

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 6th October, 2005

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

The Report of the Departmental Committee on Administration of Justice and Legal Affairs on the Sexual Offences Bill.

*(By Ms. Abdalla, on behalf of the
Chairman, Departmental Committee
on Administration of Justice and
Legal Affairs)*

QUESTIONS BY PRIVATE NOTICE

PROCUREMENT OF ELECTRONIC TAX REGISTERS

Mr. Billow: Mr. Deputy 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 the Kenya Revenue Authority (KRA)?

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

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

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

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

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

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

Mr. Billow: Mr. Deputy Speaker, Sir, the concern of the business community in this

country is the cost of the electronic tax registers. They are concerned that the 12 suppliers who have been approved by the KRA have formed a cartel and are charging between Kshs75,000 and Kshs100,000. The traders are saying that those devices cost about Kshs25,000 abroad. While we support the KRA in its efforts to modernise tax collection and bring more people within the tax bracket, will they provide detailed technical specifications to the businessmen to enable them buy those devices in this

country and from abroad at a better price instead of restricting them to the 12 suppliers?

Mr. Mwiraria: Mr. Deputy Speaker, Sir, that is a very good suggestion. However, the question which arises is what will happen suppose we allow everybody to import the device and use it. We may have as many as 10,000 devices. Once the machine is installed and there is no backup service, what will happen when it breaks down and the businessman wants to continue with his business? This is why we thought it is advisable not to restrict but to invite business people who want to stock the electronic tax registers which meet the specifications and are not easy to tamper with and will be maintained by the teams appointed. We would not mind if any businessman decides to buy an electronic tax register which is amongst those approved for the 13 suppliers. This is because we are sure that he will get the spare parts and the device will be maintained as and when it is required.

Mr. Deputy Speaker: Mr. Minister, yesterday, your Assistant Minister is on record, if I recall, as having told this House that there is no more restriction and businessmen can buy cash registers wherever they want. Am I correct? I think that is what Mr. Katuku told this House yesterday. Is it now a change of position?

Mr. Mwiraria: Mr. Deputy Speaker, Sir, I think the only modification I have made of the position is that there are tax registers which have agents in Kenya. The businessmen can get them anywhere because we know that they have agents here and, therefore, they can be maintained and checked. We also have a team within the KRA which determines whether a machine has been tampered with or not. Within those limits, any trader is free to buy a machine from elsewhere. However, we advise them to buy the electronic tax registers from the existing 13 companies. I believe it will be very difficult for 13 companies to organise a cartel. The prices differ greatly because we have got very many suppliers. The same model could cost Kshs45,000 in one company and Kshs170,000 in another. Already, there is compensation.

Mr. Sungu: Thank you, Mr. Deputy Speaker, Sir. We should side with the KRA for trying to widen the tax net so that all those businessmen can pay tax because we know there have been some people who have been evading paying tax. There are many cases in court trying to stop the KRA from implementing this law which was passed by Parliament. What other measures does the KRA have to prevent the unscrupulous businessmen from evading paying tax?

Mr. Mwiraria: Mr. Deputy Speaker, Sir, apart from the normal enforcement which the department has, it has got a team of officers who move around looking at businesses to check whether their receipts are up to date. We have also zoned the areas. For example, if we decide that Nairobi Central Business District will have cash registers or has been done, businessmen whose businesses go beyond a certain threshold in cash are covered by the KRA. If we give them time limits, as we had done and later establish that they are not complying, we will penalise them. This applies to the people who were supposed to start using the registers on 1st October, 2005, but have not done so.

Mr. Billow: Mr. Deputy Speaker, Sir, if I understood what the Minister has said in relation to the legal notice that his Assistant Minister talked about yesterday, the traders are now free to source the registers from any supplier outside the country as long as they have local representatives who can maintain them. That is a very important point that the traders wanted to know. This is because in the circular issued by the KRA this week, it has made it clear that you cannot source the

electronic tax registers from anywhere other than from the 13 companies. It is important that the Minister clarifies that businessmen can source the devices from outside the country and hopefully, the KRA will provide them the technical specifications. The KRA is targeting 250,000 businessmen in its circulars published in the media this week. At an average cost of Kshs100,000 per device, the Government will have to refund about Kshs25 billion. How much does the KRA expect to generate in terms of revenue if it nets the additional 250,000 businesses into the VAT tax register?

Mr. Mwiraria: Mr. Deputy Speaker, Sir, we have a rough estimate, but we are certain that we will collect, at least, three times what we will spend on the tax registers.

Mr. Deputy Speaker: Thank you.

Next Question by Mr. Salat!

SHOOTING OF MR. SAMUEL SANG BY
NAROK COUNTY COUNCIL RANGERS

Mr. Salat: Mr. Deputy Speaker, Sir, although I have not received a copy of the written answer, which makes me feel disadvantaged, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that Narok County Council rangers and Administration Police gunned down Mr. Samuel Sang while he was harvesting his crops at his former farm in the Mau area of Narok South?

(b) What measures has he taken to bring to book those responsible for this?

Mr. Deputy Speaker: The Minister of State, Office of the President, could you first address yourself to the issue of supplying a copy of the written answer to the hon. Member?

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, I gave out a copy of the written answer to be given to the hon. Member, but I am told that it has not come yet.

However, I beg to reply.

(a) I am not aware.

(b) No report was officially filed with the police concerning the alleged death of Mr. Samuel Sang. However, an Inquiry File No.4 of 2005 has been opened to facilitate investigations as to his disappearance.

Mr. Salat: Mr. Deputy Speaker, Sir, I now understand why the Assistant Minister was not in a hurry to give the written answer.

Mr. Deputy Speaker: Could you tell us why?

Mr. Salat: Mr. Deputy Speaker, Sir, it is because his written response sheet is almost blank.

Mr. Samuel Sang was shot dead by either Narok County Council rangers or the Administration Police officers. This is one of the areas where residents of Mau Forest were evicted from. Mr. Sang was shot while there. Upon receiving the information on his death, I personally walked about 20 kilometres and found his family preparing to bury him. I enquired if anybody had taken the information about his death to the local chief. I also called the area District Commissioner and informed him of the same. He told me that he would send somebody to confirm this incident. I do not know Why the Assistant Minister has not called the Narok County Council or the DC, whom I talked to, to verify this information. I saw the body of Mr. Sang personally before it was laid to rest. He was shot while going to harvest his crop. So, as I talk here, we have one Kenyan who is no longer alive, but the Government is still insisting that it does not have information on his death. Could the Assistant Minister use me as a source of information? I saw the late Sang before his death.

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, I would like to assure the House that I take seriously the death of any citizen. According to the police, nobody reported the death of this person. If he died, according to the police, then a postmortem should have been done to establish the cause of his death. According to the report I received this morning, the search for his body in the forest is still going on. I am actually surprised to hear that he is dead and buried.

So, I would really appreciate if my colleague gave me evidence of the death of this person, so that I am able to act appropriately.

Mr. Cheboi: Mr. Deputy Speaker, Sir, the Narok County Council rangers are among the very few rangers in the country, who are armed. What kind of military training do they undergo to enable them to use arms?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, according to my information, this was a joint operation between Administration Police and the game rangers. The training of rangers is carried out by the Kenya Wildlife Service, and the training of APs is carried out at the Administration Police College in Embakasi. But I really plead with the House that if there is evidence that this man is dead, I would be happy to receive it.

Mr. Sambu: Mr. Deputy Speaker, Sir, we have been told that the people who were evicted from the Mau Forest are being resettled on their farms. Could the Assistant Minister give a guarantee that the same people will not be evicted again on 23rd of November, after the Government achieves its goal?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, the Minister for Lands and Housing has made a statement before this House to the effect that the resettlement will be co-ordinated and alternative accommodation is being sought for the evictees. The boundaries of the forest are being marked. So, the question of people going back to where they were evicted from does not, therefore, arise.

Mr. Deputy Speaker: Mr. Salat, please, could you concentrate on the death issue? I think we are getting out of the issue. Could you, please ask your last question?

Mr. Salat: Mr. Deputy Speaker, Sir, you heard the Assistant Minister say that he does not have any information that Mr. Samuel Sang was, indeed, killed. I actually saw the body of the late Sang.

Mr. Deputy Speaker: We have heard that. Could you carry on?

(Laughter)

Mr. Salat: Mr. Deputy Speaker, Sir, could I get protection from you, please?

Mr. Deputy Speaker: Yes; you are protected.

Mr. Salat: Mr. Deputy Speaker, Sir, could the Assistant Minister accept to accompany me to where Mr. Sang was buried to confirm that he is actually dead?

Mr. Deputy Speaker: Order, Mr. Salat! You have other better ways of proving that someone is dead. If you go to a grave you will not be able to know who is inside it. You can get documents like a death certificate and prove the death.

Mr. Salat: Mr. Deputy Speaker, Sir, there is no death certificate as of last Friday, nobody had recorded that Mr. Sang was shot dead. Could you defer this Question so that we can ascertain that Mr. Sang was shot dead?

Mr. Deputy Speaker: I would oblige because a life of a Kenyan is involved, but the Assistant Minister has clearly said that he wants evidence, so that he can follow up the matter. So, the onus is actually is on you to satisfy the Assistant Minister. We are deferring the Question to allow you to give the Assistant Minister sufficient proof, so that he can act. So, for how long do you want me to defer this Question?

Mr. Salat: Mr. Deputy Speaker, Sir, for one week.

Mr. Deputy Speaker: The Question is deferred to Thursday, next week.

(Question deferred)

Next Question, the hon. Member for Mosop, Mr. Sambu.

FLAWS IN VOTERS' REGISTERS IN MOSOP

Mr. Sambu: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Justice and Constitutional Affairs the following Question by Private Notice:

(a) Is the Minister aware that in all the 89 polling stations in Mosop Constituency, the voters registers have flaws in the spelling of names of electors, their identity card numbers and the electors' numbers?

(b) How did these flaws occur, yet the voters registers were updated as recently as May, 2005?

(c) Could the Minister give specific assurance that electors (voters), who hold valid identity cards and electors' cards will not be barred from participating in the referendum on 21st November, 2005?

Mr. Deputy Speaker: Is the Minister for Justice and Constitutional Affairs here? He is not here; so, I will ask the Leader of Government Business to tell us something.

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, may I ask you to return to this Question at the end, in the hope that either the Minister or his Assistant Minister will have arrived to answer it?

Mr. Deputy Speaker: I think I have no alternative but to defer the Question, provided the Vice-President and Minister for Home Affairs assures me that the Question will be answered on Tuesday.

Mr. Sambu: Mr. Deputy Speaker, Sir, the Vice-President and Minister for Home Affairs has requested that we come back to the Question at the end, hoping that the Assistant Minister or the Minister would have come.

Mr. Deputy Speaker: But you see, Mr. Sambu, it is not for this House to wait for Ministers. So the Question is deferred to Tuesday. If I do what you want I will set a precedent that will allow Ministers to be coming to the House late.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.414

POOR WORKING CONDITIONS FOR LODGES' WORKERS

Mr. Mwandawiro asked the Minister for Labour and Human Resources Development:-

(a) whether he is aware that workers of Taita Hills and Salt Lodges in Taita-Taveta District work and live under pathetic conditions; and

(b) what he is doing to address the situation.

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that some workers of Taita Taveta Hills and Salt Lick Lodges in Taita Taveta District work and live under poor conditions. In particular, those who work in the garage have been carrying out their duties without hand gloves, leather aprons and safety shoes. I am also aware that those who work in the laundry are not provided with suitable hand gloves, PVC aprons and gumboots.

Mr. Deputy Speaker, Sir, I am further aware that, all the other workers are provided with clothing, and that terms and conditions of employment are in accordance with the existing collective bargaining agreement between the workers' trade union and the Kenya Association of Hotel Keepers and Caterers. I have put in place appropriate machinery to ensure that the management fully complies with the provisions of the Factories and Other Places of Work Act, Cap.514, and the Regulation of Wages and Conditions of Employment Act, Cap.229, in order to protect workers of Taita Hills and Salt Lick Lodges from poor working conditions as follows:-

- i) All the machines and equipment should undergo a statutory examination and testing,
 - ii) Appropriate protective gear should be provided to workers in the garages, kitchens and laundry,
 - iii) Those workers in wet laundry should be provided with gloves, aprons and boots,
 - iv) Health and Safety Committee should be constituted in the two lodges,
 - v) The two lodges are to undergo a health and safety audit annually by my Ministry's Department of Occupational Health and Safety; and lastly,
 - vi) A Works Committee should be put in place immediately to address workers' complaints.
- Thank you.

