

NATIONAL ASSEMBLY

OFFICIAL REPORTY

Tuesday, 23rd November, 1999

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

The Report of the Departmental Committee on Agriculture, Lands and Natural Resources on the Environmental Management and Co-ordination Bill, 1999

*(By the Chairman of Departmental Committee
on Agriculture, Lands and Natural Resources)*

ORAL ANSWERS TO QUESTIONS

Question No.618

ACQUITTAL OF POLICE OFFICERS
BY HIGH COURT

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

(a) whether he is aware that the accused in High Court Case No.20/97, Superintendent Stephen Kimanga and 10 others were acquitted on 12th March, 1998, while Sergeant Elkana N. Mangare, No.41947, was also acquitted under High Court Criminal Case No.1185/97 on 11th February, 1998; and,

(b) why the said officers have not been reinstated as their families have suffered financially since the date when they were arrested and charged.

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

(a) Yes, I am aware.

(b) After their acquittal, the Commissioner of Police decided to take a departmental action and that is why they have not resumed duty.

Mr. Muchiri: Mr. Speaker, Sir, in the first instance, the Minister has misled the House. I have documents here which indicate that their suspension has been lifted. So, when he says that a decision has not been taken, he is not right.

Mr. Speaker: Mr. Muchiri, if that is the case, why did you not drop the Question since you already know the answer? Do you know what the Standing Orders say? The rules of the House are that, if you know the answer to any Question, then you do not have to ask it. I suppose the corollary is that if in the intervening time you come to know the answer, then the most honourable thing would have been to tell the House that you know the answer and the most honourable thing would have been to withdraw the Question. What do you think?

Mr. Muchiri: Mr. Speaker, Sir, the position is that after their suspension was lifted, two days later, a letter was issued to them requesting them to show cause why they should not be dismissed in public interest and that is the position to date!

Maj. Madoka: Mr. Speaker, Sir, the hon. Member is telling us that those officers were asked to show cause why they should not be "terminated." The Commissioner of Police is empowered to do that and until they have shown cause why they should not be "terminated," their suspension will remain.

Mr. Speaker: You mean their services will be terminated or you actually want to kill them?

Maj. Madoka: I said their suspension will remain.

Mr. Wamae: Mr. Speaker, Sir, if the High Court has considered this case and decided that these officers have no case to answer, why should the Commissioner of Police ask them to show cause why they should not be disciplined? If he had any evidence, he should have tendered the same in court and not to follow them afterwards!

Maj. Madoka: Mr. Speaker, the Sir, the Commissioner of Police is empowered by the Police Act to take departmental action against any officer, acquittal notwithstanding.

Mr. Muchiri: Is the Minister aware that the said police officers were charged illegally since Section 82 of the Penal Code prevents the police, or any other person, from being taken to court criminally or civilly after a riot has been declared to be a riot and a proclamation has been read out? This is what happened at Kenyatta University!

Mr. Speaker: Mr. Muchiri, I think it would be proper for the High Court to make such a declaration. I always hear hon. Members ask why the police did not take action. Maj. Madoka, what do you have to say?

Maj. Madoka: I think that is why the High Court acquitted them.

Mr. Speaker: Question No.640 by Mr. Michuki was partly answered. I do not know what part was deferred.

Mr. Michuki: Mr. Speaker, Sir, the Minister knows what he was told to bring here.

Question No.640

REMUNERATION OF HOLDERS
OF CONSTITUTIONAL OFFICES

Mr. Michuki asked the Minister for Finance:-

(a) whether the Government has at any time since 1977 increased the salaries and allowances of the holders of offices to which Section 104 of the Constitution of Kenya applies; and,

(b) whether he could give the date(s) when such increases were made.

The Minister for Finance (Mr. Okemo): Mr. Speaker, Sir, I would like to inform the House that after consultations between the office of the Attorney-General and the Ministry of Finance; currently, as I speak, there is a Validation Bill which is being drafted, called The Constitutional Offices Remuneration (Amendment) Bill which is going to correct all the omissions and commissions that took place as far back as 1977. I do not know whether hon. Michuki was the Permanent Secretary in the Ministry of Finance at that particular time. The Bill is going to rectify all those errors.

Mr. Michuki: Mr. Speaker, Sir, I left the Treasury in November, 1970 because if I were there, all these omissions would not have occurred.

(Applause)

Could the Minister confirm or deny that from 1981, these payments have illegally been made because the power of this House that is granted by this Constitution under Section 104 was usurped by the President and that is the---

Mr. Speaker: Mr. Michuki, let him answer your question!

Mr. Okemo: Mr. Speaker, Sir, I am extremely gratified to learn that Mr. Michuki was not one of the people who contributed to some of these errors. However, these omissions were as a result of commissions, changes in the cost of living and compensations that were approved by the President. So, it was not just by the President alone, but by a series of officers that were involved including the then Minister for Finance, the Attorney-General from 1977 and his successors, who have been in office since then and the Ministers of Finance who have been in office since then. So, it is a whole series of people. I do not think it is right for the hon. Member to lay blame on the President.

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

Mr. Speaker: Order! Order, Members! I think we can finish this if Mr. Michuki's Question---

(Mr. Michuki stood up in his place)

Order, Mr. Michuki! I think if your Question is answered as you put it, let the matter then rest. It does appear like Mr. Michuki says, that irrespective of who was to blame, the fact of the matter is that all these payments were illegal. That is all he wants you to say. Would you like to say so?

Mr. Michuki: No, Mr. Speaker, Sir!

Mr. Speaker: This is what he is saying.

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

Mr. Speaker: Order! Order, Members! I think we do not need to take any more of the House time on this Question. Section 104 was pointed out last time. The Minister is kind of agreeing. Why do we not put it to rest? Answer Mr. Michuki's Question, and then we go to another Question.

Mr. Michuki: On a point of order, Mr. Speaker, Sir. The point is that from the time of Independence, the law was followed correctly until 1981 when a clause was introduced in the Act governing these salaries. The power of the Constitution under Clause 2 was placed on the President in which case, the Government was trying to amend the Constitution through the backdoor.

Mr. Speaker: So, what do you want us to do?

Mr. Michuki: So, could the Minister tell us here that this clause is going to be removed from within the Validations Bill and he is going to include removal of these amendments?

Mr. Okemo: Let us wait until the Validations Bill comes here, and then at that stage we can have sufficient time to deliberate upon it.

Mr. Speaker: Very well. Next Question!

Question No.154

PROMOTION OF TEACHERS IN NDHIWA

Mr. Speaker: Mr. Ojode is not here. We will leave the Question until the end. Next Question. Dr. Kulundu!

Question No.417

CRITERIA FOR ESTABLISHMENT
OF PUBLIC UNIVERSITIES

Dr. Kulundu asked the Minister for Education in what respect have Western, Eastern, North Eastern and Coast Provinces failed to meet the criteria for establishing national universities.

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

I wish first to clarify that public universities are national institutions and are not established on regional basis. Secondly, the establishment of a public university entails careful planning, should be cost-effective and based on need and demand. This may depend on the following:

(a) The number of students that meet the minimum criteria for university education. These criteria are already available and majority of applicants who meet them are not admitted.

(b) The considerations of the programmes essential for overall manpower development.

(c) The Government's policy which is already in place, on education for literacy purposes and not necessarily for the purpose of employment.

Mr. Speaker, Sir, the most important factor to take note of is that establishing a university requires funds. Currently, the Government capacity to establish and maintain new universities is strained. Already the education sector receives a lion's share of 40 per cent of the total Government budgetary provision. Of that provision, the Ministry of Education, Science and Technology utilises 93 per cent to service salaries alone, leaving only seven per cent for development, running and maintenance of programmes and projects.

Mr. Speaker, Sir, for instance, the current unit cost per student per year is Kshs219,500 for a student admitted for four year pure sciences degree course which takes into consideration the lecturer/student contact ratio of 1:10, and administrative and support staff of 100. The total cost for an annual intake of 1000 by the time it stabilises at the fourth year is Kshs2.2 billion. This is without considering the infrastructure and equipment which must first be in place and their maintenance thereof.

Mr. Speaker, Sir, it is not, therefore, that the Government does not wish to establish universities in Western, Eastern, North Eastern and Coast Provinces. The cost involved restricts the establishment of new universities as of now.

Dr. Kulundu: Mr. Speaker, Sir, you will agree with me that, that is a very long worded answer that says practically nothing. We are talking about equitable distribution of national institutions. I have not seen anything in this answer that would preclude Western Province, for example, from getting a national university. We are not saying that if we establish a university in Western Province, then it is only Western Province students who will go in there. It

would also be a national university. So, can the Assistant Minister tell

us what is so national about Moi University, Jomo Kenyatta University and any other National university?

Dr. Wamukoya: Mr. Speaker, Sir, what I have said is that the existing financial constraints hamper the establishment of new universities. However, if finances are available, new universities will come up, because as I have stated, there is need. Today, you read in the Press about the 22,000 students who have qualified, but will not be admitted to universities. However, I am saying that we are constrained financially and the new universities, when time comes, could be even in Kakamega or Garissa. I am not saying that I am regionalising it. Even if it is established in Kakamega or Garissa, it will be a national university.

Mr. Munyao: Mr. Speaker, Sir, when the Assistant Minister was replying, he said they base allocation of universities on need and demand. If that is the criteria, out of the 22,000 students who will obtain admissions in our national universities, 30 per cent of them, who will be more than the 7,000 who will be admitted, come from Eastern Province. Can he now confirm that he is going to look into possibilities of upgrading one of the colleges in Eastern Province into a national university?

Dr. Wamukoya: Mr. Speaker, Sir, we will analyze the needs and demands for a university in those provinces. I concluded by saying that, there is need and demand except that, I am constrained to establish new universities in those provinces because I do not have the finances. I said that, should there be finances in the near future, I will definitely start new universities in those provinces.

Dr. Omamo: Mr. Speaker, Sir, the Assistant Minister talked of having analyzed needs and demands of those provinces. I think what the House wants to know is whether the Ministry is interested in designing this type of investment so that the country, as a whole, benefits because, a university as an institution is an investment for the present and future generations. Could the Assistant Minister agree that, when funds becomes available, as though funds have not been available, in the future, they are going to design a programme so that various provinces benefit from national universities?

Dr. Wamukoya: Mr. Speaker, Sir, there is no problem is such type of design.

Dr. Kulundu: Mr. Speaker, Sir, does the Assistant Minister agree with me that, congestion in the public universities impacts very negatively on the quality of education in those institutions and, more often than not, it leads to strikes in public universities?

Dr. Wamukoya: Mr. Speaker, Sir, I agree 100 per cent with the hon. Member. However, what I am saying is that, if I had the finances, I would decongest the current public universities, but I do not have the finances.

Question No.454

ACCEPTANCE OF NHIF CARDS
BY MUKURWE-INI HOSPITAL

Mr. Mutahi asked the Minister for Medical Services when the Mukurwe-ini Hospital will start honouring the National Hospital Insurance Cards.

The Minister for Medical Services (Dr. Anangwe): Mr. Speaker, Sir, I beg to reply.

Mukurwe-ini Sub-District Hospital will start honouring the National Hospital Insurance Fund Cards, once its application to the National Hospital Insurance Fund is processed.

Mr. Mutahi: Mr. Speaker, Sir, this Hospital was upgraded on 8th, February, 1997; three years ago. Could the Minister tell us whether this application has already been forwarded to the National Hospital Insurance Fund and the procedure followed for the approval to be given?

Dr. Anangwe: Mr. Speaker, Sir, yes, I confirm that the Hospital did submit its application on 20th September, 1999. It takes nearly three months to process such an application. The application reached NHIF on 26th October, 1999. So, when the Board meets next time, it will discuss the fate of this particular application.

Mr. Mutahi: Mr. Speaker, Sir, I asked about the procedures followed in processing such an application because the contributors, who receive services from Mukurwe-ini Sub-District Hospital have suffered for the last three years without knowing whether there was an application to the NHIF. How soon is this application going to take to be approved and what are the procedures followed to get it approved?

Dr. Anangwe: Mr. Speaker, Sir, I do not know whether the hon. Member was listening when I said that, they submitted their application on 20th September, 1999, and

the procedure is simple. You submit an application through the various stages, like the Provincial Regional Office and

then the NHIF would come and inspect the facility and be able to determine what is required and the grading level of that particular hospital. On 26th October, 1999, the report was compiled and submitted. So, we are waiting for the next Board meeting, and then they will be able to decide.

Question No.276

ALLOCATION OF LAND TO MUMIAS SUGAR COMPANY

Mr. Osundwa asked the Minister for Lands and Settlement:

(a) whether he is aware that in 1986 the Commissioner of Lands entered into a lease agreement with farmers in Mumias at a yearly rent of Kshs267/66 per acre for a period of 33 years;

(b) whether he is further aware that the Commissioner of Lands has since failed to revalue the land, defaulted in payment of rent, and that without notice or compensation to the farmers, he has leased the said land to Mumias Sugar Company for a period of 99 years in total disregard to the previous lease agreement; and,

(c) what action is he taking to ensure that these farmers are paid their rent arrears and that the original lease agreement is adhered to.

