

Fifth Session

REPUBLIC OF KENYA

THE NATIONAL

ASSEMBLY

OFFICIAL REPORT

Wednesday, 28th October, 1987.

MORNING SITTING

NOTICE OF MOTION

Tarmacking of Road C 18 Linking Oyugis, Rodi Kopany and Sori Centres in South Nyanza District (Mr. Mbori)

ORAL ANSWERS TO QUESTIONS

Questions Nos. 617, 595, 455, 583, 602, 537, 610, 317 and 561.

QUESTIONS BY PRIVATE NOTICE

Refusal to Give Students Identity Cards (Mr. Hassan) - Deferred.

Summary Dismissal of Mr. Peter Otieno by Cargo Containers Ltd. Mombasa (Mr. Kiliku)

Purchase of £924,000 from the Central Bank by the Bank of India (Mr. Lukindo) - Deferred.

Closure of Riomoro Primary School by the Local Administration (Mr. Abuya-Abuya)

Directors of Kenafric Business and Credit Holdings (E.A.) Co. of P.O. Box 97309, Mombasa (Dr. Wameyo)

POINTS OF ORDER

Closure of Riomoro Primary School - The Matter Cannot be Debated under Standing Order No.20 Because it has Featured as a Question on the same Day.

Mosques Being used to Hatch up Political Tricks and Machinations Against Other People - the Hon. Member who made those Allegations Requested to Withdraw thm but the Chair Rules that It Does not Know Anything About the Issue.

State of Insecurity in Isiolo District - The Minister of State, Office of the President Requested to Make a Ministerial Statement to Clarify the Matter.

Encouragement of Tribal War by Some Leaders in Isiolo District - The Minister of State, Office of the President Requested to make a Statement in the House About the Matter.

Allegations by the D.C. Machakos that there is Widespread Dath Taking in the District - The Minister of State, Office of the President Requested to Investigate the Issue and Make a Statement in the House to Clear the Air.

Carrying of Parliamentary Debate Out of the Chamber - Out of Order.

Whipping of People by Kapcherop District Officer - The Hon. Member should Follow the Proper Procedure of Asking a Question or Tabling a Motion Instead of Making a Speech About the Issue.

Construction of Kisii/Chemosit Road - The Contractor Taking  
Away Government Machinery - A Statement on the Issue will  
be Made at a Later Stage.

MOTIONS

Additional Water Pipeline from Mzima Springs to Mombasa -  
Mr. Kiliku on 21-10-87 - Resumption of Debate Interrupted  
on 21-10-87 - An Amendment Proposed by an Assistant  
Minister for Water Development (Mr. Kiptanui) -  
Negatived.

Raising of Retirement Age Civil Servants (Mr. Mate) Debate  
Interrupted Without Question Proposed.

H A N S A R D

Wednesday, 28th October, 1987

The House met at Nine o'clock.Mr. Speaker in the Chair

## PRAYERS

## NOTICE OF MOTION

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

Question No. 617

MR. OMIDO asked the Minister of State, Office of the President:-

(a) whether he is aware that Mr. Donald Olumasai paid Shs.4,000/= vide receipt No.1281 of 9th September, 1981, and another ~~Shs.4,000/=~~ 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 ~~the land~~ 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

MR. GUIDO (CTD.):

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 <sup>Sevona</sup> ~~Kipena~~, Trans-Nzoia District, measuring 450 acres from Stemcam and Herman 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 Shs.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. ~~Yes, they are 700.~~

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

Question No. 595

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?

(Question deferred)

Question No. 455

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) whether 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 Brooke Bond Liebig (K) Ltd. Since the plots to settle these people in 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 of land in 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?

END A

MR. NYAKIAMO: Mr. Speaker, Sir, there are five people who are concerned <sup>involved</sup> with <sup>this</sup> ~~the~~ matter and there are 26 acres of land to be divided among them. I cannot, however, tell the hon. Member how many acres Mr. Kipkoech arap Leting has got, or how many acres Mr. Kipkoech arap Chepgorus, or Mr. Chepkwany arap Lesoi or Mr. <sup>Kiprot</sup> ~~Kiprot~~ arap Mitei <sup>has</sup> have 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 ~~xxxx~~ 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 that they were to be given alternative land through the Government because the Government had asked the Brooke Bond Leabig (K) Limited to give us the land. The gist of the matter is that the Provincial Administration had approached M/S Brooke Bond Leabig (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~~ it for the expansion of the school. That is why the Government came to agreement and ~~even~~ that is <sup>why</sup> <sub>how</sub> the five people got alternative land.

MR. MUTISO: Mr. Speaker, Sir, would the Minister tell the House the ~~average~~ acreage of the <sup>said</sup> ~~1/2~~ pieces of land which were taken over by the Government for the extension ~~in~~ 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 ~~how~~ the acreage each individual is getting, but obviously, it will be equal to what they had given.

Question No.583

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) whether 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 sometime in 1979 and sustained back injuries but it ~~is~~ 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 ~~is~~ incapacitated to the tune of 5 per cent incapacity and that he has never been paid compensation.

(b) 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 ~~is~~ despite the fact that the accident 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 of the accident.

MR. MUNYAO: Mr. Speaker, Sir, I am ~~xx~~ surprised that the Assistant Minister says he is aware and that he cannot ascertain that the accident occurred in the course of <sup>Mr. Kitavi</sup> ~~his~~ carrying out his employment 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 ~~deny~~ refuse to answer a direct question? In answering part (a) of the Question, he accepted that Mr. Kitavi was injured. Mr. Kitavi was injured ~~xxx~~ while working where he was employed. What was the Assistant Minister then coming here to reply if at first he did not ascertain that?

MR. arap METTO: Mr. Speaker, Sir, if the information given by the hon. Member is a correct one, then maybe if the hon. Member can give us proof that this accident happened there - an accident can happen elsewhere - ~~but~~ <sup>The</sup> information that I have in the office does not indicate that. Up to this particular moment, until somebody proves me wrong with facts that this happened in the county council hall, then I do not see ~~how~~ how I can now agree with the hon. Member ~~unless~~ <sup>if</sup> 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. DMIDO: Mr. Speaker, Sir, the <sup>former</sup> employee has told the hon. Member that he <sup>fell</sup> 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



MR. OMIDO (Ctd.):

the employee concerned has informed the hon. Member who is now telling the House 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 <sup>that</sup> I said is that I am aware that this employee had an accident. But the only thing that I ~~do~~ did not say that I am aware <sup>of</sup> is where this accident occurred. Now ~~that~~ the hon. Member is telling the House that this occurred in the county council hall. If that is true, then may I be given more time to ascertain or to investigate further because according to the information that I have, they are not able to tell exactly <sup>whether</sup> that 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 of the Workmen's Compensation Act <sup>does</sup> contradicts the Assistant Minister's answer. <sup>This is</sup> Permanent injury cannot be 5 per cent incapacity.

MR. arap METTO: Mr. Speaker, Sir, the information <sup>I have indicated that</sup> ~~that I have indicated that~~ I am aware that Mr. Kitavi is incapacitated to the tune of 5 per cent ~~incapacity~~. That is the information that I have and I have also said that it was due to an accident. All <sup>that</sup> 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.

B.5.....28.10.87

MR. SPEAKER: Next Question.

~~MR. OMI DO~~  
~~AN HON. MEMBER:~~ On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: No. We ~~must~~ are running short of time and we must move on. Let us go to Mr. Wakiondo's Question.

Question No.602

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.

END B.....

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 back home. That is the information I have and I would like the Assistant Minister to take 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 because it will assist me to carry out further investigations. If the hon. Member gives me a letter or a document of that kind to show 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 that 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 deserted 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 to us 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 the answers given by 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~~ be fair, to establish the truth about the numerous cases affecting workers in this country?

MR. arap NETTO: 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 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<sup>are</sup> 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, and it is not true, for<sup>the</sup> hon. Member to say that we in the Ministry rely only on information given to us by the employers.

MR. SPEAKER: Mr. Mwachofi's Question.

MR. MWACHOFI: Bw. Spika, kabla sijaliuliza Swali hili ningependa kufanya sahihisho kwenye msitari wa mwisho, sehemu inayosema "---alipojibu Swali nambari 22" Swali lenyewe lilikuwa nambari 222 ambalo nililiuliza mnamo mwaka wa 1985.

Question No.537

MR. MWACHOFI alimuuliza Waziri wa Utamaduni na Huduma za Jamii:-

- (a) Idara ya elimu ya watu wazima inao maafisa-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 maafisa-elimu hawa wamebaki katika kiwango cha mshahara chini ya kile cha wenzao wa Wizara ya Elimu hata baada ya Waziri kuahidi mabadiliko alipojibu Swali nambari 222 mwaka wa 1985.

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES(Mr. Michuki): Bw. Spika, naomba kujibu.

(a) Katika nchi yote nzima kuna maafisa-elimu 322 na walimu 9,377. Katika wilaya ya Taita Taveta peke yake sasa kuna maafisa wanne baada ya mmoja wao kujiuzulu hivi majuzi na kujipatia kazi katika kundi lisilo la Serikali. Ofisa mwingine atapelekwa huko 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 maafisa-elimu <sup>wa</sup> 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 wam<sub>u</sub>ekuwa 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 maafisa-elimu ya watu wazima na wale wa Wizara ya Elimu. Tofauti zilizokuwapo ~~xi~~ ziliondolewa mwezi wa Mei, 1986, kwa kupandishwa cheo kwa maafisa-elimu wasaidizi (Assistant/Adult Education Officers) kutoka kiwango cha "G" hadi kiwango cha "H".

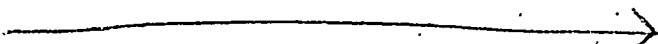
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MR. MWACHOFI: Bw. Spika, tarehe 5 Juni, 1985, niliuliza Swali nambari 222 hapa, ambalo linafanana na hili, na likajibiwa na mhe. arap Metto ambaye alisema kwamba kulikuwa hakuna tofauti yoyote kati ya mishahara ya maofisa wa Idara ya Elimu ya Watu Wazima na wale wa B. Wizara ya Elimu, Sayansi na Ufundi. Leo tunapewa jibu kama hilo ila tofauti ni kwamba tumeambiwa kwamba mabadiliko yalifanywa mwezi wa Mei, 1986. Hivi ni kusema kuwa katika mwaka wa 1985, wakati nilipokuwa nikijibiwa, kulikuwa na tofauti. Waziri Msaidizi anaweza kuliambia Bunge hili ni kwa nini Wizara ililipotosha Bunge siku hiyo kwa kuliambia kuwa hakuna 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, siyo kusema ya kwamba 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 wanazoziuliza sasa nimesema kuwa 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~~ put to him was very specific. In June, 1985, 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 

MR. MUTISO (ctd.):

Job Group "G" to "H". Is he in order to continue misleading the House by not being sincere in telling the House that ~~this Assistant~~ <sup>he</sup> 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 ya haya, lazima ana maoni yake, lakini maoni yetu katika Wizara ya Utamaduni na Huduma za M 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 a question 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 ambayo yanatofautiana. Nilivyosema ni kwamba, wakati ule mishahara ilikuwa sawa, lakini--

(an hon. Member tried to catch  
the Speaker's eye)

Nafirikiri ningekubaliwa nijibu kwanza, halafu tuangalie kama kutakuwa ma 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 sheme of services ambayo inawapandisha kutoka gradi ya "G" hadi ya "H".

MR. SHIKUKU: Jambo na nidhamu, Bw. Spika. Kwa vile mhe. Waziri Msaidizi anaendelea kulipotosha <sup>Bunge</sup> ~~Jamba~~ hili, pengine ingekuwa vizuri i tuliwache swali hili mpaka HANSARD inayoweza kuonyesha vile mhe. arap Metto--

(Mr. Mwachofi rose up with a HANSARD  
in his hands)

Ahsante sana. <sup>Mw. Mwachofi</sup> Anayo pale Bwa Spika. Basi, mhe. Mwachofi anaweza kutusomea majibu ya mhe. arap Metto ambaye alitoa mwaka ule na tukipata kwamba yeye alisema kuwa kulikuwako na tofauti <sup>mhe. Mbunge</sup> ~~mheniwa~~ huyu lazima awe 'named' because ha is underrating our intelligence'.



MR. MICHUKI: Bw. Spika, ingawa hayo ni juu yako kuamua, sioni kwa sababu gani sababu ambayo nimetoa hapa haikubaliwi, kwa kuwa mishahara kuwa sawa na mwingino 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 anapoendelea kulipotisha Bunge kwamba Bunge halikupotoshwa tarehe 5, Juni, 1985, ni kama mtu anayeendelea 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, alikataa kufanya hivyo. Kwa hivyo, Bunge lilipotoshwa tarehe hiyo na Waziri Msaidizi na anafaa aombe msamaha kwa m 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. Hakuna 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 kwamba hakuna tofauti yoyote. Hata hivyo, kama kumekuwako na shida ya aina hiyo Wizara yangu imesharekebisha jambo ambalo halikuwa sawa. Kama mhe. Mbunge anaweza kutoa majina ya maofisa wa fulani ambao wana shida kama hiyo, ninaahidi Bunge hili kwamba mambo hayo yatarebishwa".

Tuliendelea hivyo hata mwisho tukamwambia aiweke scheme of service hiyo Mezani, lakini akanyamaza na mambo yakaishia hapo.

Ni kwa sababu, baada ya mambo haya bado tumepata malalamiko mengi ndipo tukauliza Swali tena na sasa tunaambiwa kuwa siku hivyo halikujibiwa hivyo hali ilikuwa hivyo.

D.4.....28.10.87

MR. MWACHOFI (ctd.):

Dw. Spika, ningependa Mawaziri Wasaidizi hawa waombe msamaha na pia ningependa uniruhusu kuuliza Swali moja Ziada kuhusu sehemu ya (b) ya jibu la Waziri Msaaidizi ambako anazungumzia juu ya walimu 9,337 ambao hawana scheme of service lakini watafuzu mwezi wa April, 1988. Anawoza kuliambia Jumba ni kwa nini anatuambai sasa eti walimu hawa ambao waliyaanza masomo haya mwaka wa 1981 na wakaahidiwa kuwa baada ya miaka miwili na nusu watahitimu, watahitimu mwaka wa 1988 na na hali tunajua kuwa kutoka mwaka wa 1981 hadi mwaka 1988 si miaka miwili na nusu? Kwa nini imekuwa hivyo?

END ..... D

MR. MICHUKI: Bw. Spika, mafunzo ya walimu ni lazima yachunguzwe kulingana na mpango ulioko wa kuwaelimisha 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 kwamba kutoka 1979 hadi leo si muda mrefu, na katika Wizara ya Utamaduni na Huduma za Jamii ~~ta~~ tumekuwa tukitayarisha vyombo ya vya kufundisha watu wazima. Kwa hivyo, tungali tunaendelea kuchunguza jambo la kuwa na vyombo vya kufundisha. Mpango wa mafunzo ya watu wazima ~~umeingizwa kutika~~ umetiliwa maanani.

MR. SHIKUKU: Unalipotosha Bunge!

MR. MICHUKI: Bw. Spika, bado nalijibu swali la ziada la M mhe. Mwachofi. Ikiwa mhe. Shikuku anafikiria nalipotosha 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 kwamba katika kuchunguza jambo la mafunzo ya walimu wa watu wazima, ni lazima kwanza tuwalinganishe na ~~sa~~ 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?

28.10.87.

Question No. 610

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

MR. MUTHURA: Mr. Speaker, Sir, is the Assistant Minister telling ~~he~~ 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~~ unit screened films in three centres in ~~the~~ Laikipia District including Nanyuki area. In 1987, the unit has screened ~~the~~ 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, the Assistant Minister has enumerated several ~~films~~ 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 the month when it was screened <sup>in 1987?</sup>

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 ~~month~~ of the film was screened. However, if he wants me to give the title of the film, I can still get that information ~~in~~ from my ~~Ministry~~ Ministry.

28.10.87.

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~~ 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 that 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 refers me to the district development committee for future screening, is he not misleading the House?

END..... E.

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. ~~Otherwise~~ Otherwise, the films have been in progress and they have been showing through out the districts.

MR. MATHENGE: Mr. Speaker, Sir, arising from that answer given 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 ~~even~~ mentioned areas in my Constituency such as Rimurati, Subili and Durumo, and he has even mentioned the dates when these films were ~~shown~~ 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~~ films were advertised to inform the people that they would be shown on a particular date at a particular place. We were not aware when these films were being brought and they ~~w~~ are very important.

MR. KHASAKHALA: Mr. Speaker, Sir, every district has got a district information officer who sends a circular through the chiefs and assistant chiefs to inform them when a certain film would be shown at a certain area, <sup>whether</sup> ~~with~~ at a market centre, a divisional ~~headquarter~~ headquarter or a school playground. This circular to the district officers, the chiefs and the assistant chiefs, If those officers do not inform their people, then it is unfortunate. However, circular is always sent out by the district information officers giving the dates and details

MR. KHASAKHALA (CTD.):

of ~~z~~ 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.

MRS KIKUYU: On a point of order, Mr. Speaker, Sir. When the Assistant Minister was answering a supplementary question, he told the Member of Parliament 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 this is a duty of the Government to inform and educate the ~~px~~ 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 ~~z~~ what the Government wants, and know the Government policies; It is not the D.D.C.s which should do this. Why should he ~~refer~~ refer us back to D.D.C.s for issues that do not concern them?

MR. KHASAKHALA: Mr. Speaker, Sir, D.D.C.s 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.s 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 that there is only one van in every ~~px~~ 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

MR. KHASAKHALA (CTD.):

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 in complaint.

MR. MUTHURA: Mr. Speaker, Sir, I can see that the Assistant Minister is making a way. He has said that a circular is always sent to chiefs and assistant ~~the~~ 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.

Question No.317

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 ~~xxxx~~ cane, was acquitted on appeal; and
- (b) should the answer to (a) be in the affirmative, what steps does the Attorney-General intend to take to ensure that ~~in~~ this mwananchi and other innocent wananchi are compensated.

On a point of order, Mr. Speaker, Sir. This Question was asked sometime in the middle of last year, and to my surprise I have not been given a written reply from the Attorney-Generals Chambers. This is very unfair. It was asked in 1986.

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, I apologise for that. However, if the hon. Member ~~has~~ checks in his ~~my~~ pigeon hole, I am sure he ~~will~~ 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 that I said was that if the hon. Member would check in his ~~pe~~ pigeon hole he might ~~s~~ 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 and ~~x~~ he does not give it to the Questioner or the Back-bencher until three minutes to the Question Time. I have checked with the Clerk and he does not have it, and it is 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. 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 ~~wa~~ will check where it landed if the hon. Member did not ~~x~~ get it.

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

According to the records, Mr. Samuel Mwaure Njihia has had several criminal cases of robbery with violence. contrary to Section 2962 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 ~~ix~~ delivered in 1986 and 1987.

THE ATTORNEY GENERAL (Mr. Muli)(ctd.):

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 ~~xxxx~~ nothing to stop the prison authorities to carry out their duties in respect of the imprisonment ~~of~~ accorded to this culprit.

(END.....F)

*[Handwritten signature]*

THE ATTORNEY-GENERAL (Mr. Muli) Ctd:

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 anyone who has succeeded in an appeal to be paid ~~any~~ 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 caned 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 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 which was committed in 1971, he was convicted and sentenced to a jail term of 14 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 convicted and, maybe, 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 the 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 permit for compensation as I said before. With regard to the magistrate who ~~xx~~ 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 <sup>it</sup> 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 apprehend 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 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. Mwaaura was jailed for whatever offences. Is he telling us that Mr. Mwaaura was not capable of rehabilitation and reform?

MR. MULI: Mr. Speaker, Sir, robbery with violence carries mandatory death sentence. Mr. Mwaaura was convicted of robbery with ~~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 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 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 recommend 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.

Question No. 561

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. Cherikona Welemusaya as per allotment letter dated 29.10.1965;
- (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.150) 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 are used. I would like to say that by writing and answer and reading it may be incomprehensive. The position here is that there was a man called "A" who was allotted 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 these names to the land registrar and says: "I am 'A' ". Obviously, there is a catch here because the names are similar.

END G

THE ATTORNEY-GENERAL (Mr. Muli)(contd.):

However, the case goes to court, and the Court of Appeal finds that as a matter of fact, 'A' cannot be 'C', <sup>because of</sup> ~~for~~ the simple reason that they are different people. ~~As a result of this finding,~~ <sup>T</sup> 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. Cherikona 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 to under the Law of Succession. This was because 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. ~~Therefore, he cannot have the land because it must~~

<sup>devolved</sup> (c) Therefore, he cannot have the land because it must ~~be vowed~~ 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 ~~which~~ the Attorney-General is talking about is not the same piece of land we are talking about. <sup>When he died</sup> ~~The~~ grandfather died, and ~~he~~ was buried in his own land. <sup>This</sup> ~~That~~ 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 <sup>is</sup> this Question before the House, so that this gentleman should not ~~be~~ denied his rightful land. Could the

MR. SIFUNA (contd.):

Attorney-General, therefore, ~~make~~ <sup>ensure</sup> 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 <sup>of this land</sup>.

MR. MULI: Mr. Speaker, Sir, there is a point of principle here. The principle is this; <sup>T</sup>hat 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~~ <sup>decisions</sup> 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 a "court of appeal" over the Court of Appeal which is constituted. The other point is that when this land was allotted, Henry Chilikona Welemusaya <sup>Waklungu</sup> was a small boy, and he could not have been allotted this land. The policy at that time was only to allot <sup>land to</sup> adult landless, but not 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 <sup>whether</sup> Mr. Henry Chilikona Welemusaya is the rightful owner of this piece of land. This gentleman could not have taken all the trouble <sup>to go up to the court of appeal</sup> ~~up to appealing~~ 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 died has got a different piece of land. He was never buried in that ~~piece~~ <sup>that</sup> particular piece of land <sup>that</sup> I am referring to. I am talking about <sup>Plot</sup> ~~Plot~~ No.162. It does not belong to the grandfather, it belongs to this particular boy. That is why I am appealing to the Attorney-General to make sure that justice <sup>is</sup> should not be denied ~~to~~ this particular boy. Could he do that? End H) *Ru*



~~THE ATTORNEY GENERAL (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 my self 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.

~~MR. KILIKU: Mr. Speaker, Sir, may I, for the second time ask Question No. 595.~~

Question No. 595

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 the Minister will take 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 ~~Min~~ 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, by the time this market was first opened, there ~~was~~<sup>were</sup> 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<sup>5</sup> by Private Notice.

QUESTIONS BY PRIVATE NOTICE

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~~ 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 ~~a~~ 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 to allow us to answer this Question later, because we have ~~not~~ <sup>do not have</sup> got 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 that we will be able to reply to it when it is brought to the Order Paper again.

MR. SPEAKER: Mr. Kiliku's Question.

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 ~~x~~ 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 M/S Cargo Containers Limited, Mombasa, on 7th October, 1987. Mr. Otieno was dismissed because, as <sup>a</sup> ~~f~~ 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 ~~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 ~~we~~ ultimately take up the case with the Industrial Court for adjudication and determination..

MR. KILIKU: Mr. Speaker, <sup>Sir</sup> 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 ~~x~~ dismissed him. However, I want to know whether the Minister, can produce a traffic police investigation report because he said that Mr. Otieno ~~k~~ 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 ~~re~~ 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~~ my reply, I said that there is a procedure to be followed

MR. arap NETTO (ctd.):

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 ~~xxx~~ 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 ~~Minister~~ Assistant Minister fair to say --

MR. SPEAKER: You are taking too much time going round and round.

MR. KHALIF: Is the ~~Min~~ Assistant Minister in order to say that this dismissal was fair?

MR. arap NETTO: 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 --

END I.

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 <sup>the</sup> Industrial Court when we know very well that this House is supreme to that court. I do not whether the <sup>Assistant</sup> Minister is suggesting that the Ministry is under the Industrial Court? I thought it <sup>is</sup> the other way? <sup>did</sup>

MR. arap METTO: Mr. Speaker, Sir, I am not suggesting that this House is not supreme to the Industrial Court. All what I am saying is that we have ~~the~~ laws which have ~~been~~ enacted by this House and ~~and~~ these are the ones <sup>that</sup> I have been referring to.

MR. MBORI: Mr. Speaker, Sir, before the Assistant Minister ~~refers~~ <sup>talks</sup> the hon. Member to ask the employee to apply this way or that way, is he satisfied that this particular person was dismissed according <sup>to the</sup> terms and conditions of work 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 that he was dismissed <sup>unjustifiably,</sup> <sup>he should</sup> <sup>take</sup> ~~unjustifiably,~~ <sup>then I advise him to</sup> his case to the union and <sup>it</sup> ~~this~~ will be heard.

MR. LUKINDO: Mr. Speaker, Sir,

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

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

(b) Why did the Central Bank of Kenya authorise 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 Sir, 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 <sup>and</sup> 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 <sup>to</sup> 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 <sup>let</sup> ~~make~~ it to stay like that until he is in a position to put forward 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. //

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 reopened was not followed?

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M<sup>e</sup>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 I was closed down by the local administration and consequently the <sup>two</sup> trained teachers who were deployed there together with about 90 pupils were transferred to <sup>the</sup> neighbouring Nyachiche Primary School. This <sup>was</sup> 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 <sup>sending</sup> ~~dis-~~ ~~bursing~~ 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 <sup>a</sup> Standard I <sup>class</sup> in January, 1987, and the Ministry or the District Education Officer posted the teachers there with 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, explaining of a frequent harassment from the school community. Thus to say that those who were interested in a market other than the 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 acreage is approximately about three-quarters of an acre which relatively might not make up

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M'Maitisi)(Contd.):

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 for the area 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 away 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, M.P., attended the Board Meeting. Now, on hearing <sup>of</sup> the District Education Board (D.E.B.) recommendation, once more, the opposing group called on the District Education Officer, and advised him of the eminent danger of re-opening this school. The District Commissioner told the local people at Riomoro that unless they sought out their differences the school would remain closed down. 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 well come in. But if there is still continuing this kind of faction, we have no alternative other than to leave it until they decide on the matter.

MR. ABUYA-ABUYA: Mr. Speaker, Sir, from the outset, let me say that the answer by the Assistant Minister 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 apologise to the House.

MR. ABUYA-ABUYA: Mr. Speaker, Sir, I withdraw and apologise, 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" Jumapili, 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, walioadamanana 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 office. I, personally, as a Member of Parliament for the area, have talked to the Minister himself about the issue. I have also talked 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

MR. ABUYA-ABUYA (Contd.):

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 of 25th May, 1987 - states, and I quote:- This is Minute 62/86 (iii).

"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, <sup>the D.O.</sup> 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. ~~E~~ I can show you the picture of the children who are out of school and in the rain. The newspapers 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~~ Riomoro Primary School, was closed down by the local administration to give way for a market. The 200 children --4

MR. SPEAKER: Order, Mr. Abuya-Abuya! What is there in the 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, I would say <sup>for</sup> what reason would an assistant chief and the 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 I. This is completely unusual. He should have said that perhaps if two classes had been started, it would be understood. But the only way we can have it back is through peace. We want peace in the area.

End K.

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, Sir, we administer schools through the district education officer and the assistant education officer. We do not administer them through the newspapers. We are, therefore, following what our administration has written and told us the position is; ~~They have~~ 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? From this newspaper report, only the chief and district officer are mentioned; 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 <sup>of</sup> 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 a head 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 of 25.5.87, it was decided that since the school had been closed <sup>down</sup> using askaris, and, therefore, scaring the community, ~~the~~ the district commissioner, the Chairman, Gusii County Council - and that is the information I quoted from the minutes of that meeting <sup>restore</sup> should go to the site for purpose of opening the school <sup>to</sup> and restoring the people's confidence in the school. ~~and~~ It is true that there

MR. ABUYA-ABUYA (CFD):

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'MAITSI: 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 the newspapers. I am sure that 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 (D.E.B.) and the district development committee (D.D.C.). Therefore, after discussing the matter in those committees, he went to the site himself. Now, since he was not satisfied that the site was very safe, he wrote to us.

MR. SPEAKER: A Dr. Wameyo's Question.

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 & 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 the search of my Office, on payment of a ~~sum~~ 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.

/ L.3. 28.10.87

MR. SHIKUMU: On a point of order, Mr. Speaker, Sir. Is the Attorney-  
General in order in refusing 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, and not the hon. Member's <sup>Property</sup> Is he in order to refer the hon. Member  
elsewhere ~~for the~~ when this ~~is~~ Question is the property of the House? Would  
you, Mr. Speaker, Sir, order him to give a reply to this House?

END L.

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THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir,

I have not refused to reply. All that I have said is in the Standing Orders which the hon. Member is a master of <sup>and which</sup> provided <sup>Such a Question</sup> that where information can be obtained elsewhere, ~~it will not~~ <sup>the Question</sup> ~~be answered.~~ <sup>cannot</sup> I am prepared to answer, Mr. Speaker, Sir.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. It is <sup>not in</sup> ~~an~~ order ~~to~~ 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 ~~is~~ he is telling this House. Once the Question is <sup>put</sup> on the Order Paper, it is the property of the House and ~~the~~ 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 <sup>have</sup> 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 <sup>Selassie</sup> ~~Selassie~~ Road, Mombasa and has branches at plot No. 79, section 5, Mbale Market, Kakamega Plot ~~at~~, Mgimenyi Trading Centre, Werucha Road, in Taita-Taveta District, Plot No.4096, Section 70, Mukudi Road, KNUT Building, Kitui and Plot No.11/102, Main Road, Kisii, P.O. Box 97309, Mombasa.

MR. MULI (CTD):

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. WAHEYO: 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. Joseph Mashemo Mwanga, from Mumias paid this partnership Shs.7,686/-, but to date we cannot receive any <sup>replies</sup> ~~reply~~ 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 <sup>about</sup> records filed in my file ~~of~~ 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 have not got.

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, <sup>W</sup> would he use other arms to find out whether these people really exist and whether they use that address?

END M.....

Rw

MR. MULLI: Mr. Speaker, Sir, as I said, this is not a company but a partnership. So, we must not prefer<sup>to</sup> 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, 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, ~~where they are~~. 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 raised this question. Would the Attorney-General assist us in finding out where these people are, as of now?

MR. MULLI: Mr. Speaker, Sir, if the hon. Member gives me those 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 now move on.

#### POINTS OF ORDER

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 on 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.



MR. SPEAKER (CTD.):

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 <sup>a</sup> 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 <sup>hon.</sup> 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 mere 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 on 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.

MR. KHALIF: On a point of order, Mr. Speaker, Sir. I stand up 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

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MR. KHALIF (CTD.):

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 sometime 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 an 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 import, not to mention their insinuation. What hon. Shikuku was imputing is that mosques are used for plotting and scheming evil. They were, therefore, made in bad taste 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 apologise 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 ~~se~~ 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 ~~there~~ theirs as two individuals and they have <sup>no</sup> ~~the~~ right to frustrate the House as they deem proper. I hope that neither the Muslim community nor the Christian community has 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, 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,

MR. SHIKUKU (CTD.):

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 just looking at 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 that 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 that 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 that hon. Shikuku had no intention of interfering with anything.

(Applause)

So, we will leave the matter there.

END N

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 written personal statement and he told me to read it out after Question time yesterday. But unfortunately, the House yesterday went into the 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.

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.

MR. JALDESA (Ctd.):

I want the Minister of State, in charge of internal security in this country to make a clear statement explaining how many people ~~x~~ were murdered in Isiolo, for example since January, 1987; what action was taken and what action they are intending to take to prevent the recurrence of similar incidences 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 elders and we tried to reconcile the differences that exist among the tribes of that area. But it is very unfortunate that when we planned for a meeting on 16th October, 1987, the meeting failed. 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. It is clearly shown by the fact that on ~~xx~~ 16th of this month, when we planned to hold a meeting at Modogashe, the Clerk 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 ~~spoke~~ 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 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 then went to Galbatula and conducted a similar exercise. This was tantamount to encouraging a tribal war and we have reported several times and no action has been taken.

0.3.....28.10.87

MR. JALDESA (Ctd.):

On 20th October, 1987, during the Kenyatta Day celebrations, that were the speeches made by leaders, particularly the one made by the Chairman of Isiolo County Council are speeches which are likely to ~~ca~~ 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.

(END 0.....)

J.V.

MR. JALDESA (ctd);

Mr. Speaker, Sir, the same people are trying to defeat our aim by using the animals which are stolen. With these few remarks, I urge the Minister of State, Office of the President, who is in charge of internal security to ~~explain~~ explain the situation to us and tell us who is causing these problems. This could be the work of a dissident.

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~~ immediate plans he has for assisting the victims.

\* Thank you very much, Mr. Speaker, Sir.

MR. MUNYAO: On a point of order, Mr. Speaker, Sir. In fact I have two <sup>short</sup> 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 the District Commissioner 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 Division."

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.



MR. MUNYAO (ctd);

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 christians in Mbooni. I have done my own investigations and I have not come across any oath taking <sup>in</sup> Mbooni. These are serious allegations and I would like the Minister concerned to make a Ministerial Statement to clear the air.

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 fora. 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 out of 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 will find that it appears as if there are some people who ~~are~~ are ~~some people~~ "breathing" through these councillors. For how <sup>long</sup> has the Chair got to warn 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 said what hon. Munyao has said and of course I want to know more. I would like hon. Munyao to make it more clearer. 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, ~~and~~ ~~on Saturday, the same week~~. Also Mr. Keriri talked about it. The matter was covered in The Daily Nation issue of Saturday the same week. Also what hon. Shikuku said here was discussed by the Mombasa Kanu Branch and it was reported in The Sunday Standard. So, Mr. Speaker, Sir, you can look <sup>at</sup> the copies of the two newspapers.

MR. CHEPKOK: Jambo la nidhamu, Bw. Spika. Nidhamu yangu ni kuhusu mtu wangu mmoja ambaye alipigwa na District Officer wa ~~the~~ Kapcherop Division. Nilikuwa nikifikiri kuwa wakoloni ~~w~~ waliihama nchi hii lakini kumbe kuna "Wakoloni" wengine ambao walimaliza masomo yao hivi majuzi na ambao wameajiriwa kazi na Serikali kama wakuu wa tarafa! ~~Bw~~

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

Bw. Spika, hiyo haikuwa mara ya kwanza ~~jika~~ kwa huyo Mkuu wa Tarafa kupiga mtu. Hii ilikuwa mara ya nne kwa Mkuu huyo wa Tarafa ~~kupigaxmtu~~ 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 huyu wa Tarafa aliwaita watu kwenye ofisi yake. Kuna watu kutoka makabila 17 ambao wanaishi katika sehemu hiyo. Watu wengi walifika ~~kwame~~ kwenye ofisi ya Mkuu huyu wa Tarafa lakini yeye hakuwa na lolote la kuwaambia isipokuwa kumvuliza kila mtu aseme alikotoka. Lakini Mkuu wa Tarafa alipata majibu kama hili lifuatalo hapa: "Mimi nimezaliwa hapa lakini niliambiwa kwamba wazazi wangu ~~walikuwa~~ 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 kuchapwa viboko. It is terrible!

