



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 27th October, 1987—(Contd.)

MOTION

Sessional Paper No. 7: Loan Guarantee to Kenya Ports Authority—Mr. Shikuku on 29th July, 1987—Resumption of Debate interrupted on 15th October, 1987—Question proposed and Debate interrupted without Question put (Col. 640)

Wednesday, 28th October, 1987

(Morning Sitting)

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[P.T.O.]

PRINTED BY THE GOVERNMENT PRINTER, NAIROBI

PRICE: SH. 1

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[Mr. Shikuku]

For instance, Mr. Temporary Deputy Speaker, Sir,—and I have put a question about this—we have a swimming pool which was constructed at the Nyayo National Stadium and which was used during the 4th All Africa Games in August this year. This swimming pool was originally estimated to cost KSh. 4 million. But you will find that the price kept on rising and the swimming pool ended up costing us KSh. 120 million. If you will go to that place you will not believe that that swimming pool has cost this country KSh. 120 million. You can see that they are already talking about price increase here in this document. So, you will see that by the time we are through with this the price will have gone up and that is where the fellows concerned get their 10 per cent cuts. That is why they must fight in order to make sure that this loan goes through for they know what is in stock for them. Late last August, we were here approving increases in beer and diesel prices. The Minister just took it for granted that nobody would look at this matter, but I have already moved a Motion to block it. So, they should not just think that we are going to sit here doing nothing. I want this experience to permeate through the whole Back Bench so that we are alert and do our jobs effectively. I know that even when I am talking like this now, a whip will be applied to vote this loan through, but the point is that I must stand up here now and congratulate *The Standard*, the only newspaper which tried to enlighten the people as to what is happening about this Motion. It gave the details of how much the Kenya Ports Authority has, how much it has lent out, and so on. Wananchi now know that we are only borrowing for the sake of it. So, if Members on the Front Bench, who are more than we are in the Back Bench, go a head and pass this loan, wananchi should know that we have played our part and that the Members of the Front Bench are the ones who will have passed it. These “sins”, or whatever they are, should be placed on those in the Front Bench. We, as Back-benchers, have done our part. There is no need for borrowing at all.

Another thing that I want to state here is that the details given by this newspaper actually tally with what I saw. I bought this ticket with my own money and travelled to Mombasa. The ticket is here. I went by air and came back by air. I was going there to get what we are now talking about. I was fully informed, and I am not objecting to this matter because it is not necessary; it is necessary. Repairs must be carried out. I am not opposing these repairs; the only thing I am objecting to is borrowing, because we have enough money to do this job. I have some paper here which shows that we are going into debts beyond our capacity to repay. We are getting deeper into borrowing. This is not in the interest of this nation. Our children should not live in debts and become slaves of foreign powers. That is why we should only borrow when it is completely necessary to do so,

and not otherwise. In this case, I know that the argument is going to be, “We have this money. We want to invest it. Let it earn interest. We can borrow since this interest is only five per cent to be repaid in 15 years time. Why do we not take this and leave that?” However, when we take that loan, it swells our foreign borrowing. Why should we swell our foreign borrowing? This is what I am fighting against; I am not fighting because it is not necessary to repair and modernize berths. However, all these repairs and modifications can be done with our money here. There is no need for borrowing.

I went round and saw what is being required, as is stated in this paper. So, let me now end my speech by saying that there is this depreciation exercise which has been allocated some funds.

Mr. Temporary Deputy Speaker, Sir, I have the Approved Revised Operating Revenue and Expenditure Budget. It is provided for in every budget provided for. The one I have is for 1986/87; they provide for depreciation about KSh. 3 million, KSh. 4 million, KSh. 5 million and so on. The question is this: Why did the Kenya Ports Authority (K.P.A.) officers let these things go so decay to the extent that we are now forced to borrow? What was happening to the money they are providing every year which is KSh. 4 million, sometimes KSh. 5 million, over KSh. 3 million and so on? Why did they not carry out repairs? This is the question. Now they wait until things go bad and then ask us to approve the expenses. That is one thing I cannot allow. We can repair the whole thing and get things moving again with our local resources.

The other thing is that the K.P.A. have already explained the balance, the surpluses have been explained and the net has also been explained, the investment of KSh. 544.4 million. Some of this money, about KSh. 200 million will have matured by 31st July, 1987. Money has come back. Why do they not take some of this money to complete their work? The whole total is KSh. 188.9 million. They can take some of this money and in addition to that, they have got that surplus.

Another thing is that I have made my case to the nation and to the hon. Members in this House that this is not Shikuku's Motion. It is a Motion that is asking us not to go further into debts. No one should think that this is Shikuku's Motion and it should, therefore, be defeated and defeat Shikuku also. There is no way you are going to defeat Shikuku. You will never defeat the truth. How many times have I stood in this House and told this nation from here that money is leaving this country? How many times have I laid on the Table of this House documents proving my case? All that fell on deaf ears. May the Lord be blessed, Sir, because today, everybody is saying: “Money is going out.” Some crooks have been arrested. Now, where has Shikuku gone wrong? Must he be opposed because he is Shikuku? Must he be sup-

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pressed because he says the truth? Must everything be thrown out because it is said by Shikuku but if it is said by somebody else, then it is good? The answer is that you cannot fight the truth. They are not fighting Shikuku but the truth and the truth is God and he who fights God, however tall, powerful or however how much money he has or earns, he is bound to lose. What I am saying is not my personal thing. No; it is for the nation. I was elected into this House to do exactly that. I swore to protect the laws and the Constitution of this country. It is nothing personal. I am only putting across what I think. I am not objecting to any development in this country; if they are going to say: "Shikuku is opposing."

There are stories in the Press and we read about some misguided Ministers and Members of Parliament saying: "There are other divisive elements." Who are these divisive elements? Is it that when you speak the truth then you are a divisive element? Who are they? Why do they not say that so-and-so is the divisive fellow? They only create an enemy and start talking about it because they have no politics in their heads and they were never politicians before. You do not become a politician when you are about 60 years or 80 years old. No way! It is an inborn thing. It is too late. You know it very well. Whoever speaks the truth should not be branded a radical or controversial. I have made my case very clear, Sir. It is up to those who are going to speak on this Motion to take that into account. We must conserve the little we have and we must avoid getting into further debts for whatever reason we are trying to incur debts. We must avoid it. This is because once you are in debts, your freedom goes.

Some of us speak here freely because we do not owe any allegiance to anybody else other than to the President of this country. My allegiance, as I swore when I became a Member of this House, is direct to the President of this country and to the Constitution of this Republic. No one else. Above the President is God and no one else. It is in that spirit that I must speak in this House. It is also known that I cannot speak elsewhere; my freedom of association and the freedom of the Butere people has been taken away. The people of Butere cannot meet their Member of Parliament in public meetings. It has been taken away. The Constitutional right of Butere people to elect their representative and to meet them has been taken away.

Mr. Chepkok: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not want to interrupt the hon. Member for Butere but I would like him to substantiate the allegation that he has been refused to speak in his area. Who has refused him to address his constituents? Can he substantiate?

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, even as I speak on this Motion, what a Member of Parliament is supposed to do is to meet with

his people, consult them on various matters. That is why we have Bills here; they are to be published for 14 days, during which period, the Member of Parliament gets in touch with his constituents to ask them about their views about whatever Bills that is coming, makes his stand and comes to speak in this House. How do you meet these people? Do you go from house to house? The answer is "No". You must call a meeting, ask the people questions and inform them what the Government is saying and these people will tell you what they want. Now, if you are refused to hold meetings, how do you communicate and yet you are a Member of Parliament? It is a constitutional right that Butere people have the right to meet their Member of Parliament whom they elected. Their right is being taken away by some politicians who are using the district commissioner who has the power to issue a licence or not. He just says: "I am not issuing you a licence because of security reasons." Can Shikuku be a security problem to the people of Butere? Can Butere people be a problem to Shikuku? The answer is "No". Some politicians want to come to Butere because they think that Butere Constituency has no Member of Parliament; they want to become Members of Parliament for Butere. They even come without even informing Mr. Shikuku; they do not have courtesy. We all know who comes to Butere and he thinks that Butere is part of his Vihiga Division. It can never be, Sir. Mr. Temporary Deputy Speaker, Sir,——

The Minister for Local Government (Mr. Mudavadi): On a point of order, Mr. Temporary Deputy Speaker, Sir. I have never said that Butere Constituency is part of Vihiga Constituency which I represent in Parliament. The truth is that we have eight constituencies in Kakamega District and I happen to be the District Kanu Chairman and a Minister from that district. As the Kakamega Chairman of the ruling party, Kanu, I have the right to move round all constituencies not only in Butere to check on what the Party is doing in those areas.

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir——

The Temporary Deputy Speaker (Mr. Mutiso): Order! Mr. Shikuku. I do not want us to be drawn into Butere/Kakamega politics. Let us stick to the Motion which is before the House. Mr. Shikuku, can you please concentrate on the Motion?

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, I came to that because I was trying to tell the Chair that to be able to debate on any matters here, you must meet your constituents. If you cannot meet your constituents, how do you communicate? This is where that question came in. Nevertheless, I will take your ruling. There is another opportunity when I will get at him.

An hon. Member: You are not through with him yet?

Mr. Shikuku: I am not through with him yet! Another point is about the future——

The Minister for Local Government (Mr. Mudavadi): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member for Butere says that he

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will have another opportunity to get at me. Will this be physically or in which way will he get at me?

Mr. Shikuku: It is not necessary, physically! This is going to be—

The Temporary Deputy Speaker (Mr. Mutiso): Order, Mr. Shikuku! Please remember what I have just said. I have said that we should leave Kakamega or Butere politics alone and not allow them to come into this. Let us concentrate on the Motion before the House. I want you, Mr. Shikuku to do exactly that.

Mr. Shikuku: Thank you very much, Mr. Deputy Speaker. To array my hon. friend's fears, I would like to assure him that I will not get at him physically.

The Temporary Deputy Speaker (Mr. Mutiso): Mr. Shikuku, will you stick to the Motion before the House.

Mr. Karuri: On a point of order, Mr. Temporary Deputy Speaker. I know that you do not want debate on this issue to continue, but it appears that hon. Shikuku has issued a threat to the Minister and it is only fair that he explains what he means so that the Minister can go out of this House in peace. A threat is out of order.

The Temporary Deputy Speaker (Mr. Mutiso): I have already ruled on that point because I knew what the hon. Member meant.

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, may I end my speech by saying this: that we who are interested in this thing would like to limit our borrowing. May I end by giving this information to the House. Why am I doing this thing? I am doing this because papers have been laid in this House showing that the tax-payers in this country have lost billions of shillings. The Minister for Finance is again going to bring Sessional Paper No. 5 to ask us to repay what we guaranteed without debating. This is because Papers were laid on the Table of this House and no hon. Member challenged them and we got into a mess for guaranteeing the Molasses project in Kisumu; the Upland Bacon Factory at Athi River, Kenren; Halal; the Kenfinco, Rivertex companies and so on. Sessional Papers seeking Government guarantee for these projects were laid on the Table of this House and all this money has gone down the drain. Is that not enough? Must we allow anymore of this to happen again. They may say that the Kenya Ports Authority has a lot of money and that it will be able to repay this loan. I can see from the financial report that the Kenya Ports Authority is capable of meeting its financial obligations. On page 11 of the annual report. It says that the Authority has the ability to meet current liabilities. The Authority gives you its total assets for 1985 to be worth KSh. 512.5 million and total liability is KSh. 153.4 million. That shows that it has a sound financial base to meet its financial obligations. If that is so, why does the Authority want to borrow?

It is just because we want to go on borrowing. For the information of this House, the old plan for the Kenya Ports Authority itself shows that berths, one, two, three, four, five, six up to ten have not been up-dated. Berths four and five have been brought to the standard they want. This means they have not up-dated berths, one, two, three, seven, eight and ten. This was the old plan, and they can up-date these berths themselves.

So, Sir, I would like to appeal to the hon. Members of this House to do their job. The Back-benchers should do their job and the Front-benchers should do their job to do justice to the people of this country. This is not Shikuku's affair, it is a national affair, and let us look at it as such. I will not lose anything if the Motion is defeated but I will witness the truth being covered but truth cannot be lost because it is God.

With these few remarks, I would like to ask hon. Munyao to second the Motion.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, I am sad to second this Motion, because as the Mover, hon. Shikuku said, Kenya Ports Authority needs the money to carry out their repairs. In fact, they needed this money last year and their requests is very genuine. They need this money to carry out the repairs, but we feel that if there is going to be any guarantee of this money, it must be done at the right time. In supporting this Motion, I am aware that the Kenya Ports Authority needs most urgent repairs and several spare parts, particularly in their filing department where, up to now, they are paying a lot of money in foreign currency because they cannot get local people to do the filing. So, they need this very urgently. If you get the paper which has been submitted by the Kenya Ports Authority, you will find that the amount of money they are paying—

The Temporary Deputy Speaker (Mr. Mutiso): Order, there is too much noise in the House.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, if you look at the report which has been compiled by the Kenya Ports Authority showing the money they are paying for filing, you will find that it is a lot of money and this situation is pathetic. Since there are a few berths which require repair, you will find that some of the foreign ships owned by certain companies may even hire berths in Mombasa in which case we are denied some revenue. If this is the case, why were these repairs delayed for so long?

Sir, I am aware that borrowing is always done in different terms. I am aware that the Kenya Ports Authority can borrow cheaply. I am also aware that they have some money which could be invested to raise some more money. Mr. Temporary Deputy Speaker, Sir, I am also aware that the Kenya Ports Authority has deposited some money on a short-term basis in certain banks and I am aware that this is not uncommitted money. I am saying this because some of the short-term investments in companies or in parastatals is done when

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a company is committed to that money. So, if instead of keeping that money with us since we might use it at any time, why is it not deposited in the banks which will give 13 or 14 per cent interest? I am aware of all this. I am aware that they may go to some world bodies and borrow the money cheaply and even get the repayment period extended. However, they feel that they should not use their money but instead they put it away somewhere so that what we borrow can be in foreign currency. I am aware of all this.

Mr. Temporary Deputy Speaker, I would like to talk about money guaranteed by the World Bank, or by the International Monetary Fund and so on. Severally, some of the money on guarantee given by these foreign bodies, never gets to the right hands. Let us get another very important point. Due to corruption, some of the money we deposit in the banks, say the money we get in Harambee fund raising meetings, where we may raise KSh. 5 or KSh. 6 million, could be deposited in order to get something out of it. There are even some financial institutions which can give you one per cent interest.

Mr. Temporary Deputy Speaker, there are so many reasons which one would give for opposing this guarantee which is proposed to be given to the Kenya Ports Authority, particularly when you look at the deposits they have placed in banks.

Sir, the other point is that this country has a lot of money. We have a lot of money. If the money which has been voted out and also guaranteed by the Government goes to the right quarters, our loans would not be so huge. It has happened before, but I do not have to be asked to substantiate. Loans are taken out to come and do a certain project, but when the money gets here, it is never used in total to do what it was intended for. This makes the wananchi a year after, or two years after, or a time to come to be taxed again in order to do what was supposed to be done three or four years ago. Perhaps when the Minister comes to reply, he should tell us rightly how much money guaranteed earlier on has gone into the right quarters.

Sir, when hon. Shikuku was speaking, he expressed some fear. He said that we are likely to require even more money than the amount required here. Now, all this is a total concern for all the Kenyans, especially the Kenyans to come and not Kenyans of today. Therefore, when we are thinking about this country, we should think about the young people, and particularly the unemployed ones. They are unemployed because some greedy people in this country have mismanaged and misused our finances. If the finances had been used properly, they would have generated a lot of work for our young Kenyans who are leaving school these days. They are "tarmacking" or walking along the roads without jobs for months and months, and this problem would not be there. We have so many

reasons when we consider what has happened in the past. So, we would like the Minister to assure the House that he actually had a good reason to borrow this money when the Kenya Ports Authority could use the money they have.

Sir, this is not the only parastatal that the House has guaranteed some money and later we see that the money has not been used for what it was intended for. For instance, the Kenya Meat Commission, is a very bad example. In fact, it is a very "bitter" example. This is because it has been guaranteed money year in year out in this House, and the Minister comes back again to request the House to guarantee some more money to the Kenya Meat Commission. If I tell you what happens at the Kenya Meat Commission, I am sure you would feel it. This is because we have been told and we know that the management of the Kenya Meat Commission used to go out with the money of the commission, using the staff of the commission. It used to go out to the areas of Ukambani, North-Eastern Province, Meru and so on to buy cattle. So, they would buy cattle there at a price of about KSh. 300 or KSh. 400 per head. When they come back to the Kenya Meat Commission, they resell the cattle to them using different names at the rate of KSh. 3,000 or KSh. 4,000 per head. What organization, even a bank, can survive with this high rate of corruption? So, this is what has happened to the Kenya Meat Commission. Every year we come here to guarantee more money only to go into that bottomless pit. Today, it is a sad affair. One wonders why? If private butchers or private meat industries have been successful, why not the Kenya Meat Commission? It does not have very big overhead expenditures because the buildings were put up long time ago. There is nothing which is incomplete in that area. But every year we are told to guarantee some money to the Kenya Meat Commission. We do so, and the money goes into that "bottomless pit".

Sir, the Cotton, Lint and Seed Marketing Board is also another one which is a sad affair. They have been giving money out even to some co-operative societies to pay some farmers. What happened? Immediately the officers who are in the fields get the money, instead of paying the farmers, they put it under "Fixed Deposit Accounts". It earns some interest for two, three or four months which never gets to the farmers. It does not benefit anybody. We as a country, will have to pay interest which starts being calculated from the time the loan was given. Who is going to suffer in this country? It is your son, my son, your grandson and the whole generation which will inherit problems of somebody else's making. It is on this basis that I am saying that if we are all genuine in this House, both the Front Bench and the Back Bench, we should not approve this guarantee. We should be seeing these things in their right perspective. Our life is very short now and we are only transferring problems to our own children. Generation

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after generation will keep on paying the debts that were acquired by their forefathers for no reason at all.

Mr. Temporary Deputy Speaker, Sir, borrowing is allowed and this is why this House allows it. In fact, I also support the system of borrowing so long as it is genuine borrowing which will not be a burden. We all know how the Kenya Ports Authority is given projections to pay this money. But how sure am I that this money which is being borrowed now will not touch on another person who is not a part of what we intend to do? We are really digging a deep hole for our own children. I am sure that this is not the aim of Parliament; our aim is to correct things which might be a burden to our future people. They should be proud of what we are doing.

Mr. Michoma: On a point of order, Mr. Temporary Deputy Speaker, Sir, I would not like to cut hon. Munyao short, but I think most of the points he is making have been covered by the hon. Mover of this Motion. Would I be in order to move that the Minister responds?

Hon. Members: No! No!

The Temporary Deputy Speaker (Mr. Mutiso): Hon. Michoma, I think we should allow Mr. Munyao to conclude his speech.

Mr. Munyao: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for being considerate. Indeed, as you said early this afternoon, the Chair is patient and considerate. Some hon. Members should know that.

Mr. Temporary Deputy Speaker, Sir, we have been told of most unfair things that have happened in this country. The Central Bank of Kenya is supposed to be a bank for all the other banks in this country, but you have even seen the loopholes that exist. In fact, some of them have been cited by the Head of State. Central Bank, being the bank for all other banks, should secure some of these things. I have in mind something like the form you are given to fill in to declare how much foreign money you have. You are given that form so that you may declare exactly how much money you have. As we talk of taking care of the money in this country, we have to consider some of these points. A form like the one I have mentioned is given to you so that you fill it in and declare what you have in terms of money, but nobody follows that up to find out whether what you declared is exactly the much you have. We have seen examples of people flying into this country, but because they know Mr. So-and-so who has so much money will be taken, somebody declares that he has only 200 dollars. Since he knows nobody is going to follow him up to see how much he has, he comes in with the 6,000 dollars. When he arrives here, he hides

the 200 dollars and gets a note to the effect that he has already spent all what he had. By the time the man goes away, he gets a permit to take away with him some 5,800 dollars.

The reason why this happens is that this form is ours; designed by our own bank, but there is no follow-up for anybody to check whether this individual has the amount declared as his. He comes in here, changes a little money, but he agrees to sign some forms and takes out that money. It is high time and we should support anybody who brings up such a Motion, that all loopholes leading to the country losing money, in the form of foreign currency, should be taken care of.

Mr. Temporary Deputy Speaker, Sir, I am very happy, and appreciative, that some people have said that this must be handled by our own people, because our President has seen the system through which some of this money goes. I am saying this because earlier on, I explained how some of the interest accruing from this money might land into other people's pockets. When we consider some of the—

The Minister for Transport and Communications (Mr. Magugu): On a point of order, Mr. Temporary Deputy Speaker, Sir. I wonder whether you are satisfied that the hon. Member speaking is not really repeating what the Mover had told this House.

The Temporary Deputy Speaker (Mr. Mutiso): Mr. Munyao, you are repeating yourself. Can you finish up or advance new points?

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, I am surprised that the hon. Minister is saying that I am repeating myself when, in fact, he was never in this House when hon. Shikuku was contributing to this Motion. When did he know what hon. Shikuku said? I know he is in a hurry to reply to the Motion but, I think, it would be genuine for the House to be given ample time to discuss this Motion because—

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

(Question proposed)

The Temporary Deputy Speaker (Mr. Mutiso): I think there is no more time for any hon. Member to speak on this Motion. But since it has been proposed, we will continue with it next week.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Mutiso): It is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday, 28th October, at 9 a.m.

The House rose at thirty minutes past Six o'clock.

Wednesday, 28th October, 1987

The House met at Nine o'clock.

[Mr. Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

TARMACKING OYUGIS-SORI ROAD

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

THAT, in view of the fact that a good road network may serve an important role in a given area as regards human communications, agricultural activities, commerce, industry, *et cetera*; this House urges the Government to tarmac Road C 18 which links Oyugis, Rangwe, Rodi Kopany and Sori Centres in South Nyanza District.

ORAL ANSWERS TO QUESTIONS

No. 617

LAND DIVISION—MWITHA FARMERS COMPANY

Mr. Omido asked the Minister of State, Office of the President—

(a) whether he is aware that Mr. Donald Olumasai paid Sh. 4,000 vide receipt No. 1281 of 9th September, 1981, and another Sh. 400 vide receipt No. 1342 of 9th September, 1981, being share and registration fees, respectively, to M/s Mwitha Farmers Company Ltd. of P.O. Box 10169, Bondeni, Nakuru, and that to-date he has not been given or shown his piece of land; and

(b) whether he will ensure that Mr. Olumasai gets his money back, plus interest, as the land buying company has failed to give him land.

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

(a) Yes, I am aware.

(b) The company has purchased a piece of land in Kirale, and it is in the process of sub-dividing it and allocating plots to its members. It is not, therefore, true that the company has failed to give Mr. Olumasai land.

Mr. Omido: Mr. Speaker, Sir, will the Assistant Minister tell the House the number of the plot that has been bought, for how much it has been bought and how many acres the land is?

Mr. Kubai: Mr. Speaker, Sir, the information I have here is that Mwitha Farmers Company Ltd. was formed in 1981; it has a membership of 700 people and has purchased a piece of land at Serona, Trans-Nzoia District, measuring 450 acres from Stemcam and Heran Oduor Partners. Plans are underway to sub-divide the piece of land at half-an-acre per full-paid half share. Mr. Olumasai's contribution of 4,000 amounts to two full shares. He will, therefore, be allocated his plot along with other members when this sub-division is completed. If not, then he will be refunded his money.

Mr. Muthura: Mr. Speaker, Sir, could the Assistant Minister tell the House how many shareholders there are in that company?

Hon. Members: There are 700 shareholders.

Mr. Kubai: Mr. Speaker, Sir, I said in my reply that the company has a membership of 700 people.

No. 595

OPENING CHAANI MARKET

Mr. Kiliku asked the Minister for Local Government—

(a) what is delaying the opening of Chaani Market which has been built through the World Bank project of site-and-service-scheme; and

(b) whether he will take the necessary action to have this market opened.

Mr. Speaker: Is anyone here from the Ministry of Local Government?

No. 455

TITLE-DEED FOR MR. K. A. MITEI

Mr. arap Koske asked the Minister for Lands and Settlement—

(a) whether he is aware that a Mr. K. A. Mitei, of P.O. Box 40, Kericho, surrendered his land to Kipsigis Girls High School in exchange for another piece of land near Kapasaos Trading Centre in 1981;

(b) if he is further aware that Mr. Mitei has not been able to secure a title-deed for the land he was given in exchange for his own land; and

(c) what action he is taking to ensure that the complainant is given the title-deed.

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

(a) I am aware that Mr. K.A. Mitei surrendered a piece of land he was occupying for the expansion of Kipsigis Girls High School in exchange for another piece of land.

(b) I am also aware that Mr. Mitei has not been able to secure a title-deed for the alternative piece of land.

(c) Mr. Mitei and four others, who were affected by the extension of the school, were to be compensated with alternative land that was to be donated through the Government by M/s Broke Bond Liebig (K) Ltd. Since the plots on which to settle these people were to be excised from two big farms owned by the above private company, it became necessary to obtain clearance from both the Land Control Board and the county council of Kipsigis.

The portion which Mr. Mitei got comprised of two adjacent parcels, L.R. Nos. 612/1/R and 7282/R. It became, therefore, necessary for the two parcels of land to be consolidated first, in order to issue him with a single title-deed.

This protracted process has now been completed and arrangements are underway to issue the title-deed within the next three weeks.

Mr. arap Koske: Mr. Speaker, Sir, while thanking the Minister for that very good answer, could he tell the House how much land was given to this complainant now that it has been surveyed?

Mr. Nyakiamo: Mr. Speaker, Sir, there are five people who are concerned, involved in this matter and there are 26 hectares of land to be divided among them. I cannot, however, tell the hon. Member how many acres Mr. Kipkoech arap Mitei has got, or how many acres Mr. Kipkoech arap Chebegoros, or Mr. Chepkwony arap Misoi or Mr. Kipruto arap Mitei has got, but we can find the details later.

Mr. Muthura: Mr. Speaker, Sir, could the Minister tell the House whether there was any agreement signed between Mr. Mitei and either the person who was to surrender the land or the Government, or it was just something which was said verbally?

Mr. Nyakiamo: Mr. Speaker, Sir, in my reply I said they were to be given alternative land through the Government because the Government had asked the Brooke Bond Liebig (K) Limited to give us the land. The gist of the matter is that the provincial administration had approached M/s Brooke Bond Liebig (K) Limited with a request to donate a piece of land for expansion of Kipsigis Girls High School. Since the company did not own any land near the school it undertook to compensate people owning land adjacent to the school with alternative land if they were willing to surrender it for the expansion of the school. That is why the Government came to agreement, and that is why the five people got alternative land.

Mr. Mutiso: Mr. Speaker, Sir, would the Minister tell the House the acreage of the said pieces of land which were taken over by the Government for the extension of this school from these individuals, and whether the Government will return the same number of acreage to the said people?

Mr. Nyakiamo: Mr. Speaker, Sir, I thought I replied to that question when I said that the acres concerned are 26, but I cannot tell exactly the hectares each individual is getting; but, obviously, it will be equal to what they had given.

No. 583

COMPENSATION FOR INJURY—PAUL KITAVI

Mr. Munyao asked the Minister for Labour—

- (a) whether he is aware that a Mr. Paul Mutiso Kitavi, who was employed by Masaku County Council fell down on 22nd July, 1979, and sustained very serious back injuries;
- (b) whether he is further aware that Mr. Kitavi is permanently incapacitated and that he has never been paid compensation; and,
- (c) if he will direct that Mr. Kitavi be paid compensation without further delay.

The Assistant Minister for Labour (Mr. arap Metto): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Paul Mutiso Kitavi, a former employee of Masaku County Council, fell down some

time in 1979 and sustained back injuries, but it has not been ascertained that the accident arose during and in the course of his employment.

(b) I am aware that Mr. Paul Mutiso Kitavi is incapacitated to the tune of 5 per cent incapacity and that he has never been paid compensation.

(c) I am legally unable to direct that Mr. Kitavi be paid workmen's compensation because the accident was not reported to the District Labour Officer, Machakos until November, 1985 despite the fact that it occurred in 1979. The Workmen's Compensation Act, Cap. 236, requires that an accident be reported within a period of three years from the date it occurs.

Mr. Munyao: Mr. Speaker, Sir, I am surprised that the Assistant Minister says he is aware and that he cannot ascertain that the accident occurred in the course of Mr. Kitavi carrying out his duties. What else would it mean if Mr. Kitavi was an employee of the county council and he fell within the county council hall working. What other proof does the Assistant Minister want? He fell while working.

Mr. arap Metto: Mr. Speaker, Sir, according to the information that I have from my field officers, they have not been able to ascertain whether this accident occurred at the place of work.

Mr. Munyao: On a point of order, Mr. Speaker. Sir. Is the Assistant Minister in order to refuse to answer a direct question? In answering part (a) of the question, he accepted that Mr. Kitavi was injured. Mr. Kitavi was injured while working where he was employed. What was the Assistant Minister then coming here to reply to if he did not ascertain that?

Mr. arap Metto: Mr. Speaker, Sir, if the information given by the hon. Member is correct then maybe if the hon. Member can give us proof that this accident happened there—an accident can happen elsewhere—The information I have in the office does not indicate that. Up to this particular moment, until somebody proves me wrong with facts to the effect that this happened in the county council hall, I do not see how I can agree with the hon. Member. If he has any other way of proving that the accident occurred there, then I may accept to investigate further so that I can take the necessary action.

Mr. Omido: Mr. Speaker, Sir, the former employee has told the hon. Member that he fell in the county council hall. The Assistant Minister also agrees that he is aware. Is the Assistant Minister then in order to say that he wants further proof when the employee concerned has informed the hon. Member that that is the position? Is he really in order to say that? What further evidence does he want? Is it not sufficient for the hon. Member to say that "I know because I was informed by the employee concerned"?

Mr. arap Metto: Mr. Speaker, Sir, all I said is that I am aware this employee had an accident. The only thing I did not say that I am aware of is where this accident occurred. Now the hon. Member is telling

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the House that this occurred in the county council hall. If that is true, then may I be given more time to ascertain the position or to investigate further, because according to the information I have they are not able to tell exactly whether this accident occurred there.

Mr. Omido: On a point of order, Mr. Speaker, Sir. The Minister told the House that according to the assessment, the incapacity was 5 per cent. If I understood him properly, is he in order to say 5 per cent incapacity because in my understanding the Workmen's Compensation Act contradicts the Assistant Minister's answer? This is permanent injury, and it cannot be 5 per cent.

Mr. arap Metto: Mr. Speaker, Sir, the information I have indicated that—I am aware that Mr. Kitavi is incapacitated to the tune of 5 per cent. That is the information I have; and I have also said that it was due to an accident. All I am saying is that this matter took a long time before it was reported to my labour officer in the district. As I have indicated, the accident occurred in 1979 and it was reported to my labour office in 1985. So you can imagine all that time—

Mr. Speaker: Next question.

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

Mr. Speaker: No. We are running short of time and we must move on. Let us go to Mr. Wakiondo's question.

No. 602

DISMISSAL OF GITUNDU KIREBU

Mr. Wakiondo asked the Minister for Labour why Mr. Julius Gitundu Kirebu, I/D No. 7729781/70, former employee of Kenya Cannery Company Limited, Thika, P/No. 51667, employed in Plant Department Irrigation Section A 94, was dismissed on 31st February, 1981 without any warning letter, immediately on his return from leave.

The Assistant Minister for Labour (Mr. arap Metto): Mr. Speaker, Sir, I beg to reply.

According to the information available to my Ministry, Mr. Julius Gitundu Kirebu, who was a former employee of Kenya Cannery Company Limited, deserted his job with effect from 17th December, 1981 and, therefore, the question of his dismissal on 31st December, 1981, does not arise.

Mr. Speaker, Sir, if the hon. Member for Meru South East has contrary information on this case, he should be kind enough to provide the same to me so that my Ministry could carry out further investigations on this case.

Mr. Wakiondo: Mr. Speaker, Sir, the answer given by the Assistant Minister surprises me. This young man was an employee of Kenya Cannery Company Limited, Thika, and after working for a year he was given his annual leave. When he came back from his 21 days leave he was told to go back home. That is the information I have, and I would like the Assistant Minister to take it into consideration and carry out further investigations into this matter.

Mr. arap Metto: Mr. Speaker, Sir, as I have already stated in my reply to this question, if the hon. Member has any document that proves that this young man was given his annual leave, he should submit it to my Ministry so as to assist me in carrying out further investigations. If the hon. Member gives me a letter or document of that kind showing that the young man was given leave, then I will make further investigations.

Mr. Lukindo: Mr. Speaker, Sir, since the Assistant Minister says that his Ministry does not know exactly what happened to this young man, could he tell this House what steps his Ministry has taken so far? What steps has the Assistant Minister taken after the submission of this question to his Ministry?

Mr. arap Metto: Mr. Speaker, Sir, I have already said according to the information available to my Ministry Mr. Julius Gitundu Kirebu, who is a former employee of Kenya Cannery Company Limited, deserted his job. The hon. Member is aware that when an employee deserts his job there is absolutely nothing the Ministry can do. This is because the employee himself deserts his job. But if the hon. Member can prove to me—

Mr. Lukindo: On a point of order, Mr. Speaker, Sir. Apart from the information the Assistant Minister has, I think he is not answering this supplementary question. Apart from the information he has received from his officers, what has the Ministry done? I ask this question because the information he has might be misleading.

Mr. arap Metto: Mr. Speaker, Sir, the investigation we have carried out as a Ministry has revealed that the employee deserted his job. When a person deserts his job there is nothing the Ministry can do about it. But if the hon. Member can assist by giving us a letter of some kind to prove that this employee was granted 21 days leave, we will definitely take the necessary action.

Mr. Khalif: Mr. Speaker, Sir, the Ministry of Labour is an important Ministry in the sense that it takes care of the welfare of workers in this country. But from the answers being given by the Assistant Minister it appears that his Ministry relies on information given by the employers themselves. This is because whenever questions are put to the Ministry of Labour what we get from the Ministry are answers which have, obviously, been prepared by the employers themselves. Can the Assistant Minister employ a different machinery, which is going to be fair, to establish the truth about the numerous cases affecting workers in this country?

Mr. arap Metto: Mr. Speaker, Sir, it is not true that we always rely on what the employers tell us. In fact, we have labour officers in every district. So, whenever problems of this nature arise the workers are free to report their complaints to the district labour offices and then our officers there will take the necessary action. At the same time we have trade unions, whose main duty is to take care of the interests of workers in the country. The workers are members of these trade unions. We also have the Kenya Industrial Court, where every party is given a chance to be heard. So it is not fair,

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and it is not true, for the hon. Member to say that we in the Ministry rely only on information given to us by

Mr. Speaker: Mr. Mwachofi's question.

Mr. Mwachofi: Bw. Spika, kabla sijaliuliza swali hili the employers.

ningependa kufanya sahihisho kwenye msitari wa mwisho, sehemu inayosema "—alipojibu Swali nambari 22" swali lenyewe lilikuwa nambari 222, ambalo nililiuliza 1985.

No. 537

EDUCATION OFFICERS IN TAITA TAVETA

Mr. Mwachofi alimwuliza Waziri wa Utamaduni na Huduma za Jamii—

- (a) idara ya elimu ya watu wazima inao maofisa-elimu (education officers) wangapi na walimu wangapi wilayani Taita Taveta na nchini kote;
- (b) ni kwa nini hakuna mpango wa utumishi (scheme of service) kwa watumishi hawa;
- (c) ni kwa nini maofisa-elimu hawa wamebaki katika kiwango cha mishahara chini ya kile cha wenzao wa Wizara ya Elimu hata baada ya Waziri kuahidi mabadiliko alipojibu Swali namba 222 mwaka wa 1985.

The Assistant Minister for Culture and Social Services (Mr. Michuki): Bw. Spika, naomba kujibu.

(a) Katika nchi yote nzima kuna maofisa-elimu 322 na walimu 9,377. Katika wilaya ya Taita Taveta peke yake sasa kuna maofisa wanne, baada ya mmoja wao kuuzulu hivi majuzi na kumpatia kazi katika kundi lisilo la Serikali. Ofisa mwingine atapelekwa huku mara moja baada ya Tume ya Kuajiri Watumishi wa Serikali itakapomaliza kazi ya kuzijaza nafasi zilizotangazwa hivi majuzi katika Idara ya Elimu ya Watu Wazima. Wilaya hiyo ina walimu 204 wa watu wazima.

(b) Si kweli kwamba hakuna mpango wa utumishi kwa maofisa-elimu wa watu wazima. Maofisa hao wako chini ya mpango maalum unaoonyesha wazi kiwango cha kuingilia pamoja na masharti na mahitaji ya kupandishwa cheo katika kazi yao. Yakubalika, lakini, kuwa walimu wa watu wazima bado hawana mpango wa utumishi. Walimu hao wamekuwa wakijielimisha kwa mafunzo ya maafikano, yaani correspondence, na kundi la kwanza litamaliza masomo yao mwezi Aprili mwaka ujao. Majadiliano yanaendelea kati ya Wizara ya Utamaduni na Huduma za Jamii na chuo cha elimu kuhusu madaraka na maendeleo ya walimu hawa.

(c) Hakuna hitilafu sasa kati ya mishahara ya maofisa—elimu ya watu wazima na wale wa Wizara ya Elimu. Tofauti zilizokuwapo ziliondolewa mwezi wa Mei, 1986, kwa kupandishwa cheo kwa maofisa-elimu wasaidizi (assistant adult education officer) kutoka kiwango cha "G" hadi kiwango cha "H".

Mr. Mwachofi: Bw. Spika, tarehe 5 Juni, 1985, niliuliza Swali nambari 222 hapa, ambalo linafanana na hili, na likajibiwa na Mhe. arap Metto, ambaye alisema kulikuwa hakuna tofauti yoyote kati ya mishahara ya maofisa wa Idara ya Elimu ya Watu Wazima na wale wa

Wizara ya Elimu, Sayansi na Ufundi. Leo tunapewa jibu kama hilo, tofauti ni kwamba tumeambiwa mabadiliko yalifanywa mwezi wa Mei, 1986. Hivi ni kusema katika mwaka wa 1985, wakati nilipokuwa nikijibiwa, kulikuwa na tofauti. Waziri Msaidizi anaweza kuliambia Bunge hili ni kwa nini Wizara ililipotisha Bunge siku hiyo kwa kuliambia kuwa hakukuwa na tofauti?

Mr. Michuki: Mr. Speaker, Sir, the grading of adult education officer—

An hon. Member: Jibu kwa Kiswahili.

Mr. Michuki: I beg your pardon, Mr. Speaker. Kuhu-su upandishaji wa vyeo vya maofisa wa Idara ya Elimu ya Watu Wazima, sio kusema wakati ule mishahara haikuwa imefanana na ya walimu wa Wizara ya Elimu, Sayansi na Ufundi. Lakini wakati huo, ingawa mishahara ilikuwa inafanana kwa gredi ya chini, sasa wamefanyiwa scheme of service ya kuwapandisha vyeo. Kwa hivyo, vile Mhe. Mwachofi anavyosema alijibiwa, ilikuwa ni kweli, lakini mishahara ilikuwa inafanana kwa gredi zile zilizoko chini ya gredi "H". Kuhusu habari wanazozuiliza sasa, nimesema kuna mpango wa scheme of service ambayo iko sasa.

Mr. Mutiso: On a point of order, Mr. Speaker, Sir. I think the Assistant Minister is not being fair to this House because the question which was put to him was very specific. In June 1989, the Assistant Minister, who was then in the Ministry of Culture and Social Services, said in this House that there was no difference between the adult education officers and those in the Ministry of Education, Science and Technology in terms of salaries, but now he tells this House that the effect of change took place in May, 1986 when these officers were removed from job group "G" to "H". Is he in order to continue misleading the House by not being sincere and telling the House that this Assistant Minister misled the House?

Mr. Michuki: Mr. Speaker, Sir, of course, the Questioner will no doubt have his opinion on this matter. Mheshimiwa Mbunge ambaye ameyauliza maswali haya, lazima ana maoni yake, lakini maoni yetu katika Wizara ya Utamaduni na Huduma za Jamii—

Mr. Muthura: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to insinuate that the hon. Member could have his own views? It is not a question of views but of policy. Is he in order to mislead the House?

Mr. Michuki: Mr. Speaker, Sir, it is very evident that there is varied opinion. Yaani, kuna maoni yanayo tofautiana. Nilivyosema ni kwamba wakati ule mishahara ilikuwa sawa, lakini—

(Nafirikiri ningekubaliwa nijibu kwanza, halafu tuangalie kama kutakuwa na maswali baadaye. Ninavyosema ni kwamba mishahara ilikuwa sawa, lakini hakukuwa na scheme of service kwa walimu wa elimu ya watu wazima katika Wizara ya Utamaduni na Huduma za Jamii. Sasa kunayo scheme of service, ambayo inawapandisha kutoka gredi ya "G" hadi ya "H".

Mr. Shikuku: Jambo la nidhamu, Bw. Spika, kwa vile Mhe. Waziri Msaidizi anaendelea kulipotisha Bunge hili, pengine ingekuwa vizuri tuliache swali hili

[Mr. Shikuku]

mpaka HANSARD inayoweza kuonyesha vile Mhe. arap Metto—Ahsante sana. Mhe. Mwachofi anayo pale, Bw. Spika. Basi, Mhe. Mwachofi anaweza kutusomea majibu Mhe. arap Metto aliyoyatoa mwaka ule? Na tukipata alisema kulikuwa na tofauti Mhe. Mbunge huyu ni lazima awe named because he is underrating our intelligence.

Mr. Michuki: Bw. Spika, ingawa hayo ni juu yako kuamua, sioni ni kwa sababu gani niliyoyatoa hapa hayakubaliwi kwa kuwa mshahara kuwa sawa na mwingine ni tofauti na scheme of service. Inaweza kuwa "entry point" katika scheme of service hii ni sawa na "entry point" ya scheme of service nyingine kulingana na "incremental credit". Ninavyosema ni kwamba mshahara ilikuwa sawa lakini hakukuwa na scheme of service kwa maofisa wa elimu ya watu wazima. Sasa wanayo scheme of service yao. Nafikiri swali hili lilikuwa likiuliza kama kulikuwa na scheme of service au la.

Mr. Mwachofi: Bw. Spika, Waziri Msaidizi anapendelea kulipotisha Bunge kwamba Bunge halikupotoshwa tarehe 5, Juni, 1985—ni kama mtu anayopendelea kuweka chumvi kwenye kidonda kwa sababu lile jambo la kuwa na scheme of service, Mhe. arap Metto alisema liko, na nilipomwomba awasilishe maandishi hayo Mezani akakataa kufanya hivyo. Kwa hivyo, Bunge lilipotoshwa tarehe hiyo na Waziri Msaidizi, na yafaa aombe msamaha kwa jambo hili kwani liko wazi katika HANSARD.

Bw. Spika, wakati nilipomwuliza Waziri Msaidizi swali langu hapo tarehe; 5 Juni, 1985, alisema hivi:

"Bw. Spika, naomba kuibu. Maofisa wa elimu na maofisa wasaidizi wa elimu wa Idara ya Watu Wazima hawalipwi mishahara ya kiwango cha chini kuliko wale wa Wizara ya Elimu, Sayansi na Ufundi. Haku na ubaguzi kati ya maofisa wa Idara ya Utamaduni na Huduma za Jamii na wale wa Wizara ya Elimu, Sayansi na Ufundi ikiwa wako na elimu na cheo sawa".

Baadaye, alipoulizwa zaidi kuhusu scheme of service, alijibu hivi:

"Nimesema hakuna tofauti yo yote. Hata hivyo, yangu mesharekebisha jambo ambalo halikuwa sawa. Kama Mhe. Mbunge anaweza kutoa majibu ya maofisa fulani ambao wana shida kama hiyo, ninaahidi Bunge hili kwamba hayo yatarebishwa".

Tuliendelea hivyo, hata mwisho tukamwambia aiweko scheme of service hiyo Mezani, lakini akanyamaza na mambo yakaishia hapo. Na kwa sababu baada ya mambo haya bado tumepata malalamiko mengi ndipo tukauliza swali tena, na sasa tunaambiwa swali hilo halikujibiwa hivyo hali ilikuwa hivyo.

Bw. Spika, ningependa Mawaziri Wasaidizi hawa waombe msamaha, na pia ningependa uniruhusu kuuliza swali moja la ziada kuhusu sehemu ya (b) ya jibu la Waziri Msaidizi, ambako anazungumzia walimu 9,337 ambao hawana scheme of service lakini watafuzu mwezi wa April, 1988. Anaweza kuliambia Jumba ni kwa nini anatwambia sasa eti walimu hawa, ambao waliyaanza

masomo haya mwaka wa 1981 na wakahidiwa baada ya miaka miwili na nusu watahitimu, watahitimu mwaka wa 1988 na na hali tunajukutoka mwaka wa 1981 hadi mwaka 1988 si miaka miwili na nusu? Kwa nini imekuwa hivyo?

Mr. Michuki: Bw. Spika, mafunzo ya walimu ni lazima yachunguzwe kulingana na mpango ulioko wa kuwa-elimisha watu wazima. Mpango huu ulianza mnamo mwaka wa 1979, na tuna aina tatu za walimu wa watu wazima. Kuna wale ambao ni permanent and pensionable; kuna wale wengine ambao huwa wakilipwa kile kinachojulikana kwa lugha ya Kingereza kama honoraria, na kuna wengine ambao hulipwa na makundi ya kujitolea. Ni wazi kutoka 1979 hadi leo si muda mrefu, na katika Wizara ya Utamaduni na Huduma za Jamii tumekuwa tukitayarisha vyombo vya kufundisha watu wazima. Kwa hivyo, tungali tunaendelea kuchunguza jambo la kuwa na vyombo vya kufundisha. Mpango wa mafunzo ya watu wazima ametiliwa maanani.

Mr. Shikuku: Unalipotosha Bunge!

Mr. Michuki: Bw. Spika, bado nalijibu swali la ziada la Mhe. Mwachofi. Ikiwa Mhe. Shikuku anafikiria nalipotisha Bunge, hayo ni maoni yake. Mimi natoa maoni yangu, na kulingana na heshima ya Bunge hili, yafaa nami nipatiwe nafasi ya kutoa maoni niliyo nayo.

Nilikuwa nikisema katika kuchunguza jambo la mafunzo ya walimu wa watu wazima ni lazima kwanza kuwalinganisha na scheme of service ya walimu ambao tayari wako chini ya maofisa-elimu. Tukishafanya hivyo, basi, tutaangalia mambo ya walimu wa watu wazima na wasimamizi wao. Hilo jambo ndilo linaloendelea kwa sasa.

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

Mr. Speaker: Order! Order! We must move on now. Mr. Muthura's question.

Mr. Shikuku: I am not through with you yet!

The Assistant Minister for Culture and Social Services (Mr. Michuki): On a point of order, Mr. Speaker, Sir. My friend here, hon. Shikuku, says that he is not through with me yet. What is it that he was trying to get through with me?

Mr. Speaker: Order! Order! Hon. Michuki, that will not do you much damage. Mr. Muthura, can you ask your question?

No. 610

GOVERNMENT DEVELOPMENTAL FILMS

Mr. Muthura asked the Minister for Information and Broadcasting whether he could reinstate the showing of factual and developmental films to wananchi, especially now that a lot of development has taken place all over the country.

The Assistant Minister for Information and Broadcasting (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply.

The question of reinstatement of showing of factual and developmental films to wananchi does not arise

[The Assistant Minister for Information and Broadcasting]

since it had never been stopped before and it continues even today.

Mr. Muthura: Mr. Speaker, Sir, is the Assistant Minister telling the House that the Ministry shows these films continuously and all over the country?

Mr. Khasakhala: Yes, Sir. In every province we have a cinema van. The cinema van for Rift Valley Province is based at Nakuru. These cinema vans go round the districts in a province covering films on factual, developmental, educational, political, economical and cultural activities of this nation. In 1985 the unit based at Nakuru showed films at Nanyuki, Subili and the surrounding areas. In 1986 the unit screened films in three centres in Laikipia District, including Nanyuki area. In 1987, the unit has screened films at Rumuruti on 5th August, Subili on 7th August, 1987 and Durumo on 8th August, 1987. The film shows screened during that period included *Adult Literacy, the Burning Spear, Twenty Great Years of Uhuru, A Man of the People, Agriculture After Independence, Watering the Nation, Family Planning, Nyayo Path, Partner in Progress* and others.

Mr. Muthura: Mr. Speaker, Sir, Assistant Minister has enumerated several films which were screened. Can he be specific and tell the House, and the people of Nanyuki the particular film which was screened at Nanyuki and the particular date of and month when it was screened in 1987?

Mr. Khasakhala: Mr. Speaker, Sir, I cannot give the title of the film which was screened at Nanyuki, but I have already given the date the film was screened. However, if he wants me to give the title of the film, I can still get that information from my Ministry.

Mr. Muthura: Mr. Speaker, Sir, as far as I am concerned what I have seen are films which are screened by Cinema Leo, some churches and other advertising companies. I do not remember seeing a van belonging to the Ministry of Information and Broadcasting showing any film in Nanyuki during the particular time the Assistant Minister has talked about. Of course, I have the date for 1987 when he said a film was screened in Nanyuki, but I wanted him to be very particular and mention the title of the film, where it was shown and the date it was shown.

Mr. Khasakhala: Mr. Speaker, Sir, 1987 is not yet ended. In fact, we are still in the process of going round the districts in Rift Valley Province. If Nanyuki requires a film show, the hon. Member can raise that point in his district development committee; and since the Ministry is represented in the district development committee I am sure my officers will be very much willing to screen a film at Nanyuki.

Mr. Muthura: On a point of order, Mr. Speaker, Sir. The Assistant Minister is now referring me to the district development committee. He is now talking about the future when, in fact, I am talking about the past. When he says that a film was screened in Nanyuki, and then he refers me to the district development committee

for future screening, is he not misleading the House?

Mr. Khasakhala: Mr. Speaker, Sir, he asked me about 1987, and that is why I said that 1987 is not yet over, and that is why I referred him to the future. The films have been in progress— We have been showing them throughout the districts.

Mr. Mathenge: Mr. Speaker, Sir, arising from that answer by the Assistant Minister, we know that these films are supposed to educate wananchi on the Government policies, as he has just said. He has mentioned areas in my constituency, such as Rumuruti, Subili and Durumo and he has even mentioned the dates when these films were shown, but these films were not advertised; nobody saw them. So, I do not know how these films came, or when they came; they were brought secretly. Even my people did not know about them. The films were brought to educate us, but they came secretly so the people were not educated. I have no date for these films, so—

Mr. Speaker: Order! You were given an opportunity to raise a question but not to make a speech.

Mr. Mathenge: Mr. Speaker, Sir, would the Assistant Minister be specific and tell us if these films were advertised. Were the people informed that they would be shown the films on a particular date at a particular place? We were not aware when these films were being brought and they are very important.

Mr. Khasakhala: Mr. Speaker, Sir, every district has a district information officer, who sends a circular through the chiefs and assistant chiefs to inform the public when a certain film would be shown at a certain area, whether at a market centre, a divisional headquarters or a school playground. This circular goes to the district officers, chiefs and assistant chiefs. If those officers do not inform their people, then it is unfortunate. However, a circular is always sent out by the district information officers giving the dates and details of when the films will be screened.

Mr. Muthura: Mr. Speaker, Sir, I think the Assistant Minister is —

Mr. Kikuyu: On a point of order, Mr. Speaker, Sir. He is misleading the House.

An hon. Member: That is not a point of order.

Mr. Speaker: No, that is not your business! You should not shout like that.

Mr. Kikuyu: On a point of order, Mr. Speaker, Sir. When the Assistant Minister was answering a supplementary question, he told the Member for Laikipia East to go to the district development committee (D.D.C.) and tell them to inform the district information officer of the arrangements that they would like as concerns the screening of films. Was he in order to say that, whereas it is the duty of the Government to inform and educate the people? It should not be planned by the D.D.C. It is the Ministry which should inform and educate the people in the rural areas so that they know what the Government wants, or what are its policies. It is not the D.D.C.s which should do this. Why should he refer us back to D.D.C. for issues that do not concern them?

Mr. Khasakhala: Mr. Speaker, Sir, D.D.Cs. are part of the Government, and my Ministry is also a part of the Government. The reason why I referred the hon. Member to the D.D.C. is that if he had a complaint about a certain area, the district information officer attends the D.D.C. meetings, and he could then ask him to send a film show there. I said there is only one van in every province and, therefore, it is not easy to show these films regularly in all the areas. But if a certain Member of Parliament has a complaint about his area the only way he can raise his complaint is through the D.D.C., whose meetings the district information officer attends. The district information officer will make a note of it and make sure that a film show is scheduled for this particular area.

Mr. Muthura: Mr. Speaker, I can see that the Assistant Minister is making a way. He has said that a circular is always sent to chiefs and assistant chiefs informing the public about the films. Can the Assistant Minister now promise to this House that tomorrow or next week he will lay on the Table a copy of the circular which was sent to the chiefs in Laikipia District?

An Hon. Member: That is correct.

Mr. Khasakhala: Mr. Speaker, Sir, I will do that.

No. 317

COMPENSATION—ACQUITTAL AFTER 15 YEARS IN JAIL

Mr. Shikuku asked the Attorney-General—

(a) whether he is aware that Mr. Mwaura Njihia was imprisoned for a total of 36 years with strokes; and having served 15½ years, and also having received 80 strokes of the cane, he was acquitted on appeal; and,

(b) should the answer to (a) be in the affirmative, what steps does he intend to take to ensure that this mwananchi and other innocent wananchi are compensated.

On a point of order, Mr. Speaker, Sir. This question was asked some time in the middle of last year, and to my surprise I have not been given a written reply from the Attorney-General's Chamber. This is very unfair. It was asked in 1986.

The Attorney-General (Mr. Muli): Mr. Speaker, Sir, I apologize for that. However, if the hon. Member checks in his pigeon-hole. I am sure he will get a copy of the written reply.

Mr. Mwachofi: On a point of order, Mr. Speaker, Sir. Is the Attorney-General in order to mislead the House by telling hon. Shikuku that he can get a copy of the written answer in the pigeon-hole? This is not the practice. Answers are never sent to the pigeon-holes.

(applause)

An hon. Member: He has never been a Back-bencher.

The Attorney-General (Mr. Muli): Mr. Speaker, Sir, all I said was that if the hon. Member would check in his pigeon-hole he might get it there, because I checked—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, Is the Attorney-General in order to mislead this House? Replies to questions are always given to the Clerk of National Assembly, who does not give them to the Questioners or the Back-benchers until three minutes to the Question Time. I have checked with the Clerk and he does not have it. Replies are never sent to the pigeon-holes. So, is he in order to mislead the House? We are never given the replies in advance. They are always given here in the House but not in the pigeon-holes.

The Attorney-General (Mr. Muli): Mr. Speaker, Sir, I did check with my office this morning and I was informed that a copy of my reply has already been sent. I will check where it landed if the hon. Member did not get it.

Having said that, Mr. Speaker, Sir, I beg to reply.

According to the records, Mr. Samuel Mwaura Njihia has had several criminal cases of robbery with violence, contrary to section 296 (2) of the Penal Procedure Code. For instance, in 1971 he had two cases in Nakuru and one in Thika, and in 1981 he had one case in Nairobi. The two Nakuru cases had their appeals lodged in 1971 but they were rejected, and then notices of appeal were again lodged in 1985 and 1986. The judgements were delivered in 1986 and 1987. Apparently the Thika and Nairobi cases had no appeals lodged.

Mr. Speaker, Sir, appeals for Nakuru cases were only allowed after the appellant had requested for the same out of time and after a long delay and, as such, there was nothing to stop the prison authorities to carry out their duties in respect of the imprisonment accorded to this culprit.

Mr. Speaker, Sir, this question of compensation, where a person has been allowed to leave prison, has been before this House too often. We have no provisions in our law which allow any one who has succeeded in an appeal to be paid compensation.

Mr. Shikuku: Arising from that unsatisfactory reply, Mr. Speaker, Sir, the Attorney-General has intentionally avoided the crux of the matter, that this mwananchi was acquitted as innocent. This mwananchi was acquitted after successfully appealing against the crimes he was said to have committed. Will the Attorney-General tell us why it took so long to acquit this man—as he has said—and why he was subjected to 80 strokes while he, the Attorney-General, has never had even one stroke of the cane? What does he say to that effect?

Mr. Muli: Mr. Speaker, Sir, getting a stroke of the cane is not a sort of privilege. I managed to get a stroke of the cane at school, if the hon. Member has not had one.

Mr. Speaker, Sir, this convict, had, as I have said, several criminal offences and convictions—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Is the Attorney-General in order to call this mwananchi a criminal after he has been acquitted?

Mr. Muli: Mr. Speaker, Sir, I do not agree with the hon. Member that Mr. Mwaura was acquitted. Let us not play about with the word "acquit". He was not

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acquitted. His appeal may have been allowed on technicalities and his jail term may have been reduced. As I have said, Sir, Mr. Mwaura had convictions of at least four robbery cases. The first one relates to in 1971, for which he was convicted and sentenced to jail for 16 years. In another one, he was convicted and sentenced to jail for 16 years and later he was convicted for six years. Out of the four convictions only two were allowed, and there was no appeal for the others at all. Therefore, the 15 years he had served were in respect of the other cases where there were no appeals. As a matter of fact, he must have been given a bonus by way of reprieve.

Mr. Sifuna: Mr. Speaker, Sir, will the Attorney-General bring a Bill to this House to the effect that any mwananchi who has been acquitted and had served for a certain period in jail should be compensated? In this particular case, this mwananchi got 80 strokes of the cane. Now can the Attorney-General order that the magistrate or judge who sentenced this man should also receive 80 strokes of the cane to settle the bitterness in this case?

Mr. Muli: Mr. Speaker, Sir, our laws do not provide for compensation, as I said before. With regard to the magistrate who convicted Mr. Mwaura, he exercised his judicial powers and, as such, I am afraid nothing can be done.

Mr. Nyaga: Mr. Speaker, Sir, I would like to ask the Attorney-General whether it would be in order for all judges and Members of this House to spend at least a weekend in our civil jails to see how it looks like for a man to receive 80 strokes of the cane and to spend 15½ years in jail?

An hon. Member: Including the Speaker!

Mr. Muli: Mr. Speaker, Sir, I cannot comprehend any question here. The hon. Member is just making a comment; and if he would like to spend a weekend in a civil jail, he can contravene any of the laws and he will find himself there. People are not just sent to a civil jail; it is not a hotel. They go there because of a conviction.

Mr. Lukindo: Mr. Speaker, Sir, if I heard what the Attorney-General said correctly, he has informed this House that we have no provisions in the laws of this country to compensate acquitted persons. Now, could he, as the Attorney-General of this country, bring a Bill in this House for approval? This is because the wananchi should not be humiliated in such a way in a free country.

Mr. Muli: Mr. Speaker, Sir, the answer here is that it is contrary to public policy to legislate for compensation of a person who had been convicted.

Mrs. Asiyo: On a point of order, Mr. Speaker, Sir, I am very disturbed about the attitude of the Attorney-General with regard to previous convictions of offenders. He has enumerated several instances where Mr. Mwaura was jailed for whatever offences. Is he telling us that Mr. Mwaura was not capable of rehabilitation and reform?

Mr. Muli: Mr. Speaker, Sir, robbery with violence carries mandatory death sentence. Mr. Mwaura was

convicted of robbery with violence and was imprisoned for a number of years. No doubt in the prison he must have been rehabilitated, and that is why, perhaps, a reprieve was given, instead of his serving the entire period.

Mr. Shikuku: Arising from the avoidance by the Attorney-General to reply to a genuine question, Sir, and taking into account that this is a National Assembly and looking at the hon. Members here who are quite disturbed, could he consider bringing a Bill to this House to provide for compensation? Which public is he talking about? We are the spokesmen of the public. The question is: Will he bring a Bill to this House?

Mr. Muli: Mr. Speaker, Sir, laws do not remain static, and I agree that consideration can be given from time to time. When time is opportune, such a Bill can be considered.

Hon. Members: When?

Mr. Speaker: Next question.

No. 561

OWNERSHIP OF PLOT IN NDALU SCHEME

Mr. Sifuna asked the Attorney-General—

(a) whether he is aware that the rightful owner of Ndalu Settlement Scheme No. 9, Plot No. 162 is Mr. Chirikona Welemusaya as per allotment letter dated 29th October, 1965;

(b) why the Court of Appeal at Kisumu, under civil appeal No. 7 of 1986 between Henry Chilikona, the Respondent in Civil Case No. 57 of 1980, transferred the said land to Law of Succession Act (Cap. 160) when Mr. Henry Chilikona Welemusaya Wakhungu is still alive; and,

(c) whether he could make sure that Mr. Welemusaya is not denied his rightful land.

The Attorney-General (Mr. Muli): Mr. Speaker, Sir, before I reply. The question by the hon. Member for Bungoma South has got a catch. It has a catch because several names of different people are used. I would like to say that writing, answering and reading it may be incomprehensive. The position here is that there was a man called "A", who was allocated a piece of land and he subsequently died in 1980. He had a son, who in turn had a son called "C". "C" assumes the name of the deceased grandfather. He goes with those names to the land registrar and says: "I am "A". Obviously, there is a catch here because the names are similar. However, the case goes to court, and the Court of Appeal finds that, as a matter of fact, "A" cannot be "C"; because of the simple reason that they are different people. The Court of Appeal, therefore, orders the land to go under succession. With that illustration, Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Plot No. 162 in Ndalu Settlement Scheme No. 9 was allocated to a Mr. Chirikona Welemusaya, as per allotment letter dated 20th December, 1985.

(b) There was a case which ended in the Court of Appeal at Kisumu, and the court decided and transferred the case to the Law of Succession. This was because

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the rightful owner—the said Mr. Chirikona Welemusaya—was no longer alive, as he had died in 1980. Another person called Mr. Chilikona Welemusaye Wakhungu, who is still alive, and is now claiming the land, is not the same person as the original Chirikona Welemusaya.

(c) Therefore, he cannot have the land because it must devolved under the succession of his grandfather.

Mr. Sifuna: Mr. Speaker, Sir, the answer given by the hon. Attorney-General is not correct. The land which the Attorney-General is talking about is not the same piece of land we are talking about. When his grandfather died, and was buried in his own land—This particular piece of land, which is No. 9 Plot No. 162, belongs to Henry Chilikona Welemusaya, according to the documents given to him. There were some problems between him and his brothers, and instead of the court awarding this land to Mr. Henry Chilikona Welemusaya, they decided with other people, to put this land under the Succession Act. That is why I brought this question before the House, so that this gentleman is not denied his rightful land. Could the Attorney-General, therefore, make sure that Mr. Henry Chilikona Welemusaya is not denied his rightful dues? If the Attorney-General wants, I can bring this gentleman to his office to verify all the documents to prove that he is the rightful owner of this land.

Mr. Muli: Mr. Speaker, Sir, there is a point of principle here. The principle is this: That the highest court in this country, which is the Court of Appeal, has decided that this case must be decided by the Law of Succession. It is not like in the colonial days when we used to go to the Privy Council in England to challenge the decisions of the Court of Appeal. Unfortunately, this House does not have a committee like the Privy Council where that decision can be challenged. So the principle here is that it would be perhaps wrong for this House to start sitting as “court of appeal” over the Court of Appeal which is constituted. The other point is that when this land was allotted, Henry Chilikona Welemusaya was a small boy, and he could not have been allotted this land. The policy at that time was only to allot land to adult landless but not to minors.

Mr. Sifuna: Mr. Speaker, Sir, I fail to understand why the Attorney-General is trying to mislead this House. My question to him was whether Mr. Henry Chilikona Welemusaya is the rightful owner of this piece of land. This gentleman could not have taken all the trouble to go up to the Court of Appeal if the piece of land was not his. This boy's mother bought this land in his name, and the land was given to Henry Chilikona Welemusaya when he was still very young. His grandfather, who has since died, got a different piece of land. He was never buried in that particular piece of land I am referring to. I am talking about Plot No. 162. It does not belong to the grandfather but to this particular boy. That is why I am appealing to the Attorney-General to make sure that justice is not denied this particular boy. Could he do that?

Mr. Muli: Perhaps, Mr. Speaker, you may like to guide us here. This is a decision of the Court of Appeal and my hands are tied. I cannot constitute myself as the court of appeal over the Court of Appeal that is existing.

Mr. Speaker: Let us now go back to Mr. Kiliku's question.

No. 595

OPENING CHAANI MARKET

Mr. Kiliku asked the Minister for Local Government—

- (a) what is delaying the opening of Chaani Market, which has been built through the World Bank project of site-and-service scheme; and
- (b) whether he will take the necessary action to have this market opened.

The Assistant Minister for Local Government (Mr. Marita): Mr. Speaker, Sir, I beg to apologize for not being here when the question was asked for the first time.

I beg to reply.

(a) Chaani Market, which was first opened in August 1985, was closed in September 1986 by the medical officer of health due to lack of water and other sanitary facilities.

(b) The said facilities have been provided and the market has been re-opened.

Mr. Kiliku: Mr. Speaker, I thank the Assistant Minister for his reply, but I would like him to tell this House why they allowed this project to build such an open market without the provision of water.

Mr. Marita: Mr. Speaker, Sir, at the time this market was first opened there were not enough funds to complete all the facilities which were necessary. The whole situation has now been made right.

Mr. Speaker: Let us now move on to Question by Private Notice.

QUESTIONS BY PRIVATE NOTICE

DENIAL OF IDENTITY CARDS TO GARISSA STUDENTS

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

- (a) Is the Minister aware that students who were over 18 years old from some schools in Garissa were denied identity cards?
- (b) Is he further aware that as a result of this many students did not register as voters?
- (c) Would he direct that the students affected be issued with identity cards immediately?

The Assistant Minister, Office of the President (Mr. Onyancha): Mr. Speaker, Sir, I wish to ask for the permission of the Chair for us to answer this question later because we do not have the answer yet.

Mr. Hassan: Can the Assistant Minister give us the specific day?

The Assistant Minister, Office of the President (Mr. Onyanoha): Mr. Speaker, Sir, I expect we will be able to reply to it when it is brought to the Order Paper again.

Mr. Speaker: Mr. Kiliku's question.

(Question deferred)

DISMISSAL BY CARGO CONTAINERS LIMITED:

MR. PETER OTIENO

Mr. Kiliku: Mr. Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice:

- (a) Is the Minister aware that Mr. Peter Otieno was on 7th October, 1987 summarily dismissed from employment by Cargo Containers Limited, of P.O. Box 80857, Mombasa?
- (b) Will the Minister order the employer to reinstate him unconditionally?

The Assistant Minister for Labour (Mr. arap Metto): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Peter Otieno was dismissed by his employer Messrs. Cargo Containers Limited, Mombasa, on 7th October, 1987. Mr. Otieno was dismissed because as a fork lift driver he negligently caused an accident which destroyed a fork lift worth KSh. 1.3 million. Nevertheless, on dismissal he was paid a sum of KSh. 3,457.55 made up as follows:

(i) 7 days wages	...	...	KSh. 259.70
(ii) 24 days leave	...	...	KSh. 908.90
(iii) Provident Fund	...	...	KSh. 2,288.95
Total	...	...	<u>KSh. 3,457.55</u>

(b) I am unable to order the unconditional reinstatement of Mr. Otieno because such an order is not in accordance with the laid down procedure under the law. If Mr. Otieno feels that he was unjustifiably dismissed, the correct procedure for him to follow is to report the matter to his union, which may ultimately take up the case with the Industrial Court for adjudication and determination.

Mr. Kiliku: Mr. Speaker, Sir, Mr. Otieno was involved in an accident when he was on official duty, driving a fork lift. When he came back from hospital, he found that his employer had dismissed him. However, I want to know whether the Minister can produce a traffic police investigation report because he said that Mr. Otieno was dismissed because he had negligently caused an accident. Can he prove that this accident was caused by negligence? I cannot believe that the employer was in order to dismiss Mr. Otieno on the spot.

Mr. arap Metto: Mr. Speaker, Sir, according to the reply I have given the hon. Member, he is asking me to prove whether the accident was caused by negligence or it was a genuine one. In my reply I said there is a procedure to be followed by a person who feels that he has been unjustifiably dismissed. The correct procedure is for him to take up the matter with his union so that it may be heard by the Industrial Court

That is the time when the union will act on his case. After that, if there is anything which has not been decided upon properly, we can look into it.

Mr. Khalif: Mr. Speaker, Sir, the reason given for having this worker summarily dismissed was that he had negligently caused an accident. That information was to be given by the employer because if it were not given by the employer, then the Ministry of Labour, or the police, should have investigated the matter and found out how the accident was caused. Mr. Otieno was summarily dismissed on the grounds that he had caused an accident negligently, and the information was given by the employer. Is the Assistant Minister fair to say—

Mr. Speaker: You are taking too much time going round and round.

Mr. Khalif: Is the Assistant Minister in order to say that this dismissal was fair?

Mr. arap Metto: Mr. Speaker, Sir, as I have stated in answering this question, I have advised the hon. Member to advise the employee to take this matter up through his union, if he feels that the dismissal was not done in the right way. That is the procedure that we have, so that all the parties concerned—the employee and the employer—are given a chance to represent their cases. But according to the information we have from our labour officer—

Mr. Kiliku: On a point of order, Mr. Speaker, Sir. I do not know whether the Assistant Minister is in order to refer this House to the Industrial Court when we know very well that this House is supreme to that court. I do not know whether the Assistant Minister is suggesting that the Ministry is under the Industrial Court. I thought it was the other way round?

Mr. arap Metto: Mr. Speaker, Sir, I am not suggesting that this House is not supreme to the Industrial Court. All I am saying is that we have laws which have been enacted by this House, and these are the ones that I have been referring to.

Mr. Mbori: Mr. Speaker, Sir, before the Assistant Minister tells the hon. Member to ask the employee to apply this way or that way, is he satisfied that this particular person was dismissed according to the terms and conditions of service under which he was employed? Has this been followed?

Mr. arap Metto: Sir, while answering I gave the reasons which led to the dismissal of this particular employee. I also said that if the employee feels he was dismissed unjustifiably he should take his case to the union and it will be heard.

PURCHASE OF FOREIGN CURRENCY BY BANK OF INDIA

Mr. Lukindo: Mr. Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice:

- (a) Is the Minister aware that £924,000 was purchased from the Central Bank of Kenya for delivery to the Bank of India, Ref. Purchase (10300) of 25th May, 1984?
- (b) Why did the Central Bank of Kenya authorize this sale?

The Assistant Minister for Finance (Mr. Misiani): Mr. Speaker, Sir, I would request your indulgence that we answer this question next week.

Mr. Lukindo: On a point of order, Mr. Speaker, Sir. This is the second time for this question to appear in the Order Paper; and I stand to seek your guidance about it.

Mr. Speaker: Mr. Misiani, can you explain?

Mr. Misiani: Sir, there is a good reason. There was a reply that, I believe, was passed on to the hon. Member last week and there was a period of time when I was unwell and so when this reply was drafted we had not looked at it. This is because soon after the Minister himself also fell ill, and since we resumed we found that this reply was not satisfactory, and that is why we would like to give a proper reply to the House.

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

Mr. Speaker: Order! There is no point in dealing with this matter now since the Assistant Minister has said that he has to more or less prepare a proper reply. So, there is no point of dealing with it now and then looking forward to doing it again. We will let it stay like that until he is in a position to put forward something for all of us.

Mr. Lukindo: On a point of order, Mr. Speaker, Sir—

Mr. Speaker: Not on that matter. I have already ruled on it and it is finished.

(Question deferred)

CLOSURE OF RIOMORO PRIMARY SCHOOL

Mr. Abuya-Abuya: Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice:

- (a) Why was Riomoro Primary School closed down by the local administration in March 1987?
- (b) Is the Minister aware that the order given by the local D.E.B. and D.D.C. on 25th May, 1987 and 28th September, 1987, respectively to have the school re-opened was not followed?

The Assistant Minister for Education (Mr. M'Maitisi): Mr. Speaker, Sir, I beg to reply.

(a) Riomoro Primary School, which was duly recommended by the Kisii District Education Board to start in 1987 with one class of Standard 1 was closed down by the local administration, and consequently the two teachers who were deployed there, together with about 90 pupils, were transferred to the neighbouring Nyachiche Primary School. This was because of security reasons, and also because some community members preferred the site of the school to become a market place.

Mr. Kikuyu: On a point of order, Mr. Speaker, Sir. In the Assistant Minister's reply, he has touched on a very important point, of security reason. What security grounds are there in Kisii District to make a school be closed? Is Kisii District under a state of emergency?

The Assistant Minister for Education (Mr. M'Maitisi): Mr. Speaker, Sir, I wish the hon. Member would have

waited until the reply is complete before he jumped on the point of order.

Mr. Speaker, Sir, I am aware that on 25th May, 1987, and on 28th September, 1987, Kisii District Education Board and the Kisii District Development Committee (D.D.C.) respectively advised that Riomoro Primary School should be re-opened on condition that the school community should decide unanimously to either establish a school or a market at this site.

Mr. Speaker, Sir, as we know, Riomoro Primary School started as a nursery school, and children used to go there. By way of sending children there, they started a new primary school in 1987. The board made this recommendation during its meeting, which was held, as stipulated, on 8th September, 1987. Consequently, the school was opened with a Standard 1 class in January, 1987, and the Ministry or the district education officer, posted the teachers there, where there were about 90 children.

In March, 1987, Mr. Speaker, Sir, the headmaster of this newly established school wrote to the District Commissioner, Kisii, with a copy of his letter to the District Education Officer, Kisii, complaining of frequent harassment from the school community. That is to say that those who were interested in a market rather than a school went against the idea and threatened the headmaster and his staff. Some members of the school community wanted the school site to be developed into a market place. The school area is approximately three-quarters of an acre, which is not quite adequate for a school. Therefore, on receiving this complaint the district commissioner, the district education officer, the Chairman of the Gusii County Council and some councillors, together with hon. Abuya-Abuya, Member of Parliament for the area, visited the school, and advised the school community to resolve their differences.

Now, because of the gravity of the insecurity prevailing at that time at the school the district education officer transferred all the pupils and the two teachers to the next nearest school, which is known as "Nyachichi" and which is situated about two-and-a-half kilometres from Riomoro Primary School. The children are now learning at this school uninterrupted.

In May, 1987, Mr. Speaker, Sir, Kisii District Education Board recommended that Riomoro Primary School should be re-opened. Hon. Abuya-Abuya attended the board meeting. Now, on hearing of the board's recommendation the opposing group called on the district education officer and advised him of the danger of re-opening this school. The district commissioner told the local people at Riomoro that unless they sort out their differences the school would remain closed. We would only be interested if we hear that these people have agreed because there are opposing factors. The moment they agree that the school should be re-opened without any opposition and fighting over it, we will come in. But while this kind of faction is continuing we have no alternative other than to leave the matter as it is.

Mr. Abuya-Abuya: Mr. Speaker, Sir, from the outset, let me say that the answer by the Assistant Minister

[Mr. Abuya-Abuya]

contains total "lies"! The Assistant Minister says that the school—

The Assistant Minister for Commerce (Mr. Lalampaa): On a point of order, Mr. Speaker, Sir, Did you hear the hon. Member use the word "lies"? Is it a Parliamentary language?

Mr. Speaker: No, we do not use that kind of language here, Mr. Abuya-Abuya. So, withdraw and apologize to the House.

Mr. Abuya Abuya: Mr. Speaker, Sir, I withdraw and apologize, but he is misleading the House.

Mr. Speaker: You cannot say that and then say "but"!

Mr. Abuya-Abuya: Mr. Speaker, Sir, I withdraw the word "lies", but he is misleading the House.

Mr. Speaker, Sir, the Assistant Minister has told this House that the community was harassing the teachers. This is not true. The report contained in *Kenya Leo* of 25th May, 1987, which reads: "Shule Yafungwa Wilayani Kisii". This is the story, and it is true, and I quote:

"Wanafunzi zaidi ya 200 wa shule ya msingi ya Riomoro katika lokesheni ya Central Kitutu Wilayani Kisii wamekosa masomo yao kwa muda wa miezi miwili iliyopita baada ya shule hiyo kufungwa na ofisa wa elimu wa tarafa ya Manga, Bw. J. Omoyo, pamoja na chifu mdogo wa eneo hilo, Bw. Samson Nyang'au, waliandama na polisi wanne wa utawala waliokuwa na bastola."

Mr. Speaker, Sir, that is the truth. The community has always wanted a school. It is the community that donated the plot, which is two-and-a-half acres, and considering the scarcity of land in Kisii, that is good enough. Delegation by delegation has gone to the district education officer, the district commissioner, and the provincial education officer. They are always chased away from the Government offices. I, personally, as the Member of Parliament for the area, have talked to the Minister himself about the issue, and also to the Director of Education, but I have not been listened to.

Mr. Speaker, Sir, the district education board meeting of 8th September, 1987, approved the school. The Assistant Minister has misled the House by saying that a condition was made for the school to re-open. If I can read the minutes—Minute 62/86 (iii) of 25th May, 1987—states, and I quote:

"The D.O., the D.C., Gusii County Council, and the area M.P. arranged to meet the school committee, and officially announce the opening of the school".

The harassment, Mr. Speaker, Sir, has come from the assistant chief, the district officer, the chief, and the councillor, because they want this plot to be turned into a market place so that they can grab the plots. Could the Assistant Minister direct that this school be re-opened immediately? This is pathetic. I can show you the picture of the children who are out of school and in the rain. The newspaper says:

"When it rains on them, the cold weather on the Kisii highlands harasses them each morning, and yet

they are never attended to. Their school, Riomoro Primary School, was closed down by the local administration to give way for a market. The 200 children—"

Mr. Speaker: Order, Mr. Abuya-Abuya! The fact something appears in a newspaper does not mean that it is correct!

Mr. Abuya-Abuya: Mr. Speaker, Sir, I am saying this because it should touch anybody who is a human being and anybody who loves Nyayo children. Would the Assistant Minister order that the school be re-opened immediately?

Mr. M'Maitsi: Mr. Speaker, Sir, it is good that the hon. Member is taking that interest. But on the other hand, for what reason would an assistant chief and administration police carry guns to a place where there is peace? It is also misleading for the hon. Member to say that when we start a school we shall be having 200 children in Standard 1. This is completely unusual. He should have said that two classes had been started; that would be understood. The only way we can have the school back is through peace. We want peace in the area.

Mr. Chepkok: On a point of order, Mr. Speaker, Sir. It is written in the newspaper that the school had 200 children. The information officer who was there counted the children and found that they were 200. Why is the Assistant Minister misleading the House by denying that the children were 200?

Mr. M'Maitsi: Mr. Speaker, we administer schools through the district education officer and the assistant education officer. We do not administer them through newspapers. We are, therefore, following what our administration has written and told us the position is. They told us that the position is not the way the hon. Member is alleging.

Mr. Abuya-Abuya: On a point of order, Mr. Speaker, Sir—

Mr. Speaker: Order! We are seeing people becoming disorderly. We should behave like mature people.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. My point of order is in connection with the reply given to this House, which has been refuted by the hon. Member. Now, will the Assistant Minister substantiate that the hon. Member and all those people whom he says went there did actually do that? The newspaper report mentions the chief and the district officer only there is no mention of the Member of Parliament. In other words, the Assistant Minister's reply is not true. So, could he substantiate that the hon. Member was there? The newspapers do not say that the hon. Member was there.

Mr. M'Maitsi: Mr. Speaker, Sir, I cannot substantiate what is in a newspaper. I have said that the hon. Member, the Chairman of Gusii County Council, the chief and the district officer visited the place. If they visited it, when they have reasons why they do not want to go ahead and start the school there; they do not want to start it in this place.

Mr. Abuya-Abuya: On a point of order, Mr. Speaker, Sir. My point of order is that the Assistant Minister is misleading the House. This is because after the meeting

[Mr. Abuya-Abuya]

of 25th May, 1987 it was decided that since the school had been closed down using askaris, and, therefore, scaring the community, the district commissioner, the Chairman to Gusii County Council—and that is the information I quoted from the minutes of that meeting—should go to the site for the purposes of re-opening the school and restoring the people's confidence. It is true that there are 200 children in that school; 100 of them being in the nursery school class and the other 100 being in the standard one class.

Mr. M'Maitisi: Mr. Speaker, Sir, I am sure that the hon. Member lives in that area. However, it is clear that what he has done here is just bringing in reports contained in newspapers. I am sure the district education officer and the district commissioner are well informed about this matter. The district commissioner is the chairman of both the district education board and the district development committee. Therefore, after discussing the matter in those committees, he went to the site himself. Now, since he was not satisfied that the site was safe, he wrote to us—

Mr. Speaker: Dr. Wameyo's question.

OWNERSHIP OF KENAFRIC COMPANY

Dr. Wameyo: Mr. Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice:

- (a) Who are the present directors of KENAFRIC BUSINESS AND CREDIT HOLDINGS (E.A.) Co. of P.O. Box 97309, Mombasa?
- (b) What is their present address?
- (c) When was the company first registered?
- (d) What is their nature of business?

The Attorney-General (Mr. Muli): Mr. Speaker, Sir, the information sought here could easily be obtained from a search in my office, on payment of a certain fee.

Hon. Members: Use the microphone!

The Attorney-General (Mr. Muli): Mr. Speaker, Sir, what I have said here is that the information sought here is normally obtained through search in my office on payment of a prescribed fee. So, unless there is any special reason as to why I should answer this question, it is very clear that this information can be obtained from my office.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Is the Attorney-General in order to refuse to reply to a question? This question is now the property of the House. Once it is put on the Order Paper it becomes the property of the House not the hon. Member's property. Is he in order to refer the hon. Member elsewhere when this question is the property of the House? Would you, Mr. Speaker, Sir, order him to give a reply to this House?

The Attorney-General (Mr. Muli): Mr. Speaker, Sir, I have not refused to reply. All I have said is in the Standing Orders, which the hon. Member is a master of which provides that where information can be obtain-

ed elsewhere, such a question cannot be answered. I am prepared to answer the question, Mr. Speaker, Sir.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. It is not in order for the Attorney-General to mislead this House, because under Standing Order No. 37 there is nothing of the sort which governs the questions of this House. There is nothing that says what he is telling this House. Once the question is put on the Order Paper it is the property of the House and not the hon. Member's property. Therefore, we are entitled to get that information from the Attorney-General.

Mr. Muli: Mr. Speaker, Sir, I do not know why there is steam. I am always prepared to assist, and I have only pointed out that this information is available on search and on payment of fees, but I am prepared to reply. I have not refused to reply.

Mr. Shikuku: Give us the reply.

Mr. Muli: Mr. Speaker, Sir, I beg to reply. According to the notice of change filed with the Registrar of Business Names on 25th August, 1980, the sole proprietor of the business is Mr. Lucas Samwel Owuor Odindi. The registered office of the company is plot No. 212, Section 20 of Haile Selassie Road, Mombasa, and has branches at plot No. 79, Section 5, Mbale Market, Kakamega Plot, Mgimenyi Trading Centre, Werucha Road in Taita Taveta District, Plot No. 4096, Section 70, Mukudi Road, K.N.U.T. Building, Kitui and Plot No. 11/102, Main Road, Kisii.

The business was first registered on 15th May, 1975, when it had two partners, namely: Josphat Mberench Otete Oyugi and Lucas Samwel Owuor Odindi. The nature of the business is general commission agency. I would like to point out that this is not a company but a partnership.

Dr. Wameyo: Mr. Speaker, Sir, I would like to thank the Attorney-General for that very comprehensive answer, but I would like to put one question to him. Mr. Josphat Mashemo Mwanga, from Mumias, paid this partnership Sh. 7,686, but to-date we cannot receive any replies to letters written to this address. So, may I know from the Attorney-General whether these offices still exist as of now?

Mr. Muli: Mr. Speaker, Sir, I can only reply from the records filed in my file about the business. The information I have given is the up-to-date one. We have not had any changes, and unless the hon. Member can assist us here I cannot give any more information, which I do not have.

Mr. Shikuku: Arising from that reply, Mr. Speaker, Sir, would the Attorney-General, apart from using his files, use his other means to find out whether, indeed, this company is in existence and whether these addresses are still the same? He is only depending on his file. Would he use other arms to find out whether these people really exist and whether they use that address?

Mr. Muli: Mr. Speaker, Sir, as I said, this is not a company but a partnership. So we must not refer to it as a company; we have only registered it as a business name. As to whether it is operational I cannot say, but there is no doubt that if the hon. Member, Dr. Wameyo,

[The Attorney-General]

gives me the particulars of the case he mentioned, as a basis for investigation, I would carry out investigations.

Dr. Wameyo: Mr. Speaker, Sir, this company collected a lot of money from wananchi in Mumias and Ki'ui but as of now we cannot trace them. I know Haile Selassie Road in Mombasa very well. I operate a clinic there. However, I am unable to trace these people on this address, and that is why I asked this question. Would the Attorney-General assist us in finding out where these people are as of now?

Mr. Muli: Mr. Speaker, Sir, if the hon. Member gives me the papers containing the details of the people complaining that they have paid money to this business partnership, that will form the basis of my investigation, and I will certainly do the best I can.

(Applause)

Mr. Speaker: Let us move now on.

POINT OF ORDER**CLOSURE OF SCHOOL—MATTER NOT SUITABLE FOR S.O. 20**

Mr. Omido: On a point of order, Mr. Speaker, Sir. I wish to raise a matter concerning the closure of Riomoro Primary School in Kisii because, as you know, we have already been told more than 200 Nyayo children have been denied a chance to go to school. This is in the interest of a few people who want to convert the school into a market for their own selfish ends. I feel that this is a matter of national importance, and I would like to request for your permission to move a Motion for the Adjournment at an appropriate time so that the House may discuss this matter appropriately. Thank you.

(Applause)

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

Mr. Speaker: There is a point of order which is not yet dealt with. If Members support that view and wish to discuss the issue raised, I will not stop it. However, there are only 18 hon. Members in the House now.

Hon. Members: We have 21 Members in the House now. We are 21.

Mr. Speaker: There seems to be some confusion somewhere because I understand that this is the same matter that was raised in a question this morning and it was dealt with then. So, raising the matter again now is just repetition of the same thing.

Mr. Abuya-Abuya: On a point of order, Mr. Speaker, Sir. This matter is so serious—

Mr. Speaker: No! We will not go back to that issue. *(Several hon. Members stood up in their places)*

Mr. Speaker: Order. Resume your seats, hon. Members.

We have had that question which was replied to here and hon. Members had an opportunity of asking supplementary questions on it. So, going back to it seems to be just repetition of what has already been dealt with. There is no point in doing that.

This would be more repetition of the same question in the same Session. So, I do not think we should handle it that way. We should make sure that we are clear when we call for a Motion for the Adjournment. I think we had better move on to some other business.

Mr. Abuya-Abuya: On a point of order, Mr. Speaker, Sir. The issue really touches—

Mr. Speaker: Let us not go back to that issue, Mr. Abuya-Abuya.

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

Mr. Speaker: Not on the same issue.

Mr. Khalif: No, Mr. Speaker, Sir, this is different.

Mr. Speaker: Okay, Mr. Khalif.

PERSONAL STATEMENT**DENIAL OF ALLEGATION OFFENSIVE TO MUSLIMS**

Mr. Khalif: On a point of order, Mr. Speaker, Sir. I stand to raise a matter of considerable significance to me as the Member of Parliament for Wajir West and as the Secretary-General of the Supreme Council of Kenya Muslims, and indeed, to the entire Muslim community in Kenya. This is in connection with some remarks uttered by hon. Shikuku, the Member for Butere, in Parliament some time back, to the effect that mosques, which, as you are aware, are exclusively used for the worship of the Almighty God by Muslims, have been used as meeting places where people hatch up political tricks and machinations against other people. The hon. Member was specifically referring to some problem pertaining to a Councillor Maitha of Mombasa during a question and answer discussing the councillor's problems. Mr. Shikuku talked of "Shariff's law made in a mosque".

Mr. Speaker, Sir, these remarks are of great importance, not to mention their insinuation. What hon. Shikuku was implying is that mosques are used for plotting and scheming evil. They were, therefore, made in bad haste and have hurt the feelings of the Muslim community in Kenya, who have, naturally, taken great exception to the remarks.

The purpose of this point of order is to ask hon. Shikuku, through, you, to withdraw these remarks and apologize to the House, failing which it will be in keeping with the dignity of this august House and the natural justice that he substantiates the serious allegations contained in his very derogatory remarks.

There might be differences in matters of principle, or political persuasion, between hon. Shikuku and hon. Shariff Nassir. Those differences are theirs as two individuals and they have no right to frustrate the House as they deem proper. I hope neither the Muslim community nor the Christian community have anything to do with those differences of theirs. Thank you.

Mr. Shikuku: Mr. Speaker, Sir, what the hon. Member is saying gives the impression that I stood up in this House and uttered the words he has mentioned. He was not in the House then, to start with. I do not know from where he got this information. I was seated here,

[Mr. Shikuku]

and somebody was, I think, making an interjection which the Press picked up. I was never on my feet saying what he is saying. Therefore, I do not have that ill-feeling against Muslims, as such. I just interjected when I was seated here; I was not on my feet. Probably I had better enlighten the Muslims in this country that I was not on my feet saying that. I was just seated here, and I merely interjected, but this did not convey what the hon. Member has told the House, to the effect that I am despising the Muslim faith as such. I did not have that intention at all. I only said that this must have happened somewhere. Things can be discussed in a mosque, just as they can in a Catholic cathedral. What is wrong with that? I did not have the intention he is conveying to this House, to the effect that I was looking down upon Muslims. You can discuss things in a Catholic cathedral or in the Church of the Province of Kenya, and there is nothing wrong with discussing things in the House of God.

Mr. Khalif: Mr. Speaker, Sir—

Mr. Speaker: Order, Mr. Khalif! You have been reading some document. I asked you about it when you came here, and then you said "No" and put it in a way as to avoid certain things. I told you I had not read your report because at no time did you give it to me to read. So, as far as I am concerned I know nothing about what you have told the House.

(Applause)

I suppose hon. Shikuku had no intention of interfering with anything.

(Applause)

So, we will leave the matter there.

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

Mr. Speaker: No! Mr. Khalif, when I asked you for your written—

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

Mr. Speaker: Order! We are not going to tolerate anybody shouting here.

Mr. Khalif: Mr. Speaker, Sir, I did not get the opportunity to alert you about this matter. Yesterday you were not in your office, and so I took up this matter with the Deputy Speaker, who read this personal statement and told me to read it out after Question Time yesterday. But unfortunately the House went into Committee and he was chairing it; so there was no time for points of order. Therefore—

Mr. Speaker: Order! You could have given me that written personal statement of yours. I asked you for it and you were only holding it; you did not give it to me. So, we are now wasting time. Let us go to the next Order.

Mr. Khalif: On a point of order, Mr. Speaker, Sir—

Mr. Speaker: No, unless it is on a different issue!

Mr. Khalif: On the same issue, Mr. Speaker, Sir.

Mr. Speaker: No! You will get out of here now; you are becoming a nuisance!

POINT OF ORDER

INVITATION TO MINISTERIAL STATEMENT: INSECURITY IN ISIOLO

Mr. Jaldesa: On a point of order, Mr. Speaker, Sir. My point of order is in connection with the security situation in Isiolo District. I have two points of order which relate to security matters, and they are both directed to the Office of the President.

As you may be aware, there have been many killings and cattle rustling in Isiolo District. What we have discovered is that many cattle rustlers kill people and steal cattle and escape easily. I want the Minister of State who is in charge of internal security in this country to make a clear statement explaining how many people were murdered in Isiolo; since January 1987; what action was taken and what action they are intending to make to prevent the recurrence of similar incidence in the district.

My second point is that we, as the leaders, are very much concerned about this situation and we try to convene meetings of leaders of Garissa and Isiolo districts. We have managed to meet the elders and tried to reconcile the differences that exist among the tribes of that area. But it is very unfortunate that a meeting we had planned for 16th October, 1987, was interfered with by Members of Parliament from Isiolo District and Kanu officials made arrangements to tour the district calling for peace and calling on the people to live as brothers. But some people somewhere are out to defeat our purpose. This is clearly shown by the fact that on 16th of this month, when we planned to hold a meeting at Modogashe, the Clerk to Isiolo County Council objected and sent a delegation of five councillors to protest against our aims. On 16th of this same month, he took the council vehicle and went to Kulamawe and spent the whole day preaching many bad things to the community, encouraging them to fight. On 17th October, 1987, while not on official duty he took the council vehicle and went to a place called Gatase, in Modogashe, where he held an illegal night meeting and told the people not to agree to our purpose. On 18th of this month he went to Galbatula and conducted a similar exercise. This was tantamount to encouraging a tribal war, and we have reported these incidents several times and no action has been taken.

On 20th October, 1987, during the Kenyatta Day celebrations the speeches that were made by leaders, particularly the one made by the Chairman of Isiolo County Council, were inflammatory and could cause public disturbances and make people fight. It seems that those of us who are after peace and unity in this district are getting a lot of problems.

Mr. Speaker, Sir, the same people are trying to defeat our aim by using the animals which are stolen.

With these few remarks I would urge the Minister of State in the Office of the President who is in charge of internal security to explain the situation to us and tell us who is causing these problems. This could be the work of a dissident.

[Mr. Jaldesa]

Also there are many people who have lost their animals and also their lives. We want the Minister, when he comes to reply to this point of order, to tell us what immediate plans he has for assisting the victims.

Thank you very much, Mr. Speaker, Sir.

PERSONAL STATEMENT**REBUTTAL OF ALLEGATIONS OF OATH-TAKING IN MACHAKOS**

Mr. Munyao: On a point of order, Mr. Speaker, Sir. In fact I have two short points of order; the first one is directed to the Chair and the second one is directed to the Office of the President. I will begin with second one.

During Kenyatta Day celebrations, on 20th October, 1987, the Machakos District Commissioner addressed wananchi in Machakos. While delivering his speech he said that oath-taking is rampant in Machakos District. He went as far as uttering the following words:

"I am tired of oath-taking in Mbooni, Kilungu and Yatta Divisions."

These remarks were published in the local newspapers and they have been read by many people, and many people are worried. This has led people into thinking that there is oath-taking in Machakos District, and that people in Machakos are breaking the law.

Knowing what politics is, Mr. Speaker, Sir, this matter can be used in campaigns during the next general elections. So I would like the Minister concerned—in the Office of the President—to make investigations and make a Ministerial Statement in this House so that he may clear the Christians in Mbooni. I have done my own investigations, and I have not come across any oath-taking in Mbooni. These are serious allegations and I would like the Minister concerned to make a Ministerial Statement to clear the air.

POINTS OF ORDER**SPEECHES IN THE HOUSE—DISCUSSION OUTSIDE THE HOUSE**

Mr. Munyao: The other point of order, Mr. Speaker, Sir, is addressed to the Chair. Last year—and this year also—the Chair severally warned some people against the practice of taking out issues discussed in this House to go and discuss them in other forum. For instance, there was a debate in this House last year about the Ministry of Local Government. You will find that the same debate was carried outside this House, and the same matter was discussed by some councillors in Kirinyaga District. The story was published in *The Standard*, and it was based on a speech given by hon. Njuno in this House. The same issue, which hon. Shikuku talked about in this House, was also discussed by councillors in Mombasa. When you look at these matters you find that it appears as if there are some people who are breathing through these councillors. For how long has the Chair to continue warning that this is a dangerous trend and that issues discussed in this House cannot be

discussed in any other forum? When will leaders stop breathing through other people?

Those are my only two points, Mr. Speaker, Sir.

An hon. Member: Can the Chair respond?

Mr. Speaker: Yes. I have heard what hon. Munyao has said, and, of course, I want to know more. I would like hon. Munyao to make it clear, but that can be done without taking any time of this House.

Mr. Munyao: Mr. Speaker, Sir, I will give the Chair more information. When hon. Njuno was contributing to that debate here, he talked about what was happening in Kirinyaga, Mr. Keriri also talked about it. The matter was covered in *The Daily Nation* issue of Saturday the same week. What hon. Shikuku said here was also discussed by the Mombasa Kanu Branch, and it was reported in *The Sunday Standard*. So, Mr. Speaker, Sir, you can look at the copies of the two newspapers.

CALL FOR MINISTERIAL STATEMENT—ASSAULT ON PEOPLE BY DISTRICT OFFICER

Mr. Chepkok: Jambo la nidhamu, Bw. Spika. Nidhamu yangu ni kuhusu mtu wangu moja ambaye alipigwa na District Officer wa Kapcherop Division. Nilikuwa nikifikiri wakoloni walihamia nchi hii, lakini kumbe kuna "Wekoloni" wengine ambao walimaliza masomo yao hivi majuzi na ambao wameajiriwa kazi na Serikali kama wakuu wa tarafa!

Bw. Spika, mtu huyo alifungwa kwenye shina la mti na kucharazwa viboko mpaka akazirai kabisa. Alipozirai aliwekwa korokoroni, na siku ya Jumatatu iliyo fuata akapelekwa kortini akiwa amefura mkono. Alipelekwa kortini ili akafanyiwe mashtaka.

Bw. Spika, hiyo haikuwa mara ya kwanza kwa huyo mkuu wa tarafa kumpiga mtu. Hii ilikuwa mara ya nne kwa mkuu huyo wa tarafa kuwapiga watu.

An hon. Member: Twambie jina lake.

Mr. Speaker: Order! Mr. Chepkok, can you say what you want to say quickly?

Mr. Chepkok: Bw. Spika, Waziri anayehusika anamfahamu Mkuu wa Tarafa ya Kapcherop.

Bw. Spika, mara ya kwanza mkuu huyo wa tarafa aliwaita watu kwenye ofisi yake. Kuna watu kutoka makabila 17 ambao wanaishi katika sehemu hiyo. Watu wengi walifika kwenye ofisi ya mkuu huyo wa tarafa, lakini yeye hakuwa na lo lote la kwaambia lisipokuwa kumwaliza kila mtu aseme alikotoka. Lakini mkuu wa tarafa alipata majibu kama hili tifuatalo hapa: "Mimi nimezaliwa hapa lakini niliambiwa kwamba wazazi wangu walihamia sehemu hii kutoka Murang'a zamani sana." "Hata mimi nimeambiwa kwamba wazazi wangu walitoka Nyanza." Watu waliotoa majibu ya aina hiyo waliamriwa kulala chini na halafu wakachapwa viboko. It is terrible!

Mara ya pili afisa huyo aliwaita wanawake katika ofisi yake na kuwachapa viboko. Hii ni mifano mitatu ambayo nimetoa hapa. Hivi majuzi, wakazi wa kujiandikisha, aliwakataza watu—

Mr. Speaker: Order! This really is the wrong way of doing these things. You cannot make accusations like

[Mr. Speaker]

this. You cannot just come here and make a speech under the guise of a point of order and then you go out feeling protected. I think you should follow the normal way. If anything has happened you should table a question here or move a Motion, or something like that but not through this kind of talk. All that it benefits is— It is a sort of protection while you are speaking from there. I do not think we should be doing this kind of thing. We should be candid and produce what we are saying.

Mr. Chepkok: Bw. Spika, ninayasema maneno haya kwa sababu ya uchungu ambao ninao. Nimewafahamisha maofisa wa utawala juu ya jambo hili lakini hawafanyi lo lote. Kwa hivyo, ningemtaka Waziri anayehusika afanye uchunguzi na kutoa taarifa katika Bunge hili na kutueleza iwapo wakuu wa tarafa wamenuhusika kuwapa watu.

Mr. Speaker: Order! Order! If you have already said what you had in your mind before the House, I do not think it is necessary now to follow it with a long speech on which issues— What you should do is that you should show the evidence of what you are alleging. This is because you are alleging very serious things. That is why I say the way you are approaching it is not proper. When you speak here you are protected; it might be different outside. I think we had better move on now.

Mr. Abuya-Abuya: On a point of order, Mr. Speaker, Sir.

Mr. Chepkok: Bw. Spika, nimeyasema maneno haya kwa sababu mimi pamoja na mkuu wa wilaya tulimwendea huyo mkuu wa tarafa na kumwambia asiwapige watu tena. I am talking the truth. That is what I saw. We went to him with the district commissioner but he could not listen to us. That is why I am requesting the Office of the President to carry out investigations and then issue a Ministerial Statement here explaining to the House whether there is a law—

Mr. Speaker: We have heard now! I think we should move on now.

