

## NATIONAL ASSEMBLY

### OFFICIAL REPORT

Wednesday, 3rd October, 2001

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### PAPERS LAID

**The Minister for Trade and Industry** (Mr. Biwott): Mr. Deputy Speaker, Sir, pursuant to the provisions of Article 50(1) of the Treaty for the Establishment of the East African Community, I beg to lay on the Table the following Papers:-

The Treaty for the Establishment of the East African Community

Election of the Members of the East African Assembly Draft Rules, 2001

*(By the Minister for Trade and Industry)*

These rules supersede those laid on the Table on Tuesday, 17th July, 2001.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. I wish to raise an objection to the laying of those rules on the Table because the process that is being followed is in conflict, both with our procedure here and the Treaty.

**Mr. Deputy Speaker:** Order! When Papers are being laid, they must be laid without debate. So, if you wish to raise an objection to the Papers being laid, I will give you an opportunity to make your point after Question Time!

### NOTICE OF MOTION

#### APPROVAL OF EAST AFRICAN COMMUNITY (ELECTION OF ASSEMBLY MEMBERS) DRAFT RULES

**The Minister for Trade and Industry** (Mr. Biwott): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, pursuant to the provisions of Article 50(1) of the Treaty for the Establishment of the East African Community, this House approves the East African Community Elections of Members to the Assembly Draft Rules, laid on the Table of the House on Wednesday, 3rd October, 2001.

The Motion whose notice was given on Tuesday, 17th July, 2001, is withdrawn.

### ORAL ANSWERS TO QUESTIONS

*Question No.571*

#### PAYMENT OF RETIREMENT BENEFITS TO MR. OGOLA

**Mr. Ayoki** asked the Minister for Labour:-

- (a) when Mr. Walter Ogola, NSSF No.539272612 will be paid his retirement benefits; and,
- (b) how much money Mr. Ogola is entitled to and what was the cause for the delay in processing his dues.

**The Assistant Minister for Labour and Human Resource Development** (Mr. Maizs): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Mr. Walter Ogola, who is 47 years of age, will be paid his retirement benefits when he attains the age of 50.

(b) He has Kshs58,810.15 standing to his credit as at 6th August, 2001.

**Mr. Ayoki:** Mr. Deputy Speaker, Sir, since Mr. Ogola has not reached the age of 50 years and he has three more years to go, will he be paid that money together with the accumulated interest?

**Mr. Maizs:** Mr. Deputy Speaker, Sir, we shall pay him according to the NSSF Act, Cap. 258, Sections 20 and 23.

as soon as we receive that recommendation and look at the other criteria.

**Mr. Michuki:** The DDC has, in fact, already made this recommendation. I was with the District Commissioner, Murang'a, this morning, who is the Chairman of the DDC and it has been confirmed that this matter was dealt with by the DDC. Could the Assistant Minister tell us what he will do because the DDC has already made its decision?

**Dr. Wako:** Mr. Deputy Speaker, Sir, if my facts are right, it is only the sub-DDC which has considered this issue. As soon as the full DDC's decision comes to our notice we will look into it.

**Mr. Deputy Speaker:** Next Question!

*Question No.576*

*Question No.569*

TARMACKING OF SUNEKA-RODI  
KOPANY ROAD

**Mr. Opoire** asked the Minister for Roads and Public Works when the Government will tarmac the Suneka-Riana-Asumbi-Rangwe-Rodi Kopany Road (C13), a stretch of about 30 kilometres.

**The Assistant Minister for Roads and Public Works (Mr. Mokku):** Mr. Deputy Speaker, Sir, I beg to reply.

The Government does not have immediate plans to tarmac Suneka-Riana-Asumbi-Rangwe-Rodi Kopany Road.

**Mr. Opoire:** Mr. Deputy Speaker, Sir, the area traversed by the road includes very important institutions such as the Riana Market Centre. Asumbi also, has very important institutions and Rangwe is near a town. I would like to know why the Government does not have any plans to serve those areas.

**Mr. Mokku:** Mr. Deputy Speaker, Sir, it is true that, that road traverses Homa Bay, Rangwe and Kisii District. It also traverses potential areas. I said plans are there, but it is only that I said there are no immediate plans to tarmac the road. There are normal plans like maintenance of Road D215 this financial year. Road C18 covering the Rodi-Kopany Section is under construction.

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, on the section that the Assistant Minister is talking about, that is Rangwe-Rodi Kopany, although the contractor was paid and the work understandably done, it was so poorly done that it has already fallen apart. Could the Assistant Minister tell us how much money he has put in to reconstruct that part of the road? If he has any plans to tarmac the other roads, when will he do that? Is it ten, six or 30 years from now?

**Mr. Mokku:** Mr. Deputy Speaker, Sir, the Rangwe-Rodi Kopany Road is under construction by Misoro Construction Company Limited. As I am talking now, the work is 35 per cent done. So, work is in progress.

**Mr. Opoire:** Mr. Deputy Speaker, Sir, the section between Suneka and Asumbi is very important. My question is: The Government has admitted that it has plans. When will those plans be implemented?

**Mr. Mokku:** Mr. Deputy Speaker, Sir, the Suneka-Asumbi Road falls under D215. Under the District Roads Committee (DRC), grading and maintenance work will be done this financial year.

**Mr. Mwenda:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to refuse to answer legitimate questions? He was asked by the hon. Member what plans he has, and when are they going to be implemented? He was asked for the time-frame for tarmacking.

**Mr. Mokku:** Mr. Deputy Speaker, Sir, I think I have clearly answered that question. There are no immediate plans for tarmacking the Suneka-Asumbi Road. I have said that for normal maintenance of that road under, the DRC, money has been set aside this financial year.

**Dr. Ochuodho:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House? We cannot talk of tarmacking a section of the road. But when is he going to tarmac other sections like C18, from Asumbi, Rangwe and Rodi Kopany?

**Mr. Deputy Speaker:** As you very well know it, that is not a point of order! You do not stand on a point of order to seek to ask a question!

**Mr. Opore:** Mr. Deputy Speaker, Sir, my question is: The section between Suneka and Asumbi is very important. Why does the Government not have any plans to tarmac that section?

**Mr. Mokku:** Mr. Deputy Speaker, Sir, I said that for now, there are no funds available to tarmac the road. But I am assuring the hon. Member that the road will be passable and motorable, until such a time that money will be available for tarmacking.

*Question No.572*

UPGRADING OF KANGEMA HEALTH CENTRE

**Mr. Michuki** asked the Minister for Medical Services:-

(a) whether he is aware that the current high population in Kangema Constituency and surrounding areas calls for establishment of a full fledged hospital;

(b) whether he is further aware that some of the constituents have to travel long distances of up to 60 kilometres to Murang'a General Hospital to seek medical services; and,

(c) whether he could confirm to the House why Kangema Health Centre, which is one of the oldest health centres in Kenya, has not been upgraded to sub-district hospital level.

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

(a) I am aware that the current combined population of Kangema Constituency and surrounding areas requires the services of a fully-fledged hospital, that is already in place in Murang'a.

(b) I am not aware that some of the constituents of Kangema Constituency travel up to 60 kilometres to Murang'a District Hospital to seek medical services.

(c) Kangema Health Centre has not been upgraded to a sub-district hospital, because it has not been proposed as a priority by the District Development Committee.

**Mr. Michuki:** Mr. Deputy Speaker, Sir, I am very surprised that the Assistant Minister, who is in charge of medical services and health, does not know that a place such as Ichichi, which borders Kigumo the southern side, is as far away from Murang'a as what I have stated in this Question. Could the Assistant Minister consult his Medical Officer of Health (MOH) before he embarks on answering Questions like this one, which shows that he has a lot of ignorance.

**Dr. Wako:** Mr. Deputy Speaker, Sir, as far as we know, Ichichi, which he has mentioned, is 40 kilometres from Murang'a and Tutu is 38 kilometres from Murang'a. Those are the two farthest points in Kangema Constituency.

**Mr. Muchiri:** Mr. Deputy Speaker, Sir, the Assistant Minister has admitted that these people normally travel a distance of 38 to 40 kilometres to seek medical services. Could he undertake to upgrade Kangema to be a district hospital rather than a sub-district hospital?

**Dr. Wako:** Mr. Deputy Speaker, Sir, as far as I know there are dispensaries both at Ichichi and Tutu.

**Mr. Deputy Speaker:** No, that is not the answer to that Question. He asking why you have not upgraded Kangema Health Centre to a hospital.

**Dr. Wako:** Mr. Deputy Speaker, Sir, I am saying that since there are dispensaries in both Ichichi and Tutu we are actually serving the people in that place. That does not mean that the catchment area for Kangema Health Centre, which has 23,000 people, is being served well.

**Mr. Ndicho:** On a point of order, Mr. Deputy Speaker, Sir. The Mr. Speaker at one time ruled warned Ministers against hiding behind the DDCs, whose establishment has never been legislated for by this House. The Speaker made it categorically clear that the Questions asked here ought to be answered by the Ministers without making any reference to the DDC, whose meetings many hon. Members of Parliament, in fact, stopped attending because they are useless bodies which do nothing.

Mr. Deputy Speaker, Sir, is it in order now for the Assistant Minister to say that this sub-district hospital cannot be upgraded because the DDC in Murang'a has not recommended so?

**Dr. Wako:** Mr. Deputy Speaker, Sir, the recommendation of the DDC is not the only criterion that we use. The DDC is a forum through which the public and hospital management can bring their needs to us so that we know exactly which health centres and dispensaries need to be upgraded.

**Mr. Deputy Speaker:** Order! Members of this House have every right to raise issues of concern to the DDC or not. When they ask Questions, they must be given answers strictly along the lines of those Questions. The Chair did rule that DDCs do not exist by a law made in this House. Therefore, they cannot be used as an excuse not to answer Questions in this House.

**Mr. Keriri:** Mr. Deputy Speaker, Sir, even if DDCs were anywhere near being formal, the Ministry of Health is trying to pass the buck because for anything to be decided by the DDC it has to be proposed by the relevant officer. The Ministry has got a MOH in the district. Why has the Ministry not consulted the MOH to ask him why he has not

put this matter before the DDC?

**Dr. Wako:** Mr. Deputy Speaker, Sir, we have been in touch with our MOH on the ground. It is not only the MOH who should act, but the District Health Management Team can also make recommendations to the Ministry, if need be. As far as we are concerned the population for Kangema area is only 23,000 people, and that does not necessitate establishment a sub-district hospital which requires a population of 100,000 to 250,000.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, he has actually answered the Question I wanted to ask. For purposes of clarification to this House, could the Assistant Minister tell us what population size it considers minimum for the establishment of a district or sub-district hospital?

**Dr. Wako:** Mr. Deputy Speaker, Sir, as a guideline for the Ministry, the sub-district hospital is meant to serve a population of 100,000 to 250,000. That does not mean that we do not use distances and other criteria to establish sub-district hospitals, if need be.

**Mr. Wanjala:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that, for a hospital to be upgraded, the area must have over 100,000 people when Budalangi has got only 53,000 people according to the 1999 census and it has a sub-district hospital?

**Dr. Wako:** Mr. Deputy Speaker, Sir, that is why I have said that population is not the only criterion for upgrading a sub-district hospital. There are other factors which we take into consideration.

**Mr. Wamae:** Could the Assistant Minister go to Kangema and investigate to find out whether there is a need to establish a sub-district hospital because it seems as if he is not sure about this?

**Dr. Wako:** Mr. Deputy Speaker, Sir, we can do further investigations, but we are in constant contact with the MOH and the District Health Management team.

**Mr. Michuki:** Mr. Deputy Speaker, Sir, in fact the Assistant Minister has been misled by his officers. Kangema Constituency has over 100,000 people. Could he tell us what he would do if the DDC recommended that Kangema should be a sub-district hospital?

**Dr. Wako:** Mr. Deputy Speaker, Sir, I am already aware that the DDC is trying to consider that. We will consider the upgrading

#### ROAD MAINTENANCE IN TENANT PURCHASE SCHEMES

**Mr. Muya** asked the Minister for Local Government who is responsible for repairs and maintenance of roads and street lights within tenant purchase schemes in Nairobi.

**The Assistant Minister for Local Government** (Mr. Hashim): Mr. Deputy Speaker, Sir, I beg to reply.

The Nairobi City Council is responsible for repairs and maintenance of roads and street lights within tenant purchase schemes in Nairobi.

**Mr. Muya:** Mr. Deputy Speaker, Sir, the Assistant Minister may be living in Nairobi and he knows that many street lights are not working, and that roads are not repaired, yet we are living in a very dangerous City where the crime rate is very high. There are so many muggers, rapists and carjackers around the City. Is the Assistant Minister satisfied that the City Council is doing its work?

**Mr. Hashim:** Mr. Deputy Speaker, Sir, the City Council has undertaken the following projects: All roads in Dandora have been done. Kayole main bus route is under construction. Umoja Road has been done under the *El Nino* Project. Currently, there are on-going repairs of roads funded by the Fuel Levy Fund while street lights maintenance is funded and carried out by the City Council. All other projects will be implemented as soon as funds are available.

**Mr. Muchiri:** Mr. Deputy Speaker, Sir, every Member in this House lives in Nairobi and they know that the street lights are not operating and they also know that the roads are full of potholes. My question is: What action are you taking against Nairobi City Council to ensure that the street lights are on during the night and that the roads are made within the estates up to the required standards?

**Mr. Hashim:** Mr. Deputy Speaker, Sir, it is true and the Ministry is taking serious concern about that. In fact, we have written to the City Council to make sure that all streetlights are maintained and functioning.

**Mr. Odongo:** Mr. Deputy Speaker, Sir, the Assistant Minister says that a number of roads and streetlights have been repaired. How much money have you spent on those roads and streetlights that you have so far repaired?

**Mr. Hashim:** Mr. Deputy Speaker, Sir, that looks like a different question and I do not have the details now as to how much money we have spent.

**Mr. Deputy Speaker:** Order! It cannot be a different question when you are answering one on the same subject which is roads and lights.

**Mr. Hashim:** Mr. Deputy Speaker, Sir, if you read the Question, it asks: "Who is responsible for the repairs and maintenance of the roads?" There is no question as to how much money has been spent on this project.

**Mr. Deputy Speaker:** My friend, have you heard of supplementary questions?

**Mr. Hashim:** Yes, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Supplementary questions do not have to be put on the Order Paper!

**Mr. Hashim:** Mr. Deputy Speaker, Sir, I do not have the figures to show how much money has been spent.

**Mr. Deputy Speaker:** It is simpler that way. That is better! Thank you.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, this Ministry, last year, promised this House that they would install traffic lights at all the major intersections in Nairobi. Could the Assistant Minister be kind enough to tell us what progress he has made to ensure that there are traffic lights at all the major intersections in this city?

**Mr. Hashim:** Mr. Deputy Speaker, Sir, as I said earlier, the Ministry is taking serious concern on that and as soon as we finalise the process of distributing the LATF funds, all these lights will be repaired.

**Mr. Gitonga:** Mr. Deputy Speaker, Sir, how would the Ministry inspect and check to make sure that those street lights and roads have been repaired? What method are they going to use to confirm that this will be done?

**Mr. Hashim:** Mr. Deputy Speaker, Sir, there will be close supervision from the Ministry.

**Mr. Muya:** Mr. Deputy Speaker, Sir, perhaps, the Assistant Minister is aware that people who live in tenant purchase houses pay rent to the City Council and he talks about when money becomes available. How are the rents utilised if he cannot have the projects undertaken immediately?

