

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 30th April, 1996

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

## PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No.007*

### COMMISSION TO REVIEW SALARIES

**Mr. Mbui** asked the Minister of State, Office of the President whether in view of the high cost of living he could consider setting up a commission to review salaries, housing and travelling allowances for civil servants.

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

There is no need, as of now, to set up a commission to review the salaries, housing and travelling allowances for civil servants because all these payments are being reviewed under the Civil Service Reform Programme.

**Mr. Mbui:** The purpose of asking this Question is that all civil servants, apart from a few, are suffering because they cannot meet their basic requirements and this review is overdue. Is the KANU Government really interested in uplifting the welfare of the poor civil servants as we have been told by His Excellency the President?

**Mr. Manga:** The Government is interested in the welfare of the civil servants and that is why steps are being taken to review their salaries and allowances through the programme that I have mentioned above.

**Mr. Wamae:** The Government abolished the Civil Servants' Union and therefore, civil servants have no political organ or union that can fight for their rights. Is the Assistant Minister aware that the only way to be fair to the civil servants is to give them reasonable and equitable allowances through a commission rather than have a few people who sit in an office to decide what the civil servants are supposed to get?

**Mr. Manga:** I have said that there have been commissions which have reviewed the salaries and allowances of the civil servants and currently, the salaries and allowances are being reviewed through the Civil Service Reform Programme.

**Mr. Kamuyu:** Can the Assistant Minister tell us the minimum wage for civil servants and more so, for the police recruits?

**Mr. Manga:** Mr. Speaker, Sir, that Question will need some preparation so that I can come up with the tables to show that. That is a different question.

**Mr. Kiliku:** Could the Assistant Minister explain to this House why the Government has kept mum over the civil servants' salary review? When the civil servants used to have their union, they used to have a two and a half years collective agreement and as a result salaries were reviewed after two and a half years. In the absence of the Civil Servants' Union, could the Assistant Minister tell this House the minimum salary and house allowances for those who are not provided with houses?

**Mr. Manga:** As I said before, that would require me to bring a table which I would read out. So, I cannot give that information off-head now.

**Mr. Kamuyu:** On a point of order, Mr. Speaker, Sir. The Assistant Minister has told this House that he is not able at this point in time to inform the House about the minimum wage for civil servants and more so, for the police recruits. He has said that he will do so at some future date and I would like him to specify the date when he will bring that information to the House because that is a very basic information.

**Mr. Speaker:** I suppose, hon. Manga, if you are not in a position to do that just now---

*(Hon. Obure dressed in a gown and*

*hon. Wamalwa enter the Chamber)*

*(Applause)*

Order! First of all, the two hon. Members were wrong to continue walking towards the Chair when I was addressing hon. Manga. If you, indeed, intend to give the minimum salaries of civil servants [**Mr. Speaker**] which I think is legitimately within this Question, you should do that the earliest possible and it should be on Thursday. So, for that reason, the Question is partly deferred.

**Mr. Ndicho:** On a point of order, Mr. Speaker, Sir. I wonder whether the Chair is satisfied that the way hon. Obure is dressed, conforms with our Parliamentary procedures.

**Mr. Speaker:** Order, hon. Members! I have had occasions in the past to define what is and what is not a proper dress. I think hon. Ferdinand Obure has been in this House long enough to take cognisance of the Chair's definition of what is a proper dress. He is certainly dressed in a shirt, a tie, some shoes, a long trouser, socks and something that looks to me like a gown which is not within the definitions of a proper dress. So, you are improperly dressed. Would you go and dress properly?

**Mr. Speaker:** Mr. Obure, you are improperly dressed. Will you go out and dress properly? Order, Mr. Obure! I expect hon. Members to treat the House with dignity and to treat themselves as well with dignity. If you are improperly dressed, go out and dress properly. This Chamber will never be used as a dressing room. Will you move out?

*(Hon. Obure withdrew from the Chamber)*

*(Applause)*

*Question No. 165*

#### COMMISSIONING OF DIVISIONAL HEADQUARTERS

**Mr. R.K. Mungai** asked the Minister of State, Office of the President when the divisional headquarters of the new Kakuzi Division will be operational, so as to provide the necessary services to its residents as per the Government's directive of August, 1994.

**The Assistant Minister, Office of the President** (Mr. Awori): Mr. Speaker, Sir, I beg to reply. The new Kakuzi Divisional headquarters became operational with effect from July, 1995.

**Mr. R.K. Mungai:** Is the Assistant Minister in order to mislead this House, and the entire world, so grossly that the new Kakuzi Divisional headquarters became operational in July, 1995, when he is very well aware that the District Officer (DO) and other divisional heads of departments are still operating from Thika Town and that they have moved to Kinyangi, the Divisional headquarters? Is he in order?

**Mr. Ndicho:** They are operating from my kingdom!

**Mr. Awori:** Mr. Speaker, Sir, considering that the DO has moved to Kinyangi, I am certainly in order in the way I have given the answer.

**Mr. R.K. Mungai:** He knows the divisional headquarters and I have a copy of the HANSARD for 4th October, 1995, when I asked a similar Question. The Minister, then, Mr. Kalweo, answered and said that the divisional headquarters was at Kinyangi and he was trying to get officers settled there. He promised that as soon as things are settled, the divisional headquarters and the DO would move, but nothing has been done so far. Is he in order to go on misleading this House that the divisional headquarters was at Kinyangi is operational, when they have done nothing? I am the representative of the people there and I know that the DO, and all the other heads of departments, are still operating from Thika Town. Can he tell us when the divisional headquarters will be operational?

**Mr. Speaker:** Mr. R.K. Mungai, would you like to hear from him?

**Mr. R.K. Mungai:** Yes, Mr. Speaker, Sir.

**Mr. Awori:** Mr. Speaker, Sir, my answer is not at variance with the HANSARD that the hon. Member has just quoted.

**Mr. Ndicho:** The Assistant Minister is totally misleading this House and the entire Republic. The DO who administers Kakuzi Division, is housed in Thika Town, my kingdom, and he is called Mr. Nakitare. He is administering Thika Municipality, Gatunyaga Location and Kakuzi Division. On Friday, I paid him a visit in

his office to sign papers for me for a public rally. Can the Assistant Minister, as you had made an earlier ruling, defer this particular Question until he has done proper investigation of what is actually happening in the field and bring an appropriate and a correct answer because what he has told this House is completely incorrect and it is not the truth? I am addressing the Chair, and not the Assistant Minister, that you defer this Question because what the Minister has answered is not true.

**Mr. Speaker:** Very well, hon. Ndicho. Can we hear from him?

**Mr. Awori:** Mr. Speaker, Sir, I think we are playing with words here. "Operational" to me does not necessarily mean that all the buildings must be at Kinyangi. The DO is operating from Kinyangi and also serving Thika Town. All they can grumble about is that we have not yet erected all the buildings that are required there. But he is operating from Kinyangi Divisional headquarters.

**Mr. R.K. Mungai:** On a point of order, Mr. Speaker, Sir.

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Order, Mr. Mungai! You seem to take it for granted that you always have a chance.

**Dr. Otieno-Kopiyo:** Mr. Speaker, Sir, could the Assistant Minister confirm to this House whether the DO for Kakuzi Division is operating from Thika Town or Kinyangi?

**Mr. Awori:** Mr. Speaker, Sir, the Question was: Is the Kakuzi Divisional Headquarters operational? The answer is "yes," it is operational.

**Mr. Ndicho:** Mr. Speaker, Sir, since the Assistant Minister has now agreed that the DO for Kakuzi Division is operating from Thika Town, although the headquarters of this Division is at Kinyangi, can he tell us when he would take the DO away from my Constituency to go and administer another Division? When will he take the DO to Kakuzi Division so that my Constituency is not overloaded with DOs? When?

**Mr. Awori:** Mr. Speaker, Sir, I am really surprised because I would be very happy to have two DOs working in my Division. If you are overloaded, you are lucky.

**Mr. Speaker:** Next Question, Bishop Kimani.

#### *Question No 021*

#### ALLOCATION OF BURSARY FUNDS

**Bishop Kimani** asked the Minister for Education:-

- (a) how much money was allocated in 1994/95 for Bursary in Nakuru North;
- (b) how many children have benefitted from that Bursary; and,
- (c) whether he could give the names and locations of the children who have already been supported from the bursary money.

**Mr. Speaker:** Is there anybody from the Ministry of Education? We will come back to it later.

**Hon. Members:** Hon. Ndeti!

#### *Question No 045*

#### ALLOCATION OF YALA SWAMP

**Mr. Speaker:** Question No 045 was answered last week. Therefore, it cannot come until the expiry of six months. So that Question is promptly dropped.

*(Question dropped)*

**Mr. Mak'Onyango:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** What is it?

**Mr. Mak'Onyango:** Mr. Speaker, Sir, the Question was partly answered and I thought it was so unsatisfactorily answered that the Minister undertook to come up with a correct answer.

**Mr. Speaker:** I am informed by the Clerks-at-the Table that this Question was dealt with and it falls to the ground until I am satisfied otherwise.

Next question, hon. Joseph Mulusya.

**Mr. Mulusya:** Mr. Speaker, Sir, before I ask Question No.162 I want to welcome you back to Parliament.

We have really missed you. We went for prayers and we are glad that you are here.

**The Speaker:** Thank you. I am present.

**The Mulusya:** Mr. Speaker, Sir, with those few welcoming remarks I wish to ask Question No. 162.

*Question No. 162*

POLLUTION OF ATHI RIVER

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

(a) he was aware that River Athi has been highly polluted by toxic effluent from skin and hides factories and other industries at Athi River Town (Mavoko Municipality);

(b) whether he was further aware that horticulture farming along the said river is being hurt by rejection of these agricultural products in the European markets, some of which have been found to contain traces of harmful chemicals resultant of irrigation with the polluted water; and,

(c) what arrangements the Assistant Minister had taken to ensure that the pollution is controlled and that this local authority enforces its by-laws more effectively.

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

(a) I am not aware that the Athi River has been highly polluted by toxic effluent from skin and hide factories and other industries at Athi river Town (Mavoko Municipality).

However I am aware of the pollution of the river that occurred once on the 19th November 1995 when the earth embankment from a waste water lagoon at the Baba Tannery broke spilling the tannery effluent in to the river. This unfortunate situation was immediately contained through the concerted efforts of my Ministry and the Provincial Administration.

(b) I am not aware that horticultural farming along the River Athi is being hurt by rejection of the agricultural products in European markets for allegedly being found containing traces of harmful chemicals from the water in the river.

(c) My Ministry has instructed all the factories in the area to pre-treat their effluent before discharging it into the river and seek sewer connections. The Minister has also advised the Mavoko Municipal Council to develop and effect the relevant by-laws for proper management of factory effluent and domestic sewerage.

**Mr. Mulusya:** Mr. Speaker, Sir, at times we always tend to think that the Ministers of this Government do not live in this country. They act as if they are foreigners. If you travel along Mombasa Road just before you cross the river which is about 100 to 200 metres before you get to the bridge, there is a strong stench which keeps you from there.

Mr. Speaker, Sir, you cannot understand that there is an Assistant Minister who can say that there is no pollution and very recently they were all in Mombasa Show following His Excellency the President. They drove in their cars on that road on their way back. Even though their cars are air-conditioned at least they should be able to notice this stench.

Mr. Speaker, Sir, can the Assistant Minister undertake to send officers from his Ministry to go and undertake thorough investigation of what is happening because this information is untrue?

**Mr. Ligale:** Mr. Speaker, Sir, the stench the hon. Member is referring to is clearly from the tannery which is in the vicinity. If you visit anywhere near the tannery, there will be a stench. That stench is not from the Athi River.

**Mr. Nthenge:** Mr. Speaker, Sir, does the Assistant Minister agree that when people have a factory very near a river, they tend to be tempted to throw their waste matter into the river which is against good treatment of water from a river downstream?

**Mr. Ligale:** Mr. Speaker, Sir, whether they are tempted or not, they are not allowed to do that.

**Mr. Mak'Onyango:** Mr. Speaker, Sir, this is a very serious matter because pollution of Athi River, I think is a reality. It is not wishful thinking. Can the Assistant Minister tell this House what the Ministry is going to do to improve on the situation because I think for sure the aquatic life in that river is threatened and I am sure downstream people are affected? It is not a question of somebody ascertaining that. The truth of the matter is that river is polluted and aquatic life there is threatened. What is the Government doing to save the situation?

**Mr. Ligale:** I have emphasised that the Government has instructed factories to pre-treat their effluent before they let it into the river. We have also said that they have been instructed to connect to the sewer in Athi

River.

**Dr. Otieno-Kopiyo:** On a point of order. Mr. Speaker, Sir. The Assistant Minister answering this question is not the correct person to answer the Question because it is a matter relating to the environment. It is not about water development. So the Assistant Minister for example would not know whether the tannery there has a lagoon for the treatment of the effluent from the factory itself. This should be dealt with by the Minister for Environment and Natural Resources and that is why we are not getting a satisfactory answer.

**Mr. Speaker:** Order! Order! Mr. Kopiyo you see the Question was drafted by Mr. Mulusya. He directed it to the Ministry for Land Reclamation, Regional and Water Development which is answering it. How does the Chair come in? Mr. Assistant Minister, would you like to respond?

**Mr. Ligale:** Mr. Speaker, Sir, the question of environment may well be for the Ministry of Environment and Natural Resources but the question of sanitation and water and sewer lies squarely with the Ministry of Land Reclamation, Regional and Water Development.

**Mr. Otieno:** Mr. Speaker, Sir, the Assistant Minister is not serious by saying that he is not aware of this pollution. When he said that he is not aware Athi river is polluted, he shocked us. If you have any regulations, can you tell us the current specifications in terms of for example biological oxygen demand for all the effluents before they are discharged into the river? What are the current Government specifications?

**Mr. Ligale:** Mr. Speaker, Sir, I am very serious in answering this Question. There is no question of not taking this matter seriously. I cannot give the specific figures here but our technical officers have specified to the various factories what level of effluent they are allowed to discharge into any water body.

**Mr. Mulusya:** Mr. Speaker, Sir, is the Assistant Minister aware that due to this pollution all along the Athi river, there has been a tremendous exit of hippos from the river because they cannot survive? They have invaded peoples' farms terrorising them and the hon. Member for Juja last weekend visited several families whose crops have been destroyed by the hippos. They are also spreading a very bad smell when they move around. They have a very repugnant smell as they move around as a result of living in polluted water. The crocodiles population is also disappearing in that water. The same applies to fish in that river. Are you aware of that and what are you doing about it?

**Mr. Ligale:** Mr. Speaker, Sir, I am not an expert on wildlife. What I do know is this; hippos like to wade in muddy water during the day and at night they go out and eat all foliage and if they have been eating peoples' crops, that is quite in order.

**Mr. Ndicho:** On a point of order. Mr. Speaker, Sir. The Assistant Minister he has been deliberately misleading the House about muddy water. We are not talking about muddy water at Athi River but we are talking about hippos having to migrate from that river into peoples farms within Juja and Kangundo Constituencies because of the pollution. Are you aware that they are doing that and if you are, what are you doing about it? That is the question, not about a muddy river.