Mr. Mwandawiro: Thank you very much, Mr. Deputy Speaker, Sir. First of all, I wish to congratulate the Minister for sincerely making effort to understand the conditions of workers in Salt Lick and Taita Hills lodges. Nevertheless, the reason why I asked this Question is that, I know Salt Lick and Taita Hills lodges, and the workers are living under Apartheid-like conditions. Workers are not allowed to be visited or stay with their families within the hotels; workers are intimidated from joining trade unions, they are abused and they cannot even be allowed to go for a long period and visit their relatives. Even when they are on leave, they are not provided with transport, considering that those lodges are outside in a forest. Although it is important that you want to attract investment in tourism, and we encourage you to do that, the dignity of the workers and our people is paramount. What measures will you undertake to ensure that those Apartheid-like conditions are removed from the Salt Lick and Taita Hills lodges?

Dr. Kulundu: Mr. Deputy Speaker, Sir, I want to congratulate the hon. Member for the compliment he has given me. That shows that the Ministry of Labour and Human Resource Development is determined to make sure that working conditions in this country are up to standard.

Mr. Deputy Speaker, Sir, the senior officers that I sent from the Ministry headquarters to Taita-Taveta are still there on the ground, and this is just an abstract of what they gave me.

Mr. Deputy Speaker, Sir, I am waiting for a full report either tomorrow or next week because it looks like there is something terribly wrong in those two lodges. I will share whatever information I get with the hon. Member.

Mr. Wamwere: Bw. Naibu Spika, hali hii ambayo inazungumziwa kuhusu wafanyakazi imezagaa pahali pengi pa kazi, na najua vizuri kwamba utaipata hali hii katika mashamba ya kukuza maua katika eneo la Naivasha na katika mikahawa mingine mingi. Waziri hasemi ukweli kabisa

anaposema kuwa hajui kwamba katika mikahawa hiyo na katika mashamba hayo ya maua, wanawake wanakatazwa kutembelewa na waume wao, wanaume wanakatazwa kutembelewa na wake wao, wazazi wanakatazwa kuonana na watoto wao, na hata wafanyakazi wanakatazwa kutembeleana! Tunawezaje kusema kwamba tuna uhuru, hali Wizara hii inaruhusu utumwa wa aina hii, ambao ni mbaya kuliko uliokuweco Afrika Kusini wakati wa ubaguzi wa rangi na huku tunajidai kuwa tuna uhuru na tuna Wizara ya Leba?

Dr. Kulundu: Mr. Deputy Speaker, Sir, if there are any specific cases where workers are not allowed to visit or to be visited, let hon. Wamwere bring that to my attention through a specific Question. But to visit or to be visited is a basic right of workers in this country and if, indeed, there is slavery or slavery-like conditions in Kenya, Mr. Wamwere should notify the Ministry so that we can take appropriate action.

Mr. Deputy Speaker, Sir, if I may talk about the flower farms in Naivasha, two weeks ago, I had an opportunity to visit one flower farm in Naivasha and I was satisfied that Sher Agencies takes care of its workers very well. So, you cannot generalize about these things. If there are specific complaints, please, bring them to my attention.

Mr. Deputy Speaker: Thank you, Mr. Minister! Last question, Mr. Mwandawiro!

Mr. Mwandawiro: The measures the Minister has promised to undertake in Salt Lick and Taita Hills lodges will go a long way towards bettering the conditions of the workers if they are implemented. What actual measures will the Minister undertake to ensure that the management of those two lodges actually adhere to those conditions, especially allowing workers to join trade unions without intimidation?

Dr. Kulundu: Mr. Deputy Speaker, Sir, different offences draw different penalties. If an employer is guilty of one crime, he will be punished for that crime according to the law. So, it is difficult to say or to give a blanket penalty for all offences, because they are different and they draw different penalties.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. You heard the hon. Member inquiring from the Minister what measures he is going to put into place to ensure compliance? We also heard the Minister agreeing that the workers are living in pathetic conditions and he was proposing some action when there is a law! That is my problem---

Mr. Deputy Speaker: Are you raising a point of order or a question?

Mr. Ethuro: It is a point of order, Mr. Deputy Speaker, Sir, in the sense that--- Is he in order to continue misleading the House that he can ensure compliance when he has failed to do that before? Everyone in this country knows this because I was a former Assistant Minister for Labour and Human Resource Development, but the---

Mr. Deputy Speaker: Sorry, Mr. Ethuro, you have a very good point of order, so let the Minister respond!

Dr. Kulundu: Mr. Deputy Speaker, Sir, hon. Ethuro was an assistant Minister for Labour and Human Resource Development and he should have corrected some of this mess during his time as an Assistant Minister.

We as a Ministry, especially now, are trying to correct the mess that we inherited from yester-years.

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

Mr. Deputy Speaker: Order, Mr. Ethuro!

Mr. Ethuro: The blame does not fall on me squarely! I want to point to him that there is corruption amongst his officers, who were also my officers. I am taking advantage of my previous knowledge to point out to him so that he can correct the mess now!

Mr. Deputy Speaker: Order, Mr. Ethuro! That is enough!

(Laughter)

Next Question, Mrs. Kihara!

Question No.445

SHOOTING OF MR. IMMANUEL NGIGI
BY SECURITY OFFICER

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

- (a) whether 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) whether 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. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that Mr. Immanuel Ngigi was shot by a security officer. However, I am aware that he was shot by an unknown person and a bullet lodged in his body.

(b) There is no proof as to who specifically shot Mr. Ngigi until a ballistic test is done to determine the gun that fired the bullet. An inquiry file No.1/2005 has been opened to facilitate investigations.

(c) The matter of compensation will be decided on the advice of the Attorney-General after determination of the case.

Mrs. Kihara: Mr. Deputy Speaker, Sir, I am not happy with the Assistant Minister's answer. First and foremost, I have two written replies, one dated 28th September, 2005, where the Minister owns up that there was a demonstration that the police were dispersing and a stray bullet shot Mr. Ngigi. There is this other written reply which he has just read dated 6th October, 2005. I believe that he has not done his homework well. I do not know which written reply he wants me to use because I know the facts as per the answer of 28th September, 2005.

Mr. Deputy Speaker: Mr. Minister, the hon. Member is holding two written replies and one is favorable.

Mr. M. Kariuki: I agree entirely, Mr. Deputy Speaker, Sir. This matter has been deferred two times. On the first occasion, I pleaded with the House that the answer I got was insufficient because the hon. Member said that the victim was on a wheelchair. But my initial police report said that the bullet just passed through the armpit. Now, I established later after getting a medical report to the effect that he is, indeed, on a wheelchair. That is when I subsequently prepared this answer. I would like to withdraw the first answer because there is not much departure, except for the issues of detail. But, the point is this; the bullet was lodged in the spinal cord and the doctor has said that it is not possible to remove it at this point because it is very delicate and it can bring the life of this person to an end. That is what has hampered the ballistic test because the ballistic experts require that bullet to be able to compare it with the guns that were used on that day. Our problem is that we do not rule out the possibility of civilians who were confronting each other, who were about 3,000, having firearms. Therefore, we cannot conclusively say that the bullet was despatched from one of the police guns; it could have as well have come from one of the civilians. That was our problem.

Mr. Kembi-Gitura: Thank you, Mr. Deputy Speaker, Sir. There is an issue of

compensation here, and I think that is the point that hon. Kihara is trying to pursue. Because I am sitting next to her, I have the benefit of seeing both answers. In the first answer of 28th September, 2005, it is quite clear that the stray bullet came from a police gun, because it says that the police were there trying to quell the riots and Mr. Ngigi was hit by a stray bullet. The second answer is trying to avoid that certainty. Could the Minister confirm that both answers are from his office, are signed by the same person and that Mr. Ngigi can rely on the first answer which puts blame on the police, although not pointing out which specific policeman fired the bullet?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, there are two aspects to this investigation. However, I appreciate the last question. The first aspect is that we cannot pursue the criminal element of the matter because it is not possible to assert with certainty which gun dispatched this particular bullet. There is some element of doubt as to whether, indeed, the bullet was from the police guns. The ballistic test would have assisted us a great deal. This was a mob of 3,000 people, both Maasais and Kikuyus, confronting each other in Mau Mahiu on 17th February, 2005. Once our investigations rule out the possibility of a civilian gun, we will be able to deal adequately with the question of compensation.

Mr. Kimeto: Mr. Deputy Speaker, Sir, the Assistant Minister has said that they cannot rule out the possibility of a civilian having shot the victim. Could the Assistant Minister tell us how many *askaris* were there and how many fired, so that they can be investigated? Very few civilians are licensed to carry guns.

Mr. M. Kariuki: Mr. Deputy Speaker, there were about 300 police officers carrying out the operation. We would not have any problem if we were able to retrieve the bullet from the body of the victim. I would like the hon. Member to appreciate that we will be prepared to look into the question of compensation, but we need to dispel certain doubts. If we are certain that the bullet was fired by a police officer, we will be able to settle this matter at the civil level.

Mr. Sasura: On a point of order, Mr. Deputy Speaker, Sir. In cases where a bullet is fired and there is need for ballistic inspection, there is no need to look for the bullet itself. They normally deal with the cartridge. Is it in order for the Assistant Minister to continuously mislead the House by saying that until the bullet is removed from the spine of the patient, they cannot determine which of the 300 guns was used? There are 300 cartridges on the ground and not in the patient's body. You do not need the piece, but the cartridge which is not in the patient's body.

Mr. Deputy Speaker: Mr. M. Kariuki, for your information, that is a former chief!

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, that is a former chief and he seems to be speaking with authority. It was not possible to retrieve any cartridges whatsoever. This was a very violent situation with 3,000 people on the ground confronting each other. I am waiting for the report. I want to assure the hon. Member that this matter will be settled and some reasonable compensation will be considered as soon as the investigation file is concluded.

Mrs. Kihara: Mr. Deputy Speaker, Sir, the Assistant Minister will admit that the investigations were shoddy. Mr. Ngigi is 27 years old with a very young family. As we speak, he is on a wheel chair. How soon can the Assistant Minister ensure that Mr. Ngigi is compensated or the investigations are completed?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, last week, I talked to the Attorney-General and we hope that in the next two or three weeks, we will get his advice. I would like to encourage the hon. Member to get in touch with us. We think we can settle this matter.

Question No. 455

BENEFITS FOR

MR. ENOCK KURERE'S WIDOW

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

- (a) why the dues and benefits of the late Assistant Chief, Mr. Enock Kaptilatil Kurere, P/No.89010074, (APN/GC No.49843) have not been paid; and,
- (b) when the widow of the deceased will be paid the said dues.

The Assistant Minister, Office of the President (Mr. Kingi): Mr. Deputy Speaker, Sir, I have a written answer and most of the issues that have been raised in the answer are administrative and need to be sorted out by the widow.

We have, therefore, agreed with the hon. Member that he will assist the widow to sort them out, so that we can have the issue sorted out.

Mr. Deputy Speaker: Mr. Korir, what do you say?

Mr. Korir: Mr. Deputy Speaker, Sir, that is okay.

(Question deferred)

Question No.654

DISTRICT REGISTRAR OF
PERSONS UNIT FOR HABASWEIN

Mr. Abdirahman asked the Minister for Immigration and Registration of Persons when a unit for the District Registrar of Persons will be established at Habaswein Sub-District.

The Assistant Minister for Immigration and Registration of Persons (Mr. Mwaboza): Mr. Deputy Speaker, Sir, I beg to reply.

The National Registration Bureau does not have immediate plans to establish a permanent registration centre at Habaswein. However, the area is served by mobile registration service organised from District Headquarters of Wajir. From January, 2003, to date, a total of 1,485 identity cards have been issued in Habaswein.

Mr. Abdirahman: Mr. Deputy Speaker, Sir, I would not blame the Assistant Minister because many people do not understand the difference between people who are mobile and people who are in trading settlements in northern Kenya. Habaswein is older than Wajir Town. It is a sub-district headquarters with a sub-district Treasury and quite a number of departments have their Authority to Incur Expenditure (AIEs) allocated including the Ministry of Health. How many identity cards were issued in Wajir South Constituency between January 2003 to date?

Mr. Mwaboza: Mr. Deputy Speaker, at the moment, I do not have the number of identity cards that have been issued in Wajir South Constituency. However, the hon. Member has asked about a sub-district. We do not have sub-district registrars; we have district registrars and to effectively deliver services, we have mobile registration units which go round to register people in the villages.

Dr. Galgalo: Mr. Deputy Speaker, Sir, the Assistant Minister has talked about mobile registration units which reach out to the people. In northern Kenya, district registrars do not even have transport. That is why the hon. Member is asking for a registration unit in Habaswein, which is more than 200 kilometres away from Wajir. Could the Assistant Minister consider establishing a registration unit in Habaswein? Otherwise, these Kenyans will be disenfranchised.

