

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 24th April, 1996

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.070

NUMBER OF CHIEFS IN MOLO

Mr. J.N. Mungai asked the Minister of State, Office of the President:-

- (a) how many sub-chiefs and chiefs there are in Molo Constituency; and,
- (b) what is the criteria used in the appointment of sub-chiefs and chiefs in the Republic.

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

- (a) There are 27 chiefs and 59 assistant chiefs in Molo Constituency.
- (b) The criteria used in the appointment of chiefs and assistant chiefs is as follows:-
 - the applicant must be a resident of the area in question and must possess high quality of leadership and integrity,
 - must be development conscious and be able to identify himself with the needs and aspirations of the people,
 - must be mature persons preferably aged between 30 and 40 years of age; and,
 - must have no criminal record; and,

Mr. J.N. Mungai: My reason for asking this Question was simply based on the fact that there have been recruitments of chiefs in the area and a lot of dismissals of the same chiefs and assistants in the same area. Can the Assistant Minister agree with me that the dismissals have been directed at members of one tribe? The recruitments and appointments have also been made from members of one tribe? If this is the case, can the Assistant Minister also admit that the Government is promoting tribalism in Molo area?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the Government is not promoting tribalism in Molo or in any area of the country at all. It is the hon. Member, who is bringing in the factor of tribalism, I think because he concentrates a lot on tribalism in Molo. The Government has appointed chiefs from all the tribes. There are chiefs from Kikuyu, Kalenjin, Kisii tribes and other tribes from all over the Republic, as far as, they are residents of Molo.

Mr. J.N. Mungai: On a point of order, Mr. Deputy Speaker, Sir. I think the hon. Assistant Minister is answering this Question with a lot of vengeance, if not tempers. This is why he goes ahead and says that I concentrate too much on tribalism in the area. Is he in order to say that I concentrate on tribalism, yet I do not just represent my tribe, but many tribes in that area? Is he in order to say that I concentrate on tribalism?

Mr. Sunkuli: On a point of order, Mr. Deputy Speaker, Sir. Is he in order to say that the Government is promoting tribalism?

Mr. J.N. Mungai: Mr. Deputy Speaker, Sir, can he first of all substantiate why he thinks I concentrate too much on tribalism?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, he was the first one to say that the Government is promoting tribalism. Can he first substantiate that?

(Several hon. Members stood up)

Mr. Deputy Speaker: Order! Order! The task before the House is to see that the Question is

answered. Hon. Sunkuli, will you just answer the question?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I have answered the Question. I do not know which other question there is.

Mr. Farah: On a point of order, Mr. Deputy Speaker, Sir. There is a very serious allegation here. Given the volatility of the problems that we have right now related to ethnic and tribal clashes in the country, the hon. Assistant Minister has said that hon. J.N. Mungai is promoting tribalism, which, by implication means that we have

ethnic clashes right here. Can he substantiate that or withdraw?

Mr. Deputy Speaker: Order, Farah! That is very far-fetched and over-stretching of the argument. I keep on reminding hon. Members on both sides to respect the need for the use of moderate language, both in asking Questions and in answering them.

The allegations which have been made, both against the Government and hon. Mungai looks like a tit for tat allegations, against hon. Mungai and are not allegations which I think are capable of being substantiated. But I think it is really up to you, hon. Members, on both sides, to try and use moderation in your language.

Hon. Sunkuli, did you have a something to say?

Mr. J.N. Mungai: On a point of order, Mr. Deputy Speaker, Sir. The hon. Assistant Minister has even refused to withdraw the fact that he has alleged that I concentrate on tribalism. I also said that the Government is promoting tribalism. I am ready to substantiate my allegation because, I may, through the Chair, demand to know from the Assistant Minister, since 1992, how many chiefs have been dismissed and their names. How many Chiefs have been recruited and appointed, their names and their tribes?

An. hon. Member: Give a promise!

Mr. Sunkuli: Mr. Deputy Speaker, Sir, that question was not foreseeable from this particular one and it is a different question. But if the hon. Member wants me to read the whole list of chiefs, I have the whole list of 27 chiefs and assistant chiefs. I can read it out to the hon. Member if he wishes.

An. hon. Member: Lay that list on the Table!

Mr. J.N. Mungai: On a point of order, Mr. Deputy Speaker, Sir. My question is not being answered. I have just asked the hon. Assistant Minister to tell the House how many chiefs have been dismissed since 1992 and their names. I also demanded to know how many chiefs and sub-chiefs have been recruited since 1992, their names and tribes, if I am the one promoting tribalism.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I have no records to show when the chiefs were appointed and I think that, that is a very different Question. If the hon. Member wants those facts, let him ask a different question.

Mr. J.N. Mungai: Mr. Deputy Speaker, Sir, this is not a different question, but a continuation of the question. The hon. Assistant Minister alleged, in the first instance, that I was concentrating on tribalism which I denied. This is just a supplementary question. I am demanding from him, now that he has alleged that I am promoting tribalism, to give us the names so that we can see whether it is the Government or I who is promoting tribalism. Let him give us--- If he does not have that list now, can he promise to bring it to the House later on so that we can see who is right? Let us clear the air.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I have a list of the background of the locations and sub-locations and their chiefs. With regard to the other factor, I was not asked by the hon. Member to say anything and it was not foreseeable that he was coming to ask me about facts pertaining to the period after 1992.

Mr. Speaker: Order! I think this is a very simple matter. Hon. Sunkuli, I think it will be proper for you to lay the list that you have on the Table. I think the question which hon. Mungai asked about the names of the chiefs who have been appointed since 1992 is also a legitimate supplementary question. I think if you do not have the answer---

(Applause)

Order! Order! Of course, it is possible that you may not have foreseen--- I think it is within the ambit of the Question. But if you had not foreseen and you do not have the list, it is simple, you can bring the list of the appointments from 1992 on Tuesday next week. Then we can go on to the next Question.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I do hereby table the list of chiefs and assistant chiefs and their respective areas of jurisdiction.

Mr. Deputy Speaker: Next Question!

(Several hon. Members stood on points of order)

Mr. J.N. Mungai: On a point of order, Mr. Deputy Speaker, Sir. He has not admitted that he will bring the other list.

Mr. Deputy Speaker: Order! Order! Hon. Sunkuli, you will bring the list. This is the kind of matter on which I would expect you to say "I did not expect this, but if you want it---" I do not think there is anything strange here. Hon. J.N. Mungai also knows that if he wants it, you can come and lay the list of chiefs and assistant chiefs who have been appointed since 1992. It is simple.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I do not think whether it is necessary, but I will obey the order of the Chair.

Mr. Deputy Speaker: Next Question, hon. Gitonga.

Question No.133

BENEFICIARIES OF BURSARY FUND

Mr. Gitonga asked the Minister for Education:-

(a) how many students from Lari benefitted from the Presidential Bursary Fund in 1993, 1994 and 1995; and,

(b) if he would name the schools which benefitted and the number of beneficiaries from each school.

The Assistant Minister for Education (Mr. Komora): Mr. Deputy Speaker, Sir, I would like to seek the indulgence of the House and the hon. Member to give me time to answer this Question next week

Mr. Deputy Speaker: I do not understand what you are saying hon. Komora. Could you repeat what you have said?

The Assistant Minister for Education (Mr. Komora): Mr. Deputy Speaker, I am requesting your indulgence and that of the hon. Member to allow me to answer the Question next week.

Mr. Deputy Speaker: When, next week?

The Assistant Minister for Education (Mr. Komora): I can do that on Tuesday or Wednesday, whichever you decide on.

Mr. Gitonga: Mr. Deputy Speaker, if I can get the answer by Tuesday or Wednesday, I have no objection to that.

Mr. Deputy Speaker: Okay, the Question is deferred for appropriate time next time.

(Question deferred)

Question No.161

WATER SHORTAGE IN MAVOKO MUNICIPALITY

Mr. Mulusya asked the Minister for Land Reclamation, Regional and Water Development:-

(a) if he is aware that Daystar University in Lukenya and the entire Mavoko Municipality is having an acute shortage of water caused by diversion of water from the Kilimanjaro Water Pipeline Project into a flower farm just opposite the turn off the Daystar University along Mombasa Road; and,

(b) what he intends to do to ensure that the Daystar University students and residents of Mavoko Municipality are able to get water for domestic use on continuous basis from the Kilimanjaro Water Pipeline Project.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Mokku): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Mavoko Municipality does not get sufficient water because the Local Authority has neglected the town's all water supply which is supposed to supplement water from Nouturesh Water Supply Project.

However, I am not aware that Daystar University does not get enough water because its water connections is for domestic use and it is getting its full share of water from the pipeline.

(b) My Ministry has already instructed Mavoko Municipality to rehabilitate an agreement on the whole water supply system in order to meet the town's water demand. Similarly, my Ministry through National Water Conservation and Pipeline Corporation is going to carry out repairs on the old railway pipelines so as to increase the output of the Nouturesh pipeline. Once these repair works are completed, the Nouturesh water supply would be able to meet the water needs to the discern quantity within its limit in the Athi River, Machakos and Kajiado areas.

Mr. Mulusya: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for admitting that the people of Mavoko Municipality are really suffering. I raised the same issue last Session and the Minister himself was very prompt to tell this House that he was sure that this water was being diverted to do horticultural farming when the demand for domestic consumption in Mavoko Municipality was very high and the benefits we were getting from the horticultural activities from those individuals do not benefit this country, leave alone the people of Mavoko. Can the Assistant Minister tell us why he has authorised that farm and Mugoya farm which is owned by a son of a very big person in this country to install very heavy booster pumps so that when they are turned on the pipes dry up? It is cheaper to buy soda for those students in Daystar University than to buy water for them.

Mr. Mokku: Mr. Deputy Speaker, Sir, the hon. Member went out of the Question he asked and went further deeper. I would ask him to confine himself to the Question he has asked. He had asked what the cause of insufficient water in Mavoko Municipality is and I think I have explained to him that as a result of Municipal Council neglecting its duties, the Ministry has clearly instructed the Municipality to do the needful and also the repair of railway pipeline. Once those two projects are completed the people of Municipality will be get enough water.

Mr. Wamae: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Assistant Minister to say that he has not been asked the Question about the diversion of water to the flower farm when it is stated clearly in the Question? Can he confirm or deny that water has been diverted from people to irrigate these farms?

Mr. Mokku: Mr. Deputy Speaker, Sir, the issue of water connection to some flower farms, just the way hon. Mulusya has put it, has been highlighted and the information that has been appearing has not been correct. As far as the Ministry is concerned, the water to those flower farms is only for domestic use and there is nothing for commercial use.

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. It is necessary for the Government to give to this House truthful and accurate information because this goes into the permanent record, which is the HANSARD. Is the Assistant Minister denying that the water which was meant for domestic use in Ukambani has not been diverted to grow roses on a 200-acre farm by a "top politician" in this country and there are large underground reservoir where this water is going to? We have been there and we know this. Is the Assistant Minister actually denying that this has happened?

Mr. Mokku: Mr. Deputy Speaker, Sir, I deny that no water for commercial use goes to those flowers and actually whatever water is diverted or used is for domestic use. There is no water for irrigation to those flowers.

Mr. Kamuyu: On a point of order, Mr. Deputy Speaker, Sir. I heard and I am sure also you heard very clearly hon. Mulusya saying that this farm is owned by "extremely highly placed" individuals in this country.

Mr. Deputy Speaker: Did he say that?

Mr. Kamuyu: He said that very clearly. Can he substantiate because, if hon. Muite also repeated the same thing so that we can be able to assist the people of Mavoko, if we have to go all of us from Parliament and move this person from there, we will do so?

Mr. Mulusya: Mr. Deputy Speaker, Sir, this farm is owned by the same directors of Mugoya Construction Company. These are sons of none other than the Head of this State. The directors of these farms have at one time chased the Mayor of Mavoko at gunpoint from the farm when he went to intervene that this water is crippling the operations of Mavoko municipality and no action has been taken against them. Why is this so? Are they above the law? We only know one individual who is above the law. Are his sons also above the law?

(Applause)

Mr. Mokku: Mr. Deputy Speaker, Sir, one thing I am not aware is that this farm belongs to who and who. As far as I know, that farm belongs to a Kenyan.

Mr. Icharia: Mr. Deputy Speaker, Sir, can the Assistant Minister explain very clearly whether the Kilimanjaro water was meant for human beings or plants? Has the Government spent all those monies to feed the

flowers instead of human beings?

Mr. Mokku: Mr. Deputy Speaker, Sir, the answer was very clear. Up to now, the water is being used for the same purpose for which it was intended.

Mr. Mak'Onyango: Mr. Deputy Speaker, Sir, is the Assistant Minister not misleading this House? A little while ago, he did admit that this water is, indeed, being used by this flower farm. Now, that flower farm is an industrial concern and its usage of that water cannot be domestic in any way, at all. Which is which? You have said that the flower farm---

Mr. Deputy Speaker: Please, address the Chair!

Mr. Mak'Onyango: The Assistant Minister has already told the House that this particular flower farm is using this water. Now, that is a commercial concern and its use of that water cannot be domestic. It is commercial.

Mr. Mokku: Mr. Deputy Speaker, Sir, water supplied to those farms is not for commercial purpose but for a domestic purpose.

Mr. Maore: On a point of order, Mr. Deputy Speaker, Sir. I think we need some lessons on the use of the English language here. Did you actually hear the Assistant Minister say that these flower farms are on a domestic basis?

Mr. Deputy Speaker: I think the House understood what the Assistant Minister meant by what he said.

Mr. Farah: On a point of order, Mr. Deputy Speaker, Sir. There is a very serious question of misleading us, going on here. For the record purpose, hon. Muite is a flower farmer. He has a dam, two rivers and a borehole.

Mr. Deputy Speaker: He has two rivers?

Mr. Farah: There are two rivers that go through his farm. That is what you need to sustain a flower farm. A flower farm needs a lot of water. Could the Assistant Minister, please, tell this flower farmer whom we hear is a very big man who must be very rich, to get his own source of water because, there is a lot of water underground? Could he sink some boreholes so that the people of Mavoko can also benefit from the water which we are paying for? That water is being paid for by the Kenyan taxpayers. It was done with an overseas loan from the Italian government.

Mr. Mokku: Mr. Deputy Speaker, Sir, when water passes through a certain area, although we say that such water is for domestic use by human beings, we know that even the livestock and the flowers in that area benefit from that water.

Question No.152

GRADING OF ROADS IN NTONYIRI

Mr. Maore asked the Minister for Public Works and Housing:-

(a) when the following roads were last graded: Lare-Kathelwa-Kangeta;
Lare-Antubetwe-Kiongo; Lare-Athiru-Runjine-Kawiru; Lare-Muringene;
Mutuati-Antubetwe-Kiongo-Kawiru; and,

(b) if he will permanently post bulldozers and graders to Nyambene in order to maintain the 600 kilometre road network in the district.

The Assistant Minister for Public Works and Housing (Col. Kiluta): First, before I answer the Question, I wish to apologise to the hon. Member for not providing him with a written reply. However, as you are aware, this Question was not scheduled for this week. That is why the hon. Member did not receive a written reply earlier.

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

(a) The position regarding the roads in question is as follows:

(i) Lare-Kathelwa-Kangeta road is officially classified as D486 and has not been graded since 1992.

(ii) Lare-Antubetwe-Kiongo road has not been graded because it is an unclassified road and, therefore, not the responsibility of my Ministry.

(iii) Lare-Athiru-Runjine-Kawiru road is a rural access road No.2 which is maintained through labour based methods, but not by grading.

(iv) Mutuati-Antubetwe-Kiongo-Kawiru road is classified road No.E831 and was last graded in January, 1992.

(v) Lare-Muringene road is rural access road No.1 which is maintained through labour based methods,

but not by grading.

(b) The Ministry has already allocated two graders to Nyambene District from July, last year. These graders are GK T391 and GK T377. The Government does not have enough bulldozers to give each district one, but the few we have will be shared by the neighbouring districts.

