

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 5th October, 2005

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

CLARIFICATION ON ERRONEOUS
NEWS ITEM

Mr. Speaker: I just want to make a brief clarification. I watched some news presentation this afternoon and I think it was erroneously reported by one of the media houses that the Debate you had this morning will continue tomorrow. That is not a fact. The Debate was allocated one-and-half hours, which elapsed. That was the end of that Debate!

Thank you.

(Applause)

QUESTIONS BY PRIVATE NOTICE

PROCUREMENT OF ELECTRONIC
TAX REGISTERS

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

(a) How many business firms have procured electronic tax registers to date as demanded by Kenya Revenue Authority (KRA)?

(b) How much money has KRA paid as refunds to date?

(c) How many more business does KRA target for the electronic tax registers?

Mr. Speaker: Anyone here from the Ministry of Finance? I will come to this Question later on!

Next Question!

WITHDRAWAL OF UNCOLLECTED ID CARDS
FROM NANDI NORTH DISTRICT

Mr. Sambu: Mr. Speaker, Sir, I beg to ask the Minister for Immigration and Registration of Persons the following Question by Private Notice.

(a) Is the Minister aware that Nandi North District National Identity cards which have been

awaiting collection by owners have been withdrawn from the local registration offices and taken back to the Principal Registrar's Office in Nairobi?

(b) Why have the identity cards been withdrawn?

(c) Will the Minister ensure that these identity cards are immediately returned to the local registration offices so that the owners can collect them?

Mr. Speaker: Anyone here from the Ministry of Immigration and Registration of Persons? I am afraid I will have to defer the two Questions to tomorrow!

Capt. Nakitare: On a point of order, Mr. Speaker, Sir. I seek your guidance on this matter. Whenever Questions are deferred, they interfere with programmes of other Questions by other hon. Members. It is unfair for us to wait for our Questions to be put on the Order Paper, and yet other hon. Members do not perform their duties. We need your guidance on that matter.

Mr. Speaker: I have guided the House many times! In fact, I have grown grey hair guiding the House!

(Laughter)

I have said many times that Ministers must be here to answer Questions. I have also said that hon. Members should be here to ask their Questions. I have, in fact, taken punitive measures against Back-benchers who are not present to ask their Questions. In fact, I drop their Questions! This is unfair because I cannot take similar action against the Front Bench. I should not be left impotent. I hope the Front Bench is listening. The Leader of Government Business is here, and I know he has tried his level best. However, they do not listen to him either! Who do they listen to?

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, I know that your hair has grown grey, but I have lost mine completely as you can see! However, I will continue to talk to them.

(Laughter)

Mr. Speaker: Very well! I will leave the two Questions by Private Notice to the very end in an attempt to see whether the Ministers will come. I hope that the Government Chief Whip is here so that he can ask his colleagues to come and answer these Questions.

Anyhow, let us move on to Ordinary Questions!

ORAL ANSWERS TO QUESTIONS

Question No.445

SHOOTING OF MR. NGIGI
BY SECURITY OFFICER

Mrs. Kihara asked the Minister of State, Office of the President:-

(a) if he is aware that on 17th February, 2005, during the recent clashes in Maai Mahiu, Mr. Immanuel Ngigi was shot by a security officer;

(b) if he could ensure that the officer is arrested and prosecuted; and,

(c) how the Ministry is going to compensate Mr. Ngigi who became paralysed as a result of the shooting.

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Speaker, Sir, I sought your indulgence last week to enable me to get further information about this person who is

the subject of the Question. It is only half-an-hour ago when I got a report from the officer I sent to the ground. This information is useful to the House. I seek further indulgence from the House so that I can make a formal reply tomorrow.

Mr. Speaker: Mrs. Kihara, is that okay with you?

Mrs. Kihara: Mr. Speaker, Sir, since the Assistant Minister has made an effort, it is okay with me.

Mr. Speaker: Again, we are crowding tomorrow's Order Paper; displacing as it were legitimate Questions for tomorrow. I hope that is the last request in that regard.

(Question deferred)

Question No.524

ASSAULT ON MR. SIMON WAITHAKA

Mr. Muchiri: Mr. Speaker, Sir, the hon. Member for Ol'Kalou, Eng. Muriuki, is out of the country on official business. I request you to defer the Question until after next week.

Mr. Speaker: The Question is deferred! He will consult the Clerk-at-the-Table for the appropriate time!

(Question deferred)

Question No.167

SHORTAGE OF TEACHERS IN MAKADARA PRIMARY SCHOOLS

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

- (a) if he is aware that there is an acute shortage of teachers in primary schools in Makadara Constituency; and,
- (b) what he is doing to address this serious problem which is affecting educational standards in the area.

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that there is a shortage of 68 teachers in primary schools in Makadara Constituency, but the situation is not acute compared to other constituencies in Nairobi.

(b) During the just concluded recruitment of teachers, Nairobi was allocated 34 places. Makadara Constituency will get its share out of this number when the Teachers Service Commission (TSC) will deploy teachers in October, 2005.

Mr. Ndolo: Thank you, Mr. Speaker, Sir. I thank the Assistant Minister for her answer. We have complained about the shortage of teachers in my constituency for the last two years. The Assistant Minister has said that Nairobi has been allocated 34 places. At the same time, she has said that Makadara Constituency has got a shortage of 68 teachers. Could she tell this House how many teachers have been posted to her constituency? I know that she has received more teachers than any constituency in Nairobi.

Mrs. Mugo: Mr. Speaker, Sir, I would like to inform the hon. Member that Dagoretti

Constituency has got the largest shortage of teachers in Nairobi Province. The constituency has a shortage of 173 teachers and Embakasi Constituency has a shortage of 158 teachers while Kasarani Constituency has a shortage of 163 teachers. In fact, if there was fairness, all the teachers should have been posted to Dagoretti, Kasarani and Embakasi constituencies. However, I pay dearly because I am one of the Assistant Ministers in the Ministry of Education, Science and Technology.

Dr. Godana: Mr. Speaker, Sir, this Question could have been asked of any constituency as the hon. Member has said. Could the Assistant Minister tell the House the total shortage of teachers in our schools? What concrete plan do they have to address the problem? I am told that there is a shortage of up to 60,000 teachers. Some of our schools have only three teachers! I know of a girls' school in my place with three teachers and yet it has nine streams! What hope is there for us to bridge this gap?

Mrs. Mugo: Mr. Speaker, Sir, we admit that there is a shortage of teachers in the country. We have not been hiding that. I do not have the exact number of teacher shortage but it is certainly not 60,000. However, the shortage is in the range of 20,000. The Kenya National Union of Teachers (KNUT) puts the figure at 60,000. However, that is still a large number.

The Ministry, together with the Treasury and our development partners, especially the World Bank, have been holding meetings to find out the way forward. We will have another meeting in November in which the TSC will give us the exact position. We have realised that although we have a large figure of teacher shortage, there are many teachers who are under-utilised; that is, their workload is lower than the number of hours they work. That aspect is being addressed. The report will come out in November, 2005. We balanced the teachers per class before. However, we are now balancing the workload. We will agree on the way forward as soon as the report comes out. We will recruit more teachers. We have tried considering the fact that employment of teachers was frozen for over ten years. The NARC Government has employed many teachers since it came into power.

Archbishop Ondiek: Mr. Speaker, Sir, the Assistant Minister promised last time that she will post new teachers to my constituency. She said that they were interviewing teachers in August, 2005, and we were going to have adequate teachers. However, she is now saying that there is a shortage of teachers.

Mrs. Mugo: Mr. Speaker, Sir, recruitment of teachers has been going on since August, 2005 to date. Letters to successful applicants have been sent to them to report to the schools. They are being posted this month. I would like to request Archbishop Ondiek to wait until this process is completed. But if schools in his constituency do not receive teachers, I will still re-look at this issue. I will also ask the District Education Officer (DEO) to see to it that teachers are posted to that constituency.

Mr. Speaker: Last question, Mr. Ndolo!

Mr. Ndolo: Mr. Speaker, Sir, Makadara Constituency is not only facing the problem of shortage of teachers, but there are also strangers residing in staff quarters in most of those schools. This is quite unfortunate because teachers do not stay in those houses. What is the Ministry doing to make sure that those strangers are evicted from those houses immediately?

Mrs. Mugo: Mr. Speaker, Sir, I have no idea which houses the Member is talking about!

Mr. Speaker: Mr. Ndolo, what houses are you referring to?

Mr. Ndolo: Mr. Speaker, Sir, these are staff quarters in primary schools in Makadara Constituency.

Mrs. Mugo: Mr. Speaker, Sir, that will be checked. Maybe, the hon. Member could even tell me later on exactly which schools he is referring to and action will be taken.

Mr. Speaker: Next Question, Mr. Serut!

*Question No.668*MEDICAL FACILITIES FOR MT. ELGON
DISTRICT HOSPITAL

Mr. Speaker: Hon. Members, Mr. Serut is not here. His Question is dropped.

(Question dropped)

*Question No.189*REVIVAL OF CATTLE DIPS IN
SIGOR CONSTITUENCY

Mr. Rotino asked the Minister for Livestock and Fisheries Development:-

- (a) if he is aware that cattle dips in Sigor Constituency, which were hitherto operational, have collapsed; and,
- (b) what urgent measures he is taking to revive the cattle dips and how much money has been set aside for the programme.

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that cattle dips in Sigor Constituency which were hitherto operational have collapsed as in many other constituencies.

(b) My Ministry has stepped up measures to have the cattle dips in Sigor Constituency and other parts of the country revived and brought into full operation. The measures include the continuous training of farmers and dip management committees on proper cattle dip utilisation and basic management practices. The Ministry is also currently advising Members of Parliament and local authorities to set aside some funds out of the Constituencies Development Fund (CDF) and the Local Authority Transfer Fund (LATF) and join together with other stakeholders to revive and sustain cattle dips.

While this is being done, my Ministry continues to educate farmers on the alternative methods of controlling tick-borne diseases to make sure that only effective acaricides are sold to farmers. It is the view of the Government that if these measures are implemented, all cattle dips will be fully operational.

Mr. Rotino: Mr. Speaker, Sir, first of all, I would like to thank the Minister because he has accepted that cattle dips in Sigor Constituency have collapsed. However, he has not given this House a systematic plan on how those cattle dips will be revived. There is also no money the Minister has allocated in the Printed Estimates for the revival of cattle dips. What systematic plan has he put in place to ensure that these cattle dips are revived?

Mr. Munyao: Mr. Speaker, Sir, I hope the hon. Member got me right. What we are doing is intentional. If you look at the Printed Estimates for the Financial Year 2003/2004, we have reduced the funding on this kind of Item because we want to transfer the responsibility of managing these cattle dips to the communities. Management of these cattle dips is very crucial. That is why we are requesting hon. Members of Parliament and local authorities to allocate some funds to revive them. To revive a cattle dip costs between Kshs40,000 and Kshs50,000. After that, it is up to the management committee to ensure that these cattle dips are operational.

Maj-Gen. Nkaisserry: Mr. Speaker, Sir, the Minister has avoided answering the question by Mr. Rotino. Mr. Rotino specifically wants to know the systematic plan on how these cattle dips will be revived. The Minister acknowledged that the cattle dips which were operational collapsed before NARC assumed power. Now, what has this Ministry done to revive cattle dips? This matter affects several hon. Members of Parliament whose constituents are pastoralists.

Mr. Munyao: Mr. Speaker, Sir, I fail to understand what I have not responded to because I indicated that these cattle dips collapsed a long time before the NARC Government came into power. Even now, we do not want to put more money in the Budget to revive these dips. We want the responsibility of running these cattle dips to go to the communities.

Mr. Rotino: Mr. Speaker, Sir, the Minister is not really assisting the people of Sigor Constituency. I do not know whether the Minister understands when I talk of a systematic plan of reviving these cattle dips. His response to this matter is not clear. There is no money which has been set aside in the Budget for this purpose, except the training of farmers. Could the Minister tell this House how he will revive these cattle dips?

Mr. Munyao: Mr. Speaker, Sir, we are spending a lot of time and money educating farmers on how best to run cattle dips. We have got extension officers in most of the districts and divisions. We are set to even have extension officers in locations, so that they work to ensure that farmers get the best education.

Mr. Speaker: Next Question, Mr. Mwanzia!

Question No.388

REHABILITATION OF KITHAAYONI
POLYTECHNIC

Mr. Mwanzia asked the Minister for Local Government:-

- (a) if he is aware that funds were set aside from LATF for the renovation and rehabilitation of Kithaayoni Polytechnic; and,
- (b) if he could explain the whereabouts of these funds.

The Assistant Minister for Local

Government (Mr. Kamanda): Mr. Speaker, Sir, I beg to reply.

(a) We do not have Kithaayoni Polytechnic in Machakos District, but we have Kithaayoni Community Centre.

(b) The money voted for Kithaayoni Community Centre was transferred to Item No.392002 and transferred to the development of a social hall in that area.

Mr. Mwanzia: Mr. Speaker, Sir, I would like to thank the Assistant Minister for that answer although the written response is different. I also would like to thank him because this youth centre was allocated Kshs2.5 million. The people of Machakos District know that they have been allocated this money. He has also indicated that this money was transferred for the construction of a social hall. However, it is a known policy of the Government that, as far as LATF funds are concerned, once money has been committed to a specific project, that money cannot be transferred before consultations or authority from stakeholders and the Ministry of Local Government, is granted. Could the Assistant Minister tell this House, and the people of Machakos District, who are to benefit from this money, whether authority was sought from the Ministry of Local Government to transfer these funds to the development of the social hall? Who gave the authority for the transfer?

Mr. Speaker: Mr. Mwanzia, that now turns to a lecture!

Mr. Kamanda, could you respond to those questions?

Mr. Kamanda: Mr. Speaker, Sir, it is true that those funds were transferred to the local authority by the Ministry and, out of the Kshs2.5 million, the council spent Kshs239,000 to fence the youth centre. So, we have instructed our Local Government officer in the district to carry out investigations and report to the Ministry, so that we can take action against the officer who transferred the money.

Mr. Sirma: Mr. Speaker, Sir, everybody is aware of the rampant misuse of Local Authorities Transfer Fund (LATF) money by local authorities. Could the Assistant Minister tell this House what structures he has put in place to ensure that there is proper monitoring of LATF money from being misused by councils which do not have the capacity to manage those funds?

Mr. Kamanda: Mr. Speaker, Sir, previously, LATF money was not put in the budgetary allocations of the councils. But now, all the LATF money is put in the Budget. We advise them in advance on the allocations that we are going to give them. We also monitor them. We have put in place some mechanisms to prevent the misuse of the money.

Capt. Nakitare: Mr. Speaker, Sir, the eloquent answer from the Assistant Minister for Local Government does not actually address the mess in the LATF. Since the Constituency Development Fund (CDF) came into being, some councillors have gone out to misconstrue the CDF money and tell the public that it is LATF money that is being used on the ground. Who audits LATF in the Ministry of Local Government?

Mr. Kamanda: Mr. Speaker, Sir, we have an audit department in the Ministry. They go round the country auditing most of the councils. If the hon. Member requests the Minister to send an audit team to his council, we will do that.

Mr. Speaker: Last Question, Mr. Mwanzia!

Mr. Mwanzia: Mr. Speaker, Sir, in his response to my supplementary question, the Assistant Minister said that, out of the Kshs2.5 million, only Kshs240,000 has been used for the construction of the social hall. Could I request the Assistant Minister to immediately allocate the remainder of the Kshs2.5 million for the development of a youth centre? That money has already been committed and it is available. Could he make it available for the construction of Kithaayoni Polytechnic immediately?

Mr. Kamanda: Mr. Speaker, Sir, that will be done in the next financial year.

Mr. Speaker: Next Question by the hon. Member for Sotik!

Question No.060

DEATH GRATUITY FOR MR. NGETICH'S
DEPENDANTS

Mr. Kimeto asked the Minister for Environment and Natural Resources:-

(a) whether he is aware that a forester, Mr. John Kipchirchir Ngetich, ID.No.10771293 (P/No.93023136) attached to Keringet Forest died on 22nd February, 2003;

(b) whether he is further aware that his wife, Mrs. Winny Chepng'eno and his mother have not received the death benefits; and,

(c) when the next-of-kin will be paid the death gratuity.

