

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 25th April, 1996

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Paper was laid on the Table:-

Annual Report and Accounts of Kenya Accountants and Secretaries National Examination Board for the year ended 30th June, 1994, and the Certificate thereon by the Auditor-General (Corporations).

(By the Assistant Minister for Finance (Mr. Koech)
on behalf of the Minister for Finance)

ORAL ANSWERS TO QUESTIONS

Question No.068

REWARD FOR FREEDOM FIGHTERS

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

(a) whether he is aware that many followers of the proscribed *Dini ya Msambwa* who participated in the struggle for Independence, have not been rewarded by being offered land to settle; and,

(b) whether he could consider setting aside land to settle them.

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

(a) The Government sets aside land to be allocated to genuine landless people and not to every person who fought for Independence.

(b) It is not in the Government interest to set aside land to reward members of an unregistered organisation as to do so would amount to furthering the objectives of such organisations.

Mr. Busolo: Mr. Deputy Speaker, Sir, I would like the Assistant Minister to reconsider his answer in the sense that these are the people who fought for their rights and for us even to be here in this House. For the Assistant Minister to say that to give land to the people who fought valiantly so that somebody like himself and myself should be here cannot be offered land is, to say the least, not a good gesture from the Government. I request him tell us the reasons why the *Dini ya Msambwa* is an unregistered organisation?

Mr. Sunkuli: Mr. Deputy Speaker, the Question actually is in two parts. First, I have not said that that members of the *Dini ya Msambwa*, if they apply for land as landless people rather than as *Dini ya Msambwa* cannot be given land. They can be given land and I am sure quite a number of members of that *Dini ya Msambwa* do have land not as *Dini ya Msambwa*, but as Kenyans. The reason why *Dini ya Msambwa* has not been registered, I think, it is another Question because it has not been registered.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, could the Assistant Minister consider these people in view of the fact that, at the moment, those people who support KANU or defect to KANU are rewarded either by being made Ministers or given land or something like that. Why can the Government not reward these people, who actually fought for Independence so that you are where you are and you are rewarded?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the question is in bad taste, but any Kenyan who is landless should be considered in order to be given land.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I would like to jog the Assistant Minister's memory by reminding him that members of NDEFFO who were former Mau-Mau Freedom Fighters which was not a registered society were given a couple of farms and settled in Nakuru area during President Kenyatta's time. Would this Government now be prepared to consider doing the same for *Dini ya Msambwa* followers?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, we are prepared, as Government, to give land to landless people when and if the land is available under any title of a Kenyan. But I do not think it is fair for the [Mr. Sunkuli]

hon. Leader of the Opposition to draw the two inferences.

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir. We are talking about a specific group of people and the Assistant Minister is answering in general. Could he address his answer to a specific group of people? We are talking about members of *Dini ya Msambwa* who fought for Independence just like the Mau-Mau people.

Sunkuli: Mr. Deputy Speaker, Sir, what I am actually saying is that we do not recognize *Dini ya Msambwa* because it is not registered as such.

Mr. Murungi: Mr. Deputy Speaker, Sir, I have been following the *Dini ya Msambwa* for quite sometime, and I understand that the leader of *Dini ya Msambwa*, the late Elijah Masinde, is buried on a top of a hill called "Maheni." Could the Assistant Minister consider allocating this hill to the followers of *Dini ya Msambwa* so that at least they can use this one as a shrine?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I do not know whether anybody else is claiming the grave of Elijah Masinde.

Mr. Rotino: On a point of order, Mr. Deputy Speaker, Sir. I heard hon. Busolo asking the Assistant Minister to say specifically what were the reasons that made *Dini ya Msambwa* not be registered. The Assistant Minister did not answer that. What made *Dini ya Msambwa* not to be registered?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I said that is a different question because, at any rate, the portfolio of registering organisations falls under the Office of the Attorney-General.

Mr. Busolo: Mr. Deputy Speaker, Sir, I think, as I have already said, it is very unfair that the people who fought for Independence in this country have not been rewarded. If anything, it seems that the home-guards, those people who collaborated with the British Government, are the people in charge of our affairs. I wonder if the Assistant Minister is aware that in a place like Kericho there is a group known as Talai Laibons. These people also participated very strongly in the Independence movement and now they are squatting in the Municipality of Kericho. Is he aware that the *Dini ya Msambwa* followers are leading very despicable and very miserable lives in spite of having put their work in the freedom of this country? Could he do something about it?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the hon. Member is one of the hon. Members I respect very much in this House. I think, if he is representing his people, and I am sure he is, the advice I am giving him is that they should apply for land, not as followers of *Dini ya Msambwa* which is not recognized by the Act, but as his constituents.

Mr. J.D. Lotodo: Mr. Deputy Speaker, Sir, *Dini ya Msambwa*, as has been said by my colleagues, is not a religious organisation. This was meant to fight for the Independence of this country. I would like to inform the House that 3,000 people from my constituency of Baringo East were killed when they were fighting for the Independence of this country. Is the Assistant Minister in order to insinuate that those who fought for Independence from other communities like the Gikuyu have been rewarded while those who did the same through *Dini ya Msambwa* cannot be rewarded?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I do not think I said that *Dini ya Msambwa* is not a religious organisation.

(Hon. Wamalwa interjected)

Although the hon. leader of the Opposition is interjecting from his seat, I think he will bear us out that *Dini ya Msambwa* actually means; "the religion of the good spirits". So, it was not one of the organisations that were created to fight for Independence. However, what the honourable---

Mr. Wamalwa: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister aware of the actual activities of *Dini ya Msambwa* or not? If he were, he would know that they fought many battles and the fact that it called itself "Dini" did not mean that they were not going to fight. Look at the holy spirit army in Uganda and everywhere. What is in a name? It is what they did, not the name.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, we are quite together actually. What I have said is that *Dini ya Msambwa* is a religion of some sort, but it was not an organisation created purposely to fight for Independence. That is what the hon. Member is stating. In this particular case, we are not considering the tribal element of it because, the mere fact that others have been settled while others have not been settled has had nothing to do with tribalism. Whenever land is available, it is given to Kenyans fairly.

Mr. Deputy Speaker: Next Question, Mr. Nthenge!

Question No.105

USE OF PUBLIC ADDRESS SYSTEM

Mr. Nthenge asked the Minister of State, Office of the President if he could inform the House why a permit is required for the use of a public address system to publicize an already licensed meeting.

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

It is required by law under the Public Order Act that the use of a public address system be licensed for the purposes of regulating the amplifying and reproduction of sound by artificial means.

Mr. Nthenge: Mr. Deputy Speaker, Sir, the Assistant Minister will agree with me that there are not very many licences given in one district or in one area at one and the same time so as to result in a large number of advertisers. Usually, there is only one meeting licensed in one place. Therefore, the only advertiser would be the interested group.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I want to believe that the hon. Member was one of those who were present when this law was put in place. I want to say that the spirit of this law seems to be based on nuisance; that, in fact, in order for citizens to enjoy the comfort of their property, they should not be exposed to the discomfort of the same property by sounds that are amplified or reproduced artificially. I think it is based on that element.

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir. My question does not deal with the issue of anybody using any public address system. I am specifically concerned with the public address system used to advertise a licensed meeting. In other words; advertising a meeting that has already been licensed. Can the Assistant Minister stick to that?

Mr. Sunkuli: I am sorry, Mr. Deputy Speaker, Sir. I did not actually understand Mr. Nthenge's question.

Mr. Deputy Speaker: Could you repeat your question, please?

Mr. Nthenge: Thank you very much, Mr. Deputy Speaker, Sir. My question is: Why should a meeting already licensed not be allowed to be advertised in a particular town or location because it is only one meeting which is licensed in one place at the same time? We are talking of advertising of a licensed meeting, and not just anybody advertising anything. I am talking of a meeting for which a permit has already been given.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I am sorry, really, but I do not seem to have gotten the gist of the question. However, if what I understand him to have asked in his supplementary question is: Why we should license the meeting and, at the same time, license the public address system; in that case, all I can tell the hon. Member is that, that is in our laws. That is why we do so.

Mr. Nthenge: Mr. Deputy Speaker, Sir, since it is in our laws and the Office of the President is, kind of, the custodian of our laws in the sense that it can instruct the Attorney-General, will the Assistant Minister ask his office to instruct the Attorney-General to amend the law because it is unnecessary?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I have given my own view that I think the law is necessary.

Mr. Kamuyu: Mr. Deputy Speaker, Sir, can the Assistant Minister see the nonsense behind the police issuing licenses for public address systems and the DOs and Chiefs issuing licenses for the actual meeting? If he does see this kind of nonsense, can he now correct it? This is because the law can also be wrong.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the hon. Member for Dagoretti has given me very great powers of being able to correct what is in our laws. However, I do not think it is within my power to do so.

Mr. Shikuku: Mr. Deputy Speaker, Sir, arising from that reply and the Assistant Minister's previous answer, where he said that hon. Nthenge was responsible for enacting this law, is he aware that this was a colonial law, before hon. Nthenge was elected and, we have been trying to get this law amended or repealed so that we can have the freedom of not even asking for a license to speak? We should be allowed to speak and to advertise our meetings because, once the meeting has been licensed by the DC, the question of a public address system is automatically there because you are supposed to advertise such a meeting. Could he stick to that? In addition, could he consider having this law repealed in the name of the new Kenya, and not the colonial Kenya?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the new Kenya began over 30 years ago and hon. Shikuku should

actually not ask me, as a lawyer, to refer to any of our statutes as a colonial regulation. This is because, as a lawyer, I know that anything that has been accepted by this Parliament stops to be a colonial law and becomes part of the statutes in the laws of Kenya. In fact, even the accepted principles of law as from 1897 are accepted by our courts as law.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, notwithstanding the fact that the hon. Assistant Minister is a lawyer, does law alter history?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the law does not alter history, but history, definitely, alters the law. The fact that we got Independence made these our laws no longer colonial laws.

Mrs. Ngilu: Thank you, Mr. Deputy Speaker, Sir. Today, the Government is putting a lot of emphasis on development and, especially, participatory development. How are we going to develop with the people when we cannot get licences to hold meetings or even advertise such meetings so that we can get down and work with the people whom we represent?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I have been fortunate enough to state from this place many times that, it is Government policy to ensure that whoever applies for a licence within our laws is granted such a licence. We do try as much as possible to implement this policy and it is not right for my colleagues in the Opposition to keep on drumming up this matter as if we do not grant them licences. If you apply for a licence, you will get it, but if you do not apply for a licence, do not break the law.

Mrs. Ngilu: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is not giving us the right answer in the sense that he knows we apply for licences and we do not get them. Then when we go ahead to hold these meetings, but the police is ready to disperse the meeting. Even though they actually say that we apply for licences so that we can get some kind of security, they never give us security or the licences. I wonder what we are supposed to do.

Mr. Deputy Speaker: There is no question there.

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

Mr. Deputy Speaker: Next Question.

Question No 156

ALLOCATION OF MALINDI PLOT

Order! Order! I have received communication from the hon. Njehu Gatabaki that he would like his Question to be deferred and I have acceded to that request.

(Question deferred)

Next Question, hon. Dr. Lwali-Oyondi.

Question No 076

RE-POSSESSION OF MR. CHEROP'S PLOT

Dr. Lwali-Oyondi asked the Minister of State, Office of the President why Mr. Kiprono arap Cherop, ID. No 2338416/65, was deprived off his plot No 287 of 4.5 acres, which he acquired by virtue of his three shares at Muronyo Farm, Nakuru, in 1983.

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

Mr. Kiprono arap Cherop has two and not three shares, and he is, therefore, entitled to nine acres and not 13.5 acres for three shares. That is 4.5 acres per share.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, I wish the Assistant Minister has allocated this particular parcel of land to this man, even if it is two shares. This man had his three shares and some two others. However, the two shares have been taken by some dignitary who want to grab that particular piece of land. Therefore, this man is

out in the cold. Now, he is landless and he does not have an inch of land that he can call his own. Can the Assistant Minister assure this House that Mr. Kiprono arap Cherop actually owns the nine acres, so that, at least, he should have that? Can the Assistant Minister assure me, so that I can go and tell him that at least, he has been allowed to retain nine acres because at the moment he is landless?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I will be a little long here in order to explain this matter. In 1983, Mr. Kiprono arap Cherop was allocated nine acres which was worth of his two shares certificate that he legally owns. But I understand it is not three shares. The directors of Munyoro Farm maintain that Mr. Cherop does not have a third share to warrant the allocation of an extra 4.5 acres plot.

Mr. Deputy Speaker, Sir, the current problem is that Mr. Cherop has been illegally occupying 13.5 acres against the director's authority, thereby denying another allottee 4.5 acres of his share entitlement. This other member is unable to occupy his piece of land. If need be, Mr. Cherop will have to be removed to give the rightful share to the rightful owner.

I am informed that the Plot Nos 297 and 299, which Mr. Cherop claims belongs to a man called Mr. John Kagera Kimani. Unless, he can, therefore, produce a share certificate for the third share, I am afraid that the other portion is not his land.

Dr. Lwali-Oyondi: Could the Assistant Minister tell us the plot Number which belongs to Mr. Kiprono arap Cherop, so that we can know where he can occupy? The Assistant Minister has stated that Mr. Kiprono arap Cherop is occupying some land, but as far as I know this land has been snatched from. Could the Assistant Minister tell us the plot number which he is supposed to be staying on?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I think the hon. Member has a point there. My information is not adequate, and, therefore, I will bring this particular extra information next week on Tuesday, afternoon.

Mr. Nthenge: Mr. Deputy Speaker, Sir, can the Assistant Minister, in addition to that information, also bring to this House on Tuesday next week, if not now, the time Mr. Kimani bought his shares and from who.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I will also bring that information, and I will also investigate this matter further.

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

Question No 085

ISSUANCE OF IMPORT LICENCES

Mr. Muite asked the Minister for Finance :-

- (a) whether he could give the list of names of those individuals or companies who have been given import licences between October, 1995, and 31st March, 1996, to import sugar; and,
- (b) what the respective quantities are for the respective licences in (a) above.

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

(a) Import licences (which include licences for importation of sugar into the country) were abolished vide legal Notice 135 of 14th May, 1993, with exception of a short list of negative items which for security, environment and health reasons would require Government authority to be brought into the country. For instance: Nuclear reactors, life marine products and life animals and so on.

(b) In view of the answer in (a) above this Question does not arise.

Mr. Muite: Mr. Deputy Speaker, Sir, the tragedy with this country today is that we have a Government where the right hand does not know what the left hand is doing, and the right leg does not know what the left is doing. If, indeed, the requirement was abolished, what was it that the Minister for Agriculture, Livestock Development and Marketing was banning a few weeks ago? What was it that State House thereafter, almost immediately un-banned?

Mr. Koech: Mr. Deputy Speaker, Sir, if the hon. Member for Kikuyu is well informed, I do not think it was banned because the licences were to be issued. The licensing has already been done away with. But there was importation of sugar and some hon. Members of this House even claimed that there was an influx of sugar from outside. As a result of that the Minister banned the importation of sugar and the Questioner knows the other story. There was importation of sugar which was not done by licensed importers.

Mr. Muite: Mr. Deputy Speaker, Sir, the other day the Minister laid on the Table of this House, a list of the

companies that had imported sugar in various quantities. Is the Assistant Minister aware that a search at the Offices of the Attorney-General, the Registrar of Companies, discloses that all those companies files are missing and, therefore, it is not possible for anyone doing a search to know the biological individuals behind those companies which import sugar duty free thereby ruining the economy and the sugar industry in this country? Is the Assistant Minister aware of all these? If so, what steps is he taking to ensure that this House knows the actual individuals behind the importation of sugar in this country?

Mr. Koech: Mr. Deputy Speaker, Sir, I think the hon. Member missed the point. What he has requested from the Ministry of Finance is the licensing of sugar importers, and I have given him the answer. If he has another question which deals maybe with another arm of the Government, I think he is free to bring that question to the House.

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, could the Assistant Minister tell the House whether or not, senior Government officials, including the Minister for Finance, and the Minister for Agriculture, Livestock Development and Marketing, are main sugar importers?

Mr. Koech: Mr. Deputy Speaker, Sir, I do not think that there is anybody who can bar anybody from importing sugar in this country. But Mr. Deputy Speaker ---

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir. I have a specific question. We do not want to be given a speech. He was asked whether so-and-so are doing it? The answer is yes or no.

Mr. Koech: Mr. Deputy Speaker, Sir, hon. Nthenge wants to take over my job. I will answer the question, but hon. Nthenge is doing it in a very awkward way. I want the hon. member to know that people are free to import anything into this country and we have the law. If somebody has got to import anything, he should do it within the law.

Mr. Shikuku: On a point of Order Mr. Deputy Speaker, Sir. Is the hon. Member in order to refuse to reply to a legitimate supplementary questions as governed by Standing Order No. 88 (2)? Is he in Order to refuse to reply? He was asked about specific names which are the hon. Minister for Finance and hon. Minister for Agriculture, Livestock Development and Marketing. Can he confirm or deny that they are the ones who are importing this sugar? That is all we wanted to know and he refuses. He gives out fairy stories here.

Mr. Koech: Mr. Deputy Speaker, Sir, we do not want the confusion from the other side. I have answered the Question on the question of licensing importers. I do not know who imports sugar. I would not have the answer here on who imports sugar and I was not asked to bring the names of Members of Parliament who import sugar in this country.

Question No.080

COLLECTION OF SERVICE CHARGE

Mr. Kamuyu asked the Minister for Local Government :-

- (a) How much service charge money had been collected by Nairobi City Council since the tax was introduced to date; and,
- (b) Whether the Minister could explain how this money had been utilised by the City Council and how much had been channelled to the Dagoretti Constituency in particular.

(Mr. Kamuyu read out terms of his Question)

Mr. Deputy Speaker: Order! Order! You definitely know the rules of the House.

Mr. Kamuyu: Mr. Deputy Speaker, Sir, but the Standing Orders also allow that.

Mr. Deputy Speaker: Order, Mr. Kamuyu! You asked your Question No. 080. Mr. Minister can you give an answer?. The Minister for Local Government is absent. I beg your indulgence actually. I have also received communication from the appropriate Ministry that only one person is competent to answer the Question from the Ministry who is in the country now who and is the hon. Wameyo. He requested that the Question be deferred to next week. So I am sorry about that Mr. Kamuyu. The Question is deferred to next week.

(Question deferred)

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

Mr. Deputy Speaker: Mr. Kamuyu what is the problem?

Mr. Kamuyu: Mr. Deputy Speaker Sir, yesterday another Question of mine was deferred through a request from the Minister of Information and Broadcasting. I was not informed on time although I have other things to do.

Mr. Deputy Speaker: Order. hon. Kamuyu. I fully sympathise with you but I must say that I am also sympathetic to the Ministry concerned. I understand that the Minister for Local Government is out of the country.