Mr. Maore: Mr. Deputy Speaker, Sir, the Minister has literally contradicted himself on this Question because, a week before we went for recess, I had asked the same Question. In the answer which he gave me last time, the roads that he now mentions as having been last graded in 1992 were said to have been last graded in 1987. So, he has literally misled the House and I do not know for what purpose. He has said that the roads which are not classified are not responsibility of his Ministry. Under whose docket is the Rural Access Roads Programme? Who is supposed to supervise them and how much money have you located for them, if you are the Ministry concerned?

Col. Kiluta: The unclassified roads are the responsibility of the local people. It is up to the local people to push for their classification through their sub-DDC and DDC. That has not been done. We have allocated Kshs480,000 for the rural access roads to be done. We have also allocated a total of Kshs34.3 million for the rest of the roads. So, there is money and these roads will be done before the end of this financial year.

Mr. Maore: Mr. Deputy Speaker, Sir, did the Assistant Minister say this Kshs34.3 million has been allocated for these roads or for some other roads around there?

Col. Kiluta: We have allocated a total of Kshs34.37 million for these roads, together with other roads. If I may read them for his benefit.

Mr. Maore: Mr. Deputy, I wanted to know about the particular roads in question, not roads from another 'cloud'.

Col. Kiluta: We have allocated Kshs34.37 million for roads in Nyambene. If you want me to read out the roads which will be done and the mileage to be covered, I will do so because I have them here with me.

Mr. Maore: Read them!

Col. Kiluta: I wanted to read them out and then you shot up and interrupted me. We have D487 and E831---

Mr. Maore: Read out the roads!

Mr. Deputy Speaker: Those are the roads!

Col. Kiluta: I will name them, if you want me to.

Mr. Deputy Speaker: Read them out in terms of the names of places they link. I think that will be fair to the hon. Questioner.

Col. Kiluta: D490, D484 and E817. So, those are the roads which will be done. If you want me to name the areas they link, that, I can do so.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, arising from the answer given by the Assistant Minister, where he stated that a road was last graded in 1992, is he satisfied that his Ministry is doing something good for that particular region, by grading an earth road in 1992 and leaving it unmaintained up to now?

Col. Kiluta: Mr. Deputy Speaker, Sir, this is a new district and the priorities were different at that time. These roads were not on top of the priorities and if the hon. Member wants me to bring the priorities, you would realise that they were not on the top of that priority list and that is why they were given a lower priority.

Mr. Ndicho: Mr. Deputy Speaker, Sir, Nyambene District is one of the new districts that were created by the Government and other districts as well like Thika, Koibatek, Igembe and very many others. Could the Assistant Minister ensure that the President should not be creating new districts and yet roads there are very bad? Roads are very, very important as far as the development of these new districts is concerned. Can he ensure that the people there do not turn round again and say that they wish they were not given these districts? Can he ensure, as far as he is concerned, that he posts graders and bulldozers there and even in the other districts, so that when we say, thank you for giving us the new districts, we say thank you for the new districts and these other facilities? Can he assure us that his Ministry is not going to let down the President by having a district without roads or with roads which are not maintained, including Masinga?

Col. Kiluta: Mr. Deputy Speaker, the hon. Member has got a choice. If he does not want the new district, he can surrender it as it has happened elsewhere.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. Where does the Assistant Minister come from? I am asking the Assistant Minister to ensure that the new districts are getting the facilities to make them districts. They should not look like divisions, locations or sub-locations. Can he assure us that his Ministry is going to make Nyambene a district with better roads than they are today?

Hon. Members: What about Masinga?

Col. Kiluta: Mr. Deputy Speaker, Sir, all districts will be treated equally, but should you feel that you do not want what you are given, let us know.

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

Mr. Mulusya: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Gitonga: Mr. Deputy Speaker, Sir, arising from one of the answers given by the Assistant Minister, the Questioner has asked that out of this Kshs 3.47 million, how much money is set aside for each road on this list?

Col. Kiluta: Mr. Deputy Speaker, Sir, I have the total sum for the roads to be rehabilitated. I do not seem to have the breakdown of these roads, but if you want me to come with specific sum set aside for each road, that I can provide. It is not difficult, only that the Question was received late and we were not prepared for that.

Question No 067

REHABILITATION OF KITINDA DAIRY
CO-OPERATIVE SOCIETY

Mr. Busolo asked the Minister for Co-operative Development what measures his Ministry had taken to rehabilitate Kitinda Dairy in Bungoma District.

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

Mr. Deputy Speaker, Sir, Kitinda Dairy Co-operative Society in Bungoma District will be rehabilitated. It is up to the members of the Co-operative Society to start the initiative. However, the Government has already had some consultations with some donors and I am happy to tell the hon. Member, that because of those consultations and the good work which has been done by Kitinda Dairy Co-operative Society, my Ministry is going to do everything possible, with the Society members there, to assist in the rehabilitation process.

Mr. Busolo: Mr. Deputy Speaker, Sir, I hope the Minister realizes that I am a former Professor and the answer that he has just given if I were to break it, it will embarrass him. I requested the hon. Minister to tell us the concrete rehabilitative steps or measures that he is going to take. I appreciate that they are going to do something about it, but what are you are going to do with that?

Mr. Munyi: The hon. Member is aware that the arrangement which was done by the Co-operative Society Limited will cost Kshs 17.6 million and it is up to Co-operative Society to start the initiative. So far the amount of money collected is only Kshs 80,000.00. Therefore, I would like to appeal the hon. Member to ask the members of the Society to do everything possible so that the Government will come in. We shall also contact some donors who will come and help the Society.

Mr. Busolo: We can do that.

Mr. Wetangula: Thank you, Mr. Deputy Speaker, Sir. Is the Minister aware that some four years ago this Co-operative society was working reasonably well, but his Ministry dismissed the management and set up a Commission that assisted in running down the Co-operative Society?

Hon. Members: Are you aware?

Mr. Munyi: Mr. Deputy Speaker, Sir, I would like to tell the hon. Member, that due to some mismanagement by some members, that is why my Ministry came in just to help, but we did not interfere with the affairs of the Society.

Mr. Kaptan: Mr. Deputy Speaker, Sir, I still maintain that this Ministry has embarrassed the Government of Kenya and Kenyans in general.

Before the Society closed, it was the management committee that was appointed by the Ministry, that actually ran down Kitinda Farmers Co-operative Society. Can the Minister assure this House that if money is injected into the Society, he is not going to appoint another commission to run down the Society?

Mr. Munyi: Mr. Deputy Speaker, Sir, I would also like to tell the members of the Co-operative Society concerned that they should be more responsible in matters concerning the financial running of that Society. In any case, Kitinda Dairy Co-operative Society is one of the best co-operative societies in Kenya, if it is well protected. I would like to tell the hon. Member to take care of that society so that they will take the interest of the people in that area at heart.

Mr. Busolo: Speak in Kiambu language.

Mr. Kaptan: On a point of order, Mr. Deputy Speaker, Sir. My question was very simple. I wish I knew the Kiambu language, although I am really not interested. I wanted an assurance from the Minister that he

is not going to appoint other mismanagement committees to run down this Society because the Society was run down, not by the members; but by officials appointed by the Government, headed by the District Commissioner, Bungoma.

Mr. Munyi: Mr. Deputy Speaker, Sir, that one is agreed.

Mr. Deputy Speaker: Hon. Busolo, the last one.

(Laughter)

Mr. Busolo: Mr. Deputy Speaker, Sir, arising from what one would hesitantly refer to as answers by the Minister for Co-operative Development, I would like him to assure this House that he has to rehabilitate the Society because the DDC has suggested, and I have the plan here, that the funds for the rehabilitation will come from the donor and the Government of Kenya. In the answer, he has said that it is a private concern. I wonder how private KCC is since it is given money by the Government. In this case, we want the Minister to take care of the Society because the only way to raise income of the farmers in Bungoma District, is through a project of this kind.

It has been run down because from 9,000 members, it has only 100 right now. The Minister should know that far from being a private concern, it is the concern of the Government to raise the income levels of its people, particularly by providing the livestock necessary for the farmers and also proper management and by taking stock of the type of the cattle provided by the sponsors of this Dairy Co-operative Society which was started by the Finland Government in 1992. The agreement was done by officials of his Ministry and officials---

Mr. Deputy Speaker: What is your Question, hon. Busolo?

Mr. Busolo: The question I am asking is: Is the Minister aware that the livestock provided to this land through the Kenya Finland Livestock Development Programme was stolen by staff of his own Ministry and others from the Ministry of Agriculture, Livestock Development and Marketing?

Mr. Deputy Speaker: Is he aware of all these matters?

Mr. Busolo: Are you aware of all these matters?

Mr. Munyi: Mr. Deputy Speaker, Sir, about those thieves, I want to tell the hon. Member that it was last week when I did meet the Ambassador of Finland and one of the projects which we did submit to them is this one. There will also be a consultative meeting next month when a delegation will arrive from Finland and this is one of the projects which will be considered by the Governments of Kenya and Finland.

Mr. Deputy Speaker: Next order.

MINISTERIAL STATEMENTS

EFFICACY OF AIDS DRUG "PEARL OMEGA"

The Assistant Minister for Health (Mr. Criticos): Mr. Deputy Speaker, Sir, I rise to give a Ministerial Statement which I promised the House on a Question which was raised by hon. Busolo concerning the efficacy of the AIDS drug, Pearl Omega.

Pearl Omega is a name given to an anti-AIDS drug which has been developed by a prominent Kenyan scientist Professor Arthur Obel of the Faculty of Medicine in the University of Nairobi. Professor Obel is a pharmasiologist specialist in the study of drugs and he had his earlier training in the University of Nairobi and the Hebrew University in Israel where he studied his work on pharmaceutical compounds. The scientific name for Pearl Omega is ampi-vonium which is derived from a plant known botanically as Z-Africana. Its mode of activity, according to Professor Obel's recent lectures, both at the Nairobi and Moi University Medical Schools, is that it is a highly discriminative protease inhibitor. Thus Pearl Omega is actually not a collection but a well-defined bio-chemical agent in liquid preparation. Protease inhibitors, which is Pearl Omega, is the only natural inhibitor to be developed. However, there are synthetic protease inhibitors which have recently been developed namely Sakwa Naviv from Roche in France, a pharmaceutical company. Second is the Indinavis from Make and Co. in the United States. Thirdly, there is Ritonavil from Abbot Laboratories in the US. All these synthetic inhibitors are very difficult to make thus disallowing widespread use of them even for purposes of validation.

Pearl Omega is a protease inhibitor which interferes with the replication of the HIV virus which causes AIDS thus rendering the virus non-infectious without affecting the host cells. It therefore, reduces the viral particles considerably in the blood stream leading to some of the HIV patients de-converting to a sero-negative state.

Given the above facts, the efforts of this Kenyan researcher and scientist needs to be supported and not condemned. It is for this reason that the Government is supporting further investigations through clinical trials in accordance with the World Health Organisation requirements. Once the compound has gone through these important stages to the satisfaction of the Pharmacy and Poisons Board, then the drug will be registered and used widely for the treatment of people with AIDS. Professor Obel has also written a book entitled "Curbing of HIV/AIDS Menace Effectively", a complementary copy which is being circulated in various bookshops.

Thank you, Mr. Deputy Speaker.

OUT-BREAK OF DISEASES IN TRANS-MARA
AND KAJIADO

The Minister for Health (Mr. Angatia): Mr. Deputy Speaker, Sir, hon. Sunkuli asked for a Ministerial Statement on the state of malaria in Trans-Mara and also on the state of typhoid or dysentery in Kajiado District.

Mr. Deputy Speaker, Sir, the state of malaria is that malaria is not endemic in Trans-Mara District but occurs in epidemics during the rainy season. Recent upsurges have resulted in the following cases: Since last November, we had 1,397 cases; December it was 1,369; January 2,600 cases; February 2,000 cases and March 2,043 cases..

Mr. Deputy Speaker, Sir, Trans-Mara is a new district so we do not have a new District Hospital yet but Kilgoris Health Centre operates as the base from which health activities or operations in the district are mounted. Every effort has been made to bring the problem under control. First, if there have been admissions, these have been done in hospitals in the neighbouring areas like St. Joseph Mission Hospital, Kehancha, and as far as in Bomet District.

Mr. Deputy Speaker, Sir, we have also sent a mobile team which is visiting clinics and conducting education sessions. This has been in the area since last December but yesterday on the 23rd, we sent two more teams and we are hoping that this will bring the illness under control. Mobile clinics are proving very effective because the distances in Trans-mara are vast and since there are no static health facilities, this seems to be the most effective way of combating this outbreak.

Mr. Deputy Speaker Sir, as far as drugs are concerned, there are enough of them. We have supplied plenty of drugs and at the moment we have no worry at all since the stocks are high enough. I am sure we will contain the outbreak.

Mr. Deputy Speaker, Sir, in addition the Ministry last week gave the Medical Officer of Health Kshs 200,000 to use in case of any emergencies that may occur.

Mr. Deputy Speaker, Sir, finally the problem with people in Trans-mara is that they do not go for treatment early enough. They wait until when the traditional drugs and prayers have failed when they are completely finished. When prayers and traditional drugs have failed, that is the time they seek medical treatment. The distances are very big and as a result they are not getting as much help as we would like them to get. I am, therefore, appealing to the people in Trans-Mara, I do sympathise with long distances they have to cover, to go for treatment as soon as they see signs of malaria. In this case, with the combined effort of the Government, I am sure we will bring this menace under control and we are also doing general spraying of spots where mosquitoes multiply, an exercise that will not only bring it not just under control but minimise it so that in future outbreaks are not as big as the one we have just experienced.

Mr. Deputy Speaker, Sir, the one on dysentery in Kajiado, this district has had these outbreaks of dysentery especially in the rainy season. Again the main problem here is that people use water that is not wholesome, clean and safe. This population is migratory and again it makes it very difficult for them to reach treatment points or to contact people who operate mobile clinics so as to go and assist them. As a result we have had very serious outbreaks but our people are on the ground again and we have brought this out-break under control. Fortunately the cases have not been very serious. We have had in one instance 175 cases which had been reported from 6 health centres and from the district hospitals. There is also another 95 cases which we have diagnosed and treated by mobile clinics. Laboratory tests from most of these cases show that this is typhoid. This is sensitive to our drug and patients are responding very well to treatment. As I have already said, again people in these areas do not seek medical treatment quickly. They take very long and by the time they reach clinics where they could have been assisted, the diseases are so advanced that they do not respond well enough to treatment but if they did so early enough this is a kind of typhoid that can be treated very easily.

Mr. Deputy Speaker, Sir, finally we have also advanced the MOH Kshs 300,000 to use in case of emergencies.

Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: Next Order!

BILL

Second Reading

THE PHYSICAL PLANNERS REGISTRATION BILL

(The Minister for Lands and Settlement on 23.4.96)

(Resumption of Debate interrupted on 23.4.96)

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Mr. Deputy Speaker, Sir, at the rise of the House last night, I was seconding this important Bill and had indicated that it was important for physical planners to be registered for a variety of reasons including the need to ensure that we would keep out people who either come from other professionals and are not qualified as planners and are trying to practise as planners or, indeed, those who are not qualified in anything and who are going to mislead unsuspecting Kenyans who want to sub-divide their land or get changes of user and want to sell their services that are indeed not available. I did indicate that, it was important that, this Registration Board be established as soon as possible. But I would like to make a note here that, in fact, the majority of the current physical planners in this country, do work in the Public Service. So to a certain extent, there is some control over the activities of the planners. The majority are employed either in the Government Physical Planning Department of the Ministry of Lands and Settlement, or in the various local authorities and a few boards such as the Lake Basin Development Authority and the Coast Development Authority. There are a small number that may be employed in private practice and who would wish their activities to be regulated to ensure that those of their number that are practising are indeed qualified planners.

