

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 8th December, 1999

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.719

ESCAPE OF ROBBERY SUSPECTS

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

- (a) if he could explain the circumstances under which two robbery suspects vanished from police cells in Malava Police Station in August, 1999; and,
- (b) what action he has taken to re-arrest the suspects and also punish the police officers involved in the incident.

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

(a) Three robbery suspects escaped from Malava Police cells after breaking the door to the cells at about midnight, as the cell sentries were in the report office handing over sentry duties to incoming officers.

(b) Kabras Inquiry File No.2/99 has been opened to facilitate thorough investigations into the matter, but meanwhile, the two police constables who were on sentry duties have been dealt with in orderly proceedings. As the inquiry is proceeding, I have ordered that these officers be suspended until the inquiry is concluded for being negligent and allowing prisoners to escape.

Mr. Shitanda: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell the House under what circumstances the robbery suspects were kept in a temporary cell while the chang'aa drinkers and other petty offenders were kept in a more secure cell which is attached to the report office?

Mr. Samoei: Mr. Speaker, Sir, I have mentioned that these robbery suspects actually broke out of the cells, and I believe there was collusion with constables Simon Ruto and John Munyuoki. I am taking steps to remedy this situation and make sure that these police officers are disciplined. Meanwhile, we have issued warrants of arrest for the escapees.

Mr. Muchiri: Mr. Speaker, Sir, it is not easy for prisoners to break out of the cells since they are usually inside the cell, and the cell doors can only be opened towards the inside. Did other prisoners escape on that material night or day?

Mr. Samoei: Mr. Speaker, Sir, I quite agree with hon. Muchiri that it is a bit difficult for prisoners to escape. That is why Malava Inquiry No.2/99 has been opened. I would also like to confirm that no other prisoners escaped. We had 12 suspects who remained in the cells.

Mr. Speaker: Next Question!

Question No.673

ASSISTANCE FROM EUROPEAN UNION

Mr. Leshore asked the Minister for Finance:-

- (a) how much money from the European Union was granted to Kenya in 1998/99 to assist small-scale investors and entrepreneurs; and,
- (b) if he could assure the House that, in future, the salaries of these teachers will be paid in time to avert unnecessary distress.

The Assistant Minister for Finance (Mr. Arap-Kirui): Mr. Speaker, Sir, I beg to reply.

(a) The European Union has provided four loan facilities to support small-scale investors and entrepreneurs in Kenya. The allocation is, however, not pegged to any given financial year, but is based on signed financing agreements. The total signed between 1997 and December, 1998, is Kshs7.3 billion. Of this amount, Kshs4.3 billion is awaiting completion of legal arrangements before being disbursed.

(b) The Central Bank of Kenya distributes the funds through Government-approved commercial banks and other financial intermediaries for on-lending to small-scale investors and entrepreneurs.

Mr. Leshore: Mr. Speaker, Sir, I would like first to thank the European Union for giving Kenyans this big amount of money. It is very clear that donors are willing to assist in alleviating poverty in Kenya, but the obstacle is the Central Bank of Kenya, and the so-called commercial banks or financial intermediaries. The small-scale investors in Kenya are not getting this money. Could the Assistant Minister table the amount of money that the Central Bank of Kenya has given to the financial intermediaries, so that we can know how much the Kenya Commercial Bank and the Barclays Bank got down to the district levels? Nobody is getting this money, and the Assistant Minister should be kind enough to tell us who were given this money. Maybe, it was given to big tycoons only.

Mr. Arap-Kirui: Mr. Speaker, Sir, I believe that this money got to the intended beneficiaries. But however much this money may sound, it cannot get to every entrepreneur and small-scale business operator in this country. This may be why it might seem to the hon. Member that, maybe, this money is not being disbursed properly. I would also like to draw the attention of the hon. Member and the House to the fact that the Government is also concerned about the apparent lack of publication, or the availability of these funds not being made public. No lesser person than His Excellency the President, only the other day, expressed his concern over this matter and urged commercial banks that when they have concessionary funds, whether from the European Investment Bank or any other source of funds, for example, they should make this known to the general public, so that people can go for these funds.

Mr. Ndilinge: Mr. Speaker, Sir, if the House heard what hon. Leshore had asked the Assistant Minister, he had asked him whether he is in a position to table the list of those who benefited from the loan. It is high time the Assistant Minister went back and looked for the list of those beneficiaries and brought it to the House. If you heard properly what hon. Leshore said, he talked about tycoons. We, Kenyans, do not want money from outside to benefit tycoons only. We want even the poor to benefit too.

Mr. Arap-Kirui: Mr. Speaker, Sir, these monies are not meant to benefit tycoons. If they do, or they have benefited them, this was extremely wrong and we will be very concerned about it. As I said, the Central Bank of Kenya distributes this money through various intermediaries and commercial banks. I will read out the list that I have here of the banks that handle this money. The names here represent all the leading commercial banks in this country. We would expect them to be transparent. May I also suggest that it would be next to impossible to go through all these banks and ask them to list down all the small-scale entrepreneurs that have benefited from them. We have banks like Kenya Commercial Bank, Barclays Bank---

Mr. Leshore: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister not misleading this House by saying that this money benefits the poor Kenyans? He has now told us of a couple of banks, and he has read out their names. On whose behalf were you borrowing this money?

Mr. Speaker: Mr. Arap-Kirui, if they had received these monies on behalf of Kenyans, to whom are they answerable?

Mr. Arap-Kirui: Mr. Speaker, Sir, before I answer your question, I did not at any time say that I will not release a list of the beneficiaries. I said that if we were to go back, we would be talking about more than ten banks here, which have acted in this matter from 1992 to the present time.

Mr. Speaker: You can table that!

Mr. Arap-Kirui: It will need a lot of research for us to come up with the names of the beneficiaries. If it is the wish of the House that we do this, then we will definitely need time to go back and get that information.

Mr. Speaker: Very well; the Question is deferred. You will come back to it.

An hon. Member: When?

Mr. Speaker: I am the one who arranges the agenda and not him!

(Question deferred)

Question No.676

PAYMENT OF SALARIES TO ADULT
EDUCATION TEACHERS

Mr. Ojode asked the Minister for Vocational Training:-

- (a) when the adult education teachers in Ndhiwa Constituency will be paid their salaries for December, 1998 to date; and,
(b) if he could assure the House that, in future, the salaries of these teachers will be paid in time to avert unnecessary distress.

Mr. Speaker: Is anyone here from the Ministry of Vocational Training? We will then leave that Question until the end.

Question No.709

RURAL ELECTRIFICATION PROJECTS IN NDARAGWA

Mr. Thirikwa asked the Minister for Energy:-

- (a) how much money the

Government has so far spent on rural electrification programmes in Ndaragwa Division of Nyandarua District; and,

- (b) which projects the Government is currently financing.

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

(a) The Government has so far spent a total of Kshs38.3 million to implement various projects under the Rural Electrification Programme in Ndaragwa Division of Nyandarua District.

(b) Currently, there are no projects being implemented under the programme in the division. However, there are two new projects namely:-

- (i) the supply of electricity to Mutunga Catholic Church, which is estimated to cost Kshs4.3 million; and,

(ii) supply of electricity to Ndaragwa Divisional Headquarters estimated to cost Kshs20 million. These are earmarked for implementation as soon as the funds are available.

Mr. Thirikwa: Mr. Speaker, Sir, I know that in Ndaragwa, we possibly have a total of about six kilometres of power line. I would ask the Assistant Minister to tell this House how they spent Kshs38.3 million just putting up a power line of about five kilometres? Now they intend to spend Kshs20.4 million in putting up a power line which will cover more than 25 kilometres. How then did they spend the Kshs38.3 million?

Mr. Manga: Mr. Speaker, Sir, I beg to deny that statement. First of all, I would like to say that the projects that were implemented by spending Kshs38.3 million are Mairo-Inya Market Catholic Church and its environs; Shauri Market and its environs; Lesho Secondary School, Karaguini Water Pump, Ngai Ndeithia School, a police station, education office and its environs, Kisawel Water Pump, Kabathi School, Equator School, Masik CPK Church and Kabathi Catholic Church.

Dr. Ochuodho: Mr. Speaker, Sir, about two weeks ago, the Chair gave a ruling that the Minister should table on a district-by-district basis the money spent on rural electrification for the year 1997/98 and 1998/99. Can you prevail on the Assistant Minister to make this list available? The reason I am seeking the Chair's indulgence is that if we had that list, we would not be asking the many questions we have been asking. But in the absence of the list, can the Assistant Minister tell us, specifically, the total amount of money that was spent in the past, and the current financial years, all over the country, for rural electrification?

Mr. Manga: Mr. Speaker, Sir, the list was tabled. Maybe, my friend, Dr. Ochuodho, was not here. But it was tabled.

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. The list that was tabled here was a wrong list. It was showing all the projects that have been done for the past 20 years for rural electrification. But the House was specific. We wanted projects for the financial years 1998/99 and 1999/2000.

Mr. Speaker: Which Question are you reading?

Dr. Ochuodho: Mr. Speaker, Sir, I am reading Question No.709 on the Rural Electrification Programmes.

Mr. Speaker: Yes, but where did you get that year from? I do not see it in the Question.

Dr. Ochuodho: Mr. Speaker, Sir, this is a supplementary question.

Eng. Muriuki: Mr. Speaker, Sir, the Assistant Minister, in answering part (b) of the Question, mentioned Mairo-Inya and also Karaguini. Those projects were done way back in 1991. The Question seeks to know what the Government is currently financing, during this financial year. Could the Assistant Minister tell us what the Government is currently financing in Ndaragwa Division?

Mr. Manga: Mr. Speaker, Sir, I gave the list of the projects that were implemented through this programme.

The Question sought to know the projects that were implemented through the Rural Electrification Programme. However, I have already said that there are two major projects that I read in part (b) of the Question - if the hon. Member listened carefully - that are being implemented. The cost of one of the projects is Kshs4.1 million, and the other one will cost Kshs0.2 million. Those are the projects that have been planned to be constructed. The surveys have been carried out, and we are just waiting for funds to implement them fully.

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. I think the hon. "Son-of-Nyagah" distracted the Chair from my Question. I wanted the Assistant Minister---

Mr. Speaker: What are you talking about?

Dr. Ochuodho: My supplementary question was not answered. Could the Assistant Minister avail to the House, on a district by district basis, how much money was spent on rural electrification?

Mr. Speaker: Dr. Ochuodho, who told you that you can rise on a point of order to ask a supplementary question?

Dr. Ochuodho: Mr. Speaker, Sir, you gave me a chance to ask a supplementary question!

Mr. Speaker: Yes! I assent again! Do you want to attempt to ask the question?

Dr. Ochuodho: Could the Assistant Minister provide a list showing how much money was spent on rural electrification, on a district by district basis, in the years, 1998/99 and 1999/2000?

Mr. Manga: Mr. Speaker, Sir, the list that I tabled was for previous and current years. If the hon. Member was not here, and he really would like to have the list, I will avail it to him without any problems.

Question No.700

REHABILITATION OF AGUTHI WATER PROJECT

Mr. Gikonyo asked the Minister for Water Development:-

(a) when the Aguthi Water Project and J.R. Water Supply in Tetu Division of Nyeri District will be rehabilitated; and,

(b) out of an approximate Kshs1 million collected in water charges for Aguthi Water Project monthly, what happens to the balance of Kshs650,000 which is not committed to the improvement of water supply.

The Minister for Water Development (Mr. arap Ng'eny): Mr. Speaker, Sir, I beg to reply.

(a) My Ministry has no immediate plans to rehabilitate the Aguthi Water Supply Project. Most components of the scheme were rehabilitated in the late 1980s, and are still relatively new. Further, J.R. Water Supply does not exist because the areas it used to cover are now covered by Aguthi.

(b) The National Water Conservation and Pipeline Corporation has an average bill of Kshs1,050,000 per month in water sales, and collects an average of Kshs700,000 per month in revenue. The direct expenditure incurred by the scheme is an average of Kshs550,000 per month. The balance between the revenue collected and the direct expenditure is utilised for general expenses like salaries, electricity, transport and office overheads.

Mr. Gikonyo: Mr. Speaker, Sir, I appreciate the answer given by the Minister. However, I would like to inform him that the Aguthi Water Project was done by the Danish International Development Agency (DANIDA), and completed in the mid-1980s. How then, can the same scheme be rehabilitated in the early 1980s?

Mr. arap Ng'eny: I am sorry, Mr. Speaker, Sir, I did not get the last question!

Mr. Speaker: Would you like to repeat your question, Mr. Gikonyo? Please, use the microphone!

Mr. Gikonyo: Mr. Speaker, Sir, this scheme was done by DANIDA and completed in the mid-1980s. The answer here says that it was rehabilitated in the late 1980s. Is it possible for a scheme to be done and rehabilitated at the same time? Who did the rehabilitation?

Mr. arap Ng'eny: Mr. Speaker, Sir, it is true that the main project was completed in the early 80s, but there was an expansion of the same scheme in 1985. In other words, there was an expansion in distribution. It was not on the main scheme of water intake.

Mr. Speaker: Mr. Gikonyo, do you want to ask one more question?

Mr. Gikonyo: Yes, Mr. Speaker, Sir.

Mr. Speaker: I will oblige to you, Mr. Gikonyo!

Mr. Gikonyo: Mr. Speaker, Sir, the Minister did not tell me who rehabilitated the scheme. Was it the National Water Conservation and Pipeline Corporation? If so, when did they come on to the scheme which was done by the DANIDA?

Mr. arap Ng'eny: Mr. Speaker, Sir, the rehabilitation was done by the Ministry, in collaboration with the

DANIDA.

Question No.403

PAYMENT OF MANAGEMENT FEES TO BOOKER TATE

Mr. Ochilo-Ayacko asked the Minister for Agriculture:-

(a) whether he could give a breakdown of how much money the South Nyanza Sugar Company (SONY) paid to Booker Tate as Management Consultants since the signing of the management contract; and,

(b) whether he is satisfied that Booker Tate deserved the payments.

The Assistant Minister for Agriculture (Mr. Ruto): Mr. Speaker, Sir, I am sure he wants me to answer! Therefore, I beg to reply.

(a) The following is the breakdown of payments made to Booker Tate from 1987 to date. In 1987, Booker Tate was given Kshs3,804,012. But since we have given a detailed copy of the answer to the hon. Member, I would like to quote the total figure only. From 1987 to 1999, Booker Tate was paid Kshs410,315,889.60, against a total production of 717,661 metric tonnes of sugar.

(b) I am satisfied that Booker Tate deserved the payments. The payments are based on performance as a production incentive.