**Mr. Ligale:** Mr. Speaker, Sir, if the gentleman cared to listen for a minute, he would understand what I was trying to say. I said that hippos will lie in water when it is muddy or clear during the day but at night they go out to eat grass, plants and everything else involved. So if they have been going to peoples farms, it is not because of polluted water but it is because they are looking for food.

*Question No.053*

SERVICING OF ESTATE TOILETS

**Mr. Speaker:** I am sorry, Mr. Nthenge, we will defer your Question to the 9th of May, 1996. Very well! Next Question!

*(Question deferred)*

*Question No.154*

UTILIZATION OF ROAD MAINTENANCE LEVY

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

(a) how much money was allocated from Road Maintenance Levy for the 600 km road network in Nyambene District between 30th June, 1994 and 31st January, 1996;

(b) whether he could list the roads and the kilometres that were maintained and on which dates; and,

(c) what plans he has to tarmac Maili Tatu-Kachiuri Road before 1997 and how much is set aside for the purpose.

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

(a) The Ministry allocated Kshs2.1 million in 1994/95 and Kshs32.4 million in the 1995/96 Financial year from Road Maintenance Levy for routine maintenance.

(b) In 1994/95, Road Maintenance Levy was used to grade a total of 21 roads.

Mr. Speaker, Sir, I do not know whether I should read the names of all the 21 roads, but if the hon. Member has got a written answer, he can look at it because all the roads are listed there.

**Mr. Speaker:** You can table the list.

**The Assistant Minister for Public Works and Housing** (Col. Kiluta): Okay. In 1994/95, Kshs1 million was spent to gravel Road E775 which is Kirindini-Kagaine, as well as gravelling 1.5 kilometres between Konian and Kimachia and placing 10 lines of culvert. In 1995/96, Kshs2.4 million was spent from Road Maintenance Levy in Nyambene District for routine maintenance of another 12 roads which are also listed down there, and which I can Table in this House. Further contracts for gravelling two roads in Nyambene have already been awarded. These are Maili Tatu-Laare-Mutuati Road at a total of Kshs50.7 million and that is expected to take 24 weeks; Kunene-Mbeu, 23.8 kilometres, at a total cost of Kshs29.59 million together with Maua-Ngaweni Road. A total of Kshs60.3 million is already set aside for those three roads together with the first ones which I mentioned, which have cost Kshs23.5 million, coming to almost Kshs100 million for the roads in that area, as tabulated in my answer.

(c) The Ministry has no plans this Financial Year to tarmac Maili Tatu-Kachiura Road due to lack of funds, because it was not budgeted for this Financial Year. But the road is being gravelled with effect from 31st April, 1996, at a total cost of Kshs30.5 million. But Mutuati-Gachura section is not included in the gravelling. This will be considered as soon as the portions I have mentioned are completed.

**Mr. Maore:** Mr. Speaker, Sir, since this is a long Question, I would like the Minister to respond to part (c) that once there was a directive that the Ministry tarmacs this road and it was given in December 1992 by none other than the President, has there been a change of mind?

On part (b), Mr. Speaker, Sir, I am glad actually the Assistant Minister knows some of the roads he is talking about. There is this road that has been mentioned leading to the Meru Mulika Road. The Assistant Minister happens to have used this road sometime in December and it is listed as one of the roads that were actually graded in December. Now, with that, on the Maili Tatu, Laare and Mutuati Road, it has been listed several times there and even in March this year, it is listed as having been graded; that is all the 19 kilometres. I was there yesterday, and the entire list is cooked up by the officials of this Ministry just to deceive the Opposition that they are spending money as intended. It is not true that any of these roads except the one for Kimatia and Kunene.

**Mr. Speaker:** You see, Mr. Maore, you are saying very nice things, but by the time you finish--

**Mr. Maore:** No, it was very long, Mr. Speaker, Sir.

**Mr. Speaker:** Yes, by the time you finish the whole of that long question, the Assistant Minister will have lost track as to what you want. It is better if you are short and precise.

**Mr. Maore:** Mr. Speaker, Sir, I am very specific.

**Mr. Speaker:** Very well!

**Mr. Maore:** (a) Why was the decision to tarmac Maili-Tatu and Mutuati road changed?

(b) What is the name of the company that has been awarded the contract; and

(c) whether the entire list you have listed as having been graded is not fake and just a creation of some people's minds.

**Col. Kiluta:** Mr. Speaker, Sir, this Question came up last year and if the hon. Member can remember, I answered the same Question and I requested him to go back and have this road prioritised because it had not yet been done. They met in their DDC and this road was brought to us this Financial Year. That is the reason why it cannot be done because it was not budgeted for and we will look into it together with the other roads that also require to be tarmacked and depending on the priority you gave it, we will see what can be done. As concerns the contractors who have been given this contract, Maili Tatu-Laare contract was awarded to Messrs Behal Krishan at a total sum of Kshs35.7 million, and Kunene-Mbeu-Maua contract was awarded to Messrs Construction Services who were the lowest bidders at the total cost that we gave. The question of roads mentioned here, which you

think were not done satisfactorily, I think you can raise the matter on the ones you are not happy with and we will look into them because, I have been assured they have been done. Since I do not live there and I have not visited the area---

**An hon. Member:** You are thieves!

**Col. Kiluta:** We are all thieves to a certain degree!

**Mr. Maore:** Mr. Speaker, Sir, can the Assistant Minister say which company was given the contract for Maua-Ngawene Road, because this road goes to a KANU politician's home and there is no money allocated for it? Is it going to eat into the money set aside for other roads? How much money have you allocated and to which company have you awarded the contract?

**Col. Kiluta:** Mr. Speaker, Sir, I said there are only three roads whose contracts have been awarded. These are, Maua-Ngawene, Kunene-Mbeu, Maili Tatu-Laare-Mutuati. They are only three roads. Contracts for two roads, Kunene-Mbeu, Maua-Ngaweni have been given to one contractor. Maili Tatu-Laare-Mutuati contract has been given to Krishan Behal.

**Mr. Speaker:** Final question, Mr. Gatabaki!

**Mr. Gatabaki:** Thank you, Mr. Speaker Sir, for the opportunity to ask the final question. In every sitting, Questions about roads are asked every day. Is this Government playing with the taxpayers' money? Is this Government serious about roads and communications in this country? Has this Government a policy on roads? We are aware previously of departments of construction; public works departments. You cannot see a single vehicle constructing or repairing roads. Is this Government misusing the public's money on other things? Is this Government serious about communication.

**Col. Kiluta:** Mr. Speaker, Sir, I think I will take this opportunity to apologise, on behalf of Mr. Githunguri, for having floored Mr. Gatabaki, and tell Mr. Gatabaki that the Government is very serious on roads.

*Question No 163*

REDUCTION OF MILK PRICES

**Mr. Githiomi** asked the Minister for Co-operative Development:-

(a) whether he is aware that Kenya Co-operative Creameries Limited (KCC) has reduced the prices of milk delivered to its factories from Kshs 14 to Kshs.11.00 per litre with effect from February, 1996;

(b) whether he could tell the House why the prices had to be reduced; and,

(c) when will the farmers be paid their dues for the milk delivered to Kenya Co-operative Creameries Limited as at 28th March, 1996.

**The Minister for Co-operative Development** (Mr. Munyi): Mr. Speaker, Sir, I am aware that the prices were reduced and this is due to the process of liberalisation. Therefore, it was found that the price was to be reduced. I would like to tell the House---

**Mr. Michuki:** On a point of order, Mr. Speaker, Sir. Is the Minister in order to deal with this Question, when the whole country has been informed by the Government that KCC has been de-registered as a Co-operative Society?

**Mr. Munyi:** Mr. Speaker, Sir, it is dealing with KCC which is a Co-operative. I have already answered, and said that the payment for March this year will be made during the month of May. I would also like to tell the hon. Member that we have already contacted KCC and told them that they should find ways and means of trying to raise the price of milk which is supplied by the farmers.

**Dr. Kituyi:** Mr. Speaker, Sir, arising from the Minister's reply, could he explain to this House how liberalisation of the milk market without flooding it with imports can lead to the decline of prices?

**Mr. Munyi:** The hon. Member knows very well that the people demanded liberalisation so that they could be given the opportunity of having their own milk coolers.

**Mr. Mutahi:** Mr. Speaker, Sir, I do not know whether the Minister is aware that the reason he has given for the increase of milk is to repay the debt of Kshs800 million which was stolen by the management and now the farmers are going to repay that loan. Money having been stolen by the management is going to be paid by the farmers. We have been told that because of competition, KCC has reduced the price of milk. Is he aware that other factories are buying milk at the rate of Kshs15.00 and not Kshs11.00 per litre and they are still competitive? I do not know which company you are comparing KCC with, because we have Brookside buying at Kshs 15.00 Aberdares buying at Kshs 15 and we have Meru Co-operative buying at Kshs15.00.

**Mr. Munyi:** Mr. Speaker, Sir, that is what we mean by liberalisation, different prices because they can buy from whatever source that they want. I want also to tell the Member that what he had alleged is not correct.

**Mr. Gitonga:** Mr. Speaker, I did hear the hon. Mutahi saying that the Kshs.13.00 which has been reduced from the actual price is to pay money which has been stolen by the KCC management? Can he substantiate that?

**Mr. Speaker:** I did not hear.

**Mr. Gitonga:** But he said that, I heard it.

**Mr. Munyi:** Mr. Speaker, Sir, what hon. Mutahi said is not true.

**Mr. Wamalwa:** Mr. Speaker, I want to thank the Minister for saying that the money due to farmers for March payment will be paid some time in May. Would he be good enough to tell this House why it takes so long for KCC to pay farmers as long as two months and sometimes three months or more, when all the milk products that anybody buys they buy on a cash basis? Why does it take KCC so long to pay the farmers?

**Mr. Munyi:** Mr. Speaker, Sir, hon. Wamalwa should know that liberalisation is a very dangerous move. That is why you asked for that!

**Mr. Wamalwa:** Mr. Speaker, Sir, I am sorry, but I get the distinct feeling that the hon. Minister does not know what liberalisation means because he is dragging liberalisation into a situation where he does not obtain. - Here is a Co-operative Society that receives and sells milk for cash. Why does it not pay the farmers sooner? Liberalisation has nothing to do with that.

**Mr. Munyi:** Mr. Speaker, Sir, We have told KCC that they should try to pay the farmers as soon as practically possible.

**Mr. Speaker:** Very well, Questions by Private Notice. Prof. Anyang' Nyong'o. Oh! Sorry, I beg your pardon.

**An hon. Member:** Before that, Mr. Speaker, we had one Question for the Ministry of Education.

**Mr. Speaker:** Yes, indeed, you are right. There is a Question that we had left behind from Bishop Kimani, because the Minister for Education was not there.

*Question No. 021*

ALLOCATION OF BURSARY FUNDS

**Bishop Kimani** asked the Minister for Education:-

(a) how much money was allocated in 1994/95 for bursary in Nakuru North;

(b) how many children have benefited from this bursary; and

(c) Whether he could give names and locations of the children who have already been supported from the bursary money?

**The Minister for Education** (Mr. Kamotho): Mr. Speaker, Sir, I wish to apologize for coming late and having missed to answer this Question during the first round. Having said that, I beg to reply;

(a) My Ministry allocated Kshs1831,182.60 in 1994/95 Financial Year for bursaries in Nakuru North Constituency.

(b) The aforesaid amount of Bursary Fund was distributed to 717 students in the 14 public secondary schools in Nakuru North constituency.

(c) The list of names of all students who have already been supported from the bursary money is too long. I wish to table it for reference.

However, it is not possible to give the locations from which each student came because not all of them come from Nakuru North Constituency. The House must also realise that there is a large number of students from Nakuru North who are beneficiaries of the Bursary Fund through Provincial and National Schools. I would also like to remind hon. Members in this House that Members of Parliament should be attending DEBs meetings and Board of Governors meetings so that they can facilitate fair and equitable distribution of Bursary Fund.

Mr. Speaker, Sir, I table the whole list of 717 students who benefited from the Bursary Fund.

*(Mr. Kamotho laid the list on the Table)*

**Bishop Kimani:** Mr. Speaker, Sir, arising from the answer given by the Minister, part "c" of my Question has not been fully answered. I wanted to get the names and the locations of beneficiaries of the Bursary Fund. It was important for me to know this because right now, I have so many students claiming that they never



benefited from this bursary fund. I would like to get these names and locations so that I can know what is happening, could the Minister do that?

**Mr. Kamotho:** Mr. Speaker, Sir, I thought I answered that Question adequately. I would like to restate to the hon. Bishop, the Member of Parliament for Nakuru North, that getting the locations of the students who benefited from the bursary fund is his responsibility as the Member for the area. He ought to know his constituents. Therefore, from the list, he can identify from what village and location the beneficiaries come from.

**Dr. Lwali-Oyondi:** Mr. Speaker, Sir, arising from his answer, the Minister said that Members of Parliament should attend District Education Board (DEB) meetings. Is he aware that we have been trying to attend these meetings and we have been turned away in Nakuru Town? Is he also aware that the Board of Governors do not like writing to us whenever they have a meetings?

**Mr. Kamotho:** Mr. Speaker, Sir, I am not aware of that. All that I am aware of is that some of the Members of Parliament adamantly refuse to attend BOG, DEB and DDC meetings.

### QUESTIONS BY PRIVATE NOTICE

#### HANDLING OF AIRWAYS SHARES

**Prof. Anyang'-Nyong'o:** Mr. Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) Can the Minister explain why Citibank and not Kenya Commercial Bank, was chosen to handle the share subscriptions of Kenya Airways?

(b) Noting that the shares have been over-subscribed and that many people will get their money refunded, can the Minister assure this House that all refunds will be made with full interest paid?

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

(a) Citibank was chosen to handle the shares subscriptions of Kenya Airways through a competitive bidding process. The bidders who included Kenya Commercial Bank, Barclays Bank as well as Citibank were in fact selected from a short list of many other banks that had been considered and there was, in fact, a Privatisation Committee of Kenya Airways which considered those bids and decided upon Citibank as the best suitable firm to handle the Kenya Airways issue. Citibank was ranked first, Barclays Bank second, and Kenya Commercial Bank third.

(b) Citibank is expected to strictly adhere to the timetable specified in the prospectus which requires all refunds to be completed by May 13, 1996. It was not a condition of offer that interest would be paid on refunds. Indeed, I would add that the current commercial practice on issues of shares such as this do not have as a practice that refunds will be made with interest.

**Prof. Anyang'-Nyong'o:** Mr. Speaker, Sir, it is precisely for that reason, the criteria that the Minister gives for why the decision was made, that this Parliament has demanded that a Bill on privatisation should be brought to the House so that Members of this House should put in more ideas on how this thing should be handled.