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

(a) Yes, I am aware that a forester, Mr. John Kipchirchir Ngetich, ID.No.10771293 (P/No.93023136) attached to Keringet Forest, died on 22nd February, 2003.

(b) I am further aware that his wife, Winny Chepng'eno and his mother, have not received the death benefits.

(c) The death gratuity will be paid immediately the next-of-kin submits the relevant documents to my Ministry for processing.

Mr. Kimeto: Mr. Speaker, Sir, when somebody dies in every Ministry, the beneficiaries may know what is needed to get the benefits. Has the Assistant Minister sent anybody to the family to get all the documents required?

Mr. Kamama: Mr. Speaker, Sir, the Ministry is ahead of the hon. Member for Sotik. I would like to confirm that the Ministry sent a letter, Ref.No.9302316/70 of 7th October, 2004 through the District Forest Officer, Nakuru, to the family. But we have not received any information from that family so far. Once we get the information from the family, we shall process the benefits as soon as possible.

Mr. Speaker: Last question, Mr. Kimeto!

Mr. Kimeto: Mr. Speaker, Sir, I request the Assistant Minister to give me the letter and the requirements by the Ministry. That information is not available locally.

Mr. Kamama: Mr. Speaker, Sir, that is highly technical, but I would like to ask the hon. Member to come to the office. We will supply him with the relevant information.

Mr. Speaker: Next Question by the hon. Member for Kilome!

Question No.568

STABEX FUNDS FOR KITHANGATHINI
CO-OPERATIVE SOCIETY

Mr. Speaker: Is Mr. J.M. Mutiso not here? Question dropped!

(Question dropped)

Next Question by the hon. Member for Maragwa!

Question No.559

POOR LABOUR RELATIONS IN KIAMBU
MWITUMBERIA ESTATES

Mr. Speaker: Is Mr. Mbau not here? That Question is also dropped!

(Question dropped)

Let us now go back to Questions by Private Notice. First Question by hon. Member for Mandera Central for the second time!

QUESTIONS BY PRIVATE NOTICE

PROCUREMENT OF ELECTRONIC
TAX REGISTERS

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

(a) How many business firms have procured electronic tax registers to date as demanded by Kenya Revenue Authority (KRA)?

(b) How much money has KRA paid as refunds to date?

(c) How many more business firms does KRA target for the electronic tax registers?

The Assistant Minister for Finance (Mr. Katuku): Mr. Speaker, Sir, I wish to apologise for coming late. However, I beg to reply.

COMMUNICATION FROM THE CHAIR

ABSENCE OF MINISTER FOR LANDS AND HOUSING

Mr. Speaker: Mr. Assistant Minister, can I interrupt you just for a while?

Order, hon. Members! I would like to point out to the Leader of Government Business that we are coming to the end of Question Time. I cannot see the Minister for Lands and Housing. I hope he will be here in good time. Please, pass the message because we are likely to finish before 3.30 p.m.

All right. You can now go on, Mr. Assistant Minister!

RESUMPTION OF QUESTIONS BY PRIVATE NOTICE

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

(a) Currently, KRA is in the process of collecting information on the number of traders who have purchased the electronic tax registers from the approved suppliers. As at the end of September, 2005, about 6,449 electronic physical devices had been sold to business firms.

(b) KRA has not paid any refunds to traders who have purchased the electronic tax registers. No refund is due for those traders. The use of electronic tax registers started from 1st October, 2005. Traders are supposed to deduct the cost of the electronic tax registers in the Value Added Tax (VAT) monthly tax payable. Therefore, we expect the traders to do so while filing their returns for the month of October, 2005.

(c) KRA targets all traders registered for Value Added Tax to have tax registers. The introduction of tax registers is expected to increase the number of registered traders from the current 57,232 to about 250,000.

Mr. Billow: Mr. Speaker, Sir, in simple language, when the Assistant Minister says that the traders will deduct the cost of the registers from the monthly VAT returns, it means the Department will actually refund through those returns. So, it is actually a refund. But the main concern by traders all over the country is the cost. This register costs about Kshs20,000 outside the country. But now, it is being sold at about Kshs100,000. That is the main concern of the traders. The KRA is saying the reason why they have to use the few selected suppliers is because of the specifications. Could the KRA provide the detailed specifications to traders so that they can obtain the registers from anywhere in or outside the country?

Mr. Katuku: Mr. Speaker, Sir, that has already been done through *Legal Notice No.110 of 2004*.

Mr. Kagwe: Mr. Speaker, Sir, we are aware that there is already a problem of implementation as far as the electronic tax registers are concerned. Indeed, some deadlines have

come and passed. Could the Assistant Minister consider giving more time to the traders so that they can implement the strategy without a problem?

Mr. Katuku: Mr. Speaker, Sir, I want to confirm to this House that locally, these devices cost between Kshs35,000 and Kshs150,000, depending on the type, manufacturer, country of origin and other details. I agree this is expensive. But we have given them time and we are telling them that they can use the VAT they are supposed to remit to the Government to buy them. So, the question of extending time does not arise because already they have the money which is supposed to be VAT. They can make use of this money and reflect it in their monthly VAT returns.

Dr. Godana: Mr. Speaker, Sir, this is a very fishy matter, and I hope the Assistant Minister is listening. This is a society where we have liberalised trade. The Ministry has decided to select a few companies, led by Copycat, as the sources of these machines. Among the machines which Copycat has sold, I have seen one where the receipt is for Kshs75,000. The same model costs US\$120 in Dubai, which is an equivalent of Kshs10,000. This means that there is a mark-up; and there cannot be a business mark-up of Kshs60,000 per machine. You multiply that by 250,000 businesses and we are talking of Kshs15 billion! Who is getting that money?

Mr. Katuku: Mr. Speaker, Sir, I said earlier that we have indicated to those who are interested in buying these machines that there are no restrictions any more, so long as they meet the specifications we have outlined in the *Legal Notice* which I referred to. So, the question of where one purchases from is not an issue now. It is a question of whether it meets the specifications. So, if you buy and it meets the specifications, it is okay. If you do not want to buy from Copycat, you can buy it in London, or wherever you want, so long as it meets the specifications I have indicated in the *Legal Notice No.110* which is a public document.

Dr. Godana: On a point of order, Mr. Speaker, Sir. I am glad the Assistant Minister has said people are free to buy the machines from anywhere. But he understands many business people in Marsabit or Mandera do not have access to those public documents. Could he be generous enough to table the *Legal Notice* and undertake to publish it in the mainstream newspapers by way of an advertisement?

Mr. Speaker: Order! Is the *Legal Notice* published in the *Kenya Gazette*?

Mr. Katuku: Mr. Speaker, Sir, I have said that this is a public document, and it has been published. It is *Legal Notice No.110 of 2004*. If necessary, I can bring a copy and table it here.

Mr. Billow: Mr. Speaker, Sir, the Assistant Minister is misleading the House. The *Legal Notice* he is referring to is the one that brought into operation the tax register. The Circular issued yesterday by the KRA is very clear. It says that you cannot get these machines from anywhere other than the suppliers they have selected.

Mr. Speaker: Can you read the contents?

Mr. Billow: It reads as follows: "The electronic sales register may be easily available outside the country, but to our knowledge, we do not deal with individual traders. The device requires---" then it says, "The device requires back-up, maintenance, guarantees and training of personnel that individual traders will not be able to provide. In any case, these devices are being made according to specifications given by KRA." In other words, these 13 suppliers here are making these registers according to specifications given to them by KRA and you cannot get them from outside the country. So, the *Legal Notice* is misleading.

Mr. Speaker: Have you got it? Order, Members! This is really not a hypothetical Question. It is a Question that has financial implications on the Kenyan traders. It is good that Kenyans know what they can do and what they cannot do. I think it is in the interest of Kenyans and the Treasury if the Kenyan traders know for sure what they can or cannot do. Could you make it clear?

Mr. Katuku: Mr. Speaker, Sir, I have said, and I want to repeat it for clarity purposes, that the Kenya Revenue Authority has no restrictions on the number of suppliers, so long as they meet the laid-down specifications contained in the *Legal Notice No.110 of 2004*. The document I am

quoting is a public document which has been published in the *Kenya Gazette*.

Mr. Speaker: Can we get this right? You know, traders have their own money and they want to use it in the best economical way, so long as they meet your requirements. What is the date of the *Gazette Notice*, so that Kenyans can go and look specifically for it?

Mr. Katuku: Mr. Speaker, Sir, I think the best thing is for me to table the *Legal Notice* here and I will do that tomorrow.

Capt. Nakitare: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to refer to a *Legal Notice* when we already know that traders in the country are having problems because of the introduction of this electronic device? Even to bring in material, it is difficult at the point of entry.

Mr. Speaker: Order! If the Assistant Minister has requested for time to come tomorrow, why are you again excited? I do not think the Assistant Minister is doing anybody a favour by answering the Question; it is a duty! I do not think either that you have any extra interest on this Question. So, let us just get to work and do so efficiently and well. I will defer the Question. The Assistant Minister has seen the mood of the House, and I think this is an extremely important Question in as far as enabling commercial activities by Kenyans to proceed. So, will you come tomorrow with all the details, not to answer these Members only, but also to assist Kenyans. Is that okay with you?

Mr. Katuku: Mr. Speaker, Sir, I have no problem with that, but I wish we could exhaust the Question and then I will table the Legal Notice later. There is no question which I have not answered.

Mr. Speaker: Order, Mr. Katuku! You must understand who is in charge of the proceedings of this House. I am in charge and not you! You will do as I order! That is all!

Mr. Katuku: Mr. Speaker, Sir, I am much obliged.

(Question deferred)

WITHDRAWAL OF UNCOLLECTED
ID CARDS FROM NANDI
NORTH DISTRICT

Mr. Sambu: Mr. Speaker, Sir, I beg to ask the Minister for Immigration and Registration of Persons the following Question by Private Notice.

(a) Is the Minister aware that Nandi North District national identity cards which have been awaiting collection by owners have been withdrawn from the local registration offices and taken back to the Principal Registrar's office in Nairobi?

(b) Why have the identity cards been withdrawn?

(c) Will the Minister ensure that these identity cards are immediately returned to the local registration offices so that the owners can collect them?

The Assistant Minister for Immigration and Registration of Persons (Mr. Mwaboza): Mr. Speaker, Sir, first of all, I beg to apologise for coming late.

Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) The department has recalled only those identity cards that were delivered to the stations between 1995 and 31st December, 2000, which the respective owners had failed to collect.

(c) In view of the above, the department does not intend to return the recalled identity cards to the stations. However, individual applicants are welcome to bring their cases forward for

assistance.

Mr. Sambu: Mr. Speaker, Sir, the Assistant Minister has not completed reading the written answer. The answer to part (b) continues to say: "A survey which was done by the department had established that the owners of most of the uncollected identity cards had either re-applied and had been issued with duplicates or they were deceased". This is a clear way of making people lose their identity cards. Without an identity card, one cannot vote, walk around or open a bank account. Could the Assistant Minister tell us why the identity cards have been withdrawn, not only in Nandi North District, but nearly all over the Republic, particularly in areas where the "Orange" is dominant?

Mr. Mwaboza: Mr. Speaker, Sir, as I said earlier, it is the responsibility of the applicants to collect their identity cards once they are forwarded to the local registration offices. Once identity cards have been at the local registration offices for over six years, it is reasonable enough for them to be recalled to the Principal Registrar's office in Nairobi.

Mr. Mwandawiro: Mr. Speaker, Sir, identity cards are very important especially during this time when we are about to vote in the referendum. Could the Assistant Minister assure this House and Kenyans that the said identity cards will not be used to rig the referendum in favour of the "banana"?

Mr. Mwaboza: Mr. Speaker, Sir, I want to assure the hon. Member that there will be no rigging in the referendum. That is just an import in his mind.

Mr. Billow: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to use a term which does not really make sense? What does the word "import" mean?

Mr. Mwaboza: Mr. Speaker, Sir, in ordinary English, the word import means an imagination.

Dr. Godana: Mr. Speaker, Sir, this is another fishy answer. The issue of returned identity cards arose in the public domain when the campaign for the referendum started. The Assistant Minister has now given us mixed signals. He has said *inter alia* that if an identity card has not been collected for more than six years, it can be recalled to by Principal Registrar's office in Nairobi. Could he confirm to the House that the cards that they recalled are only the ones which had not been collected for six years? Could he be sincere enough and tell us that they recalled all identity cards including the ones which were applied for months ago?

Mr. Mwaboza: Mr. Speaker, Sir, the hon. Member should not doubt my sincerity. However, 392,000 identity cards have been delivered and not collected countrywide from 1995 to date. This does not only affect areas where the orange is dominant, but it also affects areas where the banana is dominant like my constituency.

Mr. Ethuro: Mr. Speaker, Sir, for one to get an identity card, he or she is required to produce a birth certificate and a baptismal card for his or her age to be assessed. In some of our areas, there are no hospitals and churches. Children are born and they become adults without the benefit of these documents.

Could the Assistant Minister consider waiving these requirements in some of these areas, so that our people can obtain identity cards?

Mr. Mwaboza: Mr. Speaker, Sir, the question of waiver does not arise where there is an applicable law, namely, the Registration of Persons Act. When this Act is amended, it will give us a leeway to waive.

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. That cannot be true. The requirements only apply within a certain radius of the district headquarters. The Assistant Minister wanted us to trust his sincerity!

Mr. Speaker: Mr. Assistant Minister, as a matter of fact, what section of the law says that?

Mr. Mwaboza: Mr. Speaker, Sir, Section 6 of the Registration of Persons Act talks about registration.

Mr. Speaker: Order, hon. Members! We are not transacting business here, as a matter of course. This is not an intellectual exercise; neither is it a theoretical question. It is a question of an entitlement of a Kenyan to have an identity card which, if you do not have, you will go to prison. Section 6 of the Registration of Persons Act talks about registration, but does it require that you should produce a baptismal card or a birth certificate while applying for an identity card? In the event of places where there are no churches, what do those Kenyans do?

Mr. Mwaboza: Mr. Speaker, Sir, in such places, the chiefs and the assistant chiefs become registrars of births and deaths. Once a child is born away from the vicinity of a hospital, the parent should relay the information to the chief, who should write a letter to be forwarded to the local registration officers for registration of that child.

Mr. Salat: Mr. Speaker, Sir, we have read in today's newspapers that the Kenyans who are registered to vote in the referendum are 11.8 million, but the Government has already ordered for 15 million ballot papers. This is 3.2 million ballot papers more than the registered voters. In the last general election, out of the 11.8 million registered voters, only 6 million people turned up to vote. My concern is that on top of the 3.2 million extra ballot papers, there is also apathy. The 8 million ballot papers should correspond to the identity cards. This is rigging in advance!

Mr. Speaker: Order! Standing Order No.35(3) demands that:-

"A Question shall not be made the pretext for a debate".

That is exactly what you are doing and, therefore, you are out of order!

Final question, Mr. Sambu!

Mr. Sambu: Mr. Speaker, Sir, although the answer is fairly short, the Assistant Minister avoided reading the full answer, but part of it says:-

"The identity cards were, therefore, recalled for safe custody so as to prevent any form of abuse and also to decongest the offices".

This is the size of an identity card---

(Mr. Sambu displayed his ID card)

I have also personally had a problem where I am told that on the voters register, my identity card corresponds to one for somebody in Mathioya Constituency. My question is, what is the difficulty in returning those cards and getting the chiefs to identify the owners of the cards and giving them the identity cards in order to remove any suspicions about any motives that this Government may be having?

The Assistant Minister for Environment and Natural Resources (Mr. Kamama): Mr. Speaker, Sir, Mr. Sambu has just laid his identity card on the Table. Now that he has talked about rigging, would I be in order to actually tell him to confirm whether that identity card is his or for somebody else?

Mr. Speaker: Did he lay the identity card on the Table?

The Assistant Minister for Environment and Natural Resources (Mr. Kamama): He was just waving it!

Mr. Speaker: Order, hon. Kamama! Do not be in too much zest to do what you do not know how to do! If you do not know how to raise a point of order, please, relax!

(Laughter)

Mr. Mwaboza: Mr. Speaker, Sir, I have said *inter alia* that individual applicants are welcome to bring their cases forward for assistance. We will as well indulge if the hon. Member can assist us by having an itemized list of all of his constituents who allege that their identity cards cannot be obtained. I will assist him on that issue in the office.