PROMISED STATEMENT—GOVERNMENT MACHINERY ON CHEMOSIT ROAD

Mr. Abuya Abuya: On a point of order, Mr. Speaker, Sir. I requested the Ministry of Transport and Communications to issue a statement in connection with a contractor who is constructing the Kisii/Chemosit Road. The allegations are that this contractor is removing the machinery bought by the Government at millions of shillings and taking them away. I was asking the Minister to issue a statement to ensure that these machines are not removed from the site before the whole matter is discussed as it might result in the Government losing a lot of money. There are people in the Ministry who are bent on giving this contractor these machines, which have been purchased by the Government. I was asking for a clear statement from the Minister as to what steps his Ministry is taking to safeguard the interests of the Government. I asked this last week, and so far there has been no statement from the Minister. Could I ask the Minister to respond to this?

Mr. Speaker: Next Order.

Mr. Abuya-Abuya: On a point of order, Mr. Speaker, Sir. Last week when I asked this question the Assistant Minister was just sitting here and he did not respond; and today, too, he is just sitting here. He should respond to my point of order.

The Assistant Minister for Transport and Communications (Mr. arap Koech): Mr. Speaker, Sir, I do not think the hon. Member would want me to just give the statement straightaway. I have noted the allegations made and we are going to find out what is happening. As far as I am concerned, a good job was going on on this particular road, but definitely I promise that something will be brought to the House.

PRIVATE MEMBERS' MOTIONS

ADDITIONAL WATER PIPELINE FROM MZIMA TO MOMBASA

THAT, in view of the fact water flowing through Mzima Water Pipeline towards Mombasa cannot adequately serve the increased water consumption on West Mainland (where there are several industries and a large population); this House urges the Government to lay an additional water pipeline from Mzima to Mombasa to augment the present water supply.

(Mr. Kiliku on 21st October, 1987)

Amendment Proposed:

THAT, the Motion be amended by inserting the words "when funds become available" between the words "Government" and "to" appearing on the fifth line.

(The Assistant Minister for Water Development
(Mr. Kiptanui) on 21st October, 1987)

(Resumption of Debate on the amendment interrupted on 21st October, 1987)

Mr. Speaker: Order! Last week, this debate reached a point where an amendment was to be made, but it was not made. So I would like to propose the amendment now.

Mr. Speaker: Yes, Mr. Shikuku.

Mr. Munyao: Mr. Speaker, Sir—

Mr. Speaker: Oh, you were speaking on this last week, Mr. Munyao. All right, carry on.

Mr. Munyao: Mr. Speaker, Sir, I was speaking last week before the House adjourned, and I thought I would finish first before the question is proposed. I thought that is the procedure.

An hon. Member: You had only about five minutes remaining.

Mr. Munyao: Mr. Speaker, Sir, in fact I have more than five minutes.

Mr. Speaker: You can use the five minutes to finish your contribution and then I will propose the question.

Mr. Munyao: Thank you very much, Mr. Speaker, Sir, for allowing me to continue, although, in actual fact, I had more than five minutes.

Before the House adjourned last week, I had brought up the issue, when I was supporting this second Mzima water pipeline, that water in this country is becoming

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[Mr. Munyao]

very expensive and therefore, the Ministry ought to do something to reduce the tariffs on water. At that time I cited, as an example, the Katangi Water Project in Kalawa Location, which is the only project in the area. The women there are asked to pay as much as Sh. 5 for a drum of water, and Sh. 1 for a small calabash of water which cannot even hold 20 litres. I am sure that the Minister took this into account as I wanted him to tell us what is happening there. I was appealing to the Ministry of Water Development to at least look into this problem more sympathetically because these people have no other source of water. I just wanted the Minister to see whether he can reduce the water charges in this area.

The other point I wanted to make is that since the intake at Katangini is very good at Thwake River, the Ministry should look for ways and means of making sure that the intake is enlarged so that water can flow faster because there is no other source of water in that area at the moment. I am very happy because I can see the Assistant Minister for Water Development nodding. Since he is a man of action, I am sure something will be done to that effect.

Mr. Speaker, Sir, the other day we were told that Kiteta Water Project, which had been costed by the Government at KSh. 320 million, would be rehabilitated when funds become available. When are the funds going to be available? We are sure, as the Assistant Minister told us the other day, that Kilimanjaro Water Project is being implemented now. Now that we know that the Minister does things, can he take it into account that as he looks for money for the second phase of Mzima Water Project, he also covers the implementation of the Kiteta Water Project? There is a dam there already; what is needed, according to what the Minister told us last time, only KSh. 320 million. If the Government could get money to implement this project, the people of Machakos would be very happy because this place is very dry. The Government has already spent about KSh. 1.5 million in designing Kiteta Water Project.

Mr. Speaker, Sir, Muoni Water Project is another very important undertaking. We do thank the Ministry of Water Development for the effort it has made in completing this project. The project is now complete and water is going to be distributed to areas in Masii, Mwala and others. Everything has been done but the filtration machinery has not been installed. That machinery is estimated at KSh. 20 million. I would request the Ministry to give us money so that this water can be supplied to the people. We are very happy about what is happening, and we are sure that people below Machakos will be supplied with water from Kilimanjaro Water Project.

Mr. Speaker, Sir, connections are already being made at Mulima Water Project. In fact, individuals are being asked to pay as much as KSh. 70 in order to get water supplied to them. I request the Ministry to try and reduce the charges for individuals because that amount is too high and individuals cannot afford it. We request the Ministry to reduce the charges so that Mulima Water Project can benefit the people in that area.

With those few remarks, Mr. Speaker, Sir, I beg to support.

(Question of the first part of the amendment, that the words to be inserted be inserted, proposed)

Mr. Speaker: Yes, Prof. Sumbi.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. I had been called to contribute to the Motion. Does it mean that I am going to wait again?

The Assistant Minister for Culture and Social Services (Prof. Sumbi): Mr. Speaker, Sir, I hope that the hon. Member will wait until I make my small contribution to this Motion.

Sir, I thank the hon. Mover of this Motion because the importance of water can never be overemphasized. The source of Mzima Springs water is Kyulu Hills, and we, the people of Kibwezi, thank God for giving us a resource of five rivers which flow all the year round. When the Ministry of Water Development gets funds to put up a second water pipe to Mombasa, I would request them to consider constructing reservoirs at the highest point of these rivers. I have in mind rivers Kiboko, Makindu, Kibwezi, Thange, Kambu and Mitito Andei, whose water emanates from Kyulu Hills. It will be a very good service if reservoirs are put up at the highest point of these rivers so that water can flow through the ridges. The wananchi in that area who, as I stated here some time back, grow a lot of horticultural crops for export to Europe and elsewhere, would benefit a lot. If such reservoirs are put up water will be able to pass over the ridges and wananchi will be able to grow more horticultural crops and increase our foreign exchange earnings as well as growing food for their own domestic consumption. So, that exercise of laying a second water pipe to Mombasa could be done at the time when these reservoirs are being constructed.

Mr. Speaker, Sir, I take this opportunity to appeal to my constituents and other people who burn charcoal around and on Kyulu Hills to stop it because if the trees on this hill are cut down, that may make these rivers dry up and even affect Mzima Springs. I hope people in that area will understand that. It is very annoying and, in fact, the Machakos District Development Committee has already banned the transportation of charcoal from Kibwezi. We know most of the charcoal comes from trees cut down on Kyulu Hills. There is no more transportation of charcoal from Kyulu Division to Nairobi. However, even after the district development committee banned the burning of charcoal in that area, every night you find about 20 to 30 lorries transporting charcoal from the same area to Nairobi. If this continues, Mzima Springs will not have any water and Mombasa will suffer, and also the people of Kibwezi. The hon. Member for Butere may think I am out of order to mention this, but I want to show that if trees on Kyulu Hills are cut down, we may not, in future, have any water emanating from Kyulu Hills. If the trees are all cut down, one day we will not have any water coming from Mzima Springs to Mombasa.

Mr. Speaker, Sir, that is very important. Another point I would like to raise in connection with this

[The Assistant Minister for Culture and Social Services] Motion is the second phase of Kikumbulyu Water Project. The first phase was financed by the European Economic Community, and it is now complete. We, the people of Kibwezi Division in Machakos District, are now waiting for funds and the commencement of the second phase of Kikumbulyu Water Project. Through you, Sir, I would like to request the Minister to hasten the acquisition of those funds from whoever will be the next donor. They should request for these funds so that this phase can be started. It is important because it has been proposed that Machakos District will be subdivided and the headquarters will be at Makindu. In essence, this second phase will be able to feed the headquarters of the new district and the entire district as at and when it becomes functional.

I would also like to take this opportunity to thank the Minister for Water Development and his staff for the good thing they have done in one of the driest areas in the country, that is Machakos District. I would also like to thank them, on behalf of my constituents in Kibwezi and Makueni, for having started 18 relatively small water projects during my tenure as the Member of Parliament for that area. They have done a good job; and those projects would have been completed if reservoirs were created and furrows dug, in the lines of programme in Meru. I have been to Mitunguu, where water flows all the time thereby enabling the people to grow all sorts of crops. That is why Meru District never experiences food shortages as happens in Kibwezi and Makueni Divisions of Machakos District and Kitui Districts. We hope that most people will be sympathetic with the semi-arid areas.

His Excellency the President mentioned the importance of water when we were at Loitokitok. He said he even foresees a day when water will be pumped from Lake Victoria to Timboroa, thus making the entire Kenya arable land. We are praying and hoping that this will take place one day. This is an opportune time, and I am urging the Minister and his staff to take action at this time when almost all countries of the world would be ready, if requested, to come to our aid in terms of development projects. If the Ministry can re-double their efforts, that dream might come to pass, that is to ensure that by the year 2000 water will be available either in every home or close to the home. The target is to have clean water for human consumption, for use by animals and for irrigation purposes.

With those few comments, I beg to support.

Mr. Shikuku: Ahsante sana Bw. Spika, kwa kunipa nafasi hii ili niseme machache kuhusu Hoja hii. Sitasema maneno mengi ambayo hayahusiani na Hoja hii. Hoja hii inaituliza Serikali iongeze bomba lingine kubwa la maji kutoka Mzima Springs hadi Mombasa. Hoja hii haisemi maneno juu ya Makindu, Machakos, Kyulu na Kwangineko. Bw. Spika, —

The Assistant Minister for Culture and Social Services (Prof. Sumbi): On a point of order, Mr. Speaker, Sir. What I said in relation to this Motion is not out of point. I was talking of projects that emanate from Kyulu Hills and Mzima Springs emanates from there, and I showed

the connection in that respect. I do not see why the current speaker on the Floor is wasting time instead of going straight to the point.

Mr. Shikuku: Bw. Spika, nitaendelea ijapokuwa Mhe. Waziri Msaidizi ni Professor mzima na hazui maneno "Wasting time" are out of order. Kwa hivyo, nitamwacha tu.

Jambo lingine ni kwamba ingefaa bomba lingine la maji liongezwe kwa sababu watu wamekarwa wengi katika mji wa Mombasa. Ikiwezekana, katika bomba hii linapowekwa kuelekea Mombasa, mabomba mengine madogo yanaweza kuwekwa ili watu wanaoishi karibu na haya waweza kupata maji pia. Hili ndilo jambo tunaloulizwa hapa. Sasa, sahihisho linasema "When funds are available." Wanasema pesa zitakapopatikana jambo hili litafanywa. Hili ndilo jambo ninalotaka kuzungumzia. Tunapoambiwa pesa zitakapopatikana ndipo jambo hili litakapofanywa—ingefaa ujue Hoja hiyo imeondolewa maana yake na imeonewa—imeshaondolewa katika orodha ya mambo yote yatakayotendwa na haiko tena. Kwa hivyo, yule aliyewasilisha Hoja hii, na sisi tulio katika Bunge hili, tukilikubali sahihisho hilo na kulipitisha, basi, hatuwezi kutumaini jambo lo lote kufanyika katika siku za usoni. Hii ni kwa sababu ukweli ni kwamba kila mwaka tunakuwa na Hoja ya kuzungumza vile pesa za umma zilivyotumiwa. Hoja hii huletwa na mwenyekiti wa Public Accounts Committee. Ukisoma ripoti ya kamati hii utaona ni mamilioni mangapi ya pesa yanayoingia mifukoni mwa watu binafsi, ambao pia hawawezi kushtakiwa. Sasa tunaambiwa hakuna pesa, na hali zinangia mifukoni mwa watu binafsi, ambao hawashitakiwa. Isitoshe, Bw. Spika—

Mr. Speaker: Mr. Shikuku, are you ready to substantiate what you are saying?

Mr. Shikuku: Ndio, Bw. Spika. Mambo haya yako katika ripoti ya Public Accounts Committee. Isitoshe, tunapoambiwa kwamba pesa haziko, tunajua zinatolewa nje ya nchi hii.

Archbishop Ondiek: On a point of order, Mr. Speaker, Sir. Could the hon. Member tell us the names of the people who have taken the money, if they appear in the Public Accounts Committee Report, so that the necessary action can be taken against them.

Mr. Shikuku: Bw. Spika, ubaya wa watu wengine walio katika dunia hii iliyoumbwa na Mungu, kama huyu archbishop mzima, ni kwamba hawaaki kuangalia jambo moja. Kwa mfano, huyu archbishop anaangalia mambo ya dini, na vile vile anaangalia mambo ya siasa. Kama angeangalia mambo ya siasa peke yake angeona katika Ripoti ya Public Accounts Committee kwamba hata Waheshimwa Wabunge wengine —

Mr. Speaker: Order, Mr. Shikuku!

Archbishop Ondiek: On a point of order, Mr. Speaker, Sir. I would not like to have a quarrel with my friend, hon. Shikuku, but I think it is not fair for him to refer to me as a person who involves himself with matters concerning the church and politics. We are here to defend the people, but we are not prepared

[Archbishop Ondiek]

to do that unreasonably, by trying to mention that there are some funds which have been misappropriated and yet there is no substantiation.

Mr. Mwachofi: On a point of information, Mr. Speaker, Sir. I would like to give some information to the hon. Members and the House. Whatever is contained in the Public Accounts Committee Report is public information and, therefore, substantiation cannot be demanded for that kind of information. Also, if hon. Ondiek is really interested in knowing those who like playing around with public funds, he knows that his own school, St. Stephen's Secondary School, refused to refund some money to students until this matter came to Parliament.

(Applause)

Archbishop Ondiek: On a point of order, Mr. Speaker, Sir. My friend, hon. Mwachofi, is trying to mislead the House. The school he is referring to is registered and recognized. It has its terms and conditions on how students should be admitted. Therefore, hon. Mwachofi should withdraw his allegation.

Mr. Muthura: On a point of order, Mr. Speaker, Sir—

Mr. Speaker: Not you, hon. Muthura!

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

There is nothing I should withdraw. The hon. Assistant Minister knows very well that in 1985 one of his schools in Kisii admitted students who should not have been admitted there. The matter was brought into this House, and the Ministry promised that the fees which had been paid by those students would be refunded. The Assistant Minister also knows that he withheld these refunds, and in one particular case I had to raise a question here, which was answered last week. The cheque for the refund was given to me here; it was refunded after a long struggle of two years. I believe that all the other students did not get their refund. What does he want me to withdraw? He should apologize.

Archbishop Ondiek: On a point of order, Mr. Speaker, Sir. As far as I know, for any school that is registered, there is no question that it cannot admit any student.

Mr. Shikuku: Bw. Spika, nawasahi Waheshimiwa Wabunge wenzangu wanipe nafasi ili niendeele kuzungunza. Jambo nililokuwa nikilizungunzia ni kwamba tunaambiwa hakuna fedha na hali tunajua ziko; hata tunajua fedha zinatoka nahi hii na kupelekwa nje. Sasa, ukweli ni upi? Tunaambiwa jambo hili na jambo lile haliwezekani "until funds are available", na hali tunajua linawezekana kama tunajua fedha zetu zinatumwa vipi.

Maji ni kitu cha muhimu sana. Tunaweza kuachana na mambo ya elimu na mambo mengine mengi ili tuweze kushughulikia maji. Tunawambia walio katika Viti ya Mbele walihili jambo hili uzito tutafute pesa tuwapatie watu maji—wale ambao wanaweza kupata maji kutoka kwa bomba hili la Mzima.

Tunaambiwa hakuna pesa, na hali zinaharibiwa na nyingine zinamudishiwa katika Hazina ya Serikali. Hii yote ni wazi. Utamwona mtu mzima anasimama hapa, anachukua wakati wa mtu mwingine ambaye anajaribu kuwasaidia wananchi na kuendesha kazi, akiyaleta mambo ya nidhamu ambayo si mambo ya nidhamu. Yafaa wale walio katika Viti vya Mbele wajue tuko hapa ku sema maneno ya kuwasaidia watu wetu. Vile vile, ukweli ni kwamba mji wa Mombasa umekuwa na watu wengi wanaohitaji maji zaidi. Kwa hivyo, ingefaa jambo hili la kutoa maji kutoka kwa bomba hili liangaliwe. Haifai Waziri atwambie tutafanya hivi pesa zikipatikana, hali tunajua pesa ziko, ila zinaharibiwa na kunyonywa, na zingine zinapelekwa nje. Ni lazima tuwaambie wale walio Viti vya Mbele hatukubali hali hiyo.

Kwa maoni yangu marekebisho haya yangetupiliwa mbali. Ingefaa Hoja hii ipitishwe kama hivyo ili ionekane kwa kweli tunafanya kazi. Lakini tukitacha hivyo, na marekebisho ambayo si ya kweli, hatutakuwa tukifanya kazi. Jambo la muhimu ni wananchi wapewe maji, na hiyo iwe top priority, na pesa zipatikane. Ingefaa kama pesa zilizorudishwa juzi na Wahindi waliokuwa wamezipeleka nje—shilingi milioni 150—zingepelekwa huko. Hii ni kazi rahisi. Watu hawa wanataka pesa kidogo tu na, kwa hivyo, kama shilingi milioni 150 hizo zingepelekwa huko ingefaa sana.

Kwa hayo meachache naunga mkono.

(Question of the first part of the amendment, that the words to be left out be left out, put and negated)

(Debate on the original Motion resumed)

Mr. atap Koske: Thank you very much, Mr. Speaker, Sir, for allowing me to make some comments pertaining to this Motion. First of all I would like to thank the hon. Member for having prepared this Motion at the right time.

Mr. Speaker, Sir. I stand to support this Motion because it tries to improve the necessary water supply for Mombasa Mainland. Most of the plans which were done some time back, which are still in use, are outdated since the population has gone up so much that the current water supply is no longer enough. In view of that, this Motion deserves to be supported.

Increasing the water supply to meet the needs of the people at the moment is relevant, and I would like to urge the Ministry of Water Development to see to it that we do not wait until we have acute problems. We know very well that the population is continuing to go up all the time and, therefore, we should have long-term plans. If we base our activities on the present population we will experience problems after just a few years. So, we should have long-term plans for Mombasa, where we expect the population to go up very rapidly.

Mr. Speaker, Sir, without water it is very difficult to have a reasonable sanitation, particularly in highly-populated areas. In the past, Mombasa, has been notorious with problems of cleanliness, and I feel this is one of the solutions we should adopt in order to improve the sanitation in the area. I am sure if we have good

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water supply we will definitely also improve the economy of the area. If we have a reasonable amount of water many people will be able to practise horticultural farming—they can, for instance, grow various vegetables, and thereby improve the economy of that particular area. If the economy improves, the employment problems will be reduced because some people will be able to create employment channels in various jobs.

Mr. Speaker, Sir, while supporting this Motion I would like to mention something about the plastic pipes which are currently being used in most parts of the country. They are used mainly because they are cheaper than the metal ones. While agreeing that they are cheap, I am afraid that quite a number of them are being destroyed by moles. I would like to urge the Ministry to advise the manufacturers to try to deter moles from destroying these pipes, possibly by adding some suitable chemical substances. I have seen some of the pipes which have been destroyed by moles in my constituency. Meanwhile, I would urge the Minister to see to it that when they lay these pipes they place them at a deeper level under the ground where they would be beyond the reach of moles. As it is, we are wasting a lot of these pipes now.

Mr. Speaker, Sir, another thing I would like to mention while supporting this Motion is about metres. The metres which are fitted to show the amount of water somebody uses in a given time should be as accurate as possible. We have had complaints from wananchi who are made to pay even when the taps have been dry. There are also complaints—I do not know how true this can be—from wananchi that some of the metres can even measure the wind. When the wind blows through the pipes, the metre just continues to show some reading. This should be corrected.

Mr. Speaker, Sir, I would like to urge the Government, particularly the Ministry of Water Development, to ensure that we utilize rain water as much as possible, particularly along the hills. We should build dams so as to stop water from running into the ocean unused. If we did that some areas along those rivers would have water easily through gravitation. We would not have to use machines; we would save the machines for areas where gravitation cannot work.

Mr. Speaker, Sir, I would also urge the Ministry of Water Development to see to it that we have some small projects in hilly areas where wananchi can get water supplies to their homes. At present such projects are not available—the few which are available seem to be too big. We should aim at small ones for convenience of wananchi.

Mr. Speaker, Sir, there are also some unutilized waterfalls along some of these rivers we are talking about. We have had problems of water supply all along, which does not seem to be decreasing. Actually, it is increasing; it is not going down. The problem of scarcity of water is increasing all the time as the population is going up. Even land is becoming scarce. Even land we used to run away from, because we considered it unsuitable, we have no alternative but to improve it and utilize it, and

the only way to utilize such land is through provision of water. I consider waterfalls as sources from which we can easily get water for development of such areas.

With those few remarks, Sir, I support the Motion.

Mr. Mbori: Thank you very much, Mr. Speaker, Sir, for giving me this chance to join my friends on this very important Motion. My gratitude goes to the Mover of the Motion, hon. Kihiku, for having brought this Motion. I also wish to thank the entire House for having removed the amendment which had been introduced, which was going to make the Motion null and void. I am grateful because the House is here for the welfare of the entire community, or the society of Kenya.

Mr. Speaker, Sir, three aspects can be seen in this Motion. One, there is water flowing through Mzima Water Pipeline to Mombasa, which is an existing water supply. The next aspect is that there is a rise in the consumption of water along this water pipeline as a result of an increase in the demand of water, and also as a result of an increase in industries and also the population.

Mr. Speaker, Sir, what do we need water for? We need water for industries, and for use by our population, the people themselves, the Kenyans who are living along this water pipeline. There are other domestic demands. For instance, cooking, washing, watering the animals and so on. These are very important uses of water, and this Motion asks for a response to that.

The third aspect of the Motion is asking us to look at Mzima Water Pipeline. The supply of water along the single water pipeline is not enough. This Motion is asking for an additional water pipeline so as to meet the needs of the people who live along this area, the livestock, and so on. I may not mention wildlife, but I believe Kenya attaches a lot of importance to wildlife. If there is an additional water pipeline I am sure the supply will also cater for domestic animals adequately.

Mr. Speaker, Sir, the Ministry of Water Development requires no extra funds, or asking for funds to be made available. All it needs to do is one thing. We have a saying in English: "Where there is a will there is a way". This House has a will, through the hon. Members of Parliament who represent the entire Kenya. It has the will to serve the people of Kenya with water. The Ministry should have the will, and then there will be way to provide water to the Kenyans who live along the Mzima Water Pipeline. There should be a will to serve the people. There will also be funds made available because where there is a will there is a way. Funds will be made available, and this House always makes funds available every year. Every year when we discuss the Budget this House provides funds for water development.

Mr. Speaker, Sir, this House is great. The supreme authority of this land lies in this House. This august House is the one that suggests what should be done so that the Ministry of Water Development can function. I recall the situation we were in, in 1974 when the Department of Water used to operate under the Ministry of Agriculture and Livestock Development. It is this very House that enacted a Bill which created the Ministry

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of Water Development. Today we have the Ministry of Water Development, which should be here to stay, charged with the responsibility of serving wananchi, including our friends who live along Mzima Water Pipeline. There are enough funds, and all we need to do is to provide a way of getting the water there.

It is in the policy of the Ministry of Water Development that by the year 2000 there will be piped water in every home in the country. My simple arithmetic tells me that we have only about 13 years to go before we reach the year 2000, when we should have water everywhere.

Mr. Speaker, Sir, it is a shame that some of us come from areas where we have not seen piped water. We live very close to water supplies. One of the sources of fresh water is Lake Victoria. Those of us who live near Lake Victoria are not near—leave alone the 13 more years to come and talk of 20 years to come—a piped water system. I just wonder when the Ministry of Water Development intends to give us a water supply, particularly of piped water. Piped water is treated and properly controlled to ensure that it is free of disease germs and other impurities. I would like to say that the Ministry should work to provision of piped water as such. Let the water be unpiped, untreated, and so on. In the language of water science, this is called "raw water". Let us get raw water from whatever source it may be so that dry districts, particularly those which suffer from acute droughts, have some water. Let there be some water for human and livestock consumption, instead of talking of piped water being provided by the year 2000, before which we have only 13 years to go. Where will that piped water come from then?

This Motion is intended to assist the Ministry of Water Development in its endeavour to increase water supply for wananchi throughout Kenya. Perhaps this is just a short-cut towards getting piped water by the year 2000, when we expect that homes, livestock, people and industries will receive the water they require for their services. So, this Motion is actually assisting the Ministry of Water Development. So, this Ministry should see no sense at all in opposing it. The Ministry should help the House to make the Motion sail through so that many parts of Kenya can get piped water nearer to where they are. In my opinion we need water—it does not matter where this water comes from. Where it comes from the hills, the lakes or the rivers, we should have some sort of water supply, particularly in those dry districts which suffer from acute droughts. This water will be used for human and livestock consumption, and also other purposes. We should not merely wait for piped water. To me, getting piped water looks very distant.

The Ministry of Water Development should assign some of its projects properly—There are projects from district development committees throughout the country which the Ministry talks about. The Ministry also talks of certain projects which are of a national nature. When will these projects be executed and put to use? The policy of the Ministry is certainly getting outdated. It is time the Ministry sought even the help of other

authorities, such as the Lake Basin Development Authority. The authorities can be used to help in digging some wells for local water supplies for consumption by human beings and livestock.

Mr. Speaker, Sir, I think the Ministry should be in a position to help people in this area. We are merely asking the Ministry to lay an additional water pipeline from Mzima to Mombasa to augment the present water supply. This will adequately serve the increased water consumption in Mombasa Mainland West where there are several industries and a large population.

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

Mr. Mutiso: Thank you very much, Mr. Speaker, Sir. I will be very brief because I can see we are running out of time. First of all I would like to say that I am very grateful to the House for having removed the impediment which made it almost impossible for me to support the Motion.

Mr. Speaker, Sir, this expression, "When funds become available" is too loose. We knew that this is another method used by the Ministries to reject Motions. This is because there will be no time even when there will be enough money. We should not look forward to a time when somebody will sit down and say "Now the funds are available and we can implement these projects." This is because money will never be enough.

Mr. Speaker, Sir, I would like to thank His Excellency the President for having seen it fit to create a Ministry to specifically handle water problems in this country. He knows precisely that many parts of this country are dry and water is greatly needed in those areas. That is why he has appointed a particular Minister to tackle water problems in this country. Therefore, I would urge the new Minister for Water Development to see to it that he considers this issue of water problems in Mombasa very seriously. This is because Mombasa Town is the gateway to this country, and the Port of Mombasa links Kenya with the rest of the world. Secondly, Mr. Speaker, Sir, Mombasa is our second largest town; and thirdly, Mombasa is our most popular holiday resort. I agree that the present water supply, as stated in this Motion, is quite inadequate. This is because thousands of people flock to Mombasa during the months of July, August and September. Also, thousands of tourists from overseas come to have a good time in Kenya every year and the town of Mombasa gives them all the pleasure they need.

Mombasa is growing very rapidly. Mombasa West has now become the industrial area of the town. When the present water pipeline was laid some factors were not taken into consideration. One of them was that the town would grow very fast and that the supply of water would be overtaken by this rapid growth. It is, therefore, because of this reason that I now ask the Minister to consider, seriously, the possibility of laying a second water pipeline from Mzima to Mombasa so that the industrial area in West Mainland can be adequately supplied with water. This will also ensure that the entire town of Mombasa has adequate supply of water. Whenever we talk about Mombasa being our second largest

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town and also a popular holiday resort we should also consider the need to provide it with adequate water supply.

So, because of this I would like to support this Motion as originally moved and ask the Minister for Water Development to take the views of this House very seriously.

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

Mr. Speaker: It is now time for the Mover to be called upon to reply.

Mr. Kiliku: With your permission, Mr. Speaker, Sir, I would like to give hon. Mwachofi five minutes to say a few words before I reply.

Mr. Mwachofi: Ahsante sana, Bw. Spika. Ningependa kutoa shukrani kubwa kwa Mhe. Kiliku, kwanza kwa kuile'a Hoja hii, na pili kwa kumpa nafasi hii ili nami niseme machache kuunga mkono. Ninafikiri ameni nafasi hii akitambua bomba hili analuliza hitoke Mzima Springs kuelekea Mombasa, litapitia katika Wilaya ya Taita-Tave'a au katika sehemu ninayowakilisha.

Kwa vile dakika tano ni chache sana, nitataja mambo muhimu tu. Jambo la kwanza ni kwamba ikawa mrudi huu utakubaliwa, basi, Hifadhi ya Wanyama wa Pori ya Tsavo, ambayo ni kubwa kuliko nyingine zote nchini, itafaidika na maji haya. Wanyama wa pori, wanaoitea nchi hii pesa za kigeni, watafahidika. Jambo lingine la muhimu ni kwamba sehemu ambayo bomba hili la maji litapitia—Wilaya ya Taita-Tave'a, Wilaya ya Kilifi Wilaya ya Kwana, sehemu zote za chini za nyanda kavu, nchi hii kupata nyama— Ikiwa maji haya yatapitia huko, na yasambazwe kila mahali na ng'ombe wapate kwenye maeneo ya mifugo, ambayo diyo yanayoisaidia maji, basi, tutakuwa tunaaidia uchumi wa nchi hii. Hii ndio sababu Hoja hii ni muhimu, na ingefaa Waziri wa Ustawi wa Maji akubali. Pia ninaishukuru Bunge hii kwa kukataa mapendekezo ya marekebisho yaliyotolewa, ambayo yalikuwa hayana maana.

Faida nyingine ya bomba hili ni kwamba kazi zitapatikana. Nasoma hivi kwa sababu kile kinachoitanya Wizara iogope kutekeleza Hoja hii ni ukosefu wa pesa. Nasema hivi kwa sababu Wizara yenyowe imekuwa na mpango wa siku nyingi wa bomba la pili kutoka Mzima Springs kuelekea Mombasa. Kile wanachosema ni kwamba wanafafuta mfadhili atakeyewapatia pesa. Ningependa Wizara icunguze jambo hili. Ukweli ni kwamba maji yanaweza kufika Mombasa kwa gharama ya chini kuliko kiasi Wizara inachokifikiria. Njia yenewe ni hii, na ningependa kuwaomba Waziri anisikilize kiwa makini. Badala ya kufikiria juu ya kujenga bomba la chuma—kama vile ulivyo sasa—na ikiwa gharama hii ni ya juu mno, tuna wananchi wengi katika nchi hii ambao hawana kazi. Watu ambao wamefikia umri wa miaka 18 hadi 25 ni wengi. Kitu kitakachotusaidia ni kuwaajiri watu hawa wote na kuwapatia kazi ya mikono ya kuchimba mitaro ya mabomba ya mito kutoka Mzima Springs hadi Mombasa. Jambo hili linawezekana kwa sababu Mzima Springs iko katika sehemu ya juu na Mombasa iko katika sehemu ya chini. Maji haya yakipitia kwenye bomba tutaweza kuwa na silanga, au mahali

pa kuyafungia, baada ya kila kilometa kumi. Kwa njia hii, wanyama na watu watapata maji na makao mapya yafunguliwa. Matokeo zaidi yatakuwa kwamba ukosefu wa kazi upungue na uchumi wa nchi hii utafaulu na uendelee kunawiri. Hoja hii ni muhimu na kwa hivyo, ingefaa Waziri aiunge mkono, na akiondoka hapa aendelee kuiunga mkono.

Ninzunga mkono.

Mr. Kiliku: Thank you very much, Mr. Speaker, Sir. I would like to thank all the hon. Members who have contributed in support of this Motion, especially the back-benchers, for showing the solidarity and the togetherness we have, and also the concern we have in the problems of wananchi.

Mr. Speaker, Sir, I think the Ministry of Water Development will not spend a lot of money because Mzima Water Pipeline uses the force of gravity. It does not use pumps, and so the machines which will be installed will be very few. So I do not know why the Minister said that this will be done when funds are available. I thank the hon. Members for reminding the Ministry and the Minister that the money is available in that millions of shillings have been repatriated to other countries. I hope the Ministry, when it will start, this project, will consider installing "T" connections so that Taita-Tave'a and other neighbouring districts can have water. They should also have enough storage facilities for that water when it reaches Mombasa.

I do not want to take any more time on this Motion because I am made to understand that the Front Bench are organizing themselves to oppose it. And so, with those few remarks, Sir, I beg to move.

(Question put and negatived)

Hon. Members: Division! Division! Division!

(A number of hon. Members rose in their places)

Mr. Speaker: Order! Order! You are not enough! We do not have the necessary number of hon. Members. Of hon. Members. So, next Order.

EXTENSION OF CIVIL SERVICE RETIREMENT AGE

Mr. Mate: Mr. Speaker, Sir, before moving my Motion I would like to make a small correction. I would like the last word "five" in the Motion, through you, Sir, to be deleted.

With that correction, Mr. Speaker, Sir, I beg to move the following Motion:

THAT, considering the fact that due to improved standards of living among Kenyans, which has been enhanced by the Government's efforts in provision of good medical and social services since independence, life expectancy has increased considerably, resulting in many wananchi civil servants reaching the retiring age of fifty five when they are still energetic; this House urges the Government to consider increasing the mandatory retiring age for civil servants to the age of sixty.

Mr. Speaker, Sir, I would like to say that—

Mr. Mwachofi: On a point of order, Mr. Speaker, Sir. The deletion of the last word "five" in the Motion by the Mover changes the meaning of the Motion in the sense that it is no longer saying "sixty five" but "sixty". I was wondering whether that is not a substantial amendment of a Motion and, therefore, he is moving a different Motion from the original one.

Mr. Speaker: No, I do not believe that it affects the original Motion. Maybe that is more rational than starting to argue about "part of a word" to be deleted.

Mr. Mate: Thank you very much, Mr. Speaker, Sir. Mr. Speaker, Sir, I would like to begin by thanking the Government for providing adequate and good medical facilities. This is what really has increased life expectancy of our people. Since independence our Government has provided medical facilities almost to all the wananchi in the rural areas. Medical facilities are available to wananchi very closely. For this reason their lives are better. They live longer because of the provision of medical services by the Government. There are dispensaries and health centres in almost every part of the country, and we thank the Government for that because these medical services have improved the living standard of our people. If you look at our people, you will find that they are really healthy, so that even when they reach retirement age most of them are strong and energetic and so they can do a lot of work.

Mr. Speaker, Sir, we should also thank the Government for providing more social amenities. These are to be found in the rural areas as well as in urban areas. These have also enhanced the lives of our people. There are sportsfields almost everywhere in the country—in this City in particular, there are huge sportsfields. This is the reason why the life expectancy of our people has gone up.

The only problem there is, is that of unemployment. The number of people retiring is too small compared to that of the people who are unemployed. Therefore, having them retire at the age of 55 years does not mean that we are solving the unemployment problem. The true position is that most of our people become steady in their lives at this age. This is the time when civil servants become efficient in their professions. This is the time when most of them will have finished educating their children and, therefore, settled down and can offer first-class service to the nation. If we retire these people at this time, we are the losers because they go home while still very strong and, in so doing, we lose their very valuable services. We should, therefore, be able to retain them and keep them in service up to the age of 60 years, because at that age they are still young.

Mr. Speaker, Sir, we know that in this House, there are some hon. Members who retired as civil servants at the age of 55 years, and they are still strong. Some of them even got married at the age of 55 years because they are still strong. So I am urging the Government, through this Motion, to make sure that we keep these people up to the age of 60 years because we need their services, since they can offer the Government good

service as this is the time when they have settled down. Again, by retaining them in the service up to the age of 60 years, they give more guidance to those who are below them and young in the service and still learning. So, if we retain them they will be able to guide their young brothers and sisters in the lower job cadres for that particular period when they are there. But if we retire them while they are still energetic, they go home and become bored, and finally they even die earlier than might have been expected. Therefore, it would be beneficial to the whole nation to retain these people in the service until they are 60 years old.

In the other countries of the world people stay in the service for a long time. In places like Great Britain and the United States of America the mandatory retirement age is 65 years. So, if we could have our people retire at the age of 60 years instead of 55 years, we would be gaining from all the sides. This is better than having them retire at the age of 55 years when they are still very young.

It goes without saying that our people are really strong and energetic. In fact, they can offer services for another 20 years after the age of 50. Therefore, retiring them at the age of 55 does not benefit them nor the Government. When we retire these particular individuals at the age of 55, they get bored with life. The working class in this country would also be encouraged in a way to do more for their own country by way of offering better services. As I said earlier on, our people have become more efficient; they have become settled in life and have less commitments. In fact, such people are not in a hurry to look for wealth, nor do they have the greed to steal money because they are already settled in life. It is for that particular reason that the Government can gain by keeping them in service for as long as the age of 60.

Mr. Speaker, Sir, some people may argue that our people should be retired at the age of 55 so that they can have more time to rest; but these people are still strong. Judges, who are supposed to make very crucial decisions, and who are supposed to be very sound in mind, stay in the profession up to the age of 70 or 75 and they are civil servants. The age of 55 is too early and our people are still very young then. I am urging the Government, and this House, to consider raising the mandatory retiring age from 55 years to 60 years.

Some people may argue that when civil servants leave the Civil Service they go for loans or can be given money through Government organizations to begin working on their own. But these are people who have been in service and know only how to serve the Government. It is not possible to make them business-minded. Not everybody can be a businessman. Because of the kind of work civil servants do the whole of their lives, their inclination is only to serve the Government in that particular capacity as devoted civil servants. Therefore, it would not serve any purpose for anybody to try to argue that if we retire our civil servants at the age of 55 they can go into business because they are already Civil Service orientated. At that age they are

[Mr. Mate]

professionals and it is not possible to turn them into Patels or Shahs. It is for this reason that I strongly believe that all hon. Members of this House are going to support this good Motion.

With those few remarks, Mr. Speaker, Sir, I beg to move the Motion.

ADJOURNMENT

Mr. Speaker: Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until today at 2.30 p.m.

*The House rose at thirty minutes
past Twelve o'clock.*

Wednesday, 28th October, 1987

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

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

PRAYERS

NOTICES OF MOTIONS

SUBSIDY AND WAIVER OF DUTY AND SALES TAX ON EQUIPMENT FOR THE DISABLED

Mr. Omido: Mr. Temporary Deputy Speaker, Sir, I beg to give Notice of the following Motion:

THAT, noting the concern the Government has for the disabled people in our community; and being aware of the very high cost of equipment used by the disabled; this House urges the Government to:

- (i) Abolish all duty and sales tax payable on all items used by the disabled; and
- (ii) Subsidize such equipment in order to make it affordable by all disabled persons.

LEGISLATION FOR COMPENSATION TO FREED APPELLANTS

Mr. arap Koske: Mr. Temporary Deputy Speaker, Sir, I beg to give Notice of the following Motion:

THAT, in view of the fact that at the moment there is no law to provide for compensation whereby when people are convicted and on subsequent appeal they set free and the sentence set aside; this House urges the Government to introduce legislation to provide for such cases where convicted persons who on appeal are set free could be adequately compensated for the period they will have served in prison.

(Applause)

NATIONAL EDUCATIONAL FUND FOR THE POOR

Mr. Galgalo: Mr. Temporary Deputy Speaker, Sir, I beg to give Notice of the following Motion:

THAT, noting the great strides this nation has taken in educational progress and while appreciating the staggering costs of educational expansion incurred by the Government and various non-governmental organizations and realizing the continuous population boom; this House calls upon the Government to establish a "National Educational Fund" to cater for and ensure continued education of poor members of our society.

ORAL ANSWERS TO QUESTIONS

No. 604

TEACHER WITH ILLEGAL FIREARM—MATTER SUB JUDICE

Mr. Wakiondo asked the Minister of State, Office of the President—

(a) whether he is aware that a Mr. Justus Mwirukire, a teacher at Makengi Primary School, Tharaka Division, was arrested on 7th August, 1986 with an automatic pistol by the Assistant Chief of Mutino Sub-location and taken to Chuka Police Station; and

(b) what was the outcome of the court case, if any, and whether he has been released.

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

Yes, I am aware, and the facts of the case are as follows:

On 7th August, 1986, Mr. Justus Mwirukire Rubara, a teacher at Makengi Primary School was arrested by nine youth wingers at Muturi Village in Kajuki Location for being in possession of a revolver and three rounds of ammunition without a firearms permit. The youth wingers were on raid for traditional liquor in the area. Mr. Mwirukire and two other persons, namely, Marangu M'Mbu and Alex Miriti were also found with three jerry cans of traditional liquor. They were arrested and taken to the chief's camp at Kajuki, and later taken to Chuka Police Station, where the three were charged with being in possession of traditional liquor. Mr. Mwirukire was also charged for being in possession of a firearm and three rounds of ammunition without a firearm's permit.

A police file at Chuka Police Station was opened—Case No. 559 of 1986—and these people were charged under case No. 2855 of 1986. The teacher had alleged that he had bought the firearm for KSh. 400 from a person he could not know.

Mr. Temporary Deputy Speaker, Sir, the case is still pending in the court of law and, therefore, I would withhold any further comments since the matter is *sub judice*.

With regard to the others who were charged for being in possession of traditional liquor, they were all acquitted under section 202 of the Criminal Procedure Code.

No. 620

PAYMENT OF PENSION TO MR. PETER OBULO SEWE
Mr. Otwani asked the Minister for Livestock Development—

(a) whether he is aware that Mr. Peter Obulo Sewe started working with the Government on 1st May, 1935 and not 1st January, 1948 and that he retired on age grounds on 31st May, 1980;

(b) when will the Ministry supply the Principal Pensions Officer with a revised claim as requested on 14th January, 1987, so that Mr. Sewe's benefits can be processed; and

(c) when he will be paid the said benefits.

The Assistant Minister for Livestock Development (Mr. Oyondi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

I would like to request the hon. Member for Busia North to provide me with details regarding Mr. Peter Obulo Sewe, so that I can investigate and take the necessary action. In this regard, I would like to know Mr. Sewe's personal number, if he had any, during his tenure of office, or any other information which can help us trace his records.

Mr. Temporary Deputy Speaker, Sir, my Ministry has over 20,000 staff who are scattered all over the country. It is, therefore, difficult to trace an officer's records in the absence of his personal number; what he was employed as, and his last working station. Mr. Sewe can report to the Ministry's headquarters to facilitate sorting out his problem. In case Mr. Sewe did not have a personal number, it would be useful to know what grade he held at the time of retirement, and his last working station before he retired.

Mr. Otwani: Mr. Temporary Deputy Speaker, Sir, that answer is rather shocking. This is because it is quite a number of weeks now since the question was submitted to the Ministry. If the officers in the Ministry were serious, they would have asked me, within this time, to provide them with the personal number of Mr. Sewe. I have the personal number here with me, but before I give it to the Assistant Minister, I would like to ask him to tell the House why his officers did not take the trouble to get the personal number from me and prepare the answer before today.

AN hon. Member: They are lazy.

Mr. Oyondi: Mr. Temporary Deputy Speaker, Sir, efforts to trace the records of Mr. Sewe who retired more than seven years ago, by simply checking through the names of the employees have proved futile. The Ministry does not keep separate records for those who have retired as it is the responsibility of the pensions division of the Ministry of Finance. Officers' records are in the officers' personal files; hence, the need to know his personal number. Furthermore, the Ministry could not communicate directly with the hon. Questioner; it was actually his duty to provide the Ministry with the personal number of that employee.

Mr. Otwani: Mr. Temporary Deputy Speaker, Sir, I accept that bit of my oversight, but before I give the personal number, I would like to point out that this kind of practice, which is found in nearly all offices, has frustrated the wananchi quite a bit. In fact, this morning, I was in an office and just because somebody had misplaced the number I gave him last week, he asked me to go back to Busia to look for the number; yet I had given him a photocopy of it. Now, here is another case and I will, therefore, appeal to all the Ministers to ask their officers to be taking a bit of trouble to

look up certain things which are there in their records, instead of frustrating wananchi to such an extent. At least, they should seek information as early as possible.

I would like to give the Assistant Minister the personal number of this person; it is (AGF) EST. 2295 (TY)24.

Mr. Oyondi: Mr. Temporary Deputy Speaker, Sir, I am sorry, that is not the personal number; that must be the reference of the letter.

No. 512

POSTING OF QUALIFIED TEACHERS TO KOKWET SECONDARY SCHOOL

Mr. arap Koske asked the Minister for Education—

- (a) whether he is aware that Kokwet Secondary School in Kericho District does not have a qualified teacher;
- (b) whether he could consider posting at least three qualified teachers to this school; and
- (c) whether he could also post an experienced headmaster to manage the school.

The Assistant Minister for Education (Mr. M'Maitisi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Kokwet Secondary School in Kericho District does not have a trained teacher, but all teachers in the school are sufficiently qualified to handle the classes in the school.

(b) The Teachers Service Commission, as it stands, has posted two graduate teachers and one "A" level untrained teacher there,—three teachers—which is the approved establishment for a Harambee School. I shall consider posting one trained teacher to the school when they become available, which may also mean withdrawing one of those who are there, so that the school remains with the approved establishment.

(c) Once we get some trained teachers to be posted there, one will be appointed to head the school as required by the hon. Member.

Mr. arap Koske: Mr. Temporary Deputy Speaker, Sir, while thanking the Assistant Minister for having sent these teachers to the school, can he tell the House what was the cause of leaving that school without trained teachers for all that length of time, and yet it is an old school, not a new one?

Mr. M'Maitisi: Mr. Temporary Deputy Speaker, Sir, once we are informed by the provincial education officer of the establishment, the Teachers Service Commission does its best to get teachers for it, and if they are not available, it may take longer, but if they are available, they will be posted there.

No. 551

DISMISSAL OF KIRIGHA MWALWALA

Mr. Mwachofi alimwuliza Waziri wa Elimu—

- (a) ilikuwaje dereva, P/No. 13599, Kirigha Mwalwala, kusimamishwa kazi na Mkuu

[Mr. Mwachofi]

wa Mkoa wa Pwani (barua SF/ED/4/210 ya tarehe 21 Machi, 1986) na hali yeye ni muajiriwa wa Wizara ya Elimu;

- (b) kwa ambavyo sharti apige ripoti mara mbili kila jumaa na hawezi kutafuta kazi nyingine, ni kwa nini halipwi angalau nusu ya mshahara; na
- (c) ni nini kinachochelewesha kutolewa uamuzi wa kumrejsha kazini sasa kwa sababu bibi yake, wanawe na familia yake wanaendelea kuteseka.

The Assistant Minister for Education (Mr. M'Maitsi): Bw. Naibu Spika wa Muda, naomba kujibu.

(a) Tangu kuanzishwa kwa mpango wa maendeleo wilayani, shughuli za utumishi kwa maofisa wa kiwango cha A mpaka F zimekabidhiwa wakuu wa mkoa na wa wilaya, na hasa provincial personnel officers. Kwa hivyo, ni sawa kwa Bw. Mwalwala kupokea barua ya nidhamu kutoka kwa Mkuu wa Mkoa wa Pwani.

(b) Ofisa akisimamishwa kazi hastahili kulipwa hata nusu ya mshahara, lakini Bw. Mwalwala angeweza kupeleka maombi ya kulipwa fedha kidogo za matumizi ya nyumbani. Malipo haya yatategemea uamuzi wa ofisa mkuu msimamizi wa fedha za Serikali katika Wizara.

(c) Kesi hii iliwasilishwa mbele ya kamati ya ushauri wizarani mnamo tarehe 1 Julai, 1987. Kamati ya ushauri wizarani, baada ya kuchunguza kwa makini barua yake ya kuomba msamaha, ikamua kumfuta kazi bila malipo yo yote kutokea tarehe 1 Machi, 1986.

Mr. Mwachofi: Bw. Naibu Spika wa Muda, jawabu hilo ni la kusikitisha sana. Ikiwa mwishowe ilikuwa itaamuliwa huyo mtu afutwe, kama vile tumeambiwa, bila malipo yo yote, ni kwa nini Wizara ilichukua muda mrefu hivyo? Mwezi wa Julai, tarehe 1 ndio tunaambiwa kwamba kamati ya ushauri wizarani ilikutana na swali lilitumwa mwezi wa Machi. Kwa hivyo, Wizara ililingonjea mpaka swali liulizwe ndio waende wakutane na kumaliza hayo mambo? Huu ni uzembe mkubwa.

An hon. Member: Ni uzembe mkubwa katika Wizara hii!

Mr. M'Maitsi: Bw. Naibu Spika wa Muda, ingawa je Mhe. Mbunge anasema jambo hili limekawia sana, ilifaa mambo haya yachunguzwe sawa sawa, kuona vile ofisa huyu alivyotenda na ndio sababu wakachukua muda kama huo. Walipokutana, wali-ona makosa yake yalikuwa mabaya sana; pengine alikuwa amekosa sana

Huyu bwana alikuwa dereva, na mnamo tarehe 11 September, 1985, alisababisha ajali akiendesha gari la Serikali. GK 790 H Land Rover, bila uangalifu na bila idhini. Bw. Mwalwala alishikwa na kushitakiwa katika Mahakama ya Voi. Mnamo tarehe 29 February, 1986, alinyang'anywa mamlaka yake ofisini, na mnamo tarehe 20 Septemba, 1986, alipatikana na makosa na akatozwa faini ya KSh.

3,000. Wakati gari la Serikali ambalo aliliangusha lilipochunguzwa, lilionekana lingegharimu Serikali KSh. 20,558 kulirekebisha. Kwa hivyo, alikuwa na makosa yaliyoifanya Wizara kumfuta kazi bila malipo yo yote.

Mr. Muithura: Bw. Naibu Spika wa Muda, kuna kitu fulani hapa ambacho sielewi. Dereva huyu alikuwa ameajiriwa kazi na Wizara ya Elimu. Katika mkoa, kuna mkuu wa elimu, na kama tunaongea juu ya Wilaya ya Mombasa, dereva huyu alikuwa chini ya mkuu wa elimu katika wilaya hii. Je, ni jambo la kawaida kwa mfanyakazi kama huyo, ambaye yuko chini ya Wizara fulani, anapokosea, kuchukuliwa hatua ya kumwadhibu na mkuu wa mkoa, badala ya immediate boss wake? Hili ni jambo la kawaida kweli?

Mr. M'Maitsi: Bw. Naibu Spika wa Muda, nimeonyesha kwamba wafanyakazi walio katika job groups "A" mpaka "F" huchungwa na maofisa wa mkoa, na hata huajiriwa kazi na maofisa wanaokaa katika mkoa, bali hawaajiriwi na Wizara. Provincial personnel officers ndio huwaangalia watu hawa.

Mr. Shikuku: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Waziri Msaidizi anaweza kunihakikishia kwamba mtindo uliopo ni kwamba ikiwa mtu anafanya kazi na Wizara ya Ustawi wa Mifugo, huku akiwa ameajiriwa kazi hiyo na district personnel officer, au provincial personnel officer, hufutwa na mkuu wa mkoa? Ikiwa hivyo ndivyo ilivyo, basi ingefaa aseme hivyo wazi ili maneno haya yandikwe katika rekodi za Bunge hili. Tunafahamu kwamba Wizara ya Elimu ina Waziri wake. Hivi majuzi, Mtukufu Rais alisema kwamba kila Wizara itakuwa na mamlaka yake, na wafanyakazi wake hawatakuwa chini ya katibu wa kudumu. Huu ndio mtindo wa Wizara hii ya Elimu? Hii ndiyo sababu watu wengine hutoka kule Butere wakienda kumwona ofisa wa Serikali za Wilaya, na hali watu hawa ni wafanyakazi wa Wizara ya Elimu. Wizara hii ina kasoro.

Mr. M'Maitsi: Bw. Naibu Spika wa Muda, nilisema kwamba kuna kamati ambayo huyaendesha mambo ya wafanyakazi wa Serikali ambao wako katika Job Groups "A" mpaka "F", ambao huajiriwa locally. Wafanyakazi hawa huchungwa na provincial personnel officer. Kamati hii, wala si mkuu wa mkoa, ndiyo iliyomfuta kazi dereva huyu. Kamati iliyo huko ilikaa chini na kuona kwamba makosa ya dereva huyu yalikuwa yamezidi kuwa mabaya, na ndipo ikamfuta kazi.

Mr. Mwachofi: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Waziri Msaidizi anatoa majibu mawili ambayo hayapatani. Kwanza, anatwambia kwamba kulingana na mpango mpya wa maendeleo vijijini, mambo husimamiwa na mkuu wa wilaya au mkuu wa mkoa, lakini katika sehemu za (b) na (c) za jibu lake, anasema kwamba uamuzi wa kumfuta dereva huyu kazi ulifanywa katika Wizara, na sio katika mkoa. Ni sawa kwake kuendelea kukoroga mambo badala ya kutueleza mambo haya vizuri tuyaielewe? Angeeleza wazi kabisa ni lipi lililo la kweli.

Mr. M'Maitisi: Bw. Naibu Spika wa Muda, yale niliyeleza ni ya kweli. Kamati ya provincial personnel officer ndiyo iliyokaa chini na kumfuta kazi dereva huyu, wala hakufutwa kazi na Wizara. Pengine, Mhe. Mbunge hakunisikia.

The Temporary Deputy Speaker (Mr. Mutiso): Next question, Mr. Munyao.

Mr. Mwachofi: Jambo la ndhamu, Bw. Naibu Spika wa Muda. Waziri Msaidizi anaendelea kulipotisha Bunge kwa kusema eti hakusema kwamba uamuzi huu ulipitishwa katika Wizara yake, na hali hivi ndivyo ilivyoandikwa katika jawabu alilosoma, aya za (b) na (c). Zote mbili zinasema kwamba uamuzi wa mwisho ulifanywa na Wizara. Kisha anasimama na kuliambia Bunge kwamba hakusema hivi, na hali ndivyo alivyosema kwa kuwa imeandikwa hivyo. Ni sawa kwake kuendelea kulipotisha Bunge?

Hon. Members: It is a shame. It is a shame!

Mr. M'Maitisi: Bw. Naibu Spika wa Muda, maofisa wanapokwenda kufanya kazi katika mkoa, provincial personnel officer ndiye huwasimamia, lakini huuliza Wizara vile mambo yanavyofanyika, halafu kamati yake inapitisha uamuzi. Si mtu mmoja ambaye hufanya uamuzi huu.

No. 584

TEACHERS' SALARIES STOLEN IN MACHAKOS

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, before I ask this question, allow me to clear one thing with the Chair. Although I have a reply here from the Ministry of Education, my question was directed to the Ministry of Culture and Social Services, because it concerns adult literacy. I wonder whether I should ask the question to the wrong Ministry and get a wrong answer.

The Temporary Deputy Speaker (Mr. Mutiso): Ask your question, Mr. Munyao.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, my question was directed to the Ministry of Culture and Social Services, and not to the Ministry of Education, since it concerns adult literacy.

The Temporary Deputy Speaker (Mr. Mutiso): We see here that it is directed to the Minister for Education.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, my question was directed to the Ministry of Culture and Social Services.

The Temporary Deputy Speaker (Mr. Mutiso): Mr. Munyao, ask your question or we skip it.

Mr. Mwachofi: Haya ni makosa ya Bw. Masya.

Mr. Mwaruwa: That is Mr. Masya's mistake.

Mr. Mwachofi: Hata huyu Bw. Masya amekwenda kula nini?

The Temporary Deputy Speaker (Mr. Mutiso): Mr. Munyao, do you want to ask your question the way it is here?

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, I would like to do that, but how do I ask it to the wrong Minister?

The Temporary Deputy Speaker (Mr. Mutiso): Okay. We defer the question.

(Question deferred)

No. 611

AWARD OF BURSARIES BY THE JOMO KENYATTA FOUNDATION

Mr. Muthura asked the Minister for Education—

- (a) how the Jomo Kenyatta Foundation Bursary Fund awards its bursaries;
- (b) how many secondary school students from Laikipia District have benefited from this fund in the last four years; and
- (c) who these students are and from which schools they come.

The Assistant Minister for Education (Mr. M'Maitisi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Jomo Kenyatta Foundation Bursary Fund awards its bursaries to 300 bright, needy Form I children from poor home backgrounds. They are selected annually from all parts of the Republic of Kenya by a panel of representatives from the Jomo Kenyatta Foundation and the Ministry of Education.

(b) Secondly, "Mr. Minister," a total of 17 secondary school students—

Mr. Chepkok: On a point of order, Mr. Temporary Deputy Speaker, Sir, I think I heard the Assistant Minister call the Chair "Mr. Minister". Could he correct this?

The Temporary Deputy Speaker (Mr. Mutiso): I am sorry I did not hear that remark.

The Assistant Minister for Education (Mr. M'Maitisi): (b), a total of 17 secondary school students have benefited from this fund since 1983 in Laikipia District.

(c) The following are the names of the students who benefited from the award, their schools and the year of award:

Name of Student	Secondary School	Year
1. David Mbugua Wanyoike	G.G. Rumuruti Sec. School	1983
2. John Gatheru Karimo	G.G. Rumuruti Sec. School	1983
3. Peter Irungu Ndirangu	Mwenje Mixed Sec. School	1983
4. Stephen Mureithi	Mwenje Mixed Sec. School	1983
5. David Karani Ndegwa	Mwenje Mixed Sec. School	1984
6. Lucy Muthoni	Mwenje Mixed Sec. School	1984
7. Wilson Berege Koech	Gatero Sec. School	1984
8. Rose Wanjiru Kariuki	Maryhill High School	1984
9. Samuel Wambugu Kiugo	Oloolaiser Sec. School	1986
10. Jack M. Macharia	Oloolaiser Sec. School	1986
11. David M. Mirobi	Maralal High School	1986
12. Salina Jelagat	Kapnyeberai Girls Sec. School	1986
13. Richard Mwangi	Nanyuki High School	1986
14. Jedidah Nieri Kairu	Ndururumo High School	1986
15. John M. Kinyenje	Mwenje Mixed Sec. School	1987
16. Rebecca Wanjiku Baaru	Mwenje Mixed Sec. School	1987
17. Jemimah Macharia Wandutu	Nanyuki High School	1987

Mr. Muthura: Mr. Temporary Deputy Speaker, Sir, in his reply to part (b) of the question, the Assistant Minister says that 17 secondary school students from Laikipia District have benefited from this

[Mr. Muthura]

fund. Being in Laikipia District does not necessarily mean that these students are from Laikipia. When I put this question, seeking to know who these students are and the schools they come from, I did not want to know the secondary schools they were in. I wanted to know the primary schools from which these students came. If the Assistant Minister has the names of the primary schools from which these students came, he should give out this information. If he does not have these names, could he promise to bring them here later? I want to know the names of the primary schools in Laikipia where these students came from.

Mr. M'Maiti: Mr. Temporary Deputy Speaker, Sir, the Jomo Kenyatta Foundation Fund forms are distributed to secondary school teachers where bright children join, but are unable to pay school fees. Therefore, we do not issue them through the primary schools, but through secondary schools where the children need the money.

Mr. Kanindo: Mr. Temporary Deputy Speaker, Sir, arising from that reply, could the Assistant Minister not agree with me that in that respect, some schools in some districts might go without getting any financial help while others might end up getting a class of students who come from the same area benefiting from the Fund and, as such, the Fund is not equally spread in all the districts as alleged by the Ministry?

Mr. M'Maiti: Mr. Temporary Deputy Speaker, Sir, the forms are sent to all secondary schools where they are filled in and applications considered. So, if a child came from one district and was posted to another district, the secondary school in that district would forward his name, if there is need to assist.

Mr. Muthura: On a point of order. Mr. Temporary Deputy Speaker, Sir. You can see the reason why I raised this question. If the Assistant Minister says that the forms are sent to secondary schools for the headmasters, possibly, to pick on the students who should benefit from the Fund, then you can see that there is a possibility of some students not benefiting from the Fund, although their parents are very poor. In 1985—

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

Mr. Muthura: Mr. Temporary Deputy Speaker, Sir, my point of order is that the Ministry is unfair in the way it does this. If, for example, these students are considered in Laikipia District, but they do not come from there, would it not be unfair, since the students hailing from Laikipia District would not have benefited from that bursary? There might be many who sometimes cannot go to Form I since their parents cannot afford the fees. The Ministry is being unfair.

The Temporary Deputy Speaker (Mr. Mutiso): Was that a question or were you arguing? Next question.

No. 318

FAIRNESS OF SENTENCE METED OUT TO MR. ALI HASSAN

Mr. Shikuku asked the Attorney-General whether he is satisfied that justice was done to Mr. Ali Hassan who was imprisoned for two years with five strokes for stealing Sh. 3 from Mr. Bandika Sire on 15th February, 1987, at Kongowea on Mombasa Mainland North.

The Attorney-General (Mr. Muli): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

I hope the hon. Member has got a copy of my original reply.

(Mr. Shikuku rose with the copy of the reply in his hands)

Thank you very much.

In this case I am satisfied that justice was done. I am aware that in Mombasa Criminal Case No. 622 of 1987, Mr. Ali Hassan was sentenced to two years imprisonment and three strokes, and not five strokes as alleged by the hon. Member. The accused was sentenced on his own plea of guilty for the offence of attempting to steal from the person contrary to Section 279 (A), as read with Section 389 of the Penal Code.

However, the accused filed an appeal and the High Court did reduce the sentence from two years to one month. In other words, the accused was deemed to have served the sentence on the day of judgement. So, the period was one month and 27 days.

Although the accused's initial sentence was reduced through the appeal machinery, on the facts of this case, the offence really disclosed was a more serious one; that is, attempted robbery, which carries a maximum sentence of seven years with corporal punishment. He was, however, convicted of an alternative charge, which is less severe, that of attempted stealing. So, I am quite happy to confirm that, in this case, the High Court did dish out justice and the accused, I think, benefited from that.

Mr. Shikuku: Arising from that reply, Mr. Temporary Deputy Speaker, Sir; and appreciating the fact this time I have the copy of the written reply in my hands; is the Attorney-General aware that Sh. 3 made this person get two years sentence? appreciate the gesture by the High Court of reducing the sentence to one month and 27 days, but how does he compare it with cases where some people have stolen millions of shillings in this Republic and have gone scot-free, while some were sentenced to three years imprisonment? How does he work out his mathematics? If he works it out at one month and 27 days, multiply it with the millions of shillings that other people have stolen them would he not agree with me that the small man in this country has different justice from the big men who steal more? Does he not agree with me on that?

Mr. Muli: Mr. Temporary Deputy Speaker, Sir, I do not agree with the hon. Member, especially on the last sentence. It is absolutely wrong to infer that there is justice for some people—We do not have different classes of people. What may have gone wrong, and it does go wrong quite often, is what we call the uniformity of sentence by different courts, and the High Court tries to do its best to balance this. In this case, the subject matter or the amount that was the subject matter of the charge may be small, but the circumstances surrounding it could have caused a lot of harm to the victim. As I have explained, the circumstances amounted really to robbery.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Attorney-General has not replied to the question I had asked him, about the mathematics, because I know—as he and everybody in this Republic knows, that there are people who have been sent to court for stealing millions, and have only ended up being sentenced and imprisoned for two years, three years and so on. But, in this case, this man has taken Sh. 3. He stole from somebody, but he did not rob him. They have not said that he robbed him using violence. The case was not one of robbery with violence. He stole the money. So, the Attorney-General should not mislead this House. Could he tell this House the reason for this disparity as far as justice in this country is concerned? Many people know this, although they are not lawyers. Even by reading this, I had known that this man had been given the right justice, and the High Court now confirms my feelings. This is because you do not have to be a judge to know where justice has been done or not.

Mr. Muli: After all that lecture, Mr. Temporary Deputy Speaker, Sir, I have a reply to the hon. Member on the specific point he is making. In the first place, offences differ. I never said the offence was robbery with violence. What I gave were the circumstances surrounding this particular incident, which amount to robbery which carries a maximum sentence of seven years. Robbery with violence is a more serious offence, which carries a mandatory death sentence. So, these are two different categories of sentences.

In this case of stealing, this was a substitute for a lesser offence, from which I said the accused benefited, as he could have been charged with attempted robbery. On the other question of disparity, courts do sit in different places, no doubt, and each judge, or magistrate presented with different sets of circumstances, may issue a sentence without knowing what the other one did. I did say specifically that the High Court is there as a supervisory jurisdiction to remove these disparities. This is done day after day. I do not agree that by comparing the subject of Sh. 3 and that one of millions of shillings does indicate that there is separate justice for one class of persons and

different justice for another. All the people of this country are equal in the eyes of the law.

The Temporary Deputy Speaker (Mr. Mutiso): Let us move on to Mr. Nampaso's question.

Mr. Shikuku: On a point of order, Sir—

The Temporary Deputy Speaker (Mr. Mutiso): No more points of order. We have to proceed since we are running short of time. Mr. Nampaso's question.

No. 627

PAYMENT OF SALARY TO MR. MATHEW KIPROTICH LANGAT

The Temporary Deputy Speaker (Mr. Mutiso): Mr. ole Nampaso is not here? Okay, let us now move on to Questions by Private Notice.

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

NON-PAYMENT OF MR. YEGO ARAP KARANEI FOR WHEAT

Mr. Chepkok: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Co-operative Development the following Question by Private Notice:

- (a) Is the Minister aware that Mr. Yego arap Karanei has not been paid for his wheat delivered in 1981 and 1982 as per his credit purchase advice Nos. 005451 and 005453 dated on 24th February, 1982?
- (b) When will he be paid?

The Assistant Minister for Co-operative Development (Mr. Ejore): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Yego arap Karanei has not been paid for his wheat delivered in 1981 and 1982 as per Credit Purchase Advice No. 005451 and 005453 dated on 24th February, 1982.

(b) Mr. Yego arap Karanei sold his wheat as an individual to the Kenya Farmers Association, now Kenya Grain Growers Co-operative Society Limited, (K.G.G.C.U.). Sir, K.G.G.C.U. is willing to settle his claim if the same can be proved to be genuine. The K.G.G.C.U. has all the Kenya Farmers Association records for 1981 and 1982. However, it is not possible to investigate Mr. Karanei's account until the claimant discloses what his account number with the defunct Kenya Farmers Association was.

Mr. Chepkok: Mr. Temporary Deputy Speaker, Sir, I think the Assistant Minister is misleading the House. If he agreed with part (a) of the question, that he is aware that Mr. Yego arap Karanei has not been paid for his wheat, which he delivered to the Kenya Grain Growers Co-operative Union as per Credit Purchase Order No. 005451 and 005453; why does he say that Mr. Karanei has to prove that he delivered the wheat?

Mr. Ejore: Mr. Temporary Deputy Speaker, Sir, the K.G.G.C.U. is willing to settle the claim by Mr. Yego arap Karanei if the same can be proved to be genuine. The K.G.G.C.U. has all the Kenya Farmers Association (K.F.A.) records for 1981 and 1982. However, it is not possible to investigate Mr. Karanei's Account until the claimant discloses what his account number with the defunct K.F.A. was. The organization shall then advise the claimant on the status of his account and promptly pay him his dues if he is still owed any money. The K.G.G.C.U. is not able to assure the claimant that he shall be paid what he claims because there is still a possibility that he had a debt with either the K.F.A. or the Agricultural Finance Corporation and this could have been offset by the amount payable for the wheat he delivered.

The Temporary Deputy Speaker (Mr. Mutiso): Mr. Abuya-Abuya's question.

Mr. Chepkok: On a point of order, Mr. Temporary Deputy Speaker—

The Temporary Deputy Speaker (Mr. Mutiso): Order, Mr. Chepkok! Are you sure it is a genuine point of order?

Mr. Chepkok: Yes, it is. Mr. Temporary Deputy Speaker, Sir, I am still doubting what the Assistant Minister is saying. My point of order is this: the account number of Mr. Karanei is with the K.F.A. and that is where the Assistant Minister obtained records showing that Mr. Karanei had not been paid. How can he then come here and say that—

The Temporary Deputy Speaker (Mr. Mutiso): Order, Mr. Chepkok! Surely, by now you must know what a point of order is. You are just raising a point of argument. Mr. Abuya-Abuya's question.

Mr. Chepkok: On a point of order, Sir—

The Temporary Deputy Speaker (Mr. Mutiso): No! No!

PAYMENT FOR TEA TO MRS. YUSALIA MAGETO

Mr. Abuya-Abuya: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice:

When will Yusalia Mageto, TE 010414 receive her second payments for the green tea she delivered to Tombe Tea Factory for the months of July, 1985 to January, 1986?

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

During the payment in question, Mrs. Yusalia Mageto was absent and, so, Mr. Mageto Ogechi, who is her husband, presented himself and collected the money after promising that he would give it to his wife, but he never did so. Later on, both the wife and the husband came to the Tombe Leaf Base and Mr. Mageto Ogechi agreed, in writing, that during the 1985 bonus, he was given KSh. 4,133/35, money that belonged to his wife, by mistake. He accepted that the money be recovered from his 1986 bonus payment, and be paid to his

wife. However, there was an oversight on the part of the Kenya Tea Development Authority, and this agreement was not effected. The Kenya Tea Development Authority apologizes for this error and will start deducting the husband's money to be paid to the wife, starting from this month.

Mr. Abuya-Abuya: Mr. Temporary Deputy Speaker, Sir, the answer which has been given by the Assistant Minister is very confusing. Could he repeat it?

The Temporary Deputy Speaker (Mr. Mutiso): Order! Mr. Abuya-Abuya, from what point of the reply did you not hear what the Assistant Minister said? You should have raised that point at the time you did not understand it because it would be tedious of the Assistant Minister to repeat the whole reply again. Have you not been listening, Mr. Abuya-Abuya?

Mr. Abuya-Abuya: Mr. Temporary Deputy Speaker, Sir, I have been listening very carefully, but I think the facts that the Assistant Minister has in his reply are so mixed up that the reply does not make any sense.

The Temporary Deputy Speaker (Mr. Mutiso): Can you repeat it for him?

Mr. Muigai: Mr. Temporary Deputy Speaker, Sir, during the payment in question, Mrs. Yusalia Mageto Ogechi, who is her husband, presented himself and collected the money belonging to his wife after promising to send it to her, but he never did so. Later on, both the wife and the husband came to the Tombe Leaf Base, and Mr. Mageto Ogechi agreed that during the 1985 bonus he was given by mistake, KSh. 4,133/35, money that belonged to his wife. He accepted that the money be recovered from his 1986 bonus payments and the payments be remitted to his wife, but there was an oversight on the part of the Kenya Tea Development Authority and this agreement was not effected. The Kenya Tea Development Authority has apologized for this error, and will start deducting the husband's money and remit it to his wife starting from this month.

DECENTRALIZATION OF JUNIOR STAFF RECRUITMENT BY BANK

Dr. Wameyo: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice:

- When will the Kenya Commercial Bank decentralize the employment of messengers, drivers, clerks *et cetera*, and allow the branches to recruit these cadres of staff from the local population?
- Does the bank pay travelling allowance to the applicants in these cadres when they come to Nairobi for interview?

The Assistant Minister for Finance (Mr. Gor): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Kenya Commercial Bank has, in fact, decentralized the recruitment of messengers and drivers.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think there is something wrong with that microphone being used by hon. Gor and the one you are using. We are hearing your voice from very far and it is not clear. I do know what is wrong with both your microphone and that one at the Table.

The Temporary Deputy Speaker (Mr. Mutiso): Hon. Gor, will you speak a bit louder for the House to hear you clearly?

The Assistant Minister for Finance (Mr. Gor): I will try to raise my voice, Sir.

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

(a) The Kenya Commercial Bank has already decentralized the recruitment of messengers and drivers. They are recruited by the managers at the local level. The recruitment of clerks is still being done in Nairobi. This is done here in order to obtain uniformity in selection and training.

(b) The bank does not pay travelling allowances, except on humanitarian grounds.

Dr. Wamevo: Mr. Temporary Deputy Speaker, Sir, I would like to thank the hon. Assistant Minister for that very good reply, but I am aware of the current position, because we have a Kenya Commercial Bank branch in Mumias. When I approached the branch manager of the bank last month about some fellow who wanted a job as a driver, I was told that the recruitment is done in Nairobi. A Mr. Abubakar Ogola Kanguu had to be employed as a driver from Nairobi, and that is why I brought this question here, to show that it is not necessary to employ messengers and drivers by interviewing them in Nairobi without even giving them travelling allowance. May I know from the Assistant Minister exactly when they decentralized the interviewing and employment of messengers and drivers, leave alone the clerks?

Mr. Gor: Mr. Temporary Deputy Speaker, Sir, that seems to be a peculiar case. All I can do now is to go and check on that particular issue.

PAYMENT OF SALARY TO MISS RACHEL CHEPNGENO MUTAI

Mr. Kap Koske: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice:

(a) Is the Minister aware that a Miss Rachel Chepngeno Mutai, TSC No. 256253 at Leberer Primary School in Kericho District, was employed with effect from 22nd June, 1987 and that to date, she has not received her salary?

(b) When will she be paid?

The Assistant Minister for Education (Mr. M'Mutisi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I was not aware, until I received this question, that Miss Rachel Chepngeno Mutai, TSC No. 256253, who was employed by the Teachers' Service

Commission as an untrained teacher with effect from 22nd June, 1987; and posted to Leberer Primary School, in Kericho District, has not been paid her salary.

(b) My Ministry, through the Teachers' Service Commission, arranged to pay Miss Rachel Chepngeno Mutai, TSC No. 256253, KSh. 3,381.50 by cheque No. 550876 dated 23rd October, 1987, covering the period she had worked as an untrained teacher; that is, from 22nd June to 30th September, 1987.

Thank you.

The Temporary Deputy Speaker (Mr. Mutiso): Mr. Kikuyu's question.

LACK OF DRINKING WATER FOR KITANGA RESIDENTS

Mr. Kikuyu to ask the Minister for Water Development:

(a) Is the Minister aware that the residents of Kitanga in Machakos Municipality have no drinking water?

(b) What is the Ministry doing to rectify the situation?

The Temporary Deputy Speaker (Mr. Mutiso): Mr. Kikuyu is not in. Next Order.

(Question dropped)

COMMITTEE OF SUPPLY

(Order for Committee read being Thirteenth Allotted Day)

MOTION

THAT, MR. SPEAKER DO NOW LEAVE THE CHAIR

VOTE 36—MINISTRY OF LANDS AND SETTLEMENT

The Minister for Lands and Settlement (Mr. Nyakiamo): Mr. Temporary Deputy Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair.

Mr. Temporary Deputy Speaker, Sir, during this financial year, my Ministry will require a total of K£18,414,030 laid out as follows—

Recurrent expenditure—K£14,789,040.

Development Expenditure—K£3,624,990.

If we allow for Appropriations-in-Aid amounting to K£2,380,250, the net result comes to K£16,105,780, half of which we now request, and half of which had been authorized by 30th June, this year.

Mr. Temporary Deputy Speaker, Sir, these funds, for which I seek the House's approval, will enable the Ministry to provide the country with the necessary services on land administration and planned land utilization. The specific services will be provided by the various departments catered for in these Votes, which include land administration, land adjudication and human settlement and surveying of lands.

Hon. Members will no doubt agree that the production of wealth emanates from the land, and that

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we require land, tools and human exertion to provide this. We are all workers. This means that we have to develop our country to such an extent that all in the country will benefit from the land. Land is, therefore, a commodity which is necessary. However, I would like to say here that it is also a commodity which does not increase.

Mr. Temporary Deputy Speaker, Sir, hon. Members will be fully aware that the land on which we live; which we develop, and on which we invest is a necessary thing, and whatever funds or investments we use, be it public, private or corporate, are spent in order to develop and improve the well-being of our people.

Mr. Temporary Deputy Speaker, Sir, with your permission, I would like to briefly recapitulate on the main functions of the Ministry before I go on to the expenditure of the Ministry. Land is a central natural resource, and that is why it was a critical issue during the struggle for independence. Indeed, matters to do with it have since continued to occupy the minds of the majority of the people.

Right from the outset, the Ministry of Lands and Settlement was charged with some specific responsibility. The first was the transformation of land ownership within the former non-scheduled areas from cognatic system of land tenure to statutory freehold tenure, through an accelerated programme of consolidation, adjudication and registration, so as to create security of tenure and provide incentives for better use of land and development.

The second was to transfer the ownership from within formerly scheduled areas, from foreigners to Kenyans, through a programme of land purchase and re-settlement, to reduce the problem of landlessness and unemployment in the country, and to give the landless and, unemployed an opportunity to contribute towards the development of agricultural productivity, which they have done.

The third was to provide land within urban areas at reasonable costs, for development of residential, commercial, industrial and special purposes, in order to alleviate the shortage of residential accommodation in urban areas and to facilitate commercial and industrial development of the country. We need industrialization.

The fourth was to ensure proper land use and administration in accordance with existing legislation on land use. All these objectives were to be achieved through the sister departments I have already mentioned.

The Lands Department, therefore, is charged with the responsibility of land administration activities, management, supervision and control of privately owned freehold land by means of statutory law and administrative regulations.

The Division of Settlement, on the other hand, was formed and charged with the responsibility of facilitating the purchase of formerly foreign-owned areas, and re-settlement of indigenous Kenyans

through the settlement fund trustees. The Division has, so far, settled some 95,355 landless families on 828,051 hectares of arable land, and the Ministry is currently engaged in the preparation of title-deeds for all the plot holders.

Sir, I may add here that as often as you hear the President speak, he has charged the Ministry with the responsibility of making sure that the shareholders get their title-deeds. Even now, my Ministry is engaged on that job. When the exercise is completed, we hope the ultimate result will be the acceleration of development in those areas.

Mr. Temporary Deputy Speaker, Sir, the Division of Land Adjudication, which is charged with the responsibility of accelerating the land adjudication programme throughout the Republic, is still busy carrying out the exercise. To date, 1,282,810 parcels of land, comprising of 6,518,618 hectares, have been registered, of which 369 are group ranches covering 55,946 group members.

For the information of the House, adjudication has already been completed in Kiambu, Nyeri, Murang'a, Kirinyaga, Kakamega, Bungoma, Kisii and Laikipia districts, while work is still in progress in Kilifi, Kwale, Taita-Taveta, Meru, Embu, Kitui, Machakos, Kajiado, Kisumu, Narok, Samburu, Baringo, West Pokot, Elgeyo/Marakwet, Nandi, Kericho, South Nyanza, Siaya and Busia Districts. We say the work is still in progress, but some sections have already got their title-deeds. It is the intention of the Ministry to complete the exercise throughout the country.

The Survey Department on the other hand is charged with the responsibility of carrying out survey work, as precise survey is a prerequisite to ownership and development of land. The surveys done include those required for land registration and development, plans for urban centres and markets, water projects and so on.

The department, consequently, produces deed plans, registry index maps to support land registration, and also makes topographical maps of the whole country. It also carries out cadastral surveys, and land adjudication surveys and geodetic and mapping survey, all of which are necessary and prerequisite to any development on land.

Of late, my Ministry has been seriously involved in up-dating the various Acts to bring them in line with present and future developments. The conversion of the document formerly known as land certificate to title-deed as required by a recent amendment to the appropriate law has been completed. Secondly, following the recent amendment to the Survey Act, arrangements are at advanced stages to produce more licensed and qualified surveyors for the much needed survey work in the country. It was only last week when we had a question in this House concerning the surveyors.

Mr. Temporary Deputy Speaker, Sir, plans are also underway to establish a Survey of Kenya Training School at Ruaraka near Nairobi, which

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at one time, was closed. As much as to this effect, representation has already made to the Treasury, and the Ministry officials have gone to Japan for assistance. Thirdly, the Government has just published the Sectional Properties Bill. When it becomes law, the new Act will facilitate the registration of properties and sections of buildings, so that such properties will have separate titles. This move will create enormous opportunities for title-deed holders to secure credit for increased development and guaranteed security of tenure.

Sir, on the other hand, all is not plain sailing because the Ministry has serious shortages in some areas in respect of vehicles and funds for running expenses in respect of vehicles and travelling, as well as for survey equipment. With regard to development programmes, we badly need additional funds for purchase of land for industrial purposes, as well as for Government Estates Development Fund for construction of infrastructures in new estates.

Representation has already been made to the Ministry of Finance. We hope that this will be considered during Supplementary Estimates as requested above.

Sir, before I turn to expenditure side, let me state that manpower is always needed. From the few remarks that I have just made, the House will agree with me that we need manpower with appropriate knowledge. Let me also take this opportunity to thank the officers in the Ministry working under me for their hard work.

Sir, I do not wish to bore the House with the details of the Vote, as I, no doubt, believe that hon. Members have studied the details in the Printed Estimates. However, I will go over it quickly now. Under Recurrent Estimates, Sub-vote 316, Ministry Headquarters, a gross amount of K£863,848 is required. We will raise K£1,000 as Appropriations-in-Aid, but K£862,848 will be raised from the Exchequer. Under Sub-vote 361, Division of Land Adjudication, a gross amount of K£5,260,745 will be required for land adjudication and consolidation purposes in the 20 districts under the adjudication programme.

Hon. Members, it is the Ministry's commitment to accelerate the land adjudication programme in all these areas, so that wananchi can have their parcels registered and issued with title-deeds, to enable them to develop their land. We hope to raise the Appropriations-in-Aid to K£11,400, leaving K£5,249,345 to be drawn from the Exchequer. Under Sub-vote 362, Division of Settlement, the Exchequer is required to provide K£1,384,864 to run the settlement headquarters and districts. The department will administer settlement schemes in lands bought by the Government after independence, and then subdivide to landless Africans. It also includes State lands subdivided for settlement schemes.

Mr. Temporary Deputy Speaker, Sir, the Coast Settlement Project at Magarini which was started in 1978 with technical and financial aid from the Government of Australia has 1,206 families already settled, and the target is 4,040 families, which is yet to be achieved. It is estimated that K£1,000 would be realized as Appropriations-in-Aid leaving K£383,864 be drawn from the Exchequer. Under Sub-vote 363—Department of Survey, a gross amount of K£4,667,672 is required this financial year to carry cadastral and land adjudication survey in all the 41 districts in the country K£410,000 is estimated to be raised as Appropriations-in-Aid in the form of survey fees, sundry fees, sales of maps, leaving K£4,257,672 to be raised from the Exchequer. Under Sub-vote 364—Department of Lands, a gross expenditure of K£2,611,911 is required this financial year. K£982,000 is estimated to be raised as Appropriations-in-Aid in the form of registration fees, conveyance fees, land valuation fees and other miscellaneous things, leaving K£629,911 to be raised from the Exchequer.

Turning to Development Estimates, which is on page 842, I would like to tell the House that a sum of K£3,624,990 is being sought from the Exchequer under this Vote to cater for the following projects:

(a) Sub-vote 360—General Administration, which requires a total amount of K£9,945 for the purpose of minor alterations and maintenance works.

(b) Under Sub-vote 361—Division of Land Adjudication, a gross expenditure of K£23,100 is estimated for Baringo Arid Project this financial year. That total will be got from the International Development Association as aid. Under Sub-vote 362—Division of Settlements, we will require a total of K£2,572,840 which will be utilized under the following heads: Coast Settlement Project Magarini which is in Malindi, and where, as I said we have already settled 1,206 families and we are yet to settle up to 4,040 families. The plots which are given have an acreage of 30 acres each, and here, we have got assistance from the Australian Government and we are now working on the State Land and Trust Land. Under the expanded settlement schemes and Settlement Funds Trustees, where 146 schemes were done over the past years under a 1 million-acre programme and beyond, K£20,000 will be required for mopping up operations. Under Shirika Settlement Schemes, Sir, we will require K£14,700. Shirika Settlement Schemes are those where the Department of Settlement used to run farm operations under co-operatives. These are now being phased out, and we require that amount to complete the exercise.

Under Haraka Settlement Schemes, K£74,000 is required. This is part of European farms which we took over under the Agricultural Act. All in all, there are 35 schemes, and we require K£74,000 to see this exercise through. Under State Land Schemes, we require K£454,300. This is under the Settlement Fund Trustee, and it refers to Lake

[The Minister for Lands and Settlement]

Kenyatta Settlement Scheme where the exercise has almost been completed, and people are getting ten acres per plot in order to make infrastructured developments. Under Hindi Magogoni State Land, which is in Lamu, we have 1,000 plots to do. We have already done 550 plots of 12 acres per person. We require K£292,830 for administration, pre-settlement housing, water supply system, maintenance of internal roads, settlers' development loans and roads development.

Under Shirika Conventional Settlement Scheme, which covers the following districts; Nakuru, Trans Nzoia, Uasin Gishu, Laikipia, Nandi, Meru, Nyeri and Nyandarua; there is a total of 89 schemes and we require K£150,000 to complete the job. It is estimated that altogether, we will be able to make K£902,850 as Appropriations-in-Aid, which will be under credit purchase from Australia to the tune of K£267,050, and credit purchase G.T.Z. German assistance which will be K£635,800, giving us a total of K£902,850.

Under Vote 363—Department of Survey, we will require K£265,520 as follows: consultancy fees, purchase of survey equipment, building training school, housing trainee hostel, sewage and so on. That, Sir, brings me to the Department of Lands which will require an amount of K£753,585 for the construction of offices, development of Government land in urban areas of which details are as follows: Building offices in Murang'a, Taita Taveta, Kisumu and Nakuru. Murang'a will require K£173,780; Taita Taveta will require K£160,039; Kisumu will require K£306,336 and Nakuru will require K£58,430.

I will now touch on development of Government Land. Maintenance of roads in urban areas will require K£45,000, and residential areas in Nairobi will require K£10,000.

As I said before, I do not wish to bore the House with the details of the Vote as no doubt, I believe, the hon. Members have studied the details in the Printed Estimates, and an opportunity would be available at the Committee stage for any clarification which might be sought on details. It is my hope that the House will approve the Vote to enable the Ministry to render and deliver these vital services to our people.

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

The Assistant Minister for Energy and Regional Development (Mr. Mwigiti): Mr. Temporary Deputy Speaker, Sir, I would like to second the Motion. The Minister has clarified the position in the Ministry of Lands and Settlement, and special efforts have been made in that Ministry to achieve what they have achieved to date. They have worked hard, and they have plans and are now thinking about land adjudication, survey and so on. The efforts they have made should be considered. We are grateful to the Minister for the way in which he frankly and truthfully explained the position

in his Ministry. There is a lot to be done in that Ministry because of the natural ties we have in connection with land. This is so particularly when it comes to title-deeds. It is true a lot of efforts have been made, and the Minister has explained that they will continue to do so. What we would like to ask is that special efforts should be made to ensure that more title-deeds are released at a much faster rate than is happening at the moment. There are problems all over the country, and they are continuing to build up because people are not quite happy with the time it takes them to get the title-deeds.

The other thing I would like to mention is that there are a lot of land disputes in the districts, divisions, and in the chiefs' centres. You can find some cases pending in the district officer's office for a period of two years without either the land adjudication officer or the land surveyor coming to sort out the disputes. If it is a matter involving families, then this delay can have serious consequences. If two brothers are complaining about the boundaries of their father's land; or if they want to subdivide it so that each one of them can have his own piece, and the matter is left hanging for two years without the issue being solved; what consequences would you expect? There will be pains; there will be cries; and fights. These things are actually happening. If it is a question of increasing the staff to see that that problem is sorted out, I would ask the Minister again to put special efforts to see that land disputes are sorted out in good time.

We were also debating about qualified surveyors. You find that some of the bottle-necks are being created by lack of surveyors. The qualification which is required is somewhat too high, particularly where Africans are concerned. The duration is too long, and yet we have so many graduates who do not require so many years moving around with instruments such as theodolites in the field in order to gain experience. They have done a lot of theoretical work; their time should be shortened, so that they can come out, and join the profession, and decrease the crises which we are facing, and reduce the bottle-necks that we experience when it comes to the question of title-deeds.

Another issue which has been discussed here extensively involves the availability of title-deeds. Somebody may have a building with ten storeys or ten flats, and may want to sell it in units. There should be a law allowing somebody to buy a unit of flat within the same building. This is being done elsewhere, like in Europe and America. It can also be done here to allow somebody who does not have a lot of money to possess a dwelling place in the City of Nairobi, Mombasa and elsewhere. Let there be some arrangements so that title-deeds can be available for a flat; and so that the same title-deed can also act as a security if one wants to borrow money.

There is also something interesting which is happening in our cities when it comes to allocation

[The Assistant Minister for Energy and Regional Development]

of properties such as land. We do not seem to be reserving enough land for public utilities. People want to possess all the land when allocation of land is being done. When land for a hospital, a police station, a bank or a clinic is required, we find that there is no land because all the land has been taken up by individuals.

So, let us have playgrounds set aside and not being negotiable for resale or possession by an individual. Let us consider the future. Let us think of the generations to come. There must also be open places for them. It does not mean that any open places within the City of Nairobi must be possessed by somebody. Let us think of the entire population and the entire community, because that will be important in future, instead of buying the same land or looking for a field for children to play about.

Sir, I also want to stress that the current problems we have in the City of Nairobi are also going to be spread to Mombasa, Kisumu, Nakuru, Nyeri and everywhere else, including Thika. When people have been given permission to put up a building in the City, there is no allocation for parking allowed. In other words, there should be a law to the effect that a building of so many storeys should have a certain proportion for a parking space in the same building. There should even be a building whose first five storeys are parking spaces.

Today, particularly in the City of Nairobi on Saturdays, there are more vehicles than the parking spaces available. There are a lot of policemen on that day. I do not know where they come from. There is a special force to remove vehicles from wherever they have been parked because there are no parking spaces, or parking areas are not enough. Why does the planner not insist that every building, whether Government, commercial, and so on, should have a certain portion of parking space constructed within the building in relation to the number of people who will be occupying that building? So, it is very important that that should be done because we have to think about the future.

My last point, Sir, is that land, which is so valuable, is getting "naked" today. It has no moisture. It has been left open to be destroyed by the sun, wind, rain and so on. Whatever value the land had before, it has become less and less. Also, in the same land, rivers are drying up. I feel that even construction of dams should be a part of land utility, or land value. There should be enough water when we have droughts. There should be enough water available. Covering of that land should also be a matter of great importance.

Sir, with those few remarks, I beg to second the Motion.

(Question proposed)

Mr. Karauri: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this Motion.

First of all, I would like to thank the Minister for Lands and Settlement because I can see a lot of progress in my constituency in the area of land demarcation. Land adjudication started in Tigania—that is my constituency—in 1966, and it is surprising that up to now, the exercise has not been completed, 22 years after it started. However, there has been some progress of late. Land demarcation is starting in several places. The only thing remaining now is for the Minister to expedite the exercise, by perhaps urging his officers to speed it up. Some of us have suffered quite a lot. We have not had any title-deeds with which we can borrow money for development. We have been unable to plan our shambas, so much, so that we do not know where we should build a house; where we should plant trees; where we should keep cattle and so on.

If the Minister hastens this exercise my people will benefit from the bank loans. They will plan their shambas properly, and perhaps even plant more trees. Today, it is so difficult to do so because we do not know, when land demarcation comes, whether it will favour you with the land you are used to; where you have been living all the time; where your grandfathers used to live, and so on. But if we are given title-deeds and shown our shambas, that problem will be solved, and we will feel like other Kenyans. We shall be free to borrow money from banks and so on.

Sir, although I have commended the Minister for starting land demarcation in many places, in Tigania there are about four locations where land adjudication has not been started at all. There are Gigo, Kunati, Igarie, Mbeu and Mitundu. These people also want their areas to be declared adjudication areas because the problems they are facing are enormous. This includes the fact that if there is a land dispute where an area has not been an adjudication area, it is the chief with his "Agambi", or elders, that he has appointed himself, who listen to the cases. When that is being done, anything can happen. If you are not friendly to the chief—

An hon. Member: It always happens!

Mr. Karauri: It always happens! I agree with the hon. Member because I know. If you are not friendly to the chief, you are likely to lose your land. Some of the chiefs have become political. So if they do not support a particular hon. Member, anybody supporting that particular hon. Member will lose his land case. We would like the Minister to take care of those areas that have not been declared adjudication areas also. I think it should be his responsibility. All land in this country should be under the Minister for Lands and Settlement, so that land cases are not heard by the chiefs and the people he has picked, but by a land officer plus

[Mr. Karauri]

a committee chosen by the people themselves. Sir, more important, I would like the Minister to declare those remaining areas of Tigania adjudication areas to remove those problems.

Sir, there is urgent need to review land laws in Kenya. It has been said before that they are in several parts, and they should be put together. But the point I want to raise here is that the powers that the district land adjudication officer has are enormous. When the district land adjudication officer hears your case and decides on it then the only person you can appeal to is the Minister. When the hon. Minister stands up here to reply, he can perhaps tell us how many cases he has heard because I have not heard of a Minister hearing a land case. The law requires that that is the final resort, but then people keep on appealing to the Minister. They wait and wait until they see that somebody else has been allocated the land on which they had a case, and then the matter ends there. I do not know whether the Minister could perhaps tell us how many cases he has heard, or even his predecessors, which Minister heard which case, because I do not think, since independence, any Minister has heard more than two cases? There should be a law reform in that direction, so that the decision taken by the committee is final.

Sir, some of our people decide on these cases very fairly because of the traditional fear of the oaths that are taken. For instance, if I had a land case against you that I was disputing the ownership of land that you have, the final resort in Meru is to slaughter a he-goat when you are naked. You go round your shamba swearing that that is your shamba, and that he-goat is cut in several places. For instance, you are told that if you are stealing the land, your ears will be cut off like the ears of that he-goat. All the parts of the body, including the private parts are mentioned in this matter. So, traditionally, it is a fearful custom. But when you give the district land adjudication officer the final say, and he comes and settles the case contrary to what the elders felt, it is wrong. That is why I am saying that there should be a law reform in that direction, so that the elders elected by the people from that area have final say in that case.

Mr. Temporary Deputy Speaker, Sir, another problem that we experience in my Tigania Constituency pertains to the kind of land adjudication which was done there. It was done by gathering pieces of land from here and there, and finally putting them together. What is surprising is that after the adjudication exercise, people are being given infertile and rocky places, which their grandfathers, or anybody in their lineage, never saw. It is the richer people who "whisper" to the land officers and they get better land. Somebody else occupies your piece of land where you have been living since your grandfather's days; you are removed there and taken to an infertile, rocky and

sloppy area. This practice must stop; the Minister must insist that his officers do not remove people from their land. In any case, it is a requirement of the law that if you are removed from your piece of land, you must be shown a similar piece of land.

This is unavoidable because gathering of pieces of land results in people pushing one another, so that you do not finally settle in the particular place where you have always lived. However, if you have to be moved, you must be moved to a similar piece of land; you should not be moved from a very fertile place, a place where you have been growing coffee and tea, to a rocky place where you cannot grow even potatoes. What happens is that those who are poorer suffer this consequence. This practice must be stopped.

Mr. Temporary Deputy Speaker, Sir, I recall that in June this year, while replying to my question in this House, an Assistant Minister in this Ministry promised that Athwana people would get their title-deeds by the end of July. In fact, I did ask the Assistant Minister who was replying to the question, hon. Muturia, whether I would ask my people to go to the lands office, Meru, and collect their title-deeds by around 15th of August, and he said that they could go to that land office and collect their title-deeds at the end of August. It is now almost the end of October, and there are no title-deeds in that office.

An hon. Member: Did you tell them to go for them?

Mr. Karauri: I did not tell my people to go to the lands office to collect their title-deeds, but they heard it over the radio, the Voice of Kenya reported the reply I had got from the Ministry for my question. Sir, the Minister must always honour his promises to this House and to the people of this country so as to maintain that integrity of the Government and the Minister. So, I hope that after a few days, my people will be able to go to the lands office, Meru, and collect their title-deeds.

Mr. Temporary Deputy Speaker, Sir, another strange phenomenon that must be discussed in this House concerns the shanties which are coming up in and around Nairobi. As a result of no planning at all, plots are being sold everywhere to co-operative societies and individuals. Now, what is happening is that once you have bought a plot, you put up a house of your choice. You can put up whatever kind of house you want; it does not matter whether it has three doors; what kind of roof it has; or how big the rooms are. Is there nothing that can be done about this situation? Do we not have any planning? When people buy these plots, they should be given plans of specific types of houses that should be put up on such plots. There is a danger of having shanties all over Nairobi due to lack of planning. I know that this is not entirely the responsibility of the Minister for Lands and Settlements; the matter also involves the Ministry of Works, Housing and Physical Planning. However, with his assistance, they can be able to plan for this.

[Mr. Karauri]

Mr. Temporary Deputy Speaker, Sir, I beg to support the Motion.

Mr. Galgalo: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this chance. First of all, I would like to join my colleagues in congratulating the Minister for the way in which he has presented the requirements of his Ministry. The Ministry of Lands and Settlement plays a very important role in the development of this nation by way of taking care of our land, which today is the most important thing.

Mr. Temporary Deputy Speaker, Sir, on 17th February, 1984, His Excellency the President was in Marsabit, and he directed the Ministry of Lands and Settlement to send a survey team to Marsabit; and that the people of Marsabit be given an opportunity to get title-deeds so that they could like all other Kenyans, enjoy such facilities like loans from banks and other finance houses, in order to develop the district. Although that team of surveyors has been sent to Marsabit, it got stuck in Marsabit, Central Division not because of problems between the people of that division, but because of problems emanating from the Ministry. I do not know what problems they have. The few shambas which have been surveyed in Marsabit District so far, mainly belong to people who hold big offices like hon. Members of Parliament, or businessmen who are very influential and rich.

[The Temporary Deputy Speaker (Mr. Mutiso) left the Chair]

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

In fact, nothing is being done to survey shambas belonging to the poor people. The poor people are still awaiting services from the survey team which was sent to Marsabit District. Since sometime in the middle of 1986, nothing is being done by the Department of Land Adjudication to give these essential services to wananchi in Marsabit District. There are six administrative divisions in Marsabit District, and it is only Marsabit Central Division which has had any service from the Ministry of Lands and Settlement. Why is the rest of the district denied these services?

Mr. Boru: Even the exercise is not over in Marsabit Central!

Mr. Galgalo: The hon. Member from that area is even informing me that the exercise of land adjudication is not over in his place, and the other areas are still waiting. In 1985, the Ministry had carried out the peripheral survey of Moyale Town but, up to now, nothing has been done to complete the exercise, in order to enable the people of Moyale to acquire title-deeds for their plots and shambas. Despite the other problems of drought that we have experienced in these arid areas, the Ministry of Lands and Settlement is the one which is causing retrogradation in this district. I am appealing to the Minister, therefore, to take urgent

measures to ensure that our people get these services, so that they can acquire loans to enable them to expand their businesses and farms.

Mr. Temporary Deputy Speaker, Sir, as hon. Karauri said in his contribution, there are shanties which are coming up in towns without any plans. In the end, when the towns are planned, those buildings will be demolished and wananchi will suffer a lot of losses. Of course, people must live somewhere, and because the land has not been surveyed, our people have tried to live comfortably to the best of their ability. When the Ministry of Lands and Settlement starts surveying these towns, they will collaborate with the Ministry of Works, Housing and Physical Planning to demolish those buildings which are now being constructed without plans. As a result, our people will suffer heavy losses. It is for this reason that I am appealing to the Minister to ensure that survey of towns and trading centres all over the country is carried out early enough, in order that people do not carry out haphazard development. Proper planning must be done to provide room for public utilities.

For, example, if you go to Moyale Town now, you will find that there is no room left for public utilities. The town is not properly planned, and the area has not been surveyed and, therefore, people are just putting up buildings anyhow. The district has now been declared an adjudication area, and the people of Marsabit are waiting for the services of the Ministry of Lands and Settlement to enable them to carry out development projects in the district adequately.

Sir, we are Kenyans just like everybody else, and we are wondering why we are being denied services which are being rendered in other parts of the country. We should be given equal services with all other Kenyans. The services of the Ministry of Lands and Settlement, like any other services rendered by other Ministries, should be equitably distributed all over this nation.

Mr. Temporary Deputy Speaker, Sir, sometimes, when the Ministry's Department of Survey is carrying out its job, it happens that the big fish swallow the small fish". I mean to say that the poor man loses his land to the rich man. We would like this matter to be looked into very seriously with a view to ensuring that justice is carried out properly. The poor man should be able to maintain the little he has without interference from the rich man.

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

The Assistant Minister for Health (Mr. arap Cheboiwo): Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili nami niseme machache juu ya Hoja hii ya maana sana kuhusu Wizara ya Ardhi na Makao.