Mr. Mwaboza: Mr. Deputy Speaker, Sir, the sentiments have been noted with concern and

we will take the appropriate measures.

Mr. Abdirahman: Mr. Deputy Speaker, Sir, I am glad to hear that there is some hope that some officers may be stationed there very soon. Vetting applications from all parts of this country centrally at the National Social Security Fund (NSSF) headquarters is not a solution to our problem. Could this be decentralised to provincial levels?

Mr. Mwaboza: Mr. Deputy Speaker, Sir, in the reform agenda, we have presented a Cabinet Paper and as soon as it is approved, registration of persons will be decentralised.

Question No. 316

TERMINAL BENEFITS FOR
MR. JOSEPH LUKHALE'S DEPENDANTS

Mr. Deputy Speaker: Mr. Wamunyinyi is not here. His Question is dropped.

(Question dropped)

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): On a point of order, Mr. Deputy Speaker, Sir. Many times, Ministers and Assistant Ministers are castigated that they are not here to answer Questions. This is my second time this week that I am here to answer the Question and the hon. Member is not there. You should also say harsh words to the hon. Members. We do a lot of work to compile the answers.

Mr. Deputy Speaker, Sir, this Question was not appearing on the Order Paper when the Order Paper came to the Ministry. It must have been put as a second thought. That throws us out of balance. This is the second time such a thing is happening. We would like to have information on time.

Mr. Deputy Speaker: The Clerks-at-the-table have taken note of your last point. However, as regards hon. Members, the Chair has over-emphasised that they must be there to ask Questions and Ministers must be there to answer them. Your sentiments have been taken and hon. Members have heard.

Question No.475

MEASURES TO AVERT DISEASE OUTBREAK FROM ROTTING ANIMAL CARCASSES

Mr. Bett asked the Minister for Health:-

- (a) whether he is aware that carcasses of dogs, donkeys, cows, zebras and other animals left rotting on our roads after motor accidents are a health hazard; and,
- (b) if the answer to (a) above is in the affirmative, what action he is taking to avert an outbreak of diseases such as anthrax and rabies arising from such rotting carcasses.

The Assistant Minister for Health (Mr. Konchella): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the carcasses of any animal left uncovered is not only a health hazard but is a physically offensive sight in the sense of smell. They are also a nuisance as well as breeding ground for disease vectors. The disposal of dead animals remains the responsibility of the owner. Where the owner is not identified, the local authority of the area is responsible for disposal. These

duties of various councils and departments are outlined under the Public Act, Cap.242, and also the Local Government Act, Cap.265. Meanwhile, I have instructed the district medical officers of health to issue orders to local authorities in whose jurisdiction the nuisance occurs, to abate it, failure to which legal action will follow by requesting for court orders for the council to comply and even fine.

(b) The risk of disease outbreak as a result of carcasses from sporadic road accidents is very low. An example of anthrax from accident animals is almost impossible as most of the carcasses in question are from non-edible animals by a large segment of the population. Anthrax is only transmitted by ingesting spores from animal hosts and to a minimal extent by inhaling from the spores.

Rabies is not transmitted through eating or breathing in but mainly through canine animals bites and to a very small extent, other animals like donkeys.

Mr. Bett: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for his comprehensive answer. However, in his answer, there is no mention of public health officers who are on Government payroll. What is the role of the public health officers whose primary responsibility is to look out for such cases?

Mr. Konchella: Mr. Deputy Speaker, Sir, in this particular incident where carcasses are left on the road and become a public nuisance, the public health officers have a duty to protect the public interests by prosecuting those who leave the carcasses on the road. They can also enforce the law by ensuring that county and urban councils have facilities to collect and dispose the carcasses in time. Where they are deemed to be a public nuisance or injurious to other animals, the owners can be taken to court.

Mr. Deputy Speaker: I am sorry Mr. Bett, I will allow you to ask the last question.

Mr. Bett: I have no further question, Mr. Deputy Speaker, Sir. I am satisfied.

Mr. Deputy Speaker: Very well!

Question No.577

EXPENDITURE ON RECOVERY OF MONEY/ASSETS STASHED ABROAD

Mr. Deputy Speaker: Mr. Omingo has called to say that he is not in today. Therefore, this Question is deferred.

Is the Minister for Justice and Constitutional Affairs here?

Hon. Members, this Question is, therefore, deferred to Wednesday next week.

(Question deferred)

Hon. Members, that brings us to the end of Question Time.

PERSONAL STATEMENT

REBUTTAL OF CORRUPTION ALLEGATIONS

Mr. Deputy Speaker: Hon. Members, Mr. Raila, under Standing Order No.69, has requested that he makes a personal statement. I will, therefore, allow him to do so.

The Minister for Roads and Public Works (Mr. Raila): Thank you, Mr. Deputy Speaker, Sir. During the Debate in Parliament yesterday on the use of public resources on the on-going

referendum campaigns, Mr. Kimunya made serious allegations to the effect that contractors in my Ministry were being forced to make contributions to the Orange campaigns.

I take great exception to these wild and malicious allegations which have no basis or foundation, whatsoever.

Mr. Deputy Speaker, Sir, for the benefit of hon. Members, I wish to provide information as to how payment to contractors is processed at the Ministry. Once the contractor raises a certificate and the resident engineer certifies the same as payable, the following are the procedures that are followed.

(i) The certificates are counter-checked by the project engineer and the Chief Engineer Roads.

(ii) The Chief Engineer Roads then authorises for the payment of the vouchers within the budgetary limits.

(iii) All certificates are brought to the Ministerial Expenditure Control Committee that discusses and recommends to the Accounting Officer the certificates that are to be paid depending on the availability of funds. This committee stands for fairness and transparency in payment of all the certificates. The only criteria it uses is the first in, first out.

(iv) Upon approval by the Accounting Officer, the Principal Accounts Controller processes the payments and the cheques are written in favour of the contractors and banked in their respective bank accounts. The Ministry has reduced the payment bureaucracy by reducing the number of signatures from the original 22 to six making it possible to effect payment within 14 days. At no time are contractors allowed to chase payment at the Ministry headquarters. This was communicated to them at a joint meeting between the Minister, the Permanent Secretary, senior officers in the Ministry and the contractors.

Mr. Deputy Speaker, Sir, in conclusion, I wish to state here that I never physically touched Mr. Kimunya, contrary to allegations in sections of the media. It takes a lot of commitment and dedication to develop a reputation and character of transparency, fairness and trust. It is, therefore, irresponsible for an hon. Member to attempt to trash such a reputation through what I can only describe as character assassination.

Thank you.

(Applause)

Mr. Deputy Speaker: As hon. Members are aware, under Standing Order No.69, such statements are not subject to debate. We will, therefore, move on to the next Order.

COMMITTEE OF SUPPLY

*(Order for Committee read being
11th Allotted Day)*

MOTION

THAT MR. DEPUTY SPEAKER DO
NOW LEAVE THE CHAIR

Vote 36 - Ministry of Lands and Housing

*(The Minister for Lands and Housing
on 5.10.2005)*

*(Resumption of Debate interrupted
on 5.10.2005)*

Mr. Deputy Speaker: Who was on the Floor yesterday?

Mr. Wamwere: I was, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Wamwere, you have five minutes!

Mr. Wamwere: Bw. Naibu Spika, jana niliulizwa kama nina ushahidi kwamba Waziri Mwiraria na Bw. George Kamau Muhoho walinunua shamba la Ceres kupitia kampuni yao ya Lasit. Leo nimeleta ushahidi kuonyesha kwamba kampuni hii inamilikiwa na Wakenya hawa wawili. Lakini jambo la kuhuzunisha ni kwamba Mei 2005, niliuliza Swali kama maskwota ambao wanafanya katika shamba hilo wangetafutiwa makao au kugawiwa sehemu ya shamba hilo kabla kuuzwa.

Bw. Naibu Spika, alipokuwa akiiwasilisha Hoja hii hapa Bungeni, Waziri alisema:-
"The Government will undertake to verify the total number of squatters present and initiate possible discussions with the owners, with a view to reaching an amicable solution which would involve sub-division of a section of the land".

Imani yangu ni kwamba nchi hii ni yetu sote. Ni makosa watu wachache kuamua kumiliki ardhi peke yao, kwa sababu, anayekula peke yake mwishowe, hufa peke yake. Waziri aliamua kufanya hivyo na maskwota wakafukuzwa. Haijulikani watakakoenda kuishi. Ninaamini kwamba hiyo ni dhuluma ya hali ya juu, ambayo haistahili kuwepo.

Jana niliishukuru Serikali kwa kuwatafutia makao maskwota wa Msitu wa Mau, kwa sababu wao pia walidhulumiwa kwa kutolewa kwa nguvu kutoka kwa makazi yao bila ya kupewa makazi mengine. Lakini, Wakenya wanahitaji haki sawa. Hakuna Wakenya ambao ni wa mgongo na Wakenya ambao ni wa tumbo. Ninasema hivyo kwa sababu, miaka 13 iliyopita, watu walifukuzwa kutoka kwa mashamba yao kupitia vita vya kikabila.

Bw. Naibu Spika, Wakenya wengi waliathirika wakati huo. Nyumba zao zilichomwa, baadhi yao wakauawa na waliosalia kutoroka kutoka mashambani mwao. Tarehe 30 Julai, 2003, nilileta Hoja katika Bunge hili, ambayo ilipitishwa. Serikali iliahidi kuwatafutia makao watu hao iwapo haingekuwa tayari kuwarudisha kwenye mashamba yao. Lakini, mpaka sasa, watu hao hawajatumiziwa ahadi hiyo; bado wako mijini na vijijini, ambako wanaishi kama wakimbizi katika nchi yao.

Ninapooa maskwota wa Msitu wa Mau wakitafutiwa makao, ninajiuliza: Wale maskwota waliongoja kwa miaka 13 bila kufikiriwa juu ya maslahi yao wanasemaje juu ya Serikali hii? Je, wamenyimwa makao kwa sababu wao hawana kura ambazo wanaweza kuinyima Serikali hii, kwa hivyo, hawahitaji kutongozwa kwa kupewa makao ama wananyimwa makao kwa sababu wao hawana haki ya kupewa makao kama Wakenya wengine? Ni jambo gani linaloifanya Serikali kuwasahau? Je, Serikali hii inangojea iondoke mamlakani kabla ya kuwatafutia watu hao makao? Ninakataa kabisa!

Bw. Naibu Spika, ninawaomba watu hao, ambao idadi yao ni laki kadhaa, wainyime Serikali hii kura kama haiwezi kuwatafutia makao, kwa sababu wao pia ni watu. Nikisema wao ni watu, ninamaanisha kwamba wao ni Wakenya kutoka jamii zote. Kuna Wajaluo, Wakalenjin, Wakikuyu na Wakamba. Kwa nini wananyimwa makao? Kwani wao si maskwota kama maskwota wengine? Ninazungumza kwa hasira kwa sababu hii tabia ya kuwabagua Wakenya, au kukimbia tu kusuluhishia watu jambo kwa sababu unatarajia kupewa kura na wao, ni dhambi kubwa. Watu

wanahitaji kutendewa haki kwa sababu ni sawa kufanya hivyo.

Bw. Naibu Spika, ninatumaini kwamba Waziri amenisikiza, na atalizingatia jambo hilo hata kabla ya kupigwa kura ya maoni juu ya katiba mpya iliyopendekezwa.

Mr. Deputy Speaker: Bw. Wamwere weka ule ushahidi ulioliahidi Bunge hili jana, kwa meza.

(Mr. Wamwere laid the document on the Table)

Mr. Muturi: Mr. Deputy Speaker, Sir, you heard Mr. Wamwere conclude his contribution by saying:-

"Ninatumaini kwamba Waziri amenisikiza".

You can, however, see clearly that the Minister is not here, while the Assistant Minister is busy consulting. Who is hearing? Some serious matters have been raised here.

Mr. Deputy Speaker: Mr. Muturi, you know that we are not monitors to check which Minister is here when a speech is being made. Be it as it may, the Government is ably represented on my right.

Let us now hear Mr. Kimeto!

Mr. Kimeto: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to the Vote of the Ministry of Lands and Housing.

I will begin by thanking His Excellency the President, Hon. Mwai Kibaki, for allowing the evictees of the Mau Narok Forest to return to their land, which they bought. Allow me to also thank the Minister for the quick action he has taken to re-settle those people.

Mr. Deputy Speaker, Sir, I hope this is not a tactic by the Government to win support for its banana campaign in the forthcoming referendum. The people should be left to go back to their homes immediately and start tilling the land.