Mr. Ochilo-Ayacko: Mr. Speaker, Sir, arising from the Assistant Minister's reply, that he is satisfied with the payments made to Booker Tate, is he aware that since Booker Tate came to Kenya, they have never posted any profit, or paid any money to the Exchequer, and yet, they have taken [**Mr. Ochilo-Ayacko**] the Kshs410 million that would have gone to the Exchequer as payment to themselves?

Mr. Ruto: Mr. Speaker, Sir, it is true that for a number of years, the SONY Sugar Company has not been able to post any major profits, except in one year. But nevertheless, the contract was based on certain production levels, which are clearly detailed. I have given a copy of the same to the hon. Member.

Mr. Kajwang: Mr. Speaker, Sir, could the Assistant Minister tell us what it is, exactly, that the so-called experts do, that the African experts cannot do? We pay them hundreds of millions of shillings every year for no work done!

Mr. Ruto: Management companies are not classified in terms of races. I am surprised that the hon. Member wants to tell us that there are classifications for Africans and other races. Booker Tate is a well known management firm---

Mr. Kajwang: On a point of order, Mr. Speaker, Sir. I asked the Minister to tell us what is special about the so-called expert *Wazungus*, who come here, do no work and post no profit for ten years---

Mr. Speaker: Then you are out of order! You are seeking his opinion!

Mr. Kajwang: I asked him what these people can do that our people cannot do.

Mr. Ruto: Mr. Speaker, Sir, when we advertise for management services, anybody is at liberty to apply. If the hon. Member has any other group in mind, they are also free to apply whenever these things are tendered for. But we do not classify them in terms of Africans, Asians or whatever race. This is a management firm, just like any other which can render those services.

Mr. Achola: Could the Assistant Minister explain to this House why he is satisfied that Booker Tate is doing a commendable job when it has not paid any money to the Exchequer? At the moment, farmers have not been paid for seven months! How can he be satisfied with a situation like that?

Mr. Ruto: Mr. Speaker, Sir, I have said that we are satisfied with the payments we have made against the services that have been rendered. As for the overall performance of SONY Sugar Company, that is another issue altogether.

Mr. Murathe: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Mr. Murathe, it is totally out of order for you to heckle Mr. Speaker from where he is! What is your problem?

Mr. Murathe: Mr. Speaker, Sir, the Assistant Minister is saying that they have paid Kshs410 million to a company that has not posted any profits for ten years! Is he satisfied that we should have paid that money to that company, and yet it has neither posted any profits nor paid the farmers?

Mr. Ruto: Mr. Speaker, Sir, we have paid them according to the contract terms. There were set targets in terms of the volumes of sugar production. The Kshs410 million is spread over a period of 12 years, and you will realise that these figures include the payment of salaries and other emoluments for the staff who are managing that company.

This is not predicated on any specific profits being declared. That has to go along with several other factors. I will give him details later if he wishes, but that is the position.

Question No.713

MEASURES TO CURB POLLUTION OF RIVER MIGORI

Mr. Achola asked the Minister for Local Government what urgent action he is taking to stop the pollution of River Migori by sewage discharge from Ombo Hospital in Migori Town.

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

My Ministry is not aware that River Migori is being polluted by sewage discharge from Ombo Hospital. Therefore, the question of what urgent steps the Ministry is taking to stop this pollution does not arise.

Mr. Achola: Mr. Speaker, Sir, it looks as if today is not my day. This young Assistant Minister knows very well that Migori Town has no sewerage system, and that this hospital is actually discharging raw sewage into River Migori, which is used by people downstream. If he is not aware and yet I asked this Question seven months ago, may I take this Assistant Minister to Migori tomorrow in order for him to go and witness the sewage being discharged into River Migori, so that he can be aware?

Mr. Affey: Mr. Speaker, Sir, it is true that Migori Municipal Council has no sewerage system. Currently, the municipality is responsible for treatment of sewage and disposal of their own waste, and sometimes this waste might end up in River Migori. But in the case of the hospital, where the concern of the hon. Member is, the hospital has contracted two sewage disposal and waste stabilization ponds to treat its sewage. Thus, any discharge from the hospital which might flow to the river is treated and it does not pollute the river.

Mr. Ojode: Mr. Speaker, Sir, what hon. Achola is saying is true. Even SONY Sugar Company is disposing raw sewage into River Sare which flows into River Kuja and that is why we [**Mr. Ojode**] have been having problems of cholera outbreak. Could the Assistant Minister find a way of funding the treatment of sewage, so that raw sewage is not discharge into these two rivers?

Mr. Affey: Mr. Speaker, Sir, it is the wish of the Ministry to establish a sewerage project for Migori Town. Preliminary feasibility studies for the project were carried out with assistance from a donor, the SNV of Netherlands, during the preparation of Migori Development Plan. The District Development Committee did prioritise the project in 1998, and the Ministry is considering the project as a priority. We will request for funds in order to undertake a real feasibility study through the Treasury in the 2000/2001 Budget.

Mr. Achola: Now that the Assistant Minister has admitted that he is aware that there is some raw sewage being discharged into River Migori; and also having agreed that the Ministry is going to source for funds for the establishment of the sewerage system, could he tell us when this will happen?

Mr. Affey: Mr. Speaker, Sir, this project is estimated to cost Kshs250 million and this will be subject to the availability of funds. We intend to complete this project, if funds will be available, before the year 2004.

Question No.721

NUMBER OF SETTLERS IN KIBOKO SETTLEMENT SCHEME

Mr. Mboko asked the Minister for Lands and Settlement:-

- (a) how many people were settled in Kiboko Settlement Scheme;
- (b) out of those settled, how many were previously evicted from Chyulu Hills; and,
- (c) whether he could table the list of all the people settled and a separate list of those who were previously evicted from Chyulu Hills.

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Speaker, Sir, I beg to reply.

- (a) A total of 1221 people have been identified for settlement in Kiboko Settlement Scheme.
- (b) The people who were previously evicted from Chyulu Hills in 1992 were settled either in Msongaleni or Kibwezi Settlement Schemes. Those who were evicted from Manyatta and Mikululo in Chyulu Hills are being settled in Kiboko "B" Settlement Scheme.

(C) The list is tentative and is yet to be finalised. In case there are cases of genuine squatters who were omitted from the list, the Ministry can consider them in consultation with the District Commissioner and the other local leaders. The Member of Parliament for the area should, therefore, liaise with the Provincial Administration.

Mr. Mboko: Mr. Speaker, Sir, it is true as the Minister has said that there are 300 squatters who were evicted

by the Government in 1988. To date, they have not been considered in the present allocations which he has stated in this House. In view of that, can he revoke these allocations since the demarcated land is there, and settle the 300 squatters first?

Mr. J. Nyagah: Mr. Speaker, Sir, rather than revoke, I would suggest we work on the list with the hon. Member in order to ensure that the local people are involved. Unfortunately, the Member of Parliament, at the moment, is interfering with the process instead of being helpful.

Mr. Ndilinge: Mr. Speaker, Sir, this is a very serious issue, which should be handled carefully by this House, and particularly by the Minister concerned. Is the Minister aware that whoever brought this answer to his office is misleading his Ministry because the committee which went to allocate land to these landless people went ahead and allocated a plot to me without my consent? I had not requested for this plot. I have sworn and I have been saying that I will never go for anything concerning a layman. Can he now tell us whether this allocation was illegally done? If so, can he now revoke the entire allocation?

Mr. J. Nyagah: Mr. Speaker, Sir, the exercise involved many people who came up with this list of 1,221 people. What I am stating is that if there are irregularities of the type that have been mentioned by the hon. Member, I would like the hon. Member of the area to help me, and work with me and my Ministry, in conjunction with the Provincial Administration, so that we can rectify the list and come up with a proper list that is acceptable to all people.

Mr. Raila: Mr. Speaker, Sir, I am very conversant with this case. Only four months ago, I donated 20 bags of maize to these people and some of them were in Makindu. These people are living in pathetic conditions. Now that the Minister has been made aware by hon. Ndilinge that this land has been given to people who do not need it, and the squatters are still suffering as shown yesterday on television, will he undertake to nullify these allocations and ensure that the right people are allocated land when the process is done?

Mr. J. Nyagah: Mr. Speaker, Sir, I have not refused. On the contrary, I have been very supportive of this situation. I have said that in the process of reviewing this issue, I would like the hon. Member, and the local leaders, to join us so that we can produce a list that is acceptable to everybody. If that means revoking, it shall be so. If what is needed is to modify it, it shall be so.

Hon. Members: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Order! Order, all of you! You are not serious at all, particularly Mr. Maundu and Mr. Ndilinge. How can you stand up saying "point of order" when the Minister is in the process of giving you the information this Member was seeking? The Minister is just saying he will revoke the irregular allocations, and yet you are stopping him from saying that.

Mr. Mboko, the last one!

Mr. Mboko: Mr. Speaker, Sir, the Minister is saying that I am becoming uncooperative. Surely, I am not becoming uncooperative. I want him to cooperate with me to make sure that the squatters are, first of all, given land.

Mr. Speaker: What is your question?

Mr. Mboko: Then we shall sit down with the Minister and review the entire process. Now that he has accepted there was an anomaly in the allocation of the land, can he allow us to start afresh and consult with me and other local leaders in the allocation of the land?

Mr. J. Nyagah: Mr. Speaker, Sir, I have two points. The first reason why I said he was uncooperative is because, yesterday, he organised people to block the Mombasa Highway with stones and the traffic was slowed down for an hour. That is what I meant. The second reason is that when my officers went there yesterday, he instructed his people not to receive letters of allotment which they entirely rejected. That is what I meant. However, having said that, I am very willing to review this issue fully with his full cooperation, so that we can accommodate the local people. Thank you.

Mr. Speaker: For the Second Time, Mr. Ojode!

Hon. Members: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Order! All of you know that Question Time ends at 3.30 p.m. and we shall end it at this time. It is not the only important Question here. We have a lot of others, including Questions by Private Notice.

Mr. Maundu: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Order! Order, Mr. Maundu! Mr. Ojode!

Mr. Ojode: Mr. Speaker, Sir, for the second time I wish to ask Question No.676.

Hon. Members: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Order! Order, all of you! What makes you think that this Question is much more important than all the other Questions put together?

Mr. Muchiri: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Order, Mr. Muchiri! You do not even come from there. So, will you sit down.

Hon. Members: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Order, all of you! Be serious now, hon. Members! I have given as much time as possible to that last Question. Mr. Ojode!

Hon. Members: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Overruled!

Question No.676

PAYMENT OF SALARIES TO ADULT
EDUCATION TEACHERS

Mr. Ojode asked the Minister for Vocational Training:-

(a) when the Adult Education Teachers in Ndhiwa Constituency will be paid their salaries from December, 1988 to date; and,

(b) whether he could assure the House that, in future, the salaries of these teachers will be paid in time to avert unnecessary distress.

Mr. Speaker: Where is the Minister for Vocational Training?

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

(a) All the full-time teachers who are civil servants have always been paid promptly. The part-time teachers, who are basically volunteers, are normally paid honoraria at a rate of Kshs500 per month. The 13 part-time teachers in Ndhiwa Constituency have received honoraria for the months of January and February, 1999. The honoraria for the months of March, May, June, July, August, September and October are being processed.

(b) Appropriate measures are being taken to streamline the payment procedure to avoid unnecessary delays in releasing honoraria to the part-time teachers.

Mr. M.M. Galgalo: On a point of order, Mr. Speaker, Sir. The Assistant Minister did not apologise to the House for being late. Could he do so?

Mr. Speaker: You are right, Mr. Galgalo.

The Assistant Minister for Vocational Training (Mr. Maizis): Mr. Speaker, Sir, I apologise for coming late. Thank you.

Mr. Ojode: Mr. Speaker, Sir, you have heard the answer given by the Assistant Minister. It is so shameful for an Assistant Minister to stand before this House and say that the Government cannot even pay Kshs500 to those teachers who have provided services. It is so shameful! I think the Assistant Minister must be suffering from the millennium bug, and that is why he is providing this kind of answer! It is necessary---

Mr. Speaker: Mr. Ojode, what is the millennium bug?

(Laughter)

Mr. Ojode: Mr. Speaker, Sir, on a serious note, you cannot engage the services of somebody and then you refuse to pay him for the services rendered. An amount of Kshs500 is completely peanuts. These people have been providing the services of teaching the old men and they have never been paid their dues for the last one year. What kind of procedures is the Assistant Minister putting in place in order to pay these teachers both full-time and part-time?

Hon. Members: Mara moja, Serikali!

Mr. Maizis: Mr. Speaker, Sir, we have three types of employment; temporary, honoraria and permanent. Permanent employees are civil servants and they are paid fully every month. The department was established in 1979 through Presidential decree and the mission of the department is the eradication of illiteracy among the adults. We are paying teachers in the entire country; it is not only in Ndhiwa Constituency. So, let the hon. Member be patient, we shall pay the teachers very soon.

Mr. Ojode: Mr. Speaker, Sir, my question is very simple and straightforward. Why has it taken the Ministry too much time, in fact a whole year, before they pay both full-time and part-time teachers their money? Where is the hitch? What has been the problem?

Mr. Maizis: Mr. Speaker, Sir, honoraria payment for part-time teachers constitutes an item in Authority to Incur Expenditure (AIEs) issued to the District Adult Education Officers. The Exchequer measures have compounded the cash-flow problems, and the honoraria vouchers for the months of July, August and September are still being held by the District Accountant. The honoraria payments for the months of March, May, and June, 1999, are being treated

as pending bills for the last financial year because the AIE for the fourth-quarter was frozen by Treasury. However, an AIE is now being processed to offset these outstanding bills.

Mr. Speaker: Order! Mr. Ojode, does not want to hear all that! What is your point of order, Mr. Ojode?

Mr. Ojode: On a point of order, Mr. Speaker, Sir. Could the Assistant Minister tell this House when exactly he is going to pay those teachers who have not been paid? I do not want to talk to him because I know he is a sick man; he is not normal!

Mr. Maizs: Mr. Speaker, Sir, the hon. Member is not listening very carefully. I am saying here, however, that an AIE is now being processed to offset these outstanding bills.

Mr. Ojode: When?

Mr. Maizs: Very soon! It is now under process.

Mr. Speaker: Order, the two of you! Questions by Private Notice!

QUESTIONS BY PRIVATE NOTICE

Mr. Speaker: Mr. Wamae, I think you have agreed to defer your Question? I will start with the last Question!

Mr. Wamae: Mr. Speaker, Sir, I have agreed to defer the Question, provided I get a correct answer about grabbing of land in my area.

Mr. Speaker: Very well. Question deferred!

ALLOCATION OF LAND IN NGORANO LOCATION

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

(a) Is the Minister aware that land No.Ruguru/Chieni/186, in Ngorano Location, Mathira Constituency, has been illegally allocated to a private developer?