Mara ya pili D.O. huyo aliwaita wanawake ~~kat~~ katika ofisi yake na kuwachapa viboko. Hii ni mifano mitatu ambayo nimetoa hapa. Hivi majuzi wakati wa ~~kujiandikisha~~ kujiandikisha aliwakataza watu----

MR. SPEAKER: Order! This really is the wrong way of doing these things. You cannot make accusations like this. You cannot just come here and make a speech here 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 ~~xxx~~ 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 hawafanya lo lote. Kwa hivyo ningemtaka Waziri anayehusika afanye uchunguzi na kutoa taarifa katika K Bunge hili na kutueleza iwapo wakuu wa tarafa wameruhusiwa kuwapiga 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 ~~xxxx~~ 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. CHEPKOK: Bw. Spika, ninayasema maneno haya kwa sababu ya uchungu ambao ninao. Nimewafahamisha maofisa wa utawala juu ya jambo hili lakini hawafanya lo lote. Kwa hivyo ningemtaka Waziri anayehusika afanye uchunguzi na kutoa taarifa katika K Bunge hili na kutueleza iwapo wakuu wa tarafa wameruhusiwa kuwapiga watu.~~

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

MR. CHEPKOK: Bw. Spika, ~~xxxx~~ nimeyasema maneno haya kwa sababu mimi pamoja na Mkuu wa Wilaya ~~xxxx~~ 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.

END. P. . .

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 costing millions of shillings and ~~is~~ 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 forthcoming 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 <sup>question</sup> the Assistant Minister was just sitting here and 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 straight away. I have noted the allegations <sup>made</sup> and we are going to find out what is happening. As far as I am concerned, ~~as~~ a good job was going on on this particular road, but definitely I promise that something will be brought to the House.

## MOTION

THAT, in view of the fact that 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 ~~make~~ augment the present water supply.

(Mr. Kiliku On 21.10.87)

(Resumption of Debate interrupted on 21.10.87)

MR. SPEAKER: Order! Last week, this Debate reached a point where an amendment was to be made, but it was <sup>not</sup> 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 that I would finish first before the Question is ~~proposed~~ proposed. I thought that is the procedure.

AN HON. MEMBER: You had only about x 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

Q.2.....28.10.87

MR. MUNYAO (ctd.):

issue when I was supporting this second Mzima water pipeline that water in this country is becoming very expensive and that the Ministry ought to do something to reduce the tariffs on water. At that time

U.C. I cited as an example, Katangi Water Project in Kalawa location <sup>which</sup> ~~whereby~~

~~is~~ is the only project in the area and women there are asked to pay as much as sh.5/= for a drum of water and sh.1/= for a <sup>small</sup> calabash which cannot hold 20 litres of water. I am sure that the Minister took this into account as I wanted him to tell us what is happening there.

END Q.....

*[Handwritten signature]*

JMK

28.10.87.

MR. MUNYAO (ctd.):

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 KShs.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 ~~will also~~ should also look for some money to implement the Kiteta Water Project? There is a dam and what is needed is, according to what the Minister told us last time, only KShs.320 million. If the Government could get money to implement this project, the people of Machakos would be very happy because their place is very dry. The Government has already spent ~~about~~ about KShs.1.5 million in designing Kiteta Water Project.

Mr. Speaker, Sir, Muoni Water Project is another very important project. We do thank the Ministry of Water Development for the effort it has ~~made~~ 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 ~~rehabilitation~~ filtration machinery has not been installed. That machinery is estimated at KShs.20 million. I do 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.



28.10.87.

MR. MUKYAO (ctd.):

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 KShs.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 ~~above~~ too high and individuals cannot afford it. We request the Ministry to reduce the charges so that Mulima Water Project ~~can~~ can benefit the people in that area.

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

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

MR. SPEAKER: Yes, Prof. Sumbi.

MR. SEIKUKU: 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 overemphasised. The source of Mzima Springs water is Kyulu Hills, and we, the people of Kibwezi, thank God for giving us a source of five rivers which are all year round. When the Ministry of Water Development gets funds to put up a second ~~pipe~~ water pipe to Kombasa, 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 ~~is~~ 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~~ ridges. The wananchi in that area who, as I stated here sometime back, grow a lot of horticultural crops for ~~export~~ export to Europe and elsewhere would benefit a lot. If such reservoirs are put up, then water will be able to pass over the ridges and wananchi will be able to grow more ~~horticultural~~ horticultural crops and ~~increase~~ increase our foreign exchange

28.10.87.

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Prof. Sumbi)(ctd.):

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 same time when these reservoirs are being created.

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 <sup>District</sup> Development Committee has already banned the transportation of charcoal from Kibwezi. We know that 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 will suffer. The hon. Member for Butere may think that 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.

END..... E.

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Prof. Sumbi) Ctd:

Mr. Speaker, Sir, That is very important. Another point which I would like to raise in connection with this 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, Machakos District, are now waiting for funds and the commencement of the second <sup>Phase</sup> of Kikumbulyu Water Project.

Through you, Sir, I would ~~like~~ like to request the Minister to hasten the acquisition of those funds from whoever will be the next donor. They should request for those funds so that the second phase of Kikumbulyu Water Project can be started. It is important because it has been proposed that Machakos District will be sub-divided 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 a good 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 13 relatively <sup>small</sup> water projects during my tenure as a Member of Parliament for that area. They have done a good job and those projects would have been completed if reservoirs are created and furrows dug like the ones found in Meru. I have been to Mitunguu where water flows all the time which makes it possible for people to grow all sorts of crops. That is why Meru District never experiences food shortage as Kibwezi and Makueni Divisions of Machakos District and Kitui District. 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, one day water being pumped from Lake Victoria to Timboroa and make 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.

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Prof. Sumbi) Ctd:

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, by the year 2000 water will be available either in every home or close to the home. This means that clean water for human consumption, for use by animals and for irrigation will be available.

With those few comments, I beg to support.

MR. SHIKUKU: Asante sana, Bw. Spika, kwa kunipa nafasi hii ili ~~z~~ niseme machache kuhusu Hoja hii. Sitasepa/<sup>maneno</sup>mongi ambayo hayahusiani na Hoja hii. Hoja hii inaiuliza Serikali iongeze bomba lingine kubwa la maji kutoka Mzima/<sup>Springs</sup>hadi Mombasa. Hoja hii haisemi maneno juu ya Makindu, Machakos, Kyulu na kwingineko. 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, haujui kwamba 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, mbomba mwingine z madogo yanaweza kuwekwa ili watu wanaoishi mahali bomba hili linapitia, waweze kupata maji pia. Hili ndilo jambo tunaulizwa hapa. Sasa sahihisho linasema "When funds are available." Wanasoma kwamba wakatik pesa zitakapopatikana, jambo hili litafanywa. Hili ndilo jambo ninataka kuzungumsia. Tunapoambiwa kwamba wakati pesa zitakapopatikana ndio jambo hili litafanywa, basi ingefaa ujue kwamba

Hoja hiyo imetolewa maana yake na imconwa. Ujue kwamba imeshatolewa katika orodha ya mambo ~~yote~~ yote yatakayotendwa na haiko tena. Kwa hivyo, yule aliyewasilisha Hoja hii na sisi tulio katika Bunge hili tukilikubali sahihisho hilo na na kulipitisha, basi inaonyesha kwamba hatuwezi kutumaini jambo lolote kufanyika katika siku za usoni.

Hii ni kwa sababu, na ukweli ni kwamba kila mwaka tunakuwa na Hoja ya kuzungua 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 kwamba hakuna pesa na hali zinaingia mifukoni mwa watu binafsi ambao hawashtakiwi. 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 Committe. Isitoshe, tunapoambiwa kwamba pesa haziko aa hali tunajua zinatolewa nje ya nchi hii.

END S

ARCHBISHOP ONDIEK: On a point of order, Mr. Speaker, Sir. Could the hon. Member tell us the ~~names~~ names of those people who ~~have~~ 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 iliyombwa na Mungu, kama huyu Archbishop mzima, ni kwamba hawataki kuangalia jambo moja. Kwa mfano, huyu Archbishop anaangalia mambo ya dini na vile vile, anaangalia mambo ya ~~sisa~~ 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 <sup>to</sup> ~~to~~ have a quarrel with my friend, hon. Shikuku, but I think it is not fair for <sup>him</sup> ~~hon. Shikuku~~ 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 to do that unreasonably, by trying to mention that there are some funds which have been <sup>misappropriated</sup> ~~misspent~~, 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 that whatever is contained in the Public Accounts Committee Report is public information and substantiation cannot be demanded for that kind of information. Also, if ~~the~~ hon. Bishop Ondiek is really interested in knowing those who ~~are~~ like playing around with public funds, he knows that his own school, St. Stephen's Secondary School refused to refund some money to students ~~and~~ 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 ~~an~~ order, Mr. Speaker, Sir. There is nothing that 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~~ 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 <sup>it</sup> ~~they~~ cannot admit any student.

MR. SHIKUKU: Bw. Spika, nawashiihi waheshimiwa Wabunge wenzangu wanipe nafasi ili niendeleo kuzungumza. Jambo ~~ni~~ nililokuwa nikilizungumzia ni ~~kizi~~ ni kwamba k tunaambiwa kwamba hakuna fedha na hali tunajua kwamba ziko; hata tunajua kwamba fedha ~~ni~~ zinatoka nchi hii na kupelekwa nje. Sasa ukweli ni upi? ~~Tun~~ Tunaambiwa jambo hili na jambo lile haliwezekani "until funds are available," na hali tunajua kwamba linawezekana kama tunajua fedha zetu zinatumiwa vipi.

Maji ni kitu cha muhimu sana. Tunaweza kuachana na mambo ya elimu na mambo mengine mengi ili tuweze kushughulikia maji.

MR. SHUKUKU (ctd.):

Hii ndiyo sababu tunawaambia walio katika Viti vya Mbele walitilie jambo hili uzito ili tuweze kuchukua pesa za kuwapatia watu maji - wale ambao wanaweza kupata maji kutoka kwa bomba hili la Mzima.

Bw. Spika, tunaambiwa kwamba hakuna pesa na hali zinaharibiwa na nyingine zinarudishwa 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, k akiyaleta mambo ya nidhamu ambayo si mambo ya nidhamu. Yafaa wale walio k katika Viti vya Mbele wajue kwamba tuko hapa kusema 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 kwa Waziri kutwambia kwamba tutafanya hivi pesa zikipatikana na hali tunajua kwaba pesa ziko, zinaharibiwa na kunyonywa na nyingine zinapelekwa nje. Ni lazima tuwaambie wale walio katika x Viti vya Mbele kwamba hatukubali hivyo.

Kwa maoni yangu, marekebisho hayo yangetupiliwa mbali na Hoja hii ipitishwe kama ilivyo na hivyo, tungekuwa tukifanya kazi. Lakini tukiiacha ilivyo na marekebisho hayo ambayo si ya kweli, sisi hatutakuwa tukifanya kazi. Jambo ni kwamba wananchi wapewe maji na hiyo iwe 'top priority', na pesa zipatikane. Ingefaa kama zile pesa zilizorudishwa juzi za Wahindi waliokuwa wamezipoleka nje - shilingi milioni 150 - zingepoleka huko. Hii ni kazi rahisi. Watu hawa wanataka pesa kidogo tu, kwa hivyo kama shilingi milioni 150 hizo zingepoleka huko. zitengeneze maji, ingefaa sana.

Kwa hayo machache, naunga mkono.

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, put and negatived)

MR. arap KOSKE: Thank you very much, Mr. Speaker, Sir, for



T.4.....28.7.87

*arab*  
MR. KOSKE (ctd.):

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 to the ~~Mr~~ Mainland of Mombasa. Most of the plans which were done some time back, and which are still in use, are outdated since the population has gone up to the ~~extent~~ <sup>extent</sup> that the water supply now is no longer enough. In view of that, this Motion ~~is~~ deserves to be supported.

Increasing the water supply <sup>to meet the needs of the people</sup> 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 because if we base our plans on the present population, after a few years, those plans will be outdated. So, we should have long-term plans for areas like Mombasa, where we expect the population to go up very rapidly.

END T. *JD*

MR. KOSKE (Contd.):

Mr. Speaker, Sir, without water it is very difficult to have a reasonable sanitation, particularly in highly-populated areas. Mombasa, in the past, has been notorious with problems of cleanliness, and this is one of the ~~courses~~ <sup>solutions</sup> that we should ~~take~~ <sup>have</sup> to improve the sanitation in Mombasa area. I am sure that if we have good supply of water in that area, definitely, we shall also be improving the economy in that particular area. If we have reasonable amount of water many people are able to practise horticulture farming. They can grow various vegetables which will improve the economy in that particular area. If the economy is good enough, it will also improve the employment problems from the area because some people will be able to employ some people for various jobs.

Mr. Speaker, Sir, while supporting this Motion, I would also like to mention something about the plastic pipes which are being used currently 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 consult the manufacturers to see to it that they try to discourage the moles from destroying the <sup>pipes,</sup> ~~the~~ possibly by adding some chemicals to them, or think of what to do about them. I have seen in my constituency some of the pipes have been destroyed by moles. Meanwhile, maybe I would urge the Minister to see to it that when they are laying down these pipes under the ground, then they should lay them deep enough to go beyond the surface of the moles otherwise we are just wasting a lot of them now.

Mr. Speaker, Sir, another thing ~~also~~ 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

MR. KOSKE (Contd.):

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, while still supporting this Motion, I would like to urge the Government, particularly the Ministry of Water Development, to see to it that we utilise as much as possible the rain water, particularly along the hills. We should actually build dams which would stop the water from running very quickly to the ocean. If we did that, some of the areas along those rivers can also have water easily by gravitation. We do not even have to use the machines so that we can save the machines for the areas where gravitation cannot work.

Mr. Speaker, Sir, I would also urge the Ministry of Water Development to see to it that we have reasonably small <sup>projects</sup> ~~runs~~ of water so that wananchi who are on hilly areas can easily use them to get water supplies to their homes. Meanwhile, such <sup>projects</sup> ~~runs~~ do not seem to be available, and the ones which are available seem to be too big. We should have small ones for wananchi.

Mr. Speaker, Sir, also along some of these rivers like the one we are talking about, we have some waterfalls which are not yet utilised. We have problem of water all along, and this problem does not seem to be decreasing. Actually, it is increasing; it is not going down. The problem of water is increasing as the population is going up all the time. Even the land is becoming scarce. Where we used to run away from it, we have no alternative but to improve such areas so that we can utilise them. Therefore, the only way to do so at the beginning is to get water into such areas. So, waterfalls are points where we can easily get water by using runs and then get

MR. KOSKE (Contd.):

water supplied to some 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 that bit of the amendment which had been introduced, <sup>and</sup> / 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 <sup>water</sup> / pipeline as a result of an increase in the demand of water, and also as a result of an increase in industries and also population.

Mr. Speaker, Sir, what do we need water for? We need water for these purposes; industries, and use by the population, or by the people themselves, the Kenyans who are living along this water pipeline. There are <sup>other</sup> / 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.

Then 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, ~~or adequate~~. This Motion is asking for an additional water pipeline to be able to meet the demands of the people who live along this area, ~~the animals~~, the livestock and so on. I may not mention wildlife, but I believe that Kenya gives a lot of importance to wildlife. <sup>For</sup> / The domestic animals that use this water, if there is an additional water pipeline, I am sure the supply will

MR. MBORI (Contd.):

be enough.

Mr. Speaker, Sir, all that the Ministry of Water Development requires is not extra funds, or asking for funds to be made available. The Ministry of Water Development needs do 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 is a will to serve the people of Kenya with water. The Ministry of Water Development should have a will, and there will be a way to provide water to these Kenyans who live along the Mzima Water Pipeline towards Mombasa. 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 that we talk of the Budget, this House usually provides funds for purposes of water.

Mr. Speaker, Sir, this House is great. The supreme authority of this land lies in this House. The august House is the one that ~~dictated~~ <sup>suggests</sup> what should be done so that we could have the Ministry of Water Development. I remember this was done way back in ~~1969~~ to 1974 when the Department of Water used to belong to the Ministry of Agriculture and Livestock Development. It is this very House that enacted a Bill which enabled the creation of the Ministry of Water Development.

End U.

MR. MBORI (CTD.):

Today, we have the Ministry of Water Development which should be here to stay in order to serve wananchi, including our friends who live <sup>along</sup> around 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 most fresh water is supplied by 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 - 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, not for piped water. 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 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 is just a Motion which is trying to assist the Ministry of Water Development to increase the supply of water so that wananchi throughout Kenya get water. Perhaps, this is just a short-cut towards getting piped water in the year 2000, when we expect that homes, livestock, people and industries will receive the water they require for their services. At the moment, this Motion is assisting the Ministry of Water Development. So, this Ministry should see no sense at all in opposing <sup>it</sup> the Motion. The Ministry should help the House to make the Motion sail through so that many parts of Kenya get

MR. MBORI (CTD.):

piped water nearer where they are. In my opinion, we need water; it does not matter where this water comes from. Whether 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 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 being by-passed by time. It is time the Ministry sought even the help of other authorities, such as, the Lake Basin Development Authority in Nyanza and Western Province. They can be used in helping to dig ~~some~~ some wells so that we may get water for home consumption by human beings and livestock.

END V

MR. MBORI (ctd);

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 ~~add~~ adequately serve the increased water consumption on West Mainland 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 was in this Motion which made it almost impossible for me to support the Motion.

Mr. Speaker, Sir, this expression, "When funds become available" is too loose. We know that this is another method used by the Ministries to reject Motions. This is because there will be not time ever 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 that 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 Mombasa Town is the gateway to this country. Also 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. So, you will find that the present water supply to Mombasa, 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.

The town of Mombasa is growing very rapidly. Mombasa West has now become the Industrial Area of Mombasa. When the present water pipeline was laid these factors were not taken into consideration; that the town would grow very fast and that the supply of water would be overtaken by the rapid growth of the town. 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~~ supplied with water. This will also ensure that the entire town of Mombasa has adequate supply of water. When we talk about Mombasa being our second largest town and also a popular holiday resort we should also ensure that there is adequate water in the town.

So, because of this I would like to support this Motion as originally ~~Moved~~ 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.

END.W...

MR. SPEAKER: It is now time for the Mover to be called upon to reply.

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

MR. MRACHOFI: asante sana, Bw. Spika. Ningependa kutoa chukrani kubwa kwa mhe. Kiliku kwanza kwa kuleta Hoja hii na pili, kwa kunipa mza nafasi hii ili nani niseme machache kuhusu Hoja hii. Ninafikiri amenipa nafasi hii akitambua kwamba bomba hili analouliza litoke Mzima Springs kuelekea Mombasa, litapitia katika Wilaya ya Taita-Taveta au katika sehemu ninayowakilisha. Kwa vile dakika tano ni chache sana, nitataja mambo muhimu tu. Jambo la kwanza ni kwamba ikiwa mradi huu utakubaliwa, basi Hifadhi ya Wanyama wa Pori, Tsavo, ambayo ni kubwa kuliko ~~zingine~~ <sup>nyingine</sup> zote nchini, itafahidika na maji haya. Wanyama wa pori wanaoiletea nchi hii pesa za kigeni watafahidika.

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, kwenye <sup>maeneo ya</sup> ~~Wanyama wa Pori~~ mifugo ambayo tinaizaidia nchi hii kwa kupata nyama; ikiwa maji haya yatapitia huko na yazambazwa kila mahali na ngombe wapate maji, basi tutakuwa tunasaidia uchumi wa nchi hii. Hii ndio sababu Hoja hii ni muhimu na ingefaa <sup>Waziri wa</sup> ~~Waziri wa~~ Ustawi wa Maji dikubali. Pia ninaishukuru Bunge hii kwa kukataa yale mapendekezo ya marekebisho ambayo yalikuwa hayana maana.

Faida nyingine ya bomba hili ni kwamba kazi zitapatikana. Nasema hivi kwa sababu kile kinachoifanya Wizara iogope kutekeleza Hoja hii, ni ukosefu wa pesa. Nasema hivi kwa sababu Wizara yenyewe imekuwa na mpango wa silu nyingi wa bomba la pili kutoka Mzima Springs kuelekea Mombasa. Kile wanachosema ni kwamba wanatafuta mfidhili atakayewapatia pesa. Ningependa Wizara lichunguze jambo hili. Ukweli ni kwamba maji yanawoza kufika Mombasa kwa gharama ya chini kuliko ile ambayo Wizara inafikiria. Njia yenyewe ni

hii na ningependa kumtomba Waziri anisikiliza kwa makini. Badala ya kufikiria / juu ya kujenga bomba la chuma - kama vile iliyyo 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. Kiturkitatahotusaidia ni kuwaajiri watu hawa wote na kuwapatia kazi ya mikono ya kuchimba mitaro ya mabomba ya maji kutoka Mzima Springs-hadi Mombasa. Jambo hili ni linawezekana kwa sababu Mzima Springs iko katika sehemu ya juu na Mombasa iko katika sehemu ya chini. Haji haya yakipitia kwenye bomba, tutawoza kuwa na silanga au mahali pa kufungia maji baada ya kila kilometa 10. Kwa njia hii, wanyama na watu watapata maji na makao mapya yatafunguliwa ili ukosefu wa kazi upungue na uchumi wa nchi hii ufaulu na uendelee kinawiri. Hoja hii ni muhimu na ingefaa Waziri aiunge mkono na akiondoka hapa, aendeleo kuiunga mkono.

Ninaunga mkono.

END X

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 <sup>by</sup> and 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 the Mzima Water Pipeline uses the force of gravity, and no pumps. I think the machines which <sup>will</sup> ~~have~~ been there <sup>will be</sup> very few. So, I do not know why the Minister said that this will be done when funds are available. However, I now thank the hon. Members for reminding the Ministry and the Minister that the money is available in terms of millions which had been repatriated to other countries, but it is coming back here. So, I think when the Ministry will start this project, they <sup>will</sup> consider also having "T" connections so that Taita Taveta and other neighbouring districts in Mombasa can have water. They should also have enough storage <sup>facilities</sup> 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 organising themselves to oppose the Motion.

With those few remarks, Sir, I beg to move.

(Question put and negatived)

HON. MEMBERS: Division! Division! Division!

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

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

MOTION

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.

MR. MATE (Contd.):

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. ~~Is he not 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 national 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.

End Y.

MR. LEATE (ctd.):

and health centres  
There are dispensaries/in almost a every part of the country<sup>a</sup>  
and, for this reason, we thank the Government for that because  
these medical services have improved the living standards of our  
people. If you look at our people, you find that they are really  
healthy, and even when they reach retirement age, ~~you do find~~  
~~that~~ most of them are strong and ~~ex~~ 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, together with the urban areas. These have also  
enhanced the lives of our people. There are sports fields almost  
everywhere in the country, and especially in this city where  
there are huge sports ~~fix~~ fields. This is the reason why the  
life expectancy of our people has gone up.

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

Mr. Speaker, Sir, ~~is~~ we know that in this House, there

MR. MATE (ctd.):

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<sup>years</sup> because they are still ~~is~~ 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 ~~is~~ this is the time when they have ~~still~~ settled down. Again, by retaining them in the service up to the age of 60 years, they give more guidance ~~is~~ 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 ~~is~~ 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 ~~is~~ places like Great Britain and the United States of America, the ~~is~~ mandatory retirement age is 65 years. So, if ~~is~~ we could have our people retire at the age of 60<sup>years</sup> instead of 55<sup>years</sup>, we would be gaining from all the ~~is~~ sides. This is ~~is~~ better than having them retire at the age of 55 years when they are still very young.

END Z

H A N S A R D

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

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.



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 are 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)

MR. GALGALLO: 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 realising the continuous population boom; this House calls upon the Government to establish a "National Education Fund" to cater for and ensure continued education of poor members of our society.

THE TEMPORARY DEPUTY SPEAKER(Mr. Mutiso): Next Order.

#### ORAL ANSWERS TO QUESTIONS

##### Question No. 627

THE TEMPORARY DEPUTY SPEAKER(Mr. Mutiso): Hon. ole Nampaso not here? Mr. Wakiondo's Question.

Question No.604

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 <sup>and</sup> 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 Kakunju Location for being in possession of a revolver and three rounds of ammunition <sup>without</sup> ~~with~~ 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 Kakunju 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 firearms 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 Shs.400/- from a person he could not know.

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Onyancha) (ctd);

Mr. Temporary Deputy Speaker, Sir, the case is still pending 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.

Question No. 620

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 <sup>will</sup> the Ministry ~~will~~ 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 to trace his records.

THE ASSISTANT MINISTER FOR LIVESTOCK DEVELOPMENT (Mr. Oyondi) (ctd);

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.

END A

MR. OYONDI: <sup>Temporary Deputy</sup> Mr. Speaker, Sir, efforts to trace the records of Mr. Sewe k 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 officer's personal files, hence, the need to know his personal number. Furthermore, ~~we~~ 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: <sup>Temporary Deputy</sup> Mr. Speaker, Sir, I accept that bit <sup>of</sup> my oversight, but before <sup>I</sup> give the personal number, I would like to point out that this kind of practice which is <sup>found</sup> ~~done~~ 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 photocopy of it. Now, here is another case and I will therefore, appeal to all the Ministers to ~~be~~ 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.

May I <sup>would like</sup> now give the Assistant Minister the personal number of this person: <sup>It is (AGF) EST. 2295 (TY) 24</sup>

MR. OYONDI: <sup>Temporary Deputy</sup> Mr. Speaker, Sir, I am sorry that is not the personal number and according to me, that must be the reference of the letter.

Question No.512

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; and
- (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):

*Temporary Deputy*  
Mr. 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 there two graduate teachers and one 'A' level untrained teacher - 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 <sup>mean</sup> 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.

*Temporary Deputy*  
MR. arap KOSKE: Mr. 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 to stay without ~~any~~ trained teachers for all that <sup>length</sup> ~~long~~ amount of time and yet it is an old school not a new one?

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MR. M'MAITSI (Ctd.):

Teachers Service Commission does its best ~~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.

Question No.551

MR. MWACHOFI alimuuliza Waziri wa Elimu:-

- (a) ilikuwaje dereva, P/No.13599 Kirigha Mwalwala kusimamishwa kazi na Mkuu 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 juma na havezi kutafuta kazi nyingine, ni kwanini halipwi angalau nusu ya mshahara; na
- (c) ni nini kinachochelewesha kutolewa uamuzi wa kumrejesha kazini sasa kwa sababu bibi yake, wanawe na familia yake wanaendelea kuteseka.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M'Maitisi):

<sup>naika wa muda</sup>  
Bw. Spika, naomba kujibu.

(a) Tangu kuanzishwa kwa Mpango wa Maendeleo Wilayani, shughuli za utimishi 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 Wizarani.

(c) Kesi hii iliwasilishwa mbele ya Kamati ya Ushauri Wizarani, mmamo tarehe 1 Julai, 1987. Kamati ya Ushauri Wizarani, baada ya kuchunguza kwa makini barua ~~barua~~ yake ya kuomba msamaha, ikaamua kumfuta kazi bila malipo yoyote kutokea tarehe 1 Machi, 1986.



MR. MWACHOFI: Bw. Naibu Spika wa Muda, jawabu hilo ni la kusikitisha sana. Ikiwa mwishowe ulikuwa itaamuliwa huyo mtu afutwe, kama vile tumeambiwa bila malipo yoyote, ni kwa nini Wizara ilichukua nda mrefu hivyo? Mpaka mwezi wa Julai ndio tunaambiwa kwamba kamati ya Ushauri Wizarani ilikutana tarehe 1 Julai, na Swali lilitumwa mwezi wa Machi? Kwa hivyo, Wizara ilingonjea 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, ingawaje mhe. Mbunge anasema jambo hili limekawia sana, ilifaa mambo haya yachunguzwe sawa sawa kuona vile ofisa huyu alivyotenda na ndiyo sababu wakachukua muda kama huo. Walipokutana, waliona makosa yake yalikuwa mabaya sana - pengine alikuwa anakosa sana. Huyu bwana alikuwa dereva, na mmamo tarehe 11 Septemba, 1985, alisababisha ajali akiendesha gari la Serikali - GK 790 H Landrover bila uangalifu na bila idhini. Bw. Malwala alishikwa na kustakiwa katika Mahakama ya Voi. Mnamo tarehe 20 Februari, 1986, alinyang'anywa mamlaka yake ofisini na mmamo tarehe 20 Septemba, 1986, alipatikana na makosa na akatozwa faini ya Sh.3,000/-. Wakati gari la Serikali ambalo ~~alikuwa~~ aliliangusha ~~na~~ lililochunguzwa ~~na~~ lilionekana lingegharimu Serikali Sh.20,558/- kulirekebisha. Kwa hivyo, alikuwa na makosa yaliyoifanya Wizara kumfuta kazi bila malipo yoyote.

END B.....

MR. KUTHURA: 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. <sup>Je,</sup> Ni jambo la kawaida kwa mfanyakazi kama huyo ambaye yuko chini ya Wizara fulani anapokosa 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" hulindwa na mkoa na hata huajiriwa kazi na maofisa wanaokaa katika mkoa, bali hawaajiriwi na Wizara. Pronical 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 Utawi wa Mifugo, huku akiwa ameajiriwa kazi hiyo na district personnel officer, <sup>au</sup> provincial personnel officer, hufutwa kazi na mkuu wa mkoa? Ikiwa hivyo ndivyo ilivyo, basi ingefaa aseme hivyo wazi ili maneno haya yaardikwe 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 Mkuu. 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? <sup>↓</sup> 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" na ambao huajiriwa locally. Wafanyakazi hawa huchungwa na provincial personnel officer. Kamati hii, wala sio 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, anawambia kwamba kulingana na mpango mpya wa maendeleo vijijini, mambo husimamiwa na mkuu wa

MR. MWACHOFI (CTD.):

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'MAITSI: 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 nidhamu, 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'MAITSI: 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. Sio mtu mmoja ambaye hufanya uamuzi huu.

Question No. 584

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 ~~an~~ 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 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 ~~is~~ 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)

Question No. 611

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'Maiti): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Jomo Kenyatta Foundation Bursary Fund awards its bursaries to 300 bright but needy Form I children from poor home backgrounds. They are

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M'Maitisi)(Ctd.):

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:—

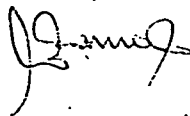
<u>Name of Student</u>	<u>Secondary School</u>	<u>Year</u>
1. David Mbugua Wanyoike	G.G. Rumuruti Secondary School	1983
2. John Gatheru Karimo	G.G. Rumuruti Secondary School	1983
3. Peter Irungu Ndirangu	Mwenje Mixed Secondary School	1983
4. Stephen Mureithi	Mwenje Mixed Secondary School	1983
5. David Karani Ndegwa	Mwenje Mixed Secondary School	1984
6. Lucy Muthoni	Mwenje Mixed Secondary School	1984
7. Wilson Berege Koech	Gatero Secondary School	1984
8. Rose Wanjiru Kariuki	Maryhill High School	1984
9. Samuel Wambugu Kiugo	Oloolaiser Secondary School	1986
10. Jack M. Macharia	Oloolaiser Secondary School	1986
11. David M. Mirobi	Maralal High School	1986
12. Salina Jelagat	Kapnyeberai Girls Secondary School	1986
13. Richard Mwangi	Nanyuki High School	1986
14. Jedidah Njeri Kairu	Ndururumo High School	1986
15. John M. Kinyenje	Mwenje Mixed Secondary School	1987
16. Rebecca Wanjiku Mbaaru	Mwenje Mixed Secondary School	1987
17. Jemima 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 fund. Being in necessarily Laikipia District does not mean that these students are from Laikipia. When I put this Question seeking to know who these students are and the schools where they come from, I did not want to know the schools they were in. I

MR. MUTIURA (CTD.):

wanted to know the primary schools from which these students have come. If the Assistant Minister has the names of the primary schools from which these students come from, 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 come from.

END C



MR. M'MAITSI: Mr. Temporary Deputy Speaker, Sir, the Jomo Kenyatta Foundation Fund forms are distributed to secondary schools 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~~ <sup>that</sup> 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 all over the districts as arranged by the Ministry?

MR. M'MAITSI: 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 the 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 <sup>they</sup> 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 very

MR. MUTHURA (ctd.):

many who sometimes cannot go to Form One since <sup>their parents</sup> they cannot afford the fees. The Ministry is being unfair.

THE TEMPORARY DEPUTY SPEAKER (Mr. Mutiso): Was that a question or were arguing?

Next Question.

Question No. 318

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 5 strokes for stealing \$s.3/= from Mr. Bandika Sire on 15th February, 1987 at Kongowea in 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 <sup>is</sup> initial sentence was reduced through the appeal machinery, on the facts of this case, the offence really disclosed was a more serious <sup>one</sup> offence, that is, of attempted robbery which carries a maximum sentence of seven years with corporal



MR. MUTHURA (ctd.):

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THE ATTORNEY-GENERAL (ctd.):

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 that 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? I appreciate the gesture by the High Court of reducing the sentence to one month and 27 days. How does he compare it with the case where some people have stolen millions of shillings in this Republic and have got scot-free, and some were sentenced to three years sentences? 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, then 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 a justice for some people-- We do not have different sort of 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 contempt, or the amount that was the subject matter of the charge, may be small, but the <sup>circumstances</sup> 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

MR. SHIKUKU (ctd.):

and everybody in this Republic knows - that there are people who have been sent to court, for stealing millions and only ended up <sup>being</sup> sentenced to ~~and imprisoned for~~ two years, three years and so on. But, in this case, this man has taken ~~£.3/=~~. He stole from somebody, but did not rob him. They have not said that he robbed <sup>him using</sup> with violence. The case was not robbery with violence. He stole the money. So, the ~~Attorney-General~~ <sup>should not</sup> 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 not 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 whether 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 do defer. I never said the offence was robbery with violence. What I gave were the circumstances surrounding this particular incident, which amounted 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 the case of stealing, this was a substitute of 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 after day. I do not agree that by comparing contempt of ~~£.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 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.

Question No. 627

*ole*  
(Mr. NAMPASO) to ask the Minister of State, Office of the President:-

- (a) whether he is aware that Mr. Matthew Kiprotich Langat APC/No.206362, has never been paid his salary for March and April, 1984, and
- (b) whether he would ensure that Mr. Langat is paid the said salary immediately.

THE TEMPORARY DEPUTY SPEAKER (Mr. Mutiso): Mr. *ole* Nampaso is not here?

Okay, let us now move on to Questions by Private Notice. ~~Mr. Chepkok's Question~~

QUESTIONS BY PRIVATE NOTICE

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 No.005451 and 005453 dated 24.2.82?

(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 24.2.82.

(b) Mr. Yego Arap Karanei sold his wheat as an individual to the Kenya Farmers Association, now Kenya Grain Growers Co-operative Society Limited, (KGGCU). Sir, KGGCU is willing to settle his claim if the same can be proved to/genuine. <sup>be</sup> Association The KGGCU has all the Kenya Farmers/records for 1981 and for 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.

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.

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THE TEMPORARY DEPUTY SPEAKER (Mr. Mutiso): Mr. Nampaso is not here?

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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 0005453, why does he say that Mr. Karanei has to prove that he delivered the wheat?