Nataka kwanza kwa kumshukuru Waziri na Mawaziri Wasaidizi wake pamoja na wafanyakazi wote

[The Assistant Minister for Health]

wa Wizara hii kwa vile wanajaribu kufanya kazi jinsi wanavyoweza. Hata hivyo, ni kweli kwamba utoaji wa hati za kumiliki ardhi huchelewa sana. Hili ni jambo ambalo liko katika Kenya nzima, na nafikiri taabu Wizara iliyo nayo ni ya pesa, au labda hakuna wafanyakazi wa kutosha. Hata pengine huenda ikawa taabu iliyoko ni ukosefu wa wafanyakazi waliohitimu vizuri. Kwa mfano, kuna sehemu moja inayoitwa Saimo Location katika Baringo North ambayo ilitangazwa kuwa sehemu ya kukatwa mashamba mwaka wa 1968, na hadi sasa ninaposema hapa watu wa sehemu hiyo hawajapata hati za kumiliki mashamba. Ni sehemu moja tu inayoitwa Kasisit ambako vyeti vya kumiliki mashamba vimetolewa. Watu wanaoishi katika sehemu za Kapchepkor, Barkerino, Isas, Sirimianin na kwingineko hawajapata hati za kumiliki mashamba.

Sisemi hivyo sasa kwa sababu tunazungumza kuhusu Voti ya Wizara ya Ardhi na Makao; nilianza kusema hivyo zamani sana. Nilianza na ofisa anayesimamia tarafa ya Kabartonjo, na nilipomwuliza ni kitu gani kinachosababisha kuchelewa kwa hati za kumiliki mashamba, aliniambia kwamba anapowaita wazee wa kijiji kwenda kumaliza kesi za mashamba, hawaendi. Lakini nilipoenda kwa wazee hao na kuwaambia kwamba wao ndio wanaotuchelewesha kupata hati za kumiliki mashamba, waliniambia kwamba wanapoitwa kwenda kumaliza kesi hizo, yule ofisa huwa akifika kama amechelewa na kwa hivyo, hawangeweza kufanya kazi yo yote. Mimi simshtaki ofisa huyo au kamati ya wazee wa kijiji, lakini nataka kumwomba Waziri ambaye ana uwezo wa kutosha, kuwatumia maofisa wake walioko katika sehemu zote katika Jamhuri ya Kenya, ili utoaji wa hati za kumiliki mashamba uharakishwe.

Bw. Naibu Spika wa Muda, Mtukufu Raisi mwenyewe amesema kwamba kesi za mashamba zisiwe zikipelekwa kortini. Ninastaajabu kuona kwamba hadi sasa kesi za mashamba bado zinapelekwa kortini. Mtindo huu ni lazima ukome kwa sababu ulisimamishwa kwa amri ya Mtukufu Rais. Watu wale wanaopeleka kesi za ardhi kwa mawakili ni lazima wakome kwa sababu huko haki hupinduliwa na kuwa uongo, na asiye na haki ya shamba ndiye anapata shamba. Tuna ushahidi wa kutosha wa mambo kama haya. Mambo haya ni lazima yakomeshwe.

Ni vizuri mtu akiwa na kesi aipelekee wazee wa kijiji. Mimi mwenyewe najua kesi moja ambayo ilipelekwa kortini, na mtu asiyekuwa na haki ya kupata shamba akalipata. Lakini kesi iliporudishwa kwa wazee, ukweli ulionekana. Wale wazee wa miaka 50, 60 au 70 walisema kuwa shamba lilikuwa la mtu yule mwingine kwa vile walikuwa wanamwona baba yake akilima shamba hilo. Wao walikuwa wakifyeka msitu pamoja na babake. Huu ndio ukweli wa haki, si ukweli wa pesa au ukweli wa wakili asiyejua sehemu hiyo. Hilo ni jambo lingine linalowasumbua wananchi wa Kenya, na linahitaji kuangaliwa.

Bw. Naibu Spika wa Muda, kuna jambo lingine ambalo limesemwa sana, na hata linanihusu. Hii ni habari ya usorovea wa bandia. Tuna mashamba mawili huko Bahati, Nakuru, na sasa unaendelea kukatwa na masorovea wa Serikali. Tena kuna shamba lingine ambalo liko kambi ya Moto ambako sorovea mmoja alikuja na akatuambia kuwa anataka KSh. 20,000 ili atupimie shamba mara moja. Kwa vile tulikuwa na haja ya kugawa hili shamba, basi tukampa KSh. 20,000. Sisi hatukujua kama huyu sorovea alikuwa bandia kwa sababu alikuwa akifanya kazi ya Serikali, na mwishowe yule mtu aliyekuwa akifahamu mambo ya ugawaji wa ardhi alipokuja, tulikuwa na shida kubwa sana. Aliirudia ile kazi ya ugawaji karibu yote.

Kwa hivyo, namuomba Waziri ajaribu kuona kuwa hawa masorovea wa bandia wamekomeshwa kwa sababu wananchi wanaumia zaidi, hasa wakati huu ambapo Serikali imesema mashamba ya ushirika au makampuni yagawanywe. Kuna haja ya masorovea sana, na hawa masorovea wa bandia wanatumia hiyo nafasi. Nilikuwa hapa hivi majuzi wakati Waziri alipojibu swali fulani na akasema kuwa anajaribu kukomesha uovu huu. Tafadhali, Bw. Waziri, komesha haya maovu.

Bw. Naibu Spika wa Muda, tunapongea juu ya utunzaji wa miti kama kiini cha maji, tuna shida na watu wa survey. Nimezungumza na watu wa mawakilisho yangu juu ya sehemu zilizokuwa na maji zamani, lakini wameshindwa vile wangepanya kwa sababu watu wamepatiwa mashamba mpaka mtoni. Maoni yangu ni kwamba hawa masorovea wangepatiwa watu kuwa ingawa shamba ni lao, wasilime mpaka mtoni; ni vizuri kubakisha sehemu kidogo kabla hawajaufikia mto. Jambo kama hili likifanywa litasaidia sana kwa uhifadhi wa maji.

Bw. Naibu Spika wa Muda, ningependa kuongea kidogo juu ya miji. Kama vile Waheshimiwa Wabunge wenzangu walivyosema, kuna miji mingine ambayo imekaa sana bila kupimwa, na ambako watu wangetaka kujenga nyumba. Kama vile Mhe. Mbunge mmoja alivyosema, watu wanajenga ovyo ovyo. Kwa mfano, Kabarnet ni makao makuu ya wilaya, na Nakuru ni mji. Eldama Ravine, ambayo zamani ilikuwa inajulikana kama Kerio Valley Province, ilikuwa inasemekana inaenea mpaka Kisumu na Kakamega, lakini leo kuna mji tu wa Eldama Ravine. Mji huu unatakiwa kupimwa, na watu wapatiwe ploti wajenge nyumba za kudumu.

Bw. Naibu Spika wa Muda, kuna kituo kingine cha biashara kiitwacho Kabartonjo ambacho ni maarufu sana. Tunaishukuru Serikali kwa sababu imeiweka lami barabara inayokwenda kwenye kituc hicho cha biashara. Hata hivyo, utaona kwamba ni watu wawili tu ambao wamejenga nyumba za mawe katika kituo hicho cha biashara. Watu hawa wangali na wasiwasi kwa sababu County Council ya Baringo haijatao idhini ya watu kujenga nyumba za aina hiyo. Hawajui kama nyumba hizo zitabomolewa au mambo yatakuwa namna gani. Kuna mifano mingine kama vile Marigat,

[The Assistant Minister for Health]

Mogotio, Nginyang na mingine mingi katika Jamhuri ya Kenya.

Kwa hivyo, ingefaa Waziri awahimiza maofisa wake wafanye kazi wakishirikiana na makonseli, na hilo litakuwa jambo la maana sana. Yafaa watu wapimiwe mashamba na ploti zao, na kupewa hati zinazofaa.

Kuna mambo mengine ambayo nimeyaona kwa macho yangu. Kwa mfano, haifai maofisa wa Serikali kufanya kazi kwenye kituo kimoja kwa miaka mingi. Sisemi juu ya maofisa wa Wizara ya Ardhi na Makao peke yake; ninazungumza juu ya Serikali kwa jumla. Utaona kwamba ofisa anaweza kufanya kazi katika kituo kimoja kwa muda wa miaka 15. Yeye huwa amezoeana na watu wa sehemu hiyo, na huwa anawafahamu wote; anawajua wale wema na wale wabaya. Kwa hivyo, ningiomba Serikali ihakikishe kwamba ofisa akifanya kazi katika kituo kimoja wa muda wa miaka miwili au mitatu, ahamishwe na kupelekwa mahali pengine. Hii ni kwa sababu ofisa hufanya kazi mahali pamoja kwa muda mrefu sana, na mwishowe watu husikia kwamba ameshtakiwa. Yeye huzoeana na watu na kuanza kunywa pombe nao na kuisahau kazi yake ya kupima mashamba. Hili ni jambo ambalo hucheleweshwa kutolewa kwa hati za kumiliki mashamba.

Siwezi kusema kwamba maofisa wa kupima mashamba ni walevi wote. Lakini kuna wachache ambao hulewa sana. Wengi wao wanafanya kazi nzuri. Lakini wale wanaolewa yafaa wanidhamishwe kwa sababu huu ni mwaka wa nidhamu.

Bw. Naibu Spika wa Muda, singependa kusema mengi kwa sababu ninatumaini kwamba Waziri amenisikia, na kwa hayo machache, naomba kuinga mkono.

Mr. Michoma: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the Floor to join my colleagues in contributing to this Motion.

First of all, I would like to thank the Minister for the manner in which he has conducted the affairs of this Ministry since he took over from his predecessor. This is a very important Ministry and the Minister should take serious note of what we say here.

I will start by touching on permanent improvement of plots in all settlement schemes in Kenya. These plots were set aside for the construction of schools, hospitals, health centres and so on. These are public plots. But you will find that most of these plots all over Kenya have been allocated to individual people. It is the settlement officers who allocate these plots to individual people. Where will the settlers in various settlement schemes build schools, hospitals and so on? The Minister should make sure that these plots are preserved for public use.

The other point is about illegal selling and transfer of plots. The Director of Settlement, Mr. Gachanja, is here, and he knows what I am talking about. I can cite one example in Molo South. If

the hon. Member for Nakuru West, Mr. J. N. Mungai was here, he would support me fully. I am talking about Plot No. 81 in Langwena Settlement Scheme. A certain person who has a plot there went to Land Control Board— We have checked and found that the chairman of the land control board there is a bogus one. They call him Mr. T. Muturi. No district officer by the name of T. Muturi has ever been posted to Nakuru District. This plot has been transferred to another person. All the original documents were removed from the files. The former settlement officer in that area and other persons should be brought to book. I do wish to say more about this because the case is under police investigation, and I hope that the Director of Settlement, and the legal section of that Ministry, will help this poor lady to get back her plot.

The other point, Mr. Temporary Deputy Speaker, Sir, is that the Ministry should accelerate the land registration exercise. I say this because "land adjudication" and "land registration" have different meanings as far as I understand. When land adjudication started in Central Province, some rich people got the opportunity to acquire acres and acres of land, and the poor people were left without land. In Kisii District, the exercise was known as land registration. If Michoma had three pieces of land, these had to be registered where they were and they were never consolidated. I must thank the Minister because people in Kisii District and other places have been issued with title-deeds. But the Minister should ensure that this programme is speeded up in areas like Baringo in the Rift Valley Province; North Eastern Province and Nyanza Province. The Minister should ensure that this programme is accelerated, so that wananchi can get title-deeds to acquire business loans and so on.

Another point is that in these settlement schemes, even if somebody has not paid his entire loan he should be given his title-deed and be told to repay the loan; not a lot of money is involved.

Mr. Temporary Deputy Speaker, Sir, as hon. arap Cheboiwo has said, not much has been done about plots in towns and market centres in this country. The Department of Physical Planning, which is now under the Ministry of Works, Housing and Physical Planning— At times you will find this department under the Ministry of Local Government, and at other times you will find it under the Ministry of Works, Housing and Physical Planning. I think this department should be brought under the Ministry of Lands and Settlement so that planning can be done properly. You will find that people in most rural towns are putting up buildings without any plans. A lot of buildings are mushrooming in every town in this country. These towns are never properly planned. The Minister should ensure that proper physical planning of these rural towns is done.

I also note with appreciation the remarks of the Minister to the effect that there will be a training

[Mr. Michoma]

school to train surveyors. But when the Minister stands to respond to the views of hon. Members, he should tell the House how many survey students will be taken at a time. Many of them should be trained, so that they can undertake survey work in this country. You, Mr. Temporary Deputy Speaker, Sir, have talked about the shortage of qualified surveyors. How many times are we going to say that survey work should be speeded up?

Hon. Members have asked questions in this House, and since the Minister is a man of action, he will take serious note of this matter and ensure that this programme is speeded up. Let all Kenyans have title-deeds within reasonable time.

Mr. Temporary Deputy Speaker, Sir, there is an Agricultural Produce Act, but there is still mismanagement. One time, when there was mismanagement in the sugar belt in Nyanza, the then Minister for Agriculture, hon. Nyagah, was taken to court. I think the Minister for Agriculture and the Minister for Lands and Settlement should put their heads together to ensure that people who own land in Kenya and yet they are not here, have their land taken away from them and given to indigenous Kenyans who are landless.

Another point is that all the time, there has been a squatter problem. I think there is a practice of a certain ethnic group or groups making themselves squatters so as to get land. There is nobody in this country who does not have a place—an original district—where one comes from. The Minister should investigate this, and if there is one ethnic group like the Kisii who pretend to be squatters when they are not, then he should tell them to go back where they came from. Let the genuine landless people be given land by the Ministry when land becomes available.

The other point is in connection with the land control boards. The Minister should take serious note of the fact that these land board members get only Sh. 10 per sitting. I do not know whether the Minister has now reviewed these allowances; I know he has not because I was a member of a land control board until recently when I resigned. What is Sh. 10 per sitting? That is why there is attempted corruption. The Minister should ensure that these allowances are reviewed as the standards of living have gone up. There are so many land cases here and there.

The other day, His Excellency the President said that these land disputes should be heard by the ordinary elders who know where the land boundaries are. These elders should be given some inducement by the Government. They should not always have to ask the two disputing parties to give them some *posho* or *kiinua mgongo*.

With those few remarks, I beg to support.

Mr. Mutiso: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I must straightaway say that I have been very disappointed by the hon. Minister, but I hope that my disappointment will have

some relief when he comes to reply. I listened very attentively—when I was temporarily in the Chair—when he was moving his Motion, expecting to hear him mention at least something about Yatta Settlement Scheme, but I never heard anything about it. I want to say this: If there are any places in this country where there are problems, one of them is Yatta Settlement Scheme, which is number one. I do not know whether he ignored it deliberately or whether he was misdirected by his officers to deliberately leave it out. I now want to expose the truth.

Yatta Settlement Scheme was started way back in 1965 under what was known as Haraka Settlement Scheme initiated by His Excellency, the late President Kenyatta. At that time, I was an Assistant Minister for Education, and I had fought for that land in Ndalani to be taken over by the Government and given to squatters or landless people. What has happened from 1965 to date is that the issue has gone from confusion to something else stronger than confusion—chaos and mess—because the officers in the Ministry of Lands and Settlement—I hate to mention individuals or even point a finger at a particular officer, but I am forced to do so in this case. These officers have compounded this problem by issuing letters of allocation from officers here in Nairobi for plots in Yatta, although they do not know where the plots are, how they are and who there is. This has continued for some time now. A document was produced known as “a letter of allocation” in Haraka Settlement Scheme, and it carried some conditions; namely, you were given a plot on condition that you move in and settle there. You had to fence it, develop it, cultivate it and develop a home there. This is because we were landless. Failure to comply with these conditions would not be tolerated. You could not subdivide that piece of land or let it.

What happened was that people got those letters of allocation in the early 1960s, the mid-1960s and towards the end of 1960, but nobody moved in even to check where the plots were. Much later, in the 1970s and early 1980s, the Ministry issued other letters known as “outright purchase letters.” A person who did not know who was on the land for all these years got such a document and said, “This plot is now mine because I have this letters”, simply because he paid KSh. 100 per acre. That is no price for a piece of land. After that, you found that a person who had been on that land for more than 15 or even 20 years and had developed the land, built a home there, dug bench terraces, fenced the land, planted trees and developed the area by building schools, dispensaries, and so on; and had participated in all development projects there, was dislodged and another person came with that letter of outright purchase, with information from the court that the former owner of the land was being evicted because this land now belonged to another person who had that document. We have said in our district development committee

[Mr. Mutiso]

meetings, and even told the provincial administration, that this matter should be settled immediately because it is withholding development in Yatta, particularly, in Ndalani and Ndithini Locations.

I understand that a certain committee was set up, composing of people from the Ministry and others from the provincial administration. Since the district settlement committee, which was being chaired by the district commissioner was removed, there has been a lot of chaos there because these people with outright purchase letters are coming and getting court eviction orders in order to try to evict the former owners of the land, whereas these former owners have been on the land for more than 15 or 20 years. I request the Minister sincerely and very honestly to note that this is a very explosive matter, and that if the Ministry does not move in quickly and settle the matter, or devise a solution to it, there are going to be fights in that area.

We have maintained that it is the provincial administration that should tell and explain to the Government the problem of land at the grassroot level because they are the people who represent the Government there and they know who has been there and who is there now, what that person has done and the right person to own that land, rather than the Commissioner of Lands and his officers here in Nairobi—knowing that a certain plot is yours and nobody should deny you its ownership—coming to chase you from the land after you have devoted all your labours and “blood” on it. This is very serious matter, and that is why I said that I was very disappointed when I did not hear the Minister mention anything about Yatta.

Therefore, I call upon him, when he comes to reply, to tell the people of Yatta and the country at large the exact position of this matter, otherwise, there is going to be trouble, and it will be him and his officers who will be taken to be responsible for what happens. We will not allow people who have not even contributed any penny to national development in that area to come and evict others who have lived there for over 15 or even 20 years. The former have done everything there. They were formerly landless, and now they are being told, “You only get that piece of land for speculation purposes.” One might ask where they were living for all these years if they were genuine landless people.

Having said that, Mr. Temporary Deputy Speaker, Sir, the other thing I would like to mention is the question of title-deeds in Yatta. I am told that when the aircraft that does aerial photography came there and took photographs in Yatta after land adjudication, those pictures were burnt. So, another exercise has to be undertaken in order to get these title-deeds. How come that this is possible? For how long are we going to wait for these title-deeds? We also want to develop and move

forward like other areas in this country. It is known that Yatta is a very dry area where we do not have any cash crops. The only thing that people there can rely on to get some loans for the development of their area is property. If you cannot produce any document to prove that you have some security, then you are not worth anything in terms of bank loans. Therefore, I urge the Minister to consider this issue more urgently, and find out what happened to the aerial photographs of Yatta that were taken. It is rumoured that those photographs were burnt, and that we have to wait for another opportunity.

Because I see that my time is running out very quickly, I want to say finally that the markets in Yatta, and Ukambani in general, need to be attended to. Physical planners must take quick action to ensure that they are physically planned, so that we do not enter into a chaotic situation where shops and other buildings are constructed anyhow, or in such a manner that it will not be possible to change them if need be in future.

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

Mr. Lotitiyo: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this important Motion. One thing I want to say is that I congratulate the Minister for Lands and Settlement, at least, for what he has done in the entire Republic in trying to reform land laws and settle people all over the country. This is a very touchy and delicate issue. Knowing our land problems and the issue of settling people, the Minister has really tried hard.

Mr. Temporary Deputy Speaker, Sir, I have to praise the Minister, particularly for the land adjudication which was done in Samburu District, and especially Samburu West Constituency which I represent. The adjudication was done fairly and title-deeds were issued. However, I would like to also say that there are some other parts in Samburu District, whom individuals might take advantage of to take their land after adjudication.

I would also like to thank the Ministry for settling the Poro conflict amicably, and directing that revision of adjudication be done, and I am glad to say that is being done. Although adjudication has already been done in Baragoi Division, there are a few individuals who have taken huge tracts of land there. Since, I think, title-deeds have not been issued there, I would ask the Ministry not to issue them until there has been a re-adjudication of land there. This is because as a result, very many individuals have been left landless, especially the nomads who are not aware of this, like those from Marti, Nachola and Kua Locations. Some six or seven people in that area have taken a lot of land and, as a result, have left very many of these nomads landless. It would be better if that land was re-adjudicated, especially in Dotu Location in Baragoi Division; otherwise we might have

[Mr. Lotitiyo]

a situation like the one we had in Poro area. I hope the Minister will take note of this and effect precautions against this.

Special consideration should be given to the nomads who move from one place to another, which might result in some people thinking that the vacant land is unoccupied. Care must be taken when doing this. The future of the people must be borne in mind, to avoid, as much as possible, future conflicts between people, which might arise out of such an issue.

The other thing, Mr. Temporary Deputy Speaker, Sir, is that we all know that Samburu used to be crown land during the colonial days. After the attainment of independence, it was converted to trust land under the Trust Land Ordinance. This needs reviewing too, because when land is entrusted to the President who, in turn entrusts it to the county council in order to protect it for the people, not all county councils will have the interest of protecting the land for the individuals concerned.

For example, the land in a place called Pura in Samburu District, which covers over 6,000 acres, has been annexed by the county council, and has been issued to an individual to cultivate wheat. The people who were living there were told, "This land has been taken over by the county council. It is now the county council's land." By doing this, I think they are jeopardizing the trust which was entrusted to them by the President to protect the land for the people. I would like the Minister to take note of that. It is unbecoming for the county council to annex trust land and then give it to an individual to cultivate wheat, whereby the rent for the land is remitted to the county council and not to the residents, who are the landowners and who have moved from there. This is a serious issue which is there in Samburu District now.

I trust the Minister, who is very able, and I thank him for what he has done for the people of Samburu District. When he was the Minister for Health, he came there and gave out materials which we have used to complete the corridor and the store of the hospital. We now also have a maternity ward.

I hope too, that this issue of Pura area—spelled P-U-R-A—will also be settled, to prevent the county council from annexing it, even though they are the ones entrusted to protect it for the people. Mr. Temporary Deputy Speaker, Sir, nobody is aware of this. Even the Ministry of Local Government is not aware of how the county council acquired this land. Our people should not be told out of the blues that this land has been taken over by the county council. Our people must be protected, and they should not be removed from that area.

QUORUM

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

The Temporary Deputy Speaker (Mr. Karauri): Yes, there is no quorum. Will you ring the Division Bell?

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Karauri): We have a quorum now. Will you continue, Mr. Lotitiyo.

(Mr. Shikuku kept on standing)

The Temporary Deputy Speaker (Mr. Karauri): Order, Mr. Shikuku! We have a quorum now. Will you continue, Mr. Lotitiyo.

Mr. Lotitiyo: Thank you very much, Mr. Temporary Deputy Speaker, Sir. The other point which I would like to raise is with regard to the land control board. In Samburu, we have a land control board which sits when the need arises, particularly when we have land cases, and when there are other land transactions like leasing of land and so on. However, our land control board is still being controlled from Nyahururu, which is very far from Samburu. I would like to appeal to the Minister to ensure that this land control board is decentralized to the district level in line with the District Focus for Rural Development Strategy. At the moment, we are still being served from Nyahururu instead of Maralal. I am requesting the Minister to consider decentralizing the land control board, so that all the necessary documents, such as title-deeds for plots and other documents related to land transactions, can be issued in Maralal, which is the headquarters of Samburu District. I hope that the Minister has taken note of this point.

At the same time, due to the long distance covered by the members of the land control board when they have to go to Nyahururu, I would like them to be paid travelling allowances. The members of our land control board have not been paid travelling allowances for the last two years. I hope the Minister will look into this problem, so that the members of our land control board are paid their respective allowances whenever they meet.

The Assistant Minister for Commerce (Mr. Lalampaa): On a point of order, Mr. Temporary Deputy Speaker, Sir. I would not like to interrupt my good friend, but I think he is misleading the House by saying that we have no land control board in Samburu. The fact is that we do have a land control board in Samburu.

Mr. Lotitiyo: Mr. Temporary Deputy Speaker, Sir, I would not like to challenge the hon. Member who has stood on that point of order, but I think he should learn to listen, so that he can understand me better. Maybe, he has a language problem. I did not say that there was no land control board in Samburu; I said the transactions of our land control board, which are at the moment carried out at Nyahururu, should be carried out at Maralal which is the district headquarters.

The Assistant Minister for Commerce (Mr. Lalampaa): On a point of order, Sir. As far as I

[The Assistant Minister for Commerce] am concerned, I think the hon. Member stated quite categorically that we have no land control board in Samburu, and that we are being controlled from Nyahururu. The fact is that we have a land control board in Samburu and the District Commissioner, Samburu, is the Chairman of the Samburu Land Control Board, and we have local people who are members of this land control board. What we have in Nyahururu, and this is why I said that the hon. Member is misleading the House, is the land registry. What we have in Nyahururu is the land registry and not the land control board. I think the records of this House must be put right.

Mr. Lotiyo: Mr. Temporary Deputy Speaker, Sir, I have no quarrel with whatever the hon. Member is saying. I think what he is now saying is the best he can say, and I have no quarrel with his sentiments. However, I hope that the Minister has taken note of whatever I have said, so that land transactions are done as near home as possible.

Mr. Temporary Deputy Speaker, Sir, I also mentioned the travelling allowances of the members of the land control board. I could not have mentioned travelling allowances of the members of board if the board was not there. Therefore, I think the hon. Member should correct himself.

Mr. Temporary Deputy Speaker, Sir, the other point which I would like to make is about squatters. In settlement schemes in Nyahururu, Ol Kalou, Kinangop, Laikipia and so on, we have a few Samburus who are squatters. When our people are being settled, particularly the squatters, I would like to request the Minister to consider all those people who have no land. I know that there are some Samburus who have been working in these settlement areas throughout their lives. So, when the time comes for taking over these areas for settlement, they are told to go back to their land. They are even told that they have a lot of land which is not adjudicated. So, they leave quietly because they do not know the importance of being settled there, and they go back home where they are totally new people, and they want to re-settle there. Sometimes they find that their land has already been adjudicated and taken over by other people. As a result, they have nowhere to go, and they stay in towns. So, I would like to request the Minister to take care of our people, particularly those nomads whose understanding is very little, so that they can be settled along with the others who have no land. I hope the Minister will do this.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to thank the Ministry of Lands and Settlement for the work it is doing. Land is a sensitive issue and it needs to be handled with care and proper attention. The way we plan is the way Kenya will remain.

With those few remarks, I beg to support.

Mr. Muthura: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to join my colleagues in contributing to this Motion.

First, I would like to thank the Government for settling quite a big number of the people who were landless, either as a result of having been left in the emergency villages in parts of Central and Eastern provinces, or having been left by the former white settlers in the former white highlands. The Government has done a good job.

I would also like to thank the land-buying companies and co-operative societies which have bought land and settled wananchi who could not be settled by the Government. It is not possible for the Government to settle everybody. So, these land-buying companies and co-operatives that have bought land and settled wananchi have done a commendable job.

Mr. Temporary Deputy Speaker, Sir, after the wananchi have been settled, as has been said in this House, they have problems. These have been solved partially by the provincial administration—the district commissioners, district officers and chiefs—although still, there are many problems existing which should be solved. In fact, in the course of solving these problems, which are on ownership and boundaries, you find that at times, more problems are created than solved. It has been said in this House that cases are still going to court. We are at a loss, particularly the hon. Members, because we are the people who are supposed to tell the wananchi that the Government has decided that no more land cases should be taken to court. They still get confused when they hear of people going to court because there is a dispute over a certain piece of land. It is a known fact that when a case is taken to court, and one of the parties involved is a wealthy person who can hire a lawyer as qualified as Mr. Byron Georgiadis; the wealthy person will win the case against this old man who cannot afford to hire a lawyer; who does not understand law, and who cannot argue.

The time has come when the Government, through the Ministry, should come up with a clear policy so that if there are cases to be taken to court, we should be told which cases they are. When I say this, I mean land cases. If land cases should not be taken to court, none of them should be taken there; otherwise, we tend to remain hanging in the air because we still hear of cases going to court. This also should apply to those cases being determined by the provincial administration because when a district officer has a case, the decision is made by the court. So, we fail to understand what is going on. I hope the Minister will look into this very seriously.

Mr. Temporary Deputy Speaker, Sir, the other day, I put a question to this House about the unregistered surveyors who have been surveying, subdividing and demarcating land, particularly the co-operative farms. The Minister replied by saying that a list of registered surveyors has been

[Mr. Muthura]

sent to all the district commissioners. I hope the provincial administration is going to show a keen interest in this problem.

Mr. Temporary Deputy Speaker, Sir, mine is one of the constituencies in which land has been bought by co-operative societies and land-buying companies, and quite a number of these farms have been subdivided and surveyed by people who have been chain-boys or chain-men for quite a number of years under a surveyor. This person then comes and tells the land-buying company or the co-operative society, "Oh, I can survey this land and subdivide it for you" without these people knowing that this person is not registered to subdivide or survey land. These people cannot get title-deeds, and, so, I hope that those pieces of land which have been subdivided by unregistered surveyors will be re-done by qualified surveyors, or Government surveyors, if possible.

Land consolidation, as it was called in the past, started way back in 1957. If we have areas, as has been stated by hon. Members in this House, which have not been declared and adjudicated; or where land has not been subdivided, this shows that the Ministry is lacking in qualified people, and I feel that it should have a crash programme. If we have crash programmes in the Ministries of Education and Health, why do we not have them in the Ministry of Lands and Settlement? In this way, we would have people trained, and this would enable the quickening of this work since these people need title-deeds.

Mr. Temporary Deputy Speaker, Sir, the Government started settling people in settlement schemes way back in 1962. Some of the people who were settled in those days have paid back the loans they were given; they have fully paid the price of the land they got. Up to now, despite the fact that they have no debt with the Government, they have not got the title-deeds. Let them get the title-deeds so that they can utilize them.

We have a lot of idle land in this country. The people who own this idle land are either absentee landlords or the so-called "telephone farmers", who do not make full use of the land. The time has come when a law should be brought into this House, so that we can limit the amount of land that one should have, so that we can make those people who leave some of the land that they own idle make use of this land. If they cannot do so, it should be taken away and given to the landless.

Mr. Temporary Deputy Speaker, Sir, when we talk about emergency villages in this House—people living in villages in settled areas—it sounds like a dream. Let those people who do not understand this go to some parts of the Rift Valley where they will find these people. It is not possible for everyone to own a piece of land in this country. However, it is unfair to have people without land and yet we have some people with so

much land that unless one checks back in the documents, one cannot tell how many thousands of acres one owns. It is so much that they cannot make use of it. Let us be fair; those with idle land should either give it away, or make use of it because we need a lot of food production in this country. I feel that there should be a ceiling on the amount of land that an individual should own in this country. I know that when I say this, it touches some people because they own tracts and tracts of land on which you will only find wild animals moving around. I feel that this is unfair.

I would now like to talk about the allocation of land in urban areas. I still remember a former engineer with Nanyuki Town Council some time back complaining and trying to advise the council that there was no point of allocating somebody a plot in an area which had been declared a town or an urban area more than an acre on which to put up his house. Why do we see people being allocated with 10, 15 or 20 acres of land in urban areas? Why should this happen? I feel it is unfair because the population of this country is rising and we need more schools, more classes, more hospitals, more polytechnics, and more factories together with industries, and without land, we cannot have these. Therefore, the question of allocation of land in urban areas needs to be looked into, so that an individual does not get 10, 20 or 30 acres there.

Mr. Temporary Deputy Speaker, Sir, the question of land should be taken seriously so that everybody in the country, at least those who should own land, can have a piece of land. From the sentiments expressed by hon. Members in this House, we can see the problems which are there, and I hope that as the Minister touched on a few points here and there, he will implement what he has said. When he comes back to ask for more funds next year, we shall have seen the work that he has done, and we shall be able to approve his Ministry's Budget.

With these few remarks, I beg to support.

The Assistant Minister for Industry (Mr. LUOGOROG): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to say a few points on this very important Ministry, that is, the Ministry of Lands and Settlements. First of all, I would like to say something about the physical planners. It is the Government's policy that towns in the rural areas should be developed, and more so industrially. I think our physical planners have not yet known what the priorities are. In fact, every department should select priorities that are of importance to our national welfare. How is a town like Kakamega expected to develop industrially if the physical planners have not yet set aside an area for industry let alone surveying the plots for industry? You may have money and feasibility studies, but unless you have the land on which to put up an industry, you will not be able to do so because land is the first essential thing.

[The Assistant Minister for Industry]

Yesterday, I answered a question here to the effect that it is the Government's wish that industries should be established in the rural areas by indigenous people. This would be impossible unless the physical planners realize that it is a priority. If the Government's wish of having industries in Nyeri, Nanyuki, Kakamega, Kitui and so on, is to be realized, the physical planners must know that it is a priority for them to plan our small towns.

Those hon. Members who have been to places like America will agree with me that these people built their cities about 200 years ago; for example, New York. These cities were well planned, and you will find roads going parallel to one another. They planned them because they knew they were going to have big cities; they planned them a long time ago. Why have Kenyan physical planners left a town like Kakamega to start developing and yet it is not planned? If you go to Kakamega, where I come from, you find people mushrooming houses everywhere. If they come to plan now, it will mean that road construction will pull down some of the houses which are now being constructed, and it will be a big waste of capital. Why should people waste money to put up houses in towns in a haphazard manner, when somebody will come up later, call himself a planner and say: "Now I want to plan Kakamega"? He will probably need to break down a lot of capital that has been established.

Why are these people not seeing this and do their duty? It is their duty to plan the Kenyan towns, otherwise, I do not see what they earn for. It is not for this House to tell them what to do. Their directors and individual planners in the provinces should see this and make plans. This does not only apply to industry but also housing. In a place like Kakamega Town, housing is now a crisis. For example, the small-scale earners have no housing. If someone wants to put up a small estate of houses, it will take about three years before he is told where to build. Plot allocation is next to impossible.

Last year, there was an advertisement and thousands of people applied for plots, both industrial, commercial and residential. They were surprised when all their money was refunded. There were 1,000 people and only a few lucky people, including myself, got plots. I was lucky to get only one plot.

Hon. Members: How many did you want?

The Assistant Minister for Industry (Mr. Lugozza): I was among the lucky group of less than 100 people. The ones who did not get anything are the ones I am crying for. Even hon. Angatia did not get a plot.

Mr. Temporary Deputy Speaker, Sir, this means that there are people, especially those who work in this city and come from Kakamega District, who are ready to develop the district. They will develop the place even if they put up residential houses;

if they put up industries, that is development; if they put up commercial buildings—shops and so on—that is development. That is what we want, as they will provide employment to those who will carry out construction works. When thousands of people apply for plots which they want to develop and only a few of them are considered, why should we keep on crying about unemployment and so on, when physical planners do not want to see these towns developing at all?

Through you, Sir, I would like to tell the Minister that he must do something about the planning of towns and the allocation of plots. The allocation of plots should take the shortest time possible, because the person who wants the plot wants to develop it; I do not see why it should take more than two or three months. Somebody who has money should be allowed to plough it in because that is development, as people will get employment.

The other thing is the cost of land. It is becoming impossible to buy land. In some areas, an acre of land is costing about KSh. 100,000. I think there should be some control on the cost of land, especially in big towns; otherwise, development would be impossible. It is only a few very wealthy people who will be able to put up houses. If a small piece of land, say, in Nairobi, where you want to put up a house, will cost you about KSh. 500,000, then how many people can put up houses in Nairobi? Very few can afford KSh. 500,000 for a piece of land before they build. Why should this be allowed? Why should the land value be allowed to escalate to that height, thereby hampering development?

If we want development, then some of these things should be looked into. The cost of land is just becoming impossible. It appears as if people have taken the word of architects and structural engineers to be like the Holy Bible. If an individual, say, myself is allowed to put up a three bedroomed house in Nairobi, it will not cost me more KSh. 100,000. When you look at the figure which is quoted by the so-called experts, it will cost you KSh. 300,000, KSh. 400,000 or even KSh. 500,000.

Sir, this must be checked and stopped. I say so because there are even houses in Kakamega for which somebody worked out the prices, and then they were put up for people to buy. They said the houses were worth about KSh. 300,000. If I am given a plot close to that place and asked to put up exactly that kind of house, it would cost KSh. 100,000 or less; it would cost even KSh. 80,000. In accordance with the value of the materials and the cost of labour—because the cost of labour in Kakamega is still very low—and even the supervision, it would be cheap to put up a house. So, unless something is done to reduce the cost of building, then we are not going to develop. If everything is made expensive, people will fear to go in for it.

Sir, I also want to join people who have said something about title-deeds. There is "forgery"; I

[The Assistant Minister for Industry]

could call it "forgery" or a kind of "fraud" here. At present, there are people who sell land to an individual, and they are very many in my constituency. After selling it to somebody, they then go and sell it to another person, and so on. Apparently, the law seems to protect these people. The law says that after three months, if you have not transferred the land you have bought, this man has a right to change his mind and sell it to somebody else. I would like the Minister to take note of this, and if possible, change that clause. I do not know whether it is Chapter 300. He should change that clause which says that after three months, unless you have transferred the piece of land, you cannot have it.

Thank you, Sir. I beg to support.

Mr. Anyumba: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity so that I may also contribute to this Motion.

This is one of the most important Ministries in the country, although a lot of people do not understand it. They talk in terms of "land and land problems", not knowing that there is much more to it than just land. This Ministry is in charge of land, as everybody knows it. Land was a very thorny issue during colonial time, and it is still a very thorny issue indeed. Therefore, it is a very important Ministry.

Sir, it is through the activities of this Ministry that an orderly identification of the pieces of land, and an orderly identification of ownership is made. It is also through the activities of this Ministry that the sizes of these pieces of land are determined. It is also through this Ministry that the tenure of these pieces of land are recorded. All this is done through the process of land adjudication, and also survey and mapping for title purposes.

Sir, perhaps not very many people do know that this Ministry is a service Ministry to very many other Ministries. In fact, certain Ministries cannot start embarking on their projects, whether Ministerial or Departmental before this Ministry does some service to them through their Department of Survey. Actually, every Ministry requires the services of this Ministry. For instance, before the Ministry of Agriculture can embark on implementing some of their agricultural projects, they require basic maps supplied by this Ministry. Also, the Ministry of Environment and Natural Resources, quite often, calls upon the services of this Ministry to enable them start their own projects. For instance, the Ministries of Tourism and Wildlife, Education, and name-it, require the services of this Ministry. So, it is an extremely important Ministry.

Sir, this is also a Ministry that has to invest heavily on manpower, equipment, stores and so on. These stores and equipment are now extremely expensive. For instance, a darubini which used to cost about KSh. 68,000 in 1980 is now costing KSh.

214,000! This is still the same instrument, and it is only one, and they need very many of them. That is only a darubini. So, if you take into account what they have to invest in the mapping equipment and so on, it is extremely very expensive. That is why I feel very strongly that we, in this House, must recommend that better funding be afforded to this Ministry.

I read from the budgetary supplies and saw that what they are given is so minimal. It even gives the impression that the Government is determined to have no more survey done, or no expansion whatsoever. If there is to be more expansion—which must be there because we are a dynamic country and we are expanding; we are not diminishing in size—therefore, there will be surveying and mapping. There will be land adjudication. There will also be more and more projects coming into play, for which we must apply the basic maps.

Sir, I know very well from my own experience in the department and also in the Ministry, that they require the amount of money which would see them through to the next financial year. But it is heavily cut down when matters reach the Treasury. I know that a Ministry cannot be made an exception. But, nevertheless, the services of a Ministry should be understood because by "choking" it, we are also choking several other departments and Ministries. We must plead for this, and I am glad that a number of people have been pleading that they should "pump" more and more money into this Ministry.

Sir, when it comes to planning and surveying of townships, I know a lot of them have been "choked" as a result of lack of funding. Today, we have urban centres, townships, and even trading centres which have expanded, but in a haphazard manner. Buildings have mushroomed, and certainly lead to slums. Again, I am aware that a lot of it has to do with lack of funding for planning, surveying and mapping purposes. I have been trying to get trading centres in my constituency planned. After planning two of them, it was impossible to go to the third and fourth due to lack of funding. Yet these are trading centres with the size of urban centres, which should be promoted to urban centres. I am sure their early and orderly development is vital if we are going to avoid future confusion.

Here, the Director of Survey and the Ministry of Works, Housing and Physical Planning have to work very closely. That is why I find it difficult right now to understand why the Department of Physical Planning was removed from this Ministry because they work very closely. At least, during my time, we used to work very closely. It was rather shameful to have a telephone between us, or if we had to make telephone calls before we could communicate. This is where walking across and discussing a subject is much wiser than being put in a completely different Ministry. As you know, each Ministry has its

[Mr. Anyumba]

own bureaucratic tendencies and, perhaps, these bureaucracies are not working well in the light of the close association needed.

Mr. Temporary Deputy Speaker, Sir, hon. Members in this House seem to be making wild accusations with regard to survey fees chargeable by licensed surveyors. I would like to remind the House that the Survey Act, Cap. 299 of the Laws of Kenya was passed in this House. That Act provides for the statutory charges approved by this House as fair charges signed by the President at that time. I have listened to people contributing to this Motion, and I have noticed that they are making wild accusations as if they were not contributors to the debate that passed the Bill which became the Survey Act. Survey is not a cheap sort of exercise to undertake. Therefore, if you are paying what this House passed and became an Act of Parliament, we should be the last fellows to start talking against what we passed.

Indeed, I can give you an example of an hon. Minister in this House who did not distinguish between a qualified surveyor and a bogus surveyor. The bogus surveyor charged him KSh. 64,000 to execute survey on his farm in Rift Valley Province. On presentation of the survey, the Director of Survey would not want to see it because it had been done by an unqualified man. Although he did the planning and all other sorts of things, he was not a qualified planner and, therefore, the Government would not want to accept his piece of work. Since the Minister had paid KSh. 64,000 and the Government had rejected the work, he came to me and asked for assistance since, as a fellow politician, we flock together. That is how I came to understand his predicament. After I told him what to do, he went to a private surveyor who charged him only KSh. 42,000 for doing the job all over again.

Mr. Temporary Deputy Speaker, Sir, that is a case where a bogus surveyor whose job is not recognized charged KSh. 64,000 and where a qualified surveyor, who is recognized by the Government, charged only KSh. 42,000 according to the scales of charges passed by this House. So, we seem to be quite ignorant when it comes to the application of the very Act we passed.

I would like us to take advantage of drawing the House's attention to the Survey Act, Cap. 299 of the Laws of Kenya. You will find that everything is extremely detailed as to what we charge for. Do we charge for clearing of bush? Do we charge for too much open land? We charge for different types of service. If we did that, we would be less vocal against the present survey fees which are very moderate. In fact, those fees were revised way back in 1978, and at this time many things have changed.

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

The Minister for Environment and Natural Resources (Mr. Nyagah): Thank you, Mr. Temporary Deputy

Speaker, Sir, for giving me this opportunity to also air my views on this important Ministry. As the previous speaker has said, it is a Ministry of life and death to many of us in this country.

Sir, land became the cardinal point when Uhuru was being fought for. At about the time when this question of land ownership was being considered by this hon. House and its predecessor, we had three types of land operations in mind. We had land consolidation, land adjudication and land settlement. For land settlement, it is reasonably easy because surveyors and the people in the Ministry simply divided the land parcels according to the number of people they wanted to settle, and that was all. Land consolidation was more difficult because we had to consolidate many individually-owned pieces of land which were scattered here and there, thereby disturbing quite a lot of people in the vicinity in question. That exercise was mainly in the Central Province and it was done and more or less completed. We were then left with a relatively easier programme of land adjudication which, to me, has been assuming proportions that it should not have assumed by now.

For instance, in my area, where I thought the work was going to be very smooth and be finished with very quickly, land adjudication has taken a long time. I think there is unnecessary protracting of work by the people who are doing the job. I would, therefore, like to appeal to the Minister to ensure that this work which was started about 15 years ago is completed. As a result of this protraction, land cases are springing up every now and then, and are causing unknown transactional behaviour in the operation of land adjudication.

Mr. Temporary Deputy Speaker, Sir, the other point that I think should be clarified is what *The Standard*' newspaper tried to serialize sometime back, and that is the classification of land ownership categories in this country. That is very important. We have the State land, trust land and freehold land. Maybe, it would be easier to understand what a freehold land is because a person has a title-deed for his piece. Maybe, too, it is easier for one to know what State land is. Trust lands are open to abuse, especially by local authorities. They have arbitrarily interfered with parcels of land that have been left within the jurisdiction of local authorities for social and community services. Local authorities seem to think that they can just take a parcel of land and allocate it to friends or use them for services that are not necessarily communal. I think the authorities in this Ministry should ensure that the abuse by local authorities on this matter is put to an end. Sometimes trust land comprises of a big portion of a district, just because it is neither freehold land nor State land. Again, local authorities seem to think that they can do whatever they like with trust land.

I have in mind, Sir, the areas around the big hydroelectric dams along River Tana. The land there is trust land under Machakos, Kitui and

[The Minister for Environment and Natural Resources] Embu districts. If, for development purposes, a sufficient piece of land is taken from the trust land, and it is found that the land that has been taken is too big for the purposes of, for example, constructing a hydroelectric dam the rest should revert to the trust land for the people in the vicinity to be settled. That land should not be given to individuals. I have a case of 17 parcels of land—In fact, I find it difficult to reconcile the people I represent, who have been given 10 acres each in Mwea Settlement Scheme. Around the corner there, a few people have been given over 50 acres each on land that should have returned to Embu County Council as trust land.

Mr. Temporary Deputy Speaker, Sir, group ranches might have been useful when we wanted to have some kind of identification as to who owned what and for what purpose. In the place where I come from we do not have ranches, but for the purpose of land adjudication, groups of people came together and, for instance, you could have five people together as the trustees of a certain group. Those so-called trustees have turned some of those group ranches into their own land. They negotiate and sell it, forgetting that they are trustees of group of people. So, many times in our district development committee we have said that these groups are no longer necessary in our area, and we have suggested that they should be parcelled up like everywhere else, and individual land title-deeds given out. I hope that the hon. Minister for Lands and Settlement will look into this matter and let us have the right of subdividing these ranches among the people for whom the five trustees stood.

Mr. Temporary Deputy Speaker, Sir, the other problem that we face in Embu District is about land registration officers and estate agency officers. I think something should be done to identify who is bogus and who is not bogus. Some of the estate agency officers are swindling wananchi a lot. It has been alleged that they work in league with some of the very junior officers in the lands offices thereby taking land away from people and making them landless. It is possible today to come across a landless person who had land before, but which has either been sold or transferred. I would like the Minister to look into this matter and ensure that lands offices are nothing but the places where a person gets satisfaction and protection for his land.

Finally, Mr. Temporary Deputy Speaker, Sir, physical planning of urban areas should be stepped up. Like the hon. Member who spoke before me said, we need to have physical planning done in towns, markets and in the villages, so that we can develop villages and townships in an orderly manner and for the right developmental classifications. If a piece of land has been set aside as a playground, or for building schools, hospitals, churches or national parks, it should be respected as such. Those concerned should indicate where

roads will pass so that people do not put up buildings in a haphazard manner.

Mr. Temporary Deputy Speaker, Sir, any development in land matters, especially by local authorities, should be in consonant with the development of the district. The district development committee should be involved in determining the future of any of the trust land, whether it is a kiosk or a shopping centre going up. Incidentally, the kiosks that we have all over the places, good as they are—the “jua kali” has been of great relief to mwananchi—should be controlled. I think they are untidy and especially when they are badly sited in the middle of a planned market. They are a source of irritation and eyesore in some places.

With these few remarks, I beg to support.

Mr. Omido: Thank you very much, Mr. Temporary Deputy Speaker, Sir.

I would first of all like to pay a special tribute to His Excellency the President for the manner in which he has settled what would have been a catastrophe in land matters in this country. Everybody in this House knows that land buying companies and organizations bought land and in the end, it was only the leaders who benefited from those lands. It was due to His Excellency the President's foresight that a very dangerous situation was averted. So, for this reason, I would like to pay special tribute to His Excellency the President.

Another thing that I would like to mention is the question of squatters. When we talk about squatters, one only needs to drive from Nairobi to Kitale. As you drive along the road you will see small huts on the roadside. Those huts belong to squatters; people who used to live on former European's land and who, having been thrown out of those lands, have nowhere else to go. When we talk about this problem, it appears as if we are walking on slippery ground. But one of my colleagues, while contributing to this Motion, said that the time has come when we should consider seriously the question of the acres of land an individual in this country should be allowed to possess. I think this is important. It is important because if we do not do this, the squatter population will keep on increasing. The time has come when the situation could explode. I believe that the Ministry should seriously take this problem into consideration and see to it that those people are settled.

Another problem, Mr. Temporary Deputy Speaker, Sir, arises when it comes to the allocation of commercial and industrial plots, or even residential plots to urban areas. The time has come when we should no longer allocate plots to Asians in our urban areas. Any plots for development should be allocated to indigenous Kenyans of African origin because this country belongs to them. The Asian has no loyalty at all whatever we do, because the Asians in Kenya just want

[Mr. Omido]

to rob us and take the loot to Britain. They are in Tanzania to rob Tanzanians and take the loot to New Zealand. Those in New Zealand will rob New Zealanders and take the loot to Britain, and so on. We cannot continue to nurse Asians because no matter what amount of nursing we do, they are not loyal to this country. We should no longer allocate our commercial and industrial plots to the Asian people.

In allocating these plots, I strongly feel that a committee should be established from all the provinces of Kenya. I am saying this because the people of this country as a whole, have a right to share the fruits of economic development in this country. In order to ensure that people from all parts of Kenya have a share in the commercial and industrial sectors of this country, it is only fair that we make sure that they are also given consideration in the allocation of plots when we have them.

Mr. Shikuku: They are giving you Harambee donations.

Mr. Omido: This is what I have in mind. If we do not do so, we will be running a risk where one section of the population of Kenya will dominate all the industries and commercial interests, and this will provide a threat to our very stability which everybody in this country is struggling to build.

It was not long ago when His Excellency the President was addressing a Harambee meeting at the Church of God in Jericho. He directed that the plot next to the church be given to the church immediately. He even told the church to get ready to fence off the plot. I now understand that arrangements are being made to allocate that same plot for other interests. This is a dangerous situation.

In respect of the same Buru Buru area, I have said in this House time and again that the area is inhabited mainly by the young generation which has no social facilities. All we have had are promises that the situation is being considered and arrangements being made in this regard. We have no social facilities in that area in the form of social halls, play-fields or even libraries. This is a serious matter, which I keep on repeating. I want to repeat again that it is time the Ministry took immediate and urgent measures to provide land for these facilities in that area.

Mr. Temporary Deputy Speaker, Sir, there is a school along Rabai Road, and adjacent to it, there is a piece of land. It was agreed years ago that that piece of land should be allocated to that school. However, somebody else is using this piece of land for other purposes, and we do not know why this is being done. In fact, I understand that this piece of land has been sold. If we can take pieces of land allocated for our public use because of greed or personal interests and non-commitment to the development of our people, then this is a very

dangerous situation. We are loading the President with a lot of work because he must come up and say, "This should not be done". Even what the President says should be done is not done because our people are greedy and hungry. This is a serious situation, and I think the Ministry should take serious consideration of this problem.

With those few remarks, Mr. Temporary Deputy Speaker, I beg to support.

Mr. Shikuku: Ahsante sana, Bw. Naibu Spika wa Muda. Ningependa kumwunga mkono Mhe. ambaye amemaliza hotuba yake hivi sasa na kumweleza kwamba mambo haya yote yanatokea kwa sababu watu wengi wamesema katika Bunge hili na katika mikutano ya Harambee, "Hatutaki maneno, tunataka vitendo". Lakini ukitaka kufanya vitendo, ni lazima uwe na pesa, na ukitaka pesa za kutenda, ni lazima ujiuze wewe mwenyewe. Hata ploti ambazo zimetengwa kwa viwanja vya kuchezewa na watoto wa shule vinauzwa ili watu wapate pesa za kutoa katika mikutano ya Harambee. Hii ndiyo sababu wanasema, "Hatutaki maneno, tunataka vitendo", au "Mimi na bibi yangu tumetoa elfu kadhaa za shilingi". Huu ndio ugonjwa, na hatuwezi kusema mambo mengine na kuacha kusema ukweli. Ukweli ni kwamba uongozi wa Kenya unanunuliwa. Usipotoa pesa za Harambee, wewe si kiongozi, na hata ikiwezekana, unaweza kupelekwa katika disciplinary committee ya Kanu. Mungu asifiwe, hiiyo kamati imefutuliwa mbali.

Mr. Muthuru: Imevunjwa!

Mr. Shikuku: Imevunjwa. Mwenyezi Mungu si Abdallah. Nasema hivyo kwa sababu wao wanasema kwamba ikiwa hutoi pesa za Harambee, una makosa. Kwa hivyo, watu wamejaribu kwa vyo-vyote vile, hata kwa kuiuza nchi yao, ili wapate pesa za Harambee, ndio wawe viongozi katika Bunge hili. Hivyo ni kununua uongozi wa nchi. Popularity today, Mr. Temporary Deputy Speaker, is purchased. Hivyo ni kusema kwamba uongozi unanunuliwa. Unaweza kuwa kiongozi, si kwa sababu ya akili uliyonayo, lakini kwa ajili ya pesa ulizonazo. Hii ndiyo sababu wanasema, "Hatutaki maneno, tunataka vitendo". Lakini vitendo hivi vinaleta wizi na uuzaji wa nchi hii.

Jambo la pili ni kwamba hati za kumiliki ardhi zimeleta taabu kubwa sana. Ukweli ni kwamba—na ni lazima Waziri afahamu jambo hili—wananchi wadogo wananyang'anywa ardhi yao na watu wakubwa, na ardhi hii wamekuwa nayo tangu zamani za kale. Jambo hili linafanyika kwa sababu ya ufisadi katika land registries. Mwananchi anaweza kufikiria kwamba ana ardhi, kumbe, Bw. Shikuku amezungukazunguka huku na kule na kupata hati ya kumiliki ardhi hii. Sasa jambo yule mwananchi atakaloliona ni kwamba atamkuta Bw. Shikuku akizungusha ile ardhi kwa ua la seng'enge kwa sababu amepata hati ya kumiliki. Mimi ninazo kesi zaidi ya 20 za aina hii na, ikiwa Waziri anataka, ninaweza kumwonyesha kesi hizo.

[Mr. Shikuku]

Sasa yule mwananchi anapoamka asubuhi, anamkimbilia Mhe. Shikuku na kusema, "Nimeambiwa nitoke kwa shamba langu na baba yangu". Ufi-sadi huu uko mwingi sana katika maofisi ya ardhi kote nchini. Wananchi wadogo wanalia. Watu wadogo katika nchi hii hawana haki kwa sababu wanayang'anywa mali yao na watu wakubwa, na haya ndiyo mambo ambayo yamenifanya niye nimesema katika Bunge hili ili wasikie, na wasiposikia, ni shauri yao. Kawaida ya watu hawa ni kukataa kuyasikia maneno Bw. Shikuku anayosema, lakini baadaye wanayarudia yale yale maneno na kujifanya kwamba wao wanayasema kwa mara ya kwanza. Lakini wananchi si wapumbavu. Wananchi hawa hawakusoma na kwa hivyo, hawana digrii, lakini wana akili na hili ndilo jambo ambalo litawashtua wakubwa siku nyingine kwa sababu wananchi wadogo wamechoshwa na wakubwa. Huenda vita vitatokea katika siku zijazo baina ya watu wakubwa, ambao wanashirikiana na Wahindi ili kuwanyanya watu wadogo mali yao. Hivi vitakuwa vita vikali sana. Wananchi wadogo ni wengi na vita hivi vitakuwa kama vile vya French Revolution. Mimi ninasema juu ya mambo ambayo yatakuja mwishowe.

Jambo la pili ni kwamba tulipitisha sheria hapa Bungeni kwamba watu watakaokuwa wakiangalia mambo ya mashamba watakuwa ni wakuu wa tarafa. Ukweli ni kwamba wakuu wa tarafa hawafanyi kazi yao na sasa wamewaachia machifu na wasaidizi wao, ambao wanawanyang'anya wananchi mashamba. Sasa mtu mdogo hana haki hata kidogo. Ni kwa nini jambo hili linafanyika na sisi tuliipitisha sheria hapa Bungeni? Ni kwa nini sheria hii haifanyi kazi? Jambo hili linafanyika kwa sababu mtu hawezi kuwa katika Kenya ikiwa hana pesa. Ni lazima upate pesa. Wafanyakazi wa Serikali wanataka pesa; wanasiasa pia wanataka pesa, na mwanasiasa ndiye anaumia zaidi kwa sababu anakimbia huku na kule. Hata mwanasiasa anampigia mfanyakazi wa Serikali saluti siku hizi kwa sababu hana heshima tena, na amekuwa mwombaji.

Jambo lingine linahusu ugawaji wa ardhi. Ijapokuwa tungetaka kumpatia kila mtu sehemu kidogo ya ardhi, jambo hili haliwezekani. Ni lazima tuseme ukweli katika nchi hii, kwa sababu si kila mtu atakayepata ardhi. This is impossible! Hakuna nchi kote duniani ambapo kila mtu ana ardhi. Ni lazima tuwaambie watu wetu ukweli, na ukweli huo ni lazima usemwe hapa Bungeni. Jambo ambalo tunataka ni kuwa na mwongozo wa ardhi na kusema ni kiasi gani cha ardhi mtu anastahili kuwa nacho. Ningetaka kumshukuru Mtukufu Rais kwa kuwaokoa watu wadogo kwa sababu walikuwa wamemezwa na hawa "samaki wakubwa" ambao mungozi yao ni kwamba, "Samaki mkubwa kazi yake ni kumeza samaki mdogo". Lakini siku itafika ambapo yule samaki mkubwa atamezwa na samaki mdogo. Ni lazima wakumbuke vile Biblia inavyosema; kwamba kulikuwa na ng'ombe saba wanono ambao walimezwa na ng'ombe saba waliokonda. Siku hiyo itakuja.

Bw. Naibu Spika wa Muda, ni lazima tuwe na mwongozo wa ardhi kwa sababu ugawaji wa ardhi utaleta njaa katika Kenya na Africa yote kwa siku uringi. Ikiwa watu wananutua shamba kwa njia ya kushirikiana, ni lazima wakae pahali pamoja na kuiacha ile ardhi bila kuigawa. Nimesema juu ya jambo hili kwa miaka mingi sana katika Bunge hili, na hakuna Waziri ye yote au wale wanaohusika, ambao wanayasikia maneno haya. Wanapokwenda katika nchi za Ulaya, sijui kama wanayaweke macho yao mifukoni mwao.

Bw. Naibu Spika wa Muda, wewe umeshakwenda katika nchi za Ulaya, na sijui kama uliona nyumba ambazo zimejengwa kila pahali. Ukweli ni kwamba katika nchi za ng'ambo, unaweza kusafiri kutoka Nairobi hadi Athi River ambapo utakiona kijiji kidogo na tena kutoka pale Athi River, utaweza kusafiri mpaka kule Kibwezi ambapo utakiona kijiji kingine kidogo. Ardhi yote kati ya Nairobi na Athi River, imepandwa chakula. Lakini wakubwa wa hapa Kenya wanapokwenda ng'ambo, wanatembea macho yao mifukoni mwao, na hawaoni ni kitu gani kinafanyika kule. Wanapokuja hapa bado wanaendelea kufanya siasa na kusema, "Nitakupatia wewe ekari tano, wewe ekari kumi na wewe ekari tatu au mbili". Lakini hawawambii wale wanaopatiwa ekari moja au tatu wasiendelee kuzaa. Sasa mtu akipata mtoto, atampatia yule mtoto ekari moja, na yule mtoto akipata mtoto wake, anampatia nusu ekari, na mwishowe ardhi yote ya Kenya itajazwa na nyumba. Sasa watu hawa wata-pata wapi chakula?

Kwa hivyo ni lazima viongozi waangalie mbele na si kufanya siasa za pesa nane. Ni lazima watu wetu waambiwe ukweli, na ukweli ni kwamba ikiwa mtu amenunua shamba ekari kadhaa, ni lazima zijengewe nyumba, na ile ardhi nyingine iachwe ili watu wawe wakilima na kurudi katika kijiji. Nasema hivyo kwa sababu ardhi inazidi kupunguka kwa sababu idadi ya watu inazidi kwenda juu. Huu ndio ukweli mchungu, na si uwongo mtamu. Mwanasiasa ambaye hayuko tayari kumwambia mwananchi anayemwongoza ukweli huu hawezi kuka katika Bunge hili. Hii ndiyo sababu kwa miaka mingi nimewaona Wabunge wengine wakipitia kwa ule mlango, bila kurudi katika Bunge hili. Mimi nimewaona wengi ambao wametokea ule mlango na kwenda kabisa, kwa sababu ya kuwa na siasa za pesa nane.

Ni lazima tuwaambie watu wetu ukweli. Wale ambao wamenunua mashamba kupitia kwa vyama vya ushirika ni lazima waendeleo kuyalima vile yalivyo bila kuyagawanya na kujenga kila pahali. Ni lazima tuukomeshe huu mtindo wa kusema mtoto wa Shikuku atakatiwa shamba hapa, na yeye akizaa, atamkatia mtoto wake, na mwishowe ardhi yote ifunikwe na nyumba na watu kuachwa bila pahali pa kukuzia chakula. Bw. Naibu Spika wa Muda, tutakuwa tukipiga magoti kwa Wazungu wa nchi za ng'ambo, marais na kwa mawaziri wakuu tukilia huko. Ukilia na akupe chakula, hata ukitoa hotuba kali namna gani, hawezi kukusikiza.

[Mr. Shikuku]

Kwa sababu anajua wewe ni mwombaji; hawezi kuyasikia maneno ya mwombaji.

Jambo lingine ni kwamba ingefaa tuwe na land policy. Tumesema kwamba ni vizuri tuwe na land policy; how much arable land should one get, and how much should one not get? Tumeuliza juu ya hii land policy tangu mwaka wa 1963. Haiwezi kupatikana kwa sababu wakubwa walio na uwezo wa kuifanya policy hii ifanye kazi ndio walio na mashamba makubwa makubwa. Mashamba haya yanakaa bure na wanyama ndio wanaokaa huko; hawa wanyama wanatoka huko na kwenda kuharibu mimea ya watu wadogo katika sehemu za makao. Lakini kuna siku mwanamke atamzaa mtoto ambaye atanyoosha mambo haya. Mimi ni "Yohana" na nasema tu nikipita; kuna kijana atakayewanyoosha.

Jambo lingine ni kwamba, utapata watu wengine wakubwa wana ploti katika kila settlement scheme. Utapata mtu mmoja ana ploti kama 10 au 15, na hali wengine hawana hata inchi moja ya shamba. Huu ni ulaghai mkubwa, na ingefaa tuwe na Select Committee ya Bunge hili ili tuweze kuangalia na kuona kila mtu ana ploti ngapi. Tukipata mtu ana ploti nyingi, tutamwachia ploti moja na nyingine zigawe kwa watu wengine. Kwa njia hii, tutaendelea vizuri. Ule mtindo wa watu wengine kula na kutapika hali wengine hawana kitu, ni hatari.

Ninaunga mkono.

Mr. Sindano: Ahsante sana Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili nami niungane na Waheshimiwa Wabunge wenzangu kuiunga mkono Voti ya Wizara ya Ardhi na Makao. Kwa kuongezea yale Waheshimiwa Wabunge wengine waliyosema, ningependa kusema kwamba kuna shida ya maofisi ya land registries katika Jamhuri yetu. Kwa mfano, upande wa West Pokot, tunahudumiwa na land registry ya Eldoret, ambayo pia inahudumia wilaya nyingi, kama vile, Uasin Gishu, Trans-Nzoia na Turkana. Inakuwa shida kubwa sana kwa watu wanaoshughulika na mambo ya kubadilisha au kuchukua vyeti vya kumiliki mashamba kama mtu ameua shamba na kadhalika. Inakuwa shida sana kwa mwananchi wa kawaida kusafiri kutoka wilaya hizi hadi Eldoret kwa nia ya kuhudumiwa na hiyo land registry.

Ningependa kuiuliza Wizara ifikirie sana na ikiwezekana, wagawe wilaya hizi na waongeze land registry moja. Ingefaa land registry moja iwekwe katika Wilaya ya West Pokot, ambayo itawahudumia watu wa Wilaya ya West Pokot na watu wa Wilaya ya Turkana, ili ile land registry ya Eldoret iwahudumie watu wa Wilaya ya Uasin Gishu, Elgeyo Marakwet na kadhalika.

Jambo lingine ambalo ningependa kusema linahusu group ranching. Siku hizi, watu wameacha ule mtindo wa group ranching na wanataka waga-wiwe mashamba ili waweze kuyastawisha vile wanavyotaka. Sisi watu wa Wilaya ya Pokot tuna lokesheni kadhaa, na watu wa sehemu hizo wameacha mambo ya group ranching na mashamba yamegawa kwa watu binafsi. Mashamba yamegawa, kwa

mfano, katika sehemu ya Komelai, Nariwa na kadhalika. Wanakamati wamegawana mashamba na sasa kila mtu ana sehemu yake. Kitu ambacho ningeiomba Wizara ni kwamba ingefaa iwatume watu wa land adjudication katika sehemu hiyo, ili wanze kuwagawia watu mashamba na kila mtu awe na sehemu yake. Group ranching ilikuwa ikiendelea hapo zamani, lakini sasa watu wanataka pahali pamoja na kuendelea na kazi zao. Kwa kweli jambo hili litakomesha wizi wa mifugo kwa vile watu hawatakuwa wakihama ovyo ovyo. Kwetu sisi ambao tunaishi mpakani mwa Kenya na Uganda, itakuwa vizuri kila mtu akiwa na sehemu yake ya shamba, na itakuwa rahisi kwa maofisa wa utawala kujua ni mtu gani mgeni ametoka nchi jirani na kuingia hapa Kenya. Ningependa kuiuliza Wizara hii ifikirie sana kuwapeleka maofisa wake huko, ili watu waweze kuwa na mashamba yao binafsi. Kwa njia hii, wataweza kustawisha mashamba yao na kufanya kazi ambayo inaweza kuisaidia nchi hii.

Ningependa kusema machache kuhusu wanakamati wa mashamba. Tuna wazee wa kamati za mashamba wanaofanya kazi nyingi kutoka asubuhi hadi jioni, lakini marupurupu wanavyopewa ni ya kiasi cha chini sana. Pesa hizi hazilingani na hali ya maisha ya sasa. Kwa wakati huu, ninajua kwamba wanapatiwa Sh. 15 kwa siku. Pesa hizi ni kidogo sana na hali watu hawa husafiri sana, hasa wale wanaohusika na kesi za mashamba, na inawabidi kwenda katika makao makuu ya wilaya. Watu hawa huzunguka sana na hufanya kazi nzuri sana. Ningependa kumwuliza Waziri aangalie jambo hili, na afanye mpango wa kurekebisha kiasi cha marupurupu ya wanakamati, ili waweze kupata kitu ambacho kitaweza kuwasaidia.

Ningependa kusema machache kuhusu land survey. Katika miji yetu, kama vile Kapenguria Trading Centre, ambayo sasa tunafurahi imefanywa kuwa urban council, ningependa masorovea waingie huko na kuendelea kupima mashamba. Hatujui ni kitu gani kilichosimamisha kazi hii kwa sababu ilikuwa ikiendelea hapo mbeleni. Tungependa tuwe na vyeti vya kumiliki mashamba katika townships au urban councils ili watu waweze kuwa na uwezo wa kuomba mikopo. Kuna mashirika mengine ya Serikali yanayosaidia sana katika mambo ya maendeleo wilayani. Tumefanikiwa kwa vile sasa tuna benki na kadhalika, lakini kama hatuna vyeti vya kumiliki mashamba, inakuwa shida kupata mikopo kutoka benki. Ingefaa Wizara iangalie na kuona kwamba imewatuma masorovea huko, au watafute njia ya kutafuta pesa ili maofisa hawa waweze kuingia katika kila township, ili watu waweze kupata vyeti vya kumiliki mashamba. Ingefaa pia vyeti hivi vya kumiliki mashamba vitolewe kwa wakati unaofaa.

Jambo langu la mwisho linahusu wale watu ambao hawana mashamba. Mhe. Mbunge mmoja alisema hapa kwamba ukitembea barabarani, utaona kwamba kuna watu wanaoishi karibu na barabara, hasa kati ya Kitale na Kapenguria. Kuna watu ambao wamejenga nyumba karibu na barabara, na hayo ndio maboma yao kwa vile hawana pahali

[Mr. Sindano]

pengine. Ingefaa Wizara ifikirie shida ya hawa watu, ili watafutiwe pahali pa kuishi kama Wakenya wengine. Ingefaa watu hawa waangaliwe ikiwa kuna shamba ambalo linafikiwa kugawa, ili wasipate shida ya kuishi kando kando ya barabara. Jambo hili litaweza kuzuia ajali za barabarani kwa vile watoto hawataweza kukimbia barabarani ovyo.

Kwa hayo machache, ninaunga mkono.

Mr. Munyao: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to say a few words on this Vote.

First of all, allow me to congratulate the Minister personally, and also his senior officers who are here. Apart from moving his Vote very successfully, he has sat here all along and listened to every hon. Member who spoke this afternoon. This is a credit, and we give it to the particular Minister. Maybe he is used to it because earlier on, having been a financial man, he used to listen to all kinds of borrowers' stories. I congratulate him for that.

Sir, having said that, allow me also to support the words of wisdom which were said by hon. Omido and also hon. Shikuku in so far as the question of allocation of land to foreigners is concerned. Sir, 24 years is not a short time. It is high time we in Kenya had rules and laws to match other international laws of other countries. We must have the law of reciprocity. What applies in other countries must also apply here. It is not easy for an individual from Kenya to travel to, say, Bombay, New Delhi, London, New York, and so on, and apply for industrial or commercial land, or even residential land, and get it. However, foreign embassies need some land to put up their own offices. But how come that everybody, every "Shah" and "Patel" who comes here can apply for land and get it today?

I would urge the Minister for Lands and Settlement to bring a Bill here which will totally block any allocation of land to foreigners except those who are in joint ventures with Government. In this way, joint ventures will be encouraged because Kenya is a lucrative country. It is also a beautiful country for investment. I am sure that we are going to win those clever people with finances. That is the only way we can win joint ventures. So, I would request the Minister to bring in an amendment Bill here, so that this anomaly can be corrected.

Sir, the other issue that is connected with that is that we have so many land laws which work against each other. It is high time the Minister and his senior staff went through all of them, at least, to regularize them, so that we have manageable laws. We have so many land laws which are not manageable. For instance, Muthaiga has a different land law from Lavington, Karen, Machakos, and so on. Even Eastleigh has a different land law; even here where we are, we have a different law.

When are we going to regularize our land laws? It is 24 years since independence, and it is high time we normalized our land laws. We should make it easy for the laws of our country to operate. Even lawyers sometimes swindle people because we have a million and one land laws! Why can we not, as a Ministry, go through our land laws, regularize them and normalize them, so that we have as few land laws as possible, which are manageable? This is an appeal and a challenge to the Minister, so that he can do something about it.

Sir, there is another issue which is lamentable, and I would like the Minister, when he comes to reply, to take time and tell us something about it. We have a lady in Wamunyu Location called Mune Maitha, Identity Card No. 3526734/66. This lady has a title number. The number is: Wamunyu/Kwa Kala/180. The land has been subdivided into three areas which have titles. However, what has happened is so bad that one is bound to cry when one thinks about it. The fact of the matter is that this piece of land is owned by a family of six people. But one person from that family has connived and sold the land—No. Wamunyu/Kwa Kala/180—to a rich conman who is very influential. By doing so, he has deprived these other five people access to their piece of land. I have the documents with me here, and I will give them to the Minister later on since I intend to follow up the matter further.

This lady and her family have filled in this declaration form. In fact, the form was filled on 9th March, 1987, blocking the sale of this land. They have written several letters against the sale of the piece of land, but nothing seems to be happening in their favour. The letter they wrote on 15th June, 1987, was copied to the officer in charge of survey in the area, and everybody else who matters including the Minister for Lands and Settlement and, in that letter, they objected to the change of the title-deed. They wrote another letter on 19th March, 1987; another one on 24th March, 1987, and another one on 26th March, 1987. All these that I am holding are forms which have been filled in objecting to this unfair deal. If it is allowed that this parcel of land be sold to a conman against the wish of these five people, then it will deprive their dependants of their livelihood.

Mr. Temporary Deputy Speaker, Sir, His Excellency the President said that all land cases would be referred to village elders for the purpose of ensuring that fair deals are carried out. The administration has tried all it can, and now we want the local leaders, the clan and everybody else in the area to be involved, to make sure that proper administration of this land will be done. We want each member of that family to get his right share. This lady is very elderly, and she cannot talk to this conman who has a lot of money and power. She has tried to go to various places, but the conman has blocked every way. As I talk here now, we understand that the Machakos Land Control Board might have given another title-deed for the

[Mr. Munyao]

piece of land. What an abuse of the law! Why should we allow something like this to happen? I appeal to the Minister to look at the forms I am holding and the land title-deed because, as a banker, he is used to looking at different title-deeds and knowing the owners. We want this land transaction to be stopped completely until we get the proper word from the clan members and the leaders of that place. If they say that the piece of land can be sold by one person, fair enough. What we want is a fair deal.

Mr. Temporary Deputy Speaker, Sir, a lot has been said on land tricksters, but I want to emphasize on only one thing. There are some very clever people who sell one piece of land to several people, so that they bring a lot of confusion between the buyers. We want the Minister to stand firm and say that once a piece of land has been sold, there should be no more appeals provided that the piece of land is sold in the right way. If a piece of land is sold in the right manner, there should be no appeal from anybody.

The other thing I want to point out is that the Minister for Lands and Settlement has denied the people of Mbooni development for a long time. There are some areas such as Kibauni, Kalawa, Kisau, Kiteta and Mbooni which were declared adjudication areas way back in 1974, but up to now, title-deeds have not been issued. That is great unfairness because the people who live in these dry areas should also survive. If these people can be given their title-deeds, at least, they can develop further. Today, no one can do anything. We appeal to the Minister to release the title-deeds that are ready.

Every time we ask for these title-deeds, we are told that the maps are in Ruaraka, or in the Lands Office. When we go there, we find that the files are full of dust, because nobody looks at some of those files. I congratulate the adjudication office at Marshalls House. I have not been there, but my people tell me that it works faster. The Minister must examine the delay which is at Ruaraka and tell us what is causing it. We hear that the delay is due to aerial maps.

Mr. Temporary Deputy Speaker, Sir, physical planning is another problem. I am sorry it is not in this Ministry, but we must talk about it now because the Minister for Lands and Settlement is in-charge of land policy. We are told that some of the land in Machakos which has been recommend-

ed for surveying cannot be surveyed due to lack of manpower, and also that equipment is too old. Another hindrance is lack of adequate transport, since these officers cannot travel to the recommended areas without means of transport. For how long will this continue?

With those few remarks, I support.

Mr. arap Koske: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to make a few points pertaining to this very important Motion.

One thing that I would like to find out is how the process of subdivision is done. During the subdivision of farms, particularly in Kericho District, there were a lot of mistakes which were found out after the surveyors had left. These mistakes are still there awaiting correction and, as such, I would like to urge the Ministry to see to it that these mistakes are corrected as quickly as possible. This is because once somebody is informed that the subdivision was done incorrectly, he is not going to be keen enough to develop that farm as he is never sure whether he will be moved from that piece of land and leave it together with the development upon it to somebody else.

Much has been said about unqualified surveyors. These people have done a lot of bad work in Kericho East Constituency to the effect that most of the farmers have been forced to pay more money for Government surveyors to come and do the job all over again. I would like to ask the Ministry of Lands and Settlement to ensure that unqualified surveyors are not allowed to survey land since they are aggravating the problems which are already there. Some of these surveyors ran away with wananchi's money. It is, therefore, the duty of the Government to ensure that surveyors do not demand to be paid before they finish the work. These surveyors should be paid through the Government machinery, so that they do not have a way of running away with wananchi's money before they do the work. We now have a problem of following them—

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Karauri): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 29th October, at 2.30 p.m.

The House rose at thirty minutes past Six o'clock.

Thursday, 29th October, 1987

The House met at thirty minutes past Two o'clock
[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

No. 633

OWNERSHIP OF PLOT NO. 438—MBUNGUNI

Mr. Mwavumo, kwa niaba ya Bw. Mwakileo, alimwuliza Waziri wa Nchi, Ofisi ya Rais:

- (a) kama anafahamu kwamba Bw. Maganga Mwawaso alivamia kwa nguvu shamba la Bw. Hamisi M. Gakucha, ploti nambari 438, huko Mbunguni Settlement Scheme kulingana na barua No. LND. 16/42/Vol. vi/74 ya tarehe 21 Aprili, 1987, kutokea kwa Mkuu wa Wilaya ya Kwale; na
- (b) amechukua hatua gani ili Bw. Mwawaso alipe gharama ya nyumba aliyobomoa pamoja na gharama ya matayarisho ya shamba la Bw. Gakucha.

The Assistant Minister, Office of the President (Mr. Kubai): Bw. Spika, naomba kujibu.

(a) Ninachofahamu ni kwamba ploti Nambari 438 ni mali ya Bw. Julie W. Mwawasi. Dai kwamba shamba la Bw. Hamisi M. Gakucha lilivamiwa kwa nguvu halina msingi wa wote.

(b) Kufuatana na jibu langu katika sehemu ya (a) ya swali hili, hakuna hatua nyingine yoyote ninayotarajia kuchukua kuhusu jambo hili.

No. 612

LACK OF TRANSPORT—A.I. PERSONNEL IN LAIKIPIA

Mr. Muthura asked the Minister for Livestock Development what he is doing to alleviate the problem of transport for artificial insemination services personnel in Laikipia District.

The Assistant Minister for Livestock Development (Mr. Oyondi): Mr. Speaker, Sir, I beg to reply.

The problem of transport for artificial insemination services in Laikipia District, and other districts in the country, during the current 1987/88 Financial Year is as a result of inadequate allocation of funds. The Ministry is in the process of re-allocating both funds and vehicles from other services like general disease control to artificial insemination services. The plan of operation between the Kenya Government and the United Nations Development Programme/Food and Agriculture Organization, World Food Programme has allocated Sh. 10 million for the development of artificial insemination services in the country. Of this money expected to be realized within the next 14 days, Laikipia will be allocated Sh. 116,000 for transport and travelling expenses.

Mr. Muthura: Mr. Speaker, Sir, when the calculation was done where Laikipia was allocated Sh. 116,000 for

how long was it thought that this money was going to last?

Mr. Oyondi: Mr. Speaker, Sir, when the money allocated to Laikipia is spent, the Ministry will be there to consider the area for another allocation.

Mr. Muthura: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister in which he says that when the allocated money is exhausted the Ministry will consider allocating more money to Laikipia but we know that cattle should be given artificial insemination at certain times. What will farmers be doing during the time they are waiting for further allocation of money?

Mr. Oyondi: Mr. Speaker, Sir the measure I have mentioned above are short-term solutions but, in the long run, the Ministry, in consultation with the Treasury, will make sufficient financial provision for the transport of artificial insemination services personnel.

An agreement with the Swedish International Development Agency is nearing completion, and this agency will grant Kenya £2.4 million which will be used mainly to purchase vehicles over the next three years, and Laikipia will, obviously, get a fair share of the vehicles.

Mr. Muthura: Mr. Speaker, Sir, the Assistant Minister has talked of short-term planning, but the problem is that of long-term planning. In case the Sh. 116,000, or whatever other amount of money Laikipia will get, from its share of the Swedish International Development Agency grant gets exhausted, will the Assistant Minister allow the farmers there to use bulls so that they do not experience problems?

Mr. Oyondi: Mr. Speaker, Sir, if we are able to plan now, I do not see why we cannot plan for tomorrow also.

No. 626

DELAY IN PAYING BULLEYS TANNARIES WORKERS

Mr. Mwachofi asked the Minister for Labour—

(a) whether he is aware that Bulleys Tanneries Ltd., P.O. Box 15, Thika, declared 600 workers redundant paying them only Sh. 4,000 each;

(b) whether he is further aware that until now 339 of these workers have not received any further payments; and

(c) what the reason is for the delay of the payments and when they will be paid.

The Assistant Minister for Labour (Mr. arap Matto): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Bulleys Tanneries Ltd., declared 595 workers redundant with effect from 6th September, 1982, and that every worker was paid his claim at different rates up to a maximum of Sh. 4,000. This action became necessary when the company was placed under receivership, and the amount paid to each worker is the maximum payable under the Companies Act, Chapter 486 of the Laws of Kenya.

(b) Mr. Speaker, Sir, I am also aware that until now only 239 workers—not 339 workers whose claims were above Sh. 4,000 have not received any further payments

[The Assistant Minister for Labour]

because the receiver/managers have not liquidated the company.

(c) When the company is finally liquidated, the amount of unpaid claims to the affected workers will be paid in equal ranking as any other unsecured creditors.

Mr. Mwachofi: Mr. Speaker, Sir, can the Assistant Minister tell the House who the receiver/manager are and when the exercise is likely to be completed?

Mr. arap Metto: Mr. Speaker, Sir, I do not think I am in a position to tell the hon. Member right away who are the receiver/managers. What I can say is that these workers will be paid as soon as the company has been liquidated.

Mr. Shikuku: Mr. Speaker, Sir, arising from the previous supplementary question, is the Assistant Minister aware that he has not replied to the question asked by hon. Mwachofi as to who were the receiver/managers of the company. This is because when he was getting the reply to this question, he should have found out that information and be able to tell us who they are and when they would be able to complete their work. Is it in the year 2000, when we are expecting water to flow all over the country, or which year.

Mr. arap Metto: Mr. Speaker, Sir, the original question did not ask me to give the name of the receiver, but if the hon. Member and the House needs to know, I will be in a position to give this information next week on Tuesday.

No. 589

TERMINATION OF SERVICES—MR. Ndagona

Mr. Sifuna asked the Minister for Transport and Communications—

- (a) whether he is aware that Mr. Jamin M. Ndagona WP/RA 082 stationed at Kisii was dismissed from his services in July, 1982 without valid reason;
- (b) why his services were terminated; and
- (c) whether he could investigate further with the possibility of reinstating Mr. Ndagona.

The Assistant Minister for Transport and Communications (Mr. Keriri): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Jamin M. Ndagona WP/RA 082, stationed at Kisii, was dismissed from the services on 31st July, 1982, as he failed to prove his suitability for substantive appointment in the post of executive assistant.

(b) Mr. Ndagona's services were terminated because he was involved in many cases of indiscipline, including unbecoming conduct, misuse of Government vehicles and absolute negligence of his duties.

(c) Mr. Ndagona was dismissed in accordance with the prevailing Civil Service regulations and, as such, he cannot be reinstated into the service.

Mr. Sifuna: Mr. Speaker, Sir, may I know from the hon. Assistant Minister, according to his reply in part (b), what he means by unbecoming conduct? That is

too general. Could he tell us what kind of unbecoming conduct this was?

Mr. Keriri: Mr. Speaker, Sir, it was unbecoming conduct because he engaged in a number of things which were regarded as misbehaviour and I can give one or two examples. One, on 28th and 29th April, 1981, he misused a Government vehicle GK 783 K on two private trips, after working hours.

Mr. Sifuna: On a point of order, Mr. Speaker, Sir. My point of order is that the hon. Assistant Minister is trying to mislead this House. He has just said in his main reply in part (b) "including unbecoming conduct" That is one. Then he says, "misuse of Government vehicles". Now he is reading to us again this part of his original reply. We know that. All that I wanted to know is this unbecoming conduct and not the misuse of Government vehicles. Let him concentrate only on what he means by unbecoming conduct.

Mr. Keriri: Mr. Speaker, Sir, misconduct includes misuse of Government vehicles. If the hon. Member wants me to give him other aspects which are different from misuse of Government vehicles, I will do so. At one stage, in June and July, 1981, he increased the salaries of different casual workers without the knowledge of the engineer in-charge. He also employed a mechanic at the camp without the knowledge of the engineer in-charge. This was also in June and July, 1981. Another one is that, he wrote letters without the knowledge of the officer in-charge, thus overstepping his responsibilities. I could even give more of such misconducts of this man, as we know him quite well.

Mr. Sifuna: Mr. Speaker, Sir, the information given by the Assistant Minister is still misleading the House. On this question of employing extra workers, he did it as he was directed by his superiors. I wonder whether the Assistant Minister could call this misconduct, when this gentleman had been directed by his superiors to employ those workers.

Mr. Keriri: Mr. Speaker, Sir, with all due respect to the hon. Member, I think it is his duty, as he is the one who is alleging that this man was given authority to employ these people, to give us evidence to prove that he was authorized to do that.

Mr. Speaker: Mr. Omido's question.

Mr. Omido: Mr. Speaker, Sir, before I ask my question I would like to make a small correction. In part (a) the second word should be "has" instead of "is".

No. 628

PAYMENT OF PENSION TO LATE MUDHUNE'S WIDOW

Mr. Omido asked the Minister for Transport and Communications—

- (a) why the widow of the late Hilarius Mudhune, P/No. 74139 formerly of Kenya Railways has not been receiving any benefits under the Widows and Children Pension Scheme; and
- (b) whether he would ensure that the widow is paid all the arrears due as a matter of urgency

[Mr. Omido]

as the deceased's children cannot go to school for lack of school fees.

The Assistant Minister for Transport and Communications (Mr. arap Koech): Mr. Speaker, Sir, I beg to reply.

(a) The late Mudhune died on 18th December, 1980, whereas the Kenya Railways Corporation (Pensions) Regulations, 1983 commenced on 1st January, 1982, for the "dependants' pensions". Since Mr. Madhune died before the introduction of the scheme, his estate could not benefit from it.

(b) All that is lawfully due to the estate of the deceased, from the Kenya Railway Corporation, has been fully settled since December 1981. There is nothing more to be paid from the Kenya Railways Corporation in this connection.

Mr. Speaker: Next question.

No. 621

PLANS TO EXPAND BUSIA GENERAL HOSPITAL

Mr. Otwani asked the Minister for Health—

(a) whether he is aware that in-patients at Busia General Hospital share beds and that other patients are forced to sleep on the floor due to lack of beds; and

(b) what immediate plans he has to expand the hospital.

The Assistant Minister for Health (Mr. arap Cheboiwo): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware of the problems facing in-patients at Busia General Hospital.

(b) As the hon. Member is aware, recommendation for the expansion of Busia General Hospital should come from the Busia District Development Committee (D.D.C.), of which he is a member. Recommendation for expansion of the hospital is invited after which we will endeavour to find financial resources to expand the hospital.

Mr. Ekidor: Mr. Speaker, Sir, waiting for the D.D.C. to make recommendations takes a long process. What immediate plans, as an Assistant Minister, is he taking to alleviate this problem of sharing beds at Busia General Hospital?

Mr. arap Cheboiwo: The immediate plans we have, Mr. Speaker, Sir, are that as soon as we receive the recommendation from the Busia D.D.C. we shall take the necessary action.

Mr. Sifuna: Mr. Speaker, Sir the answer given by the Assistant Minister is quite misleading. We all know that various district development committees have been recommending various projects for implementation by the Government but implementation has not taken place. Could the Assistant Minister be more honest and tell the House what action he is going to take to solve this problem? The District Development Committee has already submitted its recommendations for the expansion of this hospital and the Assistant Min-

ister should tell the House when his Ministry is going to provide funds for expansion of Busia District Hospital.

Mr. arap Cheboiwo: Mr. Speaker, hon. Sifuna should not tell me to be more honest because I have given an honest answer. He is talking about "various projects" but this question is specifically talking about Busia District Hospital. If the Busia District Development Committee has sent recommendations to the Ministry, I am sorry to say that we have not received them. If we receive these recommendations we shall take the necessary action.

Mr. Speaker, Sir, Busia General Hospital has 146 beds and a daily out-patient department attendance of 250 patients. There are at least 200 in-patients in this hospital at any given time. Busia General Hospital is situated on the border between Kenya and Uganda, as we are all aware. Consequently, it serves patients from both countries; with an estimated 30 per cent of the patients coming from Uganda. It is a referral hospital for the entire district and it serves a population of approximately 400,000 people.

Mr. Otwani: Mr. Speaker, Sir, I would like to know from the Assistant Minister whether it is the Minutes of the D.D.C. that he would like me to present or the report, which I believe is in his office? The Minister for Health has personally visited Busia General Hospital. Does he require me to sent the Minutes of the D.D.C. or to the Ministry? If I do it next week will he take action?

An hon. Member: Say "yes".

Mr. arap Cheboiwo: Yes, Mr. Speaker, Sir.

Mr. Speaker: Mr. Munyao's question.

No. 585

GRANTS FOR EDUCATION PROGRAMMES IN MACHAKOS

Mr. Munyao asked the Minister for Culture and Social Services—

(a) how much money was granted through External Development Fund to the Department of Adult Education in Machakos in 1986/87 and 1987/88 on general training, material procurement, model adult education centres, divisional adult education offices, part-time honoraria and literacy campaigns;

(b) the reasons for the shortfall in allocations in 1987/88; and

(c) whether he is satisfied with literacy campaigns by his officers in this district which has a large percentage of illiteracy and what plans he has to promote the campaigns.

The Assistant Minister for Culture and Social Services (Mr. Michuki): Mr. Speaker, Sir, I beg to reply.

(a) External Development Fund grants were allocated for the adult education programme in Machakos for 1986/87 and 1987/88 as follows:

Item	1986/87 K£	1987/88 K£
Training	200,000	70,000
Materials Procurement	280,000	65,000
Model Adult Education Centres	60,000	30,000

[The Assistant Minister for Culture and Social Services]

Divisional Adult Education Offices	70,00	35,000
Part-time Teachers Honoraria ...	270,000	270,000
Literacy Campaign	60,000	30,000

Mr. Speaker, Sir, the total grants for the two comparative years are as follows: K£ 940,000 in 1986/87 and K£ 500,000 for 1987/88.

(b) The funds are provided by the European Economic Commission through the Ministry of Finance, which in turn allocates the said funds to the various Ministries and Departments according to the urgency of their needs and depending on the availability of funds. I am however, aware that two other departments within the Machakos Integrated Development Programme also suffered a shortfall in their 1987/88 allocations.

(c) At the inception of the Department of Adult Education in 1979 the number of illiterate adults in Machakos District was estimated at 272,945 people. This figure influenced the allocation of 575 adult education teachers in the district. Since that time, a total of 120,391 adults have gone through the Adult Education Programme and are actively and effectively participating in development activities in Machakos. The Ministry has introduced, on a pilot basis, village resource centres intended for information gathering and dissemination. These centres will not only bring people closer to each other but will also provide fora for exchange of ideas. I am therefore satisfied with the literacy campaign in Machakos District.

Mr. Speaker, Sir, Machakos District has the highest number of adult education teachers in the country, and is better provided for in terms of transport facilities because of the special funding by the European Economic Commission. The Ministry will therefore intensify its efforts in mobilizing wananchi to take advantage of these facilities. The adult education personnel will collaborate more closely with the local and national leaders in the district in order to design more co-ordinated and effective methods of literacy promotion. In addition, the Ministry will introduce specialized skills in the fields of home management and income generation in a bid to make literacy even more functional and relevant to national development.

Mr. Speaker: Order! May I appeal that we try to shorten what we say here because otherwise we will not be able to go through. We should not make it too long.

Mr. Michuki: On a point of information, Mr. Speaker, Sir.

Mr. Speaker: Yes.

Mr. Michuki: It is just the nature of the question which lengthened this answer. A short summary of this cannot convey the meaning.

Mr. Speaker: What I mean is that if you look at the Order Paper you will see the remarks "Not Later Than 3.30 p.m." which means we have got to limit ourselves to that time. If we are not careful we may find that we cannot go through.

Mr. Munyao: Mr. Speaker, Sir, you must have noticed that the answer given by the Assistant Minister

is too long. The answer has created total confusion and that is why the Assistant Minister was given such a long reply. Is the Assistant Minister—who has also been an Assistant Minister for Finance—aware that the shortfall in grants across as a result of the Machakos Office being unable to use properly all the money allocated to the district in 1986/87?

Mr. Michuki: Mr. Speaker, Sir, I am not aware.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. It appears there is a small meeting in this corner of the Chamber and we can hardly hear what the Assistant Minister is saying.

Mr. Speaker: Order! Let us confine ourselves to our duties in this House.

You may repeat your supplementary question, Mr. Munyao.

Mr. Munyao: Mr. Speaker, Sir, I said that the Assistant Minister, who has also been an Assistant Minister for Finance, and who is more conversant with financial matters than I—Is he aware that the reason why there was a shortfall between 1986/87 and 1987/88 is because of the inability of his officers in Machakos to use the money properly?

Mr. Michuki: Mr. Speaker, Sir, I am not aware of that. Let me also hasten to add that if I were to go into the question of the shortfall, it must also reflect the success of implementation because projects which have been executed cannot be revoked for money. The reason why there might not be more money from that source need not necessarily be what the hon. Member alleges to be the case.

Mr. Munyao: Mr. Speaker, Sir, I am a member of the Machakos District Development Committee D.D.C. and this department comes under the Machakos D.D.C. We have severally talked about the inability of the officer and that is why whenever he talks he keeps on discussing his deputies. Is the Assistant Minister aware that officers' failure to implement Government projects in Machakos has caused a lot of concern to all leaders?

Mr. Michuki: Mr. Speaker, Sir, I said that the Ministry is satisfied with the way the literacy programme is taking place in Machakos but if the hon. Member has any specific case, certainly he can come and we will discuss it in the Ministry.

Mr. Speaker: Let us go back to Mr. Ndzai's question.

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

Mr. Speaker: Order! Let us go back to Mr. Ndzai's question.

(Question dropped)

MINISTRY TO PAY SALARIES OF VETERINARY SCOUTS

Mr. Speaker: Mr. Ndzai not yet in? Next Order.

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

LAMU MEMBERS NOT ALLOWED TO ADDRESS THEIR CONSTITUENTS

Mr. Mzamil kumwuliza Waziri wa Nchi, Afisi ya Rais ni kwa sababu gani Mkuu wa Wilaya ya Lamu



REPUBLIC OF KENYA
**THE NATIONAL
ASSEMBLY**
OFFICIAL REPORT

Wednesday, 28th October, 1987—(Contd.)

(Afternoon Sitting—(Contd.))

COMMITTEE OF SUPPLY

Motion:

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR
Vote 36—~~The Ministry of Lands and Settlement—~~The Minister for
Lands and Settlement—Question proposed and Debate interrupted
without-Question put (Col. 652)

Thursday, 29th October, 1987

ORAL ANSWERS TO QUESTIONS

Questions Nos. 633, 612, 626, 589, 628, 621 and 585 (Col. 697)

QUESTION BY PRIVATE NOTICE

Members not Allowed to Address Lamu Constituents (Mr. Mzamil)—
Dropped (Col. 704)

INDEX LIST

1950-1951

1. [Illegible text]

2. [Illegible text]

1952-1953



REPUBLIC OF KENYA
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REPUBLIC OF KENYA
**THE NATIONAL
ASSEMBLY**
OFFICIAL REPORT

Thursday, 22nd October, 1987—(Contd.)

MINISTERIAL STATEMENTS

Running of KANU Newspapers—No Party Interference—The Vice-President and Minister for Home Affairs (Col. 481)
Laying of Papers—Substantiation of Answer to a Question—The Assistant Minister, Office of the President (Mr. Onyancha)

COMMITTEE OF SUPPLY

Motion:

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR
Vote 12—Ministry of Local Government (The Minister for Local Government)—Question proposed and Debate interrupted without Question put (Col. 484)

Tuesday, 27th October, 1987

ORAL ANSWERS TO QUESTIONS

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Removal of Illegal Structures from Mumbuni School Compound (Mr. Kikuyu)—Deferred (Col. 605)
Withdrawal of Deposits—Tropical Building Society (Mr. Lukindo) (Col. 605)
Delay in Payment for Tea—Tombe Factory (Mr. Abuya-Abuya)—Dropped (Col. 607)

POINT OF ORDER

Misreporting by the Press (Col. 509)

COMMITTEE OF SUPPLY

Motion:

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR
Vote 12—Ministry of Local Government—The Minister for Local Government on 22nd October, 1987—Resumption of Debate—Agreed to (Col. 510)

In Committee and Report

Agreed to in Committee (Col. 637)
Reported without amendment (Col. 640)

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[The Minister for Commerce]

These companies are as follows:

<i>Licencee's Name and Address</i>	<i>Directors/Partners</i>	<i>Shares Held by Kenyans</i>	<i>Remarks</i>
1. Cafria Kenya Ltd., P.O. Box 98088, Mombasa	M. O. Masumbuko Rajab K. Musa	75% 25%	Kenyan Ugandan
2. Nu-Leaf Africa Ltd., P.O. Box 86072, Mombasa	S. Kosla P. K. Shah M. B. Shah A. S. Heer	100%	Kenyan Kenyan Kenyan Kenyan
3. Inland Container Depot Ltd., P.O. Box 80469, Mombasa	Jerry Njoroge Mohamed H. Jather Robert Khaseanye Albert Karanja	100%	Kenyan
4. Economic C and F Shipping Agents, P.O. Box 86489, Mombasa	S. Haiderali M. Haiderali	100%	Kenyan Kenyan
5. EMM International C and F, P.O. Box 48017, Nairobi	Mrs. E. Madoka Major M. H. Madoka Mrs. E. W. Mwagiru	100%	Kenyan Kenyan Kenyan
6. Kilindini C and FO Ltd., P.O. Box 82824, Mombasa	Mrs. M. Garduer Mr. J. A. Gardner	100%	Kenyan Kenyan
7. Eagle Conveyors Co. Ltd., P.O. Box 73966, Nairobi	Raphael Mwanza Thomas Munywoki Joshua Munywoki Fredrick Munywoki Felix Wambua John Mutisya	100%	Kenyan Kenyan Kenyan Kenyan Kenyan Kenyan
8. Interlink F (K) Ltd., P.O. Box 67946, Nairobi	J. Mang'oli Burundi Nabwera Caroline B. Mang'oli Saul M. Matete	100%	Kenyan Kenyan Kenyan Kenyan
9. Rising Freight Ltd., P.O. Box 12129, Nairobi	Kundan B. Solanki Kantilal B. Solanki	100%	Kenyan Kenyan
10. Kentur K. Ltd., P.O. Box 47942, Nairobi	W. R. Malumbe Mrs. Mor Malumbe	100%	

Mr. Speaker: Order!

The Minister for Commerce (Prof. Ng'eno): I have a list, Sir, going up to 356 companies.

Mr. Speaker: Order! May I know how much of the list you have yet to read.

The Minister for Commerce (Prof. Ng'eno): Mr. Speaker, Sir, the list is very long. It comprises 356 companies. With your permission, Sir, I beg to lay this list on the Table.

(Prof. Ng'eno laid the list on the Table)

RUNNING OF KANU NEWSPAPERS—NO PARTY INTERFERENCE

Mr. Karauri: On a point of order, Mr. Speaker, Sir. My point is on the poor distribution of the party newspaper, that is, *Kenya Times* and *Kenya Leo*. In my constituency, the vendor at Kianjai Market has been refused to sell *Kenya Times* and *Kenya Leo*. For example, when we as leaders meet at these divisional headquarters and we want to buy this newspaper at Kianjai Market, we never have access to it at all. People in that market and the surrounding areas have no access to the party newspaper—even when we have no meetings. The vendor in that market says that he has been refused to sell the newspaper by whoever distributes it in Meru Town. It is common knowledge that this paper arrives in certain towns later than other newspapers

when people have already bought the other newspapers and read them.

We have all been complaining and urging our people to buy the *Kenya Times* and I feel that the paper should be careful when reporting Members of this house and party leaders. This is because they do not report what every hon. Member says in this house. Of late they have been trying to choose the hon. Members they would like to report. *The Standard* and the *Daily Nation*, may, for example, report what hon. Members have said, but *Kenya Times* tends to choose on certain individuals that they would like to cover. The party newspaper must be more careful. Our electors want to read what we have said in all the newspapers; but when they see that a particular newspaper is not reporting what their representative said, then even if you tell them to buy that newspaper they will not do so, and that will be a loss of revenue to the party newspapers.

I do not know to whom I should complain. I thought in this House there are important people leading the party; I can see the Vice-President and Minister for Home Affairs is here; hon. ole Tipis was here but has just gone out. This must be corrected.

The Vice-President and Minister for Home Affairs (Mr. Kibaki): On a point of order, Mr. Speaker,

[The Vice-President and Minister for Home Affairs] Sir. Although it is not Question Time, Sir, certainly we know that it is a policy of the *Kenya Times* and *Kenya Leo* that they will report all news that is suitable to be reported. I can assure the House that there are no directives as to who should and who should not be reported. Newspaper editors and reporters do operate as freely as those others in any other newspaper. We know that in order to succeed as a business we have to be competitive with those that are in that field. Therefore, I can assure the hon. Member that there will be no instructions from the party as to what and whom they may report.