An. hon. Member: How do you know?

Mr. Deputy Speaker: Order! I am satisfied that he is out of the country. The hon. Wameyo has pre-arranged engagement out of town which he cannot delegate to anybody else and the second Assistant Minister who was just appointed, I understand has not been sworn in. So, he will not be competent to answer that Question. So I think in the circumstances the question is deferred. Question No. 089.

Question 089

RADIO AND TV COVERAGE FOR KANU CHAIRMAN

Mr. Murungi asked the Minister for Information and Broadcasting why was it that the KANU Chairman, Kiambu Branch, was given much more coverage by Kenya Broadcasting Corporation radio and television than that which was given to most Cabinet Ministers.

The Minister for Information and Broadcasting (Mr. Makau): Mr. Deputy Speaker, Sir, I beg to reply.

The allegation that the KANU Chairman, Kiambu Branch is given more coverage than Cabinet Ministers has no base and is misguided. However, like any one else in the country, the KANU Chairman in Kiambu gets adequate coverage due to his frequent involvement in socio-economic and political development in Kiambu and other parts of the country. Cabinet Ministers get first priority in KBC coverage because they are policy makers and one thing that I would like to stress here is that we cannot, and it will never happen, for any person to get more coverage than Cabinet Ministers in this country.

Mr. Murungi: Thank you Mr. Deputy Speaker, Sir. I do not understand why the Minister should deny such an obvious fact. We are all TV viewers and we also listen to the KBC radio and we know as a matter of fact that Kuria Kanyingi has more coverage in KBC TV and Radio than hon. Johnstone Makau the Minister for Information and Broadcasting! Now, my Question is: Can the Minister now confirm or deny that the reason why Kuria Kanyingi is given so much publicity is because KANU has given him Kshs 100 million to confuse and destabilise the Opposition in Central Province?

Mr. Makau: Mr. Deputy speaker, Sir, I do not think that I should answer questions based on heresy. Can the hon. Kiraitu Murungi bring any evidence here of the amount of money that he alleges has been given to the Chairman of KANU, Kiambu Branch to confuse the Opposition? I would like to say that there is no confusion, but if you are jealous about Opposition councillors who have defected and won the seats on KANU tickets, you should not. There is one thing that I would like to add. I would not understand why hon. Kiraitu Murungi, as an Opposition Member, is concerned about the coverage of Ministers and KANU activities in Kiambu?

Mr. Rotino: Mr. Deputy Speaker, Sir, I would like to ask the Minister to consider giving a TV camera to either Trans-Nzoia or West Pokot to cover those three districts because the nearest TV camera is in Nakuru. Can he consider that so that we have coverage?

Mr. Makau: Mr. Deputy Speaker, Sir, that is a very important Question. I think my friend, hon. Rotino, should know that this question has been overtaken by events. We already have a TV camera in Eldoret that serves that area.

Dr. Otieno-K'opiyo: Mr. Deputy Speaker, Sir, is the Minister in order to ask for substantiation on Kshs 100 million which is given in cash. KANU normally pays in cash. There is no record of this money which is given out. Who would get to know the amount of money which is given in brief cases?

Mr. Makau: Mr. Deputy Speaker, Sir, I have said that I am not going to answer Questions which are based on hearsay. I must get evidence here!

Mr. Murungi: On a point of Order, Mr. Deputy Speaker, Sir. My question to the Minister was to confirm or deny. So can the Minister confirm or deny and stop pretending that he does not understand my question.

Mr. Makau: Mr. Deputy Speaker, Sir, how can I confirm or deny rumours?

Mr. Orenge: Mr. Deputy Speaker, Sir, I have just heard the hon. Minister say that nobody can be given more coverage than Cabinet Ministers because they are policy makers but looking at the coverage in the KBC Radio and TV, the amount of coverage that Kanyingi is given is about ten times the coverage given to Cabinet Ministers, including hon. Makau. In fact, since some defections took place in Makueni he hardly appears on TV these days unlike hon. Dalmas Otieno who looks like he is an endangered species. Can he answer the question specifically?

(Laughter)

Mr. Deputy Speaker: Order! Order! You have finished asking your question, Mr. Orenge?

An hon. Member: Hon. Dalmas Otieno might be a dinosaur!

Mr. Orenge: Yes, I did and, in fact, somebody is telling me here that hon. Dalmas Otieno could be a dinosaur. I mean he is more than an endangered species. But can the Minister answer the question specifically because Members of Parliament are even more than policy makers. They are law makers and they do not get that coverage. Can you confirm or deny since you understand the cash economy better than we do about how the briefcases change hands. Can you confirm or deny that Kuria Kanyingi is given this coverage because of the dirty KANU work that he is doing in Kiambu district and Central Province? What I would like every hon. Member to know here is that, the coverage of KANU chairman in Kiambu is not only done adequately in the electronic media, but also in the Print media which is independently owned and he is what we call in journalism, "a hot copy."

(Several Members stood up in their places)

Mr. Deputy Speaker, Sir, I have not finished. I would like to say it very, very clearly here as concerns what hon. Orenge has said, that---

An hon. Member: Sit down!

Mr. Makau: Wait! Wait! I am not a politician who can be challenged to sit down. It depends, and if you do not know politics---

An hon. Member: You are on your way out!

Mr. Makau: It does not matter! As a politician, you have your own way of operating politics and I am not naive at politics.

Mr. Maore: Mr. Deputy Speaker, Sir, there is one fundamental question raised by hon. Rotino that the Minister did not reply to. That is, if the Ministry has a limited number of cameras and he has said this himself before, that there are eight cameras, one for every province, Kiambu District is not the headquarters of Central Province. How does Kuria Kanyingi have access to the cameras nearly in every public rally or any birthday party he attends in Kiambu? How does he get access to the camera?

Mr. Makau: Well, I think, Mr. Deputy Speaker, Sir, I would like to correct hon. Maore that, what actually he has said is not true because we have cameras based in various places.

An hon. Member: How many?

Mr. Makau: We have more than 13 cameras that are in the field. Now, as to which camera covers Kuria Kanyingi, he is covered by cameras from Nairobi because, Nairobi is nearer Kiambu. If that one at Nyeri where we have based the camera for Central Province is free, it can cover him and any other person involved in development activities like him. If you do what he does, you will still get the same coverage.

Mr. Deputy Speaker: Hon. Otieno!

Mr. Orenge: He is an endangered species; a dinosaur!

Mr. Otieno: Mr. Deputy Speaker, Sir, on a point of information. Just for the record, with all due respect to hon. Orenge, I am neither a dinosaur nor an endangered species. I am only a nominated Member of this House, and hope to be elected in the next Parliament.

Mr. Ndicho: Mr. Deputy Speaker, Sir, the Minister said that the reason why Kuria Kanyingi is given a lot of publicity on the KBC radio, is because of his numerous social economic activities in Kiambu District. Can the

Minister confirm whether the social economic activities he is referring to is when Kuria Kanyingi is grabbing plots there and also receiving money for women's buses which he later ran down as well as buying defectors, dethroning Arthur Magugu from the Chairmanship of Kiambu District and during a function, about five cameras are covering him? Are those the social economic activities the Minister is referring to?

Mr. Makau: Mr. Deputy Speaker, Sir, I have referred to the social economic and political activities of the Chairman of KANU Kiambu Branch. He has been so much involved in---

Mr. Shikuku: Selling of---

Mr. Makau: Wait! Wait! It does not matter. I am not talking about his personal way of doing it. As far as the social development is concerned, Kuria Kanyingi the Chairman of KANU in Kiambu, most of the time---

Mr. Shikuku: He is not the Chairman!

Mr. Deputy Speaker: Order, Shikuku!

Mr. Makau: Mr. Deputy Speaker, Sir, hon. Members have seen even when somebody puts an advertisement in the newspaper that there is somebody who is sick and needs to be helped, he has been mindful of such people's welfare. He has gone as far as donating money and making sure that those bills are paid.

Mr. Nthenge: Where does he get the money from?

Mr. Makau: I have not finished, let me finish and then you can come up with those points of order. The economic development that Kuria Kanyingi makes in the area where he comes from and--- He is involved in, Harambee projects and political development. Mr. Kanyingi has been involved in the political development of Kiambu and has made sure that in the areas where hon. Muite and Nyanja come from, all the councillors have returned to KANU because of his political influence.

Mr. Ruhiu: Mr. Deputy Speaker, Sir, this is my first question in this Parliament since I was hospitalised. I want the Minister to deny that Kuria Kanyingi was declared a *persona non grata* in South Africa last year. What crime did he commit which warranted him to be kicked of that country without ceremony?

Mr. Makau: Mr. Deputy Speaker, Sir, whatever hon. Ruhiu is talking about, being declared persona non-grata, is not one of the issues that we are discussing here. I do not think, that was covered extensively.

Mr. Deputy Speaker: Order! Order! We are going to the next Order.

COMMUNICATION FROM THE CHAIR

DISTINGUISHED GUESTS FROM THE CHANNEL ISLANDS

Mr. Deputy Speaker: Hon. Members, I wish to take this opportunity to recognize the presence, in the Speaker's Row of the Hon. Deputy and Mrs. Robin Rumble who are on a private visit to Kenya. Deputy Robin Rumble is a Member of the Executive Committee, CPA Jersey Branch, in the Channel Islands. We wish them a happy stay in Kenya.

Mr. Deputy Speaker: Next Order!

BILL

Second Reading

THE PHYSICAL PLANNERS REGISTRATION BILL

(The Minister for Lands and Settlement on 23.4.96)

(Resumption of Debate interrupted on 24.4.96)

Mr. Shikuku: Bw. Naibu Spika, Bunge lilipohairishwa jana, tulikuwa tukizungumza juu ya Mswada huu. Huu Mswada ambao unahitaji wale wanaoitwa kwa Kingereza Physical Planners, wawe na Board yao. Nilikuwa nimeshaliambia Bunge wakati huo kwamba, katika Kenya ukweli hauhitajiki. Hata jambo linalojulikana na kila mtu,

Waziri au Waziri Msaidizi husimama hapa Bungeni na kulikana na hali wananchi wanajua kwamba, jambo hilo ni la kweli. Pia, nilikuwa nimeeleza kwamba, ukiwa unafanya mambo ya haki, Waingereza wanasema, "your behaviour is angelic", lakini ikiwa wewe unafanya maovu, wanasema,

[Mr. Shikuku]

"your behaviour is satanic." Kwa hivyo, ikiwa nchi hii itakataa ukweli, na kushikilia ufasidi ulioko sasa, isikubali mtu mdogo apewe haki yake na ikiwa mtu akitaka kuwa Mbunge anachohitaji kufanya ni kupata fedha za kutosha. Hata kama utaua mtu au uibie Serikali ili upate pesa hizo, hayo si maovu, bora uingie Bunge. Na itasemekana eti kwamba, wewe ni Mbunge wa maendeleo, ilhali unaibia nchi hii.

Bw. Naibu Spika, ikiwa hiyo ndiyo nia ya Serikali yetu hii, basi huu Mswada ambao tunajadili, utapitishwa pamoja na marekebesho ambayo tutapendekeza, lakini Mswada ukikabidhiwa wale watakaoutekeleza, watafanya vile wanavyotaka. Ukiuliza kuwa jambo hilo likoje utaambiwa kuwa jambo hilo si kweli. Leo nimemsikiliza Waziri Msaidizi katika Ofisi ya Rais, Bw. Sunkuli, ambaye alisema ukweli kwa mara ya kwanza hapa. Amekubali kuwa kuna mambo ambayo ataenda kuchunguza na kutuletea ukweli. Kwa hayo tunasema asante. Lakini kila siku akiulizwa swali, kazi yake ni kukataa, kukataa, kukataa. Hawa physical planners tutawatafuta sana. Serikali itakapokuwa na mabadiliko, hatusemi kuwa tutalipiza kisasi. Lakini tutawatafuta wale physical planners walio katika Serikali hii na siku hiyo watajibu maswali juu ya hizi dhambi ambazo wamefanyia Kenya hii. Hicho hakitakuwa kitendo cha kulipiza kisasi. La! Imeandikwa kuwa mshahara wa dhambi in mauti. Bw. Shikuku hakuandika hayo.

Mr. Mulusya: Rudia!

Mr. Shikuku: Mhe. Mulusya anianiambia nirudie. Kila siku amuilize kasisi yeyote; atakwambia kuwa mshahara wa dhambi ni mauti, si maisha marefu. Dhambi wanazotenda zitazaa mauti yao. Kwa hivyo, haya mauti yatakapokuja baada ya hii Serikali kuondoka, wasilie.

An hon. Member: Watakuwa wamekufa!

Mr. Shikuku: Mhe. anasema kuwa watakuwa wamekufa. Sisi Waluhya tunafanya hivi: Kama utagundulika kuwa ulikuwa mtu mbaya sana, watafukua kaburi lako watoe ile mifupa yako, waichome, na lile jivu litabebwa liende limwagwe katika "*munyaanza muyalulwe*"; Litamwagwa katika bahari ya Hindi au ziwa Victoria ambalo wakati huo lilikuwa linaonekana kuwa kubwa sana. Kwa hivyo, tunapoyasema mambo haya, ni lazima wale wanaohusika wasikie.

An hon. Member: Na wazingatie!

Mr. Shikuku: Wasikie wakijua kuwa kuna mambo yanayokuja kumbu kumbu ziko. Kwa mfano, hawa physical planners wanalipwa na Serikali hii tukufu kutoka kwa ushuru wa wananchi. Mambo kama haya ya kujenga kwenye barabara au road reserves, hayafanywi usiku, yanafanywa mchana. Physical planners katika Wizara ya Mhe. Mulinge, wanaolipwa hawainui kidole. Juzi kwa mfano, katika shughuli zetu katika Public Accounts Committee, tulipewa habari kwamba ardhi ya Moi International Sports Complex Kasarani, imeingiliwa na watu na wanajenga ndani yake. Hatukuamini kwa sababu ile ni ardhi ya Serikali. Ni ardhi ya Serikali ambayo inakaliwa na Mhe. Mulinge. Itawezekana namna gani? Tulichukuwa gari letu la Bunge, mpaka Kasarani. Tukaona kwa macho yetu; watu wamejenga nyumba katika hilo eneo ambalo physical planner alisema kuwa ni la mchezo. Mambo ya hayo yalikuwa yamejulikana na Provincial Administration. Tukapata nyumba zimesimama, tukauliza, nyumba hizi zilipojengwa zikafika hapa, hao physical planners walikuwa wapi? Huu ndio ufasidi.

Mr. Achola: On a point of order, Mr. Deputy Speaker, Sir. I have no wish to disrupt hon. Shikuku, but is he in order to discuss a matter which is still before Public Accounts Committee, and which has not been presented to the Floor of this House?

Mr. Shikuku: Bw. Naibu Spika, siwezi kufanya hivyo, ninatoa mfano. Hata katika ile ripoti nyingine mambo haya yako. Nitaenda katika ile ripoti ya zamani. Nani alichukua hii ardhi? Hata jambo hili lilitajwa jana na Mhe. Nyanja. Si ilikuwa imefanywa zamani? Lakini ukweli lazima usemwe. Isitoshe, hapo mbeleni nilikuwa Mwenyekiti wa Kenya Arab Friendship Society; nikapata ofisi katika lile eneo ambamo watu wanaishi. Nimeishapata barua ndefu na fupi, nikiulizwa "wewe kama Mwenyekiti wa Kenya Arab Friendship Society, ulipopata ofisi, imekuaje ikawa Mskiti, na wengi wanaoishi pale sio Waislam, na ikifika saa ya kusali, wanapoitana, watu wote huamka hawalali"? There are even ambassadors who have written to me. Wanaishi katika sehemu hiyo. Wanauliza imekuwaje? Wanasema, "hatuwezi kulala na sisi si Waislam". This is a residential area. Sasa, physical planner alikuwa wapi? Nyumba hiyo ilikuwa katika residential area, lakini ikageuzwa ikawa Mskiti, na "*Allah-u-Akbar*" inaendelea usiku kucha, saa kumi watu wanaamshwa. Where were the physical planners? Kwa sababu physical planners ni watu wa kuangalia ni wapi patakuwa mahali pa michezo, ni wapi patajengwa shule, soko na mahali pa kuegeshea magari.

Katika Nairobi hakuna Park, ambapo unaweza kukaa, lakini ukienda Stockholm, au Washington, kama vile nilifanya juzi, utapata kuna parks tele, unaweza kukaa na kupunga hewa. Hapa Nairobi, kila nafasi imechukuliwa. Hata vyoo, vimechukuliwa. Katika Mombasa, vyoo vimechukuliwa. Sasa kuna biashara ya kwenda choo huko Mombasa. Ukitaka kwenda haja katika vyoo vya umma, vimeishachukuliwa. Ukitaka kwenda haja, unaenda kwa hoteli, katika hoteli sasa, kuna kufuli mbili. Moja inafunga choo ya haja ndogo na [Mr. Shikuku] ingine ya haja kubwa, unatia shilingi mbili, kufungua mlango wa aja ndogo, ukojoe. Lakini, ukitaka kwenda haja kubwa, itakubidi utoe shilingi nyingine mbili, ufungue mlango na kwenda haja kubwa.

Mr. Mulusya: Shilingi tano!

Mr. Shikuku: Ni biashara inayoendelea sasa.

Mr. Mulusya: Hakuna vyoo vya umma?

Mr. Shikuku: Hakuna vyoo vya umma sasa. Hapo ndipo utajua kuwa hii Serikali ni Serikali ambayo inaogua. Serikali ambayo imeingiliwa na ulafi.

Hii ni Serikali ambayo imeingiliwa na ulavi wa kutaka mali. Wananyakua hata mahali pa kwenda haja.

Wanafanya vitu hivi hata unaweza kudhani wao ni Waganda, Watanzania ama Waghana. Wananyakua kila kitu hata unaweza kufikiria wanakwenda nchi nyingine. Ajabu ni kwamba wananyakua kisha wanakaa hapa.

Bw. Naibu Spika, nchi hii iko katika hatari kubwa. Waandishi wa magazeti waache ule mchezo wao wa self-censorship. Ikiwa ni nje wafanye censorship, lakini kama wanakuja Bunge ili kuandika yanayosemwa hapa, waandike yaliyosemwa. Jana, mhe. Mulusya alikuwa ameuliza swali juu ya jambo la maji ya Chuo Kikuu cha Dayster kupelekwa kunyunyizia maji shamba la maua la mtu binafsi. Akaulizwa adhibitisho jambo hili na akafanya hivyo. Nimeangalia yale majina yaliyotajawa hapa lakini sikuyapata katika magazeti.

An hon. Member: Ukiandika maneno kama haya unanyang'anywa leseni.

