



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

10th COUNCIL INAUGURATED
JUNE, 1952

VOLUME LXII

1954

THIRD SESSION—FIFTH SITTING

28th September, 1954, to 30th September, 1954

List of Members of the Legislative Council

President:

H.E. THE GOVERNOR, SIR EVELYN BARING, K.C.M.G., K.C.V.O.

Vice-President and Speaker:

THE HON. SIR WILLIAM HORNE

Ministers:

ACTING CHIEF SECRETARY (THE HON. C. H. HARTWELL, C.M.G.).

MINISTER FOR LEGAL AFFAIRS (THE HON. J. WHYATT, Q.C.).

MINISTER FOR FINANCE AND DEVELOPMENT (THE HON. E. A. VASEY, C.M.G.).

MINISTER FOR AFRICAN AFFAIRS (THE HON. R. G. TURNBULL, C.M.G.).

MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (MAJOR THE HON. F. W. CAVENDISH-BENTINCK, C.M.G., M.C.).

MINISTER FOR INTERNAL SECURITY AND DEFENCE (THE HON. J. W. CUSACK, O.B.E.).

MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (THE HON. W. B. HAVELOCK).

MINISTER FOR EDUCATION, LABOUR AND LANDS (THE HON. J. M. STOW, C.M.G.).

MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (THE HON. L. R. MACONOCHE-WELWOOD).

MINISTER FOR COMMERCE AND INDUSTRY (THE HON. A. HOPE-JONES).

MINISTER FOR WORKS (THE HON. VAZIER I. E. NATHOO).

MINISTER FOR COMMUNITY DEVELOPMENT (THE HON. B. A. OHANGA).

EUROPEAN MINISTER WITHOUT PORTFOLIO (THE HON. M. BLUNDELL, M.B.E.).

ASIAN MINISTER WITHOUT PORTFOLIO (THE HON. A. B. PATEL, C.M.G.).

PARLIAMENTARY SECRETARY TO THE CHIEF SECRETARY (THE HON. SHERIFF ABDULLA SALIM).

PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (THE HON. J. JEREMIAH).

Nominated Members:

THE HON. T. F. ANDERSON, O.B.E., M.D. (Director of Medical Services).

THE HON. D. L. BLUNT, C.M.G. (Chairman of the Desert Locust Control Organization).

THE HON. C. H. G. COVENTRY.

THE HON. M. H. COWIE (Director of the Royal National Parks and Director of Manpower).

THE HON. G. M. EDEY.

THE HON. E. N. GRIFFITH-JONES, Q.C. (Solicitor General).

THE HON. S. D. KARVE, O.B.E., M.B., B.S.

THE HON. R. E. LUYT (Commissioner for Labour).

THE HON. V. A. MADDISON (Secretary for Commerce and Industry).

THE HON. R. H. MILLS-OWENS (Legal Draftsman).

THE HON. CHIEF U. MUKIMA (Wakamba Chief).

THE HON. I. OKWIRRY, M.B.E. (Assistant District Officer, Nyanza).

THE HON. E. J. PETRIE (Secretary to the Treasury).

THE HON. SIR EBOO PIRIBIAI, O.B.E.

THE HON. J. L. RIDDOCH, O.B.E.

THE HON. SHEIKH MBARAK ALI HINAWY, O.B.E. (Liwali of the Coast).

THE HON. G. A. TYSON, C.M.G.

THE HON. W. J. D. WADLEY (Director of Education).

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

European Elected Members:

*THE HON. M. BLUNDELL, M.B.E. (Rift Valley).
 GROUP CAPTAIN THE HON. L. R. BRIGGS (Mount Kenya).
 THE HON. S. V. COOKE (Coast).
 THE HON. W. E. CROSSKILL (Mau).
 LT.-COL. THE HON. S. G. GHERSIE, O.B.E. (Nairobi North).
 LT.-COL. THE HON. E. S. GROOMAN, M.S.O. (Nairobi West).
 THE HON. N. F. HARRIS (Nairobi South).
 †THE HON. W. B. HAVELOCK (Kiambu).
 THE HON. R. C. J. LETCHER (Trans Nzoia).
 †THE HON. L. R. MACONOCHE-WELWOOD (Jasin Gishu).
 THE HON. LADY SHAW (Ukamba).
 †THE HON. R. PEARCE (Nyanza—Acting).
 THE HON. H. SLADE (Aberdare).
 THE HON. C. G. USHER, M.C. (Mombasa).

Asian Elected Members:

Central Electoral Area: *East Electoral Area:*
 THE HON. C. B. MADAN. THE HON. S. G. HASSAN, M.B.E.
 THE HON. CHANAN SINGH.

Eastern Electoral Area: *West Electoral Area:*
 †THE HON. A. B. PATEL, C.M.G. †THE HON. I. E. NATHOO.

Western Electoral Area:
 THE HON. J. S. PATEL.

Arab Elected Member:

THE HON. SHEIKH MAHMOOD S. MACKAWI

Representative Members:

African:

THE HON. W. W. AWORI.
 THE HON. M. GIKONYO.
 †THE HON. J. JEREMIAH.
 †THE HON. E. W. MATHU.
 †THE HON. B. A. OKANDA.
 THE HON. J. M. O. TAMBEO.

Arab:

*THE HON. SHERIFF ABDULLA SALIM.

Clerk of the Council:

A. W. PURVIS

Clerk Assistant:

H. THOMAS

Reporters:

MRS. P. HUBBARD.
 MISS E. M. VALL.
 MISS S. I. WESTCOTT.
 MISS S. E. FARNDLELL.

* Also included in list of Ministers.

† Vice Mrs. A. R. Shaw absent from the Colony.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL

TENTH COUNCIL

THIRD SESSION—FIFTH SITTING

Tuesday, 28th September, 1954

The Council met at Ten o'clock.

(Mr. Deputy Speaker in the Chair)

PRAYERS

ADMINISTRATION OF OATH

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

Mr. R. E. Luyt.

Mr. R. H. Mills-Owens.

Mr. R. Pearce.

PAPERS Laid

The following Papers were laid on the Table:—

Amendments to Legislative Council Standing Orders (Instrument Clause XXIV Royal Instructions).

E.A.H.C. East African Industrial Research Board Eleventh Annual Report, 1953.

Report of Kenya Broadcasting Commission, June, 1954.

E.A.H.C. Annual Trade Report of Kenya, Uganda and Tanganyika up to December, 1953.

E.A.H.C. East African Posts and Telecommunications Administration Annual Report, 1953.

E.A.H.C. Reports on Administration of E.A.R. & H. up to December, 1953, by Commissioner for Transport and General Manager.

E.A.H.C. Annual Report, 1953.

Department of Immigration Annual Report, 1953.

E.A.H.C. Financial Statements for 1953 and Reports thereon by Director of Audit and Accountant General.

Weights and Measures Department Annual Report, 1953.

E.A.A.C.—Budget and—Operational Plan for 1955 (with Table of Excess and Rates as annexure).

(By THE ACTING CHIEF SECRETARY)

Annual Report of Registrar General's Department, 1953.

(By THE MINISTER FOR LEGAL AFFAIRS)

Financial Statement for 1953 and Report of the Director of Audit thereon.

Development Supplementary Estimates of Expenditure No. 1 of 1954/1955.

Development Supplementary Estimates of Expenditure No. 4 of 1954.

Supplementary Estimates of Expenditure of the Colony and Protectorate of Kenya No. 7 of 1954.

Supplementary Estimates of Expenditure No. 12 of 1953.

Supplementary Estimates of Expenditure for the Colony and Protectorate of Kenya No. 2 of 1954/1955.

Treasury Memorandum on the Report of the Public Accounts Committee on the Colony's Accounts for 1951.

(BY THE MINISTER FOR FINANCE AND DEVELOPMENT)

Registrar of Co-operative Societies Annual Report, 1953.

Report of Committee on Problems of Somali Settlements at Gilgil and Naivasha.

Statement by Government on above-mentioned Report.

(BY THE MINISTER FOR AFRICAN AFFAIRS)

The Prisons (Amendment) (No. 2) Rules, 1954.

(BY THE MINISTER FOR INTERNAL SECURITY AND DEFENCE)

African District Councils—Summary of Accounts and Report thereon for the year ended 31st December, 1952.

(BY THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING)

Department of Lands Annual Report, 1953.

Revocation of Employment (Written Contract) Rules.

The Education (Fees) (Amendment) Rules, 1954.

The Hotel and Catering Trades Wages Council (Establishment) Order, 1954.

Survey of Kenya Administration Report, 1953.

Education Fees (Education African School Rules), 1954.

(BY THE MINISTER FOR EDUCATION, LABOUR AND LANDS)

Review of Kenya Fisheries, 1953.

(BY THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES in the absence of the Minister for Forest Development, Game and Fisheries).

ORAL NOTICES OF MOTION

ADOPTION OF AMENDMENTS TO STANDING ORDERS

THE ACTING CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:

BE IT RESOLVED THAT this Council do adopt the amendments to the Standing Orders of the Council proposed by His Excellency the Governor in the Instrument made by His Excellency under Clause XXIV of the Royal Instructions on the 30th day of June, 1954, and laid on the Table of the Council.

BUDGET AND OPERATIONAL PLAN OF THE EAST AFRICAN AIRWAYS CORPORATION

THE ACTING CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

BE IT RESOLVED THAT this Council takes note of the budget and operational plan of the East African Airways Corporation for the year 1955 entailing an estimated loss of £48,500, and notes further that this estimated loss will be increased if an upward revision of salaries becomes necessary following salary adjustments by the East African Governments.

GUARANTEE OF REPAYMENT OF LOAN BY HIGH COMMISSION

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:—

WHEREAS the East African High Commission propose to erect central offices at a cost of approximately £450,000, of which £150,000 is to be obtained by borrowing from sources other than those of the High Commission:

AND WHEREAS, subject to the approval of the Legislative Council, the Government has agreed to guarantee the repayment by the High Commission of any sum or sums so borrowed, not exceeding £150,000 as aforesaid, jointly and severally with the Governments of Tanganyika and Uganda, subject however as between the three Governments to all payments made by any such Government being contributed to equally by the three Governments:

[The Minister for Finance and Development.]

BE IT RESOLVED THAT the Legislative Council approve of the Government entering into such guarantee, jointly and severally but subject as aforesaid, and otherwise upon such terms and conditions as may be approved by the Minister for Finance, and that the said Minister be authorized to execute on behalf of the Government all such documents as may be necessary or expedient for giving effect thereto.

SUPPLEMENTARY ESTIMATES No. 12 OF 1953

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:

BE IT RESOLVED THAT a sum not exceeding £271—be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 12 of 1953.

(Governor's consent signified)

SUPPLEMENTARY ESTIMATES No. 7 OF 1954, IN PARTS

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:

BE IT RESOLVED THAT a sum not exceeding £4,300 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 7 of 1954, Part I.

BE IT RESOLVED THAT a sum not exceeding £9,590 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 7 of 1954, Part II.

(Governor's consent signified)

DEVELOPMENT SUPPLEMENTARY ESTIMATES No. 4 OF 1954, IN PARTS

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:

BE IT RESOLVED THAT a sum not exceeding £1,200 be granted to the

Governor, on account, for or towards defraying the charges of Development Supplementary Estimates of Expenditure No. 4 of 1954, Part I.

BE IT RESOLVED THAT a sum not exceeding £78,289 be granted to the Governor, on account, for or towards defraying the charges of Development Supplementary Estimates of Expenditure No. 4 of 1954, Part II.

(Governor's consent signified)

DEVELOPMENT SUPPLEMENTARY ESTIMATES No. 1 OF 1954/55, IN PARTS

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:

BE IT RESOLVED THAT a sum not exceeding £258,494 be granted to the Governor, on account, for or towards defraying the charges of Development Supplementary Estimates of Expenditure No. 1 of 1954/55, Part I.

BE IT RESOLVED THAT a sum not exceeding £1,000 be granted to the Governor, on account, for or towards defraying the charges of Development Supplementary Estimates of Expenditure No. 1 of 1954/55, Part II.

BE IT RESOLVED THAT a sum not exceeding £61,102 be granted to the Governor, on account, for or towards defraying the charges of Development Supplementary Estimates of Expenditure No. 1 of 1954/55, Part III.

(Governor's consent signified)

SUPPLEMENTARY ESTIMATES No. 2 OF 1954/55, IN PARTS

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:

BE IT RESOLVED THAT a sum not exceeding £149,254 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 2 of 1954/55, Part I.

BE IT RESOLVED THAT a sum not exceeding £22,829 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 2 of 1954/55, Part II.

[The Minister for Finance and Development]

It is resolved that a sum not exceeding £67,930 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 2 of 1954/55, Part III.

(Governor's consent signified)

EXTENSION OF DRAWBACK OF CUSTOMS DUTY.

THE ACTING CHIEF SECRETARY: Mr. Deputy Speaker, Sir: I beg to give notice of the following Motion:

It is resolved that the drawback of customs duty, amounting to 22 per cent. *ad valorem*, granted for the current year to the Kenya Aluminium and Industrial Works Limited, of Mombasa, in respect of aluminium ingots imported for rolling into aluminium sheeting used exclusively in the manufacture of aluminium hollow-ware, be extended for the period ending 31st December, 1956.

HOTELS (CONTROL OF TARIFFS AND ACCOMMODATION) (TEMPORARY PROVISIONS) ORDINANCE, 1952—CONTINUANCE.

THE ACTING CHIEF SECRETARY: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:

It is resolved that the Hotels (Control of Tariffs and Accommodation) (Temporary Provisions) Ordinance, 1952, shall remain in force until 30th June, 1955.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 120

MR. SLADE (Aberdare): asked the Minister for Education, Labour and Lands to state what progress, if any, has been made with regard to appointment of a Committee to investigate establishment of a European Education Authority?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Government has considered the request of the Advisory Council on European Education for the appointment of a committee to consider the policy and finance of the European education system and the advisability of setting up a European Education Authority. As

announced on 27th August, it has been decided that this problem cannot be isolated from the larger question of the finances of education for all the communities, and that in the first place this must be fully investigated, not only in relation to the cost of overheads and administration, but also to the incidence of taxation and the financial contributions made in various ways to educational expenses by the various communities. An inter-departmental fact-finding committee has been appointed and the facts elicited by this committee will be the subject of a report to me. When this factual report is received, copies will be submitted to the European, Asian and African Advisory Councils on Education who will be asked to submit their recommendations and comments to me.

LADY SHAW (Ukamba): Arising out of that reply, why should the European Education Authority, or the prospect of its being set up, be treated in a more isolated way than the prospect of the European Hospital Authority was?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: In the matter of education, the finance of education generally impinges on the finances of all the races more so than in the case of medical services.

MR. SLADE: Is it the view of Government that financial appreciation should precede the acceptance of the principle of a European Education Authority, or that financial appreciation should follow the acceptance of that principle?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: I think the two go together, Sir.

MR. SLADE: Arising out of that answer, would the hon. Minister tell us whether Government has yet accepted the principle of a European Education Authority?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Not yet, Sir. The object of the fact-finding inquiry is to place firmly before this Council all the relevant facts before such an important decision is taken.

MR. COOKE (Coast): Is this another instance of expediency taking the place of principle?

QUESTION No. 122

MR. SLADE asked the Minister for Internal Security and Defence for the state:—

(a) How many major public ceremonies, with armed-forces participating, have taken place since the State of Emergency was declared?

(b) In how many such ceremonies has the Kenya Regiment been represented?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE:—

(a) Nine, Sir.

(b) Three, Sir.

QUESTION No. 123

MR. SLADE asked the Minister for Internal Security and Defence to state:—

(a) How many Asians have been called up for service in the present Emergency?