Mr. Deputy Speaker, Sir, I want also to emphasise here that, whilst we want the physical planners to have a registration board that regulates their activities and that will assist in keeping away non-qualified operators, I have to say here that we have, to a certain extent, been let down by the art and practice of physical planning as it is at the moment. We have been let down in a number of ways including perhaps too much pressure on the little available public land. During my time, I can say without any hesitation that because we still had a little amount of public land, the pressure was not as great as we have had in the recent past. It was possible to be able to plan, to look ahead and come up with long term plans as well as short-term plans that did assist in the implementation of the day-to-day activities of land use. As public land became smaller and smaller, and I have to add that as other avenues of possible remuneration to good Kenyans became closed up, people have looked to land as the only source of revenue. It is no secret that if you have access to a plot of land in our town and you can be able to put it up as your contribution towards either a joint venture project or you are able to sell it, you can make good money.

Mr. Deputy Speaker, Sir, currently if you go to Ardhi House, on the fourth floor specifically, you will be amazed by the amount of traffic you find there. Everybody is out there trying their best to see if they can get a plot of land. Of course conmen have also taken advantage of the situation. They are there attempting to lure unsuspecting Kenyans into getting these plots for various developments. And I am afraid in that process, our physical planners have been forced sometimes into making decisions that are not in the best interest of their profession. There is no doubt that we have been forced into parcelling out public open spaces which should be preserved for public utility. Sometimes, our planners have been forced into narrowing down roads of access; road reserves that were meant for future circulation because of these pressures. I have to say that the results have not been very good. If you look at our major urban centres, you will see evidence of clear bending of the rules, to try and accommodate some of these pressures. My plea would be that, professionals have to attempt to remain firm. They have to try their best not to succumb to these pressures. Because, you give in to one pressure one day, you open the flood gates. There is no way you are going to say, "no" next time. I do remember an incident when I was Director of Physical Planning, when I had to face our late President in Nakuru. He wanted certain development to take place in the centre of Nakuru Town and he was very keen on it. I went with the previous Commissioner of Lands, Mr. Jimmy Oloclin, and those of us who ever had a chance to meet with the late Mzee Jomo Kenyatta, knew that it was not easy to face him face to face. But I stood my ground and I just explained. Then, of course, I was much younger, perhaps a little more aggressive, but I did explain and at the end of it, he

respected me for my professional advice. Although he did not like it, he reluctantly accepted my advice. I would wish to put it to my colleagues, who are practising at the moment as physical planners, that it is important to try and stand up to your professional etiquette and to your professional requirements. Very often if you do so, and you have good reason to explain, these things are understood. Our leaders are prepared to listen.

An hon. Member: You will lose your job!

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): No, nobody would lose his job. If we explain to our leaders properly, they are prepared to understand and to appreciate. But, all too often, we tend to give in to one small pressure; maybe to expect a small favour ourselves and before long you realize that you have compromised your profession and all the things that you learnt and to all the experience that you had. My plea, is that our physical planners should attempt to exercise maximum abilities in the following areas:-

One, that, in the management of land use in our towns, they ought to be able to give advice and to say no, if it becomes necessary to say no.

But they should not give in to pressure so easily because many buildings are coming up at the moment in our towns. We are beginning to get into a very awkward situation where buildings are beginning to collapse because people have not observed certain basic standards. Only recently we had cases of buildings collapsing in the Eastlands, in Korogocho and other places. If we are not careful, if we do not observe the building codes, the building by-laws, before long we are going to have those kinds of disasters that we read of in Cairo, in Egypt, in India and other places where people have sacrificed their professional practices. Secondly, I would want them to be very careful particularly when it comes to the traffic management in our towns. At the moment if you drive around in the City of Nairobi, or Mombasa or Kisumu where traffic used to be free-flowing in the past you will find a lot of congestion. There is traffic that never used to be there. We have handcarts or *Mikokoteni* on our roads. There are people who park carelessly and obstruct traffic. These are all aspects of traffic management which I am sure that if our planners and our city managers were able to take cognizance of them they could easily control them so that there is a free-flow of traffic of our towns and the amount of double parking, parking on the pavements and in places where people are supposed to walk, would be reduced. Everybody is parking everywhere because we are not taking account of traffic management in our towns. These are issues on which we have no other way of dealing with them but to try and remain firm and ensure that we have a proper traffic management in our major cities.

There is an aspect which really bothers me, and this is civic design. If you go to some of the older and better established towns in Europe, in particular and perhaps in North America, because they had too much land and too many resources, they have built all these free ways, all these glass houses but they have not attempted to attend to civic design where you want buildings that are down to scale and buildings that have a visual effects which are pleasant to look at and which make the town a good place to live in. In our towns here, we have not given as much attention to civic design and the pride of our towns, to ensure that these are places we can leave in, that we are proud to live in, that we want to call our own. We do not want to end up with towns that are so similar that if you are in Nairobi you could be in Harare; that if you are in Ibadan, you could be in Cairo. We want people to distinguish Nairobi from Mombasa, because it has a specific civic design. It has something that you can say, yes, if you went to Nairobi, this is what it looks like. This can only come about if these planners and architects are able to put together buildings and a street scape that distinguishes one from the other, so that it makes it visually attractive and interesting to look at and a place that we can all be proud of. I would like to urge our planners to go back to the basic design concept of civic pride; to be able to design things that they can be proud of and that we can say "yes it was worth our while having these planners and architects that have designed something that we are proud of, something that we can call our own".

I would like to urge the professionals, the planners, architects and the engineers to get together and to tell us "when we were there this is what we made of Nairobi". It is a pity they have missed those good points, because they are arriving now, when I have made the best points.

An hon. Member: Say it again.

The Assistant Minister for Land, Reclamation Regional and Water Development (Mr. Ligale): I cannot because the Chair will not allow me all the time I am saying it all.

One aspect that has bedeviled our planning process in this country is the fact that we do not have the planning, the development control and the approvals in one arm. You have the planners in one department or in various departments. You have the Commissioner of Lands who has all the power of approval of land administration on the other side, you have the local authorities who are the ones who control the day-to-day developments and the day-to-day approvals, implying and imploring their by-

laws. Sometimes they have to depend on goodwill between the planner, the Commissioner of Lands and the local authority; to be able to get a harmonious whole and to be able to get implementation of these plans.

Mr. Deputy Speaker, Sir, in Europe, particularly in the United Kingdom, where planning has been perfected, and where it has been done properly, the planning is, in fact, a responsibility of the local authorities. It is the same local authority that does the planning, the development control and land administration. When you have that kind of arrangement, you can hope to get your plans implemented properly. But in our situation where you have a planner who initially like I said yesterday, was just a town planning advisor to the Commissioner of Lands and in many ways, that is the way it is being taken, the commissioner may or may not take that advice. The local authority may or may not take that advice. So, the poor planners quite often get blamed for faults that are not of their own making. They may put all things on paper, they may draw all these lines and all the rest of it but at the end of the day, if the implementors of these plans, namely the Commissioner of Lands and the local authorities find it expedient to ignore that advice they will do so. Hence sometimes chaos that you find in our towns. I am saying that what my colleague the Minister should do is to try and, in addition to registering these planners, bring into this House a land planning Bill that will consolidate all those various Acts on land matters and we will make it mandatory for the various local authorities to be able to implement those plans that are prepared by the planners. Otherwise, if we enjoin these good professionals to prepare the plans properly and they are ignored by the implementors, their work will come to nought. Very often when we blame them, it is not because they have not done a good job, in many ways they have done a good job, although I have always criticised them where they have not. But quite often the implementors choose to ignore or to turn a blind eye to some of the advice.

The other point that I want to make is that, planning is not a perfect science. planning in many ways is an art. It is not like medicine where somebody prescribes and you take it or die. In planning we have to try to convince you that the way we want our towns, market centres to grow is the best. One way of ensuring that these plans are implemented is also to involve Kenyans, to try and make Kenyans proud of where they live; to be proud of their towns and take an interest in the way their towns grow; to promote civic groups whose responsibility will be to make sure that when we have problems, when our public land is being grabbed, they will say "no, enough is enough".

Mr. Deputy Speaker, Sir, I am appealing to those friends and donors, who come here and give us money for civic education. It should be money for civic education, not just for politics. But also in these other matters including how we should be able to look after our towns and how our towns can grow to make sure that we are able to promote a good environment in which we as Kenyans can be proud of. We Kenyans must now begin to realize that we live in these towns. Time is gone when we had one foot in the countryside and the other one in town. Time is gone when we used to come here to work and then go back to the countryside. We who are now here are living in these towns and we must begin to take pride in what is taking place in these towns. If the sewerage systems are not working, roads are getting congested, the grass is not being cut, footpaths are corrugated and people break their legs because roads are not maintained by the municipal councils, we must say so. We must say that these are our towns and we are living there and we want them to be better towns than they are at the moment. We want to make sure that public toilets are working and that everything that there is in here works for the benefit of all Kenyans. I want to see that we can increase civic groups which are going to take interest in these matters and to talk to our planners just like Karengata Society in Karen and Langata is doing at the moment. We want to see a lot more of these Karengatas being established in various parts of Nairobi and various parts of our other towns so that they can interest us and interest our planners. We should be able to say to our planners, "Yes, we know what you are doing. We are interested in your works, but we think you could do a better job than you are doing at the moment".

Finally, I want to make a suggestion. In history, we have leaders associated with some kind of development. If you go to Paris you will see the New City that Francois Mittero built. That is something he is proud of. I am sure some of us have visited Paris and we have seen the New City which was designed as was conceived by Francois Mittero and he had all the best brains to go out there and plan and design it and develop it.

I am suggesting that we have had a great leader who has led this country for many years. The late Mzee Kenyatta left us a monument of KICC and it is something that we are proud of. We can see that was a conception of our beloved late President Mzee Jomo Kenyatta. I am suggesting that we need to also think of some projects and not a monument, but development or perhaps a project that we as planners can think of whether it is in Nairobi, Mombasa or wherever it should be. It should be a project that we can say was developed and conceptualized during the reign of our President Moi. We need to be able to do that. It is good. Whoever comes thereafter we may need something on those lines. I am suggesting that my good friend, the Minister and those of us who have these kind of ideas should be able to think on those lines and

design a project. I can think of one or two projects which I shall discuss with the Minister including the one that we attempted to promote in the past that of transport model centre.

We have our railway station which is not particularly pleasant, but it has a lot of land and there are possibilities there. We need, for instance, a terminal in town. We do have an airline terminal for the airlines where one can go and know that that is a terminal. That is a concept that can be developed lumped together with the railway terminal, visually develop it with a nice hotel. What will be the distinguishing factor would be the visual aspect, the civic concept, the attractiveness of it as well as the workability of it. If we can think of something on those lines that we can associate with our current President, that would be my pride.

With those few remarks, I beg to second.

(Question proposed)

Mr. Raila: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute on this Bill. The Memorandum of Objects and Reasons for this Bill states, "The main object of the Bill is to regulate the profession of physical planners by providing for the registration of physical planners, for the establishment of a Physical Planners Registration Board which will regulate the activities and conduct of registered physical planners."

Mr. Deputy Speaker, Sir, I am going to say that the Bill published falls short of accomplishing Objects and Reasons as stated in the Memorandum. I share quite a lot of sentiments and views expressed by hon. Ligale who is a qualified physical planner. I equally echo his sentiments of trying to make our cities better places to live in. Looking at this Bill, I first want to take issue with Section 12(1)(a) and that has to do with conditions and qualifications for registration. This section states the following:-

"A person shall be registered if he is the holder of a post-graduate degree in urban or regional planning or both from any university which is recognized for the time being by the Board and has passed an examination prescribed by the Board."

I do not think that it is necessary for somebody to have a post-graduate qualification to qualify for registration as a physical planner. It is true that currently the University of Nairobi does not offer a degree in physical planning at graduate level, but physical planning is taught at some other universities direct as an undergraduate course. For example, Canada, United Kingdom, Zambia, Germany and in Russia. Even the Department of Urban and Physical Planning in the University of Nairobi has recommended that they should start offering this course at undergraduate level. So, if somebody goes to the university and qualifies as a physical planner, I do not see any reasons why he should be disqualified from being registered as a physical planner. That particular Clause also makes provision for an examination. The examination syllabus have not been precise. Examinations which are usually left to the discretion of individuals sometimes can become very very discriminatory. You will find that people can disagree and if there are no clear set out criteria for qualification, somebody can go and set an examination basically just to fail somebody. So, if there is going to be an examination, there should also be a provision for appeal in case somebody feels that he has been unfairly failed in the examination. Part (c) of this section states:-

"if before the commencement of this Act he is a corporate member of the Architectural Association of Kenya {(AAK) (Town Planning)}", then he is automatically registered.

If you look at the qualifications for members of the AAK, you will see that there is no mandatory provision for somebody to have a post graduate qualification. Here is a case where some people are using a bridge to cross a river and once they are on the other side of the river, they remove that bridge and then say: "If somebody else wants to come to this other side let him fly, if he is lucky to get a place". In other words, this is aimed at discriminating against other people, who are not yet members of the association. Those who have already qualified and are members of the association, and who will automatically be registered, are going to make it difficult for those who will come after them to be registered. So, I think this Clause ought to be looked at more critically by the Minister.

Section 12(3) states:-

"Notwithstanding the fact that an applicant is qualified in terms of subsection (1) the Board may require the applicant to satisfy the Board that his professional and general conduct has been such that, in the opinion of the Board, he is a fit and proper person to be registered under this Act---".

This is fine because it deals with the professional conduct of the planners. When this provision is read together with Section 23 of this Act, which talks

about dishonest practices, one sees that a lot is left unattended to in this Act. Hon. Ligale talked about professional misconduct, which is not included in this particular Bill. One would have liked to see a proper code

of ethics for physical planners, and also a code of conduct to regulate their work. I see that a provision is made for the making of regulations. But this matter is so fundamental, particularly when we want to deal with professional misconduct, that a provision about it should really be properly incorporated in the main Act. What constitutes professional misconduct for these physical planners?

Again, there is no provision here for deregistration of a physical planner for professional misconduct. This is what, in my view, has encouraged a lot of professionals in this country to be involved in such misconduct. This is because there is no severe penalty for misconduct. Under Clause 23 - dishonest practices - you will see it provides that if somebody is guilty of those practices, he shall be guilty of an offence and liable to a fine not exceeding Kshs10,000 or imprisonment not exceeding six months or both. There are several very serious offences of professional misconduct in this country that have been committed by people, who are still practising those same professions. Looked at against what is prescribed here, this would be encouraging people to commit those offences.

Mr. Deputy Speaker, Sir, I want to give an example here, although I am not trying to be personal. If you want to solve a problem you must be open and candid with yourself. A Mr. Kuria wa Gathoni was once upon a time the Director of the Architectural and Physical Planning Department of Nairobi City Council (NCC). In my view Mr. Gathoni is guilty of very serious professional misconduct, and he should be disqualified from practising the same profession. Under Mr. Gathoni, the NCC saw its open spaces being allocated to private individuals. School compounds and road reserves were taken and given to individuals. At the moment, those hon. Members of this House who live in Karen, Langata Constituency, experience daily traffic congestion when coming to town. As a Member of Parliament for Langata I have made a lot of noise. I have even been to see the Ministers for Public Works and Housing and Local Government for so many times. There is a big and serious traffic congestion on Langata Road. Yet, it is not possible to expand this road because its reserve area has been allocated for private development. The standard regulations require that there has to be 30 metres on both sides of a road as a reserve area. This area is meant for services like running electricity posts, telephone lines, sewer and water lines and also for future expansion of the road. Yet, in this City in the Sun, road reserves along Langata Road have been taken by the former physical planner of the NCC and given to private developers without making provision for future expansion. At the moment, as I am talking to you, Nairobi Mombasa Road which is a major one, and also the road from the Jomo Kenyatta International Airport into the City have had their reserves already taken. We have seen factory buildings being constructed almost up to the edge of the road without leaving any road reserve area. We all know that traffic along that road is going to increase. Right now it is a dual carriage road with only two lanes. There should have been a provision, if we are talking about long-term planning, for four to six lanes along that road. Yet right now industries are being put up right up to the edge of the tarmac. This makes a complete mockery of urban planning. We all see it with our own eyes on a daily basis, and yet nothing is being done about it.

