~mez~~ kelele na watu?

Kwa mfano, mtu anapewa ardhi na baada ya siku fulani tunasikia kwamba Kshs.7 milioni zimepotea. Mtu anapewa kandarasi, mwaka huu, kwa mfano, ya Kshs.28 milioni na baada ya mwaka mmoja anaambiwa "Tumevunja kandarasi ile na tutakupatia Kshs.50 milioni."

Katika Ripoti hii kuna mambo juu ya Variation Orders. Nafikiri kwamba Serikali ilikataa mambo ya Variation Orders. Mtu anapopatiwa kandarasi, baada ya miezi miwili au mitatu, anaanze kusoma kwamba bei ya vitu imeongezeka kisha

MR. KILIKU (ctd):

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anaongewa pesa nyingine. Ninaishukuru Serikali kwa kuchukuwa hatua kama
hii. Mtu akipewa kandarasi ya kiasi cha pesa fulani, ^{pesa zitakuwa ni kizo kizo} ~~italawe viyo hivyo~~
^{nitawalaumu wanao simamia} mpaka kazi hiyo iishe. Kwa upande wangu/waleo ~~warasimamia~~ kazi hii.
Ikiwa mtu anepewa kandarasi ya kujenga barabara ~~ni~~ halafu wafanya kazi
wa Serikali waende huko na kusema "Hii ni sawa," hatutamlamu mwenye kandarasi
kama barabara hii itakuwa mbaya. Kutoka hapo, hati ya kumaliza kazi inatolewa
na mtu huyo analipwa, na baada ya muda fulani, barabara hiyo inaabirika.
Serikali inapoteza pesa kwa njia hii.

END...L

MR. KILIKU (Ctd.):

Hivyo ni kuonyesha kwamba hawa wanashirikiana au wanajuana wenyewe kwa ~~wake~~ wenyewe vile watakavyofanya ili wapate pesa - kila mtu apate 10 kwa mia ikiwa chai. Kama mambo haya ya chai hayaajamalizika hatutaweza kufaulu kuasilisha nchi yetu.

Nilisema hapo ~~na~~ awali kuwa ikiwa tutakuwa tukipewa pesa za Harambee ~~na~~ hawa wageni ili tuwape leseni ^{lii} haifai. Ni heri watupatie pesa za Harambee zinazofaa. Hakuna haja ya sisi tupewe pesa za Harambee nao wakiwa na nia ya ~~kuleta~~ ~~kuakikika~~ ~~kuakikika~~ kuleta vitu kutoka ng'ambo vyenye thamani ya shilingi milioni kadhaa. Hakuna baja ya watu walete vitu kutoka nchi za ng'ambo ambazo hazina manufaa. Ni lazima tuweke utajiri wa nchi kwenye mikono ya wazalendo. Bila usimamizi mzuri wa malifa ya nchi ukifanywa na sisi wenyewe, utaona hatutakuwa na nguvu ya kuzungumzia mambo ~~na~~ mengine kwa sababu mali ya nchi ndio kitu cha maana zaidi.

Siku hizi unawera kusikia kuwa katika hospitali fulani hakuna madawa au ukienda kwingine hakuna hiki wala kile na chali sisi hupitisha pesa za Serikali ~~na~~ kwa kila Wizara hapa. N Jambo hili la ~~kuifanya~~ ^{Kuliahirisha} ~~kuhairisha~~ Bunge baada ya siku chache ni mbaya sana. Juzi nilikuwa nangojea tuzungumzie juu ya pesa zitakazopewa Wizara ya Habari na Utangazaji kwa sababu hatujawahi kuizungumzia tangu nije hapa mwaka wa 1983. Tumezungumzia juu ya Ofisi ya Rais, Wizara ya Elimu, Wizara ya Afya, Wizara ya Kilimo na Wizara ya Nishati. Sijui kama kuna Wizara nyingine tumezungumzia; ~~ziki~~ ^{Wizara nyingine} pesa za ~~Wizara mengine~~ zimepitishwa hivi tu - vile sisi huita Guillotine. Pesa zile hupitishwa hivyo kwa Wizara fulani huwa ni kwa sababu Wizara hiyo ina madhambi. Hatukupata nafasi ya kuzungumzia juu ya Wizara zote. Hii inasababishwa na ~~kwa~~ ^{Kualunshwa kwa} ~~kuifanya~~ ~~kuhairisha~~ Bunge mara kwa mara.

MR. KILIKU (Ctd.):

Bw. Naibu Spika wa Muda, baada Bunge hili kufunguliwa mwezi wa tatu ~~talilishairisha~~ ^{tulikuirisha} kwa muda wa wiki tisa. Wakati ule tulipokuwa likizoni ~~h~~ tungokuwa hapa tukizungumzia juu ya ~~ya~~ ^{Wizara} ~~Mawazara~~ tofauti tofauti. Tumeleza ubaya wa kila Wizara lakini nyingi zimepitishiwa pesa bila kuzizungumzia mpaka mwaka mwingine wa kifedha. Tusipopata nafasi ya kuzungumza juu ya ~~W~~ Wizara fulani maofisa wa Wizara kama hiyo hufanya wapendavyo eti kwa sababu ya haraka.

Wananchi ~~wa~~ wametuchagua kuja katika Bunge hili ili tufanye kazi hapa. Matatizo kama haya huletwa na ~~kuchukua~~ ^{kulialirisha} ~~kulilishairisha~~ Bunge kila mara. Hasa ~~kama~~ tungezungumzia juu ya Wizara ya Habari na Utangazaji ili tujue vile wanafanya huko. Wapigaji wa picha hutembea kwa miguu bila kupewa ulinzi ufaavyo na hali wamebeba makamera wakitoka kwa mkutano fulani. Lazima tupewe nafasi kama hiyo.

Pesa za Serikali zikitumika vibaya hivyo, ni lazima Waziri wa Fedha atueleze ni hatua gani amechukua ~~kutoka~~ ^{tangu} ripoti kama hii ianze kuletwa hapa. Ni kumaanisha maofisa kama hawa wameambiwa hakuna taabu? Mnasema watu wengine huko nje si ~~wa~~ ^{ambao inasemekana katika} wafuasi wa Nyayo lakini watu wasiofuata Nyayo ni hawa ~~hapa katika~~ ^{Waisaidizi} ripoti hii wanaotumia pesa vibaya. Ni lazima Mawaziri na ~~Naibu~~ wao waisaidie Serikali kwa sababu wameteuliwa ili wafanye kazi kama ya kuwaambia makatibu wa kudumu waangalie pesa za umma vizuri. ~~Katane haja~~ ^{hakuna haja hata} kama kuna jambo linaloweza kutekelezwa kwa kupiga simu, mtu akimbie aende pahali kama Mombasa. Mtu kama huyo huenda kwa safari hiyo ili apate ~~pesa~~ malipo ya safari. Jambo ambalo mtu anaweza kumtuma mdogo wake, yeye mwenyewe ndiye anaenda ~~ng'ambo~~ ng'ambo.

Wanasiasa wanatembea kila siku. Ukisikia kuna michezo ng'ambo kama ya Olympic unaenda huko; ukisikia kuna mkutano pahali

MR. KILIKU (Ctd.):

fulani unaenda huko. Ni kwa nini meneja mkrugenzi hawezi kuenda kuangalia mambo ambayo yanaweza kuangaliwa na mhe. Mbunge?

~~Kitu ambacho~~ ^{Ikiwa} unaweza kuituma telex fanya hivyo ili tuokoe pesa za Serikali. Meneja kama huyo akienda na timu yake hutumia pesa nyingi za Serikali.

Controller and Auditor-General amefanya kazi nyingi ya kuangalia kila kitu. Hatuwezi kuwaamini wageni. Tulin^awamini Joginda Singh na akahepa na pesa zetu; tukamwamini Mzungu mwingine hapa aliyesema analeta muziki katika Michezo ya Nne ya Afrika naye pia akakimbia na pesa zetu na tukimwamini ndugu wetu Mwafrica, naye pia anakula zile pesa. Mungu ndiye atatusaidia kwa sababu ^{sijui} tutafanya nini. Ikiwa tutaendelea hivyo itakuwa mtu yeyote ~~akia~~ akiajiriwa katika Wizara yoyote atazitumia pesa ovyo ovyo kwa sababu hakuna hatua huchukuliwa. Uchumi wetu nao hautaongezeka.

Kila siku, Mtukufu Rais anasema ni heri tuipende nchi yetu ~~ku~~ kwa kuifanya kazi yetu vizuri au kuwa wazalendo. Kuwa mzalendo ni kufanya kazi ambayo unepewa vizuri na utoe ripoti njema na sio kujitajirisha na pesa ambazo zimewekwa mikononi mwako na ~~ku~~ Serikali. Utajiri wa nchi sio utajiri wa mtu ~~mbao~~ mmoja pekee bali ni utajiri unatakikana uwe ~~ku~~ kwa kila mtu.

Naona haya kuona kuwa katika ripoti hii, Mbunge hili limetajwa. Sio kwamba pesa zimeibiwa lakini ~~makamukamu~~ imprests zimechukuliwa na hazirudishwi mara moja. Ni vibaya sana kufanya hivyo sisi kama waheshimiwa wa Bunge. Ni lazima tuonyeshe mfano mzuri na Bunge isitajwe katika ripoti kama hii - kwamba kunazo dishonoured cheques na imprests ambazo hazijarudishwa. Tukitoa mfano mzuri tutaweza kuzungumza kwa nguvu juu ya wengine.

Kama mtu amefanya makosa ~~ni~~ ni vigumu kwake kumwambia mwingine kuwa amekosa. Utasema nini kama wewe mwenyewe unadaiwa pia?

M.A. 4. 9. 11. 88

MR. KILIKU (Ctd.):

Kenya ni finchi inayoendelea na uchumi wake hutokana na wakulima. Wakulima ndio hukuza chakula na ni vibaya watu kama hao kusikia pesa kiasi kama hiki hapa kimeliwa na watu na hali kuna wengine wao hawajalipwa mazao waliouza. Tutakuwa tukiwavunja moyo. Kuna watu wengine ambao husema vitu fulani ni vya Serikali na ~~wanazitumia~~ ^{watahitumia} ovyo ovyo. Serikali ni sisi wenyewe na pesa za Serikali ni za umma.

Juzi nilienda kule Mombasa na ~~mikiwa vijijini~~ nikaona abulensi ya Wizara ya Afya katika Moi International Airport imewabeba watu wengi. Nilijiuliza: "Inawezekanaje watu hao wote wawe wagonjwa kwa siku moja?"

end M.A.
AG

MR. KILIKU (Ctd.):

Kumbe lile gari la kuwabeba wagonja lilikuwa likiwasafirisha wafanyakazi hadi nyumbani! Hii ni kwa sababu kuna gari la kuwasafirisha wafanyakazi nyumbani, lakini lilikuwa limeharibika ~~na hata kutengenezwa~~. Ukienda katika makao makuu ya Wizara ya Kilimo, utayaona magari ^{ambayo} yamejaa kila pahali na tangu wakati ^{nilipoyona} yale magari pale, sasa ni muda wa miaka mitano. Haya magari yameharibika na hata wakati huu, hayajatolewa kutoka pale. Vile vile, ukifika katika makao makuu ya wilaya mbali mbali, utayaona magari ambayo yameharibika yakiwekwa kule. Mengine ya magari haya yameharibika kidogo tu, pengine huenda ikawa gari limeharibika clutch peke yake au pengine limekosa kitu kidogo tu. Magari haya ^{yanarudikiwa} yanarudikiwa kule na Serikali inaendelea kuyamunua magari mengine. Nafikiri wakati mwingine tungekataa kutoa pesa za kununua magari mpaka tuambiwe ni magari magapi ambayo hayawezi kurekebishwa na ni magapi yamerekebishwa. Nasema hivyo kwa sababu hakuna haja ya ^{kuyarundika} kuyarundika magari ovyo ovyo. Jambo hili linafanyika kwa sababu mwishowe magari hayo yanauzwa katika mnaḥda na utaona kwamba wakati magari haya yanauzwa katika mnaḥda wanayoyanunua huenda ^{kwawa} ni watu kutoka Wizara inayohusiana na magari haya. Utaona gari likiuzwa kwa Shs.5,000/- kwa mfano, na hii ndiyo sababu magari ambayo hayajaharibika sana yanarudikiwa kule maofisini.

Bw. Naibu Spika wa Muda, pengine Bunge hili lingewateua Wabunge kadhaa ili watembee katika Kenya nzima na kuyahesabu magari yote ambayo yameharibika na kujua ni wakati gani hayo magari yariharibika ili tuweze kujua magari hayo yameharibika namna gani ili yaweze kutengenezwa. Tusipofanya hivyo, basi, tutaendelea kuzungumza hapa Bungeni na kutoa pesa bure, lakini hakuna chochote ambacho kitafanyika juu ya jambo hili. Ni kweli kwamba wananchi wa Kenya wanaipenda nchi hii, lakini wanaopewa kazi ya kusimamia pesa za uma ndio wanatuangusha.

Bw. Naibu Spika wa Muda, sitaendelea kuzungumza kwa sababu najua Wabunge wengine ambao wameona vile mambo yalivyo wangetaka pia kuwa na nafasi ya kuzungumza. Kwa hivyo, - - -

DR. WAMEYO: Endelea, hawako!

MR. KILIKU: Bw. Naibu Spika, nasema hivyo kwa sababu hili ni

MR. KILIKU (Ctd.):

mbaya sana. Tumeambiwa kwamba pesa za Harambee zitakuwa zikikaguliwa na Mkaguzi wa pesa za Serikali. Tungetaka kuwe na ripoti kutoka ofisi ya mkuu wa wilaya baada ya kila wiki tatu ili tuweze kujua kama pesa ambazo zimepatikana baada ya mikutano ya Harambee kufanywa, zimepolekewa shule na kadhalika. Sisi kama Wabunge katika Bunge hili, tungetaka tuwe tukizipata ripoti hizo ili kujua vile pesa hizo zimetumiwa. Jambo hilo likifanyika, litatusaidia sana.

Bw. Naibu Spika wa Muda, ningetaka kuzungumza juu ya Central Tender Board. Nafikiri siku hizi wanasema eti si lazima yule aliyetaja bei ya chini, apatiwe ile kandarasi na eti mtu yeyote anaweza kuipata ile kandarasi. Ni lazima Central Tender Board ichunguliwe sana ili kujulikane jinsi inavyotoa kandarasi za aina mbali mbali. Nasema hivyo kwa sababu kuna watu katika Central Tender Board ambao ndio wanatua. Utaona kwamba gharama ya kandarasi moja inaweza kuwa Shs.2 milioni, lakini mwenye kuchukua kandarasi hiyo anapewa Shs.10 milioni. Kwa mfano, kazi ya Hospitali ya Mkokwe ilikuwa itaignarimu Serikali Shs.28 milioni, lakini Wizara iliambiwa kwamba kazi hii iligharimu Shs.50 milioni. Hii ndiyo sababu tuna shida ya ukosefu wa pesa kila wakati na kuendelea kukopa pesa kutoka nchi za kigeni. Lakini ajabu ni kwamba pesa zinazotumika huwa ni kidogo sana. Hata ninazishukuru nchi ambazo hutupatia pesa za miradi mbali mbali kwa sababu hazijachoka ^{Kutukopesha} pesa hizo. Ningewaomba wasichoke ^{Kutukopesha} pesa hizo. Nasema hivyo kwa sababu mara kwa mara kazi wanasikia vile tunavyotumia hizo pesa vibaya lakini ingawa hivyo, wanaendelea kutukopesha. Hata hivyo, tunajua kwamba ni lazima hizo pesa tuzirudishe pamoja na faida yake. Ikiwa hatutaweza kuipunguza mikopo kutoka nchi za kigeni, tutakuwa na shida kuzilipa pesa hizo. Tunajua kwamba pesa tunazopata hazitumiwi kama vile zinavyotakiwa.

Bw. Naibu Spika, katika m ule mpango wa Rural Access Road Programme, ni kwa nini wananchi hawawezi ^{Kupatiwa} kupatia ile kazi ya kuzitengeneza barabara ili waweze kulipwa pesa kidogo? Jambo hili litaweza kupunguza hali ya ukosefu wa kazi hapa nchini. Lakini Bw. Naibu Spika wa Muda, kuna shida kubwa katika jambo hili.

(Question proposed)-

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Karauri):

Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. The Public Accounts Committee, is a shining example of the democracy that we have in this country because it gives an opportunity to the Members of the Back-Bench who are elected to the Public Accounts Committee to probe Government. In fact, the Public Accounts Committee has its powers to summon anybody it wishes to summon to give them evidence on whatever matter they want to take evidence on. Sir, because of the powers given to this Committee, the hon. Members of this House should not in any way complain that strict measures are not taken to x punish the people involved in the embezzling money or in misappropriating Government funds. What we are doing now is trying to debate and adopt the x Report by the Public Accounts Committee and whatever recommendations - - -

QUORUM

DR. WAMEYO: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is a very important debate now going on regarding Government expenditure, but unfortunately, we have no quorum in the House for a second time in one hour.

THE TEMPORARY DEPUTY SPEAKER (Mr. Mwanzandi): Yes, there is no Quorum in the House. Will you ring the Division Bell.

(The Division Bell was rung)

THE TEMPORARY DEPUTY SPEAKER (Mr. Mwanzandi): We have a Quorum now, will you continue, Mr. Karauri.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Karauri): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I hope Dr. Wameyo is listening. If an hon. Member stands on a point of order to say that there is no quorum, and then after there is quorum in the House, he continues to talk without listening to what is being said, I do not see why he should have raised that point of order in the first place. Before I was interrupted by hon. Dr. Wameyo, I was saying that the Public Accounts Committee is a very powerful

Report has always been accepted by the Government.

N. 4.-----9.11.88.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Karauri)(Ctd.):

So, it is up to the Public Accounts Committee after listening to ~~its~~ the evidence given by the various Government officers whom it has the powers to summon, to recommend in the strongest manner possible and give positive direction_s as to what should be done in order to improve the situation.

I wish to congratulate the Public Accounts Committee for the time the_y take when other Members have gone on recess. They sit throughout listening to evidence being given by the Accounting Officers and making recommendations.

END N

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Karauri) (Ctd.):

We wish them well in reading the Controller and Auditor-General's Report and asking for evidence.

I would also wish to congratulate the Controller and Auditor-General for his untiring efforts in trying to point out where there may be mistakes. In fact, this is a positive criticism because it gives Parliament and everybody a chance to see where we have gone wrong. It also gives the Committee that has been appointed by this House a chance to say how those things that were wrong can be corrected.

I wish to comment on what some hon. Members have said about overdrawing of the Paymaster General's account and say that this is not really theft. Occasionally the Ministries exceed their ceilings of necessity and provided that this money has not been embezzled then it is extremely necessary to overdraw. The overdrawing of the Paymaster Generals' accounts should not be seen as thefts or embezzlement, ^{because} after all the Government has control as to how far the overdrawing can go.

Sir, the accounts of the public that appear in the Report of the Controller and Auditor-General are today almost up-to-date. To this, I must say thank you to the Controller and Auditor-General for keeping us up-to-date. In the past for some reasons, we used to discuss accounts of about seven years ago. The fact that we are discussing the 1984/85 report today does not mean that the Public Accounts Committee has ^{not} considered and recommended the 1985/86 report. In fact, I am informed that the Public Accounts Committee is hearing evidence of the 1986/87 Controller and Auditor-General's report. I think we are moving towards the right direction so that if there are people who have embezzled Government ^{funds} or if there are people who have ~~made~~ deliberately done mistakes, then they can be punished for those mistakes before they retire from the service or even before they go to heaven or hell. What is done to them can be a standard example to those who come after them.

The situation has improved quite a lot. This is because after ^{criticising} ~~criticizing~~ we must say ~~yes~~ the good things about these reports. That is before 1985, we did

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Karauri) (Ctd.):

not have the internal audit systems in our Ministries. Hon. Members will realize that a lot of things went wrong as far as imprests ^{were} ~~are~~ concerned, hon. Members and officers in the Government failing to surrender their imprests. Today, the internal auditors are ^{very} ~~so~~ strict ~~on this~~ in every Ministry. I can assure you that even the Ministers themselves cannot take an imprest until they have surrendered the previous imprest because the internal auditor will not approve an imprest while you still have another outstanding imprest. In the past, there used to be no internal auditors and so the situation was such that you could take an imprest of say shs. 30,000 and before you have surrendered that, ask for another imprest of about the same amount or even more or less. But today, this is not possible because of the internal audit system. What we would require is that this unit be given ~~the~~ respect by hon. Members ^{of} in Parliament and ~~every~~ by everybody in the Ministries while they are doing their job so that we ~~can~~ can have quite a good control of Government funds.

However, I would like to say that swift action should always be taken against those found having embezzled Government funds. They know that these funds are voted for projects and the people embezzling these funds are themselves paid a salary in order to see to it that these projects are implemented and I do not see why they should look for extra money by fraudulent means; money that is meant for the public.

I wish to end by saying that the Public Accounts Committee is an important Committee and whatever they do is also very important. It is upon them now to call for evidence from anybody. This is because they can call Ministers, the Head of the Civil Service ^{and} in fact, they can call anybody they wish to call for evidence. When they have heard that evidence, let them make concrete resolutions and recommendations for this House and the Government to go by.

With those few remarks, I beg to support.

MR. KONES: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this very important Motion. It is shocking to note that there is a lot of swindling of Government funds by very senior

MR. KONES (ctd.):

Government officers. In fact, it is so appalling and very worrying that ~~the~~ if the situation is given time to continue ^{it} will completely paralyse the Government. Every time here in Parliament Ministers always say that funds are not available but ~~the~~ funds are always available for swindling. This ~~s~~ is because when you look at this ^{report} report, you realize that there are colossal sums of money involved. The figures go as much as shs. 30,000, 200,000 or even shs. 1 million and you cannot believe it. There must be an immediate stop to this because we cannot continue. If we cannot stop this, what do you think is ~~gi~~ going to happen? If for example, in the Ministry of Health ~~the~~ documentary ~~re~~ records are not available and no action has been taken to bring these people to book, then where are we ending to? I think somebody should have been pinned down for this and seriously pinned down for this so that others could see and ~~the~~ learn a lesson from it. It appears like things just happen and nothing is done. The Public Accounts Committee has done a good job; ~~there~~ but their job was to prove that an irregularity had happened. They cannot institute a punishment there and then. They should have a machinery to institute that punishment. It is not enough just to find faults and just leave them there; somebody has to take it ~~on~~ over from where it is.

We have also received reports under the ~~Ministry~~ the Ministry of Water Development that pipes worth about shs. 1 million were missing while we ^{are} always crying for lack of water supply. Somebody has swindled a shs. 1 million worth water pipes and nothing has happened. Today, it is common knowledge that when you are a civil servant and you do not steal and get yourself rich within one year then you are an idiot. This is common knowledge ^{and it is} spoken everywhere. Some people just join the Civil Service to make themselves ~~rich~~ rich. When they are rich they resign, and contest a Parliamentary seat ^{to} go and protect his ill-gotten wealth. This is really appalling.

END 0...

MR. KONES (CTD.):

These people are known, but we just sit back and watch the game.

AN HON. MEMBER: Are they known? Are they with us here?

MR. KONES: They may or may not have won ~~an~~ a Parliamentary election, but it is not my duty today to name them. However, it ^{is} common knowledge that they are known.

It is also common knowledge today that the officers at toll stations are "minting" money, and yet nothing happens. It is so disturbing to know that you contributing Shs.5/= every time you pass through a toll station and the next day that money goes to somebody's pocket. It can as well stay in my pocket if it is not needed by the Government. I need it because I worked for it. Why should somebody take it from me unlawfully? When toll stations---

THE ASSISTANT MINISTER, OFFICE OF THE VICE-PRESIDENT AND MINISTRY OF HOME AFFAIRS AND NATIONAL HERITAGE (Mr. Lalampaa): On a point of order, Mr. Temporary Deputy Speaker, Sir. The non. Member for Bonet made a categorical statement to the effect that the officers manning toll station are "minting" money. Could he substantiate this claim by naming those officers who are doing this?

MR. KONES: If you happen to come from that Ministry, I give you the challenge to go and investigate the matter yourself.

Mr. Temporary Deputy Speaker, Sir, what I have said---

THE ASSISTANT MINISTER, OFFICE OF THE VICE-PRESIDENT AND MINISTRY OF HOME AFFAIRS AND NATIONAL HERITAGE (Mr. Lalampaa): On a point of order, Mr. Temporary Deputy Speaker, Sir. Are you satisfied with that comment? Is this not a serious allegation which the non. Member is required to either substantiate or withdraw?

THE TEMPORARY DEPUTY SPEAKER (Mr. Mwamzandi): ^{It is} You are satisfied, all right. If you are not, you may seek substantiation.

THE ASSISTANT MINISTER, OFFICE OF THE VICE-PRESIDENT AND
MINISTRY OF HOME AFFAIRS AND NATIONAL HERITAGE (Mr. Lalampaa): Let him
substantiate his remark.

MR. KONES: I am not in a position to substantiate this claim,
Mr. Temporary Deputy Speaker, Sir. I have just made a statement.

If the hon. Assistant Minister---

THE TEMPORARY DEPUTY SPEAKER (Mr. Mwamzandi): Mr. Kones, when
you allege something here, you substantiate it if you are required to do
so. If you cannot substantiate your claim, you should withdraw it.

MR. KONES: I am not in a position to withdraw this claim, Mr.
Temporary Deputy Speaker, Sir, because this is common practice which
continues to take place.

THE TEMPORARY DEPUTY SPEAKER (Mr. Mwamzandi): Mr. Kones, you
should either withdraw this remark or substantiate it. If you cannot do
that, I will, unfortunately, have to report the matter to Mr. Speaker,
which will be serious.

MR. KONES: ~~Mr.~~ Temporary Deputy Speaker, Sir, I will probably
withdraw the claim for the moment, but---

THE ASSISTANT MINISTER, OFFICE OF THE VICE-PRESIDENT AND
MINISTRY OF HOME AFFAIRS AND NATIONAL HERITAGE (Mr. Lalampaa): On a
point of order, Mr. Temporary Deputy Speaker, Sir. I think the hon.
Member is trying to violate the Standing Orders of this hon. House.
There is no condition to be attached to withdrawing a claim. You either
withdraw a claim or substantiate it. This is clearly stipulated in our
Standing Orders. So, the hon. Member cannot say that he is withdrawing
his claim for the time being. He should either substantiate or withdraw
it unconditionally.

MR. KONES: Mr. Temporary Deputy Speaker, Sir, for the sake of
continuity, I withdraw my claim.

MR. MAKAU: On a point of order, Mr. Temporary Deputy Speaker,

MR. MAKAU (CTD.):

Sir. The hon. Member has placed another condition here, saying he withdraws his claim for the sake of continuity.

THE TEMPORARY DEPUTY SPEAKER (Mr. Mwamzandi): It is all right. He meant to say, "For the sake of harmony---", which is very good.

MR. KONES: Mr. Temporary Deputy Speaker, Sir, thank you for saving me from this very cruel---

In continuation---

MR. MWENJE: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to refer to the Assistant Minister as being cruel? Could he withdraw that remark?

THE TEMPORARY DEPUTY SPEAKER (Mr. Mwamzandi): Mr. Kones, as you know, that word is unparliamentary language. Try to use a good language. The word "cruel" is unparliamentary.

MR. KONES: Do I withdraw the word or just go ahead. Well, you did not ask me to withdraw it.

In continuation, Mr. Temporary Deputy Speaker, Sir, it is also common knowledge today that a lot of road construction has been very poorly done. To substantiate this claim, so that I may not be asked to do it later, the road from Chesimende ⁿ to Kipkelion has hardly been completely tarmacked, but it has several potholes. In fact, the whole surface has almost been completely washed away. I do not believe that the Government could have just given out money for such sub-standard work. I believe that somebody somewhere must have colluded with the contractor involved. Sub-standard work has been done, money has been taken away and that is all. The public is going to suffer. It has been agreed that work on that road has been done, and it actually has been done, but the road surface cannot last another year.

This is a practical example of money that has been poorly utilised. If that money was used to tarmack a part of the road and the

MR. KONES (CTD.):

other part was left untarmacked, it would be better because we could see that something worthwhile has been done. What is the point, however, of tarmacking a whole road poorly this year and then it requires to be tarmacked ^{again} the next year? This is a situation that we cannot help. It seems to continue to occur.

In my constituency, there is a polytechnic whose construction has just been finished, but it has no floor although money has been taken away by the contractor. This contractor did not steal the money; he was given it in the form of a clean cheque signed by all the relevant officers. The gentleman concerned is making merry and spending that money very comfortably.

