

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 18th June, 1997

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following Report was laid on the Table of the House:-

Report of the Public Accounts Committee on the Government of Kenya Accounts for the years 1993/94, Volumes I and II.

(By the Chairman of the Public Accounts Committee (Mr. Wamalwa))

NOTICE OF MOTION

ADOPTION OF PAC REPORT

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, this House adopts the Report of the Public Accounts Committee for the years 1993/94 laid on the Table of the House on Wednesday, 18th June, 1997.

ORAL ANSWERS TO QUESTIONS

Question No. 078

SIGNATORIES OF NATIONAL
YOUTH DEVELOPMENT FUND

Mr. Deputy Speaker: Mr. Kamuyu is not here? That Question will be stood over for the moment. Next Question?

Question No.348

DEMOLITION OF SHELALI'S HOUSE

Prof. Mzee asked the Minister of State, Office of the President:-

(a) whether he is aware that a house belonging to Mr. Mohamed Bakari Shelila in Matroni, Kiunga Division of Lamu District, was demolished by the District Officer, Kiunga Division, Lamu District on 21st January, 1996;

(b) whether he is further aware that Mr. Shelila reported this matter to the District Commissioner, Lamu District, on 1st February, 1996 and the Provincial Commissioner, Coast Province, vide his letters dated 19th February and 10th June, 1996 respectively and that the Provincial Commissioner instructed the District Commissioner, Lamu District vide his letter Ref. No. DND/1/6 Vol.III/36 dated 12th July, to look into the matter; and,

(c) Could he inform the House why Mr. Shelila's house was demolished; the outcome of the District Commissioner's investigations and whether Mr. Shelila will be compensated for the loss of his

house.

Mr. Deputy Speaker: Is there anybody from the Office of the President? That Question will be stood over for the moment.

Question No.085

PAYMENT OF INCOME TAX BY NDEFFO

Mr. Deputy Speaker: Bishop Kimani is not here? That Question will be stood over for the moment.

Question No.062

STATUS OF LAKE BASIN DEVELOPMENT AUTHORITY

Mr. Mak'Onyango asked the Minister for Energy why the Government has not sanctioned the Lake Basin Development Authority to become an electricity producer to take charge of the Sondu-Miriu Hydro-Electric Station and other power development projects within its jurisdiction.

Mr. Deputy Speaker: Anybody from the Ministry of Energy? That Question will be stood over for the moment.

Question No.274

BENEFICIARIES OF NOL-TURESH WATER PROJECT

Mr. Deputy Speaker: Mr. Mulusya is not here? That Question will be stood over for the moment.

Question No. 287

REMUNERATION OF EMPLOYEES
FOR YOUTH POLYTECHNICS

Mr. Kofa asked the Minister for Research, Technical Training and Technology:-

(a) when the salaries for the employees of Youth Polytechnics were last reviewed;

(b) what allowances these employees are entitled to; and,

(c) since the Ministry withdrew grants to these institutions in 1980, how do the management committees meet their financial obligations.

Mr. Deputy Speaker: Anybody from the Ministry of Research, Technical Training and Technology? That Question will be stood over for the moment.

Question No.100

ACTION AGAINST KUCFAW

Dr. Lwali-Oyondi asked the Minister for Labour and Manpower Development what steps he is taking against KUCFAW officials who have, so far, not been attending court for example, on 27th June, 1995 that was to settle a trade dispute in which Mr. Isaac G. Wangombe of Unga Limited, P.O. Box 160, Nakuru asked to be paid acting allowance and confirmation of Job Group III as per the Ministry's letter Ref. M/IR/2/33/91 of July, 1994.

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Deputy Speaker, Sir, I beg to reply.

The withdrawal of benefits of Mr. Wilson Macharia Maigwa alias Wilson Macharia Waigwa totalling to Kshs106,074 has already been paid fully.

Dr. Lwali Oyondi: Mr. Deputy Speaker, Sir, I am very grateful for the answer that the Minister has given. He has said that the dues have been paid. If he has paid all of it, can he tell us and give the cheque number with which that amount was paid? If possible, can he give me a photocopy of the cheque so that I can it to this gentleman?

Mr. Masinde: Mr. Deputy Speaker, Sir, obviously, I cannot give a photocopy of the cheque because it was given to the owner. However, this gentleman, Mr. Macharia, whose Fund number is 046766145 applied for his withdrawal--

Dr. Lwali-Oyondi: On a point of order, Mr. Deputy Speaker, Sir. We are talking about Mr. Isaac G. Wangombe and he is talking about Mr. Macharia and I have not got the reply. Mr. Isaac Wangombe is a worker with Unga Limited of P.O. Box, 160 Nakuru and the correspondence I have just quoted here is a letter from the Minister's office.

Mr. Masinde: Mr. Deputy Speaker, Sir, there must have been a confusion in the names because even what I have here is one number, but two different names. I was just trying to detail how the payments were done. In this respect, I will have to go and sort out. I paid a Mr. Wilson Macharia who later on went by the name of Mr. Wilson Waigwa. The first one was Maigwa. We paid the cheques which were later disowned because the names were different. So, the person had to come back to get fresh cheques after verifying a fresh and a different name. So, there could be a further confusion in the name. I think you should give me an opportunity to check once again and perhaps, come back with a better answer.

Mr. Deputy Speaker: Mr. Masinde, it is obvious that you are not answering the Question before the House. I direct that the Question be deferred to the earliest possible time.

(Question deferred)

Question No.105

LACK OF LABOUR OFFICE IN NYAMIRA

Mr. Obwocha asked the Minister for Labour and Manpower Development:-

- (a) what has led to the lack of labour office in Nyamira, despite the fact that Nyamira is now a fully fledged district; and,
- (b) whether he could rectify this anomaly to avoid long travels by Nyamira residents to Kisii to be attended to on labour matters.

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Speaker, Sir, I do not seem to have the answer for that one. I think I will have to check once again.

Mr. Deputy Speaker: So, that Question will be deferred.

(Question deferred)

Mr. Deputy Speaker: Question No. 078, for the second time!

Question No. 078

SIGNATORIES OF NATIONAL YOUTH DEVELOPMENT FUND

Mr. Deputy Speaker: Is Mr. Kamuyu still not here?

(Question dropped)

Next Question, Prof. Mzee, for the second time!

Prof. Mzee: Mr. Deputy Speaker, Sir, first, I would like to inform you that I did not receive the written reply!

Question No. 348

DEMOLITION OF MR. SHELALI'S HOUSE

Prof. Mzee asked the Minister of State, Office of the President:-

- (a) whether he is aware that a house belonging to Mr. Mohamed Bakari Shelali in Matroni, Kiunga

Division of Lamu District was demolished by the District Officer (DO) of Kiunga Division, Lamu District, on 21st January, 1996;

(b) whether he is further aware that Mr. Shelali reported this matter to the District Commissioner (DC), Lamu District, on 1st February, 1996, and the Provincial Commissioner (PC), Coast Province, vide his letters dated 19th February, and 10th June, 1996 respectively, and that the PC instructed the DC, Lamu District, vide his letter Ref.No.DND/1/6Vol.III/36 dated 12th July, 1996, to look into the matter; and,

(c) if he could inform the House; why Mr. Shelali's house was demolished; the outcome of the DC's investigations and whether Mr. Shelali will be compensated for the loss of his house.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I wish to apologise for coming late. I, therefore, beg to reply.

(a) I am aware that a makeshift structure (banda) belonging to Mr. Mohamed Bakara Shelali in Matroni, Kiunga Division of Lamu District was demolished by the DO.

(b) Yes, I am aware.

(c) Mr. Shelali's makeshift structure was demolished on security grounds after the residents of the neighbouring villages complained that the structure was harbouring bandits, and Sub-Section two of the DC's investigations revealed that Mr. Shelali had erected a lone structure in a thicket next to Kiwayu Safari Village, and later, abandoned it. The structure was reported to be harbouring bandits, and the DO demolished it in the interest of security. The issue of compensation does not arise, since the structure in question was illegal and unauthorised.

Prof. Mzee: Mr. Deputy Speaker, Sir, I would like to request your assistance because what the Assistant Minister has said is totally untrue. I have several correspondences to prove that what he is telling this House is untrue.

It is a whole village and these people have been living in this area for many years. It is a complete Swahili house and this old man was born there. It was built by his grandfather and it cannot be a makeshift banda. It is in Lamu District and it is something which has been there for over 100 years. I have correspondence from the DC and PC touching on this issue. There has never been a single time that the question of security came in. I cannot understand hon. Sunkuli should stand here for the first time, and say that the banda was harbouring bandits and it had to be demolished. I have correspondence which never mentioned any bandits.

Mr. Deputy Speaker, Sir, can you force hon. Sunkuli to give us a proper answer, or give me an opportunity to table these correspondences which never mentioned about bandits and a makeshift banda at a later date?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I hope you will not force me to say something which is not true. This is because the hon. Member comes from Kisauni which is very many kilometres away from Kiunga. The truth is that the Government demolished this structure because it was a den of bandits. It was not safe for a lone building, somewhere in the thickets of Kiwayu to be present there unattended. There was nobody in that building and it was unattended. The only reason why we demolished it is because the citizens of the area complained about it.

Prof. Mzee: Mr. Deputy Speaker, Sir, there is a hotel there built by a white man. He wants to occupy that land. It was demolished because the white man wanted to buy it first, but all the people refused. I have a letter which is signed by over 100 people, and I can table it tomorrow if possible.

The Assistant Minister is not telling the whole truth. There is a hotel there and he cannot say that it is in the middle of nowhere. It is a prime land and a big area. A lot of tourists go there. I come from nearer this place than the Assistant Minister does. He does not have any idea what he is talking about. That is not the reason. Please tell us the truth. I am telling you that there is a white man there.

Mr. Sankori: On a point of order, Mr. Deputy Speaker, Sir. This is a Question where Prof. Mzee wants to personalise issues between him and hon. Sunkuli. Can you please---

Mr. Deputy Speaker: Order! What is your personalisation? Please, answer the question, hon. Sunkuli!

Mr. Sunkuli: He is directing matters to me rather than to Mr. Deputy Speaker. I do not see why the hon. Member is emotional about this matter. I am telling him that this building was unattended. It was not a hotel of any sort, there are no tourists and there was nobody living in that building. Bandits were taking advantage of this lone building. We had to destroy it to protect the security of the area.

Prof. Mzee: I do not know what I can do but I have correspondences from the PC and DC, and I can table it in this House. I do not have them here with me! Can I be given an opportunity to rise on a point of order at a later date on this matter?

Mr. Deputy Speaker: Order! You will not be given an opportunity to ask the Question again. But if you are saying that on account of the answer the Assistant Minister has given, you have further information which you want to table, you can do so. But you will have consulted the Chair in advance and given it copies of what you want to table. If the Chair is satisfied that in view of the information given, together with the earlier answer, you deserve an

opportunity to raise one or two queries on it, you will be given such an opportunity.

Mr. Sunkuli: On a point of order, Mr. Deputy Speaker, Sir. On a matter of guidance, the hon. Member knew that his Question was here on the Order Paper today. Why was he not equipped enough to bring the information? Is it proper to give him time---

Mr. Deputy Speaker: Order! I think it is a legitimate query, but unfortunately, it is coming too late. I had already made my ruling. You have a right to ask a question on it when it is in the custody of the Chair. The Question belongs to the hon. Questioner. If the hon. Questioner has sought to stand over the Question so that he can be given an opportunity to present documents later, I do not think it is an issue which will raise any hullabaloo.

Next Question for the second time, Bishop Kimani!

Bishop Kimani: For the second time, I beg to ask Question No. 085.

Mr. Deputy Speaker: Order! But you were late, were you not? I did not hear your apology! Can you apologise to the Chair?

Bishop Kimani: I had apologised, Sir.

Mr. Deputy Speaker: Thank you.

Question No. 085

PAYMENT OF INCOME TAX BY NDEFFO

Bishop Kimani asked the Minister for Finance:-

(a) whether he is aware that Ndeffo Farmers' Society is being taxed, while its farm was sub-divided into 1.6 acre plots almost 25 years ago;

(b) whether he is further aware that the Income Tax Department is demanding from the Society a total of Kshs287,221 and has withdrawn Kshs204,252 from the Society's account which was being raised for the Society's water and rural electrification project; and,

(c) whether he could stop charging these peasant farmers income tax and order the Income Tax Department to refund to the Ndeffo Farmers Society Kshs204,252.

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

(a) Yes, I am aware of the taxation of Ndeffo Farmers Society.

(b) Yes, I am aware that the Income Tax Department is demanding Kshs287,221 from Ndeffo Farmers Society and has already taken Kshs204,252 from their account.

(c) I cannot stop charging the Society since the tax is based on the Society's own tax returns which reflect taxable rental income, and as such, there is nothing to be refunded.

