

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 21st October, 1999

The House met at 2.30 p.m.

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

PRAYERS

PAPERS LAID

The following papers were laid on the Table:-

Annual Report and Accounts of Kenya Broadcasting Corporation for the year ended 30th June, 1994, and the certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Kenya Ports Authority for the year ended 30th June, 1997, and the certificate thereon by the Auditor-General (Corporations).

*(By the Minister for Information,
Transport and Communications)*

Annual Report and Accounts of Mununga Tea Factory for the year ended 30th June, 1994, and the certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Kiru Tea factory for the year ended 30th June, 1994, and the certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Kenya Veterinary Vaccines Production Institute for the year ended 30th June, 1998, and the certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Tea Research Foundation for the year ended 30th June, 1998, and the certificate thereon by the Auditor-General (Corporations).

*(By the Minister for Information,
Transport and Communications, on
behalf of the Minister for Agriculture)*

Annual Report and Accounts of Kenya Pipeline Company for the year ended 30th June, 1997, and the certificate thereon by the Auditor-General (Corporations).

*(By the Minister for Information,
Transport and Communications
on behalf of the Minister for Energy)*

ORAL ANSWERS TO QUESTIONS

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, before I ask my Question I would like to bring to your attention the fact that, contrary to the ruling of the Chair on many occasions, as of now, I have not received a written answer to this Question.

Question No.299

DEATH OF ASSISTANT CHIEF MUKU MUIA

Mr. Musila asked the Minister of State, Office of the President:-

(a) whether he is aware that the late Mr. Christopher Muku Muia, died on 29th December, 1988, while serving as an Assistant Chief for Kanyaa sub-location;

(b) whether he is further aware that since the Assistant Chief's death, his widow has not been paid any benefits; and,

(c) what action he is taking to ensure that the widow of the late Assistant Chief, Mr. Muia, and his children receive their benefits without further delay.

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Temporary Deputy Speaker, Sir, I did despatch the answer to this Question and I want to advise Mr. Musila to check in his pigeon-hole since it should be there. However, I beg to reply.

(a) The death gratuity of the---

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Assistant Minister, what was it about the answer?

The Assistant Minister, Office of the President, (Mr. Samoei): Mr. Temporary Deputy Speaker, Sir, I said that I despatched a written answer to his pigeon-hole and I think it was received by the office of the Clerk.

Mr. Osundwa: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is misleading the House when he says that he dispatched the answer to the Member's pigeon-hole. Since when do Assistant Ministers put answers in our pigeon- holes? Is he in order?

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Temporary Deputy Speaker, Sir, I did say that I despatched it to the Clerk of the House.

The Temporary Deputy Speaker (Mr. Poghisio): Order! I think this particular situation is a little bit awkward because I do not think the Clerk has received them. Mr. Assistant Minister, the Clerk did not receive the answers.

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Temporary Deputy Speaker, Sir, I will check and make sure that corrective action is taken.

Mr. Musila: In view of the confirmation from the Clerk that he has not received the reply to this Question, and in view of the persistent practice by Ministers not to supply written answers, could we get guidance from the Chair on how we are going to proceed on this matter because it has been going on like that? The Assistant Minister says that I should check for the answer in my pigeon-hole, and yet the Clerk says that he never received an answer. What is the ruling of the Chair on this matter, because it has gone on for too long?

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Musila, I think we can do it in two ways. One is to give the Assistant Minister the benefit of the doubt, and have the Clerks check for it, and I think that will be done soon. We will confirm that. For sure, it has not been received up to this point but they can check. However, would you like to proceed with the Question?

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, I would like to proceed, but I will reserve my right to ask that the Question be deferred in case it is not satisfactorily answered.

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Temporary Deputy Speaker, Sir, I again want to apologise to hon. Musila if the written answer did not reach him. However, I beg to reply.

(a) The death gratuity of the late Assistant Chief of Kanyaa sub-location is being processed, and will soon be paid to his dependants.

(b) The death gratuity due to the legal heirs of the late Muia has not been paid because his salary continued to be paid after his death, between 30th December, 1988 to 30th June, 1989, totalling to a Government liability of Kshs11,525.

(c) The recipient of this money has not yet been identified. The matter has been reported to the police and no payment could be made because the outcome of the investigations had not been finished. However, it has now been accepted by the Treasury that the matter be settled, and payment will be processed soonest.

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, first of all, this Assistant Chief who served this country very loyally died 11 years ago, and his pension has not been paid. What the Assistant Minister says is not correct because I have a record of the cheques which were paid in 1989 and they have now been found lying in the District Commissioner's (DC) office, Kitui. So, the answer is misleading and I would like the Assistant Minister to confirm whether he can bring the cheque to this House so that we can go and deliver it to the widow. For your information, the widow is now a destitute. The children have been out of school for the last 11 years.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Musila, ask your question.

Mr. Musila: Can the Assistant Minister bring the cheque to this House so that it can be delivered since they have failed to do so for the last 11 years?

Mr. Samoei: Mr. Temporary Deputy Speaker, Sir, I am sorry I am not in a position to deliver the cheque to this House because the rightful beneficiaries of the cheque are not in this House; but I will make sure that without undue delay, this money will be paid to the dependants of the late Assistant Chief.

Mr. Kapten: Mr. Temporary Deputy Speaker, Sir, the hon. Member has said that the cheque was written several years ago and was delivered to the DC's Office where it has been lying, and it must be stale now. What method is the Assistant Minister going to use to deliver the cheque to the dependants of the late Assistant Chief? Is he personally going to take the cheque to the beneficiaries? What action has the Ministry taken against the DC who withheld the cheque?

Mr. Samoei: Mr. Temporary Deputy Speaker, Sir, I think hon. Kapten has misunderstood hon. Musila. What we mean when we say "lying at the DC's office"---

The Temporary Deputy Speaker (Poghisio) Mr. Assistant Minister, would you just answer his question?

Mr. Samoei: Mr. Temporary Deputy Speaker, Sir, I think the background on which Mr. Kapten based his question is wrong in the first place. So, his question does not arise.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Kapten is asking what method you are going to use. Just go ahead and tell him what method you are going to use.

Mr. Samoei: Mr. Temporary Deputy Speaker, Sir, there is a Government machinery, and the legal dependants of the late Assistant Chief know this and they will collect the cheque from the District Commissioner's office.

Mr. Katuku: On point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Musila says that the cheque has been lying at the DC's office for the last three years Mr. Kapten is asking what method the Assistant Minister will use to make sure that the cheque reaches the beneficiaries. Is the Assistant Minister in order to refuse to answer hon. Kapten's question, given that for the last three years, the cheque has been lying at the DC's office? What method is the Assistant Minister going to use to deliver the cheque?

Mr. Samoei: Mr. Temporary Deputy Speaker, Sir, the cheque for the gratuity has not been processed. It is not lying with the DC and it has not been lying there for any period of time. I am going to make sure that the cheque is processed and given to the dependants of the late Assistant Chief.

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, it is very sad that we are talking about an Assistant Chief who died 11 years ago. The Office of the President (OP) received a letter from the Director of Pensions in 1997, requesting the OP to submit details of the late Assistant Chief but they have not submitted the details. The Chair should allow me to talk about the late Assistant Chief. If the Office of the President has already refused to answer the letter from the Director of Pensions---

The Temporary Deputy Speaker (Mr. Poghisio): Ask your question!

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, I would like the Assistant Minister to tell this House when the dependants of the late Assistant Chief are going to get this cheque. This is because they have completely failed to pay the pension benefits of a man who died 11 years ago. How soon is this issue going to be finalised?

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order!

Mr. Samoei: Mr. Temporary Deputy Speaker, Sir, I admit what the hon. Member is saying, that we

have not been able to process this payment for the last 11 years due to a problem involving the continued payment of his salary to unknown persons. We did engage the CID to find out who these illegal beneficiaries of the late Assistant Chief were, and that is what caused the delay in payment. However, last month, the Treasury did approve, vide a letter, C184329/1, the settlement of this matter and the dependants of the Assistant Chief will be paid. I will make sure that this is done without any undue delay.

Mr. Kitonga: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to be deliberately vague? The Assistant Minister is being asked how long it will take for the beneficiaries of the late Assistant Chief to be paid. Is it within one month, or two weeks? Could the Assistant Minister be precise in his answer?

Mr. Samoei: Mr. Speaker, Sir, I am not in a position to be precise. However, I can assure this House that within a period of three months, that money will be paid.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Next Question.

Mr. Musila: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have written many letters and, it has taken me two years to pursue this case. How can it take three months? I would like the Chair to compel the Assistant Minister to give us a specific time frame within which he is going to pay the dependants of the late Assistant Chief. We cannot take three months. He should do it within two weeks from today!

Mr. Samoei: Mr. Temporary Deputy Speaker, Sir, since I do not want to mislead this House, I will stick to the answer I have given because it is within that time that I will be able to make payments.

The Temporary Deputy Speaker (Mr. Poghisio): Very well. Next Question, hon. Mwakiringo!

Mr. Mwakiringo: Mr. Temporary Deputy Speaker, Sir, I have received a written answer but not through the office of the Clerk of the National Assembly.

The Temporary Deputy Speaker (Mr. Poghisio): Order! What did you say?

Mr. Mwakiringo: The Minister has been kind enough to give me a written answer, but not through the Clerk of the National Assembly.

Question No.342

MINING ACTIVITIES IN TSAVO NATIONAL PARK

Mr. Mwakiringo asked the Minister of State, Office of the President:-

- (a) how many companies are licensed to prospect and mine in Tsavo National Park; and,
- (b) why he has allowed some companies to peg the National Park for prospecting and mining purposes, contrary to the Government's efforts towards the promotion of the tourism industry.

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

(a) There are eight companies licensed to prospect and mine in Tsavo West National Park.

(b) The licences were granted as a result of consultations between the Minister of State, Office of the President, and the Minister responsible for mines. This, indeed, is a requirement under the law.

Mr. Mwakiringo: Thank you, Mr. Temporary Deputy Speaker, Sir. Only six companies were allowed to prospect in Tsavo West National Park, and the Gazette Notice was signed by the late President Kenyatta. When was this decree lifted to allow the registration of the other two companies to prospect in Tsavo West National Park?

The Temporary Deputy Speaker (Mr. Poghisio): Order! I think I will just take a moment to explain what I think is becoming a worrying trend from Ministers, especially when they are not supplying written answers. This is already the second Question and written answers have not been given. If the Minister is kind enough to give Mr. Mwakiringo a written reply--- The Standing Orders are very clear on how to pass a written answer to the Questioner.

Standing Order No.36, Paragraph (6) reads as follows:

"Upon receiving a Question for oral reply, the Minister, shall within the period specified in paragraph (5), submit to the Clerk fifteen copies of the reply."

That is required so that the HANSARD, the Press and everybody else who requires the answer gets it. I think this has to be said, if not for today, at least for the future; that, Questions are a very important part of our parliamentary business and they must be adhered to.

Proceed!

Mr. Sunkuli: Mr. Temporary Deputy Speaker, Sir, just to clarify for my part, I have to ensure that the Delivery Book from my office is signed because there has been lack of communication. In this particular case, actually, the answer was delivered and I took extra trouble to give it to the hon. Member.

Mr. Temporary Deputy Speaker, Sir, I do not know what the hon. Member means by a "decree", but, of course, the law gives the Minister authority to license miners. However, I want to restate that, as far as my Ministry is concerned, these licences will not be issued without very strict considerations. In fact, the miners already licensed are not licensed to mine within Tsavo National Park. There is an exclusive area where most of them have been granted periods of up to 20 years, whereby they can mine and after that, they are required to restore the land back to its natural beauty.

The correct answer that I have given is that, as I speak now, there are actually eight companies licensed.

Mr. Wamae: Mr. Temporary Deputy Speaker, Sir. Would the hon. Minister give us the names of those companies which are licensed to mine in that area?

Mr. Sunkuli: Yes, Mr. Temporary Deputy Speaker, Sir, the companies are Aqua Mines Ltd; Rockland

Kenya Ltd; John Kihara Gitonga; Equator Gemstone Ltd; Hardrock Mining Ltd; Kenya Ruby Mining and Diamond Prospects Ltd; Nagelite Mining Ltd; and Kilifi Mining Quarries of Kenya.

Mr. Mwakiringo: Mr. Temporary Deputy Speaker, Sir, as I said, only six companies were signed for. Can the Minister assure this House that two companies, Nagelite Mining Ltd and Kilifi Mining Quarries of Kenya, were licensed because they belong to Messrs. Kamlesh Pattni and Gideon Moi, and that they are not there to prospect, but to sell to foreigners when we have got competent Kenyans who can do that?

Mr. Sunkuli: Mr. Temporary Deputy Speaker, Sir, Messrs Kamlesh Pattni and Gideon Moi are citizens of this country, and they do not own these eight companies.

The Temporary Deputy Speaker (Mr. Poghisio): Very well. Next Question, Dr. Ali.

Dr. Ali: Mr. Temporary Deputy Speaker, Sir, I have not yet been supplied with a written reply. However, I will ask Question No.539.

Question No.539

PROVISION OF WATER/ELECTRICITY
TO BUTE POLICE STATION

Dr. Ali asked the Minister of State, Office of the President:-

- (a) if he could inform the House how the money allocated for the provision of water and electricity to Bute Police Station was utilised; and,
- (b) when the station will be provided with water and electricity.

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Temporary Deputy Speaker, Sir, once again, I think I will look critically into this issue of answers. However, I beg to reply.

(a) A total of Kshs6 million was allocated this financial year to Bute Police Station for the provision of water and electricity. The money was paid to the contractor, who is doing the water and electricity works.

(b) At present, the police station has two boreholes which are in use. Although these boreholes supply water, they are inadequate for purposes of the police station. However, there is an outstanding bill of Kshs7 million due to be paid to the contractor in the next financial year, to complete the water and electricity works.

Dr. Ali: Thank you, Mr. Temporary Deputy Speaker, Sir. I do not know whether the Assistant Minister was just given a written response to read to the House or he is sure of what he is saying, because there is no contractor in that place now. There has been no contractor there for the last five years, and there is no borehole. There was one generator which was taken there, but it was vandalised before it was even taken to the station. Is the Assistant Minister really serious by giving this answer? I do not know why he is giving Kshs6 million to a contractor who was never there, and why they are going to pay him another Kshs7 million. When are you seriously going to provide water and electricity to Bute Police Station? What is the name of the contractor?

Mr. Samoei: Mr. Temporary Deputy Speaker, Sir, while I cannot give the name of the contractor straightaway, I admit that this project has been going on for a long while now. This year, we paid Kshs6 million to a contractor who had been on site and had done some of the work. We have failed to convince the contractor to continue with the work because we have a huge bill pending for us to pay him. That is why I said that we will be able to complete this project when the balance of the money due to the contractor is paid to him in the next financial year.

Mr. Kitonga: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to say that they have paid Kshs6 million to a contractor they do not know, and that they are also going to pay another Kshs7 million to an unknown person? Stop being notorious!

(Laughter)

The Temporary Deputy Speaker (Mr. Poghisio): What did you say?

Mr. Samoei: Mr. Temporary Deputy Speaker, Sir, I believe we are hon. Members of this House, and I think it is in the interest of the Chair to ensure that we do keep to decorum and protocol in reference to other Members. However, I leave that to the conscience of the hon. Member who has used those words.

The Temporary Deputy Speaker (Mr. Poghisio): You do not have to answer that, Mr. Samoei.

Mr. Samoei: Mr. Temporary Deputy Speaker, Sir, I have said that I do not have the name of the contractor here. I did not say that we do not know the contractor. I think those are two different things.

The Temporary Deputy Speaker (Mr. Poghisio): Very well. Next Question, Mr. Kamande.

Dr. Ali: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think you are not being fair to me if you are calling for the next Question.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Dr. Ali! Next Question, Mr. Kamande.

Question No.328

PAYMENT OF FEES FOR DISTRICT/
ZONAL EVALUATION TESTS

Mr. Kamande asked the Minister for Education, Science and Technology:-

- (a) if he is aware that all students from Maragwa District pay for district and zonal evaluation tests;
- (b) how much was collected in 1998 and 1999, and how it has been used; and,
- (c) why the printing tender for the evaluation tests was not considered and approved by the District Tender Board.

(Dr. Ali stood up in his place)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Hon. Members, I think it is about time we took the business of the House

seriously. It has come very frequently from you, and you cannot censure the Chair from where you are sitting.

Proceed, Mr. Assistant Minister.

Dr. Ali: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Overruled.

