

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 6th August, 1997

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### ORAL ANSWERS TO QUESTIONS

*Question No.205*

#### SUBDIVISION OF CENTRAL KADEM LOCATION

**Mr. Onyango** asked the Minister of State, Office of the President when Central Kadem Location, currently with four (4) sub-locations, will be subdivided into two locations.

**Mr. Deputy Speaker:** Is anyone here from the Office of the President? The Question is stood over for the moment.

*Question No. 519*

#### FLOODING IN MOI NDABI SETTLEMENT SCHEME

**Mr. Deputy Speaker:** Hon. J.N. Mungai is not here, so, the Question is stood over for the moment.

*Question No. 461*

#### RESTOCKING PROGRAMME FOR PASTORALISTS

**Mr. Arte**, on behalf of **Mr. Shidie**, asked the Minister for Agriculture, Livestock Development and Marketing:-

- (a) if, in view of the drought that has badly affected the people of North Eastern Province, he could consider a restocking programme for the pastoralists who have no other means of survival; and,
- (b) whether he could establish an abattoir in this region.

**Mr. Deputy Speaker:** Is there anyone here from the Ministry of Agriculture, Livestock Development and Marketing? We will leave the Question until the end then. Next Question!

*Question No. 551*

#### TELEPHONE FOR MISUFINI AND MAJENJENI

**Mr. Mwavumo**, on behalf of **Mr. Ndzai**, asked the Minister for Transport and Communications whether he could arrange to install a telephone booth near Sabaki Bridge to serve Misufini and Majenjani residents.

**Mr. Deputy Speaker:** Is there anybody from the Ministry of Transport and Communications? We will leave the Question until the end then.

*Question No. 364*

#### PRIVATE GARBAGE COLLECTORS

**Mr. Nthenge** asked the Minister for Local Government whether he could consider allowing Kamukunji Estate residents to employ private garbage collectors, since the uncollected garbage is posing a health hazard to the residents.

**Mr. Deputy Speaker:** Neither the Minister for Local Government nor any Assistant Minister is here. So, the Question is stood over for the moment.

Mr. Kamuyu's Question!

*(Mr. Mbeo stood up)*

Mr. Mbeo, do you have instructions from Mr. Kamuyu?

**Mr. Mbeo:** Yes, Mr. Deputy Speaker, Sir.

*Question No. 199*

#### TARMACKING OF ROADS IN DAGORETTI

**Mr. Mbeo**, on behalf of **Mr. Kamuyu**, asked the Minister for Local Government:-

(a) how many kilometres of untarmacked roads there are in all the seven locations of Dagoretti Constituency;

(b) what the estimated cost of tarmacking all these roads would be; and,

(c) how much money would be spent on these roads, out of the current roads improvement budget of about Kshs8 billion allocated to towns and municipalities countrywide.

**Mr. Deputy Speaker:** There is still nobody from the Ministry of Local Government here. We will leave that Question until the end, then.

*Question No. 411*

#### IMPLEMENTATION OF GATUANYAGA WATER PROJECT

**Mr. Deputy Speaker:** Is Mr. Ndicho not here? We will leave his Question until the end. Let us move on to the next Question.

*Question No. 487*

#### COMPLETION OF NGUNGUNI-KIKOKO ROAD PROJECT

**Mr. Deputy Speaker:** Hon. Ndilinge is also not here yet, so, we will leave his Question until the end. This is very serious. Next Question!

*Question No. 479*

#### ISSUANCE OF TITLE DEEDS TO MUSLIM COMMUNITY

**Dr. Otieno-Kopiyo**, on behalf of **Mrs. Asiyo**, asked the Minister for Lands and Settlement:-

(a) what plans the Ministry has to facilitate the issuance of title deeds to the Muslim Community and other people who have built houses and lived in Kendu Bay Township since the beginning of this century; and,

(b) what has caused the delay in planning and developing this township.

**Mr. Deputy Speaker:** Is anyone here from the Ministry of Lands and Settlement? We will leave that Question until the end then.

Let us hope this time round, we will meet with a little better luck.

Mr. Onyango's Question for the second time!

*Question No. 205*

## SUBDIVISION OF CENTRAL KADEM LOCATION

**Mr. Onyango** asked the Minister of State, Office of the President when Central Kadem Location, currently with four (4) sub-locations, will be subdivided into two locations.

**The Assistant Minister, Office of the President** (Mr. Awori): Mr. Deputy Speaker, Sir, may I, first of all, apologise for not having been here when the Question was first asked.

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

There are no immediate plans to subdivide the Central Kadem location into two locations.

**Mr. Nthenge:** Mr. Deputy Speaker, Sir, does the Assistant Minister realise that if the location is divided into two, it means taking administration closer to the people, and therefore, faster development, in accordance with the policy of this Government?

**Mr. Awori:** Yes, Mr. Deputy Speaker, Sir, I realise and accept that. But, of course, a request has to be made. So far, no request has been made.

**Mr. Onyango:** Mr. Deputy Speaker, Sir, it is the policy of the Government to take administration closer to the people. The people of Central Kadem have already asked for the location to be subdivided into two and it has even gone up to the District Development Committee (DDC). Can the Assistant Minister explain why they cannot divide the location into two? It is known that in 1993, the suggestion was accepted, an interview was done and someone was appointed to be the chief of the second part of the location. But because this person died, the appointment died a natural death. Can he explain why another person was not appointed to replace the person who died?

**Mr. Awori:** Mr. Deputy Speaker, Sir, I do not know how a location can "die." But if the hon. Member can avail to me minutes of the sub-DDC and the DDC asking and recommending that this Central Kadem Location be subdivided into two locations, action will be taken. I agree that the policy of this Government is to bring administration and services closer to the people.