(b) How many have complied?

(c) How many have deserted after compliance?

(d) How many have been discharged as useless?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE:—

(a) 7,515 Asians have been called up for service in the present Emergency.

(b) 6,412 have complied.

(c) There is no legal offence of desertion under the Police Ordinance. At the end of August, 1954, 20 enrolled Asians were absent without leave.

(d) 236 have been discharged as unsatisfactory after enrolment.

MR. MADAN (Central Electoral Area): Arising out of that answer, Sir, as it would be interesting to compare figures, would the hon. Minister give us the figures for the European personnel?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: I do not think that arises out of the question asked.

MR. MADAN: I ask as a matter of interest.

BILLS

FIRST READING

Township (Amendment) Bill—(Parliamentary Secretary to the Minister for Local Government, Health and Housing)

—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Commissioners of Assize Bill—(The Minister for Legal Affairs)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Crown Agents (Change of Title) Bill—(The Minister for Finance and Development)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Income Tax (Rates and Allowances) (Amendment) Bill—(The Minister for Finance and Development)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Local Government (Kilalee European Hospital Rate) (Amendment) Bill—(Parliamentary Secretary to the Minister for Local Government, Health and Housing)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

Oaths and Statutory Declarations (Amendment) Bill—(The Minister for Legal Affairs)—Order for First Reading read—Read a First Time—Ordered to be read a Second Time to-morrow.

MOTION

PRODUCTION OF BIOLOGICALS BY THE EAST AFRICAN AGRICULTURAL RESEARCH ORGANIZATION

Debate Interrupted on 2nd June, 1954—see Official Report, vol. LX, col. 786.

Debate resumed.

THE DEPUTY SPEAKER: The Motion is on the Order Paper and is open to debate.

LADY SHAW: Would it be possible for the Clerk to inform the Council who has already spoken on this Motion? It is about three months old.

THE DEPUTY SPEAKER: It is really only necessary for each individual Member to know whether he has spoken, and that, I feel, is really a personal recollection.

[The Deputy Speaker.]

But the hon. Minister for Agriculture, Animal Husbandry and Water Resources moved it, the hon. Minister for Community Development seconded it—the hon. Member for Mau speke, the hon. Member for Mount Kenya, the hon. Member for Nairobi North, the hon. Nominated Member Colonel Cowie, the hon. and gracious Lady for Ukamba, and the hon. Member for Aberdare—and I am informed that the hon. African Representative Member, Mr. Tameno, also spoke.

DR. HASSAN (Eastern Electoral Area): Mr. Deputy Speaker, Sir, I opposed this Motion for the transfer of sera and vaccine production last year for several reasons. One of them was that, due to an accident which Kenya experienced, the Kabete laboratory undertook the production of sera and vaccine and at considerable cost equipment was made and things were put right. That technical objection now does not exist because the new Muguga Research Laboratory has been properly equipped and the officers who were preparing the sera and vaccine have been transferred to handle the production in the same satisfactory manner in which they did at Kabete.

The second point I opposed was the cost of the sera and vaccine. Sir, this country differs considerably from the other East African territories because of the livestock problems. We have got hundreds of thousands of high-grade stock in this country in addition to millions of African stock. It is a well-known fact that these high-grade stock are very susceptible to all these diseases and special attention and precautions have to be taken to protect those animals and the cost of the production of sera and vaccine was kept so low that it was not considered a hardship for a stock-owner to use those sera and vaccine very frequently. Not only that, it was essential for the protection of the high-grade stock in this country that we should go all out to eliminate the diseases from the millions of stock owned by Africans. The danger of the spread of disease from those sources has frequently been observed in Kenya for years, and for this purpose it was considered advisable to have sera and vaccine produced at the lowest possible cost so that the stock industry of Kenya should be protected.

I would like to have an assurance from the hon. Minister whether he has it in mind to impress upon the authorities that the transfer of sera and vaccine to the interterritorial research service is not likely to tend to increase the cost of the production of same.

The third point I raised was the availability of research officers to help field officers in the field. From Kabete it was usually considered very convenient for stock-owners to call in and get advice at any time of the day and night and the research officers were always helpful to the stock-owners in giving all possible advice at the appearance of any new complaint or disease. I hope the transfer of the vaccine to the interterritorial research service will not be treated by the authorities of the High Commission so that they may not be available to the stock-owners for advice when wanted.

With these remarks, I support the Motion.

THE DEPUTY SPEAKER: No other hon. Member rising to speak, I call upon the hon. Member to reply.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Mr. Deputy Speaker, Sir, as pointed out by the hon. and gracious Lady, the Member for Ukamba, this debate took place something like four months ago, but I did make some notes at the time of the points raised by various Members and I will do my best to answer them although it is rather a late stage, I am afraid, for some of the answers.

In the course of the debate the hon. Member for Mau asked if he could have an assurance that when the East African Veterinary Research Organization started, that we at Kabete should continue to manufacture at the same time in case anything went wrong—in other words, he asked that we should make ourselves quite certain that the East African Veterinary Research Organization was successfully manufacturing these biologicals before we, the Kenya Parliament, actually gave up its responsibilities.

We did intend originally to have an overlap of three months, in other words, to do what the hon. Member suggested for a period of three months. We have not been able to do that for two reasons.

[The Minister for Agriculture, Animal Husbandry and Water Resources] The first was the incidence of foot-and-mouth on two recent occasions on the Kabete farm, and the second one was that we had to re-examine the position due to the breakdown of one of the Edward's Freezing Machines and we thought it was wise when they started—which was this month—that they should have the full equipment at one place so that if anything went wrong with some of the equipment that a "stand-by" could immediately be available. Furthermore, we had taken the precaution for several months past of having the officers that were going to be employed at Muguga manufacturing these biologicals, actually manufacturing them at Kabete, which is what they have been doing for some months. We have in stock over a million doses of K.A.G. and over a hundred and eighty thousand of lapinized and virus vaccine so that if anything did go wrong we have ample stocks to carry us over during such period as might be necessary for us to put anything that went wrong right, or take over again. So I think, Sir, that we are on this occasion absolutely safe from the point of view of the eventualities which it was suggested might arise by the hon. Member.

The hon. Member for Mount Kenya said that the transfer would, of course, involve certain risks. I think I have covered that point from what I have said. He also suggested that the cost of these particular vaccines to farmers would increase as the result of the hand-over.

Now, Sir, I do not think it is quite clear in the minds of hon. Members what is, in fact, happening. The only biologicals that are going to be manufactured for some time to come at Muguga will be K.A.G. and lapinized virus vaccine. Now, both those are live virus vaccines, and those are not issued to individual farmers. They will be manufactured and taken over by the Kenya Government and they will be issued just the same, in the same way, and distributed as they are to-day. There will be, in the case of these vaccines, at any rate, no increase in the cost. What I think is not generally understood—and this applies to quite a number of points that have been raised—is that the programme is as follows—that Muguga will

begin by taking over the manufacture of rinderpest vaccines; next, possibly, pleuro-pneumonia and, lastly, probably some time ahead, blackquarter vaccines. The remaining biologicals which are either imported and distributed or manufactured locally, which amount to some thirty or thirty-seven vaccines—that is practically all horse, sheep and poultry vaccines—remain outside the range of the East African Veterinary Research Organization, the idea being that the only biologicals made at Muguga, at any rate for a long time to come, will be those which affect all three territories and that, naturally, of course, implies those which affect native herds. So as regards most of the vaccines that affect the individual farmer, the position for a long time to come will be exactly what it is to-day.

The hon. Member for Nairobi South asked who will be responsible to the Central Legislative Assembly if things go wrong. He quite rightly pointed out that it would be quite impossible to expect the Administrator to take on the responsibility. He pointed out that in the past, when things did go wrong, there did seem to be a lack of any individual or responsible body on whom responsibility could be pinned down. In my opening remarks I hope I did explain that we had overcome this difficulty by the appointment of a governing body and it is that governing body that will have to accept responsibility if anything goes wrong and that governing body is under the chairmanship of a quite well-known settler in this country, Sir Douglas Harris, and this Colony is represented on it.

The hon. Member also raised another point. He suggested that it seemed to him that during that course of this change-over, or prior to the change-over, there had seemed to be requests for releases from two authorities for separate persons, or in some cases for the same person from military or police service in order to carry on this work, and it also seemed to him that if, this work was, in fact, going over to Muguga, that Kabete would be able to release certain bodies. I am afraid that that will not be the case. We are desperately short of staff and, as I have pointed out, we have still retained, as far as Kabete is concerned, responsibilities for 13 or 14 vaccines and, in addition to that, all our diagnostic work

[The Minister for Agriculture, Animal Husbandry and Water Resources] is carried out there. I think the example that the hon. Member had in mind referred to one man for whom a request for release was made by, I think, Mr. Dinns, on behalf of Muguga and that request, so to speak, was underwritten by the Director of Veterinary Services of Kenya. This may have happened on more than one occasion and it may have appeared that two authorities were asking for release. In fact, in fact, it was two related authorities combining in asking for the release of the same man for the same job.

The hon. Col. Cowie asked who was going to take over the distribution and application and, in particular, mentioned distribution both in small quantities for individual farmers as well as the distribution and responsibility for the sending round to officers in the field of these biologicals. Distribution will continue just as it is now. We have at Kabete our bank of all these various vaccines. We have three Europeans constantly employed doing nothing else. Anything that is made at Muguga will be sent in large quantities, after it has been tested, to Kabete and from there will be distributed just as it has been in the past. I think that as far as small quantities to individual farmers are concerned, that problem does not arise in the case of those biologicals which are being handed over to Muguga; for the reasons I have already given, those are not live virus vaccines which are sent out to individual farmers.

This morning the hon. Dr. Hassan also raised the question of the cost of serum and vaccine to the Government and I can only repeat that, of course, in regard to cost—we shall lose in revenue what we have been making; as the hon. Member is aware, that will go to Muguga, to the interterritorial research institution—but the cost to individual farmers will not be affected for the reasons I have given.

The hon. Member did raise one quite important point and one which I think he has raised before in this Council. That is the question of the relationship between the research officers responsible for the manufacture of these biologicals and the officers in the field and individual

farmers. I can only give the hon. Member this assurance—that this point has been taken into account and I have every reason to believe that the relationship between the research officers and the field officers and the individual farmers will remain as it is to-day. But it is a danger when one hands things over to an interterritorial institution that that very necessary relationship might be impaired. We are aware of that possibility and we are taking every possible step to prevent that happening.

Mr. Deputy Speaker, Sir, I think I have answered all the points that have been raised.

I beg to move.

The question was put and carried.

ADJOURNMENT

THE DEPUTY SPEAKER: That concludes the business on the Order Paper. Council will stand adjourned until 9.30 tomorrow morning.

Council rose at forty-five minutes past Ten o'clock a.m.

Wednesday, 29th September, 1954

The Council met at thirty minutes past Nine o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ADMINISTRATION OF OATH

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

Mr. V. A. Maddison.

PAPER LAID

The following Paper was laid on the Table:—

A Statement of the Accounts of the Colony for the half-year ended 30th June, 1954.

(BY THE MINISTER FOR FINANCE AND DEVELOPMENT)

STATEMENT ON COLONY ACCOUNTS

THE MINISTER FOR FINANCE AND DEVELOPMENT: With your permission, Sir, and that of the Council, I should like to make a few comments on this particular Paper for the information of hon. Members. The document laid covers the main statements which will be included in the financial statement for the first half of 1954 and will eventually be reported on by the Director of Audit.

The accounts were signed on the 20th August—some weeks after the close of the accounting period—which I think is a matter for congratulation. In so far as the officers concerned have had to do this in addition to a great deal of Emergency work. This hon. Council will, I am sure, contrast this with the position that existed not so very long ago when our accounts were a very long time before they arrived in front of us and it shows, indeed, that the reorganization in the Treasury—in the Accounting side—has had a very great effect.

Now, Sir, the position that is shown in these accounts is something to which, I think, the attention of hon. Members should be drawn. Hon. Members will remember that the Revised Estimate I gave on expenditure for the half-year in the Budget Speech on the 1954/1955 Estimates was £19,400,000. Our actual expenditure for the period has been

about £18,700,000. In other words there has been a saving on expenditure of £700,000. Largely, I think, we must discount that saving by pointing out that it is the first time we have had to undertake the task of estimating for a six-month or half-year period and it is obvious that slight overestimating to be on the safe side must have taken place in quite a number of departments.

Turning from that to the revenue, we have again an encouraging picture in spite of the troubles and difficulties we are passing through. The Revised Estimate of income and revenue which I placed before the Council in April for the half-year was £11.65 million. The actual income has been just over £15,000,000. Now £2,000,000 of this excess has, of course, been caused by the receipt of £2,000,000 from Her Majesty's Government but the other £1.1 million is due to the continued buoyancy of our revenue and underlines the strength of our economy even during these troubled times.

Our income tax receipts were about £1,000,000 over the Revised Estimates.

What is encouraging is that our customs and excise figure was £200,000 over our Revised Estimates and revenue £300,000.

So that despite the difficulties of our financial position we ourselves have shown continued strength and continued buoyancy and I think that in the midst of our troubles this is something which could be well underlined. In so far as the outside-world and economic investment in this country is concerned (Hear, hear), (Applause.)

ORAL NOTICE OF MOTION

CLOSING DOWN OF THE INDIAN MATERNITY HOME, NAIROBI

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

That this Council recommends the immediate appointment of a Committee—

(a) to investigate and report upon the causes leading to the recent closing down of the Indian Maternity Home, Nairobi;

[Mr. Madan]

(b) to consider whether any action of a disciplinary nature or otherwise should be taken against those responsible; and

(c) to suggest ways and means to ensure that such an unfortunate event will not occur again.

ORAL ANSWER TO QUESTION

QUESTION NO. 125

MR. SLADE asked the Minister for Internal Security and Defence to state:—

(a) Whether military personnel coming within reach of supplies of fresh milk receive such supplies?

(b) If not, why not?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE:—

(a) Yes, Sir.

(b) In view of the reply to part (a) of the question, part (b) does not arise.

MR. SLADE: Arising out of that answer, Mr. Deputy Speaker, could the hon. Minister elaborate a little bit—at what places military personnel are receiving these supplies?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: There are three supply points—at Kahawa, Nyeri and Nanyuki. There are also supply points at Gilgil and Nakuru and there are also arrangements for local purchase in other places.

BILLS

SECOND READING

TOWNSHIPS (AMENDMENT) BILL

Order for Second Reading read.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: Mr. Deputy Speaker, I beg to move that a Bill entitled the Townships (Amendment) Bill be now read a Second Time.

Sir, the Local Government Ordinance empowers the Minister to declare that the provisions of that Ordinance shall apply to the whole or part of any township within the meaning of the Townships Ordinance. It is the case that such township may be situated partly on Crown land and partly on native land and where the township desires to impose

rates on such township Government considers it equitable that the Crown should make contribution in lieu of the rates in respect of Crown land in the township actually used or reserved for Government purposes. Further, it is considered that where an African District Council receives the stand premia and rents on Native Land in the township or in any township to which the Ordinance has been applied by that Council or unalienated native land in the township, pending the amendment which is proposed to be brought forward, it is desirable that the Township Committee exercising jurisdiction should include persons nominated by the African District Council if any and have jurisdiction over areas surrounding or bordering the township.

Sir, I beg to move.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING seconded.

Question proposed.

MR. MATHU (African Representative Member): Mr. Deputy Speaker, Sir, I just rise to support the Motion and to congratulate my hon. friend, the Parliamentary Secretary for Local Government, on the very able way in which he has introduced the Second Reading of this Bill. I do think that he ought to be congratulated for briefly—(Hear, hear) (Applause.)—and to say that it augurs well for the future of Local Government in the country when you have that co-operation between the African District Councils and the Township Authorities which are the subject of the amendment to this Bill.

