

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 25th November, 1998

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### NOTICE OF MOTION

#### DEVELOPMENT OF OL'KALAU DISTRICT HEADQUARTERS

**Mr. Muriuki:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, noting that Nyandarua District has its headquarters located in Nyahururu Town which is in Laikipia District; noting further that Ol'Kalamu Town designated by the Government over four years to be the future headquarters of Nyandarua District, this House recommends that the development of Ol'Kalamu District headquarters be included in the Development Budget for the Financial Year, 1999/2000.

### ORAL ANSWERS TO QUESTIONS

#### *Question No.234*

#### ERADICATION OF STOCK THEFT IN NYAKACH

**Mr. Deputy Speaker:** Mr. Odoyo not here? Next Question, Mr. Joshua Toro.

#### *Question No.542*

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

**Mr. Toro** asked the Minister for Education when the retirement benefits of the late Mr. Kuria Kaburi ID/NO.4831394, who worked as an artisan at State House Girls High School, from 1st January, 1960 to 26th November, 1995, will be paid to his dependants.

**The Assistant Minister for Education** (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

My Ministry has processed the retirement benefits for the late Mr. Kuria Kaburi, ID/No.4831394, who worked as an artisan at State House Girls High School, until his death, which amounted to a total of Kshs106,681. The benefits will be ready for payment to the deceased's dependants before the end of this month.

**Mr. Toro:** Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for having resolved this issue at last, although it is sad to note that some benefits cannot be paid to dependants of deceased persons until hon. Members ask questions in this House why such benefits are being withheld. The school wrote to the Ministry in January, 1996, and it has taken a long time for the Ministry to finalise the deceased's payments to the beneficiaries.

I would like to ask the Assistant Minister to tell me to advise the dependants where they can go to collect the benefits.

**Mr. Awori:** Mr. Deputy Speaker, Sir, the benefits will be sent to them at their known address. If they will have not received the money by the end of this month, as I have informed this House, then they should go to the School where the deceased used to work. If that fails, they can come to me, I will undertake to ensure that they get the benefits.

**Mr. Karume:** Mr. Speaker, Sir, the Assistant Minister has said that the money will be paid before the end of this month. We know that it is only three days before we reach the end of this month, because month end

will be on Monday. Instead of bothering to post the cheque or whatever form the money is, in why can the Assistant Minister not tell hon. Toro to go to his office, either tomorrow on Thursday, or Friday to collect the cheque because it is going to be paid before Monday?

**Mr. Awori:** Mr. Deputy Speaker, Sir, I am sorry, we cannot do that. I think the process is that the beneficiaries themselves have got to receive the money. As I have stated, the money will be sent to them. I have given an undertaking that I will ensure that they get the money.

**Mr. Toro:** Mr. Deputy Speaker, Sir, let me thank the Assistant Minister for promising that the money will be available. Normally, they send the money through the chief. As hon. Karume said, I think the person best suited to get the cheque on behalf of the deceased's family is the hon. Member for the area. Nevertheless, could the Minister assure this House that, failure for the dependants to get the cheque, he will personally give me the cheque to deliver to the deceased's dependants?

**Mr. Awori:** Mr. Deputy Speaker, Sir, I do not know how many times I should give an undertaking to this House and to Eng. Toro, because I have said that I will ensure that the dependants receive the money in whichever way.

*Question No.359*

MOBILE MEDICAL CLINICS IN NDHIWA

**Mr. Ojode** asked the Minister for Health:-

(a) what he is doing to establish mobile medical clinics in Central and South Kanyidoto locations, Kanyamwa West and North locations in Ndhiwa Constituency; and,

(b) whether he could explain what happened to the Magina Health Centre ambulance meant to help in transporting cholera victims from the Health Centre to Homa-Bay District Hospital.

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

(a) My Ministry is making appropriate arrangements to ensure that mobile clinics are established in Central and South Kanyidoto locations, Kanyamwa West and North locations in Ndhiwa Constituency. A Land Rover, GK 926X, has been identified to cover the catchment area and funds have been sought for the repair of the vehicle. Once this Land Rover is repaired, the mobile clinics will start their services in the said areas.

(b) The Magina Health Centre's ambulance, GK J758, was extensively damaged by a falling tree and has been grounded. My Ministry is still looking for funds to cater for the major repairs of this vehicle, after which it will be sent back to the Health Centre.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, my question relates to the lives of cholera victims from my constituency. This is not the first time I have asked the Ministry to introduce mobile clinics within my constituency in order to curb the spread of cholera. I know the Assistant Minister has no authority at all---

**Mr. Deputy Speaker:** Order! Ask your question!

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I will ask my question, but let me just---

**Mr. Deputy Speaker:** Order! Ask your question, hon. Ojode!

**Mr. Ojode:** Mr. Deputy Speaker, Sir, the Land Rover for Magina Health Centre is in working condition and is in Homa Bay. In October I asked a similar question and I was given a reply that read as follows:-

"The Magina Health Centre Land Rover is grounded on account of mechanical problems and will be released to the health centre as soon as repairs are effected".

Could the Assistant Minister confirm to this House whether the repairs of this Land Rover for Magina Health Centre are going to be undertaken within this financial year?

**Mr. Criticos:** Mr. Deputy Speaker, Sir, I would like to assure the House that the repairs will be done within this financial year.

**Mr. Otula:** Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House what plans they have to save lives of the people of Magina and Kanyidoto before this ambulance is repaired?

**Mr. Criticos:** Mr. Deputy Speaker, Sir, various Government vehicles are used to transport seriously ill victims to the main hospital. However, the question here was about cholera. If there is a cholera outbreak, the MOH releases vehicles from other sectors of the same Ministry, for example, the STD Programmes, to serve the cholera victims.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, you are aware that several Government vehicles were released to their respective Ministries, and there is no way the Assistant Minister can say that he does not have vehicles at the moment. Could the Assistant Minister who is popularly known as "a junior messenger" at the Ministry

headquarters---

**Mr. Deputy Speaker:** Order! Mr. Ojode, you will withdraw those words and apologise.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, it is true that---

**Mr. Deputy Speaker:** Order! You must withdraw those words and apologise.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I withdraw.

**Mr. Deputy Speaker:** And apologise!

**Mr. Ojode:** Mr. Deputy Speaker, Sir, and apologise. However, could the Assistant Minister confirm to this House that there are vehicles which have already been released to their respective Ministries? So, there is no way he can say that the vehicles are not there to transport the cholera victims from respective locations to the Homa Bay District Hospital. Could he tell this House what he is going to do in order to have vehicles which can transport cholera victims to Homa Bay District Hospital?

**Mr. Criticos:** Mr. Deputy Speaker, Sir, I have already replied to this question. However, I would like to remind the hon. Member that the vehicles which we have returned are luxury vehicles which are for use around the towns and which are hardly suitable for Ndhiwa Constituency. However, vehicles from other departments of the Ministry like the STD and vaccination programmes are available and are used for emergency purposes, only when there is an outbreak of cholera.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, the Assistant Minister is misleading this House. He is saying that there are other vehicles which can do the job, and yet I was in the constituency last weekend and found that when there was an outbreak of cholera, my constituents were being carried on carts and wheelbarrows. Could the Assistant Minister confirm to this House that he is going to allocate a vehicle to undertake the emergency services in Ndhiwa Constituency?

**Mr. Criticos:** Mr. Deputy Speaker, Sir, at the moment, there is no cholera outbreak in Ndhiwa Constituency. There was an outbreak during the *El Nino* rains, and we handled the situation very well. I think the hon. Member at that time was very pleased with my Ministry's work.

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, the way the Assistant Minister is replying shows that he may not be aware of the incubation period of cholera germs. However, over the past eight years, Homa Bay District has not had a single ambulance. Could hon. Clitoris tell us what he is going to do to ensure that Homa Bay District gets an ambulance?

**Mr. Criticos:** Mr. Deputy Speaker, Sir, the hon. Member has used a very unparliamentary word, and I want him to withdraw it immediately. I am not going to take this abuse!

**Mr. Deputy Speaker:** Dr. Ochuodho, what word did you use?

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, I meant to say hon. Criticos, but it was a slip of the tongue that I said---

**Mr. Deputy Speaker:** Order, Dr. Ochuodho!

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, I withdraw and apologise.

**Mr. Deputy Speaker:** Order! Of course, you are at liberty to crack jokes. But this must not be done at the expense of other hon. Members. So, Dr. Ochuodho, I want you specifically to stand up, withdraw that word and apologise.

**An hon. Member:** He has withdrawn!

**Mr. Deputy Speaker:** Order! I want him to do it! Dr. Ochuodho, stand up, withdraw that word and apologise.

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, I stand up to withdraw and apologise to the hon. Assistant Minister, but request that he tells us when an ambulance will be taken to Homa Bay.