MR. EJOKE: Mr. Temporary Deputy Speaker, Sir, the KGGCU is willing to settle the claim by Mr. Yego arap Karanei if the same can be proved to be genuine. The KGGCU has all the Kenya Farmers Association (KFA) 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 KFA 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 KGGCU 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 KFA or <sup>Agricultural Finance Corp.</sup> ~~AFC~~ and this could/ 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 for Mr. Karanei is with the KFA and that is where the Assistant Minister obtained records showing that Mr. Karanei <sup>had</sup> ~~has~~ not been paid. How can he then come here and say that - - -

THE TEMPORARY DEPUTY SPEAKER (Mr. Mutiso): Order Mr. Chepkok! Surely, <sup>known</sup> by now you must have ~~known~~ what is a point of order. 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!

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?

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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 for Mr. Karanei is with the KFA and that is where the Assistant Minister obtained records showing that Mr. Karanei <sup>had</sup> ~~has~~ not been paid. How can he then come here and say that - - -

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MR. CHEPKOK: On a point of order, Sir, - - -

THE TEMPORARY DEPUTY SPEAKER (Mr. Mutiso): No! No!

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 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 <sup>the</sup> 1985 bonus, he was given Shs. 4,133/35, money that belonged to his wife, by mistake. He accepted that the money be recovered from his 1986 bonus payments and the payments be made 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 <sup>deducting</sup> 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 <sup>raised</sup> ~~raised~~ that point at the time you did not understand <sup>it</sup> because it would be tedious for 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 again for him?

MR. MUIGAI: Mr. Temporary Deputy Speaker, Sir, during the payment in



DR. WAMEYO: 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 <sup>current</sup> position, because we have <sup>a</sup> Kenya Commercial Bank branch in Mumias. When I approached the 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 <sup>from Nairobi</sup> had to be employed <sup>as a driver from Nairobi</sup> 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 decentralised the interviewing and employment of messengers and drivers; <sup>above the</sup> ~~leave aside the issue of~~ 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.

MR. 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 22/6/87 and that to date she has not received her salary?

(b) When will she be paid?

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M'Maitisi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I was not aware <sup>until I received this Question</sup> 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.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M'Maitisi) ctd:

(b) My Ministry through the Teachers Service Commission arranged to pay Miss Rachel Chepngeno Mutai, TSC No.256253 K.N.S. Shs.3,381.50 by cheque No.550876 dated 23/10/87, covering the period she had worked, since she was employed 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.

(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?

MR. TEMPORARY DEPUTY SPEAKER (Mr. Mutiso): Mr. Kikuyu is not in. Next Order.

END F.....

## 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, ~~my~~ during this financial year, my Ministry will require a total of K£18,414,000<sup>030</sup>~~=30~~ laid out as follows:-

Recurrent expenditure - K£14,789,040

Development expenditure - K£3,624,990.

If we allow for Appropriations-in-Aid ~~x~~ 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~~ 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 we require land, tools <sup>extension</sup> and the human ~~extension~~ <sup>We are all workers.</sup> to provide this. This means that we have to develop our country to ~~an~~ <sup>extent</sup> 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

THE MINISTER FOR LANDS AND SETTLEMENT (ctd.):

be fully aware that the land on which we live and which we develop and on which we invest, is a necessary thing, and whatever funds, or investments, that 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 for the Ministry. Land is a central natural resource <sup>and</sup> that is why ~~is~~ it was a critical issue during the struggle for ~~x~~ 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 ~~sp~~ 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 ~~both~~ better use of land and ~~the~~ development.

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

The third was to provide land within urban areas at reasonable costs for ~~the~~ development for residential, commercial, industrial and special purposes in order to alleviate the shortage

THE MINISTER FOR LANDS AND SETTLEMENT (ctd.):

of residential accommodation in urban areas, to facilitate commercial and industrial ~~the~~ 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 ~~people~~ 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 with 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

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THE MINISTER FOR LANDS AND SETTLEMENT (ctd.):

been completed in Kiambu, Nyeri, Murang'a, Kirinyaga, Kakamega, Bungoma, Kicii 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, Mandi, 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 and development survey is a pre-requisite to ownership of land. The surveys done include those required for land registration and development, plans for urban centres and markets, water projects and so on.

END G.



## THE MINISTER FOR LANDS AND SETTLEMENT (Ctd.):

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, land adjudication surveys and geodetic and mapping survey, all of which are necessary and prerequisite to any development of 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 ~~x~~ survey Act, arrangements are at an advanced stages to produce more licenced 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 at one time was closed. As much as to this effect, presentation 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 <sup>and</sup> 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 ~~Yasa~~ Ministry of Finance. We hope that this will be considered during supplementary estimates as requested above.

THE MINISTER FOR LANDS AND SETTLEMENT (Ctd.):

Sir, before I turn to expenditure side, let me state that manpower is always needed. From the few remarks that I have ~~just~~ 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 <sup>hard work.</sup> hardworking.

Sir, I do not wish to ~~be~~ bore the House with the details of the Vote, as I no doubt believe, <sup>the</sup> hon. Members have studied the details ~~of the Vote~~ in the printed estimates. However, I will go over it quickly now. <sup>Under</sup> Recurrent Estimates under Sub-Vote 316, Ministry Headquarters a gross amount of K£863,848 is required. ~~When we were allowed for K£1,000 Appropriations-in-Aid K£868,048~~ <sup>will</sup> be raised from the ~~Exchequer~~ Exchequer. Under Sub-Vote 361, Division of Land Adjudication, a gross amount of £5,260,745 will be required for land adjudication and consolidation purposes in the 20 districts under <sup>the adjudication</sup> jurisdiction programme.

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

END H.....

D.W.



## THE MINISTER FOR LANDS AND SETTLEMENT (ctd):

Mr. Temporary Deputy, 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 are yet to be considered. It is estimated that K£1,000 would be realised ~~from~~ as Appropriations-in-Aid leaving K£1,383,864 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£992,000 is estimated to be raised as Appropriations-in-Aid in form of registration fees, conveyance fees, land ~~registration~~ valuation fees and other miscellaneous things leaving K£1,619,911 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 £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 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 Projects - Magarini which is in Malindi and where, as I said, we have already settled 1,260 families and we are yet to settle 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 ~~general~~ settlement funds trustees, where 145 schemes were done over the past years under a one million acre programme and beyond, K£20,000 will be required for mopping up operations.

Under Shirika Settlement <sup>Schemes</sup> / Sir, we will require K£14,700. Shirika Settlement Schemes are those where the 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 Agriculture Act. All in all, there are 35 schemes and we require K£74,000 to see ~~in~~ this exercise through. Under Stateland Schemes, we require K£454,300. This is under the Settlement Fund Trustee and it refers to Lake Kenyatta Settlement Scheme where the exercise has almost been completed and people are getting 10 acres per plot in order to make infrastructure developments. Under Hindi Magogoni Stateland, which is <sup>in</sup> Lamu, ~~and where~~ 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 Schem, which covers the following districts; Nakuru, Trans-Nzoia, Uasin Gishu, Laikipia, Mandi, 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 all together, we will be able to *make* K£902,850 as Appropriations-in-Aid which will be from under credit purchase from Australia to the tune of K£267,050 and credit purchase - GTZ German assistance which will be K£635,800 giving us a total of K£920,850.

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£306,335 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 Estimated 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~~ 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 achieve to-date. They have worked hard and they have ~~put~~ plans and are now thinking about land adjudication, survey and so on. The ~~x~~ 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 nature 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 what is happening at the moment.

END I

THE ASSISTANT MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Mr.

Mwicigi)(contd.):

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's 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 sub-divide 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 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 African 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 fields in order to gain ~~ix~~ 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.

J.2.....28.10.87

THE ASSISTANT MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT (Mr. Mwicigi)(contd.):

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 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, or elsewhere. Let there be some arrangements so that title deeds can be available for a flat, and 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 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 is 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 by individuals.

End J

## THE ASSISTANT MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT

(Mr. Mwicigi)(Contd.):

So, let us have play grounds 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 to look 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 parking space allocation allowed. In other words, there should be a law to the effect that a building of so many storeys should have a certain proportion of a parking space in the same building. There should be even 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 the land which is so valuable is getting "naked" today. It has no moisture. It has been left open to

## THE ASSISTANT MINISTER FOR ENERGY AND REGIONAL DEVELOPMENT

(Mr. Mwicigi)(Contd.):

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 should feel that even construction of dams should also 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 <sup>to</sup> ~~of~~ 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 the start of it. 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, and perhaps urge his officers to speed <sup>it</sup> 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 such 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 by 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

MR. KARAUARI (Contd.):

used to live, and so on. But if we are given titled 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 Meru~~ <sup>Tigania</sup> there are about four locations ~~in Meru~~ where land adjudication has not been started at all. These are Gigo, Kunati, Igarie, Mbeu and Mituntu.. 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 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. KARAUARI: 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 up," but by a land officer plus 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. They should be



MR. KARAUARI (Contd.):

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 that case, then the only place you can appeal to is to 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 which they had a case against, and then the matter ends up there. I do not know whether the Minister could perhaps tell us how many cases he has ever <sup>heard,</sup> ~~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 and also from that area have the final say in that case.

End K.

JIM

L.1. 28.10.87

MR. KARAUURI (CTD):

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 in form of gathering pieces of land here and ~~it~~ there, ~~which were~~ <sup>putting them</sup> ~~finally to be put~~ together. What is surprising is that after the adjudication exercise people are being ~~sh~~ 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 ~~pe~~ <sup>of land</sup> piece where you have been living since your grandfather's days; you are removed from 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 a requirement of the law that if you are removed from your piece of land, you must be shown similar piece of land. ~~This is if you must be moved, which~~ <sup>This</sup> is unavoidable because gathering of pieces of land ~~requires~~ 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 ~~h~~ not be moved from a very fertile place, where you have been growing coffee and tea, to a ~~re~~ rocky place, where you cannot grow even potatoes. What ~~is worse~~ <sup>happens</sup> is that ~~it is~~ those who are poorer ~~who~~ suffer ~~that~~ consequence. This practice must be stopped.

Mr. Temporary Deputy Speaker, Sir, I recall in June this year while replying to <sup>my</sup> a Question in this House, ~~by me~~ 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. Muturi whether I would ask <sup>to</sup> my people to go the land office, Meru, and collect their title deeds by around <sup>15<sup>th</sup> of</sup> ~~the fifteenth~~ day 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 <sup>are</sup> no title deeds in that office.

AN HON. MEMBER: Did you tell them to go for them?

MR. KARAUURI: I did not tell my people to go to the ~~n~~ lands office to collect their title deeds, but they heard it over the radio, when Voice of Kenya

MR. KARAUARI (CTD):

reported the reply I had got from the Ministry for my Question. So, the Minister must always honour his promises to this House and 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 <sup>to</sup> 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 ~~every~~ <sup>once</sup> 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 a 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. Temporary Deputy Speaker, Sir, I beg to support the Motion.

MR. CALGALLO: 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.

END L

28.10.87.

JMK

MR. CALGALLO (ctd.):

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 ~~that~~ the Ministry of Lands and Settlement to send a survey team to Marsabit and the people of Marsabit be given an opportunity to get title deeds so that they could, like all other Kenyans, enjoy facilities like loans from banks and other finance houses in order to ~~xxx~~ 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 ~~xxx~~ team which was sent to Marsabit District. Since sometimes 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~~ Marsabit Central!

MR. CALGALLO: Even the hon. Member from that area is informing me that the exercise of land ~~xxx~~ 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

28.10.87.

MR. GALGALLO (ctd.):

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 retrogress 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 the 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 ~~concerned~~ 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 find that there is no room ~~left~~ left for ~~public~~ 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 ~~ex~~ 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 ~~de~~ 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 ~~is~~ rendered by

28.10.87.

MR. GALGALLO (ctd.):

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~~s~~ 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 ~~more~~ remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support the ~~m~~ Motion.

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo): Ahsante sana, Bw. Naibu Spika, <sup>wa kuu,</sup> kwa kunipatia nafasi hii ili nami niseme machache juu ya ~~Mr. arap~~ Hoja hii ya maana sana kuhusu Wizara ya Ardhi na Makao.

Nataka kuanza kwa kumshukuru Waziri na Mawaziri Wasaidizi wake pamoja na wafanyakazi wote wa Wizara hii kwa vile wanajaribu kufanya kazi jinsi wanavyoweza. Hata hivyo, ni kweli kwamba utoaji wa vyeti vya kumiliki ardhi ~~ni~~ 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 ~~zamani~~ 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. ~~Siz~~ Sisemi hivyo sasa kwa sababu tunazungumza kuhusu Voti ya Wizara ya Ardhi na Makao; nilianza kuongea hivyo zamani sana. Nilianza na ofisa anayesimamia tarafa ya ~~Kar~~ 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,

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28.10.87.

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo)(ctd.):

waliniambia kwamba wanapoitwa kwenda kumaliza kesi hizo, yule ofisa huwa akifika kama amechelewa na kwa hivyo hawangeweza kufanya kazi yoyote. Mimi simshtaki ofisa huyo au kamati ya wazee wa kijiji, ~~iziko~~ 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 Rais mwenyewe amesema kwamba kesi za mashamba zisiwe zikipelekwa kortini. Ninastaajabu kuona kwamba hadi sasa kesi za mshamba bado zinapelekwa kortini. Mtindo huu ni lazima ukome kwa sababu ulisi-  
mamishwa kwa amri ya Mtukufu z RAis.

END..... H.

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo)(ctd.)

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 m najua kesi moja ambayo ilipelekwa kortini na mtu asiyekuwa na haki ya kupata shamba akalipata. Lakini kesi iliporudshwa kwa wazee ukweli ulionekana. Wale wazee wa miaka 50, 60 au 70 walisema kuwa shamba lilikuwa la mtu yule mwingine kwa vile walikuwa wanaona baba yake akilima kwa shamba hilo. Wao ~~wakikuwa~~ walikuwa wakifikwa msitu pamoja na babake. Huu ~~ni~~ 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 linanikusu. Hii ni habari ya uasorovea wa bandia. Tuna ~~na~~ mashamba mawili huko Bahati, Nakuru, na sasa linaendelea kukatwa na masorovea wa Serikali. Tena kuna shamba lingine ambalo liko Kambi ya Moto ambako sorovea ~~mmoja~~ ~~alikuja~~ alikuja na akatuambia kuwa anataka Kshs.20,000 ili atupimie shamba mara moja. Kwa vile tulikuwa na haja ya kugawa hili shamba basi tukampa Kshs20,000. Sisi hatukujua kama huyu sorovea alikuwa bandia kwa ~~a~~ sababu alikuwa akifanya kazi ya Serikali mwishowe yule ~~na~~ mtu aliyekuwa akifahamu mambo ya ugawaji wa ardhi alipokuja tulikuwa na shida kubwa sana. Alirudia ile kazi ya ugawaji karibu yote. Kwa hivyo namuomba Waziri ~~afa~~ ~~ajaribu~~ ajaribu kuona hawa wasorovea wa bandia wamekomesha ~~kwa~~ ~~ajaribu~~ kwa sababu wananchi wanatumia zaidi, hasa wakati huu ambapo Serikali imesema <sup>kuna</sup> mashamba ya ushirika au kampuni yagawanywe. Kwa hivyo/haja ya wasorovea sana na hawa wasorovea wa bandia wanatumia hiyo nafasi. <sup>W</sup>alikuwa hapa hivi ~~maji~~ ~~a~~ majuzi wakati Waziri alipojibu Swali fulani na akasema kuwa anajaribu kukomesha uovu huu. Tafadhali Bw. Waziri, komesha haya maovu.



THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo) (Ctd.):

Bw. Naibu Spika ~~na~~ wa Muda, tunapoongea 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 wasorovea wangewaambia watu kuwa ingawa shamba ni lao wasilime mpaka kwa maji; ni vizuri kubakisha sehemu kidogo kabla hawajafikia mto. ~~Jama~~ Jambo kama hili likifanywa litasaidia sana kwa uhifadhi wa maji.

Bw. Naibu Spika wa Muda ningependa kuongea kidogo juu ya ~~na~~ 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 ni mji tu wa Eldama Ravine. Mji huu unatakiwa kupimwa na watu wapative ploti, ~~na~~ wajenge nyumba za ~~ki~~ kudumu. Hata sasa wanajenga sehemu nyingine kama Kabartonjo.

END N...o

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo) (ctd);

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 kituo 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 wasi wasi kwa sababu County Council ya Baringo haijatao idhini ya watu kujenga nyumba za aina hiyo. Hawajui kama nyumba hizo zitabomolewa ~~au~~ au mambo yatakuwa namna gani. Kuna mifano mingine kama vile Marigat, Mogotio, Nginyang na ~~akam~~ 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 ~~kuhambwa~~ 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 iki kituo kimoja kwa miaka mingi. Sisemi juu ya ~~maofisa~~ maofisa wa Wizara ya Ardhi ~~na~~ na Makao peke yake. Ninazungunza juu ya Serikali kwa jumla. Utaona kwamba ofisa anaweza kufanya kazi kwenye 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 ningeiomba Serikali ihakikishe kwamba ~~ofisa~~ ofisa akifanya kazi kwenye kituo kimoja kwa muda wa miaka ~~mi~~ mivili au mitatu anahamishwe na kupelekwa mahali pengine. Hii ni kwa sababu ofisa hufanya kazi mahali pamoja kwa muda ~~ke~~ mrefu sana na mwishowe watu husikia kwamba ameshtakiwa. Yeye huzoeana na watu na kuanza kunywa pombe na wao na ~~kuisahau~~ kuisahau kazi yake ya kupima mashamba. Hili ni jambo ambalo huchelewesha kutolewa kwa hati za miliki mashamba. Siwezi kusema ~~kw~~ kwamba ~~wa~~ maofisa wa kupima mashamba ni walevi wote. Lakini kuna wachache ambao hulewa sana.

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo) (ctd);  
Wengi wao wanafanya kazi nzuri. Lakini wale wanaolewa yafaa wanidhamishwe kwa sababu huu ni ~~kw~~ mwaka wa nidhamu.

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

MR. MICHOMA: Thank you very much, Mr. Temporary ~~Deputy~~ 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~~ Minister should take serious note of what we say here.

I will start by touching on permanent improvement/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 people. It is the settlement officers who allocate these plots to 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 ~~xxx~~ 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 the Land Control Board--- We have checked and found that the Chairman of the Land Control Board 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~~ ~~Officer~~ Officer in that area and other persons should be brought to book. I do not 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~~ deeds to acquire loans to do business and so on.

Another point is that in these settlement ~~schemes~~ schemes even if somebody has not paid ~~the entire loan~~ his entire loan he should be given his title deed and be told to repay the ~~loan~~ 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 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 ~~many~~ 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.

END.O...

MR. MICHOMA (Ctd.):

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 be 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 of making themselves squatters so as to get land. There is nobody in this country who does not have a place, - an original district - where he came 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, he should tell them to go back ~~kin~~ to 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 ~~3~~ Land Control Boards. The Minister should take a serious note 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 the 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.

MR. MICHOMA (Ctd.):

P.2.....28.10.87

These elders should be given some inducement by the Government. They should <sup>not</sup> 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 do 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 ~~the Minister~~ <sup>he</sup> was moving his Motion. ~~just to~~ <sup>expecting to</sup> ~~hear~~ him mention at least something about Yatta Settlement Schemes, but I never heard anything about it. I want to say this: If there is any place in this country where there is a problem, 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~~ <sup>were</sup> want to expose the truth.

Yatta Settlement Schemes <sup>were</sup> started way back in 1965 which came under ~~what~~ what was known as Haraka Settlement Scheme initiated by His Excellency, the late President Kenyatta.

END P.....

*DW*

MR. MUTISO (CTD.):

At that time, I was an Assistant Minister for Education, after 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 since 1965 to-date is that the issue has gone from confusion to something else stronger than confusion - chaos and a 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 say this in this case - have compounded this problem by issuing letters of allocation from offices 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 moved in and settled 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 sub-divide that piece of land nor let it. V.N.D. 3 3 3 3 3 3 What happened was that people got those letters of allocation in the early 1960's, mid-1960's and towards the end of 1960, but nobody moved in even to check where the plot <sup>was</sup> ~~to~~ Much later, in the 1970's and early 1980's, 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 <sup>he would go and say</sup> ~~asked~~, "This plot is now mine because I have this letter" simply because he paid Shs.100/= per acre. That is no price of a piece of land. After that, you found that a person who had been on the land there for more than 15 or 20 years and had developed the land, built a home there, dug bench terraces, fenced the land, planted trees and developed the land by building schools, dispensaries, and so on, and participated in all development projects there was dislodged and another person comes 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



MR. MUTISO (CTD.):

our District Development Committee meetings, and even told the Provincial Administration, that this matter should be settled immediately because it is withholding development in Yatta, particularly, in Ndalani Location and Ndithini Location. [ I understand that a certain committee was set up composing 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 have 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, ~~from 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~~ 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 ~~is~~ 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 a 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, or else, there is going to be g trouble and it will be he and his officers who will be taken ~~to~~ 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 years or even 20 years. These latter people have done everything there. They were formerly landless and now they are being told, "You only got

MR. MUTISO (CTD.):

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 photograph 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 worthy anything in terms of bank loans. Therefore, I urge the Minister to consider this issue more urgently and find out what happened to aerial photographs of Yatta that were taken. It is rumoured that those photographs were burnt, and that we have to wait for another chance.

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.

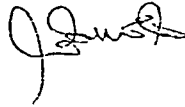
With these few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support.

MR. LOPITIYO: 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 ~~xx~~ Republic in trying to reform land laws and settle people all over the country. This is a very touchy and

MR. LOTITIYO (CTD.):

delicate issue. Understanding our land problems and the issue of settling people, the Minister has really tried hard.

END Q

A handwritten signature in cursive script, appearing to read "James".

MR. LOTETIYO (ctd.)

Mr. Temporary Seputy 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 which have <sup>not</sup> been adjudicated. An account should be taken of the nomadic tribes 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 I would also like to say something about Baragoi Division, where adjudication has already been done, but there are a few individuals who have taken huge tracts of land. 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 was re-adjudicated, especially, Dotu Location in Baragoi Division, otherwise, we might have a situation like the one we had in Poro area. I hope the Minister will take note 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 born in mind, to avoid, as much as possible, future conflicts between people which might arise out <sup>of</sup> such an issue.

MR. LOTITIYO (ctd.):

The other thing, Mr. Temporary Deputy Speaker, Sir, is as <sup>That</sup> we all know that Samburu used to be a crown land, during the colonial days. <sup>the attainment of</sup> After Independence, it was converted to a 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 case I have of a place called ~~Pura~~ <sup>Keen Pura</sup> in Samburu District, which <sup>Covers</sup> is 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 have shifted 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 materials which we have used to complete the corridor and the store of the hospital. We also now have a maternity ward.

I hope so 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.

END R.....

MR. LOTITIYO (Ctd.):

Mr. Temporary Deputy Speaker, Sir, nobody is aware of this. Even the Ministry of Local Government is not aware <sup>of</sup> 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 shifted 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

U.C. 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

U.C. to ensure that this land control board is decentralized to the district level in line with the district focus for rural development. <sup>Strategy</sup> At the moment, we are still being served from Nyahururu instead of Malalal. I am requesting the Minister to consider

U.C. decentralizing this 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 Malalal which is the district 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 <sup>to</sup> them to be

MR. LOTITIYO (Ctd.):

paid travelling allowances. The members of our land control board have ~~never~~ 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 <sup>have a</sup> ~~not~~ a land control board in Samburu.

MR. LOTITIYO: Mr. Temporary Deputy Speaker, Sir, I would ~~ki~~ 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, but I said the transactions/ <sup>of</sup> our land control board which are at the moment carried out at Nyahururu, should be carried out at Malalal which is the district headquarters.

THE ASSISTANT MINISTER FOR COMMERCE (Mr. Lalampaa): On a point of order, I think Sir. As far as I am concerned, 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 Nyahuru, <sup>and this is</sup> why I said that the hon. Member is misleading the House, is the land registry.

U.C. 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 ~~ky~~ 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 <sup>er</sup> home as possible.

U.C. Mr. Temporary Deputy Speaker, Sir, I also mentioned <sup>travelling</sup> ~~about~~ the/allowances of the members of the land control board. I could not have mentioned <sup>travelling</sup> ~~about~~ allowances of the members of the board if the board was not there. Therefore, I think the hon. Member should correct himself.

MR. LOTITIYO (Ctd.):

S.3.——28.10.87.

Mr. Temporary Deputy Speaker, Sir, the other point which I would like to make is about squatters. In settlement schemes in Nyahururu, <sup>#</sup>Ol Kolou, 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 when they are totally new people and want to resettle again and sometimes they find that their land has already been adjudicated and taken 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, <sup>†</sup>those nomads whose understanding is very little so that they can be settled among others who have no land. I hope the Minister will do this.

End s.

LAG



MR. LOTITIYO (ctd.):

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. LUTHURA: 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~~ 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 ~~will~~ would also like to thank the land-buying companies and co-operatives <sup>Societies</sup> 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 comendable job.

Mr. Temporary Deputy Speaker, Sir, after the <sup>wananchi</sup> ~~wananchi~~ have been settled, as has been aired in this House, they have problems. These have been solved partially by the Provincial Administration - the ~~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,

MR. MUTHUPA (ctd.):

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 ~~any~~ court. They still get ~~a~~ 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 court, and one of the parties involved is a wealthy person who can hire a lawyer as qualified as ~~B~~ 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 ~~in~~ law <sup>and</sup> who cannot argue. Time has come when the Government, through the Ministry, should come up with a clear policy such that if there are ~~a~~ 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 ~~a~~ to court, none of them should be taken there; otherwise, we tend to be 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 ~~a~~ 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, sub-dividing and demarcating land, particularly the co-operative farms. The Minister replied by saying that a list of ~~a~~ registered surveyors has been sent to ~~a~~ all the district commissioners. I hope the ~~p~~ Provincial Administration is going to ~~is~~ show <sup>a</sup> keen interest in this problem.

Mr. Temporary Deputy Speaker, Sir, mine is one of the <sup>constituencies</sup> constituencies in which land has been bought by co-operatives <sup>and</sup>

MR. LUTHURA (ctd.):

land-buying companies, and quite a number of these farms ~~are~~ have been sub-divided and surveyed by people who have been chain-boys or chain-men for quite a number of years ~~for~~ under a surveyor. This person then comes and tells the land-buying company or the co-operative <sup>society</sup> "oh, I can survey this land and sub-divide it for you", without these people knowing that this person is not registered to sub-divide and survey land. These people cannot get title deeds, and, so I hope that those pieces ~~x~~ of land which have been sub-divided by unregistered surveyors will be ~~d~~ 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 <sup>areas,</sup> ~~areas~~ as has been stated by hon. Members in this House, which have not been declared and adjudicated, where land has not ~~we~~ been sub-divided, this shows that the Ministry is la\_cking qualified people, and I feel that it ~~w~~ should have a crash programme. If we have crash programmes in the Ministry of Education and the ~~m~~ Ministry of 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 ~~x~~ enable ~~p~~ the quickening of this work since these people need title ~~d~~ deeds.

Mr. Temporary Deputy Speaker, Sir, the Government ~~has~~ started settling people in ~~settling~~ <sup>settlement</sup> schemes <sup>way</sup> back in 1962. Some of the people who were settled in those days have paid back the ~~p~~ loans they were given - they have fully paid the price of the land that they got. Up to now, despite the fact that they ~~in~~ have not ~~f~~ debt with the Government, they have not got the title deeds. Let them get them so ~~x~~ that they can utilize them.

We have a lot of idle land in this country. These people who own this idle land are either absentee land-lords or the so-called <sup>"</sup>telephone farmers<sup>"</sup> who do not make ~~use~~ full use of the land. Time has ~~to~~ come when a law should be brought into this House so that

MR. MUTHURAJ (ctd.):

we can limit the amount of land that one should have, so that we can also ~~make~~ make those people who leave some of the land that they own idle to make use of this land. If they cannot do so, it should be taken away and ~~be~~ given to the landless.

Mr. Temporary Deputy Speaker, Sir, when ~~it~~ <sup>we</sup> is talked 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. ~~Why~~ It is not possible ~~it~~ for everyone to own a piece of land in this country. ~~but~~ <sup>However,</sup> then it is unfair to have people without land and yet we have some people with so ~~much~~ <sup>checks in the documents</sup> much land that unless one ~~goes~~ <sup>goes</sup> back to the ~~land papers~~, he cannot tell how many thousands of acres he 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 ~~in~~ lot of food production in this country. ~~If~~ I feel that there should be a ceiling of the amount of land that an individual should own in this country. I know when I say that, it touches some people because they own tracts and tracts of land ~~in~~ on which you will only find wild animals moving around. ~~If~~ I feel that this is unfair.

I would now like to talk about ~~the~~ the allocation of land in urban areas. I still remember ~~an~~ <sup>a former</sup> engineer with Nanyuki Town Council some time back who was complaining and trying to ~~an~~ advise the council that there was no point of allocating somebody a plot in an area which had been declared ~~an~~ 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 ~~a~~ 20 acres of land in urban areas? Why should this happen? I feel it is unfair because the population of this country is rising, we need more schools, more classes, more hospitals, more polytechnics and more factories together with

MR. MUTHURA (ctd.):

industries and, without land, we cannot have these. Therefore, the question of allocation of land in ex urban areas needs to be looked into so that an ~~ita~~ individual does not get 10, 20 or 30 acres.

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MR. MUTHURA (ctd):

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 those few remarks, I beg to support.

THE ASSISTANT MINISTER FOR INDUSTRY (Mr. Lugonzo): 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 Settlement. First 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, 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.

Yesterday, I was giving an answer here to a question which was asked 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 realise that it is a priority. If the Government's wish of having industries in Nyori, Nanyuki, Kakamega, Kitui and so on is to be realised, 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 build their cities about 200 years ago, like New York. These cities were well planned and you will find roads going parallel to one another, ~~on avenues~~. They planned because they knew they were going to have big cities; they planned a long time ago. Why have Kenyan physical planners left a town like Kakamega to start developing and 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 <sup>up</sup> houses in towns in a haphazard manner when somebody will come 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 ~~know~~ 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 in housing. In a place like Kakamega town, housing is now at 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. Ligonzo): 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 mbc. 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 for those who will carry out construction works. When thousands of people apply for ~~people apply~~ for plots which they want to develop and only a few people are considered, why should we keep on crying about unemployment and so on when physical planners do not want to see these towns ~~developing~~ *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 ~~xxxx~~ 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 ~~with~~ *it in* because that is development as people will get employment.

The other thing is on the cost of land. It is becoming impossible to buy land. In some areas, an acre of land is costing about Shs.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 <sup>very</sup> wealthy people who will be able to put <sup>up</sup> houses. If a small piece of land, say, in Nairobi where you have to put up a house, will cost you about Shs.500,000/=, then how many people can put up houses in Nairobi? Very few can afford Shs.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 ~~also~~ allowed to put up a three bed-roomed house in Nairobi, it will not cost me more Shs.100,000/=. When you look at the figure which is quoted by the so-called



THE ASSISTANT MINISTER FOR INDUSTRY (Mr. Lagonzo) CTD: U..4 28.10.87

experts, it will cost you Shs.300,000/=, Shs.400,000/= or even Shs.500,000/=.  
~~sum must be checked.~~

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THE ASSISTANT MINISTER FOR INDUSTRY (Mr. Lugonzo)(Contd.):

Sir, this must be checked and stopped. I say <sup>20</sup> because there are even houses in Kakamega which somebody worked out the prices, and then they were put up for people to buy. They say 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 a house, it would cost KSh.100,000/- or less; even KSh.80,000/-. In accordance with the value of the material <sup>5</sup> 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 There is "forgery".  
title deeds. <sup>2</sup> I could call it "forgery" or a kind of "fraud". At present, there are people who sell land to an individual, and they very many in my constituency. After selling to somebody a piece of land, he goes to 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 that 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 ~~thinking~~ <sup>knowing that</sup> there is much more to it than

MR. ANYUMBA (Contd.):

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 ~~set~~ 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 under the Ministries 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, they call upon the services of this Ministry to enable them to 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 <sup>important</sup> 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 the same instrument, and it is only one, and they need very

MR. ANYUMBA (Contd.):

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 <sup>to</sup> this Ministry. I read <sup>from</sup> the Budgetary supplies and see 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 were to be more expansion - which must be there because we are a dynamic country and we are expanding; we are not diminishing in size - and, therefore, with expansion, there will be surveying and mapping. There will be <sup>land adjudication</sup> ~~standard education~~. 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 that from the Department and also from the Ministry, 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 to 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. The buildings have mushroomed, and certainly leading 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

MR. ANYUMBA (Contd.):

to go to the third and fourth due to lack of funding. Yet these are trading centres with the size of urban centres, and which should be promoted to urban centres. I am sure their early<sup>and</sup> 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.

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28.10.87.

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MR. ANYUMBA (ctd.):

At least, during my time, it was rather shameful to have a telephone between us; we had to make telephone calls before we ~~xxx~~ 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 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~~ remind the House that the Surveys 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 talking wild as if they were not contributors to the debate that passed the Bill which became the Surveys 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 KShs.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 KShs.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 KShs.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 recognised charged KShs.64,000/- and where a qualified surveyor who is recognised by the Government charged only KShs.42,000/-, according to the

W.2.  
28.10.87.

MR. ANYEMBA (ctd.):

scale 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 ~~my~~ opportunity to also air my views on this very 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 ~~pe~~ 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~~ 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 an unnecessary protracting of work by the people who are doing the job. I would,

28.10.87.

THE MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES (ctd.):

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 I think should be clarified is what The Standard newspaper tried to serialise sometimes back, and that is the classification of land 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 means because a person has a title deed. Maybe, too, it is easier for one to know what a state land is. Trust lands are open to abuse, especially by local authorities. They have ~~zh~~ 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 ~~state~~ 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 ~~thaxix~~ there is trust land under Machakos, Kitui and 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 an hydroelectric dam, the rest should be reverted to the trust land for the people ~~axix~~ in the ~~vixi~~ 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 ~~Mz~~ Mwea Settlement Scheme. Around the ~~axix~~ corner there, a few people have been given over 50 acres each on a land that should



28.10.87.

THE MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES (ctd.):

have been 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 owes 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 ~~are~~ came together and, for instance, you could have five people written down together as the trustees of a certain group. Those so-called trustees have turned ~~these~~ some of those ~~group~~ group ranches into their own land. They negotiate and sell, forgetting that they are trustees of a 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 be given. I hope that the hon. Minister for Lands and Settlement will look into this matter and let us have the right of sub-dividing these ranches ~~among~~ among the people for whom the five trustees stood for.



END..... W.

THE MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES(ctd);

Mr. Temporary Deputy Speaker, Sir, the other problem that we face in Embu District is about land registration officers and ~~estate agents/officers~~ 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 ~~swindling~~ a lot of ~~some~~ ~~times~~ It has been alleged that ~~it~~ they ~~work~~ work in league with some of the very junior officers in the lands office ~~thereby making~~ thereby taking land away from people and making them landless. It is ~~not~~ possible to come across a landless person who had land before; it has ~~never~~ either been sold or transferred. I would like the Minister to look into this matter and ensure that land offices are nothing but the places where a person gets ~~six~~ satisfaction and protection for his land.

Finally, Mr. Temporary Deputy Speaker, Sir, physical planning of urban areas should be ~~be~~ stepped up. Like the hon. Member who spoke before me said, we need to have ~~the~~ physical planning done in ~~the~~ towns, markets and in the villages so that we can develop villages, townships in an orderly manner and for the right developmental classifications. If a piece of land has been set aside as a play ground or for building schools and ~~national~~ 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 ~~an~~ haphazard manner.