**Dr. Otieno-Kopiyo:** Mr. Deputy Speaker, Sir, is the Assistant Minister aware that the district commissioners are the Chairmen of the DDCs? Is he also aware that the DC works under the Office of the President? How come he is asking the hon. Member for Nyatike to bring the minutes of meetings chaired by his own officer?

**Mr. Awori:** Mr. Deputy Speaker, Sir, it is because I am not aware that such a meeting took place.

**Mr. Achola:** Thank you, Mr. Deputy Speaker, Sir. Could the Assistant Minister explain to the House what criteria the Government uses in determining when to divide these locations? In many cases, we have seen that it is being done at the pleasure of the DCs. Could he tell us the criteria the Government uses in determining this?

**Mr. Awori:** Mr. Deputy Speaker, Sir, one of the criteria in pursuing the policy of the Government to take services closer to the people is the size of the location: A location should not be so large that the Chief cannot travel from one area to the other giving services. The second criteria is, of course, the population. It could be a huge location, but with very few people, we may not take that as a priority. It is the size and the number of people. The third criteria is just the desire of the people. I refuse to accept the statement that this is done at the pleasure of the DCs.

**Mr. Onyango:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead this House when in my place, it is a known fact that it is the desire of the DC and KANU supporters who decide which location is to be divided? During the last by-election for the councillors, we have got locations which have only two sub-locations and they were supposed to be divided. That plan was dropped when the KANU Government lost the elections.

**Mr. Awori:** Mr. Deputy Speaker, Sir, the KANU Government never lost. The KANU Government is still in power. We can resolve this very easily if the inhabitants of Central Kadem can go through the correct channels, sit down and make recommendations that they require the location to be subdivided. We will do it.

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

**Mr. Deputy Speaker:** Question No.519 for the second time.

*Question No.519*

## FLOODING IN MOI NDABI SETTLEMENT SCHEME

**Dr. Lwali-Oyondi**, on behalf of **Mr. J. N. Mungai**, asked the Minister of State, Office of the

President:-

(a) whether he is aware that persons who were evicted from Enoosopukia and were moved to Moi Ndabi Settlement Scheme in Naivasha were resettled in a swampy area;

(b) if he is further aware that they frequently suffer serious floods which submerge their homes forcing them to move to the neighbourhood for safety; and,

(c) if he could consider shifting them to a safer land on the same Moi Ndabi Settlement Scheme.

**The Assistant Minister, Office of the President** (Mr. Awori): Mr. Deputy Speaker, Sir, I expected my colleagues to be here because that Question comes under them. So, I did not come with any answer. Accept my sincere apologies.

*(Question deferred)*

*Question No.461*

#### RESTOCKING PROGRAMME FOR PASTORALISTS

**Mr. Arte**, on behalf of **Mr. Shidie**, asked the Minister for Agriculture, Livestock Development and Marketing:-

(a) in view of the drought that has badly affected the people of North Eastern Province, if he could consider a restocking programme for the pastoralists who have no other means of survival; and,

(b) if he could establish an abattoir in this region.

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Mr. Osogo): I apologise for having been delayed in getting this answer. However, I beg to reply.

(a) The Government has initiated the Arid Land Resources Management Programme under the Office of the President which covers the entire Northern Kenya. This programme has a small restocking component covering Wajir and Mandera Districts with a total allocation of Kshs3.5 million. The programme is currently being implemented in Wajir District. This will be extended to cover Mandera District and, depending on the success of this pilot of phase, the project will be expanded to other districts. My Ministry, with the assistance of a number of donors and NGOs, is also supporting the restocking programme focusing on specific groups and these include a restocking programme supported by OXFAM covering Wajir District. This programme has so far restocked 300 paddocks. The camel development programme covering Mandera, Samburu, Marsabit and Moyale districts is being supported by Farm Africa. The School Farming Development Programme covering Marsabit, Moyale and Samburu districts is supported by the Ministry in conjunction with the Government of Canada. There is a GTZ-supported inter-grated project covering Samburu, Marsabit and Moyale districts. Farm Africa and ODA supports a dairy goods project covering Meru and Tharaka-Nithi districts.

(b) My Ministry cannot and does not establish abattoirs but encourages and supports initiatives by interested investors. In this regard, establishment of a meat processing plant in Isiolo by private companies is under discussion and once it takes off and is operational, it will provide market for Northern Kenya. In addition, the Government supports on notifiable diseases and extension services will continue. In particular, efforts to combat animal diseases will be strengthened.

**Mr. Arte:** On a point of order, Mr. Deputy Speaker, Sir. I do not know whether the Assistant Minister is answering the Question that he was asked. The question relates to North Eastern Province and this guy is talking of Marsabit and Isiolo. What is happening?

**Mr. Moiben:** You mean the Assistant Minister is a guy?

**Mr. Arte:** He is a guy!

**Mr. Deputy Speaker:** Order! Order! Hon. Arte, after 10 to 15 years here, you should know that every Member is an hon. Member.

Proceed, hon. Osogo.

**Mr. Osogo:** Mr. Deputy Speaker, Sir, the hon Member was listening to what was happening there and that is why he did not hear my reply. I gave a comprehensive answer and referred to Northern Kenya in my reply.

**Mr. Moiben:** Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that very comprehensive reply. I am sure that was a very good answer and we are all happy.

**Mr. Deputy Speaker:** Do you have any question to ask?

**Mr. Moiben:** Mr. Deputy Speaker, Sir, could the Assistant Minister consider extending the same facility to some parts of Western Kenya, for example, some parts of Busia, Trans-Nzoia and Turkana districts because restocking

of livestock is very important to pastoralists?