Given the fact that Kenya Commercial Bank has previously handled effectively the issuing of its own shares, and indeed the Government never raised any complaint on how the Kenya Commercial Bank did handle that problem, how come that in the case of Kenya Airways, Kenya Commercial Bank, which has already had the experience of handling such subscriptions, was found wanting? Indeed, even the answer given here is too general to tell us exactly on what condition the Kenya Commercial Bank was ruled out on handling these subscriptions. I do submit that the answer is not adequate and we would like the Minister to explain further the criteria behind using these reasons to rule out Kenya Commercial Bank which had an experience in handling its own shares subscriptions not to have handled the Government equity in Kenya Airways which is owned by the public and should have been handled by a public bank.

**Mr. Keah:** Mr. Speaker, Sir, the criteria was quite simple. Several banks were considered on the Kenya Airways subscription, particularly in view of the size of the subscription. A Kenya Airways issue committee comprising of the following Members was set up in August, 1995. They were:- representatives from the Treasury, Ministry of Transport and Communications, Attorney-General's Chambers, the Board Members and Management of Kenya Airways. This Committee was, in fact, chaired by the Chairman of the Board of Directors of Kenya Airways. The Committee considered, amongst the criteria for qualification the personnel involved, their technical competence and ability and exposure in so far as share issues are concerned. Fees was also a factor. In this particular aspect, Kenya Commercial Bank quoted a fee of Kshs 18 million compared to the final fees paid to Citibank of Kshs 13 million. These were some of the criteria that were, in fact, utilized and, indeed, as in normal

tender procedures, they were evaluated and upon that evaluation Citibank won the bid. There is no other criteria. Yes, I am appreciative of the fact that Kenya Commercial Bank handled the subscription of shares but the volume of this particular issue was such that it needed additional technical expertise and the Citibank's proposal was found to be much better than that of the Kenya Commercial Bank.

**Mr. Raila:** Mr. Speaker, Sir, the Assistant Minister has just said that it is a standard practice in transactions of this nature for banks to keep people's money without paying interest on it. Could the Assistant Minister tell this House which law the banks could be using to keep people's money indefinitely without paying interest because, we know that if a bank lends you money for even one month it will charge interest on it?

**Mr. Keah:** Mr. Speaker, Sir, those are the hon. Raila's words. I have not, at any time, said that it is a practice of any commercial bank to take people's money without paying interest. What we are talking about here is an issue of shares and in this particular instance what I have said is that it is the practice in the new issue of shares, in view of the numbers involved and the short period that the money is being held, for the banks to calculate interest and pay it together with the unsuccessful applications. Be that as it may, let me add that I have had consultations with the Capital Market Authority (CMA) and I know that they are definitely working on modalities to ensure that the period between the closing of the subscriptions and the refund is so shortened that this burden, which is also of concern to me, is reduced to a very bare minimum. When that is done, the entire public will be duly informed.

**Mr. J.N. Mungai:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** No; I am sorry, Mr. Mungai.

#### ASSISTANCE TO FLOOD VICTIMS

**(Mrs Asiyo)** to ask the Minister for Land Reclamation, Regional and Water Development:-

(a) what action is the Government taking to assist flood victims in Karachuonyo, Kano and Nyakach areas, who lost all their properties, livestock and crops when the flood hit those areas, and whose mud houses are now crumbling on them and grains that were in granaries rotting?

(b) What plans has the Minister put in place to control the flooding of these areas which is a yearly occurrence?

**Mr. Speaker:** This Question by hon. Asiyo will be deferred to next week.

*(Question deferred)*

Although we are out of time, I will try to accommodate Mr. Michuki's Question; otherwise Question Time is over. Yes, Mr. Michuki.

#### DEDUCTIONS FROM COFFEE FARMERS

**Mr. Michuki:** Mr. Speaker, Sir, I beg to ask the Minister for Co-operative Development the following Question by Private Notice.

(a) Is the Minister aware that the coffee farmers in Kamacharia, Kiiru, Gitugi, Njumbi and Rwathia Locations of Kangema Constituency are being forced to pay Kshs700/- each for the construction of the proposed administrative divisional headquarters being hived off from Kangema Constituency?

(b) If the answer to (a) above is in the affirmative, could the Minister inform the House under what circumstances are the coffee farmers being forced to pay this money?

(c) Could the Minister inform the House whether the farmers have ever passed a resolution authorising the deduction of the said money for the aforesaid purpose.

**The Minister for Co-operative Development (Mr. Munyi):** Mr. Speaker, Sir, because of the time factor I was not able to get full information on this Question. Therefore, I would like to be allowed to reply to it next week. There are a lot of issues involved in this matter.

**Mr. J.N. Mungai:** On a point of order, Mr. Speaker, Sir. The hon. Minister has stated that he has not had sufficient time to get a complete answer on this Question. We know that the Minister has always been misleading this House with his answers, and especially if I refer to last week's Question where he was not able to understand---

**Mr. Speaker:** What is your point of order, Mr. Mungai?

**Mr. J.N. Mungai:** Mr. Speaker, Sir, I am building it up! He could not understand the difference

between liability and---

**Mr. Speaker:** Order, Mr. Mungai!

**Mr. J.N. Mungai:** Mr. Speaker, let me put my point of order.

**Mr. Speaker:** Order, means order, Mr. Mungai! You do not rise on a point of order to disparage the name of your colleague unnecessarily! If you had a point of order, you should have put it. Yes, Mr. Michuki.

**Mr. J.N. Mungai:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, Mr. Mungai! You lost your chance. Yes, Mr. Michuki.

**Mr. Michuki:** I am very surprised that the Minister has assumed this attitude when, in fact, I have the official written reply from his Ministry. I am holding that reply in my hands. Could the Minister deal with this Question because it is a very straight forward one? It does not need conspiracy!

**The Minister for Co-operative Development (Mr. Munyi):** Mr. Speaker, Sir, I have told the hon. Member that the answer which he was given is not sufficient. Therefore, I am waiting for more information.

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

**Mr. Speaker:** Order, Mr. Kamuyu! The Question is deferred to Thursday.

*(Question deferred)*

### COMMUNICATION FROM THE CHAIR

#### DISTINGUISHED GUESTS FROM MALAWI

**Mr. Speaker:** Hon. Members, I would like to take this opportunity to announce with great pleasure that I recognise and appreciate the presence of hon. (Dr.) Mponda Mukandawira, MP, the Minister of Works and Supplies, and his colleague, hon. (Dr.) George Ntafu, MP, the Minister for Transport and Civil Aviation. The two Ministers, who are seated in the Speaker's Row, are from the Republic of Malawi. They are visiting Kenya for a familiarisation tour of our road maintenance programme. We wish them a happy and fruitful stay in our country. Thank you.

*(Hon. Bishop Kimani crossed the Floor from the Opposition side to the Government side without bowing at the Bar)*

**Dr. Kituyi:** On a point of order, Mr. Speaker, Sir. I do not know if hon. Bishop Kimani has learned the rules of this House! Did you notice where he passed?

*(Hon. Bishop Kimani went to the Bar and bowed to the Chair)*

**Mr. Speaker:** Very well, Bishop Kimani. Yes, Mr. Sunkuli.

### POINTS OF ORDER

#### LIST OF CHIEFS AND ASSISTANT CHIEFS IN MOLO

**The Assistant Minister, Office of the President (Mr. Sunkuli):** On a point of order, Mr. Speaker, Sir. Last week the hon. Member for Molo requested me to bring and lay on the Table of this House, and it was so ordered by the Chair, a list of chiefs and assistant chiefs appointed in his constituency since 1992, as well as a list of chiefs and assistant chiefs sacked since 1992. I have brought that list and I wish to hereby table it.

*(Hon. Sunkuli laid the list on the Table)*

The hon. Lwali-Oyondi also requested that I also bring here certain particulars concerning a piece of land within his constituency and its ownership thereof. I have spoken to him because I do not have the information yet, and I will bring the information on Thursday.

MIX-UP: DROUGHT RECOVERY  
AND DROUGHT LEVY PROGRAMMES

**The Assistant Minister, Office of the President (Mr. Manga):** On a point of order, Mr. Speaker, Sir. Last week the hon. Member for South Imenti had asked a Question on the Drought Levy Fund, and I promised the House that I would bring here a list of the projects that were carried out using this Fund. I must apologise because there was a mix-up in the implementation of programmes under the World Bank Emergency Drought Recovery Programme and the Drought Levy Fund. The true position is that the Government imported 200,000 metric tonnes of maize, which cost Kshs3,229,444. The Government distributed the same maize countrywide. The money collected under the Drought Levy Fund was Kshs870,927,243.40, and it was used to defray the costs incurred by the Treasury in purchasing the said 200,000 metric tonnes of maize. This was done during the period 1994/95. Therefore, there was a mix-up, for which I want to apologise to the House.

**Mr. J.N. Mungai:** On a point of order, Mr. Speaker, Sir. I just wanted to ask through you whether I can make a comment on what the hon. Assistant Minister has said.

**Mr. Speaker:** Well, Mr. Mungai, I suppose that what you do for now is to study that list. Then maybe on Thursday you can also stand on a point of order arising from what you will see and also after consultations.

PEARL OMEGA DRUG: AUTHORITATIVE  
STATEMENT WANTED

**Muite:** On a point of order, Mr. Speaker, Sir. On 24.4.96 an Assistant Minister for Health read a Ministerial Statement in this House on the drug, Pearl Omega. The message that was sent out to Kenyans was that this drug is an effective cure for the dreaded AIDS disease.

This is very important because if there is an effective cure for this disease, many married men in Kenya, who are now "zero-grazing", could, perhaps, get a little bit more of liberty. This also includes our young men and women. If there is a cure for AIDS, then that cure is a major matter. On the other hand, if this drug is not a cure then we are gambling with the lives of Kenyans.

Two days later, on 26.4.96, the Minister for Health sent the message in a public meeting that, as far as his Ministry was concerned, this drug was not a cure for AIDS. *The Kenya Times*, which is owned by KANU, ran an editorial in which it said that this drug is a cure for AIDS.

When a Ministerial Statement is read to this House, it is supposed to be the last word, as far as clarifying an issue is concerned. We are now more confused than we were before! Kenyans are more confused than they were before! We do not know why Prof. Obel is in the Office of the President, rather than, logically, being in the Ministry of Health.

There are so many questions being asked. Is there any money involved? This House is entitled to an authoritative final statement on this drug, whether it is effective or not. Could I, through you, ask whether, perhaps, we could ask the Office of the President or the Vice-President and Minister for Planning and National Development, or somebody who can state authoritatively, what the position is, instead of leaving the matter to the Assistant Minister?

**Mr. Speaker:** I do not know whether hon. Angatia or hon. Criticos is here? Well, I suppose---

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

**Mr. Speaker:** Order! Order! Order, all of you. Order now. I do not think this is a laughing matter. It is a very grave matter. That is why the hon. Member for Kikuyu is concerned.

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

**Mr. Speaker:** Order! Order! I think we will leave that issue to the Ministry of Health to respond authoritatively at an appropriate time.

CALL BOX AT MAGINA: WRONG PLACE MENTIONED

**The Assistant Minister for Transport and Communication (Mr. Morogo):** On a point of order, Mr. Speaker, Sir. Last week, when I was answering Question No. 065 by hon. Ojode, I did promise the House that I will come up with the telephone number for a call box, which I alleged to have seen at the Magina Market. Mr. Speaker, Sir, I would like to apologise to hon. Ojode, because I reckon that there was a confusion.

With regard to the call box which I said was in Magina in his Constituency, there was actually some confusion because we were talking of Magina in Kisii, which has a call box. So, Mr. Speaker, Sir, it is not true that there is a call box at Magina Market in hon. Ojode's Constituency. Otherwise, the number was 3164 in Magina in Kisii. Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Very well.

Next Order.

## BILLS

### *Second Reading*

#### THE PHYSICAL PLANNERS REGISTRATION BILL

*The Minister for Lands and Settlement on 23.4.96*

*(Resumption of Debate interrupted on 25.4.96)*

**Mr. Speaker:** Who was on the Floor? The debate is now open. Can we have hon. Prof. Anyang'-Nyong'o.

**Prof. Anyang'-Nyong'o:** Mr. Speaker, Sir, I rise to support the enactment of this Bill, subject to certain comments that I would like to make regarding the following points:

- (i) The importance of physical planning.
- (ii) The importance of keeping a proper register of professionals in this area.
- (iii) The importance of maintaining a code of ethics for physical planners, both by the professionals and the Government.
- (iv) Finally, the importance of establishing such laws and regulations in time before both our cities go haywire, and the environment is destroyed.

Mr. Speaker, Sir, it is common knowledge that one of the major attributes of former British colonies, is that they are replete with laws. There is law for almost anything. There are laws for bhanga smoking, crossing the road, marrying a second, third and fifth wife and so on.

So, in the area of passing law and maintaining law books, the example of these books here show us that we have a fertile heritage of legal procedures. We have a fertile heritage of stores and stores of law books and regulations.

Mr. Speaker, Sir, this fertile heritage of legal procedure and legal codes does, indeed, make sense only when it is followed, and when there are institutions to respect and implement these laws. If you go back to 1960s and 1970s, you will find that the City of Nairobi, the towns of Kisumu, Mombasa, and the Municipalities of Kitale and Eldoret and so on were properly planned and kept. They were kept properly precisely because there were institutions, individuals, men and women who were respectful to this fertile heritage of legal procedure and institutions, that this country inherited from our colonial masters. It did not take us more than two decades, within which, in spite of these volumes of laws, the well planned cities, municipalities and towns started deteriorating.

Mr. Speaker, Sir, I know that there is a law stating that before you put up a house in an urban centre, you must get approval from the relevant town hall or city hall authorities. In the town and city halls, there are physical planners who in the past, were well qualified and well trained. I do not know whether they are still well qualified and well trained. But we know that people do put up houses these days, whether with permission or without permission, but irrespective of these laws. Although laws exist in the books, nobody obeys them. This is because these laws have been broken from on-high and the continued breaking of these laws is aided and abetted by senior officers in Government Ministries because they are beneficiaries of the breaking of these laws.

So, Mr. Speaker, Sir, I begin by saying that it is not going to help Kenya by just passing this Bill, if, indeed, we cannot respect and put into practice the fertile volumes of laws that we have inherited from our colonial heritage. Unless we develop a culture of work, management and responsibility in Government, and respect the very laws for which the Government exists to implement, the mere passage of laws in this House is going to be meaningless to this country.

When I look at the difference between Nairobi in the 1990s and Nairobi in the 1970s, it is a shame. You only need to go to Woodley Estate, now called Joseph Kang'ethe where in the 1960s and 1970s, there were good streets, fences, manicured lawns and well kept municipal houses. Now, the houses have been renamed from

Stanford Groove to Sudec Groove. Stanford was a white man and Sudec is a black man. When the roads are now named after black men, the estate is in a miserable condition. This is a very poor reflection of our Independence, that when we proudly Africanise our roads, the africanisational management of our cities becomes extremely miserable. The squalor of our cities is spreading from where the original squalor was to where dignity was. Rather than spreading dignity where squalor was, we are doing the reverse. We seem to be specialising in distributing poverty, mis-management and dirt, rather than distributing wealth, a culture of management and cleanliness.

There is an English saying that says: "Cleanliness is next to Godliness". I think that the way we are going, it would be very difficult for any of us to enter the Kingdom of God, even those who go to church every day.

