

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 30th September, 2003

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

CHANGE OF ORDER OF BUSINESS

Mr. Speaker: Order, hon. Members! As you know today is a Committee of Supply day. I will begin with the Questions by Private Notice. I will leave two minutes at the end of Question Time, just before 3.30 p.m., for an hon. Member who wanted to ask for a Ministerial Statement. So, let us all keep that at the back of our minds. So, we will begin with Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

CONDITIONS SET BY BRETTON WOODS INSTITUTIONS

(Mr. Weya) to ask the Minister for Finance:-

Could he table a full list of conditions that the Bretton Woods institutions want Kenya to meet?

Mr. Speaker: Mr. Weya not here? Question dropped.

(Question dropped)

Next Question by Mr. Omingo!

REGULATION OF HEALTH MEDICAL OPERATORS

Mr. Omingo: Mr. Speaker, Sir, I beg

to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware of the failure by Mediplus, a health medical operator, to service their clients despite large sums of money having been paid to them?

(b) Who regulates and controls the operations of the medical operators and what remedy do patients have when the operators fail to deliver the said services?

(c) Could the Minister table a list of all the health medical operators in the country, indicating

who owns them?

The Assistant Minister for Health (Mr. Konchella): Mr. Speaker, Sir, I think I am not comfortable in answering this Question now. I would like the House to give me time, until Thursday afternoon, to be able to give a proper reply.

(Question deferred)

**COMMUNICATION FROM
THE CHAIR**

TRIBUTE TO THE LATE HON.
KIJANA WAMALWA AND
HON. GEOFFREY PARPAI

Mr. Speaker: Order, hon. Members! There was a lapse on my part for which I truly apologise and I thank the hon. Jimmy Angwenyi for reminding me. Although we have in various ways honoured the late Vice-President and

[Mr. Speaker]

Minister for National Reconstruction and the late hon. Parpai including paying respect in this House, you will all recall that he did, in fact, pass away when the House was not sitting. Therefore, although we paid our respects and tributes to the two departed hon. Members separately and in various ways, we have not done so collectively in this very Chamber. I think it is, therefore, right and proper that, on our very first assembly, we remember and pay tribute to the late hon. Vice-President and Minister for National Reconstruction, Michael Christopher Wamalwa and the late Minister of State, Office of the President, the late Parpai. Both of them were exemplary Members of this House. Both were the epitome of respect to the House and to individual Members of the House. I, therefore, wish to ask all of us to now stand up and observe one minute of silence in respect of our two departed colleagues.

*(Hon. Members stood up and observed
one minute of silence)*

(Resumption of Questions by Private Notice)

**CONDITIONS SET BY BRETTON
WOODS INSTITUTIONS**

(Mr. Weya) to ask the Minister for Finance:- Could he table a full list of conditions that the Bretton Woods institutions want Kenya to meet?

Mr. Speaker: Is Mr. Weya by any luck around because he has got the last chance or else my final decision stands?

Dr. Godana: On a point of order, Mr. Speaker, Sir. This is a very important Question and, unless you had warned Mr. Weya that Questions by Private Notice will be the first ones to be answered this time, it is possible that he had assumed it will come at the end and walk in later. So, could you decide on this issue afresh?

Mr. Speaker: Well, I had, in fact, informed the House that on a Committee of Supply day, unless hon. Members forgot that, we would begin with Questions by Private Notice. However, you may be right. It could have escaped his attention because of the long recess we have had and, therefore, I will oblige. I will defer this Question to Thursday.

(Question deferred)

REGULATION OF HEALTH
MEDICAL OPERATORS

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

(a) Is the Minister aware of the failure by Mediplus, a health medical operator, to service their clients despite large sums of money having been paid to them?

(b) Who regulates and controls the operations of the medical operator and what remedy do patients have when the operators fail to deliver the said services?

(c) Could the Minister table a list of all the health medical operators in the country indicating who owns them?

The Assistant Minister for Health (Mr. Konchella): Mr. Speaker, Sir, I beg to request for more time to reply to this Question on Thursday because there is certain information we are still seeking to be able to bring a proper answer to the House.

Mr. Speaker: Mr. Omingo, is that okay with you?

Mr. Omingo: Mr. Speaker, Sir, yes until Thursday.

Mr. Speaker: Mr. Konchella did you say Thursday of this week?

Mr. Konchella: Yes, Mr. Speaker, Sir.

Mr. Speaker: Very well. The Question is deferred to Thursday.

(Question deferred)

SUSPENSION OF CARGO FLIGHTS
TO ELDORET AIRPORT

Mr. Keter: Mr. Speaker Sir, I beg to ask the Minister for Transport and Communications the following Question by Private Notice.

(a) What reasons led to the suspension of cargo flights to and from Moi International Airport in Eldoret?

(b) How many corruption cases and drug-trafficking incidents have been reported at this Airport between 1st July and 22nd July, 2003?

(c) How much revenue is the Government losing daily following the suspension of the flights?

(d) What steps is the Minister taking to re-open the Airport in order to boost trade and employment?

The Assistant Minister for Transport and Communication (Mr. Ligale): Mr. Speaker, Sir, I would like to crave for the indulgence of the House that this Question be answered on Tuesday next week.

Mr. Speaker, Sir, I have already discussed with the Questioner and he has kindly agreed.

Mr. Speaker: Is that okay Mr. Keter?

Mr. Keter: Mr. Speaker, Sir, it is okay because we expect hon. Michuki to have come back by Tuesday.

(Laughter)

Mr. Speaker: What does that mean? Anyway, the Question is deferred until Tuesday next week.

(Question deferred)

(The Vice-President and Minister for Home Affairs was applauded as he entered the Chamber)

Mr. Speaker: The Chair joins the House in congratulating the Vice-President and Minister for Home Affairs!

(Applause)

KFF ASSISTANCE TO NATIONAL
SOCCER TEAM

Mr. Khamasi: Mr. Speaker Sir, I beg to ask the Minister for Gender, Sports and Social Services the following Question by Private Notice.

(a) Could the Minister explain why Kenya Football Federation (KFF), by action, has abandoned the National Soccer Team (Harambee Stars)?

(b) What elaborate measures is he taking to assist the team in its preparation for the Nations Cup Finals in Tunisia to be held in the next six months?

The Minister for Gender, Sports and Social Services (Mr. Balala): Mr. Speaker Sir, I beg to reply.

(a) The KFF has not abandoned the national team. In fact, tge KFF, the Government and the private sector have come together to establish a management board that will look into the affairs of the national team and prepare it for the Africa Cup of Nations 2004, to be held in Tunisia, next year in January.

(b) The same management board is working with both the Government and the KFF to raise funds for the national team.

Mr. Khamasi: Mr. Speaker Sir, I do not know why the Minister is being too soft on KFF. He is deliberately misleading the House that KFF has been doing everything possible to help and boost soccer in this country. All we know is that were it not for him and other people outside the team, the national soccer team - Harambbe Stars - would not be functioning now. Could he tell us what KFF has done to prepare the team before its matches in the tournament?

Mr. Balala: Mr. Speaker Sir, my hands are tied when it comes to disbanding KFF. The moment we do that, we will be disbanded by Federation of International Football Association (FIFA) for two years. So, we have to decide whether we want to go ahead and ban KFF and be disbanded by FIFA and eventually not participate in the Africa Cup of Nations. At this stage, we cannot do anything. That is why we decided to appoint an independent management board of the national team so that KFF can look into its own problems in relation to the league and its administrative problems which include finance so that they can resolve them by November this year.

Mr. Speaker, Sir, they promised me that they will submit a report on financial, administrative management and constitutional issues before they can be ready for elections.

Mr. Khamasi: On a point of order Mr. Speaker, Sir. Do you realise that the Minister is saying a completely different thing from his first statement? What is your opinion when he, first of all, says that KFF has not abandoned the team and now tell us the problems KFF has and is not looking after the national team?

Mr. Speaker: What is your view hon. Balala?

Mr. Balala: I did not contradict my opinion, Mr. Speaker, Sir. The issue at hand is that we have appointed an independent board, in collaboration with KFF, so that we can handle the national team issues for the African Cup of Nations. Immediately after that, another team within KFF is resolving the problems they are facing currently.

Dr. Manduku: Mr. Speaker, Sir, I would like to know from the Minister whether he knows that KFF is an affiliate body of FIFA and if they suspend KFF, FIFA will not allow them to play any matches in the world. What is he doing to ensure that we also are playing soccer like other countries?

Mr. Balala: Mr. Speaker, Sir, I have just explained that.

Mr. Speaker: Who is that hon. Member with a broken arm? Is it hon. Gor Sungu? What is happening? Proceed!

Mr. Sungu: Thank you, Mr. Speaker, Sir. Is the Minister aware that, in fact, 12 teams in the Kenya National League have boycotted the league because of mismanagement by KFF? If he is aware, what action is he going to take? Perhaps it would be a good idea if KFF was disbanded and then we put our house in order so that we revive soccer again in the country. The level of corruption in KFF is such that we may never get back to where we used to be.

Mr. Balala: Mr. Speaker, Sir, I am aware that there is a split in the league and the Government is taking action by listening to both parties and coming up with a formula that will enable them to come back and have one league.

Mr. Kombe: Mr. Speaker, Sir, could the Minister consider putting up a caretaker committee instead of the KFF, to run soccer affairs in the country? Right now, there are two parallel bodies in every district that are running the league. Now, the problem has reached the national office and it has been split into two.

Mr. Balala: Mr. Speaker, Sir, I cannot consider that. As I had explained earlier, the minute we do that we will be disbanded by FIFA and we will not be able to play in Tunisia in the African Cup of Nations. Therefore, what we are doing is looking at the issues affecting the two splinter groups.

Mr. Speaker, Sir, the moment we identify the issues we will try to resolve them. We might establish an independent board that will run the league and not KFF on its own.

Mr. Khamasi: Mr. Speaker, Sir, perhaps, the Minister will be kind enough to tell the House how much money has been set aside for the preparations of the African Cup of Nations finals. There was a probe report where the KFF officials were implicated in very big scums and money was stolen from the federation. Could the Minister tell the House what he has done to the culprits who have been investigated even by the Criminal Investigation Department?

Mr. Balala: Mr. Speaker, Sir, there is approximately Ksh12 million which has [Mr. Balala] been raised from the private sector and, last week, we launched a fund-raising campaign for our national team. I want to request my fellow hon. Members to contribute to that fund so that we can all go to Tunisia. At the same time, the Anti-Corruption Police Unit has not delivered its report to me. When they do we will be able to take action.

ORAL ANSWERS TO QUESTIONS

Question No.496

MEASURES TO CURB THUGGERY IN MACHAKOS TOWN

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

- (a) whether he is aware that gangsters continue to rob business premises in Machakos Town in broad daylight; and,
- (b) what action he has taken to have the culprits apprehended.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, may I seek the indulgence of the House to answer this Question on Tuesday, next week. I have perused through the answer that was given and a few facts have to be provided to the House with regard to the Question. May I kindly request that I answer this Question on Tuesday, next week.

Mr. Speaker: What is your reaction, Mr. Mwanzia?

Mr. Mwanzia: Mr. Speaker, Sir, I have no problem with that, as long as the Assistant Minister will bring a very good answer to the House on Tuesday, next week.

Mr. Angwenyi: Mr. Speaker, Sir, it looks like Ministers are not prepared for today's Session. Could we suspend all the Questions until they are ready?

Mr. Speaker: Order, hon. Members! I think that is a legitimate concern by hon. Angwenyi. We have had a two-month break. In my view, that was enough for all these answers to be found. Nevertheless---

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Bomas!

Mr. Speaker: Order! Eng. Toro, although you have a legitimate response to that, you have done it in a manner that is out of order. You just do not interject there. But, nevertheless, I think that is legitimate too. So, the two legitimate concerns weigh each other and balance and, on balance, I will not condemn anybody.

(Question deferred)

Question No.588

SHODDY CONSTRUCTION WORK ON OL'JOROROK DUNDORI ROAD

Eng. Muriuki asked the Minister for Roads, Public Works and Housing:-

- (a) whether he is aware that shoddy work has been done by the contractor on the Road C83 - Ol'Jororok-Dundori;
- (b) what urgent measures he is taking to ensure that the contractor rectifies defects before handing over the project; and,
- (c) whether he could table the contract documents showing the specifications and the rated Bills of Quantities.

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Speaker, Sir, I beg to answer.

(a) I am not aware that shoddy work has been done on Road C83 - Ol'Jororok-Dundori, because the project is being implemented by the *El Nino* Programme under the Office of the President.

(b) My Ministry cannot, at this stage, take any urgent measure as the rectification of defects and supervision of the contractor is still the responsibility of the *El Nino* Programme. However, my Ministry will ensure that all the defects are rectified during a joint inspection of the road with the *El Nino* Project management before it is finally handed over back to the Ministry.

(c) The contract documents for the project are with the project implementing arm (*El Nino* Programme).

Dr. Godana: On a point of order, Mr. Speaker, Sir. Is the Minister for Roads, Public Works and Housing in order to tell us that, because the project is being implemented by the *El Nino* Programme, he has no responsibility to check on defects until the road is completed, by which time more defects will have been committed? I would have thought that, as the Minister, he has the responsibility to intervene at every stage and tell the contractors that the work they are doing is shoddy.

Dr. Ali: On a point of order, Mr. Speaker, Sir. If the Minister has stated properly that the project is not in his docket, could the Question be taken to the Office of the President, so that it can be answered? The Minister has said that the project is being implemented by the *El Nino* Programme which is not in his docket.

Mr. Speaker: Mr. Raila, could I just wonder aloud: Does the Office of the President have engineers?

Mr. Raila: Mr. Speaker, Sir, the answer is no. But what happened in the past was that most projects of this nature used to be taken to the Office of the President. When we took over, we found that this project was almost being wound up. It was, therefore, felt that it was necessary for it to be wound up first before the roads are handed over to my Ministry. That is the reason why I am saying--

Hon. Members: And now?

Mr. Raila: Mr. Speaker, Sir, currently, as things stand, we inspect the roads on the invitation of the implementing agency, which is the *El Nino* Programme.

Mr. Manoti: On a point of order, Mr. Speaker, Sir. Although the project is under the Office of the President, some engineers were seconded to the Office of the President from the Ministry of Roads, Public Works and Housing. What are they doing there? Is it in order for the Minister to say that there are no engineers in the Office of President to undertake that project?

Mr. Raila: Mr. Speaker, Sir, the *El Nino* Programme is normally domiciled in View Park Towers. What happens is that it advertises and employs consulting companies that do the supervision of the works. So, at the moment, the way things stand, it is only when our officers are invited to go for joint inspections that they do so. But there is a programme to regularise this matter and hand over the project to the Ministry.

Mr. Speaker: Could we now go to the Question itself? Eng. Muriuki!

Eng. Muriuki: Mr. Speaker, Sir, with all due respect to the Minister for Roads, Public Works and Housing, myself and the people in Ol Kalou simply want to have Road C83 passable. At the moment, it is totally impassable during the wet season. Much as the Minister has said that the project is being implemented by the Office of the President, the Government gave the contract to a cowboy contractor called M/s Victory Construction Company, which appears to have bribed engineers from the Office of the President---

Mr. Speaker: Order! Ask your question!

Eng. Muriuki: Mr. Speaker, Sir, I am coming to the question.

Mr. Speaker: Order! Order, Eng. Muriuki!

An hon. Member: He is an engineer!

Mr. Speaker: Even as engineers, I would like to ask hon. Members to please use acceptable language in the House. When you stand there, Eng. Muriuki, to condemn wholesale, the engineers of the Ministry of Roads, Public Works and Housing that they have been bribed---

An Hon. Member: He said the Office of the President!

Mr. Speaker: Order! It does not change the calculation; whether the engineers are from the Office of the President or the Ministry of Roads, Public Works and Housing. When an hon. Member stands to accuse, in fact, to condemn a group of Kenyans or civil servants in the House without proof that they were actually convicted as a fact, it is not the right thing to do in the House. You may say that the work has not been done well or even you may ask the Minister whether there is impropriety but, in my view, it does not help this country if we become judges and convict people without giving them a hearing.

Mr. Minister, could you respond to the fears of the hon. Member?

Eng. Muriuki: Mr. Speaker, Sir, let me ask my question.

Mr. Speaker: Go ahead!

Mr. Wanjala: On a point of order, Mr. Speaker, Sir. The Question has been directed to the Ministry of Roads, Public Works and Housing, but you have heard clearly the hon. Questioner transferring it to the Office of the President, which is the highest office of the land, and he has related it to corruption. Could he tell us exactly who in the Office of the President has been bribed and is interfering with the work of the Ministry of Roads, Public Works and Housing?

Eng. Muriuki: Mr. Speaker, Sir, this is supposed to be an all-weather murrum road. The sort of soil---

Mr. Speaker: Order! Eng. Muriuki, that is beside the point! The point raised by Mr. Wanjala and which I have directed you---

Eng. Muriuki: Mr. Speaker Sir, I am coming to the point!

Mr. Speaker: Could you now tell us who it is?