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

(a) I am aware that the Commissioner of Lands, on behalf of the Ministry of Agriculture, executed leases for a pilot scheme for the Mumias Sugar Project. However, the lease agreement was terminated when the land owners opted for outright purchase of their parcels of land by the Government following a negotiated settlement.

(b) The issue of revaluation and default in payment does not, therefore, arise as full compensation was paid to the land owners and the land subsequently vested in the Government. Records of the compensation are held by the Nyanza Provincial Commissioner's office.

(c) The lease agreement was terminated when the farmers accepted outright purchase of the land by the Government. Their interest on the land was, therefore, extinguished and no further action is required as the acquisition was properly executed and concluded. The issue of rent arrears does not arise, as there is no rent due to the farmers for the land.

Thank you.

Mr. Osundwa: Thank you, Mr. Speaker, Sir. In his answer to part "a" of the Question, the Minister said that the farmers opted for outright purchase of their parcels of land. Could the Minister tell this House when the lease was terminated?

Secondly, I would like the Minister to tell this House what purchase price the Government offered to the farmers because this is one way in which the Government is fraudulently trying to acquire land from these poor farmers.

Mr. J. Nyagah: Mr. Speaker, Sir, the farmers who sold the 10,000 acres to the Government were paid an agreed price which they negotiated for very hard and they agreed then on Kshs400.00 per acre which was a lot of money in those years.

With regard to when that happened, I do not have the exact date, but this would have happened prior to January, 1973, in order to allow the Government to be able to lease the land to Mumias Sugar Company. I will be quite happy to come up with the exact date as to when this exercise was completed.

Mr. Speaker: I think that is the best course. You had better go and get all the details. You also said that the records are in Kisumu. I think it will help you to get the records. So, let us come and answer the whole Question. So, the Question is deferred.

(Question deferred)

Question No.698

ALLOCATION OF PLOTS TO
UPCOUNTRY PEOPLE

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

(a) whether he could explain why plots at Ng'ombeni Settlement Scheme in Ng'ombeni Location, Kwale District, were allocated to people from upcountry without due consideration of the squatters who have lived in that area for a long period of time, thus creating a volatile situation of animosity;

(b) whether he could also table a list of all the beneficiaries of the plots including their respective LR Numbers at the said settlement scheme; and,

(c) whether he could tell the House why Ng'ombeni Primary and Secondary schools, as well as the Ng'ombeni Health Centre were not among the beneficiaries of these plots, and what action he is taking to ensure that the land on which these institutions stand is allocated to them.

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

(a) The plots at Ng'ombeni Settlement Scheme in Ng'ombeni Location, Kwale District, were not allocated to people from upcountry without due consideration of the squatters who have lived in that area for very long time.

(b) I hereby beg to lay on the Table the list of allottees including, their respective plot numbers.

(Mr. J. Nyagah laid the list on the Table)

(Loud consultations)

Mr. Speaker: Order! Order, that corner over there! Order!

The Minister for Lands and Settlement (Mr. J. Nyagah): (c) Ng'ombeni Primary School and Secondary Schools were not beneficiaries of these plots as they fell on private land which was not part of the settlement scheme. The Government, is however, seeking to compensate the land owners of this private land with alternative land so that the schools are allocated the land on which they stand.

Mr. Speaker, Sir, Ng'ombeni Health Centre was allocated plot No.509 (1.5 acres) which was set aside during the Kwale/Ng'ombeni Adjudication Programme, in 1982.

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. My point of order is with regard to the use of the word "upcountry". Considering what we have seen in the Coast, the tribal clashes whereby the hon. Kamolleh has been named in one of the Committees, does the word "upcountry" not incite tribal clashes and therefore, should this not be expunged from the records of this House?

Mr. Speaker: Will you prefer "downcountry"?

Mr. Gatabaki: Mr. Speaker, Sir, every one of us is a Kenyan citizen. I would prefer the words "Kenyan citizen".

Mr. Speaker: Order! Order! I do not see anything patently wrong with the use of word "upcountry", "downcountry" or "central country". But if the hon. Member can wait and hear what the Minister and Mr. Kamolleh have to say he can bring to my attention, if in the course of answering this Question, there is anything arising that is likely to bring forth antagonism between different persons of this country. So, please, be patient. I will be anxiously waiting. My record speaks for itself! I always stop any Question that tends in whatever way to divide the people of this country. Bear with me.

Mr. Mbela: On a point of order, Mr. Speaker, Sir. Is the hon. Member not practising double standards when he was terribly pained about Karura Forest being occupied by other people from other areas? Why should he be bothered about other people being given land in Ngombeni which does not belong to them?

Hon. Members: Sit down!

Mr. Speaker: Order! Maybe, we can hear from Mr. Gatabaki.

Mr. Gatabaki: Thank you, Mr. Speaker, Sir, for giving me this opportunity to respond to the hon. Member. On Karura Forest, our concern was land grabbers whether they were from upcountry or pro-country or whatever they were.

(Applause)

Mr. Speaker: Order! Order! As you can see, there are conflicting interests here and as I said, I must hear before I rule because there are those who are for the stand taken by hon. Mbela against the stand taken by Mr. Gatabaki. In the meantime, let him hear, Mr. Kamolleh.

Mr. Kamolleh: Mr. Speaker, Sir, I have heard the answer from the Minister and I do also have the written reply from the Ministry. However, I beg to differ with the answer. As we are talking today here in Parliament, if you go to Ngombeni Settlement Scheme, you will find that it was only those squatters who were there before who were not allocated any plot. Those who were allocated plots, they cannot even go there to claim their plots. We are creating problems. If somebody who was there before was absorbed and somebody else was given that plot and he tries to come and claim the same plot, but he is told by somebody else that he has been there for 25 years, definitely, we have a

problem here.

Mr. Speaker: So, what are you saying now?

Mr. Kamolleh: Is it right for the Minister to say that the plots in Ngombeni Settlement Scheme were not allocated to people from upcountry without due consideration to the squatters? Definitely, there was no consideration. I have not talked about any tribe or any community; I am talking about non-indigenous Ngombeni dwellers.

Mr. J. Nyagah: Mr. Speaker, Sir, the problem we have in this sort of situation is

that, the available land at this particular settlement scheme produced 843 plots when we did the survey. The number of people who were in that area were, obviously, a little more than 843. But we did our level best and issued locals, and by locals, I do not mean people from other Kwale areas, but people of that particular area, 762 people were allocated plots from that particular area and only a very small percentage of 81 people from slightly outside the area and also deserving from outside that particular district were given land. But if there are still cases of squatters, we are always willing to work with the Provincial Administration to find a solution and other areas where it is available.

Mr. Kamolleh: Thank you very much, Mr. Speaker, Sir. I think the Minister is trying to buy time. There is no need to buy time here. The problem is there. We need to sit down together and solve it. If the people are already after 25 years and the Minister is saying that they have given someone only a few plots; those few plots should actually have been used to absorb all those squatters who were living in those plots before you can even think of anybody else, whether he comes from Comoros or from Nyanza. Why do you not absorb those who are there first? Where do they go now? Are they supposed now to make noise? Definitely, because they have been there for 30 years and they have got nothing. And somebody comes there with a title deed and tells you that, that plot belongs to him because he was given by the Government. What are we supposed to do?

Mr. J. Nyagah: Mr. Speaker, Sir, because some of these squatters live in squeezed situations, when we then create economic units; in this case, one acre plots, definitely, somebody will be displaced. We are in the process of displacing those few that causes the problem that the hon. Member is talking about. We would like to work closely with his team to enable the people who were allocated those plots to move in. We would also like to work with him and his team to look for alternative land to accommodate some of the squatters who have no land. But it is a serious problem that affects us in every part of the country.

Mr. Mwenje: The Minister, in answering the question, said that they involved the Provincial Administration. The true representative of the people on the ground is the area Member of Parliament. Why did the Minister not involve the area Member of Parliament? Can he in future involve the area Member of Parliament, who is the representative of the people on the ground because that would have solved all the problems which they are now facing, instead of only using the Provincial Administration who do not know the situation on the ground?

Mr. J. Nyagah: Mr. Speaker, Sir, we have no problem involving the local Members of Parliament particularly if they follow the law. In the case of the hon. Member, he refuses to follow the law and he becomes the "Commissioner of Lands" for Embakasi! That is part of the problem we have with him. Having said that, we wish to confirm that we are very---

(Laughter)

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. Is the hon. Minister in order to start quoting laws which are non-existent and which he is creating for himself when we know that the law recognises the hon. Member on the ground?

Mr. Speaker: Order! Order! Mr. Mwenje, that is not a point of order; it is a point of argument. Proceed, Mr. Minister.

Mr. J. Nyagah: Mr. Speaker, Sir, I was just re-confirming that we are very happy, and that we always try our level best to work with the local representatives, who include councillors, Members of Parliament and other elders on the ground whenever we have squatter problems. However, we have problems when a Member of Parliament takes it upon himself to be the Commissioner of Lands.

Mr. Muchiri: On a point or order, Mr. Speaker, Sir. Is the Minister in order to say that hon. Mwenje is the Commissioner of Lands? Could he substantiate?

Mr. Speaker: Order! Order! Hon. Members, the Minister did not say that Mr. Mwenje is a Commissioner of Lands. What he said is that the problem arises when an hon. Member deems himself to be the Commissioner of Lands.

Mr. Parpai: On a point of order, Mr. Speaker, Sir. Is the Minister in order to say that he is trying, as much as he can, to specifically settle the people referred to in that scheme when he has just told us that the sub-division of the scheme realised 843 plots, while those who deserved to be settled were slightly more than 843? The Minister has said that he imported 80 people for settlement regardless of the excess number of people in the scheme during the time of

sub-dividing it. What equity is there in that case?

Mr. W.N. Nyagah: Mr. Speaker, Sir, I would like to confirm that even if we had given those 81 plots to the local squatters, we would never have solved the problem in that particular area.

Mr. Speaker: Order! Order! Mr. W.N. Nyagah, I think the question put to you by hon. Parpai is very simple. If you did not have enough land for those squatters who were already living in the scheme, why did you send there other squatters to add to the problems?

Hon. Member: Yes, why?

Mr. W.N. Nyagah: Mr. Speaker, Sir, normally, in all our projects, we accommodate as many local people as is humanly possible. However, it is always the case that other deserving cases from elsewhere are also given plots.

Mr. Speaker: Well, I suppose we have heard of that. The last one, Mr. Kamolleh.

Mr. Kamolleh: Mr. Speaker, Sir, in response to part (c) of my Question, the Minister says: "However, the Government is seeking to compensate the land owners with alternative land, so that the schools can be allocated land where they are". When is this going to happen? The school is about to expand, but it cannot do so due to lack of ownership of land. Could the Minister tell this House when the Government will actually compensate those other people, so that we, the people of Ng'ombeni, can improve our schools when we have ownership of our land?

Mr. W.N. Nyagah: Mr. Speaker, Sir, we undertake to have very urgent discussions with the owners of the plots, so that we can allocate them land elsewhere. Within Kwale area, there is a possibility of accommodating the present owners of the property, so that we can provide the facility to the school.

Mr. Speaker: Very well, let us go to Mr. Kiunjuri's Question.

Mr. Munyao: On a point order, Mr. Speaker, Sir. I have been thinking about the words "upcountry people", which have been used in Mr. Kamolleh's Question. After taking into account what we have said on record, I thought it wise to beseech the Chair to consider expunging the words "upcountry people" from the records of this House.

Mr. Speaker: Order! Mr. Munyao, I could have considered that issue very seriously except for your continuous use of the word "Ukambani" in your Questions. So, think about that as I think about this other issue.

(Laughter)

Question No.569

COMPLETION OF NANYUKI-KIGANJO ROAD

Mr. Kiunjuri asked the Minister for Roads and Public Works:-

(a) why the Government paid Kshs488 million to Krishan Behal Construction Company for the construction of the Nanyuki-Kiganjo Road and yet the work carried out by the contractor is incomplete and sub-standard;

(b) what mechanism the Ministry has put in place to ensure that contractors are only paid for completed projects and that officers do not certify sub-standard work.

The Assistant Minister for Roads and Public Works (Mr. Criticos): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that Krishan Behal Construction Company was paid Kshs488 million for constructing the Nanyuki-Kiganjo Road. However, I am aware that the contractor was paid Kshs313,332,834.30. The contractor was only paid for the completed work, and the Ministry is not aware that the work being done on that road is sub-standard.

(b) My Ministry pays only for the works executed, measured and approved in a site meeting on an itemised interim basis subject to final evaluation on completion of the project for final payment.

Mr. Kiunjuri: Mr. Speaker, Sir, I know that by raising this Question, I am treading on very dangerous grounds. However, I would like to put it on record that this is the same contractor who was awarded a contract of Kshs2.6 billion to do the extension of the Port of Mombasa, especially, the Container Freight Depot. Nothing was done on the ground, but the firm was paid Kshs488 million, after which the contract was terminated. To-date, the contractor has not refunded that money. The same constructor did the Museum Road/Uhuru Highway Roundabout; and was paid Kshs285 million for doing only 200 meters of road.

Hon. Members: Shame!

Mr. Kiunjuri: Mr. Speaker, Sir, this is the same contractor who did Kisumu Airport---

Mr. Speaker: Could you put the questions now?