Mr. Shikuku: Bw. Naibu Spika, ufahamu sasa hata waandishi wa magazeti wenyewe wanasikia tunayoyasema hapa, lakini hawawezi kuyaandika kwa sababu wanaogopa. Kama wakiandika maneno kama haya nje wanaweza kusema kwamba watapelekwa kortini lakini maneno yanasemwa katika Bunge! Sisi tunazungumza kufuatana na Katiba na sheria za Bunge hili. Kama wanaogopa waondoke wakae kule lakini yatakayopata Kenya, hata waandishi wa magazeti watayapata hayo hayo! Tena pengine wao watapata zaidi. Wajue wao ni Wanakenya na sote ni Wanakenya. Tusema ukweli ili dunia na wananchi wajue ukweli kwa sababu wasipofanya hivyo, watakiona kilichomfanya punda asimee pembe. Wananchi wanataka kusikia shida zao zikisemwa katika Bunge hili. Wakisikia jambo lao likisemwa, wanatoa pumzi na kusema, "Ah, kumbe haya maneno yamejulikana. Tumesikia yakisemwa huko Bunge", lakini kama hawasikii, na hali tunasema na magazeti hayaandiki, pressure itaendelea kujijenga na itakapopasuka hata wale waandishi wa magezeti watarushwa juu na kalamu zitaanguka upande mmoja na vitabu upande mwingine.

Bw. Naibu Spika, nilikuwa nikizungumza juu ya Physical Planning Bill. Ninataka kujua ni kwa nini hawa watu wanaopata mshahara kwa ofisi ya mhe. Mulinge hawaangilii mambo kama hayo. Waliamua tuwe na msikiti pale ili watu waamshwe kila usiku? Pia, kuna watu wengine ambao sio wa dini yangu lakini wana tabia ya kuamka usiku na kupiga ngoma. Ukiuliza unaambiwa kwamba ni watu wa dini ya roho. Anapiga ngoma usiku na kuamsha watu ambao si wa dini ya roho. Haifai kuwa namna hii. Physical planners are responsible and we will look for them. Hiyo sio kuwatisha. Ninajua kwamba ukweli hautaoza. Rekodi ziko na tutawafuata. Ikiwa watu wa Hitler wanafuatwa mpaka leo, itakuwa ni wao!

Ukiangalia katika ukurasa wa 13 wa Mswada huu, Clause 7(3) unasema, "A person who fails to comply with the requirements of a notice given under subsection (2) within twenty-one days after the receipt by him of the notice shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment not exceeding twelve months or to both."

Bw. Naibu Spika, unaona mambo yalio hapa? Ninataka pawe na adhabu. Wewe unampa mtu KShs 20,000 ama kifungo cha ndani na hali yeye hajapatiwa onyo. Saa zingine unaweza kuletewa barua na kuipata baada ya mkutano kufanyika. Saa ingine unaweza kupata barua yako imefunguliwa na kusomwa na kisha kufungwa. Hii sio siri. Inajulikana kwamba Serikali hii inafanya hivyo. Halafu wewe unakaa hapa mwishowe unapata kwamba unatozwa KShs 20,000 na pia kuingia jela kwa miezi 12 na hali hukuwa na habari hii. Tunataka waeleze hatua za kufuata na mtu apatiwe muda wa kueleza ni kwa nini hajafanya anavyostahili kufanya. Katika Sehemu ya (4) kuna hatari. Wale ambao hawatukuwa wanapendwa na Serikali hii wanaweza kunyaganywa hati zao wakati wa renewal. Inasema hivi:-

" A certificate of registration issued by the Registrar shall be valid for one year, and shall be renewable on the

payment of the prescribed fee, but where the prescribed fee has been paid in advance of the renewal date and there is no order that the name of the holder of the certificate be removed from the register, the certificate shall remain in force until again becomes due for renewal". Wewe kama ukijua ni mtu ambaye hasikizani na wao, wakati wa renewal hautapata hii hati na pia ukiangalia katika Board utapata kwamba watu ambao wamewekwa hapo ni "good boys". Tunapopitisha Mswada huu tunatengeneza kitu ambacho tunaita "jobs for the youthwingers of the big boys". Hawa watu ndiyo watawekwa hapa na wale wataopatiwa kazi watafanya vile aliyewapatia kazi anavyotaka lakini sisi tutapitisha Mswada but it is going to provide employment to some good boys of the powers that be. Hii ndiyo nilikuwa nikisema jana. Tukizungumza juu ya Mswada hapa tujue tunapitisha nini kwa sababu ikishatoka katika Bunge hili wengine wanangoja huko nje. Ni kama wale ndege ambao [Mr. Shikuku] wanangojea kula misoga ya watu. Hawa ndege hawawezi kuja kula wewe mpaka wajue kwamba hupumui tena. Saa hii wale hawaks wanangojea kule nje.

Sehemu ya (v) inasema, "If a certificate of the registration is lost or destroyed and the loss or destruction is proved to the satisfaction of the Board, the Registrar shall issue a duplicate of the certificate to the registered physical planner concerned on payment of the prescribed fee". Bw. Naibu Spika, umesikia kwamba, the explanation must be to the satisfaction of the Board? Pia hawa wanaweza kukataa. What will happen to these physical planners? Yeye alikuwa na hati, alihitimu vile imeelezwa mahali pengine na hati yake imepotea. Akienda kule akieleza hivi kama wale watu hawamtaki, watasema kwamba hawajatosheka na maelezo yake. Swali ni hili: Atafanya nini? Ninazungumza nikijua kwamba ninazungumza juu ya Mwafrika mwenzengu mwenye nywele ngumu. Mwafrika ambaye hataki haki. Mwafrika ambaye hapendi ukweli. Mwafrika ambaye anafahamu kitu kimoja tu; kitu kidogo na vitu vidogo vitatolewa sana kupata hati hiyo.

Leo ukienda katika afisi ya Serikali ili kuhudumiwa, utapata kitabu cha kuchangisha pesa za Harambee. Ukilipa mchango huo Shida yako itashughulikiwa. Hata tarishi huwa anataka chai yake kidogo. Utaanza kutoa kitu kidogo kwa kila afisa, na utafanya mpaka utakapofika kwa Waziri mwenyewe pesa zako zitakuwa zimekwisha. Hii ndiyo hali ya dunia. Zamani tulikuwa tukisema Nigeria ilikuwa na ulaji rushwa mwingi. Lakini nafikiri kwamba ulaji rushwa hapa Kenya uko karibu kuushinda ule wa Nigeria. Nigeria ina mafuta na hali iko katika hali mbaya kiuchumi. Sisi ambao hatuna hata mafuta ya taa, tuko karibu kuipita Nigeria kwa ulaji rushwa.

Bw. Naibu Spika wa Muda, mimi ni mmoja wa watu waliopigania Uhuru wa nchi hii, lakini wakati mwingine nikilala, naona uchungu sana na kushangaa kwa nini nilipigania Uhuru. Hii ni kwa sababu Mwafrika alipopata madaraka, alianza kumfanya mtu mdogo zaidi ya vile mkoloni alivyomfanya. Huyo ndiye Mwafrika, ambaye ana nywele ngumu. Yeye ana roho chafu au nyeusi. Tulifikiri kwamba Waafrika wakipata madaraka, watawasaidia wananchi ili waweze kuendelea mbele. Lakini sisi wenyewe tumekuwa kikwazo kwa maendeleo ya watu waliotuchagua! I do not think that even Satan would welcome us to his kingdom! Sifikiri kwamba Shetani anaweza kutukubalia kuwa katika kikundi chake, kwa sababu sisi tu wabaya sana.

Wakati huu ninapozungumza hapa watu wengi wamekuwa millionaires katika siku moja kupitia uuzaji wa ardhi, hata ingawa tuna physical planners. Mtu anaambiwa atafute ploti, hata kama inatumiwa na watoto kwa michezo. Akiipata anaipoleka kwa Kamishina wa Ardhi ambaye anampatia hiyo ploti. Ningependa kupendekeza kwamba kabla ya Kamishina wa Ardhi kutoa ardhi kwa mtu yeyote awe akipata kibali cha Waziri wa Ardhi na Makao. Hii ni kwa sababu utoaji ardhi kwa watu umekuwa kama biashara. Mimi najua kiongozi wa nchi hii ana roho nzuri. Kwa hivyo, watu wakimwenenda na shida tofauti tofauti anawasaidia. Lakini yeye hawezi kujua kama ploti fulani ni uwanja ambapo watoto wa shule wanacheza au ni park. Ningependa mtu anayekwenda kwa kiongozi wa nchi hii akitaka kupewa ardhi awe akitumwa kwa Waziri wa Ardhi na Makao kwanza. Inafaa Waziri naye awe akiwauliza physical planners wake kudhibitishwa kama ploti fulani inafaa kutolewa kwa mtu binafsi. Hii ni kusema kwamba inafaa uwezo wote wa kutoa ploti uwe wa Waziri wa Ardhi na Makao.

Jana tuliambiwa kwamba barabara ya Langata ina msongamano mkubwa wa magari wakati wa asubuhi na jioni. Petroli nyingi sana inatumika wakati magari yananguruma yakiwa katika msongamano huo. Kwa nini jambo hili linafanyika? Hii ni kwa sababu physical planning ni mbaya. Barabara hii haiwezi kupanuliwa kwa sababu sehemu yake ya kando kando imenyakuliwa na kutumiwa kujengea vituo viwili vya petroli. Hatuwezi kuwalaumu watu waliofanya hivi kwa sababu Serikali yetu imekuwa sawa na kikundi cha mafia. Hii Serikali ni sawa na kikundi cha mafia. Kama si ya kikundi cha mafia tunataka Waziri ahakikishe kwamba vituo hivyo vya petroli vinaondolewa na barabara hii inafanywa kuwa dual carriage. Ni lazima tuwe na physical planners ambao wanatenga sehemu za kujengea makanisa, misikiti na mahali pa kupungia hewa. Tunataka kuwa na mahali ambapo mtu na bibi yake

wanaweza kukaa na kuongea wakati watoto wao wanapocheza kando kando yao. Ukienda Washington, Stokholm na miji mingine ya zamani utapata mahali pa kupumzika. Hapa Nairobi kumebaki viwanja vya Uhuru Park na City Park. Lakini hata uwanja wa City Park umeanza kuchukuliwa. Physical Planners wamenyamaza na kuwakubalia watu kujenga katika uwanja huo. Jiji hili lina watu zaidi ya million tatu. Hata kuna watu waliotaka kujenga nyumba ya orofa 60 lakini "Mungu aliwakataza". Hii ni kwa sababu waligundua kwamba kulikuwa na maji chini ya uwanja huo.

Bw. Naibu Spika wa Muda, hata ardhi ya Shirika ya Reli la Kenya imeingiliwa. Njia ya reli inatakiwa kuwa na yadi 40 katika kila upande. Lakini utaona kwamba ardhi hiyo imechukuliwa. Watu hawajui kwamba katika siku sijazo tutakuwa na magari moshi mengi. Ingawa waheshimiwa Wabunge huenda Ulaya, wakifika huko "wanayatoa macho yao na kuyaweka mfukoni", na kwa hivyo hawaoni.

Dr. Lwali-Oyondi: Jambo la ufahamisho, Bw. Naibu Spika wa Muda. Ningependa kumjulisha mhe Shikuku kwamba hiyo ardhi ya Shirika la Reli la Kenya wakati huu imetangazwa katika magazeti na mkuu wa shirika hilo kwa minajili ya kuiuza. Ardhi hii ni tofauti na ile inayonyakuliwa na watu binafsi.

Mr. Shikuku: Ahsante sana, mhe Lwali-Oyondi kwa jambo hilo la ufahamisho. Anayefanya hivyo ni profesa mzima. Prof. Musuva anaitangaza ardhi hii ili aiuze, ingawa anajua kwamba idadi yetu ya watu inaongezeka kila siku. Utafika wakati ambapo tutahitaji njia mbili za reli ziende katika kila upande. Nilikuwa nikisema kwamba waheshimiwa Wabunge wakienda katika nchi za ng'ambo wao "hutoa macho yao na kuyaweka mfukoni". Kwa hivyo hawaoni maendeleo yalivyo huko. Katika nchi hizo za ng'ambo kuna njia mbili za reli zinazoelekea kila upande. Tutawezaji kuwa na njia mbili za reli za kwenda kila upande ikiwa ardhi ya Shirika la Reli la Kenya imechukuliwa? Hii ndio sababu nimesema kwamba viongozi wakienda katika miji ya ng'ambo "wanayaweka macho mfukoni", na kuanza kuangalia majengo marefu ya orofa. Kwa sababu hii hawasomi chochote.

Kwa mfano, Wabunge wengi wameenda Ulaya. Wanapokuwa katika ndege wanaona shamba ambalo eneo lake ni sawa na eneo la kutoka hapa hadi Voi. Mashamba hayo hayakatakatwi. Lakini hapa kwetu watu wakinunua shamba fulani wanataka kila mtu agawiwe nusu au robo ekari. Jambo hili linafanyika na hali watu hao wanaendelea kuzaa. Hii ina maana kwamba watoto wao wataigawa ardhi hiyo zaidi. Ugawaji ardhi huo utaendelea hadi kukosekane mahali pa kukuza chakula cha kuwalisha watu walio katika mijini.

Watu wa physical planning hawafanyi planning na kuna Wizara wa Ardhi na Makao, ambayo pia inahusika na physical planning. Wizara lazima ipange vile ardhi itakavyotumiwa. Tunaendelea kupiga siasa tu na hali miaka 33 imepita tangu tujinyakulie Uhuru. Lazima tupange badala ya kuendesha siasa. Tunasema kila mtu apewe cheti cha kumiliki shamba lake hata ikiwa ni ekari moja au nusu ekari. Hii ni siasa mbovu. Hata wale wa vyama vya ushirika wafanyiwe planning ili ikiwa watu wamenunua mashamba pamoja, waweze kujenga sehemu fulani. Waletewe maji ili wajenge maduka na kumbi za mikutano na sinema, ili wakitoka hapo kwenda kulima, warudi hapo tena. Siyo kukatakata ovyo ovyo. Tutakuwa waombaji mpaka lini? Ukitumia ardhi yako vibaya, hautapata mashamba chakula cha kutosha. Itakubidi kwenda kuomba. Wazungu wamechoka kutupatia chakula.

An hon. Member: You are right!

Mr. Shikuku: Hii ni kwa sababu hatutaki kupanga vizuri. Ukweli ni kwamba, hatutaki kuwaambia watu wetu kwamba siyo kila mtu atapata ardhi na ploti. Lakini hatuwaambii hivyo bali tunawaambia waendeleo na sasa ni wakati wa kunyakua. Unanyakua na unakaa hapa katika Bunge hili. Ubaya ni kwamba kuna rekodi ya majina ya hawa watu wanaonyakua maploti na tutazifuata hizo rekodi. Hata ukiwa umepewa ploti na kuuzia Mhindi na kupata milioni tatu au nne, na kuwa milionea mala moja, utafuatwa. Unafikiri ukimuzia Patel kwamba mambo yamekwisha. Lakini tutawafuata mpaka mwisho. That is the day you will wish you were never born. Ukurasa wa 14, unahusu inspection of the register. Unasema ifuatayo:-

"Any person may during normal office hours, and on payment of the prescribed fee, inspect the register of any document or anything in the register, and may obtain from the register, a copy of all or extract from the register or any such document".

Bw. Naibu Spika wa Muda, jambo hili ni nzuri. Lakini litafanyika kweli? Halitafanyika. Sasa tunaambiwa kwamba hapo zamani wakati wa ukoloni, watu walikuwa wanatoa shilingi mbili kupewa majina ya wakurugenzi wa kampuni fulani, wakati ilipoandikishwa na kadhalika. Lakini juzi wengine walijaribu kwenda pahali nilikuwa na mhe. Muite. Walienda kwa registrar kutafuta majina ya watu karibu 12. Lakini hawakupata. Faili imepata "miguu".

Tunatunga sheria lakini hazifanyi kazi. Kwa nini tunalipwa kuzungumzia hii Miswada na hali tunajua

kinachofanyika? Ukienda kwa registrar, utaambiwa ako likizo na amekwenda na ufunguo. Ukienda wakati mwingine, utapata yule yule registrar amekwenda safarini. Utaambiwa kuja kesho-kutwa mara nyingi mpaka uchoke na kukaa nyumbani. Na sheria hapa, katika Kifungu cha kumi inasema:- "Mwananchi atatoa kiasi fulani cha pesa apewe rekodi kuangalia faili ya hawa watu". Ukweli ni kwamba hatapata hiyo rekodi. Kama wakubwa wameshafanya kitu huko, hatapewa hiyo faili akague. Na tunapitisha sheria hapa. Ina maana gani?

Bw. Naibu Spika wa Muda, hili ni jambo ambalo tunataka lifanyiwe marekebisho ili kuhakikisha kwamba wakati wowote faili hiyo haitapotea. Under no circumstances should the register disappear, and if it gets lost, the registrar should appear before a court of law to answer charges.

Mr. Mulusya: The Registrar should also "miss".

Mr. Shikuku: Lazima tuweke katika huu Mswada vile registrar atafanywa ikiwa faili itapotea. Lakini tukiwacha mambo hivi hivi, faili itabakia na Registrar of Companies. Utakuwa ukienda kutafuta faili ya kampuni fulani na hutaipata. Utakuta imepata "miguu". Lazima kuwe na Kifungu cha kuonyesha ikiwa faili imepotea, Registrar ndiye atafuatwa. Atakuwa amevunja sheria. Itakuwa ni criminal offence for the register not to be available. Najua haitapatikana. Mtindo hapa Kenya ni kwamba ukiwa tajiri, wewe ndiyo kiongozi. Hata ukiuza ploti za National Social Security Fund (NSSF) na upate Kshs20 bilioni, wewe ndiyo kiongozi. Leo tumeambiwa kwamba kiongozi anayelitwa Kanyingi ni mtu wa siasa na maendeleo. Lakini hakuna anayeuliza hizi pesa zote anapata wapi na mshahara wake ni kiasi gani?

An hon. Member: Yeye ni makanika tu!

Mr. Shikuku: Thieves are princesses in Kenya. Wale wanaosimamia ukweli ndio adui wakubwa wa taifa la Kenya. Lakini wezi ambao wanauza ploti kwa NSSF kwa bei kubwa ndiyo viongozi. Mambo haya yako katika Public Investments Committee (PIC). Hizo pesa ndizo anatoa katika Harambee. Hizo ni pesa za watu wadogo ambao ni maskini. Wafanyakazi wengine wamekatika mikono na miguu na hawajalipwa pesa zao. Hata mawakili wengine ambao wanapelekewa kesi za kukatika mikono na miguu na hao maskini, wanachukua hizo kesi. Lakini makampuni yanapolipa fidia mawakili pesa za yule maskini, mawakili wanaweka hizo pesa kwa accounti zao. Wanakula interest ilhali yule maskini wa mguu mmoja anaenda kwake kila siku kumuuliza mambo ya malipo yake. Dhuluma kwa mtu wa kawaida katika taifa la Kenya haisemekwi. Ufisadi unaoendelea unamuudhi mtu mdogo sana. Maskini ambao wamekatika mapaja, mikono na hata wengine wamekuwa vipofu, wanapolipwa pesa zao kupitia kwa mawakili wao, pesa hizo hazimfikii. Mawakili pia wanakula.