On the other hand, I can undertake to investigate the particular business matter which was raised; namely, that somebody somewhere is denying a sub-distributor access to the party newspaper. If this is so, then that kind of distributor would be unsuitable for us. We want somebody who would encourage wider distribution.

LAYING OF PAPERS—SUBSTANTIATION OF ANSWER ON A QUESTION

The Assistant Minister, Office of the President (Mr. Onyancha): On a point of order, Mr. Speaker, Sir. On the 8th of this month, while I was responding to a question raised by hon. Mbori, I promised to lay on this Table Minutes of the Oyugis Health Centre Development Committee as per his request. I wish to fulfil my promise by laying these Minutes on the Table.

(Mr. Onyancha laid the Minutes on the Table)

POINT OF ORDER

CALL FOR STATEMENT—MEMBERS' SPEECHES IN KENYATTA DAY MEETINGS

Mr. Githua: Mr. Speaker, Sir, my point of order is in connection with the just concluded Kenyatta Day celebrations, on 20th October, 1987. In Nyeri District, where I, the Nyeri Mayor, the Chairman of the County Council of Nyeri and other leaders were present. The Provincial Commissioner, Central Province, Mr. Etemesi, explained to us and to the public that he had instructions from Kanu headquarters that only the District Kanu Chairman would address the public in response to the Presidential speech. He said it very clearly, that he had the instructions in writing. While I do not doubt that the provincial commissioner may have had those instructions, I noticed the following day, from the papers, and from the Voice of Kenya, that in other districts Members of Parliament who are not necessarily chairmen of Kanu, councillors, and other leaders, were accorded the opportunity to address the public.

(Applause)

My worry is whether those instructions from Kanu headquarters were only to apply in Nyeri District. If it was so, I want to request the Minister of State in charge of provincial administration—

or in charge of Kanu affairs for that matter—to make a statement in this House to explain the motive behind those kinds of instructions. Situations like that one would create hard feelings between elected leaders, the provincial administration, and the public.

Thank you, Mr. Speaker, Sir.

COMMITTEE OF SUPPLY

(Order for Committee read being 11th Allotted Day)

MOTION

THAT, MR. SPEAKER DO NOW LEAVE THE CHAIR

VOTE 12—MINISTRY OF LOCAL GOVERNMENT

The Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair.

Mr. Speaker, Sir, my Ministry is responsible for guiding, controlling, and co-ordinating the activities and functions of local authorities, within the framework of Central Government policies.

The Ministry intends to spend K£6,106,930 net for recurrent expenses and K£4,167,750 net on development projects. The corresponding gross figures are K£6,236,030 and K£9,157,125 respectively, with the K£129,100, and K£4,989,375 being Appropriations in Aid.

Mr. Speaker, Sir, I would like to begin with the Recurrent Vote, which provides the funds required for salaries and general administration expenses of the Ministry, as well as contributions in lieu of rates and grants payable to local authorities.

Hon. Members will note that the provision for Sub-Vote 120—General Administration (Headquarters and Provincial Services) had gone down from K£6,553,500 last year to K£6,106,930 this year. This decrease is partly explained by non-allocation of any funds to pay off arrears of contributions in lieu of rates, especially to the Nairobi City Commission which is now owed more than K£7 million.

The Sub-Vote 122—Contributions in Lieu of Rates—has gone up slightly, from K£4,600,000 last year to K£4,740,790 this year, an increase of only K£140,790. The net result is that this allocation can hardly meet the normal claims from local authorities, and arrears will continue to accumulate. Mr. Speaker, Sir, contributions in lieu of rates are statutory payment under the Rating Act (Cap. 267) and the Government is duty bound to meet them. It is, therefore, necessary to re-examine this matter in future in order to comply with the law.

Under Sub-Vote 124—Grants to Needy Local Authorities—my Ministry is asking for K£350,000 for assisting, to some extent, the councils financially unstable on account of climatic conditions and other circumstances beyond their control. Our basic policy, however, remains one of helping such councils to develop to the level where such grants

[The Minister for Local Government]

would become unnecessary. We are determined to strengthen the financial base of all the local authorities so that they can provide more satisfactory services.

Turning to the Development Expenditure, the Ministry is requesting a gross sum of K£9,157,127 for the year 1987/88. These funds are intended for the development of infrastructure within different urban areas of the Republic. Hon. Members will appreciate that Kenya's urban population is growing at a rate higher than that of the country's population as a whole; and there is need to keep on expanding infrastructural services. Although the Government is making every effort to improve the quality of life in the rural areas, migration into towns is expected to continue. At the end of this century our urban population could hit the nine to ten million mark, making the urban population in Kenya 26 or 27 per cent of the population.

Mr. Speaker, hon. Members will note that the Development Estimates have not exceeded the 1986/87 level, despite our commitment to try and meet the expanding needs of the urban population. The gross estimates for last year were K£9,240,000 as opposed to this year's K£9,157,125. Our external receipts are broken down as follows: Full grants issued as revenue—K£500,000. Full grants issued as Appropriations in Aid—K£630,625. Loans issued as revenue—K£1,232,200. Loans issued as Appropriations in Aid—K£358,750.

I would now like to turn to the specific programmes and projects under the Local Authorities Sewerage Schemes. My gross expenditure allocation has slightly gone up, from K£3,075,906 during the previous financial year, to K£3,750,000 during the current financial year. This small increase in the allocation to this very important sector is very much appreciated. Nevertheless, I should like to point out that it is too little to enable us to expand sewerage services to the new and fast growing towns.

The development strategy outlined in the Sessional Paper No. 1 of 1986 on Economic Management for Renewed Growth hinges crucially on avoiding the concentration of population in Nairobi and Mombasa and shifting towards the vigorous growth of secondary and smaller urban centres throughout the Republic.

Mr. Speaker, Sir, in my budget I have attempted to move the sectoral services into these secondary towns. These include, among others, Murang'a, Kisii, Bungoma, Thika, Nvuhururu and Nveri municipal councils. Also included are Homa Bay, Isiolo Busia and Naivasha town councils. All these projects are financed through different financial agencies and arrangements. For example, Murang'a Kisii, Bungoma, Thika and Nveri municipalities' sewerage systems are currently financed through a loan provided by both the African Development Bank and the African Development Fund. On the other hand, Nyahururu, Homa Bay, Isiolo and Busia

town councils' sewerage systems, now under construction, are financed through a full grant provided by Danish International Development Agency (DANIDA).

Sir, as hon. Members are undoubtedly aware, it is a declared Government policy to provide clean and treated water to all citizens of this country by the year 2000. It is our intention, as a Ministry, to play a significant role towards the achievement of this goal. We have a number of water supply schemes which we would like to see constructed under the councils. We have completed a study on water supply projects in many local authorities and we are ready to embark on the implementation of some of them. These include, among others, projects—Nairobi, Kericho, Kisumu, Eldoret and Thika. In order to be able to carry on with the implementation work so as to provide clean and treated water for the people catered for by these councils we will require an allocation of higher figure to this sector alone in the future.

Mr. Speaker, Sir, the programme for local authorities' roads maintenance is one area which sometimes has attracted considerable debate in this House. I need not go into details, Mr. Speaker, because all that ought really to be said about the state of roads within some of our municipalities has already been said and it is common knowledge today. Hon. Members, however, should note that there are no Treasury allocations to this sector. The local authorities have been left with virtually nothing, and will find it very difficult to construct new roads or even maintain the existing ones. Mr. Speaker, unless local authorities are able to raise funds from other sources, the roads are likely to get worse as time passes.

The local authorities housing and building sector, including the small town shelters, has so far progressed quite well. The second and third urban projects are financed through a loan agreement between the Government of Kenya and the World Bank. The second urban project is now coming to an end. The World Bank disbursements to the project have ceased, but small project components, which are not yet completed, have to be financed between the Treasury and the local authorities. These programmes are intended to provide housing infrastructure and community facilities in the major urban centres and shelters for the growing urban areas, which I have already mentioned above.

Mr. Speaker, Sir, there is an item in my budget referred to only as "Miscellaneous Programmes"—not that it is any less important; it is very important. I have the following projects under this heading: municipal council markets, transportation study project, refuse collection project, vipingo slaughterhouse, land acquisition, fire fighting equipment and wholesale markets proposed. Under the item of municipal council markets, Mr. Speaker, we are currently constructing a huge wholesale market in Mombasa, through a loan arrangement

[The Minister for Local Government] between the K.F.W. of West German and the Government of Kenya, for a sum of K£2,450,000. The construction of this market is at a very advanced stage, and I must say it is about to be completed. The problem currently being experienced at Mweambe-Tayari Market in Mombasa should be a thing of the past when this market starts to operate.

Mr. Speaker, Sir, plans are also under way to construct similar markets within the Municipality of Kisumu and in Nairobi. The wholesale market proposed to be built in Nairobi, when completed should relieve the congestion problems currently being experienced at the Wakulima Market, while the market proposed to be built at Kisumu should cater for horticultural produce in the whole of western Kenya.

The urban transportation study is intended to provide a long-term solution to the transportation problem currently being experienced in Nairobi and in other major urban centres. The study is well underway, and the first stage of the study has already been completed. The first part of the study has made recommendations for suitable transportation systems which could be adopted in the City of Nairobi. The second stage of the study should focus on whichever system the Government decides to adopt. Mr. Speaker, Sir, this, together with the introduction of the National Youth Service Bus System, should go a long way towards alleviating the transportation problem currently being experienced in the City of Nairobi and in other urban centres.

Mr. Speaker, Sir, turning to the fire-fighting equipment and the refuse collection projects—these are two very important priorities. We all know, Sir, that fires have caused untold damage in this country, and it is time we prepared ourselves to fight them more effectively. On the other hand, Mr. Speaker, uncollected garbage is both an eyesore and, more important, a real health hazard. The proposed project is intended to deal with this problem adequately. The refuse collection project is intended to supply refuse collection equipment and maintenance facilities in our local authorities. First, we have made arrangements for the Eldoret and Nakuru municipalities to have, later this year, refuse collection vehicles. Later on, we shall move on to Nairobi and other large municipalities. We are at the moment in the process of negotiating an agreement with the Italian Government to finance the whole of this project.

Mr. Speaker, Sir, the Government of the United Kingdom has already supplied fire-fighting equipment to nine county councils on a full grant basis. We are grateful for this generosity, but our expanding needs are far from being met. As a result we have, therefore, made requests for more equipment from the Government of Britain, particularly for both Nairobi and Mombasa municipalities, which are badly off at the moment.

Mr. Speaker, Sir, some of these projects require land in order to be implemented. There may be money; but then, there is that question of land. We have, therefore, put aside some money for this purpose. Currently the resources we have reserved for this purpose are not adequate for all the land required in my ever-increasing urban centres, especially for Nairobi water supply. We have been able to acquire land and we are able to pay for it so that Chania Phase III may commence.

Mr. Speaker, Sir, with these few remarks, and since my Ministry does take a lot of money, I beg to move that Votes R12 and D12 covering my estimates, be approved by this august House.

Mr. Speaker, Sir, I beg to move.

The Minister for Energy and Regional Development (Mr. Biwott): Mr. Speaker, Sir, I beg to second and resume my right to speak at a later stage. With those few remarks, I beg to second.

(Question proposed)

The Assistant Minister for Commerce (Mr. Lalampaa): Ahsante sana, Bw. Spika, kwa kunipatia nafasi ili niseme machache juu ya Wizara ya Serikali za Wilaya.

Naichukua nafasi ya kwanza kumpongeza Waziri mwenyewe, Mawaziri Wasaidizi wake, na vile vile maofisa wote wa Wizara hii ya Serikali za Wilaya. Wizara hii ina kazi ya muhimu ya kuwafanyia wananchi wa nchi hii. Tunajua ya kuwa serikali za wilaya ni nguzo ya demokrasia hapa nchini—the grass-root of democracy in this country. Pamoja na hayo, ni juu ya Wizara hii ya Serikali za Wilaya kuhakikisha makonseli yamepata pesa au njia za kujipatia mapato, kwa sababu huduma zifaazo hazivezi kutolewa bila pesa. Tumelezwa sasa hivi na Waziri wa Wizara hii kwamba serikali za wilaya zimeachwa bila kupata mapato yo yote kwa sababu hazipati pesa zo zote baadhi ya pesa ambazo hupitishwa hapa Bungeni. Tunatarajia serikali za wilaya kutoa huduma kwa wananchi. Lakini zitawezaje kuzitoa huduma ikiwa hazina mapato? Ni juu ya Wizara hii kutafuta njia ya kuziletea makonseli mapato barabara.

Jambo lingine ambalo Wizara hii ingehakikisha ni kwamba serikali za wilaya zingekuwa na njia nzuri ya kusimamia pesa. Itakuwa kazi bure ikiwa zitakuwa zikitumia mapato yao kwa njia mbaya.

Bw. Spika, nasema hayo kwa sababu nimekuwa na ujuzi mwingi sana kwa serikali za wilaya. Kabla sijaingia Bunge nilikuwa diwani na mwenyekiti wa baraza la wilaya kwa miaka kumi. Kwa hivyo, nalewa sana serikali za wilaya.

Bw. Spika, ni juu ya Wizara ya Serikali za Wilaya kuhakikisha magari ya serikali za wilaya yanakaguliwa vile vile na Government Check Unit ili maofisa na vile vile wenyekiti na madiwani wasije wakayatumia magari kwa njia mbaya au kwa njia ambayo si rasmi. Vile vile yafaa magari haya yangaliwe au yakaguliwe sawasawa na magari ya Serikali Kuu. Jambo hilo vile vile linastahili kufanywa.

[The Assistant Minister for Commerce]

Jambo lingine, Bw. Spika, ambalo ningependa kupendekeza kwa Wizara ya Serikali za Wilaya ni kutoa seminars kwa madiwani ili wajue roho zao ili wasije wakagongana na wale maofisa ambao wameajiriwa na serikali za wilaya. Hii ni kwa sababu wasipoelezwa na kufundishwa wajibu wao kama madiwani, basi, wataingilia kazi ya utawala ya serikali za wilaya. Ingefaa waelewe kazi yao ni kutoa mwendo, yaani to formulate policy. Huo ndio wajibu wao, yaani kutunga sheria za serikali za wilaya, na vile vile kuyapendekeza mambo yanayohitajika kufanyika. Pia yafaa wawaachilie wale maofisa ambao wameajiriwa na serikali za wilaya watekeleze mambo hayo, yaani implementing officers to be executives na sio madiwani kwa sababu watakuja kugombana. Njia moja ya kufanya hivyo ni wao kuwa na seminar ya kueleza kazi yao ni ipi na pia kazi ya executive officers ni ipi.

Bw. Spika, jambo lingine ni kwamba kwa vile tunaelekea karibu na uchaguzi, tungemwuliza Waziri wa Serikali za Wilaya ahakikishe kila lokesheni itakuwa na diwani kwa sababu hapo awali kuliwa na lokesheni nyingine ambazo ziligawanywa lakini bado diwani mmoja ndiye alikuwa anasimamia karibu lokesheni mbili. Kwa uchaguzi ujao tunamwomba Waziri ahakikishe kila lokesheni ina diwani mmoja ambaye amechaguliwa na wananchi.

Pia tunajua madiwani wateule hawawezi kuwa zaidi ya theluthi moja ya madiwani ambao wamechaguliwa. Basi, jambo bora ambalo Wizara ingefikiria wakati wa uchaguzi ni kuhakikisha kila sehemu imewakilishwa. Ikiwa wilaya moja itakuwa na madiwani sita au kumi wa kuteuliwa, yafaa wahakikishe kila sehemu imewakilishwa. Ikiwa baraza moja la konseli fulani lina mawakilisho matatu hivi, si vizuri madiwani wa kuteuliwa watoke sehemu moja au mawakilisho moja. Mawakilisho yote matatu yafaa yapate faida kutokana na madiwani wateule ili tuhakikishe wananchi wanawakilishwa vizuri.

Kwa hayo machache, Bw. Spika, naunga mkono:

Mr. Koske: Thank you very much, Mr. Speaker, Sir, for giving me an opportunity also to make some contributions to this Vote.

First of all I would like to thank the Minister for Local Government for the work he has done with his members of staff. A councillor in an area is one of the most important men in the localities, and being one of the leaders he is expected to live in a manner that gives a good example to the rest. But at the moment the allowances given to them, with the number of fund-raising meetings they have to attend, they are unable to be presentable to wananchi. I would like to urge the Government to see that these allowances are improved so that these people may display better examples to wananchi.

Mr. Speaker, Sir, some of the wards are far too large, so that some of the councillors manning those areas are unable to attend to the people and the various projects which are going on there.

Therefore, I would like to urge the Government to see to it that loan facilities are made easier for them so that they can at least afford to run motorcycles. Again, I would like to support hon. Lalampaa on the idea that each location should have its own councillor. Not only that: some of the wards in some areas are far too large, so that for them to be manned by one councillor is very difficult. I would urge the Government to see that in such areas they give more wards so that more councillors can represent the people.

Mr. Speaker, Sir, we also have some unclassified roads. Most of them go to schools, and others to some small market centres. Some of the bridges along these roads got broken sometime ago. Because The Ministry of Transport and Communications only deals with classified roads, I think these roads remain the responsibility of councils. But I am afraid that councils—even like mine—do not have money to do so. Therefore, I urge the Government to see to it that more money is given to this Ministry so that it may manage to maintain some of these small roads which are not classified, but which are very important.

Mr. Speaker, Sir, I think it is pathetic for a school to be in a place where communication is difficult. We all know the activities which are done in schools, including games and so on. Sometimes if there is an accident—say, a child has fallen down and broken a leg, or something else happens—it is pathetic that some of those schools cannot be reached by vehicles. Even as of now children have to carry milk and school equipment from some distance because vehicles cannot reach there.

Mr. Speaker, Sir, nursery schools should also have teachers. I think the councils or the Ministry of Local Government should be given enough money to cater for employment of good, educated and qualified teachers to man nursery schools in the country. At the moment some of the nursery schools are manned by very, very poor teachers; people who have never had a chance to learn well, and who cannot even be trained because they are very low educationally. I do not see the reason why the councils cannot take over such schools and see that good services are provided.

I was an inspector of schools and several times I visited nursery schools and found that what was being taught was very irrelevant to what should have been happening there. Somebody is sent to a school only to spoil children by trying to follow primary school syllabus instead of teaching what is supposed to be taught in nursery schools. Since not all parents are educated enough to be able to realize the effects of teaching a young child the wrong thing, I would urge that all nursery schools be taken over by local authorities. That is why I am advocating that the Government gives councils more money so that they can take over the running of nursery schools.

Mr. Speaker, Sir, as I have said, teachers in nursery schools should be trained; teachers and places

[Mr. Koske]

should be increased so that we do not have untrained teachers teaching for a long time in a nursery school. We would like them to give a sound guidance to our children.

Mr. Speaker, Sir, some of the municipal and town councils in the country, particularly those in my constituency are not clean enough. Some of them do not even have toilets. Even for those which have them, you find that the toilets are very poorly maintained. When something goes wrong with them, it takes time before any action is taken. I think this happens because of lack of money. So, these toilets and other facilities should be provided, together with enough money to maintain them.

Mr. Speaker, Sir, another thing I would like to remind the Government is that facilities which were given to local authorities sometime back are no longer enough due to the increasing populations in towns. Even in some towns we have water problems. Londiani Township, in my constituency, Kericho District, is an example of a place where we have regular water problems; Kipkelion Town is another example. Even as I am talking here now this problem is being experienced in these places. Sometimes even children in schools within towns are forced to go to rivers to look for water, because water in the towns is never enough. The Government should know that since these facilities were provided things have changed a lot. So, I am now bringing these problems to the attention of the Government so that action can be taken.

Mr. Speaker, Sir, some plots have been allocated to people temporarily for too long. I would like the Government to speed up allocation of plots. A person should be told whether a plot is his or not his so that he can develop it without any fear of being moved from it later on. Plots which have not been surveyed should be surveyed and allocated so that the owners can begin developing them. In some towns plots have remained undeveloped for a long time, simply because plots are allocated to people on a temporary basis, and so the owners are not keen on developing them. So, allocation of plots should be speeded up so that development can continue. And while allocating plots, the local deserving wananchi should get the first priority. Local people should be considered even in places where they are not yet interested in plots—all plots should not just be given to outsiders because later on when the local people develop interest for plots there will be none to give them. So, the local people should get the first priority in plot allocation. Care should be taken to avoid discrimination. I have witnessed some cases where a person is given as many as seven plots while another one has been applying for a plot for a long time but he has not been given one. Yet what happens is that some people are given plots only to sell them later on. People should only be given plots to develop and not to sell. I think where somebody is unable to

develop a plot, the Government should repossess it and then give it to someone who is prepared to develop it. So, plots should not be given to people who are not prepared to develop them. This practice should not be allowed to continue—plots should be given to people who can develop them.

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

(Michoma stood up in his place)

Mr. Speaker: Yes, Mr. Michoma.

Mr. Michoma: Mr. Speaker, Sir, I was just rising on a point of order in connection with what my hon. colleague has said, that outsiders are given plots without specifying who those outsiders are. I just wanted him to tell us who those outsiders are.

An hon. Member: Asians!

Mr. Koske: Mr. Speaker, Sir, I think that that is very obvious. In most towns we have non-Africans being given plots. In fact, that is even happening in Kisii Town.

The Assistant Minister for Water Development (Archbishop Ondiek): Thank you, Mr. Speaker, Sir, for giving me this opportunity to join my hon. brothers to contribute to this very important Motion.

Sir, I listened to the Minister for Local Government very carefully when he was moving his Vote, and I would like to give my observations on nursery schools, which are being run by county councils and municipalities. I have observed that the teachers in such nursery schools are not paid on time, despite the fact that we do realize that unless a teacher is paid on time he cannot be competent to man his work in the classroom. I would, therefore, like to urge the Minister for Local Government to intervene in this matter so that the teachers of nursery schools, are paid properly and on time. As you know, Sir, under our education system our children must pass through nursery schools. If there is no proper foundation in the nursery schools our children's future will be totally ruined.

Having said that, Sir, I would now like to touch on the revenues collected by county councils and municipal councils. While I agree with the Minister that his Ministry does not have enough revenue to enable it to run county councils and municipalities effectively, I would like to point out that there is a lot left to be desired in the way county councils and municipalities are being managed. There is lack of supervision in those areas in that whenever you meet either county council or municipal council workers, they tell you that they have not been paid for the last two years or so. Despite the fact that the workers are healthy and willing to do their work, they are never paid for almost two years. Since no receipts are issued to workers for the collection of rates, you find that most of the revenue collected by them does not reach the right places. I am sure if the local authority

[The Assistant Minister for Water Development]

workers are properly supervised county councils or municipalities would not have any problem of money. Although we do pay rates, we do not exactly see any services being provided by either county councils or municipal councils in return, despite the fact that there are so many areas in which county councils and municipal councils can help wananchi.

Mr. Speaker, Sir, not a single day passes without county council and municipal council workers collecting fees from markets, yet if you look at most of these centres, you will find that they are filthy and they have no toilet facilities. The money is being collected and misused and there are no services being rendered to the wananchi in return. I would like to request the Minister for Local Government to look into this matter so that the revenue which is collected from poor wananchi is properly used. Let wananchi benefit from the collection of that revenue. We do appreciate that county councils and the municipal councils are doing an important job, but we would like to see some services being rendered to wananchi. There is a very important market in my constituency called Ugunja which is very filthy. That place has no toilet facilities. There are other markets which do not even have pit latrines. This happens despite the fact that there are by-laws in the local authorities which take care of health services. I think something should be done to make this Ugunja market cleaner.

Mr. Speaker, Sir, turning to the question of the supervision of county council and municipal council workers, I would like to say that the senior officers employed by these local authorities should do their job properly. What after all, is their job? They should try to supervise their juniors so that the collection of revenue and its use is taken care of properly. This is in line with the principles of management. Although councillors are the heads of our county councils and municipalities, some of them lack the knowledge of how to manage these local authorities. First of all, most councillors are not being paid. Of course, we are in agreement that councillors are the heads of their respective councils, but they are never paid because of mismanagement of funds and because of lack of supervision of workers.

When we talk about the maintenance of roads, especially in Nairobi City, I must thank His Excellency the President—

QUORUM

Dr. Wamevo: On a point of order. Mr. Speaker, Sir. The House has no quorum, despite the fact that there are no toilets in the market!

Mr. Speaker: Yes, there is no quorum. Ring the Division Bell.

(The Division Bell was rung)

Mr. Speaker: We have quorum now. Continue, Archbishop Ondiek.

The Assistant Minister for Water Development (Archbishop Ondiek): Thank you, Mr. Speaker, Sir.

Sir, before my hon. colleague raised the quorum issue I was talking about the need for total management of our councils. I do appreciate that there are very competent officers who are supposed to manage our councils, but those officers should try to be earnest with their supervision and ensure that the revenue collected by councils is well taken care of.

Mr. Speaker, Sir, we know that there are elected councillors to our county councils and municipalities, but because they do not get their payments in time they are quite inefficient. They cannot be able to work without being paid. Sometime ago, our elected councillors used to get grants, but since this grant was cut off due to some other financial difficulties there should be another method of ensuring that the councillors get their payments in time. That way they will be able to monitor what is going on in their respective councils.

Sir, touching on the elevation of our urban councils, I would like to point out that certain councils were elevated due to political reasons. In some areas urban councils do not even have income sufficient to manage their councils even when they collect revenue from markets and other areas; that is not enough even to pay the members of staff and the councillors. I have an urban council whose expenditure is about KSh. 20,000 per month, when the income can never be more than KSh. 7,000 per month. How are they going to manage that urban council, Mr. Speaker, Sir? Something should be done. We should try to look for ways and means to get funds which we can allocate to these urban councils so that they can function. We know such urban councils are there; they exist, and they must be made to survive. The only way to make these urban councils survive is for the Minister for Local Government and his team to sit down and look for ways and means to get more funds. They should add more markets to these urban councils so that there is enough income for any of these particular urban councils.

Mr. Speaker, Sir, there are new wards, or new locations, which were created recently. When the Minister will be giving his reply I would like him to tell us when these new locational areas will be made electoral wards. Wananchi would like to know this because—in my constituency, there is a location which was created in 1978 but up to now it has never been gazetted as an electoral ward. We would be very, very grateful if this is done.

Mr. Speaker, Sir, my hon. friend talked about the allocation of plots. We know the method which is being used in the allocation of plots. In Siaya District, previously they were trying to use the secret ballot method. Through the secret ballot system anybody was given the plots; even a person who can never develop a plot was being given one. In fact, we complained to the chairman, and I think the situation was rectified, but in future we

[The Assistant Minister for Water Development] would like to see that such things do not happen. Before they introduced the secret ballot system they used to find out the financial status of a person before they could allocate a plot to him. This was to make sure that if he is given a plot he will be able to develop it within a certain period.

Mr. Speaker, Sir, I urge the Minister to try to look into this matter and assist as much as possible. We also hope that the Government will try to look for ways and means of getting funds and avail them to the urban councils and municipalities so that they can be able to maintain roads. At the moment the roads in Kisumu are impassable. Wanjichi pay their rates to the urban councils and they may not know that the money that they pay is not enough— Mr. Speaker, Sir, with those few remarks, I beg to support.

Mr. Gachania: Mr. Speaker, Sir, thank you very much for giving me this opportunity to join my hon. colleagues in saying something concerning this very, very important Ministry.

Mr. Speaker, Sir, as we are all aware, the Ministry of Local Government is very important. The Minister is asking this House to approve the use of well over KES5 million. I am very grateful that the Minister is here; I know he is very concerned and he will take the relevant notes so that he can mend where the Ministry has gone wrong.

This Ministry engulfs the cities, the towns and so on. I am happy that the City Commission has taken keen interest in improving the water situation in the city. Before I criticize, let me give credit where it is due. The water situation in the city has improved. In Dagoretti Constituency, for example, we had areas like Mutuini, Satellite and Gando which did not have water for very many years, and today there is plenty of water. So, I am very grateful to the people who are concerned with the supply of water. Apart from some individual people in the City Commission who have integrity, the City Commission has totally failed. The reason why I am saying this is that we are all aware that anybody who comes to Kenya is mainly interested in Nairobi, it is the mirror. No matter what we do elsewhere, Nairobi is the country's mirror. However, it is a total shame that the roads in this beautiful "City in the Sun" are a big shame. They are full of potholes, and there is no planning towards this end. Even in the case of the existing roads, it is only now that the City Commission is starting to patch them up. We have roads which were tarmacked way back when hon. Charles Rubia was the Mayor of Nairobi. I can quote an area like Kangemi where most of the roads were tarmacked then. In Satellite Estate, too, most of the roads were tarmacked a long time ago. Today those roads do not have even murrum. The tarmac they had has been eaten away, their murrum is also gone and only soil remains. We have to cry and beg that

those roads be murramed. If you take the Satellite—Dagoretti Market Road—Dagoretti Market is very important as, I think, it supplies more meat than even the Kenya Meat Commission itself—you will see that it is impassable. As I said, it was tarmacked many years back. So, there must be something wrong somewhere.

The City Commission has commissioners who have not been directed to take care of particular areas, and none of them is responsible for anything. So, road care is a question of individuals. If the Director of City Civic Services, Mr. Shigoli, wants to take care of these roads, he could go round the city. The same applies to anybody in the City Commission who wants to take interest in the roads. However, there are no specific individuals to whom certain jobs are allocated and who are responsible for them. You cannot use the roads in a centre like Kawangware to go to Gatina Village during the rainy season.

Sometime back I went to these areas accompanied by the city engineer. He told me, "You have been saying that the roads in Dagoretti are impassable and people have to be transported on shoulders when it rains. Show me where these roads are." We went to Gatina—but we had to walk three miles because the car could not go any further. So, the Minister, in his goodwill—I know he is interested in these roads and he has this country at heart—should go deep into this matter and check on what the City Commission is doing and what improvement, if any, it has made, short of worsening this city.

The schools in this beautiful city, too, are another shame. These schools were built when we had a mayor and councillors here. We have such schools as Mukarara, Gitiba, Kagira and Rumithitu which are in a very bad state. The buildings have not been painted for the last decade and some of their roofs are leaking. If you go to Rumithitu School and look at the teachers' houses there, you will see that not even a labourer or anybody else can occupy them because they are in a very bad condition. In this connection I would like the Minister to think deeply so that when he comes to answer he may tell us how much of these millions of shillings is going to be allocated to Dagoretti Constituency. I am very much interested in this issue.

Mr. Speaker, Sir, the health centres in my constituency are no better than donkey sheds, and I have said this before in this House. The curtains used there are pieces of gunny bags. I know that the Minister concerned was once in Kangemi. I do not know whether he chanced to visit the health centre there. This health centre is a big shame, and I would hate to see any visitor coming to visit Kangemi and Kawangware health centres. The Minister has said that the Ministry is going to do something about these centres and expand them when funds are available. We do not know when these funds are going to be available, and I am

[Mr. Gachanja]

worried about it. I hope that the Minister is going to say that in this present budget some of the money he has been promising to come to Dagoretti is available.

Landowners in Dagoretti have not been given the land by the Government. This is freehold land, and yet these people are paying rates for purported services which they have never received. The Minister concerned wants somebody to pay rates because of roads, and yet those roads are impassable. It is not possible to have your cake and eat it. The Minister should decide on whether to render the necessary services or withdraw the collection of rates.

With those few remarks, Mr. Speaker, Sir, I beg to support.

The Assistant Minister for Lands and Settlement (Mr. Karume): Ahsante sana, Bw. Spika, kwa kunipatia nafasi hii ili nami niyaseme machache. Wizara ya Serikali za Wilaya ni mojawapo ya zile ambazo zimejitambulisha kabisa kwa wananchi wa mashambani. Ninafurahi na ninamshukuru Waziri wa Serikali za Wilaya kwa sababu hivi majuzi aliuondoa ushuru uliotozwa kahawa, ambao ulikuwa ukiwaumiza wakulima wa kahawa sana. Wakulima hawa walikuwa wakilipa ushuru wa asilimia tatu, lakini sasa ushuru huu umepunguzwa ukawa asilimia moja. Waziri aliongeza ushuru unaozwa miwa, mahindi na mimea mingine. Ningemwomba Waziri aliangalie jambo hili zaidi kwa sababu nana labda kuna zao moja lililosahauliwa, nalo ni nanasi. Mananasi hukuzwa sana hasa katika Thika, na tunajua yanaleta pesa nyingi za kigeni kwa sababu mengi yake huuzwa ng'ambo. Ingefaa tufikiri kuyatoza mananasi ushuru kama tunavyofanya, na mimea mingine kama mahindi. Ingefaa tuone kwamba serikali za wilaya zimepata ushuru kiasi fulani kutokana na ukuzaji wa mananasi.

Hatujasema kuwa hatutaki kutozwa ushuru, lakini mara nyingine wakulima hunung'unika wakisema kwamba ushuru huu haufai kwa sababu wanapoutozwa hawaoni unafanyiwa nini. Kile ambacho tungependa Wizara iliangalie sana ni kuona kwamba pesa zinazotuzwa wananchi zinarudishwa kwao kwa njia ya kutengeneza barabara. Barabara zote zinazoelekea kwenye viwanda vya kahawa na nyinginezo zinafaa kuangaliwa kabisa kwa kutumia pesa hizi za ushuru. Viwanda vingine vya kahawa vina taabu sana kwa sababu havina visima vya maji na huduma nyingine. Tungependa serikali za wilaya ziwe zikiangalia huduma hizi sana. Tunajua serikali za wilaya hufanya kazi za maana sana. Korseli ya Kiambu; kwa mfano, ina shule za nasari zaidi ya 400 na walimu wengi sana. Tunajua huduma hizi zinagharimu pesa nyingi sana. Tungependa serikali zote za wilaya zifanye zaidi ya vile zinavyofanya sasa kwa sababu wananchi wanaponung'unika huwa kweli wana shida, huku wakijua wanatozwa ushuru na hali huduma nyingi zimesahauliwa. Tunajua Waziri wa Serikali za Wilaya anafanya kazi kubwa, lakini ingefaa aliingilie jambo

hili zaidi na kuona pesa hizi haziwekwi katika benki peke yake. Hakuna haja ya kuweka pesa katika benki ili zikae huko tu na watu fulani wazikopeshwe, wakati ambapo wale wanaohitajiwa kusaidiwa kwa pesa hizi, huko katika mahali pesa zilikutoka, hawapati huduma yo yote. Hili ni jambo ambalo linafaa kuangaliwa sana. Ninaona kwamba konseli nyingine zina mamilioni ya pesa; lakini ukiangalia viwanda, barabara na shule za nasari; unaona kwamba kazi mbaya tu ndiyo iliyofanywa.

Hilo, Bw. Spika, ni jambo ambalo ningependa kuiomba Wizara iliangalie. Pia ningependa kusema yafaa kodi ya mazao mbalimbali iendelee kutolewa. Hii ni kwa sababu kodi hiyo ikiondolewa—kama vile watu wengine wanavyotaka—tutakuwa na taabu. Pengine shule fulani za nasari zitafungwa kabisa.

Bw. Spika, vile vile ningependa Wizara iwafikirie madiwani kote nchini. Tunajua kuna upungufu wa pesa, lakini ukweli ni kwamba mishahara na marupurupu ya madiwani yahitaji kuchunguzwa. Mishahara ya madiwani ni ya chini sana ikilinganishwa na kazi wanavyofanya. Ni kweli kwamba mambo mengi hapa nchini yanafanywa kwa njia ya Harambee. Kwa hivyo, utaona kwamba madiwani na mameya wanahitaji kutoa michango ya Harambee. Lakini madiwani hulipwa mishahara midogo sana. Tunajua kwamba makonseli mengine hayawezi kuwalipa madiwani wao mishahara mikubwa. Hata hivyo, yafaa njia ya kuwasaidia madiwani hawa itafutwe ili waweze kupata kitu cha kuwafaraji kidogo.

Bw. Spika, ni furaha yangu kutaja hapa kwamba Wizara hii imefanya kazi kubwa katika Manispaa ya Kiambu. Sasa tumeona kwamba Wizara imetoa tenda ya kutengeneza mfereji wa kupitishia maji machafu katika Mji wa Kiambu. Hii ni kwa sababu mfereji huo ulikuwa umeharibika kabisa. Kwa hivyo, ningependa kumshukuru Waziri kwa kazi hiyo nzuri anayotufanyia. Vile vile Wizara imetupatia pesa za kujenga kituo cha mabas. Hii ni kwa sababu mabas na matatu yalikuwa yanasimamishwa barabarani na hungeweza kupita kwenye barabara hiyo. Lakini sasa Wizara imefanya vizuri sana kutupatia pesa za kujenga kituo cha kugeshea magari.

Jambo lingine, Bw. Spika, ni kwamba ningeiomba Wizara itupatie mkopo ili tuweze kutekeleza mradi wa maji katika Mji wa Kiambu. Hii ni kwa sababu maji huo hukabiliwa na ukosefu wa maji mara kwa mara. Ninajua kwamba Wizara hii inafanya kazi vyema na inaweza kuturekebisha hali hiyo.

Pia ingefaa wakulima wawe wakitoa kodi kwa zao la kahawa mara moja tu. Hii ni kwa sababu wakulima wana mahitaji mengi sana ya pesa. Nina sema hivi kwa sababu wakulima hutozwa kodi kadha wa kadha zinazohusiana na zao hili la kahawa. Kwa hivyo, tungetaka Waziri wa Fedha alichunguze jambo hili. Kwa mfano, sasa bei ya kahawa katika soko la dunia imeshuka sana. Ukiangalia utaona kwamba wakulima wa kahawa hawapati cho chote. Hata wakati mwingine wakulima

[The Assistant Minister for Lands and Settlement] hubaki na madeni. Utaona kwamba wakati waku-lima wanapopata faida kidogo, wao hutozwa kodi kama vile export tax, na kadhalika. Kwa hivyo, ningependekeza tuendelee na ule mtindo wa kutoa kiwango cha kodi ya mazao ya kiwango cha 1 per cent kutokana na mazao yanayohusika.

Kama nilivyosema hapo mbeleni, yafaa Waziri aiangalie kwa makini habari ya mananasi. Tuna-shindwa kuelewa ni kwa nini wakulima wa zao hili hawatowzi kodi yo yote. Tunalipa kodi kutokana na mahindi, miwa, na kadhalika. Lakini utaona kwamba mananasi yamejaa hapa, na vile vile yanaenda kuuzwa ng'ambo. Ile kampuni ya Kenya Cannery Limited ndiyo inayokuza mananasi kwa wingi. Pia kampuni hii huuzwa mananasi katika nchi za nje. Kwa hivyo, ingefaa kiwango fulani cha ushuru kitolewe ili pesa hizo zitumiwe katika ujenzi wa shule na zahanati katika eneo hilo. Haifai kuacha pesa zote ziende ng'ambo.

Kwa hivyo, Bw. Spika, mimi naiunga mkono kikamilifu Wizara hii na kusema kwamba pesa ambazo Wizara hii inaomba ipewe hazitoshi. Hii ni kwa sababu hii ni Wizara kubwa sana. Waziri amejaribu sana, na tunafahamu yeye ana kazi nyingi. Yeye amekabiliwa jukumu la kuwachunga viongozi wengine kama madiwani. Hii ni kwa sababu madiwani vile vile ni wanasisia kama sisi na si kazi rahisi kuwaangalia na kuhakikisha kwamba mienendo yao ya kisiasa inafaa.

Kwa hayo machache, Bw. Spika, naomba kuunga mkono.

Mr. Boru: Ahsante sana, Bw. Spika, kwa kunipa nafasi hii ili nami niweze kusema machache kuhusu hii Wizara. Wizara hii ya serikali za wilaya ni muhimu sana katika taifa hili, na hasa katika wakati huu ambapo wilaya zimefanywa mashina ya maendeleo katika ule mpango wa District Focus for Rural Development Strategy. Kwa hivyo, kufuatana na mpango huo wa kuzipa wilaya mamlaka ya kutoa mapendekezo kuhusu miradi ya maendeleo ni lazima Wizara hii ifanye kazi bega kwa bega na kamati za maendeleo za wilaya.

Hata hivyo, Bw. Spika, kuna jambo moja ambalo limenishangaza sana. Sijui kama tatizo hili linaweza kupatikana katika wilaya nyingine hapa nchini isipokuwa kule Marsabit. Utaona kwamba Wizara hii hajawahi kuwa na mipango yo yote ya maendeleo katika wilaya hiyo katika muda wa miaka mitano iliyopita. Makao makuu ya Wizara hii yako hapa Nairobi. Pia kuna provincial local government officer katika kila mkoa. Lakini utaona kwamba wale wanaokaa katika makao makuu ya wilaya hawafanyi kazi yao. Maofisa wakuu kama town clerks, town treasurers na wengine hawatoi huduma yo yote kwa wananchi. Utaona kwamba kuna usimamizi mbaya wa pesa katika makonseli. Pesa ambazo zinakusanywa kama ushuru huishia kwenye mifuko ya hawa maofisa wakuu. Wao wamepanga njama na madiwani ili wawe wakichukua pesa hizi.

An hon. Member: Pesa hizo hutolewa kwenye mikutano ya Harambee!

Mr. Boru: Wananchi wanahitaji kuhudumiwa, Bw. Spika. Wabunge wengine wamependekeza madiwani waongezwe mishahara. Hakuna sababu ya kuongeza marupurupu na mishahara ya madiwani. Kama maofisa wa Kanu wanaweza kujitolea kufanya kazi sioni ni kwa nini madiwani hawawezi kufanya kazi kwa njia nzuri. Hawa madiwani hawafai kupewa cho chote kwa sababu hawatoi huduma yo yote kwa wananchi. Wananchi wanahitaji kuhudumiwa. Wao wanalipa kodi za ploti, leseni za maduka yao, mahoteli yao, na vile vile kwa masoko ya mifugo. Lakini huduma zinazotolewa na makonseli mbalimbali hazilingani na kiasi kikubwa cha pesa ambacho hutolewa na wananchi kama kodi za aina mbalimbali. Hizo pesa hutumiwa kulipia mishahara ya madiwani na wafanyakazi wengine na sijui zile zinazobaki hupelekwa wapi.

Bw. Spika, utaona kwamba katika kila konseli kuna kamati mbalimbali; kuna kamati ya fedha, kamati ya mipango na masoko na pia kuna kamati ya huduma za jamii. Lakini utaona kwamba kamati hizi—kutoka wakati wa uchaguzi hadi wakati wa uchaguzi mwingine—haziitishi vikao vyo vyote. Hawajawahi kukutana kujadiliana juu ya mambo ambayo wananchi wanahitaji kufanyiwa. Pia kuna miji mingine ambayo haijapangwa na majengo yamejengwa ovyo ovyo. Wananchi hutuma maombi ya kupewa ploti na maombi yao hukubaliwa na kamati zinazohusika. Utaona kwamba baada ya kikao cha baraza zima kukubali kumpatia mwananchi ploti, mwananchi huyo atakaa kwa muda wa miaka mitano bila kuipata ploti hiyo. Lakini jambo la kuudhi ni kwamba mtu kama huyo huendelea kutozwa kodi kutokana na ploti hiyo ambayo bado hajaiona. Kwa hivyo, ni lazima Wizara izichunguze wilaya ambazo ziko mbali na makao makuu ya Wizara. Yafaa Wizara iwatumie wakaguzi kwenda kuangalia ni kitu gani kinachotendeka katika wilaya mbalimbali.

Utaona kwamba wananchi hutozwa kodi kutokana na viwanja ambavyo hawajavijenga. Hiyo si haki. Pia utaona kwamba ploti moja inaweza kutolewa kwa watu wanne au watano. Kwa hivyo, utaona kwamba watu hawa humaliza muda mwingi wakienda kortini kufanya kesi. Haya ni makosa ya maofisa ambao ni wafisadi. Utaona kwamba baada ya mtu kupewa ploti katika full council meeting, karani anaweza kumpatia mtu mwingine karatasi na kumwambia "Nenda ukaichukue hiyo ploti." Hii ni njia moja mbaya sana ya kuwagonganisha wananchi.

Wananchi wanahitaji vitu kama slaughterhouses. Kwa hivyo, wananchi wanataka kuziona huduma ambazo zinatolewa na makonseli. Sisi tumekuwa tukijaribu kuyatetea haya makonseli kila wakati. Hata kuna Hoja iliyopitishwa katika Bunge hili ikitoa himizo Wizara hii iongeze mishahara na marupurupu ya madiwani. Madiwani hawa wakupewa mishahara mizuri wataweza kushiriki kikamilifu katika shughuli za maendeleo na mambo mengine. Lakini ukichunguza kwa makini utaona kwamba hata hakuna haja ya kuwa na makonseli

[Mr. Boru]

katika sehemu nyingine za nchi hii. Hii ni kwa sababu ukienda huko kumwona town clerk utaambiwa hayuko. Pia ukisema unataka kuwona town treasurer utaambiwa kwamba yeye hayuko. Pia cashier huwa hapatikani. Ukiuliza zaidi utaambiwa kwamba maofisa hawa wako katika field. Pia sales collectors hawapatikani maofisi mwao. Hata mata-rishi hawawezi kupatikana. Mara nyingi ofisi za konseli huwa hazina watu, na hali wananchi wanahitaji kuhudumiwa. Labda ukienda huko mwisho wa mwaka utawakuta maofisini walingojea pesa ili waende wakalipe karo za shule, na dhalika.

Bw. Spika, konseli nyingine hezina internal auditors wa kuchunguza vile pesa zinaingia. Hii ni kwa sababu utaona kwamba, kwa mfano, sales collector akishapewa kitabu cha stakabadhi cha miscellaneous revenue, ataenda nacho usiku, akae nacho kwa siku nne au tano na atarudisha hizo pesa baada ya hicho kitabu kujaa, labda baada ya mwezi mmoja. Wakati ule mwingine wote huwa hakuna mtu anayeangalia mambo yanaendaje. Kuna wakati mmoja tulipolalamika kuhusu konseli ya Marsabit, mainspekta wakatolewa na Waziri wa Serikali za Wilaya wakaenda kukaa kwa muda wa miezi mitatu, na sijui walienda kuchunguza nini kwa sababu hadi sasa hatujasikia ripoti yo yote kuhusu uchunguzi wao. Kwa sasa konseli hii imekuwa mbaya zaidi kuliko wakati huo. Tukiwauliza maofisa wenyewe wa konseli hiyo, wao hutuambia tuende Nairobi tuwaite auditors hao wetu tena. Mwenendo huo huivunja mioyo ya wananchi kwa sababu wananchi wanahitaji kuhudumiwa.

Ukiangalia upande wa barabara za miji—mji kama wa Marsabit hauhitaji barabara za lami; unahitaji marrum pekee. Hata ingawa Konseli ya Mji wa Marsabit haina grader, kuna grader ya Wizara ya Uchukuzi na Mawasiliano ambayo inaweza kutolewa kwa konseli ikikubali kuinunulia mafuta. Wakati mvua inaponyesha, kama hivi sasa, huwezi kutembea katika mji huo kwa gari. Kutoka mjini kwenda kwa ofisi ya mkuu wa wilaya ni jambo moja ambalo haliwezekani kwa sababu barabara imeharibiwa kabisa na maji. Lakini wakati mwingine utaona barabara imerekebishwa—labda wakati Mtukufu Rais anapotembelea wilaya hii. Utaona graders, ambazo sijui hutoka wapi, zikiweka marrum mjini na malori yakimwaga maji barabarani mpaka kuwe hakuna vumbi kabisa mjini. Tunataka Wizara ichunguze mambo na ihakikishe wananchi wanapewa huduma wanazostahili. Tunakubali kuwa konseli nyineire hazipati pesa nyingi, lakini hata hivyo zinastahili kuwapa wananchi huduma iwezekanavyo.

Kwa mfano, katika Marsabit County Council kuna mbuga za wanyama wa porini za taifa mbili—Losai National Reserve na Marsabit National Reserve. Wao hupata misaada ya pesa kutoka kwa Wizara ya Utalii na Wanyama wa Porini. Kila mwaka wao hupewa pesa, lakini ukienda kwa hizi mbuga za wanyama wa porini utaona kuwa hakuna huduma yo yote inayotolewa huko. Watalii pia huwa

na shida kwenda katika hizo mbuga za wanyama wa porini za kitaifa. Kwa hivyo, pesa ambazo hutolewa kama msaada kutumika kwa kazi fulani yafaa zisimamiwe na Wizara pia kwa sababu kama konseli itapoteza pesa badala ya kuzitumia kwa kazi zilizotarajiwa, yaonekana hakuna maendeleo yatakayopatikana katika nchi hii.

Kwa hayo machache naunga mkono.

Mr. Michoma: Thank you. Mr. Speaker, Sir, for giving me this chance to join my colleagues in supporting this Motion—

Mr. Muryao: I knew!

Mr. Speaker: Order! What did you say, Mr. Muryao? Just because I called somebody else, you said "I knew" and you repeated it? You did not even let me finish.

Mr. Muryao: Mr. Speaker, Sir, it must have been a slip of the tongue. I was looking at my colleague, whom I was talking to.

Mr. Speaker: You better be careful, Mr. Muryao!

Mr. Michoma: Thank you, Mr. Speaker, Sir. I would first of all want to congratulate the Minister for the manner in which he has handled the affairs of the Ministry of Local Government. This is a very important Ministry and the Minister has done his best; but in some other various occasions he has been failed by councillors and chief officers of the councils. I would also like to mention that the Local Government Regulations of 1986, revised edition, have not been followed strictly by most councils. This is because these regulations stipulate that councillors have been given powers to administer financial matters and to make by-laws.

Mr. Speaker, Sir, the Minister has done well in certain councils because he has effected the transfers of the chief officers to work in other councils. However, it seems as though the Minister has not completed the exercise. I would like the Minister to effect transfers of all chief officers of all county councils, municipal councils, urban councils and so on. It is not fair for the Minister to effect transfers in certain municipalities and county councils and leave others. I hope that the Minister will do that. He knows that I am very sincere in what I am saying; I am happy with his job and he should, therefore, effect this so that these chief officers do not operate as agents of certain politicians in certain areas.

I would like to remind the Minister through you, Sir, that mayors, clerks and chairmen of councils go out of their boundaries wearing their gowns. The law stipulates this very clearly. For example, Sir, you find the mayor going outside his boundary wearing the gown. This also applies to county council clerks. This can only be done under very special occasions, say, when His Excellency the President is visiting a certain area, and perhaps they want to meet him at the boundary of a certain district. It is not fair for them to fly flags on their cars outside their boundaries.

[Mr. Michoma]

Secondly, the Minister should assist municipal councils such as Kericho, Kisii, Kakamega and so on by giving them fire brigade vehicles. I am saying this because houses in Kisii, Kakamega, Kericho and so on normally catch fire. For example, there is no fire brigade vehicle in Kisii Municipality. I would like the Minister to assist these municipalities. Last time, Sir, the Minister received vehicles and they were despatched to Kisumu and elsewhere but Kisii, Kericho and Kakamega did not receive any. I am citing this example—I hope the Minister is listening—because we would like to have uniformity in the distribution of Government grants. These grants should be spread to all municipalities. I know that the Minister does not favour his own district. I would like the Minister to take a serious note of this so that when he gets aid from donors he may consider these areas.

I would like to say that in certain municipalities, particularly Kisii, most markets do not have latrines; they do not have even a single latrine. This is a shame because councils get revenue from wananchi. I would like to urge the Minister to consider allowing Bobaracho and Nyaora Wards of Kisii Municipality to have two councillors each. Those wards are unusually large, and I think the Minister should take note of this. Members of those areas feel that those areas should be considered.

I would like to touch on the question of elevation of towns to urban and town councils and eventually to municipalities. I know that this was done hurriedly elsewhere and there was no consideration of funds. These councils do not have funds whatsoever. Before 1969, when the Central Government took over three major services—namely, education, health and roads—councils' work was seen by wananchi. Now we do not see what the councils are doing. It is not their fault because the little money they get from coffee cess and elsewhere is used for paying salaries. This is not fair to coffee farmers, Mr. Speaker, Sir. Coffee farmers have been paying cess over the years. I would like to thank the Government, through the Minister and through you, Sir, for reducing coffee cess from 3 per cent to 1 per cent. Still, coffee farmers feel that the councils are not doing enough. Coffee farmers should be exempted from paying cess because they have been doing so over the years while farmers of other crops were not paying cess.

I would like to touch on roads leading to coffee factories. The councils should oversee these roads. At the moment they are not doing anything at all. The other point relates to electricity to coffee factories. Councils should assist in this way because they are getting money from coffee cess but they are not doing so.

The other point I would like to make is in relation to the mismanagement of funds in local authorities. The Minister should be tough on this. We

will and are supporting him to make sure that there is no loss of funds in local authorities. Perhaps auditors and inspectors from the Ministry are not enough, and I think the Minister should get more staff from other departments and deploy them in local authorities. This is because certain local authorities have lost funds and nothing has been done.

The other thing I would like to say is on nomination of councillors. When Members of Parliament go to the Minister to see him on the question of nomination of councillors, he should say "No." Why should one Member of Parliament in a given area nominate all councillors without consulting other Members of Parliament in that area? This is a serious matter, and I know the Minister knows what I am talking about. For example, it is not fair when hon. Shikuku—let me use your name because I know you—who comes from Kakamega District gives the Minister a list of names of people from his constituency when other Members of Parliament from that area do not have even one single nominee.

Mr. Shikuku: Tell him again!

Mr. Michoma: He has heard. The other point is on the question of allocation of plots. For example, in Kisii Town there was one Asian known as Gudka who acquired many plots: The councillors and the chairman of the plots allocation committee—I do not know who he is—denied wananchi that facility. The time has come for things to be straightened; Kenya is independent. I know that the district commissioner is the chairman of the plots allocation committee, but this is excessive power, Sir. I beg to support.

Mr. Boy: Ahsante sana. Bw. Spika, kwa kuminatia nafasi niungane na Waheshimiwa Wabunge wenzangu kuzungumza katika Hoja hii muhimu sana.

Bw. Spika, Wizara hii tunayoizungumzia leo ni moja ya Wizara zilizo muhimu sana kati ya Wizara zetu. Wizara hii ina kazi kadha wa kadha zinazochukuliwa na mabaraza ya miji. Mtu akifanya vyema yafaa asifiwe kwa wema wake, na akifanya uovu alaaniwe kwa uovu wake. Kwa hivyo, mimi nitaisifu Wizara hii kwa kazi njema iliyofanya. Pia namsifu Waziri kwa bidii aliyoyonyesha. Kwa mfano, sisi watu wa Wilaya ya Kwale twaishukuru Wizara kwa sababu tumeongezewa mitaa miwili na, kwa hivyo, baada ya uchaguzi wa mwaka ujao tutakuwa na madiwani mawili zaidi. Basi, kwa hivyo, inafaa tumpe Waziri shukrani. Lakini sisemi kwamba aliye na haki ya kumlaumu asimlaumu. Mimi niliye na haki ya kumsifu namsifu kwa kazi nzuri aliyotufanyia hapo.

Bw. Spika, makonseli yako tofauti na yanafanya kazi tofauti kulingana na umuhimu wake. Kwa mfano, Konseli ya Kwale ndiyo inayochukua takataka zote za mahoteli katika South Coast, kuanzia hoteli ya Golden Beach mpaka katika hoteli zile mpya zilizofunguliwa huko Lagoon Reef. Tatizo ni kwamba konseli hii ina ukosefu wa pesa. Lakini

[Mr. Boy]

ukitazama hali ya Wilaya ya Kwale utaona kwa mba si ya kuifanya konseli hii iwe na ukosefu wa pesa kwa sababu ya haya mahoteli yaliyoko—laiti kama kila kitanda kingelipishwa peni moja kwa mtu atakayelala kwa siku moja, Konseli ya Kwale ingekuwa na pesa nyingi kuiwezesha kutoa huduma kadha wa kadha. Lakini leo inaondoa uchafu lakini haipati faida na matunda. Kuondoa uchafu ni kazi ya Konseli ya Kwale, lakini pesa za hawa watalii ni kazi ya watu wengine. Hilo ni jambo la kuhuzunisha. Ningepeleka kumwuliza Waziri, aliye hapa pamoja na maofisa wake, kama si hakika kwamba peni moja haliwezi kupandisha gharama katika mahoteli yetu katika Kenya hii leo. Konseli hii itapata peni hilo kwa sababu ya huduma inayotoa.

Bw. Spika, huko Kwale ndiko kuliko na Leopard Beach, Leisure Lodge, Diani Reef, na mahoteli mengi makubwa makubwa; lakini konseli hiyo haiwezi kupata hata peni kutoka kwa mahoteli hayo. Ingefaa kama Wizara ingeangalia ione kwamba mahali kama hapo, ambapo kuna uwezekano wa kupata pesa, kunapatikana ushuru. Mkulima anayelima mihogo na korosho hutozwa ushuru kwa zao lake. Mzungu milionea anayekuja kulala huko likizoni—maanake wajapo huko huja likizoni—hatozwi ushuru wa konseli. Ukitazama hapo utaona kuna matatizo. Hatusemi mamilionea hawa watozwe shillingi kumi, la. Tunasema watozwe peni moja tu na konseli hii.

Gari la konseli hii la kuchukua takataka ni moja tu; likivunjika mahoteli yatalalamika eti konseli haifanyi kazi. Gari hilo ni la zamani sana—mwaka wa 1978, na namba zake ni “KJV”, wakati ambapo siku hizi magari mapya kuwa nambari zinazoanza kwa “KY—” Tatizo hili liko kwa sababu konseli hii haina uwezo wa kununua gari lingine. Vile vile, ukija huko makao makuu ya konseli hiyo, kwenye mahoteli hayo yenye sifa hiyo, utakuta kwamba hakuna taa za barabarani; ndovu wanakuja mpaka wanapiga hodi kwenye ofisi ya konseli hiyo; sijui kama wanataka ushuru au nini. Kama kungelikua na taa za barabarani ndovu hao wasingefika huko. Sasa hivi wamewaua watu wawili. Mwekahazina wa konseli hiyo alilazwa hospitalini ya Aga Khan kwa wiki mbili baada ya kupigwa na ndovu na kuvunjwa mbavu moja ndani ya Mji wa Kwale.

Kama konseli hii ya Kwale ingepewa usaidizi iweze kutoza mahoteli haya ushuru, mweka hazina huyo wa konseli hiyo asingeuawa. Leo ni mwekahazina aliyuawa, baadaye itakuwa mwenyekiti, baada yake itakuwa Waziri, kama atakuja kutembelea huko usiku, au mimi! Kwa hivyo, jambo hili ni muhimu sana.

Bw. Spika, Wilaya ya Kwale inakua, hasa kwa sababu ya mpango wa kuzifanya wilaya chanzo cha maendeleo, lakini ukosefu wa nyumba katika Mji wa Kwale umezidi. Nyumba zilizoko huko miini, ambazo ni za konseli, ni chache na zinazokodishwa maofisa kadha wa kadha wa Wizara za Serikali. Nashindwa ni kwa nini Wizara haiwezi kutafuta “soft loan” ili ijenge nyumba huko ili maofisa wote

wa Wizara mbalimbali waweze kupata nyumba huko na konseli iwe ikipata pesa. Konseli hii ina viwanja na inaweza kupata mkopo kutoka kwa National Housing Corporation, au kutoka kwa watu binafsi, ili iweze kujenga nyumba za kuishi, lakini Wizara haifikirii mambo haya. Nayo konseli ikiulizwa inasema ni lazima ipate mkopo kutoka kwa Wizara, nayo Wizara inasema hakuna pesa. Hatusemi Wizara itoe pesa, lakini tunasema mpango ufanywe kuiwezesha konseli kupata mkopo wa kujengea nyumba.

Kufuatana na mpango wa kuzifanya wilaya chanzo cha maendeleo, wafanyakazi wengi wa Serikali wamepelekwa katika wilaya. Si katika Kwale peke yake. Kuna miji mingine inayopanuka, kama vile Ukunda. Kila mwaka ifikapo Agosti na Desemba Mawaziri wengi huteremka huko Ukunda, lakini madereva wao hawapati mahali pa kukaa. Mawaziri hulala katika mahoteli makubwa makubwa, lakini madereva wao hawana mahali pa kukaa. Konseli ya Kwale ingefaa ikubaliane ipewe mkopo wa kujenga hoteli moja ya wale watu tunaowaita makabwela, kama vile madereva wa Mawaziri, na hapo pesa zingekuwa zikipatikana. Hakuna haja ya kulia kila siku kuwa hakuna pesa. Je, tutalia “hakuna pesa?” mpaka lini? Miradi iko ya kutoa pesa. Twakubali kuwa hakuna pesa, lakini miradi ya kutoa pesa iko.

Hapa twasema hakuna pesa, nawe una njia ya kuzalisha pesa, na unasema huna pesa. Ingefaa wakurugenzi wa Wizara washirikiane na maofisa wa makonseli angalau ionekane makonseli yamejitoshela katika mambo yao kadha wa kadha. Pia, kama makonseli yana pesa, na yamepeleka makisio ya matumizi kwa Wizara, lisingekuwa jambo la busara kwa Wizara kuyakatakata makisio hayo, ili miradi ya makonseli iendelee. Kwa kawaida, makonseli yapelekapo makisio kwa Wizara, Wizara huwa inayakataza kufanya mambo mengine, wakati ambapo makonseli hayo yana uwezo wa kufanya mambo hayo. Wizara ifanyapo hivyo, huwa inarudisha nyuma maendeleo ya makonseli hayo. Hilo ni jambo la umuhimu, na tungemwomba Waziri ahakikishe makonseli yanapoteleka makisio kwa Wizara kila mwaka, ili yalitishwe kabla ya makisio ya matumizi ya nchi nzima kusomwa, yasiwe yakikatakatawa na kutiliwa vikwazo. Makonseli huilaumu Wizara ya Serikali za Wilaya; nayo Wizara hiyo inailaumu Wizara ya Fedha. Kila siku kunatafutwa kisababu ambacho hakifai. Na kutafuta kisababu hicho ndio kunakotufanya tusiendelee mbele, na kama tunaendelea mbele, tunaendelea kwa mwendo mpole, wakati ambapo tungelikwa tukiendelea kwa mwendo unaofaa.

Kwa hayo machache, naunga mkono.

Mr. Jaldesa: Thank you very much, Mr. Speaker, for giving me this opportunity to contribute on the Vote of the Ministry of Local Government. This is a very important Ministry in the sense that it takes care of the elected leaders in the local authorities. The local authorities themselves, that is, the county councils, the urban councils and the municipalities

[Mr. Jaldesa]

are all very important. One thing which surprises me is that the senior officers in the local authorities, particularly in the northern part of Kenya, are so powerful that their power even exceeds that of the Minister for Local Government. If you take for example, an area like Isiolo, you will find that we have been complaining to the Minister about the clerk to the council for the last four years. All the previous Members of Parliament from this area, the chairman of county councils, all the Kanu officials, and everybody else, including senior Government officers from this district, have been complaining about this particular officer. Despite the fact that the Minister has promised to take action against this officer, nothing has been done. We are aware of the fact that this calibre of officers are now transferable to other local authorities but because of the corrupt system in the local authorities, 90 per cent of the revenue collected in that district goes to the pocket of the clerk to the council, who uses it for his personal defence. All his evil activities are covered up by the money that he gets illegally.

Mr. Speaker, Sir, time and again we have complained this to the Minister and to some senior officers in the Ministry, but this man seems to have laid such a strong base for himself in the Ministry that he cannot be transferred from where he is. Sometime back some senior officers in the Ministry defied the Minister's order when he ordered inspectors to go to Isiolo to investigate the activities of this officer. So, with all due respect to the Minister, for whom I have a very high regard, he should try and make sure that local authorities are run effectively in a manner that can serve the people they are intended to serve.

Mr. Speaker, Sir, hon. Members have talked about plot allocation. In Isiolo the same officer has discovered a very complicated method, in which he goes to all the influential personalities and tells them, "Come to Isiolo and I will give you plots", and, in fact, he has done so. He has been doing that and he will continue to do so because there are people who are protecting him indirectly.

The other thing I would like to talk about is with regard to electoral areas in the local authorities. Recently there was a commission established to review electoral boundaries in constituencies and wards. However, Sir, I am surprised that this commission has not reviewed electoral boundaries in my constituency. I am saying this because although my constituency is thinly populated, it is very vast. We have only five elected councillors, although this area has been recommended for an additional ward. However, to my surprise this ward has been taken to another constituency, although according to the recommendation by the district development committee my constituency was the one supposed to be given priority, because it is very large. I appeal to the Minister to do something about this, before the next elections and review electoral boundaries in this area.

Mr. Speaker, Sir, councillors' allowances have been the subject of debate in this House. It is my opinion that councillors, being elected leaders, earn very little allowances. Isiolo County Council would be one of the richest county councils in the Republic had it not been for corruption. I think the Minister should devise a method of giving more allowances to councillors in an area which is capable of paying the councillors instead of, for example, equating councillors in Isiolo with those in Marsabit. I know that Marsabit County Council cannot afford to pay its councillors, but Isiolo County Council can do so, if only the Minister can remove that bad man from there. If this man could be removed from Isiolo, then Isiolo County Council would be the richest in the country, and I do not see any reason why councillors there could not be given more allowances.

Mr. Speaker, Sir, the worst of all problems in Isiolo District is the problem of banditry activities. It is not surprising to find that the whole cause of tribal conflict between it and the neighbouring districts comes from the county council offices. Recently leaders from Garissa and Isiolo met and pledged to unite and preach peace; but this clerk to the council organized a delegation of five councillors to the provincial commissioner to say that they refused to accept what we, as leaders, had declared to do. So, unless the Minister takes action against this officer, the only thing left for us now is to demonstrate that we have exhausted all the machinery. The Minister should expect this very soon from Isiolo. I am saying this because this man is becoming a security risk. The worst thing is that whenever there is any correspondence from the district to the headquarters here, there is a junior officer who takes all the letters from this officer's file, and this is very dangerous. Eighty per cent of the revenue collected in Isiolo County Council is being used by this man to cover his evil activities, and we do not foresee any improvement.

Therefore, I would like to make a very humble request to the Minister, that he takes the necessary action. I know the Minister personally, and maybe he is being given a very different picture from what is happening out there in Isiolo. I have no doubt that he is very sincere, but he must check to find out what is happening. We cannot all be complaining about one man for many years. All the Members of Parliament from Isiolo District have been complaining about this man in writing. Even the former town clerk, the district Kanu chairman, and his predecessor, have been complaining about this man. We cannot all be complaining about one man without a reason. We know that this man cannot face the public, and so the best thing the Minister can do—if he cannot discipline the officer since he is powerful after accumulating a lot of money from illegal collections—is to transfer him to another place.

An hon. Member: We do not want him!

Mr. Jaldesa: Perhaps he cannot work anywhere else; but if he cannot be disciplined the only thing that the Minister can do is to transfer him elsewhere.

With those few remarks, I beg to support.

The Assistant Minister for Tourism and Wildlife (Mr. Njuno): Thank you very much, Mr. Speaker, for giving me this opportunity to support this very important Vote of the Ministry of Local Government. The Minister concerned is a good friend of mine, and he is a man I respect highly. However, what I am going to say is for his own benefit, and I know he will be grateful in future when he comes back here—and I only give him six months to do so—and tell us that he has placed Kirinyaga County Council under a commission, because it is collapsing. It has been very strong financially for all those years since it was incepted. Everything has been going on very well. I know at one time we had problems with the late Minister for Local Government. But this time I do not blame the Minister for the problems we have. The problems are there because of “god-fathers” in the Ministry. They are the ones who condone mistakes done by some individuals.

Mr. Speaker, Sir, our laws here say that local government is for the people and not for individuals. We want to encourage the local government to continue. But you will find that things go wrong from day to day, month to month, and so on, because there are some “god-fathers” in the Ministry who want to support some individuals rather than the community.

Mr. Speaker, Sir, Kirinyaga County Council, which is collapsing today, cannot give school grants to the children whose parents are unable to pay school fees simply because they do not have the money. This money has been squandered within a period of six months. What is happening today in the council is buying of vehicles, one after the other, renovation of offices, buying furniture, and so on, while the public is waiting for all their amenities for the taxes they pay. To make it worse, those tax-payers go to the county council offices as if it was a police station. You would have expected a mwananchi to go to the offices of his county council with confidence, since he had paid his taxes. That is why he would expect to be served. However, today they are kept outside the offices. For instance, when they go to pay revenue, they cannot go into the hall. They have to line up or queue outside waiting for long hours because they are not allowed to go in.

Mr. Speaker, Sir, you will be surprised to find that there are armed guards at the entrance of the county council offices. What are they for? They are there to protect the clerk to the council. Sir, I do not hate anybody, but I am only telling the Minister that in six months' time, if no action is taken, he will have to put Kirinyaga County Council under a commission because it is run bureaucratically today. Councillors cannot meet unless

they are requested to come and discuss one agenda which will be chosen by senior officers.

[Mr. Speaker left the Chair]

The Temporary Deputy Speaker (Mr. Karauri took the Chair)

Sir, it is good for the Minister to note this very seriously, that there are several officers of the county council who are on compulsory leave and they are getting their money. Some have stayed away for more than one year and their cases have never been resolved because nobody is interested. Councillors cannot say anything because bureaucratically people there have their “god-fathers” in the Ministry. Why should we pay somebody for one year, while he is doing nothing? If he did a mistake, why was he not sacked? He could not be sacked because he had a “god-father” in the Ministry.

Mr. Mberi: On a point of order. Mr. Temporary Deputy Speaker. I am not sure whether I heard my good colleague mention that these people in the council have their “god-fathers” in the Ministry? Can he tell us who are these “god-fathers” in the Ministry?

The Assistant Minister for Tourism and Wildlife (Mr. Njuno): Mr. Temporary Deputy Speaker, Sir, if that is what the hon. Member heard, then I will repeat it for him to hear properly. I would like to say that if there are “god-fathers” who protect those officers, they should stop it because the council is going to collapse.

Sir, my aim in supporting this Motion is sincerely to ask the Minister to appoint a select committee, or a probe committee, to look into the affairs of the council. Even if it is composed of two independent people they should come and save the council from collapsing; it is most welcome.

Sir, today you will find that people who were given plots legally, and with all the procedures followed, and they have even the allotment letter from the Commissioner of Lands, are not allowed to develop them because somebody feels that they were given them when he was not the clerk to the council. He wants to revise all that.

Now, Sir, there are so many plots which had gone half-way in development, but the work has been stopped. This is all over the district. This is done because the plots were given in his absence. I would ask the Minister to appoint a probe committee to look into this matter because it is very important. When development on these plots is being stopped, the same plots are being given to members of staff of the council and to civil servants. Councillors have no say at all in that council. I am only requesting the Minister to look in this problem. Job opportunities have always to be announced, so that all the candidates can go for interviews. But today people are employed by one person, and he chooses whom to employ. As a result of this you will find that most of the employees come from one particular place because the

[The Assistant Minister for Tourism and Wildlife] councillors have no say. The council is run—

Mr. Michoma: On a point of order, Mr. Temporary Deputy Speaker. While I do not want to waste the time of my good friend, the hon. Assistant Minister has alleged that Kirinyaga County Council cannot be able to meet. Is there no chairman? According to Local Government Regulations, it is the chairman who is supposed to convene meetings and not the clerk. Is there no chairman to that county council?

The Assistant Minister for Tourism and Wildlife (Mr. Njuno): Mr. Temporary Deputy Speaker, Sir, I wonder whether that was a point of order. The so-called "native land" is under the trusteeship of the council. They are supposed to give the village plots to those who never got land after the state of emergency. They are landless, and they are supposed to live in those village plots. However, today, when the county council gives plots to those who are landless, the bureaucracy comes and "uproots" them. The council gives them to some other people. The council goes and gives out the next village plots to landless people; but, again, somebody else comes and "uproots" them. All the matters that we take to the Ministry are turned down because we do not know what they know and they do not know what we know. I am now requesting the Minister to help now before the county council collapses. He should change the system because it is very bad. We do not have a treasurer. We have only one person who signs cheques. Why? What was the mistake of the treasurer? Why was he sent home for all those months, and continued getting his full salary?

Sir, we were told that there would be a commission which would be responsible for the senior officers of the councils. Why are they now left to the mercy of one individual?

Thank you, Sir.

Mr. Mathenge: Thank you very much, Mr. Temporary Deputy Speaker, for allowing me to contribute to this very important Vote.

Sir, the local authorities we have today seem to be "lame" because there is no development which is going on in this country. This is because the local councils do not know what they should do. It is high time the local authorities in the rural areas directed their development programmes through the district development committees. Today those two organizations are working along different lines, and the work done by the local authorities is not seen. Wananchi have been paying rates, cess and rents but no services are being rendered to them. I wonder where all this money goes. Whenever local authorities design new projects, they go looking for loans. This happens particularly when local authorities want to construct new sewerage systems; they always go for grants from the Ministry of Local Government. When you hear that, you are bound to ask yourself whether

it is actually true because since the time of independence no local authority has ever completed even one project by itself.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Local Government is very important to our people. It is true that previously the local authorities were doing the maintenance of roads. In fact, up to now they have machinery which is lying idle. Some of the machinery is broken down and it is not being used. You find that instead of working for the people and bringing development to the people, the elected councillors' main duty is to grab plots to enrich themselves. Do we really elect councillors to enrich themselves or to initiate development projects in their areas? The Minister for Local Government should select a commission to go round the country and assess what individual local authorities are doing. I do not agree with the Member from Isiolo who said that county council clerks should be transferred from one place to another when they do something wrong. My opinion is that if a clerk to a given local authority does a wrong thing, he should not just be transferred; he should be sacked. If you transfer that officer, he will carry over the same misdeeds to another local authority. If county council clerks are causing chaos, then the Ministry of Local Government should come out with actions to rectify the situation. Everywhere in this country everyone is crying about local authorities.

Mr. Temporary Deputy Speaker, Sir, I want to urge the local authorities in my area to avail culverts to our roads because during rainy seasons we cannot cross some roads even to go to schools. The relevant councils should look into the matter seriously and supply us with culverts in order to make our roads passable even during rainy seasons. Although they have money, whenever you go to them they tell you that there is no money at all, or that they do not have allocation for what you are telling them to do. What, then, is the use of having local authorities? It is high time the Minister reformed his councils with a view to making them render services to wananchi. All councillors should be stopped from snatching plots and be told that they should work for this country. This country is on the run and it should be developed. In fact, corruption starts right from the local authorities before spreading to other places. Councillors are using a lot of Government money to buy many vehicles for transporting them but not for doing work for wananchi. So, I kindly urge the Ministry of Local Government to reorganize his local authorities.

Sir, due to the increased number of locations in my area, we now have four more electoral wards for councillors. We want to see those elected councillors working and bringing development to the people. If they cannot work, then the Minister for Local Government should devise another way of bringing development to the people. That is why I said that any development project in a district,

[Mr. Mathenge]

no matter how small and no matter who is doing it, should be done through the district development committee. You find that when you go to ask about any development project from the councils, somebody refers you to the district development committees. What are the councils themselves doing?

Mr. Temporary Deputy Speaker, Sir, we have settled quite a number of landless people. Despite this settlement plan, we have left some areas for public utility. However, the local authorities are now using the areas we have left for public utility to allocate people plots. In fact, the councillors are allocating plots to only those who vote for them. Those people who are allocated plots are paying a sum of KSh. 1,000 per plot, which money is not brought to the account books of the local authorities. Where does this money go? There are some people who paid and have receipts dating as far back as 1976 but they have not been allocated plots. Is this the way we are going to run our local authorities? It is high time the local authorities pulled up their socks and looked for ways and means of co-ordinating development together with other people. I appeal to the Minister for Local Government to put an end to this allocation of plots which is being done without any plans because this is what is bringing corruption in the rural areas. In fact, in my area there is a plot that the Ministry of Environment and Natural Resources has given to the local authority for future development in the town. Even before the area has been planned, councillors have already started giving out plots to people who have paid money. The Minister should take note of this and stop all this malpractice in our local authorities so that we can march together in development.

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

Mr. Shikuku: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili niseme machache kuhusu Wizara hii.

Jambo la kwanza ambalo ningependa kutaja ni uchafu katika miji ya nchi hii. Ukienda Mombasa utakuta kuanuka; ukija Nairobi utapata mdiko makao makuu ya harufu mbaya na ukienda Kisumu ndiko kwenye hatari bin danger. Mji wo wote unakokwenda unakuta unanuka. Ijapokuwa Mtukufu Rais amejaribu kusaidia katika mambo haya kwa kusema kuwe na tume kulisaidia Jiji la Nairobi, jiji hili bado ni chafu. Je, ni kwa sababu gani?

Bw. Naibu Spika wa Muda, hii ni kwa sababu wafanyakazi walioajiriwa kazi katika mji huu wali kuwa wakipitia kwa madiwani waliokuwako zamani. Kwa hivyo, uaminifu wao kwa wale madiwani, na hali kazi haifanyiki. Dawa ni nini? Dawa si kuwa na kamshina na watu wengine. Dawa ni kumwomba Waziri asikie yale tunayoyasema. Hii ni kwa sababu sisi wengine tuna wakati wa kufikiria; wao wana wakati wa kuangalia mali na

kuyanyakua. Sisi wengine tumekataa kunyakua, na kazi yetu ni kuona kitu gani tutakachofanya. Kitu cha kufanya ni hiki. Wakati umefika ambao ingefaa Tume ya Jiji la Nairobi igawanywe. Hii ni kwa sababu jiji hili limekuwa kubwa sana. Ingefaa katika sehemu ya Eastlands kuweco na kampuni ya kuchukuwa takataka, na wale wafanyakazi wa Tume ya Jiji la Nairobi wanaofanya kazi huko wajaajiriwe kazi na kampuni hiyo ili wawe waki fanya huko, na kama hawaokoti takataka wafutwe. Kwa wakati huu huwezi kumfuta mfanyakazi wa tume hii kwa sababu aliajiriwa kazi wakati ule na wale waliokuweco, na kazi yake ni kufanya vile anavyotaka. Watu kama hawa ni wengi na kazi hawafanyi. Itakuwa jambo bora kama kandarasi itapewa makampuni binafsi kufanya kazi katika sehemu nyingine jijini, kama vile Eastlands na kuingineko. Makampuni haya yatakuwa huru kuwajaajiri watu hao kazi, ambao wataona kwamba jiji hili limekuwa safi, na kuona kwamba kazi inaendelea mbele. Hii ndiyo itakayokuwa jawabu. Tunajua hakuna watakaoweza kulifanya jiji hili liwe safi, mpaka tuwape watu wengine kandarasi ya kufanya kazi hii. Makampuni yatakayopatiwa kandarasi hizi watapatiwa ruhusa ya kuwachukuwa wafanyakazi wa tume hii na kuwajaajiri kazi, na kama hawafuati amri zao, wafutiliwe mbali na tume hii ilipe kampuni hizo kwa kazi zitakaofanya.

Jambo la pili ni kwamba mambo ya ploti, ambazo Waheshimiwa Wabunge wengi wameongea juu yake yamekuwa ni ufiada mkubwa kwa miaka kuja, miaka nenda. Wajibu wa Bunge hili ni kutazama mambo yanayowahusu watu waliotuchagua kuja hapa. Sisi katika Bunge hili tunasema, na wale tunaowaambia hawasikii. Wakati umefika ambapo ingefaa Select Committee ya Bunge hili iende mji hadi mwingine na kuuliza: "Ploti hii ilipewa nani; hii ni ya nani?" Tukipata mtu mmoja ana ploti 60, kwa mfano, tutapitisha kwamba mtu huyo anyanganywe ploti hizo na aachiwe moja tu ili tukirudi hapa tutele Mswada hapa utakaowashtaki wale waliopata ploti zaidi ya moja. Hata akiwa Waziri, tutamnyoosha hapa. Hiyo italeti haki katika nchi hii. Tunataka haki katika nchi hii. Uhuru tulioupigania katika nchi hii haukuwa wa kuwaruhusu wakubwa kunyakuwa kila kitu. Tulipigania Uhuru ili kila mtu apate kidogo ale, lakini si watu wachache kula na kutapika hali wengine wako njaa. Huo si Uhuru tulioupigania. Mimi ninasema kama yule aliyekwenda huko Lancaster House kuuleta Uhuru huu—waache wale waliokuja juzi na wameanza kunyakuwa mali hapa. Hatukuleta Uhuru kuwaruhusu watu wakubwa kunyakuwa kila kitu. Kwa hivyo, ningependa kamati teule ya Bunge hili kuhusu jambo hili iwekwe ili tuende mji hadi mwingine kuona kwamba ploti zinagawa sawa sawa na watu wanapata haki yao.

Jambo lingine linahusu uhuru wa kusema katika makonseli. Ningependa kumwuliza Waziri aliambie Bunge hili na nchi nzima kama kuna uhuru kwa makonseli kutoa maoni ya watu waliwachagua. Ninaona kama uhuru huo hauko. Hii ni

[Mr. Shikuku]

kwa sababu watu waliochaguliwa kama madiwani sasa wamekuwa wafanyakazi wa Wizara ya Serikali za Wilaya; hawasemi maoni yao. Juzi kulikuwa na mchezo kule Mombasa, kwa mfano, ambapo Diwani Maitha alitoa maoni yake kuhusu subtenants na wakakosana na Meya wa Manispaa ya Mombasa. Baada ya kukosana alitolewa huko na kupelekwa katika tawi la Kanu, Mombasa, na kufukuzwa chamani kwa muda wa miezi 12. Kwa wakati huo alikuwa hawawakilishi watu wake na alikuwa hapati mshahara na marupurupu yake. Tumegurdua kwamba mambo hayo yote hayakuwa haki. Kama kuna uhuru wa kusema, na kama watu wanamchagua mtu aende Bungeni au kwa manispaa kusema, ni kwa nini Wizara ya Serikali za Wilaya ilinyamanza mtu huyu alipopelekwa katika tawi la Kanu, Mombasa, na kufukuzwa katika konseli kwa muda wa miezi 12 hali alikuwa akitoa maoni ya watu wake waliomchagua? Haki iko wapi? Ingefaa diwani akichaguliwa aseme, na Mbunge akichaguliwa aseme, na wala sio kutishwa na mkuu wa mkoa au mkuu wa wilaya kwa yale anayoyasema. Kama nchi hii inataka tutawaliwe na wakuu wa mkoa, wakuu wa wilaya, machifu na wasaidizi wao, basi, ni vizuri tuambiwe tuende nyumbani ili waendeshe nchi. Kuna maana gani kumpigia mtu kura, na halafu akija hapa akisema jambo fulani anaambiwa, "utaona!"

Juzi nilisikia Mkuu wa Wilaya, Kakamega, akisema kupitia kwa redio—habari hii haikuwa magazetini: "Kama mtu anatumia Bunge kusema maneno yanayowaingilia wafanyakazi wa Serikali, tutamwonyesha cha mtema kuni." Je, watanionyesha cha mtema kuni gani? Ni lazima Wabunge waseme kile kinatakiwa kisemwe katika Bunge hili na sio nje ya Bunge hili. Wananiambia: "Acha wale Wabunge wanasema Bungeni waseme nje." Who elected the district commissioner or the provincial commissioner? Nobody! They should shut up. Sisi tuna uhuru wa kusema katika Bunge hili na katika makonseli. Ikiwa watu wanataka kuleta matata katika Kenya hii, watayapata. Mbunge amechaguliwa na watu wake wanamwunga mkono. Mkuu wa mkoa au mkuu wa wilaya akicheza na Mbunge au na diwani, na ajue kwamba anacheza na wananchi. Akicheza na wananchi, ijapokuwa anafikiri ana wale askari tawala wanaomlinda, siku moja mambo yatakuwa mabaya. Wananchi watawanyoosha wote—na hasa wakuu wa wilaya na askari wao wote. Wakicheza na Mbunge, basi, wanacheza na wananchi. na hiyo ni hatari. Hatari inakuja katika Kenya kwa sababu serikali za wilaya sasa zinawachezea wale watu waliochaguliwa na wananchi, na wao hawakuchaguliwa na wananchi. Wanaiita Serikali, na hali wao ni wafanyakazi wa Serikali.

Ningependa Waziri akiia kujibu atwambie ni kwa nini diwani huyu alifukuzwa kwa sababu ya maneno alivosema katika mkutano wa konseli na watu wake wakakosa mtumishi wao. Ningependa aeleze mambo hawa. Je, hiyo ni democracy au ni dictatorship kutoka kwake?

Bw. Naibu Spika wa Muda, sisi Wabunge tumechoka kuonywa na wakuu wa mkoa na wakuu wa wilaya. Sisi si wafanyakazi wa wakuu wa mkoa na wakuu wa wilaya. No way! We are elected representatives of the people na Katiba inasema hivyo. Ingefaa wakuu wa mkoa wajue wanavunja Katiba wanapowachezea watu waliochaguliwa na wananchi. Ingefaa pia waandishi wa magazeti na redio wayadharau maoni ya wafanyakazi wa Serikali kuwachezea wale watu waliochaguliwa na wananchi. Hii ni kinyume cha Katiba. Katiba ina sema: "There shall be a National Assembly." Haisemi; "There shall be a provincial commissioner in the National Assembly." Sisi tumeapa kulianda Katiba na heria za nchi hii. Ningependa kuwaambia Wabunge wengine hapa kwamba wasije wakawatumia wafanyakazi wa Serikali kwenda kujaribu kuwakanyaga wanasiasa ambao hawawapendi. Kuna Wabunge katika Bunge hili wanao-waharibu watu hawa. Wanawaambia: "I am very close to Bwana Mkubwa." Wakienda mikutanoni hawawezi kwenda peke yao; wanachukuwa mkuu wa mkoa wanamweka mbele na pia mkuu wa wilaya na askari chungu nzima na kuwatisha wananchi na bendera zao. Sisi tulipigana na mkoloni na tuko tayari kupigana na hawa ambao walikuwa wakubwa wakati huo; hawakuwa watoto na walikuwa wamewaogopa. Sasa wanasema eti wao ndio wakubwa, na hali wanakwenda na wakuu wamikoa na wakuu wa wilaya kila mahali. Kama wanataka ugomvi wataupata kwa wananchi. Wananchi wamechoka, na wameniambia niseme katika Bunge hili kwamba hawaoni vizuri kama Mbunge wao aliychaguliwa anayanganywa chombo cha kupaaza sauti mikutanoni na anakaliwa na chifu msaidizi na kufanyiwa fujo. Kuna maana gani ya kuchukua kura na kumchagua mtu na halafu, na anakaliwa na wafanyakazi wa Serikali? Kama wanataka waitawale nchi hii, basi, na waseme hivyo. Tunajua wao si watawala bali wao ni watumishi wa Serikali na sisi ndio watawala. Ingefaa hii ijulikane. Na kama kuna Mawaziri, Mawaziri Wasaidizi na Wabunge ambao wanawatumia watumishi wa Serikali kuwatesa wenzao waliochaguliwa, matata yatatokea katika Kenya. Hii ni kwa sababu wananchi hawatavumilia mchezo huo. Kutakuwa na vita ya watumishi wa Serikali na wale waliotuchagua kuja katika Bunge hili. Ingefaa wakome na wasi-lete taabu; sisi hatutaki taabu Kenya.

Ninaunga mkono.

The Minister for Planning and National Development (Mr. Ombaga): Thank you very much, Mr. Temporary Deputy Speaker, for giving me the opportunity to contribute to this very important debate on the Vote for the Ministry of Local Government. Within our system of Government in Kenya, there is a constitutional provision for local authorities and this House therefore, must give all the support that is required for that constitutional provision. I must thank the hon. Minister for moving his Vote very ably. Sir, it is very encouraging to note that since the attainment of independence, local authorities have been playing

[The Minister for Planning and National Development] a great role in the development of this country and they must be viewed as such. In a country like ours, we have 80 per cent of our people living in the rural areas. We must, therefore, look at the role of the local authorities, particularly the county councils in that concept.

Over a number of years, we have seen what Government has been trying to do with regard to the up-coming urban centres. I would like to thank the Minister, who has been constantly been reviewing the position of up-coming urban centres and providing for them a local authority a nucleus of local government in those particular areas. I would particularly like to thank the Minister for what he has done in my own district which is Kisii, and in Ogembo, Nyamira and so on. This has been done all over the place, showing that the distribution of urban and town councils has an approach of a balanced growth.

Mr. Temporary Deputy Speaker, Sir, another important point I would like to make is that from the point of view of development local authorities must be viewed not as structures for their own sake but as instruments of development for our own people in the rural areas. We now have a situation where we must maintain an urban/rural balance, and if we do not maintain this balance everybody will tend to come to Nairobi, Mombasa, Kisumu and so on, and the provision of services in the rural areas will be affected. The point I would like to make to the Minister is that the up-coming towns should be given funds; in fact, that is what this House should be talking about. The question of a councillor who says this or that or does this or that is a matter which can be followed up so that he can be disciplined. The question which this House should be very much concerned about is whether we are providing the local authorities with enough funds to develop the infrastructure which is important. The infrastructure is important, and it touches on the question of provision of water, house and so on, because we want the up-coming towns or urban councils to be assisted, so that our people do not continue migrating to Nairobi, and into other large towns, just because they feel that everything good comes out of Nairobi. As we go ahead, Nairobi will not be in a position to provide for everybody who comes here and therefore, we must hold back our people in the small up-coming towns. I think this House should give the Minister all the support he requires.

Mr. Temporary Deputy Speaker, Sir, the Local Government Loans Authority should be strengthened so that it is able to attract funds for itself, as a revolving fund, just like other organizations do. This will mean that the Minister should be able to shop around for donor countries which can help us, and a number of countries have helped us, particularly the Nordic countries, West Germany and so on, so that we can provide for this kind of services.

Mr. Temporary Deputy Speaker, Sir, the question of land is very important. Land in this country is very limited; and every day our population goes up which means that we have less and less land available in Kenya. It is important, therefore, that those who are the custodians of land allocation do allocate land as carefully as they can. Local authorities must make sure that there is enough land left for development and for common services. They must make sure that there is enough land left for schools, hospitals, playgrounds for school children who are coming up, and so on. If land allocation is not properly checked, it will bring us to danger. There have been cases of county councils acting irresponsibly in plot allocation, a question which quite a number of hon. Members have raised hue and cry about. However, councillors are not elected to go and allocate land to people, but some councillors make sure that before their tenure of service expires they have done their best to allocate land to themselves, or to their friends, and so on. This must be stopped. We may not like the role of the administration—

Mr. Shikuku: Forget the administration for a while.

The Minister for Planning and National Development (Mr. Omanga): I can hear the Member for Butere making a comment about this, but as far as this House knows, the district commissioners are the chairmen of the district allocation committees. Sir, I do not want to mention places here, but I have a strong fear that as general election approach, the allocation of land can be so irrational that a councillor may be able to say, "Oh, I was able to do this for you; therefore, be my godfather, as far as this or that is concerned". In some cases I think we could go as far as suggesting that the Minister should stop this exercise of land allocation unless it is strictly necessary. I am saying this because we are likely to get into a situation whereby by the time we find out what has happened we are told that the land has gone. There is a case where land which is normally used as a burial ground for the Muslim community in a town which is very close to my home was also allocated to another community for church building. There is no easier way of bringing about inter-religious conflict than to invite a Christian denomination to build a church next to a Muslim cemetery. This is very wrong. So, this kind of practice needs to be completely stopped.

Finally, Mr. Temporary Deputy Speaker, district development committees play a great role in terms of our development process, but local authorities are also encompassed in the district development committees, but they do not need parallel planning in those particular areas. However, they are fully represented in this district development committees, so that they can be able to discuss things there and not to appear to run— There is only one National Assembly. The local authorities are subordinate to the National Assembly, and they

[The Minister for Planning and National Development] should not try to become the National Assembly within their set up, and I am sure this has never been envisaged to be the case. I am sure the hon. Minister, who is the supervisor and the watchdog on behalf of the people, will hear this in mind so that local authorities are brought into line with the general policies which are going on.

Mr. Temporary Deputy Speaker, Sir, when I said that local authorities should not appear to run like National Assembly, I meant to say that everybody has his role to play.

Sir, the local councillor has his role. He can never be a substitute for a Member of Parliament. He cannot. Nor can he try to grow horns bigger than those worn by a Member of Parliament in his place. I think it is important that this is understood. In some places some councillors have even gone beyond their areas of jurisdiction. They do not realise that they are councillors within a ward and, therefore, their effectiveness is judged by that ward. They have even gone beyond that situation.

Again, here, Sir, I hope the Minister will do what he can to cautiously draw the attention to the provincial administration of the need to do what they can.

With those few words, I beg to support.

Mr. MURRAY: Thank you very much. Mr. Temporary Deputy Speaker, Sir, for giving me time also to join my friends in congratulating the Minister for Local Government. I would like to congratulate him for ably handling the affairs of the councils in this country.

Sir, councils are one of the most difficult institutions in this country. I remember one time we had a Motion here to do with the welfare of councillors, but somehow we decided to do otherwise. I do not intend to bring it up, but councils are the most difficult institutions to run in the country.

Sir, I have about five items I would like the the Minister, at the time of replying, to make a comment on. One, if the Minister takes the House seriously, and if he respects the House, about three or four times—last time was in April this year—the Minister for Local Government, hon. Mudavadi, stood here and directed the County Council of Machakos to employ Joyce Mbula since December, 1986, and that has never been done. Who is bigger than the other, the council or the Minister. The Minister should direct the council in what to do. That has never been done. It would be a very big shame if that should happen. It is all here in the HANSARD. The Minister directed here, about three or four times, that this lady ought to be employed. This is since December, 1986. I have written to the Minister, and I have all the respect for the Minister. But I am at a loss as to what has been happening as regards his own local officials.

Sir, the other point I would like the Minister to tell me, and also the people of Mbooni, is why

we have two locations in Mbooni which, since time immemorial, have never been declared electoral areas. This is Tulimani Location, which is part of Mbooni since 1963, and Kalawa Location. They have never had a councillor. All the time they have been taken care of by the councillors from the old locations; that is the councillor from Mbooni and the councillor from Kimauni. I would like to support the Minister to get even double the money he is asking today, but let that money be used to provide services to wananchi.

Sir, I would like to draw the attention of the Minister to the fact that since some of the roads were constructed in several towns, it is a long time and population has increased tremendously. For example, all roads leading into Nairobi need to be widened up. For instance, Kiambu Road, Langata Road, and so on. It is impossible to move along those roads in the morning. There is congestion of traffic. People take about three or four hours to get to town. I live in Langata. Every morning, if you leave after 6.30 a.m., you will not get to town on time. You will get to town after 9.00 o'clock. This is due to congestion of traffic. Estates are also mushrooming up everywhere. For instance, the Langata/Dam Site and several others. As these estates are mushrooming up, the Minister should be planning well in advance where to provide some dual carriage ways in those areas. At times we have also to provide overhead bridges, or whatever, so that it might be easier for people to get to work on time. It is impossible now for people to get to work on time in this City. I am wondering what the Minister is planning to do in future. We are hardly one million people in this City. What are we going to do when we are more than five million people? We have seen some world cities where the Minister and his senior officers have been. For instance, Hong Kong, which is a new town. This city alone has more than six million people but the traffic is very well controlled. It is high time the Minister for Local Government worked in close liaison with the Minister for Transport and Communications and any other Minister, and particularly he should work in close liaison also with the Minister for Environment and Natural Resources. I can see them sitting close together. They should also be closer in offices so that they can share ideas so that this town is not as stinking as it is at the moment.

Sir, our town has also to be planned properly to provide amenities in all areas necessary. For instance, look at the areas of buses, matatus and so on? There is congestion all over the place. It is high time the Minister for Local Government, the administration, the police, and everybody gave ideas as to how these things should be planned. I am sure in about four or five years, one will not be able to walk, leave alone cycling, in this City.

Sir, I would like to congratulate Brig. Shigoli and his team, but they need some assistance. As hon. Shikuku said earlier, the City is stinking very

[Mr. Munyao]

badly. I support the Minister when he appeals for funds to buy some fire extinguishers, and so on. I am sure he needs them because every home in Nairobi has a pit where to dump the garbage. Look at all areas; everywhere! Every home has dug up a pit because the people in the city commission are not collecting garbage any more. What do we do?

Sir, I am happy that the Minister talked about fire, because it has become a threat in the City. I would like to appeal to him to do something about it. For instance, on 8th May, this year—I read from the local dailies—the Minister for Works, Housing and Physical Planning then, hon. Matiba, at the Railway Club, inaugurated a chemical known as "PTE 111". This chemical is not inflammable. It can be used in oil paints and so on. So, if is used in oil paints it means it will prevent fire, and there will be no fire in this town. Therefore, since the chemical has been approved and recommended by the Ministry of Works, Housing and Physical Planning, why do we not use it and make it mandatory that it should be used in every building, kiosk, jiko and all places? It has been analyzed, and the Minister was talking about it. It is totally inflammable. So, let it be taken seriously, and be used in a lot of areas. For instance, offices and so on. Then we will prevent fire.

Sir, fire is dangerous. Now, having said that, I will address the Minister about the money he is demanding now. It is a shock to tell the Minister that at the moment, as we are talking now, most of the senior officers in Machakos County Council are not there. What is he going to do with the money we are going to give him? This is a council with no deputy clerk, committee clerk, treasurer, deputy treasurer, payment cashier, building superintendent, divisional community development assistant, market superintendent, surveyors, and all the rest of them. About ten posts are all handled by one man. Why should we do that?

Mr. Temporary Deputy Speaker, Sir, if the Minister gets this money today, can he promise this House that he is going to make sure that the County Council of Masaku is going to be assisted? I congratulate the new Town Clerk for Machakos. He has put that office in a good operating position. The previous town clerk, and his people have been doing nothing other than selling sand. That is a miserable situation. Sand collection in Machakos District has become chaotic. This is because the issue has been left in the hands of the county council. So, you will find that there are problems every day.

The other day, Mr. Temporary Deputy Speaker, Sir, you read in the newspapers that over 200 people in Mwala area had declared war on sand harvesters. Last Saturday over 10 people in Tawa declared war on sand collectors. What has been happening is that a few county council officials and their godfathers have been giving permission

to some people to collect sand from Machakos without any revenue going to the county council. The revenue accruing from sand collection has been going into the pockets of a few individuals.

I have a lot of respect for the ordinary councillors of Machakos Municipality and the new town clerk. But the previous town clerk and a few other people left a lot to be desired. I will take time to prove this point because I have got a Motion which I am going to Table in this House—on sand harvesting in Machakos. This is looting being done in Machakos District. I hope the Minister will be able to do something when I move that Motion. This question of sand harvesting or looting in Machakos District is a sad affair.

With those remarks, I beg to support the Motion.

Mr. Angatia: I thank you, Mr. Temporary Deputy Speaker, Sir, for the opportunity so that I may also contribute to this Motion. First of all I would like to appeal to the Minister to make the newly created locations into electoral wards. The more wards we have the more councillors we have, and the closer the electoral system comes to the people, and I think the closer the administrative system comes to wananchi. When we have this kind of arrangement it means that the people are in touch with the authorities and elected leaders who can speak for them. This ensures that people do not suffer quietly without anyone speaking on their behalf. Therefore, I am sure that the Minister will appreciate that all the newly created locations—administrative locations—deserve to have elected representatives. They should be made wards immediately and have councillors before the next general elections.

The second point I would like to bring to the attention of the Minister concerns the councillors's salaries. I know many think that councillors do very little and, therefore, they do not deserve to be given more allowances. But you will find that KSh. 1,200 per month for a councillor in a situation where he must always appear in Harambee meetings, and travel on behalf of wananchi to go and plead for various issues, and meet visitors and appear presentable in front of the electors and visitors—You will agree with me that KSh. 1,200, as allowance, per month is too little. The councillors deserve to be given something reasonable. No amount of money can be enough, but I think the Minister will agree with me that this is too little.

Mr. Temporary Deputy Speaker, Sir, either we have councillors and give them proper allowances, and they do the job we want them for, or we do not have councillors and, therefore, we do not have the allowances, and hence the work is done by somebody else. As the situation is, we have agreed that we will have councillors. If we have councillors, let us give them reasonable allowances. My third point, Mr. Temporary Deputy Speaker, Sir, is about cleanliness in the City of Nairobi. It is not possible for the city commission workers

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in Nairobi to keep this City clean. It does not matter how many people you employ. It is not possible to keep this City clean. Unless we agree that for every resident in Nairobi City we shall have a cleaner, it is not easy to keep the City clean. This is because every resident is dropping some paper; every resident is negligent and he is dropping rubbish around. Every resident is doing something that makes the City dirty. So, to ask cleaners to be following everybody, whether they have a bus ticket which they are dropping on the road or a letter which they have read and they are dropping it on the road, or they have cleaned their houses and they are throwing rubbish out of their houses—It is not possible for city commission workers alone to keep this City as clean as we would like it to be.