Mr. Kiunjuri: Mr. Speaker, Sir, this is the same contractor who is now doing the Nanyuki-Kiganjo Road. At the same time, the company is doing the Nanyuki-Rumuruti Road, for which it has been paid Kshs148 million. The

same firm is doing the Jogoo/Outering Road Junction in Nairobi. Also, the firm is doing the Athi River---

Mr. Speaker: Order! Order! Put your question now.

(Applause)

Mr. Kiunjuri: Mr. Speaker, Sir, I want the hon. Members of this House to know what is going on with the construction of that road. My question is: What special qualities does this company have, which other companies do not have, such that it was awarded all these contracts? Two, who are the directors of this company?

Mr. Criticos: Mr. Speaker, Sir, the questions that the hon. Member has asked are not part of the original Question before this House. The Question before the House is about the Nanyuki-Kiganjo Road, to which I have replied. So, I am not aware of the other issues he has raised. There was an open tender for the project, following which the tender was awarded to the company. That is what I am aware of .

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

Mr. Speaker: Order! Order, all of you! Hon. Members, if you must be listened to as you ask your questions, you must be brave enough to hear the reply. If it appears to me that you are not interested with the answer, then I may discard it. The matter about the construction of roads before this House is important. Let us hear the Assistant Minister's reply, then I will give you a chance to raise points of order. However, if every time the Assistant Minister utters one sentence hon. Members rise on points of order, we will be doing nothing. Mr. Criticos, have you finished?

Mr. Criticos: Mr. Speaker, Sir, I have finished. However, I would like to repeat to the House that the tender was awarded to the contractor in an open tender system, and that, contrary to what the hon. Member has said, the company was not paid the construction sum in full. There is still an outstanding balance of Kshs174 million to be paid to the contractor once he completes the project.

Mr. Ndilinge: On a point of order, Mr. Speaker, Sir. This is an Assistant Minister we highly respect. However, I think it is time this House ordered the relevant Committee to investigate this contractor.

(Applause)

In 1990, this same contractor left the Nunguni-Kikoko Road uncompleted, and was paid the contract sum in full. It appears like he is the contractor who is causing problems all over. So, he should be investigated.

(Mr. Ndilinge stood up in his place)

Mr. Speaker: Order, Mr. Ndilinge!

Mr. Ndilinge: Mr. Speaker, Sir, I know the name of the road.

Mr. Speaker: Order, Mr. Ndilinge! Mr. Ndilinge, I did not give you a chance to chat with Mr. Criticos there.

(Laughter)

Mr. Kaptan: Mr. Speaker, Sir, the hon. Member who comes from the area has said that the work done is incomplete and substandard. Could the Assistant Minister tell us whether the work was completed and whether they have looked at the road to see whether it is substandard?

Mr. Criticos: Mr. Speaker, Sir, the road has not been completed yet. I would like to inform this House that the contractor has been paid Kshs313,332,000 out of Kshs488 million. The balance of Kshs174 million will be paid upon completion of the road. I have been informed by my Roads Engineer that the road is 80 per cent complete at the moment, and it will be completed by the end of next month.

Mr. Gatabaki: Thank you, Mr. Speaker, Sir. Could the Assistant Minister tell this House and this country what special quality Krishan Behal Construction Company and Mr. Gideon Moi have in order to be awarded all the roads contracts and be paid for what they have not completed or done at all?

Mr. Criticos: Mr. Speaker, Sir, we do not just award contracts to any company or individual unless he meets all the qualifications. As far as we are concerned, this company was awarded the contract on merit based on the previous work, although I have taken note of hon. Ndilinge's comment on the uncompleted road.

Mr. Wamae: Mr. Speaker, Sir, those of us who use that road, do realise that the standard of this road is not satisfactory and the quality of the work is not good. Could the Assistant Minister tell us who has done the inspection?

Secondly, because of the history of this contractor, could the Chair agree that this matter be referred to the

Departmental Committee for further investigations?

Mr. Criticos: Mr. Speaker, Sir, we cannot say that the road is substandard until it is completed. It is only then that our inspectors will go and inspect it. We have taken note of the rest of the issues which have been raised here over the company and we will investigate it.

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

Mr. Speaker: What is it Mr. Kiunjuri?

Mr. Kiunjuri: Mr. Speaker, Sir, I use that road everyday; even today in the evening I will use that road. Even the Chair uses that road and, therefore, you know what I am talking about.

(Laughter)

Mr. Speaker: The Chair does not move!

Mr. Kiunjuri: Mr. Speaker, Sir, the contractor was paid Kshs488 million which was supposed to be used for recarpeting the road and not spot-patching. Everybody knows that no recarpeting has been done on that road. I have been using that road except for the three weeks that I was out of the country. This contractor has not done any recarpeting and, yet, he has already been paid Kshs313 million. Does the Assistant Minister want to convince this House that the Kshs1 million remaining will do the recarpeting of the road, now that it has not been done? Mr. Speaker, Sir---

Mr. Speaker: Mr. Kiunjuri, you have put the question. Proceed Mr. Criticos!

Mr. Kiunjuri: Mr. Speaker, Sir, I want to put all the questions because the Chair will not give me another chance. The Assistant Minister evaded answering my question which I asked him earlier on. I asked him a simple question and he needs to call the Attorney-General to get an answer. The question was: What special qualities does this contractor have? Secondly, who are the Directors of this construction company?

Mr. Speaker: Mr. Kiunjuri, the second question is inadmissible; you can walk to the Registrar of Companies' office and get the names of those Directors. Mr. Criticos, answer the valid question.

Mr. Criticos: Mr. Speaker, Sir, I would like to inform the hon. Member that my father-in-law also comes from Nanyuki and I also use that particular road. However, he should also know the terms and conditions under which the contract for this road was awarded. The terms were to repair it for this particular amount of money. This is what is being done currently. I would like to repeat that this road has not been completed. So, he cannot say that it is substandard until our people have inspected it, issued a certificate of completion and money has been paid in full for the construction of the road.

Question No.154

PROMOTION OF TEACHERS IN NDHIWA

Mr. Speaker: Mr. Ojode's Question for the second time! Is Mr. Ojode not here? His Question is dropped.

(Question dropped)

Let us move on to Questions by Private notice.

Eng. Muriuki: Thank you, Mr. Speaker,

Sir. I beg for your indulgence because I have still not received a written answer to this Question despite filing it over two weeks ago. But all the same, I want an answer whether it is written or otherwise. I have asked for the indulgence of the Chair because this Question was deferred last week on Thursday on the basis that the Minister wanted more time. As I stand here now---

Mr. Speaker: Order! Eng. Muriuki, you are taking everybody's time unnecessarily. Until you ask your Question, you have no audience in the House, because the Question is not "present". So, ask your Question; let it be before the House and then you can make your complaints. So, will you do that? It is very simple!

Eng. Muriuki: Mr. Speaker, Sir, I beg your pardon, but I thought I was entitled to a written answer.

QUESTIONS BY PRIVATE NOTICE

PROVISION OF MOBILE

TELEPHONE SERVICES

Eng. Muriuki: Mr. Speaker, Sir, I beg to ask the Minister for Information, Transport and Communication the following Question by Private Notice.

(a) In view of the out-cry over many firms being denied a chance to provide mobile services, could the Minister table a list of all firms that applied to provide mobile telephone services to the Communications Commission of Kenya?

(b) Could he specify which firms had their applications accepted, and which were rejected and the criteria used to accept or reject the applications?

Mr. Speaker: Order! Again, can I comment on this issue of lack of written answers? Most of the time hon. Members complain here that they have not received written answers to their Questions, which they are entitled to under the law. Occasionally, you will get Ministries saying that they have sent their answers here and they must be lying somewhere in Parliament. I intend to settle this problem once and for all. To do that, I will begin by dealing with the handling of written answers.

(Mr. Mohammed consulted with Mr. Haji)

Order! Those hon. Members, who think that it is a waste of time being in the House, may take leave.

An. hon. Member: They are nominated Members!

(Laughter)

Mr. Speaker: Order! Whether they are nominated or elected, it does not matter. I was saying that I intend to tackle this issue in two ways. First of all, I want to get the blame out of my administration. I now direct the Clerk of the National Assembly to assign one officer to receive and distribute all written answers received and maintain a register of those answers given.

(Applause)

At least, to that extent I will be sure that any answer that has been sent here has been received by my Department, and that if my Department is the one that is responsible for this laxity, then I will deal with it. Once I have done that, take note that I will be very firm on any Front Bencher, Ministries or Ministers who will defy the rules of this House. This House will take such necessary action as it will deem necessary to restore the respect of the Standing Orders by all means. Is that clearly understood? So, can you now answer the Question?

The Minister for Information, Transport and Communication (Mr. Mudavadi): Thank you, Mr. Speaker, Sir. I want to apologise to the hon. Member because, indeed, I signed off the answers and I am a bit surprised that he has not got them. I do concur with your ruling that we must have a system that will ensure that the Members do get the replies.

Mr. Speaker, Sir, I beg to reply.

(a) 23 firms were initially short-listed to provide the second mobile services. The list is available which I shall table here.

(Mr. Mudavadi laid the document on the Table)

(b) There were two stages in the evaluation process. During the first stage of pre-qualifications, the board of directors of CCK short-listed the following six firms:

1. Kilimanjaro Communications Limited and Investments Global Limited (Lebanon).
2. Telia Overseas, MTN International (South Africa) and Triton Network Limited as a consortium.
3. Milicom International Cellular and Demiran Communications Limited (Kenya).
4. France Telecom, Diamond Trust, Jubilee Insurance and IPS.
5. GT (USA), Orascom Telecom (Egypt) and Kenya Flying Academy Limited.
6. Vivendi Telecom International (France) and Sameer Investments Limited (Kenya).

The pre-qualifications bids were evaluated on the following mandatory requirements:-

1. The bids were to be submitted by exactly 2.00 p.m. on 24th July, 1999.
2. They were required to show that they have over 250,000 mobile subscribers in the bidders network.

3. The minimum annual turnover is US\$100 million for the company or the consortium.
4. The percentage of Kenyan Equity participation should be 60 percent or more.
5. The required three years financial statement of the consortium. This is the audited financial statement of the consortium.
6. The one-year financial statement for the Kenyan Company that is linking up with the various consortium.

In the second stage the six pre-qualified firms were required to submit detailed technical and business plans together with the financial bid. Two consortia namely; Kilimanjaro Communications Limited and Investcom and Global Limited and GT Orascom, Telecom Motorola Kenya Flying Academy Union and Savings and Credit Co-operative were disqualified during the technical business plan evaluation stage. The following four firms attained the pre-requisite 75 per cent pass mark for the bidding firms to participate in the next stage of the process, that is the opening of the financial bids:

1. MTN International (South Africa) jointly with Telia Overseas, ABA Sweden and Triton Network.
2. Milicom International Cellular South Africa and Demiran Communications.
3. Vivendi Telecom International (France) and Sameer Investments Limited.
4. France Telecom, Diamond Trust and Jubilee Insurance IPS Consortium.

On the opening of the financial bids, Vivendi Telecom International and Sameer Investments Limited Consortium was declared the successful bidder, having bid US\$55 million with a roll-out plan of 582,719 lines. I would like to state that the evaluation team was composed of four Communications Commission of Kenya employees, two engineers, one strategic planner, a lawyer, a representative of the consulting firm and a Treasury representative. All bidders were present at the public opening and signed confirmation that the envelopes had not been tampered with. In accordance with the Kenya Communications Act, Section 102, we have already at the same time set up a communications appeals Tribunal headed by former Chief Justice Majid Cockar to which aggrieved parties can appeal.

In conclusion, I hasten to add that the selection process was done in an open manner following transparent criteria of requiring the bidders to provide sound technical business plans, besides demonstrating a credible turnover record. During the exercise which was carried out publicly, the media was present and all bidders were represented.

Eng. Muriuki: Mr. Speaker, Sir, the Minister has rightly said that six bidders pre-qualified to tender for the technical part. Can he confirm that all six in fact, did qualify and got more than the 75 marks which were required, but in the process of the opening of the financial bid, two of the tenderers were dropped irregularly, thus denying Kenyans over Kshs4.6 billion possible earnings?

Mr. Mudavadi: Mr. Speaker, Sir, I just wish to reiterate that there were two stages. The first stage was a whole pool of 23 companies. The second stage was a consortium of six companies. In the second stage, the detailed presentation of each individual company in accordance with their capacity to deliver was now being evaluated. Out of the six, two whom I have named as Orascom and Investcom did not qualify to have their financial bids opened. This process was clearly done. In any case, within the technical bid stage both the Kilimanjaro Group and Orascom Egyptian Group did not attain the minimum level of 75 percentage marks at the technical level.

Mr. Mbela: Mr. Speaker, Sir, would the Minister agree that conveniently, the two companies which offered the highest amounts of money to the Exchequer are the ones that were eliminated? Investcom tendered US\$120 million, equivalent to Kshs9 billion compared to Vivendi who were actually number four and only tendered Kshs4 billion. Does he think he is justified, although he is transparent, in allowing the country to lose Kshs5 billion which would have gone to the Exchequer?

