



GOVERNMENT OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

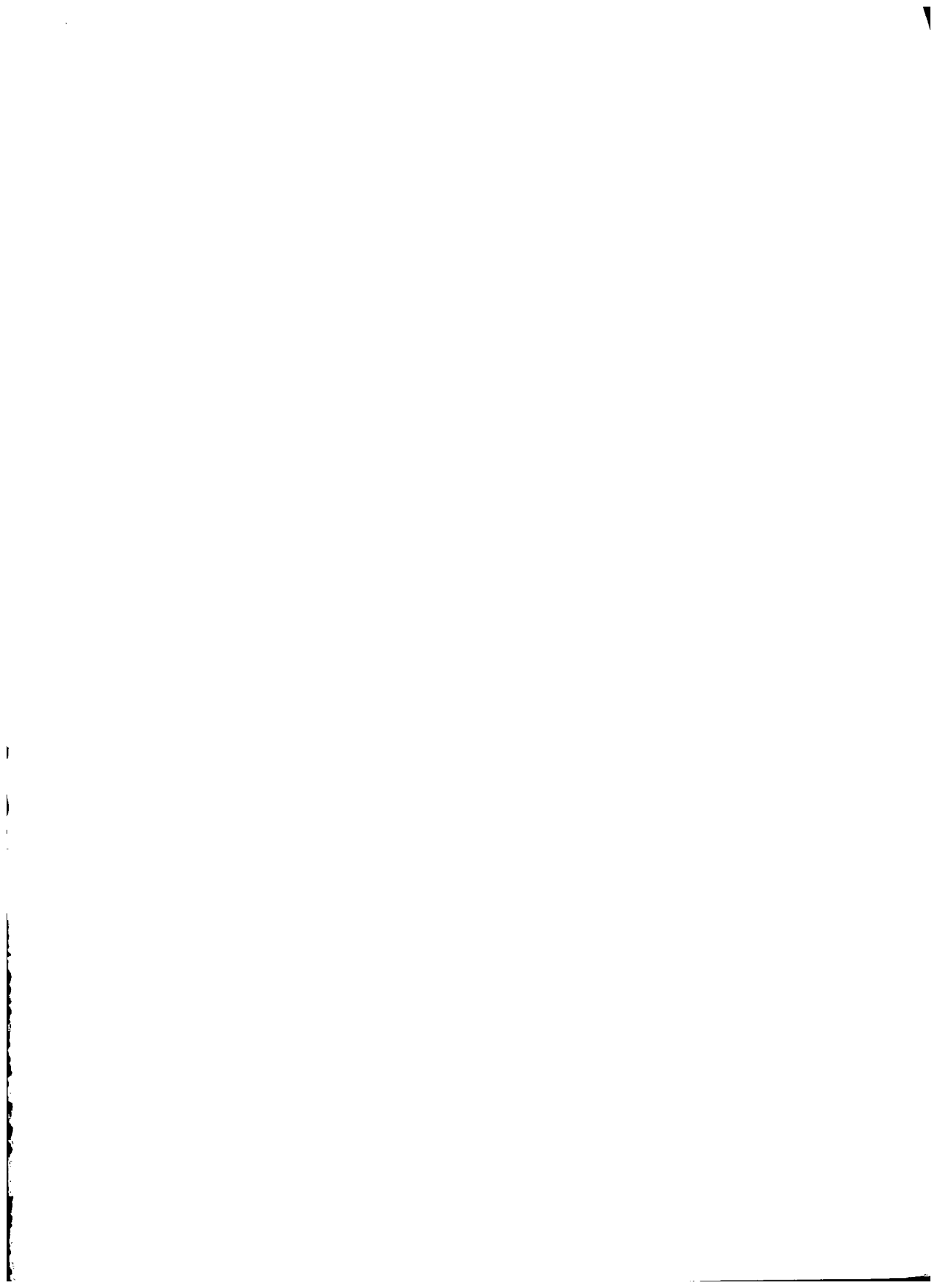
**12th COUNCIL INAUGURATED
11th MAY, 1961**

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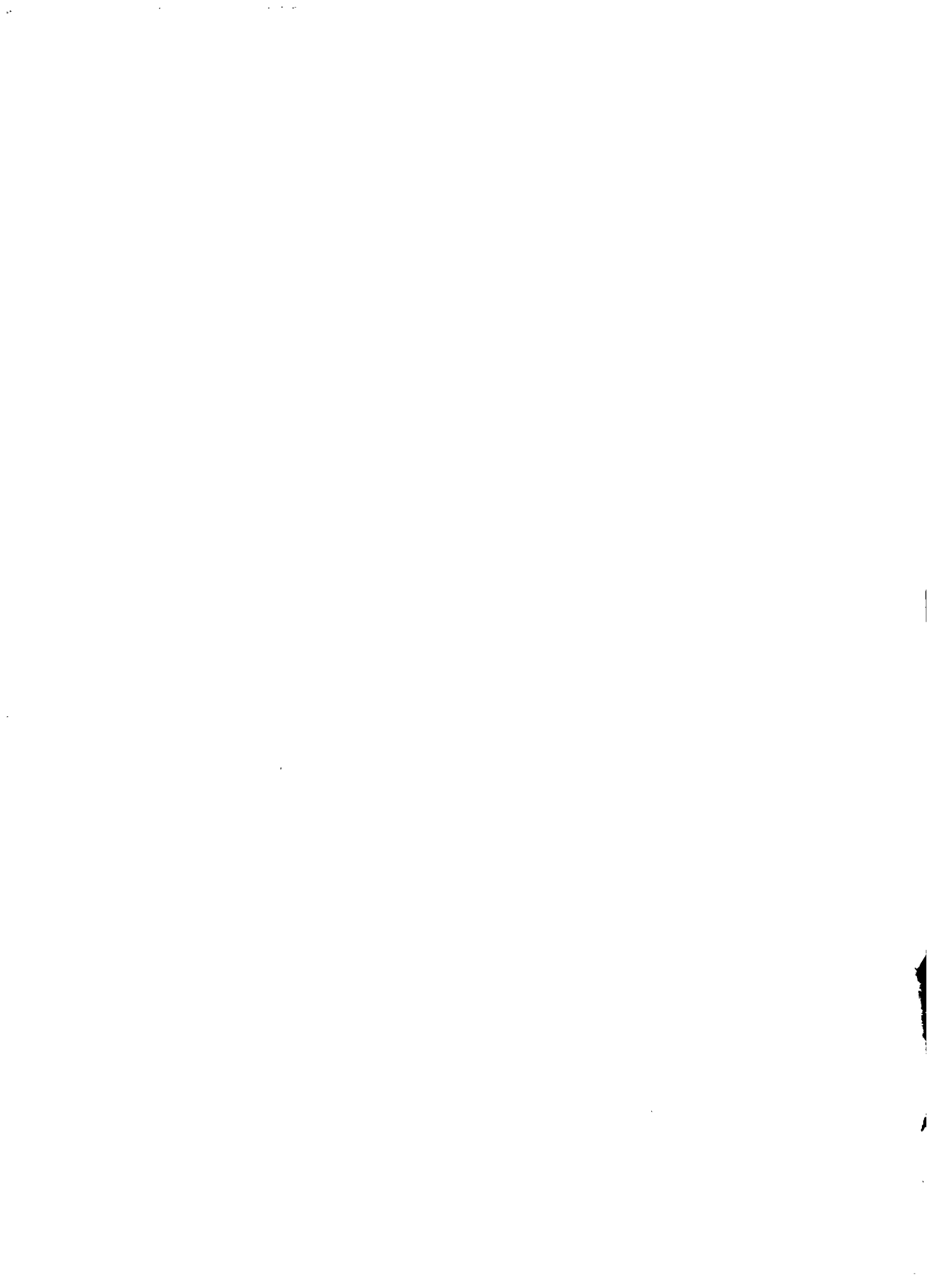
SECOND SESSION—(Contd.)

12th March, 1963, to 21st March, 1963



DAYS OF SITTING

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Tuesday, 12th March ..	1-30	Tuesday, 19th March ..	223-300
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List of Members of the Legislative Council

Speaker:

THE HON. HUMPHREY SLADE.

Deputy Speaker and Chairman of Committees:

THE HON. J. J. M. NYAGAH.

Ministers:

MINISTER OF STATE FOR CONSTITUTIONAL AFFAIRS:—

Administration

THE HON. R. G. NGALA.

Economic Planning

THE HON. J. KENYATTA.

- (1) MINISTER FOR LEGAL AFFAIRS (The Hon. A. M. F. Webb, C.M.G., Q.C.).
- (2) MINISTER FOR FINANCE (The Hon. J. S. Gichuru).
MINISTER FOR DEFENCE (The Hon. Sir Anthony Swann, Bt., C.M.G., O.B.E.).
- (3) MINISTER FOR AGRICULTURE AND ANIMAL HUSBANDRY (The Hon. W. B. Havelock, Kt.).
MINISTER FOR COMMERCE AND INDUSTRY (The Hon. P. M. Muliro).
MINISTER FOR EDUCATION (The Hon. L. G. Sagini).
MINISTER FOR HEALTH AND HOUSING (The Hon. F. M. G. Mati).
MINISTER FOR LABOUR (The Hon. T. J. Mboya).
MINISTER FOR LAND SETTLEMENT AND WATER DEVELOPMENT (The Hon. B. R. McKenzie, D.S.O., D.F.C.).
- (4) MINISTER FOR LANDS, SURVEYS AND TOWN PLANNING (The Hon. B. Mate).
MINISTER FOR LOCAL GOVERNMENT (The Hon. D. T. arap Moi).
- (5) MINISTER FOR SOCIAL SERVICES (The Hon. J. K. ole Tipis).
MINISTER FOR TOURISM, FORESTS AND WILD LIFE (The Hon. A. B. Jamidar)
- (6) MINISTER FOR WORKS AND COMMUNICATIONS (The Hon. T. M. Chokwe).

Parliamentary Secretaries:

- (7) PARLIAMENTARY SECRETARIES FOR CONSTITUTIONAL AFFAIRS AND ADMINISTRATION (The Hon. R. A. Macleod and the Hon. M. S. Amalemba, C.B.E.).
PARLIAMENTARY SECRETARIES FOR CONSTITUTIONAL AFFAIRS AND ECONOMIC PLANNING (The Hon. Chanan Singh and the Hon. J. G. Kiano, Ph.D.).
PARLIAMENTARY SECRETARY FOR FINANCE (The Hon. Sheikh M. A. Alamoody).
- (8) PARLIAMENTARY SECRETARIES FOR DEFENCE (The Hon. H. N. Mulli and the Hon. J. M. Seroney).
PARLIAMENTARY SECRETARY FOR AGRICULTURE AND ANIMAL HUSBANDRY (The Hon. D. Mwanyumba).
PARLIAMENTARY SECRETARY FOR COMMERCE AND INDUSTRY (The Hon. J. Mohamed).
PARLIAMENTARY SECRETARIES FOR EDUCATION (The Hon. R. S. Matano and (vacant)).
- (9) PARLIAMENTARY SECRETARY FOR HEALTH AND HOUSING (The Hon. J. L. N. ole Konchellah).
PARLIAMENTARY SECRETARY FOR LABOUR (The Hon. A. Kilelu).
PARLIAMENTARY SECRETARY FOR LAND SETTLEMENT AND WATER DEVELOPMENT (The Hon. A. M. Jeneby).
PARLIAMENTARY SECRETARY FOR LANDS, SURVEYS AND TOWN PLANNING (The Hon. C. M. G. Argwings-Kodhek).
PARLIAMENTARY SECRETARY FOR LOCAL GOVERNMENT (The Hon. P. D. Marrian).

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—(Contd.)

Parliamentary Secretaries—(Contd.)

- PARLIAMENTARY SECRETARY FOR SOCIAL SERVICES (The Hon. S. K. Anjarwalla).
PARLIAMENTARY SECRETARY FOR TOURISM, FORESTS AND WILD LIFE (The Hon. J. Keen).
PARLIAMENTARY SECRETARY FOR WORKS AND COMMUNICATIONS (The Hon. P. J. H. Okondo).

Constituency Members:

- THE HON. R. S. ALEXANDER (Nairobi Suburban).
(7) † THE HON. M. S. AMALEMBA, C.B.E. (North Nyanza).
THE HON. J. H. ANGAINE (Meru).
† THE HON. S. K. ANJARWALLA (Mombasa Tudor and Old Town).
THE HON. P. A. AREMAN (Northern Province West).
† THE HON. C. M. G. ARGWINGS-KODHEK (Central Nyanza).
THE HON. S. A. AYODO (South Nyanza).
THE HON. O. S. BASADDIQ (Protectorate).
THE HON. SIR MICHAEL BLUNDELL, K.B.E. (Rift Valley).
(6) † THE HON. T. M. CHOKWE (Mombasa West).
THE HON. R. P. CLEASBY (Mombasa East).
(10) THE HON. THE EARL OF ENNISKILLEN, M.B.E. (North Kenya).
(3) † THE HON. J. S. GICHURU (Kiambu).
(2) † THE HON. W. B. HAVELOCK, Kt. (Nairobi South-west).
AIR COMMODORE THE HON. E. L. HOWARD-WILLIAMS, M.C. (Nairobi West).
THE HON. A. H. JAMAL (Kisumu).
† THE HON. A. B. JAMIDAR (Nairobi Central).
† THE HON. A. M. JENEBY (Tana and Lamu).
† THE HON. J. KEEN (Kajiado).
† THE HON. J. KENYATTA (Fort Hall).
THE HON. A. R. KHALIF (Northern Province East).
* THE HON. E. E. KHASAKHALA (North Nyanza).
† THE HON. J. G. KIANO, Ph.D. (Fort Hall).
THE HON. D. B. KOHLI (Kisumu).
† THE HON. P. D. MARRIAN (Central Rural).
† THE HON. R. S. MATANO (Kwale).
(4 & 5) † THE HON. B. MATE (Meru).
† THE HON. F. M. G. MATI (Kitui).
† THE HON. T. J. MBOYA (Nairobi East).
† THE HON. D. T. ARAP MOI (Baringo).
† THE HON. P. M. MULIRO (Elgon-Nyanza).
† THE HON. H. N. MULLI (Machakos).
THE HON. W. C. MURGOR (Elgeyo-Suk).
† THE HON. D. MWANYUMBA (Taita).
THE HON. E. N. MWENDWA (Kitui).
THE HON. SHEIKH A. NASSIR (Mombasa Central).
† THE HON. R. G. NGALA (Kilifi).
THE HON. G. W. NTHENGE (Machakos).
‡ THE HON. J. J. M. NYAGAH (Embu).
THE HON. A. O. ODINGA (Central Nyanza).
THE HON. A. J. PANDYA (Mombasa Liwatoni).
† THE HON. L. G. SAGINI (Kisii).
THE HON. C. W. SALTER, Q.C. (Nairobi West).
(8) † THE HON. M. J. SERONEY (Nandi).
THE HON. K. P. SHAH (Nairobi Central).
* THE HON. MRS. A. R. SHAW, O.B.E. (Kericho).
† THE HON. CHANAN SINGH (Nairobi South).
(5) † THE HON. J. K. OLE TIPIS (Narok).
(4) THE HON. T. TOWETT (Kipsigis).
THE HON. W. WABUGE (Nakuru Town).

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—(Contd.)

Constituency Members—(Contd.)

THE HON. L. R. MACONCHIE-WELWOOD (West Kenya)
THE HON. V. WOKABI (Nyeri).
THE HON. ZAFRUD-DEEN (Nairobi North East).

National Members:

* THE HON. SHEIKH M. A. ALAMOODY.
THE HON. F. R. S. DE SOUZA, Ph.D.
THE HON. D. Q. ERSKINE.
† THE HON. A. KILELU.
(9) † THE HON. J. L. N. OLE KONCHELLAH.
† THE HON. R. A. MACLEOD.
† THE HON. B. R. MCKENZIE, D.S.O., D.F.C.
† THE HON. J. MOHAMED.
THE HON. F. W. ODEDE.
† THE HON. P. J. H. OKONDO.
THE HON. S. S. PATEL.
THE HON. J. L. PORTER.

Ex-officio Members:

† THE HON. SIR ANTHONY SWANN, Bt., C.M.G., O.B.E.
(1) † THE HON. A. M. F. WEBB, C.M.G.

Nominated Members:

(3) THE HON. J. H. BUTTER, C.M.G., M.B.E. (Permanent Secretary to the Treasury).
THE HON. B. MAISORI.
THE HON. SHEIKH S. M. MUHASHAMY, M.B.E. (Liwali for the Coast).
THE HON. P. RURUMBAN.

Clerk of the Council:

J. R. NIMMO

Clerk Assistant:

H. THOMAS

Second Clerk Assistant:

L. J. NGUGI

Hansard Editor:

MRS. J. D. RAW

Serjeant-at-Arms:

MAJOR M. G. ELIOT

Assistant Serjeant-at-Arms:

J. O. RAMBAYA

Speaker's Secretary:

MRS. J. FRYER

Hansard Staff:

MISS S. M. L. MARKS

MISS S. G. FROST MISS M. M. CAUSON MISS P. J. MEYER MISS A. D. DUNCAN
MISS S. CLOSE

Chaplain to the Speaker:

THE REV. CANON DONALD HOWES.

‡ Denotes the Deputy Speaker and Chairman of the Committees.

† Also included in the list of Ministers or the list of Parliamentary Secretaries.

* Denotes Government Whip.

(1) C.M.G. New Year's Honours.

(2) Temporary Minister for Finance vice The Hon. J. S. Gichuru, w.e.f. 27-2-63 to 20-3-63.

(3) Knight Bachelor, New Year's Honours.

(4) Made Minister for Lands, Surveys and Town Planning vice The Hon. T. Towett, resigned w.e.f. 4-1-63.

(5) Made Minister for Social Services vice Mr. Mate (*see* Note 4) w.e.f. 4-1-63.

(6) Temporary Member vice The Hon. T. M. Chokwe: The Hon. M. Jahazi, 12-3-63.

(7) Temporary Member vice The Hon. M. S. Amalemba: The Hon. P. M. Shilaho, w.e.f. 2-2-63.

(8) Parliamentary Secretary for Defence, w.e.f. 21-1-63.

(9) Appointment revoked, w.e.f. 21-3-63.

(10) The Hon. D. Cole, M.B.E., became Earl of Enniskillen on 21-2-63.





GOVERNMENT OF KENYA

LEGISLATIVE COUNCIL DEBATES

TWELFTH COUNCIL

SECOND SESSION—(Contd.)

Tuesday, 12th March, 1963

The House met at thirty minutes past Two o'clock.

[The Speaker (Mr. Slade) in the Chair]

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Members:—

Mohamed Jahazi.

Peter Mbakaya Shilaho.

COMMUNICATIONS FROM THE CHAIR

NEW YEAR'S HONOURS

The Speaker (Mr. Slade): Hon. Members, I have three Communications to make to you.

In the first place, I am sure that you all wish to join me in congratulating present and recent colleagues upon the honours awarded to them by Her Majesty since the Council last sat, namely:—

Mr. Havelock, Minister for Agriculture and Father of this Council, who is to be knighted;

Mr. Webb, Minister for Legal Affairs, who becomes a Companion of St. Michael and St. George;

Mr. Ellerton, recently Temporary Minister for Defence, who also becomes a Companion of St. Michael and St. George.

Each of them has fully deserved such recognition of long and devoted public service.

ILLNESS OF THE SPEAKER'S CHAPLAIN

Next, I regret to inform you that our Chaplain, Canon Howes, has to undergo a serious operation in England tomorrow. We pray for his speedy and complete recovery.

ASSENT TO BILLS

Lastly, I have to inform the Council that His Excellency the Governor has assented to the following Bills which were passed by the Legislative Council in December, 1962:—

No.	Title	Passed Third Reading	Date of Assent
38	The Appellate Jurisdiction Ordinance, 1962	14-12-62	15-12-62
39	The Trade Marks (Amendment) Ordinance, 1962	14-12-62	27-12-62
40	The Statute Law (Repeal) Ordinance, 1962	14-12-62	27-12-62
41	The Land and Agricultural Bank (Amendment and Validation) Ordinance, 1962	14-12-62	27-12-62
42	The Prevention of Cruelty to Animals Ordinance, 1962	18-12-62	27-12-62
43	The Stock and Produce Theft (Amendment) Ordinance, 1962	18-12-62	27-12-62
44	The Statute Law (Miscellaneous Amendment) Ordinance, 1962	18-12-62	27-12-62
45	The Agriculture (Amendment) Ordinance, 1962	19-12-62	27-12-62
46	The Regulation of Wages and Conditions of Employment (Amendment) Ordinance, 1962	19-12-62	27-12-62
47	The Resident Labourers (Repeal and Transitional Provisions) Ordinance, 1962	19-12-62	27-12-62
48	The Trespass Ordinance, 1962	19-12-62	27-12-62
49	The Prisons Ordinance, 1962	19-12-62	27-12-62
50	The African Courts (Amendment) Ordinance, 1962	19-12-62	27-12-62

PAPERS LAID

The following Papers were laid on the Table:—

Command Paper 1899—Report of the Regional Boundaries Commission (Kenya), 1962.

Command Paper 1900—Report of the Northern Frontier District Commission (Kenya), 1962.

Command Paper 1921—Report of the Constituencies Delimitation Commission (Kenya), 1962.

(By the Minister of State for Constitutional Affairs and Administration (Mr. Ngala))

- Kenya African Agricultural Sample Census, 1960/61.
- Statistical Abstract, 1962.
- Economic Development of Kenya: Report of an Economic Survey Mission by the International Bank for Reconstruction and Development.
- (By the Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta))*
- The Records Disposal (Registrar-General) Rules, 1962.
- The Laws of Kenya (Revision) Order, 1963.
- (By the Minister for Legal Affairs (Mr. Webb))*
- Agricultural Land Rehabilitation Fund, Balance Sheet as at 30th June, 1962.
- Land Development Loans Balance Sheet as at 30th June, 1962.
- Appropriation Accounts, other Public Accounts and the Accounts of the Funds of the year 1961/62, together with the Report thereon by the Controller and Auditor-General.
- Cereals and Sugar Finance Corporation: Balance Sheet and Accounts as at 30th June, 1962.
- 1962/63 Supplementary Estimate No. 1.
- 1960/61 Statement of Excesses.
- (By Mr. Butter on behalf of the Minister for Finance (Mr. Gichuru))*
- East African Literature Bureau, Annual Report, 1961/62.
- The Education (Admission to Schools) (Amendment) Rules, 1963.
- The African Teachers Service (Contributory Pensions Fund) (Amendment) Regulations, 1963.
- The Education (Fees in Schools aided under the Education Grants-in-Aid of African Education) Rules, 1962.
- The Education (Local Entry Fees for Examinations) (Amendment) Regulations, 1963.
- (By the Minister for Education (Mr. Sagini))*
- Special Crops Development Authority, Annual Report and Accounts for the year ended 30th June, 1962.
- Department of Co-operative Development Annual Report, 1961.
- The Agriculture (Scheduled Crops) Draft Order, 1963.
- The Wheat Industry (East African Common Services Organization Agency) (Amendment) Rules, 1962.
- The Agriculture (Agricultural Subcommittee) (Amendment) Rules, 1962.
- The Hide and Skin Trade (Imposition of Cess) (Amendment) (No. 2) Rules, 1962.
- The Tea (Amendment) Regulations, 1963.
- The Agricultural Produce (Export) (Horticultural Produce Inspection) (Amendment) Rules, 1963.
- The Coffee (Cultivation and Processing) (Amendment) Rules, 1963.
- The Guaranteed Minimum Return Advances (Interest) Rules, 1963.
- The Agriculture (Land Preservation) (District Agricultural Committee) Rules, 1963.
- The Kenya Meat Commission (Grading) (Amendment) Regulations, 1963.
- The Dairy Industry (Licensing of Retailers) (Amendment) Regulations, 1963.
- The Crop Production and Livestock (Sugar Factory) (Amendment) Rules, 1963.
- (By the Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba) on behalf of the Minister for Agriculture and Animal Husbandry (Mr. Havelock))*
- East African Industrial Research Organization, Annual Report, 1961/62.
- Industrial Development Corporation: Report and Accounts for the year 1961/62.
- The Scrap Metal (Amendment) Rules, 1963.
- (By the Minister for Commerce and Industry (Mr. Muliro))*
- Annual Report of the Asian and Arab Hospital Fund Authority for the year, 1962.
- Central Housing Board Annual Report, 1962.
- (By the Minister for Legal Affairs (Mr. Webb) on behalf of the Minister for Health and Housing (Mr. Mati))*
- African District Councils Summary of Accounts and Report thereon for the years ended 31st December, 1957 and 1958.
- Local Government Loans Authority Annual Report, 1961.
- The Machakos Township (Refuse Receptacles and Refuse Removal) (Amendment) Rules, 1963.
- The Machakos Township (Conservancy Services and Conservancy Fees) (Amendment) Rules, 1963.
- The Kisii Township Rating (Graduate Rate) Rules, 1963.

The Kisii Township (Refuse Receptacles and Refuse Removal Rules, 1963.

The Kisii Township (Conservancy Services and Fees) Rules, 1963.

The Nairobi Municipality (Superannuation Fund) (Amendment) Rules, 1962.

The Embu Township (Recreation Grounds) (Amendment) Rules, 1963.

The African District Councils (Staff) (Amendment) Rules, 1962.

The Uasin Gishu County Council (Provident Fund) (Amendment) Rules, 1963.

The African Locational Councils (Staff) Rules, 1963.

The Kiambu Township (Conservancy Services and Fees) Rules, 1963.

The Kiambu Township (Refuse Receptacles and Refuse Removal) Rules, 1963.

Kiambu Township (Control of Grazing) Rules, 1963.

The Kisii Township (Control of Grazing) Rules, 1963.

The Kisii Township (Conservancy Services and Fees) (Amendment) Rules, 1963.

(By the Minister for Local Government (Mr. arap Moi))

Treatment of Offenders Annual Report, 1961.

(By the Minister for Social Services (Mr. ole Tipis))

The Forests (General) (Amendment) Rules, 1963.

The Forests (Closing) Rules, 1963.

(By the Minister for Tourism, Forests and Wild Life (Mr. Jamidar))

Printing and Stationery Annual Report, 1961/62.

(By the Parliamentary Secretary for Works and Communications (Mr. Okondo) on behalf of the Minister for Works and Communications (Mr. Chokwe))

Mombasa Pipeline Board: Report and Accounts for the Financial Year ending 30th June, 1962.

(By the Minister for Land Settlement and Water Development (Mr. McKenzie))

The Regulation of Wages (Hotel and Catering Trades Wages Council Establishment) (Amendment) Order, 1963.

(By the Minister for Land Settlement and Water Development (Mr. McKenzie) on behalf of the Minister for Labour (Mr. Mboya))

NOTICES OF MOTIONS

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, Sir, I beg to give notice of the following Motions:—

STATEMENT OF EXCESSES

THAT a sum not exceeding £73,579 17 Sh. 29 cts. be granted to the Governor on account for, or towards, defraying the charges of Statement of Excess 1960/61.

SUPPLEMENTARY ESTIMATE (No. 1) 1962/63— COLONY

THAT a sum not exceeding £859,636 be granted to the Governor on account for, or towards, defraying the charges of Colony Supplementary Estimate No. 1 of 1962/63.

The Governor's consent has been signified to these Motions.

NAIROBI CITY COUNCIL: GUARANTEE OF LOAN REPAYMENT

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council approves the Government guaranteeing the repayment of a sum of £125,000 and a sum of £200,000 to be borrowed by the Nairobi City Council for water supplies, street works and housing.

The Governor's consent has been signified to this Motion being put.

AGRICULTURE (SCHEDULED CROPS) DRAFT ORDER. 1963

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council approves the draft Order entitled "The Agriculture (Scheduled Crops) Order, 1963".

NON NATIONALIZATION POLICY

Mr. Alexander: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council welcomes the recent Government statement against nationalization and calls upon the Government to persuade the

[Mr. Alexander]

main political parties in Kenya publicly to accept now and effectively support such a policy.

ORAL ANSWERS TO QUESTIONS

Question No. 80

STATEMENTS ON NATIONALIZATION

Mr. Wabuge asked the Minister for Constitutional Affairs and Economic Planning if the recent statements by the Parliamentary Secretary to the Ministry of Constitutional Affairs and Economic Planning about nationalization of private industries were an expression of Government Policy.

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): Mr. Speaker, Sir, I beg to reply, no.

Mr. Wabuge: Mr. Speaker, is the Minister aware that his Parliamentary Secretary has several times made public statements affecting the economy of this country in the form of nationalization?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): I do not think so, Sir.

Mr. Nthenge: Mr. Speaker, can we know why, if the Minister does not think so, it appeared in the Press a number of times.

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): The Parliamentary Secretary, Mr. Speaker, was speaking as a Member of Legislative Council not as a Member of the Government.

Mr. Wabuge: Arising from the Minister's reply, does the Minister support such statements or not?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): I have already told you so, if you will listen.

Mr. Wabuge: Mr. Speaker, Sir, if the Minister says he does not support the statements made by his Parliamentary Secretary, is he prepared to discipline his Parliamentary Secretary not to make such statements?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): It all depends, Mr. Speaker, on what kind of disciplinary action he wants to take. I think we have already explained.

Mr. Nthenge: Mr. Speaker, may we know the ones he is prepared to give his Parliamentary Secretary?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): No, Sir, I do not think I need to explain further than what I have already said.

Mr. Murgor: Mr. Speaker, Sir, arising from the original reply, could the Minister tell the House why there is no such planning?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): Can he make himself clear in what he wants to say?

Mr. Murgor: Mr. Speaker, the original answer was, "No". Could the Minister tell us why it was no?

The Speaker (Mr. Slade): That Supplementary does not make sense, Mr. Murgor.

Mr. Towett: Mr. Speaker, Sir, could the Minister tell the House when a Parliamentary Secretary is a private citizen and when he is a Member of Government?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): I think my hon. friend has extended his philosophical ideas too far.

Mr. Nthenge: Mr. Speaker, we feel that the last question was reasonable and we wish it to be answered.

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): I have already answered.

Mr. Towett: Mr. Speaker, Sir, are we being told that a Minister or a Parliamentary Secretary are two persons in one?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): I think you know that more than I do.

Mr. Nthenge: Mr. Speaker, can we have a statement from the Ministry disassociating itself from the statement made by the Parliamentary Secretary.

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): I think you have already had it, if you were listening, and I do not think there is any need to make any more statements.

Question No. 81

EXPATRIATE DOCTORS: NUMBERS EMPLOYED

Mr. Nthenge asked the Minister for Health and Housing:—

- (a) How many expatriate doctors did the Ministry employ?
- (b) How many of them were specialists?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I beg to reply:—

- (1) The number of expatriate doctors employed by the Ministry is 112, of whom 30 are Asians and 82 Europeans.
- (2) There are 15 specialist posts in the establishment, all of which are filled by expatriate doctors.
- (3) In addition to the 15 specialist posts which I have mentioned, there are also posts of provincial physician and provincial surgeon in each province, all of which are at present occupied by expatriate doctors who have the status of Special Grade Medical Officers and who have, of course, the necessary specialist qualifications in medicine and surgery respectively.
- (4) Of the 82 European expatriate doctors, no less than 63 have post-graduate qualifications of one kind or another.

Mr. Nthenge: Mr. Speaker, Sir, are there any such doctors who have given an indication of wanting to leave in the event of this country becoming independent?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, could the questioner repeat his question?

The Speaker (Mr. Slade): Repeat your question, Mr. Nthenge.

Mr. Nthenge: Mr. Speaker, Sir, can the Minister tell us whether there are some doctors who have given an indication that they wish to leave this country when it becomes independent?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, that applies to all the Ministries. There are people who will choose to stay and there are those who will choose to go.

Mr. Nthenge: In that case, Mr. Speaker, we are trying to find out whether there is any possibility of his Ministry being unworkable due to too many doctors leaving. Can he give us an indication of his particular Ministry and leave the others alone?

The Minister for Health and Housing (Mr. Mati): If the hon. Member wishes me to tell him the exact number of doctors who are leaving I cannot say.

Question No. 82

NUMBER OF LOCAL DOCTORS ON SPECIALIST COURSES

Mr. Nthenge asked the Minister for Health and Housing how many local doctors were on specializing courses?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, on behalf of my Minister I beg to reply. As far as the Government service is concerned there are 22 local doctors at present undergoing courses or working for post-graduate examinations. No information is available as regards doctors not in the Government service.

Mr. Towett: Mr. Speaker, Sir, could the Parliamentary Secretary tell us in what country these people undergoing such courses are?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, I beg to reply. There are a number of doctors who are outside Great Britain and studying in other countries, but I am not ready to give their whereabouts abroad.

Mr. Nthenge: Mr. Speaker, are these doctors on international scholarships or are they supported by Kenya Government money?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, some are on Government scholarships and some on their own.

Mr. Wabuge: Mr. Speaker, could the Parliamentary Secretary tell us how many of those are on the Government scholarships?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, I beg to give some information about the whereabouts and number of people who are abroad studying medicine or other subjects. There are 36 African doctors within the service and a further 11 African doctors working outside the Government—none of the latter possess the higher post-graduate qualifications of the 36 within the service. One is the Assistant Medical Officer, Nairobi, and he is going on an overseas course in Medical Administration in April, 1963. Eight have acquired post-graduate qualifications in Public Health, ten are on overseas courses—

The Speaker (Mr. Slade): I do not think this is relevant to the question. The question was "how many doctors on specializing courses are doing so under Government scholarships?"

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, I beg to be given notice of that question.

Mr. Towett: Mr. Speaker, Sir, could the Parliamentary Secretary tell the House what he means by specialization, and what is understood to be a specialist?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, I think that is another question.

Question No. 33

NUMBER OF DOCTORS AND NURSES TRAINED PER YEAR

Mr. Nthenge asked the Minister for Health and Housing what was the rate of production of local:—

(a) Doctors per year?

(b) Registered nurses per year?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply. The numbers of local doctors who qualified in 1962 and are expected to qualify over the period 1963/66 are as follows:—

1962	—	32
1963	—	25
1964	—	34
1965	—	29
1966	—	33

As regards nurses, ten Kenya Registered Nurses qualified in 1961 and a further ten in 1962. It is expected that 28 will qualify in 1963 and 40 in 1964.

The Ministry has no information as to the number of girls undertaking State Registered Nursing courses in Britain, although I believe that the number is considerable. The Students' Adviser in London has been asked to supply the information, if possible.

Mr. Wabuge: Mr. Speaker, would the Parliamentary Secretary tell us whether the average he has just mentioned to us is sufficient for our needs in this country?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): That is a different question, Mr. Speaker.

The Speaker (Mr. Slade): It is not a different question but perhaps Mr. Konchellah is not in a position to answer it.

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Could the hon. Member repeat the question.

Mr. Wabuge: I want the Parliamentary Secretary to tell us whether the average of the doctors coming out every year is enough to satisfy our needs in this country.

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, I beg to reply that there is not a single Ministry with sufficient people to work it. The Ministry of Health is no exception, we have not sufficient people to work for us, we are looking for more people.

Mr. Nthenge: Mr. Speaker, can we know what exactly the Ministry is doing to encourage more people to train as doctors?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, I have already given the programme which is mapped out until 1966, so I hope that the hon. Member will follow that.

Mr. Nthenge: Mr. Speaker, my question was: "What is the Ministry doing to encourage more people to undertake medical training in order to become doctors?"

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): The Ministry of Health, and sometimes the doctors in the districts, visit the schools and talk to the students to try to persuade them to join the medical courses.

Mr. Wabuge: Could the Parliamentary Secretary tell us what is the difficulty in getting more doctors to work in the Ministry of Health after they have completed their studies? What is so difficult about getting them, is it lack of money or of education?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, the question is not clear.

The Speaker (Mr. Slade): Would you ask the question again, Mr. Wabuge?

Mr. Wabuge: Yes, Sir. Would the Parliamentary Secretary tell us what is the difficulty of getting more doctors each year? Is it because of finance or because of lack of people with suitable qualifications?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): The question is not relevant, Mr. Speaker.

The Speaker (Mr. Slade): It is quite relevant. The question is: "What is the difficulty about getting more doctors and nurses, is it lack of money or lack of interest?"

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): I think the Ministry of Health's vote has been cut down and it was the Members in this House who cut it down, so there is the difficulty of getting funds. Moreover, we would like you Members of this House to encourage students from all over the country to take medical courses.

Mr. Nthenge: Mr. Speaker, Sir, the number of nurses given by the Parliamentary Secretary is so low that it is really alarming. Can the Parliamentary Secretary tell us what the Ministry intends to do to increase the number?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, as I mentioned before, we do need more nurses and doctors, and we would like to tell them to visit the schools and encourage some of the students to join medical courses.

Mr. Towett: Mr. Speaker, does the Parliamentary Secretary agree with me that it is illogical to say that there is a shortage of money and then talk in terms of sending people out to tell students to join medical courses?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, money comes first and the courses second.

Mr. Towett: Mr. Speaker, Sir, does the Parliamentary Secretary mean to tell us that he has money, but there are not enough people who want to take medical courses to become doctors?

The Speaker (Mr. Slade): No, he did not say that. I think we have exhausted this question.

Question No. 95

INQUIRY INTO DEATH OF BABY ADONYO

Mr. Wabuge asked the Minister for Health and Housing would the Minister state whether an inquiry had been conducted into the circumstances in which baby Adonyo, at Kisumu Hospital in the early part of November, was moved to the mortuary before she was dead? And if so what was the outcome of the inquiry, and what disciplinary action, if any, had been taken?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I beg to reply. There has been a police investigation, and the magistrate has expressed himself as satisfied that no offence was committed and that there was no negligence. In these circumstances no question of disciplinary action arises.

Mr. Nthenge: Can the Minister tell us how then this child came to be removed from the ward to the mortuary while it was not yet dead?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, in view of the action taken by the police and a magistrate, I do not think it would be appropriate for me to give any details. The important point has been established, and that is that there was no negligence.

Mr. Odede: Mr. Speaker, Sir, could the Minister tell the House how long the child was dead before she was taken to the mortuary?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, as I have just said this matter has been investigated by the police and by a magistrate, and I do not intend going into it.

Mr. Wabuge: Mr. Speaker, does the Minister mean to say that anything which has been investigated by the police, that the Minister cannot give us a report in this House?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I believe the hon. Member has faith in the police and has also faith in our magistrates, so I do not see why he should doubt them.

Mr. Nthenge: Mr. Speaker, does the Minister imply that this House should not be informed of things which have been investigated by both the police and the magistrates?

The Minister for Health and Housing (Mr. Mati): I have already stated, Mr. Speaker, that no negligence was established, and therefore there is no question of disciplinary action—in fact, there is no use in going into the matter.

Mr. Towett: Mr. Speaker, Sir, does the Minister imply that as we have faith in the police and the inquiry, that we should have not asked for facts?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, if the hon. Members wanted facts, as they call them, they should have asked for facts relating to the case which I could have supplied, but I am sure that they have seen enough of the facts to convince them that this matter has been investigated.

Mr. Erskine: Mr. Speaker, could the Minister tell the House whether medical science has yet evolved a proper way of determining whether somebody is dead or alive?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, doctors can examine a person and discover he is dead or alive, but this is not the only case of a person being taken to the mortuary before he is dead. If the hon. Member doubts this he should subject himself to the stethoscopes of a doctor to find out whether he is alive or dead.

Mr. Porter: Mr. Speaker, Sir, although the Minister is satisfied that there was no negligence in this case, is he able to tell the House whether he or his staff have instituted any further regulations or recommendations to hospital staff to avoid similar occurrence in the future?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, this was an isolated case. Certainly the doctors try their best to see that they do not have a person who is not dead taken to a mortuary. This was a genuine case—

Mr. Porter: Has anything been done about it? That is what I asked. Mr. Speaker, Sir, my question was, has the Minister himself or have his staff done anything to make recommendations or to make regulations in hospital procedure to avoid this kind of thing happening?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, there are regulations governing procedure on the death of a patient. The fact that this has happened does not mean that no regulations exist. The fact is that doctors are always very careful.

Mr. Nthenge: Mr. Speaker, can the Minister tell us whether this particular case has been examined by doctors, and are they satisfied that there was no negligence?

The Minister for Health and Housing (Mr. Mati): Yes, Sir.

Mr. Mwendwa: Mr. Speaker, there was something wrong, either the doctor—

(Cries of speech)

Mr. Mwendwa: I want to know from the Minister, because I feel that something was wrong.

(Cries of speech)

The Speaker (Mr. Slade): Order, order.

Mr. Mwendwa: I feel, Mr. Speaker, that something was wrong. I want to know whether it was

the doctor who was wrong or the instrument which examined the child?

The Minister for Health and Housing (Mr. Mati): This was a special case, Mr. Speaker, as I have said, and it was not a question of someone having been wrong. The fact is that the child was taken to the mortuary and later it revived. All the signs of death had been diagnosed.

Mr. Maisori: Is the Minister aware that hospitals make charges to patients and that wherever they go before they pay their Sh. 5, and they are not admitted to any dispensary until they have paid their Sh. 5.

The Speaker (Mr. Slade): That has nothing to do with this question at all.

Mr. Nthenge: Mr. Speaker, can we know from the Minister whether this child's death was true or untrue, because he said a doctor certified that the child was dead? Was it a miracle or something?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I do not know whether or not the hon. Members want me to translate the word "true". It is not a question of whether it was true. They are facts. This child, Mr. Speaker, was examined and taken to the mortuary. It is a fact, it is not a question of truth.

The Speaker (Mr. Slade): There is nothing more coming from the Minister on this question.

Question No. 99

ECONOMIC PLANNING: AMOUNT DONE

Mr. Alexander asked the Minister of State for Constitutional Affairs and Economic Planning what economic planning had been done since this Ministry was started nearly a year ago?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): Mr. Speaker, I explained in my speech in Committee of Supply on Vote 9 last year what economic planning I was proposing to undertake. My Ministry has been following and will continue to follow the lines I have laid down, which have the approval of my colleagues in the Government.

Mr. Towett: Mr. Speaker, Sir, could the Minister read the question properly. The question asked was, "What has been done since the Ministry . . ." not the past, but what has been planned. What is actually being done?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): I think in my reply I indicated, and I think I

[The Minister of State for Constitutional Affairs and Economic Planning]

will read it again just in case you were not listening. I said: "My Ministry has been following and will continue to follow the lines I have laid down, which have the approval of my colleagues in the Government."

Mr. Towett: Mr. Speaker, Sir, does the Minister agree with me that when you draw a line and you follow that line then something is done?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): Mr. Speaker, Sir, that is again (Inaudible.)

Mr. Nthenge: On a point of Order, Mr. Speaker. Can we have your ruling as to whether the answer given by the Minister is really an answer to the question.

The Speaker (Mr. Slade): It is not for me to rule on, it is for you, the House, to judge.

Mr. Wabuge: Mr. Speaker, would the Minister tell us, since his Ministry was established, what projects has he put in operation as regards economic planning?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): I would advise my hon. friend to do a little bit of homework.

Mr. Alexander: Could the Minister give us one specific example of activities in practice generated from his Ministry?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): If you want to know exactly what has been happening—

Mr. Nthenge: We are very eager to know.

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): Very eager to know, I see, well I think you have to read my speech—

The Speaker (Mr. Slade): Remember to address the Chair, Mr. Kenyatta.

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): Sorry, Mr. Speaker. Mr. Speaker, Sir, I will advise the questioner to read my speech.

Mr. Alexander: Mr. Speaker, Sir, the Minister having told us that that was a speech made last year, could he give us one specific example of economic activity since that speech generated from his Ministry?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): If the hon. Member wants to know some details of what is happening, he can write and ask for information and he will get it.

Mr. Alexander: Mr. Speaker, I think the Minister has misunderstood my question. Deliberately avoiding a mass of detail, I have asked for one specific example.

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): Mr. Speaker, Sir, we have organized several settlements, and that is why I say you should do a little bit of homework to know what we have been doing. It seems—

The Speaker (Mr. Slade): Are you telling me to do my homework?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): Mr. Speaker, I advise the hon. Member to read what we have been doing, because we have done a lot of things since then.

Mr. Towett: Mr. Speaker, Sir, is it true that when we submit questions we expect answers from the Ministers for the information of the House, and if so, does the Minister mean he wants to deny us such a privilege when he asks us to do this outside work and that we should never submit any questions?

Mr. Alexander: Mr. Speaker, Sir, arising out of the last reply, can we now accept it that in fact the Minister for Economic Planning has taken over the Ministry of Settlement and that we will see the latter Ministry abolished?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): No, Sir, Mr. Speaker, we do the planning and the Minister for Settlement carries it out. Not only do we do it for the Minister for Settlement but many of the other Ministries.

Mr. Towett: Mr. Speaker, Sir, does the Minister agree with me that he has not been properly briefed?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): It is not a question of being properly briefed or not, but it is a question of what you ask.

Mr. Nthenge: Mr. Speaker, can we know from the Minister whether settlement has been generated by his own planning?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): This is a co-ordination, Mr. Speaker, of our planning and the carrying out of the plans.

Mr. Nthenge: Mr. Speaker, can we have another example, apart from this one of settlement?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): Mr. Speaker, Sir, I told these people they must do a little bit of homework because they forget it is through my Ministry that—

Mr. Murgor: On a point of order, Mr. Speaker, is it in order for the Minister to call us “these people”?

The Speaker (Mr. Slade): No, it is not in order to refer to hon. Members as “these people”; we are expected to refer to them as hon. Members.

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): I am sorry, Mr. Speaker. I will say that I advise hon. Members to do a little bit of homework, because they seem to be ignorant of what my Ministry has been doing. They forget the census which has been carried out throughout the country and this is under my Ministry, and that is one of the things which they asked me to point out. Then when I had pointed to that one they asked for another, and so on.

Mr. Towett: Mr. Speaker, Sir, does the Minister not see it fit for him to educate us and not for us to do the outside work?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): Mr. Speaker, Sir, I think they ought to be grateful, because I have educated them a little this afternoon.

Mr. Nthenge: Mr. Speaker, Sir, can the Minister tell us whether he himself will now start reading to be able to answer our questions or will he just tell us to read for ourselves?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): Mr. Speaker, Sir, it is not a question of not reading or not doing the other thing, but you ought to know what is going on in the country if you are a Member of this House.

Mr. Alexander: Mr. Speaker, is the Minister telling us that the Ministry of Resettlement is purely executive and not policy-making at all?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta):

I did not say that it is only what you have said, I said that my Ministry makes plans not only for the Minister of Settlement but for most of our Ministries.

Mr. Towett: In simple language, Mr. Speaker, what are the examples of such plans?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): I am capable of carrying out my own advice. Mr. Speaker, now again here I am going to tell them that they do not seem to understand what is going on in the country. We have the Tana scheme and many other schemes which I can name to you and this thing has been in the Press and it seems to me that some Members of this House do not take any trouble at all to read about what is going on in the country.

Mr. Khasakhala: Mr. Speaker, Sir, as the Minister has failed to give us one specific example, can I ask a question? Would the Minister explain to us his plans to overcome the problem of unemployment in Kenya?

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): Mr. Speaker, Sir, that is a different question, and for the Member to say that I have not given them any example shows that either he has been sleeping or he has been out of the House.

Question No. 112

SETTLEMENT SCHEMES

Mr. Alexander asked the Minister for Land Settlement and Water Development had the Settlement Schemes absorbed all those who were in employment on the farms taken over and if not how many had been displaced and what had happened to them?

The Minister for Land Settlement and Water Development (Mr. McKenzie): Mr. Speaker, Sir, I beg to reply. It is not possible, at this stage, to give detailed information on the absorption of employees on the H.M.G. Schemes but, on the I.B.R.D. Schemes, on a sample of four areas the number of labourers at take-over amounted to 352 and the number of plot-holders introduced was 386. This represents an increase of some 8 per cent, but it is further significant that these plot-holders have already employed 203 further labourers, giving a total number of families on the area of 589. This represents an increase of some 60 per cent. This does not, however, necessarily mean that the original labourers have been

[The Minister for Land Settlement and Water Development]

absorbed, but only that a greater number of persons is now employed than previously. Some of the original labourers dispersed elsewhere, and some desired on their own to leave.

Mr. Alexander: Mr. Speaker, Sir, has the Minister got estimates of what the effect will be under the H.M.G. Schemes?

The Minister for Land Settlement and Water Development (Mr. McKenzie): Yes, Sir. We estimate that there is going to be an increase of labourers or people on a given area as to previously on that area, an increase of something round about 60-70 per cent.

Question No. 114

PRODUCTION SURPLUS FROM SETTLEMENT SCHEMES

Mr. Alexander asked the Minister for Land Settlement and Water Development what was the estimated production surplus going into the National Income from farms acquired for Settlement Schemes and how was this to be replaced?

The Minister for Land Settlement and Water Development (Mr. McKenzie): Mr. Speaker, I beg to reply. We do not have a full year's workings on the production totals of land taken over for settlement, but on the I.B.R.D. Schemes we have interim figures which show that production will increase by 30 per cent in the first year of settlement, and it is estimated that, by the fourth year's end, production will be twice that of the previous owners. As far as the H.M.G. Schemes are concerned, technical information at present indicates that there should be a rise in production of 30 per cent, and the Department of Settlement will be able to produce actual figures by the end of this agricultural year.

Also, Mr. Speaker, on a group farm we have shown that not only has the production increased on this group farm by something like 15 per cent being operated by 11 people in a group, but we have also shown that this farm has increased its labour total by 34 people.

Mr. Alexander: Mr. Speaker, I think the Minister may have misunderstood my question. I am not asking for production figures, I am asking for surpluses: that is the produce left over after feeding the people who are there.

The Minister for Land Settlement and Water Development (Mr. McKenzie): Sir, we estimate that the surpluses that are left over on the H.M.G. Scheme are going to give the people a net return,

after subsistence, of approximately £40; in the I.B.R.D. Scheme of £150-£200.

Mr. Alexander: The point of my question was not whether individuals are getting £40 or £150, but is this surplus as great or greater than the surplus from the same land previously?

The Minister for Land Settlement and Water Development (Mr. McKenzie): The surplus will be greater.

Mr. Alexander: May we know roughly how much greater?

The Minister for Land Settlement and Water Development (Mr. McKenzie): At this stage of operations it can only be a "guestimate". Our "guestimate" is round about 20 per cent in the first year on I.B.R.D. Schemes.

Mr. Nthenge: Mr. Speaker, can the Minister tell us whether this extra surplus is due to better management or is due to more land being used and none being left idle?

Question No. 119

PASSENGERS USING AIR INDIA AND NOT EAST AFRICAN AIRWAYS

Mr. Wabuge asked the Minister of State for Constitutional Affairs and Administration if the Minister was aware that large numbers of passengers, predominantly Asian and including a great majority of Civil Servants, were using Air India in preference to our own National Airline, East African Airways? What steps was the Government taking to encourage people to demonstrate their loyalty and commitment to Kenya by using our own Airline whenever possible?

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply. The Government is aware that a large number of passengers, including some Civil Servants, are travelling by Air India and not by East African Airways. Ministries have been advised that air movement orders relating to Civil Servants should be issued to East African Airways, and formal instructions to this effect have now gone out.

Mr. Wabuge: Would the Parliamentary Secretary tell the House when the formal instruction or advice went round the Departments?

The Parliamentary Secretary for Finance (Sheikh Alamoody): Quite recently, Mr. Speaker.

Mr. Nthenge: Mr. Speaker, can the Parliamentary Secretary tell us whether this was initiated by this question?

The Parliamentary Secretary for Finance (Sheikh Alamoody): No, Sir, this came from within the Ministry.

Mr. Nthenge: Mr. Speaker, then why was it not done earlier?

The Parliamentary Secretary for Finance (Sheikh Alamoody): The reason, Sir, is that we were not aware that this was the position and, as soon as we were, in fact, aware, we took the initiative to find out that this was the position. When we found out that this position existed then we tried to rectify it as quickly as possible.

Mr. Wabuge: Mr. Speaker, would the Parliamentary Secretary tell us when they became aware of this position? Were they aware of it before or after my question? Can he tell us when they were aware of the position?

The Parliamentary Secretary for Finance (Sheikh Alamoody): Before the question, Sir.

Mr. Wabuge: What we want him to tell us is, was it about one month ago, two months ago or six months ago?

The Parliamentary Secretary for Finance (Sheikh Alamoody): It is a very involved thing, Mr. Speaker, you cannot give exact times. When we find out things we have to initiate inquiries and find out the exact position. I think we became aware of this position about three months ago.

Mr. Murgor: Will the hon. Parliamentary Secretary tell us how long his Ministry has been in existence.

The Speaker (Mr. Slade): That does not appear to be a relevant question.

Mr. Nthenge: Mr. Speaker, if the circular was sent can we know its date?

The Parliamentary Secretary for Finance (Sheikh Alamoody): I said, Sir, quite recently, I have not got the circular here but I can find out for the hon. Member.

Mr. Wabuge: Would the Parliamentary Secretary tell us, when he instructed people not to travel by Air India, what were the peoples' reactions? Are they travelling by East African Airways or still by Air India?

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, the question is two-fold. One is in regard to Civil

Servants and the other in regard to people generally. I do not think my Ministry can ask people to travel on one airline against another, that is entirely according to the peoples' wishes. With regard to the Civil Servants, this is a circular from the Treasury and it has to be complied with to the fullest extent, so there is no question of any reaction other than compliance.

Mrs. Shaw: Does the Parliamentary Secretary think that perhaps the added publicity Air India gets on the "Breakfast Club" has something to do with the extra people travelling by Air India? Could not East African Airways be induced to put forward some publicity, such as another telephone conversation?

The Parliamentary Secretary for Finance (Sheikh Alamoody): I think, Sir, that is up to the Directors and Managers of East African Airways. This is the survival of the fittest in the commercial world, and I am sure the East African Airways will take note of that.

Mr. Towett: Mr. Speaker, Sir, does the Parliamentary Secretary imply that Civil Servants have no option but to travel the way the Government wants them to?

The Parliamentary Secretary for Finance (Sheikh Alamoody): No, Sir, if Civil Servants pay more than 60 per cent of the passage they have the option of travelling how they like. Where the Government pays, I think it is prudent that Civil Servant should travel by our own national airline, as this national airline exists because of the three East African Governments' guarantee of its financial position.

Question No. 120

SUPPORT FOR PRIVATE STUDENTS OVERSEAS

Mr. Wabuge asked the Minister for Education what was the Minister doing to protect privately financed students who go overseas for Education and who later find themselves in difficulties without financial support in a foreign country?

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

The situation described by the hon. Member can happen in one of two ways. Firstly, when the person or agency who has accepted responsibility for financing a student overseas falls down on his undertaking and leaves the student without funds. This sometimes happens, but not very often.

[The Minister for Education]

By far the most frequent and serious cases, however, concern students who go abroad without any guarantee of adequate financial support to maintain themselves.

One of the functions of the Kenya Overseas Scholarships Advisory Committee is to examine carefully the financial backing which private students claim to have. If in the opinion of the Committee such support is inadequate, the student is strongly discouraged from leaving Kenya. If in spite of this, a student does go abroad and finds himself destitute, the Kenya Government will take steps to arrange repatriation.

Very rarely, however, is it possible for Government scholarship funds, which are all earmarked for properly selected candidates, to be diverted to rescue a private candidate whose own funds have proved inadequate or have dried up.

Mr. Wabuge: Mr. Speaker, does the Minister mean to tell us that the Government is prepared to assist students who have found themselves stranded overseas, to return them to Kenya? If so, how much money is the Government going to spend on such students?

The Minister for Education (Mr. Sagini): Mr. Speaker, Sir, the question of repatriation of destitute Kenya citizens is a subject for the Ministry of Defence rather than the Ministry of Education.

Mr. Nthenge: Mr. Speaker, Sir, can we know if the Ministry has consulted these private financiers who encourage students to go overseas and who often get into difficulties?

The Minister for Education (Mr. Sagini): I did not understand the question very well, Mr. Speaker.

The Speaker (Mr. Slade): You must make your question more clear.

Mr. Nthenge: Mr. Speaker, my question is, has the Ministry consulted these people who privately encourage and finance students to go overseas and later on find themselves in difficulties?

The Minister for Education (Mr. Sagini): I think the question is not very straight. In my Ministry I have, what we call the Kenya Overseas Scholarship Advisory Committee, which encourages people to contact us for advice when going overseas, but some of these cases have been done behind the scenes.

Mr. Nthenge: Mr. Speaker, does the Minister know these people who organize these things behind the scenes, and if so has he consulted

them? In other words is he working with them to see that these difficulties do not recur?

The Minister for Education (Mr. Sagini): I think I have given the answer. I have set up a Committee which handles cases of this nature, but these people are too clever, and I think the hon. Member knows this very well.

Mr. Wabuge: Mr. Speaker, would the Minister tell us whether his Ministry is prepared to arrange facilities for these students when they want to get back to Kenya so that they can continue with their studies?

The Minister for Education (Mr. Sagini): Mr. Speaker, Sir, I will answer. It is a very difficult question because maybe the person who went to Bavaria or Hungary was a very poor student, and if he comes back here I cannot send him to a high school and oust a brainy boy. It is a very difficult question, but if we find a person who has all the qualifications, that means a good age, and a high pass in the K.P.E., we can consider him very seriously.

*Question No. 121***MOMBASA ROAD: CONSTRUCTION BY PRIVATE ENTERPRISE**

Air Commodore Howard-Williams asked the Minister for Tourism if he would back the construction of the Mombasa Toll Road by private enterprise.

The Parliamentary Secretary for Tourism, Forests and Wild Life (Mr. Keen): Mr. Speaker, I beg to reply. The answer is, "Yes". The Government has submitted to the United Nations Bureau of Technical Assistance Operations an application for a Toll Road Expert, and I understand that the Bureau have undertaken the recruitment of such an expert as a matter of urgency. The person appointed would:—

- (a) give advice on the composition of a net of toll roads for Kenya both in regard to new construction as well as up-grading of existing roads;
- (b) advise on the general problem of financing the construction of such a system;
- (c) advise on the operational system to be introduced, namely, level of tolls, way of collecting, and supervision and necessary rules and regulations for traffic.

Mr. Towett: On a point of order, Mr. Speaker, this answer is very long. We are getting irrelevant information.

The Speaker (Mr. Slade): The reply is quite relevant, and the Parliamentary Secretary is entitled to reply as fully as he wishes.

The Parliamentary Secretary for Tourism, Forests and Wild Life (Mr. Keen): If, as a result of the experts' advice, means can be found of financing the construction of the Mombasa Road by way of tolls, it will certainly have my support.

Air Commodore Howard-Williams: Mr. Speaker, Sir, is the hon. the Parliamentary Secretary aware that there are a number of firms who are interested in this project and who might be contracted with some satisfaction?

The Parliamentary Secretary for Tourism, Forests and Wild Life (Mr. Keen): The Minister is well aware of that, but as the Government has already made applications to the Bureau of Technical Assistance Operations for an expert, we have to wait for that expert advice first before we could hand over. In fact, the matter of road construction is more or less a matter for the Ministry of Communications.

Mr. Nthenge: Mr. Speaker, Sir, arising from the reply, could we be told how long we will wait for the reply from the Bureau?

The Parliamentary Secretary for Tourism, Forests and Wild Life (Mr. Keen): As soon as possible.

Mr. Nthenge: May we know what "as soon as possible" means in terms of days and months?

The Parliamentary Secretary for Tourism, Forests and Wild Life (Mr. Keen): When I say "as soon as possible" we will be told as soon as possible.

Mr. Nthenge: Mr. Speaker, can the term "as soon as possible" be more than a year?

The Parliamentary Secretary for Tourism, Forests and Wild Life (Mr. Keen): "As soon as possible" does not necessarily mean more than a year or less than three years.

Air Commodore Howard-Williams: Will the Parliamentary Secretary tell this House whether the Bureau is bureaucratic?

The Parliamentary Secretary for Tourism, Forests and Wild Life (Mr. Keen): It is the Bureau of Technical Assistance of the United Nations.

Mr. Towett: Can the Parliamentary Secretary tell us if the Ministry of Tourism backs up the construction of the toll road irrespective of how it is done, Mr. Speaker?

The Parliamentary Secretary for Tourism, Forests and Wild Life (Mr. Keen): I think I have already made it clear that certainly when we receive a complete report from the United Nations technical experts, it will definitely have the backing of my Ministry.

Mr. Nthenge: Mr. Speaker, Sir, does that mean that now the Government cannot tell us whether they support this or do not?

The Parliamentary Secretary for Tourism, Forests and Wild Life (Mr. Keen): I have already said the Ministry of Tourism will support it, will back it.

Mr. Nthenge: Mr. Speaker, Sir, the Parliamentary Secretary said that they will tell us after getting a reply, and I am trying to find out if the Ministry even now supports the idea of a toll road to Mombasa by private enterprise?

The Parliamentary Secretary for Tourism, Forests and Wild Life (Mr. Keen): It means that we are backing it right now.

Mr. Jamal: Mr. Speaker, will this expert be looking into the Nairobi-Mombasa road only or will he be looking into toll roads for other parts as well?

The Speaker (Mr. Slade): I think that is getting beyond the original question.

MEMBER'S STATEMENT

PARLIAMENTARY OPPOSITION GROUP

Mr. Nthenge: Mr. Speaker, Sir, thank you very much for allowing me to make the following statement, which I make as Leader of the Parliamentary Opposition Group.

Mr. Speaker, Sir, I would like to inform this House that we have organized ourselves into a Parliamentary Opposition Group which already has 15 hon. Members, with every hope that some more are joining us. Any such Members are welcome, and should inform our hon. Secretary, Mr. Towett. The purpose of this group is not to criticize or oppose any one party or parties as such. Its purpose is solely to advise, criticize and oppose the Coalition Government as a Government within this House. We will criticize and oppose constructively and shall vote as we like, disregarding the Coalition Government Whip. When the need occurs on an issue or issues we will demand a division.

May the House note that the activities of this group do not go beyond this House: that is, our

[Mr. Nthenge]

activities will deal with matters of the Legislature only. None of us will lose his party's identity.

I am sure the necessity of a Parliamentary Opposition Group is highly appreciated by the House. It hopes to keep this House very active and very lively.

Air Commodore Howard-Williams: Mr. Speaker, Sir, may I, with your permission, make it clear to the House that the former independent Opposition is very honoured indeed to be associated with this new Group.

BILLS

First Readings

THE STREETS ADOPTION BILL

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

THE LOANS (UNITED STATES OF AMERICA) BILL

(Order for First Reading read—Read the First Time—Ordered to be read the Second Time Tomorrow)

THE CHILDREN AND YOUNG PERSONS BILL

(Order for First Reading read—Read the First Time—Ordered to be read the Second Time Tomorrow)

THE FIREARMS (AMENDMENT) BILL

(Order for First Reading read—Read the First Time—Ordered to be read the Second Time Tomorrow)

THE SHIPPING (AMENDMENT) BILL

(Order for First Reading read—Read the First Time—Ordered to be read the Second Time Tomorrow)

THE KENYA BUILDING SOCIETY (SPECIAL PROVISIONS) BILL

(Order for First Reading read—Read the First Time—Ordered to be read the Second Time Tomorrow)

ADJOURNMENT

The Speaker (Mr. Slade): That concludes the business on the Order Paper. I would remind Constituency and National Members that they are to meet at 4.30 today to elect a Representative Member for the C.L.A.

Council is now adjourned until tomorrow, Wednesday, 13th March at 2.30 p.m.

The House rose at forty-five minutes past Three o'clock

WRITTEN REPLY TO QUESTION

Question No. 97

DIET AND CLOTHING IN PRISONS

Mr. Wabuge asked the Minister for Social Services:—

- (a) Would the Minister tell the House what diet was supplied in Government Prisons and whether the daily supply was enough for each prisoner?
- (b) What was the supply of clothing, bedding, etc., issued to each prisoner?
- (c) What other facilities were provided for prisoners in so far as social and educational activities were concerned?

REPLY

(a) The first schedule to the Prisons Rules, 1963, which it is expected will come into effect on or about the 16th of January sets out the diet scales in full. These scales, which are not attached as they are in fact the same as those in force under the existing Prisons Ordinance, have been drawn up by the Government Biochemist in consultation with the Director of Medical Services, and unquestionably they provide a first class balanced diet. All prisoners are weighed regularly and their weight recorded in a Weighment Register. A study of any of these registers shows that most prisoners gain weight after admission to prison.

(b) The supply and care of clothing and bedding is provided for under sections 46 to 48 of the proposed Prisons Rules, 1963, which are as follows:—

Clothing

46. (1) Subject to section 35 of the Ordinance (section 35 of the Ordinance permits unconvicted prisoners to wear their own clothing) every prisoner shall be supplied with and shall wear such prison clothing as may be directed.

(2) Additional and alternative clothing may be supplied to a prisoner on the recommendation of the medical officer, or by order of the officer in charge.

Bedding

47. (1) Every prisoner shall be supplied with bedding adequate for warmth and health.

(2) Additional or alternative bedding may be supplied to a prisoner on the recommendation of the medical officer.

Cleanliness of clothes and bedding

48. (1) The clothes of a prisoner shall be changed and washed at least weekly, and bed-clothes shall be washed and aired as often as the officer in charge may direct.

(2) The prison clothing and bedding discarded by a prisoner on discharge shall be thoroughly washed, dried and disinfected before being returned to store or re-issued. The foregoing will mean, and in fact this already applies under the existing Ordinance, that in all prisons in the Colony enjoying a normal climate each prisoner receives two suits of clothing, two blankets and one sleeping mat, but the issue may be increased in cases where prisons are situated in very cold climates. Through good conduct and industry a prisoner who has served 18 months' imprisonment may receive a bed and mattress as a privilege under the progressive stage system.

(c) The social and educational facilities provided to prisoners do of course vary from prison to prison. In general more amenities are available in the larger central prisons in which prisoners are confined for longer sentences. All the large prisons and most of the smaller ones hold classes for prisoners, for which they are provided pencils, slates and elementary text books. Five school teachers provide educational classes at establishments for youthful offenders and at the remaining establishments school classes are taken by voluntary teachers. Other evening activities include hobbies and handicrafts, plays and concerts. Recreational training is encouraged at prisons and competitive games of soccer and volley ball are played. In addition, draughts and the indigenous game of bau are indoor games played and cinema shows are given whenever possible. Libraries containing books which range from the most elementary to really advanced literature are available. In addition there are six After-Care Welfare Officers and two Assistant After-Care Welfare Officers stationed at the prisons which have the most pressing need for them. They are as their designation implies, responsible for the welfare of prisoners during incarceration and for their after care and employment upon release.

Wednesday, 13th March, 1963

The House met at thirty minutes past Two o'clock.

[*The Speaker (Mr. Slade) in the Chair*]

PRAYERS

NOTICES OF MOTIONS

EXCHANGE OF CROWN LAND WITH TRUST LAND

The Minister for Lands, Surveys and Town Planning (Mr. Mate): Mr. Speaker, Sir, I beg to give notice of the following Motion:

THAT this Council agrees as to the need for permanency in the exchange of 3,600 acres of Crown land within the Tsavo Royal National Park at Iltilal with 3,630 acres of Trust land within the Masai Land Unit at Njugini.

SPECIAL CROPS DEVELOPMENT AUTHORITY:

LOAN GUARANTEE

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council approves the Government's proposal to guarantee the repayment of loans totalling £720,000 which are to be made to the Special Crops Development Authority and to various companies to be formed by the Special Crops Development Authority and the Colonial Development Corporation for constructing and equipping six tea factories for the processing of smallholder grown tea.

KENYA NATIONAL STADIUM: CONSTRUCTION

Mr. Erskine: Mr. Speaker, Sir, I beg to give notice of the following Motion:

THAT this Council urges Government to consider the immediate commencement of constructional work on the Kenya National Stadium on Princess Elizabeth Way in preparation for Kenya's Independence Celebrations.

ORAL ANSWERS TO QUESTIONS

Question No. 84

PLANS FOR THE ELIMINATION OF MALNUTRITION

Mr. Nthenge asked the Minister for Health and Housing what plans did the Ministry have to eliminate malnutrition?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I beg to reply. The elimination of malnutrition depends upon a knowledge of the right foods to eat, freedom from

suspicion or taboos about eating them, together with the ability either to grow or produce the necessary foodstuffs or to purchase them. Before malnutrition can be eliminated it is necessary that the general standard of education throughout the community should be raised and the general standard of living. It is evident from this that as far as Government efforts to solve this problem are concerned, the activities of a number of Government Ministries are involved. As far as the Ministry of Health is concerned, I would particularly mention the following activities:—

- (1) The rural health centre policy established in 1951 whereby the three branches of the health service, the curative, the preventive and the promotive are combined, and which is designed to take health and health education right into the homes of the people.
- (2) The National Reference Health Centre at Karuri which was opened by the Governor towards the end of January, where teams of health centre workers from all over the country will receive post-graduate training as complete teams.
- (3) The Health Education Unit of the Ministry with its headquarters in Nairobi, which works in conjunction with Medical Officers in the Districts.
- (4) The Nutrition Survey now being undertaken with the assistance of World Health Organization experts seconded to the Ministry.
- (5) The National Advisory Council on Nutrition, which has been established not only to advise me on long-term measures required to eliminate malnutrition but also to co-ordinate the efforts of all concerned with the subject.

Mr. Odede: Mr. Speaker, Sir, is the Minister aware that malnutrition is more serious in children, and if so, what does he do to help mothers who cannot feed their children properly, and also for the school children?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, one of the things we do, as I have just mentioned, is to try to impart the necessary education to the people concerned so that they can feed their children properly. Another thing we do is to have health centres where needy children, who need to supplement the diet they get locally, can get dried milk supplied free.

Mr. Nthenge: Mr. Speaker, Sir, can the Minister tell us in precise terms whether these actions

[Mr. Nthenge]

that he claims his Ministry does cover the whole of Kenya?

The Minister for Health and Housing (Mr. Mati): Yes, Sir.

Mr. Towett: Mr. Speaker, Sir, does the Minister realize that it is not possible to eliminate malnutrition, and does he accept the fact that he has not given us the answer?

The Minister for Health and Housing (Mr. Mati): I do not accept the latter part of the question, Mr. Speaker, but I certainly agree that it is difficult to eliminate malnutrition but we are doing our best. There is no place in the world where they could claim that they could completely eliminate malnutrition.

Air Commodore Howard-Williams: Is the Minister aware that malnutrition is caused very largely in any country by an acute shortage of food, and that there can be plenty of food if only the Minister and his colleagues on the front bench can persuade the water of Victoria Nyanza to flow on to the Athi River plains?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, if only the hon. and gallant Member would give us the necessary funds we will do what he requires us to do.

Mr. Odede: Mr. Speaker, Sir, the Minister said that children are being given milk in various places, can he tell us that the children are given milk in rural areas all over Kenya?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, that is so.

Mr. Nyagah: Mr. Speaker, arising from the Minister's original reply, is the Minister satisfied with the three aspects he mentioned as being carried out at the health centres?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, we try our best. We have this aim and we do all we can to reach our goal.

Mr. Kohli: Does the Minister know that the Municipality of Kisumu has taxed milk and that has added to the problem of malnutrition.

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, that question is directed towards the wrong Minister.

Mrs. Shaw: Mr. Speaker, Sir, can the Minister tell me what co-ordinating body is under his Ministry to see that these various teams which

are doing nutritional survey work, such as W.H.O., in Kenya are not overlapping?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, as I have mentioned there are a number of bodies concerned with this, and we try as far as possible to keep them co-ordinated. Of course, as the Minister, I am co-ordinator to that extent. If the hon. questioner wishes to know exactly how the work is co-ordinated, I could, at a later stage, inform her.

Mr. Erskine: Mr. Speaker, is the Minister aware that when there is a shortage of milk, as there is in most parts of the country at different times, milk consumed by adults is milk wasted, and all milk should go to children?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I do not agree with that because even grown ups do need good food.

Mr. Nthenge: Mr. Speaker, arising from the Minister's reply that they are interested in doing everything they can to deal with malnutrition, why was Kenya then not represented when there was a conference of F.A.O., W.H.O., and C.C.T.A., which took place at Dar es Salaam recently—

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, the question asked why was Kenya not represented—I see, he has changed his question. In fact Kenya was represented.

Mr. Odede: Mr. Speaker, Sir, does the Minister know what he said in front of this House? Can he tell the House how much milk is given to school children in the rural areas, and how much milk is given in the urban areas?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, if the hon. Member wishes to get the figures, I can supply these to him any time he requires them.

Mr. Nthenge: Mr. Speaker, is the Minister willing to consider films to be shown to mothers, particularly those who have not been to school, in order to help them to know how to feed their children with a correct diet instead of feeding them carbohydrates only?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, as I said we have the Health Education Division, and these are some of the things that it does. It produces pamphlets, booklets, photographs, film strips, etcetera, in order to further the education of these mothers who the hon. Member is concerned with. There is a regular nutrition bulletin which is produced by the Division. Mr. Speaker, Sir, we produce these pamphlets in various languages.

Mr. Wabuge: Mr. Speaker, would the Minister tell us on what the health education is based; is it based on the district basis or on the location or village basis?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, this division is a division of the Ministry of Health headquarters in Nairobi, but we work through our District Medical Officers and the health centres.

Mr. Towett: Mr. Speaker, Sir, in the Minister's earlier reply he said there were various co-ordinating bodies. Do some of such bodies give voluntary help to the Government or are they all paid bodies?

The Minister for Health and Housing (Mr. Mati): No, Sir, they are not all paid bodies because one of the bodies I mentioned was a World Health Organization body. This is seconded to us from the United Nations. You cannot call that completely a paid body. There are also voluntary bodies from Kenya.

Mr. Wabuge: Mr. Speaker, would the Minister tell us whether he is satisfied that the health education does reach every corner of the country?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I cannot claim that it reaches every nook of the country, but certainly we go as far as we can.

The Speaker (Mr. Slade): Hon. Members, this question has ranged over a very wide field; I think we have given it long enough. We will go on to the next question.

Question No. 85

DISTINGUISHING WORK SEEKERS FROM THUGS

Mr. Nthenge asked the Minister for Labour what arrangements there were to enable work seekers to distinguish themselves from the thugs?

Hon. Members: Answer, answer, or resign. resign!

The Speaker (Mr. Slade): Is there no hon. Member ready to answer this question, Mr. Ngala?

The Minister of State for Constitutional Affairs and Administration (Mr. Ngala): Mr. Speaker, Sir, the Minister responsible for this question is not here and as briefs have not been supplied, I would like the question to be deferred.

Hon. Members: Resign, resign.

The Speaker (Mr. Slade): We will have to proceed to the next question.

Question No. 86

NUMBER OF BUSINESSES CLOSED SINCE
MARCH, 1962

Mr. Nthenge asked the Minister for Commerce and Industry how many companies had closed their businesses in Nairobi since March, 1962?

The Parliamentary Secretary for Commerce and Industry (Mr. Mohamed): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply.

Since 1st March, 1962, 34 companies have notified the Registrar of Companies of their intention to go into voluntary liquidation. Such companies will not necessarily have ceased operations as of today's date but will eventually close down. In addition 58 companies have notified the Registrar of Companies of their intention to cease operations in Kenya and have been struck off the Register.

Mr. Nthenge: Mr. Speaker, has the Ministry done anything to help these companies to be able to continue in business?

The Parliamentary Secretary for Commerce and Industry (Mr. Mohamed): Mr. Speaker, Sir, I will say this. The liquidation is voluntary and there is nothing my Ministry can do when a company goes into voluntary liquidation.

Mr. Nthenge: Mr. Speaker, can the Parliamentary Secretary tell this House that these people did not close business because they could not get financial assistance?

The Parliamentary Secretary for Commerce and Industry (Mr. Mohamed): Mr. Speaker, Sir, when companies apply for voluntary liquidation, they do not mention that they are closing down because they did not get financial assistance. They went into voluntary liquidation.

Mr. Wabuge: Mr. Speaker, would the Parliamentary Secretary tell us what is the main reason which causes some of these companies to close down?

The Parliamentary Secretary for Commerce and Industry (Mr. Mohamed): Mr. Speaker, Sir, this closure is, as I have said before, voluntary. Every year, in every country, business organizations do go into voluntary liquidation and therefore there is no reason for any alarm to find out why these companies are closing down.

Mr. Wabuge: Mr. Speaker, would the Parliamentary Secretary not agree with me that some of these companies are closing down because they fear some of their businesses being nationalized as the result of statements made by some political leaders in the sense that all businesses in the country will be nationalized after independence and that is why they are closing down their businesses?

The Parliamentary Secretary for Commerce and Industry (Mr. Mohamed): Mr. Speaker, Sir, I do not think so. I think this is a normal course of business when companies get registered and companies close down.

Mr. Nthenge: Mr. Speaker, Sir, can the Parliamentary Secretary tell this House whether his Ministry is at all worried because of the closing of these businesses? Many people become unemployed and the Ministry should be concerned.

The Parliamentary Secretary for Commerce and Industry (Mr. Mohamed): Mr. Speaker, Sir, looking at the numbers of companies registered in the country, the companies which have asked for voluntary liquidation do not make any comparison. It does not show an alarming figure.

Mr. Towett: Mr. Speaker, Sir, could the Parliamentary Secretary tell us, out of the companies he has mentioned, how many are public companies and how many are private companies?

The Parliamentary Secretary for Commerce and Industry (Mr. Mohamed): Mr. Speaker, that is another question, it will need a little research and if the hon. Member would like to have the details my Ministry will be only too glad to help.

Mr. Wabuge: Mr. Speaker, will the Parliamentary Secretary tell us how many of the companies which have closed down originate overseas and how many are from this country?

The Parliamentary Secretary for Commerce and Industry (Mr. Mohamed): Mr. Speaker, again this is quite a separate question but I will be able to supply the details to the hon. questioner if he wishes to have them.

Question No. 88

AFRICAN HEALTH INSPECTORS: COURSES

Mr. Khasakhala asked the Minister for Health and Housing how many African Health Inspectors were taking courses locally for meat and food diplomas? What percentage of passes had been obtained in the last two years? Was

the Ministry satisfied with the number of passes obtained?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, I beg to reply.

The second training course for the diploma in meat and other foods has just been completed; out of 11 health inspectors who underwent the course five passed the examination. The remainder will be given the opportunity to resit the examination later in the year.

This was only the second course to be held in East Africa; the first course took place during 1962 and at the examination held in September of that year one out of four candidates passed.

I do not consider the percentage of passes satisfactory. It does not yet appear to be appreciated by students that a great deal of study outside normal school hours is required if they are to be more successful. These examinations come under the direction of the Joint East African Examination Board which applies standards of the Royal Society of Health so that health inspectors may obtain recognized and internationally acceptable qualifications. This Board was recently convened and I understand gave full consideration to the standard of the various examinations and the proportion of past failures.

Mr. Murgor: On a point of order, Mr. Speaker, is it in order for the hon. Parliamentary Secretary to read his speech?

The Speaker (Mr. Slade): It is an accepted practice of very long standing for Ministers and Parliamentary Secretaries, when answering questions, to read the reply. In fact, hon. Members know that a copy of the reply in writing is always made available immediately after the question has been answered.

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): I must reiterate that once the facilities for tuition have been provided it is up to the students to apply themselves to their studies in order to achieve success; no amount of energy on the part of the tutors can replace the necessity for students to take their studies seriously.

Mr. Nthenge: Mr. Speaker, does the Parliamentary Secretary consider that the bad results may be due to bad teaching?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, I do not think so.

Mr. Khasakhala: Mr. Speaker, Sir, would the Parliamentary Secretary tell the House whether he has investigated the marking of these examination papers so that he could put to us that students are not keen on their studies?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, I am sure I have pointed out in my reply that we do not think the passes were satisfactory, so therefore my Ministry has already investigated. It is not the only school where students have failed, they have been failing in some other schools which are not in the Ministry of Health.

Mr. Khasakhala: Mr. Speaker, Sir, what are the immediate actions the Ministry is prepared to undertake in order to see that these particular courses are improved?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, this is an East African course and actually it is sort of a supplementary qualification. The Ministry of Health is ready to see that the people who undertake that course actually pass their examination if they show that they would like to study and spend some of their spare time studying so that they can pass their examinations.

Mr. Towett: With regard to the failures the Parliamentary Secretary has enumerated, Mr. Speaker, can he tell us how many out of the failures were School Certificate candidates?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, I should need notice of that question.

Mr. Odede: Mr. Speaker, Sir, would the Parliamentary Secretary tell the House at what standard of education students take the health inspectors' course?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, I would like to have notice of that question, also. I am not prepared to reply to that question at the moment.

Mr. Wabuge: Mr. Speaker, Sir, would the Parliamentary Secretary tell the House what is the percentage of intake every year?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, I am not ready to give the figures which are required by the hon. Member, but I would like to give him such information later on if he needs it.

The Speaker (Mr. Slade): I do not think hon. Members could expect you to have all these figures at your finger-tips.

Mr. Khasakhala: Mr. Speaker, Sir, could the Parliamentary Secretary tell the House how often recruitment is carried out for these courses, how they are advertised, so that people in Kenya know about them?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, sometimes the Ministry sends someone to the schools to invite students to join such courses; moreover, any courses which come up in the Government are always advertised in the Official Gazette and sometimes in the newspapers.

The Temporary Member for Mombasa West (Mr. Jahazi): As the Parliamentary Secretary is blaming all these failures on the students, does that mean to say that they are not properly selected when the students are taken on whereby they pick students who are more interested in the job rather than just taking them as they come?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, it does not mean that my Ministry selected students to undertake this course who were not able to pass the examination. They selected the number of students whom they thought would pass the examination. The results in the examination showed also that perhaps the students did not make a great effort to pass the examination.

Mr. Towett: Mr. Speaker, Sir, does the Parliamentary Secretary agree with me that it is out of place to blame those who failed before knowing at what standard they started their courses?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, the standard actually is noted by my Ministry, but I am not able at present to give the standard of students who started that course.

Mr. Nthenge: Mr. Speaker, can the Parliamentary Secretary satisfy this House that these students have not failed because of bad teaching?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): Mr. Speaker, Sir, as I said before, that school was not the only school to have failures in Kenya; there were failures in other schools. The hon. Member for Machakos—I do not know whether he has been a teacher—knows very well that there are students who have failed examinations all over Kenya.

Mr. Towett: Mr. Speaker, Sir, does the Parliamentary Secretary accept the responsibility to supply the answers to our questions direct to the Members since he has not satisfied us today?

The Parliamentary Secretary for Health and Housing (Mr. Konchellah): I will do that, Mr. Speaker.

Question No. 89

DISTRICT HEALTH INSPECTORS: APPOINTMENT OF

Mr. Khasakhala asked the Minister for Health and Housing why the Ministry had not localized any of the posts in the medical officers' grade, particularly as there were senior African Doctors with the necessary qualifications.

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I beg to reply. The hon. Member is incorrect in thinking that my Ministry has not localized any of the posts in the medical officers' grade. In fact, of the total establishment of 211 medical officers on the strength at present, 98 are local. Of the 98 local medical officers, there are 59 Asians, 35 Africans and four Europeans. On grounds of inadequate qualifications some local doctors have been rejected when applying for posts as medical officers, but no African who has applied for a post as a medical officer has been refused.

Mr. Wabuge: If the Minister says there are no African doctors who have ever applied for promotion, will the Minister tell us whether there are some Africans whom he thinks, if they applied, could be promoted?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, although that question is different, I will answer it because the question was whether we have Africans or local people at the medical officer grade, and I said we have. But if the hon. Member wishes to have a few more details, here they are. One African doctor has been appointed as assistant director of medical services; one is acting as senior medical officer of health (health education); two are acting provincial medical officers; one is deputy provincial medical officer; one is medical officer in charge of infectious diseases and is deputy to the senior medical officer, T.B.; and two are medical officers of health.

Mr. Khasakhala: Mr. Speaker, Sir, arising from the Minister's reply, what machinery has been made available to African doctors to know when these vacancies occur in the country?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, we have a Public Service Commission and all these jobs are advertised.

Mr. Khasakhala: Mr. Speaker, who goes through these applications?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, the Civil Service Commission is responsible for the selections and promotions.

Mr. Khasakhala: Mr. Speaker, Sir, will the Minister tell us whether he is satisfied that the Public Service Commission makes known these vacancies to every doctor who is interested?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I have said that these posts are advertised.

Mr. Odede: Mr. Speaker, Sir, could the Minister tell the House whether we have sufficient doctors, medical officers, in this country, or not?

The Minister for Health and Housing (Mr. Mati): Sufficient, we have not, Mr. Speaker, Sir.

Mr. Murgor: Mr. Speaker, Sir, could the hon. Minister tell us whether the Civil Service Commission is impartial and not tribalistic?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I have no doubts as to the impartiality of the Civil Service Commission.

Mr. Wabuge: Mr. Speaker, Sir, could the Minister tell us whether he does recommend or give recommendations for promotion to the Civil Service Commission? Does he give these recommendations or does he not care?

The Minister for Health and Housing (Mr. Mati): It is not a question of not caring, Mr. Speaker. Of course, we are trying our best to promote local doctors, but we certainly cannot interfere with the working of the Civil Service Commission.

Question No. 90

MEDICAL OFFICERS' GRADE: LOCALIZATION OF

Mr. Khasakhala asked the Minister for Health and Housing what steps was the Minister taking to put senior African medical officers into Medical Headquarters to enable them to gain experience in the administrative side of the Department's work?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I beg to reply. An African doctor has already been appointed assistant chief medical officer. In addition, the post of deputy provincial medical officer has been created administratively in three provinces for the specific purpose of giving some of the more senior African doctors a chance to obtain administrative experience at a high level as quickly as possible.

*Question No. 100***NATIONAL INCOME: PERCENTAGE OF TAXATION**

Mr. Alexander asked the Minister of State for Constitutional Affairs and Economic Planning if the percentage of Taxation in relation to the National Income was taken into account when considering Economic Planning, and if so, what percentage figure of total Taxation was regarded as a safe maximum?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. Yes, Sir. This matter is taken into account and it is a subject on which I maintain close contact with my hon. friend, the Minister for Finance. Expert economists have advised that there is still some scope in Kenya for increasing the percentage of National Income taken in Taxation.

Mr. Alexander: Mr. Speaker, what is that scope?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, in view of the fact that we are very close to the Budget Day speech, I am sure it would be improper for me to reply in a way that might lead to a so called leakage of the Budget speech which will be given by the Minister for Finance. As a matter of fact, Mr. Speaker, Sir, that particular aspect of the question should be directed to the Minister for Finance.

Mr. Alexander: Mr. Speaker, this question is not asking for budget secrets, it is asking for taxation in relation to National Income. Can I have an answer please?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, the hon. Member actually has already seen such reports as the Report of the World Bank on Economic Development, and also a Report that will be published very soon by Professor Tress. If he would like to know, the figure quoted there, which is not now classified material, it is approximately 20 per cent of the monetary aspect of our economy. But as I said that is the estimate of those expert economists, I would rather not begin discussing the percentages that the Minister for Finance will make public when he reads the Budget Debate.

Mr. Alexander: What is the percentage at the moment?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano):

Mr. Speaker, Sir, I would have that question actually asked of the Minister of Finance.

Mr. Alexander: Mr. Speaker, is it suggested that this is not the responsibility of the Ministry for Economic Development?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, this examination of what taxation is being imposed upon citizens, is, as everybody who knows the ABC of Government knows, the responsibility of the Minister of Finance.

Mr. Towett: What we are asking the Parliamentary Secretary is whether he has taken into consideration these percentages when looking into economic planning. Do they take that percentage into consideration or not? If they do, what percentage rate is taken into consideration?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, as one ex-Minister replying to another ex-Minister, I would like to point out that I did say that our Ministry does take it into consideration; does actually carry out discussions with the Minister of Finance. The final decision as to what taxation, and therefore what percentage, should be imposed on the country, on the National Income, is the real responsibility of the Minister for Finance.

Mr. Murgor: Mr. Speaker, Sir, arising from that reply, does the hon. Parliamentary Secretary accept that the Ministry of Economic Planning is a fictitious Ministry?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, I think that question is outside the scope of hon. gentlemen's talk, and that the definition of the word "fiction" does not apply to the fact that the Ministry does exist in the Government of Kenya.

Mr. Erskine: Mr. Speaker, Sir, would the Parliamentary Secretary agree that the percentage of taxation in relation to the National Income is somewhere between 10 per cent and 15 per cent, would he furthermore agree that our National Income figures are, to a certain extent, bogus in that they are not based on an actual plan for National Income?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, there are actually two aspects here which I would like to comment on very briefly. One is the question of taxation. Are you

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talking in terms of taxation only in terms of that money which is taken by the Central Government, or are you including also the money taken by the local authorities as well? Now, if you consider the amount of money taken by the local authorities as well, the figure is not relatively as high as the one quoted by the hon. Member. Secondly, Mr. Speaker, I will not accept the phrase "bogus" because in my reply to the hon. Member for Nairobi Suburban, I did refer to the monetary aspect, the monetary sector, of our economy, meaning that we do recognize also the existence of the subsistence aspect of our economy and it is rather difficult at this stage to come up with exact figures in respect of the subsistence aspect. Therefore I replied in terms of the monetary aspect, being fully mindful of the fact that a very large part of our population does live on subsistence economy, and you see the difficulties it is going to present.

Mr. Towett: Mr. Speaker, does the Parliamentary Secretary agree with me that since the Ministry does not know what the percentage is, it appears that he has never taken it into account in his economic planning?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, the ex-Minister is perfectly free to assume whatever he wishes to assume, but the points are as I replied earlier, that these particular aspects of the question are another Ministry's department, and therefore I am not assuming to be the Parliamentary Secretary for Finance, but I think such a human being does exist to my left.

Mr. Wabuge: Mr. Speaker, would the Parliamentary Secretary accept the fact that since he has not answered the question it means that his Ministry is always working behind and is not up to date?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, much as I find that there is no need to answer that particular question, I feel that I should remind that Member that we are coming now to the end of the first year of the three-year development plan, which will end on 30th June, 1963, and after that, during the Budget Debate that will ensue, the new development plan, for whatever number of years it is, will then be discussed. Therefore, Sir, it is not a question of our being behind times, it is that we are up to date, in fact we are ahead of time.

Mr. Towett: Mr. Speaker, Sir, does the Parliamentary Secretary mean to tell the House that, covering the three years of economic planning, they have never been able to know what percentage they are working on?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, I am glad to say that the Development Committee of the Council of Ministers, which helped in the forming of that development plan, was, as I said, a Committee of the Council of Ministers, and that Council, Sir, did include the questioner.

Question No. 101

ECONOMIC DEVELOPMENT IN PRIVATE SECTOR

Mr. Alexander asked the Minister of State for Constitutional Affairs and Economic Planning when did Government intend to encourage economic development in the private sector by offering income tax and other inducements to new enterprises?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. The Government's policy in this matter was referred to by the Minister for Finance in his Budget Speech when announcing the introduction of investment allowances, which provide an inducement to investment by existing as well as by new enterprises. This matter is, however, under review.

Mr. Alexander: Mr. Speaker, Sir, can the Minister explain how he justifies the substitution of initial allowances previously conceded by investment allowances as the inducement referred to in the question.

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, the line between the responsibilities of my Minister and those of the Minister of Finance is a rather thin one. All I can say is that our Ministry, without committing the Ministry of Finance, although we must all the time remember the concept of collective responsibility, is interested in finding ways of inducing private investors to come to this country. It is in fact looking into the various—

Mr. Alexander: Mr. Speaker, could the Parliamentary Secretary answer the question?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): —ways in which other countries have done it. Now as to why the Minister for Finance changed

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to investment allowances, that is for the Minister for Finance to explain. Mr. Speaker, I would say that since this particular investment allowance was announced, as I said in my original reply, in the Budget Speech by the Minister for Finance, then that is the Ministry to which this question should be directed.

The Temporary Minister for Finance (Mr. Butter): Would the hon. Parliamentary Secretary agree that there is a fundamental difference between initial allowances and the normal allowances on income tax and investments? Would he agree, Sir, briefly that an investment allowance of 10 per cent enables a business to write-off 110 per cent of the expenditure—

The Speaker (Mr. Slade): Mr. Butter, that is becoming too much like a speech, I am afraid.

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, as you are very much aware the Ministry of Finance was seeking an opportunity to reply to the question which has been misdirected to our Ministry.

Mr. Alexander: Mr. Speaker, in the statement referred to last year by the Parliamentary Secretary, is he aware that the Minister announced the complete abolition of initial allowances, and later in the speech introduced investment allowances; would he not agree that in fact, by whatever name these allowances may be described, one was less than a substitution for the other?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, may I know from the hon. Member for Nairobi Suburban whether he was referring to the Minister for Economic Planning or the Minister for Finance?

Mr. Alexander: Mr. Speaker, Sir, it was not a speech I was referring to, the Parliamentary Secretary himself referred to a speech made last year, and I presume he knows who made it. I understand that the Minister for Finance made it. But, Mr. Speaker, that is not the point of this question. The point is that in the approach to economic planning, and this is why this question is directed at this Ministry, one of the big factors is always inducements of this nature, and can we be told quite clearly whether investment allowances are meant to be a substitution for the previous inducement of initial allowances?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, as I said earlier, I do not want to make final decisions for the Minister for Finance, and therefore although I know the answer I refuse to reply for the Minister for Finance. I did refer, Mr. Speaker, in my attempt to direct the hon. Member to the speech made by the Minister for Finance, but I was not, in that capacity, seeking to present myself here as either his spokesman or his Parliamentary Secretary. I do think, Mr. Speaker, Sir, that from the point of view of the Minister for Finance, the hon. Member should be advised to put his questions to the right Ministry. That is why, Mr. Speaker, I refuse to answer this question.

The Speaker (Mr. Slade): I would like to get this clear with regard to questions and the appropriate Ministries. As I see it a Member addresses a question to the Ministry he thinks is best able to answer the question. If that Minister thinks the question has been misdirected and should be answered by another Minister, I think it is the responsibility of that Minister to pass it over to the other Ministry instead of trying to answer a misdirected question by giving no answer.

The Parliamentary Secretary for Lands, Surveys and Town Planning (Mr. Argwings-Kodhek): On a point of order, Mr. Speaker, if a question arises when a Minister finds, while he is in the House, that he cannot answer a question directed to him and when some of his colleagues may be around, then he stands up and says, "I beg to reply". Is it not a fact then that he must continue, or should we excuse him?

The Speaker (Mr. Slade): It is so. If a Minister takes it on himself to reply to a question, whether or not it has been directed wrongly, he must give the best reply he can, but it is not a good reply to say that the question has been misdirected.

