

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 7th July, 1999

The House met at 9.00 a.m.

*[The Temporary Deputy Speaker
(Mr. Poghisio) in the Chair]*

PRAYERS

NOTICE OF MOTION

CODE OF CONDUCT FOR PUBLIC OFFICERS

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I beg to give notice of the following Motion. THAT, this House do grant leave to introduce a Bill entitled, the code of conduct for public officers, 1999.

ORAL ANSWERS TO QUESTIONS

Question No.281

IMPLEMENTATION OF EL-NINO EMERGENCY PROJECT

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Kiunjuri is not there? We will come back to the question later. Let us go to Mr. Sifuna's Question!

Question No.116

EARLY CANE HARVESTING BY NZOIA SUGAR COMPANY

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

(a) whether he is aware that Nzoia Sugar Company Limited harvested cane for field No.45208714470 in March, 1996 and again in November, 1997 when the cane was only 19 months old;

(b) whether he is further aware that the Company paid this farmer in May, 1996 and in January, 1998 by cheque No.503451 for Kshs949,601.20 and cheque No.506475 for Kshs582,917.20 respectively; and,

(c) if the answers to "a" and "b" are in the affirmative, who this sugar cane farmer is and why the Company was harvesting his cane when the cane was only 19 months in each harvest and paying him one month after each harvest.

The Assistant Minister for Agriculture (Dr. Wamukoya): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The cane in question, on field plot No.45208714470, was planted in July, 1993 and harvested in March, 1996, at the age of 30 months. The subsequent crop; that is first ratoon, was harvested in October, 1997 at the age of 21 months.

(b) The Nzoia Sugar Company made payments to the farmer as follows:-

(i) For the crop harvested in March, 1996, cheque No.503451 dated 24th September, 1996 was issued. This payment was made six months after harvesting.

(ii) The first ratoon harvested in October, 1997, cheque No.6475 dated 9th January, 1998 was issued. This was paid three months after harvesting.

(c) The name of the farmer is Mr. Lukas Wata Wanambisi and as I have explained in "a" and "b" above,

this cane was not harvested at 19 months and payments were not made one month after each harvest.

Mr. Sifuna: Mr. Temporary Deputy Speaker, arising from that misleading reply from the Assistant Minister, the document I have here indicates that Mr. Wata was being paid immediately after the harvesting of his cane. Could the Assistant Minister tell us the criteria used by the company to harvest the cane at the age of 19 months and not at the age of 30 months as he has indicated, when other farmers' cane; mine included, has been harvested at the age of 56 months? Could he tell us why the company harvested Mr. Wata's cane - who is the Director of NOCK - at the age of 19 months and not at the age of 56 months as for other farmers?

Dr. Wamukoya: Mr. Temporary Deputy [Dr. Wamukoya] Speaker, Sir, with regard to harvesting at different periods, I am not aware of what the Questioner is talking about. But I know that the best age of harvesting cane is between 18 months and 22 months. So, if it was harvested at the age of 19, 20 or 21 months, it was appropriate.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has not answered the question which has been raised by the hon. Member. This is favouritism! Some of us who have got interests in sugarcane know that, in fact, it takes an average of 50 months to harvest sugarcane. It is happening in Mumias, Nzoia, Muhoroni and in Chemelil. Why was this particular farmer being given preferential treatment by the Nzoia Sugar Company?

Dr. Wamukoya: Mr. Temporary Deputy Speaker, Sir, I said the appropriate time to harvest cane is 18 to 22 months. If it was harvested at the age of 19 or 20 months, that was appropriate.

Mr. Raila: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are sugarcane farmers and we know the appropriate period for harvesting of sugarcane. That is not the issue. Why was this particular farmer being given preferential treatment, when Nzoia Sugar Company was harvesting other farmers' cane at the age of 50 months? Why was this one being harvested at the age of 19 months?

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Assistant Minister, the question is actually "why"?

Dr. Wamukoya: Mr. Temporary Deputy Speaker, Sir, in my reply I have said the cane was harvested at 30 months and the ratoon at 21 months.

Mr. Osundwa: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has admitted here that Mr. Wata was paid for his cane after six months. It is a well-known fact that farmers in Nzoia have waited for this Government to pay them for more than five years. Could he explain to this House why Mr. Wata was paid earlier than the rest of the farmers?

Dr. Wamukoya: Mr. Temporary Deputy Speaker, Sir, payments that are made to the farmers are not as regular as clock work. It is paid at different times, depending on availability of funds.

Mr. Shill: Thank you, Mr. Temporary Deputy Speaker, Sir. Although I do not come from a sugarcane growing area, I am interested in this Question because sugarcane is a national crop. Could the Assistant Minister tell us of any other peasant farmer whose sugarcane has been harvested at that age, and who has been paid after that period? We want to know if there is any other farmer who has been treated in the same manner.

Dr. Wamukoya: Mr. Temporary Deputy Speaker, Sir, the Question was very clear. It was about Mr. Wata and not any other farmer. I know that many farmers have been paid and that even some of the peasant farmers were paid within a shorter time than Mr. Wata.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, arising from the Assistant Ministers's argument that cane payment is not like clock-work to go with precision, but somehow it gets done, could he explain to the House under what circumstances his Ministry endorsed a very expensive management contract between the Nzoia Sugar Company and M/S FC Scheffer under which farmers were cheated that they would be paid their arrears, which have not been effected two years since Scheffer moved in?

The Temporary Deputy Speaker (Mr. Poghisio): Order, Dr. Kituyi!

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, it is the clock-work and the payments that the Assistant Minister talked about. He comes from that neighbourhood, so he should know about that.

Dr. Wamukoya: Mr. Temporary Deputy Speaker, Sir, the Ministry is not cheating. I am prepared to answer the question the hon. Member has asked. The question of M/S Scheffer getting a management contract with the Nzoia Sugar Company was at the request of the Nzoia sugar farmers themselves. They wanted a management group to intervene and help them so that they could come out of the problems that they were experiencing. So, when that contract was agreed upon, and the documents are available for anybody who is interested to look at, the objective was that they were to just play the management role, but not to finance the organisation. They were not to bring money---

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

Dr. Wamukoya: Mr. Temporary Speaker, Sir, if I may be allowed to finish my point, it would be better. I am talking about what we have done as a Ministry.

Mr. Osundwa: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is not telling the truth to the House. I am the Chairman of the Agriculture, Lands and Natural Resources Committee and we did request for those documents. The Ministry of Agriculture has not availed those documents to this House, or to our Committee. Is the Assistant Minister in order to mislead the House?

The Temporary Deputy Speaker (Mr. Poghismo): Actually, you are taking away the importance of this Question.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir!

The Temporary Deputy Speaker (Mr. Poghismo): No! The Assistant Minister is on another point of order.

Dr. Wamukoya: Mr. Temporary Deputy Speaker, Sir, hon. Osundwa is very right when he says that he has not looked at these documents. But I am speaking the truth, because I have seen the documents.

Now, I have said that the arrangement in place was based on a management contract, and not a financial contract.

Mr. Sifuna: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has not answered my Question. Could he explain to this House why Mr. Lucas Wata, who is a Director of the National Oil Corporation of Kenya (NOCK), had his cane harvested at the end of 19 months, in the first place, while on lease No.9524? The date of harvesting was in March and the payment was made in May, 1996, after three months. The second harvesting of cane in the same field was done at the end of 19 months, and he was on lease No.9715. The date for harvesting was November, 1997. He was paid in January, 1998, just after two months. Could the Assistant Minister tell us why that particular person was paid after two months, when other cane farmers, to-date, have stayed for three years without being paid? Immediately he harvests his cane, he is paid. Why was there that kind of favouritism?

The Temporary Deputy Speaker (Mr. Poghismo): Order! Mr. Sifuna, I thought the Assistant Minister has already answered that part of the Question.

Hon. Members: No! He has not answered that!

The Temporary Deputy Speaker (Mr. Poghismo): Yes, Mr. Assistant Minister!

Dr. Wamukoya: Mr. Temporary Deputy Speaker, Sir, you are right that I have answered that part of the Question. I said that the sugarcane was harvested after 30 months and he was paid after six months. The ratoon was harvested after 21 months and he was paid after three months.

(Dr. Kituyi and Mr. Sambu stood up in their places)

The Temporary Deputy Speaker (Mr. Poghismo): Order! Let the Assistant Minister finish. Dr. Wamukoya, have you finished?

Dr. Wamukoya: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghismo): Okay, Mr. Sifuna!

Mr. Sifuna: Mr. Temporary Deputy Speaker, Sir, the hon. Assistant Minister is misleading this House when he says that the said person was paid after six months, when actually he was paid after two months. Is he in order to continuously mislead this House, when the document that I have with me states that he was paid after two months?

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Assistant Minister, in any case, the Question is very specific. It is about all the cane that was cut and why also this person was paid and not other cane farmers. I do not know whether you can make that issue clear.

Mr. Raila: On a point of order, Mr. Temporary Deputy Speaker, Sir, there appears to be some differences in terms of information. Hon. Sifuna is giving different dates of payments and the Assistant Minister is contradicting. Could Mr. Sifuna be made to substantiate his claims, if he has the documents, that actually the harvesting of the cane was done earlier and that the payment was made earlier than the date the Assistant Minister mentioned?

Mr. Sifuna: Mr. Temporary Deputy Speaker, Sir, I am prepared to lay a document on the Table to prove that the dates of harvesting and payments were as I stated.

The Temporary Deputy Speaker (Mr. Poghismo): Okay, do so.

(Mr. Sifuna laid the document on the Table)

Hon. Members: On a point of order, Mr. Temporary Deputy Speaker, Sir!
The Temporary Deputy Speaker (Mr. Poghisio): Mr. Assistant Minister, do you have to respond to that?

Dr. Wamukoya: No, Mr. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Mr. Poghisio): Next Question!

Question No.188

COMPLETION OF MIDA-MATSANGONI
WATER PROJECT

Mr. Badawy asked the Minister for Water Resources:-

- (a) when the Mida-Matsangoni Water Project that was started and abandoned half-way two years ago will be re-started and completed; and,
- (b) how much the total project is supposed to cost.

The Assistant Minister for Water Resources (Mr. Mokku): Mr. Temporary Deputy Speaker, Sir, I wish to request that I be allowed to answer this Question next Tuesday.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Badawy, is Tuesday, next week, okay?

Mr. Badawy: Mr. Temporary Deputy Speaker, Sir, I will be grateful if that is fulfilled.

(Question deferred)

Question No.174

LACK OF VACCINATION FACILITIES IN IJARA

The Temporary Deputy Speaker (Mr. Poghisio): Is Mr. Weyrah not here? We will come to the Question later.

Question No.181

REPAIR OF KAKAMEGA HOSPITAL
MORTUARY DEEP FREEZER

Dr. Kulundu asked the Minister for Health:-

- (a) why the Ministry has not repaired the Deep Freezer at Kakamega Provincial Hospital which broke down two years ago; and,
- (b) when it will be repaired.

The Assistant Minister for Health (Dr. Wako): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Kakamega Provincial Hospital Mortuary Deep Freezer Cold Room has been on and off for quite some time now. This has partially been due to the age of the machine. My Ministry realised that and renovated the mortuary in 1997. Unfortunately, some of the parts were vandalised last year, leaving only two units operational and grossly over-worked.

(b) Instructions have been given for the Deep Freezer to be repaired on or before 30th September, 1999.

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir, the question of mortuaries in this country is of very grave concern to Kenyans. This Ministry does not invest anything at all in the maintenance of mortuaries in our hospitals countrywide. Could the Assistant Minister tell us how much money is provided in the current Budget to cover the renovation that he has ordered to be carried out on or before the 30th of September, 1999?

Dr. Wako: Mr. Temporary Deputy Speaker, Sir, I cannot give the amount of money which has been allocated, but we have given instructions that the Deep Freezer be repaired on or before the 30th of September, 1999.

Mr. Osundwa: On a point of order, Mr. Temporary Deputy Speaker. The Assistant Minister is telling the House that they are going to repair the broken freezer. If you give instructions, you must know how much you are going to spend on the repairs. Could he tell us how much money he has earmarked for these repairs?

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Osundwa, I thought you stood on a point of order, but you are now asking a question!

Mr. Osundwa: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is misleading the House!

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell us why he has to wait upto 30th September, 1999 in order to repair the deep freezer if the money is available? How much will be spent and to whom have these instructions to repair the deep freezer been given? Why can it not be repaired immediately?