Mr. Mudavadi: Mr. Speaker, Sir, I would like to state here that the process was very transparent. I have stated here that the evaluation criteria was not just merely looking at a figure that one can present. For example, when Kilimanjaro was told to produce their financial records, they did not even produce documents to show that they have the turnover of US\$100 million. How on earth were they going to pay for a licence at a rate of US\$121 million and yet the papers they produced showed that their turnover which involved a very small set of their companies was only Kshs200 million?

Mr. Mwiraria: Mr. Speaker, Sir, since it is the primary concern of Kenyans to get cellular telephone services, could the Minister tell the House whether the cost was a major consideration or part of the criteria in evaluating the bids?

Mr. Mudavadi: Mr. Speaker, Sir, definitely, at the level of the technical evaluation, element of the business plan and the roll out of these companies, one would expect, and indeed, it did happen that the technical evaluating team will be able to establish what will be the potential cost of the second cellular telephone services to Kenyan consumers. Clearly, when you look at the figures we are paying today, they are high. So, naturally, one would expect some competitive angle from the second cellular services company, so that these particular units can be cheaper to the Kenyans.

Eng. Muriuki: Mr. Speaker, Sir, the Minister is repeating the technical evaluation. That is in agreement. All

six companies which were pre-qualified out of the 23, got more than 75 marks. That is why each one of them received a letter inviting them on 1st November, 1999, to go for the opening of the financial proposals. So, what I am asking is: At what stage did the Minister decide that, the two companies were no longer qualified? Was it after you had evaluated the technical, the capacity and invited them to come for the opening of the financial proposal?

Mr. Mudavadi: Mr. Speaker, Sir, there is a major distortion of what was in that letter that invited them to go for the opening of the financial bids. All the six companies had signed a sealed envelope confirming that, the envelopes had not been tampered with because the first stage in the evaluation was a technical element and all of them came to sign and had an envelope sealed in the presence of six companies which was kept away. Now, all of them were again invited to come and make sure that they verify that the envelopes which they had signed and which contained the financial bids had not been tampered with. It is not a letter that said all of them had, therefore, qualified. They are two different things.

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

Mr. Speaker: I think I will have that very last. You see what time it is? I still have three Questions, several Ministerial Statements and my own communication. The very last, Mr. Mbela.

Mr. Mbela: Mr. Speaker, Sir, the tender that was floated ended up giving Kenyans only US\$55 million, compared for example, to Egypt which had US\$110 million. This is roughly about 10 per cent compared to Egypt. Does the Minister feel that he is selling the rights of Kenyans to the right client?

Mr. Mudavadi: Mr. Speaker, Sir, I think we need to have some distinction here. In this particular stage, we are not dealing with the strategic partner of Telkom Kenya Limited. I think, we have to distinguish this. Here is the situation where we are having a second cellular operator coming into the market. The figures that are being quoted, for instance, those being mentioned with regard to Egypt, first of all, they deal with a much bigger population; a much bigger business potential. That is one thing we have to recognise. Secondly, some of the figures that are being claimed that were being paid in some of these regional countries, are not quite correct. If we were to compare, for instance, the situation within the second cellular services company and what has transpired in Uganda or Tanzania, we would realise that regionally through this second cellular services company, Kenya has attained a fairly reasonable price for this. Perhaps, it could have been better. But out of the competitive process that was set in place, this is the best that we got. We

must distinguish between a scenario where I, as Musalia Mudavadi, wake up one day and tell you that I can pay US\$120 million for this kind of programme and yet, I do not have the capacity to undertaken it.

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Order! It is now end of Question Time. We should have ended at 3.30 p.m.

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Dr. Ochuodho, you have a real big problem. You cannot simply keep quiet!

(Laughter)

I will go to the next Question. If the hon. Member who asked this Question is not satisfied with the answer given, we can proceed if he wishes, under the provisions of Standing Order No.18. For now, we will go to the next Question.

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. The issue at hand is a very serious one. Considering that a precedent may be pre-set, it is not very right. Can I appeal to the Chair that, this matter be referred to the Departmental Committee for thorough scrutiny, given the mood in the House?

Mr. Speaker: Order! Order! If a Member wishes a matter to be referred to the Departmental Committee, he should proceed in accordance with the relevant Standing Orders. You do not come to the House by way of Question and then go to the Committee. So, you make up your mind---

An hon. Member: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! It is absolutely important that hon. Members do understand these procedural issues. Make up your mind; if you want a matter to be dealt with by the Departmental Committee, come to the House under the relevant Standing Order. Let it be dealt with there, or you can even raise it or write to the chairman of the departmental committee, if it is not a matter that requires a Motion of the House. But once you make your decision one way or the other, you have to stick to it. If you come here by the way of Questions, you have to stick to it. The only way available now to the hon. Muriuki is under Standing Order No.18. If he really does not use that, I am afraid, for the next six months, we will have nothing to do with it. So, please, let us understand that.

Next Question, Mr. Amin.

SERVICING OF KENYA RAILWAYS LOCOMOTIVES

(**Mr. Amin**) to ask the Minister for Information, Transport and Communications:-

(a) Could the Minister inform the House why Kenya Railways Corporation procured the services of the General Electric Company of United States of America for servicing of their locomotives when they have employed technicians and engineers for that purpose?

(b) In the light of the deteriorating performance of the Corporation, could the Minister state who is paying for the contract?

(c) What is the cost of these services, so far, and how were they procured?

Mr. Speaker: Mr. Amin is not here. The Question is dropped.

(Question dropped)

Next Question, Mr. Kariuki.

Mr. Kariuki: Mr. Speaker, Sir, I am very disadvantaged because I do not have a written answer.

Mr. Speaker: It is the same story now!

Mr. Kariuki: However, I beg to ask the Minister for Local Government, the following Question by Private Notice.

(Loud consultation)

Mr. Speaker: Order, hon. Members! Mr. Kiangoi, where is the reply to the Member?

The Assistant Minister for Local Government (Mr. Kiangoi): Mr. Speaker, Sir, this Question, as a matter of fact, was here last week, but it was dropped. It may have been assumed that, the hon. Member had the written reply at that time. It was dropped last week because of his non-attendance. I am sorry, if he has not received the written reply.

Mr. Kariuki: It is immaterial whether I was here or not!

Mr. Speaker: Order! It is indeed immaterial, Mr. Kariuki. In fact, this gives me an opportunity again, to make another direction. It is very important that the Member who proceeds to ask a Question by Private Notice be physically present to ask the Question. Indeed, the position was: That the Member was absent, the Question was dropped and the Assistant Minister did not know that the Member went again to the Deputy Speaker and requested the indulgence of the Chair to have it reinstated, which indulgence was given and it was reinstated without the knowledge of the Minister. So, the Assistant Minister is indeed right. I think Mr. Kariuki, you are absolutely wrong. You should have, in fact, stood and said, I thank the Chair for giving me the indulgence to reinstate the Question. I would like the House to take note that, from now henceforth, unless under very special circumstances or good reason, once a Question is dropped, it will not be revived. That will force hon. Members to be serious on their work in the same way we have been serious with the Front Bench. I think there has been a remarkable improvement. We hear less from the Ministries these days, seeking indulgence to go and get exact answers. I think, they have improved. We must reciprocate from the back Bench by also being serious. So, take note of that. Mr. Kariuki, say thank you to the Chair. Do not complain.

Mr. Kariuki: Mr. Speaker, Sir, I attended a funeral of one of my constituents and I did explain to the Deputy Speaker.

Mr. Speaker: Well, I have no quarrel with that. The Chair gave you the indulgence to ask your Question.

COST OF MURANG'A TOWN SEWER SYSTEM

Mr. Kariuki: Mr. Speaker, Sir, I beg to ask the Minister for Local Government, the following Question by Private Notice.

(a) Could the Minister confirm whether the Murang'a Town Sewer System, whose initial contract cost was Kshs61 million, will end up costing Kshs641 million due to highly inflated variation orders?

(b) Why have the contractors, Kirinyaga Construction Company, left the site while some of the works are defective, e.g. the defective water ponds, incomplete roads and lack of electricity supply to ponds, yet a huge sum of money has been released to them?

(c) Are the Murang'a rate-payers justified in repaying loans which were contracted and varied by the Ministry

Headquarters without the approval of the relative local authority?

The Assistant Minister for Local Government (Mr. Kiangoi): Mr. Speaker, Sir, he knows that he has not taken your direction, but I will answer his Question. I beg to reply.

(a) No, I cannot confirm.

(b) It is not true that the contractor left the site while some work was defective. The contractor completed his contractual obligations as provided for in the contract and handed over the project to the Murang'a Municipal Council in 1997. At the time of the handing over, the water ponds were in a workable order, the access road was degraded to murrum level and electricity to the treatment works had been paid for.

(c) The project was funded by the Government of Kenya and the African Development Bank, and the Murang'a rate-payers have no responsibility of repaying the loan.

Mr. Kariuki: Mr. Speaker, Sir, the contract which was initially supposed to cost Kshs60.5 million ended up costing more than ten times; Kshs280 million. The Assistant Minister confirmed that the sewer system was handed over to the Council, which is true. It is also true that the project is totally defective. People are dying downstream---

Mr. Speaker: No, you are now debating!

Mr. Kariuki: Mr. Speaker, Sir, the issue here is that the cost of this project was highly inflated by the former Minister for Local Government in collusion with the contractor of Kirinyaga Construction Company so that Murang'a people pay-rates so that they can---

Mr. Speaker: Order! Mr. Kariuki, please, ask your question.

Mr. Kariuki: Mr. Speaker, Sir, the Assistant Minister did not confirm whether or not the final project will cost Kshs641 million. It is true that already Kshs243 million had been paid out---

Mr. Speaker: Mr. Kariuki, will you ask the Assistant Minister your question?

Mr. Kariuki: Mr. Speaker, Sir, I am asking him the question: Is it true or not that the final cost of the project will be Kshs641 million?

Mr. Kiangoi: Mr. Speaker, Sir, that is what I have said; I would not confirm it because of the following reasons. The original contract, I agree, was for the sum of Kshs60.5 million, which was awarded on 14th February, 1991, through a council resolution, and not through the Minister. However, as a result of the hardships of 1993/1994, work did not continue and there was a variation. That variation was done in 1994 when the contract sum was changed to Kshs243 million. That is what the contract has cost and not Kshs641 million as claimed by the Member.

Mr. Michuki: Mr. Speaker, Sir, could the Assistant Minister confirm or deny that this project was accelerated in cost during Prof. Onger's period as the Minister for Local Government?

(Prof. Onger stood up in his place)

Mr. Speaker: Order! Mr. Michuki, you are an old Member of this House and you understand that you do not have to adversely refer to your colleagues. You can indeed say that the Ministry did whatever you want to say, but please, abide by the rules. Otherwise, I am going to be quite rough.

The Minister for Public Health (Prof. Onger): Mr. Speaker, Sir, hon. Michuki has made a serious allegation by saying that this escalation in cost of the project happened during my tenure as the Minister for Local Government. It did not, and I want him to prove that allegation and lay the proof on the Table?

(Prof. Onger and Mr. Michuki continued to exchange words)

Mr. Speaker: Order! Mr. Michuki and Prof. Onger, utter one word and both of you will be out of the House!

(Applause)

Hon. Members, you can all see what this personalised debate leads to. And the two of you - Prof. Onger and Mr. Michuki - mark what I did to hon. Murathe and hon. Ndicho at the end of the last Session of this House. Watch out! Proceed, Mr. Kiangoi.

(Prof. Onger and Mr. Michuki stood up in their places)

Mr. Speaker: Order, the two of you! Prof. Ongeri and Mr. Michuki, keep cool. I now order the two of you to relax!

(Laughter)

Mr. Kiangoi: Mr. Speaker, Sir, what I have said, and I want to repeat it here is that due to economic hardships experienced in the country around 1993/1994, and that is known, which were arising from the foreign exchange fluctuations---

Mr. Kajwang': On a point of order, Mr. Speaker, Sir. The Assistant Minister had already answered the Question, and he is now repeating himself. I have a separate point of order to raise. The Assistant Minister is wasting our time.

Mr. Speaker: Order! Who gave you the authority to use the phrase, "waste of time?" Will you withdraw it?

Mr. Kajwang': No, Mr. Speaker, Sir---

Mr. Speaker: Order! Mr. Kajwang', Members never waste time here; they are very serious people. The phrase you have used is unparliamentary, and I now order you to---

An hon. Member: To relax!

Mr. Speaker: I order you to relax by withdrawing that phrase!

Mr. Kajwang': Mr. Speaker, Sir, I withdraw the phrase, "waste of time."

Mr. Speaker: Very well. Mr. Kariuki, the last one on this Question.

Mr. Kariuki: Mr. Speaker, Sir, it is true that there are pending bills at the Treasury that came about during the stewardship of Prof. Ongeri as the Minister for Local Government to impoverish Murang'a people. I would like the Assistant Minister to confirm or deny that---

Mr. Speaker: Order! What is all this personalised debate? Just a few minutes ago, Mr. Gatabaki was complaining about the use of the word, "upcountry," and many of you were applauding him. I do not know why you do not now condemn yourselves for being personal to Prof. Ongeri. Really, it has nothing to do with Prof. Ongeri as a person; it is the Ministry. And if you think that it has anything to do with him as a person, bring a substantive Motion. That is the rule! And Mr. Kariuki, we have already taken a lot of our precious time of the House on this Question and you people are not serious about it.