Mr. Deputy Speaker, 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 to-morrow.

COMMISSIONERS OF ASSIZE BILL

Order for Second Reading read.

THE MINISTER FOR LEGAL AFFAIRS: Mr. Deputy Speaker, Sir, I beg to move that a Bill entitled the Commissioners of Assize Bill be now read a Second Time.

I think, Sir, I can best explain to the Council the purpose of this Bill by saying it is designed to provide the statutory framework for those arrangements,

[The Minister for Legal Affairs]

which have now been in operation for some time, whereby members of the local Bar are appointed for a temporary period to serve as Supreme Court Judges for the purpose of disposing of criminal cases. Hon. Members will recollect that about a year ago—it is a little more than a year ago now—the practice was introduced of appointing members of the local Bar with experience of criminal practice to sit in Emergency Assize Courts and thereby, augment the judicial strength and enable them to cope with the vastly increased amount of work resulting from the Emergency.

When that practice was introduced, it was an innovation in this Colony; so far as I am aware nothing of that kind had previously been attempted in Kenya. But I think everyone—certainly the profession—would agree with me in saying that it was an experiment which has proved to be an unqualified success. As a result of introducing this practice, a number of experienced advocates, both European and Asian, have had the honour and the privilege of exercising the jurisdiction of the Supreme Court, with powers of life and death, and have discharged their onerous responsibilities with distinction. One of them in particular, who shall be nameless—we lawyers do not advertise in that respect—we differ from the politicians (Laughter.)—acquired himself with such distinction that when one of his judgments came to be considered by the Privy Council, their Lordships expressed themselves in very complimentary terms with regard to the able manner in which he had conducted the trial. I feel that if they had not been so favourably impressed by his conduct as a Judge it might well be they would have advised Her Majesty to admit that appeal. I mention this in passing because it illustrates what the Government feels and what the profession as a whole feels and the public also feels, so far as they are acquainted with these matters, namely that this practice which was introduced as a temporary arrangement last year has proved to be such a success that the Government's policy is that we should now provide a permanent statutory framework so that not only during the Emergency, but afterwards if the necessity should arise, we can from time to time appoint experienced members

of the local Bar to assist the Judiciary in disposing of criminal cases.

Now that policy, Sir, is carried out by this Bill. It borrows to some extent from the terminology of the English judicial system and the nomenclature and the ideas embodied in the assize system in England are to some extent reproduced in this Bill. Of course, conditions here differ considerably from those in England in this respect, but they are, I think, sufficiently closely analogous to justify our using the term as 'Commissioner of Assize' which is hallowed by long usage and tradition in England. In England it connotes and is usually associated with the appointment of a senior Silk on the circuit to accompany the Assize Judge when he goes on circuit and to assist him in disposing of a heavy calendar of cases when it would not otherwise be possible for the Judge alone to dispose of them within the limited time allotted. When he does so, of course, he exercises all the powers and authority of a High Court Judge. In this Bill His Excellency the Governor appoints a Commissioner of Assize by an instrument of appointment sealed with the public seal of the Colony. It is, therefore, a solemn and formal document of appointment. But they are the life period for which the person who is appointed shall hold the office of Commissioner of Assize. And, of course, he must be a person suitably qualified, which means he is a person who would anyway be qualified to be appointed as a Supreme Court Judge. Once appointed he will, for the duration of his Commission, exercise all the powers and authority of a Supreme Court Judge in the criminal cases which he tries. When he sits he will be deemed to be in all respects a Court of the Supreme Court and will take rank and precedence immediately after the substantive appointed Judges of the Supreme Court.

I might add that this Bill has received not only the approval but also the benediction of the senior members of the Judiciary. For all those reasons, all of which I deem to be very good reasons, I would ask this Council to give this Bill a Second Reading.

THE ACTING CHIEF SECRETARY seconded.

Question proposed.

Mr. STADE: Mr. Deputy Speaker, I beg to support this Bill. It is altogether proper and desirable that practising professional men in all spheres, whether legal, political or other arts, who are domiciled in this country should be available for public service in case of need, and we should make the most of them and they should be ready always to respond when called upon.

At the same time, Mr. Deputy Speaker, I think it should be realized that when professional men are called upon for temporary services of this kind, it must always be at considerable sacrifice to themselves. The men on whom you want to call for such service, having regard to the responsibility, must be of the best, and the best seldom have time to spare from their own private practice. It is for that reason that I feel most wholeheartedly the hon. Minister in paying tribute to those of the legal profession who have served as Commissioners of Assize during this Emergency. They have sacrificed a great deal, but they have not done so in vain. It rebounds not only to their credit but to the credit of the whole legal profession in this Colony and, indeed, to the whole community that they should have come forward so willingly to perform these services and have performed them so well. I beg to support, Sir.

The question was put and carried. The Bill was read a Second Time and committed to a Committee of the whole Council tomorrow.

CROWN AGENTS (CHANGE OF TITLE) BILL.

Order for Second Reading read.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that the Crown Agents (Change of Title) Bill be now read a Second Time.

This very simple Bill, Sir, arises from the fact that Her Majesty Queen Elizabeth II has been pleased to approve the adoption of a new title for the Crown Agents. They should now be called the Crown Agents for Overseas Governments and Administrations. In order to bring our own law into line with that change of title this Bill is presented to Council.

I beg to move.

THE MINISTER FOR AFRICAN AFFAIRS 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 tomorrow.

INCOME TAX (RATES AND ALLOWANCES) (AMENDMENT) BILL.

Order for Second Reading read.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, Sir, I beg to move that the Income Tax (Rates and Allowances) (Amendment) Bill be now read a Second Time.

Sir, this Bill is a continuation of the policy adopted by the East African Governments in 1940 and consistently followed in these Territories that non-residents living in the United Kingdom who are liable to East African income tax should not be charged more than the amount that is charged by the United Kingdom Government to residents in the United Kingdom on the same income. On various occasions, Sir, the Income Tax Non-Resident Allowances Rules, made under the original Income Tax Ordinance, were amended and varied to ensure that this policy was carried out.

The 1953 United Kingdom Finance Act, Sir, reduced the initial rates of tax and hence it became necessary for the East African Governments to revise their non-residents allowance so that the policy should be continued. The most convenient way of ensuring that non-resident East African taxpayers are not required to bear a greater burden than the United Kingdom residents on the same income is to amend the non-residents primary allowances, which is what we are now doing.

I think, therefore, this may be called a largely formal presentation in order to continue the policy which we have followed since 1940. I beg to move.

THE ACTING CHIEF SECRETARY 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 tomorrow.

LOCAL GOVERNMENT (KITALE EUROPEAN HOSPITAL RATE) (AMENDMENT) BILL.
Order for Second Reading read.

Mr. JEREMIAH (Nominated Member). Mr. Deputy Speaker, Sir, I beg to move that the Local Government (Kitale European Hospital Rate) (Amendment) Bill be now read a Second Time.

Sir, the principal Ordinance which it is intended to amend empowers the Municipal Board to levy a hospital rate not exceeding Sh. 50 per annum on adult male Europeans residing in the municipality, but does not provide for the rating of females although they are entitled to use any hospital services which may be provided. It is, Sir, considered that the imposition of a hospital rate should be extended to women as provided in this Bill, providing that they are in receipt of a total income in excess of £120 per annum. This Bill is introduced as a result of a request from the Kitale Municipal Board which is responsible for the management of the hospital.

It is expected that the amount which shall be derived from such a rate will enable the Kitale European Hospital to provide more of the essential services for the benefit of the people who may need them.

Sir, I beg to move.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING 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 tomorrow.

OATHS AND STATUTORY DECLARATIONS (AMENDMENT) BILL.

Order for Second Reading read.

THE MINISTER FOR LEGAL AFFAIRS: Mr. Deputy Speaker, Sir, I beg to move that the Oaths and Statutory Declarations (Amendment) Bill be now read a Second Time.

Sir, the purpose of this Bill is twofold; first, to remove certain ambiguities regarding the reception of children's evidence when the child is not sufficiently old to understand the nature of an oath; and, secondly, to enact certain provisions

in our law relating to the administration of oaths and affirmations, who may take them and the form in which they shall be taken with, up to the present time, have been embodied in the applied Indian Oaths Act of 1871.

As regards the first matter, the position which has to be clarified arises from the fact that there have been certain conflicting decisions in the courts as to the procedure which should be followed when a child is too young to understand the nature of the oath but can, nevertheless, give evidence relevant to the case the court is trying. In some courts the practice has been in those circumstances to affirm the child, that is to say, to administer a statutory affirmation to the child. In others, the practice has been not to administer a statutory affirmation but merely to receive the evidence of the child once the court is satisfied that the child understands his duty to speak the truth. Attention has been drawn to these conflicting decisions by the Acting President of the Eastern African Court of Appeal and the purpose of this Bill, or one of the purposes of this Bill, is to remove this ambiguity and conflict.

This is achieved, Sir, by section 19 which is inserted by clause 4 of this Bill into the new Part V of the principal Ordinance. It is a section which is taken almost verbatim from the corresponding section in the United Kingdom Children's and Young Persons Act of 1933. The effect of it, that if a child is too young to understand the nature of an oath, then the court can receive its evidence without administering an affirmation, provided the court is first satisfied that the child understands the duty of speaking the truth; there is a proviso that when such evidence is given on behalf of the prosecution in criminal proceedings it should be corroborated. I think I should add that the Judges who have drawn attention to the existing unsatisfactory state of the law have seen the text of the new section 19 and expressed themselves as satisfied that it will remove the difficulties which exist at the present time.

The remaining sections in the Bill require little comment because they are not, in substance, new and I think they are non-controversial. The only thing that is new about them is that for the

[The Minister for Legal Affairs] first time they are incorporated in the Kenya laws, instead of, as at the moment, being incorporated in an Indian applied Act, and a very old Act at that, which deals with such matters as who may administer oaths and affirmations and who may, and in some circumstances who must, take the oaths and affirmations and also the form in which those oaths and affirmations must be taken. As I say, I think they are largely, in fact entirely, non-controversial and they have this merit that when this Bill becomes law these provisions will have a new look inasmuch as they will derive their vigour from the enactments of this Legislature, instead of, as I have said, deriving them from the old Indian Act of 1873.

I suggest that for this reason alone the Council will welcome the opportunity of giving this Bill a Second Reading.

THE ACTING CHIEF SECRETARY 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 to-morrow.

MOTION.

AMENDMENTS TO STANDING ORDERS.

THE ACTING CHIEF SECRETARY: Mr. Deputy Speaker, I beg to move:

That this Council do adopt the amendments to the Standing Orders of the Council proposed by His Excellency the Governor in the Instrument made by His Excellency under clause XXIV of the Royal Instructions on the 30th day of June, 1954, and laid on the Table of the Council.

The Council will remember, Sir, that I laid this document yesterday. Members will also recall the procedure which is that amendments to the Standing Orders are proposed by the Governor under clause 24 of the Royal Instructions and then adopted by the Council. It is also in practice, and has been for some time, for amendments to be initiated by the Sessional Committee; they are then submitted by the Chief Secretary to the Governor for treatment in the manner laid down in the Royal Instructions. That

procedure has, of course, been followed in this case.

Most of these amendments, Sir, are necessitated by the constitutional changes which have taken place and they, I think, require no further explanations. The opportunity, however, has been taken to make certain other amendments to the Standing Orders which do not result from constitutional changes, and it is necessary to refer briefly to those.

The first of them, in paragraph 2 of the Instrument, amends Standing Order No. 5. The object of the amendment is to make it clear that if Council has been adjourned to a specified day, and it turns out to be necessary to fix a sitting of the Council earlier than the specified day, then the Speaker may fix such a meeting.

The next amendment, Sir, is to Standing Order No. 7. The object of that I think is plain and no further explanation of it is necessary.

The next amendment, in paragraph 4 of the Instrument, is to Standing Order No. 10. This changes the hours of sitting of the Council in the manner which Members will see from the paper in front of them; although I was not here at the time that this matter was dealt with in Sessional Committee, I am aware that the Members of the Sessional Committee constituted the various groups in Council in order to make sure that these new hours will be convenient to them. It will be seen from the document that the Council will sit at 2.30 p.m. on Tuesday, Wednesday and Thursday and at 9.30 a.m. on Friday, each week and will, unless otherwise adjourned, continue to sit until 6.15 p.m. on Tuesday, Wednesday and Thursday and 12.30 p.m. on Friday.

Now, Sir, if this Motion is passed this Standing Order will become operative from to-morrow. That will ordinarily mean that to-morrow being Tuesday, we shall sit from 2.30 p.m. until 6.15 p.m. I am aware, however, that a number of Members on both sides of the House are anxious, if it is at all possible, to finish the business of this sitting to-morrow; and I shall therefore to-morrow move a Motion for the suspension of this new Standing Order to enable us to sit beyond 6.15 p.m. in order that we may finish the whole business of this sitting to-morrow night.

[The Acting Chief Secretary]

There is one further amendment which requires a little explanation and that is in paragraph 5 of the Paper. It inserts a new Standing Order 136A. Standing Orders 134 and 136 refer to the procedure to be followed in dealing with financial business and the procedure in Committee of Supply. The new Standing Order 136A makes it plain that a day—the expression "day" is used in these Standing Orders—means any period of not less than two hours prior to 1 p.m. or not less than two hours after 2 p.m. It is interesting to note, Sir, that it is possible therefore under this Standing Order to do two days' work in one day. That is a familiar experience on this side of the House, but it may not be as familiar to Members on the other side.

I do not think any explanation is necessary and I beg to move.

MR. HARRIS seconded.

Question proposed.

THE DEPUTY SPEAKER: Before debate on this Motion continues, I should like to remind or point out to hon. Members that in paragraph 5 of the Instrument as reproduced, the paragraph of Standing Order 136 to be deleted is, in fact, paragraph 1 and not 1. It is difficult to reproduce it precisely on the typewriter.

No hon. Member rising to speak I will put the question.

The question was put and carried.

MOTION

THE BUDGET AND OPERATIONAL PLAN OF THE EAST AFRICAN AIRWAYS CORPORATION

CORPORATION

THE ACTING CHIEF SECRETARY: Mr. Deputy Speaker, Sir, with your permission and that of Members of the House I would like to put off this Motion until to-morrow. I understand there will be no objection from the other side.

THE DEPUTY SPEAKER: Unless any hon. Member rises to object, this Order will be referred until to-morrow.

MOTION

GUARANTEE TO REPAY LOAN TO HIGH COMMISSION

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Deputy Speaker, I beg to move that:—

WHEREAS the East Africa High Commission propose to erect central offices at a cost of approximately £450,000, of which £200,000 is to be obtained by borrowing from sources other than those of the High Commission.

AND WHEREAS, subject to the approval of the Legislative Council, the Government has agreed to guarantee the repayment by the High Commission of any sum or sums so borrowed, not exceeding £150,000 as aforesaid, jointly and severally with the Governments of Tanganyika and Uganda, subject however as between the three Governments to all payments made by any such Government being contributed to equally by the three Governments.

BE IT RESOLVED that the Legislative Council approve of the Government entering into such guarantee, jointly and severally, but subject as aforesaid, and otherwise upon such terms and conditions as may be approved by the Minister for Finance, and that the said Minister be authorized to execute on behalf of the Government all such documents as may be necessary or expedient for giving effect hereto.

Mr. Deputy Speaker, this matter has been considered by the Planning Subcommittee of the Executive Council and would normally have been dealt with in the Planning Report which will be laid before this Council within the next few weeks. In that it was agreed that the Government should guarantee its share of the proposed Government loan of £180,000, as it was then, necessary to enable the East Africa High Commission to build its headquarters building in Nairobi. The building was then to have included a Central Assembly Hall, but I think there is some discussion going on as to whether that should now be included in the building.