We want to appeal to the wananchi of this country particularly the residents of Nairobi, since they are the leaders in development and being modern and in civilization, to make sure that they help to make the City clean.

Mr. Temporary Deputy Speaker, Sir, we can even flog workers; create the office of the commissioner; the office of a governor and even another office for cleaners. You cannot keep the City clean unless the residents themselves decide they want a clean City. Cleanliness is a state of development; it is a state of awareness for somebody who wants a decent life. You cannot lead a decent life if you have rubbish all around you—at your backyard, in front, around your house, on your clothes, on the road, and even in the shops. People are dropping litter everywhere, and the rubbish they have swept into the road. A system of educating our people should be found. And I am appealing to the hon. Members of this House, and I know the Minister can join me through his councillors and the local authorities and also all other Kenyans, to make sure that we keep our City clean for our own good life. If we appreciate cleanliness, then it means we appreciate decent life and a clean environment in which we can enjoy our good weather, our good country, our good facilities and all the other good things we enjoy.

We can have the Government spend money on tarmacking roads and building beautiful houses, parks, and everything, but if the residents do not want that kind of standard of living, clean areas—they will make it dirty. And then making tarmac roads will come to nothing, building good houses will come to nothing, creating beautiful parks and planting flowers will come to nothing. If the residents do not want a clean City, there will be no clean City.

Mr. Temporary Deputy Speaker, Sir, I am spending time on this one because I would like to appeal to all, particularly on this occasion when we are debating this Vote, and to the Minister, also, to set up some committees as think-tanks to work out what we can do to educate our wananchi so that

they can appreciate cleanliness, not only in Nairobi but in all our towns. It is possible to reduce the number of cleaners we have in Nairobi, Kisumu, Mombasa and all the other towns and still keep the towns cleaner than they are provided the residents are mindful of cleanliness.

I would like to thank the Minister for the efforts that have been made in small municipalities like Kakamega. We now have a reasonable bus park there; there is some fresh air in the town, and also we now have some vehicles and equipment for fire-fighting. But occasionally we see these vehicles being used as if they were passenger vehicles. If, for example, a fire broke out when the vehicle was far away at Mukumu or at the hospital dropping people there, people would not get it when they need it because it has gone passengering—carrying people and dropping them around. I hope the Minister will look into this to make sure that those vehicles are used for fire-fighting, and that their number is increased and they are looked after properly because fires do not tell you when they are going to come. They do not wait until you have dropped your friend in an estate in order that fire may break out. They break out at any time.

Mr. Temporary Deputy Speaker, Sir, I would like to support one hon. Member who talked about the Local Government Loans Authority. I would like to appeal to the Minister to give some power to this authority and make it a fully-fledged bank at the disposal of the local authorities. It is possible to make this authority a proper bank. In this way it will carry out its duties responsibly, such as paying out money, and it will also make sure that it pays its debts responsibly. This is better than having a loose arrangement whereby local authorities can borrow money from the authority without taking it too seriously. They think that since the money came from the Government they can take it easily since the authority is part of the same Government. Therefore, they do not make an effort to make sure that this money is paid. We would like the Minister to look seriously into the possibility of making this authority a fully-fledged bank to serve the local authorities.

The next point I have is on the Commissioner of Lands and the local authorities. People want to put up industries, houses, and various institutions in towns, market places and small urban areas, but the land still belongs to individuals. This is becoming a big problem. If you take local authorities that were made urban councils recently, such as Mumias, Luanda and others, you will find that their land still belongs to individuals, who are putting up permanent structures. However, the Commissioner of Lands has not taken over this land in order to make sure that planning is properly done; in such a manner that if there is going to be a police station, a school, or a factory that emits a lot of smoke in certain areas, these facilities are where they are required. Nobody has thought of this. When you make a place like

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Luanda or Mumias an urban council, somebody should move in quickly to plant and instil restriction so that nobody does a certain thing in this or that area. We cannot wait until it is too late, or until the situation is smouldering and suffocating us before we realize that we should plan and allocate land to various sectors of a town. The moment any area is declared an urban, market or trading area, a system should be evolved whereby landlords exploit people, besides creating congestion at once.

We have very good planners in this country, as we have the necessary facilities, people and foresight. We know what we want, and yet we sit back and see structures go up. We know that these are the wrong structures, but they are growing up because we are too late in planning these areas. So, a combination of the Ministry of Local Government and the Commissioner of Lands ought to move in quickly and make sure that these areas are properly planned so that they do not grow up as they wish, and that everything is not left to chance. This will also minimize the exploitation of wananchi by a few people who happen to accidentally have land close to these councils, whereby they keep selling land to one person today and re-selling it to other people the following day. In this process these landlords exploit people, besides creating congestion and bad town development.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support.

The Assistant Minister for Culture and Social Services (Prof. Sumbi): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for this opportunity to contribute to this Motion. The Ministry of Local Government is very important as it encompasses both rural and urban areas.

My first point is on physical planning. The previous speaker mentioned something about this, and I would like to emphasize that the Ministries of Local Government and Works, Housing and Physical Planning, whenever they see a shopping centre, where people have started constructing the first permanent buildings, should move in and carry out physical planning there. Most of you here have been to Mombasa, I am sure. Along the Nairobi-Mombasa Road you will see that towns and shopping centres have sprung up, but whenever you approach them you are, first of all, faced by either dirty kiosks or shallow pit latrines, and you find that you even do not want to get in there because of the smell coming from the toilets. If the physical planner had initially gone there, you would be faced by beautiful buildings beside which one would want to stop and have a soda. So, I request the Ministries of Local Government and Works, Housing and Physical Planning to come together and make sure that they carry out physical planning before a lot of buildings are constructed in a place.

Mr. Temporary Deputy Speaker, Sir, dirt seems to be our lover. I am saying this because our main towns, and even our smaller ones, are today very filthy. The previous speaker said that every mwananchi should be made aware of the importance of cleanliness. The Ministry of Local Government should provide equipment for garbage collection and workers who can work. If that is not possible, just like we have seen in Nairobi where a lot has been done to remove garbage, then we do not know what to do. We are aware that Nairobi estates that are occupied by the middle and upper income groups are very dirty. The residents just throw the garbage outside their houses, and no vehicles come to collect the garbage for months although we continue to pay for garbage collection. For example, I have talked to the town clerk and to deputy town clerk and asked them to come and see for themselves the garbage in Ngumo Estate but nothing has happened. I have even mobilized the residents and told them not to throw papers all over the place, but they asked me, "If our dust bins are full, then where do we take the garbage?". There are so many flies around that area that I am even scared that my children may get sick. Why can we not get sufficient vehicles to collect all that garbage? Why can we even not start a fund on Harambee basis to keep our city and our towns clean? Why can we not do something like that, and buy the necessary equipment if the city commission cannot afford?

Sir, there is another alternative I would like to suggest to the Minister for Local Government. In most towns and cities around the world it is not the local authorities that provide garbage collection services. Why can we not get contractors to do that job? That way, we would be able to tell the contractors: "If this garbage is not collected, we are not going to pay you for this month". Why can we not have something like that because the employees we have, especially the city commission workers, are not able to do the job? For example, there is one street where my house is located in Ngumo Estate that can be kept clean by one person if he works at least five hours a day. But when you go there you find a group of about twenty men and women sweeping the same street but they never keep it clean. They draw the garbage from the road and put it on the pavement, and when I asked them why they do that, they said, "That is someone else's department; some other people will collect the garbage and take it away". But before those other people come, the filth is blown by the wind to the doors, and to the road again.

Mr. Temporary Deputy Speaker, Sir, I am saying that His Excellency the President has assisted to keep Nairobi clean, but we are not keeping the City clean ourselves. If the workers continue to be the way they are, we should give this job to private firms who will be able to keep the City clean.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Karauri): Hon. Members, it is now time for the interruption of

business. The House is, therefore, adjourned until Tuesday, 27th October, at 2.30 p.m.

The House rose at thirty minutes past Six o'clock.

Tuesday, 27th October, 1987

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

[*Mr. Deputy Speaker in the Chair*]

PRAYERS

ORAL ANSWERS TO QUESTIONS

No. 609

PLANS TO ENCOURAGE RURAL INVESTMENTS

Mr. Muthura asked the Minister for Industry what plans he has to encourage investors to go into rural towns like Nanyuki where the necessary facilities for setting up industries are readily available.

The Assistant Minister for Industry (Mr. Lugonzo): Mr. Deputy Speaker, Sir, I beg to reply.

It is the Government's policy to give incentives to entrepreneurs who want to locate their plants in the rural areas. These incentives include duty free machinery importation whereby the projects investment does not exceed KSh. 10 million. There is also a 50 per cent investment allowance to such projects located in rural towns such as Nanyuki.

In addition to the above incentives, Mr. Deputy Speaker, Sir, the Government will continue encouraging prospective entrepreneurs who have no finances, to borrow money from the established loan agencies such as the Kenya Industrial Estates, Industrial and Commercial Development Corporation and the Small Enterprise Finance Company and so on.

The Government is also planning to set up other loan agencies which will be geared to helping small scale entrepreneurs such as the Jua Kali Enterprises.

Mr. Deputy Speaker, Sir, my Ministry plans to post Industrial Development Officers to each district so that they may educate wananchi on the opportunities available for them in industrial development.

Mr. Muthura: Mr. Deputy Speaker, Sir, I do not think the Assistant Minister understood my question. This is because it was not a question of facilities or loans. It was the question encouraging those who want to set up industries to go to the rural towns like Nanyuki. They should be encouraged to set up industries not only in Nairobi, Mombasa and Thika but also in other urban areas where there are many unemployed people. We have the necessary facilities in most of these rural towns. What is the Government doing to encourage those who want to set up industries to go outside the three major towns, Nairobi, Mombasa and Thika? What is the Government doing to encourage them to go and set up industries in the rural areas?

Mr. Lugonzo: Mr. Deputy Speaker, Sir, I have already replied to that question. We can only do that by giving incentives to entrepreneurs who want to locate their plants in rural towns. These incentives are not applying to Nairobi and other major towns in this country. They only apply to rural areas and other small towns. For example those who want to set up their plants in Nairobi cannot be allowed to import machinery into the country duty free. This is for those who want to invest in rural towns. Also the 50 per cent investment allowance goes to those who want to locate their projects in rural towns.

Mr. Muthura: If that is the case, Mr. Deputy Speaker, Sir, can the Assistant Minister tell the House whether they have encouraged anybody to set up a project in a rural town? Can he also give examples of rural towns where people have set up industries after being encouraged to do so by the Government?

Mr. Lugonzo: Mr. Deputy Speaker, Sir, this policy has been spelt out in Sessional Paper No. 1 of 1986, on Economic Management for Renewed Growth. The strategy for industrial growth is very clear. This includes directing productive resources to the development of growing rural market centres, towns and small cities in order to encourage the creation of non-farm employment opportunities in the rural areas and also encouraging informal sector and other small scale industries and services.

Furthermore, Mr. Deputy Speaker, Sir, the Government is encouraging domestic investors to invest their money inside Kenya rather than abroad.

Mr. Shikuku: On a point of order. Mr. Deputy Speaker, Sir. Are you satisfied that the Assistant Minister is replying to the supplementary question asked by the hon. Questioner? Would he reply to the supplementary question by hon. Muthura instead of reading those notes of his?

Mr. Muthura: Mr. Deputy Speaker, Sir, the Assistant Minister has read a lot of things here. But since he says that is Government policy, I have asked him to give examples—even if only one or two—of rural towns where they have encouraged these entrepreneurs that he is talking about and who as a result of that encouragement have set up industries in those rural towns? Has this taken place anywhere else apart from Nairobi, Mombasa and Thika? Let him give us at least one example.

Mr. Lugonzo: Mr. Deputy Speaker, Sir, this is a new strategy and we are now looking forward to entrepreneurs coming forward to set up projects in the rural areas. It is a new strategy which is in fact supposed to encourage leaders, like the ones we have in this House, to come forward and get loans and establish industries in the rural areas. They should not expect people from outside to come and do this.

Mr. Deputy Speaker: Mr. Mate's question.

No. 543

ISSUE OF TITLE-DEEDS TO EVURORI LAND OWNERS

Mr. Deputy Speaker: Mr. Mate not here? Mr. Shikuku's question.

(Question dropped)

No. 251

NON-UTILIZATION OF SIDA DONATION

Mr. Shikuku asked the Minister for Finance—

- (a) whether he will tell the House why a sum of KSh. 30 million donated by the Swedish International Development Agency (SIDA) to improve the Artificial Insemination Service in this country was recalled by the donor last year after we had failed to use it; and
- (b) who was responsible for the failure to utilize the said amount and the action he contemplates to take against the culprits.

The Assistant Minister for Finance (Mr. Gor): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Swedish International Development Agency (SIDA) has not recalled the sum of Sh. 30 million donated to the Kenya Government as a grant for the rehabilitation of the Artificial Insemination (A.I.) Services. What happened, in fact, was that there were conditions which the donor required us to fulfil before the utilization of the above grant. One of these was that A.I. charges should be raised at least to cover the transportation costs. At that time, the Government was not prepared to raise the charges and consequently, negotiation with SIDA were protracted. At that time, which was back in 1984, after the drought, the grant was now to be applied from the 1987/88 charge above what the wananchi could bear. As a result of the negotiations that took place later, the grant was now to be applied from the 1987/88 to 1990/91 financial years. As a further consequence of the negotiation, SIDA has agreed to give the Kenya Government a further grant of Sh. 18 million so that the total sum will be Sh. 48 million for the whole project. The grant agreement is now in the process of being drawn to be signed between SIDA and the Kenya Government.

(b) Consequently, there will be nobody to blame for the delay, given the above circumstances.

Mr. Shikuku: Arising from that reply, Mr. Deputy Speaker, Sir, would the Assistant Minister be frank enough to tell this House which year this grant was going to be utilized? I can see in his reply he says that this grant is going to be for the 1987/88 to 1990/91 Financial Years. Could he tell us when this would be implemented and when they got this grant; which year?

Mr. Gor: Mr. Deputy Speaker, Sir, the grant was first negotiated in 1984.

Mr. Wamae: Mr. Deputy Speaker, Sir, if the money has been available since 1984 and negotiations are still going on, how long will it take? Secondly, is the Assistant Minister aware that the A.I. programme in Kenya and particularly in Nyeri District has collapsed and that cattle farmers are not being served? This is a very serious problem to the country as a whole!

Mr. Gor: Yes, Mr. Deputy Speaker, Sir, we are aware of the gravity of the matter and as of now, the agreement has been concluded and it should be operational from this financial year up to the 1990/91 Financial Year. As I said earlier, the agreement was negotiated in 1984, but this policy of the Government is that we do not wish or want to be dictated upon by the donors. I think hon. Members are aware that often when a donor country insists on raising a certain cost locally, and the people themselves cannot bear the cost, it becomes a problem for the country and the people and dissatisfaction arises. Consequently we would be prepared to take a certain amount of delay, rather than impose what I would call exorbitant costs on the services. In the end, if the services are too costly, the people cannot buy them and the purpose of the grant is defeated.

Mr. Omido: Mr. Deputy Speaker, Sir, it is now three years since, the farmers have been suffering and we have raised this matter several times in this House, that A.I. is very unsatisfactory. How does the Assistant Minister explain that negotiations for this grant have taken three years and are still not completed and farmers are still experiencing problems?

Mr. Gor: Mr. Deputy Speaker, Sir, we try to speed up negotiations as fast as we can, but it takes two parties to agree. One thing we could not accept is to impose unduly high charges on the services because this would only defeat the purpose of the whole programme.

Mr. Wamae: On a point of order, Mr. Deputy Speaker, Sir, arising from the Assistant Minister's reply, I think it is better to pay more for a service than to have no service at all. The cost would have been good to the farmers if the service was given, but now there is no service and the farmers had better pay more for the service and have it available.

Mr. Gor: Mr. Deputy Speaker, Sir, we are now instituting the A.I. service after a proper agreement is made.

Mr. Shikuku: Mr. Deputy Speaker, Sir, would the Assistant Minister not agree with me that this is not the only instance where we have money donated to us by friends from outside this country and then the officers responsible for this grant drag their feet for such a long time? It is probably because they do not get the 10 per cent cut? That could have been the reason for if there was the 10 per cent cut we would have had the grant already.

Mr. Gor: Mr. Deputy Speaker, Sir, I do not know who could have taken this 10 per cent cut. I do not think it could have been our colleagues in the Ministry of Livestock Development because certainly it is not in the Ministry of Finance. What we have done is to get a further Sh. 18 million for the programme.

No. 618

REFUND OF INSURANCE PREMIUM CONTRIBUTIONS

Mr. Abuya-Abuya asked the Minister for Finance—

(a) whether he is aware that the Apollo Insurance Company Limited, P.O. Box 81821, Mombasa has refused to refund a Mr. Joel Abuga his premium contributions on surrender of Insurance Policy No. 022553 on his retirement as a teacher due to age grounds; and

(b) how much is due to him and whether he will order that the company pays him immediately.

The Assistant Minister for Finance (Mr. Thuo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Apollo Insurance Company Limited of P.O. Box 81821, Mombasa has not refused to refund Mr. Joel Abuga his premium contributions on the surrender of Insurance Policy No. 022553. Mr. Abuga paid the monthly premium of Sh. 130 from December, 1983, to August, 1985; a period of only 21 months.

Hon. Members: We cannot hear you!

The Assistant Minister for Finance (Mr. Thuo): Mr. Abuga's Insurance Policy has, therefore, not acquired a surrender value in accordance with the provisions of clause No. 6 of the Insurance Policy No. 022553 which stipulates that his policy acquires a surrender value after a minimum of three years monthly premiums.

(b) In view of my answer in part (a) above, there is no refund due to Mr. Joel Abuga. However, if Mr. Abuga wishes to revive his policy, Apollo Insurance Company will reinstate it without the necessity of Mr. Abuga having to pay all the arrears and interest, subject, of course, to evidence being given on his continued good health.

Mr. Abuya-Abuya: Mr. Deputy Speaker, Sir, could the Assistant Minister enlighten this House as to whether, according to the new Insurance Act that this clause has been catered for and, therefore, that Mr. Abuga is entitled for a surrender value?

Mr. Thuo: Mr. Deputy Speaker, Sir, the reply is based on the policy at the time Mr. Abuga took it.

Mr. Abuya-Abuya: Mr. Deputy Speaker, Sir, since this Insurance Act has come into effect—this means that it supercedes any law that existed at that time—what is the Assistant Minister doing to ensure that Mr. Abuga gets his dues as per the present law?

Mr. Thuo: Mr. Deputy Speaker, Sir, the reply I have given takes into consideration what the Questioner

is asking. Therefore, Mr. Abuga should be satisfied with this answer as I have given it.

Mr. Deputy Speaker: Mr. Mwachofi's question.

Mr. Abuya-Abuya: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Mwachofi's question.

No. 492

PROMOTION OF PRIMARY SCHOOL TEACHER HEADS

Mr. Mwachofi alimwauliza Waziri wa Elimu—

(a) katika shule za msingi nchini ni wakuu wa shule wangapi ambao ni wa daraja la P3 na P2; na

(b) ni lini watumishi hawa wema watakapo-pandishwa vyeo.

The Assistant Minister for Education (Mr. M'Maitisi): Bw. Naibu Spika, naomba kujibu.

Mr. Abuya-Abuya: On a point of order, Mr. Deputy Speaker, Sir, The Assistant Minister did not answer my question.

Mr. Deputy Speaker: Order, Mr. Abuya-Abuya.

Mr. Abuya-Abuya: He did not answer my question.

Mr. Deputy Speaker: Order, Mr. Abuya-Abuya. We have moved on to Mr. Mwachofi's question.

The Assistant Minister for Education (Mr. M'Maitisi): Bw. Naibu Spika, naomba kujibu.

(a) Kati ya wakuu wa shule za msingi nchini wapatao 14,372, idadi ya 3,933 ni wa daraja la P2, na 954 na wa daraja la P3.

(b) Wizara itaendelea kuwapandisha vyeo wakuu wa shule kulingana na vile shule zao zinavyozidi kufanya vyema katika mambo yote ya shule na pia kiasi cha pesa zilizoteuliwa kwa malipo ya mi-shahara ya walimu.

Mr. Mwachofi: Bw. Naibu Spika, nafikiri kwamba Waziri Msaidizi atakubaliana nami kama mwalimu wa zamani, kuwa jawabu lake si kamilifu kwa sababu anakubali kwamba hata ingawa daraja za walimu hawa ni za chini, wamekubaliwa kuongoza shule. Hili ni thibitisho kwamba walimu hawa ni wazuri na wanaweza kuwaongoza walimu wenzao. Waziri Msaidizi anafahamu pia kwamba kulikuwa na majadiliano baina ya Wizara yake na chama cha walimu ambapo walikubaliana kwamba inafaa hatua ichukuliwe ya kuwapandisha vyeo walimu hawa wote. Anaweza kuliambia Bunge ni kwa nini tangu mwaka wa 1985 hadi leo mapatano hayo yaliyokuwa baina ya chama cha walimu na Serikali hayajaheshimiwa?

Mr. M'Maitisi: Bw. Naibu Spika, harwezekani kuwasukuma mbele walimu wote mara moja na kuweka katika vyeo fulani, bali ni lazima wachunguzwe vile wanavyoendesha kazi zao kama wakuu wa shule. Inajulikana kwamba hatuwezi kuwondoa wote kazini wakati mmoja na ni lazima utaratibu uliowekwa ufuatwe ili kuwachunguza walimu hawa. Pengine, wengine wao walijajiwa kwa

[The Assistant Minister for Education]

sababu hatukuwa na walimu waliokuwa wamehitimu mafunzo wakati ule, lakini tunajaribu wamehitimu mafunzo haya na kulingana na vile wanavyofanya kazi Wizara itawachunguza na kuwaweka katika vyeo vinavyofaa. Siwezi kusema kwamba Wizara inaweza kuwapandisha vyeo walimu hawa wote mara moja; lazima jambo hili lilinganishwe na zile pesa ambazo tunazo.

Mr. Galgalo: Bw. Naibu Spika, tukikubaliana na Waziri Msaidizi kwamba Wizara haitaweza kuwapandisha vyeo walimu wote wakati mmoja, anaweza kutueleza ni walimu wangapi wa daraja hizi ambao wamepandishwa vyeo tangu mapatano hayo yalipofanywa mpaka leo?

Mr. M'Maiti: Bw. Naibu Spika, inaonekana kwamba walimu wakuu waliopandishwa hadi cheo cha P1 kutoka cheo cha P2 ni 82. Wale waliopandishwa kutoka cheo cha P3 hadi cha P2 ni walimu 13. Kwa hivyo, walimu hawa wote ni 95. Manaibu wa walimu wakuu pia walipandishwa vyeo, na hawa wote ni walimu 183.

No. 554

FOODSTUFF COLLECTION CENTRE FOR THARAKA SCHOOLS

Mr. Wakiondo asked the Minister for Education—

(a) whether he is aware that Kamwathu, Nduini, Iruma and Maragwa primary schools in Tharaka Division are being forced to collect their foodstuffs from Karuguaru Primary School where the food is left by the lorries of the School Feeding Programme; and

(b) whether he will direct the staff concerned to deliver the foodstuffs and milk to the respective schools to avoid unnecessary interruption in the schools' programme.

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

(a) I am not aware that Kamwathu, Nduini, Iruma and Maragwa primary schools in Tharaka Division are being forced to collect their foodstuffs from Karuguaru Primary School. I am, however, aware that lorries transporting foodstuffs and milk do not reach the compounds of Kamwathu, Nduini and Maragwa Primary Schools due to the very inaccessible condition of the roads. My Ministry, through the field education administration, has made arrangements for the parents and the community served by the schools to collect the foodstuffs and milk from the office of the Assistant Education Officer, Marimanti, under whose care the lorries leave the provision. Iruma is accessible by road and so lorries deliver food and milk direct to the school compound.

(b) The transportation of food and milk does not in any way interrupt the school timetable in the three schools. The staff in my Ministry will

continue to provide the service using all possible means to get food to the school without involving the pupils.

Mr. Wakiondo: Mr. Deputy Speaker, Sir, while appreciating the answer given by the Assistant Minister, I just want to correct an error here. This answer completely contradicts the meaning of the whole issue here. In part (a), the answer mentions Kamwathu, Nduini, Iruma and Maragwa primary schools, but I only know that there is Turuma Primary School, and not Iruma Primary School. If that was a typing error, would the Assistant Minister tell this House why on 29th and 30th June, 1987, pupils in these schools were involved in going to collect their foodstuffs and milk from Karuguaru?

Mr. Kisiero: Mr. Deputy Speaker, Sir, with regard to the first part of this supplementary question, I would like to say that the notice that came from the National Assembly gave us the name of Iruma, whereas the hon. Member says that it should have been Turuma. The truth is that there is another school by the name of Iruma, and that is the one which I said is accessible by road. If this misspelling was done in the National Assembly, it is not our fault. If Turuma, and not Iruma Primary School is what was meant, it is still our expectation that the parents and the local community and the school committees involved will make arrangements, through the headmasters in those schools, to have their foodstuffs and milk collected. We insist that no children should be made to go and collect these foodstuffs and milk. So, I would urge my colleague to remind the headmasters concerned of this fact. We, on our part, have told them already that no pupils should be used to carry milk, or anything else like that. It is the parents who should do that. Secondly, I would urge the hon. Member to ask his district development committee to do something about the roads there so that food can reach the schools.

Mr. Wakiondo: Mr. Deputy Speaker, Sir, while still appreciating the sentiments that an error was made probably by the National Assembly in typing out the name Iruma, let me say that there is a primary school called Turuma, but this is quite different from the school in question. The former is in another educational zone, Gatunga. It is not in Marimanti, where the Assistant Minister says he has made arrangements for the collection of foodstuffs and milk. The other school is entirely different in that it is in North Gatunga Educational Zone.

Mr. Deputy Speaker: Order! Just ask your question, hon. Wakiondo.

Mr. Wakiondo: Mr. Deputy Speaker, Sir, on 17th September, 1987—

Mr. Deputy Speaker: Order! Sit down.

Next question.

No. 582

PRIMARY SCHOOLS INSPECTOR FOR KALAWA

Mr. Munyao asked the Minister for Education—

- (a) what has delayed the opening of the office of the Assistant Primary Schools Inspector (A.P.S.I.) in Kalawa Location; and
- (b) whether he would post an A.P.S.I. there immediately as recommended by the District Educational Board/Divisional Development Committee (D.E.B./D.D.C. of Machakos.

The Assistant Minister for Education (Mr. M'Maitisi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Although Mwala Divisional Development Committee has recommended the creation of two educational zones from Kibauni Location, namely, Kibauni and Kala, this recommendation must be presented and discussed at the Machakos District Education Board Meeting which will soon be scheduled so that it is given its blessing.

(b) Once Machakos District Education Board authorizes the creation of the two educational zones, an assistant primary schools inspector for Kalawa Zone will be appointed and posted there immediately.

Mr. Munyao: Mr. Deputy Speaker, Sir, the Assistant Minister has misled the House. Mwala Divisional Development Committee did not recommend the creation of two educational zones. It recommended only one zone, namely, Kalawa because Kibauni was already there. For that matter, the office of the assistant primary schools inspector at Kalawa has already been created. Would the Assistant Minister tell this House correctly why they have not sent an A.S.P.I. to Kalawa and when will this be done? I will be at the meeting scheduled for 30th October, 1987.

Mr. M'Maitisi: Mr. Deputy Speaker, Sir, the D.E.B. will have to rectify the recommendation made to split the said zone and then we shall post an officer there.

Mr. Karauri: Mr. Deputy Speaker, Sir, the Questioner suggests that this was a recommendation of the D.E.B. and the D.D.C. Could we get a clarification from the Assistant Minister whether it is not true that the board met. This is because he says that the board is going to meet, but the Questioner says the board met and recommended.

Mr. M'Maitisi: Mr. Deputy Speaker, Sir, as I said, it was not debated at the D.E.B. and the D.D.C. It was done at the divisional development committee. It should go through all the relevant channels and then we will take action.

No. 550

USE OF MALABA/KOCHOLIA WATER PROJECT

Mr. Sifuna asked the Minister for Water Development—

- (a) whether he would make sure that the people of West and South Bukusu Location do benefit from Malaba/Kocholia

Water Project which passes through these locations are recommended by the district development committee (D.D.C.); and

- (b) whether he could provide "T" connections on this water project at various points in these two locations.

The Assistant Minister for Water Development (Mr. Kiptanui): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, the Minister will ensure that the people of South and West Bukusu locations, as well as those of other locations, which fall within the designed supply limits of Malaba/Kocholia Water Project in both Bungoma and Busia districts benefit from the project when completed.

(b) "T" connections will be provided at various points within the area covered by the project when the laying of trunk pipes is completed.

Mr. Sifuna: Mr. Deputy Speaker, Sir, while thanking the Assistant Minister for that first-time good reply, could he tell us why it has taken so long for the Ministry to complete this particular water project because it was started in 1982 and up to now it has not been completed? Why has it taken so long to complete while money was there?

An hon. Member: Financial problems!

Mr. Sifuna: The money was there!

Mr. Kiptanui: Mr. Deputy Speaker, Sir, I do agree with the hon. Member that it has taken quite some time, but not too long, for the project to be completed. This project was started in 1982. This is a Kenya Government project being undertaken with limited funds. We hope to complete the project. As the moment we are trying to get some money for that project. It will cost about K£3,000 per annum.

Mr. Sifuna: Mr. Deputy Speaker, Sir, the problem is that we know that before projects start, the Government allocates money for them. Now, the money was allocated and the project took off from the ground. Could the Assistant Minister tell this House the exact date when this particular Malaba/Kocholia Water Project will be completed? This is because it has taken too long to be completed, and the Government has already provided money for it. The people of Bungoma and Busia districts are anxious to get the water. When is this particular project going to be completed?

Mr. Kiptanui: Mr. Deputy Speaker, Sir, this is one of the Rural Development Water Projects. Being so, and covering two districts, it will have to take time. I cannot say exactly when it will be completed, but even with the financial constraints, we will have to keep on making water connections. Twenty five per cent of the work has been completed and, so, we are going to make sure that we finish the rest of the work.

Mr. Sifuna: On a point of order, Mr. Deputy Speaker, Sir, I wonder whether the Assistant Minister is being serious in answering my question.

[Mr. Sifuna]

Is he aware that work on this particular water project stopped two years ago? They have not been working on it because of financial constraints, and yet we know that the Government had provided money for the project. Is he in order to mislead this House by saying that it is going to take time when we know very well that no work has been going on there for last two years?

Mr. Kiptanui: Mr. Speaker, Sir, according to the Bungoma and Busia D.D.C.s, this project is of the first priority. So, it is our hope that when we get money from the Treasury we shall complete the project, as the hon. Member asks.

No. 445

DELAYED PAYMENTS TO LATE LANGAT'S FAMILY

Mr. Koske asked the Attorney-General—

(a) whether he is aware that the family of the late Mr. Francis Kimutai Langat (Adm. Cause No. 28 of 1985; Your letter reference No. PT/28/85/4 dated 21st May, 1985) has not been paid KSh. 24,000 held by the Public Trustee; and

(b) what action he is taking to ensure that the complainants are paid their money forthwith.

The Attorney-General (Mr. Muli): Mr. Deputy Speaker, Sir, before I reply, the proceeds of a deceased person are quite sensitive matters, which I have advised on in the past and should be excluded in being disclosed, for obvious reasons. In this case there is a specific figure and I ask the hon. Member, through you to accept that I do not mention the figure, or the sum of the money.

Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Estate of Francis Kimutai Langat, who is now a deceased person, was referred to the Public Trustee for purpose of administration by Barclays Bank, Kenya Limited, Kericho, on 17th January, 1985, when the said bank forwarded a certain sum of money to the Public Trustee.

After obtaining the necessary information or prerequisites, the Public Trustee petitioned to the High Court for the issue of the grant of letters of administration, which was subsequently granted on 16th October, 1986. The grant has now been filed with the High Court for confirmation, which is a normal procedure, and as soon as this is done, the Public Trustee shall proceed to draw out the account for the approval of the heirs of the deceased, so that the money can be distributed.

May I, at this juncture, appeal to the hon. Member, through you, Sir, to advise the heirs of the deceased's estate not to solely look upon the meagre estate for their future sustenance.

As I have said, Mr. Deputy Speaker, Sir, the estate comprises a gross sum which is not very large. The deceased is survived by two wives and

11 children. Nevertheless, on confirmation of the account and approval of the heirs the farm which I do not wish to disclose, will be distributed.

Mr. Koske: Mr. Deputy Speaker, Sir, while thanking the Attorney-General for his answer and knowing very well that wananchi generally have problems which are aggravated by deaths, can he tell the House when the amount of money for compensation will be released to the complainants because they need this money?

Mr. Muli: Mr. Deputy Speaker, Sir, this is one of the estates which I am quite happy with. I started investigating this matter only last year and I am about to complete it. I would have liked to complete it as early as possible but because of the information that I normally require from the heirs and the district commissioner, it might take a bit of time. I would like to say that the estate is nearing completion and money will be released within a very near future.

Mr. Deputy Speaker: Mr. Omido's question.

No. 562

FURTHER INVESTIGATIONS INTO INQUEST No. 100

Mr. Omido asked the Attorney-General—

(a) the steps he has taken to institute a better investigation as ordered in the ruling by the magistrate who conducted inquest No. 100 of 1985 in the Chief Magistrate's Court at Nairobi on 29th April, 1986; and

(b) why the investigating officer did not give evidence in this inquest.

The Attorney-General (Mr. Muli): Mr. Deputy Speaker, Sir, I beg to reply.

(a) In accordance with the said ruling which was given on 29th April, 1986, the inquest file was handed over to a more senior police officer who instituted fresh investigations which have now been completed. The file is now ready for presentation to the magistrate for further inquest proceedings.

(b) It is not normal for the investigation officer to be called to give evidence except purely formal evidence for the simple reason that he may not have been at the scene of a crime but he came later just to investigate a crime and his evidence, is, therefore, perhaps, worthless.

Mr. Omido: Mr. Deputy Speaker, Sir, I would like to thank the Attorney-General for his reply. Can he tell the House why it has taken more than two years to complete further investigations?

Mr. Muli: Mr. Deputy Speaker, Sir, normal investigations do take time. Since the ruling and reference are sent to my office and then to the police, further investigations take some time. This matter Sir, although I do not want to discuss it at length as to the stages involved, it involves an instance where a police patrol car came across a number of people lying on top of a person. One of the

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people started running towards the police almost wanting to cut them with a *panga* and he was shot dead. To assemble witnesses who shoot and run, it does take some time. Since the court was not satisfied with the first inquest, a thorough investigation has to be gone into. I am glad to say that this has been done and the file is going to the magistrate again.

Mr. Deputy Speaker: Next Order.

QUESTIONS BY PRIVATE NOTICE**REMOVAL OF ILLEGAL STRUCTURES FROM MUMBUNI SCHOOL COMPOUND**

Mr. Kikuyu to ask the Minister for Local Government the following Question by Private Notice:

- (a) Is the Minister aware that land which was allocated for school development of Mumbuni (Kwa-Nthanze) Machakos County Council in 1967 is being encroached upon by private developers with authority from the same council?
- (b) Can the Minister order immediate removal of all illegal structures in the school compound to allow the school (Kwa-Nthanze) to develop the basic facilities which are urgently needed for the proper implementation of the 8-4-4 System?

Mr. Deputy Speaker: By special request, Mr. Kikuyu's question has been deferred. Next question.

(Question deferred)

Mr. Karuri: On a point of order, Mr. Deputy Speaker, Sir. The question by hon. Mate has not been called for the second time.

Mr. Deputy Speaker: I am on Question No. 2 by Private Notice and I have no intention of going back.

Mr. Karuri: On a point of order, Mr. Deputy Speaker, Sir. Will this question be asked on another day?

Mr. Deputy Speaker: No. I have finished with it. Next question.

(Question dropped)

WITHDRAWAL OF DEPOSITS—TROPICAL BUILDING SOCIETY

Mr. Lukindo: Mr. Deputy Speaker, Sir. I beg to ask the Attorney-General the following Question by Private Notice:

- (a) Is the Attorney-General aware that Messrs. John Kimenye Acc./No. 031964, Judah Kilonzo Mulwa Acc./No. 041108 and many others at Tropical Building Society, Wundanyi, cannot withdraw their money from the said society?
- (b) What steps will he take to ensure that their money is recovered?

The Attorney-General (Mr. Muli): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware of the problems experienced by depositors and members of Tropical Building Society. I directed the Registrar of Building Societies who eventually ordered that the Tropical Building Society be dissolved under the provisions of section 70 of the Building Societies Act. The depositors and other creditors of the Society who may include Messrs. John Kimenye and Judah Kilonzo Mulwa, should file their claims with the liquidator of this society.

(b) The Attorney-General cannot intervene since this matter has already been put into a statutory procedure which must be followed to a conclusion. May I add that a building society has what we call depositors and incidentally, Judah Kilonzo Mulwa and John Kimenye are really some of the owners of this society which has gone into dissolution. Nevertheless, they are entitled to claim from that society the amounts that they think they are owed. This is I suppose, to a creditor who has loaned money to the building society.

(The Deputy Speaker left the Chair)

(The Temporary Deputy Speaker (Mr. Mutiso) took the Chair)

Mr. Lukindo: Mr. Temporary Deputy Speaker, Sir, while thanking the Attorney-General for his good reply, would he tell this House what would be the fate of the rest of the wananchi who have deposited money with this collapsing society?

Mr. Muli: Mr. Temporary Deputy Speaker, Sir, as I explained—and I anticipated that—depositors are owners of the societies just like shareholders of a company. If a company becomes insolvent, what happens is that the shareholders of that company cannot claim anything out of it because their shares are valueless. In this case, I would imagine that the building society in question has some assets somewhere and if the liquidators will be able to realize money out of the sale of some assets of this society, then members are entitled to share that money *pro rata* in accordance with depositing procedures. I am afraid I cannot allude the fate of these people who invested in their own society which has gone bust.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, is the Attorney-General aware that Tropical Building Society had branches all over the country, including Machakos and it asked teachers to open accounts there? Is he further aware that this society has been bought by another society and has taken its assets? Will he tell the new society to take liabilities which include the teachers salaries which have not been paid for a long time in so many places?

Mr. Muli: Mr. Temporary Deputy Speaker, Sir, if my memory serves me well, I did answer a similar question last year. At that time I said that the company in question was bought by another one, and the assets were, therefore, taken over. Since hon. Munyao's question is quite different from what I was answering, I would like to investigate

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that. Nevertheless, the Tropical Building Society, as it stands, is under liquidation. That in itself presupposes that it was not bought. I would, however, like to go into that a little further because—

Mr. Munyao: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Attorney-General has accepted, and very rightly, said that he is going to investigate. Would he promise to bring the results of his investigations to this House when he has found the right facts? The fact is that this company escaped with so much money belonging to the poor teachers.

Mr. Muli: Mr. Temporary Deputy Speaker, Sir, I would like to know what investigations hon. Munyao wants me to carry out. All that I would like to know is whether the Tropical Building Society, which is under liquidation has anything that was passed over to the other company. I was not prepared to answer that aspect because it appears to be a different question.

Mr. Kamindo: Mr. Temporary Deputy Speaker Sir, could the Attorney-General tell the House why his office is reluctant to take the directors of these collapsing banks to court? If they have taken people's money and are not prosecuted, that would encourage other banks to do the same; to escape with wananchi's money.

Mr. Muli: Mr. Temporary Deputy Speaker, Sir, through you, I would like the hon. Member to withdraw the word "reluctant". I do not know where he has got that word from.

The Temporary Deputy Speaker (Mr. Mutiso): Let us move on to the next question.

Mr. Munyao: On a point of order, Mr. Temporary Deputy, Speaker, Sir. I have two very short points of order to make; one of them is addressed to the Chair. Severally in this House, last year, and even this year, the Chair—

The Temporary Deputy Speaker (Mr. Mutiso): Is it related to the question?

Mr. Munyao: Not it is not.

The Temporary Deputy Speaker (Mr. Mutiso): You will then have to wait. Let us move on to Mr. Abuya-Abuya's Question by Private Notice.

DELAY IN PAYMENT FOR TEA: TOMBE FACTORY

Mr. Abuya-Abuya: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice:

Is the Minister aware that the following tea farmers, Mr. Ombuki Oseko TE/040063 and Mr. Dennis Makori, TE/060459, who delivered their green tea to Tombe Tea Factory since September, 1986 to-date, have not received first and second payments due to them for all the period in question; and if so, when will they be paid?

Hon. Members: Apologize for coming late.

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

Mr. Munyao: On a point of order, Mr. Temporary Deputy Speaker, Sir. My friend has been here for many years and he knows that since he was late he should apologize to the Chair, and the House, because you had called his question twice. This question has now come up for the second time.

The Temporary Deputy Speaker (Mr. Mutiso): Yes, hon. Abuya-Abuya, you should apologize.

Mr. Abuya-Abuya: I do not understand what is nagging my colleague here. I went out to look for materials on this question.

An hon. Member: That does not matter.

The Temporary Deputy Speaker (Mr. Mutiso): Order! Mr. Abuya-Abuya, if the Chair called you and you were not there, you should apologize. We had passed your question.

(*applause*)

Mr. Shikuku: On a point of order, Mr. Temporary Deputy, Speaker, Sir. I did not hear what he said. Could he open his mouth and say it clearly?

The Temporary Deputy Speaker (Mr. Mutiso): We could not hear you Mr. Abuya-Abuya.

Mr. Abuya-Abuya: Mr. Temporary Deputy Speaker, Sir, I can convey my apology through the Chair by responding to the points raised. But my friend here is undermining me.

The Temporary Deputy Speaker (Mr. Mutiso): Order! Mr. Abuya-Abuya, you know our procedures. One must say that he is sorry because of this and that. We did not hear what you said.

Mr. Abuya-Abuya: Mr. Temporary Deputy Speaker, Sir, I will abide by your ruling. I beg to apologize.

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

I am aware that the tea growers referred to in the question have had their payments stopped because the Kenya Tea Development Authority suspected both of them for fraud and leaf falsification. We have now done our investigations, and I am glad to say that only one of them—Mr. Ombuki Oseko, grower No. TE/040063—will now be paid the bonus for 1986 of KSh. 8,535/60, and the payment up-to-date, including up to September this year, of KSh. 4,082/85. Payment is being effected within the next few days.

Mr. Temporary Deputy Speaker, Sir, in the case of Mr. Makori, the investigations are still going on and I would like to take this opportunity to appeal to my hon. colleagues in Kisii to impress upon the tea growers there not to continue these fraudulent activities of leaf falsification. We have tried everything else possible, and I hope that in their public rallies and meetings, they will cooperate with the Kenya Tea Development Authority so that they can stamp out this malpractice once and for all.

Mr. Abuya-Abuya: Mr. Temporary Deputy Speaker, Sir, I accept the encouraging answer from the Minister, but would he indicate, roughly, how long

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For instance, Mr. Temporary Deputy Speaker, Sir,—and I have put a question about this—we have a swimming pool which was constructed at the Nyayo National Stadium and which was used during the 4th All Africa Games in August this year. This swimming pool was originally estimated to cost KSh. 4 million. But you will find that the price kept on rising and the swimming pool ended up costing us KSh. 120 million. If you will go to that place you will not believe that that swimming pool has cost this country KSh. 120 million. You can see that they are already talking about price increase here in this document. So, you will see that by the time we are through with this the price will have gone up and that is where the fellows concerned get their 10 per cent cuts. That is why they must fight in order to make sure that this loan goes through for they know what is in stock for them. Late last August, we were here approving increases in beer and diesel prices. The Minister just took it for granted that nobody would look at this matter, but I have already moved a Motion to block it. So, they should not just think that we are going to sit here doing nothing. I want this experience to permeate through the whole Back Bench so that we are alert and do our jobs effectively. I know that even when I am talking like this now, a whip will be applied to vote this loan through, but the point is that I must stand up here now and congratulate *The Standard*, the only newspaper which tried to enlighten the people as to what is happening about this Motion. It gave the details of how much the Kenya Ports Authority has, how much it has lent out, and so on. Wananchi now know that we are only borrowing for the sake of it. So, if Members on the Front Bench, who are more than we are in the Back Bench, go a head and pass this loan, wananchi should know that we have played our part and that the Members of the Front Bench are the ones who will have passed it. These “sins”, or whatever they are, should be placed on those in the Front Bench. We, as Back-benchers, have done our part. There is no need for borrowing at all.

Another thing that I want to state here is that the details given by this newspaper actually tally with what I saw. I bought this ticket with my own money and travelled to Mombasa. The ticket is here. I went by air and came back by air. I was going there to get what we are now talking about. I was fully informed, and I am not objecting to this matter because it is not necessary; it is necessary. Repairs must be carried out. I am not opposing these repairs; the only thing I am objecting to is borrowing, because we have enough money to do this job. I have some paper here which shows that we are going into debts beyond our capacity to repay. We are getting deeper into borrowing. This is not in the interest of this nation. Our children should not live in debts and become slaves of foreign powers. That is why we should only borrow when it is completely necessary to do so,

and not otherwise. In this case, I know that the argument is going to be, “We have this money. We want to invest it. Let it earn interest. We can borrow since this interest is only five per cent to be repaid in 15 years time. Why do we not take this and leave that?” However, when we take that loan, it swells our foreign borrowing. Why should we swell our foreign borrowing? This is what I am fighting against; I am not fighting because it is not necessary to repair and modernize berths. However, all these repairs and modifications can be done with our money here. There is no need for borrowing.

I went round and saw what is being required, as is stated in this paper. So, let me now end my speech by saying that there is this depreciation exercise which has been allocated some funds.

Mr. Temporary Deputy Speaker, Sir, I have the Approved Revised Operating Revenue and Expenditure Budget. It is provided for in every budget provided for. The one I have is for 1986/87; they provide for depreciation about KSh. 3 million, KSh. 4 million, KSh. 5 million and so on. The question is this: Why did the Kenya Ports Authority (K.P.A.) officers let these things go so decay to the extent that we are now forced to borrow? What was happening to the money they are providing every year which is KSh. 4 million, sometimes KSh. 5 million, over KSh. 3 million and so on? Why did they not carry out repairs? This is the question. Now they wait until things go bad and then ask us to approve the expenses. That is one thing I cannot allow. We can repair the whole thing and get things moving again with our local resources.

The other thing is that the K.P.A. have already explained the balance, the surpluses have been explained and the net has also been explained, the investment of KSh. 544.4 million. Some of this money, about KSh. 200 million will have matured by 31st July, 1987. Money has come back. Why do they not take some of this money to complete their work? The whole total is KSh. 188.9 million. They can take some of this money and in addition to that, they have got that surplus.

Another thing is that I have made my case to the nation and to the hon. Members in this House that this is not Shikuku's Motion. It is a Motion that is asking us not to go further into debts. No one should think that this is Shikuku's Motion and it should, therefore, be defeated and defeat Shikuku also. There is no way you are going to defeat Shikuku. You will never defeat the truth. How many times have I stood in this House and told this nation from here that money is leaving this country? How many times have I laid on the Table of this House documents proving my case? All that fell on deaf ears. May the Lord be blessed, Sir, because today, everybody is saying: “Money is going out.” Some crooks have been arrested. Now, where has Shikuku gone wrong? Must he be opposed because he is Shikuku? Must he be sup-

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pressed because he says the truth? Must everything be thrown out because it is said by Shikuku but if it is said by somebody else, then it is good? The answer is that you cannot fight the truth. They are not fighting Shikuku but the truth and the truth is God and he who fights God, however tall, powerful or however how much money he has or earns, he is bound to lose. What I am saying is not my personal thing. No; it is for the nation. I was elected into this House to do exactly that. I swore to protect the laws and the Constitution of this country. It is nothing personal. I am only putting across what I think. I am not objecting to any development in this country; if they are going to say: "Shikuku is opposing."

There are stories in the Press and we read about some misguided Ministers and Members of Parliament saying: "There are other divisive elements." Who are these divisive elements? Is it that when you speak the truth then you are a divisive element? Who are they? Why do they not say that so-and-so is the divisive fellow? They only create an enemy and start talking about it because they have no politics in their heads and they were never politicians before. You do not become a politician when you are about 60 years or 80 years old. No way! It is an inborn thing. It is too late. You know it very well. Whoever speaks the truth should not be branded a radical or controversial. I have made my case very clear, Sir. It is up to those who are going to speak on this Motion to take that into account. We must conserve the little we have and we must avoid getting into further debts for whatever reason we are trying to incur debts. We must avoid it. This is because once you are in debts, your freedom goes.

Some of us speak here freely because we do not owe any allegiance to anybody else other than to the President of this country. My allegiance, as I swore when I became a Member of this House, is direct to the President of this country and to the Constitution of this Republic. No one else. Above the President is God and no one else. It is in that spirit that I must speak in this House. It is also known that I cannot speak elsewhere; my freedom of association and the freedom of the Butere people has been taken away. The people of Butere cannot meet their Member of Parliament in public meetings. It has been taken away. The Constitutional right of Butere people to elect their representative and to meet them has been taken away.

Mr. Chepkok: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not want to interrupt the hon. Member for Butere but I would like him to substantiate the allegation that he has been refused to speak in his area. Who has refused him to address his constituents? Can he substantiate?

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, even as I speak on this Motion, what a Member of Parliament is supposed to do is to meet with

his people, consult them on various matters. That is why we have Bills here; they are to be published for 14 days, during which period, the Member of Parliament gets in touch with his constituents to ask them about their views about whatever Bills that is coming, makes his stand and comes to speak in this House. How do you meet these people? Do you go from house to house? The answer is "No". You must call a meeting, ask the people questions and inform them what the Government is saying and these people will tell you what they want. Now, if you are refused to hold meetings, how do you communicate and yet you are a Member of Parliament? It is a constitutional right that Butere people have the right to meet their Member of Parliament whom they elected. Their right is being taken away by some politicians who are using the district commissioner who has the power to issue a licence or not. He just says: "I am not issuing you a licence because of security reasons." Can Shikuku be a security problem to the people of Butere? Can Butere people be a problem to Shikuku? The answer is "No". Some politicians want to come to Butere because they think that Butere Constituency has no Member of Parliament; they want to become Members of Parliament for Butere. They even come without even informing Mr. Shikuku; they do not have courtesy. We all know who comes to Butere and he thinks that Butere is part of his Vihiga Division. It can never be, Sir. Mr. Temporary Deputy Speaker, Sir,—

The Minister for Local Government (Mr. Mudavadi): On a point of order, Mr. Temporary Deputy Speaker, Sir. I have never said that Butere Constituency is part of Vihiga Constituency which I represent in Parliament. The truth is that we have eight constituencies in Kakamega District and I happen to be the District Kanu Chairman and a Minister from that district. As the Kakamega Chairman of the ruling party, Kanu, I have the right to move round all constituencies not only in Butere to check on what the Party is doing in those areas.

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir—

The Temporary Deputy Speaker (Mr. Mutiso): Order! Mr. Shikuku. I do not want us to be drawn into Butere/Kakamega politics. Let us stick to the Motion which is before the House. Mr. Shikuku, can you please concentrate on the Motion?

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, I came to that because I was trying to tell the Chair that to be able to debate on any matters here, you must meet your constituents. If you cannot meet your constituents, how do you communicate? This is where that question came in. Nevertheless, I will take your ruling. There is another opportunity when I will get at him.

An hon. Member: You are not through with him yet?

Mr. Shikuku: I am not through with him yet! Another point is about the future—

The Minister for Local Government (Mr. Mudavadi): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member for Butere says that he

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will have another opportunity to get at me. Will this be physically or in which way will he get at me?

Mr. Shikuku: It is not necessary, physically! This is going to be—

The Temporary Deputy Speaker (Mr. Mutiso): Order, Mr. Shikuku! Please remember what I have just said. I have said that we should leave Kakamega or Butere politics alone and not allow them to come into this. Let us concentrate on the Motion before the House. I want you, Mr. Shikuku to do exactly that.

Mr. Shikuku: Thank you very much, Mr. Deputy Speaker. To array my hon. friend's fears, I would like to assure him that I will not get at him physically.

The Temporary Deputy Speaker (Mr. Mutiso): Mr. Shikuku, will you stick to the Motion before the House.

Mr. Karauri: On a point of order, Mr. Temporary Deputy Speaker. I know that you do not want debate on this issue to continue, but it appears that hon. Shikuku has issued a threat to the Minister and it is only fair that he explains what he means so that the Minister can go out of this House in peace. A threat is out of order.

The Temporary Deputy Speaker (Mr. Mutiso): I have already ruled on that point because I knew what the hon. Member meant.

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, may I end my speech by saying this: that we who are interested in this thing would like to limit our borrowing. May I end by giving this information to the House. Why am I doing this thing? I am doing this because papers have been laid in this House showing that the tax-payers in this country have lost billions of shillings. The Minister for Finance is again going to bring Sessional Paper No. 5 to ask us to repay what we guaranteed without debating. This is because Papers were laid on the Table of this House and no hon. Member challenged them and we got into a mess for guaranteeing the Molasses project in Kisumu; the Upland Bacon Factory at Athi River, Kenren; Halal; the Kenfinco, Rivertex companies and so on. Sessional Papers seeking Government guarantee for these projects were laid on the Table of this House and all this money has gone down the drain. Is that not enough? Must we allow anymore of this to happen again. They may say that the Kenya Ports Authority has a lot of money and that it will be able to repay this loan. I can see from the financial report that the Kenya Ports Authority is capable of meeting its financial obligations. On page 11 of the annual report. It says that the Authority has the ability to meet current liabilities. The Authority gives you its total assets for 1985 to be worth KSh. 512.5 million and total liability is KSh. 153.4 million. That shows that it has a sound financial base to meet its financial obligations. If that is so, why does the Authority want to borrow?

It is just because we want to go on borrowing. For the information of this House, the old plan for the Kenya Ports Authority itself shows that berths, one, two, three, four, five, six up to ten have not been up-dated. Berths four and five have been brought to the standard they want. This means they have not up-dated berths, one, two, three, seven, eight and ten. This was the old plan, and they can up-date these berths themselves.

So, Sir, I would like to appeal to the hon. Members of this House to do their job. The Back-benchers should do their job and the Front-benchers should do their job to do justice to the people of this country. This is not Shikuku's affair, it is a national affair, and let us look at it as such. I will not lose anything if the Motion is defeated but I will witness the truth being covered but truth cannot be lost because it is God.

With these few remarks, I would like to ask hon. Munyao to second the Motion.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, I am sad to second this Motion, because as the Mover, hon. Shikuku said, Kenya Ports Authority needs the money to carry out their repairs. In fact, they needed this money last year and their requests is very genuine. They need this money to carry out the repairs, but we feel that if there is going to be any guarantee of this money, it must be done at the right time. In supporting this Motion, I am aware that the Kenya Ports Authority needs most urgent repairs and several spare parts, particularly in their filing department where, up to now, they are paying a lot of money in foreign currency because they cannot get local people to do the filing. So, they need this very urgently. If you get the paper which has been submitted by the Kenya Ports Authority, you will find that the amount of money they are paying—

The Temporary Deputy Speaker (Mr. Mutiso): Order, there is too much noise in the House.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, if you look at the report which has been compiled by the Kenya Ports Authority showing the money they are paying for filing, you will find that it is a lot of money and this situation is pathetic. Since there are a few berths which require repair, you will find that some of the foreign ships owned by certain companies may even hire berths in Mombasa in which case we are denied some revenue. If this is the case, why were these repairs delayed for so long?

Sir, I am aware that borrowing is always done in different terms. I am aware that the Kenya Ports Authority can borrow cheaply. I am also aware that they have some money which could be invested to raise some more money. Mr. Temporary Deputy Speaker, Sir, I am also aware that the Kenya Ports Authority has deposited some money on a short-term basis in certain banks and I am aware that this is not uncommitted money. I am saying this because some of the short-term investments in companies or in parastatals is done when

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a company is committed to that money. So, if instead of keeping that money with us since we might use it at any time, why is it not deposited in the banks which will give 13 or 14 per cent interest? I am aware of all this. I am aware that they may go to some world bodies and borrow the money cheaply and even get the repayment period extended. However, they feel that they should not use their money but instead they put it away somewhere so that what we borrow can be in foreign currency. I am aware of all this.

Mr. Temporary Deputy Speaker, I would like to talk about money guaranteed by the World Bank, or by the International Monetary Fund and so on. Severally, some of the money on guarantee given by these foreign bodies, never gets to the right hands. Let us get another very important point. Due to corruption, some of the money we deposit in the banks, say the money we get in Harambee fund raising meetings, where we may raise KSh. 5 or KSh. 6 million, could be deposited in order to get something out of it. There are even some financial institutions which can give you one per cent interest.

Mr. Temporary Deputy Speaker, there are so many reasons which one would give for opposing this guarantee which is proposed to be given to the Kenya Ports Authority, particularly when you look at the deposits they have placed in banks.

Sir, the other point is that this country has a lot of money. We have a lot of money. If the money which has been voted out and also guaranteed by the Government goes to the right quarters, our loans would not be so huge. It has happened before, but I do not have to be asked to substantiate. Loans are taken out to come and do a certain project, but when the money gets here, it is never used in total to do what it was intended for. This makes the wananchi a year after, or two years after, or a time to come to be taxed again in order to do what was supposed to be done three or four years ago. Perhaps when the Minister comes to reply, he should tell us rightly how much money guaranteed earlier on has gone into the right quarters.

Sir, when hon. Shikuku was speaking, he expressed some fear. He said that we are likely to require even more money than the amount required here. Now, all this is a total concern for all the Kenyans, especially the Kenyans to come and not Kenyans of today. Therefore, when we are thinking about this country, we should think about the young people, and particularly the unemployed ones. They are unemployed because some greedy people in this country have mismanaged and misused our finances. If the finances had been used properly, they would have generated a lot of work for our young Kenyans who are leaving school these days. They are "tarmacking" or walking along the roads without jobs for months and months, and this problem would not be there. We have so many

reasons when we consider what has happened in the past. So, we would like the Minister to assure the House that he actually had a good reason to borrow this money when the Kenya Ports Authority could use the money they have.

Sir, this is not the only parastatal that the House has guaranteed some money and later we see that the money has not been used for what it was intended for. For instance, the Kenya Meat Commission, is a very bad example. In fact, it is a very "bitter" example. This is because it has been guaranteed money year in year out in this House, and the Minister comes back again to request the House to guarantee some more money to the Kenya Meat Commission. If I tell you what happens at the Kenya Meat Commission, I am sure you would feel it. This is because we have been told and we know that the management of the Kenya Meat Commission used to go out with the money of the commission, using the staff of the commission. It used to go out to the areas of Ukambani, North-Eastern Province, Meru and so on to buy cattle. So, they would buy cattle there at a price of about KSh. 300 or KSh. 400 per head. When they come back to the Kenya Meat Commission, they resell the cattle to them using different names at the rate of KSh. 3,000 or KSh. 4,000 per head. What organization, even a bank, can survive with this high rate of corruption? So, this is what has happened to the Kenya Meat Commission. Every year we come here to guarantee more money only to go into that bottomless pit. Today, it is a sad affair. One wonders why? If private butchers or private meat industries have been successful, why not the Kenya Meat Commission? It does not have very big overhead expenditures because the buildings were put up long time ago. There is nothing which is incomplete in that area. But every year we are told to guarantee some money to the Kenya Meat Commission. We do so, and the money goes into that "bottomless pit".

Sir, the Cotton, Lint and Seed Marketing Board is also another one which is a sad affair. They have been giving money out even to some co-operative societies to pay some farmers. What happened? Immediately the officers who are in the fields get the money, instead of paying the farmers, they put it under "Fixed Deposit Accounts". It earns some interest for two, three or four months which never gets to the farmers. It does not benefit anybody. We as a country, will have to pay interest which starts being calculated from the time the loan was given. Who is going to suffer in this country? It is your son, my son, your grandson and the whole generation which will inherit problems of somebody else's making. It is on this basis that I am saying that if we are all genuine in this House, both the Front Bench and the Back Bench, we should not approve this guarantee. We should be seeing these things in their right perspective. Our life is very short now and we are only transferring problems to our own children. Generation

[Mr. Munyao]

after generation will keep on paying the debts that were acquired by their forefathers for no reason at all.

Mr. Temporary Deputy Speaker, Sir, borrowing is allowed and this is why this House allows it. In fact, I also support the system of borrowing so long as it is genuine borrowing which will not be a burden. We all know how the Kenya Ports Authority is given projections to pay this money. But how sure am I that this money which is being borrowed now will not touch on another person who is not a part of what we intend to do? We are really digging a deep hole for our own children. I am sure that this is not the aim of Parliament; our aim is to correct things which might be a burden to our future people. They should be proud of what we are doing.

Mr. Michoma: On a point of order, Mr. Temporary Deputy Speaker, Sir, I would not like to cut hon. Munyao short, but I think most of the points he is making have been covered by the hon. Mover of this Motion. Would I be in order to move that the Minister responds?

Hon. Members: No! No!

The Temporary Deputy Speaker (Mr. Mutiso): Hon. Michoma, I think we should allow Mr. Munyao to conclude his speech.

Mr. Munyao: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for being considerate. Indeed, as you said early this afternoon, the Chair is patient and considerate. Some hon. Members should know that.

Mr. Temporary Deputy Speaker, Sir, we have been told of most unfair things that have happened in this country. The Central Bank of Kenya is supposed to be a bank for all the other banks in this country, but you have even seen the loopholes that exist. In fact, some of them have been cited by the Head of State. Central Bank, being the bank for all other banks, should secure some of these things. I have in mind something like the form you are given to fill in to declare how much foreign money you have. You are given that form so that you may declare exactly how much money you have. As we talk of taking care of the money in this country, we have to consider some of these points. A form like the one I have mentioned is given to you so that you fill it in and declare what you have in terms of money, but nobody follows that up to find out whether what you declared is exactly the much you have. We have seen examples of people flying into this country, but because they know Mr. So-and-so who has so much money will be taken, somebody declares that he has only 200 dollars. Since he knows nobody is going to follow him up to see how much he has, he comes in with the 6,000 dollars. When he arrives here, he hides

the 200 dollars and gets a note to the effect that he has already spent all what he had. By the time the man goes away, he gets a permit to take away with him some 5,800 dollars.

The reason why this happens is that this form is ours; designed by our own bank, but there is no follow-up for anybody to check whether this individual has the amount declared as his. He comes in here, changes a little money, but he agrees to sign some forms and takes out that money. It is high time and we should support anybody who brings up such a Motion, that all loopholes leading to the country losing money, in the form of foreign currency, should be taken care of.

Mr. Temporary Deputy Speaker, Sir, I am very happy, and appreciative, that some people have said that this must be handled by our own people, because our President has seen the system through which some of this money goes. I am saying this because earlier on, I explained how some of the interest accruing from this money might land into other people's pockets. When we consider some of the—

The Minister for Transport and Communications (Mr. Magugu): On a point of order, Mr. Temporary Deputy Speaker, Sir, I wonder whether you are satisfied that the hon. Member speaking is not really repeating what the Mover had told this House.

The Temporary Deputy Speaker (Mr. Mutiso): Mr. Munyao, you are repeating yourself. Can you finish up or advance new points?

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, I am surprised that the hon. Minister is saying that I am repeating myself when, in fact, he was never in this House when hon. Shikuku was contributing to this Motion. When did he know what hon. Shikuku said? I know he is in a hurry to reply to the Motion but, I think, it would be genuine for the House to be given ample time to discuss this Motion because—

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

(Question proposed)

The Temporary Deputy Speaker (Mr. Mutiso): I think there is no more time for any hon. Member to speak on this Motion. But since it has been proposed, we will continue with it next week.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Mutiso): It is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday, 28th October, at 9 a.m.

The House rose at thirty minutes past Six o'clock.

Wednesday, 28th October, 1987

The House met at Nine o'clock.

[Mr. Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

TARMACKING OYUGIS—SORI ROAD

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

THAT, in view of the fact that a good road network may serve an important role in a given area as regards human communications, agricultural activities, commerce, industry, *et. cetera*; this House urges the Government to tarmac Road C 18 which links Oyugis, Rangwe, Rodi Kopany and Sori Centres in South Nyanza District.

ORAL ANSWERS TO QUESTIONS

No. 617

LAND DIVISION—MWITHA FARMERS COMPANY

Mr. Omido asked the Minister of State, Office of the President—

(a) whether he is aware that Mr. Donald Olumasai paid Sh. 4,000 vide receipt No. 1281 of 9th September, 1981, and another Sh. 400 vide receipt No. 1342 of 9th September, 1981, being share and registration fees, respectively, to M/s Mwitha Farmers Company Ltd. of P.O. Box 10169, Bondeni, Nakuru, and that to-date he has not been given or shown his piece of land; and

(b) whether he will ensure that Mr. Olumasai gets his money back, plus interest, as the land buying company has failed to give him land.

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

(a) Yes, I am aware.

(b) The company has purchased a piece of land in Kitale, and it is in the process of sub-dividing it and allocating plots to its members. It is not, therefore, true that the company has failed to give Mr. Olumasai land.

Mr. Omido: Mr. Speaker, Sir, will the Assistant Minister tell the House the number of the plot that has been bought, for how much it has been bought and how many acres the land is?

Mr. Kubai: Mr. Speaker, Sir, the information I have here is that Mwitha Farmers Company Ltd. was formed in 1981; it has a membership of 700 people and has purchased a piece of land at Serona, Trans-Nzoia District, measuring 450 acres from Stemcam and Heran Oduor Partners. Plans are underway to sub-divide the piece of land at half-an-acre per full-paid half share. Mr. Olumasai's contribution of 4,000 amounts to two full shares. He will, therefore, be allocated his plot along with other members when this sub-division is completed. If not, then he will be refunded his money.

Mr. Muthura: Mr. Speaker, Sir, could the Assistant Minister tell the House how many shareholders there are in that company?

Hon. Members: There are 700 shareholders.

Mr. Kubai: Mr. Speaker, Sir, I said in my reply that the company has a membership of 700 people.

No. 595

OPENING CHAANI MARKET

Mr. Kiliku asked the Minister for Local Government—

(a) what is delaying the opening of Chaani Market which has been built through the World Bank project of site-and-service-scheme; and

(b) whether he will take the necessary action to have this market opened.

Mr. Speaker: Is anyone here from the Ministry of Local Government?

No. 455

TITLE-DEED FOR MR. K. A. MITEI

Mr. arap Koske asked the Minister for Lands and Settlement—

(a) whether he is aware that a Mr. K. A. Mitei, of P.O. Box 40, Kericho, surrendered his land to Kipsigis Girls High School in exchange for another piece of land near Kapasaos Trading Centre in 1981;

(b) if he is further aware that Mr. Mitei has not been able to secure a title-deed for the land he was given in exchange for his own land; and

(c) what action he is taking to ensure that the complainant is given the title-deed.

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

(a) I am aware that Mr. K.A. Mitei surrendered a piece of land he was occupying for the expansion of Kipsigis Girls High School in exchange for another piece of land.

(b) I am also aware that Mr. Mitei has not been able to secure a title-deed for the alternative piece of land.

(c) Mr. Mitei and four others, who were affected by the extension of the school, were to be compensated with alternative land that was to be donated through the Government by M/s Broke Bond Liebig (K) Ltd. Since the plots on which to settle these people were to be excised from two big farms owned by the above private company, it became necessary to obtain clearance from both the Land Control Board and the county council of Kipsigis.

The portion which Mr. Mitei got comprised of two adjacent parcels, L.R. Nos. 612/1/R and 7282/R. It became, therefore, necessary for the two parcels of land to be consolidated first, in order to issue him with a single title-deed.

This protracted process has now been completed and arrangements are underway to issue the title-deed within the next three weeks.

Mr. arap Koske: Mr. Speaker, Sir, while thanking the Minister for that very good answer, could he tell the House how much land was given to this complainant now that it has been surveyed?

Mr. Nyakiamo: Mr. Speaker, Sir, there are five people who are concerned, involved in this matter and there are 26 hectares of land to be divided among them. I cannot, however, tell the hon. Member how many acres Mr. Kipkoech arap Mitei has got, or how many acres Mr. Kipkoech arap Chebegoros, or Mr. Chepkwony arap Misoi or Mr. Kipruto arap Mitei has got, but we can find the details later.

Mr. Muthura: Mr. Speaker, Sir, could the Minister tell the House whether there was any agreement signed between Mr. Mitei and either the person who was to surrender the land or the Government, or it was just something which was said verbally?

Mr. Nyakiamo: Mr. Speaker, Sir, in my reply I said they were to be given alternative land through the Government because the Government had asked the Brooke Bond Liebig (K) Limited to give us the land. The gist of the matter is that the provincial administration had approached M/s Broke Bond Liebig (K) Limited with a request to donate a piece of land for expansion of Kipsigis Girls High School. Since the company did not own any land near the school it undertook to compensate people owning land adjacent to the school with alternative land if they were willing to surrender it for the expansion of the school. That is why the Government came to agreement, and that is why the five people got alternative land.

Mr. Mutiso: Mr. Speaker, Sir, would the Minister tell the House the acreage of the said pieces of land which were taken over by the Government for the extension of this school from these individuals, and whether the Government will return the same number of acreage to the said people?

Mr. Nyakiamo: Mr. Speaker, Sir, I thought I replied to that question when I said that the acres concerned are 26, but I cannot tell exactly the hectares each individual is getting; but, obviously, it will be equal to what they had given.

No. 583

COMPENSATION FOR INJURY—PAUL KITAVI

Mr. Munyao asked the Minister for Labour—

(a) whether he is aware that a Mr. Paul Mutiso Kitavi, who was employed by Masaku County Council fell down on 22nd July, 1979, and sustained very serious back injuries;

(b) whether he is further aware that Mr. Kitavi is permanently incapacitated and that he has never been paid compensation; and,

(c) if he will direct that Mr. Kitavi be paid compensation without further delay.

The Assistant Minister for Labour (Mr. arap Metto): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Paul Mutiso Kitavi, a former employee of Masaku County Council, fell down some

time in 1979 and sustained back injuries, but it has not been ascertained that the accident arose during and in the course of this employment.

(b) I am aware that Mr. Paul Mutiso Kitavi is incapacitated to the tune of 5 per cent incapacity and that he has never been paid compensation.

(c) I am legally unable to direct that Mr. Kitavi be paid workmen's compensation because the accident was not reported to the District Labour Officer, Machakos until November, 1985 despite the fact that it occurred in 1979. The Workmen's Compensation Act, Cap. 236, requires that an accident be reported within a period of three years from the date it occurs.

Mr. Munyao: Mr. Speaker, Sir, I am surprised that the Assistant Minister says he is aware and that he cannot ascertain that the accident occurred in the course of Mr. Kitavi carrying out his duties. What else would it mean if Mr. Kitavi was an employee of the county council and he fell within the county council hall working. What other proof does the Assistant Minister want? He fell while working.

Mr. arap Metto: Mr. Speaker, Sir, according to the information that I have from my field officers, they have not been able to ascertain whether this accident occurred at the place of work.

Mr. Munyao: On a point of order, Mr. Speaker. Sir. Is the Assistant Minister in order to refuse to answer a direct question? In answering part (a) of the question, he accepted that Mr. Kitavi was injured. Mr. Kitavi was injured while working where he was employed. What was the Assistant Minister then coming here to reply to if he did not ascertain that?

Mr. arap Metto: Mr. Speaker, Sir, if the information given by the hon. Member is correct then maybe if the hon. Member can give us proof that this accident happened there—an accident can happen elsewhere—The information I have in the office does not indicate that. Up to this particular moment, until somebody proves me wrong with facts to the effect that this happened in the county council hall, I do not see how I can agree with the hon. Member. If he has any other way of proving that the accident occurred there, then I may accept to investigate further so that I can take the necessary action.

Mr. Omido: Mr. Speaker, Sir, the former employee has told the hon. Member that he fell in the county council hall. The Assistant Minister also agrees that he is aware. Is the Assistant Minister then in order to say that he wants further proof when the employee concerned has informed the hon. Member that that is the position? Is he really in order to say that? What further evidence does he want? Is it not sufficient for the hon. Member to say that "I know because I was informed by the employee concerned"?

Mr. arap Metto: Mr. Speaker, Sir, all I said is that I am aware this employee had an accident. The only thing I did not say that I am aware of is where this accident occurred. Now the hon. Member is telling

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the House that this occurred in the county council hall. If that is true, then may I be given more time to ascertain the position or to investigate further, because according to the information I have they are not able to tell exactly whether this accident occurred there.

Mr. Omido: On a point of order, Mr. Speaker, Sir. The Minister told the House that according to the assessment, the incapacity was 5 per cent. If I understood him properly, is he in order to say 5 per cent incapacity because in my understanding the Workmen's Compensation Act contradicts the Assistant Minister's answer? This is permanent injury, and it cannot be 5 per cent.

Mr. arap Metto: Mr. Speaker, Sir, the information I have indicated that—I am aware that Mr. Kitavi is incapacitated to the tune of 5 per cent. That is the information I have; and I have also said that it was due to an accident. All I am saying is that this matter took a long time before it was reported to my labour officer in the district. As I have indicated, the accident occurred in 1979 and it was reported to my labour office in 1985. So you can imagine all that time—

Mr. Speaker: Next question.

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

Mr. Speaker: No. We are running short of time and we must move on. Let us go to Mr. Wakiondo's question.

No. 602

DISMISSAL OF GITUNDU KIREBU

Mr. Wakiondo asked the Minister for Labour why Mr. Julius Gitundu Kirebu, I/D No. 7729781/70, former employee of Kenya Cannery Company Limited, Thika, P/No. 51667, employed in Plant Department Irrigation Section A 94, was dismissed on 31st February, 1981 without any warning letter, immediately on his return from leave.

The Assistant Minister for Labour (Mr. arap Metto): Mr. Speaker, Sir, I beg to reply.

According to the information available to my Ministry, Mr. Julius Gitundu Kirebu, who was a former employee of Kenya Cannery Company Limited, deserted his job with effect from 17th December, 1981 and, therefore, the question of his dismissal on 31st December, 1981, does not arise.

Mr. Speaker, Sir, if the hon. Member for Meru South East has contrary information on this case, he should be kind enough to provide the same to me so that my Ministry could carry out further investigations on this case.

Mr. Wakiondo: Mr. Speaker, Sir, the answer given by the Assistant Minister surprises me. This young man was an employee of Kenya Cannery Company Limited, Thika, and after working for a year he was given his annual leave. When he came back from his 21 days leave he was told to go back home. That is the information I have, and I would like the Assistant Minister to take it into consideration and carry out further investigations into this matter.

Mr. arap Metto: Mr. Speaker, Sir, as I have already stated in my reply to this question, if the hon. Member has any document that proves that this young man was given his annual leave, he should submit it to my Ministry so as to assist me in carrying out further investigations. If the hon. Member gives me a letter or document of that kind showing that the young man was given leave, then I will make further investigations.

Mr. Lukindo: Mr. Speaker, Sir, since the Assistant Minister says that his Ministry does not know exactly what happened to this young man, could he tell this House what steps his Ministry has taken so far? What steps has the Assistant Minister taken after the submission of this question to his Ministry?

Mr. arap Metto: Mr. Speaker, Sir, I have already said according to the information available to my Ministry Mr. Julius Gitundu Kirebu, who is a former employee of Kenya Cannery Company Limited, deserted his job. The hon. Member is aware that when an employee deserts his job there is absolutely nothing the Ministry can do. This is because the employee himself deserts his job. But if the hon. Member can prove to me—

Mr. Lukindo: On a point of order, Mr. Speaker, Sir. Apart from the information the Assistant Minister has, I think he is not answering this supplementary question. Apart from the information he has received from his officers, what has the Ministry done? I ask this question because the information he has might be misleading.

Mr. arap Metto: Mr. Speaker, Sir, the investigation we have carried out as a Ministry has revealed that the employee deserted his job. When a person deserts his job there is nothing the Ministry can do about it. But if the hon. Member can assist by giving us a letter of some kind to prove that this employee was granted 21 days leave, we will definitely take the necessary action.

Mr. Khalif: Mr. Speaker, Sir, the Ministry of Labour is an important Ministry in the sense that it takes care of the welfare of workers in this country. But from the answers being given by the Assistant Minister it appears that his Ministry relies on information given by the employers themselves. This is because whenever questions are put to the Ministry of Labour what we get from the Ministry are answers which have, obviously, been prepared by the employers themselves. Can the Assistant Minister employ a different machinery, which is going to be fair, to establish the truth about the numerous cases affecting workers in this country?

Mr. arap Metto: Mr. Speaker, Sir, it is not true that we always rely on what the employers tell us. In fact, we have labour officers in every district. So, whenever problems of this nature arise the workers are free to report their complaints to the district labour offices and then our officers there will take the necessary action. At the same time we have trade unions, whose main duty is to take care of the interests of workers in the country. The workers are members of these trade unions. We also have the Kenya Industrial Court, where every party is given a chance to be heard. So it is not fair,

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and it is not true, for the hon. Member to say that we in the Ministry rely only on information given to us by

Mr. Speaker: Mr. Mwachofi's question.

Mr. Mwachofi: Bw. Spika, kabla sijaliuliza swali hili the employers.

ningependa kufanya sahihisho kwenye msitari wa mwisho, sehemu inayosema "—alipojibu Swali nambari 22" swali lenyewe lilikuwa nambari 222, ambalo nililiuliza 1985.

No. 537

EDUCATION OFFICERS IN TAITA TAVETA

Mr. Mwachofi alimwuliza Waziri wa Utamaduni na Huduma za Jamii—

- (a) idara ya elimu ya watu wazima inao maofisa-elimu (education officers) wangapi na walimu wangapi wafanyi Taita Taveta na nchini kote;
- (b) ni kwa nini hakuna mpango wa utumishi (scheme of service) kwa watumishi hawa;
- (c) ni kwa nini maofisa-elimu hawa wamebaki katika kiwango cha mishahara chini ya kile cha wenzao wa Wizara ya Elimu hata baada ya Waziri kuahidi mabadiliko alipojibu Swali namba 222 mwaka wa 1985.

The Assistant Minister for Culture and Social Services (Mr. Michuki): Bw. Spika, naomba kujibu.

(a) Katika nchi yote nzima kuna maofisa-elimu 322 na walimu 9,377. Katika wilaya ya Taita Taveta peke yake sasa kuna maofisa wanne, baada ya mmoja wao kuizulu hivi majuzi na kumpatia kazi katika kundi lisilo la Serikali. Ofisa mwingine atapelekwa huku mara moja baada ya Tume ya Kuajiri Watumishi wa Serikali itakapomaliza kazi ya kuzijaza nafasi zilizotangazwa hivi majuzi katika Idara ya Elimu ya Watu Wazima. Wilaya hiyo ina walimu 204 wa watu wazima.

(b) Si kweli kwamba hakuna mpango wa utumishi kwa maofisa-elimu wa watu wazima. Maofisa hao wako chini ya mpango maalum unaoonyesha wazi kiwango cha kuingilia pamoja na masharti na mahitaji ya kupandishwa cheo katika kazi yao. Yakubalika, lakini, kuwa walimu wa watu wazima bado hawana mpango wa utumishi. Walimu hao wamekuwa wakijielimisha kwa mafunzo ya maafikano, yaani correspondence, na kundi la kwanza litamaliza masomo yao mwezi Aprili mwaka ujao. Majadiliano yanaendelea kati ya Wizara ya Utamaduni na Huduma za Jamii na chuo cha elimu kuhusu madaraka na maendeleo ya walimu hawa.

(c) Hakuna hitilafu sasa kati ya mishahara ya maofisa—elimu ya watu wazima na wale wa Wizara ya Elimu. Tofauti zilizokuwapo ziliondolewa mwezi wa Mei, 1986, kwa kupandishwa cheo kwa maofisa-elimu wasaidizi (assistant adult education officer) kutoka kiwango cha "G" hadi kiwango cha "H".

Mr. Mwachofi: Bw. Spika, tarehe 5 Juni, 1985, niliuliza Swali nambari 222 hapa, ambalo inafanana na hili, na likajibiwa na Mhe. arap Metto, ambaye alisema kulikuwa hakuna tofauti yote kati ya mishahara ya maofisa wa Idara ya Elimu ya Watu Wazima na wale wa

Wizara ya Elimu, Sayansi na Ufundi. Leo tunapewa jibu kama hilo, tofauti ni kwamba tumeambiwa mabadiliko yalifanywa mwezi wa Mei, 1986. Hivi ni kusema katika mwaka wa 1985, wakati nilipokuwa nikijibiwa, kulikuwa na tofauti. Waziri Msaidizi anaaweza kuliambia Bunge hili ni kwa nini Wizara ililipotisha Bunge siku hiyo kwa kuliambia kuwa hakukuwa na tofauti?

Mr. Michuki: Mr. Speaker, Sir, the grading of adult education officer—

An hon. Member: Jibu kwa Kiswahili.

Mr. Michuki: I beg your pardon, Mr. Speaker. Kuhusu upandishaji wa vyeo vya maofisa wa Idara ya Elimu ya Watu Wazima, sio kusema wakati ule mishahara haikuwa imefanana na ya walimu wa Wizara ya Elimu, Sayansi na Ufundi. Lakini wakati huo, ingawa mishahara ilikuwa inafanana kwa gredi ya chini, sasa wamefanywa scheme of service ya kuwapandisha vyeo. Kwa hivyo, vile Mhe. Mwachofi anavyosema alijibiwa, ilikuwa ni kweli, lakini mishahara ilikuwa inafanana kwa gredi zile zilizoko ohini ya gredi "H". Kuhusu habari wanazoziliza sasa, nimesema kuna mpango wa scheme of service ambayo iko sasa.

Mr. Mutiso: On a point of order, Mr. Speaker, Sir. I think the Assistant Minister is not being fair to this House because the question which was put to him was very specific. In June 1989, the Assistant Minister, who was then in the Ministry of Culture and Social Services, said in this House that there was no difference between the adult education officers and those in the Ministry of Education, Science and Technology in terms of salaries, but now he tells this House that the effect of change took place in May, 1986 when these officers were removed from job group "G" to "H". Is he in order to continue misleading the House by not being sincere and telling the House that this Assistant Minister misled the House?

Mr. Michuki: Mr. Speaker, Sir, of course, the Questioner will no doubt have his opinion on this matter. Mheshimiwa Mbunge ambaye ameyauliza maswali haya, lazima ana maoni yake, lakini maoni yetu katika Wizara ya Utamaduni na Huduma za Jamii—

Mr. Muthura: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to insinuate that the hon. Member could have his own views? It is not a question of views but of policy. Is he in order to mislead the House?

Mr. Michuki: Mr. Speaker, Sir, it is very evident that there is varied opinion. Yaani, kuna maoni yanayo tofautiana. Nilivyosema ni kwamba wakati ule mishahara ilikuwa sawa, lakini—

Nafirikiri ningekubaliwa nijibu kwanza, halafu tuangalie kama kutakuwa na maswali baadaye. Ninavyosema ni kwamba mishahara ilikuwa sawa, lakini hakukuwa na scheme of service kwa walimu wa elimu ya watu wazima katika Wizara ya Utamaduni na Huduma za Jamii. Sasa kunayo scheme of service, ambayo inawapandisha kutoka gredi ya "G" hadi ya "H".

Mr. Shikuku: Jambo la nidhamu, Bw. Spika, kwa vile Mhe. Waziri Msaidizi anaendelea kulipotisha Bunge hili, pengine ingekuwa vizuri tuliache swali hili

[Mr. Shikuku]

mpaka HANSARD inayoweza kuonyesha vile Mhe. arap Metto—Ahsante sana. Mhe. Mwachofi anayo pale, Bw. Spika: Basi, Mhe. Mwachofi anaweza kutusomea majibu Mhe. arap Metto aliyoyatoa mwaka ule? Na tukipata alisema kulikuwa na tofauti Mhe. Mbunge huyu ni lazima awe named because he is underrating our intelligence.

Mr. Michuki: Bw. Spika, ingawa hayo ni juu yako kuamua, sioni ni kwa sababu gani niliyoyatoa hapa hayakubaliwi kwa kuwa mishahara kuwa sawa na mwingine ni tofauti na scheme of service. Inaweza kuwa "entry point" katika scheme of service hii ni sawa na "entry point" ya scheme of service nyingine kulingana na "incremental credit". Ninavyosema ni kwamba mishahara ilikuwa sawa lakini hakukuwa na scheme of service kwa maofisa wa elimu ya watu wazima. Sasa wanayo scheme of service yao. Nafikiri swali hili lilikuwa likiuliza kama kulikuwa na scheme of service au la.

Mr. Mwachofi: Bw. Spika, Waziri Msaidizi anapendelea kulipotisha Bunge kwamba Bunge halikupotoshwa tarehe 5, Juni, 1985—ni kama mtu anayo-endelea kuweka chumvi kwenye kidonda kwa sababu lile jambo la kuwa na scheme of service, Mhe. arap Metto alisema liko, na nilipomwomba awasilishe maandishi hayo Mezani akakataa kufanya hivyo. Kwa hivyo, Bunge lilipotoshwa tarehe hiyo na Waziri Msaidizi, na yuafaa aombe msamaha kwa jambo hili kwani liko wazi katika HANSARD.

Bw. Spika, wakati nilipomwuliza Waziri Msaidizi swali langu hapo tarehe; 5 Juni, 1985, alisema hivi:

"Bw. Spika, naomba kujibu. Maofisa wa elimu na maofisa wasaidizi wa elimu wa Idara ya Watu Wazima hawalipwi mishahara ya kiwango cha chini kuliko wale wa Wizara ya Elimu, Sayansi na Ufundi. Haku- ubaguzi kati ya maofisa wa Idara ya Utamaduni na Huduma za Jamii na wale wa Wizara ya Elimu, Sayansi na Ufundi ikiwa wako na elimu na cheo sawa".

Baadaye, alipoulizwa zaidi kuhusu scheme of service, alijibu hivi:

"Nimesema hakuna tofauti yo yote. Hata hivyo, yangu mesharekebisha jambo ambalo halikuwa sawa. Kama Mhe. Mbunge anaweza kutoa majina ya maofisa fulani ambao wana shida kama hiyo, ninahidi Bunge hili kwamba hayo yatarebishwa".

Tuliendelea hivyo, hata mwisho tukamwambia aiweko scheme of service hiyo Mezani, lakini akanyamaza na mambo yakaishia hapo. Na kwa sababu baada ya mambo haya bado tumepata malalamiko mengi ndipo tukauliza swali tena, na sasa tunaambiwa swali hilo halikujibiwa hivyo hali ilikuwa hivyo.

Bw. Spika, ningependa Mawaziri Wasaidizi hawa waombe msamaha, na pia ningependa uniruhusu kuuliza swali moja la ziada kuhusu sehemu ya (b) ya jibu la Waziri Msaidizi, ambako anazungumzia walimu 9,337 ambao hawana scheme of service lakini watafuzu mwezi wa April, 1988. Anaweza kuliambia Jumba ni kwa nini anatwambia sasa eti walimu hawa, ambao waliyaanza

masomo haya mwaka wa 1981 na wakahidiwa baada ya miaka miwili na nusu watahitimu, watahitimu mwaka wa 1988 na na hali tunajuakutoka mwaka wa 1981 hadi mwaka 1988 si miaka miwili na nusu? Kwa nini imekuwa hivyo?

Mr. Michuki: Bw. Spika, mafunzo ya walimu ni lazima yachunguzwe kulingana na mpango ulioko wa kuwa-elimisha watu wazima. Mpango huu ulianza mnamo mwaka wa 1979, na tuna aina tatu za walimu wa watu wazima. Kuna wale ambao ni permanent and pensionable; kuna wale wengine ambao huwa wakilipwa kile kinachojulikana kwa lugha ya Kingereza kama honoraria, na kuna wengine ambao hulipwa na makundi ya kujitolea. Ni wazi kutoka 1979 hadi leo si muda mrefu, na katika Wizara ya Utamaduni na Huduma za Jamii tumekuwa tukitayarisha vyombo vya kufundisha watu wazima. Kwa hivyo, tungali tunaendelea kuchunguza jambo la kuwa na vyombo vya kufundisha. Mpango wa mafunzo ya watu wazima umetiliwa maanani.

Mr. Shikuku: Unalipotisha Bunge!

Mr. Michuki: Bw. Spika, bado nalijibu swali la ziada la Mhe. Mwachofi. Ikiwa Mhe. Shikuku anafikiria nalipotisha Bunge, hayo ni maoni yake. Mimi natoa maoni yangu, na kulingana na heshima ya Bunge hili, yafaa nami nipatiwe nafasi ya kutoa maoni niliyo nayo.

Nilikuwa nikisema katika kuohunguza jambo la mafunzo ya walimu wa watu wazima ni lazima kwanza tuwalinganishe na scheme of service ya walimu ambao tayari wako chini ya maofisa-elimu. Tukishafanya hivyo, basi, tutaangalia mambo ya walimu wa watu wazima na wasimamizi wao. Hilo jambo ndilo linalo-endelea kwa sasa.

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

Mr. Speaker: Order! Order! We must move on now. Mr. Muthura's question.

Mr. Shikuku: I am not through with you yet!

The Assistant Minister for Culture and Social Services (Mr. Michuki): On a point of order, Mr. Speaker, Sir. My friend here, hon. Shikuku, says that he is not through with me yet. What is it that he was trying to get through with me?

Mr. Speaker: Order! Order! Hon. Michuki, that will not do you much damage. Mr. Muthura, can you ask your question?

No. 610

GOVERNMENT DEVELOPMENTAL FILMS

Mr. Muthura asked the Minister for Information and Broadcasting whether he could reinstate the showing of factual and developmental films to wananchi, especially now that a lot of development has taken place all over the country.

The Assistant Minister for Information and Broadcasting (Mr. Khasakhala): Mr. Speaker, Sir, I beg to reply.

The question of reinstatement of showing of factual and developmental films to wananchi does not arise

[The Assistant Minister for Information and Broadcasting]

since it had never been stopped before and it continues even today.

Mr. Muthura: Mr. Speaker, Sir, is the Assistant Minister telling the House that the Ministry shows these films continuously and all over the country?

Mr. Khasakhala: Yes, Sir. In every province we have a cinema van. The cinema van for Rift Valley Province is based at Nakuru. These cinema vans go round the districts in a province covering films on factual, developmental, educational, political, economical and cultural activities of this nation. In 1985 the unit based at Nakuru showed films at Nanyuki, Subili and the surrounding areas. In 1986 the unit screened films in three centres in Laikipia District, including Nanyuki area. In 1987, the unit has screened films at Rumuruti on 5th August, Subili on 7th August, 1987 and Durumo on 8th August, 1987. The film shows screened during that period included *Adult Literacy, the Burning Spear, Twenty Great Years of Uhuru, A Man of the People, Agriculture After Independence, Watering the Nation, Family Planning, Nyayo Path, Partner in Progress* and others.

Mr. Muthura: Mr. Speaker, Sir, Assistant Minister has enumerated several films which were screened. Can he be specific and tell the House, and the people of Nanyuki the particular film which was screened at Nanyuki and the particular date of and month when it was screened in 1987?

Mr. Khasakhala: Mr. Speaker, Sir, I cannot give the title of the film which was screened at Nanyuki, but I have already given the date the film was screened. However, if he wants me to give the title of the film, I can still get that information from my Ministry.

Mr. Muthura: Mr. Speaker, Sir, as far as I am concerned what I have seen are films which are screened by Cinema Leo, some churches and other advertising companies. I do not remember seeing a van belonging to the Ministry of Information and Broadcasting showing any film in Nanyuki during the particular time the Assistant Minister has talked about. Of course, I have the date for 1987 when he said a film was screened in Nanyuki, but I wanted him to be very particular and mention the title of the film, where it was shown and the date it was shown.

Mr. Khasakhala: Mr. Speaker, Sir, 1987 is not yet ended. In fact, we are still in the process of going round the districts in Rift Valley Province. If Nanyuki requires a film show, the hon. Member can raise that point in his district development committee; and since the Ministry is represented in the district development committee I am sure my officers will be very much willing to screen a film at Nanyuki.

Mr. Muthura: On a point of order, Mr. Speaker, Sir. The Assistant Minister is now referring me to the district development committee. He is now talking about the future when, in fact, I am talking about the past. When he says that a film was screened in Nanyuki, and then he refers me to the district development committee

for future screening, is he not misleading the House?

Mr. Khasakhala: Mr. Speaker, Sir, he asked me about 1987, and that is why I said that 1987 is not yet over, and that is why I referred him to the future. The films have been in progress— We have been showing them throughout the districts.

Mr. Mathenge: Mr. Speaker, Sir, arising from that answer by the Assistant Minister, we know that these films are supposed to educate wananchi on the Government policies, as he has just said. He has mentioned areas in my constituency, such as Rumuruti, Subili and Durumo and he has even mentioned the dates when these films were shown, but these films were not advertised; nobody saw them. So, I do not know how these films came, or when they came; they were brought secretly. Even my people did not know about them. The films were brought to educate us, but they came secretly so the people were not educated. I have no date for these films, so—

Mr. Speaker: Order! You were given an opportunity to raise a question but not to make a speech.

Mr. Mathenge: Mr. Speaker, Sir, would the Assistant Minister be specific and tell us if these films were advertised. Were the people informed that they would be shown the films on a particular date at a particular place? We were not aware when these films were being brought and they are very important.

Mr. Khasakhala: Mr. Speaker, Sir, every district has a district information officer, who sends a circular through the chiefs and assistant chiefs to inform the public when a certain film would be shown at a certain area, whether at a market centre, a divisional headquarters or a school playground. This circular goes to the district officers, chiefs and assistant chiefs. If those officers do not inform their people, then it is unfortunate. However, a circular is always sent out by the district information officers giving the dates and details of when the films will be screened.

Mr. Muthura: Mr. Speaker, Sir, I think the Assistant Minister is —

Mr. Kikuyu: On a point of order, Mr. Speaker, Sir. He is misleading the House.

An hon. Member: That is not a point of order.

Mr. Speaker: No, that is not your business! You should not shout like that.

Mr. Kikuyu: On a point of order, Mr. Speaker, Sir. When the Assistant Minister was answering a supplementary question, he told the Member for Laikipia East to go to the district development committee (D.D.C.) and tell them to inform the district information officer of the arrangements that they would like as concerns the screening of films. Was he in order to say that, whereas it is the duty of the Government to inform and educate the people? It should not be planned by the D.D.C. It is the Ministry which should inform and educate the people in the rural areas so that they know what the Government wants, or what are its policies. It is not the D.D.C.s which should do this. Why should he refer us back to D.D.C. for issues that do not concern them?

Mr. Khasakhala: Mr. Speaker, Sir, D.D.Cs. are part of the Government, and my Ministry is also a part of the Government. The reason why I referred the hon. Member to the D.D.C. is that if he had a complaint about a certain area, the district information officer attends the D.D.C. meetings, and he could then ask him to send a film show there. I said there is only one van in every province and, therefore, it is not easy to show these films regularly in all the areas. But if a certain Member of Parliament has a complaint about his area the only way he can raise his complaint is through the D.D.C., whose meetings the district information officer attends. The district information officer will make a note of it and make sure that a film show is scheduled for this particular area.

Mr. Muthura: Mr. Speaker, I can see that the Assistant Minister is making a way. He has said that a circular is always sent to chiefs and assistant chiefs informing the public about the films. Can the Assistant Minister now promise to this House that tomorrow or next week he will lay on the Table a copy of the circular which was sent to the chiefs in Laikipia District?

An Hon. Member: That is correct.

Mr. Khasakhala: Mr. Speaker, Sir, I will do that.

No. 317

COMPENSATION—ACQUITTAL AFTER 15 YEARS IN JAIL

Mr. Shikuku asked the Attorney-General—

(a) whether he is aware that Mr. Mwaura Njihia was imprisoned for a total of 36 years with strokes; and having served 15½ years, and also having received 80 strokes of the cane, he was acquitted on appeal; and,

(b) should the answer to (a) be in the affirmative, what steps does he intend to take to ensure that this mwananchi and other innocent wananchi are compensated.

On a point of order, Mr. Speaker, Sir. This question was asked some time in the middle of last year, and to my surprise I have not been given a written reply from the Attorney-General's Chamber. This is very unfair. It was asked in 1986.

The Attorney-General (Mr. Muli): Mr. Speaker, Sir, I apologize for that. However, if the hon. Member checks in his pigeon-hole. I am sure he will get a copy of the written reply.

Mr. Mwachofi: On a point of order, Mr. Speaker, Sir. Is the Attorney-General in order to mislead the House by telling hon. Shikuku that he can get a copy of the written answer in the pigeon-hole? This is not the practice. Answers are never sent to the pigeon-holes.

(applause)

An hon. Member: He has never been a Back-bencher.

The Attorney-General (Mr. Muli): Mr. Speaker, Sir, all I said was that if the hon. Member would check in his pigeon-hole he might get it there, because I checked—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, Is the Attorney-General in order to mislead this House? Replies to questions are always given to the Clerk of National Assembly, who does not give them to the Questioners or the Back-benchers until three minutes to the Question Time. I have checked with the Clerk and he does not have it. Replies are never sent to the pigeon-holes. So, is he in order to mislead the House? We are never given the replies in advance. They are always given here in the House but not in the pigeon-holes.

The Attorney-General (Mr. Muli): Mr. Speaker, Sir, I did check with my office this morning and I was informed that a copy of my reply has already been sent. I will check where it landed if the hon. Member did not get it.

Having said that, Mr. Speaker, Sir, I beg to reply.

According to the records, Mr. Samuel Mwaura Njihia has had several criminal cases of robbery with violence, contrary to section 296 (2) of the Penal Procedure Code. For instance, in 1971 he had two cases in Nakuru and one in Thika, and in 1981 he had one case in Nairobi. The two Nakuru cases had their appeals lodged in 1971 but they were rejected, and then notices of appeal were again lodged in 1985 and 1986. The judgements were delivered in 1986 and 1987. Apparently the Thika and Nairobi cases had no appeals lodged.

Mr. Speaker, Sir, appeals for Nakuru cases were only allowed after the appellant had requested for the same out of time and after a long delay and, as such, there was nothing to stop the prison authorities to carry out their duties in respect of the imprisonment accorded to this culprit.

Mr. Speaker, Sir, this question of compensation, where a person has been allowed to leave prison, has been before this House too often. We have no provisions in our law which allow any one who has succeeded in an appeal to be paid compensation.

Mr. Shikuku: Arising from that unsatisfactory reply, Mr. Speaker, Sir, the Attorney-General has intentionally avoided the crux of the matter, that this mwananchi was acquitted as innocent. This mwananchi was acquitted after successfully appealing against the crimes he was said to have committed. Will the Attorney-General tell us why it took so long to acquit this man—as he has said—and why he was subjected to 80 strokes while he, the Attorney-General, has never had even one stroke of the cane? What does he say to that effect?

Mr. Muli: Mr. Speaker, Sir, getting a stroke of the cane is not a sort of privilege. I managed to get a stroke of the cane at school, if the hon. Member has not had one.

Mr. Speaker, Sir, this convict, had, as I have said, several criminal offences and convictions—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Is the Attorney-General in order to call this mwananchi a criminal after he has been acquitted?

Mr. Muli: Mr. Speaker, Sir, I do not agree with the hon. Member that Mr. Mwaura was acquitted. Let us not play about with the word "acquitted". He was not

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acquitted. His appeal may have been allowed on technicalities and his jail term may have been reduced. As I have said, Sir, Mr. Mwaura had convictions of at least four robbery cases. The first one relates to in 1971, for which he was convicted and sentenced to jail for 16 years. In another one, he was convicted and sentenced to jail for 16 years and later he was convicted for six years. Out of the four convictions only two were allowed, and there was no appeal for the others at all. Therefore, the 15 years he had served were in respect of the other cases where there were no appeals. As a matter of fact, he must have been given a bonus by way of reprove.

Mr. Sifuna: Mr. Speaker, Sir, will the Attorney-General bring a Bill to this House to the effect that any mwananchi who has been acquitted and had served for a certain period in jail should be compensated? In this particular case, this mwananchi got 80 strokes of the cane. Now, can the Attorney-General order that the magistrate or judge who sentenced this man should also receive 80 strokes of the cane to settle the bitterness in this case?

Mr. Muli: Mr. Speaker, Sir, our laws do not provide for compensation, as I said before. With regard to the magistrate who convicted Mr. Mwaura, he exercised his judicial powers and, as such, I am afraid nothing can be done.

Mr. Nyaga: Mr. Speaker, Sir, I would like to ask the Attorney-General whether it would be in order for all judges and Members of this House to spend at least a weekend in our civil jails to see how it looks like for a man to receive 80 strokes of the cane and to spend 15½ years in jail?

An hon. Member: Including the Speaker!