Mr. Temporary Deputy Speaker, Sir, any development in ~~the~~ land matters especially in local authorities should be in ~~consonant~~ 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 ~~big~~ kiosk or a shopping centre.

THE MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES(ctd);


Incidentally these kiosks that we have, 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 in some ~~places~~ ~~the~~ places.

With these few remarks, I beg to support.

MR. OMIDO: Thank you very much, Mr. Temporary Deputy Speaker, Sir.

I would first 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 ~~xxx~~ 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 ~~xxxxxxx~~ 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 ~~along the~~ 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 lands and who, having <sup>been</sup> 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~~ seriously the question of 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 ~~xxx~~ squatter population will keep on increasing.

END. X 

MR. CHIDO (CTD.):

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, in 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 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 ~~pro~~ 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. CHIDO: 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~~ 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

MR. CHIDO (CTD.):

to get ready to fence off the plot. I now understand that arrangements are being made to allocate that same plot <sup>for</sup> to 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.

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*J. Chido*

MR. OMIDO (Ctd.):

Mr. Temporary Deputy Speaker, Sir, there is a school along Rabai Road and, adjacent to ~~this school~~, there is a piece of land. It was a greed, 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 our people, then this is a very ~~an~~ 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 Kuda. Ningependa kumwunga mkono, mhe. Mbuunge 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 ya 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 ~~kazi~~ sababu wanasema, "Hatutaki maneno, tunataka vitendo" au "Mimi na bibi yangu tumetoa ~~Shx~~ elfu kadhaa za shilingi." Huu ndio ugonjwa na hatuwezi kusema mambo mengine na kuacha ~~ek~~ 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 ~~unokufa~~. *imefutuliwa mbali.*

MR. MUTHURU: Imevunjwa!

MR. SHIKUKU: Imevunjwa. Mungu si z Abdullah. Nasema hivyo kwa sababu wao wanasema kwamba ikiwa hutoi pesa za ~~Hxx~~ Harambee, una makosa. Kwa hivyo, watu wamejaribu kwa vyovyote hata kwa kuiuza nchi yao ili wapate pesa za Harambee, ili wawe viongozi katika Bunge hili.

MR. SHIKUKU (Contd. ):

Hivyo ni kuununua uongozi wa nchi. Popularity today, Mr. Temporary Deputy Speaker, is for purchase. Hivyo ni kusema kwamba uongozi unanunuliwa. Unaweza kuwa kiongozi, si kwa sababu ya akili uliyonayo, lakini kwa ajili ya pesa ulizo\_nazo. Hii ndiyo sababu wanasema, "Hatutaki manono, tunataka vitendo". Lakini vitendo hivi vinaleta ~~xx~~ wizi na uuzaji wa nchi hii.

Jambo la pili ni kwamba <sup>harti</sup> ~~ya~~ za kumiliki ardhi zimeleta taabu sana. Ukweli ni kwamba - na ni lazima Waziri afahamu jambo hili - wananchi wadogo wananyang'anywa ardhi yao na watu wakubwa na hii ardhi wamekuwa nayo tangu zamani za kale. Jambo hili linafanyika kwa sababu ya ufisadi katika ofisi ya land registry. Mwananchi anaweza kufikiria kwamba ana ardhi, kumbe Bw. Shikuku, amezunguka zunguka huku na kule na kupata harti ya kumiliki ardhi hii. Sasa jambo yule mwananchi atakaloliona ni kwamba ~~ata~~ atakuta Bw. Shikuku akizungusha ile ardhi na ua la seng'eng'e kwa sababu amepata harti ya kumiliki. Mimi ninazo kesi zaidi ya 20 za aina hii na, ikiwa Waziri anataka, ninaweza ~~kumwacha~~ kumwonyesha kesi hizo.

Sasa yule mwananchi anapoamka asubuhi, anamkimbilia mhe. Shikuku na kusema, "Nimeambiwa ni toke kwa shambe langu na baba yangu". Ufisadi huu uko mwingi sana katika <sup>maofisi</sup> ~~ofisi~~ ya ardhi kote nchini. Wananchi wadogo wanalia. Watu wadogo katika nchi hii hawana haki kwa sababu wananyang'anywa mali yao na watu wakubwa na haya ndiyo mambo ambayo yamenifanya ni je nisema katika Bunge hili ili wasikie, na wasiposikia, ni shauri yao. Kawaida ~~yawachukua~~ ya watu hawa ni kukataa kuyasikia maneno Bw. Shikuku anayosema lakini baadaye wanayarudia yale maneno na kujifanya kwamba wao wanayasema kwa mara ya kwanza. Lakini wananchi <sup>Si</sup> ~~ta~~ wapumbavu. Wananchi hawa <sup>hawana</sup> hawakusoma na kwa hivyo ~~hawa~~ digrii, lakini wana akili na hili ndilo jambo ambalo <sup>wamechoshwa wa</sup> litawashtua wakubwa siku nyingine kwa sababu wananchi wadogo ~~wanachoka~~ <sup>ziyazo</sup> na ~~kawachukua~~ wakubwa. Huja vita ~~na~~ itatokea ~~ku~~ katika siku ~~si~~ <sup>si</sup> baina ya wakubwa ambao wana-shirikiana na Wahindi ili kuwanyanyasa watu wadogo, na hawa watu wadogo. Hii itakuwa vita kali sana. Wananchi wengi ni wadogo na vita ~~si~~ <sup>si</sup> vitakuwa kama <sup>French</sup> ~~Vilc~~ French Revolution. Mimi ninaye <sup>sema</sup> ~~na~~ juu ya mambo ambayo yatakuja mwishowe.

Jambo la pili ni kwamba tulipitisha sheria hapa Bungeni kwamba watu wanakaokuwa wakiangalia mambo ya mashamba <sup>hawa</sup> ~~ni~~ wakuu wa tarafa. Ukweli ni kwamba wakuu wa tarafa <sup>ZAO</sup> ~~na~~ hawafanyi kazi ~~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 ~~Bungu~~ Bungeni? Ni kwa nini sheria hii haifanyi kazi? Jambo hili linafanyika kwa sababu mtu hawezi kuwa mtu 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. Ek Ijapokuwa tungetaka kumpatia kila mtu sehemu kidogo ya ardhi, jambo hili haliwezekani. Ni lazima tusema ukweli katika nchi hii, ~~si~~ kwa sababu si kila mtu atakayepata ardhi. This is impossible! Hakuna nchi ~~tu~~ duniani kote 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/mtu anastahili kuwa ~~nacho~~. Ningetaka kumshukuru Mtukufu Rais kwa kuwaokoa watu wadogo kwa sababu walikuwa wamemezwa na hawa "samaki" wakubwa ambao maongozi yao ni kwamba, "Samaki mkubwa kazi yake ni kummeza samaki mdogo". Lakini siku itafika ambapo yule samaki mkubwa atamezwa na samaki mdogo. Ni lazima wakumbuke vile Biblia inavyosema kwamba kulikuwa na ng'ombe sababu 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 utaletwa ~~ni~~ njaa katika Kenya, na Afrika yote kwa siku nyingi. Ikiwa watu wanatumia shamba kwa njia ya kushirikiana, ni lazima wake pahali pamoja na kuiacha ile ardhi bila kuigawana. Nimesema juu ya jambo hili kwa miaka mingi sana katika Bunge hili na hakuna Waziri yeyote au wale wanaohusika, ambao wanayasikia ~~hata~~ ~~hata~~ hata heno haya. Wanapokwenda katika nchi za Ulaya, sijui kama wanayaweka macho yao mifukoni ~~hata~~ ~~hata~~ mwao. Bw. Naibu Spika wa Muda, wewe umeshakwenda katika nchi za Ulaya na sijui kama ~~wai~~ uliona nyumba ziki ambazo zimejengwa kila pahali. Ukweli ni kwamba katika nchi za ~~Ulaya~~ ng'ambo, unaweza kusafiri kutoka Nairobi hadi Athi River ambapo utakiona kijiji kidogo ~~na~~ tena kutoka pale Athi River, utaweza kusafiri mpaka kule Kimbwezi ambapo utakiona kijiji kingine kidogo. Ardhi yote kati ya Nairobi na Athi River, imepandwa chakula. Lakini wakubwa ~~na~~ wa hapa Kenya



MR. SHIKUKU (Ctd.):

wanapokwenda ng'ambo, wanatembea na macho yao mifukoni mwao na hawaoni ni kitu gani kinafanyika kule. Wanapokuja hapa, bado ~~ta~~ wanaendelea kufanya siasa na kusema, "Hitakapatia wewe ekari tano, wewe ekari kumi na wewe ekari tatu au ~~mbili~~ mbili". Lakini hawaambii wale wanzopatiwa ekari moja au tatu wasiendole~~o~~ kuzaa. Sasa mtu akipata mtoto, atampatia yule mtoto ekari moja na yule mtoto akipata mtoto wake <sup>na</sup> anapatia nusu ekari na mwishowe ardhi yote ya Kenya, itajazwa na nyumba. Sasa watu hawa watapata wapi chakula? Kwa hivyo, ni lazima viongozi waangalie mbele ~~na~~ si kufanya siasa <sup>za</sup> ya pesa nane. Ni lazima watu wetu waambiwe ukweli, na ukweli ni kwamba ~~iki~~ ikiwa mtu amenunua shamba, ~~ya~~ ekari kadhaa, ni lazima zitengewe nyumba na ile ardhi nyingine iachwe ili watu wawe wakilima na kurudi katika kijiji. Nasema hivyo i kwa sababu ardhi inazidi kupunguka kwa sababu ~~izi~~ idadi ya watu inazidi kwenda juu. Huu ndio ukweli mchungu, si uwongo mtamu. Mwanasiasa ambaye hayuko <sup>tayari</sup> kutwambia mwananchi anayemwongoza ukweli huu, <sup>huyo</sup> hwa mwanasiasa hawezi kukaa katika Bunge hili. Hii ndiyo sababu kwa miaka mingi nimewaona Wabunge wengine wakipitia kwa ule mlango, bila ~~kurudi~~ kurudi katika Bunge hili. Mimi nimewaona wengi ~~na~~ ambao wametokea kwa ule mlango ~~hiki~~ na kwenda kabisa, kwa sababu ya kuwa na siasa <sup>za</sup> ya pesa nane. Ni lazima tuwaambie watu wetu ukweli. Wale ambao wamenunua mashamba kupitia kwa vyama vya <sup>u</sup> shirika ni lazima waendelea kuyalima vile ilivyo bila ~~kui~~ kuyagawanya na kujenga ~~katika~~ kila pahali. Ni lazima tuukomeshe huu mtindo wa kusema kwamba mtoto wa Shikuku atakatiwa shamba hapa, na yeye akizaa atamkatia mtoto wake na mwishowe ardhi yote ifunikwe na nyumba na watu kuachwa bila pahali <sup>kukuzia</sup> pa ~~ku~~za chakula.

END Z

MR. SHUKUKU (ctd):

Bw. Naibu Spika wa Muda, tutakawa tukipiga magoti chini kwa Wazungu wa nchi na ng'ambo, marais na kwa ~~uzi~~ mawasiri wakuu tukilia huko. Ukilia na atupe chakula, hata ukitoa hotuba kali namna gani, hawezi kukusikia kwa sababu anajua wowe ni mwombaji; hawezi kuyasikia maneno ya mwombaji.

Jambo lingine ni kwamba, ingefaa tuwe na land policy. Tume sema kwamba ni vizuri tuwe na land policy - how much of arable land should one get and how much should he not get? Tumeuliza hii land policy tangu mwaka wa 1963. Haiwezi kupatikana kwa sababu walubwa walio na uwezo wa kuifanya policy hii ifanye kazi; ni wao wao ambao wana mashamba makubwa makubwa. Mashamba haya yanakaa bure na wanyama ndio wanaokaa huko; hawa wanyama wanatoka huko na ~~kwa~~ kwenda kuharibu mimea ya watu wadogo katika settlements. Lakini kuna siku mwananke atazaa 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 makubwa na ingefaa tuwe na select committee ya Bunge hili ili tuweze kuangalia na ~~kuona~~ kuona kila mtu ana ploti ngapi. Tukipata mtu ana ploti nyingi; tutamwachia ploti moja na nyingine zigagwe 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: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili nami niungane na Waheshimiwa Wabunge ~~wenzangu~~ wenzangu kwa kuiunga mkono Voti hii ya Wizara ya Ardhi na Makao. Kwa kuongeza kwa yale Waheshimiwa Wabunge wamesema, ningependa kusema kwamba kuna shida ya <sup>maofisi ya</sup> land registries katika Jamhuri yetu. Kwa mfano, katika upande wa West Pokot, tunahudumiwa na land registry ya Eldoret ambayo pia inahudumia wilaya nyingi, kama vile, Uasin Gishu, Trans-Nzoia and Turkana. Inakuwa shida kubwa sana kwa watu wanao-shughulika na mambo ya kubadilisha au kuchukua vyeti vya kumiliki mashamba

kama mtu anauza 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 hii Wizara ifikirie sana na ikiwezekana, wagagwe 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 and watu wa Wilaya ya Turkana ili ile x land registry ya Eldoret, iwahudumie watu wa Wilaya za Uasin Gishu, Elgeyo Marakwet na kadhalika.

Jambo lingine ambalo ningependa kusema linakusu group ranching.

Siku hizi, watu ~~kazi~~ wameacha ule mtindo wa group ranching na wanataka waga-gwiwe mashamba ili waweze kuyastawisha vile wanavyotaka. Sisi watu wa Wilaya ya West Pokot, tuna lokesheni kadhaa na watu wa sehemu hizo wameacha mambo ya group ranching na mashamba yamegagwa x kwa watu binafsi. Mashamba yamegagwa kwa mfano, katika sehemu ya Komelai, Nariwa na kadhalika. Wanakamati wamegagwa mashamba na sasa kila mtu ana sehemu yake. Kitu ambacho ningelomba Wizara ni kwamba ingefaa iwatumie watu wa land adjudication waingie katika sehemu hiyo na waanze kuwagagwia watu mashamba ili kila mtu awe na sehemu yake. Group ranching ilikuwa ikiendelea hapo a zamani kati ya ~~wasomali~~ lakini sasa watu wanataka kukaa pahali pamoja na kuendelea na kazi zao. Kwa kweli jambo hili litakomesha uizi wa mifugo kwa vile watu hawatakuwa wakihama ovyo ovyo. Sisi wengine ambao tunaishi mpkani mwa Kenya na Uganda, itakuwa vizuri kila mtu akiwa na sehemu ~~raz~~ yake ya shamba na itakuwa rahisi kwa maafisa wa utawala kujua ni mtu gani mgeni ambaye ametoka nchi jirani kuingia hapa Kenya. Ningependa kuiuliza Wizara hii ifikirie sana kuwapoleka maafisa wake huko ili watu waweze kuwa na mashamba yao binafsi. Kwa njia hii, wataweza kustawisha mashamba yao na kufanya kazi ambayo inaweza kuisadia nchi hii.

Ningependa kusema machache kuhusu wanakamati wa mashamba. Tuna wazoe wa kamati za mashamba wanaofanya kazi nyingi kutoka asubuhi hadi jioni lakini marupurupu wanayopewa ni ya kiasi cha chini sana. Pesa hizi hazilinganiki na hali ya maisha ya sasa. Kwa wakati huu, ninajua kwamba wanapatiwa Shs.15/=

kwa siku. Pesa hizi ni kidogo sana na hali watu hawa husafiri sana hasa wale wanaolusika na kezi za mashamba na inawabidi kwenda katika makao makuu ya wilaya. Watu humunguka sana na hufanya kazi nzuri sana. Ningependa kumuuliza 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 mengi ya Serikali yanayosaidia sana katika mambo ya maendeleo wilayani. Tunefanikiwa kwa vile sasa tuna vi benki na kadhalika lakini kama hatuna vyeti vya kumiliki mashamba, inakuwe shida kupata mkopo kutoka benki. Ingefaa Wizara iangalie na kuona kwamba imewatuma masorovea huko au watafute njia ya kutafuta pesa ili maafisa hawa waweze kuingia katika kila township ili watu waweze kupata vyeti vya kumiliki mashamba. Ingefaa pia vyeti hivi vya kumiliki mashamba vitolowe kwa wakati unaofaa.

Jambo la mwisho... linawahusu 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 pengine. Ingefaa Wizara ifikirie na iangalia juu ya shida ya hawa watu ili watafutiwe pahali pa kuishi kama wa Wanakenya wengine. Ingefaa watu hawa waangaliwe ikiwa kuna shamba ambalo linafikiriwa kugawa ili wasipate shida ya kuishi kando ya barabara. Jambo hili litaweza kuzuia ajali za barabarani kwa vile watoto wataweza kukimbia barabarani ovyo.

Kwa hayo machache, ninaunga mkono

End AA

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 all along and listened to every hon. Member who spoke this afternoon. This is a credit and we give to it/the particular Minister. Maybe he is used to it because earlier on, being a financial man, he used to listen to all kinds of borrowers and 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 <sup>other</sup> 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, India, Bombay, New Delhi, London, New York, and so on, and apply for industrial or commercial land, or even residential land and get it. In fact, foreign embassies need some land to put up their own offices. 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 <sup>a Bill</sup> ~~an amendment to the Bill~~ <sup>Act</sup> 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 we can win joint ventures. So, I would request the Minister to bring in an amendment right now to the Bill so that this anomaly can be corrected.

MR. MUNYAO (Contd.):

that is

Sir, the other issue connected to 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 regularise 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, or even here where we are, we have a different law. When are we going to regularise our land laws? We are 24 years since Independence, and it is high time we normalised our land laws. We should make it easy for the laws of our country to operate. Even lawyers, sometimes, they swindle people because we have a million and one land laws! Why can we, as a Ministry, not go through our land laws, regularise them and normalise them so that we have as few land laws as possible and 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 and have the titles. However, what <sup>has</sup> happened is so bad that one is bound to cry *when he thinks about it*,

End BB.

28.10.87.

JMK

MR. MUNYAO (ctd.):

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 the matter up further. This lady has gone with her family and they have filled in this declaration form. In fact, the form was filled in 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 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 this 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 should be referred to village elders for the purpose of ensuring that fair deals are carried out. The administration has tried all what it can do, 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 piece of land. What an abuse of the law! Why should we allow something like this to happen. I appeal the Minister to look at these forms I am holding and the land title deed because, as a banker,

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28.10.87.

MR. MUNYAO (ctd.):

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, ~~fi~~ 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 emphasise on only one thing. There ~~are~~ are some very clever people who sell one ~~piece~~ 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 ~~one~~ 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 Mbocni 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 these people who live in these dry areas should also survive.

END..... CC.





MR. MUYAO (ctd.):

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~~ <sup>release</sup> the title deeds which are ready.

Every time we ask ~~for~~ for these title deeds, we are told that the maps are in Ruaraka, <sup>of</sup> in the Lands Office. When we go there, we find that the ~~maps~~ <sup>files</sup> 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 is faster. The Minister must examine the delay which is at Ruaraka and tell us what is causing it. We ~~hear~~ 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~~ 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 recommended for surveying cannot be surveyed due to lack of manpower and also equipment is too old. Another hindrance is lack of <sup>adequate</sup> 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~~ to ~~go~~ make a few points pertaining to this very important Motion.

One thing I would like to find out is how processing of sub-division is done. During the sub-division of farms, particularly in Kericho District, there were a lot of mistakes which were found out, ~~after~~ after the surveyors had left. These mistakes are still there ~~waiting~~ <sup>awaiting</sup> correction and, as such, I would like to urge the Ministry to see to it that ~~that~~ these mistakes are corrected as

MR. arap KOSKE (ctd.): <sup>This is</sup>  
 quickly as possible, because <sup>once</sup> somebody is informed that  
 the sub-division was done incorrectly, he is not going to be  
 keen enough to develop that farm as he is never sure whether he  
 will be ~~never~~ moved from that piece of land and ~~we~~ leave it  
 together with the development upon it to somebody else.

12#  
 Much has been said about unqualified surveyors. These  
 people have ~~run~~ 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 suggest to <sup>the</sup> ~~the~~ Ministry of Lands  
 and Settlement to ensure that unqualified surveyors are not allowed  
 to survey land since they are aggravating the problems <sup>which</sup> 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 ~~are~~ do not demand to be paid before they finish  
 the work. These surveyors should be paid through the ~~for~~ Govern-  
 ment 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, ~~1987~~  
 at 2.30 p.m.

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

END DD

REPUBLIC OF KENYA  
THE NATIONAL  
ASSEMBLY  
OFFICIAL REPORT

Thursday, 29th October, 1987.

ORAL ANSWERS TO QUESTIONS

Questions Nos. 633, 612, 626, 589, 628, 621 and 585

Question No. 634 - Dropped.

QUESTIONS BY PRIVATE NOTICE

Lamu MPs Refused to Address the Public During Kenyatta Day  
Celebration by the D.C. (Mr. Mzamil) - Dropped

Delay to Pay Mr. Hamisi Mung'oni Orata his N.S.S.F. Dues  
(Dr. Wameyo) - Dropped.

Shortage of Water in Various Institutions in Embu East (Mr.  
Mate) - Dropped.

Delay in Opening Maize Buying Centres in Belgut (Mr. Kirior)-  
Deferred.

POINTS OF ORDER

An Assistant Minister Tenders his Ministry Apology About  
Making a Ministerial Statement but Promises that the  
same will be made Next Week.

Failure by a Minister to Make a Statement About the  
Appointment of a Commissioner for Monopolies.

Failure by the Attorney-General to Make a Statement About  
Confiscation of Livestock in Butere by the Local

Administration - Nothing can be done About the Issue  
Because not all Ministers are in the House.

Thanks to the Head of State for Announcing that it is Time  
Coffee Export Business was placed in the Hands of Africans -  
The Minister for Finance Requested to Make a Statement on  
the Issue but the Chair Points Out Not all Ministers are in  
the House.

Minister Concerned Requested to Make a Statement About the  
Upgrading of Kikuyu Trading Centre to an Urban Centre.

COMMITTEE OF SUPPLY

Motion: That Mr. Speaker do Now Leave the Chair - The  
Minister for Lands and Settlement on 28-10-87 -  
Resumption of Debate interrupted on 28-10-87 - Agreed to.

GUILLOTINE

Votes 18, 20, 22, 30, 4, 5, 6, 7, 8, 13, 15, 16, 17, 19, 21,  
23, 25, 26, 27, 28 and 29 - Agreed to.

MOTION

Refusal to Give Government Guarantee of a Loan to the Kenya  
Ports Authority - Mr. Shikuku on 29-7-87 - Resumption of  
Debate interrupted on 27-10-87 - Debate Again interrupted  
without Question put.

H A N S A R D

Thursday, 29th October, 1987

The House met at thirty minutes past Two o'clock.Mr. Speaker in the Chair

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 633

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, 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 wote.

(b) Kufuatana na jibu langu katika sehemu ya (a) ya Swali hili, hakuna hatua nyingine yo yote ninayotarajia kuchukua kuhusu jambo hili.

Question No. 612

MR. MUTEURA 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 LIVE STOCK 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

THE ASSISTANT MINISTER FOR LIVESTOCK DEVELOPMENT (Mr. Oyondi)(Ctd.):

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 Organisation, World Food Programme has allocated Shs.10 million for the development of artificial insemination services in the country. Of this money expected to be realised within the next 14 days, Laikipia will be allocated Shs.116,000/= for transport and travelling expenses.

MR. MUTHURA: Mr. Speaker, Sir, when the calculation was done where Laikipia was allocated Shs.116,000/= for how long was it thought that this money <sup>was</sup> ~~is~~ 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. KINYANJUI: 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 measures 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 Shs.116,000/= or whatever other amount of money Laikipia will get, gets from its share of the Swedish International Development Agency grant gets exhausted,

MR. MUTHURA (CTD.):

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 <sup>for</sup> tomorrow also.

Question No. 634

MR. SPEAKER: Mr. Ndzai not here? Okay, we will leave his Question until the end.

Question No. 626

MR. MWACHOFI asked the Minister for Labour:-

600  
(a) whether he is aware that Bulleys Tannaries Ltd., P. O. Box 15, Thika, declared workers redundant paying them only Shs.4,000/= each;

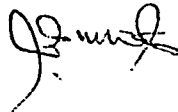
(b) whether he is further aware that until now 339 of these workers have not received any further payments; and

(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 <sup>his</sup> ~~their~~ claims at different rates up to a maximum of Shs.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.

END A



THE ASSISTANT MINISTER FOR LABOUR (Mr. arap Netto) (ctd.):

(b) Mr. Speaker, Sir, I am also aware that until now only 239 workers ~~not~~ 339 workers whose claims were above shs.4,000/= have not received any further payments because the Receiver/Managers have not liquidated the Company.

(c) When the Company is finally liquidated, the amount of unpaid claims <sup>to</sup> of 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/Managers <sup>are</sup> and when is the exercise 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 ~~immediately~~ 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, whether it is <sup>in the year</sup> 2000, when we are expecting water all over the country, or which year.

MR. arap NETTO: 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.

Question No. 589

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 re-instating 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/RA082, 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 misconduct, 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 re-instated into the service.

MR. SIFUNA: Mr. Speaker, Sir, may I know from the hon. Assistant Minister, according to his reply in part (b), <sup>what</sup> ~~where~~ he <sup>means</sup> ~~says~~ <sup>by</sup> 'unbecoming misconduct'? That is too general. Could he tell us what unbecoming conduct was this?

MR. KERIRI: Mr. Speaker, Sir, it was unbecoming misconduct because he engaged in a number of things which were regarded as misbehaviour and I can give one of two examples. One, on 28th and 29th April, 1981, he misused <sup>a</sup> Government vehicle LGK 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



MR. SIFUNA (ctd.):

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 ~~mis~~conduct and not the misuse of Government vehicles. Let him concentrate only on what he means by unbecoming ~~mis~~conduct.

MR. KERIRI: Mr. Speaker, Sir, misconduct ~~u~~ 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, <sup>in June and July, 1981,</sup> 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 ~~fo~~verstepping his responsibilities. I could even <sup>give</sup> 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. <sup>On</sup> This question of employing extra workers, he did it as he was directed by his superiors. I wonder whether the Assistant Minister could <sup>call</sup> this ~~one~~ 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 authorised to do that.

MR. SPEAKER: Mr. Omidok's Question.

MR. OMIKDO: Mr. Speaker, Sir, before I ask my question I would like to make small correction. In part (a), the second word instead of "is" should be "has".

Question No. 628

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 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 1st December, 1981. There is nothing more to be paid from the Kenya Railways Corporation in this connection.

MR. SPEAKER: Next Question.

Question No. 621

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.

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo) (ctd.):

(b) As the hon. Member is aware, recommendation for the expansion of Busia General Hospital, should come from the <sup>Busia</sup> District Development Committee (DDC), 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.

*EKIDOR:*

*MR. ~~WIPKORIN~~ takes a* Mr. Speaker, Sir, waiting for the DDC to make recommendations ~~is~~ 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 DDC, we shall take the necessary action.

END B.....

4.00 PM

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 <sup>and</sup> tell this 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 Minister should tell the House when his Ministry is going to provide funds for expansion of Busia District Hospital.

MR. arap CHEBOIWO: Mr. Speaker, Sir, 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 <sup>Kenya</sup> 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 <sup>me</sup> 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. 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.

Question No.585

MR. MUNYAO asked the Minister for Culture and Social Services:-

- (a) how much money was granted through E.D.F. 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) what are 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:

## THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES

( Mr. Michuki)(ctd);

<u>ITEM</u>	<u>1986/87</u>	<u>1987/88</u>
Training.....	K£.200,000.	K£.70,000.
Materials Procurement.....	K£.280,000.	K£.65,000.
Model Adult Education Centres.	K£. 60,000.	K£.30,000.
Divisional Adult Education Offices.....	K£. 70,000.	K£.35,000.
Part-time Teachers Honoraria..	K£.270,000.	K£.270,000.
Literacy Campaign.....	K£. 60,000.	K£. 30,000.

Mr. Speaker, Sir, the total grants for the two comparative years are as follows: K£.940,000 in 1986/87 <sup>and</sup> 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.

## THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES

(Mr. Michuki)(ctd);

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 arose 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/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, the . . . shortfall must also reflect the success of implementation because projects which have been executed cannot be revoted 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 and Machakos District Development Committee (DDC), <sup>and</sup> this department comes under the 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~~ deputies. Is the Assistant Minister aware that ~~it is because of his~~ officers' <sup>failure</sup> 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 <sup>has</sup> any specific <sup>will</sup> case, certainly he can come and we 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 No.634

MR. SPEAKER: Mr. Ndzai not in? Next Order.

QUESTIONS BY PRIVATE NOTICE

(Mr. Mzamil) anamuuliza Waziri wa Nchi, Afisi ya Rais:-

(a) Ni kwa sababu gani D.C. wa Lamu siku ya "Kenyatta Day" hakuwaruhusu Wabunge wawili wa Lamu Mashariki na Lamu Magharibu kuzungumza na wananchi walio wachagua?

MR. SPEAKER: Mr. Mzamil not in? Next Question.

(Dr. Wameyo) to ask the Minister for Labour:-

(a) When will Mr. Hamisi Mung'oni Orata of Shibinga Primary School, P.O. Box #24 Mumias be paid his benefits from National Social Security Fund No. 002 000 237?

(b) When did he retire from Mumias Sugar Company Limited?

D.2.....29.10.87

MR. SPEAKER: Dr. Wameyo not in? Next Question.

(MR. MATE) to ask the Minister for Water Development:-

- (a) Is the Minister aware that Siakago Health Centre, Siakago Girls Secondary School and Siakago Trading Centre have been without water for the last four years?
- (b) When is he going to rectify this situation?

MR. SPEAKER: Mr. Mate not in? Next Question.

(MR. KIRIOR) to ask the Minister for Supplies and Marketing:-

- (a) What has delayed the opening of the maize buying centres at Kebeneti, Cheptuiyet, Kiptere, Kapchanga, Chebirirbei, Kapsaos, Ainanoi and Keneguti?
- (b) When will these centres be opened for the farmers to sell their maize?

MR. SPEAKER: This question has to be deferred because the Questioner is not in and the Minister concerned is also committed elsewhere and so we cannot do anything about it.  
Next Order.

#### POINTS OF ORDER

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo):

On a point of order, Mr. Speaker, Sir. The ~~hon~~ House and the hon. Members are aware that the Minister of Health was supposed ~~xxxx~~ to make a Ministerial Statement today, concerning drugs and many other things. The statement is ready, but he intends to make it himself. As Mr. Speaker, said that some Ministers are committed elsewhere, he is one of them, and he was unable to come. So, he asked ~~me~~ me to convey his apology to the House and to the Chair - he will make this statement next week.

MR. SHIKUKU: Mr. Speaker, Sir, the House will recall that last week, or ~~on~~ about two weeks ago, when I ~~said~~ stood on a point of order and requested the Minister for Commerce to come and tell us whether there was any truth in the publication by the Daily Nation to the effect that a Commissioner for Monopolies has been appointed when the Bill has not even been passed by this House. I do not know why the Ministers ~~ignore~~ always ignore, to come and make Ministerial Statements <sup>on</sup> ~~to~~ such matters that have been raised in points of order. I am not against her being appointed as a Commissioner for the Monopolies but the procedure is that the Bill must first of all be passed by the House and then the appointment takes place. But here, an appointment takes place before the Bill is passed by the House. This is the funny part of it and I wanted the Minister to make a statement as to whether there is any truth that that appointment indeed <sup>did</sup> take place. Up to now, nobody has replied. <sup>space</sup>

My second point of order is about a Question which I raised about three weeks ago, when I requested the Attorney-General to ~~tell this House~~ <sup>Chicken</sup> he had promised in 1986 - to look into the question of ~~chicken~~ and goats ~~of~~ <sup>powers</sup> which had been taken away from people of Butere in Kisa, Kwisero Division. I wanted him to come and tell this House under what law have the chiefs and assistant chiefs got <sup>to</sup> take away the property of people? The people of Butere are still insisting and persisting to know this and they want the ~~a~~ Attorney-General to tell them under what law the chiefs do this. He promised to come and ~~give~~ make a statement on this but he never did so. I do not know whether I should raise this issue under Standing Order No.45 (i) to move a Motion <sup>to claim</sup> ~~raising a question of privilege?~~ It appears that when the Ministers are required to make statements in

MR. SHIKUKU (Ctd.):

this House after a request by Back-benchers, they just ignore it and hope that we will forget about it. What should we do, Mr. Speaker, Sir?

MR. SPEAKER: I am afraid you will have to wait until another time when all the Ministers are here. There is nothing we can do now for they cannot be where they are and at the same time be here. We ~~are~~ should be sufficiently understanding and try not to create an image of people who ~~we~~ we cannot find here and therefore, they are wrong. They are committed somewhere else and that is the position.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. I agree with your ruling, but I have been raising this time and again and nothing has been forthcoming. It is not only today, they have been here and nothing has happened.

MR. GACHANJA: ~~For~~ Thank you very much, Mr. Speaker, Sir. My point of order today is to thank the Head of State, His Excellency the President of this Republic for his timely announcement that it is time that the coffee ~~is~~ export business went to the hands of the Africans. This has been an outcry for a long time and we are now pleased that the Head of State ~~is~~ has said that it is time that the coffee export business ~~is~~ must go to the hands of our people. This is a very delicate and very difficult business. In fact, it calls for a lot of money and a lot of support because to be able to buy coffee in an ~~is~~ auction which calls for millions of pounds is not easy. The Government must come up with a clear-cut policy on how to help these people. My point of order therefore, is to ask the Minister for Finance to tell this House what exploration he is going to do and how the banks can help our people to be able to conduct this business successfully.

MR. SPEAKER: I have already pointed out that the Cabinet Ministers are not here. So, we should not be asking things when we know that the person who <sup>could reply</sup> ~~is likely~~ to reply is not available.

MR. KINYANJUI: On a point of order, Mr. Speaker, Sir. When the Minister for Local Government was responding to the comment I made with regard to the up-grading of Kikuyu Trading Centre to an urban centre, he agreed with me that the Kiambu County Council had submitted their recommendations. But he went on to say that a local councillor had raised an objection because the proposed boundary passed through his coffee farm. I want to categorically state here that there is no councillor in Kikuyu Constituency who owns a coffee farm. So, the Minister must have based his decision on wrong information and I should be very grateful if he would make a statement <sup>based</sup> on that matter of fact.

MR. CHEPKOK: On a point of order, Mr. Speaker, Sir. Yesterday in the morning when I rose on a point of order, asking about-----

MR. SPEAKER: Order! You do not have to tell us about it again; you just proceed with what you want to say. There is no point in repeating what you said.

MR. CHEPKOK: It is only a matter of correction, Mr. Speaker, Sir.

MR. SPEAKER: No! That is repetition. Next Order.

MR. CHEPKOK: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Order! I have told you that that is a repetition and it is not allowed here.

MR. CHEPKOK: On a point of order, Mr. Speaker, Sir.

B.6.....29.10.87

MR. SPEAKER: Order! You will go out if you continue  
like that! Next Order.