Bishop Kimani: Mr. Deputy Speaker, Sir, what the Assistant Minister has said is completely misleading. This is because Ndeffo farmers, which is a group of Mau Mau fighters bought this land and sub-divided it into units of 1.6 acres. What they have is a quarry and one building in Nakuru. The Income Tax Department comes in, goes to their account, and takes the whole amount, while these people had other plans. What they get from the quarry is what they can help themselves with. They can install electricity, build schools and what might remain can be used to do some extensions. Can the Assistant Minister tell this House whether it is standard business practice that what one has in the account is taken away as tax?

Mr. Barmasai: Mr. Deputy Speaker, Sir, the tax was from the income from the building that Ndeffo owns in Nakuru and from the quarry. It is not from the farms. Further, this was based on their own returns to the Income Tax Department.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, could the Assistant Minister consider re-looking at this account because they might have not used a professional hand to do the returns? This is because these are very, very ordinary wananchi and many of them are uneducated. It is possible that they could have remitted the wrong returns. Could the Assistant Minister, in view of the fact that we are looking after wananchi generally go and look at or reject the accounts and try and rectify the situation?

Mr. Barmasai: Mr. Deputy Speaker, Sir, these returns, I think, were professionally done. Secondly, I am sure that some of you know some of the directors of that company. I am sure that some of them were even hon. Members of this House at one stage.

Mr. Obwocha: Mr. Deputy Speaker, Sir, I would like the Assistant Minister to confirm whether this money that is being demanded from Ndeffo Farmers Society is based on estimated assessment by the Income Tax Department and, if indeed, these are returns to the Income Tax Department by the company. Could he bring to this House the said returns to confirm that was what their income was for that year?

Mr. Barmasai: Mr. Deputy Speaker, Sir, these monies were based on their own returns for a period of several years from 1986 to 1991.

Mr. Achieng-Oneko: Mr. Deputy Speaker, Sir, I know the society very well and I would plead with the Assistant Minister to review the situation again. This is because these are really ordinary, but gallant people who fought for Independence. I was once a shareholder in this society and I know they are very ordinary people who might have not submitted their accounts correctly to the Income Tax Department.

An Hon. Member: Were you a Member of Parliament then?

Mr. Achieng-Oneko: I have ceased to be a member and at that time I was a very ordinary member. I am a Member of Parliament now, but I was just pleading with the Assistant Minister to review the situation once again.

Mr. Barmasai: Mr. Deputy Speaker, Sir, as much as one could sympathise with the situation, the law is the law. Once that has been done and the returns have been given, then there is nothing that we can do, but to sympathise.

Question No.062

STATUS OF LAKE BASIN DEVELOPMENT AUTHORITY

Mr. Mak'Onyango, asked the Minister for Energy why has the Government not sanctioned Lake Basin Development Authority to become an electricity producer to take charge of the proposed Sondu-Miriu Hydro-Electric Station and other power development projects within its jurisdiction.

The Assistant Minister for Energy (Mr. Marita): Mr. Deputy Speaker, Sir, I am very sorry that I was not around when the question was asked by the hon. Member. However, I beg to reply.

In line with the current Government energy sector reforms, all public power generating facilities will be managed by the newly established Kenya Power and Lighting Company. The Government will, therefore, not sanction the Lake Basin Development Authority or any other authority to become an electricity undertaker.

Mr. Mak'Onyango: Mr. Deputy Speaker, Sir, I wish to first of all complain that I have not been given a written reply to this Question. However, this same Government has made it known publicly that there are for liberalisation. Now, when the Assistant Minister says that other firms or organisations are not going to be allowed to be power undertakers, is that not contradicting the position that has already been made public by this same Government that they are for liberalisation?

Mr. Marita: Mr. Deputy Speaker, Sir, any company can privately generate electricity. This is allowed. Therefore, we have not rejected the question which the hon. Member has raised.

Prof. Anyang'-Nyong'o: Surely, Mr. Deputy Speaker, Sir, the Assistant Minister has to make up his mind. Either the electricity is going to be generated by the Kenya Power and Lighting Company Limited or it is going to be generated by multiple sources. In your first answer you said that because the Government has decided that the KPLC should generate electricity, the LBDA cannot generate electricity. In your reply to the supplementary question you are now saying that anybody who is ready to generate electricity can generate. Now, which is the answer?

Mr. Assistant Minister, as far as I know there is no Act of Parliament prohibiting any other individual or company from generating electricity under the newly restructuring process of energy production. So, you have to come here with a correct answer for the hon. Members of Parliament.

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): On a point of order, Mr. Deputy Speaker, Sir. The hon. Professor Anyang'-Nyong'o has addressed the hon. Member rather than addressing the Chair.

Mr. Marita: Mr. Deputy Speaker, Sir, let me say that any private company which wants to generate electricity has to get in touch with the Kenya Power and Lighting Company. So, I have not said that any company which would like to generate power is has been rejected. Even at the moment we have got some other private companies generating power. So, in this case we have not rejected anything.

Mr. Mak'Onyango: Mr. Deputy Speaker, Sir, now you will appreciate that the Assistant Minister is not giving us a correct reply. However, could the Assistant Minister tell this House what would be wrong in the LBDA being an electricity undertaker in this country?

Mr. Deputy Speaker: Next Question, Mr. Mulusya.

Mr. Mulusya: Mr. Deputy Speaker, Sir, the Sondu-Miriu are the experts of power generation in this country.

Mr. Deputy Speaker: Mr. Mulusya, I have given you the Floor to ask your Question!

Question No.274

BENEFICIARIES OF NOL-TURESH WATER PROJECT

Mr. Mulusya asked the Minister for Land Reclamation, Regional and Water Development:-

- (a) which areas were the targeted beneficiaries of the Nol-Turesh (Kilimanjaro) Water Project according to the initial feasibility study;
- (b) what the size of the pipeline was as per the contract signed by the donor country and the Kenya Government and what the distribution of the pipeline sizes is (in running meters) from source to the last point now served; and,
- (c) if he is satisfied that this project was implemented as per the GOK/donor funding agreement, and if, the intended beneficiaries as per the feasibility study were the eventual beneficiaries of the project.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The beneficiaries who were targeted from the Nol-Turesh Water Supply Project according to the initial feasibility study were mainly from Machakos, Kajiado and Athi River Towns. However, people living alongside the pipeline route, including those of Emali, Simba, Kalanzoni, Sultan Hamud and Mashuru Towns were also considered for provision of water from the project.

(b) As per the contract, the pipeline system was to consist of various diameters and lengths as follows:-

	<u>Diameter</u>	<u>Length</u>
(i) Source to Kajiado off-take	550 mm	144.4 km
(ii) Kajiado off-take to Athi River off-take	400 mm	10.95 km
(iii) Kajiado take-off to Kajiado Town	250 mm	42.9 km
(iv) Machakos off-take to Machakos Town	300 mm	15.5 km
(v) Athi River off-take to Machakos Town	250 mm	<u>33.95 km</u>
Total		<u>247.70 km</u>

Nol-Turesh Pipeline runs alongside Mombasa/Nairobi Highway all the way from Sultan Hamud up to Athi River Town.

(c) The project was implemented in accordance with the GOK/Donor funding agreement and the areas served are those that were recommended during the feasibility study of the project.

Mr. Mulusya: Mr. Deputy Speaker, Sir, the Assistant Minister is either deliberately misleading this House or he does not know, and he has not read what is contained in the agreement which was signed between the GOK and the Donor. During the implementation of this project, those sizes of pipes were reduced by 100 mm all through. The first portion is 450 mm, the second one which he has read as 400 mm is now 300 mm, the third is 200 mm, while the one for 300 mm is 200 mm. This one was done with the knowledge of the Kenya Government, but the donor country did not accept those variations. It was only the contractor who knew what was being implemented on the ground.

Can the Assistant Minister now tell the House whether he is going to instruct and get a Parliamentary Select Committee to investigate the whole saga concerning the implementation of that project because this country was ripped off billions of money because of the under-sizing of those pipes?

Mr. Ligale: Mr. Deputy Speaker, Sir, I am not aware of any under-sizing of the project.

Mr. Sankori: Mr. Deputy Speaker, Sir, while I appreciate the answer given by the Assistant Minister, I do not know whether he is aware that the pipeline has never served Simba Town because the pipe was not properly connected? There was an old pipe which was more efficient and more beneficial to the local people than the present pipe. Can he tell this House whether this project was a success or a failure because I consider myself a failure because Kajiado, Mashuru and Simba Towns have no water?

Mr. Ligale: Mr. Deputy Speaker, Sir, the project is a success to the extent that it produces water to the designed capacity it was meant for, 14,000 cc of water per day. Unfortunately, the demand, taking into account all the population and which has been growing in the area, is close to double the current production, and hence the failure to produce enough water to meet all the requirements. But I cannot say that the project was a failure.

Mr. Muite: The Assistant Minister has admitted that a lot of areas which were intended to be served by this water are not being served. The loan that was given for this project has to be paid by all of us, Kenyans. The HANSARD is a permanent record. Can I appeal, through the Chair, to the Assistant Minister, bearing in mind that the

HANSARD is a permanent record, to tell this House whether the reason why some areas like Machakos and the other areas are not receiving water is because that water was diverted and is now growing flowers by a top politician in this country in Athi River?

Mr. Ligale: Mr. Deputy Speaker, Sir, that is not the reason.

Prof. Ouma: Mr. Deputy Speaker, Sir, before this project was agreed and during the feasibility study, there must have been population projection that this water was to serve in future. Therefore, the specifications of the diameter of the pipeline was in view of the projection. Now, that the Questioner, hon. Mulusya, has alleged a very serious matter that the diameters are smaller than the ones projected, and, therefore, the water, if this is true, shall not meet the projections which both the donor and Kenyans knew would be done. This is a very serious matter.

Could we humbly ask through the Chair, that the Assistant Minister goes and find out if this is true so that Kenyans may know the truth and the rip-off maybe repaired; the rip-off for the future, leave out the rip-off which has gone to their pockets? I am asking for the sake of sustainable development in future, that we may know whether the projections should be met or not? Let us not brush it aside.

Mr. Ligale: Mr. Deputy Speaker, Sir, I have stated that the main reason why the projected population cannot be served accordingly is mainly because---

Mr. Mulusya: On a point of order, Mr. Deputy Speaker, Sir. Again, the Assistant Minister is deliberately avoiding to answer a legitimate question from Prof. Ouma-Muga. Why can he not have the courage to tell this House that the project was implemented in the manner as contained in the agreement, and whether in that agreement there was an element of providing water to the flower farm belonging to His Excellency the Vice-President in Kajiado next to Kitengela? Was that provision contained in that agreement?

Mr. Ligale: Mr. Deputy Speaker, Sir, I do not know why hon. Members are getting excited. I was going to explain the main reason why we are not getting adequate water in the various towns that were planned for. The question of flower growing does not arise. I have stated clearly that the main reason why we are not getting adequate water is because we ended up supplying water to Emali, Kathonzweni, Sultan Hamud and other towns which were not originally in the plans for provision of water. That is the main reason.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir. I believe I heard hon. Mulusya say that some water was diverted to my farm for use in growing flowers. I want to make it clear that I do not grow any flowers at in Kajiado at all. Can he substantiate or withdraw that allegation?

Mr. Mulusya: Mr. Deputy Speaker, Sir, I did not talk of Kajiado, but of a farm between Kajiado and Kitengela. If hon. Saitoti wants it, we can take time off now so that I can go and show him the farm.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir. It is quite clear that the hon. Member is trying to find an easy way out. He made a categorical statement to the effect that the water has been diverted to grow flowers on my farm. Can he withdraw that statement because I do not grow flowers on any farm in Kajiado District? In fact, Kitengela is in Kajiado District.

Mr. Mulusya: Mr. Deputy Speaker, Sir, the fact of the matter is that hon. Saitoti and the son of the President are growers of flowers and are taking the biggest amount of water from Nol-Turesh Water Project. They are causing the suffering of the people of Athi River, Machakakos and Kajiado Towns, who cannot get water because of the diversion.

Mr. Deputy Speaker: Order! I think we are getting lost.

Next Question, Mr. Kofa.

Question No.287

REMUNERATION FOR EMPLOYEES
OF YOUTH POLYTECHNICS

Mr. Kofa asked the Minister for Research, Technical Training and Technology:-

- (a) when the salaries of the employees of the youth polytechnics were last reviewed;
- (b) what allowances these employees are entitled to; and,
- (c) since the Ministry withdrew grants to these institutions in 1980 how the management committees meet their financial obligations.

The Assistant Minister for Research, Technical Training and Technology (Mr. Kagwima): Mr. Deputy Speaker, Sir, first of all, I want to apologise for coming late.

Having said that, Mr. Deputy Speaker, Sir, I beg to reply.

(a) The youth polytechnics became a function of my Ministry in 1988, and since then no salary increments have been awarded.

(b) The employees are not entitled to any allowances.

(c) My Ministry still continues to give grants to the polytechnics to pay salaries to the instructors.

Mr. Kofa: Mr. Deputy Speaker, Sir, there are three youth polytechnics in Tana River District, namely, Tarasaa, Fola and Tumaini Youth Polytechnic in Bura Town. Tana River District is in the ASAL region and the Ministry keeps on insisting that youth polytechnics are people's institutions, and yet the people of Tana River District are being fed on famine relief. What is the policy of the Ministry regarding these polytechnics in ASAL regions, since they have collapsed?