The Assistant Minister for Education, Science and Technology (Dr. Wamukoya): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I was made aware by the District Education Officer when I got information that each pupil from Standard 4 to Standard 8 in primary schools in Maragwa District pays Kshs30 for each evaluation test---

(Dr. Ali continued standing as Members applauded him)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Dr. Ali, you cannot achieve anything by raising issues related to your Question when we have moved on to the next Question. There is no way I can revert back to you.

Proceed, Mr. Assistant Minister.

Dr. Ali: On a point of order, Mr. Temporary Deputy Speaker, Sir. You are being unfair to me.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Dr. Ali! I am going to ask you to get out. Can you get out now?

Dr. Ali: I am going to get out because you are being unfair to me.

The Assistant Minister for Education, Science and Technology (Dr. Wamukoya): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(Dr. Ali withdrew from the Chamber)

(Applause)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! If there is an intention to disrupt the Sitting for some reasons, I will not allow that to happen. Let us go over all the Questions. The Assistant Minister is replying to a Question which has been asked, and that Member has a right to be heard. His Question has a right to be answered.

Proceed, Mr. Assistant Minister. So, what is all the foot thumping for?

Dr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is only fair that when Questions are asked, they are properly and satisfactorily answered. On what basis have we thrown out the other Member from this House?

The Temporary Deputy Speaker (Mr. Poghisio): Order! I have sent him out for disobeying the Chair. He was standing when the Chair was standing and he kept on standing up, contrary to the provisions of the Standing Orders. What kind of order are we intending to keep in this House when I was on my feet and he was constantly on his feet? What kind of House are we running? The Assistant Minister is answering the Question, and I think it is

becoming very clear to me that there must be some intention to just disrupt the Sitting. Other than that, why do you not let the Assistant Minister answer the Question because Dr. Ali has a way of coming back to ask his Question? He has ways of finding that answer if he wants to.

Hon. Members, at 3.30 p.m. we have to go to the Committee of Supply. If we do not finish with these Questions, we will just leave them and go to the Committee of Supply.

Continue, Mr. Assistant Minister.

The Assistant Minister for Education, Science and Technology (Dr. Wamukoya): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I was made aware by the District Education Officer (DEO), when I sought information, that each pupil from Standard 4 to Standard 8 in the primary schools in Maragwa District pays Kshs30 for each evaluation test. However, the Ministry has authorised for the levying of such money to only Standard 8 examination class and for only mock examinations.

The Ministry has also mandated individual District Education Boards (DEBs) to promote development of education and set standards in their own district. It is, therefore, not in order for the Ministry to issue a blanket directive on the methods individual DEBs should use to raise the standard of education, since there are regional differences.

(b) In the year 1998, Kshs 4,005,030 was collected, and in the year 1999, Kshs3,628,350 had been collected by July.

When the DEBs approve their budgets, they obviously include the components of the expenses by those involved. The Kshs30 collected per pupil is utilized as follows:-

(i) The printer is paid for Kshs25 for printing a set of seven evaluation test papers and distributing the same to zonal education offices, from where schools receive them.

(ii) The balance of Kshs5 is used for reimbursement of transport expenses and subsistence for selected teachers and education officers who set the test papers.

(c) It is the DEB which deliberated upon and awarded the tender to Downway Equator Printers and Stationers, after due consideration in a meeting held on 11th March, 1998. This printer was found reliable, having been engaged to print since 1990, when the tender was first awarded.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, careful reading of the answer---

Mr. Murathe: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it not in order for hon. P.K. Mwangi to first ask a supplementary question? What is happening today?

Mr. Temporary Deputy Speaker (Mr. Poghiso): Yes, indeed. Yes, Mr. Mwangi!

Mr. P.K. Mwangi: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has answered the Question. However, during this year, the amount of this levy declined. This was because parents in Maragwa District have been so much oppressed by this levy that they are no longer taking their children to school. Since this money is collected from the public, could the Assistant Minister confirm or deny whether parents have the right to know about the tender?

Dr. Wamukoya: Mr. Temporary Deputy Speaker, Sir, are you asking whether the parents should know the tenderer? If that is so, then I think the parents have a right to know the tenderer. There is no problem with that.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, I was saying that on careful reading of part "a" of the Question, it means that all pupils in Maragwa District and, indeed, all pupils in the rest of the country, pay for evaluation tests. I believe "all pupils" means from Standard 1 to Standard 8. Now, what evaluation test does a pupil in Standard 1, 2 or 3 undergo? What are you evaluating such a pupil on, because he or she cannot read and write?

Dr. Wamukoya: Mr. Temporary Deputy Speaker, Sir, I talked of Standard 4, not lower classes. Secondly, I would like to emphasise that, the Ministry only recognises levy for mock examination for Standard 8 and Form IV. Regarding levies for other classes, the Ministry has set up the DEBs to control and regulate education standards in their respective districts. There is no way the Ministry can give a blanket directive on this issue to the whole country. That is why hon. Members and councillors, who are leaders of the people, are members of those boards. I can assure you that hon. Mwangi can impress upon the DEB, the community and the parents in the district not to collect that levy. Let him inform us of their decision, and we will take the necessary action.

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House by trying to hide behind the fact that hon. Members are members of the boards? The legal position is that hon. Members are *ex-officio* members of the boards and they do not take part in the decision making of the boards.

Dr. Wamukoya: Mr. Temporary Deputy Speaker, Sir, even if hon. Members are *ex-officio* members, they can use all available methods to impress upon the boards that they do not want the levies to be collected in their

districts. If we get that information, we will implement it. We do not want to pass a blanket directive, which will affect the other districts where parents are willing to pay this money for the sake of raising the standards of education in their districts.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is telling us that we can have various standards of education in this country, depending on how much we can afford. What is the policy of the Government on offering quality education in this country?

Dr. Wamukoya: Mr. Temporary Deputy Speaker, Sir, I think it is obvious from the different methods of approach in raising the standard of education in different parts of the country. That is why some areas of the country do much better than others. We cannot have a uniform standard of education. People should be left to choose what methods they should apply, in order to have better education standards in their districts. It is not only the question of collecting money; you can use other methods to raise standards of education.

The Temporary Deputy Speaker (Mr. Poghiso): Last question, Mr. Mwangi.

Mr. P.K. Mwangi: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell this House how Kshs4 million, which was collected in 1998, and Kshs3 million collected this year, has been used? That is all what we want to know.

Dr. Wamukoya: Mr. Temporary Deputy Speaker, Sir, in my written reply, I said that out of the Kshs30 each pupil pays, Kshs 25 is used to pay for printing a set of seven papers, and Kshs5 is used to---

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Wamukoya in order to evade the question asked by Mr. Kamande? Mr. Kamande asked how the Kshs4 million that was collected for Maragwa in 1998, and of the Kshs3.6 million raised in 1999, was used? He should not just tell us about the intended purpose for Kshs5 for printing and Kshs10 from each pupil.

Dr. Wamukoya: Mr. Temporary Deputy Speaker, Sir, it is the Kshs30 per pupil that adds up to the Kshs4 million and Kshs3.6 million. The breakdown I am giving the House is what constitutes the total of Kshs4 million and Kshs3.6 million. The Kshs5 is used for transport and subsistence for selected teachers and education officers.

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. When will a Minister who does not give an adequate response to a Question raised in the House be sent out?

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Angwenyi, that is not a point of order. Next Question!

Question No.509

CLOSURE OF CDA OFFICES IN GARISSA

Mr. Shidiye on behalf of **Mr. Weyrah**, asked the Minister for Rural Development:-

- (a) if he could inform the House what development projects have been initiated and completed in Garissa District by the Coast Development Authority over the last three years; and,
- (b) why the Authority closed down its offices in Ijara and Garissa.

The Assistant Minister for Rural Development (Mr. J. D. Lotodo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Coast Development Authority has initiated and completed the following projects in Garissa District in the last three years:-

(i) Rehabilitation and equipment of Bodai Dispensary and construction of one staff house for use by health personnel.

(ii) Schools Improvement Programme, where the Authority purchased textbooks and desks for Ijara and Sangailu Primary Schools. Desks and building materials were also purchased for Ashure and Dadaab Secondary Schools.

(iii) Tsetse fly Control Programme, where tsetse traps were purchased and given to the community to assist in trapping flies which were transmitting trypanosomiasis.

(iv) Distribution of sesame oil seeds to farmers in Southern Garissa. Fifty kilogrammes were distributed through the then Ministry of Agriculture.

(v) Organization of workshops on conservation of natural resources, mostly between the Garissa County Council and Kenya Wildlife Service, particularly on the translocation of the Hirola antelope.

(vi) Studies on farming as an alternative means of earning a living in Southern Garissa. The project is on-going and will be implemented in Bura-Masalani in the next six months.

(b) The Authority temporarily closed its offices in Ijara and Garissa due to budgetary constraints in June

1998. However, the office in Garissa was reopened in April, 1999, to serve Southern Garissa which falls under the Authority---

(Loud Consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, hon. Members! We would like to give an opportunity to everyone to hear what the Assistant Minister is saying. Could those who are consulting do so in very low tones or withdraw from the Chamber, so that we can follow what the Assistant Minister is saying?

The Assistant Minister for Rural Development (Mr. J.D. Lotodo): Thank you, Mr. Temporary Deputy Speaker, Sir.

(b) The Authority temporarily closed its offices in Ijara and Garissa due to budgetary constraints in June, 1998. However, the office in Garissa was reopened in April, 1999, to serve Southern Garissa, which falls under the Authority's mandate. It is expected that the Ijara office will be opened when funds are available.

Mr. Shidiye: Mr. Temporary Deputy Speaker, Sir, what the Assistant Minister is saying is news to me. I come from Garissa District, and I know the Assistant Minister is telling the House unfounded allegations.

He is talking about equipping schools, whereas Dadaab Secondary School, which is in my constituency, has not received the textbooks he is talking about. The Coast Development Authority has only a very big billboard in Garissa and nothing else. Could the Assistant Minister tell us how much money the CDA has used in Garissa and Ijara districts? He has also told us that the CDA has opened offices in Garissa, whereas the offices are closed. Unless he wants to reopen them now.

Mr. J.D. Lotodo: Mr. Temporary Deputy Speaker, Sir, I think what the hon. Member is saying is not true. The breakdown of what has been used so far by the Coast Development Authority is as follows:-

	Kshs
Bodai Dispensary -	144,230
Schools Improvement Programme-	150,000
Tsetse Control Programme -	72,200
Promotional Bixa -	30,000
Seed Promotion -	11,000
Conservation -	30,000

The Authority also carried out a study to develop farming as an alternative means of earning a living in Southern Garissa. The Authority has initiated Bura-Masalani Irrigation Scheme, and has so far spent Kshs60,000 in the feasibility study.

Mr. Shill: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell us how much money this Authority has set aside for Garissa District this year?

Mr. J. D. Lotodo: Mr. Temporary Deputy Speaker, Sir, as I had earlier said, the Ministry is going to work out modalities on how to reopen offices in Garissa. A budgetary provision has been set aside.

Mr. Shill: On a point of order, Mr. Temporary Deputy Speaker, Sir. That is not the question I asked. I am not interested in the reopening of the office. I would like to know how much money the Coast Development Authority has set aside for Garissa District.

Mr. J. D. Lotodo: Mr. Temporary Deputy Speaker, Sir, I would like to assure the hon. Member that about Kshs1 million has been set aside for Garissa District.

Mr. Shidiye: Mr. Temporary Deputy Speaker, Sir, I am not satisfied with the answer given by the Assistant Minister. In view of the fact that Coast Development Authority has failed to deliver, could the Government consider dissolving it altogether? There are engineers and professors in the Authority who are doing no work and yet the Government is spending a lot of money to maintain the Authority. Could the Assistant Minister consider dissolving the Authority and taking back those scientists to the Ministry?

Mr. J. D. Lotodo: Mr. Temporary Deputy Speaker, Sir, I think it would be unwise to dissolve the Authority. The Authority has to operate with the little funds it has for the benefit of wananchi. The intention of starting the Authority was to assist local farmers in Garissa District and the entire Coast Province.

SHORTAGE OF BEDS/LINEN IN MIGORI HOSPITAL

Mr. Achola asked the Minister for Medical Services:-

- (a) why patients at Migori District Hospital are sharing beds, linen and others sleeping on the floor; and,
 (b) what he is doing to ensure that the hospital is supplied with adequate beds, linen and drugs.

The Assistant Minister for Medical Services (Mr. Mukangu): Mr. Temporary Deputy Speaker, Sir, this being my first Ministerial answer to give in this House, I expect cool reception from the House. However, I am not asking for leniency.

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

(a) Patients at Migori District Hospital share beds, while others sleep on the floor due to the fact that the hospital handles more patients than it was originally meant to.

Hon. Members: Who are you?

The Temporary Deputy Speaker (Mr. Poghismo): Order, hon. Members!

Hon. Members: Who is he?

The Temporary Deputy Speaker (Mr. Poghismo): Could you, please, tell hon. Members your name and where you have been?

The Assistant Minister for Medical Services (Mr. Mukangu): Mr. Temporary Deputy Speaker, Sir, I have been here for the last four months. My name is hon. Stephen Mukangu. I would like to categorically state that it is very important for hon. Members to maintain the dignity of this House.

(Loud Consultations)

The Temporary Deputy Speaker (Mr. Poghismo): Order! I do not know what the excitement is all about! Hon. Members, he is a new Member. He is also a new Assistant Minister! Give him a chance to answer the Question!

The Assistant Minister for Health (Mr. Mukangu): Mr. Temporary Deputy Speaker, Sir, I beg to answer.

(a) Patients at Migori District Hospital share beds, while others sleep on the floor due to the fact that the hospital handles more patients than it was originally built for.

(b) The Migori District Hospital wards cannot accommodate any more beds. The community is, therefore, planning to hold a Harambee for the expansion of the hospital. Once this is done, adequate beds and linen will be provided. In the meantime, the hospital continues to receive enough drugs through the out-patient and in-patient kits.

Mr. Achola: Mr. Temporary Deputy Speaker, Sir, I do not know whether you have heard what he has - I do not know which Ministry he comes from - said in his answer to my Question. This Government is very shameless! How can it come here and tell us that it is aware patients share beds and others sleep on the floor? We know that the Ministry of Health is a den of corruption in this country! Just the other day, we were told that it spent Kshs95 million without being supplied with drugs! But that notwithstanding---

The Temporary Deputy Speaker (Mr. Poghismo): Order! Mr. Achola! You have been here long enough to know that this is Question time. Just ask your question and he will reply.

Mr. Achola: Mr. Temporary Deputy Speaker, Sir, as you realise, this is a new person! I have to give him the background of what happened!

The Temporary Deputy Speaker (Mr. Poghismo): Ask your question!

Mr. Achola: Mr. Temporary Deputy Speaker, Sir, with regard to part (a) of the Question, I would like to ask him the following supplementary question. When did the Ministry carry out its last needs assessment exercise for this hospital? If it did, what were the findings, and what has been done?

Mr. Mukangu: Mr. Temporary Deputy Speaker, Sir, the information we got from the ground is that, the hospital was a health centre. It was upgraded to a hospital with the same physical facilities.

Dr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Nyanza Province is probably the only province without Nyayo Wards. Is the Assistant Minister in order---

An hon. Member: On a point of order---

The Temporary Deputy Speaker (Mr. Poghismo): Order! What is the problem!

(Mr. Ochilo-Ayacko stood up in his place)

Order, Mr. Ochilo-Ayacko! Just for your information, Mr. Speaker is on his feet! So, there is no way you can stand on a point of order! Everything should be in order! Mr. Ochilo-Ayacko, until I sit down--- I would like to

give a chance to the new Assistant Minister to answer the supplementary questions. Please, give him a chance too!

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell us if the Government expects the people to build the wards, why we should pay taxes to the Government?

Mr. Mukangu: Mr. Temporary Deputy Speaker, Sir, this is a gesture! It is important for the communities around to feel that they are part of the Government! It is pointless for the hon. Member to say that the people should not be involved. If you go deeper, you will realise that what you call the Government is actually made up of communities!

Mr. Achola: Mr. Temporary Deputy Speaker, Sir, as you realised, the Assistant Minister was in the process of answering my Question when he--- He did not answer the supplementary question that I put to him! I had asked the Minister - or is he an Assistant Minister - when was the last time the Ministry carried out a needs assessment exercise for this hospital, and, if so, what were the findings? What has the Government done about the findings? That was the question! If he does not know what a needs assessment exercise is, he should, ask and we shall give him the answer! Or he is not aware?

Mr. Mukangu: Mr. Temporary Deputy Speaker, Sir, according to me, that is supposed to be another Question altogether!