Eng. Muriuki: Mr. Speaker, Sir, you do not have to be an engineer to know that it was soil which was put on this road instead of murrum. Vehicles gets stuck on this road. In our interpretation we do not see any other way that the engineers in the Ministry of Roads, Public Works and Housing would have okayed the soil unless they were under some undue influence!

(Applause)

Mr. Speaker: Order! All hon. Members must again read the Standing Orders. If you look at the section about Questions, it clearly states that a Member shall not attach an opinion to a Question. Eng. Muriuki, that certainly is an opinion. You could ask the Minister whether that is correct or not. However, in the name of orderly business of the House and the integrity of the Members themselves and the House, please, let us moderate our language.

Proceed, Eng. Muriuki!

Eng. Muriuki: Mr. Speaker, Sir, I will change that. Since all that the people of Ol Kalou want is a road and here we have the hon. Minister for Roads, Public Works and Housing in charge of all roads in the Republic, could I, through the Chair, ask the hon. Minister to go and inspect this road so that he gets to the bottom of the problem?

Mr. Raila: Mr. Speaker, Sir, it is necessary for hon. Members to know some little information about this project. The contract sum of Kshs73 million was awarded to Victory Construction Company Limited in September 2002, to improve 31 kilometres of this road. A joint venture consultancy company was supervising this road. There has been no impropriety on the part of the Government as far as this road is concerned. A substantial completion inspection was carried out on 16th April, 2003, by the project management and the contractor. They decided that the road was not ready to be handed over back to our Ministry due to very many defects that were observed. Some of the defects observed include a section to be re-gravelled and another to be surfaced dressed again at the contractor's expense. The *El Nino* project management will invite my Ministry for a joint inspection of this road once these defects have been rectified before the project is handed over to my Ministry.

Mr. Mukiri: Mr. Speaker, Sir, you heard the Minister say that they have not taken over the management of *El Nino* roads from the Office of the President. The NARC Government has been in power for almost nine months. Why are they taking too long to take over the management of those roads from the Office of the President? What is the problem?

Mr. Raila: Mr. Speaker, Sir, this really depends on a number of issues. A number of projects which were in the Office of the President have been transferred to other Ministries. For example, the Immigration Department is now in Office of the Vice-President and Ministry of Home Affairs while the Aerodromes Department is now in the Ministry of Transport and Communications. This project was actually at its final stage. There was no need to transfer it to my Ministry. It was felt that there was

need to wind it up in the Office the President before the roads are handed over to the Ministry.

Mr. Omingo: On a point of order, Mr. Speaker, Sir. With due respect, the Minister did not answer the question as asked by the hon. Member. What is the Ministry doing to have that kind of wrong, that was done in the past regime, rectified and those roads transferred to his Ministry? That was the question by the hon. Member.

Mr. Speaker: Well, I think the Minister has already answered that question.

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

Mr. Speaker: Hon. Members, I think I have been generous enough on this Question.

An hon. Member: Give me the last chance!

Mr. Speaker: Order! You do not need to negotiate with the Chair too much! Mr. W. Mwangi will have the last chance on this because he did not negotiate!

Mr. Mwangi: Mr. Speaker, Sir, we have seen the anxiety of the hon. Member and the magnitude of the problems he is experiencing. This is not the only road in Nyandarua District that has been under construction and a shoddy job done. There is also Road C69 and Road 391. Could the Minister liaise with the engineers in the district and visit that road? This is because engineers in the Ministry seem not to know what is happening. They also seem not to have even documents specifying what they were supposed to do.

Mr. Raila: Mr. Speaker, Sir, hon. Members have been to my office and we have gone through some of these projects jointly. My office is very accessible to hon. Members of Parliament when they have any information that they think could help us improve. We are always very willing to improve. I have also been touring around. In fact, I have inspected some of these *El Nino* roads. For example, I went to Murang'a District and found a road that had been so shoddily done. I even carried out measurements on it and I instructed the engineers to carry out improvement. Therefore, we are ready and willing to work very closely with hon. Members of Parliament to improve the performance of the Government.

Mr. Speaker: Mr. Sasura's Question is deferred.

Question No.364

STREAMLINING OF MARSABIT
DISTRICT HOSPITAL MANAGEMENT

(Question deferred)

Question No.613

PAYMENT OF DUES TO COUNCILLORS

Dr. Ali asked the Minister for Local Government:-

- (a) whether he could state the amount of money owed to the councillors in Wajir County Council since 1992;
- (b) how much money is owed to councillors who were not re-elected in 2002; and,
- (c) when these dues will be paid.

The Assistant Minister for Local Government (Mrs. Tett): Mr. Speaker Sir, I beg to reply.

- (a) The councillors of Wajir County Council are owed Kshs14,884,183 since 1992.
- (b) The council owes councillors who were not re-elected in 2002, Kshs11,312,963.

(c) In the last financial year, the council paid Kshs1,662,000 towards debts owed to councillors and there is a provision in this year's estimates to pay Kshs4 million.

Dr. Ali: Mr. Speaker, Sir, I wish to congratulate the Assistant Minister for leaving out a sentence in her written reply which stated that "they were not sure." However, since the Ministry knows the problems of Wajir County Council, what is the Government doing to make sure that those councillors who were not re-elected get their dues? Is there any assistance that the Government can give to those councillors?

Mrs. Tett: Mr. Speaker, Sir, we will clear what we owe them as soon as possible.

Mr. Sambu: Mr. Speaker Sir, considering the problems that many councils have, in raising revenue, could the Assistant Minister consider amending the Ministry's budget so that they can pay councillors directly from the Ministry of Local Government? Could they also consider paying a councillor a minimum of Ksh50,000 per month?

Mrs. Tett: Mr. Speaker, Sir, we will address that issue in our Vote today. I hope that all hon. Members will support it, so that all councillors in the Republic can benefit.

Mr. Sirma: Mr. Speaker, Sir, given that councillors usually pay themselves first, before paying their officers, could the Assistant Minister confirm whether or not officers in Wajir County Council have been paid their salaries?

Mrs. Tett: Mr. Speaker, Sir, the workers are also taken care of. We are not only paying the councillors. As I said, we have put aside Kshs24 million which will also be paid to the workers.

Mr. Mwenje: Mr. Speaker, Sir, now that the Assistant Minister admits that they are in the process of considering to increase the allowances of councillors, could she consider allowing the Nairobi City Council to increase the councillors' allowances, because they are able to afford them without referring to the Exchequer?

Mr. Speaker: Is Nairobi in Wajir?

Mr. Mwenje: Mr. Speaker, Sir, he talked about councillors' allowances.

Mr. Speaker: You are hijacking Dr. Ali's Question!

Dr. Ali: Mr. Speaker, Sir, I wish to thank the Assistant Minister for saying that they will pay the councillors soon. But before the last General Elections, councillors who owed the council any money were supposed to repay it before they could be issued with certificates for contesting. I would like to urge the Assistant Minister not to bring politics into this issue. Could she undertake to pay these councillors as soon as possible?

Mrs. Tett: Mr. Speaker, Sir, I was not in that Ministry that time, but, this time round, we will make sure that all the debts are paid as soon as possible not only for the sitting councillors but even for the ones who were not re-elected and all the workers. I can give you that assurance.

Mr. Speaker: Very well! Next Question!

Question No.566

EXTENSION OF MASENO WATER SUPPLY
TO EMUHAYA CONSTITUENCY

Mr. Marende asked the Minister for Water Resources Management and Development:-

(a) whether he is aware that Maseno Water Supply Project has its water source from River "Jordan" and catchment area in Emuhaya Constituency; and,

(b) what urgent measures he is taking to ensure that the people of Emuhaya, including Luanda Town, are supplied with water therefrom.

The Assistant Minister for Water Resources Management and Development (Mr. Munyes): Mr. Speaker, Sir, I beg the indulgence of the House that this Question be deferred until tomorrow, in the afternoon, when I will be able to give a very comprehensive answer.

Mr. Speaker: Certainly not tomorrow! What is your reaction, Mr. Marende?

Mr. Marende: Mr. Speaker, Sir, I will be comfortable as long as I have an answer this week. This Question is important to my people.

Mr. Speaker: The Question is deferred to Thursday!

(Question deferred)

Question No.362

ANNUAL GENERAL MEETING FOR
MASINGA CO-OPERATIVE SOCIETY

Mr. Mbai asked the Minister for Co-operative Development and Marketing:-

- (a) what urgent measures he is taking to compel the Masinga Sand Harvesting Co-operative Society to hold its Annual General Meeting; and,
- (b) what action he has taken to ensure that members are paid their outstanding dividends for the last seven years.

Mr. Speaker: Where is the Minister for Co-operative Development and Marketing! I will come back to this Question later on!

Mr. Mbai: On a point of order, Mr. Speaker, Sir. I raised this Question during the last sitting, but the Minister was not in the House to answer it. What is happening?

Mr. Speaker: I do not know! I will come back to it. Next Question!

Question No.371

TITLE DEEDS FOR SETTLEMENT
SCHEMES RESIDENTS

Mr. Cheboi asked the Minister for Lands and Settlement when the residents of Tinnet, Ndoinet and Saino Settlement Schemes in Kuresoi Constituency will be issued with title deeds for their land.

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

The residents of Tinnet, Ndoinet and Saino Settlement Schemes will get their title deeds as soon as the survey and the demarcation work is completed. Planning work is complete, and what is remaining will require at least three months to finalise.

Mr. Cheboi: Mr. Speaker, Sir, I think you also realise that the Assistant Minister deserves a promotion because he is doing a good job. However, I was given a written reply on 22nd July, 2003, which is about three months ago. The written reply indicated the same thing; that the exercise was going to be completed within three months. I would like the Assistant Minister to state the current position, because it is just about a month to go.

Mr. Speaker: When does time begin to run?

Mr. Ojode: Mr. Speaker, Sir, we are just waiting for the Vote of the Ministry of Lands and Settlement to be passed by this Parliament and then, within three months, I will be able to finalise the whole exercise.

Mr. Speaker: From when?

Mr. Ojode: From the Budget.

(Laughter)

Mr. Rotino: Mr. Speaker, Sir, the question of title deeds in this country is a mess. It is just the other day that the Assistant Minister told my people that he was going to issue them with title deeds before Christmas, but I have been following this issue with the Ministry of Lands and Settlement and I am sure they will not be ready before Christmas. Could the Assistant Minister be specific on the dates he is going to issue the title deeds to those Kenyans?

Mr. Ojode: Mr. Speaker, Sir, first, you will agree with me that it is not yet Christmas. Secondly, I was giving this promise based on the Vote of the Ministry. Once the Vote is passed, I will be able to buy the materials and then--

Mr. Sambu: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House when already we have passed the Vote on Account which is half the total allocation. Is he in order to mislead the House that they have no funds?

Mr. Speaker: I think Mr. Sambu is right. The second half will come in December; at least a month after the three months have lapsed.

Mr. Ojode: Mr. Speaker, Sir, you are right. I promised Mr. Rotino that, before December, I will be able to issue the titles. Once we get the money, as you have said, we will be able to purchase some of the equipment which will go along with the titles.

Dr. Ali: Mr. Speaker, Sir, I think *Serikali* is misleading the House.

Mr. Speaker: What?

Dr. Ali: Sorry, Mr. Speaker, Sir. I think Mr. Ojode is misleading the House. He is telling us that he will issue the title deeds three months from now, and yet he knows very well that it will be three months after December. Why is he taking us for a ride? If he is waiting for the allocation of money in December, then he should simply tell us that he will be able to issue the title deeds in March next year.

Mr. Ojode: Mr. Speaker, Sir, I would like the hon. Questioner to realise that we have to purchase a number of things before a title deed is issued. I have promised that I will be able to issue those title deeds by December. Let them ask me the same Question in December or after December.

Mr. Munya: Mr. Speaker, Sir, could the Assistant Minister tell us these things that they are going to purchase?

(Loud consultations)

Mr. Speaker: Order! Order! Mr. Munya, I cannot hear you. What are you saying?

Mr. Munya: Mr. Speaker, Sir, could the Assistant Minister tell us specifically which things they are going to purchase?

Mr. Ojode: Mr. Speaker, Sir, there are a number of materials which go along with the title deeds.

(Loud consultations)

Mr. Speaker: Order! Order, Members! Relax! He cannot possibly let you know what you want unless you give him audience. Let him say, because unless he says you will not know.

Proceed, Mr. Ojode!

Mr. Ojode: Mr. Speaker, Sir, before a title deed is issued, the land must be surveyed and we have to produce a deed plan. A deed plan is a special paper which is used in issuing the title deeds. They are aware! All of them are aware!

Mr. Sirma: Mr. Speaker, Sir, the Assistant Minister is misleading this House because this is not the first time the Ministry of Lands and Settlement is doing that exercise. They have been carrying out the exercise and the Ndorobos are for the first time, going to get title deeds. Could the Minister honour the promise this time?

Mr. Ojode: Mr. Speaker Sir, the Ministry will issue title deeds where they have never been issued before. I want to promise this House that areas which had not been demarcated and surveyed will be surveyed, and title deeds will be issued. Hold your horses!

Mr. Cheboi: Mr. Speaker, Sir, I beg, through the Chair, that this Question is treated with a lot of sympathy. The land belongs to a community known as the Ogieks.

Mr. Speaker, Sir, as hon. Mr. Sirma has put it, this will be like a first love to those people because they have never owned any title deeds.

Mr. Speaker: What is the Question?

Mr. Cheboi: Mr. Speaker, Sir, I want the Assistant Minister to confirm that we will have our title deeds just like he promised Mr. Rotino. In this case, he has to be very honest since those will be the first title deeds the people will be receiving.

Mr. Ojode: Mr. Speaker, Sir, let me assure the Member of Parliament that he is going to have his title deeds before Christmas time, and that hon. Mr. Rotino will also have his so that they can enjoy during Christmas time.

(Applause)

Mr. Speaker: I am sure that Mr. Cheboi and Mr. Rotino are now wishing that Christmas was tomorrow!

Next Question, Mr. Ngozi.

Question No.627

ILLEGAL ALLOCATION OF SHIMONI PLOTS

Mr. Ngozi asked the Minister for Lands and Settlement if he could explain when plots Nos.493, 494 and 495 for Mpunguti Ya Juu, Mpunguti ya Chini and Kisire in Shimoni, Kwale District, would be returned to the locals after being illegally allocated to individuals when they were under the trusteeship of Kenya Wildlife Service.

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

The plots Nos. 493, 494, and 495, Mpunguti ya Juu, Mpunguti ya Chini and Kisire in Shimoni, Kwale District, were allotted to individuals who are locals. The Ministry, however, does not recognise the process through which the plots were allocated. The Ministry has subsequently put restriction on the title deeds with a view to repossessing the plots.

Mr. Ngozi: Mr. Speaker, Sir, my Question was very clear. When will the plots be given back to the locals? Could the Assistant Minister also name the individuals to whom the plots were allocated? You should be aware that these plots are on the border of Kenya and Tanzania which I believe is not safe due to insecurity.

Mr. Ojode: Mr. Speaker, Sir, those plots were given to people who are locals of the area. I can name them!

Mr. Speaker: Do you know them?

Mr. Ojode: Yes I know all of them!

Mr. Speaker: How do you know them?

Mr. Ojode: Mr. Speaker, Sir, Plot No. 493 is about 5.0 hectares and was allotted to three people. One of them is Mr. Mwanasiti Mohamed. The second person is Christine Mwakundu and the third person is Sally Florence. Plot No.494, which is about 3.7 hectares, was allocated to three

people. One is Boy Juma Boy, the other is Shi Hamisi Mwamuwindi and the other one is Bakari Ali Kasuranu. The last one, which is plot No.495 and which is about 12.1 hectares was allocated to three people, which are Kassim Bakari Mwamzandi, Mohamed Mshe Mnyamiri and the last one is Nasoro Juma. All those are individuals from the locality.

(Applause)

Mr. Ngozi: Mr. Speaker, Sir, you have seen the way the Assistant Minister is behaving. He has said that he will award titles deeds in three months to other people but he is not telling me when the plots I am asking about will be repossessed and given back to the rightful owners.

Mr. Ojode: Mr. Speaker, Sir, I mentioned that---

Mr. Wanjala: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it?

Mr. Wanjala: Thank you, Mr. Speaker. When I look at this Question I realise that the Member is referring to an area where he comes from. He is a politician. Could he tell this house what his interests are since those who own the plots now are local people?

Mr. Ngozi: Yes, they are locals but I am talking about local people because the ones who have ownership now were allocated the plots on some political basis. There are people who were originally living on those plots and they are being relocated. What is the Ministry of Lands and Settlement doing to ensure that they are protected?

Mr. Ojode: Mr. Speaker Sir, I do agree with Mr. Gonzi. After these plots had been allocated the locals they sold them out. Plot no.493 was sold to Pwani Holdings Resort Limited, Plot No.494 was sold to Bantus Investments Limited and Plot No.495 was also sold to Cereals Holdings. As I mentioned earlier, we are going to repossess the plots because first, they were irregularly allocated; and secondly, the plots were under KWS for conservation purposes.