Mr. Sambu: On a point of order, Mr. Speaker, Sir. By the time I brought this Question to the House, it is because I had been to the Registrar of Persons in Kapsabet, that is the district headquarters, and he told me that he had firm instructions from the Principal Registrar of Persons at the headquarters not to return those identity cards. So, is he in order to mislead the House that I should go and get the list when I have already dealt with Kapsabet and you are blocking it? You want to rig!

Mr. Mwaboza: Mr. Speaker, Sir, I think it is very simple. If the hon. Member is not aware, the security mechanism that we have is such that, people who come from those border areas---

Mr. Sambu: There is no border!

Mr. Speaker: Order! Order hon. Members!

Mr. Mwaboza: Mr. Speaker, Sir, due to security reasons, for those people who come from border constituencies, we have said that any allegation which has been raised, it is important for a registration of persons officer to make sure that, that information is relayed to us to safeguard the territory of this country by not issuing identity cards to outsiders. So, I have said that, for example, hon. Ojode brought me a list and I really did work on it, and he is aware of what the office is doing. But security issues cannot just be talked about anyhowly.

Mr. Sasura: On a point or order, Mr. Speaker, Sir. This issue is very important as far as pastoralists are concerned. The issue here is not about the issuance of identity cards at the border; it is about identity cards which have been issued and have stayed for a long time at the Registrar of Persons office in the district. In view of the fact that the National Vetting Committee here in Nairobi normally takes about three months to vet identity cards from districts like Marsabit, by the time those cards go back to the district the pastoralists would have forgotten that they have been issued with the cards. Would I be in order to give the pastoralist areas a special consideration? If they collect cards from Nandi after six months, then they should collect from us after two years.

Mr. Speaker: Order now! Mr. Mwaboza, I want one word out of it, because the time is up. Would you respond very briefly?

Mr. Mwaboza: Mr. Speaker, Sir, I would like to ask the hon. Member to come to my office and we will sort that issue out.

Thank you.

Mr. Speaker: Very well, next Order!

COMMITTEE OF SUPPLY

*(Order for Committee read
being Tenth Allotted Day)*

MOTION

THAT MR. SPEAKER DO NOW
LEAVE THE CHAIR

Vote 36 - Ministry of Lands and Housing

The Minister for Lands and Housing (Mr. Kimunya): Mr. Speaker, Sir, I beg to move that

Mr. Speaker do now leave the Chair.

Mr. Speaker, Sir, I would like to thank this august House for giving me an opportunity to move the Vote of my Ministry. As hon. Members are aware, the role of land is critical to the economic, social and cultural development of Kenya. It provides a means of livelihood for Kenyan communities settled in various zones as farmers, herders, hunters and gatherers. Housing, on the other hand, is a critical basic human need as well as vital for wealth and employment creation. Consequently, the mission of the Ministry is to improve the livelihood of Kenyans through the management of land resource and facilitation in the provision of adequate shelter in sustainable human settlements.

Mr. Speaker, Sir, before I initiate Debate on Vote 36 of the Ministry of Lands and Housing, let me inform the House of our achievements during the fiscal year 2004/2005. The Ministry has seven technical departments; Lands, Physical Planning, Survey, Adjudication and Settlement, Housing, Government Estates and the Rent Restriction Tribunal. The Ministry operates in 60 districts with a staff of 4,054. It is our objective to have offices in all the districts within the country in line with the request by Kenyans, including adding Mwingi as the next district in line.

Mr. Speaker, Sir---

Maj-Gen. Nkaiserry: On a point of order, Mr. Speaker, Sir. Early this afternoon, the dignity of this House was put in doubt by this Minister, and I do not think this House should continue hearing him if he does not apologize. He refused to apologize this morning. Would I be in order to ask the Minister to apologize before he addresses this House?

(Applause)

An hon. Member: *Alitusi sisi!*

Mr. Speaker: Order! Order, hon. Members! I have been sitting here from 2.30 p.m. and he has not spoken a word except now!

Proceed, Minister!

(Loud consultations)

Order! Order! Order! Hon. Members, just this afternoon, the hon. Member for Saboti did ask me to guide this House on how business of the House ought to or should be transacted. I did say that I have grown grey hair in my futile attempts to bring this House to deal with Business in a dignified and honourable fashion. I hope the hon. Member who raised this issue is listening to me. I will not act in vain any more! Any Kenyan who was sitting in the galleries of this Chamber this morning and this early afternoon would really be ashamed of being a Kenyan by the behaviour of hon. Members in this House. Hon. Members, and hon. Nkaiserry, you better listen to me and act according to what I am saying, because I intend to be tough--- I do not care whether I will sit here alone, so long as there will not be riots and disorder in an empty Chamber. Kenyans deserve better than this, and the behaviour of hon. Members here--- If you do not understand that your behaviour here can translate into chaos and turmoil in the country---

Mr. Sambu: That is what they want!

Mr. Speaker: So, please, let us carry ourselves with dignity and responsibility! Kenya will not end either because the banana has won or lost; or because the orange has won or lost. Kenya must be there after the referendum!

(Applause)

It is your duty, as elected leaders, to ensure the continuity and safety of Kenya after politicking. I will not stand any disorder here. Mark my words! Do it at your risk!

Proceed, Mr. Minister!

(Applause)

The Minister for Lands and Housing (Mr. Kimunya): Mr. Speaker, Sir, in the area of land management, a total of 65,057 title deeds, the bulk of which originated from land adjudication, were registered in 2004/2005 bringing the number to a total of slightly over four million title deeds registered in the country to date. This provides land owners with the security of land tenure that enables them to secure credit for development purposes.

Through various land transactions, the Ministry collected Kshs1.8 billion in revenue and Appropriations-in-Aid (A-i-A), which makes it one of the major revenue collectors for the Government. In a bid to reform land delivery systems, the Ministry instituted a programme for modernising the land information systems. So far, the process of scanning all other land records has begun. This will pave way for full computerization of land records in due course.

Mr. Speaker, Sir, during the last financial year, the Ministry initiated the process of formulating the national land policy. The process is all-inclusive, transparent and participatory. It is aimed at producing a national land policy that will guide the country towards sustainable and equitable use of land. The finalization of the policy and preparation of a Sessional Paper to be tabled in this august House is scheduled for this financial year.

As hon. Members are aware, the reconstitution of the new land control boards and land dispute tribunals was done during the last Financial Year, 2004/2005. So far, a total of 2,155 members, representing 25 per cent of the total of these boards, have undergone training at the Kenya School Law to equip them with the skills necessary to effectively handle the land and boundary disputes. This training will continue for the remaining members of the boards. This is the first time that the Government has undertaken to train members of these boards for effective delivery of services.

Mr. Speaker, Sir, in adjudication, a total of 17 sections were finalised and registered. These sections were spread all over the country and were mostly declared before 1977. To date, adjudication of trustland is 100 per cent complete within the Central and Western provinces and is on-going in other provinces. We target to finish 50 sections per year to complete the 500 that are outstanding.

Regarding the settlement of the poor and landless Kenyans, during the Fiscal Year 2004/2005, two settlement schemes were completed with a total of 3,849 families settled. This empowers these families to participate in the development process as they have an asset to exploit for agriculture and other activities. To date, a total of 179,300 landless families, especially the very poor have been settled in 445 settlement schemes including the six of the Ogiek who will be given the title deeds in the next two weeks.

(Applause)

Mr. Speaker, Sir, as hon. Members are aware, the report on illegal and irregular allocation of public land was finalised and released to the public in the Financial Year 2004/2005, the so-called Ndung'u Report. Modalities of implementing the recommendations contained in the report have been finalised and a Draft Bill has been submitted to the Attorney-General for the establishment of a

Land Titles Tribunal. In the meantime, the Ministry is implementing the recommendations that do not require or have legal implications. For example, letters of allotment that have expired have been cancelled and people have surrendered title deeds that were illegally acquired.

Mr. Speaker, Sir, surveying and mapping are crucial for capture and documentation of special data sets that are the basis for most planning in both the Government and the private sector. Mapping is key in support of issuance of title deeds. In this regard, for the first time, my Ministry completed and published the National Atlas of Kenya, the Fifth Edition, using Geographical Information System, popularly known as GIS and Desktop Publishing technologies. This technology captures Kenya through maps from various themes, including demographic, geological and natural resources. These maps are available for the public to purchase from the Ministry.

Mr. Speaker, Sir, during the Fiscal Year 2004/2005, my Ministry used the GIS technology also to complete and publish a digital map of Nairobi and its environs as a precursor to the establishment of the so-called National Spatial Data Infrastructure. At the same time, the Ministry undertook the mapping of Kenya's territorial sea and exclusive economic zones and has published a revised map of Kenya showing the extent of the 200 nautical miles.

In the area of physical planning, my Ministry initiated a new approach to integrated rural development through the preparation of regional physical development plans. So far, these plans have been completed for Trans Mara, Nakuru and Nyandarua districts. Similar plans for Mombasa Mainland, South Kwale, Kisumu and Nyando Basin are on-going. Also, physical development plans were completed for 20 towns and the preparation of the physical upgrading plans for Soweto East in Kibera, Kiandutu Village in Thika and Mlolongo in Mavoko are under preparation. The Kiang'ombe plan in Thika has been completed and settlement of those people will be done any time.

Mr. Speaker, Sir, the Government in its Economic Recovery Strategy (ERS) underscores the importance of housing, both as a basic social and economic good. The ERS, particularly emphasises on facilitation of the production of decent and affordable housing for Kenyans. In this connection, my Ministry has already started putting in place relevant measures towards the attainment of this goal. Hon. Members will recall that in June, 2004, a national housing policy was tabled in this House and adopted. At the same time, the Ministry has finalised the preparation of a draft National Housing Development Programme. This programme will serve as the road map in the realisation of the objectives outlined in the National Housing Policy, which is Sessional No.3 of 2004. This provides the framework within which the Government and the local authorities, the National Housing Corporation (NHC), the private developers, employers, housing co-operatives, co-operative savings and credit societies (SACCOS) and individual citizens can each contribute to the goal of producing the 150,000 housing units annually that we need to bridge the gap and the improvement of 300,000 units in the rural areas.

With regard to improving the livelihoods of the people living and working in the slums, my Ministry has finalised the preparation of the Kenya Slum Upgrading Programme implementation strategy with the first phase covering selected slums in Nairobi, Mombasa, Kisumu and Mavoko.

Consistent with the new Government policy on housing for civil servants adopted in 2001, a total of 1,081 non-strategic Government houses were sold to civil servants during last Financial Year 2004/2005 within Nairobi. A Civil Servants Housing Scheme Fund was also established to enable the construction of more houses for both rental and tenant purchase for the civil servants, especially within the area that we need to bring down the old houses and redevelop them in Ngara, Kilimani, Westlands and other areas that have been identified where we have old Government houses that we need to bring down so that we can put up modern houses for the civil servants. Identification is on going for the houses outside Nairobi to benefit the civil servants who wish to retire in those houses as we enable them to purchase them.

Mr. Speaker, Sir, my Ministry wishes to appreciate the approval granted for the retention of rent collected from Government residential houses to be used for both refurbishment of Government houses not ear-marked for sale and the development of new houses for sale to civil servants under the Civil Servants Housing Scheme. In addition, my Ministry and the Ministry of Roads and Public Works are working together to ensure the provision of adequate and decent housing for the disciplined forces.

The Ministry has also finalised its strategic plan which provides for actions and policies to be undertaken in the medium term in meeting its objectives that link with the priorities of our Economic Recovery Strategy. The plan was utilised in formulating the targets in our performance contract for the period July-June, 2005/2006 Financial Year.

Mr. Speaker, Sir, having outlined the various areas the Ministry applied the resources made available last year by this august House, I now wish to turn on how the Ministry will utilise the monies allocated during this financial year for the various programmes and projects.

My Ministry has been receiving extremely low funding levels averaging less than 1 per cent of the total Government expenditure over the years. Even within the agriculture and rural development sector where my Ministry falls, we receive only about 15 per cent of the total sectoral allocation, this notwithstanding the centrality of land in terms of anchoring our development initiatives.

During the year 2005/2006 Medium-Term Expenditure Framework Budget preparation, my Ministry requested for Kshs7.5 billion for its programmes. However, only about Kshs3 billion has been allocated. As hon. Members are aware, our country has not had a comprehensive and coherent land policy. As a result, there has not been proper land use planning framework, leading to haphazard land use planning and allocation. This is compounded by the numerous and conflicting, cumbersome and outdated land and related Acts that have resulted in, for example, the backlog of many land adjudication and boundary disputes that we see all over the country. It has also resulted in poor access to land, especially for the poor.

Mr. Speaker, Sir, governance in land administration has often been compromised by lack of a modern land management information system. This has been manifested in some falsification of records and long delays in retrieval and use of land records to serve the members of the public. Security of land records is also compromised by inadequate and unsecured land registries, especially in the districts. We are all aware of the ills of the past irregular and illegal allocations of public land that went on unabated that need to be addressed to ensure that public land is reverted back to its intended purposes.

As I said earlier, the Ministry has already prepared a Draft Bill that has been forwarded to the Attorney-General for approval and publication. Once the Bill is tabled in this House, I will be asking hon. Members for their support. Once it is passed, we can have the mechanisms for repossession of the public utility land that was illegally or irregularly allocated.

The housing sector has, in the past, experienced very low levels of investment by both the public and private sectors. This has resulted in acute shortage of affordable housing that has led to proliferation of slums and informal settlements. Investment in housing, we are told, has a multiplier effect of more than eight to the rest of the economy. It is also critical for ensuring the dignity of our people as they move from the cartons and tin sharks to decent houses, a factor that has been captured very well in the proposed new constitution. The Government will require to allocate more than 5 per cent of its national Budget to housing if we are to meet the huge shortage of housing in this country, to make a difference in the lives of our people. I look forward to hon. Members supporting this in the future.

Mr. Speaker, Sir, I will now turn to the policy priorities of my Ministry during this financial

year. The following policy priorities have guided the preparation of our MTF Budget for the period 2005 to 2008, and are in line with the aspirations of the Economic Recovery Strategy and achievement of the Millennium Development Goals. First, is the finalisation of our national land policy, which we intend to bring to this House shortly. Second, the implementation of the recommendations of the Ndung'u Report on Irregular and Illegal Allocation of Public Land. Third, the reduction of all the land-related disputes and conflicts which as of now number over 10,000 across the country. Fourth, the harmonisation of land-related laws from the current 30 such laws to one comprehensive law and the computerisation of all our land records, so that people can have easy access to them. Fifth, reduction of pending land adjudication sections through putting in place more resources so that we can finalise the 500 adjudication sections that are currently being adjudicated. Sixth, allocation of more resources for purchase of land to settle the landless poor.

Mr. Speaker, Sir, we all appreciate that so many Kenyans are out there, clamouring for land, which is not available. Unless we have the resources, we are not going to purchase farms, so that we can have all these squatters leaving out that label and becoming land owners in their country. Another priority is the preparation and implementation of land use plans in both urban and rural areas, so that we can stop the proliferation of slums and the haphazard settlements that are coming up. Critical to all these is having the national and spatial data infrastructure for the efficient management of our geo-spatial information. Of importance to all of us is the maintenance of our international boundaries, which responsibility falls within our Ministry.

Mr. Speaker, Sir, the implementation of the Kenya Slum Upgrading Programme within the Kibera, Movoko, Kisumu, Mombasa and to basically eradication of all the slums in the country, is estimated to cost upward of Kshs880 billion over the next 15 years. To put the national housing policy into effect will require preparation of the National Housing Bill, which we hope will be tabled in this House. We have also undertaken the capacity building of low-cost housing and building and construction technologies to help the people access better houses.

Another policy issue is the management of Government housing through the sale of non-strategic Government houses under the Civil Servants Housing Scheme for the areas outside Nairobi and the construction of more houses for civil servants under the Civil Servants Housing Fund.

Mr. Speaker, Sir, my Ministry will implement the policy priorities I have outlined above under the following expenditure sub-votes: General Administration and Planning, Lands, Land Adjudication and Settlement, Survey, Government Estates, Physical Planning and Housing Development.

In order to cater for services under the Recurrent Vote, I will require a gross provision of Kshs2,446,942,703, which I intend to apply on the following priority areas: Kshs873,084,347 will be required to meet expenses on personnel emoluments. An amount of Kshs1.5 billion will be required to meet expenses on operations and maintenance.

