

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 24th November, 2004

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Mr. Deputy Speaker: Hon. Members, the first Question is by Mr. M.A. Haji!

Question No.555

ALLOCATION OF ALRMP FUNDS
TO MANDERA DISTRICT

Mr. Deputy Speaker: Mr. M.A. Haji is not here?
Next Question by Mr. Mukiri!

Question No.829

SETTLEMENT OF SQUATTERS IN NGONGOGERI
SETTLEMENT SCHEME

Mr. Deputy Speaker: Mr. Mukiri is also not here? We will move on to the next Question by Capt. Nakitare!

Question No.708

ILLEGAL ALLOCATION OF KITALE KARILAND

Mr. Deputy Speaker: He is also not here?
Next Question, Prof. Oniang'o!

Question No.751

IMPACT OF WTO/COMESA REGULATIONS ON
LOCAL PRODUCERS

Mr. Deputy Speaker: I do not see her! We will, therefore, move on to the Question by Mr. Ndambuki!

*Question No.741*IMPLEMENTATION OF REP
IN KAITI CONSTITUENCY

Mr. Ndambuki asked the Minister for Energy:

(a) whether he is aware that Kilala, Kaumoni, Ukia and Kyuasini were left out during the implementation of the Rural Electrification Programme (REP) sponsored by the Spanish Government; and,

(b) what steps the Ministry is taking to ensure that these areas are supplied with electricity and when.

Mr. Deputy Speaker: Mr. Minister! He is not here?

Next Question, Mr. Ndile!

*Question No.407*MEASURES TO CONTROL
HIV/AIDS PREVALENCE
ALONG MOMBASA ROAD

Mr. Ndile asked the Minister for Health what urgent measures she is taking to reduce the spread of HIV/AIDS in towns and markets along Mombasa Highway.

Mr. Deputy Speaker: The Minister for Health is not here?

Hon. Members: She is here!

Mr. Deputy Speaker: Order, hon. Members! I do not recognise hon. Members at the door but those seated.

We will move on to the next Question. Mr. Wamunyinyi!

Question No.354

COMPLETION OF KIBABII TTC PROJECT

Mr. Deputy Speaker: Mr. Wamunyinyi is not here!

Next Question, Mr. Bahari!

Question No.398

REVIVAL OF MALKA DAKA SCHEME

Mr. Deputy Speaker: It is surprising that he is also not here!

We will, therefore, move on to the Question by Mr. Osundwa!

Question No.481

MEASURES TO RECOVER KSB FUNDS

Mr. Deputy Speaker: He is also not here!

An hon. Member: He is just outside here!

Mr. Deputy Speaker: Someone is telling me that he is outside. I am referring to hon.

Members in the Chamber and not those who are outside.

Next Question, Mr. Rai!

Question No.630

COMPENSATION FOR MR. GAVUNO
BACHO'S FAMILY

Mr. Rai asked the Minister for Tourism and Wildlife:-

(a) whether he is aware that Mr. Gavuno Neko Bacho was killed by a rogue elephant on 22nd July, 2000; and,

(b) what urgent steps he is taking to ensure that the family of Mr. Bacho is compensated for the loss.

Mr. Deputy Speaker: The Minister for Tourism and Wildlife is not here?

For the second time now, Question by Mr. M.A. Haji!

Question No.555

ALLOCATION OF ALRMP FUNDS
TO MANDERA DISTRICT

Mr. Deputy Speaker: Mr. M.A.Haji is still not here! The Question is dropped!

The Assistant Minister, Office of the President (Dr. Machage): On a point of order, Mr. Deputy Speaker, Sir. A Question was dropped last week but it has re-appeared on today's Order Paper. Is it in order for a Question to re-appear on the Order Paper once it has been dropped?

Mr. Deputy Speaker: Yes, Dr. Machage, always the Chair has discretion. The Chair can, after receiving a satisfactory answer or explanation from an hon. Member in Chamber, reverse its decision. Therefore, if that Question was dropped and it subsequently reappeared on the Order Paper, the Chair must have reconsidered its decision. A change of a decision is delivered to the Clerk of the National Assembly. It must be in writing and have the signature of the Chair. That is the position.

That Question is, therefore, dropped!

(Question dropped)

Question by Mr. Mukiri, for the second time!

Question No. 829

SETTLEMENT OF SQUATTERS IN NGONGOGERI
SETTLEMENT SCHEME

Mr. Deputy Speaker: Mr. Mukiri is still not here! His Question will be dropped!

(Question dropped)

Next Question by Capt. Nakitare!

Question No. 708

ILLEGAL ALLOCATION OF KITALE KARI LAND

Capt. Nakitare asked the Minister for Lands and Housing:-

- (a) whether he is aware that land belonging to the Kenya Agricultural Research Institute (KARI), Kitale, has been illegally allocated;
- (b) whether he could table the list of all the people allocated the land together with the size of each piece; and,
- (c) whether he could consider nullifying these allocations.

Hon. Members: He should apologise for being late!

Capt. Nakitare: Mr. Deputy Speaker, Sir, I apologise for coming late. It was due to traffic jam.

An hon. Member: Did we fly in ourselves?

The Assistant Minister for Lands and Housing (Mr. Ojode): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that part of land belonging to KARI, Kitale, totalling to 48.747 hectares was allocated to some individuals.

(b) The list of people allocated the land, together with the size of each piece, is hereby tabled.

(Mr. Ojode laid the list on the table)

Hon. Members: Read it out!

The Assistant Minister for Lands and Housing (Mr. Ojode): Mr. Deputy Speaker, Sir, the list has up to 103 allottees and I have tabled it.

(c) The Ministry is currently developing a legal framework that it will apply in nullifying these allocations and others, which affect public utility land. Nullification will, therefore, be effected after a sound legal mechanism has been put in place. Moreover, KARI has also requested for the nullification.

Thank you.

Capt. Nakitare: Thank you, Mr. Deputy Speaker, Sir. I congratulate the Assistant Minister for giving us the list of the beneficiaries of Government land that was illegally allocated to politically-connected people. As you can see, the land involved was meant for research. KARI Kitale, is one of the oldest Kenya agricultural research institutions dating back to 1956. The land, buildings and equipment were vandalised by the same people who were allocated this land. I would urge the Government to quickly nullify allocation of this land and revert it to the original purpose for which it was set aside.

Mr. Deputy Speaker: Order, Capt. Nakitare! Are you urging the Government or asking a question?

Capt. Nakitare: Mr. Deputy Speaker, Sir, I am asking the Assistant Minister if he can assure this House that these allocations are going to be nullified, and the equipment that was looted returned to the research station. This will ensure that the station functions effectively.

Mr. Ojode: Mr. Deputy Speaker, Sir, as I said, my hands are tied. I cannot nullify the allocation of any land for which a title deed has been issued. If the hon. Member wants us to do so immediately, he can go to court and seek an order for cancellation. As we speak, the law does not allow me to nullify the allocation of any land for which a title deed has been issued.

Mr. Osundwa: Mr. Deputy Speaker, Sir, while campaigning in the run-up to the last general election, the National Rainbow Coalition (NARC) promised, among other things, to

repossess all illegally acquired land. Indeed, Kenyans trusted the NARC on that promise. Why has it taken two years for the Government to formulate a policy in that regard? When will that policy be formalised?

Mr. Ojode: You remember that we constituted a committee to look into all cases of irregular allocation of land by the previous Government. We are yet to have the Ndung'u Report. After getting that report, we will take action. We will ask the Ministry under which the department falls to ask for nullification, once we constitute the tribunal.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, you realise that KARI is a research organisation. Any country that does not carry out research is headed for doom. The land that the Government has allocated to individuals is meant for research. Is the Assistant Minister saying that Kenya does not want to carry out research any more?

Mr. Ojode: Mr. Deputy Speaker, Sir, as a Government, we encourage institutions to carry out research. That is why we are constituting the proposed committee to look into legal ways of repossessing public utility land. We are not just going to repossess KARI land but rather all public utility land, through a legal framework.

Maj-Gen. Nkaissey: Mr. Deputy Speaker, Sir, this is a fundamental Question whose catch words are "illegal allocation". Who allocated this land to individuals illegally? The Assistant Minister said that the land was allocated to individuals by the previous Government. I do not believe that any allocation that was sanctioned by a government is illegal. That attitude will put this country into major problems. So, I want to know who allocated this land to individuals illegally.

Mr. Ojode: Mr. Deputy Speaker, Sir, I said that the land was allocated to individuals by the previous Government. Unfortunately, the land was meant for research. Once you have obtained a title deed for any land parcel, that land parcel belongs to you until a court of law decides otherwise.

Capt. Nakitare: I would like to know from the Assistant Minister whether it is true that title deeds have been issued for the KARI land that has been allocated to individuals in Kitale.

Mr. Ojode: Mr. Deputy Speaker, Sir title deeds have been issued for the land parcels that have been allocated.

Mr. Mwandawiro: On a point of order, Mr. Deputy Speaker, Sir. This is a very important Question. The issue that has been raised by this Question occurs all over the country. This Government is taking people round in circles. The Ndung'u Report, which the Assistant Minister has referred to, addresses those issues. Why is the Government delaying its release?

Mr. Deputy Speaker: Order! Order! Mr. Mwandawiro, that is not a point of order. I know that you wanted to ask a question. You did not catch my eye, and now you want to take advantage of a point of order. So, you are out of order.

Next Question, Prof. Oniang'o!

Question No.751

IMPACT OF WTO/COMESA REGULATIONS
ON LOCAL PRODUCERS

Mr. Deputy Speaker: Is Prof. Oniang'o not here? The Question is dropped!

An hon. Member: She is out of the country!

Mr. Deputy Speaker: Hon. Members, I appreciate that she is out of the country. However, an hon. Member is supposed to inform the Office of the Clerk of the National Assembly that he/she will not be available to ask a Question, so that it can be dropped from the Order Paper until he/she returns. So, if you are going out of the country, or you are unable to come to the House, you can

always make arrangements with the Office of the Clerk of the National Assembly, so that your Question is not put on the Order Paper. So, do I take that as a reason for deferring the Question?

Hon. Members: Yes!

Mr. Deputy Speaker: Very well. I will be sympathetic to her since she is out of the country. However, I would like you to always inform the Office of the Clerk of the National Assembly if you are unable to come to the House to ask a Question, so that he can arrange for the Question to be put on the Order Paper at a later date.

(Question deferred)

Next Question, Mr. Ndambuki!

Question No.741

IMPLEMENTATION OF REP
IN KAITI CONSTITUENCY

Mr. Ndambuki asked the Minister for Energy:-

(a) whether he is aware that Kilala, Kaumoni, Ukia and Kyuasini were left out during the implementation of the Rural Electrification Programme (REP) sponsored by the Spanish Government; and,

(b) what steps the Ministry is taking to ensure that these areas are supplied with electricity and when.

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, before I reply, I wish to apologise to the House for coming late.

Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Kaumoni and Kyuasini Markets are not connected to electricity supply. However, Kilala and Ukia Markets were supplied with electricity under the Spanish Government Phase Two funding. However, due to financial constraints, some business premises in the two markets were not connected to electricity supply.

(b) The owners of the premises that are not connected to electricity supply in Kilala and Ukia Markets are advised to liaise with the Kenya Power and Lighting Company for connection under the company's new customer creation scheme, upon payment of Kshs25,000 and Kshs35,000 for single-phase and three-phase, respectively. With regard to Kaumoni and Kyuasini Markets, it is not possible for the Ministry to indicate when the two markets will be connected to electricity supply since they are not in the priority list of five projects received in the Ministry from Makueni District Development Committee in June, 2004.

Mr. Ndambuki: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for part of the answer he has given. When the Spanish Government programme was being implemented, the businessmen were asked to pay Kshs8,000. I would like to know whether the Assistant Minister can maintain that figure since it was not the fault of the businessmen, but that of the Ministry, that their premises were not connected to electricity supply. The Ministry did not connect those premises when people were being charged only Kshs8,000. Now the Kenya Power and Lighting Company has come up with new charges. Could he consider supplying those premises with power for the Kshs8,000 that the businessmen had paid?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, if the owners of the said premises had paid the Kshs8,000 in full, the premises will be connected to power. However, for those who did not meet

their commitment at that time, the figure has now been reviewed. So, they will have to pay the new charges.

Mr. Oparanya: Mr. Deputy Speaker, Sir, we have been hearing of French Government-sponsored and Spanish Government-sponsored REP.

(Hon. Members applauded as Mrs. Ngilu walked into the Chamber)

Could the Assistant Minister tell the House which areas are to benefit from the French Government-sponsored REP and the Spanish Government-sponsored REP, so that we know whether our areas have been covered or not.

Mr. Deputy Speaker: Mr. Oparanya, with all due respect, you are widening the Question beyond its scope. I am not defending the Assistant Minister, but I wonder whether he has that information.

Mr. Oparanya: Mr. Deputy Speaker, Sir, since the Question is about the Spanish Government-sponsored REP, let me restrict myself to this particular programme. Could he tell us which areas are going to benefit from the Spanish Government-sponsored REP?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I did not hear the first part of the question due to the applause by hon. Members as "Her Excellency" walked into the Chamber.

(Applause)

Mr. Ngoyoni: On a point of order, Mr. Deputy Speaker, Sir. We know there is only one, His Excellency President Kibaki in Kenya. Is it in order for the Assistant Minister to refer to Mrs. Ngilu as Her Excellency?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, maybe the hon. Member is not aware that even ambassadors are referred to as His or Her Excellencies.

If the hon. Member would like to see the list of those programmes sponsored by the Spanish, I would be really glad to lay the list on the Table.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, my constituency also benefitted from one project under the Spanish Programme, but the work that was done was very shoddy to the extent that wires were left hanging and only the DC's office was supplied with electricity. Could the Assistant Minister take time and visit these projects to see to it that they are in good condition and they are worth the money that was pumped into them?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, we had constraints in terms of supply, but we are now able to receive our supplies in good time and we are going to correct those mistakes. However, I would also be very glad to come and visit those areas, and I would also wish that hon. Members organise small rallies so that I can address their people.