Mr. Kagwima: Mr. Deputy Speaker, Sir, I am not sure I have followed that supplementary question very well, but I will say that I am not aware that the institutions have collapsed. If he is requesting for grants to be given to the polytechnics I would request that the management committees apply for the grants.

Mr. Kofa: Mr. Deputy Speaker, Sir, the management committees of these polytechnics have written to the Ministry, but the Ministry keeps on saying that it has no money. What the Assistant Minister is asking for has been done. So, I do not know what he would like us to do about these collapsing polytechnics.

Mr. Kagwima: Mr. Deputy Speaker, Sir, I would request the hon. Member to furnish the Ministry with copies of the applications made by the management committees and I will take action.

Dr. Oburu: Mr. Deputy Speaker, Sir, in view of the very important role played by graduates from these polytechnics, and also the Government policy to support the Jua Kali sector, why is it that the instructors' salaries have not been reviewed for last 10 years? Why are these Government employees not being paid salaries in accordance with Government regulations and salary structures?

Mr. Kagwima: Mr. Speaker, Sir, the first lot of instructors, especially those in the technical training institutions, have had their salaries reviewed and payrolls taken over by the Teachers Service Commission (TSC). It is only three months ago that we released the schedule of their salaries. Regarding salaries of youth polytechnic instructors we are already in contact with the other Government arms to ensure that their salaries are reviewed and also, most likely, paid by the TSC, so that they are harmonised with salaries of teachers in primary schools.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Deputy Speaker, Sir. In view of the fact that the Government established these youth polytechnics to ensure that particularly primary and high school leavers get the necessary technical training so as to be gainfully employed in our economy; in view of the fact that all these youth polytechnics have, for all intents and purposes collapsed--- I know that the Government assumes that the youth polytechnics should earn their income from the sale of products from carpentry, metal work and so on. But because the teachers are poorly paid they sell these things but the neither the Ministry nor the polytechnics ever get any money.

So, across the country the youth polytechnics have virtually collapsed. Yet the Government is still putting in money in terms of paltry salaries for the teachers. In view of this state of affairs can the Assistant Minister assure this House that the Ministry will re-assess the position of these polytechnics and either abolish the whole system or rehabilitate them fully?

Mr. Mak'Onyango: On a point of order, Mr. Deputy Speaker, Sir. Are you satisfied that hon. Anyang'-Nyong'o raised a point of order? He caught your eye on the basis of raising a point of order, but what he has put across is, in fact, a question!

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, you cannot be directed by an hon. Member!

Mr. Deputy Speaker: Order! I have never been directed by a sitting hon. Member, and I am not being directed. But I am glad that hon. Mak'Onyango is beginning to show concern for the fact that hon. Members should not rise on points of order to ask questions. Be that as it may, I have allowed hon. Anyang'-Nyong'o to get away with it.

Yes, hon. Kagwima.

Mr. Kagwima: Mr. Deputy Speaker, Sir, it is not true that the polytechnics have collapsed. But I want to say that the Ministry will continue looking at the state of affairs regarding those institutions, with a view of ensuring the proper running of those institutions. I would, in the same vein, request that Parliament, and more so the Ministry of Finance, gives my Ministry more money to finance those institutions.

Mr. Deputy Speaker: Mr. Kamuyu's Question for the second time.

Mr. Kamuyu: Mr. Deputy Speaker, Sir, I want to thank you for this special consideration. I do apologise for coming late. I had to pass through the hospital to help a patient.

Question No. 078

SIGNATORIES OF NATIONAL
YOUTH DEVELOPMENT FUND

Mr. Kamuyu asked the Minister of State, Office of the President who the current signatories of the National Youth Development Fund account for Dagoretti Constituency are.

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

The signatory for the National Youth Development Fund account for Dagoretti Constituency, and indeed, for the whole of Nairobi Province, is the Provincial Commissioner, Nairobi.

Mr. Kamuyu: Mr. Deputy Speaker, Sir, I asked this question because in Dagoretti, we raised a total of about Kshs9 million and I personally brought in about Kshs50,000. Right now, there is hue and cry that the figure now being presented is Kshs6 million, so there is a shortage of Kshs3 million in this National Youth Development Fund (NYDF) account. Can the Assistant Minister explain or confirm the actual figure to date, and when the actual disbursement will be done?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, unfortunately, I did not come with that information about the specific amount for Dagoretti Constituency. Maybe, I will have to check that up and let the hon. Member know on another occasion.

Mr. Kamuyu: Mr. Deputy Speaker, Sir, may I request, therefore, that this Question be deferred so that the Minister will have done some research on this matter?

Mr. Deputy Speaker: All right. This Question is deferred by mutual agreement

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

DISTRIBUTION OF FAMINE RELIEF IN NITHI

Mr. Mutani: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that famine stricken residents in Nithi Constituency have to pay some levy before they are given famine relief?

(b) Is he further aware that the amount of levy differs from area to area?

(c) Since these hungry residents are asked to pay for Harambee and transportation cost of the relief food, what is the Government doing to assist the residents get relief food without paying any levy?

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

(a) I am not aware that famine affected residents in Nithi Constituency have to pay some levy before they are given famine relief aid.

(b) Since I am not aware of any levies being charged, the issue of the amount involved does not arise.

(c) The famine stricken residents have never been charged Harambee money or transportation costs in order to receive the famine relief. This food is given freely by the Government. The Government also allocates money for transportation of the food from the National Cereals and Produce Board (NCPB) depots to the famine stricken victims.

Mr. Mutani: Thank you, Mr. Deputy Speaker, Sir, for that answer by the Assistant Minister. There is an outcry all over my Constituency because when people go to get this aid, they are asked to pay some amount of money for transportation costs in one area; in another area, they are asked to pay money for the burial of certain civil servants and in other areas they are asked to pay money for harambee. Will the Assistant Minister undertake to make further investigations? For sure, they are being charged these levies.

Mr. Manga: Mr. Deputy Speaker, Sir, as I said before, the Government is not charging anybody levy for famine relief. But if the hon. Member has some clue of something, we will be very glad to use that information in order to investigate and stop that business.

Mr. Ndilinge: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead this House while we know very well that in some places, people who are affected by famine are forced to pay Kshs10 each for the transportation of the relief food, and particularly in Makueni? Is he also further aware that in Makindu Division, about 100 bags of relief food were stolen by a certain District Officer? When the KANU locational Chairman arrested the man and took him to the police base, after a week the District Officer went and took all the bags and ordered the arrest of that KANU locational Chairman? Is he aware of that?

Mr. Manga: Mr. Deputy Speaker, Sir, that is a very serious allegation, and I would like the hon. Member to avail more information to us so that we can follow it up. I am not aware of any Kshs10 being paid for the transportation of relief food.

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, what is going on on the ground is that there is not enough

money for the transportation of the famine relief maize. The respective DOs and DCs have figured how much money it would cost to transport the maize, and they are charging individuals. If people want to have the maize, they have got to pay a levy of between Kshs10 and Kshs100, depending on where you are. This is already going on. I think the House would also take great exception when the Minister says that "when the information is given to him---" He is an hon. Member of the House and he has come here to do that work. The other hon. Member is also doing his work and had given him the information, and we are giving you some more information. We should not be subjected to bringing this information somewhere else because this is the forum.

Mr. Manga: Mr. Deputy Speaker, Sir, as I said before, if the information is true, we will follow it up. But what I am saying is that the policy is nobody pays for transportation of the famine relief food.

DISMISSAL OF ASSISTANT CHIEF

Mr. Murungi: Mr. Deputy Speaker, Sir, I beg to ask a Minister of State, Office of the President, the following Question by Private Notice.

(a) Is the Minister aware that Mr. David Kiprop, the Assistant Chief for Ndurio Sub-Location, Aldai Division, in Nandi District, was convicted for forgery and sentenced to 18 months imprisonment in Resident Magistrate's Court, Kapsabet, Criminal Case No.1765 of 1987?

(b) Is he further aware that the said Assistant Chief was dismissed in public interest vide letter Ref.No.90028585/4 of 8th November, 1995 and that he was re-instated in office on 4th October, 1996?

(c) In view of "a" and "b" above, what urgent steps is the Minister taking to correct this anomaly?

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

(a) I am aware

(b) I am aware

(c) The people of that area have petitioned the Government very strongly and after considering the special circumstances pertaining to the conduct while on duty and the performance of this particular Assistant Chief, we decided to re-instate him.

Mr. Murungi: Mr. Deputy Speaker, Sir, very strange things are happening in Nandi District. Hon. Kirwa asked a question about this Assistant Chief sometime last year, and on the same day that he asked the Question here in Parliament, the Assistant Chief was retired in public interest.

You will also note that the same Assistant Chief had been convicted of forgery and sentenced to 18 months imprisonment by Kapsabet Court in Criminal Case No.1765 of 1987. The question I would like to put to the Assistant Minister is: What are the special circumstances which have made the Government re-instate a convicted thief, who had been dismissed in public interest? Has the public interest disappeared?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, as I have explained, when this Assistant Chief was appointed for the first time, it did not become immediately apparent that he was a convict. Later on, this fact was discovered and the matter was brought before me by a hon. Member and we sacked that Assistant Chief in the public interest. But later on, members of the public themselves from that particular area, came to petition the Government that, notwithstanding the earlier mistakes of this Assistant Chief, that this Assistant Chief was, in fact, a good public servant. I know that the hon. Members are concerned that this man was previously a convict. But members of the public themselves whom this Assistant Chief was serving, came to the Government and the plea was so overwhelming that we decided that we remove the ban on him and we re-instated him.

Mr. Achuka: Is the Assistant Minister aware that these are cases which are found all over the country and in most cases when he says that it is the members of the public who are overwhelming and actually coming to the Government--- It is actually only an individual or a politician who is applying for the sake of that particular chief. The Government is intentionally making sure that they have criminals in the Civil Service and they expect to give good service to the public.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I would like to ask hon. Member to sympathise with this position, that because we are the Government of the people, when the people came to us and pleaded in a delegation, we had to respond to the request of the people. It was their request.

Prof. Mzee: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to continue to mislead this House? I think, if you give permission, I would like to punch him so that he can keep quiet for ever and ever.

Mr. Deputy Speaker: Order! Prof. Mzee, surely, we are not in a joking club. I order you to withdraw that statement and apologize.

Prof. Mzee: Mr. Deputy Speaker, Sir, I am absolutely very serious.

Mr. Deputy Speaker: Order! I have ordered you to withdraw and apologize.

Prof. Mzee: Mr. Deputy Speaker, Sir, I withdraw and apologize.

Mr. Murungi: Mr. Deputy Speaker, Sir, I am surprised that the Assistant Minister would like the Government to abet this crime by reappointing this person. He says that he has been petitioned by the people to reinstate a convicted thief. This Question came to the House because we have 700 people from Nandi who wanted to petition Parliament about this abnormality and that petition was handed over to the Clerk of the National Assembly who advised us to ask a Question by Private Notice. Now, 700 people have petitioned that this person be removed from public office. Could the Government now, in view of this other petition, and the fact that there is no public petition for the Government to do wrong which it should accept-- Could the Government consider now retiring this person again in public interest, because there are a lot of complaints by the people of Nandi and the original crime is still there?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, if the hon. Member asks those other members of the public to petition the Government, we shall weigh the latter petition against the first one and we shall see where the public interest will lie.

Mr. Maundu: Thank you, Mr. Deputy Speaker, Sir. This is a very important Question, but my hon. friend, the Assistant Minister is taking it very lightly. The Government has got its own machinery and sources of employment. It is stipulated that when a man is convicted he must be dismissed despite whatever overwhelming public interest there may be. There are good men, but they are generally few. Now, this is a man who was judged and convicted of a serious offence. The public interest demanded he be dismissed. Now which other public interest arose that this man be reinstated back to the service when Government regulations are being breached?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I think, hon. Maundu has lost sight of one fact which, I think, I should tell him. This particular chief was not convicted while he was in the office. This conviction was something that had happened before he was appointed and later on he was appointed. I must say that; let the hon. Members also understand that every good Government must have sympathy, when there is a special case, we do consider it.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to tell this House that due to public demand, they reinstated a thief as a chief when there has been public demand here for the Public Order Act to be repealed and the same Government has refused?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the big difference is that those who are clamouring for reforms are paying some people to come and raise something that looks like demand. There is no public demand to change anything as yet. That is an Opposition gimmick.

Mr. Deputy Speaker: Next order.