The Temporary Deputy Speaker (Mr. Wetangula): But there are also physical planners.

Mr. Shikuku: Bw. Naibu Spika wa Muda, ikiwa physical planners wangepanga vizuri watu wangekuwa wazuri. Mambo haya hayangetokea. Iko siku nitakua hapa na orodha ya watu wakiwemo mawakili ambao wanakula pesa za wadogo wanaoumia. Kuna wengine hawafanyi hivyo. Lakini kuna wengine hawaendi kortini. Wanaangalia ikiwa kuna ajali ya barabarani na wanakimbia hapo. Wao ni kama vultures. I wish somebody would ask me to substantiate.

An hon. Member: Ambulance chasing.

Mr. Shikuku: Ambulance chasing huku wanataka kula mizoga.

Mr. Busolo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Can hon. Shikuku substantiate his remarks with the facts and table a list of these lawyers who are always behaving like vultures in cases of accidents?

Mr. Shikuku: That is common knowledge. Mimi nikisema jambo katika Bunge hili huwa lina ushahidi. Nataka niulizwe tu hili nitoboe. Hili ni jambo ndogo sana. Akitaka nitamwonyesha wale watu ambao kesi zao zililipwa na bado hawajapata pesa zao. Mimi siwalaumu employers. Hawa wanalipa kupitia kwa mawakili lakini mawakili hawamlipi huyu maskini. Kuna kesi nyingi sana. You do not substantiate the obvious.

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

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

Mr. Shikuku: Ndiyo, ninempatia nafasi.

Mr. Badawy: Ahsante, Bw. Naibu Spika wa Muda. Ninamuunga mkono mhe. Shikuku, na nina taarifa ambayo nataka kutoa mkono. Huko Malindi, kuna wakili ambaye ana ofisi Malindi lakini kwao ni Nairobi na ambaye hawalipi wananchi pesa zao. Hapa niko na orodha ya kesi 22 na nina ushahidi hapa wa kuthibitisha kuwa nne kati ya cheki zilizotoka kwa kampuni moja ya bima hawajalipwa pesa zao mpaka leo. Kwanza hapatikani, ameacha makarani wake ofisini. Hivi majuzi niliandikia the Law Society of Kenya na kuiomba iangalie namna ya

kuwasaidia watu hao. Hayo maneno ambayo mhe. Mbuge amesema ni kweli kabisa.

Mr. Shikuku: Asante, Bw. Naibu Spika wa Muda. Ukweli haufichiki. Unaweza kufichwa kwa mda lakini utatoka, ni kama moshi.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Shikuku, do not malign lawyers. But what does that have got to do with physical planning?

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, I am not maligning them. Ninasema tu ukweli vile mtu mdogo anavyopata taabu, hata kutoka kwa wakili na Wabunge.

The Temporary Deputy Speaker (Mr. Wetangula): Tuambie ufisadi kuhusu physical planners; wachana na mawakili.

Mr. Shikuku: Bw. Naibu Spika wa Muda, hawa mawakili ndio hatari sana.

(Applause)

Kifungu 14 ambayo kinahusiana na documents, kinasema hivi:

- (i) "in any legal proceedings, a document purporting or an extract form, the register or any document kept or published and certified by the Registrar to be true copy or extract shall be admissible as a prime facie evidence of the contents of the register or document.
- (ii) Registrar shall not in any legal proceedings, to which he is not a party be compelled."

Mimi si wakili, lakini wanasema hivi: "he shall not be compelled" Je, kwa nini, na extracts hizi tunapata kutoka kwake? Atakwambia, "I am not compelled to give you this or to do that". Sasa hii ni sheria gani tunapitisha? Atakwambia, "I am sorry, I am not compelled". After all you did not appoint him; the Minister appointed him. Mkubwa wake ni Waziri. Na wewe mwananchi ukienda huko, anakwambia, "I am not compelled to produce the register or any document, if its contents can be proved under Section 1". Sasa huu ni Mswada gani tunapitisha? Tunataka awe compelled. Ikiachwa hivi ninaona loophole kubwa sana kwa sababu raia hatakuwa na nguvu kupata hivi vitu kutoka kwao. Na siku hizi unafikiri kumwona mkubwa kama Permanent Secretary ni mchezo? Utangojea kule waiting room, lakini kuna wale wengine wenye rangi brown kidogo, kutoka upande wa Asia, wanaingia mara moja, na wewe unangojea hapo. Mtu mdogo atapata nafasi saa ngapi kumwona mkubwa? Haonekani mpaka upate appointment. Registrar ni mtu mdogo lakini sisi hapa tunampatia ukubwa. Kwa hivyo, mimi nataka mtu huyu awe compelled kuona mtu yeyote ambaye anakuja kwake na ambaye anataka hizi records apewe bila kutimiza haya masharti yanayowekwa hapa.

Tukifika wakati wa Committee Stage, tungetaka Waziri ambaye anahusika alete amendments ya kumwambia kwamba huyu ambaye tutamwandika kazi kama Registrar awe compelled kuwahudumia wananchi. Hii tabia ya kutohudumia wananchi haiko hapa peke yake. Siku hizi PC, DC na DO ndiyo wakubwa wa watu. Tena pia wao wanapigiwa kofi ya kilo. Kama hiki, "DC karibu pamoja na PC, tunawakaribisha wote". Na hao hawakupigiwa kura. These people are too big, yeye ni mfanyakazi wa Serikali lakini anapigiwa kofi ya kilo. Kofi ya kilo haipigiwi Mawaziri, inapigiwa PC na DC. DC hupigiwa makofi ya kilo hivi: "Karibu, tunakupenda DC wetu". Hii ni nini? Hii Serikali ni ya siasa au ni ya civil servants? Wamekuwa wakubwa pia wanapigiwa makofi ya kilo?

An hon. Member: Tell them!

Mr. Shikuku: Juzi, mhe. Orenge, ambaye ni wakili alitwambia kwamba katika sheria hizi, hakuna mahali kuna madaraka ya hawa PC, kuwalizimisha watu waende kwao kutoa ushahidi. Mhe. Orenge ni mwana sheria, na mimi nasikiliza maneno yake tu. Hapa hakuna sheria. Lakini utaona unaitwa na PC. Hata anaita mtu wa Mungu. Bishop Mwana a' Nzeki alitwa chini ya sheria gani? Alikuwa kanisani akihubiri Injili ya Mungu na anaitwa na mtu mwongo or agent of Satan. Yale Bishop Ndingi Mwana a'Nzeki alisema ni ya ukweli na tunamuunga mkono. Kama hii Serikali ni ya wanaume, hebu wampeleke kortini. Jaribuni! Kwa nini hamsemi juu ya lorry ambayo alizungumzia? Mnasema tu juu ya helicopter na siyo ya lorry. Hizo lorry zilikuwa zinaenda wapi? Kama Serikali inajua kwamba Bishop Ndingi Mwana a'Nzeki alisema uwongo, wampeleke kortini. Wasipompeleka kortini, Serikali inaendeshwa na liars.

Dr. Lwali-Oyondi: On a point of information, Mr. Temporary Deputy Speaker, Sir. Hapo mbeleni, niliona helicopters na macho yangu, hata bila miwani, zikienda huko msituni. Hawa Maaskofu wako na video cameras, na inaonyesha vizuri kwamba hizo helicopters ambao zilikuwa zina weka mishale huko. Wananchi tena walipoona hizo helicopters, wakawa na tashwishi kabisa.

The Minister for Education (Mr. Kamotho): On a point of order, Mr. Temporary Deputy Speaker, Sir. What is the relevance of what hon. Dr. Lwali-Oyondi is talking about? After hon. Shikuku introduced a very irrelevant factor to the current Bill, and now his brother stands here to support him with more irrelevance.

Dr. Lwali-Oyondi: I am the hon. Member for Nakuru Town.

Mr. Shikuku: Bw. Naibu Spika wa Muda, huyu Bw. Kamotho hajachaguliwa. Alikuwa hapa hivi---

The Temporary Deputy Speaker (Mr. Wetangula): He is here lawfully.

Mr. Shikuku: Lawfully; lakini alishindwa huko kwao. Dr. Lwali-Oyondi alichaguliwa, siye kama mhe. Kamotho ambaye aliletwa hapa baada ya kushindwa. Kama ingekuwa ni mini nilishindwa, singesema chochote. Aibu ingeniwa. Lakini yeye baada ya kushindwa bado anazungumza hapa. Ukiwa na mtoto kama huyu, ujue kweli umepotea.

(Laughter)

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Kamotho is right in his raising a point of order. What is the relevance of requesting the Government to charge Bishop Ndingi Mwana a'Nzeki to physical planning?

Mr. Shikuku: Bw. Naibu Spika wa Muda, hiyo misitu ambamo helicopters zilionekana ni ya Serikali. Ni yangu na ni yako na watu wanaingia huko na lorry na helicopters. Ikiwa Mtukufu Rais alikwenda na helicopter moja, ya pili ilikuwa ni ya nini? Si kazi ingeendelea?

Mr. Busolo: On a point of information, Mr. Temporary Deputy Speaker, Sir. There is relevance of this matter in the sense that since---

The Temporary Deputy Speaker (Mr. Wetangula): You are supposed to be informing hon. Shikuku not me.

Mr. Busolo: Yes, Mr. Temporary Deputy Speaker, Sir. In Molo forest, land was being allocated. Recently, some land was given to Kipsigis and the Dorobos. The Kipsigis tried to incite the Dorobos to fight the Kikuyus, but the Dorobos said: "Since Independence, we have not been given any land, why do you want us to fight Kikuyus? If things go against you, you can go back to Kipsigis or Kericho, while we have nowhere to go". That issue concerns physical planning because it touches on the existence of forests.

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Temporary Deputy Speaker, Sir, can you please clarify the matter in relation to the Bill we are discussing? Are we discussing physical planning or telling stories?

Mr. Shikuku: Bw. Naibu Spika wa Muda, ninataka mhe. Mulinge asimame hapa na akanushe. He is responsible for all the land including forests in the Republic of Kenya.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Shikuku in order to threaten me when I want to rise on a point of order?

The Temporary Deputy Speaker (Mr. Wetangula): The Floor is yours, hon. Misoi.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Thank you, Mr. Temporary Deputy Speaker, Sir. Is hon. Shikuku in order to mislead this House and bring in irrelevance to a Bill that deals with physical planners? The foresters have nothing to do with physical planning, it is an environment matter.

Mr. Shikuku: Bw. Naibu Spika wa Muda, nataka nisahihishwe na nitasema pole kama mhe. Mulinge si yeye anayehusika na ardhi yote katika Jamhuri hii and physical planning. Akisema hapana, basi mimi nitakaa chini. Nampa nafasi hii!

An hon. Member: Are you in charge?

Mr. Shikuku: Bw. Naibu Spika wa Muda, yeye ndiye anayehusika na ardhi na misitu. Na mimi ninazungumza juu ya physical planning ya ardhi yote katika Jamhuri ya Kenya.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Shikuku, I want to be told under what Standing Order you are daring hon. Mulinge because you are contributing to the Bill and I do not see how the daring comes in? It is as if you are having your own opinion.

Mr. Shikuku: Bw. Naibu Spika wa Muda, mimi sikushurutisha mhe. Mulinge. Lakini nilisema kama yeye

anahusika---

The Temporary Deputy Speaker (Mr. Wetangula): If it is your view that Gen. Mulinge is in charge of all land in this country, that is your view. If he thinks otherwise, he will stand up and reply and say so. Why do you want to dare him at this stage?

Mr. Shikuku: Bw. Naibu Spika wa Muda, ni kwa sababu mhe. Misoi alisimama hapa na kusema kwamba ninazungumza mambo ambayo si muhimu katika Mswada huu.

The Temporary Deputy Speaker (Mr. Wetangula): He was not speaking on behalf of hon. Mulinge. Proceed!

Mr. Shikuku: Asante, Bw. Naibu Spika wa Muda. Nitaendelea kuuchangia Mswada huu "*Wallahi Aladhimu*" wataniona.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. I still maintain that hon. Shikuku is not in order to threaten hon. Members and swear "*Wallahi Alhamdulillah!*" Is he not out of order?

The Temporary Deputy Speaker (Mr. Wetangula): What did he say?

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Mr. Temporary Deputy Speaker, Sir, he used a language which is "*Wallahi! Wallahi!*" That swearing, I think, is out of order.

Mr. Shikuku: Bw. Naibu Spika wa Muda, sikusema yale anayosema mhe. Misoi. Nilisema "*Wallahi Radhimu!*" Maana yake ni kuwa naapa kwa Mwenyezi Mungu yale ninasema ni ya kweli. Na hapa katika Bunge hili tunapoanza mazungumzo yetu, Bw. Spika husoma "Mwenyezi Mungu utusaidie---"

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Mr. Temporary Deputy Speaker, Sir, I thought that he was speaking in

Kiswahili, and he has changed to another language. Is that in order? That is Arabic!

Mr. Shikuku: Bw. Naibu Spika wa Muda, there are quotations and you can quote in any language even in Kalenjin!

(Laughter)

The Minister for Home Affairs and National Heritage (Mr. Lotodo): Bw. Naibu Spika wa Muda, nasimama kwa jambo la nidhamu. Ningependa kujua kutoka kwako, tangu leo, mimi naweza kusimama na kuzungumza katika lugha ya Kipokot na kusema haya anayosema? Bw. Naibu Spika wa Muda, kama unakubali, tuambiwe; Kiturkana, Kidorobo---

The Temporary Deputy Speaker (Mr. Wetangula): Order! I believe you all know that the history of Kiswahili. It is a pedigree language born out of Bantu, Arabic, Portuguese, German and other coastal languages.

Mr. Shikuku: Bw. Naibu Spika wa Muda, unatusaidia sana. Elimu haina mwisho na kama wazee hawa, kwa mfano, Waziri wa Mambo ya Ndani na Turathi za Kitaifa, yeye anataka kufundishwa!

(Laughter)

Mr. Mulusya: On a point of information, Mr. Temporary Deputy Speaker, Sir. I want to inform hon. Shikuku that what Mr. Temporary Deputy Speaker, Sir, and what hon. Misoi have said is that Kiswahili language was born out of various language. They say education is a continuous process. And even when you are sitting on that side as either illiterate or semi-literate Minister, you have to continue to be taught even here in Parliament.

Mr. Shikuku: Bw. Naibu Spika wa Muda, nimesoma huu Mswada na ninataka---

The Temporary Deputy Speaker (Mr. Wetangula): If you continue addressing every available information, you will be interrupted.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Mulusya to impute improper motive on a Minister sitting on this side that he is either illiterate and so on, that he has to be educated? There are no illiterate Ministers on this side!

Mr. Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Mulusya, you have no Floor!

Mr. Shikuku: Bw. Naibu Spika wa Muda, tunataka tuzungumze mambo ya Mswada huu. Mambo mengine tunafanya mzaha, lakini hatuwezi kusahau lile jambo tunataka kuzungumza.

Mr. Temporary Deputy Speaker (Mr. Wetangula): We like the humour, hon. Shikuku, but let us hear the facts!

Mr. Shikuku: Bw. Naibu Spika wa Muda, waheshimiwa wabunge wezangu watanipa nafasi kwa sababu ninaposimama kuzungumza huwa nimesoma Mswada kama huu. Mimi niko makini sana na hakuna siku ambayo mimi sijakuwa makini. Huyu ananiambia niwe makini naye alinipata hapa na ataniacha hapa. Sasa ni nani atafundisha mwingine? Hatakuja hapa wakati huo mwingine; tumewaona wengi wakiingia na kutoka kupitia ule mlango na utamuona akiondoka!

Katika ukurasa wa 17, kifungu cha 12(2) nataka kuwaonyesha mahali ambapo nataka kuzungumzia. Kifungu cha 12(2) "A person shall not be eligible to take examination prescribed by the Board, unless he has had two years post-qualification practical experience in physical planning." Nacho kifungu cha 12(3) kinasema, "Notwithstanding the fact that an applicant is qualified in terms of sub-section(1), the Board may require the applicant to satisfy the Board that the professional and general conduct has been such that, in the opinion of the Board, he is fit and proper person to be registered under this Act and the Board may direct registrar to postpone the registration of the applicant until it is so satisfied."

Hapa katika Kifungu hiki cha 12(2), wanasema wanaweza kumwuliza afanye mtihani. Hapo mimi sipingi kwa sababu hata naona mawakili wakishafuzu na kama alikuwa amekwenda kusomea ulaya itambidi aje hapa na aende Kenya School of Law. Hapo mtu huenda na akapita mtihani.

Lakini katika Kifungu cha 12(3) wanasema kwamba akishafaulu katika Kifungu cha 12(1) pia anaambiwa "In the opinion of the Board." Board can have any opinion of (b) or anybody else. They may like or dislike him. Ikiwa yeye amefanya mtihani, opinion ni ya nini? Amefaulu na amekwenda kwa miaka miwili halafu wanataka tena opinion ya Board.

Kwa nini wasitayarisha mtihani kuhusu maoni ya Halmashauri? Hii yote ni kujaribu kuweka vikwazo katika siku zijazo ili wale ambao hawatakiwi wasiweze kusajiliwa. Haya ni maoni ya wale watu wengine, na pengine, wengine wao hawajafanya mtihani. Halmashauri itasema: "Ijapokuwa umehitimu na una ujuzi wa miaka miwili, ni lazima upite kwa maoni yetu". Kwa nini wasitayarisha mtihani wa maoni? What is this opinion? Hicho ni kifungu kimoja ambacho ninafikiri ni vizuri kitupiliwe mbali. Mtu akiisha hitimu na amepata ujuzi wa miaka miwili, haya maoni ya Halmashauri ni ya nini? Katika kifungu nambari 13, wanaendelea kusema:

"An application made to the Board under clause 12 shall be considered by the Board and, if it is satisfied that the applicant is so qualified, it shall accept the applicant for registration".

That is fair enough. Wanaendelea kusema:-

"When the Board has accepted an applicant for registration, it shall direct the Registrar to enter the name of the applicant in the register."

Hii yote, ninaona ni sawa, lakini kile kitu cha ajabu ni hiki Kifungu 13 (3):-

"The Consideration of an applicant under this section shall be done by the Board and shall not be delegated to any committee of the Board".