Out of this amount, Kshs728,994,403 will come in by way of Appropriations-in-Aid (A-in-A). This amount of Kshs1.5 billion will be required to meet expenses within the following areas: An amount of Kshs13 million is committed to the National Land Policy Formulation process. The Land Control Boards and Tribunals allowances will take Kshs50,739,000. Court awards, arbitrations and compensations will take Kshs58,101,104. We have allocated some money for purchase of farms to settle the landless amounting to Kshs95,034,675 which will be added onto the Settlement Trust Fund.

In line with the policy of keeping 60 per cent of the collection of Government revenue from houses, we will grant the Civil Servants Housing Scheme Fund for construction of civil servants' houses, Kshs600 million. Another Kshs251,896,493 will be used for the refurbishment of

Government houses.

Payment of rent and rates for Presidential appointees and other constitutional office holders will take Kshs20 million. Internal repairs and re-decoration of leased houses for the constitutional office holders has been budgeted to take Kshs35,857,950.

Provision of security for the rented and Government premises will take another Kshs30,607,950. Subscription to international organisations being Shelter Afrique, UN Habitat and the others, will take Kshs33,661,169.

Expenses on utility services for telephone, electricity and water will take Kshs63,842,720.

For the implementation of recommendations of the Ndung'u Commission Report, at this stage, we have set aside Kshs3,253,830. More money will be required and we are doing the revised estimates.

The routine maintenance of station, equipment, vehicles, fuel, travelling and other offices and general supply, will take Kshs317,852,465.

I require a sum of Kshs2,446,942,703 to finance my Recurrent Budget for the financial year ending 30th June, 2006.

Mr. Speaker, Sir, turning to the Development Vote, I require a sum of Kshs791,760,000 to finance the following development programmes during this financial year. On the slum upgrading programme, money will be used to construct 600 units within Kibera decanting site and 400 housing units within Mavoko Municipal Council for social amenities, capacity building *et cetera*, to upgrade those slums. In addition, some social infrastructure in Mombasa and Kisumu and in addition the preparation of a National Housing Bill and Creation of Awareness for the National Housing Policy, will take Kshs488 million. Contracted professional services to provide a consultancy for this will take Kshs5 million. We are budgeting for Kshs24,250,000 for modernisation of our land records.

The National Land Policy formulation process will take Kshs14 million from the Government and Kshs78,750,000 from donors; totalling to Kshs92,750,000.

We have also budgeted within our Development Vote Kshs100 million for the construction of the official residence for His Excellency the President within the State House grounds.

Low cost housing research, dissemination of information of alternating locally available low-cost material and technology will cost another Kshs13,243,997.

To rehabilitate our land registries we have budgeted another Kshs5,046,412. We are also spending another Kshs20 million for acquisition of titles for Government housing in terms of undertaking the survey, planning and acquisition of the titles. In the creation of a land data bank we have budgeted another Kshs1,283,176.

The Settlement Fund Trustees Programme in terms of provision of physical and social infrastructure in settlement scheme, especially within Magarini, Witu and Kwale, will take Kshs25,436,412. For district land use planning within the Physical Planning Department, we have budgeted another Kshs6.6 million. To purchase equipment for survey and mapping we have budgeted within the Development Vote, Kshs4,046,412 million. For minor refurbishment of Ardhi House to create, for example, facilities for the Assistant Minister who is a lady, having offices that were previously occupied by men, we will spend another Kshs5 million.

The grant total within the Development Vote is Kshs791,750,000. The bulk of this is actually going into housing.

Mr. Speaker, Sir, having outlined the programmes that my Ministry will undertake during this financial year, I wish to state that the funds requested will be utilised efficiently and effectively as approved by this House. We will strive to uphold good governance in the delivery of these services by this Ministry. I believe we are living to our expectations and the promise that we gave to this House, that we are going to rid corruption off Ardhi House. We believe we are doing well, but

we need the support of every Kenyan to report every case, so that we can use every penny to deliver services and also ensure that no Kenyan is harassed when they come for services that they have paid for through their taxes.

Mr. Speaker, Sir, with those remarks, I now seek the approval of this House for my Ministry to spend a sum of Kshs3,238,692,703 to finance both the Recurrent and Development Expenditures for fiscal year 2005/2006.

I beg to Move and request Ms. Karua to second.

The Minister for Water and Irrigation (Ms. Karua): Mr. Speaker, Sir, I beg to second this Motion and wish to congratulate the Ministry of Lands and Housing on its move to improve their service delivery to Kenyans and expediting the registration and issuance of title deeds, which is something we ought to have completed a long time ago, but which we have to work very hard to complete.

I also want to commend the Ministry for commencing the computerisation of the records and general restoring of order at the Lands Registry. I know that a lot still needs to be done, but what the Ministry has done so far, is noticeable, for which I commend and encourage them to continue. It is, however, noted that some officers are still letting down the Ministry and Kenyans by not conforming to accountability and transparency to their operations at the various land registries. It is, however, gratifying to note that when these complaints are raised with the Ministry, they are attended promptly. I would urge the Ministry to supervise closely the operations of the land registries, so that we weed out the elements who were superintending on corruption within the corridors of the lands offices.

Mr. Speaker, Sir, we know that in the past there have been cases of issuance of fake title deeds; those not supported by the law or procedures. It is my hope that once they complete the exercise of computerising the records, they will be able to come up with a list of all the fake titles and act on them accordingly. It is also gratifying to note that the Ministry is moving to settle the landless and poor. It is in this line, I am sure, that the Ministry is redirecting its efforts to complete the exercise of resettling the evictees of the Mau Forest. We are also implementing the Ndung'u Report. It is my hope that this House will expeditiously deal with the Bill that is intended to facilitate the implementation. This is a Ministry that we all need services from. Very little development can go on without the assurance of the parcels of land that people wish to carry out their development activities on.

Mr. Speaker, Sir, this Ministry must also be lauded for coming up with the Kenya Slum Upgrading Programme. Kenyans must be able to live in dignity within their country. It is in that respect that I appreciate the Kenya Slum Upgrading Project and the resettlement of the poor. We are also looking forward to a land policy, as envisaged in the proposed new Constitution. It is time Kenyans came up with a policy on the maximum land hold any one Kenyan can have, so that we can stop having a large proportion of Kenyans living as squatters in their own country. We need to equitably share land which is a primary source of development and production among all Kenyans. We all need to have roofs over our heads. That is not possible without one having access and, sometimes, title deeds to the land.

Mr. Speaker, Sir, it is with these sentiments that I wholeheartedly support the Motion before this House. I urge other hon. Members to support it to pave way to enhanced services by the Ministry.

With those few remarks, I beg to second.

(Question proposed)

Mr. Speaker: Is there an Official Responder?

Hon. Members: Cheboi! Cheboi!

Mr. Speaker: Well, I will keep it for tomorrow.

Mr. Cheboi, please, proceed!

Mr. Cheboi: Mr. Speaker, Sir, I support this Motion. First of all, I want to register my gratitude to the Government and the Ministry of Lands and Housing for promising to issue title deeds to the Ogiek community on 14th, this month.

(Applause)

Mr. Speaker, Sir, I would like to request my colleagues, particularly on this side of the House, to move with haste and pass this Vote, so that we can get those title deeds. We have longed for those title deeds for a very long time, but we have never got them. The Ogiek community have longed for those title deeds since 1947 through the colonial government, the first independent Government, the second and third regimes. However, in the third regime, we are seeing that the sun might shine on that part of the country.

Mr. Speaker, Sir, that is one part of this country which, when they see you developing roads, they are very fearful. They think that those roads will be used to evict them. Sometimes during the last regime, they were given a 14-day notice--- It is a community that, after having gone through all those troubles, do not need family planning methods. The fact that they are in fear is enough to stop them from giving birth.

Mr. Speaker, Sir, I am grateful to the Government because it has seen the need to promote even the poor of the poorest communities in Kenya, by giving them ownership of their land. We can say that we are not requesting for that land because it has been ours all the time. Other communities in the Republic are being given title deeds as a matter of right. For that community also, it should be given title deeds as a matter of right.

Mr. Speaker, Sir, I also want to speak briefly about the Mau Forest evictees. The people in the Mau Forest bought their land. We are happy that, again, the Government recognises the need to give them back their land. I would suggest that there should be no point of them being relocated to other areas. The best way is to have the areas they are being resettled forested. After all, all the rivers flow to Lake Victoria. If it starts from Nakuru, it is just as good as when it starts from Narok.

I also want to take this opportunity, while supporting the Vote, to request hon. Members to visit Kuresoi Constituency when the title deeds will be given out officially, so that they can appreciate the problems that we have undergone. Other Ministers, like the Minister for Roads and Public Works, should give us the opportunity to enjoy this country's cake, like every other community. We need roads, telecommunications services, security and livestock development like every other community in this Republic. The Ogiek community do not live on honey because they like it. They live on honey because they do not have any other option. They have been strangled and their economy made poor.

I want to thank the Ministry of Lands and Housing. I say that without any fear or shame. For a long time, I have been visiting the Ministry and they have been very co-operative. I have gone to the offices of the Minister and the Permanent Secretary. They have been very supportive. Let me also thank them for reducing the amount paid per title deed from what was Kshs5,000 per acre to Kshs5,000 per title. We should all appreciate that, that is an exceptionally poor community. When they are given land, and you ask them to pay, for example, Kshs25,000 per five acres, the most likely thing they will do is to sell part of the land to secure the other portion of the same land. If they had five acres, they would, maybe, sell two acres to secure the remaining three acres. I am very grateful to the Ministry for reducing the figure from Kshs25,000 for five acres to Kshs5,000.

Mr. Speaker, Sir, I do not want to speak a lot on that issue. I request my colleagues to look at this budget with a lot of sympathy. I would have been more happy with a bigger budget to accommodate all other issues that will necessitate the resettlement of the Ogiek community.

Mr. Speaker, Sir, I want to speak briefly on the issue of the 2.5 acre ceiling on the lower side. It is, sometimes, a bit difficult to appreciate the policy behind it. Well, on one hand, we are talking about the agricultural productivity. But, on the other hand, like when we are giving them five acres now--- There are those with three or four children. At one point, they will have to divide those parcels of land. We will need the title deeds to be recognised, so that we can have a title deed for one or two acres. On the issue of the ceiling, whereas I support it, it should not be only on land. We also have money and properties in towns. If we have to bring in the ceilings, we should also say we do not require more than 100 acres of land. We should also not have five-storey buildings in towns. We should also not have Kshs10 billion in our bank account. All those things can be seen as a way of assessing whatever we have in terms of land and other resources.

With those few remarks, I want to thank the Ministry and beg to---

Mr. Speaker: Mr. Cheboi, before you sit, if I own Kenyatta International Conference Centre (KICC), would we cut it into three parts?

Mr. Cheboi: Mr. Speaker, Sir, that would be the same question I would ask if I had 1,000 acres of land! What would we do? Can we cut it into two?

I beg to support.

Mr. Speaker: Very well, Mr. Cheboi.

Mr. ole Ntimama, please, proceed!

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Speaker, Sir, thank you for giving me this opportunity to contribute to this Vote of the Ministry of Lands and Housing.

Mr. Speaker, Sir, first of all, I want to say from the outset, that I am supporting this Vote to the fullest. I think I support the Minister because he has gone around all his departments to explain properly what is happening in the whole of his Ministry. I also want to thank the Ministry because they have looked into the areas of settlement especially for the evictees of the Mau Forest. I think I want to thank the Minister and all his officers who have worked together with him. Although there was a confusion in the last two days as to what the real official statement meant, I refrained to say anything until I saw the official statement especially because it involved the Narok County Council, the District Commissioner, Ministry of Lands and Housing and the Office of the President when some of the decisions were being made, and I am very satisfied.

Mr. Speaker, Sir, but I also want to say very clearly that most of the evictees do not belong to any one community. I want to say that although most of these people claim that most of the evictees came from our neighbours in the other districts, most of them were also Maasais and local Dorobos and nobody was discriminated against or left in the forest as such. This must be understood. I also want to say very clearly that I have been identified as one of these people who stood firm all the time in the protection of a total environment. By "total", I mean the preservation and conservation of forests, wild animals and water catchment areas because I come from a community that has a culture of conservation that is inborn. This is very true. I am not trying to praise any one community especially the Maasai community but it is in our areas that most of these forests and wild animals have been found. Even if they are killing us, drinking our water and eating our grass, we have chosen to live with them so that the local people in Kenya and the international community in general can enjoy the panorama of these wild animals. Sometimes ago even in Kenya, people said that we and our red *shukas* are part of the animal kingdom. We do not mind if that brings a lot of money and foreign exchange to this country which is now second in foreign exchange earning apart from tea and coffee put together.

Mr. Speaker, Sir, while talking about the Mau Forest, it is a very important forest and I do not know whether Kenyans have really known that it is. From this forest, there emerge 12 rivers that flow to Lakes Turkana, Baringo, Nakuru, Natron and half of those 12 rivers drain into Lake Victoria. This is very important indeed. We have a problem. The Government has a responsibility of protecting this forest and conserving its water catchment areas. It is the biggest water tower in East and Central Africa. The Mount Kenya, Aberdares and Elgon forest areas put together is equal to the Mau water tower. You can see its importance. However, more important so is the fact that even if these rivers drain into Lake Victoria, we still have a problem. This is because when the growth on the water catchment area was cleared, then water started flowing down and created all the floods that our people have seen in the lake region. Those floods were caused because of the destruction of the Mau Forest especially in erasing the top soil of the area. For the past two months when the destruction of logging and charcoal burning has stopped, the rivers have started to flow. The rivers are full now. The hippos can now submerge. The crocodiles can stay happily under the water. Imagine it has taken only two months. It shows the difference of something like that.

Mr. Speaker, Sir, the other important thing concern Lakes Victoria, Nile and Mara. I want the Minister to know, and I think he knows that, if we mess up with the water catchment area on the Mau Complex, then our neighbours and friends will not be amused. The Egyptians, Sudanese and the Ethiopians will not be amused. The Tanzanians are already concerned because the River Mara that is supposed to flow into the Serengeti National Park almost dried up just a few days ago. We must try to maintain the friendship with these people. I am not even saying they will not be amused but they would think that if we destroy the water catchment area in the Mau, we are actually encouraging a conflict between us and them. I am sure the Minister knows that very well. He is a very intelligent, well-educated young man and I know he knows something about public relations. I can tell you the Egyptians will not just take it lightly because if we go in and destroy it, the River Nile will dry up. It is their lifeline. What do you think they will do? That is very important.

Mr. Speaker, Sir, I want to talk about the boundaries. I know the Ministry of Lands and Housing is very particular in trying to establish the boundaries of the Mau, where the council which I call legally a competent authority, made the first boundary in 1975 and confirmed it in 1976. These are the boundaries that cannot be changed by anybody unless a resolution of the local or competent authority is made. So, we must not tamper around with those boundaries. If we tamper around with those boundaries, then I can tell you it is not going to be comfortable for us. It is not going to be comfortable for the Maasai because they will not accept any change of boundaries. Those boundaries have been verified by the Government and private surveyors and also by the local people.

I want to tell the Minister to stay firm and go and settle anybody be they Dorobo, Maasai or people from the other districts elsewhere in Nakuru but not within that forest. This is going to be a disaster not only because we are going to oppose it ourselves because it is called Maasai Mau but because the rest of the Maasai area including Likia, Nessuit and Eburu are almost finished. It was only the Maasai Mau which was still intact and we cannot see it coming to be destroyed or anybody else being settled there. If the Government does not protect that forest, then we will settle there first. We will go there first and defend it, stay there, graze our cattle, look after the bees and everything. However, it is not for the Government to go and change those boundaries because it is only the local authority which is competent to do it.

Mr. Speaker, Sir, lastly, this country is supposed to participate in international forums. We have signed conventions, covenants and agreements to say that we will take care of the environment and especially the forest. We are even supposed to establish a 10 per cent forest cover. You know before Independence, we had a 12 per cent forest cover but now it is 1.6 per cent. It is a total disaster

and if ever we can bring that forest cover anywhere near 10 per cent as required by the international conventions, I will be surprised.

Mr. Speaker, Sir, anything that destroys water catchment areas is a total disaster. I really want the Government to know that fact. I want to emphasise the question of there being good relationship amongst our people. I know that even my colleague here in the Office of the President got a call from Tanzania saying that Mama Nyerere cannot feed her chicken because the Maasai Mara Game Reserve is dry. We really must be careful.