In this City, public toilets and children's play grounds have been taken. Go to Woodley, behind Adams Arcade Shopping Centre, where there was once upon a time an open green field, where children living in Woodley Estate used to go and enjoy themselves and play football, and you will see that the area has been taken. It is now surrounded by a concrete wall, which has been constructed by none other than Mr. Kuria wa Gathoni. There ought to be a provision in this Bill for deregistration of somebody like Mr. Gathoni from practising physical planning in this City. This Bill is silent about this. There also ought to be a provision for seeking public opinion. The public should be able to offer their opinion. I know, for example, that if the residents of this City were asked whether Mr. Gathoni should continue to practice his profession they would say "no".

I now come to Section 21(1)(b) which says:-

"no partnership shall carry on business as registered physical planners unless all the partners whose occupation involves preparation of plans in respect of land under the Physical Planning Act and are registered Physical Planners".

Mr. Deputy Speaker, Sir, I do not think that it is necessary for all the partners in a firm to be registered physical planners. I think that if one partner is registered, that firm should be allowed to practise physical planning.

Section 25 (d) gives the Minister powers to provide for the exemption of any person or class of persons from all or any of the provisions of this Act, provided that they comply with such conditions that may be prescribed by regulations. The Minister has got the powers to make regulations. Then, he is again being given the power to exempt somebody under those regulations. I think this is extending discretion too far. If we are trying to pass a Bill to regulate professional conduct, we should not leave too many things to discretion. We should not give the Minister the power to exempt somebody when other people are being made to appear before the Board and being made to sit for an exam and so

on. The Minister should not have the powers to exempt somebody from the provisions of this Act.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, the Board itself shall consist of the Chairman, who shall be a public officer and a member of the Architectural Association of Kenya (MAAK), Town Planning. I do not think that it is necessary to restrict the Chairmanship of this Board to public servants only. I think what we are concerned with is the integrity of the individuals who are going to sit on this Board. They must not be necessarily members of the Public Service. I would like say that this particular Clause to be amended to put emphasis on the professional integrity of the Chairman. The Minister has got the flexibility to even appoint a practising physical planner as the Chairman of this Board. In fact, that would confer the independence that is really required in this Board.

I have no quarrel with the other composition. However, the reason why we have serious problems at the moment in all our urban centres in this country is due to the collapse of urban design. Urban design has totally collapsed. Everything is basically left to the discretion of various authorities. We have also conflict of interest in these authorities. In all of our urban centres, we have three types of authority. We have the Provincial Administration, Local Authority and the Ministry of Local Government. In most cases, one arm does not know what the other arm is doing. You have a situation where the Provincial Administration in towns has powers to allocate public land. This makes it a complete mockery of physical planning in the towns. When the City Council wants to put up a nursery school or a dispensary, they have to go to the Commissioner of Lands for allocation of land. We have a situation whereby road reserves in this Town have been allocated by the Provincial Administration without the knowledge of the City Council.

I have a situation in Kibera where you cannot even construct a gravel road in the slums. This is because the plots have been allocated by the chiefs and the DOs. Even the ambulances do not have access to the sick people in the slums. The Fire Brigade cannot gain access to the source of fire in the event of an accident. This is because the road access has been allocated by the chiefs and sub-chiefs.

Then, we have a situation where we have parked planning. This is a situation whereby one runs around, sees an empty space, assumes it is free and available; goes to the Physical Planning Department and gets a parked planned design; takes it to the Commissioner of Lands where it is approved, and lastly, it is taken to the President, who signs it without even knowing that the same piece of land is allocated to so-and-so. That parked planning does not take the overall global turning into account. This makes a complete mess of the state of global turning. If we begin by zoning the residential, industrial and commercial centre areas, and then somebody goes and just gets these areas zoned out for him, that is where we end up with a mortuary next to a food processing factory and a chemical processing plant emitting toxic next to a bakery. This is because the urban planning has completely collapsed in this country. People do as they wish.

I have a situation where in Golf Course Estate, which was developed by a company called Alliance Developers. They then sold it out to private purchasers under a tenant purchase scheme. They had made provisions for recreation land in the area. Then somebody else walked around and saw this open space and went to the President, and eventually he got this land allocated to him. I have a case right now, where somebody, who is a public servant, the City Medical Officer of Health called, Mr. Kipketer Kirui, who is claiming land in Golf Course Estate which was actually allocated as a children's recreation land in that area. If you carry out some search at the Ministry of Lands and Settlement's Registry, you will find that this land belongs to Alliance Developers. However, this fellow has got a title deed that has been issued to him by the Commissioner of Lands, showing that it belongs to Kipketer Kirui and the allocation was made by the President.

If we do not respect our institutions, this country is going to go to the dogs. If we do not follow the laid down procedures, this country is just going to go down the drain. This is because there is too much greed for grabbing. All the open spaces in this Town have already been taken by people. We are talking about these things day in day out and yet one scandal follows the other. There are so many shocking irregularities.

The other aspect that I would like to talk about is lack of environmental regulations or legislation with regard to industrial plants. At the moment, the only legislation we have is the Factories Act. The Factories Act only talks about environmental conditions within the factory itself. It does not talk about the conditions outside the factory. That is why we have an industry like the Athi River Portland Cement emitting toxic material like Carbon Oxide CO₂ and Sulphuric acid to the atmosphere.

We have got lorries carrying cement and sand moving through residential areas and the city centre. There is no regulations to control that. We have petrol tankers passing through and being in the residential areas. There is no regulation to control that. We even witness petrol tankers passing through and being parked in residential areas. There is no provision. For example, we should have a ring road around our towns so that these vehicles do not pass through our towns with toxic materials. There is need for an enactment of a law to protect our urban centres. Today our urban centres are in worse situation than they were at Independence. Our roads are potholed, the sewerage systems do not work, if they exist at all. The water systems do not work even in a town like Kisumu, which is next to the biggest fresh water lake in the world has serious water shortages. This is due to corruption and lack of urban planning. I am going to have more to say when we talk about the Physical Planning Bill itself.

With those few remarks, I beg to support. Thank you.

The Assistant Minister for Finance (Mr. Keah): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity so that I may also contribute to this Bill.

In supporting this Bill for the Physical Planners Registration Bill 1996, I would like to make a few general observations. My first observation is that there does not seem to be any physical planning particularly in the rural, up and on-coming towns. My colleagues here have talked about the collapse of physical planning in urban areas.

As a rural dweller as well, of course, a town dweller, I am talking about the rural-village towns that are springing up, which will, in fact, be the cities of the future. I am calling upon this Ministry to ensure that in the rural areas, we have physical planning in place so that in the future, these towns, even if they are being built in mud and wattle, they follow a particular and a well designed pattern so that in future, enhancement or improvement can be easy.

My second observation is that some of the physical planners we have today have really not concentrated on physical planning. My observation is that they have concentrated in finding out, and this may be an unfair accusation, but I am talking from practical experience from where I come from, that some of them have concentrated in finding out where GoK land is, and passing that information, presumably for some kind of reward, one way or another to other parties. In other words, they have totally failed in planning and they have used physical planning as a means of enriching themselves.

My third observation is that in my view, the physical planning has a lot to be desired. Therefore, it is gratifying to note that we are bringing into this House a Bill which will then bring some professionalism into physical planning. My next and final and general observation is this: Having passed this Bill and having established a profession, the physical planning profession, how does the physical planning profession aspect get enforced? I see no Clause within this to enforce the professionalism of physical planning. If there is, I would like it to be even more enforced and entrenched in this Bill because I have gone through this and I have not seen any specific Clause which says that the physical planning profession, the ethics of it, the professionalism will be enforced in one particular aspect.

Let me now go specifically go to the Bill and I will set off with Clause 3. In this Clause, all I am saying is that it is high time that this Bill was brought into the House so that we can have some discipline in the profession of physical planning. I want, in that particular Clause, I would---This may be laughable, but I know that some physical plans have their pegs, if you want to identify them, in an individual's existing house. What I am trying to say is that planners, before they actually plan, part of their professionalism should be to physically visit the land or site and note what there is and come to plan professionally. I can tell you about what I am talking about because it is not just a hearsay. Mazeras, which is a little town is a point in question here. If you look at the physical plan today of Mazeras Town in my Constituency, you will find some of the pegs of the planned plots can be traced in an individual's house. This is what I want to point out. Professionalism ought to be the order of the day rather than us talking about physical planning profession without practising physical planning profession.

Mr. Temporary Deputy Speaker, Sir, from there I have no qualms with the rest of the Clauses. I have no problems with the Certificate of Registration and the Appointment of the Registrar. But when we come to Clause 9 on page 14 which says as follows:

"A notice ... under Section 8 shall be *prima facie* evidence that the persons named therein are registered Physical Planners and the deletion from the Register of the name of any person"

My question here is: Presumably, when this comes into effect six months after the enactment of this Bill, our District Physical Planners will be qualified in one way or another. But the point I want to raise here is: Will all the people in Kenya inclusive of the District Physical Planners, the Divisional Physical Planners required to be registered as physical planners? We could have a constraint here. My suggestion, of course, is that once we

have passed this Bill, no person shall be qualified to be called a Divisional or District Physical Planner unless he has the qualifications as prescribed in this Bill. That is the point I want to emphasise.

From there, I would like to go to Clause 12, where I have a few remarks, to make although some of which have already been made by the previous speakers. Clause 12(a) talks about the conditions and qualifications that are required for registration. One should be a holder of a postgraduate degree in Urban and Regional Planning or both from any university, which is recognised for the time being by the Board. I have my misgivings about giving the Board a blanket certificate for them to pick up any University in the world. We know that standards differ from different universities and I, seriously, feel that there is a flaw and a shortfall in making this particular Clause as wide as it is. I would, therefore, want some kind of restrictions to some extent although Kenya have some good relationships with different countries of the world with different universities. I think it is incumbent upon us to make sure that the university or the universities for which we are saying the Board has the flexibility to recognize, ought to be one way or the another be connected either with our universities or something to that effect. But leaving it as wide as it is, in my view, we may get some universities that have sub-standards degrees and this is not unknown in the world. So, I am suggesting that that be looked into, but if the Minister is truly satisfied that there, is plenty of control there, then I will have no problem. When he will be replying, I would like to get assure that that clause is water-proof. As I have said this is dangerously and a little bit ambiguous and it could create problems.

Clause 12(i)(b), "has been admitted as a corporate member of an approved professional Institution whose qualifications for such admission are not less than those prescribed in paragraph (a)." Again, I read some ambiguity in that, and it would be very difficult if one were to go to court because this will be interpreted by the courts of law. I am imagining that that would be difficult to interpret if one went to offer himself for registration he was denied and he took the Board to court. What does that mean? Who determines? What criteria? There must be some kind of criteria entrenched either in the regulations and if it cannot be entrenched in this Act, then there must be regulations that will ensure that that criteria has been so determined.

Then, Clause 12(2) states, "A person shall not be eligible to take the examination prescribed by the Board unless he has had two years post-qualification, practical experience in physical planning." Two years post-qualification practical experience in physical planning, where? Within the professional practice? Within the Government service? Within what areas and where? I think there is need for some clarification in the regulations not in the Act here, but somewhere within the regulations there will be need to clearly spell out the nature of that practical experience in physical planning. I am saying so because in the accounting profession, just to give an example, we have those accountants who get their practical experience either within professional practise office or within industry. And it is quite defined and I am drawing that analogy for the benefit of the physical planning profession.

On page 19, I seem to have a problem in understanding and it could just be because I am not a physical planner, but I seem to have problems in understanding Clauses 20 and 21 in particular. It states, "A person whose name has been entered into the register shall, so long as his name remains on the register, be entitled to adopt and use the title registered physical planner." It is normal to have initials and abbreviations for most of these professions. May I suggest that, in short, that you could have RPP, but that could have other connotation for the abbreviations. But I merely making a suggestion here which if not necessarily be entrenched here, but it could be again in the regulations because the letters or words "registered physical planners" all the time could be fairly long in my experience with professional disciplines. So, that could be looked into although it is not of much consequence.

As regards Clause 20(ii), what is the specific preserve of a physical planner? That again needs definition somewhere maybe in the regulations. We need to have that defined because we could have the architect, the physical planners really trodding on each other's toes, and I am merely asking that there should be some specific definition somewhere as to what is the work which constitute the specific preserve of a registered physical planner. Again, if this is quite clear to others, it is not clear to me.

Clause 21(a) states, "no individual shall carry on business as a registered physical planner unless he is a registered physical planner. What is this specific business? I think it needs to be clarified so that when we leave here we know what is this specific business of a physical planner. In myview, this will also help the courts a lot interpreting this Bill when it comes to it.

As regards Clause 24 which states, "The Minister may, with the consent of the Treasury and out of monies provided by Parliament, make to the Board such grants as its maybe necessary to enable it to discharge its functions under this Act."

Then, Clause 24(b) and (c), this is the policing aspect of this Bill, and the policing aspect of the law is, indeed, a charge against public funds. But I do not see anywhere with regards to the accountability of those

funds. I see nowhere in this Bill any provision relating to the preparation of accounts by the Board nor for its auditing. So, I am concerned that should the public funds be utilised, there would be need for this Board to be accountable and, if particularly those funds have been voted by Parliament, this Board, in my view ought to prepare accounts. Those accounts need to be audited and those audited accounts need to be placed before Parliament.

As regards Clause 25, I would also like to take issues with clause 25(d) which states inter alia, "The Minister may, after consultation with the Board, make regulations generally for the better carrying out of the purpose of this Act and without prejudice to the generality of the foregoing--" Such regulations may provide for the exemption of any person or class of persons from any of the provisions of this Act. I think we need to specify circumstances in advance where this exemption needs to be given. We need to foresee rather than leaving it just wide open. We need to specify in advance those circumstances which are not entrenched in this Act, but perhaps provided in the regulations. Those circumstances may be varied by order, but to just leave it blind-fold in that manner may be somewhat dangerous.

Mr. Temporary Deputy Speaker, Sir, I then want to also agree that it is important to determine, in this Act or within the regulations, what constitutes the profession of Physical Planners and what constitutes professional misconduct of a Physical Planner. I am now led to talk about professional ethics. Each profession has professional ethics; a code of discipline that helps the members of that profession to conduct themselves professionally. That code of ethics is imperative. It is important. All the professions in this country do have a code of ethics. For example, every year, on graduation day, the doctors solemnly take their oath openly, out there in the graduation court. I would like to see such a code also prescribed, presumably, by the professionals themselves because they will conduct themselves according to that code. There ought to be a clause which forces the professionals to prescribe a professional code of ethics for registered Physical Planners. That little clause ought to be in here so that it does not escape anyone's mind after the Bill becomes law.

Mr. Temporary Deputy Speaker, Sir, I think I have probably exhausted all the clauses that I wanted to comment upon. However, I want to take a few minutes to talk about professionals in Kenya, just in general. This will include the registered Physical Planners. Professionals in Kenya have been doing a marvellous and tremendous job. However, I am afraid, some of the professionals these days tend to ignore their professionalism and, in fact, involve professionalism with a profession which is not their preserve. They mix up their professionalism with politics and other disciplines and, that tends to mar the professional competence and outlook of professionals in Kenya. I say this earnestly because we have seen typical examples where we keep on talking about corruption. You find the cost of a building escalating many times more than the original cost. Who has been involved in such a case? The Physical Planner, the Architect, the Quantity Surveyor, the Engineer, the Accountant and the Lawyer have all been involved in approving, at one stage or another, that certificate or contract, well above the original cost. All these are professionals. That is the point I am trying to make, that we talk about corruption, and yet, in one way or another, through our various professions, we are involved. My call here is for Kenyan professionals to assist in eradicating corruption in Kenya.

Thank you very much, Mr. Temporary Deputy Speaker, Sir. With that, I beg to support.

Mr. Achola: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to also say a few words on this very important Bill.