An hon. Member: On a point of order---

The Temporary Deputy Speaker (Mr. Poghiso): Order! Hon. Members, you also have to look at the time! At 3.30 p.m., we must start the Committee of Supply. Mr. Achola, you can get together with the Assistant Minister and sort out the problem.

Question No.340

TARMACKING OF THE MUTUNDURI-
MANYATTA-KIANJOKOMA ROAD

Mr. Ndwiga: Mr. Temporary Deputy Speaker, Sir, in view of the time, I feel that justice will not be done to my Question. We have only got two minutes and I would like my Question to be answered properly. Therefore, may I ask that this Question be deferred?

The Temporary Deputy Speaker (Mr. Poghiso): In view of the time, let us move on to Questions by Private Notice.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

SEVERE DROUGHT IN SAMBURU DISTRICT

(Mr. Leshore) to ask the Minister of State, Office of the President:-

- (a) Is the Minister aware that due to severe drought and famine, Samburu District is a recipient of famine relief maize?
- (b) Is he satisfied that maize alone without any other subsidiary foodstuff, is going to improve the health of the starving children?

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Leshore's Question by Private Notice is deferred to a later date, upon the agreement with the Minister.

(Question deferred)

REGISTRATION OF 1999 KCSE CANDIDATES

(Mr. Anyona) to ask the Minister for Education Science and Technology:-

- (a) How many students in the country have not been registered for the 1999 Kenya Certificate of Secondary Education (KCSE)?
- (b) Why were these students, including Daniel Machoka of Mumboha Secondary School in Vihiga District, not registered?
- (c) Could the Minister ensure that these students are not barred from sitting the examination?

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, since there was no time for the other Question, it means that there is no time for my Question! So, I would ask that the Question be deferred!

(Question deferred)

EVICTON OF QUARRY LIMITED SHAREHOLDERS

(Mr. Raila) to ask the Minister for Lands and Settlement:-

(a) Is the Minister aware that over 2,000 members/shareholders of Quarry Limited, proprietors of Njiru Quarry Land (LR Nos 8469, 8479, 8480, 8481 and 11344) in Kasarani, Nairobi, are in the process of being evicted from their land by the Directors of Mukinye Enterprises, who have been illegally allocated the said land?

(b) Could he take immediate action to reconstitute ownership to Quarry Limited in order to avert imminent suffering and disaster?

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, the same will apply to my Question! It is a very important Question! May I ask the Minister to go and do proper research in the meantime, before he comes with an answer?

(Question deferred)

MINISTERIAL STATEMENT

DEMOLITION OF KIOSKS ON JOGOO-OUTERING ROAD JUNCTION

The Assistant Minister for Local Government (Mr. Affey): Mr. Temporary Deputy Speaker, Sir, I wish to seek leave of the House, under Standing Order No.20(a), to respond to an issue raised by hon. Mwenje about the demolition of kiosks situated on the junction of Outering and Jogoo Roads by the City Council on 13th October, 1999.

After consultation with the City Council authorities, I have established that the City Council demolished kiosks situated on the Outering-Jogoo Roads junction. The kiosks were put up on a road reserve which is now urgently required for the expansion of the Jogoo Road dual carriageway. The location where the kiosks were sited is now required for a roundabout connecting Donholm-Jogoo-Outering roads. The demolition was, therefore, intended to pave the way for the construction of the said roundabout. Any delay in clearing the area will affect the contractor's programme of work, with the consequent claims from the contractor for liquidated damages arising from idle equipment and labour. The issue of settling kiosk owners does not arise since the kiosks were located on a road reserve. The owners have always known that if and when the land will be required for the expansion of the road, they will be required to leave.

POINT OF ORDER

DISAPPEARANCE OF MOI UNIVERSITY STUDENT LEADER

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir, I wish to request for a Ministerial Statement concerning the disappearance of Mr. John Matata, a university student leader in Moi University, and the increasing regularity of riot police driving university students, during disturbances, towards people armed with bows and arrows immediately outside the gates of that university.

The Temporary Deputy Speaker (Mr. Poghio): Order, hon. Members! We are really hard-pressed for time. However, the Assistant Minister for Local Government has made the statement which had been requested for by hon. Mwenje, who is not here now to seek for any clarification. However, he is at liberty to seek that clarification any other time.

Let us now move to the next Order.

COMMITTEE OF SUPPLY

(Order for the Committee read)

being 16th Allotted Day)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Vote 36 - Ministry of Lands and Settlement

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

(Laughter)

Mr. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir. Maybe, to assist the Minister, we do not say, "I beg to move that you now leave the Chair" but "That Mr. Speaker do now leave the Chair". We do not order Mr. Speaker around here!

Mr. Ndilinge: On a point of order, Mr. Temporary Deputy Speaker, Sir. When hon. Members are threatened, they are not in a position to participate effectively in the deliberations of the House. I want to seek a Ministerial Statement from the Minister of State, Office of the President, in charge of Provincial Administration. He should explain why Provincial Administrators are misusing their offices---

The Temporary Deputy Speaker (Mr. Poghio): Order, Mr. Ndilinge! Do you know that we have moved to the next Order? The time for that has already passed. Let the Minister move the Vote of his Ministry.

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, I do thank my colleague, whose constituency neighbours mine, for that correction.

Mr. Temporary Deputy Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair. May I take this opportunity to thank you, and the hon. Members of this House, for giving me this chance to move the Vote of the Ministry of Lands and Settlement for the funds that are required for both Recurrent and Development Expenditures for the 1999/2000 financial year.

The Ministry of Lands and Settlement is one of the oldest Ministries in the Government of Kenya. Most of the functions were established prior to Independence, as can be attested to by the various legislations that have been, and are still, in place. As you are all aware, land is probably one of the most important components of development as it is not only the basis of all natural resources, but also serves as a platform around which practically all human activities revolve. It is also true that land is one of the issues that cause great emotional feelings. Many wars over the years have been fought over land issues, such as boundary issues. Indeed, it would be recalled that the struggle for Independence, in our Kenyan case, was triggered by among other factors, the need to reclaim the lost land from the colonialists. Currently, over 90 per cent of our people earn their livelihood directly or indirectly from land-related activities.

Mr. Temporary Deputy Speaker, Sir, arising from the above, it is prudent that proper administration of this vital resource must be put in place in order to ensure planned development and continued stability of our political set-up, since any problem in land matters will spill over and affect the operations of other sectors, and the economy as a whole. The Ministry, in the last few years, has attracted unfavourable comments. It is our intention to try and improve on our performance and, in turn, reduce criticisms. Presently, the Ministry is undergoing rationalization under the Civil Service Reform Programme in order to ensure efficient and effective management and custody of the land resource, and to provide selected technical and professional services. We are beginning to review the various laws and see how best we can consolidate them for better, clearer and easier implementation. We look forward to your support when we get to that stage.

Mr. Temporary Deputy Speaker, Sir, through its activities, the Ministry is a major revenue generator. Key activities during the year will involve modernisation of our operations through computerization of land records, training of personnel, review of procedures and registration in the land resource administration, and streamlining revenue collection procedures.

Mr. Temporary Deputy Speaker, Sir, this improvement will help the Ministry to increase its revenue and continue to make its rightful contribution to the Exchequer. Having said that, I would now like to, briefly, state the mandates and functions of the Ministry as outlined in Presidential Circular No.2 of 1999, which outlines the current organisation structure of the Government. They are land and settlement matters, administration of State and Trust land, land registration and valuation, mapping and land surveys, land adjudication, consolidation and registration of group ranches, and physical planning.

The mandates of the Ministry are accomplished through four technical departments under the co-ordination of the General Administration and Planning Department. The technical departments and their specific functions are as follows: The first one is the Department of Land Adjudication and Settlement, which has two divisions, namely, the Adjudication and Settlement Divisions. The Adjudication Division is responsible for adjudication and consolidation work and bringing to the register all trust lands in Kenya, so that owners can be issued with title deeds. The Settlement Division is responsible for settling landless Kenyans on available State land. It is also involved in the sub-division of company and co-operative farms, as and when need arises.

The second one is the Department of Survey, which is the Government's official agency responsible for surveying and mapping of all land. The Department is divided into three main technical branches, namely, cadastral, mapping and adjudication. The third one is the Department of Lands, which deals with all matters of land administration, registration and valuation, including alienation of Government and trust land, approval of building plans, sub-division of scheme plans, change of user, issuance of title deeds and valuation of properties. It is divided into three Divisions, namely, Land Administration, Land Registration, and Valuation.

The fourth one is the Department of Physical Planning, which is responsible for providing physical planning services at the national, regional, district and local levels. Although its largest service is to the Government Ministries and local authorities, it also offers limited services to the private sector with a view to ensuring that urban and rural land use development is carried out in an organised and well-planned manner. In order to carry out the above outlined responsibilities and services, I wish to seek the approval of this House for sums amounting to K£61,023,132, broken down as follows: Recurrent Expenditure, K£52,173,864, and Development Expenditure, K£8,849,268. I wish to note that this amount is not sufficient to undertake the many measures that we need to, especially in the computerisation area, which we need to strengthen, if we are to reduce the problems that the Ministry faces in its efforts to serve the Kenyan public.

Mr. Temporary Deputy Speaker, Sir, I would like to refer the House to Sub-Vote 360, General Administration and Planning. This requires K£7,210,766 under the Recurrent Expenditure, to meet the costs of personnel services and co-ordination of the various activities of the Ministry. Perhaps, I should mention here that several boards and tribunals currently in place will require funding to enable them fulfil their mandates. One of these is the Task Force on Land Laws, whose mandate is to review the existing land tenure laws and practices, with a view to recommending registration that will harmonise land laws with Kenya's development needs. Others include the Lands Acquisition Compensation Tribunal, the Valuers' Registration Board, the Estates Agents Registration Board, the Land Rent Arbitration Tribunal, among others.

Mr. Temporary Deputy Speaker, Sir, the funds under the Development Expenditure of Sub-Vote 360 amount to K£80,000. This amount will be utilised for contracted professional services, minor alterations and maintenance work of the Ardhi House Building, which houses the Ministry's Headquarters. Sub-Vote 362 covers the Department of Land Adjudication and Settlement. The Department requires K£17,619,446 to meet the cost of land adjudication in Kilifi, Kwale, Taita-Taveta, Mbeere, Kitui, Meru North, Makueni, Kericho, Kisumu, Siaya, Migori, Suba and Busia Districts.

These funds are to be used to pay sitting allowances for the Arbitration Board members and subsistence allowances for land adjudication officers who will be hearing objection cases as well as meeting transport expenses. The remainder of the amount will be used for the sub-division of company and co-operative farms in various provinces. The development expenditure under this Sub-Vote requires K£7,784,262, for the provision of the necessary infrastructure in the following settlement schemes: Shirika Conventional, Lake Kenyatta, Higma Rogoni, Witu, Kibwezi and Magarini.

Mr. Temporary Deputy Speaker, Sir, Sub-Vote 363 covers the Department of Survey. Under this Sub-Vote, the Department of Survey requires K£13,985,808 for its Recurrent Expenditure to cater for personnel costs and production of necessary, urgently required deed plans and registry index maps. These instruments are crucial in support of land registration and production of sematic maps; carrying out cadastral, mutation, land adjudication, geothetic and mapping surveys, leading to the preparation and issuance of title deeds. As in the case of the Department of Land Adjudication, some of these funds will be used for sub-division of company or co-operative farms and mapping of settlement schemes. Under this Sub-Vote, the Development Expenditure require K£560,006 to facilitate the continued construction of the Kenya Institute of Surveying and Mapping, which is located at Ruaraka Survey Field Headquarters. This project is funded by both the Government of Kenya and the Government of Japan.

The next Sub-Vote is 364, Department of Lands. This Department requires K£9,568,011 under this Sub-Vote, to meet the Recurrent costs. These funds are required in order to enhance efficiency in land administration and registration; revenue and Appropriations-in-Aid collection. This will facilitate the review of land laws, computerise land records and equip our district offices registries, for effective delivery of services to members of the public. Under the Development Expenditure, the Department requires K£425,000 for the construction of non-residential buildings and to sustain the District Land Use Planning Management Project which hitherto, had donor funding. This amount, in

addition, would be used for construction of our district land offices, in line with the District Focus for Rural Development Strategy as well as supporting the new districts countrywide.

The Department will embark on computerisation of manual activities in key revenue sections. This will greatly help members of the public who often do not get the records on a timely basis. Therefore, some of these funds will be used to purchase soft-ware, to help us in this activity, to meet operation and maintenance expenses and training of our officers on how to handle computers.

Mr. Temporary Deputy Speaker, Sir, the next one is Sub-Vote 367. That is the Department of Physical Planning, which requires K£3,789,833 to meet the Recurrent costs and enable it implement the Physical Planning Act, which was passed by this House in 1996. This Act adequately addresses the problems of industrial land and provides for early preparation and implementation of both regional and local physical development plans. This will ensure a co-ordinated and an orderly physical development and proper land use in the whole country. Part of the funds will also be utilised on the environmental monitoring units and the project for computerisation of District Land Use Planning and Management Project, which aims at managing effectively, the physical planning activities in the rural areas.

In conclusion, I would like to request that, I be provided with the funds required, in order to enable the Ministry continue offering the various services to the public, as outlined earlier on in my address. It is my belief that, hon. Members will have time to study the Printed Estimates, seek any clarification from me and pass this proposed expenditure. I look forward to listening to your contributions, as that is the only way we can improve the services we give to our people.

Mr. Temporary Deputy Speaker, Sir, I would like to thank you and the hon. Members for being patient and listening to me.

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

The Minister for Information, Transport and Communications (Mr. Mudavadi): Thank you, Mr. Temporary Deputy Speaker, Sir.

First and foremost, I would like to say that, I stand to second the Motion as moved by the hon. Minister for Lands and Settlement. I would like to make a few general comments, before I touch on one or two areas that I think might require some emphasise. First of all, I think it would be important for us to acknowledge that, regionally and, indeed, in a number of countries within Africa, the process of land consolidation, adjudication, and issuance of title deeds, has been reasonably covered by the Ministry of Lands and Settlement in this country since Independence. I am saying this because when it comes to actual adjudication, if one goes through the books of history, he will find that, among the very early cases of land adjudication took place in this country. This was a fairly well-programmed exercise, which enabled many Kenyans, previously, who never had title deeds for their parcels of land to acquire them. In certain areas, they became their "vehicles" for seeking finances for other activities. That, indeed, is a commendable effort.

Mr. Temporary Deputy Speaker, Sir, indeed, I am aware that the services of the Ministry of Lands and Settlement have been sought by a number of other African countries to help them set up their own programmes, especially those that were emerging from colonialism a little more recently than Kenya. So, in so far as the attainment of these goals is concerned, there was some commendable effort that was put in place.

However, Mr. Temporary Deputy Speaker, Sir, it is also important for us to acknowledge that today there are a number of problems related to the issue of land in this country. They are partly as a result of sheer population growth and partly due to the manner of land allocation in different parts of the country. So, the result is that we are now faced with a scenario, where in certain areas, there is a genuine concern over the question of the sanctity of the title deeds.

(Applause)

This is something that the Ministry of Lands and Settlement must put right at the forefront in order to address it urgently. The process of issuing the title deed, as the Minister said, starting from the adjudication stage and so forth, must be meticulous all through. Otherwise, if that process is not handled well in the initial stages, then, the title deed will never be recognised, or given the respect it deserves. So, these are the areas that we need to focus on. Regarding the question of land adjudication, indeed, the Minister has named about eight areas of this country which will undergo the adjudication process. They are parts of Coast Province, Eastern Province, Nyanza Province and Western Province. I would like to inform the Minister that these are the areas which he can use as case study to revisit and to very clearly ensure that the problems that we have had in the past do not recur. Let us face that fact. You cannot rule out the element of land in the problems that were in Kwale District not too long ago. So, we must be very careful in ensuring that this process is conducted fairly, firmly and in a transparent manner so that when the title deeds finally come out, there shall be proper sanctity of them. That is what I wanted to stress on.

The other area that I also want to touch on is the role of the Ministry of Lands and Settlement and its

relationship with the Ministry of Local Government. Everybody knows that so many sections of our country, especially the ones that are becoming urbanised, have nothing at all that they can really put on the table and show us as "a serious physical plan that is being followed, or adhered to, to the letter." We have problems, and they have to be addressed. I call upon the Minister to quickly look into this area so that there is serious implementation of the Physical Planning Act. Attention should be paid to the Physical Planning Department in the Ministry, which spearheads this function. Let us not allow the civic authorities to get away with "murder" in this regard. There must be a clear mechanism that should be quickly put in place to make sure that the laws of physical planning in this country are strictly adhered to. It is becoming painful to serious investors; people who put up what you would call a tourist class hotel somewhere and before he or she realises, the hotel has been surrounded by a horde of very strange characters. No tourist, or any other person prepared to spend some money, will go near that hotel anymore, and that investment will go to waste. We are seeing these things, and a lot of these issues need to be urgently addressed.