Mr. Speaker, Sir, thank you very much.

Mr. Kipchumba: Thank you, Mr. Speaker, Sir for giving me this opportunity to give my comments on this Vote.

First, I would like to agree with the Minister's sentiments that we are all required to preserve forests. However, if this is to be done in good faith, then it must be done in all parts of the country. This is because parts of the forest land in other areas of this country have been destroyed and the Government has never done anything about it. In fact, it does not seem to care.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, if the Government is really serious in encouraging people to buy land, then it must first start with reducing the Stamp Duty. The current Stamp Duty levied in this country is very high. Many Kenyans have been discouraged from buying houses and land because the amount of Stamp Duty that the Government charges is quite prohibitive. I, therefore, would like to request the Minister for Lands and Housing that Stamp Duty be reduced from the current 2.5 per cent to 1 per cent so that Kenyans can easily purchase and own houses. I am happy that the Minister now does recognise that title deeds are indeed, very important documents and not just a piece of paper as he had referred to them last time.

Mr. Temporary Deputy Speaker, Sir, the Department of Survey has really declined. There were times when our country had many surveyors who used to do a good job. However, nowadays, whenever you want your land to be surveyed---

(Loud consultations)

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

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, I was saying that standards of work by the Department of Survey have really declined. I do not know if it is because the standard of training has gone down or if we no longer require more surveyors. However, it is high time the Government initiated adequate training so that we can have sufficient surveyors in this country. All we are told nowadays is that we must go to private surveyors.

With regard to the Mau Forest, it is true that we all require water and must preserve the water catchment areas. However, this must not be done at the expense of human beings. I heard the Minister say that he has given people back their land and he is going to resettle them. When you snatch a shirt from someone and then return it to him, you do not need to be thanked for that because that was not your property. Remember that schools and churches were destroyed during the Mau Forest evictions. Who is going to compensate these people for the losses that they incurred? The Government must not feel proud that it is going to resettle the evictees. If the Government was

really serious the process of allowing people to settle in the forest areas ought to have been stopped right from the outset. To have allowed people to settle in a place for over ten or 15 years before displacing them and then in the name of promoting campaigns want to resettle them elsewhere, is quite unacceptable. The Government does not require any gratitude for this act. In fact, what we demand the Government to do is to ensure that these people are compensated adequately. The Government must build houses, schools and churches for the evictees so that their lives can return to normal.

Mr. Temporary Deputy Speaker, Sir, slum upgrading is not a new project in this city. The Mathare 4A Slum Project was in existent before this Government came to power. This Government promised that it would build 150,000 houses every year; a feat that they are about to leave office without fulfilling. The Government has not built even a single house! It is high time the Government built those houses all over the country because slums do not exist in Nairobi only. We have slum dwellings in Eldoret, Kisumu and other urban areas. Overall, the houses that the Government is planning to build must be affordable.

This morning, it was revealed to us that the houses that have been built by Government are not affordable to slum dwellers. There is no point of the Government investing in very many houses which ultimately will be bought by the rich and mighty of this country. It does not make sense for the Government to pump money in projects which ultimately--- We have seen so many projects that target the poor of this country, but let us ask ourselves: Who will ultimately own those houses? When you tell a poor man in Nairobi today to pay Kshs12,000 per month as rent, really, can he afford it? How many Kenyans can afford to pay that kind of money? If the Government is really serious then it must ensure that affordability is given the first priority so that it does not build houses only for the well-to-do.

With regard to the Government selling its own houses, I think it is high time the Government disposed all the houses that it owns. It does not make sense for the Government to spend Kshs250 million in maintaining its houses. That money could be used to assist civil servants to own houses. There is a lot of merit in one person maintaining a house that he or she owns. They will ensure that the houses are in good shape as opposed to a situation where you are given a house with full knowledge that after some time you will vacate it because it is not yours. I would, therefore, request the Minister that all the houses owned by Government--- Most of them are poorly maintained despite the amount of money used every year to maintain them. I would suggest that the money be channelled to a revolving fund where civil servants can draw funds to build or buy their own houses.

Mr. Temporary Deputy Speaker, Sir, I heard the Minister talk of squatters. In this country, we have professional squatters. These are people who will be given two or more acres and immediately they are given the title deeds, they dispose of the land and become squatters again. This practice must be stopped. I would like to request the Minister to include in his policy a requirement that once you have been allocated land for free you are not allowed to sell it. By doing that, we will stop this menace. Kenyans will always tell you that land is life. I do not think that land is life. In fact, what is required in this country is to ensure that we develop to a level where land is no longer a factor so that Kenyans see the need to move to urban centres where there are permanent houses and good roads. That way, the land in the rural areas will be used for agricultural production and we will avoid situations where there are riots every now and then. People should not think that land is life. It is true that land is good, but I have never seen people who have become so rich because they own land. Two-and-a-half acres of land cannot make you a rich man. You can hardly survive on that size of land. In fact, you can hardly educate your children. All you can do, probably, is harvest a few bags of maize to feed your children.

Mr. Temporary Deputy Speaker, Sir, I am not sure if I heard the Minister well. Did he say that he has allocated some funds for the construction of a Presidential residence in State House? I hope that is not what I heard. I hope it is not the Government's intention to turn State House into a palace. If the Government wants the President to have a residence, let him live elsewhere. Let where he lives be a place of honour so that if a man and woman quarrel, their problems should not be brought to State House. That, in fact, will enable dignitaries from other countries to visit the President freely. I would want to request the Minister for Lands and Housing to stop building a residential house there. It should be built elsewhere, so that we leave that place for other official functions.

Mr. Temporary Deputy Speaker, Sir, finally, there is the issue of land ceiling. As I have said here before, if this country develops the issue of land ownership will no longer be a cause of conflict. If you travel all over the world, you will see that how much land you hold no longer matters. In fact, our children do not care how much land you own. They do not want even to stay in rural areas. Let us not dwell on issues that will eventually sort themselves out. The issue of land ceiling will disappear when this country develops.

So, let us not cause animosity and scare people who have a lot of attachment to their land. There are people who have invested all their wealth in land. As one colleague has asked, what happens to properties on land when people are evicted from it? What happens to evicted people who have huge properties and big businesses in towns? If they have commercial enterprises, we should allow them to own land on which they stand. Let it be their property.

With those few remarks, I beg to support.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute in support of the Vote of the Ministry of Lands and Housing. Like my colleagues, who have spoken before, I would like to congratulate the Minister for ensuring that the process of land adjudication is quickened. I have seen that myself as a Member of Parliament from Meru North District, where land adjudication was a problem for many years.

However, I would like to say that the process is still relatively slow. The excuse we are given is lack of vehicles, fuel and personnel. Therefore, the matter of facilitating officers to quicken the process, especially in areas that were historically disadvantaged, is critical. Something should be done even if it entails ensuring that there is partnership between the Ministry of Lands and Housing and Non-Governmental organisations (NGOs) that operate in various areas. The Ministry may also borrow the CDF resources.

Mr. Temporary Deputy Speaker, Sir, the issue of corruption is still a problem, especially in the districts. There are cases where land officers are trying to tie the process of land adjudication to the amount of money that is given to them. There is also a problem with the people for whom land is to be adjudicated. Sometimes they are the ones who are quick at enticing land officers, or ensuring that conflict remains because of their internal disagreements. They also entice land officers with money in order to get favours.

We are happy to note that the Ndungu Report is being taken seriously. I think there have been frustrations among Kenyans because of establishment of commissions whose reports are not implemented. I am, therefore, happy to note that the Minister is planning to act on this issue quickly, and that there will be a tribunal that will deal with land matters.

As this happens, we want repossession of land to continue. There is a time when I heard of land being repossessed and houses built on road reserves being demolished. I think that process should be taken seriously. I think that process should continue because certain matters are obvious.

There is also what is happening in our estates. As we reposes road reserves land, what do we

do about landlords who extend their development beyond the land allocated to them?. There are drainage problems in many estates. Are we going to standby as these problems worsen?

There is also a big problem in rural areas. The problem of interference with road reserves is not only in big towns but is also found in the rural areas. That is also a problem in rural areas, where road reserves have not been spared either. If you visit many rural communities, you will find that many peasant farmers have misappropriated land, which is meant for rural access roads. In terms of the amount of land which has been misappropriated by peasant farmers, it is much more than the total amount of land we are complaining about in urban areas. This is an area where we need to take action, otherwise, the fact that not much is done to expand roads, there will be no way of getting to particular points in the remote rural areas.

We are glad to note that some money has been allocated to relocate landless people. The landless people are not only living in towns or the Mau Forest. If you visit areas where adjudication is being implemented now, for instance, in Meru North, you will find that many people had been allocated land on river reserves, small lakes and hill tops. It was, therefore, difficult for those people to have claim to any land. I hope that institutional land, for instance, the Meru Institute of Science and Technology in Meru North, will get part of the Kshs99 million that we have been told about. The money should be used to relocate people from such communities, and not only the ones who are in politically charged areas like the Mau Forest.

Mr. Temporary Deputy Speaker, Sir, with regard to issues of public land, the problem is not only in urban areas. In districts where adjudication is taking place, public land has neither been identified clearly, nor fenced off. Therefore, I hope that resources will be made available to make sure that land is identified and left aside for generations to come. The problem is not only in urban towns.

I am glad to know that we are planning to have ceilings of how much land a Kenyan can own. This is okay because most people who claim to have a lot of land do not use it. They own a lot of land because of sheer greed. We need to know what measures to put in place. Unfortunately, the people who own big chunks of land are also very mean in terms of how they treat their workers. They pay them very poorly. The workers also live in very bad conditions, worse than those the police personnel live in. One cannot understand why they do that. This is also the same case with those who own private parks in this country. They have the benefit of owning parks, but their workers complain of mistreatment and low salaries. The owners of the private ranches use politicians to ensure that they are not held accountable for the miserable conditions they put their workers through. We should insist that they provide facilities such as schools, dispensaries and anything else that makes it possible for a worker to enjoy benefits of modern employment.

In terms of housing, it is good that the Minister is paying attention to it. However, many developers in the private sector complain a lot about the ratings. They complain that the Government does not encourage them a lot. This is in regard to indigenous developers who cannot compete fairly with the more established foreign developers who are of non-Kenyan descent.

A point has been made about our continuity to contribute and make annual subscriptions to Shelter Afrique and other organisations. This is okay, but it should be made clear that the subscriptions are merited, especially to the point of view of what benefits we derive as African Developers. For instance, there are complaints about the way some organisations have a monopoly. I have met developers who said that if one has to deal with Shelter Afrique, they have to do so through one particular lawyer. There is something strange about that. With that kind of monopoly, it seems as if there is some kind of corruption which is being encouraged, yet it is not spoken about and makes competition impossible.

A point has been made about why we should not concentrate on towns. I think the problem

of housing also affects the rural areas. Maybe, the Minister for Lands and Housing should consider ways of collaborating with institutions that are in place, for instance, schools, colleges, and more so, the newly created districts, where the headquarters will work with officers to ensure that housing is provided in those areas as well.

I hope that, as we are already in the business of allocating land and not the Office of the President, we will ensure that Kenyans do not use their connections to acquire more land, and that if there are Kenyans who have taken forest land and any other land which is meant for the public, action will be taken against them to ensure that they do not continue to enjoy benefits that they do not deserve, especially because they are denying Kenyans many benefits and resources that come from land like trees and water among others.

As I said before, sometimes, economic sabotage is not only ensuring that we are not robbing banks or having criminal activities. When we deny people forest land or parks, that is economic sabotage that deserves to be dealt with very severely. With those few remarks, I beg to support.

Mr. Khamisi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion, which I fully support. I want to congratulate the Minister for being quite forthright and open to some of us who had issues to raise on matters of land. I hope I am not wrong to say that since he joined the Ministry, he has brought some "fresh air" in its operations. I wish to thank him for that.

However, I have been rather disappointed because I expected the Minister to raise certain issues, which he either deliberately, or for some reasons failed to do so. The issue of absentee landlords is very much at my heart. I expected the Minister to tell this House what plans he has to deal with absentee landlords. This is a very serious issue. It is a serious issue because thousands of squatters reside in areas which belong to people who do not live in this country. It is land which is assumed to belong to individuals who live away from this country and do not pay any rates or fees to this Government. I would wish that the Government pays particular attention to that. This is an issue that will create many problems in this country.

The issue of land is sensitive. It is sensitive because it is an issue of national security. If we do not solve the problems of land, we will be moving the same direction that other countries have moved. That can be tragic for this country. I would expect the Government to know the number of absentee landlords, presently in this countries. I do not think there is a census which has been conducted to that effect. I would expect the Government to know the acreage of land owned by absentee landlords. As far as I am concerned, there is no information as to the number of acres which are presently held by absentee landlords. We would like the Government to come up with more than just rhetoric and provide solutions to the problem of land.

I urge the Government to move fast and secure the facilities that are within the land, which is owned by absentee landlords. I am talking about schools, hospitals and other facilities. Presently, almost all the schools in my area, Bahari Constituency, are in absentee landlords' land. Some of the police stations are also squatters. So, if we want to have security in this country and ensure the safety of our people, it is important that we correct the situation. We should ensure that the schools are registered, whether they sit on absentee landlords' land or Government land. This is something which must be done urgently. Most of these schools are under threat of eviction, almost on a daily basis.

Mr. Temporary Deputy Speaker, Sir, the Minister mentioned that four million title deeds have been registered to date. He did not indicate to us how many of these titles have actually been issued in Coast Province. The issue of title deeds is a very critical one. It is an issue that we, the hon. Members from Coast Province, raised with His Excellency the President when he visited Mombasa.

The President made a public announcement to the effect that all the applicants will be exempted from paying the fees that had been accumulating over the years. I had expected that by now - which is about two months since that announcement was made - the Ministry would have moved administratively to make sure that the directive that was issued by the President was adhered to. Unfortunately, nothing like that has happened and our people continue to be turned away from the lands office because they do not recognise the declaration that was made by the President.

I would like to ask the Minister to move and legalise that declaration, so that our people can get access to the title deeds that have been lying in the offices of the lands department in Kilifi and other places, so that they can use these documents to secure loans from banks.

Mr. Temporary Deputy Speaker, Sir, we have been told severally about the National Land Policy. This is a good idea, but I think the Government needs to move away from rhetoric and do what is expected of it which is to ensure that our people have got adequate land for settlement and that they are comfortable in their holdings. Up to now, we have not been provided with the Ndung'u Report. The Minister promised this House that, that document would be circulated to hon. Members of Parliament. It is almost nine months since that document was completed but we have not seen it. I think we deserve to get a copy of the Ndung'u Report.

We have had several of these reports, the Ndung'u Report being one of them. The Njonjo Report was completed and circulated. We were very glad because it made certain resolutions that we thought would be useful in terms of resolving land issues. Unfortunately, nothing was done concerning the report of that commission and we fear that the Ndung'u Report will be subjected to the same treatment as the Njonjo Report. We hope that this will be done expeditiously and that we will all be privy to what is contained in that Report.

Mr. Temporary Deputy Speaker, Sir, let me talk about the land boards. We are very glad that training was provided to the land boards across the country. However, we do not think that these boards are empowered enough to fight off interference from the administration. We have a case in Kilifi where the lands board actually refused to give assent to that sale, yet the DC went ahead, with the co-operation of the officers of the Ministry of Lands and Housing in Kilifi, to dispose off that land to a company called Hussein Dairy. That piece of land is the same one that almost got burnt about a year ago. It is still a very controversial piece of land. We are all very disappointed that the DC took it upon himself to bypass the lands board and issue an order of sale to Hussein Dairy.

I know that the DC, who is there, has written to the Ministry protesting about the irregular sale of that piece of land. I wish to say that the Government has a duty to ensure that the land boards operate without any interference from the DCs or any official within the public administration in those areas.

Mr. Temporary Deputy Speaker, Sir, the question of adjudication is a matter that needs immediate attention by the Government. I am very disappointed that during the last financial year and this financial year, almost nothing was set aside for adjudication purposes, particularly in my area. If we do not set aside funds for adjudication, it becomes almost impossible to solve the problem of land.