We have become so dirty. It is not a question of planning, but it is just a question of upholding proper work ethics in this country. So, as a parliamentarian, while I am proud to see that this Bill is being passed by this House, I am really ashamed to note that our Government, municipalities, city councils, mayors and so on, lost the ethics of good work long time ago. We are worshipping baal, the god of materialism, wealth, rascal-like political power and not minding about our neighbour.

We are worshipping the God of not minding about your neighbour. Provided you put a big wall and *mbwa kali* at the entrance, you think you are alright because inside your gates there is pleasure, but outside, there is squalor, dirt, poverty and unemployment. There are all those things that reduce the dignity of man. I would be extremely ashamed to sit in the Front Benches of this Government, to see a nation degenerating into poverty, unemployment, squalor, and dirt, progressively, 30 years after Independence and I still call myself a respectable Cabinet Minister.

Mr. Speaker, Sir, this nation of Kenya has enough wealth domestically to ensure that our cities, roads and countryside are properly planned even as the laws are. But precisely because we misuse and we mis-allocate the resources that we have, because the self is more important than the community and, because power and its concentration in a few hands is much more important to those who wield it than its "pets" so that people are more accountable to those they rule, we continue to preside over dirt, squalor, mismanagement and poverty. This is a great shame! When we pass this Bill called The Physical Planners Registration Bill, let us know what we are planning for. Let us know the physical structures that we want to put straight. This is because even the laws that exist are a shame.

This country, with so much ability to produce wealth, so much resources for domestic savings and so much wealth lying in the hands of bodies like National Social Security Fund (NSSF), National Hospital Insurance Fund (NHIF), National Insurance Corporation (NIC), has enough domestic wealth to create splendid cities and towns. You only need to cross the Ocean and go to Mauritius, an Island whose only wealth is sugar, but an Island whose Government has managed to bring in investments in the billions of dollars over the last 15 years, to the extent that the per capita income in Mauritius is about \$6,000, while in Nairobi, we are languishing at about \$210.

This is the figure that we were at in 1969 and we should have outstripped it ten times today because we have the wealth to do so. But we have not been able to do so because we make laws and we do not obey them. We do not develop in the body politic and in the body of Government, the ability to serve the community and not the self.

It is with those remarks regarding the importance of planning, but in a context and an atmosphere where there is a work ethic, in a context and an atmosphere where Government serves the people, that we must view this law. I am not saying this as a Member of the Opposition. I am saying this as a citizen of the Republic of Kenya, as somebody who pays taxes and somebody with children and, hopefully, grandchildren; as somebody who likes posterity to remember this House for having lifted the nation of Kenya from poverty to wealth. I would like to believe that when the Government wrote in the Policy Framework Paper, that it would like to eradicate poverty and provide employment, that it was serious in doing so. That in being serious in doing so, it allocated resources appropriately so that that could be done. So, I hope that the law, when it is passed, will indeed enter those law books, not to be disregarded and sabotaged, but to be implemented, for, as we say on that board, "the welfare of society and the just Government of people".

Mr. Speaker, Sir, first and foremost, we need to know how many Physical Planners we have in this country. We need to have a national census of professionals every so often. If I asked the Government of Kenya and, indeed, my friend, the Assistant Minister for Finance, hon. Keah, and my friend, the hon. Vice-President and Minister for Planning and National Planning--- If I asked them today: "Does the Government have the figures of income distribution in this country"? They would definitely tell me that they do not, because Kenya is one of the few countries with absolutely no information on income distribution. That just shows you how little we take seriously the issue of maintaining up-to-date national census on important criteria for the development of our economy. One of the important issues to have a national census on, periodically, is the number of professionals we have in every sector. Another important census to be taken periodically is the census of industry and national production so that when I go to Kisumu, for example, I can know, just by looking at a book, which enterprises

exist on Oginga Odinga road and what they are producing and selling. That is as important as knowing how many doctors we have and, within the category of doctors, how many gynaecologists, obstetricians, general practitioners and so on. That is why I think this Bill is important because the Bill should, among other things, have specified that there will be established a periodic national census of Physical Planners and their specialities. That particular aspect of the Bill is missing. It is missing precisely, because, if you look at other aspects of the economy, we are also missing national census on various important elements and issues. This is not to say that the Kenya Bureau of Statistics is not one of the best in Africa. Indeed, the Kenya Bureau of Statistics (CBS) is one of the best, but it needs improvement, especially, in providing important census on such important issues and elements like knowing how many professionals we have.

So, I welcome the introduction of this Bill, but I would like the relevant Minister to consider putting, as part of the provisions of the Bill, the taking and publication of a census of Physical Planners and what they are doing every year. That census will also help us to see the extent to which Physical Planners are practising their trade and the extent to which specialisation is emerging among Physical Planners. I do not even know whether the Government has a census of housing statistics in this nation: How many houses are built, what kind of materials are being used, what materials have been researched into and improvement that can be accomplished. How Kenya can reduce the cost of construction by improvement in the quality of building materials, by reducing the cost per unit of producing this or that type of building material and so on. These two will be improved a great deal if an element of census, which is not just a question of numbers, but a question of analyzing quality of products or services being produced.

If I look at Clause 7(3) of the Bill, it says:

"A person who fails to comply with the requirements of a notice given under Sub-section 2 within 21 days after the receipt by him of the notice, shall be guilty of an offence and liable to a fine not exceeding Kshs20,000 or to imprisonment not exceeding 12 months or both."

Clause 6(2) which is being referred to says:

"All changes in the referral recorded under Sub-section 1 shall be recorded into the register...." Nonetheless, the point I want to make is the following: This provision in Clause (7)(3), states that a person shall be fined a fine of Kshs20,000 or be liable to imprisonment not exceeding 12 months, or to both. I am referring to this particular Clause because I think it is weak.

If one looks at these law books he will find that certain provisions were made many years ago that if you do this you shall be fined Kshs10 or Kshs20. In those days Kshs10 and Kshs20 was a great deal of money and that has never been revised. We are putting here a specific figure of Kshs20,000 I do not know what hon. Keah would say, but if next year the Kenyan shilling is devalued to the extent that we now have Kshs2,000 per dollar, which is possible by the way things are going, will we still think that Kshs20,000 is a lot of money?

Mr. Speaker, Sir, I do not know what to propose, but my proposal would be, in drafting such laws, rather than specify money in strict shillings and cents terms, draughtsmen and Government officers should find a way of stating fines in terms of proportionality. Prison terms is okay because 12 months will always be 12 months, the year will never change in terms of months. But money in terms of shillings and cents is variable, depending on how strong the shilling is. Now, do not get me wrong, I am not stating stiffer penalties for offenders. I am only stating that in ten, five or six years' time, Kshs20,000 may not be commensurate to 12 months in jail, just as much as if we look at some of these laws books we may find that what was stated in about 15 years or 20 years as a fine of Kshs200 and an imprisonment of 12 months, the money and the duration are no longer commensurate to each other. So, that is one of the anomalies I thought existed. It may not be an anomaly, I might only be expressing my ignorance, but from my experience in looking at these law books, I do not think that penalties should not be stated in money terms, especially when money's value is so variable over a period of time and Kshs20,000 in five or ten years' time may not be commensurate to 12 months in jail.

Clause 8(1) states;

"The Registrar shall cause to be published in the Gazette, as soon as may be practicable after entry into the register, the name, address and qualifications of each registered physical planner and, subject to the directions of the Board, he may cause to be so published any amendments to the register."

Mr. Speaker, Sir, I would like to qualify this. We know that in this Republic there are many people who call themselves "doctors," "professors" and so on, but who have never certified anybody that those titles and qualifications are authentic. Rather than just "cause to be published in the Gazette, the name, address and qualifications of each registered physical planner," I think there should also be a way in which for somebody to qualify in the profession of the physical planners, just as somebody would qualify into the profession of doctors, the Kenya Medical Association which is a professional body which makes sure that those people who call

themselves doctors hold bona fide certificates of being doctors, there should also be cause to be published in the Gazette a certification by the professional association of physical planners that Mr. X or Miss Y being admitted or registered as a physical planner has been certified by his fellow professionals that he is a bona fide physical planner. I think this also applies to other professionals; accountancy and so on. Now, these days I think there are too many people running around with "titles" which have not been certified by anybody. And they do not only spoil the name of academia or the names of those titles, but when we are establishing a Bill that is trying to give place to the profession of physical planners, the association of those professionals should be recognised in a Bill like this and when an individual is being certified in the Gazette, I think there should be a stamp of approval by the Association that this particular individual has, indeed, gone through what is called "*Rites de Passage*" into that association, and hence he is a qualified professional recognised by the State and his fellow professionals.

Further, it states that, "The Registrar shall cause to be published in the Gazette at the beginning of each year a notice of the names, addresses and qualifications of all registered physical planners entered in the register."

I support this fully. But again, I think, the work of the registrar could be made even easier if such a register also existed within the offices of the association of physical planners. All that I am saying is that there should be "a happy marriage" here between professional associations which exist in the civil society and the recognition of professionals in that association by the State. I am not saying that the Act should compel that association might exist, but in the existence of such an association, I think its role in maintaining professional ethics, professional conduct and professional recognition of the work of those professionals by the State should be present in the law. Now, I move further on page 12(1); Subject to this Act, a person shall be entitled, on making an application to the Board in the prescribed form and on the payment of the prescribed fee, be registered and to have his name entered in the register if-

- (a) he is the holder of the post-graduate degree in urban or regional planning or both from any university which is recognised for the time being by the Board and has passed an examination prescribed by the Board.
- (b) he has been admitted to as a corporate member of an approved professional institution whose qualifications for such admission are not less than those prescribed in paragraph "a" or,
- (c) if before the commencement of this Act he is a corporate member of the Architectural Association of Kenya (Town Planning Chapter).

I think, this section does take into consideration what I was saying earlier on. But the point is that the recognition of the Architectural Association of Kenya (Town Planning Chapter), I am not quite aware of what the Association's rules are, but confining the membership to the town planning chapter does not make it possible for us, lawmakers, to know whether or not the town planning chapter is inclusive of all physical planners.

I do hope that when the Minister makes his contributions in his response to Members' contributions to this Bill, he will clarify whether or not the Town Planning chapter only includes physical planners dealing with town planning or whether, indeed, it is inclusive of all physical planners being recognised by the Bill.

The second comment, I want to make is that this Clause states that a person should be holder of a post-graduate degree in Urban or Regional Planning. A post-graduate degree is very specific. There maybe instances where individuals have under-graduate degrees with physical planning, as component, and they go further to a polytechnic where they get diplomas in physical planning and not necessarily post-graduate degrees. It would be important in the Bill to make it dear that diploma holders in physical planning, which in their contents and rigour are equivalent to post-graduate degrees, should also be recognised. This is where, I think, the professionals in the field should have an input in this because if, indeed, the House passes this Bill, specifically only mentioning a post-graduate degree in Urban and Region Planning, an individual will come from the London Polytechnic with a diploma in physical planning and a strong under-graduate degree with physical or town planning as its component and then he will not be allowed to be registered as a physical planner in Kenya because the law has already been passed. So, I am making a general statement, to advise the Government accordingly, so that they can ensure that a professional with a diploma in physical planning is not discriminated against when it comes to registration and being accepted in the profession; simply because he has a diploma with the same content and rigour which is not called a post-graduate degree.

Clause 3 reads as follows:-

"Notwithstanding the fact that an applicant is qualified in terms of sub-section one, the Board may require the applicant to satisfy the Board that his professional and general conduct has been such that in the opinion of the Board, is a fit and proper person to be registered under this Act and the Board may direct the registrar to postpone the registration of the applicant until it is so



satisfied."

I am reading this sub-section because it is

an attempt to come to terms with what I am saying. I think it is an attempt that leaves too much latitude to the Board. Various types of post-graduate qualifications should be specified under the Physical Planners Act that will make one qualifiable as a physical planner. They could even be specified in a schedule at the end of the Bill so as not to leave too much room for discretion by the Board, whereby an individual may suffer unnecessarily.

Clause 16 (iii) reads as follows:-

"A direction given by the Board under sub-section two may include the date upon which restoration of the register or the termination of a suspension of the registration shall take effect and for the payment by the physical planner concerned of such fee, not exceeding the fee payable in respect of an application which the registration of the Board may prescribe."

This section deals with the registration of names on register, suspension of individual members because of misconduct and so on. The suspension of the registration of a physical planner can be based on various professional misconduct. The reason why I am reading this section is because I do think that the time period during which an individual may be suspended from the profession for misconduct and the different types of acts that can lead to suspension, deregistration and so on, I am not sure whether it is I who is not reading properly. But, I have a feeling after going through the Bill that there should be much more precise treatment of these various forms of misconduct that can lead to various types of visitation with punishments where punishment means suspension, deregistration or other forms of reprimand. I am saying so because in this profession, when somebody commits a crime, they are usually on the defensive. More often than not, the Board wants to protect itself from being accused that it is victimising anybody or from being accused that it is being manipulated by somebody or that it is being jealousy of anybody in the profession. First and foremost, it is our general legal principle that an individual is presumed innocent until proved guilty. So, in specifying the time period for reviewing an individual's conduct, the type of misconduct and the punishment thereto; one, there should be one very clear specification of misconduct; two enough period to review and make decisions; and three, substantial division of labour within the Board, either by having, first, the case reviewed by a sub-committee and, two, the involvement of members of the profession who are not necessarily members of the Board in helping the Board to review a case of misconduct that can lead either to suspension or deregistration.

Those are some of the specifics which I wanted to make regarding some aspects of the Bill. I am sure that there are many that I could make, indeed, I have notes here. But, I am quite sure that several hon. Members of this House may have made the same observations and I would like to give them the opportunity to make their contributions so that by the time we pass this Bill, it has the consensus of the House and a general contribution of the Members that will make sure that this Bill lives in the posterity rather it being passed simply because black and white have been put together.

Before I sit down, I would like to emphasise, as I have said before, that we can pass a law, but the proof of its importance is in its application. We do have indeed, laws governing the management of our towns, cities and the country. We have had all kinds of discussions in this Republic, including the Nairobi we want convention and the Kisumu we want convention with a lot of proposals. Recently, we had a commission going around to look into how we could reorganise our local governments. It did not need to ask too many questions because a lot of questions have been asked and there are existing answers in conventions, publications and so on. I do hope that when that Commission makes its report, putting together all this collective wisdom of the past, our Government will rise up to the occasion and ensure that there is proper urban renewal in our towns and cities.

I have said before that Kenya, when compared to many other Third-World countries has very small slums in its cities. Kenya, compared with other Third-World countries has domestic resources sufficient to wipe out the scum of slums in our cities. What we are lacking is the will-power to use these domestic resources to wipe out the Kiberas of this world, the Mathare Valleys of this world, the Korogochos of this world, Mlango Kubwas of this world and the Kalolenis of this world.

I would like to plead with the Government that before the end of this decade, Kenya should be known as a nation with absolutely no slums nor slum lords.

With those few remarks, I beg to support.