ALL HON. MEMBER: Is he doing this with the officer concerned?

MR. KONES: He may be doing it with or without them. I do not know this. Somehow, the money is being spent somewhere. What is going to happen in this case? We talk and talk about these matters everywhere, but, as my hon. friend said, some civil servants have ^{nick named} ~~named~~ us "noise-makers". They say that we just come and make a lot of noise, and yet nothing happens. They know that however much "noise" we make here, nothing will happen to them. Indeed, nothing happens to them. We just see things like this happen, and we come and ask parliamentary Questions, but what happens? You are given an answer, but nothing else happens. I would suggest that district development committee funds be taken to the divisional level so that the hon. Member of Parliament for the division concerned controls that money. That is the only way in which you can be sure that things happen in the right way. This situation in which you are just another sympathiser is pathetic. You cannot help, and yet these things continue to happen. People come to you and request you to ask parliamentary Questions and even then, what will such Questions do to you? What good will this do you?

MR. KONES (CTD.):

I think it is high time we took these things seriously. The other day white rhinoceros were killed and they died a 'peaceful' death. These trophies were never recovered nor have the culprits been caught. There are policemen and civil servants on the roads, but these trophies disappeared in thin air. I cannot believe it. Somebody must be involved. This is an inside job. The same thing has happened in respect of water pipes, generators, water pumps, x-ray machines, and so on, and yet nothing happens.

The Public Accounts Committee has done a wonderful job in reporting to this august House that these things are happening. It is time the Government came in and brought these people to ~~some~~ book.

End P



R. J. M. K.

MR. KONES (Contd.):

Somebody must be seriously charged and punished for it, and really penalised. There should be a complete overhaul. I do not think it is enough to have an officer who has just swindled money or pipes or whatever transferred. He is a dishonest person any time and any place. So, transferring him to other Ministries is not solving any problem. In fact, we are just making it worse. But it is a common practice today that people are just transferred when they are found guilty of some offence. I am sure transferring him is not the answer. Even sacking them is not the answer. I think jailing them and making them to repay the money is the answer. But it has become a common practice today that if you are found guilty of an offence you are just transferred elsewhere.

People have not been able to account and enumerate what they have taken a year ago. They cannot account for it today, and that is taken as "books are not balancing". When books are not balancing, there must be something wrong with them. Some money must be missing from the current account. You just cannot just say that books are not balancing just because you have not brought in some receipts. Where are you waiting for the receipts? Receipts are supposed to be given immediately after you spend the money, and you should take those receipts back to where you got the money. You do not have to keep a receipt for one week and send it after that and then you steal after that.

I think we must bring these things to a stop, and this House must be taken very seriously. So, when we discuss things here somebody must implement them. We cannot continue talking and talking, and nothing happens. We are being told that funds are not available in every account. For instance, a few months ago I was told that a Land-Rover (ambulance) was going to be taken to Bomet, but it has not been taken there up to now. The reason is that the funds are not available. How about the money which has been swindled? I know that these accounts have been making losses since 1984/85, but I am sure that the same practice is still on today. This is just a fraction of it. Take ^{other} ~~another~~ accounts ^{of} say, of 1986/87, 1987/88, and so on, the same thing will be reflected.

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

THE ASSISTANT MINISTER, OFFICE OF THE VICE-PRESIDENT AND MINISTRY OF HOME AFFAIRS AND NATIONAL HERITAGE (Mr. Lalampaa): Ahsante sana; Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii.

Hoja iliyoko mbele ya Bunge hili ni ya muhimu sana, na ningependa kuchukua nafasi hii kuipongeza Public Accounts Committee na pia Controller and Auditor-General kwa sababu walifanya kazi bora. Baada ya kusema hayo nataka kusema kwamba tutaendelea kuzungumza juu ya ripoti ya Public Accounts Committee mwaka baada ya mwaka ~~nyingine~~.

Kwanza kabisa, nataka kusema kwamba ripoti ambayo tunajadili kwa wakati huu sasa imechelewa sana kwa sababu ni ya 1984/85. Sasa tuko 1988, na bila shaka wale wametumia vibaya pesa za umma 1984/85, wengine labda wameaga dunia ^{ha} wengine labda wameacha kazi. Kwa hivyo, sasa tunafanya "post-mortem". Kwa hivyo nafikiri wakati unawadia kwamba ripoti itolewe wakati unaofaa. Public Accounts Committee imalize ripoti yao mara moja, na ipelekwe kwa Government Printer, na wao vile vile wapatie Public Accounts Committee ripoti nafasi ya kwanza ili kuiwezesha kujadiliwa wakati unaofaa. Wale ambao walihusika, kwa sababu ni rekodi ambayo inaonekana wazi, ni juu ya Hazina kuwachukulia hatua ifaayo. Najua kwamba ni juu ya Hazina kutekeleza ripoti au mapendekezo ya Public Accounts Committee kuchukua ile inayoitwa "disciplinary action", including surcharge. Pia haitoshi kuwalaumu hawa ambao wametumia vibaya pesa za umma. Wakati umefika ambapo yafaa hatua kali ichukuliwe juu yao kwa sababu ikiwa wanajua kwamba wakiharibu pesa za umma halafu waende tu, yaani wanahamishwa, au wanastaafishwa, basi hawatajuta. Iliyoko ni kwamba wale ambao watapatikana au ushahidi upatikane kwamba wametumia vibaya pesa za umma ni lazima waadhibiwe kulingana na sheria za nchi hii kwa sababu huu ni wizi. Lakini siyo kuadhibiwa peke yake ^{lakini wana wizi} kupelekwa hata mahakamani na vile vile mali zake kuuzwa ili kurudisha mali ^{ya} umma ambayo imeharibiwa. Hii ni kwa sababu hatuwezi kukubali watu binafsi watumie pesa za umma ovyo ovyo, and get away with it. Kwa hivyo, ni juu ya Hazina kuhakikisha kwamba mapendekezo ya Public Accounts Committee yanatekelezwa mara moja, na wale ambao wamehusika waadhibiwe vilivyo. La, kama siyo, basi watasema Wabunge watazungunza katika Bunge na watanyamaza, kama vile mhe. Mbunge wa Bomet alivyosema hapo mbeleni kwa sababu hakuna hatua yoyote inayochukuliwa.

THE ASSISTANT MINISTER, OFFICE OF THE VICE-PRESIDENT AND MINISTRY OF HOME
AFFAIRS AND NATIONAL HERITAGE (Mr. Lalampaa)(Contd.):

Sasa kuna haja gani, kwa mfano, kwa ofisa kutumia vibaya KSh. 1 au 2 milioni za umma halafu ile inayoitwa surcharge inaweza kuwa kama asilimia 10 ya msbahara wake. Sasa hiyo inamaanisha nini? Mtu hawezi kusikia chochote. Kwa hivyo, badala ya kuchukua asilimia 10 ya mshahara wake yafaa yeye kwānza apelekwe mahakamani na pili mali yake ipigwe mnada na kurudisha mali ya umma. Hata kama ni kuuza shamba lake ili kurudisha mali ya umma kwa sababu huu ni wizi na hatuwezi kamwe kukubali mali ya umma iharibiwe. Kwa hivyo, wakati umewadia hatua ^{10/2} ikichukuliwa kwa watu wawili au watatu basi itakuwa funzo nzuri kwa wale wengine watakaona. Lakini ikiwa tutajadili tu namna hii mambo hapa, ~~tunajadili~~, tunalazani hapa lakini bado watu wako katika Wizara zao na bado wanapata mishahara ^{hawatajua}. Kama mtu ametoka Wizara ya Afya ataenda kwa Wizara ya Uchukuzi na Mawasiliano na kadhalika. Basi tunawapatia nafasi za kwenda kuharibu zaidi mali ya umma kwa sababu anajua kwamba hakuna hatua itakayo- chukuliwa kwake. Lakini kuadhibiwa vikali ndio itakuwa funzo kwao ili mali ya umma kiwe gimesimamiwa barabara. Kwa hivyo, ile ambayo tunahitaji ifanyike ni kwamba ni lazima ripoti ya Public Accounts Committee iwe up to date, yaani iwe inajadiliwa wakati unaofaa, wakati watu bado hawajatoka kazini, wakati watu bado hawajaaga dunia, na kadhalika. Kwa hivyo, ni juu ya Controller and Auditor-General kuhakikisha kwamba wamefanya uchunguzi wao na vile vile kamati inaketi wakati unaofaa wa malipo na ilete ripoti yake Bungeni mara moja ili hatua inayofaa ichukuliwe. La, kama siyovy, basi tutaendelea kujadili post-mortem ya rekodi. Tunajadili ripoti ya 1984/85 sasa wakati ambapo imechelewa sana. Kwa hivyo, wale ambao wamekuwa wamestaafu wakati ule wameshapata penishen zao, na kama ripoti inaweza kujadiliwa wakati watu bado wanalali wanafanya kazi hata penisheni yao inaweza kuchukuliwa kwa sababu wameharibu pesa za umma.

Ahsante sana, Bw. Naibu Spika wa Muda, naunga mkono.

/The Temporary Deputy Speaker (Mr. Mwanzandi) left the Chair/

/The Temporary Deputy Speaker (Mrs. Ndeti) took the Chair/

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Cheruiyot):

Thank you Madam Temporary Deputy Speaker, for giving me the opportunity. First of all, I want to pay tribute to the Controller and Auditor-General and his officers for doing a fantastic job year after year in trying to show Parliament how the money which has been voted here has been spent. It is in the interest of this House to read and understand the Report of the Controller and Auditor-General because ^{from} ~~in~~ the same document, this House should be able to know whether the officers who have been entrusted with public funds - Accounting Officers and the others - have done a good job in ensuring that the money which has been voted and authorized by this august House has been well spent. But sad enough is the fact that, quite often, all the votes are never spent properly. I thank the Mover for highlighting and outlining how ~~w~~ the money was ~~been~~ spent during the 1984/85 Financial Year.

Madam Temporary Deputy Speaker, it is rather pathetic to realize that very senior officers in the Government, who have been entrusted with the accounting and administration of finances of our Ministries do not come out with satisfactory records. We have heard of stories of overspending in Ministries. We know that in a year like 1984, when there was drought, we could not help overspending our votes because that was a very unique year; we had to import food to survive and we had to go out to transport the same food as ^{relieve} ~~provide~~ supplies to the North-Eastern Province and in other parts which were hit hardest. But there are areas where we have no reasons to explain why there has been overspending. ~~Even~~ I want to quote, particularly the arc in which I ~~still~~ attribute overspending to the ~~same~~

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Cheruiyot)(ctd.):
 bureaucratic systems in Ministries like the Ministry of Finance.
 I am saying so particularly with regard to things we procure
 from overseas. For example, a Ministry may wish to import some
 equipment, whether for the medical field or for the education
 field or whatever field. As usual, after the procedure
 has been through the Ministerial Tender Board, and once
 the supplier has won the tender and has to import some of the
 equipment from an overseas country, the procedure has been that ---

MR. TUVA: On a point of order, Madam Temporary Deputy
 Speaker. It appears to me as if the Assistant Minister is trying
 to reply ^{on behalf of} ~~for~~ his Ministry, but ^{the} ~~the~~ competent people to
 do that appeared before the Public Accounts Committee. I do
 not see why he should not just discuss the Report instead of
 trying to defend the actions taken by his Ministry back in the
 1984/85 Financial Year.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndeti): Carry on
 Mr. Cheruiyot.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Cheruiyot):
 Thank you Madam Temporary Deputy Speaker. I was misunderstood.
 In fact, I am not defending any Ministry; I am actually showing
 why money gets to be overspent, and we thank the Public Accounts
 Committee for telling us how the money has been overspent
 or has been wrongly spent in some cases.

I was explaining how we procure equipment from suppliers
 overseas. Because the Treasury cannot give out ^{release} ~~release~~ letters ---
 I am saying so because I know of cases where some ~~equipment~~
 particular supplier ^{may win} ~~win~~ a tender to supply some equipment and
 the tender has been adjudicated by the Central Tender Board,
 but ~~it~~ when the equipment arrives in Kenya, it lies in Mombasa

R.3....9.11.88

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Cheruiyot)(ctd.):
for a long time because there is no budgetary allocation to
be able to clear the customs and excise to enable the
goods to come into the country. Ministries, quite often,
have been told to get the money ~~from~~ to pay for such exigencies.

MR. LIVENJE: On a point of order, Madam Temporary
Deputy Speaker. That is a serious allegation the Assistant
Minister has made. Can he name the company he is talking about?

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Cheruiyot):
That was an unnecessary disturbance. I know the company, I can
name it but I think it is not necessary.

MR. MAKAU: On a point of order, Madam Temporary
Deputy Speaker. I think there is a provision in the Standing
Orders to the effect that if an hon. Member contributing is
asked to substantiate an allegation he has made, he should do so.
There should be a ruling from the Chair. He should not just
ignore the point of order.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndeti): Mr. Makau,
I do not think Mr. Cheruiyot ignored the point of order, he
said he knew the company and he can name it.

Can you ~~you~~ go on, Mr. Cheruiyot.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Cheruiyot):
Madam Temporary Deputy Speaker, I was saying that when the
equipment comes a company may say that it wants to deliver the
equipment. This is because the contract has been that ~~the~~ a
company is required to deliver ^{goods} ~~the equipment~~ within a period
of three months and the supplier realizes that the three months'
period is elapsing because the goods cannot be released from
the Port of Mombasa because, maybe, the concerned Ministry has no
money to clear the goods. What I am saying is that money will ^{go}
to towards paying for the port charges, ~~demurrage~~ demurrage and all

R.4...9.11.88

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Cheruiyot)(ctd.):

sorts of charges for the goods because they have been delayed in Mombasa. So, what I am saying is that some of this money which is overspent is overspent because we do not plan and project very far. As soon as a tender is given, we should estimate the amount of ~~money~~ money which will go towards port charges and customs ~~and~~ and excise charges. So, it takes time for us to request the Treasury to waive the taxes or to give exemptions. Therefore, by the time the Treasury allows us to do so, a lot of money has been spent on port charges, demurrage and the rest.

——— So, the Public Accounts Committee is right in highlighting how money ~~is~~ is wasted whereas this should have been ~~a~~ foreseen.

The other ~~area~~ ^{about} area I would like to talk ~~on~~ is with regard to construction. Contractors, as soon as they have won a tender for a construction, come round and bring in variation orders later on. ^{Contractors go} ~~Variation orders~~ on saying "we had not anticipated that below the ~~site~~ site area there would be stones, and so we are going to spend much more money than we ~~was~~ bid". So, time and ~~again~~ again, you find that a contract which was ~~not~~ bid for so much ~~will~~ exceeds the ~~initial~~ initial amount. This is because of the tricks of the contractors. Sometimes — and I do not want to exaggerate — the contractors seem to have some knowledge of the people who ~~are~~ are administering the contracts. I say this because, normally, the contractors are told to visit the site and study the area before they bid for the contract. Much money is spent on ~~wildly~~ construction because contractors are very cunning; they use all sorts of tricks to draw a lot of Government money. We thank the Public Accounts Committee for drawing our attention to this other area. I think Ministries

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Cheruiyot)(ctd.):
 should be very strict and deny contractors any money above
 the n initial bid.

Madam Temporary Deputy Speaker, the same contractor
 will bid for a contract of 70 weeks ^{but,} ~~hard~~ because of some ~~it~~
 small delays, they ask for extention of time. Extension of
 time means more money being spent.. Some Ministries have been
 very ~~lenient~~ lenient in allowing contractors to extend contract
 periods. You might find that a contract period which should
 have been 70 or 100 weeks exceeds for another one or two months.
 That is ~~another~~ another area where I think a lot of ~~a~~ Government
 money goes. The Public Accounts Committee, in their Report,
 have said that ^{Ministries should} ~~Ministries should~~ be very strict. Ministries
 have got to get proper inspectors, proper architects - proper
 professionals who can supervise contracts and account ^{for} ~~finances~~
 on time.

Madam Temporary Deputy Speaker, I want to pay tribute
 to the Teachers Service Commission. His Excellency the President
 was so concerned about the amount of money that the Teachers
 Service Commission spends on housing allowances. There have
 been a lot of malicious or dirty tricks on the part of the
 teachers, where a teacher might fill in housing allowance
 forms claiming that he ~~stays~~ stays in a house for which he pays
 Sh.600 hundred/ and, after filling in the forms and the Teachers
 Service Commission pays him the Sh.600 per month, he moves out
 of the house and ^{goes} ~~to~~ to live in his own house and ~~st~~ continues
 to draw house allowance. As a result of this, the Teachers
 Service Commission has incurred a lot ^{losses} ~~of~~ of money through this
 dubious method of drawing house allowance.

R.6...9.11.88

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Cheruiyot)(ctd.):

I want to thank the Teachers Service Commission because, right now, they are very busy chasing the teachers - particularly those who have houses of their own and draw owner-occupied ~~owner-occupied~~ house allowance. Some of those teachers are drawing more house allowance than they are entitled to.

END

R/John

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Cheruiyot) ctd:

As a result, officers of Teachers Service Commission have actually visited the schools and are in fact ~~asking various questions~~ investigating this issue. So, they are recovering so much money which has been spent. This is a very good area because a lot of money had ~~been~~ been wasted and they are now recovering it. We will continue to be very strict and by so doing, a lot of money will be saved.

With those few remarks, I beg to support.

MR. MAKAU: Thank you very much Madam Temporary Deputy Speaker, for giving me this opportunity to contribute on this Report which is before the House. First of all, I would like to say that Kenya is one of the few countries in Africa which come up with a report showing how Government money has been spent and state clearly that the officers have misused their positions as far as the spending of this money is concerned. At the same time, as one looks through the Report, the Controller and Auditor-General and Members of the Public Accounts Committee complained that various Ministries brought their accounts late, but then we are debating this Report which is for the year 1984/85. When a report is as late as the one that we are debating ^{on}, we seem to have been given something to keep us busy because most of the ~~people~~ culprits, that is the people who were involved in these anomalies are no longer in ~~employment~~ employment. I have looked through the section dealing with the National Assembly, there were some Members of Parliament who had been advanced some money or they had ~~given~~ drawn cheques which boughed and most of those people never made it back to this House. So recovering that money is ~~extremely~~ almost impossible. ~~However~~

Madam Temporary Deputy Speaker, there are a few things that I would like to talk about. ~~This is where~~ After looking through the Report, it is embarrassing to note that the Ministry that has a lot of irregular payments, a lot of corruption and a lot of money that has been paid to the wrong people is that Ministry that should be ~~leading others~~ telling other Ministries how to control finances. That is the Ministry of Finance. When I read through the Report it is the Ministry of Finance that comes out clearly that ~~is~~ that is where a lot of corruption or misuse of Government funds is noticed.

MR. MAKAU (c'd):

Something of importance here is when you look into areas which are very important. These areas are like bonded warehouses. When you look into the Report, and I mentioned this issue earlier on, when we were debating on manufacturing ~~and~~ ^{under} bonds, you will find that people have guaranteed for those who have bonded warehouses. ~~and~~ In this country—

MR. WASIKE-NDOLBI: On a point of order, Madam Temporary Deputy Speaker. If I heard hon. Makau right, he is referring to the Ministry of Finance. He said that there is a lot of corruption in that Ministry. ~~T~~ This is a Government Ministry and hon. Makau should substantiate that allegation. The word ~~corruption~~ "corruption" in a ~~g~~ Government Ministry is a very strong word.

MR. MAKAU: I said that I read this in the Report, which says very clearly that there is corruption. You do not have to substantiate words that appear in the Report. I said that because of corrupt practices, this country lost Shs.31 million from a guarantor that had guaranteed the person who had that warehouse. The Report says because of interest accruing thereon, the total has gone up to Shs.42 million. Those are corrupt practices. What other word do you use apart from ~~corrupt~~ "corrupt officials colluding with the owners of bonded warehouses". If they are not ~~corrupt~~ asking the person who guaranteed to pay, then what do you call it. What other English word do you ~~z~~ use?

AN HON. MEMBER: Lazy, laxity!

MR. MAKAU: Okay, corrupt practices, laxity and the like. What I am saying Madam ~~is~~ ^{is} Temporary Deputy Speaker, is that ⁱⁿ this area, it is said very clearly that the guarantor is known. So, one wonders, since 1984/85—

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. Kitele): On a point of order, Madam Temporary Deputy Speaker. To put records straight, I would like to thank hon. Makau for agreeing that the right word to be used is not corrupt but "lazy" or ~~is~~ "laxity", because he used the word corruption in the Ministry of Finance. At least he has said it is ~~is~~ "laxity" or "lazy". Can that be recorded ~~is~~ because he understands the proper word now?

MR. MAKAU: Madam Temporary Deputy Speaker, the Minister should not put words in my mouth. I did not say ~~laziness~~ ^{but some hon. members} they said it, ~~from there~~, but I said because that guarantor is known, and it is stated in the Report, up to date he has not paid the Shs. 31 million. ~~When we talk of it~~ ^{and} it has been said time and again that there are corrupt officers in the Customs Department, it has been said from high authorities, that we have corrupt officers and those corrupt officers have made this country lose a lot of money. So, when I say corrupt officers in the Ministry of Finance—

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Cheruiyot): On a point of order, Madam Temporary Deputy Speaker. Is it in order for hon. Makau to use a very strong language and actually insist on saying ~~that~~ ⁱⁿ that the Ministry of Finance there is a lot of corruption? To say that there is corruption is so bad ~~that~~ that if it goes to HANSARD it is going to reflect badly now and in many years to come.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndeti): I will ask hon. Makau to substantiate the word corruption, because I think it is ~~un~~ Unparliamentary until it is substantiated.

MR. MAKAU: Madam Temporary Deputy Speaker, following the Standing Orders, when we talk about corrupt officials here in Parliament, we are elected to come to this House to make sure that public funds, that is why this Report is there—

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndeti): I have made a ruling that the word corrupt is Unparliamentary until you can substantiate the word in the House. You ~~or~~ either substantiate or withdraw the word.

MR. MAKAU: Madam Temporary Deputy Speaker, I had said that corrupt practices might ~~be~~ have been used, whether ~~is~~ it is laziness—

MR. KINYANJUI: On a point of order, Madam Temporary Deputy Speaker. Hon. Makau is answering you even before you sit down. ~~Extraneous~~ Why is that so, [?] he was on his feet even before you sat down. Is that in order!

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): Mr. Kinyanjui, I noted that kind of behaviour and I will like to advise hon. Makau not to be in a fighting mood, he is supposed to contribute to the Report. ~~Okay~~ Carry on Mr. Makau.

MR. MAKAU: Thank you very much Madam Temporary Deputy Speaker. That laxity in the Ministry in the ~~tax~~ collection of money is not proper. Here ~~tax~~ Government lost Shs. 31 million and some officers are ^{just} lying around ~~with somebody~~. That is the laxity we are saying ~~that~~ should not be left to ~~continue~~ continue.

THE MINISTER FOR TECHNICAL TRAINING AND APPLIED ~~TECH~~ TECHNOLOGY (Prof. Ongari): On a point of order, Madam Temporary Deputy Speaker. I think it only ^{fair} that the hon. Member should ~~withdraw~~ respond to the Chair's request to withdraw the word "corrupt". We have checked these figures here and it is not there.

MR. MAKAU: Okay, ^I will not use ~~taxing~~ the word "laxity". I will withdraw the word—

THE ~~Temp~~ TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): ~~an~~ Order! I ~~am~~ am requesting the hon. Member to officially withdraw the word "corrupt" and continue with the debate.

MR. MAKAU: ~~It~~ Okay, Madam Temporary Deputy Speaker, I withdraw the word "corrupt" and maintain the word "laxity". ~~Madam~~ The front Bench and the ~~Back~~ Back Bench should be concerned that public funds are being misused. That is why this ~~Report~~ Report is brought here. When Government does not collect what it is supposed to collect, then development in this country is hampered and when we ask that ^{projects} they be implemented, we are told ~~that~~ that there is no money and that they will be implemented when ~~tax~~ money is made available. If money is not collected, then money is not available for development.

Madam Temporary ~~Spez~~ Deputy Speaker, the ~~at~~ other point that I would like to raise here is that question of Government ~~in~~ investments. ~~for~~ ~~which~~. ~~One~~ One embarrassing revelation that the Report brings out is that the Government invested Shs. 16 million in various companies ^{and} after four years the Government was not issued with share certificates. If one buys shares in a company, he should be give a share certificate to show that he or she owns property in that company. It is shown very clearly in the Report that ~~a~~ various companies had not issued share certificates.

MR. X MAKAU (CTD):

Another surprising ~~thing~~ thing is that these companies never paid dividends to Government. Out of those companies, some of them have been liquidated, ~~the~~ companies that have been called upon to guarantee loans are among those which exist but never paid dividends.

END S.....

A large, loopy handwritten signature or scribble in black ink, starting from the right side and looping back to the left, partially overlapping the text 'END S.....'.

MR. MAKAU (CTD):

Madam Temporary Speaker, when we talk about these things we are asking for efficiency in the Government, especially in the Ministry of Finance. This is why I started by saying ^{that} this Ministry should be ^{the} pace-setter to the other Ministries on how to control public funds. So, when Government money — and when we talk about the Government we are talking about wananchi — to the tune of Shs. 16 million is invested for four years without share certificates being issued — If the company in which the investment is held goes under, — as was ~~in~~ the case with Kenya Furfural Company and Kenren, nobody will be able to prove that the Government had invested in the company for four years without the share certificates. These are some of the things which I feel the Ministry should look into.

There are some things which are a ^{little} bit embarrassing. The Government ~~invested~~ ^{invested} wananchi's money in 26 companies. These companies never paid ^{dividends} ~~dividends~~ amounting to Shs. 1.8 billion to the Government; worse still, many of them have gone under. We were asked to revive some of them here like the Kenya Furfural Company and so on. The Government continues to guarantee more ^{loans} to these companies, but one question that we should ask ourselves — and this is very important — is whether by so doing the Government has increased its equity participation in those companies, or whether it is ^{just} writing off losses for them. That is what we should ask ourselves when we are doing these things. It is not bad to guarantee loans to such companies, but we are saying that all the profits accruing from these companies should be paid to the Government so that we continue developing. In the ~~the~~ Report we have £91 million which when multiplied by Shs. 20 becomes Shs. 1.8 billion. This is equivalent to the Shs. 1.7 billion which we get from the export of horticultural produce. So, we are asking the Ministry of Finance to look into these things.

MR. MAKAU (CTD):

Madam Temporary Deputy Speaker, when ^{we} look at bonded warehouses, apart from the one which was owned by Benham & Holdings and which also did not pay Government dues, most of them are owned by non-indigenous people. So, when we come to a stage where we are losing money in terms of millions of shillings, then we should ask ourselves what is preventing recovery of that money. Some of the African countries are facing problems because they do not collect taxes and their other dues. If we leave uncollected millions of shillings ^{then} we are to find ourselves in a situation similar to the one the Mombasa Municipal Council found itself ^{recently} when ~~it~~ it could not pay salaries until it went collecting its dues. Therefore, we should strengthen the collection of Government taxes, otherwise we will have people who have not paid Government dues and to whom nothing has been done.

The other thing which I find in the Report and which is rather disturbing concerns that commission of inquiry on that person who used to consider himself a very powerful politician ^{in this country,} but who was shown to have had other ambitions. This Report shows some irregular payments which were authorised by the Attorney-General. We know that the people concerned did a good job and that it was necessary to give them a handshake. However, the amount they were paid is ^{on} ~~in~~ the upper side. If somebody earned a total of Shs1.1 million, then we gave a "golden handshake". Although the ordinary mwananchi was very happy because this person would have brought a lot of instability in this country, we paid a little bit excessively, especially considering that the amount authorised for payment by the Director of Personnel Management was exceeded by the payments authorised by the of the Attorney-General. So, we should ~~not~~ avoid exploiting ourselves while thanking other people. From what the Report says, some of the people who got that ~~an~~ excessive and irregular handshake did an extremely good job. However,

MR. MAKAU (CTD):

in future we would like to see Government ^{money} being spend with more care.

Madam Temporary Deputy Speaker, we also have this export compensation of Shs.3 million that was paid to people who pretended that they had exported goods from this country. What is very interesting is why it is stated that the payment of the export compensation was wrong while there is ^a clause that says that upto to that time it was not easy to interpret the law and ^{know} whether those people should have been paid compensiton or not. If you look critically into where bonded warehouses did not pay Government dues you ~~x~~will see that there has been laxity. Now we should ^{look} at this Report to see where ~~x~~things had been done very badly. The Ministry of Finance ^{should} ensure - because ^{we} have already move into another stage where we are going to ask people like those manufacturing under bond which calls for keeping of a register and so on - that there ^{are no} repetitions. I would like to urge the Minister for Fiance - since this Report has been printed - to come up in the course of time and tell us whether those people paid that money.