Mr. Nyachae: On point of order, Mr. Speaker, Sir. The title deeds were issued by the Government in power.

Mr. Speaker: Order, Mr. Nyachae! I am being advised that there is a Question that I left out. There was a Question by Mr. Mbai.

Question No.362

ANNUAL GENERAL MEETING FOR
MASINGA CO-OPERATIVE SOCIETY

Mr. Mbai asked the Minister for Co-operative Development:-

- (a) what urgent measures he is taking to compel the Masinga Sand Harvesting Co-operative Society to hold its Annual General Meeting; and,
- (b) what action he has taken to ensure that members are paid their outstanding dividends for the last seven years.

Mr. Speaker: Order! Where is the Minister? The Question is deferred. We will try to have it, if it is possible, within the week. If not, early next week. Alright Mr. Mbai.

Mr. Mbai: Yes, Mr. Speaker, Sir.

Mr. Speaker: Very well.

(Question deferred)

An hon. Member: Mr. Nyachae has a general point of order.

Mr. Speaker: Order, all of you! Mr. Nyachae, what were you saying? You did not even ask me.

Mr. Nyachae: This honourable House should be very clear about the law we are using in this country with regard to land and the titles the Government issues. If now we can ignore the provision in the Constitution which allows people to own land and an Assistant Minister comes here and says that because the locals sold it to other companies, the plots will be reposessed--- Are we now saying that we will ignore the Constitution of this country and that land which is owned by people all over the country must only be owned by the locals? What is being said here?

Mr. Speaker: Order! Mr. Assistant Minister, before you respond, I think that is a legitimate concern, not only by this hon. Member, but by the ordinary Kenyans. I think there is something about sanctity of title deeds. There is a procedure for cancelling titles. Mr. Assistant Minister, do you have the right to walk to your office and cancel titles as you please?

Mr. Ojode: Mr. Speaker, Sir, I want to make a clarification to all hon. Members to hear. There is no way I can cancel any plot allocation which has already been issued with a title. I have no authority at all to do that. However, I have the authority to cancel allocation of plots which still have letters of allotment, especially when they are meant for something else. These are plots which were meant for conservation purposes. They were irregularly allocated to individuals from the locals. I have the authority to cancel allocation of those plots because title deeds have never been issued.

Mr. Nyachae: The Assistant Minister himself told us here that "the plots were allocated". He used that language. The titles were issued. We are using his words here. All this information must be in his office. The letters of allotment can never allow anybody to sell any piece of land. So, he cannot tell us then that they were sold if the title deeds have never been issued. We need to hear the truth about this.

Mr. Speaker: Order! Because of the time, we must make progress. It is now 3.30 p.m. and I still have to give Mr. Okundi a few seconds. I would like to say that I think we must use the Floor of this House to disseminate correct information to the Kenyan people and to the world. If we disseminate incorrect information, we could cause mayhem. So, please let us know what we are talking about. If it is cancellation of titles, let us say so. If it is recall of a letter of allotment, then you can say exactly that because it can have an effect on the general public and the investing Kenyans and the world at large.

Let us understand all these things. Mr. Okundi, you have half a minute!

POINT OF ORDER

MURDER OF DR. MBAI

Mr. Okundi: Mr. Speaker, Sir, I stand to demand a Ministerial Statement from the Minister in the Office of the President in charge of internal security. This Statement is on the brutal murder of Dr. Crispin Odhiambo Mbai which happened on Sunday the 14th of September, in the afternoon in his house around 3.00 p.m. Dr. Crispin Mbai was until that time, the Chairman of the Department of Political Science and Public Administration in the University of Nairobi and also the chairman of the Technical Committee on Devolution of the National Constitutional Conference. Dr. Mbai was a humble member and resident of Rangwe Constituency where I come from---

Mr. Speaker: Order! Will you now ask the question?

Mr. Okundi: The areas I want the Minister to deal with are the growing controversy about the inquiry where there are conflicting reports. I also want to know when the culprits will be arrested and arraigned in court so that the truth can be found. I also want to know why the journalists were arrested. This is contravening the international law on the media. So, we are going against our Constitution.

Mr. Speaker: Mr. Tarus, will you be able to do it within the week? When will you be ready?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, I undertake to bring a Ministerial Statement.

Hon. Members: Tomorrow!

The Assistant Minister, Office of the President (Mr. Tarus): Hon. Members, listen!

Mr. Speaker: Order!

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, I undertake to bring the Ministerial Statement on Tuesday afternoon.

Hon. Members: Ahh!

Mr. Speaker: Next week?

Hon. Members: Tuesday, next week, Mr. Speaker, Sir.

Mr. Speaker: Very well. Next Order!

COMMITTEE OF SUPPLY

*(Order for Committee read
being Eleventh Allotted Day)*

MOTION

THAT MR. SPEAKER DO NOW
LEAVE THE CHAIR

Vote 12 - Ministry of Local Government

The Minister for Local Government (Mr. Maitha): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair.

Mr. Speaker, Sir, first, I would like to thank you and this august House for giving me this opportunity to present both the Recurrent and Development Votes for my Ministry. As hon. Members are aware, my Ministry is essentially a service Ministry whose main role is to advise, co-ordinate, support and guide the 175 local authorities throughout the Republic of Kenya.

The main objective of this support is to enable local authorities to enhance quality service delivery through improving citizen participation in governance, financial management and accountability. In line with the Ministry's mandate, the utilisation of the Ministry's resources is targeted under the Economic Recovery and Poverty Reduction Programme through the following activities:-

1. Acceleration of local authority reform---

Mr. Okundi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order all of you! Mr. Okundi and your friend seated there, you must not cause disorder! There will be order here! Could we all listen to the Minister?

Proceed, Mr. Minister!

The Minister for Local Government (Mr. Maitha): Mr. Speaker, Sir, in line with the Ministry's mandate, the utilisation of the Ministry's resources is targeted at the Economic Recovery and Poverty Reduction Programme through the following activities:-

(1) Acceleration of local authorities reforms to improve budgeting and revenue mobilisation, financial management, service delivery, planning and implementation, monitoring and evaluation to ensure improvement in local service delivery and participatory governance and poverty alleviation.

(2) Development of an institutional and legal framework for decentralisation that emphasises devolution of additional responsibility to local authorities along with the resources. Adequate finances, human resource development and capacity building mechanisms in order to improve public sector efficiency and accountability.

(3) Further development of policy systems and procedures to strengthen and improve democratic and participatory community-based decision-making process. The definition, planning, implementation of local level, development and service delivery activities.

4. Formulation and implementation of policies to promote orderly urban development and address challenges of urbanization. A case worth mentioning among several others is that the Government has already created an inter-Ministerial Committee comprising of the Ministry of Roads, Public Works and Housing, Office of the President and the Ministry of Local Government to look into facilitation mechanisms for micro and small enterprises, location issues of informal trading premises; that is *kiosks* and general hawking activities in urban areas.

5. Improvement of solid waste management in order to provide a healthy living environment in urban centres.

6. Improvement of urban roads network and traffic management to promote movement of goods and services to and from the markets.

7. Provision of non-motorised transportation facilities, paving for pedestrians, walkway for pedestrians and cyclists of whom the majority are poor.

8. Institute effective fire disaster prevention and management mechanisms to forestall destruction of property, lives and shelter, especially in slums and other settlements.

Mr. Speaker, Sir, to sustain the reforms' momentum and achieve the objectives of improved local service delivery and enhanced economic governance for all local authorities, my Ministry will focus on the following areas during this financial year:

(i) To strengthen local authority budgeting, revenue mobilisation and financial management processes through continued implementation of the revenue sharing programme, particularly the Local Authorities Transfer Fund (LATF), rationalisation of Local Authority budgeting guidelines, procedures and systems; enhancing Local Authority revenue mobilisation capacity, consolidation of the single business permit reform and strengthening local level financial management capacity, accounting control and audit mechanism.

(ii) Reform of the legal preliminary Bill relating to Local Authorities Cap.265, in order to give them more powers and resources for improved governance. In this context I have observed that under Section 143 of the Local Government Act, local Authorities have powers to enter into contracts including borrowing and procurement. My Ministry, in consultation with other relevant Ministries, is in the process of streamlining the procurement procedures in local authorities. In addition, the Ministry has already prepared a preliminary Bill of the Local Government Act. However, due to devolved functions, levels of Government and other institutional framework proposed in the new constitution, my Ministry had to defer the amendment of the Act. The upgrading of Local Authorities to city status is one of the amendments. Included in the preliminary Bill is implementation of a citizen's driven planning process through the Local Authority service authority budget, development of a decentralisation policy and the integration of local authority budgeting into the Medium Term Expenditure Framework (MTEF), development of a more focused and integrated monitoring and evaluation framework for local authorities' activities and finances, local authority institutional reforms and capacity building, information and technology development for the Ministry and local authorities. In addition, the Ministry will continue to strengthen the Kenya Local Government reform programme, technical secretariat to support the basic administration of LATF and to support other key reform initiatives related to budgeting, revenue mobilisation and financial management, participatory planning, implementation and monitoring of service delivery and overall monitoring and evaluation of the Local Government reform efforts.

Mr. Speaker, Sir, to achieve these objectives, I am requesting hon. Members to approve a total of Kshs5,547,704,200 for the Ministry during the current financial year 2003/2004. Out of this amount, Kshs4,467,414,200 will be for Recurrent Expenditure. The total amount required for Development Expenditure is Kshs1,008,290,000. The following is the detailed breakdown of the Ministry's budgetary allocation:

First is the Kenya Local Government Reform Programme which we have allocated Kshs6 million. The Ministry is fully committed to the reform of the local Government system at the policy programme and project level. To sustain the momentum of the Local Government reform process, the

Ministry would like to request for strong and sustained support from hon. Members of this House. Further, I wish to register the Ministry's appreciation for the continued support received from the Government and all our development partners in development efforts.

Mr. Speaker, Sir, as the hon. Members are aware, the Government has undertaken major business licensing reforms aimed at deregulating the business sector in the country. This is aimed at encouraging greater economic growth and employment creation. These reforms are also aimed at reducing the administration and compliance course of doing business as well as allowing for proper regulatory activities and generating information on private sector activities for local authority's planning purposes. As part of this reform, all local authorities have now adopted the single business permit system which has been a win-win situation for the business community and the local authorities.

Mr. Speaker, Sir, in order to avoid double trade licence fees on accountants, advocates, doctors, architects and other professionals, amendments were made to the various controlling Acts to cancel the trade licensing fee payable to the Central Government by these professionals. Instead all professionals are now required to register and pay the single business permit to local authorities.

To date, however, some local authorities have experienced some misunderstanding and resistance from the professionals, many of whom have failed to comply with the law. Full compliance with the law will ensure an equitable treatment of all business.

May I point out that the implementation of the single business permit also provides planning information as well as revenues to enable local authorities to provide services to their residents, including the business community. I have, therefore, directed all local authorities to ensure full compliance with the single business permit fee payment registration by the entire business community, including various professionals.

Mr. Speaker, Sir, as I mentioned previously, there are areas of budgeting, revenue mobilisation and financial management that continue to be a major challenge in our local authorities. The Ministry is, therefore, committed to strengthening these areas. As a first step, the Ministry issued clear guidelines in May 2003 to assist all local authorities prepare realistic estimates for the 2003/2004 Budget. Other reform activities are underway to rationalise the budgeting process and procedures and enhance revenue mobilisation and financial management systems. The Ministry is also undertaking reforms to improve the efficient delivery of local services. A number of important policy reforms related to management of local services such as garbage collection, water services, road maintenance, markets, health services and schools are underway. One major effort has been focused on the commercialisation of water and sewerage services through the formation of water management companies which are wholly owned by the local authorities.

Mr. Speaker, Sir, I would like to inform the hon. Members that to date, five such companies are already operational in Municipal councils of Nyeri, Eldoret, Nakuru, Kericho and Kitale. Other Local Authorities such as Nairobi City Council (NCC) are in the process of forming water companies in order to improve the water service delivery.

Mr. Speaker, Sir, under the rehabilitation of street families, the Government has allocated Kshs40 million to my Ministry. This programme was initiated on 24th January, 2003, by the Ministry in close collaboration with the then Ministry of Home Affairs and other partners. The street families are mobilised from the streets to the recipient centres where social workers counsel them to rehabilitation and reintegration into normal societal life. The programme is implemented through a participatory approach where major stakeholders are involved. The Nairobi City Council is estimated to have 50,000 street children while the rest of the country has an estimated population of 250,000 street children. The street families programme was initially started in Nairobi City but other local authorities will be assisted by the Ministry in setting up similar centres. A Street Families Rehabilitation Trust Fund has also been set up under the guidance of distinguished Kenyans from the private sector and Government for resource mobilisation.

Mr. Speaker, Sir, I take this opportunity to thank hon. Members, all Kenyans of goodwill and

development partners for their solid support. To date, we have received cash donations amounting to Kshs12 million from various well-wishers and items worth approximately Kshs50 million. Out of this sum, Kshs30 million worth of education materials was donated by the British Airways in conjunction with UNICEF. So far, we have been able to place 1,500 street children in various centres. Out of these, 300 have completed basic training at the National Youth Service (NYS) and are undergoing vocational training in various institutions in the country.

Mr. Speaker, Sir, under the Local Authorities Transfer Fund (LATF), the Government has allocated Kshs3.75 billion to my Ministry. The LATF is a mechanism to provide both funds and incentives to local authorities in order to improve local service delivery, financial management and debt reduction. The LATF funds are allocated and disbursed on an objective and published criteria. The LATF Advisory Committee includes members from the private sector. It was established under Section 8 of LATF Act of 1999 to advise the Minister on operations of LATF. Based on the advice of the Advisory Committee, the Minister for Finance gazetted the 2003/2004 LATF allocations and the disbursement criteria.

During the financial year, 2003/2004, a total of Kshs3.75 billion will be disbursed to all 175 local authorities to enable them to further improve local service delivery and financial management according to the regulations of LATF.

Mr. Speaker, Sir, at this juncture, I wish to remind hon. Members to take a keen interest in the usage of LATF money in their respective local authorities. LATF money is combined with the locally generated council revenues to provide the needed local level services. Hon. Members are also encouraged to acquaint themselves with the LATF annual reports which give detailed information on all local authorities financial revenues and expenditures including progress on service delivery, project implementation and debt resolution. Details are provided on the LATF mechanisms, reallocation formulation, distribution and summary information on local authorities fiscal activities. Last year's edition of this report has been forwarded for distribution in the Pigeon Holes for hon. Members.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, my Ministry has been allocated Kshs450 million *in lieu* of rates. We have received the Development Vote for Kshs1,802,290 and Kenya Urban Transport Infrastructure Project (KUTIP) - Kshs820 million. We have also received Kshs10 million for solid waste management from the same fund, fire disaster prevention and management - Kshs10 million.

Mr. Deputy Speaker, Sir, my Ministry is cognizant of past and current efforts, proposals and recommendations on the review of the councillors' allowances. These include the Omamo Commission Report of 1995 and hon. Kiraitu Murungi's Motion of 1999 which recommended that councillors should be paid more salaries, various memorandums by the Government and even the councillors themselves and the Mbugua Report of 2000. To this end, my Ministry supports the upward review of councillors' allowances. This is in anticipation of the increased roles and responsibilities envisaged in the Draft Constitution and in order to enhance competitiveness in civic elections.

In an effort to uplift the morale of the councillors for good governance and in line with the NARC Manifesto, I agree that there is urgent need for upward review of these allowances to be paid using local authorities' own resources based on revenue enhanced plans. In line with the on-going financial management reform, an inter-ministerial committee will shortly be convened to address a comprehensive package for councillors which was tabled last week in the Cabinet. The Cabinet has so directed.

Mr. Deputy Speaker, Sir, the increment will be based on the passage allowances, financial performance and ability to pay by the local authorities. My Ministry has, on its part, put in place reform measures to improve financial management, collection of revenue from the Government and other

ratepayers and to create new sources of revenue in an effort to attain sovereignty of local authorities. I, therefore, urge all hon. Members and citizens of this country to support these mechanisms that are going to be put in place to enhance revenue collection, to enable local authorities to effect these allowances adjustment.

In conclusion, I call upon the support of hon. Members in my endeavours to carry out the enormous task. This budget touches on all hon. Members because it involves money which is going into their constituencies for development.

Mr. Deputy Speaker, Sir, I beg to move:-

That, a sum not exceeding Kshs5,547,704,200 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2004, in respect of the Ministry of Local Government.

With those few remarks, I beg to move.

I call upon hon. Tuju to second the Motion.

(Applause)

The Minister for Tourism and Information (Mr. Tuju): Mr. Deputy Speaker, Sir, I rise to second this Motion. I wish to congratulate the hon. Minister and his Ministry for the great work that they have done in collaboration with the Ministry of Home Affairs with respect to street children. I ask hon. Members to support this Motion because inherent in it are figures also that will include some of the work that has got to be done to rehabilitate street children. It is a modest amount of Kshs40 million and when I computed it, it works to just about Kshs130 per child if we are looking at the 310,000 street children in this country. I know it is not enough. I wish we could have more money to address the problem of our street children, but we know as a country, we do not have much money. We are building this boat as we sail. So, we have to start with the little that we have.