**Mr. Osogo:** Mr. Deputy Speaker, Sir, if the hon. Member was listening--- I would request for your assistance, Sir, because there is a group of hon. Members disturbing the ears of hon. Members--- I said in my answer and I will read it for the second time---

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Deputy Speaker, Sir. The hon. Member from the Coast Province, Mr. Nassir, is consulting in loud tones with his fellow Members and we cannot follow the proceedings.

**The Assistant Minister for Information and Broadcasting** (Mr. Nassir): On a point of order, Mr. Deputy Speaker, Sir.

**The Deputy Speaker:** Order! Hon. Shariff Nassir, I have not given you the Floor! I have not given hon. Shariff Nassir or any Member from that group of yours the Floor.

**Mr. Osogo:** Mr. Deputy Speaker, Sir, the hon. Otieno-Kopiyo knows that if there are more than one person discussing as a group, that is disturbance. In replying to the Question from my friend from Trans-Nzoia District, I read and I said this in my reply: "Depending on the success of this pilot scheme, the project will be expanded to other districts." That covers his question.

**Mr. Deputy Speaker:** Question 551 for the second time.

*Question No.551*

TELEPHONE BOOTH FOR MISUFINI AND MAJENJENI

**Mr. Mwavumo**, on behalf of **Mr. Ndzai**, asked the Minister for Transport and Communications, if his Ministry could arrange to instal a telephone booth near Sabaki bridge to serve Misufini and Majenjeni residents.

**The Assistant Minister for Transport and Communications** (Mr. Khalif): Mr. Deputy Speaker, Sir, I apologise to the House for coming late. However, I beg to reply.

The Kenya Posts and Telecommunications Corporation will install a telephone booth near Sabaki bridge to serve Misufini and Majenjeni residents by September 1997.

**Mr. Mwavumo:** Mr. Deputy Speaker, Sir, September is too late since this bridge is very important. Could you speed it up?

**Mr. Khalif:** Mr. Deputy Speaker, Sir, everything is in place and that job will end in September. We shall not give you another date for its completion since you will not complain again.

**Mr. Nthenge:** Mr. Deputy Speaker, Sir, since this is a foreseen position from the Ministry's point of view and they are ready, could the Assistant Minister tell us exactly when the work is going to start?

**Mr. Khalif:** Mr. Deputy Speaker, Sir, the work is already in progress.

**Mr. Deputy Speaker:** Question 364 for the second time.

*Question No.364*

EMPLOYMENT OF PRIVATE GARBAGE COLLECTORS

**Mr. Nthenge** asked the Minister for Local Government if he could consider allowing Kamukunji Estate residents to employ private garbage collectors, since the uncollected garbage is posing a health hazard to the residents.

**The Assistant Minister for Local Government** (Mr. Kamuren): Mr. Deputy Speaker, Sir, I apologise for coming late. However, I beg to reply.

Kamukunji Estate residents are free to employ private garbage collectors as a supplement to the efforts being made by the City Council of Nairobi. Indeed, residents in Nairobi estates have engaged private garbage collectors who are currently doing a good job. However, the private garbage collectors should inform the Nairobi City Council to enable the council register and monitor how they collect and dispose the garbage to ensure that this is done in a proper way.

Mr. Deputy Speaker, Sir, there are 70 private garbage collector companies and individuals that have registered with the City Council of Nairobi and operate in the various estates on agreement between the area residents and organisation. Besides these are other numerous individuals and small companies that are also performing this work, but have not registered with the Council.

The Council intends to hold a seminar within a private organisation undertaking this work as to work out

modalities of their operations.

Thirdly, as a future solution to waste collection and disposal, the City Council of Nairobi, through JICA, is working a solid waste management study of Nairobi. The study will be completed in June 1988. It is looking for permanent solution to this problem.

A pilot study on privatisation of garbage collection is being undertaken within Nairobi Central Business District. So far, the Council has made tenders and eight companies have responded. The Council is evaluating the tender.

Along with this, residents from various estates normally organise clean up exercise within their estates in which the Council participate. These are communal based activities.

Some of the major private garbage collector companies working in Nairobi are:

Name of company Area of operation

Cypher Bins Doonholm Estate and Greenfields.

City Bins Limited Industrial foreign embassies.

Ottomet(?) Bins Hurlingham, Kileleshwa,  
South.

Fedha Estate, Kariobangi

Kenya Refuse Handlers Southland estates, Maasai Court, Onyonka Estate.

Ngei, Rubia, Akiba,

Greenfields---

**Mr. Deputy Speaker:** How long is that answer you are reading, Mr. Assistant Minister?

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Deputy Speaker, Sir. Which Question is the Assistant Minister answering? The Question talks about Kamukunji Estate and he has taken us on a tour of Nairobi!

*(Laughter)*

**The Assistant Minister for Local Government** (Mr. Kamuren): Mr. Deputy Speaker, Sir, I thought I was giving the answer to the satisfaction of the hon. Member.

Mr. Deputy Speaker, Sir, the companies I have mentioned along with other companies have taken some parts of the City and they are doing the best they can.

**Mr. Maore:** On a point of order, Mr. Deputy Speaker, Sir. We would like your guidance on the same point of order raised by hon. Kopiyo. The Question is very specific, whether the Assistant Minister is willing to consider allowing Kamukunji Estate residents to employ private garbage collectors. Is he saying "yes" or "no?"

**The Assistant Minister for Local Government** (Mr. Kamuren): Yes, Mr. Deputy Speaker, Sir.

**Mr. Nthenge:** Mr. Deputy Speaker, Sir, I am thankful that the Assistant Minister is very considerate, but when the whole exercise has been taken into consideration, would residents of Majengo where most of them are very poor also be given a hand?