**Mr. Hashim:** Mr. Deputy Speaker, Sir, the money being paid by the tenants, of course, does not meet the budgetary obligations but as soon as this money is enough from the Ministry, together with the LATF money, we will make sure that all the services which are required in all these tenant purchase houses will be availed.

#### QUESTIONS BY PRIVATE NOTICE

##### FREQUENT TRANSFERS OF DCs

**(Mr. Kiminza)** to ask the Minister of State, Office of the President:-

(a) Is the Minister aware that between June, 1998 and June 2001 there have been five District Commissioners in Kitui District?

(b) Is he further aware that due to the frequent transfers of District Commissioners, the district has not been progressing in development?

(c) What remedial measures has he taken to ensure that the District Commissioners serve for a reasonable duration in the district?

**Mr. Deputy Speaker:** Mr. Kiminza not here? We will leave the Question until the end.

Next Question, by Mr. Kikuyu!

##### ARREST OF MACHAKOS RESIDENTS

**(Mr. Kikuyu)** to ask the Minister of State, Office of the President:-

(a) Why have policemen in Machakos Town continued to arrest, detain and even lock up the people of Kiima-Kimwe indiscriminately?

(b) Could the Minister order the security personnel in the area to stop the harassment of wananchi and the wanton destruction of property which has been going on?

**Mr. Deputy Speaker:** Mr. Kikuyu also not here? We will leave the Question until the end.

Next Question, by Mr. Ndicho!

##### DEATH OF MR. ISHMAEL MWANGI

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

(a) Under what circumstances did the late Ishmael Kamau Mwangi die in Thika Police Station cells on Monday 9th July, 2001?

(b) Who was responsible for his death?

(c) How much compensation will the Government pay his family since he died in police custody?

**The Minister of State, Office of the President (Maj. Madoka):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) The circumstances under which the late Ishmael Kamau Mwangi died are the subject of the Thika Inquest Case No.36/01 which is still pending under investigations.

(b) It is not possible to ascertain who is responsible for the death until the matter has been determined by the court.

(c) The issue of compensation cannot be determined at this stage.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, that man died on 9th July and two months down the line, the investigation has not even commenced. The young man died in the same cell where six more inmates died on Monday morning. What is the Minister or the Government going to do about the issue of some capital offence suspects who were supposed to be in Kamiti Prison and who are kept in the police cells by the police to rob people of their goods and valuables? That is what happened to that young man. When one's particulars are entered in the Occurrence Book (OB), one's valuables are supposed to be left there. However, one is told to go inside the Report Office Desk with one's valuables and leave them there, so that they are not lost. If one resists, then he or she is beaten by the gang and killed as it happened to that young man. What is the Minister going to do about the incident that happened in Thika and I am told that it happens all over the country?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, it is not true that investigations have not commenced on this particular case. Investigations have commenced and they are continuing. Again, the allegation that this sort of thing is happening throughout the country is not true. There may be incidences here and there which we are investigating. Again, we are investigating the incident that occurred at Thika. It is true that some of these hardcore criminals have been put in these cells with the ordinary people who have been arrested. This is something which we are going to reverse.

**Mr. Mwakiringo:** Mr. Deputy Speaker, Sir, we are very much aware that the major complaint here is that these cells are overcrowded but this is also simply because police arrest people for petty offences. Even one being found drunk and helping himself beside the road is taken to the police cells to overcrowd it. What action is the Minister taking to make sure that petty offenders are not put in police cells where they overcrowd them and cause such congestion, resulting into the many deaths that have been occurring of late? This is because---

**Mr. Deputy Speaker:** Order! You have asked the question!

**Maj. Madoka:** Mr. Deputy Speaker, Sir, the police have been advised not to arrest people for petty offences.

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, I have been brought up in Thika and Thika Police Station in particular, is so notorious that it requires special measures. Could the Minister consider closing that police station until such time as proper investigations are done, as to why people are dying in the police cells in Thika?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, that is something I am not prepared to consider.

**Mr. Mwenda:** Mr. Deputy Speaker, Sir, although the Minister has repeatedly denied it, this is a very serious matter. As Mr. Ndicho said, just the other day, six people died in the same cell. The Minister says that he cannot consider compensation for the death unless a magistrate makes a decision. Could he tell us whether this matter has been taken before a magistrate, the case reference number and whether the hearing has actually commenced?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I said that the inquest has commenced, but the matter has not yet gone to court.

**Mr. Mwenje:** Mr. Deputy Speaker, Sir, the Minister now must agree that there is total indiscipline in the Police Force. People are being beaten up by the police. They have complained that when they are arrested, they are robbed of their money and property by the same officers. Nowadays, it is better to meet a thug than a police officer. A police officer can beat you up and even shoot you. He can do anything to you. So, could the Minister tell us what he is going to do to ensure that the police are controllable? When is he likely to complete the inquest he has talked about? Before this inquest is completed, we will hear of other similar cases.

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I cannot say when the inquest will be completed. All I am saying is that we have cases of police officers who break the law. When they do so, we deal with them as individuals. But it is not a general practice.

**Mr. Musila:** Mr. Deputy Speaker, Sir, quite often, when a matter of this nature arises, the Minister says that the police are investigating the matter. So, the police always investigate themselves. That is probably why the police keep on blundering and killing people. Whenever the Minister is asked to explain such killings by the police, he says that the police are investigating the matter. Could the Minister consider establishing a body that is independent of the Police Force to investigate crimes suspected to have been committed by police officers?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, while answering a similar Question this morning, I said that we are trying to see how we can best handle situations like this one.

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, the work of the police is to protect people and their property. However, in this case, we find that the lives of people are more exposed to danger in the hands of the police. The Minister is telling us that he is not prepared to close a police station where the lives of Kenyans are exposed to danger. Could the Minister tell us whether the police are more important than the people they protect? Is that the reason why he does not want to close the particular police station where people die daily?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, definitely, we will not close the police station but we will ensure that police officers at the station comply with the laws of this country.

**Mr. Wamae:** Mr. Deputy Speaker, Sir, Thika and Ruiru Police Stations are the two places where people are murdered in police cells. Could the Minister consider removing all the police officers in Thika District and scattering them all over the country since they have become a menace to the residents of that district?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, we are trying to see how best we can make cross-transfers in that particular area.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, we have enough problems with murderous police officers. Such persons should belong to jail; they should not be spread out to other areas. That would be spreading murder. But be that as it may, the Minister was talking about opening inquest files when police officers are responsible for crimes. On 22nd September, 2001, one William Wosula was arrested in a drinking place in Kimilili, beaten up and killed overnight at Kimilili Police Station.

An autopsy the next day confirmed that he died from breakage of his neck and spleen. The same officers who beat up William to death are the ones who went to his home to collect statements from the people he was drinking with.

**An hon. Member:** Ooh!

**Dr. Kituyi:** Is this what the Minister is calling an inquest? Is the Minister satisfied that this is part of the investigation that should lead to the core of the murder? Instead of arresting the murderers, you send them out to harass the relatives [**Dr. Kituyi**] of the victims of their behaviour.

**An hon. Member:** Ooh! Shame!

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I will have to investigate the particular case Dr. Kituyi is referring to. I do not have its details.

**Mr. Munyasia:** Mr. Deputy Speaker, Sir, could the Minister tell the House when he last had an inquest that was completed successfully?

*(Applause)*

**Maj. Madoka:** Mr. Deputy Speaker, we have had very many successful inquests.

**Hon. Members:** Aah!

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I am prepared to bring figures here to prove that we have had many successful inquests.

**Mr. Deputy Speaker:** The last question, Mr. Ndicho!

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, hon. Members are completely dissatisfied with the answer given by the Minister. By the way, Maj. Madoka handles sensitive issues, especially cases where people have lost their lives. Today Kenyans are not safe anywhere. Thugs can come to your home and kill you. Some people have come face to face with thugs on the streets of Nairobi, and they got shot dead. Nowadays people get killed even at police stations. Where in Kenya can one be safe? The cells at Thika Police Station measure 5 feet by 8 feet. The police station was a colonial homestead for horses. The cubicles used to serve as horses' houses of the mzungu.

**Mr. Deputy Speaker:** Mr. Ndicho, could you ask your question?

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, how can you lock up 36 inmates in such a cubicle from Friday evening up to Monday morning? That was the cause of the problem. What is the Minister going to do about the expansion of those cells? What is he going to do about the police officers themselves? These incidents are a response to their frustration.

**Mr. Deputy Speaker:** Mr. Ndicho, why do you not ask your question? I do not want you to make a speech.

**Mr. Ndicho:** Yes, Mr. Deputy Speaker, Sir. Although we condemn the police officers, we understand their frustration.

**Mr. Deputy Speaker:** Is that your question?

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, I am building up the question.

**Mr. Deputy Speaker:** No! Ask it now!

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, the frustration the police officers are going through is the cause of all these problems. When will the Minister consider reviewing the salaries of police officers with a view to paying them well, so that they can stop harassing people? All these cases are a result of the meagre salaries they earn. The police try to look for extra money from the innocent citizens they arrest and rob.

**Mr. Deputy Speaker:** Order! Order, Mr. Ndicho! You know the difference between asking a question and making a speech. You have given a long speech and now we have ended up with another thing. I have been very patient with you.

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

**Mr. Deputy Speaker:** No, no, no! I cannot not allow that!

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I want the hon. Member to know that I take all the questions that are asked here very seriously. Secondly, the hon. Member has continuously referred to the recent incident at Thika Police Station. Let me confirm that it was not the police officers who murdered the prisoners; they were murdered by fellow inmates. However, I appreciate the bit on the size of the cells at that police station. That is a matter we are currently looking into. I am sure that we will sort it out very soon.

#### COMMUNITY PARTICIPATION IN ECO-TOURISM

**Mr. Leshore:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Tourism and Information the following Question by Private Notice.

(a) What steps is the Minister taking to develop and sustain the participation of the communities neighbouring tourist resorts within the new perspective of econ-tourism?

(b) What assistance is he planning to give to the communities to ensure their full participation?

**Mr. Deputy Speaker:** Is the Minister for Tourism and Information here?

**An hon. Member:** There is nobody from that Ministry!

**Mr. Wamae:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister concerned in order to absent himself from the House when he knows very well that Mr. Leshore has tried very hard to come here and ask this Question?

**Mr. Deputy Speaker:** I do not know to whom to direct this Question. There is no Minister here from the Ministry of Tourism and Information. I will defer the Question and will agree with Mr. Leshore which day will suit him. Mr. Leshore, I will confer with you so that I can defer the Question to a date which is suitable to you.

**Mr. Leshore:** Mr. Deputy Speaker, Sir, this is not the first time this Question has appeared on the Order Paper. I remember it had appeared on the Order Paper in June or July, 2001, and that means the Minister should take his responsibility very seriously because it is not the first time the Question is appearing on the Order Paper.

**Mr. Deputy Speaker:** In the meantime, I want to defer that Question to a date that is convenient to you.

**Mr. Leshore:** Mr. Deputy Speaker, you can defer it to Thursday, next week.

**Mr. Deputy Speaker:** I have deferred it to Thursday, next week.

*(Question deferred)*

#### FREQUENT TRANSFERS OF DCs

**(Mr. Kiminza)** to ask the Minister of State, Office of the President:-

(a) Is the Minister aware that between June, 1998 and June, 2001, there have been five District Commissioners (DCs) in Kitui District?

(b) Is he further aware that due to the frequent transfers of DCs, the district has not been progressing in development?

(c) What remedial measures has he taken to ensure that DCs serve for a reasonable duration in the district?

**Mr. Deputy Speaker:** Mr. Kiminza is still not there? The Question is dropped!

*(Question dropped)*

#### ARREST OF MACHAKOS RESIDENTS

**(Mr. Kikuyu)** to ask the Minister of State, Office of the President:-

(a) Why have policemen in Machakos Town continued to arrest, detain and even lock up the people of Kiima-Kimwe indiscriminately?

(b) Could he order the security personnel in the area to stop harassment of wananchi and the wanton destruction of property which has been going on?

**Mr. Deputy Speaker:** Mr. Kikuyu is also still not here? The Question is dropped!

*(Question dropped)*



## POINTS OF ORDER

### OBJECTION TO THE TABLING OF RULES AND REGULATIONS

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. I indicated earlier on that I wished to raise objection to the tabling of the rules that were tabled here earlier on.

The reason for doing that, and I am suggesting, therefore, that these rules that were laid here are not properly before the House, is as follows. First of all, this is subsidiary legislation and subsidiary legislation consists of rules and regulations. There is a definition of both in Section 3 at page 13 of the Interpretation and General Provisions Act, Cap.2. There is also a definition of rules and regulations in Section 34(3) of the same Act.

Mr. Deputy Speaker, Sir, the manner in which rules are made is as follows:-

There are cases where the law itself stipulates how subsidiary legislation will be made and how it will come into effect. But the general rule is in Cap.2.

In Section 27, subsection (1), the law requires that any authority, empowered by law to make regulations must in the first instance gazette them. These regulations must be gazetted. If that happens, then they take effect from the day of gazetting. The only exception is where there is a draft of regulations laid before the House and House makes a resolution approving them in advance. That is not the case here.

In this particular case, these regulations that the Minister has purported to table and even the previous ones, have not been gazetted. Therefore, they do not meet the requirements of the law. Therefore, they cannot be properly before Parliament, and Parliament cannot be made to transact business that is unlawful. Section 31 of Cap.2 also gives an authority, such as a Minister or anybody who is allowed to make regulations, authority to amend and replace regulations. The Minister attempted to explain that what he was trying to do this afternoon here was to replace the previous regulations. That is not how it is done. It cannot be done by the word of the Minister.

Mr. Deputy Speaker, Sir, if Parliament were making that resolution, that would be different. But in any case, there is a provision in the law as stated in Cap.2, Section 31 as to how you do it. When you amend or replace regulations, you do it exactly in the same manner as you made the original regulations. You must gazette them and subsequently table them before the House. That has not been done, both in this case and in the case of the previous regulations.

Section 34 requires that once the rules and regulations have been made, they are laid before the National Assembly. That is what the Minister attempted to do, but that is an incomplete process. He put something before the House which already contravenes the law. Once that happens, two things can happen: The House can debate and either pass or reject them.

The general rule is that the rules are laid before the House unless the law requires otherwise and then after 21 days---

**Mr. Deputy Speaker:** Mr. Anyona, now you are going beyond---

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I will just finish! I was saying that all the rules and regulations that the Minister laid here before were not gazetted. Secondly, 21 days expired on 8th August, 2001. So, in fact, they are already law. He cannot just table some other Papers here and say he is replacing them. He will have to go back and make new rules and in them, he will say: "They supersede the current regulations".

Mr. Deputy Speaker, Sir, lastly, the rules the Minister has purported to make now, and this will become a matter of debate, are in conflict with Section 50 of the Treaty. I do not have to specify now, but if the matter ever comes up for debate, I will specify. But in view of what I have said, it is not possible for the rules that were laid here this afternoon, or even for the previous rules to be used as a basis for election of Members of the East African Legislative Assembly.