Ms. Mwau: Mr. Deputy Speaker, could the Assistant Minister tell this House the position of the Rural Electrification Programme, because several groups like Chikoko, Kauti and Pei were formed in the same constituency and they are still waiting for electricity? What is the policy of the Ministry of Energy on rural electrification?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, we are carrying out radical reforms in the sector, and these days we no-longer ask for the 10 per cent payment. I have said in so many fora that those people who raised money and were not connected will be refunded the money. However, for those areas that we are able to connect, we are doing it and I would plead with the House to bear with us as we carry out the reforms.

Mr. Ndambuki: Mr. Deputy Speaker, Sir, the Assistant Minister said in the last part of his answer that Kaumoni and Kyuasini are not among the five names that were taken to the Ministry. I would like to inform the Assistant Minister that Kaumoni was supposed to be covered by the Spanish Programme, and because the funds were limited, that section was reduced. We do not need to bring it to the attention of the Assistant Minister as a matter of priority. Bearing in mind that the initial request was that the programme starts from Kaumoni and it was left out because of funds, could he consider doing estimates for Kaumoni and Kyuasini?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, we are considering Kaumoni and Kyuasini, and we have already authorised that we be given the estimates. Our surveyors and designers will be on the ground to look at the estimates. I also take the hon. Member seriously, because I know the prioritization was not on an *ad hoc* basis. He was in that Government and it could not have happened.

Question No.407

MEASURES TO CONTROL HIV/AIDS
PREVALENCE ALONG MOMBASA HIGHWAY

Mr. Ndile asked the Minister for Health, what urgent measures she is taking to reduce the spread of HIV/AIDS in towns and markets along Mombasa Highway.

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

(a) My Ministry has put in place strategic activities to reduce the spread of HIV/AIDS in towns and market centres along Mombasa Highway. These activities include, educating and training long distance truck drivers who have been put in different education programmes, peer education to students and school teachers for schools along the highway sponsored by World Vision and the National Aids Control Council. We are also promoting condom use among the youth groups. This is being done by a group called Nyota Singers in Voi. We have condom dispensers in all strategic points, especially in bars. We are also promoting female condoms, STI treatment in all Government health facilities and private clinics along the highway which have been syndromic management guidelines. Voluntary counselling and testing sites at Moi and Voi hospitals and birth clinics. Mobile VCT clinics are held at Maungu and Tausa Division. We also have home-based care activities by the Catholic Church, the Ministry of Health and the World Vision. We also have primary prevention of mother to child transmission services at Moi and Voi sub-district hospitals.

Mr. Ndile: Bw. Naibu Spika, mimi nimehudhuria kongamano nyingi sana juu ya ugonjwa wa Ukimwi. Lakini, mara nyingi utakuta ya kwamba hiyo mipira ambayo ametaja imewekwa chooni katika hoteli nyingi, kana kwamba haina maana. Ukiingia hoteli nyingi utakuta vitabu na magezeti yamewekwa ukumbini na wala siyo hiyo mipira. Ni kwa nini Wizara isihakikishe kwamba hiyo mipira inawekwa wazi wazi ili ionekane kama vifaa vya maana? Kwa sababu, hiyo mipira ikifichwa katika vyoo, watu watafikiria kwamba haina maana.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I am very happy with that proposal that the hon. Member has made, because I think it is very important. We will try to adopt that.

Mr. Khamisi: Mr. Deputy Speaker, Sir, most of the towns along the Mombasa Highway are nothing but brothels. If you look at the situation at night in Mtindo-Andei, Maungu and some of these other places, surely, this Government should not allow them to exist. Could the Minister tell this House why those towns are not raided by police so that those young prostitutes are arrested and put away?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, first of all it takes two to tango, so I do not know who

the prostitute is among those people who should be arrested. We continue to educate them because we do not know exactly what they intend to do in these towns. We will continue to educate them.

Dr. Manduku: Mr. Deputy Speaker, Sir, the spread of HIV/AIDS is a very serious matter. Originally we knew that the spread of HIV/AIDS along Mombasa-Nairobi-Kisumu-Kampala Highway was mainly by big truck drivers who have stops along the highway. For example, very long trucks stop at Mtito-Andei and Mlolongo and the drivers' business is to spread HIV/AIDS and yet the Ministry knows it. Is the Ministry not able to clamp down on this kind of business which is spreading HIV/AIDS? Most of the truck drivers are foreigners from neighbouring countries.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, may I first of all make a correction. Their core business is not to spread HIV/AIDS. They are mostly long distance truck drivers who begin their journey from Mombasa and some of them end up in Burundi. It takes a long time from Mombasa, for them to arrive in Burundi. As a result, they have several stops along the highway where they find some of their friends and partners. We have established that some are actually permanent friends while others are commercial sex workers. It is because of this that we have decided that we must educate them. No matter what we do, they will continue having sexual relationships with their friends and partners and, therefore, we must educate them. We have started this education using vehicle owners, the drivers and the Matatu Welfare Association in the work that we do, and we will continue to do so, in order to ensure that HIV/AIDS is not spread further.

I would also like to tell the hon. Member that we have done a thorough survey and have discovered that some of these centres have prevalence rate of up to 100 per cent. One case is a place called Salgaa just after Nakuru. So, I want to tell everybody here that Salgaa is a terrible place; HIV/AIDS is 100 per cent prevalent there. If you pass that way, keep off casual sex.

Mr. Ndile: Bw. Naibu Spika, naelewa Wizara ya Afya inashirikiana na Ofisi ya Rais kupitia National Aids Control Council (NACC). Shirika hilo lina wajibu wa kupeana pesa kwa vikundi mbalimbali. Tulidhani kwamba watapeana pesa kwa maeneo yote ya uwakilishi bungeni, ili zigawiwe vikundi mbali mbali. Lakini wamekwama na hizo pesa hapa Nairobi. Namuuliza Waziri: Je, ni pesa ngapi zimetumwa huko Kibwezi kutoka kwa NACC? Nataka kujua hali ya Kibwezi kwa sababu---

Mr. Deputy Speaker: Mr. Ndile, ask one question. You cannot ask two questions!

Mr. Ndile: Bw. Naibu Spika, nataka kujua ni pesa ngapi zimetumwa kwa vikundi mbalimbali huko Kibwezi, ili kusaidia kukabiliiana na maradhi hayo?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, he should direct that question to the Office of the President because that is where the NACC is based.

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

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, may I apologise for coming late. I was tied up somewhere attending to very important national duties.

Mr. Deputy Speaker: Order! I did not hear that, Mr. Wamunyinyi. Anyway, you have escaped because I did not hear what you have said.

Question No.354

COMPLETION OF KIBABII TTC PROJECT

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

(a) how much of the Kshs39 million that was paid to the contractor who was supposed to construct Kibabii Teachers Training College has been recovered since the construction stalled;

(b) if he could state whether the contractor has been blacklisted and if not, why; and,

(c) when work on the project will commence.

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

(a) I would like to confirm that the contractor was paid Kshs33 million and not Kshs39 million. The Ministry has not recovered any money, although a request has been made to the Office of the Attorney-General to assist in recovering the total advance payment made.

(b) I cannot confirm whether or not the contractor has been - I wonder why Mr. Wamunyinyi has said "blacklisted"--- He should say "whitelisted"! We tend to fall in the trap of thinking that everything that is bad is black! We have black pot, black magic, blacklisted and so on. So, I cannot confirm whether the contractor has been whitelisted because that is in the purview of the Ministry of Roads and Public Works. However, my Ministry has requested the Ministry of Roads and Public Works to implement the Public Accounts Committee (PAC) recommendation that directs that, that contractor should not be considered for future projects.

(c) The Ministry has listed the Kibabii Project as one of the stalled projects which should be considered when budgetary allocations allow. Currently, the Government is taking stock of all the stalled projects to assist in prioritising those that need to be taken on board, although it is not clear that it will be a teachers training college.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, I do not have the advantage of looking at the written answer but, arising from his answer, Kenyans and the world at large have now realised that our NARC Government is not serious and determined to uphold the spirit of zero-tolerance to corruption. The contractor who was awarded that project is known. You have heard that he was paid some money. The Kibabii T.T.C is listed as a stalled project, when nothing totally took off! No project was initiated. It did not even---

Mr. Deputy Speaker: Mr. Wamunyinyi, every hon. Member here is getting impatient that you are not asking a question. What is your question?

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, could the Assistant Minister explain to the House why no money has been recovered? Secondly, could he lay on the Table a schedule of payments and recovery programme?

Dr. Mwiria: Mr. Deputy Speaker, Sir, I have explained that we have asked the Office of the Attorney-General to initiate recovery. The Ministry cannot do more than that. I agree with the hon. Member that, it is extremely unfortunate for a contractor to have been paid money in 1997, and it has not been recovered up to now. That is not a very good statement on the efforts of recovering monies that have been stolen from the public. What I can confirm is that, whether or not that contractor is one of those who will be entitled to contracts in future, the Ministry will not consider him for future projects.

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

Mr. Deputy Speaker: Order! Mr. Owino!

Mr. Owino: Mr. Deputy Speaker, Sir, Government Ministries have a collective responsibility to co-ordinate their policies. Does the Government have any plans on the many stalled projects in this country, where money was paid and no work was done? For example, a lot of money was paid to contractors to construct my district headquarters and nothing was done! Does the Government have any plans to recover that money because the contractors were paid and nothing happened?

Dr. Mwiria: Mr. Deputy Speaker, Sir, if it was within my power to recover that money, I would have recovered a lot of it. But regarding matters of corruption, we have the Anti-Corruption Police Unit, Office of the Attorney-General and other relevant Government organs that should do it.

If that does not happen, it is those Government organs that should be questioned as to why that is taking too long.

Mr. Mwandawiro: Bw. Naibu Spika, Waziri Msaidizi amesema kwamba ufisadi ulifanyika na wakatoa mapendekezo kwa Mkuu wa Sheria ili achukue hatua. Je, Mkuu wa Sheria anahujumu hatua za Serikali za kupambana na ufisadi?

Dr. Mwiria: Mr. Deputy Speaker, Sir, I cannot speak for the Attorney-General. But I think members of the public and hon. Members have a right to complain about that office and any other office that is not seen to be combating corruption as we promised.

Mr. Deputy Speaker: Last Question, Mr. Wamunyinyi!

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, you heard the Assistant Minister say that, that matter has been lying at the Office of the Attorney-General. That implies that the Attorney-General is sabotaging Government efforts. This is a Government Minister talking about the Attorney-General of the same Government! Could he table the schedule of payments? I know that a lot more money was paid than what he said. Tell us what you are doing now that you know the Attorney-General is sabotaging Government efforts?

Mr. Deputy Speaker: Let me understand what the hon. Member wants. The Assistant Minister has said that Kshs33 million was paid. Now, which payment do you want him to table? The payment of Kshs33 million?

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, I know that up to Kshs66 million was paid. Could he table the schedule of all the payments? In addition, could he explain what he is doing now that the Attorney-General is sabotaging Government efforts?

Mr. Deputy Speaker: You are disputing the figure of Kshs33 million to Kshs39 million. Is that it, Mr. Wamunyinyi?

Mr. Wamunyinyi: I want the schedule for Kshs66 million.

Mr. Deputy Speaker: But the Order Paper says Kshs39 million, and the Assistant Minister says Kshs33 million.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, I thought it was Kshs39 million but now, I am aware that it is Kshs66 million.

Mr. Deputy Speaker: The procedure is that the hon. Member has already asked the Minister a question.

Mr. Bifwoli: But he has not answered the question?

Mr. Deputy Speaker: Order, Mr. Bifwoli! We are going by the rules of the House. You cannot introduce a system here which appears to be out of order. Mr. Assistant Minister, can you respond?

Dr. Mwiria: Mr. Deputy Speaker, Sir, first of all, I have not said that the Attorney-General is sabotaging the fight against corruption. The speed may be slower than we expect, but I did not say that there has been any sabotage. If I table anything more than the Kshs33 million that I said has been paid, then I will have told this House a lie. If the hon. Member is aware that Kshs66 million was paid, I think it is up to him to prove to us that, that is true. All we can do is to continue urging the Attorney-General to take action and ensure that contractors that are associated with this kind of corruption do not benefit from future contracts of the Ministry of Education, Science and Technology.

Mr. Bifwoli: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to mislead the House that the Kibabii TTC is a stalled project when it has never started? There is no single building in Kibabii and yet he is saying that it is a stalled project. Did it stall before it was started?

Dr. Mwiria: Mr. Deputy Speaker, Sir, I think these are semantics. It stalled at the design

stage. The project was already designed and money was paid. Money could not have been paid if the project had not started.

Mr. Deputy Speaker: Next Question!

Mr. Bahari: Mr. Deputy Speaker, Sir, I beg to apologise for coming late.

Question No.398

REVIVAL OF MALKA DAKA SCHEME

Mr. Bahari asked the Minister for Water and Irrigation:-

(a) whether she is aware that Malka Daka Scheme in Isiolo District has collapsed;

and,

(b) what steps she is undertaking to revive the scheme.

The Assistant Minister for Water and Irrigation (Mr. Munyes): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Malka Daka Irrigation Scheme of 90 acres which is the genset pump system forms part of the Isiolo South micro-irrigations cluster. The scheme is located along the flood plains of Ewaso Nyiro River and it collapsed after the river washed the intake works and destroyed the field structures. In 1980, UNDP and FAO withdrew their technical and financial support for the scheme. The supply of water through pumping proved to be a very expensive undertaking for the Government to sustain.