(Mr. Deputy Speaker left the Chair)

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

Mr. Temporary Deputy Speaker, Sir, I would like to request the Minister in charge of internal security, and His Excellency the President, to ensure that those squatters whose houses were burnt down are assisted financially. The squatters who are returning to their farms have no houses to live in. Their houses were burnt down when they were evicted from the forest. They also lost their cows, dogs and donkeys. Therefore, the Minister in charge of internal security should move in and assist those people immediately so that they can settle down happily.

The President has now realised that the Government's action was not proper and has decided to resettle the squatters on their farms. It should move in with a lot of money to enable them live happily in their country. These people were forcefully removed from their own farms, which they had purchased, and turned into beggars. While I thank the President for that bold step, let him also continue giving them goodwill services so that they can settle down. These people have suffered a lot.

If the President could be removed from State House, have all the buildings in that compound destroyed and then ask him to go back without having rebuilt the houses, it would be very difficult for him to settle. That is exactly what the squatters, whose houses were burnt down, are

experiencing. They are going back to their farms without their homes. It is good to give them enough money so that they can live better. That way, they will enjoy the fruits after having been evicted from their farms and subsequently being re-settled back.

Our country is making progress in terms of governance and people should be allowed to purchase as much land as possible. However, nobody should be allowed to grab so much land as he wishes. The Government should provide loans to poor people to enable them purchase land from those who have very big farms.

In Britain, for example, people earn wages even when they are jobless. The working population pays taxes to the Government which are in turn given to the jobless. Therefore, we should not regulate the size of land an individual should own. If we do so, we will affect the densely populated areas. Some communities have naturally got large tracts of land, for example, the Maasai and Kalenjin. Now, if people from other tribes move in to take portions of this land just because their areas are densely populated, then they should be asked to stop bearing children. Because if this is allowed to continue, some communities could be invaded by people from other areas in this country. For example, Asians bear a lot of children and if they are allowed to continue doing so, they could start invading our land. The Government should not stop people from owning large tracts of land.

Mr. Kagwe: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to imply that there are some Kenyans who should not move to certain places in this country, when we know very well that Kenya is one nation and anybody is free to move and buy land anywhere?

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, I think that is not a point of order.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Kimeto! You have spent five minutes of your speech and up to now, I am yet to get the relevance of your contribution on the Vote of the Ministry of Lands and Housing.

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, my time has been wasted for no reason.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Kimeto! As per our Standing Orders, be relevant!

Mr. Kimeto: Thank you, Mr. Temporary Deputy Speaker, Sir. We do not want this country to enact a law which limits the size of land an individual can own. People should be allowed to own as much land as they can afford. We do not need to resettle people from one area to the other. People should be left to settle where they are. The Ogiek community, for example, lives in the forest. We should not, therefore, drive them out of the forest where they live comfortably with wildlife, because they enjoy this kind of life. Everyone should be left to live where he or she was born. The Government should not evict people from their original land just because they are opposed to certain positions.

We should not confuse the orange and banana campaigns with Government policy on land. The Government should not resettle people in the Mau Forest in order to win their votes in the coming referendum. The Government should resettle its people as per its policy on land.

Mr. Temporary Deputy Speaker, Sir, the Minister should recruit more land adjudication officers in the country. At the moment, one officer covers a very large area. As a result, it takes time for him or her to solve cases. Some cases have taken as long as 30 years. Let more officers be recruited so that we can have one officer covering a small area.

We also need more surveyors in this country who should be registered and records made available to people. In some areas, it takes very long for one to get maps from some of the surveyors.

With those few remarks, I beg to support.

The Assistant Minister, Office of the President (Mr. M. Kariuki): Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to support this Vote of the Ministry of Lands and Housing. I would first like to make some observations on the Land Control Board. I am happy to note that some money has been set aside for purposes of allowances to members of the Land Control Board. This is one area that has been riddled with corruption for a long time. We have elders who were appointed to sit on the boards and their allowances are hardly paid. So, the temptation to turn into the persons who make applications before the Board to solicit for support, could not be ruled out. I am happy that the Minister has been able to address this particular shortcoming in this area.

Secondly, I am concerned about the Land Disputes Tribunal. I think the Minister has to look at the law. There have been many concerns about this Tribunal, particularly, its legality. I know that the genesis of the Land Disputes Tribunal Act, No.11, 1990, was more political than legal. A situation where lay people constitute themselves into a tribunal to nullify a title is untenable. This is because not even magistrates' courts under the Registered Land Act have the power to nullify a title. So, I think the Minister should look into this area. Do we still need the land disputes tribunals? What powers can they exercise in respect of a registered title? This has been an area of concern. I think it is time we moved out of this situation; where lay people can question the sanctity of a title. If the magistrates' courts cannot, why should the lay people be given powers to question the legality of a title?

Mr. Temporary Deputy Speaker, Sir, I would like to congratulate the Minister for having come up with this so-called Ndung'u Report as a way of recovering the public plots that had been taken away by those who had influence. But still a lot requires to be done in terms of recovery. I appreciate that a Bill is in the process of being tabled here. But I think there are situations where we do not need an Act of Parliament to recover land. I think proper administrative procedures should be put in place. I also think that the local authorities, in particular, should get guidelines on how to repossess some of those plots. I am saying that because I am a tenant through the Constituency Development Fund (CDF). My CDF is a tenant of the Ministry of Lands and Housing. It is in a Government plot and somebody was laying claim to it and he has a title deed. We do not have a title deed. We are paying rent to the Ministry of Lands and Housing.

I think that is an issue that requires to be resolved. We have requested to get the property as CDF, because it is still an arm of the Government. But the mechanisms and procedures are not clearly laid down. So, we need to recover all pieces of land that were illegally allocated to individuals. But we also need administrative guidelines on how to go about that.

I must congratulate the Minister for forming a commission to look into the land policy. That was very bold. Since Independence, we have never had a commission to look into our land policies. We shied away in 1963 while we knew very well that the struggle for Independence was centred on land. But 42 years after Independence, we have put up a commission to come out with recommendations on the land policy. That is a very bold act. But on realising how sensitive the land issue is, it is important for the commission to consult widely among Kenyans, to get legitimacy. Much as you will get the report here, Parliament will have to deliberate on it. But every other Kenyan is a stakeholder as far as land is concerned. We realise that land is a limited resource. It is not going to increase. There is no mechanism for increasing it. Therefore, there is need to have a clear policy on its utilisation and use.

Mr. Temporary Deputy Speaker, Sir, we have clear proposals in our Draft Constitution on land use. It is very critical. While you may not take away somebody's land because he is entitled to it by virtue of the law, it is possible to give directions on how that land should be utilised. As we look at the land policy, land use should be emphasised. We can set aside certain areas for forestry and whoever owns land in that particular area will take direction from the Ministry. He or she

should be told: "This is an area for afforestation. This is an area for maize growing. This is an area for wheat growing." Land use is very important for purposes of ensuring that we get food security as a nation.

Mr. Temporary Deputy Speaker, Sir, I come from an urban constituency. One of the major problems that the urban constituencies are facing in this country is with the National Housing Corporation (NHC). It purports to have given money to local authorities many years ago for the improvement of the infrastructure. Consequently, the local authorities have not been able to pay up their loans. The initial figure seems to have escalated to about ten or 20 times higher. Given that, that is a Government corporation, and given that, the local authorities also belong to the Government, is it not possible to work out modalities upon which the occupiers of those houses and the tenants in those local authorities will not be unduly disturbed by the conflict between NHC and the local authorities?

Mr. Temporary Deputy Speaker, Sir, since we do not grow coffee, tea and sugar-cane in urban areas--- We realise that farmers in sugar-cane, coffee and tea industries have benefited from a loan waiver by the Government. We would like to ask that loans relating to NHC in respect of local authorities be waived as a measure of ensuring that we have a new beginning, so that local authorities could be on a sound footing. As things stand now, the amount of loans owed to NHC by local authorities cannot be repaid. So, administrative procedures and policy considerations should be put in place to end the stand off between local authorities and NHC.

Mr. Temporary Deputy Speaker, Sir, I appreciate the efforts directed at our slum areas to upgrade them. One important aspect of human dignity is to have a decent shelter. But the prices the houses are going for is a matter of grave concern. The poor people in the slums who, probably, do not get an income of Kshs2,000 per month, are being asked to pay Kshs10,000 for rent per month. That is certainly unreasonable. We must look into other ways of assisting our people. We are going to get rid of the slums but, at the end of the day, we are going to push those people to create more slums. They will not be able to live in the houses that will be put up for them, because they are unaffordable. We need to re-think that strategy. If we are going to remove a slum only to have another slum a kilometre away, we will only be shifting the problem from one locality to another. I think the terms for housing and the loan conditions given to our people in the slums need to be reconsidered.

Mr. Temporary Deputy Speaker, Sir, another important aspect of the Ministry of Lands and Housing is that all Kenyans require means of livelihood. We know that land is a limited resource. There are far too many squatters in our country. One gets the hope that the issue of the squatters will be addressed once and for all. I think the Ministry should have put aside some more money to acquire farms to settle squatters, particularly those on Government land. I have in mind the land occupied by the Beef Research Farm at Lanet. There are several villages of squatters within that Government farm. I would really pray that they get priority when the farm will be set aside for the resettlement of squatters. It is not fair to keep squatters on Government land, when it is very busy giving out land to other people. I think they should get priority in that regard.

Mr. Temporary Deputy Speaker, Sir, while I commend the Minister on the question of resettlement in Mau, many people in my areas of jurisdiction, that is Nakuru, are raising questions. We have to move people from water catchment areas. But what is our priority? If people were removed from water catchment areas in 1993/94 in Enosupukia, where is their settlement scheme? We have removed people from forest areas and water catchment areas this year. We have given that matter priority. Why not prioritise in terms of time? If people were displaced in 1993 and others in 1994 from water catchment areas, what is the arrangement of ensuring that those people have alternative accommodation? That area seems to have an element of discrimination. The Minister needs to address it. What was the priority? Was it Enosupukia or Mau Forest evictions?

Enoosupukia was there. We know that the excuse given was that, that was a water catchment area and people had to move out of there. What alternative did the Government give? In Maela, where people were also displaced, what was done? Those people require consideration. All the people who were displaced during the tribal clashes should get priority in terms of resettlement.

I beg to support.

Mr. Billow: Thank you, Mr. Temporary Deputy Speaker, Sir. The Ministry of Lands and Housing, no doubt, is a very important Ministry. I want to start off by one important issue that was raised yesterday by the Minister, and which is included in his Estimates. That is the construction of a palace for the President in State House, at a cost of Kshs100 million. I have an issue with that.

Mr. Temporary Deputy Speaker, Sir, in this year's Printed Estimates, in Vote D02 - State House - there is a provision of Kshs250 million for construction of buildings in various State Houses. The same amount of Kshs250 million was provided last year. Because of our system of accounting, we are not told whether the Kshs250 million voted for the various State Houses and Lodges was actually spent or not.

But in the Printed Estimates this year, we have Construction of Buildings, State House, Nairobi - Kshs60 million. State House Mombasa has been allocated Kshs10 million. State House Nakuru has also been allocated Kshs 10 million. The state lodges of Sagana, Kisumu, Eldoret and Kakamega have been allocated Kshs150 million. All of this money is for construction of buildings. Within the Ministry of Lands and Housing another Kshs100 million has been allocated for building a palace at State House. Last year, when the construction for the house of the Vice-President and Minister for Home Affairs was provided for in the Budget, it was included in the Vote of the Ministry of Roads and Public Works at Kshs50 million. I do not understand how this Government works. We have construction of houses for the President and Vice-President and Minister for Home Affairs being provided for in three different Votes. It is provided for in the Ministry of Roads and Public Works, Ministry of Lands and Housing and in State Houses and Lodges.

Mr. Temporary Deputy Speaker, Sir, the second point is : Why are we spending Kshs350 million for the construction of State houses? Where is that money going? The same State houses have accommodated Presidents for the last 40 years and they have not complained. We have been told that the current State House in Nairobi has four Presidential suites and about 20 bedrooms. This is from the authority of the State House Comptroller. Why build another building again? Who are we accommodating in State House? So, in terms of priorities this move is misplaced. The Government has not got its priorities right when it comes to allocating resources.