**Mr. Deputy Speaker:** Order! I think, ordinarily, when you are making subsidiary legislations, it is assumed that they come from a Minister who has been given powers to do so by an Act of Parliament. In this instance, the Treaty, which was domesticated into Kenyan law, does require Parliament itself to make these rules and regulations for purposes of conducting election for Members to the East African Legislative Assembly. So, Parliament is the one that is required to make these rules, and it can only make them if it has debated and passed them with a positive vote.

Now, let me refer you to Section 34(2) which Mr. Anyona referred to. It reads:-

"Subsection (1) shall not apply to rules or regulations, a draft of which is laid before the National Assembly and is approved by a resolution before the making thereof, nor to rules of court".

Parliament is now seeking to make its rules and, therefore, the draft which is before the House is legitimately before it. The House will have to debate and pass it. Now, whether there are merits or not in the rules themselves should come

out in the debate. I will pick out the point Mr. Anyona made about the rules themselves being in conflict with Article 50 of the Treaty. But let that come out in the debate. For the time being, the draft is properly before the House.

SOLIDARITY AND COMMISERATION  
WITH AMERICANS

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. Yesterday the Minister for Foreign Affairs and International Co-operation issued a Ministerial Statement expressing solidarity and commiserating with Americans over the ghastly events of 11th September, 2001. Unfortunately, there was no chance for any of us wanting to express concurrence and to ask any question about gaps that were left in the Statement of public policy. While we join the Government in expressing our condolences and solidarity with Americans and all victims of terrorism, there are two issues that I thought the Minister could be kind enough to have given clarification about. First, the President of the United States Of America has declared that either you are with them or you are with the terrorists. While we all abhor international terrorism, the perfidy, unilateralism and insularity of the American Government under the current President cannot be a role model. Then, only unilateralism cannot be a role model for those of us who are against international terrorism, to obviously queue behind America. Secondly, what action is the Kenyan Government taking to reduce harassment of innocent Muslim citizens of this country who are thrown out of matatus and interrogated to find out whether they are related to Osama bin Laden? Similarly, why does the Kenyan Government rally behind America without saying that while we are in the lead in the fight against terrorism, we believe the resolution to the underlying problems of injustice in the Middle East, is part of the long-term solution to international terrorism?

Lastly, it was nice to see the President of this country come out and express his solidarity, through a demonstration in the streets of Nairobi, in the able company of the field marshal of *Jeshi la Mzee* and others. That was the first occasion for a Government which has shown mild reaction to demonstrations, besides arresting women who were demonstrating and requesting for debt relief for Kenya and taking them to the police station. It is interesting to see a President expressing his solidarity outside in the streets. But there arose two simple questions:-

Firstly, terrorism has accounted for more than 250 Kenyans who died in a bomb blast in Nairobi and there was no demonstration. Secondly, much as we abhor the death of Americans, HIV/AIDS kills as many people in Kenya every week as the total number of people who died in New York and Washington. Why have they not found any reason to similarly express concern through similar demonstrations or it is a different agenda that is motivating our conduct publicly, including demonstrations by very elderly citizens of this country?

**MINISTERIAL STATEMENT**

APPOINTMENT OF THE SECRETARY TO THE CKRC

**The Minister for Energy** (Mr. Raila): Thank you, Mr. Deputy Speaker, Sir. I would like to make the following Statement. During its Seventh Sitting, the Parliamentary Select Committee on the Constitution of Kenya Review received three names forwarded by the Constitution of Kenya Review Commission, in accordance with Section 12(3) of the Constitution of Kenya Review (Amendment) Act, 2001.

Pursuant to Section 12(3)(A) of the aforementioned Act, I wish, on behalf of the Parliamentary Select Committee to submit the following two names, selected from a list of three to the National Assembly:- Mr. Martin Nyaga Wambora and Mr. Patrick L. Otieno Lumumba.

In accordance with Section 12(4) of the Act, the two names will be forwarded to His Excellency the President, who shall appoint the Secretary of the Commission from amongst the two persons.

Thank you.

**POINTS OF ORDER**

UGANDAN MILITARY POLICE IN LAKE VICTORIA

**Mr. Wanjala:** On a point of order, Mr. Deputy Speaker, Sir. Before we went for recess, I did ask for a Ministerial Statement from the Minister of State, Office of the President, in charge of internal security. The Uganda Government has deployed its military police around Lake Victoria. Lake Victoria caters for the three countries, that is Kenya, Uganda and Tanzania---

**Mr. Deputy Speaker:** Order! Mr. Wanjala, you had already made the request. You now want the Minister to respond or tell you when he is going to make the Statement! You do not have to repeat what you said!

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, when will the Minister give the Ministerial Statement to this House?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, may I request that I make the Statement on Tuesday next week.

#### INSECURITY IN DANDORA ESTATE

**Mr. Mwenje:** On a point of order, Mr. Deputy Speaker, Sir, yesterday, I requested the Minister of State, Office of the President, in charge of internal security, to respond to my request on what is happening in Dandora. The Minister was not in the House yesterday. Now that he is here, could he possibly respond to the request now?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, once again I request that I be allowed to make the statement on Tuesday.

#### TENDER FOR THE EXPANSION OF WILSON AIRPORT

**Mr. Angwenyi:** On a point of order, Mr. Deputy Speaker, Sir. Before we went on recess, I sought a Ministerial Statement from the Minister, for the time being, in charge of airports, regarding a tender which is being considered in connection with the expansion of Wilson Airport. Could the Minister give that Statement?

**The Minister of State, Office of President** (Maj. Madoka): Mr. Deputy Speaker, Sir, I again request to be allowed to make a Statement on Tuesday next week.

#### STATE OF AFFAIRS IN LOCAL AUTHORITIES

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. Yesterday, I sought a Statement from the Minister for Local Government, but he was not in then. I am wondering if he would be in a position to respond to it and if he did not do so in the morning. If it was not made, could he indicate when he will give that Statement?

**The Minister for Local Government** (Mr. Kamotho): Mr. Deputy Speaker, Sir, I am not aware of the request made by Mr. Anyona. Could he be kind enough to repeat it now, so that I can respond?

*(Loud consultations)*

**Mr. Deputy Speaker:** Order! Let us hear it from Mr. Anyona again.

**Mr. Anyona:** The details of my request are in the HANSARD, but the substance of my request was regarding the state of affairs in various local authorities in the country. One is Nairobi, where there is an endless war between the hawkers and shopkeepers, which is almost becoming a security problem. The other one is the problem we have in Mombasa. I know the Minister has been making some statements, but I would like to be briefed about what has been going on. We have a problem in Kisumu, Thika and other places. But, I specifically asked the Minister to tell us why a section of councillors in Keroka Town Council actually closed down offices. I am wondering if he can take an urgent action to open the offices and sort out whatever problem exists in that town council. That was the substance of the request.

**The Minister for Local Government** (Mr. Kamotho): Mr. Deputy Speaker, Sir, I think I will be able to give a Statement on Thursday, next week.

**Mr. Deputy Speaker:** Okay! Next order!

#### TERRORIST ATTACKS ON AMERICANS

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. I was requesting for a Statement from the Minister for Foreign Affairs and International Co-operation and I can see two Assistant Ministers from that Ministry. Could they promise to give a Statement and indicate when they will do so?

**Mr. Deputy Speaker:** Order! You did not seek a Ministerial today, but you sought it yesterday!

**The Assistant Minister for Foreign Affairs and International Co-operation** (Mr. Odoyo): Mr. Deputy Speaker, Sir, perhaps, to deal with the issue raised by our friend, Dr. Kituyi, may I request that we be given time to give a further Statement on Tuesday next week.

#### COMMITTEE OF SUPPLY

*(Order for Committee read  
being the 12th Allotted Day)*

**MOTION**

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Vote 12 - Ministry of Local Government

*(The Minister for Local Government on 2.10.2001)*

*(Resumption of Debate interrupted on 2.10.2001)*

**Mr. Deputy Speaker:** Mr. Ekirapa you have a balance of four minutes.

*(Mr. Ekirapa hesitated to respond)*

*(Loud consultations)*

Order! Order, hon. Members! Hon. Ekirapa, when you are in the Chamber, you are expected to pay attention to the Chair in particular. The Chair has given you an opportunity to continue with your contribution to this debate and you have four minutes left. If you have nothing to say, say so!

**The Assistant Minister for Trade and Industry** (Mr. Ekirapa): May I apologise, Mr. Deputy Speaker, Sir, for that hesitation. As I was saying yesterday, I made a recommendation to the Ministry of Local Government about the improvement of the quality level of the councillors and the chief officers. I want to add that we would like to recommend also that sufficient funds be made available to local authorities to enable the councils to provide the necessary infrastructure and provide services such as water, street lighting, sewerage systems, housing, schools and health facilities.

Mr. Deputy Speaker, Sir, it is important for these councils to provide those facilities because the Central Government, according to the recommendations we made in this House, would like to surrender certain powers to these councils. Those councils cannot perform those functions if they do not have funds. Therefore, the Minister for Local Government should ensure that these councils have those funds to enable them provide those services to the local residents.

I have in mind a number of local authorities in my constituency, which are unable to provide even the basic services which they promised the local people. I would like to say that Malaba and Teso County Councils cannot supply water to the residents of the area. There is need for them to provide sewerage services which they do not provide at the moment. They should build market sheds where people who take their wares to the market can take shelter when it rains.

In the case of Malaba County Council, they have an open market and when it rains, the women who take their wares there do not know what they should do. Therefore, they lose their wares. I would like to inform the Minister that this is a very important function for the local authorities. Therefore, they should be supported to provide these services which are very important.

Considering the expectation of the local people from these councils, I would like to say that we have too many councillors to whom we are unable to pay allowances. I would like to point out that the councils do not have sufficient funds. Therefore, the Minister should consider providing sufficient funds to these councils to enable them, first of all, pay sufficient allowances to the councillors. We had also recommended that councillors should be paid sufficient allowances to enable them meet minor needs of their electorate.

I think hon. Members of Parliament have experienced a situation where councillors, because of frustration, expect them to fund them so that they can meet minor expenditure such as paying school fees, Harambee and so forth.

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

**Mr. Mwakiringo:** Thank you, Mr. Deputy Speaker, Sir. The Ministry of Local Government is very important in this Government. If it provided all the services that are required, Mr. Nassir would not be advocating for majimbo. The bureaucracy which is being exercised by the Ministry of Local Government should stop. We would like to see councils being empowered; we would like to see councils being run from their jurisdictions other than being run or

decisions being made in Nairobi.

It is a pity that despite the fact that councils do a lot of work, councillors are paid poorly. We passed a Motion in this House that the remuneration for councillors should be increased, but unfortunately, it has not been implemented. We would like to see that being done. This is because councillors are the people who stay with the people most of the time. We would like to see councils planning their own towns. We would also like to see councillors being empowered to penalise and take remedial measures against the chief officers. This is so because most of the chief officers are high-handed because they have godfathers at the headquarters. I am saying that because we have problems in our councils such as the Mombasa Municipal Council. The chief officers have messed up the councils in their areas. I am saying this because a lot of revenue is generated from Kongowea Market but it is only a quarter that reaches the local authority offices. I would like to point out that the rest of the revenue goes into the pockets of the chief officers. This is a very bad precedent, and it gives the Government a bad image of not being in control of the local councils.

Mr. Deputy Speaker, Sir, I would like to propose that the local councils should have public toilets. I propose this because Voi Municipal Council does not have a public toilet at the bus stop. I have taken up the matter, but the plot where the toilet was to be constructed was grabbed by a KANU official and it has not been surrendered to the local authority so that they can plan and build a new toilet. We have agreed with the Voi Municipal Council that if that plot is surrendered to the local council, we shall set it aside for a toilet so that people can pay when they want to use it. We agreed that we can build bathrooms and toilets for a fee. We are saying this because Voi, being a commercial centre and being situated between Mombasa/Taveta and Mombasa/Nairobi, it is important that we have a toilet at the bus stop so that commuters can have a place to relieve themselves. The Government should set educational standards for one to be elected or nominated a councillor. The kind of qualifications one should meet before being elected or nominated a councillor should be put down. I am saying this because out of the eight councillors at Voi Municipal Council, only two councillors are literate. The rest are KANU councillors and they are the most illiterate councillors in this country. I would like to point out that KANU has got the most illiterate councillors in this country. We have discovered that the Opposition has got literate councillors and that is why we have problems with Mr. Kamotho because we keep him on his toes all the time. I would like to say that where there are KANU councillors who are illiterate, everything is in a mess. So, we would like to see educational standards being set for councillors. What is the minimum qualification for one to be elected or nominated a councillor in the councils?

I would like to give this House an example of a KANU councillor who was a mayor in a certain town. When this councillor travelled abroad, he had to be accompanied by somebody to interpret to him what was being said. This councillor was allocated a room in a hotel which had a mini-bar. So, this KANU councillor thought that the drinks that were at the mini-bar were provided free of charge and he kept on drinking. Because the drinks were always replenished every evening, he thought that, that hotel was very generous. Unfortunately, the day he was checking out, he was presented a bill of US\$300, and yet, the man did not have any money. This mayor had to call back his council, give a guarantee and the council settled that bill. I did not want to raise that issue, but that is what happened. That is why I am saying that Mr. Kamotho should set the qualifications of the councillors we will require so that we can market some of them.

I would like the Ministry to be in charge of all the council land and properties. If councils can sell properties to pay their workers, when they are over, where will they get the salaries from? Why do they not maintain the buildings and institutions which are at their disposal for revenue generation?

Mr. Deputy Speaker, Sir, I was a nominated councillor and we went for a seminar. But since 1992, those seminars have never been held. Those seminars were very useful because we used to be taught on which departments to employ people and which departments not to employ people. The debt collection sector could be having very few officials who do the debt collection but you find so many sweepers and yet there is no income generated by that department. The reverse should be the case. Let us have more debt collectors, fewer sweepers or market operators. We should empower our local authorities and let the councils not sell their properties.

Mr. Deputy Speaker, Sir, we want to see good councils with good roads and painted buildings. They can force the business community to do that so that the towns appear clean. If you go to a town and find it is not clean, then it gives a bad impression of other towns in this country.

Mr. Deputy Speaker, Sir, the issue of street children in urban areas should also be addressed. We would want to see social services officers in the local councils interacting with street children so that they know why they are there and who are their parents, and what problems are---

*(Mr. Maitha entered the Chamber  
without bowing to the Chair)*

**Mr. Deputy Speaker:** Order! Mr. Maitha, go back to the Bar! Proceed!

*(Mr. Maitha bowed to the Chair)*

**Mr. Mwakiringo:** They need to know the problems of these street children and see what remedial measures could be taken. We do not want social services officers in the councils just sitting to do ceremonial functions during national days. We would want to see them also interacting with those street children so that we can safeguard the flow of street children in our streets.

One other issue, Mr. Deputy Speaker, Sir, is that these children are tarnishing the names of most of these towns because they end up snatching bags from women when they are walking around and pick-pocketing them. We would want remedial actions to be taken by the local authorities.

Mr. Deputy Speaker, Sir, finally, we would want to see that local authorities are empowered when it comes to issues of plot and land allocation under their jurisdictions. We do not want to see an officer from the Ministry of Lands and Settlement writing letters issuing out plots when he has not consulted the local authority to see what it has planned about that plot. Local authorities must be consulted on land matters so that they know what is happening to avoid unnecessary confrontation when a title deed has already been issued.