**Mr. Deputy Speaker:** Order! My order was very specific. Next Question!

*Question No.587*

ALLOCATION OF TELEPHONE NUMBERS  
TO NJUKINI RESIDENTS

**Mr. Mwakiringo** asked the Minister for Transport and Communications:-

(a) whether he is aware that telephone subscribers at Njukini Location in Taveta Division have been allocated telephone numbers of Voi Exchange which is 140 kilometres away;

(b) whether he is further aware that the subscribers making local calls are charged at the same rate that is applicable to Voi Exchange; and,

(c) what action he is taking to ensure that the subscribers are compensated by way of rebate and also rectify the problem.

**Mr. Deputy Speaker:** Anybody here from the Ministry of Transport and Communications? We will come back to that Question later.

*Question No.443*

PROVISION OF CLEAN WATER TO WAJIR TOWN

**Mr. Mahamud** asked the Minister for Local Authorities:-

(a) whether he is aware that Wajir Town residents have no access to clean drinking water and that the available water contains carcinogen rendering it unfit for human consumption;

(b) whether he is also aware that there are no proper sanitation and sewerage systems for the town; and,

(c) if the answers to "a" and "b" above are in the affirmative, what measures he intends to take to provide clean drinking water, proper sanitation and sewerage system.

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

(a) The water in Wajir Town meant for human consumption is clean. However, it is inadequate since the town is deficient in permanent surface water sources. The major source of water is mainly boreholes, supplemented by shallow wells.

Water analyses done so far, have not revealed the presence of carcinogenic elements in the water. Laboratory tests are normally done before supply of water to the community, and, on frequent intervals, it is equally tested to ensure that it is not contaminated.

If there have been cases of contamination of water meant for human consumption, this may have been as a result of external contamination of the shallow wells and boreholes due to the recent *El Nino* rains and other human neglect factors, which are at the moment being addressed.

(b) I am aware that Wajir Town has no proper sanitation and sewerage system. The bucket latrine system for now remains the most appropriate sanitation technology for the town, until an alternative and a more appropriate system is developed.

(c) Consultative meetings are going on between the Ministry of Health, the Ministry of Water Resources, the Office of the President, Ministry of Finance and my Ministry in which the problems of water and sanitation are being addressed with a view to addressing them. Once the consultations are over, depending on the availability of funds, the Government will establish conventional water and sewerage systems for Wajir Town.

**Mr. Mahamud:** Mr. Deputy Speaker, Sir, the Minister is misleading the House by saying that the water in Wajir is fit for human consumption. I have a report here written by a water expert like the Assistant Minister who is professionally a water officer and he knows that Wajir water is really unfit for human consumption. The report is in a book entitled *Range Management Handbook of Kenya*. A chapter on water resources is written by somebody called Gaunet Berg. I would like to quote what---

**Mr. Deputy Speaker:** Mr. Mahamud, just ask your question!

**Mr. Mahamud:** Mr. Deputy Speaker, Sir, since the report which I have here, and I am going to table, reveals that water in Wajir Town is polluted to the extent that it may contain some carcinogenic substances, could the Assistant Minister confirm to this House whether he has laboratory tests from the Government Chemist to prove that water in Wajir Town is fit for human consumption?

**Mr. Sasura:** Mr. Deputy Speaker, Sir, the Ministry of Water Resource, which is not my Ministry anyway, normally does laboratory tests on any source of water. It is a fact that a borehole is considered the cleanest source of water. In the context of Wajir, the water table is very high.

**Mr. Deputy Speaker:** Just answer the question, Mr. Assistant Minister!

**Mr. Sasura:** I have said very clearly that it is true that we normally do laboratory tests on this water and there is no contamination.

**Mr. Deputy Speaker:** How often do you do that?

**Mr. Sasura:** This is done on a monthly basis. It is not done once and we forget about it. It is done regularly.

**Mr. Shill:** Mr. Deputy Speaker, Sir, the problem with these Ministers is that when the President gives a directive in a public rally, they do not implement. In 1987, the President announced---

**Mr. Deputy Speaker:** Just ask the question!

**Mr. Shill:** Is the Assistant Minister aware that in 1987, the Government directed that the sanitation in Wajir be improved? They promised that it would be done. Why have they not implemented?

**Mr. Sasura:** Mr. Deputy Speaker, Sir, the Ministry has got long-term and short-term plans for the sanitation and sewerage system in Wajir. Recently, the Government allocated Kshs2 million through the Wajir County Council to improve the water and sanitation system in Wajir Town.

**Mr. Shill:** On a point of order, Mr. Deputy Speaker, Sir. I asked why the President's directive was not implemented. The President directed, at a public rally in 1987, that the sanitation system be improved. Why did the Ministry not implement?

**Mr. Sasura:** Mr. Deputy Speaker, Sir, implementation is not done the way the hon. Member expects. What I am saying is that the Government appointed a commission the other day that has visited Wajir with a view to having the status elevated. This was a request by the people of Wajir. Once this happens, if Wajir is going to be elevated to a municipality status, this is going to attract donors and enable Wajir County Council to become a water undertaker. The donors will improve the water and sewerage system.

**Mr. Mahamud:** Mr. Deputy Speaker, Sir, the Assistant Minister has not answered my question. I would like him to table the report of the Government Chemist which confirms that Wajir water is fit for human consumption. I have a report here which says: "under the general standards set by the World Health Organisation for drinking water, Wajir borehole water has been listed as being unfit for human consumption." Could he confirm that or can he promise to bring the report of the Government Chemist and when?

**Mr. Sasura:** Mr. Deputy Speaker, Sir, I do not have a detailed document that the hon. Member expects me to table now, but I promise to table that document. However, I do not know whether what the hon. Member is quoting is a newspaper cutting or not. I do not want to depend on that.

*Question No. 447*

ILLEGAL LAND DEMARCATION IN THARAKA

**Mr. Mwenda** asked the Minister for Lands and Settlement:-

(a) whether he is aware that there is an unauthorised and illegal land demarcation and adjudication taking place in Kindani, Kiili and Kianda areas falling within the disputed land between Tharaka and the Igembe communities;

(b) whether he is further aware that the farms are being allocated to new owners; and

(c) if the answers to "a" and "b" above are in the affirmative, what he is doing to stop this process to ensure that there is fairplay and avert misunderstanding between the two communities.

**The Assistant Minister for Lands and Settlement** (Mr. Leting): Mr. Deputy Speaker, Sir, I beg to reply:-

(a) I am not aware that there is an unauthorised and illegal land demarcation and adjudication taking place in Kindani, Kiili and Kianda areas falling within the disputed land between Tharaka and Igembe communities.

(b) I am also not aware that these farms are being allocated to new owners. I have however, issued instructions to the field officers not to carry out any adjudication work in the areas until the boundary dispute is resolved by the Njuri Ncheke elders as was agreed by the local leaders.

**Mr. Mwenda:** Mr. Deputy Speaker, Sir, the Assistant Minister is giving a very serious matter very light and little attention. These areas were subject of very fierce clashes in 1997 where many people were killed and property destroyed. What is the Ministry doing to facilitate settlement of the dispute, so that we do not have recurrence of these clashes in these areas again?

**Mr. Leting:** Mr. Deputy Speaker, Sir, as I have indicated, nothing can be done so long as the dispute between the two communities is going on. I think for the benefit of the House, I would like to add that the area in question was declared adjudication area in 1989 before the former Meru District was sub-divided into three. When the sub-division took place, it affected the areas under adjudication in that the two communities as I have mentioned, could not agree on where the boundary should be located. In view of that, officers have been instructed not to do anything. In any case, knowing the tempers that---

**Mr. Maore:** On a point of order, Mr. Deputy Speaker, Sir. Could the Assistant Minister stop misleading the House about the tempers? We are talking about the borders.

**Mr. Leting:** Mr. Deputy Speaker, Sir, what I was trying to say, if the member had not interrupted me, was that it is impossible for any work to be done when people are quarrelling, especially two communities. I am saying this knowing the tempers of the Meru Community; the way Meru people react when they are annoyed. It will be difficult for officers to work on the ground. It is common sense. It is difficult to do anything. So, we have asked the officers to stop doing any work until the two communities have agreed on the boundary.

**Mr. Maore:** Mr. Deputy Speaker, Sir, since the Ministry of Lands and Settlement is the one that has to do with the district surveyors and the survey department, they have a map that is nearly between 40 and 50 years old, stating the borders of all these areas that are under dispute, would the Assistant Minister be honest enough and say these small clashes happening in all these places where there are border disputes, is just a Government project to keep people fighting?

**Mr. Leting:** Mr. Deputy Speaker, Sir, I think it is unfair and improper to say this is a Government project; to sponsor people to fight. I have just said that it has been agreed that the dispute should be resolved by the elders of the two communities. They will be given the map. They are working on it. When they complete their work, we will go back.

*Question No.652*

PROVISION OF RURAL ELECTRICITY IN KANDUYI

**Mr. Wafula** asked the Minister for Energy when the Government will provide rural electricity to residents of Ndengelwa, Sangalo, Bukembe, Mechimeru, Dorofu Market and Mwibale.