Now, could you seriously put your question the last time?

Mr. Kariuki: Mr. Speaker, Sir, as a result of highly inflated bills, Murang'a people are going to suffer, and this is a very serious issue. If a project that was supposed to cost only Kshs60 million will cost Kshs641 million, it is a serious matter and the Minister who was in charge should be held responsible. I think that there is nothing wrong for me to say that.

(Prof. Ongeri stood up in his place)

Mr. Speaker: Prof. Ongeri, are you, "the Minister in charge?"

Hon. Members: No!

Mr. Speaker: Resume your seat!

Mr. Kiangoi: Mr. Speaker, Sir, I have said that it is not Kshs641 million, but the variations were up-to Kshs243 million and it is between the payments received; ADB and the Government of Kenya.

Mr. Michuki: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to deny a figure which the former Minister for Finance, Mr. Nyachae rejected?

Mr. Kiangoi: Mr. Speaker, Sir, the figure is not known to the Ministry. I agree it is part of the bill which is being handled, but that is because of delayed payments. What we have approved is Kshs243, which is the contract sum.

Mr. Speaker: That Question is deferred to Tuesday.

(Question deferred)

EVICION OF QUARRY
LIMITED SHAREHOLDERS

(Mr. Raila) to ask the Minister for Lands and Settlement the following Question by Private Notice:-

(a) Is the Minister aware that over 2000 members/shareholders of Quarry Limited, proprietors of Njiru Quarry Land, L.R Nos.8469, 8479,8480,8481 and 11344 in Kasarani, Nairobi, are in the process of being evicted from their land by the Directors of Mukinye Enterprises who have illegally been allocated the said land?

(b) Could he take immediate action to reconstitute ownership to Quarry Limited in order to avert imminent suffering and disaster?

Mr. Speaker: This Question is also deferred to Tuesday.

(Question deferred)

COMMUNICATIONS FROM THE CHAIR

END OF QUESTION TIME 3.30 P.M.

Mr. Speaker: May I bring to the attention of the House various issues: The first one is that, I would like to ask all hon. Members to understand that Question Time is one hour, and shall end every day at 3.30 p.m. so that we transact other business. So, all hon. Members asking Questions, including supplementary questions, must end at that time, from now on.

RESCHEDULING OF HOUSE BUSINESS COMMITTEE MEETING

Mr. Speaker: The Chairman, of the House Business Committee has requested that, today, we do have the House Business Committee meeting earlier than 6.30 p.m. So, it will be 6.00 p.m. rather than 6.30 p.m. The very simple explanation is: We are host to a Chinese Parliamentary Delegation which Mr. Speaker will host tonight to dinner. Therefore, we will have to bring our other businesses a little ahead to enable us to proceed to that.

By invitation only!

RESCHEDULING OF HIV/AIDS SYMPOSIUM

Mr. Speaker: Hon. Members will recall that my office and the Department of this Social Welfare, in collaboration with NASCOP had organised a symposium on HIV/AIDS, for all hon. Members of the House at the Continental Resort, Mombasa, between 25th and 28th November, 1999. Due to unforeseen circumstances, the symposium has now been brought forward to start on the afternoon of Thursday 25th, rather than on the morning of Friday 26th, November 1999, and end on 28th November as earlier scheduled.

Hon. Members are therefore requested to check the rescheduled flight arrangements which will ensure that they arrive in Mombasa in time for the official opening of the symposium on Thursday, 25th November, 1999 at 2.00 p.m. Arrangements are being made to book you on the Thursday morning flights at 9.00 a.m., 10.00 a.m. and 11.00 a.m. Please, confirm your flight details with the Secretariat in Room 164. Return flights to Nairobi will remain as earlier scheduled. Hon. Members should bear with us for this slight inconvenience. We hope that all of you will be there.

ASSENT TO BILLS

Mr. Speaker: Hon. Members, in accordance with Section 46(3) of the Constitution of Kenya, I am happy to report that His Excellency the President has assented to the following Bills which were passed in the months of May and November, 1999:-

<u>Bill</u>	<u>Title</u>	<u>Passed Third</u>	<u>Date</u>	<u>Reading</u>	<u>of</u>
			<u>Assent</u>		
5	The Supplementary Appropriations Bill, 1999	6-5-99	17-5-99		
11	The Appropriations Bill, 1999	11-11-99	17-11-99		
10	The Constitution of Kenya Amendment Bill, 1999	11-11-99	17-11-99		

MINISTERIAL STATEMENT

KCSE EXAMINATION LEAKAGE

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Speaker, Sir, I promised the House that I will give a Ministerial Statement on the alleged examination leakage this year.

On Saturday, 30th October, 1999, the *Daily Nation* newspaper reported that there was leakage in the 1999 KCSE examination in Nairobi, Coast and Central Provinces. The newspaper said the following:-

(Loud Consultations)

Mr. Raila: On a point of order, Mr. Speaker, Sir. The Assistant Minister is reading a very important Statement to this House. Could we hear this in silence?

Mr. Speaker: Order, hon. Members! Order! Proceed, Mr. Karauri!

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Speaker, Sir, on Saturday, 30th October, 1999, the *Daily Nation* newspaper reported that there was leakage in the 1999 KCSE examinations in Nairobi, Coast, and Central provinces. They reported the following:-

"One man was arrested in Mombasa after being found with Mathematics Examination Paper, for which it was claimed he had paid Kshs40,000. He was questioned and later released".

It went on to report:-

"Papers awaiting collection at a police station in town had been opened and resealed".

"That the mock examinations in certain schools are strikingly similar to the actual examination papers. There were similarities between mock questions in Kiswahili Paper at one school and Paper Two KCSE Examination".

These were allegations by the *Daily Nation* newspaper. Prior to this report, the Council was not contacted. The KNEC however, carried out investigations through the Provincial Director of Education, District Education Officers, Provincial and District Examination Officers, Field Education Administrators and Kenya National Examination Council senior officers. All these investigations were carried out in conjunction with the police and the Provincial Administration. The investigations revealed that there was no leakage at all in the 1999 KCSE examinations, and the newspaper write up was false. All the 1999 KCSE green bags with KNEC seals and security locks had not been tampered with in all distribution centres throughout the country.

In the case of the alleged Kiswahili Mock Examination Paper II, in some schools being similar with that of KNEC, the Council established that there were no similarities between the contents of the two papers other than the colour and the format.

Mr. Speaker, Sir, on 14th November, 1999, the *Sunday Standard* newspaper alleged that there *African Standard* newspaper got these examination papers and then kept them for two or four days after the examination had been taken. What do they stand to gain? We, as hon. Members of Parliament, should be very concerned about the examination. The Assistant Minister has talked about authenticity, of which my understanding is that the papers on which those documents were written did not say that those were identical copies of the original examination papers that were sat by students. We are more concerned about the contents. Will the Assistant Minister clarify to this House what kind of action the police took? The matter was reported to the police at the time when the examinations were being sat. We were told that the Assistant Minister was not ready to give an answer last week because students were still continuing with the examination. If the answer he has given us now was the correct answer, what was the reason why he was not able to give this answer last week to allay the fears and suspicions that had arisen in the country? Can he clarify?

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Speaker, Sir, I do not know what the *East African Standard* newspaper stood to gain by causing panic. The *East African Standard* newspaper took what it alleged to be actual examination papers to the police four days after the examination had already been sat. This meant that they could even have had the actual paper with them because pupils and teachers are allowed to carry examination papers home after the examination. That is why we did not do anything. We decided to give a Ministerial Statement today when the examination is over so that we do not continue the discussion of something which could cause a lot of harm to the candidates.

Mr. Raila: Mr. Speaker, Sir, the Assistant Minister has not answered the question. The point was that the *Daily Nation* and the *East African Standard* newspapers are very reputable newspapers in this country. Why would

they want to create despondency and fear among the students sitting the examination?

Mr. Speaker: Mr. Raila, how do you expect the Assistant Minister to answer what is in the mind of the Editor of the *East African Standard* newspaper?

Dr. Ochuodho: Mr. Speaker, Sir, it is very unfortunate that the Assistant Minister is contesting a point here when he knows very well that the two newspapers are not able to defend their positions. However, I want to appeal to the Government that it must learn to say the truth even when the truth hurts. We know that Government, the NCEC---

Mr. Speaker: Will you please be brief?

Dr. Ochuodho: Mr. Speaker, Sir, but Mr. Raila took much longer!

Mr. Speaker: Order! Dr. Ochuodho, I do not care whether Mr. Raila took a shorter or longer time, and by the way do not bring your wars here. What I care is that it is 4.15 p.m. and we should be in the middle of a Bill now. Forty five minutes have been taken away by Question Time!

Dr. Ochuodho: Mr. Speaker, Sir, can the Assistant Minister table all the original examination papers concerned and the supplementary papers, so that his officer do not get time to play about with those two papers? This will enable us to investigate and compare them with the allegedly leaked papers and see whether they tally, or not, with the originals as well as with the supplementary papers.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Speaker, Sir, maybe the hon. Member is talking about the mock paper, which was done in some schools. There is similarity, and I have said it, between the actual and the mock examination papers, but the contents are very different. I will table the two papers.

(Mr. Karauri laid the examination papers on the Table)

PERSONAL STATEMENT

ADVERSE REFERENCE TO MEMBERS

The Minister for Public Health (Prof. Ongeru): Mr. Speaker, Sir, I stand to beg the indulgence of this House. This is the second time that my name is being referred to adversely and without any justification. As regards today, I want to place it on record that the tender in question of Kshs60.5 million was awarded in 1993/94. The variation was done in 1994 to Kshs243 million and nowhere was I a Member of Parliament nor the Minister for Local Government. At that time, I was the Permanent Representative to United Nations Environmental Programme (UNEP). This is just a clear indication of how somebody's name can be dragged into a situation which he has never been a party to, and when he has never been there. If there are any problems out there that they want to sort out, my name should not be brought in.

Mr. Speaker, Sir, in the second incident, and I urge through the Chair that this matter be rectified, hon. Obwocha stood in this House and referred to me as belonging to a clique that killed the late Tom Mboya. I said that he should prove that point on the Floor. Up to today, he has not done so. Again, that was an adverse reference to my name. It is time that I should clear my name and hence request for the indulgence of this House.

Eng. Muriuki: On a point of order, Mr. Speaker, Sir. It was---

Mr. Speaker: Order, Eng. Muriuki! It does not matter whether you are mentioned. You are the one who is dragging other people's names unnecessarily into these things.

(Eng. Muriuki stood up in his place)

Eng. Muriuki, please cool down. I did not ask you to mention Prof. Ongeru here. In fact, I tried to persuade you against it. You see, we take all out time talking about personalities. I said last time that we should not spend our time personalising debates. Let us talk about concrete issues. Can we please now proceed without further non-business issues?

BILLS

First Reading

THE KENYA ROADS BOARD BILL

*(Order for First Reading read - Read the First Time
Ordered to be read the Second Time tomorrow)*

The Minister for Roads and Public Works (Mr. Kiptoon): Mr. Speaker, Sir, I beg to move that, in accordance with Standing Order 101A, The Kenya Roads Board Bill be referred to the relevant Departmental Committee.

(The Minister for Finance on 17.11.99)

*(Resumption of Debate interrupted on 17.11.99)
(The Bill was referred to the Departmental Committee
on Energy, Communications and Public Works)*

Second Reading

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL

Mr. Speaker: Mr. Ochilo-Ayacko was on the Floor. Proceed! Could the hon. Members behind Mr. Ochilo-Ayacko, please sit down?

Mr. Ochilo-Ayacko: Thank you, Mr. Speaker, Sir, for giving me another opportunity to finish my contribution on this very important Bill.

I would like to thank the Minister for Finance for bringing these amendments. They are well deserved by this House. They will go a long way in establishing the independence of this House, and improving the welfare of former and present Members of this House. It has been said out of this House that Members of Parliament are unreliable people. It has also been said out of this House that Members of Parliament cannot stand by the principles for which they were elected. The reason for this kind of suspicion, and the reason for the conduct of Members of Parliament in this suspicious way is because they are poorly remunerated. Members of Parliament, although very few engage in activities that disparage the reputation of this House, do so because they want to improve their welfare when they retire. They want to wrongfully amass property to depend on, when they are out of this House.

Mr. Speaker, Sir, there is only one bit of this Bill that should not be allowed to pass. There is allusion to age, particularly in Clause 3. This Bill intends not to be beneficial to Members of Parliament who are below the age of 45 years. If we look at the meaning of the word "retirement", what do we retire from? We retire from Parliamentary work; we retire from being Members of Parliament. I believe we are never in control of the retirement process. After five years, whether you continue as a Member of this House or not, depends on what the electorate decides. So, the issue of retirement is beyond our control. It is clear that the laws that allow us to be Members of Parliament, allow us when we are 21 years of age and above. If, for example, you are elected at the age of 21 years, and after five years, when you are 26 years, you are kicked out of this place, you are deemed to have retired for purposes of this amendment. To say that you will benefit when you have attained the age of 45 years is to bring an amendment that will exclude a lot of us. I would like to say that, it is possible in future, to have a Parliament as it is today, comprising only of Members aged 21 years. If such a situation becomes real, and have a House with Members below the age of 40 years, and they are voted out in the subsequent elections, there will be 222 people who do not qualify for pension. I plead with both sides of the House that, when it comes to the Committee stage, the issue of age be excluded from this amendment. I have already given notice that, I will move an amendment to that effect. It is not proper to pass an amendment that dis-entitles a given section of membership of this House, from a benefit that it intends to confer. For instance, when some Members on that side were contributing, they said that the pension will help former Members. They said that there are former Members whose positions, economic or pecuniary, are an embarrassment to the House. They said that there are former Members who are beggars. We totally agreed with that. But is it any less embarrassing, if you are a former Member aged 28 years, and you are a beggar? Is it less embarrassing if you are a beggar, because you are not entitled to a pension, which other Members, who are over 50 years, are entitled to because they qualify?