I would like also to congratulate the Minister for embracing information technology in the Motion that he has moved. He has said that there will be substantial amount of resources for information technology that will be used in the management of our cities and towns. I dare say that failure to take the avenue of information technology as far as management of our towns and cities are concerned will result in a situation akin to what we have when you run a supermarket like Uchumi or Nakumatt by adding the prices manually with thousands of people streaming in trying to get service.

We cannot run our cities in the way that they were run 10 to 15 years ago because they have increased in size just like we cannot run a supermarket in the way that we run a small duka in a rural area. So, I would like to congratulate the Minister and the Ministry for all the reform programmes that they have to try and embrace modern management systems in running our cities including the use of information technology and CTV cameras to monitor our streets as one way of reducing crime in a town like Nairobi or Mombasa.

I congratulate the Minister for understanding the dilemma of councillors. In the few months that I have been a Member of Parliament, I have realised that councillors are the ones who are constantly in touch with the *wananchi*. The demands on them are more than those placed on Members of Parliament. Members of Parliament have the option of coming to Nairobi and are not in touch with all the requirements of *wananchi*. So, I congratulate the Minister for that and urge him to pursue that particular agenda with speed.

I would like to thank him for the work that has been done using the Local Authorities Transfer Fund (LATF) money. I appeal to him to continue that way, although some reforms may be required. But on the whole and across the balance, the Paper he has presented is appropriate. I urge all Members to support this Motion because what goes towards helping our local authorities is something which will touch all of us in this particular House. The amount of money requested for is not very much. It is what we have and we have to start with it.

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

Thank you.

(Question proposed)

Mr. Deputy Speaker: Mr. Sirma, do I believe that you are the shadow Minister for Local Government?

Mr. Sirma: That is correct, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Continue!

Mr. Sirma: Mr. Deputy Speaker, Sir, I rise to support the Vote of the Ministry of Local Government. There are many issues which need to be streamlined. Supporting the Motion does not mean that the Ministry is clean or as white as snow, as was said by an hon. Member at one time in this House.

Mr. Deputy Speaker, Sir, without addressing the legality and the law which governs the Ministry of Local Government, I do not think we shall go far without amending the Act of Parliament that actually deals with the powers of the Minister for Local Government. We have been able to bash the Minister here and there on things that we think are not correct. But when we refer to the Act, we find that it is so dictatorial that one man, the Minister for Local Government, actually controls with his own arm, a total of 175 local authorities in this country. We need to amend the Act and have powers devolved to the local authorities. Otherwise, the local authorities on the ground have no say if that Act is still there. I ask the Minister to restrain himself from using those powers because they are too much.

Mr. Minister, there are issues which show how much power is vested in you. There are provisions in the Exchequer and Audit Act regarding procurement, but they have not been able to change that Act. I do not know why! Is it that you interfere before it is published? The Act is dictatorial and we would like the Minister to refrain from using those powers.

Mr. Deputy Speaker, Sir, the future of local authorities in this country rests on how much we are going to devolve power and possibly give it to those who are down at the local level. In the constitutional review process, we are talking about devolution of power. Devolution will come if we have upright-minded people on the ground. We may devolve power to people who do not understand what is there. The Minister, in his reform programme, should undertake more training and capacity-building in the local authorities, so that they can be able to give better service to *wananchi*.

Mr. Deputy Speaker, Sir, there are issues which have always brought collision within the Ministry. We have always had problems which we want the Minister to address. He has talked about them. There is an Inter-Ministerial Committee which is going to deal with the issues of kiosks and other problems. I urge the Minister to address those problems so that in future, we do not see incidents like the ones we saw the other day. The Minister was asked why he demolished kiosks and he told us that it was Mr. Raila who did it because of the issue of road reserves. Finally, the City Council admitted that it was their equipment which were being used. Finally, the Provincial Commissioner came up and said: "The kiosks were demolished because of security reasons." We did not understand what was happening. They put us in total confusion and we wondered whether the left hand knew what the right hand was doing. We would like the Minister to be totally in charge, so that when we ask him why kiosks are being demolished, he has a reason. But if he is going to push his responsibility to others and make Kenyans think that there is no co-ordination, which we have witnessed about this Government of late--- Everybody is doing his own job. We do not know how long it will take to co-ordinate themselves.

Mr. Speaker, Sir, since the Minister is undertaking reform programmes, we would like to remind him of the single business permits. This issue has taken a long time to be streamlined. The process is taking too long. Could he implement the reforms because we have professionals who are overlooking the council and refusing to pay, especially the lawyers. They do not pay fees to the councils. Their colleagues here should advise them to respect the councils and their profession. We urge them to pay licence fees as required by the councils.

Mr. Deputy Speaker, Sir, I wish to move to the issue of water management. I am happy that we have two Ministers who have always given different dimensions on the issue of water. Mr. Minister I wish you could go all the way and be smart as you have been---

Mr. Deputy Speaker: Order, Mr. Sirma! Address the Chair, please!

Mr. Sirma: Mr. Deputy Speaker, Sir, I am sorry for addressing the Minister but, through you, could I ask him that, since he has always been smart in making decisions wherever he is, could he save the Nakuru Municipal Council from the Ministry of Water Resources Management and Development?

The National Water Corporation should leave that area so that the council can get its rightful revenue. You cannot have structures which have been put in place by the council taken away within a day by a water corporation that has invested nothing in the council. This is an issue which is killing the morale and development of councils. We want autonomous councils which are viable. We cannot have viability when we have total interference from other Ministries.

I also welcome the move to rehabilitate the street children.

The Government has taken street children from the City of Nairobi to the National Youth Service (NYS) for training, and we would like this programme to be extended to cover other towns. This is because street children are everywhere, even in the villages. The training that street children get at the NYS should not be a preserve of street children from the City of Nairobi. All street children in this country should be trained at the NYS. So, I would like the Minister to consider other urban centres when it comes to the training of street children at the NYS. I would like to thank the donors who have supported this programme.

Mr. Deputy Speaker, Sir, I would like to turn to the Local Authorities Transfer Fund (LATF).

This is a revenue-sharing arrangement between the Government and the local authorities in this country. To date, local authorities have received a total of Kshs8 billion. When Kshs3.5 billion is disbursed this year, local authorities will have received more than Kshs11 billion. If every hon. Member here is sincere, he or she will agree with me that, that money has not been received on the ground.

(Applause)

This money should be utilised properly if we have to realise any meaningful development. The Minister has been publishing the amount of money which has been sent to every county council. He has always urged us to be on the look out to ensure that, that money is spent properly. The Minister has also warned that councils will be penalised if they do not follow the laid down regulations with regard to expenditure of this money. How many councils has he penalised to date? How many councils has he even published in the newspapers because I have been told that there are some councils which have diverted this money to other projects? If the Minister had published the names of those councils which were planning to misuse that money in the newspapers, they would have stopped the misuse. So, we would like the Minister to account for these funds. This is because Kshs8 billion of tax payers' money is a lot of money. We want to see something being done on the ground. I have always requested the Minister to train the Ministry's officials at the various local authorities. This is because the LATF money is just sent to officers who know nothing about management. Training of the Ministry staff in local authorities is very important because it will enable us to know the amount of money which has been used.

The Minister has also promised that he will always approve budgets for local authorities within 60 days, which is the normal time-frame. I do not know whether he will approve those budgets when he has read them or without reading them. We would like the Minister to scrutinise those budgets no matter how much time it takes to do that but observe the stated time-frame. This will make him not to sign budgets for local authorities without scrutinising them. We would like those funds to be scrutinised properly when they are released to local authorities so that Kenyans can have trust in the Government.

Mr. Deputy Speaker, Sir, there is what we call "contribution in lieu of rates". The Minister has promised to give out Kshs450 million to local authorities in this country. If you compare this amount of money with the indebtedness of the Government, you will find that it is very little; it is a drop in the ocean. A Question was asked in this House this afternoon about Wajir County Council not paying councillors their dues amounting to Kshs14 million, and yet it is the Government which has not paid it. We must think twice. We should ask ourselves why we are increasing the poverty levels in our local authorities. Wajir County Council has been given as an example. The Government should assist county councils in rural areas. We should change the formula used in the distribution of the LATF money. Could we change the formula so that we do not consider population as a major factor when it comes to distribution of this money to a particular local authority. This is because the current formula says that whoever has more gets more. If the Government has to alleviate poverty then it should subsidise the services rendered by councils which have cash-flow problems. I am saying this because the people whom those councils serve are Kenyans. If the Government abandons those councils, then the Kenyans they serve will not know who to turn to.

I would now like to touch to the Kenya Urban Transport Infrastructure Project (KUTIP) carried out by the Ministry of Local Government. Urban development in this country has been neglected. This is the case when even this House passed an Act that states that the Ministry of Local Government will not be an agent of the Kenya Roads Board (KRB). As I speak here now, much of the funds collected from the Fuel Levy emanate from our cities and towns. The state of our roads in these cities and towns is actually worrying. Thugs have taken advantage of the poor state of our roads to kill Kenyans who contribute towards the construction of these roads. I would like to propose that the Urban Development Department in the Ministry of Local Government should be provided with funds to carry out development in urban areas. This Department should also be an agent of the KRB and not just a sub-agent of the Ministry of Roads, Public Works and Housing. This is because the Roads Department can decide not to give the Urban Development Department money. This is because when you are a sub-agent, you are a third party. So, the principal will decide whether to give you money or no

We should amend the Act so that it can have a provision which enables the Ministry of Local Government to be given money.

Mr. Deputy Speaker, Sir, KUTIP and the World Bank funded major roads in this country. The Government is facing a hitch now because it has to date not paid the contractors who undertook the construction of these roads. The Government has been very biased and has paid only one contractor by the name "Kirinyaga Construction Company". We do not know the reason why the Government paid this company only. All the other contractors who were given contracts to do some of these roads have not been paid. Interest is accruing on these pending bills. This is the case and yet contractors' contracts have not been terminated. We need the Government to explain this clearly so that the taxpayer does not continue suffering; the person who suffers most is the common mwananchi.

Interest is accruing on these pending bills because of a mistake of an individual. I am talking about Lang'ata and Jogoo Roads because a lot of interest is accruing on the unpaid amounts. The contractors who undertook these projects should be paid their money.

We know there is a case in court involving a World Bank official and an engineer in the Ministry of Local Government. We want that engineer to be charged with corruption if this Government is serious in the fight against this vice. We cannot tolerate a case where people engage themselves in corrupt deals and then they go scot free.

The emergency services which are required in the City of Nairobi and other urban areas, for example fire-fighting engines have not been effective. We want the Minister to address that issue. I would like to point out that Kshs10 million cannot buy a fire-fighting engine to be used in this City. There have been many cases of fire outbreaks in the City of Nairobi and other towns. So, we would like that problem to be addressed and more funds allocated for the purchase of fire-fighting equipment.

I would now like to turn to what the Minister has talked about today. He caught hon. Members off guard because opposing this Vote means opposing the councillors' pay rise. He has actually put the councillors' pay rise in a very strategic place. He has said that, we, hon. Members here have been longing for the approval of a pay rise for councillors. It is a move in the right direction, but that is not what we have always wanted done. When the Minister was a shadow Minister for Local Government, he always wanted councillors to be paid more money from the Consolidated Fund, but this time round he has said that they should be paid from local authorities' resources. Why does he not have a budgetary provision for these councillors so that they are paid directly from the Consolidated Fund. No matter how much they are paid, they will, at least, have a salary. We want councillors to get more money. We also want them to live happily and be good leaders. This is because there will be competitive politics at the grassroot level when there is something at stake. We shall definitely have people who are able to compete fairly.

We want the Minister to give us the undertaking that he will pay councillors. We have an unimplemented Motion that we passed in 1999. We have re-visited the same issue because KANU has sponsored a Motion through Mr. Sasura to have councillors paid from the Consolidated Fund. We are waiting for this Motion to be moved so that we are able to pay councillors well.

Finally, there have always been complaints by hon. Members, which the Minister should address. These are issues like the over-nomination of councillors and the gazetting of councillors not named by the Electoral Commission of Kenya. He has actually rectified some of the wrong gazettings but not all. However, we hope that he is going to finalise this issue and be able to assist Kenyans by giving them good services.

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

Mr. Mwenje: Thank you, Mr. Deputy Speaker, Sir. I realise that there has been a swapping of positions in this House, in that the current Minister for Local Government is the former shadow Minister for Local Government, and the former Assistant Minister for Local Government is now the shadow Minister for Local Government. So, you can now see the change of guard that we had talked about last year.

I want to support this Vote of the Ministry of Local Government. We should allow it to have this money because, as the shadow Minister says, the Minister was a bit cunning. He pushed us to a corner when he said that if we do not authorise this Vote, local authorities will neither have the Local Authorities Fund money, nor will councillors get a pay rise. It is correct then to say that we are at a corner. That notwithstanding, during this year's Budget Speech, the Minister for Finance appointed the Ministry of Local Government as an agent of the Kenya Roads Board. Previously, there was a very big problem because whatever the Board undertook stopped in the middle. I know the roads concerned because some of them are in my constituency. Local authorities could not undertake road works because they were not agents of the Board. Now that they are agents of the Kenya Roads Board, and are, therefore, allowed to undertake construction of roads, we hope to see some change. The Ministry of Local Government is now supposed to undertake construction of new roads that are in its areas of jurisdiction, and it should now set aside enough money for that purpose.

In the Nairobi City Council (NCC), the whole Budget for roads this year is only Kshs10 Million. What will this money do in the whole of this City, with all the roads we have that are supposed to be undertaken? That budgetary provision is very low. Whether it was fixed by Nairobi City Council or by the Ministry of Local Government, it is negligible. Why did NCC do such a small budget? Is it because it did not have money, or because it had other priorities? Is it because it had instructions from elsewhere? The Minister should immediately look into this. That budget of Kshs10 million for a whole city like Nairobi is small. If it is Kshs10 million for the NCC, how much less is it for other local authorities? It is certainly very small for this leading local authority in the country. That should be looked into and rectified.

When we come to the issue of water, a long time ago when I was a councillor, you could not mix money meant for water with other monies in a local authority. Today all the monies are put together. Local authorities now pay salaries with the money for water. Money from water collection should only be reserved for expansion of water services and provision of water to new estates.

(Applause)

What is happening today is that the money collected from water is used to pay salaries, and that is why you do not see any improvement in water provision in the City or anywhere else. In earlier years use of water was supervised by the World Bank. I do not know if it still undertakes that responsibility. I think the Minister should now take that responsibility and ensure that money from water is used only in provision of water. The argument about where water should come from is none of our business. The residents of every local authority want to be provided with water.

Mr. Deputy Speaker, Sir, if you want to know whether a local authority is actually working, you first look at how clean the city or town is. The first thing that we must eradicate is the garbage problem. Garbage must be collected. I want to thank the Minister today because in Nairobi garbage is not as much as it used to be. It is at least collected. I think the management of garbage collection should be more effectively done. All the garbage collected in this City, to my amazement, is dumped in my constituency, Embakasi, in a place called Dandora. However, it is time now we stopped doing that and subdivided this City. Garbage from Dagoretti should be dumped in Dagoretti and the same thing should happen in Industrial Area. Why should all the garbage collected in this City be dumped in my constituency? In two weeks' time, I am going to block Nairobi City Council from dumping it in my area. I must tell the Minister for Local Government that I will not allow him to dump any more garbage in my constituency. I am fed up! My people are dying in Dandora because of this dumping. Now, garbage should be recycled or dumped in bigger dumping areas but not in an estate where people live. The Minister for Health is here and I think she should ban these people from dumping garbage in Dandora where there are residents. That is one area that should be looked into.

The other issue is services in hospitals. The hospitals and dispensaries in this city have no medicine. I have been trying to visit them to see what they have, and it is time they were provided with enough drugs. Enough money for this should be provided in the budgets of the local authorities. They should also be assisted by the Ministry of Health. Today, you will find everybody going to Kenyatta National Hospital (KNH) because the dispensaries in the City do not provide proper services to our people. The KNH is no longer operating as a referral hospital. It now operates like any other ordinary hospital. I think it is time Nairobi City Council dispensaries, and all the dispensaries in other local authorities, were assisted so that they can provide good services to the people.

Mr. Deputy Speaker, Sir, on the question of education, I do not agree with those who say that one class holds over 80 children. However, there is some overcrowding in our schools and it is time the Ministry of Local Government provided more classes. This is because after the free primary school education programme started, there was an influx of children into our schools. You will, therefore, find that the services given are not good enough. One teacher is still teaching over 50 pupils but not 80, as some people have claimed. This is an area the Ministry of Local Government should now start looking into.

One area that is worrying in this City is that as you know, or possibly you do not know it, 70 per cent, or nearly 80 per cent, of the City residents live in slums. In my constituency alone, more than 400,000 people live in the slums. These slums need to be upgraded now. We cannot continue having our people living in houses which look like cattle shades. We need to upgrade the slums and provide them with water and sewerage systems. Previously, provision for such services used to be made. However, of late, there has never been any new provision for sewerage systems in estates

and, in particular, in slum areas. So, the Minister should come up with a policy on the provision of such services in slum areas within our cities and other local authorities.