Mr. Alexander: Mr. Speaker, Sir, this question refers to other inducements. May we now, Mr. Speaker, ask the Parliamentary Secretary to get away from income tax and tell us what other inducements they have in mind?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, as I said in my original reply, there are a number of bodies that are looking at the various forms of inducement. In the first place there is the vote of Industrial Development which is advising the Ministry of Commerce and Industry, there is also the newly established Planning and Development Advisory Commission

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that is also on the vote of Commerce and Industry, and in view of the fact that the increasing development plans will be coming into effect on 30th June, 1963, attempts are now being made to examine the various ways in which so-called under-developed countries have sought to attract private investment. We are very much aware of the steps being taken, for example, by Jamaica, Malta and other countries, and we are looking at these and the final decisions. When the final decisions are made, the examples will be made public. In addition to that, Mr. Speaker, my Minister has been in contact with a number of representatives of commerce and industry, for example, very recently he was in touch with the Trade Mission from West Germany; all these measures are being taken and I am quite sure that when this new development plan is published, then the hon. Member will be in a position to comment, and I am sure very constructively, too.

Mr. Alexander: Mr. Speaker, what other inducements have the Government in mind?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, I thought I had just explained to the hon. Member the type of investments that will appear, without actually telling him what we will eventually put in the Paper that is to be published. He knows, for example, what is going on—I hope he does—and some of the steps taken by the Government of West Indies. I am sure he knows what the Government of Malta is doing. I am sure he knows this, but the point I am making is, Mr. Speaker, that although some of the questions are coming later on regarding economic planning and development the point now is that we are in co-operation with the Development Committee of the Council of Ministers preparing our development plans for next year. It is in that report, Mr. Speaker, that I think we shall make public the various types of inducement we want to offer.

Mr. Alexander: Mr. Speaker, the development plan is Government expenditure. This question deals entirely with investment in private sectors. May we know, Mr. Speaker, in just very simple words, not what is happening in Malta or Malaya or Northern Ireland, but what inducements are the Kenya Government going to introduce?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, in the first place I would like to

make this observation, that in the actual planning of any economy one should not ignore the private sector even if the Government plans are for the public sector, because the two should work together. Now, Sir, I am sure the hon. Member knows of the negotiations going on now for the establishment of a Kenya Development Company, which will be a sort of financial arm for the Government to enable some persons in the private sector to expand their affairs. The negotiations are now going on. In fact, at present we have the Industrial Development Corporation which has given a bit of assistance to a number of private industries, and I believe that the Ministry concerned is thinking of a way to strengthen the financial arm in order to enable the private companies, through a bigger unit, than the Industrial Development Corporation. This is one of the ways whereby a publicly-sponsored corporation can be of aid to private investment. I am sure also the hon. Member knows that in some of the towns outside Nairobi, where we would like to direct the private investors, industrial sites are offered at much more advantageous prices than they are in the City of Nairobi, but if I go too much into that, Mr. Speaker, I will be coming to the next question which again would be coming from the same hon. Member.

The Speaker (Mr. Slade): We will take the next question now.

Question No. 102

ECONOMIC DEVELOPMENT: PRIORITIES IN PRIVATE SECTOR

Mr. Alexander asked the Minister of State for Constitutional Affairs and Economic Planning what were the priorities in the Economic Planning of the private sector?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. The Government gives first priority to encouragement of agricultural development, and particularly the development of those crops with favourable prospects for export or those which serve as substitutes for imports.

Mr. Alexander: Mr. Speaker, the question asks for priorities, in the plural. May we now know what the rest of the priorities are?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, as the hon. Member is aware, the Kenya Government invited the World Bank to make a study of our industrial development

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and that report has just come out. The Government is looking into that and on the basis of that, the Government will know what to accept and what not to accept. The Government is already convinced that we must give first priority, of course, to agriculture. As to how to arrange the list of priorities for the others, we are now in the process of examining the views of the World Bank which are recorded in the World Bank report which was laid by my Minister; I think it was only yesterday.

Mr. Nthenge: Mr. Speaker, Sir, does the Parliamentary Secretary now accept that they have only one priority?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, I said that as we examine the views and recommendations made in the World Bank Report, we already know—as the hon. Member knows—that the economy of this country is so dependent on agriculture that that is given the top position.

Mr. Towett: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, if this one priority of agriculture is on the top of the list, what are the next four in this list below agriculture?

The Speaker (Mr. Slade): The Parliamentary Secretary has already answered that he is not ready yet to tell you that.

Mr. Alexander: Mr. Speaker, is the Parliamentary Secretary telling us that this Ministry, having been in existence now for a year, has no ideas at all of its own as to priorities?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, if the question had been put in that way, I would have answered it in the same language and the same kinds of implication. What I have said is this: that the Ministry of Planning, in connexion with the other economic Ministries, such as the Ministry of Commerce and Industry, the Ministry of Agriculture, the Ministry of Land Settlement, which work in conjunction with us, have not, of course, been sitting down waiting until somebody comes and tells them. But we did consider it an appropriate thing to do, to invite the World Bank, which is one of the major sources of our financing some of the development projects, to suggest to us in its own way what it considered the best. We have now received the World Bank report, we have

laid it on the Table, and we are now considering it, but, Mr. Speaker, I cannot accept the implication that we do not have our views.

Perhaps the hon. Member will be happy to know, Mr. Speaker, that in the actual research done by the World Bank Mission our Ministry was constantly consulted, that we have played quite a part in the formation of that report, so has the Ministry of Finance, so have the other Ministries. Therefore, I do hope that the hon. Member for Nairobi Suburban will not feel particularly depressed if I say that we have asked for an expert's recommendation and when that recommendation is fully finalized by the Government we shall even indicate where we may perhaps disagree.

Mr. Nthenge: Mr. Speaker, is it in order for Parliamentary Secretaries and Ministers to make political speeches instead of really answering questions directly?

The Speaker (Mr. Slade): All answers to questions are political, and they have to take the form of speeches, but the hon. Parliamentary Secretary is being rather long-winded in some of his replies.

The Parliamentary Secretary for Lands, Surveys and Town Planning (Mr. Argwings-Kodhek): On a point of order, Mr. Speaker, is it proper for hon. Members to refer to Parliamentary Secretaries generally because they possess varying degrees of competence?

The Speaker (Mr. Slade): I do not think we need bother with that point. We will go on to the next question now.

Mr. Alexander: Mr. Speaker, I do regard these answers as unsatisfactory and I would like to give notice of raising it on the adjournment.

The Speaker (Mr. Slade): You are referring to the answer to question No. 102?

Mr. Alexander: Question No. 102.

Question No. 103

ECONOMIC DEVELOPMENT IN POORER AREAS

Mr. Alexander asked the Minister of State for Constitutional Affairs and Economic Planning what measures were included in the current economic planning to encourage industry to the poorer areas of Kenya?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. The Government believes that the location of industry must

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be determined by a number of factors, the relative wealth of an area being one of these factors. In a number of centres in the less developed areas, the Government has provided industrial sites and services.

Mr. Alexander: Mr. Speaker, what areas and what facilities have been provided?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, of course we will have to agree on what you consider poor areas, but Karatina, for example, is one of the areas which the Ministry of Commerce and Industry for some time has been very interested in developing as an industrial area, and industrial sites are given there. Thika is another. Applications or considerations have been received by the various Ministries, for example, from Nakuru, from Kisumu, to name a few that come to my mind.

Mr. Odede: Mr. Speaker, Sir, the Northern Frontier is a poorer district and Central Nyanza is a poorer district. Would the Minister tell the House what plans they have for these areas?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, there are two aspects here. First of all, Mr. Speaker, I do not believe that South Nyanza is as poor as the Northern Frontier District—

Mr. Odede: Central Nyanza.

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, there are one or two things I would like to clarify as briefly as possible. In the first place, if we are talking in terms of private industry, we must recognize the main factor which is that the final decision as to where the investor will invest will be his decision. The role of Government is to try and induce him to invest in various places, and to provide, for example, proper communication. If we do not have proper communication, no investor will come there. If, for example, we do not have the electric power supply, the investor will not come there, because it is his money. So we do recognize first that the final decision for private investment rests upon the investor himself. Nevertheless, in order to induce them to invest in those areas, we consider, for example, as I say, the infrastructure which implies things like communication, electricity, and so on. If we refer to the N.F.D., I must admit that my knowledge of the N.F.D. is rather limited and I would have to look into that

to be able to reply to the question more satisfactorily.

Mr. Alexander: Mr. Speaker, in his first reply, the Parliamentary Secretary, I understood, did say that in fact some areas had received or had been dealt with with certain measures. I asked which areas and what measures.

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, again I will divide the question into two.

I have said that some areas, and I gave the example of Karatina—

Mr. Alexander: Now what has happened in Thika?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, the hon. and gracious lady behind me has said pre-Emergency. I say after the Emergency, when I was Minister for Commerce and Industry.

Anyway, in that area we do have electric power not very far from Karatina, we do have also the industrial sites at very low cost really. In the case of the other areas I mentioned, I did say that applications had been received. If the hon. Member for the Suburban Area would like me to categorize all the actual amount that the Ministry of Commerce and Industry has spent since the end of the Emergency on, let us say, Karatina and other places, I will gladly do that in writing because I do not have it at my fingertips.

Mr. Porter: Mr. Speaker, this is an example of the thing which I think has been very much in the minds of Members today. Would the Parliamentary Secretary agree to get his Ministry to look seriously into the possibility of developing a sisal factory in the Machakos area. All that infrastructure which he told us about now, I believe is already in existence there, and there are considerable possibilities.

The Speaker (Mr. Slade): I am afraid I cannot allow hon. Members to develop their pet theories as to what the Ministry should plan. The question is what is the Ministry doing now?

Mr. Khasakhala: Mr. Speaker, as Kenya is going to have seven Regions, would the Parliamentary Secretary tell the House of his plans regionally in order to encourage Kenya's industry?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, the Regional Governments have

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not, as yet, been instituted, therefore the question is a bit too early.

Mr. Jamal: Arising from the Parliamentary Secretary's original reply, does he not agree the Central Government generally guides the investors to site their industries in Nairobi rather than in other places?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano):

Mr. Speaker, Sir, that is not correct. The policy of the Government for some time has been to try and persuade private investors to spread out their investments. If they prefer Nairobi to Kisumu it is not because the Government has told them to prefer Nairobi to Kisumu. I therefore think this particular question is not in accordance with Government policy.

Mrs. Shaw: Mr. Speaker, arising out of the question on the siting of Karatina, and the Parliamentary Secretary's reply, could I be told, please, if it is to the vegetable factory to which the Parliamentary Secretary alludes, or is it some other industry that I do not know of which has been set up since the Emergency?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano):

Mr. Speaker, Sir, the vegetable factory which the hon. and gracious Member was referring to was there soon after the Second World War, that is, soon after 1945. I was not referring to that, the time I had in mind was 1958/59 and 1960/61, and as I said I will gladly supply her with a copy of the amount of money set aside by the Ministry of Commerce and Industry for the development of that area.

Mr. Alexander: Are we to understand, Mr. Speaker, that the Government have no ideas of their own as to what measures might be taken and they merely sit back and wait for applications to come into the Ministry of Commerce and Industry? Is that the way it works?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano):

Mr. Speaker, Sir, that certainly is not the way it works, as the hon. Member knows. I did say, however, that applications, or statements, have been made and Government is aware of that, but this does not mean that that excludes everything else.

Mr. Speaker, Sir, I do hope that questions are not misinterpreted to mean that other affairs do not take place other than those stated. All I said,

Mr. Speaker, is that as far as the figures which have already been done by Government—and I will supply those—I was merely adding that these places have sent applications which I am sure the Government will look into.

The Speaker (Mr. Slade): I do not think hon. Members are going to get any further on this question.

Mr. Alexander: Mr. Speaker, Sir, may I also give notice in respect of the last lot of replies?

Question No. 105

CIVIL SERVANTS: TRAINING FOR REGIONAL GOVERNMENTS

Mr. Alexander asked the Minister of State for Constitutional Affairs and Administration what training were civil servants undergoing to enable them to understand fully and effectively work the Federal Constitution soon to be introduced into Kenya?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod):

Mr. Speaker, Sir, I beg to reply. The question of training civil servants to enable them fully and effectively to understand and work the new Constitution applies mainly to administrative and executive officers. As regards the training of administrative and executive officers, the Government's principal training centre is the Kenya Institute of Administration at Kabete, where the direction, programme, and approach are all geared towards producing senior officers trained in public administration in the widest sense who will understand and be able to operate the administrative structure of Government demanded by the new Constitution. The officers under training are instructed not only in the techniques and procedures necessary for the discharge of their day-to-day duties but provision has also been made for their instruction in the comparative study of different kinds of Constitutions and governmental structures, including such as will eventually be introduced into Kenya under a Regional form of Government developed in accordance with the Lancaster House Agreement. Administrative officers already in posts in the present provinces and districts have been kept informed of constitutional developments and fully understand the nature of the Constitution which is to be introduced into Kenya.

Mr. Alexander: Mr. Speaker, Sir, would the hon. Parliamentary Secretary agree that in terms of administration the Federal Constitution has got

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some unique techniques? At the School of administration has care been taken to get instructors who have had practical experience—as for example in Australia—on the ground of such techniques?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): I would only partly agree with the hon. Member, Sir. The technique of administration is not a thing in itself. You cannot have it in isolation. It must be administering something. As far as the new Constitution is concerned, there are many instances of similar Constitutions elsewhere in the world and we have serving at the moment in the public services in this country, people who have had experience of federal constitutions.

Question No. 107

WORKING BALANCES FOR REGIONAL GOVERNMENTS

Mr. Alexander asked the Minister for Finance would the new Regional Governments require working balances at their inception, and if so how would these be provided?

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, I beg to reply. I anticipate that if at any time Regional Authorities require working balances they will be permitted to negotiate bank overdrafts. The extent to which Regional Authorities will require working balances at their inception will depend on a number of factors such as the date or dates on which they become entitled to various sources of revenue and the rate at which the revenue can be collected, and also the dates on which they take over services now carried out by Central Government and the financial arrangements relating to the hand over of services. These are matters which are under consideration in the light of the Fiscal Commission's Report.

Mr. Alexander: Mr. Speaker, Sir, will the Government be prepared to guarantee such overdrafts? Secondly, is there any reason why income from excise and customs, that comes in daily, should not be handed over to the Regions immediately?

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, as the hon. Member understands, the question of the final setup is still under consideration, it has not been finalized. All these details will be taken into consideration when the final Constitution is agreed by the Council of Ministers.

Mr. Alexander: Mr. Speaker, Sir, my question is not regarding the Constitution. In this House I am concerned about the administrative details. Will the Government guarantee bank overdrafts—this is nothing to do with the Constitution—and is there any reason why the customs and excise should not be handed over day by day as it arises?

The Parliamentary Secretary for Finance (Sheikh Alamoody): The answer to the first question, Sir, is, the Government is taking all these factors into consideration, and as I said in my original reply, all these things will be taken in the light of the Fiscal Commission Report which is now being considered. As regards the custom duties to be handed over, the Regional Assemblies are not set up, and when they are those things will also be considered.

Question No. 118

PRIMARY SCHOOLS FOR SAMBURU

Mr. Rurumban asked the Minister for Education—

- (a) When would the two primary schools for the Samburu tribe, which were scheduled for January, 1963, be completed and in operation?
- (b) To what extent would Government provide—
 - (i) the capital cost; and
 - (ii) the cost of maintenance of these schools?

The Minister for Education (Mr. Sagini): Mr. Speaker, Sir, I beg to reply:—

- (a) I assume the hon. Member is referring to two schools at Sugata Marmar and Leroghi which were included in the District Plan for opening in January, 1963. At its meeting of 23rd December, 1962, however, the District Education Board decided not to proceed with the opening of these schools because in its opinion there were not enough pupils to justify the opening of day schools in these areas and funds were insufficient to provide them with boarding grants. The position will doubtless be kept under review by the District Education Board during the course of the year.
- (b) With regard to the second part of the question, the Central Government is unable to give financial help towards the capital required for building primary schools except in Municipalities and

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gazetted townships where higher and therefore more expensive standards are required by local Building By-laws. Government capital funds are fully committed in the fields of secondary and technical education and teacher training.

Mr. Nthenge: Arising from the Minister's reply, what has happened to the few students who were available?

The Minister for Education (Mr. Sagini): If there were a few students available, as the hon. Member said, Mr. Speaker, they might have gone to other schools. I do not know. If he would like me to find out, I will do so for him.

Mr. Rurumban: Mr. Speaker, Sir, is the hon. Minister aware that many children were sent home and new pupils missed vacancies at the beginning of this year because there was not enough room in the schools.

The Minister for Education (Mr. Sagini): Mr. Speaker, Sir, the answer is that there were not enough pupils to justify the opening of a day school.

Mr. Towett: Mr. Speaker, Sir, who did the Estimates and who scheduled these schools to start in January, 1963, and on what basis?

The Minister for Education (Mr. Sagini): I think, Mr. Speaker, Sir, I can give a good answer. We have got the District Education Board which is a responsible body. It found out that it was not ready because of insufficient pupils and money. In those areas, Mr. Speaker, Sir, people lead a roving life, they move from place to place looking for grazing areas. Unless they become sedentary it is very difficult to have any school other than a boarding one.

Mr. Towett: Mr. Speaker, Sir, does the Minister imply that they have to arrange their timetables everyday because they are never there in any one year?

The Minister for Education (Mr. Sagini): Mr. Speaker, Sir, will the Member repeat the question?

Mr. Towett: Mr. Speaker, Sir, does the Minister imply that the schools in the area he is referring to are run on day-to-day syllabuses and that they never plan anything above one year?

The Minister for Education (Mr. Sagini): Mr. Speaker, Sir, as I have said, they are a responsible District Education Board which found out there were not enough pupils and there was

not enough money for a boarding school. It is difficult in such areas, as I have said, where the people are nomadic; they move from place to place looking for water and grazing areas.

Mr. Rurumban: Mr. Speaker, Sir, is the Minister indicating that since there was not enough money and no pupils to attend these schools the Government is trying to drop the idea of putting up these schools?

The Minister for Education (Mr. Sagini): The Government has not dropped the idea at all, Mr. Speaker, Sir. As soon as the District Education Board, in conjunction with my Ministry, think they are ready the school will be opened.

Mr. Towett: Mr. Speaker, Sir, could the Minister very kindly inform the House whether these two primary schools were going to start at Standard I simultaneously?

The Minister for Education (Mr. Sagini): Will the Member repeat his question, please?

Mr. Towett: Will the Minister inform this House whether these two primary schools were both going to start at Standard I simultaneously?

The Minister for Education (Mr. Sagini): I am unable to answer that question as a matter of detail. If the Member likes, I will find out for him.

Mr. Nthenge: On what factors did the District Education Board, as the Minister says, base their ideas when they decided that there were insufficient students?

The Minister for Education (Mr. Sagini): Mr. Speaker, Sir, it is a question of criteria; in a matter of this nature, there is always the question of criteria. There must be boys who have passed very well to continue their education, and not just dull boys, for whom to open a school. That is one of them. Also, there are buildings, water, and so on.

The Parliamentary Secretary for Lands, Surveys and Town Planning (Mr. Argwings-Kodhek): Mr. Speaker, Sir, is it not a fact that the hon. Nominated Member should concentrate on getting the pupils to go to these particular areas regularly, so that the Ministry can do what is appropriate for the hon. Member?

The Speaker (Mr. Slade): That is not for the hon. Member to answer, it is for the Minister.

The Minister for Education (Mr. Sagini): Would the hon. Member for Central Nyanza repeat his question?

The Parliamentary Secretary for Lands, Surveys and Town Planning (Mr. Argwings-Kodhek): Would it not be best if the Minister for Education were to advise the hon. Nominated Member to concentrate on the stabilizing of the nomadic conditions in his area so that the conditions necessary for the reopening of the secondary schools can be made available?

The Minister for Education (Mr. Sagini): I agree with him 100 per cent, I wish he would also help me to do that.

Mr. Towett: Mr. Speaker, Sir, does the Minister mean to say that because he does not have the figures to know whether the two schools were at Standard I or Standard II. Therefore he says that he was advised that there were no pupils of Standard I, or Standard II or of Standard III or at what standard where these pupils to start?

The Minister for Education (Mr. Sagini): Mr. Speaker, Sir, the question is whenever you start a Primary School—by which I mean an Intermediate plus Primary School—there must be pupils otherwise it would be uneconomic, as I realized on the advice of the people of the district where this school was to be built. As I said, I am not exaggerating, they are responsible people and the information is correct, but if he likes I can give him the details of the number of pupils there were, but I do not have the number here.

The Speaker (Mr. Slade): This question has had long enough.

COMMITTEE OF SUPPLY

Order for Committee read.

[*Mr. Speaker left the Chair*]

IN THE COMMITTEE

[*The hon. J. J. M. Nyagah in the Chair*]

STATEMENT OF EXCESSES, 1960/61

The Temporary Minister for Finance (Mr. Butter): Mr. Chairman I beg to move—

THAT a sum not exceeding £73,579 17 sh. 29 cts. be granted to the Governor on account for, or towards, defraying the charges of Statement of Excesses, 1960/61.

(*Question proposed*)

Mr. Towett: Mr. Chairman, Sir, I would like to know why this is so late.

The Temporary Minister for Finance (Mr. Butter): Mr. Chairman, the reason is that in accordance with normal parliamentary practice, we do not bring this before the Legislative Council until these particular details have been examined by the Public Accounts Committee as is stated on each Vote concerned. The Public Accounts Committee has examined the circumstances leading to the excess expenditure and has recommended that it be approved by Legislative Council.

(*The question was put and carried*)

SUPPLEMENTARY ESTIMATE (No. 1) of 1962/63— COLONY

The Temporary Minister for Finance (Mr. Butter): Mr. Chairman, I beg to move—

THAT a sum not exceeding £859,636 be granted to the Government on account for, or towards, defraying the charges of Colony Supplementary Estimates No. 1 of 1962/63.

(*Question proposed*)

VOTE 7—OFFICE OF THE MINISTER OF STATE FOR CONSTITUTIONAL AFFAIRS AND ADMINISTRATION

(*Heads A, J, L, V and W agreed to*)

VOTE 10—PENSIONS AND GRATUITIES

(*Heads A and F agreed to*)

VOTE 11—MINISTRY OF DEFENCE

(*Heads A and G agreed to*)

VOTE 14—MINISTRY OF AGRICULTURE AND ANIMAL HUSBANDRY

(*Heads D, E, F, G, K, L, N, Y1, Y5, AA and AB agreed to*)

VOTE 16—MINISTRY OF COMMERCE AND INDUSTRY

(*Head H agreed to*)

VOTE 18—MINISTRY OF SOCIAL SERVICES

(*Heads G1, G5, G6, G7, G11, G12 and G13 agreed to*)

VOTE 24—MINISTRY OF WORKS AND COMMUNICATIONS

(*Head A15 agreed to*)

(*The question was put and carried*)

NAIROBI CITY COUNCIL: GUARANTEE OF LOAN
REPAYMENT

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Chairman, on behalf of the Minister for Local Government I beg to move:—

THAT this Council approves the Government guaranteeing the repayment of a sum of £125,000 and a sum of £200,000 to be borrowed by the Nairobi City Council for water supplies, street works and housing.

Mr. Chairman, Sir, the first loan of £125,000 is a Colonial Development Corporation loan of which the terms are believed to be for ten years at 7 per cent, and it is concerned purely with the provision of water inside the Nairobi City Council area, that is in terms of its present area and the enlarged area which will come under the new Constitution.

The water consumption in the City has been going up so rapidly that this question of water has become a matter of some urgency to the Council. For instance in 1954 the daily gallonage used was 4.2, and 10,000 users and 27 gallons per head. This had risen in 1962 to 8.54 million gallons, 23,000 users and 40 gallons per head, and it is estimated in 1966 the total usage inside the City will be 9.74 million gallons. The Council's original scheme over the 1962-66 period involved a finance of £3.2 million and to this end an initial application was made to the World Bank for £1.3 million, which failed because the are concerned was considered to be insufficiently undeveloped for World Bank money. The proposed immediate action is, therefore that two major and two minor intake weirs on the Kiburu River and tributaries will bring in an additional 2 million gallons into the Sasamua Dam and tenders for this work are likely to be submitted towards the end of this month or the beginning of next. The total cost of this work will be about £280,000 which will be financed as to £125,000 from the Local Government Loans Authority, £30,000 from internal resources and £125,000 from the Colonial Development Corporation, for which I am asking this House to give a Government guarantee.

The second sum in question of £200,000 concerns a loan that has been negotiated by the City Council with National and Grindlays Bank and will be for ten years at 7 per cent. The first £100,000 of this is to be spent on private street work and the House will be debating under Order No. 9 a Streets Adoption Bill which is

relevant to this matter. In the past the Council has been able to obtain money from the frontages when building private streets, but as the House will see when we come to the Streets Adoption Bill there is facility for loan money to be made available to frontages and this £100,000 is designed to finance this. The second £100,000 which will make the total of the £200,000 from National and Grindlays, is designed to be put to the redevelopment of Pumwani. It is recognized that this money is expensive for a housing operation, and if it does not prove attractive it may be that the money will be switched to major road improvements such as those required in the Doonholm Road, Swamp Road and Kingsway. I am advised, Mr. Chairman, that the use of this money will give employment to 400 men during the coming year. The security of these loans is on the property and revenue of the City Council and there are adequate legislative safeguards against default. Nevertheless, in terms both of the Colonial Development Corporation loan and National and Grindlays loan, the guarantee of the Kenya Government is required.

I beg to move.

(Question proposed)

Mr. Alexander: Mr. Chairman, Sir, normally people who are asked to give guarantees for the repayment of money borrowed by others look at two aspects especially. One is the soundness of the proposition and secondly the management to undertake it. Undoubtedly our City has gone through many, many years of sound management and has a very high reputation for it, and really I think it is appropriate, now that we are being asked to give this guarantee at this point, that we should ask the Permanent Secretary when he replies to assure us on the second of these factors.

The Minister for Land Settlement and Water Development (Mr. McKenzie): Surely you mean the Parliamentary Secretary?

Mr. Alexander: The Parliamentary Secretary when he replies to assure us on the second of these factors, that is the factor of management. I ask this particularly, Mr. Chairman, because there have been in the news recently suggestions, inferences that the City's management or administration may be going through a difficult time now and might go through an even more difficult time ahead. I do know that the Parliamentary Secretary has been very instrumental in negotiating a settlement on pensions that will, I am sure, help very considerably this problem that I am asking

[Mr. Alexander]

him to answer on the floor of the House today. But I do consider, Mr. Chairman, that it is right that this House should find out for itself very carefully whether the Government, and whether we in turn are satisfied that there will be in the years ahead, when these moneys are being repaid, or due to be repaid, the necessary management that will uphold the stability and financial structure of the City Council, because indeed if we had any reason to think that there may be any failure on that part then, of course, it would be thrown back on our Government to carry out the obligation for these particular loans. It is not without some interest to us that in countries near-by I believe already they are finding that the flight of skill in these particular matters is a matter of concern to them and that there is quite a reversal of policy, and I am wondering whether in respect of our City the Parliamentary Secretary can tell us whether he detects any signs of that there, any signs that already they are finding that the flight of skill might be a very serious embarrassment to them, and might in fact prejudice the very sort of activities that we are now being asked to guarantee.

The Temporary Minister for Finance (Mr. Butter): I would leave the hon. Parliamentary Secretary to reply, but an assurance was given some time ago in this Council that when Motions of this nature were moved, the Committee would be informed of the total figure of the guarantee extended by the Government in respect of overdrafts from loans, and I now give that total figure. If this motion is approved, the total will be £8,487,000.

The Permanent Secretary for Local Government (Mr. Marrian): Mr. Chairman, Sir, arising out of the remarks from the hon. Member for Nairobi Suburban, I think there are two sections of the Nairobi City Council to which one may properly turn ones attention in this regard, as to the responsibility of this body in the future, the responsibility as to the use of this money which we are asking this House to guarantee today. The first are the officers of the Council concerned, and the second are the Councillors and Aldermen. I would like to refer to the officers first.

There is no doubt that the fears of the hon. Member were very much in the forefront of the officers mind some months ago. We had got ourselves into a position where members of Her Majesty's overseas service had got from Her Majesty's Government a degree of guarantee of their future, as to both their terms of service and

emoluments which were satisfactory as regards their morale was concerned. There is equally no doubt that this was by no means so in the case of the local government officer working in Kenya, and therefore we had to bend our energies towards the solution of this problem, and Council of Ministers set up a working party of which I was Chairman, to try and bring about the protection which the local government officer felt was his due.

I would thank the hon. Member for his reference to this, but I would like to say that I do feel that we have achieved quite a fair measure of success in this operation, and that the morale of the local government officer is very considerably higher today than I think it has been for some time. The flight of skill, although it is always likely to occur in a transitional period, I am convinced has slowed down to an almost negligible extent. This was not so some time ago, but I am informed by those who should be in a position to know that the Paper which was produced, has given a sense of assurance to the local government officer which will enable him to stay at his post and serve the various Councils throughout the country during at least a very difficult transitional period while we are training up our own local people.

The hon. Member has alluded to other cities nearby. I believe that the Minister for Local Government in Tanganyika has publically taken to task those who were responsible for the protection of the local government officer in Dar es Salaam. Because no forethought was given to this problem they did lose much of their skilled expatriate staff, and I believe that they have, and are going through a difficult time. Perhaps we have been able to profit by a mistake there, and I feel that it is highly unlikely that any such occurrence is going to occur in Nairobi. I think we are all intensely proud of our city and it is the determination of all of us that the very high standards will be maintained by the equal retention of a highly skilled expatriate staff.

Secondly, I would like to refer to the Council, because without a satisfactory and responsible Council no local government staff can operate properly. I am satisfied that both political parties will accept this responsibility, and will do their best to encourage responsible elements to come in and form the Council of the future. I cannot give the House, at this stage, the details of the future administration of Nairobi. I hope that we shall achieve a degree of continuity in the Council, and I hope we shall evolve a constitution which will enable us to attract the best and most responsible elements.

QUORUM

Mr. Towett: I was wondering, on a point of order, Sir, whether there is a Quorum in the House?

The Chairman (Mr. Nyagah): No, ring the Division Bell.

(The Division Bell was rung)

The Chairman (Mr. Nyagah): We now have a quorum, you may continue Mr. Marrian.

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Chairman, I have nothing more to say in this regard other than to give my assurance to the hon. Member that I will do everything I can to try and influence thought in the city and political opinion in the city to the acceptance of a responsible Council which will work for the future benefit of the city.

Mr. Chairman, I beg to move.

(The question was put and carried)

The Temporary Minister for Finance (Mr. Butter): Mr. Chairman, I beg to move that this Committee report to Council its consideration of the resolution in respect of the Statement of Excesses 1960/61, the Colony Supplementary Estimate No. 1 of 1962/63 and the Nairobi City Council Loan Guarantee, and its approval of the same without amendment.

(The question was put and carried)

(The House resumed)

[The Speaker (Mr. Slade) in the Chair]

REPORTS

STATEMENT OF EXCESSES, 1960/61

Mr. Nyagah: Mr. Speaker, Sir, I am directed by the Committee of Supply to report its consideration on the Motion:—

THAT a sum not exceeding £73,579 17 sh. 29 cts. be granted to the Governor on account for, or towards, defraying the charges of Statement of Excesses, 1960/61, and its approval thereof without amendments.

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, I beg to move that Council doth agree with the Committee in the said resolution.

The Minister for Defence (Sir Anthony Swann) seconded.

(Question proposed)

(The question was put and carried)

SUPPLEMENTARY ESTIMATE (No. 1) 1962/63—
COLONY

Mr. Nyagah: Mr. Speaker, Sir, I am directed by the Committee of Supply to report its consideration on the Motion:—

THAT a sum not exceeding £859,636 be granted to the Governor on account for, or towards, defraying the charges of Colony Supplementary Estimates No. 1 of 1962/63, and its approval thereof without amendment.

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, Sir, I beg to move that the Council doth agree with the Committee in the said resolution.

The Minister for Defence (Sir Anthony Swann) seconded.

(Question proposed)

(The question was put and carried)

NAIROBI CITY COUNCIL: GUARANTEE OF LOAN
REPAYMENT

Mr. Nyagah: Mr. Speaker, Sir, I am directed by the Committee of Supply to report its consideration of the Motion:—

THAT this Council approves the Government guaranteeing the repayment of a sum of £125,000 and a sum of £200,000 to be borrowed by the Nairobi City Council for water supplies, street works and housing, and its approval thereof without amendment.

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Speaker, I beg to move that Council doth agree with the Committee in the said resolution.

The Parliamentary Secretary for Finance (Sheikh Alamoody) seconded.

(Question proposed)

(The question was put and carried)

BILL

First Reading

THE SUPPLEMENTARY APPROPRIATION BILL
(Order for First Reading read—Read the First Time—Ordered to be Read the Second Time Today)

Second Reading

THE SUPPLEMENTARY APPROPRIATION BILL

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, Sir, I beg to move that the

[The Temporary Minister for Finance]

Supplementary Appropriation Bill, 1963, be now read a Second Time. This Bill is a formal measure which gives legislative sanction to the resolutions which have been approved today.

I beg to move.

The Minister for Defence (Sir Anthony Swann) seconded.

(Question proposed)

(The question was put and carried)

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

COMMITTEE OF THE WHOLE COUNCIL

(Order for Committee read)

[The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

[The Hon. J. J. M. Nyagah in the the Chair]

THE SUPPLEMENTARY APPROPRIATION BILL

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

(First Schedule agreed to)

(Second Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Minister for Finance (Mr. Butter): Mr. Chairman, I beg to move that the Committee do report to Council its considerations of the Supplementary Appropriation Bill, 1963, and its approval of the same without amendment.

(Question proposed)

(Question was put and carried)

(The Council resumed)

[The Speaker (Mr. Slade) in the Chair]

REPORT AND THIRD READING

THE SUPPLEMENTARY APPROPRIATION BILL, 1963

Mr. Nyagah: Mr. Speaker, Sir, I am directed by a Committee of the whole Council to report its consideration of the Supplementary Appropriation Bill, 1963, and its approval thereof without amendment.

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, Sir, I beg to move Council doth agree with the Committee in the said Report.

The Minister for Defence (Sir Anthony Swann) seconded.

(Question proposed)

(The question was put and carried)

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, I beg to move that the Supplementary Appropriation Bill, 1963, be now read a Third Time.

The Minister for Defence (Sir Anthony Swann) seconded.

(Question proposed)

(The question was put and carried)

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

BILL

Second Reading

THE STREETS ADOPTION BILL

The Minister for Local Government (Mr. arap Moi): Mr. Speaker, Sir, I beg to move that the Streets Adoption Bill, 1963, be read a Second Time.

The Townships Private Streets Ordinance (No. 17 of 1951), which deals with private streets, is now over 11 years old, and this one is to be replaced, and the Bill seeks to regulate the making of the streets to a standard when they can be taken over by a Local Authority.

The principles of this Bill were first approved by the Council of Ministers in 1959, and in November last year the Council of Ministers gave its consent to the publication of this Bill. Several drafts of the Bill, Mr. Speaker, have been prepared and there has been a great deal of discussion and deliberation on it. Most of its provisions have been agreed to by a working party set up in 1959 to consider the Bill and recommendations from the Local Authorities.

I would like to touch briefly on three matters. First, you will notice, Mr. Speaker, that the basic premises in the new Bill are the same as that in the existing Ordinance: that is, that frontagers and those who benefit pay for the making-up of their streets to a certain good standard before Local Authorities take over the streets and maintain them. It may be argued, Mr. Speaker, that Local Authorities should be responsible for making-up the streets in their areas and there is a good deal to be said in favour of this argument. However, as we have followed the practice of frontagers' responsibility for a number of years, to change it now would be unfair to those people who have already paid their Private Streets Works Charges, and who would then be asked to contribute in the rates they pay towards the cost of other people's private streets. Since this is a long-established principle and the value of property

[The Minister for Local Government]

(in normal times) have left this contingent liability, or its absence, and much property has changed hands on this basis. The basic premises of the present Ordinance have not been changed in the new Bill.

Secondly, Mr. Speaker, when the present Ordinance was first introduced, the Government, though not legally bound by the provisions of this Ordinance, undertook to do its best to pay its share of any private street works costs, for which it is the frontager. The Government—and I am sure in this matter, I can add, the Regional Governments—will continue in this undertaking under the new Bill, subject only to the availability of finance.

Thirdly, when the Bill was published in September last year, my Ministry received various comments from Local Authorities. After carefully considering these comments, I have decided to move in Committee certain amendments to the Bill. These amendments, of course, do not affect the basic principles of the Bill, but are intended to clarify and tie up certain loose ends.

I will not repeat what is said in the Memorandum of Objects and Reasons on this Bill, but I would emphasize that in the past complaints have been made about the slow progress made by Local Authorities in making up streets. The reason for Local Authorities' hesitance in this matter has been the lack of certainty as to what was or was not a "private" street. I know, Mr. Speaker, it is a complicated matter, although Members here are keen to know more about it. We propose that this deficiency in the Legislation shall be removed in the future by compelling Local Authorities to prepare a register which will settle the status of streets once and for all. This will, I am sure, be of great value to us, when the time comes, and I am sure it will be soon, for the continuation of development which we need in Kenya and which will be a sign of our prosperity.

Again, I would stress that every opportunity is provided in the Bill for all persons concerned to appeal when the Local Authority decides to make up a street, and for such appeals to be disposed of so that when the work begins it cannot be questioned.

Finally, Mr. Speaker, I wish to take the opportunity of paying tribute to the work of the representatives of the East African Railways and Harbours Administration and Local Authorities on the Working Party and especially the Nairobi City Council which produced one of the drafts of

the Bill. Without the expert advice and help of the people who deal with these matters in practice, we should never have been able to make any progress at all.

Mr. Speaker, I beg to move.

The Parliamentary Secretary for Finance (Sheikh Alamoody) seconded.

(Question proposed)

Mr. Shah: Mr. Speaker, Sir, I would like to welcome this Bill, the reason being that because of this Bill the Local Authorities, especially the Nairobi City Council, will be able to make the streets in many parts of the city much better, especially Eastleigh and such other parts where the streets have been neglected completely in the past. I do know that some people may not like this Bill because the Local Authorities will be given power to charge. In all cases they would decide that a certain street is a private street or not, people having property on that street will be required to make the payments for making the street, and they will have no right to go to the court to make an allegation that it was not a private street. However, it is better that we have roads in those areas, and even if some people may not like the Bill on the whole I think that it will be better for the residents in those areas to go about in the streets, to their homes and to work, on a good road rather than on a bad road where the springs of the motor-cars are broken now and then and the children—in the rains—are attracted to playing in the mud and that affects their health. Because of all these reasons I welcome the Bill, which, I hope, will give new, good streets to Nairobi and many other places.

Mr. Towett: Mr. Speaker, Sir, I do not arise to welcome this Street Adoption Bill, but I would like to say I am sure the Minister has done a lot of looking into this business and a lot of hard work by all those concerned has been done. I am shocked to see that we are inheriting some things which were discovered in 1959. Sir, the Minister has said that the working party was appointed in 1959. In my opinion this working party should not be referred to although they did some good work, but that work is now out of date. I feel that we should have another working party to look into some of the things which are out of date in this Bill, Mr. Speaker.

Under Clause 4, of the Bill. The Minister's Bill enumerates a lot of things which an applicant for an area should comply with before he knows whether he is going to get a "go ahead"

[Mr. Towett]

chit to go ahead or not from the Local Authority concerned. There are from A to J under this Clause 4, so many things, which, in my opinion, are going to cost the man, who is going to apply for changes in the street, a lot of money. That is without the technical advice from experts, architects, engineers and so on. It is going to cost this man—a poor shopkeeper or a poor resident in the area—a lot of money before he is sure the Council is going to allow him to erect what he wants or not. I would ask the Minister, Sir, to look at this Clause 4 again and see whether it is not possible to attend to these points, maybe it is included in some of the points he has in his amendments, I thought he said there would be some amendments, I do not know whether the amendments he has will refer to this particular clause. I suggest that before we put anybody to any unnecessary expense in our shops, in our streets, or in our rural township areas, we should first of all ask the man to apply to the Local Authority and let them know what he wants to do, and the Local Authority should indicate to him that provided he conforms with such and such a condition they will let him do what he likes on that particular piece of land. I think it is an injustice, Mr. Speaker, to leave a man and let him go into unnecessary expense and then not accept his application later on.

Under the same Clause 4, subsection 3, there is something which is very interesting. I think for the information of some of my friends who have not looked at this particular section, I will read what it says. It says, "Unless within two calendar months after the submission of an application under subsection 1 of this section, or within two calendar months after the submission of any further plans, sections specifications, levels or information requested, the Local Authority has sanctioned the application, the application shall be deemed to have been refused." When I apply and wait for two calendar months, unless within those two calendar months the Local Authority has replied to me it is taken for granted that the Local Authority has refused to accept my application. I put a note here, Mr. Speaker, that this is encouraging laziness on the side of the Local Authorities. Why should not the Local Authority within two calendar months write back to the applicant and say, "We have looked at your application and we regret we cannot allow you to have what you want."? Why does non-response mean refusal? This, Mr. Speaker, I think is what I call gross injustice in this country, and if we are going to carry on to independence with things inherited as far back as 1959 I think we are heading for a fall. Mr. Speaker, I would like to

ask the Minister to include in his amendments that the Local Authorities will be forced by the regulations of this Ordinance to be, to reply to the applicant within these two calendar months.

The next point, Mr. Speaker, actually refers to what I have already said. The Local Authorities should supply all plans to the person concerned before he makes his application. I sympathize with some of the people in the streets, the shopkeepers, etc., who know nothing about town planning and so on. They are told that they cannot erect anything until they have seen a whole map of the area just in case the Local Authorities have plans in mind which might be implemented in two or three years, which this man is likely to contravene before they come into being. I am referring to Clause 4, subsection 4. I suggest that the Local Authorities should supply the plans necessary for people who are keen and want to make changes in the streets or the areas concerned before these people are put to unnecessary expenses.

Under the same Clause 4, subsection 7, it says, Mr. Speaker, that "the plans, sections, specifications and levels approved by the Local Authorities, together with any conditions they may impose, shall except in so far as they may afterwards be altered by agreement with the Local Authorities, be adhered to by the applicant and his successors and by any person erecting any building, etc." What I want to be included here is not only the applicant or his successors to have to adhere to all these specifications but I also want the Local Authorities to have to adhere to all these things. This should be a two-party agreement, it is useless for a Local Authority to ask an applicant or his successors to adhere to given conditions unless there is the reciprocal adherence from the Local Authorities. I am asking the Minister, Sir, to see that this is not one-sided, and all the Bills and laws made should not be aimed at the citizens of the country as a whole and leave out the Councils and Ministers.

Sir, Clause No. 5, subsection 5 deals with the courts' jurisdiction. In this particular subsection 5, it is said that if a matter is to be settled before a first class magistrate and the matter in question in financial outlook, is slightly beyond that particular first class magistrate's jurisdiction then that particular case should be dealt with by a first class magistrate's court, irrespective of the money side. This is often caused by different setups in the courts. Mr. Speaker, Sir, I have never been a lawyer so I do not know what the setups in the courts are. I read this particular Clause 4, subsection 5 and I feel it is giving more financial

[Mr. Towett]

powers to the first class courts in respect of this financial provision, giving them X-sums of money and then the case goes on to an X or a Y court. I am wondering why we have to make another different law to suit another section of the law? I want the Minister—when he replies to these important questions—to explain why he thinks it fit to change another section of the law in order to suit this particular part.

Mr. Speaker, Clause 7, subsection 5 says every register kept under subsection 4 of this section shall be open to the inspection of any person without question, during the normal office hours of the Local Authorities. Without questioning what the normal office hours are I would just question the fact that “any person” is allowed to go into the offices. Why should it be “any person”, why not “any person concerned”? Why say any person irrespective of whether the person is concerned or not, he can just walk into the office and demand to see everything. There is no provision here to say the person should be concerned. I want the Minister to make sure that our Local Authority Offices are not places for us to go and see and say, “I want to see that”. I would say that only persons concerned should be allowed in the offices, Sir.

On Clause No. 10, Sir, I would like to know from the Minister, when he replies, what this Clause 10 is intended to achieve. I fail to know what the Minister wants to get out of this Clause 10.

Section 17 (b), Sir, says, “Services of any notice under this Ordinance may be effected (b) by leaving it at the last known address of that person”. Who is to know, Mr. Speaker, the office boy, the clerk of the Council, the Chairman of the Council, or who is supposed to know the last known address of any person to whom this is to be delivered?

I will quote by my own example. They are using my 1960 address when I have had three more addresses on top of that. Who is to know, I want to know from the Minister, Sir, who is supposed to know his last address?

With those few comments, Sir, I do not dislike the Bill.

Mr. De Souza: Mr. Speaker, Sir, the last speaker has been rolling a little too often, and they say a rolling stone gathers no moss, so I suppose in this particular Bill he would not get many streets done.

Mr. Speaker, Sir, I would like to join my friend the hon. Member for Nairobi Central and welcome this Bill. I would in particular like to

congratulate the Government for bringing this measure. My only complaint is that it has taken four years to bring it into practice. The difficulty as I understand it for all these years, was not any fear that the Government or the local authority might take over a particular street for construction, but the difficulty has been to coax them, to cajole them, and to try to convince them that they should take over streets and build them up, and charge the owners in the street.

In fact, I know certain cases where petitions have been sent, representations have been made, and all sorts of arguments have been put forward to the Minister for Local Authorities and the local authority concerned without any success until, of course, a very considerable time. I will draw the Minister's attention to Nairobi South, where the construction of the roads was promised as early as 1955. The owners had to go to court and file a suit against the Government which they unfortunately lost, but I must say I am grateful to Nairobi City Council that at last in the year 1963, they have agreed to build streets of a good standard in Nairobi South. Now, the same problem, Sir, arises in Eastleigh. There again we have a locality where many people spent and invested their life's savings in the hope that they would become house owners, and instead, due to the very terrible condition of the roads that exist in Eastleigh, most of them have been shocked to find their properties have depreciated to about 55 per cent of their previous value with literally hundreds of brothels all round the place. I think it is a very tragic situation. I believe in the rainy season, many of the people in the surrounding streets have to take off their shoes, tuck up their trousers as high as they can to manage to get to the main road and to the bus. It is rather a tragedy that in a case like that where so many representations have been made by member after member of the City Council of Nairobi from that particular area that almost nothing has been done. I believe this year the City Council has agreed to put up streets in two particular places, I think it is McAllister Street and another street, but I think the work of the City Council in this particular direction is very slow and very slow indeed. I do hope that the Minister will impress upon the City Council of Nairobi to get these streets done as soon as possible.

Sir, I have only one word more. I notice that the Bill makes provision for reducing or lowering the standards of streets. It is true that if we try to build very high-class streets in every locality in Nairobi, we might find ourselves without having money to build them all, but I think it is

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better for us to have some streets which are passable or which are walkable, if I may call it that, rather than having what are in fact private lakes and reservoirs on your doorstep. I do hope the City Council will consider reducing their standards a little and providing the person with the necessary amenities to get to work and back.

The Minister for Local Government (Mr. arap Moi): On a point of order, Mr. Speaker, I intend ceding my right of reply.

Air Commodore Howard-Williams: Mr. Speaker, Sir, I personally welcome this Bill, and would like to congratulate the Minister upon the clear and concise way in which he made his speech. I would like particularly the plans that he has for letting residents know what kind of roads they are going to have. I think that is important. I also think it is important that residents should be made to pay for the improvements, in which I am reminded of the last Shah of Persia, Reza Pahlevi, who drove a line right through Sahana I think it was, for a new road and when he came to the question of compensation, he said the compensation must be the increased value of the property which would accrue from the new road. I certainly, Sir, welcome this Bill.

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Speaker, Sir, in replying to this Motion, I would welcome first the way in which hon. Members have received it; in general I think all speakers have welcomed the introduction of this Bill.

If I might deal with the hon. National Member, Mr. De Souza, first, I am gratified that he should feel that the streets in Nairobi South are so much improved; I give him an assurance that once this Bill is passed, equal progress will, I hope, be made in the area of Eastleigh. He talked about the appalling conditions which obtain in these streets and he said that many suggestions have been made to the City Council through the various elected Councillors by which these roads should be improved.

I want to make it quite clear that it was in the failure of the legislation to protect fully the City Council that lies the failure to have these roads brought up to standard in the past. I would like to explain that it was because it was difficult to know whether a street was, to use the old terminology, a private street or a public street or, under the new Bill, an unadopted street or an adopted street. It was this failure to know precisely that led the City Council to hold back in its work. The hon. Member should know what

was happening was that the City Council, feeling that a street was a private street, went ahead and made it up, only to find when they had spent a lot of money on it they were unable to recoup this money from the frontagers because action at law by one of the frontagers might prove it not to have been a private street but a public street, in which case the cost of making it up fell entirely on the ratepayer in general in the Nairobi city, and not on the frontagers of the street concerned. This was a state of affairs which the Nairobi City Council was unwilling to accept, and that is precisely the reason why the City Council has been unable to move ahead faster in the making up of these streets to the standard that the hon. Member requires.

I think that the hon. Member for Nairobi West and the hon. Member for Nairobi Central confined their remarks basically to welcoming the Bill, but criticised the length of time it has taken us to produce it. I fully understand that it has been a really major time, but on the other hand it is a very complicated piece of legislation and has been gone into extremely thoroughly. I hope that now we have it, it is going to be a piece of legislation which is going to be satisfactory.

I would now like to deal with one or two of the points brought up by the hon. Member for Kipsigis. He made one or two criticisms concerning the control that has to be exercised. I would like to start off by saying to the hon. Member that unless the City Council is able to exact a certain amount of control in these matters, it cannot exercise its responsibility for health and safety which it has to all members of the public. I am sure the hon. Member will appreciate that this is a responsibility which must be accepted by any body such as the City Council.

Under clause 4, subparagraph (1) (a) to (j), there are set out certain conditions which anybody who wishes to make up these streets has to comply with. Now, the hon. Member has suggested that these are very onerous for what he terms the poor resident. I would point out to the hon. Member that no poor resident has to undertake this work. This work is done, normally, not by a poor resident but by a rich contractor. When making up a street, it is necessary for the Nairobi City Council, or any other council, to insist on certain standards, because if you permit a contractor to do work of this nature without reaching an adequate standard, the whole standard of your city—your cities and the country in general—will go down as the man who is responsible for doing the work will not do it properly. This is not onerous on a poor resident; it is a protection for

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the poor residents against the people who are not inclined otherwise to do their work correctly.

Under clause 4 (3) he suggests that it is quite wrong for it to be said that, "the application shall be deemed to have been refused after an intervening period of two months". I have two points to make here. The first is that this was part of the old legislation and we have never had any criticism on this, and the second is that I have no doubt whatever that the councils of Kenya will extend the normal courtesy to anybody who makes such an application, and that a letter in writing refusing such an application will, in fact, be sent. But the legislation was put in so that in the event of such a letter not reaching the applicant, but after a certain intervening period, the application shall be deemed to be dead. You will understand that very often people change addresses, they may not leave adequate forwarding addresses behind them, and it is possible that it is difficult for a City Council to reach an applicant; this is put in as a saving clause and is not intended to provide any form of discourtesy in dealing with such applications.

Under clause 4 (7) the hon. Member objects to the applicants having to adhere to certain conditions, and suggests that it is the Council also that should adhere to conditions. Naturally, whenever a contract is made it is binding on two parties, but at this point it is not the Council which is the applicant, and therefore this clause is concerned with the adherence to certain conditions of those people who actually apply to do a particular job.

Under clause 5 (5), the hon. Member criticised certain of the legal aspects of this. I hope I can set his mind at rest by telling him that at the Committee Stage, this is one of the amendments which will be moved which will, in fact, have the effect of deleting the whole of clause 5.

He asks what clause 10 means. This is intended, I think, to achieve this: it may be that the cost of an appeal will come down on the appellant, and that therefore the City Council must be in a position to obtain the costs from such appellant which can be done in the same way as it can receive the money due to the City Council by virtue of a charge on the resident as a frontager. As you will observe elsewhere in the Bill there is a method by which such money can be recovered over a period of 20 years.

With regard to the reference by the hon. Member to the last known address in clause 17, these provisos have been put in specifically because it has been found that there are certain people who

go to almost any length to make sure that they are not contacted, and this does become a great embarrassment to the City Council if it is required by law to contact a man and is unable to do so because the man hides himself away and deliberately does not leave an address. As to the last known address—and the hon. Member asked to whom the last known address was known; it was, of course, to the City Council who is responsible for sending the letter. These provisos have been included so that in the event of the City Council being unable to reach the recipient, or the intended recipient, it may effect notice by publication in the Gazette or in a newspaper circulating in the area of the local authority.

In conclusion, Mr. Speaker, Sir, I would like to say how pleased I and the Minister are at the welcome generally that we have received.

(The question was put and carried)

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

Second Reading

THE LOANS (UNITED STATES OF AMERICA) BILL

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, I beg to move that The Loans (United States of America) Bill, 1963, be now read a Second Time.

Mr. Speaker, Sir, as hon. Members will have seen the Bill itself, it is self-explanatory, because it says an Ordinance for a Bill entitled in Ordinance to authorize the Government to borrow from the Government of the United States of America or its agencies sums required to finance the development programme, and for purposes incidental thereto. I think that is self-explanatory.

The Speaker (Mr. Slade): Sheikh Alamoody, this, I think, is a Bill which requires the consent of the Governor before its introduction. You have that consent?

The Parliamentary Secretary for Finance (Sheikh Alamoody): I have, Sir; the Governor's consent has been given to this.

What I would like hon. Members to realize, Sir, is that whereas this Bill empowers this Government to borrow from the United States, the fact is that the money is not available to us to borrow from the United States. What has happened is that the Government of the United States has agreed to lend us a sum not exceeding \$18 million which is the equivalent of £6.4 million Sterling, and this sum would only be available to this country if we produced suitable development programmes and put them up to the United States. But before we can go forward and negotiate for the borrowing of such money from the United States, we

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have to have the approval of this Council. Therefore, Sir, this Bill is to enable us to borrow from the United States Government for those purposes which we can put forward to them.

We have, Sir, in the past had substantial assistance from the United States Government by way of grants, but Loan Funds from the United States is a new development now and we are trying to exploit it. When the Minister for Finance, accompanied by the Minister for Labour and the Minister for Commerce and Industry, visited the United States in October, a number of projects were discussed with the United States Government, and the United States Government showed willingness to assist in those programmes, and I am glad to say that considerable progress has been made since in the examination of these projects. As hon. Members know, technical discussions of this nature are always lengthy and although I am not yet in a position to announce the conclusion of any specific loans project agreement, the position is that negotiations are proceeding well at the present moment, and for instance the provision for the extension of the Nairobi City Water Supply and the Kariokor developments in Nairobi.

Mr. Speaker, Sir, I should also like to take this opportunity to stress the vital role which loans of this kind will be required to play in the development of the country during the next few years. In our present financial situation we must depend on overseas assistance to a very considerable extent to finance the greater part of our development programme. I anticipate, Sir, that during the next few years, as is indicated in the World Bank report, it will be necessary for the Government to seek new capital overseas in the form of grants and loans as well, amounting to between £25 million to £30 million, if this country is to have an adequate development programme in the public sector alone apart from the private sector.

In addition, Sir, it will also be necessary to give every possible encouragement to the development of the private sector. The Government has already stated unequivocally, Sir, that it has no intention of embarking on a programme of nationalization. That is categorical, Sir. The Government has already stated it, and is stating it once more. We have no intention of nationalization, but as hon. Members will agree negative encouragement of this kind is not enough. We have got to take positive steps.

Hon. Members who have read their copies of the World Bank report on the economic development of Kenya will know that there are no short

cuts to economic development and we must work hard if we are to survive. If the country is to go ahead, we must maintain law and order. We must maintain fiscal solvency and balance our budget as well. We must maintain standards of administrative efficiency, and we must create the right political climate without which no one will be willing to provide the very substantial amount of capital which we shall need, both in the public and private sectors of the economy of this country. If we do not do this, Mr. Speaker, Sir, this independence will only bring poverty to us. To sit back and let the country fall into this state would be sheer folly. It is not only in our own interest, but it is our duty to the country to ensure that conditions are created which will attract overseas trade and investments, and will enable it to work for the development of the country.

Earlier this afternoon, Sir, questions were asked in this House as to what encouragement the Government is giving to induce industries to come to Kenya. I should like to say before this House, Sir, that whatever form of inducement, either in income tax rebates or investment allowances, we will never succeed in attracting outside capital unless we create conditions whereby investors' capital is safeguarded and transferability is allowed. Those, Sir, are the prerequisites, and unless we establish that, we shall find Kenya is a long way off in the queue for development money.

Mr. Speaker, Sir, I beg to move.

The Parliamentary Secretary for Social Services
(Mr. Anjarwalla) seconded.

(Question proposed)

Air Commodore Howard-Williams: Mr. Speaker, Sir, I would like to welcome this Bill too, and if I may, Sir, commend the excellent introduction made by my hon. friend, the National Member for Mombasa.

The important point, Sir, is that loans, if they are spent on capital works—and that is a very big if—I think perhaps I will wait, Sir, till the hon. Parliamentary Secretary is listening.

Thank you. I do apologize, Sir, for interrupting the intense conversation being had between the two Members of Government opposite.

May I say, Sir, that loans, if they are spent on capital works, have one great advantage, a tremendous advantage, and it is one we should never overlook. It applies to works which are undertaken, such as the road building which is being done up at Nanyuki and elsewhere; it applies to

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such other projects. Money spent on capital works is well worth while and the only way I know whereby Government can make money by spending. It is important to realize that if the Government can spend, shall we say £1 million on a capital project now, in ten years time it will cost them £2 million to spend that money, wherefore they have made £1 million. I can see that my friend the Finance Minister does not accept that but it is in fact true notwithstanding, and it is a basis upon which every business and every private individual operates when he makes the money that he does make at times as long as the Government lets him. Now, Sir, this, by the way, notably applies to—I apologize for the record, Sir, but once again I am interrupting a private conversation—the Mombasa road and the other roads which I want to see built in this country and to irrigation works, where by spending money Government can actually make money.

I commend this Bill to the House, Sir, and support it wholeheartedly.

Mr. Towett: Mr. Speaker, Sir, unlike my friend sitting here with me, I do not intend to praise the Government for the efforts they have gone to to get this money, but I would like to ask the Parliamentary Secretary whether when he says the American Agency he means the present American Agency and does not mean the existing American Agency at the time of the contract. Does he include any future agencies set up by the United States, no matter whether those agencies will be to our taste at that time?

Instead of giving us the \$18 million or so many pounds sterling in the memorandum. I was wondering whether the Parliamentary Secretary would think it commensurate to put the equivalent thereof in shillings so that we would not need our pencils and note-books to convert the dollars into pounds and then into shillings.

Originally I was going to say how good this particular loan would be, and how we should welcome it, but when the Parliamentary Secretary said, Sir, that we must depend on overseas capital I begin to question whether he knows what he is talking about. I would like to say, Sir, that it is not that we must depend on overseas capital, we are forced by conditions to depend on overseas capital. It is not that we must depend on it, we are forced by circumstances and we must escape depending on such capital.

Mr. Speaker, Sir, a friend of mine is asking what the difference is. I would ask him to come to my night schools and I will tell him what

the difference is. So, I would like the Parliamentary Secretary, Sir, to tell the House that we must not depend on overseas capital, but that as we stand today circumstances force us to depend on such capital. This is a serious terminological error when it comes to the world of anthropology.

Mr. Erskine: Like everyone in this House, Mr. Speaker, including the hon. Member for Kipsigis, I, of course, would want Government to have the authority to carry out this programme of borrowing up to \$18 million from the United States. I do feel, however, that this may be an opportunity to stress that, important though it is to borrow at least up to a reasonable ceiling—by that I mean within the bounds of amounts which we must pay to service the loans—I do feel that in the end Kenya's economy and the building up of the economy will depend more on outright gifts from the richer nations of the world to help develop this little undeveloped estate of the world.

In regard to this particular question of a loan I am, I think, a little bit in the dark as to, firstly, what is the nature of the expenditure proposed, whether, for instance, the majority of it will be on the housing at Kariokor, which of course, necessary though it may be, will produce no additional wealth for the country but will merely give us a load of debt and liability for repayment. Or would it go on some such project as the Mombasa road where undoubtedly there would be some indirect benefit and return for the country over the years to come by increasing tourist traffic and all those other imponderables. Or is some of this money to go on some project which will bring in an immediate return, such as piped water or the building of, shall we say, a factory for decorticating cashew nuts for the export market, or something of that sort. I mention these points and I think it will be obvious why I raise these queries because interest has to be paid on this loan and the loan has to be repaid. I am wondering whether the Parliamentary Secretary is at all worried by the fact that since the publication of this Bill in the Kenya Gazette Supplement the rate of exchange for American dollars has altered very unfavourably in our favour, —

Air Commodore Howard-Williams: How can it do that?

Mr. Erskine: —and I do hope that if he has not noticed it, he would take notice of it and I think he will find that a new arithmetical sum done at today's date would mean that we would not get £6,429,000 but about £50,000 to £100,000

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less. There is also another question, namely how are these loans to be repaid. If they are sunk in very important projects like Kariokor housing or ones which do not return any revenue of any kind, just where are we eventually going to get the money to repay them.

Before sitting down I would just like to expand a little bit about the need for the richer countries of the world to make us generous gifts, if Kenya is ever to get that assisted take-off which is so necessary if the country is ever to become viable. In the past these rich countries which I refer to, taking in the first instance Great Britain and perhaps America second. Great Britain received tremendous help in the eighteenth century. enough help to start their industrial revolution. It was done in this way: ship loads of rubbishy stuff, such as beads, cloth and salt and so on, were sent over to the great sub-continent of India and these things being worth money to the people of the sub-continent they sent back very much more valuable articles such as gold and precious stones, spices and so on, and that set in motion a period of prosperity in Great Britain and the industrial revolution and the acquisition of wealth to the extent that in some years, they say, the national income went up at the rate of 10 to 15 per cent per annum. Now we need something of that kind. The United States of America also received this assisted take-off. It just happened that hundreds of thousands, in fact it is not exaggerating to say that, over a period of two decades, millions of intelligent, well-educated technicians, scientists and industrialists travelled across the Atlantic, taking with them the wealth of their knowledge, and very often they even took their wives and those who did not found very intelligent Red Indian ladies waiting there for them.

Now, we also in Kenya need this help and I want to impress upon the Parliamentary Secretary and Government as a whole that it is only a part of their duty to seek loans, it is their duty to seek loans, as I say up to a maximum of a reasonable loan ceiling, but further than that I wish that they would do their very best to impress on the richer nations of the world the need to finance Kenya, to get Kenya started. If they were to ask me, "But why should the great nations of the world give anything to anybody?", I can only answer that in the interests of peace, and the avoidance of a third World War it is very necessary indeed that the poorer nations should have their economy boosted a little bit higher towards the economy of the richer nations. There cannot be anything but danger

today in a world where the *per capita* income of 160 million people of the United States is around £600 per annum and in Kenya £32.

I beg to support.

Mr. Nthenge: Mr. Speaker, Sir, I welcome the Bill but not fully, because I wonder whether there will be some of this money spent in Turkana and other such areas, or is it just going to be spent in one small area, as if Kenya were only a few square miles. The Member for Turkana is out, and I am interested in Kenya as a whole and not only in my constituency. Therefore, Mr. Speaker, I would like the Government to note that we would all be very happy to encourage the borrowing of money for this country, but we want it to be well spent. If the money is not going to be spread all over Kenya then we doubt whether it is really right to accept the loan. I would like the Parliamentary Secretary, therefore, on behalf of the Government to make a note of this and to inform the Government that we would like an even and well-spread development to take place all over Kenya so that we do not develop some areas too highly in comparison with other areas and probably encourage domination at the same time.

Mr. Speaker, Sir, I would like to mention here that the thanks of this House should be given to these willing countries for lending us money for our development. I would like to stress, Mr. Speaker, that this money should be spent very widely on projects which will make this country produce more so that we do not dilly-dally because this money might be borrowed and be spent so badly that the repayment of it would be very difficult and expensive. But if it is well spent it will be refunded without anybody feeling it. If it were spent for building factories and developing areas for such things as cotton, with factories and so on, so that we do not need to import all the cotton we need and can produce our own. We can then export the surplus and that would definitely be money well spent.

I would also like the Government to consider spending some money prospecting in the northern, southern, shall I say all the corners of Kenya, in case there are minerals, so that we can start mining them.

The Minister for Land Settlement and Water Development (Mr. McKenzie): What do you want us to do, dig holes?

Mr. Nthenge: The experts know how they do it, Mr. Speaker, and I think the hon. Minister should refer the matter to the right Ministry, and they will tell him how they do it when they want

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to check whether there are mineral deposits in the country.

Mr. Speaker, I do not want to take long, but I think I must comment here that it should not be understood that the whole of this House thinks that money spent on building African houses around Kariokor is badly spent because with the present speed of Africanization we hope the Africans will be able to pay an economic rent, and therefore the money borrowed will be refunded without too much feeling. Mr. Speaker, I would like the hon. Parliamentary Secretary to note this seriously, and not just take it as a joke and start laughing, so that the Government know exactly the feelings of this Side of the House.

With these few remarks, Mr. Speaker, I beg to support.

Mr. Odede: Mr. Speaker, Sir, I would also like to support the Bill, and would like to emphasize what my hon. friends on this Side of the House have said. Most of the money invested in this country now is spent on settlement, and this settlement is on land which has already been developed. We want this loan to be used in Non-scheduled Areas, where we can start new development. These areas are badly neglected by the Government—

The Minister for Land Settlement and Water Development (Mr. McKenzie): Which areas?

Mr. Odede: Central Nyanza District is one!

The Minister for Land Settlement and Water Development (Mr. McKenzie): Where do you come from?

Mr. Odede: We would like this money to be used in these areas so that the economy of the country is raised. Using money on land which has been developed is not good enough because we are just going to get what we have been getting before.

Mr. Speaker, Sir, I would like to emphasize that there should be industrial development in African areas. We in Central Nyanza and Machakos need industry, private industry, and this is where such money should be used.

The Minister for Land Settlement and Water Development (Mr. McKenzie): Sugar factories.

Mr. Odede: My hon. friend has just suggested another thing. Sugar factories in Kano Plains is something which is badly needed. I can remember what my hon. friend has suggested so many times in this House, irrigation schemes which are something this money should be used for. I have suggested to my hon. friend, the Minister for Settle-

ment and Water Development, that he should give me just enough money for such irrigation schemes in Uyoma location.

The Speaker (Mr. Slade): Order, order.

I can appreciate that this Bill appears to give hon. Members a golden opportunity for urging the particular developments that they want in their own constituencies, particularly at this season of an impending election; and to some extent the Bill which proposes to borrow money for development entitles hon. Members to comment on the kind of development that justifies such borrowing, but only in very general terms. I am afraid we cannot go any further with the kind of parochial venture in which the hon. Member is indulging just now.

Mr. Odede: Thank you, Mr. Speaker, we are trying to emphasize this because Government does not seem to think of some areas where development is needed. That is why I was emphasizing this, but with these few remarks, Sir, I beg to support the Bill.

The Temporary Member for Mombasa West (Mr. Jahazi): Mr. Speaker, Sir, I would also like to support the Bill for this \$18,000,000 from the United States Government. I would also like to extend and wish the Ministry a very successful discussion which is still going on, as we have been informed by the Minister and I would also like to request the Minister in future to state what project they have in mind for the money they intend to borrow so that the House should know what that money is going to be used for. Otherwise, we have individual members suggesting that this money should be used for this and that. As you know, Mr. Speaker, the development of this country is just starting, it is just not the end, and therefore \$18 million is just a drop in the ocean. We need more millions of dollars, or roubles, anything we can have. This money whenever it is borrowed should be borrowed with the honour of this country as the first consideration, although we need every penny from outside. We must also see that the friendly countries who lend us that money give it to us with the complete understanding that first they are giving us that money to develop our country and not expect quick repayments or heavy interest. That should be the first consideration.

Secondly, when we get such money, I think the hon. Mr. Nthenge has suggested—

The Minister for Land Settlement and Water Development (Mr. McKenzie): The hon. Leader of the Opposition.

The Temporary Member for Mombasa West (Mr. Jahazi): Yes, the Leader of the Opposition has just remarked that it is not a waste of time to develop such estates like Kariokor and all that. As you know, in the towns, centres, and cities, in this town or this country, most of the African housing estates are still backward and no matter how we develop in other ways, if the housing estates look like slums I do not think that our progress in other fields will do us any good. Therefore, if the money is available, these housing estates should also be on the top list for development, although we do not want to earn something from them. However, the country must see to it that people live decently. Also, when this money comes I hope that the Mombasa/Nairobi road will be the first priority because the town of Mombasa is under-developed as a tourist centre. Therefore, if the road is developed, I hope that those members who wish to see a quick return for this money will benefit and will be satisfied. If the Americans give us their dollars we must use those dollars to attract them to this country as tourists so that we are able to repay them with their own money. I hope by borrowing this, the Minister has not swallowed any strings attached to the \$18 million.

Mrs. Shaw: Mr. Speaker, I rise to support this Bill. I do not know whether I am right in supposing that Mr. Jahazi's speech was a maiden one, if it is I would like very much, on behalf of all Members of this Council, to congratulate the hon. Member for an excellent maiden speech.

I would like to say that what I should like to see when spending this money is a very expert planning committee set up so there could be a proper balance between schemes which promote wealth in terms of long-term health of the population; in other words welfare schemes and schemes which promote money on a short-term basis, such as secondary industries.

I should like to support very strongly what the hon. Member for Machakos said, and I do not know if Council knows but he is an extremely enterprising businessman who has promoted export trade for Kenya on quite a large scale, and I should like to see other Africans having the same initiative and success in this field. Perhaps loan money of this sort, with a proper balance maintained, could be used to help such young industries on to their feet in different areas of the country. Of course I always plead, Mr. Speaker, for the underdog.

Mr. Speaker, I beg to support.

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, when I was

introducing this Bill I tried to explain to hon. Members that this was a Bill to enable the Kenya Government to borrow from the United States. From what transpired subsequently, it appears that my hon. friend the Leader of the Opposition, had gained the impression that this money was in the kitty, and that we were already spending it. Mr. Speaker, Sir, I did say that the United States Government was willing to lend money for suitable development projects. I did not say that we have obtained this money, and before we can go forward and negotiate we have to have this measure passed by this Council. I think, Sir, that is very important, because from what hon. Members have been saying it appears that we already have the money, and that they were telling us what to do with it. We have not got the money.

Now, Sir, having made that point very clear I would like to deal with points which were raised by various hon. Members, and I would like to start in the reverse order, Sir. I should like first to deal with the hon. and gracious lady Mrs. Shaw. I do agree with her that if we have to borrow this money, it must be well spent and we should have an expert planning committee. As the hon. and gracious lady knows, we do have that expert planning committee for development in Kenya already and in the event of it being available to us I would like to take this opportunity of assuring her that this money will be well spent.

Now, Sir, I would like to come to the hon. acting Member, Mr. Jahazi. First, if my understanding is correct, this is his maiden speech, and I would like to take this opportunity of congratulating him for a wonderful maiden speech. He did say that if we were to borrow this money we must tell this House for what purposes this money will be used. If the hon. Member looks at Clause 4 of the Bill, he will see that the reason why this money is raised under this Ordinance, says, "... be appropriated to and expended upon the services and purposes for which provision is made in the Development Estimates approved by the Legislative Council, and upon no other service or purpose." I do not think, Sir, there could be a more explanatory thing than that. That does show that every penny of this money spent will have to be passed by this House, so I do not think the hon. Member should have any fear with regard to the fact that development estimates will have to be brought eventually to this House. He did say, Sir, that he would also like this money to be spent on the Mombasa/Nairobi road. He could not have had a better ally than myself. We both want the money to be spent on this road. However, Sir, the fact is that

[The Parliamentary Secretary for Finance]

if we have to borrow money we have eventually to repay that money and our economic position being as it is, we must see that that money is well spent as the gracious lady said, and we have a list of priorities. If it happens that the Mombasa/Nairobi road is one of the first priorities then the money will be spent on it, but as far as I am aware it is not number one on the priority list. We have many other projects which need more serious attention than the Mombasa/Nairobi road.

Mr. Speaker, Sir, having dealt with the acting hon. Member, I now would like to deal with the points raised by Mr. Odede. I do not think, Sir, that I will go any further, because I am grateful, Sir, to you for pointing out that points raised by

Mr. Odede were irrelevant.

Mr. Speaker, Sir, I would like to go back and start at the beginning with the first speaker, the hon. and gallant Member, Air Commodore Howard-Williams. I am sorry to say, Sir, that I do not agree with his logic, that if you spent £1 million, after ten years you will have gained £1 million, because of the value of money. What the hon. and gallant Member has overlooked is the fact that if you spent £1 million today, after ten years you will have paid more interest than the actual capital. So there is no logic in what he says. The other thing which the hon. and gallant Member said was that these loans should be capital ones. I think, Sir, we have made it clear that we are trying, as far as possible, to finance our recurrent expenditure ourselves, and I think it is the Government's intention that as far as possible, all our loans should be capital ones, and I think the hon. and gallant Member should be satisfied on this issue.

Now, Mr. Speaker, Sir, I would like to deal with some philosophical questions that were put up by my hon. friend Mr. Towett, the Member for Kipsigis. He said, why on earth should we put the money in \$18 million instead of putting it in shillings. The point is, Sir, that we have to borrow this money from the United States Government, and we have to borrow and repay it in the currency of that country. This is an enabling law, and it must be put in the currency of that country in order to take into account the monetary fluctuations, because the rate of exchange fluctuates from time to time, and what the United States—or West Germany for that matter—insists on is that repayment is eventually made in the currency of that country. That, Sir, is the reason why we put it in dollars, because we have eventually to pay it back in dollars.

Mr. Towett: Ridiculous!

The Parliamentary Secretary for Finance (Sheikh Alamoody): The hon. Member is very impatient. If he were listening to my speech—and I have it here—I did say that \$18 million, the equivalent of which is £6.4 million sterling—

Mr. Towett: On a point of information, Sir, I would like to make it clear—What the Parliamentary Secretary is putting to the House is not what I said. I said instead of putting it in with the Memorandum of Objects and Reasons, and so on, at the back, why not have it as part and parcel of the Clauses, and not outside the Clauses. I said instead of pounds we would like to have that figure in shillings together with the figure in dollars.

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, I think that makes the position far worse than I originally thought it was. I have been trying to tell the hon. Member that this is the law, and if we put \$18 million today, it means that it will be \$18 million 20 years hence, but it will not be £6.4 million, because there are monetary fluctuations; that is why we did not put £6.4 million in the Clause. However, we did have to put it in the Memorandum which is the present day value. I see the hon. Member will realize what I meant when I said although in the law we cannot put it in any other currency except the currency in which it is to be repaid, and in order to facilitate his understanding of what \$18 million is we have put it for him as £6.4 million.

The Minister for Land Settlement and Water Development (Mr. McKenzie): You must not bully the hon. Member, he only understands *ngombes* not shillings!

The Parliamentary Secretary for Finance (Sheikh Alamoody): I should have thought that the hon. Member, being an ex-Minister, surely can multiply 6 by 20 and find out the exact amount.

Now, Sir, the other point which the hon. Member did raise was the question of why Kenya should be dependent on outside capital. I did refer the hon. Member to the World Bank Report which is a most exquisite report, and if he did do his homework properly and read the Report, which I agree is a very voluminous one, he would have found that Kenya has no capital formation of its own, and therefore we have to depend *per force* on outside capital. It is not a question of our own making, we would have liked to stand on our own feet, but the question is we have to depend.

[The Parliamentary Secretary for Finance]

Now, Sir, if I can deal with the points raised by the hon. National Member, Mr. Erskine. I do agree with him, Sir, that young countries like Kenya do need the necessary fillip in their take-off, but what I would like the hon. Member to realize, Sir, is that we are way back in the queue for assistance and capital from the outside world, and we have got to fit in our rightful place. It is not Kenya today alone in the world which is seeking that financial assistance. There are many other young countries coming up, and it is a question of competition, so this assistance is not there for us to go and ask for it, we have to compete for it in the financial world. So, although I agree with him that we have to have assistance from richer countries—which we are, in fact, seeking—and when I introduced the Bill I did say that the United States Government has made finance available to us by way of grants, and this borrowing is a new avenue which we are trying to explore in the way of loans. My Ministry, and other Ministries, are conscious of the need for outside assistance, and we are exploiting it to the fullest extent, and on this question I should like to assure the hon. Member that we are doing everything possible to try and get free grants from richer countries. But, as I say, it is not there for us to take as we wish. The Kenya Government at the moment is reluctant to borrow, because we feel that if you borrow you have eventually to repay, but if there is no other alternative one has to borrow, and we are going for long-term financial loans, rather than short-term loans, and of course it must be at attractive interests. Of course, as the hon. Member knows, being himself a commercial man, the rate of interest is not necessarily set up by us. It is always the lender who tries to set set up the interest. It is only when we find it is attractive enough to us that we try to commit ourselves, but naturally we try to borrow at the lowest rate of interest.

Mr. Speaker, Sir, I beg to move.

(The question was put and carried)

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

Second Reading

THE CHILDREN AND YOUNG PERSONS BILL

The Minister for Social Services (Mr. Tipis): Mr. Speaker, Sir, I beg to move that the Children and Young Persons Bill is now read a Second Time.

The Children and Young Persons Bill was originally drafted, for the information of Members, as a result of instructions by the Council of Ministers, arising out of recommendations of what is known as the Slade Report on Children and Young Persons in 1952. In this connexion, it gives me very great pleasure to do what I am sure is probably quite wrong according to constitutional procedure, but which I shall enjoy doing, and in doing so I am sure I shall have the support of the House. This is to give thanks and gratitude to you, Mr. Speaker, Sir, in your private capacity for the very valuable report on this subject, to which I have just referred, and for the enormous services you have carried out in this country in the cause of child welfare and for the introduction of this report. I hope the House will consider it as an enlightened one.

The Bill which we are now reading the Second Time is very much due to the great effort and work which Mr. Speaker put in earlier on and which he has continued for quite a long time in social welfare and especially in child welfare, and I am very glad indeed to express my Ministry's indebtedness to him in this respect.

Briefly, the Bill is a conglomeration of the Juveniles Ordinance of 1934, in respect of delinquent children, and the Prevention of Cruelty to and Neglect of Children Ordinance, 1955, in respect of children in need of care and protection, and its main object was to combine in one Ordinance all the legal provisions for dealing with the protection of children and the discipline of young people up to the age of 18.

The Speaker (Mr. Slade) Mr. Tipis, you should indicate at this stage that you have the consent of the Governor for the introduction of the Bill, since it is stated to involve public expenditure.

The Minister for Social Services (Mr. Tipis): Yes, Sir, the Governor's consent has been obtained in this.

The opportunity was taken to revise and bring up to date many of the existing provisions and a working party was set up for this purpose. During the drafting stage of this Bill, the Vagrancy Ordinance (Cap. 58) was enacted, and came into force on 1st January, 1960. That Ordinance makes provision for dealing with vagrant children and in so far as this Bill provides for the treatment of vagrant children and young persons, it is proposed to repeal the relevant section of the Vagrancy Ordinance, on the same principle: namely, that there should be one Ordinance only for dealing with people under 18 years of age.

I will now, Sir, describe briefly the various parts of the Bill.

[The Minister for Social Services]

Part I deals with interpretation and it is worth mentioning some of the definitions which in themselves set the pattern for the ensuing legislation. Firstly you will see that we have divided the whole range of persons dealt with by the Bill into three age groups: namely, children—that is, from the time they are born up to 14 years—and, secondly, juveniles from 14 to 16 years and, thirdly, young persons from 16 to 18 years. This has been done after very much careful consideration and discussion, not only for the sake of clarity, but also because it seemed a logical definition from the point of view of the appropriate treatment of both deprived and delinquent persons. I am stressing this point, Sir, because we have had good advice and sound constructive criticism from a wide variety of sources, and in taking all this into account we have departed from established practice in the United Kingdom and from established precedent in Kenya, but we believe that in due course it will be seen that we have set the right pattern for the classification of age groups.

Sir, in the definition of authorized officers and children's officers we have provided for a wide variety of people who should be encouraged to deal with children and young persons, both from the ranks of Government and of voluntary agencies. Here I would like to repeat that the role of voluntary agencies is recognized as being vital to social development in Kenya, and is especially appropriate to the field covered by this Bill, and that is why it has been retained as an integral part of this legislation. I think that this is an appropriate time to mention that I asked the Council of Ministers recently to make a public pronouncement on the present Government's attitude towards voluntary organizations and overseas sources of financial aid for social services, and I am glad to say that the Council agreed to publish a statement which I believe will have the effect of encouraging these organizations, and I cannot imagine any future Government expressing disagreement with these views.

Now, Sir, Part II of the Bill deals with proceedings in juvenile courts. In this Bill we have sought to widen the coverage of special courts for the purposes of considering all cases involving persons under 18 years of age, and in the drafting of this Bill we have received valuable guidance from the Honourable the Chief Justice. Ideally, we believe that all such courts should be what are known as Panel Courts under a Chairman or a Vice-chairman who is a magistrate, and members who are specially selected for their ability to understand and deal with children. At the same time, Sir, we realize that except in the

larger centres the process of setting up such courts will be both difficult and expensive, and so provision has been made for existing magistrates of the first and second class, sitting alone, to be constituted as juvenile courts. This is especially important in some of the outlying areas where, for the present, the District Commissioner must continue to be recognized as the legal authority.

On the principle that young persons should be removed as far as possible from the influence of adult criminals, the—

Mr. Nthenge: On a point of order, is it in order for the Minister to read his speech?

The Speaker (Mr. Slade): As I have explained to hon. Members on other occasions, a great deal of latitude is allowed to Ministers when they are moving Motions of this kind, particularly when they involve a considerable amount of detail on which they have to be briefed by their permanent staff. At the same time, we do expect them, where they can be spontaneous, to be spontaneous, and I am sure Mr. Tipis will be before he has finished his speech.

The Minister for Social Services (Mr. Tipis): Thank you, Mr. Speaker, Sir. I thank the hon. Leader of the Parliamentary Opposition Group for his interjection. I will assure him that I will not put my eyes on the brief unless it is absolutely necessary. Now, let me finish with the introduction of the Bill.

I was touching, Sir, when the hon. Member interjected, on the principle that young people should be removed as far as possible from the influence of adult criminals. The Bill, as I have mentioned earlier, provides that the cases of children and young persons should not be heard in criminal courts and this means that even in small places where there is only one court house, the court must be cleared and re-formed as a separate juvenile court, when such cases are to be heard.

Further provision is made whereby all cases of children and young persons coming before the court must be referred, where practicable, to a juvenile court. This part of the Bill, Sir, sets out 12 methods by which a court may deal with youthful offenders and in particular provides for committal to approved schools or approved voluntary institutions or fit persons, and for ordering parents or guardians to give security for good behaviour. Provision is also made for committing boys over 15 to a Borstal Institution. In this connexion, Sir, my Ministry has drafted a Bill, introducing Borstal treatment into this country, which I hope will shortly come before this Council.

[The Minister for Social Services]

Part III of the Bill deals specifically with the two lower age groups, namely children and juveniles under 16, who are not delinquents, but who are in need of protection, or discipline. This covers a wide field, ranging from abandoned babies, to deprived or vagrant children, and youngsters who are beyond parental control. All the people in this group, because of their circumstances, are potentially delinquent, as we have so often seen in the many children, who are found by the police in the larger centres foraging in the streets and dustbins, and tempted to steal in order to find food. The early and correct treatment of these unfortunate youths is vital to our social development and this part of the Bill defines the circumstances in which such people are in need of protection and discipline and makes provision for proper care to be taken of them either by an order of a juvenile court or—and here is an innovation which I believe will step up treatment of certain classes of children while avoiding the sometimes ponderous machinery of court action or by an approved voluntary agency, or an appointed local authority without recourse to the courts, provided that the child's parent or guardian agrees.

Part IV of the Bill deals with the committal of children and young persons to fit persons and approved schools and follows present practice.

I come now, Sir, to part V which deals with approval of schools and here I would like to say that although at present all approved schools for boys are Government owned and operated, the legislation provides for the approval of any school for this purpose, provided that it fulfils the appropriate conditions.

This part also deals with the establishment of an Advisory Council on Children and Young Persons to advise the Minister in relation to the exercise of his powers under the Ordinance, and for special regional bodies, where necessary, to look after the interests of approved schools in the various regions, to be appointed by regulations under the Ordinance. One of the main reasons for this Council and Local Boards is to ensure that the human element is kept uppermost in the treatment of boys and girls in approved schools, and that their cases come up for review from time to time.

Part VI deals with supervision of children, juveniles and young persons being placed with strangers and follows current practice.

Part VII deals with the appointment of a Chief Inspector of Children and Inspectors of Children.

Now, Sir, we have at present a Chief Inspector of Children under the existing Prevention of Cruelty to and Neglect of Children Ordinance. Under this Bill this officer's powers are widened to cover responsibility for delinquent as well as deprived children. In anticipation of this measure we have already established in my Ministry what amounts to a Children's Department, and for this purpose at present the Chief Inspector of Children and the Chief Inspector of Approved Schools are one and the same person. I hope that when this Bill is enacted we can look forward to having under the Chief Inspector of Children an Inspector of Children for dealing with delinquent children and an Inspector of Children with responsibility for deprived children: these two Inspectors would be virtually interchangeable. This is really a way of saying that by virtue of this Ordinance we will achieve control and protection of all the various ways of dealing with deprived children, whether by local authorities or voluntary societies and institutions, so that there will, I hope, be standard practice in dealing with all children, whether deprived or delinquent, and, Mr. Speaker, Sir, it is sometimes a matter of mere chance into which of these categories a child might fall.

Part VIII is, to my mind, a very important part of this Bill, and deals with the appointment of local authorities who wish to make welfare schemes and to participate in the control and discipline of the children in their areas. I know, Sir, that hitherto it has not been financially easy or indeed possible in some cases for local authorities to undertake direct responsibility for the control of children but with the growing number of youth centres, many of which are partly financed by local Councils, and with the very welcome expansion, which is gradually taking place, of the activities of voluntary organizations who work in close conjunction with local authorities, it is hoped that the provision made in this legislation for these local authorities to become officially recognized as a part of the machinery for dealing with children, will encourage them to do so increasingly. I believe, Sir, that, perhaps in the not very distant future, the role of local authorities in social matters such as this will be vital.

Part XXIX deals with the approval of voluntary agencies under the legislation and follows present practice closely. It is hoped that the officers of approved societies will collaborate very closely indeed with the children's officers appointed by local authorities and with the inspectors of children who are mostly members of the public service.

[The Minister for Social Services]

Part X dealing with escapes from approved schools is a repetition of the provisions in the existing legislation and needs no comment.

Part XI makes miscellaneous provisions which follow closely the existing legislation and contains a section enabling approved school pupils to be transferred internationally and in practice this will facilitate the transfer of boys between the three East African territories.

This part enables the Minister to make regulations and in particular for the registration of voluntary institutions' Children's Homes, and Boarding Out Establishments, and for their proper inspection so that the standard is maintained.

Now, Sir, there are certain financial provisions, under which the expenses of the existing machinery for dealing with children is centralized, and under which the Minister may make grants or grants-in-aid to appointed local authorities, or approved societies, to enable them more effectively to carry out their functions, upon which I am certain we must place increasing reliance.

Sir, there is one last point, and that is that in the 40 days during which this Bill has been ripening, the public has had an opportunity of scrutinizing its provisions and through the Kenya Advisory Council on Social Affairs, which body was set up to advise me on all social matters, and upon which I, and my Ministry, are now placing increasing reliance—through this Council—Sir, certain amendments have been proposed which have been fully considered and agreed by my Ministry. These amendments do not vary the substance of the Bill but are rather improvements on certain sections particularly those dealing with the committal of boys to approved schools and the necessity for constant review of their cases by the courts. In this respect it is considered that the committal of boys to approved schools for a fixed period amounting sometimes to more than six years is too inflexible, and we have, in this case, followed the United Kingdom practice where there is no fixed period of committal, but greater discretion is

given to the experts in charge of the boys. There is a safeguard, however, in the regular review by the courts. Another amendment is the use of approved voluntary institutions for the treatment of certain classes of delinquency. These amendments, Sir, will be moved in the Committee stage of this Bill.

Finally, Sir, I am glad to inform the House that a number of Local Government authorities have shown interest in the welfare of children and young persons, and my Ministry has received a number of inquiries and also requests for financial assistance for capital expenditure to build their own Centres. We have informed them that they should address these requests, for financial assistance, to their Regional authorities when they are established.

We hope to persuade the Treasury to let us have between £5,000 and £10,000 during the 1963/64 financial year to enable us to give grants-in-aid to voluntary organizations who run these Centres.

Now, Mr. Speaker, I have said enough in introducing this Bill, and I hope the Members will show a keen interest. At this juncture I feel I ought to inform you that I shall have to cede my right of replying to my Parliamentary Secretary.

Sir, I beg to move.

The Parliamentary Secretary for Finance (Sheikh Alamoody) seconded.

(Question proposed)

Mr. Towett: Mr. Speaker, Sir—

The Speaker (Mr. Slade): I feel it is too near the time for interruption of business. It is for your convenience as well as everyone else's if I adjourn the Council now.

ADJOURNMENT

The Speaker (Mr. Slade): Council is therefore adjourned until tomorrow Thursday, 14th March at 2.30 p.m.

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

Thursday, 14th March, 1963

The House met at thirty minutes past Two o'clock.

[The Speaker (Mr. Slade) in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 91

DEPUTY PROVINCIAL MEDICAL OFFICERS:
DUTIES OF

Mr. Khasakhala asked the Minister for Health and Housing: What were the duties of Deputy Provincial Medical Officers? Did the appointment carry an enhanced salary?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I beg to reply. The duties of a Deputy Provincial Medical Officer are not only to act as assistant to the Provincial Medical Officer but the post also carries a training element so that the Deputy Provincial Medical Officer can be taught the duties of a Provincial Medical Officer. The Deputy Provincial Medical Officers also have special duties either as Medical Officers of Health of a district or Medical Superintendent of the Provincial hospital. The appointment does not carry an enhanced salary, but two of the Deputy Provincial Medical Officers are presently acting as Provincial Medical Officers with the acting salary allowance.

Mr. Khasakhala: Mr. Speaker, Sir, can the Minister tell the House when such posts were created?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, those posts were created some time last year.

Air Commodore Howard-Williams: Mr. Speaker, Sir, will the Minister tell the House what salary the Deputy Medical Officer receives?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I have just said that Deputy Medical Officers do not get more than Medical Officers, except that if he is acting for a Provincial Medical Officer then he gets his salary allowance for acting.

Air Commodore Howard-Williams: Mr. Speaker, Sir, the Minister has not answered my question. Would he please tell the House how much a Deputy Medical Officer gets?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, the hon. and gallant

Member has got the estimates and he can check for himself.

Mr. Wabuge: Mr. Speaker, would the Minister tell the House how much the allowance is that a Deputy Medical Officer gets?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, the same reply as I gave to the previous questioner applies in this case.

Mr. Murgor: Mr. Speaker, would the hon. Minister tell the House and agree that the creation of these Deputies was only to cater for the Africans?

The Minister for Health and Housing (Mr. Mati): No, Sir, that is not so. These were created for the express purpose of giving Africans as well as other Medical Officers a chance to learn. to be able to take greater responsibilities.

Mr. Khasakhala: Mr. Speaker, Sir, could the Minister tell the House how soon he is going to consider a special salary for a Deputy Medical Officer for his duty carries a lot of responsibility?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, we are looking into the matter. but I cannot promise that we are going to have special pay for Deputies.

Mr. Odede: Mr. Speaker, Sir, we know that a Provincial Medical Officer gets a better salary than his Deputy. Are there some Medical Officers in a Province who get better salaries than Deputy Medical Officers?

The Speaker (Mr. Slade): What is the question, Mr. Odede?

Mr. Odede: We know that a Provincial Medical Officer gets higher pay than his Deputy, but in a Province are there some Medical Officers who get better salaries than the Deputy Provincial Medical Officers?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, there are Senior Medical Officers who may get a little bit more than the Deputy Provincial Medical Officer: these are Senior Medical Officers.

Mr. Mwendwa: Mr. Speaker, Sir, may the Minister tell this House how many Africans are likely to take up these posts in the near future?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, of course what I can give the hon. Member is the numbers as they exist today, and here they are.

[The Minister for Health and Housing]

There are three Deputy Provincial Medical Officers. All the posts are held by Senior African Medical Officers. One post is in Nyanza Province, one in Central Province and one in the Coast Province. There is no Deputy P.M.O. in the Rift Valley Province because there is a Senior Medical Officer in charge of the Rift Valley Provincial General Hospital. Likewise, there is no Deputy Provincial Medical Officer in the Southern Province as it is considered that there is insufficient work to justify the appointment.

Mr. Mwendwa: Mr. Speaker, does the Minister want to tell this House that in the Southern Province there are not enough hospitals to warrant the appointment of an African Deputy Provincial Medical Officer?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, the hon. Member ought to know better.

Mr. Murgor: Mr. Speaker, could the hon. Minister give the reason why a Deputy is paid less than a Senior Medical Officer. If that Senior Medical Officer is higher, why can he not be made a Deputy?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I have not said that this was the case everywhere, but some of these Deputy Provincial Medical Officers were only Medical Officers of Health quite recently, and there are people who have been Senior Medical Officers for a number of years.

Mr. Khasakhala: Mr. Speaker, Sir, can the Minister tell the House, when he considered promoting these people to the posts they are holding now, what their qualifications were?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, we considered their ability, what they had done, their experience, their training and qualifications.

Mr. Khasakhala: If so, Sir, why is their salary not considered?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I have just said that their salary is being considered, and where they act for Provincial Medical Officers, they get the allowance for that post.

The Speaker (Mr. Slade): Next question.

Question No. 92

MEDICAL OFFICER AT ITESIO: LACK OF

Mr. Khasakhala asked the Minister for Health and Housing would the Minister please

explain why there was no Medical Officer at Itesio. Could the people there expect one to be posted to their locality in the near future?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I beg to reply. There is no Medical Officer at present stationed at Itesio for two reasons. Firstly, the interterritorial leprologist is usually stationed at Itesio; secondly, due to the number of Medical Officers undergoing training courses as a result of the Ministry's intensive programme of localization, there is an overall shortage of Medical Officers available for posting in Kenya. There is no likelihood of a Medical Officer being posted to Itesio in the near future.

Mr. Khasakhala: Mr. Speaker, Sir, could the Minister tell the House how people in Itesio received immediate attention when there is a serious case in that area?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, the leprosarium is at present in the charge of a senior hospital assistant and he is supervised by the Medical Officer of Health, Elgon Nyanza, so that the people there are quite well looked after.

Mr. Khasakhala: Mr. Speaker, Sir, that does not satisfy me. Could the Minister tell us how many ambulances he has stationed in Itesio to meet the immediate demand?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, that only goes to show how ignorant the hon. Member is. It is not the business of my Ministry to provide ambulances. It is a local government affair.