(b) Is he further aware that this land was earmarked for a secondary school to assist students in the two sub-locations?

(c) Could the Minister cancel the allocation of this land and grant it to the local wananchi for a school?

(Question deferred)

RELEASE OF AKIWUMI COMMISSION REPORT

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

(a) When will the Government release the report on the Tribal Clashes by the Akiwumi Commission?

(b) How much money did the Commission spend?

(c) How many families have been settled in the Rift Valley Province since the Government directive was given early last month?

(d) What financial and material assistance has the Government given to the displaced families who are being resettled?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I beg to reply.

(a) The Judicial Commission of Inquiry into the Tribal Clashes in Kenya, established by virtue of the Gazette Notice No.3312 of 1st July, 1998, to inquire into the Tribal Clashes which have occurred in various parts of Kenya since 1991, commenced its work on 1st July 1998, and finished in August, 1999. The Report of the Judicial Commission of Inquiry has since been submitted to the Government, which is studying its contents with a view to implementing the specific recommendations before the Report can be made public. Some of the recommendations call for further investigations with a view to prosecuting the suspects.

(b) The amount spent by the Judicial Commission of Inquiry was K£7,360,176.

(c) In Nakuru District, almost all the affected people have gone back to their farms. Families numbering 3,601, out of 3,980, have gone back to their farms in Uasin Gishu District, and 20 families in Nandi District. More information will be availed to the House once received from the affected districts.

(d) The Government has not set aside any financial and material assistance for the resettlement of the affected families.

Mrs. Mugo: Mr. Speaker, Sir, from the proceedings of the inquiry, it was quite clear that a lot of Government Ministers, including Government officers, were implicated in the instigation of the tribal clashes. Is it not a moral obligation of this Government to settle these families? How can the Minister tell us that 3,980 families have been settled when they had no income whatsoever? For many years, these people were not in their homes; they were camping in churches and had been living out of charity from the churches. When the Minister says that they have been settled, how have they been settled and what security are they enjoying?

Mr. Sunkuli: Mr. Speaker, Sir, I have not said that they have been settled. I have said that they have gone back to their farms. This is because, once the clashes were over, it was not necessary to transfer people to lands, other than the ones they lived on. They have gone back home and they enjoy the general security enjoyed by everybody else in this Republic.

Mr. Kaptan: Mr. Speaker, Sir, I am surprised to hear the Minister talk about clash victims going back home. These people had their houses burnt and their animals stolen. When he talks of them going back home, how do they go back home when they have no houses there? Is the Government helping these people to build their houses so that they can settle?

Mr. Sunkuli: Mr. Speaker, Sir, I must say that people from different parts of Kenya who suffered from tribal clashes, some of them, did get their property destroyed and the process of reconstruction is a very painful one. The Government has afforded the security and atmosphere under which they can undertake their reconstruction. Since they are back home, I can only wish them the best.

Dr. Murungaru: Mr. Speaker, Sir, when these so-called tribal clashes were taking place, there was a general consensus that the Government actively refused to do what it should have done in order to stop the clashes. Is the Government not morally bound to assist these destitute people to start their lives all over again? These people do not have homes, property or anything to start rebuilding their lives with. Even refugees from outside this country are assisted by international organisations to resettle when they go back home. Can our own Government not assist its own people to resettle?

Mr. Sunkuli: Mr. Speaker, Sir, it is not true that there was consensus that the Government was to blame.

Mr. Muya: On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to mislead this House that these people have gone back to their farms when it is only about one or two weeks ago when the President himself was asking these people to go back to their farms? That means they have not gone back to the farms.

Mr. Speaker: That is a point of argument. That is not a point of order.

Mrs. Mugo: Mr. Speaker, Sir, it is on record that the UNDP had been very interested in helping to settle these people, but the Government stood in its way. This is a lot of money which was spent on an inquiry. Should this money not have been spent better in resettling these Kenyan citizens which the Government failed to protect, and in which Government Ministers, security forces and the Administration were mentioned time and again as having stood by or instigated the clashes?

Mr. Sunkuli: Mr. Speaker, Sir, I agree with hon. Mugo that the money that the Commission spent was a lot, but this House did, in fact, request for this Commission.

Mr. Speaker: Time up! Order! Order! One thing we have to do is to go by the rules and the time. What is happening out there?

Mr. Angwenyi: Mr. Speaker, Sir, you are not seeing the right hand of the House.

Mr. Speaker: I suppose, hon. Angwenyi, the reason why I have not seen you is because of that unnecessary tumult you are creating there. But if you become a little calmer, I might just be able to focus on you next time.

Mrs. Mugo: On a point of order, Mr. Speaker, Sir. Can you order the Minister, at least, to [Mrs. Mugo] bring a proper answer as to why the Inquiry has not been made public? What is so secret in an inquiry where public money was spent; is it just because a couple of Ministers were mentioned?

Mr. Speaker: Order! I think the only thing that he has not answered is when he is going to make it public.

Mr. Sunkuli: Mr. Speaker, Sir, with due respect, she has not asked me that question.

Mrs. Mugo: I did in part "a" of the Question.

Mr. Speaker: Well, she is asking now.

Mr. Sunkuli: Mr. Speaker, Sir, if I can refer back to what I read in the original answer, this Report on the clashes was handed over to the Government, which is studying it with the aim of implementing some specific recommendations which have been made in it. At any rate, most of the Report calls for further investigation and once the Government has implemented these specific recommendations, that Report will be made public.

Mr. Speaker: Time up! The following Questions by Private Notice have been deferred to another day.

ADMINISTRATION POLICE

(Mr. Kamande) to ask a Minister of State, Office of the President:-

Could the Minister inform the House under what circumstances Administration Police broke into the house of Vincent Njaramba Mburu of Ichagaki Sub-Location, Ichagaki Location, Maragwa District, on 30th October, 1999?

(Question deferred)

PUBLICATION OF PRIMARY EDUCATION
BOOKLIST FOR YEAR 2000

(Mr. Munyasia) to ask the Minister for Education:-

- (a) Why has the Ministry not published a booklist for Primary Education for the year 2000?
- (b) What urgent steps is the Minister taking to satisfy parents about book requirements for next year?

(Question deferred)

Mr. Speaker: Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Speaker left the Chair]

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Mr. Musila) took the Chair]*

THE MEDICAL LABORATORY TECHNICIANS
AND TECHNOLOGISTS BILL

(Clauses 2, 3, 4 and 5 agreed to)

Clause 6

The Minister for Medical Services (Dr. Anangwe): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 6 be amended:-

(a) in subclause (1) -

(i) by deleting all the words after the words "the Director of Medical Services" appearing in paragraph (a);

(ii) by deleting paragraph (d) and substituting thereof the following new paragraph:-

(d) the Director of Technical Training in the Ministry for the time being responsible for Education.

(iii) by deleting the words "three" and "one" appearing in paragraph (f) and substituting thereof the words "three" and "two" respectively;

(iv) by deleting the words "four" and "one" appearing in paragraph (g) and substituting the words "three" and "two" respectively;

(v) by deleting the fullstop at the end of the paragraph (j) and inserting the words "whose knowledge and experience is deemed necessary for the better performance of its functions".

(b) in subclause (2) by renumbering the existing paragraph as paragraph (b) and inserting the following new paragraph (a) -

(a) The Minister shall appoint a chairman from among the members of the Board.

(Question of the amendment proposed)

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

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

(Clause 6 as amended agreed to)

(Clauses 7, 8 and 9 agreed to)

Clause 10

The Minister for Medical Services (Dr. Anangwe): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 10 be amended by deleting all the words after the words "may determine".

(Question of the amendment proposed)

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

(Clause 10 as amended agreed to)

(Clauses 11, 12, 13 and 14 agreed to)

Clause 15

The Minister for Medical Services (Dr. Anangwe): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 15 be amended in subclause (1) by inserting the following new paragraph
immediately after paragraph (c) -
(d) has completed such an approved period of probation as may be prescribed by the Board.

(Question of the amendment proposed)

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

(Clause 15 as amended agreed to)

(Clause 16 agreed to)

Clause 17

The Minister for Medical Services (Dr. Anangwe): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 17 be deleted.

(Question of the amendment proposed)

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

(Clause 17 as amended agreed to)

Clause 18

The Minister for Medical Services (Dr. Anangwe): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 18 be amended in Sub-Clause (2)-

- (a) by deleting the words "as soon as reasonably practicable"; and,
- (b) by deleting the fullstop at the end thereof and inserting the words "within one month from the date of such removal".

(Question of the amendment proposed)

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

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

(Clause 18 as amended agreed to)

Clause 19

The Minister for Medical Services (Dr. Anangwe): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 19 be amended in Sub-Clause (2) by deleting the words "twenty thousand" and
"twelve months" and substituting therefor the words "one million" and "five years" respectively.

(Question of the amendment proposed)

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

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

(Clause 19 as amended agreed to)

Clause 20

The Assistant Minister for Health (Mr. Koske): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 20 be amended-

- (a) in Sub-Clause (2) by deleting the words "ten thousand" and substituting therefor the words "one hundred thousand";

- (b) in Sub-Clause (4) by deleting the words "twenty thousand shillings" and inserting the words "one million shillings or imprisonment for a term of five years";
- (c) in Sub-Clause (5) by deleting the words "twenty thousand" and "three years" and substituting therefor the words "one million" and "five years" respectively.

(Question of the amendment proposed)

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

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

(Clause 20 as amended agreed to)

Clause 21

The Assistant Minister for Health (Mr. Koske): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 21 be amended in Sub-Clause (3) by deleting the words "twenty thousand" and "twelve months" and substituting therefor the words "one million" and "five years" respectively.

(Question of the amendment proposed)

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

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

(Clause 21 as amended agreed to)

(Clause 22 agreed to)

Clause 23

The Assistant Minister for Health (Mr. Koske): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 23 be amended-

- (a) in Sub-Section (1) by inserting the words "his registration number" immediately after the words "place of business"; and,
- (b) in Sub-Clause (3) by deleting the word "fourteen" and substituting therefor the word "sixty".

(Question of the amendment proposed)

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

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

(Clause 23 as amended agreed to)

(Clause 24 agreed to)

Clause 25

The Assistant Minister for Health (Mr. Koske): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 25 be amended in Sub-Clause (3) by deleting the words "not exceeding" and substituting therefor the word "of".

(Question of the amendment proposed)

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

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

(Clause 25 as amended agreed to)

Clause 26

The Assistant Minister for Health (Mr. Koske): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 26 be deleted.

(Question of the amendment proposed)

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

(Clause 26 as amended agreed to)

Clause 27

The Assistant Minister for Health (Mr. Koske): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 27 be amended in Sub-Clause (3) by deleting the fullstop at the end thereof and
inserting the words "and shall be liable to a fine not exceeding one hundred thousand shillings or
imprisonment for a term not exceeding twelve months or to both".

(Question of the amendment proposed)

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

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

(Clause 27 as amended agreed to)

Clause 28

The Assistant Minister for Health (Mr. Koske): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 28 be amended-

(a) by re-numbering the existing clause as Sub-Clause (1) and inserting the following new paragraph
immediately after paragraph (d):-

(e) one technician from private practice nominated by the Board and who shall not be a member of
the Board;

(b) by inserting the following new Sub-Clause:-

(2) The quorum of the Committee shall be all five members.

(Question of the amendment proposed)

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

(Clause 28 as amended agreed to)

(Clauses 29, 30 and 31 agreed to)

Clause 32

The Assistant Minister for Health (Mr. Koske): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 32 be amended in Sub-Clause (5) by deleting the word "five" and substituting therefor the word "twenty".

(Question of the amendment proposed)

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

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

(Clause 32 as amended agreed to)

(Clause 33 agreed to)

Clause 34

The Assistant Minister for Health (Mr. Koske): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 34 be amended in Sub-Clause (2) by deleting the word "applicant" and substituting therefor the words "person appealing".

(Question of the amendment proposed)

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

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

(Clause 34 as amended agreed to)

Clause 35

The Assistant Minister for Health (Mr. Koske): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 35 be amended by deleting paragraph (a).

(Question of the amendment proposed)

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

(Clause 35 as amended agreed to)

(Clauses 36, 37, 38, and 39 agreed to)

Clause 40

The Assistant Minister for Health (Mr. Koskei): Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 40 be amended-

(a) in subclause (4) by deleting paragraph (b);

(b) by inserting the following new subclause-

(5) A person who without reasonable excuse is in a possession of a certificate or a

registration not issued to him or fails to surrender certificate of registration under subsection (3) commits an offence and is liable to a fine not exceeding Kshs1 million or to imprisonment for a term of five years or both.

(Question of the amendment proposed)

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

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

(Clause 40 as amended agreed to)

(Clauses 41 and 42 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Assistant Minister for Health (Mr. Koskei): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The Medical Laboratory Technicians and Technologists Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE MEDICAL LABORATORY TECHNICIANS AND TECHNOLOGISTS BILL

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered The Medical Laboratory Technicians and Technologists Bill and approved the same with amendments. I therefore, beg to move that the House doth agree with the Committee in the said Report.

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

The Minister for Public Health (Prof. Onger) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Health (Mr. Koskei): Mr. Temporary Deputy Speaker, Sir, I beg to move that The Medical Laboratory Technicians and Technologists Bill be now read the Third Time.

The Minister for Public Health (Prof. Onger) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Health (Mr. Koskei): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Medical Laboratory Technicians and Technologists Bill be now read the Third Time.

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

MOTION

ADOPTION OF THE EIGHTH PIC REPORT

THAT, this House adopts the Eighth Report of the Public Investments Committee on the accounts of State Corporations laid on the Table of the House on 17th June, 1999.

(Mr. Githiomi on 7.12.99)

(Resumption of Debate interrupted on 7.12.99)

Mr. Githiomi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me another opportunity to continue with the Motion on the adoption of the Eighth Report of Public Investments Committee. Yesterday, we adjourned when I was talking about the Kenya Posts and Telecommunication Corporation (KPTC).

On the 14 plots which were surrendered to the Commissioner of Lands, the Committee felt very strongly that these plots should revert to the KPTC. This is because they had been given to the KPTC to be used by the Corporation and not to later on be transferred to some individuals.

On the National Cereals and Produce Board (NCPB), the Committee heard in disbelief how a State House operative, Mr. Joshua Kulei, colluded with the former directors of Kilifi District Co-operative Union to defraud cashewnut farmers their pre-emptive rights to buy Kilifi Cashewnut Company giving rise to a loss of Kshs78 million paid by the society.

The Committee heard evidence that Industrial Commercial Development Corporation (ICDC), Industrial Development Bank (IDB) and NCPB shares in Kilifi Cashewnut Company were purchased by the Kilifi District Co-operative Union in exercise of their pre-emptive rights under the joint ownership agreement upon payment of Kshs78 million by different bankers cheques. The vendors duly executed transfer of shares to Kilifi District Co-operative Union in accordance with the sale agreement.