Regarding urban centres, and particularly vis-a-vis the question of the Sectoral Titles' Act, which is administered as well by the Ministry, it seems the local authorities tend to approve, or sometimes to sanction the development of highrise structures in the City of Nairobi and many other towns. Then, they start issuing title deeds at different levels and that is, of course, provided for within the context of the Sectoral Act. But surely, have they followed all the other parameters that relate to the physical planning regulations before they got into this exercise? This is because we are seeing all sorts of strange structures coming up and again people claiming to be issuing sectoral title deeds in some of these areas. The Physical Planning Department must again ply these areas especially vis-a-vis the local authorities, because we all know, frankly speaking, apart from a few key urban local authorities, maybe Nairobi, Mombasa, Kisumu and Nakuru, the rest do not have any serious physical planning departments. Now, that vacuum must be filled by somebody. This is the area where the Ministry of Lands and Settlement ought really to come forward and put its foot down and streamline the process. Let the Physical Planning Department not be irresponsible by simply identifying areas and then putting something on paper for allocation. We must make sure that the process is followed through right up to the development stage so that what is developed conforms to the requirements as stated in law. This is something that needs to be re-emphasised. Otherwise, we are going to reach a situation where we might start thinking the way Nigerians did. They were completely unable to deal with the problems of Lagos as a capital City and in the end they resulted in relocating the City to another place, because it had become completely impossible to manage Lagos as a city. So, if we are not careful, we will rapidly degenerate into that kind of scenario. The Ministry of Lands and Settlement cannot play a passive role in the quest for a better planned and defined land policy.

I also want to touch on one other key area. It is long since the Ministry came forward to this House and gave us an account of the Settlement Trustee Fund. It would be useful for the public to be told whether the Fund is dormant, or it is still in use; and if so, how it is being utilised. It would be a good up-date for Kenyans to know that, because the Fund was very useful in the early days when the Government was transferring public land in the White Highlands and other areas from the colonial farmers to various indigenous Kenyans in different parts of the country. The Fund played a useful role, but questions are still being asked whether it is now gone, or whether there is something that can be done to continue assisting those Kenyans who still today do not have any piece of land to acquire some loan so that they can move forward.

Mr. Temporary Deputy Speaker, Sir, in closing my remarks, let me say that the speed at which we move in land adjudication and issuance of title deeds in the areas that have not benefitted to-date will be very useful to this country. This is because why should hon. Michuki, hon. Karume and hon. Mudavadi have an opportunity to use their title deeds to seek collateral loans and yet hon. Shakombo, who is in charge of the Shirikisho Party of Kenya, cannot have a title deed?

(Mr. Shakombo nodded his head)

(Question proposed)

Mr. Ndwiga: Thank you, Mr. Temporary Deputy Speaker, Sir. First, I want to start by congratulating my tribesman for being appointed the Minister for Lands and Settlement. In so doing, I would also want to tell him that he is going to find Ardhi House to be a difficult place to work in. By the time he leaves there he will have grey hair like me. This is because Ardhi House is famous in this country, for being the centre of corruption. It is the only place where junior clerks drive Mercedes Benz and have mobile phones. It is also the only place where money changes hands along the corridors. This is the headquarters of corruption in this country. I wonder why the Head of the Public Service, Dr. Leakey, has not moved in there to stamp out corruption. I do not know why he is doing it less vigorously. I wish him good luck in that place.

The Minister in moving his Vote told the House that he has four Departments in the Ministry. The reason why

there has been this kind of inefficiency in this Ministry is due to the fact that there are four Departments which are autonomous. There has not been any meaningful management in all the Departments. It is as if they are different Ministries although they fall under the same Ministry. However, we will approve the money the Minister has asked for. I will support that he gets the money, but he should move with utmost speed to consolidate these Departments so that we have one Ministry.

The Secorder has emphasised mostly on physical planning. The biggest problem we have in this country today is that we have towns which look like slums. One wonders whether the physical planner is a professional, or a fellow who was picked from the streets and given the job of a physical planner. We have certain towns which are well planned, but most of our towns in this country are very badly planned. The reason for this is because all physical planning officers at provincial and district levels have been at their stations for too long. They are not supposed to do physical planning, but to identify suitable pieces of land for the land whales. In order to identify the best pieces of land, they are the ones who are best placed and that is why they never get transferred. I hope the Minister will take this very seriously. These fellows are little gods in their respective provinces and districts. They are the ones who know where vacant plots are and that is why they do not get transferred.

Mr. Temporary Deputy Speaker, Sir, physical planning has been taken over by the local authorities. It is the councillors who say: "We want to have a plot here, a kiosk there, a toilet here" or "Remove this toilet from where it is and let us have a hotel there". Why should we have professional physical planners, and is at most of our local authorities today are manned by councillors? We are planning to bring a Motion in this House on the quality of the local authorities that we have today. We want the Physical Planning Department to wake up and do its work.

Today, it is very difficult to get donations. If you went to the donors and asked for support for a school, the first thing they would want to see is a title deed of the school. This is because past experience has shown that even schools are not safe from the land whales. Land meant for schools is being hived off and grabbed during the day. So, if donors want to assist you to build a laboratory or an extra classroom, the first thing they want to see is a title deed. You will argue that the school has been there for so many years and that you even went to the same school 40 years ago, but they will insist on you producing the title deed. This is frustrating some of us terribly. This is why the Ministry is infamous all the world and even the donor community knows that the Ministry of Lands and Settlement in this country which cannot be trusted, even with a piece of paper.

Mr. Temporary Deputy Speaker, Sir, in the districts, even the Government houses are not safe. We have got physical planners on the ground, but they cannot even protect the Government houses. Can you imagine of a situation where a physical planner is posted to Garissa Town today and is told that there is no house for him to live in? Why are there people acting as if it is the end of the world? This is a major concern for this nation. I sympathise with my brother because he still has got black hair, but we will see what will happen to him in the next one year. The private developers are grabbing Government houses with impunity. All this is being sanctioned from elsewhere. If mistakes are being committed at the provincial and district levels, do we not have people at the Headquarters to correct the situation? Do we not have a Minister who can say: "No, this should not happen"? I believe that the Minister in charge of this Ministry is not corrupt. I happen to know him and I can vouch for him for now. We need to see a serious Government.

Any time when general elections are near, there is a rush to grab land and anything else that is available all over. In our last meeting of the Parliamentary Committee on Agriculture and Lands, the then Minister told us that the holding ground for livestock in Athi River was intact. Recently, we have been reading Press reports that the holding ground disappeared a long time ago. I do not want to say what we will do as a Committee, but the Minister had better be ready when he faces us next time. We want to ascertain that land in Athi River is intact. We also want to know if anything has happened to it. We will shake this House if we do not get the right answers.

Mr. Temporary Deputy Speaker, Sir, one of the reasons why the Minister is seeking money is because now we have so many new illegal districts. They are illegal districts because this House has not approved the creation of some of these districts. It makes me very sad that as a hon. Member of this House, who has sworn to protect the Constitution, I am here now giving the Minister money to spend money in a district which has not been created by this House. It is constitutionally wrong, and I feel very sad that this has to be done. That is why we want to review the Constitution as a matter of urgency. We want to look into the legal status of these districts, which have begun to guzzle money from the Exchequer, yet, they are not a creation of this same House. I do not know which Department deals with the title deeds, but one reason why a title deed is not respected at all in this country is because of double registration of parcels of land. Kenya is the only country in the world where several title deeds for one farm are issued to two or even more people. Chiefs are busy grabbing land from widows up-country. You have a title deed; one is in the bank and the other one is with another fellow. As you are sitting comfortably in your house, some fellows come and tell you that they want you to move out because they have bought your land. This is most weird. We hope that the Minister will seek to rectify some of these things. I wish to remind the Minister of an item that was discussed in a Committee of this House with the then Minister under Head 035, Item 182 is asking this House to give the Minister

money to pay rent for land adjudication offices. Why are we paying rent? Why is Parliament being asked to give the Minister money to pay rent?

I will give you an example. In a place called Embu, where I come from, there is a building which belongs to the Ministry, but the land adjudication office is not housed there. This is what I was talking about when I said that this Ministry is being run in a weird manner. The land adjudication office is situated outside that building yet, if you want to get the best mandazi in Embu Town, go to the lands office in Embu. If you want to buy bananas at reduced rates, go to the lands office in Embu where they have vacant offices. They make tea there. It is run like a hotel and yet it is a Government building! The department of lands is now occupying a building which belongs to the Embu County Council and they do not even pay rent, but they have their own building. This is happening all over the country. Some departments are renting offices yet the Ministry has its own building. They rent offices which belong to another department. So, the other department cannot be accommodated there. What kind of management is this?

You now want us to give you taxpayers money so that you can pay rent to the Embu County Council, and yet you have lot of office space at Embu lands office which you use to sell mandazi. I am supporting this Motion because I want the Minister to get money. In so doing, I hope that by the time I get to Embu on Monday, I will find that they have moved the land adjudication office from the County Council premises to the other place.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of what hon. Ndwiga is saying about this particular Ministry, could he be asked to declare his interest? Is he supporting this Motion because the Minister is his tribesman, as he said at the beginning? What is he supporting in this Motion?

Mr. Ndwiga: Mr. Temporary Deputy Speaker, Sir, the Minister is not my tribesman. The hon. Minister is from Mbeere while I am from Embu. I said that I want the Minister to have money so that he can effect the changes we are talking about here. We hope that the Minister is taking notes and that he is going to do what this House is saying. That is why we want to give him money. He will still come back to us next year and if these things are not done, he will know what will happen. I do not want to take a lot of time. I would like many Members to contribute to this Motion since there is a lot of interest in this Ministry. Before I conclude, I wish to also go back again to one point about allocation of plots and issuance of title deeds.

We have had a question in this House virtually every six months about plot allocation especially in Embu. It is time that this Government stopped rewarding party sycophants with public plots. This House is demanding that plots which have been allocated illegally without council minutes be revoked. If you go to the lands office you will find that all plots have a council minute. I will tell you a lot of things if you take time to listen. They append new names and resolutions of the council to old minutes which have been passed by the council. We leaders in Embu have already given the Minister a list of plots that we want revoked whether titles deeds have been issued or not.

Embu is the Provincial Headquarters where all the Kambas, Mbeeres and Tharakas who want to see their DC come. However, you will not believe me if I tell you that, at this time of famine the Mbeeres and the Kambas cannot come to Embu with a cow to sell. This is because the livestock market at Embu was hived-off a long time ago and given to individuals. Most of these individuals are employees of the Ministry at the Ministry Headquarters in Ardhi House. It is very painful that most of those plots meant for the livestock market in Embu were given to employees of the Ministry and not even to the Embu business people. That is why they can afford to drive Mercedes Benzs and cellular telephones. That is also why the physical planners there have not, and will not, be moved unless you put your foot down.

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

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

We need public utility facilities in Embu Stadium. We want to develop a stadium for our youth, to motivate them to play games. The stadium is also being grabbed, as I stand here now. It is being hived-off and sub-divided into small plots. I was told that I have been given one plot. I want to thank them very much, but I do not want it. Maybe the Minister has also been given one because these fellows work in mysterious ways. In conclusion, I wish to say that we want to see a new Ministry of Lands and Settlement. We have confidence in the team which is there. I do believe that under this Minister, things will happen. We hope we will have results. Otherwise, Mr. Minister, by the time you get here next year, we will roast you if things will not have changed.

With those few remarks, I beg to support.

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): Thank you, Mr. Temporary Deputy Speaker, Sir. Surely, I should thank hon. Ndwiga for bringing up all these issues in a very civilised and orderly

way unlike other times. This is unusual of him. I would also like to say a few things about this Ministry. As a man from an area called Maasailand, which everybody is eyeing, may I say the following: There are problems between the Ministry of Lands and Settlement and the local authorities. Sometimes, they do not know their borders, not out of ignorance, but simply they want to satisfy their own desires. I am saying this because you find that county councils sit and allocate either plots or pieces of land to certain people and when they come to the Ministry they are asked 1001 questions. May I take this opportunity to request the Ministry to ensure that whatever has been properly passed by the local authorities should be respected.

May I also request the Ministry to update the land policies. There are several clauses within the Land Act which need to be amended. They need to be brought to this House so that they can be amended to reflect a modern Kenya. Some were written during the colonial times, others were written on the eve of Independence. As of now, they are not actually practicable as far as the present Kenya is concerned. This is especially so when you come to the land adjudication and settlement laws. If I may talk specifically about the Group Representative Act, you will find that members, who were registered way back in 1966 are still regarded as members of a Group Ranch. Somebody who was about 10 to 15 years old at that time and now is nearly 40 years old, is still considered landless and yet he and his wives were born there. We should make some amendment to this law to accommodate the sons and daughters of members of group ranches who were born on these pieces of lands.

Mr. Temporary Deputy Speaker, Sir, there is also the question of land policy. For example, we have big livestock ranches. One will notice that Kenya has got various climatic conditions fitting specific farming practices. I cannot grow coffee in Kajiado because the kind of climate which is there does not allow me, but I can keep a number of livestock. Five acres will not be sufficient for me and my livestock. The Ministry should formulate a policy so that land units are made economical instead of trying to introduce some agricultural activities in areas where it is impossible. Very soon we will be importing meat simply because we are dividing the cattle ranches into small paddocks which cannot accommodate cattle anymore, and neither can we grow anything due to lack of rainfall.

Mr. Temporary Deputy Speaker, Sir, I see that the Ministry is requesting for some money for physical planning. I do not need to say much about the physical planning because hon. Ndwiiga has already dwelt on that, and it is not my wish to repeat what has been said earlier. It is true that in some districts you find land officers who have stayed there for a very long time. This situation does not only apply to land officers. We are only mentioning land officers because we are now discussing the Vote of the Ministry of Lands and Settlement. Most of the Government officers stay in one station for years and years, especially in areas where they have business interests. I think this is not proper.

Mr. Temporary Deputy Speaker, Sir, I have seen that the Ministry has asked for some money for survey and mapping. I do not know whether you have got an updated map of Kenya. If I now go to the offices of the Department of Surveys to get an updated map of Kenya, I doubt whether I will get one. There is a lot of laxity in updating maps, and other records in the country. It is my wish that the amount that has been requested for that specific purpose should be put to use. The funds for this purpose should be used properly.

Mr. Temporary Deputy Speaker, Sir, the Ministry is requesting for over K£425,000 for district land offices. If I may be very specific, the land registry in Kajiado is in chaos. I say so because the Ministry knows very well that we have got some group ranches in Kajiado that were given title deeds on a table like this one. This is a place where people are in possession of title deeds, but they do not know where their land is. This is because somebody somewhere has decided to just sit in the office, doing nothing. I am talking of groups like Lodaryakia and Mosiro.

An hon. Member: Where are these places located?

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): It is not fair for me to be asked such a question because these names were in pieces of the papers. People from the Ministry were given some land whose whereabouts they do not know, but they have got title deeds. Perhaps, they only need them for obtaining loans from the banks. The Minister should really look into that. All these irregularities should be addressed and corrected. I am not saying that the Minister, PS or the Commissioner of Lands is doing this illegal act, but it is their officers down there who are doing it. They should now be transparent and tackle this vice.

Mr. Temporary Deputy Speaker, Sir, in the Office of Settlement Fund Trustee (SFT), there used to be a lot of money for this exercise and a lot of people were settled using these funds. These are the people who were alive in the late sixties, early seventies and part of the eighties. However, after that, somehow these funds just disappeared.

With those few remarks, I beg to support.

Mr. Khamasi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Vote.

It is very difficult to have kind words for this Ministry. We have got to vote all this money as requested for by the Minister, and we want to wish him well since he is new in this Ministry. We hope he will turn this Ministry into something that Kenyans would like to talk about. I am saying this with a very heavy heart because land is a very, very

sensitive asset in this country. It causes a lot of emotions when we talk about it; majority of Kenyans depend on land and the way it is managed should be beyond reproach. With a bit of change of heart in our Government, hoping that they will live to what they say, we want to see a bit of change in the administration of this particular Ministry.