**The Assistant Minister for Energy** (Mr. Manga): Mr. Deputy Speaker, Sir, I beg to reply.

The Government of Kenya, through the Ministry of Energy, is planning to supply electricity to the areas and markets in question. We only request the member to ask the DDC, of which he is a member, to forward their recommendations of their priorities to our Ministry, so that this can be completed.

I want to also further say that the survey has actually been completed and the cost has been established.

**Mr. Wafula:** Mr. Deputy Speaker, Sir, the Assistant Minister is referring me to the DDC, when I know that the DDC passed these recommendations a long time ago; in 1994. If the DDC had not passed the recommendations to that effect, the survey that the Assistant Minister is talking about would not have been carried out. The survey was carried out on the basis of the recommendations from the DDC. Could the Assistant Minister state exactly what programme the Government has, regarding the electrification of the market centres and when the funds he is talking about will be available?

**Mr. Manga:** Mr. Deputy Speaker, Sir, I have requested the Member to give us a recommendation from the DDC. I know that I would not have asked for this, if it was not there but the work has however, been done. The first stage, which is surveying, has already been carried out and the cost of the work has been established to be Kshs37 million. The Ministry is ready to look for the money and see how, according to their priorities, it will start implementing the actual supply.

**Mr. Sifuna:** Mr. Deputy Speaker, Sir, the hon. Assistant Minister is continuing to mislead this House. I do remember Bukembe used to be in Kanduyi Constituency which I used to represent in 1994 and I was a member of the DDC. It is true that the DDC recommended this because I was present at the meeting, and even hon. Munyasia was there, that electricity be supplied to Bukembe and Ndengelwa. Even some of the people were provided with electricity. Why is the hon. Assistant Minister trying to mislead this House by telling us that we should go back again to the DDC when the DDC actually recommended that electricity be supplied?

**Mr. Manga:** Mr. Deputy Speaker, Sir, I am not forcing the DDC to give us a recommendation. If it did give, our records do not show that. However, we are requesting that they do that. In any case, the Ministry has gone ahead and is doing the work. They have already done the survey and the cost has been established. All we want to know is whether what we have done is according to the current recommendations that the DDC is giving.

**Mr. Munyasia:** Mr. Deputy Speaker, Sir, Ndengelwa and Bukembe already have electricity lines from Nzoia Sugar Company to Bungoma Town. The only thing that they require is a transformer. Could the Assistant Minister tell us, from the survey they have carried out, how much they would require to merely buy a transformer to supply electricity when the lines already are at Bukembe and Ndengelwa?

**Mr. Manga:** Mr. Deputy Speaker, Sir, the supply of electricity is a very technical operation. You can see the lines passing by but those lines might be high tension lines and they need to be stepped down to a certain degree and then, a transformer is erected. However, I have already said that our survey has indicated that, if we have to supply those markets and areas in question with electricity, it will cost the Government Kshs37 million.

**Mr. Munyasia:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has not answered the specific question that I asked him. There is a Mr. Masinde who has been the Legal Secretary of Nzoia Sugar Company at Bukembe Market who has a small transformer and he is already having electricity at his home. I am asking the Assistant Minister, if the general public around has to enjoy the services of this electricity, how much would the transformer at that place cost; from your survey?

**Mr. Manga:** Mr. Deputy Speaker, Sir, I have said that when we are answering this question, we are looking at the total area that the member asked for and I have said the cost including the transformer is Kshs37 million.

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

**Mr. Deputy Speaker:** And make sure that it is a point of order.

**Mr. Sifuna:** Mr. Deputy Speaker, Sir, it is true that it is a point of order. Do you really agree with what the hon. Assistant Minister is trying to tell us here, when he has been asked specifically by hon. Munyasia to tell us if the survey has been carried out? How much money is it going to cost to buy a transformer? This is what we are trying to find out from the hon. Assistant Minister. Is he really in order? Are you convinced that he is giving us the correct answer?

**Mr. Manga:** Mr. Deputy Speaker, Sir, I do not want to single out the cost of a transformer. You can bring a transformer to the area but without having the power stepped down and given the other facilities, it will never work.

**Mr. Deputy Speaker:** Order, hon. Assistant Minister. Do you have the figure or do you not have? Do you know how much it costs to step down, up or whatever?

**Mr. Manga:** Mr. Deputy Speaker, Sir, I do not have the price of that single transformer but I have the cost of the total operation to be able to supply electricity to that area which is Kshs37 million.

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

*Question No.212*

PASSAGE OF AFRICA GROWTH AND OPPORTUNITIES ACT

**Mr. Gatabaki** asked the Minister for Trade:-

(a) whether he is aware that Kenya will be the greatest beneficiary of the African Growth and Opportunities Act which has already been passed by the United States House of Representatives and is awaiting the debate by the U.S Senate; and,

(b) if the answer to "a" is in the affirmative, what steps the Government has taken to ensure effective lobbying and campaign towards the passing of the Bill in the U.S Congress.

**Mr. Gatabaki:** Thank you, Mr. Deputy Speaker, Sir. If you can remember, I asked hon. Kamotho a Question last week on the export of garments to the United States of America. The Minister was very specific that the United States market has been closed to Kenyan exports. As a result, all the manufacturing under bond companies, apart from one or two companies, have closed down, rendering about 20,000 employees jobless. I am putting it to the Minister that this Government has no clear-cut policy on exports to overseas. Specifically, the Ministry of Trade should be scrapped because it has been doing a disservice to this Government. Could the Minister tell this House the specific lobbying being undertaken by the Kenya Embassy there? Has any Kenyan delegation appeared before a specific committee of the United States of America Senate to lobby for that?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, as I said earlier, through the Kenyan Embassy in Washington DC and the organisations which represent African countries there, Kenya is fully involved in lobbying to ensure that, that Bill passes through the Congress. I would also like to inform the hon. Member that just as the Americans cannot force this House to pass a particular law, Kenya cannot force the United States Senate to pass a law by using unfair means. Therefore, we are doing what other countries and organisations do in Washington DC.

**Mr. Gatabaki:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to mislead the House that the Government of the United States of America cannot force Kenya to do things the United States wants done, knowing very well that sometime back Kenya was forced by this same country to boycott the Moscow Olympic Games?

**Mr. Deputy Speaker:** Mr. Gatabaki, that is really a question. Dr. Mukhisa Kituyi!

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, the reply from the hon. Minister shows that he does not understand the meaning of the word "lobbying". He has talked about the work that goes on at the Kenya Embassy in Washington DC, and about the inability of the Kenyan Government to force the American Congress to pass any law. This is not what lobbying is all about. There are pressure groups which are formalised in Congress---

**Mr. Deputy Speaker:** Order, Dr. Kituyi!

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, now, I am coming straight to the question.

**Mr. Deputy Speaker:** Do not lecture the House on what goes on in the American Congress. Just ask the question.

**Dr. Kituyi:** The question is about lobbying the American Congress. So, I want the Minister to understand what happens in lobbying the Congress.

**Mr. Deputy Speaker:** Order, hon. Kituyi. You can seek private audience with the Minister to do that.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, I am now assuming that the Minister knows what lobbying is all about. It happens all the time when there is a legislation to be passed in Washington. The last time the Kenya Government attempted any lobbying over the textile quotas, its efforts were scuttled by a fight between two women Permanent Secretaries. Could the Minister tell this House, apart from what goes on in the Kenyan Embassy, which is not lobbying, what specific measures has Kenya taken to increase the chances of Africa being seen to identify with this Bill, and to also increase the chances of Kenya being a major beneficiary when the Bill is enacted?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, rather than beat about the bush, I have already stated very clearly that Kenya is fully involved in lobbying for the passage of the African Growth and Opportunities Act through the American Congress. I do not know the other specific measures the hon. Member would like to see us taking. This subject has been raised every time we have met with the Americans. The American Secretary for Commerce will come to Nairobi next week with a trade delegation. This is one of the subjects we intend to raise with them. Like all other African countries, Kenya wants the Bill tabled back in the House of Representatives and then in the Senate, so that it could be passed. If the Bill becomes law, Kenya will benefit a lot.

**Mr. Wamae:** Mr. Deputy Speaker, Sir, for the last few years, Kenya has been losing the international market. Local industries have collapsed because of huge imports from South Africa and other countries, and yet this Minister has done nothing to protect us. Could he explain the specific benefits that will accrue to Kenya when this Bill is passed?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, the Question has nothing to do with South Africa. However, if this Bill becomes an Act, the existing quota of textiles that has been imposed on Kenya by the Government of the United States of America will be lifted. Therefore, Kenyans will be free to sell as many shirts, pillow cases and other textiles to the American market, as they can.

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, we sympathise with the Minister. We saw him being carried in a matatu during the bomb blast crisis. If his Ministry has no offices--- We know this because the Accounting Officer of the Ministry of Trade and his team have been appearing before the Public Accounts Committee (PAC). The officers have no offices. They are scattered all over the country. Even the Minister operates from his house. Is a Ministry which operates from the Minister's house capable of lobbying for the exports of Kenyan produce overseas?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, I do not know what the hon. Member is talking about. What he has said shows his ignorance of location of Government offices in Nairobi. I would like to inform the hon. Member that my office is in Anniversary Towers; First Floor. If he wants to come to the office, he is at liberty to do so at any time.