As a lot of irregularities have also been highlighted under the Ministry of Health, I would like to urge that when the Government finds that public funds have been misused, as it is the case here in the award of tenders in the Ministry of Health, it should indentify and blacklist the companies that cheat, or try to defraud it.

END T

MR. MAKAU (ctd.):

There is one pharmaceutical company that was recently awarded a tender to supply drugs. I would like to congratulate His Excellency the Vice-President and Minister for Home Affairs and National Heritage for announcing that the Government is going to take over the purchasing of these drugs. In the past, the Government has been ^{losing} ~~losing~~ funds through the tendering system.

Madam Temporary Deputy Speaker, as a final remark on this Report, I would like to urge all hon. Members to show concern about the misuse of funds. If one was to look at the funds that have been misappropriated or used badly, one would get the wrong impression that Kenya is a very rich country. If these things were happening in ~~in~~ other African countries, these countries would have gone bankrupt. If you look at the Report you will realise that there is a lot of money that has been squandered. For example, in the case of the National Assembly, there is a sum of shs.116,000/ still pending. This is a shameful thing which should not be allowed to happen again. Now shs.116,000/= was never collected because it was given to hon. Members as advances. This is a bad show as far as this august House is concerned. Such an action should not make those who were not there during that time suffer. I think the strict telephone ^{control} in the National Assembly seems to have come as a ~~an~~ result of this Report. I think officers in the Government should show some responsibility when they are carrying out their duties.

In the section that deals with the Ministry of Local Government, it is shown that the recovery ^{of loans} ~~that~~ had been ^{given} ~~to~~ this Minister which later on gave them to the local governments, the collection of these loans have been ~~by~~ very slow. This is where we need to be very strict. The other time I gave an example where the Machakos Municipal Council was given a loan of shs.4 million to construct a bus ^{park} ~~station~~. Instead it was ^{constructed} ~~constructed~~ in Mjini where no vehicles ^{could} use it.

MR. MAKAU (ctd.):

The residents of machakos are now paying for this loan although they do not use this bus station. These bus station is being used by hawkers and other people. So, the loans that are given to these local ^{authorities} ~~governments~~ need to be checked to see that they ^{are} put in use ~~use~~ where they give services to the residents.

Madam Temporary Speaker, the things that we are saying here prove that Kenya a very good democratic country. This is ^a very fortunate thing. There are very few countries in the developing world ^{where people} will ever question the over-expenditure by either politicians or top civil servants without repercussions. As a result of the democracy that we have in this country we can sit here - both the Back-benchers and ~~na~~ Back-benchers and say that this and that was done and it is not good. ~~So~~ this ~~is~~ shows that we have democracy in this country. We can even question Ministers and top civil servants ^{about} ~~on~~ their actions. For example, at the moment we are ^{questioning} ~~question~~ the authority of the Attorney-General in authorising these expenditures. There are very few countries where such a thing can be done. So, to repeat, this is a testimony of the democracy that we have in this country - that we can sit down and ~~na~~ question these things and still get away with it.

END U.....

MR. MAKAU (ctd):

Madam Temporary Deputy Speaker, for instance, we may know that So and So was a Permanent Secretary in a certain Ministry where so much money was over-spent. When we meet such a person, we find him driving a big car when we know very well that he, probably, could not have ^{afforded} it through his salary.

We are in a country where free enterprise is encouraged and this is a show of democracy. I do not see the reason why this Report should be delayed so much before it is Tabled here. There is nothing special in printing a Report that has already been ~~done~~ ^{drafted} by the Public Accounts Committee. This Report should be brought on time so that, say, a powerful politician who was involved in the misappropriation of public funds, can be questioned before he falls or ~~he is~~ ^{he is} rejected by his people. This will show them that we are concerned.

Finally, I would like to congratulate the hon. Members of the Public ~~Members~~ Accounts Committee for the work they did. This shows that we, in this country, are concerned about public funds. What we now need to do is to strengthen the control of public funds so that ~~we do not~~, in future, we do not come here to talk about how money has been misappropriated. I beg to support.

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS AND NATIONAL HERITAGE

(Dr. Karanja): On a point of order, Madam Temporary Deputy Speaker. I hate to interrupt the business of the House, but I would like to make a statement.

I would like to refer to newspaper reports attributed to some hon. Members during yesterday's huge demonstration in Mombasa. The leaders called on His Excellency the President and I quote - to "Screen Cabinet Ministers and top civil servants."

While I congratulate them and others throughout the country for their demonstrations ⁱⁿ affirming their loyalty to His Excellency the President and their condemnation of criminal fugitives who are maligning their motherland from the ^{safety} ~~hazard~~ of foreign countries, I wish to point out that blanket references which ^{to} tend/cast aspersions on the loyalty and integrity of Cabinet Ministers and civil

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS AND NATIONAL HERITAGE (cta):

servants are unfortunate and unnecessary.

MR. K'OMBUDO: On a point of order, Madam Temporary Deputy Speaker.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Mdeti): The Vice-President and Minister for Home Affairs and National Heritage is on a point of order. Let him finish then you can say what you want to say, Mr. K'ombudo.

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS AND NATIONAL HERITAGE (Dr. Karanja): Madam Temporary Deputy Speaker, I would like to appeal to all Kenyans, particularly hon. Members and Kamu officials, when addressing public rallies, to use words that are not likely to be misunderstood or misconstrued.

I wish to take this opportunity also, to remind Ministers of the doctrine of collective responsibility in dealing with all matters pertaining to Government policies and statements.

Thank you.

(Applause)

End
D/ Jmb

MR. WASIKE-NDOMBI: On a point of order, Madam Temporary Deputy Speaker. In view of the gravity of the issue that His Excellency the Vice-President has raised in this House, can this House debate on that Ministerial Statement? All of us are struggling ~~in this country~~ to bring unity in this country yet one person stands up to say that ~~a~~ Ministers should be screened. Those Ministers are appointed by the President and by saying so, he means that it is the President himself who should be screened. Can we debate that statement under Standing Order No. 20?

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): I would request the hon. Member to raise that issue tomorrow during the time for Points of Order. Carry on Mr. Ayah.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Karauri): On a point of order, Madam Temporary Deputy Speaker. Is it in order for the hon. Member who knows very well that we do not debate ~~statements~~ Ministerial Statements? *to raise such a point of order* Is he not first of all out of order to request that?

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): Hon. Wasike-
Ndombi, I think that is out of order but you may ~~but~~ discuss it with Mr. Speaker himself.

MR. WASIKE-NDOMBI: On a point of order, Madam Temporary Deputy Speaker. I am saying that the matter ~~is~~ which has been ~~and touches on the integrity of the nation~~ raised by His Excellency the Vice-President is very grave and touches on the integrity of the nation. I am quite in order to raise that.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): Mr. Wasike-
Ndombi, I have already made a ruling on that. Raise the matter with Mr. Speaker tomorrow and see whether he can accept a debate on the issue.

THE MINISTER FOR WATER DEVELOPMENT (Mr. Ayah): Thank you, Madam Temporary Deputy Speaker. I said that I was going to make very general remarks.

The first one, I would like to refer to what the hon. Member for Mbooni said in his speech that the report is late and should have been brought to the House in time. In our Parliamentary system - in my opinion - there are two important ^{days} ~~debates~~ ^{dates} as far as the financial control is concerned. There is first ^{one} ~~the~~ ^{in the} ~~time when we~~ ^{time when we} ~~debate on the Budget~~ ^{debate on the Budget} and I submit that the second ^{day} ~~debate~~ that is important to this House is ~~when~~ when we debate the Report of the Public Accounts Committee. That is the time we are told and we debate on how public servants or the accounting officers have used the money that this House had voted. Unfortunately, I cannot say that the accounting officers or the ~~not~~ civil servants are wholly to blame although some of the mistakes that have been made by the accounting officers and the people working under them are extremely serious and are contained in the Report. But this House must take its due share of responsibility to this nation ~~for~~ of debating the Report of the Public Accounts Committee.

You will notice that in this Report and other previous reports, it has been recommended - and this House passed it - that the Public Accounts Committee should have the Report of the Controller and Auditor-General by the 31st March of the year following the financial year to be debated. This has been deliberated by the Public Accounts Committee; it has been recommended to this House and the House has passed it. The ~~House~~ Committee recommended that the Chairman of the Public Accounts Committee should submit ^{that Report} to this House by 31st October of the year of the debate.

END

THE MINISTER FOR WATER DEVELOPMENT (Ctd.):

Now, the Controller and Auditor-General is doing exactly that. However, the House itself is not taking the matter seriously enough to be able to submit the Report ^{for} ~~by~~/debate by 31st October. I do not think the hon. Member is fair, either to the Accounting Officer or to the nation in general in saying that the Report has been late as if the lateness of this Report has been brought about by some third-party. The lateness of the Public Accounts Report has been brought about by this very House. So, before we blame anybody else, let us take a good look at ourselves in this House to see how serious we are. I am saying this because the basis of the Report, Madam Temporary Deputy Speaker, is on the Exchequer and Audit Act, which establishes the system where the Permanent Secretary, Treasury, appoints Accounting Officers as a result of which they report to the Public Accounts Committee which debates these things. If we as a House, do not then follow up the matter, when Members of the Public Accounts Committee have spent so much time in compiling the Report and then submitting it to ~~xxxx~~ this House, then we will continue to lament the fact that we are debating history and to face a situation where people are complaining why we are making so much noise, when, in fact the ^{Culprits} ~~culprits~~ have already left the Public Service.

Therefore, Madam Temporary Deputy Speaker, Sir, I would like to suggest that the Sessional Committee should endeavour to hurry up so that the Report of the Public Accounts Committee is brought to the House before the 31st of October so that it is debated as the Committee of this House has recommended. Secondly, I have found throughout the Parliamentary system that any Accounting Officer who appears before the Public Accounts Committee, should normally be condemned as having been a failure. I am saying this because appearing before the Public Accounts Committee means that the Accounting Officer was not able to explain or in any case ^{been} able to satisfy the Controller and Auditor-General that he was able to look after the money vote ^{to him} by this House properly. However, in this country, I have noticed now that the Accounting Officers do not seem to see anything wrong when they

THE MINISTER FOR WATER DEVELOPMENT (Cont'd.)

appear before ~~before~~ the Public Accounts Committee. It should be a stigma; it should be a shame on ^{the} part of the Accounting Officer to appear before the Public Ac_c_ounts Committee. This should not be a routine, in fact, it is the exception rather than the rule to find an Accounting Officer who does not appear before the Public Accounts Committee. I would like to encourage the Accounting Officers to take their responsibilities seriously enough to know that when Parliament votes money to them, they should be ~~wala~~ ~~to be~~ responsible enough to satisfy the Controller and Auditor-General long before they appear before the Public Accounts Committee, that they have spent the money properly.

Madam Temporary Deputy Speaker, in fact, in many cases the reasons for appearing before the Public Accounts Committee is because the Accounting Officers are not able even to submit their accounts in time. There are cases where the Accounting Officers are not able to balance their books on time. The Report of the Public Accounts Committee is full of cases where ~~x~~ the accounts of a Ministry have not been certified, in other words, they have not been signed by the Controller and Auditor-General. This is a weakness bordering on total disobedience to Parliament because this House votes money on the grounds that it will be accounted ^{for} to ~~by~~ the Controller and Auditor-General who will in turn report to the Public Accounts Committee who will then report to this House. I find it extremely worrying that a culture should develop amongst our public servants where they do not seem to care. They do not seem to worry about their appearance before the Public Accounts Committee to explain simple things like their inability, for instance, to control the question of housing which is a very important element in the over-expenditure of Government money. You will find, for example, an Accounting Officer will have a house vacated by an officer and the house then remain ^s vacant for six months. In some cases, this may be reported after a period of two years and during that period no officer has been occupying that house.

THE MINISTER FOR WATER DEVELOPMENT (Ctd.):

~~Nobody~~ ^{Nobody} seems to care; nobody seems to see that something should be corrected. You will find a whole Permanent Secretary who is the Accounting Officer coming before the Public Accounts Committee ^{to} sit down and explain why he was not able to surrender a house to a land-lord while the Government continued to pay rent for two years without anybody occupying that house. You might find that some officers in that very Ministry go without houses. In fact, I have found cases where not only were houses remaining un-occupied, but some officers were in fact, staying in hotels for lack of houses in the same town. To me this is much of carelessness and is much of irresponsibility and I would like to encourage the Accounting Officers to take the positions that they hold ^{in trust} seriously so that the accountability of spending public funds is realized.

The most important and worrying element in the whole of this exercise is the question of awarding tenders. I am sure hon. Members have noticed ^{this} in the Report and it will continue to come up until it is corrected. The awarding of tenders has been a serious draw-back on our accounting system for many years. In fact, as long ago as since Independence, we have had a lot of trouble with the question of awarding of tenders. Tender regulations are ~~in~~ ignored and as I have had occasion to say before in this House, it is not because the laws are inadequate; the laws are completely adequate. It is not because the officers do not know what to do; they know what to do. It is not because the tendering procedure is too complicated for them; it is not too complicated for them. What I think is underlying the whole thing is this attitude of wanting to get rich. But I must say that there are very many senior civil servants in this country who are dedicated and who are doing a very good job. But there are quite a number of the black sheep who are tarnishing the name not only of the Public Service but ^{of} the nation as whole by colluding with the private sector such as the contractors and the business people to get more money out of the Government than allowed by the law or the contract allows. I would like to see a situation, because we have said this ~~very~~ several times, whereby at least ^{first} we can have a period ^{of grace} so that we can see how we can spend our money properly. This is because

THE MINISTER FOR WATER DEVELOPMENT (Ctd):

so often you find that the Accounting Officers award tenders when they know very well that they do not have enough money but they have got to tender. The funds available are not able to pay the contractor and since the contractor will have mobilised himself into the site, they remain there and start suing the Government. Eventually we pay these sums of money because the Accounting Officers are either too careless to worry or in some cases just do not like dishonesty

to
I would like to commend the fact that His Excellency the Vice-President and Minister for Home Affairs and National Heritage revealed that now we are aiming at buying ^{medicine} from the manufacturers. This is because this is an area among others where we have suffered a great deal. Also in the area of road construction, water construction and so on, we have suffered so much because of carelessness in tendering, and because of this business of some junior officers in most cases colluding with the contractors and eventually they con the Government ^{out of} of thousands and thousands and ⁱⁿ some cases millions of shillings which could be used for development in other areas.

The whole theory of accountability to this House by the public servants is based on two sets of responsibility in my opinion. One, as I have said before is that the House itself takes this matter seriously.

END ..X...

THE MINISTER FOR WATER DEVELOPMENT (CTD.):

Secondly, if somebody disobeys the rules of the game or does not use money for the purpose it was voted for by Parliament, there should be sanctions which should be carried out by this House. I think it is about time that ~~the Exchequer and Audit Act~~ the Exchequer and Audit Act was amended so that Accounting Officers or other officers who are responsible for ~~misuse~~ misuse of money can be punished. Some cases can be explained in that they are emergencies. However, where money is actually misused and blame can be ascertained - normally it is ascertained by the Controller and Auditor-General - the culprits involved should be punished. I think we should amend our laws to this effect. They should be punished so that this is not a lesson only to coming generation, that is junior officers who might take our positions later, but also to the officers concerned themselves.

Madam Temporary Deputy Speaker, what has come to be accepted in our society is that Parliament makes a lot speeches - we make a lot of speeches in this House - but Government officers still continue to do the same kind of thing. Apparently, as hon. Members have pointed out, we are unable to punish these wrong-doers. If we have laws and rules without sanctions, the former have no meaning. As has been suggested in the Public Accounts Committee Report, I would like to see a situation where Parliament strengthens its own powers by making rules and sanctions which can be applied to public officers who misuse money. I cannot see any day when we will not be able to debate several occasions of misuse of public funds until we are able to see examples of people who have been punished as a result of misuse of public funds.

Finally, let me say that we should not get used to the idea of over-expenditure being a crime. It is true that this is against our rules, but, in very many cases, when I was a Member of the Public Accounts Committee for several years, I found that over-expenditure comes out of

THE MINISTER FOR WATER DEVELOPMENT (CTD.):

under-estimation of the value ^{of the work} that is going to be done by a Ministry. In other words, this is a result of the carelessness of the officers concerned in estimating the demand that they put to the Treasury. You might find, for instance, that a road or several roads are to be constructed and, instead of the Accounting Officer involved asking for the appropriate amount of money, he asks for less than the roads will cost. So, in the course of the construction, he finds that he already has a contractor and construction work is going on, and yet he cannot do anything about the situation but to pay. This is not the weakness of the Treasury, but that of the planning or accounting section of the Ministry concerned.

I am glad to note, Madam Temporary Deputy Speaker, that the Treasury has now taken steps to include internal auditors in Ministries so that they can check not only out-payments, but also see to it that the figures that are submitted in the forward or the actual Budget are actually commensurate with the development projects that Ministries are trying to implement. Unless we do that, we will find that we keep on having over-expenditure because of the fact that no proper accounts were done or planned. I hope that when the House finally passes this Motion, my colleagues in the Treasury will find it fit to bring amendments to the Exchequer and Audit Act so that they may be enacted in this House. Unless that is done, we will continue to debate these misdemeanors, fines, and so on, without anything being corrected just because we pass this document here in the House, but nobody seems to look at it afterwards. I feel that the House has a responsibility towards itself and this nation in making sure that Accounting Officers are controlled. The law requires this House to be the watchdog over its own money which it has voted on behalf of the people of this country. These officers should know, before they come to the Public Accounts Committee, that these

THE MINISTER FOR WATER DEVELOPMENT (CTD.):

errors are a shame and they should not be repeated year in year out.

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

End Z


MR. ANGATIA: Thank you very much, Madam Temporary Deputy Speaker, for the chance to enable me to make a few comments on this Report.

This country maintains a system under which hon. Members of this House can look at how the money that this House votes has been spent. This is a commendable landmark in this country, and I think it goes a long way to confirm that we have a system that works. This country has got a system that works, and I want ^{to give the} credit to His Excellency the President because he has made every effort to make sure that systems that make society function efficiently are maintained in this country. We may say anything, we may criticise anything, we may also criticise spending officers and whatever, but the fact that our society still holds together and functions as an organised society or community is a credit for which all of us should be proud of.

Madam Temporary Deputy Speaker, I think we want to congratulate His Excellency the President and also to congratulate ourselves and also the Kenyans for maintaining this system.

Madam Temporary Deputy Speaker, I want also to take this opportunity to congratulate the Controller and Auditor-General. This is one Department that works. It may not be perfect because no Department is perfect in any system, not in Kenya, and also not anywhere else, and no individuals are perfect. But the work that the Controller and Auditor-General and his staff are doing is most commendable. They stand out completely alone out of the whole system. ~~If you~~ ^{Just} If you go to any Ministry, Department and so on and scrutinise them one by one, you will find a lot of frauds, shortcomings, failings and so on. But if you go to the Controller and Auditor-General's Department you will find that they really work. As far as pointing and checking of our expenditures is concerned the Department has done a very good job, and I would like to join those who have spoken before to commend the Controller and Auditor-General and his Department for a job well done.

Unfortunately, Madam Temporary Deputy Speaker, the work that he does is frustrating. It is frustrating because even to obtain information for his audit is a very frustrating experience. To come and sit with us in the Public Accounts Committee for hours trying to find out how Accounting Officers utilised the

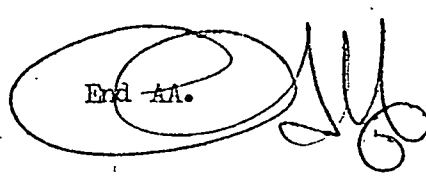
MR. ANGATIA (Contd.):

funds they were given is also a frustrating effort. The reports that are given out is all a frustrating effort. Every report that is brought to this House is debated on, we talk, we make comments, but all that we achieve after we have talked is that the reports are kept somewhere, the storage place. The Controller and Auditor-General is called upon to go and repeat the same thing all over again. This is very frustrating indeed.

Madam Temporary Deputy Speaker, let me say that it is high time we did something. I do not think it suffices simply to be talking in this House. But if we really mean business, then we have to instil it into the minds of Accounting Officers that we mean business. We have also been instilling it into the minds of the Controller and Auditor-General that we do not mean to frustrate him, but we actually mean business. Can we see things actually done?

I have seen even tabled memorandams and some of them contain very good ideas. I must pause ~~out~~ at this moment to congratulate the Public Accounts Committee. I have been there over and over again, and particularly this one that produced this Report that we are discussing now. They have gone inside a very detailed matter. They have looked at all the issues carefully. They have also questioned the officers concerned. They have obtained the information that they need to make recommendations on, ~~and~~ bring ^{it} ~~them~~ to this House, and request this House to approve them. But to what effect?

End AA.



MR. ANGATIA (ctd.);

It appears like just ~~x~~ one of those procedures that must fall into a system. The people know that there is a Public Accounts Committee (P.A.C.) which will produce a ~~xxx~~ Report which will then be debated by Parliament. And after the Report has been debated, ~~ixx~~ it will be kept in a cupboard, they forget it and wait for the next year.

~~But~~ I will certainly support the Minister for Water Development who has just ~~x~~ made his contribution. I wish Accounting Officers could see it as a black spot on them to appear before the ~~Em~~ P.A.C. Apparently, they are now taking it as a matter of procedure - as one of those duties. I dare say that I am sure there are some Accounting Officers who would rather send their deputies, Principal Finance and Establishment Officers or even their executive officers to appear before the P.A.C. than them. This would be the limit of degrading and ~~is~~ disregarding a system that is supposed to function and degrading a committee that is supposed to remind people who have fallen short, who ~~x~~ have not functioned properly, to do their work properly.

should be evolved

I think ~~x~~ a system ⁱⁿ the Civil Service ~~should be~~ ~~where~~ where any Permanent Secretary who appears before the P.A.C. gets a question mark on him. Permanent Secretaries should be competing not to ~~appear~~ appear before the P.A.C. But to take pride in appearing before the Committee is like taking pride in doing wrong. Some of the things that are pointed out in the Committee's Report are really grievous mistakes; they are things that are totally wrong, things that should not be done at all. It is surprising that Accounting Officers do these things year after year and keep getting away with them.

While I congratulate ourselves for having a system

MR. AKWATIA (ctd.):

that works, I would like to call upon ^{ourselves} ~~me~~ again to devise methods or ways of making sure that what is adopted by this House from the Public Accounts Committee Report is implemented for the good of our society.

We do not lack money in this country; but, I think, in most cases, money is not spent as it ought to. What that means is that people of this country are deprived of services which they deserve; services for which money has been ~~be~~ voted, and services for which taxes have been levied and raised to go into providing. Instead, certain individuals misapply or misuse those funds and, therefore, deny Kenyans the development they need. These should be regarded as crimes like any other crimes. These people have let us down by misapplying or ^{misusing} ~~misusing~~ funds. Therefore, they have offended just like any other offender. When this House adopts the P.A.C. Report and Treasury memoranda are written by the Treasury, we would like to see steps being taken. I cannot say whether these things are put into consideration when some ~~of~~ Permanent Secretaries are dropped because the competent authority that appoints and drops Permanent Secretaries has its own criteria. I hope that this is one of the criteria because if an Accounting Officer cannot adequately account for funds which have ~~been~~ been provided to provide services to this country, then he has failed. There is no way he is going to do a good service to this country without ~~is~~ taking care of that element of accountability.

Madam Temporary Deputy Speaker, appearing before the P.A.C. is not enough. There are those Accounting Officers who appear before it and, as if that is not enough, you find that

MR. ANGATIA (ctd.):

they have made very serious mistakes and they cannot explain them. Obviously, these ~~are~~ are serious offences. Unfortunately, we have to judge our Accounting Officers by the way they account for the funds we give to them. Therefore, this is going to be the biggest step and I would like to ~~w~~ ask that if they have ~~misallocated~~ misallocated funds and they cannot explain it, then very serious action ought to be taken against them. It is not the taking of ~~an~~ action that matters; what matters is: is it possible to instil the idea of full ~~an~~ accountability in our society? If we insist that only Permanent Secretaries should remain accountable, then we would be wrong; we will be singling out a team of people who should be the only ones accountable when there are many other people who are not being sufficiently accountable. We should spread this to all departments and to all people. We can start from this House if we like. People should be accountable for their actions. They ~~w~~ ought to be able to ---

ADJOURNMENT

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndeti): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 10th November, at 2.30 p.m.

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

END BB

R/ Jmk

H A N S A R D

Thursday, 10th November, 1988

The House met at thirty minutes past Two o'clock.Mr. Speaker in the Chair

PAPER LAID

The following Paper was laid on the Table:-

Sessional Paper No.6 of 1988 on Education and Manpower Training for the Next Decade and Beyond.

(By the Minister for Education (Mr. Oloo-Aringo))

NOTICE OF MOTION

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Mr. Speaker, Speaker, Sir, I beg to give notice of the following Motion:-

THAT this House adopts Sessional Paper No.6 of 1988 on Education and Manpower Training for the Next Decade and Beyond laid on the Table on 10th November, 1988.

ORAL ANSWERS TO QUESTIONS

Question No. 488

MR. EKIDOR asked the Minister for Health:-

- (a) whether he is aware that there is no vehicle at Lokitaung hospital to take referral patients to Lodwar District hospital which is 220 kilometers away, and
- (b) what immediate action he is taking to alleviate this problem

THE ASSISTANT MINISTER FOR HEALTH (Mr. ^{cle}Sompisha): Mr. Speaker, Sir,

I beg to reply.

- (a) Yes, I am aware that there is no vehicle at Lokitaung Hospital.
- (b) I am happy to inform the hon. Member that my Ministry has bought a Toyota Land Cruiser and this will be delivered to Lokitaung Hospital as soon as the bodywork is finished.

MR. EKIDOR: Mr. Speaker, Sir, I would like to thank the Assistant Minister for that excellent answer he has given to the House for the first time. However, the House would like to be given the registration number of that vehicle by the Assistant Minister.

MR. ^{o/c.} SOMPISHA: Sir, the hon. Questioner says that this is the first time that he has been ^{made} happy by my reply. I think he is going to be ~~more~~ happier because I am going to give him the registration numbers of these vehicles. We have two vehicles which will be delivered to Turkana District. One will be taken to Lodwar and the other one will be stationed at Lokitaung. The registration numbers of these vehicles are GK M963 and GK M527.

Question No. 489

MR. MWENJE asked the Minister for Local Government and Physical Planning:-

- (a) if he is aware that there is no dispensary operating for 24 hours a day in Embakasi Constituency, and
- (b) if so, whether he could make the necessary arrangements so that Dandora and Embakasi dispensaries operate day and night.

THE ASSISTANT MINISTER FOR LOCAL GOVERNMENT AND PHYSICAL PLANNING

(Mr. Mbori): Mr. Speaker, Sir, I beg to reply.

- (a) Yes, I am aware.
- (b) Dandora dispensary is one of the dispensaries in various residential estates within ^{the City} where patient population ^{justifies} the operation for 24 hours a day. My Ministry is currently in the process of working out the starting of this dispensary to facilitate operation for 24 hours a day. However, I would like to say that the problem has been the shortage of personnel that could be deployed ^{run or man} to ~~operate~~ these dispensaries.

MR. WASIKE-NDOMBI: Is the Assistant Minister aware that the shortage of manpower in the City Commission ^{arises} because the salary structure in the medical department is half of that in the Civil Service and, therefore majority of them have now ~~run~~ ^{run} to the Civil Service? Can he therefore correct that anomaly so that the City Commission can attract medical staff?

MR. MBORI: Mr. Speaker, Sir, I have not understood my very good friend's question, so can he kindly repeat it?

MR. WASIKE-NDOMBI: I am saying that the shortage of manpower in the medical department in the City Commission has arisen because the salaries attached to this kind of staff is now $\frac{1}{2}$ half of that in the Civil Service. Therefore, it does not attract medical staff to join the City Commission. For instance, clinical officers in the Civil Service are paid three times the salary paid to clinical officers employed by the City Commission. So can he correct this salary anomaly in order to attract medical personnel to the City Commission?

MR. MBORI: Sir, you will agree with me that that is a new phenomenon and therefore, the matter will be looked into later.