**Mr. Kamuren:** Mr. Deputy Speaker, Sir, they will be given a hand.

**Mr. Mbeo:** Mr. Deputy Speaker, Sir, in view of the fact that private garbage collectors are coming into being in the City of Nairobi, could the Assistant Minister, therefore, consider getting rid of the service charge levy completely payable by the City residents to the City Council?

**Mr. Kamuren:** Mr. Deputy Speaker, Sir, I do not want to make any commitment on that, but when the City Council sits with those who are doing the collection, they will have to organise the modalities.

**Mr. Deputy Speaker:** Next Question, hon. Kamuyu.

**Mr. Kamuyu:** Mr. Deputy Speaker, Sir, I wish to complain that I have not received an answer to this Question No.199. However, I beg to ask Question No.199.

**Mr. Deputy Speaker:** The Minister has not been courteous to you?

**Mr. Kamuyu:** No, Sir.

*Question No.199*

COST OF TARMACKING ROADS IN DAGORETTI

**Mr. Kamuyu** asked the Minister for Local Government:-

(a) how many kilometres of untarmacked roads are there in all the seven locations of Dagoretti constituency;

(b) what the estimated cost would be of tarmacking all these roads; and,

(c) how much money would be spent on these roads, out of the current roads improvement budget of

about Kshs8 billion allocated to towns and municipalities countrywide.

**The Assistant Minister for Local Government** (Mr. Kamuren): Mr. Deputy Speaker, Sir, if the hon. Member for Dagoretti has not received the answer, I will give him my copy to study. However, I beg to reply.

(a) There are 38 kilometres of untarmacked roads in all the seven locations of Dagoretti constituency that fall under the maintenance of Nairobi City Council.

(b) The estimated cost of tarmacking all these roads is approximately Kshs684 million.

(c) Approximately Kshs49,340,000 will be spent on three roads within Dagoretti constituency. These roads are Kinyanjui road, Kambiria road and Dagoretti road.

Mr. Deputy Speaker, Sir, I would like to assist my friend, hon. Kamuyu, with more information. Details of the three roads are as follows: Kinyanjui road, 1.8 kilometres, construction will cost approximately Kshs18,700,000; for Kambiria road, which is 1.47 kilometres, rehabilitation would cost Kshs14,400,000; and for Dagoretti road which, is 4.06 kilometres, rehabilitation will cost Kshs16,240,000.

The list of the other roads is as follows: Nyakinyua road, Wakiria road, Kahuho road, Ngina road, Karugu road, Wangai road, Wangai ring road, Kagondo road, Ng'ang'a, Muchene, Muki, Mukiri, Mramba, Muchukia, Salim, Thiongo, Macharia-Kiarie-Muchai road, Muthiora road and Ng'ando access road.

The three roads will be covered in the first phase of the work, consideration for other roads will be in the letter mentioned.

**Mr. Kamuyu:** Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for that effort to list the roads and amount of money to be spent. We realise that Kshs684 million would be required to build these roads. This has become a perennial Question. For the last ten years, I have been asking this Question and the answer has been similar, which means this Ministry is not serious at all. I do not know what they expect me to do or they want me to sell my family, my wife or what I have to build these roads. Can we, for one, have this Assistant Minister be serious and admit that the Ministry of Local Government is not capable of doing these roads in Dagoretti at all? It is good to admit this instead of reading this figure of Kshs864 million. All these roads were actually started and they were only about 20 per cent done. The City Council with the councillors in this City Council gave the contractor a certificate of completion. So, the money was paid, but roads were not completed. So, he should not tell us that the roads will be done because they had already been started, 20 per cent was done, certificate of completion issued and contractor was paid and moved out of the site. Can the Assistant Minister tell us whether they can transfer the road construction from the Ministry of Local Government to the Ministry of Public Works and Housing because we have 1,000 lorries of murrum which we want to donate free of charge to the Ministry of Public Works and Housing?

**Mr. Deputy Speaker:** Order, hon. Kamuyu! You were asking a question but now you are giving a lecture. Mr. Kamuren, proceed!

**Mr. Kamuren:** Mr. Deputy Speaker, Sir, I would like to inform the hon. Member for Dagoretti that the Ministry is very, very serious about these particular roads. We will do all we can on the first phase, to make sure that it is completed. If payment had been made before completion of the roads, which I have already mentioned in my answer, we will go back to it and make sure that whoever paid money to anybody without completion will have to face the consequences.

Secondly, we in the Ministry cannot allow hon. Kamuyu, who is legally married to a beautiful wife and has got a ring, to do what he has threatened to do.

**Mr. Maore:** On a point of order, Mr. Deputy Speaker, Sir. I want to seek your guidance as to whether the Member for Dagoretti is in order, being a Member who is a bit gender sensitive, to consider his wife as one of the disposable assets?

**Mr. Deputy Speaker:** Order, hon. Maore! I consider that to be a frivolous point of order.

**Mr. Kamuren:** Mr. Deputy Speaker, Sir, hon. Kamuyu was asking that supplementary question with a sense of humour, because he knows why I have given such a detailed answer to his question. But the hon. Member for Ntonyiri is younger than hon. Kamuyu!

**Prof. Mzee:** Can the Assistant Minister tell this House how his Ministry came to the figure of Kshs18 million per kilometre in tarmacking the roads mentioned, when we know that the figure which is given by the Ministry of Public Works and Housing is much lower than that. How did you arrive at the figure of Kshs18 million?

**Mr. Kamuren:** Mr. Speaker, Sir, the figure was arrived at when the tender committee met with the contractor who was contracted to do that road.