**Mr. Deputy Speaker:** Very well. Mr. Peter Odoyo's Question for the second time.

**Mr. Odoyo:** Mr. Deputy Speaker, Sir, I am sorry that I was not in when my Question was called out in the first round. The NDP is set to hold its Governing Council meeting this weekend. I went to Nyayo National Stadium, and I was caught up in a traffic jam.

**Mr. Deputy Speaker:** Order!

*(Laughter)*

*Question No.234*

#### ERADICATION OF STOCK THEFT IN NYAKACH

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

(a) why the Anti-Stock Theft Police Unit has been unable to stop theft of stocks in Nyakach Constituency;

(b) how many suspects have been arrested over stock theft cases in the last two months and out of that number, how many have been charged and jailed; and,

(c) if he could consider effecting regular transfers of senior police officers in the unit to reduce possibilities of collusion with thieves.

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

(a) The Kenya Police Anti-Stock Theft Unit has kept livestock theft under control in Nyakach Constituency. However, like any other crime activity, it is difficult to stop it completely.

(b) Over the last six months, five people have been arrested as suspects in cases of livestock theft. Their cases are still pending before court in Ahero.

(c) Although there is no evidence linking police officers to cases of livestock theft in Nyakach, the entire team has been moved to West Pokot and replaced by a new group.

**Mr. Odoyo:** Mr. Deputy Speaker, Sir, this Question was asked six months ago. Since then, we have lost over 300 head of cattle, and the police have arrested five suspects, none of whom has been convicted. We have lost 300 head of cattle which belong to widows and families with no other means of survival.

Is the Assistant Minister in order to inform me that he will not take action until clashes break out between the members of the two communities living in the area? Could he say whether he is waiting for tribal clashes to breakout, so that he can take action against those people who are stealing the animals? The Minister is aware that land clashes in some parts of the country have been partly caused by stock theft activities.

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, I really wish to agree with the hon. Member when he talks about cows. It is a very sentimental issue for some of us. Stock theft is quite rampant in most of our rural constituencies. The hon. Member must also appreciate that tracking of stocks is very difficult, indeed. Once courts fully understand this fact, most of the suspects taken to the courts will be dealt with. We have tried hard enough in Nyakach. We have responded to the hon. Member's request. In fact, we have transferred the team, which the hon. Member was not happy with. That is the nature of a responsive Government.

**Mr. P.S. Kihara:** Mr. Deputy Speaker, Sir, my constituency is one of the victims of cattle rustling and usually those cattle are never recovered. There used to be horses attached to the Anti-Stock Theft Unit (ASTU), but today the only time we see them is when they are entertaining Ministers at the Nairobi International Show. What happened to those horses. They were supposed to be based at Gilgil ASTU, Naivasha Constituency. Could the Assistant Minister ensure that those horses are put to the use for which they were initially acquired?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, the hon. Member has given me food for thought. I might consider taking some of those horses to Trans Mara.

**Mr. Sungu:** Mr. Deputy Speaker, Sir, I would like the Assistant Minister, who has stated very clearly that five suspects have been arrested, to name the culprits and confirm the origin of those suspects; whether they come from Bomet or Kericho Districts where the principal cattle rustlers in that area come from.

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, I can confirm to the hon. Member that, indeed, the stock theft that goes on in Nyakach is between the people of Nyakach and Kericho District. I think this thing is mutual because sometimes the people of Nyakach also visit Kericho District to steal cows and the people of Kericho reciprocate. I wish to urge the hon. Member--

**Mr. Odoyo:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to imply that the people of Nyakach are cattle rustlers when nobody has been arrested?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, it is the hon. Member for Nyakach who is implying that there is no thief in Nyakach.

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

*Question No.587*

ALLOCATION OF TELEPHONE NUMBERS  
TO NJUKINI RESIDENTS

**Mr. Mwakiringo** asked the Minister for Transport and Communications:-

(a) whether he is aware that telephone subscribers at Njukini Location in Taveta Division have been allocated telephone numbers of Voi Exchange which is 140 kilometres away;

(b) whether he is further aware that the subscribers making local calls are charged at the same rate that is applicable to Voi Exchange; and,

(c) what action he is taking to ensure that the subscribers are compensated by way of rebate and also rectify the problem.

**Mr. Deputy Speaker:** Anyone here from the Ministry of Transport and Communications? We will defer

that Question.

*(Question deferred)*

### QUESTIONS BY PRIVATE NOTICE

#### INCREASE OF PIRACY ON LAKE VICTORIA

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

(a) Is the Minister aware of the increased cases of piracy, on Lake Victoria shores within Gwasssi, Mbita and Nyatike Constituencies?

(b) Is he further aware that as a result of the said piracy, eight outward board engines were stolen along the lake in the last week of October, 1998?

(c) If the answers to "a" and "b" above are in the affirmative, what is the Minister doing to curb these practices?

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

(a) I am aware.

(b) I am aware of only four stolen outward board engines which were stolen from the owners on the night of 26th and 27th October, 1998, at Aruru and Migingo islands. If others were stolen apart from the said four, then the theft was not reported to the police.

(c) The Kenya fishermen in Lake Victoria are mostly attacked by armed pirates from neighbouring countries, Tanzania and Uganda, when fishing within those countries' territorial waters. Joint border security meetings are held regularly with a view to stamping out criminal activities taking place within Lake Victoria. The Kenyan fishermen are cautioned through barazas to confine their fishing activities within the Kenya territorial waters so that they do not fall prey to the pirates. Plans are underway to purchase speed boats fitted with communication equipment for the police for the purpose of intensifying patrols in the Lake.

**Mr. Kanyauchi:** Thank you, Mr. Deputy Speaker, Sir. This has been a very prevalent occurrence over the years, in fact, since we obtained our Independence. We have had problems of fishermen being robbed of their boats, engines and even their nets. In my constituency, fishing is the only source of livelihood and once those thefts occur, as they frequently do, the only source of livelihood for my constituents and the neighbouring constituencies is interfered with. Since the Assistant Minister admitted that he is aware of the increase of piracy on the Lake, what concrete steps has he taken, for instance, stationing the Navy on the shores of Lake Victoria to curb the increase of these thefts?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, as I have informed the House, that the Government is in the process of ensuring that there are speed boats to be manned by security personnel to look after our fishermen in Lake Victoria. The Government is coming up with a comprehensive means of ensuring that Lake Victoria is properly secured. But I would like to request the hon. Member for Gwasssi to assist us by informing his constituents not to fish beyond the territorial waters of Kenya because even the Kenyan personnel cannot look after their people away from this country.

**Mr. Kajwang:** Thank you, Mr. Deputy Speaker, Sir. Since the re-introduction of the East African Co-operation, there is increased traffic business in Lake Victoria. I think Kenya is going to gain more from the trade in Lake Victoria than it gains from other borders where there are Army garrisons. Why has the Government, since Independence, not thought of securing our borders with Uganda and Tanzania in Lake Victoria? Why are we left at the mercy of pirates and bandits from other countries to attack us at will? Shall we die like people of--- Sijui! Is he not even aware that---?

**Mr. Deputy Speaker:** Order, Mr. Kajwang! You have asked many questions.

**Mr. Kajwang:** Let me ask only this one, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, Mr. Kajwang! You wanted to know why the borders on the lake are not secured?

**Mr. Otieno-Kajwang':** Yes.

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, I hope the hon. Member, who is of my age, does not want to answer a question of history. But I can undertake to bring this matter to the notice of the Minister for East African and Regional Co-operation so that it can be discussed and the three countries of East African can secure Lake Victoria jointly.

**Mrs. Sinyo:** Mr. Deputy Speaker, Sir, could the hon. Assistant Minister inform this House as to what happened to the police boats that were in the Lake for security purposes? Is he aware that they were sold to politically-correct people?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, I do not know in what tone I can answer the maiden question from the new Member for SAFINA, but the only thing I can undertake, not being aware of the particular facts raised by the Gracious Lady, is that the Government is purchasing new speed boats and I hope those will not disappear.

*(Several Members stood up in their places)*

**Mr. Deputy Speaker:** Order, all of you! Not more than one Member should be on their feet. So, please, sit down all of you!

**Mr. Onyango:** Mr. Deputy Speaker, Sir, is the Assistant Minister in order to tell this House that the Government is doing something? In Mbita, Nyatike, and Gwasssi Constituencies, the common people are pointing fingers at the security forces because when the Tanzanian Government wanted to assist some of the victims---

**Mr. Deputy Speaker:** Order! What is your point of order?

**Mr. Onyango:** Mr. Deputy Speaker, Sir, is it in order for the Assistant Minister to say that they are doing something when, according to us, they are not doing anything? Instead, they are the ones who are assisting the pirates to take our engine boats?