The directors of this union, Mr. Ndilu Nyakamba - the then General Manager, Mr. Japhet Kavuku - Chairman and Mr. S. Bunga - Vice-Chairman, failed to register the 65 per cent shares transferred to the co-operative union by the vendors who were the NCPB, the ICDC and the IDB. Instead they entered into negotiations with certain individuals namely; Joshua Kulei, V.C. Desai, N. Korir, B.K. Rotich, P.K. Shah and W.K. Sambu for the sale or purchase of the said shares. Following negotiations the then directors of Kilifi District Co-operative without reference to members and in gross contravention of the Co-operative Act, signed blank transfer forms purportedly transferring the 65 per cent shareholding of the company to certain individuals. The shares were eventually allocated as follows: 51 per cent of the shares were transferred to Messrs. Kenya Plantations and Products Limited. Fourteen per cent of the shares were transferred to Messrs. Cashewnuts Development Investments Limited, leaving Kilifi District Co-operative Union with only its original 35 per cent.

Following the purported sale of the shares the current managing director, Mr. Shah, has continued to manage the company without reference to or consultation with Kilifi District Co-operative Union despite the fact that the latter holds 35 per cent shares of the company. The Union is also not represented in the board of directors of the company. The current management of the company decided to transfer several properties of the said company to Messrs. Kenya Bixa Limited, a company wholly owned by some of the directors without reference to the management of Kilifi District Co-operative Union.

I will read out the names of the spare parts which have been transferred from Kilifi Cashewnuts Company to Bixa Limited. The properties which have been transferred are as follows: Macadamia Kaka Unit, 200 plastic plates, one electronic weighing scale - 20 kिलogrammes capacity, one small electronic weighing scale, two small trolleys,

shelling machine, calibrator, computers, printers, fax machines, plastic bags, a refrigerator, weighing scales, canvass, furniture, air conditioners, motor vehicles, steam boiler, dryer, dryer radiators, steaming unions, strollers with trays, canon sieving units, working tables, vacuum and gas flash and a tin containing.

The Committee visited the Kilifi Cashewnuts factory last week on Saturday and we found out that 21 of the machines in the factory have also been moved to Bixa Limited. Some of these spare parts were moved to a sister company in Tanzania. The Committee observed that the then directors of Kilifi Co-operative Union Messrs. D. Lunya, J. Kavuku and S. Bunga colluded with the following individuals to deprive the society and cashewnut farmers in Coast Province purchase of the 65 shares of the company: Messrs Joshua Kulei, V.C. Desai, N. Korir, B.K. Rotich, P.K. Shah and W.K. Sambu. The third parties deliberately abused the pre-emptive rights referred to the society under the joint ownership agreement through this fraudulent transaction.

The Executive Secretariat and Technical Unit (ESTU) in legitimising this transaction knowing very well that the directors of the society were merely fronting for some other parties, contravened the letter and spirit of the privatisation as contained in the Government policy document as regards transparency and accountability in disposal of public assets. The appointment of a new board of directors following this irregular transaction and without inclusion of representation of the union was meant to facilitate eventual sale of Kenya Cashewnuts Company by the new management.

The ongoing process of removal and transfer of several assets of the company to Kenya Bixa Limited supposedly to pay outstanding debts does not make any commercial sense, given the fact that Kenya Bixa is owned by the same director. No similar efforts are being made to pay outstanding loans in Barclays Bank which amount to Kshs80 million. The management of Kilifi District Co-operative Union which owns 35 per cent shares has not been consulted. The Committee, therefore, recommended that the Attorney-General should intervene and reverse the fraudulent transfer and registration of 65 per cent shares held illegally by Kenya Plantation and Cashewnuts Limited and have the property registered in the name of Kilifi District Co-operative Union. We had given a date of 30th September, 1999 because we thought this Report would have been adopted by then.

The Attorney-General should prosecute the following for conspiring and colluding to defraud Kilifi District Co-operative Union of its rightful shares. Those who should be prosecuted are Mr. Joshua Kulei, Mr. Daniel Lunya, Mr. C. Desai, Mr. W.K. Sambu, Mr. N.K. Korir and Mr. B.K. Rotich. The Attorney-General should prosecute the current directors of Kenya Cashewnuts Limited namely; Messrs P.K. Shah and Daniel Lunya for the following: Excluding the union from representation in the board of directors, illegally removing, transferring and selling assets of the company without reference to the shareholders in gross contravention of the Memorandum and Articles of Association of the company and the Companies Act.

The Attorney-General should also prosecute the former executive chairman of the Executive Secretariat Technical Unit/PRPC, Mr. Lawi Kiplagat for colluding and conspiring with the following to defraud Kilifi District Co-operative Union of its rightful shares; Mr. Daniel Lunya, Mr. Japheth Kavuku, Mr. S.B. Nguga. The Committee also recommended that Mr. Lawi Kiplagat and Mr. Joshua Kulei should be banned from holding any public office conferred by the Republic of Kenya. The Committee viewed this as a very serious act and we thought the only way we could stop people from manipulating corporations which belong to the public is by banning them from holding public offices because they continue to hold public offices even after messing up public offices.

Some of them continue to be promoted instead of being sacked from their offices. The whole thing loses meaning when a parastatal chief messes up a parastatal that belongs to taxpayers and instead of being sacked, punished and prosecuted in a court of law, he continues to be rewarded by way of being promoted to higher positions.

Mr. Temporary Deputy Speaker, Sir, on the KPA, the Committee was horrified to hear how a contract was treated. There was a contract to construct a freight station in Mombasa. That contract was supposed to be for Kshs2.6 billion. The contract was awarded and after a short time, it was suspended. But even when the contract was suspended, the machinery belonging the contractor continued to be on the site, occasioning a loss of Kshs28 million. The contract was later on terminated by the then head of the Civil Service and Secretary to the Cabinet, Prof. Mbithi. The termination of the contract occasioned a loss of Kshs673 million. The Committee was horrified by the way the contract was suspended through a telephone call, without due consideration to the losses that the Government or the taxpayers were going to incur. Hence, the Government incurred a big loss of Kshs673 million. The Committee observed the following: In the Committee's view, the work done on the ground was not commensurate with the amount of money paid. The corporation engineer, who was the technical advisor to the corporation appears to have misled the management in determining the amount of work done. The decision to implement the project was taken impetuously through instructions issued by the then Permanent Secretary, Ministry of Transport and Communications, Mr. S. Arasa, while the order to terminate the project was hastily issued by the then head of the Civil Service and Secretary to the Cabinet, Office of the President, Prof. P. Mbithi. Following the termination order of the project, the demobilisation of the contractor was delayed for two years, with the full knowledge of the parent Ministry, thus causing the corporation

to incur unnecessary expenditure of about Kshs28 million. The consultant failed to compute for the corporation, the amount refundable on the account of the preliminaries paid to the contract for termination of the contract. The then head of Civil Service and the Secretary to the Cabinet, Prof. Mbithi, in ordering the termination of the contract by phone without consideration of the legal and cost implications, acted recklessly and most irregularly.

Mr. Temporary Deputy Speaker, Sir, it should be further noted that, when the Committee ordered the summoning of Prof. Mbithi, it was advised by the then Clerk of the National Assembly, Mr. J. Masya that, it was not appropriate to summon him and that, the then head of the Civil Service and Secretary to the Cabinet, Mr. Kuindwa, should have been summoned instead. At the time of writing the Report, the Committee had twice tried in vain, to interview Mr. Kuindwa. The Committee viewed this as most unsatisfactory state of affairs. The

[Mr. Githiomi]

Committee, therefore, recommended that the then head of Civil Service and Secretary to the Cabinet, Prof. Mbithi, the then Permanent Secretary, Ministry of Transport and Communications, Mr. S. Arasa and the then engineer at the port, should all be held responsible for the loss of Kshs673 million.

Mr. Temporary Deputy Speaker, Sir, I can see a nod of approval from hon. Nassir. He is an hon. Member from Coast Province and he is saying he approves it.

Mr. Temporary Deputy Speaker, Sir, the lead consultancy, Mr. B.S. Dogra also failed to advise the KPA on which way it had to go, and also, on how the corporation on how it should have saved this money, has also to receive a punishment. The Committee recommended that Mr. B.S. Dogra and any company associated with him, should be blacklisted and deregistered from receiving contracts, awarded by the Government and State corporations.

Mr. Temporary Deputy Speaker, Sir, we made a visit to this site in Mombasa and we found out that nothing was on the ground, although the consultant was summoned and appeared before the Committee. He told the Committee that there was some excavation which had been done, but when the Committee visited Mombasa, we found out that, what was on the site was green grass and nothing had been done at all. We were not able to ascertain whether, there was any amount of work that had been done. If any work was done at all, there was no justification in paying Kshs673 million which was to both the consultant and the contractor. This was a mere way of misusing public funds.

Mr. Temporary Deputy Speaker, Sir, on the NSSF, the Committee was horrified by the manner which some lawyers have been looting this corporation. The Committee found out that, there are a few politically-correct lawyers who had been paid a total of Kshs252,370,000. What was most surprising was that, these lawyers were appointed in anticipation of litigation that was going to be taken to court. This litigation had not at all been taken to court by the time the lawyers were appointed. I would like to read out the names of the lawyers and the amount paid to them. On 3rd November, 1993, Mr. Kilonzo and Company Advocates were paid Kshs9,432,242 on a case, HCCC No.JO74/93 No.3. On 14th July, 1993, Kilonzo and Company Advocates were paid Kshs28,910,000 for evaluation of completion of project No.4, that was in Sololo Outlets. This was just for evaluation of completion of the project, this lawyer went away with Kshs28,910,000. On 15th December, 1993, the same lawyer was paid Kshs5,015,000 for advice on the restructuring of project and new contract with Mugoya No.5. On the same date, M/s. Maucho and Company Advocates were paid Kshs3,017,000 on account of advising on the restructuring of project, a new contract No.5. On the same day, M/s. Ombogo and Company Advocates were paid Kshs3,715,000 on account of advising on the restructuring of the project and new contract, project No.5. On 17th March, 1994, Kilonzo and Company Advocates were paid Kshs88,272,123 for hearing of an injunction filed by M/s Sololo Outlets Company Limited, against NSSF.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order! What is going on over there. We would like to hear the presentation of the Report.

Proceed, Mr. Githiomi.

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, it would be imperative for the House to note that, that money was only paid for hearing an injunction in the courts. That is how public funds have been looted. On 7th April, 1994, M/S Kilonzo and Company Advocates were paid Kshs1,034,595 for advising NSSF on African Planning and Design Consultants of M/S Sololo Outlets. On 5th July, 1993, M/S Kilonzo Company and Advocates were paid Kshs14,115,000 for giving a legal opinion on termination of contract No.10 to NSSF. That was paid for giving only a legal opinion. On 5th July, 1993, M/S M.M. Ombogo and Company Advocates were also paid Kshs13,800,000 for termination of contract, No.10. On the same day, M/S Maucho Company and Advocates were paid Kshs13,800,000 for giving a legal opinion on termination of Contract No.10. On 8th June, 1993, M/S Kilonzo and Company Advocates were paid Kshs30,585,365.90 on account of advice rendered to the Board of Directors meeting. On 27th September, 1993, M/S Onalo and Company Advocates were paid Kshs30,680,000. On 27th September, 1993, the same Company was also paid Kshs9,291,674. The grand total amounted to Kshs252,370,000.

Mr. Temporary Deputy Speaker, Sir, in the view of the Committee, that was a total fraud of Government funds. The NSSF is supposed to pay retirees their money which it is entrusted with. It is interesting to know how that money was paid out. So, in our view, it was a total fraud and we believe that, some of that money may have been used for other purposes, other than what the Committee was told.

The Committee found out that the payments said to be paid out to the law firms were grossly excessive and made in total disregard of the provisions of the Advocates Remuneration Act; that the said law firms were engaged by the Fund prior to any litigation being found against the Fund by M/S Sololo Outlets Company Ltd. So, the money was paid out to the lawyers even before there was any litigation filed in court by M/S Sololo Outlets Company Ltd. The then Managing Trustee, Mr. Muindi, acted imprudently and irregularly by hiring firms of lawyers without any Board approval and making exorbitant payments to the same firms far in excess of the provisions of the Advocates Remuneration Act. He also acted imprudently and irregularly by making advance payments to the same firms for services not yet rendered, because when the money was paid out to the lawyers, the services had not been rendered. There appears to have been a collusion between the firms of lawyers and the then Managing Trustee, Mr. S. Muindi, to defraud the Fund of colossal sums of money through the so-called legal fees. The Board Chairman, Mr. J. Kisoso, and the Board of Trustees failed to discharge their responsibilities of supervision, production, control and management of the Fund's operations in general and finances in particular, resulting in the loss of colossal sums of money.

Mr. Temporary Deputy Speaker, Sir, the Fund incurred a further expenditure of Kshs41,981,000 in respect of litigation fees in addition to Kshs252,370,000 incurred in 1993/1994. The Committee recommended that there should be a complete overhaul of the Board of Trustees with the exclusion of those who were Board members during the year under review. In appointing the new Board members, due regard should be given to people of professional integrity and good standing in society. The then Chairman of the Board of Trustees, Mr. J. Kisoso, and the then Managing Trustee, Mr. S. Muindi, should be barred from holding public offices conferred by the Republic of Kenya. The conduct of the then Managing Trustee, Mr. S. Muindi, in that matter should be investigated by the Attorney-General with a view to prosecuting him. The Attorney-General should investigate the activities of the then lawyers in that matter namely, M/S Kilongo and Company Advocates, M/S Maucho and Company Advocates, M/S Onalo and Company Advocates and M/S Ombogo and Company Advocates. The above said advocates should also be reported to the Law Society of Kenya, their services terminated and be barred from representing any public organisation. Since the lawyers were advanced payments for services not rendered, they should refund all the amounts paid. All the above recommendations--- We then thought that we would be through by September, this year and we did say that the recommendations should be effected by 31st December, 1999. We are still not late to beat the deadline, because today is 8th December, 1999. The Chief Executive, should in future, use lawyers in employment first to save the huge expenditure on private litigation. These were public funds that were paid to a few lawyers, while knowing very well that they were being paid in excess of what they should have been paid. The evidence we got from Sololo Outlets was that, they hired a lawyer from Britain who was paid Kshs50 million. So, the difference between the two figures paid to the Kenyan lawyers and the British lawyer is quite enormous.