Mr. Deputy Speaker, Sir, we cannot afford to ignore the poor people living in slums because they are numerically more than the rich people. We are sitting on a time bomb. One day, the poor will rise up against the rich and some people will be forced to run away from the urban areas. The poor people are very many, and they have no alternative.

It is high time that the Ministry of Local Government looked into the slums and upgraded them, so that we at least narrow the gap between the rich and the poor. We need to do something like that. Otherwise, the "time bomb" we are sitting on will "explode". So, we need to be warned.

Mr. Deputy Speaker, Sir, you will recall the so-called "The Mbugua Report". This report had a lot of recommendations. There are those people who had stolen money from the City of Nairobi, including those who stole the Mayoral chain. We have been following this matter but we get stuck every other day. The chain of the Mayor of Nairobi was stolen. We have talked to the Minister for Local Government to follow up the matter but up to now nobody has done anything about it. The Mbugua Report, which actually mentioned names of people who had actually misappropriate the Nairobi City Council's funds, has not been acted upon. So, while replying to this debate, I would like the Minister to tell us what he has done about the Mbugua Report. The report is still lying in the Ministry's offices, and we need to have it acted on. I keep on reading it and waiting to see action taken. We talked about this report while on the Opposition side of this House. I now find it a bit awkward to talk about it from the Government side. Since the Minister is here, I hope that he will tell us what will be done about the Mbugua Report.

On the issue of salaries and allowances, my proposal would be that those local authorities which can afford to pay their councillors should be allowed to do so. Councillors at the Nairobi City Council, for instance, are asking for only Kshs125,000 per councillor. That is not much for the Nairobi City Council; it can afford to pay its councillors that kind of salary.

*(Several hon. Members stood up
to catch the Speaker's eye)*

Mr. Mwenje: Mr. Deputy Speaker, Sir, I believe that my time is not yet up.

The Deputy Speaker: Order! Order! Hon. Members, it is out of order for you to stand when the hon. Member is still on the Floor.

Mr. Mwenje, I give you one more minute. So, proceed.

Mr. Mwenje: Mr. Deputy Speaker, Sir, therefore, I hope that the Nairobi City Council will be allowed to review the salaries of its councillors upwards, because it can afford to do so. If it is allowed to do so tomorrow, the Nairobi City Council can pay its councillors new salaries starting tomorrow.

With those remarks, I beg to support.

Mr. Angwenyi: Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to contribute to this important Motion.

The Ministry of Local Government is the most basic form of government that is in touch with the grassroot members of the public. Since the election of the current Government and the subsequent appointment of "hurricane Minister" to head the this Ministry, it started to perform. Our towns have become cleaner and they have started providing water to the people. We are now being informed about the distribution of funds to the various local authorities from the Local Authorities Transfer Fund (LATF), on which we never used to be informed previously. So, we would like to encourage the Ministry to do even better by providing the services for which it has been established, namely, road maintenance, street lighting, provision of sewerage systems and marketing areas, among others.

The Ministry has been remised on two important aspects. The first one is the sanitary condition

of our towns and slum areas. I believe that the Ministry will seek funds to provide clean water, for instance, to Nairobi's Kibera area, Mwembe Tayari in Kisii Town and Kisumu's Kondele area. We would like the Ministry to seek funds to provide health services within the municipalities, so that we decongest our district health facilities. We would like the Ministry to work in conjunction with the Ministry of Water Resource Management and Development. I know that we have two very effective and active Ministers in those two Ministries. If they can combine their resources and efforts, I am sure that our people will get a better deal out of the taxes that they pay.

I would like to request the Ministry to invoke the Public Health Act, so that we provide clean and environmentally-correct areas for settlement. Mounds and piles of garbage in our towns, streets and backyards should be a thing of the past. We would like also to streamline the hawking and kiosks operating system in our towns and especially in Nairobi.

Before the appointment of Mr. Maitha to head the Ministry of Local Government, you could not go to, or beyond, Tom Mboya Street in Nairobi. Today, you can go upto Kirinyaga Road. I know that we do make mistakes. The Minister made the mistake of owning up to a mistake which had been made at the Nairobi City Council, which other Ministers do not do. For that, we are trying to reprimand him instead of encouraging him to own up, so that when next time he makes a similar mistake, we can tell him: "You owned up to a mistake last time. We forgave you. Now, you must resign." Instead of encouraging our Ministers to own up to their mistakes, we are discouraging them by bashing and pestering them for owning up to a mistake that one has committed. As human beings, we are all bound to make mistakes.

Mr. Deputy Speaker, Sir, the Mayor of the Nairobi City Council has performed above average. He is answerable to the public. He always responds through the media to questions raised by the residents of Nairobi. That is what we want. We want to create a culture of transparency, so that if we make mistakes, we can own up to them. One should not be penalised for owning up to a mistake. Take the case of the so-called "Kshs45 million Nairobi City Council tender" that was cancelled by the Ministry of Local Government and a similar one of Kshs40 billion, which was also cancelled by the Procurement Appeals Board. However, the people who passed this tender at the Ministry of Local Government have not talked about the Kshs40 billion tender. I wonder which of the two amounts will be of more benefit to Kenyans. Is it the Kshs45 million or the Kshs40 billion? Now, as a Member of Parliament who represents a minority community in this country, I would like to state that the Minister for Local Government is being pursued because he comes from a weak community.

(Applause)

He is being pursued because he cannot be protected; he does not have people in the media to defend him. I would, however, like to assure him that, we, from the minority communities, are going to come together and protect our own. Otherwise, we will be marginalised.

(Laughter)

Mr. Deputy Speaker, Sir, we would like the Ministry to plan adequately and make our cities and towns clean. Yesterday, I was in Cancun, a city of about 450,000 people. That city is very clean. I would like to go back there. I wish we could make Nairobi and Mombasa that clean, so that if a visitor comes to this country, he will wish to come back. I wish we could have a better security arrangement to beef up security in our towns, so that if a visitor comes here, he can come again.

Our councillors are not getting their allowances because local authorities cannot collect any cess or rates from rent because our people are poor. So, they cannot generate enough revenue to even pay the councillors.

Mr. Deputy Speaker, Sir, why can this Parliament not take it upon itself to enact a law or amend the law such that all our councillors are paid from the Consolidated Fund? I heard hon. Mwenje saying that Nairobi is capable of paying its councillors whatever they want to pay them. We should pay them at least some minimum amount like Kshs20,000, Kshs30,000, or Kshs50,000; some minimum amount of money on which they can live on. These people are in touch with the members of the public on a day-to-day basis. In my constituency, my councillors are in touch with my people more than I am because I only go there over the weekend, unless there is an urgent matter which requires me to go there during the week. Why can we not facilitate these people as they are also representatives of our people? They are representatives of the taxpayers. Why can we not enact a law so that they are paid, like in other countries, from the Consolidated Fund? By doing this, we would have made their work easier, hence they would concentrate on making by-laws and in this way ensure that services are provided to our people.

Mr. Deputy Speaker, Sir, the same applies for the members of staff of local authorities who sometimes go for one or two years without being paid their wages. Let us find a way whereby they can be paid from the Exchequer, so that we do not have this problem of local councils delaying payment of wages to their workers for two or three years.

The last thing I would like to touch on, Mr. Deputy Speaker, Sir, is the state of auditing or preparation of books of account of our local authorities. There are certain local authorities which have not been audited for 30 years. Even by giving them money from the Local Authority Transfer Fund (LATF), we are contravening the law. The law says that we can only provide LATF funds to any authority if its accounts are up to date.

Mr. Deputy Speaker, Sir, I would like to urge the Minister to seek funds to hire out people in his Inspectorate Division. I worked in the Ministry of Local Government and we used to go out there to inspect the books of local authorities and we used to certify that they had been inspected. Only then could we seek grants, loans and whatever else from the Ministry. So, I would like to urge the Minister to institute the auditing of the books of accounts of all local authorities and make them all up to date so that we know which local authorities work, and then when we provide the funds through LATF or through other means, we do know that these authorities have been audited.

Finally, Mr. Deputy Speaker, Sir, I would like to urge the Minister to allocate funds to Kisii Municipal Council for street lighting, the bus stage, the sewerage programme, and for the provision of running water in some of the wards like Kiong'ongi, Daraja Mbili, Nyabururu, Kiamwasi and even some camp tent on my side of the county council where I live so that I can benefit from the Ministry of Local Government.

With those few remarks, I wish to support.

The Minister for Water Resources Management and Development (Ms. Karua): Thank you Mr. Deputy Speaker, Sir. I rise in support of this Motion. I note with appreciation that the Minister places a high premium on the ongoing reform programme in the local authorities, and I agree with those who have emphasized on reforms. Those reforms are not just about amending the Local Government Act, they are also about streamlining the operations of the local authorities, the relationship between its chief officers and the councillors, and also the hiring and firing of chief officers. While these reforms are being awaited, it is important that the Ministry of Local Government devices a way of blacklisting notorious chief officers who have caused mayhem in the council they have presided over. It is not a good thing to transfer an errant chief officer who has an imprest in one council to another council to continue with the looting. By doing this, we would not have solved the problem, and even the funds that we are now voting in here for the local authorities would not be secure so long as we are transferring officers who have been accused of financial impropriety in one council to the next council to continue with the same kind of thing. I know that the Ministry is working on this issue, but I would like to suggest to them to blacklist certain officers so that they are

not transferred to local authorities to give them problems.

Mr. Deputy Speaker, Sir, it is also quite clear that we need to rationalize some of the local authorities. I know for sure that there is at least one local authority which at one time, and I believe even now, had more councillors than employees. That kind of situation should not obtain. It means that the local authority is not viable, it is not able to give services, and it may even suggest that it exists for the reason that the councillors and the employees be paid as opposed to the reason of giving services. This is a problem that we, as a Government have inherited. But it is now our duty and the duty of this Ministry, while undertaking the reforms, to assess the local authorities for viability, so that we have viable units capable of rendering services. If we strengthened the local authorities, or if we had continued the way the local authorities had been initially, maybe the talk of devolution today would have been different. I do recall days when local authorities had so much money that they could provide services that were not provided by the Central Government. Today most local authorities have no financial or revenue base because of the endemic corruption that has permeated all public offices and departments. This is something that we have to fight. It is not just for those of us who are in Government, but everybody who wants to see services delivered to our constituents. If we do this, we will ensure that the little money voted or collected by the local authorities is put to the right use. Today you may find officers of local authorities collecting revenue on behalf of the Ministry of Local Government, but not passing it on. This is happening in many places and, therefore, part of the reform is to ensure that there is accountability, not just of the chief officer, but of all the officers within the local authorities.

We should also ensure that we eliminate conflict of interest so that those working in the local authorities, including the councillors, do not trade with the local authorities where they are elected, and that I will say without a qualm applies also to those of us in the Ministries. Unless we do this, we shall not be able to deliver the services that we are supposed to be delivering.

I did hear a colleague from the Opposition side talking about water and the local authorities, and this has been repeated severally. I want to say once again, just in case it had escaped any hon. Members' notice, the mandate for water is with the Ministry of Water Resources Management and Development. But this Ministry, in executing its mandate, has to work very closely with many Ministries, key among them the Ministry of Local Government. There is no way we can streamline water and sewerage services within the urban areas and even within the councils without the support of the Ministry of Local Government. We are working hand in hand even with other Government Departments, and especially with the Ministry of Environment, Natural Resources and Wildlife to ensure that we work in harmony, and that we deliver the services.

Mr. Deputy Speaker, Sir, also to make a correction, the mandate of the National Water Conservation and Pipeline Corporation (NWCPC) falls under the Ministry of Water Resources Management and Development. However, that situation arose when the previous Government ordered the Ministry to take over the water management from the Nakuru Water Company. That is now being reversed and there is a joint working committee between my Ministry and the Nakuru Municipal Council and we anticipate that in another few months the mandate will have reverted to the water company. However, it is necessary as it has been said by an hon. Member from this side that local authorities operate water services completely separately from other businesses. That is why we are asking them to form autonomous companies to run water services to ensure that the revenue from the sale of water is re-invested in water. We are working together with the Ministry of Local Authorities to ensure that this transition is carried out effectively and without a hitch and that we deliver those services where they are most needed, especially to the urban poor in all our urban areas.

Mr. Deputy Speaker, Sir, I appreciate the work that the Ministry of Local Authorities is doing in rehabilitating street-children and I am sure that project will be extended to other areas within the country because street-children are a phenomenon that has arisen even in what used to be rural areas,

where we did not have that phenomenon.

Mr. Deputy Speaker, Sir, I would also want to say that the local authorities need to ensure that the Local Authorities Transfer Fund (LATF) is utilised properly and only on development projects. It may not be necessary that we debate whether councillors should be paid from the Consolidated Fund. Now that the debate on devolution is at Bomas of Kenya, we must come up with strategies that will ensure that we do not impoverish ourselves further by creating too many structures which may end up being expensive in the long run. We must carefully scrutinise the cost of all the suggestions that we are making. Yes, we need to take the Government and decision making closer to the people, but we must do it in a way that we are able to sustain. It is our wish that as people who value councillors that we ensure that they do get paid reasonable allowances, but allowances that also do not hinder the delivery of service. It is up to those of us who are privileged to be in the discussions at Bomas of Kenya, and that applies to all hon. Members, to ensure that we steer this debate so that we can have viable local authorities.

With those many remarks, I beg to support.

Mr. Rotino: Mr. Deputy Speaker, Sir, thank you very much for giving me the opportunity to be able to contribute and support this very important Ministry. From the outset, I want to say that the Ministry has really tried to do its best despite some teething problems that are always bound to be there.

Mr. Deputy Speaker, Sir, I want to start by saying that our councillors are doing a very wonderful job right on the ground. They are the people who are right on the ground doing day-to-day work in the villages. If you look at our population you will see that it has grown three times more. Our wards have been enlarged and yet we do not enhance the councillor's allowances. For example, if you look at my own constituency, in 1992 we had only nine wards. Right now we are talking of 19 wards. The services have not improved and yet the population has grown. The Ministry is not remunerating these councillors equitably. The Ministry should consider the question of raising the allowances that are paid to councillors because we as hon. Members of Parliament depend so much on the councillors. The Ministry should take this issue very seriously.

Mr. Deputy Speaker, Sir, I will even go further and say that we should not even pay them allowances, but salaries. Let us give them specific salaries. For some of us who go home every weekend, we see some of these councillors begging. They go lining up before an hon. Member of Parliament asking for school fees for their own children. It is a shame to see a councillor begging. They even beg for money to have their wives discharged from maternity wards and yet they are responsible councillors. These councillors give us votes and we depend on them. We should treat this very seriously. The new Government of NARC should bring a change and say: "Let us allocate a certain amount of money like Kshs6 billion, Kshs400 million or a certain figure every year from the Consolidated Fund."

Mr. Deputy Speaker, Sir, I plead with the Minister to consider that because even if we are going to devolve Government, it will take one or two years. All of us should be sympathetic to the councillors' plight. I plead with my colleagues to back this idea and support the Minister and the Ministry in fighting to get increased salaries for councillors. Even if they get Kshs7,000, let it be regular because regularity is very important. Even if you are earning Kshs500 on a regular basis at the end of the month, it is better than being promised Kshs100,000 because at the end of the month you are not sure whether you will get that money. Let us treat the Kshs7,000 that they are getting as an allowance as a salary and then pay it regularly from the Consolidated Fund. That will raise our councillors' morale and boost their status in the society because right now we are dealing with a demoralised group of leaders who are very dangerous. So, I beg to support that idea.

Mr. Deputy Speaker, Sir, we have had commissions after commissions and reports after reports, but we do not see them being implemented. A lot of the recommendations made by

commissions and reports are being shelved. They have very important ideas and information and I urge the Minister to implement them. The Minister is very effective and I want him to continue that way. He should spend time visiting all the local authorities, but he should not fire public officers on the spot. He should at least do it systematically because sacking them on the spot demoralises the staff. He should do it in a very orderly way.

Mr. Deputy Speaker, Sir, I want to talk about external and internal auditors. Most of our local authorities, as my colleague has said, have not been audited. I plead with the Minister to send auditors to the local authorities. He should even go as far as posting internal auditors in those local authorities because there is a lot of money that is being misappropriated by the staff of the Ministry, for example, the clerks and treasurers because they are the only people who are signatories of those accounts. According to the Local Authorities Act, councillors and even the chairmen of county councils have no access to the records. As much as we have amended the Act, I plead that the auditors be constantly checking the finances of the local authorities. Let us not depend on the provincial officers.