There are many Kenyans who need houses. An example of where people need houses is the Government's commitment to the Millennium Development Goals (MDGs) that this Government agreed to, that by 2020, 100 million slum dwellers will be out of the slums. The largest slum dwellings in the world are found in this country in Kibera and Mathare and yet we are providing only Kshs488 million for the slum dwellers of this country. For one person, who is the President of this country, we are providing Kshs360 million. Where are our priorities and yet we say we are going to address MDGs? When we spend Kshs137 million to put up the Pumwani Low Cost Housing Scheme and this was tabled in this House only yesterday, the cost of those 60 houses or so is Kshs838,000 per unit and we are charging those poor people who live on less than a dollar a day Kshs1.1 million. We are putting a premium of 40 per cent on the cost of those houses and yet we tell Kenyans that we are actually assisting slum dwellers when we are building those houses. Every time we put up high rise buildings in the slums, we are benefitting the middle income groups, politicians and the rich because a poor slum dweller cannot afford to pay Kshs11,000 a month as rent for that house. I think it is a joke. We are misleading Kenyans when we tell them that we are doing something for them. You remove them from those *mabati* structures, construct a skyscraper building

and accommodate the rich man in that house. We are perpetuating poverty because we are not providing housing to them.

Mr. Temporary Deputy Speaker, Sir, when it comes to the issue of land, this Government has not been sensitive to some of the communities and I want to mention in particular the pastoralist communities. In the last one year or two, we have witnessed the harassment of Non-Governmental Organisations (NGOs) that have been involved in assisting pastoralist communities on land issues. An example is the Kenya Land Alliance. Its meetings to discuss and to inform Kenyans about their rights and land problems have been disrupted several times including the last one in Mombasa where a number of them were arrested and their rallies stopped and yet Kenyans are merely being informed by those NGOs about their rights. Another example is another NGO called M.S. Kenya. Again, it is an NGO that stood for the rights of Kenyans when it comes to the issue of land. That NGO was again served with a notice to leave the country because it was involved in subversive activities. Clearly, we do not need to emphasise the one of Maasais last year. When they raised the concern as a community about their land being taken away by the whites on the pretext that it was going to be a lease for 100 years which has been converted subsequently to 999 years, they were brutally dispersed and some of them were even killed. That is insensitiveness to issues regarding land for the marginalised people or the pastoralist communities. I think this is a matter that this Government needs to be cautioned about.

Mr. Temporary Deputy Speaker, Sir, when it came to the Mau Forest, we were told those people were evicted because that land is critical. The last speaker said it is a water catchment area and a forest and it is for the sake of Kenyans and posterity that those people were being evicted. We were even informed that they were being evicted because it was a Cabinet decision. Subsequently, we are now being told that some of those people will actually go back to their land. I wonder who made the decision this time since the Cabinet never met for four months. Whose decision is it now? Is it the "Kitchen Cabinet" which decided that they can now go back because we are now being told the Cabinet did not meet? I think these kind of arbitrary decisions which are not based on any sound principle but on political expediency should be stopped when it comes to the issue of land.

Mr. Temporary Deputy Speaker, Sir, lastly, I must mention the Ndung'u Report and I agree with the last speaker, hon. M. Kariuki. I thought that when a commission or task force is set up to investigate a matter and write a report, I think it is for the purpose of implementation. It should not be put on the shelves like the way the previous Governments did. We have already seen in the last three years dozens of task forces and commissions set up and when they produce reports, they are put in shelves. It is the same thing that happened in the previous regimes.

The Ndung'u Report has highlighted grabbed land belonging to the Government, public utility plots, forests and so forth. When will this Government take action? When will it implement that report and repossess the land? If it does not do so, Kenyans will be entitled to imagine why the Government is not taking action. They will ask themselves: Is it political expediency? We are going to a referendum and we do not want to dwell on that issue. We do not want to do so because of some other political decisions. Is it going to be done selectively? Kenyans will start imagining other things. I think it is important that if the Government does not want Kenyans to lose confidence in it and in the way our systems work, I think it is important to implement decisions when they are made. Since public money has been spent on a report like this one, I think it has to be implemented otherwise we should stop setting up task forces.

Mr. Temporary Deputy Speaker, Sir, lastly, on the issue of land adjudication in areas like North Eastern Province, I come from an area in Mandera District called Ramu. There is a beautiful agricultural area in that area with a river. For the last 30 years, we have sought to have that land adjudicated so that farmers who are on that area can be given title deeds. It is an important area. We

have over 10,000 hectares of agricultural land on that river in the whole district. From 1988, we have been talking about the need for adjudication of that land so that people there can also be given title deeds so that they can manage it. I want to appeal to the Minister, his Ministry and staff to consider that proposal for the entire Mandera District particularly in Ramu so that the people there can also develop those farms and not continue depending on relief food.

With those few remarks, I beg to support.

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, since the Vote was introduced yesterday, I have been listening to the contributors and feel very sympathetic because they do not know where this land problem started. The grabbing of land by the colonialists in this country was the reason why people went to the forests to fight. They went to fight so as to get it.

Mr. Temporary Deputy Sir, when we finally got Independence, land ownership remained a contentious subject in this country. The outcome of the Lancaster House constitutional conference is the main cause of the land problems that face us today. The problem of land was predicted 40 years ago by some nationalists, and that is what we are seeing today. The issue of land was simply compromised. The nationalists, those days, gave in to the demands of the British, and that is why the policy of 999 years was accepted as a condition for Independence. After we got Independence, Africans started fighting to acquire land. Those who had money managed to get any amount of land they wanted, but those who did not have it remained very poor. In fact, today we have the poorest of the poor in this country. The Constitution of 1963 guaranteed that land would remain the property of the rich forever. That is why we have the problem of squatters today.

Mr. Temporary Deputy Speaker, Sir, without shame, in 1965 somebody was appointed to be the Commissioner of squatters. His mandate was to try and trace where squatters were in this country. By the way, I am one of the sons of squatter parents. I say this with a lot of bitterness, because my brothers died fighting for land and yet nothing was done for them. It is for the people of Kenya to determine what they want to do with land. Land is the mother of all of us, and nobody should be given authority to claim that he owns land. Land is owned under lease. One leases land so that he can work on it and produce for the country. When you finally die, somebody else takes over the land.

Mr. Temporary Deputy Speaker, Sir, if you look keenly at the policy of 999 years, you will realise that it was a deliberate attempt by the British, and those who were at the helm during Independence, to ensure that land remained in the hands of the British. Our cry today is the same one that most Members of Parliament after Independence had. That is why people like the late hon. Kaggia had to suffer a great deal. I think it is a shame that Members of this Ninth Parliament, who are educated, cannot sit down to reorganise the entire national land policy. The issue here is not how many acres of land one person owns, but rather its utilisation. You could be having 10,000 acres of land, but are you really working on all those acres? Are you able to use to the maximum all the acres in order to accrue benefit for this country? If the land is lying idle and yet landless and hopeless people are in Mathare without any future, then that is unfair. How can we even think that we are Independent simply because we now have our own Ministry of Lands and Housing? We have the most educated men and women in that Ministry, but their thinking has been totally disorganised by our national politics. They can never think because they are controlled from outside, and it is beyond their capability to understand. I think, issues about land should be taken very seriously.

We have people who are called squatters in this country. That word has penetrated the minds of people to the point where some people feel great to be called sons of squatters. In India, these are the untouchables. We need to determine whether we shall continue deceiving the people of this country that we have a land policy.

Mr. Temporary Deputy Speaker, you will realise that a lot of money will be spent in building houses for the poor in the cities. If you compare projects done under the Constituency Development Fund (CDF) and those by the Government, you will really wonder what is happening. A simple dispensary costs the CDF Kshs1.5 million. If the same is built by the Government, it will cost Kshs6.8 million. Ask yourself, "Where are we?" Are we somewhere in the moon and are we really together? How can we have outright thieves, people who have no names at all, in the Government? How do we allow the Government itself to be run by thieves? I think that is a very serious matter that we need to look into.

I would like to suggest to the Minister for Lands and Housing that he needs to accept here today that we have no national land policy in this country. Let him start from there. Even if it means to revolutionise or change what we have done for the better, let it be done. I think the time has come now for us to think freely without fear. Let us not carry forward, or try to better, something whose beginning was wrong. The first premise of our land policy was wrong and, therefore, we need to change it drastically in order to get somewhere.

Mr. Temporary Deputy Speaker, Sir, our country has so many poor people. At Independence, the 160,000 Europeans who were in this country owned 7.8 million acres, or 50 per cent, of arable land. We need to reflect back and see where that policy has brought us today. We are not supposed to continue crying that we have landless people in this country. People are being chased from catchment areas and other places. What do you expect when it is clear that the beginning was wrong? If we are not careful, we are going to continue this way until the year of our Lord. Perhaps, the Deputy Speaker, Mr. Musila, who is a believer, knows where the Lord is. I understand that he is up there, but most of us will never go close to him because of the mistakes we have committed against humanity.

When I was the Minister for Lands and Housing at one time, all public land was never touched. However, when I exited, policies were introduced for purposes of gaining political mileage. People were now being given pieces of land without any regard to the law. People should be given money instead of the Government building houses for them. Let everybody be given money to build a small structure that meets all the health requirements. We should get people to build their own houses.

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

Mr. Musila: Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this opportunity to contribute to this Motion. I support the work the Ministry of Lands and Housing is doing, particularly, in land adjudication. Until recently, I have been a very disappointed person because land adjudication was started in Mwingi District 29 years ago. That was in 1976, when I was a very young man. When you look at my head now, you can tell how old I am. The point I am trying to make is that, it has been a slow process, which has taken many years. As of now, we still have a long way to go.

I was impressed when His Excellency the President opened this Session of Parliament. He talked about Mwingi District, among others, as one of those that the Government would give priority to in stepping up land adjudication process. I am pleased to note that work is in progress. However, there are certain issues that have to be addressed in relation to land adjudication in Mwingi District.

First, Mwingi District has no land registry. Formerly, it was part of Kitui District. As of now, our people have to travel over 100 kilometres to Kitui District to check on their title deeds. Land Control Boards (LCBs) are non-existent and even land transactions have to be done in another district. As you know, people have to know who the buyer and seller of land are. However, in our case, matters have to be dealt with in another district. I want to urge the Minister, whom I respect

very much, to do everything possible to ensure that Mwingi District gets a land registry immediately so that we can transact land matters in the district. The issue of land tribunals is something I have discussed with the Minister many times. Up to now, our district remains one of the very few that have not had its land tribunal members gazetted, despite the fact that their names were submitted many months ago. Along with that, as we accelerate the exercise of land adjudication, we must, at the same time, gazette more land control boards so that every division has one. Only one division has so far been gazetted. I urge the hon. Minister to do all these things together. I do not think it would make a lot of sense for us to have a land registry without a land control board.

On the issue of cases, I know there are many of them pending and they are supposed to be heard by the Minister. I know that District Commissioners have been given the responsibility of hearing the cases on behalf of the Minister. This is one area where things have gone terribly wrong. These administrators, I am sorry to say, are not as honest as the Minister would expect them to be. We have 72 District Commissioners of different characters, hearing cases of utmost importance on behalf of the Minister, because that is the last point of justice that one can go to on land matters. They are taking land away from genuine owners and giving it out because of bribery by using the name of the Minister. I appreciate that the Minister is unable to hear all the cases pending in the Republic. However, a better way of appointing a certain number of people, of reputable character, to go round the country hearing cases, is a matter that must be considered. As of now, land is being taken away from the not well-to-do old people and given to able people. This is a big mistake that the Ministry is making.

In my district, there is only one group ranch. The group ranch has been a subject of problems for many years, from as early as the 1980s. But, what surprises me is the issue of Nzalae Group Ranch, still undissolved to date. I do not understand why the Government sits idle and lets a problem continue existing. I am not blaming this Government because the previous Government did the same. This Government came into power and followed suit. Nothing is happening, when in fact, it is a potential security problem.

I want to appeal to the Minister in whatever way he thinks he can resolve the problem, to give it priority. Government Ministers have visited the site, addressed the problem and promised people that they will take action. Officials of the Ministry have been there and either, they are reluctant to do the work, or we are the ones who do not understand what is going on.

I appeal to the Minister, to do everything possible and solve the problem of Nzalae Group Ranch, which has gone on for decades and causes a security risk. In fact, I have been restraining people from taking law into their own hands. I would like to offer my services to the Minister. Whenever he wants, I will talk with all the groups that are fighting, so that we come up with an amicable solution to the problem of the Ranch. That is the only problem that we have. I am sure this matter can be resolved very easily.

On the issue of physical planning, Mwingi Town, which is the headquarters of the district is heavily invested by private entrepreneurs. There are high storeyed buildings in the district headquarters and a lot of development has been done. However, there is not a single person in Mwingi Town who has a title deed. Where is the problem? I do not think there is any other headquarters of a district like Mwingi where businessmen have no title deeds. The problem is maybe, between the department of physical planning, the survey department and the county council or whoever is concerned. I think there is need for the Ministry to seriously look into the issue of providing title deeds to the property owners. It would not make sense if the rural areas were adjudicated and title deeds were not issued in the town. This is not only bad for that particular town, but for all towns. I do not want to speak about Mwingi District only, but about Kenya in general. It is incumbent upon the Ministry to ensure that in all big towns in this Republic, businessmen have

land documents so as to access bank credit. This would improve the economy and alleviate poverty as a result of the employment that accrues from this kind of thing. I know that the Ministry knows that it is the key to economic development, poverty eradication, and if it plays its cards right, this country will prosper.