Because---

**Mr. Deputy Speaker:** Order, hon. Onyango! How many "because"s are you going to use to ask this question?

*(Laughter)*

Order, hon. Members! Could the Assistant Minister respond?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, it is not true that the Government is assisting the pirates. On the contrary, we are addressing the issues raised by the hon. Members most of whom come from the National Development Party of Kenya (NDPK). We are looking into these issues with intense care. What the hon. Member should read from my answer is that what we have put in place is not what we have already done but what we are intending to do.

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

**Mr. Deputy Speaker:** Order! Mr. Tom Onyango, you have just stood up to ask one question. Now, could hon. Kanyauchi ask his question?

**Mr. Kanyauchi:** Thank you, Mr. Deputy Speaker, Sir. The hon. Assistant Minister said that they are in the process of purchasing boats to ensure that there is security around the Lake. But, when I looked at the current Budget, I did not see anything to do with that. Could the Assistant Minister

**[Mr. Kanyauchi]**

probably tell us how much money they have set aside for the said purchase of boats? What is the proviso and the timeframe because this is a very touchy issue?

*(Applause)*

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, unfortunately I am not in possession of the figures and the facts, but the hon. Member should take my word.

**Hon. Members:** When and how much money?

**Mr. Deputy Speaker:** Order! Order, hon. Members! Hon. Ayako?

NON-PAYMENT OF BENEFITS OF  
FORMER BANK EMPLOYEES

**Mr. Ayako:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice.

(a) Is the Minister aware that some unionisable bank employees who went on strike and were asked to re-apply for employment are still locked out?

(b) Is he further aware that these employees have not received their benefits and had also bought property using loans that they are now unable to pay?

(c) Is he also aware that the said banks intend to auction these properties without paying the employees their benefits or reinstating them?

(d) If the answers to "a", "b" and "c" above are in the affirmative, could the Minister inform the House of the criteria used to lock out these former bank employees and the steps he is taking to have them paid their benefits?

**The Minister for Labour** (Mr. Ngutu): Mr. Deputy Speaker, Sir, I beg to reply. In answer to parts "a", "b" and "c", I wish to state that the question of bank employees has been reported to the Minister for Labour as a trade dispute by the Kenya Union of Commercial and Allied Workers. The dispute is already being processed. Any debate on the matter at this stage may prejudice the proceedings of the dispute and jeopardize its outcome.

**Mr. Ayako:** Mr. Deputy Speaker, Sir, I am very dissatisfied with the answer given by the Minister. To be very honest, I have got two answers. There is one which is slightly different from the one which has been given. But, that is not the issue. To be sure that this Minister is not pussy-footing or misleading this House, could he tell us when this trade dispute was reported and how many of the employees, who are currently suffering, have had their matter reported to the Minister and when is this dispute going to be resolved? We have too many people who are not eating and whose properties are on the verge of being sold.

**Mr. Deputy Speaker:** Order, Mr. Ayako! Mr. Minister, answer the question!

**Mr. Ngutu:** Mr. Deputy Speaker, Sir, the trade dispute was put to the Ministry sometime ago and we are still dealing with it.

**Hon. Members:** When was that?

**Mr. Ngutu:** Mr. Deputy Speaker, Sir, I have said "sometime ago" as I cannot remember the date at the moment. With regard to the question of so many ex-employees of the banks suffering, I do agree that it is true. But, they will be taken care of when we deal with this case exhaustively.

*(A number of hon. Members stood up in their places)*

**Mr. Deputy Speaker:** Order! Order, hon. Members! Mr. Obwocha!

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, the Minister knows that the issue which was under dispute was amended by this House when I brought an amendment to the Finance Bill. This dispute was based on this Bill; about the tax which was waived. Now, I would like to ask the Minister this: Under Section 19 (i) Cap 234 of the Trade Disputes Act, could he now appoint a board of inquiry, notwithstanding the fact that there is a dispute afoot, so that it can assist to resolve this issue?

**Mr. Ngutu:** Mr. Deputy Speaker, Sir, that is one of the options which my Ministry will be looking into.

**Mr. Wamae:** Mr. Deputy Speaker, Sir, the hon. Minister did not in fact answer the question from hon. Obwocha. This House amended the Finance Bill by allowing the bankers to receive the benefits which were accruing to them up to the end of June. Could he now agree that there is no reason for those workers to be sacked in view of the fact that the benefits they are enjoying now are continuing?

**Mr. Ngutu:** Mr. Deputy Speaker, Sir, as I have already said, when the whole problem is properly discussed, we will be able to make a decision on the whole issue. That is after doing all the necessary consultations and dealing with the matter as required under the law. We will be able to find a solution to this problem.

**Prof. Anyang-Nyong'o:** Mr. Deputy Speaker, Sir, arising from the answers to the supplementary questions as given by the Minister and the concern this House has for the families and welfare of those who are currently not receiving their dues as required, could the Minister tell this House what specific time frame the Government has to settle this dispute because stating that time frame is not going to be contrary to the rules of *sub judice* that he is referring to?

**Mr. Ngutu:** Mr. Deputy Speaker, Sir, we will try our very best to deal with the matter as soon as possible; that is when all parties have met and have discussed the whole issue. We will be able to give an answer as soon as possible.

**Mr. Deputy Speaker:** Mr. Ayako, the last question!

**Mr. Ayako:** Mr. Deputy Speaker, Sir, what is emerging is that---

**Mr. Deputy Speaker:** Order, hon. Ayako! Mr. Muihia!

**Mr. Muihia:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to circumvent the specific question? It was specific: What is the time frame that the Government will take to resolve this matter?

We want a time frame and not "as soon as possible."

**Mr. Ngutu:** Mr. Deputy Speaker, Sir, I have said as soon as it is possible.

**Hon. Members:** On a point of order, Mr. Deputy Speaker, Sir!

**Mr. Deputy Speaker:** Order! Order, hon. Members! Mr. Ayako!

**Hon. Members:** How soon is this soon?

**Mr. Ayako:** Mr. Deputy Speaker, Sir, you can see the belligerence of this Minister. He does not want to tell us when the dispute was started. The same Minister does not want to tell us when this dispute will be resolved. I have told you that I have two answers to this Question. This Minister is not serious. However, this is a matter where if we went to court today, we would obtain an injunction because there is irreparable loss likely to be suffered because these peoples' properties are on the verge of being sold. This is a matter that I am asking the Minister---

**Mr. Deputy Speaker:** Order, Mr. Ayako! Just look at the time. Ask your question!

**Mr. Ayako:** Mr. Deputy Speaker, Sir, this is a matter that I am asking the Minister to issue a circular directing the banks not to sell any property until this matter is resolved.

*(Applause)*

**Hon. Members:** Can you do that?

**Mr. Ngutu:** Mr. Deputy Speaker, Sir, I have already assured the House that we will be working on this dispute as quickly as possible and an appropriate answer will be given.

**Hon. Members:** On a point of order, Mr. Deputy Speaker, Sir!

**Mr. Deputy Speaker:** Order! Order! Order, hon. Members! When you are making so much noise, there is no point of you standing on a point of order since I have not even heard what he said. Therefore, I cannot rule whether he is out of order or not.

*(Loud consultations)*

**Mr. Deputy Speaker:** Order! Order, hon. Members! You have to give me an opportunity to hear him so that I can rule whether is in order or not.

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

**Mr. Deputy Speaker:** Order, hon. Members! This is the National Assembly of Kenya and not a bar down in River Road.

*(Laughter)*

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

**Mr. Deputy Speaker:** Order! Order, Mr. Sifuna! Mr. Lawrence Sifuna, this is the National Assembly, and not some club in Bungoma.

*(Laughter)*

**Mr. Deputy Speaker:** Order, Mwenje! Mr. Minister, they are asking you to confirm that no member of staff in any of the banks will suffer before this matter is heard and finalised. So, they are asking you to give an undertaking that this will be done.

**Mr. Ngutu:** Mr. Deputy Speaker, Sir, I agree with the hon. Members that this is a very serious matter. It is not something that we can rush on. We have to get all the facts to ensure that we reach a decision that is not going to create any problems for anybody. It is very difficult for me to commit myself at this stage.

**Mr. Muihia:** On a point of order, Mr. Deputy Speaker, Sir. This Minister is abusing his office! How can he say such a thing when Kenyans are suffering?

**Mr. Deputy Speaker:** Order, hon. Muihia! You may not like what the Minister has said, but you are totally out of order to start addressing the Minister as if you want to involve yourself in fisticuffs! You should be

fighting with your head! That marks the end of Question Time. Hon. Muchiri's Question will be deferred until tomorrow in the afternoon. It cannot be put on the Order Paper for this afternoon because that Order Paper has already been prepared.