Mr. Deputy Speaker, Sir, the relationship existing between the staff and councillors is very bad in most of the local authorities. I plead that the Ministry allocates a certain amount of funds to be able to train the councillors so that they know their roles and responsibilities. The Ministry should also train the civil servants on how to handle these important leaders. When the councillors are elected they take up their jobs with a lot of force and yet civil servants sit on them. There should be a working relationship between the councillors and the civil servants. That is very important. The training and orientation of councillors should take place. In some of our local authorities some councillors do not even know what they are supposed to do and how they are supposed to relate with the civil servants. We should train them on how they can raise funds within their local authorities. That is very important.

Mr. Deputy Speaker, Sir, delivery of services within local authorities is very vital. The concept of having local authorities is to decentralise power and give it to the people at the grassroot. Local authorities are also supposed to deliver services to the people. For example, they should provide water and build nursery schools. The Local Authorities Transfer Fund (LATF) is a contentious issue in our councils. If you go to West Pokot, you will see that councillors have not yet received their salaries and allowances since April. They have not received a single cent! Therefore, when they receive the LATF money they are highly likely to misuse it. In fact, we are tempting them. LATF money is supposed to be used within the local councils by providing services so that there is an increase in the revenue collected. But the councils are no longer using the money to build cattle sheds, market centres, toilets and so on. In West Pokot, we sell livestock yet there are no market yards for our livestock. The LATF money that is supposed to be used to fence off the yards is used to pay the salaries and allowances of the councillors. I do not blame them because for a very long time they have not been paid their allowances.

This is an issue that should be looked at seriously.

Mr. Deputy Speaker, Sir, there is some money that is paid in lieu of rates. For some of us who come from areas where much of the land has not been adjudicated, I would suggest that there be an annual review of the money that is paid in lieu of rates. The staff in the Ministry of Local Government should not wait for staff from local authorities to upgrade the rates. If you visit the Ministry of Local Government you will find councillors from all over the Republic lining up waiting for their small amounts of money. Things ought to be done systematically! We should not allow councillors to come here to get their allowances from the Ministry. The Chairmen or Treasurers of councils should do that on their behalf.

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

Mr. Khamasi: Thank you very much Mr. Deputy Speaker, Sir, for giving me an opportunity to contribute on Vote 12 of the Ministry of Local Government.

Mr. Deputy Speaker, Sir, I would like to support the Vote. As I was listening to the Minister

talk, I was impressed by what he was saying. For us who have been around since NARC took over the Government, we have been very impressed by the performance of some of the Ministers, one of them being hon. Maitha. He did his work very well and in his own style, but somehow he is continually slowing down and one would want to find out from him what exactly went wrong. We would like to see him continue working in the manner in which he started. Also, we would like to see him clean up the Ministry because it was full of corruption for a very long time and it was so difficult to clean it up.

Mr. Deputy Speaker, Sir, we saw a difference in the style of working since hon. Maitha took over the Ministry, but now it is going back to business as usual. It is so because what the NARC Government did not do is to take the right people to work in the Ministry. They are staffed with the same old personnel who do not want to see change. Until they effect that change, nothing will come out as new because they are still using the same old style of doing things. What we have seen in this Ministry is one treasurer misappropriating funds in a certain local authority. What do they do to him? They just transfer the same corrupt treasurer to another council just for him to repeat the same exercise. That is not going to save our local authorities!

Once a person has misappropriated funds in a local authority, he should get the boot. He should be sacked. There is no point in transferring a thief from one area to another, knowing very well that he will go there to steal. That will not solve any problem.

Mr. Deputy Speaker, Sir, I want to comment on what my friends have said about the councillors' salaries and allowances. Councillors are the cradle of politics. We cannot shy away from facing it. They do virtually everything in the constituencies when we are here or on missions outside the country sent by Parliament. It is high time we faced that issue with reality. We should not pretend. I would hate to see the Minister behaving like a *sungura mjanja* with councillors. I want him to be honest and realistic and tell councillors the truth only. There is no point in telling councillors that you will pay them Kshs200,000 per month when you know that it is practically impossible. There is no point. Let us face the fact that the only way we shall be able to pay our councillors well will be when we bring a law here to say that they will earn from the Consolidated Fund and vote enough money, so that councillors will have a better and a regular pay. I would hate to see the Minister trying to demonise hon. Members of Parliament by saying that if they do not support this, then they will be against the councillors. That is not what we want to hear here. We want him to tell us that he has gone to the Cabinet, has presented a Paper and it has been agreed that councillors will be paid from the Consolidated Fund. When this comes to the House, we shall not be like the last Government. We shall vote for it and support our councillors because they perform a very important job.

Local authorities earn some of their income from the local people residing there, who do a lot of income generating activities. In Nairobi City Council and other municipal councils, small-scale business owners have been interfered with in the most crude way you can ever think of. A Minister in whom we have a lot of faith comes here to tell us that he is not the one who interfered with these people and that it was Minister so and so. We do not want to hear such nonsense. We want to hear people who can be very articulate to come and tell us the truth. We said that we want to alleviate poverty and we can only alleviate it by encouraging people to go into the small businesses that they do.

How do you flatten kiosks in the middle of the night without giving the people a chance even to retrieve their belongings? It is pointless! If it is necessary to clean the place, it is necessary that we do it with a human face. We should know that we are dealing with human beings and not animals. We want this Ministry to consult with other Ministries which are also responsible for council matters, so that we can deal with these matters in a much more civilised manner.

Mr. Deputy Speaker, Sir, I want to talk about the relationship between the officers working for the local authorities and the councillors. Councillors have no voice and yet, they are the representatives of the people. It is high time that a Bill was brought to this House to reverse that trend. Chief officers in local authorities misappropriate money with impunity and councillors can do nothing.

It is high time the Minister addressed that matter because it has gone on for a long time. The Government has to be in the fore front to ensure that the representatives of the people have a say in the manner in which funds allocated to the local authorities are being utilised. I have a question on the method that is used to audit specific people. For example, audit reports about specific officers in a local authority can be carried out by the Ministry and it is sent to the same officers who committed the crime. Those officers will never want even the councillors to know about those reports. The Ministry should ensure that if it is carrying out an investigative report touching on some of the officers in the local authority, the reports are sent to the chairmen of the councils, so that, at least, the errors can be brought up. At the moment, the reports are sent to the same officers who have been investigated and they never come to light.

Let me comment on the rehabilitation programme for street men and women which was introduced in this city. I want to thank the Ministry and the donors who have contributed towards that programme, but I think we can make the programme even better. It is as if that programme managers are fiddling with the funds because the street children have now resurfaced in the streets and are a menace. In fact, the insecurity that we have now in the country, particularly in this city, derives from the street men and women because they are not checked. Some of them were taken to homes, have come back and are threatening people in the streets. In this City, if you do not know, never dare to go beyond Tom Mboya Street after 7.00 p.m. because you will not come back in your clothes. So, it is very important that, that matter be addressed very specifically.

Mr. Deputy Speaker, Sir, let me finally talk about the Local Authorities Transfer Fund (LATF). This is a Fund that has been terribly misused. We thought that with the National Rainbow Coalition (NARC) Government taking over, some measures would be put in place to check the people who steal that money. Nothing is happening. Those funds are still being misappropriated. They are not being utilised for the purpose for which they are intended. In fact, some of the blame has squarely to go to the councillors. The mistake actually lies in the system. How do you allocate money and then at the end of the day, a councillor is coming to withdraw the money with somebody beside him to go and pay for services, sometimes which have not been rendered? It is high time we looked at this matter very critically to know that our money, which is taxpayers' money is used for the intended purpose. I want to assure Mr. Maitha that we will continue to support him. If anybody knows that Mr. Maitha is corrupt, he should come and prove it here, but we will support the Minister to ensure that he continues to do the job that he is doing effectively and make a change in this Ministry.

With those few remarks, I beg to support.

Mr. M. Haji: Thank you, Mr. Deputy Speaker, Sir. Unfortunately, my brother Mr. Mwenje is not here. He told us that for one to qualify to be a Minister, he has first to be a Shadow Minister. I hope my colleagues on the other side are preparing themselves now to be Shadow Ministers, so that we can take over soon.

Having said that, I would like to support this Vote because the Minister was very convincing. I would like to join my colleague who has just spoken in saying that the Minister, together with his Assistant Minister and the officers working with him are doing a very good job. We know that people do not accept change very fast and whatever the Minister has done so far, is good. It is unfortunate for those who feel that this should have been otherwise. Without contradicting my colleague, the Shadow Minister for Local Government, I know the Local Government Act is contentious. It has been with us for the last 40 years and there is no way we can blame the current Minister for it. Since we are now working on a new Constitution, and I happen to be a Member of the Committee on Devolution, I think this issue will be addressed when we bring into force the new Constitution.

Mr. Deputy Speaker, Sir, we are very happy about the efforts being made by the Ministry to rehabilitate street children. We are very happy about the efforts being made by the Ministry to remove children from our streets. We know this is not a problem that can be overcome overnight or within a

very short time. However, the fact that effort is being made to remove them from our streets is something that we should all be proud of. We should all support the Government in its effort to remove children from the streets. Those of us who have not gone out of this country should visit Addis Ababa and see how street children really behave.

Mr. Deputy Speaker, Sir, discipline is very important in any organisation. The effort of the Ministry to instil discipline, accountability and transparency within our local authorities needs everybody's support. This is the only way we will realise their effectiveness and ability to serve people.

Mr. Deputy Speaker, Sir, on the question of disbursement of Local Authority Transfer Funds (LATF), I would like to appeal to the Minister to consider supporting the new authorities. I am saying this because in the late 1960s, I was involved when Garissa and Tana River local authorities were established. I remember each of those councils was supported by the Central Government. They were given financial support that assisted them to take off. I hope our hon. Minister will take this into consideration. I would like to also appeal to the Minister to hasten the question of separation of assets between local authorities.

Mr. Deputy Speaker, Sir, I would also wish to appeal to the Minister to make sure that NSSF deductions from employees of all local authorities are remitted so that when they retire, they get their money as soon as possible. I am saying this because many local authorities are deducting this money from workers, but they are not making any remittances. I would like to see a situation whereby local authorities give returns to the Ministry on a monthly basis on the number of their workers and the amount of money deducted, and proof that this money is actually remitted to the NSSF so that our retirees get their money without a lot of hurdles.

Mr. Deputy Speaker, Sir, the question of garbage in our towns and cities is really very worrying. This is because we have been talking about fighting mosquitoes, but the garbage continues to heap all over. It becomes the breeding ground for mosquitoes, flies and other insects which spread various diseases. It is time that our Government, in collaboration with donor countries, to find a lasting solution to this problem. We recently hosted an International Conference on HIV/AIDS pandemic in Africa. We all know that the HIV/AIDS scourge is spread through carnal knowledge. We know that if our people resolved not to indulge in unprotected sex, they could overcome this scourge. Therefore, the question of garbage needs a deliberate attempt by all concerned to make sure that it is cleared from our cities.

Mr. Deputy Speaker, Sir, with regard to the question of hawkers and kiosks all over the estates and on our main streets, I know that effort is being made to solve the problem, but I think we could do even much better. I was recently in Jeddah, Saudi Arabia, and I was amazed to find that there is a whole market dedicated for small traders, where people drive their vehicles and buy cheap goods if they so wish. I think we could also do a similar thing instead of demolishing kiosks. We can stop their mushrooming so that they do not pollute or spoil the face and beauty of our city centres.

Mr. Deputy Speaker, Sir, with regard to councillors, I agree with the sentiments expressed by my colleagues that these are very important people. They are very important people because they are leaders elected by our people just as we have been elected in this august House. Therefore, we should support them in a dignified manner so that they can be seen to be leaders. I know that as hon. Members of Parliament, we are pensionable and nobody tells us that our salary will be pegged to the revenue that we raise. We do not raise revenue. There are people who are employed to raise revenue, and it is out of that revenue that we are being paid. Similarly, I would like to see where our councillors and their officers will raise funds for the purpose of providing service to the people they represent. Their salaries should be regular, and be paid from the Consolidated Fund.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, in front of me, I can see a gracious lady who was one time a mayor in Nakuru. I am sure she will agree with what I am saying, that councillors are important people and they deserve to be treated that way.

The hon. Minister has so far done a very good job, and I would like the issue of raising the salaries of councillors to be one of his credits for the time he was the Minister for Local Government.

With those few remarks, I beg to support.

The Assistant Minister for Gender, Sports, Culture and Social Services (Mrs. Chelaite):
Mr. Temporary Deputy Speaker, Sir, I would like to commend the Minister for Local Government for his presentation in this House this afternoon and the very clear guidelines and explanations as to how he intends to run the local authorities.

I would also like to commend the earlier speakers for having dwelt on this issue. Most of them have come up with some beautiful recommendations with regard to the management of local authorities.

Mr. Temporary Deputy Speaker, Sir, if we do not look after the local authorities which form the grassroots leadership, we shall not be doing much. I agree with hon. Members who said that councillors at the grassroots in the locations and wards are credible and important leaders. They are even more important than Members of Parliament. I say this because it is councillors who are in touch with the public everyday; day and night. While we are here during the entire week, they are the people who are giving leadership to the people in the countryside. I would like to recommend that the NARC Government increases the salaries of councillors. I am happy to note that the Minister said that this is under review. I hope this will be completed this week and not later, so that the councillors can be very happy. They are doing a very important job.

Mr. Temporary Deputy Speaker, Sir, I heard the Minister saying that their salaries will not be paid from the Consolidated Fund. I would like to appeal, on their behalf because I was once a councillor for 20 years, that the Minister reconsiders this stand. The environment they are working in cannot enable most of them have regular salaries. I would like to recommend that the Government pays them from the Consolidated Fund without further delay. If hon. Members of Parliament and some civil servants are paid from the Consolidated Fund, why can the councillors not be paid from the same Fund, since they are leaders like ourselves? Maybe we assume that if we pay them through the Consolidated Fund, they may not carry out their duty of collecting enough income for provision of services in their respective county councils or municipalities. That is not the case.

Mr. Temporary Deputy Speaker, Sir, I know that those councillors work very hard, but because of the environment they are living in, they cannot sometimes make it. Sometimes these councillors are sabotaged by the council staff, since they do not handle the money. It is civil servants or the staff in the local authorities who handle the money. When they do not have enough money to pay for salaries and provide services for wananchi, the blame should not be upon councillors. The staff of local authorities should be blamed. These include the Town Clerk, the Treasurer and so on. I have been there and I know that the sabotage and corruption is committed by the civil servants but not the councillors.

Mr. Temporary Deputy Speaker, Sir, I would also like to recommend decentralization of local authorities, although that is being deliberated on at the Bomas of Kenya. If Bomas of Kenya will take time, we have had many commissions from which the Minister can come up with amendments to the Local Authorities Act, and present it to this august House so that we can enable the local authorities provide services the way they want.

I would also like to request the Minister for Local Government to censure the local authorities.

Some of them were formed as a result of political pressure, and do not really deserve to be county councils or urban councils because they cannot generate enough income. They are not viable. We should work with the viable councils so that we do not keep on blaming others for not generating enough income. Some have vast areas to cover, and yet they cannot provide services to all those areas.

Mr. Temporary Deputy Speaker, Sir, I would also like to talk about public utilities under the local authorities' jurisdiction. These include the plots in the urban areas and in other centres. During the last regime, most of those plots were grabbed and sold. They were not used for their intended purposes. If you tried to identify a plot on which a dispensary was meant to be built, you would find that it was sold. I would like to ask the Minister to continue his good job of repossessing those plots so that they can be used for their intended purposes. If he does not repossess those plots, there is not going to be any provision of services in some areas in the country. For example, you would find in some centres there are only two shops while the rest of the plots have been grabbed and not even developed. They were sold very cheaply and yet they are not developed. Some of the people who bought those plots did not intend to use them for the intended purpose.

I would like to ask the Minister to continue with his good job of repossessing the plots and using them for the intended purposes. Without repossessing the plots, there cannot be provision of services in some areas of this country. You will find that areas which were intended to be market places have only two shops and the rest of the plots have been grabbed and yet not developed. They have been sold and the person who bought them did not use them for the intended purpose. Although people blame the Minister in charge, he has done a good job. The Ministry gets income, especially from water, rent and other sources. The other Ministries of the Government have not been remitting their money.

I support the Vote.

Mr. Omingo: Thank you, Mr. Temporary Deputy Speaker, for giving me this chance to contribute on this Vote on the Ministry of Local Government. We must start from the onset to commend the Minister. As soon as he took over the office, he picked on the issue of turning the councils round.

We are all prone to making mistakes since we are all human beings, but, I am against "selective" justice or "selective" injustice. I am talking of a situation where, for example, when one steals a hen, he or she is condemned, and when the person steals a goat, he or she is let free because it is a bigger earning. We must all stand up to condemn corruption across the board. That is what we promised Kenyans as a new Government. We must work towards that cause. In his efforts of trying to clean the City, the Minister for Local Government has done a lot.

We are now fairly organised. We had street children in the streets; the hawkers are now fairly organised, we had roads being swept, and street lights are being fixed. My only misgiving is the fact that there were no strategic or deliberate moves to have the schemes put under continuity. That is why we are seeing a reverse position. Street boys are going back to the streets; hawkers are coming back. As we move the hawkers, for the purpose of giving them a livelihood, we should create strategic places for them as we have been doing. We must create a strategic plan to have this project sustained for perpetuity.

