

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 1st April, 1998.

The House met at 9.00 a.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### MOTION FOR THE ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER NO.22

MEMBERS TO ATTEND BOMBOLULU  
FIRE VICTIMS' FUNERAL

**The Minister for Lands and Settlement** (Mr. Ngala): Mr. Speaker, Sir, with your permission and the indulgence of the House, under the provisions of Standing Order No.22, may I move that this House doth now adjourn until tomorrow, Thursday, 2nd April, 1998.

The reason why I am asking the House to adjourn is because we are all aware that there is a national tragedy which occurred last week in the Coast Province where a school was gutted down by fire. This is a national tragedy and we do feel that it is important that this House does associate itself with that tragedy. The burial of those unfortunate girls is going to take place today in Mombasa at the school compound. Therefore, we do feel strongly that before this House starts to transact any business, I should take the opportunity to allow hon. Members to attend the burial as a gesture of solidarity with the parents of the deceased, and to show our concern as national leaders. Therefore, I would like to propose that we do adjourn since it is a matter which is of great concern to all of us. Mr. Speaker, Sir, I beg to move.

**Mr. Kibaki:** Mr. Speaker, Sir, I rise to second the Motion. This is a tragedy and tragedies in Kenya are all too often. But on this occasion, it is even more of a tragedy that very young girls in a school found themselves locked in a dormitory making it difficult for them to escape the fire. The suffering has affected everyone throughout the Republic. So as a Parliament, since we represent all these people, it is a good gesture that we should be present at the burial.

I also want to thank the Government for arranging for transport to enable us reach there because as we know roads are not quite passable. On that note, I would like to second the Motion.

*(Question proposed)*

**Mr. Anyona:** On a point of order, Mr. Speaker, Sir. Whereas I am in full agreement with the proposal made by the Government and seconded by the Opposition, I think it is important at the very beginning of the Eighth Parliament that we transact our business in accordance with our rules. I am aware that the Standing Order we are using just now to adjourn the House has one small problem. The problem is that under normal circumstances any debate under Standing Order No.22 must, among others, be limited to two hours; if it is adjournment for more than nine days; half an hour, if it is within nine days, and five minutes for each hon. Member Speaking.

Mr. Speaker, Sir, in view of the fact that an omission was made in Standing Order No.81(1), which allows the House to impose limitation on debates of this kind; in view of the fact that the House has just begun; and in view of this national tragedy, which this Parliament wishes to associate itself with, it would be difficult to comply strictly with the requirements of that Standing Order.

I, therefore, for purposes of record, wanted to say that whereas we expect a brief debate because hon. Members are going to travel a long way, in principle this debate cannot be limited. It is open-ended until such time a limitation is imposed. I thought it was important at the beginning to make that record straight so that we are not later on accused of having overlooked our own Standing Orders.

**Mr. Speaker:** Well, I would like to say this, as far as your reference to the amendment to Standing Order No.81---

*(Two hon. Members walked in while  
Mr. Speaker was on his feet)*

Order! Order! Maybe I should brief the new hon. Members. When Mr. Speaker is on his feet, every Member is expected to sit down and if you are in transit, to freeze where you are and remain standing until Mr. Speaker has resumed his **[Mr. Speaker]** seat. So, I hope that is clear.

Mr. Anyona, as far as your reference to Standing Order No.81 is concerned, I do agree that there was some mistake in abolishing, as it were, the provisions of Standing Order No.81 in totality. This is a matter that we are going to look into, which I am sure you have been briefed about. In the meantime, we will make arrangements to facilitate the conduct of business in this House. But in a debate like this, in fact, there is nothing in Standing Order No.81 that will stop the House from terminating debate by a Member moving a closure. So, as it is, we are on very sound and comfortable ground. So can we proceed?

**Dr. Kituyi:** Thank you very much, Mr. Speaker, Sir, for giving me a chance to associate myself with those who have joined the rest of the country in mourning the victims of this tragedy. However, while appreciating that, that is important and we should do it, I think we should also have an agreement about setting a precedent; that matters that require collective outrage or collective condolences be treated so.