END B.....

J.K.

## COMMITTEE OF SUPPLY

(Order for Committee read being the 14th Allotted and Last Day)

## MOTION

That Mr. Speaker do now leave the Chair.

Vote 36 - Ministry of Lands and Settlement.

(Minister for Lands and Settlement on 28.10.87)

(Resumption of Debate interrupted on 28.10.87)

MR. SPEAKER: Mr. Koske was speaking yesterday.

MR. KOSKE: Thank you very much, Mr. Speaker, Sir, I was at the point of saying that surveyors should not be allowed to run away with wananchi's money. I would like to say that those surveyors who have run away with wananchi's money should be made to repay that money to the respective farmers.

Mr. Speaker, Sir, I would also like to point out that <sup>Chepsinde</sup>~~Chekinde~~ and Kunyang' Settlement schemes in Kericho District still have problems which have not been solved for a long time. I had at one time brought a Question to this House and although the Minister concerned is still quite aware of the problem, we still have a lot of wananchi who are complaining about inadequate acreage on their farms... Wananchi are also complaining about lack of access roads to the main roads. I would like to urge the Minister concerned to see to it that all the wananchi who were given land in this area, are provided with access roads. Also, the <sup>acreage of</sup> settlement plots which the wananchi have been given should tally with the acreage shown on the title deeds for these plots. Mr. Speaker, Sir, I would also like to urge the Ministry to see to it that all wananchi who have been given land in the settlement schemes are given title deeds so that they can get mortgage loans so that they can develop these plots.

//Mr. Speaker, Sir, most of the area <sup>S</sup> in my constituency <sup>were</sup> ~~was~~ formerly European-settled area <sup>S</sup> and quite a number of farms have been subdivided but, up to this time, wananchi have not obtained the title deeds. So, I would like to urge the Ministry concerned to make sure that all wananchi whose land has been subdivided fairly are given title deeds without any further delay.

Mr. Speaker, Sir, we have also had problems with the land buying companies. We have for example, the Rift Valley Investment Company which has run away with

matter  
 wananchi's money. I did bring this/to the notice of the Minister and, although the District Commissioner, Nakuru, was directed to get that money and give it to the previous owners, these wananchi are still waiting for their money. So, I would like to urge the Government to see to it that the land-buying companies, which have already taken money from wananchi and have failed to get these wananchi the land, should give the money back to wananchi. If they do not want to give wananchi back their money, then they can give them the land and that would be okay. We would like things to be done immediately after wananchi forward their money. I am saying this because we do not want to bring these complaints here every time.

Mr. Speaker, Sir, we have also noticed that there are some wananchi who ~~have~~ have obtained land illegally while there are some squatters who are living on that land. Where it has been proved that some people have obtained land illegally, then, Mr. Speaker, the title deeds should be withdrawn and the land issued legally to those who deserve to own it. We have this question of landless people. I have genuine landless people in Kericho District who were <sup>formerly</sup> ~~descendants~~ <sup>haibons</sup> of the Laibon of Kericho. These people lost their land while they were away at Rusinga Island, for about 40 years. I would like to request the Government to see to it that these people are settled because they are genuine landless people and they lost their land through no fault of their own.

Mr. Speaker, Sir, I would like to urge the Ministry to see to it that the drier land which <sup>is</sup> not occupied at the moment/ developed so that it can be given to these people. Mr. Speaker, Sir, I would like to support all hon. Members who have ~~xx~~ said that all the land in Kenya should be owned by the indigenous people of this country. I think it is quite unfair for the non-indigenous people in this country to own land while we have ~~z~~ wananchi who are landless in their own country. Mr. Speaker, Sir, I would also like to request the Ministry to see to it that land registries are decentralized so that we have land offices in divisions. At the moment, wananchi waste ~~of~~ a lot of their time going to the district commissio-  
 after  
 ners offices and then/going back home, they still find their problems not solved. These offices should be decentralized up to divisional ~~d~~ level.

Mr. Speaker, Sir, we have wrong naming of people's land. Since it is not the fault of wananchi in having their names wrongly written, I would like to urge



the Government to see that the correction of people's names is done without wananchi being asked to pay for it. Mr. Speaker, Sir, I have also noticed that ~~our~~ our roads are becoming narrower and narrower. The people living next to the roads should not be allowed to utilize the land adjacent to the roads. Our roads should be wide enough so that vehicles are able to use them properly.

With those few remarks, I beg to support.

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori): Thank you, Mr. Speaker, Sir, for giving me the opportunity to associate myself with my colleagues in discussing this Vote. First of all, I would like to commend the foresight of our Government, as at the time of the attainment of our Independence, in negotiating with the colonial Government to repossess the land which was in the hands of the colonialists, in order to settle our people on it. Land is the most important thing that anybody can have anywhere. In fact, land is so important that many people quarrel over its possession. Many times, we have read about brothers killing brothers over the possession of a piece of land which is not worthy anybody's life. The piece of land under dispute could be as small as one quarter of an acre which at times could be all ~~loopy~~ <sup>rocky</sup> but, all the same, its possession can cause death. This emphasizes the importance of land.

Mr. Speaker, Sir, we have talked in this House, and other people have debated outside this House, how land changes hands. We have in some of the land registry offices, officers whose conduct needs to be looked into. There have been cases where we find the same piece of land being owned quite legally by two separate people. I have <sup>witnessed</sup> ~~witnessed~~ a case where a piece of land of about 30 acres <sup>is</sup> is owned by one person <sup>who</sup> has a title deed and, at the same time, someone else owns part of that land. It maybe <sup>that</sup> ~~he~~ owns 15 acres of that land. If you go and measure that land, you will find that it is not possible for those two people to own that land so that <sup>one</sup> ~~each~~ owns, say, 30 acres while the other owns 15 acres. It is important, therefore, that the Ministry of Lands and Settlement looks very carefully as to whom they employ in the land registries.

END E

ENM

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori):ctd:

Mr. Speaker, Sir, it has been stated here that it takes a long time to issue the title deeds. I have never understood why it takes that long. As Members of Parliament, we have quite a number of our constituents coming to us with correspondence, sometimes going as far back as 15 years. Every time a person is told to either come back and prove his case when he has got documents to show that the land is his. And, to make matters worse, when we as Members of Parliament take the cases to the officers concerned, there is always the complaint that politicians are interfering with the cases.

We would like to work together, both we the politicians and the officers in the land registries because we have the same goal; and that is to serve wananchi. Mr. Speaker, Sir, there has been far too much emphasis on the reason for wanting to have title deeds. Every time, my colleagues speak about the issue of title deeds they state that the title deeds are required in order to allow wananchi to acquire loans. I think we should not downplay this question, because now in the rural areas people believe that as soon as you have a title deed, then you should go and acquire a loan. My experience is that the terms governing the issuing of loans have not yet been fully understood. Quite a number of people believe that the loans that they are acquiring are in fact gifts; they are not even supposed to be paid back. I can substantiate this by looking at the recent issues of Kenya Times, where you find a long ~~list~~ list of farms that are being sold by public auction, because farmers who were given loans have failed to pay them back. In fact if you go to check the reasons why they have failed to pay back, it is simply that the loans that they received, were never used for farming at all. I would, therefore, *not like us to really* overemphasise the question of loans at all.

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori) ctd:

Mr. Speaker, Sir, a big size of land in this country is owned by non-indigenous people. I would like to very humbly suggest that it is the high time we started looking into this question to ensure that land owned only by indigenous people and other people can lease this land. In fact, the question of leasing land is working very well in areas like Masai Mara where large-scale farmers are growing wheat. Land should be left entirely in the hands of indigenous people.

Mr. Speaker, Sir, in certain areas, we are sub-dividing the land to a very uneconomic size. It would be better now if we put a limit to the extent anyone can sub-divide his land. I would like to suggest that ten acres should be the minimum where land is still available.

On the question of land control board membership, we have seen from various places that the problem of double ownership or land being taken away from legitimate owners arises from the composition of land control board. I would like to suggest that before a person is made a member of that board, the whole of his life should be properly scrutinised to see whether he is really an honest person. In this vein, may I request the Minister for Lands and Settlement, to look into the Hakati Land Control Board. Hakati Land Control Board was there at a time when the two constituencies; Bunyala and Busamia fell under one division. Now that the two divisions have been created, may I appeal to the Minister to dissolve the Hakati Land Control Board and reconstitute the Funyula and Budalanyi Land Control Boards. On the question of surveyors, we have discussed this point early this year. We do not have an adequate number of surveyors. I would like to suggest that we enlarge the training of surveyors so that their services which are badly required in the rural areas are given. Right now, for instance, we in Busia Central, we want to try and create separate areas for

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori) ctd:  
commercial, industrial and residential purposes in small townships.  
All this cannot be done, simply because we are unable to get  
surveyors.

END F.....

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori)(ctd.):  
May I suggest that we increase the number of trainee surveyors.

I would now like to touch on the Survey Department. I do not know why we cannot have enough material - paper - to produce plans. Right now, if one wanted to have a plan of any place, he would be told to come back next month, ~~or what have you~~ or the next day because paper is not available. Now that we are voting adequate funds, may I suggest that a share of this money <sup>be</sup> ~~is~~ utilized to import whatever paper is required in ~~xxxxxx~~ order to serve wananchi.

Lastly, Mr. Speaker, Sir, I would like to say that in townships, we seem to have a mania for ~~xxx~~ wanting to utilize every piece of ~~x~~ land that we believe is ~~p~~ open. The way we are going in Nairobi, the buildings will be unable to breath. It is essential that we be leaving certain areas to be open spaces; areas where those people, for instance, who live in flats who have no gardens around their houses, can take their families and enjoy the ---

With those few remarks, I beg to support.

MR. KANINDO: Thank you very much, Mr. Speaker, for giving me a chance to join my colleagues in contributing to this Motion <sup>on</sup> ~~of~~ the Ministry of Lands and Settlement.

May I thank the Ministry for the good work <sup>it has</sup> ~~they~~ have done, particularly ~~x~~ in my area, where quite a number of people have now ~~get~~ title deeds. But there is a problem that has started coming up recently which is being experienced by quite a number of people. You find that a certain piece ~~xx~~ of land has two title deeds. Quite a number of people in that ~~xx~~ area have approached me with that kind of problem. You find that a person who has been holding a title deed for a certain piece ~~xx~~ of land, since 1970, finds somebody else with a title deed for the same piece of land issued

MR. KANINDO (ctd.):

a few ~~year~~ years after the original title deed holder ~~has~~ got his and is ~~is~~ staying on that piece of land. This practice is rampant in South Nyanza. This should be looked into by the district land registrar to find out why two title deeds have been issued for the same piece of land. This problem is ~~giving~~ <sup>preventing</sup> the landowners, who are not ~~xxx~~ rich enough to fight it out with those who are rich, a hard time. This should be checked before it gets out of hand.

Mr. Speaker, Sir, there is also a problem with leases in urban areas such as Awendo, Migori, Oyugis, Kêndu Bay, Rodi Kopany, Ndhiwa and Mbita. You find that for many years since we achieved Independence, those plots which were allocated in these towns, for which the ~~f~~ owners would like to have title deeds in order to lease them, to those who would want them, ~~f~~ or ~~k~~ for the sake of taking loans, have not had their title deeds released. This is because <sup>when</sup> the County Council of South Nyanza forwarded these requests, they were told that the title deeds could not be released because the report ~~is~~ was not ready. I think somebody, somewhere, who should take up this matter is dragging his feet and refusing to issue those ~~xx~~ title deeds to those plot owners who were allocated the land ~~xx~~ 15 or 20 years ago. This problem blocks these land owners from getting loans from banks and other organizations to enable them to ~~build~~ put up buildings on those plots. These organizations say, "A if the lease is not there, how do we come in?" This should be speeded up and things should be seen to be moving.

The other problem which has been dragging this district behind other parts of the country is the issue of surveyors. One has to travel several times to Migori in order to get a surveyor ~~w~~ to come to survey his land, after the land board has accepted to effect sub-division of land. This is another area which should be looked into. Surveyors should be made available ~~k~~ so that they

MR. KANINDO (ctd.):

move into the areas where sub-division is required.

Mr. Speaker, Sir, may I take this opportunity to request the South Nyanza Sugar Company, <sup>which is</sup> ~~who~~ have been aware that we are dealing with the issue of land, to allow the farmers to use their land to the maximum ~~best~~ because there is a restriction on those who would like to use the land to the maximum, to benefit from sugar-cane farming. I know this does not come under the Ministry of Lands and Settlement, but we are talking on how to make maximum use of land. So, I would like to request this sugar company to allow those people with less than <sup>seven</sup> /acres to grow sugar-cane. People surrender their land ~~is~~ for the nucleus and, as such, the land they have remaining cannot measure up to seven ~~best~~ acres. So, they cannot benefit from this programme. But when there was ~~is~~ the Mehta management, even those with two acres of land were allowed to grow sugar-cane. These people have, therefore, benefitted by building schools and paying school fees for their ~~own~~ secondary school children and they are also able to live in decent houses since they get ~~an~~ proper payment from their sugar-cane <sup>and</sup> proceeds. So, these people should be allowed to grow sugar-cane.

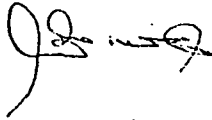
Mr. Speaker, Sir, there are ~~is~~ people who were removed from their land when the nucleus estate was being established. The number of people who were <sup>rendered landless</sup> ~~affected~~ were about 500. I brought a Question in this House asking whether these people could be settled because they have no land and, so, when such people die in ~~urban~~ urban centres, it becomes a problem to ~~is~~ get them a place in which to be buried. The fact of the matter is that there could be some land somewhere where some people had been living before demarcation took place. The sad ~~of~~ fact of it is that the Luos and the Kisiis who <sup>have</sup> ~~had~~ been living in this area are being removed. This adds the number of those landless. I appeal to the Ministry of Lands and Settlement to settle this problem because up to now, those

MR. KANINDO (ctd.):

who appealed have not had their cases heard. Their cases are being delayed and this is giving them problems because they are depending on relatives and yet they have been having their own crops such as bananas which had been planted on this land. If they have to be removed from this area, because they have failed to meet the requirements of living there, they should be ~~xxx~~ compensated for whatever was taken from them, if alternative land cannot be found. But the best thing would have been for them to be given alternative land during the time of ~~the~~ demarcation.

Mr. Speaker, Sir, now that we are about to pass this ~~Motion~~ <sup>Note</sup> of the Ministry of Lands and Settlement we ~~xxx~~ hope that the Government will provide the surveyors we need in order to have ~~the~~ <sup>demarcation</sup> work done. I would also like to urge the Ministry to work seriously on the areas <sup>in</sup> which they have not demarcated land so these people can also benefit from the title deeds which are due to them so that ~~by~~ they can also utilize them like the other Kenyans in this Republic.

With those few remarks, I beg to support.

END H. 



## THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES (Mr. Nassir):

Bw. Spika, ninakushukuru kwa kunipatia nafasi hii ili nami pia niweze kusema machache juu ya Wizara ya Ardhi na Makao ambayo inafanya kazi nzuri sana katika Kenya; ambayo inaleta amani na ambayo imeweza kuwafundisha Wakenya jinsi ya kumiliki ardhi na pia kuweza kutatua shida yoyote ikitokea baina ya watu wawili wanaopigania shamba moja.

Bw. Spika, yangu ni kuomba Serikali itoe msaada wowote kwa Wizara hii kwa vile hata wafanyakazi wake ni wachache na kazi wanazofanya ni nyingi. Pia wakati mwingine kazi ya Serikali hutokea na ikawa ni lazima hawa wafanyakazi wafanye kazi baada ya ~~xx~~ saa kumi na moja, wakati mwingine mpaka saa tano za usiku. Kwa hivyo ni wajibu wa Bunge hili kupitisha Hoja hii. Jambo lingine ambalo linataka kuangaliwa ni upande wa uchukuzi katika Wizara hii; Wizara hii inafaa kupewa magari ya kutosha ili waweze kuhudumia wananchi katika taabu waliyo nayo ili waweze kuiondoa. Pia ninaomba Wizara ya ~~s~~ Serikali za Wilaya na Ofisi ya Rais wawe wakishauriana na Wizara ya Ardhi na Makao kabla hawajafanya jambo lolote kuhusu ardhi. Hii ni kwa sababu Wizara hii ndiyo yenye ramani ya Kenya nathati nyingine, ~~zaidi~~ na ndiko kunakofanywa mambo yote yanayohusu ardhi hapa nchini. Kwa hivyo, mtu mwingine akigawanya ardhi mahali kama Mombasa, Nairobi au mahali pengine bila kuwajulisha watu wa Wizara ya Ardhi na Makao, basi watu huwa na taabu sana. Ningeomba Wizara ya Serikali za Wilaya na Ofisi ya Rais zive zikijulisha Wizara ya Ardhi na Makao wakati wowote wanapogawanya ardhi mahali popote hapa nchini.

Kwa hivyo, wakati ~~kwa~~ kunapokuwa na mkutano wa district development committee, ni vizuri ofisa kutoka Wizara ya Ardhi na Makao na mwingine kutoka katika Wizara ya Mipango na Maendeleo kuhudhuria ili aweze kuwaarifu vile mambo yanavyoendelea hapa Nairobi katika Ofisi ~~a~~ ya Ardhi na Makao. Hii itazuia kutumiwa kwa ardhi ambayo pengine imetengwa kufanyiwa kitu kingine na Wizara hii. Kwa hivyo inafaa ~~kwa~~ kuwe na mawasiliano baina ya Wizara hizi ili kusiwe kunafanywa mambo mara mbili au zaidi.

Pia ninaomba Wizara hii iwasaidie wale ~~a~~ wananchi ambao wana mapato ya chini. Inafaa waongeze pesa zaidi kuliko ilivyo sasa kwa sababu wananchi wanapewa ardhi, ~~zaidi~~ lakini baadaye wanauza hayo mashamba na kugeuka maskwota.

H.2...29.10.87

THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES (Mr. Nassir) (Ctd.):  
Wakishageuka maskwota basi inakuwa tena taabu nyingine kwa Serikali kuwatafutia  
ardhi wale ambao <sup>huanua</sup> wana ardhi. Ninaomba Wizara hii iwe na mpango na kutenga kiwango  
k fulani cha miaka ambayo mtu <sup>hawezi</sup> awezi kuuza shamba ~~lake~~ alilopewa ili waweze kulima  
na watoto wao pia waweze kulima hilo shamba. Lakini kama itakuwa watu wanapewa  
mashamba asubuhi na kesho yake wanauza, ~~hizi~~ na kugeuka maskwota basi ~~zile~~  
<sup>jitihada</sup> ~~zile~~ ambazo Serikali imefanya ili kuweza kuwasaidia haijafaulu. Hii ni kwa  
sababu <sup>hizi</sup> miji mikubwa kama Mombasa, Nairobi na ~~ny~~ kwingineko wenye pesa ni wengi.  
Tukisikia kunagawanya ardhi huko Kwale, Malindi ama Changanwe basi sisi wenye ~~pesa~~  
pesa huenda haraka na kujua wale ambao wamepeva mashamba na kununua kutoka kwao  
kwa sababu ni <sup>masikini</sup> masikini.

Kwa hivyo, Bw. Spika, ~~kwenda~~ inafaa kufanywe mpango ili wale wananchi  
ambao wanapewa mashamba na Serikali kama msaada <sup>wa</sup> bej ndogo nao wasiwe ~~na~~ ni  
<sup>wakiyauza</sup> mabrokers wa yale mashamba, wawe ni watu wa ~~kazi~~ kuyalima au kujengea nyumba.

END H.....

Kanyali

THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES (Mr. Nassir) (ctd.):

Kama jambo hilo likifanyika, utaona maendeleo mengi yakipatikana.

Bw. Spika, nikigusia juu ya mashamba yanayopatiwa watu katika mipango ya makao, nataka kusema kwamba yafaa kuwe na sheria kuhusu muda ambao mtu aliyepewa shamba katika mpango wa makao anastahili kupatiwa alilime shamba lake. Ikiwa mtu amepewa shamba na muda huo umemalizika bila kulilima, basi alipokonywe na lipewe mtu anayeweza kulima. Ikiwa mimi si mkulima na nimepewa shamba, basi nilinyang'anywe lipewe mtu anayeweza kulima. Ni wajibu wa Serikali ~~kak~~ kuniambia, "Wewe Shariff Nassir umepewa shamba lakini unaishi Mjini Mombasa na huwezi kulima. Toka". Jambo litakalotusaidia kuwa na amani zaidi ni kuelewa kwamba sisi ~~z~~ katika Kenya tuko na taabu zetu. Kuna watu ambao ni wakulima hodari, kuna wengine ambao ni madaktari hodari, kuna wengine ambao ni hodari kwa kuchonga sanaa na kadhalika. Kwa hivyo, kila mtu akipewa kazi anayoiielewa vizuri, mambo yatakuwa rahisi. Hakuna maana ya kupatia mtu kama mimi shamba lile hali sijui kulima. Nikipatiwa kinyumba kidogo cha kufanyia biashara Mombasa nitakuwa nimetoshaka. Kwa hivyo, nataka mashamba yawe yakipatiwa watu wanaoweza na kujua kulima vizuri. Tusipatiwe mashamba tu kwa sababu tumeomba kupatiwa. Mashamba yanastahili kupatiwa watu ambao wanajua kulima. Pia, nataka kuwe na sheria kwamba ikiwa mtu amepatiwa shamba katika mpango wa makao na iwe hajaonekana akililima kwa muda wa miezi sita, basi alinyang'anywe. Hakuna maana ya kupatia mtu shamba ambalo analiweka kama kioo cha kujiangalilia. Shamba hilo lafaa kupatiwa mwananchi ambaye anaweza kulima kwa ~~z~~ sababu litamfaidi yeye mwenyewe na pia litawafaidi wale watakaopata chakula kutoka huko.

Vile vile, Bw. Spika, nataka kupendekeza kwamba kuwe na sheria juu ya uuzaji wa mashamba katika mipango ya makao; kuwe na muda fulani ambao mtu havezi kuuza shamba alilopatiwa katika mpango wa makao. Ikiwa mtu anataka kuliiza shamba lake, basi pia yafaa ~~z~~ ijulikane ni akina nani wanaoweza kuweka sahihi kuidhinisha uuzaji wa shamba hilo. Mtindo ~~z~~ ulioko sasa ni kwamba ~~z~~ watu wanapewa mashamba leo na wanayauza kesho halafu baadaye wanaanza kujiita ~~z~~ maskwata.

Bw. ~~Nassir~~ Spika, yangu yalikuwa machache kwa sababu nilikuwa nikiiunga Hoja hii mkono na kuishukuru Wizara hii kwa kazi inayofanya. Lakini nataka kusema

THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES (Mr. Nassir)(ctd.):

kwamba yafaa Wizara ya Fedha ifikirie juu ya kuipatia Wizara ya Ardhi na Makao pesa kwa wakati unaofaa. Mtu akiitisha pesa kufanyia kitu fulani halafu aje baada ya miezi sita, hiyo itakuwa ~~nika~~ ni kazi bure. Masorovea wanahitaji magari, Mawaziri wanahitaji kufanya kazi yao na pia Mawaziri Wasaidizi wanahitajika kufanya kazi, na mambo hayo hayawezekani bila pesa. Kwa hivyo, nataka Wizara ya Ardhi na Makao iongezwe pesa ili waweze kuendelea na kazi yao vizuri.

Kwa hayo machache, Bw. Spika, naiunga Hoja hii k mkono kwa dhati.

MR. LUKINDO: Absente sana, Bw. Spika, kwa kumipatia nafasi hii ili nami pia nizungumze kidogo kuhusu Wizara ya Ardhi na Makao. Kwanza kabisa, nataka kumshukuru Waziri mwenyewe pamoja na wafanyakazi wote wa Wizara hiyo kwa kazi nzuri ambayo wanaendelea kufanya kwa wakati huu.

Jambo la uandikishaji wa mashamba lafaa kuharakishwa katika nchi hii ili wananchi wengi waweze kupata hati za kumiliki mashamba. Kuna jambo moja ambalo linaendelea kuchelewesha upimaji wa mashamba katika ~~z~~ nchi hii, na hilo jambo linahusiana na wafanyakazi katika field. Hawa ndio wenye kufanya kazi na ndio kiini cha mpango wa upimaji na uandikishaji mashamba. Ningeomba hawa field officers, na sana sana wale wanaofanya kazi na Idara ya Land Adjudication, wapatiwe masharti nafuu ya kufanya kazi. Wakati mwingine unapata kwamba field allowance yao imekwisha wanapofanya kazi misituni mbali sana, na jambo kama hilo linawavunja moyo sana. Wakati wanapoendelea kufanya kazi na wasikie kwamba field allowance yao imekwisha na hawatalipwa chochote, wafanyakazi hao wanakufa moyo kabisa. Kwa sababu hiyo, wanalazimika kufanya kazi polepole sana. Hilo ni jambo moja linalochelewesha upimaji na uandikishaji mashamba katika nchi hii, na ninaomba field allowances zao ziongezwe na pia mambo mengine madogo madogo yanayowadhuru yarekebishwe.

Nikishasema hivyo, Bw. Spika, nataka sasa kuzungumza juu ya habari za rufani za Waziri - Minister's Appeals - kuhusu kesi za mashamba. Kwa wakati huu kuna ~~fu~~ rufani nyingi sana za kesi za mashamba z ambazo ni za zamani sana, na ambazo hazijasikilizwa. Inajulikana vizuri kwamba ~~kabw~~ kabla rufani hizi hazijasikilizwa, hati za kumiliki mashamba haziwezi kutolewa. Hivi majuzi wakuu wa ~~ixxx~~ wilaya

29.10.87.

MR. LUKINDO (ctd.):

waliostaafu walikuwa karibu kumaliza rufani hizi lakini hata wao wameshindwa kabisa na rufani hizo zinaendelea kujazana katika ofisi ya Waziri wa Ardhi na Makao. Kwa hivyo, namwomba Waziri afikirie njia ya kuzifunguza rufani hizi ili kuharakisha mpango wa kutoa hati za kumiliki mashamba katika nchi hii.

Bw. Spika, nikigusia kuhusu Idara ya Usorovea, namwomba Waziri afikirie kurudia mipaka ya mashamba, hasa yale yaliyokuwa ya Wazungu. Nasema hivyo kwa sababu kuma Wazungu wengine ambao waliacha mashamba yao na hawakusema kama waliyachia Serikali au watu binafsi. Haya mashamba ni yale yanayoitwa unclaimed land. Wazungu walioachwa hapa nchini wameyachukua mashamba haya na kuyachanganya na yale yao hivi kwamba ikiwa shamba lilikuwa la ekari 20,000, sasa limekuwa la ekari 35,000. Wazungu hao waliwajiri masorovea binafsi ambao walitoa beacons za zamani na kuweka nyingine. Kwa hivyo, natoa mwito kwa Waziri wa Ardhi na Makao ajaribu kulirekebisha jambo hili kwa kurudia upimaji wa mipaka ya zamani ndipo mashamba yata yaliyonyakuliwa na Wazungu waliobaki hapa yachukuliwe na kupatiwa wananchi.

Mwisho kabisa, nataka kusema kwamba wakati Mtukufu Rais alipoongoza mkutano wa kuchangisha pesa katika Wundanyi alipendekeza kwamba ili kuwasaidia wananchi wa ~~Hizi~~ Wilaya ya Taita/Taveta, ekari 50,000 zitengwe kutoka katika Tsavo National Park na kupatiwa wananchi. Kwa hakika, zaidi ya asilimia 75 ya ardhi ya Wilaya ya Taita/Taveta imechukuliwa na Tsavo National Park. Sasa miaka mitatu na nusu imepita tangu Mtukufu Rais alipotoa agizo hilo na hakuna lolote lililofanyika. Yafaa ~~Mwaziri~~ Waziri wa Ardhi na Makao, akishirikiana na Waziri wa Utalii na Wanyama wa Porini na Waziri wa Kilimo wakae chini na kuona ni wapi wanapoweza kukata hizi ekari 50,000. Hao Mawaziri watatu ndio waliopewa jukumu la kutafuta uwezekano wa kukata hizo ekari za ardhi. Kwa hivyo, nataka Waziri wa Ardhi na Makao, atakapokuwa akijibu Hoja hii, agusie kidogo kuhusu jambo hili la ekari 50,000 za ardhi ambazo Mtukufu Rais alisema zipatiwe wananchi wa Wilaya ya Taita/Taveta ambao wamekuwa walingojoa kwa hamu sana; wanataka kuona <sup>mabendekezo</sup> sheria ya <sup>yakitimizua</sup> Mtukufu Rais ~~zkatimizwa~~ na kutekelezwa.

Kwa hayo machache, Bw. Spika, naiunga Hoja hii mkono.

END..... I. 116

MR. <sup>ole</sup>OLE KENA: Ahsante sana, Bw. Spika, kwa kunipa nafasi hii nami nitoe maoni yangu juu ya Wizara hii ya Ardhi na Makao.

Bw. Spika, mimi nikiwa Mbunge wa Mwakilisho ya ~~Ki~~ Kajiado South, sina vita na hii Wizara. Kazi ya usorovea ~~ku~~ huko Kajiado iko karibu kwisha na kila mtu amepata cheti chake cha kumiliki shamba. Kwa hivyo ninaishukuru Wizara hii sana kwa kazi hiyo nzuri. Tumepata maendelea mengi sana na hii yote ni kwa sababu ya hii Wizara. Watu wengi wamepata mikopo kwa kutumia vyeti vyao vya kumiliki mashamba.

Bw. Spika, ningependa kusema kidogo juu ya group ranches ~~ranches~~ kwa sababu nchi yetu imegawanywa mara mbili. Kuna sehemu ya group ranches na sehemu ya mashamba ya watu binafsi. Kwanza nitaongea juu ya group ranches ambako watu wengi wanaishi. Kwa miaka mingi tumeona kuwa wale watu wanaoishi katika group ~~ranches~~ ranches hawajaendelea sana, kwa sababu wana ardhi kubwa na bado wanazurura kama zamani. Tulipokuwa kwa mkutano huko Wilayani Kajiado, tuliamua hizo group ranches zigawanywe ili kila mtu apate sehemu ~~yake~~ yake. Lakini kabla ya haya mashamba hayajagawanywa, ni lazima wale watu ambao wamezaliwa pale na wameishi pale kwa muda mrefu kama vile miaka 18 au 20 waandikishwe kwanza. Hii ni kwa sababu watu wale waliojiandikisha wakati group ranches zilipoanzishwa wanataka sheria iliyoko sasa kwamba hakuna ruhusa ya kuandikisha watu wengine wapya isipokuwa wale walioandikishwa wakati hizi group ranches zilipoanzishwa. Sheria hii inawanyima watu ambao walizaliwa baada ya hizi group ranches kuanzishwa haki yao. Tukikubali hawa watu ~~kuxk~~ kukaa bila makao ni vibaya kwa sababu wana boma zao hapo, walizaliwa hapo na watoto wao wanasomea hapo.

*ole*  
MR. JOSE KENA (CTD.):

Utaratibu hii huu utatuletea matata. Kwa hivyo, ningependa kumwambia Bw. Waziri kwamba kabla h group ranches hazijagawanywa ni lazima watu wote waliofikia umri wa 15 na ~~kuanzishwa~~ zaidi waandikishwe w kwanza.

Ningependa kusema jambo kuhusu mashamba ya watu binafsi nalo ni lile la uuzaji wa mashamba. Shamba ni mali ya <sup>mtu</sup> ~~mtu~~ na ana haki ya kuliuza akitaka. Lakini kuna watu wengine ambao ni ~~wazemba~~ wazembe na wengine ambao ni walafi sana na wanapelekwa kuhongwa pahali ambapo sitataja na kusahau kwamba wana familia, <sup>wanung'ilia</sup> ~~wanung'ilia~~ kuu za mashamba kichinichini. Wakati mashamba yanapouzwa ni lazima Wizara hii, na Land Control Board iangalie na kuhakikisha kwamba kabla shamba halijauzwa, familia nzima imekubaliana.

(END.....J)

*kw*

MR. ole KENAH (Contd.):

Ni lazima jamii ikubaliane. Lakini siyo mzee auze shamba peka yake halafu jamii yote inakuja kuhamishwa, na haijui itakwenda wapi. Jambo hilo litaleta matata baadaye kwa sababu jamii hiyo haitakuwa na mahali pa kuishi. Kwa hivyo, jambo ambalo ningependa kutaja hapo juu ya individual ranches au mashamba ya watu binafsi ni kwamba ni lazima tuwe waangalifu kwa kukubali mashamba kuuzwa. Shamba au ardhi ni kitu ambacho binadamu hutegemea kwa maisha yake, na kwa hivyo, haifai tulichukue jambo hilo kama jambo la rahisi, au jambo la kukubali na kalamu na kuweka sahihi. Yafaa tufikirie watu wengine ambao maisha yao hutegemea ardhi. Kwa hivyo, ni lazima jambo hilo lichunguzwe sana na Wizara, kwamba mtu akitaka kuliuzwa shamba ni lazima wale watu ambao wanalitegemea shamba hilo wakubali.

Jambo lingine, Bw. Spika, ambalo ningependa kutaja ni juu ya thamani ya ardhi au mashamba. Nafahamu kwamba Wizara ina valuers. Ajabu ni kwamba mtu mwingine anaweza kuwa na shamba la ekari 1,000 mahali fulani, hasa katika arid au semi-arid zone. Pia, katika mahali pengine mtu mwingine anaweza kuwa na shamba la ekari 20. Ajabu ni kwamba ukilinganisha thamani ya shamba la ekari la 20 na ile ya ekari 1,000 utaona kwamba shamba la ekari 20 lina thamani kubwa kuliko lile shamba la ekari 1,000. Hii siyo haki. Ni lazima tuwe sawa. Ni lazima tuone kwamba kila sehemu inatendewa vizuri. Najua kuna mashamba mengine ya ekari kama 1,000 ambayo yameuzwa. Mtu amechukua mkopo wa kama Sh.200,000/- na shamba hilo likaja kuuzwa kwa Sh.200,000/-. Hii siyo haki hata kidogo. Jambo hilo linategemea thamani ya shamba hilo. Kwa hivyo, ni lazima Wizara iingilie jambo hilo kuona kwamba kila sehemu ina thamani yake lakini kusiwe na tofauti kubwa sana kati ya thamanai hizo mbili.

Tunajua kwamba kuna sehemu nyingine ambako watu wamefanya maendeleo, na mambo hayo yote huhesabiwa. Lakini hatutaki kuwe na



MR. ole KENAH (Contd.):

tofauti kubwa sana kwa upande wa thamani ya mashamba hayo. Tunataka tofauti hiyo iwe kidogo tu.