MR. MWENJE: Mr. Speaker, Sir, while I thank the Assistant Minister for the reply, I heard about Dandora dispensary but I did not understand what precisely he means about Embakasi dispensary. Could he tell us when Embakasi dispensary will start operating for 24 hours a day. I would also like to know what has so far been done in order to start the operation for 24 hours a day.

MR. MBORI: Mr. Speaker, Sir, I am surprised that the hon. Member does not know which constituency he belongs to. I said that this dispensary is in Embakasi Constituency. In fact, we have given him more than he had asked for, so I am surprised that he is not thankful.

MR. MWENJE: Mr. Speaker, Sir, I do not just mean Embakasi Constituency; I am talking about Embakasi Dispensary and there is a difference between the constituency and the dispensary. I am specifically asking when Embakasi Dispensary will start operating ^{for} 24 hours. This is because what happens in the area is that these people work for 24 hours at the Airport and, therefore, they would require services both at night and during the day. When will this service start to be provided for 24 hours a day?

END...A

MR. MBORI: Thank you, Mr. Speaker, Sir, for defending
 l.c. me. My hon. Friend should ask me one question at a time. ~~ARRANGEMENTS~~
 Arrangements are underway, the processes of which are nearly
 complete, to enable the City & Commission to employ the necessary
 manpower to man Embakasi Dispensary.

MR. MWENJE: MR. Speaker, Sir, the Assistant Minister has
 not yet made it clear ^{to} ~~for~~ me. By telling us that the City
 Commission is in the process of employing people, he is misleading
 the House. Can the Assistant Minister tell us----

(There was a cat in the Chamber)

THE ASSISTANT MINISTER FOR REGIONAL DEVELOPMENT (Mr. Omido):

On a point of order, Mr. Speaker, Sir. We seem to have a strange
 visitor in the Chamber.

MR. SPEAKER: What is your point of ~~order~~ order, Mr. Omido?

THE ASSISTANT MINISTER FOR REGIONAL DEVELOPMENT (Mr. Omido)

Mr. Speaker, Sir, we have a strange visitor in the Chamber, so
 can somebody chase the visitor away, because it is disturbing us.

MR. SPEAKER: I do not see any strange ~~being~~ ^{being} in the
 Chamber at all.

AN. HON. MEMBER: There is a cat in the Chamber.

MR. MWENJE: Just before I was interrupted, I was saying
 that the Assistant Minister has told us that he is in the process
 of employing people who will go to man the dispensary, and this is
 a very long process. I do not mind whether they will ^{be} transferred
 from another dispensary or newly employed, but can he tell us when

MR. MWENJE (ctd.):

l.c. they will be taken to Embakasi and Dandora Dispensaries so that they can start the 24 hour operations?

MR. MBORI: Mr. Speaker, Sir, the hon. Member will agree with me that when we talk of ^{Manning} ~~manning~~ a dispensary, we are talking of skilled professional qualifications. Unless we have sufficiently qualified personnel to ~~zm~~ man these dispensaries, my good friend will agree with me that we cannot operate these dispensaries the way we want.

Question 396

l.c. MR. LEWA asked the Minister for Transport and Communications when a Post Office and Telephone Exchange will be established at Dzitsoni Trading Centre, Kilifi District.

THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS

(Mr. Mutwol): Mr. Speaker, Sir, I beg to reply.

Dzitsoni Trading Centre, in Kilifi District, has been included l.c. in the 1989 Postal Development Plan for establishment of a Sub-Post p.c. Office. Telephone Exchange will, ~~however~~ however, be established only when it is established that there is a sustainable telephone demand in the area.

MR. LEWA: Mr. Speaker, Sir, I am happy with the first part of the answer. Dzitsoni Trading Centre is on the way to Malindi, if one is not ^{passing} ~~going~~ through the Kilifi ferry. Invariably, this centre is growing fast, and I wonder who will establish the telephone demand because, in 1984, the Ministry established the demand, and the centre was recommended for postal and telephone services. I am ^{now} ~~not~~ surprised that we are being told that there is a no demand to sustain ~~an~~ a telephone exchange. Could the Assistant Minister please elaborate on this issue further?

MR. MUTWOL: Mr. Speaker, Sir, first of all, the nearest post office to Dzitsoni Trading Centre is Kaloleni, which is 19 kilometres away. In 1985, a survey was carried out by the postal team, and it was discovered that there was no demand for that ~~xx~~ service.

MR. LEWA: Mr. Speaker, Sir, 1985 is three years ago. I appreciate that Dzitsoni Trading Centre is 19 kilometres away from Kaloleni Trading Centre. Dzitsoni Trading Centre is only 15 kilometres away from Kilifi ~~Town~~ Town where ~~x x~~ an subscriber trunk dialling (STD) service has already been established. Could the Assistant Minister try to connect Dzitsoni Trading Centre to the Kilifi STD exchange, [?] please.

MR. MUTWOL: Mr. Speaker, Sir, the way ^a Post Office functions is different from connection of ^{telephone} lines. ~~We~~ Before we give a service place to any ~~plan~~ we carry out a forward plan. A forward planning development survey team will ~~not~~ now be sent to the area, during the first quarter of ~~year~~ 1989, to ~~xxx~~ establish the extent of telephone demand in the area. The establishment of physical telephone exchange ~~will~~ shall then be programmed depending on the ^{outcome} ~~outcome~~ of the survey.

MR. BIDU: Mr. Speaker, Sir, the Assistant Minister has said that a forward planning development survey team shall be sent there to survey, but the hon. Member has been sent by the people who are ~~xxx~~ and postal demanding these telephone/services. Can the Assistant Minister, therefore, tell us what further demand the Ministry is waiting for so that ~~where~~ these people can get these services?

MR. MUTWOL: Mr. Speaker, Sir, if the hon. Member listened to me carefully, I said earlier that without surveying, we cannot just start giving telephone services in that area. I also said that

MR. MUTWOL (ctd.):

in 1985, a survey was carried out which revealed that there was no much demand for these services. At the moment, if there is any demand, we shall provide these services, and the earliest we can do ~~UNEX~~ that is June, 1989.

MR. SPEAKER: Next Question, Dr. Wameyo.

MR. KIPKORIR: On a point of order, Mr. Speaker, sir. The Assistant Minister has told us that there is no heavy ~~dem~~ demand for telephone and postal services. Does it mean that there is no population ⁱⁿ ~~in~~ the area where telephone and postal services are needed by the wananchi?

MR. SPEAKER: Order, Mr. Kipkorir, we have moved on to Dr. Wameyo's Question.

Question No. 460

MR. ANGATIA, on behalf of Dr. Wameyo, asked the Minister for Labour when Mr. Thomas Wanyama Masinde, N.S.S.F. No. 321723 X, of Bulimbo Primary School, P.O. Box 24, Mumias, will be paid his benefits.

THE ASSISTANT MINISTER FOR LABOUR (Mr. Mibei): Mr. Speaker, Sir, I beg to reply.

Mr. Thomas Wanyama Masinde FM No. 00 217 23X will be paid his benefits for the period 1973 to 1987 before 15th November, 1988. The balance will be paid to him when he informs the N.S.S.F. where he worked between 1967 and 1970.

MR. ANGATIA: While thanking the Assistant Minister for that reply, could he tell us why ~~he~~ it has taken so long for this person to be paid his dues?

MR. MIBEI: *(over)*

Mr. Speaker, Sir, Mr. Masinde applied for his withdrawal ~~benefit~~ benefits on 11th January, 1988. In his application form, he indicated that he ~~was~~ worked for Mumias Sugar Company Limited from 11th June, 1973, to 31st December, 1987. He did not give another employer. On checking his ~~company~~ records, the computer statements reflected contributions of Kshs.69.00, Kshs.136.00, Kshs.185.00, and Kshs.122.00 in respect of the years, 1967, 1986, 1969 and 1970 respectively. In March, 1988, the N.S.S.F. wrote to him requesting him to submit details of his employment during that period to enable the ^{Fund} ~~N.S.S.F.~~ to verify his contributions, but he did not reply.

(END....B)
R/ Jmk

MR. MIBEI (ctd.):

Despite his silence the National Social Security Fund (N.S.S.F.) decided to settle his claim in September, 1988 in respect of his employment with Mumias Sugar Company. A payment voucher was prepared but was initially rejected by the internal auditors due to some faulty computation. This has, however, been rectified and a cheque for shs.27,371.05 is being forwarded to Mr. Masinde immediately.

MR. P.K. KINYANJUI: Mr. Speaker, Sir, questions on non-payments by the N.S.S.F. ^{benefits} are innumerable and we hear them over and over again. I remember the Kanu Parliamentary Group recommended that employees be paid their N.S.S.F. dues as soon as they retire. The Minister for Labour was supposed to amend the law accordingly. What has the Ministry done to avoid this question of non-payment of N.S.S.F. dues? The Minister should amend the law as recommended by the Kanu Parliamentary Group. What has he done since those recommendations were made?

MR. MIBEI: Mr. Speaker, Sir, we deal with each case on its own merit. In the present case Mr. Masinde should be advised to ~~submit to the N.S.S.F.~~ details of his employment ^{to the N.S.S.F.}

(The Minister for Planning and National Development
(Dr. Onyonka) walked in into the Chamber)

(applause)

MR.—MATE: On a point of order, Mr. Speaker, Sir. The Assistant Minister is not answering the question that he has been asked by hon. P.K. Kinyanjui. He ^{has} ~~had~~ been asked to say what the Minister had done towards bringing an amendment to the House as was recommended by the Kanu Parliamentary Group to minimise the number of non-payment N.S.S.F. claims. Instead of answering that question he is talking about Mr. Masinde. I do not think that he is in order to--

MR. SPEAKER: Order! Order, hon. Mate! I do not think that

MR. SPEAKER (ctd.):

you are in order too! The main Question is about Mr. Thomas Wanyama Masinde. If you are interested in this issue of the amendment of the law as recommended by the Kanu Parliamentary Group, then you can Table that Question in the House.

Next Question.

MR. ANGATIA: On a point of order, Mr. Speaker, Sir. The answer that the Assistant Minister gave was contradictory. He said that part of the money will be paid while part of it is being withheld pending information from Mr. Masinde. Is he aware that Mr. Masinde works somewhere else and is not still an employee of Mumia Sugar Company? Why should he continue withholding Mr. Masinde's money? If he does not know that then he should pay Mr. Masinde his money and forget all about the whole thing. If on the other hand he knows that Mr. Masinde works somewhere else, then he knows that Mr. Masinde is not getting his money from his other employer.

MR. SPEAKER: Why do you not contact the Minister and discuss this issue with him and find a way of helping Mr. Masinde get his money

Next Question.

MR. ANGATIA: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Is it on a different issue?

MR. ANGATIA: No, Mr. Speaker, Sir, it is still on this issue.

MR. SPEAKER: Order! Order, Mr. Angatia! We are on a different issue now.

Next Question.

MR. ANGATIA: On a point of order, Mr. Speaker, Sir. I think the Assistant Minister should answer my question.

MR. SPEAKER: Order! I asked you to contact the Minister and try to see how you can settle the issue between yourselves.

Next Question.

Question No. 486

MR. KILIKU asked the Minister for Labour:-

- (a) whether he is aware that Messrs. S.T.I.R. Kigali, Mombasa, have not been remitting the N.S.S.F. contributions of their employees to the N.S.S.F. Headquarters; and,
- (b) whether he could take the necessary action to ensure that these contributions are remitted.

THE ASSISTANT MINISTER FOR LABOUR (MR. MIBEI): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that Messrs. S.T.I.R. Kigali, Mombasa, have not been remitting the N.S.S.F. contributions for their employees to the N.S.S.F. headquarters.

(b) The company has been remitting employees' contributions to the N.S.S.F. headquarters on a regular basis. Contributions for the month of October, 1988, have already been received by the N.S.S.F.

MR. KILIKU: Mr. Speaker, Sir, while appreciating the Assistant Minister's reply, could he elaborate further and inform us how many employees' contributions were received by the headquarters and if possible how much was received?

MR. MIBEI: Mr. Speaker, Sir, I will start with the month of June.

<u>Month</u>	<u>No. of Employees</u>	<u>Amount (shs)</u>
June, 1988	90	shs. 14,010/=
July, 1988	89	shs. 13,814/=
August, 1988	90	shs. 13,920/=
September, 1988	92	shs. 14,162/=
October, 1988	91	shs. 13,908/=

MR. SPEAKER: Let us move on to the next Question.

Question No. 466

MR. SPEAKER: Mr. Mang'oli, is not yet here? We shall come back to his question later.

Question No. 485

MR. A.H.O. MOMANYI asked the Minister for Education:-

- (a) whether he is aware that a road construction company dug "murram" from the compound of Nyaibasa Primary School, East Kitutu Location in 1987, and left without levelling the ground;
- (b) whether he is further aware that the same company had dug "murram" from the compound of Kiogutwa Primary School, Central Kitutu and left without levelling the grounds; and,
- (c) since the grounds are dangerous to the children activities, what action he is taking to ensure that these grounds are levelled forthwith.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. ^{Karari} ~~Ruarari~~): Mr.

Speaker, Sir, I beg to reply.

(a) I am aware that between 1983 and 1987, when Messrs. Jiwa Shamji a road construction company was constructing Birongo-Nyariacho-Keumbu Rural Access Road, in East Kitutu Location, dug murram from Nyaibasa Primary School compound and left without levelling the ~~shree~~ school grounds.

(b) I am also aware that Messrs. Solel Boneh Company and later on Messrs. ^{ZAKHEM} ~~ZAKHEM~~ road companies whilst constructing Kemera-Magombo Rural Access Road dug murram ~~and~~ from Kiogutwa Primary School and left without levelling the school grounds.

(c) Since these murram quarries pose security risks to the children and the public who reside within the vicinity of the two schools; the Ministry of Public Works has already fenced the quarries' perimeter and, furthermore, the same Ministry will ensure that they backfill the quarries within a year's time when it is ~~hoped~~ hoped that they will cease using these quarries.

MR. A.H.O. MOMANYI: Mr. Speaker, Sir, that is very ~~strange~~ ^{level} serious because my Question was asking when they are going to ^{fence} this place. Inf fact, the quarries ~~perimeters~~ ^{levelled.} were never ~~fenced~~. The school ~~has~~ has not had a playing round for ^{three} years now.

MR. A.H.O. MOMANYI (ctd.):

Furthermore the Assistant Minister has said that they are still using the quarries. They stopped using the quarries a long time ago. When are they going to level the place?

MR. KARURI: Mr. Speaker, Sir, the Ministry of Public Works is still using the quarries for digging out murram. When they cease doing that they will fence the place and level the ground.

MR. A.H.O. MOMANYI: Mr. Speaker, Sir, they stopped digging out murram from around that school. I was there and I saw it. I come from that place so I should know about that. There is no place where such works are going on. Could the Assistant Minister tell us when they are going to level the grounds? It is the responsibility of his Ministry to fence that area and not of the Ministry of Public Works. I think the Assistant Minister is misleading the House.

END C.....

MR. KARAURI: Mr. Speaker Sir, that is why the Ministry of Public Works has agreed to level the place after completing using the murrum that they need from that place. On our part, we will ensure that they have done so, Mr. Speaker Sir.

MRS. NDELEI: Mr. Speaker Sir, I think the Assistant Minister is misleading the House. Hon. Momanyi said that the construction company does not use the murrum area on the primary school compound any more. The Assistant Minister said that it would be levelled after they ~~complete~~ finish collecting murrum from the area. I think we need clarification from the Assistant Minister on this issue.

MR. KARAURI: I am not misleading the House in any way. Maybe hon. Momanyi has not seen these contractors on site collecting murrum from there. The Ministry of Public Works has been intending to take murrum from the same place. They have not changed their intentions of using murrum from that area. They have assured us that within a year's time, they would have finished with what they are doing and they will level the place.

MR. KUSO: It is well known that primary school children are likely to play around that area. That is in fact dangerous for that area to be left open as it is. So, what immediate action is the Ministry taking in conjunction with other relevant Ministries, to make sure that that place is safe for the children for the time being.

MR. KARAURI: Mr. Speaker Sir, that place has been fenced to make it safe for the children.

MR. MOMANYI: Mr. Speaker Sir, it is known that Kisii District is an area with heavy rainfall ^{and} pit holes. At the moment, those ~~gorges~~ ^{gorges} have been filled with some rain water. Can the Assistant Minister tell us when he is going to level the place and get rid of that ~~stagnant~~ stagnant water?

MR. KARAURI: Mr. Speaker Sir, I am sorry I did not hear the hon. Member's question clearly. Would he kindly repeat his Question?

MR. MOMANYI: Mr. Speaker Sir, I said that when the contractors dug pits in that area while collecting murrum, the pits ~~are~~ are now full with rain water. We do not need a swimming pool there. As a result of ~~this~~ the

MR. MCMANYI (ctd):

presence of those pits, ~~no~~ mosquitoes have started breeding there. Can the Assistant Minister tell us when they are going to level the place. I know that the contractors are not collecting murrum from that area.

MR. KARAURI: Mr. Speaker Sir, we are going to persuade the Ministry of Public Works to do something about it.

Question No. 453

MR. KAGIEMA, asked the Minister for Planning and National Development:-

- (a) how many projects were started in Meru District in the last three years but have not been completed up to now;
- (b) how much money was used in putting up these projects; and
- (c) what action he is taking to ensure that ~~that~~ these projects are completed and put into use.

THE MINISTER FOR PLANNING AND NATIONAL DEVELOPMENT (Dr. Onyonka): Mr. Speaker Sir, I beg to reply.

(Applause)

My answer will be rather lengthy but aimed at clarifying the whole situation.

(a) In the last three years, a total of forty development projects have been started in Meru District using funds given by the Ministry of Planning and National Development. Out of these, fifteen projects have been completed and are operational, one project has been abandoned and twenty four projects are under different stages of implementation.

(b) The estimated total cost of the twenty ~~for~~ four projects under implementation was Shs.5.2 million out of which Shs.3.48 million has already been spent to undertake part of the construction expenditure while Shs.1.72 million is still available to meet the cost of the remaining work.

(c) Mr. Speaker Sir, may I also add, for clarification, that authorities to incur expenditure (A.I.E.s) in respect of the Rural Development Fund (R.D.F.) and the Arid and Semi Arid Land Projects (ASAL) as well as the European Economic Community (E.E.C.) Micro-projects ~~xxxxxx~~ are normally issued by the Ministry Commissioners as the AIE-holders. Implementation of such

THE MINISTER FOR PLANNING AND NATIONAL DEVELOPMENT (Dr. Cnyonka) ctd:

projects is carried out by the operating Ministries under the ~~xxx~~ co-ordination of the district development committee of which the hon. Member is a member. My Ministry ~~is~~ therefore, does not by itself carry out any implementation of ~~the~~ projects.

I wish to add that Authorities to Incur Expenditure, have a life span of just two years. Implementation of these projects should, therefore, be effected within a two year period. If a project is not fully implemented within this period and has a substantial balance the AIE can be extended for a period of at least three months but not exceeding one year.

Finally, out of the 24 uncompleted projects, work on two of these has not started due to lack of technical designs. The ~~s~~ designs, I am informed, have now been finalised and implementation is scheduled ^{to start} as soon as construction materials are delivered.

AIEs in respect to six of the uncompleted projects expired in August this year. Also, some of the balances on these AIEs ~~are~~ are so meagre or so small that they will not be sufficient to complete the remaining works. My Ministry has, therefore, been approached by the Meru District Commissioner with a request from the ~~to serve~~ Meru District Development Committee to consider both the extension of the AIEs and the granting of supplementaries to enable their completion. My Ministry is giving these requests due consideration so that the projects can be completed in good time in order to serve the intended purpose. I am happy with the progress that is being made in implementation of the remaining projects.

(Applause)

MR. KAGWIMA: Mr. Speaker Sir, I would like to thank the Minister for that elaborate answer.

(Applause)

Question No. 480

MR. SPEAKER: Mr. Wakole not here? We will leave his Question until the end then. Next Question.

Question No. 487

MR. JALANG'O, asked the Minister for Tourism and Wildlife:-

- (a) whether he is aware that Mr. Joel Odhiambo Midega of West Asembo Location in Siaya District, was attacked and killed by a hippo on 10th May, 1984 at Lengo-la-Simba in Garsen, Tana-River District; and
- (b) when the Ministry will pay compensation to the family of the deceased.

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori): Mr. Speaker Sir, I beg to reply.

(a) Yes, I am aware that Mr. Joel Odhiambo Midega of West Asembo Location in Siaya District, was attacked and killed by a hippo on 10th May, 1984 at Lengo-la-Simba in Garsen, Tana-River District.

(b) Compensation will be paid to the family of the deceased, definitely ~~before~~ before the end of March, 1989.

MR. JALANG'O: Mr. Speaker Sir, it is four and a half years since the late Mr. Midega was killed by a hippo in Tana-River District. Year after year, the family has been advised that there are no sufficient funds for compensation, while the hippo continues to enjoy the ride in Tana-River District and to be a potential killer of more people there. Can the ^{Assistant} Minister tell us here today ^{what is going to happen} because if I raise this Question next year, I will be told that ~~there~~ there are no sufficient funds for compensation, ^{can he tell us} when the family of the deceased will be compensated?

MR. AWORI: Mr. Speaker Sir, I have stuck my neck out and said that compensation will be done before the end of March, 1989.

Question No. 480

MR. SPEAKER: Mr. Wakole is still not here? Okay, we will move to Question by Private Notice.

QUESTIONS BY PRIVATE NOTICE

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

(a) Why did the Provincial Administration supervise the demolition of 89 houses on plot No.424 Malindi town, Maweni on 14th September, 1988 and yet the owners were not involved in any court case?

(b) Why were the people injured in the process not given P3 Police Forms?

(c) What plans does the Government have for these displaced people?

END P.....

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT

(Mr. Kamotho): Mr. Speaker, Sir, I beg to reply.

(a) The Police and the Provincial Administration did not ~~authorize~~ supervise the demolition of houses in plot No.424 in Malindi Town on 14th September, 1988. They were present to ensure that law and order was maintained. The demolition followed a civil case, No.94/88, filed by Mr. Gula Mali ^{Pribai} ~~Pribai~~ against Mr. John K. Musinzi and four others, in which a court order was issued in favour of the plaintiff and executed by a bailiff.

(b) No complaint or report of assault was made to the police after the demolition exercise and, therefore, no P3 forms could have been issued.

(c) The defendants have since filed an appeal case in the High Court of Kenya, Mombasa - Case No.53/88 - ^{on 17} 20th September, 1988. The High Court has ordered a ^{stay} ~~case~~ of execution until the matter is disposed of. Further discussion on this matter, which is already in court, therefore, is sub-judice.

MR. KUBO: On a point of order, Mr. Speaker, Sir.

The Question clearly states that these people were not involved in any court case. The case involved only Mr. Pribai and the five people, and ^{will happen to} ~~I think the question is very clear.~~ We know the procedure, but what ^{about} ~~about~~ those people who were not involved in that case?

MR. KAMOTHO: Mr. Speaker, Sir, those people who were not involved in the case, and ^{whose} ~~their~~ houses might have been demolished by the bailiff, can take ~~any~~ legal action against Mr. ^{Pribai} ~~Pribai~~ and his bailiff.

MR. TUVA: Mr. Speaker, Sir, I would like you to listen very carefully because I asked a Question about people who ^{were} ~~are~~ not involved in a court case. The involvement of the Kenya Police and the Administrative Police did not only have a role of maintaining law and order. In the process, very many people were injured and about four of them had fractured arms. It was not my intention to bring this Question here but, I was trying to handle the matter with the Administration but they have not been co-operative. There are about ~~32~~ ³⁹ houses of people who were not involved in the case, and whose houses were demolished. The magistrate accepted that he had made a mistake; it is written here and I can read it ^{out.} The order ~~to demolish the houses~~ ^{houses originally was properly written and was ambiguous. At the} ~~houses~~ ^{original order was to demolish 25 houses but, at} the bottom of the order, either the magistrate, or somebody else, wrote as follows: ~~"The houses on plot No. 424 should be demolished"~~ "Any structure on plot No. 424 should be demolished".

This ambiguous order is what brought out the problem of those people who were involved in the case and those who were not. The order says: "The houses of Mr. John Musinzi and 24 others". The total number of people accused in this case was about 40 ^{out of which} 15 people put up a defence and 25 did not, ~~put up a~~ ^{defence}. It was the houses of those 25 people which were to be demolished, but, instead, 29 houses were demolished---

THE ATTORNEY-GENERAL (Mr. Muli): On a point of order, Mr. Speaker, Sir. Are you satisfied that the substance of the Question does not fall within the rule of sub-judice?

MR. MWAMZANDI: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Wait a minute; I had a problem here. What I did not quite understand in all what was explained ~~in~~ by Mr. Tuva is whether the 29 people have taken the matter to court or it is the 25?

MR. TUVA: Mr. Speaker, Sir, I brought this matter here ~~is~~ because if the Administrative Police and the Kenya Police were not there with tear-gas and their ~~in~~ truncheons beating anybody on ~~the~~ sight, this matter would not have been severe. It was the Government which was involved in ensuring that these houses ~~of people who were not involved in the case~~ were demolished. ~~in houses of people who were not involved in the case.~~ These people for whom I have asked this Question here are not involved in the case but because the ~~the~~ police enforced the demolition of these houses, then the matter is not a civil one because the Government was involved.

AN HON. MEMBER: What is your question?

MR. TUVA: Mr. Speaker, Sir, my question is: Since the Government was directly involved, what ~~is~~ plans does the Government have to assist these people who were displaced? They have nowhere else to go; they lost all their properties and their children are not going to school now. Even in the Press we read that 700 people in Malindi are homeless. What plans does the Government got for these people who were displaced?

MR. KAMOTHO: Mr. Speaker, Sir, what we are aware is that it is only 25 people who were affected and the number of houses that were demolished were 25. The question of 89 ^{houses} does not arise as far as we are concerned. As I said earlier, police and the Provincial Administration were only around to ~~a~~ ensure that law and order was maintained. Therefore, if there are any grivances, it is the duty of those concerned to ~~is~~ take the necessary legal action. As far as we are concerned, the matter

MR. KAMOTHO (Ctd.):

did not involve the Police and Provincial Administration; it involved the owner of the plot and his bailiffs.

MR. TUVA: Mr. Speaker, Sir, I believe the Assistant Minister has not been briefed properly; he has been misled.

It was because of this ambiguous order which the magistrate himself signed, saying that ^{he has been misled and that is why} ~~he~~ was mistaken ~~that~~ this happened.

In fact, he had to approach the Attorney-General about it. I ~~say~~ saw everybody in the line of authority in the Province about this matter because of the ambiguity of the demolition ^{order}. What I am asking is, since the demolition was because of the supervision of the police--- In fact on 13th September - a day before the demolition, there was a confrontation between the police and the local people and sympathizers and the police could not ensure the ~~at~~ demolition was done until they had to be reinforced. They brought policemen from all over the district to supervise the demolition - beating up people and injuring others. People went to the police stations and were refused P3 Forms and I had to take some people to Kilifi District Hospital because they could not be treated in Malindi Hospital in the absence of P3 Forms. If the Assistant Minister wants to be well informed, let him send somebody ~~from~~ from Nairobi to go and investigate ^{the matter} instead of relying on the same people who supervised the demolition. The very people from whom he has got this information are the same people who did the demolition. How can they inform the Assistant Minister properly? I am, therefore, asking the Assistant Minister - if he accepts that he is not properly informed - to send somebody ~~from~~ from Nairobi to go and investigate ^{the matter} with the assistance of the people there.

MR. SPEAKER: Mr. Kamotho, do you wish to respond to that?

MR. KAMOTHO: Mr. Speaker, Sir, I do not think that the hon. Member had a question in what he has just said. What he is saying is that we should go and investigate ^{the matter} further. But, because we were briefed that this is a legal matter, he should have directed the Question to the Attorney-General and---

MR. MWAMZANDI: On a point of order, Mr. Speaker, Sir. The Assistant Minister is trying to evade the facts. Even the magistrate, through a letter he wrote on 14th September, ~~he~~ says in the last paragraph as follows:-

"Kindly note that the demolition is for 25 defenders to be pointed out by the plaintiff."

But, because of the Kenya Police and the Administrative Police, ^{affected} the order was carried out without pointing out the houses properly. The ~~xxxx~~ Assistant Minister should not mislead this House since the magistrate himself has accepted that ^{the order} was to affect the houses of 25 people. Instead, the demolition was done wholesale. ~~for whoever was found in that area~~

END E...