**Mr. Biwott:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Bill.

The Town Planners Bill is very important indeed. If anything, it is long overdue to the extent that the penalty which we have had to pay for not registering qualified town and regional planners has reached a proportion that is even difficult to imagine. Today, we are living in sprawling townships, which have not been planned properly, because there has never been discipline in the planning process of the expansion of our towns.

The Bill, as presently drafted, seems to assume a lot. It assumes that the person whom the Minister will appoint to the Board as a registrar will be a qualified town and regional planner. It merely says:- "The Minister shall appoint a public officer to register."

I think it is imperative that that person must be named as a qualified and experienced regional and town planner. That should be the position, so that we cannot make a mistake by allowing somebody who is not qualified.

Mr. Speaker, Sir, it is also said that the Board shall be appointed to regulate the affairs of the physical planners and their registration. But again, those could be anybody. We have to make it a professional body. That Board ought to be professional in a similar way as the Kenya School of Law, where professionalism is the key, so that whoever is registered and whoever is registering, and whoever is deciding on who is to be registered as a physical planner, is a qualified person who understands regional and town planning.

Mr. Speaker, Sir, I believe that the Minister responsible would take note of that, so that when replying to the sentiments raised by hon. Members, he would be able to mention that. In Clauses 5 and 6 (1) and (2), these things are assumed.

Mr. Speaker, Sir, having created the Board, it is essential that we maintain strict observance of professionalism on merit so that the people who will plan for us and for the future of our children, are qualified people.

In the Bill, there are elements that would ensure that the process would be run in a manner that would be self-controlled. For example, it is talking about the qualification of people with postgraduate degree. The previous speaker was worried about diploma graduates from technical colleges. But this one specifies that it is a postgraduate degree; a degree is not a diploma, but there is no reason why a diploma graduate cannot be registered, if he is duly qualified. In some universities or institutions, a diploma is used interchangeably with the degree provided that those who are registering regional and urban planners, are the ones who are assessing and know who is to be registered. There is also a penalty which is attached to it. That again, should be able to control misbehaviour and fraud in the whole exercise. But I would refer back to that.

Mr. Speaker, Sir, in the Bill it is also assumed that whoever has been registered as a regional and town planner is qualified and assumed that if those who are going to be registered are qualified. That process alone would ensure that the people who would appear in the register are the correct people. The mere fact that the register would be kept, I hope would be used as a restraining factor for those applying to be registered because everybody would want to qualify to be registered, so that he can practise. The penalty of not registering is provided for. But it is again poorly provided for, that in some cases they are talking about a fine of Kshs 20,000 in Clauses 20 and 21. But in another case, it is also talking about a fine of Kshs 10,000 only. That is very, very little amount of money. I think the penalty should be very severe because we have seen what happens where town planners and architects have built poor structures, which have caused misery and death to other people. So, we need qualified people who are restrained enough to comply with the rules that govern qualifications. I would appeal that the fine of Kshs 20,000 be raised to even Kshs 100,000 or Kshs 200,000 because that would make them really think and comply with the regulations.

*[Mr. Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, the regional and town planners at the moment are the people we need most. First of all, we need them now because of sprawling in our townships. It means that when we come to the next Bill, we will have really cast our minds to the state of our towns today. You would find that there are miles and miles of sprawling townships which have got houses built as if they were just thrown there as rubbish. There is going to be a lot of work in planning for the roads, social amenities and so forth. Therefore, we would need qualified people and we need to guard against people who come to this country with false qualifications because there are so many at the moment who are marauding in this country pretending to be qualified and designing plans for land development, while they do not have the qualifications.

Mr. Temporary Deputy Speaker, Sir, I believe that the way the Bill has been drafted except for the few pitfalls which we have seen, is commendable and I would urge the Minister responsible to really look at the Bill exactly and examine it from the point of view of efficiency in satisfying the qualification and the integrity of the individuals whom we are going to register, and also the integrity of the Board for the good of this nation.

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

**Dr. Lwali-Oyondi:** Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity.

I rise to support this Bill and I would like to just outline a few issues which I hope the Minister, who fortunately is here, will correct with his technical advisers. It is very important that Ministers actually be present at the time a Bill is being discussed here. Some of them assume that the technicians and various experts from their offices can take their place. There has to be a political twist on every Bill. There are political decisions which sometimes civil servants are unlikely to take and, therefore, I thank the Minister for being present.

One thing is that, in this Bill I see nothing defining what a physical planner is. There are definitions of all well-known titles like a Minister, the Board, the Registrar and the register, but we do not have a definition of a physical planner. It is assumed that we know what a physical planner is. But very many of us cannot differentiate between a physical planner and a surveyor. In any case, legally speaking, a physical planner has to be defined so that the judge or magistrate who is dealing with this case would know exactly what to do because he is not also a physical planner, and he has to be told exactly who a physical planner is. I would, therefore, suggest that a proper definition of a physical planner is made so that we know what we are dealing with as legislators and eventually the courts and so on. I would like to draw the attention of the House to that Clause 4 on the limitation of liabilities of members of the board on page 12 says:-

"No member of the board shall be personally liable for any act of default of the board done or omitted to be done in good faith in the course of carrying out the functions of or exercising the powers conferred upon the board under this Act".

This is quite a classical sort of provision in just every Bill, but it would appear in the present state of things in Kenya that various boards make use of this particular Clause or Section. They do a lot of things which the Government lets them go away with. I would give an example of the Milling Corporation of Kenya where a given manager "ate" up just about everything that was around. He collected all the money and disappeared with it and left the corporation in the red until somebody else resuscitated it. The same person became a politician and stayed in this Parliament for some time, but he was voted out. He now has done quite a bit of havoc in buying that milling corporation at a very awkward price. He is now part and parcel of the whole thing and the country has lost a lot of money in one of its institutions and nobody seems to be following it up. As a matter of fact, this particular person seems to be getting bigger and bigger posts for his manoeuvres to defraud this country and wananchi in particular, a lot of revenue.

Mr. Temporary Deputy Speaker, Sir, I would like to turn to Clause 7 where I have some questions. This Clause says:-

"A person who fails to comply with the requirements of a notice given under section 2 within 21 days of the receipt by him of the notice shall be guilty of an offence and liable to a fine not exceeding Kshs 20,000 or imprisonment not exceeding 12 months or both."

It is also classical that he shall be guilty. I was wondering why we do not say that "if found guilty", instead of saying "shall be guilty". It is so categorical. I am not a lawyer myself, but it is also a classical way of drafting Bills. I think it is high time we looked at it from the point of view that if such a person is found guilty he shall be fined. We are also assuming that person may not be guilty because he may not have got the notice after all. He might have been sick, but if found guilty, then he shall be liable to such measures because we also assume that he is not guilty unless proved guilty.

Mr. Temporary Deputy Speaker, Sir, these planners should have had a professional body long time ago. They are already being affiliated to the Architectural Society of Kenya and it would appear that this particular Bill is recognising that. It is high time these physical planners had an association of their own and not be put together with the architects. They can liaise with them, but they ought to have their own association which is very important in making sure that there is discipline among the members of that particular professional association.

The behaviour of physical planners, both in Government and in the private sector, has a lot to be desired. At the moment, especially during this period of land grabbing within towns, they have been known to do surveys at night or very early in the morning. How they do it, I have no idea. I remember one case in Nakuru where the surveyors, and I suppose those were physical planners, came in very early in the morning at about six o'clock and they begun surveying a piece of land. They knew the land did not belong to that particular person who had ordered them to survey it and they feared people would get hold of them. This particular land belongs to the Free Area Co-operative Society in Lanet but they made a survey very early in the morning and drew some maps and sent them to the lands office where they got a letter of allotment assuming that land belonged to nobody. The case is now being pursued in the office of the Minister. He is aware of it because they discovered that this Free Area Co-operative Society had actually got their own title deed. These people were literally stealing that land. That is

quite unethical. Personally, in my own profession, I would not undertake anything unethical however much money I may be offered and that applies to many other professions. That is why I am talking of the necessity of having a professional body which will insist on its members having professional etiquette.

Conditions for qualifications have been talked about and if we turn to page 15 Clause 12 (a) says:-

"The qualifications of a physical planner will be the holder of a post-graduate degree in urban or regional planning or both from any university which is recognised for the time being by the Board and has passed an examination prescribed by the Board".

I do not know why the Minister, in this particular case, insisted on the post-graduate degree. Either it may mean that the present teaching of town planning, or physical planning, in the university and in various polytechnics may not be adequate enough because I think if one is given a course for the first degree in physical planning, I suppose that is already giving that particular person enough knowledge to do most of the necessary jobs in physical planning. This is true of medicine whereby the first degree in medicine gives you quite a good grounding to be a general practitioner and the second degree is for specialisation whereby one may specialise in gynaecology, obstetrics or gynaecology and obstetrics and one may specialise in other things like the ear, throat, nose and so on.

That is not necessary in the normal practice of medicine, but in physical planning, I was wondering what is so special as to need a post-graduate degree. I do not think that it is all that necessary. What is so special about it as compared to other professions like law, for example? A person with a first degree in law can practise law very adequately and some of them prove to be better off than those who have three or more degrees. There is a difference between practical work in the field and actual academic achievement. In this particular case, I think the qualifications are too high and people, I am almost certain as it has been stated, with diplomas, may be more competent in doing this work than even some of those who are qualified academically and not having been emphasised in the actual practical job. Physical planning is a very practical work and I think these qualifications that are being asked for are very misleading and it may put quite a few of our people out of job. We should remember that some people struggle to get to the university just to begin living and they do not have the luxury. Some of them are from very poor families and they have no luxury of doing this post-graduate degree, at least, before they are capable of earning something for their old fathers, mothers and so on. Therefore, I think this particular sub-clause may put a lot of people out of job for a long time and they may not have the qualifications. In any case, it is not always true that all those that pass the first degree will have an opportunity have a second degree. There are usually some sort of impediments which make it impossible for everybody that has done town planning first degree, will go back to the University and do post-graduate. It means that all of them must. In other words, if there is any problem at all in this particular section, the university should be told so that, the people who qualify in town planning have such good qualifications as to be able to be competent in the field or else, I think, I cannot over-emphasise the importance of having this qualification lowered to a first degree and, if possible, certain diplomas in that field even if one has not got a first degree as yet.

In the field, those who are best qualified academically never do well. The same applies to commerce; the best shopkeepers here have never done commerce. The best architects who are putting up these tall buildings around, some have never gone to school at all. I have known of some Asians who have been doing these jobs and can hardly speak English or even write and they do it. Therefore, we are in for a practical job.

Mr. Temporary Deputy Speaker, Sir, having said that, on Clause 12, I would just say in passing, that the disciplinary action should be more put towards the professional body which should be encouraged to be formed now than having the board dealing with it. I would like to turn to Clause 18, sub-clause 7(c) and that will be found on page 18. I hope the Minister will make this quite clear because, in this particular section, if a person--- Let me read from the actual sub-clause 7.

"If a person upon whom summons or an order issued under the sub-section 2 has been served, and refuses or omits without sufficient cause to produce any documents in his possession or under his control which is specified in the summons or order, he shall be guilty of an offence and liable to a fine not exceeding Kshs4,000 or to imprisonment for a term not exceeding three months or both."

Mr. Temporary Deputy Speaker, Sir, I am not so clear as to who is summoning. If it is the Board summoning him and wants him to produce all these things, I am not so sure they are qualified to fine him anything. I think that is the work of the court. "He shall be guilty of an offense." Who is finding him guilty? Well, the Board can find him guilty, and liable to a fine not exceeding Kshs4,000. Who is fining him, is it the Board or the Court?

**Mr. Gitau:** On a point of information, Mr. Temporary Deputy Speaker, Sir. I think the contributor on the Floor should go back to paragraph 3 on page 12 and see that, "the Board will be empowered to sue and be sued."

**Dr. Lwali-Oyondi:** Okay, thank you very much. So it is assumed that it is after suing that this

particular--- But as we read it here, it seemed as if the Board can do the fining. Therefore, it can sue and be sued, but in this particular case, I do not think it is quite very clear to me. But, if that is the case, then it is okay. But I was wondering whether the Minister can make it a bit clearer than that.

Mr. Temporary Deputy Speaker, Sir, having said that, I would like to just make a general comment, that the Minister being in charge of town planners and we having to pass these laws in this Parliament, I hope the Minister will make sure that his Board, that his Commission and so on, actually work under him. And that he is the boss and the commander-in-chief of that particular Ministry. Because, at the moment, the whole country is in disarray because of land transactions and activities connected with town planning. Nobody is planning anything, although the laws are there, we cannot pretend that there are not enough laws to have a decent town. We have been having a decent Nairobi, Kisumu, Nakuru, Mombasa, Eldoret and so on, but all of a sudden, somebody hijacked the work of town planners, and the work of the councils. Councillors no longer have any control, they just see a building mushrooming up, they just see a place being demarcated and some town planning fellows are ordered to do so, particularly in Nakuru, where the Provincial Town Planning Officer is ordered from the Office of the Commissioner of Lands.

Papers are brought in purporting to have been signed by other dignitaries and then roads are turned into plots and immediately buildings are erected. We have got a case, for example, Ngala in Nakuru, whereby somebody came very early in the morning at 6.00 a.m and demarcated the place. The next day we saw stones being poured down there and the playing field for children had been taken and a high building is being constructed. I think it is quite bewildering and do not know what the Minister is going to do in order to save this country from this mess.

In Nakuru, we have talked of somebody coming and taking over two boreholes that supply water to the Town. The Minister for Local Government tried to deny it but of course he cannot quite substantiate. He wanted the Speaker to expunge from our records the documents which I brought here and which are completely genuine and I am sure the Speaker will not expunge them. His daughter is involved and I have got more document which people brought me to this effect. The daughter and other people took over the two boreholes and they have sold them to a local company for Kshs 13 million which they have already pocketed. I hope the Minister will not stand up because I have more and more documents which people are sending to me. In any case, the way he denied it here was such that it was quite low-keyed knowing who he is.

Mr. Temporary Deputy Speaker, Sir, it is high time the local authorities approved every plan and also those who are elected in the local authorities, the councillors acted as the actual custodians of people's wishes. They should be involved in the approval of any land allocations in their areas. Without their signature and approval in the council, not in their own personal capacities, no land from the town should be taken away. Where will our children play? How will our roads be expanded to? There is no way that we shall expand our roads. Today we have many accidents. Some people say, well, there is over speeding. Where will you over speed? In any case, the road from here to Nakuru, for example, is congested with vehicles because they have become too many. The plan was for 250,000 vehicles and now we have over one million vehicles now on the roads. In fact, we are lucky in the sense that the accidents we are getting now are probably less than what we could expect on such congested roads. We need dual-carriage ways. But the land along the road is being grabbed and very expensive buildings are being put there. The land in these towns has been grabbed as stated here. The Lang'ata case is very pathetic. Nobody can approach the so-called "posh" areas now. I cannot rush from here and get to Lang'ata or even to Lavington quickly enough and come back because the roads are now congested. Initially, those areas had low population density; everybody had six acres of land to himself and there were narrow roads. There should be a provision for the expansion of roads so that we have dual-carriage ways going up and down or three lanes going and three lanes coming from Lavington, for example, three lanes going to Uhuru area, the Eastlands and so on. But because everybody is craving for land; we are grabbing it. In any case, what is going to happen in the long run is that those properties which are in those areas are going to be devalued and will just become as useless or unattractive as those in Eastlands or in Majengo or something like that. So, it is high time the Minister put his foot down and actually said, "well, I am the boss here, and not the Commissioner of Lands" who is messing up things. If I were the Minister, I would resign if people cannot obey me or if I cannot control my area of jurisdiction. I will resign because that is the only way out instead of managing a very unmanageable office.