Mr. Temporary Deputy Speaker, Sir, I want to commend the Ministry on the proposals they made on upgrading slum areas in Nairobi City. I was fortunate this year, to be with the Minister for Lands and Housing in South Korea where he presented a very good paper on upgrading of Kibera slums. Most of our talk is always theoretical, but I hope that all this talk about upgrading slums in this country will be put into practice because this is the way to go all over the world.

With those remarks, I beg to support.

The Minister for East African and Regional Co-operation (Mr. Koech): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to join my colleagues in contributing towards this Motion. First and foremost, I would like to congratulate the Minister for ably moving the Motion. I would like to congratulate the Minister for the programmes he has put in place to house Kenyans. For a long time, we have not had a policy on housing in this country. As such, the price of houses has escalated very much. It has become completely out of reach for the common man.

Mr. Temporary Deputy Speaker, Sir, I am sure, based on the programmes which the Ministry has put in place, the cost of housing will be within reach for the common man in this country, so that housing becomes a problem of the past. The Government should take a lead in ensuring that our people have a place to live. We should not allow housing agents to exploit our people. Since the Government has come up with these proposals, it should set the pace for improvement of housing in this country.

Since the Government has started to play a very big role, I hope that the prices for houses will be regularised so that exorbitant prices will be a thing of the past. Having a policy is very important. I would like the Minister to ensure that we also have programmes for urban planning. Kenyans are wonderful people who are interested in building houses. They should be assisted to make plans for construction, in order to meet the required standards. Some houses have collapsed, not because Kenyans are careless, but because we have not been assisting them to come up with good plans, so that they can build houses which are worth human habitation. I hope that with this programme, we shall be able to succeed on housing.

Mr. Temporary Deputy Speaker, Sir, my second point is on the problem of land. The lives of the people in the Rift Valley depend so much on land. When people talk about land, it affects their lives. When it comes to land issues, it is good to tell people the truth. We do not gain anything by cheating our people. It is important that we tell our people the truth regarding land, so that they can plan properly. On many occasions, our people have been told lies, especially people from the Kalenjin community. They are told lies such that they are not able to make programmes which are realistic. It is very important that our leaders tell the people the truth so that they can make realistic and honest plans.

Mr. Keter: On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear the Minister say that people from the Rift Valley have been lied to? Is the word "lies" parliamentary?

The Temporary Deputy Speaker (Mr. Khamasi): I have not heard anything that is unparliamentary.

The Minister for East African and Regional Co-operation (Mr. Koech): Mr. Temporary Deputy Speaker, Sir, I was a teacher in Belgut in 1973.

On the question of land our people should be told the truth. I want to thank the Minister and the Government for resettling the people of Mau Forest, because this had become a very touchy

issue. It has given us nightmares. I am happy that these people will now get a place to stay. I know there has been a lot of misunderstanding, but right now our people will be settled.

Some of these issues have been politicised. Some of our colleagues are saying that we should not co-relate the referendum issue with the settlement of the evictees and yet they have been ferrying people to meetings to tell them how they are suffering in order to gain political mileage. Now that these people have been settled, they are protesting. Now that the Government has settled them, they should say, thank you, without conditions.

QUORUM

Mr. Weya: On a point of order, Mr. Temporary Deputy Speaker, Sir. We do not have a quorum for the debate to continue.

The Temporary Deputy Speaker (Mr. Khamasi): Order! There is no quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! Order! Hon. Members, we now have a quorum.

Mr. Koech, you were the last on the Floor of the House. Please, proceed!

The Minister for East African and Regional Co-operation (Mr. Koech): Mr. Temporary Deputy Speaker, Sir, before I was interrupted, I had taken time to thank the Government for settling the people of Mau and especially, for coming up with good land programmes for the people of this country.

Secondly, I also would like to thank His Excellency the President because when he last toured Olenguruone area in 2003, he promised the Ogiek community that they would be given title deeds for their land. True to his word, on 15th October, 2005, these title deeds will be given to those people. This is a welcome move, considering the rumours which have been spread by some politicians that the land belonging to the Ogiek would be taken away. The Ogiek are extremely grateful and happy with the Government for this gesture. In fact, they are prepared to meet His Excellency the President on 15th October, 2005 to receive their long-awaited title deeds. So, the Government has got very good programmes for re-settling landless people in this country. We should work hand-in-hand with the Government, to ensure that some of these problems are harmonised and reduced. We should not cry foul. The fact that Kenyans will vote at the referendum on 21st November, 2005 does not mean that Government operations will stop. Government programmes must continue until that date and beyond. We cannot have Government operations stopped because of this referendum.

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

Mr. Gachagua: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I rise to support this Vote, but it is only fair that I make a few comments regarding some of the matters that are pertinent to land issues in this country.

Since the constitution of current land tribunals and the formation of land control boards, we have observed a lot of inefficiencies, especially in the manner they are run. The inefficiencies have arisen because allowances due to members are not paid in time. Some of the members travel far and wide to sit in meetings of these boards. Given that the rural folk rely a lot on some of these transactions, it is not much money, and, therefore, it is incumbent upon the Ministry of Lands and Housing to regularise allowances due to these members. Currently, these members are drawing a

mere Kshs500. Sometimes, that money is not enough to enable a member to travel to and back as well as for meals. This should not be treated as charity work. This is an important duty that the Ministry of Lands and Housing must give due cognisance of.

Mr. Temporary Deputy Speaker, Sir, I would now like to focus on the issue of the National Land Policy (NLP). Land must be viewed in this country as a resource. Land should not be treated--

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! Order! Could we give Mr. Gachagua a chance to air his views? Kindly consult quietly, please!

Mr. Gachagua: Thank you for your protection, Mr. Temporary Deputy Speaker, Sir. In drawing the NLP, we must view land as a natural resource just as we view water and air. The NLP must take into cognisance the use of land. Currently, title deeds are held in safes in Nairobi. I am sure several hon. Members in this House own large tracts of land whose title deeds are sitting in their safes. Land must be disseminated in such a way that those people who need and use land for their livelihood are assured of a fair share of that land. We must embark on an education campaign because this is an emotive issue and we must ensure that residents of this country are well educated so that they release land that is badly needed by those who are involved in farming.

Mr. Temporary Deputy Speaker, Sir, now that we have a situation where we are addressing issues of the landless and those people who have been displaced in Mau and other areas, my appeal to hon. Members of this House is that we should assist these people because they face a lot of problems. The Government should be congratulated for having taken the necessary measures to address this issue. This is an issue that should not be politicised nor drawn into the current debate of the so-called "Oranges and Bananas". This is a serious matter that Kenyans must treat as such. Mr. Temporary Deputy Speaker, Sir, I would like to talk about other issues of land elsewhere in the country. I have in the recent past, risen in this House to talk about people who are currently living by the roadside in my constituency. The Minister, and about 30 hon. Members of this House, toured that area and are well aware of this problem.

Mr. Temporary Deputy Speaker, Sir, I am happy now because the issues of land are being addressed. It is only fair that those people, even in other areas of this country, who are landless and living by the roadside are considered. I hope the Minister will take this issue seriously. In fact, we must pursue a policy where a budgetary provision must be provided to settle the landless, just in the same manner that we budget for roads, water and education. Land is important for those who need it. We want to see a budgetary provision put in place to address this matter.

Mr. Temporary Deputy Speaker, Sir, I take issue with the current policy that the Government is pursuing in relation to the issue of housing. The policy of building flats in Kibera and other slums is one that does not address the real issues in this country. Currently, the cost of buying a flat in Kibera is too high for the people living there. What will happen is that after development of those units, all those houses will end up with a different group of people. This Government is not addressing the core issues. In fact, the Government is actually making landlords out of people who have money in this city. The Government must pursue a policy of addressing the core issues. In fact they should ask themselves: "What is the major housing issue in Kibera?" The issue is not that residents do not reside in flats. The issue is that residents lack adequate water, sanitation, infrastructure and lighting services. We would want to see an emphasis in those areas. If that emphasis is handled, not only will we have a decrease in the incidents of disease outbreaks, but the security situation will also improve because of improved lighting. However popular this policy

maybe, it is not correct. This Government developed the Kibera Highrise Flats and the Pumwani Flats. Today, not a single beneficiary of those flats is currently living there. So, why can we not learn from the past and pursue a policy that is relevant to the needs of our people? I hope that the Minister is listening to my comments because this is an area that should be well addressed.

Mr. Temporary Deputy Speaker, Sir, slum dwellings are not only found in Kenya, but worldwide. If you want to provide housing, the solution is to give the private sector affordable credit and use institutions like the National Social Security Fund (NSSF) to create a revolving fund so that, at retirement, members can get affordable houses.

With those few remarks, I would like to stop there.

Mr. Muiruri: Mr. Temporary Deputy Speaker, Sir, the Ministry of Lands and Housing is composed of lands, housing and settlement. I have issues, especially with the Department of Settlement. Way back in the 1990s, there were tribal clashes. Today, we are hearing about the famous resettlement of people in Maai Mahiu and Enoosupukia. Nobody is talking about the people who live in my constituency, in Kieni Forest. Kieni is a forest in my constituency. Do not confuse it with Kieni Constituency in Nyeri. It is the biggest forest in Kiambu and Thika. That forest is a water catchment area of rivers like Chania, Karimino, Thiririka, Thika and others. River Chania is very important because it provides Nairobi residents with water. In 1990, as a result of tribal clashes, people came and settled in that forest. As we speak now, there are about 550 families in that forest. If you consider 550 families, with an average of four people per family, those are many people. They live in the forest.

Mr. Temporary Deputy Speaker, Sir, people like Mrs. Mugo and other hon. Members have been there. Those are the only people who live in the forest. That is not an ordinary living place for human beings. Each family lives in a five by five feet tent, made of polythene bags. In that tent, there is the head of the family, who is the father, his wife and two, three to four children. They have no sanitation facilities or clean water. Those are the conditions in which they live.

When I came to this Parliament, the issue thing that I raised was the settlement of those people. Every time, I was promised that they are going to be settled. There is already a primary school, a polling station and an assistant chief in that forest. They live in the bush! I do not want to be naughty to the Minister, but what happens in a family living in a five by five feet polythene tent and it rains all the time? They give birth to their babies in those tents. When they want to make love, they go into the forest, just like wild animals. I have been complaining so much, but the Minister has not done anything about it. At one time, those people left the forest and camped on the roadside. The former President, Mr. Moi, passed there and directed that something must be done. But nothing was done. But now with the NARC Government, with Mr. Kimunya as the Minister for Lands and Housing and Mrs. Njenga as the Director of Settlement, why can those people not be settled? How can we have people living in the forest just like wild animals? Forests are for animals and not for human beings.

I plead with the Minister to accompany me and see how those people live. They feed on wild berries in the forests. I am always begging for food for them from the Red Cross and the District Commissioner (DC). I bought a lorry that goes round begging for food and clothes for them. That is not my responsibility. It is the responsibility of this Government to take care of those people. I plead with the Minister to do something about those people who live in the forest. If you go there, you will find some children who are skinny and have no clothes. Sometimes, I feel like crying when I go to that forest and see the plight of those people. I stood here and asked the Minister for Lands and Housing to go and see how my people live in the forest. There are 550 families who must be settled.

Mr. Temporary Deputy Speaker, Sir, I know the Minister is doing a good job. I am sure he

is going to do a better job by settling the Kieni people. I support the efforts by the Minister. He should carry on with what he is doing. But he must settle my people.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Order! We cannot finish like that! I will give this chance to Mr. Muite. You have got only four minutes before I call upon the Minister to respond.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, thank you for giving me four minutes. In supporting this Motion, I would like to make the following contribution.

When decisions, like the one of spending Kshs100 million to extend or build a residence at State House are made, it is necessary for the Government of the day to be sensitive and to consider the appropriateness of spending that money, when the economy is still in the doldrums! There is still a lot of suffering and poverty around. In my view, it is inappropriate and insensitive for us to spend Kshs100 million of taxpayers money on that particular agenda item. I think we should wait for a better time when the economy is recovering and when there is not much poverty around. It is an issue of timing. It is wrong. I am not saying that, in principle, it should not be done. But you should choose when to spend that sort of money.