With those few remarks, I beg to support.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I beg to support this Vote on the Ministry of Local Government so that the Minister is granted some funds to run the Ministry. But there is a fallacy in the mind of this Government regarding how much money should be available to local authorities to run themselves. Local authorities by the express act of the Central Government have been starved of funds. Local authorities are not by their very nature poor. First of all, every Kenyan pays tax whether poor or rich. Everybody pays VAT and once you pay tax, you expect requisite services from the Government. Those services begin from where you live and all of us live concretely under local authorities. It is, therefore, a fundamental mistake of the Government not to ascertain that where we live and have our beings, the Government does not have a presence in terms of sufficient resources to provide for its people. This whole litany we go through every year that local authorities do not have funds is absolute balderdash. We, taxpayers, who live in these local authorities whether in urban or rural areas must realise that we give this Government money through all forms of taxation so that it can deliver services to the people where they live. So, the Government must sit down seriously and reconsider its whole conception of how it gives its services to its people. If, indeed, they cannot give those authorities that requisite resources for giving services to the people, then the best thing is to scrap the Ministry of Local Government all together. Let us not have a pretence that there is a Ministry called Local Government which has absolutely no real functions to the people who live in those areas. All of us live under local authorities.

Secondly, Mr. Deputy Speaker, Sir, the Government should be ahead of the people in realising what the people of Kenya are doing at the moment. The people of Kenya have found out that the Government is not delivering services and they are creating their own authorities where they live in terms of neighbourhood associations. Neighbourhood associations are not just a phenomenon in urban centres. Very recently, I got a proposal from Kisumu Rural Constituency where people are starting Kisumu Rural Neighbourhood Association in line with what is happening in urban areas. The Government must be in tune with its own people. Has the Government seriously taken this phenomenon emerging in Kenya of neighbourhood associations and moved in to respond to what people are doing so that where the Government has failed, people are in their own initiative providing the Government with a solution? If the Government is not careful given the ingenuity of Kenyans, you will soon find that these neighbourhood associations are being taken over by entrepreneurial individuals and turning them into corrupt organisations just like the Government Local Authority system has been turned. So, it is high time the Government realised that there is a phenomenon in this country responding to the inefficiency and ineffectiveness of local authorities called neighbourhood associations which the Government should pay attention to.

Mr. Deputy Speaker, Sir, sufficient funding for local authorities is also available in terms of business transactions that go on particularly in urban areas. I did carry out a very quick survey in Kisumu Town through the Central Bank and found out that in July 1996 in terms of business transactions, Kisumu made close to Kshs3 billion in one month. But only Kshs67 million was reinvested in the town, which means that, that town is contributing enormously every month to wealth creation in this country. But very little is being left behind so that it can be invested in the prosperity of that town. These are the figures that the Government should have at its fingertips and find out how it can encourage investors to invest in urban renewal. For example, in the United States, the Government does give corporations incentives to reinvest in urban renewal. I remember, for example, in the City of Chicago where I lived for sometime---. When I lived there, the south side of Chicago was in tatters. When I went there about three years ago, I found that corporations had been encouraged to invest in real estate development and rehabilitation and infrastructure in the City of Chicago so that they could take off the burden of doing this from the Government. In return, the Government gave them tax concessions. This is the kind of happy relationship that the Government should have with

private capital so that private business can help the Government in modernising and renewal of its cities and urban centres. These are the kind of proposals we should see in the Budget and in the request for revenue and expenditure that the Government gives in here rather than have, again, this litany we have every year that grants-in-aid will come from Denmark, Spain and so on. This is money which never comes and yet, we know that in this country we have the potential to raise enough domestic savings to finance our own development. The only thing we do is that we are not taming consumption both private and public so that we increase the kitty of domestic savings so that we can finance our own development and local authorities.

Mr. Deputy Speaker, Sir, it is true that the Government is in the era of privatisation. Yes, privatisation is good to bring efficiency in performance. Indeed, where the Government cannot perform, particularly in business, really it does not need to enter that realm. It should create political and economic space for private enterprises to prosper. But let us be frank in terms of certain municipal utilities like water provision; we cannot have private sector coming in lock, stock and barrel. We shall still need municipal utilities like transportation and provision of water done by the municipal authorities. It is for the Government to create proper regulatory framework for these urban and municipal utilities to be run properly.

Recently, Nairobi City Council proposed an absolutely ridiculous thing that a French firm will come and help them bill their clients. In other words, a service that was provided so efficiently from the colonial times, to recent times, of reading meters, and billing clients, is going to be privatised. After 40 years of Independence, Nairobi City Council wants to hand over that clerical job to a French firm at an enormous quantity of money. This is absolutely ridiculous.

Mr. Deputy Speaker, Sir, we live in the age of information technology. It is now much easier for Nairobi City Council, Kisumu Municipal Council and Mombasa Municipal Council to bill its clients and collect the money. This is because technology has made it that easier. For example, nobody needs to come to my House and read a meter for electricity or a meter for water. All what they need to do is give me a scratch card to buy so much worth of electricity. I will scratch the card and put it somewhere and when its credit expires, I will buy another one. All we will need to do is for Nairobi City Council and KPLC to sell scratch cards to their clients. Why can they not learn from Kencell or Safaricom and realise that the same principle can be applied, of billing for electricity and water, so that we save cost, cut down bureaucracy and we raise our basis of revenue? The hon. Minister will not need to go to Spain to beg for money to finance local authorities. They can do it right here and much more efficiently and to the satisfaction of Kenyans.

Finally, local authorities should provide those services that their people need. In my own constituency, for example, Mr. Deputy Speaker, who is the godfather of my children, cannot come and visit me because the road is impassable. In colonial times, we could ride bicycles there so easily without getting any puncture. However, 40 years after Independence, this Ministry cannot help me reach Maseno, where my father went to school and where Mr. Deputy Speaker lives. I cannot go and drink whisky in his house in the evening and enjoy myself and go back without fearing a bicycle puncture, not a car. So, if local authorities cannot provide me with that kind of service, I do not understand why the hon. Minister comes every year to ask for this Parliament to give his Ministry money so that he can go and do the same mess year in, year out, of not maintaining roads and privatising non-existing toilets.

Mr. Deputy Speaker, Sir, if you go near the Posta Plaza, what kind of toilet is the Ministry privatising? Even if I had money, I would not buy it. It should be left there for cows and goats because it is not worth human excretion.

Mr. Deputy Speaker, Sir, if the Ministry wants to privatise toilets, first of all, let them build them. I am sure wananchi would like to see what kind of toilets the Ministry would provide. That is the reason why we have all this kind of kiosks all over the town; littering the town with no standards. The first thing the Minister for Local Government should do is to set some standards for the kind of services they can offer. But talking about privatising toilets will not help.

Mr. Deputy Speaker, Sir, if these people come again here to ask for money, Parliament will ask them one question: Have you set any standards for the people of Kenya to follow? Have you spent the taxes we gave you properly so that we can pay them and expect something from them?

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

**Dr. Anangwe:** Mr. Deputy Speaker, Sir, thank you for giving me the opportunity to contribute to this Motion. Let me say from the outset that I support the Motion. I support the request by the Minister for Local Government that his Ministry should be given resources to be able to dispense services.

*[Mr. Deputy Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, Local Government is an important institution in governance of any country, and particularly more so for us in a poor country. One of our primary goals is to ensure poverty reduction and any improvement in governance. There is no shortcut; we need this particular institution to perform and function in order to dispense those services as Kenyans require.

Mr. Temporary Deputy Speaker, Sir, notwithstanding what I have said, I do agree with the previous speaker that, in respect to the performance of the Local Government in this country, it is disappointing. They have not lived up to the expectation of Kenyans. In many areas, they have become a burden. They do not deliver services to our people. They only pay wages for councillors and their staff. However, Local Government can do a lot better if its capacity and its role within the political set-up is enhanced.

Mr. Temporary Deputy Speaker, Sir, many people have said that the Local Government is performing poorly because of the calibre of councillors and the staff they have. But I think by focusing on this particular problem we may be addressing symptoms rather than the root cause of all these problems. I am saying so because within the current constitutional order or set up, how can you expect better councillors than the ones we have? How can you expect better chief officers and other officers than the ones we have? This is because the environment within the Local Government set up is not attractive enough. Therefore, it cannot attract a better or high calibre personnel. A high calibre personnel must be well educated, trained and remunerated. This is what councils cannot afford. We have well educated councillors in a few municipalities, like in Nairobi and Mombasa. High calibre politicians probably will not be attracted by an opportunity within the Local Government set up. Of course, there are exceptions, there are those few who manage to graduate into becoming hon. Members. But by and large, the general picture is that if you cannot make it to Parliament, then stay in Local Government system to be a councillor.

However much we may wish to address and improve the problem of the calibre of the councillors and their officers, unless we address this particular problem in a large context when addressing the overall Government set up under devolution of power, nothing will improve. Therefore, as the constitutional review process continues, indeed, local Government reforms should take the centre stage in order to improve the performance of local governance. Without it, all we are saying here and the pleas we have been making here, is an exercise in futility because nothing will change. But if there is devolution of power, they may change so that the mandate of the Minister for Local Government Minister is known. So, unless the role Minister is clearly stated, there is nothing that will change the way we run our councils for the better. Therefore, the first responsibility that we should address is the constitutional review process. And we ought to support this Constitutional Review Commission to be able to address this particular problem. I know many people have argued against devolution of power, particularly when the devolution of power and decentralization is related to *majimboism*. Many have said that *majimboism* or devolution of power will create tribalism, tribal apartheid and will be costly. But these are arguments that are born out of facts and history. They belong to those who are unschooled in this particular area. But when you look at where devolution has been structured and designed properly, local governments can perform and function no more differently from those of the Central Government. A good example, is the United States where we have municipalities and states which undertake the bulk of services.

Indeed, if you look at the number of people working for public service within some of these countries like the United States and the United Kingdom, the bulk of the personnel are within the local government set up. Therefore, I would like to inform those who have suggested that we cannot have local governments in this country that it is possible and it will be as effective as any other, including the people who are at the centre.

Mr. Temporary Deputy Speaker, Sir, according to the agenda of the Ministry of Local Government in respect of Local Government Reform, I know they have earmarked themselves to certain priority areas to be reformed, and I congratulate them. I would like to urge them to pursue the areas of reform very vigorously, because in doing so, there will be a fundamental difference, but with one qualification that these reforms that are being proposed under the Poverty Reduction Strategy Paper be taken within the context of Constitutional Review Process and within the devolution of Government powers to local authorities and if possible, regional governments.

Mr. Temporary Deputy Speaker, Sir, I have looked at the Printed Estimates of this particular Ministry and I note, that when you relate it to what it is planning to do, particularly in respect of local government reform with the resources available, I would readily say that it has not budgeted adequately for what it seeks to undertake. Secondly, the bulk of the resources are catered for in Appropriations-in-Aid. If you examine very closely, the Appropriations-in-Aid, the bulk of it, is of course, donor funds. Given the kind of environment we have in relation to donor funds, we do not have much.

#### QUORUM



**Mr. Angwenyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We are discussing the Vote of a very important Ministry and yet there is no quorum.

**The Temporary Deputy Speaker** (Mr. Muturi): It is true we do not have a quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Muturi): We have a quorum now. You may proceed, Dr. Anangwe.

**Dr. Anangwe:** Mr. Temporary Deputy Speaker, Sir, the point I had stated was that, when you look at this particular Vote, the bulk of the money is in Appropriations-in-Aid. Within these Appropriations-in-Aid, the donor funds are dominant. Given that the Ministry has such ambitious projects to implement in various towns and local authorities, and given the kind of environment we have in relation to donors, the Ministry of Local Government may have to rethink on how best to mobilise the resources to be able to complete the programmes it has earmarked for itself. Given this kind of a situation, it may never be able to realise those programmes.

Mr. Temporary Deputy Speaker, Sir, when you look at the Development Vote, there are development schemes, some of which relate to towns' sewerage in Thika, Mombasa, Eldoret, Kapsabet and Bungoma. But I regret to say, even last year they appeared, and I highly doubt whether the resources we earmarked last year were put to use or they were made available to this programme. May I suggest that, in the future, the Ministry should consider at least investing in one project, for example, in Eldoret, Kapsabet, Mombasa or Thika to be able to finish it.

Thank you.

**Mr. Parpai:** Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute to the Vote. Even what we are discussing here has a lot to do with the Ministry of Local Government itself and very little with the local authorities that are very close to the people. This is one area where I, personally, tend to think that many of us do not understand; what the roles of the local authorities are. Very few Kenyans, especially those ones in power understand what local authorities are. A local authority is supposed to be an authority administered by locals using local resources for the benefit of the locals. But these days, what is happening? Local authorities are being administered by people out of that vested area. I equate that to what has happened to Kenya Farmers Association (KFA).

Initially, I grew up knowing KFA, and later it was changed to KGGCU, and now it is back to KFA. This is exactly what is happening to our local authorities. In 1963 up to mid-1970s, we used to have local authorities. Later, those local authorities were changed to something else that we do not know. Nobody has come up to tell us what we have now on the ground. Previously, local authorities used to provide almost every other service that the Central Government is providing now. Local authorities used to be run efficiently, but somehow, somebody felt jealous and thought that if the local authorities continued providing those services that are best placed for them to provide, they would be overshadowed. This is why we are having the problems that we are experiencing now.

In mid-1980s, somebody slept at some place, woke up excited and declared that they were going to transfer employees of local authorities to the Public Service Commission. It is interesting because those employees are now employees of PSC by name because they do not pay them. They only discipline, fire and hire. How do you control employees who you are not paying for their services? It is ridiculous! This is why we have problems. I worked with the local authorities for many years. During our time, there were no transfers and we used to fear councillors because they were our employers, but these days you are told that your employer is the PSC. So, you can tell your Chairman off at wish. You can refuse to implement whatever decision they make. So, what kind of resistance has this Government created in local authorities? This is why you hear of offices being locked because somebody is brought to a place that he does not understand.

Mr. Temporary Deputy Speaker, Sir, I come from Kajiado where the main and major service that the council provides is that they maintain boreholes for the purpose of providing water. The council subsidizes for that service. You take somebody from Embu for that matter and he cannot understand why a council should subsidize for water when it can recoup all that it spends on a given borehole because he does not understand the local problem. It is this that is bringing problems to local authorities. To make matters worse, local authorities are being subdivided day in, day out. When the local authorities used to be big units, they used to afford to provide at least minimal service, but what is happening today? A Minister wakes up or any other authority wakes up at some place and says that today, this village is going to become a town council. After six months, that village is being upgraded from a town council to a municipality. What is happening? This is uneconomical and the local authorities are causing problems to this country.

Mr. Temporary Deputy Speaker, Sir, it is high time that those managing local authorities got to know what local authorities are. We do not need subdivision or upgrading of small towns into some status in order to please residents. In fact, we do not even please them. After some time, people start rebelling against you, like it has happened in Kandara and elsewhere. That has also to be reconsidered.

We have problems in our local authorities because the majority of local authorities do not prepare final accounts, and auditing is a problem. It is high time the Ministry considered tabling audited accounts in this House. We need to know how these local authorities are being run. They are not private organisations. We need to know how they are being run so that we can make comments. The public should know which local authority is doing what and when and how. This is what we need to get to know. We have problems in these local authorities because we do not have properly trained personnel. Training is essential if we have to get efficiency in the local authorities. Let them be trained. Mr. Temporary Deputy Speaker, Sir, we used to have the Kenya Institute Administration (KIA) providing training for these local authorities. They have been moved to GTI. I am told that many things are happening now and this is why the local authorities cannot be able to provide services as required. We need that training.