POINT OF ORDER

FUNDS FOR REHABILITATION OF COFFEE AND TEA ROADS

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. My point of order is arising out of the answer I got yesterday, from the Minister for Finance in Question No.065. In reply to that Question, the Minister said that the figure of Kshs5.7 billion which I had said had been given by the European Union for rehabilitation of coffee and tea roads in the country was not correct and he denied that it existed. I promised to bring a copy of the HANSARD where in reply to Question No.490, on 6th November, 1996, I was informed by an Assistant Minister in the Office of Vice-President and Ministry of Planning and National Development, that indeed, the European Union under ACP/EEC coffee and tea public funds had given Kenya an amount of Kshs7,722,597,368 between 1992 and 1993, for the purposes of improvement of roads, particularly in coffee and tea growing areas and he had said that, that amount is in an account where we are earning interest. My own investigation revealed that, that account is in the Indosuez Bank. In view of the information contained in the HANSARD, which the Minister was not aware of yesterday, can the Minister now tell us why that amount has been lying in the bank since 1993, while our tea and coffee roads are in a total state of disrepair and impassable?

(Applause)

The Assistant Minister for Finance (Mr. Barmasai): Mr. Deputy Speaker, Sir, I think, that question was answered by my colleague hon. Keah. I will bring that to his attention so that we could give a reply next week.

MINISTERIAL STATEMENT
NOMINATION OF MEMBERS OF SELECT COMMITTEES

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Deputy Speaker, Sir, I beg to make the following Ministerial Statement.

THAT, pursuant to the provision of Standing Order No.145(2), the Sessional Committee has nominated the following Members to serve the following Select Committees of the House.

SPEAKER'S COMMITTEE

The Hon. K.F. ole Kaparo, EGH, MP - Chairman
The Hon. W.M. Mudavadi, EGH, MP
The Hon. P.J.W. Masinde, EGH, MP
The Hon. Prof. J.K. Ng'eno, EGH, MP
The Hon. S. Nyachae, EGH, MP
The Hon. J. Koech, EGH, MP
The Hon. M. Mohammed, EGH, MP
The Hon. Mrs. A.M. Ndeti, MP
The Hon. S. Busolo, MP
The Hon. C. Otieno, MP
The Hon. Dr. Lwali-Oyondi, MP
The Hon. C.K. Kamuyu, MP; and
The Hon. D.M. Mutahi, MP

THE STANDING ORDERS COMMITTEE

The Hon. K.F. ole Kaparo, EGH, MP - Chairman
The Hon. Dr. B.A. Godana, M.P,
The Hon. D.M. Mbela, EGH, MP
The Hon. K.N.K. Biwott, EGH, MP
The Hon. J.C.N. Osogo, MP
The Hon. J. Sunkuli, MP
The Hon. M. Wetangula, MP
The Hon. Obwocha, MP
The Hon. Dr. O. Ombaka, MP
The Hon. K. Gitau, MP
The Hon. Bishop K. Kimani, MP; and
The Hon. J.K. Kiliku, MP
The Hon. J.M. Makau, E.G.H. MP
The Hon. Mrs W.N.K. Mwendwa, EGH, MBS, MP
The Hon. K.B. Mwamzandi, M.P
The Hon. Prof. J. Ouma Muga, MP
The Hon. Dr. V. O. Opere, M.P
The Hon. Kamau Icharia, MP
The Hon. Phillip Gitonga, MP
The Hon. Charles N. Mukora, MP

ESTIMATES COMMITTEE

The Hon. Dalmas Otieno, EGH, MP
The Hon. G.G. Kariuki, MP
The Hon. Sammy Leshore, MP
The Hon. Eliud Mcharo, MP
The Hon. A.I. Shabaan, MP
The Hon. Mrs Catherine Nyamato, MP
The Hon. Oluoch Polo, MP

The Hon. F.O. Obure, MP
The Hon. J.N. Michuki, MP
The Hon. Robert Mungai, MP
The Hon. David Mwiraria, MP

LIBRARY COMMITTEE

The Hon. Dr. B.A. Godana, MP - Chairman
The Hon. Dr. T. Toweett, MP
The Hon. Y. Komora, MP
The Hon. Dr. A.H. Wako, MP
The Hon. Reuben Oyondi, MP
The Hon. N.M. Mutinda, MP
The Hon. Mrs Phoebe Asiyo, MP
The Hon. Orwa Ojode, MP
The Hon. N. Gatabaki, MP
The Hon. J.B. Mwaura, MP
The Hon. N.M.G.K. Nyagah, MP

CATERING COMMITTEE

The Hon. ole Kaparo, KFX, EGH, MP
The Hon. Dr. Wameyo, MP
The Hon. J.J. Falana, MP
The Hon. Dr. M. Kituyi, MP
The Hon. G.G.W. Nthenge, MP
The Hon. Bishop Allan N. Murigu, MP
The Clerk, National Assembly
The Serjeant-At-Arms, National Assembly

MOTIONS

SELECTIVE PRIVATIZATION OF CITY COUNCIL HOUSES

THAT, considering the fact that the Nairobi City Council has not repaired its houses in various estates for the last 15 years and being aware that the Council has not put up new estates for a considerable number of years, this House urges the Government to consider privatising selectively some City Council houses and that those currently residing in these houses be given priority and further that the proceeds from the sale be utilized to put up new houses from mortgage by lower income group.

(Mr. Ruhii on 11.6.97)

(Resumption of Debate interrupted on 11.6.97)

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I was supporting the Motion calling upon that City Council to selectively privatise some of its estates with a view of, not only getting the City Council to have some revenue, but to give the opportunity to City residents who have paid rent in these houses for many years to own their homes. We would like to target 12 estates for privatization; Joseph Kangethe Estate, the so-called Woodley Estate, Madaraka Estate, Mariakani Estate, Ngara flats, Pangani flats, Kariokor flats, Buruburu flats, Kariobangi South flats and maisonettes, Buruburu maisonettes and bungalows, Huruma maisonettes and flats, Jamhuri Estate and the bachelor quarters next to Kariokor. If you look at these residential areas, they are areas in which the tenants have stayed for a very long time and paid substantial rents. If these rents are commuted into mortgage, these people would get value for their money and they will also relieve the City Council from unnecessary maintenance of these estates. Maintenance costs of which the City can no longer afford and hence these estates lie in rather dilapidated condition.

Secondly, when we come to making the mortgage available for potential home owners in Nairobi, particularly

the low and middle income group, the National Social Security Fund should establish a mortgage fund to enable fund contributors to buy their homes. Rather than the National Social Security Fund investing in rather unproductive enterprises like buying queries or investing in high cost housing like they are doing in Mountain View, the real section of society that needs mortgages to buy cost-effective houses are the low-income earners and the middle-income earners.

About 20 years ago, if you were a graduate from the University of Nairobi, you could easily afford a mortgage to buy a house in Buruburu. Now, home-owning is beyond the purview or imagination of a lot of our graduates from the University of Nairobi and other universities. Home-owning is beyond the imagination of the ordinary civil servant. It is, therefore, necessary that all efforts be made for cheap, but good housing, well planned and well financed houses to be made available to low income-earners in our society. That is one of the reasons why rather than these estates being "nyakuaed" by the power brokers in this City and well-connected politicians, we plead that the ordinary Kenyan, who has worked and has sweat for his wages, be given a chance to own a home.

It is very sad that one of the former deputy mayors in this City owns at least 25 plots in this City. This number of plots for one person is too much. If you go down the names of the people who have been mayors in this City, you will find that they have used those positions to 'nyakua' plots. This is very sad. Recently, I saw a programme in the Kenya Television Network showing a councillor in Kayole whose purpose of belonging to that Council is to grab land. So the councillors are not there to look after the interest of those people who elected them, but after looking for the pieces of earth in this City to grab. This is bad. This has meant that the City Council has not been in a position to plan properly for infrastructure in this City. This has meant that we do not have a Greenbelt and playgrounds in this City. We do not have space for future development of schools and kindergartens in this City. That is why schooling has become too expensive in this City. The only good schools available to City dwellers are private schools, from the Kindergarten to high schools. Space for expansion of the public schooling system has been curtailed by the disease known as "grabiosis" in our society.

This Motion is appealing, first and foremost, for the City Council to make available to its residents houses in which they live so that they can buy them. This Motion is calling upon City Council and the Government to make preparations and arrangements for cheap mortgage financing to be made available to City dwellers. This Motion is calling for public funds like the National Social Security Fund and National Hospital Insurance Fund to be used for good mortgage system for our City dwellers.

With those few remarks, I beg to support.

Mr. Mutere: Mr. Deputy Speaker, Sir, I thank you for giving me this opportunity to contribute to this very important Motion, particularly in view of the fact that having been a councillor in the Nairobi City Council, I got involved in some of these housing problems. I hope that some of the suggestions that I will make might be useful for the purpose of implementation of this particular Motion.

I will not go into the background because it has already been covered by the previous contributors, but I will go straight to the crux of the matter. Previously, the Nairobi City Council had a policy where it used to come up with programmes to establish new estates which would be occupied by the residents of Nairobi. After Independence, estates like Huruma, Jerusalem, Jericho and Mariakani were built by the City Council so that the Nairobi residents would occupy them. Unfortunately, the City Council has refused to implement that policy hence creating a situation where most of the Nairobi residents do not have decent housing. It is a good idea to privatise selectively some of the City Council houses. The reason is that, we need some space through which we can develop the housing stock. Although we might want the current owners to occupy those houses on a permanent basis, the whole motivation here - and that is why the question of selectivity comes in - is that we should be targeting those areas where there is more space for expansion.

Mr. Deputy Speaker, Sir, we are thinking of areas mainly in the Eastlands area of Nairobi, like Kaloleni where there is quite a vast piece of land. Although we are suggesting that the current owners of those houses be given an opportunity to own them, that is only as far as that particular ground floor is concerned. But the whole idea is that, eventually, we should have enough funding to come up with modern highrise structures so that we can absorb most of the Nairobi residents who are not housed at the moment.

Mr. Deputy Speaker, Sir, housing in Nairobi is a big problem. Although we are talking about the selectivity of some of these areas, we should also bear in mind that other residents who have since come to Nairobi also need to be housed. As far as the funding is concerned, the National Housing Corporation and the National Social Security Fund have been mentioned as potential funding sources. But even though they have been mentioned, previously, there was also some funding which came from the USAID. This is the fund that built up the Umoja Housing Estate. The World Bank also participated in the construction of some of the estates. This is the one that facilitated the construction of the various phases of Dandora under the World Bank Housing Project. We feel that as selected estates are privatised, we should then call upon these funding organizations including Shelter Afrique to avail some funding for the purposes of

increasing the housing stock. So, this is not a selfish Motion at all. It is a Motion that is intended to ensure that, when the current residents acquire these houses, they would turn them over to the mortgage companies which would then facilitate the increase of housing stock in Nairobi.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, the question of borrowing by the local authority is also another issue which has been a bone of contention. Sometimes, there are certain suggestions that have been put across with regard to borrowing; for instance off-shore borrowing by the Nairobi City Council. This has been difficult because of the provisions of the current Local Government Act. It is so restrictive that any borrowing above a certain ceiling needs the Minister for Local Government's approval. Many a time, this approval is not forthcoming. For that reason, the City Council might also have some very good ideas in terms of increasing the stock. But because of the handicap which is imposed by the provisions of the Local Government Act with regard to borrowing, Nairobi City Council is stifled and cannot improve on the housing stock.

Mr. Temporary Deputy Speaker, Sir, if this Motion passes and is implemented, whereby selective estates will be targeted for privatization, it will then be possible for these new landlords to negotiate their own funding arrangement which can also be facilitated by other funding schemes other than the Local Government Act. Because, the Local Government Act as it stands at the moment, is rather prohibitive with regard to the increase of housing in Nairobi.

Mr. Temporary Deputy Speaker, Sir, as had already been mentioned, some of the estates have been there from time immemorial. In fact, even when some of us were born in places like Muthurwa, places like Bahati and Shauri Moyo which came later, these are places that in terms of repayment of the original funding that went into that housing has already been paid for. That land is now literally lying fallow. It is imperative for the Government to assist by ensuring that particularly where there is a lot of space, this is turned over to the people so that they can at least own the first floor of that particular section of the plots which they are residing in at the moment. But then, for the other structures - because we are thinking of sky scrapper type of buildings where most of the other estates can either be sub-letted or be owned by new tenants. Particularly in view of the fact that we now have this new provision of divisional allotment of titles, it would also be helpful because eventually, some of them who can afford to occupy these sky crappers can use the same to get some title and thereby get some funding for other activities.

Mr. Temporary Deputy Speaker, Sir, I strongly support this particular Motion, particularly with regard to the utilization of the mortgage facilities. The current rates of mortgage facilities are very prohibitive; because the interest rates are fairly high, that unless you have a scheme which is so well spread to be able to take care of the lower income group, they cannot afford it. This is one of the motivating factors behind this Motion. That, the target group would be the lower income group. Because we know some of the high income groups can afford to finance some of these high interest rates with regard to mortgage. But unless ways and means are found to help and assist the lower income groups, they cannot manage it on their own.

So, we are appealing to the Government to support this Motion particularly in view of the fact that this is a group which has got a large number of the residents in Nairobi. We know there are occupants of the prime residential areas, but in terms of the numbers, most of the highly populated areas are particularly in the Eastlands, the area I represent. If you went to places like Mariguini, Commercial, Kayaba, Lungalunga and Sinai, you would not believe that you are in Nairobi. The slum situation there is so pathetic that you cannot believe that you are in Nairobi, yet that is the situation that is prevailing more than 30 years after Independence. The situation should have improved so much that, these people would be feeling more comfortable than when the Colonialists were here.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to also support this Motion.