**Mr. Kamuyu:** Mr. Deputy Speaker, Sir, I wish to inform the Minister that we have 1,000 lorries of murrum ready to be donated free of charge to the Ministry, if they are serious about doing these roads. That murrum is in my father's land and I am ready to donate, free of charge, 1,000 lorries of murrum for those roads. If they are serious, can they mobilise the machinery, therefore, or can he admit that if they are not capable of doing this, the Ministry of Public

Works and Housing can come in? After all, I am told that they are permanently in Dagoretti campaigning for KANU and if they are serious, can they get these roads done? Otherwise they will not have any vote for KANU in Dagoretti.

**Mr. Kamuren:** Mr. Deputy Speaker, Sir, hon. Kamuyu was a KANU Member of Parliament before and he is today in the Opposition and those KANU voters who changed their minds and voted for him are still there.

Mr. Temporary Deputy Speaker, Sir, we are serious in doing the roads and if there are 1,000 lorries of murram, we welcome that move and thank him for being so generous to the Ministry.

*Question No. 411*

IMPLEMENTATION OF GATUANYAGA WATER PROJECT

**Mr. Deputy Speaker:** Mr. Ndicho is not here and, therefore, the Question is dropped.

*(Question dropped)*

**Mr. Ndilinge:** Mr. Deputy Speaker, Sir, first of all, I wish to apologise for coming late.

*Question No.487*

COMPLETION OF NUNGUNI-KIKOKO ROAD PROJECT

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

(a) whether he is aware that Nunguni-Kikoko Road was left incomplete by the contractor who was constructing it; and,

(b) if the answer to "a" above is in the affirmative, whether he could inform the House whether the contractor was paid and whether any inspection by the Ministry was done before payment.

**The Assistant Minister for Public Works and Housing** (Mr. Mwamzandi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Nunguni-Kikoko Road was left incomplete by the contractor due to lack of funds.

**Mr. Obwocha:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to reply from the Back Bench instead of coming to the Dispatch Box?

**Mr. Deputy Speaker:** I would really prefer that he replies from the Dispatch Box. That is the meaning of the Government Front Bench.

**The Assistant Minister for Public Works and Housing** (Mr. Mwamzandi): Mr. Deputy Speaker, Sir, we are actually used to sitting here because sometimes there is no space.

**Mr. Deputy Speaker:** Since you are an Assistant Minister of the Government, you should be used to sitting on the Front Bench!

**The Assistant Minister for Public Works and Housing** (Mr. Mwamzandi): Mr. Deputy Speaker, Sir, I will do that next time.

(a) Mr. Deputy Speaker, Sir, I am aware that the Nunguni-Kikoko Road was left incomplete due to lack of funds.

(b) The contractor was paid a sum of Kshs54,521,650 for the work done before he pulled out. The necessary action was taken to determine the value of the work done before then.

**Mr. Ndilinge:** Mr. Deputy Speaker, Sir, arising from the Assistant Minister's reply, nothing was done on that road. It appears that there was a conspiracy between the contractor and the officers who went to inspect that road. I am sure the Assistant Minister is not serious about what he is saying. If he is serious, can he tell us how many kilometres were done and those left undone?

**Mr. Mwamzandi:** Mr. Deputy Speaker, Sir, I am surprised to hear the hon. Member say nothing has been done, when I know for sure that during that time, he was not a Member of this House. The works commenced on 8th April, 1990 when he was not here. The work was done and the contractor stopped in 1992 because of non-payment, as I told him earlier. At the time he pulled out, the Kikoko-Precious Blood Section and half of the Kikoko-Nunguni Road Section had been completed. The earthworks on the access roads to the law courts were also completed. So, a good percentage of the works was done, although I do not know exactly how many kilometres were done, because the whole road was only eight kilometres.

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



**Mr. Deputy Speaker:** Mr. Nthenge, it has to be a serious point of order!

**Mr. Nthenge:** Yes, Sir, it is a serious point of order. You heard hon. Ndilinge say that there was a conspiracy. So, while theoretically the job was done, practically it was not done. Could this be proved so that those involved may go to court?

**Mr. Deputy Speaker:** That is not a point of order. Mr. Mwamzandi, do you have anything to say to that?

**Mr. Mwamzandi:** Mr. Deputy Speaker, Sir, that was not a point of order!

**Mr. Maundu:** Mr. Deputy Speaker, Sir, the Assistant Minister should make a trip to this particular area to see for himself what he is talking about. Be that as it may, the way this road has been done is very surprising. Two separate portions of it have been tarmacked and a section of about three kilometres in between has been left untarmacked. When the President visited Kilungu he said that the road should be completed. Can the Assistant Minister tell the House what plans he has to make sure that this section of about three kilometres is tarmacked? The Ministry stopped work on this road just after the 1992 elections. Can he complete it because elections are now just around the corner?

**Mr. Mwamzandi:** Mr. Deputy Speaker, Sir, my Ministry is regularly maintaining this road. I assure the hon. Member that regular maintenance of the road is still going on.

**Mr. Maundu:** On a point of order, Mr. Deputy Speaker, Sir. I did not ask a question on maintenance of the road. I asked about tarmacking of a three-kilometre section of the road which is in between two tarmacked sections of the same road. The President said that, that section would be tarmacked. Can the Assistant Minister tell the House whether he has allocated any money for the tarmacking of this section of the road?

**Mr. Mwamzandi:** Mr. Deputy Speaker, Sir, I am glad that one of the hon. Members from that area has now accepted that some thing was done on this road and only three kilometres remain untarmacked now. I cannot say now whether or not we have allocated money for the tarmacking of the remaining three-kilometre section of the road, but I will check to find out this. Although the hon. Member is out of order for using the name of the President here, if it is true that instructions were given that the road be done, it must be done.