Mr. Nthenge: Mr. Speaker, can the hon. Minister tell us whether there are any ambulances at all irrespective to whom they belong?

The Speaker (Mr. Slade): That is not relevant to this question. The question is concerning Medical Officers.

Mr. Mwendwa: A point of order, Mr. Speaker, is it in order for a Minister to answer hon. Members rudely when they are asking sensible questions?

The Speaker (Mr. Slade): That depends on how sensible the question is, and how rude the answer. We have certain rules of conduct which I think some hon. Members generally observe very well, but you cannot expect people always to be completely mealy-mouthed.

Mr. Nthenge: Mr. Speaker, what is the distance between Itesio and the nearest station where there is a Medical Officer?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, if only the hon. Member would care to look at a map he would find it.

Mr. Nthenge: I would also expect the Minister to have looked at the map and be able to tell us.

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, that question is not really relevant to the issue. The hon. Member could find that out without bothering this House and wasting its time.

The Speaker (Mr. Slade): The question is relevant, but perhaps you cannot give the answer.

Question No. 93

PLACING OF JUNIOR MEDICAL OFFICER
AT KAKAMEGA

Mr. Khasakhala asked the Minister for Health and Housing the following: The people of Kakamega being concerned about the very junior and inexperienced Medical Officer who had been posted to the Hospital there, would the Minister state whether this was merely a temporary posting and confirm that an experienced and senior officer would soon replace him?

The Minister for Health and Housing (Mr. Mati): The posting in question is of a temporary nature and it is proposed, subject to the exigencies of the service, to post a more senior officer to Kakamega in April.

Mr. Towett: Mr. Speaker, Sir, does the Minister imply by his reply that he agrees that the Officer in that Station is junior and inexperienced?

The Minister for Health and Housing (Mr. Mati): We always consider a person's experience when we put them in charge of certain institutions and we are quite satisfied that we should send a more Senior Officer there.

Mr. Khasakhala: Mr. Speaker, Sir, I think this question is very serious and most important. Could the Minister tell us when he is going to post a Senior Medical Officer to Kakamega?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I have just said in April.

Question No. 96

T.L.B. PROFIT AND LOSS AND
STAFF COMPENSATION

Mr. Wabuge asked the Minister for Works and Communications what, if any, was the Annual profit and loss of the Transport Licensing Board and what was the staff composition of the Transport Licensing Board and what was the Government overall expenditure on the Board

The Parliamentary Secretary for Works and Communications (Mr. Okondo): The Transport Licensing Board does not work on a basis of profit and loss. The second point of the question, Sir, the composition is that there is one Executive Officer, eight Clerks and one Subordinate Officer on the staff.

Mr. Wabuge: Arising from the reply by the Parliamentary Secretary would the Parliamentary Secretary not agree with me that since the Government does spend a lot of money on this Board it is high time that it is done away with so that money could be spent in other Ministries?

The Parliamentary Secretary for Works and Communications (Mr. Okondo): Mr. Speaker, Sir, I do not agree.

Mr. Towett: Mr. Speaker, Sir, would the Parliamentary Secretary tell what he understands by the word "compostion" in Question 96 (b)?

The Parliamentary Secretary for Works and Communications (Mr. Okondo): Mr. Speaker, Sir, I think the hon. Member who is a philosopher ought to have read "this is a mere misprint", and that it is meant to be composition.

Mr. Nthenge: Mr. Speaker, can we know how much the Board costs the Government?

The Parliamentary Secretary for Works and Communications (Mr. Okondo): Yes, Sir, in the year 1961/62, the Board cost £10,520 in salaries of the Chairman and staff I have just mentioned.

Mr. Nthenge: Mr. Speaker, Sir, can we know whether it charges any fees?

The Parliamentary Secretary for Works and Communications (Mr. Okondo): Yes, Sir, the Board charges fees which are listed down in the Schedule to the Rules of the Transport Licensing Board Ordinance which the hon. Members can read, and these fees are collected by the revenue collection system here and in other places, and a total of that amounted to £18,000 in the year 1961/62.

Mr. Nthenge: Mr. Speaker, would the Parliamentary Secretary agree with me that the question was previously trying to find out the differences between the expenses and the income of the Board?

The Parliamentary Secretary for Works and Communications (Mr. Okondo): Mr. Speaker, Sir, I do not agree. The question was whether the Board makes a profit, not whether there is a difference between the administration expenses and the revenue that accrues.

Question No. 109

REGIONAL GOVERNMENTS TO BE
SELF-ACCOUNTING

Mr. Alexander asked the Minister for Finance What arrangements were being made to enable Regional Governments to be self-accounting from their inception?

Mr. Speaker, on the Order Paper there is an error. The word "for" should be "from".

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, I beg to reply. The financial and accounting arrangements for Regional Authorities are now under consideration by the Government and will of course depend upon such requirements as are written into the final Constitution.

Mr. Alexander: Mr. Speaker, does the Government accept that the Regional Governments, whatever the Constitution says, will require experienced finance officers, and if so what are they doing to recruit them now for engagement in the Regions?

The Speaker (Mr. Slade): I think that is part of the next question. We can move on to the next question, and take that point then, if you wish.

The Parliamentary Secretary for Finance (Sheikh Alamoody): There is a question on the Order Paper which does refer to that.

Mr. Alexander: Mr. Speaker, Sir, in view of the fact that amongst other matters, what the Parliamentary Secretary described yesterday as negotiations for bank overdrafts, what is being done now for these negotiations?

The Parliamentary Secretary for Finance (Sheikh Alamoody): Sir, as I said yesterday, that is a matter which will be considered in relation to the Fiscal Commission Report, which is being considered by the Government, and all the matters which the hon. Member asks about will be made available to him. Any reply now would

be anticipating the final decision of the Government on the Fiscal Commission.

Mr. Nthenge: Mr. Speaker, due to the short time we have does the Government feel it is time that these accountants were trained?

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, the Government is more conscious of the shortage of time than the hon. Member, and everything is meant to be well prepared by the Government when it comes to the right moment.

Mr. Nthenge: Mr. Speaker, did the Parliamentary Secretary say that the matter was under consideration?

The Parliamentary Secretary for Finance (Sheikh Alamoody): I did say so, Sir, but I did not say how far we have got. It probably will satisfy the hon. Member to say that we are well advanced in this consideration.

Mr. Alexander: Mr. Speaker, notwithstanding the legalities of the Constitution, is it the intention of the Government that the Regional Governments should be self-accounting from their inception?

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, that is a very involved matter, it has got some political implication, and as I said it would be anticipating the final decision. I would not like to say so at this moment, Sir.

The Speaker (Mr. Slade): I think we are getting rather into the next question at this moment.

Question No. 110

TREASURY STAFF:

ABSORPTION BY REGIONAL GOVERNMENTS

Mr. Alexander asked the Minister for Finance Would the Regional Governments absorb Treasury staff made redundant as the result of Financial responsibilities taken over by the Regional Governments?

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, I beg to reply. I do not anticipate any material redundancy in Treasury staff as the result of the setting up of Regional Governments. However if any redundancy arises the staff concerned will be deployed to the best advantage, either in the service of the Central Government or with the Regional Authorities.

*Question No. 111*TREASURY STAFF: TRAINING FOR FEDERAL
FINANCE

Mr. Alexander asked the Minister for Finance if Treasury staff were being trained in the organization and methods of federal finance to prepare them for duties either in the Central or Regional Governments when the new Constitution was introduced?

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, I beg to reply. No specific training is being given to Treasury staff in the organization and methods of federal finance. If, however, what the hon. Member means by federal finance is the finance for Regional authorities, then I would like to assure him that the Treasury staff are capable of dealing with any problems which may arise, whether such staff may be in the future serving either the Central Government or Regional authorities.

COMMUNICATION FROM THE CHAIR

LIMITATION OF DEBATE—RULING

The Speaker (Mr. Slade): Before calling on Mr. Welwood to move his Motion, I should draw the attention of hon. Members to the note at the end of the Order Paper reminding the House that debates on Private Members' Motions are limited to three hours and Members' speeches to ten minutes, except that the Mover has half an hour for his Motion and 15 minutes when he replies. The warning amber light will show five minutes before the end of time, in the case of the Mover's opening speech and his reply, and three minutes before the end of time in the case of speeches by other hon. Members.

Mr. Towett: Mr. Speaker, Sir, under Standing Order 32, I wish to move that the Council do now resolve itself into a Committee of the whole Council.

I wish to do that, Mr. Speaker, because I personally do not feel that the resolution of the Council of 25th July last year should be binding today, before the whole Council has had a chance to discuss it and see whether the timetable given here—the three hours—is in accordance with the wishes of the people in the House today, as it was last year when we were rushing business and trying to finish the Budget Debate.

I wish to move, Mr. Speaker.

The Speaker (Mr. Slade): The purpose is to reopen the question of the time on Motions?

Mr. Towett: Yes.

The Speaker (Mr. Slade): I think that is a matter of which there should have been previous notice. On a resolution of the Council, pursuant to recommendations of the Sessional Committee, it is quite open to Council to rescind such a resolution, but again I would expect it to be referred to the Sessional Committee and anyhow to appear on the Order Paper of the proper notice. I do not think it is the kind of Motion one can move without notice.

Mr. Towett: Mr. Speaker, Sir, I said that because we did not know whether this particular restriction of three hours was going to appear on today's Order Paper. The resolution was taken in July last year, and we have had no intimation as to how long it is going to last, Mr. Speaker.

The Speaker (Mr. Slade): The position is that it lasts until rescinded during the same Session of Council. When Council passes a resolution of this kind, it holds good throughout the same Session of Council, unless rescinded by the Council. It can be rescinded by resolution of the Council on a Motion after due notice, but there has been no due notice.

Mr. Towett: Mr. Speaker, Sir, can you advise me, please, how I am to handle this problem, then. I feel that we should have been told specifically that this particular provision of last year—the restriction of three hours—was still operative today. I understood that last year the reason why we agreed to three hours was because of the rush with the Budget Debate towards the end of the year, and I do not think there is any rush with the Budget Debate today. There may be other causes and reasons. I would like you to advise us as to how we should seek to amend this, either to lessen the time or to make it longer.

The Speaker (Mr. Slade): I am afraid that you cannot move today that that resolution be rescinded however much you misunderstood the effect of it. The actual effect is as I have described. During the course of any debate, by leave of the Council, these resolutions can be ignored in particular cases, but it requires the unanimous leave of the Council. If during any of these Motions we have this afternoon it is desired that any Member should have more than ten minutes to speak then, with the leave of the Council—that is to say no hon. Member objects—he can continue for as long as the Council allows. That is as far as we can go to help you I am afraid, Mr. Towett, this afternoon.

Mr. Towett: Thank you, Mr. Speaker.

Mr. Nyagah: May I ask a question, Mr. Speaker?

The Speaker (Mr. Slade): No, it is finished, Mr. Nyagah.

MOTION

TAX CLEARANCE CERTIFICATES: WITHDRAWAL OF

Mr. Welwood: Mr. Speaker, I beg to move:—

THAT this Council deplores the re-enactment of the law requiring persons travelling abroad from East Africa to be in possession of Tax Clearance Certificates, and urges the Kenya Finance Minister and Members of the Central Legislative Assembly to obtain the early withdrawal of this regulation.

Mr. Speaker, the first speech which I made in this House, about 16 years ago, was on a subject which was concerned with the bureaucratic control of the individual. I am glad to have the opportunity of making my last speech in this House on the same subject but on a different cause.

Mr. Speaker, the first thing I would like to make clear is that this matter of Tax Clearance certificates is not, as many people may think, an order that effects only one or two of the immigrant races. At the present moment, it bears most heavily upon them, but, in due course and increasingly, it will bear on all the citizens of this country. It is a legacy from the Colonial Government. It was not brought in by the Coalition Government, it was brought in as one of the last enactments when the Minister for Finance was a Colonial civil servant. It is a difficult matter to bring up in this House and that is why the Motion has been phrased in the way that it has, because it is one of those things passed by the Central Legislative Assembly which concern deeply the citizens of this country and for that very reason I think it is unfortunate that we cannot discuss these matters formally and throw them out or bring them in. Now I have no sympathy with people who endeavour to escape taxes and escape from the country without paying them. That is not the point, the point is this: that this is a measure which depends for its control on officials of the Income Tax Department. If they behave reasonably and quickly it is not so onerous, but it puts a power in their hands which I think is utterly wrong to be in the hands of civil servants: to delay and to cause a great deal of inconvenience to the travelling public.

What particularly worries me about it is that it does not achieve what it sets out to achieve. The really big tax evader will always evade his tax. There are many ways in which it can be done, and he can escape without tax certificates by

various devious means. The big man will always escape the net, but it causes the maximum inconvenience to the small taxpayer, the small, salaried man in employment who has to get guarantees from his employer before he can get a pass to leave the country. That, I submit, is wrong. Government, I know, will say that they have saved a great deal of money through this Ordinance. I have no doubt that they will tell that to this House, but I see no way in which they can prove the truth of what they say, because it is quite beyond them to know whether they have kept back a man who intended to evade the payment of tax. At best it is a guess as to whether it has saved the country any money. I also think they will bring up one former Member of this House who is said to have escaped with a very large sum, made very large by adding the penalty to it. In fact, if he had not escaped it would not have benefited this country by very much, because he escaped with very little money, having already spent the tax in the previous years and left here as a comparatively poor man. He had not got it to pay. There is not much point in detaining people of that sort, because, in the end, the revenue will gain nothing from it. When a man is in arrears of tax, which is no doubt wrong and stupid, and has to remain in this country indefinitely, he can never, in fact, pay it off, because the more he earns the higher bracket he comes into, and so it goes on until he is a permanent prisoner. That is not only true of Kenya, it is true of other countries.

Now, I would like to quote an answer to a question by a former Minister for Finance in this House, when I asked him what guarantees would be accepted by the Tax Commissioner, and he gave this reply, "I have been given a complete assurance by the Commissioner that when there is security which could normally be regarded as adequate in the way of housing or a farm, he would be prepared to accept, even something less good than a first mortgage in appropriate cases." Well, it has been brought to my notice that that is not being done today, and I would like to ask the Minister for Finance—or in this case his Parliamentary Secretary—to give the assurance again that, pending the repeal of this Ordinance, a man may give as security his house, his farm or his property, and not have to make a special cash bond with his bank or with an employer before he can leave the country.

The cost of administration of this I should also like to ask about in relation to the money saved. I am aware it is not an easy figure to get at, but what I do know is that Australia,

[Mr. Welwood]

which formerly had just such an Ordinance, has repealed it on the grounds that it was not profitable and was too costly to administer. Although I have no doubt in Australia it was more expensive as they probably took a great deal more trouble to see that the citizen was in no way inconvenienced. The effect of it is to infuriate the public: that is my final contention, without doing any good. Somebody said to me yesterday, who is one of those who wishes to stay in Kenya after independence, that one of the things he felt was intolerable was the claustrophobic feeling he had that before he could buy a ticket he had to get a tax clearance certificate if he wanted to be free to go at any time in the year.

The World Bank has stressed the great importance of keeping foreign investment in this country, and I need not labour the point. I think everybody in this House knows it, and it is foolish to create irritations for people who come to live in a country of this sort with very little gain to the exchequer.

Finally, this could be. I do not say it will be, used as an instrument of real tyranny to prevent anybody that the Government did not wish to leave the country from leaving it at a time inconvenient to himself. I do not think there is any more I need say on this matter, except that I know this: there is nobody subject to this Ordinance who is not irritated by it, and the people most effected by it, are those who pay the bulk of the taxes of this country. I cannot believe that it is desirable, in a country such as this, to irritate, annoy and inconvenience the major taxpayers who supply. I think it is something like, a quarter of the revenue of the country.

Before I sit down, as this is probably the last time I shall speak in this House, I would like, on behalf of my colleagues of the Kenya Coalition, to thank the House for the courtesy they have always extended to us as the last representatives of a particular community; a job which we are proud to have done, and although we represented that small community, we have sought also to represent the other communities in our Constituencies. We have never had anything but consideration and courtesy from the Members of this House.

Mr. Pandya: Mr. Speaker, Sir, I would like to second the Motion that has been moved by my hon. friend the Member for West Kenya. I would like to remind the House of the circumstances under which this legislation was passed by the

East African Central Legislative Assembly against tremendous opposition, and against public opinion as was expressed by the then Elected Members of that Assembly. I remember, Sir, that this legislation had little or no support from those people who had expressed, in no uncertain terms, the very strong feelings of the people of this country. I think, Sir, the basic objection to this legislation was that it restricted the right of free travel, and was repugnant to individual liberty of the citizens of this country. There were many organizations which opposed this legislation at that time, and I would like to quote the very strong objection that was raised by the Federation of Chambers of Commerce and Industry of East Africa, which, at its session in 1961, passed a resolution and strongly said that this measure was a most unfortunate piece of legislation, which was bound to cause great inconvenience to innocent taxpayers. I, Sir, underline the word "innocent", it regarded the proposals as undemocratic and, in the interests of the general public, it asked the High Commission to drop this legislation altogether. There were several other organizations, Sir, which passed resolutions in this strain. I want to make it clear, like the hon. Mover, Sir, that I am not opposing this legislation to protect the tax-dodgers, or those who wish to avoid payment, but, Sir, to protect the tax payers who have been paying their taxes all these years, and then to bring in this legislation, whose value, I believe, is nothing else but an unnecessary irritant and depriving people of the freedom of travel.

Now, Sir, as I believe at that time a good case was made by the unofficial Members, but the High Commission, at that time, in that Assembly, steam-rolled this legislation, and although there was a request for a free vote this was not granted to the official Members of that Assembly.

Now, Sir, I know many examples when people have been unnecessarily harassed. They had to wait for over two or three hours to get an income tax clearance certificate, particularly when people are urgently required to go abroad on business, and that they will not be able to get the certificates on the day in question.

I know it delayed the departure of some people who were required to go abroad on urgent business. I would like to ask, Sir, what has been the practical benefit, what has been the practical achievement of this legislation, except to be an unnecessary irritant? It has not served, in my opinion, any useful purpose, the purpose for which this legislation was introduced into the Central Assembly. I would like the Members who have been elected by this House, the Members of

[Mr. Pandya]

the Central Assembly, to support this Motion, and to press in the Central Legislative Assembly that this legislation, this particular aspect—the section, I believe, Sir, is 123 (A) of the Principal Act—be abolished completely and removed from the Income Tax Management Act of 1961.

With those few words, Mr. Speaker, Sir, I would like to second the Motion.

(Question proposed)

Mr. Nthenge: Mr. Speaker, Sir, I do not think I should support this Motion fully because I think there is something which is being overlooked by the Mover and his Seconder, and that is, supposing this regulation was not there, what would happen? Most of the people wanting to leave this country for good would like to escape with a lot of tax unpaid, and I think it is doing a very important thing in that it prevents the tax dodgers from dodging the Government and going away with the money which we so badly require in this country.

What I would have expected the Mover and his Seconder to do was probably to ask the Commissioner to consider the genuine cases of people wanting to go out of this country for urgent business and coming back to do something about it, but not just to get this Ordinance completely wiped out, because if that is done, we will lose far more than we will gain. Mr. Speaker, I think this House should be a House which is very considerate and which looks at the gains and the losses, and if the losses are greater, then of course we must insist.

Now, Mr. Speaker, a business man wanting to make an urgent trip for business overseas and coming back can be easily identified or can impress the Commissioner, and I think what this House should do is just to ask him not to be stubborn and refuse genuine cases, but I am completely opposed to the idea of allowing just anybody to leave this country more or less when he likes. I feel that the tax collectors have a heavy duty and most of the tax dodgers are people who are very difficult to deal with and there must be some legislation making their work not too difficult.

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

Mr. Jahazi: Mr. Speaker, Sir, I stand to oppose the Motion. I think, Mr. Speaker, that this legislation is only for the benefit of the Government and those people who are complaining about it are those who have the intention to leave with a heavy national debt behind them. They are the

sort of people, I would like to call the hit and run type, because if somebody has paid his taxes, I do not think he has got anything to fear, for the delay itself does not mean that it takes one month to get a clearance certificate. If it takes a month to get a clearance certificate, I think the Mover of this Motion should have finally advocated the quick clearance of these people, other than the complete abolition of this legislation.

Mr. Speaker, Sir, as you all know, the Government for a long time have not enacted any legislation to prevent people from transferring their money overseas or to any other country. Therefore, many people have taken advantage of that democratic legislation to transfer a lot of money outside with the intention of going through the back door any time they feel that everything has gone overseas. Therefore, the Government has the duty to see that whoever owes a penny to it must pay before he goes, because there is no restriction at the moment to prevent anybody going anywhere he likes; anyone can leave. But please, let him ascertain that he has paid everything he owes the Government before he leaves. Therefore, Mr. Speaker, I do not see any reason why these people should complain about this legislation. I would propose that if at all there is a lot of inconvenience or delay in getting these clearance certificates, then the Government should see to it that those people who want to travel and they have paid their taxes are quickly cleared, rather than being delayed unnecessarily. But if somebody is complaining because he has been asked for a clearance certificate which he has not got and if he actually owes the Government so much money in taxes, then I do not see why he should complain. This legislation is very sensible and I support it very much, and I think it should be tightened if it is loose somewhere. If these people have got a complaint about the quickness of clearance, then the Government should see to it that they should clear these people as quickly as possible without causing any inconvenience to them, but for those who owe the nation a penny, let the Government see to it that they do not leave until they have paid the last penny.

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, I regret to say that the Government does not accept this Motion.

An Hon. Member: Why do you regret it?

The Parliamentary Secretary for Finance (Sheikh Alamoody): I regret that the hon. Mover appears to believe genuinely that this legislation is causing inconvenience, and as much as I would like to sympathize with his views, I

[The Parliamentary Secretary for Finance]

find that, for practical purposes, the Government cannot accept the Motion. I think that would satisfy the hon. Questioner as to what constitutes my regret.

Mr. Speaker, Sir, as is well known to the public, the income tax legislation in force before the introduction of tax clearance certificates empowered the Commissioner of Income Tax to demand from a taxpayer payment of tax on all income liable to East African tax before he left the country, and in default, Sir, as hon. Members know, of his compliance, the Commissioner of Income Tax could take appropriate action. This, Sir, is not new legislation, this has been incorporated in income tax legislation since 1952. The weakness of the original legislation was that its application depended on the Department hearing or happening to learn that a taxpayer proposed to leave. The result was that it applied almost capriciously and in many cases, of course, depended on the honesty of the taxpayer in coming forward, as many, of course, have come forward and settled their tax liabilities before leaving. In spite of this weakness, Sir, the Department had to apply the legislation before the introduction of the tax clearance certificate to an extent never before experienced.

It is clearly wrong that the payment of tax—and I am sure hon. Members will agree—should so largely depend upon chance or voluntary disclosure by the taxpayer of his intentions. That many taxpayers do not disclose their intentions is clearly illustrated by the tax which has to be written off, as the hon. Mover clearly knows very well. This is done each year on account of persons who have left the country and cannot be traced, some of whom, as the hon. Mover did mention, were prominent citizens of this country.

In this connexion, Sir, I should like to give the figures for the year 1959/1960 to 1961/1962. Tax liability written off as irrecoverable, 1959-1960 and 1961-1962: in the year 1959/60, all taxes, £140,172; taxpayers out of jurisdiction, £81,958; 1960/61, £380,025, all taxpayers; taxpayers out of jurisdiction, £90,793; in the year 1961/62, £335,897; and taxpayers out of jurisdiction, £102,165.

Mr. Speaker, Sir, I am sure these figures will show the hon. Mover the seriousness of the position. It is anticipated that there will be further substantial write-offs in the current financial year in respect of taxpayers who left before the tax clearance legislation was brought into operation.

If I may, Sir, refresh the memory of hon. Members, they will find that some action had to be taken to safeguard the revenue in circumstance where more people than ever before were leaving the country permanently, and this is happening today. A lot of people are leaving this country permanently and the need becomes even more necessary now than it has even been before.

The tax clearance legislation, Sir, provides that transport operators should be prohibited from issuing a ticket to an intending traveller unless (a) the traveller was an exempt person, or (b) he was in possession of a tax clearance certificate, or (c) the operator had notified the Income Tax Department and 30 days had lapsed since the date of notification. Mr. Speaker, Sir, proviso (a) excluded a considerable number of travellers: notably, Consular officers who are exempt from tax; married women for whose tax the husband is responsible; persons under 25 years of age, which would cover students and persons whose liability to tax was likely to be trivial; Governments servants whose passages are booked by their Department for whom adequate security would normally be available in the form of leave pay due or pension, etc.; and visitors to East Africa who would normally have no liability for East African tax.

Mr. Speaker, Sir, proviso (b) was intended to cover only those who had to travel less than 30 days from the date of applying for a ticket.

Proviso (c) was designed to cover the majority of cases, and on receipt of a notification the Department would make such inquiries and take such steps to assess and collect tax as was felt to be necessary. The initiative was to rest with the Department which was to be provided for the first time with information on which it could act. If it failed to act the traveller was free to go after a month had lapsed. That was the position.

This legislation, Sir, was given a life of one year up to 30th November, 1962. In appraising the effectiveness of the system immediately prior to that date, Sir, difficulties were encountered, because it had been in operation for less than a year. It was, therefore, Sir, considered appropriate to recommend to the Central Legislative Assembly that the legislation should be extended to the end of this year so as to get a better experience of its effectiveness, and to assess its value as compared with the administration costs and the inconvenience to members of the public.

Mr. Speaker, Sir, a comprehensive review of the system with a view of considering the possibility of introducing amending legislation in 1963 is being undertaken now, Sir. Representations

[The Parliamentary Secretary for Finance] with positive recommendations from outside bodies will be welcome.

Mr. Speaker, Sir, if any amending legislation is to be introduced in 1963, it would be essential to retain the most valuable part of the system, namely, Sir, the furnishing to the Income Tax Department of information regarding the impending departure of a taxpayer. If this essential feature can be retained, Sir, the Government would welcome the reduction of the inconvenience to the public in the requirement of a Tax Clearance Certificate.

Mr. Speaker, Sir, if I can refer to one or two points which were raised by both the Mover and the Seconder of this Motion, if I were to deal with the hon. Seconder first, Sir. He did say that the Central Legislative Assembly passed this legislation with considerable opposition. I think, Mr. Speaker, Sir, the hon. Seconder was delving into past history. He was referring to the first time when this legislation was passed, but, as recently as December last year, this legislation was given a new life of one year. I happen to be a member of the Central Legislative Assembly, Sir, and the consensus of opinion in that Assembly was that this measure should be given a life of its own for another year. In fact, Sir, if I could correct one point which the hon. Member made, that this legislation does not reflect the public opinion in this country. I think it was erroneous to say so, because whereas the former Central Legislative Assembly consisted mostly of nominated members the present Central Legislative Assembly is an elected body. Therefore, measures passed by the present Central Legislative Assembly, do reflect the true public opinions of the people of this country.

Mr. Welwood: Really!

The Parliamentary Secretary for Finance (Sheikh Alamoody): I wondered, Sir, because these three legislatures have elected those people in the Central Legislative Assembly, and it does, therefore, reflect the ordinary man's view in this country.

Mr. Speaker, Sir, the hon. Mover—as I see my time is running short—did mention the question of security and quoted the reply he got from the former Minister for Finance. I think he will find that the Government, up to today, does accept houses or lands as security, but not, as the Mover said, on second mortgage, because the hon. Mover himself realizes that there is no point in accepting security on second mortgage with the falling values as they are on property today. The Commissioner of Income Tax would accept

houses or lands where they are unencumbered, but, where there is a mortgage already, it is useless to consider it as a security.

Mr. Speaker, in view of the admission that the Government knows that there is some inconvenience, and in view of the fact that Government is undertaking to consider all the points raised by the hon. Mover and Seconder, I would like to request the hon. Mover to find a way of withdrawing his Motion in view of the assurance we are giving him that all his points are being considered by the Government.

Mr. Speaker, Sir, I beg to oppose.

Mr. Zafrud-Deen: Mr. Speaker, I must say a word in defence of those who are not here to defend themselves. I think, Sir, it was a very unnecessary and most distasteful remark about that person—we all know who he was—and I am quite sure it is untrue to say that this law was enacted because of what happened in connexion with that particular person, about whom references have been made in this Council. Sir, there is another angle to this, about which I would like to say a word, and that is that there are travellers, who are not liable to pay income tax, who undergo innumerable inconvenience and are harassed by those who exercise the powers of the Tax Clearance Certificates. I will give an instance of a gentleman who is a religious leader and has never paid income tax because he was not liable to pay it. He has been several times to the Income Tax Department and he is sent back to collect proof that he is not liable to income tax. There are several other similar people, for example those who go on pilgrimages, they are away from the country for only about two or three months, they do not intend to leave the country forever, they return here within a very short period of time. Another example is students who are sometimes over 25 years of age and are not liable to pay income tax and they are asked to prove that they are not liable. Therefore, I would request the Parliamentary Secretary at least to tell the income tax officers, who deal with the Clearance Certificates, not to delay unnecessarily the issuing of certificates for people of this nature.

Sir, I am sure that what I have said will be passed on to the officers who deal with the certificates.

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, Sir, the hon. Parliamentary Secretary has dealt very fully with the majority of the points raised and I will be very brief. I would like to refer to some of the eight points I specifically noted as having been made by the

[The Temporary Minister for Finance]

hon. Mover, the Member for West Kenya. I would like to take two together. His first point that this legislation bears on all citizens, and his last point that it could be used as an instrument of real tyranny.

I feel, Sir, that he may not have appreciated a point that was implicit in what my hon. friend, the Parliamentary Secretary, said, that anyone who books his ticket for a journey more than 30 days ahead has no requirement for a Tax Clearance Certificate. If, during that period the Income Tax Department—on the basis of the information that has been supplied to them by the booking agent—takes action against the person for the recovery of tax, such action, if it went to the extent of preventing this person from travelling, would have to be the subject of an approach to the courts. The citizen concerned would have the full protection that any citizen in this country has of resort to the courts. I do not think, Sir, that the need for somebody who does not wish personally to apply for a Tax Clearance Certificate, to book his ticket a little bit in advance can really be called tyranny.

He and the hon. Member for Mombasa Liwani and the hon. Member for Nairobi North East referred to the inconvenience which this causes. We accept that it does cause inconvenience, but I do think that a lot of people who know thirty days before they intend to leave this country that they are travelling, do not seem to be aware of the provisions of the legislation, and do not seem to be aware that there is no need for them to go to the trouble of getting a Tax Clearance Certificate. If that was more generally known, the pressure on the officials of the Income Tax Department would be less and the inconvenience to those travellers who have to go in a hurry, and have therefore to obtain a Tax Clearance Certificate, would also be lessened.

He said that the operation of this legislation depends on the officials of the Income Tax Department. The Kenya Government has no responsibility for the administrative matters of the Kenya Income Tax Department, but during my service here I do know that if aspects of administration affecting either income tax or customs are causing grave feelings of hardship to people in Kenya, there is undoubtedly an approach and a complaint to the Minister for Finance, which he of course takes up with the proper authorities. To the best of my knowledge, in recent months there has been no complaint to the Kenya Treasury on this particular subject, and the Commissioner of Income Tax advises

me that the number of queries which have been raised with him has not been large.

The hon. Mover said that the big man will always escape. That is probably correct; the big man probably can find ways and means out of this country without the need to obtain a Tax Clearance Certificate, but still, whether it is worth his while to go to all those pains, particularly if he is a big man and has assets here, is very doubtful. The evidence—it is not entirely convincing evidence—is that the introduction of this legislation has had the effect of benefitting the revenue.

He asked about assurances given on the acceptance of security over houses and farms, and as my hon. friend, the Parliamentary Secretary, said, the Income Tax Department has devised a simple form of bond that can be executed without the formality of a full first mortgage.

He asked about the cost of administration. That is difficult to assess because the administration of this legislation has not by itself led to an increase in the staff of the Income Tax Department. I would, however, accept that the officers who have to devote a large amount of time to this work cannot at the same time be doing other work which might be equally as profitable, and if we can devise a simple system of giving the Department the information they need, I hope that it will prove possible to reconsider the extension of this particular legislation for a further period.

Mr. Speaker, as stated by the Parliamentary Secretary, the Government cannot accept this Motion.

Mr. Shah: Mr. Speaker, Sir, I would like to oppose the Motion. My reason is very simple, and that is because if the Tax Clearance Certificate legislation is withdrawn, it will mean that there will be a loss of revenue to the country. That loss of revenue will have to be paid by the taxpayers who are going to live in this country, which will include me. Naturally, I shall have to pay a little extra from my own pocket, and because of that selfish reason I would like to oppose this Motion. If those people are allowed to leave, they will take away, not somebody else's money but our own money, money belonging to all of us, and we shall have to pay that much extra to run the administration and the service of our country.

I do agree that there may be a little inconvenience for travellers in getting a Tax Clearance Certificate in certain cases, but a traveller has to collect so many documents and he can very

[Mr. Shah]

well collect one more. That does not make much difference, so that is not a very good argument, that just because of the inconvenience in collecting a Tax Clearance Certificate this regulation, which saves a considerable amount of money in the kitty of the country, it should be withdrawn. I take the words from the hon. Mr. Butter, that it has saved money as far as tax is concerned; I take it that it is so. It is logical that that is the intention, and it is logical that it must be saving something. Otherwise, it is quite easy for some crooked people at least to leave the country without paying their tax, and we cannot do anything about it.

At this stage I would urge the Government that if there is a possibility for them to trace people who have evaded tax and gone from this country, if they can be traced in other countries, if there is a way of bringing them to justice and recollecting that money, something should be done. I do not know what technical difficulties there are about it. I understand that income tax is a civil debt, and that once a person has left this country the Government is helpless, even if they know that person is in some other country. I wish, with the help of the Governments of other countries, the Kenya Government were in a position to collect tax debts from such people.

With these remarks, I beg to oppose.

The Parliamentary Secretary for Defence (Mr. Mulli): Mr. Speaker, Sir, I am rather surprised that this Motion was moved by my hon. friend. I did not consider that he would move such a Motion, for this reason: quite often, Mr. Speaker, at the end of weekends when political leaders have made a lot of noise, I think it is my friend opposite who probably normally complains that some of these speeches scare away capital and tend to impoverish the country. I would have thought that my friend opposite would have asked for a tightening of this legislation, so that no money should unreasonably leave this country.

Mr. Speaker, I feel it is true—and this is one thing with which the Government should sympathize—that law-abiding citizens—the people who pay their taxes at the correct times—may be inconvenienced occasionally if they want to get out of the country, especially if they have sick relatives or other urgent business to transact outside Kenya. All the same, I think this legislation should not inconvenience people in the normal course of travelling, because nobody decides today if he wants to travel tomorrow. Usually, arrangements for travelling are made very much in advance.

What I would urge the Government to do is to make sure that some of these people who dodge taxes—they might go on foot to Tanganyika, say, or to Ethiopia or places like that—should also be watched very carefully. The application of this legislation should not only be applied to those people who go out of the country through the normal channels.

The second point, Mr. Speaker, is this: I do not know whether I heard it correctly, but I thought the hon. Mover of the Motion said that this legislation was initiated by a Colonial Government and through a Colonial Minister for Finance. I do not know what the hon. Mover wants to imply. Does he want to imply that anything which has been initiated by a Colonial Government should be thrown overboard? What exactly does he mean? I would like him to clarify that point because I feel that that is a very, very dangerous sort of statement to be made by an hon. Member here and especially my hon. friend whom I respect very much.

Thank you, Mr. Speaker.

Mr. Odede: Mr. Speaker, Sir, I wish to oppose this Motion. I oppose it because I consider that now that the countries of East Africa are getting their independence there are going to be many people who will leave the countries during the next three to five years, and if these people leave the country without paying the taxes which they should pay to the country, it will affect the economy of the country to a certain extent. So I personally would emphasize that the regulations should be enforced as much as possible. Mr. Speaker, I do not feel that tax clearance certificates are a liability because everyone who is going to leave the country should know that they are required to produce such a certificate so they can get ready before they leave the country so that they have the certificate when they need it, and so will not be inconvenienced. Then the only people who will be inconvenienced will be those people who would be liable to leave the country without paying their taxes. I oppose the Motion, Sir, and I would like to thank the Government for refusing to accept the Motion.

(Interruption of debate)

EXEMPTION FROM STANDING ORDERS

PRIVATE MEMBERS' MOTIONS

Mr. Towett: On a point of order, Mr. Speaker, with your permission, under Standing Orders, No. 151, I move that the proceedings on the following Motion be exempted from the provisions of Standing Order No. 27.

The Speaker (Mr. Slade): What is the Motion?

Mr. Towett: The Motion is, Mr. Speaker, Sir—

THAT this Council rescinds with effect from, and including today, the resolution of the 25th July, 1962, which limits time on Private Members' Motions and speakers thereon.

The Speaker (Mr. Slade): Does anyone wish to second this Motion?

Mr. Nthenge seconded.

The Speaker (Mr. Slade): It is in order for an hon. Member to propose, under Standing Order No. 151, that any particular business be exempted from the provisions of Standing Orders. Mr. Towett is now proposing that his Motion for rescission of a previous resolution of this Council, to which we have already referred earlier today, should be exempted from the requirements of Standing Order No. 27: namely that such Motions require previous notice.

I will now put this question without debate.

(The question was put and negatived)

MOTION

TAX CLEARANCE CERTIFICATES: WITHDRAWAL OF
(Resumption of debate)

Mr. Basaddiq: I beg to move that the Mover be now called upon to reply.

(The question was put and carried)

Mr. Welwood: Mr. Speaker, I will be very brief in my reply because there are not many points to answer. In fact, practically every speaker took the view that this was not brought for any other purpose but to assist people to get out without paying their taxes. Apparently the terms of my original speech were not fully understood. One thing I would like to welcome, and I think it is important, was that the hon. Parliamentary Secretary said that a bond could be produced to the income tax department, to cover houses and property as security. This is exceedingly important as cases have been brought in the press recently where men have been refused tax certificates unless they produced a cash bond even when they offered property as security. Some speakers obviously think that it is a simple matter for the taxpayer to pay his taxes and get out. I would just like to say briefly this, that under the tax certificate system a man has to pay not only last year's tax but has to give assurity for potential tax during the year before he has been assessed for it. That is one of the things I would

like to draw the attention of the hon. Parliamentary Secretaries when they contemplate a revision of the formalities of this tax.

I would like to reply to the hon. Member for Machakos who suggested that I had some sinister implication in saying that this was something brought in by the previous Government. I had none at all, it so happens that the previous Government left us this legislation as a legacy and I think myself that it was a bad legacy and a legacy which very severely, in some cases, inconveniences the taxpaying public of this country.

(The question was put and negatived)

MOTION

NON-NATIONALIZATION POLICY

Mr. Alexander: Mr. Speaker, Sir, I beg to move:—

THAT this Council welcomes the recent Government statement against nationalization and calls upon the Government to persuade the main political parties in Kenya publicly to accept now and effectively support such a policy.

Mr. Speaker, Sir, for the record the Government statement that this Motion refers to is contained in a Kenya News Press Office handout No. 8, of the 3rd January, 1963, which I will quote: "The Government has no plans for nationalizing any industry. The Government will continue to use the provisions of the existing law to ensure that existing industries and public utilities do operate with a regard to the public interest. By nationalized is meant compulsory acquisition by the Government. The Government has already, during 1962, accorded approved status to the investment of over £5 million from non-sterling area countries in various projects in Kenya and will treat no less favourably investments which have been, or will be made, from sterling area countries. Looking to the future the Government recognizes that Government participation may be necessary in order to encourage investment in new industries and the development of existing industries. To this end the Government will establish an industrial development company for which sources of finance are now being negotiated."

Mr. Speaker, the particular purpose for bringing this Motion before this House and at a time when this is likely to be our last moment together before the election, is that what the public of Kenya, the investing public of Kenya are today interested in, and what investors overseas who are looking at Kenya are interested in, is not

[Mr. Alexander]

what this Coalition Government says on this subject—the Coalition Government that is, in its last days of existence. But they are interested, and only interested, in what the main political parties in Kenya think about this subject. It is indeed fortunate that in order to answer this question we do have the two main political parties still operating in this House. I am very glad to see that the leader of one of the parties has done me the courtesy of being here, and I hope that he will respond to this Motion in the way in which it is worded. I do hope that before we end this debate a message may be sent out—and I see the Parliamentary Secretary to the Ministry of Economic Planning sitting there—to the Minister himself to also extend that courtesy to this Motion and himself as a leader of one of the main political parties in Kenya to come here on the Front Bench and respond to this particular Motion, because I can assure you, Mr. Speaker, that it is words from these two gentlemen personally, and speaking in the capacities of leaders of their parties, that the world wants to hear. I do sincerely trust that the Minister for Economic Planning, unlike yesterday, will not just leave this matter to one of his juniors, but treat it as important enough and serious enough for the whole future of this country, to come here personally. There is plenty of time for him to do so.

The second reason for bringing this Motion is so that we might draw upon Government a clear exposition as to what is meant by nationalization so that when the two leaders of these two parties have responded to this Motion it will be in the context of the understanding explained on the Floor of this House of this word nationalization. Unfortunately, Mr. Speaker, in the text of the Government statement they confined the description to purely one aspect and that is the compulsory acquisition by Government. That, Mr. Speaker, is merely “old style nationalization” if we may call it that. That is obvious nationalization. We would like Government now to go a bit further than this and deal with other aspects of nationalization, direct or indirect, that in the end has much the same result as the old style nationalization or compulsory acquisition.

Other types that I can think about, other ways in which private industry is threatened are, for example, through subsidized competition from new publicly owned undertakings. Secondly, the control of investment funds; thirdly, direct state participation; fourthly, penal taxation leading to a take-over caused by enforced insolvency; and, fifthly—but by no means lastly, I can sight other ways in which the goose that lays the golden egg can be strangled—co-operative ownership initiated

and sustained by Government. These are all measures that can be undertaken by Government, that have been undertaken by governments in other parts of the world, and do, in the minds of the private investor, in the minds of those indulging in private enterprise, all amount to the same thing as nationalization; because in the end it means that private industry identified as such goes out of existence.

Mr. Speaker, I do urge upon the Government, when they reply to this Motion, to make clear in their minds, that in the words of this Government statement they mean that nationalization, the word “nationalization”, shall also extend to these other ways of producing the same results, and that it is not the intention of this Government to indulge in any of those practices or to expect governments of the future to do so.

Appropriate to this subject is another factor that we might be able to clear out of the way today, Mr. Speaker, before these elections, and I believe that if only these leaders will respond to this today, we will get out of the way, as part of these elections, the whole issue of private enterprise or no private enterprise, and I refer to the catch-words “African Socialism”. This, in another way, is interpreted as some form of nationalization, because socialism, with whatever label it is identified, is the process whereby governments do take over or participate in the field of private enterprise, either entirely or in part, and I cannot see that by putting the label African before the word “Socialism”, Mr. Speaker, that we can expect something particularly new or novel in Africa, however very much our strange complexes may wish us to try and believe that these features are different here, in fact, of course they are no different whatsoever. I would like those, and I am pleased the Parliamentary Secretary to the Ministry of Economic Planning is sitting there, because this is part of his stock jargon, African Socialism, and perhaps he will tell us today what he means by it, in the context of this Motion and the word nationalization.

Mr. Speaker, Sir, I beg to move.

Mr. Pandya seconded.

(Question proposed)

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, the Government welcomes the first part of this Motion which, of course, draws attention to the important statement by the Government on the question of nationalization. What I do not agree with is the use, in this Motion, of the word “against”.

[The Parliamentary Secretary for Finance]

Mr. Speaker, Sir, the Government statement which the hon. Mover did quote at length never entered into merits or demerits of nationalization. The statement by the Government was to the effect that Government had no plans for nationalization. Government did not make any statements against nationalization. In fact, Sir, what the statement did point out was that, first, Government did not have plans for nationalization as such; secondly, it indicated that the Government would continue to use the provision of the existing laws to ensure that existing industries and public utilities operate with regard to public interests; thirdly, Sir, that statement, as the hon. Mover himself has quoted from says, "... that it recognizes that Government participation may, in the future, be necessary to encourage investment in new industries, and to assist the development of existing industries. With this view we are seeking to establish a Kenya Industrial Development Corporation."

Mr. Speaker, Sir—

QUORUM

Mr. Maisori: Mr. Speaker, is the House a quorum?

The Speaker (Mr. Slade): No, there is not a quorum, ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We now have a quorum, you may continue Sheikh Alamoody.

(Resumption of debate)

The Parliamentary Secretary for Finance (Sheikh Alamoody): As I was saying, Mr. Speaker, Sir, that what the statement did say, was that, you may find that in certain cases, the Government has to have direct participation in order to establish and develop that industry. I think, Sir, the hon. Mover of this Motion will agree with me, that in Kenya, just as in many other young countries, the private sector of the economy alone cannot develop a young country as fast as we would want. It is true, Sir, that, up to this point, Kenya has been developed by the private sector of economy. As it is also known, Sir, that, because of the present economic recession in the country, we need Government boosts to industries in order to stand on our feet once again, and I do not think, Sir, that this is the way nationalization was meant to be. We do need those boosts from the Government, and unless the Government comes forward in encouraging industries by providing the necessary

capital, we will find that we do not advance far enough in our industrial sphere.

Now, Sir, if I were to deal with the second portion of the Motion which reads as follows, "... and calls upon the Government to persuade the main political parties in Kenya publically to accept now and effectively support such a policy." Mr. Speaker, Sir, I think the hon. Mover will agree that it is very difficult for a Government to persuade political parties. I am sure he knows it himself, and much as I welcome the first part of the Motion, I should like, Sir, to state that I regret that the Government cannot accept the second part of the Motion. Therefore, Sir, I propose to move an amendment:

Deleting all the words in the Motion after the word "... statement ..." and substituting the following, "... regarding nationalization and expresses the hope that Government will persuade the political parties of Kenya to support that statement, and all such other policies that are conducive to economic growth."

Mr. Speaker, that is my amendment. Government does realize that the acceptance of the first part of this Motion, and as presently amended on the second part of the Motion, that it will go a long way towards meeting the needs of the hon. Mover. I feel that this amendment should satisfy the hon. Mover.

Mr. Alexander: How does the whole Motion now read.

The Parliamentary Secretary for Finance (Sheikh Alamoody): It is to delete all the words in the Motion up to the word "... statement ..." and substituting the following words, "... regarding nationalization and expresses the hope that Government will persuade the political parties of Kenya to support that statement and all such other policies that are conducive to economic growth."

Mr. Speaker, Sir, that is my first point in regard to the amendment.

My second point, Sir, is that we think the Motion is too narrow as it stands. We are interested in economic growth generally in this country, in order to raise the living standard of our people. One important factor in this is clearly the encouragement of investments from overseas and these investments naturally would come more from the private sector of the economy than they would from public sources and, therefore, Sir, the Government is conscious of the fact that, if we are to attract such outside capital, we have to create certain conditions which are conducive to the coming of those investors to this country. We

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must also, Sir, as I said yesterday, create a certain political climate in which to work in this country, and the Government, Sir, is conscious of the necessity for those measures and would like to assure the hon. Member that it is the Government's desire to encourage as much as possible the coming of investors from the private sector into Kenya.

Mr. Speaker, Sir, I beg to move.

The Speaker (Mr. Slade): Who seconds this amendment?

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano) seconded.

The Speaker (Mr. Slade): If you want to speak, you have to speak now, Dr. Kiano. There is no formal seconding of amendments with the right to speak later.

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, I am very glad that my colleague, the Parliamentary Secretary for Finance, has moved the amendment because it was necessary for us, as the Parliamentary Secretary for Finance has indicated, to show what Government actually said instead of implying meanings which were not in the original Government statement. The Government statement was not issued to approve or disapprove of nationalization as such but to say that Government did not have plans for compulsory acquisition of industries at present. The question of whether or not nationalization is good or bad was not in the original statement by Government.

Secondly, Sir, I would like again to support what the Parliamentary Secretary for Finance has said with regard to the additional meanings which the hon. Mover of the Motion gave to the word "nationalization". He must admit that at this rather crucial stage in Kenya's development the leaders of this country, on both sides of the House, must discuss more in terms of the substance of a situation rather than fighting on the meanings of words. The word "nationalization", we all know, is an emotional word, it makes many people see all sorts of things in it. Therefore, the Government had taken the trouble to define what Government meant by nationalization, which was the compulsory acquisition of industries or property. But the meanings added to that phrase on nationalization by the hon. Mover make it rather difficult for Government to accept the contentions given by the hon. Mover as far as the Motion is concerned. As a matter

of fact, it defeats the intention of the Motion because I do not think that even the political parties are likely to accept the Motion in the form that was explained by the hon. Mover.

Now, Mr. Speaker, Sir, I would like, first of all, to apologize for the absence of my Minister because he definitely had an appointment at 3.30 which he was hoping to finish in time to come to this House. If we had followed the usual habit there has been in this House, Mr. Speaker, of people wanting to speak for a very long time, this Motion might not have moved until about 5.30. So there has been a bit of miscalculation and the House today has debated in a shorter time what usually takes very long.

Going back to the substance of the debate, if we are to accept and welcome, as we are requested by the first part of the Motion, the statement by the Government regarding nationalization, we must pinpoint the fact that that statement talks of Government participation, which means that in the creation of new industries, Government, through the proposed Kenya Industrial Development Company, may initiate factories, or be part owners, and all such other activities. We cannot expect Government to play a passive or negative role and yet talk in terms of economic development. As a matter of fact, Mr. Speaker, the implication of many of the questions raised yesterday and the day before yesterday to our Ministry was essentially calling upon Government even to be still more active in the acceleration of economic development. The meanings attributed to nationalization by the hon. Mover indicate that Government is expected to play clearly a passive or negative role which would be not what the current Government would accept.

I do not like taking other people's possessions. I wish I was as great and philosophic as Julius Nyerere, but the phrase "African Socialism" is actually Julius Nyerere's phrase, not mine, much as I appreciate the flattery given to me by the hon. Mover in calling me the originator of the phrase "African Socialism". I certainly am not the originator; I have read about it, I have talked about it, but the originator is not myself, and in any case, Mr. Speaker, we are not here to debate on the philosophy of that, we must keep to the terms of reference of the Motion.

The amendment given by the Parliamentary Secretary for Finance indicates that, not only are we going to argue about the question of the role of Government but we want to include political parties and other individuals to concentrate very much on what is going to accelerate economic growth. If we do that, we must give

[The Parliamentary Secretary for Constitutional Affairs and Economic Planning]

both Government and individuals the freedom to decide which are the best avenues or the best methods of so doing.

Take, for example, the phrase “co-operative ownership sponsored Government and maintained by Government”, which we are told is a form of indirect nationalization. Certainly, Sir, as regards the concept of co-operative marketing, co-operative ownership, as a matter of fact, these sorts of things have already been contributing to Kenya’s economic growth for some time. I do not have to cite too many if I indicate, for example, that the K.F.A. is a co-operative organization and the Kenya Co-operative Creameries, the K.C.C., is another co-operative group. Where do we draw the line?

In this warning we are told not to consider co-operative ownership as a part of our policy. I would request the hon. Mover to join Government in supporting this amendment and also consider that the implications of the five items he gave us as a form of indirect nationalization are not going to make his approach to the question any more acceptable to the political parties or to the individuals in this country, because it would tie the hands of the Government to such an extent that a Parliamentary Government would be unable to do anything but probably lend a little money to this person or lend a little money to that person and, apart from that, maintain what by all standards may be called not just *laissez-faire* but a certain degree of economic anarchy. After all, when we talk of no control of investment, what do we mean by control? Do we mean that even guidance is control or not? It is the habit in this House very often, and also outside this House, for people to say, “We would like Government to induce industries to invest outside the City of Nairobi, in order to help the poorer sections of the country to have further industrialization and create additional opportunities for employment.” Is that kind of request a form of control or is it just guidance; what is the meaning of that?

That is why we must view with great caution, with in fact a certain degree of reluctance, the additional meanings of the word “nationalization” given by the hon. Mover, and that is why we have said that is not what we are here to debate, we are here simply to say that Government must encourage economic policies which accelerate economic growth and give us the freedom to analyse which ways we can accelerate this. I may give an example, Mr. Speaker, of what I have

in mind. In the Planning and Development Advisory Commission which our Ministry started recently, the Commission decided that it wanted to examine the various ways it can advise the Government in terms of economic development. It broke itself into four committees. One committee was to deal with finance matters, whereby members of the committee would discuss the various ways our financial policies, our fiscal policies, could be utilized again for furthering our economic recovery.

Then there was another committee which was a committee on natural resources, which would include mining, and so on. This committee would look at the ways in which the Government could help in the economic recovery by concerning itself in that field.

There was another committee which was to deal with manpower resources, and the fourth committee to deal with basic services and the part they play in economic development.

If we are to follow this, if we get new ideas, they go to these committees and these committees discuss them and see what positive effect they could have, what negative effect they could have, and make these available to Government, so that Government participation in commerce and industry and in agriculture can be such as to accelerate economic growth.

I think, therefore, that what the Government had in mind has been very well expressed in the amendment which has been given by the hon. Parliamentary Secretary for Finance, and Government must reject the definition of nationalization, both in terms of direct or indirect nationalization, as given by the hon. Mover, because it went far beyond what the Government statement talked about. The Government statement was careful to define its own understanding of the word “nationalization”, and, Mr. Speaker, Sir, I oppose the original Motion and support the amendment.

(Question that the words proposed to be left out be left out proposed.)

The Speaker (Mr. Slade): If that is resolved in the affirmative, I shall then propose the question that these other words be inserted. I do not think that the matter of the amendment is conveniently separable from that of the main Motion, so there can be debate on both at once, but only one speech for each hon. Member.

Air Commodore Howard-Williams: Mr. Speaker, Sir, I did not have the good fortune

[Air Commodore Howard-Williams]

to hear the proposer of this Motion, but I hope that in my very brief peroration I am not going to say anything which has already been said. I cannot avoid the view that the more the Government keeps out of business the better. If they get into business they always make a mess of it, not only for themselves, but for business. Nationalization, Sir, has proved everywhere to be a complete flop, notably, Sir, in Russia and in China where it has failed miserably. Witness all the reports we get back from those countries. Private enterprise, in my opinion, is far better for Government to encourage, and I am reminding the House of the war when Great Britain tried to produce aeroplanes by way of the Government and they made a mess of it. The only aeroplanes which were really good, or effective, were those produced by what they called "PV's"—private ventures—the Spitfire, the Lancaster, and the Mosquito. It is far better, Sir, for Government to keep out of business. There seems to me, Sir, to be three systems by which the Government of this country or any other country, can be involved. One is by capitalism, the other is by an advanced form of socialism or nationalism, and the third method, Sir, is by the co-operative, and in the co-operative the Government has got a brand new way for Africa to establish its own system and I would recommend that they pay far more attention to that than any question of nationalization, which I regard as something far better not even discussed in this House.

Mr. Nthenge: Mr. Speaker, Sir, I arise to support the original motion. I am sorry, first of all, not to have been here when the hon. Mover moved the motion which I have the honour to second. However, I think that he has given me a good chance to deal with the most important part of this motion, because I am speaking after the hon. Member for Fort Hall, who is the chief agitator of nationalization, which has cost Kenya so much. It is a good thing that the Government felt that something should be saved from the Government, whether they support the Parliamentary Secretary for Economic Planning, and whatever other things they are supposed to do or are said to do, but I feel the Government did not do as well as it should. The Government should have come completely out and said that they have nothing to do with that Parliamentary Secretary at all to extent of expelling from the Ministry and probably promoting another one like the hon. Member from Embu or Kitui or another one, particularly those who are not of the Opposition Group.

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): You want my job?

Mr. Nthenge: I am not interested in your job. However, Mr. Speaker, the point here is that the Government should have stressed, and they should have cleared this in the minds of the investors overseas and locally, that they are not thinking at all of nationalization in any form. Very few people, even those who own property, would welcome nationalization and in Kenya, a country in which so much depends on private investment, such talk of nationalization is exactly like a child trying to find out whether a house would burn; the house is made of grass, and by trying it will just burn. I feel that the Government should have stressed this even more than it has done. The hon. Member for Fort Hall, the chief architect for this nationalization, is an economist by training and we had all hoped that as he was connected with economic planning, we would get wonderful ideas. It is a pity that we got the contrary, because we are losing greatly, and as a Member of that Government whose duty it is to stress fully that there is no nationalization to come at all.

Now, Mr. Speaker, the Government, as usual, wants to amend Motions brought by this side of the House. Normally I would congratulate this side of the House because they bring Motions which are very carefully worded and very reasonable and then they start changing it. The main thing in this Motion, the second part of the Motion, is to ask the political parties to be involved in denouncing nationalization. If the Government does not want the political parties as such to condemn nationalization, it definitely encourages more doubts in the minds of the investors, for the simple reason that we do not expect anybody else to rule this country but the present political parties, and therefore, collectively they should say they have absolutely nothing to do with nationalization, except probably for a few individuals who are seeking to make the headlines in the newspapers and who say they heartily do not believe in it. I believe that we should have the political parties, APP, Kanu and Kadu, get together and say that we do not want nationalization. To say it so emphatically will mean that any person expecting to be elected in the next elections who agrees with nationalization will lose his chance.

Mr. Speaker, what happens when there is fear in the minds of investors may be taken lightly by hon. Members, mainly because they are not greatly affected directly. They may not feel it right away. But it does a lot of harm to the

[Mr. Nthenge]

ordinary man, the ordinary person who works in a factory, or an office as either messenger or clerk or something of that sort. Because this is the person who is made unemployed by such statements. What happens to him? He goes around the country. (a) He has not got sufficient money to keep himself or his own family on a good standard and (b) he cannot afford to pay his taxes, therefore, the Government also loses and, Mr. Speaker, I feel that hon. Members, particularly on the Government side, should consider the effects of things like nationalization in a more serious and wise manner, not just selfishly. Even if it means somebody gets the headlines in the newspapers and probably his constituents might think that he is a great man in politics, I think, Mr. Speaker, that they should be able to avoid it and say it is better he is not elected rather than make innocent people unemployed and subject them to poverty and to the difficulties of life, having to walk not along the main streets, but hiding from the Administrative Officers because they fear they may be arrested for not paying their taxes. Mr. Speaker, I feel the Government acted very, very unfairly in this Motion because we, on this side of the House, thought that we were helping the Government by giving them the Motion and now they change it, as they usually do, to completely nothing. This Motion is asking the Government to get the political parties to join in with the present Coalition Government and make an announcement for all over the world that no nationalization of any nature will take place in this country.

Now the Government just appoints its Parliamentary Secretaries to amend the Motion. I do not know what this Government wants, even if one is helping Government just say "No", because it looks as if in these days they are more concerned with who has the idea than with the idea itself. I think it is very wrong for this Government to feel that everything from the Opposition side must be opposed or amended and therefore make it mean nothing. It is shocking to get the two most concerned Parliamentary Secretaries, one for Economic Planning and one for the Treasury, speaking against a Motion which is making the Government poorer and poorer. To have people speaking against such a Motion from those Ministries shows that either this Government is confused or probably its members require ordinary doctors or psychiatrists.

The Minister for Land Settlement and Water Development (Mr. McKenzie): They are not as confused as you are.

Mr. Nthenge: The Minister for Settlement says that they are not as confused as we are. We know very well that in his own Ministry they are more confused than in any other Ministry that exists anywhere, except for the Ministry of Economic Planning where the Parliamentary Secretary comes from. We have very little time—

The Speaker (Mr. Slade): Colonel McKenzie, you cannot stand up indefinitely waiting for hon. Members to give way.

Mr. Nthenge: Mr. Speaker, this is another indication of how confused the Government is.

The Minister for Land Settlement and Water Development (Mr. McKenzie): You are wasting time now.

Mr. Nthenge: Why did you not advise the Government not to waste our time, Mr. McKenzie, by amending the Motion and not just accepting it? Mr. Speaker, I feel the Ministers should have been here to see what a nice reasonable case they have, and also to see the help they got from this side of the House.

Mr. Speaker, with these few words I oppose the amendment.

The Minister for Land Settlement and Water Development (Mr. McKenzie): You were not even here yourself.

The Parliamentary Secretary for Commerce and Industry (Mr. Mohamed): Mr. Speaker, Sir, the hon. and gallant Member for Nairobi North said that Government should keep out of—

Air Commodore Howard-Williams: Mr. Speaker, on a point of order, I am not the Member for Nairobi North.

The Parliamentary Secretary for Commerce and Industry (Mr. Mohamed): Mr. Speaker, the hon. and gallant Member for Nairobi North-West. He said that the Government should keep out of business. May I point out to the hon. Member that East African Airways is one company which has been sponsored by the Government, and it is one of the particular cases which has been making a lot of profit. Mr. Speaker, the hon. Member said even in Britain aircraft—war aircraft—are manufactured by private companies, but, Sir, the hon. Member did not mention that public utilities in Britain, like gas, electricity, coal and iron and steel mines have been nationalized. These are the public utilities which need nationalization.

[The Parliamentary Secretary for Commerce and Industry]

The hon. Member for Machakos said that Government should lay more stress on private enterprise. I would request the hon. Member to read the material, because the hon. Mover read out a Government hand-out which very clearly said what Government had in mind and all the necessary stress was made. Sir, the hon. Member for Machakos implied that the present Government, because it is a Coalition Government, should probably commit the future Government on the Motion that is being proposed. Sir, in the future there might be one party in the Government, and therefore that party cannot commit the Opposition to agree to such a Motion.

Surely, Sir, even in Britain, if the Conservatives are in power, they cannot commit the Labour Party to a Motion of this type? Mr. Speaker, Sir, even political parties which may have adopted private enterprise have nevertheless found that it may be necessary to nationalize individual industries. Particularly the public utilities.

I therefore, Sir, would like to support the amendment.

Mr. Towett: Mr. Speaker, Sir, although I have been out half the time I only want to say one thing. What we want is not to commit the future Government. We say to accept now and support their policy, it is now, not tomorrow and not tomorrow's Government, Mr. Speaker. What we want the Government to do is to tell the House whether it agrees with the Motion as moved by this side of the House, to the effect that we want the two political parties to be persuaded by the present Government to accept now—

The Minister for Land Settlement and Water Development (Mr. McKenzie): Three parties or two parties?

Mr. Towett: The two parties in the Government. Mr. Speaker, Sir, I want the Government to tell us whether they are trying only to delay these things for the future Government to deal with. We must know, today, whether the present Government agrees or not to persuade the present political parties to go out and publicly say they are going to work hard to see that the problem of nationalization and all that it entails does not start up in this country. We have recently heard the Government say they were not supporting the private individual's ideas on nationalization which have been going out to the public. It is very good, as far as the Coalition Government is concerned, to say that they do not want to commit any future Government. We are not asking them to. We want them to be clear in

their words and purposes today, and to say whether they support this Motion or not. This question of amending, which does not mean anything, shows that the Government is hiding something. The Government is still as a Government supporting these ideas of nationalization. The Government should come out today and say they do not support the private individual's ideas of nationalization, and because the Government does not support that the Government is going to ask the present political parties to go out and say publicly that they accept that in his country there will be no nationalization.

Mr. Speaker, I do not want to repeat what the other hon. Members have said, but we want something specific from this Government. Do they support the idea that nationalization should operate or not? It should not be brought into this country. If they do they should say so now and then go and ask their political parties to keep with the Government, and not to go round privately preaching that this country should be nationalized, all firms and commercial industries that is. We do not want nationalization, and we want the Government today to be clear and say, "Yes, we do not want nationalization.", and if not "yes" we do not want this half-and-half attitude, Mr. Speaker. I want the Government to be lucid, clear and definite in their answers.

Mr. Speaker, I beg to support the Motion and to oppose the amendment.

(The question that the words proposed to be left out be left out was put and carried)

(Question that the words of the amendment to be inserted be inserted in place thereof was proposed)

Mr. Towett: Mr. Speaker, Sir—

The Speaker (Mr. Slade): Now you have spoken already, Mr. Towett.

Mr. Towett: Not on the amendment, Sir.

The Speaker (Mr. Slade): I did rule—I do not think you were here—when I proposed the previous question that this amendment was not separable from the main matter, and therefore hon. Members could speak on everything, but after they had spoken they could not speak again.

The Minister for Local Government (Mr. arap Moi): Mr. Speaker, Sir, I should like to say a few words on the Motion, as amended. I think the Members of the Opposition should have taken the last operative words, namely, "all such other policies are conducive to the economic growth". I think all the policies that would attract

[The Minister for Local Government]

investment into Kenya would be a sign of prosperity in Kenya as a whole. I mentioned that the Government is as anxious as the Members of the Opposition to see that prosperity grows in Kenya. The welfare of the African people in Kenya—and the other people—depends very much on the investments in the country. I think Kenya is not the only country which cries for investments. Many African states in Africa today are obsessed with the idea of attracting investors from overseas. If any country wishes to see prosperity it must do all it can to see that capital is attracted to the country. I should like to appeal also to the Members of the Opposition, and also to all other African leaders, to see to it that our people do realize that the wealth of the country depends very much on how they handle the political situation in the country. Policies which will promote the economic growth of the country are, I hope, acceptable to our people as a whole.

Kenya is not an independent country as far as wealth and economic matters are concerned, but it depends on other countries which are willing to invest their money into Kenya.

[The Speaker (Mr. Slade) left the Chair]

[The Deputy Speaker (Mr. Nyagah) took the Chair]

This matter, Mr. Deputy Speaker, is a matter which must be taken seriously.

As the Leader of the Opposition stated, unemployment is a serious problem facing us in Kenya. I think unemployment is a problem and he was right, but it is not a two-way traffic. It must be that unemployment cannot be tackled properly unless finance and investment is being stimulated in the country. Therefore, I would appeal to the Members of the Opposition, and others, to be helpful, to consider Kenya as a whole, to consider the welfare of the masses and to promote the growth of the economy of the country which will enable us, as an independent country in the future, to pursue policies which would attract capital.

Mr. Deputy Speaker, I beg to support the substantive Motion.

Mr. Mwendwa: Mr. Deputy Speaker, I rise to say a few words on the amendment. As I said before—

The Minister for Land Settlement and Water Development (Mr. McKenzie): On a point of order, is the hon. Member who is speaking now Mr. Ngala or Mr. Mwendwa?

An Hon. Member: On a point of information—

Mr. Mwendwa: I will not give way, Mr. Deputy Speaker.

Mr. Nthenge: Is it in order for the Government to interrupt the Opposition Side with a very unnecessary thing when it wants to show its ideas to the Government?

The Deputy Speaker (Mr. Nyagah): I do not think it was unnecessary, I think it was right to get the correct name of the speaker.

The Minister for Land Settlement and Water Development (Mr. McKenzie): There are still some things the Leader of the opposition must learn.

Mr. Mwendwa: Mr. Deputy Speaker, I like to say a few words on the amendment. As I said before in this House, I think the hon. Member sitting opposite me will bear me out, this is a very difficult Government to deal with.

Here is a Motion which actually was brought up with the intention of reminding the Government of its policy.

Mr. Deputy Speaker, the original Motion read as follows, if I have permission to read, "THAT this Council welcomes the recent Government Statement against nationalization, and calls upon the Government to persuade the political parties in Kenya publicly to accept now and effectively to support such a policy", that was the original Motion, and the intention of that Motion was only to remind the Government of the statement made by that Government against the nationalization, and it is the policy of this Government which I call a difficult Government. When a Motion like that is raised it reminds the Government of its policy. Here is an amendment which means nothing, completely nothing. I do not know whether the Government know that the people on this side have gone to school, have studied English, and we have a bit of knowledge, we know a bit of English. Here is the amendment, Mr. Deputy Speaker, which means nothing. This is the amendment, which this Council welcomes. "The recent Government statement regarding nationalization, and expresses the hope . . .", what does that mean? That means the Government is not even ready to ask the political parties to express themselves, or to make public statements, to say whether they support nationalization or not. It simply expresses the hope, Mr. Deputy Speaker, that is not clear at all, and the time has come when the Government must make itself clear. We are Mr. Speaker,

[Mr. Mwendwa]

moving towards independence where most of the people who invest in this country must know the Government plans.

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): The Government know the plans.

Mr. Mwendwa: The Parliamentary Secretary for Economic Planning has just said that the Government know its plans, but I must say that they do not. If they do, the time has come when they should make themselves clear to the public. The investors in this country should know whether the Government supports nationalization or not in very clear terms, so that these people who are investing their money here, can decide now before independence whether they should pack and go or whether they should stay.

Mr. Deputy Speaker, we all know there are two kinds of systems of governing a country: there is the Communist system, which, as we know, nationalizes almost everything, up to the extent of nationalizing *shambas* and so on. People in this country are suspicious, whether Communism is going to spread in this country. We know that Asians and Europeans who have invested money here are suspicious and this is the time when the Government should make itself clear so that it will attract not only the investors who have already invested in this country, but the investors who would like to come to this country to invest more money. As a developing country we would like more investors to come here. Therefore, the Government should not dodge anything. They should make themselves clear, so that we know where we stand.

With these few words, Mr. Deputy Speaker, I beg to oppose the amendment.

Mr. Erskine: Mr. Deputy Speaker, I often feel—

The Minister for Land Settlement and Water Development (Mr. McKenzie): On a point of order, Mr. Deputy Speaker, I would like to propose under section 64 of the Standing Orders that the Mover be called on to reply.

Air Commodore Howard-Williams: Mr. Deputy Speaker, is it permissible on a point of order to interrupt a speech from this side of the House?

Mr. Erskine: I hope I may have your permission to continue, Sir.

The Deputy Speaker (Mr. Nyagah): We are now debating the question that the words to be inserted be inserted, so if the question were that

the question of the second part of the amendment now be put it would be a different matter.

The Minister for Land Settlement and Water Development (Mr. McKenzie): Mr. Deputy Speaker, I am sorry and stand corrected. May I propose that the question of the words proposed to be inserted be now put.

(The question that the question of the second part of the amendment be now put was put and negatived)

(Resumption of debate on the second part of the amendment that the words proposed to be inserted be inserted)

Mr. Erskine: I hope that I now have your permission to speak to the Motion as amended.

Mr. Deputy Speaker, I often feel that in cases such as these there is sometimes a certain amount of misconception and misunderstanding when we talk about terms, when we generalize and talk about terms like nationalization. I myself have often discussed this matter with those persons most interested and in particular with the Parliamentary Secretary, Dr. Kiano.

Living as I have done all my life in countries of free enterprise, and Kenya also is a country of free enterprise, we of course believe in private enterprise, and that view is shared by practically everybody in the country. There are, however, occasions where, in the national interest, it is necessary for industries which are nation-wide to enjoy—if that is the word I want—a degree of nationalization. Also, in backward countries there has been built up over the last few decades a system which I personally approve of, and do not consider in any way iniquitous or contrary to my ideas of free enterprise. Where industries should exist, and do not exist, and private enterprise for very good reasons is backward in coming forward it should be permitted to the state to initiate an enterprise with, I hope, the avowed object of handing it over to private enterprise as soon as that becomes possible. This has been done in a number of backward countries, and I think it is something which we shall have to consider very carefully in this country during the next few years.

Of course, nationalization of the means of manufacture and distribution and the interference with the liberty of the subject would not be tolerated and no one in this country has ever dreamt that such things should be tolerated. One could give, for instance, as an example all the talk we have had during the last few years of a development of the Tana basin. We all want to see an enormous scheme initiated there which

[Mr. Erskine]

would help the country tremendously and which would employ and settle a great number of people who at present are landless and perhaps starving. We know that private enterprise, not being philanthropic, cannot look at any such scheme. Therefore, it might well be necessary for the State, for the Kenya Government, to form some sort of company, or even itself to undertake the development of that area. Again, I say, Mr. Deputy Speaker, in the hope that when they have reached a point of profitability they could turn the whole scheme over to private enterprise. I think I am reasonably satisfied that the amendment as suggested, which we are now speaking to and as put to the original motion, might leave the way open to a system in future which will satisfy all of us. I repeat that none of us in this country believe in the communist system. May I say that I always believed that I am as good an anti-communist as anyone, perhaps even better, because I have taken the trouble to study the communist way and have found it lacking, wrong, incorrect and something which would not be acceptable to the people of Kenya.

In these circumstances, Mr. Deputy Speaker, I think I can support the motion as amended, and I feel absolutely confident in my mind that there is no member of our present Coalition Government who has any idea whatsoever of planning to interfere with private enterprise as we know it. The people of Kenya are individualistic in their outlook. They look forward to twenty or thirty years of development under the western type of system which I know we all approve of.

With these words I would like to support the Government motion as amended.

The Minister of State for Constitutional Affairs and Administration (Mr. Ngala): Mr. Deputy Speaker, Sir, I stand to support the amendment.

I think the Opposition is a bit confused over the Government amendment, because it has done exactly what the Opposition wants us to do. Also, we have put it in a better way which is appropriate to our conditions here in Kenya. It is very clear, Sir, that the statement which has been quoted by the Mover, the statement which was issued by Government, has made clear Government's position as regards this particular aspect. But as the Mover has asked—definitely asked—what the opinion of the political parties would be on this issue, I stand to emphasize the opinion of my own party, that is, the Kenya African Democratic Union.

First, Sir, I would like to say that the Kenya African Democratic Union recognizes that in the main, private enterprise must occupy the main part in the economic development of Kenya. But this does not mean that it will not be necessary for an independent Kenya Government to participate in assisting the development of the growth of the economy of the country. In fact, it may be very necessary for the Kenya Government to consider ways and means by which a stimulation or acceleration of the economic growth is supported by the Government. In the main, however, we think it is very important that private enterprise must be given suitable opportunities. Now, Sir, I think it would be very unrealistic to compare the economic growth in the more developed areas, and the conditions under which this economic development has thrived, with the conditions under which Kenya or any African state is starting to effect the economic growth. We must acknowledge the economic difficulties ahead of us in Kenya. We must create the wealth. It is completely nonsensical for any person to talk of nationalization before creating the necessary wealth. In our own circumstances, we must first create the wealth in Kenya before we talk of nationalizing it, and for this reason, I think, we must acknowledge the economic difficulties with which we are faced. We have to think of ways and means of creating the wealth, of getting the capital—the capital which is available in this country—and the capital outside the country must be encouraged to come into the country to build up its wealth. This is considering the political policies of the Government which are paramount and they also are taken into account in developing the wealth of the country.

Sir, I think it is necessary for a Government in an underdeveloped country like Kenya to be very concerned with the economic development. The co-operative societies, for example, may want Government stimulation before they can stand on their own feet. It is quite important, and quite necessary, for the Government to be concerned about this. This is why we have created certain development corporations, to help the people in attaining a standard which will make them participate more in their country as far as the economic growth is concerned.

Therefore, for the Kenya African Democratic Union, I would like to repeat that we believe that independence must bring concrete benefits to our people, and one of the ways in which these benefits can be brought to this country is to encourage more activities by private enterprise in the growth of the economy of the country. The

[The Minister of State for Constitutional Affairs and Administration]

second method is not to stop the Government, particularly in the circumstances in which we find ourselves in Kenya, to stimulate and accelerate and play its part, although not in the main, but as much as possible to play a part in stimulating and accelerating the economic growth of the country.

[The Deputy Speaker (Mr. Nyagah) left the Chair]

[The Speaker (Mr. Slade) resumed the Chair]

We believe that to base our approach to the future solely on the emotional foundation of seeking political freedom will not achieve those material benefits which we are seeking. For those reasons we would like to emphasize the importance of the amendment. The amendment only says that it is not only the political parties but all the other parties and bodies that are interested in this matter of economic development should be persuaded by Government. Government has done this. Government is still doing it and it will do it in the future, and I am sure that the main political parties, like KADU and KANU, are fully aware of this, in spite of whatever statement minor politicians might utter on public platforms elsewhere. We believe very strongly that there must be this private element and it must be the bigger element in developing the economy of the country.

Mr. Nyagah: On a point of order I beg to move that the question now be put.

(The question that the second part of the amendment be put, was put and carried)

(The question of the second part of the amendment that the words to be inserted be inserted was put and carried)

(The question of the Motion as amended proposed)

The Speaker (Mr. Slade): If no other Member wishes to speak I will call upon the hon. Mover to reply.

Mr. Alexander: Mr. Speaker, this Government statement which is the subject of this Motion was issued soon after the Parliamentary Secretary for Economic Development had made his statement that has caused considerable alarm in the private sector of commerce and industry. I regret to say that from what he has said on the Floor of this House today that that alarm is, if anything, exacerbated. I think we all know exactly where we stand now so far as he is concerned. However, Mr. Speaker, Sir, for the rest of it I believe the debate has been useful and particularly in view

of the remarks just made by the Minister for Constitutional Affairs and Administration. The amendment is accepted.

(The question was put and carried)

Resolved accordingly:—

THAT this Council welcomes the recent Government statement regarding nationalization and expresses the hope that the Government will persuade political parties of Kenya to support that statement and all such other policies that are conducive to economic growth.

NOTICE OF MOTION ON THE ADJOURNMENT UNDER STANDING ORDER 11

PASSAGE FOR A MINISTER ON A PARTICULAR JOURNEY

Mr. Nthenge: Mr. Speaker, before I speak I wonder whether you would allow, under Standing Order No. 12, to move a Motion on the Adjournment of public importance?

The Speaker (Mr. Slade): Standing Order No. 11 I think you mean?

The Minister for Land Settlement and Water Development (Mr. McKenzie): Why does not the Leader of the Opposition get the right number?

The Speaker (Mr. Slade): You want to move an adjournment of Council for the purpose of discussing a definite matter of urgent public importance?

Mr. Nthenge: Yes, Sir.

The Speaker (Mr. Slade): Well, if you would describe the nature of the matter then we will see whether it is of public importance.

Mr. Nthenge: The matter is the transportation of an extra Minister to Britain for the discussions for which two other Ministers have already gone. There is really only need for two Ministers to deal with this. We feel that it is going to cost the country more money and there is no need for it. So we think that before the other Minister goes we should discuss it.

The Speaker (Mr. Slade): Mr. Nthenge, could you be a little bit more specific. There is no harm in using names here.

Mr. Nthenge: Well, the Minister of Labour has gone to Britain to do some work for the Government and now he wishes to go to the Congo on private business and he wants the Minister for Land Settlement to go to London to replace him. We feel that the transportation and allowances of the Minister for Land Settlement should not

[Mr. Nthenge]

be borne by the Government because the first Minister has not done anything.

The Speaker (Mr. Slade): Are you speaking on the understanding that Col. McKenzie is going very soon?

Mr. Nthenge: We read it in the newspapers. Mr. Speaker, and we tend to rely on the newspaper reports. We do not want to let this happen and then start complaining about it, when all the time the Government might be able to cable the Minister for Labour and tell him to finish the work he was sent to do.

The Speaker (Mr. Slade): The first question to decide under the Standing Order is whether the matter raised is a definite matter of urgent public importance. The question of the cost of a passage for a Minister on a particular journey is a definite matter, and if it alleges wasted expenditure then it is of public importance. It also appears to be urgent, since the Minister concerned is expected to go very soon. I therefore rule that it is a definite matter of urgent public importance, but it still requires the support of at least ten other Members before we can deal with this question.

(Ten other Members indicated their support)

The Speaker (Mr. Slade): I do not think you will want very long for this, Mr. Nthenge?

Mr. Nthenge: No, not very long, Mr. Speaker.

The Speaker (Mr. Slade): Well, then, I will appoint ten minutes past Six o'clock this evening for you to move this adjournment.

Mr. Nthenge: Thank you very much, Mr. Speaker.

MOTION

PROPAGANDA ON THE IMPORTANCE OF EDUCATION

Mr. Nthenge: Mr. Speaker, Sir, thank you very much for allowing me to move this Motion, and first of all I would like the House to know the Motion I am going to move:—

THAT this House, knowing how backward educationally some areas in Kenya are, and being anxious to have an even development all over Kenya, calls upon the Government to institute a propaganda medium to enlighten the public in such areas on the importance of education, and to inspire them with the need of a dynamic increase of educational facilities, thereby paving the way for the introduction of compulsory education throughout Kenya.

Mr. Speaker, Sir, this House is supposed to be a House of great justice, it is a House which deals with all matters of Kenya, and it would be very mean if this House forgot the needs of some of the areas and went on dealing with matters concerning only particular areas and more or less ignoring the other areas. Therefore, Mr. Speaker, I find it very necessary to get this House to approve of the principle of getting an even development in Kenya, and to have proper development, Mr. Speaker, it is necessary that the people must be educated.

Now we definitely know in places like Turkana, Machakos, Kitui, Tana River, the Coast and a lot of Rift Valley, there are very, very many people who up to now have not grasped the idea of education. Education is the key to all development and we want Kenya to develop, we therefore must think of how much education does Kenya have? Now, we know that in most of the provinces education is not very much appreciated, and very little has been done about it. This is because of the ignorance of the people, due to the former Government because they concentrated maybe in the areas around Nairobi, Nakuru and Mombasa just the main towns, and probably tended to forget some other areas. I feel that the present Government should be ready to correct these former mistakes and that in these backward areas—places like Turkana, where a very, very small percentage of children of school age go to school, other areas of the Northern Province, parts of the Southern Province and parts of the Rift Valley Province—the public must be shown the importance of education, so that when the Government tries to institute educational facilities these people will make use of them. Now, in places like Masai where schools in some areas get only 1/10th of the school age children. Why is this? It is just because of the parent's ignorance. If the parents were as well informed as the hon. Members for Narok, the hon. Minister for Social Services, of course such cases would not occur whereby schools would be more or less empty in which case there would be no need for them to be static. We would not therefore blame the Minister for Education for not building many schools because they will have to survey whether they will get utilization of them. Just the other day, Mr. Speaker, we were told that a school in Samburu would not be opened because the District Education Board in Samburu felt that even if they would open one they would not get sufficient pupils. Mr. Speaker, we cannot just see a problem and forget it. I think we should be able to face every problem and do our best to solve it rather than try to forget it. This issue of having a great many parts

[Mr. Nthenge]

of Kenya not making full use of the Educational facilities, exists. How do we solve it? We solve it by first of all educating the parents of the children on the importance of education, by educating the children in the need for them to go to school, and when they feel it is good then they will go to school. What do I suggest should be done? I suggest that there should be some kind of propaganda instituted by the Government the intention of which is to attract the attention of everybody in these areas so that they become alert to the importance of education. Once they feel that it is not only the Government who will start schools, but the public in the areas will start demanding for schools to be established, and the schools will undoubtedly be filled. I do not think the Government will spend much money on this kind of propaganda, they will get a few motor-cars, with drivers and commentators to show films and other things to get these backward areas to understand what education brings. Not because education always brings good, and never bad. These people who are ordinary human beings will want to get education.

Mr. Speaker, I think this is a very serious issue which is overdue. It is one of the things which Government should not try to forget because there are Ministers in this Parliament, in this House who come from such backward areas. I would think that they are becoming very mean with themselves if they did not support this issue because it will be looked at by those people later on, when it will be discovered that some of the educated people did not support this idea, it will look as though they wanted to remain the few educated people or just to be able to get the benefit by themselves which is a very selfish thing and I do not think any one hon. Member of this House should have always his position considered, forgetting about the others. I do not want to go into details of the Ministers who come from such backward areas, but they know it themselves, where school-age children are wasting their time either looking after cattle, dancing or doing nothing at all, when they should be at school. If you tell their parents to send them to school they will ask what for because they do not know why education is an important thing, and why it is important that they send their children to school.

Mr. Speaker, I feel I should now go on to another point, based on this Motion, and that concerns compulsory education. If we now start compulsory education in Kenya, very, very many people will have to go to jail for not sending

their children to school or be fined just because of sheer ignorance. Mr. Speaker, I feel that it would be very wrong for this House to do anything which could penalize people because of ignorance. The duty of this House is to see that we remove the ignorance of the people by a fair and just method, not just by rushing into things which will bring great hardship for people who are innocent but just happened to be ignorant. I see the need for compulsory education and I believe most of the members do. Hence, I feel we should be preparing for it. To prevent this compulsory education we must get everybody in Kenya first of all to accept the principal that everybody should be educated in this country.

I feel, Mr. Speaker—I am really sorry because I see most of the Ministers are going out and many of them are concerned with this issue but, I will continue and I hope they will look at their HANSARD to see what was said during this Motion. Now, Mr. Speaker, people may start to ask can we afford it? I feel, Mr. Speaker, money spent on education is not a waste, it is an asset and a great investment.

Whatever amount this dynamic propaganda medium might cost, which in my opinion is not much, it is a great investment because within 15 or 20 years the Government will start reaping the fruits of this investment by way of taxing these people, because immediately they are educated, one, the guy will get a good job, two he will educate his father or mother on a number of things, such as Agriculture. A family which normally produces only sufficient for the family's needs will produce a surplus, the family will sell the surplus and get money. That way the Government—

QUORUM

The Parliamentary Secretary for Defence (Mr. Mulli): On a point of order, is there a quorum in the House?

The Speaker (Mr. Slade): No, ring the division bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We now have a quorum, Mr. Nthenge, will you continue?

(Resumption of debate)

Mr. Nthenge: Mr. Speaker, Sir, I must thank those members who have come so quickly after the Division Bell.

I saw saying that once we educate these young people, the Government will reap a lot of money within 15 to 20 years because of this investment.

[Mr. Nthenge]

First I said I felt that the parents would benefit out of their children's education because the children would educate them on agriculture and other things, and I believe the families would be able to produce more and that way we would be able to tax them more. The children would get good jobs, they may become Presidents or Clerks of the Regions, or Medical Officers for the Central Government, and that way we would get more people to pay Income Tax. At the same time we would get more people to do Government work. It now costs this Government a lot of money to transport expatriate officers to work here, just because the people are not educated themselves.

If our people had been educated we would not be in need of transporting anybody, and Mr. Speaker, the Government would be saving in transportation of Officers. I am sure with leave and other travelling expenses for the expatriate Officers the Kenya Government pays a lot of money, and if these Doctors, Lawyers and all other Government servants came from all over Kenya, it would only cost them one-eighth, or in some cases .01 per cent to transport these Officers for leave. Mr. Speaker, I therefore feel I must ask the Government to consider this proposal very seriously. I have no doubt the Minister for Education will join me in asking his colleagues on the Government side to support this Motion so we can have a few vans around Turkana for a period, and so on, and they can move from one area to another. I do not mean a new department should be created in the Ministry but just a small department of 15, 20, 30 people who are not paid very much. Some of the Youth Wing at present engaged in political fights, sometimes they make them physical fights, where the Government has to pay sometimes when they hurt themselves, and the Ministry of Defence spends a lot of money going to separate them. These youths might be employed in doing a good job of going around Turkana, Rift Valley and other areas, and encouraging the people to have education as their priority in their future planning. Mr. Speaker, as we do not have very much time I would like many people to say something on this Motion in case we do not have a Sitting next week.

With these few remarks, I beg to move the Motion.

Mr. Erskine: Mr. Speaker, I have very great pleasure in seconding this Motion, and I would like to start by complimenting the hon. Member for Machakos for the unexceptionable way in which he has worded his Motion, which I feel

will strike a cord in the hearts of all Members here and will gain their support.

For a very large number of years I, as well as many of my friends in this country, have worried about the whole question of how we are to obtain full literacy and comprehensive education for the people of Kenya. I think that the hon. Member for Machakos has a very good point in mind. If we could instil a great yearning throughout the whole country for more education we could perhaps begin to overcome those two limiting factors of finance and teachers. They are two limiting factors, and I think sometimes people do not appreciate how very limiting are these two factors. The cost of education, of the modern type of education to-day throughout the world is very high, much higher than it used to be 20, 30, 40, 50 years ago. Secondary education wherever it takes place, if it includes the boarding of the pupils, costs somebody about £300, £400 to £500 a year per pupil. I wonder if hon. Members realize the hidden subsidies which we already receive in Kenya from the Missions and other bodies who help us with our education in Kenya.

Secondary education, with its science laboratories and all the necessary gadgets which are required to bring people up to School Certificate standard, costs roughly £400 to £500 a year, and when I say that I would like to give a comparison. The fees which some schools charge in Kenya—Mission schools and others—are as low as Sh. 270 a year, including board, and up to Sh. 400. Now, if we are to go forward and have more education, of course the money has to be found.

I was speaking then of secondary education, but I would like to go back to primary education, and I have here a suggestion which has been in my mind for a long time. If the parents in every village throughout Kenya were to get together they could decide to give all possible assistance to one or two of the more intelligent and bright little girls in that village. They could encourage them to try and get into intermediate school or possibly, after they have passed their K.A.P.E., to get into secondary schools. Perhaps they could pay their fees, if their parents could not afford to do so, on the distinct understanding that those little girls, when they had received their education at the age of 17 or 18, would come back to their own villages and try and assist with the education of the children of that village by becoming teachers. Perhaps we have in mind that teaching in Kenya, even at primary level, must be conducted in a properly built stone school and that one has to have a T.3 teacher at least, a

[Mr. Erskine]

middle-aged man who may have a wife and a large family of his own to support. He may find it very difficult to manage on his present salary, and naturally is anxious to get more when the country is wondering how it can afford even to pay him what he is getting already.

In America, I am told, at the end of the last century, primary education was in the hands, from a teaching point of view, of young girls who came back from their secondary schools and, on a very small salary, helped to educate as teachers the children of that village. In every village at the end of a street there would be what they called the "little red school house" built perhaps by the people of the village themselves, of bricks made by themselves, and this young girl, inspired by the innate love of children which inspires all nice girls, would work hard for a small salary to get those children educated.

Supposing this propaganda unit, which the hon. Member for Machakos has in mind, consisted of just a few lecturers who would go round to these villages and put such a suggestion to the people. They could then go round to the primary schools and intermediate schools and try and impress on the pupils—especially the girls—in those schools the urgent need for more teachers in Kenya. I feel that if we could get more teachers at the primary level in Kenya, we could go a long way to solving this problem.

I have spoken of the immense cost of secondary education, but that, of course, does not apply to primary education. Still, in the primary educational field, it is possible to do a tremendous lot with pencils, exercise books, a blackboard, and even the old-fashioned chalk and slate. I would like to urge on Government that something should be done to pursue the proposals put forward by the hon. Member for Machakos, and also to bear in mind the suggestions which I have put forward of encouraging young girls in Kenya to go in for the educational profession, to help the people of their country to full literacy.

I beg to second.

(Question proposed)

Mr. Shah: Mr. Speaker, Sir, I have great pleasure in supporting this Motion. It touches on a very important aspect of life, and that is education. It is considered by many people—and rightly so—that an uneducated man is not a full human being, and most of the time he is treated like that. That is a great tragedy in underdeveloped countries.

The Mover of this Motion only asks the Government to institute propaganda to educate the parents on the value of education for their children. He has the patience to wait to bring compulsory education to Kenya at a later date. I would have preferred him to have asked for compulsory education now. I fully realize that compulsory education means many more millions of pounds, and when we hear every day of the lack of money in this country, perhaps some of us feel we should not talk of schemes or projects for which further money is required. However, there are other ways by which, with a little money, compulsory education can be introduced. It is not necessary that education should be given in a luxurious way as it is being done now in this country, Mr. Speaker. We should know our means, and knowing that we can find out ways. If necessary, people could be educated under trees, if buildings cannot be erected. Some of the schools in Kenya at present are palaces, but very simple huts can be built if necessary where people can be educated.

The most important point is that at present some groups in Kenya enjoy compulsory education; that means they are educated compulsorily, whereas the vast majority of people are not covered by this legislation. In order to remove this discrimination—especially at a time when we have started removing discrimination from all walks of our lives—it is important that compulsory education, at least for primary schools, is introduced in this country.

I have one more suggestion I would like to make, Mr. Speaker, which might help the Government with regard to its expenses for education: a graduated fee system should be introduced. What I mean by that is that fees should be based on the ability of the parent to pay. Parents who can afford to pay the full fees should be asked to pay a little more than they do at present; then there should be a further two or three grades, according to their ability; the lowest grade should be free. Then the children of parents who cannot afford to pay at all can still receive education without paying fees. Fees should not be a consideration for a child being educated. If a child is born of parents who have no means, it is no fault of the child; it is the duty of society—that is, the Government—to provide for him, and give him or her an equal opportunity to train his or her faculties, with the opportunity of becoming a very important citizen. Then he or she may be able to contribute a lot to the welfare and the growth of wealth in the country.

I beg to support.

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

I am afraid the hon. Member for Machakos is several years too late in proposing this Motion. There are practically no districts in Kenya where there is no enthusiasm for education. Judging from the vast number of requests for additional primary, intermediate, secondary and commercial schools, and so on, received almost daily in my Ministry, there is an almost insatiable demand for more educational facilities. Recently, there have been very few demands for additional primary schools, and this, taken together with the fact that enrolments in primary schools have been levelling off and now are tending to fall, indicate that to all intents and purposes the demand for primary educational facilities has already been met.

Mr. Speaker, Sir, at the intermediate level the picture is not quite so bright. All districts in Kenya would like to go forward to having seven years' education for all children, but shortage of funds does not permit this. However, Mr. Speaker, Sir, 23 out of 37 districts in 1963 have been able to go ahead with their plans.

As a measure of the dynamic increase in educational facilities at this level which has already taken place, I should like to inform you that in 1961, 44 per cent of Standard IV children went forward to Standard V, in 1962, the percentage rose to 75; and in 1963 we have reached some 90 per cent. Thus I feel able to assert with confidence that provided funds are made available as they have been in the past, Kenya is within easy reach of achieving the goal of universal primary/intermediate education for which the people have clamoured so long.

Mr. Speaker, Sir, here I should like to sound a warning. The provision of seven years' education for all has been retarded in several districts because of the inability of African district councils to pay their share of the subvention to the district education boards. This situation has arisen because the people have not paid the African district council rates, for the successful implementation of existing plans as well as for the planning of universal primary and intermediate education. In fourteen districts, it is necessary to retain the common entrance competitive examination. It is essential that all the people should pull together and make a full contribution by paying their rates, in addition to school fees.

Mr. Speaker, Sir, it is for this reason that I have recently directed that where the district councils and district boards so desire, admission to schools

each year will be conditional upon the parents' rates receipt for the preceding year.

Mr. Speaker, Sir, secondary schools are springing up faster than an ability to provide staff. In 1960 there were 90, and a further 20 have been opened this year. Mr. Speaker, Sir, thus, in a space of three years their numbers will have more than doubled which, Sir, represents probably a faster rate of growth than anywhere else in the world. Mr. Speaker, Sir, here again it is necessary to sound a warning. We are unable to find teachers for the schools from our own resources. It has only been possible to provide teachers through the Teachers for East Africa Scheme which has provided more teachers from America and Britain and also there is the normal recruitment of teachers from Britain through the Department of Technical Co-operation. I think I have shown that there is already an awareness among all sections of the population of the importance of education, and that my Ministry is, with the resources available to Kenya and with the help of outside services, providing all the educational facilities it can.

Mr. Speaker, Sir, enthusiasm towards the benefits of education is not sufficient. Enthusiasm alone will not build schools and will not pay the salaries of teachers. If, however, the people of Kenya can be persuaded to pay their rates and their taxes promptly, expanded facilities for education of all types is bound to follow, as surely as night follows day.