I agree that we have a lot of disputes, but they can be solved if we have diligent officers from the land boards. Unfortunately, we are not getting enough attention from the officers of adjudication in our areas, to the extent that it takes months before any dispute can be resolved. We have also had cases of corruption involving the adjudication officers. This is an issue that needs investigation by the Ministry of Lands and Housing so that if there are any officers who are involved in corruption, they should be subjected to the usual discipline and new officers posted to those areas.

Mr. Temporary Deputy Speaker, Sir, the issue of adjudication does not just affect areas

within settlement schemes or Government land, but also other areas. For example, in the neighbouring constituencies of Ganze and Kaloleni, the problem is totally different. They have ancestral land and the only thing that they require is for the Government to post adjudication officers to that area. Everybody knows the perimeters and boundaries of their pieces of land. It is, therefore, very easy for this land to be adjudicated, titled and the people can have the benefit of those titles.

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

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute and support this Motion. This is the first time that we are having an opportunity to debate on the Vote of the Ministry of Lands and Housing, because previously we have talked about housing alongside roads.

Land is a very critical aspect for any country and as such one would expect that we expeditiously put a land policy in place. My colleagues across the Floor can bear witness to the fact that we have in excess of 35 statutes in this country that deal with land or matters relating to land. Some conflict each other, some are totally out of date, while others have no business being in our statute books.

Mr. Temporary Deputy Speaker, Sir, I would like to urge the Minister that part of the reforms that he is undertaking should harmonise and consolidate the legal framework relating to land and housing in this country. Whether you are talking of ownership of land by way of freehold, lease or housing, all these issues need to be a one-stop shop so that you can pick up one statute and find at least as much legal framework on land as possible.

In so doing, I would expect the Minister to address a series of issues that are cross-cutting with other Ministries which will make management of land in this country a lot better. You cannot, for example, talk about land without talking about environment. You cannot talk about housing without talking about planning. You cannot talk about land without talking about roads, because they are all interrelated.

Mr. Temporary Deputy Speaker, Sir, this country needs to move away from the old notion that to be "somebody" you must own land. The Ministry of Lands and Housing should now be concentrating on providing facilities for town planning, so that Kenyans are able to live in urban centres where there is access to water, electricity, education institutions and other facilities that make life easier and better. So, the mania of land ownership should be left to be a thing of the past. If you visit areas like Sirisia Constituency, where I represent, families that owned about 20 acres in the 1960s now have about 10 sons each. Each of those 10 sons have another 10 sons. The multiplier ends up with 0.8 of an acre to each son. Obviously, for a rural economy where people depend on land, we do not know where to build, bury the dead or to plant our crops because land is simply not there. However, if a policy was evolved, it would help. We should encourage our people to plan on how to use their land. People must be made to consult professionals on how to manage their land. I expect that in the reforms that the Minister is talking about, we have planners positioned and posted up to the location level, so that even the rural communities have access to professional services. If we want to build a house in our rural home, for example, we can be advised on which position of the land is best suited for building that house. If we have sons, we can also be advised on which area we can designate as a homestead for all of us, so that we can have a portion of that land left for food production.

Mr. Temporary Deputy Speaker, Sir, we have title deeds in this country that are so easy to forge. Some of these title deeds can be printed by crooks in the River Road. Some of these fake title deeds have been used in banks and courts as security for posting bonds and so on. The Minister should also be able to come up with secure non-forgery title deeds. Even if the room for forgery is

left to about 1 to 3 per cent, it will be understandable, but where any crook can walk into any printing press and walk out with a title deed is dangerous for the country because such title deeds end up being abused. They also undermine the economy.

Mr. Temporary Deputy Speaker, Sir, it is a pity that 40 years after Independence, we still have parts of this country where land has neither been adjudicated, demarcated nor registered. This is how we have ridiculous situations with certain families in this country owning parcels of land the size of provinces. We have situations where people, because they were in positions of influence and authority, simply walked and declared portions of land without caring that there were indigenous people there. We have situations in Taita-Taveta District and parts of Rift Valley Province where people own land that they ought not to own. Parts of the reforms must include restitution where the people of Taita-Taveta, Nakuru and Trans Nzoia districts must be restituted their land because of the people who walked in with the power and might of the Government of the day and took away that land.

Mr. Temporary Deputy Speaker, Sir, in the reforms, we also want to hear from the Minister and he must do this when he responds to this Motion, what he intends to do with research land that has been misappropriated and appropriated to other people. I know that one would say research land belongs to research institutions that are in the Ministry of Agriculture. However, if we want to have meaningful agrarian reforms, then all management of land must be brought under the auspices of one legislation and authority, so that even research companies and institutions take leases from the Ministry of Lands and Housing and hold that land in trust for both the Ministry and the people of this country. That way, we will limit a situation where, for example, KARI land in Kitale District, at the grass land, which was over 12,000 hectares is now less than 2,000 hectares. Land was given to the well-connected people who do not even farm on it. All they do is to pride around that they own land. This is dangerous for a country. First of all, they have undermined research and food production. Above all, they have created inflation by going to banks to borrow money and flooding the market for no apparent reason at all.

Mr. Temporary Deputy Speaker, Sir, let me mention something about the issue of housing. Again, this is cross-cutting because most houses are found under local authorities, under a different legislation. The harmony in laws that I have talked about, and my colleague across, Mr. Muturi, who is my learned friend and he had a privilege of being my classmate, can bear me out, is that we need the law relating to housing in local authorities to also be partly managed by the Ministry of Lands and Housing. We passed a Sessional Paper on Housing here. We have yet to see it under implementation. If you visit Umoja Estate, for example, an estate that was meant for low income earners, you will see structures that are nuisance; an eye sore, hanging precariously like chimneys, yet they were meant to be single storey houses. We do not know who is running these programmes. If you visit certain countries, even your own private house, you have a legal duty to paint and maintain it and to make sure that standards of good management of property are adhered to. I would like to suggest that in the reforms that the Minister is putting in place, these are the kind of things that he must put in place, so that we have structures that are good to look at; those that are attractive.

We have had many commissions formed in this country to look into issues of land, for example, the Njonjo and Ndung'u commissions. We want to bring an end to this endless money guzzling commissions and bring a proper legal framework here.

Mr. Temporary Deputy Speaker, Sir, let me finish by saying that when the NARC Government came to power, we promised that up to 150,000 houses would be made available to solve the problem of housing in this country. The Government did not say that it would build houses for Kenyans. We said that we shall facilitate the construction of houses. This means that if Mr. Muturi, for example, wants to build a house, we can facilitate him to be funded by Savings and

Loan (K) Limited (S&L). Now, we have all manner of reckless talk about failing to provide the 150,000 houses. How far from the truth!

Mr. Temporary Deputy Speaker, Sir, with those remarks, I beg to support.

Mr. Salat: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Vote for the Ministry of Lands and Housing. From the outset, I would like to thank the Ministry for allowing the people of Mau Forest to go back to their farms. This is exactly what we have all along been requesting the Government to do because these people are the rightful owners of those pieces of land. I hope that by telling our people to go back to their farms, the Minister does not expect anything from them. He said that this is a humanitarian gesture that was long overdue. I thank him because he said he does not expect anything from them, especially at this time when we are about to vote at the referendum.

More importantly, I would like to thank the President because all along, he had not been given proper information regarding this matter, but we tried our best to make sure that all the necessary and legal information got to him. These people were the legal inhabitants of those pieces of land.

Mr. Temporary Deputy Speaker, Sir, all along, the Minister, who is very sober, said that the title deeds that were being held by these people were merely pieces of paper. We are happy that those title deeds are now legal documents. We would like to inform the Minister that any title deed given by this or any other Government is a binding document between the Government and the owner of the property and should be respected. So, we are very thankful that the information and the truth finally got to the President. We ask those who are surrounding and preventing the President from knowing the truth to give him proper information, so that we do not have people being evicted and made refugees in their own country. I do not wish any Kenyan to go through what the residents of Mau went through. It was something that you would not think would happen in your country. It is important that, it has come to an end. We want Kenyans to believe that they have every right like any other citizen, no matter who is in power. So, we are asking those who are around the President not to shield him from getting the correct information.

Mr. Temporary Deputy Speaker, Sir, we are also asking that, in allowing those residents of Mau to go back, they should be considered for compensation. When they were evicted, their property was destroyed. So, we are asking the Minister and the Government to consider some form of compensation for them, so that they start off their lives again and know that they are being appreciated by the Government with no strings attached.

Mr. Temporary Deputy Speaker, Sir, I would like to touch on the Ndung'u Report. That report is just like other reports produced by every Government which comes into power. During the last regime, we had the Njonjo Report. We do not want to have reports which target particular periods/regions. If a report is to be considered genuine, we need a report that does not say: "This regime did this!" We want a report to address all the land injustices since the colonial period to the current regime, so that Kenyans can appreciate that this is their country.

Mr. Temporary Deputy Speaker, Sir, I would like to touch on the Physical Planning Department. I am sure that most of my colleagues have mentioned it. That department is what is making this country look like a shanty everywhere. Whoever is heading that department--- You need surgery in that department. We cannot have mushrooming structures all over. In my constituency, you cannot know where you will end up if you follow a certain direction. You might end up knocking at somebody's house because the physical planning is very poor. I am asking the Minister to do something about it. It is important for our towns to look neat and organised. That department is one of those that are not doing their work.

Mr. Temporary Deputy Speaker, Sir, I would also like to touch on the Housing Department.

That department is in charge of housing units in Nairobi, Mombasa, Kisumu and Eldoret. But we have other towns that could benefit from those housing units. I urge the Minister to consider other towns because they also have housing problems.

Finally, I would like to go back briefly to the Mau issue. When the evictions were taking place, we felt that not all the Ministries that are concerned were consulted, especially the Ministry of Environment and Natural Resources. They said that it is a catchment area, but nothing was heard from the Ministry of Environment and Natural Resources. So, we were wondering whether it was actually a catchment area under the Ministry of Environment and Natural Resources. The Ministry never said anything. That is why everybody was suspicious about the evictions. So, in future I urge the Minister that, whenever he is undertaking such a brutal activity--- It was so brutal! I am actually going to witness them going back. I ask the Minister to take me along when he will be going to resettle those people because I have not recovered! He should take me, so that I can eventually say: "Thank you so much!" It was so brutal and I hope it will not happen again. It should never happen again.

With those few remarks, I have no choice but to support this Motion.

The Assistant Minister for Local Government (Mr. Tarus): Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this chance to contribute to the Vote of the Ministry of Lands and Housing. Just like many hon. Members have said, I would like to start by thanking the Minister for Lands and Housing for recognising the need to resolve the land problems that have caused a lot of dissatisfaction among Kenyans. There are two issues that I would like to touch on; the issue of Mau and the two and half acres limit on land.

We have always spoken about the volatility of the land question. This is the time we have realised how volatile it is. First of all, even if the Minister had good intentions in issuing the gazette notice to limit the sub-division of arable land, it was viewed with a lot of suspicions. Word went round and all manner of rumours were circulated. I would like to thank the Minister for calming the people of Kenya by cancelling that gazette notice.

Mr. Temporary Deputy Speaker, Sir, regarding the issue of Mau, we have always said that mistakes may have been made in the past. But, more often, when things are affecting the poor--- It is important to know that the poor are also Kenyans. When mistakes of that kind have been made--- We keep on saying that the last regime used to give out land. But when dealing with the poor--- We were not happy to hear that 4,000 children were not going to school. We were not happy to see those people without food. We do not have situations where food is distributed in Rift Valley. That was the first time leaders from that area had to organise for food donations. It was not easy because it was temporary. So, I want to thank the hon. Minister for hearing the cry of the people of that area.

I also want to thank the Minister on the issue of payment for the title deeds. More often, when people are allocated land, we must take cognisance of the fact: "Who are we actually settling?" We are resettling landless poor people who have no income. More often, when they are allocated five acres of land, they are unable to raise the fees required per acre. More often, they sell the same land to the people who have land. One would say: "I better sell two and a half acres, so that I can raise the money to pay for the other two and half acres. If we continue like that, we will be very sensitive to the needs of the people. This is one way of creating confidence among the Kenyan people. We must recognise that poverty has wrecked their lives and we would like to give them a foundation so that they can begin to participate in economic activities and also earn a good living in this country. So, I want to particularly thank the Minister for that particular issue.

Mr. Speaker, Sir, the issue of computerisation of land records is very important. We have realised in the past that when land transactions were taking place in the Ministry, there were all manner of frustrations among those who were seeking services. Either files were not available or an

officer was out in a meeting and that kind of thing. When we computerise, we shall reduce the labour force required and improve the efficiency of administration of land issues in this country.

Mr. Speaker, Sir, another issue is the resettlement of the landless. I see the Minister has indicated that to date, 179,300 people have been resettled. I also want to ask him to extend and look at Nandi District where we have pockets of people who are landless, living around the forests. In particular, there are those who are living around Kapkangani within Chepkumia Exchange Programme. More often, we have had to provide food for them because they have no place to till. I hope the Kshs25 million planned for resettlement will also include these people.

Mr. Speaker, Sir, I would also like to talk about housing, and particularly about Kapsabet Town. Kapsabet was established as a district in 1996. To-date, it suffers a lot from shortage of houses. There were housing programmes started some time ago but they have not been completed. I hope the Minister, under the current programme of providing housing, will ensure that the incomplete houses are completed as a priority so that public servants who are in the town can have places to live in.

Mr. Speaker, Sir, let me finally talk about the issue of slum upgrading. I think the Minister is doing very well in Nairobi. But I also want to ask the Ministry to move to other towns like Eldoret and Kisumu, to ensure that slums are gotten rid of in this country.

With those remarks, I beg to support.

Mr. Muturi: Thank you, Mr. Speaker, Sir, for giving me the opportunity to contribute to this Ministry's Vote.

Mr. Speaker, Sir, in as much as I appreciate the efforts of the Minister and his staff in trying to come up with a land policy, I think it is important that, as a nation, we came to terms with the reality. The population is growing and the land available is diminishing. Therefore, as we talk about this issue of landlessness, we must be realistic. For how long shall we, as Government, allow people to continue believing that they must own land? These are hard realities we must come to terms with. Nobody has ever said that they are going to limit the number of chicken or cattle or even the money that Kenyans have. Therefore, land, as property, must be treated not so differently from other properties that we own. So, I think the most important thing to include in the policy that the Ministry says it is developing is an appreciation of the fact that there will be a time when there will not be any more land that can be dished out to those that will claim to be landless, and that land is not the only means of livelihood. Those are realities we must come to terms with.

Mr. Speaker, Sir, we have talked about land adjudication, land demarcation and registration. I want to agree with an earlier contribution by the hon. Wetangula, who is my former classmate that, indeed, the plethora of laws that govern land ownership in this country is mind-boggling. There are far too many land laws. I think it is time that we moved with speed to try and consolidate the land laws in this country, with a view to bringing together one or two sets, so that everybody knows that if they want to own land in this or that area, these are the requirements.

Mr. Speaker, Sir, that brings me to another question that is specific to my district. Almost ten years ago since the creation of my district, we keep talking about land. The land registry is in Embu. So, in fact, as a district, it is like we do not qualify to talk about land. When we go to the other districts, we are treated as second or third rate citizens, because we are disturbing *wenyewe*. Therefore, this is a matter that I would want to urge the Minister to address. We need a land registry in Mbeere District.

Indeed, I would also want to urge the Minister to borrow the words or phrases used by one of his good friends, the Minister for Justice and Constitutional Affairs, to move with speed and institute "radical surgery" in the land registries. This is because it is an open fact that they are the dens of corruption in land matters. It is in those registries that a lot of the disputes that we see in the

country regarding land matters are actually generated or hatched from. I know the Minister has said that this is a societal problem, but since he is also part of society and he heads that Ministry, let him do his bit, just like Kiraitu Murungi did the so-called "radical surgery" in the judiciary, and try to instill some sanity in those registries.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Lands and Housing used to have qualified surveyors. The truth should be told today that most of the survey work in the countryside is done by people who are not qualified surveyors. They do the work and it is certified by the qualified surveyors. I do not know where the qualified surveyors hide because they do not appear to be doing the work on the ground. This is a matter that the Minister should address to avoid the proliferation of too many quacks in the villages purporting to be surveyors.