#### ILLEGAL ALLOCATION OF PUBLIC UTILITY PLOTS

(Mr. Muchiri) to ask the Minister for Lands and Settlement:-

(a) Is the Minister aware that the office of the Commissioner of Lands has illegally allocated over 100 public utility plots surrendered to the Nairobi City Council by land buying companies for nursery, primary and secondary schools, dispensaries, open spaces and hospitals within Kasarani Constituency to individuals and companies without approval or resolution of the Nairobi City Council?

(b) Is he further aware that LR/71/7/8 allocated to M/S E. Kibe Duncan Muriuki, James Nyanyira and Harrison Mwangi, is a plot on which a nursery school built by the public stands and that the new allottees are now harassing the nursery school children?

(c) If the answers to "a" and "b" above are in the affirmative, could the Minister revoke the said allocation as a matter of urgency?

*(Question deferred)*

#### MINISTERIAL STATEMENTS

##### HARASSMENT OF KOROGOCHO RESIDENTS BY CRIMINALS

**The Assistant Minister, Office of the President (Mr. Sunkuli):** Mr. Deputy Speaker, Sir, I am aware that Korogocho, like any other slum, is experiencing the problem of prevalence of crime. During the last six months, the following crimes have been detected within Korogocho area by police on beats and patrols. The serious crimes have been:- Preparation to commit a felony where there were seven cases and robbery with violence where there were three cases. For petty cases, there have been cases of consuming *chang'aa* which are 715; possession of *chang'aa* which are 250, trading without licence 30 cases; possession of offensive weapons 50 cases; unlawfully being present in Kenya, that is mainly Ugandans, 43 cases and children in need of care and discipline, 35 cases. The total has been 1,123 cases.

The Government has intensified beats and patrols in order to prevent such crimes. An appeal has also been made to the residents of Korogocho, through the Provincial Administration, to come forward and give information which may lead to the arrest of any known criminals who may be hiding in the slums. The Government has also asked the Nairobi City Council to stop the mushrooming of kiosks which are sometimes used as hideouts for criminals who intend to commit crimes. The village elders have been alerted so that they can assist in identifying bad or suspicious characters in the slums. The Government appeals to the residents of Korogocho to co-operate with the police in crime prevention by confidentially passing over useful information regarding criminals to the police with a view to improving the security of the area.

##### HARASSMENT OF MAKUENI COUNTY COUNCIL CHAIRMAN BY POLICE

Mr. Deputy Speaker, Sir, a few days ago, the Minister of State in the Office of the President made a statement an answer to hon. Munyao's Question as to why the Chairman of Makueni County Council has been trailed and harassed by the police since the death of Prof. Sumbi.

In addition to what the Minister of State said---

**Mr. Muchiri:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is dealing with two statements at a time before we have finished with the first one.

**Mr. Deputy Speaker:** What is wrong with that? There is nothing out of order in doing that. I will allow you time to seek clarification later.

**The Assistant Minister, Office of the President (Mr. Sunkuli):** So, in addition to what Maj. Madoka said, I wish to give the following additional information; that on 9th October, 1998, Mr. Kalembe Ndile, the

Chairman of Makueni County Council gave a statement to the public during the burial of the late Prof. Sumbi that the Central Provincial Commissioner, Mr. Peter Kiilu, grabbed some public utility plots at Mbui Nzau in Makueni District. There was no attempt by the police to arrest him. On 11th October, 1998, there was an attempt to arrest the Chairman at Kavete near Makindu. Police officers were on normal patrol duties along Mombasa-Nairobi Highway at Makindu. There was also a football match at Kavete. On their way back to Makueni, the police officers passed through Kavete and the Chairman who was there saw them and ran away for unknown reasons. The police had nothing to do with him at that particular time.

On 14th October, 1998, it is alleged that Mr. Kalembe Ndile obtained a court order. However, the police are not aware of the alleged court order since they have not been served with the same. On 17th October, 1998, the Chairman personally went to Kibwezi Police Station after the District Criminal Investigations Officer, Makueni, called him to record a statement in connection with the allegations that he was inciting members of the public at Mbui Nzau to block the main Mombasa-Nairobi Highway and also on other allegations he had made; that some people had obtained false land allotment letters from unspecified corridors in Nairobi. His statement was recorded and he was allowed to go. On 18th October, 1998, he incited the people who blocked the main Mombasa-Nairobi Highway at Mbui Nzau and later, he assaulted a police inspector and disappeared. On 24th October, 1998, it is true that policemen went to his house looking for him since he had gone underground after assaulting the police inspector. They did not find him, but members of his family were present. There was no money taken by the police from his house.

It is noted that the Chairman was known to be a mastermind of the highway robberies along the Mombasa-Nairobi Highway, especially before he was elected as a councillor. On 18th November, 1998, the Chairman went to Kibwezi Police Station and reported that on 24th October, 1998, police went to his house where they searched and stole his money; amounting to Kshs46,000. As a result, the PPO, Central, directed the OCPD, Machakos, as an independent officer, to investigate the complaint. Investigations are in progress although he has refused to record a statement to that effect at the police station.

**Mr. Muchiri:** Mr. Deputy Speaker, Sir, what the Assistant Minister has said is completely irrelevant to what I asked. The residents of Korogocho are unable to sleep because of thugs who are moving around with arms and the business people are closing down. One of the responsibilities of this Government is to protect lives and property of Kenyans. Lives and property in Korogocho and Ruaraka are threatened. Could the Assistant Minister tell this House what action they are going to take? Besides that, the Police Post there was established in 1950 to guard about 10 factories. The residents of Korogocho number over 300,000 today. We need more officers and the Police Post should be elevated so that it can be manned by a Chief Inspector. You should also transfer the police officers there. The moment they are given information, they release it to the criminals and two people have lost their lives as a result of the police having released the information to those criminals. Could the Assistant Minister do the needful?

**The Assistant Minister, Office of the President (Mr. Sunkuli):** Mr. Deputy Speaker, Sir, I have taken note of what the hon. Member has said; especially with respect to persons who give confidential information. With regard to the other matter about establishing more security facilities in Korogocho, I will inform the Commissioner of Police to make sure that the strength in Korogocho is equal to the crime that is

committed, if not better.

**Mr. Munyao:** Mr. Deputy Speaker, Sir, the statements made in this House by hon. Members to be replied to by Ministers should be taken very seriously. Today, it is affecting some people and tomorrow, it will affect a Minister who is replying. We respect Statements from the Ministers. This is the second Statement concerning this affair. Last week when the Statement was brought, we consulted with Major Madoka and he agreed that what he was told was not correct. He instructed some people to go in and check. The Statement which the Assistant Minister has given is a revised version of the one which he was to give last week.

**Mr. Deputy Speaker:** Are you talking about Korogocho or Makueni?

**Mr. Munyao:** I am talking about Makueni. I do not know about Korogocho. It belongs to hon. Muchiri. The Statement which came last week was totally misleading. When we read it with the Minister, he agreed to get another independent person to go to Makueni and investigate. This is because Statements from the Office of the President are taken seriously; the Ministers ought to check the truth. The Statement is made by the same people who have been harassing the Chairman of the County Council. It is not likely to contain the truth.

Mr. Deputy Speaker, Sir, on the 9th when Mr. Kalembe was being arrested, hon. Katuku was there with several other Members. Even on the 24th, in Makindu, when he was being arrested, some hon. Members were there. Is the Assistant Minister in order to still give the Statement which is also misleading, and bring it to this

House? We respect the Assistant Minister, but when he gets the Statement from the same people who harassed Mr. Kalembe, what do we expect? Tomorrow, they might harass even the Assistant Minister and, we will be required to defend him! Could the Assistant Minister give confidence to this country?

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Deputy Speaker, Sir, as I indicated earlier on, this was a Statement, further to the one made by Major Madoka here. It is not a personal Statement but a Statement which the Minister himself could still have given, because it is a Government Statement. However, sentiments coming from the hon. Secretary-General of the Democratic Party (DP), whom I respect very much, are sentiments that should be looked into more. I wish to undertake one further investigation into this matter. If the hon. Member has any specific quarrels with the Statement that I have given, let him avail himself to me and we will issue another Statement if there are new facts that will be included here.

#### MEASURES TO CURB FIRE OUTBREAKS IN NAIROBI

**The Assistant Minister for Local Authorities** (Mr. Sasura): Mr. Deputy Speaker, Sir, I would like to issue a Ministerial Statement on the recent spate of fires in Nairobi as requested by Dr. Shem Ochuodho.

During the month of September and October, 1998, a number of fire outbreaks have occurred in the city resulting in loss of lives and extensive damage of property. In the month of September, 1988, a total of 40 fires were reported while in the month of October, 1998, a total of 62 fires were reported. Out of these fires, regrettably, five deaths occurred, six serious injuries were recorded. It is worth noting that out of the reported 102 fires, 15 were false calls. It has not been possible to ascertain the actual loss of property as the insurance companies have not completed their assessment. Though fires have occurred in diverse circumstances and locations, their causes have been observed to be more or less the same. Common causes of fire have been attributed to the following: Electrical short-circuiting, lighting of fires in temporary structures, petroleum spillage, gas leaks and explosions, acts of sabotage, dry weather effects and poor housekeeping.