Jambo lingine ni juu ya townships. Ni lazima tuwe na mipango katika townships kwa sababu tusipokuwa na mipango ya townships kama Namanga, Kajiado na kadhalika, upesi iwezekanavyo, utaona kwamba watu wanaanza kuingilia kujenga nyumba na itakuwa shida kuwaondoa tena wakati mipango itakapofanywa. Kwa hivyo, ni lazima Wizara hii vile vile iingilie kwa haraka sana jambo hilo. Natoa mfano wa mji wa Namanga ambao ni wa zamani sana. Lakini ukienda huko utaona kwamba nyumba zote ni kiosks tu na hali ni township ambayo iko chini ya Kamishna wa Ardhi. Mipango imefanywa kwa miaka mingi lakini hatujaona matokeo yake mpaka leo. Watu wanazidi kujenga semi-permanent houses, kiosks na kadhalika, na itakuwa vigumu baadaye kuja kumwambia mtu ambaye amejenga: "Ondoka hapo kwa sababu hiyo siyo ploti yako; tumeipatia mtu mwingine". Kwa hivyo, tukitaka kuyazuia mambo kama hayo ni lazima tufanye mipango ya mijengo katika miji yetu.

Vile vile, Wizara itoe misaada ya kuziwezesha local authorities kupanga trading centres zao ili na wao vile vile wasianze kujenga nyumba kulingana na vile watu wanavyotaka, bali wafuate mipango ambayo inahitajika katika ujenzi wa townships au trading centres.

Kwa hayo machache, Bw. Spika, naomba kuunga mkono.

MR. DOMETT: Thank you very much, Mr. Speaker, Sir, for allowing me to contribute to the debate on this very important Ministry dealing with an important commodity, that is land.

Mr. Speaker, Sir, land in Kenya is a very valuable and a very burning issue, and it should be taken as such wherever we deal with it, especially in areas that people have moved into, such as the former so-called "White Highlands".

MR. BOMETT (Contd.):

Mr. Speaker, Sir, the confusion that arises even when people have bought land stems and starts from the Ministry itself at the Headquarters. "Ardhi House" is a source of a lot of uncalled for confusion. In fact, I do know of several plots or farms in my Constituency whose ownership is being disputed, and when you go into it, you find that one land has two title deeds. You wonder how they obtained the two title deeds. If you go deep into it, you find that it is done in the Ministry of Lands and Settlement at the Headquarters. It is very surprising to find people who are supposed to be educated, trained and disciplined can allow such matters to crop up. It is really unbelievable how a surveyor can fail to place beacons on the land and recommend the issuance of one title deed instead of two. I do not know how this happens because I have registered my land, and I know how it is being done. It is done meticulously, and with a lot of care. So, when there is confusion, it is deliberate. In fact, it is just corruption.

Mr. Speaker, Sir, I believe that the Minister will be able to tell us the reason why this is happening. If he does not tell us, then he should put a stop to this type of thing because a lot of people have suffered. Families have quarrelled, and the quarrels have persisted for years and years, and brings disunity to our people. This is a land of love, peace and unity. We cannot have that when we have quarrels brought about because of land.

Mr. Speaker, Sir, the Survey Department is also bringing a lot of problems because of surveyors. I know of a farm known as "Dimu Farm" in Rift Valley. The directors of this farm had a plan from the Central Land Board, and they were allowed to subdivide the land. Then later on when the directorship changed, they had another plan which was allowed and they said: "This is the right plan". So, they had one plan in 1981; they had another one in 1983, and they have

MR. BOMETT (Contd.):

another plan now. Who issues these plans, and what are they <sup>meant</sup> for? Are they meant to confuse the people? If you give illiterate people a chance to quarrel, I am sure they will do so. They can even kill themselves. The officers who do this will be answerable, and if not on earth, in Heaven.

Mr. Speaker, Sir, I do say that money can be very "sweet", but it is the source of a lot of evil. In fact, if you go to a farm where there is quarrel, they say that the head of the Survey Department has a plot on that farm. If you go to another farm in Solai, he also has a plot there too, and so on. Although he does not say that he has one, the owners of the land say that they have given him a piece of land. That may be untrue in one case, but it cannot be untrue in the second, third, fourth and the fifth <sup>incidence</sup> case. Where there is smoke there is fire. It is only befitting that the head of the <sup>district</sup> survey officers should be changed frequently so that they do not entrench themselves and become "kings". In fact, they go round collecting money. I understand there is a very intricate way of doing this. They do not do it themselves, but they use second or third persons. But nonetheless, they still reap the benefits.

End K.

MR. arap BOMETT (CTD):

Mr. Speaker, Sir, I call upon the Minister to help this country by making sure that one man does not remain in one place for a long time. In fact, I understand that the Nakuru District Land Officer has been there for 13 years; 13 years is too long a period for an officer to be in one place. In fact, by now he should be in Kilifi District and the Kilifi District Land Officer should have come up to Kapsabet, and so on and so forth. This will eradicate temptations of corruptions, although our people are also at times to blame; they may try to induce the officers. We should move the officers more frequently, so as to minimise these temptations. This way the officers will not be easy to bribe and will also not be tempted by our people.

Mr. Speaker, Sir, as I said, land is <sup>a</sup> very important commodity. I think that without planning for land, we cannot develop this country. We have developed our agriculture sufficiently, although there is room for more development. Now, we need to develop commerce and industry. We can only do that if our little trading centres all over the country, of course, Nakuru being first, have offices issuing title deeds, which our traders can use to borrow money and develop their small-scale businesses, and also ~~xxx~~ spread industries in the rural areas. So, this can only be possible if people in every trading centre have title deeds.

I would also like to appeal to the county councils not to give out land set aside for trading centres. Sometimes, as soon as a county council gets land, say, ~~of~~ 10 acres, that land is sub-divided overnight and given out to individuals; sometimes, one individual receives up to 10 plots without any justification. We have a lot ~~of~~ young men and women ~~k~~ who have left ~~xxx~~ school; these young people will not get a share of family land, but they can apply for and get plots in trading centres. Therefore, we should not ~~xx~~ be very greedy. So, county councils should make sure that land is not given out overnight, and that they give out land when there is actual need. They should not give out land to people so as to please them, or to ~~enable~~ <sup>enable</sup> them sell it in the end and get money, which they are not justified to get.

Mr. Speaker, Sir, I will end up by saying that land in Nairobi is very important and valuable. As we said when <sup>we</sup> were passing the Land Act here, <sup>land</sup> should be set aside for the "sons" of the soil. I ~~also~~ know that there is land which has not been in use, and whose owners have not been in this country for the last 30 or 40 years,

MR. arap BONETT (CTD):

*confiscated*

yet they still own such land. I think that such land should be ~~expropriated~~ *confiscated* and distributed to Kenyans who are in need of it, and who will make ~~a~~ use of it. This is because I do not think that it is fair for a man who is (New Delhi) to benefit from the fruits of our land here in Kenya; nor should a man in London be receiving benefits from <sup>our</sup> ~~land~~ <sup>since</sup> his forefather did not fight <sup>it</sup> for, or pay any royalties so as to justify <sup>its</sup> ownership.

Mr. Speaker, Sir, we support this Ministry because it is doing a very important job, but I still appeal to its officers to realise that they have got a job to do; ~~If~~ there will be a problem in the country, it will stem from this Ministry. So, they should know that the responsibility on their shoulders is very heavy indeed. In fact, when <sup>we</sup> ~~you~~ go to land offices, sometimes <sup>we</sup> ~~you~~ find that files are missing. It is only when <sup>we</sup> ~~have~~ talked a little bit that they reappear. I do not know how they can disappear and then reappear. Maybe, things happen this way when <sup>we</sup> ~~you~~ talk sweet, or grease the palms of certain people.

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

END ..... *Offeru*

*Law*

MR. JALDESA: Thank you, Mr. Speaker, Sir, for giving me this opportunity to say a few words on the Vote of the Ministry of Lands and Settlement. This is a very important Ministry in the sense that it takes care of the land and anything concerning land, tends to be very sensitive all the time.

First of all, I would like to thank the Ministry, for having established a land registry in Isiolo District. It is only last year when they managed to put an office there. Previously, the Ministry of Lands and Settlement was not represented in Isiolo District. The Ministry did a good thing in this respect. Despite the fact that the Ministry has established an office there with qualified personnel, they do not have any facilities to enable them carry out the work. It is practically useless to have qualified officers there who cannot do anything due to lack of facilities. The Minister should do something about it and see to it that when they established offices somewhere, they s<sup>also</sup>hould/make provision for equipment and other facilities.

Another thing I would like to touch on is the allocation of plots. It is becoming a bit confusing as to who is actually responsible for allocation of plots. This is because we have the central plot allocation committee in the district which is chaired by the District Commissioner; we have the county council plot allocation and planning committee; the provincial commissioner and the Ministry of Lands and Settlement, which are all responsible for this exercise. We do not know who is exactly responsible for what because there seems to be a lot of duplication of duties. We would like to know who is exactly responsible. At times, a plot is allocated by the district development committee under the cover of the <sup>district</sup> development plan. This can easily create a lot of corruption. We would like to know who is specifically responsible for what.

Time and again, I have raised Questions in this House regarding the physical planning of some of the trading centres in my constituency. For example, we have fast growing towns like Gerba Tula, Modogashi, Sinya and

Services

Isiolo and the district development committee has recommended several times that the physical planning of these towns be carried out. Up to now, there is nothing forthcoming; we do not know what is happening. We have so many qualified officers at Ardhi House and others in the provincial headquarters who should do this work. What is so difficult in carrying out the physical planning, survey work and so on? It is high time the Ministry utilized the qualified personnel they have in this Republic. For example, in my home District, Isiolo, it is only Isiolo town which is served by this Ministry while the rest of the district, as big as it is, has practically nothing going on as far as this Ministry is concerned.

I would like to touch on a very sensitive aspect which is on the district boundaries. I do not know when these boundaries were last reviewed. The way the boundaries of Isiolo District were designed, leaves a lot to be desired. For example, from Isiolo town, there is only a distance of one kilometre to Meru town; from a place called Kilamawe in my constituency, it is only a river which is in Isiolo District while the rest of the land is in Meru District. We are having problems because the Meru District Development Committee does not take care of the Isiolo/Kilamawe Road. In the real sense, that road is in my constituency. According to the set boundaries - I do not know how they were designed - that road <sup>is</sup> in Meru District. The people of Meru District do not have any link with that area. It is high time the boundaries were reviewed to reflect some sense. At the moment, it seems that some of these boundaries do not make any sense.

When a plot is being allocated, it takes about a year or so before one is issued with a title deed. I do not know what the problem is in this respect. Issuing of title deeds is, in my opinion, just paper work. The Ministry should do something to improve and hasten this exercise. For example, when someone is allocated a plot and all the relevant documents and authority are there, then what is the difficulty in issuing the title deed?

They should try to improve those areas ~~which~~ which do not need experts to do the job.

Mr. Speaker, Sir, due to the shortage of qualified surveyors in the Ministry, people are forced to engage the services of private surveyors. The fees charged by these private surveyors <sup>are so</sup> ~~is~~ exorbitant that the ordinary mwananchi cannot at times afford to have his land surveyed. The Minister should have control over these private surveyors. They should at least charge reasonable fees. For example, if I want to carry out surveys in Isiolo District and I engage the services of a private surveyor, it becomes very difficult and sometimes impossible. It is high time the Ministry did something about this issue.

With these few remarks, I beg to support.

MR. KHALIF: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to the Vote of the Ministry of Lands and Settlement.

QUORUM

MR. MWACHOFI: On a point of order, Mr. Speaker, Sir. There is no quorum in the House.

MR. SPEAKER: No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

END M



MR. SPEAKER: We have a quorum now. You may continue Mr. Khalif.

MR. KHALIF: Thank you very much Mr. Speaker, Sir, for giving me this opportunity to also contribute <sup>to</sup> the Vote of this very important <sup>Ministry</sup>. Let me tell you from the outset <sup>to Sir,</sup> that if I were parochial and did not have a national outlook, I would have opposed this Ministry's Vote because it has done nothing in my district. It is now 25 years since <sup>we attained our</sup> Independence, and there are only three people who own title deeds for their lands in Wajir District. Those people have done so by hiring private surveyors and doing everything ~~by~~ themselves. This state of affairs has continued in spite of our repeated pleas and requests to the Ministry through all the various forums such as; the District Development Committee, the District Commissioner, <sup>Offices.</sup> and the Provincial Commissioner. <sup>a</sup> We have even presented ~~the~~ request in the form of a memorandum to the highest authority in this country. Due to lack of title deeds, people in Wajir District cannot <sup>solicit</sup> ~~solicit~~ any money from their banks. There is a bank in Wajir town now, and there are very many good business men who should be loaned money, but they have no security. They have no security because their lands have not been surveyed, and they have not been given title deeds. The Minister is very much aware of this. We have held discussions with his predecessors regarding this issue several times. I remember going to <sup>see</sup> him once <sup>when</sup> since he took over the portfolio <sup>running</sup> of this particular Ministry.

I would, again, like to take this opportunity to <sup>met</sup> ~~more~~ sincerely and earnestly plead with him to facilitate the quick surveying of Wajir towns so that people can get their title deeds.

Mr. Speaker, Sir, having said that, land is a very sensitive issue. <sup>A</sup> As many of my colleagues have said, people in this country ~~have~~

MR. KHALIF (contd.):

fought and shed blood to own their land. It is very serious and ununderstandable that 25 years after attaining independence there are people who own land in this country, and yet they live in some far distant places such as Paris and England. These people never come here to develop their farms. It is a very unfortunate that there are some wananchi who live in these farms as squatters. It is a high time the Kenya Government looked into this matter. I know that the Constitution of Kenya guarantees the rightful ownership of property, but I also think that it is very unfair for somebody to own land and not to develop it, thus denying others the right to develop it. This is what is happening in Kenya. Wananchi are living in their own country as squatters. Time and again this problem has been raised in this House very vehemently, but nothing seems to be done.

End N

MR. KHALIF (CTD.):

It is high time that the Minister responsible for this Ministry, and the Government as a whole, <sup>came</sup> to ~~come~~ up with a deliberate policy to solve this very serious problem.

Mr. Speaker, Sir, the other point I would like to mention concerns settlement schemes. There are various settlement schemes all over the country where the landless are settled. Those are national projects, and the fair thing for the Ministry, or whoever is in charge of the administration of these schemes, would have been to go round the country and distribute the schemes fairly and evenly ~~all over the country~~ so that people from North-Eastern Province, Coast Province and all other provinces have a chance of being settled there. In some settlement schemes you will find that only one section of the Kenyan community <sup>is</sup> being predominantly given the opportunity to settle <sup>there</sup> ~~in~~ ~~these schemes~~. I do not want to mention the names of those schemes because they might stir up some very emotional controversy.

The other problem I would like to mention is in regard of boundaries. Hon. colleagues have mentioned this problem before. Our boundaries should reflect the reality. Garissa Town, for example, which I am sure you had the opportunity to visit, is the Headquarters of North-Eastern Province but, amusingly, the town is part and parcel of Coast Province. Anyone who owns land in this town has to go to Tana River for all administrative purposes. This is clearly very incongruous. You have Garissa as the seat of North-Eastern Province, and yet people there have to go to Tana River, which is about 80 or 90 miles away, any time they want to process any documents regarding their plots of land. So, this town's boundaries should be removed. This affects many other places, and not just Garissa. Even in Wajir District, there is a lot of incongruity in respect of boundaries. It is high time that we reviewed our boundaries in order that they may reflect the reality of the day.

Coming back to the problem in Wajir, let me say that Mandera District, which is about 400 miles from Wajir and borders Somalia, has been surveyed and people there are pastoralists, as are those in Moyale and all other major towns

MR. KHALIF (CTD.):

in North-Eastern Province. All these other towns have been surveyed, and I do not know why the Ministry is taking so long to survey Wajir Town. The people there are very much concerned about this issue. I would like to repeat my appeal to the Minister to send a team of experts to Wajir District for this purpose. I understand that there is a system whereby this team has to fly and do some aerial survey, after which they know who has been allocated a plot and who should be given a title deed. I do not know much about those technicalities, but the Minister should do everything possible to solve this problem. I say this with all my emotion because my constituents have sent me here to tell the Minister, in no uncertain terms, that he should do something in this regard. If there were some other ways of challenging the Ministry's apathy in this case, I would even have taken this matter to court. Why is the Minister denying the people of Wajir the right to own their land legally? I think the Minister has taken down my point in good faith, in spite of my high emotion. I hope he understands the predicament of the people of Wajir very well and that he will address himself to this problem, which is peculiar to Wajir only.

I have not talked about airports. Even other Members of Parliament are having problems with their airports in the small towns that are coming up now. Wajir Town, the centre of North-Eastern Province, has not title deeds, 25 years after attaining Independence. This is a shame.

With these few remarks, I wish to plead with the Minister to do everything possible for Wajir. I beg to support the Motion, Mr. Speaker, Sir.

MR. MWACHOFI: Ahsante sana, Bw. Spika, kwa kunipa nafasi hii ili nami niunge mkono Hoja hii juu ya Voti ya Ardhi na Makao. Kwanza kabisa, ningetaka kusema kwamba ni jambo la kusikitisha sana kwamba katika nchi hii yetu tunayoipenda baada ya muda mrefu kiasi cha miaka 25 tangu tupate Uhuru, bado tuna wageni ambao wana haki ya kuwa na ardhi katika nchi hii. Hili ni jambo la aibu kwa sababu hatuijui nchi nyingine duniani, hasa kati ya zile nchi ambazo zinasema zimeendelea, ambako wageni kutoka Kenya huruhusiwa kuwa

MR. MWACHOFI (CTD.):

na ardhi. Ninasema kwamba hii ni aibu. Tungependa Waziri alisikilize jambo hili na kulitilia maanani, kwa sababu hivi sasa tunapozungumza hapa, kuna wananchi wa Kenya waliozaliwa papa hapa, hasa huko katika Kilifi, Kwale, Lamu na kwingineko kama Taita-Taveta, wanaoishi mahali fulani, lakini ni "wageni" katika nchi yao, na huku ardhi yao imekaliwa na mgeni anayesemekana kuwa ndiye mwenyewe. Hili ni jambo la kusikitisha na <sup>la</sup> kutia uchungu.

Ninashukuru kwamba Mbunge wa Mombasa Kati alipokuwa akizungumza alisema kwamba wale ambao wanaopewa ardhi katika mipango ya makao lakini hawaitumii wanapaswa kunyang'anywa ardhi hiyo ili ipewe wale ambao wataitumia. Ninashukuru kwamba—

THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES

(Mr. Nassir): Jambo la nidhamu, Bw. Spika. Hapana haja ya kusema, "Nassir" aliseme hivi." Ikiwa mtu anataka kusema kitu, ingefaa akiseme yeye mwenyewe. Sijatoa matamshi eti kwamba ye yote anyang'anywe ardhi, bali nimesema kwamba ikiwa mtu amepewa ardhi na hataki kuilima, ingefaa ampe ardhi hiyo mtu mwingine ambaye atailima. Sikusema ye yote anyang'anywe ardhi.

MR. SHIKUKU: Jambo la nidhamu, Bw. Spika. Nilikuwa katika Bunge hili mhe. Nassir alipokuwa akizungumza, na hata nilimshangilia. Alisema kwamba yule ambaye amepewa ardhi na haitumii anafaa kunyang'anywa ardhi hiyo na Serikali ili ipewe yule anayetaka kuitumia. HANSARD inaweza kuhakikisha kwamba hivi ndivyo ilivyokuwa.

MR. MWACHOFI: Bw. Spika, mhe. Mbunge alikuwa amesema hivyo; lakini sasa ameokoka.

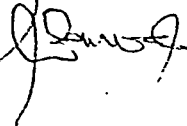
THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES

(Mr. Nassir): Bw. Spika, kwanza ningetaka mhe. Mbunge ayaondoe matamshi yake kwamba nimeokoka. Sijakuwa kafiri hata siku moja. Mimi ni Mwislamu na sina haja ya kuokoka.

Nilisema, na nitarudia, kwamba wale watu waliopewa ardhi na Serikali na hawaitumii ndio wanaofaa kuitoa kwa watu wengine watakaoitumia. Vile mhe. Mbunge huyu anavyotaka kunisingizia ni vibaya kwa sababu anataka kusema eti

THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES (Mr. Nassir)(Ctd.):  
nilisema kuwa ye yote mwenye ardhi asiyoitumia anafaa kunyang'anywa ardhi hiyo.  
Mimi si mnyang'anyi wala mtu anayevunja sheria za Kenya. Ningependa sheria za  
Serikali yetu zitunzwe. Wale ambao wamepewa ardhi na hawawezi kuitumia hawafai  
kuiuza, bali wanafaa kuirudisha kwa Serikali. Hayo tu ndiyo niliyosema.

END 0



MR. MEYACHOFI: Bw. Spika, nashukuru kuwa HANSARD iko ambayo tunawoza ku itazama badala ya kuanza kubishana bure. Mimi nilikuwa ninasoma jambo hilo kwa nia nzuri na nikamshukuru mwenzangu kwa nia nzuri kwa kusema hivyo. Nina hakika kwamba k ikiwa vile alivyosema alikuwa anasema ukweli, basi atakubaliana na mimi kwamba katika sehemu iliyoitwa zamani Mwambao wa Pwani, ardhi ambayo wale waliokuwa nayo, walikuwa wamopewa na Serikali ya Wakoloni ambayo sasa iishakwenda. Basi, kufuatana na Tume Teule ya Bunge ambayo ilichaguliwa kwenda kuyachungua mambo, yafaa mapendekezo yake yatekelezwe ili wananchi asili wanaoishi katika sehemu zile wapewe hati za kumiliki ile ardhi na wale wenyewe ambao huwa hawaishi hapa nchini, bali wanaishi nje ya nchi hii na wale ambao wako nchini lakini hawaitunai hii ardhi wapokonywe ardhi hiyo.

(applause)

Jambo hili halisemwi kwa mzaha tu, bali tunalisema kwa dhati, kwani ni jambo<sup>(a)</sup> muhimu sana.

Jambo lingine, Bw. Spika, ambalo linahusiana na hili, ni juu ya agizo ambalo ndugu yangu, mhe. Lukindo, alilitaja. Katika mwaka wa 1985, Mtukufu Rais alikuwa Wundanyi kuondosha mchango wa Harambee na akaagiza - si kupendekeza - kwamba maafisa wa Wizara ya Ardhi na Makao, Wizara ya Utalii na Wanyama wa Porini wakutane na wapendekeze mahali kando kando ya Mto wa Tsavo ambapo ekari 50,000 zingotolewa kwa wale wananchi wa Wilaya ya Taita/Taveta ambao hawana ardhi, ili wapate nafasi ya kulima. Jambo hili kweli tumelifuatilia hapa Bungeni na hata katika vikao vingine, kama vile kwenye kamati ya maendeleo wilayani na kamati ya kilimo wilayani. Jambo la kusi-  
\* itisha ni kwamba tangu siku hiyo mpaka leo, agizo ambalo lilitolewa na Mtukufu Rais halijatekelezwa na Wizara zinazohusika zinaondolea kunyamaza kimya. Hii ndio maana tungempenda Waziri, atakaposimama kujibu Hoja hii, kacleza ni kwa nini agizo hilo la Mtukufu Rais lime-  
ondolea kupuuzwa, na wananchi wanaendelea kupata taabu katika nchi yao. Katika Wilaya ya Taita/Taveta, zaidi ya asilimia 75 ya ardhi

MR. MWACHOFI (ctd.):

inashikiliwa na Serikali na wananchi wanaachiwa labda asimilia 10 au chini ya hiyo tu.

Bw. Spika, jambo linigisimuhimu, hasa katika Wilaya ya Taita/Taveta, ni kwamba Wizara imefanya kazi nzuri katika sehemu fulani ya kuunganisha na kuandikisha mashamba. Lakini makosa machache yametokea ambayo tuneyatoa na kuyataja katika vikao vya Kamati ya Maendeleo Wilayani na Kamati za Kilimo Wilayani na tungependa ayarekebishe mambo haya. Ningependa kumtaja Waziri; na nashukuru kwamba maofisa wanaosimamia idara mbalimbali za Wizara hiyo wako hapa. Kosa la kwanza ni kwamba, wakati mashamba yalipimwa na kuandikishwa, hasa katika sehemu ya milima huko Wundanyi, Wizara hii haikushauriana na Wizara ya Kilimo. Ninasema hivyo kwa sababu kuna sehemu fulani huko ambazo hazifai kulimwa lakini sasa zimepewa watu na nyingine zina maji na zilifaa kutengwa lakini hazikutengwa. Makosa haya yalitokea kwa sababu wale ambao walikuwa wanautekeleza mpango ~~mpango~~ huu walikuwa hawana utaalamu unaohusiana na kilimo. Huu ndio wakati ambapo Wizara hii inapaswa ifikirie juu ya watu hawa waliopewa sehemu hizo zive zao, kama watapewa ardhi nyingine wapi walime ili sehemu hizi nyingine zihifadhiwe. Hii ni kwa sababu z tunazungumzia juu ya uhifadhi wa maji na udongo.

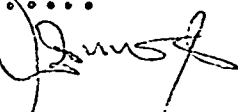
Kosa lingine, Bw. Spika, limetokea sehemu ambako kumeandikishwa mashamba ya malisho ya vikundi au group ranches. Nishauliza Swali katika Bunge hili miaka miwili au mitatu hivi iliyopita kama Mkuu wa Sheria anatosheka kwamba sheria ya group ranches haihitilafiani na sheria ya kuandikisha mashamba ya kibinafsi. Alipozungumza hapa mhe. ole Kena, ameonyesha ~~na~~ wazi vile mashamba ya group ranches yanavyoshindwa kuendelea kwa sababu hayana usimamizi sawasawa. Kosa lililotokea hasa katika Wilaya ya Taita/Taveta ni kwamba mashamba mengine yalipondikishwa, wananchi waliokuwa wana haki ndani ya yale mashamba, majina yao hayakuwako katika orodha ya wenye kumiliki mashamba →



MR. MWACHOFI (ctd.):

hayo. Kwa hivyo, baada ya mashamba haya kuandikishwa, wananchi wengine wanakatazwa kuingia kwenye mashamba hayo. Mfano mmoja ni kama vile kulo Isanga Ewishi Group Ranch, ambako watu wa Mwanda Su-location wanakatazwa kuingia kwenye mashamba na hali wana haki ya kuwa hapo tangu zamani.

END P.....

A handwritten signature in black ink, appearing to be 'J. Mwachofi', written over the 'END P.....' text.

MR. MWACHOFI (ctd);

Mfano mwingine Bw. Spika ni shamba la Ndara D ambamo wananchi kutoka Lokesheni ya Chewia na pia Lokesheni ya Mbale walikatazwa wasiingie pamoja na wale ambao wameandikishwa. Hili ni jambo ambalo linaweza kuzusha hali ya kutoelewana na kuharibika kwa amani. Pia jambo hili linajulikana kwa Kamati ya Maendeleo ya Wilaya ya Taita Taveta. Kwa hivyo ningeiomba Wizara inayohusika iingilie kati kuwaamuru wenye lile shamba wawaruhusu wale wenye haki m wengine majina yao yaingizwe katika orodha.

ƛ Bw. Spika ingawa muda unaonekana hautoshi ningependa kutaja jambo moja muhimu sana hapa kuhusu Taita-Taveta. Wilaya ya Taita-Taveta, sawa na wilaya nyingine, ina watu wazaliwa wa wilaya yenyewe. Ninasema hivi bila kuzunguza juu ya ukabila. Si sawa kutoka wilaya fulani na kwenda katika wilaya nyingine na kujipatia ardhi bila ya idhini ya wale wanaoishi pale. Lokesheni ya Kasigau ni mfano mmoja, ambako ~~wananchi~~ wananchi ambao ~~hawakuzaliwa~~ hawakuzaliwa pale walitoka katika wilaya jirani waliingia na kujitafutia makao bila kushauriana na wazee ambao wako pale ndani. Baada ya ~~muda~~ muda fulani ~~kwa~~ kulizuka mgogoro. Ni wiki iliyopita tu ambapo watu walichomewa nyumba. ~~Wakikitegemea~~ Waliofanya hivyo sasa wako ~~kwa~~ korokoroni. Kwa hivyo tunatoa mwito kwa machifu na manaibu wao katika sehemu hizo wahakikishe kwamba kuna amani na hasa kuhusiana na vile watu ~~wote~~ wanavyoingia na kutoka katika sehemu zinazohusika.

Jambo lingine ni kwamba nyumba za kudumu ~~ambazo~~ ambazo zimejengwa kwenye vituo vya biashara kule Taita Taveta ni nyingi na zimejengwa kufuatana na masharti yaliyowekwa. Lakini utaona kwamba nyumba hizo zote hazina hati zinazohitajika. Kwa hivyo wafanyabiashara wanakosa njia ya kukopa pesa ili kuziendeleza biashara zao.

Naunga mkono, Bw. Spika.

THE ASSISTANT MINISTER FOR LABOUR (Mr. arap Metto): Ahsante sana, Bw. Spika, kwa kunipatia nafasi ili niweze kuungana na Wabunge wenzangu kutoa maoni juu ya Wizara hii ambayo ni ya maana sana. Sitasema mengi kwa sababu Waziri ~~am~~ amefanya kazi kulingana na vile ~~maongozi~~ maongozi ya Serikali yalivyo. Ninasema hivyo kwa sababu hapo awali tulikuwa na matatizo mengi. Marafiki Marafiki tu ~~tulipojinyakulia~~ tulipojinyakulia Uhuru wetu wananchi waliungana pamoja kama partners, vyama vya ushirika ili kununua mashamba. Serikali yetu, kupitia katika Wizara hii, imefanya kazi ya maana sana kuhakikisha kwamba mashamba yaliyokuwa ya Wazungu wamechukuliwa na wananchi ili waweze kuyatumia kujitajirisha na pia kuliwezesha taifa hili kujitegemea kwa utoaji wa chakula.

Lakini baadaye, Bw. Spika, kutokana na uongozi wa ~~partnerships~~ partnerships na companies wananchi wengi walitatatizika. Hata hivyo Mtukufu Rais alilingilia jambo hili mapema na kuamuru mashamba yote yagawanywe ili kila mtu aweze kupata haki yake. Kama Mtukufu Rais hakufanya hivyo kungekuwa na shida nyingi sana. Kwa hivyo mimi ningependa kumtolea shukrani Mtukufu Rais kwa kuliangalia jambo hilo mapema na kuchukua hatua iliyostahili na kutokana na juhudi za Mtukufu Rais watu wanaishi kwa amani. Wanalima mashamba yao kwa njia bora na wanatoa mazao kwa njia inayofaa. Kwa hivyo ningependa kutoa mwito kwa Waziri aharakishe mpango huo wa kumwezesha kila mwananchi kupata hati ya kumiliki ardhi.

Nilifurahi sana jana, wakati Waziri aliokuwa akiwasilisha. Voti hii aliposema kwamba surveyors na adjudication officers watatumwa kwenye wilaya zipatazo 20 ili waweze kuiharakisha kazi hii ya kupima mashamba, na hasa katika sehemu za Kitale, Uasin-Gishu na Nakuru. Wakoloni wengi walikuwa wakiishi katika wilaya hizo na wananchi wengi wamenunua mashamba kwa wingi katika sehemu hizo baada ya wakoloni kuondoka.

THE ASSISTANT MINISTER FOR LABOUR (Mr. arap Metto) (ctd);

Bw. Spika, shida inayotukabili katika sehemu hizo wakati huu inatokana na upungufu wa surveyors. Kwa hivyo yafaa Waziri z ajaribu kuharakisha kazi hii na hasa katika sehemu za Kitale, Uasin Gishu na Nakuru. Akifanya hivyo atakuwa amefanya kazi muhimu sana na atakuwa amewasaidia wananchi wengi ambao wana matatuzo yanayohusiana na ~~kat~~ hati za kumiliki mashamba.

Jambo lingine Bw. Spika, ni kwamba sisi tuna sheria ya kuyachunga mashamba hayo. Kama kuna shamba ambalo halitumiwi kwa njia inayofaa shamba hilo linapasa kuchukuliwa na kusimamiwa au kuendeshwa na Serikali ili mazao yaweze kupatikana. Iwapo wananchi wataarifiwa mapema sioni ni kwa nini hawawezi kuitumia nafasi hiyo na kuhakikisha kwamba mashamba hayo yanalimwa kwa manufaa na faida ya nchi yetu. Ninasema hivi kwa sababu tunafahamu wazi kwamba idadi ya watu humu nchini imeon\_gezeka sana na watu hawa wote wanahitaji chakula cha kutosha. Kwa hivyo kama kuna mashamba ambayo hayatumwi kwa wakati huu nafikiri Serikali inayo haki ya kuingilia na kuona kwamba mashamba yamechukuliwa ili yaweze kutumiwa vizuri ili nchi hii iweze kujitosheleza kwa vyakula na ~~kakazi~~ mambo mengine ambayo yatasaidia katika kuimarisha uchumi wa nchi hii.

Jambo lingine ambalo linafaa kujadiliwa kati ya Waziri na Mkuu wa Sheria ni uamuzi wa z wazee kwenye kesi za ~~ms~~ mashamba. Ninasema hivi kwa sababu wazee wakishakata ~~kamini~~ kauli shamba liende kwa mtu fulani utaweza kuona kwamba yule mwingine anaipeleka kesi hiyo katika Mahakama Kuu. Kesi hiyo itazidi kuvurugwa na ninafikiri halitakuwa jambo la maana kutenda mambo tofauti baada ya Mtukufu Rais, na Bunge hili, kuamua kwamba yafaa wazee wa vijijini wapewe uwezo wa kuamua kesi za mashamba ili amani iweze kudumu. Wazee wengi hawajui kusoma wala kuandika na pengine hawafahamu kwamba mawakili huhitaji kulipwa pesa nyingi kwenye kesi za ardhi.


THE ASSISTANT MINISTER FOR LABOUR (Mr. arap Metto) (ctd);

Mr. Speaker left the Chair

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

Kwa hivyo, Bw. Naibu Spika wa m Muda, ningependa Waziri ajaribu kushauriana na Mkuu wa Sheria kuhusu jambo hili ili kuona ni njia gani ambayo ~~kwayo~~ tunaweza kusuluhisha ~~migogoro~~ migogoro ya mashamba bila kuharibu wakati mwingi. Ikiwa wazee wametoa uamuzi ingefaa uamuzi wao uzingatiwe badala ya kuipeleka kesi kortini ambapo pesa nyingi ~~za~~ zitatumika. Hili ni jambo ambalo huifanya haki izungushwe na mwishowe ~~kupata~~ kupotea.

Jambo lingine ambalo ningependa kugusia ni kuhusu private land surveyors. Hawa watu huwatoza wakulima pesa nyingi sana. Kama jambo hili linagharimu pesa nyingi namna hiyo sijui ni kwa nini Wizara hii haiwezi kuongeza idadi ya surveyors wa Serikali ili kupunguza matatizo yanayowakabili wakulima wetu. Hili pia ni jambo ambalo litawavezesha wakulima kupata hati zao upesi.

ERR.D.Q... 

MR. arap KETTO (Ctd.):

Jambo lingine ni kwamba ngingependa kumpongeza Waziri kwa kuhakikisha ya kwamba Land Control Boards zin<sup>kwamba</sup>aendelea kufanya kazi katika tarafa. Hapo mbeleni kulikuwa kumesemekana ziende kwa ofisi ya wilaya. Unajua ya kwamba, zikienda kwa maofisi za ~~Kiwakataji~~ wilaya kutakuwa na shida ya usimamizi wa kuwawezesha wanachama wafahamu mahali mashamba yako. Lakini hizi boards <sup>zikikaa</sup> katika tarafa halafu mkuu wa wilaya awe akizunguka kwa kila tarafa wakati bodi inapoketi na ~~kwa~~ kuamua kesi za ardhi kupitia kwa Land Control Board mambo yatakuwa mazuri. Sina mengi ya kusema ~~in~~ ijapokuwa kusema ya kwamba nampongeza Waziri na pia naunga mkono Voti hii ili Wizara hii iweze kuharakisha kazi yake ya kuwahudumia wananchi.