Mr. Temporary Deputy Speaker, Sir, the Minister has eloquently talked about the functions of this Ministry and he has been very ably supported by his Seconder who is the Deputy Leader of Government Business. Also the Shadow Minister for Lands and Settlement from the Opposition has effectively expounded exactly on what we would have liked to say. However, having said that, I would like to touch on a few things which I think require emphasis.

The process of land adjudication in this country is just too slow to the extent that, certain communities and individuals have been denied this important facility. A land title deed in this country means a lot to a Kenyan. Why has it taken this Government over 35 years to have this exercise completed? Certain communities in this country have been denied the opportunity to use their land title deeds as collateral securities to get loans from financial institutions. I think it is a matter that the Ministry needs to look into very, very seriously.

The exercise of physical planning in this country is carried out in the most haphazard manner, particularly in the so-called urban centres, municipal councils and in this City. The way development is coming up in this City and other areas is very dangerous. We have people to whom we have given a mandate to manage that exercise, but they are sitting here doing almost nothing to an extent that, we are now having buildings being put up very dangerously and are likely to cause a lot of danger. Indeed, some have already caused danger. All we know is that, a lot of underhand deals go on before authority is given for these building to be put up.

Mr. Temporary Deputy Speaker, Sir, land allocation is a very crucial matter. We do not know what criteria is used when Government land is being allocated. Early this year, a list was tabled in this House, giving the names of people who have been allocated Government land and houses. When we went through that list, it was like reading a book on, "who-is-who in Kenya". When we read it, it is the Ministers, well-to-do people and the well placed people in the society whose names appeared in that list. The saddest of all was that, even the First Lady was among the people who had four of those plots in the up market area. Is she deserving? Who are the most deserving people who need to get these allocations?

Mr. Temporary Deputy Speaker, Sir, when we come to title deeds, the Shadow Minister for Lands and Settlement has already told us how it is now common to have two people being registered as owners of one plot. This is done at the Land Registries in this country. What steps is this Ministry taking to make sure that they contain this situation? Will this situation go on unabated? We want to see action taken.

Today, the print media revealed that we have got about 600 acres belonging to National Social Security Fund (NSSF), the workers of this country's property--- This land was re-allocated; it has been given to other people who have got title deeds. What is this Ministry doing about that?

Mr. Temporary Deputy Speaker, Sir, recently we had land clashes where legitimate owners of land in various places in this country have been misplaced. This exercise of resettlement has taken several years. Some of them still live in market places and others in camps as refugees in their own country. These were instigated clashes and people who did that are well known to this Government as it has been shown by the Commission which was set up. These people have not been assisted by this Government to go back to their farms. The people who displaced owners of this land in these places are roaming the corridors of that particular Ministry. Today, I had an opportunity to go to Ardhi House for a personal problem and, indeed, what the Shadow Minister said was true; a junior clerk giving me a mobile phone to contact him on it! I do not have one; I am a Member of Parliament, but I cannot afford it. In fact, if the officials on the other side want me to give them that number, I can give it to them. What is happening is that, those corridors are infested with people, who are corrupt, and are extorting money from the citizens of this country through very dirty deals.

Mr. Temporary Deputy Speaker, Sir, we want to see a proper Ministry; a Ministry---

Mr. Gatabaki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Now that the hon. Member has mentioned the Akiwumi Commission, could the Government, as a matter of urgency, release the Akiwumi Commission Report so that Kenyans can know who those criminals are who almost messed up our nation are?

Mr. Khamasi: Mr. Temporary Deputy Speaker, Sir, I think that was for the Ministry to take action. As far I am concerned, this country is pleading, and I am also pleading with the new Minister--- I believe I have go a lot of faith in the new team that is running the Ministry. We have some who have proved themselves elsewhere. Now the Minister who is in charge there is still a new man in the Cabinet and we want to see that new blood working and cleaning that area. We are pleading with him and we want to see change. Until we see change, when the Committees start working and I happen to be on the Committee dealing with land matters, the Minister will have it very rough.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Gatabaki to ask the Chair to order for the tabling of the list when hon. Gatabaki himself has a copy of that list which he himself can table?

Mr. Khamasi: Mr. Temporary Deputy Speaker, Sir, hon. Gatabaki never asked me to table any list. He asked the Ministry to do it. So, it is the responsibility of the Ministry to do that. I hope the Ministry and the officials in the Ministry will come up with that list as soon as possible.

With those few remarks, I beg to support.

Mr. Muturi: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Vote of the Ministry of Lands and Settlement. I have carefully listened and gone through the various Vote heads; however, there are some few items which I feel that I need to give some input. The Minister has indicated that part of the funds that he requires will be expended on a land reform policy. I have in mind the existence of the Law Reform Commission. I wonder whether the Ministry, which to date is inundated with so many pieces of legislation not less than 30 all governing land matters, has had any consultation with the Law Reform Commission to request that Commission to assist it in updating or repealing some of the anachronistic and archaic laws like those that were enacted in 1901 and 1915, generally, during the colonial period.

Mr. Temporary Deputy Speaker, Sir, I also wish to comment on the issue of the Settlement Fund Trustee Schemes, under an item where the Ministry indicates that part of the funds that it requires will go towards payment of emoluments to expatriates. I am not opposed to this country receiving expatriates, but I wonder really whether after 35 years of Independence, we still need expatriates to manage matters within the SFT Schemes. The Ministry also is proposing to utilise some of the funds that they are requesting from this House for the maintenance and construction of roads in those settlement schemes. I am a little worried because, as a matter of general observation, we are just beginning to repair some of our major tattered or collapsed roads. Which roads are these in SFT Schemes that the Ministry hopes to maintain or construct as the case may be?

Mr. Temporary Deputy Speaker, Sir, it is generally accepted as conventional wisdom that experience is a good teacher. But from my knowledge, experience or any such general statement must have exceptions so that, if we have people who are experienced in doing wrong things; we should not retain them at the expense of the taxpayers. I am not able to ascertain the professional qualifications of the people known as land adjudication officers. But it is a well known fact that, they are found all over the Republic. These are the people who handle matters relating to alienation of public land outside the City of Nairobi. People over whom virtually everyone in this House has condemned on account of their misdeeds are still being retained in various parts of the country at the expense of taxpayers and some of them on the pretext that they are experienced. I would wish that the Minister does look into the issue of those officers so that taxpayers do not continue suffering.

Mr. Temporary Deputy Speaker, Sir, I wish to refer briefly to the area of land adjudication which has been tackled by some of my colleagues who have spoken before me. The experience over the years has been that the officers who are sent to any one given area to supervise or undertake the process of land adjudication end up owning most of the land that they go to adjudicate.

I would like to request the Ministry to introduce a policy to ensure that land adjudication officers who are sent to given areas be vetted and when the exercise is completed, the Ministry Headquarters investigates to ascertain that such land adjudication officers have not gone to the area purporting to have been solving problems or listening to cases of objections, which they themselves have created. Therefore, sitting in judgement over matters which they have interest in does not augur well for the beneficiaries of the land which they are supposed to adjudicate.

Mr. Temporary Deputy Speaker, Sir, it is not my wish to take much more time than it may be necessary, but I wish to commend the Ministry for having initiated or come up with the idea of establishing the Institute of Mapping and Surveying situated at Ruaraka. Indeed, it is a very worthwhile institution and that desire to take courses in survey is quite beneficial to the youth of this country.

With those few remarks, I beg to support.

Mr. Michuki: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion.

As the Minister said in his opening remarks, land is a very sensitive matter. It was the cause of the war of Independence in this country. It is land that is being used as an excuse in terms of the problems by those who have a political agenda to settle their political scores. They always use land for that purpose and we have seen this in the Rift Valley and Coast Province. It is religious and it arouses the strongest emotions in people and quite rightly so.

Mr. Temporary Deputy Speaker, Sir, the problems that we find in land administration in this country are not there due to lack of appropriate laws or provisions in the Constitution, because we have more than 20 Acts of Parliament which govern land issues. But it is the human greed for land that has brought problems. It is not that we do not know which land belongs to the Government, county councils or trust land. This is why this knowledge is exploited and circumvented by those who are greedy to grab land. Land has become a commodity to reward political sycophants in this country and that is Government buildings have been condemned, so that the land on which they stand, can be given to somebody as a reward. We have seen people misuse power.

One of the worrying aspects of land, is the infringement of the Constitution, which guarantees right to the ownership of property to every person in this Republic. But now, we have for example, certain areas, where false title deeds have been issued. I know cases where the whole of an urban area has been parcelled out into small plots, not exceeding 0.1 of an acre, and allocated to four people. So, those who do those things with false title deeds want to cause trouble. They want to cause death and see people fighting and cutting each other because of land. Supposing those four people met one morning and each of them wanted to fence his or her plot? I do not think anyone of them would go home alive; they will all die fighting over the piece of land. This confusion has been brought about by the office of the Commissioner of Lands in this country.

Mr. Minister, you have a big job to do. I am glad about what our new colleague, Mr. Muturi has said in this House that, when you keep the experience which is negative, although, it is said experience is the best teacher, that is no experience at all. You will have to overhaul the whole of the land offices in this country. I am afraid, if you do not do that, you will not do much in the Ministry. We know that you are an upright person and my colleagues have said that, by next year, when we come here, please, let us not make this Ministry look like it is portrayed by the PAC reports which are discussed here, year in, year out, without correction. So, you have to clean up the Ministry of Lands and Settlement. In Murang'a District land's office, title deeds are being duplicated, right left and centre. I must congratulate the new DC in Murang'a District, Mr. Kajumbe, for the work he has done to clean up that office. This was an office when problems were identified, for example, your predecessor, standing here in this House and, even copied a letter to me, promised that he would go and clean the land office, but he did not. In fact, what he did was to transfer the culprits who were found in their houses, not offices, with portable title deeds and various stamps that were necessary to transfer land. There is a lot of confusion in the ownership of land in Murang'a District. Officers involved in malpractices in land dealings should not be transferred, but dismissed from the service. There are others who have overstayed in the Ministry; whether it is the Commissioner of Lands, he should be taken elsewhere. Let us have new blood in the Ministry that will care about the law or the Constitution. Otherwise, those officers will put you into trouble, as they did to your predecessor.

Mr. Wamunyinyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to address the Minister directly instead of doing so through the Chair?

Mr. Michuki: Mr. Temporary Deputy Speaker, Sir, that might have been a slip of the tongue. The new comers in this House, I think, are yet to gain experience to advise us on how to behave.

But let me say this: We argue outside in political meetings and in other places, that many plots in this country have been allocated illegally. Those who have allocated those plots argue that, they had authority to do so. I think the best way of allocating plots is to insist on the law and procedures. Most of lands that have been allocated for the last 15 years, were done unprocedurally. That is, the land was not advertised or people were not informed what development was required on that land. Therefore, I want to support the proposal which has been made on the Floor of this House; that all these allocations be nullified, so that procedures would be followed to re-allocate the same land to those who are prepared to use it for development. The land should not be re-allocated to people who use it as chattel to mortgage or sell that land to Kamau who will then sell it to Kariuki, Kiplagat and so forth. Land should be used for development purposes only.

Mr. Temporary Deputy Speaker, Sir, I would also like to introduce a new proposal with **[Mr. Michuki]** regard to development in this country. In many developed countries, for example, North America, South America and Europe, if you pioneer a development in a given area and that development gives value to the land around that area, the pioneer developer is entitled to a certain proportion of the value of the property that has been affected in the whole valuation. I think, this is an idea we should explore because it also encourages people to open up new areas. We talk about our urban areas; what about the rural areas? Supposing one were to go and open up something in the hinterland of Kajiado District and that land turns out to be valuable and people want to get it? Surely, the person who pioneered that development--- We have laws on land in this country, just like in England, France and Germany which would increase the land reserved for development.

Mr. Temporary Deputy Speaker, Sir, the other issue I would like to raise regards land maps. It has become almost impossible for anybody to go to the Ministry and get a map. These maps are non-available as we are told; "on security grounds". We do not know what this security is all about. We are already so insecure, that we could never be more insecure. Which security is this that denies people the right to get maps and be able to seek information as long as they pay for it? We would like this policy to be reviewed by the Minister.

With those few remarks, I beg to support.

The Assistant Minister for Energy (Mr. Sasura): Thank you, Mr. Temporary Deputy Speaker, Sir. This is a very important Vote. Land is a very controversial issue in this country, and I think, the controversy could be attributed to various reasons.

One of the reasons why issues pertaining to land have become a controversy is because this is a very scarce

resource. Over the years, the population of this country has increased tremendously. In the early days, it was very rare for issues pertaining to land to become controversial.

Mr. Temporary Deputy Speaker, Sir, it is important to point out the weaknesses in laws relating to land matters in this country. We have more than 30 Acts of Parliament pertaining to land in this country, and I think, there is need to have a consolidated Act to harmonise all the land laws so that we minimise the confusion arising from various Acts.

Mr. Temporary Deputy Speaker, Sir, another very controversial issue, is planning. It is not a secret that physical planners are some of the richest officers we have at the district levels. This is because they misuse their profession. Physical planners do not do their work unless there is some personal benefit. This is common practice, and it is important for the Minister to phase it out. The best way to put this to a stop is not to allow physical planners to pitch tent in particular districts for several years. This will ensure that they do not know the "secrets of survival" at the district level.

Mr. Temporary Deputy Speaker, Sir, there is a very interesting institution which is becoming a major factor in causing confusion in this country. This institution is, playing games between the citizens of this country, the local authorities and the Office of the Commissioner of Lands. This is the National Housing Corporation. Several times, issues pertaining to land have been brought up in this House, and controversy has always brewed around houses and land where the National Housing Corporation has erected houses on behalf of various Local Authorities. On the ground, people perceive the National Housing Corporation as the owner of land. They hide under the cover of housing the nation, while exploiting innocent citizens of this country. I would like to point out a case in Marsabit where the Marsabit County Council obtained a loan in the early 1970's to construct housing units, and the National Housing Corporation undertook the construction of the houses. Unfortunately, even after the repayment of the loan by the council, the National Housing Corporation went ahead and sold those houses under the table, whereas, the houses belong to Marsabit County Council.

I wish to comment the Commissioner of Lands for intervening in this particular case. I hope it will be laid to rest as soon as possible. I say this because, in most cases, clashes in this country, referred to as banditry in some areas, are as a result of this very important resource.

Mr. Temporary Deputy Speaker, Sir, I would also like to comment on the issue of Government land. When we talk about Government land, there is really no Government land as such. We know Government officers are housed in various quarters in this country and we also know that there is land which has been held in trust by various local authorities on behalf of the citizens of this country. The issue of grabbing land from public institutions like hospitals, schools, stadia or even cemeteries arise because of a simple loophole. Most times you find that the Commissioner of Lands issues letters of reservation for such institutions. A letter of reservation does not give a watertight guarantee of ownership. These institutions should be issued with title deeds so as to rule out the issue of land grabbing. However, it is not also realistic to house a departmental head on one acre of land because land in this country is very scarce. It is, therefore, not realistic for an OCPD to live on a one acre of land when the common mwananchi does not own even a single piece of land. This land I am referring to needs replanning. If there is extra land, it is only fair to allocate it to wananchi who do not have land. Officers are people who are transferable, and it is easy to accommodate them on land measuring 100 X 50 metres, and not one or two acres. It is unfortunate that the population is on the increase, and this should not be taken as land grabbing.

Mr. Temporary Deputy Speaker, Sir, a title deed is very important. It is an asset for further investment. However, the process of preparation of title deeds should not be left to the applicant. We have land adjudication officers or even surveyors, for that matter at the district level. Once land has been allocated, the officers at the district level should facilitate the processing of the title deeds. It is very unfair for an individual applicant to follow up the processing of a title deed to the office of the Commissioner of Lands.

Lately, it has been very good that, there is no direct allocation of land from the Commissioner of Lands's Office. The process has to go through various committees at the district level, in collaboration with the local authorities, before it is approved by the Ministry of Lands and Settlement.

However, it is not realistic to suggest that land that was allocated ten to 15 years ago be nullified. Kenyans have invested a lot on the land. It is not fair to say that we should nullify land that was allocated 15 years ago, in the name of grabbing. We do not want to victimise Kenyans who have been allocated land. We cannot call it stealing when they have invested on the land. Their investments are in this country and they are helping the economy of this country.

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

Mr. Mboko: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to say a few words, in support of this Vote of the Ministry of Lands and Settlement.

I am very sure that the Minister for Lands and Settlement has a very hard task ahead of him. His Ministry has

been tainted many times that it is full of corruption. But I am sure that since he is an able man, he will change all the Ministry round. If he does not, he will bear the blame like the others.