People talk of councillors' salaries. These people were elected like us, though probably on a smaller scale. They are not asking for big money. They are asking for some little money from the Consolidated Fund or the Government. I think it is only worthwhile that we subject them to good terms. Some of them even sell the little they have to get to the council, but believe me, they are still paupers. They cannot go to a fundraising unless they are supported by being given transport and some money in terms of *sindikisha*. I think that we are leaving councillors as people who do not matter or irrelevant people, but they are very important to the community.

When I went home last weekend, I met one of the councillors' who told me he would rather

resign. He said that the level of Government starts from Members of Parliament. He claimed to have sold all he had to be able to join the council yet he is living like a pauper. In fact, that is why most of them steal. That is why they may steal someone's chicken, yet they are elected. How do you expect a whole council man who is called a councillor not to attend a funeral which is in his neighbourhood just because he has not had his allowance paid in the last few months? Let us give them the money that we can afford. Apart from the Minister telling us how much money he has given to the council in LATF, the usage is still a mystery. We know how much is given to the councils and we know who received what and when, but the usage is still like a mirage. You cannot hold anyone to account for it. For example, the councils in my constituency have not been audited in the last seven years, yet, it is still receiving funding.

Mr. Temporary Deputy Speaker, Sir, if it were you being given funding but not being queried about it, you would spend it to even marry three or four wives, and no one would bother about it. Let us have checks and balances. When the Minister comes to reply, he should give us an idea of how these funds will be spent, so that we can have it put together like the constituency roads fund where at some point the issue is brought to Parliament for approval by Members. Councillors also sit down to decide how we spend our roads funds. Let them also account for funds used by the District Roads Committees. We also need to harness those resources because a councillor will say that he has done that road using LATF money, which is a lie because that road was done using the roads fund. For purposes of harmonising this, let all that money come to the common kitty at the district level, for example. Let each council be given the money to distribute for purposes of development. I know of a case in my council where it was alleged that about five permanent toilets were constructed, building materials came and they were converted into blocks; they were built, plastered and painted. That was all done on paper, which means there were no toilets. In their minutes, they signed and said they would withdraw money from the bank to put up a toilet or provide water. That is what is causing us problems. If we can detach that LATF fund from salaries and let it be for development as intended, we will have overcome this problem.

Mr. Temporary Deputy Speaker, Sir, let us have a level salary for all councillors. After all, how much will it cost us? If we utilise the LATF money properly, it is even much more competitive. They pretend not to use that money for paying salaries and yet they also misuse that money. When they collect revenue, they do not account for it. They use that money and actually, they are using more than they deserve. We need to check those councillors who are our big supporters and our lifeline in terms of politics. Let us also have their records checked. If Mr. Maitha has got a problem, I belong to the Institute of Chartered Public Accountants of Kenya where we have about 3,000 certified accountants ready to work. Let all the accounts be audited. Let us know the current position. Money that was stolen should be brought back to the account, and then we should start on a clean slate. We can afford a few shillings to fund the private auditors to bring their councils to the current position.

Touching on corruption, we have just said a while ago that all of us are potentially corrupt, unless you are a man or woman of high integrity. Somebody once told me: "Kenyans are potentially corrupt. The only thing is that they have not had a chance to exploit that avenue of corruption." A man who confesses that he made a mistake is better than that child back home who tells you: "Mommy, I have not eaten sugar", but there are grains of sugar all over his face. We talked about pending bills not being paid, but they were paid nonetheless. Perhaps they were paid at night to "cowboy contractors" and they were pretending here to talk about a few things.

Mr. Temporary Deputy Speaker, Sir, if you are condemning corruption, do so across the board, and then we shall be able to stand up as Kenyans of integrity and say we are fighting corruption. If you are going to do it partially because this one is ours and the other one is not, it does not make any social sense. We must stand up to be counted. NARC has got almost one year down the line. The Government is losing popularity very fast and I sympathise. I would have liked to be there, but thank

God, I am here now watching. It is a shame. Let us not rush down to where KANU took us for 24 years. They took us through what NARC might take us through in one year. We are watching. This is the first time that Kenyans exercised their right to vote. If we got to office through false pretences, we should never underrate the intellect of Kenyans. They will surely shoot you by the foot, come the year 2007.

Finally, as I windup, I would like to ask the Minister for Local Government to tell us in his reply about the public offices we gazetted. Some of us were so excited that we would get some of our supporters a few jobs. Of course, that is corruption at work. What are they supposed to do? Are they earning a salary? They are supposed to give advice, but I do not know under what terms of reference. Who do they advise and at what forum? They were gazetted. If there were salaries or allowances attached to them, sure enough, they may take us to court to demand that money. The sooner we give them the guidelines that tell them the terms of their mandate, the better for us. It is true they were appointed. It is true that they are sitting out there. Some of them are hovering around. They have a lot of books to do accounts.

I must say something about the accounting officers whom we call town clerks. Those are monsters in the councils. I do not blame councillors. You will find that because some councillors are so hungry, a town clerk will withdraw money and give one councillor Kshs5,000. He will tell him: "I am paying you and nobody is getting this money." He will go to another camp, pay them Kshs10,000 and tell them: "Do not tell anybody I have paid you money." So, councillors are fighting everyday because the officers from the councils are corrupt and they have the power of the money.

I would suggest that the Minister overhauls that particular position. If possible, he should allow the public officers to run the councils for a while so that we can see a bit of difference. Otherwise, we are having serious problems with the current town clerks. Most of us are suffering. We never feel the sweetness of the council. Gucha is dead. It has got no sewerage system nor water.

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

The Minister for Lands and Settlement (Mr. Kimunya): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support our hardworking colleague's Vote asking for the Kshs5.5 billion for support of the Ministry of Local Government. I would like to commend his efforts and those of the councils, particularly in an area that is of interest to me; that is the repossession of the public plots that had been irregularly allocated to people for political expediency.

I have been in liaison with most of these local authorities and I can see the pains that they are going through as they try to recover the land for use by the public and take it back to where it should have been. I do believe that we, as leaders, should help them in these efforts. As you are aware, we have the Ndung'u Commission of Inquiry to guide us on the repossession of these plots. The work that the councils are doing will be a very important input on the way forward on that. I have been going through the provisions of the Motion and the budgetary provisions and I believe we should allocate some funds towards the training of these people. I have listened to the sentiments expressed by hon. Members. Looking at the people that we have as our councillors, we need to give them more training in other areas of human resource development and exposing them as much as possible. We should obviously not pay them the Kshs42,000 per day to attend funerals, but we should get them into things that will add value to their human capacity development, so that they can serve the *wananchi*.

I agree totally with all the hon. Members who have raised the issue about the need for harmony and synchronising the efforts of the central Government with the local government. There is quite a bit of duplication and waste in the local councils, and I have similar examples on the roads and bursary funds where money is just allocated between the various councillors. That does not add value to the service that is given to the *mwananchi*. I do believe the Minister will be looking into this and will discuss this issue. I want to add further, on how we can enhance this.

As we harmonise, I also see lots of parallel programmes and issues being out of tune with what

the civil servants are doing. I do hope that, at some point, a paper will be brought to this House so that we can help in creating sustainable systems for the future by using the Local Government Ministry to properly deliver what the central Government has promised Kenyans.

Mr. Temporary Deputy Speaker, Sir, I know the issue of kiosks is an emotive one. Much as we are trying to empower the people on small scale businesses, I think we need to look further into the bigger picture of what kind of cities, towns and urban areas we need in the future. Do we need towns that are cluttered with small shanties scattered all over the roads and pavements that we are not even able to walk around? You cannot even know whether they are residential areas or kiosks. Who lives in them? Where do they go to answer the call of nature? We need to support all efforts that are geared towards bringing back the culture of planning to our people. For example, we should all support efforts geared towards removing all these illegal structures that have been put up where they should not be. Let us plan properly so that we can all walk comfortably. We all made noise when the clearing on the streets of Mombasa Town took place. However, as we walk down the streets of Mombasa today, we see the benefit of that clean-up exercise of demolishing those kiosks.

I would particularly like to commend Nkubu Town Council. I visited the council and saw how they have cleared kiosks. It is commendable. I think that we will support the efforts of the Minister and work together with him to make sure that we bring some normalcy into the structures that are in our towns.

Mr. Temporary Deputy Speaker, Sir, as we do the planning, it is fitting to call for the general planning in all the other areas. Our local authorities will help with that because if we do not convert ourselves into a planning nation we will not even achieve the wider dream of His Excellency the President's call for a "working nation". It is the plans that we set that will probably guide us to achieve whatever we want for this country.

Mr. Temporary Deputy Speaker, Sir, as an accountant, there is no way I can fail to bring the issue of accountability. Our councils, thanks to the problems in the past, have not had their systems subjected to any sense of accountability. As we move on, I would like us to actually move in that direction. Our local authorities could even hire private auditors to accelerate the pace so that they can be accountable to the people. This will then bring back the confidence, not just of the taxpayers, but also any investors who want to put their money into the local councils because they can be sure that, at least, their money will go to the intended purposes and that they will get the services they require to support their businesses.

I dream of seeing a town as good as the ones we find in developed nations, whether they are small or big. I look forward to all of us supporting the Minister in his efforts to bring that dream so that we can all walk freely in towns from dusk to dawn, and from dawn to dusk. We need to build all the various things that we need to do in those towns in cleanness, with sewer systems that work, with water that is reliable, with councillors who know what they are doing, and who are mindful of the resources that are being put in their hands by the Kenyan people either through LATF or through the rates that are being paid. I am sure the Kenyan people will continue to support the local authorities.

With those few remarks, I beg to support.

Dr. Ali: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support the Minister and his Ministry for the good work they have been doing. Human beings make mistakes. The Minister has been doing a very good job, but because of some criticisms here and there, he has slowed down. I would urge him not to slow down. I do not want to call him the "bull of Changamwe" or "hurricane"; he should clear the mess in the county councils. If in the process some people decide to make him look dirty, there is no problem. We will bring Omo one day and wash him off.

Mr. Temporary Deputy Speaker, Sir, I want to talk about the so-called council officers. As an hon. Member, I do not know whether they are called council officers or "horrible officers". They have messed up all county councils. For example, in the 1970s, Wajir County Council was giving loans to

other county councils like Narok. It built estates in Wajir Town. If he heard my Question today, from 1992, the council has not paid its councillors over Kshs14 million. If that council could generate all that money, pay all its councillors and staff and still advance loans to other county councils in those earlier days, and Wajir as a district is still the same--- We have even annexed some parts which were in Moyale District at that time, even before Independence. I want to know what is happening.

The problem, as it has been said earlier, is the council officers. If we want our councils to work, the issue of localising county councils has messed up the county councils of this country. If the council officers are from other parts of the country, they will be on their toes. They will know that they cannot mess around. When they mess around, the councillors will point out to them that they are stealing. But if they are locals, the councillors will take sides and defend them. This creates a lot of problems.

One day, a chairman of a county council from Wajir went to attend a wedding of one of the officers who collect cess. That officer was supplied with electricity three kilometres away from where the pole was. The chairman and the town clerk were ashamed to be in that house because of the way it was furnished and yet the chairman has not had his salary for several months. These are the problems which are there. Some of the staff, with the permission of council officers, have their own receipts where, instead of the money going to the council, it goes to the pockets of those individuals. I urge the Ministry to take action against the council officers in Wajir County Council. The Minister did a good job when he went there. I remember I was told even if I did not like it, he asked for the treasurer. He was told that he had died and threatened to take action against the deceased for stealing. In our tradition, we do not talk about the dead, but at least, it was a good example. This was a clear message to those who steal public funds, that they will be punished wherever they go.

Mr. Temporary Deputy Speaker, Sir, the council staff are not qualified. We have some people who call themselves surveyors and they do not know how to use a geometrical set. How does somebody like that survey land and say this plot belongs to so-and-so? We also have accountants who have no basic accounting skills. Some have not done even the ACNC. He is not even an accounts clerk and he calls himself an accountant. He becomes a treasurer. What county council will that be? Those are the problems we are experiencing. I urge the Minister to take action on those people. I do not mind whether these people come from Changamwe provided they are qualified and our people will get services. I will not ask him a question here about councillors' allowances when I know the county council can generate that money.

Mr. Temporary Deputy Speaker, Sir, the issue of LATF is also another problem. These funds are being misused by the councillors. They allocate money to the wards but it is misappropriated. So, how does this help? It does not help at all. If this money can be used in the right way, I am sure our people will benefit.

Mr. Temporary Deputy Speaker, Sir, I think the town clerks wield a lot of power in the sense that the chairmen and the councillors do not have any say, as has been mentioned earlier on. In our area, the councillors are given an allowance of Kshs1,000 instead of the Kshs5,000, and this compromises them. In case there is a council meeting about their conduct, all these councillors will defend the clerk. The clerk can do what he pleases because he is supported by the councillors he gives Kshs1,000. But if the councillors were getting the Kshs7,700 pay regularly, then these things would not arise. The Minister should forget the issue of saying that councillors should be paid from the revenues generated by their respective local authorities. The town clerk and the treasurer are responsible for revenue collection and they are civil servants. If the councillors were being paid from the Consolidated Fund, just like hon. Members, then life would be easier for everybody. I am sure our councillors will do a very good job. Most of them are very humble and good people, but because of lack of finances, they are misused and mistreated by the chief council officers, who are irresponsible.

On the issue of political appointment, Mr. Temporary Deputy Speaker, Sir, politicians are

interfering with the appointment of clerks and treasurers. They go to the office of the Minister to demand that so-and-so should be taken to a particular council. An illiterate man who was in some other faculty and who was supposed to have been sacked is transferred to that town council. This causes problems. I do not want to be more specific than that because it will appear as if I am courting some problems.

Before I finish, I would like to congratulate the staff of the Ministry of Local Government, and the Minister in particular, for the action they have taken on the street children. When you do something for the first time, there are always problems and some things will go wrong. But when I saw those children in their pass-out parade in the NYS, which was presided over by the current Vice-President and Minister for Home Affairs, I was a very happy man. I remember before I went to university, I also went through the NYS. But those times, we did not have all those problems. Somebody felt that from "A" level, we had to pass through the NYS and we had no alternative. But these children had problems. They were taken there and they looked great. I congratulate the Minister for that. He should keep it up and ignore whatever people say.

On the issue of kiosks and garbage collection, Mr. Temporary Deputy Speaker, Sir, I think those things are bad. It is an eyesore. When I go to Eastleigh where my community lives and I see those mounds of garbage and kiosks, they are horrible. I think they need to be cleared. But what I saw last night on the television is unfortunate. Some people complained that they were not informed in advance to remove their wares. They should be given adequate notice to clear their goods.

The Temporary Deputy Speaker (Mr. Khamasi): Time up!

Dr. Ali: With those few remarks, I beg to support.

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Mr. Temporary Deputy Speaker, Sir, I would like to join my colleagues in congratulating the Minister for Local Government and his team for the excellent work that they are doing. I also congratulate them over the issue of street children. This is something that we feel very happy about. The Minister and his team were bold enough to take up those children. But, of course, one notices that there are some still in the streets. I do not know where they have come from. We hope that the Ministry will have enough resources to ensure that those children do not come back to the streets.

I do not know what we can do to ensure that parents have a sense of responsibility. All those children are not orphans. Many of them have parents who have either abandoned them or do not take good care of them. They have abandoned their responsibility partly because of allowing themselves to be influenced by alcohol. There must come a time when we, as a people, must assume responsibility. I have been to countries where parents who leave their children alone are arrested, even if they leave them for some time. In this country, we have had children being locked in houses and when fire accidents occur, they die. We ought to come to a point where, in the course of rehabilitation of those children, we look at ways and means of ensuring that their parents are held responsible. The State must have a way of making parents responsible for their children. If you cannot take care of them, then do not bring them forth. But when you bring them into the world, then you must be held responsible.

Mr. Temporary Deputy Speaker, Sir, I also want to contribute on the issue of garbage. Garbage in this City and many other parts of our country is almost 50 per cent or 60 per cent plastic. I would like to draw that attention to the Minister and the local authorities in general. There must be a way in which the Ministry of Local Government and the Ministry of Environment, Natural Resources and Wildlife could work together with companies that produce plastic materials. We are literally choking our country with plastic. We are creating millions of breeding habitats for mosquitoes. I am not surprised that we have a resurgence of malaria in our country. It is because we have literally multiplied millions of breeding habitats and we are spending money producing nets, treating them and encouraging families to sleep under them. That is all very good, but why do we have those mosquitoes in the first place? Why encourage them to breed? We can reduce their breeding capacity by getting rid

of those plastics. I am thinking of the thin plastics that we get in kiosks. The thin plastics that are used in the greenhouses or big heavy bags could be recycled. We have a few companies who have ventured into recycling plastics. They should be encouraged, especially when they produce such items as furniture and poles for fencing, instead of using timber which reduces our tree cover. But those companies can only recycle heavy plastics. These companies can only recycle heavy plastic material and not the polythene paper bags in which all of us carry sugar from kiosks and potatoes and cabbages from markets. Polythene paper bags can only be used once. Once you arrive in your house, you tear the polythene paper bags, remove your produce and then throw the polythene paper bags away. These bags are collected as garbage and eventually end up in dumping sites in Kayole and Dandora Estates. It is a shame that this is what happens in the City of Nairobi. As I said earlier on, if a combined effort is made by both the Ministry of Local Government and the Ministry of Environment, Natural Resources and Wildlife, through the National Environment Management Authority (NEMA), there is no reason why we cannot stop the production of polythene paper bags. We can also encourage consumers not to carry their goods in polythene paper bags. In the case of women, we should encourage them to carry their *ciondo* and baskets to the market when they want to buy foodstuffs instead of carrying their polythene paper bags, which provide breeding grounds for mosquitoes in their homes.