Mr. Speaker, Sir, I beg to move that the Motion be amended:

By deleting all the words following the words ". . . institute . . ." and substituting therefor the following, ". . . propaganda to enlighten the public on the importance to pay their rates and taxes as well as their school fees, so that the plans already in existence for providing universal primary and intermediate education and for expanding secondary education facilities can be rapidly implemented therefore paving the way for the introduction of compulsory education throughout Kenya." Thank you very much.

The Parliamentary Secretary for Education (Mr. Matano): Mr. Speaker, Sir, I would like to second the amendment. I would very much like to thank the Minister for clarifying the position and showing us exactly how things are and the staggering amount of development that has taken place, and we should thank the Minister for that. The Member who has raised this question forgot to tell us exactly what he really meant. He did not make it clear whether he wanted general

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education for the masses, or he wanted people to know how to read and write, whether or not he was thinking of intermediate school education, secondary school education, university education: he did not say what he really wanted. I think what he really meant was general education to raise the standards of the people, so that they will be more useful citizens of the country.

When you consider that, and I think that is what he really meant, it means money. Money to build the schools—buildings may not be important, but we do not want children to be in a place where rain or sun will disturb them, they need reasonable buildings—money for the teachers. When we talk about education we must be very, very careful, because education sometimes has been discussed with emotion. Education is something which must be real if it is to mean anything at all. Therefore, the standard of education must be taken into consideration, if we need to educate our people and teach them to be useful citizens of this country. Sir, the standard of education is very important, and therefore once you touch on the standard of education the question of the quality of the teachers comes into it.

Now, we know very well that we are short of teachers in this country. We have not sufficient teachers. People may think they are teachers; they can teach, but teaching is not as simple as some people think. We need teachers that will educate our children in the right way, because education should not only end at school level. Education should be carried on after school. That is real education and therefore we need money. When we talk of compulsory education, I wonder whether the Member really sat down and thought about exactly what that means. Compulsory education where everybody must go to school whether he likes it or not. Let us say we will do it from today. If we make everybody go to school, what are the implications: are we ready for it, have we got the teachers, have we got the buildings, have we got the money to pay for the teachers? Already the teachers are complaining that they are not well paid, and in some respects I agree with them. These teachers need to be paid. At the moment our Government does not find it easy to meet some of the demands of the teachers. What is going to happen in the country? We need the standards to be maintained. When we talk of compulsory education it has a lot of implications. Schools will need teachers, and all these things we have not got because we are short of funds. Let us face facts. The Minister has just told us the steps his Ministry is taking

to try and put right these things. Development is taking place in all directions in primary and secondary education. I think the Opposition Members know very well that the need really, at the moment, is not primary education but secondary education. Because of the secondary education we need in this country we are short of teachers. If it were not for the kindness of Governments overseas who are friendly to this country who offer their friendship by giving us—

The Parliamentary Secretary for Defence (Mr. Mulli): On a point of order, Sir, I beg to move that the question be now put.

The Speaker (Mr. Slade): I do not think I will allow that in the middle of Mr. Matano's speech.

The Parliamentary Secretary for Education (Mr. Matano): Thank you, Mr. Speaker, I am just finishing. Therefore, Sir, I feel that the Minister has put the situation quite clearly, and I hope the Members will accept the amendment, because it means much more than the Member had in mind.

Therefore, Mr. Speaker, I would like to second the amendment.

The Speaker (Mr. Slade): I cannot actually allow the question to be put, because I first have to propose the amendment. Then there will be several questions to be put before you get to the end, and I do not think you will get to the end today.

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

MOTION ON THE ADJOURNMENT UNDER S.O. 11

PASSAGE FOR A MINISTER ON A PARTICULAR JOURNEY

Mr. Nthenge: Thank you very much, Mr. Speaker, for allowing me to bring this matter into the Council. The position is—

The Speaker (Mr. Slade): You must start by saying that you move that the Council do now adjourn.

Mr. Nthenge: Mr. Speaker, Sir, I move that the Council do now adjourn.

Thank you very much for allowing me this time to bring this matter to the notice of the Council. The position is that the Minister for Labour left for Brussels recently to represent the Minister for Finance who, due to bad health,

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could not go. We have learned from the Press that the Minister for Labour wants to leave Brussels and go to the Congo on some private business. He wants the Minister for Settlement to go and represent him.

Mr. Speaker, it is obvious that the Minister for Settlement has got to travel somehow and most likely he will have to fly, most likely he will travel first-class as he is a Minister of the Kenya Government. With his weight he is likely to be charged more and, therefore, Mr. Speaker, that is a very obvious expense. Just the transportation alone is likely to be in the region of £300 to £400, or it might be slightly more due to the Minister's weight. This is in East African money about Sh. 8,000. Now, the Minister for Settlement will have to get his allowances while he is there, which might amount to Sh. 300 or Sh. 400 a day and this might be another Sh. 3,000 altogether. That is already more than Sh. 10,000.

The Secretary for the Minister of Labour, while he is away, is more or less idle. You cannot just tell her not to claim her salary for the period that the Minister is away. A few other responsible officers in the office are also not going to be busy because the Minister is away. The same thing applies to the Ministry of Settlement. When the Minister is away some of his staff will not be busy. His private secretary who attends to his affairs and who takes dictation from him will not be taking dictation while he is away. She will most likely just report at the office in the morning and then go back home. Therefore, that is also another bit of money wasted. The total amount might come to about Sh. 30,000, all this money wasted because a Minister, employed by this Government, goes out on private business which necessitates his replacement by another Minister who is, at present, busy. Mr. Speaker, we feel that we must know whether, (a) the Minister's transportation is going to be paid by Government.

The Minister for Land Settlement and Water Development (Mr. McKenzie): Which Minister?

Mr. Nthenge: The additional and unnecessary Minister. (b) Whether he is going to get allowances and if so what they will be; and (c) whether the salaries of the officers made more or less idle by his absence will be met by the Government during the time he is away. If all these things are so, Mr. Speaker, I would like to know how much it is going to cost the Government?

We feel, therefore, in this House, as we have an interest in public funds, we must object to this kind of arrangement because the Minister

for Labour, who all the time is an employee of the Kenya Government, and who is getting a big salary to do Government work, is wasting Government time because in the middle of his work he decides to go and do some private work. This side of the House is very much perturbed by this kind of arrangement. Therefore, Mr. Speaker, we feel we cannot let this thing go on unchallenged.

I do not want to take long because I know some of the other Members on this side would like to make some comments on this issue, and the Government will probably want a bit of time in order to reply, but, Mr. Speaker, we definitely object strongly to this kind of thing. We wonder whether it is accepted by the Governing Council or is it just an arrangement between two Ministers trying to use Government money personally?

With these remarks, Mr. Speaker, I beg to move.

Mr. Towett seconded.

(Question proposed)

The Minister for Land Settlement and Water Development (Mr. McKenzie): Mr. Speaker, I am very glad that the Member for Machakos has raised this matter, so that it will give Government an opportunity to show how a young person, if he is aspiring to become leader of an opposition group must learn in the very first instance, Mr. Speaker, to be accurate in his statements, otherwise he will never be a leader of repute at all; and I doubt whether he ever will be if he continues along the inaccuracies which he has attempted to put out to the public of this country. I would like first of all to deal with them.

First of all, Mr. Speaker, he said that Mr. Mboya left for Brussels. Earlier on today he said he had left for London. Mr. Mboya left for London for the beginning of the talks on the East African Common Market, and then went on to Brussels. To say also that Mr. Mboya wants me to go and take his place is incorrect. When I come to give the facts, he will see why.

He also, Sir, said that the cost of a visit would be £300-£400. He well knows, Sir, from having gone to Lancaster House himself, what (a) an air ticket costs, and (b) what the allowances are, and to say that it would be £300-£400 for the visit, plus allowances of Sh. 300 or Sh. 400 a day is attempting to lead the public of this country into inaccuracies. He knows full well what the allowances are; he knows the allowances on the Continent are Sh. 100 a day, Sh. 100 a day. In London he well knows that it is Sh. 150 for a Minister.

Mr. Wabuge: No.

The Minister for Land Settlement and Water Development (Mr. McKenzie): Mr. Speaker, Sir, it is no good the hon. Member for Nakuru saying "No". He has never been a Minister. I know what I get in my pocket; I know that I only get Sh. 100 a day in my pocket when I am away. It is no good him saying "No". He passes the Estimates in this House and he will have the opportunity to ask. In London it is Sh. 150 and here it is Sh. 100.

The Speaker (Mr. Slade): Do you have a point of order?

Mr. Wabuge: Yes, Mr. Speaker.

The Speaker (Mr. Slade): It is a point of order?

The Minister for Land Settlement and Water Development (Mr. McKenzie): It had better be!

Mr. Wabuge: I am asking really for information—

The Speaker (Mr. Slade): That is very different.

The Minister for Land Settlement and Water Development (Mr. McKenzie): Mr. Speaker, then he said that the Secretary for Labour—I do not know if he meant the Permanent Secretary; I presume he did—would be idle while the Minister is away.

Mr. Nthenge: The private secretary.

The Minister for Land Settlement and Water Development (Mr. McKenzie): Or private secretary. He has never been a Minister, he has never been a Parliamentary Secretary, he does not know what work goes on in a Ministry which is heavily committed to work, and I promise you that the Labour, Finance and my Ministry—the three Ministries involved in agriculture—are Ministries where there is a heavy commitment of work. He knows that well enough from the many times on which he has attempted to have an appointment with me and he has seen the work that not only I have to do but my secretary has to do. I promise you she will have plenty of work to do while I am away.

He also said that while I was away, my settlement people would not be busy. Sir, a Ministry continues to operate if the Minister has given instructions at just as high a speed as it operates when he is in the country. Over and above that, there is another Minister who is appointed to take care of that Ministry. At the present moment I am acting for the Minister for Works, and I take an interest in what is going on in Works and have discussions daily not only with

his secretary but with his Permanent Secretary. This is how a Government works, so there is no necessity to think that things are going to be idle. Does he think that the whole time we were at Lancaster House, with the Ministers out of the country, the Government ground to a standstill, or did they continue to work?

Now, Sir, he also said that the total of the whole expenditure of my taking Mr. Mboya's place would be Sh. 30,000, £1,500. Sir, this is a gross exaggeration. The transport cost for an air ticket for myself from here to Brussels is something like £180—

Mr. Nthenge: Paid by?

The Minister for Land Settlement and Water Development (Mr. McKenzie): Paid by the Government.

Now, Sir, I will come to the point of exactly what has happened.

Sir, originally this most important mission was supposed to leave East Africa many weeks ago. For various reasons, the dates were changed twice. When the final date was decided upon, unfortunately the Minister for Finance was ill, convalescing, and could not go. It was then decided, in the Council of Ministers, that Mr. Mboya would take his place. Mr. Mboya, because of the Secretary of State's visit here, had, on two occasions, to cancel his own personal trip to Leopoldville. It was known by the Council of Ministers that when Mr. Mboya was going to Brussels he would have to cut his trip short by a couple of days so as to be able to tie up his own private business in Leopoldville. This was agreed and this was known, and the difference in the cost is being paid by Mr. Mboya himself personally and has nothing to do with this Government whatsoever. Now, Sir, what has happened is that, since Mr. Mboya and Mr. Havelock have arrived in Brussels, they have, through telephone conversations and by cables, told us, the Government and the Council of Ministers, that the whole picture is altering and that the Mission will go on to have discussions with the French Government, the Luxembourg Government and the Italian Government, and that the whole thing is not going to end on the 19th March, as was originally thought, with Mr. Mboya leaving on the 16th, thus leaving Mr. Havelock to hold the fort for only two days. It is now going to continue, Sir, and I am leaving either on Sunday night or Monday night to get there to take over, not only Mr. Mboya's place but to take over Mr. Havelock's place, because he has to return to this country on the 21st because of urgent business tied up with Statutory

[The Minister for Land Settlement and Water Development]

Boards and matters in his own Ministry. He cannot remain away any longer, he must return. Therefore I am going to be put into the picture by Mr. Havelock and will be taking over on behalf on Kenya on these other visits.

Over and above that, Sir, my flight to London will cost the Kenya Government nothing extra whatsoever, because I am due in London in any case on the 25th of this month for discussions with the Colonial Office and Her Majesty's Treasury on finance, with Mr. Gichuru, for the operation of the settlement schemes next year. This is a long outstanding date which we have been given in Government some four months ago, so there is no extra cost as far as the Kenya Government is concerned. What it means is that I am going six days earlier.

Now, Sir, this is not going to cost the Government anything extra because Mr. Mboya will not be drawing any allowance when he is doing his own private work, so the whole of this is not going to cost the Government anything more.

Mr. Murgor: Is he asking for financial assistance from KANU?

The Minister for Land Settlement and Water Development (Mr. McKenzie): Mr. Speaker, I would like the hon. Member to stand up and substantiate his remark.

Mr. Towett: On a point of order, Mr. Speaker, do the remarks of hon. Members made without standing have recognition in this House?

The Speaker (Mr. Slade): No, officially interjections are not heard. Carry on Mr. McKenzie.

The Minister for Land Settlement and Water Development (Mr. McKenzie): Mr. Speaker, I am perfectly prepared to give way to the hon. Member so that he can stand up, if he has the courage, and say what he said as an interjection.

Mr. Murgor: Why waste the time of the Council?

The Minister for Land Settlement and Water Development (Mr. McKenzie): I accept that as a withdrawal, that he has not got the courage. Mr. Speaker, in this House, to stand up and repeat the remark that he made as an interjection. It means that it is valueless.

Mr. Murgor: What is his private business?

The Minister for Land Settlement and Water Development (Mr. McKenzie): His private business is his own business and has nothing whatever to do with hon. Members in this House, be

they on this side of the House, be they on that side of the House, or be they hon. Members who always maintain that they are going to blow whistles or not, it has nothing to do with them.

Now, Sir, I would like to end by saying, or to answer the last remarks which were made by my hon. friend the Member for Machakos, because where I did think he was aspiring, as was written in the newspapers, as the Leader of the Opposition Group, after his inaccuracy today, as far as I am concerned, he is no Leader of an Opposition Group, he is just the Member for Machakos.

Sir, he did ask, (a) who would pay for the transport for myself going to London and to Brussels? The answer is that the Kenya Government will be paying this. But, as I have explained, in a matter of five days later, I was going back to England in any case on Government business. Then, Sir, he asked me what the allowances were. I think I have already answered this by telling him that a Minister in London draws Sh. 150, the same as he did at Lancaster House, and on the Continent draws Sh. 100; Sh. 50 less.

Now, Sir, thirdly, he mentioned the point—and I do want to take care that I am answering all these points—that officers would be idle, and who would pay their salaries while the Ministers were away. Now I ask you, Sir, fancy asking that question of a civil servant. Who pays the salaries of civil servants? Of course, the Government does, and if he is given work, or if he is not given work, he still draws his pay as a civil servant.

Then, Sir, he asked how much will all this cost? Well, Sir, as a "guestimate" I would say that it is costing the Kenya Government no more than about £25 or £30, not more than that, because as I have explained, in any case I was going, and they would have to meet my allowances. They are saving on Mr. Mboya's allowances, and they are going to save on Mr. Havelock's allowances. Now, Mr. Speaker, when I think about it, in fact the Kenya Government are not going to spend anything, they are going to save money, because Mr. Havelock is coming back, and there is only going to be one Minister there instead of two Ministers. Each of the other territories—just for the information of the Opposition—have two Ministers plus a civil servant, two from E.A.C.S.O., and two from Zanzibar with three from Uganda and three from Tanganyika.

Now, Sir, over and above all this, the mission themselves have said that, in their opinion, it is only right that a Kenya Minister should be there when they speak to the French, the Luxembourg and the Italian Governments. Mr. Speaker, let

[The Minister for Land Settlement and Water Development]

me explain to the hon. Members how the Kenya Government has saved money. We have had great discussion in the Council of Ministers on who should go, because it was obvious to us that if we were a wealthy country I, as Minister for Settlement, would not go. We would either have sent the Minister for Commerce and Industry who is tied up in the Common Market, or we may have sent another Minister who is closer tied to it than I am as Minister for Settlement. We gave this very great thought indeed, and we decided, to save money for Kenya, that we would send McKenzie because he was already going.

I beg to move.

Mr. Towett: Mr. Speaker, Sir, thank you very much for what we have heard, a lot of words, words without anything definite. However, what we are trying to find out is why Mr. Mboya is on a private trip to the Congo. Is this Government going to allow Ministers to be on leave of absence why they are—

The Minister for Land Settlement and Water Development (Mr. McKenzie): Mr. Speaker, Sir, on a point of order. Is it correct for an hon. Member in this House to stand up and ask this House the reasons why another hon. Minister is going somewhere on completely private business, nothing to do with this House, and nothing to do with the Government?

The Speaker (Mr. Slade): The question of Mr. Mboya's reasons for this trip is not relevant. The question is whether money is being wasted by his going on a private trip, and that has also brought us to the time for the interruption of business.

**NOTICE OF MOTION ON THE
ADJOURNMENT****UNSATISFACTORY ANSWERS TO QUESTIONS**

The Speaker (Mr. Slade): Before adjourning the Council I would like to take this opportunity of mentioning that I have received notice from Mr. Alexander of his desire to raise on an adjournment the matter of unsatisfactory answers from the Ministry of Economic Planning to questions No. 102 and 103 which concern the economic priorities and planning the encouragement of industries to the poorer areas of Kenya. I am allotting the right to raise that matter on Tuesday, 19th March, so the adjournment of Council will be moved that day at the time for interruption or the earlier conclusion of ordinary business.

ADJOURNMENT

The Speaker (Mr. Slade): Council is now adjourned until tomorrow, Friday, 15th March, at 9 a.m.

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

Friday, 15th March, 1963

The House met at Nine o'clock.

[*The Speaker (Mr. Slade) in the Chair*]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

The Kenya Constitution: Summary of the Proposed Constitution for Internal Self-government.

The Books and Newspapers (Amendment) Rules, 1963.

(*By the Minister for Legal Affairs (Mr. Webb)*)

Report of the Economy Commission.

Report of the Fiscal Commission.

(*By Mr. Butter on behalf of the Minister for Finance (Mr. Gichuru)*)

The Marketing of African Produce (Central Province Marketing Board) (Movement of Regulated Produce) (Amendment) Rules, 1963.

(*By the Parliamentary Secretary for Defence (Mr. Mulli) on behalf of the Minister for Agriculture and Animal Husbandry (Mr. Havelock)*)

Weights and Measures Department Annual Report, 1962.

(*By the Parliamentary Secretary for Commerce and Industry (Mr. Mohamed) on behalf of the Minister for Commerce and Industry (Mr. Muliro)*)

Fort Hall Township Rating (Graduated Rates) Rule, 1963.

(*By the Minister of State for Constitutional Affairs and Administration (Mr. Ngala) on behalf of the Minister for Local Government (Mr. arap Moi)*)

ORAL ANSWERS TO QUESTIONS

Question No. 98

HOUSING FOR POLICE AND PRISON STAFF

Mr. Wabuge asked the Minister for Health and Housing if the Minister was aware that the accommodation at present provided to the Police, Prison and other subordinate staff in Civil Services in Nakuru was poor? And if he was aware of this, would the Minister state when the Government intended to start building better houses for the Civil Services staff?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I beg to reply: I am aware that not only in Nakuru but in many other stations there is a need for more staff housing, but the Government has decided that in present

circumstances it cannot divert from other sectors of the economy to the construction of pool staff housing with the limited development funds at the Government's disposal.

Owing, however, to the very pressing needs of the Police and of the Prisons Department some funds have been allocated this year for Police and Prison staff housing in Nakuru. These funds have been allocated to the Ministers for Defence and for Social Services, on whose behalf I am answering this part of the question.

A new site has been acquired in Nakuru for Police quarters and the planning of a three-year scheme which is estimated to cost £200,000 is in progress. It is hoped that work will begin towards the end of the present financial year, and that it will continue throughout 1963/64 within the limits of available finance.

In the case of Prisons staff it is agreed that the existing accommodation in Nakuru is unsatisfactory, but a new prison together with the necessary staff housing is being built. Twenty-five quarters have already been finished and are occupied. A further 25 will be finished in June, and by June, 1964, subject to the funds being voted, sufficient quarters will have been finished to house all prison staff, and to permit the evacuation of the existing quarters.

Mr. Nthenge: Mr. Speaker, can we be told why the Government left these bad housing for so long?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, because no funds were available.

Mr. Wabuge: Mr. Speaker, would the Minister tell us when will he start building police accommodation in Nakuru, just to give us the exact date when he proposes to start building these houses for the Police?

The Minister for Health and Housing (Mr. Mati): If I may repeat what I said, Mr. Speaker, I said, "... A new site has been acquired in Nakuru for Police Headquarters and the planning of a three-year scheme, which is estimated to cost £200,000, is in progress. It is hoped that the work will begin towards the end of the present financial year, and that it will continue throughout 1963/64 within the limits of available finance."

Mr. Wabuge: Mr. Speaker, the question is that would the Minister tell us during which month he is intending to start construction? Can he give us a rough date?

The Speaker (Mr. Slade): I think he has.

Mr. Murgor: Mr. Speaker, Sir, the Minister has not answered the question. We were asking about the staff quarters and not police headquarters, could he give us an idea of when the staff quarters will start?

The Minister for Health and Housing (Mr. Mati): With due respect, Mr. Speaker, I can only give facts, but I cannot give the intelligence to understand those facts.

Mr. Nthenge: Mr. Speaker, can the Minister tell us whether all the police staff will be housed in the new scheme?

The Minister for Health and Housing (Mr. Mati): Yes, Sir.

Mr. Wabuge: Would the Minister tell the House what type of accommodation is he intending to put up for the police staff?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I think that is a matter of detail. The plans are there, they can be examined any time the hon. Member wishes.

Mr. Nthenge: Mr. Speaker, can the Minister then give us what sort of houses—has he not examined them himself so as to be able to tell this House what sort of houses they are?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, houses fit to live in.

Mr. Wabuge: Would the Minister tell us what type of houses they are, whether they are round houses or three-cornered houses?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I believe the hon. Member is what they call in England "a square". The houses will be square.

Mr. Wabuge: How many rooms in each house?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, I have just said that the plans are there. The hon. Member can examine them, he can count the rooms for himself. I do not see why he is wasting the valuable time of this House by asking these questions.

Mr. Towett: Mr. Speaker, Sir, would the hon. Minister tell the House how much each house is going to cost?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, what I can give is the total expenditure on housing. I have already quoted that, if only the hon. Member would try to think back.

Mr. Nthenge: Mr. Speaker, can the Minister tell us how many houses there will be?

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, I gave the numbers. I said 25 houses were in progress, and 25 will soon be started.

Question No. 113

LABOUR LEGISLATION: UNIFORMITY IN EAST AFRICA

Mr. Alexander asked the Minister for Labour if it was intended that labour legislation throughout the East African territories should be the same or similar to co-ordinate with the decision of the Common Services Authority to establish a fifth Ministerial Committee for Labour.

Mr. Alexander: Mr. Speaker, Sir, on a point of order, could I ask for your assistance; this may apply to Question No. 117 as well. I do not know. When Ministers are not here to reply and nobody is deputed to reply, is there any way of getting the questions reinstated for reply when the Ministers are available?

The Speaker (Mr. Slade): Yes, I think questions must appear again on the Order Paper if there is no one to reply.

Mr. Towett: On a point of order, Mr. Speaker, is it in order for Ministers to leave work undone and not to delegate what they should be doing to other Ministers?

The Speaker (Mr. Slade): It is not a question of order, as far as this Council is concerned; it is a question of good government, which you are here to criticize.

Mr. Mwendwa: On a point of order, is it not the responsibility of the Parliamentary Secretaries to answer questions when the Ministers concerned are not present, and if that is so what does the Government do to Parliamentary Secretaries who fail to answer questions?

The Speaker (Mr. Slade): It is a matter for Government to arrange as to who answers questions, but it is not at all to the credit of Government that there is no one present to answer questions.

Question No. 115

NEW FARMS FOR EX-FARMERS IN SETTLEMENT SCHEMES

Mr. Alexander asked the Minister for Finance if the Government encouraged farmers whose

[Mr. Alexander]

farms had been taken over by Settlement Schemes to start again elsewhere in Kenya, and if so what assistance was provided by Government.

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, Sir, I beg to reply. The Government does wish to encourage farmers whose farms are taken over for settlement schemes to start again elsewhere in Kenya, and the Land Bank—within the limits of its financial resources, which the Government is seeking to increase—will provide loans to assist such farmers to buy farms.

Mr. Alexander: Mr. Speaker, can the Permanent Secretary give us any indication whether the resources of the Land Bank are sufficient to deal with all those farmers who want to settle elsewhere?

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, that is a little difficult to say because we do not know the number of farmers who have been bought out who will wish to buy farms elsewhere, but the Land Bank has sufficient funds to meet the present demands and the demands likely to arise in the next two months.

Mr. Alexander: Mr. Speaker, could the Permanent Secretary tell us what sum in total is currently available from the Land Bank for this purpose?

The Temporary Minister for Finance (Mr. Butter): The Land Bank, at its February meeting, approved loans of over £100,000 and at its meeting this month also approved loans of over £100,000. It will be able to continue at that rate until the end of this financial year.

Mr. De Souza: Mr. Speaker, Sir, arising out of the first answer of the hon. Acting Minister, would the Minister tell us if the Land Bank would ensure that all the money that has been received by the particular farmer as compensation for his farm must first be invested in the new farm before any money is loaned to him by the Land Bank?

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, Sir, no money is received as compensation.

Mr. Alexander: Mr. Speaker, do I understand then that for April, May and June £100,000 a month is available making a further total of £300,000?

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, Sir, a little more than that

is available. There is £180,000 already voted by this Council, and a further £200,000 on top. It is difficult to give absolutely precise figures because there is about £400,000 of approved applications not yet issued.

Mr. De Souza: Mr. Speaker, Sir, I believe the hon. Minister evaded my question. With regard to the purchase price, or whatever is paid, for the farm which is bought, would the Minister ensure that that money is invested in the country before any further loan is made by the Land Bank?

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, the amount of resources available to a farmer when he applies for a loan is always taken into account by the Land Bank.

Mrs. Shaw: Mr. Speaker, Sir, would the Permanent Secretary give us his assurance that he will look into this matter of extra finance for the Land Bank with the Treasury? I represent a farming community and only yesterday I was asked by a very well-known farmer—actually not from my district—a member—

The Speaker (Mr. Slade): You must not make a speech, Mrs. Shaw.

Mrs. Shaw: I am so sorry, I understand and I wonder if the Permanent Secretary will agree with what a member of the Settlement Board informed me that there is not sufficient finance and great concern is felt by both Europeans and Africans?

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, Sir, I think the question was am I trying to get more money. The answer is yes. The Minister for Finance and the Minister for Settlement will be going to London to try and secure more money for the Land Bank.

Mr. Towett: On a point of order, Mr. Speaker, Sir, is the hon. gentleman, who is answering the questions on behalf of the Minister for Finance, a Parliamentary Secretary or a Temporary Minister?

The Temporary Minister for Finance (Mr. Butter): I have been appointed, Sir, Temporary Minister during the absence of the Minister.

Mr. Towett: Mr. Speaker, Sir, would the Temporary Minister tell the House whether he is in agreement that if one person sells a farm in one place and then buys another farm somewhere else in the country this is a good procedure.

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, Sir, the people who are being bought out in the settlement areas are not

[The Temporary Minister for Finance]

being compulsorily bought out, but the majority of them regard it as something equivalent to that. Those who wish to buy elsewhere should, I believe, be encouraged.

Mr. Towett: Mr. Speaker, Sir, does the Temporary Minister not agree with me that it is not correct to allow a louse from the right-hand side of the head to go to the left-hand side of the head?

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Speaker, Sir, when the Settlement Board buys a farm, over which the Land Bank holds a mortgage, is the debt to the Land Bank then returned to the Land Bank, and does this swell the funds and make more funds available for lending by the Land Bank?

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, Sir, one of the sources of funds for the Settlement Board are the advance repayments of the Land Bank resulting from these transactions, and these transactions do not, therefore, swell the funds of the Land Bank.

Mr. De Souza: Mr. Speaker, Sir, would the Temporary Minister for Finance give this House the assurance that those persons who have been bought out and who have sent money away from this country will not be given money by the Land Bank?

The Temporary Minister for Finance (Mr. Butter): No, Sir.

Mr. Mwendwa: Mr. Speaker, does the Temporary Minister think it is a good idea for a farmer to let one farm go in one place and buy another one in another place, all in the same country?

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, Sir, I do not think this arises out of the original question.

The Speaker (Mr. Slade): Yes, it does. Is the Government to encourage this?

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, the question referred to farms taken over for settlement, and I have already said that the Government does regard it as a good thing, that farmers who are bought out by the Ministry of Settlement should be encouraged to settle elsewhere, in view of their experience in farming and the likelihood they will make a success of their new enterprise.

Mr. Towett: Mr. Speaker, Sir, would the Temporary Minister not see fit that instead of these

people being bought out, whereby a lot of paper work is involved, they should exchange this land directly? The farmers should be asked first if they want to buy new land elsewhere, because they might get into financial complications and a lot of paper work.

The Temporary Minister for Finance (Mr. Butter): No, Sir.

Mr. Shah: Mr. Speaker, Sir, arising from one of the Temporary Minister's replies, do we take it that the Government is lending the money through the Land Bank for it to be sent away from this country in some cases?

The Temporary Minister for Finance (Mr. Butter): No, Sir.

Mr. Alexander: Mr. Speaker, the Temporary Minister having told us that Land Bank mortgages repaid are used to swell Settlement Board funds, does this mean to say that, in fact, the Settlement Board are deriving funds at the expense of the Land Bank?

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, when a farm is bought on which the Land Bank have a first mortgage any arrears due to the Land Bank are paid. Any future sums due to the Land Bank are also repaid to that Bank, but it is part of the financial arrangements for the Settlement Schemes that the amounts the Land Bank receives in advance repayment are then made available again to the Settlement Board.

Mr. De Souza: Mr. Speaker, Sir, would the Minister tell the House why public money for the Land Bank should be given to persons who have sold their farms and sent part of their money abroad, when, in fact, there are so many people in this country who want to stay in this country who need money?

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, Sir, the Land Bank gives no money to anybody.

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Speaker, arising from the reply to the Member for Nairobi Suburban and the reply to my original question on Land Bank mortgages, would the Temporary Minister make representations with Her Majesty's Government that what is in fact Land Bank money should be returned to the Land Bank and should not be used in the general Settlement fund?

The Temporary Minister for Finance (Mr. Butter): I have already done so, Sir.

Question No. 117

SUPPLIES AND TRANSPORT FOR REGIONAL GOVERNMENTS

Mr. Alexander asked the Minister for Works and Communications if the Regional Governments would require supplies and transport when they commenced to operate under the incoming Federal Constitution and if so, what arrangements were being made?

The Parliamentary Secretary for Works and Communications (Mr. Okondo): Mr. Speaker, I beg to reply. The Regional Governments will certainly require supplies and transport for their operations. Arrangements, now are being made by Government. I am afraid we must wait until we know precisely what supplies and what transport facilities the Regions will each want, and until we know that, it is difficult to make final arrangements, but arrangements are being made in this respect, that we will have the present transport ready for distribution according to the arrangements to be agreed by the Council of Ministers, in this particular case. As for supplies, Sir, our Ministry does not hold a large amount of supplies, since most of the supplies or stores are ordered for the various Ministries and Departments as they want them. With the Regional decentralization each Ministry will see how it can distribute whatever supplies it has at that time.

Mr. Alexander: Mr. Speaker, Sir, the Parliamentary Secretary having told us that the physical stocks will be allocated to the Regions, will he tell us where the Regions will get the cash from if they need to supplement those stocks of supplies in addition to the Council?

The Parliamentary Secretary for Works and Communications (Mr. Okondo): Mr. Speaker, Sir, the Regional Governments will have some revenue accruing to them according to the new financial arrangements, and it is assumed that they will be able to re-stock their supplies, stores and transport from that revenue. It is well known, Mr. Speaker, that Government has not got a fund for replacement of stores, or supplies in general, so we work rather from revenue according to the Estimates of the year.

Mr. Alexander: Mr. Speaker, Sir, is the Ministry assessing now what the Regional Governments will need, and if so how are they doing it?

The Parliamentary Secretary for Works and Communications (Mr. Okondo): No, Sir, the Ministry is not assessing what the Regional Governments will need, but rather it is the Regional Governments that will assess what they

will need and according to the present arrangements, the Regional Governments will have a year within which to decide precisely what they want. In the meantime, our Ministry will be at their disposal to serve them according to what they require, until they settle down and know precisely what they want. But, we cannot decide for them what they will want. Each Region will decide exactly how much it wants of transport, of supplies or various things.

Mr. Alexander: Mr. Speaker, do I understand then that when the Regional Governments commence in business, on the inception of the new Constitution, in fact they will start without any supplies and without any transport whatsoever, until they have had time to sit down and say what they want?

The Parliamentary Secretary for Works and Communications (Mr. Okondo): It is not precisely that, Mr. Speaker. Let us take an example of any one Ministry: Education, for instance. When the Ministry takes over education it will take over the stores which are within that area for education, the assets, schools and things like that within that area, and so it is with all the other Ministries, but the Ministry of Works as such has not got stores or such things. The plant for road-works is being valued and will be distributed to the regions when they have put in their various requests at that time. But right now we do not know what the regions will want; some regions will want more, others will want less according to their own prudence or according to their own plans, Mr. Speaker.

Mr. Erskine: Mr. Speaker, may I ask the Parliamentary Secretary whether it is not a fact that to start with, right from the very inception, the Regional Governments will take over all the supplies and transport and everything belonging to the present provincial headquarters organizations?

The Parliamentary Secretary for Works and Communications (Mr. Okondo): Mr. Speaker, it is not strictly correct because if you take the case of my pet region, Sir, the Western Region, we have not got any provincial headquarters to take over and if it is to be so, then it means certain regions will have nothing. But, Mr. Speaker, again going to our Ministry, the Ministry of Works and Communications, we have not got a provincial arrangement based on the provinces, rather we have got a divisional arrangement and according to present arrangements there are five divisions and there are going to be seven regions, so if we went according to provinces it would mean that two regions would have nothing from

[The Parliamentary Secretary for Works and Communications]

the Ministry of Works. That is why the whole thing has to be re-cast and when the new regional demands are in, then the distribution, Mr. Speaker, can take place.

Mr. Nthenge: Mr. Speaker, can the Parliamentary Secretary tell this House whether the Ministry estimates that it has got sufficient more or less to satisfy the regions?

The Parliamentary Secretary for Works and Communications (Mr. Okondo): Mr. Speaker, our equipment has been worked on the basis of the whole country, and if we go on dividing a tractor two wheels to the Western Region and the other three to the Eastern Region, I am sure we will end up with pieces. We will distribute according to the needs of the regions and according to what the regions require. We will, I am sure, come to some equitable distribution which will be satisfactory to the regions.

Mr. Nyagah: Mr. Speaker, can the Parliamentary Secretary tell us whether among the equipment and supplies they have for the regions they have mules, camels and horses for the regions which will require them?

The Parliamentary Secretary for Works and Communications (Mr. Okondo): Mr. Speaker, Sir, I do not know that there are any mules or camels because we do not have any call for breeding them or anything of the sort, but I know they will have some tractors and some lorries. If, however, in the northern area mules are used for traction purposes, I am quite sure they too will be distributed to the regions as the needs arise.

Question No. 123

AVERAGE OF KENYA'S POPULATION AT SCHOOL

Air Commodore Howard-Williams asked the Minister for Education if the Minister would tell the House what percentage of the total Kenya population was now at school?

The Minister for Education (Mr. Sagini): 12.1 per cent or approximately one-eighth of the total population.

Air Commodore Howard-Williams: Mr. Speaker, Sir, would the Minister tell the House how this figure compares with that for Great Britain?

The Minister for Education (Mr. Sagini): Mr. Speaker, Sir, I do not know the figure for Great Britain. What I do know is that Great

Britain is a very advanced country that has had centuries of experience in Government and so I am sure their figure is higher.

Air Commodore Howard-Williams: Will the hon. Minister tell us how this figure compares with that of Germany?

The Minister for Education (Mr. Sagini): I do not think that question is very relevant.

Air Commodore Howard-Williams: It is.

Mr. Wabuge: Would the Minister not agree with me that the percentage he has given us is too small?

The Minister for Education (Mr. Sagini): Mr. Speaker, Sir, I do not think that the percentage I have given is too small. It is even too high, it is a question of our resources. We could expand tremendously tomorrow if we had the money.

Mr. Mwendwa: Mr. Speaker, could the Minister analyse and tell us what percentage is boys and what percentage is girls in the schools?

The Minister for Education (Mr. Sagini): I will try, Mr. Speaker. The provisional total population of Kenya, as revealed in the 1962 census, is 8,607,000, and there are during the present term, 1,065,094 pupils attending primary, secondary and technical schools. In the primary state the numbers of European and Asian pupils attending the schools are about 100 per cent. In the African schools there are approximately 66.9 per cent of the primary age group attending schools, and 44 per cent of the immediate standard.

Mr. Mwendwa: Mr. Speaker, on a point of order, I think he did not answer my question.

The Speaker (Mr. Slade): It is not a point of order, but you may ask the question again.

Mr. Mwendwa: Yes. Could the Minister answer my question. I did not want to know how many Europeans, how many Asians, I wanted to know how many, out of the total of 12 per cent he gave us, are girls and how many are boys?

The Minister for Education (Mr. Sagini): Mr. Speaker, Sir, I am unable to give that breakdown, but I think this information is going to prove useful to the hon. Member.

The attendances are as follows: in the African primary and intermediate schools we have 990,000 pupils. In the European primary, including service schools, we have 6,459; in the Asian primary schools, 36,340; in the Arab primary schools, 2,815. In the African secondary schools, 10,850;

[The Minister for Education]

the European secondary schools, 3,082; in the Asian secondary schools, 14,171; and in the Arab secondary schools, 219. In the technical sections, 1,158. If he wants the details they he will be very welcome in my Ministry and we will provide him with the information.

Mr. Towett: Mr. Speaker, Sir, could the Minister tell us what, in his opinion, is the ideal percentage figure in order to have reached an adequate standard of education for girls and boys.

The Minister for Education (Mr. Sagini): Mr. Speaker, Sir, that is a very difficult question, even for a philosopher. He asks what is the ideal? Actually the ideal is to educate everybody, 100 per cent so that people would understand what is meant by democracy.

Mr. Nthenge: Mr. Speaker, would the Minister agree with me that, due to the low percentage, my Motion requires his support?

The Speaker (Mr. Slade): No, you cannot ask questions relating to a Motion when it is pending in the House.

Mr. Mwendwa: Mr. Speaker, would the Minister tell us what percentage of boys and girls at school together we should aim at now so that we can go out and tell the people they are below the standard?

The Minister for Education (Mr. Sagini): Mr. Speaker, we should aim at 100 per cent.

Mr. Nthenge: Mr. Speaker, Sir, will the Minister tell us what he is doing so that we can get to that 100 per cent.

The Minister for Education (Mr. Sagini): Mr. Speaker, Sir, I have been trying very hard to make my citizens pay taxes, and that is why I laid the law, which has been accepted by the various District Boards in this country, so that we could get more money. The regulation was that whenever a boy goes to school he must show a receipt from his father which would mean that his father had paid the money, because last year, Mr. Speaker, we had trouble in Ukamba and the Central Province districts where people did not pay their rates and education nearly came to a standstill. I have encouraged them to do so by making this regulation to ensure that they do pay their rates.

The Speaker (Mr. Slade): I think hon. Members may be losing sight of the original question. It was "what percentage of the total Kenya population . . ." but I am sure hon. Members do not contemplate 100 per cent of the whole population.

The significant figure was given by the Minister in the course of one of his replies. You must concentrate on that one.

Mr. Towett: Mr. Speaker, Sir, since the Minister has given us the figure of 100 per cent as being the figure we should aim at in order to educate our children, could he not agree with us that 12 per cent is a very low figure?

The Minister for Education (Mr. Sagini): Well, Mr. Speaker, we should be realistic. Kenya is a new country, 60 years ago people were still backward, there was no formal education here. There was education, of course, of the African type in every African tribe. The ideal as I said is 100 per cent. I know, like the philosopher, that we human beings will remain with problems as long as we live and one of these problems is money in Kenya, like everywhere else in the world. It is a question of getting somewhere relatively, but the absolute end will only come when we are in Heaven.

Mr. Erskine: Mr. Speaker, would the Minister agree with me that the target at which most developed countries aim is to have 20 per cent of the population at school at any one time, of which about 10 per cent would be girls and 10 per cent boys?

The Minister for Education (Mr. Sagini): Mr. Speaker, Sir, I have no quarrel with that. As I said, in every country people are aiming at 100 per cent, but as I said, the problem of money inhibits expansion.

The Speaker (Mr. Slade): Mr. Sagini, once again I say I think there is a misunderstanding of the question we are discussing. Surely, you do not mean 100 per cent of people of all ages should be at school?

The Minister for Education (Mr. Sagini): Mr. Speaker, Sir, it is a question of the ideal, and the ideal is questionable. What is the ideal?

The Speaker (Mr. Slade): It, presumably, relates only to children of school age.

The Minister for Education (Mr. Sagini): We are talking about school children, Mr. Speaker.

The Speaker (Mr. Slade): We are talking about the total Kenya population and I think you are not quite appreciating the question.

Mr. Erskine: Mr. Speaker, what I meant was, would the Minister agree with me that in view of the fact that our school days are the happiest

[Mr. Erskine]

days of our lives, he would like us all to spend one-fifth of our lives at school?

The Minister for Education (Mr. Sagini): That question is too subtle for me, Mr. Speaker.

Question No. 124

OVERHEADS AND MATERIAL LABOUR IN MINISTRY OF WORKS AND COMMUNICATIONS

Air Commodore Howard-Williams asked the Minister to state what proportion of his vote went into overheads at his headquarters and in the field, and what proportion went directly into material labour in works?

The Parliamentary Secretary for Works and Communications (Mr. Okondo): This is not a very easy question, Mr. Speaker, and the questioner knows that Government does not work like a commercial firm in keeping detailed cost accounting, but nevertheless the information which the hon. Member requires is not readily available, and would entail so much work and transfer of staff from their field and back to Head Office that it would virtually, during this period, disrupt our operations. As the implementation of the new Constitution will necessitate some reorganization in any case and redeployment of staff in line with the division of responsibilities between the Central Government and the Regional Authorities, I hope the hon. Member will not press, at this stage, for the information he has asked for in regard to the present structure of the Ministry. I say this, Mr. Speaker, because it will involve so much movement of staff and such a disruption of the Ministry that it will be extremely difficult to carry on operating, especially in view of the present reorganization of Government which in any case will involve the evaluation of the figures which the hon. Member requires.

Air Commodore Howard-Williams: Mr. Speaker, Sir, I fully appreciate the difficulties of the hon. Parliamentary Secretary, but will he agree that in any commercial house this is quite a simple normal operation? While accepting, Sir, that it may be giving the Ministry a certain amount of work, will he also agree that a certain amount of work is perhaps not too much to expect from his Ministry?

The Parliamentary Secretary for Works and Communications (Mr. Okondo): Mr. Speaker, Sir, I accept that latter part of the question that a certain amount of work is not too great, but, Sir, it is also true that the Ministry is already up to its neck in work, so that any additional work

may be the last straw on the camel's back. Mr. Speaker, Sir, it is true that as we go along, in the Government, we do estimate what we require every year and replenish our stock according to that, but we do not, and no Government in the world operates on the basis that its Members really want to know and no Government goes out distributing the salary of the Minister in so many man hours spent on the Mombasa road, and so many man hours the Minister spent on the Nakuru road, and that sort of thing. That would just not work, it is a different problem with a commercial firm. They have to do that, and their work lends itself to it, but in a Government you work on a basis of estimated cost and an estimate of revenue to meet those costs. Therefore, you are presented with an entirely different structure of accounting, Mr. Speaker.

Mr. Towett: Mr. Speaker, Sir, the Parliamentary Secretary in the first part of his reply said, this was an easy question. Was it easy to ask or to answer?

The Parliamentary Secretary for Works and Communications (Mr. Okondo): Mr. Speaker, Sir, if my hon. friend had listened properly I said that this was not an easy question to answer.

Mr. Nthenge: Mr. Speaker, Sir, does the Ministry consider that headquarter overheads are reasonable?

The Parliamentary Secretary for Works and Communications (Mr. Okondo): Of course, Sir. If they were unreasonable we would certainly do what normally is done, a reduction of staff, change our organization; but we consider it is adequate, perhaps not as adequate as we would like it to be.

Mr. Nthenge: Mr. Speaker, does the Parliamentary Secretary consider the space and the square which they occupy as headquarters is too much?

The Parliamentary Secretary for Works and Communications (Mr. Okondo): No, Sir, it is not enough.

Question No. 125

OVERHEADS IN HEADQUARTERS AND CLINICS IN THE MINISTRY OF HEALTH AND HOUSING

Air Commodore Howard-Williams asked the Minister for Health and Housing if the Minister would let the House know what proportion of his vote went in Headquarters expenditure to keep his Ministry going and what proportion went into clinics in the field?

The Minister for Health and Education (Mr. Mati): I beg to reply. If the hon. and gallant Member would care to refer to the approved estimates of expenditure for my Ministry for the current financial year he would see that out of the total estimated expenditure on Health, of £2,662,106, the subhead "Administration and General" accounts for £240,000; in other words, we spend about 9 per cent on administration and general services. I do not know exactly what the Hon. Member means by the expression "clinics in the field" but all the voted provision, apart from the £240,000 referred to, is spent upon actual health services, including of course, training and research.

Air Commodore Howard-Williams: Mr. Speaker, will the Minister appreciate that his answer is much more satisfactory than that given by the former Minister.

The Minister for Health and Housing (Mr. Mati): Mr. Speaker, Sir, it is not for me to judge.

BILLS

Second Readings

THE CHILDREN AND YOUNG PERSONS BILL

(Continuation of debate on Second Reading interrupted on 13th March, 1963)

The Speaker (Mr. Slade): I think we had reached the point where I had proposed the question of the Second Reading of this Bill, and Mr. Towett wanted to speak.

Mr. Towett: Mr. Speaker, Sir, I do not want to take very long on this, and I do not want to make the Government feel perturbed by what I am likely to say. I will try and be very brief, Sir, and in the effort of being very brief, I will start with clause 19 of this Bill. I have read the Bill, Sir, and this clause is put in such a way that one who reads it—being a layman—will take it for granted that if the offender was a young person of 18 years of age, less one hour, and he commits an offence, then the parents—if the offence is very grave—will be called upon to pay the fine. If the parent fails to pay the fine it will, in the long run, put that parent in jail. In the process of law, if he fails to pay, he is sued and then if he makes no payment, in the end he will appear in the jail.

Now, Sir, I am not saying that anything contained in this Bill is wrong, or that this particular clause is wrong, but looking at the African set-up today in the country, Sir, we have a very involved system of how we take care of our

children. Amongst the communities, mothers take care of their children up to a certain age, and when the tribes realize that the mothers are no longer capable of exercising due care over their children, then that care is transferred to the fathers. In our tribes we do not want our boys of 15 to be told that their mothers will take care of them and look after them and be controlled by them, because at that age the boys feel that they can probably subdue their mothers and even fight their mothers. We try, among our tribes, to transfer the care of looking after people at a certain given age, Sir.

Now, at the age of 14, say, the boys are left in the hands of their fathers, but when the same boys are 18 years, less one day or one hour old, then it is the responsibility of the clan to take care of such people. Their clan feels that one father or one parent, a male parent, is not capable, or is not able to try and control a boy of 18 years, less one hour. At that age the son may be as big, in volume, as the father, and it is very difficult for the father to control such a son. I was wondering whether the Ministry concerned, or the Minister, had taken the trouble, Sir, to find out whether this clause 19 is in conformity with the feelings of all the African tribal groups in this country, because each tribal group has evolved, from time immemorial, the way of looking after their children and exercising due care over their sons and daughters.

I am only wondering whether this clause will be accepted by parents in this country today. I am sure, Sir, that male parents among the Kipsigis people will think that this particular clause of the Bill is very bad indeed. We do not want to have these clashes between fathers and their children.

If I remember, Sir, some time ago this House ruled that the age a child could be employed was lowered from about 15 or 16 to about 14½. At the age of 14½ some of the young men will be looking for work. If we are going to expect their parents to exercise due care over these young people who have already left their control and are working, I think we will be expecting too much, Sir. We have got to have some conformity, something to bind the child and the father together. We should, then, change the law that reduces the age of employment to 14½ and bring it up to 18 years less one hour, Sir, so that we are always sure that the young person is in the vicinity of his work and the parents are near at hand.

[Mr. Towett]

Some friends of mine, who are good fathers, and live in the Luo country, have young children who are working and plucking tea in the Kericho tea estates. We cannot expect them to exercise due care over those children. According to this clause, you can leave it in the hands of lawyers or you can go and quarrel over what distance the parent is expected to exercise due care over his children. If they want to leave that to lawyers, I do not mind, Sir. If these young persons plucking tea in the Kericho tea estates commit an offence at Kericho or somewhere between Kericho and their homes in Kisumu—having left their employment the day before—is it then the responsibility of the poor father to pay the fines? If he fails to pay the fines, Sir, does he then go to jail for it?

I feel, Sir, that this particular clause of the Bill is atrociously unacceptable to the African community. I cannot see, Sir, how I am going to tell my people that this legislature has allowed this particular clause of the Bill to go through. We are supposed to be responsible people and we have got to go and explain to our people at home what we think is a good law. I would like to ask the Minister to try and give us time to go and explain this particular section of the law to the people. He will probably get in touch with our locational councils and district councils and let them discuss this particular provision in this Bill until they are sure that they all agree that this is the only alternative, to fine the parent when he young person commits a crime that is punishable.

I do not want to take a long time, Sir, but in the same clause 19, section 1, it says briefly that, "unless the court is satisfied that the parent or guardian cannot be found or that he has not conducted to the commission of the offence by neglecting to exercise due care of the offender". Now, Sir, I think this word "conducted" is very questionable. I have tried to look it up in the definitions in the same Bill but I have not been able to get a constructive explanation at all of what is meant by the word. I do not know what the parent is expected to do. If the parent has not got the money to give his son to go and purchase a pair of shoes, and the son goes and steals money and then uses that money to purchase shoes, would that be taken to mean that the parent has not exercised due care of the offender and that he conducted to the commission of the crime? I would like the Minister, while obliterating the whole of this clause, to explain

to us, if this particular word "conducted" is going to be used again, what it means.

We think—myself especially—on this side of the House that the Minister should see what can be done in order to find out the feelings of all the people in the country on this matter. This is very serious. A son might go to an approved school, Sir, and his father will be expected at the same time to pay the fine and if he fails to do so he will go to jail. He will be in jail and the son will be in an approved school. If the father pays the fine it does not mean that the son will therefore not have to go to an approved school. So, both the son and his father will be in jail, because first the son has to be helped in an approved school, and secondly the father has failed to pay the fine and therefore is put in jail.

Anyway, according to the African custom it is very difficult in some cases to know who is supposed to exercise due care over the children. If I am away from Kericho my sister, in my absence, is supposed to be exercising due care over my children. If my sister is not there it is someone else, it could be my brother, it could be my uncle, or it could be someone else. This is going to involve the whole clan set-up. I am appealing to the Minister—I see him looking at me wonderingly, I do not know if he is agreeing or disagreeing—that this is not the right time for this particular Bill to come through. I welcome most of the things in it, this Bill has got good intentions and it is going to help us. I think there has been a bit of an oversight and they have not taken enough trouble, although it goes as far back as 1952, I think. I do not think the people in the locations have been told what is likely to happen. We look after the children and we control the children, but it is a clan matter in most cases and one parent is not responsible for his own children. My children, Sir, are not mine. Although they are not supposed to be mine, they belong entirely to the clan. According to the Kipsigis custom, in the case of manslaughter the individual man does not pay a fine for the dead man, the whole clan pays the fine. If a cow is taken, there is one cow from each clan, and then they are all collected and counted, and only ten are taken away, but they still collect up to say, one hundred. They only take one, though from each member of the clan before the figure of ten is sorted out.

Sir, I think the Minister should not try to introduce customs from other countries which have over 2,000 years of involved civilization, technicalities, refinements, legal language and so on. I should like him to think as an African today and to consider how the *manyattas* of the Masai are

[Mr. Towett]

going to be affected. As far as I know, the Minister for Social Services will be in trouble if all the young men in the *manyattas* go raiding and stealing cattle from my people, the Kipsigis. The whole group in the *manyatta* may find that the young persons of 18 years less have raided cattle and so all the parents will be answerable to pay. This I welcome for the Kipsigis because I am sure they will pay the fines. I am wondering, though, if the Masai will benefit from this. The *manyattas* will be affected, and I think the Masai elders will fare very badly indeed with this.

I do not want to delay the House, but I would like, Sir, to move the following amendment. The Motion before the House is that The Children and Young Persons Bill, 1963, be now read a Second Time. I would like to move the deletion of the word "now", and add at the end thereof, "upon this day six months".

Sir, I beg to move.

The Speaker (Mr. Slade): You move that with the knowledge that that particular form of amendment kills the Bill?

Mr. Towett: Yes, Sir.

Mr. Nthenge seconded.

(Question of the amendment that the word "now" be left out of the question proposed)

Mr. Nyagah: Mr. Speaker, Sir, I would like to oppose this amendment. I think it is time we started to put into action this long-awaited Bill. If there is any change required at all—because the people in the reserves or the district councils have not had time to study it—that can be brought to this Council, or to any Council which comes after this, by way of amendment. I would like to oppose the amendment very strongly.

Mrs. Shaw: Mr. Speaker, are we speaking to the amendment or are we speaking to the Bill combined?

The Speaker (Mr. Slade): You are quite right, I should have made that clear. This is obviously a case where you cannot separate the matter of the amendment from the main Motion, because the effect of the amendment actually is to negative the Motion. So hon. Members should speak to the whole subject matter, but having spoken once they cannot speak again.

Mr. Nyagah: On a point of order, Mr. Speaker, I thought we were speaking to the amendment and that I would have a chance of speaking to the main Motion when it comes up.

The Speaker (Mr. Slade): In that case, I think you had better continue now, Mr. Nyagah.

Mr. Nyagah: Thank you, Mr. Speaker.

Mr. Speaker, there are several points which I would like to bring forward, especially to the Government and the Minister. They have been brought to my notice by people who are very interested in and knowledgeable about the kind of work involved. Two of these people have had considerable experience in courts as probation officers, and they have also had had a lot of dealings with young children.

The question they want me to bring forward to the Government is that when the Minister comes to make a list of names for a panel of people, and also to compose the advisory council, the list should be generous as far as the names of women are concerned and should not only be filled with names of men, who know only a little about young children. Mr. Speaker, Sir, as I said, I have been told this by people who have had considerable experience in the working of the courts, and they must have seen how young children who come to the courts are treated, mainly by male magistrates, perhaps, and others who come to the courts as witnesses.

The second point, Mr. Speaker, which I was asked to bring forward concerns the appointment of chief officers under this Bill. Again, I am told that it is necessary to give generous consideration to women officers, because they as mothers have a greater interest in young people, younger men and women, and they should not be forgotten.

The third point, Mr. Speaker, concerns section 19. It is going to be very difficult to penalize a parent for the misdeeds of his or her children. In the country today, education stops at Standard VIII, and the young men and women go out to seek jobs. They are still under 18 or under 16. Whatever they do away from the parents, if the provisions of this Bill were strictly followed, would cause the parents to be penalized very seriously. I would urge that section 19 *in toto* should be deleted from the Bill.

With these observations, Mr. Speaker, I beg to support.

Mrs. Shaw: Mr. Speaker, firstly, may I congratulate the Minister very sincerely on his extremely able speech setting out the Objects and Reasons, and explaining the urgent need for this Bill.

In welcoming the Bill, Sir, I wish to commend it to the House its amended form, for though one hon. Member said to me that a Bill with so many

[Mrs. Shaw]

amendments should have gone to a Select Committee, I cannot agree, for that would delay the Bill, and in the circumstances of the present Council, kill it, as indeed will the amendment put forward this morning, which I hope the House will defeat. In fact, this Bill has really gone to a Select Committee because, although it has not gone before a Select Committee of this Council, it has been subjected to the most detailed scrutiny by bodies of people who are experts in the field of child welfare.

Dealing with the special clauses, clause 17 of Part II of the Bill, which provides for the establishment of borstal institutions, will fulfil a long-felt need, for this will give our young offender a chance in life by providing him with the security of a home, the lack of which in all probability is the root cause of his trouble. It will also give him interest and occupation, and the training and supervision which he obviously needs and has not been able to have in his previous life for a period of years or maybe only months. Without this timely help, so many of our Kenya children, handicapped by the modern trend of the drift to the towns and the break-up of homes, would become habitual criminals.

Mr. Speaker, I particularly welcome clause 24 of Part III, which, if I may be permitted to quote from the Objects and Reasons, "establishes the right of an approved local authority or voluntary organization to deal with children in need of protection or care expeditiously and without resort to court action in appropriate circumstances. The effect of this will be firstly to relieve the pressure on juvenile courts and secondly to avoid the stigma of court action for children who are destitute but not delinquent."

In the past, Sir, owing to the lack of such legislation, far too many of Kenya's destitute children driven to petty crime through hunger, in the form usually of petty thieving of food, because they are starving, have been treated as criminals and gone before our courts, instead of as young persons in desperate need of help, a tragic situation, and one which might well affect the whole of their lives.

Clause 41 of Part V is also a very welcome provision, for the establishment by the Minister of a strong Advisory Council will not only provide the Ministry with a channel for receiving special help and advice from experts in different branches of child welfare but a means of co-ordinating the efforts of all those voluntary bodies on whose valuable work the welfare of our Kenya children so largely depends.

At this point, Mr. Speaker, I should like to pay, and should like to ask my colleagues in the House to pay, a very special tribute to a late colleague of ours, Mrs. Dorothy Hughes, who, as everyone knows, has done a tremendous amount of work on this legislation and generally in the cause of Kenya youth.

The names of societies and individuals of all races who have given freely of their time and thought to this subject are too numerous to mention, but the wealth of amendments in this Bill bear witness to the fact and to the amount of careful preparation which has gone into this vital and important legislation. Although, Sir, it is invidious perhaps to single out any special bodies for particular mention, I should like to congratulate the Kenya Child Welfare Society which acts as a backroom boy and does so much valuable case work on which other charitable organizations depend. The reason I have been intrepid enough, Mr. Speaker, Sir, to single out this society for special mention is because whereas both the Save the Children Fund and Youth Helps Youth have had ample and have ample publicity, both inside and outside this Colony—in fact, the Save the Children Fund have no less a person than Prince Philip as their president, while Youth Helps Youth has had a tremendous local boost, as we all know, from the King of the Pops—I feel that the Child Welfare Society, which does magnificent work though often handicapped by lack of funds, suffers from a lack of publicity and also from in Kenya having no particular shop window.

Then, too, I should like to pay tribute to the Advisory Council which was set up during my term as Parliamentary Secretary to the Ministry of Health under the very able chairmanship of Dr. Carlebach, for it does the most excellent work, and so on; the list, fortunately for the Kenya children, is extremely long.

I am very glad, Sir, that the Minister in his opening remarks paid such a well-deserved tribute to you, Mr. Speaker, for there is no one who in his personal capacity has done more for the children's cause. The Minister rightly reminded hon. Members that it was just over ten years ago—and the hon. Member opposite for Kipsigis, pleads for more time—that the Slade Committee published its report on the Children and Young Persons, but, Sir, I would also—

QUORUM

Mr. Nthenge: On a point of order, Mr. Speaker, is there a quorum?

The Speaker (Mr. Slade): No, there is not. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We have now a quorum. Continue.

(Resumption of debate)

Mrs. Shaw: As I was saying, Sir, when you had to interrupt my speech, the Minister rightly reminded hon. Members that it is just over ten years since the Slade Committee published the report on Children and Young Persons. But, Sir, I would also like to remind Members of this House that the Slade Committee was set up as a result of the strongest representation made to Government by the East African Women's League who have always been and still are the guardians of the welfare of women and children in Kenya of all races. The Slade Committee Report was in its turn the result of two years' exhaustive work when a mass of evidence was carefully examined, sifted and collated. So in expressing our gratitude to all the people who through hours of selfless work have been instrumental in providing these legislative safeguards for our children, let us not forget the East African Women's League who were the prime mover and the Slade Committee on whose original recommendations the present legislation is largely based.

Therefore, Mr. Speaker, I beg to give this Bill my strongest support and to say to my colleagues that the best way we in this House can show our gratitude to those responsible for this important and much needed legislation is to give this Bill a quick and easy passage into law.

I beg to support.

The Speaker (Mr. Slade): I ruled Mr. Nthenge out of order for wishing to speak again after he had formally seconded the amendment now before the Council. I have on previous occasions pointed out to the Council that, whereas an hon. Member who seconds formally a Motion may yet speak later, that is not so in the case of seconding an amendment. However, Mr. Nthenge may not have appreciated that procedural point and if he has the leave of the Council, he may now say what he wanted to say. Does any hon. Member object to Mr. Nthenge having his say at this stage?

Mr. Nthenge: Thank you very much, Mr. Speaker, for allowing me to say something while, according to technicalities, I should not really have had this chance.

The point I wanted to make, Mr. Speaker, is that it is very silly for us to follow the suggestion by the hon. Member for Embu that we

should pass a Bill and then come to amend it within a short time. I think it is very wrong for us to allow a law to pass and then bring it for correction after some time. I think what we should do is defer this Bill until it is properly drafted, and then we shall get it passed when it is really going to be acceptable to the people in this country. As in clause 19, Mr. Speaker, it is obvious that most of the Africans in this country will object to this kind of Bill and it would be very wrong for this House to pass something which will be accepted by 10 per cent of the population and objected to by 90 per cent. I think, Mr. Speaker, we have got to consider the bulk of the population of this country, most of whom are Africans, and we just cannot change nature and make this country part of Germany, or part of Britain, or something of the like. It is obvious that we are dealing with the people, particularly people like me and the hon. Member—most of us are actually elected Members to represent the African areas, and in these African areas, as most of the hon. Members know, this kind of Bill would not be acceptable, particularly clause 9 which is demanding that a parent should be put into gaol just because his son of seventeen years of age has committed an offence; probably a fine is imposed and this parent cannot pay the fine and therefore he at last goes to gaol. This is really awkward and we will all be under fire if we let this thing go, Mr. Speaker.

Therefore, I feel that the Government should, first of all, withdraw this clause and then bring the Bill in a manner which is acceptable to our people. I do appreciate the idea the Ministry has, but we have got to think of the bulk of the population. Shall we be able to sell this kind of stuff or shall we not? If we cannot sell it, why for heaven's sake get it passed in this House? Therefore, I would like to ask the Minister for Social Services to reconsider this Bill and I strongly support the amendment by the hon. Member for Kipsigis because it would be very wrong for us to allow something to pass which we are definitely sure—even the same Minister moving this Bill will want it amended immediately it is passed. I think we should amend it first. Definitely if the Press or anybody like the hon. National Member, Mr. Konchellah, would tell the constituents of the hon. Minister what he is trying to push in this House to be passed, I am sure he would not be elected in the next Elections.

Mr. Speaker, I do not think the hon. Member for Narok should be asking me whether it is true. He very well knows it is true and because

[Mr. Nthenge]

he has only just been appointed to this Ministry, just taken up his notes and started bringing this issue, I am sure that if he had studied it and seen this part he himself would have refused to move the Bill as it is now. Definitely he will have no votes because most of the voters will be in gaol serving sentences for a number of morans. Therefore, Mr. Speaker, you can see how silly the whole thing is, particularly to an hon. Member who comes from the Masai who have the morans who go and do what they do especially after circumcision ceremonies. Therefore, Mr. Speaker, let us be realistic in this issue, see whether we should tolerate it as it is or not. Obviously, in the hearts of the hon. Members none of them like it. If any, they are probably the non-Africans. But the African Members who are likely to be in the future Members of the next Council who have also to amend it do not want it this way.

Therefore, we should defer it for six months and there should not be an objection. I can see the hon. Minister for Lands laughing; it is definitely because he knows I am talking practical politics, I am just saying the right thing. I would also like him to know—

An Hon. Member: Electioneering.

Mr. Nthenge: No, not particularly electioneering, but even if I would be, it would not be wrong. But the main thing is this. I would like the hon. Member for Meru to confer with the Member for Narok so that they agree to withdraw this or accept the amendment by the Member for Kipsigis, so that this thing is deferred for some six months and then we will get it sorted out in the next Council, because it can be very dangerous.

I happen to know that there are many from the hon. Members' area and we would like them to be removed, but this idea of punishing the parent because he has a boy who probably had to leave school because of a bad report, he could not continue in class, and he has to come and look for a job and he cannot get one and in the end he commits an offence and his father is told it is his responsibility and he must pay Sh. 300 or Sh. 600 because his child has committed an offence. If he does not pay up he has to go to jail, and really it is all very silly because you must realize that it was due to a mistake by the Government that these children were loitering around the streets of Nairobi. If they had been properly educated they would probably be still at school, and, therefore, we must be practical and see that we are punished. Nobody likes to be punished for another person's

offence and therefore if we really want to punish people we should start with those Members who are allowed these bad reports to be sent which caused many children to stop going to school, so that they were only educated from three to six years and then they were sent out of the school. They had no alternative, that was the end of it. We should punish those Members, probably the Minister himself, before we think of punishing the parents of these children.

Mr. Speaker, I do not think that it is fair for me to go on any longer, and not give other hon. Members—particularly those on the opposite side—a chance to speak, especially the hon. National Member for Kenya, Mr. Okondo, and such other people, because I am sure that they share the same feelings as myself. Therefore, Mr. Speaker, it would be silly of the Minister for Social Services just to please the other Ministers or his own Permanent Secretary, by allowing us to steam-roll this thing into being accepted by this Council.

Mr. Speaker, with these few remarks I would like to invite other Members to give us their views about it, if you would allow them to do so, Mr. Speaker.

The Minister for Lands, Surveys and Town Planning (Mr. Mate): Mr. Speaker, Sir, in supporting the Bill before the House I would only like to correct my friend the hon. Member for Machakos in one respect. The idea of the Bill is to combine other existing Ordinances, which have to do with young people, into one Bill. This is very clearly stressed in the Memorandum of Objects and Reasons so he should not assume that it is a new Ordinance for the first time in Kenya. The first Ordinance, with anything to do with young people, was enacted back in 1934, so as far as the lighter side of the argument is concerned I would rather agree with him that he was only trying to make a joke.

Mr. Speaker, the section that is worrying Members is section 19 (1) where the responsibility of a parent is stressed in relation to a child whether he has a boy or a girl. Mr. Speaker, it is not compulsory, according to the section, that a parent must be punished because his child, daughter or son, has made a mistake. It is only a provision where the Court will be empowered to go into it carefully to see whether the parent concerned, or the guardian concerned, has done anything that would constitute negligence on his part as far as the child is concerned, and it is clearly shown in (2), (3), (4) and (5) that all that is required is for a parent to be asked by a Court to come forward and explain and if it is found that that parent was responsible, indirectly or otherwise, for the

[The Minister for Lands, Surveys and Town Planning]

wrong thing happening they might be punished by the Court. So I do not think it is fair for Members opposite to assume automatically that the parent is going to be punished just because the child has made a mistake. Not only that, they are also missing the point regarding all the other sections of the Bill, and I assume that their silence means they agree fully with the Bill, apart from this section which is rectified, I feel, now that they understand it. Mr. Speaker, I feel that the remarks of the Member for Machakos regarding not only the Minister but the other Members were not meant seriously, although I do sympathize in a way with the hon. Member for Kipsigis who seems to think that the age of a child, according to African customs, varies from place to place, but at the same time there is no obligation here, it is only a provision to make sure that when it is necessary the law provides an opportunity for the magistrate to go into it and put it right. So, Mr. Speaker, I do not think there is very much to quarrel with in this particular section and I assume that hon. Members will support the Bill as it is.

Mr. Speaker, Sir, I have read the section and it says "a parent or a guardian may appeal against an order, under this section, to the Appeal Court". The right of appeal is there if the guardian or parent feels that he has been unfairly or badly treated. Now, if it is compulsory there would be no right of appeal, so I suggest, Mr. Speaker, that when you think of African customs, they vary so much from tribe to tribe, place to place, and things are changing so much in Africa today—and I think they are changing for the better—and as I see it there is not much to quarrel with in this particular section and I would support my friend, the Minister for Social Services in having been able to present this very good Bill. It is not only him we must thank, but also the officers and the other people concerned who have brought forward this particular Bill to the House which I think is a very good one in respect of the care of our young people in this country.

Mr. Speaker, Sir, I wish to support the Bill.

The Parliamentary Secretary for Works and Communications (Mr. Okondo): Mr. Speaker, Sir, I am really torn between whether I should support the Bill or not, and I seem to favour the position of abstaining, but I want to make a few remarks following on the amendment proposed by the Member for Kipsigis. I think the matter of parental responsibility, in agreement with my colleague the Minister for Lands, varies from tribe to tribe, and in some tribes at 18 you will find

that a girl is already a mother of two or three children. This can present quite an embarrassing situation. She may be married and she may not be married. I have heard, Mr. Speaker, of situations of this kind, and talk of this kind, "Oh, that is so and so, she is not married, but still she has a child." The fact is she is 18 and has two children and that at that stage she should be the responsibility of her parents, I think, is stretching this a bit too far.

So in this factor I find that we are trying to bring in a proposition that I believe is rather too sophisticated for this country at this stage. I believe, too, Mr. Speaker, that this is a matter which could be much better dealt with by the Regional Governments. The Regional Governments know their own customs and they should take this matter into consideration; what age a parent ceases to be responsible for the child in the manner suggested by the Bill. Even if they brought the age down to 15, this would be more acceptable, but at 18, Sir, a lot of girls are married and even a large number of boys in the country may also be married, at any rate nearly all of them are paying their A.D.C. rates, and while the tax was still on at the lowest level, the majority of them were paying the tax. Therefore, they can be taken as being responsible for their own affairs. Yet I must agree with one of the speakers who spoke earlier on, that it is a measure that has been brought in from other communities like that of Britain or the United States or Western Europe, but they have a far more sophisticated society and a different culture with a different recognition of responsibility that stems from a different approach to the morals of society. I believe, Sir, that the Minister in his reply should consider whether or not to reduce this period from 18 to 15, and if he cannot do that he should perhaps consider whether this is not a measure for the Regional Authorities rather than for the Central Government.

Mr. Speaker, Sir, I am not quite sure why, at this stage, we should hurry to push in a Bill which is rather dubious in certain sections when we know very well that in another three months' time the structure of Government will be so radically changed that some of the problems we are trying to provide for in this Bill will be entirely, whether we like it or not, in a matter of practice, regional responsibilities. It is true that we have a semi-federal Constitution and in this we must recognize that many of the problems we are trying to deal with in this Bill will be local problems. It is true that we should have a law applying throughout the country to children, but why not wait until the next Legislature. It should deal with that with a clearer understanding of the division of

[The Parliamentary Secretary for Works and Communications]

responsibility. This, Mr. Speaker, is my feeling and I feel strongly about it, and I invite the Minister for Social Affairs to consider these points in his reply when he comes to do so.

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod):

Mr. Speaker, Sir, I arise to oppose the amendment. Adding to all the rest of the worth-while arguments that have already been put forward by hon. Members there are, however, one or two small points, Sir, which I would like to touch upon. Hon. Members obviously have made great play on section 19 and its subsections. Sir, for many thousands of years it has been accepted that the sins of the fathers should be visited on the children. Section 19 visits the sins of the children upon the fathers. This, I think, Sir, frankly is a very good thing. I believe that there is far too much, both in this country and other countries of the world today, of parents dodging their responsibilities. An awful amount of delinquency and of children getting beyond the control of their parents arises from shortcomings among the parents themselves, and I for one, Sir, heartily welcome the provisions of section 19. There is always a tendency to say: "It is not my fault, the Government should cope with my children". The Government did not bring those children into the world, Sir, and parents who bring children into the world must shoulder the consequent responsibilities. I am unimpressed, Sir, by the logic—if one could call it that—of the hon. Member for Machakos who seems to be searching for all sorts of reasons why this legislature should not face up to its responsibilities as far as the passing of legislation is concerned. I do not accept, Sir, that because we are close to a general election this is any valid reason for not doing what I believe to be right; that is to pass this Bill and make the provisions which are set out therein.

Now, obviously, Sir, a Bill of this complexity, and a Bill of this length is bound, in practice and in the working of it, to show, perhaps, that one or two points may have been overlooked. This is a perfectly normal occurrence, and to say that because it may be necessary to amend certain sections of the Bill, the Bill should not be passed at all, is, to me, quite illogical.

[The Speaker (Mr. Slade) left the Chair]

[The Deputy Speaker (Mr. Nyagah) took the Chair]

Mr. Deputy Speaker, Sir, there are three other small points which I would like to ask my hon. friend the Minister to touch upon when he replies,

and the first of these arises under section 17 (f). Under section 17, Sir, which deals with methods of dealing with offenders, 17 (f) quite properly, in my view, allows the ordering of corporal punishment. Now, Sir, I do believe that this is a necessary provision, and I also believe that there must be very strict control of the kind of corporal punishment which is ordered. I am seeking an assurance, Sir, that the provisions of 17 (f) are subject to regulations in other legislation which do ensure that where corporal punishment is necessary, and is ordered, that it shall be properly administered in a humane way.

As far as section 18 is concerned, Sir, it may be that I have missed, amongst the amendments, the qualification which I seek. Now, section 18, Sir, provides for mental treatment, and the wording of it, as it stands, I would submit, Sir, is dangerous. The intention may be that a child or young person should be required to undergo treatment, mental treatment, at the hands or under the direction of a medical practitioner. Now, Sir, I submit that the medical profession themselves would be the first people to admit that mental treatment is a highly specialized branch of medicine, and I, Sir, would prefer to see some qualification in section 18 which restricts the direction of treatment to people who are qualified in the field of mental medicine. We may well have many medical practitioners, in the wording of the section, who may do much more harm than good, with the best intentions in the world. I would, Sir, ask that section 18 is qualified so that the medical practitioner therein referred to is a person with specialist knowledge of mental illness.

The final point, Sir, I have to raise is a small one over section 73, and I am wondering, Sir, whether in fact the wording of the preamble to subsections (i) and (ii) is correctly set out. This, Sir, is not a point of principle as far as this Bill is concerned necessarily, but I think it is a point of principle as far as legislation is concerned generally at this stage. It deals with the question of international reciprocity. Sir, external affairs, from a purely constitutional standpoint, are going to be a reserved subject during the forthcoming period, and the exercise of the function of external relationships which presumably include international reciprocity, and the implementation of international agreements, I would not myself consider, Sir, as a layman, should be exercised by the Governor with the consent of the Legislative Council. As I see it, Sir, the Governor exercises this power at his sole discretion until this country reaches independence whereupon the head of State will take over that function.

[The Parliamentary Secretary for Constitutional Affairs and Administration]

Mr. Deputy Speaker, Sir, I beg to support the Bill and oppose the amendment.

Mr. Zafrud-Deen: Mr. Deputy Speaker, I believe no reasonable person would hesitate to support this Bill, and I would like to join the hon. and gracious lady who paid tribute to several public bodies, particularly to the hon. Speaker of this House who has done so much for the protection and welfare of the children and the young persons. Sir, I think this Bill is most timely as it would give power to the law to grapple with the social problems which are increasingly faced by this country.

Sir, I would like to draw the attention of the Minister to three points, and while replying I hope he will give due consideration to these points. The first is clause 3 (iv) where the power to try juveniles is given to the first- and second-class magistrates. Sir, as it happens that we have numerable second-class magistrates who are very young persons themselves, probably in some case just a little more than the juvenile himself, I think it is giving them too much power, and the Ministry should consider restricting this, and give the power to first-class magistrates only.

Sir, the second point is in clause 16 (b). Here the sentence has to be confirmed by the Supreme Court, and the juvenile who is convicted may have to stay in prison for as long as six weeks or more. This, Sir, seems to be wrong, and this period for which the person is kept in the prison will not be taken into account when the sentence begins. This is, in my view, Sir, a very serious point which again I hope the Minister will consider.

The third point is regarding clause 24 (iv) which puts the burden on the parent to produce the children or the person concerned before the court. Sir, it is quite obvious that the burden should be on the court. The court should issue the summons if necessary to see that these persons are brought before the court.

These three points, I am sure, we will have to raise again in the Committee Stage, and I hope the Minister has taken due account of the points raised.

I beg to support.

(The question of the amendment was put and negatived)

(Debate on original Motion resumed)

Mr. Porter: Mr. Deputy Speaker, Sir, I would like to add a few remarks on this Bill. In par-

ticular in connexion with the provisions for corporal punishment, and the provisions of Borstal institutions. I have heard the Minister say that he will be introducing legislation with regard to the Borstal institutions, but if he is able to answer a few questions about them now, I would like to hear some answers, either now or later, when the new legislation is introduced.

QUORUM

The Parliamentary Secretary for Land Settlement and Water Development (Mr. Jeneby): On a point of order, Sir, is there a quorum in the House?

The Deputy Speaker (Mr. Nyagah): We are not 12. Ring the Division Bell.

(The Division Bell was rung)

The Deputy Speaker (Mr. Nyagah): We now have a quorum. You may carry on Mr. Porter.

(Resumption of debate)

Mr. Porter: Thank you, Mr. Deputy Speaker. First, with regard to the proposed Borstal institutions, Mr. Deputy Speaker, I would like to suggest to the Minister one or two points which he might consider, as I say, either now, or later, when he introduces other legislation. I notice that there is some provision made for the visiting of such institutions by a Special Advisory Council to him on children and young persons. I would like to suggest that it might be a good thing if he would also allow representatives of the Adult Education Advisory Council to visit such institutions when they are established. I would also like to suggest that these institutions should be run on very practical lines. I think, although, as we all realize, such institutions are for youngsters who are of a difficult temperament, or an aggressive and recalcitrant temperament. Nevertheless, by correct methods of education and practical and psychological treatment, and, I would say, practical application to useful work as artisans, in academic studies, and in agriculture and animal husbandry, they can be brought back, re-educated one might say, into useful citizens. I know that it is with this purpose in mind that such institutions are set up, and I can only congratulate the Minister on his proposals to do this, and hope that they will be run on the most modern and effective lines known to educationalists and psychologists who have done a great deal of work in other countries on this kind of institution.

I hope also that the siting of such institutions will be carefully chosen. Members may recall, Sir, the siting of the Wamumu Institution in the

[Mr. Porter]

Embu District on the rather dry plains there. It was an excellent institution, and there good work was done in the field of artisan work, but it was extremely limited on the agricultural, horticultural and even animal husbandry side, because it was in a very arid region. I would hope, Sir, the Minister might find sites more suitable for all round practical work than for example that Wamumu site. There are, in fact, excellent areas within the Minister's own constituency which could provide sites for such institutions. They are isolated, yet they could provide excellent land for practical development in agriculture, animal husbandry, and so on. One would sincerely hope that the outcome of the training they receive in these institutions would be the production of really useful citizens who can play an important part, a productive part, in the economy and the general civic life of the future independent Kenya.

May I now, Sir, add a few words on the subject of corporal punishment, which is referred to in the Bill. I would like to state that in my view there is a case for corporal punishment with certain delinquent children. But I would like also to state that I think it is a thing that must be most carefully controlled by regulations and in the humane interests of the citizens of the country and particularly of the children who may be subjected to corporal punishment, as well as their families. I would like to suggest to the Minister that much more careful provision is made in writing in the Bill. It should, I think, deal with such problems as for what offences in particular corporal punishment may be given. It is not stated in the Bill as drafted at the moment. For certain offences it simply says that the following punishments may be given, one of which is corporal punishment; it does not say at what point, or for what specific offence it should be given. Nor is there any attempt to say how much corporal punishment shall be given. I would like to ask the Minister whether he has any suggestions to make about this. As far as I could see there was no provision in the draft Bill for them.

I would like to know from the Minister by whom the corporal punishment provided for will be given. I would like to know where precisely, in what accommodation, in what quarters, it will be administered. I would like to know, Mr. Deputy Speaker, whether there is any appeal against the sentence of corporal punishment, either by the young person himself, or by his parents or his guardian. It does not say in the draft Bill, also, whether corporal punishment is confined only to boys. I would like to know

whether it is possible for courts to commit the girls to corporal punishment and if it is not intended, Sir, I think it should be clearly stated so.

Might I also revert to one question which mentioning girls recalls to my mind which I forgot to include when I was talking about borstals. I did not see whether there is any provision for girls' accommodation in the proposed borstal institutions. I hope, of course, that there will not be a large number of girls who would need this kind of rehabilitation treatment, but, in so far as we know there are some already, I would like adequate provision to be made for girls also in these borstal institutions.

Mr. Deputy Speaker, Sir, I beg to support.

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Mr. Deputy Speaker, Sir, I beg to reply. The Minister has ceded his right of reply to me, and I will try to deal with the various points raised by different Members. To deal first with the question of corporal punishment raised by the hon. Mr. Porter and Mr. Macleod, the position is this: that the Court has 12 methods of dealing with a person who appears before them, and corporal punishment is one of them. It is for the magistrate to decide which is the best method of dealing with this person. He has a choice of 12. Now, as far as the type of corporal punishment is concerned, and where it is to be carried out, that is not yet decided. The Ministry does admit that it is a very difficult question, and we feel that we still have to look into it very carefully. We would be very happy to welcome suggestions from any hon. Member of this House. The paramount idea is the welfare of the child. We are not interested in corporal punishment, but if we feel that the best remedy is corporal punishment, it will be meted out.

Mr. Porter: But it does not say what for. There are 12 categories.

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): The Court has to find whether the juvenile is guilty of an offence or not, and then it is for the Court to decide as to which punishment it should give to the culprit.

Mr. Porter: Thank you very much for giving way. Mr. Deputy Speaker, Sir, I must interject that it does seem to me there is a strong case for recommending to the Court what it may be given for. I know quite well there are the 12 categories. But there is no direction as to what corporal punishment should be given for, or to what type of child it should be given.

The Parliamentary Secretary for Social Services

(Mr. Anjarwalla): Mr. Deputy Speaker, Sir, we believe that the magistrate is competent enough to decide every case on its own merits. We cannot possibly direct the magistrate how to deal with the person; he will consider all the facts before the Court, and then decide what is the best thing for the given child. I think that should satisfy my hon. friend there.

I am indeed grateful to various Members who have wholeheartedly supported the Bill. You, Mr. Deputy Speaker, Sir, raised the question of having women on the various panels, and as officers. We would most certainly look into this aspect and see if we could have women to help us on this one.

The hon. and gracious lady, Mrs. Shaw, the Member for Kericho, has paid tribute to the way individuals and various societies and organizations have been doing very useful work for our unfortunate youths. The Government associates itself fully with this tribute. We are very grateful indeed to these people, and we really do hope that they will carry on the good work in future.

Now, the Member for Nairobi North-East, Mr. Zafrud-Deen, has raised the question of giving too much power to first-class and second-class magistrates, who, he feels in his mind, may not be competent enough. It must be appreciated that the magistrates in this country are appointed by the Chief Justice through the Judicial Service Commission and these people are quite capable of dealing with this sort of thing.

[The Deputy Speaker (Mr. Nyagah) left the Chair]

[The Speaker (Mr. Slade) resumed the Chair]

But in any case, there are provisions in this Ordinance, by which it would be possible to have a panel of experts or panel of adults which will sit with a magistrate to advise and guide him on various problems of juveniles, and the magistrate would in that event be only a nominal Chairman of the Court.

The hon. Member for Kipsigis, Mr. Towett, and the Member for Machakos, Mr. Nthenge, opposed clause No. 19. I must concede that it is a very difficult clause. It is very tricky and I can assure these gentlemen that the Working Committee has spent a lot of time looking into this matter. Views of people who help in dealing with these problems have been taken into consideration and they are of the opinion that it is in the interests of the child and the parent to have this clause in.

It must be appreciated that parents who have the responsibility of looking after their own children cannot get away from the fact. Therefore, in certain cases if the court is satisfied that

it is because the parents have not looked after the child that the child has gone wrong, then the court has the power to enforce the parents to pay a fine or pay compensation. I appreciate that it is an extremely difficult problem and we hope that the courts will administer this provision very carefully. The parents will not be fined unless they have been given the chance to be heard by the court. You may have a case where the parent is, in fact, directly responsible for a crime committed by his child. In the case of an 11-year-old girl, if parents allow the child to walk round the streets of Nairobi in the early hours of the morning and she commits an offence, obviously the parent is responsible because it is his duty to see that his young children are at home at a reasonable time. This would be a direct omission on the part of the parent to look after his own children, and in a case like this the court would fine him.

For example, if a young person is working in Nairobi and his parents live in South Nyanza, and the young person commits a crime, surely no court is going to impose a fine on the parents; that does not stand to reason. If you look at section 19, it says, "Where a person under 18 years of age is charged with an offence for the commission of which a fine, compensation or costs may be imposed, . . .", it is not compulsory, it may be enforced in the case of a child under 16, but it shall be enforced in the case of a child between 16 and 18. If the person is between 16 and 18, it is very likely that he or she may have an independent income and therefore the parent may not be called upon to pay the fine of the offender.

Another point which must be appreciated is this: the intention of this Ordinance is to try and find out whether there are means of getting the people at the lower level, the district level or the lower Government level, to take an interest in the welfare of the children in their own locations. If you look at clauses 58 to 62 it certainly says that we will call upon the local authorities, Regional Assemblies, etc., to take care of their own children. The point which my friend, the Member for Kipsigis has made will not be really very important. If the elders of the Kipsigis decide that this is not the correct procedure they may be able to influence the amendment of this particular clause at a future date.

The hon. National Member, Mr. Porter, talked on the question of Borstal institutions. He has made some very useful suggestions; we will naturally think over these suggestions and see if we can use any of them. These Borstal institutions will be created in the near future once we have drafted a very progressive Bill. They are more progressive than those in the

[**The Parliamentary Secretary for Social Services**] United Kingdom today. We have looked at the various Borstal institutions in the world and we have tried to take the best of all the laws in other countries.

We do have a provision for an institution for girls also; we hope there will be no girls to go into it, but in case there are girls who have to be sent to a Borstal institution it will be there for them.

The hon. National Member, Mr. Macleod, raised the question of mental treatment. Again, that question is quite a tricky one. Obviously, if a person does need mental treatment he would not be sent to an ordinary medical practitioner. If an expert or a specialist is available within the Government service the young person will be sent to him; therefore, I do not think he need worry about that.

This Ordinance provides for an Advisory Council to advise the Ministers as to how to administer the provisions of this Ordinance. There are going to be one or two amendments. Locational Advisory Councils will be created and their job will be to advise the Central Advisory Council as to their special problems in their own districts or in their own regions. The point made by my friend, Mr. Porter, is answered by that. When the proper Constitution comes into being and we feel we have to regionalize this particular Ordinance, surely the Government of the time will help to do it; they have no way out because otherwise this cannot be operated.

Mr. Porter: Is there any provision for appeals against sentences of corporal punishment? I did not see one in the draft.

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Appeal would ordinarily follow the normal procedure of the court. If a person is found guilty he is sentenced. In this particular case the word "sentenced" is cut out and it would be "ordered" to receive so many canes. If he is found guilty he has the right to appeal to the Supreme Court against the conviction and the sentence.

Mr. Porter: Before the punishment or after?

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): The normal procedure is not laid out in the Bill. A normal ordinary procedure would follow, the man would have to appeal to the Supreme Court and before the appeal is heard I do not believe any sentence can be carried out.

With these few remarks, Sir, I beg to support.

(The question was put and carried)

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

Second Reading

THE FIREARMS (AMENDMENT) BILL

The Parliamentary Secretary for Defence (Mr. Mulli): Mr. Speaker, Sir, Mr. Seroney was supposed to move the Firearms (Amendment) Bill, but unfortunately he is not here.

COMMUNICATION FROM THE CHAIR

ABSENCE OF MEMBER IN CHARGE OF THE READING OF BILL

The Speaker (Mr. Slade): I cannot refrain from comment on what appears to be a very casual attitude on the part of the Government towards this Council. Yesterday, and again today, we had questions on the Order Paper, and there was no Member of the Government here to answer them. Now, we have a Bill put down for Second Reading and there is no Member of the Government here to move it.

I think hon. Members are entitled to resent that attitude and I am sure they do so. I further draw attention to the Standing Order concerning failure to move a Motion. Standing Order 30 reads, "Where no Member moves a Motion at the time prescribed therefor by or under these Standing Orders such Motion shall not again be published in the Order Paper during the same Session except with leave of Mr. Speaker." I shall have to consider whether or not this Second Reading shall appear again on the Order Paper during this Session. We will go on to the next order.

Mr. Shah: Mr. Speaker, Sir, may I request that in order to show the Government our resentment you should not give the Government permission to bring this Bill in this Session?

Mr. Porter: Mr. Speaker, Sir, would it be in order to ask you whether the names of Members now present could be recorded?

The Speaker (Mr. Slade): To what purpose, Mr. Porter?

Mr. Porter: In pursuance of your purpose, Mr. Speaker, Sir. You have said, I think, that you will make some representation to Government with regard to attending to matters on the Order Paper, questions, and so on. It seems to me to be relevant that the names of those Members who are present, particularly on the Government benches, should be recorded, Sir.

The Speaker (Mr. Slade): That will be done. We will proceed to the next Order.

(Second Reading)

THE SHIPPING (AMENDMENT) BILL

The Parliamentary Secretary for Works and Communications (Mr. Okondo): Mr. Speaker, Sir, I beg to move that the Shipping (Amendment) Bill, 1963, be now read a Second Time.

Mr. Speaker, the Memorandum of Objects and Reasons to this Bill provides a comprehensive explanation for the necessity of the Bill. It is important that as soon as possible provision should be made for local seamen to obtain recognized international certificates of competency to enable them to obtain employment on any ships that they wish. As soon as this Bill is passed, Sir, rules will be made by the Minister with respect to the holding of examinations into the proficiency of seamen and the granting of such certificates of proficiency to them. The rules will be based on internationally accepted standards and will lay down the qualifications required of the candidate, the methods of the conduction of the examinations, the appropriate syllabuses, the fees, and so on and so forth.

It is proposed, Sir, that the examinations will be conducted by senior officers of the East African Railways and Harbours, Marine Department, who, I understand, Mr. Speaker, hold the necessary qualifications and master certificates of competence. The Railways Administration will be the responsible authority for the granting of certificates and the General Manager has agreed that these proposals should be put forward.

There are, Mr. Speaker, apart from this, several amendments which are proposed to clauses 2 and 4 of the Bill. These merely transfer the functions from the Governor to the Minister in respect of the authority to whom the proceedings of a court's survey, if this should be necessary, would be sent. The authority will apply the Ordinance to ships plying on the Lake and the rivers, if it is considered necessary. The reason for this is solely that it is appropriate now for the Minister to be the authority in these matters.

Mr. Speaker, this Ordinance will assist our local seamen to get employment more easily than they have hitherto been able to do. It is not that they have not been able to do so entirely. As a matter of fact, some have been able to do so, but it has been with difficulty that they have managed to secure employment. In these days of unemployment, I believe Members will warmly

support the amendment to this Ordinance to enable our people at the coast to have certificates so that they will be able to compete on the world market with citizens of other countries for employment on ships which sail internationally.

Mr. Speaker, this is the purpose of the amendment, and I beg to move.

The Parliamentary Secretary for Finance (Sheikh Alamoody) seconded.

(Question proposed)

(The question was put and carried)

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

(Second Reading)

THE KENYA BUILDING SOCIETY
(SPECIAL PROVISIONS) BILL

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, Sir, I beg to move that The Kenya Building Society (Special Provisions) Bill be now read a Second Time.

The Kenya Building Society recently celebrated its 50th Anniversary and has always been run on sound and conservative lines. It is no fault of the directors of the Society, or of the managing secretaries, that it is now necessary for this legislation to be introduced. The directors of the Society, in a statement which they published in January, from which I would like to quote, stated: "Although the Board regrets the passing of a phase of nearly half a century in the life of the society, it is well satisfied with the measures taken to protect members, and is convinced that the change in constitution accompanied by Colonial Development Corporation's backing will reinforce the soundness of their investments."

This is undoubtedly correct, Sir, and the Kenya Government is most grateful to the Colonial Development Corporation for agreeing to step in, and to the Norwich Union Insurance Company and Barclays Bank, who have stood behind the Society in the past and are co-operating in the changes now proposed.

These changes will involve converting the Society into a company, and for the reasons given in the Memorandum of Objects and Reasons, this action is essential in order to protect the liquidity of the Society's undertaking. When the Bill becomes law and the new company takes over, the Colonial Development Corporation will

[The Temporary Minister for Finance]

assume responsibility for providing sufficient funds to enable the prompt and full discharge of the undertakings, and obligations, to the members of the public who are, or will become, investors in the undertaking.

It can now be said, Mr. Speaker, that the very serious difficulties which arose for the building society movement over two years ago have now been dealt with. It is not possible at this stage to hold out any immediate hope of a resumption of lending to those who wish to construct houses with building society loans, but the essential first step has been taken, namely to ensure the safety of the money which has so far been invested in building societies.

I do not think that I need say any more at this stage, as the individual clauses of the Bill are clearly explained in the Memorandum of Objects and Reasons. I beg to move.

The Parliamentary Secretary for Finance (Sheikh Alamoody) seconded.

(Question proposed)

(The question was put and carried)

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

COMMITTEE OF THE WHOLE COUNCIL

(Order for Committee read)

[The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

[The hon. J. J. M. Nyagah in the Chair]

THE STREETS ADOPTION BILL

(Clause 2 agreed to)

Clause 3

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Chairman, Sir, I beg to move the following amendment: that clause 3 of the Bill be amended by inserting in the definition of "unadopted street works" in subsection (1) thereof, immediately after the word "levelling", the word "lighting".

Mr. Chairman, this has been put in because as the Bill stands at the moment, a frontager could object to the lighting, and could thus deprive the whole of the street of lighting which would be of

benefit to other frontagers, and it is felt that it should be included along with the other improvements.

(Question of the amendment proposed)

(The question that word to be added be added was put and carried)

(Clause 3 as amended agreed to)

Clause 4

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Chairman, Sir, I have three amendments which have not been published with the Order Paper today. I beg leave of Council under Standing Order 90 (2) to move the three.

The first one concerns clause 4. I beg to move that clause 4 be amended, (a) by deleting paragraph (b) of subsection 4 thereof, and (b) by inserting immediately after the words "who erects", which appear in subsection 6 thereof, the words "or permits to be erected". The first amendment is due to the fact that owing to irregular development of the layout plans, it may be necessary to insist on a proper standard when adjoining streets are not due to be developed for a few years.