Dr. Wako: Mr. Temporary Deputy Speaker, Sir, the fact that the Budget has been read in this House does not mean that there is money now; the Vote of the Ministry has not even been approved by this House and that means the Ministry does not even have money to spend. Secondly, the fact that we are saying "on or before September, 1999" means that we are going approve the Vote of the Ministry of Health and we will allocate money for the repair of this deep freezer.

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister aware that a lot of vandalism and stealing of drugs is done by senior staff of the hospital? Did he not read of the recent incident in Kakamega when the Hospital Superintendent was transferred and people celebrated because he had been vandalising equipment and stealing drugs? Is he aware of the stealing of drugs and other hospital equipment by the doctors and the hospital superintendents?

Dr. Wako: Mr. Temporary Deputy Speaker, Sir, we are aware that there is vandalism going on. But in this particular case, we have actually taken two people to court, but, unfortunately, the case was dismissed.

Mr. Kapten: Mr. Temporary Deputy Speaker, Sir, we are dealing with a very delicate situation. People are dying in Kakamega day and night. If the Ministry has to wait until 30th September, 1999, where will the Ministry store dead bodies at Kakamega in the meantime?

Dr. Wako: Mr. Temporary Deputy Speaker, Sir, the mortuary has got four chambers which can take 24 bodies. Two chambers are still in good working conditions. We are talking about the two chambers which are not working and we expect to repair them by 30th September, 1999.

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell this House how many mortuary attendants in this country have ever undergone training? That is a very important question because the only criterion for **[Dr. Kulundu]** choosing mortuary attendants in the whole country seems to be addiction to chang'aa. How many mortuary attendants has this Ministry trained to look after the mortuaries in this country?

(Laughter)

Dr. Wako: Mr. Temporary Deputy Speaker, Sir, that is a totally different Question. If the hon. Member wants to know about that, he should put another Question and I will answer accordingly.

The Temporary Deputy Speaker (Mr. Poghiso): Next Question, Mr. Murungi!

Question No.239

CURRENT STATUS OF ROADS 2000 PROJECT

Mr. Murungi asked the Minister for Public Works and Housing what the current status of Roads 2000 Project is.

The Minister for Public Works and Housing (Mr. Ngala): Mr. Speaker, Sir, I beg to reply.

The current status of Roads 2000 Programme is as follows:

1. European Union Funded Roads 2000 Programme - Eastern Province - eight districts - funding Kshs700 million - 100 per cent Grant.

(a) The following projects are being carried out by Force Account, that is using Ministry staff, equipment and casual labourers, started in December 1998/January 1999 and are on-going as follows:-

(i) Ukia-Upendo Market C99 - 11 kilometres in Makuani District - estimated cost Kshs8,262,219.

(ii) Mwala Market - Kivaani Market C98 - 10.5 kilometres in Machakos District - estimated cost Kshs7,106,010.

(ii) Embu Town - Kairuri - Manyatta Market E635/638 - 12 kilometres in Embu District - estimated cost Kshs7,659,661.

(b) Contracts for the following roads were awarded in May, 1999:-

(i) Meru Town - Kagaeni Market D482 - 16 kilometres in Meru Central, awarded to Victory Construction limited at Kshs36,278,248.50

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. We would like to know from the Minister whether the roads he is talking about are to be tarmacked or gravelled. It serves no purpose to say the cost and the length without stating whether it is gravelling or tarmacking.

The Minister for Public Works and Housing (Mr. Ngala): Mr. Temporary Deputy Speaker, Sir, the Road 2000 Programme is only gravelling and not tarmacking.

(ii) Emali Town - Upendo Market C99 - 30.2 kilometres in Makueni District awarded to Kirinyaga Construction Company Limited at Kshs54,367,055.

(iii) Siakago Town - Ugweni Market - Ena Market D487/C92 - 20 kilometres in Mbeere District awarded to S.S. Mehta and Sons at Kshs27,794,010/80.

(iv) Kangundo Town - Kivani C98 - 11 kilometres in Machakos District awarded to S.S. Mehta and Sons at Kshs16,904,298.50.

Tenders for the following roads have been invited and the progress is as follows:

Ngorongo Market - Kamaende D472 - 16.6 kilometres in Meru South District. The European Union has no objection to the recommendations of the technical evaluation report and the DW has been instructed to make a submission to the District Tender Board for adjudication of the tenders after which an award will be made.

The Temporary Deputy Speaker (Mr. Poghiso): By looking at the list you have, I think you can table the document so that hon. Members can peruse through it.

The Minister for Public Works and Housing (Mr. Ngala): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I knew that it was going to be a long one because the Question asks about the status of the programme. So, I will lay the document on the Table of the House for the hon. Member to go through it.

(Mr. Ngala laid the document on the Table)

The Assistant Minister for Agriculture (Mr. Karauri): On a point of order, Mr. Temporary Deputy Speaker, Sir. Why can the Minister not be allowed to answer the Question fully because we have got no time limitation since there is no Motion on budgetary allocation today?

The Temporary Deputy Speaker (Mr. Poghiso): The information is here on the document which has been tabled by the Minister. The answer is actually extremely long and there is no time for him to read through all these.

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. This Question relates to a lot of projects in the country; it is not limited to Eastern Province only. The status of this programme in many parts of the country is not clear. Would I be in order to request that we be supplied with the answers so that we can ask supplementary questions when the Question will be brought to the Floor of the House later?

The Temporary Deputy Speaker (Mr. Poghiso): I think that is okay. That will be done.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, the Question should not be deferred because I have got an answer from the Minister. I am very happy that you caught the Minister in his own game. The Minister brought this long worded answer to try to confuse the House. We, in Eastern Province have got a raw deal from this Government as far as the roads are concerned. Hon. Members are contemplating convening demonstrations throughout Eastern Province to register our protest against the Government for the neglect of roads in Eastern Province.

If you look at the answer provided in section one it says that the European Union funded Road 2000 Programme for Eastern Province covers eight districts at a cost of Kshs700 million and the Minister has given roads which amount to just over Kshs156 million. We would like the Minister to explain what has happened to the difference?

Mr. Raila: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think you have already made a very useful ruling, with respect to this Question. But, because this Question is very comprehensive and covers the rest of the country, it will not be fair to confine it just to Eastern Province only. Members from other provinces have not had the opportunity to look at the answer, and ask supplementary questions. So, I would request your ruling to stand, that this Question be deferred until hon. Members have a chance to look at the answer.

(Applause)

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Ngala, do you have something to say?

Mr. Ngala: Mr. Temporary Deputy Speaker, Sir, I think your ruling should stand. I would like to abide by it and say that the sentiments expressed by hon. Murungi are unfortunate. We are trying to address the same issues that he based the Question on. For him to begin to say that his province has received a raw deal, is unfair. I do not think it is a fair for him to say that!

Mr. Murungi: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Minister has never visited Eastern Province! So, he cannot come here and say that the roads there are okay, when he has never visited the area!

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Order, hon. Murungi!

Mr. Murungi: Could the Assistant Minister visit the Province first? He does not even know the roads he is talking about!

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order!

(Mr. Murungi interjected loudly and remained standing near the Table)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Hon. Murungi, for the first time, I am going to ask you to leave the Chamber for the rest of the Morning Sitting!

(Mr. Murungi withdrew from the Chamber)

Hon. Members, under the circumstances, this Question is deferred to a later date. Hon. Members should be supplied with a detailed answer to peruse so that they can ask supplementary questions.

(Question deferred)

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Thank you for your ruling to defer this Question. Could the Minister, because this is a nation-wide project, come up with an answer covering every district in the Republic? I have thought of this in view of our Standing Orders, which do not allow another Member to ask a similar Question within six months.

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Sambu, we will take that into consideration.

Mr. Ngala: Mr. Temporary Deputy Speaker, Sir, if the hon. Member gets an opportunity to look at the answer that has been circulated, he will be satisfied that the Question addresses the whole Republic.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. The matter raised by the hon. Member is very valid. I have looked at what has been tabled by the Minister. He has given details of roads and amounts for Eastern Province. He mentions other provinces and amounts for each province. He does not even mention the districts, let alone the roads. Could he go into similar details for other districts and provinces? It is a valid matter!

Mr. Ngala: Mr. Temporary Deputy Speaker, Sir, that is why I wanted to go through the answer. But the point he is raising is very true. The European Union (EU) money has already been negotiated, accepted and work is proceeding on the sites approved by the EU. The other monies are what is reflected in the answer. The programme is going to cover other districts, but it has got to be discussed, agreed and money given. That is what I am saying!

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Weyrah's Question for the second time!

Mr. Shill: Mr. Temporary Deputy Speaker, Sir, I would like to apologise on behalf of hon. Weyrah.

Question No. 174

LACK OF VACCINATION FACILITIES IN IJARA

Mr. Shill, on behalf of **Mr. Weyrah**, asked the Minister for Health:-

(a) whether he is aware that children in Ijara Constituency have not been vaccinated for the last six years;

- (b) what plans he has put in place to ensure those affected receive the said vaccinations; and,
- (c) when the vaccine facilities will be availed to the residents of Ijara Constituency.

The Assistant Minister for Health (Mr. Koske): Mr. Temporary Deputy Speaker, Sir, before I reply, I would like to beg the indulgence of the Chair because in the past, the same Member of Parliament has been putting in Questions to the Ministry; and when we prepare the answers, he does not turn up to hear the answer! The reason why I am saying this is that, we take a lot of trouble looking for the answers in the districts. However, I beg to answer the Question.

(a) I am not aware that children in Ijara Constituency have not been vaccinated in the last six years. The policy of the Ministry is to ensure that all children in the Republic, including Ijara Constituency, are vaccinated regularly. For the last six years, the Ministry has endeavoured to do so in Ijara Constituency. But it is possible, that due to unforeseen circumstances, some children may have been left out.

(b) In October and November this year, there will be a special immunisation programme to cover the areas that may not have been covered in the last immunisation programme. In the light of this, we are sending out an appeal to people in those areas which were left out, to avail their children for immunisation during this period.

(c) Vaccination services are available in Masalani Health Centre, Ijara and Sangailu Dispensaries within Ijara Constituency. Efforts will be made to start effective mobile outreach immunisation activities supported by the Ministry.

Mr. Shill: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has replied that he is not aware. I would like him to know that it is true the children were not vaccinated. The unforeseen circumstances that the Assistant Minister is talking about include lack of equipment like freezers to preserve those vaccines in Ijara and Sangailu dispensaries. There are no vehicles that can take the vaccination teams to the area. The roads are also impassable. I would like to ask the Assistant Minister to take this matter seriously, and treat the people from Garissa and North-Eastern Province as Kenyans. He should make sure that their children are vaccinated. Could the Minister assure us, instead of waiting until October and November, that he will start the vaccination immediately?

Mr. Koske: Mr. Temporary Deputy Speaker, Sir, as I said earlier on, Garissa District achieved a 97 per cent immunisation coverage, during the last immunisation programme. I would like to assure the hon. Member that it does not mean that when we set special national immunisation days, we do not continue doing the vaccination. The programme is still continuing and the particular dispensaries within Ijara Constituency will keep on providing vaccination services. If this issue is raised by the people on the ground, that is the Medical Officer of Health (MOH) for Garissa District, we shall take appropriate action to vaccinate the children.

The Assistant Minister, Office of the President (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, I come from that area and I was there two days ago--

Mr. Gitonga: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to stand up here and ask a question when he is supposed to be answering Questions by hon. Members?

The Assistant Minister, Office of the President (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, that was a point of information.

Temporary Deputy Speaker (Mr. Poghiso): Order! Mr. Haji, we cannot work that way!

Mr. Weyrah: Mr. Temporary Deputy Speaker, Sir, I apologise for coming late. I got stuck somewhere, but I had instructed my friend to ask this Question on my behalf. Since it has been asked, I will now ask a supplementary question. At Masalani Health Centre, children have not been vaccinated for the last six years. Up to now, there is no vaccination exercise taking place at all in that centre. I would like the Assistant Minister to tell this House what plans they have for those children who have not been vaccinated for the last six years and what will happen to the new born babies who have no hope of being vaccinated?

The Temporary Deputy Speaker (Mr. Poghiso): Order! You have asked so many questions. Mr. Assistant Minister, answer the specific question on plans to vaccinate those children.

Mr. Koske: Mr. Temporary Deputy Speaker, Sir, as I said, there will be a national immunization day that is scheduled to take place this year between October and November. The first round will be carried out between 23rd and 24th October 1999, and the second round will be carried out between 27th and 28th November, 1999. The support to carry out this immunization exercise will come from the Ministry of Health, WHO, UNICEF and Catholic Relief Services. A total of Kshs1.4 million has been allocated for this exercise to cover Ijara Constituency.