First of all, I will start by looking at the Memorandum of Objects and Reasons which spells out the malaise or ills that this Bill is intended to cure. What they have said is that it is supposed to regulate the professional Physical Planners by providing for the registration of Physical Planners, the establishment of the Physical Planners Registration Board and also to regulate the activities and conduct of Physical Planners. However, when you go to the beginning of the Bill itself, one wonders. Like hon. Keah has just said, many people might not know who a Physical Planner is. Beauticians might be considered as Physical Planners of certain groups of people. So, I think it is necessary, right from the onset, to define what Physical Planners are. Personally, I am an engineer by profession but if you just say that you are an engineer without saying what sort of engineering you are involved in, it would not be very sensible, especially when you go to great lengths to define what ought to be done. In fact, having looked at the Physical Planning Bill which is supposed to be following this one, I think it might have been better if the Minister had introduced the other Bill before he introduced this one.

Looking at part one of the Bill, particularly, the preliminary section, I think the Minister should introduce a section there and, in a few sentences, say exactly who a Physical Planner is and also what they do. In fact, one could go further and also indicate exactly what the registered Physical Planners would do as opposed to just an ordinary Physical Planner. In Clause 12, we have been given the requirements or the conditions that one ought to fulfil before he/she can be registered as a Physical Planner. The previous speakers have also mentioned the fact that some of those requirements are draconian. For example, when you are talking about a post-graduate degree

in Physical Planning, in what way is that going to help a registered Physical Planner? You might have a Physical Planner who has worked for 10 to 20 years and who is a genuine and capable Physical Planner, but such a qualified person might be excluded by this Bill, if part (c) of that clause is not considered. I think there is no reason why we should insist on someone having acquired a post-graduate degree in order to be registered as a Physical Planner.

In part (b) of Clause 12, it is stated that one can also be admitted as a Physical Planner if he is already a corporate member of an approved professional institution whose qualifications for such admission are not less than those prescribed in part (a). Well, that must be okay if, as it says there, he was registered before the commencement of this particular Act. However, I think, in future, it will be wrong if you say part (a) was applicable; that you need to possess post-graduate qualifications before you can be registered. This is because that one would be negating part (c).

The other thing that is not clearly stated by this Bill is the registration of Physical Planners already in the field and the application for registration. Forms are intended to be filled, but this is for the initial registration of newly qualified Physical Planners.

Mr. Temporary Deputy Speaker, Sir, what happens to people who have been registered as physical planners, but who in the meantime have gone haywire? For example, I know of many registered or licensed surveyors who do nothing, but sit in bars while their licences are being used by people who are not qualified as surveyors, but who then go out in the countryside purporting to be surveyors and do a shoddy job, come back and use their licences to claim that they have done a professional job. I think that ought to be vetted right from the onset. If that is not checked, then we will be registering people who are not really professionally capable of doing this job.

Mr. Temporary Deputy Speaker, Sir, in Clause 15, the Board gives conditions on removal of names from the register. I think citing that example of people who do nothing, but sit in bars and use their licences to give us shoddy jobs, that is an error and it ought to be included, so that when we are talking about people who have died, we need to vet them at the time of registration. Then, if it is possible, we should be able to remove them from this register. Going through that list of Clause 15 upto part (f), I see nowhere in that area where it has been indicated how we are going to rid ourselves of people who operate in that manner.

Mr. Temporary Deputy Speaker, Sir, on Clause 17, we have talked about suspension of registration, where it says:-

"If a registered physical planner is convicted of an offence under this Act..."

We need to caution or censure the registered physical planners or direct that his registration be suspended until such a period as the Board may deem it fit. I think there could be an element of favouritism in that particular area, and, therefore, like hon. Raila said earlier on, we need to have a second stage, not really the High Court, where one can appeal to if he is denied registration. But going straight to the High Court to appeal for any refusal of registration, I think it is a bit of hasty step.

Mr. Temporary Deputy Speaker, Sir, Clause 21, deals with the issue of unregistered persons not to practise as physical planners. It is very similar to what I have said before. For example, if we look on Clause 21(b), where we have a partner who is qualified, but the other partners are not. They go out and transact business in his name and then do shoddy jobs. If something is not done, then they will get away with it if that was not done. The previous speaker actually said that this part (b) was not necessary, but I think it should be left as it is because it would then help to exclude those who are not qualified, but who are under the shadow of their partners.

Mr. Temporary Deputy Speaker, Sir, the other wonder that one gets is, when we talk about physical planners, and we look at their role in planning this urban centres, I think we have a bigger problem than this. What would a physical planner do, if for instance, we have a council which is manned by councillors who are illiterate? In the rural areas, you find that some of the councillors are illiterate. I will give an example of Migori County Council, where the councillor who was in charge of town planning actually could not write his name. If we are going to have a council whereby the person in charge of town planning is illiterate, and they have all the powers, a physical planner can come and do a beautiful plan, and then, when you go to the councillors, they overrule what the physical planner has done.

Mr. Temporary Deputy Speaker, Sir, I think there is great need for this particular Bill also to be co-ordinated with what happens elsewhere in the other Ministries. I think that is where next Bill perhaps will co-ordinate with this one, but I have not gone into the details of that one. Like the previous speakers also mentioned, it will make a mockery of the whole thing if a physical planner disapproved certain building plans in a particular area, and then, someone else like the councillors or as it is today in this country, we have directives from the President saying that we allocate the land whether it is a road reserve or not. In Nairobi, like as it has been said before, if you go along Jogoo Road, for instance, opposite Muthurwa, I do not know how greedy we

Kenyans are. Someone has built a multi-storey building right in the middle of the road. What were the physical planners doing in this case? How was that one allowed? But I am more or less sure and I can answer myself by saying that this perhaps was because of the pressures which were mentioned by the Assistant Minister who seconded this Bill. There must have been pressures from elsewhere, but not necessarily from the planners. If these types of things are not stopped, then we are going to end up nowhere with this physical planning. We will still end up with towns that are congested and haphazardly planned, and also remembering the fact many towns like in the old English Town; towns grew naturally and at the initial stage when they are being set up, normally there are no physical planners at that stage. A town might ordinarily start from just a market place, and, then the market place grows later into a municipality, by which time a lot of buildings might have come up which were not planned.

Mr. Temporary Deputy Speaker, Sir, I think we need to co-ordinate these things. Like when we see that a market is just about to start, we should have physical planners coming in at that right stage, so that before it grows into a mess of shame, it is already planned and it grows up into a planned town. I once visited a town called Bulawayo in Zimbabwe. That town was so well planned that you can go along a street with six lanes on one side, and a similar number on the opposite side. Today, in this part of our country, is amazing on how people can put up buildings on road reserves. One wonders what the planners are doing. For instance, if we were serious in doing what we want to do, we ought to look at the time frame of around 40 or 50 year window when we are planning our roads. Hon. Raila talked about Langata Road. Langata Road was being used by Karen Blixen, when I think there were only seven cars in Karen and it is the same road that we are using today with thousands of cars along that road every morning.

Mr. Temporary Deputy Speaker, Sir, my input here is that irrespective of what the physical planner might have said in this, if there was no plan there to add another road or to put several lanes on that road, we will still be in specific problems. Clause 21 (b) should remain as it is because that would exclude that problematic one.

On Clause 24, hon. Keah again mentioned that money should not just be voted out of the Consolidated Fund (CF) without any accountability. We need to have the funds audited by the Controller and Auditor-General, and the audited reports sent to Parliament.

Mr. Temporary Deputy Speaker, Sir, about the regulations. Going back to the Objectives and Reasons for having this Bill, we said that it was supposed to regulate the conduct and the activities of physical planners. It is not clear from Clause 25 whether the Minister must have intended to have all the activities, the type of all unacceptable conduct or what would be expected of a physical planner. We should not leave that for the Board to go and put on whatever they want in this particular case. The Bill is intended to set up and regulate the conduct of the physical planners and, therefore, we should, at this stage, say exactly how these physical planners ought to conduct themselves.

And then that would give sensible definition to part (e) saying:-

"To provide for definition of professional misconduct".

Now, if we define what good conduct is, then we would know the converse to constitute professional misconduct and that would help in that particular section.

Now, on this section on regulations, I would also like to add something there on the appointees of the Board but it goes a little back to the Schedules. Now, we have said that the Board would be composed of 9 people. I do not see why the Minister should be responsible for appointing all these 9 people. If we are going to have this as a professional body, what business does the Minister have in deciding who should be the members of this particular Board. I think maybe it might be alright at the initial stage but once the Board has been constituted, the Minister should not be involved but all the members of the Board should be elected by the all the registered members and then the Ministry or the Government can have a representative in the Board but to say that all these members of the Board ought to be appointed by the Minister in a multi-party era and also in a liberalised economy, I think this is not quite right. Therefore, I was going to suggest that where we talk of the Chairman, the Chairman should be elected by other members of this Board. There is no reason why the Minister should dictate who should be the chairman. Now, I think all the others are okay. The only thing I am saying is that all these members ought to be nominated by the general membership of the professional body rather than the Minister nominating these people.

Mr. Temporary deputy Speaker, Sir, we have also talked about the tenure of office that these members will hold office for 3 years. One would have thought that 3 years is a bit long. I think these people should be appointed for 2 years because if someone was not detected earlier and was on the Board, if he is someone with an intent of causing damage, he would have caused a lot of damage in 3 years. So, I think especially when all the 9 people have been nominated by the Minister and knowing what some of these Ministers are like, we could be in problems. So, I was suggesting that this tenure be limited to 2 years. So, maybe, the Minister could consider that

opinion. Now, on the meetings of the Board, it is not spelt out clearly and the Bill does not tell us whether, if someone misses the attendance consecutively, he can be thrown out. If he was absent during all the time of the meeting, then what is he going to do? So I think on that section on those schedules we should have a section spelling out when a member will cease being a member on the basis of failure to attend meetings. I have no quarrel with the quorum and the minutes. There is no problem with that one.

Mr. Temporary Deputy Speaker, Sir, there was one other point which I would like to raise which was and still is on the production of the certificate of registration. The seal is mentioned much later on but I think maybe it is implied but it is not specific. If you look at section 7, it just says that the Board will issue a certificate but I think that certificate should have a seal of the Board so that it is not subject to any copying or counterfeit.

I think with those few remarks, I would like to support the Bill.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, on this particular Bill which is the Physical Planners Registration Bill, I would like just to make a few remarks because I am hoping that when we come to the Physical Planning Bill itself, I will be able to make more elaborate remarks on the question of planning in this country. So, I will try as much as possible to restrict myself to the question of this professional body which is being set up by the Bill.

Mr. Temporary Deputy Speaker, Sir, there is no doubt that the profession of physical planners is going to be very important. In fact, internationally, apart from the question of the environment, the question of planning comes quite close to that so that globally we shall be doing the world a service by giving them a body that is qualified to do the planning of our cities because the premise on which these 2 Bills and I am not debating the next one, are based is the fact Kenya is actually becoming an urbanised country.

Mr. Temporary Deputy Speaker, Sir, *The Standard Newspaper* carried a long story that I think I should quote here to illustrate the importance of planning in our country and it says:-

"That one of the greatest problems in the developing world is the tendency for people living in rural areas to move to the towns. Kenya is not an unique case in this respect and the problem is simple enough to state. It is that people living in the country, far too many of them, want to exchange their rural life for town life. The underlying forces too are easily understood. The fundamental reason is perhaps psychological. There is a in-based desire in every one of us to try to better our lot. This applies particularly to the ambitious young and to them the city or the town is Mecca, a goal to be achieved. To these people the "Bright Lights" of the city, the entertainments, cinemas, televisions, the trappings of the modern sophisticated life are an irresistible lure from the sort of existence in the countryside where there is little excitement. Where life seems to die when the sun sets. There is also an attraction of job opportunity unreal though it may be."

This was on the editorial of the *East African Standard* on the 8th February 1974. And because, therefore, young people are deserting the countryside to go to the towns, it is very important that the future of our towns be planned. Many hon. Members have stated that this particular thing has not been done and I think it has not been done to the satisfaction of everybody. Not just here in Nairobi but many of our rural towns are actually unplanned. I know, for instance, if you overflow my home town of Kilgoris, you will think that the houses were colliding with one another. There has not been a plan for many years although now the County Council is trying to ensure that this happens.

Mr. Temporary Deputy Speaker, Sir, the majority of the physical planners in this country will have to be employees of the local authorities eventually in the long run because the principal responsibility of planning should actually be with the local authorities. I want to say to our local authorities that they must all attempt to take on board a physical planner who will be responsible for the planning of the cities or the towns. That is a very crucial thing and the physical planners should be able to adhere to a certain code of conduct and I hope that the hon. Minister for Lands and Settlement will perhaps address this particular fact that might have been an oversight that the Bill does not actually carry a code of conduct. It does not lay out the conduct of a physical planner, and it is very important that we legislate on a number of things about the physical planners, including what they should charge the people so that they do not exploit them. They must be able to say what their code of conduct will be, and how much they are going to charge people.

Mr. Temporary Deputy Speaker, Sir, because I said I was going to be brief, I also insist that the physical planners registration should take into account one thing, that registering an organization of professionals. It will not be the first in Kenya, we have registered so many other organizations of professionals before. We hope that this one, not just because it is in the Ministry of Lands and Settlement, should behave professionally and stick to the profession of physical planning not any other profession. I am saying this, because in this country, you register an organization for one thing, and it starts acquiring another purpose all of a sudden. Take as an example, the Law Society of Kenya. The Law Society of Kenya is registered for one particular purpose, but it is

doing a totally different thing. I think it is important that this physical planners body should operate for purposes of physical planning and should not deviate into professions that are not its own, so that we do not start prevaricating and going on a frolic into politics when in fact, your duty is to plan the towns. It must not learn the bad manners of those who are running the Law Society of Kenya who have decided that they can no longer think about the law or the justice in the court, they have become a sort of tool to be used by my colleagues from the Opposition.

I think this particular body should be told that they must be able to behave professionally. They must not behave like my Roman Catholic Church who are also starting to learn from the CPK about their new strange belief.

Mr. Temporary Deputy Speaker, Sir, my colleague here, Dr. Lwali-Oyondi is commenting from the sides, but you know, like him, I have been a Catholic long enough to be able to know when a priest is inspired by God and when he is not. It is crucial that professional bodies do operate professionally and that is the contribution that I would like to state here, that the physical planners should be able to perform their duties properly.

Mr. Temporary Deputy Speaker, Sir, as I said, I will address myself to the question of physical planning in this country when I get an opportunity at the discussion of the Physical Planning Bill itself. And so that I do not become too irrelevant, I beg to support.

Mr. Nyanja: Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I want to associate myself with the good sentiments and provisions made by the Assistant Minister for Land Reclamation, Regional and Water Development, hon. Ligale, who has been a director of planning for many years for this country. But I want to disagree with him in as far as he attempted to articulate a policy that his Government does not seem to follow or even to consider.

Mr. Temporary Deputy Speaker, Sir, town planning or physical planning is a very broad subject. But from the outset, I want to say that this body has a right to be registered. As a matter of fact, its registration is long overdue because, like all the other professions, they have a right, as enshrined in our Constitution, to be registered; like the Lawyers, the Architects, the Engineers, the Doctors, so on and so forth. So, the question of having this body registered, goes without saying, and is long overdue. As a matter of fact, this is one of the subsidiary bodies of the Architectural Association of Kenya, and the Architectural Association of Kenya did not only have this particular discipline involved although they are not architects themselves, it had also the engineers, the quantity surveyors, the landscape architects and everybody else who is in the building industry. Time has come for this body to be registered and there is a lot of infighting right now within the Architectural Association of Kenya. But I think, these other bodies have a right because they are not architects.

Like engineers, they need to have their own body, the quantity surveyors who are now more or less the same number as architects have a right of association so that they have their own baby and nurture it. On this score, I want to support that the physical planners need their own body to regulate their conduct, to prevent them from attacks.

The Assistant Minister, Office of the President (Mr. Manga): On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): Do you want information?

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, yes, he is a professional, I think, he can go ahead.