Mr. Temporary Deputy Speaker, Sir, I do so because I consider this Motion to be straightforward which actually, does nothing but requests the Government to give a hand to the people who live in these estates. Already, some of the houses in certain estates of the City Council have been sold to individuals. This is very unfair because it has not been made public, as to whether the City Council is selling these houses. They are quietly and secretly selling some of these houses and some of the people who live in those houses might be taken by surprise to discover that somebody has been sold a house where one is still living in and yet, some of them have been staying in these houses for many years.

Mr. Temporary Deputy Speaker, Sir, I think it is very fair for the public and the Government to make sure that Nairobi City Council does not secretly sell these houses to other individuals, but to the tenants who are living in those houses because these tenants have lived in those houses for many years. As far as I know, some of these houses have never received any City Council's attention at all by way of renovation. It is the tenants who undertake to renovate these houses because they have considered them as their homes. Therefore, it is only fair that these houses are sold to them.

Mr. Temporary Deputy Speaker, Sir, I live in Joseph Kang'ethe Estate. I have been there since Independence, in fact, I removed a *Mzungu* from the house I live in. However, I am scared that some individuals---

Mr. Mulusya: On a point of order, Mr. Temporary Deputy Speaker, Sir. Can hon. Mutiso expound whether he replaced, removed or evicted a *Mzungu* from his house? What did he do?

(Laughter)

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): Mr. Temporary Deputy Speaker, Sir, I know hon. Mulusya wants only to waste my time. He knows what I mean. But for his information, when we attained Independence, *Wazungus* were leaving and the educated Africans had to take over their positions and that is when I moved into that house. I did not remove him forcefully.

All that I was saying is that already I have been approached by the committee of dwellers of Joseph Kang'ethe Estate who actually sought audience with His Excellency the President to ensure that those houses are not sold to other people other than the tenants. It is the same view in other estates in Nairobi.

Mr. Temporary Deputy Speaker, Sir, since the Nairobi City Council has failed to renovate these houses, it is high time that the City Council abandoned its interest in these houses and sold them to the people who live in them so that they can continue maintaining them. The proceeds from the sale of these houses can be used by the City Council to put up some other estates for the low-income categories of people within the City.

In developed countries, for example, people are encouraged to own houses. I think the policy of this Government is to assist wananchi to possess and own properties. One of the ways of implementing that policy is to facilitate the sale of these houses. The City Council should sell these houses to tenants because they had paid for them. In fact, if you calculate the amount of money paid for these houses, spent in maintaining them and so on, you find that they have already paid all the cost spent when these houses were put up. If they were in hire-purchase programme, then the tenants would have by now possessed them.

Mr. Temporary Deputy Speaker, Sir, this is a very fair Motion. I think the Government should really endorse it so that the City Council and the Ministry of Local Government should consider selling these houses to the tenants and the City Council should use the proceeds to invest in other development projects, like houses for the low income groups within the City.

Personally, I feel this is a very justified Motion which needs the support of all because it is in the interest of the country and Nairobi dwellers to own houses of their own. I see no reason why the Government or the Ministry should oppose the Motion or even attempt to introduce some amendments because the Motion itself is very fair.

Mr. Temporary Deputy Speaker, Sir, I wanted to register my support for this Motion because I am interested in it, affected and it is a genuine Motion which will benefit many City dwellers as a whole and, in particular, in the areas mentioned in the Motion.

With those few words, Mr. Temporary Deputy Speaker, Sir, I beg to support the Motion.

Mr. Kiliku: Mr. Temporary Deputy Speaker, Sir, this is a very important Motion. The glory of Nairobi, of being a clean City in the sun, is long gone. It is now a rotten City in the sand.

Once you go to these big towns, especially Mombasa, what you see are mountains of garbage. If you visit the municipal houses in Mombasa, City Council houses in Nairobi and so on, you cannot know the original colour of the houses because they have never been painted since they were built although the City Council of Nairobi and Mombasa Municipal Council are collecting services charge. It is high time, people through this Parliament, amended the law so that the Local Authorities do not collect services charge. We thought that the services charge would serve the purposes for which it was intended, but it is not.

Mr. Temporary Deputy Speaker, once we talk about changes, not only the constitutional changes that we want, but it is change where we have the Government force the Local Authorities to provide services to the people. You heard yesterday, how much money lawyers owe the City Council and they cannot pay them.

Mr. Temporary Deputy Speaker, Sir, if it rains in Nairobi there is a traffic jam that last for three hours. Some of the reasons that scares away investors in our country is that when the investors see how bad Nairobi is, and being the only City, they do not have to visit other towns or areas to know how bad our country is.

Mr. Temporary Deputy Speaker, Sir, if you go to these houses, some of them have their roofs covered with

nylon papers because they are leaking. The only idea, instead of privatisation--- Why in the first place should the City Council not be forced by the tenants through the Minister to repair and paint these houses? Why are they collecting rent?

Mr. Temporary Deputy Speaker, Sir, in the private sector, when one has a house and one does not repair it, a tenant has powers, through the law, not to pay rent until you make that house suitable. What about the City Council and the local authorities? The Minister should make sure that the rent that has been collected is used to repair and paint these houses. When it comes to selling the houses, we must be careful. Unless we are assured that the tenants who have stayed there are the only ones who will buy the houses - if you leave it to open market, then these people will end up losing the houses and they will be evicted - because the Minister himself will make sure that his friends, and that is the style of Kenyans, will buy the houses.

Mr. Temporary Deputy Speaker, Sir, even the National Housing Corporation has so many houses in Changamwe which they do not repair and I have told the Managing Director, Mr. Lawi Kiplagat, to make sure that these houses in Changamwe are sold to the people who have been staying there and I think the deal will be over very soon. This will be on condition that the tenants who are staying in those houses will be the ones to buy the houses and not the people of good means.

Mr. Temporary Deputy Speaker, Sir, we have seen that the Government has renovated the Parliament Buildings and work is continuing. We do not know how much it has cost. We also understand that Continental House, which houses the Democratic Party of Kenya offices, has been bought by the Government for Kshs400 million.

I do not know how the valuation was done to arrive at that decision. If the House was valued at Kshs175 million, we cannot understand how the valuation doubles within a very short time to cost Kshs400 million. We are appealing to the Government not to evict the DP from there because we have been there as a party for so long. But the valuation is questionable. How could it have risen from Kshs175 million to Kshs400 million within two years? I do not know what economic forces caused that one to cost more than double the price.

Mr. Temporary Deputy Speaker, Sir, this is robbery, if Kenyans are paying money and there are no repairs done. There was a time when the President ordered the National Youth Service Trucks to clean the city but I do not know whether that took off. But we want a permanent solution. If these houses are not repaired, the tenants should not pay the rent. That is fair. But we have come to understand that the City Council of Nairobi does not get Government support because it is run by Opposition councillors. That is the problem. The Government is the Government of the people and not the Government of the party. The Government does not show any support at all in the City Council of Nairobi because when they are quarrelling and boxing each other during meetings, that is when we get the KBC reporting them. This is meant to show that the Opposition cannot run anything if they cannot run the City of Nairobi. But the City of Nairobi does not belong to the Opposition! It belongs to the people who stay in the City of Nairobi and they are paying rents. There are so many people in this country who should not be in public office now because of corruption. But it appears as if corruption is now a legalised institution where people have been associated with big scandals but they are still at large. Some Ministers have been mentioned for grabbing public land and nobody cares. They do not even resign. Why? Who is legalising these corrupt institutions in this country?

Mr. Temporary Deputy Speaker, Sir, the police can shoot anybody today and that will be the end of it. When one foreigner is lost in Mt. Kenya, the whole Government machinery is set in motion to search for one foreigner. They did not even sleep until they visited that foreigner in the hospital! It is a shame for a whole Government machinery to go to Mt. Kenya to go and search for one foreigner and the Head of State going to the hospital and when Kenyans are losing their lives, nobody cares about them. What is our value?

With those few remarks, I beg to support.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, the problem of housing in Kenya is a creation of those people who have money. Those people in positions of authority are the ones who have created these problems. One cannot talk about making Kenya a better place by the year 2000 unless one seriously addresses the problem of housing and more so, in the urban areas.

Mr. Temporary Deputy Speaker, Sir, the City Council of Nairobi, the municipal councils of Mombasa, Eldoret, Kisumu, Nakuru and all the other towns are fully contributing to the problems which Kenyans residing in the houses in these towns are having. This is because when a housing estate project is initiated, the cost of that project is escalated so much that, the architect, planner, quantity surveyor, electrical contractor and everybody else will be able to get certain percentages. The Chief Officers in those local authorities, including those people who are approving these projects in the Ministry of Local Government get 10 per cent each. At the end of the day, the project becomes so expensive that the people for whom it was intended cannot afford it. They cannot afford to buy it. The National Housing Corporation (NHC) was supposed to start medium and low cost housing projects. But if you look at a low cost project, it is nowhere near low cost. It is high and medium cost. This is where the problem is.

The other problem with housing in the City of Nairobi is that the councillors, mayors and town clerks do not

bother to give titles to all the tenant purchased houses, once they complete paying for their houses. When you go to Dandora and Umoja, the tenants who bought those houses do not have titles. It is because the people in the City Council want to be bribed to issue a title deed to the rightful owner. There are thousands and thousands of tenants in these housing estates who have completed paying for their houses, and yet, they have never been issued with title deeds. The Mayor of Nairobi, Mr. Dick Waweru, has never signed a single title deed or transfer in his office since January this year. That is a disservice to the people of Nairobi. The people are paying so much money to the City Council and yet, they are getting nothing in return.

The sale of houses, as proposed in this Motion, is a very wise idea. But the problem which arises, as spoken by other hon. Members who have contributed, is that when the Government authorises the sale of these houses, they will be sold to "Mr. Right and Miss Right" of this country. They will not be sold to the people who already occupy those houses. The policy will be to sell to those tenants. But because of the prices that will be pegged to those houses, the tenants will not be able to afford them. Therefore, it will be a question of a struggle for which girlfriend of which Minister is to buy a house there. This has been a policy.

There are houses which were sold by the City Council of Nairobi recently. Instead of them being sold to the staff of the City Council staying in those houses, they were sold to other people. They were supposed to raise enough revenue for the City Council to help it to pay off the debts it has accumulated. Unfortunately, the prices which were quoted, because they were supposed to be sold to selected people, were throw-away prices. They could only be offered on selective basis. A house with a market value of Kshs15 million was sold at Kshs830,000. That is what was happening. The people who bought these houses sold them at exorbitant values.

So, we must peg the sale of these houses to the political reforms we are agitating for in this country. If it is the Government or City Council with pinpointed Town Clerk who is the Chief Executive, to effect these policies, it will be a vote-buying exercise. So, my contention is that this is an issue which should be shelved until we undertake total political reforms in this country. This will enable checks and balances in this country to be put in place. Where there is undervaluation of these houses, or where they are given to the wrong people who have never lived in them, there could be a machinery to say "no", and that "no" remains a "no".

But the way things are, one man will come from Jogoo House claiming that he has been instructed from State House that a particular house should be sold to so-and-so. As we are talking, when this Motion was brought by hon. Ruhii, it sent shivers to the people whose minds always dream of speculation. That is speculative buying.

Now, groups of people are being formed and they are approaching correct KANU fellows, so that they may be considered in this exercise to buy those houses. Now as we are talking, people are thinking about which building or block to buy. This is an exercise which should be shelved. Let us pass the Motion and then shelve it until we have total reforms in this country. The potholes that we have in Nairobi can be repaired by the money which the Assistant Minister mentioned yesterday, of Kshs700 million. This amount is enough to repair our roads in the City and re-paint these houses as hon. Kiliku said. That amount is sufficient to repair the leaking pipes. In some of these houses, there is no water in the kitchen and people have to draw water from very far to come and wash. Yet, every end of the month, they are paying rent. So, if the City Council was to get the correct revenue it is supposed to get, and use it properly, then it should be able to provide very good accommodation in this country. But there is a lot of negligence because of political patronage in the appointment of officers in the City Council and in all the local authorities. You cannot be a town clerk in the City of Nairobi unless you are able to give the one finger salute every day. All of them are supposed to give the one finger salute. If they do not do that, they cannot last as town clerks in the councils.

The Assistant Minister for Local Government (Mr. Kamuren): Mr. Temporary Deputy Speaker, Sir, I beg to reply to this Motion.

The Motion before this House is very timely and I would like to congratulate the hon. Member for Embakasi, for having considered to move this Motion during this time.

The Council owns the following estates: Joseph Kang'ethe - 188 units of bungalows, Buruburu - 114 units of bungalows, Jevanjee - 26, Buruburu - 230 maisonettes and flats (there are other units within the same Buruburu).