Mr. Speaker, Sir, when the time comes to pass this amendment, let us consider that aspect. Let us do so without bigotry. Let us do so knowing that all Members should be equal. Let us do so knowing that we are passing this amendment for the benefit of posterity, and not for our own present benefit. It should benefit us and the future.

You will see that still, in respect of age, the amendment suggested on bringing the age down from 50 to 45 years. The basis of that is life expectancy. That is another item that is not under our control. If, for some reason, life expectancy went down to even 20 or 25 years, will this House come again and ask for an amendment on the basis of life expectancy? If we consider the issue of age conclusively, and pass this Bill without allusion to the same, then, we will not need to come back in future, and consider the item that is called "the life expectancy," that cannot be determined. It varies from time to time. It is a function of many variables.

Mr. Speaker, Sir, I would like to say that this particular amendment is pegged on some date that is in the year of 1994. The former contributors suggested that this year should be removed. It should be re-made to cater for all those who have been Members of this House. It should not be restricted to 1994. This benefit should be for Members who were here in the 60s, 70s, 80s and 90s.

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

Mr. Mbela: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Bill. I support it wholeheartedly. I would like to start by supporting hon. Ochilo-Ayacko that, fixing the age at 45 years is a bit unfair, bearing in mind that, civil servants do retire at the age of 40 years, and get their pensions. I think there is merit in whatever he has said. This Bill improves---

Mr. Speaker: Just a moment, hon. Mbela! I am in a very difficult position because I am the Chairman of the Pensions Committee, who originated this Bill. But I am constrained to explain why July, 1994 is there. Under the Act, it is supposed to be reviewed, at least, every ten years. It was supposed to have been reviewed by July, 1994. So, that is why the 1st of July, 1994 is there. That is when it actually ought to have been reviewed. But it was delayed for about six years. Maybe, the hon. Member and the House could understand the reasons of 1st July, 1994. That is when it was due for amendment. We were wrong as the House not to have amended it at that time.

Mr. Mbela: Mr. Speaker, Sir, I am supporting the Bill because it elaborates the procedures being applied when pension is being awarded. Some of those procedures in the past have been a bit cumbersome and this Bill simplifies them and we hope that our pensions will be processed as fast as possible.

Mr. Speaker, Sir, Members of Parliament work very hard. I am sure many hon. Members have been blamed for ignoring their families. When we are elected to Parliament, we never have any time for our families. Instead, we sacrifice all our time for the sake of the people and it is important that we get adequate pensions. I wholly support the increment of the interest from 3 per cent to 10 per cent but I do not think that is adequate. One cannot invest his money for only 10 per cent! In fact, we should be paid pension at the rate of 18 per cent! To pay a pensioner 10 per cent for money which he had been sacrificing to pay, and leaving it at the disposal of the Government, to invest on his behalf, is unfair. Ideally, pensioners should be paid at the rate of 15 per cent.

Mr. Speaker, Sir, I also feel that the item we had on commuted mileage has not been evaluated properly. No Member of Parliament is given adequate compensation for maintaining his vehicle; even eventually when he has to write it off. I am suggesting that one-third of the commuted mileage should become pensionable.

Mr. Speaker, Sir, another aspect that should be looked into is the capacity allowance for Members of Parliament. I feel that every Member of Parliament should be enabled to serve his people better. A Member of Parliament needs a research assistant to enrich his contributions in Parliament but we cannot afford to pay such people! A Member of Parliament should also have a driver who is paid adequately and a security officer of his choice and not necessarily a police officer, who should be paid by the Government.

Even at the constituency level, a Member of Parliament should be enabled to have an office for the benefit of the wananchi he represents. Hon. Members of Parliament, even in their rural homes and rural offices, require telephone services for the benefit of their constituents. All these are facilities that require money.

Mr. Speaker, Sir, I was privileged to travel to Canada, together with other Departmental Committee Chairmen. We realised that in Canada, Members of Parliament get a capacity allowance amounting to 200,000 Canadian Dollars. This is a lot of money and I am not about to ask that the Kenya Members of Parliament should be paid that amount of money. But I think a Member of Parliament in this country has got every right of being enabled to afford these essential services that will enable him to serve wananchi in a better way. This capacity allowance is very vital.

[Mr. Speaker left the Chair]

*[The Temporary Deputy Speaker
(Mr. Imanyara) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, I think we are looking after ourselves very well but on the other hand, we seem to have forgotten our councillors. These people are like the "barometers" of politics in the rural areas. For

every nursery school, primary school or a church that is being built, a councillor is required to contribute something. They attend to political and development matters and they become so poor. It is surprising that they are able to survive on Kshs7,000 which trickled down from what the Omamo Commission recommended. I feel that it is wrong to expect councillors to fend for themselves in this manner. Councillors are left to raise money to pay themselves. When they are left with the various options, they overtax the market properties which become so expensive that at the end of it all, the people cannot afford and hence they default and so, the councillors end up getting nothing. What is wrong if the councillors are paid from the Consolidated Fund? We should also make the properties in the rural areas affordable so that people do not default. Those councillors who have been in politics for about 40 years should not be expected to serve wananchi and fend for themselves as well. I also feel that the Members of Parliament live thankless lives. At the end of their term, nobody even wants to employ them and all they can do is to retire to their rural homes, hence they should get a pension which they can be able to live on.

With those few remarks, I beg to support.

Mr. Munyao: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Bill. I will not take a lot of time because most of the fundamental points have been mentioned by those hon. Members who had the opportunity to contribute before me. It must be understood that to become a Member of Parliament is like going to Heaven. I say so because to go to Heaven, somebody must die and so, we must be ready. We all want to go to Heaven but we know that one cannot go to Heaven on a bicycle. I am equating coming to Parliament with going to Heaven because we know that this Parliament is a licence to death. When we become Members of Parliament, we sign a contract that we are ready to die; to be imprisoned and to be impoverished. This is because politicians like Tom Mboya, Pio Gama Pinto and so many others died because of being politicians. If they were at home, they would not have been killed. The reasons which contributed to their deaths were of a political nature.

A lot of Members of Parliament have been imprisoned and detained because of political reasons. If they were in their own homes, they would not be detained or jailed. A lot of us have become poor because we have been in politics. I have been involved in politics for 30 years, and today I drive a "KVV" registration vehicle. Those people who have chosen to live a better life are driving Mussos and Pajeros, while I do not even own a bicycle, but only one car. Hon. Ngei who is here and disabled has suffered because at one time, he sacrificed his life so that Kenyans could benefit from what he did. He is in that state, not because he committed any offence, but because he chose to be a politician and talk for the people. We know all these things. Even those who are now rich like some of the Members here - and I will not mention their name - will at one time lose all those riches because of choosing to be politicians. If the Minister for Agriculture wanted to remain rich, he would be at home cultivating pyrethrum and all the other crops because I know he is capable of growing them. However, we chose to come here to speak for the people and we know it.

Mr. Temporary Deputy Speaker, Sir, as I said, this kind of thing should be addressed not with emotions but with the right concept so that a Member of Parliament who has sacrificed his life, leisure and other important things is fully compensated. I say so because retirement time is the time you need money. Today, you can go through other processes to get money, but you cannot do so after 50 or 60 years. I want to appeal to this House to make sure that, at least, Members of Parliament are fairly compensated. I have seen a lot of cases, and I talked about one them earlier on, about hon. Ngei who sacrificed his life in order for Kenya to attain Independence. Today, he is disabled and moving around here, and I do thank Members of Parliament who, two months ago, converged at KICC and donated a total of Kshs1.2 million to help him repossess his house which was on sale. I do also appeal to any other person, organisation or institution that feels sympathetic to contact anybody even today, including the Chair because you know where hon. Ngei is, and send their donations. This is because, even today he has no home or family. He only moves around on that wheelchair which is not motored because he is wheeled around by somebody. In fact, we need a donation of a motorised wheelchair so that hon. Ngei can move around like any other person. It is really sympathetic when you see this. By saying so, I consider people like hon. Kaggia, hon. Achieng-Oneko and several other people who fought for this country's Independence. You will find that freedom fighters in Kenya have eventually died very poor, except those who managed to get a shorter way of enriching themselves.

Mr. Temporary Deputy Speaker, Sir, having said that, I ask you and this House that today, we should not go up to the Third Reading of this Bill. This Bill is very important and many amendments have been suggested. I would request the House to refer it to the Finance Committee so that all the amendments can be inserted in it. I support everybody that we must pass this Bill before we go for recess. However, it only needs one or two hours for the Finance Committee to work it out properly. I cannot hold a calculator to calculate our pension benefits, but when I look at the formula which will be used to pay pensions to hon. Members, it comes to something very small. I agree with hon. Mwakalu because when he spoke here last week, he appealed to professionals and those wizards in mathematics to try to leave this Bill open so that at a time of inflation, it is self-adjusting and it does not have to be brought in here for

amendment. I fully agree with the sentiments expressed by hon. Mwakalu because he said that even if today we pass this Bill at Kshs50,000 to Kshs100,000 as pension benefits, 10 years to come, this money will be completely useless. So, we do not have to fix it now. Let us leave it as self-adjusting so that it will be picking quotas when inflation comes up. That is a very useful proposal, and this is one of the reasons why I would like that, after debating it, we refer this Bill, at least, for one or two days, to the Finance Committee or the relevant departmental committee so that they can make the necessary adjustments, and when we come to the Third Reading, everybody will be satisfied.

Mr. Temporary Deputy Speaker, Sir, some of us who have been in this House severally after being re-elected by *wananchi* know what we are saying when we say that we would like the Bill to be a ten-year one. Let there be gaps in-between. We do not have to pay for it as long as we have managed to be re-elected to this House. After all, you wanted to come back and even if you fail, you will regret that you have not been re-elected. So, why should you be punished again? Let this continuity be there so that if you are here for ten years, it does not matter even if you were here from 1984 and then you leave, and then after another ten years, you come back but you should join in the scheme without contributing. This is the only compensation that you will be given when you are out of this House. Even if some voters voted you out, at the same time you will have people who are sympathising with you because they had voted you in.

Mr. Temporary Deputy Speaker, Sir, although some of us were rigged in or rigged out for various reasons, you will find that the gaps are so small. For example, in 1984, you were voted in, and then come the next general elections in 1989, you were defeated with about five votes. We know that even one vote makes a big difference. You can find that the winner has 20,000 plus votes, while you have 10,000 plus votes and the gap is about 200 votes. Surely, would you say that the loser did not try? He tried since he had supporters and other people who did not vote for him. So, it is only reasonable if we ask the House to decide that, that gap in-between must be taken into consideration, without one contributing to the scheme. For some of us who have contributed to one of the gaps, I would appeal that as the Bill goes through, we will also be happy to get some cheques. I know some very new Members in this House are very keenly looking at me as I talk because they have not been paid anything in the past. However, it is not my fault, but I can only promise that I will remember them when I will be having tea with this money which will be refunded to me.

Mr. Temporary Deputy Speaker, Sir, as we debate this Bill, I thank the Minister sincerely for having thought of bringing this Bill on time, and which we are going to pass. However, I want him to even consider bringing in other relevant Bills and Motions which affect Members of this House. One of the Motions which is overdue is that of an insurance fund for Members of Parliament. It is miserable when you find hon. Ministers who have been in this House, but because they have never stolen, when they fall sick they go back and start selling pieces of their land. They sell all their land because they cannot sell their children. Although they have got more than four wives, they cannot sell one. Where do we expect these people to get money from to go to hospitals? It is embarrassing! Hospital bills are now so high. To be admitted to Nairobi Hospital, you are required to raise a deposit for one week, which is now about Kshs300,000 to Kshs400,000. This is a lot of money. Hon. Members of Parliament should get to a point whereby, when they fall sick, their spouses, wives and children should only get a note from the Clerk of the National Assembly to go to the hospitals, which in turn will notify Parliament; which will then cover them. After all, the amount of money we are talking about is minimal. We are 222 Members of Parliament as at now. You can compare that with civil servants who are in excess of 240,000, and they are covered. We do not want free insurance. We want to be able to contribute to the insurance scheme so that when my family or I fall sick, we can be treated without a lot of embarrassment. We are embarrassed, and we feel it.

Mr. Temporary Deputy Speaker, Sir, when a Member of Parliament dies, it becomes an embarrassment. We all sit there with a little basket and one passes it around and people donate Kshs200, or we gather at Garden Square or KICC to raise funds for the funeral expenses, except for some of us who are very lucky. This is because, recently, I have seen people sitting together and raising millions of shillings.