(b) My Ministry is in the process of addressing the major constraints that have hindered full rehabilitation and operation of the scheme. These include:

1. Reviewing the design in order to determine cost estimates and community participation after consultation with the Ministry of Regional Development Authorities.

2. Redrilling and construction of dykes along Ewaso Nyiro River to address the problems of seasonal flooding which result in destruction of irrigation infrastructure and the river changing course, thus leaving intake works and other structures hanging.

3. Mobilising farmers and forming irrigation water users associations which shall be responsible for managing and operating the schemes after rehabilitation.

Meaningful rehabilitation for Malka Daka Scheme is only possible when all the above constraints are removed. The hon. Member should sensitise the local community and instil a sense of ownership so that they are ready to take up the operation and maintenance activities when rehabilitation is complete.

Mr. Bahari: Mr. Deputy Speaker, Sir, this scheme brought together very many poor people. Now that the scheme collapsed, these people are living under abject poverty. If what the Minister is telling us is not the usual textbook answer, could he indicate how much money has been allocated in the current financial year for design to enable the project take off in due course?

Mr. Munyes: Mr. Deputy Speaker, Sir, this financial year the irrigation sector got zero money. We never got any money for the irrigation sector. However, in the next financial year, we plan to allocate some funds for the review of the designs in consultation with the Ministry of Regional Development Authorities.

Dr. Kuti: Mr. Deputy Speaker, Sir, this is one of the instances where poor people are brought to an irrigation scheme and without thinking of sustainability, donors over-mechanise the project. A lot of machines were brought to these people and they were asked to continue. The Farsa Irrigation Scheme is just 20 kilometres down stream and canals were dug there through gravity without the use of machines. Could the Ministry devise a similar method where water comes down through gravity rather than this highly mechanised pumping through gensets and tractors?

Mr. Munyes: Mr. Deputy Speaker, Sir, we try to discourage these highly mechanised approaches. The Ministry's policy is to encourage small holder irrigation. The approach we want to use is the gravity system. That is the only viable system that can be managed by local farmers.

Mr. A. Haji: Mr. Deputy Speaker, Sir, Malka Daka Scheme is not an isolated case. We have got hundreds of schemes that were started by the Government way back and later abandoned. We have got cases like those in Mandera District, and the collapse of those irrigation schemes makes us to be famine-relief dependent. It is disheartening to hear the Minister say that the irrigation sector has not received a penny in this financial year. What programmes does the Ministry have to rehabilitate all those abandoned irrigation schemes in the country?

Mr. Munyes: The policy of the Ministry is to encourage small holder irrigation schemes. We have also put in place the strategy of supporting stalled projects. We have identified few large schemes like what he is talking about. The main thing is to support small holder irrigation. This year we were unlucky because we got insufficient funds from the Government. The little funds we got was for water services. The Department of Irrigation did not get any funds. We hope we will get some money in the next financial year to support small holder irrigation and the few larger schemes in the country.

Mr. Bahari: Mr. Deputy Speaker, Sir, food security is a critical issue in this country. Famine relief food was being ferried to that part of the Republic sometime this year. Now that this Ministry is thinking about rehabilitating that scheme, could they give the cluster of schemes around the Ewaso Belt, which is both in North and South of Isiolo District, priority in the next financial year?

Mr. Munyes: If funds will be available, we will look into that.

Mr. Deputy Speaker: Next Question!

Question No.481

MEASURES TO RECOVER KSB FUNDS

Mr. Osundwa asked the Minister for Agriculture:-

(a) whether he could inform the House what action he has taken to recover money misappropriated from the Kenya Sugar Board by individuals and firms of advocates implicated in the Efficiency Monitoring Unit (EMU) report presented to the Government last year; and,

(b) whether he could table the said EMU report.

The Assistant Minister for Agriculture (Mr. Akaranga): Mr. Deputy Speaker, Sir, may I seek the indulgence of the House to answer this Question next week on Thursday. The reason for this is that there is certain important information which I did not get and I want to bring it to the House.

Mr. Deputy Speaker: Mr. Osundwa, is that okay?

Mr. Osundwa: Mr. Deputy Speaker, Sir, I agree with that on condition that he will bring the EMU Report to the House. He should also tell us what action he has taken against those prominent lawyers, who are now in the Government, who swindled the Kenya Sugar Board.

Mr. Deputy Speaker: Mr. Osundwa, you should not go into the Question. I just wanted you to confirm whether it is fine with you for the Question to be deferred to Thursday next week.

Mr. Osundwa: Mr. Deputy Speaker, Sir, Thursday next week will be fine with me.

Mr. Deputy Speaker: That is fine. Then you should raise all the other issues on that day. The Question is deferred until Thursday, next week.

(Question deferred)

Question No.630

COMPENSATION FOR MR. GAVUNO
BACHO'S FAMILY

Mr. Rai asked the Minister for Tourism and Wildlife:-

- (a) whether he is aware that Mr. Gavuno Neko Bacho was killed by a rogue elephant on 22nd July, 2000; and,
- (b) what urgent measures he is taking to ensure that the family of Mr. Bacho is compensated for the loss.

The Assistant Minister for Tourism and Wildlife (Mr. Khaniri): Mr. Deputy Speaker, Sir, I beg the indulgence of the House to answer this Question next week on Thursday. I have discussed the issue with the hon. Questioner and we have agreed on that.

Mr. Deputy Speaker: Is that okay, Mr. Rai?

Mr. Rai: Mr. Deputy Speaker, Sir, I have no objection, provided he will come with the cheque for Mr. Bacho's family.

Mr. Deputy Speaker: The Question is deferred until next Thursday.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

MISAPPROPRIATION OF FAMINE
RELIEF FOOD IN MANDERA DISTRICT

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

(a) Is the Minister aware that large quantities of vegetable cooking oil meant for drought victims in Mandera District were found being sold by Didows Trading Company in Mandera Town on 3rd November, 2004?

(b) what action has the Minister taken to prevent further misappropriation of famine relief food in the district?

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

(a) I am aware that 80 cartons of vegetable cooking oil, meant for drought victims in Mandera District were found in the premises of Didows Trading Company in Mandera Town. The proprietor of the company, Mr. Ali Kala Dido, was arrested and arraigned in court accordingly. He was fined Kshs10,000 or six months imprisonment in default. The merchandise was surrendered back to the Government. He paid the fine.

(b) The Government gets concerned when such an unfortunate incident happens. Although the misappropriation of famine relief food is not rampant, the few cases which have been witnessed have been dealt with decisively. The Government, in collaboration with development partners, has put in place a more transparent and accountable system in every district by appointing credible organisations as lead agencies in food distribution and devising elaborate monitoring mechanisms to

check on misappropriation. In Mandera, Arid Lands Resource Management Project has been appointed as the lead agency and has teamed up with three local community based organisations, to ensure that there is proper community targeting and distribution.

Mr. Billow: Mr. Deputy Speaker, Sir, this is a serious matter. A total of 1,200 cartons of cooking oil were stolen, but the police seized only 80 cartons. The rest were siphoned out. This is food which was donated by among other institutions, Parliament and media houses. The hon. Members donated Kshs11 million. Kenyans donated food and money to save the lives of our dying Kenyans.

Since the food was stolen from the National Cereals and Produce Board (NCPB) stores, which are managed by the Government, could the Assistant Minister consider instituting an immediate audit of the NCPB to determine how much more could have been stolen? What controls could be put in place to prevent further losses?

Dr. Machage: Mr. Deputy Speaker, Sir, indeed, that is a noble idea and I will do that. The District Officer 1 in that area, who is the acting District Commissioner, has denied any knowledge of misappropriation. The matter is under investigation.

Mr. A. Haji: Mr. Deputy Speaker, Sir, indeed, this is a very serious matter. This Government, led by His Excellency the President, went through a lot of difficulties begging the international community and everybody else to come to our assistance when we were in dire need of famine relief food. However, we have gone ahead and misappropriated the famine relief food. Mr. Dido did not get the cooking oil in isolation. The Assistant Minister has told us that Mr. Dido has been fined Kshs10,000.

Mr. Deputy Speaker: Ask a question!

Mr. A. Haji: Mr. Deputy Speaker, Sir, I was just building my question. This is just like treating a symptom of a disease. Who sold this consignment of goods to Mr. Dido? Is the Assistant Minister satisfied that a Kshs10,000 fine is deterrent enough to stop other people from stealing famine relief food?

Dr. Machage: Mr. Deputy Speaker, Sir, in his statement, Mr. Dido indicated that he purchased the same from the beneficiaries of the famine relief food. I am aware that the beneficiaries of the famine relief food would not have had huge amounts of cooking oil to sell to him. The trader was arraigned before the magistrate and accused of being in possession of, or sale of 484 containers of vegetable cooking oil. It is not my duty to dictate to the magistrate what verdict and judgement he should make. I solely agree with the hon. Member that this was too lenient a punishment for this individual.

Mr. Billow: Mr. Deputy Speaker, Sir, it is wrong for this Government to allow the rich to steal from the poor, especially in a famine situation. This company is notorious for trafficking in stolen famine relief food for the last five years. This company is the single largest Government contractor in the district. Could the Government consider blacklisting this contractor from any other provision of services to the Government, including revoking his licence?

Dr. Machage: Mr. Deputy Speaker, Sir, let it be clear and understood that the Government does not condone the practice of the rich to steal from the poor. I have taken the hon. Member's sentiments and they will be favourably considered.

Mr. Muchiri: Mr. Deputy Speaker, Sir, I have not received a written answer to my Question.

DEATH OF MR. JOHN MUIRURI WAITHIRA
IN SHAMATA POLICE CELL

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

(a) Is the Minister aware that Mr. John Muiruri Waithira from Warukira area died on 31st October, 2004, in the police cell at Shamata Police Post in Ndaragwa Constituency?

(b) Is he further aware that prior to his death, he was brutally beaten and manhandled by the police?

(c) Could the Minister confirm the result of the postmortem?

(d) Could the Minister inform the House what action he has taken against the two police officers who perpetrated the heinous act?

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Deputy Speaker, Sir, I beg the indulgence of the House to answer this Question next Thursday. It is an intricate Question and we have not received sufficient information. I am sorry, I had not talked to the hon. Member to also ask for his indulgence.

Mr. Deputy Speaker: This is a Question by Private Notice. According to our Standing Orders, Questions by Private Notice should be answered within 48 hours. I am very reluctant to push it to Thursday next week. The latest I can push it to is Tuesday next week, if not tomorrow. Mr. Muchiri, what do you have to say about that?

Mr. Muchiri: Mr. Deputy Speaker, Sir, I do not mind the Question being answered on Tuesday next week, but this is a case of a person who died in a police cell.

Mr. Deputy Speaker: Mr. Assistant Minister, I defer the Question to Tuesday next week.

The Assistant Minister, Office of the President (Prof. Kibwana): Much obliged, Mr. Deputy Speaker, Sir.

(Question deferred)

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Three Assistant Ministers have asked for the indulgence of the House to answer Questions next Thursday. Is there something about next Thursday that we do not know, where the Government will have a collective memory?

Mr. Deputy Speaker: I do not think there is anything about Thursday next week. Indeed, that is one of the reasons why I changed from Thursday to Tuesday, because two Questions had already been deferred to Thursday, next week. There is nothing magical about Thursday next week.

INDEPENDENT TENDERING SYSTEM FOR DRCS

(Dr. Khalwale) to ask the Minister for Roads and Public Works:-

(a) Is the Minister aware that the current tendering process is an impediment to accountability and transparency within District Roads Committees?

(b) What immediate plan does the Minister have to enable District Roads Committees have their own independent system?

Mr. Deputy Speaker: Dr. Khalwale is not here? The Question is dropped.

(Question dropped)

The Assistant Minister, Office of the President (Dr. Machage): On a point of order, Mr. Deputy Speaker. Whenever Ministers are not present to answer Questions they are reprimanded by the Chair. Is it not in order that the Chair also reprimands all hon. Members of Parliament who did

not appear to ask their Questions today?

Mr. Deputy Speaker: Dr. Machage, if I were really to be fair, I would reprimand both the hon. Members and the Ministers because I think we have been equally guilty. But, in this case, I think when you drop a Question by an hon. Member, it is punishment enough. You know, when a Minister does not answer a Question, we do not drop it. So, I think dropping a Question is punishment enough. I have dropped Dr. Khalwale's Question and I hope that he will come next time.

Next Question by Mr. Ngoyoni!

MEASURES TO REDUCE CHILD
BIRTH DEATHS IN LAISAMIS

Mr. Ngoyoni: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that three in every ten child births are lost in Laisamis Constituency due to lack of medical facilities?

(b) What plans does she have to reverse the situation?

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

(a) I am aware we have a reduction of child mortality rate from 89 to 74 per cent for every 1,000 births. According to the Kenya Demographic and Health Survey of 2003, the figure for Marsabit District is 76 deaths for every 1,000 live births.

(b) My Ministry has placed the necessary measures in place to reduce both maternal and infant mortality rates. The Ministry provides Kenya Expanded Programme on Immunization (KEPI) with logistics and drug kits to all facilities including faith-based health facilities. There is also an on-going programme of training for the traditional birth attendants on safe motherhood. About 150 traditional birth attendants have been provided with training.

Mr. Ngoyoni: Mr. Deputy Speaker, Sir, first and foremost, I have a copy of the reply that is not signed. Therefore, I do not know whether it is an authentic response or not. Secondly, this Question was on the Floor of this House two weeks ago and the Minister, because we could not agree on the facts, promised to visit the area and ascertain whether what was contained in her response was the truth or not. What has become of that pledge?

Mr. Konchella: Mr. Deputy Speaker, Sir, I want to assure the hon. Member that, early next year, I will make a visit to the constituency and the district as a whole to see the needs of the constituency in terms of additional health facilities. We know that most of those health facilities operating now are managed by faith-based organisations.