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

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

The Assistant Minister for Local Government (Mr. Kamuren): Kariobangi South 520 units; Huruma 577 units; Madaraka 600 units; Kariokor 240 units; Mariakani 240 units; Jamhuri 240 units; another section of Joseph Kang'ethe 72 units; New Ngara 98 flats; Pangani 136 units while estates like Kaloleni, Bahati, Mbotela, Jericho,

Jersusalem, Ofafa, Lumumba, Embakasi, Shauri Moyo, Ziwani, Kariobangi North, Outer Ring Road, Ngara and Bachelor Quarters have the old council houses.

Housing estates currently earn the Council about five per cent of its total revenue. You will, therefore, realise that houses form a very important and reliable source of revenue earning. Among those houses, a large portion of them are occupied by council officers and hence, housing provides security for council officers in a city where private rental housing is quite high as compared to council housing within the City Council. Furthermore, the City Council housing acts as a cushion for lowly-paid Nairobi residents who cannot afford to buy rental houses.

Mr. Temporary Deputy Speaker, Sir, this is a way of alleviating poverty in keeping with social dimensions that had been caused by structural adjustment programmes. My Ministry is consulting with the local authorities including Nairobi on how to address the issue of non-maintenance of existing houses. This has become a burden because some employees of the Council who took over some of the houses quite a long time back are living in houses which are in a very dilapidated state.

The provisions of putting up new housing estates and upgrading of shanties to continually provide cheaper housing for city residents is also being considered because most of those Nairobi residents are people who are all working for this country. They are working for this City and this Government. There should be no misconception in so far as this Motion is concerned. This Motion *in toto* will be considered by the Ministry of Local Government. It will be considered in the sense---

QUORUM

Prof. Ouma: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Assistant Minister is speaking on something which touches on very many people in the wrong places. Please, there is no quorum because we have only about five Members in the House. This is not the Parliament. We want the quorum.

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

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Kariuki): We have a quorum now. You may proceed, Mr. Kamuren.

The Assistant Minister for Local Government (Mr. Kamuren): Mr. Temporary Deputy Speaker, Sir, I stood up here and said that this is quite an important Motion. The Motion has given hon. MPs a chance to discuss and air their views to the Ministry of Local Government. My Ministry is there to consider the views and the proposals that emanate from hon. Members of this House. It is the City that we attach a lot of importance in, particularly on the residents that live in this very important City of Kenya.

Some Members have contributed with a lot of hesitation as to the sale of the houses and I would like to make it loud and clear here, that when the Ministry considers to sell the houses, those who are already residing in these houses would be given the first priority.

(Applause)

Mr. Temporary Deputy Speaker, Sir, those who have been staying in these houses for a very long time - some of the houses are leaking, some of the houses are in a very poor condition, while others pose a big health hazard. What we need and the Ministry would have to liaise with Nairobi City Council to make sure the 5 per cent which is collected in terms of revenue would have to be ploughed back to maintain the houses which these officers and employees are living in. We want to make our people feel that there is a Government that takes care for them.

An hon. Member of this House said that the people who are living in Nairobi are not KANU voters, if I may put it that way. We do not consider our people in terms of political affiliations, but we look at them as our people. We do not go into partisan considerations, but we look at them as Kenyans. This being the only City that tourists step in before they move to other parts of the country and, this Government attaches a lot of importance to this particular City. Therefore, I want to make it quite categorical that no person who lives outside these houses would be given a chance to buy a house.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I know that hon. Members are worried because there are a few rich sharks who, if they are given a chance, they can even buy a complete estate and demolish it, and then come up with money from anywhere. They can borrow money from any bank and throw away the low-earning employees from

these houses. We do not want to see such a situation happening in this City. The Ministry would make sure that a team would be appointed by the Ministry in conjunction with NCC to move into those houses that are occupied by these particular employees and make sure that anybody occupying such a house in Nairobi, would be given a chance to buy that house. We do not want to make a situation which would cause difficulties to the people living in Nairobi.

We know some people in Nairobi have lived here since time immemorial and they are here as Nairobian. They are here as voters of Nairobi. They are here with their children learning in Nairobi, and they have no other land to go to. They are here doing some businesses, however, small they are. They are living on those businesses with the little they get and they are able to pay their rents for those particular houses. Therefore, my Ministry would not allow anybody else to purchase the houses apart from those tenants who are currently residing in them. That fear should be removed from the Members of this House that maybe, when the Minister appoints the team to look into the sale of the houses, somebody would come up in with a lot of money to buy these houses, demolish them and put up new highrise buildings. It would not even be possible for some of the low-earning employees that are employed by the City Council to pay rent to private developers who would want the rent to be raised to a certain limit. They would not be able to meet those rents, but they are paying within the limits that they are getting from the City Council. Therefore, my Ministry will consider the tenants currently residing in those houses and maybe, the Ministry would have to approach a private developer to acquire some money for developing houses within the City and then give them back to the same people to rent them at a low-cost, so that they do not get the problem of paying more rent than what they have been paying before.

Therefore, I would want to ask the hon. Members to allow the Ministry to look into what is supposed to be looked into in conjunction with NCC. But the Motion is welcome and it will be considered. That is why I did congratulate the hon. Member for Embakasi for having brought the Motion on time so that the Ministry can look into it. We know our people are living in very dilapidated houses and some are health hazards.

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

The Temporary Deputy Speaker (Mr. Kariuki): Order! It is now time for the Mover to reply.

Mr. Ruhiu: Mr. Temporary Deputy Speaker, Sir, with your permission I will give five minutes of my time to hon. Nthenge to contribute to the Motion.

Mr. Nthenge: Mr. Temporary Deputy Speaker, Sir, I thank hon. Ruhiu very much for this chance. I am one of the Nairobi residents who started living here in 1949. I own a house in Nairobi and know how good it is to own a home where you live. There are very many people in Nairobi who have been paying rent, and apart from those houses for which they pay rent, they have no other home. That is not a good situation, and that is why I congratulate the Ministry for accepting this Motion. It is taking care of people who are almost desperate. Somebody can pay rent but he may not get money to construct a house either in Nairobi or elsewhere.

Therefore, it is very important to help these poor people who cannot have a home, to have one. When we do this, we are remembering God's children. It has to be remembered that Jesus said: "The biggest thing to do for one to be sure of going to heaven is to love your God and neighbours wholly". Our neighbours are those people who live in these slums. It is very sad to see these slums. Our people are not in the slums because of their wish: They are there because they have no alternative. When the Ministry and the whole country consider these people, who are not as economically lucky as we are, that is when we are considering and loving our neighbours.

It is wrong for us to always think of getting this and that for ourselves. This is selfishness, and this City will be a better place to live in when we stop being selfish, and start thinking of Kenyans in Nairobi. A pluralistic outlook in this country will save it from becoming another Congo, Rwanda or any other bad country. Management of the poor is very important. It makes people feel that we are settled. A human being requires food first and shelter next. Shelter is a very important thing because immediately after you eat, you think of where to sleep.

Therefore, I congratulate my Nairobi colleague, who brought this Motion. I also congratulate very much my friend, the Assistant Minister, hon. Kamuren, for accepting the Motion on behalf of the whole Government. Now we are giving consideration to the ordinary person who, on his or her own cannot own a home. The houses should be sold and the proceeds used to build more houses. People can then be allowed to be tenant purchasers. This will mean that you will live in a house for 15 years, after which you know you will own a home. That is very important.

I will not take all the time for my colleague, the Mover of the motion. I do not want to go on for too long. We politicians have a tendency of never wanting to say enough is enough. I thank hon. Ruhiu for allowing me those few minutes.

Mr. Ruhiu: Mr. Temporary Deputy Speaker, Sir, let me at this juncture also say "a big thank you" to hon. Kamuren and hon. Nthenge for their good gesture.

This Motion has no sinister motive. It is requesting this House to agree that the current tenants in selected City Council estates be given a chance to own homes. This Government was the first to set a precedent, three or four years ago, by privatising Government houses, especially in Kileleshwa and Kilimani, Nairobi, where some of the

houses were sold to tenants and others to private persons.

The Motion requests this august House to ensure that tenants who are currently living in these estates will be given first priority to purchase the houses they currently occupy. I would suggest that when the exercise of privatisation of the houses commences, tenants be given a period of five to 25 years to purchase these houses. In fact, the tenants will not be purchasing the houses: They will be purchasing land on which these houses stand. This is because most estates have already repaid the loans that were originally borrowed to construct them.

Mr. Temporary Deputy Speaker, Sir, I am gratified to hear the Assistant Minister for Local Government saying that they will ensure that only those tenants who live in these estates will be given a priority to buy them. At the moment, it is common knowledge, as hon. Mutiso mentioned, that some of the houses have already been sold secretly to private persons. It is a pity that tenants who reside in these estates, especially in Joseph Keng'ethe Estate, are at the moment being confronted by strangers who tell them: "I bought this House; it is mine and I give you three months' notice to vacate it". I wish to appeal to the Ministry of Local Government to ensure that only those who reside in these houses are given a chance to buy them.

In the case of Eastlands, I wish to reiterate that these estates are virtual slums. The Nairobi City Council (NCC), in conjunction with the Ministry of Local Government, should move in, replan the estates and construct good housing units, with all the health facilities, for a decent living of the working class of Nairobi.

Lastly, I wish to reiterate that the NCC will be required to replan the old estates in Eastlands and construct new houses using better designs, latest innovations and technology, and incorporating within them, the essential services for a modern city.

With those few words, I beg to move.

(Question put and agreed to)

DISPOSAL OF NUCLEUS ESTATES

Mr. Ogeka: Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to move the following Motion:- THAT, since the former nonskilled employees of the colonial settlers of Asian and European origin, who settled in the area which after independence was taken over by the Kenya Government to become Muhoroni Settlement Scheme are still squatting in Shauriyako slums of Songhor, Muhoroni, Fort Ternan, Koru, Kibos, Koitabrot and Chemelil sisal factories in Tinderet, Kipkelion, Belgut and Muhoroni constituencies, and since they are not allowed to improve their land because they do not own titles of the plots, and consequently bury their kinsmen in public cemetery contrary to African customs, this House urges the Government to dispose part of the nucleus estates at Miwani, Chemelil and Muhoroni Sugar companies, Kimwani ADC farm and Chemelil Sisal Estates with a view of settling these people.

Mr. Temporary Deputy Speaker, Sir, in moving the Motion, I have the following points to make. In this august House, we have had various issues and Motions about the landless coming on the Floor of the House, particularly either from Settlement Schemes, the Coastal Region or from the urban centres. This clearly spells out one thing in common nationally, that is, need for a clear land tenure system, which would guarantee the ownership of land by at least as many citizens as possible.

Secondly, it also spells out the need for a clear land policy that would ascertain the maximum number of farm land acres an individual can own. Currently, an individual can own as much as he is able to acquire at the expense of the majority, and this is the exact situation in Muhoroni and the neighbouring constituencies.

Lastly, I take it as a blame on the side of the Government for being unaware that there are some members of the citizenry who do not, despite the fact that we are living in a peasant economy, have even half an acre from which to earn a living. I believe, for sure, that the Government should be competent enough to know that we have some people who do not own even a quarter of an acre of land. Since ours is a peasant based rural economy, it is up to the Government to find out how we can nurse these people to be able to earn a day's bread. Otherwise, we are running a country where we will end up with so many people living below the poverty level, and no doubt, the statistics have proved this right.

Mr. Temporary Deputy Speaker, Sir, coming to Muhoroni, which is my main particular subject of interest, the area, which used to be one of the white highlands, was allocated to the indigenous Kenyans. In particular, majority were the Luos, hence it was known as a Luo Settlement Scheme. The Settlement Scheme would have advanced much more, particularly in terms of the former Colonial employees in the sisal estates, ranches, in picking of coffee and as houseboys of the settlers. But to much regret, a difference of opinion in the politics of the country, made the then Head of State and his Vice-President fall apart. As a result, that difference of opinion created what turned out to be

total ignoring of these victims of a circumstance. Hence they looked for where they could settle. The land moved up to Fort Ternan instead of moving beyond that area. The neighbours, particularly the Nandi, who shared very closely with the people who settled in Muhoroni, equally had reason to argue for their rights. This is contained in the historical records of this country with particular reference to the late Marie Seroney. Therefore, not even the neighbours in Nandi had an opportunity to enjoy the privilege of being given part of that land. They remained in their original farms and truly, when you go there, they are still living in very small pieces of land or squatting in parts of the land, whose owners they do not know, and which have not been cultivated since they were allocated.

Mr. Temporary Deputy Speaker, Sir, to argue my point further, very often the District Commissioners (DC) and Provincial Commissioners (PC) in those regions talk of "we do not have the landless in this region." If you want to confirm the obvious, it is a great custom for our people, most Africans, more so, the West Kenyan tribes, to want to bury their next of kin in their ancestral or

[Mr. Ogeka]

acquired land. That makes our people move the dead from Lamu, Malindi and Mombasa back to the land. If you have somebody in Muhoroni, which is just next to the ancestral land, being buried in a public cemetery, be sure, this is a confirmation, that he has no land, and he has nowhere to be buried. A cemetery means a public place where you are buried and people run back home. We have public cemeteries in Muhoroni township, Koru, Fort Ternan, Songhor, Chemelil, Kibos and Miwani and nearly every weekend, these places are full of people to be buried. I am addressing specifically the issue of: "How many of these people are landless?" This is a grey area, where the Government is not quite sure of who are landless. I have carried out a physical count of the landless in the respective Shauriyako, Biafra, Matope and other slums in the area. I have ended up with approximately, as of 15th of March, 1997, 18,504, persons who constitute about 4,620 families. According to the registered voters, this forms 10 per cent of the voters in the Constituency. Ten per cent of the eligible voters are landless. I think we owe them a service and they are entitled to be represented.