The Assistant Minister, Office of the President (Mr. Manga): Mr. Temporary Deputy Speaker, Sir, I just want to inform the Member that the engineers have a body called Engineers Registration Board of Kenya.

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, that is a Board. I am now talking about the professional body that these physical planners are seeking; like the Law Society of Kenya and the doctors. You were also affiliated in one way or another, before you matured as a body to be able to stand on your own. You were in our body, the Architectural Association of Kenya. I remember when Dr. Kaburu was your Chairman and now the time has come, you should be independent and I am supportive that you be independent because that is the only way you can be responsible for your conduct within your own district.

The Temporary Deputy Speaker (Mr. Wetangula): Address the Chair, Mr. Nyanja.

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, this particular definition of a physical planner or a town planner is very broad. It is a bit confusing to quite a number of Members in this House. There is what is called Urban and Regional planning. If a planner is involved in, for example where we want to have forests, agricultural farms, residential houses, industries, educational institutions and even towns, that is broader planning.

But then, that narrow down to towns and that is the work of a physical planner. People do not even know what a physical planner does. Most of the work of a physical planner has been overtaken and sometimes done by surveyors. Surveyors are the ones who are now kind of known to be responsible for sub-divisions in these towns,

but that is the work of a physical planner. The surveyors are just there to put beacons as planned by the physical planner or the town planner. So, this is very important that this body stands on its own and the land surveyors must now be told--- This is where this embodiment of this particular organization will now be able to define its scope of work. The land surveyors have been taking all the work of physical planners especially where the sub-division is involved. These land surveyors are just people responsible for putting the beacons accurately and nothing else. They do not know about the relationship between this land use and the next and that is why you are finding - as earlier on hinted by one of us - an industry somewhere and next to it, you have residential houses. We had a case at Thika where a factory polluted air and the windows started changing, children's teeth started decaying and changing colour, eyes were getting smaller and smaller like those of the Chinese and Japanese and so on. Then Father Ndikaru led a protest demonstration, may be you can recall this particular case. This is because of poor planning. You do not know what should be put next to what. This is the work of the physical planners. They have not advised the Government enough because they did not stand up and be counted.

Mr. Temporary Deputy Speaker, sir, you remember that time we had this 60 storey skyscraper coming up at Uhuru Park. It was an environmentalist who raised an alarm, not a physical planner, by the name of Prof. Wangari Maathai. She had very good reasons, but I do not remember any single physical planner supporting that lady although the Minister for Local Government was very vocal until this particular Professor had to tell that particular Government Minister, "Look at me from the neck upwards, but not below. Do not look at my anatomy and think that I do not know what I am talking about." That is the way this particular Professor was able to win that particular case.

Dr. Lwali-Oyondi: On a point of information, Mr. Temporary Deputy Speaker, Sir. The Professor was not helped by any one of these professionals, but by God in that water was found under that particular area and the building could not go on.

Mr. Nyanja: Thank you, Mr. Temporary Deputy Speaker, Sir. Thank you, Dr. Lwali-Oyondi. The thing is, the physical planners in our towns, most of them have been trained at the University of Nairobi. They should have told our Government the reason why we have Uhuru Park here, left as an open space. No building can be put up there because there is a very deep cliff. I am an architect by profession and all those who study town planning, architecture and engineering know this. There is a very big river underground, and that is why there is no building there. Any structure that is put up at Uhuru Park is very light. It looks like a hut, it has so many cracks. The cost of that building, small as it is, colossal. If you go there, it has so many cracks, it has failed. That was the first one. It was a test case because you have to go more than 60 metres. So, it is not economical to have any building there. There is a river and the Government should have been advised, but there was a political aspect. That skyscraper was supposed to make Kenyatta International Conference Centre (KICC) look like a small toy; to make the night to come at 3.00 p.m in the afternoon and things like that. So that people can be able to compare this leader and the other one. But thank God that did not take place and the planners have to take this challenge. There is a plan in every town and it is good that the former Director of Physical Planning is here with us. There is a plan for every town.

Nairobi, in the original concept, although this has now been distorted by politicians, was supposed to look like a chimney. If you approach it from Westlands those days, it was designed such that from Kabete, Highrise, up to Norfolk, KICC would be the highest point; then you go down towards Industrial area. Then stretching that way, you come up to Development House and go down to the Eastlands and no higher buildings, more than one floor should have been constructed in Eastlands. Then you go up the hill so that from all sides, when you are arriving in Nairobi you will see an urban landscape, a very nice concept and this has been spoiled by structures like, Yaya Towers and Yaya Centre of course you know the owners. They will not listen to any advice from the professionals. Now you see what we have here at the Hill; NSSF building because money must be "eaten". That is public money. That building is taller than KICC. So, you have no monumental concept or architectural concept such as what hon. Ligale was trying to advance. Because he has been in the Government all this time, he had better resign like me and then it will be on record. Yes, because he has been the Director of planning and I wonder whether he really practises what he believes in. At times I do look at him and he is a good friend of mine, I call him Andy or Andrew. So---

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Nyanja, we are not debating the personal conduct or professional conduct of hon. Ligale. Leave him out of this House.

Mr. Nyanja: Thank you, Mr. Temporary Deputy Speaker, Sir. The thing is, he talked before me and I thought he was going to articulate some of the touchy issues, because he is the only registered physical planner in this House. I am a principal of consulting firms of architects and town planners and my wife is a physical planner, she was his student. What I am trying to say here is that we must stand because we shall be remembered and the Government would one day say: "can you go for that old fellow in the village called Mr. Ligale, and consult him

because he had some vision?". That is all I am trying to say, but I am leaving that for the time being.

Let me turn to some thing else, that concerns the original concept of our City. It has been killed and it is no more. So, what we should do is to go out of Nairobi. This is what I am now advising. Remember our neighbours in Tanzania; they changed the capital from Dar-es-salaam to Dodoma. Our President is trying to change the capital and he must be advised because that is good if there is no politics. Eldoret can be another capital city but if it is going to be like Sirikwa---

(An hon. Member applauded)

Do not clap because you do not know what you are clapping for. If there is proper planning and Government guidance and respect for professionals and professional advice, we could have even a better Nairobi. The Nairobi that we would be proud of, a capital city, because the present Nairobi is no longer green, it is no longer like a capital. We have houses in Eastlands---

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am joining the contribution by the hon. Member, but you heard him say, somebody was trying to applaud and if anyone who wanted to applaud, that is his own feeling. Is he in order to restrict the feeling of that hon. Member?

The Temporary Deputy Speaker (Mr. Wetangula): He was out of order!

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, my friend here has just come from a holiday in Mombasa, according to me and, therefore, he is very fresh. This particular profession is so important that there---

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member put the record right? I have not been on holiday and since I joined politics I have never had any holiday. I was in Mombasa with the Public Accounts Committee doing recommendations. That is no holiday. Is he in order to mislead the House that I am from a holiday?

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, one can be on a busy working holiday, it is only that he did not substantiate. You can be on a busy working holiday. You remember Mzee Jomo Kenyatta used to be at the Coast on a busy working holiday, and he died there. So, let me proceed. I am advising the Government that it is high time that the development of this city came to a climax. The city is saturated with development. This is because what is happening is that, where we did not have flats initially provided for, like in Kilimani area, Kileleshwa, Westlands, Muthaiga and in Lavington. Those were supposed to be posh areas. Now, for example, in Muthaiga where even a goddess would like to live if she came here, now we have flats. What is happening is that when you build because the rental income is very high, you do not expand the sewers. You have few houses because of low population density which provides for that, but then when you have a high population, you do not expand the sewers, you do not enlarge the water pipes, you do not enlarge the roads and that is why we have traffic jams and it is a problem for people who take their children to school. Nairobians are changing their customs and their culture. People like bank executives, and other big people, now have to wake up very early, especially those of us who have school going children and things like that. So, because of poor planning our culture is changing. People who are newly married are waking very early because they want to get their child to Kindergarten across to Muthaiga and there is a very heavy traffic jam. This is because of poor planning. They are not even enjoying the nice morning hours sleep. So, our culture is changing because of this poor physical planning.

What happens, and I am giving advice here as a professional, is that, we copy Los Angeles. Los Angeles has a very big population, but you do not crowd one particular city; you have satellites. The whole of Nairobi should now be expanded to Athi River, Thika, Ruiru, Limuru, Ngong and Kiserian. All these neighbouring urban centres, should now be part of Nairobi. It is easy, with good communication. That is the way because you can now plan new sewers, roads and so forth. Otherwise, because of this congestion, we are wasting too many man hours. Some traffic now should be controlled such that it stops from Thika, at Kasarani. People, travel in trams from there. Vehicles from Ruaraka can pass through Eastlands to the City. Everybody can then walk to his place of work apart from the aged ones who cannot walk. Such people can even come to work late. Those people who have to report early to work, for example, insurers, bankers, architects, nurses and so on, can come early and walk to their places of work, but not bring their vehicles to the town centre. They can leave them far away from town. Those who come from Ngong, Karen, Kiserian can leave their cars at Jamhuri and then get public transport from there. That is how we can get systems working.

The other thing is even to have trams. We can even demolish buildings to create ways for these trams. We have qualified people to do that. We have civil engineers, mechanical engineers and structural engineers who can even have buildings hanging in the air and build pathways for these trams to go through and things like those. We have very nice roads like, for example, Uhuru Highway where we can have one of the railway lines going

through it. It can stretch from Eastlands to the City Centre. It can collect all those people who work in industrial area and have to wake up at 4.00 a.m so as to make it to the industries by 8.00 am. Some of these people walk from Kibera, Githurai and so on. These are the people who should be near the industries. If you visit Kibera, Kangemi and Kawangware, you see a "river" of human beings early in the morning walking to work in the industries. What is our Government doing about this? Nothing! They are busy grabbing land and drinking, not thinking about these poor citizens and yet they are the people who are turning the wheels of our economy. It is like somebody who is interested in a cow's milk and not interested in how it is tethered. You must also think about the feeds that are given to this cow. These human beings are very important to any Government and when we talk like this the Government should listen. But where are the Government Ministers?

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of information, Mr. Temporary Deputy Speaker, Sir.

Mr. Nyanja: I refuse to have any information. I am very informed on this particular subject. If it is anything to do with law, I think, I will seek guidance from you, Mr. Temporary Deputy Speaker, Sir. I am recommending that even the Kenya Railways---

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead the House that I was going to inform him on this subject which he knows very well when, in fact, I was just going to inform him that we are listening?

Mr. Nyanja: Thank you very much, hon. Julius Sunkuli. We go to the church together and I will comment on what you have said about priests, because I know what you have in mind. Before I forget, did you hear hon. Sunkuli say that he would know when a priest is inspired or not? I want to correct that impression here. I am sure the hon. Member is referring to the speech given by our Bishop. This Bishop gave this particular sermon immediately after fasting for 40 days. So, I want to say here categorically - I am a Catholic by faith - that he must have been inspired by the holy spirit. He could not speak otherwise after fasting for 40 days and speak on Easter Sunday. He had no chance to attend to any bars to collect any information.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, for the second time an hon. Member from the Opposition is putting words into my mouth.

Hon. Members: Keep it closed!

The Assistant Minister, Office of the President (Mr. Sunkuli): I have kept it closed for so long. I was not talking about any particular Bishop. I was talking about the tendency by Bishops to divert from the church's teachings.

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, we are all Catholics. Here we have one of us who was even in a seminary. He was there and learnt theology. I am talking as a staunch Catholic. So, I know after 40 days of fasting for this particular---

Hon. Members: What was he fasting for?

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, can you protect me from rude interruptions by some hon. Members?

The Temporary Deputy Speaker (Mr. Wetangula): I will protect you hon. Nyanja as soon as you become relevant to the Bill.

Where our Bishops are touched, we have a right to defend them. They are our leaders and they represent the disciples of Jesus Christ. We shall not allow satanism to be practised in our eyes.

Let me go to the Physical Planning Bill.

Hon. Shikuku: We will not let this satanic (inaudible)

Mr. Nyanja: It has been said and I will say it again. Land grabbing---

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sure you must have heard what hon. Shikuku said because he is very close to you. He referred to people as satanic. Is he in order to use that kind of language here?

The Temporary Deputy Speaker (Mr. Wetangula): Indeed, hon. Shikuku, I heard you saying something satanic. We have no satanic Members of Parliament in this House. You all know that we are all hon. Members.

Mr. Nyanja: The issue of land grabbing has been mentioned and this is where the professionals must stand up and be counted, but because they do not have a body, they are scattered all over. Once they have a body, Kenyans will look upon them to come out and be counted where physical planning laws or by-laws are flouted by none other than the Government Ministers. This is very important and we support their registration because we think that after that, if they are real professionals and they have support of their colleagues in other disciplines, like architects, engineers and quantity surveyors, they will be firm. I think upon registration of this particular

body, land grabbing will be controlled to a certain extent, but not 100 per cent because we have lawyers and the Judiciary which is also manipulated. So, I think it depends on the individuals and we want them to be registered so that we can challenge them with authority.

The physical planners have been used. I know there is a mafia group here from a certain district who do not know anything about private or public plots. So, they are always in City Hall trying to look for physical planners to show them any open space so as to grab it. They even promise to share the "loot" with these physical planners once they get these plots. One of them has even come to me thinking that I am a physical planner and my wife will not do such a job. So, we have turned down quite a number of them. Even Kuria Gathoni was one time a very renown physical planner and architect planner because he studied architecture and then town planning. There is also Mwangi Wang'ondou. These are two people who committed the first physical planning sin. If you pass through Mombasa Road, you will find that after Belle Vue there are some houses there where a plot was bought by Mugoya, James Isambire. That estate which was started by Sylvester Kuria, the architects were Mwangi Wang'ondou and Kuria Wa Gathoni. They flouted the by-laws where the building line is 30 meters from the middle of the highway. They were the ones who were approving this and had to do this because they wanted more houses built in the area. That was the first physical planning by-law flouted by the leaders in the City. They were the Director and Deputy Director of City Planning. From there on, other things started going astray. Now, even those in authority say, "Oh, if they can do that, why can you not do me a favour?" And now you know that the scale of land grabbing is out of proportion. It is the order of the day. Right now, as I talk to you, in Limuru, we have over 10,000 people who have been clobbered because land has been taken away from them. The Provincial Administration went there at 4.00 a.m. today and the chief of that area has resigned because he sided with his people.

So, we are going to deal with that. It is a matter in court and politicians from the district are not going to take that with their hands down. You saw what we did at Kirigiti Stadium yesterday.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Nyanja, you said the matter is in court and then you continued discussing it!

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, we have just sent people to file it in court; it is not yet defended.

That was about land grabbing. Let me go to the area about a by-pass road.

(Hon. Shikuku murmured something)

I am being informed here that---

The Temporary Deputy Speaker (Mr. Wetangula): There has been no official information. So, carry on.

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, we need a by-pass road from the lake to the sea. Some of the traffic should not go through this City. We do not need some of the heavy trucks that we see in the City emitting a lot of smoke. Some of them are not destined for this country. Those trucks should by-pass the City traffic. There is the Trans-Africa Highway, which starts from Cape Town and goes to Cairo, which should not go through this City. We have physical planners who must plan and have that road passing outside this City. That by-pass road will do us a lot of good.

The other thing is about a change of heart by our Government. If anything has to work, there has to be a change of heart by our Government. When I say "our Government" I am referring to those who are in positions of authority for now because I do not see them lasting for long in those positions. Let them start preparing the ground for us. Because the Minister cares to listen, I am giving him this advice. I want him in future to say that we talked about it. I do not want him to later ask: "Why did you not tell us of our mistakes when we made them?" After all, the work of the Opposition is to point out mistakes. In fact, there will always be an Opposition. Next time those who are on that other side will be on this side and will be opposing us. I know some of them will be very vocal.