R/ Jmk

MR. KAMOTHO: Mr. Speaker, Sir, I think the hon. Member should lay that document on the Table so that we can peruse it later. But the point I am making - and I made it earlier - is that the matter involving the whole of this subject is in court. Therefore, any detailed discussion on it is sub judice. ^{So} Again, any further discussion on it might prejudice the case itself. So, the hon. Member should leave the issue, or refer it to the Attorney-General.

MR. MWAMZANDI: On a point of order, Mr. Speaker, Sir, Actually, this document is not mine, but if hon. Tuva accepts, it can be laid on the Table.

(Hon. Tuva laid the document on the Table)

MR. MAKHANU: Mr. Speaker, Sir, I beg to ask the Minister for Regional Development the following Question by Private Notice.

(a) Is the Minister aware that the price of paddy rice was raised from Shs.180/- per 75 kg bag to Shs.246.75 for a brief period in September, 1988 and then dropped to the original price without notice or reason?

(b) What necessitated the rise and fall in the price?

(c) Could the Minister order that the price of paddy rice be reviewed and raised to Shs.246.75 per 75 kg bag as before?

THE MINISTER FOR REGIONAL DEVELOPMENT (Mr. Okwanyo):

Mr. Speaker, Sir, I beg to reply.

(a) My Ministry is not aware that the price of paddy rice was raised from Shs.180/- per 75 kg bag to Shs.246.75 for a brief period in September, 1988 and then dropped to the original price without notice or reason. As you are aware, there are two varieties of paddy rice that we have. These are Sindano and Basmati. Until 31st July, 1988, the producer price for Sindano paddy rice was Shs.3.00 per 1 kg and Shs.225/- per 75 kg bag. During the same period, Basmati rice enjoyed a producer price of Shs.4.00 per kg and Shs.300/- per 75 kg bag. However, with effect from 1st August, 1988, the price

THE MINISTER FOR REGIONAL DEVELOPMENT (CTD):

for Sindano paddy rice was increased to Shs.3.10 per kg and Shs.232.50 per 75 kg bag. With respect to the Basmati variety a kilogramme is sold by farmers to the National Irrigation Board at Shs.4.25 while the 75 kg bag is sold at Shs.318.75.

(b) On the basis of the information given, therefore, we are not aware that there have been any changes in the prices of paddy rice leading to the rise and fall in the price structure of this commodity. I wish to take this opportunity to refer the hon. Member to the Legislative Supplement No. 48, Legal Notice No. 317 - entitled "The Price Control (Rice) (Amendment) Order, 1988" - issued by the Minister for Finance, Hon. Prof. George Saitoti, which is contained in the Kenya Gazette of 5th August, 1988. Hon. Members should note that changes in the producer price structure of rice, among other major essential agricultural produce, are revised by the Cabinet from time to time in order to take into account the changed economic circumstances, such as increases in farm inputs.

MR. MAKHANU: Mr. Speaker, Sir, arising from the Minister's reply and the reasons he has given, which I am fully conversant with, I wish to draw his attention to the fact that on 9th September, 1988 a farmer delivered paddy rice to Mianga National Cereals and Produce Board Depot, and was paid by voucher at the rate of the new price of Shs.246.75. Then a few weeks later that price was reduced. Can he, therefore, confirm that that is true, and also raise the price of paddy rice to Shs.246.75 per 75 kg bag?

MR. OKWANYO: Mr. Speaker, Sir, I have already given the hon. Member the official prices which were given by the Government. If there was any different price given by somebody else, then the hon. Member should lay documents showing that price, and we will investigate it.

MR. MAKHANU: Mr. Speaker, Sir, I am saying so because of documentary evidence - and I can lay the documents on the Table next Tuesday - which shows that a ~~farmer~~ farmer, by name Wanjala Matero, delivered paddy rice and was paid at the rate of Shs.246.75 per 75 kg bag. - Can the Minister tell us why the price was reduced when this farmer had actually been paid at the price of Shs.246.75 at Mianga Depot in Bungoma District?

MR. OKWANYO: Mr. Speaker, Sir, there is nothing more that I can say. I have said that if that farmer was paid a different price, the hon. Member should lay those documents on the Table and we will investigate and take the necessary action if we find anything contrary to what we have here.

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

(a) Is the Minister aware that most of the long-serving employees of the N.S.S.F. are being phased out by the new Board of Trustees?

(b) Could the Minister intervene as a matter of urgency, and consider them for transfer instead, as is normal with Civil Service terms and conditions of employment since most of these employees are below retirement age?

THE ASSISTANT MINISTER FOR LABOUR (Mr. Mibei): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware of any particular case of an employee being phased out.

(b) I do not need to intervene because my instructions were that no employee of the defunct National Social Security Fund (N.S.S.F.) Department should be victimised because of the transformation to a State Corporation under the Board of Trustees.

MRS. NDETEI: On a point of order, Mr. Speaker, Sir. While I appreciate the Assistant Minister's answer, it is true that they

MRS NDETEI (CTD):

have been interviewing the old employees of the defunct N.S.S.F.

MR. SPEAKER: Is it a supplementary question?

MRS. NDETEI: No; I am on a point of order.

So, what is the point of interviewing the old employees if they are automatically going to be absorbed by the Board of Trustees?

MR. MIBEI: Mr. Speaker, Sir, this House created a Board of Trustees as a body corporate to take over the management of the Fund from the former the N.S.S.F. Department of the Ministry of Labour through the N.S.S.F.(Amendment) Act, 1987. Thus the amended Act indirectly wound the N.S.S.F. Department since it could not exist alongside the Board looking after the same functions as the Board.

MR. MOMANYI: Mr. Speaker, Sir, I beg to ask the Minister for Livestock Development the following Question by Private Notice.

(a) Is the Minister aware that most of the dips in Kitutu Masaba Constituency have heavy sediments due to poor maintenance?

(b) Is he further aware that these dips are very old and need repairs?

(c) What action is the Minister taking to repair and maintain these dips?

THE ASSISTANT MINISTER FOR LIVESTOCK DEVELOPMENT (Mr. Kisiero): Mr. Speaker, Sir, I beg to reply.

(a) The Minister for Livestock Development is aware that most dips in Kitutu Masaba Constituency have heavy ~~sediments~~ sediments, and are due for emptying and refilling with fresh water and dip chemicals.

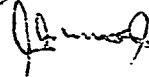
(b) The Minister is also aware that the dips in Kitutu Masaba Constituency are old, and need repairs.

(c) The Minister is making every effort to have the dips in the country cleaned and refilled with fresh water and chemicals with funds provided by the Animal Health Rehabilitation Programme.

F.5. 10.11.88

THE ASSISTANTANT MINISTER FOR LIVESTOCK DEVELOPMENT (Mr. Kisiero)(Ctd):
Previously, the provision of funds by the Treasury for this purpose was not adequate as evidenced by the fact that during the last two years, the carry over of bills from one financial year to the next has reduced the Ministry's ability to clean all the dips

END F



MR. MCMANYSI: I would like to know when the Ministry is going to take action because most of the dips' iron sheets are worn out, there is no maintenance done to the dips and there is a lot of mud in the dips.

MR. KISIERO: Mr. Speaker, Sir, we have had detailed discussions with the Treasury over this matter, and it is anticipated that the exercise will start in April, 1989.

MR. SPEAKER: Next Question.

(MR. MANG'OLI) to ask the Attorney-General:-

(a) Is the Attorney-General aware that the property of Mr. Maurice Psisei, of Bungoma, worth Shs.93,000/- was auctioned to recover a debt of Shs.3,155/- in civil case No. 158 of 1984?

(b) Is he also aware that Chweya Auctioneers are still holding a Peugeot pick-up and household effects worth over 90,000/-?

(c) If the answer is in the affirmative, what steps will he take to ensure that justice is seen to be done?

MR. SPEAKER: Mr. Mang'oli is not here? Let us move on to the next Order.

MOTION

THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 1984/85, which was laid on the Table of the House on 26th July, 1988.

(Mr. Tuva, on 8.11.88)

(Resumption of Debate interrupted on 9.11.88)

MR. SPEAKER: When the House adjourned yesterday, Mr. Angatia was speaking and will continue today.

MR. ANGATIA: Thank you very much, Mr. Speaker, Sir for giving me this opportunity to continue with what I was saying yesterday. In addition to the remarks I made, I would like to draw the attention of

MR. ANGATIA (ctd.):

the House to what is contained in this Report and what it is supposed to adopt. But what is more important is to ensure that the recommendations made in the Report are adopted by this House and implemented.

Mr. Speaker, Sir, there have ~~w~~ been glaring irregularities in the manner in which this country has been hosting international conferences such as ~~the~~ ~~the~~ of the United Nations Decade for Women's Conference held in 1985 and the Fourth All Africa Games which were held last year and so on. It appears like whenever the Kenya Government offers to host international meetings, it merely prepares the ground for a few individuals in the system to enrich themselves out of public funds.

Mr. Speaker, Sir, we all heard about the 23rd and the 24 Olympic Games held in Los Angeles and Seoul, respectively. We are told that these games made fantastic profits for these ~~the~~ cities countries and ~~w~~ the money is going to be distributed to those areas where people are short of money in those countries. How come that in Kenya, whenever we host an international conference, be it the Organization of African Unity (O.A.U) Heads of States meeting when ~~was~~ His Excellency President-Moi was the Chairman of the O.A.U, be it ~~the~~ ~~the~~ the United Nations Decade for Women's Conference, the Fourth All Africa Games or the University Games, we must always ^{incur losses} ~~run~~ ~~run~~ and we must always ^{go back} ~~run~~ to the Treasury to pay for services that were not rendered. We would like to call upon the Ministries which are ~~w~~ concerned to investigate these things before we ~~offer~~ offer to host any games or international conferences. We should be sure that Kenyans are not going to suffer by losing a lot of money in order that a few people may get rich.

MR. ANGATI (ctd.);

Mr. Speaker, Sir, it has become accepted as a way of making money that whenever we hold an international meeting, certain people who are responsible ~~and~~ make large sums of money out of it for their own personal use. I would like the Ministries which deal with these matters to ~~make~~ make sure that unless we ~~have~~ are going to break even, or better still, unless we are going to make profits, there is no need for Kenyans to keep suffering only to enrich a few people.

Mr. Speaker, Sir, I would like to commend the Government for introducing internal auditors. The Public Accounts Committee made a recommendation some ~~year~~ years back and the Treasury assured us during the last session of meetings that this has ~~been~~ now been implemented. The recommendation was that there ^{should} ~~will~~ be internal auditors in most of the Authority to Incur Expenditure (A.I.E.) holders' offices. The idea was supported by His Excellency the President and the House, but we want to see whether it is working or not because ^{it is} ~~is~~ is a good one. The arrangement, as made on Government circulars, is a very good one, but when the Treasury is implementing it, it does not work properly. We had feared, ~~actually~~ and ~~it~~ I think it has ^{become} ~~is~~ true, that some Accounting Officers, district commissioners, provincial commissioners and some other senior Government officers would be informed, through some authorities, that the internal auditors would not be able to control them - they would not be able to stop an irregular expenditure. Auditors' advice and actions are supposed to be accepted. Even if the auditor is a junior officer, as long as he is an auditor and he is dealing with ~~it~~ ~~somebody~~ somebody who is answerable to the public, the auditor's word must be heard.

MR. ANGATIA (ctd.):

We would like to call upon the Minister for Finance to help the auditors and ensure that they are respected and that their positions, as far as the profession is concerned, are upheld. We would break down the whole system if we ignored the instructions and guidance of the auditors.

Mr. Speaker, Sir, Accounting Officers should not appear to be above the financial regulations of this country. I am, at the moment, mentioning a few instances where Accounting Officers have completely overlooked all the regulations and even their own personal integrity and the morality of human beings and gone ahead and spent money when they know very well that expenditure is irregular, ~~unauthorised~~ and ~~is~~ ~~questionable~~. We would like to ask the Minister for Finance to strengthen and support the internal auditors. They can go a long way in controlling expenditure by stopping intended irregular expenditures.

We are now discussing the 1984/85 Financial Year's Report. This is history, but if the internal auditors were able to deal with these matters at the early stages, some of the Accounting Officers would not have appeared before the Public Accounts Committee (P.A.C.); they would have been guided and assisted. I know that many Accounting Officers accept the services and assistance of the internal auditors, but there are still others - the majority - who are insisting on spending when they ~~are~~ are not supposed to ^{spend} ~~accept~~ or spending money that does not exist or spending money on undertakings, money which has not been provided for particular services. This means that the Accounting Officers are taking ~~the~~ over the authority of this House and authorising expenditure where no provision has been made. I would, therefore, like to impress on the Minister for Finance

MR. ANGLIA (ctd.):

that the ~~external~~ internal auditors ought to be supported. It goes without saying that the Controller and Auditor-General also ought to be supported. But for him, he does not seem to matter so much because he does his work very well, like I said yesterday. But internal auditors are being frustrated and we would like the Minister ~~to~~ to come up and give them support.

Mr. Speaker, Sir, it appears like Accounting Officers are above reprimand; they ~~are~~ are above correction. It appears *as if* they can take action which is wrong without any body being able to do anything about it.

END G.

R/ Jmk

ANKATIA (ctd):

Mr. Speaker, Sir, this state of affairs is not good and it should be subject to the rule of accountability. This country is run under the rule of law and we would not like some people to appear as if they are in very special positions or above the law. These are ^{the} people on whom the country depends. The peace, stability and prosperity of this country depends on the integrity of the people we have put in responsible positions. These people stand for the welfare of this nation.

Yun on
 ↪ If the people we have put in these positions disregard these principles, then we are creating a very serious situation for ourselves. Therefore, it is necessary that accounting officers be reminded from time to time that these rules should be obeyed.

Another point that I would like to bring to the notice of the Minister for Finance, is the aspect of donor-funded projects. There have been cases, particularly in this Report of the Public Accounts Committee, where donor-funded projects were not implemented in time, or were not implemented at all. Unfortunately, this kind of money, which falls under direct disbursement, does not come back to the Treasury. We cannot, therefore, say that we saved that money. What we can say here is that we lost the money.

Sir, can we afford this kind of luxury? For example, a donor comes round willing to give us money, or we ask for loans for rural development projects or for ^a specific project. These funds are made available and the donor agrees to help supervise the expenditure. Unfortunately, we fail to make the necessary arrangements which then lead to the money not being spent. At the end of the year, the owner of the money takes it back.

Mr. Speaker left the Chair

The Temporary Deputy Speaker (Mr. Kabingu-Muregi) took the Chair

All these happens when Kenyans believe that the Minister for Finance had negotiated such a loan, grant or donation from a friendly country. Instead of the money which has been made available to this country being spent on the

project for which it was intended, it is not spent at all and is eventually taken back by the donor. At the end, the conclusion is, of course, that we have failed. In other words, we are incapable of absorbing aid which is available to us.

Mr. Temporary Deputy Speaker, Sir, I do not see the reason why this state of affairs should arise. It means that the officers responsible for this kind of thing, are actually ~~depriving~~ depriving Kenyans of development which is their right. Once we have negotiated with a certain country for a donation, the agreement is committed and the necessary papers signed, it becomes the right of Kenyans to have that money spent for the intended purposes. When a Kenyan, participating in this kind of project, causes this money to go back to the donor so that we do not realise the development we anticipated, it becomes an offence against the State. It is time we considered the punitive measures to take against our own officers who are incapable of doing this work.

It is not strange to find the people who engage in these kind of activities getting promotion. At times, they get more powers to make decisions at higher levels. In other words, they get powers to frustrate this country even more. Any person, be he a Kenyan or a foreigner, who deprives us of our rights, especially the right to utilize these funds and the right to develop, is acting against our interests and appropriate measures ought to be taken against him.

Sir, I know that we do not necessarily have to prosecute those people and jail them but appropriate action should be taken. Like I said yesterday, we are never short of ideas in this country. Our circulars are in perfect conditions and the regulations that we have laid out with regard to expenditure, collection of funds and for implementation of projects, are up to standard. What seems to be failing us now is that we have assumed that when we are going to implement a project, the officers we put there, will do the work as spelt out in the agreement, or as per instructions.

In the event of the people we have given the authority to implement

what do we do?
 a project failing to do so, ~~we have not thought of what to do~~. It is time we thought of what measures we shall take to make sure that a few Kenyans do not undermine the interests of this country by depriving us development that is rightfully ours.

My next point, with regard to this Report, is on our inability to collect revenue that is due to us, the frequent overdrawing of the Paymaster General's Account and, of course, our inability to utilize donor funds which may be regarded as Appropriations-in-Aid. These three areas are known for the glaring mismanagement of funds that are provided by this country. If we fail to collect revenue that is due to the State, in some cases, it will be lost completely. I can give examples of customs duty and sales tax. In some cases, we lose this kind of revenue completely or it falls in arrears. Failure to collect Appropriations-in-Aid, literally equals to mis-spending, overspending or failing to implement projects.

— If we fail to collect Appropriations-in-Aid, we shall deprive Kenyans, as I said earlier on, the development that is due to them in that particular year. In some cases, this money can be retrieved and in other cases, it is lost completely. What are we supposed to do about this? The accounting officers will listen to the advise of the Public Accounts Committee and the debates we make here, but when they go out, what efforts are made to make sure that these simple mistakes are not repeated? It is not that it is a very complicated affair to follow up the implementation of a project or to collect customs duty or sales tax. People are employed in those places to do just that. When they fail to do so, then it means that they have failed ⁱⁿ their jobs.

N.N.P | If hon. Members of Parliament fail to do their job, the wananchi normally vote them out. When civil servants fail to do their work, what are we supposed to do to them?

My next point is on the accounting standards. Most of the problems encountered by some of the accounting officers emanate from simple accounting procedures. I would like to commend the Ministry of Finance for encouraging

the training of accountants on-the-job and before employment. This trend is encouraging. The problem is that some of the good accountants, who have been trained by the Government, do not stay in the public service. Several of them go to greener pastures elsewhere. It is, of course, the duty of this Government to train people, whether they are going to work in the public sector or in the private sector. I do not think that we can say that we should restrict the people not to move to the private sector once trained. It would be unwise to do so since they will serve Kenya wherever they will be.

We should not do that at the expense of our own accounting standards, particularly in the public sector. We would like the Ministry of Finance to work out a method of making sure that we all the time have adequately trained and efficient accountants from the top to the lowest level in the Ministries. We have come across pathetic ~~and~~ cases where Ministries are given accountants who are totally inefficient. In some cases, these officers are ill-trained. In such cases, we do not want to lay the whole blame on the accounting officer. It is true that the accounting officer is ultimately responsible.

We ought to make sure that we have efficient and properly trained personnel. Supposing he is short of efficient personnel, then obviously we cannot blame him entirely. We should blame our own system for such failures. We are ^{old} a very/nation now. A quarter century is not a small thing and we are old enough to be able to look after our affairs without having ~~gl~~ glaring shortages in vital sectors like ⁱⁿ the accounting unit of the Government.

END...H

MR. ANGATIA (Ctd.):

We have got to have properly trained people; people who enjoy doing their work. It is very easy to train people but when you put them on the job, their own personal integrity may be nothing and therefore, they let down their Accounting Officer. In this case, we should blame the Accounting Officer for not discovering earlier enough, some of these mistakes. We would like to suggest that some sort of a supervisory team should be set up. In schools, we have teachers who are trained people in handling and teaching children and even bringing them up. However, in schools, we also have inspectors who go round and advise these teachers. Sometimes, an inspector could come across a teacher who is better informed and skilled in his work than the inspector himself. Although the inspector is an advisor, he may get a new idea from this well qualified teacher who is doing a good job and then goes and uses that information to advise another teacher who is probably not doing his work very well. Now, is this kind of thing available to accountants or once they are posted, they just do their work and wait for the "bigger" accountant who is the Controller and Auditor-General at the end of the year? By that time, ~~it~~ it happens to be too late because public funds have already been misused.

Therefore, Mr. Temporary Deputy Speaker, Sir, it is necessary that the Ministry considers setting up a team of inspectors whose jobs ^{will be} to go out and assist the accountants and auditors. I have referred to internal auditors whom I think are being frustrated in some offices. We are talking about a team of inspectors who will go round and assist these people to make sure that there is no other "big boss" in any district anywhere or in any Ministry who is overlooking accounting instructions given by the internal auditor who is supposed to remind him about his work. We do not want any boss to do his own things which are contrary to the accounting regulations. Therefore, if we have people going round to support accountants and auditors, at least they will discover where the weaknesses are; they will also discover where the Accounting Officer is not vigilant enough; they will also discover where accountants are weak or where they are

being overlooked or disregarded earlier enough to rectify matters before the end of the year.

Mr. Temporary Deputy Speaker, Sir, to read and discuss the same things over and over again, year after year, is not very palatable nor is it pleasant. In fact, this erodes the seriousness of the matter so that in the end people get used to the same things and begin to take them for granted. They ^{should} check every item of variation order and regard this as a serious matter and correct it on the spot. This should be done before the end of the financial year and not to wait for the Controller and Auditor-General to point out these mistakes.

Mr. Temporary Deputy Speaker, Sir, we noted with a lot of concern that goods can leave ^{customs} bonded warehouses before duty is paid on them. This is total failure to collect revenue. The revenue is there and it belongs to the State and although the State has employed people, these people fail to collect the money. People put goods in warehouses and take them out without paying duty. These are simple matters of integrity and if people are assigned jobs, they ought to do the jobs ~~per~~ properly and if they do not do so, then they should be removed. I am saying this because the longer you keep them there, the more they do these things. Apparently, some people do not realize the seriousness of their omissions, especially when they act in contravention to regulations. People take out goods worth millions of shillings without paying any duty and this deprives this country of so much money which would have gone towards the assistance of our schools, building of roads or towards buying medicine for our hospitals. That person is responsible for the loss of that money which does not get to the Treasury. So, this person completely cuts off the services that we intend to provide to our people with this money. This is one reason why I am suggesting that a team of inspectors ^{should be} set up.

However, Mr. Temporary Deputy Speaker, Sir, before we can talk about inspection, we would like the Ministry of Finance to consider the whole idea of having customs bonded warehouses. Must we have them? The President has

talked about introducing computers. If the President himself has discovered what his officers have not discovered, then what do these officers do? What is their expertise if they cannot look for ways and means of blocking these loopholes through which the State is losing a lot of money until the Head of State himself comes in and suggests improvement? I understand that computers work miracles and that if they are introduced, perhaps they will stop these malpractices. I was reading in a paper yesterday that computers can also become wild and that they can also rebel. I understand that some people in the United States have learned how to make these computers cheat everybody and that these computers cheat, not only those who are using them, but also cheat all other computers/through their own internal communication system. Sir, I do not think that computers will be the solution to our problem here in Kenya. Kenyans will have to do their work properly: Kenyans will have to look after the welfare of their country. It is up to those of us who are training our personnel to make sure that ^{they have} the right attitude to work.

Mr. Temporary Deputy Speaker, Sir, if people can take ~~out~~ goods worth a lot of money ~~£~~ into bonded warehouses and then take them out and yet our customs officers or everybody who is supposed to look after those goods are there, this is tantamount to stealing and therefore appropriate action ought to be taken. Sir, this point has been raised in the previous years and it has also been raised this particular year under review and I am sure it will be raised again next year. So, we are likely to have the same point raised over and over again. When officers are transferred, whoever goes there wants to steal whatever there is and then go away and then another officer is brought who comes in and picks whatever there is and then goes away and so on. So, we are in a process of simply enriching a few people while the whole State is being deprived of money due to it.

Mr. Temporary Deputy Speaker, Sir, this also works in conferences that I have been talking about. Those who are put in charge of handling conferences or international games and so on, feel very happy because they know that their time has come to enrich themselves. In fact, they thank God

for getting such an opportunity to loot. I do not know whether God normally helps them, but this is a very serious ~~issue~~ issue. So, we ourselves must be able as Kenyans worth of our salt, to correct this. Computers will never help us. In fact, I think if some of these people who work ~~regularly~~ regularly do not know ^{the} efficiency of the computers, they can actually work very well. However, while we wait for this, we ought to be able to seal these loopholes and I think if we set up a team of inspectors, this would be a good start.

Mr. Temporary Deputy Speaker, Sir, one thing that we discovered in this Report is ~~that~~ that Government has invested money in certain companies but Government does not seem to know how much money it has invested. If it knows how much it has invested in some cases, those responsible do not have certificates to prove that they have invested money in various companies. If you invest money in a company, you must also know that other people also have shares in these companies. So, it is not Government alone which has shares in these companies. If the Government does not have share certificates, how will the Government ever know how much money it has ^{invested} there or how much dividends they are entitled to? I assume that if you invest some money in a certain company, the ^{Proof} ~~proof~~ you have for this, is ^a ~~having~~ share certificate. If you do not have share ^a certificate, I do not know what other proof ~~is~~ you have to claim for any dividends. It actually means ~~that~~ the public sector will be subsidizing the shares of those other people. ^{We thought that} these are simple and elementary matters and we do not see why there should be ^{the} a problem on part of our officers in these matters. We are ~~is~~ hoping that this matter will not recur every year as it has done for the past three years. So, we hope that next ~~is~~ year will be clear of such a simple matter.

END I

MR. ANGATIA (Contd.):

Mr. Temporary Deputy Speaker, on the question of shares, the Government has given out loans to parastatals and various organisations. Again, it is very strange. There are paragraphs here that will tell you that loans have been given without terms and conditions. Now who ever can give loans to anybody without terms and conditions? Because there are no terms and conditions, the loaned money itself is not recovered and interest is also not paid. So, the money is just made available for certain people to use. You can see the danger here. If you have officers to run that parastatal, and you have given them money which you call a loan, but you have not given them terms and conditions, so you do not know what interest to ask for, ~~so~~ you do not know what money you ask for to be repaid, ^{or} the principal amount to be paid back, then when those people mismanage those institutions, when they use the funds as if they are the sole owners, how can you blame them? You have given them the money without any conditions or terms and, therefore, even if there were any interests to be paid or repayment of the principal amount, even if there were sums that were due, they do not pay because why should they pay? They have not been asked to pay. Now, we are hoping that things like this should not recur.

QUORUM

MR. KYONDA: On a point of order, Mr. Temporary Deputy Speaker. Is there a quorum in the House?

THE TEMPORARY DEPUTY SPEAKER (Mr. Kabingu-Muregi): No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

THE TEMPORARY DEPUTY SPEAKER (Mr. Kabingu-Muregi): We have a quorum now. You may continue, Mr. Angatia.

MR. ANGATIA: Thank you, Mr. Temporary Deputy Speaker. I was saying that there are some things which we regard as difficult things, or needing very careful control, or carefully ^{consideration} ~~considered to be treated~~. But things like terms and conditions for loans are not difficult things, and there is no excuse at all

MR. ANGATIYA (Contd.)

for any Accounting Officer not to make sure that this is provided for. It means that when that kind of thing happens, the individual does not care whether the cheque gets to you or not. The individual does not care whether what he is doing is supposed to lead to further development, or even lead to retard development. Now, obviously, it is not very easy to spot out all officers in the country with this kind of inefficiency. But I am sure at this time, 25th year of our Independence, we have developed. We have brought up people who are committed enough and people who are well informed to be able to take care of these things without any lectures to them.

Mr. Temporary Deputy Speaker, I was looking at paragraphs 79 and 80 on page 13, for those who have the book, and it is very perturbing. Now, this particular Accounting Officer, although he did a very good job on other matters in his Ministry, but this particular paragraph that I am referring to, it was a very bad let down. I do not know whether you would allow me to refer to the paragraphs that I am talking about specifically because I can read you an extract because I know many colleagues here do not have this book. But you will be shocked to read some of these things in this book. For example, ^{there is one that paragraph which} the total ^{states} payment figure of more than K£2 million includes an amount of K£20,496 which is charged to a Suspense Account because the projects on which the money was supposed to be spent are not known. I am talking about Rural Development Fund (R.D.F.). There are two amounts here. It is a very large sum of money. It is put on a suspense account over a long period of time because the Controller and Auditor-General could not trace the projects on which the money was spent, he could not trace the district to which the money was supposed to go, and he could not trace the money in the books or bank. It is just held on suspense account. Now, holding it on suspense account could very well mean that the money has already been spent, but it cannot be entered in the books because neither the project nor the district is known.