The second part of the amendment, in which I have suggested the words, "or permits to be erected", in place of, "who erects", is purely a question of drafting.

(Question of the amendment proposed)

(The question that the words to be left out be left out was put and carried)

(The question that words to be inserted be inserted was put and carried)

(Clause 4 as amended agreed to)

Clause 5

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Chairman, Sir, I beg to move that clause 5 be amended by deleting subsections (3) and (5) thereof, and by renumbering subsection (4) thereof as subsection (3).

This amendment is caused by a consideration by the Councils that as it stands at the moment it is too onerous on local authorities, and would severely restrict the imposing of such conditions as might be necessary to keep the standard of development up.

(Question of the amendment proposed)

(The question that the words to be left out be left out was put and carried)

(Clause 5 as amended agreed to)

Clause 6

Mr. Erskine: Mr. Chairman, I would like the Parliamentary Secretary to give a good deal more consideration and give us an explanation as to the meaning and the intention behind the whole of clause 6. It seems to me that the deletion of this clause would do no harm at all to the Bill. Now, in the case of an unadopted street, here we have a street which serves a number of householders on each side of the road, and it is particularly in their interests that the road, although perhaps not ready to be made up to a high standard, must be kept free of potholes and must be passable, and none of the owners of houses bordering on this road will want to endanger the springs of their cars by leaving large potholes or mounds in this road. They will therefore, either individually or, if they are good citizens, as I hope they would be, collectively, get together and decide perhaps to lay down a few loads of murrum from time to time or perhaps arrange for the gardeners that they employ to go out on to this unadopted street from time to time and fill up puddles and do a little work on drainage, and so forth.

This section, as it stands at present, gives me the impression that any housholder on one of these unadopted streets who did a little good citizenship work on the road outside his house would be guilty of an offence. I would like to suggest to the Parliamentary Secretary that the Bill would suffer in no way at all if the whole of that clause were deleted. It seems to me that it would serve no useful purpose of any sort whatsoever. One gathers that the drafters of this section had in mind that the owners of houses bordering on this unadopted street might for some reason—heaven knows what—go out on to this unadopted street and make excavations. I cannot believe that that would be done, and if there were some pernicious person who had quarrelled with his neighbour and went out and dug an excavation outside his neighbour's front door on this unadopted street, I maintain and hold that he could be dealt with under some section of the Penal Code and most certainly he could be dealt with in the civil courts.

May I please have an explanation of the intention of section 6, and might I ask the Parliamentary Secretary to give careful attention to this section and ask him if he would not agree that perhaps the whole Bill would be improved by the deletion of this clause *in toto*.

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Chairman, Sir, I regret that the Government cannot accede to the suggestion of the hon. National Member to delete this clause. The Government would not wish in

any way to inhibit the ardour in terms of good citizenship referred to by the hon. Member, but the words which are of significance in clause 6 are “with the sanction of the local authority”. There is no reason why, if some repair work is necessary to keep an unadopted street up to standard, a frontager or frontagers should not obtain the consent of the local authority and go ahead with the work in the interests of the public at large.

Why the clause has been put in is that you cannot permit uncontrolled development to take place in a city. I think that hon. Members will appreciate that ordered development in the cities of Kenya is necessary and eminently worth while, and if this clause was not here it would enable frontagers or in fact any member of the public to carry out major works in that street which might not be at all in accordance with the overall plan of the city. That is why it is required that the sanction of the local authority should be obtained before such work is undertaken.

(Clause 6 agreed to)

(Clause 7 agreed to)

Clause 8

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Chairman, Sir, I beg to move that clause 8 be amended (a) by leaving out the words “the provisional”, which appear in subsection 2 (a) thereof, and by inserting in place thereof the words “a draft provisional”; and (b) in subsection 3 thereof, (i) by inserting immediately after the words “work or against the”, which appear therein, the word “draft”, and, (ii) by leaving out the word “provisional” wherever it appears in paragraphs (b), (d) and (e) thereof.

This amendment has become necessary because there are patently two provisional apportionments inherent in the Bill, and clearly an appeal should only lie with the second provisional apportionment. By the insertion of the words “a draft provisional”, rather than “provisional”, the first appeal becomes unnecessary.

(Question of the amendment proposed)

(The question that the words to be left out be left out was put and carried)

(The question that the words to be inserted in place thereof be inserted was put and carried)

(Clause 8 as amended agreed to)

Clause 9

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Chairman, I beg to move that clause 9 be amended by leaving

[The Parliamentary Secretary for Local Government]

out the words “any person aggrieved by the decision of a local authority in respect of an objection made under section 8 (3) of this Ordinance may, within one calendar month of being notified by the local authority of such a decision”, which appear in subsection (1) thereof, and substitute the words “the decision of the local authority of every objection made under section 8 (3) of this Ordinance shall be notified in the Gazette, and any person aggrieved by the decision may, within one calendar month of such notification . . .”.

I was informed that, had this clause been permitted to stay as it was, the Councils would not have felt themselves sufficiently clear in law to have made up any streets in, let us say, Eastleigh, which are in such dire need of repair, and that one of the main reasons for bringing the Bill forward would have been negated. The difficulty was of ensuring that notification had actually been carried out, and at law it is possible that this could have provided such difficulty to the Council that it would have been unable to proceed with its work. Therefore, the amendment is suggested in order that notification in the Gazette shall provide that sure evidence on which the Council can proceed.

(Question of the amendment proposed)

(The question that the words to be left out, be left out, was put and carried)

(The question that the words to be inserted, be therein inserted, was put and carried)

(Clause 9, as amended, agreed to)

(Clauses 10, 11 and 12 agreed to)

Clause 13

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Chairman, I beg to move that clause 13 be amended (a) by deleting subsection (3) and (4) thereof, and by inserting in place thereof a new subsection as follows:—

- (3) Where the title to the land is registered under any law relating to the registration of title to land, the local authority may deliver to the registrar a notification in the prescribed form that a sum of money is payable to it by virtue of this Ordinance in respect of that land, and where it does so—

(a) the registrar shall register the notification against the title to the land; and

(b) upon such registration, and not before, the charge shall take effect and shall have priority to all encumbrances and

charges (whether registered before it or after it) except debts due to the Government.

This amendment, Sir, has been made necessary in order to make the Bill conform to the new Registered Land Bill which is being drafted at the moment.

(Question of the amendment proposed)

(The question that the words to be left out, be left out, was put and carried)

(The question that the words to be inserted, be inserted therein, was put and carried)

(Clause 13, as amended, agreed to)

(Clause 14 agreed to)

Clause 15

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Chairman, Sir, I beg to move that clause 15 be amended by inserting immediately after the words “. . . referred to in . . .” which appear in subsection (1) thereof, the words and figures “. . . section 11 (2), section 12 or”.

Mr. Chairman, Sir, this was a drafting error and the intention clearly was that all charges are attached to the property.

(Question of the amendment proposed)

(The question that the words to be inserted, be inserted therein, was put and carried)

(Clause 15, as amended agreed to)

(Clause 16 agreed to)

Clause 17

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Chairman, I beg to move that clause 17 be amended by leaving out the word “and” which appears in provisos (i) and (ii) thereto, and by inserting in place thereof, in each case, the word “or”.

It has been considered, Mr. Chairman, that in this proviso any one of these three should be sufficient to permit the Council to effect by notice in the Gazette rather than having to have all three.

(Question of the amendment proposed)

(The question that the words to be left out, be left out, was put and carried)

(The question that the words to be inserted, be inserted therein, was put and carried)

(Clause 17, as amended, agreed to)

Clause 18

Mr. Erskine: Mr. Chairman, I notice there that a local authority is empowered to waive loans for financing the cost of works required by local authority until receipt by the local authority of reimbursement from the householders on this road.

Now, I should have thought that if the local authority is going to raise loans, it will have to pay interest on those loans, and I am wondering why therefore in the Memorandum of Objects and Reasons it is stated that no additional expenditure of public monies will be incurred by reason of the enactment of this Bill. I would like an explanation of that.

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Chairman, Sir, the local authority itself will raise money for this purpose and this was part and parcel of the Motion which I moved in this House, I think it was two days ago, asking for £125,000 from National and Grindlays Bank to finance the loan operation to the frontager, but the total outlay is recovered from the frontager over a period of time, including interest. What in fact happens is that the Council acts as the banker for the frontager, enables him to borrow money, and the repayment of that money plus the servicing charges is moved on to the frontager, and therefore there is no additional expenditure involved on the Council.

(Clause 18 agreed to)

(Clauses 19 and 20 agreed to)

Clause 21

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Chairman, Sir, in moving my last amendment I would apologize to the House for the number of amendments to this Bill which became necessary owing to rather late consideration of the Bill by those who are most nearly affected.

I beg to move that clause 21 be amended by inserting at the end of subsection (1) thereof a proviso as follows:—

Provided that—

- (i) any private street works commenced under the repealed Ordinance may be continued and completed under and in accordance with that Ordinance as though that Ordinance were still in force, and the powers and remedies provided by that Ordinance shall apply accordingly;
- (ii) a debt or other liability arising under the repealed Ordinance shall not be affected

by such repeal, but shall be recoverable or enforceable, and shall remain secured, in manner provided by that Ordinance as though it were still in force.

Mr. Chairman, Sir, this amendment has become necessary to ensure that the revocation of the present Ordinance does not affect private street works commenced under the repealed Ordinance.

(Question of the amendment proposed)

(The question that the words proposed to be inserted, be inserted therein, was put and carried)

(Clause 21, as amended, agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE LOANS (UNITED STATES OF AMERICA) BILL

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

(Title agreed to)

(Clause 1 agreed to)

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Chairman, Sir, I beg to move that the Committee do report to Council its consideration of the Streets Adoption Bill and its approval thereof with amendment, and the Loans (United States of America) Bill without amendment.

(Question proposed)

(The question was put and carried)

(The House resumed)

[The Speaker (Mr. Slade) in the Chair]

REPORTS AND THIRD READING

THE STREETS ADOPTION BILL

Mr. Nyagah: Mr. Speaker, Sir, I am directed by a Committee of the Whole Council to report its consideration of the Streets Adoption Bill and its approval thereof with amendment.

(Report ordered to be considered tomorrow)

THE LOANS (UNITED STATES OF AMERICA) BILL

Mr. Nyagah: Mr. Speaker, Sir, I am directed by a Committee of the Whole Council to report its consideration of the Loans (United States of America) Bill and its approval thereof without amendment.

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, I beg to move that the Council doth agree with the Committee in the said Report.

The Parliamentary Secretary for Local Government (Mr. Marrian) seconded.

(Question proposed)

(The question was put and carried)

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, I beg to move that the Loans (United States of America) Bill be now read a Third Time.

The Temporary Minister for Finance (Mr. Butter) seconded.

(Question proposed)

(The question was put and carried)

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

ADJOURNMENT

The Speaker (Mr. Slade): That concludes all business on the Order Paper which we have been able to deal, Council is adjourned until Tuesday, 19th March, at 2.30 p.m.

The House rose at Twelve o'clock.

Tuesday, 19th March, 1963

The House met at thirty minutes past Two o'clock.

[*The Speaker (Mr. Slade) in the Chair*]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—
Coffee Marketing Board: Statement of Affairs as at 30th June, 1961.

(*By the Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba) on behalf of the Minister for Agriculture and Animal Husbandry (Mr. Havelock)*)

The Regulation of Wages (Footwear Industry Wages Council Establishment) Order, 1963.

(*By the Minister for Labour (Mr. Mboya)*)

The Local Government (County Council Elections) Regulations, 1963.

The Limuru Township (Control of Grazing) Rules, 1963.

(*By the Minister for Local Government (Mr. arap Moi)*)

Sessional Paper No. 5 of 1962/63: Transfer of Buildings from the Kenya Government to the Trustees of the Forest Resident Labour Welfare Fund.

(*By the Minister for Tourism, Forests and Wild Life (Mr. Jamidar)*)

ORAL ANSWERS TO QUESTIONS

Question No. 85

DISTINGUISHING WORKSEEKERS FROM THUGS

Mr. Nthenge asked the Minister for Labour what arrangements were there to enable work-seekers to distinguish themselves from the thugs?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. No special arrangements exist to indicate the character of a workseeker, but responsible workers frequently have testimonials from previous employers. The documents issued by the Ministry of Labour to help a worker to obtain employment refer only to his previous history of employment; purposely they contain no reference to character since experience has shown that public opinion is against an employment document which includes such reference.

Mr. Nthenge: Mr. Speaker, Sir, I would like to ask the Minister whether he himself, when looking for a job, would like to be arrested as a suspected thief?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, first I am not looking for a job; secondly I would not like to be arrested; and thirdly Government does not approve of people being arrested just because they are looking for jobs. When people have been arrested it is perhaps because they have been found in suspicious circumstances. Government has done everything, everytime to help the genuine workseeker and to isolate him.

Mr. Nthenge: Mr. Speaker, does the Minister realize that some very good people have been arrested because they just did not possess an employment card?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, this is quite possible. When that is discovered it is remedied immediately, and if the Member has any cases he might care to bring them to me, and may I also mention that, in fact, it is the decision of Government to remove the L.D. 88 worker buff card, so that the situation will not arise again.

Mr. Towett: Mr. Speaker, Sir, is the Minister prepared to make arrangements which will enable workseekers to be distinguished from those who are not seeking work?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, the questioner is a former Minister of Labour who did nothing about it. However, we are, of course, always examining ways and means to improve on the position of the workseekers or the unemployed to enable them to get jobs, and it is the intention to improve on our labour exchange facilities. Also to introduce sooner or later some system of registration that should be an improvement over the present situation, left over by my colleague.

Mr. Nthenge: Mr. Speaker, will the Minister tell us whether the Government would consider transporting back people who have been sent from the city who have been sent home suspected of being robbers, while they are genuine work-seekers?

The Minister for Labour (Mr. Mboya): Mr. Speaker, I cannot understand the question. Transporting back from where to where?

An Hon. Member: Nairobi to Machakos.

Mr. Nthenge: Mr. Speaker, Sir, the transport from their homes, because, as the Minister knows

[Mr. Nthenge]

the Government arrests people, and sends them back to their homes if there is no employment in Nairobi. Then, Sir, why cannot they be returned?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, I do not accept that there is truth in what the Member says. I did not accept anything of the sort, and if the hon. Member wishes to transport any people back to Nairobi, he is quite free to do so.

Mr. Nthenge: Mr. Speaker, does the Minister accept that it is a great inconvenience to a work-seeker if he spends all his money coming to look for a job, and then before he gets his employment he is repatriated by the Government?

The Minister for Labour (Mr. Mboya): Mr. Speaker, of course, I agree it is an inconvenience, but I do not know what the hon. Member suggests. I have said that we are trying to improve on these facilities. The answer really rests in having everyone get a job. At the moment there is serious unemployment in the country and the security position is aggravated by it. All of us are bound to suffer some inconvenience, including the hon. Member himself.

Mr. Nthenge: Mr. Speaker, I would like to ask the Minister what he is doing, as a Minister for Labour, to ensure that everybody has got a job to stop this inconvenience to so many?

The Minister for Labour (Mr. Mboya): Mr. Speaker, the Government will get on with the job when the Member stops opposition.

Mr. Towett: Mr. Speaker, Sir, is the Minister prepared to give some clothing to the thugs so that we can distinguish them from those who are looking for work?

The Minister for Labour (Mr. Mboya): I am prepared to give them the Kipsigis colours.

Question No. 113

LABOUR LEGISLATION: UNIFORMITY IN EAST AFRICA

Mr. Alexander asked the Minister for Labour if it was intended that labour legislation throughout the East African territories should be the same or similar to co-ordinate with the decision of the Common Services Authority to establish a fifth Ministerial Committee for Labour.

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. No, Sir, that is not the intention. The idea behind the setting up

of a Labour Ministerial Committee within the East African Common Services Authority is that, in the handling of labour matters in the Common Services, the Authority should work through a committee comprised of the Ministers for Labour in the territories concerned. The Ministers for Labour already have powers under their individual, territorial legislation to deal with trade disputes and other labour matters in the Common Services, but they will be better able to achieve co-ordination in respect of these services through the Labour Ministerial Committee.

The possibility of evolving some East African legislation dealing solely with trade disputes within the Common Services is being considered. Such legislation enacted by the Central Legislative Assembly would not affect any other undertakings or services in East Africa.

Although labour legislation in East Africa has, in the past, adhered to standard patterns as far as possible, it has begun to differ significantly as independent governments revise their laws. However, I and my opposite numbers in East Africa now hold periodical meetings for the purpose of discussing labour policy, and worker and employer representatives are associated with our deliberations through tripartite conferences.

Mr. Alexander: Mr. Speaker, Sir, as it is not the intention to have common legislation throughout the territories, why is it necessary to refer this, or to have it dealt with by an expensive Ministerial Committee? Would it not be better, more economical, to have it administered on the co-ordinating arrangement that is provided for in the Common Services Authority Act?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, firstly, I do not know what is referred to as expensive and economical. Just what figures are being used I do not know. Whether it also includes the dislocation that exists at the moment on account of the different approaches, I do not know if the Member has considered this.

Secondly, I do not understand what he means by the co-ordinating body under the Common Services Organization. There is, in fact, no co-ordinating body as far as this matter is concerned. It is precisely for that reason that it was then thought necessary to consider setting up another committee of Ministers. My advice from those who should know better, including the General Manager of the Railways, Post Office and other common services as well as the Secretary-General of the East African Common Services Organization, is that is a most desirable development.

Mr. Alexander: Mr. Speaker, Sir, is it not a fact that once a Ministerial Committee is established, it needs a staff and facilities to work it, thereby causing extra expense? But, would the Minister agree that dislocation, if there is any, would well be ironed out by a simple co-ordinating system that is provided for in the Act?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, it is very simple to suggest that just because you have a new committee there is added expenditure, but this has to be weighed in the light of the general background of what happens today and what the East African territories suffer as a consequence. The absence of any co-ordination at all, the fact that you have to deal with three unions in different territories, but in the same service. All of which have led not only to serious dislocation, but also to industrial disputes, lots of man days lost, and the rest of it. I can assure the Member that those persons who should know better have looked at this very carefully and have related it to the past experience from which we have suffered. It is on the basis and extent of these considerations that this decision was taken.

Mr. Nthenge: Mr. Speaker, Sir, can we know from the Minister why this was not thought of earlier on?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, for the very simple reason that not all things are thought of at the same time.

Mr. Nthenge: Mr. Speaker, Sir, does the Minister agree, as he stresses it so that the matter looks as if it is very necessary?

The Minister for Labour (Mr. Mboya): I thought the Member would understand that.

Mr. Nthenge: Well, if so, Mr. Speaker, I would like to know from the Minister why then it was not thought of as an easy case?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, I do not know what that has to do with the validity of the merits of setting up the Committee now. Is this move being opposed by the Member merely because someone did not think of it at some time in the past, or has he other arguments?

Mr. Nthenge: Mr. Speaker, the hon. Minister says that he relies on those who have a better knowledge. Does he therefore imply that those who were there formerly have a good knowledge?

The Minister for Labour (Mr. Mboya): I am implying, Sir, that those who were there formerly and who have had the experience are the same persons who are advising me today.

Mr. Nthenge: Mr. Speaker, is this a new problem which did not exist before?

The Minister for Labour (Mr. Mboya): I believe, Sir, that I have answered that question. I expect the Member wants to hear his voice again.

Question No. 116

SETTLEMENT SCHEMES CONFINED TO
AFRICAN LAND UNITS

Mr. Alexander asked the Minister for Land Settlement and Water Development in connexion with Settlement Schemes, why were they confined to extending African Land Units and not applied to farmers in Kenya who wish to sell and go?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. The location of settlement is governed by three things. First, the needs of the various tribes for land; secondly, the areas where they can be settled, taking into account both political and ecological factors; and thirdly, the staff and other resources available, e.g. surveys, planning, soil conservation services, and settlement organization.

It would be quite impracticable to apply settlement schemes piecemeal to farms all over the Scheduled Areas. The cost would be greatly increased and many less farms would be bought. The choice of areas for which offers are being made for farms for settlement schemes is designed to preserve, although not on a racial basis, large parts of the large-scale mixed farming areas which supply the cereals, meat, milk and butter for the towns and Kenya's markets, while keeping the high density settlement schemes close to the African land units with which they have similar administrative and local government problems.

Mr. Towett: Mr. Speaker, Sir, would the Minister give us two examples of what he means by "ecological factors"?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, I thought the Member understood the term very well.

Mr. Towett: Mr. Speaker, Sir, I am seeking information from the Minister. Could he give us two examples of what he means by "ecological factors"?

Mr. Alexander: Mr. Speaker, Sir, the Minister having told us that the policy is to cope with the outlets for the various tribes, would he then not agree that in fact this then is merely perpetuating the old obnoxious White Highland policy?

The Minister for Labour (Mr. Mboya): I do not believe so, Sir, with respect. I am sure the Member will agree that it is necessary, in deciding where to settle persons, that this is taken into account. If you put hostile groups together you might very well wreck the settlement schemes. This is precisely why the settlers in the new settlement schemes must be people who can live reasonably in harmony with their neighbours.

Mr. Nthenge: Mr. Speaker, does the Minister mean to say that there are some people who cannot live with others in Kenya?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, I am honestly surprised to hear this question come from the Member who is propagating this idea throughout the country.

Mr. Alexander: Is part of the reason for this scheme that those who own farms in the Highlands and want to go should be bought out, and in fact what is happening is that you are leaving pockets of still-disgruntled farmers?

The Minister for Labour (Mr. Mboya): That may very well be true in some cases, but I do not believe it is the general case at all, and it is necessary to appreciate that you cannot buy little islands of farms for settlement schemes all over the place, 50 acres here, 100 acres there, and so on. It just will not work. I think it would be the most expensive and extravagant programme that this country has ever seen, but, of course, farmers who wish to go—you call them disgruntled, I do not know why—are not being tied to stay in Kenya.

Mr. Nthenge: Mr. Speaker, does the Minister mean to tell us that if a farm of, say, 300 acres, or whatever it is, is bought and it is given to one tribe for settlement, it will become extra-expensive?

The Minister for Labour (Mr. Mboya): With respect, I do not think the Member understood the question or the answer. The point was whether you can buy 300-acre farms all over the country, anywhere in the country, or in scheduled settlement areas. The Government's position is that you must have scheduled settlement areas adjacent to certain units where people—the new settlers—and the neighbouring people can live together in harmony, and where services and facilities can be made available to them at economical rates.

Mr. Towett: Mr. Speaker, Sir, earlier on in his reply, the hon. Minister said that the Member for Machakos was propagating the idea that people could not live together. Can he substantiate that, because it is very serious?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, the hon. gentleman is the most educated man in this House and I thought he read the papers!

Mr. Nthenge: Mr. Speaker, Sir, the Minister for Labour has alleged that I am propagating the idea that people cannot live together in Kenya; it is a serious allegation, and I would like it to be substantiated.

The Speaker (Mr. Slade): I should not have thought that it was a very serious allegation.

Mr. Nthenge: It is, Mr. Speaker, because I have never advocated that people in Kenya cannot live together. I have been saying that they can live together if they accept one another as equals, all as human beings, without some being superior or born above the others.

The Speaker (Mr. Slade): We shall not enter into a debate on this subject. It seems to me a familiar one, but it is out of place at the moment.

Mr. Towett: Mr. Speaker, Sir, in his reply earlier on, the Minister referred to the new people being settled on the settlement schemes, as "new settlers". What are we to call them, new settlers or what?

The Minister for Labour (Mr. Mboya): I think we can leave the question of the term to each person to decide. All we are concerned with is the settlement schemes.

Mr. Nthenge: Mr. Speaker, earlier on the hon. Minister said that I did not understand the explanation or his answer, which I believe I did. My question is this: if a farm owned by a European who does not want to sell is left for him to manage, and the next farm, which is being offered for sale, is purchased by the Settlement Board, does it mean that if Africans settle in the next farm, the European or former farmer who does not want to leave will not be able to live with those who are next to him?

The Minister for Labour (Mr. Mboya): Mr. Speaker, I still think that the hon. Member does not have the question right. I was asked by the Member for Nairobi Suburban whether we could buy farms for settlement schemes anywhere in the Scheduled Areas. It does not refer, in fact I thought that he implied it was wrong for us to

[The Minister for Labour]

concentrate only in certain scheduled settlement areas. The hon. Member is raising quite a different question. If a farm is in a scheduled settlement area it will be bought, and the question he raises does not arise.

Mr. Nthenge: Mr. Speaker, there was a question regarding why the Government should insist on buying farms which are not being offered for sale while leaving others which are being offered for sale. That was asked as a question, and the hon. Minister evaded the reply by saying that the Government cannot afford to purchase farms in pockets, 100 acres here, 300 acres there. That was what he said, and that is the question I am following, Mr. Speaker.

The Minister for Labour (Mr. Mboya): Perhaps I should in fairness to the hon. Member explain this again. What was raised was whether a farmer who wished to sell his farm for settlement, or to the settlement schemes, could do so if he lived in an area which is not scheduled for settlement? The answer was no. There are areas that have been selected and it is in those areas that farms for settlement are being forced. I hope that is clear now.

The Speaker (Mr. Slade): We have had enough of this question now.

*Question No. 122***CROWN LANDS: AMOUNT IN AGRICULTURAL USE**

Air Commodore Howard-Williams asked the Minister for Land Settlement and Water Development if the Minister would let the House know how much of the Crown Lands he was putting into agricultural use, bearing in mind that the Crown Lands represented some 80 per cent of Kenya?

The Minister for Labour (Mr. Mboya): I beg to reply on behalf of the Minister for Land Settlement and Water Development. The percentage of Crown Lands, which in total are 76.97 per cent of the area of Kenya, which are being put into agricultural use, both past and future, is 1.9 per cent, made up as follows:—

	<i>Per cent</i>
Already in use for Settlement in the Non-scheduled Areas	0.2
Being planned in the Non-scheduled Areas subject to finance being available	0.6
Already in use and to be put into use in the Scheduled Areas	1.1
	<hr style="width: 50px; margin-left: 0;"/>
	1.9
	<hr style="width: 50px; margin-left: 0;"/>

It should be borne in mind in view of the question raised here, that the Crown Lands include the forest reserves, large expanses of water, the Northern Frontier Province, and the bulk of the alienated farms in the Scheduled Areas. The alienated farm lands represent, as I have said, 76.97 per cent, of the total of which 70 per cent is in the Northern Frontier Province; 9.6 per cent in the Coast Province; the remaining 0.4 per cent is in the rest of the country and, of course, does not include Crown Lands being used for Government purposes such as Research Stations, holding grounds, Police Posts and so on. The area of unalienated land, Crown Land, in the Scheduled Areas not in public use represents 1.3 per cent of the total. None of this is suitable for settlement as it covers such areas as the shores of Lake Naivasha. The Kipigori reserves will be taken over from its present use for settlement.

Air Commodore Howard-Williams: Will the Minister agree that 1.9 per cent of Kenya is a very small amount of land?

The Minister for Labour (Mr. Mboya): Of course. 1.9 per cent is a very small area of percentage of land, but in relation to what is the Member asking—

The Speaker (Mr. Slade): The hon. Member.

The Minister for Labour (Mr. Mboya): The hon. Member asking, is it in relation to water, the desert areas or the farming lands?

Air Commodore Howard-Williams: Mr. Speaker, Sir, does the hon. Minister appreciate that this question refers to piped water? Does he agree that there is a case for examining the other 98.1 per cent of Kenya in this connexion?

The Minister for Labour (Mr. Mboya): Mr. Speaker, I thought the hon. Member would come up with piped water at some time, as usual. But I am sure he would agree with me that you cannot pipe water into the lakes.

Air Commodore Howard-Williams: Mr. Speaker, Sir, does the Minister try and pretend that the lakes represent only about 4 per cent?

The Minister for Labour (Mr. Mboya): Mr. Speaker, the hon. Member says, what was happening with 98 point something per cent of the land. I am trying to point out that all of it is not land, some of it is forest reserves, some of it is water expanses, some of it—I agree with him—is dry land which could be irrigated, but which might not be irrigated because physically it is not possible to do so.

Mr. Nthenge: Mr. Speaker, can we know what the Minister means by saying that it is physically impossible to do so? Is there nearly enough country irrigated under piped water schemes?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, the hon. Member must surely know there are certain areas in this country which even if you wished to irrigate you could not irrigate, either because there is no water near enough for irrigation schemes or because financially it would be too expensive to do it; you can only do what is possible. It is no use dreaming about it.

Mr. Nthenge: Mr. Speaker, can we only do what is possible, or can we do what is probable?

The Minister for Labour (Mr. Mboya): Mr. Speaker, I would like to see the hon. Member doing what is probable; as far as I am concerned, I will confine myself to doing what is possible.

Mr. Nthenge: Mr. Speaker, can I suggest a probable and possible way, and that is borrowing some money internationally, then irrigating a lot of land in Kenya which is at present idle and then making use of it for increasing the economy of the country.

The Minister for Labour (Mr. Mboya): Mr. Speaker, as I understand it, the hon. Member is no longer talking about what is probable, he is talking about what is also possible. As I have said, I will confine myself to what is possible and if he has any source of money that we can borrow from anywhere, I am sure my friend, the Minister for Finance, would be very interested to hear about it; we have been trying for some time and we will wait for the information.

Mr. Towett: Mr. Speaker, Sir, the Minister in his reply did refer to water expanse. Is it possible that he can turn water expanse into agricultural land?

The Minister for Labour (Mr. Mboya): It is possible to turn some of it, not all of it; it depends on how deep the water is.

Question No. 129

SOIL CONSERVATION

Mr. Odede asked the Minister for Agriculture and Animal Husbandry why were soil conservation measures carried out in some districts and not in others, whereas this Council votes public money for the purpose for the whole country?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba):

Mr. Speaker, Sir, on behalf of the Minister for Agriculture, I beg to reply. The promotion of soil conservation measures is carried out in all areas by the Ministry of Agriculture and falls into three main categories:—

- (a) *advice*, which is provided free throughout the country by extension officers of the Department of Agriculture, and which may be backed by enforcement measures under the Agriculture Ordinance; while the Department is prepared to use this legislation, every effort is made to educate the people on the need for Soil Conservation so that their willing co-operation is obtained;
- (b) *the provision of farm plans*, for which a nominal charge is raised;
- (c) *mechanical work done by the Soil Conservation Service*, which is charged for on a tractor hour basis at a subsidized rate. The service is available for the use of farmers of all races.

Since the 1960 Lancaster House Conference, however, farmers have been making little use of the service and it is now almost entirely engaged on settlement scheme work (for which the Department of Settlement is charged at the subsidized rates except for farm plans for which an economic rate is charged); priority is given to settlement work and private work fitted in as and when possible.

Mr. Odede: Mr. Speaker, Sir, would the Parliamentary Secretary tell the House in what parts of Central Nyanza soil conservation is being carried out by Government now?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Mr. Speaker, Sir, as I said earlier, the Ministry of Agriculture is carrying out soil conservation measures throughout the country, including Nyanza Province itself.

Mr. Nthenge: Mr. Speaker, arising from the former reply, will the hon. Parliamentary Secretary tell us exactly how much has been in every district?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Mr. Speaker, Sir, it would take probably the whole week for me to give such information, but I could give it if he so requested.

Mr. Nthenge: Mr. Speaker, can he then do so in respect of the provinces, because we believe some areas have been neglected?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Mr. Speaker, Sir, I do not agree with the hon. Member when he says some areas have been neglected. As I said, there are officers in every department of agriculture in every district and every province. They are free to give any advice which is wanted by the farmers.

Mr. Odede: Mr. Speaker, Sir, the question about Central Nyanza is very easy. Can he give us an instance of where soil conservation is being carried on now in Central Nyanza?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Mr. Speaker, Sir, I said this, that soil conservation measures are carried out in three categories, and the farmers are free to go for such advice or to go for any mechanical advice which they want concerning the soil. The hon. Member who has just spoken will know better what the Agricultural Department is doing in his own area.

Mr. Odede: Mr. Speaker, Sir, I know that the Government is not doing something in Central Nyanza and that is why I am asking the Parliamentary Secretary to tell me what the Government is doing.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Sir, if the hon. Member in his constituency is not trying to persuade his people to conserve the soil, the Department of Agriculture can do very little.

Mr. Wabuge: Mr. Speaker, does the Parliamentary Secretary agree with me that, as far as Central Nyanza is concerned, no soil conservation has been taking place?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): No, Sir, I do not agree.

Mr. Towett: Mr. Speaker, Sir, is the Parliamentary Secretary aware that the hon. Member who put the question is a National Member and he is not supposed to know each area, and he should supply the answer as requested.

The Speaker (Mr. Slade): Since the hon. Member has claimed to know the particular area, I do not think that supplementary is relevant.

Mr. Nthenge: Mr. Speaker, Sir, he says the Government can do little if the people do not go forward. Can he tell us the little it is doing in Central Nyanza if the people do not go forward?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba):

Mr. Speaker, Sir, I have said that in every province and in every district we have officers who can advise, and we have said that if any farmer in any district or any province wants to have soil conserved on his farm, he is free to do so.

The Parliamentary Secretary for Works and Communications (Mr. Okondo): Mr. Speaker, is it true—perhaps the Parliamentary Secretary will tell us that, owing to political agitation several years ago, soil conservation measures had to be abandoned in Central Nyanza?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Mr. Speaker, Sir, I agree with the hon. gentleman, and this has been so particularly in Nyanza Province.

Mr. Nthenge: Mr. Speaker, then if the Parliamentary Secretary agrees with that statement, why did he tell us formerly that something was being done in Central Nyanza? Is he now telling the truth or did he tell the truth earlier on?

Question No. 130

KIBIGORI VETERINARY QUARANTINE

Mr. Odede asked the Minister for Agriculture and Animal Husbandry why the Kibigori Veterinary Quarantine was of importance in the past and not now when we are about to achieve Independence?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Mr. Speaker, again on behalf of the Minister, I beg to reply. The Kibigori Veterinary Quarantine was originally mainly used as a centre for inoculations against rinderpest. With the introduction of annual inoculation campaigns and improved vaccines about 20 years ago, the Quarantine was no longer required for this purpose. It was subsequently developed as a Bulk Breeding Station for Sahiwals but, in accordance with the policy of the Government to establish a National Sahiwal Stud at Naivasha, its use in this connexion has become redundant. The southern portion of the Quarantine, lying within the Nyanza Region, is to be used for a settlement scheme; the future of the northern portion, lying in the Rift Valley Region, is under consideration.

Mr. Odede: Mr. Speaker, Sir, the Parliamentary Secretary has said that the Quarantine was being used for breeding stock. Now is it not necessary that it should continue for breeding stocks for the neighbouring tribes?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Mr. Speaker, Sir, I think the hon. Member did not listen properly. It was first used as a sort of inoculation centre against rinderpest. Later the Government wanted to use it as a breeding centre for Sahiwal, but another Sahiwal breeding centre has been established at Naivasha, and therefore that one becomes useless.

Mr. Odede: Mr. Speaker, Sir, is the Parliamentary Secretary not aware that it is still being used as a Sahiwal breeding centre now? The breeding centre at Naivasha is very far from Nyanza? What is the Minister doing about it?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Mr. Speaker, I have said that the Kibigori Quarantine is now going to be used for settlement, and that we have now a better station for breeding cattle at Naivasha.

Mr. Towett: Mr. Speaker, does the Parliamentary Secretary realize that Kibigori and Naivasha have two different climatic conditions, and that they should have two different breeding stations?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Mr. Speaker, the difference in climate does not matter as far as these stations are concerned.

Mr. Nthenge: Mr. Speaker, does the Parliamentary Secretary consider that two stations serve the country better than one?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): If the Ministry gets more money from the hon. Member we could do that.

Mr. Nthenge: Mr. Speaker, does the Parliamentary Secretary mean to tell us that unless we give this Government money, it cannot look for money itself?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Mr. Speaker, the Ministry for Agriculture can only do what it can within its financial resources.

Mr. Seroney: Would the Parliamentary Secretary indicate, whether in taking the future position of Kibigori the wishes of the local people will be considered?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Certainly, Sir.

Mr. Jamal: Mr. Speaker, is it the wish of the people in Nyanza that Kibigori Veterinary Quarantine should be used for settlement purposes?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): That question, Mr. Speaker, really falls under the Land Settlement Ministry, but I am sure it is the wish, not only of the Central Nyanza people, but also the Ministry of Land Settlement.

Mr. Odede: Mr. Speaker, Sir, would the Parliamentary Secretary not agree that a breeding centre at Naivasha cannot serve people in Nyanza because of the distance?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Mr. Speaker, Sir, I think the hon. Member himself is a well-known expert in veterinary matters, and he should be able to answer this better than I. When this Quarantine was closed down about ten or 15 years ago, the hon. Member was in the Department of Veterinary Services in Kenya.

Mr. Nthenge: Can the Parliamentary Secretary correct his statement that the hon. National Member was an employee of the Kenya Government in the Veterinary Department. Mr. Speaker, at the time of the close—

The Speaker (Mr. Slade): Order, order, next question.

Question No. 87

CIVIL SERVANTS PARTICIPATING IN POLITICS

Mr. Wokabi, on behalf of Mr. Mwendwa, asked the Minister of State for Constitutional Affairs and Administration if the Government was aware that some civil servants especially chiefs and sub-chiefs were taking part in politics by being agents of a certain political party and were engaged in preaching its policy urging people to enrol as its members and if so, what was the Government doing to stop this?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply.

Government servants are debarred under the Code of Regulations from active participation in politics. Government is, however, aware that from time to time individuals have contravened these provisions and where specific cases are brought to its attention, has taken and will continue to take the action necessary to investigate them and where appropriate deal with the offenders.

Mr. Nthenge: Mr. Speaker, will the Parliamentary Secretary agree to see the hon. questioner, the Member for Kitui, to be told of the chiefs he had in mind.

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, Sir, if the hon. Member will attend the House, yes.

Mr. Murgor: Mr. Speaker, Sir, will the hon. Parliamentary Secretary agree with me that those Members who are complaining about chiefs—Is that because the chiefs' personalities have weakened?

Mr. Towett: Mr. Speaker, Sir, will the Parliamentary Secretary explain to us what is understood by the words, "being an agent".

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): I am afraid, Sir, that philosophical interpretation is beyond me.

MINISTERIAL STATEMENT

FAILURE OF GOVERNMENT TO DEAL WITH BUSINESS BEFORE COUNCIL

The Minister of State for Constitutional Affairs and Administration (Mr. Ngala): Mr. Speaker, Sir, I wish, on behalf of the Government, to make a short statement. Last week on three occasions this Government failed to ensure that its Members were present and prepared to deal with the business before this Council. I wish to offer Government's humble and unqualified apology to you, and to hon. Members of this Council for these lapses and to assure the Council that this Government is very conscious indeed of its responsibility towards the hon. Members and the necessity for maintaining the dignity of our proceedings here.

In respect of the Second Reading of the Firearms (Amendment) Bill I have requested, on Government's behalf, that in terms of Standing Order 30 you will, Mr. Speaker, grant leave for the Second Reading of allowing this to reappear on the Order Paper during this session, and in anticipation of this present apology you have allowed it to appear on today's Order Paper.

The Speaker (Mr. Slade): Thank you, Mr. Ngala. I readily accept this apology and applause has shown that hon. Members do likewise.

Mr. Alexander: Mr. Speaker, is it possible to ask a question on that, Sir.

The Speaker (Mr. Slade): Yes, yes, it is in order to ask a question.

Mr. Alexander: Having been told that the Government takes its responsibility seriously, would the Minister also be prepared to extend his statement to attendance, or attention, by Ministers themselves of all far-reaching and fundamental matters that are brought before this House, and not, as so often happens, delegating them to juniors.

The Minister of State for Constitutional Affairs and Administration (Mr. Ngala): Mr. Speaker, Sir, Government has given an assurance as to its consciousness of the responsibility and exactly how Government will work in pursuing this responsibility is Government's own business.

The Speaker (Mr. Slade): I do not think we will pursue this any further now.

I would remind hon. Members that Mr. Alexander is to raise a matter on the adjournment connected with the Ministry of Economic Planning, which I announced more fully a day or two ago.

COMMITTEE OF SUPPLY

(Order for Committee read)

[The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

[The Hon. J. J. M. Nyagah took the Chair]

SPECIAL CROPS DEVELOPMENT AUTHORITY: LOANS REPAYMENT GUARANTEE

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Mr. Chairman, Sir, on behalf of the Minister for Agriculture and Animal Husbandry, I beg to move:—

THAT this Council approves the Government's proposal to guarantee the repayment of loans totalling £720,000 which are to be made to the Special Crops Development Authority and to various companies to be formed by the Special Crops Development Authority and the Colonial Development Corporation for constructing and equipping six tea factories for the processing of smallholder-grown tea.

Mr. Chairman, Sir, the Special Crops Development Authority operates a smallholder tea project throughout Kenya and that such projects have been explained fully in this House on a number of occasions, and there is no need for me to go into details at this stage.

[The Parliamentary Secretary for Agriculture and Animal Husbandry]

In this, however, under the scheme, small-holders in Central Province, Rift Valley and the Nyanza Province are being encouraged and assisted with credit to plant some 10,935 acres of tea by 1966, on a peasant scheme.

Hon. Members will have noted from the annual report and accounts of the Authority, for the year ended 30th June, 1962, that there were—at that date—various growers sharing 6,232.47 acres of tea which averages something like 0.43 of an acre to a peasant tea grower. Little of this acreage, however, is not as yet in full production and the small amount of tea that is produced by this acreage is processed by a Ragati factory and various other factories in the country. That is only an interim measure until we go on to what we have in mind now. As more acres are being planted today and the existing acreage comes into full production the present arrangements will be inadequate to cater for all the tea that is being grown by these small farmers. Therefore, it is intended that six factories be established in various places in the country to cope with the tea that will be produced. These factories will be located in places where production is increasing and the sites will be as follows: one at Othaya in the Nyeri District; another at Mataara in Kiambu; another at Kamweti in Embu; another at Rigoma in Kisii; another at Litein in Kericho; and the last one at Menti in Meru. I hope I have pronounced the local names properly.

Planning of the first two factories has already been completed and building should be able to start as soon as possible and these two tea factories should be able to start their operations at the end of this year. On the assumption that our plans go as scheduled, by the beginning of 1966 we should be able to have the last factory in full operation. The finance for these factories will come from two sources. The first is the Colonial Development Corporation which will be able to lend money to the factory companies straight. The other source of money will come from interested companies who will be able to loan the money to the Special Crop Development Authority, and they in turn will lend the money to the factory companies concerned. As you see, therefore, the control of these factory companies will be vested in both the Colonial Development Corporation and the Special Crop Development Authority. That is, both of them will work jointly for the control of these companies. The two authorities will hold something like 51 per cent of the equity of the factory companies, 49 per cent will be made available immediately if and when the farmers desire it. As soon as all the loans are paid

off growers will be able to acquire the remaining 51 per cent of the equity and therefore the growers will thereby become the sole owners of the companies.

The factories cannot by themselves provide sufficient security for loans to be obtained at an economic rate of interest. The reason why they cannot provide this security is that most of these factories are situated far away from normal industrial centres. Quite a number of them do not have any tea plantations of their own and they depend entirely on the peasant farmers for their economic viability. With a Government guarantee to back the loans the money can be borrowed at a reasonably cheap rate of interest. The Government thinks it is essential to ensure that small-holder tea development remains an economic proposition to the tea growers and therefore it is Government's intention to make sure the loans have very cheap rates of interest. The guarantees are essential to ensure this.

Mr. Chairman, I beg to move.

(Question proposed)

Mr. Towett: Mr. Chairman, Sir, while I would like to congratulate the Parliamentary Secretary for his very efficient work in moving this Motion. on the other hand I would like to oppose this Motion completely. This Motion is terrible and I think the work of the Special Crops Development Authority ought to be looked into again from the very beginning. Mr. Chairman, Sir, there are so many things going wrong in this country and I think this is one of them. I am not quarrelling with the development part of tea as such, but when it comes to what you call overhead charges and administrative charges I think this Special Crops Development Authority is going to cost us a lot of money.

I am particularly concerned because I am a tea grower myself, and my one acre of tea is in the hands of this body. I do not know whether I am making any money or not, Mr. Chairman, but I do not think I will make any money out of this for the next ten years. Whereas, if there are other private companies—tea estates—which are not in this Special Crops Development Authority they will start making money as soon as they can. Now, Mr. Chairman, I am not saying that we should not give this money to these people but I think we, as people of this country, and especially those who represent the country, the Members of the Legislature, ought to take more trouble and a keen interest in what work is being done by bodies which we set up, such as Boards and Authorities. I honestly feel that a lot of money is wasted as far as this Special Crops

[Mr. Towett]

Development Authority is concerned. Most of the funds—without mentioning specific instances—go towards travelling expenses and marginal work and probably—I do not want to say cocktail parties—but tea parties, Mr. Chairman.

I am not very happy about the way the whole thing is run. If the Parliamentary Secretary and if Members of this House are going to assure us that they will look into the Special Crops Development Authority again to see whether we can prune here and there on the extra unnecessary expenses and on extra staff in the field, and to talk to those in the country, until those who are tea growers are in agreement with those who manage the Special Crops Development Authority, if that assurance can be given to me, Mr. Chairman, I shall have no objection. Today, we get a lot of money and leave it in the hands of a few people, they go on cooking up their own ways of running the work; we are not completely in the know-how with regard to what is going on.

Mr. Chairman, I am not attacking the Parliamentary Secretary or the Minister particularly in the House here, but the work which is done in the Ministry is not very pleasant in so far as this particular Special Crops Development Authority is concerned. I would be a shocked man, Mr. Chairman, if I saw this £720,000 through this House without saying that I know it is going to go the wrong way.

I beg to oppose this Motion, Mr. Chairman.

Mr. Odede: Mr. Chairman, I personally welcome this Motion and would like to say that it is one of those Motions which bring benefit to the country. A loan like this will help the ordinary producers, whom we really should help. Unless we encourage the African producers, the smallholders, to produce more, our country will not get on, so in this respect, I support the Motion.

However, Sir, I would like to know the rate of interest of this loan. The Parliamentary Secretary has just said that it will be given to us at a reasonable rate of interest; that is not enough.

[The hon. J. J. M. Nyagah left the Chair]

[The hon. H. Slade resumed the Chair]

We are the taxpayers and we are the people who are going to pay the loan, so we ought to know exactly what the rate of interest is going to be. Already this country has a heavy burden of loans, and unless we are able to pay them back it will not be very good, so I would like to know the rate of interest on this loan.

I would like to mention something which my hon. friend, the Member for Kipsigis, referred to.

I would like to say that the Special Crops Development Authority might be one of the ways of consuming the money that the ordinary producers may get. It is very important that we should look into the Special Crops Development Authority. Unless that is done, the ordinary producers probably will not get what they should receive. In that case, I would suggest that the Special Crops Development Authority should be some kind of co-operative society of the tea producers in particular areas. I would not like to see the Authority consuming the money of the producers just because we must set up something.

With these few remarks, I support the Motion.

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Chairman, first of all I want to record on behalf of my colleagues our gratitude for the support this Motion has received, and to mention that the Special Crops Development Authority has been going for some time. In such areas as Nyeri, and so on, it has brought benefit to the people of the area. If anyone doubts or finds mistakes in the actual accounting of the Special Crops Development Authority, I am sure Government would be most willing to consider the matter.

Now, Mr. Chairman, I would like also to add that the Parliamentary Secretary mentioned a number of factories which are going to be established in order to help the new tea growers in these areas to process their tea. In his reply, I would like him to refer to one or two things which I shall mention. One of them is to tell us the kind of tea which the Special Crops Development Authority has in mind, and secondly I would like to find out what is the new policy of the so-called China hybrid tea which people had been growing before and which I understand is to be replaced by Assam tea. I would like to know from the Parliamentary Secretary what the new policy is, so that as we explain to our people the importance of tea development in the areas, we may know exactly what the facts are with regard to the two different types of tea brand which we are having in the country. I would like that to be explained by the appropriate Ministry, Mr. Chairman.

The last point I want to make, Mr. Chairman, is this: that there is a tendency to assume that unless facts and figures are brought to this House, things are not going correctly. The ex-Minister for Lands and Surveys did raise a number of questions, saying that the growers may be losing money as a result of this authority. What I would like to inform the hon. Member is that many new tea-growing people are actually making money, and not losing money, as a result of the introduction of this new brand of tea, and I can only hope

[The Parliamentary Secretary for Constitutional Affairs and Economic Planning]

that all Members of this House on both sides will encourage their people to be associated with the tea development programme and not begin to throw doubts except when they find mistakes to notify the department concerned.

The Temporary Minister for Finance (Mr. Butter): Mr. Chairman, the hon. Member for Kipsigis has raised a large number of general points. I do not know, Sir, whether he read the very full report of the Special Crops Development Authority when it was laid on the Table of this Council. If he did he will have seen that the Special Crops Development Authority has been very successful indeed in keeping to its planned programme of tea planting, but not even the Special Crops Development Authority can ensure that a farmer in the first year in which he plants tea makes any profit, because it does take, I believe, from three to five years before you get any return from your tea. The report of this Special Crops Development Authority will be produced annually before this Council, and I think that would be the most suitable time to debate the general question of whether, in setting up this Authority, the Government has done the right thing—I personally am quite sure that it has—and whether the Special Crops Development Authority is carrying out in the right way its task of developing the tea which is the crop on which Kenya will depend increasingly for its export earnings. If the hon. Member saw the figures published in the paper today, he will have seen that in 1962 the value of tea production from Kenya was over £1 million more than in the previous year.

The hon. National Member, Mr. Odede, asked some specific questions. He seemed to be under the impression that this money was being lent to the Government, and would be repaid by the Government.

That, Sir, is not the position. The money is being provided from private sources and from the Colonial Development Corporation to the companies that will operate the six tea factories that will be set up with this money. It is only if the private interests that are putting up the money in the C.D.C. fail to get their money back that there would be any call on the Government at all, and I am personally confident—

Mr. Odede: On a point of explanation, Mr. Chairman, although the Government is not going to pay the loan back surely it is the producers who will pay this loan back, and if they are going to pay it back what rate of interest are they going to be charged?

The Temporary Minister for Finance (Mr. Butter): Mr. Chairman, the tea companies and the C.D.C. that are providing the money for the setting up of these factories will lend it to a company and the hon. Parliamentary Secretary did give the details of how the companies would be made up, with 51 per cent equity and 49 per cent loan stock. In operating the factories care will be taken to see that the factories operate at a profit and there will, naturally, be a margin between the price paid to the producer for his green leaf and the price at which the processed tea is sold by the factory, and it is from that margin that the loan, which will be at a rate of 8 per cent, will be repaid, and the figures on which this whole scheme has been worked are proving very conservative, particularly in relation to the yield of tea. The Government is confident that in the areas concerned, which are suitable for tea growing, those who grow tea will be getting a rather higher yield than we originally estimated and we do estimate that it will prove a profitable crop.

Mr. Porter: Shall I give way, Sir, I am quite ready to?

The Deputy Chairman (Mr. Slade): No, there is no need to give way.

Mr. Porter: Thank you, Mr. Chairman. I would like to congratulate the Parliamentary Secretary and the Minister on bringing this Motion before the House, and give them my personal support. I would like to ask the Parliamentary Secretary to fill out a little more detail on what he has already told us—very clearly I would like to say—but I would like to ask how many acres of planted tea the six factories will serve when they are in full production? I do not want to ask questions which are impossible to answer off the cuff, Mr. Chairman, Sir, but if it is possible I would like to know the answer to that one, either now or later. How many acres of planted tea can those six factories deal with when they are in full production? I would like to know also what the quantity and value of tea will be, coming from those six factories when they are in full production, and if I may add another one, how many smallholding farmers will be supplying tea to these six factories? The only thing I am disappointed about is perhaps the limit of £720,000 to this venture, but I do not know really how much acreage of tea it does cater for, and that is why I am asking these questions. We have been led to understand that there is a very considerable acreage of land suitable for tea plantation, for tea development, land which is not yet otherwise in heavy production. Could the Parliamentary Secretary also tell us whether there are any

[Mr. Porter]

other plans for tea planting other than what we have already established and the tea planting which will be done to provide for these six factories. Will there be any other planting in the period which he mentioned, until they are all in production up to 1966/67 year? I would like to know how much more, if any, tea will be planted in this same period.

I would also like to have an assurance which I am sure the House would like to have, that the Ministry is reasonably satisfied that the market will continue to be satisfactory over this period and in the future after that, for tea. I know that it is not possible to give any guarantee about this, but we have not had any assurances that the market will remain reasonably. Doubtless this has been gone into, but I think the House should be informed about it. One reason I have for making this request to the Parliamentary Secretary is that we are aware that there are very considerable plans for the expansion of tea planting in other countries, notably I believe in India under the Indian Development Plan, and it would be reassuring, I think, for us to know that there will be room for Kenya tea in world markets when we come into full production.

If the Parliamentary Secretary, Mr. Chairman, is able to enlighten me on these points I shall be very grateful and I beg to support the Motion.

The Deputy Chairman (Mr. Slade): Mr. Odede, do you want to speak now?

Mr. Odede: No, Sir, I wanted just to remark that my question was not answered by the Permanent Secretary. He did not say anything about the rate of interest which I wanted, he just mumbled about.

The Deputy Chairman (Mr. Slade): He did, but you were not listening. The answer was 8 per cent.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): I would like to thank the Temporary Minister for Finance for his able reply, he was able to give to a number of questions which have been posed by the Member for Kipsigis, who, as an ex-Minister, should not really have posed such questions because the Special Crops Development Authority was first discussed when he was in the Council of Ministers.

Mr. Towett: On a point of order, Mr. Chairman, am I not allowed to talk because I was a Minister?

The Deputy Chairman (Mr. Slade): That is not a point of order, I think.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): He said that there was something wrong going on in the Ministry of Agriculture and so on, and that he did not feel like trusting it very much, I would like to ask him if he has any specific examples to make him believe that the working of the Department of Agriculture is not properly carried out so that we would be able to look into such matters later on.

The hon. Member for Fort Hall, Dr. Kiano, raised another point, namely, what would happen to the two types of tea that we have. We have the China hybrid tea and the Assam tea. It is the policy of the Ministry of Agriculture not to encourage the planting of China hybrid tea because the peasants cannot sell that tea anywhere at all, and there is no use encouraging farmers to grow that tea because there is no market. Coming to the hon. National Member, Mr. Porter, and the assurance from the Kenya Government, or from the Ministry, that the industry will have an assurance that they will always find a market. We all, I am sure, including the hon. Member, expect that we will be able to find a market and we do not anticipate that we will fail because we have seen that Kenya's production of tea is really very insignificant as far as the world market is concerned, and it is the policy of the Ministry of Agriculture to see that we encourage it as much as possible in the meantime. Later on, if anything happens, the policy will be changed. He again asked how many acres of tea would be allocated to each factory. About 12,000 acres of tea will be roughly allocated to each factory in the company, and it is planned that after 1966/67 a further 10,935 acres will be planted.

I am sorry, I would like to correct the figure. It is not 12,000 acres, but 1,200 acres of tea for each factory.

Mr. Chairman, before I sit down I would like to thank all the other hon. gentlemen who have supported the Motion because we feel that it is the duty of this Ministry to encourage peasant farming and to make these areas which are lying idle productive, and therefore everything possible is being done to encourage peasants to earn some money from the land that they have.

(The question was put and carried)

The Minister of State for Constitutional Affairs and Administration (Mr. Ngala): Mr. Chairman, Sir, I beg to move that the Committee doth report

[The Minister of State for Constitutional Affairs and Administration]

to Council its consideration of the resolution and its approval thereof without amendment.

(The question was put and carried)

(The House resumed)

[The Speaker (Mr. Slade) in the Chair]

REPORT**SPECIAL CROPS DEVELOPMENT AUTHORITY:
LOANS REPAYMENT GUARANTEE**

The Minister of State for Constitutional Affairs and Administration (Mr. Ngala): The Committee of Supply reports its consideration of this Motion and its approval thereof without amendment and I beg to move that the Council doth agree with the Committee in the said Resolution.

The Parliamentary Secretary for Finance (Sheikh Alamoody) seconded.

(Question proposed)

(The question was put and carried)

MOTION**AGRICULTURE (SCHEDULED CROPS) DRAFT
ORDER, 1963**

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Mr. Speaker, Sir, on behalf of the Minister for Agriculture and Animal Husbandry, I beg to move the following Motion:

THAT this Council approves the draft Order entitled "The Agriculture (Scheduled Crops) Order, 1963".

Mr. Speaker, Sir, I am sure Members will have seen the draft Order which has been circulated just recently, and the purpose of that Order is to delete from the first schedule of the Agriculture Ordinance, oats and sunflower.

The crops which are included in the first schedule are those with a significant importance to the economy of the country—

QUORUM

Mr. Nthenge: On a point of order, Mr. Speaker, is there a quorum in the House?

The Speaker (Mr. Slade): No, there is not a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We have now a quorum, Mr. Mwanyumba.

(Resumption of debate)

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Mr. Speaker, I will go on where I began. The crops which are included in the First Schedule are those which, in the opinion of the Minister, are of some significance as far as the economy of the country is concerned, and justify some special measures to control marketing, and also to look after the interests of producers, and to encourage a high level of production. This year the Minister has to review the agricultural industry, and under section 5 has to give consideration whether or not crops which are included in the First Schedule should continue or should be withdrawn. But the Minister has to consider whether each scheduled crop continues to play a significant part in the economy of the country and whether provisions applicable to the scheduled crops—are necessary to encourage development on a large scale.

At the end of 1962, therefore, the Minister for Agriculture had reached a decision that the inclusion of oats and sunflower in the First Schedule was no longer justified. Well, as you know, oats is a high altitude crop which is grown mainly to feed cattle, and about 70 per cent of that crop is retained on the farms each year. A small proportion of this crop is used also for milling purposes. In 1962, just to give figures, about 20,000 bags of 150 lb. each were sold through appointed agents. It is estimated that twice as much as this was retained on the farms.

Sunflower is also mainly grown for the purposes of feeding birds and in 1962 about 39,500 bags of 100 lb. each were marketed, and about 6,500 bags only were retained on the farms. Although this crop has proved a success in some preceding years, the total volume does not justify retention of it in the Schedule.

It will be seen from these figures, Sir, that neither of these crops is making a significant contribution to the economy of this country and in the present financial circumstances of the country there is no prospect of being able to fix a support price sufficiently high to encourage production on a large scale. In the circumstances, therefore, the Minister sees no point in retaining these crops in the Schedule. In accordance with section 12 of the Ordinance, their removal requires the consent of the Council.

Mr. Speaker, Sir, I beg to move.

The Minister for Labour (Mr. Mboya) seconded.

(Question proposed)

(The question was put and carried)

The Speaker (Mr. Slade): Next Order.

The Minister of State for Constitutional Affairs and Administration (Mr. Ngala): Mr. Speaker, Sir, I apologize that the Minister responsible is not here.

The Speaker (Mr. Slade): We will proceed to the next Order.

BILL

First Reading

THE CUSTOMS TARIFF (AMENDMENT) BILL

(Order for First Reading read—Read the First Time—Ordered to be read the Second Time today by leave of the Council)

BILLS

Second Reading

THE CUSTOMS TARIFF (AMENDMENT) BILL

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, I am grateful to the House for allowing this Bill to be read a Second Time today.

Mr. Speaker, Sir, I beg to move that the Customs Tariff (Amendment) Bill, 1963, be now read a Second Time. Mr. Speaker, Sir, in moving this Bill, I should like to explain to the hon. Members that the object of this Bill is three-fold. The first, Sir, is that the Bill seeks to introduce measures which were concerted with the Governments of Uganda and Tanganyika, and these, Sir, can be divided into two main categories: that is, protective measures and rectifications of anomalies.

Mr. Speaker, Sir, into the former category fall the amendments to Tariff Item 3 (A), 15 (A), 41, 43 and 165 (g). The first of these relates to biscuits at present dutiable at 25 per cent under the omnibus Tariff Item 177, but now becoming subject to alternative specific duty of Sh. 1 per pound, in order to protect the local industry from certain very cheap imports which could easily prove destructive to this particular industry. The second item, Sir, raises the duty from 25 per cent to 33½ per cent on jams, marmalades and fruit jellies to give additional protection to the local industries, particularly against the imports from South Africa.

The third, Sir, imposes a duty of 25 per cent on cotton wool, sanitary towels and tampons to protect the local industry which is now able to produce sufficient cotton wool to satisfy the total East African requirements, estimated at 1,123,000 lbs. per annum.

The fourth item, Sir, imposes a duty of 12½ per cent *ad valorem* on rope, cordage, twine and string to assist local manufacturers of sisal products.

Finally, Sir, a duty of 12½ per cent has been deemed necessary to assist the developing of plastics industry in East Africa, which produces polythene lay-flat tubing for tea and coffee plantations and polythene bags, sack liners and polythene sheetings for the agricultural, horticultural and other industries.

The second category, Sir, deals with the rectification of anomalies and the closing of loopholes in the tariffs and concerns Tariff Items 51 (A), 58 (A), 132 and 165, Sir.

Secondly, Sir, this Bill seeks to amend Tariff Item No. 98. This is the tariff item, Sir, under which crude petroleum was formerly free and now becomes dutiable at the same rate as that applicable to motor spirit, gasolene, etcetera, under Tariff Item 99. The need, Sir, for these amendments has arisen from the establishment of the oil refinery in Mombasa. It was not necessary to have this duty formerly because the need did not then arise, but now, because the refinery will be established in Mombasa, the need becomes apparent. After consulting with the Customs Department, with our neighbouring Governments and with the oil company concerned (which has been most helpful in the matter), Sir, it has been decided that the most satisfactory way of taxing the refinery products made from imported crude petroleum will be by imposing a customs duty on the crude products, whilst at the same time, Sir, providing that this duty is not charged, Sir, at the time of importation if the crude petroleum is removed immediately to an approved refinery. In this case, Sir, duty will be charged on delivery of the refinery products from the refinery at the same rate as is charged on the importation of light goods. In brief, Sir, the crude petroleum will be refined in bond, the petrol and other products will be stored in bonded tanks, and customs duty will be paid on delivery from the tanks.

Mr. Speaker, Sir, this method which has been in force in the United Kingdom for years involves only slight legislative and procedural changes, and no difficulty will be experienced in transferring the duty on refinery products transferred to other

[The Parliamentary Secretary for Finance] territories in accordance with the existing customs arrangements.

Mr. Speaker, Sir, thirdly I should explain the reason why, although the number of changes in custom rates is small, yet the Bill is so bulky, Sir. The fact, Sir, is that it was found necessary to reprint the whole of the First Schedule to the Tariff Ordinance since the numbering of the tariff items in the revised Laws of Kenya got out of step with the numbering applied in Uganda and Tanganyika. Consequently, the need to bring in the various protective and other measures contained in this Bill provided us with an opportunity, Sir, to revise the First Schedule. Mr. Speaker, Sir, I think this will make quite clear to hon. Members the objective of this Bill.

Before I sit down, Sir, I do hope that hon. Members will realize the benefit to general development of the economy of East Africa if this Bill became law, as well, Sir, as its effect as an additional safeguard of our customs revenues.

Mr. Speaker, Sir, I beg to move.

The Minister of State for Constitutional Affairs and Administration (Mr. Ngala) seconded.

(Question proposed)

Mr. Salter: Mr. Speaker, although the item to which I wish to refer is not one of the items which the hon. Mover has mentioned; I hope, nevertheless, that I may be permitted to refer to it, because events have shown that during the last few months, the administration of obtaining the duty on the items, does not appear to be very easy or very fair. I refer, Sir, to item 112 (b). It is in part 8 of the first schedule, and on page 80 of my copy of the Bill. That item is Drugs, Medicinal and Veterinary Preparations: (1) Specified by the Minister by Notice in the Gazette as chargeable under this sub-item. That attracts an *ad valorem* import duty of 25 per cent, and other drugs, medicinal and veterinary preparations are free.

Now, Sir, when that—

The Speaker (Mr. Slade): Mr. Salter, is this the subject of the amendment Bill?

Mr. Salter: Well, it is part of the first Schedule, Sir, and I understand that it is the hon. Mover's intention to amend the first schedule. That is why, Sir, I prefaced my remarks that they are not part of the amendments which were mentioned, but are, nevertheless, part of the first schedule. Perhaps I could have your ruling on that, Sir.

The Speaker (Mr. Slade): The rule very strictly applies. An amending Bill can only be debated to the extent of the amendments which it does propose, and so I am afraid it is out of order for you to touch on any other item of the Principal Ordinance.

(The question was put and carried)

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

ORDER OF BUSINESS

CHANGE ON ORDER PAPER

The Speaker (Mr. Slade): We passed by Order No. 7 on account of the Parliamentary Secretary not being here to move that Motion. He appeared within a few minutes, and apologized for being late. I will, therefore, exercise the powers I have to change the Order Paper and bring Order No. 7 on now.

Mr. Nthenge: On a point of order, Mr. Speaker. We have just heard an apology from the Government, just over an hour ago, and the same thing is repeated. Mr. Speaker, we would like to have your ruling as to whether the apology was genuine or just a bluff?

The Speaker (Mr. Slade): I am quite satisfied that the apologies we heard from the Minister of State were entirely genuine, and whereas there was some reason to suppose a casual outlook on the part of the Government in respect of the matters to which he referred in his apology, it is quite clear that on this occasion the Parliamentary Secretary simply made an error of calculation of time and was caught unawares. Hon. Members must be more careful, but it is not to be regarded as a deliberate effort to retract from the position of Government in their apologies.

MOTION

EXCHANGE OF CROWN LAND WITH TRUST LAND

The Parliamentary Secretary for Lands, Surveys and Town Planning (Mr. Argwings-Kodhek): Thank you very much, Mr. Speaker, and of course I sincerely repeat my apologies to you and the House for having miscalculated the length of Order No. 6.

Anyway on behalf of the Minister for Lands, Surveys and Town Planning I beg to move—

THAT this Council agrees as to the need for permanency in the exchange of 3,630 acres of Crown Land within the Tsavo Royal National Park at Iltal with 3,630 acres of Trust land within the Masai Land Unit at Njugini.

The purpose of this Motion really comes from provisions of the Trust Lands Ordinance, Chapter 288, and the recommendations of Sessional

[The Parliamentary Secretary for Lands, Surveys and Town Planning]

Papers No. 7 of 1957/58 and No. 1 of 1959/60. There were various provisions dealing with a change of land in the National Parks, and Trust land areas.

Now, the particular provisions to which I wish to refer are that these recommendations were—particularly section 7 (vi) of the Principal Ordinance—that there should be permanency with regard to the exchange, and before anything was effected the various authorities, which I must admit are such: The Governor; the Legislative Council; the Trust Land Board; the Local Land Boards concerned; and the African District Councils concerned. All these had to register approval of such an exchange. What then happened, when this particular exchange was brought before the various authorities concerned, was that there was no specific mention of permanency at that time, and for various reasons it has been thought that this must be specifically mentioned here today.

The other authorities concerned, namely the Land Board, the Local Land Board concerned; the African District Council concerned, that is Kajiado, have all been consulted, and this matter has been referred back to them and they have all agreed and confirmed that their intentions then were as they are now, that is: that this exchange should be of a very firm permanent nature.

Therefore, Mr. Speaker, the purpose of bringing this Motion before this House is that the Legislative Council should also register and confirm its approval of the permanent nature of the exchange of this land at Iltilal with the land at Njugini; being the purposes of legalizing of the technical point which was made at that time.

With these few words, Mr. Speaker, Sir, I beg to move.

The Minister for Legal Affairs (Mr. Webb) seconded.

(Question proposed)

Mr. Towett: Mr. Speaker, Sir, I think it was made clear by the hon. Parliamentary Secretary that this is not one of the things I had left behind in my former Ministry.

I would like, Mr. Speaker, to oppose this particular idea of permanency on the following basis: if the Parliamentary Secretary could tell us that there will be no change of usage in as far as the Crown Land is concerned; if the Tsavo Royal National Park is going to remain as such, I would have no objection to the idea of permanency being effected. However, if, in some years to come, there will be some change, in as far as the

Tsavo Royal National Park Crown Land area is concerned, and if that area is going to be given to other people say, in the future, and not animals as they are today, I do not see why this idea of permanency should be sought from this House. I think what the Parliamentary Secretary should have said, Sir, would have been that so long as that particular land remains for its present purposes, then the exchange should remain temporary or permanent. However, once there is a difference altogether, there is a different application being put on the land. This land, being Masai land, if there is going to be a change in application and usage of the land, I do not see why there should be any permanency at all.

I am not opposing the idea, but I am opposing the wish to make use of the land that is being taken away from the Masai in exchange for other land which is going to be used differently in future. I do not think the Masai should accept the idea of permanency. So long as the land is required for the present purpose, yes, but when land changes in application, no. I do not agree with the idea.

I hope I have made my point very clear, Mr. Chairman. If not I would very much like to repeat it, and say that permanency must remain so long as what the land is used for remains as it is today, and not otherwise, Sir.

Mr. Nthenge: Mr. Speaker. I think the Parliamentary Secretary was very clear, and I must thank him for his clarity, however, I think he missed something which makes me oppose this Motion. He said that every organization concerned was consulted. He mentioned the Kajiado African District Council being consulted, and, Mr. Speaker, as you know most of the National Park is considered, and belongs, to the Akamba. I feel that the Machakos African District Council should have been consulted on this issue. Because if there is permanency in the exchange of the land it then becomes very difficult for the Akamba to acquire this land later on, which so rightly belongs to them.

Therefore, Mr. Speaker, I do not think we should allow this thing to be passed in this House because of the Minister's failure to consult all interested bodies. Mr. Speaker, I would also like to add, that the usage, as the hon. Member for Kipsigis mentioned, of the land is also a very important aspect which must be considered before this Council approves it. I think, Mr. Speaker, that is a very strong point, and is a thing that the future people of this country will have to deal with. I think this matter should be deferred and be dealt with by the Region of Rift Valley and

[Mr. Nthenge]

the Eastern Region to consider this matter later on, and this Council should not be asked to deal with such a change of great value.

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

Air Commodore Howard-Williams: Mr. Speaker, I had some knowledge of this change of ownership when I had the misfortune to sit on that side of the House, and notwithstanding, Sir, the arguments that were produced for me then were sufficient to convince me that there is merit in recommending this to the House.

According, Sir, I shall support.

The Parliamentary Secretary for Lands, Surveys and Town Planning (Mr. Argwings-Kodhek): Thank you very much, Mr. Speaker.

I have heard what the former Minister for Lands, Surveys and Town Planning has been talking about. He has spoken generally about the change of usage. He has forgotten that the Masai people themselves have decided this, and in this House they have got Members quite competent to answer for them. They have their men, although they are not here.

Now, while I cannot prophesy what the hon. and present Member for Kipsigis has been talking about the future. I cannot predict what will happen regarding the usage in the future, but at the moment I can assure him that part of the Laws of Kenya—which I have already quoted to him—state that there shall be permanency. The people concerned, the various boards concerned want permanency. I cannot see how the present Member for Kipsigis can oppose the permanency when the people themselves want it. I wish also to mop up what the present Member for Machakos said regarding the National Parks belonging to the Wakamba.

The Speaker (Mr. Slade): A point of order.

Mr. Nthenge: Is it right for the Parliamentary Secretary to refer to me as the present Member? Why should he use the word “present”?

The Speaker (Mr. Slade): It is quite in order to refer to hon. Members as “present” as distinct from “past” Members, but not, I think, with the implication that they may not continue to be Members.

Mr. Nthenge: Mr. Speaker, can I object to that usage, because unless he has got some evidence that we are not likely to come back, could he just call us the hon. Members for the area, without putting the word “present”?

The Parliamentary Secretary for Lands, Surveys and Town Planning (Mr. Argwings-Kodhek): On a point of order. Is it in order for the Member for Machakos to impute motives on a Member of this House?

The Speaker (Mr. Slade): Mr. Argwings-Kodhek, I think the hon. Member for Machakos is quite justified in taking offence at the implication of your word “present” Member, and I am sure that you will make it clear that it was not intended.

The Parliamentary Secretary for Lands, Surveys and Town Planning (Mr. Argwings-Kodhek): I will go on. What I was concerned with—

The Speaker (Mr. Slade): I did suggest that you made it clear that you did not intend to give offence.

The Parliamentary Secretary for Lands, Surveys and Town Planning (Mr. Argwings-Kodhek): I did not intend it.

What I want to say is this. The Member for Machakos referred to National Parks belonging to the Akamba. I have been looking at the maps of Kenya many times, and I just have an office next door to a map of it, and I have not seen any National Park referred to as the Akamba National Park. This particular Park has nothing whatsoever to do with the Akamba. I am not giving way, Mr. Speaker, Sir.

If I might continue with the question as we know it, now that the various organizations and the bodies concerned want it. I may also inform hon. Members that the Council of Ministers have already anticipated a position which might arise in connexion with what has been worrying some Members here, about the Regional Boundaries. This is going to be as permanent as it can be, and the Regional Boundaries will be drawn as if the Government situation I am referring to today was effected long ago.

Mr. Speaker, Sir, I beg to move.

(The question was put and carried)

BILLS

(Second Reading)

THE FIREARMS (AMENDMENT) BILL

The Minister for Defence (Sir Anthony Swann): Mr. Speaker, Sir, I beg to move that the Firearms (Amendment) Bill, 1963, be now read a Second Time.

Mr. Speaker, Sir, I would like to explain to hon. Members that the object of this amendment is to cut down, and advisedly I say “cut down” and

[The Minister for Defence]

not wholly dispose of the large and continually growing stock pile of arms and ammunition which we first of all held in the Firearms Store in Gilgil, and which we have now moved to Nairobi. I repeat, Sir, the object is to cut down the stock pile and not to remove it altogether.

Now, Sir, the reasons for this action are that it is an extremely expensive operation and we have calculated, Sir, that the annual maintenance of this Store is costing the Government at the moment something in the nature of £15,000 a year, which pays for the administrative staff and the guards which are required for it. It is ever growing, Sir, because in the period 1955/1963 the firearms in the Store have increased from 20,000 to 30,000. Now, Sir, I want to make it equally clear that together with our object in cutting down the stock-pile, we are also ensuring that the owner is fairly treated as regards the disposal of these weapons. He will be given, Sir, not less than two months in which to dispose of the weapons. He can export them Sir,—and I would say that we are readily granting export permits to those who wish to export the weapons outside of Kenya, either to store in another country or by sale outside. Again, Sir, we are endeavouring to arrange that buyers from firms should come to this country, so that if owners are willing they should be able to effect a sale locally. Also, Sir, the owner is at liberty to obtain storage elsewhere. Finally, Sir, as an additional safeguard, the owner will be able to appeal to the Minister against the order from the Commissioner to dispose of his weapons.

Now, Sir, if the weapon is sold, (that is if the owner does not wish to make his own private arrangements) and if it is sold by the Government, he will obtain the money for that sale, less the expenses which have been encountered in the course of that sale.

In the first instance, Sir, we shall deal with about 12,000 weapons, whose owners, as far as we know, have left Kenya. We are making every effort to trace them and will continue to do so, but in the first instance these will be the weapons that we shall endeavour to dispose of. In the second instance, Sir, we shall deal with some 8,000 weapons which belong to owners who have been refused licences, and in the third instance, Sir, and right at the end, if the numbers have not been sufficiently reduced, we shall then deal with provident citizens, such as myself, who have voluntarily placed our weapons in that Store for safe custody.

Now, I have no doubt, Sir, I shall be asked by hon. Members what action will be taken by the Commissioner to dispose of these weapons if the

owner does not make his personal arrangements. We are endeavouring, Sir, to fix a contract with a firearms firm who will export these weapons in bulk under safe conditions for sale overseas, and the money will then, as I said, be either credited to the owner, or if the owner cannot be traced, to the Government. At the same time, we are also endeavouring to negotiate with the same firm, that they will also make arrangements to facilitate the export of weapons overseas for storage by their owners.

Mr. Speaker, Sir, I beg to move.

The Minister for Legal Affairs (Mr. Webb) seconded.

(Question proposed)

Mr. Nthenge: Mr. Speaker, Sir, the idea is not very bad, but we must find out a few things. First of all, how is it that so many weapons have come to be kept by the Government for so long, at such an expense? Why did the Government not have some storage charges paid by the owners of these weapons? Because I feel if none of the weapons were required by their owners, they should have been able to pay the storage expenses. It should not be done by Government. Therefore, this need for having to debate the issue would not have arisen. There ought to be a yearly fee chargeable for every firearm, in accordance with its size. If the owner does not pay for it over the period of a year, then he or she automatically loses it. Then we would not have been involved in this terrible, unpleasant situation of having to debate whether to sell these firearms.

Another point which is worrying me, is it not possible that the owners of the weapons take a legal action against this Government, since it is the Government which encouraged the storage of the weapons.

If so, Mr. Speaker, can the Minister guarantee that we are completely safe as far as the law is concerned, otherwise we might be forced to pay, say Sh. 200 for a weapon which just fetched Sh. 20 and the Government would be involved in the completely unnecessary expense of payment.

The other point which worries me is this. I would like the Minister to explain to the House very clearly why the Government has found it necessary to make the people give their firearms to the Government to store for them. I do not see why anybody should buy a weapon and give it to somebody else to keep it for him. If he does not require it he should not buy it in the first place.

Another thing which worries me is the idea that there are 8,000 weapons whose owners are not known and their whereabouts are not known.

[Mr. Nthenge]

It is interesting to know whether these are not being mistaken or classified in the wrong area, because they might probably belong to either the *Mau Mau* or the Land Freedom Army? We would like to be assured exactly that these 8,000 persons who have disappeared were not people probably convicted of murder and such things because of misusing the weapons. We would like the Minister to explain to us thoroughly about this, because it is difficult to find a person who leaves a weapon here, and at least when it comes to 8,000 people how did they come to be out of Kenya, nobody knows their whereabouts, the Government writes and does not get any replies.

Mr. Speaker, I would like further explanations to come from the Minister on that point, because the number, it seems to me, is a bit too large, for the story already given. "that they cannot be traced" to be acceptable by me, and possibly by the other hon. Members on this side of the House.

Mr. Speaker, I also wonder whether the Minister could not consider charging the fee which he forgot to charge earlier on. When he sells these weapons, in other words, if somebody had his weapon stored by the Government for six years, and it might have cost the Government Sh. 30, should we not deduct Sh. 30 out of the sales, and give him back the money, so what has already been spent on taking care of his *Bundukis* is recovered by the Government, because I do not think there is such a great need for people to have so many weapons as to require the Government to start storing them. If somebody really required a weapon he should have kept it with him and not to make the Government responsible for free storage. I do not mind if they pay a fee, but when it comes to free storage, I think Mr. Speaker, we in business might avoid our storage expenses by just sending our curios or whatever we sell or whatever we possess to be stored by the Government free of charge.

Mr. Speaker, with these remarks I beg to wonder whether to oppose or to move.

Mr. Zafrud-Deen: I can understand the difficulties encountered by the Government in arranging the storage for these weapons, and I would agree with the methods suggested by the hon. Minister.

There are one or two points on which I would like to have some clarification. One, is it not possible that the reason why there are so many more firearms left for storage is, that licences are not granted, sometimes for reasons which are beyond comprehension of an ordinary man. If

an applicant shows that he has a small safe where he can keep his small firearms, but still the authorities concerned are not satisfied, with the result that the applicant is asked to deposit the firearm and that he could not have it in his possession.

The second course open to him is to leave it with the authorities so that it could be disposed of at a later stage, or that he may deposit it in his bank. I understand advice has been given to the banks that these firearms should not be left with the banks and I think it is very wrong if the bank volunteers to keep the firearm in safe custody. I do not see any reason why Government should object.

Sir, another very important thing is that some of these firearms have sentimental value, and people would not like them to be disposed of. They probably would like to transfer them from this country to somewhere else, but then the person concerned should have sufficient time to do so. I know of one of two cases where a person is very concerned about his firearm and he wants to take it away, but sufficient time is not given to him, he cannot keep it with the Firearms Bureau, nor can he keep it in the bank and he has no other place where he can keep it. I think the Minister would do me a great favour in explaining if proper arrangement such as banks are made for these persons, they should be given permission to keep them as long as they wish to.

I think I would say that the majority of Members on this side of the House would welcome this Bill, but an assurance should be given that the owners of these firearms will have ample time to dispose of these firearms as and how they desire themselves.

Mr. Pandya: Mr. Speaker, Sir, I would like to thank the Minister for very clearly proposing this amending Bill.

Now, Sir, as I understood the circumstances when the original Bill was brought before this House, the reason was that it was at the height of the Emergency.

Is it not proposed now that the Government should be liberal in granting the permits to the original owners of the firearms, particularly when the reason for which this control was brought in at that time is no longer in existence, or is it still the policy of the Government, the same considerations, first, with regard to provision of safe custody of the firearm, and secondly the need of the person to possess a firearm, or still solely the main consideration on which the Minister will consider the issue of the firearm.

[Mr. Pandya]

I would like, Mr. Speaker, to support the point made by my hon. friend, the Member for Nairobi North East, with regard to the time required by the owners to make arrangements for the disposal of the firearm, particularly when they wish it to be exported to another country. I think the Minister suggested two months, which I personally feel, Sir, is slightly inadequate to make all the necessary arrangements, with the authorities outside the country, but in the absence of the change in the policy in the Government I would like to say that the amendments proposed by the Minister are very reasonable, taking into consideration that opportunity is given to the owners to make such arrangements as they may wish, but I do feel that the time probably is likely to be shorter than would be required. With those few words, Mr. Speaker, I beg to support.

Mr. Odede: Mr. Speaker, I would like to say a word about firearms whose owners have left the country. The Minister said that most of these are going to be disposed of, probably by exporting them from the country. I would suggest that these firearms should be held in the country so that the people in this country can buy them. People in this country cannot manufacture their own firearms, so I think they should be kept in the country so that people who can use them decently can have them for their own use.

The other think I would like to know from the Minister, Sir, is about the 8,000 firearms whose owners are not allowed licences.

The Speaker (Mr. Slade): Mr. Odede, I wonder if you could go nearer to the microphone.

Mr. Odede: I do not know why the owners of these 8,000 firearms are not allowed licences, so I would like the Minister to clarify the reasons why these people are not allowed to have their licences. I know that a friend of mine who wanted his firearm to be returned to him was not allowed to have his firearm. He had good reasons for having it and he was recommended by his Agriculture Officer and District Officer as being a person who can keep a firearm. They thought that he was using the firearm for killing vermin which were destroying his crops. Such a person should not be refused a licence for his firearm. I would like to know what the Minister is going to do about such people. If a person is to be refused a firearms licence it must be clear that he is a person who intends to use his firearms in a bad way. I would like to know what the Minister is going to do for such people.

Mr. Speaker, Sir, I would like to know if these 12,000 firearms which might be exported

outside this country could be sold to people like the Turkana—if they want to buy them—to defend themselves in our Northern Frontier. Why should they not be allowed to buy them? They are in a very bad area where they are always being attacked. I would like to know what the Minister thinks about this? These firearms which are to be exported might fall into the hands of, say, our enemies in the Northern Frontier who can use our firearms to shoot us. Sir, I would like to know what the Minister thinks about this.

Mr. Towett: Mr. Speaker, Sir, before I say a few points I would ask the Minister to get about 70 firearms and distribute them to all the Members of this House, we could then discuss what to do with the rest.

If, Mr. Speaker, the reason for trying to dispose of these firearms is because we have not enough room or not enough stores I would suggest that we build stores all over the country and in them store the firearms. I do not see any problem in trying to dispose of them, we may require them in the future and I feel instead of moving them from Gilgil to Nairobi we could have a bigger store for them at Gilgil.

An Hon. Member: What about Kericho?

Mr. Towett: All right, at Kericho, it is nearer Gilgil than Nairobi. Mr. Speaker, it is interesting to hear from the Minister that some people have been refused licences. Why were they given firearms in the first place? If they were given licences to own firearms in the first instance and then they purchased the firearms, why are they then refused their firearms later? There could be the reason that some people have got something wrong in their minds and they probably want to use the firearms wrongly, but such cases cannot surely amount to 4,000 people. We could say that a few people have misused their firearms, but I think the number is negligible, indeed. All the same, people are being refused licences and I want the Government to look into the genuine cases; why people are refused licences. I know of some people who are still applying to have their licences given back to them or renewed, but the Government does not take serious trouble to investigate and find out whether the people should have their licences renewed or not. The Government just writes a direct letter from the Commissioner saying: "We regret to inform you that your licence cannot be renewed", or something to that effect. I want the Government to look more seriously into those cases which involve people being refused licences, Sir. I would appeal to the Minister to take more trouble, and his Department to take more trouble to investigate whether those

[Mr. Towett]

people who have really been refused licences should have been refused licences, or the renewal of their licences. That is the first category I am dealing with, Mr. Speaker.

About those who have left the country I would ask the Government to go on writing letters to these people, to their last known addresses. Sir. These people must be somewhere, if they have left the country we cannot be told here that they do not receive any letters or mail from this country. The Government should keep on trying, writing to them to inform them that their guns are still in the hands of the Government. Those people should then tell the Government what they want done with their firearms. If they give the Government permission to dispose of the firearms then the Government can go ahead. I do not see why, if a person goes to the United States for three months, we say, "Well he has left his firearm here in the hands of Government, and now three months has elapsed and therefore we have to dispose of the firearm." We have got to trace these people, some of them may be stranded in the jungles of the Belgian Congo, Sir. I think we should give them more time, we should keep on writing to them. That is category No. 2, Sir.

Category No. 3, Sir. I would like to ask the Government to encourage all those people who are now applying for the first time for licences to own firearms, to go and purchase any firearms from the Government which have been left by individuals with them for over one year, and not to go and buy new ones. Today there are people who get their licences from Government to own firearms and they go and purchase new ones, and there are plenty in store which can be obtained from the Government at, I suppose, reduced costs.

My point No. 4, Sir, is this; I wish to advise this Government that in future when anybody willingly deposits a firearm with the Government the Government should tell that person how much they are going to charge him per day for the keeping of the firearm. In which case, Sir, if a person is lost for three years and does not claim his firearm for three years the cost of keeping it will probably have amounted to the original price of the firearm. The firearm then becomes the property of the Government.

Sir, with those four points I would like to ask the Government to be more careful in future and not to say three months but to ask for something like nine months. I ask the Minister to amend it to nine months. If he has not got enough room in the store for these firearms we will give him

some money and he can put up another store for the firearms, Sir.

Air Commodore Howard-Williams: Mr. Speaker, Sir, I would like to support the Member for Machakos in his request that the Minister should consider a fair charge for storing the weapons. It seems only a businesslike arrangement, and that is one way of perhaps meeting the expenses they have incurred.

I understand, Sir, that some of these weapons were last used in the Crimean War, the Boer War and the Abyssinian War. Therefore, Sir, I would like to ask the Minister whether he would be good enough to tell us what condition are the majority of these weapons in. Apart entirely from the care he has taken of them. By that I mean, what percentage of them are precision weapons? An approximate figure would satisfy me.

Now, Sir, he raised a very important difference about which I feel it is my duty to warn the House. If Government is going in for gun-running, selling these weapons to somebody who might take them to Somalia, they are asking for a lot of trouble and I hope the Government will take the greatest care to ascertain the qualities of the people to whom they are selling these weapons.

With those few remarks, Sir, I support the Motion.

[The Speaker (Mr. Slade) left the Chair]

[The Deputy Speaker (Mr. Nyagah) took the Chair]

Mr. Welwood: Mr. Deputy Speaker, I only want to say a few words on this. In the first place I support the Bill and I think it is the only thing which can be done at this stage to dispose of a great difficulty. But the second thing is to oppose the suggestions made by the hon. Member for Machakos and supported recently by the last Member who spoke, to the effect that a charge should be levied—as I understand it—retroactively for storage. I think the hon. Members are not aware of how these weapons came into the possession of the police for safe custody. In most cases, though not all, these weapons were taken over compulsorily by the police as they were considered a danger in the hands of their owners as they might be stolen. In those circumstances, no Government, having brought in a law to take over private property to safeguard it, is really in a position to levy a charge for storage.

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

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Deputy Speaker, Sir, I would like to support and welcome the Bill because the Bill does empower the police to dispose of these firearms and at the same time there is some provision for the owner. Mr. Deputy Speaker, Sir, some of these guns have cost quite a lot of money and it is only fair that if they are to be disposed by the Government at the least the owners should receive the receipts of sale. Mr. Speaker, Sir, I am glad to notice in the Bill that the Government has made this provision. My fear, Sir, however, concerns the words the Minister said, "if the owners can be traced". This, Sir, raises a very deep question in my mind. I happen to be one of those people who have placed their guns with the police for safe custody, voluntarily, Sir. I remember, Sir, receiving about a month and a half ago a circular from the Firearms Bureau which said something to this effect. All attempts to trace your whereabouts having failed we therefore give you notice.

Mr. Deputy Speaker, Sir, that notice was very correctly addressed to me because I am a holder of a current firearms licence, and yet the Firearms Bureau found it difficult to trace my whereabouts. Also, I am Parliamentary Secretary to the Ministry of Finance and a well known person and if the Firearms Bureau cannot trace my whereabouts naturally it will be very difficult to trace the whereabouts of the ordinary man. This is my fear.

While welcoming this Bill, I should like to suggest to the hon. Minister for Defence that no attempts should be spared in trying to trace the owners, because if a person like myself, who is not only well known but holds a current firearms licence and has a file in the Firearms Bureau, cannot be traced it does raise doubts in the minds of the people. I wholeheartedly support this Bill and I would like the Government to get rid of this matter as soon as possible. I would like at the same time to make sure that the rightful owners do get the proceeds of these firearms when they are disposed of.

Mr. Deputy Speaker, Sir, I beg to support.

The Parliamentary Secretary for Works and Communications (Mr. Okondo): Mr. Deputy Speaker, Sir, I would like to support this Bill which is very much overdue and we should not have allowed these firearms to accumulate to that extent. Nevertheless, conditions were such that there was hardly any alternative. I would like to join the hon. Member for Nairobi West, Mr. Howard-Williams, to say that the Government should take all possible care which I am sure

it is going to take, to see that these firearms do not fall into the hands of hostile nations or governments on our borders, because they might easily be used to shoot our own people with in different circumstances. They should see to it that if we cannot trace the owners these weapons should be duly destroyed or an opportunity given to a reputable firm here, in the country that imports these weapons, to buy them in the first instance. I am quite sure I heard something of this sort from the Minister but I am not sure what he meant by this. He might make it clear to me when an opportunity will, in the first instance, be given to a reputable firm that imports weapons to purchase them and then perhaps if the owner cannot be traced some other action be taken.

With these words, Mr. Deputy Speaker, I support.

The Parliamentary Secretary for Land Settlement and Water Development (Mr. Jeneby): Mr. Deputy Speaker, Sir, it is with pleasure that I support this Bill. I would also like to congratulate the Minister on the proposal within the Bill.

I think the introduction of the Bill today is of crucial importance for the future of Kenya is being planned bearing in mind the situation of the Northern Frontier, not only for the election campaign but in other matters on which the hon. Members who have spoken earlier have referred to. While I support the Minister I would like to make my sincere appeal to reconsider the gravity of the case before any application for a licence is refused, particularly in my area. I have already discussed this with the Minister in camera, and I hope he will do his best to see that my people are granted licences.

The Minister for Defence (Sir Anthony Swann): Mr. Deputy Speaker, Sir, as it has been discussed by a large number of Members, I should perhaps refresh the House's memory on the criteria which are used for the licensing of firearms. They, Sir, are three. They are the need to have; the ability to use; and safe storage facilities. I still think that those criteria are no less important today than they have been in the past. We still get thefts of firearms; in fact last year there was an increase on the figures of thefts of firearms on the previous year. They still continue, and only within the last week we had a case in which the owner of the house was away, his house was raided, and despite the fact that he had a home armoury it was broken into by a large gang, and the weapons stolen. I must make it quite clear that I do consider it to be of paramount importance that weapons should not be allowed to fall into the hands either of criminals or of subversive elements.

[The Minister for Defence]

I am unable to agree with what one hon. Member (and I think it was the hon. National Member, Mr. Odede), who said we are unable to make firearms in this country. Some people, Sir, make a very fine effort at this. I would remind hon. Members, Sir, that all those who feel aggrieved, that all people have the right to appeal to myself against the refusal to license them for firearms. I probably deal personally with something like five cases a day, but I would state here and now, with respect to hon. Members, the fact that these appeals are supported or advocated by hon. Members of this House does not lead me to alter my criteria which are, I repeat, need to have; ability to use; and safe storage facilities.

Now, the question has been raised, Sir, about fees. We have gone into this and I must say, as the hon. Member for West Kenya has stated, in a large number of cases these firearms have not been placed voluntarily in safe storage by the owner; they have been placed there, because we have not thought it advisable that he should be licensed for them. I do not think it would be fair, having compulsorily removed his weapons, that one should add insult to injury by then charging him for the storage of it.

I can also assure the hon. Member for Machakos that the Land Freedom Army and *Mau Mau* have not availed themselves of the facilities at Gilgil in any great numbers. There was also the question raised by several Members, the hon. Member for Nairobi North-East and the hon. Member for Mombasa Liwatoni, about giving firearm owners an adequate period to dispose of their weapons. With that I whole-heartedly agree, Sir, and if the hon. Members look at the amendment they will see that it is not less than two months and there is, as I have said, the right of appeal to the Minister who would go into the cases and decide if an increase of period should be given on the facts presented to him. Now, I feel, Sir, and I think a number of Members agree with me, notably the hon. Member for West Kenya, who are of the opinion that this large number of weapons held in this country is not a good thing, and it is for this reason that we are anxious that they should be exported. I can assure the hon. Members they will not be exported to neighbouring states; they will be exported almost certainly to Europe where, apart from security, there is a much better market for these weapons, which will ensure, I am certain, that a better price is obtained for them.

Also, questions were raised by the hon. Member for Kericho that we should erect stores all over the country. That appals me and I have no doubt

that if we erected arms stores in the hon. Member's constituency it would appal the Kisii also.

The question of fees I have dealt with. It is not possible under the present Ordinance to charge fees to those who have voluntarily placed their weapons there, such as myself, and I will certainly go into this question, without making any promise as to whether it might be possible to charge fees for those weapons which are voluntarily stored. The question was also raised by the hon. Member for Nairobi North-East that the banks have been advised not to accept weapons. Sir, that has certainly not been done with the authority of the Government, but I do understand that in some cases the banks are not very keen themselves to accept weapons for storage, as they feel it might be a security risk. But I can assure the hon. Member that we have certainly not advised banks that they should not store private weapons. However, they are not, as I have said, madly keen themselves.

Finally, Sir, I can assure hon. Members on both sides that quite naturally every effort will be made to trace the owners, including my hon. Friend, the Parliamentary Secretary to the Treasury, (whose whereabouts we now know of) and we will continue to do so, but in many cases I think that not only have the owners left the country but they have often died. The weapons have been there for a very long time, and, as the hon. Member for West Kenya said, the reason for the erection of this store, the reason for storage, compulsory or voluntary, traces back to the emergency when it was felt—to my mind, rightly—that this was a Government and not a private responsibility.