Mr. Muli: Mr. Speaker, Sir, I cannot comprehend any question here. The hon. Member is just making a comment; and if he would like to spend a weekend in a civil jail, he can contravene any of the laws and he will find himself there. People are not just sent to a civil jail; it is not a hotel. They go there because of a conviction.

Mr. Lukindo: Mr. Speaker, Sir, if I heard what the Attorney-General said correctly, he has informed this House that we have no provisions in the laws of this country to compensate acquitted persons. Now, could he, as the Attorney-General of this country, bring a Bill in this House for approval? This is because the wanchi should not be humiliated in such a way in a free country.

Mr. Muli: Mr. Speaker, Sir, the answer here is that it is contrary to public policy to legislate for compensation of a person who had been convicted.

Mrs. Asiyo: On a point of order, Mr. Speaker, Sir. I am very disturbed about the attitude of the Attorney-General with regard to previous convictions of offenders. He has enumerated several instances where Mr. Mwaura was jailed for whatever offences. Is he telling us that Mr. Mwaura was not capable of rehabilitation and reform?

Mr. Muli: Mr. Speaker, Sir, robbery with violence carries mandatory death sentence. Mr. Mwaura was

convicted of robbery with violence and was imprisoned for a number of years. No doubt in the prison he must have been rehabilitated, and that is why, perhaps, a reprieve was given, instead of his serving the entire period.

Mr. Shikuku: Arising from the avoidance by the Attorney-General to reply to a genuine question, Sir, and taking into account that this is a National Assembly and looking at the hon. Members here who are quite disturbed, could he consider bringing a Bill to this House to provide for compensation? Which public is he talking about? We are the spokesmen of the public. The question is: Will he bring a Bill to this House?

Mr. Muli: Mr. Speaker, Sir, laws do not remain static, and I agree that consideration can be given from time to time. When time is opportune, such a Bill can be considered.

Hon. Members: When?

Mr. Speaker: Next question.

No. 561

OWNERSHIP OF PLOT IN NDALU SCHEME

Mr. Sifuna asked the Attorney-General—

(a) whether he is aware that the rightful owner of Ndal Settlement Scheme No. 9, Plot No. 162 is Mr. Chirikona Welemusaya as per allotment letter dated 29th October, 1965;

(b) why the Court of Appeal at Kisumu, under civil appeal No. 7 of 1986 between Henry Chilikona, the Respondent in Civil Case No. 57 of 1980, transferred the said land to Law of Succession Act (Cap. 160) when Mr. Henry Chilikona Welemusaya Wakhungu is still alive; and,

(c) whether he could make sure that Mr. Welemusaya is not denied his rightful land.

The Attorney-General (Mr. Muli): Mr. Speaker, Sir, before I reply. The question by the hon. Member for Bungoma South has got a catch. It has a catch because several names of different people are used. I would like to say that writing, answering and reading it may be incomprehensive. The position here is that there was a man called "A", who was allocated a piece of land and he subsequently died in 1980. He had a son, who in turn had a son called "C". "C" assumes the name of the deceased grandfather. He goes with those names to the land registrar and says: "I am 'A'". Obviously, there is a catch here because the names are similar. However, the case goes to court, and the Court of Appeal finds that, as a matter of fact, "A" cannot be "C"; because of the simple reason that they are different people. The Court of Appeal, therefore, orders the land to go under succession. With that illustration, Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Plot No. 162 in Ndal Settlement Scheme No. 9 was allocated to a Mr. Chirikona Welemusaya, as per allotment letter dated 20th December, 1985.

(b) There was a case which ended in the Court of Appeal at Kisumu, and the court decided and transferred the case to the Law of Succession. This was because

[The Attorney-General]

the rightful owner—the said Mr. Cherikona Welemusaya—was no longer alive, as he had died in 1980. Another person called Mr. Chilikona Welemusaye Wakhungu, who is still alive, and is now claiming the land, is not the same person as the original Cherikona Welemusaya.

(c) Therefore, he cannot have the land because it must devolved under the succession of his grandfather.

Mr. Sifuna: Mr. Speaker, Sir, the answer given by the hon. Attorney-General is not correct. The land which the Attorney-General is talking about is not the same piece of land we are talking about. When his grandfather died, and was buried in his own land—This particular piece of land, which is No. 9 Plot No. 162, belongs to Henry Chilikona Welemusaya, according to the documents given to him. There were some problems between him and his brothers, and instead of the court awarding this land to Mr. Henry Chilikona Welemusaya, they decided with other people, to put this land under the Succession Act. That is why I brought this question before the House, so that this gentleman is not denied his rightful land. Could the Attorney-General, therefore, make sure that Mr. Henry Chilikona Welemusaya is not denied his rightful dues? If the Attorney-General wants, I can bring this gentleman to his office to verify all the documents to prove that he is the rightful owner of this land.

Mr. Muli: Mr. Speaker, Sir, there is a point of principle here. The principle is this: That the highest court in this country, which is the Court of Appeal, has decided that this case must be decided by the Law of Succession. It is not like in the colonial days when we used to go to the Privy Council in England to challenge the decisions of the Court of Appeal. Unfortunately, this House does not have a committee like the Privy Council where that decision can be challenged. So the principle here is that it would be perhaps wrong for this House to start sitting as “court of appeal” over the Court of Appeal which is constituted. The other point is that when this land was allotted, Henry Chilikona Welemusaya was a small boy, and he could not have been allotted this land. The policy at that time was only to allot land to adult landless but not to minors.

Mr. Sifuna: Mr. Speaker, Sir, I fail to understand why the Attorney-General is trying to mislead this House. My question to him was whether Mr. Henry Chilikona Welemusaya is the rightful owner of this piece of land. This gentleman could not have taken all the trouble to go up to the Court of Appeal if the piece of land was not his. This boy's mother bought this land in his name, and the land was given to Henry Chilikona Welemusaya when he was still very young. His grandfather, who has since died, got a different piece of land. He was never buried in that particular piece of land I am referring to. I am talking about Plot No. 162. It does not belong to the grandfather but to this particular boy. That is why I am appealing to the Attorney-General to make sure that justice is not denied this particular boy. Could he do that?

Mr. Muli: Perhaps, Mr. Speaker, you may like to guide us here. This is a decision of the Court of Appeal and my hands are tied. I cannot constitute myself as the court of appeal over the Court of Appeal that is existing.

Mr. Speaker: Let us now go back to Mr. Kiliku's question.

No. 595

OPENING CHAANI MARKET

Mr. Kiliku asked the Minister for Local Government—

- (a) what is delaying the opening of Chaani Market, which has been built through the World Bank project of site-and-service scheme; and
- (b) whether he will take the necessary action to have this market opened.

The Assistant Minister for Local Government (Mr. Marita): Mr. Speaker, Sir, I beg to apologize for not being here when the question was asked for the first time.

I beg to reply.

(a) Chaani Market, which was first opened in August 1985, was closed in September 1986 by the medical officer of health due to lack of water and other sanitary facilities.

(b) The said facilities have been provided and the market has been re-opened.

Mr. Kiliku: Mr. Speaker, I thank the Assistant Minister for his reply, but I would like him to tell this House why they allowed this project to build such an open market without the provision of water.

Mr. Marita: Mr. Speaker, Sir, at the time this market was first opened there were not enough funds to complete all the facilities which were necessary. The whole situation has now been made right.

Mr. Speaker: Let us now move on to Question by Private Notice.

QUESTIONS BY PRIVATE NOTICE

DENIAL OF IDENTITY CARDS TO GARISSA STUDENTS

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

- (a) Is the Minister aware that students who were over 18 years old from some schools in Garissa were denied identity cards?
- (b) Is he further aware that as a result of this many students did not register as voters?
- (c) Would he direct that the students affected be issued with identity cards immediately?

The Assistant Minister, Office of the President (Mr. Onyancha): Mr. Speaker, Sir, I wish to ask for the permission of the Chair for us to answer this question later because we do not have the answer yet.

Mr. Hassan: Can the Assistant Minister give us the specific day?

The Assistant Minister, Office of the President (Mr. Onyancha): Mr. Speaker, Sir, I expect we will be able to reply to it when it is brought to the Order Paper again.

Mr. Speaker: Mr. Kiliku's question.

(Question deferred)

DISMISSAL BY CARGO CONTAINERS LIMITED:
MR. PETER OTIENO

Mr. Kiliku: Mr. Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice:

(a) Is the Minister aware that Mr. Peter Otieno was on 7th October, 1987 summarily dismissed from employment by Cargo Containers Limited, of P.O. Box 80857, Mombasa?

(b) Will the Minister order the employer to reinstate him unconditionally?

The Assistant Minister for Labour (Mr. arap Metto): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Peter Otieno was dismissed by his employer Messrs. Cargo Containers Limited, Mombasa, on 7th October, 1987. Mr. Otieno was dismissed because as a fork lift driver he negligently caused an accident which destroyed a fork lift worth KSh. 1.3 million. Nevertheless, on dismissal he was paid a sum of KSh. 3,457.55 made up as follows:

(i) 7 days wages	...	...	KSh. 259.70
(ii) 24 days leave	...	...	KSh. 908.90
(iii) Provident Fund	...	...	KSh. 2,288.95
Total	...	...	<u>KSh. 3,457.55</u>

(b) I am unable to order the unconditional reinstatement of Mr. Otieno because such an order is not in accordance with the laid down procedure under the law. If Mr. Otieno feels that he was unjustifiably dismissed, the correct procedure for him to follow is to report the matter to his union, which may ultimately take up the case with the Industrial Court for adjudication and determination.

Mr. Kiliku: Mr. Speaker, Sir, Mr. Otieno was involved in an accident when he was on official duty, driving a fork lift. When he came back from hospital, he found that his employer had dismissed him. However, I want to know whether the Minister can produce a traffic police investigation report because he said that Mr. Otieno was dismissed because he had negligently caused an accident. Can he prove that this accident was caused by negligence? I cannot believe that the employer was in order to dismiss Mr. Otieno on the spot.

Mr. arap Metto: Mr. Speaker, Sir, according to the reply I have given the hon. Member, he is asking me to prove whether the accident was caused by negligence or it was a genuine one. In my reply I said there is a procedure to be followed by a person who feels that he has been unjustifiably dismissed. The correct procedure is for him to take up the matter with his union so that it may be heard by the Industrial Court

That is the time when the union will act on his case. After that, if there is anything which has not been decided upon properly, we can look into it.

Mr. Khalif: Mr. Speaker, Sir, the reason given for having this worker summarily dismissed was that he had negligently caused an accident. That information was to be given by the employer because if it were not given by the employer, then the Ministry of Labour, or the police, should have investigated the matter and found out how the accident was caused. Mr. Otieno was summarily dismissed on the grounds that he had caused an accident negligently, and the information was given by the employer. Is the Assistant Minister fair to say—

Mr. Speaker: You are taking too much time going round and round.

Mr. Khalif: Is the Assistant Minister in order to say that this dismissal was fair?

Mr. arap Metto: Mr. Speaker, Sir, as I have stated in answering this question, I have advised the hon. Member to advise the employee to take this matter up through his union, if he feels that the dismissal was not done in the right way. That is the procedure that we have, so that all the parties concerned—the employee and the employer—are given a chance to represent their cases. But according to the information we have from our labour officer—

Mr. Kiliku: On a point of order, Mr. Speaker, Sir, I do not know whether the Assistant Minister is in order to refer this House to the Industrial Court when we know very well that this House is supreme to that court. I do not know whether the Assistant Minister is suggesting that the Ministry is under the Industrial Court. I thought it was the other way round?

Mr. arap Metto: Mr. Speaker, Sir, I am not suggesting that this House is not supreme to the Industrial Court. All I am saying is that we have laws which have been enacted by this House, and these are the ones that I have been referring to.

Mr. Mbori: Mr. Speaker, Sir, before the Assistant Minister tells the hon. Member to ask the employee to apply this way or that way, is he satisfied that this particular person was dismissed according to the terms and conditions of service under which he was employed? Has this been followed?

Mr. arap Metto: Sir, while answering I gave the reasons which led to the dismissal of this particular employee. I also said that if the employee feels he was dismissed unjustifiably he should take his case to the union and it will be heard.

PURCHASE OF FOREIGN CURRENCY BY BANK OF INDIA

Mr. Lukindo: Mr. Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice:

(a) Is the Minister aware that £924,000 was purchased from the Central Bank of Kenya for delivery to the Bank of India, Ref. Purchase (10300) of 25th May, 1984?

(b) Why did the Central Bank of Kenya authorize this sale?

The Assistant Minister for Finance (Mr. Misiani): Mr. Speaker, Sir, I would request your indulgence that we answer this question next week.

Mr. Lukindo: On a point of order, Mr. Speaker, Sir. This is the second time for this question to appear in the Order Paper; and I stand to seek your guidance about it.

Mr. Speaker: Mr. Misiani, can you explain?

Mr. Misiani: Sir, there is a good reason. There was a reply that, I believe, was passed on to the hon. Member last week and there was a period of time when I was unwell and so when this reply was drafted we had not looked at it. This is because soon after the Minister himself also fell ill, and since we resumed we found that this reply was not satisfactory, and that is why we would like to give a proper reply to the House.

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

Mr. Speaker: Order! There is no point in dealing with this matter now since the Assistant Minister has said that he has to more or less prepare a proper reply. So, there is no point of dealing with it now and then looking forward to doing it again. We will let it stay like that until he is in a position to put forward something for all of us.

Mr. Lukindo: On a point of order, Mr. Speaker, Sir—

Mr. Speaker: Not on that matter. I have already ruled on it and it is finished.

(Question deferred)

CLOSURE OF RIOMORO PRIMARY SCHOOL

Mr. Abuya-Abuya: Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice:

- (a) Why was Riomoro Primary School closed down by the local administration in March 1987?
- (b) Is the Minister aware that the order given by the local D.E.B. and D.D.C. on 25th May, 1987 and 28th September, 1987, respectively to have the school re-opened was not followed?

The Assistant Minister for Education (Mr. M'Maitisi): Mr. Speaker, Sir, I beg to reply.

(a) Riomoro Primary School, which was duly recommended by the Kisii District Education Board to start in 1987 with one class of Standard 1 was closed down by the local administration, and consequently the two teachers who were deployed there, together with about 90 pupils, were transferred to the neighbouring Nyaohiche Primary School. This was because of security reasons, and also because some community members preferred the site of the school to become a market place.

Mr. Kikuyu: On a point of order, Mr. Speaker, Sir. In the Assistant Minister's reply, he has touched on a very important point, of security reason. What security grounds are there in Kisii District to make a school be closed? Is Kisii District under a state of emergency?

The Assistant Minister for Education (Mr. M'Maitisi): Mr. Speaker, Sir, I wish the hon. Member would have

waited until the reply is complete before he jumped on the point of order.

Mr. Speaker, Sir, I am aware that on 25th May, 1987, and on 28th September, 1987, Kisii District Education Board and the Kisii District Development Committee (D.D.C.) respectively advised that Riomoro Primary School should be re-opened on condition that the school community should decide unanimously to either establish a school or a market at this site.

Mr. Speaker, Sir, as we know, Riomoro Primary School started as a nursery school, and children used to go there. By way of sending children there, they started a new primary school in 1987. The board made this recommendation during its meeting, which was held, as stipulated, on 8th September, 1987. Consequently, the school was opened with a Standard 1 class in January, 1987, and the Ministry or the district education officer, posted the teachers there, where there were about 90 children.

In March, 1987, Mr. Speaker, Sir, the headmaster of this newly established school wrote to the District Commissioner, Kisii, with a copy of his letter to the District Education Officer, Kisii, complaining of frequent harassment from the school community. That is to say that those who were interested in a market rather than a school went against the idea and threatened the headmaster and his staff. Some members of the school community wanted the school site to be developed into a market place. The school area is approximately three-quarters of an acre, which is not quite adequate for a school. Therefore, on receiving this complaint the district commissioner, the district education officer, the Chairman of the Gusii County Council and some councillors, together with hon. Abuya-Abuya, Member of Parliament for the area, visited the school, and advised the school community to resolve their differences.

Now, because of the gravity of the insecurity prevailing at that time at the school the district education officer transferred all the pupils and the two teachers to the next nearest school, which is known as "Nyachichi" and which is situated about two-and-a-half kilometres from Riomoro Primary School. The children are now learning at this school uninterrupted.

In May, 1987, Mr. Speaker, Sir, Kisii District Education Board recommended that Riomoro Primary School should be re-opened. Hon. Abuya-Abuya attended the board meeting. Now, on hearing of the board's recommendation the opposing group called on the district education officer and advised him of the danger of re-opening this school. The district commissioner told the local people at Riomoro that unless they sort out their differences the school would remain closed. We would only be interested if we hear that these people have agreed because there are opposing factors. The moment they agree that the school should be re-opened without any opposition and fighting over it, we will come in. But while this kind of faction is continuing we have no alternative other than to leave the matter as it is.

Mr. Abuya-Abuya: Mr. Speaker, Sir, from the outset, let me say that the answer by the Assistant Minister

[Mr. Abuya-Abuya] contains total "lies"! The Assistant Minister says that the school—

The Assistant Minister for Commerce (Mr. Lalampaa): On a point of order, Mr. Speaker, Sir, Did you hear the hon. Member use the word "lies"? Is it a Parliamentary language?

Mr. Speaker: No, we do not use that kind of language here, Mr. Abuya-Abuya. So, withdraw and apologize to the House.

Mr. Abuya Abuya: Mr. Speaker, Sir, I withdraw and apologize, but he is misleading the House.

Mr. Speaker: You cannot say that and then say "but"! **Mr. Abuya-Abuya:** Mr. Speaker, Sir, I withdraw the word "lies", but he is misleading the House.

Mr. Speaker, Sir, the Assistant Minister has told this House that the community was harassing the teachers. This is not true. The report contained in *Kenya Leo* of 25th May, 1987, which reads: "Shule Yafungwa Wilayani Kisii". This is the story, and it is true, and I quote:

"Wanafunzi zaidi ya 200 wa shule ya msingi ya Riomoro katika hokesheni ya Central Kitutu Wilayani Kisii wamekosa masomo yao kwa muda wa miezi miwili iliyopita baada ya shule hiyo kufungwa na ofisa wa elimu wa tarafa ya Manga, Bw. J. Omoyo, pamoja na chifu mdogo wa eneo hilo, Bw. Samson Nyang'au, waliandama na polisi wanne wa utawala waliokuwa na bastola."

Mr. Speaker, Sir, that is the truth. The community has always wanted a school. It is the community that donated the plot, which is two-and-a-half acres, and considering the scarcity of land in Kisii, that is good enough. Delegation by delegation has gone to the district education officer, the district commissioner, and the provincial education officer. They are always chased away from the Government offices. I, personally, as the Member of Parliament for the area, have talked to the Minister himself about the issue, and also to the Director of Education, but I have not been listened to.

Mr. Speaker, Sir, the district education board meeting of 8th September, 1987, approved the school. The Assistant Minister has misled the House by saying that a condition was made for the school to re-open. If I can read the minutes—Minute 62/86 (iii) of 25th May, 1987—states, and I quote:

"The D.O., the D.C., Gusii County Council, and the area M.P. arranged to meet the school committee, and officially announce the opening of the school".

The harassment, Mr. Speaker, Sir, has come from the assistant chief, the district officer, the chief, and the councillor, because they want this plot to be turned into a market place so that they can grab the plots. Could the Assistant Minister direct that this school be re-opened immediately? This is pathetic. I can show you the picture of the children who are out of school and in the rain. The newspaper says:

"When it rains on them, the cold weather on the Kisii highlands harasses them each morning, and yet

they are never attended to. Their school, Riomoro Primary School, was closed down by the local administration to give way for a market. The 200 children—"
Mr. Speaker: Order, Mr. Abuya-Abuya! The fact something appears in a newspaper does not mean that it is correct!

Mr. Abuya-Abuya: Mr. Speaker, Sir, I am saying this because it should touch anybody who is a human being and anybody who loves Nyayo children. Would the Assistant Minister order that the school be re-opened immediately?

Mr. M'Maitsi: Mr. Speaker, Sir, it is good that the hon. Member is taking that interest. But on the other hand, for what reason would an assistant chief and administration police carry guns to a place where there is peace? It is also misleading for the hon. Member to say that when we start a school we shall be having 200 children in Standard 1. This is completely unusual. He should have said that two classes had been started; that would be understood. The only way we can have the school back is through peace. We want peace in the area.

Mr. Chepkok: On a point of order, Mr. Speaker, Sir. It is written in the newspaper that the school had 200 children. The information officer who was there counted the children and found that they were 200. Why is the Assistant Minister misleading the House by denying that the children were 200?

Mr. M'Maitsi: Mr. Speaker, we administer schools through the district education officer and the assistant education officer. We do not administer them through newspapers. We are, therefore, following what our administration has written and told us the position is. They told us that the position is not the way the hon. Member is alleging.

Mr. Abuya-Abuya: On a point of order, Mr. Speaker, Sir—

Mr. Speaker: Order! We are seeing people becoming disorderly. We should behave like mature people.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. My point of order is in connection with the reply given to this House, which has been refuted by the hon. Member. Now, will the Assistant Minister substantiate that the hon. Member and all those people whom he says went there did actually do that? The newspaper report mentions the chief and the district officer only there is no mention of the Member of Parliament. In other words, the Assistant Minister's reply is not true. So, could he substantiate that the hon. Member was there? The newspapers do not say that the hon. Member was there.

Mr. M'Maitsi: Mr. Speaker, Sir, I cannot substantiate what is in a newspaper. I have said that the hon. Member, the Chairman of Gusii County Council, the chief and the district officer visited the place. If they visited it, then they have reasons why they do not want to go ahead and start the school there; they do not want to start it in this place.

Mr. Abuya-Abuya: On a point of order, Mr. Speaker, Sir. My point of order is that the Assistant Minister is misleading the House. This is because after the meeting

[Mr. Abuya-Abuya]

of 25th May, 1987 it was decided that since the school had been closed down using askaris, and, therefore, scaring the community, the district commissioner, the Chairman to Gusii County Council—and that is the information I quoted from the minutes of that meeting—should go to the site for the purposes of re-opening the school and restoring the people's confidence. It is true that there are 200 children in that school; 100 of them being in the nursery school class and the other 100 being in the standard one class.

Mr. M'Maitisi: Mr. Speaker, Sir, I am sure that the hon. Member lives in that area. However, it is clear that what he has done here is just bringing in reports contained in newspapers. I am sure the district education officer and the district commissioner are well informed about this matter. The district commissioner is the chairman of both the district education board and the district development committee. Therefore, after discussing the matter in those committees, he went to the site himself. Now, since he was not satisfied that the site was safe, he wrote to us—

Mr. Speaker: Dr. Wameyo's question.

OWNERSHIP OF KENAFRIC COMPANY

Dr. Wameyo: Mr. Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice:

- (a) Who are the present directors of KENAFRIC BUSINESS AND CREDIT HOLDINGS (E.A.) Co. of P.O. Box 97309, Mombasa?
- (b) What is their present address?
- (c) When was the company first registered?
- (d) What is their nature of business?

The Attorney-General (Mr. Muli): Mr. Speaker, Sir, the information sought here could easily be obtained from a search in my office, on payment of a certain fee.

Hon. Members: Use the microphone!

The Attorney-General (Mr. Muli): Mr. Speaker, Sir, what I have said here is that the information sought here is normally obtained through search in my office on payment of a prescribed fee. So, unless there is any special reason as to why I should answer this question, it is very clear that this information can be obtained from my office.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Is the Attorney-General in order to refuse to reply to a question? This question is now the property of the House. Once it is put on the Order Paper it becomes the property of the House not the hon. Member's property. Is he in order to refer the hon. Member elsewhere when this question is the property of the House? Would you, Mr. Speaker, Sir, order him to give a reply to this House?

The Attorney-General (Mr. Muli): Mr. Speaker, Sir, I have not refused to reply. All I have said is in the Standing Orders, which the hon. Member is a master of which provides that where information can be obtain-

ed elsewhere, such a question cannot be answered. I am prepared to answer the question, Mr. Speaker, Sir.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. It is not in order for the Attorney-General to mislead this House, because under Standing Order No. 37 there is nothing of the sort which governs the questions of this House. There is nothing that says what he is telling this House. Once the question is put on the Order Paper it is the property of the House and not the hon. Member's property. Therefore, we are entitled to get that information from the Attorney-General.

Mr. Muli: Mr. Speaker, Sir, I do not know why there is steam. I am always prepared to assist, and I have only pointed out that this information is available on search and on payment of fees, but I am prepared to reply. I have not refused to reply.

Mr. Shikuku: Give us the reply.

Mr. Muli: Mr. Speaker, Sir, I beg to reply. According to the notice of change filed with the Registrar of Business Names on 25th August, 1980, the sole proprietor of the business is Mr. Lucas Samwel Owuor Odindi. The registered office of the company is plot No. 212, Section 20 of Haile Selassie Road, Mombasa, and has branches at plot No. 79, Section 5, Mbale Market, Kakamega Plot, Mgimenyi Trading Centre, Werucha Road in Taita Taveta District, Plot No. 4096, Section 70, Mukudi Road, K.N.U.T. Building, Kitui and Plot No. 11/102, Main Road, Kisii.

The business was first registered on 15th May, 1975, when it had two partners, namely: Josphat Mberench Otefe Oyugi and Lucas Samwel Owuor Odindi. The nature of the business is general commission agency. I would like to point out that this is not a company but a partnership.

Dr. Wameyo: Mr. Speaker, Sir, I would like to thank the Attorney-General for that very comprehensive answer, but I would like to put one question to him. Mr. Josphat Mashemo Mwangi, from Mumias, paid this partnership Sh. 7,686, but to-date we cannot receive any replies to letters written to this address. So, may I know from the Attorney-General whether these offices still exist as of now?

Mr. Muli: Mr. Speaker, Sir, I can only reply from the records filed in my file about the business. The information I have given is the up-to-date one. We have not had any changes, and unless the hon. Member can assist us here I cannot give any more information, which I do not have.

Mr. Shikuku: Arising from that reply, Mr. Speaker, Sir, would the Attorney-General, apart from using his files, use his other means to find out whether, indeed, this company is in existence and whether these addresses are still the same? He is only depending on his file. Would he use other arms to find out whether these people really exist and whether they use that address?

Mr. Muli: Mr. Speaker, Sir, as I said, this is not a company but a partnership. So we must not refer to it as a company; we have only registered it as a business name. As to whether it is operational I cannot say, but there is no doubt that if the hon. Member, Dr. Wameyo,

[The Attorney-General]

gives me the particulars of the case he mentioned, as a basis for investigation, I would carry out investigations.

Dr. Wameyo: Mr. Speaker, Sir, this company collected a lot of money from wananchi in Mumias and Kitui but as of now we cannot trace them. I know Haile Selassie Road in Mombasa very well. I operate a clinic there. However, I am unable to trace these people on this address, and that is why I asked this question. Would the Attorney-General assist us in finding out where these people are as of now?

Mr. Muli: Mr. Speaker, Sir, if the hon. Member gives me the papers containing the details of the people complaining that they have paid money to this business partnership, that will form the basis of my investigation, and I will certainly do the best I can.

(Applause)

Mr. Speaker: Let us move now on.

POINT OF ORDER**CLOSURE OF SCHOOL—MATTER NOT SUITABLE FOR S.O. 20**

Mr. Omido: On a point of order, Mr. Speaker, Sir. I wish to raise a matter concerning the closure of Riomoro Primary School in Kisii because, as you know, we have already been told more than 200 Nyayo children have been denied a chance to go to school. This is in the interest of a few people who want to convert the school into a market for their own selfish ends. I feel that this is a matter of national importance, and I would like to request for your permission to move a Motion for the Adjournment at an appropriate time so that the House may discuss this matter appropriately. Thank you.

(Applause)

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

Mr. Speaker: There is a point of order which is not yet dealt with. If Members support that view and wish to discuss the issue raised, I will not stop it. However, there are only 18 hon. Members in the House now.

Hon. Members: We have 21 Members in the House now. We are 21.

Mr. Speaker: There seems to be some confusion somewhere because I understand that this is the same matter that was raised in a question this morning and it was dealt with then. So, raising the matter again now is just repetition of the same thing.

Mr. Abuya-Abuya: On a point of order, Mr. Speaker, Sir. This matter is so serious—

Mr. Speaker: No! We will not go back to that issue. (Several hon. Members stood up in their places)

Mr. Speaker: Order. Resume your seats, hon. Members.

We have had that question which was replied to here and hon. Members had an opportunity of asking supplementary questions on it. So, going back to it seems to be just repetition of what has already been dealt with. There is no point in doing that.

This would be more repetition of the same question in the same Session. So, I do not think we should handle it that way. We should make sure that we are clear when we call for a Motion for the Adjournment. I think we had better move on to some other business.

Mr. Abuya-Abuya: On a point of order, Mr. Speaker, Sir. The issue really touches—

Mr. Speaker: Let us not go back to that issue, Mr. Abuya-Abuya.

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

Mr. Speaker: Not on the same issue.

Mr. Khalif: No, Mr. Speaker, Sir, this is different.

Mr. Speaker: Okay, Mr. Khalif.

PERSONAL STATEMENT**DENIAL OF ALLEGATION OFFENSIVE TO MUSLIMS**

Mr. Khalif: On a point of order, Mr. Speaker, Sir. I stand to raise a matter of considerable significance to me as the Member of Parliament for Wajir West and as the Secretary-General of the Supreme Council of Kenya Muslims, and indeed, to the entire Muslim community in Kenya. This is in connection with some remarks uttered by hon. Shikuku, the Member for Butere, in Parliament some time back, to the effect that mosques, which, as you are aware, are exclusively used for the worship of the Almighty God by Muslims, have been used as meeting places where people hatch up political tricks and machinations against other people. The hon. Member was specifically referring to some problem pertaining to a Councillor Maitha of Mombasa during a question and answer discussing the councillor's problems. Mr. Shikuku talked of "Shariff's law made in a mosque".

Mr. Speaker, Sir, these remarks are of great importance, not to mention their insinuation. What hon. Shikuku was implying is that mosques are used for plotting and scheming evil. They were, therefore, made in bad haste and have hurt the feelings of the Muslim community in Kenya, who have, naturally, taken great exception to the remarks.

The purpose of this point of order is to ask hon. Shikuku, through you, to withdraw these remarks and apologize to the House, failing which it will be in keeping with the dignity of this august House and the natural justice that he substantiates the serious allegations contained in his very derogatory remarks.

There might be differences in matters of principle, or political persuasion, between hon. Shikuku and hon. Shariff Nassir. Those differences are theirs as two individuals and they have no right to frustrate the House as they deem proper. I hope neither the Muslim community nor the Christian community have anything to do with those differences of theirs. Thank you.

Mr. Shikuku: Mr. Speaker, Sir, what the hon. Member is saying gives the impression that I stood up in this House and uttered the words he has mentioned. He was not in the House then, to start with. I do not know from where he got this information. I was seated here,

[Mr. Shikuku]

and somebody was, I think, making an interjection which the Press picked up. I was never on my feet saying what he is saying. Therefore, I do not have that ill-feeling against Muslims, as such. I just interjected when I was seated here; I was not on my feet. Probably I had better enlighten the Muslims in this country that I was not on my feet saying that. I was just seated here, and I merely interjected, but this did not convey what the hon. Member has told the House, to the effect that I am despising the Muslim faith as such. I did not have that intention at all. I only said that this must have happened somewhere. Things can be discussed in a mosque, just as they can in a Catholic cathedral. What is wrong with that? I did not have the intention he is conveying to this House, to the effect that I was looking down upon Muslims. You can discuss things in a Catholic cathedral or in the Church of the Province of Kenya, and there is nothing wrong with discussing things in the House of God.

Mr. Khalif: Mr. Speaker, Sir—

Mr. Speaker: Order, Mr. Khalif! You have been reading some document. I asked you about it when you came here, and then you said "No" and put it in a way as to avoid certain things. I told you I had not read your report because at no time did you give it to me to read. So, as far as I am concerned I know nothing about what you have told the House.

(Applause)

I suppose hon. Shikuku had no intention of interfering with anything.

(Applause)

So, we will leave the matter there.

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

Mr. Speaker: No! Mr. Khalif, when I asked you for your written—

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

Mr. Speaker: Order! We are not going to tolerate anybody shouting here.

Mr. Khalif: Mr. Speaker, Sir, I did not get the opportunity to alert you about this matter. Yesterday you were not in your office, and so I took up this matter with the Deputy Speaker, who read this personal statement and told me to read it out after Question Time yesterday. But unfortunately the House went into Committee and he was chairing it; so there was no time for points of order. Therefore—

Mr. Speaker: Order! You could have given me that written personal statement of yours. I asked you for it and you were only holding it; you did not give it to me. So, we are now wasting time. Let us go to the next Order.

Mr. Khalif: On a point of order, Mr. Speaker, Sir—

Mr. Speaker: No, unless it is on a different issue!

Mr. Khalif: On the same issue, Mr. Speaker, Sir.

Mr. Speaker: No! You will get out of here now; you are becoming a nuisance!

POINT OF ORDER

INVITATION TO MINISTERIAL STATEMENT: INSECURITY IN ISIOLO

Mr. Jaldesa: On a point of order, Mr. Speaker, Sir. My point of order is in connection with the security situation in Isiolo District. I have two points of order which relate to security matters, and they are both directed to the Office of the President.

As you may be aware, there have been many killings and cattle rustling in Isiolo District. What we have discovered is that many cattle rustlers kill people and steal cattle and escape easily. I want the Minister of State who is in charge of internal security in this country to make a clear statement explaining how many people were murdered in Isiolo; since January 1987; what action was taken and what action they are intending to make to prevent the recurrence of similar incidence in the district.

My second point is that we, as the leaders, are very much concerned about this situation and we try to convene meetings of leaders of Garissa and Isiolo districts. We have managed to meet the elders and tried to reconcile the differences that exist among the tribes of that area. But it is very unfortunate that a meeting we had planned for 16th October, 1987, was interfered with by Members of Parliament from Isiolo District and Kanu officials made arrangements to tour the district calling for peace and calling on the people to live as brothers. But some people somewhere are out to defeat our purpose. This is clearly shown by the fact that on 16th of this month, when we planned to hold a meeting at Modogashe, the Clerk to Isiolo County Council objected and sent a delegation of five councillors to protest against our aims. On 16th of this same month, he took the council vehicle and went to Kulamawe and spent the whole day preaching many bad things to the community, encouraging them to fight. On 17th October, 1987, while not on official duty he took the council vehicle and went to a place called Gatatse, in Modogashe, where he held an illegal night meeting and told the people not to agree to our purpose. On 18th of this month he went to Galbatula and conducted a similar exercise. This was tantamount to encouraging a tribal war, and we have reported these incidents several times and no action has been taken.

On 20th October, 1987, during the Kenyatta Day celebrations the speeches that were made by leaders, particularly the one made by the Chairman of Isiolo County Council, were inflammatory and could cause public disturbances and make people fight. It seems that those of us who are after peace and unity in this district are getting a lot of problems.

Mr. Speaker, Sir, the same people are trying to defeat our aim by using the animals which are stolen.

With these few remarks I would urge the Minister of State in the Office of the President who is in charge of internal security to explain the situation to us and tell us who is causing these problems. This could be the work of a dissident.

[Mr. Jaldesa]

Also there are many people who have lost their animals and also their lives. We want the Minister, when he comes to reply to this point of order, to tell us what immediate plans he has for assisting the victims.

Thank you very much, Mr. Speaker, Sir.

PERSONAL STATEMENT**REBUTTAL OF ALLEGATIONS OF OATH-TAKING IN MACHAKOS**

Mr. Munyao: On a point of order, Mr. Speaker, Sir. In fact I have two short points of order; the first one is directed to the Chair and the second one is directed to the Office of the President. I will begin with second one.

During Kenyatta Day celebrations, on 20th October, 1987, the Machakos District Commissioner addressed wananchi in Machakos. While delivering his speech he said that oath-taking is rampant in Machakos District. He went as far as uttering the following words:

"I am tired of oath-taking in Mbooni, Kilungu and Yatta Divisions."

These remarks were published in the local newspapers and they have been read by many people, and many people are worried. This has led people into thinking that there is oath-taking in Machakos District, and that people in Machakos are breaking the law.

Knowing what politics is, Mr. Speaker, Sir, this matter can be used in campaigns during the next general elections. So I would like the Minister concerned—in the Office of the President—to make investigations and make a Ministerial Statement in this House so that he may clear the Christians in Mbooni. I have done my own investigations and I have not come across any oath-taking in Mbooni. These are serious allegations and I would like the Minister concerned to make a Ministerial Statement to clear the air.

POINTS OF ORDER**SPEECHES IN THE HOUSE—DISCUSSION OUTSIDE THE HOUSE**

Mr. Munyao: The other point of order, Mr. Speaker, Sir, is addressed to the Chair. Last year—and this year also—the Chair severally warned some people against the practice of taking out issues discussed in this House to go and discuss them in other forum. For instance, there was a debate in this House last year about the Ministry of Local Government. You will find that the same debate was carried outside this House, and the same matter was discussed by some councillors in Kirinyaga District. The story was published in *The Standard*, and it was based on a speech given by hon. Njuno in this House. The same issue, which hon. Shikuku talked about in this House, was also discussed by councillors in Mombasa. When you look at these matters you find that it appears as if there are some people who are breathing through these councillors. For how long has the Chair to continue warning that this is a dangerous trend and that issues discussed in this House cannot be

discussed in any other forum? When will leaders stop breathing through other people?

Those are my only two points, Mr. Speaker, Sir.

An hon. Member: Can the Chair respond?

Mr. Speaker: Yes. I have heard what hon. Munyao has said, and, of course, I want to know more. I would like hon. Munyao to make it clear, but that can be done without taking any time of this House.

Mr. Munyao: Mr. Speaker, Sir, I will give the Chair more information. When hon. Njuno was contributing to that debate here, he talked about what was happening in Kirinyaga, Mr. Keriri also talked about it. The matter was covered in *The Daily Nation* issue of Saturday the same week. What hon. Shikuku said here was also discussed by the Mombasa Kanu Branch, and it was reported in *The Sunday Standard*. So, Mr. Speaker, Sir, you can look at the copies of the two newspapers.

CALL FOR MINISTERIAL STATEMENT—ASSAULT ON PEOPLE BY DISTRICT OFFICER

Mr. Chepkok: Jambo la nidhamu, Bw. Spika. Nidhamu yangu ni kuhusu mtu wangu moja ambaye alipigwa na District Officer wa Kapcherop Division. Nilikuwa nikifikiri wakoloni walihama nchi hii, lakini kumbe kuna "Wakoloni" wengine ambao walimaliza masomo yao hivi majuzi na ambao wameajiriwa kazi na Serikali kama wakuu wa tarafa!

Bw. Spika, mtu huyo alifungwa kwenye shina la mti na kucharazwa viboko mpaka akazirai kabisa. Alipozirai aliwekwa korokoroni, na siku ya Jumatatu iliyo-fuata akapelekwa kortini akiwa amefura mkono. Alipelekwa kortini ili akafanyiwe mashtaka.

Bw. Spika, hiyo haikuwa mara ya kwanza kwa huyo mkuu wa tarafa kumpiga mtu. Hii ilikuwa mara ya tne kwa mkuu huyo wa tarafa kuwapiga watu.

An hon. Member: Twambie jina lake.

Mr. Speaker: Order! Mr. Chepkok, can you say what you want to say quickly?

Mr. Chepkok: Bw. Spika, Waziri anayehusika anam-fahamu Mkuu wa Tarafa ya Kapcherop.

Bw. Spika, mara ya kwanza mkuu huyu wa tarafa aliwaita watu kwenye ofisi yake. Kuna watu kutoka makabila 17 ambao wanaishi katika sehemu hiyo. Watu wengi walifika kwenye ofisi ya mkuu huyo wa tarafa, lakini yeye hakuwa na tofote la kwaambia isipokuwa kumwuliza kila mtu aseme aliketoka. Lakini mkuu wa tarafa alipata majibu kama hili lifuatalo hapa: "Mimi nimezaliwa hapa lakini niliambiwa kwamba wazazi wangu walihamia sehemu hii kutoka Murang'a zamani sana." "Hata mimi nimeambiwa kwamba wazazi wangu walitoka Nyanza." Watu waliotoa majibu ya aina hiyo waliambiwa kulala chini na halafu wakachapwa viboko. It is terrible!

Mara ya pili afisa huyo aliwaita wanawake katika ofisi yake na kuwachapa viboko. Hii ni mifano mitatu ambayo nimetoa hapa. Hivi majuzi, wakaali wa kujiandikisha, aliwakataza watu—

Mr. Speaker: Order! This really is the wrong way of doing these things. You cannot make accusations like

[Mr. Speaker]

this. You cannot just come here and make a speech under the guise of a point of order and then you go out feeling protected. I think you should follow the normal way. If anything has happened you should table a question here or move a Motion, or something like that but not through this kind of talk. All that it benefits is— It is a sort of protection while you are speaking from there. I do not think we should be doing this kind of thing. We should be candid and produce what we are saying.

Mr. Chepkok: Bw. Spika, ninayasema maneno haya kwa sababu ya uchungu ambao ninao. Nimewafahamisha maofisa wa utawala juu ya jambo hili lakini hawafanyi lo lote. Kwa hivyo, ningemtaka Waziri anayehusika afanye uchunguzi na kutoa taarifa katika Bunge hili na kutueleza iwapo wakuu wa tarafa wameruhusiwa kuwapiwa watu.

Mr. Speaker: Order! Order! If you have already said what you had in your mind before the House, I do not think it is necessary now to follow it with a long speech on which issues— What you should do is that you should show the evidence of what you are alleging. This is because you are alleging very serious things. That is why I say the way you are approaching it is not proper. When you speak here you are protected; it might be different outside. I think we had better move on now.

Mr. Abuya-Abuya: On a point of order, Mr. Speaker, Sir.

Mr. Chepkok: Bw. Spika, nimeyasema maneno haya kwa sababu mimi pamoja na mkuu wa wilaya tulimwenda huyo mkuu wa tarafa na kumwambia asiwapige watu tena. I am talking the truth. That is what I saw. We went to him with the district commissioner but he could not listen to us. That is why I am requesting the Office of the President to carry out investigations and then issue a Ministerial Statement here explaining to the House whether there is a law—

Mr. Speaker: We have heard now! I think we should move on now.

PROMISED STATEMENT—GOVERNMENT MACHINERY ON CHEMOSIT ROAD

Mr. Abuya Abuya: On a point of order, Mr. Speaker, Sir. I requested the Ministry of Transport and Communications to issue a statement in connection with a contractor who is constructing the Kisii/Chemosit Road. The allegations are that this contractor is removing the machinery bought by the Government at millions of shillings and taking them away. I was asking the Minister to issue a statement to ensure that these machines are not removed from the site before the whole matter is discussed as it might result in the Government losing a lot of money. There are people in the Ministry who are bent on giving this contractor these machines, which have been purchased by the Government. I was asking for a clear statement from the Minister as to what steps this Ministry is taking to safeguard the interests of the Government. I asked this last week, and so far there has been no statement from the Minister. Could I ask the Minister to respond to this?

Mr. Speaker: Next Order.

Mr. Abuya-Abuya: On a point of order, Mr. Speaker. Sir. Last week when I asked this question the Assistant Minister was just sitting here and he did not respond; and today, too, he is just sitting here. He should respond to my point of order.

The Assistant Minister for Transport and Communications (Mr. arap Koech): Mr. Speaker, Sir, I do not think the hon. Member would want me to just give the statement straightaway. I have noted the allegations made and we are going to find out what is happening. As far as I am concerned, a good job was going on on this particular road, but definitely I promise that something will be brought to the House.

PRIVATE MEMBERS' MOTIONS

ADDITIONAL WATER PIPELINE FROM MZIMA TO MOMBASA

THAT, in view of the fact water flowing through Mzima Water Pipeline towards Mombasa cannot adequately serve the increased water consumption on West Mainland (where there are several industries and a large population); this House urges the Government to lay an additional water pipeline from Mzima to Mombasa to augment the present water supply.

(*Mr. Kiliku on 21st October, 1987*)

Amendment Proposed:

THAT, the Motion be amended by inserting the words "when funds become available" between the words "Government" and "to" appearing on the fifth line.

(*The Assistant Minister for Water Development (Mr. Kiptanui) on 21st October, 1987*)

(*Resumption of Debate on the amendment interrupted on 21st October, 1987*)

Mr. Speaker: Order! Last week, this debate reached a point where an amendment was to be made, but it was not made. So I would like to propose the amendment now.

Mr. Speaker: Yes, Mr. Shikuku.

Mr. Munyao: Mr. Speaker, Sir—

Mr. Speaker: Oh, you were speaking on this last week, Mr. Munyao. All right, carry on.

Mr. Munyao: Mr. Speaker, Sir, I was speaking last week before the House adjourned, and I thought I would finish first before the question is proposed. I thought that is the procedure.

An hon. Member: You had only about five minutes remaining.

Mr. Munyao: Mr. Speaker, Sir, in fact I have more than five minutes.

Mr. Speaker: You can use the five minutes to finish your contribution and then I will propose the question.

Mr. Munyao: Thank you very much, Mr. Speaker, Sir, for allowing me to continue, although, in actual fact, I had more than five minutes.

Before the House adjourned last week, I had brought up the issue, when I was supporting this second Mzima water pipeline, that water in this country is becoming

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[Mr. Munyao]

very expensive and therefore, the Ministry ought to do something to reduce the tariffs on water. At that time I cited, as an example, the Katangi Water Project in Kalawa Location, which is the only project in the area. The women there are asked to pay as much as Sh. 5 for a drum of water, and Sh. 1 for a small calabash of water which cannot even hold 20 litres. I am sure that the Minister took this into account as I wanted him to tell us what is happening there. I was appealing to the Ministry of Water Development to at least look into this problem more sympathetically because these people have no other source of water. I just wanted the Minister to see whether he can reduce the water charges in this area.

The other point I wanted to make is that since the intake at Katangini is very good at Thwake River, the Ministry should look for ways and means of making sure that the intake is enlarged so that water can flow faster because there is no other source of water in that area at the moment. I am very happy because I can see the Assistant Minister for Water Development nodding. Since he is a man of action, I am sure something will be done to that effect.

Mr. Speaker, Sir, the other day we were told that Kiteta Water Project, which had been costed by the Government at KSh. 320 million, would be rehabilitated when funds become available. When are the funds going to be available? We are sure, as the Assistant Minister told us the other day, that Kilimanjaro Water Project is being implemented now. Now that we know that the Minister does things, can he take it into account that as he looks for money for the second phase of Mzima Water Project, he also covers the implementation of the Kiteta Water Project? There is a dam there already; what is needed, according to what the Minister told us last time, only KSh. 320 million. If the Government could get money to implement this project, the people of Machakos would be very happy because this place is very dry. The Government has already spent about KSh. 1.5 million in designing Kiteta Water Project.

Mr. Speaker, Sir, Muoni Water Project is another very important undertaking. We do thank the Ministry of Water Development for the effort it has made in completing this project. The project is now complete and water is going to be distributed to areas in Masii, Mwala and others. Everything has been done but the filtration machinery has not been installed. That machinery is estimated at KSh. 20 million. I would request the Ministry to give us money so that this water can be supplied to the people. We are very happy about what is happening, and we are sure that people below Machakos will be supplied with water from Kilimanjaro Water Project.

Mr. Speaker, Sir, connections are already being made at Mulima Water Project. In fact, individuals are being asked to pay as much as KSh. 70 in order to get water supplied to them. I request the Ministry to try and reduce the charges for individuals because that amount is too high and individuals cannot afford it. We request the Ministry to reduce the charges so that Mulima Water Project can benefit the people in that area.

With those few remarks, Mr. Speaker, Sir, I beg to support.

(Question of the first part of the amendment, that the words to be inserted be inserted, proposed)

Mr. Speaker: Yes, Prof. Sumbi.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. I had been called to contribute to the Motion. Does it mean that I am going to wait again?

The Assistant Minister for Culture and Social Services (Prof. Sumbi): Mr. Speaker, Sir, I hope that the hon. Member will wait until I make my small contribution to this Motion.

Sir, I thank the hon. Mover of this Motion because the importance of water can never be overemphasized. The source of Mzima Springs water is Kyulu Hills, and we, the people of Kibwezi, thank God for giving us a resource of five rivers which flow all the year round. When the Ministry of Water Development gets funds to put up a second water pipe to Mombasa, I would request them to consider constructing reservoirs at the highest point of these rivers. I have in mind rivers Kiboko, Makindu, Kibwezi, Thange, Kambu and Mtito Andei, whose water emanates from Kyulu Hills. It will be a very good service if reservoirs are put up at the highest point of these rivers so that water can flow through the ridges. The wananchi in that area who, as I stated here sometime back, grow a lot of horticultural crops for export to Europe and elsewhere, would benefit a lot. If such reservoirs are put up water will be able to pass over the ridges and wananchi will be able to grow more horticultural crops and increase our foreign exchange earnings as well as growing food for their own domestic consumption. So, that exercise of laying a second water pipe to Mombasa could be done at the time when these reservoirs are being constructed.

Mr. Speaker, Sir, I take this opportunity to appeal to my constituents and other people who burn charcoal around and on Kyulu Hills to stop it because if the trees on this hill are cut down, that may make these rivers dry up and even affect Mzima Springs. I hope people in that area will understand that. It is very annoying and, in fact, the Machakos District Development Committee has already banned the transportation of charcoal from Kibwezi. We know most of the charcoal comes from trees cut down on Kyulu Hills. There is no more transportation of charcoal from Kyulu Division to Nairobi. However, even after the district development committee banned the burning of charcoal in that area, every night you find about 20 to 30 lorries transporting charcoal from the same area to Nairobi. If this continues, Mzima Springs will not have any water and Mombasa will suffer, and also the people of Kibwezi. The hon. Member for Butere may think I am out of order to mention this, but I want to show that if trees on Kyulu Hills are cut down, we may not, in future, have any water emanating from Kyulu Hills. If the trees are all cut down, one day we will not have any water coming from Mzima Springs to Mombasa.

Mr. Speaker, Sir, that is very important. Another point I would like to raise in connection with this

[The Assistant Minister for Culture and Social Services] Motion is the second phase of Kikumbulyu Water Project. The first phase was financed by the European Economic Community, and it is now complete. We, the people of Kibwezi Division in Machakos District, are now waiting for funds and the commencement of the second phase of Kikumbulyu Water Project. Through you, Sir, I would like to request the Minister to hasten the acquisition of those funds from whoever will be the next donor. They should request for these funds so that this phase can be started. It is important because it has been proposed that Machakos District will be subdivided and the headquarters will be at Makindu. In essence, this second phase will be able to feed the headquarters of the new district and the entire district as at and when it becomes functional.

I would also like to take this opportunity to thank the Minister for Water Development and his staff for the good thing they have done in one of the driest areas in the country, that is Machakos District. I would also like to thank them, on behalf of my constituents in Kibwezi and Makueni, for having started 18 relatively small water projects during my tenure as the Member of Parliament for that area. They have done a good job; and those projects would have been completed if reservoirs were created and furrows dug, in the lines of programme in Meru. I have been to Mitunguu, where water flows all the time thereby enabling the people to grow all sorts of crops. That is why Meru District never experiences food shortages as happens in Kibwezi and Makueni Divisions of Machakos District and Kitui Districts. We hope that most people will be sympathetic with the semi-arid areas.

His Excellency the President mentioned the importance of water when we were at Loitokitok. He said he even foresees a day when water will be pumped from Lake Victoria to Timboroa, thus making the entire Kenya arable land. We are praying and hoping that this will take place one day. This is an opportune time, and I am urging the Minister and his staff to take action at this time when almost all countries of the world would be ready, if requested, to come to our aid in terms of development projects. If the Ministry can re-double their efforts, that dream might come to pass, that is to ensure that by the year 2000 water will be available either in every home or close to the home. The target is to have clean water for human consumption, for use by animals and for irrigation purposes.

With those few comments, I beg to support.

Mr. Shikuku: Ahsante sana Bw. Spika, kwa kunipa nafasi hii ili niseme machache kuhusu Hoja hii. Sitasema maneno mengi ambayo hayahusiani na Hoja hii. Hoja hii inaiuliza Serikali iongeze bomba lingine kubwa la maji kutoka Mzima Springs hadi Mombasa. Hoja hii haisemi maneno juu ya Makindu, Machakos, Kyulu na kwizingineko. Bw. Spika, —

The Assistant Minister for Culture and Social Services (Prof. Sumbi): On a point of order, Mr. Speaker, Sir. What I said in relation to this Motion is not out of point. I was talking of projects that emanate from Kyulu Hills and Mzima Springs emanates from there, and I showed

the connection in that respect. I do not see why the current speaker on the Floor is wasting time instead of going straight to the point.

Mr. Shikuku: Bw. Spika, nitaendelea ijapokuwa Mhe. Waziri Msaidizi ni Professor mzima na hajui maneno "Wasting time" are out of order. Kwa hivyo, nitamwacha tu.

Jambo lingine ni kwamba ingefaa bomba lingine la maji liongezwe kwa sababu watu wamekuwa wengi katika mji wa Mombasa. Ikiwezekana, katika bomba lile linapowekwa kuelekea Mombasa, mabomba mengine madogo yanaweza kuwekwa ili watu wanaoishi karibu na haya waweza kupata maji pia. Hili ndilo jambo tunaloulizwa hapa. Sasa, sahihisho linasema "When funds are available." Wanasema pesa zitakapopatikana jambo hili litafanywa. Hili ndilo jambo ninalotaka kuzungumzia. Tunapoambiwa pesa zitakapopatikana ndipo jambo hili litakapofanywa—ingefaa ujue Hoja hiyo imeondolewa maana yake na imeonewa—imeshaondolewa katika orodha ya mambo yote yatakatondwa na haiko tena. Kwa hivyo, yule akivewasilisha Hoja hii, na sisi tulio katika Bunge hili, tukilikubali sahihisho hilo na kulipitisha, basi, hatuwezi kutumaini jambo lo lote kufanyika katika siku za usoni. Hii ni kwa sababu ukweli ni kwamba kila mwaka tunakuwa na Hoja ya kuzungumza vile pesa za umma zilivyotumiwa. Hoja hii huletwa na mwenyekiti wa Public Accounts Committee. Ukisoma ripoti ya kamati hii utaona ni mamilioni mangapi ya pesa yanayoingia mifukoni mwa watu binafsi, ambao pia hawawezi kushtakiwa. Sasa tunaambiwa hakuna pesa, na hali zinaingia mifukoni mwa watu binafsi, ambao hawashitakiwa. Isitoshe, Bw. Spika—

Mr. Speaker: Mr. Shikuku, are you ready to substantiate what you are saying?

Mr. Shikuku: Ndio, Bw. Spika. Mambo haya yako katika ripoti ya Public Accounts Committee. Isitoshe, tunapoambiwa kwamba pesa haziko, tunajua zinatolewa nje ya nchi hii.

Archbishop Ondiek: On a point of order, Mr. Speaker, Sir. Could the hon. Member tell us the names of the people who have taken the money, if they appear in the Public Accounts Committee Report, so that the necessary action can be taken against them.

Mr. Shikuku: Bw. Spika, ubaya wa watu wengine walio katika dunia hii iliyumbwa na Mungu, kama huyu archbishop mzima, ni kwamba hawaaki kuangalia jambo moja. Kwa mfano, huyu archbishop anaangalia mambo ya dini, na vile vile anaangalia mambo ya siasa. Kama angeangalia mambo ya siasa pekee yake angeona katika Ripoti ya Public Accounts Committee kwamba hata Waheshimwa Wabunge wengine —

Mr. Speaker: Order, Mr. Shikuku!

Archbishop Ondiek: On a point of order, Mr. Speaker, Sir. I would not like to have a quarrel with my friend, hon. Shikuku, but I think it is not fair for him to refer to me as a person who involves himself with matters concerning the church and politics. We are here to defend the people, but we are not prepared

[Archbishop Ondiek]

to do that unreasonably, by trying to mention that there are some funds which have been misappropriated and yet there is no substantiation.

Mr. Mwachofi: On a point of information, Mr. Speaker, Sir. I would like to give some information to the hon. Members and the House. Whatever is contained in the Public Accounts Committee Report is public information and, therefore, substantiation cannot be demanded for that kind of information. Also, if hon. Ondiek is really interested in knowing those who like playing around with public funds, he knows that his own school, St. Stephen's Secondary School, refused to refund some money to students until this matter came to Parliament.

(Applause)

Archbishop Ondiek: On a point of order, Mr. Speaker, Sir. My friend, hon. Mwachofi, is trying to mislead the House. The school he is referring to is registered and recognized. It has its terms and conditions on how students should be admitted. Therefore, hon. Mwachofi should withdraw his allegation.

Mr. Muthura: On a point of order, Mr. Speaker, Sir—

Mr. Speaker: Not you, hon. Muthura!

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

There is nothing I should withdraw. The hon. Assistant Minister knows very well that in 1985 one of his schools in Kisii admitted students who should not have been admitted there. The matter was brought into this House, and the Ministry promised that the fees which had been paid by those students would be refunded. The Assistant Minister also knows that he with-held these refunds, and in one particular case I had to raise a question here, which was answered last week. The cheque for the refund was given to me here; it was refunded after a long struggle of two years. I believe that all the other students did not get their refund. What does he want me to withdraw? He should apologize.

Archbishop Ondiek: On a point of order, Mr. Speaker, Sir. As far as I know, for any school that is registered, there is no question that it cannot admit any student.

Mr. Shikuku: Bw. Spika, nawasihii Waheshimiwa Wabunge wenzangu wanipe nafasi ili niendeleo kuzungumza. Jambo nililokuwa nikilizungumzia ni kwamba tunaambiwa hakuna fedha na hali tunajua ziko; hata tunajua fedha zinatokea nchi hii na kupelekwa nje. Sasa, ukweli ni upi? Tunaambiwa jambo hili na jambo lile haliwezekani "until funds are available", na hali tunajua haliwezekana kama tunajua fedha zetu zinatumwa vipi.

Maji ni kitu cha muhimu sana. Tunaweza kuachana na mambo ya elimu na mambo mengine mengi ili tuweze kushughulikia maji. Tunawambia walio katika Viti ya Mbele walihili jambo hili uzito tutafute pesa tuwapatie watu maji—wawe ambao wanaweza kupata maji kutoka kwa bomba hili la Mzima.

Tunaambiwa hakuna pesa, na hali zinaharibiwa na nyingine zinrudishiwa katika Hazina ya Serikali. Hii yote ni wazi. Uamwona mtu mzima anasimama hapa, anachukua wakati wa mtu mwingine ambaye anajaribu kuwasaidia wananchi na kuendesha kazi, akiyaleta mambo ya nidhamu ambayo si mambo ya nidhamu. Yafaa wale walio katika Viti vya Mbele wajue tuko hapa ku-sema maneno ya kuwasaidia watu wetu. Vile vile, ukweli ni kwamba mji wa Mombasa umekuwa na watu wengi wanachitaji maji zaidi. Kwa hivyo, ingefaa jambo hili la kutoa maji kutoka kwa bomba hili liangaliwe. Haifai Waziri atwambie tutafanya hivi pesa zikipatikana, hali tunajua pesa ziko, ila zinaharibiwa na kunyonywa, na zingine zinapelekwa nje. Ni lazima tuwaambie wale walio Viti vya Mbele hatukubali hali hiyo.

Kwa maoni yangu marekebisho haya yangeupiliwa mbali. Ingefaa Hoja hii ipitishwe kama ilivyo ili ionekane kwa kweli tunafanya kazi. Lakini tukitacha ilivyo, na marekebisho ambayo si ya kweli, hatutakuwa tukifanya kazi. Jambo la muhimu ni wananchi wapewe maji, na hiyo iwe top priority, na pesa zipatikane. Ingefaa kama pesa ziliorudishwa juzi na Wahindi waliokuwa wamezipeleka nje—shilingi milioni 150—zingepelekwa huko. Hii ni kazi rahisi. Watu hawa wanataka pesa kidogo tu na, kwa hivyo, kama shilingi milioni 150 hizo zingepelekwa huko ingefaa sana.

Kwa hayo machache naunga mkono.

(Question of the first part of the amendment, that the words to be left out be left out, put and negated)

(Debate on the original Motion resumed)

Mr. arap Koske: Thank you very much, Mr. Speaker, Sir, for allowing me to make some comments pertaining to this Motion. First of all I would like to thank the hon. Member for having prepared this Motion at the right time.

Mr. Speaker: Sir, I stand to support this Motion because it tries to improve the necessary water supply for Mombasa Mainland. Most of the plans which were done some time back, which are still in use, are outdated since the population has gone up so much that the current water supply is no longer enough. In view of that, this Motion deserves to be supported.

Increasing the water supply to meet the needs of the people at the moment is relevant, and I would like to urge the Ministry of Water Development to see to it that we do not wait until we have acute problems. We know very well that the population is continuing to go up all the time and, therefore, we should have long-term plans. If we base our activities on the present population we will experience problems after just a few years. So, we should have long-term plans for Mombasa, where we expect the population to go up very rapidly.

Mr. Speaker: Sir, without water it is very difficult to have a reasonable sanitation, particularly in highly-populated areas. In the past, Mombasa, has been notorious with problems of cleanliness, and I feel this is one of the solutions we should adopt in order to improve the sanitation in the area. I am sure if we have good

[Mr. arap Koske]

water supply we will definitely also improve the economy of the area. If we have a reasonable amount of water many people will be able to practise horticultural farming—they can, for instance, grow various vegetables, and thereby improve the economy of that particular area. If the economy improves, the employment problems will be reduced because some people will be able to create employment channels in various jobs.

Mr. Speaker, Sir, while supporting this Motion I would like to mention something about the plastic pipes which are currently being used in most parts of the country. They are used mainly because they are cheaper than the metal ones. While agreeing that they are cheap, I am afraid that quite a number of them are being destroyed by moles. I would like to urge the Ministry to advise the manufacturers to try to deter moles from destroying these pipes, possibly by adding some suitable chemical substances. I have seen some of the pipes which have been destroyed by moles in my constituency. Meanwhile, I would urge the Minister to see to it that when they lay these pipes they place them at a deeper level under the ground where they would be beyond the reach of moles. As it is, we are wasting a lot of these pipes now.

Mr. Speaker, Sir, another thing I would like to mention while supporting this Motion is about metres. The metres which are fitted to show the amount of water somebody uses in a given time should be as accurate as possible. We have had complaints from wananchi who are made to pay even when the taps have been dry. There are also complaints—I do not know how true this can be—from wananchi that some of the metres can even measure the wind. When the wind blows through the pipes, the metre just continues to show some reading. This should be corrected.

Mr. Speaker, Sir, I would like to urge the Government, particularly the Ministry of Water Development, to ensure that we utilize rain water as much as possible, particularly along the hills. We should build dams so as to stop water from running into the ocean unused. If we did that some areas along those rivers would have water easily through gravitation. We would not have to use machines; we would save the machines for areas where gravitation cannot work.

Mr. Speaker, Sir, I would also urge the Ministry of Water Development to see to it that we have some small projects in hilly areas where wananchi can get water supplies to their homes. At present such projects are not available—the few which are available seem to be too big. We should aim at small ones for convenience of wananchi.

Mr. Speaker, Sir, there are also some unutilized waterfalls along some of these rivers we are talking about. We have had problems of water supply all along, which does not seem to be decreasing. Actually, it is increasing; it is not going down. The problem of scarcity of water is increasing all the time as the population is going up. Even land is becoming scarce. Even land we used to run away from, because we considered it unsuitable, we have no alternative but to improve it and utilize it, and

the only way to utilize such land is through provision of water. I consider waterfalls as sources from which we can easily get water for development of such areas.

With those few remarks, Sir, I support the Motion.

Mr. Mbori: Thank you very much, Mr. Speaker, Sir, for giving me this chance to join my friends on this very important Motion. My gratitude goes to the Mover of the Motion, hon. Kiliku, for having brought this Motion. I also wish to thank the entire House for having removed the amendment which had been introduced, which was going to make the Motion null and void. I am grateful because the House is here for the welfare of the entire community, or the society of Kenya.

Mr. Speaker, Sir, three aspects can be seen in this Motion. One, there is water flowing through Mzima Water Pipeline to Mombasa, which is an existing water supply. The next aspect is that there is a rise in the consumption of water along this water pipeline as a result of an increase in the demand of water, and also as a result of an increase in industries and also the population.

Mr. Speaker, Sir, what do we need water for? We need water for industries, and for use by our population, the people themselves, the Kenyans who are living along this water pipeline. There are other domestic demands. For instance, cooking, washing, watering the animals and so on. These are very important uses of water, and this Motion asks for a response to that.

The third aspect of the Motion is asking us to look at Mzima Water Pipeline. The supply of water along the single water pipeline is not enough. This Motion is asking for an additional water pipeline so as to meet the needs of the people who live along this area, the livestock, and so on. I may not mention wildlife, but I believe Kenya attaches a lot of importance to wildlife. If there is an additional water pipeline I am sure the supply will also cater for domestic animals adequately.

Mr. Speaker, Sir, the Ministry of Water Development requires no extra funds, or asking for funds to be made available. All it needs to do is one thing. We have a saying in English: "Where there is a will there is a way". This House has a will, through the hon. Members of Parliament who represent the entire Kenya. It has the will to serve the people of Kenya with water. The Ministry should have the will, and then there will be way to provide water to the Kenyans who live along the Mzima Water Pipeline. There should be a will to serve the people. There will also be funds made available because where there is a will there is a way. Funds will be made available, and this House always makes funds available every year. Every year when we discuss the Budget this House provides funds for water development.

Mr. Speaker, Sir, this House is great. The supreme authority of this land lies in this House. This august House is the one that suggests what should be done so that the Ministry of Water Development can function. I recall the situation we were in, in 1974 when the Department of Water used to operate under the Ministry of Agriculture and Livestock Development. It is this very House that enacted a Bill which created the Ministry

[Mr. Mbori]

of Water Development. Today we have the Ministry of Water Development, which should be here to stay, charged with the responsibility of serving wananchi, including our friends who live along Mzima Water Pipeline. There are enough funds, and all we need to do is to provide a way of getting the water there.

It is in the policy of the Ministry of Water Development that by the year 2000 there will be piped water in every home in the country. My simple arithmetic tells me that we have only about 13 years to go before we reach the year 2000, when we should have water everywhere.

Mr. Speaker, Sir, it is a shame that some of us come from areas where we have not seen piped water. We live very close to water supplies. One of the sources of fresh water is Lake Victoria. Those of us who live near Lake Victoria are not near—leave alone the 13 more years to come and talk of 20 years to come—a piped water system. I just wonder when the Ministry of Water Development intends to give us a water supply, particularly of piped water. Piped water is treated and properly controlled to ensure that it is free of disease germs and other impurities. I would like to say that the Ministry should work to provision of piped water as such. Let the water be unpiped, untreated, and so on. In the language of water science, this is called "raw water". Let us get raw water from whatever source it may be so that dry districts, particularly those which suffer from acute droughts, have some water. Let there be some water for human and livestock consumption, instead of talking of piped water being provided by the year 2000, before which we have only 13 years to go. Where will that piped water come from then?

This Motion is intended to assist the Ministry of Water Development in its endeavour to increase water supply for wananchi throughout Kenya. Perhaps this is just a short-cut towards getting piped water by the year 2000, when we expect that homes, livestock, people and industries will receive the water they require for their services. So, this Motion is actually assisting the Ministry of Water Development. So, this Ministry should see no sense at all in opposing it. The Ministry should help the House to make the Motion sail through so that many parts of Kenya can get piped water nearer to where they are. In my opinion we need water—it does not matter where this water comes from. Where it comes from the hills, the lakes or the rivers, we should have some sort of water supply, particularly in those dry districts which suffer from acute droughts. This water will be used for human and livestock consumption, and also other purposes. We should not merely wait for piped water. To me, getting piped water looks very distant.

The Ministry of Water Development should assign some of its projects properly—There are projects from district development committees throughout the country which the Ministry talks about. The Ministry also talks of certain projects which are of a national nature. When will these projects be executed and put to use? The policy of the Ministry is certainly getting outdated. It is time the Ministry sought even the help of other

authorities, such as the Lake Basin Development Authority. The authorities can be used to help in digging some wells for local water supplies for consumption by human beings and livestock.

Mr. Speaker, Sir, I think the Ministry should be in a position to help people in this area. We are merely asking the Ministry to lay an additional water pipeline from Mzima to Mombasa to augment the present water supply. This will adequately serve the increased water consumption in Mombasa Mainland West where there are several industries and a large population.

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

Mr. Mutiso: Thank you very much, Mr. Speaker, Sir. I will be very brief because I can see we are running out of time. First of all I would like to say that I am very grateful to the House for having removed the impediment which made it almost impossible for me to support the Motion.

Mr. Speaker, Sir, this expression, "When funds become available" is too loose. We knew that this is another method used by the Ministries to reject Motions. This is because there will be no time even when there will be enough money. We should not look forward to a time when somebody will sit down and say "Now the funds are available and we can implement these projects." This is because money will never be enough.

Mr. Speaker, Sir, I would like to thank His Excellency the President for having seen it fit to create a Ministry to specifically handle water problems in this country. He knows precisely that many parts of this country are dry and water is greatly needed in those areas. That is why he has appointed a particular Minister to tackle water problems in this country. Therefore, I would urge the new Minister for Water Development to see to it that he considers this issue of water problems in Mombasa very seriously. This is because Mombasa Town is the gateway to this country, and the Port of Mombasa links Kenya with the rest of the world. Secondly, Mr. Speaker Sir, Mombasa is our second largest town; and thirdly, Mombasa is our most popular holiday resort. I agree that the present water supply, as stated in this Motion, is quite inadequate. This is because thousands of people flock to Mombasa during the months of July, August and September. Also, thousands of tourists from overseas come to have a good time in Kenya every year and the town of Mombasa gives them all the pleasure they need.

Mombasa is growing very rapidly. Mombasa West has now become the industrial area of the town. When the present water pipeline was laid some factors were not taken into consideration. One of them was that the town would grow very fast and that the supply of water would be overtaken by this rapid growth. It is, therefore, because of this reason that I now ask the Minister to consider, seriously, the possibility of laying a second water pipeline from Mzima to Mombasa so that the industrial area in West Mainland can be adequately supplied with water. This will also ensure that the entire town of Mombasa has adequate supply of water. Whenever we talk about Mombasa being our second largest

[Mr. Mutiso]

town and also a popular holiday resort we should also consider the need to provide it with adequate water supply.

So, because of this I would like to support this Motion as originally moved and ask the Minister for Water Development to take the views of this House very seriously.

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

Mr. Speaker: It is now time for the Mover to be called upon to reply.

Mr. Kiliku: With your permission, Mr. Speaker, Sir, I would like to give hon. Mwachofi five minutes to say a few words before I reply.

Mr. Mwachofi: Ahsante sana, Bw. Spika. Ningependa kutoa shukrani kubwa kwa Mhe. Kiliku, kwanza kwa kuileta Hoja hii, na pili, kwa kunipa nafasi hii ili nami niseme machache kuinga mkono. Ninafikiri ameni nipa nafasi hii akilitambua bomba hili analouliza litoke Mzima Springs kuelekea Mombasa, litapitia katika Wilaya ya Taita-Taveta au katika sehemu nanyowalifisha.

Kwa vile dakika tano ni chache sana, nitataja mambo muhimu tu. Jambo la kwanza ni kwamba ilawa macedi huu utakubaliwa, basi, Hifadhi ya Wanyama wa Pori ya Tsavo, ambayo ni kubwa kuliko nyingine zote nchini, itafaidika na maji haya. Wanyama wa pori, wanaoiteza nchi hii pesa za kigeni, watafaidika. Jambo lingine la muhimu ni kwamba sehemu ambayo bomba hili la maji litapitia—Wilaya ya Taita-Taveta, Wilaya ya Kilifi Wilaya ya Kwale, sehemu zote za chini za nyanda kavu, nchi hii kupata nyama—ikiwa maji haya yatapitia huko, na yasambazwe kila mahali na ng'ombe wapate kwenye maeneo ya mifugo, ambayo diyo yanayoisaidia maji, basi, tutakuwa tunaaisaidia uchumi wa nchi hii. Hii ndio sababu Hoja hii ni muhimu, na ingefaa Waziri wa Ustawi wa Maji akubali. Pia ninaishukuru Bunge hii kwa kukataa mapendekezo ya marekebisho yaliyotolewa, ambayo yalikuwa hayana maana.

Faida nyingine ya bomba hili ni kwamba kazi zitapatikana. Nasema hivi kwa sababu kale kinachofanya Wizara iogope kutekeleza Hoja hii ni ukosefu wa pesa. Nasema hivi kwa sababu Wizara yenyewe imekuwa na mpango wa siku nyingi wa bomba la pili kutoka Mzima Springs kuelekea Mombasa. Kile wanachosema ni kwamba wanafafuta mafadhili atakayewapatia pesa. Ningependa Wizara icunguze jambo hili. Ukweli ni kwamba maji yanaweza kufika Mombasa kwa gharama ya chini kuliko kiasi Wizara inachokifikiria. Njia yenyewe ni hii, na ningependa kuwaomba Waziri anisikilize kiwa makini. Badala ya kufikiria juu ya kujenga bomba la chuma—kama vile ilivyo sasa—na ikiwa gharama hii ni ya juu mno, tuna wananchi wengi katika nchi hii ambao hawana kazi. Watu ambao wamefikia umri wa miaka 18 hadi 25 ni wengi. Kitu kitakachotusaidia ni kuwaajiri watu hawa wote na kuwapatia kazi ya mikono ya kuchimba mitaro ya mabomba ya mito kutoka Mzima Springs hadi Mombasa. Jambo hili linawezekana kwa sababu Mzima Springs iko katika sehemu ya juu na Mombasa iko katika sehemu ya chini. Maji haya yakipitia kwenye bomba tutaweza kuwa na silanga, au mahali

pa kuyafungia, baada ya kila kilometa kumi. Kwa njia hii, wanyama na watu watapata maji na makao mapya yafunguliwa. Matokeo zai yatakuwa kwamba ukosefu wa kazi upungue na uchumi wa nchi hii utafaulu na usendelee kuanawiri. Hoja hii ni muhimu na kwa hivyo, ingefaa Waziri aiunge mkono, na akiondoka hapa aendelee kuinga mkono.

Ninaunga mkono.

Mr. Kiliku: Thank you very much, Mr. Speaker, Sir. I would like to thank all the hon. Members who have contributed in support of this Motion, especially the Back-benchers, for showing the solidarity and the togetherness we have, and also the concern we have in the problems of wananchi.

Mr. Speaker, Sir, I think the Ministry of Water Development will not spend a lot of money because Mzima Water Pipeline uses the force of gravity. It does not use pumps, and so the machines which will be installed will be very few. So I do not know why the Minister said that this will be done when funds are available. I thank the hon. Members for reminding the Ministry and the Minister that the money is available in that millions of shillings have been repatriated to other countries. I hope the Ministry, when it will start, this project, will consider installing "T" connections so that Taita-Taveta and other neighbouring districts can have water. They should also have enough storage facilities for that water when it reaches Mombasa.

I do not want to take any more time on this Motion because I am made to understand that the Front Bench are organizing themselves to oppose it. And so, with those few remarks, Sir, I beg to move.

(Question put and negatived)

Hon. Members: Division! Division! Division!

(A number of hon. Members rose in their places)

Mr. Speaker: Order! Order! You are not enough! We do not have the necessary number of hon. Members. of hon. Members. So, next Order.

EXTENSION OF CIVIL SERVICE RETIREMENT AGE

Mr. Mutiso: Mr. Speaker, Sir, before moving my Motion I would like to make a small correction. I would like the last word "five" in the Motion, through you, Sir, to be deleted.

With that correction, Mr. Speaker, Sir, I beg to move the following Motion:

THAT, considering the fact that due to improved standards of living among Kenyans, which has been enhanced by the Government's efforts in provision of good medical and social services since independence, life expectancy has increased considerably, resulting in many wananchi civil servants reaching the retiring age of fifty five when they are still energetic; this House urges the Government to consider increasing the mandatory retiring age for civil servants to the age of sixty.

Mr. Speaker, Sir, I would like to say that—

Mr. Mwachofi: On a point of order, Mr. Speaker, Sir. The deletion of the last word "five" in the Motion by the Mover changes the meaning of the Motion in the sense that it is no longer saying "sixty five" but "sixty". I was wondering whether that is not a substantial amendment of a Motion and, therefore, he is moving a different Motion from the original one.

Mr. Speaker: No, I do not believe that it affects the original Motion. Maybe that is more rational than starting to argue about "part of a word" to be deleted.

Mr. Mate: Thank you very much, Mr. Speaker, Sir. Mr. Speaker, Sir, I would like to begin by thanking the Government for providing adequate and good medical facilities. This is what really has increased life expectancy of our people. Since independence our Government has provided medical facilities almost to all the wananchi in the rural areas. Medical facilities are available to wananchi very closely. For this reason their lives are better. They live longer because of the provision of medical services by the Government. There are dispensaries and health centres in almost every part of the country, and, we thank the Government for that because these medical services have improved the living standard of our people. If you look at our people, you will find that they are really healthy, so that even when they reach retirement age most of them are strong and energetic and so they can do a lot of work.

Mr. Speaker, Sir, we should also thank the Government for providing more social amenities. These are to be found in the rural areas as well as in urban areas. These have also enhanced the lives of our people. There are sportsfields almost everywhere in the country—in this City in particular, there are huge sportsfields. This is the reason why the life expectancy of our people has gone up.

The only problem there is, is that of unemployment. The number of people retiring is too small compared to that of the people who are unemployed. Therefore, having them retire at the age of 55 years does not mean that we are solving the unemployment problem. The true position is that most of our people become steady in their lives at this age. This is the time when civil servants become efficient in their professions. This is the time when most of them will have finished educating their children and, therefore, settled down and can offer first-class service to the nation. If we retire these people at this time, we are the losers because they go home while still very strong and, in so doing, we lose their very valuable services. We should, therefore, be able to retain them and keep them in service up to the age of 60 years, because at that age they are still young.

Mr. Speaker, Sir, we know that in this House, there are some hon. Members who retired as civil servants at the age of 55 years, and they are still strong. Some of them even got married at the age of 55 years because they are still strong. So I am urging the Government, through this Motion, to make sure that we keep these people up to the age of 60 years because we need their services, since they can offer the Government good

service as this is the time when they have settled down. Again, by retaining them in the service up to the age of 60 years, they give more guidance to those who are below them and young in the service and still learning. So, if we retain them they will be able to guide their young brothers and sisters in the lower job cadres for that particular period when they are there. But if we retire them while they are still energetic, they go home and become bored, and finally they even die earlier than might have been expected. Therefore, it would be beneficial to the whole nation to retain these people in the service until they are 60 years old.

In the other countries of the world people stay in the service for a long time. In places like Great Britain and the United States of America the mandatory retirement age is 65 years. So, if we could have our people retire at the age of 60 years instead of 55 years, we would be gaining from all the sides. This is better than having them retire at the age of 55 years when they are still very young.

It goes without saying that our people are really strong and energetic. In fact, they can offer services for another 20 years after the age of 50. Therefore, retiring them at the age of 55 does not benefit them nor the Government. When we retire these particular individuals at the age of 55, they get bored with life. The working class in this country would also be encouraged in a way to do more for their own country by way of offering better services. As I said earlier on, our people have become more efficient; they have become settled in life and have less commitments. In fact, such people are not in a hurry to look for wealth, nor do they have the greed to steal money because they are already settled in life. It is for that particular reason that the Government can gain by keeping them in service for as long as the age of 60.

Mr. Speaker, Sir, some people may argue that our people should be retired at the age of 55 so that they can have more time to rest; but these people are still strong. Judges, who are supposed to make very crucial decisions, and who are supposed to be very sound in mind, stay in the profession up to the age of 70 or 75 and they are civil servants. The age of 55 is too early and our people are still very young then. I am urging the Government, and this House, to consider raising the mandatory retiring age from 55 years to 60 years.

Some people may argue that when civil servants leave the Civil Service they go for loans or can be given money through Government organizations to begin working on their own. But these are people who have been in service and know only how to serve the Government. It is not possible to make them business-minded. Not everybody can be a businessman. Because of the kind of work civil servants do the whole of their lives, their inclination is only to serve the Government in that particular capacity as devoted civil servants. Therefore, it would not serve any purpose for anybody to try to argue that if we retire our civil servants at the age of 55 they can go into business because they are already Civil Service orientated. At that age they are

[Mr. Mate]

professionals and it is not possible to turn them into Patels or Shahs. It is for this reason that I strongly believe that all hon. Members of this House are going to support this good Motion.

With those few remarks, Mr. Speaker, Sir, I beg to move the Motion.

ADJOURNMENT

Mr. Speaker: Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until today at 2.30 p.m.

*The House rose at thirty minutes
past Twelve o'clock.*

Wednesday, 28th October, 1987

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

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

PRAYERS

NOTICES OF MOTIONS

SUBSIDY AND WAIVER OF DUTY AND SALES TAX ON EQUIPMENT FOR THE DISABLED

Mr. Omido: Mr. Temporary Deputy Speaker, Sir, I beg to give Notice of the following Motion:

THAT, noting the concern the Government has for the disabled people in our community; and being aware of the very high cost of equipment used by the disabled; this House urges the Government to:

- (i) Abolish all duty and sales tax payable on all items used by the disabled; and
- (ii) Subsidize such equipment in order to make it affordable by all disabled persons.

LEGISLATION FOR COMPENSATION TO FREED APPELLANTS

Mr. arap Koske: Mr. Temporary Deputy Speaker, Sir, I beg to give Notice of the following Motion:

THAT, in view of the fact that at the moment there is no law to provide for compensation whereby when people are convicted and on subsequent appeal they set free and the sentence set aside; this House urges the Government to introduce legislation to provide for such cases where convicted persons who on appeal are set free could be adequately compensated for the period they will have served in prison.

(Applause)

NATIONAL EDUCATIONAL FUND FOR THE POOR

Mr. Galgalo: Mr. Temporary Deputy Speaker, Sir, I beg to give Notice of the following Motion:

THAT, noting the great strides this nation has taken in educational progress and while appreciating the staggering costs of educational expansion incurred by the Government and various non-governmental organizations and realizing the continuous population boom; this House calls upon the Government to establish a "National Educational Fund" to cater for and ensure continued education of poor members of our society.

ORAL ANSWERS TO QUESTIONS

No. 604

TEACHER WITH ILLEGAL FIREARM—MATTER SUB JUDICE

Mr. Wakiondo asked the Minister of State, Office of the President—

- (a) whether he is aware that a Mr. Justus Mwirukire, a teacher at Makengi Primary School, Tharaka Division, was arrested on 7th August, 1986 with an automatic pistol by the Assistant Chief of Mutino Sub-location and taken to Chuka Police Station; and
- (b) what was the outcome of the court case, if any, and whether he has been released.

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

Yes, I am aware, and the facts of the case are as follows:

On 7th August, 1986, Mr. Justus Mwirukire Rubara, a teacher at Makengi Primary School was arrested by nine youth wingers at Muturi Village in Kajuki Location for being in possession of a revolver and three rounds of ammunition without a firearms permit. The youth wingers were on raid for traditional liquor in the area. Mr. Mwirukire and two other persons, namely, Marangu M'Mbu and Alex Miriti were also found with three jerry cans of traditional liquor. They were arrested and taken to the chief's camp at Kajuki, and later taken to Chuka Police Station, where the three were charged with being in possession of traditional liquor. Mr. Mwirukire was also charged for being in possession of a firearm and three rounds of ammunition without a firearm's permit.

A police file at Chuka Police Station was opened—Case No. 559 of 1986—and these people were charged under case No. 2855 of 1986. The teacher had alleged that he had bought the firearm for KSh. 400 from a person he could not know.

Mr. Temporary Deputy Speaker, Sir, the case is still pending in the court of law and, therefore, I would withhold any further comments since the matter is *sub judice*.

With regard to the others who were charged for being in possession of traditional liquor, they were all acquitted under section 202 of the Criminal Procedure Code.

No. 620

PAYMENT OF PENSION TO MR. PETER OBULO SEWE

Mr. Otwanj asked the Minister for Livestock Development—

- (a) whether he is aware that Mr. Peter Obulo Sewe started working with the Government on 1st May, 1935 and not 1st January, 1948 and that he retired on age grounds on 31st May, 1980;
- (b) when will the Ministry supply the Principal Pensions Officer with a revised claim as requested on 14th January, 1987, so that Mr. Sewe's benefits can be processed; and
- (c) when he will be paid the said benefits.

The Assistant Minister for Livestock Development (Mr. Oyondi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

I would like to request the hon. Member for Busia North to provide me with details regarding Mr. Peter Obulo Sewe, so that I can investigate and take the necessary action. In this regard, I would like to know Mr. Sewe's personal number, if he had any, during his tenure of office, or any other information which can help us trace his records.

Mr. Temporary Deputy Speaker, Sir, my Ministry has over 20,000 staff who are scattered all over the country. It is, therefore, difficult to trace an ex-officer's records in the absence of his personal number; what he was employed as, and his last working station. Mr. Sewe can report to the Ministry's headquarters to facilitate sorting out his problem. In case Mr. Sewe did not have a personal number, it would be useful to know what grade he held at the time of retirement, and his last working station before he retired.

Mr. Otwani: Mr. Temporary Deputy Speaker, Sir, that answer is rather shocking. This is because it is quite a number of weeks now since the question was submitted to the Ministry. If the officers in the Ministry were serious, they would have asked me, within this time, to provide them with the personal number of Mr. Sewe. I have the personal number here with me, but before I give it to the Assistant Minister, I would like to ask him to tell the House why his officers did not take the trouble to get the personal number from me and prepare the answer before today.

An hon. Member: They are lazy.

Mr. Oyondi: Mr. Temporary Deputy Speaker, Sir, efforts to trace the records of Mr. Sewe who retired more than seven years ago, by simply checking through the names of the employees have proved futile. The Ministry does not keep separate records for those who have retired as it is the responsibility of the pensions division of the Ministry of Finance. Officers' records are in the officers' personal files; hence, the need to know his personal number. Furthermore, the Ministry could not communicate directly with the hon. Questioner; it was actually his duty to provide the Ministry with the personal number of that employee.

Mr. Otwani: Mr. Temporary Deputy Speaker, Sir, I accept that bit of my oversight, but before I give the personal number. I would like to point out that this kind of practice, which is found in nearly all offices, has frustrated the wananchi quite a bit. In fact, this morning, I was in an office and just because somebody had misplaced the number I gave him last week, he asked me to go back to Busia to look for the number; yet I had given him a photocopy of it. Now, here is another case and I will, therefore, appeal to all the Ministers to ask their officers to be taking a bit of trouble to

look up certain things which are there in their records, instead of frustrating wananchi to such an extent. At least, they should seek information as early as possible.

I would like to give the Assistant Minister the personal number of this person; it is (AGF) EST. 2295 (TY)24.

Mr. Oyondi: Mr. Temporary Deputy Speaker, Sir, I am sorry, that is not the personal number; that must be the reference of the letter.

No. 512

POSTING OF QUALIFIED TEACHERS TO KOKWET SECONDARY SCHOOL

Mr. arap Koske asked the Minister for Education—

(a) whether he is aware that Kokwet Secondary School in Kericho District does not have a qualified teacher;

(b) whether he could consider posting at least three qualified teachers to this school; and

(c) whether he could also post an experienced headmaster to manage the school.

The Assistant Minister for Education (Mr. M'Maitisi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Kokwet Secondary School in Kericho District does not have a trained teacher, but all teachers in the school are sufficiently qualified to handle the classes in the school.

(b) The Teachers Service Commission, as it stands, has posted two graduate teachers and one "A" level untrained teacher there,—three teachers—which is the approved establishment for a Harambee School. I shall consider posting one trained teacher to the school when they become available, which may also mean withdrawing one of those who are there, so that the school remains with the approved establishment.

(c) Once we get some trained teachers to be posted there, one will be appointed to head the school as required by the hon. Member.

Mr. arap Koske: Mr. Temporary Deputy Speaker, Sir, while thanking the Assistant Minister for having sent these teachers to the school, can he tell the House what was the cause of leaving that school without trained teachers for all that length of time, and yet it is an old school, not a new one?

Mr. M'Maitisi: Mr. Temporary Deputy Speaker, Sir, once we are informed by the provincial education officer of the establishment, the Teachers Service Commission does its best to get teachers for it, and if they are not available, it may take longer, but if they are available, they will be posted there.

No. 551

DISMISSAL OF KIRICHA MWALWALA

Mr. Mwachofi alimwuliza Waziri wa Elimu—

(a) ilikuwaje dereva, P/No. 13599, Kiricha Mwalwala, kusimamishwa kazi na Mkuu

[Mr. Abuya-Abuya]

the investigations concerning the other farmer will take, and could he also take similar steps to enhance the investigations that involve many other farmers?

Mr. Mwangale: Mr. Temporary Deputy Speaker, Sir, this is a phenomenon that affects only farmers in Kisii—only a few of them. When I was moving the Motion on the Vote on the Ministry of Agriculture, I said that we have taken a lot of steps, which include carrying out a census of the tea bushes and computerizing the total number of farmers we have in Kisii. We are now getting close to getting the true deliveries for each farmer and we hope that this will be completed soon.

The Temporary Deputy Speaker (Mr. Mutiso): Next Order.

POINT OF ORDER

MISREPORTING BY THE PRESS

Mr. Ng'eny: On a point of order, Mr. Temporary Deputy Speaker, Sir.

I rise on a point of order to correct an erroneous impression which was created by a heading constrained in *The Standard* of 14th October towards my contribution, when we were discussing the Vote of the Ministry of Education, Science and Technology. The heading says, "Ng'eny criticizes 8-4-4."

Normally, I would not raise an issue with this kind of report, but because of the general understanding by the general public on the meaning of "criticize", which usually is negative, I must correct this impression which has been put across to, in particular, my constituents who know and respect me as a senior educator. They take what I say on matters of education very seriously, and I would not like to leave this impression with them, as they might think that their hon. Member of Parliament has suddenly decided that he does not like the 8-4-4 system of education.

Mr. Temporary Deputy Speaker, I would like to quote the relevant section of the HANSARD of my contribution. I was making the third point of my introduction in which I said:

"Thirdly, Mr. Speaker, Sir, I would like to congratulate the Government as a whole for being brave enough to allocate nearly 40 per cent of our national budget for purposes of improving our educational system. But having said that, I would like to put my mind to our new 8-4-4 system of education. However, I would like to say that whatever I am going to say here is not a criticism of the policy or the introduction of the 8-4-4 system of education in this country".

I said this in my own words.

"This is because, as you will recall, Mr. Speaker, Sir, the paper that outlines the introduction and implementation of the 8-4-4 programme was adopted in this very House when the then Minister for Education, Science and

Technology, Prof. Ng'eno, laid this on the Table. My remarks are going to be on certain aspects of the implementation."

That is all I said. Therefore, I would like to assure all my friends and colleagues and my constituents in particular, that at no time have I said I did not approve of, that I was opposed to the 8-4-4 system of education in this country which, I think, is the best system that has ever been devised in the African continent.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Hon. Members: On a point of order.

The Temporary Deputy Speaker (Mr. Mutiso): Order! I think we are pressed for time because we have a Motion on the Committee of Supply and the Order Paper says that we should start on it not later than 3.30 p.m. It is now almost 25 minutes to 4 p.m. I, therefore, rule out all other points of order until tomorrow. So, we will proceed.

Next Order.

COMMITTEE OF SUPPLY

(Order for Committee read being 12th Allotted Day)

MOTION

THAT, MR. SPEAKER DO NOW LEAVE THE CHAIR
VOTE 12—MINISTRY OF LOCAL GOVERNMENT
(Minister for Local Government on 22nd October,
1987)

(Resumption of Debate interrupted on
22nd October, 1987)

The Assistant Minister for Culture and Social Services (Prof. Sumbi): Thank you, Mr. Temporary Deputy Speaker, Sir. Before the interruption of business last Thursday, I gave a suggestion to the Ministry of Local Government on how to handle dirt in this City, in major towns, and also in shopping centres in the rural areas.

I said that it seems as if the Nairobi City Commission is not capable of cleaning this City and, as such, the Nairobi City Commission should contract with the private sector so that our City can be clean. I went on to say that I am even surprised by local authorities. You find that small towns and shopping centres are never swept and yet there are employees who are supposed to sweep them. I do not know, but I think all county councils are the same as the Machakos County Council, which has employees in every shopping centre, and yet these people do not do a good job—most of the time, they do not sweep these shopping centres. I, therefore, appeal to the Minister for Local Government to do something about that.

Mr. Temporary Deputy Speaker, Sir, another point is about physical planning in the upcoming small towns, especially along the Mombasa-Nairobi Road. People put up buildings after they have been allocated plots by the local authorities. But later

[The Assistant Minister for Culture and Social Services] on it is discovered that the plots should have been allocated by the Ministry of Lands and Settlement. There has been such a problem at Emali, Mtito Andei and Makindu. Actually, I feel that if the Ministry of Lands and Settlement owns those places, it should send its physical planners to those small towns, along Mombasa-Nairobi Road. If they fall under the Ministry of Local Government, then it should do the same.

With those few remarks, I beg to support.

Mrs. Asiyo: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion.

Sir, I would like to appeal to the Minister to do something about the long term planning for all local authorities irrespective of whether they are county, urban, town or municipal councils. To come directly to the point, Sir, South Nyanza County Council takes care of 48 per cent of the total population of Nyanza Province. Its size is also as big as that and yet the amount of funds that the Minister indicated were going to be given to the local authorities in South Nyanza cannot take care of the immediate or even the long term plans that they already have put underway.

Sewerage is a very serious problem in that area especially in the up-coming small trading centres. I have in mind Kendu Bay Trading Centre which has no sewerage system whatsoever and there are no plans under way for providing a proper sewerage system and yet this is a trading centre which is situated very close to Lake Victoria. We know that there are very many other trading centres around Lake Victoria which do not have sewerage systems. We are scared that very soon the lake will be polluted if all these drains are left loose to run into the only fresh water lake that we have of its size in this country. Therefore, I want to appeal to the Minister to find out what the local authorities around Lake Victoria are doing about the sewerage systems so that that lake would not be polluted by the sewage from the various trading centres around that lake.

Sir, there are several activities that the county councils can involve themselves in especially in helping them to collect revenue in the markets and other places. An example is South Nyanza where it is not possible now for the people of Karachuonyo to sell their cattle in the markets where the county council gets its revenue because of tsetse-flies which have invaded the entire area. The Minister should find a way of appealing for funds from donor agencies in order to assist the South Nyanza County Council to fight and eradicate this special type of tsetse-fly which has invaded the entire district. It is, in fact, making it impossible for the farmers in Karachuonyo to have good cattle. In effect most of the farmers have lost almost all their cattle.

Mr. Temporary Deputy Speaker, it would appear that when the Ramtu Salaries Review Commission made recommendations, the doctors working under municipalities were not covered. As a result there is now a very big gap between the salaries of doctors who are working in Government hospitals and those working in municipalities. Consequently, quite a number of doctors have ran away from municipal councils. If you take for example, doctors working in Nairobi, you will find that in Pumwani Maternity Hospital, where there are supposed to be 23 doctors, there are only ten doctors today, and they cannot cope with the amount of work at that hospital. This is a hospital in which the majority of babies in this country are delivered and without enough doctors, it is very likely for the few doctors there to be overloaded. It is also very likely for accidents to happen especially in case of operations and in other complicated cases when we do not have enough doctors at the hospital. Therefore, I would like to appeal to the Minister to have a look at Pumwani Maternity Hospital and to ensure that doctors working in municipalities are given the same salaries as those working in Government hospitals.

Mr. Temporary Deputy Speaker, Sir, several hon. Members have asked the Minister to set aside land for the future development of this country. I am worried that unless this is done now, there is not going to be land in any county council, urban council or municipality for the development of hospitals, schools or even industries. So, unless the Minister takes action now there will be no land for future development in these areas. I am saying this because there are quite a number of land-grabbers in this country who use their positions, either as town clerks or people who are well placed in Government, to acquire large tracts of land all over this country leaving our people without any land for future development. Those of us who are concerned about recreation grounds for children feel very bad when we notice that there is no land left aside in this country where families or children can go and have their recreation. I have high hopes that the Minister will take note of this.

Finally, Mr. Temporary Deputy Speaker, there is a contractor who abandoned the contract on sewerage works at Homa Bay Urban Council and went away with all the money that he had been given. Up to this moment, that sewerage system is a stand-still and nothing has been done about it while the contractor has disappeared. Would the Minister, when he stands up to the sentiments which we are making here, tell us about the sewerage construction works in Homa Bay where the contractor abandoned the contract and ran away with part of the money that he had been given at the time.

With these few remarks, I beg to support.

The Assistant Minister for Information and Broadcasting (Mr. Khasakhala): Thank you very much, Mr.

[The Assistant Minister for Information and Broadcasting]

Temporary Deputy Speaker, Sir, for giving me this opportunity to say a few words. First of all, I would like to congratulate the Minister, and his staff, for the hard work they have done since he took over as the Minister for Local Government. We used to have a lot of problems with the local authorities but since the present Minister took over from the previous Minister, he has worked so well that he has been able to solve the problems in his office. In fact, there is no Minister I have found to be as busy as the present Minister for Local Government. He sometimes does not even go for his lunch but stays in his office trying to solve the problems of the local authorities.

Secondly, I would like to thank the Minister very much for having up-graded Luanda Trading Centre into an urban council. Luanda Trading Centre has been a township for a long time before the attainment of our independence. Those who know where Luanda is, know that Asians settled there a long time ago. We have a railway station there. This is an area which is going to develop in future. When I am talking about Luanda, I would like to appeal to the Ministry of Local Government to organize up planners immediately an area is gazetted as an urban council so that plans are properly laid down for its development. It is not good enough to have an area gazetted as an urban council and then allow people to build houses there in any manner they like without considering the future development of the area. It is only the Ministry of Local Government that can create employment in the country today and I appeal to the Ministry of Finance to give more finances to this Ministry. I am saying this because within the local authorities, where we have urban councils, there are opportunities for employment if they are properly tapped. If these employment opportunities are properly tapped, unemployment can be eased. We can get more people employed in the urban areas if more money would be injected into plans and proper projects properly undertaken without the urban councils.

I therefore would like the Ministry to go ahead and request the Ministry of Planning and National Development to gazette strategic areas and make proper plans for health centres, town halls, residential houses, roads and so on. I am saying this because this requirement goes along with the planning of an urban area. An urban area without a proper road system will fail to do its job well because traders cannot easily get supplies to their shops if roads are not properly planned. In fact, Sir, this should be learned from the way the streets of Nairobi are planned. If the streets in Nairobi were not properly planned, we would be having a lot of problems with the traffic. We can have a lot of problems in our urban areas if the planners do not consider the future development in these urban areas. I am saying this because development in urban areas is not going to remain stag-

nant because these areas are going to be the future townships in this country and they will have to grow like Mombasa, Nakuru, Eldoret and other areas have grown. These areas started as very small trading centres but, they have now expanded greatly.

So, we should be broad-minded in our planning so that whenever a township is planned, we set aside enough land for the future development. We should foresee the future planning and the future problems right at hand. Secondly, it would be most unfair to leave urban councils to run their water systems. I think water supply systems should be the responsibility of the Ministry of Water Development because this is a technical service. If we leave the municipalities alone to run their water supply systems, they will always run into problems. I would say that this is one area in which we should liaise with the Ministry of Water Development to run the water supply system. The Ministry of Water Development should be fully in charge of the water supply system. I am saying this because even if a water supply system for townships serves one area, it has to serve the people in the suburbs or in the rural areas. Therefore, there should be a co-ordinated liaison between the municipalities and the Ministry of Water Development.

Mr. Temporary Deputy Speaker, Sir, the other problem which I have noticed is that instead of the councillors looking at the problems in the whole area, each councillor is fighting for his own area, instead of looking at problems involving the development of the whole country. I would like to say that the councillors should be respected as Elected Members of this House are respected, but they should plan for their urban areas properly and not to continue arguing on small points which do not assist in developing the area to a standard required by the people in the area.

Mr. Temporary Deputy Speaker, I would now like to turn to the markets. I do not know whether municipalities have ever had supervisors to look at the sanitation state in markets, which is appalling in some of our markets. It is so appalling that I do not know what to say about it. I know we have the chairmen of county councils, clerks to councils, councillors and so on, but whether they see the appalling state of sanitation in our markets, is the question. I am saying this because you find that people going to the markets have nowhere to help themselves. It is really ashaming to see a lady running behind the shops to relieve herself, and yet that market is fetching a lot of money on the market day. Why do they not inject some of these money back into the market for developing it by providing water and sanitation facilities? It is important that we should look at these markets very carefully, because they can cause a lot of problems by spreading diseases. We hear of Aids being talked about everywhere.