Ninaunga mkono hii kwa sababu wakiunda kamati ndogo ya hii Halmashauri, inaweza kufanya mambo mengine mabaya. Jukumu hili litekelezwe na Halmashauri kamili, na jambo lolote likishapitishwa na hii halmashauri, na liwe hivyo. Pia, wakitaka [**Mr. Shikuku**]

kukataa kufanya "licence renewal", itabidi kuwe na Halmashauri kamili ya kukataa na waeleza sababu zinazowafanya kukataa. Pia, Waziri lazima alete sheria hapa ambayo tutahitaji kupitisha. Sioni mahali popote ambapo mtu anaweza kukata rufani ikiwa Halmashauri itatupilia mbali ombi lake. Huyu mtu atakwenda wapi? Ikiwa hayo maoni ya Halmashauri hayamtaki, atakata rufani kwa nani? Sioni Mswada huu ukitaja kwamba mtu kama huyu anaweza kwenda kwa Waziri. Kwa hivyo, tunahitaji kifungu cha kushughulikia jambo hilo la kukata rufani. Mimi sijaiona hapa, lakini kama kunayo, nionyeseni.

The Temporary Deputy Speaker (Mr. Wetangula): Clause 19, on page 19. Right at the top.

Mr. Shikuku: Ndiyo, Bw. Naibu Spika wa Muda. Nimeiona. I remember I had even marked it there.

This Clause states:-

"Any person aggrieved by a decision of the Board may, within twenty-eight days after he has received the

written decision of the Board, appeal to the High Court against the decision of the Board--" Ahsante sana. Hiyo iko hapo, lakini wanasema "within 28 days". Saa zingine, unaweza kuwa umeandikiwa hiyo barua na haikufikii. Mambo kama haya hutendeka. Wanakalia hiyo barua na utaipata kama hizo siku zilizowekwa zimeisha. Hauna nafasi ya kwenda kukata rufani. Wanakwambia hiyo rufani yako imechelewa kwa sababu zile siku zilizowekwa kwa sheria zimekwisha. Umeandikiwa barua ya kukataa hilo ombi lako, lakini hiyo barua inakaliwa. Sasa utajuaje? Mimi ninajua jambo hilo kwa sababu, siku moja niliitwa na chama cha Labour cha huko Uingereza kuhudhuria kongamano yao. Barua yangu ilikuja na ikakaliwa na shirika la posta. Wakati ilipokuwa imebaki siku moja kabla ya kongamano hiyo kumalizika, ndipo nilipata barua hii kwa posta, na ilikuwa imefunguliwa. Kitu kama hicho kinaweza kutendeka. Mmesema huyu mtu ambaye ombi lake limekataliwa na Halmashauri anaweza kukata rufani kabla siku 28 hazijaisha. Hiyo barua ya kukataa hilo ombi inaweza kukaliwa ili aipate kama huo muda wa siku 28 umeisha. Ninafikiri muda huu wapaswa kuongezwa ili uwe siku 90, ukitilia maanani ufisadi mwingi uliopo sasa katika jamii yetu.

The Temporary Deputy Speaker (Mr. Wetangula): The Clause says: "Twenty-eight days after receiving the written decision of the Board", not when the decision is written.

Mr. Shikuku: Yes, they say 28 days after receiving, but you will not receive it. Mimi nimekupatia ule mfano wa hiyo Kongamano ya chama cha Labour, huko London. Sikuiipata hiyo barua. Hata juzi, nilienda kwa International Republican Institute. Waliniandikia lakini hawakuona majibu. Iliwabidi wanitumie fax ndipo nikajua kuna kongamano Korea. Niliporudi ndipo nilipata barua hiyo.

An hon. Member: Ilikuwa wapi?

Mr. Shikuku: Kwa posta. Hauipati! Sisi katika Upinzani tunafanyiwa mambo mengi ya kusikitisha. Hata juzi, walikubali kwamba walifungua barua ya mwenyekiti wangu na wakaisoma; barua ambayo alikuwa ameandikiwa na rafiki yake kule London. Huo ndiyo mchezo unaofanyika katika Kenya. Kwa hivyo, tunapopitisha hii sheria, tunataka "safeguards". Barua kama hii ni lazima iwe "hand delivered" kwa mtu kama huyu, au watumie huduma ya kuaminika kama DHL, na mtu huyu aweke sahihi kwamba ameipokea, pia aonyeshe ni siku gani ameipokea hiyo barua. Lakini tukipitisha Mswada huu vile ulivyo, mambo yatakuwa mengine kwa sababu hii Serikali na hawa wananchi wenye nywele ngumu na nyeusi ni matata sana. Injustice is the order of the day in the Republic of Kenya.

Bw. Naibu Spika wa Muda, kuna Kifungo 14 ambacho kinasema:-

"Where a person satisfies the Board-

- (a) that he is qualified under section 12;
- (b) that he is not ordinarily resident in Kenya; and
- (c) that he is or intends to be resident in Kenya and engage in practice as a Physical Planner for the specific work for which he has been engaged;

the Board may direct the Registrar to register that person, either for a period not exceeding one year or for the period of the duration of the specific work which he has been engaged to do".

Bw. Naibu Spika wa Muda, hapa ndipo kuna "loophole" nyingine ya magendo. Tuna ushahidi wa kutosha kwamba kuna Wahindi na Wazungu hapa ambao wamepewa "work permits" kufanya kazi ambazo zinaweza kufanywa na wananchi wa nchi hii. Tuna ushahidi kwamba kuna watu wengine hapa ambao walikuja hapa kama karani tu, na sasa, wao ni wakurugenzi wa benki hapa. Kuna wengine waliokuja na hata wakapewa "citizenship" ili kuhakikisha kwamba yule mwananchi wa hapa ambaye babu yake alikufa akipigania uhuru wa nchi hii hawezi kupata kazi. Hii ni kwa sababu mtu mwingine mlafi katika Serikali hii tukufu amepewa "kitu kidogo" kuhakikisha kwamba huyu mgeni anaendelea kukaa hapa. Anapata "extension of permit" mpaka, mwishowe, anakuwa "citizen" wa nchi hii.

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

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Shikuku, do you want it?

Mr. Shikuku: Yes, Sir.

Mr. Mulusya: My information is that this practice is intended to benefit foreigners, particularly, those from countries where the Kenya Government receives development funds to be used in this country. Such funds are tied to the issue of employing professionals from those countries to come and work here in order to implement those projects. This is simply to make sure that the money which is meant to benefit Kenyans goes back to the donor country. This is the major intention; to make sure that when the money comes, it is only in situations where you use your own local materials like sand and stones that you can benefit. However, when it comes to professionalism, that money must

benefit people from the donor country.

Mr. Shikuku: Asante sana, Bw. Naibu Spika wa Muda. Tunajua hayo. Hata nilipokuwa katika Wizara ya Mambo ya Ndani na Turathi za Kitaifa tulikuwa na kesi hizi nyingi sana. Ninaona upungufu huo umeletwa nasi kwa kusema "Ayes!" Mswada unapitishwa ndio jamaa waingie. Hata paa la Bunge hili linavuja kwa sababu ya "Ayes."

(Laughter)

Bw. Naibu Spika wa Muda, mtatusamehe tukichukua muda mrefu kwa Mswada kwa sababu tunapenda Kenya na Kenya ni yetu, Bara Hindi ni ya Wahindi na Uropa ni ya Wazungu. Ukisema kuwa wewe ni Mwafrika, wewe ni mbaya. Lakini akisema European hata ukienda katika uwanja wa ndege wa Kimataifa, unaambiwa huyo ni Mzungu kutoka Uropa. Sasa tunaingia European Economic Community (EEC), lakini tukisema hivyo tunaitwa racialist. Wao wakisema sio racialist na hapa tunapitisha Mswada---

The Temporary Deputy Speaker (Mr. Wetangula): Ni nani amekuita racialist?

Mr. Shikuku: Ni wale wanaita. Ni mara ngapi nimezungumza hapa haya maneno? Hata wakati mwingine tuligombana hapa na rafiki yangu Bw. Njonjo. Akaniiita racialist kwa sababu nilisema kuwa wengine walikuwa wanaiba pesa. Mwisho wake, Jan Mohammed, Assistant Minister mzima wa Serikali hii aling'oka na fedha zote. Na nilipomwita "paper citizen" aliniona kuwa mbaya sana, I am a racialist. Yule Joginder Singh, tena alikuja juzi na kung'oa pesa na kwenda nazo. Juzi, Waziri wa Mambo ya Ndani na Turathi za Kitaifa alimkaribisha kwa shangwe na vigelegele eti amekuja kutuona tena ilhali hajarudisha pesa. Na huyu ndiye Waziri wa Mambo ya Ndani na Turathi za Kitaifa, hamkumkamata Joginder Singh. Alipokuja hapa, Bw. Waziri, ulimfanyia nini?

The Minister for Home Affairs and National Heritage (Mr. Lotodo): On a point of information, Mr. Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): You want the information?

Mr. Shikuku: Yes, Mr. Temporary Deputy Speaker, Sir.

The Minister for Home Affairs and National Heritage (Mr. Lotodo): Mr. Temporary Deputy Speaker, Sir, I want to inform the hon. Member speaking that the Minister for Home Affairs and National Heritage, is not in charge of police to arrest anybody. My business is only to keep in the jails those who have been sentenced by the courts.

Hon. Members: That is where you were kept.

The Minister for Home Affairs and National Heritage (Mr. Lotodo): Yes, Mr. Temporary Deputy Speaker, Sir.

Mr. Shikuku: Bw. Naibu Spika wa Muda, huyo Waziri wa Mambo ya Ndani na Turathi za Kitaifa jana alituambiwa kuwa alienda Namibia na Zimbabwe na akazunguka Botswana. Lakini Joginder Singh alipoingia hapa aliingia wapi? Hakuingia humu? Tunaambiwa kuna collective responsibility na hali huyu mtu alichukua pesa zetu na akarudi. Kuna Rao pia ambaye alikuwa na kashifa hapa na amerudi. Hii Serikali ni Serikali ya dhambi kweli.

The Minister for Home Affairs and National Heritage (Mr. Lotodo): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member of Parliament for Butere was an Assistant Minister in charge of Police in the Office of the President. What did he do with Joginder Singh and the others?

Mr. Shikuku: Asante sana, Bw. Naibu Spika wa Muda. Mheshimiwa huyo hajui kuwa huu si wakati wa Maswali na amesahau kuwa Waziri haruhusiwi kuuliza maswali. Unaona kazi ulionayo kufundisha watu kama hawa?

(Laughter)

Nilifichua mambo ya Joginder Singh nikiwa Waziri Msaidizi na nikasema kuwa Jan Mohammed ni "paper citizen" kwa sababu alipeleka pesa nje. Mwisho wake Jan Mohammed akajiuzulu na kutoroka na pesa na mpaka leo hajazirudisha.

Bw. Naibu Spika wa Muda, Waziri huyu hana habari. Hata ukiniifanya Waziri au Waziri Msaidizi, sitauza watu wa Kenya na hata Wahindi wenyewe wanajua kwamba Shikuku hachukui pesa kwao. Kama wangenipa, wangesema "what is he talking? The other day we gave him money and [Mr. Shikuku] now he is talking like this about Indians". Wangesema hiyo, lakini haujasikia wakisema. Niko hapa kwa nchi ya

Kenya na ninapenda Kenya na watu wake, niwe Waziri nisiwe Waziri, ninapenda Kenya, sina nchi nyingine. Ninajua nimetoka wapi na Kenya. Na wale waliokufa wakipigania Uhuru wa nchi hii bado ninawakumbuka na nikiwa mzima, nitatumia wakati wangu kuwakumbusha walio hai kwamba hawakufa bure, walikufa kwa sababu walitaka Kenya iwe yao. Sio kutengeneza Miswada ambayo inaonyesha wazi kuwa mnataka kuongeza watu wengine waje hapa. Hata wakati ninapozungumza, kuna watu ambao wameongezeka hapa Kenya kwa sababu hii ama ile. Hata ile habari ambayo iliandikwa katika *The East African Standard* kuhusu ukahaba, ilisema kuwa kuna malaya kutoka Uchina na Japan. Sijui kama mhe. Waziri alikuwa amekwenda safari? Wanakuja hapa kufanya biashara ya ukahaba na ukitaka Mjapani, Mhindi na Mchina na wengine utapata.

The Temporary Deputy Speaker (Mr. Wetangula): Very well, hon. Shikuku. But are those physical planners?

(Laughter)

Mr. Shikuku: Bw. Naibu Spika wa Muda, ninasema hivyo kwa sababu katika Kifungu hiki, watakubaliwa kuingia na kuendesha mambo yote hapa kwa mwaka mzima. Hili ndilo jambo ambalo baadhi yetu ambao hatujakuwa wafisadi, tutaendelea kusema na tutasema sana. Uzuri ni kwamba maneno tunayosema yanaweka verbatim katika *HANSARD* na kuna vizazi vijavyo vitakavyosimama na kusoma ili wajue kweli kuwa katika Bunge lile la Wabunge 200, kulikuwa na wengine walioweza kusema na kuona mbele. Siwezi kuishi miaka mingine 10, lakini ninawatakia wengine waishi miaka 40 wavune yale wanayopanda sasa. Kifungu hicho hakina maana. Ninajua kuwa tuna wataalamu wengi Waafrika. Hii pengine ingekuwa na maana kama ingekuwa wakati wa 1963 hadi 1965; lakini tuna wataalamu wengi ambao wako hapa na wamehitimu. Hata wengine hawawezi kupata kazi na wanatoroka Kenya na kwenda Marekani na nchi zingine kwa sababu maisha yao ya usoni katika Kenya, hayaonekani. Inatakikana ujue unatoka kabila gani na if you come from the right tribe utapata kazi na hata tunaweza kuweka kifungu hapa cha kuwaleta wageni. Hii hatutakubali. Tunamwomba Waziri aangalie jambo hili kwa sababu tunataka kifungu hiki kiondolewe kwa sababu tuna wataalamu wa kutosha hapa kwetu ambao wanaweza kufanya kazi hii. Give your citizens the rights they deserve.

(Applause)

Katika Kifungu cha 15 wanasema kuwa:-

"The Board may, when satisfied that a registered physical planner has:- (a) Died or (b) failed to pay the prescribed fee; or failed, within the period of six months from the date of an inquiry sent by the Registrar by pre-paid registered letter to the address appearing in the register against his name, to notify the Registrar of his current address."

Hii Bw. Naibu wa Spika ni procedural na mimi sioni kama kuna ubaya. Lakini "had his name entered into the register by mistake or by reason of any force of misleading information", hii ni kosa na Waziri atakaposimama kutueleza, atueleze kosa hili linakuja namna gani. Wewe umekuja na cheti chako na umehitimu mtihani ule wa Physical Planning. Umemletea jina na limeandikwa. Jina hili litaingiaje hapo kwa makosa?

The Temporary Deputy Speaker (Mr. Wetangula): This is the world of forgery.

Mr. Shikuku: Bw. Naibu wa Spika, kama tungekuwa tumeweka mambo ya forgery hapa, basi hatuna haja ya "provide for the forgers" kwa sababu watazidi kufanya maovu. We have got to be satisfied that this man and within those two years, ule mtihani atakaopewa si tutakuwa tunafanya uchunguzi? Hii forgery itakujaje?

The Temporary Deputy Speaker (Mr. Wetangula): Tell the Minister concerned.

Mr. Shikuku: Bw. Naibu wa Spika, I am telling the Minister through the Chair, of course. Hii forgery itakujaje? Kwa sababu katika hii forgery hapa wanaanza kusema "No, hii kitu kilikuja hivi kwa hivyo huyu mtu ni hivi na vile". Lakini hatutaki hizo excuses ziwe zimewekwa hapa kwa sababu katika (f) anasema eti:-

"Had his qualification under Section (12) been withdrawn or cancelled by the body through which it was acquired or by which it was awarded".

Hapo wanazungumza juu ya mahali huyu mtu aliposemea. Wanafutilia mbali ile hati yake kule eti yeye ameingia Kenya, mtihani amepita na wale wanasema eti wanafutilia mbali. Sasa hii cancellation ya kule inahusiana na sisi namna gani? Yeye alikuwa huko halafu tena tukampa mtihani. Unakumbuka pale kuna miaka miwili ya kupatiwa

mtihani. Akishapita huo mtihani, cancellation ya kule inakuja vipi? Hii ni correct. Alikuwa na cheti na tukampa mtihani akapita. Kitu nilikataa ni ile opinion baadaye ya Board. Sasa hati ya kule wamefutulia mbali na hapa wanaifutulia mbali na [Mr. Shikuku]

amepita mtihani. Sioni linkage hiyo. Na pia tumekuwa na wakati wa kutosha kuthibitisha qualifications zake hivi sasa.

Bw. Naibu Spika wa Muda, kwa sababu waheshimiwa wengine wanataka kuzungumza nitakata hotuba yangu kwa sababu nimesoma kila kifungu na kuwa fair kwa wenzangu nitawapa nafasi na kifungu kimoja nikimaliza.

The Temporary Deputy Speaker (Mr. Wetangula): You do not stop your speech because you are fair to others. exhaust your speech. That is obvious.

An hon. Member: Nataka kuongea.

Mr. Shikuku: Bw. Naibu Spika wa Muda, naona kuna wengine wanataka kuongea lakini naweza kuzungumza hata kwa siku nne hapa kwa sababu nimesoma sana. Lakini kwa vile wenzangu wengine wanataka kuzungumza sitasema mengi. Ukiona nikizungumza, nasoma kifungu ukurasa kwa ukurasa na halafu natoa maoni yangu.

The Temporary Deputy Speaker (Mr. Wetangula): Maybe you go ten kilometres away and come back.

Mr. Shikuku: Bw. Naibu Spika wa Muda, hakuna kitu kama hicho. Mimi nimesimama hapa. Kilomita itaendaje na nimesimama! Ili kuwapa wenzangu nafasi, wacha nimalize na Kifungu cha 21, ukurasa wa 19.

"After the expiration of six months from the commencement of this Act or such further period as the Minister may by the Notice in the Gazette, allow other generally or in respect of any particular person or class of persons (a) No individual shall carry on business as a registered physical planner unless he is a registered physical planner".

Bw. Naibu Spika wa Muda, hapa nakuuliza hii habari ya hizi gazetments ambazo zinafanywa na Waziri. Unajua hizi gazetments za Waziri zinaweza kuwa nyingi sana na ukiangalia katika Wizara ya Fedha, utapita nyingi zimetolewa kwa mambo mbali mbali. Lakini mambo magumu kama haya, nilikuwa nafikiria habari ya gazetments kwa sababu hasa tunapokuwa katika recess, gazetments zinatoka kama maji pa pa pa, na sisi tuko nyumbani.