There is an issue of planning that has been talked about by some of my colleagues. Some of the problems that we are facing about land ownership have a bearing on our planning. If you drive from Nairobi to Nakuru, you will find so many market centres along the highway. Everybody who owns land close to the main road wants to run a shop, a bar or a butchery. We need to restore some sanity. I believe that the Minister is up to the task of reining in these people to try and adhere to the laid down procedures of the erection of business premises along roads. We want our roads to be decent. They should be like roads in other parts of the world. We complain in this country that we do not have enough land. The Rift Valley Province is actually bigger than the Great Britain, but the Great Britain has more open spaces. You will be surprised to find that the Great Britain has a population of 60 million people, it is smaller than the Rift Valley Province in Kenya and it has more open spaces than Kenya. This is possible through good planning. We can also do this here in Kenya if we embrace good planning.

Mr. Temporary Deputy Speaker, Sir, before my time ends, I want to comment on the Ndung'u Report. The Minister has said that they have set aside some paltry amount of money to implement the Ndung'u Report. I just want to caution that because public resources were spent in compiling that report and the investigations that went into it, it is only fair that that report be debated in this House. The implementation of that report has several far reaching legal and commercial implications to this country's economy. It is only fair that this House, as the supreme law making organ of the State, expresses itself on the various recommendations, not necessarily to object, but to give directions as to how the implementation should be done. That way, I believe we will be giving the implementation of the report ownership by the elected representative of the people, so that the people whom we represent do not start accusing one side of the House as the one that is denying them their rights. I want to urge the Minister to talk to his colleagues in the House Business Committee to have that report prioritised for debate in this House. I heard hon. Khamisi say that he has never seen that report. It is in Room 8, if I may be generous to him. It is important that we all look through that report and debate it soberly.

Finally, I want to caution about the erection of a State House residence. We should be careful about that to avoid a situation where first families could easily bring problems.

With those few remarks, I beg to support.

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, I wish to thank the Minister for starting with serious reforms in the Ministry of Lands and Housing. I hope these reforms will assist our citizens.

Teso District, just like the previous speaker's district, was also created almost ten years back. To date, the Ministry has not sent even a clerical officer or even opened a lands office there. The residents of Teso District are being served from Busia District, where they fought so hard to move away from. They do not like being returned to Busia to process documents where they are harassed so much. The Ministry of Lands and Housing should move with speed to open up a lands office in

Teso, so that the Tesos can be served from their district like any other Kenyan.

If I heard the Minister very well, he said that his Ministry is also in charge of international boundaries. I come from a constituency at the Kenya/Uganda boundary and I do not know if our Government knows its exact boundaries. The Ugandans have started moving into Kenya. They are even constructing roads on Kenyan land. Recently, they repaired a bridge in Malaba.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Minister, is that the correct position; that your Ministry is also in charge of international boundaries?

The Minister for Lands and Housing (Mr. Kimunya): Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Continue, Mr. Ojaamong.

Mr. Ojaamong: Mr. Temporary Deputy Speaker, recently, the Ugandans moved into Malaba and repaired a bridge which is supposed to be maintained by Kenyans. I am just trying to emphasise the fact that these reforms should enable our country to recognise its real boundaries, so that people from other countries are stopped from moving in. This will be very good for our country. If you go to Busia Town, you will find that Kenya is trying to move backwards inside its territory and creating a no-man's land, as a result, Ugandans are surging in.

I also want to talk about title deeds, especially for land that is owned by Government institutions. For instance, in Amagoro Constituency, out of about 150 schools, only 20 have title deeds for their land. This has given grabbers an opportunity to grab schools' land. It is my wish that the Ministry exempts schools from paying legal fees in order to acquire title deeds, so that the ownership of their pieces of land is definite. They should not go through so many processes. Recently, I was processing a title deed for a school and it cost me a lot of money and time. It should be made very easy for Government institutions to acquire title deeds. They should acquire title deeds at a very minimal or no cost at all, as soon as they apply for them.

Mr. Temporary Deputy Speaker, Sir, some times back, the Government formed the Mwangoria Commission to look into the issue of the boundaries of Teso, Bungoma, Busia and Mount Elgon districts. A lot of money was pumped into this Commission. As I speak, the Commission's report has not seen the light of the day. We are not going to bury our heads in the sand. After

conducting that costly exercise, the Government should be brave enough, come out, release this report and implement it. The Commission was given the task of looking into the boundaries and coming up with a report, which should be implemented. At the moment, there are no visual boundaries between Teso, Mount Elgon, Bungoma and Busia districts. The Minister is a very brilliant man and he understands issues. I hope that he has good technocrats who can come up with official boundaries between these districts as soon as it is practicable.

With those few remarks, I beg to support.

Dr. Shaban: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support the Vote of the Ministry of Lands and Housing, but I would like to make a few comments. In this country, it is only in Taveta where there is so much land, yet nobody owns it, especially the indigenous people---

(Mr. Kimeto walked in front of Dr. Shaban)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Kimeto! Why are you on your feet? It is fine, if you are moving out, but you should not walk between the Chair and the person who is speaking. You can get out using a different route.

Proceed, Dr. Shaban!

Dr. Shaban: Mr. Temporary Deputy Speaker, Sir, it is only in Taveta where there is so

much land, yet the indigenous people have been crying for land and nobody seems to have taken an interest in why those people have been crying. When the NARC Government came in we thought that, maybe, they would try to correct what has happened in the past, right from the colonial Government up to the past governments. But nobody has taken an interest in land to make sure that Kenyans are settled properly.

We had a visit from the Minister for Lands and Housing sometimes early last year. At least, there is some hope for the people of Taveta, who had had adjudication done in some areas some 20 years ago, and nothing has happened so far. Some cases were still pending and the Minister has moved in and asked the Director of Settlement to make sure that those cases are settled. But more than anything else, I think the Government needs to formulate proper policies to make sure that land issues are solved. As my colleagues have said earlier, there are many issues and policies about land which do not make sense in the modern life, and they are still there in our books. People keep on referring to them because that is what most of the absentee landlords are using to frustrate Kenyans. If fallow lands which have been left there by absentee landlords were properly taken care of and the Government takes charge, then we will certainly have situations where everybody will be happy. The local people in those areas who were not actually even consulted when those lands were being given out would be able to be compensated and be given their land back. This will even enable them to practice agriculture and eventually have food security.

Mr. Temporary Deputy Speaker, Sir, we also find ourselves in a very delicate situation where absentee landlords who have left their lands to lie fallow end up even taking people to court because they do not think some of those thousands and thousands of acres should have any pits for public utility. They have been given those lands and they are supposed to be closed land, where nobody is supposed to venture into it. Yet, when those people are around, they are supposed to use the same public utilities which are being utilized by everybody else, and they do not want to give out even a small piece of their chunk of land. Sometimes, we find ourselves in weird situations where even when you work with the communities to give them some clean drinking water, somebody thinks they have a right to go to court so that the court can help them decide to remove those pipes, and those people are denied access to water.

Mr. Temporary Deputy Speaker, Sir, it is very important for this Government to move very fast and, I believe that if they decided that they want to do the right thing, it is possible for the Government to be able to do that because there are means and ways which are available to the Government. I am sure they can use them. In Taveta, generally, people are either squatting on private land or on trust land. Most of those people do not own any documents. An example of an adjudicated piece of land which was adjudicated almost 20 years ago is Kimorigo/Mbogoni, and it was supposed to have been completed by now, but it has not. But I believe the Minister has promised that those people should be able to get their title deeds very soon.

It is quite strange when you hear somebody who owns about 72,000 acres of land and denying the people of Taveta any land, insisting to be compensated even when water pipes are laid across a few kilometres of his land, even when that project has been done on a community level. Most primary schools in Taveta are actually on somebody's private land and it has become impossible to register them. I think it is important that the Government should have a proper policy about public utilities like schools and others, to make sure that registration for those schools is done in the easiest way possible, so that those people can stop harassing pupils and parents of those schools.

I would like to say something on housing. Having travelled to quite a number of countries, I believe that our cities in Kenya are some of the ugliest I have ever seen in the world. It is a pity and it is very embarrassing, but I think the Minister for Lands and Housing and generally the

Government, will do something about town planning and physical planning so that our cities can conform to what even the cities in our neighbouring countries look like.

With those few remarks, I beg to support.

The Assistant Minister for Trade and Industry (Mr. Syongo): Thank you, Mr. Temporary Deputy Speaker, Sir, at long last for giving me the opportunity to make my contributions and particularly, to support the very excellent presentation. This is one of the very best presentations that I have heard in this House by a Cabinet Minister in support of his Ministry's Vote.

Mr. Temporary Deputy Speaker, Sir, the question of territorial boundaries of this Republic is extremely important, and I want to thank you, because when hon. Ojaamong mentioned something about it, you actually took the time to attract the attention of the Minister on the matter. I would also like to thank the Minister for addressing the issue of the 200 mile exclusive economic zone in the Indian Ocean. I thank him for taking that step because it has been long outstanding and I am glad that the Director of Survey is also in this House listening to me, because for many months, we were involved in talking about it to rectify the obviously disastrous earlier submission which was delivered to the Hague.

Even as we congratulate the Ministry for taking that step, I would like him to pay similar attention to our boundaries with other countries neighbouring us. In particular, I would like to draw the attention of the Minister, who I have realized is now very busy in a conversation, that the question of our boundaries along Lake Victoria is very critical, just as is the case in Busia, where we have several Kenyan islands today being occupied by Ugandan security forces. According to the survey maps, those islands are inside Kenya but they have Ugandan flags flying in those territories. In spite---

The Temporary Deputy Speaker (Mr. Poghismo): Order! Order, hon. Syongo! Sometimes, I think the Minister is clearly not paying attention to some of the things being said, which I suppose would require some kind of response from him. You may proceed but please listen to some of the things being said there!

The Assistant Minister for Trade and Industry (Mr. Syongo): Mr. Temporary Deputy Speaker, Sir, I cannot say things that I cannot support. I can tell you that Migingo Island on Lake Victoria is being occupied by Ugandan forces. I have personally checked with the Director of Survey and he has assured me that those islands are in Kenya.

QUORUM

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

The Temporary Deputy Speaker (Mr. Poghismo): It is very clear that there is no quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Poghismo): Order! Order, hon. Members! We now have a quorum.

Proceed, Mr. Syongo!

The Assistant Minister for Trade and Industry (Mr. Syongo): Mr. Temporary Deputy Speaker, Sir, I was talking about the need to negotiate, if necessary, so that we can clearly demarcate our boundaries. It is important to do so, not only for our security---

Mr. N. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. As a matter of

procedure, could the Chair explain the goings-on in Parliament? Is it in order for an hon. Member to raise the issue of quorum and then withdraw from the Chamber, never to return for the remainder of the day? The Chair previously ruled that an hon. Member should not withdraw from the Chamber when he or she raises a point of order.

The Temporary Deputy Speaker (Mr. Poghisio): Well, it is not really a procedural issue. Our Standing Orders are not able to give us that direct way of ruling as you may like. However, hon. Members are taking advantage of the situation as it is to raise the issue of quorum. When the House has no quorum, it is difficult to keep any one inside here.

Proceed, Mr. Syongo!

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

The Temporary Deputy Speaker (Mr. Poghisio): Do not waste Mr. Syongo's time. What is it?

Mr. Salat: Mr. Temporary Deputy Speaker, Sir, Mr. Ndile is wearing something weird. I do not know what it is, but it looks like an orange or a banana.

The Temporary Deputy Speaker (Mr. Poghisio): What is it?

Mr. Salat: It is a weird necklace, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Ndile, what are you wearing?

Mr. Ndile: Bw. Naibu Spika wa Muda, niliitwa ghafla kutoka kwa mkutano wa wanandizi. Hii ni plastiki tu.

An hon. Member: Ipeane kwa Serjeant-at-Arms.

(Mr. Ndile handed over the banana necklace to the Serjeant-at-Arms and resumed his seat)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Mr. Ndile! You are not going to resume your seat there, for what you have done. You are excluded from this Chamber for the rest of the day.

(Mr. Ndile withdrew from the Chamber)

Proceed, Mr. Syongo!

The Assistant Minister for Trade and Industry (Mr. Syongo): Thank you, Mr. Temporary Deputy Speaker, Sir. I wish I could, on behalf of the Suba District Community, say the same things that Mr. Cheboi said on behalf of the Ogiek Community.

For many years since Independence, our people have been crying for land title deeds to enable them access credit, invest and develop their land parcels and increase the productivity of their agricultural plots.

I realise that in the case of the present Minister for Lands and Housing, the spirit is definitely willing, but the body is weak because the amount of money that we are voting for the Ministry is not adequate. I wish to urge, that there is need for the Ministry to be given more money so that it can carry out land adjudication and manage the process of land consolidation with a view to processing title deeds for the Suba District Community. This is something that many of us who have represented that community have been wishing to see happen, but it has gone unheeded. I want to appeal to the Minister for Lands and Housing, whom I know to be a true gentleman and a professional, to address this issue.

Mr. Temporary Deputy Speaker, Sir, in that entire region, Suba District is the biggest

producer of agricultural produce. What they lack is adequate support and encouragement in form of credit and agricultural extension services in order to increase their productivity. I would like to say that it is long enough for them to continue singing this same song, and that, action is truly necessary.

Mr. Temporary Deputy Speaker, Sir, I want to agree with Mr. Muturi that much as we get sentimental and look at land as a social asset, we must not forget that land is truly an economic asset, and that there is a minimum size below which if you fall, you reduce the productivity and economic viability of a piece of land, depending on the geographical area and the climatic zone that it falls in. It is imperative that we must face this issue now, because not to do so, is purely being pretentious and really transferring it to the generations which are yet to come. In order to achieve what we call the green and white revolution, India had to make a law which stipulated that the minimum size of agricultural land that one can own is 2.5 hectares. They cannot go below 2.5 hectares. If you travel to that country now, especially if you had the privilege like some of us did, to have seen it before that particular law was enacted, you would be amazed at what they have achieved within a very short span of time. They have developed agricultural machinery standards which are appropriate for the small-holder farming. Everything else is developed around the understanding that the minimum size of land is 2.5 hectares. They have done it. Why do we have to reverse the wheel, and yet the evidence is there, in the case of India?

Mr. Temporary Deputy Speaker, Sir, the question of physical planning has been raised. If it were not that some of those in that department are my great friends, I would have actually said that sometimes the President is wrongly blamed for using certain words. The state of our urban planning and the way that our urban centres look like, is a total shame for this country. It is out of tune with the sophistication of the Kenyan people and the times that we live in. Kenya does not deserve the townships that we see. I do not know what happened, but as you drive towards Naivasha on your left hand side, a slum is already in the offing, and yet, we have a terrible experience with Kariobangi North. Parts of Karen are also beginning to be subjected to the same kind of lack of physical planning, or shall I call it primitive physical planning, if it does actually exist? We do not deserve it.

I would like to support the hon. Members who have spoken before me and said that department needs surgery. But to start with, may I suggest that, probably, seeing is believing. The Minister should ask for a special budget, maybe even if he has to ask for it under the Supplementary Budget, to take a whole team of our physical planners and let them go and see what countries which were in the same level of economic development; Malaysia, Singapore and Thailand are doing. Now, a tiny country called Rwanda is beginning to do exactly what Malaysia has achieved. We cannot continue to have urban slums. If you look at Kariobangi North, the kind of money that has been spent to put up those buildings could have been spent to build better buildings in a better way. We do not need to have more money to achieve aesthetics of a standard that would make us proud of our country and urban centres.

Mr. Temporary Deputy Speaker, Sir, I talk to the police officers many times. They tell me that today if there is a distress call in Kariobangi and many urban centres, requiring emergency response of an ambulance, fire fighters or police, many people would be burnt to death. An ambulance cannot reach the exact point where the accident has occurred.

Mr. Temporary Deputy Speaker, Sir, it is high time we profiled some of our urban areas for investment. That requires urban planning. We must set aside land for developing industrial, commercial sites and even shopping malls. Many investors are willing to come and do so, but what they need is planning.

Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for gazetting Gwasi Hills. For that, we shall always be grateful to him.

With those few remarks, I beg to support.

Mr. Mwandawiro: Ahsante sana, Bw. Naibu Spika wa Muda, kwa jicho lako hatimae kuniona, ili niweze kuchangia Hoja hii---

The Temporary Deputy Speaker (Mr. Poghiso): Order! Mr. Mwandawiro, you catch the Speaker's eye when you do! It can never be too sooner than it is.

Please, proceed!