Mr. Anyumba: Do not talk of it here!

The Assistant Minister for Information and Broadcasting (Mr. Kharakhala): I will leave that point, but we have to be very careful so that diseases are not spread in the markets where we have food displayed in the open. Flies fly over foodstuffs like dried fish and meat. So, I think, Mr. Temporary Deputy Speaker, Sir, the Minister should have a special man in his Ministry to advise him on market affairs so that they are properly constructed and properly provided with sanitation facilities. Sanitation is important and I do not know why the Ministry of Health has not closed down some of the markets without these facilities. The blame goes to the Ministry of Health officers who are supposed to go round to ensure that these markets are properly looked after and clean throughout.

Finally, I feel that municipalities should be given some tractors to maintain roads around markets. They do not have enough machinery to murrum and construct roads so that those leading to markets are properly maintained. They should be provided with some machinery so that they can do their own murruming and grading of roads especially on major markets which we have throughout the country. Without markets, whatever we grow would not be sold easily. That is where peasants earn money in this country for paying school fees for their children. So, they should be taken care of.

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

The Minister for Supplies and Marketing (Mr. Kitele): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to air my views on this important Vote. First of all I would like to say that I support the Vote. I would also like to thank the Minister for the good job they have done. The Ministry of Local Government has done a good job in the country, but there are a few things which I would suggest to them so that they can look at them. Perhaps, these things are happening only in my constituency, because I am not very conversant with the affairs of the other constituencies. I will first of all speak on nursery schools in my constituency. Nursery schools are supposed to be under the county councils. Teachers in nursery schools are paid by the county council but some of them are not paid by the same council. Mr. Temporary Deputy Speaker, Sir, although they are not paid by the county council, some of the nursery schools have only five or ten students who pay only Sh. 10 per month. If there are 50 or 100 in one nursery school, the total fees paid would either be Sh. 50 or Sh. 100.

On top of that, the county council gets either Sh. 1 or Sh. 2 from each child. I am suggesting to the Ministry to take over the management of nursery schools in the county so that they can pay the teachers. For instance, most of the nursery schools in Athi River Location, Iveti Location, and Mitamboni Location are very poor, and the teachers are never paid. Sometimes they teach up to

seven o'clock in the evening, and the poor teachers go on doing so without any payment at all. I am requesting the Ministry to see what they can do about those teachers. I am requesting them to take over the nursery schools and, at least, pay the salaries of the teachers. We, as parents, shall look after the books and so on. I do not know what happens; in other areas, but that is what is happening in my area.

This also applies to some urban councils, for instance, Athi River Urban Council where some nursery school teachers are paid by the council and other teachers are not paid by the council. Can we have uniformity so that all teachers can be paid by the urban council?

Sir, there are also some "young" municipalities which need assistance from the Ministry of Local Government. They need assistance in the construction of roads. I will not give any example here because there are so many of them in Kenya. I would only like to urge the Ministry to give a hand in helping the "young" municipalities. They should also be helped in planning. The wananchi who are about ten miles from the boundary of a municipality should be told that they will have to pay the rates to the municipalities in future.

Sir, we have some big markets, especially in my constituency. However, you will see that there are no good toilets in the markets. This is where wananchi are supposed to go and help themselves. I think this is a responsibility of the county council concerned because anybody who comes to sell anything in that market pays some money to the council. I am requesting the Ministry to see to it that the county councils do put up good toilets in market places. I wonder what happens in other markets? Some people are very fussy especially when they go to a market in the rural areas. I am sure hon. Members do not mind because we are all "rural" except only a few hon. Members who are "urban". We know how to use such toilets. So, I am requesting the Ministry to look into that problem. The county councils must make sure that there are good toilet facilities especially during market days. This is when one cannot even be able to use the toilets. In fact, it is impossible to go into them!

This does not only happen in the rural areas. For instance, in a place like Pumwani, toilets are in a very poor state. I went to see a friend of mine there, and went into one of the toilets, but I was unable to go in because people help themselves wherever they like. I think something must be done about this problem because we are here to serve wananchi and see that they are well-looked after.

Sir, we grow very little maize in my area because people have gone into coffee farming than in farming maize and beans. There is a cess levied from coffee which goes to the county council. I am requesting the Ministry to help some county councils because they are in dry areas. For example, Komo

[The Minister for Supplies and Marketing]

Rock in my area is very dry. There is no water. The Government has tried because they have done something, but I would like the county council to do something also to assist. I am sure they will do so when they get help from the Ministry of Local Government. We would also like the municipalities and town councils to give a hand in providing wananchi with water.

Sir, I mentioned that in the rural areas coffee cess is paid to the county councils, and some of the roads which are supposed to be maintained, especially those ones going to coffee factories, are not looked after by the county councils concerned although they have tractors and other machinery to do the work. I am requesting them to make sure that these roads are properly maintained. For instance, in my area, the roads are impassable in some of the places. I request the Ministry to look into that problem.

Thank you, Sir. I support the Vote.

Mr. Kiome: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this Motion.

Sometimes the Ministry of Local Authorities is viewed as being as large as the Government itself. They have councils in every district. They have so many local authorities in the names of municipalities, townships, urban councils, and so on. So, the Ministry of Local Government is everywhere.

An hon. Member: It is not Ministry of Local Authorities.

Mr. Kiome: It is the Ministry responsible for local authorities. So, it is the Ministry of Local Government. So, the Ministry of Local Government is as large as the Central Government. For that reason, the broadening of its approach, it should be as large as that of the Central Government. I am only wondering why they are asking for so little money here. They should have asked for three times more, and I am sure, if that money was there, it would have been given to them. But then the question is: "What will they do with that money, or what have they done with the little that they ever got."

Every council collects so much money from the people. The Nairobi City Commission collects so much money by way of revenue every year. But there is not a single day when the wananchi have ever said that they were served properly by a single local authority. I am as yet to hear of my municipal, town or urban council that has satisfied, or met, even to the extent of 10 per cent, the basic requirements of the citizens it serves. We have just heard the previous speaker talking of public toilets in markets; such toilets do not exist anywhere. Those which exist in Nairobi are a nuisance. They are places where the pungent smell which come out gives this country, this City and everybody in this nation disrespect. We are disrespected by the visitors who come to Nairobi, the City under the Sun, only to find a "city under the stench".

Mr. Shikuku: Yes, it is the City under stench!

Mr. Kiome: We have very pungent smell coming from these toilets; yet it requires only Sh. 10 to maintain one toilet in a month. What are the people in the councils there for? So, we are yet to get the services that we require from the councils. For that reason, I am suggesting, probably for a start, that the Nairobi City Commission should take a little money, say, Sh. 4 on each housing unit, from the money set aside for sewerage and conservancy, and pay it to a profit-making company so that it can take care of toilet cleaning and refuse collection. This will not cost Sh. 1 per housing unit. Now, councils collect that money and use it for purposes that are known, and yet garbage is not collected, toilets and streets are not cleaned. We can as well do without those commissions, county councils, urban councils and town councils. So, in this case, the Ministry should be made a department in the Ministry of Health. They are asking for money with which they do not do anything.

An hon. Member: Why are you against the Minister?

Mr. Kiome: I am not against the Minister, he is a very competent person. He has spoken, of late, as a very competent man, and we have seen it in the newspapers.

(Laughter)

So, Mr. Temporary Deputy Speaker, what I am asking is that things which have been passed in this House should be implemented. Recently, we passed a Bill here that brought local authorities' employees under the Public Service Commission. Mr. Temporary Deputy Speaker, Sir, you are aware that the clerk to your own county council has been there for the last 20 years; the treasurer for the last 25 years, and the other junior officials have been there since the colonial days. This is creating kingdoms for these people; it creates places for them to remain in forever. That is why they mess with the administration of local authorities. I have learned from experience that civil servants stay in one place for a maximum of five years, and that three years' stay is the normal period before an officer is transferred. However, some officials in the Nairobi City Commission, and in county councils of Kisumu, Kakamega, Isiolo, Meru and so forth, have been there for the last 10 years. Now, does that make sense? This does not make sense in the face of a Bill that made them transferable throughout the Republic. This was done so that one may learn and secondly forget the idea that they are tribal chieftains or that since he is a Kikuyu, he should be the clerk to Nyeri County Council forever. Why can somebody from Nandi, Baringo, Isiolo not be the clerk to Nyeri County Council or Isiolo County Council. I am not against the clerk to Isiolo County Council; let him know that. He is a competent man, but he can learn more by working as the clerk to the Nairobi City Commission, which is a very responsible place. Let these people also move in between their jobs by way of transfer.

[Mr. Kiome]

Mr. Temporary Deputy Speaker, Sir, there is also something else that the Minister is very aware of, and that is the fact that several locations have been created and they all fall under his Ministry. In fact, some of the new locations have been created during this year. Some of them have been declared as electoral areas while a few of them seem to have been forgotten. As I talk here now, we have a new location called Isiolo West that requires a councillor. For that matter, I would like to point out that the new location should get a councillor so that the people of that location can get the services that others have by way of elected leaders; they should also get services by way of representation in the local authorities. The local authorities fall very much under the Central Government's representation because they tax people everywhere. So, those people in the new locations should not be taxed without representation; they should be represented if we are going to be democratic and if we hold the view that democracy is as important as the air we breathe, the food we eat and the water we drink. Democracy is as important as that although some people may take it lightly. If we do not have democracy, then there is no way that people can be satisfied. Without democracy we are like people without air to breathe, food to eat and water to drink. So, I urge the Minister to give those new locations local representation.

Finally, Sir, let me touch on the councillors themselves. Right now there are no requirements that a councillor should be educated. In fact, a councillor need not be educated at all, and I am not going to suggest that we should have graduate councillors or "O" Level standard of education councillors. I am not going to say that councillors should be engineers, lawyers or anything like that but they should be provided with opportunities to learn the principles of local authorities, the principles of administration of local government and so on so that the wrangling between councillors and officials of the local authorities can be minimized. At times the wrangling becomes too much because the officials of local authorities do not understand that their bosses are elected leaders. For example, a local authority clerk who has served for about 20 years can talk to about 20 or 30 councillors as if he is their boss. In fact, the councillors should be able to dismiss such a clerk and there should be no remedy. When a clerk has been dismissed by councillors, he should not be allowed back to his office. The councillors are in charge of local authorities and the wananchi who put them there did so knowing that they should be the bosses. Councillors should not be overruled by anybody else in the local authorities. We shall not allow that in the name of democracy. Therefore, a lot of educational seminars and training opportunities should be provided for councillors.

Before I sit down, Mr. Temporary Deputy

Speaker, Sir, I would like to ask the Minister for Local Government to remember to implement a Motion of this House that urged the Government to review councillors' salaries with a view to increasing them. This House passed that Motion and every hon. Member who has spoken here has talked about it. You see, councillors are paid only KSh. 1 000 per month and they are required to attend Harambee fund raising almost every day. That is very unfair.

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

Mr. Mwavumo: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili nami nijiunge na Waheshimiwa Wabunge wenzangu kumpongeza Waziri wa Serikali za Wilaya kwa kazi nzuri anayofanya ya kuhakikisha kwamba mabaraza yote hapa nchini yanaendeshwa kwa utulivu.

Jambo la pili ambalo nataka kusema ni kumwuliza Waziri wa Serikali za Wilaya ahakikishe kwamba ule msaada uliotolewa na Serikali ya Italia unagawiwa Manispaa ya Mombasa. Kwa sasa, manispaa hiyo haina magari ya kubeba takataka na jambo hilo limesababisha Manispaa ya Mombasa kushambuliwa na wananchi na kuonekana kama haifanyi kazi. Kupitia kwako, namwuliza Waziri atupatie magari ya kubeba takataka ili Manispaa ya Mombasa ifanya kazi vizuri. Pia, naomba tupatiwe magari ya kuzima moto. Ni jambo la kusikitisha kwamba magari ya kuzima moto katika Mji wa Mombasa ni machache sana. Kwa hivyo, kupitia kwako, namwomba Waziri atupatie magari ya kuzima moto.

Bw. Naibu Spika wa Muda, kama vile unavyojua, mji wetu wa Mombasa ni mkubwa sana na kwa hivyo unahitaji magari ya kubeba wagonjwa na pia magari ya kubebwa maiti. Nataka kusisitiza haja ya kuwa na magari ya kubeba wagonjwa kwa sababu kila wakati magari tuliyo nao huwa maovu na wananchi huwa wakipata taabu sana. Ikiwa Wizara haina pesa za kutosha kununua magari hayo basi namwomba Waziri achukue magari ya Wizara nyingine yaliyoharibika na yarekebishwe ili yapelekwe Mombasa ndipo wananchi wapate huduma hii muhimu. Kwa wakati huu ninapongea hapa, imekuwa shida sana kwa wananchi kupata huduma hii ya magari ya kubebwa wagonjwa. Kwa hivyo, kwa sababu najua kwamba Waziri wa Serikali za Wilaya ni mtu anayependa kufanya kazi na kuwatosheleza wananchi wenzake, namhimiza sana afikirie juu ya jambo hili na alitimize haraka sana ili ipatikane katika Mombasa.

Jambo lingine ambalo nataka kusema ni kwamba kila mhe. Mbunge aliyeongea hapa amesema kwamba vyoo vyao ni viovu mno. Lakini nataka kusema kwamba katika sehemu ninayowakilisha shida si vyoo kuwa viovu; vimefungwa kabisa. Choo cha Likoni Ferry kimefungwa na kimekuwa hivyo kwa muda mrefu. Pia, choo cha Mtongwe Ferry kimefungwa. Kwa hivyo, kupitia kwako, Bw. Naibu Spika wa Muda, naiomba Wizara hii iwahurumie

[Mr. Mwavumo]

wananchi na kuvifungua vyoo hivyo ili wananchi waweze kuvitumia. Ni jambo la kusikitisha kuona choo cha baraza kimefungwa. Je, wananchi watajisaikia wapi? Kwa vile Bw. Waziri ni mtu anayefanya kazi kwa bidii, namwomba awasaidie wananchi ili vyoo hivi vifunguliwe.

Pia, Bw. Naibu Spika wa Muda, namwomba Waziri wa Serikali za Wilaya ashirikiane na Wizara ya Uchukuzi na Mawasiliano ili barabara za trunk roads ambazo zinapitia katikati ya miji zitengenezwe. Kwa mfano, barabara ya Likoni ni mbovu sana na tunamwomba Waziri azungumze na Waziri mwenzake ili barabara za aina hii zirekebishwe.

Kuhusu shule za nasari ambazo ziko chini ya Wizara ya Serikali za Wilaya nataka kusema kwamba kile kilichoko ni majengo tu na wakati mwingine watoto hawana hata vifaa vya kufanyia kazi. Walimu wanashindwa jinsi ya kuwafunza watoto. Kwa hivyo, ikiwa tunataka kuendesha shule za nasari, Bw. Waziri, patia walimu vifaa.

Mr. Shikuku: Address the Chair!

Mr. Mwavumo: Bw. Naibu Spika wa Muda, kuna Spika mmoja tu katika Bunge hili. Ningekuomba umwulize mhe. Shikuku afahamu wajibu wake.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. Ikiwa Mhe. Mwavumo, ambaye si mgeni katika Bunge hili, hajui utaratibu wa kuongea katika Bunge ni lazima afundishwe. Alikuwa anazungumzia Waziri bila kupitia kwa Kiti. Kama hajui hivyo, sisi ambao tumekuwa hapa kwa muda mrefu tunafaa kumfundisha.

Mr. Mwavumo: Asante sana, Bw. Naibu Spika wa Muda. Lakini kama Mhe. rafiki yangu hajui Kanuni za Bunge hili, yafaa aelewe kwamba hawezi kuongea kama ameketi chini. Hiyo ndiyo imenifanya nimdharau. Ukitaka kuongea katika Bunge hili unasimama na kuomba ruhusa kufanya hivyo.

Mr. Shikuku: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Nataka kumfundisha Mhe. Mwavumo tena. Kuna kitu kinachoitwa interjection, na unaweza kufanya interjection kama umeketi chini. Yeye hajui hivyo ingawa amekuwa hapa. Wakati umefika watu wake wamtupe nje tena.

The Temporary Deputy Speaker (Mr. Mutiso): Yes, interjections are allowed in the House. An hon. Member can interject while seated. Anyway, do not take too long on that. Carry on.

Mr. Mwavumo: Ahsante sana, Bw. Naibu Spika wa Muda. Nilikuwa nikisema kwamba namwomba Waziri wa Serikali za Wilaya apeleke vifaa katika shule za nasari ili vijana wetu, pamoja na walimu, wasipate taabu.

Bw. Naibu Naibu Spika wa Muda, tunaweza kulaumu watoto kwa kutofanya vizuri kwa masomo, au tunaweza kulaumu walimu kuwa hawafundishi lakini hii si kweli; ni kwa sababu shule nyingi za nasari hazina vifaa. Hii ndiyo imewafanya watoto wasifanye vizuri.

Bw. Naibu Spika wa Muda, jambo lingine ni lile Bw. Waziri alileta; kuwa atatengeneza vibanda aki-

anzia Nairobi. Wazo hili ni nzuri sana. Ningependa vibanda hivi vienee katika Kenya nzima ili viweze kuwasaidia wananchi ambao hawana kazi. Nataka viwe kama pahali pa kufanyia kazi ili wananchi wajipatie riziki. Nampongeza Bw. Waziri kwa huo mpango ambao ameleta.

Bw. Naibu Spika wa Muda, pia ningependa Bw. Waziri aongeze misaada yake katika mabaraza. Wakati huu mabaraza mengi yanaendelea kufilisi-ka. Njia zote walizokuwa nazo za kupata pesa sasa zimekatanzwa au zimeondolewa. Bw. Naibu Spika wa Muda ningependa Serikali imuruhusu Waziri atume misaada mingi sana katika mabaraza haya ili wananchi wapate huduma bora. Kwa hivi sasa tunavyosema, dawa na vifaa vingine vimefungua katika mabaraza. Nikiangalia pesa ambazo Bw. Waziri ameomba, naona kuwa pesa hizi ni kidogo sana. Pesa hizi haziwezi kutimiza kazi ambayo wananchi wanataka ifanywe katika mabaraza. Waziri bado ana nafasi ya kuongeza pesa hizi ili watu waweze kupata huduma bora katika mabaraza. Ikiwa mabaraza yatakosa pesa, basi mara kwa mara Waheshimiwa Wabunge watakuwa wakiuliza maswali hapa. Watakuwa wakiuliza ni kwa nini jambo hili hali-jafanywa, au ni kwa nini jambo lile limeharibika. Hii ni kwa sababu mabaraza yetu hayana pesa. Tungemwomba Waziri aongeze pesa ili tupate huduma bora.

Bw. Naibu Spika wa Muda, nikiongezea, nita-unga mkono Waheshimiwa Wabunge wenzangu kwamba maofisa wa mabaraza wamekuwa wakifanya kazi mahali pamoja kwa muda mrefu. Ikiwa hawa maofisa wameajiriwa ili waitumikie nchi hii ni vizuri waruhusiwe kwenda katika kila baraza ili wapate kutoa huduma zao. Lakini kama mtu hawezi kutoa huduma bora kwa baraza analofanyia kazi, badala ya kuhamishwa na kupelekwa katika baraza lingine ni vizuri aondolewe kwa manufaa ya nchi yetu.

Kwa hayo machache Bw. Naibu Spika wa Muda, naunga mkono.

Mr. Kinwani: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity to make my contribution to this important Vote.

Firstly, I would like to commend the Minister and his officers for the good work they have continued to do. It was just recently that the Minister up-graded a number of small trading centres to the status of urban councils. This is a commendable move and whenever the Minister up-grades an urban council or a town council or a municipality to higher status, it shows that those particular councils are growing. In this connection, I would like to make a very special appeal to the Minister to up-grade Kikuyu Trading Centre.

Mr. Temporary Deputy Speaker, Sir, it is my view that when the Minister recommended the elevation of various trading centres in the country—a move that I have commended him for—there was an oversight in leaving Kikuyu Trading Centre

[Mr. Kinyanjui]

out. The Kiambu County Council—a body that comes under the Ministry of Local Government—made a very clear recommendation; a written recommendation that Kikuyu Trading Centre was due for elevation to the status of urban council. All the leaders in the area were convinced by the District Commissioner, Kiambu, and they all agreed that Kikuyu Trading Centre should be up-graded. If there was an individual who, for his selfish reasons, wanted to oppose that move—The Minister should not be guided by such selfish moves by individuals. He should listen to the recommendations made to him by the elected leaders. I do hope that the Minister will take this matter very seriously because we in Kikuyu Constituency are being left behind in terms of development.

Mr. Temporary Deputy Speaker, Sir, Kikuyu Trading Centre has more than 14 industries. Some of them are exporting their wares as far away as the United States of America and other places. It is therefore, in my view, unfair not to upgrade such a trading centre. We have all the facilities that are needed in up-grading a trading centre into an urban area.

Mr. Temporary Deputy Speaker, Sir, it is not surprising to realize that in Kikuyu Constituency we have three important national schools. This is where we have the famous Alliance Boys' High School, Alliance Girls' High School and Thogoto Teachers' College. We also have important churches in this area. Therefore, Kikuyu Trading Centre is due for elevation to the status of an urban council.

Mr. Temporary Deputy Speaker, Sir, if the Minister for Local Government would compare Kikuyu Trading Centre with some other trading centres which he up-graded he would, I am sure, agree that Kikuyu Trading Centre qualifies for up-grading into an urban council.

Mr. Minister, you will recall that—

An hon. Member: Address the Chair.

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, the Minister will recall that when I led a delegation to his office on this issue, he and his Permanent Secretary agreed that Kikuyu Trading Centre was due for up-grading. I think the Minister owes us an explanation as to why Kikuyu Trading Centre should continue to be held back.

Let me, Mr. Temporary Deputy Speaker, Sir, touch on another important issue. This concerns our elected councillors. These civic leaders continue to be grossly underpaid. How do we expect them to serve the people? How do we expect them to travel from one area of their locations to another if the allowances they get are hardly adequate even to buy petrol? I would join my colleagues here in recommending that salaries and allowances paid to councillors should be reviewed and improved in order to enable the councillors to do their work more effectively.

Mr. Temporary Deputy Speaker, Sir, some councillors are tempted to snatch things like plots from people. This is as a result of the poor remunerations that they get.

An hon. Member: Not necessarily.

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, we strongly recommend that the Minister should look into this issue.

Mr. Temporary Deputy Speaker, Sir, I will now touch on another matter regarding the cleanliness of our urban areas I am sure the Minister is concerned that our urban areas should remain clean. I am also sure that the local authorities are doing their best including the section of the that is in front of his shop to keep our urban areas clean. But they are still very dirty. I would like to suggest that the Minister must consider passing a by-law which would require that every plot owner and every shop owner should be responsible for cleaning the area in front of his shop including the section of the road that is in front of his shop. If this is done I am sure we would see a great improvement in the cleanliness of our urban areas.

Mr. Temporary Deputy Speaker, Sir, the Ministry's officials are here and I am sure some of them have travelled a lot. Have they ever tried to find out why other countries have managed to keep their towns and cities clean? The people of Japan have managed to keep their cities and towns clean. This is simply because they have by-laws which require property owners in that country to keep their properties clean.

Mr. Temporary Deputy Speaker, Sir, in addition to the introduction of the by-law I am suggesting, I think the Minister should also consider imposing some fines on any citizens who are seen throwing rubbish about. If they are caught they should be made to pay a fine. I am sure this would stop people from dropping rubbish all over the place.

I think if local authorities provided rubbish bins and placed them strategically in the towns, this would encourage our people to keep our urban areas clean. Also the system of refuse collection should be improved. In some countries—and I think this is through by-laws—refuse is collected in bags and then placed in strategic positions for collection. The Minister should, therefore, consider introducing such a method here and also consider giving the job of refuse collection to private contractors. This is because we feel that these private contractors could do a better job. I, therefore, hope that when the Minister stands to reply he will respond to these suggestions and tell us what his views are.

With these few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support the Motion.

The Assistant Minister for Labour (Mr. arap Metto): Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi ili nami niweze kujiunga na Wabunge wenzangu katika kuijadili Hoja hii inayoihusu Wi-

[The Assistant Minister for Labour]

zara ya Serikali za Wilaya. Kusema kweli Wizara hii ambayo inaongozwa na Mhe. Mudavadi imefanya kazi nyingi. Ni jambo la kufurahisha kuona kwamba wakati huu makonseli yameonyeshwa njia za kujitafutia mapato. Hata hivyo utaona kwamba hapo awali makonseli haya yalikuwa yanakabiliwa na shida nyingi sana. Lilikuwa jambo gumu sana kwa haya makonseli kujipatia pesa za kuyawezesha kutekeleza wajibu wao katika ujenzi wa taifa. Ninasema hivi kwa sababu hapo awali makonseli mengi yalikuwa hayaruhusiwi kuwatoza wakulima kodi kutokana na mazao mbali mbali na hali hili ni jambo ambalo lingeyawezesha makonseli kupata pesa za kuendesha shughuli zao. Lakini nafurahi na ninatoa shukrani kwa Waziri kwa kuyapigania makonseli kote nchini. Kwa wakati huu makonseli yameruhusiwa kukusanya kodi kutokana na mauzo ya mazao mbali mbali: kwa mfano mahindi, kahawa na mengine mengi. Hili ni jambo la busara kwa sababu tunajua kwamba wakati fulani Wizara ya Uchukuzi na Mawasiliano ilianza kusimamia na kutengeneza barabara ambazo hapo awali zilikuwa chini ya makonseli. Hata hivyo kuna barabara nyingine nyingi na ambazo ni ndogo ambazo haziku-chukuliwa na Wizara hiyo. Hiyo ni kazi ya Wizara kupitia kwa makonseli, kuona ya kwamba wakulima wamepewa huduma hiyo. Jambo kama hilo, ni la busara na wananchi watafurahi sana wakisikia ya kwamba kodi inavotowazwa huingia kwenye hazina ya konseli. Pesa zikiingia humo, ni lazima zitumiwe kurekebisha barabara ndogo ndogo ambazo Serikali au Wizara ya Uchukuzi na Mawasiliano haijazichukua kwa sababu barabara hizo ni muhimu sana kwa kuwawezesha wakulima kuyapeleka mazao yao sokoni, hasa upande wa mashamba.

Jambo lingine ambalo ningependa kugusia ni juu ya huduma nyingine ambazo zilikuwa zikitolewa na serikali za wilaya hapo mbeleni. Baada ya Serikali Kuu kuichukua miradi hiyo, kwa mfano, mipango ya maji, kwa wakati huu tunaona kuna mipango mingi ambayo haijatekelezwa na Serikali kupitia kwa Wizara ya Ustawi wa Maji. Hapo awali, huduma hizo zilikuwa zikitolewa na serikali za wilaya. Mambo kama haya, wakati pesa zitapatikana, ni lazima yaangaliwe na Wizara hii ya Serikali za Wilaya ili tuweze kuukamilisha ule mpango wetu wa kuwawezesha wananchi wote kupata maji.

Jambo lingine ambalo ningependa kuipongeza Wizara ya Serikali za Wilaya ni kwamba makonseli mengine, hutayarisha maonvesho ya kilimo ambayo huleta pesa na kuwasaidia wananchi waweze kufahamu njia za kilimo za kisasa. Mambo kama haya huwasaidia wananchi kuendesha mambo ya kilimo kwa vile nchi hii hutegemea zaidi kilimo.

Ningependa kutaja pia ile shida ambayo tunaona kwa wakati huu katika miji midogo na mikubwa katika nchi yetu. Jambo hili linahusiana na mipango ya ujenzi wa nyumba na viwanda. Vile tunavyoona ni kwamba hakuna mpango kamili ka-

tika manisipaa au makonseli wa kuwawezesha wananchi kujenga nyumba na kujua ni mahali gani panapofaa kujengwa viwanda, nyumba na kadhalika. Wakati huu huu ninapozungumza, tunashangaa kuona ya kwamba wananchi wanajisaidia wenyewe. Utaona kwamba nyumba zinajengwa ovyo ovyo. Mwisho, utaona kwamba wakati mpango kamili wa kila mji utakapotayarishwa, wananchi wengi watakuwa wamepoteza pesa zao zilizotumika kwa ujenzi wa nyumba zilizojengwa ovyo ovyo kwenye miji yetu. Nafikiri ni wajibu wa Waziri wa Serikali za Wilaya kuona kwamba kila mji ume-pangwa vizuri. Kama Mhe. Kinyanjui alivyosema kwamba anataka kituo cha biashara cha Kikuyu kipandishwe daraja, yafaa kuwe na mpango kamili katika kila konseli kuona kwamba mji huo utaendelea. Ni lazima Waziri achukue hatua kuhakikisha kwamba hakuna nyumba zitakazojengwa ovyo ovyo kila pahali. Wananchi wenyewe wanataka nyumba za kuishi, lakini kule Eldoret, kwa mfano, nimeona majumba mengi yaliyojengwa ovyo ovyo katika mahali panapoitwa Langas na pengine panapoitwa Shauri Yako. Mengine ya majumba haya ni ya kudumu, na upangaji wa miji ukitokea baadaye, pengine itasemekana kwamba sehemu hizo si mahali pa kujenga nyumba. Kwa hivyo, yangu ni kutoa mwito tu kwa Wizara hii ione kwamba mipango yao ya miji imetokea mapema ili iwaongoze wananchi waweze kuelewa ni wapi wanapofaa kujenga majumba yao.

Jambo lingine ni kwamba ningependa kuwangua mkono wale Wabunge wenzangu waliozungumza mbele yangu juu ya alauni za madiwani. Kwa kusema kweli, hatuwezi kuwafananisha na wale wa zamani. Siku hizi tuna mwito wa Harambee ambao kulingana nao ni lazima kila kiongozi ajitokeze na kuiongoza miradi yote ya Harambee. Ukiangalia hesabu ya pesa wanazolipwa madiwani hawa, utaona kwamba ni kidogo sana. Kwa hivyo, ninapendekeza kwamba inafaa mishahara yao ifikiwiwe tena kulingana na mapato ya konseli zao. Jambo hili likitimizwa litawasaidia sana madiwani kufanya kazi bila kusitasita.

Ningependa kumpongeza Waziri kuhusu ile sheria ambayo imebadilishwa ili awe na uwezo wa kuhamisha wakuu wa idara za Wizara ya Serikali za Wilaya. Hapo mbeleni uhamishaji huu ulikuwa shida kwa sababu hata uhusiano baina ya madiwani na wakuu wa idara hao ukiharibika kidogo, ilikuwa vigumu kumhamisha mtu. Hata ikiwa mtu angefanya makosa yasiyotosha kumfukuza kazini, ilikuwa hawezi kuhamishwa eti kwa kuwa mtu huyo alikuwa mkuu wa idara. Lakini maofisa wadogo wadogo, kama vile community development assistants, wanaweza kuhamishwa kutoka kata moja hadi nyingine. Kuhusu wakuu wa idara, kulingana na vile mambo yalivyo sasa, ni juu ya Waziri kuona kwamba mambo kama haya yakitokea maofisa hao wanaweza kuhamishwa kutoka sehemu moja mpaka nyingine.

Jambo lingine ambalo ningependa kusema juu yake ni uwakilishi. Tunajua kwamba wakati huu Ofisi ya Rais imeongeza hesabu ya kata. Hii ni njia

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moja ya kuwasaidia wananchi kupata huduma vizuri. Lakini tunajua kwamba katika sehemu fulani diwani huwakilisha eneo la chifu mmoja. Wakati mwingine utamkuta diwani anayewakilisha maeneo ya machifu wawili. Mambo kama haya yakifanyika, inafaa Waziri aone jinsi anavyoweza kuongeza hesabu ya madiwani kulingana na ongezeko la idadi ya wananchi ili tuhakikishe kwamba wananchi wanapata utumishi bora.

Kuhusu bursaries, wakati huu elimu imekuwa ya gharama ya juu sana. Serikali za Wilaya zikipata pesa zinaweza kutenga bursaries za kuwasaidia watoto maskini.

Ahsante sana, Bw. Naibu Spika wa Muda.

The Assistant Minister for Transport and Communications (Mr. Keriri): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this very important Vote. First of all, I would like to thank my friend, the Minister for Local Government, for the amount of effort he has been putting into his job in order to try and improve the performance of local authorities. I think he has been doing a lot of work in that area, as can be seen in his actions and speeches.

I see from the Ministry's Estimates that the Minister has provided quite a lot of money—in accordance with our budgetary resources. I think this is a lot of money that he has provided for sewerage and water schemes for many urban areas. To my surprise, however, when I read the Estimates, I do not see any urban area in my own district, Kirinyaga, that has been given any money either for water or sewerage. There are places like Sagana where no drainage exists, and I would like to appeal to my friend to see whether he could provide only drainage—we might come to normal sewerage in the future. If he provides some drainage in places like Sagana, Kutus, and so on, we would be happy.

Kirinyaga County Council has in the past provided a lot of services. I am sure that the Minister will agree with me that this is a council which has not given him any problems in respect of resources. It has utilized its resources properly and carefully. With the amount of effort the Minister is trying to make to improve county council services, I would appeal to him—I am sure he can do this, and it was only proved the other day that I am his admirer; and for the admiration I owe him, I think he ought to listen to my appeal—to try to save Kirinyaga County Council. Of late, Kirinyaga County Council has been run very improperly. There is an impending crisis there, and I would like to appeal to the Minister to solve this problem. There are a number of things involved here, but I would like to give the Minister only a few of them so that he may look at them. There are many things involved, and I cannot quote all of them. There is a new young man in Kirinyaga County Council in the name of the new clerk to

the county council. He has taken the whole job of the council to himself, and has not allowed the chairman and other councillors to do anything. They do not even meet. He, himself, has taken the whole job to himself. Some of the things he has done are, in fact, so dangerous that within another six months Kirinyaga County Council will have collapsed, if he keeps up the rate at which he is moving.

The Minister himself has, for example, approved Sh. 4 million for the gravelling of coffee access roads and Sh. 800,000 for children's bursaries in Kirinyaga, but none of this money is being spent for those purposes. The Sh. 4 million is not being spent for the purpose of gravelling roads to coffee areas where our income comes from. The Sh. 800,000 is not being spent for bursaries. The clerk to Kirinyaga County Council has made a plan of his own where he calls just one councillor to his office and telling him, "If you support me, I will issue a few bursaries to your children." This is wrong. This is what he is doing. Instead of using this money for gravelling our roads and giving bursaries, he has been incurring unauthorized expenditures. He has, for example, been employing, promoting and giving arrears of salary to new and old officers without any authority from the county council. I can quote some of the officers he has employed. He has employed typists, telephone operators and 13 nursery school teachers. It is good to employ teachers, but you must have authority from the relevant council to employ them. This clerk has not sought such authority.

There is an item for the purchase of vehicles. Instead of going to tender so that the council can decide what type of vehicles to purchase, this young man is very fast. He has gone his own way and purchased a Peugeot 504, a Mitsubishi minibus and other vehicles, all on his own.

Mr. Temporary Deputy Speaker, Sir, sometimes this year, he spent over Sh. 1 million which was alleged to have been spent on improving the Kerugoya Stadium. That money had never been approved by the Kirinyaga County Council. There was no finances and general purposes committee to approve that money; the main council did not meet and, thus, he spent on his own. The only other man who knew about it was the district commissioner. The former clerk to the council refused to pay it because there were no verifications of vouchers, no approvals were shown and there were no explanations for the expenditure. But, when this other officer came, because, I think, he wanted to have a share of the money, he paid the money to a Mhindi, over Sh. 1 million, and we do not know what he did with it.

Now, I would want the Minister to listen to this. He is the Chairman of Kakamega Kanu Branch. I do not think he, himself, and his county council would construct a road to or landscape the compound of his house in a place called Mululu, or some place like that. I do not think the Minister

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who is very honest would do that. But in Kirinyaga the county council spent over Sh. 300,000 landscaping, gravelling and tarmacking the compound of the Chairman of Kanu, Kirinyaga Branch, and that money has not been approved by the council.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I cannot believe my ears. What my hon. friend is saying here is terrible. Is it really true? Can he substantiate all these allegations? This is because I can see the Minister sitting over there very comfortably. These are terrible things to hear. Are they really true?

The Assistant Minister for Transport and Communications (Mr. Keriri): Mr. Temporary Deputy Speaker, Sir, the hon. Member is wasting my time because I am saying that over Sh. 300,000 was spent. Vehicles from the county council, all kinds of machines and workers were all at the chairman's house for more than a month landscaping, gravelling and tarmacking part of the access road to the chairman's house. This is unacceptable and furthermore, the county council did not approve it. Another Sh. 1 million, as I said, was spent—

The Minister for Transport and Communications (Mr. Magugu): On a point of order, Mr. Temporary Deputy Speaker, Sir.

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

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

The Minister for Transport and Communications (Mr. Magugu): I do agree that these accusations are very serious and, perhaps, I would agree that if there is evidence of some kind, it be laid on the Table of the House.

The Assistant Minister for Transport and Communications (Mr. Keriri): Mr. Temporary Deputy Speaker, Sir, I do not mind, I will do it. I did not come with them here, but I will bring a copy to the Minister and a copy of the list of the vehicles that were used at that time to this House. I will do that next week.

Mr. Angatia: On a point of order, Mr. Temporary Deputy Speaker, Sir. What sort of substantiation does the hon. Member have to do when he has named a person, he has given the date and he has said the things that were done. It is up to the Minister to check up the facts; the hon. Member has stated everything.

The Temporary Deputy Speaker (Mr. Mutiso): Let us carry on. He is going to bring some documents. He has agreed to do that and, I think, it is best that we agree on that. Let us proceed.

The Assistant Minister for Tourism and Wildlife (Mr. Njuno): On a point of order, Mr. Temporary Deputy Speaker, Sir. I need your guidance here. It is popularly known and everybody in Kirinyaga knows and has seen that these people at the county council do not record what they do. We have seen

the council's vehicles and workers doing that job and the councillors know that they did not authorize that. What documents is the hon. Member of Parliament supposed to give?

The Temporary Deputy Speaker (Mr. Mutiso): The House is not in a position to know what goes on in Kirinyaga. That is why this was challenged, and it is only best and advisable that we have these documents here before the House. The Ministry has not denied them. We may, perhaps, take it that they might be aware of this; we want the facts to be brought before the House, and the hon. Member has agreed to do so.

The Assistant Minister for Transport and Communications (Mr. Keriri): Mr. Temporary Deputy Speaker,

Mr. Temporary Deputy Speaker, Sir, if they want me to bring the people who saw the vehicles there, I will do so. Of late, that same clerk has given himself three plots of the county council and he is developing them with council vehicles, tractors and so on. He does not have letters of allocation and he is doing it right now.

Mr. Nyaga: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Vote. First of all, I believe that what the Assistant Minister for Transport and Communications has said is a tip of the iceberg of what is happening in Kirinyaga District. This is actually happening in many places, including Runyenjes Urban Council. I would like to say that the Minister for Local Government has done a commendable job in the Ministry over the last four years he has been heading that Ministry.

Local Government is a very complex and complicated system of Government in this country. As you are all aware, the Minister is dealing with more than 100 small parliaments similar to this one. These people have authority and power which makes supervision very difficult; it also makes it difficult for order to be maintained. Local Government is here to stay. We have said several times at the Kenya Institute of Administration that Local Government is going to be part and parcel of our democratic system in Kenya. We, as a Parliament, have to make it work. One way of doing it is by letting local authorities have a viable financial base. The Minister has failed to bring this case before Parliament for approval for over all this period. How can we have a system which is crumbling for lack of financial support?

When I was in the Ministry of Local Government in 1974/75, we made several recommendations and the Minister is aware of the Nyaga Report. In that Report, we recommended various ways in which we were to make local authorities in this country financially stable. It is now more than 15 years and we are still debating on the issue. We are still saying that the Local Government must continue; it is a system. It is a non-existing system. I say this because if you have a system of a Government which has no sound financial base, then it is a mockery of that democracy and system.

I would like to call upon the Minister to come before this House and re-introduce the Graduated

The Temporary Deputy Speaker (Mr. Mutiso): I ruled him out of order in the first place and therefore, we cannot pursue that point further.

Mr. Abuya-Abuya: On a point of order, Sir—

The Temporary Deputy Speaker (Mr. Mutiso): No! No!

Mr. Abuya-Abuya: I do not know why the Chair is so impatient today because we are raising matters which are very important to the nation, but the Chair does not seem to give us any hearing. Hon. Chepkok made a very categorical statement and he should be asked to substantiate it.

The Temporary Deputy Speaker (Mr. Mutiso): What is your point of order, Mr. Abuya-Abuya?

Mr. Abuya-Abuya: My point of order, Mr. Temporary Deputy Speaker, Sir, is that hon. Chepkok has categorically stated the present city commissioners have grabbed plots which is a very serious allegation. In this case, there are—

The Temporary Deputy Speaker (Mr. Mutiso): Order, Mr. Abuya-Abuya! I must rule you out of order because the point which hon. Chepkok raised was not in order and therefore, you cannot go back to it. Will you continue, Mr. Mudavadi.

The Minister for Transport and Communications (Mr. Maguho): On a point of order. Mr. Temporary Deputy Speaker, Sir. Hon. Abuya-Abuya, has made a very categorical statement. I do not know why—

Mr. Chepkok: On a point of order, Mr. Temporary Deputy Speaker—

The Temporary Deputy Speaker (Mr. Mutiso): What is wrong with you, Mr. Chepkok. The Minister is on a point of order.

The Minister for Transport and Communications (Mr. Magugu): Mr. Temporary Deputy Speaker, Sir, I do not really know whether it is in order for an hon. Member to state categorically that the Chair is impatient when the House is satisfied that the Chair is not impatient at all. I do not know what really made the hon. Member make such a statement. Could he withdraw that statement, Sir?

The Temporary Deputy Speaker (Mr. Mutiso): I think the Chair is quite patient and to show that the Chair is quite patient, we will just ignore him so that we can continue. Continue, Mr. Mudavadi.

Mr. Chepkok: On a point of order, Mr. Temporary Deputy Speaker—

The Temporary Deputy Speaker (Mr. Mutiso): No! Will you sit down, Mr. Chepkok!

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, with regard to plot allocation, I would like to say that in all our urban centres, the Commissioner of Lands is also empowered, even if people have developed their plots, to acquire that land when there is a Government project which requires land, and pay compensation to the owner or owners of that land.

Mr. Temporary Deputy Speaker, Sir, I have noted the question of revenue collection. I have also noted the points raised regarding rates and the elavation of county councils. Sir, I am aware of the problem facing Kikuyu Township. It is true as hon. Kinyanjui said—I agreed that there is a problem here and visited the area but a number of councillors refused to accept that the reason why the urban council could not be established at Kikuyu Trading Centre, was because the boundary had encroached on people's land which was planted with coffee. As a result I decided to suspend the establishment of an urban council at Kikuyu until the matter is resolved by the county council of Kiambu.

Mr. Temporary Deputy Speaker, Sir, I have noted the point raised about the former Nairobi City Council ranging from salaries, rates, and so on, and I will see to that point. I have talked about cess which applies to the entire Republic and has had to include more agricultural products other than coffee.

Mr. Temporary Deputy Speaker, Sir, with regard to water, it is true that we are doing all we can through friendly donor countries to get money for sewerage and water supply in most of our urban centres. For instance, we are going to spend a lot of money very soon to prepare for the year 2000 when the population of Nairobi will be very large. So, we have to get donor agencies like the World Bank to give us the money we require. This applies to all other centres like Mombasa, and so on.

As far as fire-fighting equipment is concerned, we are doing all we can. The British Government did donate a grant of 9 small AA fire-fighting equipment with small Land Rovers but we are expecting larger vehicles which can put off fires on tall buildings. I have already approached donor countries for this particular item. With regard to garbage collection vehicles, we have been moving pretty fast and we will soon be having garbage collection vehicles in a number of local authorities like Nakuru, Eldoret, Nairobi and Mombasa. In fact, in Mombasa, as an interim measure, we have already got a company which has bidden for the supply of these vehicles and we shall be getting them soon. We are getting them soon before we can get assistance from other donor countries outside Africa.

Now, talking of cleanliness in this City and in many other towns. Sir, I would like to say that a private contractor will need money, and it is not possible today to do so unless the councils have the money to employ a private contractor to collect garbage. What I need is what I have ordered for. I have already ordered for more garbage collection vehicles.

Now, if a private contractor takes over, you cannot assure me that the people who are now employed as casuals or manual employees in the city commission or any other town will be given a job. They will have to be laid off. They will not

[The Minister for Local Government]

be given a job with a contractor. It is a case which I have to study very carefully even if the funds are made available.

Sir, I have noted the state of street lights and housing facilities. I am in the process of strengthening the Local Government Loans Authority so that a lot of my local authorities can benefit by getting loans from this fund which carries only 3½ per cent interest repayable in 30 years time. I have made a note of that, and I will do what I can to make sure that it is strengthened.

Sir, planning is very important, and I have made a note of it. As I have promised, I will try to get in touch with the Ministry of Works, Housing and Physical Planning and see how this can be done. I have about 106 local authorities and I would like to see how many they are able to plan for, and indeed for the new ones about 32 of them—which will be coming up next year.

Sir, I, therefore, ask for a sum not exceeding K£5,137,340 to be approved by this House from the Consolidated Fund to enable my Ministry to meet expenditure for the year ending 30th June, 1988.

Sir, I beg to move.

(Question put and agreed to)

[The Temporary Deputy Speaker (Mr. Mutiso) left the Chair]

IN THE COMMITTEE

[The Temporary Chairman (Mr. Karauri) took the Chair]

VOTE 12—MINISTRY OF LOCAL GOVERNMENT

The Minister for Local Government (Mr. Mudavadi):
Mr. Temporary Chairman, Sir, I beg to move:

THAT, a sum not exceeding K£5,137,340 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1988, in respect of:

VOTE 12—MINISTRY OF LOCAL GOVERNMENT

(Question proposed)

RECURRENT EXPENDITURE

Head 360—Headquarters Administrative Services

Mr. Angatia: Mr. Temporary Chairman, Sir, there is a small point here which I would like to be explained because I do not understand it. On page 270, Head 360, item 603. It says "Nomination Fees". It was not there in 1986/87 Financial Year. What are these "Nomination Fees?" They were not there last year, but they are there this year. I do not know what "Nomination Fees" these ones are for which the Minister is going to receive K£20,000. Is it Appropriations-in-Aid?

The Minister for Local Government (Mr. Mudavadi):
Mr. Temporary Chairman, Sir, this is the money

expected to come from the councillors during the General Elections nomination.

(Heads 360, 362, 367 and 372 agreed to)

(Sub-Votes 120, 122 and 124 agreed to)

(Vote R12 agreed to)

DEVELOPMENT EXPENDITURE

Head 360—Headquarters Administrative Services

Mr. Angatia: Mr. Temporary Chairman, Sir, I have a small question again on page 271, Head 360, item 154 and also item 961. This is the same item. What I am asking is what is "Small Towns Sectoral Planning"? What is involved, and which towns are involved here?

The Temporary Chairman (Mr. Karauri): Mr. Minister, hon Angatia is referring to page 221, Head 360, items 154 and 961. He wants to know which small towns you are talking about here.

The Minister for Local Government (Mr. Mudavadi):
Mr. Temporary Chairman, the small towns that I am talking about here are about six, but I cannot really remember the names. However, the priority is on the six small towns.

Mr. Shikuku: Mr. Temporary Chairman, that is a very serious matter. The hon. Minister has his officers lined up there and he should consult them and tell us exactly which small towns he is talking about here. Does that include Butere and other places? We must know for what purposes we are voting money here. Could the Minister's officers not be kind enough and furnish him with that very important information?

The Minister for Local Government (Mr. Mudavadi):
Mr. Temporary Chairman, these are towns which are smaller than Nairobi or Nakuru. If the hon. Member wants details, I will be able to supply him with them at a later date.

Mr. Shikuku: Mr. Temporary Chairman, when shall the information be supplied to us? We are now in the Committee Stage and there is no other stage after this. It is either we vote and give the whole amount or we get the Vote reduced by one pound. I hope the Minister will not force me into reducing K£1 from this Ministry so that we get an opportunity to have a full debate on his Ministry. We must be given the information now and not later.

The Minister for Local Government (Mr. Mudavadi):
Mr. Temporary Chairman, Sir, the small towns referred to here are Iten, Mandera, Garissa, Homa-Bay, Embu and Ruiru.

Mr. Angatia: Mr. Temporary Chairman, my original question was about what is really involved here because the same item appears in both the issues and Appropriations-in-Aid. That is why I referred to items 154 and 961. Who is giving the money and who is spending it? What is actually involved?

[Mr. Angatia]

The explanation that is in brackets does not match with G.T.Z., and that is why I wanted to know the meaning of this abbreviation. Why is the amount being voted and, at the same time, being received?

The Temporary Chairman (Mr. Karauri): Mr. Minister, the hon. Member wants to know what G.T.Z. is in full.

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Chairman, G.T.Z. is a term we use for these needy towns where the councils are very poor compared with other councils' finances.

Mr. Michoma: Mr. Temporary Chairman, I would like some clarification from the Minister. When he read the list of the towns he refers to as small, he included Embu when, in fact, we know that Embu is not a small town. It is a municipal council. Did he mean Runyenjes or Embu Municipality? I think he should clarify that because Embu is not a small town.

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Chairman, I did not want to say Runyenjes; I meant Embu. Of course, I have not included other poor county councils like Wajir, Turkana and others. Although I have listed six small towns only, there are more councils which are poor. The finances of Embu Municipality are not as good as those of other municipalities. When you come to county council of Embu, you find that Tabere, which is a dry area, has not been properly looked after.

The Temporary Chairman (Mr. Karauri): Mr. Minister, hon. Angatia also wanted to know where you are going to get the K£400,000 from.

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Chairman, we normally submit the names of the poor councils and we receive the money from the exchequer.

Mr. Shikuku: Mr. Temporary Chairman, the first question by hon. Angatia has not been answered. What does the abbreviation G.T.Z. stand for? We would like to be educated on that.

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Chairman, Sir, there are small towns which may not be in a position to finance some needy projects. As a result, such councils are assisted by grants from general finance. G.T.Z. is an abbreviation used for general finance.

(Head 360 agreed to)

(Sub-Vote 120 agreed to)

(Heads 364, 365, 368, 369 and 370 agreed to)

(Sub-Vote 125 agreed to)

(Vote D12 agreed to)

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Committee of Supply do report to the House its consideration of Vote 12—Ministry of Local Government and its approval thereof without amendments.

(Question put and agreed to)

(Resolution to be reported without amendment)
(The House resumed)

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

REPORT

VOTE 12—MINISTRY OF LOCAL GOVERNMENT

Mr. Karauri: Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered Vote 12—Ministry of Local Government and approved the same without amendment.

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said resolution.

The Minister for Industry (Dr. Ouko) seconded.

(Question proposed)

(Question put and agreed to)

MOTION

DISAPPROVAL OF SESSIONAL PAPER NO. 7: LOAN GUARANTEE TO KENYA PORTS AUTHORITY

THAT, this House resolves not to grant approval to the proposed Government guarantee of a loan to the Kenya Ports Authority as contained in Sessional Paper No. 7 of 1987 laid on the Table on July 14, 1987.

(Mr. Shikuku on 29th July, 1987)

(Resumption of debate interrupted on 15th October, 1987)

The Temporary Deputy Speaker (Mr. Mutiso): Mr. Shikuku will continue.

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, I was just about to conclude my speech when this question of the Appendix took the upper hand in the business of the House for that day.

Mr. Temporary Deputy Speaker, Sir, I am glad to say that I am now in a position to comment on the Appendix which was not laid on the Table alongside the Sessional Paper mentioned in the Motion under discussion now. Looking at this Sessional Paper I find it difficult to believe what the Minister for Finance was telling the House namely, that it is all in clause 9. I have looked at it and I have got some questions to ask here, though that may not change my attitude altogether. This is because it adds nothing apart from aggravating the whole situation. They have given a break down of the cost as follows: They say here that the implementation period is from 1986 to 1990 and works will cost a sum of KSh. 136.6 million. With regard to the contingencies which the Minister should have explained—and he did not explain—they say that this will cost KSh. 19.6 million. They are also talking about price increase and they have put it at KSh. 10.3 million. You can see that they are already speaking in terms of increasing the prices. This is where we lose a lot of money.

[Mr. Mwachofi]

wa Mkoa wa Pwani (barua SF/ED/4/210 ya tarehe 21 Machi, 1986) na hali yeye ni muajiriwa wa Wizara ya Elimu;

- (b) kwa ambavyo sharti apige ripoti mara mbili kila jumaa na hawezi kutafuta kazi nyingine, ni kwa nini halipwi angalau nusu ya mshahara; na
- (c) ni nini kinachochelewesha kutolewa uamuzi wa kumrejsha kazini sasa kwa sababu bibi yake, wanawe na familia yake wanaendelea kuteseka.

The Assistant Minister for Education (Mr. M'Maitsi): Bw. Naibu Spika wa Muda, naomba kujibu.

(a) Tangu kuanzishwa kwa mpango wa maendeleo wilayani, shughuli za utumishi kwa maofisa wa kiwango cha A mpaka F zimekabidhiwa wakuu wa mkoa na wa wilaya, na hasa provincial personnel officers. Kwa hivyo, ni sawa kwa Bw. Mwalwala kupokea barua ya nidhamu kutoka kwa Mkuu wa Mkoa wa Pwani.

(b) Ofisa akisimamishwa kazi hastahili kulipwa hata nusu ya mshahara, lakini Bw. Mwalwala angeweza kupeleka maombi ya kulipwa fedha kidogo za matumizi ya nyumbani. Malipo haya yatategemea uamuzi wa ofisa mkuu msimamizi wa fedha za Serikali katika Wizara.

(c) Kesi hii iliwasilishwa mbele ya kamati ya ushauri wizarani mnamo tarehe 1 Julai, 1987. Kamati ya ushauri wizarani, baada ya kuchunguza kwa makini barua yake ya kuomba msamaha, ikamua kumfuta kazi bila malipo yo yote kutokea tarehe 1 Machi, 1986.

Mr. Mwachofi: Bw. Naibu Spika wa Muda, jawabu hilo ni la kusikitisha sana. Ikiwa mwishowe ilikuwa itaamuliwa huyo mtu afutwe, kama vile tumeambiwa, bila malipo yo yote, ni kwa nini Wizara ilichukua muda mrefu hivyo? Mwezi wa Julai, tarehe 1 ndio tunaambiwa kwamba kamati ya ushauri wizarani ilikutana na swali lilitumwa mwezi wa Machi. Kwa hivyo, Wizara ilingonjea mpaka swali lilulizwe ndio waende wakutane na kumaliza hayo mambo? Huu ni uzembe mkubwa.

An hon. Member: Ni uzembe mkubwa katika Wizara hii!

Mr. M'Maitsi: Bw. Naibu Spika wa Muda, ingawaje Mhe. Mbunge anasema jambo hili limekawia sana, ilifaa mambo haya yachunguzwe sawa sawa, kuona vile ofisa huyu alivyotenda na ndio sababu wakachukua muda kama huo. Walipokutana, wali-ona makosa yake yalikuwa mabaya sana; pengine alikuwa amekosa sana

Huyu bwana alikuwa dereva, na mnamo tarehe 11 Septemba, 1985, alisababisha ajali akiendesha gari la Serikali, GK 790 H Land Rover, bila uangalifu na bila idhini. Bw. Mwalwala alishikwa na kushitakiwa katika Mahakama ya Voi. Mnamo tarehe 29 Februari, 1986, alinyang'anywa mamlaka yake ofisini, na mnamo tarehe 20 Septemba, 1986, alipatikanā na makosa na akatozwa faini ya KSh.

3,000. Wakati gari la Serikali ambalo aliliangusha lilipochunguzwa, lilionekana lingegharimu Serikali KSh. 20,558 kulirekebisha. Kwa hivyo, alikuwa na makosa yaliyoifanya Wizara kumfuta kazi bila malipo yo yote.

Mr. Muthura: Bw. Naibu Spika wa Muda, kuna kitu fulani hapa ambacho sielewi. Dereva huyu alikuwa ameajiriwa kazi na Wizarā ya Elimu. Katika mkoa, kuna mkuu wa elimu, na kama tunaongea juu ya Wilaya ya Mombasa, dereva huyu alikuwa chini ya mkuu wa elimu katika wilaya hii. Je, ni jambo la kawaida kwa mfanyakazi kama huyo, ambaye yuko chini ya Wizara fulani, anapokosea, kuchukuliwa hatua ya kumwadhibu na mkuu wa mkoa, badala ya immediate boss wake? Hili ni jambo la kawaida kweli?

Mr. M'Maitsi: Bw. Naibu Spika wa Muda, nimeonyesha kwamba wafanyakazi walio katika job groups "A" mpaka "F" huchungwa na maofisa wa mkoa, na hata huajiriwa kazi na maofisa wanaokaa katika mkoa, bali hawaajiriwi na Wizara. Provincial personnel officers ndio huwaangalia watu hawa.

Mr. Shikuku: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Waziri Msaidizi anaweza kunihakikishia kwamba mtindo uliopo ni kwamba ikiwa mtu anafanya kazi na Wizara ya Ustawi wa Mifugo, huku akiwa ameajiriwa kazi hiyo na district personnel officer, au provincial personnel officer, hufutwa na mkuu wa mkoa? Ikiwa hivyo ndivyo ilivyo, basi ingefaa aseme hivyo wazi ili maneno haya yandikwe katika rekodi za Bunge hili. Tunafahamu kwamba Wizara ya Elimu ina Waziri wake. Hivi majuzi, Mtukufu Rais alisema kwamba kila Wizara itakuwa na mamlaka yake, na wafanyakazi wake hawatakuwa chini ya katibu wa kudumu. Huu ndio mtindo wa Wizara hii ya Elimu? Hii ndiyo sababu watu wengine hutoka kule Butere wakienda kumwona ofisa wa Serikali za Wilaya, na hali watu hawa ni wafanyakazi wa Wizara ya Elimu. Wizara hii ina kasoro.

Mr. M'Maitsi: Bw. Naibu Spika wa Muda, nilisema kwamba kuna kamati ambayo huyaendesha mambo ya wafanyakazi wa Serikali ambao wako katika Job Groups "A" mpaka "F", ambao huajiriwa locally. Wafanyakazi hawa huchungwa na provincial personnel officer. Kamati hii, wala si mkuu wa mkoa, ndiyo iliyomfuta kazi dereva huyu. Kamati iliyo huko ilika chini na kuona kwamba makosa ya dereva huyu yalikuwa yamezidi kuwa mabaya, na ndipo ikamfuta kazi.

Mr. Mwachofi: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Waziri Msaidizi anatoa majibu mawili ambayo hayapatani. Kwanza, anatwambia kwamba kulingana na mpango mpya wa maendeleo vijijini, mambo husimamiwa na mkuu wa wilaya au mkuu wa mkoa, lakini katika sehemu za (b) na (c) za jibu lake, anasema kwamba uamuzi wa kumfuta dereva huyu kazi ulifanywa katika Wizara, na sio katika mkoa. Ni sawa kwake kuendelea kukoroga mambo badala ya kutueleza mambo haya vizuri tuyaelewe? Angeeleza wazi kabisa ni lipi lililo la kweli.

Mr. M'Maitisi: Bw. Naibu Spika wa Muda, yale niliyoeleza ni ya kweli. Kamati ya provincial personnel officer ndiyo iliyokaa chini na kumfuta kazi dereva huyu, wala hakufutwa kazi na Wizara. Pengine, Mhe. Mbunge hakunisikia.

The Temporary Deputy Speaker (Mr. Mutiso): Next question, Mr. Munyao.

Mr. Mwachofi: Jambo la ndhamu, Bw. Naibu Spika wa Muda. Waziri Msaidizi anaendelea kulipotisha Bunge kwa kusema eti hakusema kwamba uamuzi huu ulipitishwa katika Wizara yake, na hali hivi ndivyo ilivyoandikwa katika jawabu alilosoma, aya za (b) na (c). Zote mbili zinasema kwamba uamuzi wa mwisho ulifanywa na Wizara. Kisha anasimama na kuliambia Bunge kwamba hakusema hivi, na hali ndivyo alivyosema kwa kuwa imeandikwa hivyo. Ni sawa kwake kuendelea kulipotisha Bunge?

Hon. Members: It is a shame. It is a shame!

Mr. M'Maitisi: Bw. Naibu Spika wa Muda, maofisa wanapokwenda kufanya kazi katika mkoa, provincial personnel officer ndiye huwasimamia, lakini huuliza Wizara vile mambo yanavyofanyika, halafu kamati yake inapitisha uamuzi. Si mtu mmoja ambaye hufanya uamuzi huu.

No. 584

TEACHERS' SALARIES STOLEN IN MACHAKOS

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, before I ask this question, allow me to clear one thing with the Chair. Although I have a reply here from the Ministry of Education, my question was directed to the Ministry of Culture and Social Services, because it concerns adult literacy. I wonder whether I should ask the question to the wrong Ministry and get a wrong answer.

The Temporary Deputy Speaker (Mr. Mutiso): Ask your question, Mr. Munyao.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, my question was directed to the Ministry of Culture and Social Services, and not to the Ministry of Education, since it concerns adult literacy.

The Temporary Deputy Speaker (Mr. Mutiso): We see here that it is directed to the Minister for Education.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, my question was directed to the Ministry of Culture and Social Services.

The Temporary Deputy Speaker (Mr. Mutiso): Mr. Munyao, ask your question or we skip it.

Mr. Mwachofi: Haya ni makosa ya Bw. Masya.

Mr. Mwaruwa: That is Mr. Masya's mistake.

Mr. Mwachofi: Hata huyu Bw. Masya amekwenda kula nini?

The Temporary Deputy Speaker (Mr. Mutiso): Mr. Munyao, do you want to ask your question the way it is here?

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, I would like to do that, but how do I ask it to the wrong Minister?

The Temporary Deputy Speaker (Mr. Mutiso): Okay. We defer the question.

(Question deferred)

No. 611

AWARD OF BURSARIES BY THE JOMO KENYATTA FOUNDATION

Mr. Muthura asked the Minister for Education—

- how the Jomo Kenyatta Foundation Bursary Fund awards its bursaries;
- how many secondary school students from Laikipia District have benefited from this fund in the last four years; and
- who these students are and from which schools they come.

The Assistant Minister for Education (Mr. M'Maitisi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Jomo Kenyatta Foundation Bursary Fund awards its bursaries to 300 bright, needy Form I children from poor home backgrounds. They are selected annually from all parts of the Republic of Kenya by a panel of representatives from the Jomo Kenyatta Foundation and the Ministry of Education.

(b) Secondly, "Mr. Minister," a total of 17 secondary school students—

Mr. Chepkok: On a point of order, Mr. Temporary Deputy Speaker, Sir, I think I heard the Assistant Minister call the Chair "Mr. Minister". Could he correct this?

The Temporary Deputy Speaker (Mr. Mutiso): I am sorry I did not hear that remark.

The Assistant Minister for Education (Mr. M'Maitisi): (b), a total of 17 secondary school students have benefited from this fund since 1983 in Laikipia District.

(c) The following are the names of the students who benefited from the award, their schools and the year of award:

Name of Student	Secondary School	Year
1. David Mbugua-Wanyoike	G.G. Rumuruti Sec. School	1983
2. John Gatheru Karimo	G.G. Rumuruti Sec. School	1983
3. Peter Irungu Ndirangu	Mwenje Mixed Sec. School	1983
4. Stephen Mureithi	Mwenje Mixed Sec. School	1983
5. David Karani Ndegwa	Mwenje Mixed Sec. School	1984
6. Lucy Muthoni	Mwenje Mixed Sec. School	1984
7. Wilson Berege Koech	Gaturo Sec. School	1984
8. Rose Wanjiru Kariuki	Maryhill High School	1984
9. Samuel Wambugu Kiugo	Oloolaiser Sec. School	1986
10. Jack M. Macharia	Oloolaiser Sec. School	1986
11. David M. Mirobi	Maralal High School	1986
12. Salina Jelagat	Kapnyberai Girls Sec. School	1986
13. Richard Mwangi	Nanyuki High School	1986
14. Jedidah Njeri Kairu	Ndururumo High School	1986
15. John M. Kinyenje	Mwenje Mixed Sec. School	1987
16. Rebecca Wanjiku Baaru	Mwenje Mixed Sec. School	1987
17. Jemimah Macharia Wandutu	Nanyuki High School	1987

Mr. Muthura: Mr. Temporary Deputy Speaker, Sir, in his reply to part (b) of the question, the Assistant Minister says that 17 secondary school students from Laikipia District have benefited from this

[Mr. Muthura]

fund. Being in Laikipia District does not necessarily mean that these students are from Laikipia. When I put this question, seeking to know who these students are and the schools they come from, I did not want to know the secondary schools they were in. I wanted to know the primary schools from which these students came. If the Assistant Minister has the names of the primary schools from which these students came, he should give out this information. If he does not have these names, could he promise to bring them here later? I want to know the names of the primary schools in Laikipia where these students came from.

Mr. M'Maiti: Mr. Temporary Deputy Speaker, Sir, the Jomo Kenyatta Foundation Fund forms are distributed to secondary school teachers where bright children join, but are unable to pay school fees. Therefore, we do not issue them through the primary schools, but through secondary schools where the children need the money.

Mr. Kanindo: Mr. Temporary Deputy Speaker, Sir, arising from that reply, could the Assistant Minister not agree with me that in that respect, some schools in some districts might go without getting any financial help while others might end up getting a class of students who come from the same area benefiting from the Fund and, as such, the Fund is not equally spread in all the districts as alleged by the Ministry?

Mr. M'Maiti: Mr. Temporary Deputy Speaker, Sir, the forms are sent to all secondary schools where they are filled in and applications considered. So, if a child came from one district and was posted to another district, the secondary school in that district would forward his name, if there is need to assist.

Mr. Muthura: On a point of order, Mr. Temporary Deputy Speaker, Sir. You can see the reason why I raised this question. If the Assistant Minister says that the forms are sent to secondary schools for the headmasters, possibly, to pick on the students who should benefit from the Fund, then you can see that there is a possibility of some students not benefiting from the Fund, although their parents are very poor. In 1985—

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

Mr. Muthura: Mr. Temporary Deputy Speaker, Sir, my point of order is that the Ministry is unfair in the way it does this. If, for example, these students are considered in Laikipia District, but they do not come from there, would it not be unfair, since the students hailing from Laikipia District would not have benefited from that bursary? There might be many who sometimes cannot go to Form I since their parents cannot afford the fees. The Ministry is being unfair.

The Temporary Deputy Speaker (Mr. Mutiso): Was that a question or were you arguing?

Next question.

No. 318

FAIRNESS OF SENTENCE METED OUT TO MR. ALI HASSAN

Mr. Shikuku asked the Attorney-General whether he is satisfied that justice was done to Mr. Ali Hassan who was imprisoned for two years with five strokes for stealing Sh. 3 from Mr. Bandika Sire on 15th February, 1987, at Kongowea on Mombasa Mainland North.

The Attorney-General (Mr. Muli): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

I hope the hon. Member has got a copy of my original reply.

(Mr. Shikuku rose with the copy of the reply in his hands)

Thank you very much.

In this case I am satisfied that justice was done. I am aware that in Mombasa Criminal Case No. 622 of 1987, Mr. Ali Hassan was sentenced to two years imprisonment and three strokes, and not five strokes as alleged by the hon. Member. The accused was sentenced on his own plea of guilty for the offence of attempting to steal from the person contrary to Section 279 (A), as read with Section 389 of the Penal Code.

However, the accused filed an appeal and the High Court did reduce the sentence from two years to one month. In other words, the accused was deemed to have served the sentence on the day of judgement. So, the period was one month and 27 days.

Although the accused's initial sentence was reduced through the appeal machinery, on the facts of this case, the offence really disclosed was a more serious one; that is, attempted robbery, which carries a maximum sentence of seven years with corporal punishment. He was, however, convicted of an alternative charge, which is less severe, that of attempted stealing. So, I am quite happy to confirm that, in this case, the High Court did dish out justice and the accused, I think, benefited from that.

Mr. Shikuku: Arising from that reply, Mr. Temporary Deputy Speaker, Sir; and appreciating the fact this time I have the copy of the written reply in my hands; is the Attorney-General aware that Sh. 3 made this person get two years sentence? appreciate the gesture by the High Court of reducing the sentence to one month and 27 days, but how does he compare it with cases where some people have stolen millions of shillings in this Republic and have gone scot-free, while some were sentenced to three years imprisonment? How does he work out his mathematics? If he works it out at one month and 27 days, multiply it with the millions of shillings that other people have stolen them would he not agree with me that the small man in this country has different justice from the big men who steal more? Does he not agree with me on that?

Mr. Muli: Mr. Temporary Deputy Speaker, Sir, I do not agree with the hon. Member, especially on the last sentence. It is absolutely wrong to infer that there is justice for some people—We do not have different classes of people. What may have gone wrong, and it does go wrong quite often, is what we call the uniformity of sentence by different courts, and the High Court tries to do its best to balance this. In this case, the subject matter or the amount that was the subject matter of the charge may be small, but the circumstances surrounding it could have caused a lot of harm to the victim. As I have explained, the circumstances amounted really to robbery.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Attorney-General has not replied to the question I had asked him, about the mathematics, because I know—as he and everybody in this Republic knows, that there are people who have been sent to court for stealing millions, and have only ended up being sentenced and imprisoned for two years, three years and so on. But, in this case, this man has taken Sh. 3. He stole from somebody, but he did not rob him. They have not said that he robbed him using violence. The case was not one of robbery with violence. He stole the money. So, the Attorney-General should not mislead this House. Could he tell this House the reason for this disparity as far as justice in this country is concerned? Many people know this, although they are not lawyers. Even by reading this, I had known that this man had been given the right justice, and the High Court now confirms my feelings. This is because you do not have to be a judge to know where justice has been done or not.

Mr. Muli: After all that lecture, Mr. Temporary Deputy Speaker, Sir, I have a reply to the hon. Member on the specific point he is making. In the first place, offences differ. I never said the offence was robbery with violence. What I gave were the circumstances surrounding this particular incident, which amount to robbery which carries a maximum sentence of seven years. Robbery with violence is a more serious offence, which carries a mandatory death sentence. So, these are two different categories of sentences.

In this case of stealing, this was a substitute for a lesser offence, from which I said the accused benefited, as he could have been charged with attempted robbery. On the other question of disparity, courts do sit in different places, no doubt, and each judge, or magistrate presented with different sets of circumstances, may issue a sentence without knowing what the other one did. I did say specifically that the High Court is there as a supervisory jurisdiction to remove these disparities. This is done day after day. I do not agree that by comparing the subject of Sh. 3 and that one of millions of shillings does indicate that there is separate justice for one class of persons and

different justice for another. All the people of this country are equal in the eyes of the law.

The Temporary Deputy Speaker (Mr. Mutiso): Let us move on to Mr. Nampaso's question.

Mr. Shikuku: On a point of order, Sir—

The Temporary Deputy Speaker (Mr. Mutiso): No more points of order. We have to proceed since we are running short of time. Mr. Nampaso's question.

No. 627

PAYMENT OF SALARY TO MR. MATHEW KIPROTICH LANGAT

The Temporary Deputy Speaker (Mr. Mutiso): Mr. ole Nampaso is not here? Okay, let us now move on to Questions by Private Notice.

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

NON-PAYMENT OF MR. YEGO ARAP KARANEI FOR WHEAT

Mr. Chepkok: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Co-operative Development the following Question by Private Notice:

(a) Is the Minister aware that Mr. Yego arap Karanei has not been paid for his wheat delivered in 1981 and 1982 as per his credit purchase advice Nos. 005451 and 005453 dated on 24th February, 1982?

(b) When will he be paid?

The Assistant Minister for Co-operative Development (Mr. Ejore): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Yego arap Karanei has not been paid for his wheat delivered in 1981 and 1982 as per Credit Purchase Advice No. 005451 and 005453 dated on 24th February, 1982.

(b) Mr. Yego arap Karanei sold his wheat as an individual to the Kenya Farmers Association, now Kenya Grain Growers Co-operative Society Limited, (K.G.G.C.U.). Sir, K.G.G.C.U. is willing to settle his claim if the same can be proved to be genuine. The K.G.G.C.U. has all the Kenya Farmers Association records for 1981 and 1982. However, it is not possible to investigate Mr. Karanei's account until the claimant discloses what his account number with the defunct Kenya Farmers Association was.

Mr. Chepkok: Mr. Temporary Deputy Speaker, Sir, I think the Assistant Minister is misleading the House. If he agreed with part (a) of the question, that he is aware that Mr. Yego arap Karanei has not been paid for his wheat, which he delivered to the Kenya Grain Growers Co-operative Union as per Credit Purchase Order No. 005451 and 005453; why does he say that Mr. Karanei has to prove that he delivered the wheat?

Mr. Ejore: Mr. Temporary Deputy Speaker, Sir, the K.G.G.C.U. is willing to settle the claim by Mr. Yego arap Karanei if the same can be proved to be genuine. The K.G.G.C.U. has all the Kenya Farmers Association (K.F.A.) records for 1981 and 1982. However, it is not possible to investigate Mr. Karanei's Account until the claimant discloses what his account number with the defunct K.F.A. was. The organization shall then advise the claimant on the status of his account and promptly pay him his dues if he is still owed any money. The K.G.G.C.U. is not able to assure the claimant that he shall be paid what he claims because there is still a possibility that he had a debt with either the K.F.A. or the Agricultural Finance Corporation and this could have been offset by the amount payable for the wheat he delivered.

The Temporary Deputy Speaker (Mr. Mutiso): Mr. Abuya-Abuya's question.

Mr. Chepkok: On a point of order, Mr. Temporary Deputy Speaker—

The Temporary Deputy Speaker (Mr. Mutiso): Order, Mr. Chepkok! Are you sure it is a genuine point of order?

Mr. Chepkok: Yes, it is. Mr. Temporary Deputy Speaker, Sir, I am still doubting what the Assistant Minister is saying. My point of order is this: the account number of Mr. Karanei is with the K.F.A. and that is where the Assistant Minister obtained records showing that Mr. Karanei had not been paid. How can he then come here and say that—

The Temporary Deputy Speaker (Mr. Mutiso): Order, Mr. Chepkok! Surely, by now you must know what a point of order is. You are just raising a point of argument. Mr. Abuya-Abuya's question.

Mr. Chepkok: On a point of order, Sir—

The Temporary Deputy Speaker (Mr. Mutiso): No! No!

PAYMENT FOR TEA TO MRS. YUSALIA MAGETO

Mr. Abuya-Abuya: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice:

When will Yusalia Mageto, TE 010414 receive her second payments for the green tea she delivered to Tombe Tea Factory for the months of July, 1985 to January, 1986?

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

During the payment in question, Mrs. Yusalia Mageto was absent and, so, Mr. Mageto Ogechi, who is her husband, presented himself and collected the money after promising that he would give it to his wife, but he never did so. Later on, both the wife and the husband came to the Tombe Leaf Base and Mr. Mageto Ogechi agreed, in writing, that during the 1985 bonus, he was given KSh. 4,133/35, money that belonged to his wife, by mistake. He accepted that the money be recovered from his 1986 bonus payment, and be paid to his

wife. However, there was an oversight on the part of the Kenya Tea Development Authority, and this agreement was not effected. The Kenya Tea Development Authority apologizes for this error and will start deducting the husband's money to be paid to the wife, starting from this month.

Mr. Abuya-Abuya: Mr. Temporary Deputy Speaker, Sir, the answer which has been given by the Assistant Minister is very confusing. Could he repeat it?

The Temporary Deputy Speaker (Mr. Mutiso): Order! Mr. Abuya-Abuya, from what point of the reply did you not hear what the Assistant Minister said? You should have raised that point at the time you did not understand it because it would be tedious of the Assistant Minister to repeat the whole reply again. Have you not been listening, Mr. Abuya-Abuya?

Mr. Abuya-Abuya: Mr. Temporary Deputy Speaker, Sir, I have been listening very carefully, but I think the facts that the Assistant Minister has in his reply are so mixed up that the reply does not make any sense.

The Temporary Deputy Speaker (Mr. Mutiso): Can you repeat it for him?

Mr. Muigai: Mr. Temporary Deputy Speaker, Sir, during the payment in question, Mrs. Yusalia Mageto Ogechi, who is her husband, presented himself and collected the money belonging to his wife after promising to send it to her, but he never did so. Later on, both the wife and the husband came to the Tombe Leaf Base, and Mr. Mageto Ogechi agreed that during the 1985 bonus he was given by mistake, KSh. 4,133/35, money that belonged to his wife. He accepted that the money be recovered from his 1986 bonus payments and the payments be remitted to his wife, but there was an oversight on the part of the Kenya Tea Development Authority and this agreement was not effected. The Kenya Tea Development Authority has apologized for this error, and will start deducting the husband's money and remit it to his wife starting from this month.

DECENTRALIZATION OF JUNIOR STAFF RECRUITMENT BY BANK

Dr. Wameyo: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice:

- (a) When will the Kenya Commercial Bank decentralize the employment of messengers, drivers, clerks *et cetera*, and allow the branches to recruit these cadres of staff from the local population?
- (b) Does the bank pay travelling allowance to the applicants in these cadres when they come to Nairobi for interview?

The Assistant Minister for Finance (Mr. Gor): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Kenya Commercial Bank has, in fact, decentralized the recruitment of messengers and drivers.

Mr. Shituku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think there is something wrong with that microphone being used by hon. Gor and the one you are using. We are hearing your voice from very far and it is not clear. I do know what is wrong with both your microphone and that one at the Table.

The Temporary Deputy Speaker (Mr. Mutiso): Hon. Gor, will you speak a bit louder for the House to hear you clearly?

The Assistant Minister for Finance (Mr. Gor): I will try to raise my voice, Sir.

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

(a) The Kenya Commercial Bank has already decentralized the recruitment of messengers and drivers. They are recruited by the managers at the local level. The recruitment of clerks is still being done in Nairobi. This is done here in order to obtain uniformity in selection and training.

(b) The bank does not pay travelling allowances, except on humanitarian grounds.

Dr. Wamevo: Mr. Temporary Deputy Speaker, Sir, I would like to thank the hon. Assistant Minister for that very good reply, but I am aware of the current position, because we have a Kenya Commercial Bank branch in Mumias. When I approached the branch manager of the bank last month about some fellow who wanted a job as a driver, I was told that the recruitment is done in Nairobi. A Mr. Abubakar Ogola Kanguu had to be employed as a driver from Nairobi, and that is why I brought this question here, to show that it is not necessary to employ messengers and drivers by interviewing them in Nairobi without even giving them travelling allowance. May I know from the Assistant Minister exactly when they decentralized the interviewing and employment of messengers and drivers, leave alone the clerks?

Mr. Gor: Mr. Temporary Deputy Speaker, Sir, that seems to be a peculiar case. All I can do now is to go and check on that particular issue.

PAYMENT OF SALARY TO MISS RACHEL CHEPNGENO MUTAI

Mr. arap Koske: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice:

(a) Is the Minister aware that a Miss Rachel Chepngeno Mutai, TSC No. 256253 at Leberer Primary School in Kericho District, was employed with effect from 22nd June, 1987 and that to date, she has not received her salary?

(b) When will she be paid?

The Assistant Minister for Education (Mr. M'Mutisi): Mr. Temporary Deputy Speaker, Sir, I beg to reply:

(a) I was not aware, until I received this question, that Miss Rachel Chepngeno Mutai; TSC No. 256253, who was employed by the Teachers' Service

Commission as an untrained teacher with effect from 22nd June, 1987; and posted to Leberer Primary School, in Kericho District, has not been paid her salary.

(b) My Ministry, through the Teachers' Service Commission, arranged to pay Miss Rachel Chepngeno Mutai, TSC No. 256253, KSh. 3,381.50 by cheque No. 550876 dated 23rd October, 1987, covering the period she had worked as an untrained teacher; that is, from 22nd June to 30th September, 1987.

Thank you.

The Temporary Deputy Speaker (Mr. Mutiso): Mr. Kikuyu's question.

LACK OF DRINKING WATER FOR KITANGA RESIDENTS

Mr. Kikuyu to ask the Minister for Water Development:

(a) Is the Minister aware that the residents of Kitanga in Machakos Municipality have no drinking water?

(b) What is the Ministry doing to rectify the situation?

The Temporary Deputy Speaker (Mr. Mutiso): Mr. Kikuyu is not in. Next Order.

(Question dropped)

COMMITTEE OF SUPPLY

(Order for Committee read being Thirteenth Allotted Day)

MOTION

THAT, MR. SPEAKER DO NOW LEAVE THE CHAIR

VOTE 36—MINISTRY OF LANDS AND SETTLEMENT

The Minister for Lands and Settlement (Mr. Nyakiamo): Mr. Temporary Deputy Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair.

Mr. Temporary Deputy Speaker, Sir, during this financial year, my Ministry will require a total of K£18,414,030 laid out as follows—

Recurrent expenditure—K£14,789,040.

Development Expenditure—K£3,624,990.

If we allow for Appropriations-in-Aid amounting to K£2,380,250, the net result comes to K£16,105,780, half of which we now request, and half of which had been authorized by 30th June, this year.

Mr. Temporary Deputy Speaker, Sir, these funds, for which I seek the House's approval, will enable the Ministry to provide the country with the necessary services on land administration and planned land utilization. The specific services will be provided by the various departments catered for in these Votes, which include land administration, land adjudication and human settlement and surveying of lands.

Hon. Members will no doubt agree that the production of wealth emanates from the land, and that

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we require land, tools and human exertion to provide this. We are all workers. This means that we have to develop our country to such an extent that all in the country will benefit from the land. Land is, therefore, a commodity which is necessary. However, I would like to say here that it is also a commodity which does not increase.

Mr. Temporary Deputy Speaker, Sir, hon. Members will be fully aware that the land on which we live; which we develop, and on which we invest is a necessary thing, and whatever funds or investments we use, be it public, private or corporate, are spent in order to develop and improve the well-being of our people.

Mr. Temporary Deputy Speaker, Sir, with your permission, I would like to briefly recapitulate on the main functions of the Ministry before I go on to the expenditure of the Ministry. Land is a central natural resource, and that is why it was a critical issue during the struggle for independence. Indeed, matters to do with it have since continued to occupy the minds of the majority of the people.

Right from the outset, the Ministry of Lands and Settlement was charged with some specific responsibility. The first was the transformation of land ownership within the former non-scheduled areas from cognatic system of land tenure to statutory freehold tenure, through an accelerated programme of consolidation, adjudication and registration, so as to create security of tenure and provide incentives for better use of land and development.

The second was to transfer the ownership from within formerly scheduled areas from foreigners to Kenyans, through a programme of land purchase and re-settlement, to reduce the problem of landlessness and unemployment in the country, and to give the landless and, unemployed an opportunity to contribute towards the development of agricultural productivity, which they have done.

The third was to provide land within urban areas at reasonable costs, for development of residential, commercial, industrial and special purposes, in order to alleviate the shortage of residential accommodation in urban areas and to facilitate commercial and industrial development of the country. We need industrialization.

The fourth was to ensure proper land use and administration in accordance with existing legislation on land use. All these objectives were to be achieved through the sister departments I have already mentioned.

The Lands Department, therefore, is charged with the responsibility of land administration activities, management, supervision and control of privately owned freehold land by means of statutory law and administrative regulations.

The Division of Settlement, on the other hand, was formed and charged with the responsibility of facilitating the purchase of formerly foreign-owned areas, and re-settlement of indigenous Kenyans

through the settlement fund trustees. The Division has, so far, settled some 95,355 landless families on 828,051 hectares of arable land, and the Ministry is currently engaged in the preparation of title-deeds for all the plot holders.

Sir, I may add here that as often as you hear the President speak, he has charged the Ministry with the responsibility of making sure that the shareholders get their title-deeds. Even now, my Ministry is engaged on that job. When the exercise is completed, we hope the ultimate result will be the acceleration of development in those areas.

Mr. Temporary Deputy Speaker, Sir, the Division of Land Adjudication, which is charged with the responsibility of accelerating the land adjudication programme throughout the Republic, is still busy carrying out the exercise. To date, 1,282,810 parcels of land, comprising of 6,518,618 hectares, have been registered, of which 369 are group ranches covering 55,946 group members.

For the information of the House, adjudication has already been completed in Kiambu, Nyeri, Murang'a, Kirinyaga, Kakamega, Bungoma, Kisii and Laikipia districts, while work is still in progress in Kilifi, Kwale, Taita-Taveta, Meru, Embu, Kitui, Machakos, Kajiado, Kisumu, Narok, Samburu, Baringo, West Pokot, Elgeyo/Marakwet, Nandi, Kericho, South Nyanza, Siaya and Busia Districts. We say the work is still in progress, but some sections have already got their title-deeds. It is the intention of the Ministry to complete the exercise throughout the country.

The Survey Department on the other hand is charged with the responsibility of carrying out survey work, as precise survey is a prerequisite to ownership and development of land. The surveys done include those required for land registration and development, plans for urban centres and markets, water projects and so on.

The department, consequently, produces deed plans, registry index maps to support land registration, and also makes topographical maps of the whole country. It also carries out cadastral surveys, and land adjudication surveys and geodetic and mapping survey, all of which are necessary and prerequisite to any development on land.

Of late, my Ministry has been seriously involved in up-dating the various Acts to bring them in line with present and future developments. The conversion of the document formerly known as land certificate to title-deed as required by a recent amendment to the appropriate law has been completed. Secondly, following the recent amendment to the Survey Act, arrangements are at advanced stages to produce more licensed and qualified surveyors for the much needed survey work in the country. It was only last week when we had a question in this House concerning the surveyors.

Mr. Temporary Deputy Speaker, Sir, plans are also underway to establish a Survey of Kenya Training School at Ruaraka near Nairobi, which

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at one time, was closed. As much as to this effect, representation has already made to the Treasury, and the Ministry officials have gone to Japan for assistance. Thirdly, the Government has just published the Sectional Properties Bill. When it becomes law, the new Act will facilitate the registration of properties and sections of buildings, so that such properties will have separate titles. This move will create enormous opportunities for title-deed holders to secure credit for increased development and guaranteed security of tenure.

Sir, on the other hand, all is not plain sailing because the Ministry has serious shortages in some areas in respect of vehicles and funds for running expenses in respect of vehicles and travelling, as well as for survey equipment. With regard to development programmes, we badly need additional funds for purchase of land for industrial purposes, as well as for Government Estates Development Fund for construction of infrastructures in new estates.

Representation has already been made to the Ministry of Finance. We hope that this will be considered during Supplementary Estimates as requested above.

Sir, before I turn to expenditure side, let me state that manpower is always needed. From the few remarks that I have just made, the House will agree with me that we need manpower with appropriate knowledge. Let me also take this opportunity to thank the officers in the Ministry working under me for their hard work.

Sir, I do not wish to bore the House with the details of the Vote, as I, no doubt, believe that hon. Members have studied the details in the Printed Estimates. However, I will go over it quickly now. Under Recurrent Estimates, Sub-vote 316, Ministry Headquarters, a gross amount of K£863,848 is required. We will raise K£1,000 as Appropriations-in-Aid, but K£862,848 will be raised from the Exchequer. Under Sub-vote 361, Division of Land Adjudication, a gross amount of K£5,260,745 will be required for land adjudication and consolidation purposes in the 20 districts under the adjudication programme.

Hon. Members, it is the Ministry's commitment to accelerate the land adjudication programme in all these areas, so that wananchi can have their parcels registered and issued with title-deeds, to enable them to develop their land. We hope to raise the Appropriations-in-Aid to K£11,400, leaving K£5,249,345 to be drawn from the Exchequer. Under Sub-vote 362, Division of Settlement, the Exchequer is required to provide K£1,384,864 to run the settlement headquarters and districts. The department will administer settlement schemes in lands bought by the Government after independence, and then subdivide to landless Africans. It also includes State lands subdivided for settlement schemes.

Mr. Temporary Deputy Speaker, Sir, the Coast Settlement Project at Magarini which was started in 1978 with technical and financial aid from the Government of Australia has 1,206 families already settled, and the target is 4,040 families, which is yet to be achieved. It is estimated that K£1,000 would be realized as Appropriations-in-Aid leaving K£383,864 to be drawn from the Exchequer. Under Sub-vote 363—Department of Survey, a gross amount of K£4,667,672 is required this financial year to carry cadastral and land adjudication survey in all the 41 districts in the country K£410,000 is estimated to be raised as Appropriations-in-Aid in the form of survey fees, sundry fees, sales of maps, leaving K£4,257,672 to be raised from the Exchequer. Under Sub-vote 364—Department of Lands, a gross expenditure of K£2,611,911 is required this financial year. K£982,000 is estimated to be raised as Appropriations-in-Aid in the form of registration fees, conveyance fees, land valuation fees and other miscellaneous things, leaving K£629,911 to be raised from the Exchequer.

Turning to Development Estimates, which is on page 842, I would like to tell the House that a sum of K£3,624,990 is being sought from the Exchequer under this Vote to cater for the following projects:

(a) Sub-vote 360—General Administration, which requires a total amount of K£9,945 for the purpose of minor alterations and maintenance works.

(b) Under Sub-vote 361—Division of Land Adjudication, a gross expenditure of K£23,100 is estimated for Baringo Arid Project this financial year. That total will be got from the International Development Association as aid. Under Sub-vote 362—Division of Settlements, we will require a total of K£2,572,840 which will be utilized under the following heads: Coast Settlement Project Magarini which is in Malindi, and where, as I said we have already settled 1,206 families and we are yet to settle up to 4,040 families. The plots which are given have an acreage of 30 acres each, and here, we have got assistance from the Australian Government and we are now working on the State Land and Trust Land. Under the expanded settlement schemes and Settlement Funds Trustees, where 146 schemes were done over the past years under a 1 million-acre programme and beyond, K£20,000 will be required for mopping up operations. Under Shirika Settlement Schemes, Sir, we will require K£14,700. Shirika Settlement Schemes are those where the Department of Settlement used to run farm operations under co-operatives. These are now being phased out, and we require that amount to complete the exercise.

Under Haraka Settlement Schemes, K£74,000 is required. This is part of European farms which we took over under the Agricultural Act. All in all, there are 35 schemes, and we require K£74,000 to see this exercise through. Under State Land Schemes, we require K£454,300. This is under the Settlement Fund Trustee, and it refers to Lake

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Kenyatta Settlement Scheme where the exercise has almost been completed, and people are getting ten acres per plot in order to make infrastructured developments. Under Hindi Magogoni State Land, which is in Lamu, we have 1,000 plots to do. We have already done 550 plots of 12 acres per person. We require K£292,830 for administration, pre-settlement housing, water supply system, maintenance of internal roads, settlers' development loans and roads development.

Under Shirika Conventional Settlement Scheme, which covers the following districts; Nakuru, Trans Nzoia, Uasin Gishu, Laikipia, Nandi, Meru, Nyeri and Nyandarua; there is a total of 89 schemes and we require K£150,000 to complete the job. It is estimated that altogether, we will be able to make K£902,850 as Appropriations-in-Aid, which will be under credit purchase from Australia. to the tune of K£267,050, and credit purchase. G.T.Z. German assistance which will be K£635,800, giving us a total of K£902,850.

Under Vote 363—Department of Survey, we will require K£265,520 as follows: consultancy fees, purchase of survey equipment, building training school, housing trainee hostel, sewage and so on. That, Sir, brings me to the Department of Lands which will require an amount of K£753,585 for the construction of offices, development of Government land in urban areas of which details are as follows: Building offices in Murang'a, Taita Taveta, Kisumu and Nakuru. Murang'a will require K£173,780; Taita Taveta will require K£160,039; Kisumu will require K£306,336 and Nakuru will require K£58,430.

I will now touch on development of Government Land. Maintenance of roads in urban areas will require K£45,000, and residential areas in Nairobi will require K£10,000.

As I said before, I do not wish to bore the House with the details of the Vote as no doubt, I believe, the hon. Members have studied the details in the Printed Estimates, and an opportunity would be available at the Committee stage for any clarification which might be sought on details. It is my hope that the House will approve the Vote to enable the Ministry to render and deliver these vital services to our people.

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

The Assistant Minister for Energy and Regional Development (Mr. Mavie): Mr. Temporary Deputy Speaker, Sir, I would like to second the Motion. The Minister has clarified the position in the Ministry of Lands and Settlement, and special efforts have been made in that Ministry to achieve what they have achieved to date. They have worked hard, and they have plans and are now thinking about land adjudication, survey and so on. The efforts they have made should be considered. We are grateful to the Minister for the way in which he frankly and truthfully explained the position

in his Ministry. There is a lot to be done in that Ministry because of the natural ties we have in connection with land. This is so particularly when it comes to title-deeds. It is true a lot of efforts have been made, and the Minister has explained that they will continue to do so. What we would like to ask is that special efforts should be made to ensure that more title-deeds are released at a much faster rate than is happening at the moment. There are problems all over the country, and they are continuing to build up because people are not quite happy with the time it takes them to get the title-deeds.

The other thing I would like to mention is that there are a lot of land disputes in the districts, divisions, and in the chiefs' centres. You can find some cases pending in the district officer's office for a period of two years without either the land adjudication officer or the land surveyor coming to sort out the disputes. If it is a matter involving families, then this delay can have serious consequences. If two brothers are complaining about the boundaries of their father's land; or if they want to subdivide it so that each one of them can have his own piece, and the matter is left hanging for two years without the issue being solved; what consequences would you expect? There will be pains; there will be cries; and fights. These things are actually happening. If it is a question of increasing the staff to see that that problem is sorted out, I would ask the Minister again to put special efforts to see that land disputes are sorted out in good time.

We were also debating about qualified surveyors. You find that some of the bottle-necks are being created by lack of surveyors. The qualification which is required is somewhat too high, particularly where Africans are concerned. The duration is too long, and yet we have so many graduates, who do not require so many years moving around with instruments such as theodolites, in the field in order to gain experience. They have done a lot of theoretical work; their time should be shortened, so that they can come out, and join the profession, and decrease the crises which we are facing, and reduce the bottle-necks that we experience when it comes to the question of title-deeds.

Another issue which has been discussed here extensively involves the availability of title-deeds. Somebody may have a building with ten storeys or ten flats, and may want to sell it in units. There should be a law allowing somebody to buy a unit of flat within the same building. This is being done elsewhere, like in Europe and America. It can also be done here to allow somebody who does not have a lot of money to possess a dwelling place in the City of Nairobi, Mombasa and elsewhere. Let there be some arrangements so that title-deeds can be available for a flat, and so that the same title-deed can also act as a security if one wants to borrow money.

There is also something interesting which is happening in our cities when it comes to allocation

[The Assistant Minister for Energy and Regional Development]

of properties such as land. We do not seem to be reserving enough land for public utilities. People want to possess all the land when allocation of land is being done. When land for a hospital, a police station, a bank or a clinic is required, we find that there is no land because all the land has been taken up by individuals.

So, let us have playgrounds set aside and not being negotiable for resale or possession by an individual. Let us consider the future. Let us think of the generations to come. There must also be open places for them. It does not mean that any open places within the City of Nairobi must be possessed by somebody. Let us think of the entire population and the entire community, because that will be important in future, instead of buying the same land or looking for a field for children to play about.

Sir, I also want to stress that the current problems we have in the City of Nairobi are also going to be spread to Mombasa, Kisumu, Nakuru, Nyeri and everywhere else, including Thika. When people have been given permission to put up a building in the City, there is no allocation for parking allowed. In other words, there should be a law to the effect that a building of so many storeys should have a certain proportion for a parking space in the same building. There should even be a building whose first five storeys are parking spaces.

Today, particularly in the City of Nairobi on Saturdays, there are more vehicles than the parking spaces available. There are a lot of policemen on that day. I do not know where they come from. There is a special force to remove vehicles from wherever they have been parked because there are no parking spaces, or parking areas are not enough. Why does the planner not insist that every building, whether Government, commercial, and so on, should have a certain portion of parking space constructed within the building in relation to the number of people who will be occupying that building? So, it is very important that that should be done because we have to think about the future.

My last point, Sir, is that land, which is so valuable, is getting "naked" today. It has no moisture. It has been left open to be destroyed by the sun, wind, rain and so on. Whatever value the land had before, it has become less and less. Also, in the same land, rivers are drying up. I feel that even construction of dams should be a part of land utility, or land value. There should be enough water when we have droughts. There should be enough water available. Covering of that land should also be a matter of great importance.

Sir, with those few remarks, I beg to second the Motion.

(Question proposed)

Mr. Karuri: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this Motion.

First of all, I would like to thank the Minister for Lands and Settlement because I can see a lot of progress in my constituency in the area of land demarcation. Land adjudication started in Tigania—that is my constituency—in 1966, and it is surprising that up to now, the exercise has not been completed, 22 years after it started. However, there has been some progress of late. Land demarcation is starting in several places. The only thing remaining now is for the Minister to expedite the exercise, by perhaps urging his officers to speed it up. Some of us have suffered quite a lot. We have not had any title-deeds with which we can borrow money for development. We have been unable to plan our shambas, so much, so that we do not know where we should build a house; where we should plant trees; where we should keep cattle and so on.

If the Minister hastens this exercise my people will benefit from the bank loans. They will plan their shambas properly, and perhaps even plant more trees. Today, it is so difficult to do so because we do not know, when land demarcation comes, whether it will favour you with the land you are used to; where you have been living all the time; where your grandfathers used to live, and so on. But if we are given title-deeds and shown our shambas, that problem will be solved, and we will feel like other Kenyans. We shall be free to borrow money from banks and so on.

Sir, although I have commended the Minister for starting land demarcation in many places, in Tigania there are about four locations where land adjudication has not been started at all. There are Gigo, Kunati, Igarie, Mbeu and Mitundu. These people also want their areas to be declared adjudication areas because the problems they are facing are enormous. This includes the fact that if there is a land dispute where an area has not been an adjudication area, it is the chief with his "Agambi", or elders, that he has appointed himself, who listen to the cases. When that is being done, anything can happen. If you are not friendly to the chief—

An hon. Member: It always happens!

Mr. Karuri: It always happens! I agree with the hon. Member because I know. If you are not friendly to the chief, you are likely to lose your land. Some of the chiefs have become political. So if they do not support a particular hon. Member, anybody supporting that particular hon. Member will lose his land case. We would like the Minister to take care of those areas that have not been declared adjudication areas also. I think it should be his responsibility. All land in this country should be under the Minister for Lands and Settlement, so that land cases are not heard by the chiefs and the people he has picked, but by a land officer plus

[Mr. Karauri]

a committee chosen by the people themselves. Sir, more important, I would like the Minister to declare those remaining areas of Tigania adjudication areas to remove those problems.

Sir, there is urgent need to review land laws in Kenya. It has been said before that they are in several parts, and they should be put together. But the point I want to raise here is that the powers that the district land adjudication officer has are enormous. When the district land adjudication officer hears your case and decides on it then the only person you can appeal to is the Minister. When the hon. Minister stands up here to reply, he can perhaps tell us how many cases he has heard because I have not heard of a Minister hearing a land case. The law requires that that is the final resort, but then people keep on appealing to the Minister. They wait and wait until they see that somebody else has been allocated the land on which they had a case, and then the matter ends there. I do not know whether the Minister could perhaps tell us how many cases he has heard, or even his predecessors, which Minister heard which case, because I do not think, since independence, any Minister has heard more than two cases? There should be a law reform in that direction, so that the decision taken by the committee is final.

Sir, some of our people decide on these cases very fairly because of the traditional fear of the oaths that are taken. For instance, if I had a land case against you that I was disputing the ownership of land that you have, the final resort in Meru is to slaughter a he-goat when you are naked. You go round your shamba swearing that that is your shamba, and that he-goat is cut in several places. For instance, you are told that if you are stealing the land, your ears will be cut off like the ears of that he-goat. All the parts of the body, including the private parts are mentioned in this matter. So, traditionally, it is a fearful custom. But when you give the district land adjudication officer the final say, and he comes and settles the case contrary to what the elders felt, it is wrong. That is why I am saying that there should be a law reform in that direction, so that the elders elected by the people from that area have final say in that case.

Mr. Temporary Deputy Speaker, Sir, another problem that we experience in my Tigania Constituency pertains to the kind of land adjudication which was done there. It was done by gathering pieces of land from here and there, and finally putting them together. What is surprising is that after the adjudication exercise, people are being given infertile and rocky places, which their grandfathers, or anybody in their lineage, never saw. It is the richer people who "whisper" to the land officers and they get better land. Somebody else occupies your piece of land where you have been living since your grandfather's days; you are removed there and taken to an infertile, rocky and

sloppy area. This practice must stop; the Minister must insist that his officers do not remove people from their land. In any case, it is a requirement of the law that if you are removed from your piece of land, you must be shown a similar piece of land.