The revised estimate therefore was £450,000, of which the High Commission will be able to find some £300,000 from its own resources, leaving a margin of £150,000 to be covered by a loan from one of the banking corporations or finance houses, and it will become necessary for a guarantee to operate in regard to that loan. The three East African Governments agreed to guarantee this loan and

[The Minister for Finance and Development]

The Resolution provides, as is usual when guarantees of this kind are made, that any payments made under the guarantee will be shared equally by the three Governments.

We are not, of course, without interest in this as a Government because it is intended that the Kenya Inland Revenue Department should be housed in this new building and, of course, we shall be paying rent which, to some extent, will assist with the guarantee situation.

Sir, I beg to move.

THE ACTING CHIEF SECRETARY seconded.

Question proposed.

LT.-COL. GHEISSE (Nairobi North): There are just two points I would like to raise on a matter of principle. Did I understand the hon. Minister to say that Tanganyika and Uganda had, in fact, indicated approval to bear their share of this loan?

Secondly, will the Minister state what he implied by the words "otherwise usual such terms and conditions as approved by the Minister for Finance." Now, Sir, surely "terms and conditions" should surely receive approval of this Council and would like an explanation on that. Those are the only two points I would like to raise.

MR. HARRIS (Nairobi South): There are growing up round the City Square of Nairobi, like substantial mushrooms, bureaucratic institutions, the Treasury, the new Secretariat—and others, and I wonder if the hon. Minister, in replying, would tell us what kind of buildings this £250,000 is going to produce compared with, for instance, either his own new Treasury or the new Secretariat. I think it is the new Secretariat just south-east of the Treasury building.

THE ACTING CHIEF SECRETARY: The Central Government Buildings, Sir.

MR. HARRIS: I should also like to know where this new High Commission building is to be sited. There have been a considerable number of conflicting reports and every time I hear of the new Secretariat it never seems to be in the same place as it was on the original plan. I even heard from another hon. Minister last week the suggestion that this

£450,000 building would go up on the plot between this building and the County Council building. If such is the case, it is going to ruin both of them. The original intention was that if there was to be another of these bureaucratic institutions it should go on the other side of the road, running outside this building and matching the Central Government offices.

If I could have an answer to those two points from the hon. Minister, I should be obliged.

MR. TYSON (Nominated Member): Mr. Speaker, Sir, there is only one question I should like to ask. It is only comparatively recently that the High Commission raised a loan of £4,000,000 or £5,000,000, and perhaps the hon. Minister could tell us why this sum of £450,000 was not included in that loan?

MR. CROSSKILL (Mau): Mr. Speaker, Sir, there is only one point on which I should like a reply from the hon. Minister. It appears to me that the cost of this building is between two and three times as much as our own building here. I should like him to let us know what proportion of this building is being used as offices which will be leased to various departments, and what proportion will be used for the High Commission. I estimate that the recurrent expenditure, for which we shall be liable in this country, will be round about £7,000 per annum, and I should like confirmation or otherwise from the Minister on that.

Sir, I beg to support.

THE DEPUTY SPEAKER: If no hon. Member wishes to speak, I shall call upon the hon. Member to reply.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Speaker, Sir, I hope I have got down all the points made so quickly by hon. Members both on this side of Council and on the other.

If I might first of all deal with the hon. Member for Nairobi South, I would agree with the hon. Member for Nairobi South that the City Square has become a home for a number of buildings used for the services of the public (laughter)—the Town Hall, the Treasury, the Law Courts and, of course, this building in itself are buildings which serve the public, and I think it would be correct to say that it is good that the public services expressed in those

[The Minister for Finance and Development]

buildings should be focused at one particular point—I think even the hon. Minister for Local Government, Health and Housing's Army huts (laughter).

I think, as far as siting is concerned, there is no suggestion that the building should be put on the site mentioned by the hon. Member for Nairobi South. As I understand it, the site is much more likely to be Whitehouse Road than this side of City Square.

May I turn next to the hon. Member for Mau's question of High Commission use and office use. Sir, the whole of the building is to be used for offices. I thought I had made it clear that the suggestion that there should be a Central Assembly Hall has indeed been withdrawn for the time being, and therefore the whole of this will be used for offices—whether they are offices for the ex-officio officers of the High Commission or whether they are offices for the departments of the High Commission. What I did say in addition was that the Kenya Inland Revenue Department will indeed have its offices in there. I cannot say, Sir, that the building costs are not excessive because, quite frankly, I do not know what the building costs are likely to be, but if I can assure the hon. Member for Mau that the Standing Committee on Finance for the East African Legislative Assembly will certainly keep its eye on the cost as far as the building is concerned.

My hon. friend, the Nominated Member, Mr. Tyson, asked why this was not included in the recent High Commission loan. Well, for the simple fact that the High Commission—and in particular the self-contained services—are looking round and literally scraping the bottom of the barrel for capital, the same as Governments like ourselves are, and if they can save themselves using up the margin of money available on the London market by using local funds in this way, then indeed it is a wise thing for them so to do. That is the reason why it was not included.

Now I turn to my hon. friend, the Member for Nairobi North. I can remember one of his questions but, quite frankly, I am not quite certain about the other one. My notebook was mis-

laid at the moment, and I had not time to grab a pencil and write down what he was saying.

I shall deal first of all with the question about the terms and conditions which "may be approved by the Minister for Finance." He said should those not be subject to the approval of the Legislative Council? Now, Sir, I think he knows as well as I do that the Legislative Council is the authority which votes permission and gives agreement for loans to be raised and guarantees to be made, but that it has always been understood in this Council that the details of the terms—the negotiation of terms—are left to the responsibility of the Minister for Finance. If, indeed, he fails to carry out that responsibility properly, then he can be challenged upon the Floor of the Council.

But I would take the hon. Member back to a recent happening where putting terms and conditions into a resolution meant that the resolution could not be signed without being brought—the agreement could not be signed without being brought back again to this Council for a slight change—that was a question of administration. In the interests of efficiency you must, I think, leave the Treasury and the Minister for Finance to deal with and negotiate over the table with the people concerned. If you feel you have been too generous in the terms agreed upon—then I think you have every right to criticize. It is even more important in this particular case because you have three Governments concerned, and if you were to tie the terms into the resolution, it would have to go back to three Legislative Councils, each one of whom might disagree with the terms, and therefore you must allow flexibility and negotiability.

I have, while discussing this point, remembered the second point which my hon. friend raised, which was: Have the Governments of Tanganyika and Uganda indicated their willingness to take part in this guarantee? The answer is that the Governments of Tanganyika and Uganda have agreed to take part in this guarantee. I am unaware as to whether the matter has been placed before their Legislative Councils, but up to now the Governments themselves have agreed.

[The Minister for Finance and Development]

Finally, Sir, I think that we in Kenya—and particularly we in Nairobi—should welcome the presence in this our City of such buildings as the High Commission building which is, after all, a co-ordinating factor for a great number of East Africa economic facts. I think we should be glad that it is in Nairobi that the High Commission and the members of the Central Assembly have chosen to centre their activities. (Applause.)

MR. HARRIS: On a point of order, Sir—I think it might be the missing notebook—but the Minister did forget to give us the comparative capacity of this new building with either the Central Government Office or the Treasury.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I am afraid that answer is out of my range—I cannot give it to him—but if the hon. Member wishes it I shall see that the information is supplied in writing.

The question was put and carried.

COMMITTEE OF SUPPLY

Committee of the whole Council—Order for Committee read, Mr. Deputy Speaker. Left his Chair.

IN THE COMMITTEE

[The Hon. E. N. Griffith-Jones, O.C., in the Chair]

SUPPLEMENTARY ESTIMATES OF EXPENDITURE OF THE COLONY AND PROTECTORATE OF KENYA, No. 12 OF 1953

(Governor's consent signified)

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move—

BE IT RESOLVED that a sum not exceeding £271 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure, No. 12 of 1953.

I think, Sir, I should draw the attention of members of the Committee to the fact that this is indeed the first time under the new procedure that we have placed an excess vote before the Council. In this procedure the excess vote becomes public, as distinct from the old

procedure—there it was very often passed without a great deal of notice.

The note, I think, on the Supplementary Estimates paper is self-explanatory, and I do not propose to waste the time of the Committee any further.

LADY SHAW: Sir, I wish to move a reduction of £10 on this vote, being perfectly well aware that the money has already been spent, but I wish to draw the attention of the Committee to the fact that this is a business we have always deplored in this Council—but failure on the part of anybody—the head of a department or anybody else—to put in Estimates properly, so that, in fact, when the annual Estimates do come forward we are not really in a position to judge our financial position.

This is a small sum—I am speaking on it purely as a matter of principle. But I should also like to ask the hon. Member opposite whether the head of a department, having omitted to apply for a supplementary vote, or some such thing, is not actually in danger of surcharge as a result of failure to put in his Estimates properly.

I beg to move a reduction of £10.

Question proposed.

MR. HARRIS: May we know who is the Minister responsible for the Coast Agency Estimates now?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Yes, Sir, Under the present order I am the Minister responsible for the Coast Agency. (Laughter.)

Sir, I have noted the remarks of the hon. and gracious Lady, the Member for Ukamba, and I would say to her that it is correct not that the head of a department who has not put in his Estimates properly is subject to surcharge, but that any head of a department who spends money in excess of the amount voted by this Legislative Council is in danger of surcharge. No money can, or should, be spent without the full authority of the Legislative Council of the country, and I will certainly see that the remarks that have been made by the hon. and gracious Lady are conveyed to all my colleagues on this side of Council, and I hope transmitted by them to the heads of departments to warn them of the

[The Minister for Finance and Development]

brewing tempest if this sort of thing should happen too often. I hope, in view of that explanation, the hon. Member will feel inclined to withdraw her Motion of reduction, as indeed we have spent the money and if this should be voted I should be given no alternative but to surcharge the Coast Agent £10.

LADY SHAW: I thought he might have had to surcharge himself the £10 if he is responsible. (Laughter.) All I wished to do is to air this matter, and I shall withdraw the Motion.

Motion withdrawn.

Serial No. 1 agreed to.

The question was put and carried.

SUPPLEMENTARY ESTIMATES OF EXPENDITURE OF THE COLONY AND PROTECTORATE OF KENYA—No. 7 OF 1954,

PART I

(Governor's Consent Signified)

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move—

BE IT RESOLVED that a sum not exceeding £4,300 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure—No. 7 of 1954, Part I.

This part deals with the replenishment of the Civil Contingencies Fund.

Serial Nos. 1 and 2 agreed to.

The question was put and carried.

SUPPLEMENTARY ESTIMATES OF EXPENDITURE—No. 7 OF 1954, PART II

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move—

BE IT RESOLVED that a sum not exceeding £9,590 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure—No. 7 of 1954, Part II.

This part, Sir, deals with votes.

Serial Nos. 3 to 13 agreed to.

Serial No. 14

MR. MATHIU: I beg to move, Sir, that Serial No. 14 be reduced by £1.

I want to raise this matter, Sir, because it is a matter I have raised before to get

from the Minister a proposal that we make some time back, I mean the African Members, that the African Senior Secondary School students should be trained to join the Junior Training Corps in these senior secondary schools, and I should like to know where the matter stands. We go as high as senior secondary schools, although I do see here it refers to a school slightly lower than the one we have raised, but although it is a matter to which we attach tremendous importance, we do think the Africans in these schools should be disciplined very much in the same way as students in the European schools, and we should like to know from the Minister what the position is in regard to that proposal.

THE CHAIRMAN: The hon. Member can seek information from the Minister without moving a reduction of the vote, but if he wishes to insist I shall have to propose the question.

MR. MATHIU: If I can get it that way, I would rather not move the Motion for reduction. I therefore withdraw that.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Mr. Chairman, Sir, I regret I am unable to give the hon. Member, at the moment, the information he requires, but I shall endeavour to do so as early as possible.

Serial Nos. 14 and 15 agreed to.

The question was put and carried.

DEVELOPMENT SUPPLEMENTARY ESTIMATES OF EXPENDITURE OF THE COLONY AND PROTECTORATE OF KENYA—No. 4 OF 1954, PART I

(Governor's Consent Signified)

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move—

BE IT RESOLVED that a sum not exceeding £1,200 be granted to the Governor, on account, for or towards defraying the charges of Development Supplementary Estimates of Expenditure—No. 4 of 1954, Part I.

This, Sir, is a replenishment of the Civil Contingencies Fund.

THE CHAIRMAN: There is only one item in Part I.

Serial No. 1

MR. CROSSKILL: Mr. Chairman, I fail to see why this amount should have

[Mr. Crosskill] been paid out of the Civil Contingencies Fund. It appears that the Consulting Engineers did not submit their accounts for 11 months after the project report had been made. If they can wait for 11 months before submitting accounts, I think it could be paid in the normal manner and not treated as a matter of urgency. I should like an explanation.

THE MINISTER FOR FINANCE AND DEVELOPMENT: In the absence of my hon. friend, the Minister for Agriculture, I shall endeavour to answer the point raised by my hon. friend, the Member for Mau, which, I must say, has a certain amount of justification.

As the Memorandum Note says, the Minute No. 103 of August 14, 1952, by the Standing Finance Committee recommended that Sir Alexander Gibb and Partners, Consulting Engineers, should be retained to prepare a project report on the handling and conditioning plant required at Mombasa. The project report was received in June, 1953, but the consulting engineers did not submit their account until May, 1954, and an advance was made from the Civil Contingencies Fund to make an early settlement.

I think I must accept the responsibility for agreeing to the advance from this Fund. I believe the hon. Member for Mau is perfectly right in his criticism, and I shall endeavour to see that the Civil Contingencies Fund is not used in this particular manner again.

Serial No. 1 agreed to.

The question was put and carried.

DEVELOPMENT SUPPLEMENTARY ESTIMATES OF EXPENDITURE—No. 4 of 1954, Part II

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move:—

It is resolved that a sum not exceeding £78,289 be granted to the Governor, on account, for or towards defraying the charges of Development Supplementary Estimates of Expenditure—No. 4 of 1954, Part II.

Question proposed.

Serial Nos. 1 to 14 agreed to.

The question was put and carried.

DEVELOPMENT SUPPLEMENTARY ESTIMATES OF EXPENDITURE—No. 1 of 1954/55, PART I

(Governor's Consent Signified)

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move:—

It is resolved that a sum not exceeding £258,494 be granted to the Governor, on account, for or towards defraying the charges of Development Supplementary Estimates of Expenditure—No. 1 of 1954/55, Part I.

Question proposed.

Serial No. 1 agreed to.

Serial No. 2

Mr. HARRIS: No. 2, Mr. Chairman—Silos—Naivasha Railhead Storage for Wheat. I believe there must be a mistake here in the details—at least, it is misleading because I mentioned this to some of my farmer friends to-day who were in conference and they told me it could not be silo storage because if anyone put up silo storage for 50,000 bags, they were mad and at any rate, it would not cost that amount. I believe it is ordinary railhead storage for bags. Perhaps the hon. Minister would confirm that and perhaps, in future, we could have the detail more descriptive of what it really is.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: As the hon. Member says, he is quite correct—it is the Naivasha railhead storage and has nothing to do with silos. We hope to get the wheat off the farms and into its proper channels in a more expeditious and satisfactory manner and that does, indeed, mean railhead storage.