Mr. Temporary Deputy Speaker, Sir, secondly, regarding policy considerations, we need, as a country, to have a criteria. We used to have an official residence for the Vice-President at Kabarnet Gardens. It was anticipated that this country would always have a Vice-President. When and how did that residence cease to be the official residence of the Vice-President, and passed on to private hands. We are now spending another huge sum of money to build yet another official residence for the Vice-President.

I hope that there will not come a time when that is also going to pass into the hands of an individual. That is because we will have future vice-presidents. Since I support this Government in terms of spending that Kshs100 million, I can only appeal to them to reconsider that because it is a public relations disaster.

Having said that, let me also commend the Government for being a little transparent; by including that item in the Budget. If you have visited State House, you must have realised that there was a second State House constructed there. We never got to hear a word about it. When was that money voted? When was that decision made? How much did it cost? Were the bills inflated? We do not know! At least, this Government is transparent, although the timing is inappropriate.

Mr. Temporary Deputy Speaker, Sir, I would like to commend the Minister for Lands and Housing because of revoking the two and half acre rule. Some of these decisions should factor in the socio-economic situation of our people. Let us not mislead the public. The powers to issue those orders have always been there. They are not being brought by the Draft Constitution. But, until the economy recovers, so that you can give an alternative to Kenyans, how can you ask a poor person in Kabete Constituency with three unemployed sons--- The only thing he has is his three acres. You ask him and his sons not to subdivide that land! There are other areas around the Capital City and other cities where farming is not the main income-generating activity. It is building houses! If you go to Kabete, that is where flats are being built. That brings better income than farming. I am glad that, that rule has been revoked. In the development of a national land policy, let the National Land Commission consult the people. Land is a very sensitive issue. Let us not impose views on our people. When that Commission starts working, let it consult the people.

The Temporary Deputy Speaker (Mr. Khamasi): Your time is up!

Mr. Muite: Can I borrow five minutes from the Minister?

The Temporary Deputy Speaker (Mr. Khamasi): Order! Your time is up! It is now time for the Minister to respond!

The Minister for Lands and Housing (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, before I respond, I wish to donate five minutes to hon. Waithaka, who is also a Member of the Departmental Committee on Agriculture, Lands and Natural Resources.

Mr. Waithaka: Mr. Temporary Deputy Speaker, Sir, I want to start by echoing what hon. Muiruri has said. We had occasion to visit people at Kieni. There is only one point my colleague forgot. When the former President of Kenya visited that place, he ordered that they be moved from the road into the forest to hide them.

Mr. Temporary Deputy Speaker, Sir, as President Kibaki has said, even if you tell a lie 100 times, it will still remain a lie. Even when you hide them there, they are still having problems and you must address it.

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

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

Mr. Temporary Deputy Speaker, Sir, let me now address the issue of tribunals. As hon. Gachagua said, it is true there are no regular payments. The people dealing with land tribunals are dealing with very sensitive cases yet they are poorly paid. In that case, they are easily accessed by litigants for purposes of bribing them. So, we must think very seriously; even Kshs500 per sitting---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Waithaka! Address the Chair!

Mr. Waithaka: Mr. Temporary Deputy Speaker, Sir, I usually speak when I am facing this way.

When members of these tribunals have no regular incomes and they are perpetually in problems, they are tempted to receive bribes, and we have had cases of that nature.

Mr. Temporary Deputy Speaker, Sir, I also want to thank the Minister most sincerely for rescinding the decision of not issuing title deeds for pieces of land within agricultural areas of less than two and half acres. This has affected the economy of my constituency in particular, and Nyandarua in general.

Mr. Temporary Deputy Speaker, Sir, furthermore, there are villages in my constituency, for example, Heni, Koinange, Mukeu, Njabini, Ndunyunjeru, among others, which have been issued with letters of allotment, but have not been issued with titles. Physical planners and surveyors have been taking those people round in circles. We want people to be issued with their title deeds, once and for all, so that they know they are owners of those small plots in those villages.

The other issue which, however, falls under the Ministry of Local Government, is about paying of land rates in Nyandarua District and other settlement areas. If you go to Nyandarua, there is an outcry. People are being asked to pay land rates from 1964 when they were allocated those pieces of land to date, because the local authorities have not been able to collect these taxes. That is illegal.

If you are not able to collect what is owed to you by another person through a contract, you cannot claim that contract backwards more than six years. So, they can only claim for six years and the others will be statutorily time- barred.

Mr. Temporary Deputy Speaker, Sir, the people I have mentioned in the villages and who should be given those pieces of land have actually been taken for a ride for a long time. A lot of land in Nyandarua was allocated in---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Waithaka! Are you forgetting

that you are speaking on borrowed time?

Mr. Waithaka: Mr. Temporary Deputy Speaker, Sir, you know it is very difficult to know how many minutes you have spent when you are talking. What is your advice?

The Temporary Deputy Speaker (Mr. Ethuro): My advice is that you should terminate your contribution.

Mr. Waithaka: Mr. Temporary Deputy Speaker, Sir, in doing so, I want to thank the Minister for undertaking a very difficult task of coming up with a land policy. In that exercise, I am sure the Minister will lock horns with the wealthy and mighty, but I encourage him to face it with courage, no matter the obstacles.

With those remarks, I beg to support.

The Minister for Lands and Housing (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, allow me to thank hon. Members for their useful and positive contributions to the Vote of my Ministry. I also wish to commend hon. Members for appreciating the crucial role that my Ministry plays in the economic, social and cultural development of Kenya. I also wish to take this early opportunity to thank the Departmental Committee on Agriculture, Lands and Natural Resources for their continued support to the Ministry through our regular consultations.

Mr. Temporary Deputy Speaker, Sir, hon. Members were fully in support of our Vote presentation. I wish to respond to and clarify some of the issues they raised so that we can be understood better.

Mr. Temporary Deputy Speaker, Sir, hon. Members raised the issue of land policy, and I am glad to note that they appreciate the need for this policy, and the urgency of it. I will take their views in terms of the way forward. As you may recall, the last session in Nairobi was meant to be for hon. Members to give their input, and we still hope that the day will come when we can meet together to discuss the policy. Once it is completed, the policy will be tabled in this House and I believe Members will then have another chance to discuss this matter at the Sessional Paper level.

Mr. Temporary Deputy Speaker, Sir, as I said earlier, the policy will be addressing the issues of land administration, access to land, land-use planning, restitution for historical injustices, the institutional framework on the management of land, environmental concerns, conflict and dispute resolutions, the whole issue of the outdated legal framework and the unplanned proliferation of informal and urban settlements.

Mr. Temporary Deputy Speaker, Sir, I did mention that the land policy formulation process has been all-inclusive, participatory and will continue to be so all the way to the end, to ensure that we have positive land reforms that can be sustained in the long-term.

Mr. Temporary Deputy Speaker, Sir, hon. Members also raised issues on housing. One of the issues that was raised was why we are concentrating on only four towns. I want to assure Members that slum upgrading will be extended to all the urban areas. Phase One is the one concentrating on Nairobi, Mavoko, Mombasa, Kisumu and Eldoret. But, simultaneously, we are working with the local authorities to encourage them on best practices on how to do the slum upgrading, and also we are regularising the various villages, which is part of slum upgrading.

There was the issue of lack of incentives for private sector participation in the development of housing. An issue was also raised on the proliferation of unplanned and uncontrolled housing development, as well as the maintenance of Government houses, vis-a-vis, whether we should not be selling them and using that money on other things. There was also the issue of the target of 150,000 housing units and what we are doing about it.

Mr. Temporary Deputy Speaker, Sir, in no particular order, on the issue of the 150,000 houses, we clarified before, that this is a target which is based on the current shortfalls in the market. Our role as a Ministry is to facilitate all the stakeholders to achieve the targets by way of legislation,

provision of land, incentives, best practices and technologies. We have done a housing development programme which shows the respective roles of each of the stakeholders.

The Ministry is already in the process of drafting the National Housing Bill, which is intended to co-ordinate, regulate, guide and facilitate housing development. This Bill will enhance the housing legislation and establish a lead organ, through which housing development is controlled to ensure there is good estate management and streamline the entire human settlement development effort.

Mr. Temporary Deputy Speaker, Sir, as hon. Members are aware, there is a category of civil servants who offer essential services and have to be conveniently housed since they are on call 24 hours. Houses occupied by such personnel have been classified as strategic as well as institutional and cannot be disposed of. These include houses for constitutional office holders, the disciplined forces, hospital staff and some Government officers especially in the rural areas. We have decided that these houses have to be kept in good state of maintenance to avoid problems that we have seen in the past; of dilapidated buildings scattered all over the country.

On land adjudication and settlement, hon. Members raised a number of issues including the issue of professional squatters, which I am glad the hon. Members support; that we should be aiming to eradicate, so that they do not take the place of the people who need to be settled. I appreciate the hon. Members' concerns on the slow process in land adjudication and the issuance of title deeds. The Ministry will do its bit, especially if we are able to get more resources, to expedite this. Hon. Members raised the issue of the slow process in settling the landless poor. In tackling the issue of professional squatters, the Ministry is also incorporating the issue of what we call "not for sale condition" in the letters of offer to the beneficiaries to stop the resale of allocated plots and by extension, stop the emergence of the professional squatters. In addition to what I have said about the adjudication process, the Ministry is also considering using other professionals, so that we can enhance the adjudication process and hasten the issuance of title deeds.

In settling the poor and the landless, we are asking for Kshs95 million. We had identified farms that would have cost Kshs165 million. This year alone, we have a shortfall of Kshs60 million. We will see what we can do with the Kshs95 million. We intend to purchase farms, so that we can settle as many people as possible. We are also concerned that the offer prices that we are getting from the people who we expect to purchase farms from are way above the expected resale to the ultimate beneficiaries. Hon. Members will assist us when we bring legislation to facilitate this.

Mr. Temporary Deputy Speaker, Sir, hon. Members raised the following issues on land administration: The high Stamp Duty charged on transfer of land; the stoppage of illegal and irregular allocation of land; interference with the operations of the Land Control Boards; forgery of land titles; repossession of research land and other public institutions; harmonisation of the various laws; opening up land registries in all districts; corruption in district land registries; the ownership of large tracts of land by absentee landlords and the issue of the minimum and maximum individual land holdings. I wish to reply to these issues as follows:- On Stamp Duty, the issue has obviously some revenue implications and will be taken up with the Ministry of Finance.

With regard to the implementation of the Ndung'u Commission recommendations on the illegal and irregular allocation of land, hon. Members are aware that we have said that we will be introducing to this House a Bill that will facilitate the creation of the Land Titles Tribunal, which will be the framework against which we will be repossessing all this land. The Bill will be coming here any time after it is published and, in the meantime, we have started implementing some of the issues that will not require legal framework. One of these issues is the controversial evictions from the Mau Forest. Others include the cancellation of the titles on land that interfere with the construction of public roads.

Mr. Temporary Deputy Speaker, Sir, the issue that was raised about the interference of the operations of the Land Control Boards is being addressed through the paralegal training that is being conducted for the members of the Land Control Boards. I would also like to appeal to hon. Members to let us know where this interference is affecting the good work that we envisage from the Land Control Boards. We involved the hon. Members, at the point of selection of the Land Control Board members, so that we could get people who are willing to support the wananchi. In terms of ensuring the security of the title deeds, my Ministry is working with the Government Printer to come up with plain title deeds that have adequate security marks. At this point, I would like to confirm that we are committed to ensuring that all urban centres have title deeds, so that we can unleash the potential of that land as people access credit through the title deeds.

The harmonisation of the land laws is being addressed through the Law Reform Commission in conjunction with the Ministry of Lands and Housing. The opening up of land registries to cover the 11 districts which are not currently covered is on-going. However, the process is being hampered by lack of adequate resources, both financial and human. I am glad to note that with the coming into operation of the new Constitution, the National Land Commission that is envisaged is provided for within there. It is provided that we will have offices throughout the country. We hope that, that will cover all the districts.

Mr. Temporary Deputy Speaker, Sir, in terms of fighting corruption, the Ministry has established integrity and anti-corruption units, which handle all aspects of irregularities in the districts as well as at the headquarters land registries. With regard to minimum and maximum land holdings, we have already taken action. We will be encouraging people to determine the appropriate sizes for their different ecological zones. A lot of time was spent and issues were raised on physical planning. The hon. Members raised the issue of unplanned developments and inadequate human capacity. I wish to reply to the issues raised as follows:- The Ministry has inadequate physical planners, outdated planning technology and inadequate funding.

Mr. Temporary Deputy Speaker, Sir, as a country, we only have 150 physical planners compared to the required minimum of 600 physical planners. This has resulted in lack of development control and enforcement, hence the dilemma the country finds itself in, in terms of urban sprawl and plot sub-division into uneconomic units, encroachment on roads and fragile environment, the mushrooming of slums, food insecurity and other problems.