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

*[The Temporary Deputy Speaker,*

*(Mr. Wetangula) took the Chair*

Mr. Temporary Deputy Speaker, Sir, I am sure there are one or two Members who would like to speak on this Bill. We shall retain our ammunition for the next Bill.

The last point is about the roads that are in this town. They should be planned in such a way that people are able to make use of bicycles. Also space should be reserved for those who are disabled. In many of the buildings going on up here in this town and other towns, there is no provision for those who are disabled so that they can get upstairs and downstairs without having to be literally lifted. So, these are some of the things that the physical planners will have to take into account when designing roads; to have areas for pedestrians and those who ride bicycles and, if possible, for those who are disabled. With these few remarks, Mr. Temporary Deputy Speaker, Sir, I wish to support the Bill. Thanks.

**The Assistant Minister for Commerce and Industry** (Mr. Osogo): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to support this Bill and in so doing make a few observations. Looking at the format of this Bill, at least, for those of us who have read Bills in this House for a long time, one sees that there are new draughtsmen in the Attorney-General's Chambers. I say so because under normal circumstances, Clause 3 establishes the Board, but does not give the functions of this Board anywhere at all in the Bill. The functions of that Board are not given anywhere in any Clause. But then, the membership of the Board which should have come there, very closely to that Clause, comes in the Schedule. This is the first time this is happening. The learned gentlemen might differ with me, but I have been reading a lot of Bills in this House since 1963. The format of this Bill is definitely different from the others. I do see even the next Bill has a similar format. Having said this, I would like to comment on a few clauses. Clause 3 does establish the Board, but only says what the Board is. It is a corporate body, capable of suing and capable of doing x, y, z, but its functions are not stated. If a professional body like this one does not have functions stated out in a Bill or an Act establishing it, then I do not know how it will function or how it will challenge the things it is saying it is going to do. I do not know how it is going to do this if functions are not pointed out in the legal document.

I seem to agree with hon. Biwott on Clause 5 when he says that the Registrar of this Board should be a qualified person. I think the Minister should amend that Clause to qualify the person he is going to appoint rather than just saying, "The Minister shall appoint a public officer as the Registrar". I think it should be a public officer who is qualified as a physical planner so that the public officer appointed is a professional, chairing a Board of professionals. I say so because the Board is going to consist of very highly qualified professionals whom just an ordinary public officer might not be able to contain in the arguments if he is not qualified in their profession. I think the Minister should look at amending that Clause 5 and give qualifications to the officers he is going to appoint. If you go to the Schedule, while on Clause 5 where a Registrar is being appointed, page 23, it states that minutes will be kept, but then subclause 2 of Clause 6 of the Schedule says, "The Minister may appoint a public officer to be the Secretary of the Board---". These two gentlemen are going to clash. A Minister appointing a Secretary of the Board and a Minister appointing a Registrar of the Board whom I think is the Chief Executive of the Board and who also should be the Secretary of the Board. So there are two officers being appointed. If a Secretary is required then the Board should appoint a Secretary rather than the Minister appointing the two. The Board should employ a Secretary if they need one separate from the Chief Executive Officer who is the Registrar. So I hope the Minister is looking at what I am proposing because I feel very strongly that we should be able to pass a Bill that can be seen as a Bill passed by learned gentlemen like the hon. Member for Kikuyu.

Looking at Clause 11, there is a typographical error which I think the Minister will remove. It says, "In any legal proceedings a document purporting to be a copy of, or an extract of from--" I think the word "of" is a typographical error which the Minister should remove in the final document.

On Clause 12, I agree entirely with the hon. Member for Nakuru Town when he said that the qualifications for one to be registered should not be based on a post-graduate basis. Where do we get these post-graduates? I think that any holder of a degree in urban or regional planning should be legible to be registered as a physical planner and not necessarily a post-graduate. These are rare people and the Minister knows very well that the towns in Kenya are not being planned at all. Markets that are growing up and I will give an example of a market in my place, a town called Port Victoria town, are poorly planned. In this town buildings are coming up and are poorly planned. In fact, a Masai Manyatta is better. The manyattas are well planned. There are many markets that are coming up that are being planned badly. Anybody builds anything anywhere and the Minister is looking at it without taking any action. With the assistance of the Minister for Local Government they should do something about this problem. So I do hope that when this Bill is passed and enacted into an Act, the Board will look into such planning of towns so that Kenya does not have towns of 15th Century in the 20th Century. There are many such towns. I have only given an example of a town in my area. I can give another example of a town in

hon. Moody Awori's place called Funyula. It is another town coming up, even Kariobangi is even better. Mathare is even better. So we are actually under developing our nation and anybody flying over Kenya can only see small "igloos" without streets. I do hope sincerely that when this Bill is passed and enacted the Minister will instruct the Board to look at the town planning of this country so that we do not have our markets developing into slums as we go into the 21st Century.

While still on Clause 12(1) (a), it says, "To be entered into a register one is to be a holder of a post-graduate degree---" I have suggested that the word "post-graduate" should be deleted when we come to the Committee Stage so that it remains, "a degree in urban or regional planning or both from any university which is recognised for the time being by the Board and has passed an examination prescribed by the Board". The Board has no functions in the Act. One of the functions should have been that it will also set examinations to be passed by the people to be registered. Where will it get the powers to set the examination when it is not in its functions? I think that should be looked into by the Minister. I can see that the Ministers are listening keenly, but it is important that they look at it.

Again, as I said, there must be new draughtsmen in the Attorney-General's Chambers to look at Clause 18. You are a lawyer, Mr. Temporary Deputy Speaker, Sir, and there are quite a number of lawyers here. Here we have a Board which is going to send people to prison and I do agree with that. I would like the Member for Gatundu who intervened---

**The Temporary Deputy Speaker** (Mr. Wetangula): Where are you referring to?

**The Assistant Minister for Commerce and Industry** (Mr. Osogo): Clause 18 (7) states, "If a person upon whom summons or orders issued under sub-section (2) has been served..." - and the subsection says that the Board will administer oath. It will call people, administer oath, summon persons to attend and give evidence and it will order the production of documents. Then at the end of that page it reads, "If a person...", and it repeats pronoun "he" which is wrong grammar. "If a person upon whom summons or an order issued under Subsection 2 (a) has been served, he shall be--" I think the word should be "that person shall be guilty". But then my worry is that he is guilty of an offence and is liable to a fine not exceeding Kshs4,000 or imprisonment."

This is a judgement of a Board.

**An hon. Member:** No!

**The Assistant Minister for Commerce and Industry** (Mr. Osogo): My interpretation of the Bill might be wrong because he says "no". But from my lay man's knowledge I thought that the Bill meant that an offender shall be prosecuted by the Board. I stand to be corrected on this point, but I still agree with the hon. Member for Nakuru Town that here we have a Board which summons somebody, administers an oath to him and orders him to produce certain documents. In fact, summons issued under the chairman's hand has to be obeyed. Now, subsection (7) provides:-

"If a person upon whom a summons or an order issued under subsection (2) has been served-

- (a) refuses or neglects without sufficient cause to attend at the inquiry; or,
- (b) refuses without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by or with the concurrence of the Board; or,
- (c) refuses or omits without sufficient cause to produce any document in his possession or under his control which is specified in the summons or order he shall be guilty of an offence..."

We have to be told where the court is going to come in and prove him guilty. Mr. Temporary Deputy Speaker, Sir, I see you shaking your head, which indicates that I am wrong. I might be, but in my layman's knowledge of the law, I still think that a court should be involved in this process. This is because the next Clause provides that a person who has been imprisoned by the Board can appeal to a court. Clause 19 says:-

"Any person aggrieved by a decision of the Board may, within 28 days, after he has received the written decision of the Board, appeal to the High Court against the decision of the Board, and in the case of the such an appeal-

- (i) the appeal shall be treated as an appeal to the High Court from a subordinate court..."

So, my understanding here is that the Board is going to be treated as a subordinate court, and an appeal from it will go to the High Court. Mr. Temporary Deputy Speaker, Sir, I can see that you are nodding in agreement. But the membership of Board has nothing legal in it. Its members are not lawyers! So, how can the Board send anybody to prison when it is not a court? I think there is departure here from the normality. I hope that when the Minister is replying he will tell the House why he is departing from the normal practice of having only courts sending people to prison, and giving a Board composed of professionals the power to send people to prison.

Mr. Temporary Deputy Speaker, Sir, as I said I will not be long on this Bill. But I would like to correct my friend, the hon. Member for Nakuru Town. Clause 7(3) states:-

"A person who fails to comply with the requirement of a notice given under Subsection (2) within 21 days after the receipt by him of the notice shall be guilty..."

The hon. Member for Nakuru Town said that he should not be guilty *per se*, but I think this is provided for by subclause (2), which states:-

"Where the name of a person has been removed from the register the Board shall give notice to that person, or if he is dead to his personal representative, requiring the certificate of registration to be surrendered to the Board".

So, the Board will require the registration certificate to be returned, and if one fails to do that he shall be guilty of an offence. So, the use of "shall" in Subclause 3 is correct because it relates to the provision of Subclause (2) above, which provides for what will happen to a person who refuses to return to the Board the registration certificate.

I would like to end my contribution by emphasising that after this Bill is passed and the Board is constituted the Minister should ask it immediately to look at the planning of our small markets and towns, so that they can be developed to the standards of the 21st century. They should not continue to maintain the standards of slums of the 15th century in some old European countries.

With these remarks, I beg to support the Bill.

*(Mr. Muite stood up in his place)*

**The Temporary Deputy Speaker** (Mr. Wetangula): Yes, Mr. Muite.

*(Hon. Manga murmured something)*

Mr. Muite, have you spoken on this Bill?

**Mr. Muite:** No; I have not, Sir.

**The Temporary Deputy Speaker** (Mr. Wetangula): Hon. Manga was alleging that you have!

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, hon. Manga is in breach of the Standing Orders of this House for imputing improper motive to another hon. Member. I have not spoken.

Now, I experience difficulties in contributing to this Bill at this particular point in the history of our nation. We are talking about physical planning and the environment. I have difficulties as to whether, as an elected Member of this august House, I have any moral authority to contribute to this Bill at a time when we, as a nation, are involved in the most devastating degradation of our environment. We are busy giving away our forests and each and every open space. Are we suggesting that by passing of this Bill and the registration of the physical planners, that itself, is going to bring to a halt the by environmental degradation that we are involved in?

The extent of the destruction of the environment in this country can only be undertaken by an occupation force. This Government is behaving as if this country does not belong to it. It is behaving as if it is only an occupation force, which is occupying a country that is not theirs. It is only such a force that would indulge in environmental degradation to the extent that we are doing it. So, this is the basis of the difficulties that I have. We already have physical planners. Are we showing any evidence whatsoever that we are planning anything as far as the environment of this nation is concerned? Do we have to wait until this Bill is passed and becomes law before we can start addressing this issue of environmental degradation?

Ngong and Karura Forests, and every other available piece of land have gone. Where is the planning here? I would like to make the point that it is not the passing of any number of legislations nor the enactment of any number of Acts of Parliament which is going to resolve the issue of environment. There should be political commitment to respect the planning laws and the zoning laws. It is the Government commitment that is the issue and not the registration of physical planners and the passage of this Bill. Even when this Bill is passed, the question that will remain is this: Is this Government going to be committed to respecting the planning regulations? We have already---

**The Assistant Minister, Office of the President** (Mr. Manga): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to be speaking on the second Bill which is the Physical Planning Bill, while we are now in the Physical Planners Registration Bill? We still have the Physical Planners Bill to come before this House. Is the hon. Member in order?

**The Temporary Deputy Speaker** (Mr. Wetangula): Actually, I have found it very difficult to restrain hon. Members because the line between the two is very thin. But I must thank hon. Osogo for being the most relevant contributor to this Bill. Hon. Muite, we are on the first Bill about registering physical planners, but you



seem to be talking about physical planning.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I am posing the question as to whether when we pass this Bill, and we register all the physical planners, are they *ipso facto* going to be able to stop the environmental degradation just because we have passed the Bill and they are registered? That is the issue.

**The Temporary Deputy Speaker** (Mr. Wetangula): That is relevant.

**Mr. Muite:** I thank you, Mr. Temporary Deputy Speaker, Sir. I was saying that, in fact, if we are going to get a major success in getting these professionals to be able to stand up against this Government and stop it from environmental degradation and land grabbing, we need to give this profession autonomy. Without autonomy and independence, the physical planners must and ought to be given independence as a profession so as for them to be able to stand up against this Government in land grabbing matters. This will enable their profession to be able to tell the powerful-politically-connected people who may wish to grab Uhuru Park tomorrow, and point out that there is a plan that leaves the whole of that region from Westlands to Embakasi as an open green area as a zone. We have got many master plans not just for the City of Nairobi, but for many towns in the country. But the point is that nobody in this Government bothers to respect and adhere to the existing legislations.

So, the point I am making here is that in order for physical planners to be able to stand up against this Government, when they are approached by the politically-well-connected who will tell them that they want to construct a building here or there, they need to have professional independence. This is a serious omission in this Bill. Whatever one might say about the Bar in this country, the Law Society of Kenya enjoys independence of the Bar. Why is the Bar in this country able to stand up against the Government and to point out the erosion of the law and the shortcomings of this Government? This is because the Bar enjoys professional independence and professional autonomy. We should borrow a leaf and strengthen the profession of physical planners by giving them professional independence and autonomy. It is a profession which knows who is a man or woman of integrity within that profession.

Therefore, when you look at this Bill, you see that Clause 5 states as follows:-

"The Minister shall appoint a public officer as the registrar of the Board".

So, already the registrar, who is very important, will be appointed by the Minister. When you go to page 21, Clause 1 of the schedule reads as follows:

"The Board shall consist of nine members appointed by the Minister".

Everybody including the Board, the registrar, the secretary, as hon. Osogo pointed out, will be appointed by the Minister. How is that Board going to have any independence from the Government of the day? How is this profession going to have professional autonomy if, indeed, the profession is under a Board and registrar appointed by the Minister? They are going to be subservient. The history of this country is littered with examples of the criteria that a Minister looks at when he is given power to appoint. We know that it is only KANU supporters and sycophants who are going to be appointed to the Board and as the registrar. So, this profession will not enjoy professional independence and autonomy that it should be enjoying. I am suggesting that this Bill be amended so that this profession is left alone to elect those of their members, whom they wish to serve on the Board. The Board should be an elected Board by the professionals themselves, who are the physical planners. They are the ones who should be given the power in the Bill to elect their own Board. They should be self-regulating and self-governing in the same way as the Law Society of Kenya is. It is self-governing, self-regulating and it elects its own council and Chairman, and it employs its own secretary. That is the way to give any profession in this country the professional independence and autonomy which are so necessary. The Minister may not know anything about the physical planners.