Mr. Speaker, Sir, I say this in the knowledge that close to 200 people died in the Mtongwe tragedy and this House continued meeting while individuals like hon. Shariff Nassir expressed their condolences to their families. I hope that we are starting a tradition that we collectively express our condolences by an action like this adjournment regardless of where and when it happens.

**The Minister for East African and Regional Co-operation** (Mr. Biwott): Mr. Speaker, Sir, I stand to associate myself with this Motion. What hon. Dr. Kituyi has said is true; that we should set guidelines for ourselves. Also, what hon. Anyona talked about Standing Order No.81 is also true but we shall look into that later on as you have said. This House is still, nevertheless, supreme in itself and by its own leave can do and direct its business the way it deems fit.

Mr. Speaker, Sir, we have 18 Members of Parliament from the Coast, which is a sizeable number, who must, out of grief for their own immediate constituents, attend this funeral. It is also right that we, as their colleagues, should show sympathy and join them. The grief has gripped the entire nation. It is true that we should have actually attended to similar situations in the same manner as we have done today, but there is always a beginning. So, I think, in sympathy with the Members from the Coast, including the Official Leader of Government Business, I would urge the hon. Members that we support this Motion and move expeditiously so that we can be on our way to the funeral site as soon as possible.

With these few remarks, I beg to support.

**Mr. Speaker:** Order! Order! I suppose the reason why we allowed this Motion is to enable Members to travel and I think, the right thing for me to do is to create the circumstances in which Members will be able to travel. I will, therefore, ask hon. Ngala to respond, although in a Motion like this, ordinarily, I would not allow him to do, so that he can inform Members how they can actually travel as we close this sitting.

**The Minister for Lands and Settlement** (Mr. Ngala): Thank you Mr. Speaker, Sir. I would like to thank all the hon. Members for the support that they have given to this Motion. It is true that arrangements have been made to facilitate hon. Members of Parliament who want to go to Mombasa to do so. What I understand is that there are three planes at Wilson Airport which are ready to lift Members of Parliament to Mombasa. Therefore, I think, after the formalities here we will quickly get into our cars and rush to Wilson Airport and we will be arranged in a manner in which we will fly to Mombasa so that we are there in good time to get to the burial site before other formalities are set.

Mr. Speaker, Sir, that is the information that I would like to add.

**Mr. Speaker:** Mr. Ngala, this may help the House because I am sure you do not have transport for 224 Members of Parliament. How many can you take and in what proportion?

**The Minister for Lands and Settlement** (Mr. Ngala): Mr. Speaker, Sir, there is a plane which has a capacity of carrying 23 passengers. Then there is another plane which has a capacity of about 10 passengers. There is another plane which can carry 30 passengers.

Mr. Speaker, Sir, you will realise that there is a bit of a problem since we may not be able to carry all the 224 Members of Parliament, but what we would like to do is to get a mix-up of Members of Parliament between--

**Mr. Speaker:** Order! Order! Maybe I can help Mr. Ngala to assist the House. I do not know whether you will delegate this to your respective chief whips?

**The Minister for Lands and Settlement** (Mr. Ngala): Thank you Mr. Speaker, Sir. Then I think I do agree. We will leave it to the Chief Whips to sort out the matter by giving the numbers of respective Members of Parliament so that we can go across. So, first of all, if it will be permitted, I think it will not be misunderstood when we say that the majority of the Coast Members of Parliament will want to go. I think it would be good for the Members of Parliament to understand that and then, on top of that, we will carry Members of Parliament who will be selected by their Chief Whips to add on to the initial number.

**Mr. Speaker:** Very well.

*(Loud Consultations)*

Order! Order! Hon. Members must understand one thing that the question is put by the Chair in terms of the Motion. Once the Motion is passed, then the Chair will direct that the House is adjourned to another day and at what time. In any case, it is absolutely irrelevant for me to mention it because it is mentioned in the Standing Orders that every Thursday we meet at 2.30 p.m. Anyway, let me now put the Question.

*(Question put and agreed to)*

**Hon. Members:** Next week!

#### ADJOURNMENT

**Mr. Speaker:** Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Thursday 2nd April, 1998 at 2.30 p.m.

The House rose at 9.17 a.m.