**Mr. Ndilinge:** Mr. Deputy Speaker, Sir, it appears that some development projects in Ukambani are implemented when elections are about to come. Since elections are now around the corner can the Assistant Minister tell the House whether he is going to do something about this road? If I die today it will cost the Government heavily to take my body to my home for burial. There is no road even to my homestead!

**Mr. Achola:** Then how will the Government take your body home?

**Mr. Ndilinge:** It will be forced to use a helicopter. All the roads in Ukambani are neglected! Can the Assistant Minister now tell the House whether something will be done about this section of the road?

**Mr. Mwamzandi:** Mr. Deputy Speaker, Sir, I am sure that by the time the hon. Member is dead the road will have been done.

**Mr. Ndilinge:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that he knows the day I will die? Can he tell the House when I will die?

**Mr. Mwamzandi:** Mr. Deputy Speaker, Sir, it is the hon. Member himself who said that it will cost the Government heavily to transport his body home when he is dead. I do assure him that by the time he is dead the road will have been done.

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

**Mr. Deputy Speaker:** Order! I am sure that the hon. Assistant Minister is hoping that hon. Ndilinge will live for a long time. Mrs. Asiyo's Question for the second time.

*Question No.479*

ISSUANCE OF TITLE DEEDS TO MUSLIM COMMUNITY

**Dr. Otieno-Kopiyo**, on behalf of **Mrs. Asiyo**, asked the Minister for Lands and Settlement:-

- (a) what plans the Minister has to facilitate the issuance of title deeds to the Muslim Community and other people who have built houses and lived in Kendu Bay Township since the beginning of this century; and,
- (b) what has caused the delay in planning and developing this township.

**The Assistant Minister for Lands and Settlement** (Mr. Kaino): Mr. Deputy Speaker, Sir, first of all I wish to apologise for coming late.

Mr Deputy Speaker, Sir, I beg to reply.

- (a) In order to facilitate the issuance of title deeds to the Muslim Community and other people who have built

houses and lived in Kendu Bay Township since the beginning of the century, my Ministry intends to liaise with local authorities and the Provincial Administration, in order to identify the informal settlement plan for the land in question and finally document the allocations in accordance with the established procedures.

(b) There has been no delay in planning and developing this township as Development Plan No.104/68/1 dated 10.8.68 was approved by the Commissioner of Lands on 2.9.69, and serialised as approved Development Plan No.2.

**Dr. Otieno-Kopiyo:** Mr. Deputy Speaker, Sir, I wonder what was happening to the local authorities and the Provincial Administration for a century! Were they not in existence? What has happened to them? Why did they not do what the Assistant Minister is planning to do now, since 1968 when that plan was approved? In any event part (b) of the answer contradicts itself. It says that there has been no delay and at the same time confesses that the plan was approved in 1969 and yet development has not taken place. I wonder why the Assistant Minister cannot see that contradiction! Be that as it may, when will he liaise with the Provincial Administration, now that he has a better PC for Nyanza Province?

**Mr. Kaino:** Mr. Deputy Speaker, Sir, the hon. Member will agree with me that this Question actually falls under two Ministries: These are the Ministries of Lands and Settlement and Local Government. Part of the Question will be addressed to the Ministry of Local Government.

Mr. Deputy Speaker, Sir, as far as we are concerned, the Government is very serious about this issue, not only in Kendu Bay but also in other towns. Last week hon. Ruhiu asked a Question similar to this one. The Ministry has formed a task force which has been working on the issue. The hon. Member will agree with me that elders from Shauri Moyo, Majengo and other Swahili villages in every urban area, together with officers from my Ministry, the Ministry of Local Government, the Provincial Administration and other experts on this matter, have been meeting to try and establish the truth about the ownership of township settlements. They will plan, demarcate the lands and then send their information to my Ministry for issuance of title deeds.

So, we are handling all the areas where people have lived since the beginning of the century. The Government is very serious with this work and the hon. Member knows exactly what is happening. He knows that there is a task force on the ground now which is working on this matter and will cover all concerned areas in the country.

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister should take this House seriously. He has just said that there is a development plan No.104/68/1, dated 10th August, 1968. The question of liaising and meeting does not arise in this particular situation because he has told us that they have a plan which has been approved. He is misleading the House and I do not think the Chair should let him get away with it.

**Mr. Deputy Speaker:** Do I whip him?

**Dr. Otieno-Kopiyo:** Tell him not to contradict himself.

**Mr. Deputy Speaker:** He knows that he should not contradict himself.

**Dr. Otieno-Kopiyo:** When is he going to implement that plan?

**Mr. Kaino:** Mr. Deputy Speaker, Sir, from the year 1969 to date, it is a long time. We are saying that there are no permanent houses in that area and, in fact, some are grass thatched. I think the hon. Member should be asking me where these people will be moved to when the development plan is implemented, instead of asking me why we are undertaking the plan now. We are supposed to create roads, build schools and other infrastructures in those areas. So, the Ministry keeps on drawing up development plans every other day.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, maybe, this Assistant does not understand issues. A century is equivalent to a 100 years. So, for 100 years people have lived in Kendu Bay without any plans. Maybe, we can hold the colonialists responsible for the 70 years, but we are responsible for keeping these people in this situation for 34 years. The Assistant Minister has told us that since 1969 there has been a development plan and up to now nothing has been done. Now, are these people Kenyans or are they not? When is he going to ensure that these people in Kendu Bay and other towns are given title deeds so that they can have a sense of belonging as Kenyans?

**Mr. Kaino:** Mr. Deputy Speaker, Sir, hon. Anyona fails to understand that it is only 30 years ago when we got our Independence. What is 30 years given that we are now doing something?