Ms. Ndung'u: Mr. Deputy Speaker, Sir, you will notice that the Question raised by the Member of Parliament for Laisamis asks about 30 per cent of the maternal deaths, yet, the Question about the 70 per cent of maternal deaths in this constituency is not responded to. There is evidence to show that 70 per cent of maternal deaths in this constituency are caused by complications of Female Genital Mutilation (FGM). What is the Ministry doing to ensure that the practice of FGM and associated maternal deaths is dealt with, including outlawing the practice?

Mr. Konchella: Mr. Deputy Speaker, Sir, the issue of FGM is a tradition that has been there for a long time. Therefore, the Ministry has no powers to force society to change its habits. But it is the onus of the Members of Parliament to bring a Bill to this House that will outlaw it. But for now, we, as a Ministry, can only advise on the dangers of this practice because, indeed, it is causing problems.

Ms. Ndung'u: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to describe an act that causes grievous bodily harm as a cultural habit?

Mr. Konchella: Mr. Deputy Speaker, Sir, from time immemorial, this is something which has been happening. Whether it is a cultural habit or practice, it has been there as a tradition and way of life of some communities in our country. However, we know it is harmful and, therefore, the Ministry discourages it totally.

Mr. Ngoyoni: Mr. Deputy Speaker, Sir, there are a lot of pending issues in this Question and I think if we are to leave them the way they are, we will not have done justice to Kenyans; particularly my people. In the written answer, the Assistant Minister talks of well-equipped and well-staffed health centres. This is one area that I disagreed with him on when I asked this Question initially. Now, he says that he will tour that constituency and the district as a whole; sometime in January next year. This is a matter concerning lives of Kenyans. In the interim, what is he doing to save the current situation because there are Kenyans who---

Mr. Deputy Speaker: Order, Mr. Ngoyoni! Do you fully feel that you are addressing the Question? Whatever you have said is enough. Please, ask your question!

Mr. Ngoyoni: Mr. Deputy Speaker, Sir, since we are used to these rosy statements, could he confirm to this House and Kenyans that he will assist the mission facilities in terms of drugs and personnel?

Mr. Konchella: Mr. Deputy Speaker, Sir, the Ministry will look into the needs of personnel, drugs and any medical equipment that they require. I, however, wish to advise the hon. Member to take up the matter with the Medical Officer of Health (MOH), so that we can get the requirements of drugs, personnel and what other medical facilities are required.

Mr. Deputy Speaker: Last Question by Prof. Olweny!

REPAIR OF MUHORONI SUGAR
FACTORY BOILERS

Prof. Olweny: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Is the Minister aware that one of the boilers; Boiler No.4, in Muhoroni Sugar Factory is not operational?

(b) Is he further aware that one of the remaining three boilers; Boiler No.3 is in poor condition and could break down any time adversely affecting cane crushing capacity of the factory?

(c) What efforts is the Minister taking to repair the two boilers, so as to improve the crushing capacity of the factory?

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

(a) I am aware that one boiler; Boiler No.4, in Muhoroni Sugar Factory is not operational.

(b) I am further aware that one of the remaining three boilers; Boiler No.3 is in poor condition and could break down anytime.

(c) The Kenya Sugar Board, through my Ministry, is considering a request of a Kshs115 million loan by the Muhoroni Sugar Factory to fund the repairs of the two boilers so as to improve the crushing capacity of the factory.

Prof. Olweny: Mr. Deputy Speaker, Sir, that is a good answer from the Assistant Minister. However, Muhoroni Sugar Company applied for the a Kshs115 million several months back but up to now, that money has not been given to that company so as to repair Boiler No.4. Should Boiler No.3 fail then there will be a serious problem in that factory. When will the Ministry, or Kenya

Sugar Board, release the Kshs115 million to the company so as to repair Boiler No.4?

Mr. Akaranga: Mr. Deputy Speaker, Sir, I agree that Muhoroni Sugar Company applied for the loan several months ago but, as we are aware, the company is under receivership. So, we had to seek a legal opinion on the lending part of it. We have already received the legal opinion from the Office of the Attorney-General and we will look into their request. I am sure by 15th January next year, we will have done something.

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

Mr. Deputy Speaker: Prof. Olweny, keep your question! I will give you a chance to ask a question later.

Let us hear, Mr. Mwandawiro.

Mr. Mwandawiro: Mr. Deputy Speaker, Sir, what is happening with the Ministry of Agriculture in this Government? There are people who are employed in Muhoroni Sugar Company. We have general managers and technical people who should know those problems. Does an hon. Member have to supervise those boilers and bring a Question to Parliament for work to go on?

Mr. Akaranga: Mr. Deputy Speaker, Sir, I think that question is directed to you and not me!

Mr. Deputy Speaker: Mr. Akaranga, you must answer him!

Mr. Akaranga: Mr. Deputy Speaker, Sir, is he asking whether it is our duty to go and supervise boilers at Mumias Sugar Company? It is not our duty! We have the technical team on the ground. We are also working on loan applications by the companies and not by the Ministries. Our duty, as a Ministry, is just to look at the loan requests. We either sanction them or decline.

Dr. Awiti: Mr. Deputy Speaker, Sir, in normal management, the economic life of any machine is known. That ought to have been known by the engineers who are working in that company. Now that the boilers are in bad state, where will the farmers take their sugar-cane if those boilers are not repaired and break down?

Mr. Akaranga: Mr. Deputy Speaker, Sir, we are looking into the request and, indeed, the Kenya Sugar Board (KSB) has already sanctioned the loan. What is remaining is the Minister for Agriculture to add the support. However, Boiler No.3 is still operational.

Mr. Deputy Speaker: Last question, Prof. Olweny!

Prof. Olweny: Mr. Deputy Speaker, Sir, the Assistant Minister has raised a very interesting point as regards the legality of giving a loan to Muhoroni Sugar Company. This year, that company was given a loan of Kshs74,050,822 to pay the arrears owed to farmers. How does the issue of legality arise again, if the KSB has already loaned that company over Kshs74 million?

Mr. Akaranga: Mr. Deputy Speaker, Sir, I did not say that we are going to reject the loan application because of legal implications. I am saying that we sought legal advice and were told that it was okay. So, we went ahead and lent them Kshs66 million. I still would like to confirm that we are looking at the issue and something good is going to happen.

Mr. Deputy Speaker: Next Order!

MOTIONS

PAYMENT OF COUNCILLORS' SALARIES FROM THE CONSOLIDATED FUND

THAT, considering the significance of local authorities in the development of our country; aware of the rampant misuse of revenue collected from the authorities under the pretext of remuneration for councillors; this House urges the Government to pay salaries of councillors from the Consolidated Fund.

*(Mr. Sirma on 17.11.2004)
(Resumption of Debate
interrupted on 17.11.2004)*

Mr. Deputy Speaker: Mr. Sirma, you were moving your Motion. You have a balance of ten minutes. Please, proceed!

Mr. Sirma: Mr. Deputy Speaker, Sir, last week, I was in the process of moving this party-sponsored Motion. I had reached a stage where I was discussing whether we need councillors or not; and whether we need devolution or not. Unless we empower councillors financially, it will not serve any purpose to devolve power to those authorities.

Mr. Deputy Speaker, Sir, I would like to talk about the wasteful use of resources given to local authorities through the Local Authorities Transfer Fund (LATF). The Government has, so far, given Kshs12 billion to local authorities. If you go to the ground and assess the number of Questions brought by hon. Members to this House on LATF issues, you will find that there are glaring anomalies. That shows that the management of LATF is wanting.

Mr. Deputy Speaker, Sir, councillors have never had a way of earning a living. They end up practising corruption to get money for their daily upkeep. That has been seen in the corrupt way that LATF money is used. An hungry person will have to look for a way of taking that money.

I would like the Minister to introduce an amendment to the LATF Act, so that we can provide at least, Kshs20,000 as basic salary for every councillor. Even if we do not give them the money, they steal from that Fund. Why can we not legalise that theft because local authorities are corrupt? They are looting the money! We should legalise that by amending the LATF Act and Local Government Act Cap.265. That way, we will have focused councillors whom we can depend on. Already, we have given them their share.

Mr. Deputy Speaker, Sir, we have had very many Questions about local authorities. There is auditing in local authorities, but the job is not done properly. We need to look into that more strongly, and thoroughly, so that we can provide services to Kenyans.

Mr. Deputy Speaker, Sir, councillors are disregarded by chief officers. Chief officers are not answerable to councillors. They are answerable to the Permanent Secretary, Ministry of Local Government. Therefore, they do whatever they are directed to do, including locking councillors out of their offices. They deny them their pay and even ask them to stay away from their offices. We need to change that, so that councillors can be sure of their salaries. They should have more power. They should not be regarded as useless people who have been elected. They should not be at the mercy of the chief officers.

Mr. Deputy Speaker, Sir, the grant to local authorities through LATF, which is 5 per cent of the Income Tax, was a brilliant idea by the KANU Government. It introduced and implemented it. The current Government should utilise and perfect our idea. The amount of money that is given to local authorities, unless wisely used, cannot offer any services.

Mr. Deputy Speaker, Sir, there are local authorities---

Mr. Khamasi: On a point of order, Mr. Deputy Speaker, Sir. I do not know whether you have noticed that Mr. Musa Sirma is very loud. I do not know whether the sound system is functioning well or something else has gone wrong. The hon. Member is too loud!

Mr. Deputy Speaker: I can only ask him to move a little bit away from the microphone. Naturally, Mr. Sirma has a good voice. Please, just push the microphone a little bit away!

Mr. Sirma: Mr. Deputy Speaker, Sir, I think it is a person of authority who is speaking. I can assure you that when you speak with authority, you have all the voice to yourself. You can

assist the likes of Mr. Khamasi who speak with a small voice.

(Applause)

You know that even NARC Government has a spokesman who does not have a good voice. It should borrow from strong men with good voices like me.

Mr. Deputy Speaker, Sir, there are local authorities in this country which are not viable. Therefore, we should propose that we downsize them in the amendments to the LATF Act. We should go ahead to restructure those councils which actually provide services so that we can separate the viable councils from the non-viable ones. The LATF money that we give to local authorities will not make any impact in this country unless we find a solution to how we are going to pay the councillors. If we are to provide councillors with a basic minimum salary, then we can be sure of capturing people with high intellect to work in our councils.

When we talk of devolution in our new Constitution, it means taking resources to the bottom level. If we take resources to the current crop of councillors, most of whom are illiterate and have no capacity to manage the councils, it will be questionable. Unless this is provided for, councillors will continue moving votes of no confidence in their clerks. Some of the most abused civil servants in this country are the clerks of councils. They are harassed by councillors everyday because of their allowances. Unless a solution is found with regard to the issue of councillors, then clerks will always be at the mercy of councillors and the Permanent Secretary in the Ministry of Local Government. These people are human beings and they can listen to any kind of false allegations. So, councillors need to be given good remuneration. They should be provided with a way of survival because they are leaders and they use a lot of money in campaigning. We know that councillors campaign even for the posts of chairpersons of the councils. I remember, in the last elections for the same position, councillors were taken to hotels and flown all over only for them to be used as voting machines for the mayors and chairpersons of councils. You could actually find a councillor being denied the use of a mobile phone and yet he has been out of touch with his family for over a week or two. They were just given a small token in the form of Kshs10,000. Councillors are as cheap as that! If this Motion is implemented, our councils will attract professionals and people who have a heart to render quality service to Kenyans.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to move this Motion. I would also like to call upon Mr. Bahari to second the Motion.

Mr. Bahari: Mr. Deputy Speaker, Sir, I am glad that I have been given this opportunity to Second this very important Motion.

Mr. Deputy Speaker, Sir, if local authorities could utilised properly, they are very critical for the development of this nation. They have the potential to greatly add to the GDP of this country. Misuse of funds by local authorities is a very common phenomenon. All Kenyans know about this fact. Hon. Members and the Minister for Local Government have also spoken about it. The only worrying thing now is what steps are being taken by the relevant Ministry and this House to ensure that sanity prevails in the local authorities.

I do not remember when we last saw the audited accounts of local authorities. There are over 175 local authorities in this country. Their accounts have never been brought before this House. This is a very serious matter. No wonder they continue to misuse funds. They are not controlled! You can be sure that, without controls, managers and others who are responsible are bound to misuse funds.

Mr. Deputy Speaker, Sir, I do not think that this House has been fair to local authorities. I believe, that with 175 local authorities in this country, it is such a big institution to manage. It

requires a lot of resources and my suggestion is that a Standing Committee of the House be put in place to ensure that the accounts of all local authorities are audited and queried just as is the case with parastatals whose accounts are investigated by the Public Investments Committee (PIC). The local authorities should be made to appear before the Committee every year to explain the audit queries that will arise out of the annual audit.

It is not only funds that are being misused. The powers vested in local authorities have been misused by councillors when it comes to the allocation of resources particularly land. Land has been unfairly and illegally allocated to individual councillors and their relatives thereby ignoring the public interest in most instances. Land, being a very important resource, this Government, just like the previous one, has lacked an appropriate land policy. So, it is only through proper audit that some of these issues will be put under control. Right now, the way things are, it is free for all. Nobody is in control. Not even the Minister will be able to control the situation. Councils are such a big institution that it is difficult to manage them. Even where attempts have been made, for example, with regard to the budgets of local authorities, I wonder whether those budgets are scrutinised. If you go through some of the budget reports, they have incredible expenditures which do not merit to see the light of day. They contain a lot of expenditures which cannot be justified, for example, expenses for going to view sportswear, purchase of furniture worth millions of shillings for mayors and chairpersons. These are some of the expenditures that must be controlled. The financial officers of local authorities and the Ministry of Local Government should be empowered to look at this issue.