I am now appealing for a change of heart by the Government. I want it to give professionals, including the physical planners, a chance. I said I will talk about the profession I know about. I know that most of the architects have closed their offices, including myself, even though I have a masters degree from the University of Nairobi. This is because Mr. Haban Singh, one architect from India, is like a state architect. He can get 22 jobs a day and can issue a fee note for Kshs50 million or Kshs60 million in a month. This work could be spread out to about 200 architects and families. So, a change of Government policy is required. There is no need of registering our physical planners when their professional body will be a toothless bull dog.

Mr. Mbeo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear hon. Nyanja refer to one particular architect from India, who is given all the jobs, and who earns Kshs50 million a month? Can he name him? Could he substantiate what he has said.

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, I know that the hon. Member represents Mathare, where there is also a mental hospital.

(laughter)

I have mentioned his citizenship and where he comes from. The man is called Haban Singh. He is like a state architect because he gets 22 jobs in a day. Immediately after the Budget is presented here, he goes to the Ministry and gets all the Government jobs, while we have other professionals here.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Nyanja, is it necessary to make insinuations of insanity against hon. Mbeo?

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, you know he could have gone there to see a patient and then come out talking like one of them. But he is okay; I know him and where he comes from.

I want somebody to listen when I talk because I will not be long. I am trying to say that the professionals should be given a chance. There is no need of establishing a professional body for physical planners which will be a toothless bull dog. For example, today anybody can call himself a consultant or an architect when he is not one. There are many such people from India. We want the professional body established and given powers and respect by the Government. That is all that I am asking. If there will be no respect for the physical planners, it will be no use registering them, and they could as well have remained in the Architectural Association of Kenya.

There has to be a change of heart in our Government. This is more so in the case of those at the very top of the Government. Those are the people I am now talking to. I am dressing them up. They must change.

From the top downwards everything is going down the drain. If they do not take care and listen to what I am saying now, we will see open sewer right in this National Assembly, because I know its geographical location. High skyscrapers are now going up in Kangemi, Lavington and Westlands and sewer has to flow downwards. So, the sewerage systems are going to burst. If the Government does not listen to us we will see open sewers here. We have been to Lagos and seen open sewerage, with some raw and smoking stuff. That is what you are going to see here, if you do not listen to what we are saying. You are now putting up flats in Lavington and Kilileshwa, but you are not expanding the sewerage and the water system; not even the roads.

You know that now houses in Nairobi West, Langata, Southlands, Rubia Estate, Moi Estate, Otiende and Onyonka do not have a good rental value. This is because most of the time there is no water in those estates. You can live in these estates for six months without getting a drop of water in your tap. This is because of poor planning. Let us say that one day, you will go to the Carnivore Restaurant or to another place in that direction, especially during the Nairobi International Show, and you will see the amount of traffic on Langata Road. The traffic on this road is terrible. This is the same road we had during colonial period; we then had Kenyatta and now Moi Governments. The population has increased tremendously. With the liberalisation policy cars from Dubai, South Africa and elsewhere are very cheap. Almost every home now has a car. Those who used to own one car now own five or 10 cars. This is the case with these Ministers who are sitting in front of me here. They have a car for the wife, mzee, the children and the messenger. I am also being advised that there is a car for the mistresses. So, we must plan for all these cars. We should not behave like a person who brings a vehicle home when he has no garage or car port for it. It is like you marrying a wife when you have no bed where she can lie down. You must

plan even for vehicles. We have no roads and I do not know what the Government is doing about this problem. Ngong Road is another eyesore in the morning. I think this is the case everywhere in the morning, although I do not go to the Eastlands in the morning to know how the situation is like there. But I know about Langata and Ngong Roads. Most people have now migrated to Ngong Town, which is another satellite of this City. Ngong Road used to be like a highway, but now we are starting with traffic jams right from our door steps. This is the same thing which is happening at Onyonka, Rubia, Moi, Otiende and Southlands Estates. I pity those who stay in those estates. Now, they are going towards Karen before they enter Ngong Road.

There is one Cabinet Minister who has blocked a major proposal to have Langata Road made a dual carriage way by constructing a petrol station next to the road. He has done this because he is a very senior person in KANU. When the Opposition takes over the Government, that will be the first structure to be demolished so that there can be a way to make that road a dual carriage way. The Minister involved is the KANU Secretary-General.

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member on the Floor has said that there is a senior Cabinet Minister who has blocked Langata Road. Could he name him, or substantiate?

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, I have already done that. Those who were listening heard it. This is hon. ole Kamotho. I said that the KANU Secretary-General is the one involved. If Government Ministers can commit such physical planning crimes, who else will not commit them?

Why should it be the physical planner? Even the Director of City Planning and Architecture Department should come forward and give his advice to the Head of State. He should advise the President not to allocate land or essential public utility plots. He should show him where he can allocate land for various uses. I am sure the Head of State will take that advice kindly. I am sure that the Head of State is not told most of the things, those who are supposed to advise him are part and parcel of those corrupt deals. They also want to be considered for the allocation of plots. There are some people who are forging the green signature of the Head of State. There are very many people, especially from western Kenya, who know how to sign papers using that signature. That signature is taken very seriously whether it is on a simple piece of paper or on a cigarette packet. Once that signature is taken to Mr. Gachanja, the Commissioner of Lands, one is sure of getting a plot.

What is happening now, Mr. Temporary Deputy Speaker, Sir, I must elaborate here - is that these thieves, because they have nothing else to do, are stealing public utility grounds. They go to the Head of State with a very large map, so that the plot they want to be allocated looks like a small dot, or a very small plot. The map shows the whole of the City of Nairobi and so when the Head of State is given that map, he does not understand the implication. However, when you go to the ground, you find that it is a very big plot.

The Minister of State, Office of the President (Mr. Kalweo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member who is on the Floor in order to portray the Head of State as if he is a foolish person. He is claiming that people take large maps and pinpoint to him a small place on the map and request that it be allocated to them. We do not believe that is what is done. Can the hon. Member tell this House whether he has done that?

The Temporary Deputy Speaker (Mr. Wetangula): What is your point of order, hon. Kalweo?

The Minister of State, Office of the President (Mr. Kalweo): Could he retract those remarks or else substantiate?

The Temporary Deputy Speaker (Mr. Wetangula): I do not understand you, hon. Kalweo. I think hon. Nyanja, you are violating Standing Order No. 73 (1) and you ought to know that.

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, I am only trying to advise the Government. This matter is very important. I am trying to point out things that he does not know, but he is claiming that he knows them. This confirms that he knows what is going on. That is what we shall ask you when we come to power. I am only trying to exonerate some people here, including the Head of State. I am pointing out how our people are misleading him and going behind his back by using large maps. When you look at a plot of five acres on a big map, it looks very small. The President will think that he has rewarded you with a quarter of an acre plot. Some of the hon. Members on the other side are beneficiaries. We do not get these plots ourselves. But I am now advising you so that you can become enlightened. The Government is represented here now by the Assistant Minister, Office of the President, hon. Sunkuli, who is listening. I am saying these things because I know what is happening.

Like now, most of the land in Ngong Forest where hon. Kamuyu comes from, and Karura Forest near Muthaiga and some parts of Kiambu has gone. What are we doing? The water catchment areas in Karura Forest have gone and very soon, you will see Karura River drying up.

I remember very well in 1978, when His Excellency the President of this Republic came to power, he talked about preservation and protection of open spaces, public plots and the expansion of schools, hospitals---

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. "Architect" really in order to quote and use the President as an authority, when the Standing Orders are very clear that he cannot do so unless he is a Minister?

The Temporary Deputy Speaker (Mr. Wetangula): That is Standing Order No. 72.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is there any hon. Member here who is called hon. "Architect"? He is not known as hon. "Architect", but the hon. Member for such-and-such-a place. But we do not have hon. "Architects" or hon. "Fat man" and so on. He is registered as hon. George Nyanja, Member of Parliament for Limuru, but not as the hon. "Architect".

The Assistant Minister, Office of the President (Mr. Sunkuli): I said the hon. "Architect", but not the architect. That is the difference.

Mr. Shikuku: He said hon. "Architect"?

The Temporary Deputy Speaker (Mr. Wetangula): He said the hon. "Architect" which is correct English.

Mr. Shikuku: But what is he registered as?

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Nyanja, the Standing Order No. 72 reads as follows:

"No Member, other than a Minister shall use the name of the President as an authority for anything that he says".

It has not been changed and you have no authority to do that.

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, I am not using his name as an authority---

The Temporary Deputy Speaker (Mr. Wetangula): I have guided you on how to go on. I do not know why you want to engage in an argument.

Mr. Nyanja: No I do not want to engage in an argument with the Chair, Mr. Temporary Deputy Speaker, Sir, at least not with you. All I am doing is to give advice. I am not using the President's name to advance a debate. That is not the case. I know that particular provision of the Standing Order.

But then, you must also allow us to use his name. It is not a preserve of KANU. He is also the Head of State as far as the Opposition is concerned. So, we are as much concerned---

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Nyanja, if any KANU Member of Parliament, who is not a Minister did the same thing, I would rule the same. It is not a matter for you to decide on because you are in the Opposition. It is a Standing Order for the whole House. It is not for KANU nor for the Opposition. As a matter of fact, we treat the House as a unitary House and not as a segmented House.

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, on that provision, I was thinking that because I am the FORD(A) "Shadow Cabinet" Minister for Tourism and Wildlife, I can get away with that. The provision does not specify if it affects Government Ministers, because it talks about a Minister, and I am one of the Ministers. So, I am giving this advice with good intentions.

Since other hon. Members would also like to contribute, all that I would say is that this Town is now saturated. It is very sad that buildings, for example, in Eastlands are being built without proper approval. They are supposed to be approved by the Town Planners because they are the ones who know the by-laws. The architects are just a micro part in town and physical planning process. There are very many people who are involved. Even environmentalists are also planners. But we have narrowed and divided responsibilities. Architects are broadly speaking, also planners. They are urban planners. They design the urban scape, the streets and even the grass areas, masonry and that how the concrete jungle should thrive in towns and things like that. So, whatever you see is as a result of combined efforts by many professionals.

We welcome the idea that the physical planners should be registered so that we can work together with them. We feel that after being registered, other people manning the City, Municipal and Town Councils should be given the responsibility of approving the plans. They must take full responsibility. Somebody is saying that they should be registered. Even graduates of Kenya Polytechnic, should work under a registered Physical Planner. They should work together. If they make mistakes, it is their boss who will be responsible. Even those of us who have consulting firms, take responsibility over our juniors because we are taught how to uphold the Code of Ethics. Somebody must take responsibility. If houses collapse in Eastlands, we should not blame the developers. I am talking as one of those people who owns estates in Eastlands and things like that. But the problem lies at City Hall and with the Government.

During the reign of the late President, Jomo Kenyatta, we used to have many estates owned by the City Council. Some of these estates included Uhuru, Buruburu, Harambee, Umoja, Otiende, Moi, Onyonka, Rubia and other estates. For the last 18 years no single estate has come up. But here in Parliament, we approve funds year in, year out. Due to the rural-urban migration, people have to live in houses. You must look at this particular problem in totality. Do not pin down one person. What has the Government done? If there were better houses, people would not even grab those plots. The time has come for our Government to take town planning very seriously.

If you look at the industrial area here, you will see that it is poorly located. We have estates like Mugoya and River Bank almost next to the industrial area. Those were supposed to be open spaces in the initial original planning of the City, so that before the smoke gets to Westlands and Upper Hill, it is already diluted with air in order that it does not pollute or affect the environment or the inhabitants of these estates. Right now, these estates are next to the industrial area, and in the next five to ten years, we are going to have people having grey hair at the age of ten or 15 years. They are not to blame, but their parents have to blame. Those who live within such kind

of environment, will lose their permanent teeth at the age of 20 years. All this is due to a polluted environment. In Eastlands the water is no longer treated with chlorine. It is good that a racket was exposed the other day whereby unscrupulous business people were putting water into bottles and labelling them mineral water. This is very dangerous because it involves people's lives. This is all due to poor physical planning because physical planners are supposed to design a good living environment, although they are not involved in designing of houses. Proper consideration should be given to the allocation of industries. Residential estates should be built far away from the effluents coming from industries.

Since the City of Nairobi is growing, I recommend that the Railways Headquarters be moved from where it is. We have about 100 acres within the area which stretches from the Railways Headquarters, along Haile Selassie Avenue, down to Uhuru Highway up to the other side of City Stadium, along Ladhies Road and back to the railways headquarters which I consider a wasted land. An example of poor planning within the City Centre can be seen at the door of Hilton Hotel, City Centre and Kenya Railways Headquarters. Time has come for this Railways Headquarters to be moved elsewhere and taken beyond Kibera at an area where Jamhuri Park is situated. This is possible because planning is also a dynamic process. The exercise of moving this Headquarters will not be expensive because it will only entail the movement of rails and coaches. The administration block can be converted to something else.

We should also put up a major housing complex consisting of bed-sitters, one bedroom or two bedrooms for the people who work in Industrial Area. These people walk long distances daily and by 3 p.m. in the afternoon they are not productive as a result of the long distances they cover to and from work. These people look more or less like mosquitoes. About 10 years ago when I looked at some of them, they were stronger because the shilling was stronger then. Now that the shilling has weakened, they have also become weak, and their salaries---It is good that the Minister for Labour and Manpower Development is also here listening although he is having a nap. Something should be done to uplift the welfare of workers. As planners, we recommend that a major housing complex be put up within these 100 acres because even one million people of different status can be accommodated.

The Agricultural Society of Kenya grounds should be moved beyond Athi River so that the whole of that Jamhuri Park, where we normally hold our annual agricultural show can be converted to the new headquarters of the Kenya Railways. Surely, we should appear to be growing after 30 years of Independence. The time has gone when we used to have single railway lines and this cannot be done within the City Centre.

The other point is on transport. These physical planners should be involved even in designing the railway line and so on.

As a matter of fact, the planners should tell our Government that we have as much space underground as we have on the surface. Some people think that there is no space underground, but most of us have gone to major towns and we have seen the tunnels, rail stations, shops and so on. These structures are found underground about 30 metres below. Let us make use of this underground space and that will not even interfere with our structures on the surface. We have very good engineers who would be able to advise the Government constructively and without a lot of cost. It is only that we need now to plan and plan for the year 2050 and beyond. I will recommend even a new city because this is already saturated with many services and it cannot accommodate any more structures. Otherwise, we will break and we should not blame anybody but ourselves because we have been warned.

Mr. Temporary Deputy Speaker, Sir, I want other hon. Members to contribute on this Bill because it is very important and I feel that I have presented the views of my profession and of those others who are not here.

With those few remarks, I beg to support.

The Assistant Minister, Office of the President (Mr. Manga): Mr. Temporary Deputy Speaker, Sir, mine is not going to be very long, but this is a very important Bill; a Bill to establish a very important body, a professional body which has been lacking for a long time.

The physical planners are professional people, and they need a Board which will protect them from professional intrusion and professional interference as they do their work. It is necessary to have Physical Planners Registration Board so as to protect the profession itself from unqualified personnel who actually come in and pretend they are qualified and they go into the profession with different motives. As you know, architects and engineers have their Board or associations that protect them. Therefore, this Bill is very important.

So to allow the physical planners do their job properly, they will require professionals who are actually trained as physical planners to associate together and solve problems which are related to physical planning. And it is only through this Board that these professionals can do their job properly.

I am not very happy about the Bill itself, because it looks like it is so much pegged on Architectural Association of Kenya, and the Bill is forgetting that we are now creating a different body; a different profession to

be known as the Physical Planning Registration Board. It should not be pegged on the Architectural Association of Kenya.

As regards to qualifications for registration and that is on Clause 12(i)(a) it states: "He is the holder of a post-graduate degree in urban or regional planning or both from any university which is recognised for the time being by the Board and has passed an examination prescribed by the Board."

Mr. Temporary Deputy Speaker, Sir, there are other institutions and universities which produce under-graduates who qualify as physical planners. So, it will be difficult for these people to actually get into the Registration Board without having to acquire a post-graduate degree. This is based on the situation we have now; that is, there have not been such degrees being offered by the University of Nairobi. Therefore, this should be pegged on what the University of Nairobi is giving. There will be some graduates and, I am told that even Moi University is thinking of establishing a faculty of Physical Planning. Those who will qualify will have a problem being registered if we are going to allow this Bill to be passed as it is. I, therefore, think that we should consider that any graduate from any recognised university should be eligible for registration.