Mr. Temporary Deputy Speaker, Sir, still on NSSF, the Committee was horrified to learn that the Commissioner of Lands signed title deeds for non-existent land, for five plots, in Athi River. The Fund lost Kshs576 million, because of this fake title deeds signed by the Commissioner of Lands. The purported pieces of land were sold to NSSF by the following: LR No.19186 which was non-existent, was sold by Kageka Ltd for Kshs98 million; Kageka Limited is a company that is associated with the brother of the former Commissioner of Lands, known as Kageka. The title deed for LR.No.19190 was sold to NSSF by Kenya Cargo Handling Services for Kshs401 million. The Directors of Kenya Cargo Handling Services are Sajjad Mohammed Rashid, Albert Mumba and Mr. Sospeter Arasa. The title for LR No.19187 was sold to NSSF by Skyfish line Limited for Kshs7.9 million. The title for LR No.19189 was sold to NSSF by James Tildi Limited for Kshs32 million. The title for LR No.19909 was sold to NSSF by Padrau Hotels and Lodges for Kshs36 million. In total, the Fund lost over Kshs570 million on purchase of title deeds without land on the ground. That is how Kenyan workers lost their money.

Mr. Temporary Deputy Speaker, Sir, as a result of the loss of the purported five plots in Athi River, the Commissioner of Lands has now allocated alternative plots to the Fund, which are currently under survey. He went ahead and allocated another piece of land to NSSF after discovering that the title deeds he had earlier signed were not for any land at all, because it was ghost land. The Fund has been given actual title deeds of the said ghost plots by the Commissioner of Lands. The survey map was the basis of which it is purported that the Valuer, M/s Gimco Limited inspected the five ghost plots and put a value of Kshs88.5 million on them in 1986, but did not go to the ground.

Mr. Temporary Deputy Speaker, Sir, the Committee observed that, it was strange for the Commissioner of Lands to issue out title deeds for non-existent land, and further allocate alternative public land to the Fund. Therefore, there was apparent complicity. The transaction related to the purchase of the five plots, constituted grave conspiracy between the Commissioner of Lands, the Fund management and the vendors, to defraud the Fund of Kshs576 million.

The survey map produced before the Committee was not authenticated by the Director of Surveys. The Board of Trustees approved the purchase of the 11 plots at prices that were later found to be way above reasonable provisions. The whole transaction relating to the purchase of the 11 plots, resulted into a loss of over Kshs1.7 billion to the Fund. The Board of Trustees under the chairmanship of Mr. M.J. Kisoso failed to discharge their responsibilities of supervision, protection, control and management of the Fund's operations in general, and finance in particular, resulting in the loss of colossal sums of money. The current Managing Trustee, Mr. David Masika, is a Director and a major shareholder in the firm, M/s Lloyd Masika Limited, the company which was responsible for carrying out valuations for some of the Fund's properties.

Mr. Temporary Deputy Speaker, Sir, the Committee recommended that the Attorney-General should investigate the apparent collusion between the Commissioner of Lands, the then Managing Trustee, Mr. Muindi, and the five vendors in the transaction relating to the purchase of the five plots, with a view to instituting prosecutions. The Attorney-General should further investigate with a view to prosecution, the then Managing Trustee, Mr. Muindi, in respect of the purchase of the other 11 plots which led to the loss of over Kshs1.7 billion. That, the then Managing Trustee, Mr. S. Muindi and the Chairman, Mr. M.J. Kisoso should be banned from holding any public office conferred by the Republic of Kenya.

Mr. Temporary Deputy Speaker, Sir, we found the recommendations befitting especially this one of barring Mr. S. Muindi and Mr. M.J. Kisoso from holding public offices because of the magnitude of the funds which had been lost by NSSF through their collusion. It is important to note that Mr. M.J. Kisoso, instead of being sacked, is still the Chairman of NSSF. Something should be done about this particular person because a lot of money has been lost from NSSF while he was still the Chairman.

On the Social Security House in Nairobi, the Committee again was surprised by the manner in which the contract to build that House was treated. The first contract was worth Kshs467 million, but this contract was varied seven times. The final figure at completion of the House was Kshs3.791 billion. Nobody can believe that. If the management of NSSF wanted to construct a House worth Kshs3.791 billion, it should have done it at first without having to pretend that it wanted a House worth Kshs467 million and then the contract was varied seven times to rise to Kshs3.791 billion. That is why some of the retirees do not get their money in time from NSSF; the money has already been given away. This is official corruption. We are talking of corruption that involves the management of the Corporation and more so the Chairman. That is how the Kenyan taxpayers continue to lose their money.

There was a variance on the cost of the construction of the Social Security House in Nairobi of Kshs3.3 billion which could not be accounted for by the management of NSSF. All that money went down the drain. But I would not like to assume that it just went down the drains, but it went to some people's pockets. We, however, gave our recommendations and we reiterated the Committee's earlier recommendation under paragraph one of 1992/93 accounts, that the acceleration fees amounts to Kshs117,828,368 paid to the contractor should be recovered. The money should be recovered in full from the then Chief Executives, Messrs, Philip Mulei, Martin Kunguru and the then Board members of the Fund. At this point in time, Mr. Kunguru was the Chief Executive.

Mr. Temporary Deputy Speaker, Sir, on the Kenya Airways Authority (KAA), the Committee was horrified by how money that was paid to KAA and received by an official of the Authority got lost. An amount of US\$97,500 was paid to a Mr. Patrick Nzau Mutemi. It was paid as rent for the Kenya Duty Free Shop at the Jomo Kenyatta International Airport (JKIA). The money was not banked and went missing. When this person was taken to court, and despite the fact that there was overwhelming evidence to convict Mr. Mutemi, the Attorney-General entered a *nolle prosequi*. The Committee noted with serious concern the manner in which the Attorney-General misused his constitutional powers by entering a *nolle prosequi* in a case where the then employee of the Corporation, Mr. Patrick Nzau Mutemi, left documentary evidence in support of the fact that he received Kshs6 million belonging to the Corporation.

The Committee recommends that the Attorney-General should ensure that Mr. Mutemi is re-arrested and the case continued in court. We are wondering whether this recommendation will be implemented because, as you heard, this was a total misuse of constitutional powers vested upon the Attorney-General. It is the Attorney-General who entered a *nolle prosequi* despite the fact that there was overwhelming evidence to convict Mr. Mutemi. It is believed that Mr. Mutemi is a brother-in-law to the Attorney-General. The Committee recommends that the Attorney-General should ensure that Mr. Mutemi is re-arrested and the case continued in court. The Committee further recommends that the Chief Executive should ensure that the rent worth Ksh5,149,000, together with interest accrued thereon, is recovered in full. This money was banked and there was a banking slip held by the KAA, but in the end the bank said that it could not trace the papers which the money was banked with. So, the Kshs5,149,000 was not accounted for, although the Kshs6 million went away with Mr. Mutemi.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Githiomi not imputing improper motives on the Attorney-General by claiming that the Attorney-General did whatever he might have done in

the case of Mr. Mutemi because his Committee believed that Mr. Mutemi is a brother-in-law to the Attorney-General? If the Committee is not sure, why should it impute this improper motive? Should the Chairman not withdraw that particular remark, that his Committee believed that Mr. Mutemi is a brother-in-law of the Attorney-General?

The Temporary Deputy Speaker (Mr. Poghismo): Order! The Chairman of the Committee, who is presenting the Report, knows that unless he is very sure of his facts, to try and bring in things that he is not sure about, calls for that kind of point of order. I agree that if there is no fact to it, you are really called upon to withdraw that kind of remark.

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, the Attorney-General came to the Committee and also conceded that his sister is married in Ukambani. It is on record and it is not just a matter of imputing improper motive.

The Temporary Deputy Speaker (Mr. Poghismo): Order! Mr. Githiomi, we are also talking of constitutional office here, which is held by the Attorney-General of the Republic and we will not bring his conduct into the debate before us here. What the hon. Member is asking is not whether we know where he has married from, but we just want you to know that if you are discussing the Attorney-General along those lines, we respect that office and we should not just discuss it.

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, I am not discussing the Attorney-General! I am, instead, presenting the Report of the Committee to the House. Where it touches the Attorney-General, I think it is incumbent upon me to report the same to the House. With regard to the matter that was raised by the hon. Member, I advise him to go to the library read the HANSARD. The Attorney-General appeared before the Public Investments Committee (PIC) where this issue arose. The matter is documented and that is why I am saying that, I cannot withdraw a fact. But, he is free to go to the Library to check on the fact. I think it is only fair for me to continue.

The Assistant Minister for Tourism, Trade and Industry (Mr. ole Sankori): On a point of order, Mr. Temporary Deputy Speaker, Sir. It is fair that the hon. Member clears the minds of the hon. Members in this House, that a Mr. Mutemi is the brother-in-law of the Attorney-General. If he is not sure, he should withdraw!

The Temporary Deputy Speaker (Mr. Poghismo): Well, that stands, Mr. Githiomi.

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, I never said that I am not sure. I said that the matter is documented and if the hon. Member cares to peruse the documents of this House, he should go to the library. He will find the HANSARD that says what I have said. With that, I think, I will continue.

Mr. N. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. If, indeed, what the hon. Member is saying is on record in the library, should he not be put into a kind of a process, where we can actually get the truth?

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Githiomi, I think it also has to do with personalising debate. The Attorney-General and even his brother-in-law are protected under Standing Order No.73, (3) and (4). Standing Order No. 73 (3) reads:-

"It shall be out of order to use offensive or insulting language whether in respect of Members of the House or other persons."

Let me also take Standing Order No.73 (4), which reads:-

"No Member shall impute improper motive to any other Member except upon a specific substantive Motion calling in question the conduct of that Member."

The impression created by his dealings with his brother-in-law may be taken to be imputing improper motive.

Mr. Keriri: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think we are getting into a very serious matter here. The PIC has made a Report which is documented through a verbatim Report in the library, which says what the Chairman of the Committee has been saying; not only in regard to the Attorney-General, but to very many officials of the Government. Now, if your ruling is to be understood that, whatever the Committee has said is imputing improper motive, just because it is referring to certain facts about particular officials, it will be very difficult. If you single out the Attorney-General, then you might as well say so about every one else!

The Temporary Deputy Speaker (Mr. Poghismo): What is your point of order?

Mr. Keriri: My point of order is: I am seeking your guidance regarding the ruling that, he is imputing improper motive against the Attorney-General. But he is referring to a Report---

The Temporary Deputy Speaker (Mr. Poghismo): Order! I do not want to protract this! I [**The Temporary Deputy Speaker**]

think what we are saying basically is: That the Attorney-General is a Member of this House. Anything that seems to impute improper motive upon him, or his character, should be brought through a substantive Motion. That is what we are saying.

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, indeed, what is being said here is not foreign to you. You were also a Member of the Committee, and you were there when the Attorney-General appeared before the Committee---

The Temporary Deputy Speaker (Mr. Poghismo): Order! Mr. Githiomi---

Mr. Nyachae: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Chairman of the PIC is presenting a Report. The debate on that Report has not started. I believe that the Chairman has no right to alter, while moving the Report of the Committee. This is not the only name of an hon. Member that may be in that Report. Therefore, can we give him the chance to complete his Report? I am just seeking your guidance that this is reporting only. If he does impute improper motive, later on when the debate begins, then let that issue of improper motive come up!

(Applause)

The Temporary Deputy Speaker (Mr. Poghismo): Order! I think I will put this matter to rest. We will still hear the rest of hon. Githiomi's presentation. We would like to know that, whatever the presentation, the rules of the House still apply. I think I would like to caution the Chairman, as he presents his Report that, the rules of the House still apply. He will not get away with it because it is a Report of the PIC. We will not get to the end of it if the Chairman is out of order! So, proceed and be cautious because we want you to finish your Report!

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, on the Kenya National Trading Corporation (KNTC)---

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Githiomi said clearly that, his Committee believed the Attorney-General entered a *nolle prosequi* in the case of Mr. Mutemi because he is his brother-in-law! That is imputing improper motive! That is all that we are asking him to withdraw! Should he not withdraw because it is there on record!

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Munyasia, if that is what he said, definitely, he will have to withdraw!

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, that is not what I said. In actual fact, the hon. Member should have listened. What I said is that the Committee believed that--- In actual fact, it is in the HANSARD. What I said is in the HANSARD. It is very clear. So, on the KNTC---

The Assistant Minister for Tourism, Trade and Industry (Mr. ole Sankori): On a point of order, Mr. Temporary Deputy Speaker, Sir. The point is very clear. We are not against the hon. Member mentioning that. The Attorney-General entered a *nolle prosequi* in the case of Mr. Mutemi. The issue is that he did say that it was alleged. That means he is not sure. If he is not sure, he should withdraw!

The Temporary Deputy Speaker (Mr. Poghismo): Mr. ole Sankori, we will look at the HANSARD. I will look at what he said. If it will mean that, then it will not be too late for him to withdraw that. Proceed, hon. Githiomi!

Mr. Githiomi: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for protecting me against some people who would like to save the names of some individuals.

On the KNTC, the Committee was not happy with the manner through which procurement was done in that Corporation. The then Managing Director, in total violation of procurement procedures, purchased bicycles from some companies without the authority of the Board and the parent Ministry. The Committee heard the evidence given by the Chief Executive that, a former Managing Director, disregarded the procurement procedures and purchased bicycles and iron sheets from third-parties, which led to a loss of Kshs33,943,492 for the bicycles, and Kshs631,447 for the iron sheets. The Committee was informed that, despite a letter from the Permanent Secretary of the parent Ministry, expressing concern over the irregular purchase, the Managing Director still did the procurement through his junior officers, and without the approval of the Board.

The Committee was further informed by the then Managing Director that he was under pressure from the then Minister for Commerce and Industry, Mr. Kiruki M'Mukindia and Mr. Hosea Kiplagat to purchase commodities from third-parties who included: Ms. Doris Moi of Messrs Drawdraw(?) Limited and Mr. Devan of Messrs Triton Network Limited.

The Committee noted that there was *prima facie* evidence to the effect that there was conspiracy between the then Managing Director, Mr. D.K. Tirop, and the then suppliers to defraud the Corporation. The Committee therefore, recommended that the then Managing Director, Mr. D.K. Tirop, should be banned from holding any public office conferred by the Republic of Kenya. I can see that this meets the approval of hon. Biwott.

The Committee further recommends that the Attorney-General should institute further investigations into the irregular purchase of bicycles and iron sheets with a view to instituting criminal proceedings against those involved in the irregular procurement of the above said items.

This is a surprising case because the Managing Director went ahead and disregarded procurement procedures within the Corporation, despite the advice that had been given by the Permanent Secretary, in the then Ministry of Commerce and Industry. He disregarded the Board of Directors because the procurement was not approved by the

Board and hence the whole purchase was totally irregular. As a result of that, the Corporation lost Kshs33 million. You can see how the Government has been losing money and why we have not been getting the services that are due to the public. This is official corruption, as we can see. It involves the management of parastatals and Government officials. There is no way this can be condoned!