Where action has been taken to probe local authorities by way of extraordinary inspections, reports by those inspection teams, most of the time, remain confidential. I have never seen a Minister bringing before this House reports from the extraordinary inspection teams for hon. Members to scrutinise and make appropriate recommendations. It is crucial for the Minister, in the future, to ensure that the reports written by the inspection teams are brought before this House for debate and further recommendation.

Mr. Deputy Speaker, Sir, the Ministry itself is a culprit in the misuse of funds of the local authorities. These are public funds and, you know, Kenyans are poor! They cannot afford to pay those rates when the services are not forthcoming. In fact, they are bending over to be able to pay those rates. It is even more painful when the councils cannot use those rates which they collect; for public good. I am saying that the Ministry is a culprit because there has been and there still remains an over-nomination of councillors in various local authorities, and the Ministry is aware of this anomaly. Very little is being done, we are keeping silent about it, and that is not fair. These people cost the taxpayers a lot of money and, in any case, they are not required there and there is no special interest which they represent. So, it is high time the Minister took action and made sure that they do not exist on the payroll of local authorities. I am sure that, at one stage, individuals or organizations will come up and take the Minister to court over this matter. It is high time this issue was done away with. This exists in my own council; Isiolo County Council.

I do not understand. In the Judiciary, we took a big sword and cleared the corrupt fellows; in the Supplies Department of the Ministry of Finance we did away with all the purchasing and supplies officers and recruited them afresh after fresh interviews were conducted. The Minister for Local Government should have taken a similar step, or if they have not done so, the Minister for Local Government is here and I hope that he is listening. He should just adopt what has been done to the supplies officers; do away with all these fellows, interview them afresh and look at their curriculum vitae without further ado. Whenever we ask about this issue, we are being told: "You know, the Public Service Commission does not allow this or that". I mean, whom are we serving? Are we serving the people of the Republic of Kenya; the citizens, or are we serving individual

organizations? It is high time we did what we did to the Judiciary and the Supplies Department of the Ministry of Finance to the local authorities; we should do away with these people!

To do away with the supplies officers, it only required a Cabinet Paper, which the Cabinet approved. I am sure hon. Kombo, the Minister, is an influential Member of that Cabinet, and he will be able to carry out that exercise without much ado. If what we did in the Judiciary and the Supplies Department did not create a hullabaloo in this country, then I am sure that Kenyans will really appreciate the same to be done to the local authorities. That is what will give the Minister a good standing when he, perhaps, shows his interest in the presidency of this country as he has declared openly time and again.

Therefore, this over-nomination must stop and we must be seen to be recruiting the right persons. The Local Government Act specifies very clearly what the qualifications of a clerk are. It is very, very clear in the Local Government Act and, in most instances, this has not been followed. In my own local authority, since 2003 to date, we have had four county council clerks. As soon as they come in, they are on their way out, and somehow, I do not know how that happens. How do you expect that kind of an organization to perform? Four clerks in a span of less than two years! It is a very serious matter and, in most cases, it is the fellows who have disciplinary problems in other councils who are transferred there.

Since when did the transfer of officers become a disciplinary matter? I mean, it is an outdated practice from those days of 1960s; when a Provincial Commissioner could transfer a District Officer and those kind of things. Let me update the Minister, because these days in management, transfer is not a disciplinary action, it ceased to be one! So, it is very important that rejects from other councils should not be taken to another council in a different corner of the country under the pretext that disciplinary action has been taken. It is, therefore, important that the issue of turnover of clerks in local authorities be looked at for purposes of continuity. I am not surprised then that a council like Isiolo County Council has a lot of problems.

In the institution of local authorities and county councils, the issue of election of chairmen and other committee members has been a subject of debate in this House. It is because of the manner in which those people are elected that we cannot manage or contain corruption in local authorities; because they spend a lot of money on councillors. They fly them into their councils---

With those few remarks, Mr. Deputy Speaker, Sir, I beg to second the Motion. **Mr. Deputy Speaker:** Order!

(Question proposed)

Mr. Khamasi: Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to contribute to this very important Motion by my friend, hon. Sirma, who has now turned into a hero from a villain. During the last Parliament, he opposed the same Motion and, now, he is bringing back the same Motion after having realized how important it is and, I really want to support him.

(Laughter)

Mr. Deputy Speaker, Sir, this is not the first time this Motion is being brought to this House; it has been here before. Motions of this nature have been passed on the Floor of this House and the problem has been that the Government has just shelved them only to gather dust. I do believe that, this time round, the NARC Government is not going to repeat the same exercise. I am sure that hon. Members of this august House will pass this Motion and once they pass it, I believe the Minister for Local Government will take it up and make sure that something is done about it.

There is no question about the importance of councillors and the work they do. Councillors are very, very crucial in our political life; and we, as hon. Members of Parliament and the public at large, recognize this fact. Councillors are the first contact with our constituents. They are the ones who get to where the social problems are first even before the Member of Parliament knows what is going on; particularly so because hon. Members of Parliament are stationed more often than not in Nairobi. In funerals, councillors are the first people to be contacted; when it comes to difficulties about paying school fees, councillors are still the first people to be contacted. So, it is important that these people deserve a decent pay and proper remuneration.

There are too many local authorities which are unviable. This started way back during the days of hon. Oloitipitip when small market places were upgraded to the status of municipalities, with very little regard as to whether they could be able to support themselves. This increased local authorities to such a number that now they are, more or less unmanageable. Most of them cannot sustain themselves; they cannot pay the salaries of councillors or workers. That is why all the monies that are sent to local authorities through the Local Authorities Transfer Fund (LATF) have got to go, mainly to pay the councillors and workers through very many pretences. It is now high time that we reviewed the existence of local authorities. We must know which local authorities we need to retain and which ones we should amalgamate together to make viable units which can be able to generate their own funds effectively, so that they can provide services to the residents of those local authorities.

There is too much misappropriation of LATF funds, because local authorities cannot raise their own revenue and they cannot pay councillors allowances and salaries for the workers. This can be stopped. The misappropriation of LATF funds can be stopped if, for example, these funds are channelled to what we have created as the Constituency Development Fund (CDF), and councillors will find it very difficult to get their hands into that money because it will now go to the required services, and we will pay the councillors from the Consolidated Fund.

Mr. Deputy Speaker, Sir, you may not know, but as I speak now, the City of Nairobi, which is the biggest municipality in the country, has not paid its employees for the last three months. I speak with authority because I have a very close relative who works there. A council that has a very big revenue base is unable to pay its workers. Let me put it this way. It collects funds which cannot be put to proper use. It is important that we rein in these municipalities. The Minister for Local Government, as he has stated here before, is not going to manage these local authorities if he is going to be a gentleman.

I want to thank my friend, hon. Sirma, for bringing this Motion. I am sure that he will now lobby and whip his colleagues from the Opposition to come to this House, vote for this Motion, and we will bring pressure to bear upon the Minister to make sure that even if it requires legislation in this House, he brings a Bill to this House so that we can legislate and make sure that councillors are paid from the Consolidated Fund and those other avenues of funds which are normally channelled to local authorities and misappropriated are brought to the right areas where they can be properly managed.

With those remarks, I beg to support.

Mr. Chepkitony: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute in support of this Motion. This is not the first time this Motion is being brought here. This demonstrates the importance which the Members of this House attach to the payment of salaries to councillors from the Consolidated Fund.

Mr. Deputy Speaker, Sir, many county councils and municipal councils are experiencing a lot of problems. They are not functioning the way they should be, because they are constrained by lack of sufficient revenues to run themselves.

The Minister has been talking of the Local Government Reform Programme, which has been going on. I think, under that programme, the Government should streamline the payment of salaries to councillors. So, this should be covered in the reform programme. With the passage of this Motion, and I hope we do, this should be incorporated in the reform programme.

When we look at the service delivery to the residents of local authorities, it is not effectively done. If there are any services, they are sub-standard. For example, in our city here, huge heaps of garbage are scattered along the roads because of the inefficiency and ineffectiveness of the Nairobi City Council. Local authorities are unable to collect enough revenue to render all these services. Even if local authorities are allowed to increase revenues, it is going to amount to increasing the amount of taxation on Kenyans, who are already over-taxed. The tax burden borne by Kenyans is already huge. Kenyans are already paying taxes to the Kenya Revenue Authority and when you increase the amount of revenue in local authorities in order to meet the expenses of councillors and other services, it is not going to be sustainable and it is untenable. Most of the revenues the local authorities collect are not sustainable or dependable. You cannot predict any amount, because they fluctuate, based on the economies of the local authorities. So, the best thing would be to allow the Kenya Revenue Authority to collect all the revenue and then we pay councillors from the Consolidated Fund and through LATF, we can accommodate the development projects under the various local authorities.

Therefore, I support the Motion very strongly, and I think the only way to support the local authorities is by supporting the remuneration of councillors from the Consolidated Fund.

With those remarks, I beg to support.

The Assistant Minister, Office of the President (Prof. Kibwana): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this very important Motion.

As has been said by previous speakers, a councillor sleeps and wakes up with the people. A councillor is the first person to be told of all the problems that are present within a particular locality. Unlike Members of Parliament, who spend more time in Nairobi, councillors are consigned to stay with the people and, therefore, work with them. It is for that reason that if we really want a strong, vibrant and robust local government movement, we have to start as a Government paying councillors appropriately so that they can do the job.

Truly, to pay a councillor Kshs10,000 as an allowance, not even a salary, does not help him or her much, because that is not money that one can raise their family with. That is not enough money for food, education, health and so on. Personally, I think if councillors were paid at a minimum of Kshs30,000, then within a given year, because they are about 3,000, the Government would spend Kshs90,000 million per month and within a year, Kshs1 billion. We, as the Government, can afford this money and use it properly to remunerate local leaders so that they can do their job at hand more effectively.

Mr. Deputy Speaker, Sir, within constitution-making, we are currently prioritising, among other things, devolution. If we are realising that it is important to have leadership at the grassroots level which really helps in decision-making, then we have to begin reforming the present local government in preparation for the real devolution which will come when we change the Constitution very soon.

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

Mr. Temporary Deputy Speaker, Sir, currently, councillors have no payslips. They cannot

even borrow money. They get Kshs10,000 which is not even paid regularly because some councils cannot afford. So, sometimes they are paid in bits, for example, of Kshs2,000 and so on. If they were paid, for example, a minimum of Kshs30,000, then they would have payslips, proper bank accounts and they could even borrow and get involved in development matters.

I do not think it is enough for us to say that we shall give some councils permission to pay themselves from the monies they collect. As of now, we are only doing that for some of the councils; it is not a uniform thing. It is important for us to determine whether those councils have the ability to raise funds which will appropriately pay them. We have to appreciate that councils work in terms of political and development work, which is important for our people. It is not the case that they must, therefore, raise money to pay themselves. So, we must think about that particular route more carefully; whether we should say it is for the councillors to raise money, so that they pay themselves because realistically they may not be able to do that.

Mr. Temporary Deputy Speaker, Sir, sometimes councils go into many committees, so that they can pay themselves a little allowance from those sittings. This is because of the paltry Kshs10,000 that they get. That is why it is important to make them avoid these sittings by making sure that they are paid properly, so that they do not have committees which do not make sense at all. Given that hon. Members have at least a reasonable package, it is also important that we thought about councillors so that they also have a reasonable package from the Government before we change the Constitution and have devolution. Within that devolution, then councillors or local leaders will be paid according to the new Constitution. Obviously, when there is devolution, we cannot pay them from the Consolidated Fund because the devolved unit would be responsible for such payments.

Mr. Temporary Deputy Speaker, Sir, as I speak, councillors are even paying the Kshs10,000 that they get for famine relief. In my constituency, for example, when people do not have food, they go to councillors first. Councillors are now eligible for famine relief because most of the food is taken away by our people. So, really, we need to empathise with these councillors. I hope the Minister for Local Government, his two able Assistant Ministers and the Government generally, will support this Motion with whatever necessary modifications so that from 1st January, 2005, all councillors are able to earn a salary of about Kshs30,000. As a result, we will begin proper reformation of the Local Government.

Mr. Temporary Deputy Speaker, Sir, although within the constitutional debate, the Parliamentary Select Committee on Constitutional Review settled on two levels of Government. That is central and county or a district which is rationalised. For us to make local authorities strong, it will be important for us to also pass a law which says that we must identify grassroot units, for example, every ten families to have decision-making within them where even security issues are dealt with. A confederation of villages in a ward could also have their own government and then the constituency. This is because we are beginning to actually have a constituency as the focus of delivering development. It is important that we rationalise councils, so that they are not too many. Some of them do not have few people. It is important that clerks and treasurers, these non-democratic personnel, do not muzzle elected leaders. This is something that the Ministry could actually make sure happens almost immediately. It is important that there are more sittings for councils so that they can take decisions. They should have more sittings and not just a few as is happening currently. There must also be more scrutiny of the Local Authorities Transfer Fund (LATF) so that LATF and Constituency Development Funds (CDFs) can be a mix so that councillors and hon. Members of Parliament can take care of those development funds together in a democratic and accountable way.

Mr. Temporary Deputy Speaker, Sir, as Mr. Sirma said, educational levels for councillors

should be improved so that those grassroots leaders are also very able. I think an "O" level qualification is appropriate, save for those who are already councillors, because that is also the rule for hon. Members.

We need also to look at local governance in terms of assistant chiefs and chiefs. Despite the fact that we are training these people so that they can be more accountable, democratic and result-oriented, this is not succeeding. It is now time that assistant chiefs and chiefs for the time that they will be around as we review the Constitution, are elected by the people so that they are, therefore, accountable to the people and appointed by the Government.

Mr. Temporary Deputy Speaker, Sir, I support this Motion. I would like to urge both sides of the House to support this Motion. I ask for appropriate modification since, ultimately, in devolved governments, local units will be responsible for their own payments and so that by January 2005, the Kshs30,000 is made available to councillors, so that we make our councils very strong.