Again, regarding allocation of plots, we have problems with that. There are direct allocations and land control boards which sit down in the DC's office and decide to approve subdivision of land just next to local authorities trading centres and give them some change of user. They do not consult the council and, after that change of user, the council is expected to provide services for that town that has been created by people who have not constructed it. How do you expect the council to cope with that subdivision?

Mr. Temporary Deputy Speaker, Sir, the Ministry has to come in and talk with the Ministry of Foreign Affairs and International Co-operation and say that this should be stopped. If that kind of subdivision should come up, the Ministry and the local authority concerned should be consulted because it is them who are going to be asked to provide services. This is what is bringing problems. Cap.265 gives the Minister a lot of powers and makes councillors impotent. When are we going to give the local authorities powers? We need to amend some of the sections in the Local Government Act in order to give powers to those who are managing their own affairs. Otherwise, the meaning of the local authorities disappears. If you have to manage your own resources, then, you have to have powers to manage that. We want the Ministry to play the regulatory role and not to control everything. I am surprised that the Minister has not raised a finger, when the Minister for Finance brought in an amendment of tendering. We are told that the Local Government Act, Cap.265 is very clear on how tenders are going to be adjudicated on local authorities. It has to start from a given committee, go to a full council and then go to the Ministry for approval for major purposes or contracts. We are now being told that the procedure is no more and the Act has not been changed. What are we doing? Why should we sit down and accept to violate an Act of Parliament by a mere gazettelement of a regulation? That is wrong. The Minister must stand up on his feet and declare it wrong, unless we amend the relevant section of the Act. That cannot work.

With those few remarks, I beg to support.

**Mr. Munyasia:** Mr. Temporary Deputy Speaker, Sir, I would like to thank the Ministry of Local Government for exercising a lot of restraint in the past years. Earlier on, the trend had been to establishment commissions to run local authorities whenever there were disagreements. Although there is a lot to be desired within the councils, the Ministry has left the representatives of the people to be in charge and be responsible for whatever mistakes they make. Sometimes they have to learn the hard way. It is good that the Ministry has left them to work on their own.

Mr. Temporary Deputy Speaker, Sir, there are a number of things which this Ministry must address. When they abolished urban councils, I thought we were going to have town councils that are self-sustaining and self-supporting. Those town councils have remained with the same problems that they had even when they were urban councils.

Mr. Temporary Deputy Speaker, Sir, this Ministry has been establishing commissions. The Minister should tell us the results of some of those commissions. There was a desire earlier on to promote some of the councils from town councils to municipal councils. I remember one commission which was appointed in my constituency to establish whether Malakisi which had been promoted a year before to a town council, could be promoted to a municipal council status. I have been waiting since then for the results of that commission to no avail. If that commission has completed its work at all, maybe the Ministry found that it was not necessary in the first place to establish it. But that shows how badly this Ministry uses the money we approve for it. It appoints a commission that is not necessary and when it presents its report, that report is not acted upon. So, why was that commission established in the first place? When that commission came to Sirisia, we told them to promote Lwakhakha to a town council. But this Ministry has done nothing about it!

Mr. Temporary Deputy Speaker, Sir, we have complained about councillors and officers requiring training. The way some of them act shows that they do not know what they are supposed to be doing. When the Local Authorities Transfer Fund (LATF) gave money to Bungoma County Council for instance, a former County Council Chairman took the money in April and work commenced in June. So, one wonders whether that is the way these councils are supposed to be run. Others try to put up bridges on some streams and award their wives tenders to supply timber, while their brothers-in-law supply labour. Money is, therefore, paid to people related to the councillors without following the laid down procedures. Nothing is advertised! There is no notice given that such people are required. So,

these councillors just go to get people who can assist them to get this money! These people need to be trained!

Mr. Temporary Deputy Speaker, Sir, I am told that the Government of Finland had offered to build a local Government Training Centre in Mombasa. But this Government developed cold feet over that suggestion. Why does this Government not want to train its officers and the councillors when a foreign Government is so magnanimous to us? Both the councillors and the chief officers of the councils need training, although the councillors sometimes have to struggle for plots. That appears to be the only thing they think they can do. That might have arisen from the fact that when they are there, they cannot talk about their pension like we do here. They worry about what will become of them when they leave the council. So, they begin to look for plots to grab! That appears to be the pre-occupation of most of the councillors, be it here in Nairobi or any other local authority. They are concerned with the allocation of plots, mostly to themselves. That is a pointer to what we should do for them. Perhaps, let them be sure of getting their allowances regularly. That can only happen if we put into effect a Motion that we passed here, that they should be paid from the Consolidated Fund.

Mr. Temporary Deputy Speaker, Sir, there are local authorities in this country, including the Nairobi City Council, with a lot of resources. Every time, I see City Council *Askaris* locking people's cars because they have not paid parking fees. Why are they taking money from motorists without giving any service in return? Where is the moral justification? What is happening to roads like Luthuli Avenue, Sheik Karume or those other roads leading to River Road, which serve a majority of our people here? The motorists who use those roads pay parking fees. But who is responsible for ensuring that those roads are well-kept? Is it only the Ministry of Roads and Public Works? If it is that Ministry, then why should the City Council take money from motorists? Those roads have been ignored for so long! It is not easy for motorists to drive on them. One has to drive in a zig-zag manner. I do not know how hon. Dr. Omamo would describe Luthuli Avenue, Sheik Karume and many other roads down River Road. There are bigger holes than potholes on those roads! Who is responsible for that? These are some of the things that should be addressed by this Ministry.

With those remarks, I beg to support.

Thank you.

**Mr. Sungu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It appears that this side of the House has been ignored! You have picked on several Members from the other side of the House to contribute!

**The Temporary Deputy Speaker** (Mr. Muturi): Overruled! He has 30 minutes as the official designated responder.

**Mr. Maitha:** Mr. Deputy Speaker, Sir, let me thank you for giving me this opportunity to talk and give my views on the Ministry of Local Government Vote before this House. Let me also thank the Minister for Local Government for giving a good focused speech yesterday. The speech, if adhered to, would improve the local authorities.

Mr. Temporary Deputy Speaker, Sir, local authorities in governments all over the world are respected. In such countries, where local authorities are respected, the central governments respect the laws governing them. That is why a Minister in charge of a local authority in a given country is respected. He is given all the facilities to improve the local authorities. I am saying that because in Kenya, the local authorities are not respected. They are taken as political clubs where political parties utilise them to propagate their own politics. I am saying that because we need local authorities which are very strong. That way, the local people will have faith in them.

We have seen situations in Kenya where the Minister for Local Government is not given proper and adequate facilities to be in charge of local authorities. I am saying with confidence that we have a very competent Minister. I wish that the Local Government Act or the Constitution of Kenya is changed, so that all Ministries are vetted by Parliament. That way, we can get a proper Minister for Local Government who has experience on local authorities. I propose that a very good Minister for Local Government must have been a councillor or worked in a local authority. He must know what a local authority is.

We have a situation where the Minister for Local Government does not travel around the country to see the problems facing local authorities. I cannot recollect in my four years in this Parliament, a time when the Minister for Local Government has gone round this country to see the problems that face local authorities. I only read in the newspapers that the newly appointed Permanent Secretary (PS) went round. I met him going round to see the problems affecting the local authorities. We need a Ministry led by officials on the ground, who know the problems facing the local authorities. The local authorities in Kenya suffer because the Ministry does not have first-hand information about them. The Ministry does not have a database to know what happens in local authorities in terms of management.

Mr. Temporary Deputy Speaker, Sir, if the Local Government Act is revised and the Minister makes an effort to bring the much-awaited amendments to the Local Government Act; to give them autonomy and powers, we are going to have very good local authorities. Kenya will be one of the best countries in the world. Local authorities are

led by chairmen and mayors. We want to see very strong and respected mayors. We want to see people with honour. When you go to foreign countries, a president of another country is welcomed by a mayor and not even the president of that country. The president just orders the mayor to receive the president from the other country.

Mr. Temporary Deputy Speaker, Sir, sometimes it is so emotional to see a mayor failing in his own duties, because he is not respected. Let me give the example of the Mombasa Municipal Council, whereby a councillor by the name of Najib Balala was nominated to be the mayor. He was given the mayorship and was competent. He cleaned the town and the local people had confidence in him. He did a very good job. But because he was not in good books with his own party, or he was not liked by the godfathers who brought him there, he was kicked out and a very poor mayor was brought in. The local authority is now in shambles! Mombasa is the second largest city in Kenya where visitors from different parts of the world visit. There is tourism in the coastal area. The white people would like to see the mayor more than any other person. They come to the town but the mayor is not seen anywhere. He does not even want to see visitors. I am not attacking the Mayor of Mombasa only. We need to have respected mayors and chairmen of local authorities.

Mr. Temporary Deputy Speaker, Sir, we want to see local authorities which can render services to the local people. Such services include health, water, education, roads and housing. In other countries, the central government only empowers the budget to local authorities to provide health, water, education, roads and housing. Maybe, the central government could just say: "We want a certain pattern or design of housing." But the local authority will be given full responsibility to make sure that housing facilities in a certain town are there. Water must be given by local authorities. On health, the central government budget can be given to any local authority--- For example, with the Nairobi City Council, the Government has no business having a Medical Officer of Health (MOH) in charge of Nairobi, and another one taking care of the Central Government. Why should we have two MOHs in one city? If the Government has got a budget on health, and we have a local authority which takes care of the local people on health matters, why can that budget not be given to that local authority, so that it can take care of the hospitals, dispensaries and other facilities? It can also be done on education where local authorities can build secondary and primary schools. Why is it that the central Government has two budgets, one for the local authorities and the other for the central Government? That is where we do not make our local authorities strong. That is where we fail and have problems with the local authorities.

Mr. Temporary Deputy Speaker, Sir, it is my view that if the Minister will come up with the review of the Local Government Act, we need to give autonomy to the local authorities, so that they can be self-sufficient. Some of these councillors who are elected are not even educated. It is high time that the Ministry of Local Government placed conditions for the election of councillors were as the case with Members of Parliament, who are at least required to have sat for "O" levels, and are able to read and write or be fluent in either Kiswahili or English. You will find that in some local authorities, like where I come from, a councillor cannot even speak Kiswahili, which is the national language. He cannot tell his people what he intends to do for them in Kiswahili. He would rather speak to them in either Kigirima, Kikamba or even Kikuyu because he was just elected due to the wishes of a party. We should stop electing as councillors youth-wingers who can be elected to a local authority. These are the same people who mess up local authorities because most of the issues are discussed by chief officers in local authorities in either Kiswahili or English. They should, therefore, at least know how to read and write in order to understand what their functions at local authorities are.

Councillors should be given the mandate to be above the chief officers. We have a situation, like the one in Kisumu, where the Minister has overruled councillors. A chief officer who has squandered over Kshs2 million in imprest cannot be sent on leave by councillors because the Minister is protecting that chief officer. It is wrong if a councillor can point out that this chief officer has taken money from this local authority and we cannot give services because money is being squandered from this local authority by chief officers and then the Minister says that they cannot be sacked because doing that is outside the jurisdiction of the councillors. We have a situation here where there is no working relationship between the councillors and the chief officers. In some cases there are wrangles and councillors end up closing the offices. The Minister has got to always come in and intervene. Most of the local authorities were created on political basis. You will find that the central Government just goes somewhere and creates a local authority or upgrades an existing one to a town council or municipality, and yet it does not give the necessary facilities to that local authority. That is why most of these local authorities are failing and cannot pay their workers.

You should only create a local authority if the area concerned can sustain itself from revenue collection. Why do we not rationalise these local authorities, and the Minister, who is here, knows very well that all local authorities which were created on political assumption; that when we uplift this area we will get votes, or we will be told that we have done good things for this area, are failing? It is high time that we rationalised these local authorities so that we remain with very few local authorities which can collect revenue and sustain themselves.

Most of our chief officers are educated. You will find that most of our chief officers who sit with our

councillors in full council will fail to advise councillors on legal matters. A local authority depends entirely on the chief officers to advise the councillors on legal matters. Most of the municipal councils have been taken to court. We have even seen some chief officers being taken to civil jail because something was brought to the council, but because the chief officer forgot to get legal advice, he goes to court and when he finds himself in a very big problem, he comes back to say that it was the councillors who told him to do it. He has a scapegoat in the councillors. It is high time that our chief officers found a way of educating our councillors. The chief officers can organise seminars for councillors, to teach them on the Government policy on local authorities. Up to this moment, the Minister here must stand up and tell the country what the Government's policy on local authorities is.

There is a lot of interference in local authorities. You will find that in Nakuru Town, the water section is being privatised. The top officers are appointed by the Office of the President. What is the role of the Minister for Local Government? That means the Local Government Act now is being administered from the Office of the President. How can we have two Ministers, one in the Office of the President and another in Jogoo House? We are reading in the newspapers about interference by the central Government in procurement in local authorities while the Ministry of Local Government has got a very clear Act on procurement by local authorities. How can a legal notice supersede an Act of Parliament? How can you say that chief officers will be advertising and giving out tenders without the knowledge of the councillors, and that the tenders will be taken to the full council for ratification?

How can a full council discuss a procurement tender which has been given by chief officers, and the councillors who do not know anything come to ratify it in a full council? Maybe, that is campaigning. Maybe, a certain party has no money for general election and is looking for money through procurement in local authorities. We will not accept these things at all. How can you do that, and yet there is an Act in place? How can you tell chief officers to do procurement? How do you allow them to sit and decide on how much will be allocated for certain roads? We will have a very big conflict with the councillors because they are the ones who are elected in a local authority. They are the ones who are meant to discuss, agree or disagree on major issues. We want the councillors to take charge of procurement, so that they will be answerable to the electorate. If a certain road is not done properly, or if there is no water in a certain area, they will be the ones to explain the reason for this to the local people. If a certain procurement for chlorine for water, for example, in Nairobi, is done by the chief officers and the water kills people, who will be answerable for that? Maybe, someone provided ash instead chlorine and the councillors were not aware of it because they were not party to the award of the tender for the supply of chlorine.

On land grabbing, we passed a Motion in this Parliament to the effect that the central Government officers, namely the DOs and DCs, should not be part and parcel of the local authorities because they work for the central Government. They are not elected people and do not know anything about local authorities. When you second a planning officer to a local authority, he is aware of what he is doing because he can easily talk to his DO or DC to plan a land allocation. He can, in fact, communicate with the Minister of Lands and Settlement and, in fact, advise the chairman of the local authority, if he is corrupt, to grab land all over. There have been a lot of cases of land grabbing and the Local Government Minister has done a lot to help councillors to grab land in some areas. In some areas, he has helped them to grab land, like in the Nyeri case where all councillors grabbed land and when we asked them why they did it, they said the Minister told them to do it. We asked why should a Minister encourage councillors to grab. This situation applies in Kirinyaga where there is a whole plot on which there is an estate belonging to the Ministry of Water Development. The local authority annexes that land, grabs it and then somebody comes to say it was properly done. How can the Minister for Local Government approve this in a local authority where land that belongs to another Ministry is grabbed and given to another person using the local authority by-laws? Somebody wants to put it that way.