I represent a constituency in Makueni District called Kibwezi. Kibwezi is one constituency which is full of squatters. The squatters did not do any mistake to be branded as such. Kibwezi has several schemes which are not schemes in real terms. We have been there long time enough but due to some unscrupulous Government officers at the time, Kibwezi which was put under trust of Masaku County Council in the early 70s, was gazetted and reverted from trust land to Government land. Due to ignorance, nobody objected to that change. But later on, people were allowed to settle in Kibwezi.

Now, the people of Kibwezi are under constant fear because there are some indications that the Government wants to ask them to pay for the land, which they have already settled on, through the Settlement Fund Trustee (SFT). In my own knowledge, the SFT was a fund which was used by the Government to buy settlers white highlands to settle the landless Kenyans. I wonder why the people of Kibwezi should pay for the land, when the Government did not spend a penny on that land. This is a question that I would like to pose to the Minister. He should go back to his office and see whether the land at Kibwezi should be declared an adjudication section, rather than a settlement area.

While still on the SFT, I have been approached regularly by my constituents, especially in the two existing settlement schemes called Msongaleni and Kiboko Phase I. The people who had settled on those two schemes were evicted by the Government from Chyulu Hills. Those people were evicted from Government land and settled in another Government land. The Government destroyed their churches, schools and homes. When they were settled in their present scheme, the Government never gave them any facilities. The Government did not put up any schools, hospitals and other facilities for them. They were not even facilitated in their settlement. As I talk now, those people are poor. They are poor to the extent that if there is no relief food today, some of them will never see the next day.

Initially, in the year 1999, the allotment letters required the settlers to pay only Kshs600 per acre. In-between without their knowledge and any notification, the Ministry of Lands and Settlement changed the rates from Kshs600 to Kshs1,200. Some of the settlers had paid the ten per cent deposit at the rate of Kshs600. However, now, they are required to pay at the new rate of Kshs1,200 per acre. This is an urgent matter and I would like the Minister to consider waiving all the payments. The poor are poor and they cannot afford to pay for their land. If there will be an eviction for non-payment of land rates, I am sure they will be evicted. They are not in a position to pay any money. They are very poor people. Through the Chair, I would like to ask the Minister to be considerate, and look into the matter with the weight it deserves. This is one area where we can help our people.

The other issue concern the plot allocation in the district. Although land matters should be handled by the Ministry, the District Commissioners (DCs) in various districts have taken up the role to be the chairmen of the District Allocation Committees. When they allocate, they sit down with the physical planner, district surveyor and the District Officer I and do whatever they want in the districts. They just sub-divide the land amongst themselves and their friends. I would like to request the Minister to revoke the plot allocation from the administrative arm of the Government, and give it to a Department in his Ministry, and the local elected leaders. Even in rural areas, when a plot is sub-divided, it is only the physical planner who knows where the plot is. Even at Ardhi House, it is only the Physical Planning Department which know where there is land. When they know where there is land, if it is in those districts, they are the ones who sell it. They just say that the plot has been allocated. But they just talk to certain people that there is land somewhere in Mutitu Wandei, Kibwezi and other places, and allocate them the land, at a consideration of something small. By doing this, somebody's land is given to an individual, who does not deserve it, and who is given for speculation purposes.

In Athi River, we have seen some cases where a company was given about 223 hectares of land, at a cost of Kshs600 by the Ministry. Later, the company sold each acre at Kshs1 million. Who needs the money more? Is it the Government or the company? The Government needs to collect revenue, but not those individuals! Several individuals in this country have a tendency of speculating on land matters. I know the Minister will look into this and stop the unscrupulous businessmen who cheat him that they never sold the land. By doing this, things will change for the better in this country. Recently, in Twandu Adjudication Section in Kibwezi Constituency, there was a case where after title deeds were issued to the people, a letter from the district asked those who had collected their title deeds to return them back to the district headquarters, because of a pending case against those title deeds. When a case has gone through the Appeal Board up to the Minister's and a title has been issued, if it is not corruption, what else can have a title deed once issued, be withdrawn? These are issues that I would like to ask the Minister to look into. If he does so, the land question in Kenya will change.

The amount given for land adjudication and settlement in Makueni District is Ksh.17 million. This is not enough because the Lands Adjudication Officer in Makueni has no vehicle and the same applies to the District Lands Surveyor. There is only one Land-Rover which serves the whole of Makueni District and yet, this district is bigger than Central Province in size. These officers should be empowered in order to serve the residents of Makueni effectively.

The Authority to Incur Expenditure(AIE) allocated per month for transport in the district is Ksh8,000. This is not even enough for these officers to travel from the Makueni District Headquarters to Kibwezi and back. The after effect of this is that the rich will control the land surveyors and hence assign them their private jobs. That money is inadequate and I would like the Minister to ask for more money during the Supplementary Estimates so that we can get services from this Ministry.

Mr. Temporary Deputy Speaker, Sir, most centres in my constituency have not been planned. This is a pity because most of the centres are located along the Mombasa-Nairobi highway and they keep on expanding by the day. Makueni District has got the capacity to be productive but we have not been given enough resources.

With those remarks, I beg to support.

Mr. M.A. Galgalo: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for affording me the opportunity to contribute on this Vote. The problem with this Ministry is that of attitude---

Mr. Munyasia: Toboa, Bw. National Treasurer!

The Assistant Minister for Health (Mr. Koskei): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Munyasia in order to harass hon. Galgalo and hence deny him a chance to contribute to this Motion effectively?

The Temporary Deputy Speaker (Mr. Imanyara): I am sure that Mr. Galgalo is not being harassed. Proceed, Mr. Galgalo!

Mr. M.A. Galgalo: Mr. Temporary Deputy Speaker, Sir, just forgive them because they are my juniors.

Mr. Temporary Deputy Speaker, Sir, the problem with this Ministry is that of attitude. Is that it treats certain areas of this Republic as if they are not an integral part of the whole country. Just look at the area to the North of Kipini and to the North of Malindi. Whenever land adjudication was carried out, settlement was only provided for a specific group of people. This is evident in Hola, Mpeketoni and Bura where the Government literally collected the *Mungikis*, *Msambwas*, *Kavirondos*, *Kosoros* and settled them there, while the actual residents of that area got nothing. This is very unfair!

(Laughter)

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. With all due respect to my hon. friend, can he elaborate what he means by *Mungiki*? Which is this tribe called *Mungiki*? He should either withdraw that remark or tell the House who *Mungiki* is!

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to insinuate that one cannot own land anywhere in Kenya if one is a citizen?

Mr. M.A. Galgalo: Mr. Temporary Deputy Speaker, Sir, the point I am making is this: Kisiis have got their land while the Gallas and the Pokomos have theirs too. Therefore, it is very unfair for the Government to create a situation where the Kisiis will be allocated land belonging to the Pokomos. That is wrong but it is what has been happening. So, we want this attitude to change. Our land should not be an occupied territory. We are an integral part of this country. That is what I want the Minister for Lands and Settlement to understand. We are aggrieved by virtue of the fact that all land which has been turned into productive land does not belong to the indigenous residents of that area.

Mr. Temporary Deputy Speaker, Sir, we have also witnessed holding grounds, normally utilised by user associations being allocated to individuals. These are holding grounds for controlling diseases. Animals are now being moved all the way from Somalia directly to Mombasa because they have no holding grounds. That is why we did not have livestock on display during the Nairobi International Show because of Foot and Mouth Disease. The same case also obtained in the Mombasa Agricultural Society of Kenya (ASK) show. Why should we allow this kind of thing to happen? All the holding grounds have been allocated to individuals. As a result of that, the whole country cannot export meat to the Middle East and European countries because it is not disease-free. This is a pity because a country as small as Botswana is disease-free. So, as a matter of policy, certain lands like holding grounds should not be allocated to private individuals. We want all those pieces of land to be returned to user associations in those respective areas.

Mr. Temporary Deputy Speaker, Sir, in this era of liberalisation, we do not understand why the Government should be owning ranches? The Government has no reason to engage in this kind of business and yet we are importing meat, milk and eggs from South Africa. So, why should the Government be managing ranches? It should give that land to the people. In this regard, I have got areas like Gallana in mind which has 1.5 million acres while the total number of animals in that ranch is less than 3,000. The Government is engaging in the ranch business in order to create jobs for some people, but it is not getting anything in return.

Mr. Temporary Deputy Speaker, Sir, principal planners should not adjudicate lands and give them to their

family members and friends. This is the case in Kipini/Witu Settlement. All the people who have been allocated land there are not the indigenous people; they were imported from outside that area. This creates a back-lash like the ones we have experienced in some parts of this country, like Likoni where the "Mwenjes" of this world and their tribesmen grabbed land and kept the Digos at bay!

Mr. Temporary Deputy Speaker, Sir, therefore, we want all these things revealed, because this was a conspiracy among physical planners, DCs and the likes.

Mr. Wamunyinyi: On a point of order, Mr. Temporary Deputy Speaker. The hon. Member has alluded to the Mwenjes having grabbed some land. Is he in order to associate hon. Mwenje with land grabbing?

Mr. M.A. Galgallo: Mr. Temporary Deputy Speaker, Sir, at times, I sympathise with some hon. Members who do not use their common sense. Hon. Mwenje is here; he understands what I am talking about.

Mr. Wamunyinyi: On a point of order, Mr. Temporary Deputy Speaker. Is the hon. Member in order to use that kind of language while referring to hon. Members?

The Temporary Deputy Speaker (Mr. Imanyara): No, he is not.

Mr. Wamunyinyi: Mr. Temporary Deputy Speaker, Sir, hon. M.A. Galgallo is the most senior back-bencher on the Government side. All these years, he could not be promoted.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! Mr. Wamunyinyi, you have made your point. Mr. Galgallo, you must use Parliamentary language whenever you address the House.

Mr. M.A. Galgallo: Mr. Temporary Deputy Speaker, Sir, from now onwards, I will refrain myself from using unparliamentary language.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard hon. M.A. Galgallo refer to "the Mwenjes". Was he referring, generally, to some people or to me? He must clarify. If he referred to me, he should withdraw the remark, because I have not grabbed any land.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mwenje, you must have understood him. Mr. M.A. Galgallo did not refer to hon. Mwenje, and you heard him. You waited for Mr. Wamunyinyi to seek for a clarification.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. You had better come to the aid of our party's former National Treasurer. Did you hear hon. Wamunyinyi threaten that he was going to deal with Mr. M.A. Galgallo? The hon. Member is one of us; he might come back to Ford-(K) any time.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, hon. Members! I did not hear hon. Wamunyinyi say that he would deal with Mr. M.A. Galgallo. In any case, hon. Member can only be dealt with through the Chair. So, Mr. Wamunyinyi, I did not hear you threaten Mr. M.A. **[The Temporary Deputy Speaker]** Galgallo, otherwise, I would have ruled you out of order.

Mr. M.A. Galgallo: Mr. Temporary Deputy Speaker, Sir, neither did I hear him utter that threat; he must be very lucky.

With those few remarks, I support.

(Laughter)

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I would like to contribute to the Motion on the Vote of the Ministry of Lands and Settlement. I must say that this is an extremely important Ministry. I am glad that my friend, Mr. J. Nyagah, holds that docket; he is following the footsteps of his father, who once held that portfolio during the era of the late Mzee Jomo Kenyatta.

Mr. Temporary Deputy Speaker, Sir, having said that, I would like to draw the attention of the Minister to articles published in two of today's issues of the *Daily Nation* newspaper. On both the national and Western Editions of the newspaper, land issues hit headlines. The national edition has a headline calling upon the Ministry of Lands and Settlement to take note of what happened to land belonging to the NSSF I will speak extensively on that later on. The Western Edition has a headline on what happened to land belonging to State Lodge, Kisumu.

I would like to quote from the particular publication, so that the issues raised therein can go into the HANSARD. Also, the Commissioner of Lands, the Minister and the Permanent Secretary can understand why the *Daily Nation* has put these issues on the front pages of its Western and National Editions. The story contained in the Western Edition is headlined: "Three face arrest in State Lodge Row", and reads as follows:-

"Three people who claimed that land, including State Lodge, the President's home in Kisumu, had been grabbed, now face arrest. They should be seized and made to record statement, said Nyanza PC, Mr. Peter Raburu.

The three are Maseno University College lecturer Dave Achieng and a Kisumu businessman, Mr. Billy Ng'ong'a, and a member of the Convention Against Corruption, Guy Moijo. They alleged in a

Press Statement last Sunday that a plot reserved as part of the State Lodge had been allocated to the Provincial Director of Education, Mrs. Roselyne Onyuka and a Mr. Joseph Radin Wasambo.

The PC said that Mrs. Onyuka and Mr. Wasambo had been allocated a Government plot, but it was far away from State Lodge, some time last year".

Mr. Temporary Deputy Speaker, Sir, the name of the lecture given in the newspaper report is wrong; the correct name is Billy Ng'ong'a. Also, I would like it noted that what the PC said regarding Mrs. Onyuka in justifying the allocation is important. The fact that those two people have been allocated land has not been disputed. The only thing the PC has disputed is that the said land was part of the State Lodge. The newspaper report went on:-

"An angry Mr. Raburu said, "I must set the record straight about these Press reports accusing Mrs. Onyuka and Mr. Wasambo of having grabbed the Kisumu State Lodge land. This is absolutely false. The land is intact and, in fact, my official residence is on that plot".

Mr. Temporary Deputy Speaker, Sir, what Mr. Raburu did not say is that the land being grabbed is not, actually, his official residence, but an extension of the State Lodge, which is meant for future development of the State Lodge. The newspaper report says further:-

"Addressing a Kenyatta Day eve party at Tom Mboya Labour College, the PC justified the allocation, saying: "Since she took over as Provincial Director of Education, Mrs. Onyuka has worked very hard and, therefore, deserves to be rewarded".

(Laughter)

Mr. Temporary Deputy Speaker, Sir, I would like to know whether it is Government policy that people should be rewarded by being given land, where that policy is written and how it relates to all the laws this Parliament has enacted, including the Government Lands Act. Where in the Laws of Kenya is it said that if you work hard, a PC can give you land anywhere in the Republic? This is why hon. M.A. Galgalo is correct; land is just being allocated left, right and centre, without following the laws of the land. Two people are responsible for this wanton allocation of land in this Republic, namely, the President and the Commissioner of Lands. This is because, according to Government Lands Act, the two are the custodians of Government land in this country, yet they do not even follow the Government Lands Act.

Mr. Temporary Deputy Speaker, Sir, in the days of the late Mzee Jomo Kenyatta, any land that was to be allocated to people would be advertised in the *Kenya Gazette*, so that every Kenyan could have a chance to apply for it. These days, there is a creature in this country called the Provincial Administration; there is another funny organisation called the Provincial Land Allocation Committee. I have never seen anywhere in the Laws of Kenya, something called the Provincial Land Allocation Committee, approved by Parliament. These land allocation committees heading the likes of Mr. Peter Raburu can decide that somebody "has worked hard" for this Republic and give him land. It does not matter how big that land is. As we sit in this House, some of us have worked very hard for the liberation of this country. Our reward was to be locked up in the cells in Nyayo House; we have been abused.

The Assistant Minister for Local Government (Mr. Salim): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member tell the House which land was advertised during the late Mzee Jomo Kenyatta's era? Does he know that plenty of land, including some in Lamu District, was given away to some people without being advertised?

An hon. Member: Yes, Mpeketoni was given away!

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, indeed, if the said land was given out illegally during the late Mzee Kenyatta's era, that is why the reports of the PAC and the PIC are important. The PAC and PIC have constantly pointed out from time immemorial, the misallocation of land, including Kenyatta's era. I am saying that, at least, during Kenyatta's era, we used to have such allocations advertised in the *Kenya Gazette*. These days, there is a creature called the Provincial Land Allocation Committee and all kinds of crazy allocation committees that keep on misallocating land, which only the President and the Commissioner of Lands know about. So, it is true that part of State Lodge, Kisumu, has been allocated to Mrs. Onyuka and Mr. Wasambo, and that this thing should be set right by the Minister for Lands and Settlement.

The Minister for Lands and Settlement (Mr. J. Nyagah): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member aware that in 1986, this House passed the Physical Planning Act, which now instructs us to advertise every Partial Development Plan (PDP) that we pass?

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, the Minister is right. An Act of Parliament was passed that instructs them to advertise publicly, the land being allocated. But they are not even being sincere to that Act. That is what I am saying. I sympathise with the Minister!

The Minister for Lands and Settlement (Mr. J. Nyagah): On a point of order, Mr. Temporary Deputy

Speaker, Sir. I would like to confirm to this House that the Act is being followed. Two days ago, I signed some PDPs. So, I know that it is being followed.