I am wondering, because a coffin in our area costs Kshs20,000 to Kshs30,000. I know that even if I am buried in a coffin costing Kshs1 million, and another person is buried in a coffin of Kshs20,000--- In our area, we do not put dead bodies in caskets when burying them. A body is wrapped in a piece of cloth and then it is buried, because the Bible says: "You came from the soil and you will go back to the soil." This issue of being buried in caskets made from a teak or special wood - oak - which will cost Kshs500,000 is not practised in our area. I would like this matter to be of free choice. Everybody can choose what is going to be done to his body when he dies. This is because when you are dead, you do not choose what is to be done to your body. It is those people who are with you who may want to compensate you, and they should know how best they can give you the last escort.

But I would say that I have seen, and I have attended, several fund-raising meetings to send Members of Parliament home, or to pay for their funeral expenses and all the other costs. I am appealing to the Eighth Parliament to make sure that this practice stops. I am seriously appealing to the Minister for Finance to amend this Bill so that it

covers hon. Members when they are sick, or when they die. Let us fix a certain sum. This is because, even if we say that, when one dies, the burial expenses will be limited to Ksh100,000 for those of us who sell a lot of cows *et cetera*. But that would be a sum which would take care of these things which have not been done.

Mr. Temporary Deputy Speaker, Sir, I have talked about hon. Members who have suffered in the past. I would like us to form contingency funds which can assist some Members of Parliament who have served in this Parliament in the past. I also appeal to the relevant Committee that, when this Bill goes to their Committee, they should take into account whatever happened in the past. I believe that those who were not in Parliament from 1984, perhaps, we can ask them to contribute something towards what we are going to pass.

Finally, I would like to support the hon. Member who contributed last and talked about councillors. I am not repeating anything about the suffering of councillors because I know a Bill has gone through this House for them to be paid through the Exchequer. I am not even worried because when we were at Safari Park as a Parliament, last time, we all resolved that any Motion or Bill going through this House and is not implemented within 90 days, would be assumed to be implemented. So, I am not worried because I know that, after 90 days, if these councillors are not paid through the Exchequer, this issue will be brought back to this House, and we will rectify it. But I would add a rider to the assistance of councillors. I would like the Minister for Local Government to request the Minister for Finance to make provisions so that this Parliamentary Pensions Bill will also cover councillors. They are not very many, and the schemes, the rates and scales will be different. There is nothing to worry about. If this is done, the Eighth Parliament will be a Parliament to be applauded because it will have done its beautiful job and its own research. I am very happy to associate myself with the Eighth Parliament, which is going to see the autonomy of Parliament and a Parliamentary Pensions Act, which will make hon. Members like hon. Ekirapa earn three pensions. This is because I believe at one time he was a civil servant and he retired. He was earning about Kshs50,000, and he went to the *Daily Nation* where he got some benefits close to Kshs1 million. That is quite okay. We are happy, and he is a good friend of mine. This Bill is going to give him much more.

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Chair direct the hon. Member to be relevant to the Bill instead of being totally irrelevant and making statements that are really not relevant to the Bill?

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, I do not need to be relevant because, I wish he said that about me. Who will not like to be associated with a pension of Kshs1 million or Kshs2 million? Say that about me and I will be proud! Those who have get touched when the money is mentioned. But those who do not have, like me, associate me with Kshs10 million, and I will say "*halleluya*", because I would like it to be that way, because I am usually associated with poverty, which is not a good thing. So, I wish I was as lucky as hon. Ekirapa.

As I said, I would want this Bill to be referred to the relevant Committee, at least for a day or so, so that the Committee can compile and put these figures and all our sentiments in order.

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

The Assistant Minister for Energy (Mr. Chanzu): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important amendment to the Parliamentary Pensions Bill. I will just make a few comments in support of what my colleagues have said here.

Mr. Temporary Deputy Speaker, Sir, hon. Members of whatever age contribute a lot in making the laws of the land in this House. They spend a lot of their time keeping the people they represent together. Hon. Members spend most of their time worrying about the problems and welfare of their constituents.

This Bill comes at an opportune time because it is going to streamline what has been existing, and bring more clarity to the existing Act, including updating sections of the Act. Therefore, I support the view that the commencement of this Bill be backdated to 1994, because that is the time it was supposed to have become effective. Hon. Members have talked about the rates and the age of the hon. Members who are to benefit from this Bill.

As I have said, Members of Parliament of whatever age, spend most of their time worrying about the welfare of those people they represent. Therefore, I would say that the issue of age should not be applicable here. It should be any Member of Parliament who has been elected to this House. I would also like to support the view that, once hon. Member has served a complete term in this House, he or she should be eligible for a pension. An hon. Member serves his people, whether he is at the age of 90, 20, 25 or 30 years. That is why I support the view that, all hon. Members who have been elected to this House should be eligible. The view that has come up about the councillors should also be considered because this is a political Government. From where we come, we depend on the grassroot support that we get. I would also like to support the view that the councillors be incorporated and be taken care of under this Bill.

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

Mr. Khamasi: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Bill. I will be very brief. First of all, this review is long overdue. It should have come here quite a long time ago for Members to deliberate on it and pass what we are going to do at the end of the Committee Stage.

There are two things I want to address, first; two terms of five years. One assumes that it is the choice of a Member of Parliament to remain here for two terms of five years. That is not the case with civil servants. A civil servant has got a choice to decide whether he is going to stay in his job until he is 45 or 55 years, or whatever age. Therefore, that is completely his choice to choose to stay in the Civil Service for that particular period for him to be able to earn a pension. The case of a politician is not the same. His fate lies with the electorate. He does not choose. Therefore, I want to support the Members who have strongly proposed that for any period a Member of Parliament serves here and he has got no choice as to whether to remain here or not; he should be eligible for pension.

Secondly, I believe that the emoluments as described in Clause 2(C) of the Bill, fall short of incorporating everything that should be included. We need to include all the earnings of a Member of Parliament. The multiple which is being used to assess the pension that a former Member of Parliament who is going to be a pensioner will get is about one-five hundredth. That is a very, very small amount. If you do the calculation, one-six hundredth of the total emoluments earned over 10 years, is very, very little. I am saying so because I know of pension schemes in this country where people are even earning one-fiftieth and by the end of the day, when you calculate, you find the amount of money that, that pensioner is carrying home is very little. We were doing this arithmetics with one of the accountants here. If you put all the accumulated emoluments into effect and then you multiple it by one-six hundredth, a Member of Parliament will be carrying home something to the tune of Kshs15,000 per month. That is very little money for anybody to live on and now, we are talking about this particular time. How about 20 years to come particularly in an economy like this one which has no bearing at all?

Mr. Temporary Deputy Speaker, Sir, I am suggesting that we reduce even the one-six hundredth to something like one-three hundredth and in fact, go ahead and put in an escalator factor so that, every year that amount increases by a certain percentage automatically in that particular pension scheme so that we will be making any cents out of that particular arrangement.

Mr. Temporary Deputy Speaker, Sir, in Clause 2, we are talking about increasing the percentage rates from 3 per cent to 10 per cent for the Members who are going to collect their monies from the Fund. Even the people who drafted this amendment in the Bill must have done it a couple of years ago. If they had considered the present situation in the economy, they would not have been talking about 10 per cent. What is the interest rates of Treasury Bills now? If it was being drafted about three months ago, somebody should be looking at the rate of interest on the Treasury Bills. I believe for the Members who are going to withdraw or who are going to draw their funds from that Fund, that rate of interest should be increased to between 20 and 25 per cent.

Mr. Temporary Deputy Speaker, Sir, Members of Parliament who have gone out live a very deplorable life. I have yet to come across any ordinary Member of Parliament who lived a very sincere life in this House, who only got his allowances from this House, and who is rich after moving out of Parliament. The few who are rich are the ones who have stolen, and who actually held a Cabinet post. They used that money to buy their way back for the second time and then they invested the ill-gotten money. Those are the only ones you can see and say these are well-to-do people. But most of the Members of Parliament who get out of this House are living a poor life and I think this Bill should be pro-active to cover even the old Members of Parliament who started earning pension when this particular Act came into effect.

Mr. Temporary Deputy Speaker, Sir, we should be talking about the actual figures instead of just talking about percentages. I want to support an hon. Member who said that we want to see actual figures calculated and tabled in this House. We may be talking about percentages and when you come to those percentages, you will find that somebody is getting so little money that it is not worth even living on. An exercise should be conducted where figures will be tabulated, so that at the end of the day, we know how much money we are going to get as pension, so that we can be able to assess the situation and know exactly that we are doing the right thing.

Mr. Temporary Deputy Speaker, Sir, we need to see a report from the Departmental Committee which looked at this Bill. If that report was ever presented to this House, it was verbal and we have not seen anything in our pigeon holes to know exactly what they have told us about their indepth study of this particular Bill. We need to see their calculations so that we can be satisfied that the Bill has been properly assessed and the right conclusions have been reached.

Mr. Temporary Deputy Speaker, Sir, as I said, I was going to be very brief, and I beg to support.

Mr. Kamanda: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute on this Bill. As a matter of fact, this is one of the countries which have gone on record for having impoverished their own nationalists. If we go by the history of this country, even those who fought for Independence of this country have never been given anything. They are living very miserable lives.

Even a former Member of Parliament like Mr. Kaggia is leading a very poor life today, and nobody thinks about him. That is why I am saying that this a very important Bill, and that I hope it will consider all those who have been to this House before, so that they can also lead a good life. Failure to look into the future welfare of hon.

Members has contributed to politicians being the most corruptible people in this country. Even good people change into very corrupt people on coming to this House, and given a chance, they will start stealing from public coffers. Therefore, by passing this Bill, this House will be promoting patriotism among hon. Members and other politicians countrywide. That is what we lack today, and that is what the youths of this country look forward to seeing. If this is not realised by this House, the youths will come to reject the life of politicians. We want to promote the youths of this country, so that they can fight for it with all their hearts. At the moment, this is not the case among youths.

Mr. Temporary Deputy Speaker, Sir, some young hon. Members of this House, I included, have started wondering about the kind of life they will lead after being Members of Parliament. Thus, the youths of this country cannot regard parliamentarianism as good work. A politician is not able to do anything else to develop his family, and I think that is a curse to politicians in this country. So, this is the time to consider Parliamentarians and other politicians in this country. This Bill will maintain the *status quo* of the present Members of Parliament, and those who will come to this House after the life of this Parliament. It is not upon us to decide whether we should have two terms of service in this House; that will be decided by the voters. So, I think it is proper that we allow everybody who comes to this House to enjoy the "fruits" of this Bill. Politicians are not considered for employment anywhere else after their lives in Parliament; they are considered to be knowledgeable about their rights. Therefore, the pension package being sought through this Bill will enable hon. Members to sustain themselves after they leave Parliament.

In conclusion, I would like to state very clearly that age should not be considered in awarding pension to hon. Members. This country's Constitution states clearly that for one to contest a parliamentary seat, he has to attain the age of 18 years. As I speak here now, I have already attained the age of 34 years. Even if I serve in this House for two terms, I will be 44 years old, and not 45 at the end of the two terms. This means I will not have qualified for pension. So, I think we should let everybody who gets the chance to come to this House qualify for pension automatically.

With that, I support the Bill.

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is apparent that hon. Members are repeating themselves in contributing to the Bill before the House, which means that debate has been exhausted. Therefore, I wish to move that the Mover be now called upon to reply.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Obwocha, you know that you have already contributed to this Bill. Mr. Ekirapa, would you like to contribute to the Bill?

QUORUM

Mr. Achola: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum in this House.

The Temporary Deputy Speaker (Mr. Imanyara): Indeed, there is no quorum. Could the Division Bell be rung?

(The Division Bell was rung)

Order, hon. Members! There is a quorum now. So, let us proceed.

Mr. Achola: On a point of order, Mr. Temporary Deputy Speaker, Sir. Just before I raised the lack of quorum issue, it was apparent that debate on this Bill was exhausted. So, I suggest that we call upon the Mover to reply.

The Temporary Deputy Speaker (Mr. Imanyara): I would have liked one more hon. Member to contribute, if any was willing to do so. However, because no one is willing to do so, I will ask Mr. Lomada to reply.

The Assistant Minister for Finance and Planning (Mr. Lomada): Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I would like to apologise for not having been in the House when debate on the Bill commenced. However, that notwithstanding, I will try to reply to a few issues that were raised by hon. Members.

The stand of my Ministry is that the Bill should actually be passed. We have noted the concerns raised by hon. Members about former Members of Parliament who are now leading a very poor life. The tribulations those hon. Members are going through are due to the fact that the pension scheme for hon. Members has not been improved. However, I thank my Ministry for having come up with this particular Bill for the improvement on pension for hon. Members of this House. I know that from now henceforth, the living standard of hon. Members of this House will really be improved, and they will lead a comfortable life.

I would like to inform this House that hon. Members will handle issues pertaining to their own lives and those of members of their families. They will also be able to solve different problems that they will encounter. Therefore, I would like to inform this House that the pension scheme of hon. Members will be improved. I would like to assure this House that my Ministry has accepted to improve the pension scheme for hon. Members of this House, so that whenever they leave this House for any reason, or continue to be Members of Parliament, they will enjoy this particular facility. Those ones who will fall sick and be taken to hospital will be taken care of. This scheme will

improve the living standards of hon. Members.