Mr. Shill: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant

Minister to mislead this House by saying that vaccination services are available at Masalani Health Centre, while the fact is that there is not even a fridge, leave alone the other things? The problem is that---

The Temporary Deputy Speaker (Mr. Poghisio): Order! That is sufficient. You have made your point. If there is no fridge in that centre, how is the vaccination exercise carried out?

Mr. Koske: Mr. Temporary Deputy Speaker, Sir, I will not dispute the claims made by the hon. Member. I will carry out an investigation to find out whether what he is talking about is true. I believe it is not true that there is no fridge in Masalani Centre. If it is true, we will make sure that this facility is provided so that a vaccination exercise can be carried out immediately.

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, we really need to hurry up.

Mr. Kathangu: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Jana, wakati Waziri wa Afya alipokuwa akimjibu mhe. Mbunge kutoka sehemu ya Mumias, walijibishana kwa sababu hospitali ya Butere inathaminiwa zaidi kuliko hospitali ya Mumias. Leo Waziri Msaidizi wa Afya amejibu hapa kwamba, hakuna shughuli za chanjo zinazoendelea katika Mkoa wa Kasi kazini Mashariki. Ningelitaka kujua wakati tunapojadili juu ya usalama wa nchi hii, ni kwa sababu gani hakuna shughuli za chanjo katika Mkoa wa Kasi kazini Mashiriki na ni kwa nini Bw. Waziri Msaidizi anasema atafufua shughuli hizo.

The Temporary Deputy Speaker (Mr. Poghisio): Bw. Kathangu, umeuliza swali lako sasa?

Mr. Kathangu: Bw. Naibu Spika wa Muda, siulizi swali bali nimesimama kwa jambo la nidhamu. Ni haki kwa Waziri Msaidizi kuja hapa na kuzungumza juu ya shughuli za chanjo, ilhali anakubali kuwa hakuna mtambo wa friji katika zahanati hiyo?

The Temporary Deputy Speaker (Mr. Poghisio): That is now a point of argument. Let us move on to Question by Mr. Kiunjuri for the second time.

Question No.281

IMPLEMENTATION OF *EL NINO* EMERGENCY PROJECT

The Temporary Deputy Speaker: Mr. Kiunjuri still not here? The Question is dropped.

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

CONTRACT AWARD TO M/S EXECUTIVE
SUPPORT CONSULTANTS

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, before I ask this Question, I would like to register my dissatisfaction in the manner in which the officials of Treasury handled this Question. They gave it to the Press to pre-empt the details of this Question for today. I have to register my dissatisfaction with you.

I beg to ask the Minister for Finance the following Question by Private Notice.

(a) Why was M/s Dyntech International Limited in venture with M/s Executive Support Consultants Limited awarded a contract worth Kshs168,385,830 by the Ministerial Tender Board and approved by the Central Tender Board on 20th March, 1995 without competitive bidding?

(b) What occasioned the variation of this tender twice, thereby pushing upward the tender sum of another US\$12,868,473 in September, 1997?

The Assistant Minister for Finance (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, before I reply to this Question, I would like to dispute in the strongest terms possible the allegation made by the hon. Member about our staff going to the Press. I am sure they did not. However, I beg to reply.

(a) Dyntech International Limited in venture with M/s Executive Support Consultants Limited was awarded a contract worth Kshs168,836,830 through quotations in 1995.

(b) The contract period for the initial contract was extended for a further six months period running from 20th March, 1997 to 20th September 1997. This extension was necessary for the purpose of handing over the systems included in the initial contract. The second contract period variation was done to cover a further period of 24 months to 20th September, 1999. The purpose of this extension was to make the systems, Year-2000 Compliant and to train system users. Both contract

variations were at cost of US\$7,381,676.

Mr. Kapten: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Question is about competitive bidding, not quotation. Is the Assistant Minister in order to answer a question which has not been asked? Let him tell us why there was no competitive bidding.

Mr. Arap-Kirui: Mr. Temporary Deputy Speaker, Sir, this was by competitive bidding. You can call it quotation or tender, but it was through competitive bidding. Various quotations were invited in March 1995. A number of firms did, in fact, submit their quotations. These were M/s Price Waterhouse Management Consultants, United Resources Limited, M/S Computer Consultants, M/S Olivet Equatorial Limited, M/S Coopers and Lybrand, and M/S Deloitte Touche.

Mr. Ojode: Thank you, Mr. Temporary Deputy Speaker, Sir. On 20th March, 1995, the quotation was floated through selective tenders which were eventually evaluated, discussed and recommended by the Ministerial Tender Board (MTB). The tender was awarded for Kshs168 million or US\$3.8 million, which was unprocedural in the first place. This is because I will read out to the Assistant Minister the Government's procurement procedures about selective tenders is:

"The MTB must have adequate reasons for preferring selective tendering to open tender. This method can as well be used, but prior to a written approval of the Chairman of the relevant tender board or the Permanent Secretary to the Treasury is required---"

Having said that, the Assistant Minister is also saying that they only approved US\$7.8 million. This is contrary to the facts which I have here.

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Ojode, ask the question.

Mr. Ojode: Mr. Temporary Deputy Speaker, first of all, I want to put the facts right for the Assistant Minister.

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Ojode, you can ask your question now.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, two variations were made to the contract, and both of them totalled to US\$12.8 million which is equivalent to Kshs1 billion. This was done by the former Permanent Secretary and the contractor.

The Minister of State, Office of the President (Mr. Sunkuli): On of order, Mr. Temporary Deputy Speaker, Sir. I just want to ask if, for the benefit of this House, you could rule on this matter. This is because it is becoming a tradition that--- Standing Order No.37(1) says:

"A Question shall not be in effect a speech, or limited to given information or framed so as to suggest its own answer or to convey a particular point of view."

Mr. Ojode: Mr. Temporary Deputy Speaker, let me continue. The former Permanent Secretary and Mr. Konana, the MISD Director---

The Temporary Deputy Speaker (Mr. Poghiso): Order! Order! Mr. Ojode, ask your question now.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, why was it necessary for Mr. Konana, the MISD Director at the Treasury, the former Permanent Secretary, Mr. Lesrima, and Mr. Kamani of M/S Kamson Motors, the man who has been supplying these toy vehicles called Mahindra, to vary the contract to read Kshs1 billion without following the laid down procedures?

(Applause)

An hon. Member: You have now hammered the point!

Mr. Arap-Kirui: Mr. Temporary Deputy Speaker, Sir, I think the hon. Member has made a number of allegations. First, he read out Government tendering procedures and said that tendering can be done by quotation. He also pointed out that this can be done with the permission of the Chairman of the Central Tender Board (CTB). I would like to inform this House that, this was received before the initial contract. I have also explained the reason as to why these variations were done. It was done, because time had run out, to enable the consultant to hand over what he did not manage in the initial period. But you will recall that about the same time there was great concern over the millennium bug (Y2K) problem. It was necessary to ensure that all Government computer facilities were the Year 2000 compliant. These people were asked to---

Dr. Kituyi: The conduct of the Permanent Secretary, Treasury, on this matter was not only outrageous but criminal. The fundamental question is: What is the purpose of tendering for a project when the cost of the tender is Kshs168 million, and then vary it twice without tendering and increase the price by Kshs945 million?

The Temporary Deputy Speaker (Mr. Poghisio): Dr. Kituyi, that is enough.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, this is an outrageous thing that happened. My main question is---

The Temporary Deputy Speaker (Mr. Poghisio): Dr. Kituyi, just ask one question at a time. Just put your question.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I know that I will not have a chance to raise the main question. What I have raised is just, but outrage. The main question is: What obligation did the Treasury have, in the middle of the implementation of a contract worth Kshs168 million, to award the same contractor, who had not completed the first assignment, another contract worth Kshs700 million in order to make Government computers Year 2000 compliant without tendering?

The Temporary Deputy Speaker (Mr. Poghisio): Dr. Kituyi, that is enough.

Mr. Arap-Kirui: Mr. Temporary Deputy Speaker, Sir, I think we do admit that there was something rather unsatisfactory about this contract.

(Applause)

Unfortunately, I think our hands are tied because you will recall that what we have been talking about has a long history; it started in 1995 and it was supposed to end in 1997.

(Dr. Kituyi interjected)

If the hon. Member does want me to answer the question, I think he had better keep quiet.

The Temporary Deputy Speaker (Mr. Poghisio): Just continue answering it.

Mr. Arap-Kirui: Mr. Temporary Deputy Speaker, Sir, in fact, an attempt was made by the Treasury to cancel the contract early last year, but we were advised that our hands were tied. That was not possible because the contract was more or less ending in September. Therefore, we were keen to review the contract, but the law could not allow us. We were concerned and unhappy about this contract.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has been asked about the obligation the Government had to pay for outright theft of public funds. We have got a tendering system which should be followed in awarding Government contracts, but it was not followed. What obligation did the Government have to be enjoined in a theft? activity?

The Temporary Deputy Speaker (Mr. Poghisio): That question has been asked and answered.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, the question has not been answered!

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that the Government's hands were tied because this was a contract when he knows that this was open theft? Criminal activity is not superseded by contractual obligations. What action will he take against those people who were awarded Kshs972 million?

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Sambu, you have raised your point of order. Therefore, let the Assistant Minister respond to it.

Mr. Arap-Kirui: Mr. Temporary Deputy Speaker, Sir, I am not sure as to whether we are talking of theft or something else, but what I know is that a mistake has been made. If it is an "innocent" mistake, I think it is---

(Laughter)

If I can answer the question, hon. Members are probably prejudging the issue. Let them listen to my side of the story, if they want me to listen to theirs. I was saying that it is premature to say that there was anything behind this contract other than every intention to ensure that Government systems were operational and the Year 2000 compliant.

Mr. Raila: Indeed, it is very sad for an Assistant Minister to come here and tell this House that the Government's hands are tied by thieves.

(Applause)

(Mr. Kamolleh stood up in his place)

Hon. Members: Sit down!

The Temporary Deputy Speaker (Mr. Poghisio): Order! Proceed Mr. Raila.

Mr. Raila: Mr. Speaker, Sir, I want to make two points.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Raila, actually you know that you used the word "thieves". You have a better way of putting across things, and so you do not have to call other people thieves. Proceed, hon. Raila.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, we know that the word "thief" in reference to an hon. Member of Parliament is unparliamentary, but there are certain people who are called "thieves" in law. I do not think that, that in itself is unparliamentary. If the people who are trying to steal from the Government---

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Raila, I think you have a privilege to ask a question.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, my first point is that the contractor needed more time to supply the computer equipment. So, there is no reason why there should be a cost to the Government because even the contractor required more time to supply that equipment. Secondly, the contract was signed in 1995, five years to the end of this century, when everybody knew that we were going to have the millennium bug (Y2K). Why did the Government sign a contract with the supplier in 1995 to supply computer equipment which was not the Year 2000 compliant? Did the Attorney-General advise the Government on that?

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Before the Assistant Minister gives his answer, Standing Order No.73(3) says:

"It shall be out of order to use offensive or insulting language whether in respect of hon.

Members of the House or other persons."

Mr. Raila, I have heard you use the word "thieves" again and again although I ruled that word to be unparliamentary.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order!

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I want to make a more substantive point. However, I really need a considered ruling from the Chair. This is because there are certain people who are called "thieves" in law. What is unparliamentary is to use that word in reference to an hon. Member of Parliament.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Raila, if you really want to make a point, you can make it without being unparliamentary. Therefore, could you withdraw that word?

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I will withdraw that word. However, why did the Government sign a contract to supply computers that were not Y2K compliant? Why did the Attorney-General not advise the Government about the cost of misadvised or irregular actions of an officer of the Government, in this case the Permanent Secretary to the Treasury, that the Government's hands would be tied and, therefore, it would lose over Kshs1 billion in this kind of contract? Why did the Attorney-General not advise the Government on that issue?

Mr. Arap-Kirui: Mr. Temporary Deputy Speaker, Sir, on the Y2K problem, I think we all know that until about a year ago, not many people were aware of it.

Hon. Members: No! No!

Mr. Arap-Kirui: Mr. Temporary Deputy Speaker, Sir, if the hon. Members would like me to answer the questions, they had better give me time to answer them. In fact, they will have their own time to ask questions. As a matter of fact, even some of these hon. Members on the Opposition side are still buying computers which are not the Year 2000 compliant. I would like to say that it is not unusual---

Mr. Murathe: On a point of order, Mr. Temporary Deputy Speaker, Sir. I sell computers, and since 1995, all computer systems that came into this country were supposed to be Y2K compliant. This technology is called "millennium technology". We cannot have an Assistant Minister standing here and telling this House that the Y2K issue only came about last year. Since 1995 there is no computer manufacturer who has even manufactured a computer which was not Y2K compliant!