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

(The question was put and carried)

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

COMMITTEE OF THE WHOLE COUNCIL

(Order for Committee read)

[The Deputy Speaker (Mr. Nyagah) left the Chair]

IN THE COMMITTEE

[The hon. J. J. M. Nyagah in the Chair]

THE CHILDREN AND YOUNG PERSONS BILL

Clause 2

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Mr. Chairman, Sir, I beg to move that clause 2 be amended by inserting, immediately after the definition of "approved society", a new definition as follows—

[The Parliamentary Secretary for Social Services]

“approved voluntary institution” means a voluntary institution approved under section 63 of this Ordinance;

This additional definition is necessary to enable the Minister to give recognition to voluntary institutions which are willing to take care of our children and our juvenile and young persons who need care and attention.

(Question of the amendment proposed)

(The question that the words proposed to be inserted be inserted was put and carried)

(Clause 2 as amended agreed to)

(Clauses 3, 4 and 5 agreed to)

Clause 6**The Parliamentary Secretary for Social Services**

(Mr. Anjarwalla): Mr. Chairman, Sir, I beg to move that clause 6 be amended by deleting the word “eighteen”, which appears therein, and by inserting in place thereof the word “sixteen”.

Sir, this amendment seeks to cover persons under sixteen years of age to be segregated from adult offenders. It will certainly be a difficult task from the administration point of view, if the age is kept at eighteen, and therefore this amendment is necessary. I beg to move.

(Question of the amendment proposed)

(The question that the word to be left out be left out put and carried)

(The question that the word proposed to be inserted in place thereof be inserted put and carried)

QUORUM

Air Commodore Howard-Williams: Mr. Chairman, Sir, on a point of order, this side of the House is outnumbering the other side by two to one. Are we a quorum? It is not a quorum unless Mr. Pandya steps in.

Now I will carry on.

(Clause 6 as amended agreed to)

(Clauses 7, 8, 9 and 10 agreed to)

Clause 11**The Parliamentary Secretary for Social Services**

(Mr. Anjarwalla): Mr. Chairman, Sir, I beg to move that clause 11 be amended by deleting the words “remand centre or”, which appear in subsection (1) (b) thereof.

(Question of the amendment proposed)

(The question that the words to be left out be left out put and carried)

(Clause 11 as amended agreed to)

Clause 12**The Parliamentary Secretary for Social Services**

(Mr. Anjarwalla): Mr. Chairman, Sir, I beg to move that clause 12 be amended by deleting the words “murder or manslaughter”, which appear in subsection (1) thereof, and by inserting in place thereof the words “manslaughter or an offence punishable by death”. Mr. Chairman, Sir, this amendment is necessary to limit properly the jurisdiction of the juvenile courts so that they cannot try cases of manslaughter and any other offences punishable by death, including murder.

(Question of the amendment proposed)

(The question that the words to be left out be left out put and carried)

(The question that the words proposed to be inserted in place thereof be inserted put and carried)

(Clause 12 as amended agreed to)

(Clauses 13, 14 and 15 agreed to)

Clause 16**The Parliamentary Secretary for Social Services**

(Mr. Anjarwalla): There are four amendments under clause 16.

QUORUM

Mr. Nthenge: On a point of order, Mr. Chairman, are we a quorum?

The Chairman (Mr. Nyagah): No. Ring the Division Bell.

(The Division Bell was rung)

The Chairman (Mr. Nyagah): We are a quorum now.

The Parliamentary Secretary for Social Services

(Mr. Anjarwalla): I think it will be better if we do the amendments one by one on this clause, there are four altogether. Sir, I beg to move that clause 16 be amended, in subsection (2) thereof, by inserting, immediately after the words “fit person” the words “or approved voluntary institution”. Sir, this amendment is necessary for the same reasons as the amendment of clause 2.

(Question of the amendment proposed)

(The question that the words to be inserted be inserted was put and carried)

The Parliamentary Secretary for Social Services

(Mr. Anjarwalla): Mr. Chairman, I move that in subsection (3) (a) thereof, by deleting the words “whether by probation, fine, corporal punishment or committal to an approved school or borstal institution”, and by inserting in place thereof the words “permitted by law”. The subsection as it

[The Parliamentary Secretary for Social Services] appears now unnecessarily repeats what order is permissible by court. It is better for clarity to delete these words, and substitute the words "permitted by law".

(Question of the amendment proposed)

(The question that the words to be left out be left out put and carried)

(The question that the words proposed to be inserted in place thereof be inserted put and carried)

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): I move that clause (3) (b) thereof, be amended by deleting the word "sentence", and by inserting in place thereof the words "term of imprisonment". This is necessary as we have discarded the use of the word "sentence" in dealing with persons under eighteen years.

(Question of the amendment proposed)

(The question that the word proposed to be left out be left out put and carried)

(The question that the words proposed to be inserted in place thereof be inserted put and carried)

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Mr. Chairman, Sir, I move that clause 16 be amended in subsection (4) thereof, by deleting the words "at any time".

Sir, this amendment is necessary as the effect of this section now cannot possibly be carried out in its present form.

(Question of the amendment proposed)

(The question that the words proposed to be left out be left out put and carried)

(Clause 16 as amended agreed to)

Clause 17

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Mr. Chairman, Sir, I beg to move that clause 17 be amended by inserting in paragraph (d) thereof, immediately after the words "approved society", the words "or approved voluntary institution".

Sir, this amendment is necessary for the same reasons as the amendment to clause 2.

(Question of the amendment proposed)

(The question that the words to be inserted in place thereof be inserted was put and carried)

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Sir, I beg to move that clause

17 be further amended by deleting paragraph (e) thereof, and by inserting in place thereof a new paragraph as follows:

(e) if the offender is under sixteen years of age, by ordering him to be sent to an approved school suitable to his needs and attainments.

Sir, we have given notice of amendments to this particular clause, but we do not propose to move this amendment and we only want to restrict the amendment up to this point.

(Question of the amendment proposed)

(The question that the words to be left out be left out was put and carried)

(The question that the words to be inserted in place thereof be inserted was put and carried)

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Sir, I beg to move that this clause 17 be further amended by deleting paragraph (f) thereof, and by inserting in place thereof a new paragraph as follows:

(f) subject to section 27 of the Penal Code, by ordering the offender in accordance with that section to undergo corporal punishment.

(Question of the amendment proposed)

(The question that the words to be left out be left out was put and carried)

(The question that the words to be inserted in place thereof be inserted was put and carried)

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Sir, I beg to move that this clause 17 again be further amended by deleting paragraph (k) thereof and by inserting in place thereof a new paragraph as follows:

(k) in the case of a person who has attained the age of 15 years, to deal with him in accordance with any Ordinance which provides for the establishment and regulation of borstal institutions.

(The question of the amendment proposed)

(The question that the words to be left out be left out was put and carried)

(The question that the words to be inserted in place thereof be inserted was put and carried)

(Clause 17 as amended agreed to)

(Clause 18 agreed to)

Clause 19

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Sir, I beg to move that clause

[The Parliamentary Secretary for Social Services]
19 be amended in subsection (4) thereof by deleting the words "by distress or imprisonment".

(The question of the amendment proposed)

(The question that the words to be left out be left out was put and carried)

[The Parliamentary Secretary for Social Services]
(Mr. Anjarwalla): Sir, I beg to move that clause 19 be further amended by deleting subsection (5) thereof, and by inserting in place thereof a new subsection as follows:

(5) A parent or guardian may appeal to the Supreme Court against an order made under this section by a subordinate court.

(The question of the amendment proposed)

(The question that the words to be left out be left out was put and carried)

(The question that the words to be inserted in place thereof be inserted was put and carried)

(Clause 19 as amended agreed to)

(Clause 20 agreed to)

Clause 21

[The Parliamentary Secretary for Social Services]
(Mr. Anjarwalla): Mr. Chairman, Sir, I beg to move that clause 21 be amended by inserting at the end of paragraph (a) thereof the words "subject to any provision made under section 30 of the Matrimonial Causes Ordinance or under any other written laws."

The notice of amendment of the last six words was not given, but we are moving the amendment now.

(The question of the amendment proposed)

(The question that the words to be inserted be inserted was put and carried)

(Clause 21 as amended was agreed to)

(Clause 22 agreed to)

Clause 23

[The Parliamentary Secretary for Social Services]
(Mr. Anjarwalla): There are two amendments to this clause, Mr. Chairman, and I will move the first one:

That clause 23 be amended in subsection (1) thereof by deleting the word "a" which appears in paragraph (b) of the subsection, and by inserting in place thereof the word "that".

(The question of the amendment proposed)

(The question that the word to be left out be left out was put and carried)

(The question that the word to be inserted in place thereof be inserted was put and carried)

[The Parliamentary Secretary for Social Services]
(Mr. Anjarwalla): I beg to move that clause 23 be further amended in subsection (1) thereof by adding at the end of the subsection a proviso as follows:

Provided that the court at any time in the course of proceedings for an offence under this subsection, may direct that the person charged shall be charged with and tried for an offence under the Penal Code, if the court is of the opinion that the acts or omissions of the person charged are of a serious or aggravated nature.

(The question of the amendment proposed)

(The question that the words proposed to be added be therein added was put and carried)

(Clause 23 as amended agreed to)

Clause 24

[The Parliamentary Secretary for Social Services]
(Mr. Anjarwalla): Mr. Chairman, Sir, I beg to move that clause 24 be amended by inserting immediately after the word "appears" in subsection (1) thereof, the words "to him".

(The question of the amendment proposed)

(The question that the words to be inserted be inserted was put and carried)

(Clause 24 as amended agreed to)

Clause 25

[The Parliamentary Secretary for Social Services]
(Mr. Anjarwalla): Mr. Chairman, Sir, in clause 25 there are two amendments to move. I will move them separately, Sir. I beg to move that clause 25 be amended in subsection (1) thereof by inserting immediately after the words "any child or juvenile" the words "or in the case of paragraph (d) of this subsection any child, juvenile or young person".

(The question of the amendment proposed)

(The question that the words to be inserted be inserted was put and carried)

[The Parliamentary Secretary for Social Services]
(Mr. Anjarwalla): Mr. Chairman, Sir, I further beg to move that clause 25 be amended in subsection (1) thereof by inserting in paragraph (d) of the subsection, immediately after the words "approved society" the words "or approved voluntary institution."

(The question of the amendment proposed)

(The question that the words to be inserted be inserted was put and carried)

(Clause 25 as amended agreed to)

(Clauses 26, 27, 28, 29 and 30 agreed to)

Clause 31

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Mr. Chairman, Sir, I beg to move that clause 31 be amended by deleting the word "shall", which appears in subsection (7) thereof, and by inserting in place thereof the word "may".

(The question of the amendment proposed)

(The question that the word to be left out be left out was put and carried)

(The question that the word to be inserted in place thereof be inserted was put and carried)

(Clause 31 as amended was agreed to)

(Clauses 32, 33, 34 and 35 agreed to)

(Clauses 36, 37 and 38 agreed to)

Clause 39

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Mr. Chairman, I beg to move that clause 39 be amended by deleting paragraph (a) thereof, and by inserting in place thereof a new paragraph as follows:

(a) the school is a school for persons of a different religion or of a different sex from that of the person whom it is proposed to send or transfer there.

(The question of the amendment proposed)

(The question that the words to be left out be left out was put and carried)

(The question that the words to be inserted in place thereof be inserted was put and carried)

(Clause 39 as amended agreed to)

(Clause 40 agreed to)

Clause 41

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Mr. Chairman, Sir, there are two amendments to this clause, I will put them separately. I beg to move that clause 41 be amended by adding at the end of subsection (1) thereof the words "and such local panels of official visitors to approved schools and juvenile remand homes as he considers expedient".

(Question of the amendment proposed)

(The question that the word proposed to be added be added was put and carried)

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Sir, I further beg to move that clause 41 be amended by deleting in subsection (2) thereof the words "and shall be entitled to visit any institution established or approved under this Ordinance".

(Question of the amendment proposed)

(The question that the words proposed to be left out be left out was put and carried)

(Clause 41 as amended agreed to)

(Clauses 42 and 43 agreed to)

Clause 44

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Sir, we are not moving the amendment we have notified before, but we are producing a new amendment. Sir, I beg to move that clause 44 be deleted and the following new clause inserted in place thereof:—

(Revocation of Approved School: Duration of Order)

(1) The chief inspector of children may in his discretion, if satisfied that a person who has been ordered to be committed to an approved school should not remain subject to the order, may, by further order in writing, revoke the committal order.

(2) The court may at any time, of its own motion or on the application of any person, revoke an order committing a person to an approved school, but before doing so it shall call for all the relative records of the court which made the order, and all relative records of any court which may previously have considered an application under this section.

(3) Notwithstanding anything in the Ordinance, an order committing a person to an approved school shall not remain in force beyond the date on which the person attains the age of 20 years, nor shall any such order remain in force for longer than three years at a time except by order of the court.

(4) On an application for an order under subsection (2) or subsection (3) of this section, the manager of the approved school where the person is shall cause the person to be brought before the court, unless the court otherwise orders.

(Question of the amendment proposed)

(The question that the words proposed to be left out be left out was put and carried)

(The question that the words proposed to be inserted in place thereof be inserted was put and carried)

(New clause 44 as agreed to)

(Clauses 45, 46, 47, 48 and 49 agreed to)

Clause 50

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Mr. Chairman, Sir, I beg to move that clause 50 be amended by deleting

[The Parliamentary Secretary for Social Services] the words “in writing”, which appear in subsection (1) thereof.

(Question of the amendment proposed)

(The question that the words proposed to be left out be left out was put and carried)

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Sir, I beg to move that clause 50 be further amended by adding at the end of subsection (2) thereof the words, “and if it is given orally shall be recorded by the chief inspector of children”.

(Question of the amendment proposed)

(The question that the words proposed to be added be added was put and carried)

(Clause 50, as amended, agreed to)

Clause 51

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Mr. Chairman, Sir, there are two amendments to this clause. I will propose them separately. Sir, I beg to move that clause 51 be amended in subsection (1) thereof by deleting the words “to the chief inspector of children written notice of the change of address”, and by inserting in place thereof the words “notice of the change of address, in writing or orally, to a district commissioner, who shall report it to the chief inspector of children”.

(Question of the amendment proposed)

(The question that the words proposed to be left out be left out was put and carried)

(The question that the words proposed to be inserted in place thereof be inserted was put and carried)

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Mr. Chairman, Sir, I further beg to move that clause 51 be amended in subsection (2) thereof by deleting the words “in writing of the death to the chief inspector of children and to the district commissioner of the district in which the person dies”, and by inserting in place thereof the words “of the death, in writing or orally, to the district commissioner of the district in which the person dies, who shall report it to the chief inspector of children”.

(Question of the amendment proposed)

(The question that the words proposed to be left out be left out was put and carried)

(The question that the words proposed to be inserted be inserted in place thereof was put and carried)

(Clause 51 as amended agreed to)

(Clauses 52, 53, 54, 55, 56, 57, 58, 59, 60, 61 and 62 agreed to)

Clause 63

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Sir, in clause 63 there are two amendments, I will move them separately. I beg to move that clause 63 be amended in subsection (1) thereof by inserting immediately after the words “young persons”, the words “or of any voluntary institution”, and by inserting, immediately after the words “the society” in both places where they appear, the words “or voluntary institution”.

(Question of the amendment proposed)

(The question that the words proposed to be inserted be inserted was put and carried)

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Mr. Chairman, Sir, I further beg to move that clause 63 be amended in subsections (2), (3) and (4) thereof by inserting, immediately after the words “approved society” wherever they appear, the words “or approved voluntary institution”, and by inserting, immediately after the words “the society” wherever they appear, the words “or voluntary institution”.

(Question of the amendment proposed)

(The question that the words proposed to be inserted be inserted was put and carried)

(Clause 63, as amended, agreed to)

(Clauses 64, 65, 66, 67, 68 and 69 agreed to)

(Clauses 70, 71, 72, 73, 74, 75 and 76 agreed to)

(Clauses 77, 78, 79, 80, 81, 82 and 83 agreed to)

(First schedule agreed to)

(Second schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE SHIPPING (AMENDMENT) BILL

(Clauses 2, 3 and 4 agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE KENYA BUILDING SOCIETY (SPECIAL PROVISIONS) BILL

(Clauses 2, 3, 4, 5 and 6 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Legal Affairs (Mr. Webb): Mr. Chairman, I beg to move that the Committee do report to Council its consideration of the Children and Young Persons Bill and its approval thereof with amendment, and its consideration of

[The Minister for Legal Affairs]

the Shipping (Amendment) Bill and the Kenya Building Society (Special Provisions) Bill and its approval thereof without amendment.

(Question proposed)

(The question was put and carried)

(The House resumed)

[The Speaker (Mr. Slade) in the Chair]

REPORTS, CONSIDERATION OF REPORT AND THIRD READINGS

THE CHILDREN AND YOUNG PERSONS BILL

Mr. Nyagah: Mr. Speaker, Sir, I am directed by a Committee of the whole Council to report its consideration of the Children and Young Persons Bill and its approval thereof with amendment.

(Report ordered to be considered tomorrow)

THE SHIPPING (AMENDMENT) BILL

Mr. Nyagah: Mr. Speaker, Sir, I am directed by a Committee of the whole Council to report its consideration of the Shipping (Amendment) Bill and its approval thereof without amendment.

The Parliamentary Secretary for Works and Communications (Mr. Okondo): Mr. Speaker, Sir, I beg to move that the Council doth agree with the Committee in the said Report.

The Minister for Legal Affairs (Mr. Webb) seconded.

(Question proposed)

(The question was put and carried)

The Parliamentary Secretary for Works and Communications (Mr. Okondo): Mr. Speaker, Sir, I beg to move that the Shipping (Amendment) Bill be now read a Third Time.

The Minister for Legal Affairs (Mr. Webb) seconded.

(Question proposed)

(The question was put and carried)

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

THE KENYA BUILDING SOCIETY (SPECIAL PROVISIONS) BILL

Mr. Nyagah: Mr. Speaker, Sir, I am directed by a Committee of the whole Council to report its consideration of the Kenya Building Society (Special Provisions) Bill and its approval thereof without amendment.

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, Sir, I beg to move that the Council doth agree with the Committee in the said Report.

The Minister for Legal Affairs (Mr. Webb) seconded.

(Question proposed)

(The question was put and carried)

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, Sir, I beg to move that the Kenya Building Society (Special Provisions) Bill be now read a Third Time.

The Minister for Legal Affairs (Mr. Webb) seconded.

(Question proposed)

(The question was put and carried)

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

THE STREETS ADOPTION BILL

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Speaker, Sir, a Committee of the whole Council considered the Streets Adoption Bill on Friday and reported its consideration to Council with amendment. I beg to move that the Council doth agree with the Committee in the said Report.

The Minister for Legal Affairs (Mr. Webb) seconded.

(Question proposed)

(The question was put and carried)

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Speaker, I beg to move that the Streets Adoption Bill, 1963, be now read a Third Time.

The Minister for Legal Affairs (Mr. Webb) seconded.

(Question proposed)

(The question was put and carried)

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

MOTION

PROPAGANDA ON THE IMPORTANCE OF EDUCATION

Motion made and question proposed:—

That this House, knowing how backward educationally some areas in Kenya are, and

being anxious to have an even development all over Kenya, calls upon the Government to institute a propaganda medium to enlighten the public in such areas on the importance of education, and to inspire them with the need of a dynamic increase of educational facilities thereby paving the way for the introduction of compulsory education throughout Kenya. (Mr. Nthenge on 14-3-63).

Amendment proposed:—

That all words between the words "institute" and "thereby" be deleted and that there be inserted in place thereof, the following words:— "propaganda to enlighten the public on the importance of paying their rates and taxes as well as their school fees so that the plans already in existence for providing universal Primary/Intermediate education and for expanding Secondary education facilities can be rapidly implemented" (Minister for Education on 14-3-63).

The Speaker (Mr. Slade): Before proceeding with this Motion, perhaps I should remind hon. Members that the question now under consideration before the Council is the question of the amendment, that certain words be left out. The terms of the amendment are not quite correctly stated on the Order Paper, in that it is not proposed that all words after the word "institute" be left out, because the final words "thereby paving the way for the introduction of compulsory education throughout Kenya" are to be left in. If the amendment took the form of resolving to leave out all those words, including the final words, they could not be put back again by any other substituted wording. So the question before the Council is to leave out the words beginning "a propaganda medium" and ending "educational facilities".

(Resumption of debate interrupted on 14-3-63)

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Speaker, Sir, I would like to make certain remarks in connexion with facilities for education related to the payment of rates.

The original Motion which was put by the hon. Member for Machakos completely ignored the harsh economic fact that education costs money. Already there is very considerable pressure for more primary education, and in certain districts this has proved greater than the district itself can finance. The original Motion aims at eventual compulsory education, but in the more developed countries of the world this is often only achieved by a form of either free or sub-economic education, the cost being borne by the State. In the

present financial situation, and for some time to come, Kenya cannot afford a compulsory system of education. In this context it is interesting to note the Economy Commission Report, and its recommendation that European and Asian parents with children attending schools in Nairobi, Mombasa and Kisumu should pay higher fees for their children's education, and at the same time it recommends that education should no longer be compulsory.

QUORUM

Mr. Nthenge: On a point of order, Mr. Speaker, I do not believe we have a quorum.

The Speaker (Mr. Slade): No, we are not a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): You now have a quorum, Mr. Marrian.

The Parliamentary Secretary for Local Government (Mr. Marrian): Mr. Speaker, Sir, in this regard, I would like to quote from the Economic Commission Report two paragraphs. The first is 163 in which it is stated: "It is recommended that education should cease to be compulsory for all European children between the ages of 7 and 15. These are the only categories of children for which education is compulsory, and it seems reasonable that this special obligation should be removed, especially if their school fees are substantially increased."

I think this paragraph in the Economy Commission Report is of significance in the context of the hon. Mover's contention that we are moving or should be moving towards a system of compulsory education throughout Kenya.

The second paragraph is 153, in which it is stated: "We do not argue against the desirability of greater educational facilities, but we emphasize that the reward is in the long term while the impact of the recurrent cost is immediate. In the present situation, it is important for Government to finance its share of the recurrent cost of existing commitments as at present determined, let alone any increase, without foregoing other essential services." I submit, therefore, Mr. Speaker, that there is a complete lack of reality in the original Motion as put forward by the hon. Mover.

There are two factors which determine the advance of education in a district. They are, one, the ability or willingness of the parents to pay the school fees charged, and the second is the ability of the African District Council to meet its

[The Parliamentary Secretary for Local Government]

share of the annual deficiency on the District Education Board Accounts. The recent increases in school fees have meant that African parents with large families can often only afford to send one or two of their children to school, and this is confirmed by the falling-off in numbers applying for admission to Standard I. The charging of fees, therefore, acts as a brake on expenditure and to some extent keeps it in line with what the country can afford.

Already the pressure on secondary education is considerable and in 1962 the numbers taking K.A.P.E. was 35,000. To give some idea of what is going to be required in the years to come, the estimate of those taking K.A.P.E. in 1963 is 57,000, in 1964 120,000 and in 1965 130,000. Secondary places available annually are limited and will continue to be limited owing to lack of finance to build, equip and staff the schools which are naturally more expensive than primary schools. This continued and continuing lack of facilities would mean in relation to the above figures that the percentage of children gaining admission to secondary schools will relatively decline even though their numbers may increase.

Mr. Speaker, there is a grave danger that in some districts the unwillingness of many of the public to pay rates due from them could lead to a curtailment of the educational service. The recent population census has provided certain interesting statistics, and they show that the population in the present A.D.C. areas, less the N.F.D. and the Samburu District, is 6,585,000. Assuming that every one in six is a ratepayer, which I think the House will appreciate is a not unreasonable figure, and allowing a 10 per cent reduction for remissions on the grounds of poverty, the number of ratepayers should be 987,000 people. In 1963 the A.D.C.s have estimated that only 563,000 people will pay rates, approximately only 57 per cent of those who should pay.

Examples of this position as it affects the lower paying districts are as follows: North Nyanza 49 per cent; Central Nyanza 49 per cent; South Nyanza 51 per cent; Elgeyo-Marakwet 29 per cent; Baringo 39 per cent. I could give many other examples which show a lamentable percentage figure related to the total. The other ones are higher than those which I have quoted, but in all cases they tend to fall below the 75 per cent mark. African District Councils have in the past found it difficult to collect their full estimated rate income, and until they do they cannot afford

to increase their subsidies to the District Educational Boards. It is, therefore, of the utmost importance that African District Councils or the new Local Authorities which will come into being in the future should be able to collect in full the rates due from all persons liable within their districts.

I would like to refer, Mr. Speaker, to paragraph 182 of a Fiscal Commission Report which stresses the extreme importance of this provision. I quote: "Finally, there is the question of the efficiency of tax collection. Considerable evidence has been submitted to us suggesting a growing unwillingness in some locations to pay the graduated personal tax and the African poll rate." I point out to Members of the House that this will become the graduated personal tax of the future.

I have made reference to this matter in the House before and I have referred the House to the fact that with the elimination of the lower level of Government tax, the sanction for bringing in the local government rate on which much of the education depends has now gone, and it is a matter for the most urgent consideration as to what sanctions should replace those ones that are now missing, so that in the future the local authorities may be able to achieve that rate of taxation which is going to be vital if not only educational services but all the services of the local authorities are going to be maintained at an adequate level.

Mr. Speaker, Sir, I beg to support the amendment.

The Speaker (Mr. Slade): With reference to this amendment, I should draw the attention of hon. Members to Standing Order 62. I have not in this case ruled that debate on the amendment should include debate on the matter of the main Motion. So hon. Members should confine their remarks at this stage strictly to the matter of the amendment; they are free to speak again on the main question after we have disposed of the amendment. I think I allowed Mr. Marrian a bit too much latitude in talking about compulsory education, which is not affected by the amendment and remains part of the main question.

(The question of the first part of the amendment that the words to be left out be left out was put and carried)

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

(The question that the words to be inserted in place thereof be inserted was put and carried)

(Question of the Motion as amended proposed)

The Speaker (Mr. Slade): If no hon. Member wishes to speak, I call on the Mover to reply.

Mr. Nthenge: Mr. Speaker, Sir, I am glad to have this chance to reply to this Motion. First of all, I must thank the people who have taken part in this Motion and I must say that I found a number of Members—particularly on the Government side—somehow seemed to lose the idea of the Motion. The idea of it was that a general knowledge on the importance of education, which is very much linked with taxation, as the hon. Parliamentary Secretary has just been trying to explain, is a great thing. Everybody must know first of all why children should go to school, and immediately they know that, they will want to know how it can be done, and then that is the time we embark on education.

Now, you find that a lot of people would be told to pay their taxes and flatly refused unless and until, they are arrested, just because they do not see why they should pay. That is why I insist that people should be educated generally, given an idea of why taxation exists. Immediately these people see the importance of education they will do everything in their power to make sure that education is not hampered. Of course, you realize, Mr. Speaker, that without a school and without a teacher there is no education.

Now, if the Parliamentary Secretary insists on the payment of taxes—as the amendment now requires—people will still be forced to pay their taxes and will receive similar results that we do now receive of a very low percentage of the payment of taxes. He very well knows that. The people now know that they ought to pay their taxes; they have continuously been told this, but still they do not pay. Why? This is because they cannot appreciate why there should be payment of taxes. My Motion, Mr. Speaker, requires, and asks the Government to educate these people to the importance of education and taxpaying. Once they appreciate that they must pay in order to be educated there will be no trouble. They will know that this money goes towards paying the teachers and building the schools. Instead of wasting all the time that is now wasted by the Administration trying to tell people to pay their taxes, there will be no need for people to be forced to pay their rate. They will know that it is necessary for them to pay their taxes so that they will get their education.

Now, Mr. Speaker, you will find that Government is used to amending our Motions, but instead of just coming out and supporting them, they amend them and sometimes water the meaning. My idea was that: immediately everyone is

educated the Government would receive 80 or 90 per cent of the taxes from the people. These would be paid, and no one would have to ask for them, because they know that if they pay their taxes they will be educated. Propaganda is a very important weapon. This country, and all countries of the world know the importance of propaganda. In the commercial world people depend on advertising; there is a lot of propaganda there. Once the Government sees a Motion that will enable them to get money from taxpayers, but the percentage will go down, they start amending our Motions, and twisting the whole idea. Mr. Speaker, this is very unfortunate. I would like, Mr. Speaker, the Government to reconsider what I proposed, because I was more or less trying to get 100 per cent taxpayers, but they went down to 30 per cent. I feel that we should aim at getting 100 per cent, at a cheaper production. In other words, we get just a few propagandists around the country, teaching the people the importance of education, why they should have education, and once these people are well informed we will get results.

This question of money, Mr. Speaker, as I have said in the past. If you go to Samburu, Masai and Turkana you will find people with thousands of head of cattle. They do not send their children to school; it is not a question of poverty, it is a question of not knowing the importance of education. If they did know the importance of education they would just sell one cow to pay their tax, then sell another cow to pay the school fees and that is all. Their herd remains almost the same. That is what would happen. Just go to Samburu and educate the adults to the importance of education. All you require is a few actors around—I offer myself for the post—and get these people—

(At this point the Clerk turned on the amber light)

Mr. Speaker, am I not entitled to 15 minutes? I think I started after 6.15.

The Speaker (Mr. Slade): The light indicates that you have another five minutes. We must rely upon the Clerk to keep the time correctly.

Mr. Nthenge: Mr. Speaker, as I was saying, you get these people in Samburu with 300 head of cattle. His children do not go to school, but he is not a poor man. Why has he not sent his children to school? Is it because of poverty, or because he has not got the money? The other day we had a Motion which told us that in Samburu they cannot open a school, not because they do not have the money, but because they do not have sufficient children to go to these schools.

[Mr. Nthenge]

This is because the people of Samburu do not know the importance of education. Had they the understanding and knowledge we would not have this trouble. I am asking the Government to provide this, at a very cheap rate, just using a bit of propaganda. I am offering myself for that post for the sake of the country. I am not looking for a job; I have my own business. I do not require a job at all. I know the Parliamentary Secretaries are worried in case other people want their jobs. I do not even want to be a Minister, let alone a Parliamentary Secretary. I have told you all openly that I will be the Prime Minister, what is the hurry. I will be the Prime Minister so why worry. I am still young.

So, Mr. Speaker, I hope the Government realizes that I was sort of advising them of the right thing to be done in this country, but because of their ignorance, or their, shall I say, obstinacy in whatever comes from the opposition, they are now telling the people that they should pay their taxes. If you are able to convince someone of an idea he will be more reasonable than if you force him to do something. I want them to be convinced of the importance of education, which goes with tax payment.

An Hon. Member: Have you paid your taxes?

Mr. Nthenge: Of course I have. If he wants to see them. Mr. Speaker. I am ready to show them my receipts. Perhaps they would like to examine them, but not waste the Council's time.

The Speaker (Mr. Slade): I do not think this is really relevant.

Mr. Nthenge: Mr. Speaker, the thing is, public education is something that will cost 10 per cent of what force will be required, I mean the using force so that they will pay their taxes. A lot of people have to be employed like chiefs and headmen, et cetera. They could have just a few *barazas* and then one one would be forced. Then the result in this country will be far greater. Mr. Speaker, that is why we require the Government to consider these things, and what they mean to the country, because we expect a responsible Government, a Coalition Government to do the right thing.

Mr. Speaker, I can hear my friend saying that they had better dissolve. If this is the attitude, Mr. Speaker, they are going to take, in just taking things to mean nothing, Mr. Speaker, I feel they should resign and we will at least be able to make a Government.

Mr. Speaker, there was mention of teacher shortage. Teachers are not being very well paid because people do not know the importance of education and therefore they do not pay sufficient money for the Minister to be able to pay teachers well and therefore attract more people into the profession. When I suggest a propaganda medium so that the people can get to know of the importance of education, pour money into the Ministry of Education, and enable him to get proper teachers he defends the Motion, I do not know what advises him so wrongly. He talks of rate collection and I am sorry to say, Mr. Speaker, this Government has failed to obtain rates properly from the public and that is why we have broken this Government.

The Minister for Labour (Mr. Mboya): You have not paid yours.

Mr. Nthenge: I have already paid mine and anybody can see for himself, because I am not like the Minister for Labour who does not pay his taxes because he thinks he can dodge them.

Mr. Speaker, Sir, I do not seem to have very much time, I wish there were less interruptions. The Parliamentary Secretary for Local Government uses these debates for the wrong thing. If he wants to move something in connexion with his Ministry I think he should move a Motion which, I guarantee, will get a lot of support from this side of the House. He should not come here to do the work of his Ministry in a different Ministry of Education debate.

With these remarks, Mr. Speaker, I beg to move.

(The question was put and carried)

Resolved accordingly:—

THAT this House, knowing how backward educationally some areas in Kenya are, and being anxious to have an even development all over Kenya, call upon the Government to institute propaganda to enlighten the public on the importance of paying school fees so that the plans already in existence for providing universal primary/intermediate education and for expanding secondary education facilities can be rapidly implemented, thereby paving the way for the introduction of compulsory education throughout Kenya.

MOTION ON THE ADJOURNMENT

UNSATISFACTORY ANSWERS TO QUESTIONS

The Speaker (Mr. Slade): I will now call on a Minister to move that this Council do now adjourn.

The Minister of State for Constitutional Affairs and Administration (Mr. Ngala): Mr. Speaker, Sir, I beg to move that this Council do now adjourn.

The Minister for Legal Affairs (Mr. Webb) seconded.

(Question proposed)

Mr. Alexander: Mr. Speaker, Sir, last Wednesday I asked the Minister for Economic Planning what are the priorities in the economic planning of the private sector and also what measures—

The Parliamentary Secretary for Tourism, Forests and Wild Life (Mr. Keen): Mr. Speaker, is it Parliamentary language for the hon. Member to refer to other Members as cowards?

The Speaker (Mr. Slade): It is not.

Mr. Alexander: Mr. Speaker, last week I asked the Minister for Economic Planning what are the priorities of the economic planning of the private sector and what measures are included in the current economic planning to encourage industry in the poorer areas of Kenya?

This, I hoped, Mr. Speaker, would have given the Minister a magnificent opportunity to tell us, in terms of economic planning generating industry, what was being done about the most urgent and serious problem in Kenya, namely unemployment.

An Hon. Member: Where is Kenyatta?

Mr. Alexander: I hoped out of the answers would come an accumulation of one year's wisdom that has been poured into this Ministry since it was formed about this time last year. Indeed, Mr. Speaker, particularly in view of the question I asked earlier today, when the Minister for Constitutional Affairs made the statement about Government behaviour, if Ministers would make a special point of being here to deal with questions of real significance and of far-reaching consequence to the country. From the Minister's reply I took it that Government did think along those lines and it is a very great disappointment to me, and I am sure to all hon. Members, Mr. Speaker, that the Minister himself is not here to deal with this.

We were given as a reply that in terms of priority, agriculture was top of the list. This, we can well understand, Mr. Speaker, it was a fairly obvious reply. But let me make the point here and now, that agriculture nowhere in the world has been the real and ultimate answer to the problem

of unemployment and the problem of the landless. I had hoped that the Minister would have been able to take us further in the train of thought in economic planning and tell us what far-reaching measures, for example in respect of tourism, in respect of secondary industries, the Government, this Ministry in particular, had in mind to put into effect to ease the disastrous economic condition of this country. Having been told that agriculture was of first priority, and we were not given any others, we were then merely told the World Bank had made a report and the Government were reading it. Whether the Government had any ideas of its own regarding priorities of economic activities, the answer was, and I quote, "We have not been sitting down waiting until somebody comes and tells us". Now, I really thought from that moment on, Mr. Speaker, we were going to get some really inspired remarks. It is quite obvious from what we have seen here today, earlier on in this House that from the new head-dress we have seen, that there have been some inspirations into the hat-making industry in Kenya. For this I do want to put it on record in this House, that the Minister must have for this our greatest congratulations. It really is a most inspiring effort in the face of the vast unemployment and the great economic problems that we have in this country. And also the bead industry, we obviously are progressing and for all this the Minister must be congratulated.

Yet, what did we get in reply to all this questioning. We got a further dose of doctrinaire text-book jargon. I hope today, Mr. Speaker, when we receive a reply, that we will get away from this sort of pouring out of economic clichés which in the condition of Kenya today really has got no meaning whatsoever.

We then tried to deal with the question of encouraging industry to the poorer areas. What were we told, that Karatina, Thika, Nakuru and Kisumu had received some encouragement. We were talking about the poorer areas of Kenya, and in fact under pressure the Parliamentary Secretary when asked about the Northern Frontier District, he said, and I quote, "I would have to look into that to be able to reply". Presumably, he does not know that the Northern Frontier District is a poor area of Kenya. Perhaps, the poorest. Maybe when we get a reply we might be told what has been done about this area. We really thought another moment of inspiration had come.

I questioned the Parliamentary Secretary, and I said "does the Ministry sit back and wait for applications to come into the Ministry of Commerce and Industry?" This was the reply: "That

[Mr. Alexander]

is certainly not the way it works”, and this was followed again, Mr. Speaker, by what I have described as this textbook doctrinaire jargon.

What we want to know, first of all, what are regarded as the poorer areas in Kenya, in general, and secondly, what is being done by Government to encourage industry into those poorer areas. These are the questions, Mr. Speaker. They give the Government a wonderful opportunity to say what this Ministry has been doing in the last 12 months, and this is what we want to know.

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, first of all I want to make it perfectly clear to such hon. Members as the Member for Elgeyo that this debate arose from the replies I gave to the hon. Member for Nairobi Suburban, and not from any other question. Therefore, it is through me, and not to my Minister, that this particular debate has arisen.

The Speaker (Mr. Slade): I do not think that is quite correct, Dr. Kiano. It arose from two replies, one given by your Minister and one given by you.

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Mr. Speaker, Sir, I would rather not—

The Parliamentary Secretary for Lands, Survey and Town Planning (Mr. Argwings-Kodhek): In order, Mr. Speaker, has this Motion

(Mr. Slade): It does not need to be purely formal Motion.

Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): I would rather not on that day my... The notice... of which I

is not the... would like... today.

Mr. Speaker, in Sessional Paper No. 4, 1956/1960 Development Plan and for this development programme for 1960/1963 which is coming to an... very soon, the main emphasis, as with previous programmes, was to encourage the development of those economic activities which would... means to service the capital required... long-term economic projects, desirable

during Question Time. I hope that during this short debate some of the details which could not be given during Question Time will be forthcoming.

Before I do that, Mr. Speaker, I would like to make it clear that with regard to these questions, Government always welcome questions which deal with information which the Members of this House want to know and have a right to know. If that is the situation, then the desire of the Members—and I consider this the basic premise of my comments today—is based on the eagerness of the country to rejuvenate our economy. That being the case, destructive comments are not necessarily going to contribute to that rejuvenation of the economy, but rather will only make the situation worse. Therefore, Mr. Speaker, Sir, I am not going to try and compete and see how rude and how extravagant I can be. I shall try to give the facts requested by the hon. Member.

Mr. Alexander: That is right. It is the facts we want.

The Parliamentary Secretary for Constitutional Affairs and Economic Planning (Dr. Kiano): Before I proceed, Sir, I would like to make this point: that of the two questions which brought about this debate, one dealt with the question of priorities on economic planning and development and the other dealt with the measures taken by Government to encourage industry in the poorer areas. I shall deal with these as briefly as I can separately.

Mr. Speaker, as I said in my reply, agriculture does, and has always done, take the main priority in the development of the country. This is agreed to by both sides of the House. I said, therefore, that in our planning, the introduction of those crops is a good prospect for the export market or for import substitutes they do receive a very high priority. Mr. Speaker, Sir, I should also make it clear that having planned our priorities, what matters most is not the mere listing of priorities as such, in which every aspect gets a priority. I shall list some of the priorities subsequently in my statement. What matters very much is the question of creating solid foundations for the development of all the sectors of the economy. That is the first fact. If you remember, Mr. Speaker, in Sessional Paper No. 4, 1956/1960 Development Plan and for this development programme for 1960/1963 which is coming to an... very soon, the main emphasis, as with previous programmes, was to encourage the development of those economic activities which would... means to service the capital required... long-term economic projects, desirable

[The Parliamentary Secretary for Constitutional Affairs and Economic Planning]

social services, and to provide the basic services needed for development in the private sector of the economy.

According to this statement, Mr. Speaker, we have given a lot of emphasis to creating these solid foundations for balanced growth in all sectors of the economy, both public and private. Now, Mr. Speaker, as I mentioned—and I shall go point by point—at Question Time, and as my Minister said in October, as we planned these things, there are a number of necessary actions which we must take. These are mainly in preparation for the planning of the next development plan, and to be able to make the most useful exercises to enable the plan to work well, we are working on a number of studies, one of which is market research surveys, particularly for those countries not far from us in the Persian Gulf area and in the Indian Ocean, in order to see the market potentialities there. Then as we make our next plan, we have a good idea of what the market potentialities are.

The second point, Mr. Speaker, is the survey of some of the urban areas, particularly in Nairobi, in order to see the potentialities of the expansion in that respect. We are also interested in the study of the production potentials of the settlement schemes. These are the sort of things about which we must have statistical information for the next development plan. I should also mention, Mr. Speaker—and I do hope other hon. Members will want to speak and I will, therefore, be very brief—that Members know that the Ministry of Economic Planning is a place of co-ordination and discussions of the financial and technical assistance, and therefore Government is concerned with the major projects in this accelerating economic growth for which we are receiving financial and technical assistance from outside. I should mention, for example, that in agriculture the Government is setting up—I hope the Members know, but if they do not I am glad to inform them—an Agricultural Finance Corporation which I hope will go a long way towards solving one of the main problems in agricultural development, namely the shortage of capital. I should also mention that—again as a focal point in financial and technical assistance—in the industrial sector we are setting up a Development Company which will put particular emphasis on the aspect of participation. For the tourist industry, as the hon. Member for Nairobi Suburban has just mentioned, we are pursuing, in co-ordination and in co-operation with the relevant Ministers, a policy of developing the

Parks and other tourist facilities. I would also remind you again, because we are the focal point in this financial and technical assistance from the outside, that Government is very interested in the financial assistance we are getting from the special fund from the United Nations for the survey of the Tana River basin, for the information of the hon. and gallant Member for Nairobi West, it will not necessarily be in terms of piped water, but it will be some form of water anyway and this money is likely, in fact, is coming, from the United Nations special fund.

These are the sort of things that we are interested in. Now, Mr. Speaker, these are some examples of what we are doing.

The other point which was mentioned which is particularly relevant to this debate is the question of the location of industry. Sir, on this question let me first of all make one remark. If it is primarily investment that the hon. Member for Nairobi Suburban has in mind, then he knows as well as I do, and I am sure the House does, that what we can do is to persuade these people, once we are not dictating to them where to put their investments, those people will not come here, and that is something that he knows very well. We do our best to persuade them—as some of the points I will mention later will indicate—but if we dictate to an investor then he will go. Furthermore, one of the things to be considered is the facilities available, which is the availability of labour. Now, as an example is given in the Nairobi Suburban District. The hon. Member is a barrister, I presume, in his private capacity, and I am sure that the chances of his opening an office as an accountant in Wajir are not very good, as an individual he knows that the chances of the services of an accountant is not very good.

Mr. Alexander: Just a moment, Mr. Speaker, to encourage me.

The Parliamentary Secretary for Constitutional Affairs

(Mr. Alexander: Mr. Speaker, I am sure that the chances of his opening an office as an accountant in Wajir are not very good, as an individual he knows that the chances of the services of an accountant is not very good.)

[The Parliamentary Secretary for Constitutional Affairs and Economic Planning]

potentialities of the area and find out what kind of development is most suitable to that area. Therefore, Sir, the question of looking forward to a tremendous industrialization of the Northern Frontier District perhaps, is not the right thing to consider. What we must consider, and I am sure will consider, especially with the question of the Seventh Region, are things such as water development to provide more water for cattle. These are the sort of things we must consider if we are to attract the private investor to come here with £1 million. But to erect a big industry in Wajir? I am sure that such hopes will be pure hallucinations. Mr. Speaker, Sir, I would like to mention that in addition to considering the areas where employment as a requirement is needed, we also have in our attempts to persuade industries, the provision of service industrial sites.

Now, the Kenya Government at present, Mr. Speaker, is unable to provide some of the various expensive forms of attraction that other countries could give, such as Northern Ireland, where they provide a fully constructed factory which then they could turn over to a private industry. These are the sort of things that at present we will find difficult to afford, and I may also mention that it has been an idea among many people to consider the possibilities of things like tax holidays. Extended or very long tax holidays are things that, again at present, the Kenya Government is not likely to be able to afford, and I am glad to say that when our Ministry discusses this with the Members of the Planning Development Committee—many of whom are in the private industry—the pressure for extended and long tax holidays is something which is not felt, Mr. Speaker. What we have done is that, although the finances available to the Industrial Development Corporation have been limited, nevertheless in our attempt to persuade these industries, we have also been able to provide limited financial assistance. This is not only for the big private investors, but also to the African investors, Mr. Speaker.

I should mention at this stage, that in addition to that, we have now in Kenya a French expert in small industries who is preparing a report for us as to how we can put or encourage small industries outside the main towns. This man has been operating here for some time, and he is preparing his report. Again, with regard to these small industries, I should mention that as soon as funds are available, and in co-operation with the Japanese Technical Assistance, there is a possibility of a small industrial research and training

centre to enable the people of this country to be able to manage small industries outside the big towns.

Mr. Speaker, these are some of the things that cannot, after all, come during question time, and I am glad that the opportunity did arise for us to be able to put these on record. I would like to finish by saying, Mr. Speaker, that if these questions are raised here for the purposes of informing the Members of the House, Mr. Speaker, what matters most is whether the questions are replied to by the Government, not what appears to be the case, not so much as far as the questioner is concerned, I am sure the questioner has in mind the availability of this information, but the other people who seem to be more interested in the sort of a debate for the sake of making politics out of it or because they have, in their minds, other things than the information. To me this is doing just as much harm as the lack of information.

The last point I have, which I am glad that the Member for Nairobi Suburban did refer to, I have given him the example of a few towns, and now he says that those are not, in his opinion, poor areas. I am sure that that concept, or that idea, does not coincide with the opinions of the people who live there. I have been in contact with people in Nakuru; I have been in contact with the people in Kisumu; I have been in contact with people in Karatina, and those people are interested in industries going ahead, and they do say that they are relatively poor compared with such developed areas—industrially speaking—as Mombasa, and to have somebody say, “Do not consider those areas, they are not poor areas, please consider other areas,” I can only say that those areas, whose names I have mentioned last week when I was replying to questions, are poor areas. As a matter of fact Kenya is poor, and to say that some areas are not poor and others are poor is quite incorrect.

I am sure those people at Kisumu, I am sure the people of Nakuru, and I am sure the people of Eldoret, Yala or Karatina, where we have service industrial sites which we are trying to attract people to go and occupy, will agree with us that this is the right policy, and that they will encourage us to provide more service industrial sites in order that we have a more persuasive argument when we talk with the prospective investors in this respect.

I therefore think that the attempt to make fun of the fact that Kisumu is not a poor area, and the attempt to make fun of the fact that Nakuru is not a poor area, industrially speaking, or that

[The Parliamentary Secretary for Constitutional Affairs and Economic Planning]

Karatina is not an industrial area, is essentially an attempt to make fun of oneself and make fun of this House which, Mr. Speaker, I consider is absolutely inappropriate for a person who is himself an economist, and a person who really ought to know better, and I think this kind of approach is absolutely a question of (Inaudible.)

Mr. Towett: Mr. Speaker, Sir, the hon. Parliamentary Secretary has taken everybody else's time by telling us all about Karatina and nothing else. One thing we have learned from the hon. Parliamentary Secretary's speech is this: the Ministry of Economic Planning is nothing but a focal point. He has focal point, focal point as regards the Ministry of Agriculture, the Ministry of Tourism and the Ministries of this and that. All the Ministries. Mr. Speaker, Sir, what we all want to know, is what is this particular Ministry supposed to be doing. Economic Planning, Planning, what? For whom?

Mr. Speaker, Sir, what we want to know is what actually goes on in the Ministry. The Ministry of Commerce and Industry does the planning of Commerce and Industry. The Ministry of Agriculture, does know exactly which areas are good for what crops. We want to know what this particular Ministry is doing, planning what. We want to be told that this has come from the Ministry of Economic Planning. This has to be done, and is connected to the affairs of the other Ministry, not to refer to things that have been done by another Ministry previously. Mr. Speaker, I do not want to take anybody's time. I just want to say that we have not had enough from the Ministry of Economic Planning. We have had nothing but talk—

ADJOURNMENT

The Speaker (Mr. Slade): We have had our half hour. Council is therefore adjourned until tomorrow, Wednesday, 20th March, at 2.30 p.m.

The House rose at five minutes past Seven o'clock.

Wednesday, 20th March, 1963

The House met at thirty minutes past Two o'clock.

[The Speaker (Mr. Slade) in the Chair]

PRAYERS**COMMUNICATION FROM THE CHAIR****CORRECTION OF A RULING GIVEN ON PREVIOUS DAY**

The Speaker (Mr. Slade): Hon. Members, I have to correct a mistake which I made yesterday. During the debate on the Adjournment, Dr. Kiano said that the original question, which was the subject of the debate, had been answered by him, and I purported to correct him by pointing out that in fact there were two questions under consideration, and the first, I thought, had been answered by Mr. Kenyatta. Dr. Kiano demurred, and I find that in fact I was wrong, and that both initial questions were answered by Dr. Kiano. I ask him to accept my apology.

PAPERS LAID

The following Paper was laid on the Table:—

Report of the Permanent Secretary for Local Government for the year 1960/61.

(By the Parliamentary Secretary for Local Government (Mr. Marrison) on behalf of the Minister for Local Government (Mr. arap Moi)

ORAL ANSWERS TO QUESTIONS*Question No. 131***LEGAL AFFAIRS PARLIAMENTARY SECRETARY**

Mr. Towett asked the Minister of State for Constitutional Affairs and Administration why there was not a Parliamentary Secretary for Legal Affairs.

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, on behalf of my Minister, I beg to reply. The hon. Member will remember that the general purpose in appointing Parliamentary Secretaries is to assist Ministers in the discharge of their functions. The Ministry of Legal Affairs is an entirely professional Ministry concerned with judicial and legal matters, legal drafting, and in giving legal advice to the Government. In so far as Parliamentary work is concerned, it is not considered that a lay Parliamentary Secretary could make any useful contribution to the Ministry's work and no significant contribution in

regard to departmental business within the Ministry.

Mr. Towett: Mr. Speaker, Sir, does the hon. Parliamentary Secretary imply that we will not have any Parliamentary Secretaries in this Legal Ministry for ever?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): No, Sir.

Mr. Nthenge: Mr. Speaker, could not a Parliamentary Secretary who is of the legal profession be able to do his duties as Parliamentary Secretary for the Legal Ministry?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): As that is a hypothetical question, yes, Sir. On the other hand I am certain that all hon. Members in the House will agree that my hon. friend the Minister for Legal Affairs ably discharges the duties of his Ministry in this House.

Mr. Nthenge: Mr. Speaker, is this not really looking down upon the legal grades we have in this House?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, Sir, Government is not an employment agency.

Mr. Towett: Mr. Speaker, Sir, does the Parliamentary Secretary accept the idea that if we now can produce somebody qualified to be a Parliamentary Secretary the Government will have him?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): No, Sir.

Mr. Shah: Mr. Speaker, Sir, in one of his replies the Parliamentary Secretary said that the Minister is performing his duties very ably without a Parliamentary Secretary, does he mean that there are Ministers who have Parliamentary Secretaries and they are less efficient?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): That, Sir, is another question.

Mr. Nthenge: Mr. Speaker, Sir, we object. That is not another question.

The Speaker (Mr. Slade): It is another question.

Mr. Jamal: Mr. Speaker, Sir, would the hon. Parliamentary Secretary imply that all the Parliamentary Secretaries are making useful contributions as far as their respective Ministries are concerned?

The Speaker (Mr. Slade): I think that is another question too.

Mr. Towett: Mr. Speaker, Sir, does the hon. Parliamentary Secretary imply that if the Minister for Legal Affairs was less efficient in his work he would have a Parliamentary Secretary to the Ministry?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): That, Sir, is another question which does not arise. He is not inefficient in his work.

Mr. Towett: Mr. Speaker, Sir, I am saying if he was less efficient.

An Hon. Member: Answer.

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Am I called upon, Sir, to answer hypothetical questions?

The Speaker (Mr. Slade): No.

Question No. 132

MINISTRY OF EDUCATION:
PARLIAMENTARY SECRETARIES

Mr. Towett asked the Minister of State for Constitutional Affairs and Administration how was it that there was only one Parliamentary Secretary in the Ministry of Education and yet there were two at the commencement of the Coalition Government?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, on behalf of my Minister, I beg to reply. I would remind the hon. Member that the general purpose in appointing Parliamentary Secretaries is to assist Ministers in the discharge of their functions and the distribution of Parliamentary Secretaries as between Ministries is made with this end in view. In the Ministry of Education, it is considered that assistance to the Minister can be adequately given in present circumstances by one Parliamentary Secretary and experience over the past six months confirms this view.

Mr. Towett: Mr. Speaker, does this mean that when the two Parliamentary Secretaries were appointed to the Ministry of Education, it was an error?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): No, Sir.

Mr. Nthenge: Mr. Speaker, Sir, would the Parliamentary Secretary tell us whether there was too much work in the Ministry at the beginning and now because it has been lessened they require only one Parliamentary Secretary?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): The hon. Member will remember that during this Session of this House my hon. friend the Minister of State for Constitutional Affairs was not only Minister for Education but Leader of this House. At that time provision was made for two Parliamentary Secretaries. The same provision appeared in this year's Estimates but Government, in deference to the general wish around the country, is saving money in this case.

Mr. Towett: Mr. Speaker, does the Parliamentary Secretary not agree with me that after the last Lancaster House Conference there were two Parliamentary Secretaries appointed to the Ministry of Education, that is after the time of Mr. Ngala as Minister for Education?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): I do agree, Sir.

Mr. Nthenge: Mr. Speaker, if he agrees with that, is he prepared to withdraw his earlier remark that it was because the Minister for Education was also Leader of the House? Because that was not so.

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): The hon. Member did not listen to my reply, Sir, I did say that there was provision in the Estimates, and there still is for the remainder of this financial year for two Parliamentary Secretaries in the Ministry of Education. It is up to the Government to make its dispositions to save money when and where it can.

Mr. Towett: Mr. Speaker, Sir, was one of the two Parliamentary Secretaries in that Ministry sacked by Government, or did he resign willingly?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): I am led to believe, Sir, that he resigned.

Mr. Towett: Did resignation, Sir, concur with the Government's idea that the post was unnecessary?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): That is a different question, Sir, his resignation was accepted.

Mr. Nthenge: Mr. Speaker, Sir, if the Government is saving on the Parliamentary Secretary for Education, would it not be reasonable for the Government to save on the other double Parliamentary Secretary?

The Speaker (Mr. Slade): I think that question is too far away from this question.

Mr. Towett: Mr. Speaker, Sir, the Parliamentary Secretary in his reply said that there were still provisions in the Estimates for a second Parliamentary Secretary. Is the Parliamentary Secretary in agreement that the Minister should appoint another Parliamentary Secretary because there is provision for it?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): No, Sir, if in fact all the provisions in the Estimate were filled, savings would be impossible.

Question No. 133

PARLIAMENTARY SECRETARIES: WORK DAYS

Mr. Towett asked the Minister of State for Constitutional Affairs and Administration how many days a week were Parliamentary Secretaries supposed to be in their offices or to be doing Government work though outside their offices?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Sir, on behalf of my Minister, Mr. Speaker, I beg to reply. In general terms of their appointments Parliamentary Secretaries are expected to give priority to their official duties, although this does not necessarily preclude them from pursuing private interests. If Ministers are dissatisfied with the work of their Parliamentary Secretaries they can ask for their appointments to be revoked.

Mr. Towett: Mr. Speaker, Sir, who keeps the register of Parliamentary Secretaries whenever they are in office or are not?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Sir, the hon. Member who has been both a Minister and a Parliamentary Secretary in his time, must know the answer to this question. The answer is that the Minister is responsible for the subdivision of the duties within his portfolio and the Minister will satisfy himself in respect of that portion of his duties which are delegated to his Parliamentary Secretary.

Mr. Nthenge: Mr. Speaker, Sir, would a Parliamentary Secretary be allowed by his Minister to be out of office for more than two weeks?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): That, Sir, is a question for the Minister.

Mr. Towett: Mr. Speaker, Sir, is the hon. Parliamentary Secretary willing to agree with me that because I have gone through all the stages he mentioned, I realize that there is not anybody who supervises the Parliamentary Secretary?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): No, Sir.

Question No. 134

PARLIAMENTARY SECRETARY UNDER MINISTER OF OWN TRIBE

Mr. Towett asked the Minister of State for Constitutional Affairs and Administration if it was the policy of the Government that a Parliamentary Secretary should work under a Minister who was of his own tribe?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply. Parliamentary Secretaries are political appointments and the respective tribal origins of the Minister and his Parliamentary Secretary are only coincidental considerations.

Mr. Towett: Mr. Speaker, Sir, does the Parliamentary Secretary mean that this coincidental happening could not be prevented?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, Sir, no man has any control over his origin.

Mr. Towett: Mr. Speaker, Sir, does the Parliamentary Secretary want us to rectify any anomalies if such coincidences happen?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Anomalies in origin, Sir?

Question No. 135

KADU PARLIAMENTARY SECRETARY UNDER KANU MINISTER

Mr. Towett asked the Minister of State for Constitutional Affairs and Administration if the Minister was satisfied that the present set-up of a KADU Parliamentary Secretary under a KANU Minister and *vice versa* was proper for the good of the country?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply as follows.

The present arrangement whereby a KADU Parliamentary Secretary serves under a KANU Minister, and vice versa, are not inappropriate to the present Coalition Government and were generally agreed upon at the last Lancaster House Conference.

Mr. Towett: Is the Parliamentary Secretary aware, Sir, that there is not much co-ordination of work when there is a Minister and a Parliamentary Secretary of two different parties?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, Sir, that is an expression of the hon. Member's opinion which I do not subscribe to.

Mr. Nthenge: Mr. Speaker, Sir, does the Government consider that it is better for two people from one party to work as colleagues and not one from one party and one from the other?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, the present arrangements were arrived at by consent within the Coalition Government, which represents both parties; presumably it therefore represents the views of both parties and the Government.

Mr. Towett: Mr. Speaker, Sir, is the Parliamentary Secretary ready to agree with me that this procedure is not properly workable?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): I have already said, Sir, that not only is it properly workable, but it is working.

Question No. 136

STATUS OF PARLIAMENTARY SECRETARY WHO BECOMES INDEPENDENT

Mr. Towett asked the Minister of State for Constitutional Affairs and Administration if a Parliamentary Secretary abandoned his Party during the present Coalition Government and became an Independent, did he still hold his appointment of Parliamentary Secretary or not?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply as follows:—

(1) This is a hypothetical question.

(2) If a Parliamentary Secretary, or a Minister for that matter, ceases to support the policies of the Party which forms the Government, the honourable course for him to take is to relinquish his appointment. Appointments are held at the Governor's pleasure.

Mr. Towett: Mr. Speaker, Sir, if a Minister or Parliamentary Secretary is not willing to relinquish his post because he has changed his party colour, what does the Government do about it?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): In that event, Sir, it is up to the head of the party in the Government to ask for his appointment to be rescinded.

Mr. Towett: Mr. Speaker, Sir, did the hon. Parliamentary Secretary, in answering these questions, take the trouble to find out from the heads of the parties what the situation is likely to be if that happened?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): No, Sir, it is quite clear by custom.

Mr. Towett: By what custom, Sir?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): The custom which has kept this Government in power, Sir, for a year.

Question No. 137

ACADEMIC QUALIFICATIONS OF PARLIAMENTARY SECRETARIES AND MINISTERS

Mr. Towett asked the Minister of State for Constitutional Affairs and Administration if it was in accordance with Government policy that a more academically qualified and politically experienced person should be a Parliamentary Secretary under a less academically qualified Minister?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply. As Bismarck put it, "Politics are not an exact science", and certainly academic qualifications give no guide to merit in this profession. It is in accordance with Government's policy to appoint Ministers and Parliamentary Secretaries and an individual's all round suitability is taken into account before appointment.

Mr. Nthenge: Mr. Speaker, does the Parliamentary Secretary mean to tell us that the Ministers and the Parliamentary Secretaries are the most efficient people in their respective parties?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): That, Sir, does not arise and is another question.

Mr. Towett: Mr. Speaker, Sir, the hon. Parliamentary Secretary has told us from a quotation that politics is not an exact science. Does he not agree with me that a more academically qualified person with political experience would be a more suitable person to be a Minister than a Parliamentary Secretary?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Not necessarily, Sir; there are some philosophers who have no common sense.

Mr. Towett: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply could he give us examples of such philosophers who have no common sense?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): I must not be tempted, Sir.

Question No. 138

DIPLOMATIC VISITORS ENTERTAINED BY PARLIAMENTARY SECRETARIES

Mr. Towett asked the Minister of State for Constitutional Affairs and Administration how many of the existing Parliamentary Secretaries had entertained officially sent diplomatic visitors in their own houses here in Nairobi?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, I beg to reply, on behalf of my Minister, as follows:—

- (1) I have no information to offer the House on the private social activities of Parliamentary Secretaries.
- (2) Official entertainment is allowed for in the Annual Estimates and specific questions referring to the expenditure of these funds should be addressed to the Minister concerned.

Mr. Towett: Mr. Speaker, Sir, is the Parliamentary Secretary aware that the question did not refer to social functions but referred to official functions?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod):

With respect, Mr. Speaker, that is not so from the wording of the question. The question does depend to a certain extent, I will agree, upon interpretation, but the question refers to "officially sent diplomatic visitors". Officially sent diplomatic visitors can be entertained officially or privately.

Mr. Towett: Mr. Speaker, could we know the number of official entertainments?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, Sir, I thought I had covered that point in the second part of my reply.

Question No. 139

PARLIAMENTARY SECRETARIES LIVING IN GOVERNMENT QUARTERS

Mr. Towett asked the Minister of State for Constitutional Affairs and Administration how many Parliamentary Secretaries lived in Government quarters and how many did not?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, I beg to reply, on behalf of my Minister. Five Parliamentary Secretaries are housed in Government-owned or Government-rented quarters. The remaining 13 Parliamentary Secretaries make their own housing arrangements.

Mr. Nthenge: Mr. Speaker, Sir, are they not housed in Government houses because of a shortage or for any other reason, and why?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, Sir, the Parliamentary Secretaries are not entitled to Government housing. If Government housing is available they may be granted it.

Mr. Towett: Mr. Speaker, Sir, does the hon. Parliamentary Secretary mean to say that when Parliamentary Secretaries are appointed they are expected to live in the bush.

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): There is a certain amount of choice left to the individual concerned. What I did say was that the Parliamentary Secretaries are not entitled to houses. Where housing is made available to them they pay at normal Government rates. Where there is no housing available for them their salaries are enhanced by 12½ per cent as a housing allowance.

Mr. Towett: Mr. Speaker, Sir, does it then follow that the 13 who are not housed in Government quarters have not been able to get houses or have they got their own houses?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Sir, I said in my original reply that they have made other arrangements. In some cases Parliamentary Secretaries own houses, in other cases they rent houses at a cheaper rate.

Mr. Towett: Out of the 13 referred to, Sir, are there any that have applied for houses and been told that there are no houses available?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): No, Sir.

Question No. 140

PARLIAMENTARY SECRETARIES: COMMUTED
MILEAGE ALLOWANCE

Mr. Towett asked the Minister of State for Constitutional Affairs and Administration if Parliamentary Secretaries got commuted mileage allowances per month?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, I beg to reply, on behalf of my Minister. Parliamentary Secretaries are eligible for travelling and subsistence allowances on duty in accordance with the Code of Regulations, as for officers of the permanent and pensionable establishment. These Regulations permit the payment of a commuted mileage allowance in respect of travelling within the City.

Mr. Towett: Mr. Speaker, Sir, could we be told what the figure of the mileage allowance is?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Sir, it is commuted and worked out with the accounting officer of the Ministry concerned.

Mr. Towett: Mr. Speaker, Sir, did the Parliamentary Secretary not take the trouble to find out what the figure was?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Sir, the figure varies from individual to individual. The Government does not pay a flat rate for Parliamentary Secretaries or anyone else to swan around. It must be related to the actual mileage done. It is then commuted with the accounting officer of the Ministry concerned.

Mr. Towett: Would the hon. Parliamentary Secretary tell us whether the Parliamentary Secretaries get different rates of commuted mileage allowance?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, the rates are the same as for the permanent and pensionable staff of Government. In individual cases the amounts that are paid to the Parliamentary Secretaries varies.

Mr. Nthenge: Mr. Speaker, Sir, can the Parliamentary Secretaries not make use of Government vehicles?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, Sir, that is a matter again for the Ministry concerned which can control the vote. Travelling allowances are not in any way the same as the cost of running a Government vehicle.

Mr. Towett: Mr. Speaker, Sir, does the commuted allowances, paid to the Parliamentary Secretaries, preclude them getting Government drivers?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): No, Sir.

Mr. Towett: Does he mean, Mr. Speaker, Sir, that there are Parliamentary Secretaries with Government drivers?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, Sir, did the hon. Member say "include" or "preclude"?

Mr. Towett: I said "preclude".

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): In that case, I beg the House's pardon. The payment of mileage allowance means that the man is driving his own car or making his own arrangements; it has nothing to do with Government drivers.

Mr. Towett: Mr. Speaker, Sir, is the Parliamentary Secretary telling us that if mileage allowance is commuted it is not a uniform amount?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, I have already said, Sir, the rate is uniform, the product varies.

Question No. 141

PARLIAMENTARY SECRETARIES WITH PERSONAL SECRETARIES

Mr. Towett asked the Minister of State for Constitutional Affairs and Administration if each Parliamentary Secretary had a Personal Secretary?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Sir, on behalf of my Minister, I beg to reply. The arrangement for secretarial assistance varies somewhat as between Ministries. In some Ministries the Parliamentary Secretaries share the services of a stenographer or a stenographer/secretary, whereas in others the full-time services of a stenographer are available to the Parliamentary Secretary. Such arrangements are at the discretion of the Ministry concerned.

Mr. Towett: Mr. Speaker, Sir, does the Parliamentary Secretary not agree that the availability of stenographers and secretaries causes confusion among Parliamentary Secretaries, not knowing how they stand in the Ministry?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): No, Sir. I have already explained that this is a matter for the Ministry concerned. There can be no confusion across the ranks of Parliamentary Secretaries except, perhaps, within the same Ministry.

Mr. Nthenge: Mr. Speaker, Sir, do the Parliamentary Secretaries who have stenographers and secretaries do more work than those who share with others?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Sir, this is difficult to answer. It depends on the individuals, because of the philosophical factors involved.

Mr. Towett: Mr. Speaker, Sir, what happens when a Minister and a Parliamentary Secretary share one stenographer and both of them want to dictate to her?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Sir, the Government, as on other occasions, exercised patience.

COMMITTEE OF THE WHOLE COUNCIL

(Order for Committee read)

[The Speaker (Mr. Slade) left the Chair]

IN THE COMMITTEE

[The Hon. J. J. M. Nyagah in the Chair]

THE CUSTOMS TARIFF (AMENDMENT) BILL

(Clauses 2 and 3 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Parliamentary Secretary for Finance (Sheikh Alamoody): On a point of order, Sir, is there not a Schedule?

The Chairman (Mr. Nyagah): No, no Schedule.

THE FIREARMS (AMENDMENT) BILL

(Clauses 2 and 3 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Legal Affairs (Mr. Webb): Mr. Chairman, I beg to move that the Committee doth report to Council its consideration of the Customs Tariff (Amendment) Bill and the Firearms (Amendment) Bill, and its approval thereof without amendment.

(Question proposed)

(The question was put and carried)

(The House resumed)

[The Speaker (Mr. Slade) in the Chair]

REPORTS, CONSIDERATION OF REPORT AND THIRD READINGS

THE CUSTOMS TARIFF (AMENDMENT) BILL

Mr. Nyagah: Mr. Speaker, Sir, I am directed by a Committee of the whole Council to report the consideration of the Customs Tariff (Amendment) Bill and its approval thereof without amendment.

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, I beg to move that the Council doth agree with the Committee in the said Report.

The Minister for Legal Affairs (Mr. Webb) seconded.

(Question proposed)

(The question was put and carried)

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, I beg to move that the Customs Tariff (Amendment) Bill, 1963, be now read a Third Time.

The Minister for Legal Affairs (Mr. Webb) seconded.

(Question proposed)

(The question was put and carried)

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

THE FIREARMS (AMENDMENT) BILL

Mr. Nyagah: Mr. Speaker, Sir, I am directed by a Committee of the whole Council to report the consideration of the Firearms (Amendment) Bill, 1963, and its approval thereof without amendment.

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, I beg to move that the Council doth agree with the Committee in the said report.

The Minister for Legal Affairs (Mr. Webb) seconded.

(Question proposed)

(The question was put and carried)

The Minister for Defence (Sir Anthony Swann): Mr. Speaker, Sir, I beg to move that the Firearms (Amendment) Bill, 1963, be now read a Third Time.

The Minister for Legal Affairs (Mr. Webb) seconded.

(Question proposed)

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, when the hon. Minister for Defence was moving the Second Reading of the Bill I overlooked putting a point. I wonder whether one has an opportunity at the Third Reading of putting a point upon the Bill. I am in order, Sir. The point I wished to make yesterday, is that I would like to suggest to the hon. Minister for Defence that in view of the fact that there are so many firearms in the country, so much so that it has been found necessary to look for a way of disposing of these firearms. I wonder whether the Minister for Defence would now consider a complete ban on the importation of further firearms into the Colony. That is a suggestion which I wanted to make yesterday during the Second Reading of the Bill and I commend it to the hon. Minister for Defence.

The Minister for Defence (Sir Anthony Swann): Mr. Speaker, Sir, I will certainly give that matter some consideration. Speaking briefly, without

having gone into this matter, I am rather doubtful whether it would be possible or perhaps desirable, but I will certainly consider the hon. Member's point.

(The question was put and carried)

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

THE CHILDREN AND YOUNG PERSONS BILL

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Mr. Speaker, Sir, yesterday a Committee of the whole Council considered the Children and Young Persons Bill and approved the same with amendment. I beg to move that the Council doth agree with the Committee in the said report.

The Minister for Legal Affairs (Mr. Webb) seconded.

(Question proposed)

(The question was put and carried)

The Parliamentary Secretary for Social Services (Mr. Anjarwalla): Mr. Speaker, Sir, I beg to move that the Children and Young Persons Bill be now read a Third Time.

The Minister for Legal Affairs (Mr. Webb) seconded.

(Question proposed)

(The question was put and carried)

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

MOTION

CURB TO EXCESSIVE DRINKING: LEGISLATION

Mr. Mwendwa: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT this Council, being aware of the present tendencies of young men to over-indulge in alcoholic liquor, and being aware of the threat of such intemperance to the national economy and to education and prosperity, urges the Government to investigate the possibility of initiating legislation to curb excessive drinking, along the lines of legislation now in force in Zanzibar and India.

Mr. Speaker, before I go any further on this Motion, I want to make it clear to this House that there are people whom I exempt from this. For example, there are people in this Council who are of an age which warrants them to drink whenever they want, and so they are exempted.

[Mr. Mwendwa]

I am talking of three classes of people in this Motion. First of all, I want to talk about the young Government servants. When I say Government servants, I am thinking of local authority and Central Government servants. The second class of people is the business people, and the third is the young unemployed people.

Mr. Speaker, this may not be a problem in other districts, but it is very common in Kitui District where I come from.

Mr. Speaker, before I go on, the Members may not be able to hear me very well. I have a sore on my tongue and my doctor asked me not to speak, but I am disobeying him! I want to make that clear.

The Speaker (Mr. Slade): You had better bring the microphone a little nearer so that HANSARD can hear you.

Mr. Mwendwa: This problem may not be very common in other places, but it is in my district. There are very many young men who have been employed by the African District Council and also Central Government, and they have lost their jobs because they have taken up drinking and some of them have gone to the extent of buying drink with all the money they earn and, finally, they take Government money to use in the beer halls. As a result, they are arrested, taken to the court, and then they lose their employment.

Mr. Speaker, I feel it is the duty of the Members of this House to find means of protecting these young men who have just come into the outside world. They are not experienced, and they do not know that a person cannot make himself happy by using money which does not belong to one. Therefore, I think it is the duty of the Members of this House to do something to prevent this, because it is very common in Kenya.

Last year, in my own district, more than 50 young men leaving school at the K.A.P.E. standard, lost their employment and ended up by being put in prison, because they took up drinking as their main business, especially beer and, at the end, they found they had no money to buy drink and then they started to take money which did not belong to them.

Mr. Speaker, many Members know that in other districts, not only in Kitui, a lot of people have lost their jobs because of offences arising from drinking. If I may have permission, I would like to quote the number of officers in the Prisons Department who have lost jobs because they have failed to do their duty well, due, mainly, to

drinking. I think Members in this House will be surprised. Here, Mr. Speaker, I would like to quote some examples. These are from the Department of Prisons alone which I am taking as an example. Officers who have been dismissed because they have allowed prisoners to escape are: 1960, 90; 1961, 89. Neglect of duty: 1960, 179; 1961, 201. Asleep on duty: 1960, 50; 1961, 166. Late or absent: 1960, 131; 1961, 279. Conduct to the prejudice of good order or discipline: 1960, 190; 1961, 416. That, Mr. Speaker, is an example, an analysis from one department only of the officers who have lost jobs because they have failed to perform their duties because of drinking.

That is an example which makes me feel that it is necessary for this Council to enact legislation which will prevent these young Africans, who are just taking up jobs, from being sacked. It is our duty to protect these people, Mr. Speaker.

I understand that, in England, the times for drinking liquor in bars is limited. I understand that bars open at 1 and close at 2 in the lunch hour and again from 6 p.m. to 10 p.m. and that is all. But you find, Mr. Speaker, in the African districts anybody is free to get beer anywhere and at any time. You find some local authority servants drinking during their work during the official hours. I may quote examples if I am asked for them. I have known of a D.E.O. drinking—

An Hon. Member: What does that mean?

Mr. Mwendwa: District Education Officer. I have known of a District Education Officer drinking during official hours. I was with him although he was not aware that he was sitting with a Member of Legco, he was not aware that I was a servant of the public, and he was drinking at 10 a.m. when he was supposed to be in the office. He was drinking simply because the barman was allowed to sell beer at any time. This is the kind of thing, Mr. Speaker, which a law must be made to stop. We must protect the public and stop the barmen selling beer at any time they like.

You find in my district people sleeping on the road at 8 a.m. and already completely drunk. Nobody knows where they got their liquor. We cannot have such a careless Government which allows people to drink liquor anywhere and at any time. I think that is bad, Mr. Speaker, and it is this sort of thing which the Government—

An Hon. Member: Ukambani.

Mr. Mwendwa: You can say Ukambani but I have already said Ukambani if you please. I do not know your place.

[Mr. Mwendwa]

This is the sort of thing, Mr. Speaker, I am asking the Council to do something about.

I now come to the other class of people, the business people. It is well known that the African is new to business. It is a fact in my own district the first African shop was built in 1946, and that is less than 20 years ago. Europeans and Indians have been trading for years and years, they know all the techniques of trading and they know their business. In my district, Mr. Speaker, you find that a man does not know when he makes a profit, and, therefore, when he goes to an Indian and borrows goods, may be worth Sh. 2,000 which he puts into a shop, and when he starts producing Sh. 100 a day he thinks he is rich. At that moment, he employs somebody to stay in his shop and he takes up drinking. At the end, he finds himself without any money, and in debt. Mr. Speaker, we have to protect these young men who do not know where they are going. I can quote here certain men in my district who have started very well and then they have broken simply because the next-door shop is a beer shop. They leave their shops at 8.00 a.m. and start drinking at the next shop and at the end of the year, the business collapses.

Mr. Speaker, if we are here to serve the public; if we are here as servants of the public, we should see whether proper times could be set for allowing people to drink liquor, or beer or whatever it is.

An Hon. Member: Or Nubian gin!

Mr. Mwendwa: Make it an offence for anybody who is found selling beer at a certain time, as well as making it an offence for anybody found drinking at certain times. So that these young Africans can start doing business and making money.

While I am on this point, Mr. Speaker, may I turn a little to young ladies. Some of these businessmen employ young ladies who are also allowed by law—by Kenya law—to drink liquor at any time. What a careless Government it is that does not look after young ladies! These young ladies are not the property of their fathers. I have a daughter but that daughter is not mine, she belongs to somebody else whom I do not know. I must look after her so that when her owner comes to take her she takes her while she is in good form. If the Government cannot protect those young ladies by a law made and passed in this House what are we doing? Something must be done and that is why I have this Motion.

Mr. Speaker, another class of people is the unemployed people. Here there are two classes of people, we have the men who are unemployed and we have the women who are also not employed. I must also make it clear that there are some rich unemployed people, especially in my district, who look after cattle. Some of these people, because there is no law which prohibits them from drinking in the morning, may go out and sell one cow, they put the money in their pockets and then go to the beer hall and stay there until the money is finished. Then they go home without a penny for their wives. Why do they stay in the beer hall? Only because most of the beer halls can sell liquor and beer at any time.

Mr. Speaker, this class of people need protection. The law must be made and passed in this House. The law must stop people from staying in beer halls drinking until they have no money in their pockets. Again, Mr. Speaker, this is something which is very common here, especially in the towns. How often do we see young men moving about in Nairobi, in Thika, in the towns, drunk all the time? The question is; where do they drink? Who looks after them? Can the Government not do something to see that these people cannot get liquor anywhere?

When I was in England, Mr. Speaker, during our Lancaster House Conference, I might have been the only one, I do not know, but I never saw one young man drunk during the day. I never saw one. I was anxious to see one and so I went round the streets to see one drunk man but I never saw one. But if one wanders about here in town and goes round in Nairobi, for one day, one can see about 20 people roaming about drunk. Is there no Government in Kenya to protect these people? We know, Mr. Speaker, there are two kinds of people. There are people who need protection, they have no brains, they cannot protect themselves; if they are left free they can do anything to the extent of even killing, and it is up to the Government to protect these people by law, to make them sit when they do not want to sit, to make them keep quiet when they do not want to keep quiet, to make them miss drinking when they want to drink. That is the kind of Government which everyone will appreciate in this country, and I am quite sure the hon. Member, Mr. Nthenge, who does not drink, will support me in this.

Mr. Speaker, I know a few Members here—

QUORUM

Mr. Erskine: Mr. Speaker, on a point of order, may I ask if there is a quorum in the House?

The Speaker (Mr. Slade): No. Ring the Division Bell.

(*The Division Bell was rung*)

The Speaker (Mr. Slade): There is now a quorum.

(*Resumption of debate*)

Mr. Mwendwa: Mr. Speaker, I am quite sure many Members do not know the number of people who have already been committed to the prisons because of offences, because some of them have been found drunk, some of them have been found driving cars while they are under the influence, and I think I might do well to give these Members figures here, Mr. Speaker.

The figures here show the people who have been thrown into prisons and I am going to show how these people are classified according to religion. It surprises me because there are a certain number of classes who do not seem to go to prison very much, and it is up to the Members to see. In 1961, the Christians who have been thrown into prison are 12,750; Muslim, 2,017; Hindu, 166; various—those are the people who are not known to belong anywhere—727; pagan, 13,037. The total, Mr. Speaker, is 28,697. Many of these people who have been thrown into prison have committed offences while under the influence. Many people may say here that many of these people are lunatics. Of course not, the percentage of lunatics is very low. If they want me to quote the Nairobi figures I would: in Nairobi the lunatics are about 0.1 per cent. The debtors also are very low, they are about, I think it is, .25. The rest are offenders who have committed offences because they were drunk. If you will just listen to these figures: in 1961 the people who committed offences and who were taken to the police to be examined were: drunken driving: 159 in 1960, and in 1961, 228. The number is rising, that is why I am bringing this Motion here, so that the House may do something before we find this number going up to 500.

The number of accidents, Mr. Speaker, are enormous which when I quote them here, may surprise the Members. There were 58,000, nearly 60,000, accidents in 1961 and most of these have taken place due to nothing but over-drinking, driving motor cars while under the influence of liquor. Mr. Speaker, this makes me feel that we have to do something. We were brought here by the people thinking that we were responsible people—and I am quite sure we are—so we must do something to make it impossible for the young men, and the women too, to drink beer any time, anywhere they like. I am asking for the time to be curtailed, especially in hotels, so that at a cer-

tain time it is an offence for the hotelkeeper to sell beer to anybody during that time and, if possible, go to the extent of making it an offence for the hotelkeeper to sell beer to any young men and young ladies also under a certain age, Mr. Speaker.

As I said before, I have been told by the doctor not to speak very much, Mr. Speaker, although I would like to extend my talk, but for that reason, Mr. Speaker, I beg to move.

Mr. Erskine: Mr. Speaker, I beg leave to second this Motion. I find, for some reason that I cannot quite explain, that I am rather flattered that the hon. Mover should have chosen me to second his Motion. In the rather short time at my disposal it will not be very easy to cover the whole story of drinking and intemperance, but with the permission of hon. Members I would like to recall that if one goes back into the chronicles of pre-history it is a fact that when the first *homo sapiens* hopped out of a tree and found that it was possible to stand on two legs, he found that there was very little use for his two hands, and naturally in due course some mischief he found for his hands to do. He invented fire and very shortly after that he started to cook his food; that gave him a lot more free time on his hands and very shortly after that he learnt the secret of brewing beer and perhaps a short time after that—say, another 10 million years or so—he discovered the secret of distillation of spirits.

Now, Mr. Speaker, Sir, the Motion itself has called for some kind of legal control of drinking in Kenya, because during the last ten million years there is no doubt about it, intemperance has become a very considerable problem in most countries in the world. All countries have found it necessary to take legal steps to control drinking. The hon. Mover has painted a tragic picture of the effects of intemperance on the young people in Kenya, and I would like particularly to draw the attention of the House to the tremendous amount of illegal brewing and distilling that takes place in Kenya today. Now, I understand that in the western countries, such as America, the illegal brewing and distilling of spirits is not nearly as great as it used to be and one wonders why. I think probably one hundred years ago there was much illegal distilling in the United States of America, and I get my information from a musical play called *Annie Get Your Gun* which is coming to Kenya soon, in which there is a song which goes as follows: "Behind the hill there is a busy little still where your Papa is working in the moonlight. Your loving Pa is not quite within the law for he is hiding there behind the hill."

[Mr. Erskine]

In Great Britain, illegal distilling and brewing has practically died out and the reason for it is just this: that whereas in Kenya a man found with a still or brewing *tembo* is probably fined Sh. 10 for doing so, just for the crime of doing so, but in Great Britain and the United States of America he is charged under the Penal Code, I believe, for a very much graver offence: that of defrauding the revenue. The revenues of these countries are supported to a great extent by the tax on spirits and beer. I would like, therefore, to suggest to Government—and I am sorry that the Minister for Legal Affairs is not able to be with us at this moment—that the laws are strengthened in regard to illicit brewing and illicit distilling and that when a man is found doing these things he is charged with a very much graver offence than that for which he is charged today. By that I mean that instead of being fined Sh. 10 or sent to prison for a few days, he should be charged with defrauding the revenue and possibly go to prison for a very much longer term of say two or three years. I feel that if that step were taken in this country it would do much to discourage the illicit brewing and distilling.

As regards the legal trade in liquor, well, we have progressed a long way during the last ten million years, when I have no doubt that what they brewed and distilled must have been very bad for the insides of the people of those days. I do not know whether it is absolutely true to say, as claimed by the brewers of a certain liquor—a very well advertised liquor—that beer can be actually good for one, and there is no doubt that taken in strict moderation, the consumption of beer is not actually harmful. And a point that we must not lose sight of is that it does bring a tremendous amount of revenue to the country. I feel, therefore, that if the law were to be harsher on illegal brewing, there would be a greater incentive to pay the necessary amount of Sh. 2 per bottle, or whatever it is, and drink the properly, legally brewed beer of the country. In this day I believe—subject to correction—that the excise on locally brewed beer and on locally distilled spirits brings a tremendous amount of revenue to the country and it is always possible, if he Mover and others like him and myself feel that there is too much drinking in the country and that it is causing damage to the economy and to the health of young people, for Government to increase the tax and excise on spirits and beer and so make it more difficult for people to over-indulge. I would be very glad indeed if Government would take cognizance of what the hon.

Mover has said and note the grave damage to the country that is being done by over-drinking. If it is not possible, and perhaps none of us really wish it, to have prohibition in Kenya, at least to get drinking on to good, modern healthy lines so that people drink the best brews and in doing so contribute the maximum to the revenue of the country. I beg to second.

(Question proposed)

The Parliamentary Secretary for Lands, Surveys and Town Planning (Mr. Argwings-Kodhek): Mr. Speaker, I did not intend to have anything to do with this Motion, but it appears to me that the Mover and Seconder of this Motion do not seem to know that at the moment there exists in the Laws of Kenya the recently revised Liquor Ordinance. It has terrific provisions; it has very useful provisions; it has just the provisions which could be revised to do even more than the Mover wants to be done in his Motion. The Mover speaks of over-indulging, but the fact really is that he wants the young people of this country to indulge, but not to over-indulge. Not only that, he only wants the young men not to over-indulge. He has forgotten entirely the case of the young women, at least that is not in the Motion, my dear friend. So the young women can over-indulge while the young men should not. I have been told that in the Constituency of the hon. Member, that of Kitui, they have a saying in Kikamba, *Kibetina Uki*, which means really "women and drink". The effect really, Mr. Speaker, is this: he is moving the Motion in the wrong Council. The proper place for it was not even the County Council, it was the African District Council in Kitui to stop the young men, but not the young women, of Kitui. Perhaps he is not aware of that fact, but I think it is a good thing to tell him about it.

Now, when we go back to history, we find again that the hon. Member is far out. He seems not to have read the history of those countries which practised prohibition. If he could just spend a little bit of time—he has so much which he does not use properly—in a local library he will find what happened on the boundary of the Dominion of Canada and the United States of America because of prohibition. He may also try and pay a short visit to India where, I understand, visitors may be given a special privilege to be called to the bar—the other kind of bar—but they must have a special certificate before they are allowed to have a drink and it is very expensive, very much more expensive than my friend the hon. Member for Kitui is suggesting for Kenya.

[The Parliamentary Secretary for Lands, Surveys and Town Planning]

I would ask him, if he wants the wholehearted support of everybody here in Kenya, that there should be a certain amount of limitation. These things are done in the various locations, and I can speak with regard to one location that I know very well—Gem Location—which is the gem of Kenya. People are not allowed to go drinking until after midday; also they are not allowed to drink after a certain hour, that is six o'clock in the evening. This is just a Locational Council matter and not a Legislative Council matter. If you allow people to start drinking, as they do in Kitui at 5 a.m. in the morning, they will not go to their shambas, the children will not go to school, the girls will remain at home, they will forget to go to Chandoni—as they call it—and may not be able to be proper mothers to their children.

I must also mention one thing which the hon. Member spoke about. That is that there was a D.E.O., with a drink in front of him—well he is the Member for Kitui at the moment. Well, being the Member for Kitui at the moment why cannot he stop a D.E.O.—Demoted Education Officer—from drinking? If he had had anything to do with it, the best thing would have been to make sure that he did not overstay his welcome.

Mr. Towett: Will the hon. Member give way? Are we made to understand that D.E.O. means Demoted Education Officer?

The Parliamentary Secretary for Lands, Surveys and Town Planning (Mr. Argwings-Kodhek): It could mean anything, Mr. Speaker. D.E.O. can mean anything, but here is a District Education Officer who was drinking whilst he should have been looking after examination papers. If the hon. Member for Kitui did nothing about it, he should not come crying to this House. He has raised the dust in his own area. He has not bothered to stop the Education Officers doing wrong, immoral and incompetent things they are doing there, but comes crying to this House. It is his own fault, and I should hope that if his constituents are here they should go back to Kitui and should say to the people there—

Mr. Towett: On a point of order, Mr. Speaker, could the hon. Member who has been speaking be more careful with his terminology. The hon. Member on this Side of the House never used the word “immoral”. He said the Education Officer was drinking. Is it immoral to drink?

The Parliamentary Secretary for Lands, Surveys and Town Planning (Mr. Argwings-Kodhek):

I am not saying that it is immoral to drink, because we have a bar in Legislative Council, and I use it fairly frequently. If it had been immoral I would not have gone there at all. However, my friend, the Member for Kitui, also gave a number of quotations. He gave us lists and lists, and I think the Minister will be answering him here—my friend Mr. Tipis—and he will surely make proper and effective use of the figures that the Member for Kitui produced here. It appears to me, Mr. Speaker, Sir, that some people—I do not know what the proper word is—have been either snooping or preaching or collecting figures—confidential figures—from various people, or he has been abusing the confidence of various of his friends, and he then brings figures to this House and says that so many people were found sleeping; so many people were found absent without leave; so many people—

Mr. Nthenge: On a point of order, Mr. Speaker, is the hon. Member correct in referring to the figures quoted by the hon. Mover as confidential, while they were obtained from the Report supplied to Members of this House?

The Speaker (Mr. Slade): Mr. Argwings-Kodhek is using very offensive expressions about the hon. Member for which I see no justification. The Mover has quite clearly quoted from printed reports. I would ask you to be more careful.

The Parliamentary Secretary for Lands, Surveys and Town Planning (Mr. Argwings-Kodhek): I stand corrected, Mr. Speaker, Sir. If the Mover was quoting from these particular reports I must congratulate him very highly for having been so attentive and been so industrious in keeping up with published Government reports, although my ideas are the other way round.

I wish to say, finally, Mr. Speaker, Sir, that I would, myself, welcome any time, any day, a certain regulation, and certain authority to be able to control the excessive habits, not only of young men, but also of young women. Not only of those, but also of men who are, not at the moment, young, because, perhaps, they may be the people who are encouraging their men and women to do the things which the hon. Member for Kitui is complaining about. I would like to ask him to get in touch immediately with the Minister for Legal Affairs so that proper amendments are made to the existing Ordinance, which is known as the Liquor Ordinance. This is being abused, not only in Kitui, but it is being abused in Nairobi and other places. However, the proper place to raise the points which he has been complaining about in his Kitui constituency, is in the Kitui African District Council, and I am sure that

[The Parliamentary Secretary for Lands, Surveys and Town Planning]

the Chairman of the Kitui African District Council would very much like him to push this matter forward, so that the boys and girls in Kitui will not go drinking, but will go to school and study.

With these few remarks, I beg to support.

Mr. Shah: Mr. Speaker, Sir, I rise to support the Motion.

In underdeveloped countries drinking, in my opinion, is a curse to the country because, at a time when we are required to make full use of our human resources drinking habits start wasting a lot of these human resources. I feel that bad drinking habits amongst workers brings about an unhappy family life. It so happens that workers who earn less tend to drink rather a lot and a very large proportion of their salary goes on drink, with the result that most of the time the wife and children do not get proper food, there is no money left for school fees, and they are not clothed properly.

That being so, we tend to get more and more dissatisfaction and discontent amongst families and the young children remain uneducated due to the lack of money. This money is wasted on drink.

Although this Motion, Mr. Speaker, only asks for excessive drinking to be curbed, I think in a country like this we require complete prohibition. It is only by this way that we will be able to save the wealth of the country. Although I do know that there are people who will argue that by bringing in prohibition it will have an effect on some of the revenue; and some of the brewery workers will complain that there is insufficient work for them. However, if we look at it with regard to a long-term prospect, those workers who will be out of work because the breweries are closed will get some other and more important employment, because with the millions of pounds that are wasted every year on drink, this money will be used for other development. Because of this development, more and more wealth will be created, there will be more industries, more activities in the agricultural sector, and all other places. The number of workers who will find themselves jobless will be replaced, not only by that number, but by a much larger number. The most important thing is that it will bring happiness into their lives.

However, there may be some arguments that if complete prohibition is brought about there will be illegal distillation and brewing. There is the possibility that when there is prohibition, these illegal activities will take place, but these

illegal activities will not be of a very large number. It cannot be, because the Government will look after these things. The arguments regarding the fact that because illegal activities take place there will be no prohibition are not valid. If that argument is valid, then it also applies with regard to distilling. Distilling is an illegal offence. We should not make distilling legal. Distilling still remain illegal, and the forces of law and order of the Government should look after that.

Mr. Speaker, since the Motion only asks for excessive drinking to be curbed, I would like to suggest the following measures which could be brought into effect immediately: that is if the Government is willing to do something about it. Drinking is encouraged by interested parties, such as brewery manufacturers, and such other people. They spend a lot of money on advertising and thereby make the people believe that drinking is something which is good for their health. The Government should, in order to discourage this, ban the advertisements with regard to drinking. I also understand that interested parties do employ musical bands, and many other methods, so as to encourage drinking. This is especially done in the reserves. Government should also ban these activities. As a matter of fact, Government should do something positive. They have a medium through their information office; many papers are being produced and they could make use of those papers. They should have continuous propaganda which tells the people the harm that can be done to their health, family life and to the country, through drinking. This way, the Government, even if they do not bring complete prohibition, will be able to reduce drinking and bring it to the minds of the people. Drinking is not a good thing, although it is a tolerable evil, it is not a good thing, and if that propaganda goes on continuously, I am quite sure that many people in this country will benefit, and the country itself will also benefit.

I beg to support.

Mr. Towett: Mr. Speaker, Sir, I do not know whether to support this Motion or not. This Motion can be supported and opposed at the same time, Sir. We have been told, second-hand, that there is some law already in existence prohibiting young persons from drinking. I call it second-hand information, Sir, because the hon. Parliamentary Secretary who told us this, is not himself in direct contact with the Ministry which deals with legal matters.

I would like on this occasion to challenge the Minister of Legal Affairs for not being

[Mr. Towett]

here. If he were aware of this Motion and if he knew that there was a law in existence to this effect, he should have been here to inform us that we were labouring over things that already were in existence. Earlier on in the day, Sir, we were told that the Minister in charge of Legal Affairs was very efficient and I am now surprised, and would like to question his efficiency. If there is really a law that prevents or stops young people from drinking and over indulging in drinks, he should have been here to hear some of the arguments advanced by this side of the House and to explain to us where we go wrong, or where we fail to understand the provision of the law, and not to forget the House—

The Parliamentary Secretary for Lands, Surveys and Town Planning (Mr. Argwings-Kodhek): On a point of order. Is it in order for an hon. Member of this House, Mr. Speaker, to refer to a Minister who is not here but who has left his books, in the manner in which the Member for Kipsigis has been doing.