Mr. SLADE: Mr. Chairman, if I might just mention this matter of storage at Naivasha, I hope Government is really aware of the extreme urgency in order to get the crop that is coming off this year. At the moment it comes off, we have seen the danger of leaving the crop even a short time to the mercy of the enemy and it is not only a question of getting most of it off. We have got to get it all off. If we leave even a fraction there, it will be as much use to the enemy as if we leave the whole. Unless this building starts very rapidly, I do not see any

[Mr. Slade] chance of it being ready to deal with the crop when it is ready to be dealt with.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: The hon. Member is aware we did manage to move most of the crop fairly rapidly recently and this Naivasha railhead storage will not be sufficient to take the whole of the crop. We have other stores where part of the crop goes, for instance, at Nakuru. I think I can give the hon. Member an assurance that we are fully aware of the importance of getting the wheat off the farms and with our experience this year, I can give him an undertaking that this will be done.

Mr. CROSSKILL: Mr. Chairman, I was informed the other day in another committee that if we called up a certain gentleman in the Public Works Department, the store in Naivasha would not be completed this year. Now the matter is extremely urgent. If the gentleman is not called up, can the hon. Minister give an assurance that the store will be completed by the end of this calendar year?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: I will make inquiries and give the hon. gentleman the facts as I know them to-morrow or the next day. I do not want to give an assurance unless I know what is going to happen. It will be completed by the end of this year. But I would rather give a definite answer which I know can be relied upon than give him a vague answer to-day.

Serial No. 2 agreed to.

Serial No. 3

LADY SHAW: Mr. Chairman, could we hear something about this fish culture farm?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: As far as I am aware, Sir, the fish culture farms are—I can't for the moment remember—there is one at—there are two—there is the one at Sagana and there is one near to what used to be Major Hearle's place. I cannot remember the name of it but there are two. The Sagana one has been going a long time. Owing to the trouble we have not done much there lately—it has been a very bad area—but work is going ahead, and I may say it is

well worth a visit if any hon. Member wishes to go there. It has done extremely good work. It is just behind Sagana Station.

Serial No. 3 agreed to.

Serial Nos. 4 to 21 agreed to.

Serial No. 21a

LADY SHAW: Purchase of land adjacent to the Legislative Council Building, I, Sir, have always been very strongly opposed to—the I think—over-lavish expenditure of money on the Legislative Council Building, its general set-up, the kitchens and so on. Now, Sir, we are asked to spend another £35,000—as I have just explained—to keep other people off the adjoining bit of land. It does seem to me a quite appalling situation that at a time like this we should be asked to spend another £35,000—a very large percentage of the money in this Estimate—for the purpose of preventing another building being put up alongside us.

I do see that a very tall building would be a very ugly thing—say a set of flats—we would have to enjoy a view of other people's washing, and although we very often have to deal with other people's dirty linen—(Laughter)—it is perhaps unfortunate that such a thing is likely to happen here. Was it not possible to have got the town planning people to arrange that no enormous buildings should be put up alongside this building? A small, low building, like district offices, could not be offensive to us in any possible way. I know when this Legislative Council Building was planned, it was suggested that it should be put somewhere near where the building we have been discussing was put and it was objected to because those buildings would be too tall. It appears to me most extraordinary we should have accepted a site but not taken into any form of consideration the sort of buildings being put up adjacent to us. I think whoever decided on this site, whoever allowed that piece of land between the present County Council building and this building to be left—as it were, adrift so that anything could be put up on it without any control on our part or assurance to us is greatly to be blamed. (Hear, hear.) This building is a little building which makes itself known and seen by

[Lady Shaw]

a diaphanous tower and a vast clock and it would be very much better to let it force its way through against a six-storey building, always depending on its hideous tower than to have to spend this money.

I would like to move a reduction of £10.

Question proposed.

MR. HARRIS: Mr. Chairman, I think the hon. and noble lady Member for Ukamba should know a little bit of the history. First of all, I would like to say it is not the plot between here and the County Council offices, as I understand it, it is the plot facing Princess Elizabeth Way, where the old Church Missionary Society church and other peculiar buildings are. The position is—I think I should make it clear that the City Council of Nairobi is the Town Planning authority. Ever since there was a change of user on those plots—and the City Council was not consulted in that change of user—ever since then they have been fighting a rearguard action to retain the amenities of this area for the sort of institution which we mentioned earlier this morning.

Unfortunately, under the Local Government Ordinance, the Member in the old days had the power, at any rate, to persuade rather forcibly the local authority to accept his views in certain matters and on two occasions the recommendations made by the City Council were made impossible of fulfilment by the intervention of the then Member of Health and Local Government. I think that if there is any blame for the mis-handling of plots along the Princess Elizabeth Highway, the blame must rest on the Government of that time who over-ruled the Town Planning authority on two occasions: one, in regard to the actual user of those plots and one in regard to the ultimate development of those plots. I would like to make it quite clear that the City Council and the City Square Town Planning Panel have each of them made recommendations for the development of those plots which have not been carried out by Government.

LT.-COL. GHERSIE: Mr. Chairman, I am unaware as to how this sum of £5,000 compares with what the vendor originally paid for the land but I would

like to hear how this amount of £35,000 valuation is arrived at. Was it submitted to the Government Land Office and are they satisfied with this figure?

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. GHERSIE, the hon. Member for Nairobi North keeps pointing and looking at me! (Laughter.)

LT.-COL. GHERSIE: You are asking for our approval!

THE MINISTER FOR FINANCE AND DEVELOPMENT: I would, with all due respect, point out to the hon. Member that the Minister for Finance merely puts forward the Supplementary Estimates. If the hon. Member wishes to raise questions on this matter, my hon. colleague, the Minister for Lands, is the Minister to whom he should address his remarks. The only point I have to answer him is, was this valuation considered by the Minister for Lands? Certainly, Sir, The Treasury would not dream of agreeing to spend money without consulting the Minister concerned. It is not the task of the Treasury to initiate expenditure at any time.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: I want to say a few words on the principle of the expenditure of this £35,000 on the acquisition of this piece of land next door to these Buildings. I am probably as much to blame as anybody in pressing for this expenditure. Rightly or wrongly—I think rightly—we have embarked on the course of our development, political and otherwise, in this country, on housing our Legislature in a suitable, dignified, decent building. Some of us may, or may not, like the outside of this building. When it was being constructed, I who was one of the Committee responsible, was not altogether in favour of the outer part of this building. Nevertheless, I think now it is built that it has character and it is a dignified and a rather remarkable building and that view was certainly expressed by many among the large number of Members of Parliament who recently had a conference in this very Chamber. I believe now that we are trying to establish our Parliamentary system on a sound foundation that for psychological and other reasons, it is most important to have a really dignified and suitable building for the purpose.

[The Minister for Agriculture, Animal Husbandry and Water Resources]

Well, Sir, we have got that but, unfortunately, the surroundings of this building are not under our control and having spent all this money and having decided that we are going to have a Parliamentary building in this country, it seems to me mad, looking to the future, to allow some kind of rather unpleasant seven-storeyed flats or something of that sort to be built right alongside our car-park overlooking this building and it seems to me it is well worth the expenditure, the extra expenditure, to keep this building dignified and to credit both to this town and to this country. For that reason, Sir, I am tremendously in favour, and I would press and urge hon. Members to support this expenditure, because, I think it would be most shortsighted, looking to the future, not to safeguard what we have already built. (Hear, hear.)

LT.-COL. GHERSIE: Mr. Chairman, I am sure we all appreciated everything the hon. Minister for Agriculture has said but what we do want to be satisfied about is if we are acquiring land in the vicinity of the building that we are not paying a stiff price in excess of its true value, that was my point and the point I was trying to ascertain, possibly from the wrong Minister, although I appreciate that my question should be directed to you, Sir; but I am hoping that someone on that side will reply.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: The position is that if you have got to have a piece of land that has somehow got to someone else's hands and you feel it worth while paying a rather high price for it, otherwise you will not get it, I do not see how one can expect to get it any cheaper. That is the position.

THE CHAIRMAN: The time for suspension of business has arrived. Business will be resumed at 11.15.

Council adjourned at Eleven o'clock and resumed at fifteen minutes past Eleven o'clock.

THE CHAIRMAN: Hon. Members, before we resume debate in Committee on this item I should be grateful if hon. Members will remember, when they are speaking, that the microphones and the

whole of the reproduction system are under repair and replacement and that the Reporters are in the benches at the back of the Chamber and if they would therefore make sure they address their remarks directly to the Chair and not across the Council Chamber so that the Reporters can catch what they say.

The debate will be resumed on Serial 21a in the Development Supplementary Estimates—No. 1 of 1954/1955.

THE MINISTER OF WORKS: Mr. Chairman, I should like to make some reference to the question raised by the hon. Member for Nairobi North with regard to the commercial value of this plot. Now, Sir, we might think that a price of £35,000 for that piece of land is rather on the high side when we take into consideration our ideas of value two or three years ago about the various plots in this area. But, Sir, with regard to this particular plot, the price we are offering is much less than what has been a bona fide offer to the owners of this piece of land and as such, I think, in recommending the purchase of this plot we are not paying any more than the market price, actually we are paying a little less.

MR. CROSSKILL: Mr. Chairman, I would like to suggest that the price is very high because negotiations were started at too late a date. I believe that had we started negotiations for the purchase of this land when this Council was planned, we should have got, at a much lower figure, a plot that I believe that an unjustifiable and inequitable degree of profit is being made. I therefore suggest that this land should be acquired for a public purpose: it should be compulsorily acquired by the County Council and made into a park or something of that nature. I believe we should be perfectly justified in using the powers we have for a public purpose.

Alternatively, I think that it might be quite possible to screen the area in which we are at the present time, from any other building by trees. I do agree with the hon. Lady Shaw—the expenditure of a tremendous amount of money at this time I believe to be unjustified.

MR. SLADE: Mr. Chairman, I think the hon. Member for Nairobi South has made it clear that if this piece of land now has the value equivalent to the

[Mr. Slade]

price that Government is proposing to pay, it is because a change of user was authorized and, authorized at a time when it was already known that this site was earmarked for Legislative Council. We have not yet had, Mr. Chairman, an answer from Government as to whether this is so—whether this high-value now is due to a change of user at that time—and if so who was responsible for authorizing that change of user. I do hope, when we have the answer, it will not be collective responsibility.

Sir, EBOO PHIRIAI (Nominated Member): Mr. Chairman, when the change of user took place what did the owners pay to the Government for change of user in the first place before they sold the land to the present owner?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Mr. Chairman, Sir, I would like to answer one or two points which have been made. First of all as regards the general question of the protection of the amenities, I do not think that I have anything further to add to what the Minister for Agriculture has already so ably said.

As regards the question of the change of user, I think I ought to make the position clear. First of all the area under discussion has never been made the subject of a Town Planning Order under the Town Planning Ordinance as such. The Commissioner of Lands has certain powers of control and the City Council has certain powers of control under the relevant by-laws. At the time it was not thought fit to consult the City Council about the matter because the proposition bore every resemblance of conforming to the land's correct use and any development on it would, in any case have to conform to the City Council's by-laws.

In regard to the question of responsibility, I would say that that was definitely the decision of the Government at the time.

As regards the question of valuation, I can say quite definitely that the price which is now suggested should be paid is very much less than a current offer which was being made to the private owner. It is, in our view, not at all unreasonable and the Council is requested to support the Motion.

MR. HARRIS: Mr. Chairman, I have just come back from Dar es Salaam where I found some boys' quarters in the middle of a tarmac road due to a mistake by the Land Office. It seems to me that this is exactly the same sort of thing. There is some confusion. That land was originally granted to a religious society and restricted to religious use, and as a restricted use was worth very much less than the ordinary market value of the land. The religious society concerned then decided that they were in the wrong place and wished to dispose of the land. Without any consultation with the City Council, a change of user was granted which immediately enhanced the value of the land. It seems to me, Sir, that had there been a wide-awake officer in charge of this particular transaction, he would have granted the change of user for that portion not required for the amenities of this building and permitted, if necessary, commercial development on those plots, but reserved the plot immediately adjacent to this one. That was not done, so the market value which is now being bandied about this Chamber should not really come into the matter at all because the user of that plot should never have been changed from religious purposes. Whether we can still say that a plot to keep quietude in this Chamber is a religious intention—I do not know. I feel that by making that available for commercial purposes, Government immediately enhanced the value of the land which they now find they want to buy back at the enhanced value.

That is the situation, Sir, but as it is a story of bungle in the past I do feel that at this stage that land is required and having had the matter well aired, I would appeal to the hon. and gracious lady to consider withdrawing her Motion.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I listened to the remarks made in this debate, particularly to those by my hon. friend Sir, he paints a picture which, I think, Sir, is not altogether accurate. There was a religious user—a user for religious purposes—on a portion of this land but there were a number of houses housing officers and minister of the Missionary Society concerned, which

[The Minister for Finance and Development]

being rendered by the City Council—I think I am correct in this—at the full value of that land. The burden of rates upon the religious society involved had become intolerable and it was obvious that they could not continue to exist and have officers housed upon land which was valued extremely highly by the City Council. My recollection of the affair is—though I was not greatly concerned in it—that it was to help the Church Missionary Society that the Government moved in this connexion. The price that was agreed upon between the two parties at that time, and from which the Church Missionary Society and not the Government benefited, is a price which is to-day reflected in the land concerned.

Now, Sir, the second point made—and here I speak from memory—but I think I am correct in saying that when this transaction was first mooted the sitting of the Legislative Council Chamber on this point had not been fixed. (Hear, hear.) So that, Sir, it is very easy now to show these streaks of wisdom after the event. If, hon. Members are going to say "this is so", they must check their facts and I am prepared to think that my memory in this is fairly right.

My hon. friend the Minister for Health and Local Government says "Hear, hear". He also was on the Committee that went through these proposals for this Chamber. At that particular time it was being considered in the centre of City Square and it was only almost a last moment decision—he will correct me if I am wrong—that brought us to this site.

Now, Sir, the Government must accept the responsibility for what has happened but let us at least have the two things credited—one, that the action was taken to help the Missionary Society which has done tremendous good in this country and who were saved from a very difficult situation as a result of Government action and, two, that at the time that this land transaction took place we could hardly protect the amenities of this building because this building site had not been chosen.

MR. HARRIS: Mr. Chairman, I hope nothing I have said has suggested that

Government maintain gainful out of this transaction. I know the Missionary Society got the benefit and I know the reason why the user was changed but, Sir, hon. Members may not be aware that in 1949, or possibly 1948, the then Governor of Kenya and myself crawled on our knees round the Mayor's Parlour in Nairobi with a plan of the City Square area and asked the members of the Legislative Council building on that site. Sir, at that time I had a long argument with His Excellency because I wanted this building in line with the new Secretariat—I beg your pardon—the Government Central Offices and in fact he went and stuck it out into the vista from the Law Courts up to the top of the hill and said that, Sir, was either in 1948 or certainly in 1949. So, Sir, I do not think I can be charged with being inaccurate when I state that the change of user took place after, at any rate, this building was on a plan held by the Executive Head of the Government.

MR. CROSSKILL: Mr. Chairman, I still cannot share the satisfaction of the hon. Minister of Lands that the price is a reasonable one on the grounds that a private purchaser made an offer in line with the price that we are now asked to pay. He made no offer but thought that the private purchaser was wanting to acquire this land to extract even more money from us. Therefore I should like an answer with regard to the suggestion I made that the land might be compulsorily acquired for public purpose and valuation.

LT.-COL. GUERRE: Mr. Chairman, may I have a straightforward answer to the question I put earlier? It is this: Did this transaction take place prior to any consultation with the Land Office and their approval in regard to the valuation? It is a simple question which requires yes or no.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: With regard to the question raised as regards consultation with the Land Department, the Land Department is fully consulted at all stages of these transactions. I cannot say anything further than that.