Mr. Deputy Speaker, Sir, analysis of the fires indicate the highest incidences are residential-related, followed by industrial, bush fires and even motor vehicles burning mainly because of broken fuel pipes. It is important to note that most of the residential fires are occurring in the informal settlements of the city. Hon. Members are aware that the structures in most of these areas are temporary and made of very highly inflammable materials; and that the mode of cooking, lighting and heating in these areas is from open fires. In the event of fire occurring the spread is, therefore, very fast and the resultant damage extensive, as the structures are also constructed close to each other.

The situation is worsened by lack of adequate accesses for the Fire Brigade to get to the scene of the fire. Whenever fire outbreaks have occurred in the City and its environs, the Nairobi City Council Fire Brigade has responded to the incidents with utmost urgency. At times, the Council Fire Brigade has sought and received prompt response and co-operation from the Kenya Air Force, Kenya Airports Authority and the Kenya Army. I wish to acknowledge the support extended by these Departments to the City Council when calls for assistance have been made.

Mr. Deputy Speaker, Sir, I am aware that a lot of criticism has been levelled against the Fire Brigade; for not always being the first to arrive at the scene of fire. However, I wish to enlighten the hon. Members on some of the serious constraints the Brigade has been operating under. This includes inadequate fire-fighting equipment, ineffective communication equipment, lack of easily accessible fire dams for ready supply of water, limited number of fire stations which translates into long distances that the Fire Brigade has to cover, inadequate personnel and attacks of Fire Brigade personnel by some sections of the society because of vested interests.

Mr. Deputy Speaker, Sir, the Ministry has noted these constraints and it is addressing the issues both in the short-term and in the long-term. The measures are as follows: In short-term, the Ministry has put in place the machinery to procure 20 rapid intervention vehicles and 17 road and rescue trailers. Two, I have instructed the Nairobi City Council to set aside adequate funds for proper maintenance of Fire Brigade vehicles and equipment. I wish to state that the City Council has confirmed to me that a sum of Kshs6 million has been set aside for this purpose. Thirdly, as a short term measure, a Committee has been formed in my Ministry to oversee improvement in the fire-related matters with a view to offering the necessary policy guidance. Fourthly, I have instructed the removal of all illegal structures on road reserves. This has been identified as the main obstruction of access to the scenes of fire.

As long term measures, the Nairobi City Council currently operates two fire stations, one situated at Tom Mboya Street, and the other one at Enterprise Road. There is a smaller sub-station at Ruaraka Breweries. Operating from only these two stations, the Fire Brigade cannot respond effectively to fire service demands. The

Ministry is, therefore, working with the Council on the modalities of developing fire stations and sub-stations in the following areas of the City: Dandora, Umoja, Ruaraka, Dagoretti, Kangemi, Gigiri, Karen, Lang'ata and Mombasa Road. Secondly, as a long-term measure, the Council trains its fire-fighting staff at a small training centre at Enterprise Road Fire Station. This will be expanded to enhance the capacity to train adequate staff. Thirdly, the establishment and operation of an effective fire-fighting system is an integral part of an overall planning and development of the City. The Council has embarked on the preparation of a master plan for the City in close collaboration with my Ministry and, indeed, the same will be extended to cover all urban centres in the country.

In conclusion, it is upon every member of our society to act responsibly so as to reduce the risk of causing what I would call avoidable fires. What I am referring to is the recent spate of bush fires caused by motorists throwing smouldering cigarette butts as they drive along, as well as resulting from poor housekeeping practices. While the measures I have outlined will ensure improvement on the part of the Council, with each member of the society playing his or her role, we can reduce the loss of lives and damage to property occasioned by fires.

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, I am delighted with the comprehensive reply the Assistant Minister has given, and in particular, with regard to Nairobi. But the question covered both Nairobi and Kisumu. However, I must also mention that last week, the Minister did tell us that for the past two months, this country has lost in excess of Kshs500,000 in infernos. My investigations reveal that for the whole of this year, the insurance industry has coughed out Kshs1.2 billion in terms of compensation to industries affected by the infernos. My concern is that there are certain patterns that are emerging from the fires in the recent past. First, it appears as if the majority of them are businesses belonging to businessmen from certain communities. Secondly, they only seem to happen during certain periods of the year. Thirdly, as per the reply by the Minister, we are told that the main cause are electrical faults. But it is also interesting that most of the fires seem to occur at night, when there are no workers and, yet, one would think that electrical faults should happen more during the day.

As a result, various theories have been advanced. One of them is that certain communities believe in cleansing by destroying everything during certain periods of the year.

**Mr. Deputy Speaker:** Order! Order!

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, in view of the fact that an excess of Kshs1 billion has been lost through these infernos this year alone, and in view of my dissatisfaction with the incorruptibility of the internal committee that the Assistant Minister says has been constituted, would the Assistant Minister consider forming a Commission of Inquiry to look into the actual causes of fires and ways of preventing the infernos and to find ways and means of effectively responding and combating fires, should they occur in the future?

**The Assistant Minister for Local Authorities (Mr. Sasura):** Mr. Deputy Speaker, Sir, the committee is headed by the Permanent Secretary in the Ministry of Local Authorities. They will come up with a report. If their report coincides with the request from Dr. Ochuodho, it will be considered.

## POINT OF ORDER

### ADMISSIONS TO KMTC

**Mr. Ojode:** Mr. Deputy Speaker, Sir, last week I did request the Minister for Health to table a list of names of students who have been admitted at the Kenya Medical Training College. To-date, he has not done so. Would I seek the indulgence of the Chair to prevail upon the Minister to table a list of names of those students who have been admitted?

**The Assistant Minister for Health (Mr. Criticos):** Mr. Deputy Speaker, Sir, I would like to apologise to the House because we are unable to trace our officers to give this list. Mr. Boit has told us that those names cannot be submitted until March this year. We are still pursuing Mr. Boit to submit that list. So, I am unable to table them.

*(Loud Consultations)*

**Mr. Deputy Speaker:** Order! Mr. Criticos, there is no price too high to pay or labour too hard to undertake to provide information sought or demanded by this House. So, you will find that Mr. Boit, or whoever else is involved, and that information must be provided to this House. If that information is not provided by Wednesday next week, I feel that the relevant Departmental Committee should take up this matter, constitute itself

and summon all those officers concerned to provide that information. That is an order of this House.

Next Order!

## MOTIONS

### REVIVAL OF THE TOURIST INDUSTRY

THAT, while realising the sharp drop in the tourists visiting Kenya since Likoni clashes in July/August 1997 and the subsequent poor state of our infrastructure which has resulted in huge losses being incurred by the hotels and other stake holders in the Tourist Industry, and being aware that the employment of about 150,000 Kenyans is at risk, this House recommends that:-

- (a) security be improved in all tourist centres;
- (b) The Government grants medium term loans of 5-8 years at interest rates of about 15 per cent p.a. to tourist hotels;
- (c) VAT payable by tourist establishments be waived for two years; and
- (d) The Government injects not less than Kshs500 million a year for tourist promotion, through Kenya Tourist Promotion Board, in Europe and America.

*(Mr. Wamae on 18.11.98)*

*(Resumption Debate interrupted on 18.11.98)*

**Mr. Deputy Speaker:** Mr. Karume was on the Floor.

**Mr. Karume:** Asante sana, Bw. Naibu Spika. Niliunga mkono Hoja hii kwa sababu sekta ya utalii imefifia sana hapa nchini. Tunajua kwamba Waziri wa Utalii amejaribu sana kutangaza shughuli zetu za kitalii katika nchi za kigeni. Lakini ikiwa usalama wetu ni mbaya, basi utalii wetu hauwezi kuimarika. Hali mbaya ya usalama nchini ndiyo imedhoofisha shughuli zetu za kitalii. Hii ni kwa sababu watalii kutoka nje hawawezi kuzuru nchi yetu ikiwa huko Mombasa na sehemu zingine kuna vita na watu wanauawa. Jambo la maana sana kwetu ni kuhakikisha usalama umeimarishwa katika sehemu zote hapa nchini. Watalii hawana haja na siasa zetu. Haja yao kubwa ni kuona kwamba kuna usalama katika nchi hii. Ningeuliza Serikali yetu ifikirie zaidi jambo hili la usalama.

Bw. Naibu Spika, kama nilivyosema, ni mambo mengi ambayo yameharibika humu nchini. Nilisema pia kuwa iwapo utalii utaangamia, si wenye biashara za mikahawa ambao wataumia tu, bali hata wakulima wanaofuga nguruwe, ng'ombe, kuku na waanolima vyakula kama vile mboga, kwa sababu hakutakuwa na watu wakula vyakula hivyo katika mikahawa yetu. Kwa hivyo, ni juu ya Serikali yetu kutafuta njia mwafaka ya kuimarisha utalii hapa nchini.