The Speaker (Mr. Slade): It is quite in order for an hon. Member to criticize a Minister for not being here for any reason he likes, but whether his criticisms are very valid is for the Council to judge.

Mr. Towett: Thank you very much, Mr. Speaker, Sir. We want information, Sir, in as far as these legal documents are concerned. Most of it contains legal terms which some of us do not completely follow and we would like to see those in charge of such terms to explain to us and they should not be under the assumption that we are conversant with all the many volumes of the Laws of Kenya. We need information, that is the reason why there is a Ministry of Legal Affairs. If we were contented with the books, we should not have a Ministry of Legal Affairs. We should have a Ministry to draft the Laws and then submit them to us to read. Mr. Speaker, Sir, I wish the hon. Parliamentary Secretary has got what he asked for.

Mr. Speaker, when one begins to talk in terms of drinking, it is a very delicate subject. I would like to say that, in this country, there are some people who, if they do not drink for one or two days, go absolutely mad. If such people were allowed to be without drinks, we would have a lot of trouble in the country, for there would be nothing, Sir, for calming them down. I would like to suggest that while agreeing that we should not allow young people to over indulge themselves in drinking we also should allow those who are senile in age to take a little drink and

calm themselves down and feel a bit happy. Those who are unemployed feel a bit frustrated if they find themselves without work and the only way they can help themselves is by going and begging for a drink here and there, and then they go to bed. So people in this country need a lot of help and if the help is not forthcoming they get it from drink. No, Sir, I am not in agreement with the idea that we should prohibit drinking altogether, for the reasons I have given. But, I would ask the Government and especially the Ministry of Defence to ask the police and the agents of the police to see that the existing law is strictly enforced. The fault today lies, partly, with the sort of halfway measures taken by the Ministry of Defence in not enforcing the law and, also, it lies with us. Some of us do not know when we are of age and when we are not of age. Among most African children, we never know who is a young person and who is not. If I must give the reasons why, Sir, it is this: that, at the moment, we do not have birth certificates, no compulsory registration of births, and it is very difficult to say to anybody, "you are under age and because you are under age you are not allowed to drink." It is very difficult to establish age in courts today. While knowing there is some deficiency in our African community so far as age is concerned, I would like to urge the Ministry of Defence to ask the Police Department to enforce the law that is in existence. There are some obvious cases where you find young people drinking in bars and I think those should not be allowed. So, while supporting the Motion that we should try to reduce this awful indulgence in alcoholic drinks, I should like to point out to the hon. Mover of the Motion, that it is very difficult at the present time to know where to start and where to stop. Now, Sir, my last point which is, I think, very serious—is that instead of prohibiting drinks altogether, I would urge the present Government to look at the drinking hours and see whether it is possible to change the drinking hours. It is awful to find people in offices, let alone those who do not have employment, leaving work at 11 o'clock in the morning on Monday to go to the next bar. I would like to say that we should ban drink altogether during working hours and then let them drink after five o'clock and then they can go on until about nine in the evening. But, drinking during working hours in this country is something that is really abominable. We all like to have a drink, but this should be done after a really good day's work, when you know that you have done your work and you feel happy and you want to rest then you should go and have a glass or two of whatever you like. So, Sir, I would like to end

[Mr. Towett]

by saying that we should all aim at changing our drinking hours and habits today. I do not want to go into the delicate problems of illegal brewing of Nubian Gin or *Mwenge* or Gem Gin. I do not want to go into that. We do not have time to discuss it here. I would like to ask the Government if they do not do it now, we shall do it at any rate when we come to power. We shall change the drinking hours in this country. We shall drink from about five in the evening to nine, every day, Sir.

I beg to remain a half-way.

The Minister for Social Services (Mr. ole Tipis): Mr. Speaker, Sir, I must thank all hon. Members for ventilating their views on this habit of drinking. Now, the whole problem, Mr. Speaker, is not as easy as the hon. Member for Kitui would like to make us believe and I would like to assure him and other hon. Members that, as my hon. colleague, the Member for Central Nyanza, has just said, we have enough legislation in the laws of Kenya to deal with any cases of drunkards, especially those in control of motor vehicles.

Secondly, we have under the Native Authority Ordinance provisions whereby the local people could control their own youths according to their own traditions and customs, that is why these laws were made, chiefs, local headmen, and so on, and even Members of the Legislative Council, who represent their people, like my hon. friend the Member for Kitui. Now, the question really, as I understood it from the hon. Member, Mr. Shah, who advocated a total prohibition on drinks, raises quite a number of difficulties which must be faced fairly and squarely. If you go in for complete prohibition which, I believe, is quite impossible, apart from being unreasonable, then you are only leading or driving people into underground drinking cells. This has been proved on many occasions where there has been legislation in force for complete prohibition. When one begins to wonder what good there is in drink then one begins to indulge in drink. This applies in the same way to school children. Teachers punish them when they are caught smoking; nevertheless they can still go somewhere—under a tree, hide in a bush or in a lavatory—and smoke and then come back to the classroom. We do not want to have this sort of thing; and in addition to that, it will result in people taking all sorts of dangerous drinks, practices which would endanger the public health of our people. This has been proved time and time again.

There is another side to it as well. Supposing we went out for total prohibition of drinks as

some of the hon. Members opposite try to advocate, what repercussions will it have on people from abroad who are visiting in this country? They would say, "There is no time for leisure in that country or a glass of beer" or something like that. This, naturally, will have an adverse effect on the Government's effort to attract tourists.

Now, Sir, I believe that the right course to follow is to educate the public as to the dangers of excessive drink which are well known to all hon. Members. I really am surprised that at various political public meetings, held in places like Kitui, my hon. friend has done practically nothing, if I may say so, to mention the question of reduction of drinks which, plainly, is very high in his own area. I would be grateful, Sir, if, especially at this electioneering period, he could have the guts to stand on a political platform and tell his friends down there that there will be no more drinks and then see what will happen to him.

It is, however, really a matter for the public. What has gone wrong here, I believe, is that we have lost touch with our young people. In the old days, I remember, it was only the elderly people, both men and women, who were allowed to drink and any young person who appeared at a drinking party was chased out. Now, this brings about the complication of working people who earn money and spend it on drinking and so on. I still believe that this entirely depends on the general public. In hotels it is quite permissible, if the hotel or the barman is a person who has the interest of this country at heart, to turn out any young person who is still a boy, say of 14 or 16 years of age, and prevent him from drinking.

Another side to this problem is that, as the hon. Members already know, penalties for drunkenness imposed by the courts today are really heavy, and this, of course, will, I hope, continue to be so, because the dangers involved are already there for everybody to see. I, as a Minister for Social Services, will certainly bring before the Kenya Advisory Council of Social Affairs these problems with a view to seeking their advice on how best we can tackle them.

Now, Mr. Speaker, Sir, the hon. Member for Kitui, went rather too far in trying to suggest that there was not a limit of time for drinking in this country. He is entirely wrong.

Mr. Nthenge: What is it?

The Minister for Social Services (Mr. ole Tipis): If you want to know, you had better read the present legislation and know that even now you cannot go to any bar and start drinking. You walk out and see if you get anything.

The Speaker (Mr. Slade): You must remember to address the Chair.

The Minister for Social Services (Mr. ole Tipis): Thank you, Mr. Speaker. He was also very wrong in trying to say that hotels can sell drink at all times. This is entirely wrong.

The point which was mentioned by other hon. Members is that, for instance, the outlying districts are right deep in the reserve. If we are to advocate total prohibition then, of course, the hon. Members know as well as I do that with the permission of the chief on some ceremonial occasions, where something like a glass of native liquor is necessary for a girl or a boy before an initiation ceremony, is quite necessary. We do not want to upset the people.

In conclusion, Sir, I would like to refer to the Motion briefly, and tell the hon. Members that the Government, as in the past, has always its eyes wide open with a view to reviewing any legislation, or initiating new legislation, which might be necessary, taking into consideration the conditions prevailing in the country. This is not a case in isolation, Mr. Speaker. It is quite true that Government will continue to investigate, and if it proves necessary, will undoubtedly initiate legislation. For the present, however, the legislation is already there. We shall not close our eyes to the need, we shall keep them open, and we shall carry out investigation of the dangers involved and, as a Government, we are very much concerned with the excessive drinking that is taking place throughout the country. We will do our best to control it.

Mr. Nthenge: Mr. Speaker, Sir, thank you very much for allowing me to say something on this Motion.

First of all, I would like to invite Members of the Government to read the Motion and stop interpreting it badly. It is very clearly worded that it is over-drinking; over-indulging in drink, is what the hon. Mover was talking about, and it is very unfortunate for a learned Member of the Government side, and it is—

The Parliamentary Secretary for Lands, Surveys and Town Planning (Mr. Argwings-Kodhek): On a point of order, Mr. Speaker, it appears that this provision has been accepted on behalf of the Government by the Minister for Social Services. I do not know what the noisy Member for Machakos is talking about.

The Speaker (Mr. Slade): I did not hear the Minister say he accepted the Motion.

The Parliamentary Secretary for Lands, Surveys and Town Planning (Mr. Argwings-Kodhek): With reservations, Sir.

Mr. Nthenge: Mr. Speaker, it is wrong for anybody to try and change what a Motion calls for, and try to bring in something else, and it is also very bad for the Government to try and interrupt every time it is being given some guidance by the Opposition. The main thing here is over-drinking of the young people, and I do not think there is anybody in this House, who is in his full senses, who will say that it is a good thing for young people to overdrink, even those hon. Members who might be agents for breweries attracting other people to drink. I think that although they accept the job they would definitely not like their children to indulge in over-drinking so early and in an excessive manner.

Mr. Speaker, Sir, the point was that due to over-drinking by young people, a lot of bad—

The Minister for Social Services (Mr. ole Tipis): On a point of order, Mr. Speaker, I would like to make it quite clear that the Government has accepted this Motion.

The Speaker (Mr. Slade): That is not a point of order, but it is just as well that you have said it.

Mr. Nthenge: Thank you very much for accepting this Motion, but all the same we shall give them—

The Parliamentary Secretary for Lands, Surveys and Town Planning (Mr. Argwings-Kodhek): On a point of order, Mr. Speaker, is it proper now for the noisy Member for Machakos to—

The Speaker (Mr. Slade): Order, order, Mr. Kodhek, you are much too careless in your use of language when referring to hon. Members. You must not use offensive language without very good cause. You have none.

The Parliamentary Secretary for Lands, Surveys and Town Planning (Mr. Argwings-Kodhek): I withdraw.

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, on a point of order, since the Motion has been accepted and it appears that the hon. Member is merely repeating the previous speeches, might I move that the Mover be now called upon to reply?

The Speaker (Mr. Slade): Now that the Motion has been accepted, the closure of the debate can be entertained soon afterwards. However, I do not like to do so in the middle of an hon. Member's speech, particularly when he is limited anyhow to ten minutes.

Mr. Nthenge: Thank you very much, Mr. Speaker. I hope now there will be no more interruptions from the Government side. The point we are trying to hammer home is timing. We are not saying that the young people should not drink, but that the Government should make sure by legislation that they only drink for a very short time and are not spoiled by drink. As the hon. Mover pointed out, there are a lot of things which have been caused by excessive drinking particularly with regard to young people. We want the Government to consider the timing, so that if a young man is accepted and allowed to drink in a bar he can only drink for three or four hours, perhaps from 5 o'clock to 9 o'clock and no more. Anybody who sells drink after that time to a young person is committing an offence, the young man knows he is committing an offence, and so on. That is all we are pointing out to the Government. We are not demanding that people should be stopped completely from drinking, even though they are young.

At the same time, we would like the Government to examine whether they can include in the legislation this point about the age of starting to drink, otherwise we shall reach a stage where young boys and girls of 10 and 12 years of age are drunk in the streets. Therefore, we feel that is a point which, for the sake of everybody in the country, should be looked into.

Mr. Speaker, Sir, we are not saying here that drinking is a bad thing for everybody. This is the main thing in the Motion, the separation of the classes of people with regard to drinking. It must be stopped at 9 o'clock for the young people and, say, at midnight for the older people, and probably there need be no limit, perhaps, for those over 55 years of age. That is the sort of thing we are looking for. Someone who is retired can drink any time, more or less, but we would like to see that young people are not allowed all this freedom as far as drink is concerned.

I would like the Minister to have a look at this point, Mr. Speaker, that is the question of charging a young person who is found drunk at certain hours. If somebody is found to be drunk at 3 o'clock he must have had the drink between 10 o'clock and 3 o'clock; if the law does not allow drinking at that time, then there is a case for following this matter up and asking why the person was drinking since he must have been breaking the law. Even if he went to a bar or was drunk in his house we can find out. Then we can have a generation of people who are not spoiled by drink.

Mr. Speaker, it is already known that in this country there are people who could have been

very useful, but they are now completely spoiled by drink, and I believe that this is so because they started drinking too early.

The other point, Mr. Speaker, is that the Minister mentioned something about barmen refusing to give drinks to young people on their own accord. This is too much, Mr. Speaker, knowing businessmen as we do in this House, we know that no businessman, unless the law requires him to do so, will refuse to offer anything for sale just for the sake of morality. He will definitely say, "Well, I am out for business and I want to make money, the young man is ordering drinks and he is ready to pay for them, therefore I must give him his drinks." I would like the hon. Minister not to consider the bad people as his agents in the prevention of over-drinking, unless there is legislation regarding it. He must not just tell them to stop the young people from drinking on their own accord, if they do allow them to drink they are not committing an offence and the young people are not committing an offence. That, Mr. Speaker, is asking too much, therefore I would like the Minister to ensure that the bad men are required by law to stop letting the young people over-drink. That is the only way you can make the barman say, "If you drink here you will be breaking the law, therefore you have to go away my young son, you have got to go away my young daughter."

Now the other point is this, some of the students started complaining and the hon. Member for Central Nyanza, Mr. Argwings-Kodhek, complained that it was only the young men who were being spoken about. I would like to point out to him that the words "young men" here is being used in general, it does not mean only the boys, it means the boys and girls as it does in England. Therefore, Mr. Speaker, I would like the hon. Member to note that and not to waste the time of this House dwelling on very small things.

Mr. Speaker, the other thing I would like to mention is that there has been from the Government side an indication that there is sufficient legislation. This is what I want to point out, Mr. Speaker, the present legislation is not sufficient and we would not like the Government to say we accept the Motion on the condition that the present legislation is sufficient. We would like the Government to know that the present legislation is insufficient and therefore they should do something else.

The Minister for Labour (Mr. Mboya): On a point of order, Mr. Speaker, may I move now that the Mover be called upon to reply.

(Question put and carried)

Mr. Mwendwa: Mr. Speaker, before I say anything, I would ask your permission to allow me to answer the hon. Member for Central Nyanza in similar language to that which he used so that he will know that we can also abuse?

The Speaker (Mr. Slade): Oh, no. Two wrongs do not make a right.

Mr. Mwendwa: Thank you very much for doing so. I wanted to teach him a lesson today, we know his history very well.

The Speaker (Mr. Slade): Order, order.

Mr. Mwendwa: Mr. Speaker, I do not want to say much because my Motion has been accepted. The only thing I would like to correct, Mr. Speaker, is when I say District Education Officer I did not specifically mean the District Education Officer of Kitui. I only said a District Education Officer. He might be of Machakos or of Nairobi, there are lots of them. I think it is enough that he was a District Education Officer.

I must thank, Mr. Speaker, the Members who have actually supported my Motion and I must thank the Government for accepting it.

Therefore, with these few words, Mr. Speaker, I beg to move.

(Question was put and carried)

MOTION

PLANS FOR INCREASED PRODUCTION ON SETTLEMENT SCHEMES

Mr. Porter: Mr. Speaker, Sir, I beg to move the following Motion:

THAT this Council requires the Government to prepare plans for the progressive increase of production on all types of settlement schemes farming and ranching enterprises to ensure an adequate modern standard of living to the farmers, and a useful contribution to the national economy.

[The Speaker (Mr. Slade) left the Chair]

[The Deputy Speaker (Mr. Nyagah) took the Chair]

Mr. Deputy Speaker, may I call your attention to an error in the first line of the Order Paper today, which I have corrected in reading out my Motion: "That this Council requires", instead of "That this Government requires".

Mr. Deputy Speaker, I did some time ago ask the permission of the Sessional Committee to introduce this Motion because for some time we

have not had the opportunity of hearing in the House from the Ministers concerned—who are largely the Ministry of Settlement and the Ministry of Agriculture—up-to-date information on the settlement schemes. Since the last Lancaster House Conference considerable development has occurred and the Minister has not been able to make a formal statement to the House—as far as I am aware—since his Budget speech last year. We have had one or two notices in the Press which have helped to keep us informed, but I am very grateful for this opportunity of bringing forward this Motion and I hope giving the Ministers concerned a chance to inform the House of the up-to-date position about resettlement and general farm development. You will notice, Sir, that the Motion is not confined entirely to settlement schemes; it does mention them but it also asks the Government to prepare plans for progressive increases in production on all sizes of settlement schemes and farming and ranching enterprises in the country.

It is an opportune moment to bring this Motion to the House in view of the World Bank Report, recently published, which does emphasize the importance of our big industry and of every kind of attempt being made to increase production. I would not like any Member of the House to think that I am trying to stress the development of agriculture at the expense of other aspects of our economy. I am well aware that we already have a non-agricultural sector of our national income which is more productive—twice as productive—as in our agriculture industry. However, I think it is agreed on all sides that the necessary prerequisite for further development is development in the agricultural sector, both to produce the basic wealth for the country and to bring purchasing power into the hands of the great mass of our population. These people are farmers who are living in the rural districts and who, so far, have not got adequate purchasing power to support a further development of the non-agricultural sector. It is, therefore, vital, and I am glad that we are able on the closing Session of this Assembly to be able to debate this matter openly in the House.

I am well aware, Mr. Deputy Speaker, that production targets have been raised on the settlement schemes recently. I have before spoken in the House and criticized the low targets which were originally set. The high density schemes were to have subsistence plus £35 or £40 a year cash income, I think that was the figure. I am aware of the recent proposals to try and raise the cash income beyond that figure to something like £60 or £70 a year per family farm.

[Mr. Porter]

The Minister has also told the House recently that gross production on the settlement farms will be higher than gross production was on the former European owned, or European populated, mixed farm. I am well aware that there is a certain amount of doubt in the country, and perhaps among the Members of this House, as to how it can be done or whether it can be done economically. I am one who hopes that it can be done. I know that technically it can be done, but I am not quite sure yet whether we are going to do it but I sincerely hope so and it is in order to enable the Ministers to be able to ventilate this question that I have brought this Motion to the House. It is one of the reasons.

Certainly I am of the opinion that it is not an adverse economic factor that we put smallholding farms on areas which were formerly in larger units. What really matters is the product per acre, and it does not matter whether you do it in a large unit or a small unit provided you can intensify production. This I believe can be done on smallholding units. In fact I believe it is the best way for us to do it over the next decade or so because we have got plenty of labour power and we have not an awful lot of capital. It is more easy to turn labour into production and profit on smallholding farms than it is on large farms which require more capital with which to bring them into intensive production. I am not at variance with the settlement schemes for planning to settle smallholding farmers. I do not think production will suffer from this. I think it is quite possible for production to increase a great deal under smallholding management.

The point which I would like to make now, Mr. Deputy Speaker, is the one mentioned in the Motion, "adequate modern standard of living for the farmers". We must ask ourselves what are adequate modern standards of living and whether in fact subsistence plus £75 a year is an adequate modern standard of living. I do not wish to criticize the Ministry of Settlement or Agriculture on this point if they are referring, say, to year 1 or year 2 of development of these new farms. As far as I know they have not told us, Sir, what time schedule they have in mind. They have not told us how long it will take to get subsistence plus £75, and they have not told us whether they can go beyond that and if they are planning to go beyond that. This is the first point which I would like to draw particularly to the attention of the Ministers concerned. In the first place it is not an adequate modern standard of living.

Now, I know very well that Rome was not built in one day, but I do think the Government

have a duty to the farmers themselves, and to this country, to show that not only can they achieve subsistence plus a small cash income, but that they are thinking in terms of a much higher cash income in the reasonably near future. I know as well as anybody that it takes quite a long time to develop a highly productive farm. I am not myself thinking in terms of less than five or even ten years, but I would like to know that the Government is thinking of long-term planning of farm incomes of £300 or £400 or £500. These are not excessive incomes to be derived from smallholdings of 10 or 20 acres and of course it is much easier to do it if holdings are pushed up to 40 or 50 acres. Even on the 10 or 20 acre holdings it is quite possible. If anybody is in doubt about this they can easily refer to Ministerial reports which show that intensive smallholdings on high potential land can achieve these figures. The World Bank themselves state that—I forget which page it is on, Mr. Deputy Speaker—an income of £390 is fairly easily obtainable, with modest standards of agricultural techniques, on a 10-acre farm.

I would like to ask the Ministers concerned whether we can give the House some specific samples of farm planning on the new settlement schemes and on the existing consolidated farms, and I would like them to tell the House how far good farmers have already got, I mean good farmers. I do not mean just average, I mean the pioneers, the men who are really developing their farms. I would like to know myself, and I am sure the House would, how far good farmers have already got and what they are already getting from the best smallholdings, because what the pioneers are doing today we can hope the average will be in five years' time, and it will give us some idea of where we should be aiming.

I would like now, Mr. Deputy Speaker, to take up whether the considerable amount of money to be spent on the settlement schemes is really being wisely spent. I would not like to give the impression for a moment that I am opposed to settlement, on the contrary. I think that it is a vast undertaking which I congratulate the Government, and I think that they are doing it with tremendous zeal and energy, but I am prepared to say that I think that it is possible to criticize the amount of money that has to be committed to it, and in view of the great problem of unemployment in the country, whether that amount of money could not be better used in other ways, and whether in view of the impending shortfalls in our revenue which two reports at least recently published state will be in the region of £10 million on the basis of existing commitments of Government

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expenditure and existing taxation levels. Whether these formidable problems could not have been better met in other ways. By this I mean to say, that granted the settlement schemes are in themselves to some extent a relief of unemployment, they are far less so than we originally hoped they would be.

The Minister himself told us recently that the actual population in certain mixed farming areas is slightly higher, and that I am very glad to hear. Nevertheless, the important issue, perhaps a more important issue is the gross product from the agricultural industry, and it is arguable that the same amount of money invested in already existing farms could have developed far more farms and could have brought in far more income to the farmers, a far greater contribution to the national income, and therefore to the Government's revenue. I do not think that it is unfair to say that the same amount of money could have been used to develop at least twice as many existing farms, smallholding farms, in high potential areas, and such money used to develop twice as many farms would have brought in at least four times as much total production. This is really the problem on which I would like Government to explain their position on in view of our urgent need for massive production and the problems we are faced with in Government revenue.

It is fairly easy to bring up existing farms into high production at levels of £400 or £500 a year gross output by small investment of capital. It is much more expensive to start new farms, to survey them, to lay them out and bring settlers into new areas, at least four times as expensive, and this is, I think a question which we should have answered and dealt with.

My own calculation would be that we could have got a gross product out of the development of existing farms of at least a £100 million, if this amount of money, the £27 million had been invested in already existing farms.

Now, the gross product which we shall get from the settlement schemes, I of course await the facts and figures from the Ministry, but I am prepared to challenge them with estimates.

I would say, that at the levels contemplated now, that is £25 cash plus subsistence you cannot expect to get more than a gross £15 million out of the settlement schemes when they reach these targets which have been set. Even if the settlement holdings could be brought up to £500 a year gross production that would still only bring in £37 millions which is nothing like the £100 millions to £125 millions which could have

been brought by the investment of the same amount of money in existing farms. I would like to reinforce my argument about this with the following points.

Firstly, gross production is vital to our survival, I would say, in this country. It is not only because we have to provide subsistence plus a modern standard of living for something over 8,000,000 people in Kenya now, it is that we have to think in terms of 12,000,000 or 15,000,000 people in the next 20 years and therefore again I wish to stress the urgency of going all out for maximum production for minimum cost.

Secondly, capital is a scarce commodity. We must use whatever we get to bring in the maximum returns, and vast amounts are needed and will be needed for our future development.

Next, taxable capacity is absolutely vital to our survival. There is going to be very little taxable capacity in a farm producing subsistence plus £75. The targets must be much higher than this. Our greatest problem, I think, and I am thinking in general terms about our economic development, but this we must do in relating the settlement farms to our national development, our greatest problem that we have to get over is that even if nationally we do continue to develop at the rate we have been doing prior to the recent depression in our economy, even at that rate ten or twenty years from now we shall be further behind the advanced countries of the world than we are today. Our economic growth is still much too slow and we have to think in terms of accelerating it as much as we possibly can and that is to say, if we are going to catch up in the world and bring the people of Kenya up to modern standards of living, we have got to have a rate of growth which is faster than that of the advanced nations.

This will require vast amounts of capital and the utmost economy in its use and the maximum returns from it. Now, by producing this argument, Mr. Deputy Speaker, I do not—I repeat again—wish to say that I do not want to have the settlement schemes. They are absolutely essential, but I am trying to make the case that the same amount of people could have been settled at just as rapid a rate, but much more economically if a little more imagination and enterprise had been used by Government in undertaking this very considerable operation.

The suggestions I would make are that there are sufficient European farmers—not all of them, but there are some—who would be quite willing to remain in this country and help to get African farmers established on their former land and get that land subdivided, form proper arrangements

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for co-operatives to take over the land and, by cashing in on the great productive potential of the mixed farming lands, help the African farmers coming in so to raise their production as to be able to pay for their farms largely out of increased production which you can get undoubtedly out of the good mixed farming lands. I do not think agriculturists would quarrel with me if I say that on the good mixed farming lands the average production per acre is under £10 an acre under the rather extensive methods of management used by the average European farmer, and it is not at all fanciful to say that production could be pushed up to £20 or £30 an acre, two or three times as much, quite easily by smallholding farmers, granted adequate instruction and help from the outgoing farmers and from the Government extension staffs and Government officers, the agricultural officers, of every kind. This, I do not think, is unduly fanciful and I think a great deal more could have been done to settle African farmers on new farms in his way.

Secondly, I believe that it would have been possible to bring a lot of African farmers in as tenants of European farmers. I do not suggest this necessarily as a long-term objective, but as a short-term method of getting farmers established quickly it is a very good one. It is also a very good method of ensuring good husbandry. The landlord and tenant system worked out in the United Kingdom is an excellent example of this.

In tenancy agreements there are always clauses which compel proper land husbandry and good animal husbandry on the part of the tenant. I would suggest that that sort of tenancy agreement would be a very useful weapon in this country for ensuring high standards of production by tenant farmers. The sanctions are, of course, severe. If the farmer is unable to maintain the usually elementary but essential basic standards required by the tenancy agreement, he is of course liable to lose his tenancy. But I do not think this is unduly severe, and I am confident enough in our African farmers to say that in my opinion they would be perfectly well able to carry out the normal provisions of good husbandry as tenants on farms subdivided in the European areas. I would not like to confine this suggestion to the former European areas, I think it is a method which should be used in the Non-scheduled Areas as well. There are considerable areas of good land in the Non-scheduled Areas which the owners are unable to develop fully. I am firmly of the opinion that Government should encourage owners of largish farms in the Non-scheduled Areas to have them subdivided and to bring in

tenants under proper tenancy agreements. I know that it has been customary where there has been clearly defined ownership in the Non-scheduled Areas in the past to have *ahoi* and other types of tenants on the farm, but that has not been supported by the Government and there has not been sufficient attempt made to draw up and to educate the people concerned in proper tenancy agreements and the inclusion of good husbandry rules in the agreements. I believe a great deal can be done to relieve land hunger within the Non-scheduled Areas themselves as well as by using this method of landlord and tenant in the Scheduled Areas.

The next point I would like to ask Government about is the marketing side of the agricultural industry. I would like to know whether adequate marketing arrangements are being made. We have heard very little about this recently from Government. One or two schemes have been put up but we have not heard how they are going. We have had the visit from the Israeli expert, Dr. Amir, and we have heard of his report, but we have not heard much about the implementation of it. I would like to ask Government to bring the House up-to-date information on the question of marketing, particularly the arrangements for co-operative marketing on the settlement schemes and on the other farming areas in the country. I think the House would like to know also what stage Government's plans are in for the development of markets, both internal and external, around the Indian Ocean and on the continent of Africa and perhaps further afield for our products, because, after all, some of our products are going all over the world and are not just confined to Africa and the Indian Ocean.

I would like to say that I think there is far too much pessimism about the possibilities of marketing increased agricultural production. There are constant wails of dismay when we think in terms of raising agricultural output from its present £80 million to double that, up to £160 million or £200 million, or even £300 or £400 million, as I would like to see it and sincerely believe it could be done quite quickly. There is no need for this extreme pessimism. In the first place, we have a considerable home market and a considerable possibility for the output of food, for the sale of food within our own country. I do not apologize, Mr. Deputy Speaker, for again reminding the House of a figure which I quoted last year, and that is that if we could bring one shilling-worth more of food to every man, woman and child in this country per day, it would give us a home market of £127 million-worth a year. I do not think anybody doubts that the majority of people

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in this country could very well do with another shilling-worth of food a day.

I have two more points I would like to bring, Mr. Deputy Speaker, and they are that I would like to ask, what is the stage of development now of the educational and extension services, especially with reference to the new settlement farmers? I would like to know how many settlement farmers have already received instruction before going on to their farms or after they have gone on; I would like to know how many have been given instruction. I would like to know if the Minister concerned can tell us what staff are posted to this work and I would like to know what they are teaching the farmers.

Finally, to return once more to the question of capital, it is dealt with in the World Bank Report and I will not do more than just refer to the World Bank Report which, in brief, says that the agricultural credit arrangements for farmers are inadequate. I will not press that point now because I realize that time is running out and we did hear the Parliamentary Secretary to the Minister for Constitutional Affairs and Economic Planning tell us yesterday that they are contemplating the setting-up of an agricultural finance corporation. If it is possible, I would like to hear a little more about this.

To conclude, Mr. Deputy Speaker, I would repeat again that I do consider this very vast enterprise of settling farmers on the Scheduled Areas has been carried out with great energy and dispatch. I have raised these criticisms in a sincere spirit and with an intention of ensuring that such investments as we make in our economy are to the best advantage of the country and I look forward to hearing from the Ministers concerned the latest developments in the schemes.

I beg to move.

Mr. Khasakhala: Mr. Deputy Speaker, I rise to second this Motion. I know that the Government has done all it can to put a lot of money in settlement. What I would like the Government to do is to assure the House that the settlement schemes being carried out by them at present will produce just the same amount, if not more, for the future of this country. The present land which is being broken into small farming units, and smallholdings may as well be spoiled by the new farmers who are getting on this land in the future, so that this country, whose economy relies mostly on farming, might find itself getting

poorer and poorer as we draw near to self-support in the future.

[The Deputy Speaker (Mr. Nyagah) left the Chair]

[The Speaker (Mr. Slade) took the Chair]

Mr. Speaker, I would like the Government, when it answers, to assure us that it has put enough supervision on the smallholdings on which it has settled new farmers, so that these areas can be regarded as demonstration areas to the poor farming which has been going on in the country for a long time. This, Mr. Speaker, I feel is a matter of great importance to this House and instead of spending money without looking into the production of these smallholdings, it would be a waste of time and a waste of money which would not help this country in future. I feel that when the Government answers the Motion it will give us assurances that there is enough supervision and it will encourage new farmers to produce more for the future of an independent Kenya.

With these few words, Mr. Speaker, I beg to second.

The Speaker (Mr. Slade): I will propose the question. I understand that in this Motion on the Order Paper there is a mistake in the third word.

THAT this Council requires the Government to prepare plans for the progressive increase of production on all types of settlement schemes, farming and ranching enterprises to ensure an adequate modern standard of living to the farmers, and a useful contribution to the national economy.

(Question proposed)

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, the Mover of the Motion has made a number of general points and also made inquiries, and it is not possible to give an answer to some of them in this debate today, but Government will gladly examine them and try to answer him later. We are impressed that he should want to inquire so much about the settlement schemes, and that he has his own ideas as to what perhaps we might do.

May I deal first with some of the remarks he made towards the end of his speech? First, he made the general point that perhaps the money spent on settlement could be better spent on ordinary farming and that we might get much more in production and the gross total, as he referred to it. We have in settlement some

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£27 million, and it should be remembered that £13 million is for land purchases, £10 million is for development costs in loans, and so on, and £4 million is for technical services. This breakdown is important to remember. We have to purchase land if we are to have settlement schemes; we have to have money for development, and we have to have technical services.

However, I think one general point must be made here, which the Mover of the Motion seems to have forgotten and which, in my view, is the most important. That is that settlement schemes are a political decision. They are not the normal agricultural policy as such, but a political decision taken by this country which, for various reasons, which I believe the Mover fully appreciates, had to be taken. It is therefore unfair, and in fact unrealistic, to try and compare these schemes and their development with the normal agricultural development in other parts of the country. This is an entirely false comparison, and it is a comparison which has persisted throughout the Mover's speech this afternoon; as I have said, it is a comparison which is entirely false. He has talked in terms of conservation of capital; in terms of the taxing capacity of the settler; in terms of maximizing from the capital available, all the rest of it. They are arguments which are entirely unfair and, in my considered opinion, irrelevant when discussing settlement schemes.

May I therefore, Mr. Speaker, make it perfectly clear that settlement schemes have come to Kenya as a result of a political decision which all of us in this House, including the Government, agree was inevitable in our present circumstances. As regards the future and how settlement will continue, this is a matter which has been discussed to some extent. It is envisaged that we will have schemes over the next five years, but none of us in this House can guarantee just how far these programmes are permanent and whether certain modifications will not be made. This is a point which must be left to the future Government.

The other point, Sir, is whether, in fact, the Mover was suggesting an alternative scheme and, if so, whether he has considered the possible implications of the Government trying to implement an alternative scheme at this stage. This would mean, Sir, perhaps stopping or suspending action on present settlement schemes, re-negotiating money perhaps on a completely different basis, a process which may take several years, to say the least. I do not know whether he considers that, in fact, the country and the settlers, who have now been

put on the new schemes and those who are waiting for settlement, would agree with him, that we should suspend the schemes entirely and that we should try to re-introduce a new scheme based on what he has said.

The Mover has referred, and tried to convince us of this, to the fact that under his schemes and ideas we might have yielded much more than the Government has been able to achieve at the moment. This is a very theoretical and hypothetical case which he put forward. There are no grounds that he has put forward either to prove or justify the conclusion which he attempts to reach. A lot of these things will depend on the crops we are talking about, on the area in which the settlement schemes are taking place, on the weather in that particular year, on the capacity and ability of the farmer himself, and all these various things. I suppose when he spoke, though, he was assuming that everyone in the settlement schemes was an angel, was going to produce 100 per cent of his best, whatever the circumstances, whatever the weather, the soil, the crop. This, Sir, I refuse to believe he himself would accept to be a genuine and realistic position.

May I, Sir, go back to stating very briefly the position as far as settlement schemes are concerned. There are basically two kinds of settlement schemes: there are the low-density schemes which are financed by the World Bank, the C.D.C. and Her Majesty's Government, and which are designed to settle persons on undeveloped or underdeveloped land of high potential and to ensure increased development. He referred to a number of questions, such as what kind of regulation and standards were observed in the settlement schemes, but it should be appreciated that these schemes have to meet very rigorous criteria of development and increased production, and if they do not meet these conditions the finance for the scheme will not be forthcoming. In other words, there are people such as the World Bank, the C.D.C. and H.M.G. who are very keenly interested in the results, in the achievements, of these schemes; not just the Kenya Government, or the Ministry of Agriculture, or the settlers, but the C.D.C. and the World Bank who, after all, give us the money, and they are interested and want to be sure that this money is going to be properly spent and that, in fact, their own money can be paid back. It is under such very rigorous conditions and criteria that these schemes are run. I can therefore assure him that apart from his own anxiety and the anxiety of the Government, something is being done to maintain the highest possible standards in these schemes.

[The Minister for Labour]

There is the second one, the high-density schemes, which are financed by H.M.G. and the West German Government and which are primarily designed to achieve rapid transfer of ownership in the Scheduled Areas together with a contribution for the relief of unemployment and landlessness. This is a scheme of convenience, the functions and reasons for which have been explained to this House several times previously.

If I may just skip over a number of questions due to shortage of time, he has referred to the question of what is done for training, what is done in marketing and various other services. I assure the House that, in fact, these aspects are fully taken into consideration and as I have already shown there are £4 million to be spent on technical services and this all goes for the facilitating of training for the settlers; co-operative schemes for marketing are under way; and there is co-operation between the different Ministries in an attempt to ensure that these schemes are run as economically as possible, as efficiently as possible, and that, in fact, they yield as much as possible as quickly as possible. I would have given him some figures but perhaps he will be interested to hear that, for example, Scheme A, where there are now 257 plots, and where previously 134 labourers were employed, the net farming income shows the following trend. In the pre-settlement period it was £18,800, after three years £44,800, there is a definite increase in the income. On Scheme B, pre-settlement £11,000, after three years £17,000, another very definite increase; and then in another scheme—of course these are based on different crops—Scheme C, £9,100 pre-settlement, and £18,500 after the third year of settlement. There is therefore no question about it, Sir, the trend is towards greater productivity. There may be arguments as to whether we might have produced more, but I think you will see that we are moving in the right direction.

Could I just move—

The Speaker (Mr. Slade): As Mr. Mboya is answering for the Government I will allow him a few more minutes, if no hon. Member objects. You may have another five minutes.

The Minister for Labour (Mr. Mboya): I am very grateful to the House, Sir.

Now, I have had to skip over quite a lot but I have assured the Member that if he wants more information about the settlement schemes, the Minister will be only too glad to see him and give him more information. Mr. Speaker, Sir, the Government cannot agree to the terms

of the Motion as it stands, because it suggests that no plans exist. Government has always had plans and continues to examine those plans, to improve upon them, and to intensify its own supervision and encouragement in the settlement schemes. Consequently, I beg to amend the Motion by deleting the word "prepare" in the second line and in its place introducing the two words "continue its" and the Motion would then read:

THAT the Council requires the Government to continue its plans for the progressive increase of production on all types of settlement schemes farming and ranching enterprises to ensure an adequate modern standard of living to the farmers, and a useful contribution to the national economy.

This, Sir, is in keeping with the spirit which the Government has maintained so far and the Government's willingness to listen to any criticism and to make such improvements as are justified by experience and by what others may be able to tell us. The aim of Government, like that of the hon. Member, is to increase the standard of living, but we must not be unrealistic about this, it cannot be done overnight and it is not merely based on the figures such as have been quoted.

I beg to move.

The Parliamentary Secretary for Land Settlement and Water Development (Mr. Jeneby) seconded.

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

The Speaker (Mr. Slade): The debate on this question must be limited strictly to this amendment but hon. Members can speak again after the amendment.

Mr. Nyagah: Mr. Speaker, Sir, I find it very difficult to accept this amendment by the Government for one simple reason: the Motion strictly asks that some preparations should be made for increased production. The Mover in his very able way asked the Government to look forward far enough for the marketing of this increased production. Now the Government comes up with an amendment containing two words "to continue its" plans.

The settlement schemes, Mr. Speaker, are just starting, so I take it that no production at all has been realized. If the Government wanted to be fair to the Mover and to this House they would probably not have amended the Motion in that way, they would have simply said, "this

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Council requires the Government to plan" but it is not fair to tell us that they are going to continue in their plans when the plans have not even started to show a production. Mr. Speaker, Sir, I would like to oppose the Government amendment.

Mr. Towett: Mr. Speaker, Sir, I am not clear as to what the Government means and I would say that we should retain the word "prepares" as the hon. Member for Embu has said. The Government is in its initial stages of the settlement schemes, and apart from milk production—which is giving a little income—when it comes to crops we have not yet, to my knowledge, Sir, though I may be wrong, been able to assess what crops have been offered for sale recently in the settled areas, and for the Government to come forward with this fantastic idea of continuing something that was never there is really not understandable at all.

The Parliamentary Secretary for Land Settlement and Water Development (Mr. Jeneby): Question.

Mr. Towett: Mr. Speaker, Sir, the questioner can question himself. The questioner comes from the Ministry of Settlement, Sir, he is the Parliamentary Secretary and he should be more enlightened as to whether we have reached a stage of being able to continue settlement schemes and what they produce. We have not yet reached that stage, we are just starting and we want to make preparations to get ready to expand what has only just started we have not sold a thing. So, Mr. Speaker, Sir, we must not delete the word "prepares", we want to get ready, prepare more but this idea of continuing with a non-existent item does not mean anything at all anywhere in the world. Sir, so I oppose the idea of deleting the word "prepares".

Mrs. Shaw: I did not mean to intervene in this debate but I really must rise in support of the Government on opposing this Motion, and challenge my opposite half in the Kericho area, because quite honestly since I came back from leave in October I have had, of necessity, had to spend a great deal of time in the Settlement Board and I have the greatest admiration for what has been done in the planning of schemes behind the scenes, which are now being put into effect. Mr. Speaker, these things are not easy. In fact, Government is undertaking a most tremendous exercise in the whole field of settlement. Something that is quite new in this Colony, and there are many problems that have to be faced and overcome from day to day, and Mr. Speaker—

Mr. Towett: On a point of order, Mr. Speaker, I think I was misunderstood. I was saying that the idea does not work from the production point of view. I am in full agreement with her but I do not see why she does not agree with me.

The Speaker (Mr. Slade): The hon. Member was speaking of plans to which the Motion refers, and saying that there are plans already.

Mrs. Shaw: Mr. Speaker, I am very glad to hear that the hon. Member did not mean what he said or what I thought he said, anyway, because I think there is little substance for what he did state a few minutes ago. Anyway, be that as it may, I think one of the greatest difficulties is that, as everyone knows, finance, and where finance is not always possible to be supplied by Kenya or the Kenya Government and other bodies such as the World Bank, C.D.C. have to be brought in to help finance these schemes and there are bound to be delays because whether we like it or not bodies other than either the United Kingdom Government or the Kenya Government—and even they demand a certain amount of assurance for security—other bodies such as the World Bank and C.D.C. require a great deal of assurances, safeguards, etc., before they will lend us the money which we so badly need in this Colony to go ahead with these absolutely vital schemes.

Mr. Speaker, I beg to support Government, and I should like in doing so to congratulate the hon. Minister who spoke on behalf of the Minister for Settlement on a very able speech.

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, I rise to support the amendment before the House, I hear the hon. Minister for Labour who is acting for the hon. Minister for Land Settlement saying "Hear, hear". Probably he thinks that because I am supporting this Motion I am not going to criticize. He will be surprised, Mr. Speaker, Sir, I am going to surprise the hon. Minister, because in spite of the fact that I am supporting the Motion before the House, I am going to criticize very strongly the Ministry of Land Settlement. Mr. Speaker, Sir—

The Parliamentary Secretary for Land Settlement and Water Development (Mr. Jeneby): On a point of order, Mr. Speaker. Is the Parliamentary Secretary in order to criticize the Government?

The Speaker (Mr. Slade): So far as the procedure of this Council is concerned, it is in order. For the rest, it is a matter for Government, of internal discipline.

The Parliamentary Secretary for Finance (Sheikh Alamoody): Thank you for your guidance. My understanding is that as long as I support the amendment I can criticize the Government or bend backwards as much as I like provided I do not break my back. Mr. Speaker, Sir, when the whole question of land settlement was conceived we had the impression that apart from the pressure on land hunger amongst certain tribes in Kenya it would also, as its objective, try to solve the human problem which exists in Kenya, and I do not think the hon. Minister could deny the fact that while he is trying to solve the scarcity of land in certain areas, he has also managed to solve certain of the human difficulties that exist in Kenya.

The Speaker (Mr. Slade): You are keeping to the amendment, are you?

The Parliamentary Secretary for Finance (Sheikh Alamoody): I am, your honour.

The Speaker (Mr. Slade): It is simply the question whether we should substitute one word for two others.

The Parliamentary Secretary for Finance (Sheikh Alamoody): Yes, Sir.

The Speaker (Mr. Slade): If you are supporting the amendment I do not think there can be much more for you to say.

The Parliamentary Secretary for Finance (Sheikh Alamoody): this is the opportunity I have within the strictest terms of the amendment.

The Speaker (Mr. Slade): Come back to it.

The Parliamentary Secretary for Finance (Sheikh Alamoody): I will Sir.

Mr. Speaker, Sir, the Settlement Schemes which we are to support today according, to the terms of the amendment, says that the Council request the Government to continue "its plans", and it is those plans, Sir, I am criticizing. Mr. Speaker, Sir, the plans as presently existing have excluded the coast, and it is in the coast problems, Sir, where this human problem exists. We have there, Sir, considerable land shortage in certain areas of the coast, and we were made to believe, Sir, that when these plans which are at the present moment in existence, if they were going to be made, that they would not only solve the problems in the Scheduled Areas, but they would also solve those problems which exist at the coast. We have, at the coast, four, what we call sore thumbs. In these areas, Sir, you have squatters who are permanently, and have been permanently, living in those areas for a long time. We did suggest to the

Government, at one time, that it would be a very good and useful thing if the owners of those lands could be bought out by the Government, and the squatters could then be permanently settled as new owners. This, Sir, is in consonant with the general trend which is applicable in the Scheduled Areas. We find now, Sir, that the Ministry of Land Settlement has only confined itself to the Scheduled Areas, to the complete—

The Minister for Labour (Mr. Mboya): On a point of information, Sir, I thank the hon. Member for giving way. If I had had the time originally I would have told this House that there is a scheme at the coast at Taveta, which has been started and the Government is, in fact, very conscious of the problem all over the country.

The Parliamentary Secretary for Finance (Sheikh Alamoody): I am very grateful. Mr. Speaker, Sir, to the hon. Minister for giving me that information, and, in fact, I would have much preferred to have spoken before the hon. Minister so that he would have been able to take these points into consideration. It is a pity, Sir, that I came later and found him speaking. However, Sir, in spite of the fact that the hon. Minister has told us that there is a scheme, for which I am very grateful, and it does at least solve one of the problems in a certain part of the coast. But, the other three sore thumbs are not in the Taita District. They are really in the Malindi and South of Mombasa areas and just outside Mombasa itself. So, in fact, that scheme does not touch the three places.

As I was saying. Mr. Speaker, Sir, the real difficulty there is that we are going into independence, and the question of land is a very emotional question indeed. It would have been prudent if, before we went into independence, these problems could also be solved at the coast so that there is no tension in those areas when we do go into independence. It could be done in the same way as tension has been relieved in the Scheduled Areas, and I know the Ministry of Land Settlement's main difficulty is that it is a question of finding the money. However, Mr. Speaker, in spite of the fact that I work in the Treasury, I find that if the Minister really worked very hard, he could have been able to find this money. I am told that the figures which is required to solve these problems is in the region of between £60-£90,000. Whereas the Minister has been able to find £27 million so as to solve up-country problems, he has not succeeded in raising a mere £100,000 so as to solve the coast problems. I think, Sir, this is a great—I will not say mistake—but it does show that the Minister has not put himself out so as to consider these problems.

[The Parliamentary Secretary for Finance]

Mr. Speaker, Sir, although I am criticizing the Government in this vein, my real intention in bringing this forward, was to bring to the attention of Government that this problem does exist at the coast, and it would be very prudent, at the present moment, if the Government did try to solve this problem before we go into independence, Sir. If the Government could find a way to buy out the present owners of land, then the squatters could be settled there permanently, and there would be no problem with regard to land at the coast.

Mr. Speaker, Sir, I beg to support.

Mr. Porter: May I say that I hope that this section of the debate will not develop into an argument on semantics, and in order to avoid it doing so, I would like to say that I have no difficulty whatever in accepting the amendment proposed by the Minister and I hope that I see no difficulty in accepting that the Government will continue its plans for the progressive increase of production and so on.

Mr. Speaker, Sir, I observed that you did allow the Parliamentary Secretary to the Ministry of Finance to perform certain variable gymnastics while supporting the Government, yet contending that no plans had in fact been prepared for his area, might I take the liberty of just correcting one point, myself. The Minister in speaking just now, was under the impression that I had suggested that the Settlement Scheme might well have been reduced and the money used for something else. I did not intend to suggest that, Mr. Speaker, it was my intention to suggest that they should have the same number of settlers brought in for less expense and that money could have been used for further development. It was not my intention to suggest that any reduction should have been made in the number of settlers.

(The question that the word to be left out be left out was put and carried)

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

(The question that the words to be inserted in place thereof be inserted therein was put and carried)

(Question of the Motion as amended proposed)

Mr. Odede: Mr. Speaker, Sir, I am going to speak on the Motion as amended, but, Sir, I would criticize the Government in the settlement scheme. The present settlement schemes which the Government have are a political necessity as the acting Minister for Settlement said, they do not seem to be increasing our production at all,

and we can all agree that the settlements are being done on land which has already been developed. I always believe that settlement on lands that have already been developed cannot increase the production of the country at all because the new settlers may not be good enough to increase the production of the land on which they are settled. So, the Government should expand their settlement schemes to embrace the whole of the country, that is to embrace the Non-scheduled Areas. There are big pieces of land which are, at the moment, covered by bush and infested with Tsetse flies. If this land can be cleared, these are the new lands on which new settlement can increase the production of the country. Unless this is done we are only playing with time settling people on land which has already been producing something for the country. So, I would like to see that the Government go on and reclaim lands which are covered by bush and lands which are swampy which can be drained and new people settled on those lands, because these are the only lands which can increase our production and our economy.

Sir, on the agriculture side, the Government is not pressing upon the ordinary farmer in the rural areas how they can increase their production, and unless this is done, our agricultural production will not get ahead, as we would like it to when we come to Independence. So, I would like to see that the Government embark on schemes for educating the ordinary African, who is the farmer, who is a smallholder in his own area, so that he can increase his production. I have always watched with great interest what is happening in this country. You find that in some areas of the country people are getting poorer and poorer everytime and even the African businessmen in the Market, in African areas, cannot increase their business because there are no buyers in these areas. So, Sir, I would like to see the Government helping people in the rural areas by educating the ordinary farmers to increase their production.

With regard to the settlement schemes, Sir, I would suggest that the co-operative settlement in these new areas be carried out by the Government as much as possible. The Minister, when replying, did not tell us much about co-operative settlement and the ways that the Government is thinking of doing it, so, if the Government can do something on co-operative lines on these new settlements, that would also help. So, Sir, with these few words, I beg to support the Motion.

The Minister for Labour (Mr. Mboya): A point of explanation, Mr. Speaker, I did not want to interrupt the hon. Member, but perhaps

[The Minister for Labour]

he should know that if we had the co-operation of the people from his area in Nyanza, with the Gibbs Report, a project would be going on now in that area, and secondly, that, in fact, there have been efforts made for the irrigation scheme in the Tana River Basin which would produce 300,000 acres of new land.

The Speaker (Mr. Slade): On a point of explanation, it is better to interrupt rather than to wait until the hon. Member has finished. Perhaps, Mr. Odede, you would like to continue speaking.

Mr. Odede: Mr. Speaker, Sir, I would like to tell the hon. Minister that he is also a member from that area to which he referred. If he can persuade the people from that area to accept the irrigation scheme, it would be very good.

The Minister for Labour (Mr. Mboya): In this respect I must correct the hon. Member. I am representing Nairobi, and we are hoping and waiting for members from Nyanza to wake up to the necessity of development in that area.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Mr. Speaker, Sir, I rise to support the Motion as amended. Before I start Mr. Speaker, I would like to draw the attention of the hon. Members to one general weakness which probably many of us here in this House are being accused of. A lot of good work is being done in the fields by the Ministry of Land Settlement and by the Ministry of Agriculture, of which many members here are quite ignorant, and I think I would encourage, or rather ask hon. Members here to go out in the field and see what is being done. We have a lot of establishments in the country, and it is up to any Members who wish to to go and see what is being done by the Ministry of Agriculture and also Land Settlement. I think we tend to confine ourselves to too many political meetings and do not concern ourselves with what is being done in the field and that is a weakness on our part as well as of this House.

I would like to tell the House, Mr. Speaker, Sir, that a lot of plans have been going on in the Ministry of Agriculture, and are still going on, to expand and develop the agricultural industry. I am glad to say that the Government is proud that they have achieved something remarkable with these plans. Of course, we have not gone as far as we had wanted because of the financial limits and other difficulties and so on, but we have achieved is what we had intended to do. There is a book, Mr. Speaker, which I am sure hon.

Members here would like to see. It is a book called "African Land Development, 1946-64"; this book is in the Library of this House, and it illustrates what actually is being done to improve the industry of agriculture in the country. It will be seen, Mr. Speaker, by hon. Members here, that a lot of development, a lot of expansion in agriculture, has already taken place in many areas, particularly in the Non-scheduled Areas. This will be appreciated, I am sure, by many Members. I would like to give some specific examples to show how the agriculture industry is expanding, and how the Ministry of Agriculture has been able to encourage this expansion. In the last few years the Ministry of Agriculture's emphasis was to encourage the growth of cash crops which had very attractive prices, such as coffee and pyrethrum. I would like to quote some figures here, to show how, in the Non-scheduled Areas, this industry has been growing. With coffee, in the Non-scheduled areas, for example, we had in 1956 750 tons which were worth £280,000; however, in 1961, we had 9,600 tons which were worth £2,815,000. You can see, from that, what we have achieved. During the same period, with pyrethrum, for example, we had 228 tons in 1956 which were worth £51,000 and 2,620 tons of pyrethrum in 1961 which were sold at £500,000.

Mr. Speaker, I am sure that this is something of which we ought to be proud, and if we can encourage the ordinary peasant farmer to improve, we would be able to achieve more results.

In the Ministry of Agriculture, Mr. Speaker, the Departments try to do a lot by way of improving subsistence crops, such as maize, wheat and so on. Quite a number of Members here have mentioned that there are other areas in Kenya which are continuously in trouble with regard to famine and so on. The Ministry of Agriculture is trying to do what it can to be able to make an ordinary peasant farmer produce the maximum results given—

Mr. Nyagah: Is he talking on the general standard of production, or specifically on settlement schemes?

The Speaker (Mr. Slade): The Motion does refer to farming and ranching enterprises as well as settlement schemes. I think that opens the way for the Parliamentary Secretary to discuss what he is discussing now.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): I was just saying that in the Ministry we are trying to encourage crops, such as maize and so on, by the ordinary peasants in the Non-scheduled Areas. We want to achieve the maximum results,

[The Parliamentary Secretary for Agriculture and Animal Husbandry]

given a certain land unit. We have here a statutory body, such as the Maize Marketing Board which controls maize and wheat, and others which control cattle products. These have been able to help the production of maize, and we have been able to achieve some steady production. We have, too, a number of research stations which are doing the best they can to try and improve on the maize, or improve on the subsistence crops which we have at present. I would like to quote a phrase. "A new variety, for example, of maize is to be introduced in January, 1964, which will produce something like 30 per cent more than what is being produced by the present maize". This is a result of the remarkable work being done by the research stations, elsewhere, such as Kitale.

Mr. Speaker, Sir, I see the time is running short and there are a number of other points on which I would like to touch. Another important thing is that the Ministry of Agriculture is trying to do what it can to see that land, as a national asset, is taken care of by the peasant farmers and those who are settling on the land are being advised by my Ministry in order to improve not only the fertility of the soil, but also to conserve that soil. The Ministry is trying to do what it can, for example, to introduce fertilizers, and, if possible, if we had money, to subsidize these fertilizers.

Many hon. Members have said what is being done in order to help an ordinary peasant farmer to get cash from what he is growing. As I said earlier, emphasis has been on coffee and pyrethrum for many years. However, that trend is now changing and we are now trying to introduce crops which can have a market at present. It is these crops that African farmers, now settling in these areas, are being encouraged to grow. Tea is one of them. As we said yesterday, there is a potential market for tea, and we are trying also to encourage sisal growing, particularly in Machakos from where the hon. Member comes. I would like him to take my advice now and go and start planting sisal in order to encourage the Wakamba. We are trying to encourage sisal growing in other places, like Embu, Taita and so on. We have other crops also, such as cashew nuts at the Coast, ground nuts and so on in other places, and there is a lot of room for the expansion and improvement on poultry products and cattle products. We believe that there are some internal markets as well as those outside Kenya.

In the pastoral areas, such as in Masai, the Ministry of Agriculture has launched a plan with the Freedom from Hunger Campaign to get a

total sum of something like £200,000 in order to try and improve cattle grazing on improved standards, and in order, also, to establish some farming schools in places like Masai. If the money is available, it will be a very good thing indeed.

The Speaker (Mr. Slade): Mr. Mwanjumba, I am afraid that your time has run out.

Mr. Nyagah: Mr. Speaker, Sir, I will now continue once again on the amended Motion. I sincerely hope, Mr. Speaker, that this Government will not continue its plans of keeping new settlers for so long in transit camps. If they want to produce more cash crops, as the Parliamentary Secretary said, the best place for them to produce these cash crops will be on the farms. I am sure the sooner they get these people down to work, the better. Hon. Members on this side, Mr. Speaker, do appreciate the problems that face the Government in settling people, and we also appreciate how much work has been done to try and alleviate the problem of unemployment, and also the problem of landlessness. However, at the same time, I cannot fully agree that the plans have been fruitful enough to be able to show whether the Government is continuing with plans that will increase the national economy. However, Mr. Speaker, I will take the Minister and the Parliamentary Secretary's word that they have in mind what this side has been trying to get the Government to do: that is boost up the national economy.

Since the Minister and Parliamentary Secretaries have touched on general agriculture, Mr. Speaker, I would like to ask the Government to divert a little of its attention from those schemes which have been necessitated purely from political expediency, and to plan some schemes which are already in existence in areas which can produce and which do produce, to try and boost up production in those areas.

Recently, Mr. Speaker, I know that the Government in its endeavour to make sure that the schemes are moving as quickly as possible, have overlooked these areas which are today producing in that ALDEV development loans have been seriously curtailed.

I would like also to bring forward to the Government that those are areas which do not come within the areas allocated for settlement, which have in a small way started ranching programmes, but which will need drastic help and drastic attention if they are to increase their production for the benefit of this country's economy.

[Mr. Nyagah]

Finally, Mr. Speaker, I urge this Government in all its plans of increasing the productivity in whichever area it is taking an interest in, whether in the settlement scheme areas or in the existing areas—

The Parliamentary Secretary for Land Settlement and Water Development (Mr. Jeneby): I wonder if the hon. Member would allow me to put him right on a point of explanation, about production. For example, in the latest settlement scheme, we have extended the acreage from 20 to 420 acres. The yield comes to £4,000 per acre. Sir, and the total output would be something of the region of £386,400. The income would come to be £2,400 and £603.

The Speaker (Mr. Slade): Not really a point of explanation, but a point of information, which is not really in order except by way of substantive speech.

Mr. Nyagah: Mr. Speaker, Sir, if I had known what the hon. Member was going to say, I would not have given way. However, he has made a point. I am not doubting that the Government has in its present form studied some plans which are working, or which can at least start the settlement schemes.

The point which I was trying to make, Mr. Speaker, was in connexion with the marketing. Already, we have experienced one setback in the marketing of our coffee. I know this is a question of a change in the world market. But, in order to avoid any such occurrence in the future, for any of the cash crops which may be encouraged, either from the settlement areas or from the existing agricultural areas, the Government should set up market research, which will advise the farmers well in advance, so that we do not have to over-produce any of these commodities. Mr. Speaker, I know that it is not the fault of this country in not warning us in good time that the coffee was going to have the difficulties it did have. But, up to the time when it did happen, we were never warned that the world market for coffee was going to be small, the various co-operative societies had gone forward on the advice of the Agriculture Department in making elaborate plans for the expansion of this crop, and today, Sir, in the coffee nurseries one finds acres and acres of young seedlings ready to be planted.

I sincerely hope that the Government in its effort to increase production, to encourage the increase of crop production, will be able to look far ahead so that we do not disappoint the farmers at the last minute.

Mr. Speaker, Sir, a further point in this connexion, which is well known by this Government by now, is in connexion with good public relations. If we want our people to produce more and to accept the advice given to them, we must improve on our public relations. I know, Sir, that we are heading towards independence. I have heard it said that sometimes a young independent country can have her officials become more officious than the officials of the previous Government. It would be a pity, Sir, if we have been criticizing the members of the Agriculture Department all the time in the past for not giving their advice effectively to the farmers, if we, in our turn, now allow the advisers and instructors in the Ministry of Agriculture to be really officious and worse than the previous officers.

With these remarks, Mr. Speaker, I beg to support.

Mr. Nthenge: Mr. Speaker, Sir, I rise to make a few points on this Motion.

First of all, I would like the Government really to appreciate what is meant by the Motion. It means increasing the income of the farmers in the settlement and other areas. Obviously, we have seen things which are done by the Government which could not be said to increase the income, particularly in the settlement areas. It is just a question of increasing popularity of somebody in politics. It is not what we want nor what the country requires. This country requires settlers who have money so that the Government can tax them, so that they can make money and employ others.

I will quote one case, an obvious case in my own constituency, Machakos. It concerns a farmer who is very successful who even used to be a teacher in agriculture. He has developed his farm very well and the Ministry of Settlement is trying to subdivide his farm, making it produce perhaps one-eighth of what it now produces against the wishes of the local people. The local people want to run it as one unit. They have negotiated with the present farmer—someone who has been a teacher at Egerton College—and have agreed with him that he would continue there, employ him and make use of his knowledge and services to continue developing the farm and increase its productivity. The Settlement Ministry insists on subdividing it. The boreholes which now exist cannot be used by all the farmers if the area is subdivided. He has a lot of coffee which is now yielding a lot of income to the country. The settlement people in Machakos have refused to allow this farm to remain as one unit. It is obvious that as one unit it produces far more than when it is subdivided.

[Mr. Nthenge]

These are the kind of things, Mr. Speaker, we are trying to clear from the Government's mind. We are trying to think of how we can increase the wealth of the country by increasing the wealth of individuals and of organizations. The settlers get together and they want to farm or ranch an area as one unit, whereby they can make use of agricultural advice easily, and the Government refuses. This looks very contrary to the idea of this Motion because the Motion requires that whatever the Government can do should be done to increase the wealth, but sometimes the Government only wants to do things either for people to get votes in the next elections or something like that, which is not what we want to be done in this country. Mr. Speaker, Sir, you will find that the Parliamentary Secretary—with all due respect for Agriculture—comes from an area around Voi, which, if you look at it, is perfect for ranching schemes on a big scale. But if you go there the people are keeping a very poor quality of cattle which produce very little milk, and such people, if they were informed and properly coached by the Ministry could have a ranching scheme which would bring in a lot of income to this country.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Mwanyumba): Just on a point of information, Mr. Speaker, we have already had ranching schemes in that area over about 150,000 acres.

Mr. Nthenge: Mr. Speaker, Sir, thank you very much for this theoretical information, but it is not really practical because we do travel to Mombasa and I know what I am talking about. The Machakos African District Council did start a ranching scheme along the Mombasa road near Emali, and that is producing a lot. That is the kind of thing I am talking about, using the waste land which is there instead of the Government talking and not getting down to real business. Why do they not try and persuade people to put their cattle together and teach them how to keep them properly? These farmers would gain more, they would produce more, they would be supplying milk and so on, and they would have a lot of money in their pockets.

Now, if the Government want a little of that money, it would be very easy to get it by asking them to pay their taxes, and even with a 20 per cent increase, and they would be able to afford it because they would have a lot of money. But, at the moment, you find a lot of the cattle being kept are uneconomic, and this is what we are

objecting to, Mr. Speaker. The Government may say that it is because the people do not respond to instruction and so on, but it depends on how it is done. The method of approach is often so bad that you could not expect someone who has not been to school to understand what he is being told, he just thinks that the Government is becoming a troublesome organization because he does not know. I would ask the Government to think of how to approach people who own cattle, or land, that have never had the chance to go to school like the hon. Member for Taita, people who require to be shown why, and be told "yes, I agree with your arguments, let us have an experiment", and (A) farm is carried on according to the old man's way and (B) farm is carried on according to the scientific way, and immediately the man sees that (B) has the higher production, he will not be stopped from adopting that method. You will not even need to tell him to do it, he will have seen, and he is a human being and every human being wants greater production. But the thing is that they are told in such a way that they think it is an order and they think they are being tricked and that is what we are asking the Government to overcome. To try and approach the people in a nice way so that they will think that they are trying to help and they will give in. As soon as they see the fruits, there will be no need to keep the agricultural instructors any longer because the people will want to do it all themselves, and even if they are asked to give a fee to the Government for the instructors they will be willing to do so because they will have seen the benefits. But it is very difficult by the present method of agriculture, of telling the people to do this and do the other, with that method we will achieve very little. I believe in examples, and to illustrate this I have an old father and I have tried it. When he argues about something the agriculture people have told him and says that he thinks that they are wrong, I just tell him to keep his tree according to his methods and to keep the other tree as they tell him to and he immediately realizes that he is losing money by following his method he will not do it again, he will follow the method of the agricultural department. Force is not the only solution, education and convincing are great and powerful means of getting people to do what you want them to do.

Now another thing, Mr. Speaker, is the spread of development all over Kenya. I would like the Ministry of Land Settlement and the Ministry of Agriculture to spread all over Kenya so that every part of the country can benefit.

Mr. Speaker, I beg to support.

The Speaker (Mr. Slade): If no other hon. Member wishes to speak I will call upon the hon. Mover to reply.

Mr. Porter: Mr. Speaker, Sir, I would like to thank hon. Members for their contribution to this debate, and as I have said I have no objection to the Amendment as put.

There is not a great deal to add, except perhaps that I would have hoped that the Ministries concerned would have been able to go into a little more detail in response to the points which I raised myself which other Members raised in the course of their speeches. I would like to make it absolutely clear that I had no intention of suggesting that settlement schemes should be reduced, my intention was to suggest that the same amount of money could quite easily have set up the same number of settlement farms and also have made a big contribution to the development of existing farms. I do not think that the Government has cleared itself of the suspicion that they have to some extent wasted capital in the schemes. This is not a criticism of the schemes, it is a criticism of Government's handling of the financial side of them, and I do not think the Government has made any serious attempt to clear this point.

I do not think that the Government has shown the House that they have given fair consideration to other methods of bringing African farmers into the new settlement areas. I do not know why this is, I think they have confined themselves, and I did challenge the Government on this point in my opening speech, and I asked them to reply to the points which I made. Landlord and Tenant schemes could very well be used to speed up the process of bringing African farmers onto the land, and also schemes could be devised which would not require so much capital and which would bring the services and the co-operation of those European farmers who are willing to participate in handing over schemes on their farms to African farmers and who would show them how to raise production, how to develop highly productive smallholding farms, and thereby enable them to purchase their farms as it were on a hire purchase system, or a deferred payment system, over a period of five or ten years.

If Government would turn its attention to proposals of this kind I am quite sure they can speed up and increase the number of settlers on former European land without committing themselves to the raising of further capital.

I was grateful to the Parliamentary Secretaries for their participation in a debate which I know has come upon them rather suddenly, with regard

to, I think, the Parliamentary Secretary for the Ministry of Agriculture, who did discuss the size of holdings and family farms—this also refers to remarks made by a good many Members I think that it is as well that we bear in mind, when discussing size of farms, that there is in fact only 20 acres of high potential land available per family for the families which now live on that high potential land. I do not think there is much scope for moving them off that land because our population is increasing. The increase in population will have to be absorbed in the non-agricultural sectors of the economy. I do not think there is really much scope of thinking in terms of larger farms for the average family in this country.

The Parliamentary Secretary for Agriculture did, I am thankful to say, discuss a good deal on the work of the Ministry in encouraging production. I would like to take this opportunity, Mr. Speaker, of saying most emphatically to the House that I, myself, am very well aware of the excellent work which is done by the staff of the Ministries and by their field staff all over this country. In veterinary work, in research work, in agricultural work and so on, I would like to take this opportunity of congratulating them on the success of their work, which I believe is well ahead of—I would say—any other country south of the Sahara, and probably well ahead of a good many north of it. I have no hesitation in congratulating the Ministries on the work they have done, but this does not inhibit me from suggesting that they should continue to prepare further plans for further development in the future, because I do not think any of us want this country to lag along and to jog along at a low standard of living and low Government income, in poverty and without the amenities of modern life, which we all want to see here. We do know that our ambitions and hopes for the future do depend very much on the success of the work which these Ministries concerned with rural development of every kind, achieve. This is the reason, and a good reason I think, for bringing forward this Motion to the House, and I am grateful to Government for accepting the spirit of this Motion and I wish them the very best of luck in implementing all plans for the increase of production in the farm lands of this country.

Mr. Speaker, Sir, I beg to move.

(The question of the Motion as amended was put and carried)

Resolved accordingly:—

THAT this Council requires the Government to continue its plans for the progressive

increase of production on all types of settlement schemes farming and ranching enterprises to ensure an adequate modern standard of living to the farmers, and a useful contribution to the national economy.

The Speaker (Mr. Slade): Mr. Erskine, do you want to proceed today or would you rather wait until tomorrow?

Mr. Erskine: Mr. Speaker, I would be very grateful if my Motion could be postponed until

tomorrow, as there is so little time left today, with your permission.

ADJOURNMENT

The Speaker (Mr. Slade): We will not call this Order then. It is not far from the usual time of adjournment, and therefore we will adjourn Council now until tomorrow, Thursday, 21st March, 1963, at 2.30 p.m.

*The House rose at twenty minutes
past Six o'clock.*

Thursday, 21st March, 1963

The House met at thirty minutes past Two o'clock.

[*The Speaker (Mr. Slade) in the Chair*]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

The Births and Deaths Registration (Amendment) Rules, 1963.

(*By the Minister for Legal Affairs (Mr. Webb)*)

NOTICES OF MOTIONS

ABOLITION OF PARLIAMENTARY SECRETARIES: INCREASE OF MINISTERS

Mr. Towett: Mr. Speaker, Sir, I beg to give notice of the following Motions:—

THAT this Council being aware of the fact that Kenya has not got enough funds and can hardly afford to have 18 Parliamentary Secretaries and 16 Ministers urges the Government to abolish the posts of the Parliamentary Secretaries and increase the number of Ministries to 18 in order to reduce Governmental expenses.

LIMITATION OF DEBATE RESOLUTION TO BE RESCINDED

THAT this Council being concerned about the three-hour limitation of Private Members' Motion as per this Council's Resolution of 25th July, 1962, urges this Council to rescind the said Resolution immediately.

INTRODUCTION OF P.A.Y.E. MACHINERY

THAT this Council being aware of and concerned about the present collection procedure of personal income tax urges the Government to introduce and adopt the Pay As You Earn machinery.

EXTRA SAFEGUARDS AGAINST ATTACKS ON INDIVIDUALS

THAT this Council being concerned about frequent brutalities to the citizens of this country brought about by certain supporters of some political parties aimed at independent expression of opinion by some individual persons in this country, urges the Government to ensure that extra safeguards are provided for by Government for the protection of such individuals and for the promotion of the basic democratic rights of man.

REVIEW OF PRESENT AND FUTURE RELATIONSHIP WITH SOMALI PEOPLE

THAT this Council being very much concerned about the recent Somali Government decision to sever its diplomatic relations with the British Government on account of the Northern Frontier District problem as an expression of cessationist views, urges the Government to review immediately the present and future relationships between the Kenya Government and the Somali people within and without this country.

OFFICIAL DRESS FOR MEMBERS

THAT this Council being aware of the innumerable tribal dresses and oddities and being concerned about the lack of a uniform official dress that could be adopted by the Members of this Council, urges Government to set up a Dress Committee to recommend the design and form of an official dress to be worn by the Members of this House.

ORAL ANSWERS TO QUESTIONS

Question No. 104

STAFF FOR REGIONAL GOVERNMENTS

Mr. Alexander asked the Minister of State for Constitutional Affairs and Administration what arrangements was Government making to have staff ready and functionable to enable the new Regional Governments to operate immediately they were formed?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, on behalf of my Minister, I beg to reply. A special Committee chaired by the Deputy Governor has been set up to deal with important administrative and constitutional problems, and Provincial Commissioners are making arrangements between themselves for interchanges of Districts or parts of Districts, so that prior to Internal Self-Government the Provinces will conform with the new Regional boundaries. Provision is also being made for Regional establishments to be set up and finalized as soon as possible; meanwhile, in the transitional period, existing staff will continue to work on the ground so that services can be maintained without interruption.

Mr. Alexander: Mr. Speaker, is the Government aware that if existing civil servants knew that they had an option on their part to serve in any particular region, it would help them in their decisions now, and perhaps induce them to stay on in the Public Service?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, Sir, although this might be desirable, in fact until the new Constitution comes in there is nothing for civil servants at the moment to transfer to.

Mr. Towett: Mr. Speaker, Sir, the question from the hon. Member for Nairobi Suburban was, is the Government aware. Is Government aware?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Government is both aware and awake, Sir.

Mr. Alexander: Mr. Speaker, is the Government aware of the new Constitution which is about to be applied to this country, and if so is it aware that many civil servants would like to choose the regions in which they serve.

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Sir, the Government is naturally aware of the new Constitution, but the service of someone in the Public Service must be with an existing body. Until the regions are established by the new Constitution, there is nothing concrete that Government can do.

Mr. Nyagah: Mr. Speaker, Sir, can the Government give us a rough idea of the date when these new Regional Governments will start?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): After the elections, Sir.

Mr. Alexander: Mr. Speaker, is the Government prepared to follow up the suggestion that civil servants should be given the choice of option?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, I have already explained that the option does not exist at the moment and cannot exist until the new Constitution has been brought in.

Mr. Towett: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply. Is the Government aware that there are more Regions than there are provinces and what is the Government going to do about the quarters for the extra Regions?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, Sir, in my original reply I said that the Provincial Commissioners are making arrangements for the interchange of districts, or parts of districts, so that the new pattern will be there in conformity with the Regions when they are established.

Question No. 106

CIVIL SERVANTS NOT IN FAVOUR WITH FEDERAL CONSTITUTION

Mr. Alexander asked the Minister of State for Constitutional Affairs and Administration what did Government intend to do about civil servants whose attitude was incompatible with the Federal Constitution about to be applied to Kenya?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, I beg to reply. The Civil Service is charged with implementing policy decisions. Kenya's new Constitution which has been agreed in discussion between the Kenya Government and Her Majesty's Government contains a degree of federalism. It is clear, therefore, that the duty of the Civil Service is actively to support the implementation of arrangements which have been agreed. Government is satisfied that it has at its disposal ample disciplinary powers to deal with any of its servants who may fail in their duty.

Question No. 108

AMENDMENTS TO ARTICLE 8 OF THE EAST AFRICAN COMMON SERVICES ORGANIZATION ORDINANCE

Mr. Alexander asked the Minister of State for Constitutional Affairs and Administration what amendments had the Government considered to Article 8 of the Constitution contained in the East African Common Services Organization Ordinance of 1961?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, Sir, I beg to reply. As stated recently by my hon. friend, the Minister for Labour, in reply to Question No. 113, the Government has agreed to the establishment of a Labour Ministerial Committee on an interterritorial basis within the East African Common Services Organization, which will require an amendment to Article 8 of the E.A.C.S.O. Constitution. No further amendments are under consideration.

Question No. 127

EMPLOYMENT OF SINGLE, NON-INDIGENOUS WOMEN

Mr. Towett asked the Minister of State for Constitutional Affairs and Administration:—

- (a) How many single women who were non-indigenous to Kenya of over 45 years of age were in Government service (in the

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Ministry of Constitutional Affairs and Administration establishment including but not below Provincial offices) on contract employment in—

- (i) in 1958. (ii) in 1960. (iii) in 1962.
- (b) Had any such women been refused renewal of their contracts due to localization schemes or not?
- (i) If the answer was “yes”, how many such women had been refused new contracts with the Government?
- (ii) And among those to whose renewal of contracts had been refused, how many had indicated to Government that they wanted to return to their place of origin?
- (iii) Was the Government inclined to assist those who decided to return to their places of origin in order to go back when they could not get any employment in this country or not?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): Mr. Speaker, Sir, I beg to reply. The Ministry of State for Constitutional Affairs and Administration has only existed since mid-April, 1962. My answer is, therefore, confined to eight months of that year. There were seven single women non-indigenous to Kenya of over 45 years of age on contract terms of service with the Ministry including the Provincial offices. Government has not refused to renew any of their contracts and, therefore, the remainder of the question does not arise.

Mr. Towett: Mr. Speaker, Sir, if there are some women who want to renew their contracts, will the Government take them on again?

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Macleod): That, Sir, will be looked at when the contracts fall due.

Question No. 142

REHOUSING OF KIBERA NUBIANS

Mr. Towett asked the Minister for Land Settlement and Water Development:—

- (a) If it was true that the Government had plans for settling the residents of Kibera who were mainly persons of Nubian origin?

(b) If this was true, what were these plans and how soon were they to be implemented?

(c) Would such plans cost the Government any money or not?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, I beg to reply that my Ministry has no such plans as those described in paragraph (a) of the question. Paragraphs (b) and (c) of the question do not therefore arise.

Mr. Towett: Mr. Speaker, Sir, the Minister said “my Ministry”: is he not answering on behalf of another Minister. Is he answering on behalf of himself or on behalf of the Minister for Settlement?

The Speaker (Mr. Slade): It is his Ministry for the present.

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, I am legally the Minister for Land Settlement.

Mr. Towett: Mr. Speaker, Sir, is the Minister not aware that on one of this Government's maps there is an area for new settlement schemes for the Kibera people?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, if the hon. Member is using his knowledge as a previous Minister for Lands, he never drew my attention to this map.

Mr. Towett: Mr. Speaker, Sir, this is rather difficult to explain. Is the Minister aware, without my using my knowledge of whatever I know about the Ministry I had, that there is in one of the Kenya maps a specific area around Nairobi today known as the new Kibera settlement areas?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, it depends on what the Member means by settlement. Where the ex-Sudanese soldiers live today is a settlement but it is not the same settlement as the ones we are dealing with in land settlement.

Mr. Towett: Mr. Speaker, Sir, does the Minister mean that the word “new” is out of place?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, it depends in what context the word is used. It is quite possible that the word “new” was used in 1910 and the place still retains the same title, it depends on what year the Member saw it.

Mr. Towett: Mr. Speaker, Sir, is the Minister willing to look into this matter, because he seems

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not to be aware of what is happening in the country?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, I do not accept the suggestion made; the Minister is quite aware of what is happening in the country, perhaps more than the hon. Member opposite, and the Government has always been willing to look at any situation brought to its notice, and if the hon. Member wishes to draw the attention of the Government to any question at any time on any subject, it will be looked into.

Mr. Towett: Would the Minister then, Sir, assure me that he is going to look into this new Kibera settlement area?

The Minister for Labour (Mr. Mboya): With respect, I do not know, Mr. Speaker, what I am being asked to look into; to look into the title or the site or the map, or what?

Mr. Nthenge: Mr. Speaker, can the Minister look into the settlement of the people of Nubian origin who live at Kibera; the settlement of these people is the question.

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, what kind of settlement?

Mr. Nthenge: Mr. Speaker, what kind of settlement; are they prepared to look into any one?

The Minister for Labour (Mr. Mboya): All kinds of settlement. If the hon. Member would decide what he really wants the Government to look into and tell us, we will study the matter.

Mr. Wabuge: Would the Minister tell the House whether Kibera residents are entitled to any settlement scheme being carried out by the Minister for Land Settlement?

The Minister for Labour (Mr. Mboya): Any person in this country as a Kenya citizen is entitled to what benefits this Government can give, subject to the normal conditions.

Mr. Wabuge: Would the Minister tell the House whether there has been an application by some of the Kibera residents who want to be settled?

The Minister for Labour (Mr. Mboya): No, Sir.

Mr. Nthenge: Mr. Speaker, Sir, can the Minister tell us whether he is prepared, if the Kibera people are willing to be settled somewhere, to give them a piece of land for settlement? Mr. Speaker, he asked me formerly what sort of

settlement. It is the settlement whereby they can have a subsistence by farming, and so on, because as present they are in difficulties at Kibera.

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, that is a hypothetical question.

The Speaker (Mr. Slade): No, it is not a hypothetical question.

The Minister for Labour (Mr. Mboya): I was asked, Mr. Speaker, whether I would be prepared if the people applied. I said originally any person was entitled to any benefits subject to the normal conditions. I have already said too that there has been no application.

Mr. Wabuge: Is the Minister aware that the people of Kibera are asking for land for cultivation?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, I am aware and have been aware for many years that the people at Kibera are not particularly happy with the area in which they live and some of the regulations that have been introduced in the past three years. I am also aware that discussions have been taking place, both with the Government and with Members representing the area, to see if anything could be done for them. Lastly, I am aware that Government is very sympathetic to their case and that in fact my friend, the Minister for Health and Housing, is currently discussing with a committee of the residents as to what might be done to give them better conditions or regulations and even to study their request for removal to another site.

Mr. Wabuge: Arising from the Minister's reply would the Minister tell the House which land has the Government earmarked for the Kibera people for settlement schemes?

The Minister for Labour (Mr. Mboya): Once again, Sir, I must say that there is complete confusion. The residents of Kibera as I understand it are more concerned with the problems that arise as the area becomes part of the City of Nairobi, and whether or not they should have a village in which they are free from city regulations. I have not heard settlement in terms of land settlement requested, but I am aware that they would like a village similar to the one they had previously but without the regulations that may affect them when they come into Nairobi.

Mr. Alexander: Mr. Speaker, is it not a fact that throughout 1960 and 1961 the residents, or many of the residents, of Kibera were making definite approaches and demands upon Government for resettlement in another part of Kenya?

The Minister for Labour (Mr. Mboya): This is a fact but it is the difference in that request with the settlement schemes that we deal with that I am trying to explain. I have already said that in fact we are aware, and if I may say so I was personally involved in these discussions as the Member representing them at one stage, that they would like to be moved from the present area into another area where they will be free from the municipal regulations that they will be coming under when they become part of the Nairobi City Council.

Mr. Alexander: Mr. Speaker, could we be told at what stage negotiations have reached and what area of Kenya are they likely to be moved to?

The Minister for Labour (Mr. Mboya): Mr. Speaker I have already said that my friend the Minister for Housing, who is more concerned with that particular point or aspect of the matter, is in discussion with these people. The other Minister who would be concerned with it is the Minister for Land and, as I have already said, his discussions are not yet concluded and I cannot give the information which the hon. Member now seeks.

Mr. Wabuge: Would the Minister tell the House whether the people at Kibera, in his opinion, are entitled to land settlement schemes or do they only want a village to be settled in?

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, if the hon. Member would listen to my answers he would know that I have answered that question more than twice.

Question No. 143

RETENTION OF OFFICERS FOR ESSENTIAL POSTS

Mr. Porter: Mr. Speaker, may I point out that I think there is an error in the last line of the question. This question was put through very quickly, I think, Sir, and it is possible that a word has dropped out. It should be "the limit on salaries of pensioners of four-fifths of 12 increments." It then reads:—

In view of the need to retain and engage the services of certain officers to fill essential posts which would otherwise remain vacant, will the Minister undertake immediately to remove present restrictions regarding terms of service such as the age limit of 55 years and the limit on salaries of pensioners to four-fifths of 12 increments.

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, Sir, on behalf of my

Minister, I beg to reply. The Government does retain officers in employment after the age of 55 when it is in the public interest to do so. The last part of the question is incomprehensible.

The Speaker (Mr. Slade): Mr. Porter has explained it now, I think.

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, the reference to four-fifths of 12 increments is incomprehensible to me, Sir.

The Speaker (Mr. Slade): Could you explain your question, Mr. Porter?

Mr. Porter: Yes, I think in the form of a question, Sir. Is not the Acting Minister aware that pensioners are limited to a salary of four-fifths of 12 increments, in many cases when they are taken on in Government employment after having retired?

The Temporary Minister for Finance (Mr. Butter): No, Sir. I do understand what the hon. Member is getting at, a re-employed Government pensioner is normally re-employed on the salary of four-fifths of the substantive salary of the post. However, there is no question of any increments. The reason for that is, that in addition to the salary he draws, he is also drawing from Government a pension.

Mr. Porter: Mr. Speaker, Sir, I would like to ask the Acting Minister whether he is aware that, in fact, there are Departments in Government that are unable to fill their establishments, but could do so if there were more relaxation of the 55 years' rule?

The Temporary Minister for Finance (Mr. Butter): At the moment, Sir, I am not aware of that. I can see that this situation may arise in the future, and that it may be necessary for the Government to consider some modification to the rule. It is possibly a subject in which the hon. Member himself may wish to declare an interest in the future.

Mr. Nthenge: Mr. Speaker, if that is likely, should the Government not start preparing itself early enough to deal with the situation when it occurs?

The Temporary Minister for Finance (Mr. Butter): Mr. Speaker, Sir, the present position is, that the Government, as a matter of policy, does not retain officers in the service over the age of 55, unless it is essential to do so, in order not to block posts for local candidates. That is the policy which has been announced before in this House, and has been promulgated in agreement with the staff side of the Central Whitley Council.

MINISTERIAL STATEMENT

NUMBER OF OFFICERS DISMISSED THE PRISON SERVICE, 1960/61

The Minister for Social Services (Mr. ole Tipis): On a point of order, Mr. Speaker, Sir, with your permission I would like to make a statement of factual information.

The Speaker (Mr. Slade): Mr. Tipis has informed me of the matter on which he wishes to make a statement. It refers to the debate on the Motion moved by Mr. Mwendwa yesterday. It is not usual to allow statements with reference to a debate which has already been closed, but in this instance I think it is in the public interest to allow Mr. Tipis to make a purely factual statement.

The Minister for Social Services (Mr. ole Tipis): Thank you, Sir. Yesterday, Sir, the hon. Member for Kitui, Mr. Mwendwa, said this in the course of a debate in this House, and I quote, "This is from the Department of Prisons alone which I am taking as an example. Officers who have been dismissed because they have allowed prisoners to escape are: 1960, 90; 1961, 81; neglect of duty: in 1960, 179; 1961, 201; asleep on duty: 1960, 50; 1961, 116; late or absent: 1960, 131; 1961, 279; conduct to the prejudice of good order and discipline: 1960, 190; 1961, 416." He then went on to say, "That, Mr. Speaker, is an example. an analysis from one Department only of the officers who have lost their jobs because they have failed to perform their duties because of drinking."

The true facts, Sir, are that: in 1961, 151 prison officers were dismissed for misconduct; 44 resigned; 71 were discharged as unlikely to become, or have ceased to become, efficient; and eight deserted from the service. In 1960, 90 prison officers were dismissed for misconduct; 57 resigned; nine were discharged as unlikely to become, or who had ceased to become efficient; and six deserted from the service. It is possible, Sir, that Mr. Mwendwa has included the number of departmental punishments for minor disciplinary offences which were inflicted on staff. In fact, 650 prison officers were punished in 1960, of whom 99 only were dismissed from the service, or had their services terminated as unlikely to become efficient. The latter figure, including recruits, were found to be unsuitable in initial training. In 1961, 1,156 prison officers were punished, of whom 222 were dismissed from the service, or had their services terminated as unlikely to become efficient. This is including recruits found to be unsuitable in training.

Finally, Sir, of the 99 officers dismissed or discharged from the service in 1960, only 12 were dismissed for drunkenness.

Of the 222 officers dismissed or discharged in 1961, 32 only were dismissed for drunkenness.

Mr. Mwendwa: On a point of order, Mr. Speaker, I want to seek information and advice.

The Speaker (Mr. Slade): Yes, you may ask questions on those facts.

Mr. Mwendwa: I took these figures from the report which I had in my hand. Is it possible to discuss these figures because I do not understand them? It looks as if the report is completely wrong, and this has been compiled by the Government, Sir.

The Speaker (Mr. Slade): You must discuss them with him another time.

MOTION

KENYA NATIONAL STADIUM: CONSTRUCTION

Mr. Erskine: Mr. Speaker, I beg to move:—

THAT this Council urges Government to consider the immediate commencement of constructional works on the Kenya National Stadium on Princess Elizabeth Way in preparation for Kenya's Independence celebration.

Mr. Speaker, it is with no sense of diffidence that I get up to propose this Motion. It has been constantly in my mind for a number of years. I hope hon. Members will not mind if I go back a little bit into the early origins of my thoughts on this subject. It was round about 1928 when I came to this country, and I was asked by my father if I intended to stay for ever in a colony. I wrote back at the time and said that that was not my intention at all, and that I hoped that in a very short time my country would become a nation. It is to that end that I have directed my thoughts and actions during the past 12 years, and my work such as it is, ever since. About 1934 I remember thinking very seriously about this subject when I was constructing a building in Nairobi and I decided to call it Dominion House, because at that time, as far back as 1934, I saw there was a possibility that within a short time our country could become a self-governing democratic dominion with one man, one vote, and belonging to the family of the British Nations. Unfortunately there came the war and after the war there were other difficulties. In 1951, I began to have real hopes that Kenya would soon be attaining democratic nationhood. Together with

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a number of other citizens of Nairobi I started to plan for a home for our Independence celebrations and a national stadium for Kenya.

Then, in 1952, other troubles beset our country and we had to put aside our plans for some years. We never forgot them, however, and during those years, I, and a number of friends of mine did our best to help Kenya towards developing its sporting and its athletic potential. May I say, Mr. Speaker, during those years we did achieve an astounding measure of success in that during that time we became known throughout the world as a thoroughly sporting nation and able to produce athletes and footballers and boxers of international repute.

In 1958, I decided that it really was time to get started with a national stadium. We had already noted a very fine site on the Princess Elizabeth Way, 23 acres, centrally situated, and in every way suitable for what we had in mind. In 1958, I went to England with a Kenya team of athletes, who distinguished themselves greatly at Cardiff, in the Commonwealth Games. Whilst I was in England and whilst the fame of our Kenya athletes was ringing in the ears of the people of Great Britain I was lucky in being able to obtain a sum of £12,000 from the Wolfson Trust through the help of the National Playing Fields Association of Great Britain. With this money we started to plan the actual commencement of work on the stadium. I was rather encouraged in 1961 by noticing in *The Times* a report of a lecture given by Miss Margery Perham in the third of the 1961 Reith Lectures on "the Colonial Reckoning" in the B.B.C. Home Service. She stated that in the first essential for an independent country was a huge national stadium. She also, incidentally, mentioned that other necessary things were an international airport. Mr. Speaker, I do recall spending three years of my life fighting in Kenya for an international airport, so that every time I rose to my feet in the legislature, I was received with as much interest as is now accorded to the hon. Member for Nairobi West when he speaks of piped water. It took, however, five years before anything was done about my original Motion on this subject.

Today, Mr. Speaker, we do not have five years. Many hon. Members here think that we have a little less than one year. It is therefore very necessary that we should have our national stadium as quickly as possible.

Other countries have had to start from scratch. I would like to re-emphasize, Mr. Speaker, that we do not start from scratch. We have a site

which, commercially speaking, is worth something of the order of £ $\frac{1}{4}$ million ready. We have excavated all the black cotton soil and replaced it with red soil. We have made out the track and it is excavated. We have completed the drainage; the plans drawn by a firm of Nairobi architects are ready, and as I say £12,000 has already been spent. There are some detractors of my scheme, but I believe that they are not Members of this House, who say that it is a waste of money. I think perhaps that they forget that Nairobi is Kenya's capital city and has been, and is, and will be in the future, the commercial, industrial, distributional, banking, scientific, educational, medical, dramatic, artistic, social and recreational capital of greater East Africa.

Mr. Speaker, it would be unthinkable for us to consider holding our independence celebrations in anything less than a stadium up to international dimensions and correctly built; a modern stadium is something specific, is something definite. I think there was an English authoress who wrote rather curious prose at one time, and I might quote how she would describe it. She would say: a stadium is a stadium is a stadium is a stadium.

Mr. Speaker, a stadium is not an agricultural showground, nor is it a recreational sports ground sited down by the Nairobi Dam, or anything else, and yet I see recently in the papers talk of holding our independence celebrations on a showground, and it was intended to spend £3,500 on a new grandstand to seat about 500 people. I am just wondering what sort of independence celebrations these people have in mind.

Mr. Speaker, there is a lot of talk about whether we can afford a stadium, and I hope that hon. Members will bear with me while I say a word about a feature of Africa and the people of Africa, which is rather different from similar features in what they call the more developed countries of Europe. The people of Europe and the western world can approach nowhere near, nor hope to understand, the African concept of hospitality. In these countries, which are reputed to be more advanced, Mr. Speaker—whatever that may mean—hospitality has become a business. In London, for instance, the summer social season is conducted on a strict reciprocity basis known as "cutlet for cutlet". The hostess who gives a party for her daughter expects at least 95 other hostesses to ask her daughter back to their parties. People entertain with an object in mind and they budget down to the last bottle of beer.

In African countries, in Kenya, the tradition and the system is very different. When the guest arrives, whether invited or no, there are no

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moments of embarrassment, no hurried conferences with the wife or the cook, because the guest is automatically made free of everything in the house. He is given the best room, and the entire food resources of the house are placed on the table before him, and whether that be a bowl of *uji*, or if one lives in Central Province a bowl of *ucuru*, or a fine roast chicken or bottle of beer, the guest accepts whatever is proffered to him. He accepts it in silent gratitude, with no profuse verbal thanks as you get in other countries. This, Mr. Speaker, is the very essence of civilization. In things which really matter, Kenya is streets ahead of the Western powers, even though we may have no atomic weapons and have to fall back on the old-fashioned method of trusting in our Maker for our protection.

So when we are making our plans for entertaining our friends for our independence celebrations, they will come from the four corners of the earth, and they will witness the great ceremony of the birth of a nation.

I want to reject out of hand the advice we have been given by certain Sunday newspapers, that we should spend the minimum of money and do the whole thing on the cheap. Kenya's national stadium is our first priority and it is the guest chamber to be swept and garnished in readiness for the guests who will come to us from all over the world to attend, as I say, the birth of a nation.

Now, Mr. Speaker, Kenya is known particularly for its successes and triumphs in the field of sport. Kenya is already the chosen venue of a great congress, the International Olympic Congress, in October. From overseas will come at least 200—possibly more—families, rich people, willing to spend much money. Most of them already expect to see a national stadium in being, and if not in being they will wish to see that it is on the way to being built. Soon Kenya will be the chosen venue for the first great pan-African games, and our national stadium will become the mecca of the world's leading athletes, football and hockey teams, and yet, Mr. Speaker, believe it or not, there are still people, so sunk in the depths of perversity, meanness and ignorance, that they would advocate staging this great ceremony in the rough arena of an agricultural show-ground eight miles from Nairobi and able to accommodate about one-tenth of the people we expect to entertain in this country.

Hon. Members will have seen the architect's drawing which has been on exhibition in Parliament Buildings for the past week. They will know exactly what we have in mind, a national stadium.

There is no such thing as a larger or smaller stadium, except in respect of seating accommodation. The internal area will have the ordinary circumference, the track will be exactly 440 yards, no less and no more.

The cost—and I must touch on this, Mr. Speaker—will be of the order of £100,000 or more to be spent in order to get it to the stage where we can welcome our guests and hold our independence celebrations with all convenience and in a dignified way. This may be a large sum of money, but in the context of the birth of a nation I consider it to be absolutely trivial.