(Mr. Murathe remained standing in his place)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Murathe, there are certain rules of this House which need to be followed. When Mr. Speaker is on his feet, you have to sit down. You do not have to

continue with what you are saying otherwise, we will not have order in this House. If you are standing on a point of order, let it be a point of order. It has to be something that does not contravene the Standing Orders. If you want to give some information, rise on a point of information. Proceed Mr. Murathe.

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, is the Minister in order to---

Mr. Arap-Kirui: Mr. Temporary Deputy Speaker, Sir, I think I will answer the question if they want me to answer it. Let me just advise the hon. Member that he may be selling computers but he should realise that millennium technology came in 1997. As I said earlier on, this was the reason why we might have overlooked this problem in 1995. Therefore, it was necessary to make our computers the Year 2000 compliant. I would also like to say that I cannot answer on behalf of the Attorney-General because I am not even a lawyer.

(Mr. Murathe stood up in his place)

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Murathe, you are now going out and I want you to leave the Chamber for the rest of the sitting.

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. You are allowing the Assistant Minister to deliberately mislead Kenyans.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Sambu! Order! Hon. Members what is the excitement all about?

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, all of you! The Assistant Minister has given the answers. He has even mentioned that their hands were tied. The only thing [**The Temporary Deputy Speaker**]

that I can tell the Assistant Minister is to read the mood of the House, and know that the answer he has given does not seem to satisfy the hon. Members. If he is in agreement with the hon. Member for Ndhiwa, we can have this Question answered tomorrow.

(Question deferred)

ALIENATION OF LAND FROM OLE OLTEREET'S FAMILY

(Mr. Imanyara) to ask the Minister for Lands and Settlement:-

(a) Is the Minister aware that a 40 hectare piece of land in Athi River having reference No.Kajiado/Ololoitokoshi/Kitengela/5388 was fraudulently alienated from the family of the late Saitoti ole Kims Oltereet with the connivance and/or collusion of the District Commissioner of the area?

(b) What action is Minister taking to ensure that the said family recovers its rightful inheritance?

The Temporary Deputy Speaker (Mr. Poghisio): We will also defer this Question by Private Notice until tomorrow.

(Question deferred)

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, there are some Ministerial Statements that we will hear and I would like to give this opportunity to Mr. Ndambuki and Mr. Mahamud.

MINISTERIAL STATEMENTS

STATE OF TITLE DEEDS FOR MWEA IRRIGATION SCHEME

The Minister for Lands and Settlement (Mr. Ndambuki): Mr. Temporary Deputy Speaker, Sir, I would like to make a Ministerial Statement on the state of title deeds for Mwea Irrigation Scheme which was requested for by hon. Nderitu. The Ministry of Lands and Settlement has been working on a well planned programme aimed

at ultimately issuing title deeds for the residents of Mwea Settlement Scheme in Kirinyaga District. The programme which was started nearly two years ago is being carried out in consultation with the National Irrigation Board (NIB), the leaders and the residents of the area to avoid any mistake. So far, 1,200 leases have been prepared and are awaiting execution by the Commissioner of Lands. This process is now complete and I would like to appeal to all those residents who have received letters asking them to accept the offers to come forward and execute the leases so that the process of registering the title deeds can begin.

In the remaining areas, there are 4,295 parcels of land whose records are in the process of being prepared by the Commissioner of Lands. I would like to point out that the process is slow because all the records must be checked meticulously to confirm that there are no mistakes. I would also like to point out that this action is also being---

(Mr. Ojode stood up in his place)

The Temporary Deputy Speaker (Mr. Poghio): Order! The Minister is making a Ministerial Statement. Members on that side, could you please consult in low tones if you must and give the Minister a chance to make that statement.

The Minister for Lands and Settlement (Mr. Ndambuki): I would like to point out that the process is slow because all the records must be checked meticulously to confirm that there are no mistakes. I would also like to point out that action is also being taken in conformity with the list of land owners provided by the National Irrigation Board to the Commissioner of Lands. At the end of the exercise the Ministry expects to register 5,495 parcels in Mwea Settlement Scheme, Kirinyaga District.

In the near future the Ministry will publish the total number of title deeds which are pending collection in Kirinyaga and any other district in Kenya. At this stage, however, I would like to appeal to all Kenyans, who have not collected their title deeds from their respective district registries to do so immediately in order to assist the Government to complete the exercise in the shortest time possible.

Thank you, Mr. Temporary Deputy Speaker, Sir.

REHABILITATION OF TELEPHONE SERVICES IN KASARANI

The Assistant Minister for Transport and Communications (Mr. Mohamud): Mr. Temporary Deputy Speaker, Sir, on 24th June, 1999, the Member for Kasarani hon. Adolf Muchiri requested a statement from me on the deterioration of telephone services under the code numbers 78, 79, 80, 81 and 86. These codes relate to Kariobangi, Ruaraka and Kahawa exchange areas.

Mr. Mwenje: And also Embakasi!

The Assistant Minister for Transport and Communications (Mr. Mohamud): Embakasi included. I am aware of the service demands in the area and also maintenance problems that are being experienced. First and foremost, it should be recognised that building developments in these areas do not follow the laid down building regulations. This has caused a lot of damage to service providers, networks including the former Corporation's telephone cable networks. The conversion of residential estates into business areas has increased the demands that cannot be supported by the existing infrastructure. Secondly, The heavy *El Nino* rains caused major damage to former KPTC cables in the area served by Kariobangi exchange due to blockage of drainage by developers when the manholes were flooded. I am using the word "former" because KPTC has already been split into two units.

A third factor which has contributed to poor services in the area is vandalism of former corporation cables. This has been a frequent occurrence in these areas causing the corporation to lose a lot of money. In this regard, I would suggest that the hon. Member could perhaps, help us to educate his constituents on the importance of the communications and the role it plays in this country's development. The former corporation having recognised the above problem has embarked on the following strategies:

1. Prompt attention to all maintenance issues that are reported officially.
2. Total rehabilitation of the telecommunications network in all exchange areas including the MP's constituency which is already going on.
3. The deployment of wireless technologies in areas prone to cable vandalism and other areas in order to meet the demand quickly.
4. Drawing up of a masterplan for the role of telecommunications network in Nairobi and the rest of the country.

5. Adopting a customer friendly culture that will be responsive to the competitive business environment that is downing the telecommunications industry.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Muchiri, did you want to ask for any clarification?

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, while I agree partly with the statement by the Assistant Minister, the point is that since the introduction of the telephone bureaus in my constituency the telephone services have deteriorated. Could he, as a matter of urgency---

The Temporary Deputy Speaker (Mr. Poghisio): You are seeking clarification. You are not asking questions.

Mr. Muchiri: Could the Assistant Minister order the immediate closure of all telephone bureaus in my constituency?

The Assistant Minister for Transport and Communications (Mr. Mohamud): Mr. Temporary Deputy Speaker, Sir, it is not possible to close all the telephone bureaus, but I will investigate the allegations made by hon. Muchiri that these telephone booths are not working.

THE AMUMA ATTACK

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I wish to make a statement on the Amuma incident. This follows the request by hon. Members to know the reason for the current upsurge in activities in North Eastern Province. As the House knows, North Eastern Province has since Independence been a hot bed of insecurity. Although the Government has done everything possible to bring about secure and stable conditions necessary for growth and development, the situation in neighbouring countries particularly Somalia, has not been conducive to the achievement of these objectives. The latest series of incidents occurring on our borders have their roots in the ongoing war between Ethiopia and Eritrea. By supporting different factions in the said Somalia the two belligerent factions although waging war far away from our borders have had direct effects on our security.

The alleged support by Mohammed Farah Aidede of Oromo Liberation Front (OLF) and Ogaden National Liberation Front (ONLF) has so incensed the Ethiopians that last month they carried out a pre-emptive attack on them supported by other Somali factions. As a result of a push southwards, factions loyal to Mohammed Farah Aidede particularly, those of the Somali National Front (SNF) led by Major-General Omar Haji Mohammed alias Masale, have been pushed southwards. The SNF in turn booted out Gen. Mohammed Said Hersi Morgan's faction from Kismayu driving them towards the Kenya/Somali border, hence the fresh upsurge in activities and influx of refugees into our country. Accordingly, the Kenya Government out of necessity had to deploy its security forces to the border to stem the upsurge and stop any armed factions from entering our territory. One such force was a platoon of "D" Company of the 3KR stationed at Garissa which was dispatched to Amuma.

It was while sorting out a group of 204 refugees that about 400 militiamen supported by its technicals pursuing two vehicles belonging to the Somali Salvation Democratic Front (SSD) of General Morgan bumped into our platoon taking them completely by surprise.

Mr. Temporary Deputy Speaker, Sir, it should be noted that the militiamen had earlier invaded Amuma Town and an Administration Police camp taking away three rifles, a machine gun and money. It is also important for Members to note that Kenya shares a border with Somalia measuring about 3,800 kilometres long. If we were to put soldiers one metre apart along the border, it would require not less 3.8 million soldiers to guard our borderline. This is neither feasible nor desirable and no country ever safeguards its borders that way. The strategy, therefore, is to have a relatively small security unit deployed in front of all the fronts to act as trip wire, with the main effort being to remain protected and uncommitted until the enemy's main thrust is identified. This is exactly what happened in this case. Once our security forces knew where the enemy's thrust was, they promptly and vigorously deployed security officers to the Amuma Front and because of the firm handling of the situation by the Commander-in-Chief, His Excellency, I am glad to report to this House that the vehicles and weapons have been returned. Once all the other remaining items are returned, our security forces will return to their bases.

Having read what some people have said about this incident, hon. Members should note that no country ever keeps a standing army sufficient to guarantee security of its borders in the first instance. Most countries rely on what is known as "total force concept" where reserves are mobilised to provide the core of a nation's security.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Dr. Kituyi: Thank you, Mr. Temporary Deputy Speaker, Sir. From what the Minister has said, there are two fundamental problems here. The first fundamental problem is: Why has the Kenya Government been

prevaricating in respect of Captain Morgan's forces in Somalia, many times giving them free access to Kenyan territory as the first position when they are fighting with Aideed's forces? More importantly, at the time the ally of Ethiopia was pushing Captain Morgan's forces towards the Kenyan border and the Kenya Government was aware of this. Why did it send such a lightly armed and unprotected platoon to Amuma instead of a sufficient force to repulse any potential force threatening us from Somalia?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, the hon. Member has raised two important issues. In the first place, the Kenyan Government has never prevaricated. The reality is that the factions of Somalia find their dispersal area to be in Kenya naturally because the hon. Member knows that the border between Kenya and Somalia is really a plain land. It is not a river nor is it a mountain; it is just a piece of land that is connected to the other region. These people have found themselves coming to Kenya and that is why our statement has always being that, indeed, Somalia does eventually pose a threat to our country in the sense that, its nationals are coming into our country. It is the factions of Farah Aideed and Captain Morgan which are coming to our country.

Mr. Temporary Deputy Speaker, Sir, currently, the faction of Captain Morgan has been moved much more southwards towards Kismayu. I have already indicated to this House that we have a technique of our armed forces always sending a trip wire to the border. We have never experienced nor expected a war with Somalia. It has never been possible to put a whole army on the border. What can you actually put on the border? You have to place a platoon there which will trigger off action. The platoon will give information to the company and we have a company in Garissa.

The Temporary Deputy Speaker (Mr. Poghisio): Okay! Mr. Shill and Mr. Keynan, are you seeking clarification on this?

Mr. Shill: Mr. Temporary Deputy Speaker, Sir, the Minister has agreed that Ethiopia and Eritrea have shifted their war to Somalia and the faction that is led by General Aideed is the one which has really attacked the platoon, looted and even stripped them naked thereby humiliating Kenyans and infringing our sovereignty. Right now as I speak, General Aideed is having luxury in Safari Park Hotel, being taken care of by the Kenyan Government.