Mr. Temporary Deputy Speaker, Sir, the Committee was horrified by the manner in which Government land was dished out to individuals. Research land was dished out to a few individuals and KARI was left with very little land for research, both in Kitale and Tigoni. The Committee was of the opinion that most of this land, and especially the land at Kitale Top Station in which title deeds have not been issued, should revert to the Corporation. The same should apply to the land at Tigoni. All the KARI land which was allocated to individuals should revert to the Corporation. I would like to read out the names of those people who were allocated land, and I will start with Kitale. It was the wish of the PIC Committee that I read out these names.

At the Kitale Top Station, the allocations were as follows: Mr. Christopher Kipkurui, Mr. Patrick Kiplagat, Mr. Zakayo Barkoiyet, Mr. Silas Rotich, Mr. Kennedy Kipkemoi, Mr. Raymond Kimeli, Mr. Patrick Analo, Mr. George Ombaso, Mrs. Grace K. Omambia, Mr. David S. Kipkemei and Mr. Nathaniel K. Chepketer. On Partial Development Plan (PDP) KTL No. 109465, the following were allocated land: Metesia Chelimo, Mr. Benjamin Kitur, Mr. Abbas Mohamed, Mr. A.Y. Abdi, Mr. D.K. Saina, Mr. Wilson Chepkwony, Mr. P.M. Kiragu, Mr. Eugene Indeche, Mr. E.W. Kihoro, Mr. William Kipkosgei, Mr. Eric Maende, Mr. Caleb Muluki, Mr. James S. Munialo and Mr. Silas Rotich.

On PDP No. KTL 109470, those who were allocated land are: Mr. Herman Kabi, Mr. David Andere, Mr. Anthony Lewa, Mr. Patrick Kiplagat, Mr. Patrick Chakava, Mr. Samuel Mukasia and Mr. Vincent Sakwa. On PDP No. KTL 109472, Mr. Joseph K. Kosgei was allocated land. On PDP No. KTL 109445, Rev. Silas Yego was allocated land. On PDP No. KTL 109551, Mr. William W. Anyenza was allocated land. On PDP No. KTL 109554, Mr. Kevin Kiprop was allocated land. On PDP No. KTL 109553, WADEGEA Company Limited and Mr. Simon Thuo were allocated land. On PDP No. KTL 1095249, the following were allocated land: Mr. Ndere H. M'Mata, Ms. Peris Jephchirchir, Ms. Junet Saina and C.O. Atieno. On PDP No. KTL 109483, the following were allocated land: Ms. Mary Jemutai, J.A. Wena, Mary J. Tonje, Mary J. Tonje, J.A. Wena, Mary Jebet and Mr. George Wanyoba. On PDP No. KTL 109446, the following were allocated land: Mr. Elijah Murei, Mr. Ali Businei, Mr. Daniel Biwott, Mr. Jacob Leting, Mr. William Ruto, Mr. Isaiah Rotich, Mr. George Wabafu, Mr. David Sitienei, Mr. Jonah Sawe, Mr. Andrew Kibet, Mr. David Kipchoge Keino, David Kiptoo, Mr. Benjamin Tarus, Mr. David Ruto, Ms. Emily Kili, Mr. Isaac Leting, Mr. Simon Kipketer, Mr. Jacob Birech, Mr. Joseph Chebii, Ms. Shilda Naibei, Mr. David Rono, Mr. Jeremiah Ng'etich, Mr. Kiprugut Sareto, Mr. Titus Chumo, Mr. Charles Otieno, Mr. Sammy Sang, Mr. Stanley Bitok, Mr. Joseph Terer, Mr. Hezekiah Chesia, Mr. David Odour, Mr. Kibiwot Kendagor, Mr. Daniel Yego, Edna Jacob, Raphael Biwott - This is another Biwott and not hon. Biwott. The rest are: Wilson Koech; Rosaline Yego; John Biwott; Thomas Korir; Anne Birir; David Lang'at; Mary Muthoni; James Kiptoo; Samuel Kogo; Everlyne Chemerei; John Kerecheng' and Zakayo Balkoyet.

On PDP No. KTL 109448, those allocated land were: Shadrack Busienei; Kibii Maiyo; Justus Sang'; Joseph Chemjor; Anthony Chemweno; Solomon Kipkosgei; Festus Kirwa; Obed Bett; Job Tallam; Kipkorir Kiptoo; Laban Sogomo; Jeremy R. Birich; Shadrack Busienei; Daniel Yego; Japheth Mibei; Julius Bii; Wilson Kimaiyo; Nehemiah Samoei; Sammy Boit; Humphrey Dalawa; Stephen Elimo; Richard K. Sum; William Koech; Kimutai K. Haroun.

On PDP No. KTL 109591, those allocated land were: Ben Kiplating'; Allan Nyume and Chepcherio Korir.

On PDP No. KTL 109599, those allocated land were: Stephen Kipruto; Andrew Koech; Anthony Chesire and Miriam Busienei.

On PDP No. KTL 109598, those allocated land were: Andrew Kosgei; Ben Kiplating'; Leah Ng'etich; Z.K. Chepng'etich; Kipkoech Kiprotich and E. Menza.

On PDP No. KTL 1095143, those allocated land were Major J.K. Kiprop and Major Jacob Vialam.

On PDP No. KTL 1095144, those allocated land were Sigam Enterprises; Leaf Enterprises; Stephen Kiptoo and Bissay Investments.

On PDP No. KTL 109433, those allocated land were Chepkwony; George Ombasu; David Saina; P.G. Sang'; M.K. Seroney; Catherine Cherop; Sally K. Chepkore and J. Mutai.

On PDP No. KTL 109442, those allocated land were: Peter Kiplagat; Paul Nyamweya; Julius Korir; Simon Rotich; George Ombasa; William Kosgei; Melvin Chesang'; Grace K. Omambia; Alexander Kiplagat; Hellen Chelimo; Richard Omamba; David Korir; R.C. Butaki; F.W. Wang'ombe; F. M. Wawire; Barnabas Logit; Lawrence Ochengo; Kelly Cherugui; Lydia; Arthur Liad; William Sawe; Matilda P. Sakwa; Judy Oduor; Mary Cheruiyot; David Osoro Cheruiyot; Joseph K. Yego; Joseph Yano; Yofang' Sangong'; D. R. Tuikong'; Phillip Manong'e; Nyaboki Yusuf; Jamal Noor and Mary Lucy Menjo.

Mr. Temporary Deputy Speaker, Sir, I have a few names to go now. These are: Ben C. Kirui; Robert Muyes;

Joseph Kinyoru; Christopher Ontita; Michael Seroney; Nathaniel Segoi; Nathan Onamu; Benjamin Imbogo; Julius Kimuron; I. K. Kipkoros; Festus Obiri; Patrick Leo and Clara Lagat.

Although the Partial Development Plans (PDPs) have been done, no title deeds have been issued by the Commissioner of Lands. That is what we noted and that makes it easy for the Commissioner of Lands to cancel the allocations and transfer the land back to KARI. The Provincial Administration has continued to harass the employees of KARI and KEPHIS who have protested the excision of KARI land and this has created animosity in the area which could lead to bitter confrontation.

QUORUM

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum in the House.

The Temporary Deputy Speaker (Mr. Poghisio): We do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Poghisio): Order! We have a quorum now. Proceed, hon. Githiomi!

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, I will continue from where I had left before the House lacked a quorum.

The Committee also noted that, Rev. Silas Yego, Deputy Bishop of AIC Church Kenya, dismantled and removed the dairy equipment because the plot that he was given had dairy equipment. When we visited the Top Station on his land in Kitale, we found out that he had dismantled and removed the same equipment.

Mr. Temporary Deputy Speaker, Sir, I will now go to the observations of the Committee at the Top Station. The Government land meant for research activities had been excised and allocated to private individuals and this has adversely affected the activities of the Research Centre. The Government officials and individuals used their positions to illegally acquire KARI and KEPHIS land. Of particular concern to the Committee were the following:

That, Mr. Ben Mogaka, the then District Commissioner, Trans-Nzoia District and currently the Deputy Secretary, Ministry of Education, Science and Technology, who initiated and presided over the planning, subdivision and allocation of KARI land, acquired substantial amount of land under the names of his son; Mr. George Ombaso, wife; Mrs. Grace Omambia, several relatives and other people. Mr. R.C. Butaki, the then Centre Director, who should have been in the front line in protecting KARI land, without proper authority of the Chief Executive and the Board, colluded with the then District Commissioner and illegally surrendered KARI land for subsequent allocation to individuals, including himself. Mr. Butaki was the Centre Director at Kitale.

Mr. Temporary Deputy Speaker, Sir, as you have heard, Mr. Ben Mogaka surrendered KARI land back to the Commissioner, knowing so well that, this land was going to be allocated to himself and to a few other individuals.

Rev. Silas Yego, Deputy Bishop of AIC Church, Kenya, under the pretext of application of land for church use, acquired land for himself and others, thus committing a sacrilegious act. In spite of the overwhelming evidence adduced to the Committee that, Mr. Ben Mogaka acquired substantial amount of Government land belonging to KARI in Kitale, the later vehemently denied ownership of any land thus committing perjury. Names of several relatives of senior Government officials and companies were used to acquire KARI land in order to camouflage the true identities of the beneficiaries.

Mr. Temporary Deputy Speaker, Sir, I would now go to the Lower Station. The Committee was informed as follows: The allottees of the Lower Station are as follows: Mr. Francis Ewaton Achuka; sitting Member of Parliament. Mr. Japhet Lotukoi Ekidor, former Member of Parliament; Mr. Silas Misoi Yego, Bishop AIC, Eldoret; Mr. Francis Polisi Lotodo, Minister; Mr. D.T. Afande, former ambassador and PS. Mr. Nicholas K. Mberia, PC Eastern Province; Mr. Samuel Moiben, former nominated Member of Parliament. Mr. J.K. Soi, former OCPD, Kitale; Mr. David K. Muthoka, former Chief Executive Export Processing Zones (EPZ); Mr. Wilfred Ndolo, former DC, Mr. Lawrence Sabai Rotich, T.K. Tuwei, Director of Agriculture. I think, he is a former Director of Agriculture, he has since ceased to be the director. Mr. A.K. Cheruwon, Director of Land Adjudication; he has also since ceased to be the director of land adjudication and Mr. Joseph Koech Juma.

Mr. Temporary Deputy Speaker, Sir, each one of them got 20 acres, except Mr. T.K. Tuwei, who was the Director of Agriculture and Mr. A.K. Cheruwon, who was also the Director of Land Adjudication. The purported allocations were done under the circular emanating from the then Head of the Public Service and Secretary to the Cabinet, Mr. Joseph arap Leting and the then Rift Valley Provincial Commissioner, the late Ismael Chelang'a.

The title deeds for the land allocated had been issued and that, names of only two allottees could not be

traced. We were not given names of two allottees; whoever they were, we do not know! But other names were given, except those two others. But on the strength of the circular, the land was converted into a settlement scheme by the Land Adjudication and Settlement Department.

The Committee observed the following with concern; that KARI land was excised and allocated to individuals based on circulars allegedly issued by the then Head of the Public Service, Secretary to the Cabinet, and the then Rift Valley Provincial Commissioner. However, no circulars were made available to the Committee for scrutiny. The excision and acquisition of KARI land was done in contravention of the existing Land Acts. The Commissioner of Lands was reluctant to establish the names of the beneficiaries of the two unaccounted for plots; the two plots that had not been accounted for. It was difficult to get the names of those people because the Commissioner of Lands did not give the names.

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not want to interrupt the hon. Member, but I think for the time he has been here, he should know that, he is not supposed to read the Report.

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

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, this is a Public Investments Committee (PIC) Report, it is not a Githiomi report! So, I am supposed to present it the way it is!

The Temporary Deputy Speaker (Mr. Poghiso): Proceed!

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, the Commissioner of Lands was reluctant to establish the names of the beneficiaries of the two pieces of land which were not accounted for.

On the Limuru KARI land, the Committee was informed as follows: That the following were allocated land belonging to KARI in Limuru on diverse dates. Dr. J.K. Kiano was allocated 23.20 hectares. Retired Maj. Gen. D.N. Gichuru, was allocated 12.14 hectares.

Renege P. Project Limited, whatever it is, was allocated 20.50 hectares. Mrs. R. Karanja was also allocated 10 hectares. As a result of these allocations, the institution's research activities have been adversely affected as follows:

Lack adequate land to conduct research, particularly breeding; lack of adequate land to carry out research on seed multiplication. Siltation of dams due to cultivation and deforestation of the catchment area. Already the filters for the water drips for the floriculture are clogged. The quarantine status is now violated. The alienation of the land, spread of diseases and pests, is now a major concern for the production of basic seeds. The Centre is unable to meet its national mandate to provide adequate quantities of seeds. Revenue generation from (AI) is hampered due to inadequate land for livestock, crops *etcetera*.

The Committee observed the following with concern for the potato research land at Limuru. That, as result of these allocations, the resultant environmental degradation by the new users; the water catchment area has been affected, resulting in the drying up of the dam, which is the sole source of water for irrigation being used by KARI. Whereas these individuals were allocated the rest of the land, KARI has been left with only 23.0 hectares of land, which is inadequate for quality research activities that is necessary for agricultural production. There were no justifiable grounds for the excision of KARI land and allocation of the same to the said elite and propertied class. The Committee recommended as follows:-

For the Top Station:-

The Government should revoke all the allocations at the Top Station and repossess any improvement thereon and issue title deeds to KARI. That the Government should guarantee the security of the employees of both KARI and KEPHIS. That all the allottees who have vandalised KARI property should be made to pay for them. That Mr. Ben Mogaka, the then DC, Trans Nzoia District, and currently, Deputy Secretary, Ministry of Research and Technology; and Mr. R.C. Butaki, Centre Director, Kitale, should be banned from holding any public office conferred by the Republic of Kenya.

The Government should censor Rev. Silas Yego for his unreligious conduct and the Committee recommends that he should be banned from holding any public office conferred by the Republic of Kenya.

That the Commissioner of Lands must establish and maintain the names of the *bona fide* directors of the companies which were allocated KARI land.

On the Lower Station:-

The Committee recommends that the Government should revoke all the allocations at the Lower Station and the Commissioner of Lands must cancel the title deeds issued and the leases given. The Commissioner of Lands must reveal the names of the beneficiaries of the two unaccounted for plots because we do not know as at now who owns these two plots. We were not given the names of those people who were allocated the two plots.

On Katoloni Farm:-

The Committee recommends that the Commissioner of Lands should immediately issue a title deed to KARI for Katoloni land and report back by 30th December, 1999.