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! There is a proposal to move an amendment to this Motion. I will give the Assistant Minister the chance to do so. This will allow us to dispose of the amendment.

The Assistant Minister for Local Government (Mr. Tarus): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance. I would like to begin by thanking the Mover for coming up with this Motion. We understand that, indeed, local authorities experience a lot of difficulties. This started in the last two, or so decades, when local authorities were increased across the country. We also reckon that we have a very large number of councillors across the country. What that means is that councils have had to struggle to pay remuneration to councillors.

Mr. Temporary Deputy Speaker, Sir, we are also aware that local authorities are different in size and capacity. For that matter, there are those councils which would pride themselves that yes, they can afford to pay if they were given the leeway to pay additional or higher allowances to their councillors. There are also other councils which are really in serious financial problems. They are not able not only to meet the requirements for councillor's allowances but also to provide services to the people. This has generated a serious scrutiny of their viability and the need for some of these councils. In some cases also, as a Ministry, we have had some councils requesting that they would like to be merged with other councils because they have serious operational problems. I believe that the aim of the Mover of this Motion was to see whether it can be possible to provide additional resources to the local authorities so that they can actually afford to provide services to the people.

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to justify an amendment that he has not moved before the House?

The Temporary Deputy Speaker (Mr. Khamasi): You are right! Mr. Assistant Minister, I thought that you were going to say a few things and then you officially move the amendment. So, you cannot mix the two!

The Assistant Minister for Local Government (Mr. Tarus): Mr. Temporary Deputy Speaker, Sir, it is just that the issue has been raised when I was about to move the amendment.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, let me now move the amendment. The amendment is that I would like the Motion to read as follows: I would like deletion of the second sentence after the word "country" and---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Tarus! I can see the Clerk implying that you are now taking the official position of the Government. So, there was a request

that probably the Minister will have some other time. However, you are taking up the official position of the Government and that is why you are being given more than ten minutes.

Proceed!

The Assistant Minister for Local Government (Mr. Tarus): Thank you, Mr. Temporary Deputy Speaker, Sir. May I continue with my views and then move the amendment?

Hon. Members: No! Just move your amendment!

The Temporary Deputy Speaker (Mr. Khamasi): You are right. I mean, I cannot stop you. Do what you want as long as you will move the amendment and I will put it to debate within the prescribed time of the Official Responder.

The Assistant Minister for Local Government (Mr. Tarus): Mr. Temporary Deputy Speaker, Sir, I had given the background and I had said yes, indeed, we know the problems experienced by the local authorities and the very reason why I would like to move an amendment to this Motion is--- I said that after the word "country", I would like to move the amendment that:

"THAT, considering the significance of local authorities in the development of our country---

The Temporary Deputy Speaker (Mr. Khamasi): No! You say what you want to amend in the Motion as it stands. You are not going to read the whole Motion. Tell us what you want to delete and what you want to be inserted in its place!

The Assistant Minister for Local Government (Mr. Tarus): Mr. Temporary Deputy Speaker, Sir, I would like to delete the sentence "Pay the salaries of councillors from the Consolidated Fund" and insert the sentence "Exploring and identifying reliable sources from which-

--

Hon. Members: What do you want to amend?

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! Mr. Tarus, the Speaker has already received what you want to do in terms of amending the Motion and all you need is to read it and support it with your arguments.

The Assistant Minister for Local Government (Mr. Tarus): Sorry, for that Mr. Temporary Deputy Speaker, Sir. I beg to move that the Motion be amended as follows:-

By deleting the words "aware of the rampant misuse of revenue collected from the authorities under the pretext of remuneration for councillors, this House urges the Government to pay salaries from the Consolidated Fund" in the second and third lines and inserting in place thereof the words, "that some local authorities experience difficulties in raising sufficient revenue for payment of councillor's allowances; this House urges the Government to explore and identify reliable sources including contributions from local authorities themselves from which the councillors should be paid their allowances".

I beg to move.

The Temporary Deputy Speaker (Mr. Khamasi): Well, you have finished and I want a seconder for that particular amendment.

The Assistant Minister for Local Government (Mr. Tarus): Mr. Temporary Deputy Speaker, Sir, hon. M. Kariuki will second my proposed amendment.

The Assistant Minister for Foreign Affairs (Mr. M. Kariuki): Mr. Temporary Deputy Speaker, Sir, I beg to second the amendment.

I would like to say, at the outset, that the local authorities are so important to the governance of any one country because that is where the grassroots are. If you look at the governance at the local level in this country, you will notice that it has changed over the years. At the time of our Independence, we used to have councillors who were really not full-time. They were people who were occupied with their own businesses and jobs and they would find time to go and sit and make

decisions relating to the local authorities. However, over time, we have politicised the local authorities so much that we have lost that original initiative of having stakeholders representing the interests of the residents at the local authority level and now we find ourselves in a serious problem where we have a very high number of councillors, the revenue base of the councils are so low that we cannot sustain them.

Mr. Temporary Deputy Speaker, Sir, I think it is important as we consider the issue relating to the local authorities and where to get remuneration for councillors, to consider that together with the issue of restructuring and rationalising the local authorities. I say so because there are local authorities that do not have a sufficient revenue base even to pay for five councillors in terms of allowances. I think we need to have a second look at that and see whether we should continue to retain them because they cannot sustain themselves. I think we need to do something that is quite radical so that we can have economically viable local authorities that can generate revenue and be able to deliver services to the people.

Mr. Temporary Deputy Speaker, Sir, I appreciate the spirit of this Motion. One, because of the prevalence of corruption at the local authority level. When we have alternative sources of ensuring that councillors get their allowances, then it is much easier to control what is taken from the kitty. The second consideration is that we have to realise that councillors are not paid uniformly across the board. They depend on how wealthy the local authority is. That is not fair. If we have representatives of the people who are elected by the people at that particular level, I think the remuneration and allowances should be uniform. I think that is why there is need to look for alternative sources of revenue where you can make all the councillors uniformly paid in terms of allowances. I understand hon. Prof. Kibwana to be talking about Kshs10,000 for his area while my area is Kshs15,000 and I understand Nairobi is much higher. It is not fair. For example, all of us are in this Parliament and we get uniform pay.

So, I think there is need also to look for those other alternative sources. However, at the same time, we should not create an inducement; a situation where councillors simply do not care how the council is functioning. So, whether we are going to generate resources in that particular council should be a prime consideration. So, I think that the amendment takes all this into account because other than the Consolidated Fund, there should be other alternative sources that we have to explore. Since the local authorities have to generate money, I think that a situation should be created where the revenue that was going to councillors is taken to that other alternative source of revenue.

Mr. Temporary Deputy Speaker, Sir, we have seen a lot of appeals from local authorities. It has also been mentioned here that most local authorities do not have a budget. My own local authority in Nakuru District, for a long time, never had a budget. There has been no development plan over the years and there was no audit for a period of four to five years. This inefficiency endangers the issue of collection of revenue. Last year we passed the National Audit Act, which enjoins the Local Government Minister to table audited accounts of local authorities three months after the financial year, and I hope it is going to be complied with. It is important because this House needs to monitor the performance of local authorities. This will help us raise queries about issues relating to revenue. That Act, I hope, will be complied with.

I would also like to observe that, in many other jurisdictions across the world, there is an auditor-general in charge of local authorities. In this country, we have an Auditor-General in charge of State Corporations, but we should have one specifically mandated to deal with local authorities. This is because of the amounts of money that flows to local authorities. I strongly recommend that we have an auditor-general in charge of local authorities. This is important considering that this particular amendment gives the Government some leeway to explore other possible sources of revenue. The Government should not only depend on the Consolidated Fund, because if we are

going to get everything from it, then something must come in. However, there are possibilities of other sources of revenue. If we have the right spirit to ensure that councillors are remunerated in a uniform way, I am sure that we will get alternative sources of revenue.

Last year, we had a Motion on the increase of allowances for councillors, and I remember that I broke ranks with my party to vote for the increase. It is true that the amounts of allowances that councillors are getting are so small that they are tempted to indulge in corruption. It is important to remember that they provide very important services at their level, and we should consider enhancing their allowances.

We need to create the necessary capacity at that level because we have a serious problem in management of funds. I want to encourage the Minister, because he is known for his stand against corruption, to have officers at the local authorities level who will deal with complaints of corruption. We will not weed out corruption unless there is an officer mandated to investigate and deal with allegations and complaints relating to corruption.

When councillors are elected, most of them hardly have any idea as to what the Local Government Act says. They do not know what their mandate is, what they are supposed to do and what their responsibilities are. We need to create capacity to help them understand what they are supposed to do in discharging their duties. I remember that sometime back, the Kenya Institute of Administration (KIA) had specific courses for councillors and council officers to enlighten them on the provisions of the Local Government Act. We should build better capacity for officers at the local government level and councillors, so that they can appreciate the task ahead, in terms of enhancing accountability. We are aware that the provisions of the Local Government Act provide that there should be transparency. One provision relates to availability of minutes of a local authority, which should be a public document. Their accounts should also be made available to the residents of that particular area, but this provision is not being complied with. I hope that the Minister will ensure that minutes of local authorities are available to our residents and the accounts, once audited, are also tabled in this House for anyone to scrutinise them.

We have a serious problem in managing our labour force at the local government level, and we have bloated local authorities establishments. Council employees, for example, in Nakuru Municipal Council, are about 1,600 and each month we pay salaries amounting to Kshs18 million, yet the revenue of the Council is only Kshs15 million. Therefore, each month we suffer a deficit of Kshs3 million. There is need to rationalise the size of the labour force, because a large percentage of local authorities' revenue goes towards recurrent expenditure. It is used to pay employees, who are generally unproductive. We need to take bold steps to downsize the labour force within local authorities to manageable levels. This will ensure that the amount of revenue collected is enough to pay the labour force at the end of the month. Otherwise, we will not get councils out of the current financial quagmire they are in. We cannot even manage to provide development funds at the end of the day.

The Local Authorities Transfer Fund (LATF) has been misused. We are aware that the Minister, each year, gives funds to local authorities for development. However, the tendency among councillors has been to share out that money; each councillor gets about Kshs1.5 million to care for his ward. There are no collective development plans run at the local government level. We need to get to a situation where if a budget has been provided to the Ministry, and there is a development plan, the council should identify a particular project which it can say at the end of the day: "This is the project that we have supported with our LATF money." This will ensure that residents will have services provided.

Mr. Temporary Deputy Speaker, Sir, I beg to second this amendment. It is made in good faith, and is intended to deal with the reality, and ensure that councillors and our local authorities are

run in a proper manner.

*(Several hon. Members stood
up in their places)*

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! It seems that we do not know the rules and procedures!

(Mr. Wamwere consulted loudly)

Order, Mr. Wamwere! You are consulting while I am proposing the Question!

*(Question of the first part of
the amendment, that the words to be
left out be left out, proposed)*

Mr. Muturi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important amendment.

From the outset, I want to say that I support the amendment as proposed, even though I expect the Minister to shed more light on some of the phrases that are used. I do not think that there is any need to gainsay the important role that councillors play in the socio-economic development of our country. Indeed, we all know, as hon. Members, how difficult it is to operate in our constituencies without constantly consulting councillors. It is, therefore, important that we, as a House, consider the plight of those elected leaders, who are grassroots-based. This is because, as we all know, it is at the grassroots where it bites most. It has already been said that councillors cannot even walk into a normal shop and get credit on the basis that they earn some wage or any allowance. Nobody will believe that they will pay. I have witnessed occasions in which councillors have been embarrassed even by *dukawalahs* on account that the *dukawalahs* do not know that these are important people's representatives, and that they actually earn something at the end of the month. It is for that reason that I fully support the spirit of the Motion, which is that we give councillors definite salaries.

Mr. Temporary Deputy Speaker, Sir, the amendment says that we urge the Government to explore and identify reliable sources of revenue. I hope that when the Minister for Local Government responds to this debate, he will tell the House which these reliable sources are. Even though the current contribution that the Government makes to local authorities through the Local Authorities Transfer Fund (LATF) is provided for in a specific Act of Parliament, that money still comes from the Consolidated Fund. Therefore, if it were not for the fear of stating that the money should come from the Consolidated Fund, it would not have been necessary to amend the Motion in this manner. However, since the spirit prevailing in the House is that of give and take, I support the amendment and the Motion as a whole.

I would like to appeal to the Minister to tell this House what he proposes to do with the current levels of LATF contributions. The contribution through LATF is about 5 per cent. I think it is necessary to make specific provisions within the LATF Act, so that either a half or a third of the LATF money will go into paying councillors' allowances and salaries. Today, some local authorities are even unwilling to recruit staff to even work in areas such as pre-primary education. This is one area local authorities ought to address. They are not willing to recruit because the revenue they collect is only enough to pay themselves their meagre allowances. At the same time, we appreciate

the importance of pre-primary education. Really, this is the old scenario of the chick and the egg. Do councillors offer free services or do they pay themselves and we do without the services that local authorities, as we understand them the world over, are supposed to offer?

I see a situation where the Minister will be forced to rationalise the number of local authorities in this country. He has even alluded to that himself. I have no apologies to make. We have too many local authorities. Their viabilities were not considered when they were being created. The services they were meant to render were not considered. I believe that with the current Minister now in charge, we will see better organisation of local authorities, so that we do not create local authorities to satisfy the wishes of individuals, but to serve the residents of the areas in which they are created.

I am happy that the Minister for Co-operative Development and Marketing is here. I have seen a local authority created, which is purported to be a municipality, in a district neighbouring my constituency, namely, Runyenjes Municipal Council. You just need to travel to that area to see the areas that municipal council is supposed to cover. It covers villages. If you ask the people of that area whether they know that they are in a municipality, they will wonder what you are talking about. As far as they are concerned, they are under Embu County Council. For strange reasons, it was decided that the county council becomes a municipality. Since the creation of that municipal council, except for the people who have been elected as councillors, the residents have never had any services from a municipality. It is for that reason that I urge that we create viable local authorities to render services to the people.