The Temporary Deputy Speaker (Mr. Wetangula): How does the HANSARD Report record that?

Mr. Shikuku: Bw. Naibu Spika wa Muda, hiki ni Kiswahili. Wale maripota wa HANSARD wanafanya kazi nzuri sana. Mimi huona ninapozungumza Kiingereza, kinakuwa na makosa mengine ambayo sitataja lakini hao wanajua Kiswahili sana. Wanaandika vizuri kwa sababu wanajua Kiswahili.

The Temporary Deputy Speaker (Mr. Wetangula): Wataandika Kiswahili cha pa pa pa namna gani?.

Mr. Shikuku: Pa pa pa zinatoka nyingi yaani circumventing the authority of this House kwa sababu sisi tunalipwa mshahara kwa kutengeneza au kuunda sheria ambazo zitaendesha nchi hii. Lakini official Gazette hii kama haipingwi kwa siku 14, inakuwa ni sheria.

Mr. Achola: Zinaitwa Legal Notices.

Mr. Shikuku: Lakini Official Gazette pia ni kama sheria kwa sababu wakitangaza jina lako kwa gazette eti wewe utauziwa vitu na vitauzwa kwenu, hakuna haja ya kuileta hapa Bunge. Kwa hivyo ni sheria. Na sasa hiyo inachukua ile kazi yetu ya kuunda sheria. Inawekwa kwa mkono ya mtu moja ambaye ana jina, Waziri. Chu anatoa, chuchu anatoa na hii tunataka wakati wa mabadilisho, tuangalie kwamba hizi Legal Notices ziwe zikiletwa katika Bunge hili ili tuziangalie na kuzipitisha kwa sababu tushapoteza pesa nyingi through those Gazetments, through exemptions nyingi na mtu moja ndiye anapata pesa za Harambee. Unasikia Waziri ametoa Kshs 100,000 au Kshs 200,000. Kwani anatoa wapi? Amepataje Kshs 1.9 milion? Si ni wizi. Tunataka tuzibe hii tool ya harambee na wataeleza siku moja. Tena uzuri wanapotangazwa, TV iko na tuna video.

The Minister for Labour (Mr. Masinde): On a point of order Mr. Temporary Deputy Speaker, Sir. Is it in order that the hon. Minister should insinuate---

Mr. Shikuku: I am not a Minister!

The Minister for Labour (Mr. Masinde): Mr. Temporary Deputy Speaker, sir, is it in order for the hon. Secretary General of FORD A) to insinuate that the Minister by, Legal Notices, is being bribed to be able to contribute to Harambees? Is not true that the Minister has friends and these friends could contribute to help him?

Mr. Shikuku: Bw. Naibu Spika wa Muda, marafiki ni wengi na marafiki hawaji bure. Hakuna cha bure na hata Waziri tulikuwa naye huko Seminary na anajua kwamba hata kwenda mbinguni ni sharti afe. Atalipa kwa kifo ndio amuone Mungu. Kwa hivyo hakuna cha bure. Hivi ndivyo Harambee zinaptikana. Anajua hakuna cha bure.

Harambee hizi zote haziwezi kutoka. Wanapata wapi pesa hizi zote na tunajua mishahara yao.

The Minister for Labour (Mr. Masinde): Mr. Temporary Deputy Speaker, Sir, it seems the hon. Member is insisting and if he is sure then why can he not tell us which Minister got the bribe and by whom, otherwise he withdraws.

The Temporary Deputy Speaker (Mr. Wetangula): He cannot do that Minister Masinde. He will be violating Standing Order 73 (3). He is making very general and unsubstantiated statement aimed at nobody. So I cannot compel him to substantiate.

Mr. Shikuku: Bw. Naibu Spika wa Muda, umemsaidia Mbunge wa Buhayo.

The Minister for Labour and Manpower Development (Mr. Masinde): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am not the Member for Buhayo, I am the Member for Nambale.

The Temporary Deputy Speaker (Mr. Wetangula): Indeed, there is no constituency called Buhayo.

Mr. Shikuku: I stand corrected, Mr. Temporary Deputy Speaker, Sir. Lakini, Buhayo iko katika Nambale Constituency. Marach pia iko katika Nambale vile vile; Buhayo, Marach na sehemu ya Teso, humo humo. Kwa hivyo---

The Minister for Labour and Manpower Development (Mr. Masinde): On a point of order, Mr. Temporary Deputy Speaker, Sir, may I invite the hon. Member to study his geography. There is no part of Teso in Buhayo or Marach. Marach is just Marach and Buhayo is Marach. Teso is in Teso District.

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, I would like to conclude by saying this. Huu Mswada ni mzuri. Lakini tunataka Waziri akae chini pamoja nasi ili tuzungumze. Hakuna haja ya kuuleta kwa Second Reading haraka haraka. Yafaa tutengeneze na tuangalie maoni yanoyotolewa na Waheshimiwa hapa; tutengeneze amendments ambazo wakati wa Committee Stage, Waziri ataweza kuja kuleta hizo amendments yeye mwenyewe, tukishampa maoni yetu. Hii ni kwa niaba ya watu wake na watu wetu wa nchi hii. Sisi hatuna ugomvi na Waziri. Hata yeye alipoteuliwa alipata Wizara hiyo ikiwepo lakini bahati mbaya sasa---

An hon. Member: Na ataiacha hapo!

Mr. Shikuku: Na Ataiacha hapo! Bahati mbaya sasa, hii tabia ya kunyakua imezidi. Kwa hivyo, historia itaonyesha, kwamba, wakati wa mhe. Mulinge, mambo yalikuwa mabaya sana. Lakini, sisi wengine tunajua na tutasema ukweli. We know some of these Ministers.

The Temporary Deputy Speaker (Mr. Wetangula): Which language do you want to use?

Mr. Shikuku: Bw. Naibu Spika wa Muda, tunajua kwamba, baadhi ya hawa Mawaziri wana rekodi safi. Na tutasema ukweli. Kuna shida za mashamba na hii Wizara ambayo tunazungumza juu yake, ni Wizara ambayo inahusika na wananchi wote bila kujali unakotoka. Na inatubidi sisi kama viongozi wa hao wananchi kukaa chini na kutengeneza sheria ambayo itawalinda watu wote ili haki itendeke. Hii sheria ya physical planning, ndiyo chanzo cha ufisadi huu. Hii ni sababu, kama wangesimama imara katika Wizara yake na waseme kwa mfano, "Shikuku huwezi kuchukua hiyo kwa sababu katika physical plan yetu, ardhi hiyo ni ya kanisa." Hata wakati huu ninapozungumza, nilipokuwa Mombasa juzi, ukitoka Nyal Bridge upande wa kushoto, palikuwa ploti ya Kanisa Katoliki lakini sasa kituo cha petroli kimejengwa hapo. Hivi si vizuri; kunyng'anya hata kanisa! Nchi hii imeharibika. Hata huwezi kuogopa mahali pa Mungu, unanyakua! Walahi, hii nchi imeharibika kabisa! Imezwa na Councillor mmoja huko wa kutoka chama cha FORD(A).

The Temporary Deputy Speaker (Mr. Wetangula): Huyu ndiye ameiba?

Mr. Shikuku: La! Yeye aliuza ploti hiyo kwa watu wa petroli ilhali mahali hapo ni pa kanisa tangu zamani. Yeye ni Mkristo na tena anatoka Kakamega. Kwa hivyo, mimi sisemi kwa kuonea mtu, la. Ukweli utasemwa tu, hata ikiwa unamhusu mtoto wa Shikuku, utasemwa! Watoto wengine wakitajwa hapa, hata waandishi wa magazeti hawaandiki lakini siku moja, waatandika. Ukweli yafaa usemwe! Mnanyakua hata mahali pa kuabudia Mungu! Hata tusipotazama wewe Bw. Naibu Spika, utakuja kukosa kiti hapa. Msipochunga, mtapata watu wamepewa ploti hapa Bungeni. Hawa wameshakuwa wendawazimu. Ploti hii ilikuwa inanyakuliwa lakini, namshukuru Mtukufu Rais, Marehemu Kenyatta. Sehemu iliyoko karibu na kaburi la marehemu Kenyatta ilikuwa karibu ichukuliwe na Hotel Intercontinental. Hapo mahali baada ya kaburi lake kufika kwenye ua. Ploti hiyo ilikuwa inaenda. Lazima tuwe macho wakati wowote maanake hawa watu wamekuwa wendawazimu kwa kunyakua ardhi.

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

The Temporary Deputy Speaker (Mr. Wetangula): Unataka information hon. Shikuku!

Mr. Badawy: Ningependa kumpa fahamisho mhe. Shikuku, kwa sababu hasa nimesikia akitaja Mswahili kwamba, labda yeye ndiye aliyenyakua ploti. Ukweli ni kwamba, wavamizi ni watu wa dini zote. Hivi ninavyozungumza, uwanja ambao umetengewa kanisa la CPK huko Malindi umechukuliwa na Town Clerk na Deputy Town Clerk wa Malindi ambao ni Wakristo. Uwanja wa makaburi ya Wakristo malindi ulichukuliwa na kiongozi Mkristo. Kwa hivyo, hakuna mambo ya Mwislamu kuchukua ardhi ya kanisa wala Mkristo kuchukua uwanja wa Msikiti; wote ni wavamizi.

Mr. Shikuku: Bw. Naibu Spika wa Muda, Kwa hayo machache, naunga mkono.

Ms. Wanjiru: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this debate. But, I wish to correct a few mistakes which have been cropping up every now and then. I have not, in any way, departed from delivering messages in this House as a journalist reported me. And I am informing them that, if they are not prepared to write prophecies, they can as well close their businesses because the people of God should be informed about what is going on. Otherwise, the journalists are serving other masters who doctor the messages they are going to write, and it is not profitable for any Kenyan.

Mr. Temporary Deputy Speaker, Sir, the other message that God has given me is that---

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Wanjiru, we are discussing the Physical Planners Registration Bill.

Ms. Wanjiru: Mr. Temporary Deputy Speaker, Sir, I will just come to that. Let me finish up with my prophecies.

The Temporary Deputy Speaker (Mr. Wetangula): Then let the prophetic message be relevant!

Ms. Wanjiru: Mr. Temporary Deputy Speaker, Sir, the other message I have to deliver is that---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Wetangula): Order! Let us listen to hon. Wanjiru in silence.

Ms. Wanjiru: The other message I have to deliver is that, if there is any tribe that is prepared to fight another one, whether in Kenya or outside, God is going to take the revenge himself, otherwise, people should leave in peace. So, those who are intending to start those funny fights they call clashes or whatever, should stop it.

The other message that God has told me to deliver is that, when leaders come to this Parliament, they should consult one another with grace and humility when they are deliberating on issues that are affecting the lives of our citizens without malice, hatred or anger.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Wanjiru, can your message be related to physical planning!

Ms. Wanjiru: Do not worry, Mr. Temporary Deputy Speaker, Sir. I am just coming to that. The other message is on issues that are affecting MPs here. God has said that, there is a specialist who is working in the VAT Department. His name is Mr. Asin, and he should be deployed in the Clerk's Chambers to assist MPs in deliberating on issues of Parliament because he is a specialist; he has been to overseas and he has gone to study about the changes in developing world and Kenya is one of the developing nations. This man's services should be deployed here in Parliament so that people who do not know what they are talking about can consult him. His name is Mr. Asin.

The Temporary Deputy Speaker (Mr. Wetangula): Do you want him to be a physical planner?

Ms. Wanjiru: No, he should be deployed here as one of the Assistant Clerks.

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

Ms. Wanjiru: This is a prophetic message and I do not want interference!

Mr. Achola: No, I would like to make a point of order, Mr. Temporary Deputy Speaker, Sir.

Ms. Wanjiru: I do not want these points of order.

Mr. Achola: But you are not the Speaker!

Ms. Wanjiru: Mr. Temporary Deputy Speaker, let me continue with my speech because this hon. Member is just---

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Can we hear what Sumbeiywo wants to say!

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): On a point of order, Mr. Temporary

Deputy Speaker, Sir. Is the hon. Member in order to digress from the Motion and to give us a sermon in this House, yet we are discussing the Physical Planners Registration Bill? There is always an opportunity for her to go and preach from the pulpit. We are discussing serious matters here on physical planning.

Ms. Wanjiru: Mr. Temporary Deputy Speaker, Sir, ignorance has no boundaries. You cannot measure the height or the depth of ignorance.

The Assistant Minister for Education (Mrs. Ndetei): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): Let her respond to Sumbeiywo's point of order first.

Ms. Wanjiru: Mr. Temporary Deputy Speaker, Sir, I came here because of God's inspiration to deliver messages in this Parliament. I am sustained by Him and I have to let people know what God wants. That is the sole purpose why I am here, because you continue to make a lot of mistakes and you do not know when you are making them. I am here to take corrective measures and to assist the decision-makers.

The Assistant Minister for Education (Mrs. Ndetei): Mr. Temporary Deputy Speaker, Sir, some time last year, hon. Wanjiru stood up here and said that she had found a cure for AIDS. I think this Parliament is a very serious place. It is not a place where somebody could just stand and start saying they have a prophecy as sent to them. If hon. Wanjiru has read the Bible well, all leadership comes from God. All these Members who are here, and have been elected by the people, have been sent here by God; not only here alone. I do not think she has authority over anyone to say that we make a lot of mistakes in this House. We are all representatives of the people. Could she also bear in mind that she is out of order to preach here as a Christian and we have got Muslims in the House, who do not subscribe to this kind of prophecy?

Ms. Wanjiru: Mr. Temporary Deputy Speaker, Sir, I have no quarrel with the hon. Gracious Lady. But I cannot deviate from my mission because it is God destined. Even if you question it, whether you like it or not, I will continue doing it.

The other issue I want to raise is that God has also told me to deliver this other message. That, there are leaders here He has appointed who also depicts unity of this nation. These are Dr. Oburu, Mr. Wamalwa, Mr. Makau, Mr. Obure and myself. They should be meeting every now and then because they are the people whom God has given stars which lead in a united way.

(Laughter)

The Assistant Minister Lands and Settlement (Mr. Sumbeiywo): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think we should save this House. We Christians, we have read the Bible from A to Z. If the Gracious Lady wants to bring a Motion to this House to discuss about Christianity or about messages from God, she can bring a Motion here to be debated.

The Temporary Deputy Speaker (Mr. Wetangula): She has at no time alleged that her messages are from the Bible.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): She says that her messages are from God. She says the message that she is purporting to be giving to this House is from the Bible. I think she should bring a substantive Motion here for debate.

Ms. Wanjiru: Mr. Temporary Deputy Speaker, Sir, I have been travelling all over, but I have never seen a hospital which can treat ignorance. I have nothing much to say about the ignorant new Member.

The other issue which I want to touch on, is about my constituency Kinangop. I was given that seat by God because God wanted the Kinangop people to stay in peace. I have been having problems with people like the former MPs. But as long as I am there---

The Temporary Deputy Speaker (Mr. Wetangula): Wanjiru, I have given you so much latitude, can you now go back to the Bill?

Ms. Wanjiru: Yes, I am coming to the Bill but, let me first talk about my Kinangop people because I was sent here to represent them.

The Temporary Deputy Speaker (Mr. Wetangula): I believe that your prophetic introductory remarks must have an end. Can we now hear you on this Bill?

Ms. Wanjiru: I am just coming to that. What I am saying is that, there are some journalist who have been

hired by my colleagues to mud-sling me and these former MPs had their chance and, I gave them the chance to develop what programmes they had. I have been told to ask them to let the people of Kinangop live in peace. If it is development they should conduct their development programmes without interference or even putting any surveillance on them, especially with the administration which is on and off, harassing them occasionally.

The reason why I have not been taking sides in this Parliament is because God does not want this House to be divided. I am standing here in the authority of God. That is why I am not able to deliberate on certain issues, hii ni kwa sababu wako watu wengine ambao kazi zao ni za mikono na watakuja kuzifanya.

Thank you, Mr. Temporary Deputy Speaker.

The Minister of State, Office of the President (Mr. Kalweo): Thank you, Mr. Temporary Deputy Speaker, Sir. I just want to air my views. I am not delivering messages! But I will deliberate on the Bill because it concerns physical planning. Planning of any kind, whether individual, for the well being of the nation or for business is fundamental. It is so important that it gives guidance on whatever work any country or an individual would like to achieve. It is so important that by evading it, either through ignorance or lack of know-how, may land any country into big problems. In some countries people do not have land title deeds like we have in this country. In Kenya we have land ownership. However, we must never forget another fundamental exercise called food production. Food is one of the most important components in the life of a human being. In fact, it is the most important commodity in a person's life. Population growth must tally with the production of food and planning. As we proceed with physical planning, we should also go back to plan our land. With proper planning we can make our land sustain any population in this land. Because of our laws, we have title deeds. Anybody who has a title deed owns land somewhere and he has the right to do whatever he likes with that piece of land. In the near future, we may find that those parts of Kenya, where we have abundant rainfall look like shanty towns because of sparse population. In some areas people own less than a quarter of an acre; where somebody has a house, a wife, sons and so on and so forth.

Mr. Temporary Deputy Speaker, Sir, without a plan, that can be dangerous. Without planning we end up with a lot of congestion and many kinds of outbreaks of diseases. Planning of the land tenure and our well-being is fundamental.

Some hon. Members have talked about congestion of our roads by vehicles. It is very difficult for those people who live in Langata to make it to work in the morning because of heavy traffic jam. Out of annoyance, you may think of getting an alternative route and other road users will follow suit. We should now tell the Minister concerned to do something about our planning. We have to do something about planning the City and the small towns we have all over the country. In some areas, you will find that people have extended the town areas to people's shambas because our towns are congested. In that kind of land, you will find that there are no provisions for drainage system or roads for use. In a place like Maua, where I come from, it is a hollow place. Because of this problem of land ownership whereby people put up plots on other people's land, you will find that during the rainy seasons some areas are flooded. We need physical planners to devise a method of draining that water from such areas so that such water can drain into rivers. This is happening all over the country because of lack of planning. I urge the Minister concerned to be brilliant enough to refuse any illegal allocation of land or any allocation that may jeopardise our eco-system. Planning is important.

Many hon. Members have talked about roads and I do not want to repeat that. Others have talked about towns. In most areas we have set aside school plots. No matter how huge those plots are one day the construction of school buildings will fill those plots. When we are trying to safeguard some plots we should also plan for storied buildings. That is where the sky might be the limit. That kind of planning can ease congestion as far as land tenure is concerned. The other thing is long-term planning. I do not believe that we have semi-arid and arid areas without the backing requirement. For example, we have a big river called Tana River which traverses very dry areas. Maybe there was a purpose for that river being there. We should also plan on how we can use those waters for food production. We also have River Nyando and whenever there is a rainy season, it washes people away, but I do not know what leaders do there. Why do they allow people to go back to the same areas after the rainy season for only about six months?