Mr. Temporary Deputy Speaker, Sir, I also want to very quickly join hon. Members who have supported a pay rise for councillors. I think all of us recognise the important role councillors play in the rural areas everyday, and yet they earn very low salaries. I will be very happy if these councillors are paid their salaries from the Consolidated Fund because that will not stop them from working. Payment of salaries to us from this Fund has not stopped us from working. So, I do not see how, if this is implemented, it will stop councillors from working. If this is done, it will ensure that they get their allowances regularly. I would like to commend the Minister for Local Government for assuring us that he is seriously looking into this issue.

There is absolutely no reason why, in my opinion, every Tuesday our local artists should be allocated a God-forsaken place around the Globe Cinema Roundabout, where their customers almost fall down when they buy their artifacts. The Minister should, for example, close one major street, such as Moi Avenue, all the way from the Central Police Station to the Nairobi Railways Station every Tuesday so that our people can go there and sell their artifacts instead of Globe Cinema Roundabout, where their customers fall over each other. It is as if these traders are not supposed to be in this City. If this is done, it will encourage our people to sell their wares. If a major street is closed down every Tuesday for traders to sell their artifacts, it will be convenient to the tourists who visit the Globe Cinema Roundabout artifact market. I am sure that the traders who sell artifacts in that market pay rates to Nairobi City Council (NCC) and there should be no problem closing one street for them to sell their wares. I would like to request the Minister to close one street once every week to allow our people to sell their merchandise.

Mr. Temporary Deputy Speaker, Sir, I know that we have a problem with the kiosks and everybody wants to weep when he or she sees goods being destroyed by bulldozers. I know that sometimes people are given notices to vacate places but do not. Surely, it makes one want to weep when he or she sees these traders' kiosks, their only source of livelihood, being brought down by bulldozers. So, there must be a solution to this problem. The solution to this problem does not lie in destroying the traders' kiosks with bulldozers, because as soon as they are destroyed, these traders build them again the following day. Sometimes we wonder where the bulldozers are taken to because these traders rebuild their structures immediately they are destroyed. You can hardly tell that those structures were re-built after being brought down by bulldozers if you visited those areas a week later.

We must find a solution to this problem. Maybe, we should create a big market; as big as Uhuru Park, where these traders can sell their goods.

Mr. Temporary Deputy Speaker, Sir, I have

mentioned this point before, but I would like to mention it again because I think it is very relevant to our City. There is need for public toilets to be built in our City. I still do not understand why we do not have enough public toilets in our City. I am constantly embarrassed by people I see moving close to hedges as if we do not see or know what they do there. There was a time when many public toilets were privatised and grabbed in this City. It is absolutely necessary that we have these facilities in our City. It is very embarrassing and gives a very bad picture when we see grown-up men--- I thank God that it is only men who do this because women have good manners and can persevere until they get to their destination to answer a call of nature. This is not the case when it comes to men. It is sometimes terrible to see men going for short calls at a corner. I know that sometimes they look around and ask where the nearest public toilet is, but cannot find it. It is absolutely necessary for the Minister for Local Government to ensure that enough public toilets are built in the City, so that people can answer their calls of nature without feeling dehumanised.

Mr. Temporary Deputy Speaker, Sir, with those few words, I beg to support this Motion.

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, I would like to make a few comments on the Vote of this very important Ministry. I cannot agree more with the point our gracious lady has made. I am embarrassed that men are actually the culprits of this bad behaviour. It is quite unfortunate.

Sometimes we do not understand why the Ministry brings down kiosks using bulldozers after issuing the owners with licences. It is unfair that on one hand the council collects revenue from these traders, and on the other hand it destroys their kiosks in the middle of the year. The NCC destroys these kiosks after it has collected licence fees which it does not refund to the owners. It is important that we do not resort to this very archaic way of treating our people. These traders are Kenyans like us. If there is a way in which they can be assisted, let us assist them without necessarily destroying their only source of income. The Government has always talked about alleviating poverty and yet it is the source of rampant poverty facing this country.

I cannot agree more with some of the hon. Members who have said that councillors should be given a pay rise. However, I would like to propose that when councillors' salaries are increased, ways should be found to ensure that they also collect enough revenue. The only remedy to their problem would be for them to be paid good salaries by their councils. If we do that they will ensure that they collect more revenue, because the more revenue they collect the more allowances and honoraria they will pay themselves. So, let us not just say that they be given a pay rise at the detriment of collecting revenue to be used in the provision of services by councils. Councillors should be paid more allowances because I know that many hon. Members have complained of giving them money. If we want to enjoy our money with other people who need it most, we had better increase the salaries of our councillors.

Mr. Temporary Deputy Speaker, Sir, I cannot agree more with hon. Members who say that chief officers who under-perform should be dismissed and not transferred to other councils. As we speak, I cannot complain because in our town, Eldoret, we have no problem with the chief officers in that town. I think our town is one of the best managed in this country, and so is our council, Wareng County Council. Unfortunately, the chief executive officer of this council is now 55 years, and I wish he was younger so that he could continue with his job. I hope the Minister will allow him to train somebody for another two years because he has done a very good job. What we are worried about is that a chief officer who was chased away from Nyeri was brought to be his deputy. I hope that, that person is not meant to take over from the chief executive officer of that town.

When we talk of the Local Authorities Transfer Fund (LATF) money, I do not understand whether there are guidelines for the use of that money. I have seen councillors in my place using that money to build offices for chiefs. I do not understand whether the Ministry is turning a blind eye to this kind of activity. That is why many of us wonder whether that money is actually meant for certain

activities. I thought it was meant for certain services which do not include building offices for chiefs, an activity that should be undertaken by the Office of the President.

When we look at the public officers whom my colleagues have mentioned, I do not think we should allow such fellows to run our councils. Many of them are illiterate and, therefore, I do not even understand why they were appointed in the first place. Were they given their jobs in the spirit of creating 500,000 jobs? I hope not.

On the environment, at times you wonder whether we have provided enough education to people to ensure that we have a clean environment, and whether we have proper by-laws to ensure that this City has a very good environment. You will see people throwing paper all over and no action is taken against them. Small kids have told me that when they were in another country they saw nobody throwing paper around, but when they came back to this country, they saw a man driving a very big Mercedes Benz throwing waste all over, and yet we say that we are a mature country. Local authorities do not use their powers to enforce their regulations, to ensure that waste is not dropped anywhere. There is no point of throwing paper on the road for somebody else to come and collect it. Doing so makes us look a very immature country.

The parking fees of Kshs70 per day is, in my view, a lot of money. The NCC should reduce it from Kshs70 to at least Kshs30 or Kshs40, and should not charge that money on weekends. I have said previously in this House that weekends are meant for shopping for our families. Our families would also like to know this City. When you leave your vehicle parked in this City on a weekend, it is clamped, yet most offices are closed and there is no office for you to go and pay the parking fee. I think this is unnecessary and punitive. The NCC should consider waiving the payment of parking fees on weekends in order to encourage leisurely shopping, and enable investors in this City to have as many shoppers as possible.

Infrastructure in this country is in a very horrible state. I have seen that there is about Kshs820 million, which is meant for urban transport infrastructure projects. I hope that this money will be shared equitably amongst all the towns of this country, so that transport infrastructure can, at least, be improved.

Mr. Temporary Deputy Speaker, Sir, I sometimes wonder why factories, which contribute the biggest amount of money in terms of revenue benefit the least in terms of services. We say that we want to encourage investment. How do you encourage investment? Factories pay for services, but at the end of the day, they get almost nothing in terms of services. If you go to Nairobi's Industrial Area, you wonder whether there is any commitment on the part of the Government to make Nairobi an attractive investment centre; you ask yourself very many questions.

With regard to housing, it is important that the Ministry sorts out the mess that crops up in this country every now and then. People are thrown out of their houses, together with their families, in broad daylight. This is a very unfortunate situation. It is important to treat Kenyans in a dignified way. If local authorities wish to repossess houses, they should do so in a more dignified manner. If they want to collect rent, there is a better way of doing so.

Mr. Temporary Deputy Speaker, Sir, it is time that our local authorities put a lot of money in education. It is very unfortunate that some towns have only two or three nursery schools. In some places, there are none at all. Therefore, some of the funds collected by local authorities should go to building nursery schools, so that people can see that they are getting service for their money.

Many of the plots in urban centres have been grabbed. I cannot agree more with the hon. Member who suggested that they should be repossessed; especially public utility plots. There are public schools in my own constituency whose land has been grabbed. Somebody claims that the school is his own property. That is quite an unfortunate situation. The Minister should not even go to court; doing so is a waste of time. That property should be repossessed with immediate effect without further consultation.

The disabled people in this country have not been catered for by the municipal and city councils.

With those few remarks, I beg to support.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I rise to support debate on the Vote of the Ministry of Local Government. This is a very important Ministry. Therefore, it needs to be given all the necessary support.

Mr. Temporary Deputy Speaker, Sir, local authorities are very important bodies in this country. They are lucky to have a Minister who values them. My advice to him is that he should not slow down. When he started working as the Minister for Local Government, he came to be referred to as "hurricane Maitha". So, you should continue with the same pace. We would now like to call you "thunder" or "lightning", because of the good work you have been doing. Before you took over the management of that Ministry, almost everything had come to a standstill. Residents in local authorities were not paying rates or water bills. Consequently, salaries were not being paid. There was corruption from top to bottom. Local employees were not being paid. Women in local authorities were being sexually harassed. Since Mr. Maitha became the Minister, there seems to be some order. So, my advice is this: "Please, do not stop or slow down. Continue doing the good job."

Also, we had almost gotten rid of the street boys/girls menace. However, since you slowed down, Mr. Minister, these boys and girls have gone back to the streets. I have seen a few of them on some streets. I was very happy when I saw the first lot of the rehabilitated street boys and girls that graduated from the National Youth Service (NYS). I think we should get hold of all the street boys and girls in the streets and take them to the NYS. Let each of them come out from the NYS with a vocation he or she can use. So, Mr. Minister, please, do not slow down. Get rid of the menace.

Mr. Minister, the mayors and the chairmen of local authorities are crying---

Mr. Nyachae: On a point of order, Mr. Temporary Deputy Speaker, Sir. Can the Assistant Minister address the Chair?

The Temporary Deputy Speaker (Mr. Khamasi): Can you address the Chair?

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): I am addressing the Chair, Mr. Temporary Deputy Speaker, Sir, but I am giving advice to the Minister.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, the mayors of municipalities and the chairmen of local authorities are complaining; they say that they have no powers even to order a toilet paper. I think it is high time we made our mayors and chairmen of local authorities executive so that they can be taking the necessary action, and if anything goes wrong, then we can blame them. But now we are blaming them for not collecting garbage, but they are not the ones who allocate vehicles to collect refuse. I think we need to do something so that they can be effective.

Mr. Temporary Deputy Speaker, Sir, it is also ridiculous that Kenya is the only country where electricity is handled by a different company. In other cities, you have an electricity company which generates electricity and then sells it to the local authorities, who in turn distribute it to all the areas under their authority. I think we need to start this system so that they can also be getting revenue. The same thing applies to water. If you go to many countries you will find there are companies that deliver water to the local authorities, who in turn distribute it and hence generate some revenue.

Mr. Temporary Deputy Speaker, Sir, most of the land in the local authorities has been grabbed. If you take Uhuru Highway, for an example, there is no place now to build a fly-over. There was a plan to build fly-overs on all the roundabouts on Uhuru Highway. Now there is no land available for that as all the corners and areas surrounding the roundabouts have been grabbed. On some corners,

some petrol stations have been built. I wonder how we are going to build fly-overs on Uhuru Highway when all the land around the roundabouts has been grabbed. I am, therefore, calling on the Minister to do something to repossess that land.

Mr. Temporary Deputy Speaker, Sir, our local authorities are re-using cemeteries and graveyards, and I think that is why we are cursed. These are very sacred places. Local authorities are recycling the graveyards and cemeteries, and in the process uprooting the bones of the people we had buried. I am calling on the Minister to stop this habit.

Mr. Temporary Deputy Speaker, Sir, the local authorities have a problem, particularly with the cess collectors. They have forged receipts which they issue on collection of revenue. In essence, revenue is not remitted to the local authorities and that is why the local authorities do not have money. It is a well known fact that cashiers in local authorities have their own receipt books. Even where you pay money genuinely, it is not reflected on the duplicate copy of the receipt. Again, this is where the local authorities are losing revenue.

Coming to kiosks, I always feel very sad when I see local authorities demolishing kiosks. We should copy Mauritius, where there are no kiosks on road reserves, but people are allowed to operate them in their compounds. This is a better solution to our people. Allow people to construct stone fences and then build kiosks in their compounds. If that is done, then the common sight of City Council *askaris* chasing away old women from the streets will be a thing of the past.

Coming to Koinange Street, it is an embarrassing sight at night. You will find some girls who are almost naked. I would like to call upon the City Council *askaris* not to chase away the *mama mbogas* but instead chase away those girls from Koinange Street. Mr. Temporary Deputy Speaker, Sir, we need to support the councillors on their salaries issue. They are doing a good job and it is not difficult to pay them better salaries. I think we should create something known as Local Authorities Salary Fund (LASF). The Minister pays the councillors some money from the Local Authorities Transfer Fund (LATF) every year or every six months and in the same way he can open a salary account from which he can pay them a salary. The other way would be to allow them 2 per cent from every collection, and tell them to use that as salaries to pay themselves. I think that should be more than enough to give them adequate salaries while we are looking for a way of paying them from the Consolidated Fund.

Mr. Temporary Deputy Speaker, Sir, there is another problem of people failing to pay rates, and this can be attributed to the poor system that is in place. You charge rate on a plot irrespective of whether there is a building on it or not. I think we should copy the cities in the Western world where rates paid are based on the construction that has been done. You cannot charge a plot that has a ten-storey building the same rate as one that has no building at all. This does not make sense. That is why people are not paying rates. We need to encourage people to pay rates so that the local authorities can also get some money. Ten years or 20 years ago one could not spit in Nairobi streets, but now you have to avoid being spat on by people in the streets. The law has not changed, and I think it is high time the local authorities enforced the by-laws on cleanliness in the City. Even what hon. Prof. Maathai has said about urinating in the corners and dark alleys, the law has not changed. That by-law is still there, and the local authorities should enforce it. Even chewed gums are strewn all over the City.

Mr. Temporary Deputy Speaker, Sir, I would like to recommend that we change the City Council Inspectorate into a Metropolitan Police, so that they can take care of the security of the people of the City.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Khamasi): Yes, proceed, Mr. Nyachae. You have got about two or three minutes and then you will continue thereafter.

Mr. Nyachae: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this

opportunity. I stand to support the Motion. We are here to support our local authorities. The history itself is very clear; you cannot have an effective central Government without effective local authorities. Those are the pillars of any system in any Government. It does not matter which country you are talking about, Kenya is no exception.

Mr. Temporary Deputy Speaker, Sir, we need to give encouragement to the Ministry of Local Government to do more to strengthen local authorities. Let us forget about the nickname the Minister has been given of "the hurricane". A hurricane can destroy and also do all sorts of things, but I do not think that this Minister is destroying anything. I think the local authorities had been allowed to weaken so much, and now that we have a practical Minister, he should be given a chance to correct things.

When a system has been reduced to a level where people relax and do things the way they want, they do not want to be corrected. They hate people who want to bring changes and that is what is happening at the moment. This is just a transitional period. Let us give the Minister a chance, he is not an angel. He needs advice from people. I would advise the Minister to organize meetings with Members of Parliament more regularly so that they can tell him the regional concerns of the local authorities.

Personally, I would be very happy to meet my councillors on the ground and hear their concerns. If this is done, things will move more effectively. Those are the people who can give me the information that I would need to raise with the Minister.

Mr. Temporary Deputy Speaker, Sir, the kiosk issue has been repeated here several times. We should not just blame the local authorities, but the whole system! Local authorities do not have Administration Police. Why do the Administration Police join in the demolition of kiosks? The Minister should ask his people to handle kiosk owners humanely.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Mr. Nyachae, you have got seven minutes to continue your contribution tomorrow.

Mr. Nyachae: I still have eight minutes.

(Applause)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members, we have come to the end of our business today, and it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday, 1st October, 2003, at 9 a.m.

The House rose at 6.45 p.m.