If you go to Mombasa and look at the Kongowea Market, which was built by the Germans for Kshs40 million, you will find it has changed its face. The councillors have apportioned themselves small plots all over the market. The whole wall which was surrounding that market has been grabbed. They are building skyscrapers and storey houses all around, just because the chief officers accepted to have the councillors grab those plots and that market now has no face. The Germans who built that market and gave it to the Ministry of Local Government came to see that market and were puzzled to see that the whole market has changed its face. How can we approve this as a local authority?

Mr. Temporary Deputy Speaker, Sir, I want to say that the five measures which the Minister suggested or focused in the related areas of priority which he talked about in his speech are very good and focused, but they can only apply when we have a very strong Act. They can only apply when we do not have any interference from the central Government, and when the central Government realises the local authorities should be respected. We want them to be given the mandate and told that they are now in charge of everything. The budget done by the central Government should be brought to the local authorities, so that they do not complain that roads are bad. Why should the Ministry of Roads and Public Works come and say it is giving money for Mombasa roads? We have the local authority which has an engineer and every facility to make a road. Why can we not be given that budget so that we can make a

road in a local authority? We have an able Permanent Secretary with the old officers who can give us good advice on making roads, architects and everything. Why can we not manage that budget from the central government? We have the Ministry of Health which can give us all the money and enable us manage all our clinics and buy all the medicines needed in a given local area. Why should we wait and see Government hospital officers stealing medicines? We should be in charge of those medicines. We should be given the money to procure medicines for the local people because they are ours. We should be given that job!

Mr. Temporary Deputy Speaker, Sir, that is why if we are to be very serious in Kenya, let us be like other countries. We are modelled on the Westminster type of Parliament. We are like Britain and other areas. If you go to Britain now, you will find that a Lord Mayor supervises everything in his local authority. They vote for him and that is why I brought a Motion in this Parliament which the Minister accepted, that mayors must be elected by the public, so that they have the respect of their local people. Our local people have been suffering. Our local authority workers have been suffering because revenue collected is being abused by the chief officers and councillors who even collect revenue on behalf of the chief officers and they steal that money.

We have done a good job. The Ministry has done a good job, especially on the LATF funds. It has really done a good job in most of the local authorities I have visited around, and it is high time that the Constitution became very clear. We have a shadow Minister whom you are supposed to be sitting with always, talking to him so that he can understand your problems. There are things which you cannot talk about alone as a Government. The Opposition or the shadow Minister has got to take up that matter and talk to him. We must go around the local authorities and see the problems of councillors and chief officers and, in fact, make sure that our people are happy. You are very strong because you are a Minister for Local Government. You are like a small president in your own country. We want to say that in any local authority, a Minister for Local Government is a small president.

Mr. Temporary Deputy Speaker, Sir, I know when I talk like this, hon. Kamotho is going to bring a lot of problems because he does not want to be called a "president", but it is true that a local--

**Mr. Achola:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member on his feet not misleading the House by suggesting that hon. Kamotho has done a very good job as a Minister for Local Government, when he knows that what he is proposing is a majimbo type of Government, which the local Government Minister opposes vehemently?

**Mr. Maitha:** Mr. Temporary Deputy Speaker, Sir, that is not a point of order and, in fact, he is co-operating with KANU. I do not know why he is abusing the able Minister for Local Government and the Secretary-General of KANU, which is going to swallow NDP very soon.

*(Laughter)*

Mr. Temporary Deputy Speaker, Sir, what I wanted to bring out here is that we want a powerful Minister for Local Government. We even want that Minister not to fly a Government flag. Let him fly a local government flag, whereby that Minister can really create that respect in any local authority he goes to.

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

**Mr. Maitha:** Mr. Temporary Deputy Speaker, Sir, I have only one minute to go.

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Maitha not misleading this House, since we know that he, himself, as shadow Minister for Local Government, does not fly any flag at all? What does DP have as a shadow Minister's flag for local authorities?

**Mr. Maitha:** Mr. Temporary Deputy Speaker, Sir, as a shadow Minister, I have my own DP flag which I fly always wherever I go, and hon. Kamotho knows about it.

*(Laughter)*

With those few remarks, I beg to support the Vote of this Ministry. Thank you very much.

**The Temporary Deputy Speaker** (Mr. Muturi): It is time for the Mover to respond.

**Ms. Karua:** Mr. Temporary Deputy Speaker, Sir, is it time for him to respond?

**The Temporary Deputy Speaker** (Mr. Muturi): Yes.

**Ms Karua:** I thought there were a few minutes for me since I have come in late.

**The Temporary Deputy Speaker** (Mr. Muturi): Mr. Minister, can you give five minutes to hon. Ms. Karua?

**The Minister for Local Government** (Mr. Kamotho): Okay, Mr. Temporary Deputy Speaker, Sir. I will give five minutes to my dear sister, hon. Ms. Karua.

*(Applause)*

**Ms. Karua:** Thank you very much. Mr. Temporary Deputy Speaker, Sir. I rise in support of the Motion but I would like to join my colleagues who have called for the overhaul of the Local Government Act. I think it should be taken as a priority by this Ministry, to review the Local Government Act, to make our local authorities effective. I do agree with those who have said that the role of chief officers and that of councillors should be clearly defined. The situation as it is now, chief officers act in disregard of councillors. We need to look into this. There is no need of having local authorities---

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Please, guide us since I am rather disturbed. Is the DP Member of Parliament helping the Minister for Local Government to respond because the time that we have now, between 5.00 p.m. and 5.30 p.m, is for the Minister to respond? So, do we understand that hon. Ms. Martha Karua is now responding on behalf of hon. Kamotho?

**The Temporary Deputy Speaker** (Mr. Muturi): The position is that the permission is granted with the concurrence of the Chair.

So, proceed!

**Ms. Karua:** Mr. Temporary Deputy Speaker, Sir, I do not understand the point of my colleague, but let me make my point clear, that we need to review the Local Government Act urgently. We need to look into the qualifications of councillors, so that they match those of Parliamentarians, and we need to empower local authorities to have the power to hire and fire chief officers.

Mr. Temporary Deputy Speaker, Sir, we also want to see the law apply to errant chief officers who steal from local authorities in the name of imprest. We are yet to hear of a single case where we have achieved a conviction of an errant chief officer. What is happening currently is that a chief officer will loot one local authority and be transferred to another to cause more havoc. We urge the Government to look into this urgently, to enable our local authorities to give effective service.

Another area that has been highlighted, on which I would like to emphasise, is the various officers who have been co-opted to local authorities from other Government Departments. We need to check whether local authorities cannot hire their own physical planners. The physical planners from the Ministry of Lands and Settlement join local authorities without consultation. One corrupt chief officer is transferred from a local authority to another. In Kirinyaga District, we are currently having the physical planner who was in Embu District, who allocated the stadium at Embu Town to land grabbers. Why should we have this chief officer who has a doubtful record brought over to Kirinyaga District to help in land grabbing?

The Ministry should also liaise properly with its counterparts in other Ministries. If local authority land is illegally allocated, the Local Government Ministry should have a say in the revocation of the allocation of such irregularly grabbed land. It is not of any use to blame local authorities of land grabbing and corruption when the malpractice emanates from officers posted by the Ministry. We also need to have councillors paid from the Consolidated Fund. But before that is achieved, we have to rationalise our local authorities. We have entities which are not sustainable. We need to look into them, abolish them and create viable structures.

Lastly, what is the role of the Ministry vis-a-vis the local authorities? We would like to see the Ministry playing the role of giving direction in terms of policy and having a blueprint for development of local authorities countrywide. We want to see devolution of power to implement those policies given to local authorities. Let local authorities handle basic services such as education, health, water, housing and infrastructure. Let the allocation for each county council be taken to that county council, and that for each municipality taken to that municipal council, so that this country can effectively monitor the resources that are allocated to each area.

With those remarks, I beg to support and thank the Minister for giving me part of his time.

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, I will, first of all, take this opportunity to acknowledge the contributions that have been made by all hon. Members from both sides of the House who got a chance to contribute to the debate on this Vote. I am very pleased with the support hon. Members have given this Vote.

As I promised earlier in the year, the review of the Local Government Act, Cap. 265, is at a very advanced stage. It is already in a draft form awaiting an open discussion with all the stakeholders, so that in case of any areas that may have been left out of the draft, they can be brought up for discussion. We hope to hold that stakeholders' meeting in the course of this month so that we can bring the Bill to this House for debate and enactment into law before the end of this Session. So, we have taken very seriously all the issues that have been raised by hon. Members about the review of the Act.

Mr. Temporary Deputy Speaker, Sir, I recall that many hon. Members did raise concern about my Ministry's failure to audit the books of accounts of local authorities. As I mentioned while initiating debate on this Vote, we are

going to tighten up and ensure that we provide audit and inspection services to local authorities in accordance with the law. It is true that very few local authorities have had their accounts audited over the years. That has been due to lack of qualified accounts personnel in local authorities. So, the books of accounts of most local authorities have never been audited. The failure of the training programmes for local authority personnel, which used to be there in the past, has led to this drawback in the audits of local authorities. I would like to assure the House that something is being done about it. I hope that in future we will be able to keep the audit of authorities throughout the country up-to-date. The law allows the Minister to order extra-ordinary inspection of any local authority that may be facing critical financial problems. There is also a provision for the Permanent Secretary to order regular inspections in order to ensure that things are being done in accordance with the law. This is, therefore, an area which needs to be taken seriously. We have taken it up in the review of the Act in order to seal any loopholes that may be existing.

Mr. Temporary Deputy Speaker, Sir, the question of devolution of power has been raised. We have accepted the need for the devolution of certain powers to local authorities throughout the country. But this will have to be taken up together with the current review of the Constitution. It will also have to be tied up with these new ideas about direct election of mayors by the people themselves. It is very difficult to devolve powers into a vacuum. Right now, we have a lot of leadership vacuum in local authorities. In order to be able to devolve powers, we must make structural changes in local authorities. As hon. Members have said, we must set a standard of the people to be elected councillors. We cannot allow the situation to go on the way it has been going on over the years.

Mr. Temporary Deputy Speaker, Sir, I think it is also necessary that we have a code of conduct for councillors in local authorities. It is not surprising now that in quite a number of local authorities, we have criminals and hecklers who have been elected as councillors. I do not know how you would expect such people to do the right things. If you elect a thief to take charge of your money, what do you expect from him? The only thing he or she knows is to steal. Therefore, we have to come to a point where we prescribe who can, and who cannot, be elected a councillor in local authorities.

**Mr. Kiunjuri:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House? He has told us that we cannot elect thieves to local authorities when, in the first place, we have elected thieves to this House, and especially in the Government.

**The Minister for Local Government (Mr. Kamotho):** Mr. Temporary Deputy Speaker, Sir, I think that is a sign that democracy has a lot of products.

As I said, we are also engaged in very comprehensive legal reforms.

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard Mr. Kiunjuri saying that thieves have been elected to this House. This is a House of hon. Members. Will he get away with it? Should he not be asked to withdraw and apologise to the House for having called us, hon. Members, "thieves"?

**The Temporary Deputy Speaker (Mr. Muturi):** Mr. Kiunjuri, can you withdraw the latter remark?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, what about if I can substantiate my allegation?

**The Temporary Deputy Speaker (Mr. Muturi):** Will you do it right on the spot?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, if you give me until Tuesday, next week, I will bring all the evidence to substantiate this allegation.

**The Temporary Deputy Speaker (Mr. Muturi):** Mr. Kiunjuri, if you intend to discuss the conduct of any particular hon. Member, you know the procedure. So, please, to the extent that you have said that thieves have been elected to this august House, the Chair calls upon you to withdraw the remark.

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, I said thieves have been elected to this House, especially on the Government side, and I can bring the HANSARD to prove this.

**The Temporary Deputy Speaker (Mr. Muturi):** Mr. Kiunjuri, can you withdraw the remark?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, why should I withdraw my remark while we know there are thieves in this Government?

**The Temporary Deputy Speaker (Mr. Muturi):** Mr. Kiunjuri, I am now giving you the last chance to withdraw that remark!

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, the truth will remain, but I withdraw and apologise.

**The Minister for Local Government (Mr. Kamotho):** Mr. Temporary Deputy Speaker, Sir, as I said earlier, we are also doing a lot of legal reforms in local governments. The main one is, of course, the review of the Local Government Act, Cap.265.

One hon. Member, yesterday, I remember, raised an issue of legal representation of local authorities by the Attorney-General because of the large amount of money which is being wasted in local authorities through paying fees to external lawyers who have, in most cases, robbed some of these local authorities of a lot of money. If we all know the legal status of local authorities, we can appreciate that it is not possible for the Attorney-General to be representing



local authorities in cases in the courts. This is because local authorities are mandated by the nature of their registration to sue or be sued independently. So, this burden cannot be put on the Attorney-General to be representing local authorities in their legal matters. But in the process of the legal review and the status of the local authorities, we will see how best something could be done about this issue.

On the question of the weak financial base of local authorities, I think hon. Members are aware that the initiation of the Local Authorities Transfer Fund (LATF) as a policy instrument is really a beginning of revenue sharing by the central Government and local authorities. It is our hope that as we move into the future, another line of financial source will be shared with these local authorities, with the objective of strengthening their financial base. Today, the financial base of most of the local authorities is so weak that if we give them the kind of independence which the House is talking about, they will not be able to manage on their own. This is because unless a local authority can have its own budget, manage it properly and balance its books, it cannot run some of the services which we are talking about. So, we are in the process of looking for ways and means of strengthening the financial base of local authorities.

Mr. Temporary Deputy Speaker, Sir, the other issue which hon. Members talked about is the councillors' allowances. We agree that councillors' allowances are low. But let me remind hon. Members of this House that a Motion was passed in this House to raise councillors' allowances by 100 per cent. May I inform this House that in the majority of local authorities in the country now, we have managed to raise their allowances by 100 per cent. For example, in Nairobi City Council, a councillor was earning Kshs10,000, but he is now earning Kshs34,000.

**Mr. Maitha:** That is not enough!

**The Minister for Local Government (Mr. Kamotho):** Mr. Temporary Deputy Speaker, Sir, we are not saying that this is enough, but we are saying that we have taken action following the passage of the Motion in this House. The problem the local authorities are facing is lack of revenue. Of course, the question of getting revenue from the Consolidated Fund depends on the Minister for Finance's decision because it is a question as to whether the Consolidated Fund can accommodate those cost items. A thorough study would have to be carried out to establish what impact it would really have on the Budget of this country and determine whether there is any possibility of that funding.

Mr. Temporary Deputy Speaker, Sir, hon. Members have also talked about reduction of councillors in the local authorities. Hon. Members can remember that the Electoral Commission went round the country soliciting views from various local authorities about the reduction of councillors in their councils. Many local authorities did give their submissions recommending that the number of electoral wards be reduced to an economic level. I can assure this House that when we get that report from the Electoral Commission, we will definitely implement it before the next general elections. This will enable us to have smaller local authorities in order to enable them pay their members of staff. On the other hand, if town councils cannot make their ends meet and if they cannot balance their budgets, they have no justification for existence. We have also gone through the Local Government Reform, rationalising of all the local authorities to justify their existence. They can only justify their existence if they are able to generate enough income to run their own affairs and not to depend on handouts from the central Government because the central Government does not have enough money to give to the local authorities.

Mr. Temporary Deputy Speaker, Sir, as I said earlier on the question of election of mayors, the recommendation that mayors should be elected through universal suffrage is a constitutional matter which, we hope, will be addressed during the constitutional review process.