We shall need a tremendous amount of help if we are to get this work done in time.

We planned some time ago that we might only be given nine months in which to complete the necessary part of this stadium for the Independence celebrations. We have planned accordingly, but we can only achieve this, Mr. Speaker, if we have the help—which I know we shall get—of the Ministry of Works and also the help of the City Council of Nairobi. A road, which is already planned and down to be built in two or three years' time, will have to be built now, Mr. Speaker. That will be no extra expense, it will mean merely spending money now which is planned to be spent in two or three years' time. As we shall not be able to complete the full circumference of the circle in concrete seating we shall have to fill up with embankments of earth, and here we shall look for the help of the Ministry of Works.

People keep saying to me, "Can we afford to spend all this money?" I am a business man and I do not know so much about the State's finances as I do about ordinary private firms' finances, but in private business enterprise we do not talk about spending money when we are putting up a capital building of this nature which is going to bring an enormous return for us in the future. We talk about investing. May I urge on hon. Members that we are asked to invest in Kenya's future.

An Hon. Minister: Do we have the money?

Mr. Erskine: I hear an hon. Minister on the other side of the House asking if we have the money. People get rather suspicious when they hear from Ministers that there is no money for a certain project of theirs, and then some months later they see an enormous amount of money being spent on some project which they do not consider anywhere near so important.

The birth of a nation, Mr. Speaker, comes once and I think we are well able to afford to do this one job this once and when it is completed we

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shall have a stadium of which we can be proud, which will earn revenue for us just as our International Airport has done. It will bring to this country athletes and football teams. We will be able to aspire to holding the Commonwealth Games in our country in the not too distant future. I wonder if hon. Members can guess for one moment the tremendous amount of revenue which is brought into the country by things like sport. Furthermore, do not all hon. Members want, with me, to have the world think of Kenya as a sporting country, a country that can hold its head up in the world of sport?

As I have said, we are holding the International Olympic Congress in Nairobi. Nairobi has been chosen. There are many thousands of cities in the world as large as Nairobi, few in Africa, but a great number in the world. Yet they chose Nairobi. They chose Nairobi for one reason only. They have heard of Nairobi; and they have heard of Nairobi because of the great sportsmen and athletes here. The great athletes from the Kalenjin tribe are known throughout the world for their skill in athletics and the world knows of the great future Kenya has before it. Now, these delegates to the International Olympic Congress will come here in October and they will bring with them a great deal of money and they will go away and think about our country. I can assure you that many hundreds of thousands of pounds will accrue to this country, in aid of all kinds, as a result of the visit of these leading citizens of the world to our country in October.

I think hon. Members might want to ask me whether I, myself, have any ideas about finance and how to raise it. I can only say that I would like, with my fellow citizens of Kenya, to contribute my share towards this initial £100,000 which is necessary before we can get the stadium to a state where we can hold our celebrations without any kind of awkwardness or shyness, where we can really feel proud of what we are doing. After that, Mr. Speaker, I do have ideas. I am very glad to say that the hon. Member for Nairobi Suburban is a trustee of a sub-committee of the International Olympic Committee whose job it is to raise large sums of money from the various nations of the world. They have I believe—as a target figure—something of the order of £½ million in mind, and I am quite sure that when the fellow members of this committee on which he serves come here, as they will do in October, they will put Kenya's name down quite high on the list of priorities. We do have great hopes of getting a substantial sum of money from this international source to help us to complete the stadium.

Mr. Speaker, I would mention that for some time past—and I have, I think, already mentioned it in this House—I have been local director in Kenya of the I.R.A., which means the International Recreation Association. We, of this association, are pledged to do all we can in the interests of world peace, to encourage recreation and sport in our countries. We shout slogans on various occasions, we say that when the people of a country play together they will stay together and work together, and we believe that very sincerely. There is no doubt about it, Mr. Speaker, that the initial cost—the sum that I have mentioned that is required, £100,000—will require sacrifice from the citizens of this country. A very, very small sacrifice when you come to think of it, if everybody in this country were keen about this national stadium and really believed in the future of the Kenya nation, I am sure that we should not find it at all hard to raise this money.

I must say, however, Mr. Speaker, that time is not on our side. I am going to urge this House to give me their support, I am going to urge the Ministers seated on the Front Bench to give this matter their immediate attention. I am hoping very sincerely that within a fortnight, or three weeks at the most, we shall have started actually building the grandstands and the necessary seating accommodation on the south side of this national stadium. I am hoping that within eight or nine months we shall have something there of which we can all be proud.

Mr. Speaker, today is Kenya's twelfth, I think, and last Legislative Council, and it will rise today for the last time. I shall retain very many happy memories of this and of earlier Councils. But any nostalgic feelings that I have are more than compensated by the great hopes I have for a glorious future for my country. I ask hon. Members to support my Motion and ensure that our great birthday, when it comes during the next few months, will be a truly glorious one, unmarred by unworthy, parsimonious thoughts. I want the whole world to be able to wish us a happy birthday on that day, and many happy returns of our Independence Day celebrations. On that occasion I would like it to be said of each one of us, as the poet Andrew Marvell once said on another occasion: "He nothing common did, nor mean, upon that memorable scene."

I will leave this Motion to the House in the confidence, Mr. Speaker, that they will deal with it in a faithful and just manner.

Mr. Speaker, Sir, I beg to move.

Mr. Nthenge: Mr. Speaker, Sir, I am very thankful to the hon. Mover, firstly, for thinking

[Mr. Nthenge]

of the idea of a stadium so early and, secondly, for asking me to second this, according to me, very, very important Motion.

First of all, I would like the House to know that the National Stadium the hon. Mover has been talking about is one of the things which make a country a country; it is one of the things which would make people all over the world, when thinking of countries, before they probably counted to ten, to count Kenya as one of the countries. A fool might ask me, Mr. Speaker, what does that matter? It matters a lot in some of these international affairs; for things like sports, things like conferences of international repute it can be decided to go to countries which are in the memories of the people considering the occasions, and what are the consequences in such a case? It is that we get a great advantage: that is, tourism. Somebody leaving this country after such meetings goes and talks about Kenya and so many people hear of it. Then they say, "Well, my next holiday will be in Kenya." That way we get tourism and, as it has been said by the Minister for Tourism, this country is a country that can prosper and can almost depend on nothing else but tourism because it is a country of great variety.

Mr. Speaker, it is obvious that when we have the celebrations of *Uhuru* we will want something different, we will want the people who have been invited, or who have just of their own accord visited this country, to go home and say that Kenya is a wonderful country. How could they do that if they found celebrations held in bushes, in places which do not encourage them even to talk of the country. The right place to hold such celebrations is in a national stadium, as the hon. Mover has explained. I know some people will say it is probably a small one, or something of the like, but I would like to assure this House, Mr. Speaker, that the stadium the hon. Mover has explained is a stadium that any country would be proud to have, it is a stadium of the standard size, it is something that definitely anybody living in this country would be proud of and, therefore, Mr. Speaker, it requires the support of every hon. Member and of every other citizen of this country. It is something which anybody spending money on is really not just wasting money but investing it very, very, very wisely.

You know that sports and other recreations which can take place and normally take place in stadiums are things which make people happy and relaxed and friendly, and that way they do not think of fights, and what not. It is therefore something that will bring to this country a number

of benefits. If I had a lot of time to analyse them, maybe it would take an hour, but as I do not have time, Mr. Speaker, due to the limitations we have on speaking, I will not go into the details. But definitely I would like to mention in the House that we will get tourism and obviously we will get something which will make people have relaxation in their minds and, therefore, it will encourage peace, and I do not think that there is anything greater in this country than peace, Mr. Speaker.

Now, we have many people wondering what we are going to do really to get the money. I would like to assure the hon. Members and any other person that it is only will, and once we have the will I am sure we will be able to do this thing. If we decided to have that stadium and it is in the minds of every good citizen of this country, even God might give us an idea of how to raise the money. We may just get a donation from some place or other. Therefore, Mr. Speaker, I would not like the Members to go away with the idea, "Can we do it?", I would like them to feel that we can do it because it was said by wise people long ago that where there is a will there is a way. I believe that the question of money should be wiped out of the Members' minds when they support this Motion because it is definite that we can get this money. If we get money for other things, why not for this? We might even be able to borrow money and because a stadium, as the hon. Mover said, is not just an expenditure it is an investment, we may be able to return the money we borrowed with interest very easily because there will be some charges when great occasions take place in the stadium, and that way the stadium will be earning some money.

Therefore, I would like the Members not to ask themselves why they should support this idea while they know we cannot do it because we do not have the money, I would like to ask anybody who prays to pray to God, so that we can get money and finish this stadium within half the time we are expecting to finish it. I am sure, Mr. Speaker, that the importance of this stadium is such that the Government itself, particularly the Minister for Works, will do whatever it can to help in the construction of this stadium, so that we can have the stadium finished in time for the *Uhuru* celebrations which, I believe, will be wonderful because one hon. gentleman on this side of the House has already suggested that a committee should be started for dresses and I think that committee will probably invent the best national dress that could be thought of, and on that day we will look wonderful and people will keep on talking of us and the world Press

[Mr. Nthenge]

will be taking photographs and that way we will be getting a free advertisement of our own country, Mr. Speaker. I feel that if the people all over the world hear that the stadium is wonderful, it is a new one, we are getting our stadium as we are getting our independence, people will pour into this country, more press men will tend to come. That way we will benefit not only by getting independence but also getting the money they will come with and also getting the free advertisement through the international Press which will double if we have the stadium, Mr. Speaker.

Mr. Speaker, I am sorry that I do not have very much time to speak on this, to my way of thinking, very emotional issue, when we are really doing something which will help everybody, because the stadium is not only for the athletes or the sportsmen, but for everybody, because if I am not participating as a runner I can participate as a watcher, and a spectator enjoys it more probably than those taking the exercise or participating in the games themselves.

With these remarks, Mr. Speaker, as my time is up, I beg to support.

(Question proposed)

Mr. Odinga: Mr. Speaker, Sir, in the first instance I would thank the Mover of this Motion, for bringing forward such a very important factor in the development of this country. I commend him and also do thank him sincerely that his sentiments and motives are really worthwhile, because in his explanation it seems as if this idea of having a stadium did not actually come to him, but he has been thinking about it for a very long time, and he wished that we had such a stadium.

But on the other hand, I would say that it is pitiful that he advocated the idea of having a stadium with the idea of the date of independence. This I think is wrong at the present moment because any man who wishes to delay our independence could immediately cash in on his own and declare that the stadium would not be ready and we must wait for the stadium. I have been wondering all the time whether to support this stadium but if he had mentioned it a year ago I think I could have supported him wholeheartedly and even emphasized the importance of it. While I maintain that the idea of having a national stadium in Kenya is already overdue, all the countries surrounding us have national stadiums and Kenya always seems to be lagging behind in such things. But I want the date of

independence to be this year, not any other year, this year, and this is the wish of the majority of the people of this country, and I know that even if we started on the work of this stadium it will not be finished this year. Let no one press for or use this very essential factor in the development of our country as an excuse for delaying the independence of our country. We can celebrate our independence in any field—we have so many wild fields—and we can make a temporary structure and that will be enough to celebrate our independence. But that should not interfere with the planning for this stadium, let the plans for this carry on, taking into consideration all other factors and activities which the Mover of this Motion has mentioned.

So, Mr. Speaker, if the Mover of this Motion wants us to support it wholeheartedly then he will seriously consider whether he should drop the last few words in his Motion, and have the full stop immediately after the "Princess Elizabeth Way". The words "in preparation for Kenya's independence celebration" should be crossed out, and should be washed out of the head of anyone who wants to support this Motion, but the idea of the stadium I support wholeheartedly and I think that the time to start work on it is long overdue and I would only request that it should be started forthwith.

With these few remarks, Mr. Speaker, I reserve my support of the Motion.

The Minister for Lands, Surveys and Town Planning (Mr. Mate): Mr. Speaker, Sir, I have observed from the remarks of the hon. Mover of the Motion the very important support from all over Kenya, not only in Nairobi but all over the country, but I sympathize with the hon. Member for Central Nyanza in that the Motion misses two very different subjects. Sir, I do feel that the question of a stadium as outlined by the hon. Mover, is a very worthwhile one for the sake of sport and the idea is long overdue. Kenya should think about a national stadium, especially in the interest of sport. So while I would support his idea of having a sports field as such organized, I do feel that when we mix it with independence and with a particular place such as the Princess Elizabeth Way—which is what he has in mind—there is a danger of mixing up the arguments. The hon. Mover should have left the question free so that the people could find out where would be the best place to put the stadium. I think, Sir, that the question of a Kenya national stadium is not a mistake at all. It should be supported—subject, of course, to money being available and the plans that are required for such a project being approved by

[The Minister for Lands, Surveys and Town Planning]

the bodies concerned—and I would congratulate the Member from the sporting side of the question, but on the side of independence, as a matter of urgency, I differ, Sir. I do not see why Kenya could not celebrate her independence anywhere, as the hon. Member for Central Nyanza said. There is a space, Mr. Speaker, between this building and the Law Courts. If we got our independence tomorrow or the day after I do not see why we could not celebrate it there and not delay it by demanding a stadium. I do realize that the idea behind the Mover's Motion is to urge the country to be aware of the need for a national stadium, but on the other hand mixing the political need of Kenya for independence immediately with the idea of a stadium, I feel is very wrong. So, Mr. Speaker, my suggestion would be to get our independence as quickly as we can, and very, very soon go ahead with plans for a stadium, thus not mixing the two issues. I think emotionally we are going to mix up two things that are quite separate. Mr. Speaker, my suggestion would be subject to agreement with the bodies concerned in Nairobi, the City Council and other such bodies, for independence to baptize the City Square, Independence Square, and then the stadium should be thought of as a separate issue.

So, Mr. Speaker, I feel I could not support the Motion as it is now worded because I think it will mix two very important issues which are both very urgent. Mr. Speaker, I reserve my position.

The Minister for Social Services (Mr. ole Tipis): Mr. Speaker, Sir, the Government realizes the importance of having a good stadium of international standing, especially for the sake of our *Uhuru* celebrations. I would also thank the hon. Mover of the Motion for all the effort and thought he has put into the idea, but, Sir, there are quite a number of complications and problems to be solved. As the hon. Mover of the Motion knows very well, the site he has in mind has its own drawbacks; firstly that the parking space is not there, and secondly that there is not room for future development in the area for further expansion.

Also the other point which might be considered, Mr. Speaker, is that not only the capital cost of construction of the stadium is required, but also the recurrent expenditure for the manager and other staff on the ground.

Now, in this respect, Sir, it would be absolutely necessary, or essential, to have some of the interested bodies in this City of Nairobi, interested in

this worthwhile project. For instance, we must, if we can, get financial contributions from our well-wishers, like the City Council and other local government bodies, and also private firms. The thing really is that the planning, the designing, and of course the actual construction, could at least be completed in 9-12 months time from the date of commencement.

This type of work involves quite a lot of good planning, including technical and expert knowledge, and the Government is doing its utmost to speed things up in the best possible way. The areas which both the Government and, I believe, the City Council have in mind is the area in the neighbourhood of the Nairobi Dam. Negotiations for this land would be easy because this area is Crown land, so the purchase price and that sort of thing does not come into it. Now, there are two things: first, Government agrees that a national stadium is necessary for sporting purposes in our capital. Secondly, Government also agrees that some sort of stadium is absolutely necessary for the *uhuru* celebrations. It would, therefore, be economical to combine the two. On the other hand, the construction of a stadium in reinforced concrete is a very lengthy process, and it would be very difficult to get it completed by the *uhuru* date. The alternative to building in steel presents problems in obtaining the steel parts at fairly short notice. We believe that fairly cheap stands could be made up of piping, and perhaps the best thing for *uhuru*, taking into account the time factor, and also the financial factor. We could use these to improve an existing arena, and increase its seating capacity. The best arrangement would be—if we can get our *uhuru* as soon as possible—to take over the Mitchell Park arena, that is with the permission of the Royal Agricultural Society of Kenya, and use that. There is a good deal of seating there already, and this could be greatly increased by the use of temporary stands of the kind I have just described.

Now, I would tell the hon. Members that the Ministries concerned—the Ministry of Finance, the Ministry of Works and my Ministry—are working very hard so as to have final details ready so as to commence with the work immediately. As such the question of the site mentioned by the hon. Mover is not accepted. This is according to the expert's knowledge we have, and it is not acceptable to the Government. I feel it would be wise for the hon. Mover and other hon. Members of this House to leave it to the Government, who have all the necessary knowledge, and we can always get advice and knowledge from experts

[The Minister for Social Services]

all over the world with regard to the best site. As such I believe that the Government cannot accept the Motion as worded.

With your permission, Mr. Speaker, Sir, I beg to move that the Motion be amended by leaving out the words:

“ . . . the immediate commencement of constructional works of the Kenya National Stadium on Princess Elizabeth Way.”, and to insert in place thereof, the words, “. . . the construction of a Kenya National Stadium.”

I beg to move.

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta):

Mr. Speaker, I feel that the building of a national stadium, especially for our *uhuru*, is very important, and the Government realizes that it is very, very important to build such a stadium. The only question is with regard to the site. Where is it to be built? We feel that the site mentioned by my hon. friend is very small, and, therefore, the Government feels that we do want a bigger site. This site should be around the Nairobi Dam. We feel that such a big stadium needs a little water—not piped water—but natural water in its natural conditions and not through pipes. We feel that around the Nairobi Dam we could have a beautiful stadium where people, coming for some celebrations, could enjoy, not only the celebrations, but also some gaiety. We could have boats and other things which would make the national stadium more attractive. So, we, in amending the Motion, do realize that it is very important to build this stadium. The only question is with regard to the site, and I think hon. Members will agree that for a City like Nairobi, which, as he said, is the centre of a greater East Africa, needs a really good and attractive stadium. It is for these reasons that we feel we must change or disagree with the site already suggested.

Therefore, Mr. Speaker, with these few words, I wish to support the amendment.

(The question of the first part of the amendment that the words to be left out, be left out proposed)

The Speaker (Mr. Slade): It is difficult to separate the proposed amendment from the subject matter of the main Motion, so there can be debate on both; however, each Member can only speak once.

Mr. Welwood: Mr. Speaker, I rise to oppose, both the Motion and the amendment. I oppose it for this reason: it has always struck me, in this House for many years, that nobody appears

to apply the same ideas that they would to private finance to public finance. In fact, if anybody is suffering from lack of funds, lack of capital, a lack of income, the first thing he does is to decide what is necessary and what he can do without. However, that, Mr. Speaker, is the rarest action for Parliamentarians to take anywhere.

In the present state of this country, I believe it to be utterly wrong to spend money on a project of this sort. At least in Rome they used to give the people bread and circuses, but this is a suggestion to give them circuses without bread. And, Mr. Speaker, the Mover of the Motion made an impassioned plea for it, and I think one of his arguments was based on the fact that it would bring money to Nairobi, and therefore money for the country. However, Mr. Speaker, I cannot accept that argument, because basically the economy of this country rests on agriculture, and above all on peasant people, and what, Mr. Speaker, are going to be the advantages to the seven million people who never come to Nairobi and never see Nairobi? Circuses for those in Nairobi, circuses for those well enough off for them to come, and circuses for the richer people. That, Mr. Speaker, I submit, is utterly wrong at this stage in Kenya's development. Every shilling that we have got, and can raise in this country is needed for practical purposes, for the development of agriculture, for the development of our resources, for the development of road transport and things of that sort. It is for that reason, not because I believe that a stadium in itself is a bad thing, that must I oppose the Motion on the grounds that first things should come first, and this is not a first thing.

In the views of the vast majority of the people there will be bitter criticism that money is spent on frills when they are desperately pushed to live.

Mr. Nyagah: Mr. Speaker, Sir, I rise to support the original Motion, in that all that it asks the Government to do is to consider, what has already been half done, to be completed, and if need be for this Government to pass on to the next National, and truly National Government, this request, from this side, to have the National Stadium built ready, and as quickly as possible, for the independence celebrations. Perhaps, Mr. Speaker, a lot of people on the Government side have not taken the opportunity, or the invitation given several times by my friend the hon. Mover, to go and see how far the work has progressed. I believe, Sir, that those of us who have seen the area are convinced that in this age of sky-scrapers and what have you, a Stadium, of any dimension, can be built there. After all, Sir, the traffic can

[Mr. Nyagah]

be directed elsewhere, and the people that will matter, the public of this country, and our visitors, official and non-official, can be comfortably accommodated at the proposed site. After all the White City and other places in Britain and other parts of the world are not terribly big, but in the context of Kenya, whenever we look at a space, and because we have large open spaces we tend to think that a small place like that cannot serve the purpose.

Mr. Speaker, Sir, those of us who have had anything, or have taken an interest in going to the Royal Agricultural Society of Kenya's shows at Mitchell Park have seen one of the greatest handicaps in that place, that is of traffic bottle-necks and jams. It takes more than an hour, after an evening show, to get out of the Park to the centre of the City. How much more delay will it cause, or will it take, if, we moved to Mitchell Park or to this, I suppose this malaria infected area called the Nairobi Dam.

Mr Speaker, Sir, our *uhuru* is very dear. It must not be treated cheaply. A little earth will be scratched from the surface, a few pipes will be put together with timber across to make seating accommodation, and it must be made dear. We must have a memorial stadium which will be fitting of the name "Uhuru Stadium". After all, Mr. Speaker, Tanganyika has a memorial peak on top of Mt. Kilimanjaro, our peak here will have to be the centre of our great city, Nairobi, it will be a most magnificent stadium in a specific corner. This stadium will attract many people who visit Nairobi. As these people fly to Embakasi they will fly over the town and they will see the stadium. The people who take the little charter planes from the beautiful, old aerodrome, Nairobi West, they will also enjoy the sight of the stadium. I am sure, Mr. Speaker, the Mover could never have thought of a better place.

Finally, Mr. Speaker, I would like to say this. If our independence celebrations are to be celebrated in an open place, may I invite this Government, and the National Government to come, to use a very wide space, that will cost them nothing, at Sagana near Embu. There is plenty of space to park, traffic is easy, the road is good and there is a cheap place for a celebration. Mr. Speaker, I want this to be taken seriously. I am quite sure the Government, even at this stage, will drop this idea of amending the Motion. Evidently this will be the last time this Government will have the opportunity of amending a Motion from this side and I hope, Mr. Speaker, Sir, that the question in the original Motion will be accepted.

Mr. Speaker, Sir, with these words I beg to support the original Motion.

The Minister for Labour (Mr. Mboya): Mr. Speaker, Sir, I intervene to put right one or two things.

First, I notice that the Member is missing. The Member for West Kenya, who has told us that he is opposed to the idea of spending any money on building a stadium. People, I think, will agree that our country must have certain priorities and we will all agree, I am sure, that in the light of our economic circumstances we should spend as wisely as possible. I think he gets a few things terribly confused. This country cannot run on such ideas alone, it must have other outlets, it must have its sport, it must have its social side develop and move side by side with its economic and political growth. You cannot isolate social development from economic or political development. If you try to tie the peoples of this country to 12 hours' work in the field each day in the year the returns would be very meagre in the end. I think my friend does not sufficiently appreciate this point.

The second point is that he does not seem to have listened to the Mover of the original Motion when he tried to outline how the money for this particular project would be received. I thought it was said that in addition to whatever contribution can be made from here in Kenya—even with assistance from Government—there would also be other sources of money, including voluntary sources and the help we might get through the Member for Nairobi Suburban, and the Olympic Committee. I am quite sure that if you asked the Olympic Committee to give you the £500 or £500,000 to put into land settlement schemes they would not do so. So, there is no question of trying to weigh the alternatives as to the value of that capital in terms of the development of the country.

Lastly, my friend seems to have overlooked the fact that of course, when independence comes, our people want to celebrate it as fully as possible, as gaily as possible, and it does not matter whether their full capital income is Sh. 10 a year, they will still want to celebrate it as gaily as possible. We have to consider that we have a duty to give them the gayest independence celebrations possible in our circumstances. The Government of this country knows that we will not have two independence celebrations, we will only have one, once and for all. Therefore, let us spend a bit on it, we see nothing wrong.

Now, Sir, as my friends have stated, we accept that a stadium is necessary, and we agree that as

[The Minister for Labour]

far as possible it should be ready in time for independence. First I want to make this point very clear from the Government side. It is that no one must get the impression that independence is going to wait for the building of the stadium. The building of the stadium does not determine the date for independence. The date for independence will be accelerated as fast as it is possible and practical without taking into account when the stadium will be ready. I give this assurance to the House. Therefore, let no one think that in suggesting that the stadium should be finished and that it should be ready for independence that we are going to wait for the stadium. What we are going to try and do is to get the stadium built as fast as possible so that it is built within the period before independence, but it is not going to be the reverse.

The second point, Sir, is that my friend the Member for Nyeri has made a number of remarks. He refers to the White City in Britain—the Member for Embu, I beg your pardon.

The Speaker (Mr. Slade): Mr. Mboya, the hon. Member.

The Minister for Labour (Mr. Mboya): The hon. Member for Embu and Deputy Speaker, has referred to the White City in Britain and to other places which he says are not so big yet quite suitable for sport. I beg to assure him that we know about the White City in London, but our purpose is to improve upon what the British have been doing, not to copy just what they have been able to do. Where they have the White City we might think that the White City is not particularly satisfactory. I am sure if the British had a second opportunity they would like to build on better and more modern standards. What Kenya aims at is the very best in this 20th Century, not the best in the 18th Century. So there should be no question of trying to compare these situations. We have got land, space and we are lucky enough to come in when modern science has improved techniques of building, and we will want to benefit from all these and that is precisely why we think we need something bigger and better planned and something with more facilities than we have seen elsewhere.

There is talk about traffic and so on and I would like—speaking as Minister for Works—to say that in fact it is these various aspects or points that are being considered. The question of access to the stadium, the question of traffic, the question of parking and our desire to see that this stadium offers more than just tracks and a football pitch with seating accommodation. We feel that we, in

Nairobi, are lucky to have the dam so close to the city. The dam is also on the road to the National Park and there are so many more attractions that we can add to this national stadium and make it really national. We can have some water sports and water activities and some general entertainment in the same place as the national stadium. There is less scope for this in the other site than in the one now suggested.

I feel sympathetic towards those who have been involved in the previous project because they have done a lot of work. I would like to take this opportunity to express our appreciation for their initiative in thinking about it and going ahead to try and do something for the country. Also I would like to take this opportunity to express our appreciation to the Mover of the Motion, the Member for Nairobi Suburban and others, who have been very active in the development of athletics and athletes in this country. To mention names, Antao and others, who have brought great fame and credit to our country. This is a tremendous contribution to our country and I am sure the whole country is fully appreciative. What we now hope for is that those who have been responsible for the previous project, and those who are interested in athletics will work together with us—the Ministers involved in this programme—to agree on the best possible stadium, the best arrangements for it, and even though we have not taken the site originally intended, to work with us on the new site in order to give Kenya the best national stadium in the whole continent of Africa.

I beg to support.

Air Commodore Howard-Williams: Mr. Speaker, Sir, I rise to speak on the Motion as amended. I would like, if I may, to congratulate the Government upon their vision. I think, frankly, that they have got in their minds' eye a very good site indeed. Only time will show this. I would like, Sir, to join issue with Mr. Welwood, the hon. Member for—I cannot remember where—but—

An Hon. Member: West Kenya.

Air Commodore Howard-Williams: West Kenya, where he says that agriculture is the main activity of this country. I do think agriculture could have been the main activity of this country if only they had adopted a certain type of collecting water, which I do not want to stress now.

The Speaker (Mr. Slade): I do not think so, no.

Air Commodore Howard-Williams: I do not think I will be allowed to go very far with that.

[Air Commodore Howard-Williams]

Sir, I think that one of the great attributes of this stadium will be its impact on tourism. There are people in this country who agree that tourism has got a greater potential than agriculture as a money spinner. I would like, Sir, if I may to congratulate the Mover of the Motion upon the splendid way in which he made his impact of appeal. I came into this House determined to oppose this Motion, at the time I thought we should go to Mitchell Park.

By the time the Mover had had his way with me, I was convinced that there was something very sound in what he was saying. I would like, Sir, if I may to make an observation, which is that for the independence celebrations, is it not impossible that this country may wish to have the Head of the Commonwealth come out here. What is better than she should come out here and at the same time open the new stadium, which is being contemplated by the Government.

I would like, before I sit down, Sir, to reinforce the suggestion made by the Ministers of several Ministries that there might be some kind of appeal. I do not know whether there has been an appeal, but with the help of the Government there could be some kind of appeal for funds, if only the Government could be persuaded to give, shall we say, £1 for every £1 subscribed. I am sure that there are lots of people who would like to come behind such an appeal.

Finally, Sir, I cannot see any reason why there should be the slightest delay. I do not see why the Government should not make a start in the project, because it need not wait for the money. The money will come. It always has come and I would like to recommend this Motion to the attention of this House.

Mr. Shah: Mr. Speaker, Sir, I would like to agree with most of the arguments put forward by the Minister for Labour on this Motion, especially when he says that because of the construction of the national stadium and the waiting for it, independence will not be delayed. All other arguments were very touching, but I fail to understand if it were quite so, why the Government should retain in the amendment the final wording, that is "in preparation for Kenya's independence celebration". If we accept, Mr. Speaker, the Government amendment, it would read like this. "This Council urges Government to consider the construction of Kenya's national stadium in preparation for Kenya's independence celebrations." That clearly shows that this national stadium is meant for Kenya's independence celebrations and—

The Minister for Labour (Mr. Mboya): On a point of explanation. I hope the Member appreciates that the Motion merely asks the Government to consider. The operative words are "to consider".

Mr. Shah: I am much obliged to the Minister, but this amendment has come from the Government, although this Council is urging the Government. But, there is the point that this amendment has come from the Government which you cannot completely ignore. We can take it that perhaps the Government is thinking on those lines. Although I am quite prepared, as I said in the beginning, to take the word of the Minister of Labour that independence will not be delayed a single day, on account of this national stadium. Because of that assurance, I will not oppose the amendment, but I must make it very clear that I am not happy about the wording of the amendment. As regards the original Motion, Mr. Speaker, it is not a good way to point out exact sites in the Motion, because so far the Government, or for that matter, this House had no opportunity to give full consideration to that site, and if we are committed today to a particular site, it will be difficult to change that site. The site should not have been mentioned in the original Motion. For that reason, I think—although the Mover of the original Motion has put a lot of energy and time to this issue, and I appreciate the building of the national stadium is very important to the life of the people of this country—that it should not have been mixed with two subjects, as other Members have already said.

I, like other Members, would like the people of Kenya to celebrate their independence as gaily as possible, but that does not mean that if they cannot do that our independence will not be satisfactory anywhere else. It could be celebrated at any other place and as we read the other day, the Royal Agricultural Society are thinking of allowing Mitchell Park for this purpose. I do not know whether the site would be suitable, as one hon. Member said. Perhaps it will not be so. But, maybe if the Government goes deeply into it, that place would be suitable with some alterations here and there. So, Mr. Speaker, with these remarks, I find myself in the position of not accepting the original Motion at all and although I am not pleased with the amendment, because there is an assurance from the Minister, I will not oppose it.

The Parliamentary Secretary for Finance (Sheikh Alamoody): Mr. Speaker, Sir, I arise to support the amendment for the House. Although

[The Parliamentary Secretary for Finance]

doing so. Sir, I am in very full sympathy with the hon. Mover of the Motion in all he has said this afternoon. Sir. Mr. Speaker, Sir, let me, right from the beginning pay tribute to the services rendered to this country in the world of sport, by the hon. Mover of the Motion.

Mr. Speaker, Sir, the hon. Mover of this Motion is a very good friend of mine, and I value very highly the friendship between him and myself. If I could now come to remember how I became friendly with the hon. Mover, it was through the world of sport. He is not alone in this House in his endeavours to see that the sports of this country are appreciated not only by hon. Members in this House but by the ordinary man in the street as well.

We have in Kenya, at the moment what we call the Gossage Cup competition, which is a football competition. This competition, Sir, is being participated in by Kenya, Uganda, Tanganyika and Zanzibar and I myself, for the last 16 years have followed it everywhere it has been held. Through the years I have observed the amount of co-operation that exists in the Central Legislative Assembly among politicians is so sad. With their closer co-operation contact could be achieved through this world of sport. Their friendship, their understanding originated from sport of the East African territories. The status of sport now, Sir, to the extent that Kenya is on the world map, is considerably due to a lot of people in this country who have done voluntary work like the hon. Mover of this Motion and also the hon. Member for Nairobi Suburban, and to him, Sir, I should like to pay tribute from this side of the House, for his tremendous and outstanding services that he has rendered to the sports of this country, Sir. I am told that in 1964, Kenya is participating in the Olympic Sports in Tokyo, as it has done in other centres through the world and this is all due to all the voluntary work which has been done.

Now, Sir, coming to the exact term of this Motion. A national stadium is a pride of a country and we would all admit that where pride comes into play the question of costs is unimportant. People have spent just because it is their national pride. I think that if we spend on a national stadium it is an expenditure which is fully justified, because we shall only have one independence ceremony in this country. Any amount of money within reason is a justifiable expenditure.

Mr. Speaker, Sir, as I originally said I am supporting the amendment of this Motion. The reason is that the Motion does take into con-

sideration all the points which have been raised by the hon. Mover of the Motion when he introduced this Motion.

We do realize, Sir, that we must have a stadium of international repute if we are to attract international events. As my friend, the hon. and gallant Member, the former Minister for Tourism, said, sport does attract a considerable amount of tourism into a country, and I do not think that could be more true than in the case of Kenya. I know a lot of people do not realize the amount of money which is brought into a country by tourism because it is one of the invisible exports, but tourism could become a very important and viable industry of this country. It could be very well assisted if we had a stadium of international repute where it attracted international events to this country.

Therefore, Sir, this Motion, as I said, does take into consideration all these factors, but it is the question of the venue of this place. That is very important, because many countries have been caught out by not planning well ahead. Princess Elizabeth Highway today is a route where, with regard to traffic, it can be said there is no congestion and this stadium could probably be suitably sited there, but in a matter of five or six years, especially as we go into independence and confidence is restored in the country and building continues, we may find that Princess Elizabeth Highway is no longer the paradise we thought it to be. That is why the Government does not want to tie itself, at the present moment, to a given site because it has to take into consideration all the questions which may not be apparent to us at this given juncture, but they may be apparent to us in a matter of a year or two.

Consequently, Sir, I would like to commend to the hon. Mover of this Motion that he accepts this amendment from the Government in the spirit it is given: that is, that the Government appreciates fully and is in complete sympathy with the feelings and the intention of the hon. Mover. Mr. Speaker, Sir, I beg to support.

The Speaker (Mr. Slade): It seems to me there is not much more to be said in this debate without repetition of what hon. Members have already said.

Mr. Porter: Mr. Speaker, Sir, thank you very much. I think I have some new matter, but it need not take me very long.

In the first place, I have been instructed by the hon. Mover to say that he does accept the Motion as amended, and it is that Motion which I rise to support. I think the hon. Mover will be able to

[Mr. Porter]

explain himself when he replies to the debate, and will no doubt be able to bring good arguments forward as to why the site suggested is, in fact, the best possible.

I have not so much doubt in my own mind about siting as some Members of the Government have. There is clearly an enormous possible area between the railway and the main Nairobi West road which could be used for the stadium if sited where the hon. Mover suggested. Nor would the siting cut off the stadium unduly from the Nairobi Dam, where it has been suggested water sports could be undertaken. A great deal of land, a great area, is required for adequate provisions of sporting facilities, and there is no reason why, in a green belt area of that kind, it should not be extensive and reach from the proposed site right up to the dam.

Mr. Speaker, Sir, I would like to deal briefly with the point of cost. That is the only argument which could possibly be directed against this scheme. It is an ideal scheme for us to undertake, and particularly so right now, and one would hope in time for the independence celebrations. However, if we do put in an investment of £100,000 or even a little more, it seems to me that we should get that money back into the country very quickly indeed. It is quite possible that we should have 100,000 people coming to our independence celebrations which, if they were good enough to stay with us, say, for four days and we charged them at the very modest rate of £5 a day, would amount to £20 a person, which would amount to a receipt of £2 million. That is not necessarily all profit, but we can talk in terms of a very considerable return on a very modest investment. I do not think it is a fair argument to say that it is, as it were, taking the bread out of the mouths of the starving to make an investment of this kind. It is more likely to bring in income, which is what we really want, than it is to rob anybody of his sustenance.

Mr. Speaker, Sir, I beg to support the amended Motion.

Mr. Odede: Mr. Speaker, Sir, the Mover has accepted the amended Motion, but I would have preferred his first Motion. The reason, Sir, is that the stadium has already been started and a lot of money has been used for the work which has already been done. The Government has not told us what they are going to do on this spot where the money has been used. Does the Government want the money to be wasted just like that? I think it is important that we should not waste this money and that the stadium should be carried on.

Mr. Speaker, Sir, even if it is a matter of using it for the celebration of independence, it is the one which is already being built so it could be finished, probably in six months, ready for the celebrations. I would prefer it to any other suggestion which any Member might make.

In any case, I feel it is a good site. For one thing, it is in the city, and we do not want our stadium to be away from the city. Some people have suggested Mitchell Park which is very far from the city, about five miles away. That is not right for holding the independence celebrations. I feel that we should stick to this site suggested, which I think is quite adequate; when you consider modern methods of building a stadium, it can hold as many people as possible I feel that we should not leave this suggested site.

The other point is that some people did suggest that we could celebrate our independence on City Square and some people suggested building the stadium near Nairobi Dam. I feel that the place near Nairobi Dam is not a good site for building a stadium. The area someone has suggested is a place where mosquitoes will probably be biting the people when they gather there, and that can easily cause malaria. Therefore, I think we had better dismiss the idea of a site near Nairobi Dam.

Mr. Speaker, Sir, the people who have suggested the site at Mitchell Park did not remember that Mitchell Park does not have good seating facilities at all. At the same time here is thick forest and bush. We want to celebrate our Independence in a place where we can see everything. At Mitchell Park this would be impossible.

Therefore, Sir, I stick to what the Mover suggested, that we have our national stadium near Princess Elizabeth Highway where it has been started and where work has been going on for some time. It would be a waste of money if that work is not completed.

So, Sir, I beg to support the first Motion even though the Mover has accepted the amendment.

(The question that the words proposed to be left out be left out was put and carried)

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

(Question that the words proposed to be inserted in place thereof be inserted was put and carried)

(Question of the Motion as amended proposed)

Mr. Erskine: Mr. Speaker, I suppose it would really have been too much for me to have hoped to get this proposal of mine through without

[Mr. Erskine]

having to take two bites at the cherry. I must accept the amendment because in fact it does do half the job that I have in mind. Council now will urge Government—and I am quite certain that Government will respond to their urging—to consider the construction of a national stadium.

Now, when it comes to the reasons for advancing the amendment. I am sorry to say, Mr. Speaker, that there must have been a tremendous orgy of misunderstanding in regard to this whole project. As soon as it was known that I was planning to build this stadium, and the public in general and interested parties began to realize that something was about to be done, two particular bodies saw an opportunity of—to put it quite frankly—cashing in. The City Council of Nairobi have—and I must express this—with my knowledge and approval for many years planned a recreational site for the children and young people of Nairobi down by the Nairobi Dam. It is a place where mothers can take their children to play, bathe in the dam, play cricket, basketball, all sorts of sports, have picnics, and all that sort of thing. It is one of the projects which I support as the Director of the International Recreation Association, but it has nothing whatever to do with a national stadium. I asked the City Council if I might see their plans for this recreational area, and they showed them me and I approved them. In a corner, Mr. Speaker, I saw tucked away what looked like a national stadium, a proper stadium, similar to the one which you see outside here in the entrance to this building. I said, "I am surprised at this. I understood that you had asked me to build the national stadium for you and had awarded me a site in conjunction with Government in 1952." They said, "Yes, we apologize for that. It was a mistake. As soon as we had put the stadium there, we were advised by our engineers and town planners that it was impossible to consider building a stadium there as the land was very unsuitable, it was swampy, it would cost hundreds of thousands of pounds to drain the site and would be quite impossible without spending hundreds of thousands of pounds on roads to get there at all." I would like to submit, Mr. Speaker, that the Minister for Labour, through no fault of his own, through lack of having the time to consider this matter, has been completely misled by people in the City Council. There is no question at all of building a national stadium down by the dam. Yes, there is every idea of going forward with the project over the next ten or twelve years of having a recreational centre down there.

It will take years, but the road problem is insuperable for the next two or three years and the drainage problem is simply tremendous. So, as the Motion stands, I am quite happy. I know for certain that it is impossible for Government to proceed with the scheme which they have been misled into thinking was possible.

Now I turn to the other suggestion, and that is a stadium at Mitchell Park, to add to the seating to make a stadium. What on earth could they possibly mean? Mr. Speaker, a stadium is a stadium, the only way of turning the showground into a stadium, which is not wanted at all because it is required as a showground, is to bulldoze the whole thing completely flat and build a stadium. I just cannot understand how these misconceptions should have arisen. I do not blame Ministers on the front bench who are extremely busy, but I do most strongly blame the people who have deceived them, the people who should know better and do know better.

As regards my own stadium site. I would like to repeat that this was approved by Government, that this was approved by the City Council, that the area—which, may I say emphatically, is 23 acres—is ideally suited for a stadium and everybody has agreed that it is suited. The plans have gone to the National Playing Fields Association of Great Britain who have given it the O.K. and said, "Go ahead, that will comply with all international regulations." I have heard the criticism that there is no parking, but, Mr. Speaker, I do not understand that because when we have this, if it means anything to hon. Members, "Lansbury's Lido" down by the dam, when that is eventually constructed in ten years' time, they will need parking and the parking they are going to have is the parking which I insist is the correct parking for my national stadium. The distance between the dam and my national stadium is 2,440 yards, and the parking area is just in between the two, so that parking area will be ideally suitable for big events at my national stadium and also for the people who are taking their children for an afternoon's outing down by the dam. I repeat, Mr. Speaker, that the City Council have no intention of advising Government that it is possible to build a stadium down by the dam, they will talk about a lovely area which can be constructed swiftly with Dexion strips bought for £60,000 from the Uganda Government and sold as scrap metal afterwards at £2,000. That is the advice which they will give.

I am very sorry that the hon. Minister for Health and Housing was not here to listen to

[Mr. Erskine]

what I had to say about the terrible idea of considering the Agricultural Showground as a suitable site for the independence celebrations. 8½ miles from the City centre, on a single track road and miles from anywhere, very difficult to get at and, may I say, very short of parking space and the only parking space that is of any use whatsoever to them is available to them by courtesy of myself as Trustee of the Nairobi Polo Club, and they park on our polo grounds.

I would like to suggest, Mr. Speaker, that I can provide very much more parking on the site I propose than could ever be available at the Mitchell Park site.

After those rather heated words, Mr. Speaker, I would just like to say that I gladly accept this amendment, knowing as I do that in due course reason must return to her throne, the Ministers on the front bench will undoubtedly receive the right advice from the right quarters, they will be told that this stadium is ideal from every point of view, they will be told that this is the only stadium which can be constructed in the time, they will be told of the disastrous effect on the world of sport and on the great trusts in Great Britain of any suggestion at all that £12,000 already spent on this site approved by Government and the City Council should be thrown down the drain and a temporary Dexion structure should be built in a most thoroughly unsuitable place elsewhere; all these things will be borne in mind by Ministers and I am quite satisfied that, in due course, they will come to know that the proposition on which I and my advisors in Government and the City Council and elsewhere have been working for the last few years is the only solution to this problem. The only thing I regret, Mr. Speaker, is that time is not on our side, as I have said. I had hoped that by tomorrow I could have given orders for this work to commence and we could have got that structure up in lightning-quick time as, I repeat, everything is ready, the site is prepared, in every way it is ideal.

Perhaps I should just mention that the whole of the National Stadium itself covers eight acres and I have 24 acres on our own plot, so there is another 16 acres just for the odd few V.I.P.s to park their cars, Mr. Speaker, and then there are hundreds of acres a little bit further away where the rest of the populace can park their cars.

As regards the roads of approach, may I emphasise that the Princess Elizabeth Highway is dual track, the people will come down driving along one side of the road, will drive into a very, very large other dual track road which will have

to be built, and which the City Council have already planned—and anyway it is only 500 yards long—and they will then drive into the stadium and on to the temporary parking grounds. Wherever we hold our independence celebrations, Mr. Speaker, it is perfectly obvious that we have got to spend a lot of money on putting down murrum for temporary parking spaces for the thousands of cars which will be needed.

Mr. Speaker, I accept this amendment in the absolute certainty, as I have said, that reason will return to its throne, the right advice will be given and the site, which is prepared and ready and agreed by all until very recently as the most suitable site, will be the one which will eventually be chosen. I despair of the alternative suggestions which have been put forward, I can assure hon. Members that both suggestions are absolutely and utterly impossible, unworkable, unsuitable and will leave our country with absolutely nothing after our independence celebrations, except a lot of scrap iron or a slightly extended Royal Agricultural Show. I am very much in favour of the Royal Agricultural Society, but I would beg Members of the Council of the Royal Agricultural Show to look after their own affairs and allow me to look after mine.

Mr. Speaker, I accept reluctantly and, as I have said, I know perfectly well that I will get my way and that we shall have our stadium, and I only hope that it will be in time for our independence celebrations.

(The question of the Motion as amended was put and carried)

Resolved accordingly—

THAT this Council urges Government to consider the construction of a Kenya National Stadium in preparation for Kenya's Independence Celebrations.

LAND FREEDOM ARMY: ELIMINATION OF

Mr. Wabuge: Mr. Speaker, I beg to move:—

THAT this Council, being convinced that the evil activities of the Land Freedom Army are confined to some people of the Kikuyu tribe and in the final analysis can only be effectively eliminated by the conscious efforts of the Kikuyu people themselves, urges their leaders both inside and outside this Council to mobilize forthwith the moral force of all law-abiding Kikuyus to eradicate this evil.

[The Speaker (Mr. Slade) left the Chair]

[The Deputy Speaker (Mr. Nyagah) took the Chair]

[Mr. Wabuge]

Mr. Deputy Speaker, the purpose of moving this Motion is to eliminate completely the underground activities which are regarded by the citizens of this country as a danger to their security. These evil activities of the Land Freedom Army, Mr. Deputy Speaker, are confined only to some Kikuyu, they are not confined to all Kikuyu as a tribe at all. There are only a few people who are very busy in their own activities and all their performances are done privately, secretly, and people who do not belong to their society are unaware and do not see what goes on.

One wonders whether this is going to help us in this country and, more particularly, the Kikuyu tribe who are not interested in these activities, who are not supporting this illegal society, because by having such activities confined to a few people who belong to one tribe, the tribe of Kikuyu throughout the country and throughout the world is regarded as the tribe which believes in illegal oath-taking activities, and this can only spoil the name of the tribe as such. We know very well that this tribe as such does not support these activities. The law-abiding Kikuyus—in fact, they are in the majority—are also worried about what is going to happen. They are not happy when their name is being spoiled, when the name of their tribe is being painted on the map of the world, that in Kenya there is a tribe known as Kikuyu which believes in subversive activities and illegal oath-taking. Something must be done immediately to eliminate the society so as to help the Kikuyu who are against L.F.A. We have got to sympathize with these people who are law-abiding. We must see how best we can save the name of Kikuyu, and the only way, Mr. Deputy Speaker, I feel, is for the people of this country and, more particularly, the leaders from the Kikuyu tribe to come out openly and denounce this. Denouncing this alone, Mr. Deputy Speaker, does not help. They must tell the people of this country, they must go into the villages and tell the people, tell the Kikuyu who are law-abiding that this is very dangerous. Let them single out that section which believes in subversive activities.

Someone might be saying, Mr. Deputy Speaker, that the Land Freedom Army Society is not there, but I feel personally that anyone who denies that and anyone who tries to support the Land Freedom Army Society by saying that it does not exist will live to regret it, I am sure, because the aims and objects of these people are not known to the public and are not known to every person in this country, so what they are planning nobody knows; only God might possibly know. Mr. Deputy Speaker, I am sure the aims and objects of the

Land Freedom Army are to take land freely: and must be dished out, no one should be asked to buy land. They believe in getting land freely and if someone is asked to buy land, he asks from whom he is buying the land. The land is there and they are determined to see that the land is given freely without anything being paid.

Another aim or object is that they think when we get independence there will be free education and that parents will not be asked to pay school fees for their children, or they will not be asked to pay a little money to the education fund in order that their children may get better facilities. They believe that everything will be free.

Another thing is that they think after independence there will be free, good living. That is to say they think the standard of living in this country will be high, people will have motor-cars, they will live in decent houses, eat good food. They probably think that this will come from heaven. They do not know that they have to work for these things. If they want good living they have to work for it. They think that when we were still under colonial rule they were denied everything and that with their forthcoming power they will get everything free and be able to enjoy it.

Another point, Mr. Deputy Speaker, is that those who did not take part in subversive activities before *uhuru*. These people are determined that if you did not take part in subversive activities, then you are not recognized, you will not have any freedom, you will not be entitled to your own rights.

Now, Mr. Deputy Speaker, are we going to listen to such things? Surely not. That is how I see our future independence, that as long as we have this section committed to these ideas, there will be dangers, bloodshed and probably chaos in this country. We do not want people to believe that by being a party to a subversive society, they are regarded as nationalists, or as people who have fought colonialism. We are not going to accept that, Mr. Deputy Speaker, and in order to avoid that, it is a challenge to us all to say that no matter whether one was involved in subversive activities or not, after independence, every citizen in this country, every person, will have freedom, will be entitled to the freedom which was given to him by God.

Mr. Deputy Speaker, it is said that the *uhuru* Government must be controlled by those who happen to be in authority or looked for by the security forces in this country. People who have not taken part are regarded as the stooges of this country or people who are imperialists or who are the agents of colonialism here. Mr.

[Mr. Wabuge]

Deputy Speaker, we are not going to look at such a move when we are nearing our independence, when very soon we are going to run the affairs of this country.

The last thing they believe in is that after *uhuru* there will be no taxation. They regard the present taxation as something which was brought by the *mzungu*; they feel the money they pay as taxes is for the *mzungu*, for the *mzungu* to have everything they do not have. The *mzungu* drives in a car, has a very good house, and they regard the money they pay as taxes as the money the *mzungu* uses in this country. They do not even know that the very money they pay in taxation aids the work of education or health centres, and so on.

Mr. Deputy Speaker, we have to tell these people exactly what is going to happen. When we all are denouncing this, condemning the subversive activities, when the people are not happy, when the Kikuyu people themselves, the majority of them, are against this, you find there are other prominent people supporting it. For example, there are two statements by two of the KANU leaders. One statement is by Mr. Oneko and I have to quote exactly what he said, Mr. Deputy Speaker. Mr. Oneko said: "If the Government has nothing to hide it would welcome such an inquiry". This was in a prepared statement, a written one, not during an interview. That was reported in the *East African Standard* on 11th January, 1963. "In a prepared statement Mr. Oneko said it was time the public were informed of the true origin of the Land Freedom Army. He claimed that it started about a year ago in the Rift Valley and alleged that the movement was backed by some Government officials and European settlers." Mr. Oneko then went on to accuse KADU of having a master plan, drawn up with European help. Now, Mr. Deputy Speaker, if such statements come from a leading personality, do you think that will help the situation? Do you think it will help those people who believe in subversive activity? Such statements will not help; in fact it encourages it. The very people concerned, wherever they are, say that they have someone supporting them.

Mr. Deputy Speaker, this statement was written by a leading personality who happens to be the personal secretary of Mr. Kenyatta, leader of KANU. He is someone who one day will be a leader of this country, and he is also going to contest a seat in the Parliament next time. It is really absurd and unfortunate to come from such a person.

Another statement is by Mr. Koinange who is a KANU leader who is going to contest a seat in Kiambu in the coming general election. What he said was in the *Nation* on 7th February, 1963, at Moshi. "In Kenya home-made weapons and implements once used by Africans in self-defence during the last Emergency which were taken and kept by the Kenya Government, are being put back on the doorstep of African homes to have their so-called evidence of unrest in the Nakuru area as reasons for delaying independence.

In Kenya there have been mass arrests and imprisonment. These and many other imperialist tactics are being used to disturb the peace in Kenya and as an excuse for delaying independence."

Mr. Deputy Speaker, that is a statement by a leading personality of this country. Will it assist to rehabilitate those people who believe in subversive activities? No, it will not.

I think it was an excuse, probably, he says he is not in Kenya, he does not read Kenya newspapers. You find cases in the newspapers where people are being arrested and they accept it, there is never a case where someone denies that he was found with a weapon or anything of that kind. They admit to the police and the police take these people to the courts and there they admit before the magistrate. There is not a case where any person who has been arrested has denied that he was found with a weapon of that kind. They accept it and that is a fact.

What makes a person do this, a gentleman who is capable, intelligent, as I see it, but makes this person make a statement such as this? Let him come to Nakuru, let him tell the prisoners, those people who have been convicted and are now serving their sentences, and ask them. I am sure they will tell him to go back to Moshi. The prisoners have sense; they admit to taking L.F.A. oaths and to being in possession of home-made guns. They would tell him that the reason for being in this society was to get such and such a thing.

Mr. Deputy Speaker, because of these two statements which I have put before the House I was expecting one of the Kikuyu leaders to come out and say, "Look, that is nonsense". They have kept quiet to this moment. Now, how will this affect us? If you want, they have kept quiet. How can we be convinced that these same people do deny the subversive activities of this society? They may belong to some other society which is a subversive society, Mr. Deputy Speaker, and that we do not want. I will assure you that it does exist at the present moment.

The Parliamentary Secretary for Lands, Surveys and Town Planning (Mr. Argwings-Kodhek): You are a member?

Mr. Wabuge: Mr. Deputy Speaker, I am not a member, but is the hon. Member a member? Is that the reason why he did not refute it? Is it the reason why he did not condemn the statement?

Mrs. Shaw: On a point of order, Mr. Deputy Speaker, is it correct for hon. Members to accuse other hon. Members of being members of these subversive societies?

The Deputy Speaker (Mr. Nyagah): It is not correct to impute any motive to hon. Members of either side. Hon. Members should confine themselves to facts and avoid imputation as much as possible.

Mr. Wabuge: Thank you very much, Mr. Deputy Speaker.

Mr. Deputy Speaker, this has not been refuted and it seems to me that there is somewhere the beginnings of the Land Freedom Army in one political party in this country. The reason why I say so, Mr. Deputy Speaker, is this. I wish to quote some of the reports which concern the Land Freedom Army. This is in connexion, Mr. Deputy Speaker, with the Land Freedom Army. A report in *The Nation*, marked 7th March, 1963. "Emburu Netambia, branch executive office, John Gichuru, organizing secretary, Izaaka Muiruthi, divisional secretary, Gathaga Karonja, propaganda secretary, and Kiano Njugi, divisional chairman, all came forward last week and confessed to the police police that they belonged to the Land Freedom Army.

They were sent before an African tribal court in Naivasha, where they were each fined £5 for being Land Freedom Army members.

Now detained pending trial in a Crown court for alleged Land Freedom Army offences are the vice-chairman, David Muraya, and the KANU's Northern Kinangop divisional chairman, Kimani Ngethe."

Now, Mr. Deputy Speaker, these are the KANU Branch officials who have happened to be involved in this subversive activity. They go and admit themselves that one certain leader of the KANU party has misled them.

An Hon. Member: Was he a national member?

Mr. Wabuge: He is a national leader of KANU. He has misled them. If I may quote again, Mr. Deputy Speaker: "He did not agree with the KANU vice-president, Mr. Oginga Odinga, that there was no such thing as the Land Freedom

Army 'because I took the oath myself and I know the truth'."

Mr. Deputy Speaker, this is a man who is a KANU official, and he is not agreeing with the KANU vice-president about the Land Freedom Army, because he said he took the oath and therefore he knows. Suppose he will not tell us the truth. Therefore, Mr. Deputy Speaker, the Land Freedom Army is there, no one can tell us that it does not exist.

Another report, Mr. Deputy Speaker, which connects with KANU is reported in the *East African Standard* on 13th February, 1963. It says: "A former secretary of KANU's Nakuru branch, Mwangi Nduati, told a Nakuru magistrate's court yesterday that he had attended high-level"—mind you, high-level—"meetings of the Kenya Land Freedom Army." I do not know if it is the Kenya Land Freedom Army that is throughout the country.

Now what he said here, Nduati, who also admitted he was a Branch Secretary of KANU, and also admitted taking two Land Freedom Army oaths.

[The Deputy Speaker (Mr. Nyagah) left the Chair]

[The Speaker (Mr. Slade) took the Chair]

The second one, to kill, if ordered. To kill, mind you.

Now, these are the facts, Mr. Speaker, and I feel that we must be told, in no uncertain terms, that we do not want this subversive activity, because anyone who encourages, or who tries to hide these people, be he leader of this country, if he comes into power, Mr. Speaker, he will find himself already a victim and the weapons will be pointed at himself. It is a fact that anyone who encourages this subversive society will find that one day these people will turn against him. We do not want this, Mr. Speaker, because the moment they turn against such leaders, who will run the country properly? There will be chaos, fights, and the progress and prosperity of this country will be at a standstill. That we do not want to see. Therefore, Mr. Speaker, I feel that this is a warning to every leader of this country, and more so to Kikuyu leaders, because the majority of the Kikuyu people are very worried. Every now and then they come to me and say, "Look, Mr. Wabuge, can you assist us?" What can we do? Those people are being intimidated. They say that if you do not support one party they will come at night and perhaps burn your house. I know this is going on now and is spreading throughout the country. Sometimes you find this confusion, Mr. Speaker, in Central Nyanza.

[Mr. Wabuge]

Very recently someone was intimidated and then attacked because they did not like this person to express his views. Then there were two other people who were attacked and beaten, and one of them has since died because of this nonsense going on in this country. People are opposed to this intimidation.

Now, Mr. Speaker, I feel that this must be stopped. People who have been arrested, or who have still to be found, have admitted before the courts and have agreed that there is a Land Freedom Army. They are found with weapons. We must be told definitely, and this is a challenge to our leaders who are going to run this country, and they must all accept that when they come into power, it will be their duty to look after every citizen in this country, and try and protect the strong and weak persons. Mr. Speaker, I am very sorry that time is up. I did have a lot to say on this, and I hope the Government is going to accept my Motion, and when they reply I would like the Government to give me the numbers of those in the KANU Branch who have been convicted so that I will, perhaps, be satisfied.

Mr. Speaker, Sir, I beg to move.

Mr. Nthenge: Mr. Speaker, Sir, I am glad to have this opportunity of seconding this Motion, and it is a Motion that many people might take lightly just because it specifically mentions one tribe, or because it is worded in such a manner as to give the impression that it is attacking anybody. This Motion is one of the best Motions I have ever seen; it is an advisory Motion. It is advising people what to do, and if somebody offers advice I think the right thing to do—even if one does not take this advice—is to thank the person. Therefore, I expect the people referred to in this Motion to be thankful to the Member who has taken the courage of advising the Government on this very, very serious issue. It is not only for the good of the Mover, but for the good of those being advised, and for the good of everybody in Kenya.

Mr. Speaker, Sir, the first strong words in the Motion are “evil activity”. Is it true that the Land Freedom Army has evil activities or not? It is quite true. If an organization is arranging to kill people because they do not agree with somebody, or because someone else’s ideas do not agree with his, then it is wrong, and I regard it as being very evil. I do not know anything more evil than considering killing someone. It is even forbidden in all religions for any human being to kill. Therefore, Mr. Speaker, this Motion talks

about the truth and nothing else. It says that the evil activities—now what are these evil activities? I have given the House an example of the killing of human beings. Having given such a big example, I do not really need to go into any further details, especially as I do not have the time. I think that is enough. There are so many others like intimidation, attacking people, burning houses, bringing fires into political meetings and the rest. You can count them; however, the point is, if at the end it results in the killing of human beings who do not think like a particular group of people, I think it is really evil.

Therefore, Mr. Speaker, I feel that nobody should try and change the text of the Motion, because it is very clear. The second important words are “some Kikuyu”. Is the Land Freedom Army being supported by every Kikuyu? No, definitely no. It is only some Kikuyus, but because they use threats and tend to appear as if it is an organization of all Kikuyu. I have been approached myself by Kikuyus and they have asked me what they could do. I tell them that it is difficult, but I will talk to some of your leaders. I have spoken openly to some of the leaders, whether they are involved or not, but I have told them that it is their duty to see that nobody stays in this country worried and fearing. You cannot be at home, feeling you are free wherever you go, where will you then be happy? If you cannot be happy in your own country, Mr. Speaker, I do not know where you can be happy.

Mr. Speaker, Sir, I do not know where one should be. All the Kikuyus who are not subversive are really being punished by members of their own tribe, in order that these very bad and evil activities can be carried on. I think this is annoying a lot of the Kikuyus, though I know that the majority of them are connected with the Land Freedom Army, but I must confess that most of them are forced into it. I know a friend of mine who is definitely connected with the Land Freedom Army and it is just to save himself. He happens to be in the wrong environment, but what can he do. He must protect his life by pretending that he likes the idea.

Mr. Speaker, Sir, if it is a question of telling the police then many members of the Kikuyu tribe who have some courage have already told the police and that is why the police have arrested so many people. The hon. Mover has given a lot of facts which cannot be denied, they could be proved in a court of Law.

Now, Mr. Speaker, we come to another point. The next strong words are “effectively eliminated”. Effectively. We do not want people to say in

[Mr. Nthenge]

very weak voices that they do not approve of the Land Freedom Army, but then to tell their friends that they do not mean it. We want effective statements, we want effective elimination of these activities, and to have complete assurance that these activities will not exist. We must, therefore, eradicate these organizations. Mr. Speaker, here I must ask the Kikuyu leaders—as they have been asked in this Motion—to go out for the sake of the country and do their best, whether they are going to be elected or not, to see that these evil activities cease, and the only way to do it is to oppose the Land Freedom Army by every means, even death. They should risk their chances of being elected to the next Parliament, and why should one be ashamed to die for the truth, or not to be elected into a high position. The next elections, when people will remember that he was a good man who opposed this thing, Mr. Speaker, and he would be re-elected. Therefore, Mr. Speaker, we must fight this thing very effectively.

The “efforts of the Kikuyu people themselves” is the next phrase to note. If I have been called what can cure me? None but myself, and if I refuse *kwisha*, I will have to die. Therefore, if this problem is among the Kikuyus who else can remove it? Only the Kikuyus themselves, and therefore they must get together themselves and eradicate the Land Freedom Army. Nobody really likes it I know, except perhaps a few mad, stupid, not well informed people, and the power-seekers. But definitely it is a bad organization and everybody knows that, except those people who require psychiatry and I think those people should be taken to Mathari before they are taken to prison because that would be the right place to cure them of their wrong ideas.

Now, Mr. Speaker, we see and we wonder why there has been this Land Freedom Army. It exists because of the selfishness of a few people, those who want power and want everybody who does not agree with them to be shot. Mr. Speaker, if the case is so serious the first thing I would advise everybody would be to say a prayer to God to give these people a little light to know that whatever ambitions they have they should achieve them by the right means and not by the wrong means. It exists mainly because of ambition, the wish of various people to come to power. I know of somebody quite learned who is connected with this Land Freedom Army because he is so full of power and thinks that is what he must do. I think we should pray to God to give him some encouragement to give up his ideas of trying to achieve power by any means, even by killing. What could be worse than killing human beings?

Mr. Speaker, I am sorry that I cannot finish what I was saying, but I beg to support.

(Question proposed)

The Parliamentary Secretary for Defence (Mr. Mulli): Mr. Speaker, Sir, I would like on behalf of the Government to inform the hon. Mover of this Motion that Government is accepting this Motion. I would, however, Mr. Speaker, like to correct the hon. Mover of the Motion on one or two points.

Firstly, there is no evidence to show that the Land Freedom Army is in any way connected with any Political Party. I think that is a sweeping statement that Government is not in a position to accept. Secondly, Mr. Speaker, as the Motion really says, Government is doing everything to fight, or to eradicate, the Land Freedom Army, and I would like to give a few statistics of what has been happening since the first member of the Land Freedom Army was apprehended in 1960. Since then there have been 1,794 persons arrested connected with Land Freedom Army activities. Out of those, Mr. Speaker, 1,679 have been successfully prosecuted and convicted for various terms of imprisonment. Out of those 1,679, 1,592 have been convicted of oath-taking activities and 87 of them have been convicted on charges connected with firearms and ammunition. I think, Mr. Speaker, this is clear evidence that Government is doing everything and also mobilizing the leaders, both of the Kikuyu tribe and other leaders in Kenya, to eradicate this menace. One thing I would, however, like to say, Mr. Speaker, is that the hon. Mover should not feel that this is a burden only of the leaders of one tribe, and as he rightly says, it is only a very small fraction of the Kikuyu people who are implicated in Land Freedom Army activities. The rest of the Kikuyu people are law-abiding, they are against subversive activities and they condemn oath-taking and all this type of thing. Therefore, I feel that it is up to all leaders to work together and make sure that this menace is completely removed from among us.

The hon. Mover wished to know how many KANU officials have been convicted of Land Freedom Army activities, but again I would say that this is something that he should not connect with the Land Freedom Army. As far as we know the answer is none, because, as the hon. Mover knows, when somebody is brought before a court of law the magistrate is not interested in what party affiliations he has and, as I have said before, there is absolutely no connexion between the Land Freedom Army and any Party whatsoever.

Mr. Speaker, with these few words I would like to support the Motion.

Mr. Odinga: Mr. Speaker, Sir, I would like to mention in the first instance that this untimely Motion has revealed a lot of things which I had really wanted to be viewed by every Member in this House and by people outside this House. Such a Motion, Mr. Speaker, I would call untimely because I do believe that this is a time when any person who has Kenya at heart, and who really wants to co-operate and drive away what we call unrest, unnecessary unrest, in Kenya, should not embark on what I term political propaganda. I do sincerely take it as a very serious matter that the Mover of this Motion does not really feel very sincerely about the Motion, but he has been put up to it to move this Motion as a propaganda platform for the next elections and nothing more. Mr. Speaker—and I now want to be very serious—

Mr. Wabuge: On a point of order, Mr. Speaker. The hon. Member for Central Nyanza says that this Motion was pushed through in order to push up a political party, or as political propaganda. Can he substantiate this?

The Speaker (Mr. Slade): It is not really a question of substantiation in a case like this. The hon. Member who introduced this Motion is imputed by Mr. Odinga to have done so with an improper motive. I am not saying that it is wrong for Members to electioneer, but he is imputing insincerity; and I think you should withdraw that, Mr. Odinga, will you?

Mr. Odinga: Mr. Speaker. I would find it very difficult to withdraw that because I was just going to prove it and to comment on what he has said. I have proof, Sir.

The Speaker (Mr. Slade): I cannot allow you to continue speaking, Mr. Odinga, unless you withdraw this imputation.

Mr. Odinga: Then I am sorry, Mr. Speaker. I will not speak because I will not withdraw.

Mrs. Shaw: Mr. Speaker, Sir, I rise to support this Motion, and I have one point only, and that is the influence that women have for good or ill in any country. Anyone who listens to the K.B.C. news and heard the police reports after the rounding up of the Land Freedom Army must have been amazed at how many women have been involved. This was true also, I believe, of the *Mau Mau*. These are examples of women who use their influence for evil, and it is, in my opinion, entirely due to the pitiful standard of education among so very many of the Kikuyu women. For that is where we have gone wrong

in this Colony, in neglecting the education of our women and girls, with tragic results, for there is no doubt, Mr. Speaker, in my mind that you will not achieve stability throughout the national life, or indeed in any sphere of life unless and until the great bulk of the African women are educated and can take their rightful place beside their men-folk. For indulgence in subversive societies is the result of ignorance and fear, and it is only by the education of all our people, and especially of our women, that you will drive out this fear.

Every day, every month, and every year, I am glad to say, more and more African girls are leaving our schools and going home for training in different professions. I hope, indeed I believe, that the majority of them will come back to Kenya to serve their country where they are so much—and will be increasingly more so—needed in the future. Here I should like to pay a very sincere tribute, Mr. Speaker, to that body of educated women who have done and are doing so much through the *Maendeleo* not only in their Executive Committee in Nairobi at their headquarters, where I have the privilege to count many of them as my friends, but throughout the Colony in their districts.

These women can use their influence and are doing so, to teach their less fortunate sisters that women's influence can be the greatest power for good. From the home upwards and outwards they say "the hand that rocks the cradle rules the Throne", and that is very true indeed, but, alas, Mr. Speaker, the numbers of these splendid women are still far too small and the sphere of their influence in Kenya too narrow.

Mr. Speaker, it is often said that civilization of any country is judged by how people treat their womenfolk, and it is true that in the more enlightened civilizations you will find women now throughout the public and professional life of a country, even in politics. But politics in Africa are regarded as a man's prerogative, and I do not believe, Mr. Speaker, and it is a very sad fact, that were any African woman to stand at the next General Election she would have a chance.

I have had the honour, Mr. Speaker, to be a Member of this House for over 11 years, and I have spoken on many subjects, though perhaps my bias has been towards things that concern women and children in this Colony. There were two European women here in Council before me, and two since, five in all. We were happy, Mr. Speaker, to be joined latterly by two African women who both did a splendid job in this House, and I should like to pay a special tribute now to my late colleague in the Ministry of Health, Mrs.

[Mrs. Shaw]

Priscilla Abwao, who brought her wisdom, experience and balance as a wife and a mother of five children, to this Council to our benefit and who spoke often in the most courageous manner.

Therefore, Mr. Speaker, I would crave your indulgence in speaking for the last time in this Council to plead with the African Members, many of whom, I hope, of both parties will be returned as hon. Members in the forthcoming Elections.

Mr. Nthenge: On a point of order, is the hon. Member really talking on the same Motion?

The Speaker (Mr. Slade): She is taking advantage of this Motion to speak on something which is very dear to her heart, and in taking this opportunity I think she is being quite ingenious. We are talking about leaders both inside and outside this Council, and she is suggesting that female leaders have a great deal of good influence in the country.

Mrs. Shaw: Thank you, Mr. Speaker, if I may just crave your indulgence to make this final plea to the hon. Members of this Council, many of whom will be, I hope, returned, to beg of them to consider putting forward the name of an African woman or even two, as National Members in this Council to serve their interests.

In this way, the influence of their women, which can be an influence for tremendous good in this Colony, will be enhanced, and brought right into the councils of Government where, I am sure, they will be of the greatest benefit to Kenya, not only to the councils, but to Kenya and all her people.

The Minister of State for Constitutional Affairs and Administration (Mr. Ngala): Mr. Speaker, Sir, I beg to move that the Mover be called upon to reply.

The Speaker (Mr. Slade): In view of the fact that Government has accepted this Motion, I do not think it unreasonable or unfair to hon. Members to allow that question now. It will be for the hon. Members to say whether or not they agree.

(The question was put and carried)

Mr. Nthenge: On a point of order, Mr. Speaker, is it correct, even when the Government accepts a Motion, that other Members should not express their feelings, especially when only three people have spoken on the Motion? Is it really fair for the other Member not to be given a chance to say something?

The Speaker (Mr. Slade): The hon. Member is very well aware of the Standing Orders of this Council which allow the closure to be moved any time when the Speaker thinks that it is not an abuse of the procedure of the House. When it is moved, it rests with the Council itself as to whether it is right or wrong that the closure should be applied. On this occasion I am satisfied that the majority of this Council wish the closure and on procedural matters of this kind, after the Speaker's finding, there is no Division. So I will call on the Mover to reply.

Mr. Wabuge: Mr. Speaker, I am very grateful that the Government has accepted my Motion and as such I would be very pleased to sum up.

One thing I want to put on record, Mr. Speaker, is that this Motion refers to Kikuyu leaders, both inside and outside, but unfortunately the leading Kikuyu Members in this Council are not in the House. Mr. Speaker, I feel that this will not help us at all. They should also be in the House and be able to give us assurances by taking part in the debate, so as to give us the encouragement knowing that they are going to do something.

My Motion, Mr. Speaker, did not intend to blackmail the Kikuyus as a tribe at all. I made it clear that the majority of Kikuyu are opposed to this subversive society and there is only a very small minor element, and that if it is given time it will extend, and it would be very difficult for one to stand openly and oppose it. So, I feel that in the earliest stage, when it does not have much strength, it should be opposed and eradicated completely from our country.

Mr. Speaker, the Parliamentary Secretary to the Ministry of Defence, speaking on behalf of the Government, said that there is no evidence, as far as the Government is concerned, to connect the Land Freedom Army with a political party.

Well, if the Government up to now has not got that evidence, then I will regard it as the Government probably trying to cover up the truth. The truth is that among those who have already been convicted, convicted for Land Freedom Army activities, there are some who are Members who happen to be branch officials of a political party. I asked him to give me the numbers of those who have been convicted; how many are there who happened to be branch officials of KANU? That, Mr. Speaker, the Parliamentary Secretary did not give me. Perhaps he just evaded it or perhaps he did it purposely and probably the public—by him not giving us the number—will know that the political parties do have some connexion with the Land Freedom Army. What we want, Mr. Speaker, was the

[Mr. Wabuge]

Government to come out openly, in good spirit, and say that the court has said it, and we people rely on the court. What the court has said is always impartial. Because of this Mr. Speaker, I feel that the Government reply was not sufficient for this side and it has not given us a satisfactory reply at all.

With these few remarks, Mr. Speaker, I beg to move.

(The question was put and carried)

Mr. Murgor: On a point of order, Mr. Speaker, is it in order for an hon. Member, coming from outside to come and sit down whilst you were talking?

The Speaker (Mr. Slade): I did not see the hon. Member come in while I was standing. If he did, it was not in order.

VALEDICTORY

TERMINATION OF THE 12TH AND LAST LEGISLATIVE COUNCIL

The Speaker (Mr. Slade): Hon. Members, that concludes the business on the Order Paper. This Council is about to be adjourned, and I think for the last time. It is improbable that the Legislative Council of Kenya will ever sit again under that name, or as the sole legislature of our country.

I should not like such a solemn occasion to pass without recording that this Council, in various forms which changed with changing times, has been our Legislative Council for more than 55 years; and I wish here and now to pay tribute to all, whether now dead or still living, who, like runners in a relay race, have served Kenya as Members of this Council from the year 1907 until this day; including yourselves.

I believe that, over those years, the Legislative Council of Kenya—commonly known with pride and affection as “Legco”—has established a tradition and reputation of dignified and good-humoured conduct second to no other parliament. I believe also that we have been able to boast a greater percentage than many other parliaments of hon. Members who cared less for their personal ambitions than for the service of their country. I pray that all future parliaments of Kenya, whether central or regional, may be allowed to follow and uphold these examples.

I urge all you who may become members of any future governments, whether central or regional, never to forget what you owe to your parliament, or the help which it can give to you. It is not only the authority to which you must

resort for the laws, taxes and expenditure which you require. It is also, as we have seen during the past two years, the one place where all elected representatives of the people can and must frequently meet together, to be reminded that, however much their policies may differ, they are all reasonable and friendly human beings, and that they all have in the end one common cause; the welfare of their country. Lastly, but perhaps most important of all, it is the forum where you, as members of government, must hear and answer criticism and advice from the public. There may be temptation to avoid that forum, but any government which tries to ignore parliament does so at its peril. No democratic government can succeed if it does not carry the confidence of those whom it seeks to govern; and to secure that confidence, it must be prepared regularly to hear and to answer in public the voice of their chosen representatives. Parliament affords the opportunity to hear, to answer and to explain. A government which makes the fullest possible use of that opportunity will, in the end, be the strongest government of all.

Likewise, I urge all other Members of any future parliament to watch jealously its status, to insist constantly on your right to be consulted and to be kept informed, and to ensure that your own conduct is such to justify that claim.

Now, I say good-bye to you, and I and the Deputy Speaker, Mr. Nyagah, thank all of you, both for your unfailing kindness and courtesy to us personally, and for your past services to Kenya.

The Minister of State for Constitutional Affairs and Administration (Mr. Ngala): Mr. Speaker, Sir, with the conclusion of business this afternoon we will have come to the end of the life of the present Legislative Council and, with your permission, Mr. Speaker, on this important occasion, I wish to say a few words of farewell to hon. Members.

The life of this 12th Council has witnessed many important and historic changes in this country. This Council was the first in which there was an African elected majority and during its life the Council has played an active part in constitutional changes which will shortly lead to internal self-government and thereafter, we all hope, to early independence.

As Britain hands over power to Kenya we will all face difficult problems economically and politically. I hope that the same support and co-operation will exist in the future as has existed in this House. We have our political differences, but we are all agreed and determined that Kenya

[The Minister of State for Constitutional Affairs and Administration]

must become independent and must then take its rightful place as a modern state in Africa.

With the end of this Council, we are about to go into a general election which will alter the basis of our parliamentary life. We shall have two chambers, but, Mr. Speaker, Sir, I am confident that good parliamentary procedure will continue in both Houses as well as in the regional assemblies. For this, the credit will be due to you, Sir, and your predecessors, and the Deputy Speaker, Mr. Nyagah. Kenya owes a debt of gratitude to you for the part which you have played in upholding the dignity of this House and in guiding us in parliamentary practice with unflinching patience and good humour.

The general election which will follow the dissolution of this Council will be an important event in Kenya's history. For the first time an election in Kenya will be fought on different political policies. I am confident that our new constitution will lead to stability and happiness for all Kenya's people.

In conclusion, Sir, and apart from politics, I would like to take this opportunity of wishing all hon. Members of this House and you, yourself, Mr. Speaker, the best of luck in the future and I am confident that the future will see the achievement of Kenya's greatness.

The Minister of State for Constitutional Affairs and Economic Planning (Mr. Kenyatta): Mr. Speaker, Sir, allow me to say a few words on this very important occasion. Councils come and Councils go, but some are of greater significance than others. The one to which we are bidding farewell today is the "last" Council in more senses than one. It is the last in a series which ends today. Secondly, it marks a significant stage in our constitutional development.

The next Council will be the legislature of a country which will be internally self-governing. The Council of Ministers will have the last say in matters which are important to the daily lives of all of us.

The composition of that new Council will be in the hands of the people—and that for the first time in the history of this country it is the people who will choose the Government they want. We are hoping the people of this country, who have half a century of political struggle behind them, will not allow themselves to be misled either by us or by our opponents.

I wish all the Members of the present Council good luck in the forthcoming elections. Why I say

this is because some of them will come back and others will never come back at all. Mr. Speaker, when we assemble in the new Council it is my wish and hope to see many familiar faces in addition to new blood for which the constitution allows plenty of scope.

We go to the elections as soldiers go to battle, determined to win but equally determined to fight according to the well-known and established rules of battle. My party does not believe in hitting below the belt and it will be our endeavour—and I believe it will also be the endeavour of our opponents to fight fairly. Each candidate must be prepared to give his best in the fight, but thereafter to accept the results whatever it be, cheerfully. Well, perhaps by that time, Mr. Chairman, my hon. friend for somewhere, Elgeyo I think, will not be in a position to blow more whistles.

Mr. Speaker, may I say a few words on Parliamentary Institutions. It is our good luck that we are ending one Parliament only to begin another. The country know how much my Party and I have fought to establish on a permanent footing the pattern of Parliamentary Government with which we are familiar. It is not without reluctance that we have accepted variations in that pattern to meet the views and wishes of others. But let us now pledge ourselves to uphold the dignity and prestige of the Parliament we are going to set up. Let us agree to accept willingly and wholeheartedly the decisions that it will take.

Let us, above all, agree to use the method of friendly persuasion to iron out any difference that may arise in the country and, finally, faithfully to submit ourselves to the vote of the people.

In conclusion, may I thank you, Mr. Speaker, and all the Members of the Council for the co-operation that I, as Leader of my Party, have received. I give to all Members again my good wishes for anything at which they may try their hand.

Thank you very much, Mr. Speaker, and the Members.

Mr. Nthenge: Thank you very much, Sir, for giving me the chance to say a few words, especially when I have been saying much, and I feel that perhaps I should let others in my group say something

However, on behalf of the Group, I think you very much, Mr. Speaker and the Deputy Speaker as well as the Government for accepting the existence of our group and we are very grateful, particularly, for the way you have conducted the Council, and the Deputy Speaker, when he has taken the Chair in your absence.

[**Mr. Nthenge**]

Mr. Speaker, I do not want to go on talking. As I have said others will talk on my behalf, but I must say that we are all very happy on this side, that we have been so friendly and we only argue and do not hate one another. This is really proved when we go out, look over one another's shoulders and are friends. We hope that this kind of friendship will continue, Mr. Speaker, until we die.

In conclusion, Mr. Speaker, I wish every hon. Member a good future and especially those who are going to stand for the next election. I hope they will meet here, not in a Legislative Council, but in a Parliament.

Thank you.

Mr. Welwood: Mr. Speaker, when I first came to this House, we on the unofficial side used to talk about the Government's "steam roller" and, in the process of time, I think the unofficial side of the Legislature got greater and greater influence in affairs, due to the good sense of the then Colonial Government. Now, the reason that I mention this is that this has a lesson for whatever party gets into power after this election, for whatever party is in power must remember the principal thing on which democracy depends. That is the recognition by the majority of the just rights of the minority, which is temporarily the minority and out of power. This is the beginning and the end of Parliamentary Government, and without it there could be no peace in this country.

I have sat on both sides of this House, and inevitably—and I do not think hon. Members would expect it to be otherwise—for we of the Coalition there is a certain sadness about today that for the last time we represent our own people. But of the Legislative Council and this one in particular, I would like to say this, that all three of us of our small group will always remember in this House the personal courtesy and consideration and the friendship of many Members that we have had despite the fact that we are a sort of relic of a former régime. For that I would like to thank all hon. Members of this House. Also for the help and consideration we have always had from you, Mr. Speaker, and the Deputy Speaker.

I would like to reiterate in conclusion what you, Sir, have already said and which fits in with what I have already said about our own relations with the Members of this House and the friendships that we have had with them. The future of Kenya will depend on the relations between individuals and above all between politicians in

this House. This is ultimately, as you have said, the essence of Parliamentary Government and without it democracy becomes a tyranny and can deteriorate into mob law, because it is on the Members of this House that the good feeling and friendship between the peoples of this country, principally must depend.

All that is left to me now, Mr. Speaker, is to wish good fortune to the future Parliaments that sit in this House and the Members who sit in it now.

Mr. Basaddiq: Mr. Speaker, Sir, I feel greatly honoured at having the opportunity of addressing this House on this occasion.

This is a solemn occasion, as you have rightly said, Sir, and I am sure that everyone in this House will agree that it is also a very memorable one too. It was in this very month exactly two years ago that the present and outgoing Council came into existence. During this month and in the year 1961, Kenya was faced with a very serious crisis—a crisis more political than constitutional in nature. There is no doubt whatsoever that it is the events and circumstances following the March, 1961, crisis which have contributed to the dissolution of this Council in March of this year, instead of March, 1965, which would have been the normal life of the Legislative Council.

However, it is a source of satisfaction and pride to us on this side of the House and also to the hon. Members on the other side, to note that within the short life of this House tremendous changes have taken place in this country—changes in the constitutional, political, as well as social fields. All of us in this House are responsible in one way or another, for these changes, and if, in the long run, they prove to be for the good of the country, and I have no doubt that they will, then we will all of us share in the credit. But, if God forbid, they prove to be the cause of any detriment to the country in the years ahead, then we shall deserve nothing but the curses of history and of the generations that shall come after us.

Whether we like it or not, we are all responsible one way or another for the unique, complex and unprecedented constitution which will shortly be implemented. This Constitution will either make or mar Kenya. If, in the long run, it proves to be the wrong one, then it will have added insult to injury that is the colossal social, economic and political problems obtaining in this country. And if on the other hand, it proves to be the right and appropriate Constitution, there will still be enormous economic and social problems to contend with. It is one thing to shout the slogan "Get

[Mr. Basaddiq]

rid of poverty, ignorance and disease” during the Election campaign. It is another and extremely difficult thing to translate that slogan into actuality. The No. 1 enemy, the No. 1 problem, the No. 1 task, facing the next Government is unemployment. This problem is dynamite, it is the source of many of the existing social evils. It is the prime duty of the next Government to give this explosive problem top priority and first preference.

Earlier on I mentioned the crisis that loomed over Kenya in March, 1961, and onwards, prior to the formation of Government by the Democratic Union. I am not so pessimistic as to expect that a crisis after the forthcoming Election is inevitable. Nor am I so naive as to rule out completely the possibility of a political crisis taking place, more so when there are three major political forces operating in the country—with a probability that one might hold the balance of power—which might prove to be an essential and a fundamental element in the formation of the next Government.

Whatever happens and whatever circumstances prevail then, I would like the triumphant and victorious ones to remember the words of the opening Prayers of this House: “That Almighty God in His Wisdom and Goodness has appointed the offices of Rulers and Parliaments for the Welfare of Society and the Just Government of Men.” Mark the words “For the Welfare of Society and the Just Government of Men”. This should be the guiding principle in their deliberations. This should be the *Alpha* and *Omega* of the policies they are going to pursue. They should put Kenya before self. Admittedly, ambition to get to the top is every politician’s prerogative and aspiration. But they should bear in mind that Kenya is too small to have so many at the top.

To those who have been in this House for the last two years, but might have the misfortune of not being returned to it I say, “There is no mean achievement.” Whatever contribution they have made to the good of this country they deserve a fair share in the credit and appreciation accruing thereby. With the knowledge and experience they have gained they can serve Kenya in a hundred and one other ways outside this House, provided they have the will and the determination to do so. The cordial, harmonious and friendly relations that existed between hon. Members of this House, notwithstanding their wide differences in politics, ethnic groupings and racial origins, is a precept and an example which should, and must, be followed by the rest of Kenya’s population in the interest of peace and stability. For the people

who live most happily together are those who understand each other best.

Before I sit down, Mr. Speaker, Sir, I would like to pay particular tribute to you, Sir, as Speaker of this House, and I am sure all hon. Members of this House will join hands with me.

As Speaker of this House you have executed the duties of your office conscientiously, with complete and undiluted impartiality. You have tenaciously upheld the principles of democracy in that no matter whether an hon. Member is in the Government or in the Opposition, no matter whether an hon. Member belongs to KANU, KADU, the Coalition, or the Independents, no matter whether an hon. Member was a prominent Member of a particular party or not, you have treated and I am sure will continue to treat, each hon. Member fairly and squarely without fear or favour. In you, Sir, are embodied all the qualities required of a holder of such a high and supremely important office. Your ability, tenacity of purpose, sense of humour, understanding and sympathy, disciplinary strictness and, above all, your impartiality, make you almost indispensable to this House, and if through force of circumstances, a substitute for you has to be found, he will be found with the greatest difficulty.

Finally, I would like, on my own behalf, and on behalf of the hon. Members on this side of the House, to wish all the Members who are going to occupy the Benches of this House, be it Lower or Upper, all wisdom and every success in their deliberations and decisions. We heartily and most sincerely wish Kenya peace, progress and prosperity in the years to come.

Thank you.

The Speaker (Mr. Slade): I think, Mr. Odede, you are perhaps the oldest Member.

Mr. Odede: I think so, Sir.

In 1946, when I was a nominated to act for the then Archdeacon Beecher, now Archbishop of East Africa, and Mr. Eluid Mathu, the Council was almost white with a few brown faces. When I returned to my home in Nyanza after my first sitting in the Council, my friends at Maseno made a tea party for me and asked me if I was able to understand the proceedings of the Council, because they had been told that no Africans could understand English. I told them that I did not carry a dictionary with me to the Council Chamber, still I was able to understand every word spoken in the Council and took part in debates myself. They cheered me heartily and carried me up on their shoulders.

[Mr. Odede]

Mr. Speaker, Sir, I returned to the Council in 1952, and during those days no one could think that Kenya Legislative Council would have so many black faces as it has today. Therefore it gives me much pleasure to say farewell to the present Council while looking forward to returning to the next Council which will then be called the National Assembly while we are emerging to our Independence, *uhuru*.

Mr. Speaker, Sir, I would like to thank the members of the staff who have been doing work for us, and the catering staff.

In conclusion, Sir, I would thank you very much, and the Deputy Speaker, for the work you have done for the Council.

ADJOURNMENT

The Speaker (Mr. Slade): Council is now adjourned *sine die*.

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

WRITTEN REPLY TO QUESTION

Question No. 128

SWYNNERTON PLAN BENEFITS

Mr. Odede asked the Minister for Agriculture and Animal Husbandry:—

- (a) To what extent had Kenya benefited from the Swynnerton Plan?
- (b) What parts (districts) of the country had benefited most from the Plan and in what respect?
- (c) To what extent and in what manner was the Plan still being operated?

REPLY

(a) It is impossible to assess fully the extent to which Kenya has benefited from the Swynnerton Plan during the last eight years, but since 1956 the gross value of output excluding subsistence derived from the sale of produce out of all districts in the Non-scheduled Areas has risen by 57 per cent from £7.2 million to £11.3 million.

The Swynnerton Plan also made possible sound land usage on a considerable area of land hitherto fragmented or not enclosed. At the inception of the Plan, very few consolidated holdings existed. There are now 538,221 totalling 1,413,863 acres. There were no registered titles in the Non-scheduled Areas at the beginning of the Plan, there are now 191,448, totalling 1,143,125 acres. In addition large areas have been enclosed and are making progress towards better farming.

In addition there has been a very marked increase improvement throughout the land traditionally farmed by Africans in every aspect of agriculture especially enclosures, registration, soil conservation, extent of cash crops, the number of improved stock and water supplies. The Swynnerton Plan provided the money and the method (plan) to accelerate the whole process of development to enable the present state of development to be reached in the shortest time possible.

(b) The districts which have benefited most from the Plan are those in which land consolidation and enclosure have gone ahead, that is to say Central Province, Nandi, Elgeyo Marakwet, West Pokot, Kericho and, to a lesser extent, South Nyanza and Elgon Nyanza. In these areas people have co-operated in giving effect to the conditions outlined in the Plan. Other districts which remain more backward in consolidation and enclosure have not benefited to the same degree because it is basically impossible to farm properly on fragmented land. Nevertheless, even these other districts have benefited by the increased production of cash crops

suitable to most parts of the country. Even many semi-arid districts have benefited by the increase of water supplies and the establishment of controlled grazing areas.

The ways in which the districts referred to above have benefited most are in the improvement of their potential, i.e. overall improvement in grazing, farming and ranching with a subsequent improved economic output therefrom.

(c) The Swynnerton Plan was superseded by the "Accelerated Development of African Agriculture 1958-63" and this in its turn will be superseded by a plan taking into consideration the changes in local and world circumstances.

The following statistics show how the output from the areas and their value have risen since the Plan was instituted:—

QUANTITY AND VALUE OF SOME OF THE AFRICAN-GROWN CROPS IN THE NON-SCHEDULED AREAS EXPORTED FROM DISTRICTS

			1955	
<i>Crop</i>	<i>Quantity</i>		£	<i>Value</i>
Coffee (tons)	750			284,250
Tea (lb.)	—			—
Pyrethrum (tons) ..	228			51,760
Pineapples (tons) ..	—			—
Cashew-nuts (tons) ..	1,522			34,099
Rice (tons)	5,687			143,572
			1956	
<i>Crop</i>	<i>Quantity</i>		£	<i>Value</i>
Coffee (tons)	2,811			485,125
Tea (lb.)	—			—
Pyrethrum (tons) ..	327½			77,246
Pineapples (tons) ..	—			—
Cashew-nuts (tons) ..	2,264			50,719
Rice (tons)	2,884			64,605
			1957	
<i>Crop</i>	<i>Quantity</i>		£	<i>Value</i>
Coffee (tons)	3,789			894,732
Tea (lb.)	59,343			1,187
Pyrethrum (tons) ..	364½			60,492
Pineapples (tons) ..	6,445			53,714
Cashew-nuts (tons) ..	2,358			84,888
Rice (tons)	4,372			96,693

1958			1961		
<i>Crop</i>	<i>Quantity</i>	£ <i>Value</i>	<i>Crop</i>	<i>Quantity</i>	£ <i>Value</i>
Coffee (tons)	3,088	1,130,474	Coffee (tons)	7,769	2,815,041
Tea (lb.)	63,508	1,287	Tea (lb.)	408,240	70,428
Pyrethrum (tons)	383	89,160	Pyrethrum (tons)	2,620	498,059
Pineapples (tons)	8,547	71,488	Pineapples (tons)	6,542	429,421
Cashew-nuts (tons)	1,900	57,500	Cashew-nuts (tons)	6,371	252,010
Rice (tons)	5,343	137,829	Rice (tons)	14,596	326,897
1959			1962		
<i>Crop</i>	<i>Quantity</i>	£ <i>Value</i>	<i>Crop</i>	<i>Quantity</i>	£ <i>Value</i>
Coffee (tons)	6,389	2,180,738	Coffee (tons)	7,955	3,000,000
Tea (lb.)	248,169	29,254	Tea (lb.)	—	—
Pyrethrum (tons)	619	143,146	Pyrethrum (tons)	2,700	—
Pineapples (tons)	6,212	51,188	Pineapples (tons)	13,488	—
Cashew-nuts (tons)	3,335½	119,780	Cashew-nuts (tons)	—	—
Rice (tons)	4,272	103,317	Rice (tons)	—	—
1960			1962		
<i>Crop</i>	<i>Quantity</i>	£ <i>Value</i>	<i>Crop</i>	<i>Quantity</i>	£ <i>Value</i>
Coffee (tons)	6,476	2,211,303	Coffee (tons)	7,955	3,000,000
Tea (lb.)	346,930	64,804	Tea (lb.)	—	—
Pyrethrum (tons)	1,257	354,300	Pyrethrum (tons)	2,700	—
Pineapples (tons)	6,253	49,423	Pineapples (tons)	13,488	—
Cashew-nuts (tons)	4,966	192,998	Cashew-nuts (tons)	—	—
Rice (tons)	9,779	265,352	Rice (tons)	—	—

More information can be obtained from the ALDEV Report—African Land Development in Kenya, 1946-62, and also in the article entitled "Land Consolidation and Better Farming in Kenya" by L. H. Brown in the *Empire Journal of Experimental Agriculture*, Vol. XXX, No. 120, of October, 1962.

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VOLUME XCI

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I am afraid you cannot move today that that resolution (for the Limitation of Debate) be rescinded, however much you misunderstood the effect of it. The actual effect is, as I have described. During the course of any debate, by leave of Council, these resolutions can be ignored in particular cases, but it requires the unanimous leave of Council. If, during any of these Motions, we have this afternoon, it is desired that any Member should have more than ten minutes to speak then, with the leave of the Council—that is to say no hon. Member objects—he can continue for as long as the Council allows. . . ., 112

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(*Ex-Officio* Member) (2)

(See also Minister for Defence, The)

Tipis, Mr. J. K. ole—

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Towett, Mr. T.—

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(Ex-Officio Member (2))

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