**Mr. Farah:** Mr. Deputy Speaker, Sir, we have seen on the Floor of this House how the Government discriminates against Muslims. We have a similar problem in Kibera and all Majengos. These were the first people to settle in those urban centres when his great grandfathers were herdsmen. He has property today and he thinks that these people should wait for another 100 years before they can have title deeds. It is primarily the mistake of the Government to fail to give ownership to those Muslims in these areas. You will find that so many other non-Muslims who are in excess of the original population are there and are also vying for those pieces of land. Can the Assistant Minister ensure that land will only be allocated to the original owners of those areas, who are Muslims, and who have

lived on that land for over a century and not the ones who settled there in the last 15 or 20 years?

**Mr. Kaino:** Mr. Deputy Speaker, Sir, I object to the statement that we are discriminating against Muslims. That should not arise. Everybody, irrespective of his religion, is a Kenyan and we treat them as citizens of this country.

As the Member may already be aware, the history of these people dates back to the First World War. Most of these people were settled in Eldama Ravine, Kibera and other areas. So, partly, history is to blame. The Government has formed a task force to look into the plight of these people and the hon. Members from these areas will tell you that it has already begun its work. In Kibera, we have a committee comprising of the Nubians and the Provincial Administration. These are the people who can identify the original owners of those pieces of land. The only problem we will experience is settling down the displaced people. We are trying to develop these areas because we want these Kenyans to live like everybody else.

### QUESTIONS BY PRIVATE NOTICE

#### SELECTION OF CRAFTSMANSHIP TRAINEES

**Mr. Cheserek:** Mr. Deputy Speaker, Sir, for the second day running, I wish to ask the Minister for Energy the following Question by Private Notice.

(a) How many craftsmanship trainees were taken during the recent Kenya Power and Lighting Company College recruitment?

(b) Could the Minister give a break-down of the trainees per district?

(c) Why was the letter of offer for Mr. Joseph Silayah to attend this course retracted and cancelled at the last minute?

**Mr. Deputy Speaker:** Was this Question deferred yesterday?

**Mr. Cheserek:** Yes, Mr. Deputy Speaker, Sir. **Mr. Deputy Speaker:** Since the Minister is not here, I defer it to the earliest opportunity.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. This is a very important Question and the Minister should have been aware that it was coming up this morning. The Minister is not here this morning. He has not even delegated the work of answering the Question to his Assistant Minister. Is the Chair being fair to the House by allowing this person to behave like this? Should there not be some kind of punishment when this kind of thing happens because the Chair is being defied?

**Mr. Deputy Speaker:** Well, Mr. Anyona, I fully share your sentiments of the frustrations the House is subjected to by the conduct of Ministers and in particular regarding this case which was deferred yesterday. However, I can only tell you that the rules of this House as contained in the Standing Orders and conventions give the Chair only one function to apply against the Government and, that is, to make sure the Question is repeated as many times and as soon as possible. I am saying the Question is deferred to appear on the Order Paper at the earliest opportunity again. I direct that it appears on the Order Paper, tomorrow and I hope the Minister will get to know of these sentiments and he will save us the burden of another deferment.

#### DUMPING OF WASTE IN NGONG FOREST

**Mr. Mwiraria:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Environment and Natural Resources the following Question by Private Notice.

(a) Is the Minister aware that a beautiful glade in the Ngong Forest, off Forest Edge Road, between Murisho and Makinduri roads, has been turned into a dumping site for black cotton soil by a building contractor?

(b) Since the dumping has adverse environmental effects, what action is the Minister taking to stop the dumping and get the contractor to clear the waste?

**The Assistant Minister for Environment and Natural Resources (Mr. Lengees):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that a beautiful glade in Ngong Forest, off Forest Edge Road, between Murisho and Makinduri Roads, has been used as dumping site for black cotton soil and the dumping is illegal and must be stopped.

(b) Our field officers have been instructed to investigate and establish the identity of the contractor responsible for the dumping. Also, to avoid a repeat of the dumping at the site, surveillance patrols have been intensified. Any past or future offenders will be prosecuted according to the law. The Ministry will also put illustrative posters at the site as a deterrent measure against potential offenders.

**Mr. Mwiraria:** Mr. Deputy Speaker, Sir, I thank the Assistant Minister and wish to inform him that the

contractor who has been dumping black cotton soil has also been removing red soil from the forest. He has been taking it from an area next to the forest guards. For the information of the Minister, the contractor - I will not give his name - has been working at Brookside School. So, I hope you will take action. More importantly, the Ngong Forest has been turned into no man's land. It is being misused for removal of red soil and dumping of City waste. Could the Assistant Minister assure this House that this will stop because for most of us who are living next to this forest and who used to enjoy walking into the forest, it is really becoming impossible?

**Mr. Lengees:** Mr. Deputy Speaker, Sir, as I said, the Ministry has taken steps. We are going to send an officer there. We have also noted that the contractor seems to be doing some other digging within the forest yard. The Ministry will take appropriate action very soon.

**Mr. J.N. Mungai:** Mr. Deputy Speaker, Sir, this is not a very simple matter, although the Assistant Minister appears to take it very lightly. Ngong Forest is a very sensitive one. Why? One, it is near the City. Two, land-grabbing, in as far as the Forestry Department is concerned, is so rampant. There is wood from that forest to be protected. In view of that, we know that in such an area, we must have active and working forest guards at all times, so that they can detect anything that could affect that portion of the forest. In view of that, then it shows that either there were no forest guards all this time this dumping has been going on or the forest officers plus the guards were bribed to turn this area into a dumping ground or something of that kind must have happened. My question is: While the Assistant Minister is doing the investigations he has promised the House, could he take action against the Forester of Ngong Forest and his forest guards who were in charge of that area?