I am not only ending up in bringing a problem to this House without coming up with a solution. Our Government is capable, even if we do not go beyond Muhoroni, to accord these people a place from which to earn a living. Failure to do so, we are heading for a very dangerous situation, a situation where we are busy recruiting criminals. These people become criminals because they are entitled to live and they must now survive, come what may. Hence, a lot of violence is coming amongst that community, robberies, and even theft. Very often, you find that somebody has been killed or imprisoned for ten years because of stealing a chicken or one kilogram of meat.

Mr. Temporary Deputy Speaker, Sir, in our traditional African Societies, you do not kill somebody because of stealing food. The reason behind stealing food is to satisfy the hunger which is caused by lack of livelihood. Lack of livelihood is there because of our failure to provide an opportunity for somebody to earn a living. Unless we are in an anarchy, we are in a State with a Government which is supposed to look after entire citizenry and provide the essential requirements. It becomes necessary for us to be mindful of the welfare of our people.

A solution to the problem that I want to put to this House, is that the land is available. In Muhoroni, we have a lot of land, about 35,000 acres distributed to the nucleus estates of the sugar industries and to the Asian community who happen to be still living in Kibos area, with duo citizenship. If duo citizenship is anything to go by as a crime, as demonstrated in Mr. Balala's case, then we have so many of such citizens in Muhoroni and Tinderet regions. These are the third generations whose fathers and grandfathers have moved to Canada, United Kingdom and other European countries but they are still owning land. Secondly, they made Kisumu the Bombay of Kenya. They are tapping both in the industrial and commercial sectors. At the same time, they are exploiting an opportunity which the indigenous landless people could have somewhere to, at least, earn a living. More seriously, they own nucleus estates--- I am not talking of killing the sugar industry. The sugar factories have a role and that is to extract sugar from the sugarcane. The sugar factories, at least, have a role of getting sugarcane from the out-growers who comprise of the small scale sugarcane farmers. Instead of leaving Muhoroni Sugar Company with 7,000 acres of land as a nucleus estate, part of which has been given out as a gift--- Over 1,000 acres have been allocated to people at Kshs8,000 an acre and with sugarcane, at the rate of Kshs.100,000 per person--- These people are about 24. Up to now, having got the land, they harvest the cane, get the money and they have not even paid. Fortunately, because they could not be allocated the land, due to the title deeds being with the National Bank of Kenya, the land still remains a property of the Agricultural Development Corporation. It is very important to note that these people, to whom the land was allocated, are not landless and they hardly visit the farms. Some of them come there once in a year and the Company is involved in developing this land.

Mr. Temporary Deputy Speaker, Sir, I wish to put it before the Floor of the House that these people do not deserve the land; they do not even have to be repaid. In any case, they have already recovered, if they paid anything, what they ought to have paid. This land should be repossessed and be given to the landless. Equally, Chemelil can very easily reduce their nucleus estates and get us a portion of the land to take care of the landless.

Mr. Temporary Deputy Speaker, Sir, people talk of Miwani having changed hands. It is only the milling factory and not the nucleus estates surrounding that factory. We have 9,200 acres of land in Miwani. That land is not used and still remains only for rearing rabbits, the rats and the wild animals. Actually, it is not cultivated and the people are collecting around those areas. My colleagues, the Nandi, are living on the mountains on dry and rocky stone land. They have been moving down trying to put up the huts, for which I thank them, although they are being condemned. But they are seeing food and they have stopped coming down to eat it. I believe strongly that out of the 35,000 acres, 25,000 acres can easily be allocated to these landless people at the rate of a few acres per household. If a household is given five acres, three will be for the sugarcane, which can be rotated, and two will be for subsistence crops. This is very human.

Year after year, we have repeatedly said that nobody is landless but we do see them, the PC tours the place and he sees them, but he enjoys it when they clap for him and he likes their donations of rams and, he goats, given to him whenever he is on a visit. He tells them: "We shall look into your interests if land becomes available for allocation."

Recently, we had a by-election in Muhoroni. They came up with a package to the landless: That they would give them land only to win the votes. It was a civic by-election and up to this time I am talking here, none of the landless have been given land. They are very poor families living in single grass-thatched houses. They cannot afford a complex house with bedrooms, a kitchen, a dining and a chicken house. They are raising funds to give to somebody whom they think would rescue them, only to end up with no reply.

Recently the PC came up with a plan to give out plots and he gave out three quarters of the land. That was to get an opportunity to reward the Provincial Administration in Muhoroni where the DC and DOs in the whole of Kisumu District acquired, at least, three acres of land each. If they do not want to settle on the plots, they sell them and they are selling them at Kshs100,000 per acre. These are the same people who should take care of the landless. The situation is really pathetic.

When we talk of the Boro victims, I want my colleagues to know that these people are being punished for no mistake of their own. Currently, they are living in what we call the "Matope Village." The infant mortality rate is very high because of the health hazards in these areas; there are broken families. You can imagine a family in a rural community with no shamba to till, their main source of livelihood is to weed, cut and load the sugarcane into the tractors and women to do hawking in the evening under what we call; *Okonyowilo*; that kind of a market starting at 6.00 p.m and ending at 9.00 p.m. They are selling a few leaves of cabbage. Life there is terribly pathetic. And, we are hoarding land. The subject matter here is that we are refusing to give out land when it is available. The land is there and by denying these people the land, we are denying this country the multiplier economic development effect; because each one of us should have something to spend. When one has something to spend, his expenditure will have a lot of effect on the economic growth. My main concern and, hue and cry is that, instead of allocating this land, the Asian owned land, the nucleus estates and even the ADC which is a very dangerous issue--- This is because the ADC in Kimwani-- None of the locals both in Nandi and in Muhoroni have had a share.

Mr. Temporary Deputy Speaker, Sir, with those remarks, I register my concern that, let us give the people their dues.

Thank you.

Prof. Ouma: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to second this Motion because of a very real concern for the endangered species. The poor of this country are the ones I call the endangered species. Whether they live in Mathare, Kawangware or on the borderland between Kericho, Nandi and Kisumu Districts, they are the poor of this country. Maybe, the majority of the people in Parliament do not know how these nearly 20,000 people came to be there. These people are remnants of the colonial relics. With 34 years after Independence, we cannot blame the colonial masters for leaving the mess behind. We should have planned on how to clean up the mess which they left behind. It is our duty to clean up the mess left behind. After all, they came to make the mess and having made the mess, it is our duty to plan how to clean it. These are our people and I wish the hon. Ministers in charge of Lands and Settlement was here. I wonder how he will effectively reply to this if he is not here. He may go to the HANSARD, but the HANSARD does not show the expression on our faces. The HANSARD does not show human emotions. This is sad. When we have got an important Motion affecting the endangered majority, the 46 per cent of Kenyans, the Minister, who is said to serve them, and his Assistant Ministers are not there. I will go on. I am registering a real disconcertion that the Minister and his Assistant Ministers are not here. When they come tomorrow, tell them.

These people were left there as a result of bric-a-brac of history. Some of them are remnants of the servants of the First World War.

Mr. Mutahi: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is a great concern that there is no Minister or any of the Assistant Ministers for Lands and Settlement at least taking notes. The contributor has talked of

the HANSARD, but I do not know what will happen if the Motion is to be replied to.

(Hon. Kaino walked into the House)

The Temporary Deputy Speaker (Mr. Kariuki): Order! The Assistant Minister has just walked in.

Prof. Ouma: I was saying that these people have been left here as the forgotten permanent refugees. These people were servants of the soldiers who came from the First World War. They served the Asian and white settlers as house boys, kitchen boys, toilet cleaners and so on. At the time of Independence, nobody bothered with them, yet we know that millions of shillings was left behind to resettle the landless. When the landless were being resettled, the toilet cleaners were forgotten. They include Nandis who form 10 per cent today, the Luhyas who form 5 per cent, the Kisiis and Kikuyus who form 5 per cent and the Luos who form 70 per cent. There are a number of other people from this country. Land has been a tempestuous problem in this country. It has been the flash point through the history of this country. May I draw your attention to the fact that Harry Thuku, Ojiji Oteko and Jomo Kenyatta will live in the history of this country as great people because they wanted the landless to get back their land way back in 1922 and 1924 until the Carter Commission came in 1933. These are the remnants of the toilet cleaners of those days. They are your and my brothers. They are your and my sisters. They are permanent landless refugees in their own country. They are living on their grandfathers' graveyard as landless labourers.

Feel for them and I want this Parliament to feel for them. There are nearly 20,000 people and at the present rate of population increase, they would be 40,000 by the year 2020. Unfortunately, they are today living there at the whims of the land owners. They are the ones living on the periphery of life. They are not living at the centre of life. If they are living on the periphery of life in the countryside, life is a mess. They do not have land to till and whenever they are going to scratch the earth, they have to ask the owners first. So, you scratch the face of the soil at the mercy of somebody else.

You can imagine how it would be if your wife or your mother had to go and sell a few green leaves and cabbages every evening, so as to feed you. Can your child ever go to a secondary school? He has already made an application for toilet cleaning like his father and grandfather. There is no means of earning a living there. On the eve of Independence, we were promising this country that the landless would get land. This was the clarion call: The landless will get land. And here we have got the landless who have no land. Instead it is the people who live in Nairobi, Kisumu and Kericho - we do not want to mention names - who get land. They do not need it. The fat get fatter while the thin get thinner. I know for sure that parcels of sugar estates, especially Chemilil and Muhoroni have been given to individuals since *Demi na Mathathi*. Since 1980's, land has been given not to the landless, but to people who have them. There is enough land to solve this landless problem. We can clean up the mess on that tectonic zone. It is politically tectonic, not only because it is the Rift Valley shatter belt, but it is a difficult end. If you go there, you will find bare-bottomed and belly bottomed children because of malnutrition. The father and mother cannot cut the soil. What I am trying to say is that there is total insecurity. There is insecurity to the family. I know you are a christian. If there was any one insecure person, Christ would have come to die for him. We have got 4,620 families insecure. There are 18,504 individuals insecure. This Parliament exists to secure the future of Kenyans. Can we give them a secure future? Let us go in history that at least, the Seventh Parliament has tried to clean up parts of the mess which the colonialists left behind. I am pleading that if these families were given five acres each, three for sugarcane and two for subsistence crops and settlement, we would have solved a future bombshell. In that place, we are having children growing up bitter with the society which made them have no future even before they were born. A child born in that place has no future. It is like a child of a slave born to slavery. This is a child of a poor born to the poverty. What future do they have and here is a Parliament which is supposed to solve their problems?

I am appealing to the Minister and his Assistant Ministers to hear me.

We are the voice of the voiceless, we are speaking on behalf of the people endangered with poverty.

Mr. Temporary Deputy Speaker, Sir, do you know that today, 46.2 per cent of Kenyans are living below the poverty line, according to the latest UN report which was only tabled last week? I am sure these ones are living below this line. This is a question which has no party line. When death comes to the poor, it kills your mother and mine. When death comes to the poor it kills a Kalenjin, a Luo, a Kisii, a Kikuyu and a Luyia. But the Indian who is there does not die of poverty. It is a real statement: "Where sons are fools, slaves will rule". Strangers are ruling the wealth while the sons are dying of hunger.

Mr. Temporary Deputy Speaker, Sir, I beg to second that if it is possible, the five acres be given to each family. Then, we shall solve a problem and clean up the mess which the Colonialists left behind.

With those words, I second the Motion.

(Question proposed)

Mr. Sambu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion regarding the voiceless squatters of those areas mentioned in the Motion.

Mr. Temporary Deputy Speaker, Sir, this area is fraught with history of the suffering natives. That is the Nandi, the Luo and the Kipsigis. Between 1895 and 1905, the Colonial Government sent out military operations year after year, to punish those natives simply because they cut off the telegraphic wire and maybe went against a few instructions of the railway; something they had never seen in their lives. During that time, about over 1,100 Nandis were killed, 20,000 head of cattle were confiscated and driven to the Coast by the Colonial Government. I will be seeking legal redress to have repayments made to these people because they suffered in their own land.

Mr. Temporary Deputy Speaker, Sir, the historic consequence of this, is that, a huge group of people were created right from that time to date, who were landless in their own area. There are people who became squatters from 1905. Their great grand fathers became squatters and the great grand children are still squatters in those areas mentioned by this Motion. This land should revert back to the original owners; the Kipsigis, the Nandi and the Luo.