As regards the further question of compulsory land acquisition, I do not believe that this would be possible at this present juncture.

[Lady, Shaw] increases that are happening daily without waiting for the Carpenter Committee and the difficulty of housing in this town, I think it is of great importance that Government should look very, very carefully into the whole question of minor employees. I know the hon. Chief Secretary has said they have already done so but I should like to be perfectly certain that in looking into this question, perhaps the absolute convenience of having people to bring tea when you want it or to bring the staff tea instead of using a good electric kettle has not been allowed too important a place.

MR. COOK: Mr. Chairman, I would rather see a few more minor employees than a few less but I agree with the hon. and gracious lady in this respect—I noticed it as well when I wander around these spacious buildings—that there are a number of minor employees and I wonder whose duty it is to look after them. They do not seem to have any supervision. They are often untidily dressed, hanging around, they do not show any alertness, and I wonder whose job it is to look after them. I do notice and I am surprised my hon. friend, the Chief Secretary does not notice this—his distinguished predecessor, Mr. Rennie, had his attention drawn to it—the environs of the Law Court officers are filthy—long grass—and no car seats' to be taken to tidy it up. I wonder whose job it is. I asked a question in this Council about the untidiness of the buildings surrounding the Law Courts and then something was done, but when we had the Opening Ceremony the other day the state of the country between here and the Secretariat was absolutely disgraceful. There was long grass—it is still there—and there was a little thicket, indeed, within 50 yards or rather 50 feet almost where the Governor was standing where any terrorist could have hidden and thrown bombs. I drew the attention of the Sergeant-at-Arms here who took it up and did all he could to get the land cleared but nothing was done. I am taking this opportunity of drawing attention to that and I think it is a very bad advertisement for Government that high officials should day after day walk into the Secretariat buildings and see the disgraceful state of the grounds. When I was a District Commissioner and when

a great many other people were in the Administration, when they saw anything like that around their station there would be a row. I think we should set an example in the Headquarters of Government to see that these minor officials and minor employees at any rate earn their pay. (Hear, hear.)

Serial No. 3 agreed to.

Serial Nos. 4 to 6 agreed to.

Serial No. 7.

MR. SLADE: Mr. Chairman, I should be grateful if the hon. Minister concerned could give this Council certain further particulars of this extra expenditure on personal emoluments arising from the creation of Ministries. It appears that already since the creation of these Ministries it has been found the establishment originally provided is not enough. Mr. Chairman, one of the many criticisms levelled against the recent changes whereby there have been further Ministries created, is the very heavy extra cost involved in the Government of this country. Now it is somewhat alarming to see already so soon further establishments being wanted for those Ministries. It is a matter which this Council must watch with the utmost jealousy if the confidence of the public is to be maintained in the belief that we are not being extravagant in the creation of Ministries and establishments of Ministries with no end to it.

MR. COOK: I should like to support that point of view very strongly and I should like to ask when appointing these Secretaries, cannot we be made of the Unofficial Members from their ranks instead of bringing in new people from outside. There are quite a number of Unofficial Nominated Members who do not seem to have all that work to do. Why could they not be utilized if they are suitable—and I assume they are suitable or they would not be in the position that they are. (Laughter.)

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE: MR. CHAIRMAN, the particular refers to clerks in my Ministry and these people are not, in fact, a real addition to the staff; they are clerks previously in the departments or Ministries of which my Ministry is now composed. Some were previously in the office of the Chief Secretary and

[The Minister for Internal Security and Defence]

some were in the office of the Deputy Chief Secretary. They have now been brought together under the correct office.

LT.-COL. GHEARIE: The Memorandum, Sir, states "Arising from the creation of Ministries for which certain provision was made in Supplementary Estimates No. 1 of 1954/1955, it has been found necessary to increase establishments to meet the requirements of Ministries". Could we have some clarification? There is no question of transfer from one Ministry to another indicated here.

THE SECRETARY TO THE TREASURY: MR. CHAIRMAN, with the creation of Ministries and the moving of some Ministries from the Central Secretariat building it was necessary to examine the establishment of the Ministries very carefully to ensure they could function properly. To that end I had appointed a departmental Working Committee which examined carefully the requirements of such Ministries, reallocated it from various central posts and fixed the number of new posts required. These Estimates do reflect new posts which are believed to be essential to the service of Government.

Serial No. 7 agreed to.

Serial Nos. 8 to 11 agreed to.

Serial No. 12.

MR. COOK: Mr. Chairman, Rehabilitation Officers. I am glad to know they are on contract and not on permanent establishment but I am wondering, Sir, and I know my hon. friend Mr. Mathu agrees with me, whether we are not going too far in the appointment of all these post-war posts. I personally think that when this Emergency is over the vast mass of the Kikuyu people will go back and lead a normal life. I do not believe that all this rehabilitation is necessary for the vast majority of those people and I believe the reason now they are out on the Mau Mau side is because they are more frightened of the Mau Mau than they are of the Government; and I believe that if and when in the near future the Mau Mau have been thoroughly defeated, that the majority of Kikuyu will go back and lead the ordinary normal life of this country. So I am wondering whether

it is a good thing to build up these vast staffs if they are not going to be necessary. I am not proposing this but I would like assurance from Government that they do not envisage the possibility that after the Emergency there will be a return to normal life much more readily than is at present anticipated.

MR. MATHU: Mr. Chairman, I agree with what the previous speaker has said on this one but I had some other points I wanted to raise so that I can get information from the Minister responsible. One point is with regard to this use of rehabilitation. As I understand it, to rehabilitate a person is to put him back to his original state—that he must have gone wrong—put him right again. In other words to all that is possible to put him back to his original position. But, as I understand, after the screening of these people, classifying them under three categories—white, grey and black—I understand you have arrangements for rehabilitating the whites and greys but no arrangement for rehabilitating the blacks. Now according to the colours, I understand the blacks are the hard core—the very bad ones—now if these are the very bad ones—surely they are the ones who want rehabilitation—the blacks, because they are the ones that have gone wrong completely. I would like to know from the Minister whether what I am suggesting is correct or whether it is wrong, because following on what my hon. friend the Member for the Coast has said, the whites, I think, should be encouraged to go back to normal life. The greys should, perhaps, require some time of retraining and putting them right and then again they can go to normal life. But I do think the ones we want to train and to rehabilitate are the blacks and my information is that the blacks sit down on their bottoms the whole day long—the whole week and month—and it is intended they should sit down for the whole of their life or I do not know for how long. That is not to know for how long and I would like to hear from the Minister whether we do not need a reorientation of our policy in regard to the rehabilitation unless there is another meaning put to the word.

Now the second point I should like to seek information on is the question as to the number of the greys or whites

[Mr. Mathu.] that have been put into the rehabilitation camps and what these rehabilitation camps are, what they are doing, and whether there are any benefits accruing from their work. At any rate they ought to work in such a way that they can pay for their keep.

The third point I should like to have information on is whether there is a scheme whereby the next of kin of the people who have been detained before "Anvil" and during "Operation Anvil" are informed of the whereabouts of their people. There are many parents in the Kikuyu area who do not know whether their man is dead or alive and if he is alive where he is; if he was not actually in the operation but they know he was picked up—where he is. During the last war, Sir, and I think it was a common practice in this country, there were such schemes where the soldiers were given facilities to write to their next of kin and the next of kin to write to those people who were in the war in the areas of combat, always, of course, doing it through official channels. I want to emphasize, this because I can see dangers of people writing and continuing the bad work amongst those detained but there were definite official channels through the district commissioners' offices and there were additional staff for doing this kind of work and I have been wondering whether amongst these 26 additional rehabilitation officers it is intended that a plan such as that should be embarked on. There is nothing that I think can harm a fellow who has been removed from his family and detained in Manyar or Makinnon Road, the parents not knowing where he is, himself not knowing what is happening, there is nothing that can spoil them more psychologically than that kind of thing and I suggest I would like to be satisfied that something is going to be done to remedy that situation. You cannot talk of rehabilitating any person when you are isolating him from his family and they do not know where he is and there is no direct communication.

Now the final point which I should like the Minister to give us some information on is whether it has been found possible that among some of these men—the greys and the whites in particular—whether it has been made possible to re-

join them with their families in particular camps if they are not ready to come back into the African land. I do think those are some of the most fundamental things if you have to rehabilitate a person—in other words, to return him to his former condition.

Finally, Sir, I should like to support what my hon. friend Mr. Cooke has said that we should endeavour not to make a large staff provision when the trouble is over and Mr. Mathu is defeated, as I think it must be, so that the people can come back to normal life, those that we know certainly are not going to endanger the security of our country. I am not, as I say, opposing this item but I do think that we ought to hear from the Minister replies on the points that I have raised.

MR. SLADE: Mr. Chairman, I do not feel able to agree with the hon. Member for the Coast in his view that we can hope for immediate recovery in the whole of the Kikuyu tribe as soon as the more violent phase of this Emergency is over. I am afraid the position is that there are a very great many of that tribe who have sunk so low in habits of body and mind that they will take quite a long time to cure. Now for the sake of those so-called "whites" of that tribe as much as for everyone else's sake, it is important that we ensure that if the "greys" are put back into circulation it is only by degrees and it is only those who we are sure can be turned "white" again and are fit to join the society of those other "whites." That being so I am quite sure, Mr. Chairman, that we have got to face this expenditure and face a long and gradual process of filtering back, which may involve several stages, of those who are curable, before they can be released into free circulation.

As for those called "blacks," I think, Mr. Chairman, we have to face that quite a number of them will never be cured at all and must be put permanently out of circulation.

THE MINISTER FOR COMMUNITY DEVELOPMENT: Mr. Chairman, I would like to begin by saying that these 26 rehabilitation officers are not posts which have been created for the future; they are persons whom we need here to-day. The rehabilitation work has to be done, and it is going on now. Already 12 posts

[The Minister for Community Development.]

have been approved by this Council and filled. These additional 26 are required in order that the programme of rehabilitation, which has already been started, may be carried out smoothly and efficiently and, with that one, it seems to me that the hon. Members on the other side who have spoken do not have much quarrel.

The hon. Member for the Coast is a little troubled about what will become of these people after the Emergency is over. Well, for my own concern, it is what we do now that counts. What we come to later on will be a matter for consideration after the Emergency, but I am quite sure that Government requires these additional posts if the accepted programme of rehabilitation in camps and prisons is to be carried out correctly.

Now my hon. friend, Mr. Mathu, quite rightly says that the rehabilitation plan at the moment centres round the greys and the whites and he would like to know why Government's policy centres round the greys and the whites and not the blacks? That is, Mr. Chairman, a deliberate plan. It is planned solely to work that way in order that there shall be a chance of seeing quick results. If you are going to really re-educate men who have somehow been misled into wrong thinking and even wrong actions, it is necessarily a very strenuous and long process and if you have any hopes of quick results, surely you begin from the lighter and go on to the heavier end. Nevertheless, I should like to assure him that there is no plan to neglect the blacks completely. What the Government has in mind is to concentrate the larger numbers of their rehabilitation officers on the greys and near-greys and as many officers as can be spared will be posted to the blacks' camps and rehabilitation will go on in the black camps, but as you can see the chances of rehabilitating the blacks are most remote at the moment. Therefore Government naturally centres their attention on the greys and the whites.

Now Mr. Mathu further wished to know where the greys and the whites are being rehabilitated. The answer, Mr. Chairman, is that they are, at the moment, in prisons—if they are convicted

of specific offences—or in works camps if they were detained, or in some other camps which are designed to give them something to do. They do not sit about all day. The greys and the near-greys who are detained in works' camps do a full-time job and they are paid for it. That is part of the rehabilitation process while those who have the chance of changing these people's minds and lives would be difficult and I should like to assure him that they are in these camps working and earning money—not sitting idle.

Now his further question is whether or not we would be able to get an opportunity of re-uniting the families who have been separated as a result of these detention operations? Now that, at the moment, I must say is distant, though there is no possibility. As the people who are now in transit camps show signs of improvement and are fit to be put into places of settlement—be it on the African Land Unit or elsewhere—it is Government's plan to give them adequate opportunity of coming together with their wives and children while still in detention as a rehabilitation process. It is nothing something which has been lost sight of altogether.

I think those are the important points raised and if I have left any out I would be glad to explain.

MR. MATHU: What about communication between next of kin and those detained?

THE MINISTER FOR COMMUNITY DEVELOPMENT: That is not actually my province but I could give information on it—although I will be subject to correction from the Minister for Internal Security. My understanding is that those people in transit camps and works camps are free to write one letter to their wives at home or next of kin and also to receive one per month.

MR. GIKONYO (African Representative Member): What about illiterates—those who cannot write? Are there opportunities for them?

THE MINISTER FOR COMMUNITY DEVELOPMENT: Well, most of them cannot write, that is true. There should be voluntary arrangements between the prisoners or detainees themselves to that those who cannot write letters home for themselves would get assistance from their fellows who can read and write.

Mr. COOKE: The hon. Minister has skated very thinly over the ice, but as a matter of fact, one or two of the statements are not strictly correct. I have visited Manyani Camp and Mackinnon Road Camp on many occasions because I happen to be a welfare officer for the prison warders and European officers and it is simply not true to say, so far as these two camps are concerned, and those camps were specifically mentioned by my hon. friend Mr. Mathu that detainees are not sitting around. They are; because they have not been screened yet or for one reason or another and it is a very tragic picture to see these thousands and thousands of people with nothing to do their days—from day to night. Now in the Works Camps, it is quite a different proposition. They are working there and I think the Works Camps are going very well, but it is a thing that we British people cannot like any way be proud of, that in camps like Manyani and Mackinnon Road, there are people sitting round awaiting screening and the screening is so slow.

My hon. friend, the Member for Aberdare, talked about the whole of the Kikuyu tribe, or words to that effect, needing reconditioning. I think there is a large proportion of the Kikuyu tribe who do need reconditioning, but I am against the building up of too many or too big a staff—an unnecessarily large staff—simply because we have not got the money. The money is needed for more important and possibly more necessary purposes. Now I believe there are a number—not a very large number—of "blacks" who can never be reformed. I believe they are a sort of homicidal maniac, who, one day, will have to be put on a desert island and kept there; but I do believe that the vast majority—and I have had 40 years' experience of this country—of the Kikuyu tribe will go back as soon as their fear, terrible fear, of *Mau Mau* is lifted from them. They will go back and be ordinary decent citizens again, and I think it is wrong not to recognize that fact and give them their chance.

With regard to this letter, writing, it is a very important point. People inspecting the camps have already drawn attention to that necessity. There ought to be means by which even the "blacks" can

communicate with their relatives because even amongst the "blacks" there are a certain number of perfectly innocent people. It is no fault of anybody's that they happen to be there. They were picked up in the "Anvil" Operation and have not yet been screened; and facilities should be given for these people, if they cannot write themselves, to have people to help them in this matter. It is a wrong idea to think that an African is not a sensitive person; he is sensitive and does feel very much indeed the position he is in to-day; and those are the people you have got to live with after the war. It is therefore no use being unnecessarily hard or unnecessarily cruel to them; and I strongly support Mr. Mathu's plea that they should be given these facilities. I personally take a stronger view than a good many people have here about the line we have taken against the African thugs. I think nothing is too bad for them and I said in this Council before that I think we have been possibly much too hard on what I would call the decent Kikuyu and not hard enough on the actual rebels. And the fact of the matter is that at Manyani and at Mackinnon Road you have possibly 25,000 men and it is no fault of the officers in charge, it is no fault of my hon. friend the Minister for Defence, they have done everything in their power to increase the prison staff and provide for warders, but they just cannot be trained in time. But we should recognize this as a very serious problem at the moment and we should do everything in our power to see that any unnecessary hardship or unnecessary cruelty is not perpetrated and I would strongly urge Government to go into this matter now, at once, and see that the screening is very much more rapid and that the right type of rehabilitation officer is sent down there and that the "blacks" are separated from the "whites" and the "greys" as soon as is humanly possible.