**Mr. Lengees:** Mr. Deputy Speaker, Sir, since the notification of this Question, the Ministry has taken a stern action by posting another officer to be in charge of that forest. Secondly, there are already forest guards on the site who cannot be bribed by anybody.

**Mr. J.N. Mungai:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to evade my question? My question was very straightforward. Now that all this dumping has been going on, the Minister should have known. Is it in order, therefore, for the hon. Assistant Minister to evade answering a straightforward question on what action has been taken against the area Forester and his forest guards?

**Mr. Lengees:** Mr. Deputy Speaker, Sir, we have investigated what has been alleged here and we found out that dumping was being done by a contractor. We did not find whether there was anybody who was bribed within the site. We have already posted our officers to investigate what is happening on the ground.

**Mr. Mwiraria:** Thank you, Mr. Deputy Speaker, Sir. The heaps of soil which have been dumped in these plains are serving as hide-outs for muggers who are now mugging ladies walking along the road. Could the Assistant Minister ensure that this soil is removed as soon as possible or at least, flattened so that it no longer serves as a hide-out for muggers?

**Mr. Lengees:** Yes, Mr. Deputy Speaker, Sir, we will clean it up. For the information of the hon. Member, if he wants to know that the Minister has been very much aware and he has been acting on the dumping in Ngong Forest, the following example will illustrate this. In 1995, HZ Company was fined Kshs2,000 for dumping cotton soil in Ngong Forest. This is an indication that the Ministry is ready to take punitive and correct measures in order to conserve forests.

**Mr. Deputy Speaker:** Next Order, Mr. Anyona.

## MOTION

### FINANCIAL ASSISTANCE TO YOUTH POLYTECHNICS

THAT, given the crucial importance and role of the youth polytechnics in the technological transformation of the rural and urban areas in the country through the informal and *Jua Kali* sectors, and in view of the serious financial, management and organisational problems facing and threatening the collapse of the youth polytechnics in the country, this House resolves as follows:

- (i) that all youth polytechnics in the country be financed through the Exchequer and supervised by the Ministry of Research, Technical Training and Technology in the same manner as all public educational and technical institutions;
- (ii) that the remuneration and other terms and conditions of service of instructors and other employees of youth polytechnics be based on a regular Scheme of Service in accordance with the Public Service Regulations.
- (iii) that the graduates of the youth polytechnics be absorbed into regular employment both in the public and private sectors and/or be assisted with capital (financial and/or material) to join the informal and *Jua Kali* sectors in self-employment.

*(Mr. Anyona on 30.7.97)*

*(Resumption of Debate interrupted  
on 30.7.97)*

**Mr. Anyona:** Mr. Deputy Speaker, Sir, before the House adjourned last time, I was giving some statistical information on budgetary provision in this year's Estimates which were not in any way adequate for the purposes that we are talking about. I would like to point out that the cost of each course in any of these youth polytechnics is Kshs30,000. This is not a figure that ordinary Kenyans can afford. Therefore, unless the Government chips in to ensure that the costs are affordable, then really the whole purpose of youth polytechnics makes no sense at all.

Mr. Deputy Speaker, Sir, I said that there are 600 youth polytechnics in the country. It is estimated that about each youth polytechnic requires a minimum of seven instructors. So, we are talking about a total of 4,200 instructors, plus other employees. Again, this is a figure that ordinary Kenyans, particularly in the poorer parts of this country, can hardly afford. It is for these reasons, therefore, that we are proposing that the Government should finance youth polytechnics, so that we can ensure their success. It is important that the Ministry takes care of the employees because unless we have qualified employees, the youth polytechnics, again would not serve the purpose for which they were intended.

The last time we raised this issue again in the House by way of Question, we were informed that the matter was awaiting Cabinet approval and that a Cabinet paper had already been prepared and was waiting to go to the Cabinet. That is about two years ago. I would like to hope that for the last two years, the Cabinet has been meeting and that the matter, therefore, has by now received Cabinet approval. We are asking for a comprehensive scheme of service for these employees who are as good as other civil servants. In fact, as I said earlier, the future of this nation lies in industrialising our economy. We cannot industrialise, if we do not have the necessary technology and skills, and this can only be acquired through youth polytechnics.

Mr. Deputy Speaker, Sir, we were told that it was necessary to bring a Bill to this House which can then be approved so, that the Ministry can implement the necessary doctrines. This House is willing any time to pass such a Bill. I would like to hope that before the 7th Parliament ceases to exist, this Bill will be brought. We talk about reforms, but we forget that reform in itself is meaningless, unless we are dealing with the actual lives of Kenyans. If we talk about reforming the Constitution so that we can share power and come into power---

### QUORUM

**Mr. Mbeo:** On a point of order, Mr. Deputy Speaker, Sir. The Chair would realise that hon. Anyona is discussing a very important issue here, but there is nobody in the Front Bench. Therefore, there is no quorum in the House.

**Mr. Deputy Speaker:** Well, I notice there is one Front-bencher on the Government side, although he is in the Back Benches. I notice that there is no quorum, therefore, I direct that the Division Bell be rung.

*(The Division Bell was rung)*

### ADJOURNMENT

**Mr. Deputy Speaker:** Order! Under Standing Order No. 25 (1) (a), I am left with no option but---

**An hon. Member:** But there is a quorum!

**Mr. Deputy Speaker:** The Clerk-at-the Table, is there quorum?

*(The Clerk at the Table gestured in the negative)*

Order! Hon. Members, for lack of quorum, the House stands adjourned until this afternoon 2.30 p.m.

The House rose at 10.15 a.m.