Mr. Temporary Deputy Speaker, this seems to be a recent development. I do not think it is a situation that was there a long time ago. It was a small amount in the first year. The second year it was a much bigger amount,

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MR. ANGATIA (Contd.):

over KSh400,000. Now, this means that whoever did it in the first year with KSh20,000 learned later on that he could not be discovered and, therefore, he did it in a bigger way the following year. Obviously, this is a gross misuse of Government funds. I do not think it is a question of not knowing how to account for the money. R.D.F. funds have done a great job in this country. It is one area where ^{our} Government thought very well of what Kenyans need. It is one area where development has been ^{enhanced} ~~practised~~. It is one thing to put up a multi-million project ^{but}. Its repercussions ~~and influence~~ can be quite many. The multiplying effects are quite large. But I can assure you that it is a small amount of money on R.D.F. that have made an impact in this country, and that have also provided a yardstick with which you can measure the rate at which you are developing. Now, if the people in charge of this cannot keep proper track of where the money is or what the money has been used for, and if the people who are supposed to be accounting for the money simply enter it on suspense account, and when the Controller and Auditor-General raises the question here, they are unable to explain until the matter reaches the Public Accounts Committee and until it reaches this House, nobody knows and nobody can account for those funds. Nobody can say what projects the money was spent on, and nobody can say which district the money was spent in. Therefore, you can see the seriousness of some of these matters, and also to find that this can occur in several years over a period of time is a very serious matter. It is high time something was done to correct the situation.

Mr. Temporary Deputy Speaker, we have had good projects in this country. We talked about rural access roads. Rural access roads were a fantastic project. Civil servants caused the project to slow down, and eventually it was withdrawn because they were unable to implement it. We have also been with R.D.F. for a very long time and it has been very useful.

MR. ANGATIA (CTD.):

Here is the Rural Development Fund (R.D.F.), ^{with} which we have been ^{for} a very long time now. This thing began to happen in 1984/85 and, if it continues to happen now, the R.D.F. will obviously be withdrawn or, firstly, be ground to a halt and then withdrawn. These people must be equal to the people who are undermining the welfare of the State.

If people are undermining the welfare of the State - the development, the peace, tranquility and prosperity of our country - they ought to be condemned. It is not enough to simply transfer people. They are Kenyans, and they will still have to live here. One thing we ^{are} assured of is, at least, that, as a Kenyan, you cannot be thrown out and be deprived of your being a Kenyan. Therefore, even if people have let us down to this extent, we cannot throw them out, but something else ought to be done. We cannot just sit back and watch this kind of thing "eat" us up. It spreads out from £20,000 in one year to over £400,000 the next year and to £300,000 the next year. The situation will be getting out ^{of} hand and, in the end, we will say that we do not want just a few people to benefit out of the State Treasury, in which case, we will have to discontinue projects. For how long are we going to keep on discontinuing these projects? The effect of discontinuing them is that we are denying Kenyans of their rightful share of the country's money.

Mr. Temporary Deputy Speaker, Sir, I also want to talk about the Excess Vote on the same page 13, in paragraph 81. I think the Chairman of this Public Accounts Committee, who is now the Minister for Water Development, pointed out yesterday that, if there is a small excess vote because an Accounting Officer was anxious to complete a project for the good of wananchi, at least, as politicians, we can reason this out. However, if there is an excess vote because money was misspent or Appropriations-in-Aid were not collected, this is very bad. In the case of this particular paragraph, Parliament has, of course, to authorise

MR. ANGATIA (CTD.):

this excess. In other words, civil servants are spending money without authority, in which case, they have taken over the power of Parliament. Such an Accounting Officer has already ignored the authority of Parliament, and he is now calling upon Parliament to come and support what he has done. This is the effect here, and this is wrong.

I know that excess votes are on the decrease, although I do not know whether the situation this year will be as it was last year. However, I have had the privilege to sit on the Public Accounts Committee for about three years. I can say quite definitely that such cases are on the decrease. However, when such a case occurs, as this one that I am quoting and others that occurred later on, they are quite serious. This is ^{as} a result of very many factors. A proper Accounting Officer who watches over these funds as ~~they~~ he spends them over the year will not easily incur an excess vote. What happens is that an Accounting Officer realises the situation when he has already spent what he has and exceeded it. He does not make a decision early enough not to exceed the limit. He only realises later on that he has already exceeded it. As far as that Accounting Officer is concerned, there is nothing we can do, but the big point here is that he was not watching over his money as he continued to spend it. He was neither vigilant nor accounting for every cent he was paying out. Obviously, such an Accounting Officer needs to be reminded in the usual Civil Service manner of his responsibilities. I do not know what manner this is, but I know that if you do not perform well in Parliament, you are thrown out of it.

Some Civil Servants are permanent, especially when we call them ~~For~~ Secretaries regardless of what they do. In fact, that is the only element of permanence that has remained with them. Changing them many times, and so on, does not really affect their permanence. They are permanent because there is nothing we can do about them. They go ahead and

MR. ANGATIA (CTD.):

do what they like, and then they are removed from one Ministry and transferred to another, where they continue to do the same thing. As I have said, however, Accounting Officers are improving, particularly with regard to this element of excess votes. In any case, where it has occurred, it has revealed some weakness that needs to be corrected as soon as possible.

Mr. Temporary Deputy Speaker, Sir, I want to draw the attention of the House again to paragraph 120, on page 21. I do this deliberately because I have noted that my hon. colleagues have not studied this paragraph. I would like to let them know what is happening. The recommendation here is that after the Committee had heard what the Accounting Officer had to say, he disclosed that acrylic fibre was purchased at a very high price although it was actually very cheap. It was mistakenly purchased in place of ^{the} necessary fibre. You can imagine that here was an Accounting Officer who bought some material for, I think, the National Youth Service, and he pays for woolen fibre and gets cheap artificial fibre. In the end, the Government lost something like Shs.494,000/= because of an arrangement between certain Government officers and certain suppliers. Such cases are deliberate. Whoever was involved in this deal knew exactly what he was doing, in undermining the State. In such a case as this, the Accounting Officer concerned should go back home and think about this kind of thing which deliberately undermines and betrays the country.

What was very disturbing in this case was that the Accounting Officer could not pin-point the officers concerned although the Committee was anxious to surcharge these officers, if necessary. Because the Accounting Officer could not pin-point the individuals involved, we assumed that he also must have been within the same group. These are some of things that are a sore in our orderly system. I do not forget

MR. ANGATIA (CTD.):

that we have a very orderly system, we are very stable, civil servants have, in fact, made their contribution to the system, and the system is functioning. However, there are still some people who are out to wreck this system. It is these people who are the enemies of Kenya.

Mr. Temporary Deputy Speaker, Sir, I also want to look at paragraphs 121 to 123, on page 14. These series of paragraphs shows an example of a situation where fraud has been perpetuated in one district headquarters, involving very many disheartening events over a period of time before it was detected by the Accounting Officer concerned.

Obviously, such a situation should not be allowed to ~~of this to occur~~ ^{recur.}

We would like to appeal again to the Accounting Officer concerned to see

^{to it} that this sort thing is stopped. If it happens only in one district headquarters, obviously, there must be some funny arrangement involved.

There is nowhere you can tell people that in such a case, as this no special arrangement is involved.

End *[Signature]*

MR. ANSATIA (Ctd.):

NP [Large public funds could have been saved if it was discovered earlier before the financial year under reference ended. But because we waited until the Controller and Auditor-General came along in order to discover, it means that there is something missing in the entire system. I do not think the introduction of internal auditors alone is going to be enough to stop this kind of thing. This is because this seems to be an arrangement by a number of people ^{and} I do not know where our auditors are trained. Certainly those ones in the Controller and Auditor-General's office appear to me to be very special but I do not know how good the auditors in the Internal Audit Department are. I do not know whether they are ^{also susceptible} to incorporation in this kind of fraud where a number of officers collude with suppliers of vegetables, beans and so on. Whether they are supplying a children's home or they are supplying ^{a hospital} and so on they all seem to be ⁱⁿ league to deprive the State of funds. Obviously those charged with the duty of sealing up these loopholes ought to make sure that this kind of thing, once ~~it is~~ discovered, ^{is corrected} ~~collective measures are taken~~ immediately. To me it is the simplest thing to discover because it is an arrangement between a number of people.

Sir, I am assuming that there are not any hon. Members willing to speak so I am going to carry on. I would like to ask my hon. colleagues to look at paragraphs 178-180 ^{which talk} failure to recover money given out as loans, failure to collect the interest and failure to institute terms and conditions. I referred to this earlier on but I want to repeat it because these particular paragraphs are referring to certain specific parastatals. These parastatals behave as if they are ^{licensed} ~~licensed~~ to take money from the Treasury but not ^{to} pay interest ^{and} not repay the principal sum and in fact, in the end lose that money and go back for more from the Treasury. I would like to quote the parastatals concerned because I regard this quite a serious matter. They are Maize and Produce Board which is known & today as National Cereals and Produce Board, Mivani Sugar Mills, South Nyanza Sugar Co. Limited and Kenya Meat Commission (K.M.C.). ^{on earth} What were we doing with Mivani Sugar Mills and why should South Nyanza Sugar Co. Limited fail to make money in order to repay these loans? But the most ^{notorious} ~~notorious~~ ones

MR. ANGATIA (Ctd.):

among those are the Kenya Meat Commission and National Cereals and Produce Board. These parastatals seem to be ^{licensed} ~~licensed~~ to take money from the Treasury and not to make any efforts to repay it. They will get money on no terms, are not required to pay any interest ^{and} are not required to pay the principal sum loaned to them. Therefore those who are charged with the responsibility of running them being aware of this do not make any efforts either to trade at a profit so as to pay or to take care of whatever they have been given even if they do not make any profits.

I know that the Government is taking steps ^{against} ~~for~~ some of these institutions. Some of them may be done away with and others may be restructured into some different ways. But as long as they still exist since the restructuring does not seem to be catching up with them yet, meanwhile the ^{loss} ~~loss~~ of public funds involved is tremendous. I have read their names but I have not read the amounts of loan involved, but hon. Members can check that from the book. What is perturbing is that year after year we must vote money to these institutions and we know that on paper if we did a feasibility study these institutions can make money. What happens in practice is only those inside those institutions that know and if that is the case, then it means that these are the people who are determined to make sure that Government does not know that they are making profits. Or determined to make sure that they do not make any profits. This brings to question the integrity of the people we put into these institutions. I do not see how an organisation like Kenya Meat Commission buying cattle so cheaply or an organisation like the National Cereals ~~and~~ and Produce Board can ~~fail~~ fail to make profits. In the old days, the National Cereals and Produce Board would buy maize at the correct price and store it in Webuye then for some strange reason, the board would decide to move that maize from Webuye to Sagana. By the time that maize reaches Sagana, the value of the bag has already been spent. Then again they would decide to move that ~~maize~~ same maize from ~~the~~ Sagana to Mombasa or Voi. When the maize is being moved for the second time, it has already spent the money it is worth and therefore, it is moving at the taxpayer's

MR. ANGATIA (Ctd.):

expense. This is because at the end of the year, when the board does not have any money Kenyans will be called upon to give out money from the Treasury to sustain or to keep that board running.

Sir, when you give people a job, say like running a Board and then you tell ~~you~~ them that you will go to ^{the} field to work so that the board can run smoothly, then obviously you would expect them to be productive and make money out of it. The Minister for Agriculture has been doing a very good job and I am glad he has just come in and, therefore he is hearing what I am saying. The field officers have been trying, we are harvesting enough maize to feed ourselves and in fact, we may have excess to store or maybe later on to sell outside. But the people given the responsibility to store this maize bring in charges on lorries which are of their ^{own} designing. For instance if they said they are moving a bag of maize from Bungoma or Webuye to Sagana at 10 cts per bag maybe that would not look so much. But if you are carrying it at a shilling per bag per ^{kilometre} ~~kilometer~~, by the time you get to Sagana, the maize is not of any value. We are simply paying people but they are ^{not} doing any useful job for this country. If people in their proper senses do things like that and run down a whole board and create a crisis where we must go and look for maize from outside, and create a crisis where we must look for money from the Treasury, where are we ^{heading} ~~going~~ to? They also ~~create~~ deliberately create a crisis for us to go back to ^{the} person who ^{gave} ~~give~~ the maize to the ~~the~~ board and was paid shs. 177 to ask him to pay more money in form of taxes in order to pay the very person who stored that bag of maize. He is unable to keep it, unable to earn his salary and unable to meet his operating expenses, so he is asking the one who submitted the maize to pay back some more money in order that this person ~~he~~ will be kept in his job. Must we keep people in jobs who themselves make decisions which are detrimental to their organisations, so they run their organisations down and we come ~~out~~ bailing them out? This is a question that I would like the accounting officers to look into ~~seriously~~ seriously and see whether they are doing a service to this state or a disservice.

I would like to draw the attention of the hon. Members to paragraphs 183 and 184.

END L. . .

MR. ANGATIA (ctd.):

Mr. Temporary Deputy Speaker, Sir, I think this is again an expenditure ~~mk~~ without Parliamentary approval. This means that an accounting officer went and ~~sa~~ ^{id} something nice somewhere, and decided that Parliament, the Treasury and the Controller and Auditor-~~g~~ General no longer exist. He spent that money without Parliamentary approval. I have already talk~~ed~~ about this issue and I would not like to repeat it. The improtant thing ~~is~~ here is that the hon. Members may not have the actual words ~~is~~ of the Report, which says:-

"The Public Accounts Committee heard the evidence and deplored the spending of funds without the authority of Parliament. The Committee was further disappointed that upto now the accounting officer ~~has~~ has made no efforts to have the expnditures on Nyayo Wards regularised".

Here is a case where people were constructing Nyayo Wards somewhere, and an accounting officer decided to go and spend money which he had been given to spend on Government hospitals. The money was supposed to be ~~sp~~ ^{spent} on construction of ~~is~~ other Government hospitals and even to buy drugs, but he decided to use it on construction of Nyayo Wards, ~~but~~ which he had ~~is~~ an interest in. He did not say he had any interest in the Nyayo Wards, but we assumed so because he decided to take that money and spend it on them.

Sir, if this accounting officer had asked for money to ~~go~~ and supplement Harambee efforts for construction of Nyayo Wards, he would have been given. I think this House has ~~sometimes~~ sometimes been allocating money to go and complete projects started by the ~~people~~ people themselves.

MR. ANGATIA (ctd.):

and sometimes to go and start projects which can be completed by the people. In this case, the permanent secretary did not even care to ask for the money; ~~but~~ he went ahead and spent ~~the~~ it. When he was asked to explain, he did not care to explain, he did ~~not~~ not care to explain. When he was ~~ask~~ asked to regularise ^{the expenditure} he did not care to do so. How then do we leave one person to do all these things in total disregard of the accounting regulations, and even of ~~the~~ the terms of his appointment. He disregarded all these things, and today we just sit down with him because he is our brother and a Kenyan.

Sir, I do not advocate that people should be sacked, but I do advocate that people should be corrected. Human beings are capable of growing, developing and even changing. This kind of behaviour is a ~~dis~~ behaviour which should be detected early during the year. enough/ If an officer is going to spend Kshs.0.5 million, on another project, and you had detected his behaviour, you could discover the matter when he has ~~perhaps~~ perhaps spent Kshs.100,000/- stop him and so you can save the rest of the money. But if you wait for him to spend ~~the~~ all the money, and at the end of the year you come to look at his accounts, you will find that there is nothing. The money will have been spent on the ~~construction~~ construction of Nyayo Wards. Okay, Kenyans may already be using some of those Nyayo Wards, but we have orders, a system, instructions and ~~regulations~~ regulations under which everything ~~is~~ we do is supposed to be done.

MR. ANGATIA (ctd.):

We ~~cannot~~ ^{cannot} allow ~~that~~ any officer who happens to be in charge of some Government money, ~~just~~ ^{to} just take it and spend it as he likes. We might even find some people spending money in their own houses, and ~~it~~ has happened in the past. If we give some people the authority to look ~~after~~ after our sheep, and cows, we do not allow them to slaughter the cows and eat the meat. We have kept them as a society; they are for all of us because we have formed a society where all us must participate for the welfare of everybody, and for our own good. If some individuals continue doing such things, they can be corrected, and we should not hear of such issues again. These kind of things should not be heard again.

Mr. Temporary Deputy Speaker, Sir, I would now like to ~~turn~~ turn to paragraph 185 and 186. Again this concerns Nyayo ~~Wards~~ Wards, where there ^{were} ~~was~~ irregular expenditures. Equipment was bought ~~at~~ at a time when it was not ~~even~~ even required, and there was no financial provision for it. At the time the ~~the~~ Committee was meeting, the accounting officer ^{was} busy trying to get rid of that equipment without accounting for it. This was an irregular ~~expenditure~~ expenditure because the equipment was not ~~not~~ ^{no} bought in the correct manner. There was ~~tendering~~ tendering; the officer just walked into some shop, maybe, in London where he saw some good equipment for ~~the~~ ^{his} hospital and he just ~~just~~ came back and wrote ~~and~~ ~~the~~ cheque from the Minister. After buying the equipment, you check in the financial provision and find that ~~there~~ there was no provision for that equipment at all, so you decide to get rid of it, because the Controller and Auditor-

MR. ANGATIA (ctd.):

General might ask you ^{to} explain. We are grown ups; we are elderly ~~pe~~
 people ^{And} we cannot behave like thugs. I hope that the ^{concerned} accounting
 officers ^{will} desist from ^{such} behaviours in future.

What I want to ask is; What is the role of our colleagues in ~~hi~~
 this House as Ministers? When such irregular expenditures take
 place, the Committee meets, ~~We~~ discuss the issue, and then ~~we~~
 conclude the debate. In our discussions we find that the accounting
 officers or some other officers under them are spending money
~~irreg~~ irregularly. As I said earlier, in some cases, the accounting
 officers may not even be aware of some of these things. They
 may not be ^{the} ones doing ~~th~~ these things, but because they are
 the accounting ~~off~~ officers, they have to make sure that these
 things do not happen. When these things happen, only to be
 discovered much later by the Controller and Auditor-General, ^{it means} that
 there is no internal or external supervision. On this particular
 irregularity, the Committee decided that ~~that~~ the officer who
 was concerned should be ~~xx~~ surcharged. The amount of money which was
 lost was ~~ka~~ colossal, but at least the Committee decided that
 that officer should be surcharged about Kshs10,000/-⁰⁰. Of course,
 a surcharge was not a refund, ~~but~~ the Committee realised that no
 human being ^{can} ~~refund so much money~~ ^{refund so much money}, maybe
 people like Marcos can ~~but~~ the Committee realised that the officer
 concerned could not have refunded millions of shillings which were
 involved. Therefore, ~~axtaken~~ the officer was asked to refund just
 accept.

which this House can ~~accept~~ The important

MR. ANGAFIA (ctd.):

thing was not the token money, it was not the Kshs.10,000/- that ^{would have got.} the Treasury ~~would~~ get. The important thing was how ~~do~~ we ~~can~~ could instill that kind of integrity that is needed in our officers so that they look after our wealth correctly; so that they supervise growth and our things correctly. I

Mr. Temporary Deputy Speaker, Sir, ~~imagn~~ imagine if you ~~have~~ had an officer like this one where peoples lives are ~~involved~~ ^{or} involved where the defence of this country is involved. What would they do? They would sell us; they would betray us. They would betray Kenya as long as they are safe. I would like to request the accounting officers to be very serious with their work. I am sure that they sit in their own committees and discuss. I am sure that our Ministers also sit down with their accounting officers and discuss. When we talk ~~abx~~ about an accounting officer doing these kind of things, we are already talking about our own Ministers. They also have a role to ~~pa~~ play in minimising these irregularities. I do not think that a Ministerial post is a ceremonial post. It is a post where somebody is heading an executive department. If somebody is heading an executive department, nobody is supposed to ~~supper~~ supervise ~~them~~ him. Politicians cannot supervise civil servants. The Ministers have to see that supervision takes place; the accounting officers should also be satisfied that supervision takes place. These kind of irregular expenditures do not ^{anger} ~~anger~~ well with ~~our~~ our Kenyan system today.

MR. ANGATIA (ctd.):

Many Kenyans are proud of their peace and their development, but if such irregular expenditures spread out to many Ministries-----

Sir, I would like to commend one accounting officer, and I had referred to his case earlier on. This accounting officer had only one paragraph; it is in page 13 paragraph 79.to 80 which I had referred to earlier. It was on Rural Development Fund Accounts for 1984/85. If this Fund had not let down this accounting officer, he could have come out very clean.

(END...M)

R. J. M.

MR. ANGATIA' (ctd.):

In this paragraph - Rural Development Fund - money was put into a suspense account in small bits with the amounts getting bigger each year. I think this money was hidden there so that they could share or loot it later on. If the Accounting Officers were strict enough to avoid ~~such~~ such situations, they would have come out clean. I am emphasising the point that we are capable of running this country ~~with~~ without too many flaws. We are correctable. We cannot be perfect. But glaring and open thefts of this kind can be avoided and ^{this} ~~thus~~ push the development rate of this country a little bit ^{higher} ~~faster~~ than it is at the moment. Let the Accounting Officers know that such actions are against the interests of this country and against our prosperity.

Mr. Temporary Deputy Speaker, Sir, I am ~~now~~ on my last ^{things} three points. There is an area that the Government needs to make ^{it} clear to everybody. This is an area that we have discussed nearly every year in the Public Accounts Committee. This is the area where Accounting Officers take advantage when the Head of State is going to preside over a Harambee for a given school, college or hospital. They take Government funds voted to them for certain jobs; they divert those funds and take them to those Harambees. According to the ^{given} information ^{to} us by the Permanent Secretary in the Treasury, such a thing is not supposed to be done. According to the Accounting Officer's explanations, they say that they are being patriotic and are supporting the ~~the~~ Head of State and developments. ~~If~~ The Permanent Secretary in the Treasury has made it clear that no money that has not been provided for should be spent. Anybody who has risen through the ~~rank~~ ranks to the position of Permanent Secretary ought to know this. One cannot justify misallocation of funds and wrong expenditures with the argument that you are participating in a Harambee and further that this project was very important for the Ministry, and that the Head of

MR. ANGATIA (ctd.):

State was involved. Such a thing cannot be justified.

We would, therefore, Mr. Temporary Deputy Speaker, Sir, like to make it clear to the Accounting Officers that this thing is wrong and it will not be acceptable. Sometimes I think they do it because they have certain interests vested in those areas or they could simply want to make a name for themselves. This ~~is~~ has been happening in both the Ministry of Education and the Ministry of Health. We would like such practices to be stopped and we would not ^{wish} ~~like~~ to come across them again ^{or} ~~to have~~ to discuss ^{them} ~~it~~ again in this House. We hope the Accounting Officers who are involved will desist from it and make sure that they use money for the purposes that it had been allocated for. They should do this for the benefit of the people of this country.

Let me finish with this shocking revelation. This can be found on page 32 paragraphs 188-194.- Construction of Mkwewe District Hospital. This is a major sore in the integrity of this country. There were two hospitals in question here. There was a hospital that had been donated by a friendly donor country while the other one was to be built by the Kenya Government. These two hospitals were very close together at Lamu. One was on the island while the other was ~~on~~ on the mainland which is the one that was donated by this foreign donor. This hospital was well designed and well built at ~~least~~ less than half the amount that cost the K Government to build the other hospital. It beats common sense that Government officers could build ~~a~~ two district hospitals a few kilometres apart in one and the same place. Both of these hospitals were built on the shores of the Indian Ocean although one of them is located on the island while the other is on the mainland. Each of these hospitals is enough to be a district hospital. Our Government officers whoever they were ^{decided} ~~were~~ to put up these ~~is~~ two hospitals facing each other. There was no reason ~~is~~ for this and even if ^{there} ~~it~~ was one, it could not have satisfied anybody.

MR. ANGATIA (ctd.):

performance bond. This is impossible to understand. Such a thing can only happen ⁱⁿ to the Ministry of Health. It is unheard of and totally irregular. The Government paid for the contractor ^a performance bond and insurance for his equipment and material.

L.C. ASIF-
L That was not enough, Mr. E Temporary Deputy Speaker, Sir. The Government ^{had} to employ people to guard the materials that were being used by the contractor. Instead of the contractor ^{insuring} ~~insuring~~ for his own ^{performance} ~~performance~~, or guarding his own materials, the Government ^{did} ~~does~~ all this for him. When we talk about ^{Construction} ~~construction~~ we are talking of the Ministry which is an employer, ~~in~~ this case the Ministry of Health, and the Ministry of ^{Public Works} ~~Water Development~~ which is the supervisor and is like a consultant to the Government in construction work. These people ^{had} ~~have~~ the audacity to insist that they were doing the right thing.

L.C. ASIF- That is not enough! The same Government officers failed to pay the contractor. So the contractor decided to ~~make~~ calculate the interest on the outstanding money.

END N.....

MR. ANGATIA (ctd):

When they did not pay him, they decided to swindle the Government. You can see what contractors can do with us. Mr. Temporary Deputy Speaker Sir, the complaints that we have here states as follows:-

"The Committee heard the explanations given by the Accounting Officer and was shocked to learn that Government was made to pay for performance bond, insurance and for training levy which should have been ~~paid~~ the responsibility of the contractor".

This country has a law which requires that some ^{industries} Ministries shall pay training levy. ~~One~~ The Ministry of Health, ~~was~~ although it was paying the contractor, who had already calculated interest, he had already calculated what it would cost to complete the job including the site, the cost of the equipment and other bills, the amount he would pay his guarantors, ^{who would ensure that they are doing well} he had already calculated what he would pay in terms of paying levy and included in the total quotation all the cost of the project. The ~~xxxxx~~ Government comes round again and pays him a more money on each one of these items. It is strange. Things are happening in this country but ~~xxxxx~~ I do not think Members of Parliament are not aware. When Members of Parliament are given Reports of this kind should read them and ~~xxxxx~~ understand them clearly. They are the people who are at the ~~helm~~ helm of the ship called Kenya. They are the people who are leading us in the executive arm. There are some sort of things that they are doing, whether ~~xxxx~~ they are driving us ahead or ~~x~~ we are marching on the same spot or we are ~~it~~ being driven backwards.

"The Committee was further alarmed at the ~~xxx~~ escalation of the ~~xxx~~ cost of the project from Kshs.28 million to Kshs.59 million--"

Up to the time we visited the project, it was not complete. The initial agreed cost was Shs.28 million but within a very short time, our own Government officers had agreed to sign variations of prices and what have you. ~~xxxxxx~~ At the time we visited the project, they had agreed to raise it to Shs.59 million. But wait until you ~~xx~~ hear the ~~it~~ whole story, it is as follows:-

"--and may even be higher resulting from delays in deciding on funding change of site--"

MR. ANGATI (CTD):

There is also delay in negotiations, the period lapsing between signing the certificates and giving them out and the time payment is made, ^{and} / ~~pay~~ the contractor becomes ~~it~~ difficult and refuses to resume work unless he is paid certain money. The contractor gets money at will, whenever he wants to he adds more money and ~~says~~ says, "I am not moving, until you ~~pay~~ pay me so much money". He will say that he would keep off only after he has been paid. The Ministry of Health and the Ministry of Public Works were acting as ~~an~~ consultants.

"The Committee recommends that the Accounting Officer should ensure that the project is complete to avoid any further losses. The Committee further recommends that in future, the Accounting Officer should make sure that he is ready with all the necessary documents, the site and ~~so~~ drawings before he hires any contractor."

Mr. Temporary Deputy Speaker Sir, in a case like this one, the surcharge was quite acceptable, ~~but~~ but whom would you surcharge? In any case, ~~there is~~ ~~is~~ if you inflate an amount from Shs. 28 million to Shs. 58 million and you ~~have~~ ^{are} ~~are~~ ^{paying for} ~~from~~ very questionable things like insurance, performance bond, training levy, surely, where will you start even if you wanted to surcharge anybody. Whom would you surcharge in the first place? This is a ~~collusion~~ collusion to swindle, to deprive this country of its money earned the ~~hard~~ hard way. I would like to call upon our officers, and particularly, ~~and~~ the Accounting Officers, especially those of Treasury and the Ministers. ~~I would like to~~ ~~caution~~ ~~them~~ to be strict in their committees. I would like them to be interested in these things. These things are eye sores, they are not like the Kenya we know, ^{and} the Kenya we want; they are not going to make us or enable us achieve what we want.

Mr. Temporary Deputy Speaker Sir, we have talked a lot about the Kenya we want, we have discussed the integrity of our civil service, politicians and so on. The things that continue happening in this country are totally contrary to our aspirations, our plans and what we want to do, they are also contrary to our regulations ~~and~~ under which Accounting Officers are ~~are~~ appointed. After 25 years of Independence, after toiling a lot, I am referring to the ~~total~~ total populace, and our civil servants, we would like to see departure from these kinds of things. We should see our determination to develop.