Kwa hayo machache, naunga mkono.

MR. ole NAMPASO: Asante sana Bw. <sup>Naibu</sup> Spika wa Muda

kwa kunipa nafasi hii ili nami niseme ~~na~~ machache kuhusu ~~Ma~~ Voti ya Wizara hii ambayo ni ya maana sana.

Ngingependa kuishukuru Wizara kwa vile imejaribu sana kugawanya mashamba huko Narok hata kama mengi yamefanywa na group <sup>ranches</sup> vandos halafu baadaye wetakuja kugawa <sup>na</sup> ili kila mtu apate ~~kz~~ kipande chake. Kuna <sup>shida</sup> kubwa ya maji kwa sababu kama mtu anapata shamba, mahali pa kupata maji ni pamoja tu, <sup>na</sup> yeye atapata shida sana. Ningeomba mipango ya kuchimba mabwawa ya maji ifanywe kwanza halafu mambo ya kugawanya mashamba yafanywe baadaye. Ingawa yamegawanya sehemu nyingi, kuna nyingine ambazo zimeachwa nyuma na ningeomba ~~W~~ Waziri na maofisa wake wote wajaribu kumaliza kugawanya wilaya yote ya Narok. Kwa mfano, mashamba katika lokesheni za Loita na Maberu na sehemu nyinginezo hayajapimwa. Katika mpaka wa Wilaya ya Kajiado na ya Narok, kuna sehemu moja ambayo ime <sup>na</sup> achwa bila kugawanywa na Ofisa wa

MR. ole NAMPASO (Ctd.):

Ugawanyaji wa Mashamba - Demarcation Officer - wa Narok anafahamu hivyo kinyo na hata ameshahamisha w maofisa wake na hali kazi bado haijaanza. Wakati mmoja, walikuwa wakisema eti hawana ile nyororo ya kupima mashamba. Hata kuna wakati mmoja nilipokwenda mpaka kwa ofisi ya Wizara nikitaka kumuona ofisa fulani lakini nikaambiwa ameshaondoka. Nataka waende wamalize kugawanya sehemu hiyo ambayo imeachwa haraka iwezekanavyo. Lokesheni ya Narok North imeachwa bila kugawanywa na pia sehemu ya mpakani mwa Wilaya ya Kajiado na Narok. Ni sehemu ndogo sana na watu wengi wanaishi humo kwa sababu kuna maji na misitu. Ni heri wajaribu kumaliza kazi hii haraka ili wananchi wapate mashamba - kama wataamua kuwapa kila mtu shamba au katika vikundi vikundi ni sawa - lakini yafaa wajaribu kuharakisha kazi hii.

Jambo lingine ni kuhusu title deeds. Shamba likisha-gawanywa, title deed - kama vile ~~Ma~~ mhe. Nyaga alivyosema - huonyesha kwamba shamba ni lako kamili. Watu wengine huvamia shamba lako kwa nguvu na bila idhini yako. Hii ndiyo sababu ya kuwa na kesi nyingi za mashamba kortini. Mtu mwingine anaharibu pesa za mwenye shamba na yeye hana haki kwa vile hana cheti cha kuonyesha kwamba shamba hilo ni lake. Unaingia tu kuletea mwenye shamba hilo hasara. Hivyo ni kuonyesha nini? Sijui kama Wizara ina jambo lolote x linaloweza kufanywa kuwasaidia wale watu kuwaondoa watu walioingia huko kwa nguvu. Sijui kama ni Mkuu wa Sheria ambaye anaweza kusaidia katika mambo kama haya. Tabia hii ni ya kupoteza pesa za watu wengine. Mwenye shamba ana title deed na anjua vile imeandikwa. Kwa nini mtu mwingine anaenda kumsumbua? Watu wengi wanatumia njia hii. Hata wengine wanayachama mashamba yao na kuja kukusumbua bure. Hiyo ni kupoteza wakati na pesa za mtu mwingine na kumzuia asifanye kazi yake. Hilo si jambo la maana hata kidogo.

R.3.....29.10.87

MR. ole NAMPASO (Ctd.):

Ningependa wakati Waziri atakapokuwa akijibu ~~zija~~ ajaribu kusema ni kwa nini ~~ni~~ kuna mambo hayo ya watu wengine kusumbua wenzao. Ni heri mambo haya yaangaliwe ili wenye mashamba waweze kuendesha kazi yao vizuri. Kama ndugu yangu amechukua titi ~~de~~ deed ya shamba lake inayomaanisha shamba ni lake, basi aaachwe alitumie atakavyo bila kusumbuliwa na watu wengine.

Jambo lingine ni kwamba kama nilivyosema kuna sehemu nyingi ~~zina~~ ambazo hazijagawanywa na zimechelewa na hali watu wanazidi kungojea. Hizo ni kama sehemu zile nimetaja na kuna watu wa kufanya hiyo kazi, na ni vizuri waende wakafanye hiyo kazi. Wanaweza pia kuwahesabu watu na kuwaandika majina katika sehemu ~~moja~~ moja.

END R.....



ole  
MR. NAMPASO (Ctd.):

Tungetaka wale vijana ambao walitajiriwa, baada ya ardhi hii kupimwa, waandikishwe.

Ikiwa hawataandikiwa kama watu wasio na ardhi, watakwenda wapi na baba zao wako katika ile group ranch. Kwa hivyo, tungetaka wale vijana wote ambao wamekwishatajiriwa, waandikishwe ili watakapokuja kugawa mashamba, vijana hawa wafikiriwe kama watu wengine.

Jambo lingine, Bw. Naibu Spika wa Muda, ambalo ningetaka kutaja linahusu ploti katika miji yetu. Katika miji yetu, kuna ploti nyingi ambazo zimetolewa na makonseli mbali mbali. Tunaona vile ploti hizi zinatolewa kwa wingi na sijui watoto wizi vizi vya nyuma watapata ploti kutoka wapi. Ikiwa ardhi yote sasa imechukuliwa na wale watu walioko sasa ambao wamepata harti za kumiliki ardhi hii, wale watoto watakuja baadaye watapata ardhi wapi? Ni lazima ardhi nyingine iachwe ili watoto wetu, baada ya kumaliza shule, waweze kupata ardhi.

Jambo lingine ni kwamba watu wengine wanatumia harti za kumiliki ardhi kwa kupata mikopo, lakini wakati mwingine wanachukua pesa nyingi zaidi kuliko dhamani ya ardhi wanayomiliki. Hivyo ni kusema mtu ~~zikiwa~~ akipatiwa mkopo halafu anautumia kwa njia isiyofaa, mwishowe anashindwa kulipa ule mkopo na shamba lake linauzwa. Nimewaona watu wengi ambao mashamba yao yameuzwa kwa njia hii. Wakati mwingine unaona kwamba shamba linanadiwa kwa shs.1,000/- au Shs.2,000/-. Kuna shamba la ekari 800 ambalo liliuzwa kwa Shs.500,000/-. Lakini bei ya ekari moja ya ardhi ni kama Shs.10,000/-. Kwa hivyo, ingefaa kama wangekata sehemu ya shamba kama hilo na kuuza na kumwachia mwenye shamba ile sehemu nyingine. Sasa yule mwenye shamba la ekari 800 ameachwa bila shamba, baada ya shamba hilo kuuza na kulipalile deni kidogo halafu aliyelimunua lile shamba akapata faida. Sasa yule maskini alibaki bila pahali pa kukaa na pengine atafaidika ikiwa atakuwa na ploti katika ile group ranch ambapo watu bado hawajagawiwa ardhi, ingawa wanaendelea kuwa kuwalisha ng'ombe na mbuzi na kuweza kuwalea watoto wao kule. Ikiwa yule mtu hakuwa mwanachama katika ile group ranch, basi angeachwa bila pahali pa kuishi.

Jambo lingine ambalo ningetaka kutaja linahusu barabara katika sehemu za malisho ya ng'ombe. Tungetaka kuwa na barabara nzuri, maji na vituo vya afya katika sehemu zetu za malisho. Kama tungepata huduma hizi, tungetaka na maendeleo katika sehemu hizi.

Tukiwa na barabara nzuri, watu wataweza kusafiri hapa na pale na watafaidika. Lakini kwa wakati huu, ikiwa una mgonjwa, na unataka kumpeloka hospitalini, hutapata usaidizi kwa sababu hakuna barabara. Jambo hili haliwezi kutusaidia hata kidogo na watu wengine wataendelea kuumia. Kwa hivyo, ningewaomba maafisaa wa Wizara hii wanapoifanya kazi yao, wafikirie kuwapatia watu wetu maji. Ikiwezekana wanaweza kuchimba mabwawa ya maji au kutuletea maji kutoka mtoni. Wasipofanya hivyo, watu wetu wataendelea kuumia sana.

Kwa hayo machache, naunga mkono.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): It is now time for the Mover to reply.

MR. MWARUWA: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very important Vote and, therefore, I think as many hon. Members as possible should have a chance to speak on it, particularly noting the very good job that the Minister and his Assistant Minister are doing. We are really anxious to speak on this Vote.

AN HON. MEMBERS: No! Sit down!

MR. MWARUWA: I am not talking to you. Even if you are Ministers, you had better keep quiet. Mr. Temporary Deputy Speaker, Sir, I think we should be given more time to speak on this Vote.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Mr. Mwaruwa, you had better read your Standing Orders properly.

THE MINISTER FOR LANDS AND SETTLEMENTS (Mr. Nyakiamo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

MR. MUTISO:

QUORUM

MR. MUTISO: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sorry about this. ~~Hon. Minister,~~ <sup>The hon. Minister's</sup> I do not really want to take <sup>his</sup> your time <sup>but</sup> since I know many hon. Member <sup>are</sup> are concerned about ~~your~~ <sup>his</sup> response to the points they have raised, I would like to draw the attention of the Chair that we do not have a quorum.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Yes, we do not have a quorum. Will you ring the Division Bell.

(The Division Bell was rung)

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Order! We have a quorum now. Will you continue, Mr. Nyakiamo.

THE MINISTER FOR LANDS AND SETTLEMENT (Mr. Nyakiamo): Mr. Temporary Deputy Speaker, Sir, I beg to respond to the Motion. First of all, I would like to take this opportunity to thank the hon. Members of this House for the contributions which have been very well thought out. As I said in my opening speech yesterday, the land question in this country is very ~~vital~~ touchy and very important to all of us. In my speech, I said that land is what we fought for during our struggle for Independence and, therefore, the administration of land is very important, particularly with regard to development. The question of administering the land is of paramount importance, as far as the Government is concerned, and as one hon. Member said yesterday, the Ministry of Lands and Settlement is a service Ministry which serves all the other Ministries. The Ministry of Local Government, when it comes to building, always comes to us and so does the Ministry of Commerce, Ministry of Agriculture, Ministry of Industry and others. Therefore, it is very important to take a serious note of the points raised by the hon. Member <sup>S</sup> for the past two days.

Mr. Temporary Deputy Speaker, Sir, I accept that mistakes have been made through human error and at time <sup>S</sup> through criminal offences. However, from what the hon. Members have said in the past two days, we have learned a lot and it is for me and my officers to take a serious note of what has been said here. Not everybody has been bad and, therefore, credit must be given where <sup>it</sup> credit is due. It is for this reason that, I think, before I touch on the <sup>various</sup> points which have been raised by the hon. Members, and they are very many, I should <sup>make</sup> some clarifications.

END S

## THE MINISTER FOR LANDS AND SETTLEMENT (ctd.):

Touching on title deeds, I would like to say that everyone who owns a piece of land would like to have a title deed, and we cannot ~~be~~ neglect ~~this~~. <sup>anyone. exercise is being</sup> This is accelerated, ~~and we accept it.~~

I did touch on some of the constraints the Ministry is faced with. We have already made representations to the Ministry of ~~Finance~~ <sup>Finance</sup> on those to see that we are given funds. At the moment, we ~~have~~ have 1.8 million title deeds which have been registered. The target is 2 million title deeds. However, not all title deeds have been collected by their owners. As far as settlement scheme title deed owners <sup>are concerned</sup> I would like it to be noted that there is no provision <sup>under</sup> ~~by~~ which land can be transferred to the settlers pending payment of loans, we have to give them that security. ~~Now~~

Mr. Temporary Deputy Speaker, Sir, as far as land adjudication and consolidation is concerned, I would like to ~~say~~ say that there have been delays. We are going to see how we can rectify these delays. But for the information of the House, I would only like to clarify one thing. Two or three hon. Members were yesterday concerned about land consolidation, and I thought it better to clarify the issue. At the time we started ~~the~~ land consolidation in places like Meru and ~~those~~ in Central Province - indeed it is in the question of land consolidation in which we were to go over and see ~~whether~~ what pieces one has, consolidate them into one and then give the person an alternative piece of land somewhere else - some <sup>people</sup> rightly said, "others have been given rocky land". Due to difficulties about this, a change was made; we no longer go by consolidation in all the new areas; we go by adjudication and demarcation. In that case, where a person has three pieces of land in three ~~x~~ different places, he will get three title deeds for the three pieces of land. I wanted the House to note this.

THE MINISTER FOR LANDS AND SETTLEMENT (ctd.):

On the question of land adjudication/<sup>system</sup> under the Land Adjudication Act, I thought I would read something to the House. What do we do when we declare a place an adjudication section? When this is declared, the adjudication officer appoints a land adjudication committee consisting of not less than 10 elders, resident within the adjudication section. This committee is the first adjudication tribunal, charged with the duty of hearing and determining land disputes, brought before it during the demarcation process. Mr. S Temporary Deputy Speaker, Sir, I run through this quickly so that we <sup>can</sup> know what happens.

Where disputes ~~arise~~ arise, these are heard and decided upon by the ~~xi~~ committee. Any person aggrieved by its decision has the right to appeal to the arbitration board. The second adjudication tribunal consists of not less than five elders, resident within the district. The right must be exercised within a period of 14 days from the date of the committee's decision. When the process of demarcation, recording and surveying of land has been completed in the ~~section~~ section, and all the cases before the committee and the ~~board~~ board have been heard and determined, and the adjudication record containing the details of ownership has been compiled, the adjudication officer will display the original adjudication register for inspection by land owners at a convenient place within the disputing section, and give notice that the adjudication register has been <sup>Completed</sup> ~~completed~~ and may be inspected at the place during a period of 60 days from the date of notice. This is important because a lot of people do not go by that.

Any person who considers the register to ~~be~~ be incorrect or incomplete in any respect, may then lodge his written objection to the adjudication officer within that period, and the officer will hear and determine such objection in his capacity as the <sup>as the third adjudication</sup> ~~tribunal~~ tribunal.

## THE MINISTER FOR LANDS AND SETTLEMENT (ctd.):

Any person aggrieved by his decision has the right to appeal to the Minister for Lands and Settlement who is the fourth and final adjudication tribunal. I say this so that at least, the matter is clarified in the minds of the hon. Members and the country as a whole.

The hearing of the committee, the board <sup>and</sup> ~~and~~ the objection cases takes time and ~~time~~ depending on the number of such cases filed in the adjudication section, delay is bound to occur. So, the quicker the disputes are handled, the quicker ~~is~~ the matter is completed, and the quicker the title deeds can be given.

Mr. Temporary Deputy Speaker, Sir, another point that was raised ~~is~~ was on land disputes, boundaries and so forth. When such <sup>things</sup> occur, we should send our officer quickly to the field to ~~it~~ see that the matter is settled. I accept that. However, I would like to make it known to the House that the Government ~~that~~ has already amended the Magistrates' Act to facilitate resolving land ownership disputes. It is current Government policy that land ownership disputes should be first referred to elders by courts, through the district commissioners, who should be the chairmen of elders' tribunals.

Since the district commissioners could not personally attend to all cases referred to them, they delegate this ~~is~~ responsibility to their district officers, who may have, in turn, over-delegated to their chiefs and assistant chiefs. I take the point raised by the hon. Members that sometimes, this leaves a lot to be ~~is~~ desired. I have talked to my officers and ~~it~~ ~~to~~ told them that this delegation is not over-delegated.

The third point which was ~~is~~ raised was about surveyors, both licensed and unlicensed. With the recent amendment to the Survey Act, there are sufficient provisions now to facilitate the licensing of more land surveyors. The machinery is already

THE MINISTER FOR LANDS AND SETTLEMENT (ctd.):

set towards this achievement and the Government does not recognize the work of bogus surveyors, as <sup>Some</sup> hon. Members ~~raised the point~~ <sup>said</sup> here. But an hon. Member here who used to be the director of surveys spoke very well here yesterday and said, "this House passed an Act controlling the fees that can be charged by surveyors". I agree that it is cheaper to deal with Government surveyors, and where possible we should use them, but then, our licensed surveyors are qualified; they are also in business, but they should not charge anything above ~~what~~ what has been set by the Government.

The third point is on ~~a~~ sectional title deeds. I did mention this in my speech and I said that the Sectional Titles Bill ~~is~~ has already been published to provide for the registration of sectional titles and, in fact, it has already been laid on the Table.

The fifth point is on physical planning in markets, trading centres and towns. I agree that the mushrooming ~~and~~ of buildings in these areas ~~w~~ should be controlled. It is time that the Planning Section of the Ministry of Works, Housing and Physical Planning should put their heads together and ~~is~~ liaise with us and the Ministry of Local Government to see that these is planned. I accept this. The Ministry does not consider this to be a major problem because I feel we can control ~~it~~ it and particularly using the District Focus for Rural Development Strategy.

Mr. Temporary Deputy Speaker, Sir, I have already touched on the speeding up of land consolidation and adjudication, but I would like to say that the Government took remedial measures by appointing special district commissioners to help in this matter. The ~~is~~ Ministry is reviewing the situation so that a work programme is drawn with target dates for completing the various tasks involved so as to finish the matter of cases. I repeat here that a chief has no direct role to play in land adjudication proceedings. It

T.5....29.10.87

THE MINISTER FOR LANDS AND SETTLEMENT (ctd.):  
on the spot  
for the adjudication officer/to do that. The chief and the district  
officer are there to see that law and order is maintained.

END T.

Rw



## THE MINISTER FOR LANDS AND SETTLEMENT (ctd.):

We have already recommended amendments to the Land Adjudication Act to provide for land adjudication officers to sit with the panel of elders so that the elders do not hear objection cases alone. This will help to speed up matters.

Mr. Temporary Deputy Speaker, Sir, point number seven is on acceleration of land adjudication programme. It is our intention that ~~things~~ <sup>this</sup> should be accelerated and, as I have said, we will do so.

Sir, the question of squatters was raised here, and I would like to take this opportunity to say that it is ~~the~~ high time ~~that~~, as a certain hon. Member said here, <sup>that</sup> land in Kenya cannot go round. We are now about 20 million in Kenya, and if some one says that each Kenyan will have a piece of land, he is telling a lie. So, we should be satisfied with whatever pieces of land we have.

MR. SHIKUKU: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think it was a slip of the tongue on the part of the Minister. He used the word "lie", a language that is not Parliamentary. He should have used the word "untruth".

THE MINISTER FOR LANDS AND SETTLEMENT (Mr. Nyakiamo): Mr. Temporary Deputy Speaker, Sir, I take the point. I should have said that it would be untrue for anyone to say that each Kenyan will get a piece of land. However, if the hon. Member just wanted me to use Parliamentary language, I think he is satisfied.

Sir, as I was going to say before that interruption, the question of squatters is a problem, although sometimes we ourselves make it so. It is time the people of Kenya realised that one's piece of land is one's piece of land and you cannot go to squatter on somebody's land in order to force the Government to give you land elsewhere. I said this at the Coast Province and I will repeat it here. Anyone who is really landless, as long as the Ministry of Lands and Settlement is there, is free to apply for settlement and if we can assist we <sup>will</sup> do so. If we ~~can~~ cannot assist him, then we tell him we are not able. There is no point going to squatter on Government land or someone else's land with the hope that you will force the Government to give you land. We shall not allow that.

THE MINISTER FOR LANDS AND SETTLEMENT (ctd.):

Mr. Temporary Deputy Speaker, Sir, the question of land allocation was also raised by several hon. Members. There is a procedure for allocation of land in urban and in rural areas, and priority is to be given to indigenous Kenyans. Where a plot is required for public utility, the request is given priority. But then, it is up to us, as Kenyans, when we are in position, to exercise the needed integrity.

My point number 10, Sir, is the question of ceiling of land ownership which was also ~~xx~~ raised during the debate. I am not competent to speak on that issue and, therefore, I will leave it to the House. At the moment we shall go by the laws that are in our books. I am not going to comment on the issue presently. However, as regards agricultural land, the land control boards can refuse consent where they consider that a purchaser has ~~i~~ sufficient land or where they consider that the purchase is against the interests of the country.

Mr. Temporary Deputy Speaker, Sir, there was a point raised yesterday about having as many land registries as possible, and I would like to inform the House that we have 28 land registries. There are 27 of them in the districts and one in Nairobi. In the Coast Province, we have land registries in Taita, Mombasa, Kilifi and Kwale. In Eastern Province, land registries are located in Machakos, Kitui, Embu and Meru districts. With regard to Central Province, we have land registries in Kirinyaga, Murang'a, Kiambu, Nyandarua and Nyeri districts. We have land registries in Nyanza Province located in Kisumu, Kisii, South Nyanza and Siaya districts. In Western Province, land registries are located in Kakamega, Bungoma and ~~Emu~~ Busia districts. There are land registries in Nakuru, Kajiado, Narok, Kericho, Uasin Gishu, Barindo and Nandi districts in Rift Valley Province. The last one, which is the Central Land Registry, is situated in Nairobi. I do take the point suggested by hon. Members that where possible we should spread land registries in the whole Republic. It is our policy to do so, and the Ministry will open more land registries as and when the volume of work in a district warrants it.

U.3.  
29.10.87.

THE MINISTER FOR LANDS AND SETTLEMENT (ctd.):

Sir, the twelfth point that was raised and to which I would like to address myself is in connexion with allowances for members of land control boards. I am pleased to say that the allowances for land control board members have been increased. Allowances payable to members of district land control boards stand at KShs.300/- per sitting per member.

MR. MWARUWA: Only?

THE MINISTER FOR LANDS AND SETTLEMENT (Mr. Nyakiamo): Yes, only that.

Mr. Temporary Deputy Speaker, Sir, the other point that was raised is in connexion with trust land. Some hon. Members felt that trust land within county councils may be open to abuse from time to time. I am not an expert on this and I do not know much about the abuse, but the procedure which is intended to protect the interests of the public who reside on such land is there. Therefore, the chances of county councils abusing the trust land ~~is~~ are minimal, particularly where district commissioners sit at district development ~~committees~~ committees. Indeed, hon. Members of this House are automatically members of the district development committees.

Sir, I have already touched on the question of professional fees charged by surveyors, and I said that there is an Act of Parliament governing this matter. The question of group ranches was also raised here, and I am happy to inform the House that we are preparing a Cabinet Paper for consideration on this subject.

Regarding land laws, I am pleased to tell this House that recommendations have already been made to the Law Reform Commission for ~~some~~ consideration.

Mr. Temporary Deputy Speaker, Sir, the hon. Member for Yatta ~~and~~ spoke very eloquently yesterday and very seriously, and I think he thinks ~~he~~ he has been forgotten entirely. He even saw me this afternoon and told me that while I touched on all other districts about settlement schemes, I forgot to say something about Yatta. I have taken note of what he has told me, and I have confirmed to have that my officers and I are prepared to go to Yatta and hold a baraza with the Machakos District Commissioner to hear what the problems of the people of Yatta are.

U.4.  
29.10.87.

THE MINISTER FOR LANDS AND SETTLEMENT (ctd.):

The seventeenth point that I want to reply to is the change, rotation and transfer of officers. In order not to allow officers to be attached to particular areas and become part and parcel of those areas, I am sure that my Permanent Secretary will act on this matter. We should not leave an officer to work in one place for 15 years. I agree that that is too long a period and, in fact, I must say that there have been some accusations of some bad things. Anything to prevent that will have to be done.

Mr. Temporary Deputy Speaker, Sir, one hon. Member said that there is a place in Wajir and Moyale where our officers are doing nothing. I accept that we are short of equipment but, as I have already said, presentations have already been made through the Ministry of Finance to get us assistance from ~~XXXXXX~~ Japan in order to equip our ~~xxx~~ people.

On the question of settlement, I recall that hon. Khalif said that there appears to be some discrimination as far as settling people is concerned, something that I do not accept.

END..... U.



## THE MINISTER FOR LANDS AND SETTLEMENT (Contd.):

Anyone can apply to my Ministry to be settled, and we do not ask where he comes from. At the moment, we have the Magarini Settlement Scheme going on in Malindi. This is where, as I said yesterday, we are giving 30 acres per family, and that we have already settled 1,206 families. We have yet to reach 4,000 families and over. If hon. Khalif wants to bring some people from his area, they are at liberty to apply.

Sir, I think I have already touched on most of the points that have been raised. But may I take this opportunity, also, to say again that I have taken seriously the matters which have been raised here, or the points which have been made by the hon. Members, and considering the sensitivity of the land problems, I and my officers will take care. We will do our job as honestly, and as quickly as we can.

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

(Question put and agreed to)

The Temporary Deputy Speaker (Mr. Karauri) left the Chair

IN THE COMMITTEE

Mr. Chairman took the Chair

Vote 36 - Ministry of Lands and Settlement

THE MINISTER FOR LANDS AND SETTLEMENT (Mr. Nyakiamo): Mr.

Chairman, Sir, I beg to move:-

THAT, a sum not exceeding K£8,052,890 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 36 - Ministry of Lands and Settlement.

(Question proposed)

(Question put and agreed to)

(Interruption of Business Pursuant to Standing

Order 142(7)

GUILLOTINE

MR. CHAIRMAN: Hon. Members, I hope you are aware that this is the guillotine, on which occasion all the Votes that have not yet been discussed or passed are put to the Committee without any further discussion.

Vote 18 - Ministry of Culture and Social Services

THAT, a sum not exceeding K£11,492,090 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 18 - Ministry of Culture and Social Services

(Question put and agreed to)

Vote 20 - Ministry of Water Development

THAT, a sum not exceeding K£17,584,185 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 20 - Ministry of Water Development

(Question put and agreed to)

Vote 22 - Ministry of Co-operative Development

THAT, a sum not exceeding K£3,275,320 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 22 - Ministry of Co-operative Development

(Question put and agreed to)

Vote 30 - Ministry of Energy and Regional Development

THAT, a sum not exceeding K£4,580,755 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 30 - Ministry of Energy and Regional Development

(Question put and agreed to)

MR. CHAIRMAN (Contd.):

Vote 4 - Ministry of Foreign Affairs

THAT, a sum not exceeding K£12,239,845 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 4 - Ministry of Foreign Affairs

(Question put and agreed to)

Vote 5 - Office of the Vice-President and Ministry of Home Affairs

THAT, a sum not exceeding K£11,367,885 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 5 - Office of the Vice-President and Ministry of Home Affairs

(Question put and agreed to)

Vote 6 - Ministry of Planning and National Development

THAT, a sum not exceeding K£8,854,180 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 6 - Ministry of Planning and National Development

(Question put and agreed to)

Vote 7 - Ministry of Finance

THAT, a sum not exceeding K£14,410,900 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 7 - Ministry of Finance

(Question put and agreed to)

Vote 8 - Department of Defence

THAT, a sum not exceeding K£75,221,455 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 8 - Department of Defence

(Question put and agreed to)

MR. CHAIRMAN (Contd.):

Vote 13 - Ministry of Works, Housing and Physical Planning

THAT, a sum not exceeding K£15,347,675 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 13 - Ministry of Works, Housing and Physical Planning

(Question put and agreed to)

Vote 15 - Ministry of Labour

THAT, a sum not exceeding K£1,655,350 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 15 - Ministry of Labour

(Question put and agreed to)

End V.



MR. CHAIRMAN (ctd)

Vote 16 - Ministry of Tourism and Wildlife.

THAT, a sum not exceeding K£7,530,515 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 16 - Ministry of Tourism and Wildlife.

(Question put and agreed to)

Vote 17 - Ministry of Livestock Development.

THAT, a sum not exceeding K£11,560,120 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 17 - Ministry of Livestock Development.

(Question put and agreed to)

Vote 19 - Ministry of Information and Broadcasting.

THAT, a sum not exceeding K£6,172,870 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 19 - Ministry of Information and Broadcasting.

(Question put and agreed to)

Vote 21 - Ministry of Environment and Natural Resources.

THAT, a sum not exceeding K£10,449,950 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 21 - Ministry of Environment and Natural Resources.

(Question put and agreed to)

Vote 23 - Ministry of Commerce and Industry.

THAT, a sum not exceeding K£5,284,340 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 23 - Ministry of Commerce and Industry.

(Question put and agreed to)

Vote 25 - Office of the Attorney-General.

THAT, a sum not exceeding K£2,944,495 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 25 - Office of the Attorney-General.

(Question put and agreed to)

Vote 26 - Judicial Department

THAT, a sum not exceeding K£1,102,250 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 26 - Judicial Department

(Question put and agreed to)

Vote 27 - Public Service Commission.

THAT, a sum not exceeding K£261,015 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 27 - Public Service Commission.

(Question put and agreed to)

Vote 28 - Office of the Controller and Auditor-General.

THAT, a sum not exceeding K£876,585 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 28 - Office of the Controller and Auditor-General.

(Question put and agreed to)

Vote 29 - National Assembly.

THAT, a sum not exceeding K£1,570,630 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 29 - National Assembly

(Question put and agreed to)

THE MINISTER FOR LANDS AND SETTLEMENT (Mr. Nyakiamo): Mr. Chairman, Sir, I beg to move that the Committee of Supply do report to the House its consideration of the Resolution and its approval of the same without amendment.

(Question put and agreed to)

(The House resumed)

(The Temporary Deputy Speaker (Mr. Karauri) in the Chair)

REPORTS

REMAINING VOTES IN COMMITTEE OF SUPPLY  
ON 29.10.87 AND LAST ALLOTTED DAY

MR. arap NG'ENY: Mr. Temporary Deputy Speaker, Sir, I am directed by the Committee of ~~the House~~ Supply to report its consideration and approval without amendment of Resolutions made to the following Votes:

- Vote 36 - Ministry of Lands and Settlement: K£8,052,890.
- Vote 18 - Ministry of Culture and Social Services: K£11,492,090.
- Vote 20 - Ministry of Water Development: K£17,584,185
- Vote 22 - Ministry of Co-operative Development: K£3,275,320
- Vote 30 - Ministry of Energy and Regional Development: K£4,580,755
- Vote 4 - Ministry of Foreign Affairs: K£12,239,845
- Vote 5 - Vice-President and Ministry of Home Affairs: K£11,367,885
- Vote 6 - Ministry of Planning and National Development: K£8,854,180
- Vote 7 - Ministry of Finance: K£14,410,900
- Vote 8 - Department of Defence: K£75,221,455
- Vote 13 - Ministry of Works, Housing and Physical Planning: K£15,347,675
- Vote 15 - Ministry of Labour; K£1,655,350
- Vote 16 - Ministry of Tourism and Wildlife: K£7,530,515
- Vote 17 - Ministry of Livestock Development: K£11,560,120
- Vote 19 - Ministry of Information and Broadcasting: K£6,172,870
- Vote 21 - Ministry of Environment and ~~the~~ Natural Resources: K£10,449,340
- Vote 23 - Ministry of Commerce and Industry: K£5,284,340
- Vote 25 - Office of the Attorney-General: K£2,944,495
- Vote 26 - Judicial Department: K£1,102,250
- Vote 27 - Public Service Commission: K£261,015
- Vote 28 - Office of the Controller and Auditor-General: K£876,585
- Vote 29 - National Assembly: K£1,570,630

THE MINISTER FOR LANDS AND SETTLEMENT (Mr. Nyakiamo): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee of Supply in the said Resolutions.

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Kubai) Seconded.

(Question proposed)

(Question put and agreed to)

MOTION

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 14th, 1987.

(Mr. Shikuku on 29.7.87)

(Resumption of Debate interrupted on 27.10.87)

MR. MWAVUMO: Bw. Naibu Spika wa Muda, kwanza kabisa ningependa kukushukuru kwa kunipa nafasi ili mimi kama Mbunge wa sehemu ile nieleze ukweli vile maneno yaliavyo juu ya Hoja hii. Kwanza ningependa kulijulisha Bunge hili kwamba Kipevu Oil <sup>Jetty</sup> ~~Jet~~ ilijengwa 1957. Ninamshukuru huyu mhe. Mbunge mwenzangu kwa kusema kwamba inahitaji kurekebisha. Vile vile Oil Terminal ilijengwa mwaka wa 1121. Jambo lingine ~~an~~ ambalo ningependa kueleza ni kwamba huu mkopo tunaaitaji, Shs.193 milioni, Kenya Ports Authority ina Shs.100 milioni na kwa hivyo tunahitaji tu Shs.93 milioni. Nahiizi Shs.93 milioni —

MR. SHIKUKU: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Je, ni haki kwa mhe. Mbunge anayeongea sasa kupotosha Bunge hili ~~kam~~ kwamba tunahitaji mkopo wa Shs.193 milioni hali Sessional Paper No. 7 inahitaji tu Shs.93 milioni? Sessional Paper No. 7 inasema kwamba gharama ya mradi mzima itakuwa Shs.198.9 milioni na hali yeye alisema kwamba ghrama itakuwa Shs.193 milioni.

END W

MR. MWAJUMU: Ahsante sana kwa sahibisho hilo.

Nilikuwa nikitaka kulijulisha Bunge kwamba ni pesa kidogo tu zinazohitajika kuagizia bidhaa za ng'ambo. Shirika ndilo litakalotoa pesa nyingi zaidi, na pesa hizo ziko papa hapa. Tutahitaji mkopo huo tu kwa kumumulia bidhaa zile ambazo hatuwezi kuzinunua na zinahitaji pesa za kigeni. Ningependa kulijulisha Bunge hili kwamba tutalipa faida ya asilimia tano kwa mkopo huo ambao tunahitaji. Pengine tukichukua pesa za kigeni hapa na kuzitumia, tutalipa faida ya asilimia 17.

Jambo lingine, Bw. Naibu Spika wa Muda, sijui ni kwa nini tunachukua mkopo huu. Serikali yetu Tukufu imeweka sahihi katika ule Mkataba wa Lome ili ikiwa tuna mahitaji kama hili la mkopo, tuweze kuutumia mkataba huo. Ningependa kuwajulisha Wabunge wenzangu kwamba ile faida haitabandilika, na hata dhamani ya dollar au ya pauni ikipanda juu, faida hiyo bado itabaki asilimia tano tu. Wabunge wenzangu hawafai kuwa na wasi wasi kwamba pengine baada ya kuchukua mkopo huu, Serikali yetu itakuwa na deni au dhamani ya pesa itakuwa ikipanda.