THE MINISTER FOR COMMUNITY DEVELOPMENT: Mr. Chairman, may I make this correction. I meant people who are now in works camps and the example of Manyani and Mackinnon Road prisons are not works camps and therefore perhaps the Minister for Defence might have something to say.

MR. MATHU: Might I just underline one point. I would like the Minister for

[Mr. Mathu] Defence to say something on this general question of letter writing. It is a long process. The present Minister without Portfolio and myself have a batch of letters written by these detained persons through unofficial channels. I passed those letters to the then Chief Secretary and the present Minister for African Affairs got a batch of those letters handed over to the former Chief Secretary and the intention then was to bring before the Government the situation which is not satisfactory.

Only the other day I had a batch of letters of the same type. These letters are coming in unofficially and are not passing through the right channel. I am sure that the resolution is that there should be an official recognition or service for these people because they are sending letters in any case through warders and so on. The effort to get these letters through is too terrific to be believed and that is a most important item and, as you know, Sir, in the field of human psychology an introvert will continue to grow worse if you do not give him the opportunity to be an extrovert.

THE MINISTER FOR AFRICAN AFFAIRS: Speaking of introverts, the screening business is now nearly completed. We have had a very senior officer down at Manyani and with 12 screening teams chosen from various parts of the Central Province. He will complete his work at the end of this week and at that time we shall have these people divided up into "blacks," "whites" and "greys" and they will be ready for the next move back into the districts. Unfortunately this typhoid epidemic has rather slowed things down and at present no movement can take place.

What we propose to do with the "greys" is first of all that a man who has any land rights in, say, the Fort Hall district will go to a central Fort Hall camp where he will stay some time under scrutiny. He will then go to a divisional camp, still in detention but being examined by people who know him fairly well. Finally, he will go to a chief's camp where he will be amongst his old neighbours who will know whether or not he is in fact reformed, and will know whether he is a suitable man to be let loose. When he has passed through that camp he becomes a free man again.

Mr. GIKONYO: There is one thing I would like to know in connection with the screening. There are those who are called "white". I have seen quite a number of people who have returned to their jobs in Nairobi but I have not been able to find actually a trader who has been screened and found "white" and returned to his business.

THE CHAIRMAN: I have allowed this debate to range pretty wide, but I cannot feel the point raised by the hon. African Representative Member is really in connection with this item.

Mr. GIKONYO: I am sorry.
Serial Nos. 13-40 agreed to.

Serial No. 41

LADY SHAW: Mr. Chairman, I want to be told a good deal more than is told us, in the note of the Memorandum on the subject of this co-ops' oil loss to the tune of £32,285 or more. I rather hesitate to raise this in the absence of the Minister for Commerce and Industry as it does not seem quite fair that someone who has only just undertaken this responsibility should be landed with the job of explaining what, to me, appears to be a matter which may cause him some difficulty to explain. This trading loss was recognized as a loss at far back as June, 1953, and we are now nearly in October, 1954, and it is only just appearing upon our Supplementary Estimates of Expenditure. There does seem to be something very wrong in this and I cannot understand how any Legislative Council responsible for the finances of a country can accept the appearance of this item very nearly 17 months later than the control was wound up, knowing that prices had fallen and there was likely to be a loss. It seems to me that it is essential that a thing of that kind should be brought before the Council long before and at an interval of this kind should not be allowed of in the least, Sir, that we think it helps in the future. I do not think it helps in the least, Sir, that we are told that the *posho* account and the maize cess and so on will help to off-set this. It seems to me the whole question of this procedure is wrong and I should like to hear some explanation from the Minister.

Mr. MADDISON (Nominated Member): Mr. Chairman, I would like to outline the history of this particular matter. The control was introduced as a

[Mr. Maddison] war-time measure and it was designed to ensure that both Kenya and Uganda, which have not their own supplies, or only have limited supplies of copra and coco-nut oil, should be assured of those supplies from outside. The main supply sources were Tanganyika and Zanzibar and this control brought from those sources and it met all the internal demands of Kenya and Uganda.

In 1951 it was thought by this Government that the position had so improved that we might get rid of this control altogether. Unfortunately, this view of the Government coincided with a serious drought in Tanganyika and, as a result, it was necessary to continue the control. The control operated on a system of placing orders forward for copra and coco-nut oil on suppliers in Tanganyika and Zanzibar. It was bound to commit itself forward and then in early 1952 a serious break came in the world market and, as a result of production overtaking consumption, the control found itself with forward commitments which it could not avoid. We therefore had the position that the control was carrying heavy stocks of copra and coco-nut oil and if we had then agreed to the proposal by Tanganyika to decontrol, we would have had to come to this Council and ask for a loss of approximately £130,000 to be written off. We weighed this matter very carefully and eventually came to the decision that we must insist on the control being continued. We obtained the agreement of the other two territories to this continuance and the control continued to liquidate its stocks.

In a period of just over a year those stocks were gradually run down and as the time went on and as the stocks were sold by auction it became apparent that we were faced with very serious losses due to two main causes. One was that the oil is imported in drums and those drums started to leak. We had not sufficient storage to put them inside and therefore they were exposed to heavy extremes of temperature and this contributed to the loss by leakage and evaporation. We could not, while the drums were in the port area, make any arrangement for the acetylene welding of the drums because it was strictly prohibited owing to the risk of fire. It was only when the

drums were removed from the port area that these repairs could be effected.

The second cause was that copra brought in had to be stored because we could not dispose of it immediately and due to the climatic conditions it shrank and it evaporated. We were therefore faced with the position at some stage in the proceedings when we knew that a loss was certain. It is that loss which this Council is now being requested to give approval to write off.

I suggest, Sir, that the losses were aggravated by a sudden change in market conditions. If the control had not ensured the supplies the loss might have been avoided but the control in carrying out its task of ensuring supplies was bound to order forward.

There is one other matter which is a comparatively small item in the total amount, an item of just under £800 which is in respect of the cost of the crop in Kenya. This was brought by the copra and coco-nut oil control in the period ending January, 1952. At that time it became necessary because of the movements in other parts of the world to increase the price and this price was applied to the coast crop. This involved paying out an additional amount and this amount would, if approved, be applied to betterment purposes. (Applause.)

Mr. CROSSKILL: After that clear, full and ably delivered statement it would seem impossible that there could be another question. There is one point on which I would like the hon. Member to give a reply—it may be due to my stupidity. This seems to be a war control. Is this loss to be shared between the other territories and ourselves, or is it merely a Kenya liability?

Mr. MADDISON: Yes, Sir, immediately the decision of this Council is known, an approach will be made to the Uganda Government as it was a joint control operated on behalf of the two territories. It will then be for the Uganda Government to consider whether, in the light of all the circumstances, it is willing to contribute.

Serial No. 42

Mr. COOKE: Mr. Chairman, "Contribution to the Kenya Weekly News of

(Mr. Cooke) I do not know whether it is a precedent to pay money to commercial enterprises of this nature. So far as I know, the Kenya Weekly News is controlled by hard-headed businessmen and I do not think they would venture into a supplement such as this industrial supplement if they were not pretty certain it was going to pay in the long run. Of course the paper depends, in spite of the value of the newspaper, very largely on advertisements and no doubt this industrial supplement will get around in the basin and elsewhere and will attract other advertisers. I would like to know whether there is any precedent for this payment and whether it is really necessary to add £150 to what would be normally the very large surplus gain that they will make in the end from this supplement?

Mr. MADDISON: Mr. Chairman, to ensure the wide circulation of this particular supplement, it is considered that it will be necessary to circulate abroad a large number of complimentary issues. It is in recognition of this fact that the Government has considered it is necessary to make a contribution of £150 towards a total cost which, I understand, will be very considerable.

The CHAIRMAN: The time for the suspension of business has arrived.

The MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I take it that this will be an appropriate moment to move that the Committee do report progress and ask leave to sit again.

The CHAIRMAN: Yes, but I suggest that we report our consideration of Items (a), (b), (c), (d) and (e) (i), under Order No. 15.

The MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move that the Committee do report to the Council its consideration of the financial Resolutions (a), (b), (c), (d) and (e) (i), and its approval thereof without amendment.

Question proposed.

The question was put and carried.

Council resumed.

(Mr. Deputy Speaker in the Chair)

REPORT

Mr. GRIFFITH-JONES: Hon. Members, I have to report that a Committee of Supply has considered the financial Resolutions (a), (b), (c), (d) and (e) (i), on the Order Paper and has passed a Resolution approving the same and ask leave to sit again to consider the remaining financial Resolutions on the Order Paper.

The MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move that the Council do agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

ADJOURNMENT

The DEPUTY SPEAKER: The Council will now stand adjourned until 2.30 p.m. to-morrow afternoon.

Council rose at thirty minutes past Twelve o'clock.

Thursday, 30th September, 1954

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

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWER TO QUESTION

QUESTION No. 95

MR. USHER (Mombasa): Mr. Deputy Speaker, Sir, with the waxing and waning of many moons the question has lost its original form, however, if it is understood the original question was put to the Minister for Finance, Sir, I am happy to put it, if that is understood.

MR. USHER asked the Minister for Finance and Development to state what action has taken place in regard to Likoni Ferry as a result of his visit to Mombasa in January?

THE MINISTER FOR WORKS: The volume of traffic now and in the future is being examined with a view to exploring whether construction of larger vessels is desirable. If this were decided on it would be necessary to make alterations in the existing ramps to accommodate vessels of deeper draft. This question has been referred to a firm of consulting engineers, who have called on the advice of naval architects.

To improve the service on the lines suggested a considerable sum would be involved. The present licensees of the service feel that they should be guaranteed against any loss they might incur on the provisions of such improved service and it is suggested that it should be borne by proportionate contributions from the Municipal Board of Mombasa, the Road Authority and the Government, in the form of a local government grant.

A further suggestion is that the Mombasa Municipal Board should take over the ferry service and, if so, the manner in which the cost, both capital and recurrent, should be shared must be decided.

The Railway authorities have been approached and have decided that they could not take over responsibility for the service.

The whole question is receiving careful attention, but there must be considerable delay in reaching a final settlement.

MR. USHER: In fact, Sir, the matter is as it was in January.

THE MINISTER FOR WORKS: Mr. Deputy Speaker, Sir. Not quite, Sir, because we have gone a stage further and we are now waiting for definite proposals from the consulting architect which will be examined and action taken.

MR. MADAN: It is now under active consideration.

MR. HARRIS: Mr. Deputy Speaker, taking the last eight words of the question, I take it he will be reporting to us after his visit next January. (Hear, hear.)

THE EUROPEAN MINISTER WITHOUT PORTFOLIO: Mr. Deputy Speaker, Sir, on a point of order, may I ask if the hon. Nominated Member, Mr. Tyson, in view of his changed position, is accepting the Government whip still?

THE DEPUTY SPEAKER: I do not think that it is a matter with which the Chair can concern itself. (Laughter.)

COMMITTEE OF THE WHOLE COUNCIL

Committee of the whole Council—Order for Committee read. Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

[Mr. E. N. Griffith-Jones, Q.C., in the Chair]

TOWNSHIPS (AMENDMENT) BILL

Clauses 1 and 2 agreed to.

Title and Enacting words agreed to.

Bill to be reported without amendment.

COMMISSIONERS OF ASSIZE BILL

Clauses 1 to 5 agreed to.

Title and Enacting words agreed to.

Bill to be reported without amendment.

CROWN AGENTS (CHANGE OF TITLE) BILL

Clauses 1 to 3 agreed to.

Title and Enacting words agreed to.

Bill to be reported without amendment.

INCOME TAX (RATES AND ALLOWANCES) (AMENDMENT) BILL

Clauses 1 to 3 agreed to.

Title and Enacting words agreed to.

Bill to be reported without amendment.

LOCAL GOVERNMENT (KITALE EUROPEAN HOSPITAL RATE) (AMENDMENT) BILL

Clauses 1 to 3 agreed to.

Title and Enacting words agreed to.

Bill to be reported without amendment.

DUHS AND STATUTORY DECLARATIONS (AMENDMENT) BILL

Clauses 1 to 4 agreed to.

Title and Enacting words agreed to.

Bill to be reported without amendment.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that the Committee do report back to the Council.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. GRIFFITH-JONES: I beg to report that a Committee of the whole Council has considered, clause by clause, the Townships (Amendment) Bill and has approved the same without amendment.

THE TOWNSHIPS (AMENDMENT) BILL.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: I beg to move that the Townships (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORT

MR. GRIFFITH-JONES: I beg to report that a Committee of the whole Council has considered, clause by clause, the Commissioners of Assize Bill and has approved the same without amendment.

THE COMMISSIONERS OF ASSIZE BILL.

THE MINISTER FOR LEGAL AFFAIRS: I beg to move that the Commissioners of Assize Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORT

MR. GRIFFITH-JONES: I beg to report that a Committee of the whole Council has considered, clause by clause, the Crown Agents (Change of Title) Bill and has approved the same without amendment.

CROWN AGENTS (CHANGE OF TITLE) BILL

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move that the Crown Agents (Change of Title) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORT

MR. GRIFFITH-JONES: I beg to report that a Committee of the whole Council has considered, clause by clause, the Income Tax (Rates and Allowances) (Amendment) Bill and has approved the same without amendment.

THE INCOME TAX (RATES AND ALLOWANCES) (AMENDMENT) BILL.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move that the Income Tax (Rates and Allowances) (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORT

MR. GRIFFITH-JONES: I beg to report that a Committee of the whole Council has considered, clause by clause, the Local Government (Kitale European Hospital Rate) (Amendment) Bill and has approved the same without amendment.

THE LOCAL GOVERNMENT (KITALE EUROPEAN HOSPITAL RATE) (AMENDMENT) BILL.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING: I beg to move that the Local Government (Kitale European Hospital Rate) (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORT

MR. GRIFFITH-JONES: I beg to report that a Committee of the whole Council has considered, clause by clause, the Oaths and Statutory Declarations (Amendment) Bill and has approved the same without amendment.

THE OATHS AND STATUTORY DECLARATIONS (AMENDMENT) BILL

THE MINISTER FOR LEGAL AFFAIRS: I beg to move that the Oaths and Statutory Declarations (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

MOTION

COUNCIL'S CONSIDERATION OF EAST AFRICAN AIRWAYS CORPORATION BUDGET AND OPERATIONAL PLAN FOR 1955

MR. MADISON: Mr. Deputy Speaker, Sir, I beg to move:

HE IT RESOLVED THAT: This Council takes note of the budget and operational plan of the East African Airways Corporation for the year 1955, entailing an estimated loss of £48,500, and notes further that this estimated loss will be increased if an upward revision of salaries becomes necessary following salary adjustments by the East African Governments.

Sir, in placing the budget and operational programme of the Corporation before the Council, we are following the procedure which was initiated last year and which gives the Council an opportunity to express its opinion on this programme before any final commitment is entered into. The views and opinions and any criticisms which this Council may wish to make can then be conveyed to the Corporation in advance.

The procedure is that the Corporation is bound by the Order in Council under which it is established to place this programme and budget before the Council's authority. In regard to the programme itself I would like to make the following points—the capacity during 1954 has proved to be quite inadequate, both on

the passenger side and in regard to freight. It is therefore proposed by the Corporation that it should increase its capacity by 30 per cent during 1955. It will be appreciated that such an increase involves an overall increase in engineering facilities and handling facilities and it involves a large increase in direct costs as well as in other incidental costs, in order that the same standard of service may be given to the public on the increased capacity.