Hon. Members: No!

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, that is why I was congratulating my friend hon. Joseph Nyagah. He has begun to follow the law, and this should have been happening ever since the Nyayo Government came into power. Let me proceed. The newspaper further says:

"I have done my investigations and concluded that those opposing the allocation have a personal vendetta against Mrs. Onyuka."

Mr. Temporary Deputy Speaker, if indeed, the PC has done his investigations and knows that these people have a personal vendetta against Mrs. Onyuka, I would like to ask the Minister to use the Kenya Anti-Corruption Authority (KACA), the Provincial Criminal Investigations Officer (PCIO) and all the arms of Government possible, to absolve Mr. Raburu, or those who are accusing him and Mrs. Onyuka. The Government has the ability to know where the truth lies.

I would like to add that the same PC, Mr. Raburu, allocated his own brother, a house in Milimani Estate in Kisumu Town. That house was immediately sold to another Kenyan who holds an important position in the City Council of Nairobi. Houses and parcels of land are changing hands left, right and centre in Kisumu Town, as if they are Christmas presents being given by boys and girlfriends. This is the kind of Provincial Administration we have; and this is the kind of Government that we have, which sees it as an Act of Parliament which only hon. J. Nyagah is brave enough to implement, but not the Commissioner of Lands and the President of the Republic of Kenya.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to seek the guidance of the Chair. The hon. Member has quoted extensively from a newspaper. Are we supposed to take the newspaper as authority and that whatever is said there is true?

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, unless the hon. Member does not understand English, I said earlier on that I am quoting from the newspaper, but the Government has the instruments to investigate and establish the truth. am not speaking in Kikuyu or German, but I am speaking in English!

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Temporary Deputy Speaker, Sir, I am surprised that Prof. Anyang'-Nyong'o is so ignorant that I am not a Kikuyu. He thinks if he spoke in Kikuyu, I would understand.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, it does not add an iota to my knowledge, to know where that gentleman comes from. The newspaper adds:

"The PC ordered the Nyanza PCIO, Mr. Chege Gathongo immediately to arrest and record statements from the three people who said this."

The Chair can understand how corrupt this system is. Here are Kenyans who spoke in public, issued a statement in public which is available in the public domain, but the PC wants to use the armed instrument of the State, to arrest these people and punish them, instead of taking them to a court of law where these things can be judged fairly. It is this draconian, arrogant and undemocratic character of this Government that has messed up land policy in this country. That will not help my dear friend hon. J. Nyagah in his Ministry, if the whole Government does not obey the Constitution and the law of the land.

Mr. Osundwa: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. First of all, I would like to congratulate the Hon. J. Nyagah on the appointment as the Minister for Lands and Settlement. I know that hon. J. Nyagah is a very hard-working Minister, and among the few Ministers the President can rely on. I would like to see the Minister next year, asking for more money than he is asking now. This is because I believe that the task he faces in that Ministry is so enormous. Having said that, I am surprised that the Minister is asking for only K£61 million for rendering services. I think the best thing we can do as a House to this Minister, is to deny him this money. This is because if you look at the PAC Report, you will find that this Ministry has disposed off all Government houses and prime land. It only fetches about Ksh60,000 on a prime land, and yet, the allottee goes ahead and sells it at Kshs18 million. There are some cases which have been documented and I wonder whether the Ministry wants Kshs18 million or only Ksh60,000. So, I would like to request this House that, if the Minister comes here again, he should tell us how much money the Government has collected from those prime properties. I am referring to prime property in Upper Hill, Kileleshwa and indeed, in every prime area of our towns.

Mr. Temporary Deputy Speaker, Sir, I would like to allude to a request from the Ministry for some K£3 million or whatever it is for the Task Force on Land Laws Review. I would have expected the Minister to ask for more money here because the Task Force is long overdue. There are several Statutes, I should say over 60 in our books, some dating back to colonial times, and they need to be reviewed. Some of them impact so negatively on the farming activities in this country. I would like to talk about Mwea Irrigation Scheme. I would like to talk on that scheme

because I am the Chairman of the Agriculture, Lands and Natural Resources Committee in this House. One of the Statutes regarding the Mwea Irrigation Scheme says:

"A farmer must not absent himself from his plot for more than 30 days without permission."

(Laughter)

Mr. Temporary Deputy Speaker, Sir, do we need these kind of laws in our books? So, I would like to urge the Minister who is a very good friend of mine to ask this House, if it is money that he does not have to make this Task Force work, to come back and we will give him money. This is because we want many of these Statutes to be reviewed. It is not only Mwea Irrigation Scheme which faces this problem, but it is all over the country.

Mr. Temporary Deputy Speaker, Sir, I would like to touch on arbitration of land disputes. There was a directive by the Head of State that all land matters should be referred to elders. We still have numerous cases pending in court. When an aggrieved party wants to follow a case, he or she is told that it is in court and when he or she goes to court, he or she is told that, the case is before the elders land board. Now, which is which? We want a clear clarification from the hon. Minister. Which is the correct policy? Is it the elders or the courts to arbitrate these cases? In any case, we do not expect to have any justice in our courts. So, I would like the Minister to clarify to wananchi that whenever they have disputes, they should go to a particular place for arbitration.

Mr. Temporary Deputy Speaker, Sir, the other issue that I would like to touch on, is allocation of Government land. If you read the Government Lands Act, Cap 280, Section 12, you will find that it clearly gives powers to the Commissioner of Lands, but it also says:

"This particular land must be advertised and go to the highest bidder."

In other words, it has to be auctioned. If it does not go through that process, then that is an illegal allocation of Government land. I would like to say that if there is any piece of land which has not undergone that process, then that is an illegal allocation and one day, it will be repossessed. We have talked about poverty alleviation. We cannot eradicate poverty in this country, if large tracts of land are still held by absentee landlords. I think it is high time the Government brought legislation in this House to punish all landlords who do not carry any activity on pieces of land allocated to them. There are a lot of chunks of land in this country, but nothing is happening on them. This is because they have been allocated on speculative purposes.

Mr. Temporary Deputy Speaker, Sir, having said that, I want to repeat what the earlier speaker said; about the removal of administrators from land allocation committees. These people have messed up this country. For example, you will find a DO allocating himself land in Mumias South and this plot will never be developed, because this particular DO will go on transfer to Mandera. That is why many towns are never developed, because of such administrators. Another example is that of a DC who allocates himself land in Garissa and, then, he is transferred to Siaya. That particular portion of land will never be developed, because he will waste a great deal of time looking for a buyer from the same area. So, I would like to add my voice to what the earlier speaker suggested; that all administrators should be removed from the land allocation committees.

Mr. Temporary deputy Speaker, Sir, I would also call for a clear procedure of land allocation in municipal councils, county councils and the Nairobi City Council and other Government land elsewhere. Here in Nairobi, you will find that land is being allocated by the Town Clerk. This same land belongs to the Government. So, you do not know which is which. Today if you ask even a small kid about who is the most corrupt person in this country, the kid will tell you that it is Mrs Zipporah Wandera, the Town Clerk of Nairobi City Council. This lady has allocated parcels of land to speculators and people have made millions on mere allotment letters. They do not even pay the required Stamp Duty fee.

Hon. Member: And also Mr. Kuria wa Gathoni!

Mr. Osundwa: I like that. If you also ask a small kid about who is the most corrupt man in this country, the kid will tell you that it is Mr. Kuria wa Gathoni. These two people should be investigated and brought to justice.

I would like to support the Motion and wish the Minister well. I know that there are so many stones in that Ministry and I hope that when he comes back to the House next year, he will tell us how many stones he has unturned in the Ardhi House.

Thank you very much, Mr. Temporary Deputy Speaker, Sir.

Mr. Mwenje: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to say a few words about the Ministry of Lands and Settlement. Just before I forget what my friend, hon. Osundwa, was talking about, I would like to echo exactly what he has said. That in this City, we have two people who think that the parcels of land in Nairobi belong to their grandfathers and that they can dish them out in the manner they want. These are the two fellows that hon. Osundwa also talked about. What he said is true as that is what has been happening.

The worst is that up-to now, if you look at the Nairobi City Council Minute Book, you will not see anything

written in it about those allocations. The allocations have been done illegally, haphazardly and secretly. The letters of allotment are issued haphazardly and a survey is carried out. But these allocations will still remain illegal. It does not matter how long they will take, or who had been allocated. They will still remain illegal. These allocations have never been minuted. I challenge the Minister for Local Government and, indeed, the Minister for Lands and Settlement, to tell us in which book were they ever minuted. And since they have not been minuted in any book, I still insist that they are illegal allocations and they must be stopped and that they will never be recognised and honoured now and in future.

The Minister for Lands and Settlement (Mr. J. Nyagah): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it proper for the hon. Member, who is the "Commissioner of Lands in Embakasi", to raise such issues here?

(Laughter)

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Minister for appointing me the "Commissioner of Lands in Embakasi". Thank you very much, Mr. Minister. I will take up that appointment.

Mr. Maore: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could we have a clarification from the Minister for Lands and Settlement on whether he has another "Commissioner of Lands in Embakasi" in the name of hon. Mwenje?

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, that has been confirmed. So, we proceed. We are saying that one worry that we have is that the Minister for Lands and Settlement is asking us to give him money when the Government itself sold many of its houses which were being resided in by Government officers. We should not give this Ministry money until they tell us why they sold the houses which otherwise were being occupied by the officers in the Ministry.

Mr. Temporary Deputy Speaker, Sir, the worst segment of our population in this country with regard to land are the squatters. Till now, we have squatters in our country, particularly in the Nairobi City, who are still waiting to be settled. The majority of these squatters are in my constituency. They are in Soweto, Mukuru and Maili Saba. They were initially occupying the land otherwise held by the Government. But up to now, they have not been resettled. When some people accuse me of resettling these people and the Minister for Lands and Settlement says that I am the "Commissioner of Lands in Embakasi", it is only because I advocate for one thing: That these squatters must be resettled. They have been waiting to be resettled all this long. When many parcels of land were being dished out, either by the Government or by the Nairobi City Council, the squatters were not considered. It is very clear that when these parcels of land were being acquired, it was partly to settle these squatters.

Mr. Temporary Deputy Speaker, Sir, I would like to thank the Commissioner of Lands because of late he is understanding and he has now agreed to resettle these squatters. But this exercise must be done immediately. We cannot keep on waiting for these people to be resettled in future; they have to be resettled now. All those people who acquired those parcels of land knew very well that there were squatters on them and they had to be resettled. I want to appeal to the Ministry that, as a matter of urgency, we need to resettle these squatters on this land which was acquired either by the Government or acquired by the Government on behalf of the Nairobi City Council. Several parcels have been given to developers, but the squatters up-to now have not been considered. Some of the squatters have ended up in going to court and getting orders. But we want to co-operate with the Ministry. These squatters must now be resettled and given documents and letters from the Commissioner of Lands' office. If that does not happen, we are only waiting for clashes to break out between the poor and the rich, the squatters and the rich, because we will never allow those parcels of land to be sub-divided without, first of all, giving them to those squatters. I am glad that some of the squatters have helped themselves and have been able to get some of the orders from the court.

Mr. Temporary Deputy Speaker, Sir, an hon. Member talked about the title deeds. These squatters also need to be given title deeds so that they also know that they are part of this country. Nobody can explain to us why 36 years after attaining Independence we still have people calling themselves squatters, particularly in this part of Nairobi. Equally so, there was land in Kasarani and it was given to some people who really deserved it. They were given by the Provincial Administration, although we say it should not have been done. There is no way anybody can say that they will not be resettled there. I would like to appeal to the Commissioner of Lands to move in quickly and have these people given their official letters so that they are recognised. The mistake was done by the same Government and the same Government cannot come here and tell us that they will not consider the same people. This is because they knew the squatters were there and they are still there.

As we sit here, the only land reserved for sewerage system in this City, 4,000 acres---

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): On a point of order, Mr. Temporary Deputy Speaker, Sir. It is the same hon. Mwenje who asked the Government awhile ago to revoke some land that was illegally given out and now he is telling the Government to leave those people. Is it in order for hon. Mwenje to contradict himself?

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, that is not a point of order, and he knows that very well. But he is a new hon. Member; he would not know what constitutes a point of order.

(Laughter)

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): On a point of order, Mr. Temporary Deputy Speaker, Sir. Between hon. Mwenje and I, who is a new hon. Member? He just came to Parliament in 1997!

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I was first elected to this Parliament in 1983. Mr. Sankori should know that. I was saying that there is land in Embakasi meant for sewerage system for this City. The land is 4,000 acres, and 1,000 acres is already occupied. The rest is now being allocated.

Mr. Temporary Deputy Speaker, Sir, I want to appeal to the Minister, through the Nairobi City Council, to make sure that the only land remaining for sewer in this City is not interfered with and it is not allocated to individuals. We will be committing a very serious offence against the future generation of this country who will come and not get land for sewer. I would appeal that the squatters residing there should be settled and that land should not be interfered with again. Otherwise, we will have a future problem of where to deposit sewer in this City. The only sewage that we have is at a place called Ruai.

We have many developers and land buying companies in this City. The land buying companies reserve land for social amenities. Unfortunately, this land which was reserved for social amenities, and I want to refer to a number of cases in Embakasi and Kasarani areas, have again been grabbed by the same people who either surrendered it or some "big" people somewhere. This exercise must be stopped forthwith because the moment we allocate to individuals the areas reserved for social amenities like playing fields, schools and hospitals, at the end of the day, we will not have land for these amenities. I want to appeal to the Minister for Lands and Settlement to make sure that any land reserved for that purpose, which was surrendered by these people, is not given out.

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

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, in support of this Motion, I wish to thank the Minister for sending the Land Adjudication Director to Trans Mara recently to resolve the land problems which have faced the district for a long time. The visit of the Land Adjudication Director to Trans Mara opened a new chapter. I am sure that very soon the people of Trans Mara will consider their land problems a thing of the past. Successive Land Adjudication Directors have been rather unfriendly to the people of Trans Mara in the manner they have handled their land disputes. I am sure that the Minister will be satisfied that the new decisions taken by his own Ministry will go a long way in resolving the problems of the people of Trans Mara.

I know very little about urban land and I consider this to be, perhaps, the least amount of land available in the country. I am elected from a rural constituency and I can only comment about rural land, which is dealt with under the Land Adjudication Act. In this regard, I want to urge the Minister, together with the Attorney-General, to consider bringing a specific amendment to the laws of this country to define what a title deed is. It is important that we defend the title deed; we as the Parliamentarians and as Kenyans. We must first of all understand what a title deed is. I know that in the office somewhere in the Ministry of Lands and Settlements, there must be many blank documents and title deeds. Before these title deeds can become legal defensible documents, land must be allocated through a process called land adjudication. This means that a committee must be set up, an area must be declared an adjudication area, that land must be adjudicated, objections must be published the register having been closed and eventually, when the Ministry of Lands and Settlement is satisfied that there is no dispute, it must issue the title deed.

However, the situation in Maasailand has been very pathetic. There have been cases where people have just presented themselves to the Ministry, the Land Adjudication Department recommended to the Commissioner of Lands, and the Commissioner of Lands without knowing and having been satisfied that Land Adjudication Department have done their part, has issued title deeds to the people who did not own land. As a result, today we have large parts of the Maasailand where people have title deeds, but they do not live on those pieces of land. Those who live on those pieces of land do not have title deeds. The day will come when the man with the title deed will want to live on the land and he will find that he cannot because there is somebody there. The man who will be living there will not have a title deed because there will be already one in existence.

The most important law to delete from statutes is that beginning from Section 27 up to Section 30 of Cap. 300, which protects first registration. That particular law states that if you get the first registration over land, that first registration cannot be challenged even if you got it by fraud. This is the only country I know where there is legality in fraud. The law says that even if somebody got the first registration fraudulently, it is his. I think this particular law is the one that has been used mainly to take away Maasailand. It is time that my colleague considered bringing an amendment to this law, so that we abolish the sacrosanct nature of first registration. I know that, that first registration was meant mainly for Central Province when some people were in the forest, and those who were at home wanted to

block the Mau Mau members from taking over their land when they came back from the forest.

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

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

Mr. N. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Minister to mislead this House by saying that according to the statutes, if somebody gets the first registration by fraud, this cannot be challenged?

Mr. Murungi: On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, could I accept a point of information from hon. Murungi?

The Temporary Deputy Speaker (Mr. Musila): Mr. Minister, could you first respond to that point of order?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, the Chair recognises that I am a lawyer and that is the law. I have quoted the relevant part.