Ni kweli kwamba shirika letu lina pesa ~~na~~ nyingi sana, na hili ni jambo linalohitaji tulipongeze shirika hili kwa sababu limefanya faida. Kama unavyojua, tunayahimiza mashirika yetu yafanye faida. Kwa hivyo, ninatoa shukrani kubwa sana kwa Halmashauri ya Bandari kwa vile imefanya kazi nzuri mpaka leo tunaona kwamba ina pesa nyingi katika benki. Halmashauri hii, ikiwa vile ilivyo, haiwezi kutoa pesa hizo na kuwakopesha wananchi. Imefanya vizuri sana kwa kupeleka pesa hizo katika benki ili ziweze kuwasaidia wananchi kwa mikopo ili waweze kuitumikia nchi hii. Wananchi hawawezi kwenda kukopa pesa kutoka kwa halmashauri, lakini Halmashauri ya Bandari imefanya vizuri sana kwa kupeleka pesa hizi katika benki, ambazo ni vituo vya kukopesha pesa, ili ziweze kuinua uchumi wetu.

Tuna mashirika mengi sana katika nchi hii. Ingefaa sana tulipongeze Halmashauri ya Bandari ya Kenya kwa ule mwenendo inayofuata na kuonyesha mfano mzuri kwa mashirika mengine. ~~KINANI~~

Ninafurahi sana kwa juhudi ambazo mhe. Shikuku hufanya katika kuondoka

MR. MWAVUMO (CTD.):

huko Butere na kuja Mombasa kwa gharama z yake. Ningeshauri, kwa kupitia kwako, kwamba Waziri atengeneze mipango ya waheshimiwa Wabunge wengine pamoja na mhe. Shikuku, kutembea huko Mombasa, huku wakiwa wameijulisha Halmashauri ya Bandari kimbele ili waweze kupokelewa wakifika huko. Ni jambo la aibu sana kwa mhe. Mbunge kwenda huko huku amevaa kofia na kanzu ili kujibadilisha. Kwa bahati mbaya, Mbunge huyu akipata ajali, ni nani atakayekuwa mdhamana wa ajali hiyo? Ningependa mimi na Wabunge wengine tumwombe Waziri atutengenezee safari ili twende huko tukaone vile mambo yalivyo. Ni matumaini yangu kwamba wafanyakazi wa Halmashauri ya Bandari watakuwa tayari kutupokea na kutuonyesha vitabu vyao vya hesabu pamoja na kazi wanayofanya. Hapana haja ya kujifichaficha. Hwe ni Mbunge uliyechaguliwa na raia, na una haki ya kwenda huko na kupokelewa vizuri. Ni matumaini yangu kwamba---

MR. SHIKUKU: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ni haki kwa mhe. Mbunge kujaribu kusema kwamba ninajifichaficha? Anajua kwamba Katiba ya Kenya inatiruhusu mimi, yeye na mtu mwingine ye yote kwenda mahali po pote kwa siri au bila siri? Ana haki ya kukataa jambo hili? Anajua kwamba Katiba inasema hivi? Si lazima ninajulishe kimbele. Hata nikitembea uchi, nina uhuru wa kwenda po pote.

END X

MR. MWAVUMO: Bw. Naibu Spika wa Muda, ninamuomba mhe. Shikuku asitembee uchi. Hii ni kwa sababu Kenya ni nchi huru na katika viongozi walioupigania Uhuru wetu----

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Order! I would like to correct hon. Shikuku. You cannot walk ~~xxx~~ naked because that is against the law. You are not free to ~~walk~~ walk naked.

MR. MWAVUMO: Ahsante sana, Bw. Naibu Spika wa Muda, kwa uamuzi wako.

Hata hivyo, jambo lingine ni kwamba ningependa kulifahamisha Bunge hili kwamba Kenya Ports Authority si shirika kama lile la Posta na Simu au lile la Reli ambayo yameeneza huduma zao kila ~~makabxxx~~ mahali. Pia shirika hilo si kama Kenya Commercial Bank au mabanki mengine ambayo yako na matawi katika sehemu mbali mbali. Wabunge wengi hawazifahamu kazi zinazofanywa na Kenya Ports Authority. Lakini yafaa ifahamike kwamba - ijapokuwa mengi yatasemwa hapa - kila mwanadamu yuko na kapu mbili; kapu moja liko na mambo yake mazuri na lile lingine liko na mambo yake mabaya. Kwa hivyo maafisa wa Serikali wakifanya kazi nzuri tutawapongeza ili kuwatia moyo. Pia ni lazima yale mabaya ambayo wameyatenda yatajwe.

Vile vile ninamshukuru sana mhe. Shikuku kwa kutusaidia kuyataja yale maovu yanayofanyika katika nchi hii. Yeye anajulikana kama "Watchman" na yeye ni ~~Mwenyekiti~~ Mbunge wa Butere.

MR. SHIKUKU "Honourable Watchman."

MR. MWAVUMO: Hon. Watchman, Mwenyekiti wa Parliamentarians Football Club, Msema Kveli. Tunamshukuru yeye kwa hayo yote. ~~Tunam~~ Sisi tunamuunga mkono mhe. Shikuku kwa ~~ku~~ msimamo wake kuhusu yale maovu ambayo ameyataja hapa.

Mimi ningemuomba Mhe. Shikuku ~~za~~ ayataje yale mazuri ambayo yanafanywa na Bw. Okundi. Hii ni kwa sababu haitakuwa haki kuendelea kuuliza Maswali kuhusu invoices zilizotolewa na Kenya Ports Authority. Kuna mashirika mengine ya Serikali ambayo yanafaa kuchunguzwa na kwa hivyo ningemuomba mhe. Shikuku vile vile ayatazame.

MR. SHIKUKU: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Nilipokuwa nikiwasilisha Hoja yangu sikumbuki wakati wo wote ambapo nilimtaja Bw. Okundi. Sikumbuki. Je, mhe. Mwavumo ana haki ya kulitaja jina la Bw. Okundi hapa? Mimi sikumtaja katika Hoja yangu yote. Je, mhe. Mwavumo ana haki kulipotisha Bunge hili kwamba Bw. Shikuku huuliza tu habari za Kenya Ports Authority ~~na~~ na hali nimeishatoa habari ya pesa ~~za~~ ambazo zinaibiwa katika mashirika mbali mbali? Je, ana haki ya kulipotisha Bunge hili?

MR. MWAVUMO: Ahsante sana kwa ~~wasizi~~ ushauri wako mzuri mhe. Shikuku. Ni kweli kwamba hukulitaja jina lake. Lakini tunamjua anayeliaongoza shirika hilo. Kwa hivyo----

THE TEMPORARY DEPUTY SPEAKER(Mr. Karauri): Order. Hon. Shikuku brought a Motion here which does not touch on any individual. It talks about the Kenya Ports Authority. It is wrong for you to imply or to insinuate that he is talking about an individual when he is talking about the Kenya Ports Authority.

MR. MWAVUMO: Bw. Naibu Spika, wa Muda, ningependa kuyaondoa matamshi hayo. Ningependa pia kusema kwamba mimi ninaiwakilisha sehemu ya Kilindini Harbour. ~~Kwa hivyo~~ Isitoshe nimefanya kazi katika Bandari la Mombasa kwa ~~mat~~ zaidi ya miaka 20. Kwa hivyo ninayafahamu mambo yanayoendelea huko.

END. Y. . .



MR. MWAVUMO (Ctd.):

Ni wajibu wangu kama Mbunge wa sehemu hiyo kuyasema mambo haya hapa kwa sababu wengine hawaelwi bandari inafanya kazi gani. Ikiwa maafisa wa bandari/watakuwa wakipewa nafasi <sup>za</sup> kufanya kazi zao, basi, hawatakuwa na moyo ya kufanya kazi.

MR. SHIKUKU: <sup>Naathamu</sup> Jambo la nidhamu, Bw. Naibu Spika wa Muda. <sup>Nidhamu</sup> Mh. Mwavumo <sup>hauzingatii</sup> ~~anazingatii~~ uamuzi wako kwa sababu ulitoa uamuzi kwamba hatuzungumzi juu ya watu binafsi. Sisi tunazungumza juu ya Kenya Ports Authority ambayo ina halmashauri ya wakurugenzi, na pia ina wafanyakazi. Sisi hatuzungumzi juu ya hawa watu bali tunazungumza juu ya Kenya Ports Authority yenyewe. Nihaki kwa mhe. Mbunge ~~kuzungumza~~ kuendelea kuzungumza juu ya maafisa wa Halmashauri hii. <sup>?</sup>

MR. MWAVUMO: Bw. Naibu Spika wa Muda, hawa ni wafanyakazi ndio, lakini sisi tunazungumza juu ya Kenya Ports Authority na mimi, kama mwakilishi wa ~~Sh~~ Halmashauri hii ya Bandari, ni lazima nielez<sup>e</sup> ukweli vile ulivyo. Ukweli ni kwamba Halmashauri hii ya Bandari imefanya kazi nzuri na mwezi huu imepata pesa nyingi kabisa na hata kuna hundi ambayo imetumwa katika Idara ya Hazina na itawalipa wafanyakazi wa Serikali.

Kwa hayo machache, naipinga Hoja hii.

MR. ANGATIA: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to also make my remarks on this very important Motion. This Motion has enlightened us on a lot of things and I would like to start by thanking His Excellency the President for the steps <sup>he</sup> <sup>is</sup> ~~has~~ taken at the moment. <sup>only</sup> If ~~our~~ institutions, which are charged with the responsibility of collecting and looking after our money and making more money, were doing their job properly, we would ~~have~~ be having twice as much money as we have today. Mr. Temporary Deputy Speaker, Sir, is that not a great statement for this country? <sup>?</sup> The President has come up and said that those who are charged with the responsibility of collecting the money, keeping ~~the money~~ and making ~~money by making~~ sure that it multiplies, have not done their job. If they had done their job properly, then we would be having as ~~ix~~ twice as much money as we have in this country at the moment.

Mr. Temporary Deputy Speaker, Sir, this Motion is talking about money.

The President has gone as far as talking about the money that comes into the country and the money that goes outside the country. We all know what is going on at the moment, and there could not be a better time to talk about borrowing than a time when the President is telling us that more money is going out of Kenya today than is coming in. However, the fact is that we are net exporters of capital and not net importers of capital, which means that as days go by, all our labour and ~~all our~~ production and everything else is going towards paying ~~money for~~ <sup>back</sup> the man who has made money in Europe and has been lending it to our country. Perhaps this man is living at the coast of Greece, or in the West Indies, and enjoying himself there. However, here in the country, we are sweating to keep him alive or to keep him enjoying, wherever he is, whether in the West Indies or in the Mediterranean. Kenyans are sweating to take out money ~~and~~ <sup>to</sup> pay other people outside this country. I am not saying that it is wrong to ~~have~~ borrow. We are supposed to have borrowed and made enough money out of that borrowing, so that we can also be able to live comfortably and be able to repay that gentleman his money.

What happened, Mr. Temporary Deputy Speaker, is that when we borrowed and planned on how to multiply that money, so that we can also enjoy ourselves as much as that gentleman who lent us the money, we ended up sweating day and night trying to make enough ~~was~~ money to pay for that person's pleasure. Consequently, instead of going up economically, we have gone down. The President pointed out that this is purely a question of management and integrity. The ~~people~~ people who have been charged with the responsibility of looking after our money and making sure that it multiplies and that it is ~~safe~~ safe, have not done their jobs as they ought to have done. This is not a small issue and, therefore, we ought, as a <sup>watchman</sup> House, to indicate our concern about it. We must be grateful to ~~the~~ Hon. Shikuku - the / or other you / whatever/names/ may call him - because he has been able to see these things and <sup>has</sup> brought this Motion to this House. This is not so that we may stop the Kenya Ports Authority from ~~its~~ developing, but so that we can sit down and ask ourselves whether the money we have borrowed is justifiable or whether the investments we have made are justifiable. At a time when the Kenya Ports Authority is just about to invest, it is the proper time for it to sit down and ask itself the question whether <sup>it</sup> ~~they~~ <sup>is</sup> ~~is~~ justified in that investment. We are not ~~a~~ saying that the Kenya Ports Authority

should not invest. In any case, the Kenya Ports Authority should not feel regretful. In fact, it should feel happy that the National Assembly has focused its attention on its activities, but has it done its job properly? If it has done its job properly, this House is responsible enough to say, "thank you". However, if it has not done its job properly, this House is responsible enough to say, "No", it should do it better. ~~hence~~ Therefore, Sir, let nobody in the Front Bench, or anywhere else feel that the issues which are being raised here are intended to question the integrity, the seriousness, the honesty or the sincerity of the people who want to borrow this money to do a job. No, this is being done so as to find out whether the Kenya Ports Authority has been doing its job properly. If you combine the efforts of this House in finding out these things, and what His Excellency the President is saying, what else does anyone need to do his job ~~properly~~ properly?

Mr. Temporary Deputy Speaker, Sir, there is also the question of the Kenya Ports Authority having done a good job. Therefore, whereas I have made those remarks questioning what the Kenya Ports Authority has done on the one hand, let us also appreciate that it has done its job well on the other hand. I am saying this because ~~when other parastatal~~ <sup>Parastatal</sup> bodies have been losing money, the Kenya Ports Authority has been making money. We have parastatals like the National Cereals and Produce Board, the Kenya Railways Corporation, the Kenya Airways which we are well known for losing ~~money~~ money and there are very many others in this category. When Mr. Shikuku was moving this Motion, he gave us a whole list of institutions which ~~have~~ borrowed money which was guaranteed by the Government of this country, but that money got lost. This is a time to stop and ask ourselves: are we making ~~the~~ a mistake by guaranteeing this money to the Kenya Ports Authority or are we doing the right thing?

Mr. Temporary Deputy Speaker, Sir, this ~~x~~ brings in another question. If the Kenya Ports Authority has enough money to invest - - - The ~~an~~ hon. Member who spoke before me misled this House as he was referring to records which were turned upside-down, and he made remarks which ~~are~~ <sup>were</sup> unnecessary. What we are saying is that the Kenya Ports Authority has done a good job but it could do even a much better job; otherwise, the President could not have said what he said last night.



Z.5.-----29.10.87.

MR. ANGATIA (Ctd.):

But what I am saying is that the K Central Bank of Kenya is well placed to do that kind of job than the Kenya Ports Authority, and I would expect him to inform me about ~~or~~ that. However, instead, he was just wasting our time by going off the point. Anyway, Sir, I will carry on.

END 2 *[Handwritten signature]*

JMK

MR. ANGATIA (ctd.):

The work that is supposed to be done, as hon. Martin Shikuku told us, is very important.

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Njuno): On a point of order, Mr. Temporary Deputy Speaker, Sir. Was it in order for hon. Angatia to say that hon. Michuki was "wasting time" when, in fact, he was on a point of order? We do not waste time in this House.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Hon. Angatia, that is out of order. An hon. Member may take your time but he cannot waste your time in this House.

HON. MEMBERS: Withdraw and apologise! Withdraw and apologise!

MR. ANGATIA: Mr. Temporary Deputy Speaker, Sir, what was the value of the time he took? Was it worth anything?

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Hon. Angatia, the phrase "wasting time" is not acceptable in this House. The hon. Member may have taken your time but, certainly, he did not waste time.

MR. ANGATIA: Okay, Mr. Temporary Deputy Speaker, Sir, I accept your ruling and carry on.

HON. MEMBERS: Withdraw! Withdraw and apologise!

MR. ANGATIA: Mr. Temporary Deputy Speaker, Sir, if the job that is supposed to be done is as important as hon. Martin Shikuku has told us and as the Kenya Ports Authority itself has stated-----

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Order, hon. Angatia! Will you withdraw the phrase "waste of time?"

MR. ANGATIA: Mr. Temporary Deputy Speaker, Sir, I am not aware of any problem here.

HON. MEMBERS: Withdraw! Withdraw!

MR. ANGATIA: What am I supposed to withdraw? I have not insulted anybody here. The hon. Member took my time and what he said was worthless.

HON. MEMBERS: Withdraw and apologise! Withdraw that remark!

29.10.87.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Order, hon. Members. Hon. Angatia, it is just a question of withdrawing the remark because our Standing Orders provide that there is nothing like wasting of time by an hon. Member when he is contributing to debate in this House. So, withdraw that remark.

MR. ANGATIA: I agree with you, Mr. Temporary Deputy Speaker, Sir. I withdraw the remark about wasting time and inform hon. Michuki that next time he should make it of greater value that it was.

(Laughter)

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Mr. Michuki): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am seeking your guidance as to whether whatever the hon. Member has said amounts to withdrawal of his remark and an apology.

MR. ANGATIA: Mr. Temporary Deputy Speaker, Sir, I have withdrawn the remark that the Assistant Minister was wasting time because you have guided me that we do not waste time in this House. <sup>In this</sup> ~~For this~~ House, we do not waste time here. I have already withdrawn that remark. Do I still have any debt? Do I owe anybody anything?

I have already offered my appreciation for the work that is going to be done with this money, and it may be important and urgent. It may be so urgent that perhaps we should look at this ~~extra~~ matter quickly and let the Kenya Ports Authority get on with the job immediately. That work being so necessary, ~~how~~ can the Kenya Ports Authority not use the money which they already have and carry on with it?

Sir, another point that I would like to touch on, and which was raised by hon. Shikuku when he was moving this Motion----

(The amber light flashed)

MR. SHIKUKU: On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought I saw the amber light flash. I think that was a mistake and, therefore, the hon. Member speaking should not worry about the time. This is a Government Motion and an hon. Member can speak for as long as he wishes.

29.10.87.

MR. ANGATI: Thank you very much, hon. Shikuku. Sir, hon. Martin Shikuku told us that when the port area was constructed, it was decided that about KShs.4 million would be set aside every year - under the name of depreciation money - for repairs, renovations and improvement of the port. So, we would like the Minister, when he comes to reply to this Motion, to tell us whether that amount of money has been kept aside every year ~~from~~ from 1952. If that was happening, was the money invested somewhere in order to earn some interest or was it <sup>not</sup> ~~just~~ set aside for depreciation when the port continued to get bad such that there is now no money for renovating the port area? This is very important because, whether we are building Mumias Sugar Factory, whether we are building a railway station or whether we are putting up a Kenya Ports Authority, an area which is going to be used and which is subject to serious tare and wear, we have to set aside some money called depreciation money for renovations and improvements. If this was done, we would like to know where the money is now that the Kenya Ports Authority is being forced to go and borrow very expensive money from Europe. I submit that this is very expensive money, considering the remark I made earlier that more money is going out than is coming in.

Sir, another point that I would like to point out to the Minister for Finance that we will guarantee loans and we should actually do that. We will also borrow money from outside, and we should do that bearing in mind that that money we are ~~now~~ borrowing is to help us make more money for the comfort of our people, to increase the wealth of this country and to try and ~~distri~~ distribute it as fairly as possible. That is granted and there is no quarrel about it. We should, however, be careful when we are going to borrow this money. Are we going to use the loans to generate more money? Do we really not have any other money of our own? Borrowing and guaranteeing loans is something that we are going to continue doing, and this Motion offers us a chance to look back at the whole process and to ask ourselves a few questions. When we ~~are~~ say that we are taking out more money than we are bringing in, we are offering a challenge to the Ministry of Finance and to all



29.10.87.

MR. ANGATI (ctd.)

parastatal organisations. We are also offering a challenge to even individuals. If there are individuals who have taken money outside this country and they have helped to run down the welfare of this country and yet they want to share with us the little that they have left in this country, those individuals should be prosecuted seriously. We are appealing to the Minister for Finance and the Central Bank that if these people are known, we should do something about it so that our country can recover its wealth and continue growing the way it is supposed to be growing.

Mr. Temporary Deputy Speaker, Sir, population increase is hitting us because it is a factor of development. When people are developed, they will not mind about population growth. When people are aware of the state of development in their minds and also in their own welfare, they will not mind about population growth. When people know that if you keep Nairobi City clean then they will enjoy themselves and that if you keep Nairobi with fewer people you will be able to the parks here and enjoy themselves, they will appreciate that. It is only when the people are aware of the state of development that they can control population growth. But when the people know that the wealthy ones have taken money outside this country and, therefore, they have no chance of increasing their wealth and enjoying themselves, we cannot call ourselves developing and we cannot control population growth.

Sir, one of the biggest problems we are having today is unemployment. This is a most worrying issue; it worries hon. Members of Parliament at individual level; it is worrying the whole country and it is worrying employers. I am sure that the problem is also worrying those who are responsible for looking after our money. If money is going out and if these parastatals are losing money, it means that we are not creating jobs. It also means that the money in our pocket is not growing. ~~Insta~~ Instead of doing a service to this country, those people who are taking money away are undermining the country. You cannot have any great traitor today than that one who takes money outside Kenya when we direly need that money

29.10.87.

MR. ANCATIA (ctd.):

ourselves. If those people are known, then they should be called the names I am calling them and they should be told that they are undercutting the country's growth. They are, in fact, traitors and action should be taken against them.

Mr. Temporary Deputy Speaker, Sir, I would like to end by appealing to the Minister for Finance, when he comes to reply, to tell us exactly what happened to the depreciation money that was supposed to be set aside for renovating the port area. I would also like him to tell us whether it is true that we are losing more money ~~than~~ than we are bringing into the country. I am also appealing to the Minister to go more for grants. I cannot confirm this, but I understand that in this country there are so many people who approach the Treasury, the Ministry of Agriculture, the Ministry of Labour and others, asking what we would like them to do for us. I understand that they want to set programmes for us. They have come telling those Ministries that they have experts waiting with money and asking them whether we ~~can~~ can ~~also~~ allow them to invest the money here. Those people with the money do not like projects ~~in~~ which fall under the Ministry of Water ~~and~~ Development and the Ministry of Agriculture very much, but they like doing feasibility studies and starting projects like Ken-Ren and so on because, in those areas, several millions of shillings pass through without us knowing. If there are people like this, then we should ask ourselves whether whatever they want to do is ~~not~~ really in our interest. Can a European fly all the way from Europe to come here and knock on ~~the~~ the doors of our permanent secretaries and Ministers to persuade them to borrow some money when it is in our interest? It can not be so.

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

END..... AA.

## THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES

(Mr. Nassir): Bw. Naibu Spika wa Muda, nashukuru sana kwa kunipa nafasi kuzungumza juu ya jambo ambalo nalifahamu kwa miaka 20, na ambalo linahusu bandari. Pia, mimi mwenyewe nilikuwa karani, supervisor, mkurugenzi, na mpaka leo bandari ndiko panamoishi theluthi mbili, yaani two-thirds ya watu ninaowakilisha hapa Bungeni.

Bw. Naibu Spika wa Muda, juu ya habari ya bandari na makosa ambayo yatapatikana, na ikiwa yamethibitishwa kweli kuna makosa fulani, kuna wajibu wa kuyaondoa yale makosa lakini sio wajibu wa kuuzuia mkopo wa kuiwezesha bandari kufanya kazi.

Bw. Naibu Spika wa Muda, tuna bandari la Dar-es-Salaam, Tanzania. Sasa jinsi tutakavyoifanya bandari yetu kutokuwa na vifaa vya kisasa ili kuweza kuteremsha na kupakia mali kwa haraka, basi nasema wakati huo makampuni, yote ya Rwanda, Zaire, Burudi na Uganda yatatumia bandari la Dar-es-Salaam. Kwa wakati huu ambapo tunataka kuidhinisha bandari ya Kilindini ipatiwe mkopo bandari hiyo na haina kazi ya kufanya.

Bw. Naibu Spika wa Muda, katika halmashauri zote za Serikali isipokuwa ni za biashara, halmashauri ambayo itatusaidia sisi katika Kenya leo ni bandari, yaani Kenya Ports Authority, kwa kulipia madeni ya Tanzania na Uganda. Ikiwa kuna mtu yeyote ambaye ana tashwishi juu ya jambo hilo yafaa aende kwa Wizara ya Fedha akachungulie vitabu. Lakini huko ndiko kunafikiriwa eti kunaibiwa Sh.10/- na kadhalika. Lakini hakuna kampuni nyingine ya Serikali inayowezesha nchi yetu kuondoa aibu ya kulipa madeni ya Jumuiya ya Afrika Mashariki, yaani East African Community, ila ni Kenya Ports Authority.

Bw. Naibu Spika wa Muda, mimi naweza kuwa na mtu wangu mmoja huko Kakamega ambaye anafanya kazi katika kiwanda cha sukari. Pia, anaweza kuwa huko Butere, na kadhalika. Anaweza kuwa anaitwa "Shariff Salim" au "Shariff Omari". Ninamwambia kama anaona makosa huko katika kiwanda cha sukari, yafaa amwambie Mbunge wa sehemu hiyo ili makosa hayo yajulikane sawasawa.

MR. arap NG'ENY: On a point of order, Sir. I am sorry to interrupt the hon. Nassir. But I thought I heard him use the words "aibu yetu" in respect to the assets that were being paid off the debts? If those words were used, I think they are not appropriate because there was no "aibu" about it. It was just a part of a dispute.

THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES  
(Mr. Nassir): Kiswahili kina taabu. Hata hawa wanaopiga makofi pia wanaopiga Kiswahili. Je, nilisema saa ngapi mambo haya ni aibu? Nasema kama kuna aibu katika Butere au katika kiwanda chochote cha sukari, au katika kiwanda cha kahawa, ~~kama~~ <sup>kuna</sup> kuna mwananchi wa Kenya anayeishi pale yafaa amfahamisha Mbunge wa sehemu hiyo, au polisi. Kama kuna aibu ambayo inatendeka, yafaa iondolewe. Lakini kama sisi ni Wabunge ~~kama~~ <sup>tutasema</sup> eti --

MR. SHIKUKU: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Umeyasikia yale maneno ambayo Mbunge amesema kabla hajakaa chini?

AN HON. MEMBER: He did not hear!

MR. SHIKUKU: Haidhuru tutayaacha kwa sababu ni lazima tuwasamehe. Mtu akianza kuzeeka, bongo pia yazeeka!

THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES  
(Mr. Nassir): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Nani anazeeka?

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Order, Nassir!

MR. SHIKUKU: Bw. Naibu Spika wa Muda, jambo analosema mhe. Mbunge ni kwamba kama kuna jambo mbovu kule au la aibu Butere, Mbunge wa kule ndiye atakayeweza kuambiwa, yaani Mbunge asiye wa kutoka Kenya Ports Authority asiye akapewa aibu ya kule. Lakini sisi kama Wabunge tuna haki ya kuhusika na jambo lolote katika Kenya nzima. Ni haki <sup>kwa</sup> yeye kusema hivyo kwa sababu tunahusika na kila mahali? Yafaa aache ule mtindo wa Sultani ambaye alikuwa akifikiri zamani "Mtu mwingine asiingie Mombasa". Yafaa asahau Sultani amekwenda!

## THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES (Mr. Nassir)

Bw. Naibu Spika wa Muda, nimemsikia mhe. Shikuku akisema habari ya Sultan. Tunajua ~~kwa~~ kwamba hata huko kwao<sup>pia</sup> walikuwa na Sultan wa Mumias na si kwetu tu. Nilikuwa nikijaribu kueleze kwamba sisi kama Wabunge tukiambiwa na mmoja wetu kama kuna makosa fulani huko Mombasa ili tuyachungulie pamoja na kuondoa ule uchafu, itakuwa vizuri zaidi. Lakini nitakuwa na shaka ikiwa kutakuwa na makosa huko Kakamega na aje anitafute mimi Shariff kutoka Mombasa na aniambie mambo ya Kakamega.

MR. SHIKUKU: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Je, mhe. Waziri Msaidizi anaweza kuthibitisha kwamba kuna mtu katika Kenya & Ports Authority ambaye, kwa maoni yake, ananipa maneno ya huko badala ya kumpa Mbunge wa sehemu hiyo maneno hayo? Waziri Msaidizi anajua kwamba kila mwananchi katika Kenya ana haki ya kumwona Mbunge yeyote. Tunakuwa na Maswali hapa, yanayohusu Kenya nzima. Kwa mfano, mhe. Mwachofi anauliza Maswali yanayohusu Kisumu, Nyeri, watu kama, Wambua, Kamau na ana haki ya kusema mambo fulani yafanywe huko Mombasa Central. Hii ni taabu ya ule Usultani ambao ungali kwa Mwarabu huyu.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): I think we are side-tracking off from the debate. The most important thing is that the Kenya Ports Authority belongs to the country and not to one section. Another thing is that hon. Shikuku you should not indulge in this kind of exchange of words with another hon. Member because he is contributing to your Motion.

## THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES

(Mr. Nassir): Bw. Naibu Spika wa Muda, nilikuwa tu nataka kuwafahamisha Waheshimiwa Wabunge wenzangu kwamba Kilindini Port in macho ya watu wengi sana wa Mkoa wa Pwani na ambako ndiko tunapata riziki yetu. Kilindini Port inawaajiri watu wengi kwa sababu sisi watu wa Mkoa Pwani hatuna mashamba makubwa ya kugagwanya ya sukari, majani chai, kabawa na ~~dhax~~ kadhalika. Kama kuna makosa, ingefaa maafisa wa Wizara inayohusika wakae na wajadiliane.

THE ASSISTANT MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES (Mr. Nassir) Ctd:

Basi ikiwa tutauzuia mkopo huu, mjue kwamba mnaia Kenya Ports Authority na Kenya kwa jumla kwa sababu Port of Dar-es-Salaam itaendelea mbele kwa sababu ina mashine mpya na itaendelea kupata biashara zaidi na tutakuwa na taabu. Kama Kenya Ports Authority ilikuwako wakati <sup>wa</sup> ~~wz~~ Wambua, Kigode na kadhalika, ni kwa nini tusipate mkopo huu?

Kwa hayo machache ninakataa ombi la mhe. Shikuku na ninataka tupatiwe mkopo huu.

MR. ANGATIA: On a point of order, Mr. Temporary Deputy Speaker, Sir. What is the hon. Assistant Minister insinuating by using the names of the ~~pep~~ people he has mentioned? What is the meaning of that? It implies that he is biased on some individuals and that this Motion is after certain individuals whose names he has not mentioned. Is that what he is implying?

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Well, I do not know whether that is the impression everybody got.

END CC

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki):

Mr. Temporary Deputy Speaker, Sir, I rise to oppose this Motion.

The matters that are being brought in are obviously extraneous.

The Kenya Ports Authority deserves to be congratulated, and I

stand up here to congratulate ~~them~~ <sup>it</sup> ~~the~~ <sup>the Authority has</sup>

Secondly, the fact that ~~they~~ <sup>by</sup> have some ~~p~~ surpluses is already acknowledged <sup>by</sup> the format in this Sessional Paper, namely that ~~at~~ slightly more than 50 per cent of this project will be financed from the resources of the Kenya Ports Authority itself. More important is that up to this moment, all the previous borrowings are financed by the Kenya Ports Authority itself, and that what we are borrowing, the KSh.93 million, is purely to enable us to import capital. We, as hon. Members of this House, know the fact that we shall have to import capital and that ~~x~~ even if we are ~~s~~ using our own money, we will have to acquire foreign exchange; we will have to change our own money into that foreign exchange.

(applause)

And, if we can acquire that foreign exchange ~~f~~ through a small ~~loan~~ loan from the European Investment Bank, which costs only 5 per cent, ~~wananchi~~ will get such a long period for repayment - three years moratorium. Those are the best terms ~~y~~ we can have.

~~K~~ The Kenya Ports Authority has many other jobs to do with those other surpluses it has. Therefore, what we are asking for is not unreasonable. I ~~q~~ cannot ~~to~~ allow myself to be persuaded that there is anything unreasonable; there is none. In fact, it is a very sensible thing. At this moment, the Kenya Ports Authority should grow, not merely ~~to~~ in order to remain competitive, but, ~~more~~ more fundamentally, in order to serve the Kenyan economy more efficiently and more effectively, and, ~~also~~ additionally, in order to serve the other nations like Uganda, Rwanda, Burundi and Sudan,

THE VICE PRESIDENT AND MINISTER FOR HOME AFFAIRS (ctd.):

which use the Port of Mombasa, and will continue to use it. So, this loan is obviously needed.

If one one wants to ~~not~~ raise issues on where the Kenya Ports Authority should be improved on, surely, you cannot say that you must cut your finger so as to spite your hand, or cut off your nose in order to spite your face.

(applause)

That famous Englishman who tried it obviously looked more ugly. It is not important. The Kenya Ports Authority needs to ~~be~~ develop in this particular project. We are persuaded; it is well described. New constructions and rehabilitation et cetera is needed on berths Nos. 11, 12, 13, ~~14~~ and 14 because of ~~age~~ <sup>age</sup> and recovery is needed. It must be done urgently. So, that is a necessary development. Therefore, if ~~we~~ we have arguments that something else should be done to improve the Kenya Ports Authority further, we must say so, by all means, but let us divorce it from questions of personalities.

(applause)

This ~~x~~ Motion has to do with projects, by all means.

MR. ABUYA-ABUYA: On a point of order, Mr. Temporary Deputy Speaker, Sir. Can the hon. Vice-President and Minister for Home Affairs substantiate his remark that in this Motion there are personalities involved? Can he tell us which personalities are involved.

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki): I am not talking about the Motion, as ~~was~~ such, but if the hon. Member was ~~not~~ sitting here only three minutes ago, he ~~would~~ <sup>have</sup> noticed what was being debated and that there were some things between ~~the~~ persons, and, obviously, that kind of heat was not generated by this Motion. It must have come from elsewhere, and ~~is~~ that is what I am saying; I am not saying anything that we did not ~~not~~



THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (ctd.):

witness with our own eyes --

MR. SHIKUKU: On a point of order, Mr. Temporary Deputy Speaker, Sir. As much as I respect the Vice-President and Minister for Home Affairs, as a very senior hon. Member of this House, can he recall, at any given moment, during my moving of my Substantive Motion when I ever referred to any personality? Is he referring to the remarks --

AN HON. MEMBER: On a point of order, Mr. Temporary Deputy Speaker, Sir.


MR. SHIKUKU: I am on a point of order, and I should be heard in silence, according to Standing Order No. 68.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Order! The hon. Vice-President and Minister for Home Affairs is referring to the exchange that have been here between you and hon. Nassir.

(applause)

MR. SHIKUKU: On a point of order, Mr. Temporary Deputy Speaker, Sir. I was provoked by hon. Nassir who brought in the name of Mr. Okundi. My Motion was not discussing Mr. Okundi. Am I to be accused of correcting him? You made a ruling on that. The Vice-President and Minister for Home Affairs should be brave enough to pinpoint the Assistant Minister and tell him that he is the one who brought in the question of personalities.

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Order! I do not know why this matter is becoming sensitive because the Vice-President and Minister for Home Affairs did not say that hon. Shikuku brought in the question of personalities; he said that we should avoid it.

MR. ABUYA-ABUYA: On a point of order, Mr. Temporary Deputy Speaker, Sir. Can the Vice-President and Minister for Home Affairs tell the House who these personalities involved are? I think the Chair should not come to the rescue of 

MR. ABUYA-ABUYA (ctd.):

the Vice president and Minister for Home Affairs when he is capable of substantiating his allegation.

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki): Mr. Temporary Deputy Speaker, Sir, you can see what I meant. The truth is obviously emerging --

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, 3rd November, ~~1987~~ at 2.30 p.m.

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

END DD