MR. ANGATIA (CTD):

Until the people at the helm of our whatever institutions decide ~~that~~ that we develop, until they decide that they would want to show our integrity, it will be very ~~hard~~ hard to succeed. It would be too much to expect the whole populace to ~~have~~ have more integrity than their leaders. I say this knowing very well that as Members of ~~Parliament~~ Parliament we should ~~talk~~ not just talk but also show an example to ~~our~~ our people. I also know that while we are legislatures, we expect the executive ~~arm~~ arm to be run properly. We do not want unnecessary clashes, criticism and we do not want to indulge ourselves in mentioning names of certain people ~~where~~ here.

Mr. Temporary Deputy Speaker Sir, I have only dealt with only a third of this Report. I have not been discussing paragraphs into details ^{because} I have skipped very many of them. Those ones I have referred to ~~are~~ are depicting what the civil service's performance. I do not want to end on a note which will appear as if I am condemning the whole civil service, but the matters contained in this ~~Report~~ Report speak for themselves. Whom shall we ask to explain this to us except the ~~few~~ people who are responsible?

^{few}
With those remarks, I beg to support.

MR. JAIDESSA: Thank you Mr. Temporary Deputy Speaker Sir, for giving me this opportunity to contribute to this Report of the Public Accounts Committee which is ~~is~~ before the House. Time and again, such reports have been tabled here and usually they depict ~~are~~ irregularities and some ~~are~~ shocking revelations.

In the end, after we discuss the reports, we do not see any action taken on the culprits. The Committee recommends disciplinary measures and so forth, but what happens is a repeat of the same irregularities.

that we should discuss here,
Mr. Temporary Deputy Speaker Sir, if there is anything important, ^{it} it public funds, because they are meant for development and recurrent expenditure. When funds ~~z~~ of the public are being misused, that is a very serious issue. When these irregularities continue to ~~keep~~ happen and the culprits are not disciplined it means ~~it~~ that people are free to misuse Government funds. It also means that people are free to misuse anything against the authority ~~of~~ of Parliament.

I would like to quote some figures here; they are appearing on page 30 - Ministry of Health, under Harambee Donations:-

END 0 - 11h

MR. JALDESSA (Ctd.):

Somebody somewhere diverted the ~~tax~~ donation to other uses.

The Committee must have heard the explanation given by the

f.c. Accounting Officer and expressed great concern that funds meant for other items were irregularly diverted ^{elsewhere} ~~elsewhere~~, contrary to the authority given by Parliament.

Mr. Temporary Deputy Speaker, Sir, this is a very serious offence and such a matter could have instantly been taken to a court of law. An officer diverting money to other places which were not voted for is a very serious offence. If no action has been taken up to now, there is then no need of having a Public Accounts Committee any more.

If you look at page 15 - Provincial Administration - there was an irregularity in the Provincial Commissioner's office, ~~in~~ Garissa, whereby the amount of KSh.984,816.20 was given to ~~given to THE~~ ^{to the} the Armed Forces Canteen Organization (AFCO). ^{When} ~~it~~ ^{to know} since the cheque was given to the Provincial Commissioner (PC) they decided not to bank the ^{it} ~~cheque~~. Sometimes, I find such things strange but they happen and the offenders ~~are~~ ^{are still} remain in office. This should be the last Report of the Public Accounts Committee. I say this because last year they tabled a similar Report and we see no action being taken. What is the use of wasting time meeting now and then; summoning those officers and in the end no action is taken. The PC's office is supposed to be a shining example to the Ministries, ^{And it} ~~which~~ ^{should not} be involved in such frauds.

It is now time for us, as a Parliament to recommend severe measures against any person - whatever position he holds - to be disciplined if he misuses public property.

MR. JALDESSA (Ctd.):

Mr. Temporary Deputy Speaker, Sir, there is another case where a vehicle was purchased by the Ministry of Water Development without authority of Parliament or the consent of the accounting officer in that Ministry. When the matter was brought ^{to} the attention of the Committee, it recommended that disciplinary action should be taken against this officer but no action has yet been taken. Due to this fact, you may see another officer taking money meant for other purposes to go and buy a vehicle or anything else because no action will be taken ^{against}. This is very strange and I think this Report is nothing but a regularity. There is a lot of misuse of Government vehicles and public funds - things which sound very serious. Instead of wasting time, in a period of one year someone could have been disciplined by either being taken to court or surcharged.

If there is nothing like that happening, other officers, including the junior ones, will continue misusing ^{Government} property which is under their care. It is time that we became serious on public funds. Here in the National Assembly, things are very strict such that we are not allowed to take imprests or such things but you will see others who are guided by the same regulation misusing public funds and still getting promotions.

With these few remarks, I beg to support.

MR. MURUKIA: Asante sana, Bw. Spika wa Muda. Ukiangalia Ripoti hii, inayo mambo mengi yanayotupatia ^{kuziini} ~~kuwa~~ mwingi sana. Kama mambo kama haya yangali yanaendelea, ni vibaya sana katika nchi hii. Ukiangalia mahali kwingi katika Ripoti hii utaona kuwa ^{kuna} ~~kuwa~~ maofisa wengi ambao wamepewa jukumu la kuokoa pesa za Serikali lakini hawafanyi hivyo kwa njia inayofaa. Wengine, wamepewa wadhifa wa kuzitumia pesa za Serikali lakini pesa hizo

jia inayofaa.

MR. MURUKIA (Ctd.):

Kwa mfano, ukiangalia katika ukurasa wa 29, kuna jambo la kushangaza sana ambapo nyumba moja ilikodishwa ili ofisa mmoja akae humo lakini hakukaa huko na hali kodi ilikuwa imelipwa. Wakati nyumba hiyo ilikuwa ikirudishiwa mwenyewe, ililazimika pesa nyingine zitumike kwa kuirekebisha. Tena, katika ukurasa wa 37, ^{kuna kiasi ambapo} ~~ambapo~~ Wizara ya Serikali za ^{Mitaa} ~~mitaa~~ ilikopa pesa, kupitia kwa Local Government Loan Authority kutoka kwa Hazina ya Taifa, ^{wakazi wa} ~~wakazi wa~~ shirika moja la kibinafsi. Hazina ya ^{Taifa} ~~Taifa~~ pia ikaenda kukopa pesa kutoka huko tena.

Ingawa tumechukua muda wa miaka minne kutoa Ripoti hii, mambo kama hayo yameandikwa humo yanaweza kuletea nchi ~~ni~~ hii shida nyingi. Kuna ~~ambapo~~ wakati Wizara ya Kilimo iliipeana mikopo na faili ambayo mambo ~~ya~~ hayo ^{jambo ambacho} ~~yameandikwa~~ ilipotea wakati ^{wakati ambapo} ~~wakati~~ walikuwa waipolekee Mkuu wa Sheria ili hatua ichukuliwe. Ni jambo la kushangaza sana kama ofisa kama huyo aliyesababisha faili kama hiyo ~~ya~~ kupotea angali katika ofisi wakati huu tunapozungumza. Pesa ambazo tunatumia ni mali ya wanaolipa kodi. Kama wananchi ^{wataendelea kulipa} ~~wataendelea~~ kodi na ~~mipango~~ mipango ^{iliyotarajiwa,} ~~ya~~ maendeleo ⁿⁱ ~~ni~~ vibaya. Itakuwa pia shida sana kwa Serikali ^{kuitekelea} ~~kuitekelea~~ mipango ~~kama~~ hiyo.

Ripoti hii inayo mambo mengi sana mabaya, na wakati umefika ambapo mambo ya pesa yanatakikana yaangaliwe kwa makini sana na maofisa wanaohusika. Sheria ni lazima itumike kwa ~~sababu~~ sababu sioni ni kwa nini ofisa ambaye amepewa jukumu la kutumia pesa za Serikali anaendelea kutumia kiasi zaidi kuliko kile alichoidhinishwa. Katika Ripoti hii, mipango mingine ilikuwa imekadiriwa kuwa itagarimu Serikali pesa fulani. Kwa mfano, ^{Ujerumani} ~~Ujerumani~~ ^{katika} ~~katika~~ pesa kama kiasi hicho kimepeanwa na ^{Ujerumani} ~~Ujerumani~~ pesa za kikwao,

MR. MURUKIA (Ctd)

yaani deutschmark, wakati pesa hizo kuf zikifika hapa, badala ya kutumia Sh.3 milioni ~~Sex~~ wanatumia Sh.5 milioni. Ni lazima kuwe na ~~un~~ uangalifu wa vile pesa za umma ~~zinapotumiwa~~ zinavyotumiwa

Ni matumaini yangu - hata kama tunazungumzia mambo ya 1984/85 - kwamba mambo haya yatarekebishwa. Pia, Ripoti hii ni lazima iletwe hapa baada ya ~~mwaka~~ mwaka mmoja badala ya miaka minne. Tutaendelea kuzungumzia makosa ya ofisa fulani k-na labda hayuko kwenye ofisi sasa au labda amehamishwa kwa idara nyingine. Itakuwa jambo la maana kuzungumzia juu ya ofisa ambaye wakati huo huo yuko ofisini humo na anaweza kulipishwa pesa kwa urahisi. Kama tutakuwa tukizungumzia ofisa ambaye labda ameshafariki dunia, haifai hata kidogo.

END P.

[Handwritten signature]

MR. MURUKIA (CTD):

ikiwezekana

Kwa hivyo, Bw. Naibu Spika wa Muda, tungeomba, ~~ilivyo~~, Ripoti ya Public Accounts Committee iwe ikiletwa hapa baada ya kila mwaka ili tuwe tukipata majibu kuhusu mapendekezo tunayotoa hapa kwa haraka. Kitu kama imprest si mkopo uliotolewa na mtu, bali ni pesa za Serikali zinazotolewa kwa mafisa wake watumie katika kufanya kazi, halafu waeleze vile wanavyozitumia. Imekuwaji kwa mtu kupewa imprest, na badala ya kueleza vile alivyotumia pesa hizo kwanza anaendelea ^{Kupata mwingine} ~~pesa za imprest~~ tena na tena. Hili ni jambo ^{ambalo ni} lazima Makatibu ^{wa Kudum} walichunguze kwa makini, kwa maana ni wajibu wao kufanya hivyo.

Sitaki kusema mengi kwa sababu ukiliangalia Ripoti hii imejaa mambo mengi kuhusu vile pesa za Serikali zinavyotumika kwa njia mbaya. Kile tungetaka kuona ^{ku} kwamba mambo haya yamerekebishwa. Ingawa sasa tunaizungumzia Ripoti hii tukiuliza swali juu ya jambo hili, tutaambiwa kwamba ofisa alilipa pesa hizi, au alipata uhamisho au hakuna hatua iliyochukuliwa juu ya jambo hili. Kwa mfano, kule kupotea kwa faili ikiwa na hati ^{mayoongezwa} ~~ingoo~~ kiasi cha pesa kilichokopeshwa mtu au kampuni, na kwa hivyo hakuna hatua ya kisheria inayoweza kuchukuliwa, ni jambo la kushangaza sana. Kwa hivyo, kama alivyoomba mhe Mbunge mwingine, ningewaomba Mawaziri wajitahidi kuelewa mambo yanayoendelea katika Wizara. Hii ni kwa sababu ni aibu kwa ofisa kuitwa katika Public Accounts Committee ili kuhojiwa juu ya pesa zilizotumika bila kibali.

Singetaka kuendelea kuzungumza sana kwa sababu kila kitu kimeelezwa kwa undani. Ukiliangali Ripoti hii toka mwanzo hadi mwisho, utaona kwamba Controller and Auditor-General hakuridhika na uwekaji wa hesabu za pesa za Serikali. Sijui kama ~~Wizara~~ kuna Wizara ambayo ilitumia pesa zake kwa njia inayofaa. Tungeuliza ~~kwamba~~ hesabu za pesa za Serikali zinazokuja ziwe na maelezo mazuri kuhusu matumizi ya pesa, maana tunataka ukaguzi wa Pesa za Serikali utuonyeshe vile pesa za Serikali zinavyotumika. Hakuna haja ya kodi kuongezwa mwaka

MR. MURUKIA (CTD):

baada ya mwaka kana pesa za Serikali hazitumiki vizuri. Tangetaka ~~Kodi~~ iwe ikiongezeka ikiwa pesa hizi zitafanya kazi ya maana. Lakini ikiwa itakuwa ikiongezeka na hali mapato yake hayatumiki vizuri hili halitakuwa jambo linalofaa.

Kwa hayo machache ninaiunga mkono Hoja hii.

MR. KUBO: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi ili ~~na~~ nami niongee machache juu ya Ripoti hii. Hii ni Ripoti ndefu, lakini ina machache ambayo tunaona inafaa yazungumziwe.

Jambo la kwanza lililo wazi kabisa ni kwamba inaonekana kwamba Katiba ya nchi ^{haheshimiwi} ~~haheshimiwi~~ hata kidogo. Hii ni kwa sababu Katiba hii inaeleza wazi wazi kwamba pesa zote za umma ni lazima zipitishwe na Bunge kwanza ndipo zitumike. Lakini ni ajabu kuona kwamba sisi ambao tunahitajika, ^{kuilinda} Katiba hiyo tunakaa hapa bila ya kuhakikisha kwamba Katiba hiyo ^{haheshimiwa} ~~ina~~ hii k ni kwa sababu ikiwa pesa zinatolewa kwa matumizi ya Wizara tofauti tofauti bila ya kupita kwa Bunge, basi hii ni kinyume cha sheria na ni lazima ^{tujihadhari} ~~tujihadhari~~. Hii ndiyo sababu wakati mwingine sisi Wabunge tunaitwa muhuri; tusipojihadhari tutaendelea kuitwa muhuri.

Tunajua ^{wazi} kwamba kila Wizara ina maofisa wa makadirio ambao hufanya mapendekezo ya kiasi cha pesa kinachotakikana na Wizara zao ^{kutoa} kwa Wizara ya Fedha. Ni ajabu kwamba ingawa Wizara nyingi zinapewa kiasi cha pesa zinachoomba, inaonekana kuwa Wizara hizi huwa hazijafanya mipango yake kwa dhati. Huwa ^{zimekadiri} ~~zimekadiri~~ kiasi cha pesa kisichotosha mahitaji yake, kisha baadaye ~~xx~~ zinarudi kwa Wizara ya Fedha na kupewa pesa ambazo hazijapitishwa na Bunge. Tunajua Wizara zinatakiwa kuomba pesa za ziada kutoka kwa Bunge, lakini jambo hili halifanyiki; badala yake, Paymaster-General huendelea kutoa pesa kwa Wizara. Hili ni jambo linaloudhi sana katika nchi hii. Tukiendelea hivyo tutapoteza ile heshima yetu tunayopewa kama nchi. Badala ya maongozi yetu kuheshimiwa, ~~kukaz~~ tutaambiwa hatuna kitu cha kutuongo-

MR. KUBO (CTD):

Bw. Naibu Spika wa ~~zinda~~, kitu kingine ambacho tumeona ni kwamba kuna uchelele^{le}weshaji katika utumiaji wa pesa. Ni ajabu kusikia kwamba wageni wengine ambao hutupatia misaada wanataka kuja kusimamia utekelezaji wa miradi ^{wanayosaidia} ~~wanasaidia~~. Hii ni kwa mara kwa mara wanaona pesa walizotoa zikirudishwa. Inafaa tuliangalie jambo hili sana. Haifai tuwe ^{walejevu} ~~walejevu~~ mpaka wageni ^{wanatusaidia} ~~wanatusaidia~~ watake kuja kusimamia mipango wanayogharamia. Tumeayasoma mambo haya na kustaaajabu. Kwa hivyo, tunaomba Wizara za Serikali zijikaze ili tuone kwamba hali yetu ya utendaji kwa ambayo tunaheshimiwa inaendelea kukua.

Kitu ^{wa Kudumu} ~~x~~ kingine kinachotushangaza ni kwamba ingawa Makatibu Wakuu wanaonywa na Controller and Auditor-General, na pia Public Accounts Committee juu ya makosa yao, wanaendelea kufanya makosa hayo hayo mwaka baada ya mwaka kana kwamba hawaheshimu maongozi yetu ~~kwa~~ kuhusu ~~x~~ public accountability. Ningependa kuonya kwamba ikiwa tutaendelea na mtindo huo, na wale wanaohusika wasichukuliwe hatua yoyote, jambo hili litakuwa la kuvunja moyo sana na ^{Kuzovotesha} ~~kuzovotesha~~ maendeleo ya nchi hii. Tungejifunza kuwa na nidhamu sisi wenyewe. Ni ajabu kusoma katika Ripoti hii kwamba ~~kwa~~ kati yetu kuna Mbunge ambaye alikuwa anadaiwa pesa za Serikali, na alipotoa hundi ya kuzilipa ^{ya} "iliruka." Hili ni jambo la aibu si kwa Wabunge peke ^{ya} ~~yake~~. Ningetoa mwito kwamba sisi sote tunaajiita viongozi, tukiwa watumishi katika idara, au viongozi wa kisiasa, inafaa ~~kwa~~ tujiheshimu. Tukifanya hivi, na kuwa na nidhamu, sisi wenyewe tutaheshimiwa na wengine. Tena inaonekana kuwa Mbunge huyo huyo, ambaye hajatajwa kwa jina, hakuwa amezilipa pesa hizo, na ingawa alionywa hakufanya chochote. Katibu ^{wa Kudumu} ~~Wakuu~~ wa Wizara inayohusika aliendelea kuziweka hundi "zilizoruka katika kabati kwa sababu hakuwa na lingine la kufanya. Haya ni mambo yanayoonyesha haja yetu ^{ya} ~~kuwa~~ na nidhamu.

Jambo lingine lililotajwa na Wabunge wengi ni kuhusu

MR. KUBO (CTD):

ile hospitali ya Lamu. Hapa kandarasi ilitolewa hata kabla haijajulikana hospitali itajengwa wapi. Haya ni mambo ambayo yanaletwa hapa kila wakati. Pesa zinatolewa na Wizara ya Fedha hata kabla feasibility study kufanywa. Hii inatokana na mapendeleo ya kibinafsi. Ninatoa mvito kwa Wizara ya Fedha kuangalia kabla ya kutoa pesa na kuhakikisha kwamba kamati ya maendeleo ya wilaya imependekeza miradi na kwamba makadirio yafaayo yamefanywa ili mara pesa zikitolewa kazi ianze ndipo nchi yetu iendelee mbele kwa haraka.

END Q

MR. KUBO (ctd.):

Bw. Spika, tukiondoa maslahi ya kibinafsi katika huduma kwa umma, tutakuwa tumeanza kuendelea mbele. Lakini hivi sasa ilivyo ~~ni~~ ni kwamba wengi wetu katika nchi hii ~~tunajifikiria~~ tunajifikiria sisi tu binafsi z na mambo ya umma ambayo yanafaa yaangaliwe kwa ujumla hayatimizwi. Anayehusika na mambo kama hayo akiambiwa ^{aleze} ~~show~~ ni kwa nini hakutimiza wajibu wake na Controller and Auditor-General au na Public Accounts Committee, anakimbia kwa wakubwa wengine kwenda kutafuta ulinzi. Wengine wetu viongozi tunawalinda watu kama hao. Hili ni jambo ambalo halifai katika nchi hii. Tunapotoa maoni kuhusu Ripoti hii, ^{tunafanya} ~~hivyo~~ hivyo kwa sababu tunataka kuisaidia nchi. Si kwamba Ripoti hii inataka kumtia yeyote mashakani. Hatuna lengo ~~ku~~ baya ~~ku~~ kwa mtu yeyote binafsi, lakini kama tunataka kuwa nchi ya demokrasia inayoheshimika, ni lazima tufuate kanuni tulizoziweka. Tukifanya hivyo na kufuata yote yaliyopendekezwa, nina hakika tutakuwa katika msingi unaohitajika. Kwa hivyo, natoa mwito kuwa Accounting Officers wa kila Wizara wawe wakiangalia Ripoti hizi kwa makini ili wasije wakarudia makosa ambayo yamefanywa na wengine waliotangulia mbele yao. Najua kwamba wengi wa waliotajwa hapa hawako katika Utumishi wa Serikali; wengine wamestaafu na wengine wamepewa ^{nyadhifa} ~~hivyo~~ tofauti. Kwa hivyo, tunaposema mambo yaliyopita, hatuwezi kuwafanya lolote. Kwa hivyo, hata kama tunganese wengine wao watozwe pesa, hatungeweza kuwapata kwa sababu hawako katika Utumishi wa Serikali.

Nikimalizia, ningependa kusema kwamba wale ambao wanapewa wadhifa wa kuongoza idara tofauti za Serikali, wafanye kazi yao wakijua kwamba ~~tunaj~~ tuko hapa kufanya yaliyo ya haki "For the welfare of the society and the just Government of men!"

MR. KUEO (ctd.):

Namalizia hapo.

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. Kariuki):

Thank you Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. I would like, first of all, to congratulate the Public Accounts Committee, particularly its Chairman, for a job very well done, and a job that has been done pretty fast. I recall that a few years ago, we used to discuss these Reports five or six years after the expenditures were incurred. But I am grateful to see that we are now discussing the 1984/85 Report, rather than discussing the 1982/83 Report as used to happen before. So, that is a word of congratulations to the Chairman and the Committee for their very fast job.

Mr. Temporary Deputy Speaker, Sir, mine will be very short. One thing that has struck me is the report on page 44. The Government spends a lot of time and energies in negotiating for external loans and grants. We request for them; we ask for them, not merely because we like begging or merely because we like borrowing, but because there is dire and urgent need for these funds for development purposes. So, it becomes rather striking and very unfortunate when we read that in certain cases, some of these foreign aid is not utilized because of some of our internal problems. From page 44, I note that about K37.6 million in foreign aid was not utilized because the projects were not ready. I think it is very important that whoever are concerned with the utilization of these funds do their best and pull up their socks to see that every cent we are given in form of aid or grants is utilized. This is because, if this goes on, we are going to discourage the donors, who so graciously give us this aid, from giving us more or listening

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. Kariuki) (ctd.):

to our problems if we are unable to utilize what we are supposed to utilize.

I also read from the report of the Ministry of Water Development a statement by the Chairman of the Committee that lack of co-ordination between the Ministry and the donors was the cause for the lack of collection of funds from donors. This is a case where donors had given money but, because there was lack of co-ordination between the Ministry and the donors, the money that had been given by the donors was not collected. This means that a lot of projects in that Ministry suffered. These were certainly needy projects, but, just because of that small thing called lack of co-ordination, these projects suffered. I do hope that this matter has changed, and I am sure it has. I also hope that there is no more repetition of this state of affairs.

The other thing that we ~~we~~ have got to be very careful about, and the Report does report this very vividly, is the method of awarding contracts. There have been cases where the contracts have been awarded very haphazardly and this has resulted to an immense loss of public revenue. With the introduction of the district as the focal point for development, we would have thought that this problem would lessen because, once development matters have been taken over ~~by~~ by the district, I think we should go a step further. Sometimes it becomes very difficult for the district development officer to co-ordinate all the projects in the district. There may be numerous projects in the district and ~~it is~~ it is very difficult for one person - the district development officer - to ~~maintain~~ co-ordinate every project going on in every division and location. So, I would suggest, and I have suggested this before, that since we

R.4...10.11.88

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. Kariuki) (ctd.):
have so many people in Government offices, some of whom are not properly utilized, we should have a ~~development~~ development officer in every division. These people should not be just ~~at~~ at the district level; every ~~division~~ division should have a development officer, from the Ministry of Planning and National Development, to oversee the development projects in that area. Indeed, I would go on and say that if it were possible, every location should have a development officer to co-ordinate the development projects in that location. And here I am talking about Government-funded projects/^{as well as} ~~as well as~~ the Harambee projects. I say this because I have seen cases where a project is being carried out in a location under the control of the district development officer, and, because the district ~~development~~ development officer has no time to visit all the locations, he awards tenders from the district headquarters. He does not award ~~at~~ tenders to the ~~people~~ people in the locations but he does so from the ~~at~~ district headquarters. This means that you find very absurd cases where a project going on in a location uses materials like building stones from the district headquarters instead of using the quarries that are within the location.

END R.

R/Kmk

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. Kariuki) Ctd:

Mr. Temporary Deputy Speaker, Sir, I think that that can be prevented if there were a development officer in every division, if it is not possible to have him in every location.

For a long time, the Ministry of Health, has been the centre of complaints by wananchi and the hon. Members of this House, because of problems which have arisen when awarding contracts or supplying drugs. This seems to be an almost insoluble problem.

I would like to take this opportunity to thank His Excellency the Vice-President, and Minister for Home Affairs and National Heritage for the recent announcement he made that a new system of tendering for drugs is going to be established. According to this system, the Government will obtain drugs directly from the manufacturers, rather than from the many corrupt middlemen, as has ^{hitherto} been the case. I also hope that a system will be found whereby these drugs can flow much more easily down to the district hospitals and small health centres, particularly in the rural areas. At times there ~~has been contradictions~~ have been controls because we know that there has not been a chronic shortage of medicines in the country. The distribution system of these drugs and other equipment to district hospitals and small health centres, has been pretty poor. This has caused an outcry throughout the Republic for very many years.

run out | I do hope that somebody will at last come up with a solution as to how these distributions can be made much more efficiently.

I note something of major concern in this Report. It is my sincere hope that this has now stopped because we are dealing with the 1984/85 Report. I do hope that there has not been a repetition of this. There is a statement in this Report that certain officers in certain Ministries used the Ministries' funds to contribute to Harambee projects. We all know that whatever we contribute, as Harambee money, comes from individuals, groups, companies and others out of free will.

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. Kariuki) Ctd:

I think it would make nonsense of Harambee, if the same money that was obtained through taxes and then given to the Ministries, as part of their Budget, is being taken by somebody and contributed as Harambee. There is no provision for Harambee contributions in the Ministries' Budgets. When this happened, I expect that somebody somewhere was trying to make a name for himself by contributing Government money/^{as} Harambee money. I do hope that this practice has stopped because it does not make sense of Harambee.

With these few remarks, I beg to support.

THE TEMPORARY DEPUTY SPEAKER (Mr. Kabingu-Muregi): It is time for the Government responder to respond to the Motion.

THE ASSISTANT MINISTER FOR FINANCE (Mr. Thuo): Thank you, Mr. Temporary Deputy Speaker, Sir. Before the Mover replies, I would like to respond to this Motion, on behalf of my Ministry. At the outset, I would like to thank the Chairman of the Public Accounts Committee and the hon. Members who served in that Committee for preparing the Report of 1984/85 which was Tabled here. ^{me} They have done a very good job. That reminds of the time when I served as a member of the Public Accounts Committee when, with other hon. Members of the Committee, we encountered a lot of problems, some of which are depicted in this Report. From experience, I can say that the Public Accounts Committee takes this matter very seriously. In the same token, the Government also takes the Report of the Public Accounts Committee very seriously.

There is no way one would be seen to encourage the misappropriation of public funds. Government Ministries have not been encouraged to allow the kind of situations noted in this Report to continue. To prove to the hon. Members that this is the case, I would like to refer them to the Treasury Memorandum given in this Report from No. 88 right through to No. 103. I think that that will help the hon. Member to realise that the Government ~~is~~ takes this matter seriously and particularly we, as ^{the} Ministry of Finance.

Having said that, I would like to also say that this Report will be

THE ASSISTANT MINISTER FOR FINANCE (Mr. Thuc) Ctd:

studied along with other measures that are already in place to avoid the abuse on the part of Government officers with regard to the money entrusted to them.

L.N.N.P. | The Ministry has been taking notes with respect to contributions which have been made by hon. Members. I am sure that action will be taken as per the recommendations of the Public Accounts Committee.

We have heard various views and I do not want to repeat them, but I will mention one aspect where aid was not utilized on time. In ^{such a} ~~this~~ case, a donor gets tired of waiting for a project to be implemented and he can, perhaps, withhold the money so far promised and this is not in the interest of this nation.

We have also heard of artificial fibres, ^{or} ~~the~~ misappropriation of funds for a long time. This is not a new thing but I would like to say that control is now being exercised. As I said earlier on, my Ministry, in conjunction with other Government Ministries, will definitely take this matter seriously.

S. S *19-7*

THE ASSISTANT MINISTER FOR FINANCE (Mr. Thuo)(Cont'd.):

Mr. Temporary Deputy Speaker, Sir, to quote just a few steps that we have taken as a Ministry, we are looking at the training aspect and now some people have been taken for training abroad so as to improve their accounting standards. Seminars have also been held for heads of accounting units to improve their performance. The recruitment of qualified accountants is also being taken care of so that the Ministry can have people who are qualified. These qualified accountants will help the Government to get rid of some of the malpractices pointed out in this Report.