We were thinking that the Report would have been adopted before 30th September, 1999, and that is why we had given this deadline. On Limuru-Tigoni, the Government should revoke the allocations, cancel the title deeds issued, repossess the land and issue title deeds of the same to KARI.

These are the recommendations that the Committee made and we hope that they are going to be taken seriously and that implementation of this Report is going to be given priority by the Government.

Mr. Temporary Deputy Speaker, Sir, on the implementation of PIC recommendations, our Committee came to a very painful realisation, that the Committee's work in investigation of State Corporations' expenditure is an exercise in futility because reports are piling in this Parliament and implementation of the same reports has not been done. We therefore, urge the Government to start with immediate effect implementing this Report. The Kenya Anti-Corruption Authority (KACA) should not say that they are investigating cases out there; we have names of those people who have looted this economy. They are in PIC Reports. KACA only needs to pick these reports and start working on them. They should start taking those people who are involved to court and that will not take them a lot of time. We have already done a lot of investigations for them. All the records are in this Parliament and that work will be very easy.

Mr. Temporary Deputy Speaker, Sir, it is imperative that the PIC and PAC Reports are given priority when it comes to implementation of the reports. We are looking forward to a day when this Government will move fast and arrest, prosecute and finally, punish those proven to have participated in looting State Parastatals. The Government must show concrete will power and determination to undertake this. Otherwise, mismanagement, misappropriation and outright corruption will simply continue unabated in spite of the monotonous and repetitive Committee's investigations and recommendations. We have found out that the money that has been misappropriated by various parastatals is enormous. The country is now suffering from lack of infrastructure and with the money that has been misappropriated, all Kenyan roads would have been tarmacked. We are talking of billions of shillings which have been pocketed by a few individuals who have no mercy for their countrymen; people who are out to make money by looting the economy.

Mr. Temporary Deputy Speaker, Sir, the Treasury must produce comprehensive reports on what it is doing to implement the recommendations of the PIC as adopted by the House. The current Treasury Memoranda is too brief and it lacks in a lot of areas. For example, when they say that the management is taking action, that in itself does not explain the specific action that the parastatal is taking. So, it is imperative that the Government should start taking this Report seriously. It is only then that corruption will be routed out in this country. The Government only needs to prosecute a few Permanent Secretaries and Managing Directors who have looted public funds and corruption in State Corporations will stop. But at the moment, this Government is very reluctant and it looks like it is abetting corruption because most of those mentioned in this Report are Government officials who have been placed in very powerful positions. So, the Government should not continue telling us that it is eradicating poverty while it is doing nothing in apprehending those who are named in the PAC and PIC Reports.

Mr. Temporary Deputy Speaker, Sir, on privatisation of State Corporations, this role has been left to the Executive Secretariat and Technical Unit (ESTU). We found that it lacks legal basis. Parastatals or public corporations will continue to be privatised. They will be sold but the ESTU is the only organ that knows how much these parastatals are sold for. In some situations, we found that some parastatals have been sold for very little money like the Kenya Cashewnut Factory in Mombasa which was sold for only Kshs62 million. The Kenya Cashewnut has 3,000 acres of land, 30 modern beautiful houses for executives, a factory and not to mention that there are expensive machinery in the Cashewnut Factory.

Mr. Temporary Deputy Speaker, Sir, Kshs62 million is peanuts compared to the value of the Corporation's assets at the time of its sale. So, the Committee was of the opinion that there should be some legal basis by which the Executive Secretariat and the Technical Unit can be controlled. There should be ways by which the Government can control them. For instance, the Government should be able to set the minimum amount of money payable in respect of privatisation of any State Corporation. State Corporations are public property; selling them at throw away prices is like giving them away. Really, the public does not know what is happening with the privatisation of parastatals.

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

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I rise to second this Motion. In doing so, I would like to, first of all, thank the Committee's Chairman, hon. Githiomi, for effectively moving this Motion. I was a Member of the PIC in the last Session. Therefore, I have the honour of seconding this Motion although I am no longer a Member of that Committee.

As the Chairman has rightly said, we function as a Committee of the House. We were not partisan at all in our

work; we worked as a team, consulting whenever necessary. So, in our view, the recommendations contained in this Report reflect a true picture of the state of accounts of those State Corporations. We tried to give every public officer who was mentioned in the audit reports on the accounts of those State Corporations an opportunity to defend himself before the Committee. We all along went by the law of natural justice, which demands that no one should be condemned unheard. It was not possible to have everybody appear before the Committee. However, we tried to have those who were mentioned to appear before it.

Mr. Temporary Deputy Speaker, Sir, as the Chairman of the Committee has stated, we were concerned about the practice of exempting certain State Corporations from the provisions of the State Corporations Act, Cap 446. In our understanding, that provision was not meant to make any State Corporation unaccountable to the House and the public for any public money; this is something that is provided for in the Constitution. However, a number of State Corporations have read into this, a kind of blanket cheque and defiance to the Auditor-General (Corporations). So, I think it is not necessary to exempt State Corporations, which receive public funds, from the provisions of the State Corporations Act.

We further discovered that the manner in which members of most of the Boards of Directors of State Corporations leaves a lot to be desired; we found that there was a lot of favouritism, nepotism and tribalism involved in the exercise. We discovered that a number of individuals who were appointed to the boards of several State Corporations did not deserve the appointments. Therefore, we felt that there is need to look at a number of Acts afresh, in order to make a clear provision for the criteria of appointments to the boards of State Corporations. We were particularly concerned about the appointments of the Chief Executives of State Corporations. We feel that the mismanagement that we came across in a number of these State Corporations has something to do with the manner of appointment of the Chief Executives and the members of the boards of directors to those corporations.

Mr. Temporary Deputy Speaker, Sir, it is now known the world over that public ownership is inefficient in as far as wealth creation is concerned. That is the reason why, in the face of globalisation, a number of countries are now going for private management. Even the political parties that originally professed socialistic ideas have now come to agree that wealth creation is better done under private management. For instance, Great Britain's Labour Party has now changed to the New Labour Party; its policy now says that public ownership was not an end itself, but rather a means to an end; that, the end itself was a more socially humane society, and that what needed to be addressed was the question of equity in society. So, we agree in principle that we should try to privatise State Corporations. However, there has to be criteria for privatisation. Before I dwell on that issue, I want to end this issue of management.

We felt that, as a matter of policy, the positions of Chief Executives of all State Corporations should be advertised. There are several Kenyans who are dully qualified and who can compete for the positions of management of this country's State Corporations. However, we are denying these people the opportunity to do so. Last week, the Managing Director of the Kenya Ports Authority (KPA) resigned after serving for only two months. In the first place, his appointment left a lot to be desired; Kenyans were not told who he was. The position of the Chief Executive of the KPA was not advertised. This ought to have been done, stating clearly the qualifications one should have in order to apply for the position. If that position was advertised, Kenyans would have applied for it; the KPA Board of Directors would have had an opportunity to select and interview the applicants.

Mr. Temporary Deputy Speaker, Sir, because the position was not advertised, the KPA ended up having somebody who had gone there from the Kenya Breweries Limited through the Magadi Soda Company Limited as its Managing Director. Before he was appointed to that position, his qualifications were not tested at all. As if that was not enough, within two days of his resignation, another person was appointed to that same position without the job being advertised. So, we are saying that this kind of discretionary exercise of authority is responsible for the mismanagement we are witnessing in the State Corporations. Those who are appointed that way are only answerable to their appointing authorities. So, we are saying that we should bring to an end this exercise now that this country is sworn to follow the principles and policies of transparency and accountability in the management of public affairs. We must start doing this by creating competition in the top positions of our institutions, particularly in State Corporations.

Mr. Temporary Deputy Speaker, Sir, I want to underscore a few points that were made by our Chairman. I will mention a few authorities here, because I know that the time is limited and many hon. Members want to contribute to this debate.

In the Kenya Ports Authority (KPA), we had misappropriation of public funds. In August, 1995, the Board of Directors awarded six different contracts which totalled Kshs2,686,864,250 for the construction of a container freight station in Mombasa. This project had not been budgeted for and it was entered into without prior detailed feasibility studies being carried out. So, the Authority was awarding a contract costing over Kshs2 billion without any feasibility studies having been conducted. As if that was not enough, authority was obtained from the Government through the parent Ministry.

When we investigated further, we found that, in fact, there was only telephone calls that came from the Office

of the President (OP) by the former Permanent Secretary, Secretary to the Cabinet and Head of the Public Service, Prof Mbithi, who has now become "a prophet" in retirement. He made telephone calls to the Chief Executive and gave authority for this project to be commissioned. So, the consultants and the contractor were commissioned and work was supposed to begin. Suppose the contractor did some work, one wonders what the designs would have been based on in the absence of a feasibility study. They were supposed to have done some designs; the contractor was supposed to have carried out some excavations only for the project to be terminated within a few months at a loss of Kshs673 million.

First of all, one wonders why on earth the Government decided to commission this project. One also wonders why after a few months when the contractor and the consultant had been appointed the Government decided to terminate the project. We could not find any rational explanation as to this action by the Government. And to add insult to injury, the contractor was told not to remove his equipment from site. The equipment continued to remain on the site for several months later, and he continued to charge the Corporation, which is run by the Government, money. So, this is something that we do not want to see happening in the future and we have made appropriate recommendations, which the Chairman had talked about earlier on.

Mr. Temporary Deputy Speaker, Sir, I would now like to touch on the National Social Security Fund (NSSF). A lot has been said about this Fund in this House in the past, and I do not want to repeat it. But several managements of this Fund left a lot to be desired. We interviewed one of them who was responsible at the time when the Fund paid Kshs576 million for some "ghost plots" in Athi River. We interviewed Mr. Muindi, who was not punished at all for his action. He treated the Committee with some kind of contempt. He was not sorry that he paid all this money to a company which belonged to hon. Sajjad when the plot did not exist.

We have the case of the NSSF Headquarters, which was originally supposed to cost only Kshs467 million, but it rose to Kshs965 million and finally ended at Kshs3.3 billion. At the time when that contract was awarded, I had a contractor who was constructing a factory for me and he told me that he could have constructed that building for Kshs350 million at that time. We ended up paying ten times that amount of money. These are some of the issues that distress some hon. Members of this House.

The other scam is on the National Cereals and Produce Board (NCPB), which paid Kshs124 million for the purchase of gunny bags before they were delivered. This supplier was awarded the contract to supply these bags against other suppliers although he was slightly more expensive, on the grounds that he had these bags in the store. Now, if he had the bags in the store, then, why was he being paid in advance? Why did he not deliver the bags before he was paid his money? He was paid the money before he delivered the bags, failed to deliver them and the Board has not recovered the money up to now.

Another loss was in regard to the Kilifi Cashewnut Factory, which had been a joint venture between the Industrial and Commercial Development Corporation (ICDC), the NCPB and Kilifi District Co-operative Union. In privatising this factory, the union exercised its pre-emptive rights by paying Kshs78 million. So, the vendors executed the transfer of the shares to the Kilifi District Co-operative Union in accordance with the sale agreement. In other words, these other corporations were opting out and the Kilifi District Co-operative Union was now remaining as the sole proprietor by exercising its pre-emptive rights to purchase the shares of all the other shareholders. But this was but a trick. This is because the directors of the Kilifi District Co-operative Union, with no reference to members and in gross contravention of the Co-operative Act, transferred the shareholding of the company to Messrs Kinyua Plantation and Products Limited which took 51 per cent of the shares and Messrs Cashew Development Investments Limited which also took 14 per cent of the shares. This Co-operative Union belongs to the members. But here is a case where the directors who are elected by members, having acquired the shares of the other stakeholders, transfer the same shares to other people with reference to the members of that union. This is a criminal act, but the deal had been made! The directors were basically being used; they were being paid something.

The so-called "sale" by this Corporation was stage-managed because there were some people who were ready to take over. They were seeing this as a competition. The people behind these companies are also the ones who own Bixa Limited, and the idea was not to continue to run it but to kill it. So, once they acquired it, what did they do? They began to cannibalise the plant and transfer it to Tanzania. So, a plant that was put up in Kilifi District for the benefit of cashewnut farmers in this district has ended up being completely dismantled and transferred elsewhere through this shabby deal. These are criminals who need to be arrested and charged. What happens to the Kilifi cashewnut farmers whose livelihood is solely dependent on cashewnuts?

The Assistant Minister for Home Affairs, Heritage and Sports (Ms. Wamwachai): On a point of information, Mr. Temporary Deputy Speaker, Sir. The Member who is on the Floor may be informed that the Kilifi Cashewnut Factory was not only benefiting the Kilifi people, but you can say the entire lower Coast region, that is Kwale, Lamu and Kilifi.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I am grateful to the hon. Member for that information. In fact, I was actually coming to that. It is true that this factory was for all the cashewnut farmers in the Coast region. It

was a regional project. Now we have a situation where this plant has been killed with the farmers having already planted the cashewnuts. These are criminals who need to be arrested and prosecuted. The Chairman has already talked about the Kenya Airports Authority. The Nzoia Sugar Company is another one which has suffered from mismanagement. Instead of the Government putting this to tender so that reputable companies can go and tender, a company by the name of FC Schaefer which was involved in the original scandal that brought unserviceable equipment to Nzoia which are all still lying there in containers, is the one which has been awarded the contract of managing it. I understand that they are not bringing in any money to pay the farmers, but that they are only bringing in the so-called "experts" to come and flog the Africans to work harder as if we lack people who can do that in this country.

The same thing is happening with the Muhoroni Sugar Company which has suffered because of other different reasons. It has also suffered because of reasons that are common to all our sugar companies; importation of cheap sugar for which no duty is paid, which is dumped here. Therefore, our own sugar manufactured by our sugar companies; Mumias, Nzoia, Muhoroni, Chemelil and Sony cannot compete. Apart from that the Muhoroni Nucleus Estate was at one time also excised and given to people who are politically correct. Therefore, Muhoroni is unique in that it is the only sugar company in this country that has no nucleus estate. The whole nucleus estate was given away to people, therefore, the factory is solely dependent on the other farmers for the supply of sugar cane.

We found that the following individuals were allocated land in the nucleus estates of the company and have not paid for the same. One farmer was Professor Ominde who was given 34.22 hectares and has not paid Kshs444 million. The other one was hon. Oloo-Aringo who was given 27.57 hectares and has not paid Kshs258,000. Another one was Justice Omolo who was given 16.35 hectares and has not paid Kshs288,500. The Committee observed with concern that it was irregular for the Government to allocate part of the company's nucleus estate to private individuals since the said land had been acquired through taxpayers' money. The Committee further recommends that the chief executive should liaise with the parent Ministry, the farmers and the Commissioner of Lands with a view to transferring all the land paid for to its rightful owners and achieving payment from farmers who have not paid so that the land can also be transferred to them.