Mr. Temporary Deputy Speaker, Sir, we know that Somalia is in a very big problem and that, Ethiopia and Eritrea are giving them a lot of weapons and that is why my constituents were attacked. Taking a platoon which is supposed to cover a kilometre to an area of 200 kilometres long is giving us a low deal. This is an external war. Could the Minister assure this House that our military men who have been taken down at the border, will remain at that area since we know that Eritrea and Ethiopia are in that area. They are too fast for Kenyans.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, Mr. Aideed is not being taken care of by the Government. He is here under the circumstances in which all the Somalis from the former Republic of Somalia are here. We were minded to take tough action. Indeed, we did send our jets, as a statement of intent, to Somalia. But the fellow involved was Major General Masale, who happened to be in Kenya at that time. The fact that we were in contact with them enabled us to ensure that diplomacy, without using a bullet, ensured the return of everything except the radio which we are also assured will come soon. But Gen. Masale has, in fact, written to the Commander-in-Chief of the Armed Forces to apologize for what he has done. We have also issued firm warnings to them that, if ever that action is repeated, we shall not tolerate it. We are monitoring the situation very closely in the Somalia border and we will take it upon ourselves to act appropriately.

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, first of all, the damage has already been done to the integrity of this nation, and the residents of North-Eastern and northern Kenya by extension have already lost the confidence of this Government. This is because the army which they are supposed to shelter under had already proved ineffective. Whatever has been done now is merely going to serve as a damage control measure. The issue is not Somalia; Somalia is just being used as a scapegoat. The issue is that this Government harbours and continues to harbour malicious movements that are meant to destabilise neighbouring countries, one of the them being Oromo Liberation Front (OLF). It killed over 200 people in my constituency. The same Government insisted that OLF does not exist here. Its members have been pushed all the way from northern Kenya. Right now they are coming to Meru Park, Kinango and Isiolo. The same military men are right now being trained in Ethiopia because there is no government in Somalia. You must address the real issues because if you allow here one military group opposed to a neighbouring country, that same country has the right to defend itself and this is exactly what is happening. Northern Kenya has been turned into a battle field and the residents are suffering. I have already lost over 200 constituents. The other day you heard that so many people were arrested in North Eastern Province, in the presence of none other than the Minister in charge of Foreign Affairs. So, it is because of hypocrisy in our foreign policy that all these problems are arising. Let us not take Somalia as a scapegoat because there is no

government, but let us address the problem. If we have a good relationship with our neighbours----

(Applause)

The Temporary Deputy Speaker (Mr. Poghisio): Order!

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, I have not finished.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Mr. Keynan! Look at the time. You have a good time to do that. You can wait for tomorrow or another time. You can always raise that point. What you are doing now is actually giving a speech. You are only supposed to seek clarification. Let him clarify what you have said so far.

Mr. Keynan: I have not finished what I was saying, Mr. Temporary Deputy Speaker, Sir.

Mr. Temporary Deputy Speaker (Mr. Poghisio): Order! Do not push your point.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, it is not true that we are supporting the OLF. It is not true that our foreign policy is not clear. We have good relations with the Government of Ethiopia. The Government of Ethiopia and ourselves have recently co-operated and we have given them all the facilities they did require a few weeks ago to deal with the problems which they thought had a bearing on Kenya. The truth is that the problem we are dealing with is an overflow of the problems between Eritrea and Ethiopia as reflected in Somaliland, and not in Kenya.

The Temporary Deputy Speaker (Mr. Poghisio): Okay, that is enough.

Next Order!

MOTION

GOVERNMENT POLICY ON HOUSING OF CIVIL SERVANTS

THAT, in view of the traditional role played by the Government in housing some civil servants in houses or buildings which are Government owned; cognisant of the fact that the Government is now committed to a policy of divestiture of residential properties in the public domain which could lead to the sale of many of these houses; apprehensive that many of the employees aforesaid are likely to become tenants of private landlords who will invariably raise their rentals and aware that the salary of the affected employees has not been adjusted to reflect the loss in low rental accommodation; this House recommends that no Government owned residential houses should be sold until the Government declares its housing policy in respect of all public employees and more especially, in respect of the affected employees.

(Mr. Kihoro on 30.6.99)

(Resumption of Debate interrupted on 30.7.99)

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, because of lack of quorum last week, the Motion that I was moving, could not be completed. When I spoke last week, I had tabled a list of those people who have been allocated Government houses. The list was not acceptable at that point because it did not have a covering letter. The list was prepared by the Permanent Secretary in the Ministry of Lands and Settlement. Now, I have been able to obtain the covering letter, and I beg to table the list again.

(Mr. Kihoro laid the Document on the Tabled)

Mr. Temporary Deputy Speaker, Sir, from that list that I have tabled, it is clear that 576 houses had been allocated to individuals by 1986. Therefore, that list is not up to date. Maybe since that time, up to 1,000 houses have again been allocated to individuals. The consequences of the Government policy in allocating public houses to individuals, is that, some of the newly promoted public servants are finding it impossible to reside in Nairobi. For example, on that list, there is the name of Mr. Duncan Wachira, who is the former Commissioner of Police. He bought a Government house meant for the Commissioner of Police, and the present Commissioner of Police has nowhere to stay. In essence what it means is that, the present Commissioner of Police could well reside in

Mathare where thieves also reside. I dare the consequences of the move that has been made by the Government, of allocating public houses which are meant to be secured for public servants, in turn, undermining their morale and making it impossible for some of them to perform their work efficiently.

On that list also, is the name of the former Clerk of the National Assembly, Mr. Masya, who bought the House that was meant for the Clerk of the National Assembly. We now have a new Clerk of the National Assembly and I do not know where he is going to reside in Nairobi. I do not know what is going to happen to all those public servants who are being promoted by the Government in addition to the two.

Mr. Temporary Deputy Speaker, Sir, the Government is changing everyday, and we must have adequate housing, provided by the Government to enable these public servants to discharge their duties to members of the public efficiently. We are talking about 41,440 houses that are currently owned by the Government and institutions of the Government. These are the houses that have been targeted for allocation to some individuals who are politically correct and who do not care. This has happened for too long. There are individuals who do not care how much or loud you talk to them. They do not take note of what is happening in this country. The public is wary and angry with what is happening. For instance, when you have all these houses allocated to individuals, it means this is the end of Government, and therefore, Kenya. Instead of having a viable, vibrant Public Service, you end up having a demoralised, crowded, agonizing Public Service that is unable to discharge its duties to the public.

The houses that have been very juicy to some of the hon. Members in the Front Bench are houses in the higher and middle categories. Maybe some of the lower category houses which form the majority are also going to be bought and let out by the new landlords who are going to be created.

Mr. Temporary Deputy Speaker, Sir, in this particular Motion, I am calling upon the Government to nullify all the allocations. In fact, what has happened is that not even the market rates have been obtained in the sales that have been perpetrated by the Government. Houses have been sold for as little as Kshs60,000 to Kshs62,000. On that list, there is no single house that has been sold for more than Kshs60,000, plus premium. I have not seen a single one. In fact, some of the houses have been sold by the new owners for as much as Kshs25 million. For example, some of the houses in Kileleshwa or Upper Hill have been purchased at Kshs60,000. However much you want to justify or accept the sale, there is no way that kind of sale will stand the test of time. The Government has got a duty to nullify all these sales and make sure that the houses revert to the public domain.

Mr. Temporary Deputy Speaker, Sir, what is also happening is that, the Government in its quest to sell these houses has reduced the maintenance budget. Some of these houses have been run down; they are not maintained, they have not been painted and no repairs are being carried out on them. In the present Budget, only Kshs10 million has been allocated to maintain the 41,440 houses. It means, they are going to be dilapidated, and tomorrow you will hear someone going to State House to seek to be allocated the plot on which that house stands, as if there is no house on it, having condemned it. This is because of how these houses are being run down by the present Government to make sure that they are being sold as vacant plots as opposed to houses owned by the Government.

Mr. Temporary Deputy Speaker, Sir, I want to conclude by rejecting the present greed of the Government which allows it to claim its privatising because it is a philosophy acceptable to the World Bank and the Western World. The Government is talking about privatization, when, in fact, what is happening is stripping public assets. That is essentially what is happening. Public assets are being stripped. The public is being sleazed of their property, because the Government claims to be privatizing, commercializing and leasing out when in fact, what it amounts to is depriving members of the public the opportunity to own what they have actually built in the past. I am calling upon the Government to review their policy in respect of privatization, and not only to earmark the profitable part of public property for privatization. It is important, and I know that nobody wants all the laws establishing parastatals in this country. All the profitable parastatals have been stripped and taken away by the politically correct supporters of the present Government.

Mr. Temporary Deputy Speaker, Sir, in conclusion, I would like to say that it is important for the present Government to accept that we are a free country, and there will always be a Government in this country for millions of years. Thirty million people in this country will ensure that there is continuity. It will be unfortunate, 50 years from now, to talk about a Government that gave out public houses for free. It is important that the sales that have been made by the present Government are rescinded and we went back to the situation as it prevailed five years ago. The hon. Gatabaki will second this Motion.

I beg to move.

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, I am very thankful to the hon. Member for giving me the opportunity to second this Motion.

Mr. Temporary Deputy Speaker, Sir, if you look at the Public Galleries and at both Benches of this House, there are no people. We are discussing an issue that relates to us. When we go home, we go to our houses.

Everybody relates to shelter. In 1948, the United Nations General Assembly declared, in the Universal Declaration of Human Rights, that housing is a fundamental basic right realising that no government worth its name can survive, if it did not include shelter or housing as a basic human right. In 1988, the United Nations endorsed a general policy on shelter for the year 2000 and implored upon every member of the UN to put housing as a basic necessity for its citizens. In 1987, this Government drafted a Cabinet Paper on National Housing Programme, but that policy document has never seen the House.

Mr. Temporary Deputy Speaker, Sir, I wish to comment very briefly on the document that the hon. Member has laid on the Table. I served in the Public Accounts Committee (PAC) and it was unanimously agreed by Members of the PAC that the Ministry do and did submit the entire list of all people who had been allocated Government houses. The document was brought to the Clerk of the National Assembly, but it was never brought to the PAC. I saw this document only yesterday, from the hon. Member. Why was this essential document not submitted to a Committee of the House, a fact that we did not include in the PAC Report which has been tabled in this House? This essential document, which outlines the number of houses belonging to the Government and which have been allocated to specific people--- The only reason why this document was not given to the PAC is because the former Clerk of the National Assembly was a recipient of two houses---

The Temporary Deputy Speaker (Mr. Poghismo): Order! I think, Mr. Gatabaki, you know that the current PAC Report has only been tabled here. It has not been discussed. So, can you hold whatever you want to say about the PAC Report?

Mr. Gatabaki: Thank you, Mr. Temporary Deputy Speaker, Sir. Let me briefly outline who is who in this document. There are members of the former Kenyatta Government, who are politically-correct. There are top Government officers and they are there. I did not do it. There are practically all the Permanent Secretaries and the heads of parastatals. There are Cabinet Ministers, including the former Minister for Public Works and Housing, the hon. Kipkalya Kones. They also include the most senior Cabinet Ministers to the latest appointees. Further, they include High Court Judges, members of the Electoral Commission, senior Army officers and other members of virtually every community proportionally. They include President Moi's closest aides, Joshua Kulei and the rest, and the President's children!

(Applause)

They include officers from this Parliament. They include the latest, and this is frightening, the Community House. The Headquarters down there might have been allocated to somebody. The Kenya Revenue Authority is moving from that Headquarters to the new Headquarters at the Central Bank of Kenya. That house---

The Minister for Environmental Conservation (Mr. Nyenze): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am wondering whether the hon. Member is in order to mention the President's children who cannot defend themselves in this House when this document has just been tabled and we have not even discussed it? I think that is in bad taste.

The Temporary Deputy Speaker (Mr. Poghismo): Order! Mr. Gatabaki, do you remember the Standing Orders pertaining to the name of the President?

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, my biggest worry is the level of sycophancy in this House. President Moi would always retain you whether you were unable to influence the defection of certain characters to this House!

The Minister for Environmental Conservation (Mr. Nyenze): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to insinuate that "this is sycophancy" when he is talking about other people? Someone like him should not attack the Head of State. Who is he?

The Temporary Deputy Speaker (Mr. Poghismo): Order! Order! Mr. Gatabaki, you have very good points and probably you want to convince everyone to vote in favour of the Motion. But when you insinuate or refer to hon. Members as "sycophants", that word cannot be Parliamentary. I think, in that respect, you should withdraw it.

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, I have got only ten minutes and five minutes have already been taken. Can I finish this important secondment of an important policy?

The Temporary Deputy Speaker (Mr. Poghismo): Just withdraw the word!

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, I withdraw the word "sycophancy" if the indigenous are not sycophants.

Mr. Temporary Deputy Speaker, Sir, I have got only five minutes to contribute to a very important Motion.

Mr. P.K. Mwangi: On a point of order, Mr. Temporary Deputy Speaker. Did you hear the hon. Minister ask "who is hon. Gatabaki"?