Mr. Temporary Deputy Speaker, Sir, without saying much, I would like to say that whatever amendments will be introduced at the Committee Stage will be well handled. I would like to inform this House that hon. Members are free to propose whatever amendments they would like to come up with at the Committee Stage. So, I do not want to say much because all that the hon Members have said is good, and my Ministry has supported their sentiments.

Before I conclude, I would like to sympathise with members of my constituency who were killed on Sunday this week by cattle rustlers. I would like to inform this House that five of them lost their lives, which is very bad. This was suspected to have been committed by cattle rustlers from the Marakwet community. I would like to call upon this community to stop this vice because it is very bad. This is because for the last three weeks, they have been crying about the killings at Tot, and I would like to tell this House that this was not done by the people of Sigor Constituency. But now, they have crossed over to Sigor Constituency, killed my people and stolen their cows. I would like the Government to take firm measures against the culprits.

Mr. Temporary Deputy Speaker, I beg to move that the Bill be read a Second Time.

(Question put and agreed to)

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

Second Reading

THE MEDICAL LABORATORY TECHNICIANS
AND TECHNOLOGISTS BILL

(The Minister for Medical Services on 16.11.99)

(Resumption of Debate interrupted on 16.11.99)

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Muchilwa was on the Floor! Is he not here? Is there anyone who wishes to contribute on the Bill?

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to seek some clarification from the Chair. Now that the second stage of the Parliamentary Pensions (Amendment) Bill is through, I thought that we could finish the process of the Third Reading and then await the Committee Stage, or what is the procedure?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Obwocha, we have already moved on to the next Order. We are on the Medical Laboratory Technicians and Technologists Bill.

The Assistant Minister for Education, Science and Technology (Dr. Wamukoya): Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity to comment on the Medical Laboratory Technicians and Technologists Bill. I will not be long in my contribution. I would like to propose some amendments to this Bill. This is because the way it stands now, it looks like some stakeholders were not considered at the time the Bill was being formulated. Some of the stakeholders who have been in this field for a very long time, for example, the Kenya Polytechnic in Nairobi, Mombasa Polytechnic, Eldoret Polytechnic and the technical institutes which offer courses in the Medical Laboratory Technology, were not considered and consulted. Therefore, it has caused a lot of animosity amongst these groups because emphasis in this Bill has been put on the Kenya Medical Training College as if it is the only one which offers the Medical Laboratory Technologist Course.

Mr. Temporary Deputy Speaker, Sir, I would like to refer to Clause 2 of the Bill, which says:

"Approved training institution means the Kenya Medical Training College or such other training institution as the Board may approve for the purpose of this Act."

Granted, the way it has been written here is the standard way that many Board Acts are presented. However, unless it is clarified or understood that there are other institutions which are important and offer this course, then it means that what we are emphasising are the products of the Kenya Medical Training College. If the Bill is left the way it is, it might mean that at the time the Board will consider membership for people who will belong to this Board for registration, then discrimination might take place. So, I would like to emphasise here that the Ministry of Health should tell this House clearly at the Committee Stage that the polytechnics and technical institutes which offer these courses will be included and considered as stakeholders of the Board's activities in future.

Mr. Temporary Deputy Speaker, Sir, Clause 2, fifth paragraph, page 566 says:

"College means the Kenya Medical Training College established by the Kenya Medical Training College Act of 1990."

Again, this will give a lot of room for the Kenya Medical Training College graduates to influence the way these things will go as far as registration is concerned. So, I would like to propose an amendment to that paragraph, so that the word "college" can mean "Government approved institutions undertaking the training of Medical Laboratory Sciences at certificate, diploma and higher diploma levels or above". This way, we will remove the monopoly of referring to it as the medical training institute, and even going as far as stating when the college was convoked.

As far as this phrase in paragraph five is concerned, it means that this will be the only standard college by which the measure of those who qualify to be registered by this board will be taken. Right from the beginning, I am suggesting that we remove the ambiguity and the areas that are going to bring about conflict at the time of seeking registration. I want to say that "the medical laboratory" should mean any facility where medical laboratory analysis and investigations are carried out. This is contained in paragraph nine of the same clause. I want to add that when the Mover is replying he should also add: "Any other facility where diagnosis, and management of human diseases are carried out." When we leave it like this, it means that anybody who will be in private practice with a laboratory where he is doing his own diagnosis, will be left out. We shall only be dealing with the people who are employed in the Government facilities.

I am sure that there is very little employment for most of our young people. We would like to encourage them to go into private practice to set up their own private laboratories, so that they can at least make a living out of it. Therefore, the recommendation I am making is very important because the private practitioners will be allowed to practise as long as they are registered under the board's requirements.

The other area I want to mention is the constitution of the board which is found in Section 6(1). The other day it was mentioned that the Director of Medical Services shall be the chairman. Most boards are now moving away from appointing the boss constantly as chairman of the board because he is a busy person and, therefore, he will not be around most of the time. Many times, people will be afraid to air their views in front of him because they are working under him. Most boards are carrying out elections or whatever method is used, to constitute the board. They then choose the chairman from amongst the elected people. The recommendation is made by the electorate to the Minister to gazette that person who has been recommended as the chairman. I also do not have a quarrel with part "b" which concerns the head of the National Public Health Laboratories of the Ministry, and part "c" which concerns the registrar. Part "d" becomes more specific again to the faculty of the Medical Laboratory Technology College. I am made to understand that the Medical Training College is going to offer degrees. However, this is going to give more weight to one institution which offers this type of course at the expense of so many others. We have seven other institutions in this country today which offer courses in medical laboratory technology. I am sure that as we go along in the future, we are going to have more.

Therefore, I was going to suggest that instead of emphasising this one individual, we can spread out and mention either him and the Director of Technology in the Ministry of Education, Science and Technology, or we can specify the Medical Training College and also specifically name those in the national polytechnics; somebody from the technical training institutes, and the institutes of technology. We can specify that somebody in charge of technological training in the Ministry is also included. Part "e" should continue the way it is and I believe the rest in that line can remain like that. The other area we were talking about the other day is the disciplinary area. A Member said here that when somebody makes a mistake, he should be disciplined. This is found in Section 19, sub-section two, where we were talking of the punishment. Somebody recommended here that the fine should be as much as Kshs1 million, and that the person should be excluded from practice for five years. Here, we are talking of impossibilities. I do not think that even the Medical Board and the other related boards like the Veterinary Board and the Pharmacist Board have got such very harsh, punitive measures. I recommend that we come down to Kshs100,000 or Kshs50,000. This will be better so that somebody can be able to pay the fine. Our aim here is not to exclude somebody from his way of eking out a livelihood forever. Our idea is to mete out punishment to the offenders, and to make them understand that when they make mistakes, they can be deregistered from the board. This will allow them the opportunity to repent and come back to the fold, so that they can earn their living.

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

Mr. Kibicho: Mr. Temporary Deputy Speaker, Sir, if this Medical Laboratory Technicians and Technologists Bill is enacted as it is, it is going to do a lot of damage to the profession. Even if it is implemented as drawn, it is not going to develop professionalism. It is not directing those people to develop a career. I suggest that all the actors in this field be consulted and a new Bill be drawn and brought to this House.

Mr. Temporary Deputy Speaker, Sir, all I am saying is that hon. Members are expressing their concerns on the definition of the term "college" in this Bill. According to this Bill, the term "college" means Medical Training

College. This is one flawed part of the Bill. This is because even if you were to include the Kenya Polytechnic or Mombasa Polytechnic, the spirit of the Bill and what it is supposed to achieve is lacking. If you look at all the Bills which are geared towards developing a professional, they have prescribed a certain examination for everybody. It does not matter where you studied. You may have studied in a medical training school, polytechnic or abroad, but then, it must specify a certain minimum qualification for registration as a technologist or a technician. This is lacking in the Bill. It is only talking about registration and people who will constitute the committee which will do registration.

Mr. Temporary Deputy Speaker, Sir, I suggest that this Bill be withdrawn and another one brought here, after consulting all the parties involved.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I do not want to contribute on any other section of the Bill because it will not be necessary.

The Temporary Deputy Speaker (Mr. Imanyara): In that case, I may require the Minister to reply. Is Mr. Minister not here?

Hon. Members: He is not here!

The Temporary Deputy Speaker (Mr. Imanyara): Let us move on to the next Order!

QUORUM

Mr. Murungi: On a point of order, Mr. Temporary Deputy Speaker, Sir. It looks as if the House does not have a quorum for us to proceed on with the business on the Order Paper.

The Temporary Deputy Speaker (Mr. Imanyara): You are right. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Imanyara): I think we now have a quorum. So, I will call the next Order.

Second Reading

THE BUKURA AGRICULTURAL COLLEGE BILL

The Minister for Agriculture (Mr. Obure): Mr. Temporary Deputy Speaker, Sir, I thank you for giving me the opportunity to move the Bukura Agricultural College Bill. Bukura Agricultural College is the successor of the Bukura Agricultural Institute, which was established many years ago to provide training leading to award of certificates in agricultural training.

Mr. Temporary Deputy Speaker, Sir, the objective of this particular Bill---

QUORUM

Mr. Kitonga: On a point of order, Mr. Temporary Deputy Speaker, Sir. We do not have a quorum.

The Temporary Deputy Speaker (Mr. Imanyara): You are right. We do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Imanyara): Order! There is now a quorum. Proceed, Mr. Minister.

The Minister for Agriculture (Mr. Obure): Mr. Temporary Deputy Speaker, Sir, I was saying that Bukura Agricultural College was established many years ago. At that time, the objective was to train young Kenyans in preparation for extension services in the agricultural field. The courses that were offered at that time led to award of certificates in agricultural education. The intention was to assist in production of agricultural commodities and livestock. The College has been very successful over the years and in the subsequent period, both the Egerton University and Jomo Kenyatta University of Agriculture and Technology were promoted to a higher status, and they provide university degrees in agriculture and veterinary services. This has left a vacuum, and the objective of this Bill is to raise and formalise the status of Bukura Agricultural College so that it can serve as an institution for the award of diploma courses.

In selecting Bukura Agricultural College, a number of other colleges were examined, but preference was

given to Bukura Agricultural College, first, because it is in a very high potential agricultural area and, secondly, it has plenty land for agricultural and livestock breeding experimental purposes. We do feel that it is an ideal place for the award of diploma courses, and that is precisely why Bukura Agricultural College has been selected for that training.

Mr. Temporary Deputy Speaker, Sir, we are talking about diploma courses both for veterinary and agricultural purposes. We feel that this is an area where there is considerable demand at the moment, because these are the people who provide excellent extension services to farmers throughout the country. The issue which has been raised on several occasions is why we train people at this particular level when there are so many other Kenyans without jobs. The courses that Bukura Agricultural College offers are designed to equip young graduate Kenyans so that they can serve both in Government, and also in the private sector, and more so they will be trained so that they can provide themselves with the skills necessary for self-employment.

Mr. Temporary Deputy Speaker, Sir, as you can see from the Bill, Section 2 is straightforward; we are establishing this institution, which will be guided by a board of governors. The board will be selected from a panel of well-known Kenyans who have made some achievements in their respective areas of discipline; people who have vision and know what is best for the future of this country. It will also be led by a principal answerable to the board of governors. The idea is to make it an independent organisation, running its own functions without any interference from the Government. All that is contained in this Bill, and all the various provisions have been made to provide for that.

Mr. Temporary Deputy Speaker, Sir, the college will be self-financing in many respects except for a grant it will receive from the Government, and there are provisions in this Bill to make it independent, so that it can generate its own funding.

Mr. Temporary Deputy Speaker, Sir, I hope that hon. Members of Parliament will support this Bill, so that we can have a middle college which can provide training to Kenyans in the field of agriculture and veterinary service.

With those remarks, I beg to move.

The Assistant Minister for Education, Science and Technology (Dr. Wamukoya): Mr. Temporary Deputy Speaker, Sir, I would like to second the Bill. At the time of Independence, we had three levels of education in agriculture and veterinary science. The first level was that of veterinary scouts and technical assistants in agriculture. These people used to get certificates of achievement.

The second level was a diploma which, at that time, was being offered at Egerton College. Then we had the degree level at the University of Nairobi. As time went by and everybody wanted to achieve higher qualifications, the colleges which were awarding diploma certificates, like Egerton College, were upgraded to universities, and those which were awarding certificates were upgraded to offer diplomas. This left a vacuum, such that few colleges were left to offer the middle-grade qualifications for people who were going to support the professionals at the degree level.

Mr. Temporary Deputy Speaker, Sir, it is appropriate at this time, that we should develop an agricultural college to offer diplomas in agriculture and veterinary science, so that we can get manpower at that level. This is going to support the professionals.

I beg to second.

QUORUM

Mr. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum.

The Temporary Deputy Speaker (Mr. Imanyara): Indeed, there is no quorum. Ring the Division Bell!

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members! It appears as if we will not raise a Quorum. So we will adjourn our proceedings to tomorrow, Wednesday, 24th November, 1999, at 9.00 a.m.

The House rose at 6.15 p.m.