The Pyrethrum Board of Kenya is another Corporation that has had a lot of problems. We found here that the board of directors consisted of 18 members contrary to Section 4(2) of the Pyrethrum Board Act, Cap.340 which allows for only 14 members. After the matter was brought to the attention of the Minister for Agriculture this anomaly was rectified by Gazette Notice No.2732 of 6th May, 1996. Two months later, an additional member was reappointed which shows total disregard of the laid down procedures. The reason why the Minister for Agriculture should decide to flout an Act of this House, of which he is charged with the responsibility of implementing defies every logic.

The Chairman has talked about privatisation as a policy. He has said that to date there is no policy laying out clear guidelines on how State Corporations should be privatised. This is an issue that we have talked about in the past in this House. In the United Kingdom, when they decided to privatise State Corporations they came out with an Act of Parliament which gave out very clear guidelines as to how these corporations were to be privatised. It also made provisions for periodic reporting to Parliament of the state of affairs.

I have in my possession a report submitted by that corporation to the House of Commons stating very clearly which corporations have been privatised, how it was done, how they are doing now and how they were doing before they were privatised. We need to have that kind of law in place. Lastly is the question of implementation of recommendations of the PIC. We have several Reports lying there, the recommendations of which have never been implemented by the Government. Two days ago I attended a book launch at Intercontinental Hotel where the chief executive of the Kenya Anti-Corruption Authority, Justice Ringera, told us that his Authority is not concerned with past cases, but only the present and the future. How unfortunate if he is saying that he is not concerned.

I want him to borrow a leaf from Nigeria where the new Government of General Olusegun Obasanjo is concerned about dealing with cases of corruption. They have moved quickly, carried out investigations and found money. They have found over US\$800 million in the accounts of the former Head of State, General Sani Abacha, and they have frozen his accounts. They have found over US\$2 billion altogether. This is public money. Do we not as a country need this kind of money? Should we keep on looking at who is going to steal today and tomorrow and forget about those who stole yesterday? This is a shame!

The Government of Nigeria has cancelled all the contracts that were awarded towards the end of the rule of General Abubakar and they are now re-advertising them afresh. The most interesting feature of it is that some contractors are prepared to continue with the work at one-third of the contract money, so that means that the contract was inflated by that much. Those contractors are still able to proceed with their work. If you investigate the contract of these road repairs going on here in Nairobi you can save a lot of money. Why should there be a difference of Kshs5 million to over Kshs70 million per kilometre in Nairobi? This is because a lot of that money is going to people's pockets. If the Government cared it would cancel a number of those contracts. I am sure that most of those companies will be willing to do the same contract at half or even a quarter of the contract sum. This is what will tell the Kenyans

that the Government is serious about dealing with this "animal" that is called corruption. There is a lot of it in this Report. There is some of this money which can still be recovered.

Mr. Temporary Deputy Speaker, Sir, if the head of the Kenya Anti-Corruption Authority (KACA) is telling us that, he has to wait for people to commit crimes or to steal from the public coffers so that he can arrest them, he will wait for a long time. We are saying that we want to have a Committee of this House that is going to be responsible for implementation of recommendations of PAC and PIC. If this is done, we will be sending a very clear message to the people out there; that their days are numbered. With the Parliamentary Implementation Committee, the Government will act. If it does not act, that Committee charged with overseeing the implementation of recommendations of PIC and PAC, will hold it into account. Now, that this House has gotten "teeth", let us use those "teeth" to bite.

Mr. Temporary Deputy Speaker, Sir, I know that a number of my hon. colleagues want to contribute. So, with those few remarks, I beg to second.

(Question proposed)

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this important Motion. First of all, I would like to thank the Chairman of PIC, who has ably moved this Motion. I stand to support the Motion. I also thank all the hon. Members of the Committee for their wonderful job. This is because the Chairman was so eloquent on the issues they probed. This means that they really laboured fairly well in the Committee. I also wish to thank the Seconder of this Motion, hon. Raila, because he went on the same footing with the Chairman.

Mr. Temporary Deputy Speaker, Sir, what is most important on this Motion is that, the Government should probe all the recommendations and act accordingly. We want this report to be adopted by this House because the Committee laboured so much on very important issues. We can only pay their efforts by making sure that the report is adopted unamended.

Mr. Temporary Deputy Speaker, Sir, I am surprised because the Minister for Finance or a Minister from the Office of the President, who is supposed to take action on the issues raised in this report is not here. They should have been here, so that they could make notes and know what action to take against those mentioned in this report. Unless, we have people who are supposed to implement recommendations of the report are here, I do not see us stopping the mess in our parastatals. I think, that it why hon. Raila is proposing for establishment of a Parliamentary Implementation Committee that will oversee implementation of all recommendations of this report. This is because the Cabinet Ministers in the Front Bench who are supposed to take action against all those persons mentioned in this report, think that this House is a "talking shop". That is why we do not have a Minister and civil servants who are supposed to oversee the implementation of this report. It is sad that we are discussing very important issues, but the Minister for Finance is not here. There should be collective responsibility on these issues. Do you see anybody responsible here?

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, on a point of information. I would like to inform the hon. Member that the Minister for Finance is well represented here.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, we are used to seeing Ministers here. But that is a different fashion altogether, where they hide by wearing sun glasses so as not to be seen. If the Minister is not scared of taking notes, let him be here and listen to what we have to say.

Mr. Temporary Deputy Speaker, Sir, we are talking about the mess in parastatals. One of the things which must stop from today onwards is the unnecessary furnishing of parastatal offices. If you go to any parastatal, you will see that their offices have double walls and doors covered with very expensive decorations among other things. Even this House which is more supreme, does not have the kind of carpets and beautiful walls like those ones in parastatal offices. Monies voted by this House must be spent properly. It should not be spent to furnish offices of parastatals. If you walk into any office of a corporation, you will see very expensive carpets. The walls are well maintained. It is also a pity to see that there are more than ten telephones in those offices, and therefore, you cannot discuss anything constructive with any managing director because they are busy receiving and making calls and there is music at the background. For issue that can take you only ten minutes to discuss, you will take about two hours or more. By the time you leave that office, you do not know what you have been discussing with the chief executive. Sometimes, you even curse yourself for going to that office. Surprising enough, all those telephone calls are not official calls, but they are all on personal issues. Time has come for those chief executives to be serious with their work.

Mr. Temporary Deputy Speaker, Sir, I respect very much, hon. Musila. This is because when he was a PC, he did not use his personal clothes and that is why all his suits are new. He was all the time in his official attire. You would see him on time if you went to his office. He was a very committed public servant. In fact, he only started drinking when he became an hon. Member of Parliament. The other day, he was telling me that he has never been here

in Nairobi over the weekend because his employers are in Mwingi South Constituency, Kitui District.

Mr. Musila: On a point of order, Mr. Temporary Deputy Speaker, Sir. I hate to interrupt my good friend, but he has diverted from the Motion to debate me. I think, he should now be directed to concentrate on the Motion.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, the hon. Member is right. But I know, he is too proud to be discussed. I know him when he is happy. However, I was only trying to give an example of commitment. My appeal is that when you are given an office, you must honour that office and sacrifice most of your time to serve wananchi. When I talk of over-furnishing of an office, for example, when we attained Independence from the Colonial Government, the DOs, the DCs and the PCs were wearing short-trousers and short-sleeved shirts. They did not have sofa set chairs in their offices and they were sitting on hard benches, but their services were excellent. This is because the services you render to wananchi are quite different from the way you furnish your office. We should avoid over-furnishing our offices with expensive carpets, a set of sofa seats and 20 telephones, among other things. These are not things that render services, but the individuals in those offices. We want the chief executives to be simple, in order to take care of public money because it is not theirs to spend lavishly. Let public officers dress simply and serve wananchi.

Mr. Temporary Deputy Speaker, Sir, a lot has been said by the Chairman of PIC and the Seconder of this Motion, but I will dwell on only one important point; that is, professionals in parastatals. It is a pity that most managing directors have their own interests and they have messed up our parastatals. They are always compromised in their day-to-day activities. They are compromised by valuers, lawyers and engineers who deal with those corporations. This is simply because they deal with them. There is the tendency of over-billing, so that later, those managing directors may share the loot with the valuers and engineers, among other people. This kind of culture or habit of over-valuing must stop, in order for us to cut down our costs in those parastatals. I believe that the bank interest rates are so high in Kenya. I do not know how we will ever bring them down, because even a printed card costs Kshs10. Normally, the printed card should cost Kshs2, but its price is inflated because of the interested parties. We must try and curtail the interested parties who inflate the prices or the value of property in order to make a profit.

Mr. Temporary Deputy Speaker, Sir, I am an interested party of the Kenya Meat Commission (KMC), which has been discussed now and again. Even the Head of State promised that the KMC project would be revived. People from Ukambani, other semi-arid areas and even your area used to survive on KMC, because during the famine period like now, they used to sell their animals to KMC. During that period, all animals that became weak and had no value elsewhere used to be sold to the KMC. The meat would be canned and sent elsewhere for sale.

If you check the records of KMC, you will find that it has been totally vandalised. The KMC project, at one time, had over 20,000 acres of land, which they used as a holding ground and for other purposes. It used to have a lot of assets. But if you look at it now, it is totally vandalised. It was made worse by one fellow who was brought there as a Receiver Manager. The philosophy behind the Receiver Managers ought to change, because you will bring one today and you do not fix how much money he or she is going to recover and when he or she is going to report back. Some overcollect the money owed and forget to take it back. The Receiver Manager of KMC, a Mr. Gregory, has even sold all the properties of KMC. The last one was a house in Kitisuru, which was sold the other day. The Members of the Agriculture, Lands and Natural Resources Committee had even at one time wanted to see him, because KMC comes under its mandate. We were concerned because KMC had been put under receivership and we knew that they were shifting all the machines. We also knew that those machines were not just shifted for storage elsewhere, but being vandalised and sold. The gentleman was on leave in Europe knowing that he left the properties at the KMC grounds, and when we wanted to see him, he demanded that we pay him about a Kshs1 million for his air ticket and other compensation for disrupting his holiday. What can you say about that when you are being summoned by your own Parliament, of a sovereign country? We told him that the Committee wanted to tour Athi River and see the damage that has been done. But that gentleman never came, and even when he came, the Minister for Agriculture has not been able up-to now to make it to that place so that we may inspect with him what Mr. Gregory took and what is remaining there. This is because, as I am speaking now, I know that nothing is there. Even some loans which KMC had got from the National Bank of Kenya (NBK), secured by land which KMC had at that time-- Some individuals went and collected all the titles which were secured for the loans and sold the land. As it is now, the loans are hanging somewhere in the air; there is no way of recovering them.

Mr. Temporary Deputy Speaker, Sir, it is miserable for all the concerned people, like the pastoralists and all the others, who used to benefit from the services of KMC. But today, where are we? What is going to happen to us? Even to sell that KMC will be a problem now, although I know that there are some regional communities, like the Akamba community, which has been collecting money to buy KMC. The Question comes in: How do you buy a debt? This is because as it is now, KMC is asking for Kshs1.8 billion to get rid of its debts. At the time KMC was sold, it had assets; they had offices, buildings like Sadler House and in Kitisuru, factories in Kisumu and Mombasa, and parcels of land. All those have been sold and the Kshs1.8 billion is a debt. How do you sell a debt for Kshs1.8 billion?

We know that without land, there is no KMC. In any case, if you now want to start your own KMC with Kshs200 million, you can renovate the present KMC, because a factory of that kind is only comprised of machinery. After all, the one in Dagoretti operates fairly well. We need to address that issue. The Government must be upright and tell the public what is actually being sold in KMC; what assets are there and what happened with the assets which were there, because as it is now, everything is being vandalised; all parcels of land have been sold. All the parcels of land which were owned by KMC, beginning from Mlolongo and all that area in Athi River, belonged to KMC. There is even another parcel of land which is located towards Kitengela and which is about 3,000 acres, which lately has been acquired by KMC. But from what I believe, there are also other interested parties who have moved in and they are putting beacons there. Where are we and when are we ever going to introduce this kind of discipline so that institutions can respect other people's properties?

Mr. Temporary Deputy Speaker, Sir, it is miserable because we - I am talking about the regional communities like the Kambas, North Eastern communities, Turkana and other pastoralists - are the beneficiaries of KMC services. This is because they are the people who would bring their animals to KMC, healthy or not healthy, so that they could at least get some money to help themselves. But as it is now, we are nowhere. Records ought to be explored and we need to follow exactly what is happening.

Having talked about professionals and the kind of fiddling in valuations and other land processes, I will now go to the methods of procurement. Those of us who have read the PIC Report will know that a lot of mismanagement and stealing of public funds has even gone into the system of procurement. As it is, the procurement procedure done by all the institutions cited in the PIC Report has been through single sourcing. That depended on who knew the boss of which parastatal for any purchase to be done. Single sourcing has really made this country suffer a lot of losses and it is high time that when a Committee like the PIC says "enough is enough" and we stop that habit and start on another point, issues must be seen to be done. As it is, we are not doing the right thing and I feel that discipline and proper management have got to be introduced into the system of procurement, purchase and, perhaps, seal all the loopholes which are being used to draw money illegally.

We have talked about the management contracts in some industries in Kenya. By that I mean the sugar industries. At one time, we in the Agriculture, Lands and Natural Resources Committee had even asked the Minister for Agriculture to give contracts of those managers who have been hired to supervise and manage some of these sugar firms. It is not surprising because we even understand that one of the senior managers of these sugar industries, in his own country, was in charge of the management of HIV/Aids. Then, you wonder: What relationship does this kind of profession have with what this gentleman is doing? And for that reason, these people are paid heavily. This country has got a lot of people who are capable and able to do that job. It is not a question of doing part-time contracts. In fact, we are on the verge of counting how many doctors of Asian and British origin we have in Kenya so that if we have got 50 doctors from Britain, we also demand to send 50 Kenyan doctors to go and work in that country. If we have 50 engineers from India, we should be sending 100 engineers to that country, because this time we do not have shortage of professionals. In fact, some of the professional engineers, like hon. Ng'eny, who is a senior engineer should not be in charge of a constituency and the Ministry of Water Development. He should go out there and serve as an engineer, because he is not a politician. He should be in the field, because if he was out there in Kitui, or elsewhere, the shortage of water being experienced in the country now would not be there. He could be exploring methods of getting water and we could never drink sewerage water. But because he is here in an area which he should not otherwise be in---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Order! Hon. Members, it is time for the interruption of the business. The House is, therefore, adjourned until Thursday, 9th of December, 1999, at 2.30 p.m.

The House rose at 6.30 p.m.