Some hon. Members talked about the Nairobi Interim Oversight Board. The Oversight Board is a very temporary measure. As soon as financial sanity is restored in the City Council, the Oversight Board will cease to exist. It is our hope that we would be bringing some legislation to this House to establish financial control boards, which would be used to bring back financial order in the local authorities currently facing financial distress, so that any action that we may take will be in accordance with the law.

There is also the question of disposal of public utilities in the local authorities. We are taking very firm actions and we have said very clearly that any illegal allocation of plots and amenities by local authorities will be revoked. We will not allow, like in the case of Pumwani, staff houses to be allocated illegally, without following the procedures as they are today. So, as I said, we are looking into all these problems, bearing in mind that without the support of this august House, we cannot do much.

Lastly, the question was raised about various strikes which have taken place in various local authorities, like in Mombasa, Kisumu, Thika and Kitale Councils. These strikes are related to payment of salaries. Some are connected with staff indiscipline because in some of those local authorities, some members of staff think that this country has no laws. So, they apply the laws of the jungle to irregularly promote certain members of staff without council resolutions. When these promotions are discovered and the council is ordered by the Ministry to put things in order, then agitations takes place and members of staff go out in the streets protesting. We will not allow indiscipline in local authorities.

With those few remarks, I beg to move.

*(Question put and agreed to)*

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

IN THE COMMITTEE

*[The Temporary Deputy Chairman  
(Mr. Musila) took the Chair]*

Vote 12 - The Ministry of Local Government

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT a sum not exceeding Kshs452,446,250 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2002 in respect of:-

Vote 12 - Ministry of Local Government

*(Question proposed)*

VOTE R12 - RECURRENT EXPENDITURE

SUB-VOTE 120 - GENERAL ADMINISTRATION AND PLANNING

*Head 360 - Personal Emoluments*

**Ms. Karua:** Mr. Temporary Deputy Chairman, Sir, on page 559, Head 360, Item 000 - Personal Emoluments, to whom do these emoluments apply? Do they apply to the staff at the Ministry or the staff spread out in all the local authorities?

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman Sir, these are emoluments of staff at the Ministry Headquarters and not at local authorities.

*Head 372 - Local Authorities Reforms*

**Mr. Achola:** Mr. Temporary Deputy Chairman, Sir, on Head 372, Item 500 - Grants to Local Authorities (LATF) on page 560, could the Minister explain how this money is distributed to the various local authorities, and whether it is properly accounted for by these local authorities?

**The Minister for Local Government** (Mr. Kamotho): I did not get the question, Mr. Temporary Deputy Chairman, Sir.

**The Temporary Deputy Chairman** (Mr. Musila): This is on page 560. He is talking about Head 372, Item 500 - Grants to Local Authorities (LATF). Mr. Achola, could you repeat your question?

**Mr. Achola:** Thank you, Mr. Temporary Deputy Chairman, Sir. Could the Minister explain to the House how this money is distributed to the various local authorities and whether it is properly accounted for? If so, by what means?

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, Sir, this is LATF, which is distributed to the local authorities in accordance with an agreed criteria; taking into account the population of each local authority and other factors. Let me say that although there are a few local authorities which have abused these funds, most of them have used that money well. This is because if you visit those local authorities, they will show you projects which have been undertaken with this particular money. We are very satisfied with the majority of local authorities in their utilisation of the LATF.

*Head 375 - Urban Development Department*

**Mr. Sungu:** Thank you, Mr. Temporary Deputy Chairman, Sir. With due respect, on page 561, Head 375, Item 655 - Road Maintenance Fund, I would like to know from the Minister how much of these funds have already been disbursed to the various municipalities, particularly Kisumu, where the roads in the suburban areas are in a pathetic state.

**The Minister for Local Government (Mr. Kamotho):** Mr. Temporary Deputy Chairman, Sir, on the Road Maintenance Fund, which is referred to there, the Ministry has used this money for maintenance of a number of roads in various places like Nairobi, Kisumu, Nakuru, Mombasa, Kitale and so forth. I would like to inform this House that not all local authorities have benefited from this Fund because we are not allocated adequate funds to cover all of them.

Secondly, part of this money is paid as Government counter-fund for the KUTIP projects in 26 towns. I remember that I gave the names of all those towns yesterday when I was moving the Vote.

**Mr. Kariuki:** Mr. Temporary Deputy Chairman, Sir, on page 560, Head 372, Item 500 which deals with LATF, is it by coincidence or design that some of the county councils like Mathioya, where the Minister comes from, benefit much more than any other county council like Kiharu, which is half of Murang'a District? I would like to point out that most of the LATF money has been sent specifically to Mathioya. Is it by the Ministry's directive, coincidence or what was the criteria used? This is causing major concern.

**The Minister for Local Government (Mr. Kamotho):** Mr. Temporary Deputy Chairman, Sir, I am surprised that Mr. Kariuki would make that kind of statement here. This is because as far as we are concerned, we only approve budgets which are brought to us by respective local authorities. In the case of Murang'a County Council, it submits its LATF budget with projects spread throughout Murang'a District. There is no LATF for a constituency or division. That is the business of the local authority concerned. We do not in the headquarters---

**Mr. Kariuki:** On a point of order, Mr. Temporary Deputy Chairman, Sir.

**The Temporary Deputy Chairman (Mr. Musila):** Order! Mr. Kariuki, you should let the Minister finish what he is saying. If you have a point you want to make, I will give you a chance.

**The Minister for Local Government (Mr. Kamotho):** Mr. Temporary Deputy Chairman, Sir, we do not guide any local authority on the priority it would like to give in allocating their LATF.

**Mr. Kariuki:** Mr. Temporary Deputy Chairman, Sir, it is surprising for the Minister to say that the headquarters just endorses what the county councils come up with. I guess the idea behind approval by the headquarters is to ensure that there is fairness and justice. But if there is deliberate discrimination against a given constituency, I think this is totally unacceptable. I would, through the Chair, urge the Minister to consider all constituencies fairly irrespective of where he comes from. This is because he is deliberately helping his area and leaving our constituency, which covers half of Murang'a District.

**The Minister for Local Government (Mr. Kamotho):** Mr. Temporary Deputy Chairman, Sir, I do not think it is fair for us to be personal here. But if Mr. Kariuki is saying that the Chairman of Murang'a County Council comes from Mathioya Constituency and in their LATF budget they included Kiria-ini Market, you cannot blame the Ministry for that. If they do not forward recommendations for more than one market--- It is the way the council decided and not us. We cannot tell them to go back, leave that project and come up with another one. There are many projects which are being carried out in Kiharu Constituency with the LATF than that single project in Mathioya.

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

**The Temporary Deputy Chairman (Mr. Musila):** Order! Order, Mr. Kariuki! That ends that matter of Murang'a District. Let us go to another district.

**Ms. Karua:** Thank you, Mr. Temporary Deputy Chairman. On page 559, Head 360, Item 320 - Grants to Local Government (Interim Oversight Team), as far as we know, the Interim Oversight Team is only in Nairobi. There is a budget allocation for Kshs25.5 million and which increases over the years. It is slightly higher than the personal emoluments for the Ministry's headquarters. Could the Minister explain what this money is for? What are the expenses of the Interim Oversight Team?

**The Minister for Local Government (Mr. Kamotho):** Mr. Temporary Deputy Chairman, Sir, on the grants to Local Government Interim Oversight Board for Nairobi, this is money provided by the World Bank for consultancy work in the City of Nairobi. The Board itself is supposed to provide advisory consultancy service to bring back financial order in the City of Nairobi. Therefore, there is not much more about that, apart from the fact that this money is for consultancy work, allowances of the members of the Board and running their offices.

**Mr. Achola:** Thank you, Mr. Temporary Deputy Chairman. Could the Minister explain further on page 561, Head 375, Item 500 - Maintenance Fund? I would like to know the criteria used in disbursing the same to the various local authorities. I know he gave the names of the various local authorities which received these funds, but I want to

know the methodologies he used. How do you decide who gets what?

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, this particular item - the Road Maintenance Fund, is mainly for the purpose of paying the on-going contracts.

**Mr. Achola:** I know what it is. What criteria do you use in deciding, for example, to give Kisumu Kshs300,000 and Mombasa something else?

**The Minister for Local Government** (Mr. Kamotho): We are not disbursing this money that way. As I said, this money is mainly for payment of on-going contracts which are already being undertaken in various local authorities.

**Mr. Achola:** Mr. Temporary Deputy Chairman, he has answered the question mid-way. How were the contracts initiated in the first place? If they are for continuing contracts, then there must have been a criteria which was used to identify those contracts. What would stop him from taking all that money to one particular municipality and not the others if he does not have a system of helping him to decide which one gets what?

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, as I said, this money is used to pay ten on-going contracts which were already awarded, to maintain roads in various local authorities.

**Mr. Sungu:** Thank you, Mr. Temporary Deputy Chairman. I would like to ask one general question with regard to personal emoluments and that appears on all the pages; 559, 560 and 561. What method does the Ministry use in passing over these emoluments to the employees? For example, in Kisumu, salaries are paid through a co-operative union called MEK. This has resulted in a loss of Kshs4.7 million, which the Minister is aware of. What method is the Ministry using to pay employees; is it through co-operative societies or directly to the employees?

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, every local authority is an employer. Local authorities are supposed to pay their employees directly. They are not paid from central Government. When there is a confusion like the one that has developed in Kisumu, of paying workers through a co-operative society, we try and see how to sort it out.

**Mr. Parpai:** Thank you, Mr. Temporary Deputy Chairman. I want to make a follow-up on page 559, Head 360, Item 320 on the Oversight Team. The money allocated for that is Kshs27.5 million in the Financial Year 2001/2002. If we compare that with the salaries for employees, we realise that employees are getting Kshs16.6 million and the other one is about Kshs27 million. We want to get that explanation because we are talking of a small group getting about Kshs27 million while the whole Ministry is getting Kshs16 million. The Minister told us that the Kshs27 million comprises allowances and running of offices. How much are these allowances? He also talked of consultancy fees. What qualifications do these people have so that Kenyans can apply? They are getting more than what the whole Ministry is getting. What kind of consultancy is he getting from them? Could he elaborate on this? Kenyans want to know.

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, consultancy is bought from other specialised firms. Consultancy is just part of the expenditure incurred under this item. This item has the allowances of members of the Board, the staff of the Board and also payments for their offices and accommodation. At the same time, they hire consultancy services from other firms, particularly accounting firms, to do certain audit work in Nairobi City Council.

**Mr. Parpai:** Mr. Temporary Deputy Chairman, I thought I was specific. I asked how much allowances are paid to the Oversight Board. This Board was brought there as consultancy but he has said that they are hiring consultancy services from outside. Could he be clear because Kenyans out there want to know what the Interim Oversight Board is doing there? We think they are draining our taxes.

**The Minister for Local Government** (Mr. Kamotho): I think consultancy work for legal, financial and audit work, for example, is hired from specialised firms and individuals. The members of the Interim Oversight Board are only seven. There are also members of staff of the Board itself employed to assist the Board in carrying out their work.

**Mr. Parpai:** How much are the members of the Board earning?

**The Minister for Local Government** (Mr. Kamotho): I do not think I have the figures with me.

**Mr. Parpai:** Kenyans want to know out there!

**The Minister for Local Government** (Mr. Kamotho): If you want me to bring what they are paid, I think it is only fair that you can give us an opportunity to do so.

**Mr. Parpai:** I have no objection, Mr. Temporary Deputy Chairman, Sir.

**Mr. Ayoki:** Mr. Temporary Deputy Chairman, Sir, the hon. Minister did not answer the question by hon. Achola. Could he be clear and tell us the criteria they use to disburse this money to various local authorities? The on-going contracts in various local authorities were started because money was available. What criteria does the Ministry use to disburse this money to local authorities?

**The Minister for Local Government** (Mr. Kamotho): Which money is the hon. Member talking about?

**The Temporary Deputy Chairman** (Mr. Musila): The hon. Member is referring to the Road Maintenance Fund.

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, Sir, I said very clearly that we do not have money to disburse to local authorities from this particular Item. We are only financing the on-going contracts in Kisumu, Nairobi, Nakuru and Kitale, among other towns. We have ten contracts. We have 26 KUTIP projects which the Government gives its counter-fund contribution. This is because KUTIP projects are World Bank-funded projects. So, I do not know what criteria the hon. Member wants to know.

**Mr. Achola:** On a point of order, Mr. Temporary Deputy Chairman, Sir. Are you satisfied that the Minister has answered that query satisfactorily?

**The Temporary Deputy Chairman** (Mr. Musila): I am satisfied because the Minister has come out very clearly. You are asking for a criteria and the Minister has told the House that they finance the on-going projects.

**Mr. Maitha:** Mr. Temporary Deputy Chairman, Sir, with due respect, I support what Mr. Parpai said. However, since the Oversight Board has failed to do its work, could he promise this House that he will disband it? They are not working and there is no report. The Minister is asking this House to approve a lot of money for the board.

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, Sir, the Oversight Board was established through a Legal Notice. But let me correct the hon. Member; we have been receiving regular reports from the Oversight Board.

**Mr. Maitha:** But we have not read them!

**The Minister for Local Government** (Mr. Kamotho): But the time has not come. We cannot be tabling monthly reports here. We can only table an annual report. And that we will do when the time comes.

*Head 362 - Provincial Administration*

**Mr. Kariuki:** Mr. Temporary Deputy Chairman, Sir, on page 562, Item 190 on Miscellaneous Other Charges, we have allocation of Kshs110,000. I would like, through the Chair, to be guided. Do these miscellaneous charges include Harambees and donations like the one that the Minister held in Mathiyoa where all councillors from various county councils and municipal councils attended and contributed money generously? Where did that money come from because it is not provided for under this Item?

**The Temporary Deputy Chairman** (Mr. Musila): Order! Mr. Kariuki, you are out of order. You should ask about the item, not where the money came from. We are not discussing the source of funds for that particular Harambee. I want to caution you; you are being too personal. We are discussing the Vote of the Ministry of Local Government.

**Mr. Kariuki:** Mr. Temporary Deputy Chairman, Sir, with all due respect, that money came from the Ministry's Vote. Through the Chair, could the Minister tell us where that money came from?

**The Temporary Deputy Chairman** (Mr. Musila): Mr. Kariuki, you are out of order. Any other point?

**Ms. Karua:** Mr. Temporary Deputy Chairman, Sir, on page 561, Head 375, Item 145 on Nairobi Drought Recovery Programme, I have noticed that the Minister has not allocated any money to this programme this year. Last year, there was money allocated to the programme. Could the Minister tell us what was the programme? It appeared on the Vote Book of the last financial year.

**The Temporary Deputy Chairman** (Mr. Musila): Order! Ms. Karua, you are out of order.

**Ms. Karua:** Mr. Temporary Deputy Chairman, Sir, but it is from the Vote Book.

**The Temporary Deputy Chairman** (Mr. Musila): Yes. But we discussed this item under the 2000/2001 Budget. That question you are asking now, you ought to have asked it last time. As far as I am concerned, there is a dash. If you had asked why the Minister has not allocated money for that item, I could allow him to answer your question. Therefore, you are out of order!