**Mr. Gitau:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the contributor on the Floor in order to confuse professional societies and associations with the Board of registration? These are two different bodies. Is he in order?

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I am sure that my friend, the hon. Member for Gatundu, who succeeded the late Jomo Kenyatta in representing that constituency---

**The Temporary Deputy Speaker** (Mr. Wetangula): No, he did not succeed Jomo Kenyatta; he succeeded Mr. Ngegi Muigai, Gakunju or somebody else.

**Mr. Muite:** Oh, yes! The hon. Member is very fond of reminding us who his predecessor as the Member of Parliament for that constituency was.

**The Temporary Deputy Speaker** (Mr. Wetangula): It is public knowledge that he did not succeed Kenyatta.

**The Assistant Minister for Tourism and Wildlife** (Mr. Kisiero): On a point of order, Mr. Temporary

Deputy Speaker, Sir. Since the next Bill on the Order Paper is the same as the one we are discussing, would I be in order to propose that the Mover be called upon to reply?

**An hon. Member:** No! They are not the same!

**An. hon. Member:** Oh yes.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Wetangula): Order!

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**The Minister for Lands and Settlement** (Gen. Mulinge): Mr. Temporary Deputy Speaker Sir---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Members. The only reason I put the Question is because he asked for it, not because the Bills are the same.

**The Minister for Lands and Settlement** (Gen. Mulinge): Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to thank all hon. Members who have contributed to this Bill. I would also like to thank those who supported the Bill and also those who opposed it for their contribution.

If I try to analyze nearly every point that was raised by the hon. Members---

*(Hon. Orengo stood up and conversed with hon. J.N. Mungai)*

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Orengo. Can we hear the Minister's response?

**The Minister for Lands and Settlement** (Gen. Mulinge): It will take me a bit of time. But I would like to analyze only a few comments which were raised by nearly every hon. Member. The points raised here are almost common. But there are some---

## QUORUM

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It appears there is no Quorum.

**The Temporary Deputy Speaker** (Mr. Wetangula): It does not just appear that we have no Quorum; it is a definite fact that there is no Quorum. Ring the Division Bell.

*(Loud consultations)*

Ring the Division Bell, there is no Quorum!

*(The Division Bell was rung)*

*(Hon. Matiba walked into the Chamber)*

**The Temporary Deputy Speaker** (Mr. Wetangula): We have a Quorum now. You may proceed, hon. Mulinge.

**The Minister for Lands and Settlement** (Gen. Mulinge): Mr. Temporary Deputy Speaker, Sir, thank you very much. Some of these points---

*(Hon. J.N. Mungai went and sat next to hon. Matiba)*

**The Temporary Deputy Speaker** (Mr. Wetangula) Order, hon. Mungai! Carry on, hon. Mulinge.

**The Minister for Lands and Settlement** (Gen. Mulinge): Some of these points raised by hon. Members are---

**Mr. J.N. Mungai:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Nyiva Mwendwa in order to be so ironical and demand that she does not recognise that hon. Matiba is the Chairman of FORD(A)? Is she in order?

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. J.N. Mungai! We know that there are no Chairmen in this Chamber. We only have hon. Members of Parliament.

**Mr. J.N. Mungai:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not really want to go against your ruling. Definitely you have done us a favour. But parties are known to exist in Kenya as we are in multi-parties era and we have Chairmen in all those parties who should be, and are recognised both inside and outside the Chamber. Is it in order?

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. J.N. Mungai. All hon. Members of Parliament step in this Chamber on the basis of equality as hon. Members of Parliament and that is just that!

**The Minister for Lands and Settlement** (Gen. Mulinge): Thank you, Mr. Temporary Deputy Speaker, Sir. Some of these comments made by the hon. Members are adequately covered by the Bill. However, there are some areas that need more clarification. For example, under Clause 7(2-3), hon. Shikuku would like to see fairness where the Board has to give notice to persons registered, as provided in the Bill, especially in circumstances where the person is required to perform certain acts which receive the notice. If a person has not received the notice, he might be penalised unfairly. It will, therefore, be necessary to amend these two Clauses to indicate that notice will be sent by registered mail. This manner of delivery ensures that the recipient signs that he has received the notice. Under Clause 9, hon. Keah wanted to know whether District Physical Planners or such other Physical Planners would be registered under the Bill. Such officers act for the Director of Physical Planning and they are directly under his supervision and they have the necessary academic qualifications. Although they are eligible for registration, they need not be registered on their own since they work under the Director of Physical Planning.

**Mr. Muite:** On a point of order, Mr. Temporary Deputy Speaker, Sir. First, is it in order, for the hon. Minister to read the speech? Secondly, I seek the guidance of the Chair here. Is it in order for us, as a House, to pass a Bill that has some provisions which, obviously, contradict the Constitution?

**The Temporary Deputy Speaker** (Mr. Wetangula): Which ones?

**Mr. Muite:** I am referring to Clause 18 which gives the Board power to send people to prison and, in which, in my view, clearly contravenes Section 77 of the Constitution. Is it in order for us to pass a Bill that is ill-fated?

**An hon. Member:** It will be amended.

**The Temporary Deputy Speaker** (Mr. Wetangula): Hon. Mulinge, what do you have to say to that?

**An hon. Member:** You people, we are responding!

**The Minister for Lands and Settlement** (Gen. Mulinge): Thank you, Mr. Temporary Deputy Speaker, Sir. First, I think I am in order to read because I have been taking notes. I cannot say---

**The Temporary Deputy Speaker** (Mr. Wetangula): I have no problem with your reading. Hon. Muite is being cheeky, but the second one you can respond to it.

**The Minister for Lands and Settlement** (Gen. Mulinge): Can he repeat what he said?

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I was drawing the Minister's attention to the fact that Clause 18 which gives power to the proposed Board to send people to prison contradicts Section 77 of the Kenya Constitution.

**The Vice-President and Minister for Planning and National Development** (Prof. Saitoti): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to prevent the hon. Minister from responding? I thought the question raised by hon. Muite can be brought in at a later stage when we will be voting on it. This is because what has been raised by hon. Muite needs to be checked thoroughly, but hon. Minister is in order to give his response now. There is also a further stage when the issue of Constitution can be looked into and that is in the Third Reading.

**The Temporary Deputy Speaker** (Mr. Wetangula): As a matter of fact, Gen. Mulinge, that issue hon. Muite is raising was also raised by hon. Osogo. I believe you are going to respond to it. Hon. Osogo argued at length on that point and I do not agree with him, but it is up to you to respond.

**The Minister for Lands and Settlement** (Gen. Mulinge): I will comment during the Committee Stage.

**Mr. Orenge:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I have a problem with your ruling on account of hon. Muite's first point of order which restricts hon. Members from reading their speeches. A Minister can refer to extracts or if it is a technical statement like the financial statement, he can read the financial statement during the Budget debate. But Standing Order No.65 is so clear, "No Member shall read his speech but he may read short extracts from written and printed papers in support of his argument and may refresh his memory by reference to notes." But, we have been watching the Minister since he started responding and he has been reading his speech throughout. And one of the reasons why we are not allowed to read speeches is that it becomes boring and people stop listening to you.

**The Temporary Deputy Speaker (Mr. Wetangula):** Order! First of all, the Standing Order you have drawn my attention says; "A Member may read short extracts from written and printed papers in support of his argument." We are dealing with a Bill that, in my humble opinion, is fairly technical and I think Gen. Mulinge is quite in order in reading short extracts. My impression is that he was reading some "short extracts" from his speech. Proceed, Gen. Mulinge.

**The Minister for Lands and Settlement (Gen. Mulinge):** Mr. Temporary Deputy Speaker, Sir, I believe that I have not been reading since morning. My reading took only one or half a minute--

**The Temporary Deputy Speaker (Mr. Wetangula):** Gen. Mulinge, just carry on!

**The Minister for Lands and Settlement (Gen. Mulinge):** Mr. Temporary Deputy Speaker, Sir, the point that was raised here from the paragraph that I read has been amended and greed to. Under Clause 12, hon. Raila, hon. Manga and hon. Keah raised issues under this section. Having reviewed this section, I am in agreement that those amendments are necessary. In Clause 12(1)(a) an amendment will be made to allow holder of a bachelor degree or post-graduate degree in urban or regional planning or both from recognised university be eligible for registration.

This recognition is of the fact---

**Mr. Kapten:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I think we should respect the Standing Orders of this House. If the hon. Minister is unable to address the House verbatim, I think he should go back and get better briefing from his staff so that he can comply with the Standing Orders because he is just reading. It is not a question of "extracts."

**Mr. Gitau:** On point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Minister to be on the Floor when hon. Kapten was on a point of order?

**The Minister for Lands and Settlement (Gen. Mulinge):** Mr. Temporary Deputy Speaker, Sir, I was drinking water.

I have been reading extracts on what---

**The Temporary Deputy Speaker (Mr. Wetangula):** Order! Order! Gen. Mulinge, do not be frightened by hon. Members on the other side. I have given you authority to read from short extracts of your prepared text because you are responding to what other hon. Members said in their contributions, and the only logical way of responding is by you reading what you have noted down because you have been taking notes all along. I do not see any problem with that. Proceed, Gen. Mulinge.

**The Minister for Lands and Settlement (Gen. Mulinge):** Mr. Temporary Deputy Speaker, Sir, please, protect me!

**The Temporary Deputy Speaker (Mr. Wetangula):** Hon. Munyasia, stop intimidating the Minister! Carry on, hon. Minister.

**The Minister for Lands and Settlement (Gen. Mulinge):** Mr. Temporary Deputy Speaker, Sir, Clause 12(1)(c) should not be amended because physical planners who are corporate members of the Architectural Association of Kenya (Town Planning Chapter) have already done and passed provincial examinations---

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It would appear as if the hon. Minister has inexhaustible extracts from which to read. How long will he continue reading from these extracts?

**The Temporary Deputy Speaker (Mr. Wetangula):** Standing Order No. 65 is very clear. "No Member shall read his speech, but he may read from short extracts from written and printed papers." The Standing Order does not say how many short extracts one should read, so it is not upon us to enquire how many short extracts the Minister has!

**The Assistant Minister for Agriculture, Livestock Development and Housing (Mr. Maundu):** On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the hon. Members are not being fair to the Minister because reading short extracts, all the Minister needs to do is to raise up his head, look at them, and go back to his notes. That is the point. The Minister can read as much as he wants from his notes, only to raise his eyebrows,

look at them, and go back to his notes. I think he is very much in order.

**Mr. J.N. Mungai:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I think we are wasting a lot of time here, but all what I am asking is---

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Mungai. The opportunity to speak has been taken away. Nobody wastes time here! And you must withdraw your remarks that we are "wasting time." Nobody comes here to waste time!

**Mr. J.N. Mungai:** Thank you, Mr. Temporary Deputy Speaker, Sir. I apologize and withdraw the words.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Order! If you catch the Speaker's eye, and instead of going to the point you want to raise you embark on some mischief and make remarks that are not necessary on the Floor of this House you lose that opportunity to speak.

**Mr. Muite:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to seek your guidance because Standing Order No. 65 permits a Member to read short extracts in support of his arguments. We have not heard any arguments from the Minister that he can support the Bill by referring to these notes. He has been reading throughout.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, Members. That is a very simple issue. I have ruled that we are dealing with a very technical Bill which the Minister is obliged to take notes from the contributors including yourselves. In the process of responding, he has the right to read short extracts from what he has recorded in support of his response. An argument is not an argument when you are disagreeing with other people. An argument is an argument when you are responding to anything. He is pursuing the debate in the manner allowed by the Standing Orders of this House and I am not going to entertain any points of order on the issue concerning hon. Gen. Mulinge reading his notes. I have allowed him to read and he shall continue reading.

**The Vice-President and Minister for Planning and National Development** (Prof. Saitoti): On a point of order, Mr. Temporary Deputy Speaker, Sir. This Bill is of great importance to this nation and many of us want to listen to the hon. Minister for Lands and Settlement making comments on the various issues which were raised here by the hon. Members. So, would you protect the hon. Minister because, if he is in a position to know all these things, he could easily stand up and say, "I know." But, he is kind enough to expound on issues raised here.

**The Temporary Deputy Speaker** (Mr. Wetangula): I am guided that there is, in fact, a precedent in this House to the effect that a Minister responding to a debate on the Floor of the House can come with a written text and read right through it in response. We have precedents to that effect. I am guided that by Standing Order No. 1 which states that: "All matters not hereinafter expressly provided for shall be decided by Mr. Speaker."

**Mr. J.N. Mungai:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Wetangula): That is what precedent means. Order, hon. Members! Order! Hon. Njenga Mungai, you must leave for talking when the Speaker is on his feet. You must leave. Hon. Njenga Mungai, you are now a stranger in the House.

**Mr. J.N. Mungai:** You are now protecting a very incompetent Minister in this House and that is why you are sending me out.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, no business can be transacted until the stranger has left the Chamber.

**The Assistant Minister, Office of the President** (Mr. Manga): On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Manga. We cannot transact any business until the stranger has been evacuated.

*(Hon. J.N. Mungai left the Chamber)*

Order! Hon. Gen. Mulinge carry on.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order!

Order, hon. Kamuiru.

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

**The Temporary Deputy Speaker** (Mr. Wetangula): You are totally out of order.

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

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Mulusya. Gen. Mulinge, carry on.

**The Minister for Lands and Settlement** (Gen. Mulinge): Mr. Temporary Deputy Speaker, Sir, I have

two remaining important points to make. There was one point which was mentioned by nearly every Member including hon. Muite. They stated that by passing this Bill, we will make the physical planners to take away all open spaces in the City. This Bill, if it is passed, will protect land grabbing. It is true that there are people who are not qualified physical planners and who have been going round and surveying some of the open spaces in the City during the night. That is true. This happens because the Director of Physical Planning had no powers over physical planners before. This Bill is requesting you to give him the powers to control land grabbing in our towns.

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

**The Temporary Deputy Speaker** (Mr. Wetangula): It had better be a point of order. Mr. Minister, there is a point of order from hon. Mulusya.

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, is the Minister not misleading this House that the grabbing of open spaces was happening because of the absence of this Bill? This Bill is not giving the Director of Physical Planning any power. It is just to register and regulate the work of physical planners. Is he in order now to anticipate debate of the Bill, which he has yet to move? He is responding on this Bill, but what he is bringing up now is contained in the other Bill which is supposed to come up after this one has gone through.

This is in total breach of the Standing Orders. My assistance is still---

**The Temporary Deputy Speaker** (Mr. Wetangula): Hon. Mulusya, you contributed when I was here and nobody was more irrelevant to this Bill than you. Carry on, Gen. Mulinge.

**The Minister for Lands and Settlement** (Gen. Mulinge): Mr. Temporary Deputy Speaker, Sir, when this Bill is passed, it will give the Director of Physical Planning power to check those people who make themselves qualified physical planners while they have no qualifications. It happens that we have very many of them and I have seen some of them practising without any qualifications. This Bill would put that one to an end.