The Temporary Deputy Speaker (Mr. Poghisio): So?

Mr. P.K. Mwangi: I want to inform him that he is the hon. Member for Githunguri.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! You are just wasting his time. Proceed, Mr. Gatabaki.

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, if we can be dignified hon. Members, nobody has protected anybody. Maybe the President is protected to a certain extent, but the President's children are not protected by any convention!

(Applause)

Mr. Temporary Deputy Speaker, Sir, let me go to a more substantive issue. What has been our policy on the provision of housing? The answer is: We have no policy on housing and I mentioned the 1987 Cabinet Paper on National Housing Programme which has never seen the light of the day. There are documents to prove that this Government has been pursuing a policy of vendetta against the Opposition. This Government has been pursuing a policy of eliminating political pluralism. This Government is preoccupied with consolidation of power and it has forgotten crucial elements of public policy. If we look at the latest document from the Minister for Planning and National Development, the provision on housing is given peanuts. The allocation in the Budget is about K£70 million. Last year, the National Housing Corporation completed only 41 units.

We are talking about a country with 34 million citizens and 100,000 civil servants. We are talking of a country with about one million houses. We are talking about a Government which has no policy on housing. We are talking about a Government which is a signatory to certain international conventions which provide certain basics, among them, the provision of housing.

Mr. Temporary Deputy Speaker, Sir, if we limit ourselves to what the Motion is all about, which is housing for the Government employees, then we are not talking about the Opposition Government. We are talking about the current Government, in a situation where local authorities, particularly those that fall under the Opposition areas, are denied funding for housing. This is a situation where a mayor finds himself without a house; a situation where a town clerk has no house. There is no house for the administration. It is a situation where a Cabinet Minister, Judge of the High Court and the Commissioner of Police have no houses. We are talking about a crisis of a greater proportion.

Mr. Temporary Deputy Speaker, Sir, in last year's Budget, the Minister for Finance did indicate that after the expiry of the current lease, the Government will not review housing for the civil servants. We are talking about 41,000 housing units. Given the kind of salaries the ordinary civil servant gets, given that a civil servant is given a certain amount of house allowance, it is not a house allowance. Where did that calendar go to? These are issues which should be considered in this Motion.

With those few remarks, I second the Motion.

(Question proposed)

The Minister for Lands and Housing (Mr. Ngala): Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to contribute to this Motion.

From the outset, the Ministry of Public Works and Housing supports this Motion. We agree entirely with the sentiments that have been expressed in this Motion because the issue that is being discussed in this Motion is a very fundamental one. It is one which relates to housing and, therefore, we want to assure this House that the Ministry supports it.

Mr. Temporary Deputy Speaker, Sir, we have a duty as Members of Parliament, to also look [**The Minister for Lands and Housing**] into the welfare of the Civil Service in this country and this Motion is trying to address that. That the Public Service or civil servants need to be considered for good accommodation in houses in order for them to be able to live in an environment which is sound, motivates them and which makes them more productive. So, as the Motion reads, we support it. In fact, we should have been more emphatic to say: "No more housing allocations should be given to people."

Mr. Temporary Deputy Speaker, Sir, what has happened is definitely not in good taste. We have been given a list of people who were previously many, many years ago allocated Government quarters which were

supposed to be housing Government officers and also form part of the Government stock. However, they have been given to other people. This is a situation which has come to light and definitely, the Government now has come very firm on that in that, it is no longer going to allocate any more houses to people. A circular to that effect has been circulated to make sure that the Permanent Secretaries are aware that there will be no more allocations of Government houses to individuals who use them for their own purposes.

Mr. Temporary Deputy Speaker, Sir, as I have said, the Government has a house policy which was started way back in 1966/67. This was immediately after Kenya attained Independence and there was need to come up with a housing policy. It was to address the problem of houses in the Republic and I think, quite an effort towards that direction was done. In 1974, there was another Sessional Paper which this time tried to address specifically, the issue of housing civil servants for them to be able to have accommodation.

Mr. Temporary Deputy Speaker, Sir, as we talk now, the Government has its own houses which number 41,000 units as has been quoted here. Some of them are under the pool arrangement and these houses are the ones that we are trying to make sure that, they will continue to remain as Government stock, so that we increase this Government stock to allow the civil servants to have decent housing. I do not think that it is possible right now to nullify the houses as the Mover said. Nullification may not be an issue that is possible at this stage, because we are talking of many years ago. We are talking of property which has changed hands. However, suffice it to say, that since the decision has been taken by the Government that no allocation will be done, we hope that in the Civil Service Reform Programme that is going on, it will be able to capture these sentiments which have been expressed here. That is, as we go through the Civil Service Reform Programme, it will be possible to also address the issue of ownership of houses for the civil servants who are living in those houses. This is so that, we can get the civil service to also address the issue of housing.

Mr. Temporary Deputy Speaker, Sir, I think it is important that we direct the message to the ongoing Civil Service Reform Programme for it, to also take on board this idea that the civil servants who are staying in these houses, if there is any priority to be made and if there is any divestiture to be done, then the priority should be given to the people who are currently staying in these houses. That is, if it is going to be found that it is necessary that these houses be disposed of. Otherwise, the current status of the Government right now is that no more allocations will be done on Government property to anybody because it has now come to light that it is creating problems and particularly, with what was said in the past Budget Speech about the coming to the end of leases this year. It is even more prudent that these houses should remain intact, without any interference because they are going to be part of the stock that we will need for our civil servants.

Mr. Temporary Deputy Speaker, Sir, the Motion is very pertinent, down to earth and realistic and we support it because we do not think that what has been happening previously, is something that should be encouraged to continue. This is because if we allow it to go on at that rate, then we will find ourselves having a big problem. We have a very big bill of payments to lease the houses. A lot of money is paid every year. If it is possible through safeguarding the houses that we have and adding on more houses to the houses which are specifically for the civil servants, it would help reduce this bill which is so big and which we are paying every month as a Government.

Mr. Temporary Deputy Speaker, Sir, I think the Motion is addressing a very pertinent issue and we think we should all support the Motion and make sure that we also take care of the welfare of our civil servants because they are our people. They work for the Government and the system. They need good shelter. They need housing as a requirement and, therefore, my objective of standing here was to support the Motion.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion, which I consider to be very important.

Housing is one of the fundamental human rights. It ranks in equal importance to the right to food, the right to education and the right to good health. It would be very assuring if the Minister's statement this morning was made when there were still some Government houses to be spared. The statement would have made a lot of sense, and all of us would be cheering. The reason why we remained cold when the Minister was making his contribution was because we knew that what he was doing amounted to closing the stable door when the horses have already bolted!

(Applause)

Mr. Temporary Deputy, Speaker, Sir, we know that very little or virtually nothing is left of Government housing. So, the rider that there will be no nullification of what has already been allocated shows that the exercise is over. Now, what are we saving? We are saying that we are concerned, yet we know that--- The allocation of those houses was not based on Government policy. It was a kind of action which was coined by a few influential

people to dispose off Government property. The property was then disposed off, in my view, irregularly. Now that, that exercise has already been done, we are giving it the effect or authority of law, because what has already been done cannot be undone because the houses are now in third hands.

It is known that the people who were allocated those houses did not need them. A number of the people who were being allocated the houses already had houses. They were being given those houses to sell. So, the beneficiaries of the disposal of Government housing have been members of the business community, who had the money. A house would be condemned and declared of no value. Somebody then would be given a letter of allotment, and then he would go and sell the same house to an Asian for Kshs30 million. Now, if such a house is declared worthless today, how does it become worth Kshs30 million tomorrow? The action of disposal of those houses was irregular. It was meant to profiteer people who were out to make money. It amounted to what I could call "primitive accumulation of wealth"!

So, as hon. Gatabaki has said, the Government has no comprehensive housing policy and that is the reason why something like this can happen. We know that because of unattractive conditions that exist in our rural countryside, we are suffering from the influx of population in our urban centres. The rate of rural-urban migration is very high, and the populations in most urban centres are growing at a very fast pace. The rate is so much that local authorities cannot cope with the population in terms of service provision, housing being one of them. In the absence of a comprehensive housing policy, on how to deal with this issue, we are ending up with mushrooming of slums all over our urban areas. We have slums in Nairobi, Kisumu and Mombasa. This would not have happened if the Government had proper housing policies.

Mr. Temporary Deputy Speaker, Sir, it is not a crime for a Government to dispose off some of its assets such as houses. In fact, this is done in other countries. In Great Britain, local authorities do sell some of the old council houses estates in order to raise money to construct new housing schemes. For example, the Nairobi City Council would be very justified in disposing of Kaloleni, Makongeni, Shauri Moyo Housing Estates to raise money with which to construct new residential houses for the people. However, this is not what has been happening in the case of the disposal off Government houses. The houses have "disappeared", and nothing has come up to replace them.

Mr. Temporary Deputy Speaker, there was a time I brought a Question to this House. We eventually brought a Motion over the disposal of some Nairobi City Council housing, which was done irregularly. I brought a document to show that a City Council house was being given to some 'big fish', and I wanted to prevent this from happening. However, despite all the revelations I brought to this House, no action was taken. Subsequently, several other Nairobi City Council houses have been disposed of. For example, Woodley Estate is gone, but you will find that the people who had lived in those houses for nearly 30 years are not the beneficiaries.

You could be living in a Government house then, tomorrow, somebody could come with a notice telling you that the house belongs to him, and that you are supposed to vacate it. That is exactly what happened to civil servants who had been living in Government houses which have been disposed of. Sometimes, it is very painful. You will find that someone who has served the Government for 25 years, leaves in the morning to work for the same Government in and when he goes back in the evening he finds that all his furniture has been thrown out of the house. He finds his wife and children out in the cold, and that some profiteer is now the beneficiary of that house. So, these are some of the things that have actually demoralised civil servants in this country.

When we talked about retrenchment, the idea was to trim down the Civil Service to come up with a more efficient, better-rewarded and, therefore, better-motivated servants. Housing for civil servants is one of the ways of achieving this objective. The Government is not a good payer. One of the incentives which made qualified people to work for the Government was because one would be able to get decent housing in decent residential areas. One would say: "Although the salary I am going to be paid by the Government is less than what I would be paid in the private sector, I will, at least, live decently in a decent area".

However, the Government has now deliberately thrown away that incentive. Now, why would graduates want to work for the Government when he, for example, knows that if he works for the British American Tobacco (BAT) or Coca Cola Company he will be given a free residential house in Lavington, or Muthaiga, and a car? So, through deliberate actions like this one, the Government has contributed towards the demoralisation of civil servants. Today, most civil servants are demoralised. If we have demoralised workers, they do not produce. People just sit in Government offices and gossip from morning to evening, because they are trying to make ends meet.

Mr. Temporary Deputy Speaker, Sir, today, senior civil servants have to rent houses in Eastlands. What is Kshs10,000? Even in Buru Buru Estate, you cannot get a house with less than Kshs20,000, and that is more than what most average civil servants earn. In the past, senior civil servants could live in Kileleshwa, Upper Hill, and other decent residential areas. However, now, they are being forced to go and chase for cheaper houses along with their subordinates. It is very painful, and that is why if the Government cannot nullify the allocations of those

houses which have been disposed of, it should come up with a policy of reconstructing decent housing for civil servants.

Mr. Temporary Deputy Speaker, Sir, the spirit of the Motion, that there should be no disposal of Government residential houses until the Government declares its housing policy in respect to civil servants, is good. However, I would like to tell the Mover of the Motion that, in fact, there is nothing that is left to be disposed of. All houses in decent areas in Nairobi, Mombasa, Nakuru, and Kisumu are gone.

Mr. Temporary Deputy Speaker, Sir, the Government should construct decent houses for civil servants so that it can create the incentive for the people to work and then we can have a better motivated force to serve this country. We cannot develop without an extension bureaucracy and one that is not involved in *magendo*. We cannot also develop if we have a bureaucracy that will not be free and firm when they are working very hard to make the ends meet. This is the cause of corruption. Therefore, I urge the Government to do what all Kenyans want them to do. Let us construct decent houses. In South Africa they do it; if we go to Pretoria, Cape Town or Johannesburg, we will be surprised.

With those few remarks, I beg to support.

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, I stand to support the Motion. This Motion needs to be supported by this House. Looking at the housing policy in this country, it is a very sad affair. After 30 years of Independence, the Government has not come up with a clear policy on housing; housing for civil servants, workers in parastatals or local authorities. I call upon the Government to make sure that when they come up with a housing policy, then that policy should accommodate parastatals, local authorities and all the stakeholders in the Civil Service.