Mr. Karan: On a point of order, Mr. Temporary Deputy Speaker. This is a Minister of the Government which has refused to control floods of River Nyando. He knows very well that funds which were set aside for control of flooding of River Nyando were misappropriated by his officers. Is he in order to come and talk about flooding while he is also to blame for not controlling the funds which were set aside for this project?

The Minister of State, Office President (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, I was not

inviting criticism, but what I was saying is that a river like River Nyando floods during the rainfall. We should plan because the movement of people going and coming back to the area is cumbersome. An area like that one needs some proper management so that water can be directed to the lake and people can live there permanently. It is not only River Nyando that has this problem, it is a common problem all over the country. I have just given that area as an example. That is what we should be now planning. We have very many areas to plan for.

Mr. Mak'Onyango: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order in discussing the Bill that is to come, on planning, which I think is the subject of the next Bill? He would rather talk on the present Bill. He is talking about planning which I think is the subject of the next Bill.

The Minister of State, Office President (Mr. Kalweo): The Bill has a wide scope of planning. When we talk of planning I am going into the details of the processes involved. I am doing this for planning purposes and this Bill is brought to us to discuss it because there are some things which have gone wrong. Leaders and those who are led, when they discover mistakes it is better for them to have them corrected in time. I urge the Ministry concerned to be brilliant enough because they are being empowered in this Bill. We are empowering them to deal with issues that may affect the smooth running of any planning anywhere. So to avoid congestion on our roads, the laid down procedure should be followed to avoid embarrassment of the people who do not understand what they are doing. I do not want to repeat things which have been said here by some speakers.

With these few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Mulusya, I will give you the Floor and I want you to be relevant. The last two speakers have digressed with a lot of latitude. Hon. Mulusya, you are a professional, you should go to the details of the Bill.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, it pays to warn the non-professionals, but to warn a professional is to ridicule the same professional.

This is a Bill which should have been brought here ten or 20 years ago. If this Bill had been brought here together with the other Bill which is yet to be introduced some 20 years ago, the problems we are having in this country, would be a thing of the past.

Mr. Temporary Deputy Speaker, Sir, when you talk about professionalism in planning the use of land in an urban area like Nairobi or Mombasa, it is very important that only the professionals are given the authority and power to do planning. We are witnessing a situation where every Dick and Jack--- Somebody like Mr. Kuria Kanyingi, the acting Chairman of KANU, Kimbu District, will pose as a planner. He will want to say: "Even though this land is a road reserve, it should be allocated for a housing estate to be called "Kuria Kanyingi Housing Estate". This is why in areas like Nairobi we are unable to move. A housing estate is supposed to have all the required basic facilities. The planner does all the work and provides for all the required facilities. He ensures that the inhabitants of that housing estate will live well, breath fresh air and have trees growing around them. Then we have people who think that to go to heaven you have to be rich. These people, who want to deny Kenyans good living standards, grab the land which has been planned for. It is very annoying to see professionals succumbing to threats from politicians. A country like Kenya has a lot of mismanagement---

Mr. Rotino: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Hon. Member is shouting so much, as if he was addressing a big crowd! Can he speak slowly? The microphones are there!

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I know the hearing ability of hon. Rotino. When you look after cattle in the wilderness you can only shout at them. He is used to that! I am not importing it here!

Mr. Temporary Deputy Speaker (Mr. Wetangula): Mr. Mulusya, why are you insulting him? He simply said that you were talking too loudly and you should reduce your voice! That is not an insult!

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, he does not need physical planning! One who looks after cattle in the wilderness does not need a physical planner!

Mr. Rotino: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member should know that even when you keep cattle, you need to plan about where to graze them and how to fence the farm. So, planning is needed everywhere!

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I am in physical planning and not cattle rearing.

We have two individuals who have messed the physical planning profession. Today you will plan and show where you will have a road network, drains, kiosks and other facilities. Then the following day a politician will come to your office and tell you: " I want this land, because I am going to make so much money out of it. You will get

part of it for yourself". One of those people is John (Ohaki?), who is a former Director of Physical Planning. Another one is Mr. Kuria wa Gathoni, formerly of City Hall.

The Minister for Labour and Manpower Development (Mr. Masinde): On a point of order, Mr. Speaker, Sir. Is it really in order that the hon. Member should go on quoting names of people who are not here to defend themselves here? He seems to be getting into the habit of quoting names of people. Why can he not do this sort of thing outside the House, so that he can be dealt with?

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I have talked in this House about the grabbing tendencies of the Minister and his son. The other day they grabbed land which did not belong to them.

The Minister for Labour and Manpower Development (Mr. Masinde): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the hon. Member is lucky that he mentioned my son when I was not around. I would have proved him very wrong. I still insist that it is not in order for the hon. Member to discuss people who cannot defend themselves here. He should withdraw his remarks and stop using names of people who cannot defend themselves.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I would like the hon. Minister to travel to Mombasa outside the Kenya Breweries bottling plant. Outside this plant, there is a road reserve where lorries park when they are waiting to load beer. Somebody went to the former Director of Physical Planning, who surveyed that road reserve into small plots. Those plots were allocated to people. Immediately those people got letters of allotment, they approached the management of M/s Kenya Breweries and asked it to buy those road reserve plots. The management of M/s Kenya Breweries turned down the offer and told them: "If you want to sell your road reserve plots, or your so-called beautiful land which stretches along the road, go and look for other buyers". Today, I can even mention here the beneficiaries of those plots. We are saying that type of planning should not exist. Why should a professional be influenced by people who do not have even an inkling of what good planning is? This is what I am saying. And yet, the Minister has the audacity to stand up and challenge me!

I know what is happening. I know how many Ministers have benefited from open spaces in [Mr Mulusya] this country. I know how many Ministers have benefited from beach plots. It is not the small man who is getting that type of land. He does not have the ability or "muscle" to bargain for that type of allocation. This country is being crippled by those people who call themselves "mighty". You cannot go and force a planner, with threats of being sacked or transferred, to change a plan to the detriment of the whole country! This is what we are saying should not happen. We are seeing many planned areas.

Go to the old Komarock Ranching Society land in Kangundo, and you will see that plans have been approved for land which was bought by a company called "M/s Kantafu". In fact the Minister has a letter from me, as the Member of Parliament for that area, about this matter. About 800 acres of land has been sub-divided into very tiny plots of 30 by 50 feet. The provision for roads in this area is too tiny. We are talking about six to nine metres of road reserve. This reserve is not sufficient for that type of high density population in the area.

There is no question of providing water because there is no water and money in the near foreseeable future for almost 50,000 settlers who are going to settle in those plots. What are the planners doing? It is these "big fish" who are influencing these planners to approve these plans. They threaten the planners that they will be taken to higher authorities and once they take them there, they will be sacked, grilled and lose their retirement benefits. Those are the kind of threats used. I would like to see a situation where this country has very highly educated professionals of all kinds. They should be given a free hand to do planning without interference from the politicians.

Mr. Temporary Deputy Speaker, Sir, yesterday we were talking about diversion of water along Mombasa Road, from Onoturesh Water Project. That flower farm has very huge housing units which they envisage will cater for a very big population. I would like the Minister at his own time, to tell us who approved that high density type of development. The developers did involve the local authority which is the Municipal Council of Mavoko. This is utter arrogance because the people involved are sons of high ranking people in this country. They choose to ignore the planners in Machakos, Nairobi, Mavoko Municipality and the building plans were not approved. The structures which have come up there, are not structures intended for an ordinary flower growing farm. If you go there, Mr. Temporary Deputy Speaker, Sir, and I can offer you a ride in my own small car tomorrow or on Saturday, and afterwards, we have some "nyama choma" somewhere and you will wonder---

The Temporary Deputy Speaker (Mr. Wetangula): The Temporary Deputy Speaker will not be party to any "nyama choma" anywhere.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I know you may go to Western Province. You should go there and see whether the rose cutters are the ones who are going to reside in those beautiful flats. Even on approaching that flower farm, you will wonder if it is a housing estate or whether it is a flower farm. The beauty starts right at the entrance. It is built in such a that you cannot talk about flowers when you are there. When you reach at the gate of that farm, it is not an ordinary "mbwa kali askari" who is guarding the farm. It is an armed policeman. Then you ask yourself: What are they guarding? Are they only guarding roses? If you give a Kenyan a rose today, where will he take it?

An hon. Member: To a boyfriend!

Mr. Mulusya: Ask yourself that, Mr. Temporary Deputy Speaker, Sir. Even the strategic location of that flower farm near to the Army Range, which was donated to the Government by the Minister for Lands and Settlement, hon. Gen. Mulinge is questionable. The proximity of that farm to that range is questionable. If you go there, you have to ask questions. We also ask questions. I am sure it has not even occurred to the Minister to ask himself, why they choose that location next to the army range.

Mr. Temporary Deputy Speaker, Sir, when you go there. you will ask yourself if the flower cutters who will be residing there will be the local Wakambas. If they will not be local Wakambas, where will they come from? You can even ask yourself: How many of those people who will stay there have been trained to cut flowers in a country like Israel? How many of them? Is it a coincidence that the General Manager of that farm is an Israeli with Mossad connection.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): On a point of order, Mr. Temporary Deputy Speaker, Sir. Can hon. Mulusya be able to confirm and substantiate that the Managing Director of that flower farm is an Israeli with mossad connection? Can he be able to confirm that?

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, hon. Ligale was a Director of Physical Planning. He has never been a spy; and he has never been a member of the Special Branch and he does not know what happens in his own area. I do not want to bring him here.

Mr. Temporary Deputy Speaker (Mr. Wetangula): Hon. Mulusya, did you hear his point of order?

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I heard it.

The Temporary Deputy Speaker (Mr. Wetangula): Can you respond to it?

Mr. Mulusya: I have.

The Temporary Deputy Speaker (Mr. Wetangula): Respond, instead of responding to him as a person.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I know that you have a very good sense of hearing. I had asked this: How come this farm is being run by a General Manager who is an Israeli and who may be having Mossad connection. That is a very general statement. For a planner, that is what is called blocked planning.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): On a point of order, Mr. Temporary Deputy Speaker, Sir. The gentleman on the Floor specifically said that the General Manager of that flower farm is an Israeli with Mossad connection. Now he has changed and said "maybe".

The implication was that the clearly had Mossad connection. He must give us a clarification or withdraw the remarks.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, the HANSARD will bear me witness.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, hon. Mulusya! You said that the General Manager of the flower farm you were discussing is an Israeli with Mossad connection. That was categorical and emphatic. What hon. Ligale is asking you to do - and if you have the ability to do so - is to substantiate and prove that what you are saying is right.

Mr. Ndicho: Point of information, Mr. Temporary Deputy Speaker, Sir.

An hon. Member: Yes. Go on. It is granted.

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Ndicho.

Mr. Ndicho: I am addressing him.

Mr. Mulusya: I am going to substantiate.

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Ndicho. Order! Points of information shall not be abused to circumvent what I have just asked hon. Mulusya.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, what I said was---

An hon. Member: What is the meaning of all that?

Mr. Mulusya: I said he is an Israeli, but probably with---

Hon. Members: Ah no!

Mr. Ndicho: No. Do not retract what you said!

Mr. Mulusya: No, Mr. Temporary Deputy Speaker, Sir. I said---

An hon. Member: Just say you will substantiate tomorrow.

Mr. Mulusya: Let us wait until tomorrow.

Mr. Ndicho: Just tell him all Israelis are members of Mossad---

*(Mr. Ndicho and Mulusya
consulted with each other)*

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, what I am saying is that, at times, planners should be involved.

Mr. ole Tuya: On a point of order, Mr. Temporary Deputy Speaker, Sir. Order! Order! Order!

The Temporary Deputy Speaker (Mr. Wetangula): Hon. ole Tuya, when you stand on a point of order, you do not say order, order. What is your point of order?

Mr. ole Tuya: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Ndicho to go near the microphone, talk to hon. Mulusya and discuss what he is about to say?

The Temporary Deputy Speaker: (Mr. Wetangula): The Chair does not know what they were talking about. So, I cannot make a ruling on that.

(Hon. ole Tuya remained standing)

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you realise that when you were making your ruling hon. ole Tuya was still on his feet?

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

Mr. Shikuku: Hon. ole Tuya, immediately the Speaker opens his mouth, you must sit down immediately.

Mr. ole Tuya: Kwenda huko!

On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Shikuku to cross the Floor to this side?

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. ole Tuya! You have just been sitting on the opposite side yourself!

(Laughter)

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I was saying that planners themselves--

Mr. Cheserek: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the House is being misled. Can the hon. Member either withdraw his remarks or substantiate? It is simple. You cannot take the House for a ride.

Mrs. Ngilu: Are you the *Total Man's* agent?

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, he could not go for that training because of his poor eye sight.

Mr. Ndicho: On a point of information, Mr. Temporary Deputy Speaker, Sir. Hon. Mulusya, who is my neighbour in my constituency, is very right and I want to inform him, the House and all Kenyans that what he is saying is right. Every Israeli in this world, is a security officer for his country. For that matter, they are concerned and connected with the Mossad. Let anybody dispute that.

The Temporary Deputy Speaker (Mr. Wetangula): Really, how does that help our physical planning strategies?

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, now I want us to go back to the Bill. I have---

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Mulusya, if you continue accepting information that is fairly scandalous and has nothing to do with the Bill, I will take away the opportunity from you. Carry on.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I have been a victim of that several times before and---
Temporary Deputy Speaker (Mr. Wetangula): Carry on!

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I am saying that planners must be given the leeway to carry out proper planning. Just like you will not tell an advocate or a lawyer: "Do this; if you do not do it, we will punish you". These are professionals in their own rights and they must be respected. They too, must also respect themselves. A professional is considered noble if only those practising can hold themselves nobly high. If they do not hold themselves nobly high, then the profession ceases to be noble. It is very bad to let every Dick, Tom and Harry to dictate upon you. For example, now we are talking about how much chunk of land has been chucked off out of Ngong' forest, Dagoretti forest and given to three people from Kiambu? About 270 acres have been given to only three people, Kuria Kanyingi, Githunguri, who slapped, the M.P. for Githunguri. Some of those things are unbelievable.

An hon. Member: Are you sure?

Mr. Mulusya: No. Hon. Gatabaki was slapped by Githunguri and as a result, he fell down.

An hon. Member: Did he fall?

Mr. Mulusya: Yes. Kuria Kanyingi is also a beneficiary of that Dagoretti forest land. Karura forest is gone. How many Ministers here---Let them tell us how many of them have been issued with letters of allotment under their own company names and some of them under their daughters' names? Karura forest is no more. If you were to travel that side of Kiambu and you had *haja*", the *haja kubwa* hon. Shikuku talked about, you could not get into that forest to answer a call of nature because you would be trespassing. You all know what trespass is. This forest is no longer Government land. These days the police can charge you in court for trespassing in Karura forest because now it is a private land.

Mr. Nthenge: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Mulusya serious that Karura has changed from being Government land to private land?

An hon. Member: Oh, yes. A long time ago.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I believe every hon. Member receives a Kenya gazette on a weekly basis. The gazette notice de-gazetting parts of Karura forest came from a Minister in this House. It was signed by the Minister for---

An hon. Member: Lands?

Mr. Mulusya: Not Lands! De-gazetting of natural resources falls under the Ministry of Environment and Natural Resources. It was signed by hon. Sambu.

An hon. Member: Oh!

Mr. Mulusya: All those forests have been de-gazetted and have been chucked off.

An hon. Member: This is very serious.

Mr. Mulusya: Yes. We are not talking of fairy tales here. All what I am saying has happened and I am telling the hon. Minister that if he would like to answer a call of nature while on his way to Kiambu, he cannot get into that forest and relieve himself.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is my dear friend, hon. Mulusya, not imputing an improper motive that if a whole hon. Minister of Kenya Government, at around Rubshack, gets *haja kubwa* and gets into Karura forest he cannot relieve himself? Is he not imputing an improper motive? Is he in order?

Mr. Nthenge: That is a call of nature!

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Ndicho, are you saying that Ministers---

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, that is a call of nature---

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Mulusya! Hon. Ndicho, are you saying that Ministers are not subject to the forces of nature?

(Laughter)

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, but if a Minister is driving his limousine and feels that he wants to answer a call of nature, his limousine will cruise at 150 k.m.p. and be in his office and answer the call of nature in his office instead of doing so in the forest.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I do not want to dwell on what hon. Ndicho is saying.

But---

The Temporary Deputy Speaker (Mr. Wetangula): It is much wiser to go on.

Mr. Mulusya: Yes, I am going on. When you look at that land in Kiambu, which was a cemetery and was grabbed by a former member of Parliament---Mr. Tom Obondo was allocated a cemetery. The other day, he was boasting saying: "It may be a cemetery, but the title deed is in my pocket".

An hon. Member: Is that where your father was buried?

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am getting rather worried. Did I hear hon. Mulusya right when he said that a former Member of this House was allocated a cemetery? As far as we I am aware, a cemetery is where dead people are buried. Is he now in charge of the graves and the dead inside that cemetery? Is that what I heard? Is he in-charge of dead bodies?

Mr. Mulusya: Yes, that is exactly the case.

An hon. Member: Where is that cemetery?

Mr. Mulusya: It is in Kiambu Town. This case has been discussed by the Kiambu Municipal Council. The Town Clerk has written to the Commissioner of Lands through the Minister, objecting to that allocation. Mr. Nginyo Kariuki has taken the Kiambu Municipal Council to court.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Mulusya, so you are discussing a matter that is before the court?

Mr. Mulusya: No, it was determined and it is not *sub judice*. I know the rules of the House and I cannot discuss it when it is still in the court. The matter was disposed of and that is why Tom Obondo is a proud owner of a title deed of a cemetery plot in Kiambu Town in the Republic of Kenya. What we are saying is that---

The Assistant Minister for Energy (Mr. Nang'ole): On a point of order, Mr. Temporary Deputy Speaker, Sir. I need clarification from the Chair. Did I hear well hon. Mulusya saying that he has the title deed of the same cemetery in his pocket?

(Loud consultations)

If so, then he is telling us that he is also a party to that.

Hon. Members: It is Tom Obondo!