Mr. Mwandawiro: Kwanza kabisa, nampongeza Waziri kwa kuja na mipango mizuri kuhusu maswala ya ardhi, nyumba na makao. Lakini nataka kuonya kwamba nikiwa mwanafunzi na mtafiti wa swala la ardhi, nina hofu sana! Hata wakati fulani nafikiria kwamba swala la ardhi haliwezi kusuluhishwa na sheria, sera au mipango tu. Tunahitaji hatua na mikakati ya kimapinduzi. Tunahitaji kufikiria swala nzima la uongozi. Hata wakati tunapozungumza kwamba miji yetu imejaa mitaa ya mabanda na nyumba zilizojengwa kiholela--- Mitaa ya mabanda iko sio tu Nairobi, lakini sehemu zote nchini. Kwangu, si swala la mipango tu. Si swala la ukosefu wa sera. Si swala la ukosefu ya mawazo mazuri kutoka Serikali za zamani hadi ya sasa. Ukiangalia sheria za ardhi na za serikali za mitaa zilizoko hivi sasa, kama zingekuwa zinatekelezwa, hali kama hiyo haingekuwa kabisa.

Mambo yanayoendelea katika nchi hii, na nime bahatika kusafiri sehemu nyingi, ni kama hakuna Serikali. Serikali inaona miaka nenda, siku rudi, mitaa ya mabanda inazuka. Inawaachilia Wakenya watumie gharama nyingi kujenga nyumba ambazo kesho yake, zinakuwa mitaa ya mabanda. Hayo yanafanyika na huku sheria ziko na hazitekelezwi. Siku ambayo tutapata Serikali au kiongozi ambaye anatengeneza sheria na mikakati katika Bunge, halafu inatekelezwa bila mapendeleo, tutaenda mbele. Ukiangalia nchi ambazo zimefaulu kutekeleza mipango mingi kuhusu utatuzi wa ardhi, sehemu za miji na, vile vile, kuwa na mipango kabambe ya ujenzi wa nyumba, si swala la mipango tu. Pale, hawana mchezo. Sheria ikishatengenezwa Sweden, ni sheria. Ukiivunja, hatua zinachukuliwa mara moja. Hivi sasa, hata tukiwalaumu watu wanaotekeleza mipango kuhusu ardhi, wakati fulani utakuta, haidhuru, wametengeneza sheria fulani. Ukizungumza na wajengaji nyumba na wahandisi, watakwambia: "Sheria zipo, lakini tunakosa Serikali ya utekelezaji." Kwa hivyo, nasema hii mipango mizuri Waziri amekuja nayo, naitakia heri na fanaka. Lakini mimi nitakuwa Bunge hili. Nadhani hata baada ya uchaguzi mkuu, nitarudi hapa tena panapo majaliwa yake Mwenyezi Mungu. Natarajia kuona mambo halisi yakifanyika. Tuanze kuona miji inapangwa vizuri zaidi na mitaa ya mabanda inanza kupungua. Tukienda Kibera, Kariobangi na kote nchini, tunaona mambo halisi ambayo yanatendeka. Tusipofanya hivyo, tutakuwa tunawapatia wananchi wa Kenya matumaini matupu na huku hakuna kinachotendeka.

Bw. Naibu Spika wa Muda, swala la ardhi ni swala nyeti katika Taita-Taveta. Asilimia 62 ya ardhi ya Taita-Taveta iko chini ya mbuga za wanyama wa pori. Kuna Tsavo Mashariki na Tsavo Magharibi. Asilimia 20 ya ardhi iliyobaki iko mikononi mwa watu binafsi. Ukiondoa barabara, mawe, misitu, mashule, nyumba na afisi za Serikali, wananchi wamefinyiliwa kwa asilimia 8 tu! Pengine, ukiangalia, hiyo ardhi nyingi watu wanalilia ni swala la kusema tu: "Tunataka ardhi ipanuliwe kidogo. Mbuga za wanyama wa pori zipatiwe ardhi kidogo." Ndio maana Wataita wamefanywa kama mteremko. Tunasikia kwamba eti Wamaasai wamepewa Maasai Mara na sisi ambao tunauawa na ndovu kila siku na kusumbuliwa na wanyama kila siku, hatujapewa hata inchi moja. Sisi Wataita wa Taveta ni kupuuzwa. Tunaonekana sisi ni mteremko tu. Hilo jambo ni muhimu kabisa kwa kweli, na lisuluhishwe na tupate kusaidiwa kwa jambo hilo.

Bw. Naibu Spika wa Muda, tukiangalia, milima ya Taita ni mizuri zaidi lakini kwa sababu ya mikakati mibaya ya mazingira, watu walipewa hata chemichemi za maji na hapo tusipofanya kitu, milima ya Taita-Taveta itaendelea kuwa jangwa. Namuomba Waziri kwamba zile hela alizotenga Kshs1 milioni za kujengea Rais nyumba, atupatie sisi watu wa Taita-Taveta tupate maji kutoka Mzima Springs. Rais anaweza kungoja kidogo kwa sababu hiyo shida sio ya haraka lakini

mazingira ni ya haraka na ndiyo muhimu. Wacha Raisi angoje kidogo na hizo Kshs1 milioni utupatie sisi watu wa Taita-Taveta ili maji yaletwe. Watu wa Taita-Taveta watateremka huko chini na ikiwa ardhi nyingine itapanuliwa ili wawe na makao huko chini, baada ya miaka kumi hadi 20, maji yataanza kutiririka kutoka milima ya Taita. Nasema hiyo inahitaji watu wenye nia ya kufanya mambo.

Na ndio maana mimi nikitazama swala la ardhi, mimi naangalia pia uchumi wa nchi tunataka kujenga namna gani. Tukiangalia hii mifumo ya Rais tumekuwa nayo, marais wote wamekuwa na ardhi kubwa kwa sababu wamepewa nguvu sana na Katiba iliyoko na ndio maana mimi naona ingekuwa vizuri kabisa hizi nguvu za Rais zipunguzwe kabisa na zisambazwe kwa sababu tusije tukampatia mtu mmoja nguvu nyingi zaidi kwa sababu zimetumika vibaya hasa katika swala la ardhi. Ndio kwa maana watu wengi wanaendelea kuteseka na kupata shida namna hiyo.

Kile kitu ambacho nasema ni kwamba tukitazama hiyo nchi yetu na tukiwa na nia, tutaendelea. Tuna watu wamesoma zaidi. Tuna watu wenye akili zaidi. Tuna raslimali nyingi zaidi. Hatuna upungufu wa ardhi. Kama tungekuwa na nia kabisa ya kufanya sera kama hizo ambazo zimeletwa na Waziri hapa, tungekuwa mbali. Lakini umuhimu zaidi ni kuwa kama tungekuwa na nia ya kuzitekeleza, hii nchi ingebadilika zaidi na kwa kweli tungeanza kuona sera nzuri zaidi zikitekelezwa za matumizi na umilikaji wa ardhi. Mimi nakubaliana kwamba kadri nchi inavyoendelea swala la umilikaji litazidi kupungua na swala litakuwa zaidi juu ya matumizi ya ardhi, wakati tumeendelea kuwa na mikakati mizuri zaidi.

Kwa hivyo, mimi wacha niunge mkono Hoja hii ili nimtakie Waziri heri na fanaka wakati wa kutekeleza jambo hili.

Mr. Biwott: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion and in doing so, I would like, to first of all, congratulate the Minister for preparing and planning to give title deeds to those who deserve them especially for those in Mau where land adjudication has been done. So, this is a very good act. It is a humane act to all those people who are affected.

Mr. Temporary Deputy Speaker, Sir, although this may not be the correct place because Amboseli is more of a tourism area than land, but that move was timely because it has taken too long to restore the situation which existed in the beginning. I do not know how many people know the history of Amboseli but for those who know and would care to remember, it was Stanley Oloiptip who actually withdrew that game reserve from the people simply because he quarrelled with the Chairman of the county council, at that time called ole Leliki. During that time, it was taken through a gazette notice. Now, another gazette notice has revoked the previous one. So, I do not really know why people are complaining. In fact, they should be congratulating the Minister, the Government and all those who thought of giving Maasais their rights. This is not to say that other issues to do with land should not be addressed. It is good to say that something is right if, indeed, it is right. What ought to be done to the people should ultimately be done to them. The interests of the people should come first.

Mr. Temporary Deputy Speaker, Sir, with regard to the Ministry itself, I think physical planning is a must because it brings order which in the end sets standards for us. We need to have international standards on planning in this country. That is because, Kenya, in this globalised world, needs to play its role in economic development together with the rest of the world. Over time, we have really degenerated here in Nairobi so much so that today you cannot tell the industrial area from residential areas or prime areas where prestigious investments can be made by international companies and serve as proof that this country has capacity for investment. The environment here is, indeed, conducive for investment.

Mr. Temporary Deputy Speaker, Sir, I would like to urge the Minister to consider zoning Nairobi City and other towns. We need to have areas where people of different investment

capabilities can invest. It is also important to do that because if you mix kiosks with residential areas you will find that those who live in kiosks make a lot of noise at night and disturb other people. Kiosks are also places that are undesirable because thugs hide there and cause unnecessary interference. So, I think the Minister needs to place emphasis on this matter. He is young and energetic enough to ensure that zoning of urban areas is done efficiently. If the Minister can manage to zone the urban areas in this country then we will have clear demarcations of industrial areas, residential areas and recreational areas where parents can take their children to play.

Mr. Temporary Deputy Speaker, Sir, it is absolutely necessary that physical planning is done everywhere. In urban areas in our country, you will realise that we have a lot of buildings sprawling all over without any order. That is the case because plans are not drawn to provide for sewage systems, electricity supply, recreational facilities and shopping centres.

Similarly, it is also important to ensure that there is enough space along the roads so that people start businesses that offer services to people, especially tourists who come in large numbers. We should have places along our roads where tourists can pull aside in order to get refreshments, toilet facilities or pitch a tent. Similarly, along all the roads, we need to have reserve areas so that if accidents occur, the vehicles involved are kept aside to reduce the chances of more accidents happening.

Land adjudication is also very important. The Minister should ensure that he accelerates adjudication so that people get their title deeds. The previous speaker spoke about Ogiek community. I would like to remind him that the Ogiek people who live in Kaptagat should be considered. Those people who are already living in Kaptagat should be helped in settling and acquiring title deeds. The Government should move in swiftly to help them get their title deeds.

Lastly, I think we need to be humane on some issues. There are many kiosks which are dismantled in the middle of the night. I think that is very cruel. When the families involved complain about it, they do so because they are destitutes. These people do not own anything at all. The kiosks are demolished at night and children are left out in the cold. That is very inhuman. Something should be done so that those who are victims of this can be relocated. In a civilised society, such as ours, such things should not happen because we are more civilised than that.

On the issue of title deeds, I would like to say that these are important documents everywhere you go. I will ask the Minister to ensure that Kenyans everywhere, are given due attention whenever they have problems throughout the country when they want to settle in any place. The Ministry of Lands and Housing officers should facilitate this so that things can become easier. Many people are poor and do not have money to move up and down searching for title deeds. The Ministry of Lands and Housing officers should facilitate resettlement of squatters.

Mr. Temporary Deputy Speaker, Sir, I think the Commissioner of Lands is a good person. I hear many people praising her. I think all the departments in the Ministry should keep up with their good work, although there is room for improvement. There is, however a danger of them being complacent.

Finally, I want to talk about agricultural land. There is the issue of the minimum amount of land that can be used effectively and efficiently for farming. This can be justified the same way Mr. Syongo put it; that, there is a minimum amount of land, beyond which it cannot be used effectively, efficiently, and economically. However, there is an amount of land which should be left for economic development for the benefit of the country. There is a fallacy that if land is not subdivided to a certain number of acres, it will benefit more people. This is contrary to the truth. In developed countries, those people who practise agriculture occupy a maximum of 4 per cent of the total land. The rest of the land is occupied by towns, which engage in productive activities such as manufacturing and the service sector.

With those few remarks, I beg to support.

Mr. Wamwere: Asante sana, Bw. Naibu Spika wa Muda kwa kunipa nafasi hii ili nichangie machache kwa Hoja hii ya Wizara ya Ardhi na Nyumba. Ningetaka kugusia tatizo la maskwota. Maskwota bado wanaonewa, kunyanyaswa na kunyimwa haki zao kama raia na binadamu. Juzi katika shamba la Ceres ambalo liko katika eneo langu la Bunge, niliona maskwota ambao walikuwa wanakaa katika shamba lililonunuliwa na Waziri mmoja wakitimuliwa, hata wale walioishi katika shamba lile kwa miaka 50 bila kutengewa pahali pengine pa kukita makao.

Ni jambo la kushangaza kuona unyama wa aina ile unapotendewa binadamu---

Mr. Mwandawiro: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Umemsikia Bw. Wamwere akisema kwamba Waziri fulani amenunua ardhi na kuwatoa maskwota. Je, Bw. Wamwere anaweza kumtaja huyo Waziri?

Mr. Wamwere: Bw. Naibu Spika wa Muda, ninadhani ya kwamba inatosha ya kwamba Waziri amehusika hata kama sikutaja jina lake. Jambo muhimu ni kwamba Waziri mzima---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Wamwere! Are you prepared to give the name of that Minister?

Mr. Wamwere: Bw. Naibu Spika wa Muda, Waziri mhusika ni Bw. Mwiraria pamoja na aliyekuwa mheshimiwa na waziri katika Bunge hili, Bw. Muhoho. Wamenunua shamba na kuwafukuza maskwota 200 ambao walikuwa wanaishi katika ardhi hiyo tangu enzi za mkoloni.

The Assistant Minister for Trade and Industry (Mr. Miriti): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member substantiate his allegations against the Minister?

Mr. Wamwere: Bw. Naibu Spika wa Muda, ushahidi ni kwamba, shamba hili lilinunuliwa na kampuni inayoitwa Lastic Limited na wakurugenzi wa kampuni hiyo ni Bw. Mwiraria na Bw. Muhoho. Sidhani ya kwamba ninatakiwa nitoe ushahidi zaidi ya huo.

The Temporary Deputy Speaker (Mr. Poghisio): Order! I do not think I need any more points of order. Mr. Wamwere, you are inviting some of these problems because you are not substantiating. When you begin to discuss Members of Parliament you should either have the documentary substantiation or in this case you can actually bring a Motion that discusses their conduct. You have no way of substantiating by just saying that they bought land. Substantiation is more than that.

Mr. Wamwere: Bw. Naibu Spika wa Muda, ninaomba nafasi nilete ushahidi kesho kwa sababu muda wangu unazidi kupunguka. Niko tayari kabisa kuleta ushahidi wa maandiko ukinipa nafasi.

The Assistant Minister for Trade and Industry (Mr. Miriti): Mr. Temporary Deputy Speaker, Sir, in view of the fact that the hon. Member is not ready to substantiate today, could he be called upon to apologise and withdraw those remarks until he is ready to substantiate?

The Temporary Deputy Speaker (Mr. Poghisio): That is the spirit of me saying that it is properly substantiated. I think I do not need to ask Mr. Wamwere, that because of that, he withdraws the statement until he comes with substantiation.

Mr. Wamwere: Bw. Naibu Spika wa Muda, kesho niko tayari kuleta ushahidi. Hiyo ni ahadi yangu. Nisipoleta niko tayari kwa adhabu yoyote ile.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Is that the way you withdraw a statement in Kiswahili?

Mr. Wamwere: Bw. Naibu Spika wa Muda, kwa nini nikanushe jambo ambalo nina uhakika nalo? Hili ni jambo ambalo limezungumziwa katika Bunge hili, na nimeleta makaratasi katika Bunge hili. Kwa nini ninalazimishwa kuondoa jambo ambalo---

The Temporary Deputy Speaker (Mr. Poghisio): Has it been documented before in this

House?

Mr. Wamwere: Ndiyo, Bw. Naibu Spika wa Muda. Nimeleta makaratasi kwa Bunge hili. Hata niliuliza swali. Kwa hivyo, ninasukumwa bure.

Bw. Naibu Spika wa Muda, kando na hayo, ningependa kusema ya kwamba ninaipongeza hatua ya Serikali ya kuwatafutia maskwota makao Mau---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Wamwere, you have five minutes to continue.

Hon. Members, it is time to interrupt the business of the House. This House, therefore, stands adjourned until tomorrow the 6th of October, 2005, at 2.30 p.m.

The House rose at 6.30 p.m.