We will appreciate that it is not just the local authorities' sizes that should be rationalised. Even the wards need to be rationalised. We should have wards in which a councillor can viably render services. Some wards are the sizes of some constituencies. Last week, while on a foreign trip, Mr. Karaba indicated to us the size of his constituency. He said that it comprises of two locations, but has a high population density. That is something we may be grudging about. However, we must appreciate that some wards in this country are bigger than the size of Mr. Karaba's constituency. So, even as we create wards, we must give due consideration to not only population size, but also the geographical expanse of wards, as much as we give such consideration in reviewing constituencies.

Mr. Temporary Deputy Speaker, Sir, I do not want to be repetitive. I want to end my contribution by saying that I support the Motion and the amendment moved by the Minister.

Thank you.

The Temporary Deputy Speaker (Mr. Khamasi): Having read the mood of the House, I will dispose of this amendment rightaway.

(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed)

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, put and agreed to)

*(Several hon. Members stood
up in their places)*

The Temporary Deputy Speaker (Mr. Khamasi): Order! You do not have the requisite number!

*(Question of the Motion
as amended proposed)*

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, indeed, I---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! Do not begin arguing with the Chair on your seat. This was the Motion which was being debated, and now it is on the Floor.

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, I stand to support the Motion but with some reservations, because the intention of the original Motion was that we have a clear-cut source of income for the councillors, so that they cannot burden the council. However, we have diluted it to give the Government a leeway to identify alternative sources. It is so blurred to the extent that the Government, as it stands now, is going to abuse it. The intention was that the councillors be paid through the Consolidated Fund.

Mr. Temporary Deputy Speaker, Sir, councillors are the grassroots leaders who are in touch with the electorate on a daily basis. Considering our political history, they have spent a lot on the electorate and this has forced them to have irregular dealings in the councils. In most cases, the councillors engage in tendering and supply of materials and other commodities that the councils require. In the process, they inflate the prices and deplete the council's money that they would have used to improve the livelihood of the people they are supposed to serve.

When the Government will be exploring and identifying reliable sources of income from which it will pay councillors, it is my opinion, and I agree with Prof. Kibwana, that the councillors be given an allowance of a minimum of Kshs30,000. This will allow them a daily expenditure of at least Kshs1,000 per day. The councillors have responsibilities to undertake. One of the most important elements that the electorate have taken away from the councillors is time. The councillors spend most of their time addressing issues that affect the electorate. As a result, they are unable even to run their own businesses or engage in income-generating activities. If the councillors are given this allowance or salary, I am very sure that their ability to deliver services to the people will improve and the country, in general, would gain.

Mr. Temporary Deputy Speaker, Sir, the reforms that we are anticipating in relation to the Constitution Review are not forthcoming, and we should have made radical amendments to the Local Government Act to enable councillors and the chief officers to get a reliable income from the Consolidated Fund. It is not only the councillors who are suffering, but also the chief officers who are also paid from these same councils. When we sort out the issue about councillors and leave out the chief officers, we are not sorting out the problem as such. We are just trying to buy time. It would have been better if proper funding was given to the local authorities, either through LATF or directly through the Consolidated Fund, so that the chief officers and the councillors also gain from this allowance directly on a monthly or regular basis.

Mr. Temporary Deputy Speaker, Sir, the revenue clerks and the market masters who are some of the employees of the council have a very unforeseen and uncertain future in terms of unreliable source of income. Some of those revenue clerks have arrogated themselves the power to collect money and bank it in their accounts. I come from an area where the revenue clerks are even richer than the councillors themselves. Some of them have put up very big buildings and yet they are just mere revenue clerks. This is something which even an hon. Member of Parliament cannot do. So, you will find that the intentions of these revenue clerks is ill-advised. If they could be given regular income, there would be checks, and the irregularities in the councils would be contained.

Mr. Temporary Deputy Speaker, Sir, as the local authorities stand now, they have not been modified in any way or overhauled. We just inherited a system that used to exist in the previous regime. Most of the current clerks are just acting clerks. We just recruited them in areas where they have not been trained as clerks. Some have been recruited from the Provincial Administration and DOs have also been moved to councils as clerks. Some people who do not even qualify to be clerks have been promoted to those posts. If the local authorities are to function properly, the Ministry of Local Government must retrain the clerks and give them the mandate to run the local authorities without interference from the councillors or elsewhere.

Mr. Temporary Deputy Speaker, Sir, with regard to the size of the local authorities, Mr. Muturi has just cited the case of Runyenjes as being one of those local authorities which should be merged. I come from a constituency where I have three local authorities serving my constituency. This is Busia Municipality where we have the Malaba Town Council and the Teso County Council. I wish to express the opinion of my people which is very popular with them, that however small those local authorities might be, let them be left the way they are. Merging them is tantamount to causing civil war in the constituency, and it will negate the spirit the people of Teso in general have towards this Government. I would like to appeal to the Minister - I hope he is listening because he is my neighbour from home and he visits that place frequently - that the view of the people of Teso District is that their three local authorities remain the way they are regardless of their size or population. Those county councils are inhabited by people who come from minority tribes! I request the Minister to take that into consideration and stop lumping us together with other areas in the country.

Mr. Temporary Deputy Speaker, Sir, when Teso District was created, we were in the larger Busia County Council. Teso County Council was created. Most assets are in Teso District. They include the Busia County Council Hall and beautiful rental houses. Those assets have not been shared. Busia County Council continues to earn revenue from properties that are rightly in our land. So, I appeal to the Minister to transfer assets that are in Teso District to Teso County Council, so that it can benefit from the revenue.

With those few remarks, I support the Motion.

The Minister for Local Government (Mr. Kombo): Mr. Temporary Deputy Speaker, Sir, the official response has already been issued. I am only contributing.

Let me take this opportunity to thank my friend, Mr. Sirma - who is the Shadow Minister for Local Government - for bringing this Motion. I support the Motion as amended and assure my honourable friend who brought this Motion that the Government is absolutely committed in bringing about reforms in the local authorities. Part of those reforms is to ensure that we have councillors who have the capacity to deliver services to *wananchi*.

Mr. Temporary Deputy Speaker, Sir, the idea of devolution of power is a must. It is an idea that has come throughout the world. It is an idea that the Government has encompassed, taken on board and supported. If we are going to devolve, we will need councillors that can work within a devolved system. That is because, as we devolve, there will be a lot of revenues coming from the

centre to the local authorities. Therefore, we will need people who can understand budgets and other issues in those areas. So, it is important that we appreciate the value of councils, local leaders and the councillors. That is why, in our reforms, we will ensure that there is proper remuneration. In fact, the Motion is not looking at allowances and salaries alone. But let me say that nowhere in the world are councillors ever paid salaries. They are always paid allowances.

The former President of Benin, Mr. Soglo, who is now the Mayor of Kotnou, is paid an allowance. When I meet him, he says:-

"I am enjoying myself thoroughly! I am getting very good allowances."

That is why, in the spirit of the amendment, we were saying that we will look into the issue of allowances in all areas, including the LATF, if need be. Those are the sources that we are talking about. We cannot say that such-and-such a percentage of LATF should be put somewhere. We want to change the rules of LATF as they stand today. Let me also say that, as it is today, councillors are already being paid using LATF money. It is legal because part of the rules say that a percentage of LATF can be used to pay allowances and salaries. So, there is a percentage that is already going to councillors. We will look into all those things and find out how much we can increase their basic salaries. The Mover of the Motion gave a figure of Kshs20,000. Another hon. Member talked about Kshs30,000. We shall look at all those possibilities and even add more. Basically, what we need to ask ourselves is this: How viable are the existing local authorities today? We have got about 175 local authorities and if most of them were a business concern, they would be insolvent. Within our reforms we are now talking about rationalising some of these local authorities. When we rationalise, we will amalgamate those which cannot collect sufficient revenue. That way there will be sufficient revenue to go round. If you create a local authority which has four councillors and it has no base to collect revenue, that will create a problem. These are the issues that we will look at and we are committed. I am even thinking of going further, not just in increasing allowances, but in instituting other reforms.

Last week, we were unfortunate to bury the Mayor of Kitale. He died in a road accident, coming from duty. That family is unfortunate because we have no provisions within the local authorities to look after them. There is no insurance. These are the issues which we need to reform. We will go further than that. We are looking at ways of ensuring that local leaders are insured. This will ensure that if such a misfortune befalls a man while he is on duty, we are able to look after his family. These are the things that we are looking at.

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

*[The Temporary Deputy Speaker
(Mr. M'Mukindia) took the Chair]*

In the spirit of the Motion, we will definitely look after our local leaders more effectively. Today, we have close to 4,000 councillors. If we decide to pay them their salaries from the Consolidated Fund at this point in time before we rationalise, it will start causing problems.

The issue of audited accounts is an area that is absolutely dear to us. The local authorities have made their accounts and they have taken them to the Controller and Auditor-General. But the Controller and Auditor-General does not have the capacity to deal with some of these issues very quickly. So, we do have a problem. We are already talking to the Controller and Auditor-General to persuade him to hire private practitioners of audit firms to help in that area so that we can have up-to-date accounts. In our reforms we are also saying that local authorities should be able to appear

before the Public Accounts Committee and not hide behind the Ministry so that we can deal with the problems first-hand. These are the reforms we are talking about. If they can appear before the Public Accounts Committee, I believe we will rectify many of the problems that we have.

In our reforms, we are also thinking about raising the standard of who should be a councillor. We are putting in a lot of money into the local authorities. The LATF money alone is close to Kshs4.3 billion this year. If you have people who cannot read and understand a budget and you are putting all this money down there, it is a problem. Recently, when I went to Baringo County Council, I found out that the chairman of that county council is a young man who understands all these things and has a lot of vision. That is what we will try and look for, so that we make sure that we work together.

The other issue that has been raised is with regard to how we can have qualified personnel. Part of the problem is that over the years, councillors politicised the position of the Town Clerk. They wanted to have a say as to who should be a Town Clerk. Today, when we are looking for qualified people to appoint as Town Clerks, we have a shortage because people are afraid and do not want to work in this very politicised environment. These are issues that we are looking into and dealing with.

The Temporary Deputy Speaker, Sir, we need to de-politicise the Civil Service with the local authorities, so that we can have qualified and effective personnel. We can go back to the old days when people like Mr. Rubia were mayors of this City and we had people like Mr. Mbugua as the Town Clerk. They did a great job because politics was not part of the programme within the Civil Service of the local authorities. We have embarked on a reform programme. There is a lot more to be done within the local authorities than just looking into the issue of the councillors' allowances.

Mr. Temporary Deputy Speaker, Sir, we need to work together, as we also work on the Constitution, to make sure that devolution comes about in a very meaningful manner, and our local authorities perform effectively. We do not keep the extra-ordinary inspection reports private. At the moment, we are acting on a lot of extra-ordinary inspection reports. This morning, I approved increases of allowances of more than five local authorities. If anybody comes before me to show that they have the capacity to collect the revenue, even today as we are reforming, we will not hesitate to allow them to increase their allowances.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. M'Mukindia): Hon. Members, I will give Mr. Ethuro one minute to make his contribution and then I will call upon the Mover to reply.

Mr. Ethuro: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this Motion. I had an undertaking with my councillors to support this Motion. Frankly speaking, I would not have supported the amended Motion, but you have put me in a very awkward position by giving me an opportunity to speak after my National Chairman has spoken, and I cannot afford to go against him.

However, I support the Motion. It is important that Ministers are trusted, and I trust this Minister. I want to believe that he is going to ensure that councillors are rewarded and compensated properly for their labour and input because they work in the public good. The fact that councillors work in the rural set up does not mean that they do not deserve better wages, salaries or allowances. Hon. Members come from various constituencies all over the Republic, but we do not discriminate against any hon. Member. We do not say that an hon. Member who comes from Makadara should be paid more than an hon. Member who comes from the Border Point 1 in Mandera. We are all paid as hon. Members of the House. The Ministry should also make sure that councillors, irrespective of their councils' ability to generate revenue, should be paid for what they are. I want to remain truthful

to my word that I will support the Minister in the belief that he will look into these things through the programme that he has explained to us.

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

The Temporary Deputy Speaker (Mr. M'Mukindia): Order! I now call upon the Mover of the Motion to reply.

Mr. Sirma: Mr. Temporary Deputy Speaker, because I can see a lot of interest from hon. Members on this Motion, I wish to give Mr. Okemo, Maj-Gen. Nkaisserry, Mr. Onyancha and the Member from Shirikisho Party two minutes each and then I will have the final two minutes.

Mr. Kajembe: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are all interested to contribute to this Motion. It is now interesting to see the Mover of the Motion selecting hon. Members to speak. Is that in order?

The Temporary Deputy Speaker (Mr. M'Mukindia): As you are aware, every Mover of a Motion is allocated a certain amount of time and he can actually give away that time the way he wants.

Mr. Okemo: Mr. Temporary Deputy Speaker, Sir, thank you very much. I just want to emphasize the main thrust of this Motion. I think the real reason for this Motion being brought to this House is because of the financial difficulties the councillors are undergoing because of the unpredictability of the money that they get. Some councillors are not sure whether they will get a salary or allowance, whatever you want to call it, at the end of the month. So, I do believe that what the Minister has tried to tell us is that we identify a reliable source, be it LATF or any other reliable source, so that councillors are sure that at the end of every month, they will get some money in their pockets. I think the key word here is "reliable." I think that is really the thrust of the Motion. Whether you call it a salary or allowance and you are asking them to determine that source as is the case today, we will still be putting them in the same predicament. Many of us do know that councillors have a difficult time maintaining their lifestyles and being able to look after their wards without an income in their pockets. So, I really want to appeal to the Minister that the income must be reliable in the sense that every month money will be going into the pockets of the councillors. We also need to reduce the number of wards so that we have a sufficient number of councillors. We have far too many councillors today, and many of these local authorities are not viable. So, we should amalgamate some of them. We should have fewer local authorities that can be afforded by the Government.