This is unavoidable because gathering of pieces of land results in people pushing one another, so that you do not finally settle in the particular place where you have always lived. However, if you have to be moved, you must be moved to a similar piece of land; you should not be moved from a very fertile place, a place where you have been growing coffee and tea, to a rocky place where you cannot grow even potatoes. What happens is that those who are poorer suffer this consequence. This practice must be stopped.

Mr. Temporary Deputy Speaker, Sir, I recall that in June this year, while replying to my question in this House, an Assistant Minister in this Ministry promised that Athwana people would get their title-deeds by the end of July. In fact, I did ask the Assistant Minister who was replying to the question, hon. Muturia, whether I would ask my people to go to the lands office, Meru, and collect their title-deeds by around 15th of August, and he said that they could go to that land office and collect their title-deeds at the end of August. It is now almost the end of October, and there are no title-deeds in that office.

An hon. Member: Did you tell them to go for them?

Mr. Karauri: I did not tell my people to go to the lands office to collect their title-deeds, but they heard it over the radio, the Voice of Kenya reported the reply I had got from the Ministry for my question. Sir, the Minister must always honour his promises to this House and to the people of this country so as to maintain that integrity of the Government and the Minister. So, I hope that after a few days, my people will be able to go to the lands office, Meru, and collect their title-deeds.

Mr. Temporary Deputy Speaker, Sir, another strange phenomenon that must be discussed in this House concerns the shanties which are coming up in and around Nairobi. As a result of no planning at all, plots are being sold everywhere to co-operative societies and individuals. Now, what is happening is that once you have bought a plot, you put up a house of your choice. You can put up whatever kind of house you want; it does not matter whether it has three doors; what kind of roof it has; or how big the rooms are. Is there nothing that can be done about this situation? Do we not have any planning? When people buy these plots, they should be given plans of specific types of houses that should be put up on such plots. There is a danger of having shanties all over Nairobi due to lack of planning. I know that this is not entirely the responsibility of the Minister for Lands and Settlements; the matter also involves the Ministry of Works, Housing and Physical Planning. However, with his assistance, they can be able to plan for this.

[Mr. Karauri]

Mr. Temporary Deputy Speaker, Sir, I beg to support the Motion.

Mr. Galgalo: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this chance. First of all, I would like to join my colleagues in congratulating the Minister for the way in which he has presented the requirements of his Ministry. The Ministry of Lands and Settlement plays a very important role in the development of this nation by way of taking care of our land, which today is the most important thing.

Mr. Temporary Deputy Speaker, Sir, on 17th February, 1984, His Excellency the President was in Marsabit, and he directed the Ministry of Lands and Settlement to send a survey team to Marsabit; and that the people of Marsabit be given an opportunity to get title-deeds so that they could like all other Kenyans, enjoy such facilities like loans from banks and other finance houses, in order to develop the district. Although that team of surveyors has been sent to Marsabit, it got stuck in Marsabit, Central Division not because of problems between the people of that division, but because of problems emanating from the Ministry. I do not know what problems they have. The few shambas which have been surveyed in Marsabit District so far, mainly belong to people who hold big offices like hon. Members of Parliament, or businessmen who are very influential and rich.

[The Temporary Deputy Speaker (Mr. Mutiso) left the Chair]

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

In fact, nothing is being done to survey shambas belonging to the poor people. The poor people are still awaiting services from the survey team which was sent to Marsabit District. Since sometime in the middle of 1986, nothing is being done by the Department of Land Adjudication to give these essential services to wananchi in Marsabit District. There are six administrative divisions in Marsabit District, and it is only Marsabit Central Division which has had any service from the Ministry of Lands and Settlement. Why is the rest of the district denied these services?

Mr. Boru: Even the exercise is not over in Marsabit Central!

Mr. Galgalo: The hon. Member from that area is even informing me that the exercise of land adjudication is not over in his place, and the other areas are still waiting. In 1985, the Ministry had carried out the peripheral survey of Moyale Town but, up to now, nothing has been done to complete the exercise, in order to enable the people of Moyale to acquire title-deeds for their plots and shambas. Despite the other problems of drought that we have experienced in these arid areas, the Ministry of Lands and Settlement is the one which is causing retrogradation in this district. I am appealing to the Minister, therefore, to take urgent

measures to ensure that our people get these services, so that they can acquire loans to enable them to expand their businesses and farms.

Mr. Temporary Deputy Speaker, Sir, as hon. Karauri said in his contribution, there are shanties which are coming up in towns without any plans. In the end, when the towns are planned, those buildings will be demolished and wananchi will suffer a lot of losses. Of course, people must live somewhere, and because the land has not been surveyed, our people have tried to live comfortably to the best of their ability. When the Ministry of Lands and Settlement starts surveying these towns, they will collaborate with the Ministry of Works, Housing and Physical Planning to demolish those buildings which are now being constructed without plans. As a result, our people will suffer heavy losses. It is for this reason that I am appealing to the Minister to ensure that survey of towns and trading centres all over the country is carried out early enough, in order that people do not carry out haphazard development. Proper planning must be done to provide room for public utilities.

For, example, if you go to Moyale Town now, you will find that there is no room left for public utilities. The town is not properly planned, and the area has not been surveyed and, therefore, people are just putting up buildings anyhow. The district has now been declared an adjudication area, and the people of Marsabit are waiting for the services of the Ministry of Lands and Settlement to enable them to carry out development projects in the district adequately.

Sir, we are Kenyans just like everybody else, and we are wondering why we are being denied services which are being rendered in other parts of the country. We should be given equal services with all other Kenyans. The services of the Ministry of Lands and Settlement, like any other services rendered by other Ministries, should be equitably distributed all over this nation.

Mr. Temporary Deputy Speaker, Sir, sometimes, when the Ministry's Department of Survey is carrying out its job, it happens that the big fish swallow the small fish". I mean to say that the poor man loses his land to the rich man. We would like this matter to be looked into very seriously with a view to ensuring that justice is carried out properly. The poor man should be able to maintain the little he has without interference from the rich man.

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

The Assistant Minister for Health (Mr. arap Cheboiwo): Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili nami niseme machache-juu ya Hoja hii ya maana sana kuhusu Wizara ya Ardhi na Makao.

Nataka kwanza kwa kumshukuru Waziri na Mawaziri Wasaidizi wake pamoja na wafanyakazi wote

[The Assistant Minister for Health]

wa Wizara hii kwa vile wanajaribu kufanya kazi jinsi wanavyoweza. Hata hivyo, ni kweli kwamba utoaji wa hati za kumiliki ardhi hucheleva sana. Hili ni jambo ambalo liko katika Kenya nzima, na nafikiri taabu Wizara iliyo nayo ni ya pesa, au labda hakuna wafanyakazi wa kutosha. Hata pengine huenda ikawa taabu iliyoko ni ukosefu wa wafanyakazi waliohitimu vizuri. Kwa mfano, kuna sehemu moja inayoitwa Saimo Location katika Baringo North ambayo ilitangazwa kuwa sehemu ya kukatwa mashamba mwaka wa 1968, na hadi sasa ninaposema hapa watu wa sehemu hiyo hawajapata hati za kumiliki mashamba. Ni sehemu moja tu inayoitwa Kasisit ambako vyeti vya kumiliki mashamba vimetolewa. Watu wanaoishi katika sehemu za Kapchepkor, Barkerino, Isas, Sirimianin na kwingineko hawajapata hati za kumiliki mashamba.

Sisemi hivyo sasa kwa sababu tunazungumza kuhusu Voti ya Wizara ya Ardhi na Makao; nilianza kusema hivyo zamani sana. Nilianza na ofisa anayesimamia tarafa ya Kabartonjo, na nilipomwuliza ni kitu gani kinachosababisha kucheleva kwa hati za kumiliki mashamba, aliniambia kwamba anapowaita wazee wa kijiji kwenda kumaliza kesi za mashamba, hawaendi. Lakini nilipoenda kwa wazee hao na kuwaambia kwamba wao ndio wanaotucheleweshwa kupata hati za kumiliki mashamba, waliniambia kwamba wanapoitwa kwenda kumaliza kesi hizo, yule ofisa huwa akifika kama amechelewa na kwa hivyo, hawangeweza kufanya kazi yo yote. Mimi simshtaki ofisa huyo au kamati ya wazee wa kijiji, lakini nataka kumwomba Waziri ambaye ana uwezo wa kutosha, kuwatumia mafisa wake walioko katika sehemu zote katika Jamhuri ya Kenya, ili utoaji wa hati za kumiliki mashamba uharakishwe.

Bw. Naibu Spika wa Muda, Mtukufu Raisi mwenyewe amesema kwamba kesi za mashamba zisiwe zikipelekwa kortini. Ninastaajabu kuona kwamba hadi sasa kesi za mashamba bado zinapelekwa kortini. Mtindo huu ni lazima ukome kwa sababu ulisimamishwa kwa amri ya Mtukufu Rais. Watu wale wanaopeleka kesi za ardhi kwa mawakili ni lazima wakome kwa sababu huko haki hupinduliwa na kuwa uongo, na asiye na haki ya shamba ndiye anapata shamba. Tuna ushahidi wa kutosha wa mambo kama haya. Mambo haya ni lazima yakomeshwe.

Ni vizuri mtu akiwa na kesi aipelekee wazee wa kijiji. Mimi mwenyewe najua kesi moja ambayo ilipelekwa kortini, na mtu asiyekuwa na haki ya kupata shamba akalipata. Lakini kesi iliporudishwa kwa wazee, ukweli ulionekana. Wale wazee wa miaka 50, 60 au 70 walisema kuwa shamba lilikuwa la mtu yule mwingine kwa vile walikuwa wanamwona baba yake akilima shamba hilo. Wao walikuwa wakifyeka msitu pamoja na babake. Huu ndio ukweli wa haki, si ukweli wa pesa au ukweli wa wakili asiyejua sehemu hiyo. Hilo ni jambo lingine linalowasumbua wananchi wa Kenya, na linahitaji kuangaliwa.

Bw. Naibu Spika wa Muda, kuna jambo lingine ambalo limesemwa sana, na hata linanihusu. Hii ni habari ya usorovea wa bandia. Tuna mashamba mawili huko Bahati, Nakuru, na sasa unaendelea kukatwa na masorovea wa Serikali. Tena kuna shamba lingine ambalo liko kambi ya Moto ambako sorovea mmoja alikuja na akatuambia kuwa anataka KSh. 20,000 ili atupimie shamba mara moja. Kwa vile tulikuwa na haja ya kugawa hili shamba, basi tukampa KSh. 20,000. Sisi hatukujua kama huyu sorovea alikuwa bandia kwa sababu alikuwa akifanya kazi ya Serikali, na mwishowe yule mtu aliyekuwa akifahamu mambo ya ugawaji wa ardhi alipokuja, tulikuwa na shida kubwa sana. Aliirudia ile kazi ya ugawaji karibu yote.

Kwa hivyo, namuomba Waziri ajaribu kuona kuwa hawa masorovea wa bandia wamekomeshwa kwa sababu wananchi wanaumia zaidi, hasa wakati huu ambapo Serikali imesema mashamba ya ushirika au makampuni yagawanywe. Kuna haja ya masorovea sana, na hawa masorovea wa bandia wanatumia hiyo nafasi. Nilikuwa hapa hivi majuzi wakati Waziri alipojibu swali fulani na akasema kuwa anajaribu kukomesha uovu huu. Tafadhali, Bw. Waziri, komesha haya maovu.

Bw. Naibu Spika wa Muda, tunapongea juu ya utunzaji wa miti kama kiini cha maji, tuna shida na watu wa survey. Nimezungumza na watu wa mawakilisho yangu juu ya sehemu zilizokuwa na maji zamani, lakini wameshindwa vile wangepanya kwa sababu watu wamepatiwa mashamba mpaka mtoni. Maoni yangu ni kwamba hawa masorovea wanguwambia watu kuwa ingawa shamba ni lao, wasilime mpaka mtoni; ni vizuri kubakisha sehemu kidogo kabla hawajaufikia mto. Jambo kama hili likifanywa litasaidia sana kwa uhifadhi wa maji.

Bw. Naibu Spika wa Muda, ningependa kuongea kidogo juu ya miji. Kama vile Waheshimiwa Wabunge wenzangu walivyosema, kuna miji mingine ambayo imekaa sana bila kupimwa, na ambako watu wangetaka kujenga nyumba. Kama vile Mhe. Mbunge mmoja alivyosema, watu wanajenga ovyo ovyo. Kwa mfano, Kabarnet ni makao makuu ya wilaya, na Nakuru ni mji. Eldama Ravine, ambayo zamani ilikuwa inajulikana kama Kerio Valley Province, ilikuwa inasemekana inaenea mpaka Kisumu na Kakamega, lakini leo kuna mji tu wa Eldama Ravine. Mji huu unatakiwa kupimwa, na watu wapatiwe ploti wajenge nyumba za kudumu.

Bw. Naibu Spika wa Muda, kuna kituo kingine cha biashara kiitwacho Kabartonjo ambacho ni maarufu sana. Tunaishukuru Serikali kwa sababu imeiweka lami barabara inayokwenda kwenye kituc hicho cha biashara. Hata hivyo, utaona kwamba ni watu wawili tu ambao wamejenga nyumba za mawe katika kituo hicho cha biashara. Watu hawa wangu na wasiwasi kwa sababu County Council ya Baringo haijatao idhini ya watu kujenga nyumba za aina hiyo. Hawajui kama nyumba hizo zitabomolewa au mambo yatakuwa namna gani. Kuna mifano mingine kama vile Marigat,

[The Assistant Minister for Health]

Mogotio, Nginyang na mingine mingi katika Jamhuri ya Kenya.

Kwa hivyo, ingefaa Waziri awahimiza maofisa wake wafanye kazi wakishirikiana na makonseli, na hilo litakuwa jambo la maana sana. Yafaa watu wapimiwe mashamba na ploti zao, na kupewa hati zinazofaa.

Kuna mambo mengine ambayo nimeyaona kwa macho yangu. Kwa mfano, haifai maofisa wa Serikali kufanya kazi kwenye kituo kimoja kwa miaka mingi. Sisemi juu ya maofisa wa Wizara ya Ardhi na Makao peke yake; ninazungumza juu ya Serikali kwa jumla. Utaona kwamba ofisa anaweza kufanya kazi katika kituo kimoja kwa muda wa miaka 15. Yeye huwa amezoeana na watu wa sehemu hiyo, na huwa anawafahamu wote; anawajua wale wema na wale wabaya. Kwa hivyo, ningiomba Serikali ihakikishe kwamba ofisa akifanya kazi katika kituo kimoja wa muda wa miaka miwili au mitatu, ahamishwe na kupelekwa mahali pengine. Hii ni kwa sababu ofisa hufanya kazi mahali pamoja kwa muda mrefu sana, na mwishowe watu husikia kwamba ameshtakiwa. Yeye huzoeana na watu na kuanza kunywa pombe nao na kuisahau kazi yake ya kupima mashamba. Hili ni jambo ambalo hucheleweshwa kutolewa kwa hati za kumiliki mashamba.

Siwezi kusema kwamba maofisa wa kupima mashamba ni walevi wote. Lakini kuna wachache ambao hulewa sana. Wengi wao wanafanya kazi nzuri. Lakini wale wanaolewa yafaa wanidhamishwe kwa sababu huu ni mwaka wa nidhamu.

Bw. Naibu Spika wa Muda, singependa kusema mengi kwa sababu ninatumaini kwamba Waziri amenisikia, na kwa hayo machache, naomba kuingunga mkono.

Mr. Michoma: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the Floor to join my colleagues in contributing to this Motion.

First of all, I would like to thank the Minister for the manner in which he has conducted the affairs of this Ministry since he took over from his predecessor. This is a very important Ministry and the Minister should take serious note of what we say here.

I will start by touching on permanent improvement of plots in all settlement schemes in Kenya. These plots were set aside for the construction of schools, hospitals, health centres and so on. These are public plots. But you will find that most of these plots all over Kenya have been allocated to individual people. It is the settlement officers who allocate these plots to individual people. Where will the settlers in various settlement schemes build schools, hospitals and so on? The Minister should make sure that these plots are preserved for public use.

The other point is about illegal selling and transfer of plots. The Director of Settlement, Mr. Gachanja, is here, and he knows what I am talking about. I can cite one example in Molo South. If

the hon. Member for Nakuru West, Mr. J. N. Mungai was here, he would support me fully. I am talking about Plot No. 81 in Langwena Settlement Scheme. A certain person who has a plot there went to Land Control Board— We have checked and found that the chairman of the land control board there is a bogus one. They call him Mr. T. Muturi. No district officer by the name of T. Muturi has ever been posted to Nakuru District. This plot has been transferred to another person. All the original documents were removed from the files. The former settlement officer in that area and other persons should be brought to book. I do wish to say more about this because the case is under police investigation, and I hope that the Director of Settlement, and the legal section of that Ministry, will help this poor lady to get back her plot.

The other point, Mr. Temporary Deputy Speaker, Sir, is that the Ministry should accelerate the land registration exercise. I say this because "land adjudication" and "land registration" have different meanings as far as I understand. When land adjudication started in Central Province, some rich people got the opportunity to acquire acres and acres of land, and the poor people were left without land. In Kisii District, the exercise was known as land registration. If Michoma had three pieces of land, these had to be registered where they were, and they were never consolidated. I must thank the Minister because people in Kisii District and other places have been issued with title-deeds. But the Minister should ensure that this programme is speeded up in areas like Baringo in the Rift Valley Province; North Eastern Province and Nyanza Province. The Minister should ensure that this programme is accelerated, so that wananchi can get title-deeds to acquire business loans and so on.

Another point is that in these settlement schemes, even if somebody has not paid his entire loan he should be given his title-deed and be told to repay the loan; not a lot of money is involved.

Mr. Temporary Deputy Speaker, Sir, as hon. arap Cheboiwo has said, not much has been done about plots in towns and market centres in this country. The Department of Physical Planning, which is now under the Ministry of Works, Housing and Physical Planning— At times you will find this department under the Ministry of Local Government, and at other times you will find it under the Ministry of Works, Housing and Physical Planning. I think this department should be brought under the Ministry of Lands and Settlement so that planning can be done properly. You will find that people in most rural towns are putting up buildings without any plans. A lot of buildings are mushrooming in every town in this country. These towns are never properly planned. The Minister should ensure that proper physical planning of these rural towns is done.

I also note with appreciation the remarks of the Minister to the effect that there will be a training

[Mr. Michoma]

school to train surveyors. But when the Minister stands to respond to the views of hon. Members, he should tell the House how many survey students will be taken at a time. Many of them should be trained, so that they can undertake survey work in this country. You, Mr. Temporary Deputy Speaker, Sir, have talked about the shortage of qualified surveyors. How many times are we going to say that survey work should be speeded up?

Hon. Members have asked questions in this House, and since the Minister is a man of action, he will take serious note of this matter and ensure that this programme is speeded up. Let all Kenyans have title-deeds within reasonable time.

Mr. Temporary Deputy Speaker, Sir, there is an Agricultural Produce Act, but there is still mismanagement. One time, when there was mismanagement in the sugar belt in Nyanza, the then Minister for Agriculture, hon. Nyagah, was taken to court. I think the Minister for Agriculture and the Minister for Lands and Settlement should put their heads together to ensure that people who own land in Kenya and yet they are not here, have their land taken away from them and given to indigenous Kenyans who are landless.

Another point is that all the time, there has been a squatter problem. I think there is a practice of a certain ethnic group or groups making themselves squatters so as to get land. There is nobody in this country who does not have a place—an original district—where one comes from. The Minister should investigate this, and if there is one ethnic group like the Kisii who pretend to be squatters when they are not, then he should tell them to go back where they came from. Let the genuine landless people be given land by the Ministry when land becomes available.

The other point is in connection with the land control boards. The Minister should take serious note of the fact that these land board members get only Sh. 10 per sitting. I do not know whether the Minister has now reviewed these allowances; I know he has not because I was a member of a land control board until recently when I resigned. What is Sh. 10 per sitting? That is why there is attempted corruption. The Minister should ensure that these allowances are reviewed as the standards of living have gone up. There are so many land cases here and there.

The other day, His Excellency the President said that these land disputes should be heard by the ordinary elders who know where the land boundaries are. These elders should be given some inducement by the Government. They should not always have to ask the two disputing parties to give them some *posho* or *kiinua mgongo*.

With those few remarks, I beg to support.

Mr. Mutiso: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I must straightaway say that I have been very disappointed by the hon. Minister, but I hope that my disappointment will have

some relief when he comes to reply. I listened very attentively—when I was temporarily in the Chair—when he was moving his Motion, expecting to hear him mention at least something about Yatta Settlement Scheme, but I never heard anything about it. I want to say this: If there are any places in this country where there are problems, one of them is Yatta Settlement Scheme, which is number one. I do not know whether he ignored it deliberately or whether he was misdirected by his officers to deliberately leave it out. I now want to expose the truth.

Yatta Settlement Scheme was started way back in 1965 under what was known as Haraka Settlement Scheme initiated by His Excellency, the late President Kenyatta. At that time, I was an Assistant Minister for Education, and I had fought for that land in Ndalani to be taken over by the Government and given to squatters or landless people. What has happened from 1965 to date is that the issue has gone from confusion to something else stronger than confusion—chaos and mess—because the officers in the Ministry of Lands and Settlement—I hate to mention individuals or even point a finger at a particular officer, but I am forced to do so in this case. These officers have compounded this problem by issuing letters of allocation from officers here in Nairobi for plots in Yatta, although they do not know where the plots are, how they are and who there is. This has continued for some time now. A document was produced known as “a letter of allocation” in Haraka Settlement Scheme, and it carried some conditions; namely, you were given a plot on condition that you move in and settle there. You had to fence it, develop it, cultivate it and develop a home there. This is because we were landless. Failure to comply with these conditions would not be tolerated. You could not subdivide that piece of land or let it.

What happened was that people got those letters of allocation in the early 1960s, the mid-1960s and towards the end of 1960, but nobody moved in even to check where the plots were. Much later, in the 1970s and early 1980s, the Ministry issued other letters known as “outright purchase letters.” A person who did not know who was on the land for all these years got such a document and said, “This plot is now mine because I have this letters”, simply because he paid KSh. 100 per acre. That is no price for a piece of land. After that, you found that a person who had been on that land for more than 15 or even 20 years and had developed the land, built a home there, dug bench terraces, fenced the land, planted trees and developed the area by building schools, dispensaries, and so on; and had participated in all development projects there, was dislodged and another person came with that letter of outright purchase, with information from the court that the former owner of the land was being evicted because this land now belonged to another person who had that document. We have said in our district development committee

[Mr. Mutiso]

meetings, and even told the provincial administration, that this matter should be settled immediately because it is withholding development in Yatta, particularly, in Ndalani and Ndithini Locations.

I understand that a certain committee was set up, composing of people from the Ministry and others from the provincial administration. Since the district settlement committee, which was being chaired by the district commissioner was removed, there has been a lot of chaos there because these people with outright purchase letters are coming and getting court eviction orders in order to try to evict the former owners of the land, whereas these former owners have been on the land for more than 15 or 20 years. I request the Minister sincerely and very honestly to note that this is a very explosive matter, and that if the Ministry does not move in quickly and settle the matter, or devise a solution to it, there are going to be fights in that area.

We have maintained that it is the provincial administration that should tell and explain to the Government the problem of land at the grassroots level because they are the people who represent the Government there and they know who has been there and who is there now, what that person has done and the right person to own that land, rather than the Commissioner of Lands and his officers here in Nairobi—knowing that a certain plot is yours and nobody should deny you its ownership—coming to chase you from the land after you have devoted all your labours and “blood” on it. This is very serious matter, and that is why I said that I was very disappointed when I did not hear the Minister mention anything about Yatta.

Therefore, I call upon him, when he comes to reply, to tell the people of Yatta and the country at large the exact position of this matter, otherwise, there is going to be trouble, and it will be him and his officers who will be taken to be responsible for what happens. We will not allow people who have not even contributed any penny to national development in that area to come and evict others who have lived there for over 15 or even 20 years. The former have done everything there. They were formerly landless, and now they are being told, “You only get that piece of land for speculation purposes.” One might ask where they were living for all these years if they were genuine landless people.

Having said that, Mr. Temporary Deputy Speaker, Sir, the other thing I would like to mention is the question of title-deeds in Yatta. I am told that when the aircraft that does aerial photography came there and took photographs in Yatta after land adjudication, those pictures were burnt. So, another exercise has to be undertaken in order to get these title-deeds. How come that this is possible? For how long are we going to wait for these title-deeds? We also want to develop and move

forward like other areas in this country. It is known that Yatta is a very dry area where we do not have any cash crops. The only thing that people there can rely on to get some loans for the development of their area is property. If you cannot produce any document to prove that you have some security, then you are not worth anything in terms of bank loans. Therefore, I urge the Minister to consider this issue more urgently, and find out what happened to the aerial photographs of Yatta that were taken. It is rumoured that those photographs were burnt, and that we have to wait for another opportunity.

Because I see that my time is running out very quickly, I want to say finally that the markets in Yatta, and Ukamba in general, need to be attended to. Physical planners must take quick action to ensure that they are physically planned, so that we do not enter into a chaotic situation where shops and other buildings are constructed anyhow, or in such a manner that it will not be possible to change them if need be in future.

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

Mr. Lotiyo: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this important Motion. One thing I want to say is that I congratulate the Minister for Lands and Settlement, at least, for what he has done in the entire Republic in trying to reform land laws and settle people all over the country. This is a very touchy and delicate issue. Knowing our land problems and the issue of settling people, the Minister has really tried hard.

Mr. Temporary Deputy Speaker, Sir, I have to praise the Minister, particularly for the land adjudication which was done in Samburu District, and especially Samburu West Constituency which I represent. The adjudication was done fairly and title-deeds were issued. However, I would like to also say that there are some other parts in Samburu District, whom individuals might take advantage of to take their land after adjudication.

I would also like to thank the Ministry for settling the Poro conflict amicably, and directing that revision of adjudication be done, and I am glad to say that is being done. Although adjudication has already been done in Baragoi Division, there are a few individuals who have taken huge tracts of land there. Since, I think, title-deeds have not been issued there, I would ask the Ministry not to issue them until there has been a re-adjudication of land there. This is because as a result, very many individuals have been left landless, especially the nomads who are not aware of this, like those from Marti, Nachola and Kaua Locations. Some six or seven people in that area have taken a lot of land and, as a result, have left very many of these nomads landless. It would be better if that land was re-adjudicated, especially in Dotu Location in Baragoi Division; otherwise we might have



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 27th October, 1987—(Contd.)

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Wednesday, 28th October, 1987

(Morning Sitting)

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[P.T.O.]

PRINTED BY THE GOVERNMENT PRINTER, NAIROBI
PRICE: SH. 1

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[Mr. Lotitiyo]

a situation like the one we had in Poro area. I hope the Minister will take note of this and effect precautions against this.

Special consideration should be given to the nomads who move from one place to another, which might result in some people thinking that the vacant land is unoccupied. Care must be taken when doing this. The future of the people must be borne in mind, to avoid, as much as possible, future conflicts between people, which might arise out of such an issue.

The other thing, Mr. Temporary Deputy Speaker, Sir, is that we all know that Samburu used to be crown land during the colonial days. After the attainment of independence, it was converted to trust land under the Trust Land Ordinance. This needs reviewing too, because when land is entrusted to the President who, in turn entrusts it to the county council in order to protect it for the people, not all county councils will have the interest of protecting the land for the individuals concerned.

For example, the land in a place called Pura in Samburu District, which covers over 6,000 acres, has been annexed by the county council, and has been issued to an individual to cultivate wheat. The people who were living there were told, "This land has been taken over by the county council. It is now the county council's land." By doing this, I think they are jeopardizing the trust which was entrusted to them by the President to protect the land for the people. I would like the Minister to take note of that. It is unbecoming for the county council to annex trust land and then give it to an individual to cultivate wheat, whereby the rent for the land is remitted to the county council and not to the residents, who are the landowners and who have moved from there. This is a serious issue which is there in Samburu District now.

I trust the Minister, who is very able, and I thank him for what he has done for the people of Samburu District. When he was the Minister for Health, he came there and gave out materials which we have used to complete the corridor and the store of the hospital. We now also have a maternity ward.

I hope too, that this issue of Pura area—spelled P-U-R-A—will also be settled, to prevent the county council from annexing it, even though they are the ones entrusted to protect it for the people. Mr. Temporary Deputy Speaker, Sir, nobody is aware of this. Even the Ministry of Local Government is not aware of how the county council acquired this land. Our people should not be told out of the blues that this land has been taken over by the county council. Our people must be protected, and they should not be removed from that area.

QUORUM

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

The Temporary Deputy Speaker (Mr. Karauri): Yes, there is no quorum. Will you ring the Division Bell?

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Karauri): We have a quorum now. Will you continue, Mr. Lotitiyo.

(Mr. Shikuku kept on standing)

The Temporary Deputy Speaker (Mr. Karauri): Order, Mr. Shikuku! We have a quorum now. Will you continue, Mr. Lotitiyo.

Mr. Lotitiyo: Thank you very much, Mr. Temporary Deputy Speaker, Sir. The other point which I would like to raise is with regard to the land control board. In Samburu, we have a land control board which sits when the need arises, particularly when we have land cases, and when there are other land transactions like leasing of land and so on. However, our land control board is still being controlled from Nyahururu, which is very far from Samburu. I would like to appeal to the Minister to ensure that this land control board is decentralized to the district level in line with the District Focus for Rural Development Strategy. At the moment, we are still being served from Nyahururu instead of Maralal. I am requesting the Minister to consider decentralizing the land control board, so that all the necessary documents, such as title deeds for plots and other documents related to land transactions, can be issued in Maralal, which is the headquarters of Samburu District. I hope that the Minister has taken note of this point.

At the same time, due to the long distance covered by the members of the land control board when they have to go to Nyahururu, I would like them to be paid travelling allowances. The members of our land control board have not been paid travelling allowances for the last two years. I hope the Minister will look into this problem, so that the members of our land control board are paid their respective allowances whenever they meet.

The Assistant Minister for Commerce (Mr. Lalampaa): On a point of order, Mr. Temporary Deputy Speaker, Sir. I would not like to interrupt my good friend, but I think he is misleading the House by saying that we have no land control board in Samburu. The fact is that we do have a land control board in Samburu.

Mr. Lotitiyo: Mr. Temporary Deputy Speaker, Sir, I would not like to challenge the hon. Member who has stood on that point of order, but I think he should learn to listen, so that he can understand me better. Maybe, he has a language problem. I did not say that there was no land control board in Samburu; I said the transactions of our land control board, which are at the moment carried out at Nyahururu, should be carried out at Maralal which is the district headquarters.

The Assistant Minister for Commerce (Mr. Lalampaa): On a point of order, Sir. As far as I

[The Assistant Minister for Commerce]

am concerned, I think the hon. Member stated quite categorically that we have no land control board in Samburu, and that we are being controlled from Nyahururu. The fact is that we have a land control board in Samburu and the District Commissioner, Samburu, is the Chairman of the Samburu Land Control Board, and we have local people who are members of this land control board. What we have in Nyahururu, and this is why I said that the hon. Member is misleading the House, is the land registry. What we have in Nyahururu is the land registry and not the land control board. I think the records of this House must be put right.

Mr. Lotitiyo: Mr. Temporary Deputy Speaker, Sir, I have no quarrel with whatever the hon. Member is saying. I think what he is now saying is the best he can say, and I have no quarrel with his sentiments. However, I hope that the Minister has taken note of whatever I have said, so that land transactions are done as near home as possible.

Mr. Temporary Deputy Speaker, Sir, I also mentioned the travelling allowances of the members of the land control board. I could not have mentioned travelling allowances of the members of board if the board was not there. Therefore, I think the hon. Member should correct himself.

Mr. Temporary Deputy Speaker, Sir, the other point which I would like to make is about squatters. In settlement schemes in Nyahururu, Ol Kalou, Kinangop, Laikipia and so on, we have a few Samburus who are squatters. When our people are being settled, particularly the squatters, I would like to request the Minister to consider all those people who have no land. I know that there are some Samburus who have been working in these settlement areas throughout their lives. So, when the time comes for taking over these areas for settlement, they are told to go back to their land. They are even told that they have a lot of land which is not adjudicated. So, they leave quietly because they do not know the importance of being settled there, and they go back home where they are totally new people, and they want to re-settle there. Sometimes they find that their land has already been adjudicated and taken over by other people. As a result, they have nowhere to go, and they stay in towns. So, I would like to request the Minister to take care of our people, particularly those nomads whose understanding is very little, so that they can be settled along with the others who have no land. I hope the Minister will do this.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to thank the Ministry of Lands and Settlement for the work it is doing. Land is a sensitive issue and it needs to be handled with care and proper attention. The way we plan is the way Kenya will remain.

With those few remarks, I beg to support.

Mr. Muthura: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to join my colleagues in contributing to this Motion.

First, I would like to thank the Government for settling quite a big number of the people who were landless, either as a result of having been left in the emergency villages in parts of Central and Eastern provinces, or having been left by the former white settlers in the former white highlands. The Government has done a good job.

I would also like to thank the land-buying companies and co-operative societies which have bought land and settled wananchi who could not be settled by the Government. It is not possible for the Government to settle everybody. So, these land-buying companies and co-operatives that have bought land and settled wananchi have done a commendable job.

Mr. Temporary Deputy Speaker, Sir, after the wananchi have been settled, as has been said in this House, they have problems. These have been solved partially by the provincial administration—the district commissioners, district officers and chiefs—although still, there are many problems existing which should be solved. In fact, in the course of solving these problems, which are on ownership and boundaries, you find that at times, more problems are created than solved. It has been said in this House that cases are still going to court. We are at a loss, particularly the hon. Members, because we are the people who are supposed to tell the wananchi that the Government has decided that no more land cases should be taken to court. They still get confused when they hear of people going to court because there is a dispute over a certain piece of land. It is a known fact that when a case is taken to court, and one of the parties involved is a wealthy person who can hire a lawyer as qualified as Mr. Byron Georgiadis; the wealthy person will win the case against this old man who cannot afford to hire a lawyer; who does not understand law, and who cannot argue.

The time has come when the Government, through the Ministry, should come up with a clear policy so that if there are cases to be taken to court, we should be told which cases they are. When I say this, I mean land cases. If land cases should not be taken to court, none of them should be taken there; otherwise, we tend to remain hanging in the air because we still hear of cases going to court. This also should apply to those cases being determined by the provincial administration because when a district officer has a case, the decision is made by the court. So, we fail to understand what is going on. I hope the Minister will look into this very seriously.

Mr. Temporary Deputy Speaker, Sir, the other day, I put a question to this House about the un-registered surveyors who have been surveying, subdividing and demarcating land, particularly the co-operative farms. The Minister replied by saying that a list of registered surveyors has been

[Mr. Muthura]

sent to all the district commissioners. I hope the provincial administration is going to show a keen interest in this problem.

Mr. Temporary Deputy Speaker, Sir, mine is one of the constituencies in which land has been bought by co-operative societies and land-buying companies, and quite a number of these farms have been subdivided and surveyed by people who have been chain-boys or chain-men for quite a number of years under a surveyor. This person then comes and tells the land-buying company or the co-operative society, "Oh, I can survey this land and subdivide it for you" without these people knowing that this person is not registered to subdivide or survey land. These people cannot get title-deeds, and, so, I hope that those pieces of land which have been subdivided by unregistered surveyors will be re-done by qualified surveyors, or Government surveyors, if possible.

Land consolidation, as it was called in the past, started way back in 1957. If we have areas, as has been stated by hon. Members in this House, which have not been declared and adjudicated; or where land has not been subdivided, this shows that the Ministry is lacking in qualified people, and I feel that it should have a crash programme. If we have crash programmes in the Ministries of Education and Health, why do we not have them in the Ministry of Lands and Settlement? In this way, we would have people trained, and this would enable the quickening of this work since these people need title-deeds.

Mr. Temporary Deputy Speaker, Sir, the Government started settling people in settlement schemes way back in 1962. Some of the people who were settled in those days have paid back the loans they were given; they have fully paid the price of the land they got. Up to now, despite the fact that they have no debt with the Government, they have not got the title-deeds. Let them get the title-deeds so that they can utilize them.

We have a lot of idle land in this country. The people who own this idle land are either absentee landlords or the so-called "telephone farmers", who do not make full use of the land. The time has come when a law should be brought into this House, so that we can limit the amount of land that one should have, so that we can make those people who leave some of the land that they own idle make use of this land. If they cannot do so, it should be taken away and given to the landless.

Mr. Temporary Deputy Speaker, Sir, when we talk about emergency villages in this House—people living in villages in settled areas—it sounds like a dream. Let those people who do not understand this go to some parts of the Rift Valley where they will find these people. It is not possible for everyone to own a piece of land in this country. However, it is unfair to have people without land and yet we have some people with so

much land that unless one checks back in the documents, one cannot tell how many thousands of acres one owns. It is so much that they cannot make use of it. Let us be fair; those with idle land should either give it away, or make use of it because we need a lot of food production in this country. I feel that there should be a ceiling on the amount of land that an individual should own in this country. I know that when I say this, it touches some people because they own tracts and tracts of land on which you will only find wild animals moving around. I feel that this is unfair.

I would now like to talk about the allocation of land in urban areas. I still remember a former engineer with Nanyuki Town Council some time back complaining and trying to advise the council that there was no point of allocating somebody a plot in an area which had been declared a town or an urban area more than an acre on which to put up his house. Why do we see people being allocated with 10, 15 or 20 acres of land in urban areas? Why should this happen? I feel it is unfair because the population of this country is rising and we need more schools, more classes, more hospitals, more polytechnics, and more factories together with industries, and without land, we cannot have these. Therefore, the question of allocation of land in urban areas needs to be looked into, so that an individual does not get 10, 20 or 30 acres there.

Mr. Temporary Deputy Speaker, Sir, the question of land should be taken seriously so that everybody in the country, at least those who should own land, can have a piece of land. From the sentiments expressed by hon. Members in this House, we can see the problems which are there, and I hope that as the Minister touched on a few points here and there, he will implement what he has said. When he comes back to ask for more funds next year, we shall have seen the work that he has done, and we shall be able to approve his Ministry's Budget.

With these few remarks, I beg to support.

The Assistant Minister for Industry (Mr. LUGOZO): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to say a few points on this very important Ministry, that is, the Ministry of Lands and Settlements. First of all, I would like to say something about the physical planners. It is the Government's policy that towns in the rural areas should be developed, and more so industrially. I think our physical planners have not yet known what the priorities are. In fact, every department should select priorities that are of importance to our national welfare. How is a town like Kakamega expected to develop industrially if the physical planners have not yet set aside an area for industry let alone surveying the plots for industry? You may have money and feasibility studies, but unless you have the land on which to put up an industry, you will not be able to do so because land is the first essential thing.

[The Assistant Minister for Industry]

Yesterday, I answered a question here to the effect that it is the Government's wish that industries should be established in the rural areas by indigenous people. This would be impossible unless the physical planners realize that it is a priority. If the Government's wish of having industries in Nyeri, Nanyuki, Kakamega, Kitui and so on, is to be realized, the physical planners must know that it is a priority for them to plan our small towns.

Those hon. Members who have been to places like America will agree with me that these people built their cities about 200 years ago; for example, New York. These cities were well planned, and you will find roads going parallel to one another. They planned them because they knew they were going to have big cities; they planned them a long time ago. Why have Kenyan physical planners left a town like Kakamega to start developing and yet it is not planned? If you go to Kakamega, where I come from, you find people mushrooming houses everywhere. If they come to plan now, it will mean that road construction will pull down some of the houses which are now being constructed, and it will be a big waste of capital. Why should people waste money to put up houses in towns in a haphazard manner, when somebody will come up later, call himself a planner and say: "Now I want to plan Kakamega"? He will probably need to break down a lot of capital that has been established.

Why are these people not seeing this and do their duty? It is their duty to plan the Kenyan towns, otherwise, I do not see what they earn for. It is not for this House to tell them what to do. Their directors and individual planners in the provinces should see this and make plans. This does not only apply to industry but also housing. In a place like Kakamega Town, housing is now a crisis. For example, the small-scale earners have no housing. If someone wants to put up a small estate of houses, it will take about three years before he is told where to build. Plot allocation is next to impossible.

Last year, there was an advertisement and thousands of people applied for plots, both industrial, commercial and residential. They were surprised when all their money was refunded. There were 1,000 people and only a few lucky people, including myself, got plots. I was lucky to get only one plot.

Hon. Members: How many did you want?

The Assistant Minister for Industry (Mr. Lugogo): I was among the lucky group of less than 100 people. The ones who did not get anything are the ones I am crying for. Even hon. Angatia did not get a plot.

Mr. Temporary Deputy Speaker, Sir, this means that there are people, especially those who work in this city and come from Kakamega District, who are ready to develop the district. They will develop the place even if they put up residential houses;

if they put up industries, that is development; if they put up commercial buildings—shops and so on—that is development. That is what we want, as they will provide employment to those who will carry out construction works. When thousands of people apply for plots which they want to develop and only a few of them are considered, why should we keep on crying about unemployment and so on, when physical planners do not want to see these towns developing at all?

Through you, Sir, I would like to tell the Minister that he must do something about the planning of towns and the allocation of plots. The allocation of plots should take the shortest time possible, because the person who wants the plot wants to develop it. I do not see why it should take more than two or three months. Somebody who has money should be allowed to plough it in because that is development, as people will get employment.

The other thing is the cost of land. It is becoming impossible to buy land. In some areas, an acre of land is costing about KSh. 100,000. I think there should be some control on the cost of land, especially in big towns; otherwise, development would be impossible. It is only a few very wealthy people who will be able to put up houses. If a small piece of land, say, in Nairobi, where you want to put up a house, will cost you about KSh. 500,000, then how many people can put up houses in Nairobi? Very few can afford KSh. 500,000 for a piece of land before they build. Why should this be allowed? Why should the land value be allowed to escalate to that height, thereby hampering development?

If we want development, then some of these things should be looked into. The cost of land is just becoming impossible. It appears as if people have taken the word of architects and structural engineers to be like the Holy Bible. If an individual, say, myself is allowed to put up a three bedroomed house in Nairobi, it will not cost me more KSh. 100,000. When you look at the figure which is quoted by the so-called experts, it will cost you KSh. 300,000, KSh. 400,000 or even KSh. 500,000.

Sir, this must be checked and stopped. I say so because there are even houses in Kakamega for which somebody worked out the prices, and then they were put up for people to buy. They said the houses were worth about KSh. 300,000. If I am given a plot close to that place and asked to put up exactly that kind of house, it would cost KSh. 100,000 or less; it would cost even KSh. 80,000. In accordance with the value of the materials and the cost of labour—because the cost of labour in Kakamega is still very low—and even the supervision, it would be cheap to put up a house. So, unless something is done to reduce the cost of building, then we are not going to develop. If everything is made expensive, people will fear to go in for it.

Sir, I also want to join people who have said something about title-deeds. There is "forgery"; I

[The Assistant Minister for Industry]

could call it "forgery" or a kind of "fraud" here. At present, there are people who sell land to an individual, and they are very many in my constituency. After selling it to somebody, they then go and sell it to another person, and so on. Apparently, the law seems to protect these people. The law says that after three months, if you have not transferred the land you have bought, this man has a right to change his mind and sell it to somebody else. I would like the Minister to take note of this, and if possible, change that clause. I do not know whether it is Chapter 300. He should change that clause which says that after three months, unless you have transferred the piece of land, you cannot have it.

Thank you, Sir. I beg to support.

Mr. Anyumba: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity so that I may also contribute to this Motion.

This is one of the most important Ministries in the country, although a lot of people do not understand it. They talk in terms of "land and land problems", not knowing that there is much more to it than just land. This Ministry is in charge of land, as everybody knows it. Land was a very thorny issue during colonial time, and it is still a very thorny issue indeed. Therefore, it is a very important Ministry.

Sir, it is through the activities of this Ministry that an orderly identification of the pieces of land, and an orderly indentification of ownership is made. It is also through the activities of this Ministry that the sizes of these pieces of land are determined. It is also through this Ministry that the tenure of these pieces of land are recorded. All this is done through the process of land adjudication, and also survey and mapping for title purposes.

Sir, perhaps not very many people do know that this Ministry is a service Ministry to very many other Ministries. In fact, certain Ministries cannot start embarking on their projects, whether Ministerial or Departmental before this Ministry does some service to them through their Department of Survey. Actually, every Ministry requires the services of this Ministry. For instance, before the Ministry of Agriculture can embark on implementing some of their agricultural projects, they require basic maps supplied by this Ministry. Also, the Ministry of Environment and Natural Resources, quite often, calls upon the services of this Ministry to enable them start their own projects. For instance, the Ministries of Tourism and Wildlife, Education, and name-it, require the services of this Ministry. So, it is an extremely important Ministry.

Sir, this is also a Ministry that has to invest heavily on manpower, equipment, stores and so on. These stores and equipment are now extremely expensive. For instance, a darubini which used to cost about KSh. 68,000 in 1980 is now costing KSh.

214,000! This is still the same instrument, and it is only one, and they need very many of them. That is only a darubini. So, if you take into account what they have to invest in the mapping equipment and so on, it is extremely very expensive. That is why I feel very strongly that we, in this House, must recommend that better funding be afforded to this Ministry.

I read from the budgetary supplies and saw that what they are given is so minimal. It even gives the impression that the Government is determined to have no more survey done, or no expansion whatsoever. If there is to be more expansion—which must be there because we are a dynamic country and we are expanding; we are not diminishing in size—therefore, there will be surveying and mapping. There will be land adjudication. There will also be more and more projects coming into play, for which we must apply the basic maps.

Sir, I know very well from my own experience in the department and also in the Ministry, that they require the amount of money which would see them through to the next financial year. But it is heavily cut down when matters reach the Treasury. I know that a Ministry cannot be made an exception. But, nevertheless, the services of a Ministry should be understood because by "choking" it, we are also choking several other departments and Ministries. We must plead for this, and I am glad that a number of people have been pleading that they should "pump" more and more money into this Ministry.

Sir, when it comes to planning and surveying of townships, I know a lot of them have been "choked" as a result of lack of funding. Today, we have urban centres, townships, and even trading centres which have expanded, but in a haphazard manner. Buildings have mushroomed, and certainly lead to slums. Again, I am aware that a lot of it has to do with lack of funding for planning, surveying and mapping purposes. I have been trying to get trading centres in my constituency planned. After planning two of them, it was impossible to go to the third and fourth due to lack of funding. Yet these are trading centres with the size of urban centres, which should be promoted to urban centres. I am sure their early and orderly development is vital if we are going to avoid future confusion.

Here, the Director of Survey and the Ministry of Works, Housing and Physical Planning have to work very closely. That is why I find it difficult right now to understand why the Department of Physical Planning was removed from this Ministry because they work very closely. At least, during my time, we used to work very closely. It was rather shameful to have a telephone between us, or if we had to make telephone calls before we could communicate. This is where walking across and discussing a subject is much wiser than being put in a completely different Ministry. As you know, each Ministry has its

[Mr. Anyumba]

own bureaucratic tendencies and, perhaps, these bureaucracies are not working well in the light of the close association needed.

Mr. Temporary Deputy Speaker, Sir, hon. Members in this House seem to be making wild accusations with regard to survey fees chargeable by licensed surveyors. I would like to remind the House that the Survey Act, Cap. 299 of the Laws of Kenya was passed in this House. That Act provides for the statutory charges approved by this House as fair charges signed by the President at that time. I have listened to people contributing to this Motion, and I have noticed that they are making wild accusations as if they were not contributors to the debate that passed the Bill which became the Survey Act. Survey is not a cheap sort of exercise to undertake. Therefore, if you are paying what this House passed and became an Act of Parliament, we should be the last fellows to start talking against what we passed.

Indeed, I can give you an example of an hon. Minister in this House who did not distinguish between a qualified surveyor and a bogus surveyor. The bogus surveyor charged him KSh. 64,000 to execute survey on his farm in Rift Valley Province. On presentation of the survey, the Director of Survey would not want to see it because it had been done by an unqualified man. Although he did the planning and all other sorts of things, he was not a qualified planner and, therefore, the Government would not want to accept his piece of work. Since the Minister had paid KSh. 64,000 and the Government had rejected the work, he came to me and asked for assistance since, as a fellow politician, we flock together. That is how I came to understand his predicament. After I told him what to do, he went to a private surveyor who charged him only KSh. 42,000 for doing the job all over again.

Mr. Temporary Deputy Speaker, Sir, that is a case where a bogus surveyor whose job is not recognized charged KSh. 64,000 and where a qualified surveyor, who is recognized by the Government, charged only KSh. 42,000 according to the scales of charges passed by this House. So, we seem to be quite ignorant when it comes to the application of the very Act we passed.

I would like us to take advantage of drawing the House's attention to the Survey Act, Cap. 299 of the Laws of Kenya. You will find that everything is extremely detailed as to what we charge for. Do we charge for clearing of bush? Do we charge for too much open land? We charge for different types of service. If we did that, we would be less vocal against the present survey fees which are very moderate. In fact, those fees were revised way back in 1978, and at this time many things have changed.

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

The Minister for Environment and Natural Resources (Mr. Nyagah): Thank you, Mr. Temporary Deputy

Speaker, Sir, for giving me this opportunity to also air my views on this important Ministry. As the previous speaker has said, it is a Ministry of life and death to many of us in this country.

Sir, land became the cardinal point when Uhuru was being fought for. At about the time when this question of land ownership was being considered by this hon. House and its predecessor, we had three types of land operations in mind. We had land consolidation, land adjudication and land settlement. For land settlement, it is reasonably easy because surveyors and the people in the Ministry simply divided the land parcels according to the number of people they wanted to settle, and that was all. Land consolidation was more difficult because we had to consolidate many individually-owned pieces of land which were scattered here and there, thereby disturbing quite a lot of people in the vicinity in question. That exercise was mainly in the Central Province and it was done and more or less completed. We were then left with a relatively easier programme of land adjudication which, to me, has been assuming proportions that it should not have assumed by now.

For instance, in my area, where I thought the work was going to be very smooth and be finished with very quickly, land adjudication has taken a long time. I think there is unnecessary protracting of work by the people who are doing the job. I would, therefore, like to appeal to the Minister to ensure that this work which was started about 15 years ago is completed. As a result of this protraction, land cases are springing up every now and then, and are causing unknown transactional behaviour in the operation of land adjudication.

Mr. Temporary Deputy Speaker, Sir, the other point that I think should be clarified is what *The Standard* newspaper tried to serialize sometime back, and that is the classification of land ownership categories in this country. That is very important. We have the State land, trust land and freehold land. Maybe, it would be easier to understand what a freehold land is because a person has a title-deed for his piece. Maybe, too, it is easier for one to know what State land is. Trust lands are open to abuse, especially by local authorities. They have arbitrarily interfered with parcels of land that have been left within the jurisdiction of local authorities for social and community services. Local authorities seem to think that they can just take a parcel of land and allocate it to friends or use them for services that are not necessarily communal. I think the authorities in this Ministry should ensure that the abuse by local authorities on this matter is put to an end. Sometimes trust land comprises of a big portion of a district, just because it is neither freehold land nor State land. Again, local authorities seem to think that they can do whatever they like with trust land.

I have in mind, Sir, the areas around the big hydroelectric dams along River Tana. The land there is trust land under Machakos, Kitui and

[The Minister for Environment and Natural Resources] Embu districts. If, for development purposes, a sufficient piece of land is taken from the trust land, and it is found that the land that has been taken is too big for the purposes of, for example, constructing a hydroelectric dam the rest should revert to the trust land for the people in the vicinity to be settled. That land should not be given to individuals. I have a case of 17 parcels of land—In fact, I find it difficult to reconcile the people I represent, who have been given 10 acres each in Mwea Settlement Scheme. Around the corner there, a few people have been given over 50 acres each on land that should have returned to Embu County Council as trust land.

Mr. Temporary Deputy Speaker, Sir, group ranches might have been useful when we wanted to have some kind of identification as to who owned what and for what purpose. In the place where I come from we do not have ranches, but for the purpose of land adjudication, groups of people came together and, for instance, you could have five people together as the trustees of a certain group. Those so-called trustees have turned some of those group ranches into their own land. They negotiate and sell it, forgetting that they are trustees of group of people. So, many times in our district development committee we have said that these groups are no longer necessary in our area, and we have suggested that they should be parcelled up like everywhere else, and individual land title-deeds given out. I hope that the hon. Minister for Lands and Settlement will look into this matter and let us have the right of subdividing these ranches among the people for whom the five trustees stood.

Mr. Temporary Deputy Speaker, Sir, the other problem that we face in Embu District is about land registration officers and estate agency officers. I think something should be done to identify who is bogus and who is not bogus. Some of the estate agency officers are swindling wananchi a lot. It has been alleged that they work in league with some of the very junior officers in the lands offices thereby taking land away from people and making them landless. It is possible today to come across a landless person who had land before, but which has either been sold or transferred. I would like the Minister to look into this matter and ensure that lands offices are nothing but the places where a person gets satisfaction and protection for his land.

Finally, Mr. Temporary Deputy Speaker, Sir, physical planning of urban areas should be stepped up. Like the hon. Member who spoke before me said, we need to have physical planning done in towns, markets and in the villages, so that we can develop villages and townships in an orderly manner and for the right developmental classifications. If a piece of land has been set aside as a playground, or for building schools, hospitals, churches or national parks, it should be respected as such. Those concerned should indicate where

roads will pass so that people do not put up buildings in a haphazard manner.

Mr. Temporary Deputy Speaker, Sir, any development in land matters, especially by local authorities, should be in consonant with the development of the district. The district development committee should be involved in determining the future of any of the trust land, whether it is a kiosk or a shopping centre going up. Incidentally, the kiosks that we have all over the places, good as they are—the “jua kali” has been of great relief to mwananchi—should be controlled. I think they are untidy and especially when they are badly sited in the middle of a planned market. They are a source of irritation and eyesore in some places.

With these few remarks, I beg to support.

Mr. Omido: Thank you very much, Mr. Temporary Deputy Speaker, Sir.

I would first of all like to pay a special tribute to His Excellency the President for the manner in which he has settled what would have been a catastrophe in land matters in this country. Everybody in this House knows that land buying companies and organizations bought land and in the end, it was only the leaders who benefited from those lands. It was due to His Excellency the President's foresight that a very dangerous situation was averted. So, for this reason, I would like to pay special tribute to His Excellency the President.

Another thing that I would like to mention is the question of squatters. When we talk about squatters, one only needs to drive from Nairobi to Kitale. As you drive along the road you will see small huts on the roadside. Those huts belong to squatters; people who used to live on former European's land and who, having been thrown out of those lands, have nowhere else to go. When we talk about this problem, it appears as if we are walking on slippery ground. But one of my colleagues, while contributing to this Motion, said that the time has come when we should consider seriously the question of the acres of land an individual in this country should be allowed to possess. I think this is important. It is important because if we do not do this, the squatter population will keep on increasing. The time has come when the situation could explode. I believe that the Ministry should seriously take this problem into consideration and see to it that those people are settled.

Another problem, Mr. Temporary Deputy Speaker, Sir, arises when it comes to the allocation of commercial and industrial plots, or even residential plots to urban areas. The time has come when we should no longer allocate plots to Asians in our urban areas. Any plots for development should be allocated to indigenous Kenyans of African origin because this country belongs to them. The Asian has no loyalty at all whatever we do, because the Asians in Kenya just want

[Mr. Omido]

to rob us and take the loot to Britain. They are in Tanzania to rob Tanzanians and take the loot to New Zealand. Those in New Zealand will rob New Zealanders and take the loot to Britain, and so on. We cannot continue to nurse Asians because no matter what amount of nursing we do, they are not loyal to this country. We should no longer allocate our commercial and industrial plots to the Asian people.

In allocating these plots, I strongly feel that a committee should be established from all the provinces of Kenya. I am saying this because the people of this country as a whole, have a right to share the fruits of economic development in this country. In order to ensure that people from all parts of Kenya have a share in the commercial and industrial sectors of this country, it is only fair that we make sure that they are also given consideration in the allocation of plots when we have them.

Mr. Shikuku: They are giving you Harambee donations.

Mr. Omido: This is what I have in mind. If we do not do so, we will be running a risk where one section of the population of Kenya will dominate all the industries and commercial interests, and this will provide a threat to our very stability which everybody in this country is struggling to build.

It was not long ago when His Excellency the President was addressing a Harambee meeting at the Church of God in Jericho. He directed that the plot next to the church be given to the church immediately. He even told the church to get ready to fence off the plot. I now understand that arrangements are being made to allocate that same plot for other interests. This is a dangerous situation.

In respect of the same Buru Buru area, I have said in this House time and again that the area is inhabited mainly by the young generation which has no social facilities. All we have had are promises that the situation is being considered and arrangements being made in this regard. We have no social facilities in that area in the form of social halls, play-fields or even libraries. This is a serious matter, which I keep on repeating. I want to repeat again that it is time the Ministry took immediate and urgent measures to provide land for these facilities in that area.

Mr. Temporary Deputy Speaker, Sir, there is a school along Rabai Road, and adjacent to it, there is a piece of land. It was agreed years ago that that piece of land should be allocated to that school. However, somebody else is using this piece of land for other purposes, and we do not know why this is being done. In fact, I understand that this piece of land has been sold. If we can take pieces of land allocated for our public use because of greed or personal interests and non-commitment to the development of our people, then this is a very

dangerous situation. We are loading the President with a lot of work because he must come up and say, "This should not be done". Even what the President says should be done is not done because our people are greedy and hungry. This is a serious situation, and I think the Ministry should take serious consideration of this problem.

With those few remarks, Mr. Temporary Deputy Speaker, I beg to support.

Mr. Shikuku: Ahsante sana, Bw. Naibu Spika wa Muda. Ningependa kumwunga mkono Mhe. ambaye amemaliza hotuba yake hivi sasa na kumweleza kwamba mambo haya yote yanatokea kwa sababu watu wengi wamesema katika Bunge hili na katika mikutano ya Harambee, "Hatutaki maneno, tunataka vitendo". Lakini ukitaka kufanya vitendo, ni lazima uwe na pesa, na ukitaka pesa za kutenda, ni lazima ujiuze wewe mwenyewe. Hata ploti ambazo zimetengwa kwa viwanja vya kuchezeza na watoto wa shule vinauzwa ili watu wapate pesa za kutoa katika mikutano ya Harambee. Hii ndiyo sababu wanasema, "Hatutaki maneno, tunataka vitendo", au "Mimi na bibi yangu tumetoa elfu kadhaa za shilingi". Huu ndio ugonjwa, na hatuwezi kusema mambo mengine na kuacha kusema ukweli. Ukweli ni kwamba uongozi wa Kenya unanunuliwa. Usipotoa pesa za Harambee, wewe si kiongozi, na hata ikiwezekana, unaweza kupelekwa katika disciplinary committee ya Kanu. Mungu asifiwe, hiyo kamati imefutuliwa mbali.

Mr. Muthuru: Imevunjwa!

Mr. Shikuku: Imevunjwa. Mwevezi Mungu si Abdallah. Nasema hivyo kwa sababu wao wanasema kwamba ikiwa hutoi pesa za Harambee, una makosa. Kwa hivyo, watu wamejaribu kwa vyo-vyote vile, hata kwa kuiuza nchi yao, ili wapate pesa za Harambee, ndio wawe viongozi katika Bunge hili. Hivyo ni kununua uongozi wa nchi. Popularity today, Mr. Temporary Deputy Speaker, is purchased. Hivyo ni kusema kwamba uongozi unanunuliwa. Unaweza kuwa kiongozi, si kwa sababu ya akili uliyonayo, lakini kwa ajili ya pesa ulizonazo. Hii ndiyo sababu wanasema, "Hatutaki maneno, tunataka vitendo". Lakini vitendo hivi vinaleta wizi na uuzaji wa nchi hii.

Jambo la pili ni kwamba hati za kumiliki ardhi zimeleta taabu kubwa sana. Ukweli ni kwamba—na ni lazima Waziri afahamu jambo hili—wananchi wadogo wanayang'anywa ardhi yao na watu wakubwa, na ardhi hii wamekuwa nayo tangu zamani za kale. Jambo hili linafanyika kwa sababu ya ufisadi katika land registries. Mwananchi anaweza kufikiria kwamba ana ardhi, kumbe, Bw. Shikuku amezungukazunguka huku na kule na kupata hati ya kumiliki ardhi hii. Sasa jambo yule mwananchi atakaloliona ni kwamba atamkuta Bw. Shikuku akiizungusha ile ardhi kwa ua la seng'enge kwa sababu amepata hati ya kuimiliki. Mimi ninazo kesi zaidi ya 20 za aina hii na, ikiwa Waziri anataka, ninaweza kumwonyesha kesi hizo.

[Mr. Shikuku]

Sasa yule mwananchi anapoamka asubuhi, anakimbilia Mhe. Shikuku na kusema, "Nimeambiwa nitoke kwa shamba langu na baba yangu". Ufi-sadi huu uko mwingi sana katika maofisi ya ardhi kote nchini. Wananchi wadogo wanalia. Watu wadogo katika nchi hii hawana haki kwa sababu wanayang'anywa mali yao na watu wakubwa, na haya ndiyo mambo ambayo yamenifanya ni je nimesema katika Bunge hili ili wasikie, na wasiposikia, ni shauri yao. Kawaida ya watu hawa ni kukataa kuyasikia maneno Bw. Shikuku anayosema, lakini baadaye wanayarudia yale yale maneno na kujifanya kwamba wao wanayasema kwa mara ya kwanza. Lakini wananchi si wapumbavu. Wananchi hawa hawakusoma na kwa hivyo, hawana digrii, lakini wana akili na hili ndilo jambo ambalo litawashtua wakubwa siku nyingine kwa sababu wananchi wadogo wamechoshwa na wakubwa. Huenda vita vitatokea katika siku zijazo baina ya watu wakubwa, ambao wanashirikiana na Wahindi ili kuwanyanya watu wadogo mali yao. Hivi vitakuwa vita vikali sana. Wananchi wadogo ni wengi na vita hivi vitakuwa kama vile vya French Revolution. Mimi ninasema juu ya mambo ambayo yatakuja mwishowe.

Jambo la pili ni kwamba tulipitisha sheria hapa Bungeni kwamba watu watakaokuwa wakiangalia mambo ya mashamba watakuwa ni wakuu wa tarafa. Ukweli ni kwamba wakuu wa tarafa hawafanyi kazi yao na sasa wamewaachia machifu na wasaidizi wao, ambao wanawanyang'anya wananchi mashamba. Sasa mtu mdogo hana haki hata kidogo. Ni kwa nini jambo hili linafanyika na sisi tuliipitisha sheria hapa Bungeni? Ni kwa nini sheria hii haifanyi kazi? Jambo hili linafanyika kwa sababu mtu hawezi kuwa katika Kenya ikiwa hana pesa. Ni lazima upate pesa. Wafanyakazi wa Serikali wanataka pesa; wanasiasa pia wanataka pesa, na mwanasiasa ndiye anaumia zaidi kwa sababu anakimbia huku na kule. Hata mwanasiasa anampigia mfanyakazi wa Serikali saluti siku hizi kwa sababu hana heshima tena, na amekuwa mwombaji.

Jambo lingine linahusu ugawaji wa ardhi. Ijapokuwa tungetaka kumpatia kila mtu sehemu kidogo ya ardhi, jambo hili haliwezekani. Ni lazima tuseme ukweli katika nchi hii, kwa sababu si kila mtu atakayepata ardhi. This is impossible! Hakuna nchi kote duniani ambapo kila mtu ana ardhi. Ni lazima tuwaambie watu wetu ukweli, na ukweli huo ni lazima usemwe hapa Bungeni. Jambo ambalo tunataka ni kuwa na mwongozo wa ardhi na kusema ni kiasi gani cha ardhi mtu anastahili kuwa nacho. Ningetaka kumshukuru Mtukufu Rais kwa kuwaokoa watu wadogo kwa sababu walikuwa wamemezwa na hawa "samaki wakubwa" ambao mungozi yao ni kwamba, "Samaki mkubwa kazi yake ni kumeza samaki mdogo". Lakini siku itafika ambapo yule samaki mkubwa atamezwa na samaki mdogo. Ni lazima wakumbuke vile Biblia inavyosema; kwamba kulikuwa na ng'ombe saba wanono ambao walimezwa na ng'ombe saba waliokonda. Siku hiyo itakuja.

Bw. Naibu Spika wa Muda, ni lazima tuwe na mwongozo wa ardhi kwa sababu ugawaji wa ardhi utaleta njaa katika Kenya na Africa yote kwa siku uyingi. Ikiwa watu wananunua shamba kwa njia ya kushirikiana, ni lazima wakae pahali pamoja na kuiacha ile ardhi bila kuigawa. Nimesema juu ya jambo hili kwa miaka mingi sana katika Bunge hili, na hakuna Waziri ye yote au wale wanahusika, ambao wanayasikia maneno haya. Wanapokwenda katika nchi za Ulaya, sijui kama wanayaweke macho yao mifukoni mwao.

Bw. Naibu Spika wa Muda, wewe umeshakwenda katika nchi za Ulaya, na sijui kama uliona nyumba ambazo zimejengwa kila pahali. Ukweli ni kwamba katika nchi za ng'ambo, unaweza kusafiri kutoka Nairobi hadi Athi River ambapo utakiona kijiji kidogo na tena kutoka pale Athi River, utaweza kusafiri mpaka kule Kibwezi ambapo utakiona kijiji kingine kidogo. Ardhi yote kati ya Nairobi na Athi River, imepandwa chakula. Lakini wakubwa wa hapa Kenya wanapokwenda ng'ambo, wanatembea macho yao mifukoni mwao, na hawaoni ni kitu gani kinafanyika kule. Wanapokuja hapa bado wanaendelea kufanya siasa na kusema, "Nitakupatia wewe ekari tano, wewe ekari kumi na wewe ekari tatu au mbili". Lakini hawawambii wale wanaopatiwa ekari moja au tatu wasiendeleo kuzaa. Sasa mtu akipata mtoto, atampatia yule mtoto ekari moja, na yule mtoto akipata mtoto wake, anampatia nusu ekari, na mwishowe ardhi yote ya Kenya itajazwa na nyumba. Sasa watu hawa wata-pata wapi chakula?

Kwa hivyo ni lazima viongozi waangalie mbele na si kufanya siasa za pesa nane. Ni lazima watu wetu waambiwe ukweli, na ukweli ni kwamba ikiwa mtu amenunua shamba ekari kadhaa, ni lazima zijengewe nyumba, na ile ardhi nyingine iachwe ili watu wawe wakilima na kurudi katika kijiji. Nasema hivyo kwa sababu ardhi inazidi kupunguka kwa sababu idadi ya watu inazidi kwenda juu. Huu ndio ukweli mchungu, na si uwongo mtamu. Mwanasiasa ambaye hayuko tayari kumwambia mwananchi anayemwongoza ukweli huu hawezi kuka katika Bunge hili. Hii ndiyo sababu kwa miaka mingi nimewaona Wabunge wengine wakipitia kwa ule mlango, bila kurudi katika Bunge hili. Mimi nimewaona wengi ambao wametokea ule mlango na kwenda kabisa, kwa sababu ya kuwa na siasa za pesa nane.

Ni lazima tuwaambie watu wetu ukweli. Wale ambao wamenunua mashamba kupitia kwa vyama vya ushirika ni lazima waendeleo kuyalima vile yalivyo bila kuyagawanya na kujenga kila pahali. Ni lazima tuokomeshe huu mtindo wa kusema mtoto wa Shikuku atakatiwa shamba hapa, na yeye akizaa, atamkatia mtoto wake, na mwishowe ardhi yote ifunikwe na nyumba na watu kuachwa bila pahali pa kukuzia chakula. Bw. Naibu Spika wa Muda, tutakuwa tukipiga magoti kwa Wazungu wa nchi za ng'ambo, marais na kwa mawaziri wakuu tukilia huko. Ukilia na akupe chakula, hata ukitoa hotuba kali namna gani, hawezi kukusikiza.

[Mr. Shikuku]

Kwa sababu anajua wewe ni mwombaji; hawezi kuyasikia maneno ya mwombaji.

Jambo lingine ni kwamba ingefaa tuwe na land policy. Tumesema kwamba ni vizuri tuwe na land policy; how much arable land should one get, and how much should one not get? Tumeuliza juu ya hii land policy tangu mwaka wa 1963. Haiwezi kupatikana kwa sababu wakubwa walio na uwezo wa kuifanya policy hii ifanye kazi ndio walio na mashamba makubwa makubwa. Mashamba haya yanakaa bure na wanyama ndio wanaokaa huko; hawa wanyama wanatoka huko na kwenda kuharibu mimea ya watu wadogo katika sehemu za makao. Lakini kuna siku mwanamke atamzaa mtoto ambaye atanyoosha mambo haya. Mimi ni "Yohana" na nasema tu nikipita; kuna kijana atakayewanyosha.

Jambo lingine ni kwamba, utapata watu wengine wakubwa wana ploti katika kila settlement scheme. Utapata mtu mmoja ana ploti kama 10 au 15, na hali wengine hawana hata inchi moja ya shamba. Huu ni ulaghai mkubwa, na ingefaa tuwe na Select Committee ya Bunge hili ili tuweze kuangalia na kuona kila mtu ana ploti ngapi. Tukipata mtu ana ploti nyingi, tutamwachia ploti moja na nyingine zigawe kwa watu wengine. Kwa njia hii, tutaendelea vizuri. Ule mtindo wa watu wengine kula na kutapika hali wengine hawana kitu, ni hatari.

Ninaunga mkono.

Mr. Sindano: Ahsante sana Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili nami niungane na Waheshimiwa Wabunge wenzangu kuiunga mkono Voti ya Wizara ya Ardhi na Makao. Kwa kuongezea yale Waheshimiwa Wabunge wengine waliyosema, ningependa kusema kwamba kuna shida ya maofisi ya land registries katika Jamhuri yetu. Kwa mfano, upande wa West Pokot, tunahudumiwa na land registry ya Eldoret, ambayo pia inahudumia wilaya nyingi, kama vile, Uasin Gishu, Trans-Nzoia na Turkana. Inakuwa shida kubwa sana kwa watu wanaoshughulika na mambo ya kubadilisha au kuchukua vyeti vya kumiliki mashamba kama mtu ameua shamba na kadhalika. Inakuwa shida sana kwa mwananchi wa kawaida kusafiri kutoka wilaya hizi hadi Eldoret kwa nia ya kuhudumiwa na hiyo land registry.

Ningependa kuiuliza Wizara ifikirie sana na ikiwezekana, wagawe wilaya hizi na waongeze land registry moja. Ingefaa land registry moja iwekwe katika Wilaya ya West Pokot, ambayo itawahudumia watu wa Wilaya ya West Pokot na watu wa Wilaya ya Turkana, ili ile land registry ya Eldoret iwahudumie watu wa Wilaya ya Uasin Gishu, Elgeyo Marakwet na kadhalika.

Jambo lingine ambalo ningependa kusema linahusu group ranching. Siku hizi, watu wameacha ule mtindo wa group ranching na wanataka wagawiwe mashamba ili waweze kuyastawisha vile wanavyotaka. Sisi watu wa Wilaya ya Pokot tuna lokesheni kadhaa, na watu wa sehemu hizo wameacha mambo ya group ranching na mashamba yamegawa kwa watu binafsi. Mashamba yamegawa, kwa

mfano, katika sehemu ya Komelai, Nariwa na kadhalika. Wanakamati wamegawana mashamba na sasa kila mtu ana sehemu yake. Kitu ambacho ningeiomba Wizara ni kwamba ingefaa iwatume watu wa land adjudication katika sehemu hiyo, ili wanze kuwagawia watu mashamba na kila mtu awe na sehemu yake. Group ranching ilikuwa ikiendelea hapo zamani, lakini sasa watu wanataka pahali pamoja na kuendelea na kazi zao. Kwa kweli jambo hili litakomesha wizi wa mifugo kwa vile watu hawatakuwa wakihama ovyo ovyo. Kwetu sisi ambao tunaishi mpakani mwa Kenya na Uganda, itakuwa vizuri kila mtu akiwa na sehemu yake ya shamba, na itakuwa rahisi kwa maofisa wa utawala kujua ni mtu gani mgeni ametoka nchi jirani na kuingia hapa Kenya. Ningependa kuiuliza Wizara hii ifikirie sana kuwapeleka maofisa wake huko, ili watu waweze kuwa na mashamba yao binafsi. Kwa njia hii, wataweza kustawisha mashamba yao na kufanya kazi ambayo inaweza kuisaidia nchi hii.

Ningependa kusema machache kuhusu wanakamati wa mashamba. Tuna wazee wa kamati za mashamba wanaofanya kazi nyingi kutoka asubuhi hadi jioni, lakini marupurupu wanavyopewa ni ya kiasi cha chini sana. Pesa hizi hazilingani na hali ya maisha ya sasa. Kwa wakati huu, ninajua kwamba wanapatiwa Sh. 15 kwa siku. Pesa hizi ni kidogo sana na hali watu hawa husafiri sana, hasa wale wanaohusika na kesi za mashamba, na inawabidi kwenda katika makao makuu ya wilaya. Watu hawa huzunguka sana na hufanya kazi nzuri sana. Ningependa kumwuliza Waziri aangalie jambo hili, na afanye mpango wa kurekebisha kiasi cha marupurupu ya wanakamati, ili waweze kupata kitu ambacho kitaweza kuwasaidia.

Ningependa kusema machache kuhusu land survey. Katika miji yetu, kama vile Kapenguria Trading Centre, ambayo sasa tunafurahi imefanywa kuwa urban council, ningependa masorovea waingie huko na kuendelea kupima mashamba. Hatujui ni kitu gani kilichosimamisha kazi hii kwa sababu ilikuwa ikiendelea hapo mbeleni. Tungependa tuwe na vyeti vya kumiliki mashamba katika townships au urban councils ili watu waweze kuwa na uwezo wa kuomba mikopo. Kuna mashirika mengine ya Serikali yanayosaidia sana katika mambo ya maendeleo wilayani. Tumefanikiwa kwa vile sasa tuna benki na kadhalika, lakini kama hatuna vyeti vya kumiliki mashamba, inakuwa shida kupata mkopo kutoka benki. Ingefaa Wizara iangalie na kuona kwamba imewatuma masorovea huko, au watafute njia ya kutafuta pesa ili maofisa hawa waweze kuingia katika kila township, ili watu waweze kupata vyeti vya kumiliki mashamba. Ingefaa pia vyeti hivi vya kumiliki mashamba vitolewe kwa wakati unaofaa.

Jambo langu la mwisho linahusu wale watu ambao hawana mashamba. Mhe. Mbunge mmoja alisema hapa kwamba ukitembea barabarani, utaona kwamba kuna watu wanaoishi karibu na barabara, hasa kati ya Kitale na Kapenguria. Kuna watu ambao wamejenga nyumba karibu na barabara, na hayo ndio maboma yao kwa vile hawana pahali

[Mr. Sindano]

pengine. Ingefaa Wizara ifikirie shida ya hawa watu, ili watafutiwe pahali pa kuishi kama Wakenya wengine. Ingefaa watu hawa waangaliwe ikiwa kuna shamba ambalo linafikiriwa kugawa, ili wasipate shida ya kuishi kando kando ya barabara. Jambo hili litaweza kuzuia ajali za barabarani kwa vile watoto hawataweza kukimbia barabarani ovyo ovyo.

Kwa hayo machache, ninaunga mkono.

Mr. Munyao: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to say a few words on this Vote.

First of all, allow me to congratulate the Minister personally, and also his senior officers who are here. Apart from moving his Vote very successfully, he has sat here all along and listened to every hon. Member who spoke this afternoon. This is a credit, and we give it to the particular Minister. Maybe he is used to it because earlier on, having been a financial man, he used to listen to all kinds of borrowers' stories. I congratulate him for that.

Sir, having said that, allow me also to support the words of wisdom which were said by hon. Omido and also hon. Shikuku in so far as the question of allocation of land to foreigners is concerned. Sir, 24 years is not a short time. It is high time we in Kenya had rules and laws to match other international laws of other countries. We must have the law of reciprocity. What applies in other countries must also apply here. It is not easy for an individual from Kenya to travel to, say, Bombay, New Delhi, London, New York, and so on, and apply for industrial or commercial land, or even residential land, and get it. However, foreign embassies need some land to put up their own offices. But how come that everybody, every "Shah" and "Patel" who comes here can apply for land and get it today?

I would urge the Minister for Lands and Settlement to bring a Bill here which will totally block any allocation of land to foreigners except those who are in joint ventures with Government. In this way, joint ventures will be encouraged because Kenya is a lucrative country. It is also a beautiful country for investment. I am sure that we are going to win those clever people with finances. That is the only way we can win joint ventures. So, I would request the Minister to bring in an amendment Bill here, so that this anomaly can be corrected.

Sir, the other issue that is connected with that is that we have so many land laws which work against each other. It is high time the Minister and his senior staff went through all of them, at least, to regularize them, so that we have manageable laws. We have so many land laws which are not manageable. For instance, Muthaiga has a different land law from Lavington, Karen, Machakos, and so on. Even Eastleigh has a different land law; even here where we are, we have a different law.

When are we going to regularize our land laws? It is 24 years since independence, and it is high time we normalized our land laws. We should make it easy for the laws of our country to operate. Even lawyers sometimes swindle people because we have a million and one land laws! Why can we not, as a Ministry, go through our land laws, regularize them and normalize them, so that we have as few land laws as possible, which are manageable? This is an appeal and a challenge to the Minister, so that he can do something about it.

Sir, there is another issue which is lamentable, and I would like the Minister, when he comes to reply, to take time and tell us something about it. We have a lady in Wamunyu Location called Munee Maitha, Identity Card No. 3526734/66. This lady has a title number. The number is: Wamunyu/Kwa Kala/180. The land has been subdivided into three areas which have titles. However, what has happened is so bad that one is bound to cry when one thinks about it. The fact of the matter is that this piece of land is owned by a family of six people. But one person from that family has connived and sold the land—No. Wamunyu/Kwa Kala/180—to a rich conman who is very influential. By doing so, he has deprived these other five people access to their piece of land. I have the documents with me here, and I will give them to the Minister later on since I intend to follow up the matter further.

This lady and her family have filled in this declaration form. In fact, the form was filled on 9th March, 1987, blocking the sale of this land. They have written several letters against the sale of the piece of land, but nothing seems to be happening in their favour. The letter they wrote on 15th June, 1987, was copied to the officer in charge of survey in the area, and everybody else who matters including the Minister for Lands and Settlement and, in that letter, they objected to the change of the title-deed. They wrote another letter on 19th March, 1987; another one on 24th March, 1987, and another one on 26th March, 1987. All these that I am holding are forms which have been filled in objecting to this unfair deal. If it is allowed that this parcel of land be sold to a conman against the wish of these five people, then it will deprive their dependants of their livelihood.

Mr. Temporary Deputy Speaker, Sir, His Excellency the President said that all land cases would be referred to village elders for the purpose of ensuring that fair deals are carried out. The administration has tried all it can, and now we want the local leaders, the clan and everybody else in the area to be involved, to make sure that proper administration of this land will be done. We want each member of that family to get his right share. This lady is very elderly, and she cannot talk to this conman who has a lot of money and power. She has tried to go to various places, but the conman has blocked every way. As I talk here now, we understand that the Machakos Land Control Board might have given another title-deed for the

[Mr. Munyao]

piece of land. What an abuse of the law! Why should we allow something like this to happen? I appeal to the Minister to look at the forms I am holding and the land title-deed because, as a banker, he is used to looking at different title-deeds and knowing the owners. We want this land transaction to be stopped completely until we get the proper word from the clan members and the leaders of that place. If they say that the piece of land can be sold by one person, fair enough. What we want is a fair deal.

Mr. Temporary Deputy Speaker, Sir, a lot has been said on land tricksters, but I want to emphasize on only one thing. There are some very clever people who sell one piece of land to several people, so that they bring a lot of confusion between the buyers. We want the Minister to stand firm and say that once a piece of land has been sold, there should be no more appeals provided that the piece of land is sold in the right way. If a piece of land is sold in the right manner, there should be no appeal from anybody.

The other thing I want to point out is that the Minister for Lands and Settlement has denied the people of Mbooni development for a long time. There are some areas such as Kibauni, Kalawa, Kisau, Kiteta and Mbooni which were declared adjudication areas way back in 1974, but up to now, title-deeds have not been issued. That is great unfairness because the people who live in these dry areas should also survive. If these people can be given their title-deeds, at least, they can develop further. Today, no one can do anything. We appeal to the Minister to release the title-deeds that are ready.

Every time we ask for these title-deeds, we are told that the maps are in Ruaraka, or in the Lands Office. When we go there, we find that the files are full of dust, because nobody looks at some of those files. I congratulate the adjudication office at Marshalls House. I have not been there, but my people tell me that it works faster. The Minister must examine the delay which is at Ruaraka and tell us what is causing it. We hear that the delay is due to aerial maps.

Mr. Temporary Deputy Speaker, Sir, physical planning is another problem. I am sorry it is not in this Ministry, but we must talk about it now because the Minister for Lands and Settlement is in-charge of land policy. We are told that some of the land in Machakos which has been recommend-

ed for surveying cannot be surveyed due to lack of manpower, and also that equipment is too old. Another hindrance is lack of adequate transport, since these officers cannot travel to the recommended areas without means of transport. For how long will this continue?

With those few remarks, I support.

Mr. arap Koake: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to make a few points pertaining to this very important Motion.

One thing that I would like to find out is how the process of subdivision is done. During the subdivision of farms, particularly in Kericho District, there were a lot of mistakes which were found out after the surveyors had left. These mistakes are still there awaiting correction and, as such, I would like to urge the Ministry to see to it that these mistakes are corrected as quickly as possible. This is because once somebody is informed that the subdivision was done incorrectly, he is not going to be keen enough to develop that farm as he is never sure whether he will be moved from that piece of land and leave it together with the development upon it to somebody else.

Much has been said about unqualified surveyors. These people have done a lot of bad work in Kericho East Constituency to the effect that most of the farmers have been forced to pay more money for Government surveyors to come and do the job all over again. I would like to ask the Ministry of Lands and Settlement to ensure that unqualified surveyors are not allowed to survey land since they are aggravating the problems which are already there. Some of these surveyors ran away with wananchi's money. It is, therefore, the duty of the Government to ensure that surveyors do not demand to be paid before they finish the work. These surveyors should be paid through the Government machinery, so that they do not have a way of running away with wananchi's money before they do the work. We now have a problem of following them—

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Karauri): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 29th October, at 2.30 p.m.

The House rose at thirty minutes past Six o'clock.

Thursday, 29th October, 1987

The House met at thirty minutes past Two o'clock

[Mr. Speaker in the Chair]

PRAYERS**ORAL ANSWERS TO QUESTIONS**

No. 633

OWNERSHIP OF PLOT NO. 438—MBUNGUNI

Mr. Mwavumo, kwa njiba ya Bw. Mwakileo, alimwuliza Waziri wa Nchi, Ofisi ya Rais:

- (a) kama anafahamu kwamba Bw. Maganga Mwawaso alivamia kwa nguvu shamba la Bw. Hamisi M. Gakucha, ploti nambari 438, huko Mbunguni Settlement Scheme kulingana na barua No. LND. 16/42/Vol. vi/74 ya tarehe 21 Aprili, 1987, kutoka kwa Mkuu wa Wilaya ya Kwale; na
- (b) amechukua hatua gani ili Bw. Mwawaso alipe gharama ya nyumba aliyobomoa pamoja na gharama ya matayarisho ya shamba la Bw. Gakucha.

The Assistant Minister, Office of the President (Mr. Kubai): Bw. Spika, naomba kujibu.

(a) Ninachofahamu ni kwamba ploti Nambari 438 ni mali ya Bi. Julie W. Mwawasi. Dai kwamba shamba la Bw. Hamisi M. Gakucha lilivamiwa kwa nguvu halina msingi wa wote.

(b) Kufuatana na jibu langu katika sehemu ya (a) ya swali hili, hakuna hatua nyingine yote ninayotarajia kuchukua kuhusu jambo hili.

No. 612

LACK OF TRANSPORT—A.I. PERSONNEL IN LAIKIPIA

Mr. Muthura asked the Minister for Livestock Development what he is doing to alleviate the problem of transport for artificial insemination services personnel in Laikipia District.

The Assistant Minister for Livestock Development (Mr. Oyondi): Mr. Speaker, Sir, I beg to reply.

The problem of transport for artificial insemination services in Laikipia District, and other districts in the country, during the current 1987/88 Financial Year is as a result of inadequate allocation of funds. The Ministry is in the process of re-allocating both funds and vehicles from other services like general disease control to artificial insemination services. The plan of operation between the Kenya Government and the United Nations Development Programme/Food and Agriculture Organization, World Food Programme has allocated Sh. 10 million for the development of artificial insemination services in the country. Of this money expected to be realized within the next 14 days, Laikipia will be allocated Sh. 116,000 for transport and travelling expenses.

Mr. Muthura: Mr. Speaker, Sir, when the calculation was done where Laikipia was allocated Sh. 116,000 for

how long was it thought that this money was going to last?

Mr. Oyondi: Mr. Speaker, Sir, when the money allocated to Laikipia is spent, the Ministry will be there to consider the area for another allocation.

Mr. Muthura: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister in which he says that when the allocated money is exhausted the Ministry will consider allocating more money to Laikipia but we know that cattle should be given artificial insemination at certain times. What will farmers be doing during the time they are waiting for further allocation of money?

Mr. Oyondi: Mr. Speaker, Sir the measure I have mentioned above are short-term solutions but, in the long run, the Ministry, in consultation with the Treasury, will make sufficient financial provision for the transport of artificial insemination services personnel.

An agreement with the Swedish International Development Agency is nearing completion, and this agency will grant Kenya £2.4 million which will be used mainly to purchase vehicles over the next three years, and Laikipia will, obviously, get a fair share of the vehicles.

Mr. Muthura: Mr. Speaker, Sir, the Assistant Minister has talked of short-term planning, but the problem is that of long-term planning. In case the Sh. 116,000, or whatever other amount of money Laikipia will get, from its share of the Swedish International Development Agency grant gets exhausted, will the Assistant Minister allow the farmers there to use bulls so that they do not experience problems?

Mr. Oyondi: Mr. Speaker, Sir, if we are able to plan now, I do not see why we cannot plan for tomorrow also.

No. 626

DELAY IN PAYING BULLEYS TANNARIES WORKERS

Mr. Mwachofi asked the Minister for Labour—

(a) whether he is aware that Bulleys Tannaries Ltd., P.O. Box 15, Thika, declared 600 workers redundant paying them only Sh. 4,000 each;

(b) whether he is further aware that until now 339 of these workers have not received any further payments; and

(c) what the reason is for the delay of the payments and when they will be paid.

The Assistant Minister for Labour (Mr. arap Metto): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Bulleys Tannaries Ltd., declared 595 workers redundant with effect from 6th September, 1982, and that every worker was paid his claim at different rates up to a maximum of Sh. 4,000. This action became necessary when the company was placed under receivership, and the amount paid to each worker is the maximum payable under the Companies Act, Chapter 486 of the Laws of Kenya.

(b) Mr. Speaker, Sir, I am also aware that until now only 239 workers—not 339 workers whose claims were above Sh. 4,000 have not received any further payments

[The Assistant Minister for Labour]

because the receiver/managers have not liquidated the company.

(c) When the company is finally liquidated, the amount of unpaid claims to the affected workers will be paid in equal ranking as any other unsecured creditors.

Mr. Mwachofi: Mr. Speaker, Sir, can the Assistant Minister tell the House who the receiver/manager are and when the exercise is likely to be completed?

Mr. arap Metto: Mr. Speaker, Sir, I do not think I am in a position to tell the hon. Member right away who are the receiver/managers. What I can say is that these workers will be paid as soon as the company has been liquidated.

Mr. Shikuku: Mr. Speaker, Sir, arising from the previous supplementary question, is the Assistant Minister aware that he has not replied to the question asked by hon. Mwachofi as to who were the receiver/managers of the company. This is because when he was getting the reply to this question, he should have found out that information and be able to tell us who they are and when they would be able to complete their work. Is it in the year 2000, when we are expecting water to flow all over the country, or which year.

Mr. arap Metto: Mr. Speaker, Sir, the original question did not ask me to give the name of the receiver, but if the hon. Member and the House needs to know, I will be in a position to give this information next week on Tuesday.

No. 589

TERMINATION OF SERVICES—MR. NDAGONA

Mr. Sifuna asked the Minister for Transport and Communications—

- (a) whether he is aware that Mr. Jamin M. Ndagona WP/RA 082 stationed at Kisii was dismissed from his services in July, 1982 without valid reason;
- (b) why his services were terminated; and
- (c) whether he could investigate further with the possibility of reinstating Mr. Ndagona.

The Assistant Minister for Transport and Communications (Mr. Keriri): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Jamin M. Ndagona WP/RA 082, stationed at Kisii, was dismissed from the services on 31st July, 1982, as he failed to prove his suitability for substantive appointment in the post of executive assistant.

(b) Mr. Ndagona's services were terminated because he was involved in many cases of indiscipline, including unbecoming conduct, misuse of Government vehicles and absolute negligence of his duties.

(c) Mr. Ndagona was dismissed in accordance with the prevailing Civil Service regulations and, as such, he cannot be reinstated into the service.

Mr. Sifuna: Mr. Speaker, Sir, may I know from the hon. Assistant Minister, according to his reply in part (b), what he means by unbecoming conduct? That is

too general. Could he tell us what kind of unbecoming conduct this was?

Mr. Keriri: Mr. Speaker, Sir, it was unbecoming conduct because he engaged in a number of things which were regarded as misbehaviour and I can give one or two examples. One, on 28th and 29th April, 1981, he misused a Government vehicle GK 783 K on two private trips, after working hours.

Mr. Sifuna: On a point of order, Mr. Speaker, Sir. My point of order is that the hon. Assistant Minister is trying to mislead this House. He has just said in his main reply in part (b) "including unbecoming conduct" That is one. Then he says, "misuse of Government vehicles". Now he is reading to us again this part of his original reply. We know that. All that I wanted to know is this unbecoming conduct and not the misuse of Government vehicles. Let him concentrate only on what he means by unbecoming conduct.

Mr. Keriri: Mr. Speaker, Sir, misconduct includes misuse of Government vehicles. If the hon. Member wants me to give him other aspects which are different from misuse of Government vehicles, I will do so. At one stage, in June and July, 1981, he increased the salaries of different casual workers without the knowledge of the engineer in-charge. He also employed a mechanic at the camp without the knowledge of the engineer in-charge. This was also in June and July, 1981. Another one is that, he wrote letters without the knowledge of the officer in-charge, thus overstepping his responsibilities. I could even give more of such misconducts of this man, as we know him quite well.

Mr. Sifuna: Mr. Speaker, Sir, the information given by the Assistant Minister is still misleading the House. On this question of employing extra workers, he did it as he was directed by his superiors. I wonder whether the Assistant Minister could call this misconduct, when this gentleman had been directed by his superiors to employ those workers.

Mr. Keriri: Mr. Speaker, Sir, with all due respect to the hon. Member, I think it is his duty, as he is the one who is alleging that this man was given authority to employ these people, to give us evidence to prove that he was authorized to do that.

Mr. Speaker: Mr. Omido's question.

Mr. Omido: Mr. Speaker, Sir, before I ask my question I would like to make a small correction. In part (a) the second word should be "has" instead of "is".

No. 628

PAYMENT OF PENSION TO LATE MUDHUNE'S WIDOW

Mr. Omido asked the Minister for Transport and Communications—

- (a) why the widow of the late Hilarius Mudhune, P/No. 74139 formerly of Kenya Railways has not been receiving any benefits under the Widows and Children Pension Scheme; and
- (b) whether he would ensure that the widow is paid all the arrears due as a matter of urgency

[Mr. Omido]

as the deceased's children cannot go to school for lack of school fees.

The Assistant Minister for Transport and Communications (Mr. arap Koech): Mr. Speaker, Sir, I beg to reply.

(a) The late Mudhune died on 18th December, 1980, whereas the Kenya Railways Corporation (Pensions) Regulations, 1983 commenced on 1st January, 1982, for the "dependants' pensions". Since Mr. Madhune died before the introduction of the scheme, his estate could not benefit from it.

(b) All that is lawfully due to the estate of the deceased, from the Kenya Railway Corporation, has been fully settled since December 1981. There is nothing more to be paid from the Kenya Railways Corporation in this connection.

Mr. Speaker: Next question.

No. 621

PLANS TO EXPAND BUSIA GENERAL HOSPITAL

Mr. Otwani asked the Minister for Health—

(a) whether he is aware that in-patients at Busia General Hospital share beds and that other patients are forced to sleep on the floor due to lack of beds; and

(b) what immediate plans he has to expand the hospital.

The Assistant Minister for Health (Mr. arap Cheboiwo): Mr. Speaker, Sir, I beg to reply.

(a) Yes. I am aware of the problems facing in-patients at Busia General Hospital.

(b) As the hon. Member is aware, recommendation for the expansion of Busia General Hospital should come from the Busia District Development Committee (D.D.C.), of which he is a member. Recommendation for expansion of the hospital is invited after which we will endeavour to find financial resources to expand the hospital.

Mr. Ekidor: Mr. Speaker, Sir, waiting for the D.D.C. to make recommendations takes a long process. What immediate plans, as an Assistant Minister, is the taking to alleviate this problem of sharing beds at Busia General Hospital?

Mr. arap Cheboiwo: The immediate plans we have, Mr. Speaker, Sir, are that as soon as we receive the recommendation from the Busia D.D.C. we shall take the necessary action.

Mr. Sifuna: Mr. Speaker, Sir the answer given by the Assistant Minister is quite misleading. We all know that various district development committees have been recommending various projects for implementation by the Government but implementation has not taken place. Could the Assistant Minister be more honest and tell the House what action he is going to take to solve this problem? The District Development Committee has already submitted its recommendations for the expansion of this hospital and the Assistant Min-

ister should tell the House when this Ministry is going to provide funds for expansion of Busia District Hospital.

Mr. arap Cheboiwo: Mr. Speaker, hon. Sifuna should not tell me to be more honest because I have given an honest answer. He is talking about "various projects" but this question is specifically talking about Busia District Hospital. If the Busia District Development Committee has sent recommendations to the Ministry, I am sorry to say that we have not received them. If we receive these recommendations we shall take the necessary action.

Mr. Speaker, Sir, Busia General Hospital has 146 beds and a daily out-patient department attendance of 250 patients. There are at least 200 in-patients in this hospital at any given time. Busia General Hospital is situated on the border between Kenya and Uganda, as we are all aware. Consequently, it serves patients from both countries; with an estimated 30 per cent of the patients coming from Uganda. It is a referral hospital for the entire district and it serves a population of approximately 400,000 people.

Mr. Otwani: Mr. Speaker, Sir, I would like to know from the Assistant Minister whether it is the Minutes of the D.D.C. that he would like me to present or the report, which I believe is in his office? The Minister for Health has personally visited Busia General Hospital. Does he require me to sent the Minutes of the D.D.C. or to the Ministry? If I do it next week will he take action?

An hon. Member: Say "yes".

Mr. arap Cheboiwo: Yes, Mr. Speaker, Sir.

Mr. Speaker: Mr. Muniyo's question.

No. 585

GRANTS FOR EDUCATION PROGRAMMES IN MACHAKOS

Mr. Muniyo asked the Minister for Culture and Social Services—

(a) how much money was granted through External Development Fund to the Department of Adult Education in Machakos in 1986/87 and 1987/88 on general training, material procurement, model adult education centres, divisional adult education offices, part-time honoraria and literacy campaigns;

(b) the reasons for the shortfall in allocations in 1987/88; and

(c) whether he is satisfied with literacy campaigns by his officers in this district which has a large percentage of illiteracy and what plans he has to promote the campaigns.

The Assistant Minister for Culture and Social Services (Mr. Michuki): Mr. Speaker, Sir, I beg to reply.

(a) External Development Fund grants were allocated for the adult education programme in Machakos for 1986/87 and 1987/88 as follows:

Item	1986/87 K£	1987/88 K£
Training	200,000	70,000
Materials Procurement	280,000	65,000
Model Adult Education Centres	60,000	30,000

[The Assistant Minister for Culture and Social Services]

Divisional Adult Education Offices	70,00	35,000
Part-time Teachers Honoraria ...	270,000	270,000
Literacy Campaign ...	60,000	30,000

Mr. Speaker, Sir, the total grants for the two comparative years are as follows: K£ 940,000 in 1986/87 and K£ 500,000 for 1987/88.

(b) The funds are provided by the European Economic Commission through the Ministry of Finance, which in turn allocates the said funds to the various Ministries and Departments according to the urgency of their needs and depending on the availability of funds. I am however, aware that two other departments within the Machakos Integrated Development Programme also suffered a shortfall in their 1987/88 allocations.

(c) At the inception of the Department of Adult Education in 1979 the number of illiterate adults in Machakos District was estimated at 272,945 people. This figure influenced the allocation of 575 adult education teachers in the district. Since that time, a total of 120,391 adults have gone through the Adult Education Programme and are actively and effectively participating in development activities in Machakos. The Ministry has introduced, on a pilot basis, village resource centres intended for information gathering and dissemination. These centres will not only bring people closer to each other but will also provide fora for exchange of ideas. I am therefore satisfied with the literacy campaign in Machakos District.

Mr. Speaker, Sir, Machakos District has the highest number of adult education teachers in the country, and is better provided for in terms of transport facilities because of the special funding by the European Economic Commission. The Ministry will therefore intensify its efforts in mobilizing wananchi to take advantage of these facilities. The adult education personnel will collaborate more closely with the local and national leaders in the district in order to design more co-ordinated and effective methods of literacy promotion. In addition, the Ministry will introduce specialized skills in the fields of home management and income generation in a bid to make literacy even more functional and relevant to national development.

Mr. Speaker: Order! May I appeal that we try to shorten what we say here because otherwise we will not be able to go through. We should not make it too long.

Mr. Michuki: On a point of information, Mr. Speaker, Sir.

Mr. Speaker: Yes.

Mr. Michuki: It is just the nature of the question which lengthened this answer. A short summary of this cannot convey the meaning.

Mr. Speaker: What I mean is that if you look at the Order Paper you will see the remarks "Not Later Than 3.30 p.m." which means we have got to limit ourselves to that time. If we are not careful we may find that we cannot go through.

Mr. Munyao: Mr. Speaker, Sir, you must have noticed that the answer given by the Assistant Minister

is too long. The answer has created total confusion and that is why the Assistant Minister was given such a long reply. Is the Assistant Minister—who has also been an Assistant Minister for Finance—aware that the shortfall in grants across as a result of the Machakos Office being unable to use properly all the money allocated to the district in 1986/87?

Mr. Michuki: Mr. Speaker, Sir, I am not aware.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. It appears there is a small meeting in this corner of the Chamber and we can hardly hear what the Assistant Minister is saying.

Mr. Speaker: Order! Let us confine ourselves to our duties in this House.

You may repeat your supplementary question, Mr. Munyao.

Mr. Munyao: Mr. Speaker, Sir, I said that the Assistant Minister, who has also been an Assistant Minister for Finance, and who is more conversant with financial matters than I—Is he aware that the reason why there was a shortfall between 1986/87 and 1987/88 is because of the inability of his officers in Machakos to use the money properly?

Mr. Michuki: Mr. Speaker, Sir, I am not aware of that. Let me also hasten to add that if I were to go into the question of the shortfall, it must also reflect the success of implementation because projects which have been executed cannot be revoked for money. The reason why there might not be more money from that source need not necessarily be what the hon. Member alleges to be the case.

Mr. Munyao: Mr. Speaker, Sir, I am a member of the Machakos District Development Committee D.D.C. and this department comes under the Machakos DDC. We have severally talked about the inability of the officer and that is why whenever he talks he keeps on discussing his deputies. Is the Assistant Minister aware that officers' failure to implement Government projects in Machakos has caused a lot of concern to all leaders?

Mr. Michuki: Mr. Speaker, Sir, I said that the Ministry is satisfied with the way the literacy programme is taking place in Machakos but if the hon. Member has any specific case, certainly he can come and we will discuss it in the Ministry.

Mr. Speaker: Let us go back to Mr. Ndzai's question.

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

Mr. Speaker: Order! Let us go back to Mr. Ndzai's question.

(Question dropped)

MINISTRY TO PAY SALARIES OF VETERINARY SCOUTS

Mr. Speaker: Mr. Ndzai not yet in? Next Order.

(Question dropped)**QUESTIONS BY PRIVATE NOTICE**

LAMU MEMBERS NOT ALLOWED TO ADDRESS THEIR CONSTITUENTS

Mr. Mzamil kumwuliza Waziri wa Nchi, Afisi ya Rais ni kwa sababu gani Mkuu wa Wilaya ya Lamu