In addressing the above, I will be presenting to this House amendments to the Physical Planning Act, Cap.286 to empower the Ministry to enforce the implementation of the physical development plans. In the meantime, we are consultation with the Minister for Local Government, to formulate a strategy of improving physical planning services in the country. I will also be reaching out to the Minister for Planning and National Development with a view to integrating physical planing in the national development in order to streamline co-ordination and implementation.

On surveying and mapping, hon. Members raised the issue of the shortage of surveyors as well as the status of the international boundaries; especially between Kenya and Uganda. At the moment, there are enough surveyors in the country to undertake survey services.

Mr. Temporary Deputy Speaker, Sir, the Department of Survey offers these services through provincial offices and 66 districts. There are other cadres of staff in local authorities and other Government Ministries. In total, we have 58 practising land surveyors authorised to engage eight approved surveyors each. Capacity is not, therefore, a problem.

Mr. Temporary Deputy Speaker, Sir, in terms of our international boundaries, the monuments to mark our boundaries with neighbouring countries are jointly being done with those countries. So far, most of the marking has been completed except for 20 kilometres along the Lake

Natron on the Kenya-Tanzania border and 14 kilometres of Kenya-Uganda border, north of Busia Town. This will be undertaken during this financial year. This will also apply to the islands in the Lake Victoria between Kenya and Uganda.

Mr. Temporary Deputy Speaker, Sir, the issue was also raised as to why we are resettling the Mau and not the Enoosupukia and Maela internally-displaced persons. I would like to reassure this House that we are not discriminating against anybody in any way. Efforts are being made to ensure that all people are resettled. The people from Enoosupukia and Maela, and the others who were affected by the tribal clashes earlier, have already been resettled in Moi Ndabi, Kapsita and Baraget settlement schemes.

I also wish to comment on the State House residence. There is some confusion that we are expanding the State House. The State House is an office block. It is a public house. For the first time in this country, we have the Head of State who has opted to remain within the official residence of the President. It is important that we provide the private residence of the President to be distinct from his working offices within the State House, which is a public office. It is with that consideration that this Ministry is asking for Kshs100 million to provide that residence. I would like to assure this House that at no time will that residence be converted into private property. His Excellency the President has specifically requested that, that house be constructed within the grounds of State House as a Presidential house rather than outside where it could fall into private hands as has happened in the past.

Mr. Temporary Deputy Speaker, Sir, I also wish to touch on the slum dwellers and the cost of the houses. We appreciate, and we know, that we need to bring down the cost of the Pumwani houses and others. The project is complete. However, we have learnt some lessons as to why the cost went up. We are taking these lessons on board so that any future developments will have incorporated all of them. It was our target to bring down the cost through a mix of low cost technologies and contractors who would give us value for money. We assure this House that we have the ultimate beneficiaries in mind who can only afford so much.

As a Ministry, we have started contracting independent consultants to design and supervise our constructions because we have seen some problems with using the established Ministry of Roads and Public Works rates.

I appreciate concerns by hon. Members about our professional staff being interfered with politically. I wish to assure this House that the offices of the Ministry of Lands and Housing are operating independently. The culture of orders from above and calls from the State House to allocate land is long gone.

Mr. Temporary Deputy Speaker, Sir, I also wish to assure hon. Members that we will be taking action on the appeals to the Minister. Currently, I have more than 30,000 cases pending. If I was to hear them, they would take 30,000 days, which is about 100 years, long after I am dead. However, we will use all these professionals and ask hon. Members to help us in identification.

I also would like to assure hon. Members that we are taking care of all squatters including those in Mathira, Kieni and other places. We will consider them for purposes of relocating them as soon as we are able to.

Lastly on Kibera, I wish to assure hon. Members that we appreciate their concerns that perhaps high-rises may not be the solution. However, we are looking at the re-development of Kibera from a totally different perspective. It is a holistic development and a different approach that has already come up together with the principal masterplan. We are also looking at social mapping and changing the attitudes of these people.

In terms of financial strategies, one of them is how we will empower the people living, working and trading in Kibera to own those houses through housing co-operatives and other associations.

Mr. Temporary Deputy Speaker, Sir, once again, I would like to take this opportunity to thank hon. Members for their support and understanding in respect of my submission to my

Ministry's Vote.

(Question put and agreed to)

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

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Mr. Ethuro) took the Chair]*

Vote 36 - Ministry of Lands and Housing

VOTE R36 - RECURRENT EXPENDITURE

SUB-VOTE 360 - GENERAL ADMINISTRATION AND PLANNING

*(Heads 206, 576, 615 and
030 agreed to)*

(Sub-Vote 360 agreed to)

SUB-VOTE 362 - LAND ADJUDICATION AND SETTLEMENTS

(Heads 040 and 084 agreed to)

(Sub-Vote 362 agreed to)

SUB-VOTE 363 - SURVEY OF KENYA

(Heads 096, 098, 099 and 277 agreed to)

(Sub-Vote 363 agreed to)

SUB-VOTE 364 - LANDS

(Heads 130 and 132 agreed to)

(Sub-Vote 364 agreed to)

SUB-VOTE 365 - GOVERNMENT ESTATES DEPARTMENT

Head 418 - Government Housing Section

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, on page 788, Head 418, I would like the Minister to explain the provision under Item 2210600, Rentals of Produced Assets, amounting to Kshs23 million. What is this Item, Rentals of Produced Assets?

The Minister for Lands and Housing (Mr. Kimunya): Mr. Temporary Deputy Chairman,

Sir, this relates to rental of accommodation for constitutional office holders.

(Head 418 agreed to)

(Sub-Vote 365 agreed to)

SUB-VOTE 367 - PHYSICAL PLANNING

Head 376 - Headquarters Administrative Services

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, I would like to refer the House to page 789, Head 376, Item 311400 - Research, Feasibility Studies, Project Preparation and Design Project. My concern is the paltry sum of Kshs3 million provided for this purpose. What is the Ministry expected to do with this small amount of money? Has this always been the traditional figure of the sum you seek for under this Item?

The Minister for Lands and Housing (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I appreciate the hon. Member's concern and the input from this House. I hope that, next time, we will have more money for this purpose.

(Heads 376 and 453 agreed to)

(Sub-Vote 367 agreed to)

SUB-VOTE 368 - HOUSING DEVELOPMENT

(Heads 411, 416 and 423 agreed to)

(Sub-Vote 368 agreed to)

(Vote R36 agreed to)

The Temporary Deputy Chairman (Mr. Ethuro): Hon. Members, we shall now move on to the Development Vote.

VOTE D36 - DEVELOPMENT EXPENDITURE

SUB-VOTE 360 - GENERAL ADMINISTRATION AND PLANNING

Head 026 - Headquarters Administrative Services

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, on page 403, Head 026, a sum of Kshs112 million has been provided under Item 2211300, Other Operating Expense. Also, under the third Item which bears the same item number and the same heading as the first Item under this Head, a sum of Kshs5 million has been provided. I find this strange. The first Item reads, "Other Operating Expense". The third Item downwards reads, "Other Operating Expenses". We need to be told what these expenses are.

The Minister for Lands and Housing (Mr. Kimunya): Mr. Temporary Deputy Chairman,

Sir, what we have under "Other operating Expenses" are expenses to be incurred on the National Land Policy, which is captured in the Development Vote. A sum of Kshs78,750,000 of that amount is coming from donors, and the balance from the Government of Kenya. So, the provision under Item 2211300 - Other Operating Costs, is the cost of doing the National Land Policy, which stands at Kshs112 million of which Kshs78,750,000 on page 406 is actually coming from donors.

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, when the Minister says "other", it presupposes that there were some operating expenses. What were these "Operating Expenses" as opposed to "Other Operating Expenses", which appear twice under the same Head?

The Minister for Lands and Housing (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I think this is the budding together of expenses. Within our accounting, we did not have a line Item to capture within the Development Vote.

Mr. Temporary Deputy Chairman, Sir, when the donor money came in, it could only come in through the Development Vote. So, the only line Item it could be fitted in is within the "Other Operating Expenses Item". The money is there for the National Land Policy and for the computerisation of our records. It has been put there because of the donor input.

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, if the Minister looks at the third Item, he will see that the Item number is the same as the first Item. The provision made under the first Item is Kshs112 million. The provision made under the third Item is again the same title; "Other Operations Expenses", under which Kshs5 million has been provided.

Since the sums of Kshs112 million and Kshs5 million fall under the same Item number, why have they not been put together?

The Minister for Lands and Housing (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I believe we could look at the amounts as "Other Operations Expense I" and "Other Operations Expenses II", whose total is Kshs117 million. The idea is trying to share two Items within the same accounting line. But the sums of Kshs112 million and Kshs5 million relate to the National Land Policy and Computerisation of Records, respectively.

(Head 026 agreed to)

(Sub-Vote 360 agreed to)

SUB-VOTE 362 - LAND ADJUDICATION AND SETTLEMENT

(Heads 084, 173 and 199 agreed to)

(Sub-Vote 362 agreed to)

SUB-VOTE 363 - SURVEY OF KENYA

Head 277 - Kenya Institute of Surveying and Mapping

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, on Item 3110200, Construction of Building, I can see that there is a figure of Kshs2,046,412. Is this the Survey of Kenya Headquarters and what kind of building is this we are constructing with Kshs2,046,412?

The Minister for Lands and Housing (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, this has been provided for over three years. So, this is the first phase of renovations at the Survey of Kenya, Ruaraka, to accommodate some of the equipment.

(Head 277 agreed to)

(Sub-Vote 363 agreed to)

SUB-VOTE 364 - LANDS

Head 130 - Land Headquarters

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, under Item 3130100, Purchase of Specialised Plant, Equipment and Machinery, I would like the Minister to specifically tell us what type of equipment is going to be purchased with Kshs1.2 million.

The Minister for Lands and Housing (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I think this has been coming up under every Sub-Vote.

The purchase of specialised plant, equipment and machinery is a generic term that is being used on all equipment that is required within the headquarters, be it calculators *et cetera*. It is just a broad categorization and not really a specialised lawn mower.

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, the point I am making to the Minister is that, really, when we are told: "Specialised Plant, Equipment and Machinery", we expect big money. What specialised equipment is going to be purchased with this Kshs1.2 million?

The Temporary Deputy Chairman (Mr. Ethuro): Mr. Kimunya, I actually agree with Mr. Muturi. When you look at the words "plant, equipment and machinery", then you add the word, "specialised", that compounds it.

The Minister for Lands and Housing (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, it is a technique that goes across the whole Budget. But in this case, we are looking at the purchase of some computers and equipment that we require. But you may be surprised that even a watch is very specialised.

Capt. Nakitare: Mr. Temporary Deputy Chairman, Sir, the Minister is avoiding to answer this question correctly. Formerly, in this Ministry, we had an Item, "Soil Conservation Equipment." That is why the Item, Plant and Equipment came in. These were graders and other earth-moving equipment.

Could he specify how he is going to spend this Kshs1.2 million?

The Minister for Lands and Housing (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I believe the hon. Member is talking about the equipment within the Ministry of Agriculture and also the Ministry of Water and Irrigation. That is where that Item appears.

(Heads 130 and 132 agreed to)

(Sub-Vote 364 agreed to)

SUB-VOTE 365 - GOVERNMENT ESTATES

(Head 673 agreed to)

(Sub-Vote 365 agreed to)

SUB-VOTE 367 - PHYSICAL PLANNING

(Heads 376 and 453 agreed to)

(Sub-Vote 367 agreed to)

SUB-VOTE 369 - OTHER SERVICES

Head 404 - Planning and Research

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, I hope I am not asking the Minister something that he may have explained. But I just need to understand the bit that relates to Construction of Buildings, Kshs488,793,591. Are they the buildings that are captured under State House and State Lodges, or are these the slum upgrading schemes?

The Minister for Lands and Housing (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, the Kshs488,793,591 relates to the slum upgrading programme for houses in Kibera as well as Movoko.

(Head 404 agreed to)

(Sub-Vote 369 agreed to)

(Vote D36 agreed to)

(Question put and agreed to)

*(Resolution to be reported
without amendment)*

(The House resumed)

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

REPORT

Vote 36 - Ministry of Lands and Housing

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs1,215,474,150 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2006 in respect of Vote 36 - Ministry of Lands and Housing and has approved the same without amendment.

The Minister for Lands and Housing (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Assistant Minister for Lands and Housing (Mrs. Tett) seconded.

(Question proposed)

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghio): Hon. Members, there being no other business, the House is, therefore, adjourned until Tuesday, 11th October, 2005, at 2.30 p.m.

The House rose at 6.00 p.m.