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, if you recall well, when I started my contribution I said that some hon. Members here in this House have impaired hearing. This is because---If you live in those vast lands where there is either sand, grass, cattle or forest, you have to learn the cattle language or shout very loudly. Before the hon. Member came in, I had been warned not to shout. Now you know the reason why I am shouting so that he can hear properly.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Mulusya, there is no justification for you to shout.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, all what I am saying is that the planners should be left free to do their work properly. If the planners are left to do their work, then this country will not have problems. We have been witnessing cases where plots which are meant for low-density areas are converted to high-density areas without even witnessing the planners, and they are the people who should be guiding us. Recently, we had a case where NSSF was taken to court by the residents of Mount View Estate. Such land had been bought at a very exorbitant price by NSSF saying that they were going to put up high rise residential flats. Now, they have accepted that they should not do that after being taken to court and settling the matter out of the court. This is an example where people in this country have stopped respecting professionalism and those who are professionals have succumbed to the love of money enticing and wanting to get rich so much that professionalism to some of them is losing meaning.

As a professional, it is not fair for the professionals themselves to lose sense of the noble profession for which they were trained.

This country should tell its citizens especially the senior citizens, to leave the professionals alone. We are talking about planning with the concept of the environmental impact on what happens. If one travels along Nairobi river and other small rivers in Nairobi, when you see the pollution which is there, you cannot understand where the planners were when these industries or these structures were being constructed or are being constructed haphazardly and being allowed to emit disastrous, very bad effluent into the river. If one travels to Mombasa, as he crosses Athi River, one is hit by a strange smell coming from tea factories along that river which were constructed without having

to consult the Municipal Council of Mavoko.

The whole river is highly polluted. We are losing a lot of foreign exchange because there has been a lot of horticultural farming along Athi River. Because of pouring those dangerous chemicals into the river, when you pump that water, it is not fit for human or animal consumption, whether you purify it or not. Moreover, it is very expensive to purify water. The products grown in this area like French beans and flowers get into the European Union (EU) market through default. The flowers which are grown in that area have spots which are as a result of carrying out irrigation using contaminated water. Along the Nairobi River, there have been farmers who also grow flowers along Kangundo Road. They became bankrupt and their company was liquidated because their products could not be accepted in the European market any more. Why? Because of pollution. This pollution continues to occur because the planners have been neglected in the running of this industry. They are never involved. They have not been involved and that is why I am saying that this country cannot benefit from the people who are simply grabbing and enriching themselves and neglecting those who have been to school for many years and on whose education the country has spent a lot of money. The papers and plans that such educated people come up with are treated as useless things. This country cannot grow and, whatever happens, we are going to get into a fix. We are going to get into a bottomless pit if we do not respect professionalism.

In this case, I want to talk about all professionals. They must be respected because now, it has become a habit that, whenever somebody steals a few million shillings, he/she wants to come in this Parliament as an MP and vote "yes" or "no" in order to protect personal interests, while the entire country is drowning. I am happy hon. Shikuku talked about cracks here. I had seen them, but I did not know that he had also seen them. You know, I was assuming that since he is an old man, he may not be able to see these cracks. I praise Shikuku for seeing these cracks. They are there and they are very big. Unfortunately, the Front Bench is able to see nothing but power. But which power, and for how long, when your children will suffer, however much money you may gain? If you travel around Nairobi at night, you will see the emission of smoke and fumes. It looks like it is foggy at night. Yes, you are going to be rich, but your children will die of cancer and leave your money here! They do not know what they are doing. They are digging graves for their own sons because they know that they are likely to die after 1997 when we defeat them. It is true that when the Front Bench will be defeated in 1997, we will be attending a funeral every month for one of them. This is because they cannot withstand the strain and pressure of being in the Opposition.

Mr. Temporary Deputy Speaker, Sir, we are going to pass this Bill because I know you would be able to say "Yes" and because we need physical planners. But it has been very difficult in the past to implement some Acts of Parliament, which regulate the registration of professionals. I have in mind the Estate Agency Registration Board (EARB). Today, every thick and junk and every Minister who has retired and has nothing to do because of lack of professionalism, he wants to sell houses and plots. I am not saying Gen. Mulinge, but hon. Makau Estate Agent for buying and selling houses and plots. That is the only thing they can be able to do, and they will start selling what they have already grabbed. At least, they would have some stock to sell because they have already grabbed. I am not saying hon. Makau because I know he sold what he had. So when he retires he would not need to sell because he cannot sell the only house he has.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, we want this Act to be empowered with the ability to implement and to make sure that only those who are registered physical planners continue to do the planning. But at the same time, there are those people who have been in private practice doing some small level planning and they cannot be ignored. We are not saying that somebody who does not have the knowledge should be registered as a physical planner and continue doing some divisions involving about 2,000 acres. That bit can be left for those people; the planning of Government land and urban lands. But there are those people with professional qualifications, who should be allowed to continue with their work without any interference. The most important thing is to make sure that that person who has been working honestly, should not be defrauded of his citizenship, but should be allowed to continue with his job.

This issue of giving leeway to foreigners to practise here as physical planners should not happen. Even if it means the Minister coming immediately with a deletion of that Clause, it should be deleted. We do not want to get into problems like the advocates where every Mhindi, Mzungu who has moved to Nairobi, comes to apply to be registered and practise here. We have seen it with the architects and quantity surveyors. For example, look at what

hon. Mudavadi has gone to look for in Paris. They know all the projects which were approved when the Vice-President, hon. Prof. Saitoti, was the Minister for Finance. They only need to follow and because when our friends go to Paris, they go there in a hurry and in a capacity to pray that they be given the money, so that when they return home, it makes the kitty from which they loot further; so that when you put your hand and remove some money for your personal use, Kenyans still think that things are good.

Mr. Temporary Deputy Speaker, Sir, the professionals in the Treasury and the Ministers themselves, are not able to read well and understand all lending agreements that they are signing with these donor countries. They are a big let-down to this country.

They are a big let-down to this country and I am saying this when the Vice-President is here. So much money has gone to those countries whom we have been borrowing from through the professionals who come talking behind them immediately they have signed the loan agreement. They know when to see His Excellency the Vice-President in that towering office and they sign a contract to manage to instal these projects here. That is why I am saying that we should be more careful and my advice to the Head of State is that next time when he is appointing his Cabinet or reshuffling it, he must look at the professionalism of certain Ministerial positions and pick on educated people. Like now if the Chair was to be for only a Minister and not the others, these people would agree that this is somebody who is able to read both between the lines and along the line.

Mr. Temporary Deputy Speaker, Sir, what we are witnessing is that we get people wanting to give us money to initiate development projects and plan to do A, B, C, D, but because the Minister concerned is illiterate or semi-illiterate, he is not able to challenge some of the clauses and have them deleted. This is because they are so much in a hurry to come and report and call a Press conference at Jomo Kenyatta International Airport that "We have come and we have signed this loan agreement and they are going to help us in this manner" and yet they have not done anything. They have only succeeded in creating employment for the foreigners.

Mr. Magwaga: On a point of Order, Mr. Temporary Deputy Speaker, Sir. I have heard the hon. Member saying that there are some Ministers in this country who are semi-literate. Is he in order?

The Temporary Deputy Speaker: Can I hear you again? What did you say?

Mr. Magwaga: My point of order is whether hon. Mulusya is in order to say that in this country there are some Ministers who are semi-literate.

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

Mr. Magwaga: Can he substantiate?

The Temporary Deputy Speaker: He cannot do that because he will be violating Standing Order 73 (4).

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, that is the importance of being literate. You know very well that he wants to put me into problems. It is very important to have gone to school and to be able to know what your country needs. How can you be busy "making" children and on the other side you are busy creating hell for them?

Mr. Temporary Deputy Speaker, Sir, that is the situation which is prevailing now and what we are saying is: Let us make sure that we protect our people.

Let us protect our professionals. There is no country in the world which will neglect its own elite; its own educated professionals the way Kenyans do. This is because we have now turned to worshipping the rich who have stolen enough and who are the best professionals now. They make themselves into everything because you can say "Oh, I can ignore---"

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Mulusya, you have now abandoned the Bill once more.

Mr. Mulusya: Yes Mr. Temporary Deputy Speaker Sir, let me get back to the Bill. Here in the City of Nairobi, do we need to stay in a city where we are importing very many vehicles? There are so many of them coming in on annual basis.

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

[Mr. Deputy Speaker took the Chair]

But we are not expanding the roads, not because the planners have not made provision for the roads, but because the

planners upgraded the roads but there is nobody who is able to know the masterplan of Nairobi. The Minister for Local Government does not know what Nairobi requires, he does not know what a major city or town like Mombasa requires. They can only talk about repairing potholes and not expanding the roads when one of them, a relative or a son has died after hitting a pothole. Not until then. We must have people who have a sense of what is required. The professionals have done all this; they have repaired the roads, but for God's sake, there is no Government to implement this. They are all sleeping, they are all very busy trying to grab, to fleece parastatals and that is why every other day, there is always a parastatal which is being exempted from the Provisions of the State Corporations Act. Because, they do not want to be scrutinised and this is why up to today, the Public Investments Accounts Report has not been printed. This is because there are very ugly exposures contained in that Report and somebody somewhere in this House, wants to defeat the interests of this country. It is none other than the Clerk of the National Assembly, Mr. Japhet Masya. It has taken from the 29th of December up to today, for that Report to go to the Government Printer for printing.

Dr. Otieno-Kopiyo: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member on the Floor in order to anticipate debate on the Report of the Public Investments Committee which is yet to come to Parliament and is it further true that---

Mr. Deputy Speaker: I was consulting with a Member. I did not hear what he said. But, certainly, no Member is in order to anticipate debate on a matter which is pending; which is in the process of coming to the House.

Mr. Mulusya: Mr. Deputy Speaker, Sir, I have not discussed the contents of that Report. I have discussed the attempt to sabotage the printing of that Report and making it public.

Dr. Otieno-Kopiyo: On a point of order, Mr. Deputy Speaker, Sir. The Member is further saying, that the Public Investments Committee Report which we completed two months ago, has not been printed.

Mr. Mulusya: Correct!

Dr. Otieno-Kopiyo: Can he substantiate this serious allegation against Parliament? Is that a fact?

Mr. Mulusya: Mr. Deputy Speaker, Sir, could the hon. Member tell me also whether it has been printed? If it has not, why should you ask me to substantiate?

Mr. Deputy Speaker: Order! Order! Mr. Mulusya, I think this is a matter which Members should ordinarily find a way of dealing with through the Chambers and consultation with the Clerks, the Speaker and the Chairman of Committees before you come to the House. We are not debating the Public Investments Committee Report and I am not aware of this issue outside this Chamber. Prior to this time, I have not been aware of any problem regarding the publication of that Report. Please, would you desist from discussing reports which are bound to come to the House in the near future?

Mr. Mulusya: Mr. Deputy Speaker, Sir. What I was telling the House is that, the report should have been printed by now, having been completed almost two months ago.

Mr. Deputy Speaker, Sir, all of us should now be conscious of where we are going to live for the next few years before we die and where our children are going to be.

Mr. Magwaga: We know where we are going to live!

Mr. Mulusya: Mr. Deputy Speaker, Sir, I am getting interrupted by hon. Magwaga, who used to be with us on this side, but because of monetary gains, went to the other side.

Mr. Magwaga: On a point of order Mr. Deputy Speaker, Sir. Is hon. Mulusya in order to impute improper motive against me?

Mr. Mulusya: What did I say?

Mr. Deputy Speaker: Mr. Mulusya, could you be kind enough, to repeat exactly what you said?

Mr. Mulusya: Mr. Deputy Speaker, Sir, what I said is this; I am seeking protection from the Chair, against hon. Magwaga who used to be with us on this side and who defected to that side probably for monetary gains. That is what I said.

(Laughter)

Mr. Deputy Speaker: Is that what he said?

Hon. Members: Yes!

Mr. Deputy Speaker: Order! Hon. Members, as far as the Chair is concerned, hon. Members are free to cross the Floor of the House, to change parties and it is always assumed by the Chair that they do it in exercise of their free will.

Mr. Mulusya: For financial gains!

Mr. Deputy Speaker: Order! I do hope that, hon. Mulusya, you know the seriousness of making a statement supposedly to clarify what you said earlier. I hope that is exactly what you said. On that basis and without prejudice to my right to consult the HANSARD, and therefore revisit the matter if there is any variation, you may continue.

Mr. Mulusya: Mr. Deputy Speaker, Sir, I cannot say anything bad about hon. Magwaga. He is my in-law. We are very close friends. He tells me things in confidence which I cannot disclose here.

(Applause)

Mr. Magwaga: On a point of order, Mr. Deputy Speaker, Sir. Hon. Mulusya is not being honest with this House. He is not my political friend. Socially, we are friends but not in politics. So, he is not in order to say that he is my political friend. He should not---

Mr. Deputy Speaker: Order! I direct that, that matter be put to rest. Will you continue with the debate if you have serious contribution to make.

Mr. Mulusya: Deputy Speaker, Sir, I am asking the Minister in charge of planning, who is supposed to implement this Bill, to revisit what is happening in his own office. Up to today, the issue of title deeds and files not being attended to by the Commissioner of Lands has not been sorted out. I want to beseech him, once more, that Kenyans are crying and they are losing a lot of money. They are not able to borrow money from banks because change-of-user files which these planners have recommended cannot be signed because the gentleman, who does not listen to the Minister and who is at war with his own permanent secretary is not working on those files. He has assumed that he is above the Minister and his PS. Why can we not in this House try to rescue the Minister? That officer should be sacked. Mr. Gachanja is not fit to sit in that office because he does not listen to his Minister. He does not listen to the PS. He is misguiding the PS and the Minister.

Mr. Sankori: On a point of order, Mr. Deputy Speaker, Sir. Is it fair for hon. Mulusya to attack a senior civil servant who cannot defend himself in this House?

Mr. Mulusya: Mr. Deputy Speaker, Sir, I do not have to ask hon. Sankori to tell this House what he did in 1995 in Masimba. Those were farmers who died and I will revisit that issue.

Mr. Deputy Speaker: Order! Hon. Mulusya, may I draw your attention to the wording of Standing Order No. 87. Proceed.

Hon. Mulusya: Mr. Deputy Speaker, Sir, thank you for drawing my attention to that Standing Order. The cry of Kenyans is that, when planners and other professionals have done their work, their efforts are being frustrated by one officer whose background is very dubious. He sits in that high office in the Ministry of Lands and Settlement in utter disregard of whether there is a Minister or a Permanent Secretary whom he is supposed to report to. There are very hard-working officers in that office.

Mr. Rotino: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to keep on referring to senior civil servants who cannot come here and defend themselves? Can he also be specific?

Mr. Mulusya: The Ministers are here to defend themselves. Hon. Gen. Mulinge is here. He is the one wearing the shoe and he is the one who knows where it pinches. He is not crying. Why should you cry for him?

The Minister for Education (Mr. Kamotho): On a point of order, Mr. Deputy Speaker, Sir. Is it really in order for the hon. Member to allege that a particular officer in a Ministry defies his own Minister while the Minister himself has not complained here in any way that he is defied by his officer?

Mr. Mulusya: Mr. Deputy Speaker, Sir, I have several times talked about insubordination of civil servants to their seniors in this House.

Mr. Gitau: On a point of information, Mr. Deputy Speaker, Sir. May I inform the contributor at the moment that I personally was taken to that officer by an Assistant Minister for Lands and Settlement and both of us were chased out like school boys. That was hon. Kaino.

The Assistant Minister for Lands and Settlement (Mr. Kaino): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to mislead the House? I have never seen the hon. Member in my office. He has never come to my office and if he did, I did not see him.

Mr. Mulusya: Mr. Deputy Speaker, Sir, the Assistant Minister is day-dreaming. There are several Assistant Ministers in that office including one who was given a prize and he is no longer with us.

Dr. Lwali-Oyondi: On a point of information, Mr. Deputy Speaker, Sir. I wish to inform the hon. Member on the Floor that this particular officer is the very one who has been writing to the PC, Nakuru, to grab all Government houses. I have brought that evidence here and I can still bring it again.

Mr. Mulusya: I do not want to dwell on this issue because I know that, when the Minister in charge feels compelled to go and report to a higher authority somewhere he will do so. If some time back he could go and talk about our security apparatus in this country those days, why not now?

So, Mr. Deputy Speaker, Sir, even in this House there are Ministers who have had to go and queue in order to see Mr. Gachanja, but they were told: "Mr. Gachanja cannot see you, even though you are a Minister".

(Dr. Misoi stood up in his place)

He is one of them. He has been chased from that office!

(Applause)

Mr. Deputy Speaker: Order! Order!

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order, Mr. Deputy Speaker, Sir. Is hon. Mulusya in order to turn debate on a very important Bill into a debate on public servants, who cannot defend themselves? Is he in order to misuse the time of this House by discussing an officer who is discharging his duties according to the terms of his appointment?

Mr. Mulusya: Mr. Deputy Speaker, Sir, I pity hon. Misoi. He has been thrown out of that office in my own presence. He was told that he would not be seen.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Mulusya to continue heckling the hon. Members of this House? He is telling them that they have been thrown out of an office, to which he himself cannot go! Should he be allowed to continue heckling this House? Is he not becoming irrelevant? Hon. Mulusya has become so irrelevant and repetitive that his contribution should be discontinued.

(Hon. Misoi remained standing)

Mr. Deputy Speaker: Order, Dr. Misoi! Sit down. Mr. Mulusya, will you finish without provoking others?

Mr. Mulusya: Mr. Deputy Speaker, Sir, I am saying that I do not want to see that attitude again. How can an hon. Member be allocated a plot and then he is thrown out of it and it is allocated to somebody else? Is he not a citizen? I am crying on behalf of the hon. Members!

Mr. Ndicho: On a point of information, Mr. Deputy Speaker, Sir. I want to inform hon. Mulusya that this particular officer is richer than even the President. He wants to use the money that he has amassed from plots grabbing to become a Member of Parliament. He has promised to become an MP on a KANU ticket.

Mr. Deputy Speaker: Order! Order! Hon. Ndicho, who gave you the Floor? Were you on a point of information?

Mr. Ndicho: Yes, Sir.

Mr. Deputy Speaker: Okay; continue.

Mr. Ndicho: Mr. Deputy Speaker, Sir, this particular officer has assured the President that he will vie for a Parliamentary seat in Kinangop, because he has amassed a lot of money by grabbing plots and selling them. He is the richest Kenyan today!

The Minister of State, Office of the President (Mr. Kalweo): On a point of order, Mr. Speaker, Sir. It is becoming

very unnecessary for an hon. Member to allege things that he cannot prove. Is it in order for hon. Members to come here and talk about whatever issues they may think about?

Mr. Mulusya: Mr. Deputy Speaker, Sir, I do not know why the Minister is complaining!

Mr. Deputy Speaker: Order! Order! Hon. Mulusya, I had warned you about the meaning of Standing Order No. 87, and now I have decided to discontinue your speech.

Hon. Members, it being 6.30 p.m., it means we have come to the end of the normal business of the day.

Next Order.

(Pursuant to a Motion moved under Standing Order No. 169, all strangers withdrew from the Chamber to enable the House to discuss, on a Motion for Adjournment, a matter pertaining to the country's border)