Civil servants in this country today, those who have been posted to arid and semi-arid areas, do not want to go to those areas simply because they will not get houses. When they go there, they find that the Government has not put up houses and there are no rental houses which could be leased by the Government. It will be difficult to utilise civil servants in this country if they are not given incentives. One of the incentives that I am talking about is to give them good accommodation.

Today in big towns in this country like Nairobi, Mombasa, Nakuru and Kisumu, all the potential houses have already been allocated. The Government sells these houses at a very nominal price to successful allottees. But the allottees in turn sell these houses at bigger prices and earn good money. So, always the people who benefit from the sale are those allottees. The Government has not come up to tell us, since they started allocating Government houses, how much money has been collected? If that much has been collected, it should be used to build new houses for civil servants.

Mr. Temporary Deputy Speaker, Sir, in Mombasa, Kizingo which was a very beautiful area for civil servants, almost 99 per cent of the civil servants have been displaced through these shady deals. What is left is one per cent and today the Government comes up to say that they are stopping further allocation. There is nothing like further allocation. Everything is gone! So, when the Government is preparing a housing policy, they should make sure that every civil servant is given a house. We do not want a terrible situation where some will be left with nothing. If there will be some house allowances allocated to civil servants, it should be enough for them to pay house rents in big towns like Nairobi and Mombasa. Otherwise, civil servants will be left out.

The Ministry of Public Works and Housing has been renting these public houses at a very high rate, paying private landlords very huge rents. The amount of rent they are paying for public houses from private landlords is higher than the salary that civil servant earns. So, the whole thing is in disarray. We need to correct this anomaly, and I am happy to hear from the Minister concerned that these things will be corrected. To correct these things, do we have any money now? Have we budgeted for the new housing schemes for these civil servants? The answer will be "no" because the Government has no money to put up new housing schemes. The Government has no money now to pay these big rents to private landlords. This policy will not be effective unless the Government comes up with a very concrete policy. The policy will not work out, if there is no money to support that policy.

It is important also, when this policy is being considered, we should be told how many civil servants are there in this country, and how many apartments are required for their accommodation. When we are told by the Government or the Ministry concerned that those houses which have been allocated, the allocations cannot be nullified, I would request the Ministry concerned, in liaison with the Commissioner of Lands, that any allocation which has not yet been issued with title deed should be stopped now because that will render civil servants in this country not to be obedient to the authority.

I want to make this very clear that those houses which were used by civil servants today have changed hands into millionaires' hands. Millionaires own these houses! People who were involved into condemning houses which are in this town, will be answerable one day. One day, they will be answerable why they condemned houses

which were not in bad state and they condemned them for the purpose of effecting allocation.

We will support the Ministry concerned about the new policy, but the Ministry should also come up and tell us how fast they are going to bring the new policy to this House so that we can now work on this line. It is not good to promise for a policy that is coming, that will be tabled before this House and it takes ages. We want it very urgently and will make sure through legislation that we provide good housing schemes and accommodation to civil servants to give them incentives, in order for them to appreciate and render their services to the satisfaction of the Kenya Government.

Mr. Temporary Deputy Speaker, Sir, we are now told that the allocations have been brought to an end by the Ministry of Public Works and Housing. But the allocation is being done by the Ministry of Lands and Settlement. The Ministry of Lands and Settlement should come out in the open and say whether what the Ministry of Public Works and Housing is telling us, is true. If that is done through an appropriate forum, then that will make Members of this House and Kenyans satisfied that something is being done.

Mr. Temporary Deputy Speaker, Sir, for the remaining houses which have not been allocated, and which house civil servants, I would suggest to the Ministry of Public Works and Housing that, when the time for allocating them comes, the occupants should be given the first priority, rather than displacing them and allocating them to private individuals, who sell them to millionaires and at the end, pocket a lot of money for their own use. Time has now come for people to be transparent.

Thank you very much, Mr. Temporary Deputy Speaker, Sir. I support the Motion.

Mr. Munyao: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to support this Motion. I do compliment the Minister for Public Works and Housing because of the spirit that he had set in this House. He is the first Minister to accept a Motion without amending anything; even without changing a comma in the wording of the Motion. Congratulations to the Minister; keep it up and this House will support you.

The spirit that has already been set in this House must be appreciated. I do request the entire House to continue with the same spirit in all the Motions which will be presented before the House. Now that the Minister has accepted the Motion as it is, we should now zero in to request him to revoke the allocations of civil servants' houses. I have had the chance of looking at the Motion, and listening to the Mover. It is said that 576 Government houses were allocated, and that is the number that was given way back in 1996/1997. We would like the Minister for Public Works and Housing to do one or two things. It is unfortunate that the Minister has already replied to the Motion, and he is not likely to get another chance to reply to my remarks.

(Mr. Nyenze consulted with Mr. Ngala)

Mr. Temporary Deputy Speaker, Sir, if you could request the Minister to listen a little bit to me, and separate himself from the Minister for Environmental conservation that would be better.

The Temporary Deputy Speaker (Mr. Poghio): Order! Mr. Minister, listen to the hon. Member!

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, but since the Minister for Public Works and Housing has already replied to the Motion, he can at least interject and correct some issues as I speak. I will put across some few points which I would like the Minister to consider.

First, 576 Government houses have been allocated. From 1996/1997, that number must have gone up. Could the Minister tell us what is the current number? It could be about 2,000, or more than that. The Minister did say that houses leased to Government officers will elapse by December, 1999. We will be grateful if the Minister could reconsider extending the lease to Government officers, because they do not have any houses. The civil servants will continue being around beyond December, 1999. We would like the Government to consider sub-leasing more houses, and extending them beyond 1999.

Mr. Temporary Deputy Speaker, Sir, there is another issue that I want the Minister to assure us on. Our doubts are whether some of the Government houses are actually intact, particularly for the Government officers. We know of some areas where Government offices have been sold. We have known of a case in Eldoret, where the District Commissioner's office, at one time, was leased from an individual and that building was sold. That prompts the doubt whether the State House is safe and still belongs to the Government. It also raises fears whether most of the Government offices in other areas are safe. We would like to have an assurance from the Minister. Maybe, some of those areas have been sold off. I hope the Minister read in the Press that the Kenyatta International Conference Centre (KICC) was mortgaged by some individuals with a foreign bank and they collected a loan. That has brought a lot of doubts on other Government buildings.

The Minister for Public Works and Housing (Mr. Ngala): On a point of order, Mr. Temporary Deputy Speaker, Sir!

Mr. Munyao: Mr. Minister, if that is not true, do not disturb me. You will get some time later to respond to that.

The Temporary Deputy Speaker (Mr. Poghio): Yes, Mr. Minister!

The Minister for Public Works and Housing (Mr. Ngala): Mr. Temporary Deputy Speaker, Sir, the hon. Member has made sensitive allegations. He has cast doubts whether the State House is intact. That statement is rather dangerous, and I would like to tell the hon. Member that if he has no evidence of any interference with State House, then he should not make such comments.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, you heard me correctly saying that because of the earlier doubts over the safety of Government buildings, I want confirmation whether they are safe or not. I know that Mr. Ngala was the immediate Minister for Lands and Settlement before becoming the Minister for Public Works and Housing. So, if he confirms to me otherwise, it will be okay. Again, I have little time and so the Minister should not disturb me. Since he has confirmed that the State House is safe, I will not go further to ask him to lay the title deed on the Table, because if he does that, I will challenge him on that.

The Minister for Public Works and Housing (Mr. Ngala): On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to confirm that the State House is intact.

Mr. Munyao: Thank you, Mr. Minister. That is what I wanted to get confirmation on. But there are several State Houses and Lodges; some are in Eldoret and Busia. If they are all safe, that is okay, because that is what I wanted to confirm.

The Minister for Public Works and Housing (Mr. Ngala): Mr. Temporary Deputy Speaker, Sir, they are all safe.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, I do take his word. Government parcels of land are diminishing, because the population of Kenya is increasing and parcels of land are getting finished. We, therefore, will continue having civil servants around us. Because of that factor, I am asking the Minister for Public Works and Housing to take serious steps and nullify the allocation of Government houses which have been made. That is crucial, because if you read the names of the beneficiaries, they are few people. Some of them, surprisingly, have got about three houses. Was it genuine that those people were buying houses to live in? No! They were buying them for speculative purposes. We have got a new crop of officers in the Civil Service who are now entering the sector. In five to 10 years to come, any civil servant entering the sector, will not have a house to be accommodated in. Some of these civil servants are those still supposed to work for 24 hours. They are like doctors, who are required to serve in hospitals, engineers and the rest. It would mean that a doctor will be housed in Yatta and yet, he is required to take care of patients in Kenyatta National Hospital. That is ridiculous.

We are asking the Minister to review that situation. We also request the Minister to increase house allowances to civil servants so that with the Government policy of rebuilding purchased houses, then the civil servants will get houses elsewhere. We compliment the services rendered by the National Housing Finance Corporation (NHFC). It was a fairly well thought idea, and we support the idea that NHFC be given more funds year in, year out, even if it means borrowing, so that it can develop more houses.

There was the issue of houses in areas like Shauri Moyo, Mbotela, Kaloleni and Makongeni having been sold out. We need to scrap those transactions, put skyscrapers of between 10 to 20 floors, which can house the increasing population of Kenya.

The only thing which I would like the Minister to consider, because earlier on the process was that if areas are acquired and people are displaced and buildings are put up, then priority should be given to those people who were displaced. But the tendency has been that when one borrows money from the bank in order to put up a building, it is too expensive and it is not possible for the people who were displaced to come back. An example of this is the Railway quarters near the "Machakos Airport". When new houses were put up in that area, the people who acquired those houses eventually could not afford higher rents and so was **[Mr. Munyao]** part of Mbotela where the Post Office replaced some people. Then the Government had to lease houses for them, but the houses were too expensive. Those people who get displaced when houses are demolished so that new ones are put up, should be given some subsidy so that they can afford to live comfortably. I would like to request the Minister to consider whatever it takes to make those who get displaced in whatever part of this country, live comfortably because we want the people in this country to live in better houses.

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

The Minister for Industrial Development (Mr. Kiptoon): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to and support this Motion.

From the outset, I would like to take this opportunity to congratulate the Mover for coming up with this Motion which is timely and pertinent. Having looked at a glance at the list of the allottees, I note that most of the

allottees are actually unknown, which means that they are either unknown or they are not supposed to be disclosed. If those unknown were to be exposed, you would have realised that very few people really got those plots. When we come to this House and complain that Government houses have been allocated to a few individuals, we are right in a way. This is one Motion, one suggestion and criticism that is positive and it is the type that we would urge our politicians to be coming up with. When you criticise the Government, you should not criticise for the sake of it, but so as to be able to rectify whatever faults that we make. This is one wrong decision that was taken by the Government at some stage, to allocate public houses to individuals who wanted to be rich. I would like to agree with the other hon. Members that those individuals do not live in those houses. They just converted their allotment to cash. It encouraged some lazy people to become rich without working and this is one form of corruption that we should not encourage.

Mr. Temporary Deputy Speaker, Sir, it is encouraging to note that this allotment took place from 1990 to 1997 and I am happy to hear from the Minister, that there have been no allotments in the recent past and I also do confirm that actually, I have not heard of anybody being allocated any house within the last one year or so. I know of one individual who was allocated about 15 Government houses and he ended up converting them to money and he wasted that money. He did not invest in anything. When the Government decided to allocate these houses, it had good intentions but it is unfortunate that we ended up giving away most of the Government houses.

Mr. Temporary Deputy Speaker, Sir, it has always surprised some of us to watch this happen. If we give these houses to the present generation of civil servants, what will happen to the future civil servants? Where will they live in, now that all the land and houses have been given away? I wonder where the future Head of the Public Service will be living in. Will he be living in Naivasha in order to work in Nairobi? Will the doctors be living in Yatta in order to work in Nairobi? Sometimes, I do not understand this kind of approach. Therefore, when the Government says it is coming up with a new policy on housing, it will be pertinent that we look at maximum utilisation of the available land. I am happy to hear that such areas as Mbotela and Umoja will in future be developed upwards, because the land does not expand horizontally. In doing so, I hope our planners will be able to employ the services of professionals.

As you may have seen in the recent past, most of the developments in Eastlands have actually mushroomed without any proper professional guidance. Sometimes, we really wonder what is happening. If there were to be an earthquake in this City, we would really have a big disaster. It is time that we went by what the professionals are saying. We have planners in this City and in our towns; we have also got professional engineers and architects, who can actually take care of our environment and make sure that our people are always safe. But more often than not, our authorities do not respect these professionals and they allow skyscrapers to come up without any design and any calculations. This is a dangerous situation and it is time we called upon our authorities to be more vigilant and more prepared, to ensure that things are done professionally.