Mr. Temporary Deputy Speaker, Sir, there are now new African landlords who own thousands of acres of land in the areas where our people were displaced. Africans own huge areas of tea estates. Some of them are even leaders in Tinderet and they own about six or seven tea estates and they are not ashamed. Are they the only ones who fought the Colonial Government? They and their families are not the only ones who fought the Colonial Government. Many of our people were killed, as I said earlier, and yet, now people own several tea and sugar estates without shame, whereas the indigenous people are squatters on the hills. People were driven from the good land in the plains to the Nandi escarpment to be squatters. When the settlement schemes were given out in the early days of Independence, the squatters who worked for the Colonialists were not considered at all. New people were brought in.

Mr. Temporary Deputy Speaker, Sir, the former ADC farms have been sub-divided in many parts of the country like Nakuru, Molo, Kitale and even Kimwani. They are being sub-divided and given to "telephone farmers". Somebody is given 50 to 600 acres of sugar plantations whereas they do not go there. They just instruct a company to go and look after the cane and at the end of the day, they cut and sell the cane and these people only get money from the sugar factories. There is nothing they do to deserve owning this land. In any case, they own land all over the country. People have been allocated land in the former ADC farms of Molo, Nakuru, Kimwani and Kitale. You can get somebody owning land in Jabani, Ifa and Kitale, but he is still allocated more land. In fact, they are not even allocated five acres of land, they are allocated 50 acres and above and yet, we have these poor people who have been squatters from the time of their great grandfathers. This is a pathetic situation which the Government must address immediately. I know if this matter is not looked into within the Nandi community urgently, it may have very drastic political implications as we go into the future.

Mr. Temporary Deputy Speaker, Sir, the nucleus estates of the sugar companies need not be there. The sugar companies need only 200 to 300 acres of land for housing the factory and the estates of the workers. There are thousands and thousands of cane of the surrounding farmers which is going to rot. In Aldai, people do not harvest their cane because the factories cannot pick it up. If you went to Nzoia, cane is rotting and being used as firewood because the factories cannot take it. Yet, they are allowed to retain these thousands of acres of land. This land should be sub-divided into five acre plots and allocated to the truly landless squatters.

Mr. Temporary Deputy Speaker, Sir, the Members of the Asian community who own the land along the escarpment should feel ashamed of themselves. I hate attacking any particular community, but this group must know that the people who are suffering on the hills of the Chemelil Sisal Estate and above Miwani live in areas that you cannot believe human beings live in. When they try to rear goats, monkeys snatch them. When they try to cultivate a quarter of an acre on the Chemelil Sisal Estate, they are gunned down. This is a pathetic situation. The Government must buy that land being farmed by the Asians along the Miwani Belt and sub-divide it into five acre to two acre plots and allocate them to the squatters along the Nandi and Luo border. It is pathetic that 34 years after Independence, foreigners are still owning land. These are foreigners because we know them. Those Asians of Sikh origin have three to four passports and they are spread all over, in India, Britain, Canada and wherever. Yet, our own people are living in the bush on the escarpment.

Mr. Temporary Deputy Speaker, Sir, to the northern part of Uasin Gishu stretching up to Tinderet, the EATEC which is a Lonrho Company has 40,000 acres of land. Chesoi, Chemosit, Cheseregoit, Kipsomba and Navolas (?) Estates are up for sale by this Company. This Company came at the time of Independence, and they bought the land from the out going White settlers. They bought the land because they had the foreign exchange in London and the white settler preferred to sell to them. They called it government leased land and I am sure they were paying not more than Kshs300 per year for rent as lease per acre. They are now selling those five estates as I have mentioned and I have got papers here which I will table.

Other estates are Soi, Kipsoba block II and 12, the Eldoagri-business East African Limited. For example, a

parcel No.1, 40.47 hectares a arable land is being sold at Kshs7 million or at Kshs70,000 per acre when we know that they got this land free of charge. To make matters worse, on those five estates, Soi, Kipsoba, Mapras and Sergoi, there are thousands of squatters who have been serving the white settlers since the by turn of the century. Now, they are being evicted and the land sold at Kshs70,000. How can this Government allow this company which did not invest a cent in the land to sell off 40,000 acres at Kshs70,000 per acre? They are going to reap Kshs2.8 billion or US\$ 50 million by selling our land, they will then evict our people and take the money to London. This is a shame and we want the Government to stop this immediately. We want the land to be sold to our people in those five estates at Kshs5,000 per acre. For example, the Outspan Estate belongs to a company called Petty Farms(?) Limited. When they moved out in 1971, they sold it to EATEC Lonrho at Kshs300 per acre. How does Kshs300 in 1971 turn into Kshs70,000 per acre now? It is really sad and this must stop.

The land of Kapseret, that is the southern land of EATEC from Eldoret Town going all the way to Tinderet, they have got 20,000 acres. We are insisting that these acres must be converted into a settlement scheme, divided into five-acre plots and allocated to local people because those were Nandi traditional grazing lands and we cannot allow anybody to come and buy it at Kshs70,000 per acre. Those will be our settlement schemes. I am telling this Government that those will be Nandi settlement schemes and they will be wasting time by selling these lands.

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

Mr. Gichuki: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to say something about this important Motion by hon. Ogeka.

The squatters problem in this country is quite rampant and it will require the Government to come out with a land policy to cater for them. I say this because I also come from a settlement area in Nyandarua and we have a lot of squatters. I believe the same problem we are having in Nyandarua is also found in Muhoroni.

Mr. Temporary Deputy Speaker, Sir, the struggle for Independence in this country, mainly, the Mau Mau war, was a fight for land. It was a fight of getting it back from colonialists to the natives or the Africans, who had been exploited for a long time by the colonial Government.

We had a late Member of Parliament, J.M. Kariuki who was a fierce fighter of the squatter problem and land issue in this country. One time he coined a phrase about Kenya as being "a country of ten millionaires and ten million beggars." If he was alive today, he would see the situation is worse. Right now, if we could coin the same phrase, we could say, "Kenya is a country of 30 billionaires and 30 million beggars." This has come about because of lack of a clear land policy from the Government. We have a situation in the country whereby the gaps between the "haves" and "have nots" is getting wider. Like my colleagues have said, land is being dished out to those who do not need it. The ADC farms have been dished out left, right and centre to people who do not need them and after that they sell them at exorbitant prices leaving those who needed the land without any.

Mr. Temporary Deputy Speaker, Sir, coming to Muhoroni, the Mover talked of having about 35,000 acres, with a squatter population of about 5,000. Everybody knows that the sugar industry in this country has been "emaciated" because of importation of cheap sugar and, just like the Mover says, it is only fair that we sub-divide this land and give it to squatters in those areas. It makes no sense in having large chunks of land whereas our people are living in utter poverty.

The Agricultural Development Corporation is notorious of dishing out land haphazardly and yet it is almost moribund. The ADC was formed to assist farmers in the production of food in this country. Today, they cannot realise that goal because land that used to be there has been given out. They have no land to plant seeds, do research on seeds so that we have quality seeds and boost food production in this country because most of these lands have been given out.

It is every leader's wish that we should be able to cater for the people we lead. We do not want to have a chaotic situation where we are going to have a lot of problems from this quarter and it will be unstoppable. It is only fair that we, as leaders, try to arrest the situation before it becomes explosive.

Mr. Temporary Deputy Speaker, Sir, I come from a Settlement Scheme called Oljoro Orok which is just like Muhoroni. We have some 1,000 acres of land there belonging to the Pyrethrum Board of Kenya. On this land, there are about 200 squatters who have been there since colonial times and they have a similar problem like those in Muhoroni. They do not have anywhere to bury their dead. Even to produce food is a problem. Of course, the population of the squatters in the area is increasing and we request the Minister in charge to make sure that this land is given out. I have information from the Pyrethrum Board of Kenya that they want to dispose of this land but, as usual, they want to dish it out to the politically correct individuals by sub-dividing it to 50 and 20 acre pieces and leave out the squatters in that area of Oljoro Orok. The land in question is not productive and it does not help the Pyrethrum Board of Kenya and we request that, that land although we understand that the Board has decided to---

Mr. Nthenge: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the hon. Member has digressed. I think he has left the issue at hand and now he is discussing a different one. He should bring a Motion

and we shall support it.

Mr. Gichuki: Mr. Temporary Deputy Speaker, Sir, if hon. Nthenge had listened to me, I am in line with the Motion because hon. Ogeka is requesting that the land in Muhoroni should be sub-divided to the squatters and I am asking that the same be done by the Oljoro Orok Pyrethrum Board of Kenya. So, it is the same thing!

The Temporary Deputy Speaker (Mr. Kariuki): Order! Order, Mr. Gichuki! You do not have to explain, just continue.

Mr. Gichuki: Mr. Temporary Deputy Speaker, Sir, I was saying that the Minister concerned should consider squatters in Oljoro Orok when sub-dividing that land. Otherwise, if it is given to anybody else, we are going to make it impossible for whoever is going to be given that land in Oljoro Orok to occupy it.

Having said that, I now wish to address the issue at hand. I believe that the Minister will come with the argument that they are going to give to the sugar industry and that food production will go down if we sub-divide it into small units, but we would rather have those small units than huge tracts of land owned by Asians and Europeans whereas our people are languishing in poverty. It makes no sense. Equally too, we have some forest land in some areas and it is being sub-divided and we do this out of necessity. It is wrong for a country to have its people as squatters and at the same time, assume that all is well while most of the people are languishing in poverty. I believe that the Ministry will take note of this and the Government too will take note of this. Let us help the many squatters that we have in this country.

With those few remarks, I beg to support.

Mr. Moiben: Mr. Temporary Deputy Speaker, Sir, this is a very good Motion and it is very timely.

It is true that in some areas of this country, squatters have it very rough and the matter is not only confined to Muhoroni, Kipkelion, Fort Ternan and so on. The same case obtains in Trans-Nzoia among other areas. In Trans-Nzoia for example, we have areas like Kabolet Forest where there were 4,000 squatters and the Government recently settled about 700 of them. We are grateful for that small assistance but we still appeal to the Government to consider the balance of 3,300 squatters to make a figure of 4,000. Equally, there are other squatters who are at Kaptegat, Kiboroa and Kamoroko forests. If these people who number about 20,000 can be settled, we will be very grateful. These squatters do not even have a place to bury their dead. There is no place for them to be buried. They have to negotiate with the Forest Department and the Road Reserve for them to bury a dead person. It is a very serious matter. It is true, as one of my colleagues said here, that the fellows who stay up in the mountain, somewhere in Songor have it very rough. That area is not meant for human settlement. It is actually meant for monkeys who also stay up there. It is the human beings who are encroaching on the monkey's area because they have no alternative.

So, can the Government, after 34 years of Independence, look into this matter conclusively, and make sure that the minimum land that can be allocated for these pastoral communities cannot be less than five acres? It will be enough for them because incidentally, they do not have large families. Poverty is the order of the day and yet, we are now independent.

Why is it that such a case cannot be looked into? For example, in Tana River, if any irrigation is possible, it should be apportioned to the people who live there, and who are landless. They will really do their best. I know what is happening in Tana River, Lake Kenyatta near Lamu, areas around Fort Ternan and Songor. The people are willing to work with their own hands. But they are not given facilities because nobody has ever considered their case. This is very serious.

We feel that this Motion has come at the right time and the Government should give its final decision. This is because the Government is able to settle these people if it decides to do so today. The problem will only be that of security. But once it is restored, everything can be done.

We feel that the Agricultural Development Corporation (ADC) farms which cannot make profit should be sub-divided and given to our people. I believe that portions of these ADC farms were meant for a slow and sure way of settling these people. In any case, why did we fight for our Independence? It was to get back our land. That was our number one priority. In Trans-Nzoia, people who do not have any land wish they could have something to feed themselves on.

For example this year, the Government had to feed everybody almost throughout the Republic. The same could never have happened if people had land to work on. For example, for the first time, we had famine relief food in Trans-Nzoia district. We, who come from Trans-Nzoia are terribly ashamed. This is because we see the land with our eyes but we have no access to it. If the people can be given some land, it would be very good. We can be able to feed the whole of Kenya from Trans-Nzoia alone. This is because we have enough rain and a river after every two kilometres. I do not see why a bit of the forest cannot be carved out and apportioned to the people. Forests like Sikhendu and Kitalale, plus a few of the ADC farms should be given out. The Nandis and Luos should be considered in the Chemelil area, where we have the Kimwani area. This will minimise the tension among the people who claim that outsiders have been brought in. This will stem off the ethnic clashes. We feel that time has come for us Kenyans

to reason as members of one community, and have the feelings of others in our hearts.

Mr. Temporary Deputy Speaker, Sir, without land, how can you do any development? Where do you put up a house? In any case, somebody without shoes is not a father in his home at the end of the day. We should give the person a chance to prove his worth as a human being. I am grateful to the hon. Member for bringing this Motion.

With those few remarks, I beg to support.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Kariuki): Order! Hon. Members, it is now time to interrupt this morning's business. The House stands adjourned until 2.30 p.m., this afternoon. The House rose at 12.30 p.m.