*(Gen. Mulinge was observed
consulting with Mr. Muoki)*

The Temporary Deputy Speaker (Mr. Wetangula): Gen. Mulinge, are you listening to these valuable suggestions by the Assistant Minister?

Mr. Kamuyu: Yes, he is!

The Temporary Deputy Speaker (Mr. Wetangula): I see him engaged in a discussion. Order, Mr. Kamuyu!

The Assistant Minister, Office of the President (Mr. Manga): Mr. Temporary Deputy Speaker, Sir, the other thing is that Schedule 1 (e) states that the Board shall consist of, among others, one member of the teaching staff of the Department of Physical Planning in the University of Nairobi who is a member of the Architectural Association of Kenya (Town Planning Chapter). That is the member who will be on the Board. I believe these other institutions like the Kenyatta University will come up with similar people who will qualify to be members of this Board. Therefore, it will be wrong for us to actually peg that on the University of Nairobi.

Mr. Temporary Deputy Speaker, Sir, the other thing I wanted to say is that the Architectural Association of Kenya (Town Planning Chapter) has been catering for the Physical Planners. However, now that we are going to establish this Board, the Architectural Association of Kenya will not be the authority here. Since this Bill is pegged on this Association, I think it is defective. In every aspect of the Bill, you will find that the authority here is the Architectural Association of Kenya. For example, if you read Schedule 1 (b), it is stated that the membership of the Board will be drawn from, among others, four persons who shall be public officers and members of the Architectural Association of Kenya (Town Planning Chapter). Further reference to this Association is also made in Schedule 1 (d).

Mr. Temporary Deputy Speaker, Sir, on page 22 Schedule I (d) it says:-

"Four persons who are members of the Architectural Association of Kenya (Town Planning Chapter) appointed from among persons engaged in private practice as registered physical planners, who are recommended by the Association."

Mr. Temporary Deputy Speaker, Sir, everything is based on this Association and it is very dangerous for this Board to actually have all these powers and anybody who has a say in the deliberations of this Board will be coming from the Architectural Association of Kenya (AAK).

Mr. Temporary Deputy Speaker, Sir, I think the Physical Planners Registration Board should be left to act on its own and have its own advisers because I believe we have so many physical planners in this country, who have qualified as hon. Nyanja said that his wife has a Masters Degree in Physical Planning. Therefore, we have the personnel to manage this Physical Planners Registration Board.

Mr. Temporary Deputy Speaker, Sir, to register any body, we must have a code of regulations. In this Bill, there is no provision of how they will be charging their fees; for instance, the Engineers Registration Board of Kenya (ERBK), where they actually specified that their scales of fees will be pegged on a certain order. But there is nothing like that in this Bill.

To protect the ethics of an organization like this, we must have rules and scales of fees, so that nobody just goes untaxed. There would be people without professional qualifications, but because they want a job; they will give substandard jobs and they will be charging very low. That will affect this profession---

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Manga, I think that is provided for in Clause 25 (g).

The Assistant Minister, Office of the President (Mr. Manga): Mr. Temporary Deputy Speaker, Sir, Clause 25 (g) states the fees to be charged. But it must be in a schedule and the code which must be very clearly pronounced here.

Mr. Temporary Deputy Speaker, Sir, another issue is the code of ethics. We cannot come up and say this is a professional body without a code of ethics. The code of ethics and schedule must come out very clearly, because it says:-

"A person can be de-registered if he is behaving in a manner that the Board does not deem to be professional."

But how do you gauge that misconduct? That is why I am saying that a code of ethics must be established in this schedule.

Mr. Temporary Deputy Speaker, Sir, there is another thing I wanted to point out. The Minister seems to dominate in the running of this professional body.

The Temporary Deputy Speaker (Mr. Wetangula): I was telling you that the other day.

The Assistant Minister, Office of the President (Mr. Manga): Mr. Temporary Deputy Speaker, Sir, we need the Minister to be advised and to be consulted on issues and there must be committees like the Academic Committee, when you are talking about the academic qualification of a member to be registered.

There must be a disciplinary committee, the people who actually know the conduct and ethics that governs this professional body. These committees must be brought out clearly in this Bill so that the Minister will only use those committees to make the decisions as far as the Board is concerned.

Mr. Nyanja: On a point of Order, Mr. Temporary Deputy Speaker, Sir. I do not want to interrupt the contribution of the Assistant Minister but I have to do it. This particular Bill is moulded on the module of the Architects Registration Board.

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

Mr. Nyanja: Is the Assistant Minister in order to mislead this House as if this a new phenomenon which is unheard of when it is exactly more less like the Engineers, Architects, Quantity Surveyors and Landscapers and things like that.

The Temporary Deputy Speaker (Mr. Wetangula): What is the point you are quarrelling with?

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, he is disputing the Ministers powers and things like that and talking about the committees. This particular registration is moulded on the Architects Module who are the leaders in the building industry and in most of the projects they are group leaders and they have studied landscape and town planing and everything. So, they understand and the mode should not change. The Minister is the Government representative and therefore his powers and representation definitely goes by the advice of the technical body in these other bodies which is okay. But the Minister's position is very clear and very important because tomorrow we in the Opposition will also be Ministers and we know what we are saying.

The Temporary Deputy Speaker (Mr. Wetangula): But surely hon. Nyanja, hon. Manga is giving his views. Why do you want to stifle them? You gave your views.

The Assistant Minister, Office of the President (Mr. Manga): Mr. Temporary Deputy Speaker, Sir, I have no quarrel with the Minister's position in this Board. What I am only saying is that the Minister must be armed enough to be able to execute the duties and he must get to the bodies and the bodies must be described here. That is only what I am saying. I am not questioning the Minister's position here. It is high time that we left the system where the Architects think they are the lead consultants in this technical profession because this has been an inherited problem which I do not know its source.

Architects have even tried to be principal or lead consultants on a raw job which they have no business doing there. If there is a bigger section in a project where a Civil Engineer or an Electrical Engineer is in charge, he should be the one who should be the lead consultant.

Mr. Nyanja: On a point of Order, Mr. Temporary Deputy Speaker, Sir. An Architect is made a leader of any building team because he encompasses the entire knowledge and---

The Temporary Deputy Speaker: (Mr. Wetangula): That is a point of information. It is not a point of order.

Mr. Nyanja: No, he is saying that---

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Assistant Minister, do you want information?

The Assistant Minister, Office of the President (Mr. Manga): No.

The Temporary Deputy Speaker (Mr. Wetangula): Carry on.

The Assistant Minister, Office of the President (Mr. Manga): Mr. Temporary Deputy Speaker, Sir, I was---

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Nyanja. Four years down the line is enough for you to know the difference between a point of Order and a point of Information. If you want to inform him, do so, if you want to advance an argument, you have already wasted your chance. You had just had the Floor.

Mr. Nyanja: Mine is a point of information.

The Temporary Deputy Speaker (Mr. Wetangula): It is not. I have heard you.

The Assistant Minister, Office of the President (Mr. Manga): I do not know why hon. Nyanja wants to interrupt me. When he was contributing here about Engineers being under the Architects Board, I did not interrupt him but what I am trying to say is that this phenomenon where the Architects tend to take the lead model should be discouraged. This is what is being applied where everything is pegged on the Architects Board. Everything is pegged to the architects who, if they want to destroy or put down this Board, they will do that. Because everybody who is technically qualified in this Board will be an architect or will be a member of the Architectural Association. It is very unfair and that is why I am thinking that physical planners will not be very happy to see this Bill come out as it is now.

Having said that, I hope my friend hon. Nyanja is satisfied, but I am have no quarrel with the architects at all, I have worked with the architects and---

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir. Now it is too much. I am an architect and we have even done one job together with this particular hon. Member.

The Temporary Deputy Speaker (Mr. Wetangula): All I want to know Mr. Nyanja, as a matter of orderly conduct in the House, is whether you are on a point of order, or on a point of information, or what is it you are standing on?

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, my point of order is that the hon. Assistant Minister is misleading this House. Because he is just mentioning why architects are really concerned and that is unfair. He must be able to explain because he understands and he knows. He has even worked under me and he knows why architects are leaders in any building team.

An hon. Member: You had employed him!

Mr. Nyanja: No, I hired his services. So, the architectural studies encompasses the entire engineering environment, Sociology, Geology and all the knowledge and that is why even architects and lawyers; Judges, especially, are the only ones who get to the level of architects. Even if it rains, they are not supposed to run, they are supposed to walk like gentlemen. Architects are honoured people, because they represent and organize other disciplines. So, it is not because I am an architect, but that is the way it is and you cannot change it.

The Temporary Deputy Speaker (Mr. Wetangula): So, what is your point of order?

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, the point of order is, he should not mislead this House, when some of us are aware that it is wrong for the architects to be the lead consultants when it is a road project. When a car is moving along a high way, some windows can break because of vibrations and an engineer will not know why this is so. He will even ask for a wider road and that road is related to the speed and that speed will interfere with the environment. That is why you are warned not to hoot at a hospital, but some motorists do not know why. This is because somebody could be under operation, somebody could be delivering and may miscarry. It is only the architects who understand these things. So, it is very important that when it comes to all this, architects continue to be lead consultants.

The Assistant Minister, Office of the President (Mr. Manga): Mr. Temporary Deputy Speaker, Sir, you can now see why I am quarrelling with this one, because architects have actually tried to take everything. The example the hon. Member has just given, a sound from a road, will not actually be architectural but the sounds that break the window will be structural, and to prevent that it is definitely the physical planner who will say where to put that building so that it is not affected by that. But then the architect will take that. I do not know where we got this tradition from and we would want to change it, and that is why I am saying that when we are enacting this kind of Board it has to come out of the slavery of architecture and it should be freed from them once and for all. That is exactly what I am trying to advance here. I want to say that it is important also to incorporate in this Bill, the scale fees. I have said it is also important to incorporate the actual professional people who are the physical planners so that they can know what is

good and what is bad for their own association. Having said that, I want to support this Bill, but I request that the Minister concerned, takes note of these amendments. Thank you very much.

Mr. Shikuku: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii. Mswada huu nimeusoma na nikafurahi. Lakini sijui ni kwa nini imepita miaka 33, ndipo Serikali hii tukufu ikaamka kutoka usingizini. Hata hivyo, ningependa kumshukuru Waziri aliyeuleta Mswada huu, ambaye alikuja katika Bunge hili juzi. Lakini tangu tupate Uhuru, hakuna mtu yeyote aliyekumbuka. Pengine wameshanyakua vya kutosha, na sasa wanaona kuwa ni vizuri walete Mswada huu, kwa vile wameshiba. Ukweli ni kwamba Serikali yetu haijali, hata wakiambiwa kwa baragumu, hawasikii. Vile ninavyozungumza jiji hili la Nairobi lilikuwa likiitwa "City in the sun". Nilipokuja hapa katika mwaka wa 1952, kulikuwa na usafi katika mji huu. Mbeberu alikuwa bado anafanya kazi. Tulipozidi kuendelea, na Mbeberu akaenda zake, mji huu ulizidi kuharibika kwa sababu hawa watu wanaoitwa physical planners, kazi yao ilikuwa ni kupanga ni jinsi gani wanaweza kuiibia nchi hii. Lakini planning yenyewe hawataki.

An hon. Member: Kama hapo awali.

Mr. Shikuku: Kazi yao ni kunyakua, na hili jambo la kunyakua lilikuwako.

An hon. Member: Ukweli mtupu!

Mr. Shikuku: Kunyakua ndio mtindo wa kila siku. Kunyakua kwao kumeharibu mambo. Ningekubaliana na wale wazungumzaji waliotangulia kuwa, wakati umefika tufikirie mji mwingine. Kama kule Malawi, wamekwenda Lilongwe. Ukienda Lilongwe, utafurahia physical planning yake. Utastaajabu. Ni mji ambao utakuwa wa maana katika Africa. Mji huo umepangwa na wale physical planners. Kazi ya Physical planners wa Kenya ni kupanga vile wanaweza kuiibia nchi hii. Waingereza walisema kuwa, ukifanya mazuri, unafanya hivyo "angelically". An angel is always associated with good, and Satan is always associated with evil. Kwa hivyo, mtu anayefanya mabaya, sijui utampa jina gani? Shetani anapenda uovu, na anayetenda uovu ni kama Shetani. Na anayetenda mazuri ni malaika. Kwa hivyo, Serikali yetu hii ni Serikali ambayo inapenda maovu. Kwa hivyo, wanaweza kuwa "Satanic" kwa kuwa wanatenda maovu matupu. Kwa hivyo, wao ni wafuasi wa Shetani.

Hata Mhe. Polo alitaja, Shetani na alipeleka kortini, lakini sijui kesi iliishia wapi. Nafikiri ukweli upo. Kuhusu hili shirika ambalo tunaunda hapa, ningependa kusema hivi; Miswada mingi imekuja katika Bunge hili na sisi kazi yetu imekuwa ni kusukuma na kupitisha. Lakini kuna watu ambao wanangojea Mswada ukipitishwa wao wanajua watafanya nini.

Kuna watu wengine ambao wanangoja kupitisha Miswada hata bila ya kuiangalia. Kazi yao ni kupitisha tu. Hawajui wakifanya hivyo wanatoa ruhusa kwa watu wengine wenye bongo huko nje kutumia nafasi hiyo kunyakua. Spika hana jambo lingine la kusema ila,

"The Ayes have it". Atafanya nini? Kama mhe. Wameyo hapa hupiga "Ayes" karibu itoboe paa la Bunge hili lakini ukingoja azungumze, hafanyi hivyo. Haya ni maneno tunazungumza lakini Miswada hii inayopitishwa hapa ni lazima iwe kwa manufaa ya watu wetu.

The Assistant Minister, Office of the President (Mr. Manga): Jamo la nidhamu Bw. Naibu Spika wa Muda. Mhe. Shikuku ambaye tunamheshimu katika Bunge hili, ameona mhe. Wameyo hayuko hapa na anamsema vibaya. Hiyo ni haki?

The Temporary Deputy Speaker (Mr. Wetangula): I do not think he refers to hon. Wameyo. Hon. Wameyo is a very active contributor on the Floor of this House. He said those who shout but do not talk.

Mr. Shikuku: Hata kama angekuwa hapa---

Mr. Moiben: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Nilimsikia mhe. Shikuku akija jina la mhe. Wameyo na kusema kwamba anatoa sauti hapa karibu itoboe paa la Bunge hili. Hiyo ni haki?

Mr. Shikuku: Mimi ni mhe. Mbunge na ni kweli nilisema kwamba wakati mwingine mhe. Wameyo hupiga "Ayes" karibu itoboe paa la nyumba hii. Mimi huwa hapa Bunge tunapopiga ile kura ya "Ayes". Sauti yake huenda juu sana. Kama ingekuwa imeonyeshwa katika HANSARD ningelidhibitisha jambo hili.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, hon. Shikuku! You had said that he does not speak on the Floor of this House. Hon. Wameyo is very active here.

Mr. Shikuku: Bw. Naibu Spika wa Muda, mazungumzo yake katika Bunge hili ni machache sana. Yeye huongea baada ya kama miezi mitatau.

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Shikuku! In any case, it is out of order to debate the personal conduct of Dr. Wameyo. He has the right to shout as loud as he possibly can.

Mr. Shikuku: Huo ni mfano tu. Kwa hivyo, inatubidi tusome Miswada kwa sababu Mswada kama huu utafaidi---

The Temporary Deputy Speaker (Mr. Wetangula): Order! Hon. Shikuku, you will be here to carry on tomorrow.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Members, it is now time for interruption of the Business. The House is, therefore, adjourned until tomorrow, Thursday, 25th April, 1996, at 2.30 p.m.

The House rose at 6.30 p.m.