Mr. Temporary Deputy Speaker, Sir, I am happy to note that the House is unanimous in this particular Motion and it is going to support it. I would like to call upon hon. Members to always come up with such positive Motions. This House has to restate its position, because it is supposed to be the supreme authority in this country; but over the years, it has lost that authority to other institutions like the Executive and the Judiciary, to the point that it is almost "toothless". It is time we came up, if we have recourse from Parliamentary Service Commission, we should deliberate and make sure that we have developed methods of implementing solutions, so that we do not just suggest for others. I know that the Government is there to implement, but in the case where the Government is not moving fast enough, it is for us as the supreme body to be able to point out where the Government is not moving more efficiently.

Having said that, I would like to congratulate this House because of the way it views the issues affecting this country. I think we have come a long way, from the days when we used to heckle, to a situation where we are now talking as one people. This country belongs to all of us and the Government. The Government is the Government of Kenya and, whether it belongs to a particular political party, it will remain the Government of Kenya. I do not wish to dwell on a lot of controversies, but occasionally, I hear people talking of "politically-correct" individuals. There is nobody who is "politically-correct". We are all equal and as Members of Parliament, we are all politically-correct because we are here by right. So, I would not condone people who are suggesting that there are others who are more special. There are none! But all in all, we need to be able to discuss issues and address those that affect our country and ensure that we take care of this country. Today, it is the issue of housing, but I would suggest that we do the same, even with the allocation of land. Many people are complaining about the allocation of land. It were better if we leased like the ones we have seen for housing and we deliberate on those allocations. We should see whether they have been allocated to a few individuals whom somebody may call "politically-correct", or whether they have been allocated across the board. We need to satisfy ourselves that whatever we have in this country belongs to all of us.

We need to address ourselves as brothers and sisters. For a few of us who are down there, today is a special day. But for us, we are here deliberating seriously on issues affecting this country. There are others who are out there encouraging our youths and touts to throw stones, and destroy what we already have. Those should be told that they are on the wrong track. They need to come back here so that we can talk. It is not wrong to have demonstrations. But we should have them when we know what we want to do. We should not demonstrate for the sake of it. If all of us demonstrated, then whom will we be demonstrating against? We are leaders in this House, charged with the authority of managing our country. It is our responsibility to ensure that we play our part. Whether you are in the Opposition or the ruling party, it does not matter. You are in one arm of the Government. It is your duty to ensure that we develop this country.

Mr. Temporary Deputy Speaker, Sir, coming back to the issue of housing and environment, we have allowed the private sector to develop. As the Government, we have not been supervising them properly. There has been a lot of mushrooming of houses in areas inaccessible by ambulances and fire-fighters. These are issues that our planners should ensure that even mud houses are properly planned to allow accessibility for ambulances, fire-fighters, disposal of sewerage and solid waste.

Mr. Temporary Deputy Speaker, Sir, I am sure that we have seen the dangers posed by solid waste when it is thrown around. Although the City Council of Nairobi has tried in the recent past to clean the place, it is proper that when we come to address human settlement and housing, we should also address the issue of waste disposal. As you might have seen, we do not have proper plans to manage our environment. We stand a risk of encouraging diseases such as cholera, dysentery and typhoid. Such diseases flourish where people become complacent and fail to take care of their environment.

Mr. Temporary Deputy Speaker, Sir, let me conclude by thanking my colleagues in this House, for the tempo and the spirit that they have maintained so far. I would encourage them to keep it up in every issue, so that we do not exchange fists, blows and what have you. We need to develop. Let us use our brains and leave the physical part of it to the animals.

Thank you very much.

Mr. Munyasia: Thank you, Mr. Temporary Deputy Speaker, Sir. This is a very good Motion. It is good that the Government has also seen that this Motion is good. But you know, while looking at it, you begin wondering: How did it start at the beginning? What was going on in the mind of the Government, to begin giving away valuable property like houses at throw-away prices? When you look at the recipient, you begin wondering: What kind of policy were we trying to pursue at that particular time. I have had a chance to look at the list from the Ministry of Lands and Settlement. I have been wondering: What, for instance, was their consideration, in giving the biggest Landlady in this country, Mama Ngina Kenyatta, four Government houses? Were you trying to solve the housing problem for the former First Lady of this Republic? What was it that you were trying to do? If you go on to give other people two to three houses, and then immediately after that, they dispose them of, it shows they were not in need of the houses. Many of them already had houses. So, they were using those houses for speculative purposes.

Mr. Temporary Deputy Speaker, Sir, if this House has now realised that it was a mistake, and that we must protect those valuable properties of the Government, we had better do so now.

Mr. Deputy Temporary Deputy Speaker, Sir, it happened elsewhere. For example, in Uganda, under President Idi Amin, the Asians lost their property and the Government took their houses and allocated them to other people. They paid money for those houses, but after about 20 years, those Asians returned to Uganda. They reclaimed their houses and got them. So, those who bought those houses had to surrender them. Even the other day, **[Mr. Munyasia]**

Kabaka Mutebi lost a house he had bought at Kololo from a departed Asian. He had bought it from a third party, but he lost it. What I would like to propose is that this House should urge the Government through this Motion which I think has some retrospective effects, that those who bought those houses return them to Government. We have terrible examples where people bought those houses at throw-away prices and then sold them exorbitantly. For instance, Mr. W.K. Komen bought a Government house at Kshs50,000 and immediately sold it at Kshs2 million. Maybe, he has done a good thing to sell it for the Government at such a value. It means that out of Kshs2 million, the Government can give him some commission for helping it to sell that property. Give him as much as Kshs500,000 as commission because he did a good job, but the balance, should rightfully be given back to the Government. We have other personalities who bought those Government houses and then sold them to other people. For example, P. Chelagat who bought a house at Kshs54,000 he then sold it at Kshs1.5 million. This means the Government has lost a lot of money through this exercise. If this fellow is concerned about justice, he will not complain too much. We should tell him that: "This house was not yours, but it was given to you by mistake, you have helped to sell it, but the rightful owner; the people of Kenya, want it back. So, you will get

the commission for having helped to sell it, but the balance must be taken to the Consolidated Fund." That is when we shall show Kenyans that we are a serious House. I am saying that those individuals who bought Government property must be asked to return them to the people of this country. It has happened elsewhere and we shall not be setting a precedent.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I do support the Motion.

The Temporary Deputy Speaker (Mr. Poghiso): Hon. Members, it is time for the Mover to reply.

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, through your indulgence, I would request that five minutes of my time be given to hon. Parpai.

Mr. Parpai: Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute to this Motion. First and foremost, this Motion is a very important one. Indeed, it looks like every hon. Member is supporting it, although it has come a bit too late when all the houses have been sold and allocated. I would like to say that, we are now discussing what is not there. Nevertheless, we need to discuss this issue because the sale and allocation of these houses has brought a lot of problems to this country, both to the civil servants and the Government. That was a wrong decision and, indeed, it will affect us for the next 100 years. I am saying this because what has happened is that, the civil servants who were occupying those houses have been taken to private dwellings at a higher cost. They are now being told to move out of those Government houses and go to Mathare, Kariobangi and Kangema slums. This is because the kind of house allowance they earn cannot enable them to afford the rent for the houses which are in Buru Buru Estate and other better estates. What does that mean? It means that those civil servants will be frustrated, and will even feel ashamed to get into their houses during day time. They will wait until it gets to 3.00 a.m. or 4.00 a.m. to get into those houses. This is bad. The effect of that is that, the output of those civil servants will be low.

It is so shameful, indeed, that in Meru Town, the National Housing Corporation (NHC) had the audacity to sell an estate which was being occupied by civil servants and other people to a politically-correct fellow. I am talking about a politically-correct fellow, because the allottee is the Meru KANU Branch Chairman. This is shameful. The occupants of those houses would like those houses to be sold to them, if they have to be sold. I would like to recommend to the Minister concerned to have that done. It is shameful to evict a Kenyan who has contributed to the taxes that were used to build those houses, in order to give the houses to a single individual. That is shameful.

Mr. Temporary Deputy Speaker, Sir, in the same town, the Chief Executive of the Municipal Council has allocated and sold to himself a house, which stands on a three-acre piece of land, at Kshs80,000. Could the Minister concerned intervene and assist those residents? This is what is bringing unrest in this country. This is what should be dealt with first. I would like to point out that, the NHC is becoming notorious in the manner in which it is making its decisions. It is the NHC which is selling houses to people with whom it is in good talking terms. If the NHC has to sell the houses, let it sell them to the people who are occupying the houses and not to an outsider. This is very wrong.

The Minister for Public Works and Housing (Mr. Ngala): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is being very categorical. Should he not be advised that he should substantiate what he is talking about? This is because it is important for us to know these things.

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Parpai, you mentioned some names and the quantities---

Mr. Parpai: Mr. Temporary Deputy Speaker, Sir, I did not mention names, but all I said is that in Meru Town, the NHC houses are being sold to an individual. That is what I said.

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Parpai, are you prepared to substantiate that?

Mr. Parpai: Mr. Temporary Deputy Speaker, Sir, if I am given time, I will substantiate. This is because I did not come with the information.

The Temporary Deputy Speaker (Mr. Poghiso): Then, you are held responsible for the accuracy of the information you give here.

An hon. Member: Five minutes are over!

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, I only allocated five minutes of my time to hon. Parpai and they are over. I would like to thank all the contributors who have spoken in respect of this Motion. I have not had a single word of rejection of this Motion, and I do congratulate, especially the Minister for coming out from the word go in favour of the Motion. However, the only thing I would like to inform the Minister is that, the list we have got of those houses that have been allocated only goes up to 1996. Because of his agreement and concurrence in this Motion, maybe, we need a more up-to-date list of those people who have been allocated Government houses.

Further, in respect of this Motion, I would like to propose that ways and means be explored, in order to recover Government houses which were sold or allocated illegally.

Mr. Temporary Deputy Speaker, Sir, I was looking at the Land Acquisition Act, which is a law in this country. I think it is possible to use that Act in circumstances where it is appropriate and also in circumstances where it will be for the public benefit, in order to restore Government houses that have been sold, under value. This is because there is no way one can sell a house for Kshs50,000 which is actually rent! The Government should try to restore and rectify what has been stated in this House to have been a mistake. Some of the people who acquired those Houses have just sold them and it seems as if it was a racket that was operating.

Therefore, because of the Government's acceptance that what happened previously was wrong, it is important that we use the law in this country to restore the public estate to what it was five, or maybe 60 years ago. This is because I think that this malpractice started around 1982/1983.

If that can be done to support the spirit that this House has shown in respect of this Motion, I think everybody will applaud the Government. This is because many of us are very supportive of the Government when it does the right thing. I also think that criticising the Government is the highest act of patriotism for our country. When you see things going wrong, and stand up and say that this is wrong--- The Government has come round and accepted that the policy of selling public houses to individuals is wrong. Therefore, if it can only show remorse to a certain extent by exploring ways and means of restoring these houses to where they were, maybe, 60 years ago, it will be applauded.

Mr. Temporary Deputy Speaker, Sir, I am most touched by what has happened in this House today, and I am very grateful to all the hon. Members who have contributed to this Motion. I have no more to add in that respect.

Mr. Temporary Deputy Speaker, Sir, I beg to Move.

(Question put and agreed to)

AMENDMENTS TO THE TRADE DISPUTES ACT

Mr. Mugalla: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the fact that cases raised in the Industrial Court under the Trade Disputes Act go through a very laborious, long and expensive process to the disadvantage of employees; this House urges the Government to urgently introduce a Bill to amend the Trade Disputes Act in order to allow for faster measures of resolving disputes and adequate compensation for wrongful dismissals.

The Trade Disputes Act Chapter 243 is a document that helps employers and their workers to settle their disputes. This Act has become obsolete. It can no longer enable workers to properly defend themselves when they are wrongfully dismissed. One of the first weakest points here is that when an employer and an employee disagree they go to their union. The union goes to the employer to discuss the case. When they do not agree the Union reports---

QUORUM

Mr. Kitonga: On a point of order, Mr. Temporary Deputy Speaker, Sir. I note that there is no quorum in the House.

The Temporary Deputy Speaker (Mr. Poghiso): Yes, indeed, there is no Quorum. Ring the Division Bell.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghiso): Hon. Members, since we do not have a quorum, it is now time for interruption of business. The House, is therefore, adjourned until this afternoon, 7th July, at 2.30 p.m.

The House rose at 12.05 p.m.