One of the hon. Members did state, and I think it was hon. Dr. Lwali-Oyondi, that he cannot drive from here to Lavington or Langata because roads in those areas are congested with vehicles. He said that these roads are very narrow. However, the fact is, that it is true that our roads are narrow. It is also true that the heavy traffic congestion in Nairobi is there and it is known. It is the work of the physical planners to advise the Government to widen the roads. This Bill will give the Director of Physical Planning powers to control some of these complaints.

One of the Members said that a person with a diploma in physical planning from the Kenya polytechnic should also be registered. This is not recommended in this Bill because the qualification is that of a degree holder from recognised universities like Nairobi. Also if one is qualified and has a degree and a post-graduate diploma in physical planning is to be registered. The question of registration needs somebody ---

**Mr. Gitau:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very important Bill and I find it out of order for the Minister to generalise the debate instead of telling the House which degree is applicable because if it is a degree in catering one cannot qualify to be a planner. Can he be specific so that we know which degree one should possess to qualify for registration as a planner?

**The Minister for Lands and Settlement** (Gen. Mulinge): Mr. Temporary Deputy Speaker, Sir, I have said that the qualifications of physical planners is the possession of a university degree from the University of Nairobi in physical planning.

Mr. Temporary Deputy Speaker, Sir, with those few words, I beg to move.

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

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Order! Order hon. Gitau. You are totally out of order. The words "degree in physical planning" were put in the General's mouth by you and now you want to exploit it. Hon. Gitau you are the one who shouted "physical planning".

*(Question put and agreed to)*

*(The Bill was accordingly read a second time and committed to a Committee of the Whole House tomorrow)*

*Second Reading*

THE PHYSICAL PLANNING BILL

**The Assistant Minister for Lands and Settlement** (Mr. Kaino): Mr. Temporary Deputy Speaker, Sir, I think what Her Excellency the Ambassador of America to Kenya Ms Aurelia Brazeal said is correct. People in this country should grow up!. We need people to grow up in this House!

**The Temporary Deputy Speaker** (Mr. Wetangula): Hon. Kaino, you have simply been given the opportunity to move the Bill.

**The Assistant Minister for Lands and Physical Planning** (Mr. Kaino): Mr. Temporary Deputy Speaker, Sir, I beg to move that The Physical Planning Bill No. 3 of 1996 be now read a Second Time.

What we have been discussing in this House and what the Members have been deliberating and debating in this House, was a Bill regarding the registration of physical planners in this country which has now been replied to by the Minister. This Bill deals with the statutes and laws regarding the physical planners.

Mr. Temporary Deputy Speaker, Sir, in the past the Director of Physical Planning in Kenya has almost been like a rubber stamp. We want this House to pass this Bill on physical planning. In the past the Director of Physical Planning was just drawing plans and then the implementation was being done by the Commissioner of Lands who processes the plans without checking whether they are really drawn according to the law.

Mr. Temporary Deputy Speaker, Sir, he does not re-check them after they have been passed to him. This Bill will now assist the Director of Physical Planning to systematically check those plans.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Assistant Minister! You are proceeding in error. Actually, you have not moved the Bill properly.

**An hon. Member;** He needs to grow up!

**The Assistant Minister for Lands and Settlement** (Mr. Kaino): Mr. Temporary Deputy Speaker, Sir, I beg to move that, the Physical Planning Bill, be now read for the Second Time.

**The Temporary Deputy Speaker** (Mr. Wetangula): That is correct.

**The Assistant Minister for Lands and Settlement** (Mr. Kaino): Mr. Temporary Deputy Speaker, Sir, as I had stated earlier on, the Physical Planning Department has come across a lot of errors and settlement which we wanted now to correct. The errors and corruption are actually used as smear on the Ministry of Lands and Settlement, which is not actually correct. These are the errors which we really want to correct through the enactment of this Bill. If this Bill is enacted, it will assist the planners to see to it that this country is well planned. There are upcoming towns; the small towns; the townships; the urban areas which should come up according to the plans designed by planners in this country. It is wrong to say that we do not have planners in this country. It is wrong to say that we do not have planners in this country. We have people who are professionals in various Registration professionals. This Bill and Physical Planners Bill have some linkage. The interaction or the conflicts which are here are very important. They stress that Physical Planners should follow their planning. You can find in some small towns where some industrial plants next to residential houses. That is a big health hazard. Some chemical industries have been put up in residential areas. These are the mistakes which we would like to correct.

Mr. Temporary Deputy Speaker, Sir, we have talked about open spaces, cemeteries and other areas of public utilities. These are very important areas not only to the Opposition but also to the entire community of this country. This needs to be given a lot of respect. The enactment of this Bill will assist the Physical Planning Department to counter-check whether what they plan is correctly being implemented or not, or what they have recommended will be implemented or not. That is why when you go deep into this Bill, if you have read it, because I am sure some of us have not read this Bill properly, you will see that there is a provision where the district planners have to meet in their own respective areas with the PC as the Chairman, the District Lands Officer, the Town Clerk and also the District Agricultural Officer as members of these committees. People will manage their own towns, but the planning will be done haphazardly. We shall have these towns which are properly planned. Another area is that, we have some swampy areas which are unfit for human habitation. But you find some areas being registered by the physical planners. People settle in swampy areas where mosquitoes are breeding therefore posing a health hazard. Kenyans are getting sick; every now and then going to hospital because they have been made to live in areas where they are not supposed to live. In this regard, this Bill is going to stress that what they are planning is exactly implemented. This is the simplest way to explain the importance and objectives of this Bill. It is meant to ensure that what the planners recommend is strictly followed. Many members have been complaining that the Ministry of Lands and Settlement is grabbing land and things like that. Suppose the Director of Physical Planning plans a certain area measuring 50 by 100 and then somebody else goes ahead on his own and raises it to 100 by 100; the Director of Physical Planning does not have power to take that man to court. Those are the areas which require to be looked into. The Director of Physical Planning under this Bill, would be given the necessary powers. He should be accountable for everything.

**Dr. Lwali-Oyondi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister really in order to mislead the House that, if somebody extends a given plan from 50 by 60 to 100 by 60, he can never be prosecuted under our laws?

**The Assistant Minister for Lands and Settlement (Mr. Kaino):** Mr. Temporary Deputy Speaker, Sir, if the Member understood me well, I am saying that the physical planners, are supposed to plan and they are the agents of the Ministry of Lands and Settlement. They just plan and forward the plans to the Commissioner of Lands. Whether that thing is followed strictly as was planned or not, the Director of Physical Planning does not know. It starts with the allotment letter and then the title deed, and that title or allotment letter does not go back to the Director of Physical Planning. This is exactly what I am trying to stress. The Bill has one provision which reads as follows:-

"Legally to establish the office of the Director of Physical Planning and the Physical Planning office which will be responsible for the preparing of all regional and local physical development plans in the country".

The Bill also provides for co-ordination and control of physical development in both urban and rural areas so as to ensure that there is ordinance and consistence in our development and town planning. The third point is that the Bill will provide the control and the protection of public utilities, as I have just stated. I am just trying to go down---

**Mr. Michuki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. There is a point on which I feel that this House is being misled, and I am wondering whether the Assistant Minister is not misleading the House and even his own Minister. He continues to say that this Bill is going to stop land grabbing when we all know that what happens on the ground is that, the very person that is now trying to protect has had his lands surveyed and legalised by the planner that he is protecting within this Bill. In other words, people who are not qualified go and survey the land because they have a deal with the buyer somewhere and their work is legalised by the people he is now protecting as the protectors of the land. Therefore, is he not misleading this House by continuing to insist that this Bill is going to eliminate those who are not qualified and yet they will still continue with that work, and have it legalised by the fellow who is being protected in the Bill?

**The Temporary Deputy Speaker (Mr. Wetangula):** I thought that was under the previous Bill, hon. Michuki. The Bill which intends to knock out quacks is the previous Bill. Now we are dealing with the Bill that deals with the actual physical planning.

**Mr. Mulusya:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I seek guidance from the Chair. An argument has been put forward by the hon. Assistant Minister which negates the actual position as concerns planning *vis-a-vis* land grabbing. You have intervened and said that it was dealt with in the other Bill, but he is the one who is bringing up the issue and confusing us while we were trying to protect him.

**The Temporary Deputy Speaker (Mr. Wetangula):** I am not protecting anybody. I am protecting the rules of the House.

**The Assistant Minister for Lands and Settlement (Mr. Kaino):** Mr. Temporary Deputy Speaker, Sir, I wish the hon. Member could come up with a proper point of order which will help.

**The Temporary Deputy Speaker (Mr. Wetangula):** Mr. Kaino, I know it is very difficult to draw the line between the previous Bill, which we have just passed and the one we are dealing with, but try and restrict yourself to Physical Planning Bill other than Physical Planners Registration Bill, if you can.

**The Assistant Minister for Lands and Settlement (Mr. Kaino):** Mr. Temporary Deputy Speaker, Sir, I was talking about the major provisions of the Bill and I was talking on Clause 4 which says that the Bill intends to establish physical development liaison committee in all districts and municipalities to ensure there is consultation and co-ordination in all physical development matters in the districts and involvement of all local authorities in urban development. It gives some excitement for people to see a small town growing in a very good planned manner. It is actually a joy for people in those areas rather than having the designs planned in Nairobi and taken to the local areas. It is good that people themselves in the field or local authorities plan their own towns and submit their plans for approval to the Director of Physical Planning. To see a town growing is just like seeing a small child growing, but if it is very ugly is very bad. When you travel outside the country and see some towns in Europe or in some Asian countries like Singapore you admire them. We also want our country to grow on that line and that is why we are actually bringing up this Bill to control the planning of this country. We want to control it not only in Nairobi, but also in the rural areas. This provision will also assist us in the sub-division of private land so that private developers provide some areas for public utilities and do not interfere with our land. This Bill will assist the common men who are going to live there or the inhabitants of those areas so that they have playing



grounds, places for building schools and hospitals. This Bill will protect private land owners in sub-dividing the entire land and giving it to some people.

**Mr. Mak'Onyango:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister not misleading the House when he implies that there is still some land left when all land has been grabbed?

**The Assistant Minister for Lands and Settlement** (Mr. Kaino): Mr. Temporary Deputy Speaker, Sir, this is why we are bringing this Bill to help any development which is coming up. Local authorities will benefit a great deal from the expertise available in these committees which will be set up in the district and also the regional offices. It will help to ensure that there will be no conflict between the by-laws and regulations made under the Local Government Act.

Mr. Temporary Deputy Speaker, Sir, I need not over emphasise the importance of this Bill. We know that proper planning is very important to each and everybody. The citizens of this country expect Members of this House to pass this Bill without any hesitation, because it is an important one. I believe that the learned Members of this House know exactly what good planning of a town means. They know that good planning provides for places for public utilities like hospitals and play grounds. Roads should also not be interfered with in all towns of this country. These are aspects of good planning. Therefore, this Bill intends to control town planning.

I would, therefore, like to appeal to hon. Members on both sides of the House to support and pass this Bill for the interests of this country.

With these few remarks, I beg to move.

**The Temporary Deputy Speaker** (Mr. Wetangula): Who is seconding?

**The Assistant Minister for Commerce and Industry** (Mr. Osogo): I am, Mr. Temporary Deputy Speaker, Sir. But I beg to reserve my contribution for a later stage. So, I beg to second.

*(Question proposed)*

**Mr. Orengo:** Thank very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Bill. I think that this Bill is coming at a time when it is important for our nation to think about planning seriously. Planning, of course, involves every area of human life. But more importantly, planning that relates to the manner in which we use our land is basic in every respect. I am rather disappointed with the manner in which the Assistant Minister moved this Bill. I thought that he would have taken this opportunity to address this august House on the need for this Bill, and why they have thought it necessary to bring it at this stage, when there has been a lot of hue and cry about the manner in which, particularly, public land has been utilised or misused.

When one looks at many towns in this country, particularly in the last 20 years, one is extremely disgusted in the manner in which our towns are growing. This is because there is no planning that goes on in them. Basically, this is because of those who have made it their responsibility to try and grab each and every piece of land that is available, particularly in the urban areas. If the colonial government was behaving in the manner in which this Government is behaving, then it would have left no land for people to grab.

If you look at Nairobi you will see one example of what I am saying at the area where the Maendeleo ya Wanawake Organisation Headquarters is situated. There are a lot of buildings that have come up in that area. It is quite clear that, that area included a road reserve. However, the manner in which buildings have come up in that area is disgusting. This is because now, there is no parking space or sufficient area for people to move around. There is no sufficient roads network for vehicles that we have today. If one had the opportunity to look at the physical planning that was done, even in the years before this country got its Independence, one would see that even in those days, there were some people who had some element of vision. One of the examples that I like pointing out is the Ngong Road. As you move from the City Mortuary upwards towards Dagoretti Corner, you find that along that road, there was some kind of vision that one day, we may need to build a dual carriage way along Ngong Road. At least, that area has not been grabbed. But there was some kind of vision and forward looking in making sure that there were road reserves and there were areas which were properly planned out. This was done in many towns in this country.

A good example is the town of Kitale. If one looks at the physical planning and layout of Kitale, as a Town, and the way it was supposed to grow up, one would be impressed by the amount of work that was put in. The town was properly parcelled out. There were areas which were supposed to be for development of schools, industries, offices and residential areas. If you looked at the master plan for Kitale 20 or 25 years ago, one would come to the conclusion that there was some vision and some planning that went into it. However, the story that

emerged later on shows quite clearly that those who have been in charge of the Ministry of Lands and Settlement or the department that deals with the

allotment of land in urban and rural areas, completely forgot about the need to plan our towns and cities.

Mr. Temporary Deputy Speaker, Sir, I want to point out that one of the organisations or bodies of persons which have been responsible for the mis-planning in many of our towns is the provincial administration. You find that in cities and towns, it is the DCs who sit over the allocation of plots. They are quick to know which plots are available and which are not available. I think it will be important in the coming years that the provincial administration should concentrate on the business that they are supposed to do, particularly when we know that most of their work is really of an oppressive nature. But when it comes to utilisation of resources of which land is an important component, I think the provincial administration should not be involved in anyway.

In Kisumu Town, there was a major scandal relating to land allocation. If one looks at the whole saga, you will find that it was interfered with by the provincial administration, that brought about the mis-allocation or the grabbing of plots in Kisumu Town. This story goes on in almost every city and town in this country.

I hope that in the planning process, the provincial administration and other arms of the Government, who have nothing to do, should not be involved whatsoever, with the affairs of Ministry of Lands and Settlement. The planning of the towns and the urban areas should be left to such authorities like the town councils, municipal councils or the City Council, under the Statutes which are in place to ensure that land is used in a manner which it is supposed to be used. That is for the benefit of the people of this country and those who dwell in the City and towns. If that is done, it is my hope that we will be able to catch up with the rest of the world in trying to make sure that we make our environment safer for human habitation, and to make the normal frustrations that one encounters in the cities, with less and less---

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Thursday, 2nd of May, 1996, at 2.30 p.m.

The House rose at 6.30 p.m.