*(Heads 360, 362, 372 and 375 agreed to)*

*(Sub-Vote 120 agreed to)*

SUB-VOTE 122 - CONTRIBUTIONS IN LIEU OF RATES

*Head 367 - Contributions in Lieu of Rates*

**Mr. Sungu:** Mr. Temporary Deputy Chairman, Sir, we have information that Kisumu Municipal Council received only Kshs14 million. This money has been misappropriated. Could the Minister tell us the criteria they use to distribute this money to various local authorities? For example, I understand Nairobi City Council receives over 90 per cent. Could the Minister explain to us how they distribute this money among local authorities?

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, Sir, as I said yesterday, this is a debt that the central Government owes various local authorities from rates. The central Government is supposed to pay to various local authorities. The Minister for Finance did agree to be giving some money through the Ministry of Local Government to pay to various local authorities through this particular Sub-Vote. But while the need is Kshs400 million every year, this year we have allocated Kshs264 million under this Sub-Vote. Out of Kshs264 million, Kshs150 million goes to a special account for Nairobi City Council for settling mutual indebtedness between the Government and Nairobi City Council, which is done through a committee in Treasury. Therefore, the amount remaining, which is Kshs114 million, is given to the local authorities owed through this Vote, depending on the need. This is because this amount is not enough. It is too little. We look at the pressure of various local authorities and then give them money.

**Mr. Maitha:** For example, Mombasa Municipal Council.

**The Minister for Local Government** (Mr. Kamotho): Yes.

**Mr. Kariuki:** Mr. Temporary Deputy Chairman, Sir, on Head 415, page 562, Item 185 - Computer Expenses, there is Kshs500,000 allocated for computer services, which is peanuts. The local authorities are losing a lot of money through non-payment of rates, water and other services. What is the Ministry doing to ensure that there is extensive computerization so as to assist in accounting, budgeting and also collection of revenue from the local authorities?

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, Sir, that is a programme under the Local Government Reform Programme. As money becomes available, we will continue assisting local authorities to modernise and update their accounting procedures through provision of computer services.

**Mr. Parpai:** Mr. Temporary Deputy Chairman, Sir, on the issue of the apportionment of the rates, I thought this is a specific figure. Every local authority knows how much of their properties are there in terms of land and how much you, therefore, owe in those towns. Why use a different criteria from the actual and you really know how much you owe Nairobi, Mombasa, Kisumu and Kajiado councils and wherever? Why should you have another method of apportioning this money? Is that not going to be biased to favour other municipalities and, therefore, destroy them? You know very well that most councils depend on rates.

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, Sir, as I said, our budget for the year was Kshs400 million. Instead, we were allocated Kshs264 million. So, we are not able to use a standard formula for allocating the remaining little money. For example, we used that money to rescue Mombasa Town Council. We gave them Kshs57 million because we owe them more money than that. So, we gave them that money

to pay their staff so that they could go back to work. herefore, the other local authorities which would have expected to get part of that money will not be able to get that money this financial year because we did not get enough allocation for this particular item.

*(Heads 367 and 415 agreed to)*

*(Sub-Vote 122 agreed to)*

*(Vote R12 agreed to)*

#### VOTE D12 - DEVELOPMENT EXPENDITURE

##### SUB-VOTE 120 - GENERAL ADMINISTRATION AND PLANNING

###### *Head 360 - Planning and Development*

**Mr. Maitha:** Mr. Temporary Deputy Chairman, Sir, I am still being disturbed by Head 360, Item 325 where you have the Interim Oversight Board spending over Kshs67 million. These people are meant to be only in Nairobi. What do you intend to do with Kshs67 million and yet it does not apply to the whole country? Do not forget that we have very important people known as the Provincial Local Government Officers who are doing a more bigger job than

the Oversight Board. Could the Minister consider giving those people more money than what we call the Oversight Board which is just created by a legal paper and not the Act? Could he explain why they are being given Kshs67 million?

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, Sir, the interim Oversight Board is being externally funded. This is for capital expenditure.

**Mr. Maitha:** Mr. Temporary Deputy Chairman, Sir, could the Minister explain for what project and where?

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, Sir, it is in the Nairobi City Council and not any other local authority.

**Mr. Parpai:** Mr. Temporary Deputy Chairman, Sir, could the Minister explain what project it relates to?

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, it is aimed at putting back the financial order in the Nairobi City Council.

**Mr. Parpai:** Mr. Temporary Deputy Chairman, Sir, we are dealing with development expenditure; so, we are asking what is this that is capital there? Does it mean that we are going to retain these people indefinitely and, therefore, we shall build offices for them? What is this, really? I do not know whether the Minister followed what I was asking.

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, Sir, sorry, I did not get him.

**Mr. Parpai:** Mr. Temporary Deputy Chairman, Sir, what I am asking is: What is this capital that we are paying for these people? And does the Ministry intend to retain these people indefinitely, and why?

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, Sir, as I said, the Oversight Board was a very temporary measure. As soon as they put financial order in the City of Nairobi, the Board will be disbanded. This money allocated for the Oversight Board is IDA/World Bank money and the purpose of this particular money is to set up various poverty alleviation projects in Kibera. This project is going on, and it was put under the Oversight Board.

**Mr. Maitha:** On a point of order, Mr. Temporary Deputy Chairman, Sir. Is the Minister not misleading the House by telling us that this money is allocated to the Oversight Board to put up projects in Kibera, when he knows very well that we have planning officers in all local authorities who can write project papers which can be funded by other donors and not in the Oversight Board? Does he mean that our officers have failed to write project papers so that we have resorted to the Oversight Board?

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, Sir, I thought I was very clear that this money is a World Bank/IDA fund. It does not matter where it is put as long as it achieves a certain agreed objective.

**The Temporary Deputy Chairman** (Mr. Musila): Order! I have already given the Minister the chance to explain the position.

**Mr. Mwenje:** Mr. Temporary Deputy Chairman, Sir, I would like to make a follow-up on that issue. The Minister says that it is donor money as if donor money is free money. It is money that is also approved by this House. It is money that this House should know about. In fact, it is put in the Budget. You remember that it was mentioned clearly here by the Minister that the rest of the money is coming from the donors.

We know that it is our money, but how is it that it is put under this Board, and why was it specifically for this particular project and not for other projects like the one we have in Embakasi, where we have so many of those projects? Embakasi would also have qualified for the same projects. Why was it specifically for KEMRI? Is it because of NDP-KANU co-operation? Why were the other areas not covered?

**Hon. Members:** Tell us! Why do we have this Oversight Board?

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, Sir, I think Mr. Mwenje just wants to play politics with it because I do not know how the NDP-KANU co-operation comes in---

**Hon. Members:** Because of Dr. Ochuodho!

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, Sir, this is because--- In any case, as he rightly says, there are many projects undertaken by the World Bank in his own constituency. How come he never queried about those projects at that time?

**Hon. Members:** On a point of order, Mr. Temporary Deputy Chairman, Sir.

**The Temporary Deputy Chairman** (Mr. Musila): Order, hon. Members!

**Mr. Achola:** Mr. Temporary Deputy Chairman, Sir, I am referring to page 437. I just want the Minister to explain to us on the Kenya Urban Transport Infrastructure Project from IDA, of Kshs1.2 billion. Regarding Head 360, Item 326, the Kenya Urban Transport Infrastructure Project, which urban centres are going to benefit? This year we are estimating that we have provided for Kshs1.2 billion and it is coming from IDA. The question that I am putting to the

Minister is: Which urban centres are going to benefit from this project, or are benefitting from this project? What criteria was used to identify those particular towns?

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, Sir, I mentioned all the 26 towns yesterday and I can recall some of them. They are Kitale, Nakuru, Homa Bay and Kisii. Therefore, unless the hon. Member wants to---

**Mr. Achola:** Mr. Temporary Deputy Chairman, Sir, that is okay, but if I may ask, how did they decide on the 20 towns? Maybe, there could have been 10 or 30 towns. How did you identify those ones because you do not have only 20 towns in this country?

**The Temporary Deputy Chairman** (Mr. Musila): Mr. Achola, you even asked this particular question when we were discussing the Recurrent Expenditure. The Minister has given you the same answer that he had given you earlier on. You wanted to know the criteria that was used, whether it is a project which is on-going, and which was selected a long time ago. I think the Minister answered that question during the debate on the Recurrent Expenditure.

**Mr. Achola:** Sorry, Mr. Temporary Deputy Chairman, Sir. You are misleading yourself. I do not think that you are understanding it.

**The Temporary Deputy Chairman** (Mr. Musila): Order, Mr. Achola.

**Mr. Sungu:** Mr. Temporary Deputy Chairman, Sir, as for me, I am quite happy with item 326 because I know that Kisumu has benefitted. The only concern is that there is a tendency to look at roads in the better developed sections of the town rather than in the poor areas and suburban areas, which need the road infrastructure more than those other areas. But the main question that I want to raise is on Head 364 Items 420 and 421.

**The Temporary Deputy Chairman** (Mr. Musila): We have not reached Head 364 yet!

**Mr. Sungu:** Oh! I am sorry!

**Mr. Kariuki:** Mr. Temporary Deputy Chairman, Sir, on the same Head, Item 326, the Kenya Urban Transport Infrastructure Project, what is the Ministry doing to put in place, mechanisms to ensure that contractors do a very good job, like on Juja Road in Murang'a Town? Other towns are suffering from shoddy jobs being done by contractors. What is the Ministry doing to ensure that contractors live up to the expectations of taxpayers?

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, Sir, we are aware that some contractors have performed or have been performing below the expectations of the Government. We have gone ahead and given written warnings to some of them. If they do not perform in accordance with the agreement of the contract, those contracts can be terminated and advertised and given to other contractors to complete those works.

**Mr. Parpai:** Mr. Temporary Deputy Chairman, Sir, on the Oversight Donor Fund, the Minister says that this money is meant to alleviate poverty in a given area in Nairobi.

Is the Minister telling Kenyans and Parliament that we have a parallel council that is also providing services as opposed to the consultancy that he has talked about?

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, Sir, I did not understand---

**An hon. Member:** Is it a parallel council or what?

**Mr. Parpai:** Mr. Temporary Deputy Chairman, Sir, the Minister has just told this House that the donor funds on the oversight on development fund is meant to alleviate poverty in Kibera. Is he telling Kenyans that the oversight body is a parallel council and, therefore, it has funds to provide for other services along with the Nairobi City Council?

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, Sir, that is not what we are saying. I think the Oversight Board is just a subsidiary organisation under the powers of the Ministry and given by the Local Government Act.

**Ms Karua:** Thank you, Mr. Temporary Deputy Chairman, Sir. On page 437, Head 360, Item 327, could the Minister explain what is the Partnership Approach to Meeting the Needs of the Urban Poor programme, which has Kshs57.5 million? To which council does it relate and what programmes precisely are these?

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Chairman, Sir, I think---

*(Mr. Kamotho paused)*

**Hon. Members:** Mr. Minister, the note from the officials on the Civil Service Bench is coming! You have a problem! It is an oversight problem!

**The Minister for Local Government** (Mr. Kamotho): This is not oversight. This is a UK-funded project for Nairobi and Mombasa.

**Ms. Karua:** What projects are in Nairobi?

**The Minister for Local Government** (Mr. Kamotho): It is a poverty alleviation project.



**Mr. Maitha:** On a point of order, Mr. Temporary Deputy Chairman, Sir. Is the Minister taking this House for a ride by not answering questions from hon. Members accurately and properly? He is competent to do that! Why can he not do that? Why is he evading it?

*(Head 360 agreed to)*

*(Sub-vote 120 agreed to)*

SUB-VOTE 125 - DEVELOPMENT SCHEMES

*Head 364 - Local Authorities Water and Sewerage Schemes*

**Mr. Sungu:** Mr. Temporary Deputy Chairman, Sir, with respect to Head 364, the Japanese International Corporation Agency (JICA) spent over Kshs57 million to study the Kisumu Water and Sewerage Scheme. But this has not been included in the Budget. I would like the Minister to explain why Kisumu has not been included. A lot of money has already been spent in the study and all that is left is implementation.

**The Minister for Local Government (Mr. Kamotho):** Mr. Temporary Deputy Chairman, Sir, I am aware of the Kisumu Water and Sewerage Project whose study was done by JICA. I think there was some delay in processing the request for funding from JICA. But now, the programme has started and we hope that when it is completed, it will be implemented through financing from JICA.

**Mr. Mwenje:** Mr. Temporary Deputy Chairman, Sir, while we are on this Head, could the Minister explain what became of the Ruai Water Supply Project? The contractor had been paid some money but he has not completed the project. In fact, the project has been stopped altogether and yet the contractor has been paid. Could he tell us what is happening to that project?

**The Minister for Local Government (Mr. Kamotho):** Mr. Temporary Deputy Chairman, Sir, I may not be able to give a specific answer for Ruai because that is an on-going project by the City Council. If it has stopped, I have to find out why, in order to verify what hon. Mwenje is saying.

**Mr. Kariuki:** Mr. Temporary Deputy Chairman, Sir, the amount of money provided for under Item 420 - Town Sewerage, does not cover a pending bill of Kirinyaga Construction Company who did a very shoddy job in Murung'a. Although the original sum of money was supposed to be Kshs60 million, they are now demanding Kshs1 billion.

Could the Minister explain where that money will come from? Why is it that the Ministry is not acting tough on Kirinyaga Construction Company, to ensure that they do a good job? There are 16 people who have died--

**The Temporary Deputy Chairman (Mr. Musila):** Order Mr. Kariuki! Could you ask a more relevant question related to this item?

**Mr. Kariuki:** Mr. Temporary Deputy Chairman, Sir, the bill is highly inflated!

**The Temporary Deputy Chairman (Mr. Musila):** Order, Mr. Kariuki! I am not saying that the Minister should not answer the Question. You have specified the bill for Kirinyaga Construction Company and the Minister has asked for Kshs187 million--

**Mr. Kariuki:** Mr. Temporary Deputy Chairman, Sir, I am saying this because sewerage systems are important to our county councils, including Murang'a where a shoddy job was done!

**The Minister for Local Government (Mr. Kamotho):** Mr. Temporary Deputy Chairman, Sir, what hon. Kariuki is asking for is not in this Vote. So, I do not know how relevant that is to this budgetary request.

*(Head 364 agreed to)*

*(Sub-Vote 125 agreed to)*

*(Vote D12 agreed to)*

*(Question put and agreed to)*

*(Resolution to be reported without amendment)*

*(The House resumed)*

*[The Temporary Deputy Speaker  
(Mr. Muturi) in the Chair]*

### REPORT

#### Vote 12 - Ministry of Local Government

**Mr. Musila:** Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the resolution that a sum not exceeding Kshs452,446,250 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2002, in respect of Vote 12 - Ministry of Local Government and has approved the same without amendment.

**The Minister for Local Government** (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

**The Minister for Public Health** (Prof. Onger) seconded.

*(Question proposed)*

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, now that we have authorised the Ministry of Local Government to use this money, we hope the Minister will have time to bring amendments to Cap.265 - the Local Government Act - to the House, so that we can elect mayors directly.

Mr. Temporary Deputy Speaker, Sir, we have been messed up in this City and other areas where councillors gang up and elect somebody of their choice to that position. This City has been poorly planned and people are putting up structures anyhowly. This has caused a lot of pollution, particularly in the City of Nairobi. We hope the Minister will take this seriously. Otherwise, we will not approve money for his Ministry next time.

With those remarks, I beg to support.

*(Question put and agreed to)*

### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Muturi): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Thursday 4th October, at 2.30 p.m.

The House rose at 6.30 p.m.