Mr. Temporary Deputy Speaker, there is also the question of the deployment of internal auditors in the various Government Ministries and in the District Treasuries to ensure that financial regulations and procedures are being followed. This, as well, is being pursued. The payment for undelivered goods is a serious matter. The circular^s issued regarding the procurement of goods are very clear and those Accounting Officers who have decided to flout these instructions should be dealt with individually. Sir, the control of imprests is another issue the hon. Members have raised and this point has also been raised in the Report. Here again, I must say that the measures regarding the control of imprests are being ~~undertaken~~ taken through the Treasury vide Circular No.3 of 1983 which must ^{be} adhered to.

Mr. Temporary Deputy Speaker, Sir, irregular awarding of contracts is another issue that hon. Members have raised and here I would say that that Treasury through circulars has directed the Accounting Officers to closely follow up the improper procedures being followed. All these measures will go out to explain what I said earlier, that Government through my Ministry is not taking this matter so lightly as hon. Members might feel. I am saying this because we ourselves have strong protests over issues of this kind, and we are not sitting on them.

Mr. Temporary Deputy Speaker, Sir, I have spoken about the expenditure on donor funds and here, I would like to add that the Ministry of Finance has already issued a Treasury Circular clearly outlining the procedure to be followed by the Accounting Officer regarding the expenditure

THE ASSISTANT MINISTER FOR FINANCE (Mr. Thuo)(Cont'd.):

relating to donor funds. As of Harambee funds, a circular has been issued. The last speaker did ^{Say} ~~say~~ something about these Harambee funds and as I have already said a circular has been issued stopping the practice of collecting Harambee funds by officers. Any irregular issue of Harambee funds to an officer is not permissible as per currently existing instructions.

Mr. Temporary Deputy Speaker, Sir, regarding the expenditure on control instructions issued by the Treasury/^a circular No.1 of 1982 on this matter, is still in force and Government officers have been asked to ~~adhere~~ adhere to that circular. Regarding the misuse of Government vehicles, I would like to say that it is the responsibility of the Accounting Officers to ensure that officers involved in the misuse of Government vehicles are severely punished and surcharged. The Government has already introduced stricter measures and regulations governing the use of Government vehicles.

Mr. Temporary Deputy Speaker, Sir, these are just a few points to give hon. Members the right impression of the part we are playing as a Government. We have good intentions to make sure that public money is taken care of and any misuse of these funds has been condemned by us in the Treasury and by others in the various Government Ministries and therefore if other Government Officers should be taught to respect their responsibilities relating to money. As I said earlier, we, and other Government Ministries are studying the Report and the required action will be taken under my Ministry's memorandum as I did cite earlier. This will go along way to show the concern my Ministry has on these matters. However, I would once again, like to thank the Chairman of the Public Accounts Committee and the Members of the Committee for a well-done job and I would like to assure them that their work will not go unnoticed. As I have said the various people involved in putting matters right ^{so} will be assisted to do. I am saying this because during the period I was a Member of the Public Accounts Committee, we discovered areas where thousands ^{and} ~~of~~ shillings or even millions got lost and one wonders why we should continue contributing to Harambee if the money so collected for public use is going to individual pockets through irregular means.

THE ASSISTANT MINISTER FOR FINANCE (Mr. Thuo)(Ctd.):

Therefore, Sir, if I held those views at that time, and hon. Angatia who was also a Member of the Committee would bear me witness, I am also concerned at this particular time. I would like to say that the Treasury ^{about what is going on} and even my Minister is even more concerned/than some of the hon. Members may think. Therefore, we call upon everyone concerned to exercise the responsibilities ~~xxx~~ required of them.

With those few remarks, I beg to support.

MR. TUVA: Thank you very much, Mr. Temporary Deputy Speaker, Sir, On behalf of the Chairman of the Public Accounts Committee that discussed the Government Accounts for the Financial year 1984/85, I would like to thank all the hon. Members who spoke on this Motion for the sentiments ^{have} of Finance which they expressed. The Ministry/was the right Ministry to respond and although they have done so, this was not to our satisfaction. The Government responder from Treasury has told us about several circulars that have been sent out to the Ministries regarding matters pertaining to financial management and other matters. These circulars have been issued all the time, but we insist that the Treasury should be more serious. They should have told us here the kind of action they have taken ^{against} those people who flout the rules contained in the circulars that they send out. It is not good enough to tell us that they sent out circulars if these circulars are not obeyed ~~±~~ by the people who are supposed to oversee Government spending. This ~~is~~ matter~~s~~ is so serious that we would like the Government from time to time to make sure that the heads of Government Ministries, that is the Accounting Officers, are people who are strict; people who can take ~~xxx~~ care of Government funds without worrying.

END T

MR. TUVA (Contd.):

There was a time when it was necessary for the Treasury to appoint somebody who was not a Permanent Secretary to be an Accounting Officer. But I understand that there has only been one case since Independence, but I think there is need for the Treasury to follow up this practice from time to time because financial management of different Ministries is growing from bad to worse, and it is time now that we ^{should} be assured that when somebody is appointed Permanent Secretary he does not necessarily have to be the Accounting Officer. Somebody else in the Ministry who is more competent should be given the post of an Accounting Officer.

--THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Mrs. Ogot):

On a point of order, Mr. Temporary Deputy Speaker. Is it in order for the hon. Member to allege that the Permanent Secretaries in the Ministries are not competent?

MR. TUVA: Mr. Temporary Deputy Speaker, I do not know what is itching the hon. Member for Gen. If they were competent, then we would not be discussing this Report today. It is as simple as that.

Yesterday when the Chairman was speaking he emphasised the importance of Accounting Officers making sure that they do not appear or their Report does not appear in the Report of the Controller and Auditor-General because if everything runs smoothly in the Ministry as we have in this current year, there are several Ministries, not many, but a few, that have not appeared in the Report of the Controller and Auditor-General because the Controller and Auditor-General had nothing to comment on the finances of those few Ministries. Therefore, when I make such a comment I know what I am talking about.

What I wanted to say is that the attitude of all Government officers, not only Accounting Officers but also ^{other officers} that form the Ministries, from the Permanent Secretary to the messengers and drivers, their attitude to work should be changed because a great many of them have caused these losses of money to Government. You can see a driver being careless, or even an office messenger putting up a wrong claim, or anybody else in the Ministry doing the same

MR. TUVA (Contd.):

Therefore, we are asking everybody in the Government to make sure that their attitude to work and attitude to management should change. Only the problem is for the Government to find ways of testing honesty because there are some people who are placed in positions, particularly of handling money, without having been screened properly, ~~and~~ if necessary, such people should be put through a screen. I know there is no screen of testing honesty, but somebody can be tested on a little cash from time to time, and maybe we can devise a method of finding out whether such a person is to be trusted or not. If the Government can find a way of having such tests before somebody is given big responsibility I think we shall have gone a long way to solving the problem.

Mr. Temporary Deputy Speaker, the Treasury has introduced the Internal Audit in all Government Ministries. Now, if these Internal Auditors could be asked to give reports ^L only that most of them are junior officers ^{operate especially} ~~but if~~ they could be asked to give reports on how their bosses ^{those who are responsible} for handling finances ^{If this is done} ~~are behaving~~, maybe it could help the Government in knowing who should be promoted to a higher position or not. Already instances have been ^{sighted} ~~sighted~~ ^{cited} currently not in the 1984/85 Report, but currently, where some bosses have disobeyed the recommendations of the Internal Audit. Now, if this is allowed to go on, there will be no need of having Internal Auditors to effect the proper financial controls in different Ministries and Departments.

Mr. Temporary Deputy Speaker, the 1984/85 Report which we are discussing now could not have been out in the way it is without the co-operation of the Controller and Auditor-General with his team, and also without the assistance or the hard work put in ~~the work~~ by the HANSARD team of Parliament.

Mr. Temporary Deputy Speaker, the Department of the Head of Accountancy Services in Treasury did a good job in advising the hon. Members because they are part of the Committee, and all those people who were interviewed. If it was not because of the co-operation, the Report would not have come out the way it is.

But, Mr. Temporary Deputy Speaker, I will also at this juncture ask the Accounting Officers to respond to letters written to them by the Controller and Auditor-General because in some cases the Accounting Officers come to the room to be interviewed whereas for the last six or seven months letters have

MR. TUVA (Contd.):

been written to them by the Controller and Auditor-General without responding to them. If they did respond maybe such matters could not have been raised in the meeting. Therefore, we ask the Accounting Officers to be more vigilant, and also to make sure that they do balance their books and keep records properly because in most cases the problem arise because some documents cannot be traced. Sometimes maybe the excuse is that the Ministry has been split into two. But this is not true because Government records are always within the four walls and, therefore, they cannot be blown by the wind out of the windows, or get lost in any way because the files are supposed to be properly kept. Therefore, the excuse that the Ministry has been split into two as the cause of documents getting lost is no excuse.

Therefore, with those few remarks and observations, I move that the House adopts the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 1984/85 which was laid on the Table of the House on 26th July, 1988.

(applause)

(Question put and agreed to)

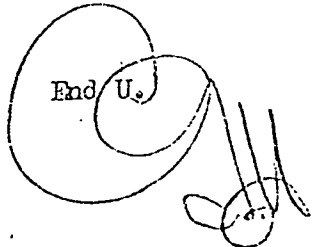
MOTION

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Mr. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, this House adopts Sessional Paper No. 6 of 1988 on Education and Manpower Training for the Next Decade and Beyond, laid on the Table on 10th November, 1988.

Mr. Temporary Deputy Speaker, I beg your indulgence. I have a rather hoarse voice because of the coughing fever. But I will do my best to present and move this Motion. as best as I can.

End U.



THE MINISTER FOR EDUCATION (CTD.):

First of all, Mr. Temporary Deputy Speaker, Sir, we must recall that the Report on the Presidential Working Party on Education and Manpower Training for the Next Decade and Beyond was discussed by the Government and ~~the Government~~ directed that the Report be made public and, secondly, that it be debated by Parliament. This was done through the relevant Sessional Paper. It was directed that the recommendations of the Report be implemented on a phased programme. On 26th July, 1988, I placed on the Table of the House the full Report and I, therefore, take it that hon. Members have read through it as copies of it were made available to each of them.

This Sessional Paper constitutes a statement of Government policies based on the proposals and recommendations of the Presidential Working Party on Education and Manpower Training for the Next Decade and Beyond. This Sessional Paper, too, has now been circulated to all hon. Members. It is available to them personally or is in their pigeon holes. I strongly recommend that hon. Members have a look at it and make a meaningful contribution in the course of our discussions here.

Let me, first of all, establish the context in which education takes place. Education does not take place in a vacuum. It takes place within the context of the philosophy of the nation, which we will call the philosophical context. It also takes place within the cultural context of the society, which we will call the cultural context. Then it takes place within the political context of the country, which we will refer to as the political context. There is also the social context in which education takes place. Coming to the first context in which education takes place, that is the philosophical context, this is the philosophy of the nation. In our situation, this was very ably stated in the Sessional Paper, called African Socialism and Its Application to Planning in Kenya, which was published in 1965. Invariably, this has

THE MINISTER FOR EDUCATION (CTD.):

remained the philosophical basis on which our society is founded. It is still true today, as it was at that time, and as is likely to be in future. Therefore, this constitutes the basis of the philosophical context in which all our other policies are founded and on which they operate. The basis of that Sessional Paper, was of course, our deep commitment to African socialism as our philosophy. If you look at some of the basic tenets of that philosophy, you will find that they are the principles of political equality, social justice, respect for human dignity - including the freedom of conscience - freedom from disease and exploitation, equal opportunity and high and growing per capita income equitably distributed in society.

Having said so, Mr. Temporary Deputy Speaker, Sir, let me add that what I am saying recurs in many documents that hon. Members are familiar with, such as the Constitution of this country - which restates the philosophy on which we operate - the Constitution of the Kanu Party and the Manifesto of the Kanu Party, which recreates the context in which our ~~educational~~ ^{educational} philosophy must be understood.

I will return to the latest publication of the Kanu Manifesto, just to draw the attention of the hon. House to the context in which we have continued to operate our political, social and cultural policies in this country. I strongly recommend that hon. Members have a copy of this Kanu Manifesto as well as the various other documents that outline the philosophical basis on which Kanu and other institutions are based in this country. On the first page of the Kanu Manifesto, there is the origin and the nature of Kanu, but I will go straight to what is called, on paragraph 2 (1), the "fundamental conceptualisation of African socialism." I quote:-

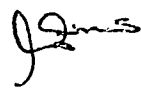
"The indigenous reservoir from which 'Upwells Nyanzu' and the Harambee Movement is African socialism. From these springs our African value system, embracing self reliance

THE MINISTER FOR EDUCATION (CTD.):

and mutual, communal, collective support. These are fundamental concepts and ~~principles~~ principles which will continue to guide Kanu's policies and plans in the days ahead."

↳ principles

end v



L.N.N.P | ——— We hope that industrialised or advanced countries will come to this country to see how democracy works within our setting. I am only taking the leaf of education but it can be extended to other areas of our operations.

I would like to draw the attention of the House to the first section of this Report which deals with the cultural, social, economic and the political context of education in Kenya. This is ~~exactly~~ exactly what I said earlier on that it cannot be seen universally but within that context. You can ask yourself why we need education and the sort of society you want.

With all due respect, Sir, I know that, no matter what I do, I have lived the majority of my life in the 20th Century. The children we are preparing, will live the majority of their lives in the 21st Century. What sort of society are we preparing them for in the 21st Century? The context starts from the unknown. Our President has told us many times that we start from the known to the unknown. We start ~~in~~ from the realities of the environment to that one which we want to discover.

The Report ^{deals} with education and the environment, that is, from the known to the unknown. The hon. Members will read the Report by themselves but I would like to quote section 5(a) and (b) as follows:

- (a) "environmental studies be made part and parcel of the education and training curricula and be taught at all levels of the education system;
- (b) concerted efforts be made to ~~educate~~ educate members of the public on methods of, and their specific role in, the conservation and enhancement of the environment."

Here, we are starting from the known to the unknown. What we want is the youth that will interact with their environment. We ~~are~~ want the youth who will not mistake a goat ~~z~~ for a dog or a chicken for a cow. You have to expose them to that very environment. I know of people who live in certain cities who are in that dilemma. We want a generation which can raise and multiply a chicken scientifically for consumption by many people.

END...X *J. J. J.*

THE MINISTER FOR EDUCATION (ctd.):

If you take that, you find that in the K_{an}u Manifesto, the philosophy of African ~~social~~ socialism is very strongly restated. Therefore, in discussing any ^{Policy,} ~~policy~~ and in this case we shall be addressing ourselves to the education policy, it is important to understand the philosophical ~~base~~ basis on which we run education.

The Government realizes that it is only through quality and relevant education, training and research that the nation will pit itself to meet the demands and challenges of socio-economic development and industrialization, utilize modern technology and enhance the quality of life of Kenyans. As stated in the Sessional Paper, the Government will require its Ministries to ~~prepare~~ prepare projections on education, training and research in light of the short-term, medium-term and long-term proposals and recommendations contained in the Report. Their implementation will be ~~harmonized~~ co-ordinated and harmonized by an inter-Ministerial committee.

zx Mr. Temporary Deputy Speaker, Sir, I am going ~~far~~ ahead to suggest that once these policies are accepted and ^{become} adopted by this House, they will ~~form~~ the policies of education and training for this country for the Government and the private sector. It is, therefore, important that these policies are understood because they ~~have~~ are going to affect education and training for this decade and beyond. It is very important that we consistently follow these policies ~~to~~ to realize our aims and objectives. It is for this reason that I must take this opportunity again to congratulate the working party for ~~at~~ the tireless effort and dedicated work they have done in criss-crossing this country ^{And} analysing opinions because, in line with our philosophy and democratic tradition, the ~~part~~

THE MINISTER FOR EDUCATION (ctd.):

the policies of this country must evolve from the people; they must come from the bottom upwards. In fact, this was a continuous challenge to other ^{ideals} ~~views~~ about the so-called democracy because, invariably, those of us who have studied the extent of political science ^{had} ~~have~~ been made to believe, in the past, that democracy meant the multiplicity of parties. But that meant that if you have many political parties you automatically have democracy, even contrary to the realities like in the case of South Africa where we ~~we~~ have many parties but there is definitely no democracy. I say that deliberately because in our context democracy does not necessarily mean multiplicity of parties. It means the set for a consensus. When we arrive at an enlightened consensus, we have arrived at the general will of the people and that will is an expression of democracy.

(applause)

It is in that context, therefore, that as ~~an~~ an example in the case of education, since Independence, we have set up commission after commission, to seek public opinion. The ~~will~~ views of the public have been published and debated in this forum and in other fora. As a result of these public debates, we have arrived at certain policies of education which have continued to guide us. You might ~~may~~ recall the Ominde Commission, the Gachathi Commission, the Mackay Commission, and now the Kamunge Commission, which has culminated in this particular Report. That is the democratic basis on which we have run this country. We refute categorically the views of some people that you cannot have a democratic expression within a one-party system. What we have ^{proved} ~~shown~~ is that ~~there~~ there can be, ~~it~~ and there is, one party democratic system as we have here in Kenya.

THE MINISTER FOR EDUCATION (ctd.):

Mr. Temporary Deputy Speaker, Sir, in this case democracy means a search for enlightened concessus. Of course, we know what makes this to be arrived at. First of all there must be free discussion and freedom to participate in that discussion. If information is available to all in that free participatory discussion, we shall definitely arrive at enlightened concessus.

I commend the manner we have done this in education as well as in other areas. When ^{were} we seeking a food policy in this country, Sir, as you might recall, this country went on a thorough debate. In the district development committee meetings and other fora, we discussed the sort of food policy we wanted for our country. We put those policies before the House which then approved the views of the country. This shows that the food policy emanated from the grassroot level.

Policies concerning education have come from the people who have stressed the need to democratise education to allow people to have a say in the education of their children. The parents must have a say. We have established organs through which they have a say. This is Working Party, was an excellent example of an organ through which the people can have a say in the education policies of this country.

Having said that, I will quickly go through some aspects of this Report which hon. Members will, of course, read. I just want to present the recommendations that are contained therein and the House will be called upon to deliberate ^{on} them. I hope that in the course of the weekend, most ^{of the} hon. Members who have read the Report will look at the summary which has been done very well. The summary affecting education, at all levels, has been ^{put} under each paragraph and it would, therefore, be easy for us to see some of the policies which have been articulated publicly. In this way, we shall get the response of the people ^{who} the hon. Members represent. This will be the voice of the people of Kenya.

CNJ.

THE MINISTER FOR EDUCATION (Ctd.):

Mr. Temporary Deputy Speaker, Sir, under paragraph 6, the recommendation given/ ^{does}
~~is~~ show the context. Education, training and research should provide schools and appropriate technology for ^{effective} ~~effect~~ development of crops, live-stock, ^{forestry} ~~forestry~~, rural roads and industries in agricultural areas. Again, we are taking into account that the vast majority of our people live and will continue to live in the rural areas. Therefore, we must expose them to the practices which will make them extract the very best from that kind of environment. Part (b) of that recommendation says that the sub-division of agricultural land divided by prescribing the most economically viable parcel of land and format to be indicated in the most economic way of utilizing ~~g~~ agricultural land while at the same time protecting the environment. Here again, we are concerned with the continued subdivision of land and how to make it more economical and how to make it sustain development. Again, this is the context in which education must address itself to and therefore, we must create the correct attitude right from the word, "go".

If you take paragraph 7, you will find that it is still talking about environment. It says that education and training should equip students for the appropriate skills and attitudes for life and employment in the rural areas. The mentality, for example, that jobs exist only in the City and large towns must be fought and addressed squarely in our educational system at all levels. Part (b) of that recommendation suggests that the district development strategy should aim at providing employment opportunities, infrastructures and social amenities to attract and retain the majority of the school leavers in the rural areas. There is ^{another} a ~~final~~ section and this is the final comment on the environment. The education and training should be used to develop positive attitude and habits so as to maintain a clean and hygienic environment. If we cultivate this attitude right from the word "go", we shall come to realize that a lot of our diseases and sicknesses are brought about by environment. Mr. Temporary Deputy Speaker, Sir, you will bear me out that in this day and age, malaria need no longer be a ^{Scourge} ~~scourge~~.
 It is
 bc. I am saying this because we are not the only country in the tropics. Only recently when some of us accompanied His Excellency the President to China.

THE MINISTER FOR EDUCATION (Ctd.):

One ~~of the~~ thing we can remember is that in their own way, the Chinese have ~~eradicated~~ ^{eradicated} malaria to prove that malaria which is brought by mosquitoes is an environmental disease and that it can be fought and controlled by the improvement of hygienic standards of living in the environment. Bilharzia for example, is an environmental disease. We have to know right from the beginning that the society as a whole, right from the word "go" when a child is born, must be made to know that keeping a clean environment, will cause the destruction of snails and hence the destruction of bilharzia. Therefore, the community as a whole must be involved in the process of cultivating the correct attitude.

All of us in this House, from time to time, have talked about Nairobi and the gabbage collection problem. We know of the stinking gabbage in our various environment. Why is it, for example, that people ~~throw~~ ^{throw} ~~through~~ away the cigarette butts everywhere with no regard and no respect to other people? I do not smoke myself, Sir, with all due respect to those who smoke. However, I know of some smokers who have no good habits. These people do not respect the person next to them. These people will smoke in a crowded theatre; they will smoke in a crowded vehicles such as matatus and buses and so on. There is something wrong somewhere in the type of education that these people get which make^s them disregard other people. These people will continue to pollute the environment with impunity. There is something wrong somewhere when a person pollutes the environment and takes pride in doing so. The education that we want to cultivate is the awareness of protecting our environment and the ability to address ourselves to that environment. I have given an example of Nairobi where all of us are talking about the carelessness of the public themselves. Therefore, before we can blame the people at the City Hall, we should know that there are people who do not even have the courage to burn their own gabbage. In fact, some of us can even solve the problem individually before the City Commission comes to collect gabbage from our gates. If you go to

Y.3.---10.11.88.

THE MINISTER FOR EDUCATION (Ctd):

to the gates leading to our houses, you will find piles and piles of
gabbage and you will find children ~~not~~ playing over those piles of gabbage
with all the threat to their health because the gabbage has the potential
for causing diseases. Something is wrong somewhere with a type of education
which does not ^{create} ~~present~~ awareness of cleanliness, that is ~~not~~ self-cleanliness
and the ~~not~~ cleanliness of the surroundings and the cleanliness of the
home. ~~I~~ I think something is wrong somewhere.

END Y

THE MINISTER FOR EDUCATION (Contd.):

Therefore, the education that we want is the one that will make us to be aware of our role in keeping that environment clean, and give us specific recommendations on this one: Education and training, be used to develop positive attitudes. Secondly, study and research be done to provide for the most effective ways of urban planning development and management to enhance the urban environment. You would agree now there is the general deterioration of our environment in our urban areas, whether you talk about Nairobi or elsewhere, You can apply the same to Mombasa; Kisumu, and to any of the small towns that are coming up with respect to the environment. I wanted to create that conflict so that we are conscious all the time of the aims of education.

The second one is education, social and cultural life of the people. tried to We have ~~to~~ address ourselves, ~~for~~ for example, that a national council for creative and performing arts to be established to promote national culture and co-ordinate cultural programmes and activities. We have also suggested (b) that a national institution be established to train artistes and other personnel to develop the Kenyan culture. We treat musicians and poets casually, but I feel that we must identify those talents and develop them. We must make them the inheritance or the heritage of the nation as a whole. This can be done as a deliberate policy and a deliberate effort.

The Report has also recommended that local artistes be encouraged to develop cultural industries to produce indigenous cultural instruments, and adequate finances be provided for the promotion of culture. Of course, we hope that this will lead to greater awareness and, therefore, protection of our people's culture.

We have also talked about the recommendation that education must address itself to the question of population growth. This is a reality. The country is aware of this. But it must be integrated in the curricular right from the word 'go', the proper management of population so that we are aware of the implication of population. Therefore, we recommend that education on population and family life be intensified at all levels of education system and among the members of the public. The Ministry is concerned, particularly the Ministry of Education, and must ensure that population education or family life education is

THE MINISTER FOR EDUCATION (Contd.):

integrated in the curricular and, therefore, there is awareness from the word 'go'. Then, of course, we talk about education and economic development. We shall say a great deal about that later, but that stretches the development of indigenous technology to be encouraged through education, training and research as a basis for accelerated growth of economy and industrialisation; local innovations and inventions be protected by patent law.

Sometimes, Mr. Temporary Deputy Speaker, as you are aware as much as I am, that some of the artistes in this country have been thoroughly exploited. You can talk of great musicians like Kabaka of Western Kenya. I do not know whether he comes from Western Kenya or not, and many others who have got some talents at the end of the play, but in the end who are thoroughly exploited because there is no law to protect these great artistes. I think this should be patented because it is Kenya's export. 'Sikuti' dance might become an all African dance, as it has, I think, and it can be exported to Europe. I think the industrialised societies need something to shake people up out of their slumber. Again, we should have a way of protecting this, and this should be included here. It is not only with respect to 'Sikuti' dance, but also in ensuring that a lot of this work is patented and protected.

Finally, of course, let me come back to the issue which I started with, and that is education and national philosophy. The concept, therefore, and practice of Harambee spirit and the Nyayo philosophy be incorporated in the national curriculum and taught at all levels of education and training systems. Secondly, education and training should prepare Kenyans to be nationalistic and patriotic towards the national independence and values. That, in fact, through education we can inculcate the value of nationalism so that generations grow appreciating nationalism.

End Z.

THE MINISTER FOR EDUCATION (CTD.):

In fact, it is through education that we will wipe out tribalism. With all due respect, I know that one area where there is no tribalism is Mathare Constituency. I personally pass through Mathare Constituency many times. Even the goats there have no tribalism. They just walk across the streets as long as they find something to eat. When you go through Mathare Constituency and stop any group of children, you will not know their tribes. Mathare Constituency is the best example of new Kenya. I have relatives there, and I visit them. However, you have to learn to speak the language of Mathare - I think His Excellency the Vice-President and Minister for Home Affairs and National Heritage will vouch for this - in order to find your way and identify which house you are going to. If you learn the language of Mathare, you will not lose your way there. However, if you go in there with your strict tribal language, you have great problems in finding the person you want. The people in Mathare have created a new type of nationalism which only looks at Kenya as such. With all due respect to the people who live there, when people are rounded up, whether for brewing chang'aa or any other reason, you will be surprised that this does not apply to the entire Mathare population in any one house. We will have to start somewhere, and schools are the best areas from which to start. I want to stress this national philosophy as a basis on which to look at education. It is an extremely important tool for the inculcation of the policies of national unity, patriotism, Nyayo and Harambee.

Having said so, let me now turn to the specific recommendations in education, which we have made in this Report. The Government philosophy of education, based on the national philosophy, provides a national system of education and training that creates individual awareness and commitment to national cultural, social, economic and political values, and also aims at removing social injustice and

THE MINISTER FOR EDUCATION (CTD.):

disparities in order to create a nation united in purpose. I have always said that you cannot unite people if there is disparity, injustice and avoidable imbalances. It is, therefore, the purpose of this system of education, to ensure that we remove these disparities, injustices and imbalances so that our foundation for nationalism is strong and firm.

In this regard, as stated in the Sessional Paper, the Government continues to utilise education and training to contribute effectively to national development and unity. It will also intensify the process of education and training towards the realisation of the national philosophy as founded on African socialism, and the Harambee and Nyayo Philosophy. The process of education and training will be utilised to bring about equity in social and economic development, intensify the promotion of social justice and morality, development of the rich cultures of Kenya, fostering of positive attitudes and consciousness towards society and other nations. It will also train Kenyans in their social values, obligations and responsibilities. The Government, therefore, regards education and training as an investment for national development. It will ensure the maintenance of its quality and relevance which will enable Kenya to cope with the various challenges of the 21st Century. The Government will utilise education, training and research to promote the development of indigenous technology, generate employment, create a competitive market economy and encourage the expansion of small and large-scale industries.

Mr. Temporary Deputy Speaker, Sir, this context is extremely important, particularly when we come to specific recommendations because we will understand why we are making certain recommendations and why we feel that the implementation of certain policies will achieve certain objectives, which we will have committed. We have committed the philosophical, cultural, political and social objectives of our society,

and we have the instrument of education, training and research to help us to move in that direction.

Mr. Temporary Deputy Speaker, Sir, I realise that time is catching up on us. Therefore, I beg your indulgence to allow me to continue with my presentation next time.

ADJOURNMENT

THE TEMPORARY DEPUTY SPEAKER (Mr. Kabingu-Muregi): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 15th November, at 2.30 p.m.

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

End AA