With those few remarks, I beg to support.

Maj-Gen. Nkaisserry: Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, let me take this opportunity to thank Mr. Sirma for bringing this Motion. Secondly, I would like to thank the Minister for the proposal. But what the Minister failed to say is when these reforms will take place. The availability of funds is very important. As you realise, the services being rendered by councils are fundamental to our people. So, we need councils which are viable. The reduction of councils will be based on their viability; where they get their money from. I would propose that we need to standardise and make uniform allowances of the councillors and where there is an ability of a particular council to increase particular allowances in terms of housing and transport, then that particular council can take care of that portion of the allowance.

You realise many councils today do not offer services, for example, nursery schools, which is a service as required by the law. So, those are the areas in the reforms the Minister needs to consider. The Minister already knows the number of councils in this country today because they have been in power for the last two years. They already know those councils which are not viable. So, from tomorrow the Minister should tell the country: "We are reducing these councils from 175 to 120, for example, and therefore, the sources of money can now be looked for to support these

councils." But I propose that the basic salary for our councillors to be able to deliver should really not be less than Kshs50,000 per month.

With those few remarks, I beg to support.

Mr. Onyancha: Mr. Temporary Deputy Speaker, Sir, let me start by saying that I agree with speakers who have said that councillors are grassroots leaders and earn meagre salaries. How can you explain a situation where a person campaigns for an elective office and cannot access a pay slip? Councillors cannot access credit from banks because they do not have a regular income. This Motion is very important. But just like many Motions that have come before this House, we lack an implementation committee. I agree with the Minister who has supported the Motion. But just like other Motions, we will pass it, then, it will be kept in the cupboard. I appeal to the House to rethink and establish an implementation committee for Motions that are as beautiful as this.

Mr. Temporary Deputy Speaker, Sir, finally, while the Minister considers rationalising some of those local authorities, let him also consider removing those authoritative powers that those chief officers have in the field; that is, the treasurers and clerks. They should be regulated and rationalised, so that councillors can have image and prestige to go along with their offices.

With those few remarks, I beg to support.

Mr. Kombe: Mr. Temporary Deputy Speaker, Sir, I wish to thank the Mover of the Motion for giving me some of his time to make my contribution. We are not very sincere when we say that we will pay allowances to councillors. I believe we should pay salaries to councillors, and then give them some allowances. Many councillors commute to their places of work. For example, in my constituency, a councillor who comes from the furthest end pays Kshs200 to go to the office daily. That totals to Kshs6,000 per month. He is given an allowance of Kshs7,000. So, he is left with only Kshs1,000! That is very unfair. I believe that councillors, since they assist Members of Parliament, should earn half the salary of Members of Parliament. I suggest that councillors should be paid Kshs100,000 each, per month. That would do them good and reduce the burden of many parents who come to Members of Parliament for school fees. That way, councillors will be able to give services to residents of their respective wards. I also suggest that councillors be paid a mileage allowance of about Kshs5,000 on the minimum.

With those few remarks, I beg to support.

*[The Temporary Deputy Speaker
(Mr. M'Mukindia) left the Chair]*

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

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, I know that each and every hon. Member would like to contribute to this Motion. I want to thank all hon. Members for their contribution, and also the Minister for the amendment. I would only urge the Minister to stick to his words. I know he is a man of principle. He is a man who will steer local authorities in this country to their success. I wish him well.

Mr. Temporary Deputy Speaker, Sir, councillors are an integral part of our society. We hope that they will do their noble duty once we pass this Motion. It will be in the interest of hon. Members because councillors are also expected to assist in the development of our areas. They cannot afford to do that at times. They end up doing the wrong things. We have seen the way things happen at the Nairobi City Council and everywhere else.

Mr. Temporary Deputy Speaker, Sir, hon. Kimeto is feeling so uneasy because he would

like me to give him part of my final one minute to contribute. Please, allow me to give him a chance to contribute.

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, what I wanted to put across is that---

The Assistant Minister for Finance (Mr. Katuku): On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to draw your attention to what hon. Sirma has just done. I think it is not procedural for him to give out the last minute of his contribution to hon. Kimeto.

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Sirma, proceed!

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, I wish to---

(Mr. Kimeto consulted loudly)

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Kimeto!

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, I wish to thank hon. Members for their good suggestions.

(Mr. Kimeto stood up in his place)

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Kimeto! Order! You know that you are the one who was out of order. So, keep quiet!

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to move.

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT considering the significance of local authorities in the development of our country and that some local authorities experience difficulties in raising sufficient revenue for payment of councillors' allowances; this House urges the Government to explore and identify reliable sources, including contributions from the local authorities, from which the councillors should be paid allowances.

CONSTRUCTION OF PHYSICAL FACILITIES IN PRIMARY/SECONDARY SCHOOLS

Mr. Oparanya: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT taking into consideration that the introduction of free primary education in January, 2003, has put pressure on the existing facilities in primary and secondary schools and on physical facilities of the colleges and universities; this House urges the Government to set aside a special budgetary provision every financial year to cater for the construction of physical facilities both in the primary and secondary schools in the country to ensure success of free primary education.

Mr. Temporary Deputy Speaker, Sir, our education system since Independence has been marked by inadequate funding which has resulted into lack of adequate infrastructure in our schools. There are also inadequate teaching facilities because of lack of funding of schools. There is lack of resources such as textbooks, and the situation has been there since Independence. It has grown

worse since the introduction of free primary education in January, 2003.

Mr. Temporary Deputy Speaker, Sir, globally, the set average annual expenditure on children going through primary education is US\$629. In Africa, in general, it is US\$48, while in Kenya it is only US\$16. If this country does not set aside the necessary financial resources needed to deliver quality primary education, the cost of such failure in terms of lost opportunity in poverty eradication and economic growth will be immense.

The United Nations (UN) AIDS Survey showed that receiving at least a primary school education can lower the risk of having young people contracting HIV/AIDs. The more girls are educated, the longer they are likely to refrain from sexual activity. Education is the only anti-HIV/AIDs vaccine that is available. According to the World Bank survey, it is the responsibility of any Government to provide education to its citizens. Investment in primary education has a return of 18 per cent, investment in secondary school has a return of 13 per cent, while investment in university education has a return of 10 per cent. So, it means that the Government has to set aside enough funds for the lower level of education.

Mr. Temporary Deputy Speaker, Sir, in this country we have a disparity between the education of ladies or girls and boys. The disparity in primary school is 100 boys to 106 girls; in secondary school, the disparity is 100 boys to 108 girls, while in university the disparity is 100 boys to 188 girls. So, it is important that we set aside enough funds to ensure that our girls have access to education.

Mr. Temporary Deputy Speaker, Sir, let me just supply a few statistics to show the level of primary and secondary school enrolment in this country. Since the introduction of free primary education, there was an increase of enrolment in primary schools from 6.1 million to 7.2 million; an increase of 1.1 million pupils. In percentage terms, it is 17.6 per cent overall increase in primary enrolment since the introduction of free primary education. But in Standard One only, when free primary education was introduced, the increase was from 970,000 to 1.3 million, which means that at Standard One level only, there was an increase of 32 per cent. This, of course, now puts pressure on teachers at that level and, as you know, Standard One pupils need personal attention, and when they are crowded in a classroom, it is very difficult for a teacher to move around.

In secondary school, between 2002 and 2003, there was an increase of 5.3 per cent, while in teacher training colleges, there was an increase of 6.8 per cent. Unfortunately, there was a drop of 4.7 per cent in diploma training colleges. In the public universities, there was also a drop of 1.7 per cent, but this was as a result of more private universities coming up, which are now providing quality education.

The impact and challenges of free primary school education has been enormous. Since the introduction of free primary school education, there has been mass enrolment; I have mentioned the figures, and too much congestion in classrooms. Giving a practical example, the largest primary school in my constituency called Eshinamwenyuli initially enrolled 2,000 pupils. Now, the number has dropped to 1,400 for various reasons. This school requires 32 classrooms, but at the moment, there are only 16 classrooms. This school has no sanitation facilities, library is non-existent, and the average number of pupils per classroom has risen from 40 to 100. So, if this free primary education programme has to succeed, it is the responsibility of this Government to construct enough classrooms. There must be a proper programme where budget provisions should be made from the Consolidated Fund so that we make a progressive construction of classrooms for the future. We have left it to the individual communities to construct classrooms.

The poverty rate in my own constituency is 64 per cent. Most of the people are poor. Where do they get funds to construct extra classrooms? With the HIV/AIDs pandemic, most parents are spending money on medication instead of providing more facilities for education. It means that most

primary schools in this country lack adequate facilities, or if the facilities are there, they are in a deplorable state or completely non-existent.

Mr. Temporary Deputy Speaker, Sir, since the introduction of free primary school education programme, the teacher to pupil ratio has worsened country-wide. I can see that the Assistant Minister for Education, Science and Technology is listening carefully. The ratio has worsened to now about 89 students per classroom. If we have to ensure that there are enough facilities in our primary and secondary schools, and even in teachers colleges and universities, we must ensure that there is proper management and appropriation of funds. It is important that the Government recruits proper managers for our schools. Even the head teachers must be properly trained so that they have management skills to ensure that funds set aside for free primary schools education are not misappropriated.

Mr. Temporary Deputy Speaker, Sir, we need to have more secondary schools. As we move on with the free primary education programme, there will be need for more secondary schools facilities. These facilities cannot be provided overnight. That is why I am saying that the Government should come up with a proper policy; whether it takes 10, 20 or 50 years, but, at least, something is happening. There should be more emphasis on promotion of day secondary schools because they are cheaper to run.

These programmes are found in the neighbouring countries. They are in Uganda and Tanzania. Why is it that our Government has left the responsibility of building primary and secondary schools to parents? My Motion wants more facilities provided by the Government. I know that we have the Constituency Development Fund (CDF). However, the CDF is meant for many other things. So, we cannot spend it on education only. That is why we need a special fund to cater for the construction of physical facilities in our learning institutions.

Mr. Temporary Deputy Speaker, Sir, if I could briefly examine the Budget that we passed here in June, I notice that the Development Expenditure for primary school education is only Kshs5 billion. This was a drop from the Financial Year 2003/2004, where the Government had provided Kshs8.4 billion. The drop means that there is little money that the Government is providing for expansion of education facilities in this country. In the Recurrent Expenditure, I appreciate the fact that the Government provided Kshs6.2 billion. This was an increase from Kshs5.6 billion, which was provided in the previous year.

Mr. Temporary Deputy Speaker, Sir, there is no clear development plan as concerns secondary schools, apart from the Recurrent Expenditure of Kshs963 million which increased from Kshs945 million. However, we find that out of all this amount, Kshs770 million is provided for bursaries. This means that there is very little money left for development of facilities in secondary schools.

The teacher training colleges which we need, because with the introduction of the free primary school education programme, there are many children who require more teachers--- Unfortunately, with regard to this, there has been no increase in provision in the Budget for development of extra teacher training colleges. The budget remains at Kshs210 million as it was last year.

Mr. Temporary Deputy Speaker, Sir, at the university level, we need expansion of universities. We know that there are private universities, but they are more expensive than public universities. We need poor people to access university education. This year, the Government provided a minimal of Kshs560 million only for development of universities, compared to Kshs503 million.

From the foregoing, it is important that the Government invests in education in order to promote the country's economic development. Education is an asset for an individual, and also for

the country. It is the social responsibility of this Government to make sure that every citizen who is able and willing to learn is given an environment to ensure that he or she excels in his or her endeavour. Just to show how Kenya compares to other countries we are lagging behind, in Tanzania they came up with a master plan in 1997. This master plan has the intention of making sure that all facilities at all levels of education are expanded. In fact, 60 per cent of the education budget in that country is spared for basic education. In Uganda, in the last two financial years, the Uganda Government has spent Kshs1.4 billion building 13,000 classrooms in the rural areas. Why is it that if our neighbours are doing that, we have left all this responsibility to the parents and to Harambees? We know that even if you conducted a Harambee in your constituency everyday, you would not raise enough money to build all the facilities that are required for primary and secondary schools.

Mr. Temporary Deputy Speaker, Sir, in Uganda, they have worked on a cluster of about ten primary schools which have at least a secondary school which is built by the Government. All facilities are put there and they are continuing with the process year in, year out. If we do not watch out we will be left behind. In developed countries like Korea, Singapore and Malaysia, they have a focus and there is no way we can match them. We were at the same level with these Asian countries at Independence. Now, they have developed very fast because they had a proper focus of how they were going to develop their infrastructure in the education system, starting from the primary level up to secondary schools.

Mr. Temporary Deputy Speaker, Sir, since I see that my time is nearly up, I would like to conclude by saying that it is important that in financing education, we must have a proper policy on how we will develop our education system in the rural areas. This is because in the cities and towns, the development of schools is taken care of by the local authorities. In the rural areas this has been left to parents, and the Government just chips in. It is important that we have a proper financing policy of having infrastructure. It is a shame that in a school of 1,400 pupils, there are two toilets and children queue to help themselves. Some of them "shit" in their pants because these facilities are not there.

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

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Oparanya! Order, Prof. Olweny! Order all of you! Time is up.

Mr. Oparanya, you need to conclude your contribution.

Mr. Oparanya: Mr. Temporary Deputy Speaker, Sir, I beg to move and call upon Mr. Wamwere to second the Motion.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Wamwere. We do not have time. You will do that next Wednesday.

Order, hon. Members! It is now time to interrupt the business of the House. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.