Mr. Murungi: On a point of information, Mr. Temporary Deputy Speaker, Sir. I would like to inform both the hon. Minister and the hon. Member that, as a matter of fact, Section 143 of the Registered Land Act, Cap.300, provides that a first registration cannot be challenged even on grounds of fraud.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I am sure the hon. Member will, therefore, be among those who will say that this law should be scrapped. There should not be a law in this country that legalises fraud.

Mr. Murathe: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Minister of the Government is anticipating debate. He is fully aware that there is a Bill before this House. I am sure he is referring to Musiro(?). Is he in order to anticipate debate?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, in case the hon. Member does not know, I am not talking about Musiro, but about Trans Mara District. Those pieces of land he is talking about are not in Trans Mara. This sin has become widespread in Maasailand. The enemy of Maasailand is the first registration. We should get rid of this particular piece of legislation.

The hon. Minister should re-consider the abolition of the concept of the group ranch. The group ranches were meant to protect the common ownership of land in Kenya. But land that belongs to everybody actually belongs to nobody in particular. The officials of the group ranches have allocated these pieces of land to people who are not even members of these group ranches. This has created a lot of problems.

It is time that we created a new concept of ownership of land in Maasailand so that everybody owns his own piece of land. I know that there are many economic reasons as to why it is necessary to own land in common. Some of these lands are dry and it is sometimes uneconomical to parcel it. There is another more serious issue namely that, that land is in fact disappearing. Even if you say it is dry, it is going away. Most of the areas that are neighbouring Nairobi are in fact becoming an extended part of the City. Very soon on his trip around Embakasi, hon. Mwenje might think he has reached his constituency when, in fact, he is right in the middle of Maasailand.

This concept of group ranching should be abolished and substituted with absolute ownership of land by the people who own it. Therefore, I wish to urge hon. Members to sometimes consider talking about rural land. I hear many Members talking about land problems as if they only occur in the City. Most of the injustice on land has been done outside the City. I do not know much about this area.

With those remarks, I beg to support.

Mr. Nderitu: Thank you, Mr. Temporary Deputy Speaker, Sir. Today we are debating an issue which is very important for this nation. I do not think it would be right for anybody to crack a joke on this issue. All of us should sit down and think about this issue even before uttering any word. I think that the K£61 million which the Ministry requires falls far short of its requirements. At the moment, that Ministry needs our support and double or more than that amount they are asking for today. There are quite a number of issues concerning land. Today, owning a title deed does not qualify you to be an owner of that land. This is the case in Mwea. It happened in Kirinyaga District, Central Province where you find one piece of land with five title deeds.

In fact, right now the Ministry of Agriculture should transfer the lady in Kerugoya who is in charge of lands. She is allocating title deeds three times on one plot. It is terrible! That means the owner cannot even get a loan. I can ask all the banks in Kirinyaga not to give loans against those titles because they are all flawed. The DC is also in

charge of the land. It is really terrible. On the other hand, the prison land in Mwea is being dished out by the DC and DO, Mwea and the physical planner. It is a land of 60 acres. That is where the prisoners in Gathigiriri actually get their vegetables and fruits from. Why is it being dished out?

The land on which the DC's office, the court, the AP area, the Magistrates house and the Ministry of Agriculture staff houses stand has been over-allocated. If the Minister wants me to give him the number of the plots and how much they are going for, I will. This is something I have mentioned several times. You wonder: Is this Government serious? What is happening? Farmers have been in the National Irrigation Board Scheme, Mwea, since 1956 and they do not own that land. What does the Constitution say about land ownership? It only requires somebody to stay at some place for 12 years and then the land becomes his by law. I would also ask the Minister of Lands and Settlement to look into the reason why Mwea farmers are still squatters, 42 years after living in that place.

Mr. Khamasi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Members on the other side to make noise when an hon. Member is contributing?

The Temporary Deputy Speaker (Mr. Musila): Order! Mr. Khamasi, you are completely out of order because hon. Members do not "make noise". Proceed.

Mr. Nderitu: Thank you, very much, Mr. Temporary Deputy Speaker, Sir. I was saying that the farmers have lived on the Mwea Irrigation Scheme for too long as squatters. They do not own anything today. I would urge the Minister for Lands and Settlement to expedite issuance of title deeds and not leases. These farmers are capable of taking care of their land. If it is a matter of selling and crushing that scheme, it is their mother, father, cousin, daughter and they can never allow it to collapse as the DC in Kirinyaga is advocating. On that note, I would also urge the Minister for Agriculture to ensure that the National Irrigation Board does not remove any equipment from the scheme because that equipment is 45 per cent farmer ownership and 55 Government ownership. The people have to sit down and account for what is listed there.

Today portions of land in Mwea are being issued by the DO, sub-chief, village elder and young boys who after taking liquor outside there, decide to take one piece of land and start cultivating. What is happening? There should be a policy where the Minister for Lands and Settlement has to come in and take control of what is happening to school land, hospital land and social amenities. The land in Kagio market, Ngurubani market and Kutus market was acquired by the County Council some years back, in fact, before I was born. The owners of those areas still have the title deeds in their pockets. Right now they are taking the County Council to court. They are asking the people who are building business to demolish their houses or buildings. Why is this happening? The Ministry of Lands should tell us. We are going into the new millennium 2000 and I would urge the Ministry of Lands and Settlements to wake up on this issue.

As much as we would want to protect the ownership of land, there should be a modality. When the Council pays Kshs6 million for a piece of land they had acquired and those title deeds were not executed by the Ministry of Lands and Settlements, then the Ministry is the one culpable and not the Council. Today there are people claiming ownership of Kutus which is a municipality and Kagio market which is a town council. There are people who are claiming ownership of Ngurubani market because they have titles in their pockets. It is very serious, my friend. That is why I said this is a Ministry where we should put jokes aside because this is the lifeline of all Kenyans wherever they are. That is why I said K£61 million is just a drop in a big ocean. The Minister here has a lot to do. There is the South Ngariama Ranch which, if not worked out by the Ministry, will become a time bomb.

We are going to have an explosion in that place. People in Mbeere and Meru are claiming the same ranch. Now, the Minister should come up with a clear agenda on what is going to be done. This should not take long. I hope this year, it will be a Christmas gift to the people of Kirinyaga and Kenyans as a whole.

I beg to support. Thank you very much.

MEMBERS' HALF-HOUR STATEMENTS

The Temporary Deputy Speaker (Mr. Musila): Hon. Members, today being a Thursday, it is time for "Zero-Hour" under Standing Order 20 (a). Hon. Mwenje had raised a matter concerning the Ministry of Local Government. Could the Minister concerned respond to that request?

DEMOLITION OF KIOSKS ON
JOGOO-OUTERING ROADS JUNCTION

The Assistant Minister for Local Government (Mr. Affey): Thank you, Mr. Temporary Deputy Speaker, Sir. This is the second time I am giving this statement. I had given it earlier in the day and the Member was not in to seek clarification and I wish to request him not to---

The Temporary Deputy Speaker (Mr. Musila): Can you go straight to the statement?

The Assistant Minister for Local Government (Mr. Affey): On 14th October, 1999, hon. Mwenje, Member of Parliament for Embakasi, indicated a wish to seek leave of the House under Standing Order No.20 (a) to raise the issue of the demolition of kiosks situated at the junction of Outering-Jogoo roads by the City Council *askaris* on 13th October, 1999. After consultations with the City Council authorities, I have established that it is true that the City Council demolished kiosks situated along Outering-Jogoo roads junction. The kiosks were put up on a road reserve which is now urgently required for the expansion of the Jogoo Road dual-carriage way. The location where the kiosks are sited is now required for a roundabout, connecting Donholm-Jogoo-Outering roads. The demolition was, therefore, intended to pave way for the construction of the said roundabout. Any delay in clearing the area will affect the contractor's programme of work with the consequent claims from the contractor for liquidated damages arising from idle equipment and labour. The issue, therefore, of resettling the kiosk owners does not arise since the kiosks were located on a road reserve and the owners have always known that if and when the land would be required for the expansion of the road, they would be required to quit.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, can the Assistant Minister agree that since these people have to continue with business, we identify a place where they can be settled? Secondly, the City *askaris* stole the kiosk owners' wares which have not been returned to them. Can the Assistant Minister order those *askaris* to return the wares that were stolen and allow us to identify a place where the kiosk owners can be settled now?

The Assistant Minister for Local Government (Mr. Affey): Mr. Temporary Deputy Speaker, Sir, you will agree with me that since this was a road reserve and it was initially illegal for them to settle there, I am not in a position to authorise relocation. On the aspect of their wares being stolen, I think it is fair that they report this to the police for further action.

MINISTERIAL STATEMENT SOUGHT:
ILLEGAL ALLOCATION OF MERU GINNERY

Mr. Murungi: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to seek two statements under the "Zero-Hour". The first one is directed to the Minister of State, Office of the President. This statement relates to a serious matter which involves a serious breach of law and order and deprivation of private property under Section 75 of the Constitution. Meru Ginnery Limited, 1994, is a public company with 800 shareholders from North Imenti, South Imenti and Central Imenti. On 5th October, 1999 the DO (1) Meru, accompanied by a prominent leader from Central Imenti led a crowd of 200 people and they forcibly took over a residential house belonging to the Meru Ginnery and allocated it to a DO as his residence. This house was confiscated from the company without any reference to the law.

On 11th October, 1999 the same prominent leader from Central Imenti led a mob of about 500 people to the company's premises at Gaito, in Central Imenti Constituency. They took over all the assets of this company and expelled the employees of the company from the premises. The Directors of the company have complained to the DC and the OCPD Meru, but so far no action has been taken because the local leaders, the Administration and the police are very scared of this prominent leader who has high connections with State House. I am seeking a Ministerial Statement as to why no action has been taken to evict these invaders from the properties of Meru Ginnery Limited?

The Temporary Deputy Speaker (Mr. Musila): The next one!

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, the next one is directed to the Minister for Lands and Settlement and it relates to---

The Temporary Deputy Speaker (Mr. Musila): Order! Mr. Murungi, what I am having here is directed to the Minister of State, Office of the President.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, I am sorry, there was consultation and it was corrected. So, the Minister is aware.

The Temporary Deputy Speaker (Mr. Musila): All right. Now continue!

ALLOCATION OF CHURCH LAND

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, there is a piece of land at Nkubu called Nkuene/Taisa No.297 which belongs to Nkubu Methodist Church which has built a big church on it. We are very surprised that, even

after the Presidential ban on plot allocations, which was announced both by the President and Dr. Richard Leakey, the Meru County Council has invaded the church compound and subdivided it into plots: Nos.191, 192, 236, 237 and 238. A week ago the Clerk to the Meru County Council was busy allocating these plots to prominent personalities including a Bishop under the pretext that, these plots were allocated long time ago and these people are merely being shown their plots. As a matter of fact, I consulted the Church Committee and these are allocations in breach of the Presidential ban.

So, we would like the Minister to investigate this matter and make a statement in this House, explaining the circumstances under which local authorities are being allowed to flout the Presidential ban under the pretext that they are allocating old plots, when, as a matter of fact, they are new plots? I would like the Minister to confirm that the church land is not going to be grabbed.

The Temporary Deputy Speaker (Mr. Musila): Could I ask the Minister for Lands and Settlement to react?

The Minister for Lands and Settlement (Mr.J. Nyagah): Mr. Temporary Deputy Speaker, Sir, we will investigate this particular allegation and report back to the House next Thursday. All I want to state is that, it will be most unfortunate, if indeed, there is an element of backdating dates taking place because the Presidential ban is definitely in place. I will report back to the House next Thursday.

The Temporary Deputy Speaker (Mr. Musila): Very well. Do we have somebody to respond to earlier matters from the Office of the President?

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I will make sure that they respond next Thursday.

The Temporary Deputy Speaker (Mr. Musila): Very well. Mr. Muchiri!

Mr. Muchiri: Thank you, Mr. Temporary Deputy Speaker, Sir, I rise to request a Ministerial Statement from the Office of the Vice-President and Ministry Home Affairs, Heritage and Sports on the issue of--

The Temporary Deputy Speaker (Mr. Musila): Order! I think you better acquaint yourself with the recent changes in the Cabinet.

MINISTERIAL STATEMENT SOUGHT:
DEPLORABLE CONDITION OF JAILED PUBLISHER

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Office of the Vice-President and Ministry of Home Affairs, National Heritage and Sports, regarding the health of the jailed publisher, Tony Gachoka, as to what has happened to him since he was imprisoned. It was reported recently that his health had deteriorated to the extent that he could not follow the civil proceedings at Milimani Law Courts on 7th October, 1999. In the statement, the Minister should indicate what action the Government is taking to ensure that his health does not deteriorate to an extent that might make him lose his memory. If the Government is not taking any action, can they allow his relatives or friends to take care of him?

The Temporary Deputy Speaker (Mr. Musila): Is there anybody from the Office of the Vice-President and Ministry of Home Affairs and Sports here? Do you have some comment, the Deputy Leader of Government Business?

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I had already notified the Minister about this particular query and he will respond on Thursday next week.

The Temporary Deputy Speaker (Mr. Musila): Very well. Yes, Mr. Maore?

ALLOCATION OF PETROLEUM LEVY FUND

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, I rise to seek a Ministerial Statement regarding the allocation of the Petroleum Levy Fund to seal a nine-kilometre road connecting Mtwate and Lari. Due to the anticipated long rains, if the Minister does not act quickly, the work already done lies in danger of being destroyed. We would also like to be given a schedule of work when the Minister intends to have this work finished since we all know that the contracts that fall under the Petroleum Levy Fund are not vulnerable to any vagaries of economic weather because the vehicles are moving everyday here. We have a lot of people consuming petrol everyday and even the tax was increased the other day. So, the question of lack of funds does not arise. What would be the response of the Minister?

The Minister for Roads and Public Works (Eng. Kiptoon): Thank you very much, Mr. Temporary Deputy Speaker, Sir. The Lari-Mtwate Road was built to gravel standard before 1997 and on 5th December, 1997, it was found necessary to stabilise parts of that road. However, just at the commencement of the works, the *El Nino* rains set in and a lot of damage was done to the work that was already done as of that day. There was need to have an extension

of the works and that involved the opening of the drainage system and also making sure that the work would not be damaged again by floods.

But unfortunately, the *El Nino* rains continued and the works could not be finished on time. That was about April/May, 1998. There was need to reassess the design of the entire section of the road between Lari and Mtware which by then was getting damaged as the *El Nino* rains were still continuing. There was need to involve heavy earthworks which were introduced in order to reinstate what already was damaged and also to substantially raise the road level to ensure that floods do not damage it again. Towards that end, we asked the contractor to continue bringing in more additional earthworks to increase the levels.

Mr. Temporary Deputy Speaker, Sir, the contractor was on the site on 9th June, 1999 and the work was supposed to have been completed by 7th September, 1999. The work is not yet completed, but I assure the House that the Ministry is not at fault. This is because the only amount of money that the contractor is asking to be paid Kshs3.6 million. He is proceeding with the work.

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, my question was exactly what the Minister has stated; that, the contract time elapsed. The Minister has told us that, the work on that road is slowing down because the Ministry owes the contractor Kshs3.6 million. If the Ministry owes them Kshs3.6 million out of Kshs74 million, then the contractor should speed up and make sure that we do not lose the road to rains and finish it on time. If they do not finish that road on time, there are so many other consequences.

The Minister for Roads and Public Works (Eng. Kiptoon): Mr. Temporary Deputy Speaker, Sir, I do concur with the hon. Member in that, we need to speed up the work because the amount of money involved is very little. I assure this House that, we are going to make this payment very soon and the work should proceed and be completed on time. We shall make the payment before the end of this month.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I want to remind the Minister for Local Government that, there were two issues which I raised last Thursday, but he has replied to one. I remember very well that, I raised two issues and the Assistant Minister for Local Government, Mr. Kiangoi was in this House, but I have not received the answer on the other issue. Could they tell us what happened?

The Temporary Deputy Speaker (Mr. Musila): As far as I am concerned, the Chair does not have any other matter raised by any hon. Member. In fact, the issue raised by Mr. Maore is the last on my list. Therefore, if there is another matter, I suppose that, it will be dealt with next Thursday. There are no more points of order at this time.

The Assistant Minister for Local Government (Mr. Kiangoi): Mr. Temporary Deputy Speaker, Sir, I am also not aware of the matter that the hon. Member wants me to reply to. Therefore, I am not in a position to answer anything.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Musila): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until next week Tuesday, 26th October, 1999, at 2.30 p.m.

The House rose at 6.50 p.m.