I would like to make reference to the financial results of the Corporation in the last two years. In 1953, although a loss was estimated, the Corporation managed to make a small profit amounting to approximately £3,000. In 1954, the loss was again estimated at £62,000 but the net profit, after allowing for payment of interest, is £9,316, to date. I think it is not unreasonable to anticipate that so far as the remainder of 1954 is concerned, no deficit will be incurred and that there will therefore be no charge on the East African Governments for the current year.

Turning to the position in 1955, it will be seen from the programme that there is an estimated loss of £48,000 and in addition there may possibly be some increase as a result of any salary increases which may be made by the Corporation following upon salary increases by the E.A. Governments. I have had discussions with the Corporation and I think I can confidently say that it is not anticipated, in the absence of unforeseen circumstances, that, in fact, any loss will be incurred in the coming year. It may be the subject of criticism that the Corporation chooses to estimate a loss of £48,000 at this stage. The explanation is that the Corporation is aiming to increase its capacity, as I have already said, and it is not possible for it to estimate at this stage how quickly that increase in capacity will be absorbed by the travelling public and by demand for the carriage of freight. The Corporation, under the terms of the Order in Council by which it is established, has the duty of securing the fullest development, consistent with economy, of efficient air transport services within the East African Territories and to secure that such services are operated at a reasonable charge. This, I submit, Sir, is being done at the present time and I would

[Mr. Madison] be, finally, to pay a tribute to Captain Sorbie and the East African Airways Corporation for providing, as I consider it does, a very efficient and comfortable service throughout the East African Territories. (Hear, hear) (Applause.)

THE ACTING CHIEF SECRETARY seconded.

Question proposed.

MR. MADAN: Mr. Deputy Speaker, Sir, whilst taking note of this Motion and the estimated loss that is likely to be suffered, there are two points upon which I seek information.

I would like to ask the hon. Mover if it is correct that the Board of Directors, if that is the correct terminology in this instance, is composed entirely of Europeans, and whether he does not think the time has come when persons from non-European races should be appointed as members of that board of directors, especially in view of the fact that the other races are taking, or using, the East African Airways services in a larger proportion, than perhaps Europeans.

The second point upon which I seek information—it refers to paragraph 4 (b) of page one of the programme, where it states that "The recruitment and training of crews to fly the aircraft for the additional hours, as existing crews are fully extended,"—will be necessary, or as the programme puts it, that "it is the keynote of the budget." I would like to know, Sir, if any facilities are being provided for Africans and Asians to be trained as part of flying crews. The old and out of time excuse that the Africans and Asians are not fit to do so surely must have disappeared by now. Hon. Members in this Council are aware that the Air-India International and the Ethiopian Airlines—their flying crews, as far as I know, are entirely provided in the wider sense, in Ethiopian Airlines by Africans and in the case of Air-India International by Indians. In view of the increased capacity, to which the hon. Mover referred, I should like to know if it is intended to provide facilities for the non-European races to take part in the operations of these services.

MR. HARRIS: Mr. Deputy Speaker, Sir, I would like to add my congratula-

tions to those of the Mover to Captain Sorbie, the General Manager, and staff of the East African Airways for the very efficient service they are providing and I believe the safety element in East African Airways is unsurpassed anywhere in the world and I believe that should be known.

Now, Sir, although it is to be regretted that we have to face a possible loss of some £48,000 in 1955, I only hope, in these difficult days, that, in fact, the profit derived from a loss of £48,000 is as satisfactory as the profit of the last two years derived from similar estimated deficits. In this respect I wonder whether the hon. Minister for Finance could tell us whether, in fact, his Treasury machine is used to assist in eliminating any waste, if there is any, in the administration of the Airways Corporation.

I did not intend to say anything further, Sir, except I think that the hon. Non-Muslim Member for Central Area should know that Airways are a technical service, I, for my pains, have had to know something about the administration and organization of flying machines and I would say that it is one of the things, one of the activities, where it is quite essential, quite essential, that the best man available must do the job. There can be no doubt about that and I am sure that if any non-European could be found with the right knowledge and experience, there would be no difficulty in placing him on the Board of the Airways Corporation.

On the question of non-European crews, I had the pleasure of flying, only on Monday, in an East African Airways aircraft and I can assure the hon. Members that the service I got from two Africans, admittedly behind the cockpit—I believe the hon. Mover was the same aircraft—was unsurpassed in its excellence, but, again, it is a matter of technical qualification. I would remind the hon. Member that the British Isles make no facilities available for the training of aircrews from nearly every Asiatic country, at any rate, outside the Crown Territory. That being so, I have no hesitation in saying that British aircraft crews are probably the finest in the world.

(Lady Shaw)

I suppose it is natural that in a fairly young service the personnel, both in the air crews and on the Board, that has been chosen are naturally people who are known for services of perhaps a similar kind. It does not mean, as the hon. Minister for Finance explained, that anybody is actually excluded. As time goes on and people prove to be able—not only for the air service but for many other boards and managements and things of that kind—they will undoubtedly be appointed to them.

But, Sir, when we talk like this, it almost makes one wonder why we do not in this part of the Council get up and ask why we are not members of other boards, for instance, perhaps the Indian Air Service or something of that kind. It distresses me so very much—and I should like to put this on record because I feel this sentiment is shared by a large number of people on both sides of the Council that a debate of this kind should not be made the occasion of this foolish sort of dispute.

I beg to support the Motion. (Hear, hear.)

MR. MADAN: If I am in order—

THE DEPUTY SPEAKER: I doubt it. (Laughter.)

MR. MADAN: All I would like to say is this: in answer to the gracious lady—

THE DEPUTY SPEAKER: The hon. Member is out of order. He cannot answer anything now. If no other hon. Member rises to speak, I will invite the hon. Mover to reply.

MR. MADISON: Mr. Deputy Speaker, Sir, I will deal first with two questions raised by the hon. Non-Muslim Member for Central Electoral Area. The first was regarding the composition of the Corporation and the possibility of races other than European serving thereon. I would like to say that I find myself in complete agreement with the views expressed by the hon. Minister for Finance and Development but I would, in addition, like to state the position as I see it. The East African Territories Transport Order in Council, 1945, gives the constitution of the East African Airways Corporation and in paragraph 8 it defines the Corporation as consisting of a Chairman and five members, three

of whom shall not be members of a public service, nominated by, and to hold office during the pleasure of, the Authority. The Authority referred to is the Air Authority, which is composed of the three territorial Governments. I can find no trace of any distinction by race in that composition of the Board of the Corporation.

In regard to whether members of all races can be employed by the Corporation, I submit that this is a matter for the Corporation to decide. It was, however, my impression that certain members of races other than European are already employed by the Corporation.

Turning next, Sir, to the matter raised by the hon. Member for Mombasa, I regret, Sir, that I would request notice of this question as the figures involved are extremely complicated and although I have spent much time on studying them, I am afraid I cannot give the information asked for. I will undertake to give it in due course, Sir.

In regard to the possibility of an increase in charges, I would refer to the progressive reduction in charges by the Corporation during the last few years. I know of no reason why the Corporation should now reverse its policy. (Applause.)

The question was put and carried.

COMMITTEE OF SUPPLY

Committee of Supply—Order for Committee read.

Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

(MR. E. N. Griffith-Jones, Q.C., in the Chair)

SUPPLEMENTARY ESTIMATES OF EXPENDITURE—No. 2 of 1954/1955, PART II

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move:—

BE IT RESOLVED that a sum not exceeding £22,829 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure—No. 2 of 1954/1955, Part II.

This, Sir, is the Civil Contingencies Fund Section.

Serial Nos. 44 to 51 agreed to. The question was put and carried.

SUPPLEMENTARY ESTIMATES OF EXPENDITURE—No. 2 of 1954/1955, PART III

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move:—

BE IT RESOLVED that a sum not exceeding £67,930 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure—No. 2 of 1954/1955, Part III.

This, Sir, is the revote section.

Serial Nos. 52 to 74 agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT: Mr. Chairman, I beg to move that the Committee doth report to Council the consideration of the two Motions on the Order Paper, and its adoption thereof without amendment.

Question proposed.

The question was put and carried. Council resumed.

(Mr. Deputy Speaker in the Chair)

REPORT

MR. GRIFFITH-JONES: I have to report that the items appearing under Order No. 5 have been considered by the Committee of Supply and have been approved without amendment.

THE MINISTER FOR FINANCE AND DEVELOPMENT: I beg to move that this Council doth agree with the Committee in the said Resolutions.

Question proposed.

The question was put and carried.

COMMITTEE OF WAYS AND MEANS

Committee of Ways and Means—Order for Committee read.

Mr. Deputy Speaker left the Chair.

IN THE COMMITTEE

(MR. E. N. Griffith-Jones, Q.C., in the Chair)

NOTION

KENYA ALUMINIUM AND INDUSTRIAL WORKS, LIMITED, OF MOMBASA

MR. MADISON: Mr. Chairman, I beg to move:—

BE IT RESOLVED that a drawback of customs duty, amounting to 22 per cent

ad valorem, granted for the current year to the Kenya Aluminium and Industrial Works Limited, of Mombasa, in respect of aluminium ingots imported for rolling into aluminium sheeting used exclusively in the manufacture of aluminium hollow-ware, be extended for the period ending 31st December, 1956.

Sir, the Kenya Aluminium and Industrial Works Limited at present receives a drawback of 22 per cent on aluminium ingots which are imported and used in its present manufacture of aluminium hollow-ware. This is in pursuance of a Government policy of encouraging local secondary industries. The Company might be described as a Pioneer Secondary Industry in that it imports the aluminium in the form of ingots and by means of a rolling mill installed in its factory at Mombasa, it completes the whole vertical process from the ingot to the finished product. It is therefore considered to be a particularly desirable Secondary Industry and the Company now has a programme of expansion which involves the expenditure of a large amount of capital, approximately twice the capital at present invested, which is itself not inconsiderable.

Before embarking on this additional investment of capital, which will make it one of the largest single secondary industries in East Africa, it has requested the Government to consider whether it would be willing to grant the existing concession for a period of three years. This would give it the security which it desires before it can consider embarking on this large additional capital investment.

THE MINISTER FOR FINANCE AND DEVELOPMENT seconded.

Question proposed.

MR. HARRIS: Mr. Chairman, I would like to rise very quickly to put right the omission in the last debate and congratulate the hon. Mover on introducing three maiden speeches in ten minutes which, I think, must be almost a record. I beg to support.

MR. USHER: Mr. Chairman, Sir, on his question. Could the hon. Mover, in his reply, indicate what export programme has been undertaken or is contemplated by this Company?

MR. MADDISON: So far, Sir, I only have knowledge of exports of aluminium "bellow wire" to the Belgian Congo and Italian Somaliland. I am aware it is the intention of the company to extend its export market further afield to other countries bordering upon the Red Sea and, in fact, anywhere else where it can prove to be competitive. (Applause.)

The question was put and carried.

MR. MADDISON: Mr. Chairman, I beg to move that the Committee do report back to the Council.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Deputy Speaker in the Chair]

REPORT

MR. GRIFFITH-JONES: I beg to report that a Committee of Ways and Means has considered the Resolution on the Order Paper and has approved the same without amendment.

MR. MADDISON: I beg to move that this Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

MOTION

HOTELS (CONTROL OF TARIFFS AND ACCOMMODATION) (TEMPORARY PROVISIONS) ORDINANCE

MR. MADDISON: Mr. Deputy Speaker, I beg to move:—

BE IT RESOLVED that the Hotels (Control of Tariffs and Accommodation) (Temporary Provisions) Ordinance, 1952, shall remain in force until 30th June, 1955.

This Ordinance, Sir, was renewed with the approval of this Council for a further period which expires on 31st December this year. The Ordinance that present applies by means of the Schedule thereto to Mombasa Island, the Municipality of Nairobi and all places within a radius of ten miles of the nearest point on that boundary.

The Government has carefully considered the question of the necessity of renewing this Ordinance for a further period. In this consideration it has had

in mind the large influx of personnel due to the present Emergency and it has come to the decision that it is necessary to retain this Ordinance in force which controls tariff rates charged and the security of tenure of accommodation in hotels in so far as the Nairobi Municipality is concerned. This, however, makes it necessary to keep the Ordinance in force and it is the intention that the Schedule should be so amended in due course as to give effect to this intention.

THE ACTING CHIEF SECRETARY seconded.

Amendment proposed.

MR. HARRIS: Mr. Deputy Speaker, Sir, I think Members generally on this side will be glad to see that this control of hotels is disappearing. It was only agreed by this side of the Council when the renewal was debated a year ago to give a further year's extension during 1954 so that we could see the position which might be created by the influx of additional army and police families. The Colony now, Sir, has had ample opportunity of assimilating those families in normal residential quarters and therefore, Sir, it is good news to see that except for Nairobi Municipality, the Government propose discontinuing the Hotel Control of Tariffs and Accommodation Ordinance. On the other hand, Sir, we have had experience recently with other legislation which by law should have expired on a certain date and which, because of public agitation, was in doubt as to whether or not it should be renewed. In a thing like hotels, or any other accommodation, this does give rise to a great deal of misunderstanding and a certain amount of speculation which is undesirable.

So that this matter, Sir, should be beyond any doubt whatsoever I would ask leave to move an amendment to this Motion. The amendment is that at the end of the Motion as printed on the Order Paper, shall be added the words "and shall then cease". I think the purpose of this amendment is obvious; that both hoteliers and residents of hotels shall be in no doubt that on 30th June, 1955, hotels shall be completely free from the temporary provisions of the Tariffs and Accommodation Ordinance.

MR. USHER seconded.

Question proposed.

MR. TYSON: Mr. Deputy Speaker, Sir, I rise to support the amendment. As a member of the Hotel Control Authority, it has become perfectly clear that there should be some very clear and definite understanding amongst the hotel people as well as amongst the public that this Ordinance is definitely going to expire on 30th June.

I support the amendment.

MR. MADDISON: Mr. Deputy Speaker, I am pleased to say, Sir, that I accept the amendment.

The question of the amendment was put and carried.

THE DEPUTY SPEAKER: The Motion, as amended, is now before the Council.

No hon. Member rising to speak, I will put the question.

The question was put and carried.

ADJOURNMENT

THE DEPUTY SPEAKER: Hon. Members, that concludes the business on the Order Paper and the business of the current session.

Council will stand adjourned sine die.

Council rose at thirty minutes past Three o'clock p.m.

WRITTEN ANSWERS TO QUESTIONS

No. 126

Mr. COOKE (Member for the Coast) to ask the Acting Chief Secretary:—

With reference to the Presidential Address by Mr. N. S. Mangat, Q.C., at the 23rd Session of the Kenya Indian Congress, delivered in Nairobi on 31st July, 1954—

- (1) Will the Acting Chief Secretary state whether advance copies of the Address were circulated to all or any Ministers of the Kenya Government?
- (2) If so, how many days prior to its delivery?
- (3) Was Mr. W. B. Havelock, Minister for Local Government, Health and Housing, authorized by the Government of Kenya to make the reply to the Address which he made on Monday, 2nd August?

(4) If so, why was that reply not made by Mr. E. A. Vasey, Minister for Finance and Development, and a Minister senior to Mr. Havelock, when he spoke at the Session on Sunday, 1st August?

REPLY:—

The answers to the hon. Member's questions are as follows:—

- (1) No.
- (2) In view of the answer to (1), this does not arise.
- (3) No. Mr. Havelock had no specific authority from the Government to make the reply to Mr. Mangat's address which he made on Monday, 2nd August. In making his speech, however, Mr. Havelock naturally had in mind his responsibility as a Minister to the Government as a whole.
- (4) In view of the reply to (3), this does not arise.

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