Bw. Naibu Spika, jina la nchi yetu limechafuliwa sana katika nchi za kigeni. Wageni wanasema kuwa mji wa Mombasa hauna barabara nzuri; barabara zetu zemeharibika sana. Hata katika mji mkuu wa Nairobi, karibu barabara zote zina mashimo mengi sana na ni shida sana kwa madereva kuendesha magari hapa mjini. Serikali inatakiwa irekebishe mambo mengi ikiwa utalii utaimarika vilivyo.

Bw. Naibu Spika, Serikali inahijika kuhifadhi misitu iliyo karibu na mji wa Nairobi kama vile Karura, Ngong na Kiambu. Tukirejelea historia yetu, kwa mfano, msitu wa Karura ulimilikiwa na watu wa Kiambaa Constituency. Msitu huo ulikuwa ni mashamba ya watu wangu lakini Serikali ya wakoloni iliwapokonya mashamba hayo na kupanda miti. Watu wetu walipouliza sababu ya Serikali ya wakoloni kuwakataza kulima mashamba hayo waliambiwa ya kwamba mji wa Nairobi utakuwa jiji kuu la nchi hii na kutakuwa na watu wengi zaidi. Kwa sababu ya vizazi vijavyo, ilikuwa ni heri kwa Serikali hiyo kupanda miti ili kuimarisha hali ya anga. Wakoloni walitabiri kuwa siku moja jiji hili lingekuwa na viwanda na magari makubwa ambayo yangechafua mazingira yetu. Kwa hivyo, misitu kama ile ya Karura, Ngong na Kiambu ikawa ni lazima ihifadhiwa kwa faida ya watu wetu. Ikiwa Serikali ya kikoloni ilifikiria juu ya misitu hii, kwa nini sisi hatufikiri kuhifadhi misitu hii kwa sababu ya vizazi vijavyo? Hata kama si unyakuzi wa misitu hii na watu binafsi, itakuwa ni vizuri ikiwa Serikali yetu itaharamisha unyakuzi wa ploti katika msitu wa Karura kwa sababu jiji hili ni la watu wote nchini na wala si la kabila moja. Hii ndiyo sababu tunasema msitu huu si kama misitu mingine nchini. Huu ni msitu maalum kwa sababu watalii wakiwa hapa Nairobi wanaweza kufurahia uzuri wa jiji hili unaotokana na mazingira bora.

Ni heri Serikali hii iimarisha shughuli za kitalii nchini kwa sababu biashara za mikahawa kule Mombasa zitafungwa ikiwa sekta hii itaangamia. Serikali inaweza pia kusaidia wenye mikahawa hii ya kitalii kupata

mikopo kutoka nje ya nchi kwa masharti nafuu. Hii ni kwa sababu si wenye mikahawa watakaoumia bali ni wananchi wa Kenya wote kwa jumla. Ninamuomba Waziri wa Utalii ajaribu sana kuimarisha sekta hii. Haifai yeye kuzuru nchi za ng'ambo ili kuvutia watalii na huku usalama wetu si mzuri.

**Mr. Deputy Speaker:** Order! We do not have much time left for this Motion. I will now put the question.

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

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

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

*(Question of the Motion as amended proposed)*

**Dr. Omamo:** Thank you, Mr. Deputy Speaker, Sir. I would like to take a few minutes to support the amended Motion. First of all, I would like to appeal to the Minister to proceed with the popularisation of tourism in Kenya. He should remember that it is not safe to put all his eggs in one basket. It appears to me that in the past, tourism development has been concentrated too much in a few areas. Tourist hotels are mainly found in the big City of Nairobi and the Coast Province.

*(Mr. Ngutu crossed the Floor without  
bowing to the Chair)*

**Mr. Munyasia:** On a point of order, Mr. Deputy Speaker, Sir. You realise that hon. Ngutu just crossed the Floor from that side of the House, to talk to hon. Sifuna, who is on this side of the House without first going to the Bar to bow. But he has subsequently had to correct himself.

**Mr. Deputy Speaker:** Mr. Munyasia, I was being consulted by an hon. Member, but if that is what hon. Ngutu did he must go back and do it properly.

*(Mr. Ngutu went to the Bar and bowed to  
the Chair before crossing the Floor)*

**Dr. Omamo:** Thank you, Mr. Deputy Speaker, Sir. I was saying that in the past the pattern of development in tourism has been a bit lopsided. The big tourist hotels are concentrated in the big urban centres, especially in the Coast Province. I would like to suggest that we should try to spread out tourist destination centres within Kenya instead of having only a few places, which we make very attractive to the tourists. I think we should consider Rift Valley, Western and Nyanza Provinces, especially Lake Victoria, as tourist attraction areas. We should attract tourists to the western parts of Kenya. There is too much concentration of investment away from these other areas. I would like to urge the Minister to make an effort to popularise Lake Victoria Region in order to attract more tourists because this is the second largest fresh water lake in the world. Tourists should visit the area to see the second largest fresh water lake in the world. If they visit the Lake, they will see the hippopotamus and crocodiles which live there. But up to now this has not been done.

I would like to support this Motion because it seeks ways and means of promoting hotels in order to attract more tourists to such areas. It also seeks to provide funds to enable investors to set up medium size facilities in order to attract local and foreign tourists. Not long ago, I did suggest in this House that there are tourist attraction resorts in Kenya. I did mention Kipipiri-Wanjohi, which is in Nyandarua District, as one area which should be exploited in order to attract tourists.

*[Mr. Deputy Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, hon. Members of this august House should spare time and visit this area, which is a gift to Kenyans from God. They should visit the area to see the clouds and the landscape, which is beautiful in my opinion. The tourists do not know about this area! If tourists visit this place then investors will be encouraged to build small hotels in this particular area.

Mr. Temporary Deputy Speaker, Sir, this time I am thinking about other tourist resort areas. For example, if you visit Nyanza Province you will see several tourist attraction resorts. I am particularly thinking about the stones that are locally referred to as *Kit Mikayi* in Kisumu Rural Constituency. These are very interesting stones. They are out-crops of rocks which are naturally very beautiful. A long time ago, the people in this area had a lot of respect for these stories. If you visited Seme for the first time and saw these stones you would just dance.

*(Laughter)*

I am also thinking of Timboroa, which is found in Rift Valley Province. This area has not been exploited in order to attract tourists. This area is very high and very beautiful. During the colonial time, we learnt in schools that Timboroa Railway Station was the highest railway station in the British Commonwealth. Today, we can exploit this elevated railway station site. We could build hotels in this area in order to attract more tourists.

I am also thinking about Western Province, particularly Sio Port on Lake Victoria. Nature arranged those hills in Busia District in such away that they would attract tourists.

Finally, we should promote the spread of tourists to other parts of Kenya by developing our cultural activities. Let us not persuade the tourists to only come and see elephants and lions. There are other aspects of Kenyan life like dances, songs and stories. These are some of the cultural activities, which I am sure, could attract more tourists to our country.

I would like to persuade the Minister, because I am his voter for the area where he comes from. Those particular areas, Mitetei Valley and Kamasai Valley should be exploited for tourist attraction. It is a very attractive countryside of Kenya.

With those few remarks I beg to support.

**Mr. Badawy:** Asante sana, Bw. Naibu Spika wa Muda. Nimesimama kuiunga mkono Hoja hii kwa sababu ya ule ukweli na maoni yote yale ambayo yameletwa na mwenye kuileta Hoja hii na wale waliomuunga mkono. Naunga mkono pia yale marekebisho yaliyoletwa na Wizara lakini ningependa kumwambia Waziri kuwa marekebisho hayo yasiletwe kwa njia ile ya ujanja ya kujaribu kuburudisha ile roho nzuri na madhumuni ya Hoja hii. Ni kweli kuwa vita vya Likoni na pahali pengine vilileta hasara kubwa mbaya sana juu ya utalii. Lakini masikitiko ni kwamba Wizara na wale waliohusika wamechukua hivi vita vya kikabila kama sababu ya pekee ambayo imezorotesha utalii katika nchi hii. Kuzorota kwa utalii kulianza mwaka wa 1994 hasa kufuatia vita vya Guba. Mbali na hivyo, kumekuwa na mambo mengine kadhaa kama recession katika nchi zilizo husika. Kumekuwa na matangazo dhidi ya nchi hii katika nchi hii. Yote hayo ni mambo ambayo lazima tuyaangalie. Vita vya kikabila vilikuja kumaliza kabisa kuzoroteshwa kwa utalii. Lakini kabla ya hapo hata ukiangalia statistics za mwaka wa 1994 utaona kuwa utalii ulianza kuzorota wakati huo kuanzia hivyo vita vya Guba na kutokana na sababu nyingine kadhaa wa kadhaa. Mimi naweza kusema hapa kwamba kilichosababisha kuzorotekha kwa utalii zaidi hata ikiwa amani itarudi, na amani imerudi Likoni na sehemu nyingine, ni madharau na kutoelewa kufanya kazi kwa maofisa wa Wizara ya Utalii.

Kumekuwa na madharau makubwa sana. Madharau ya kwanza ni kwamba Wizara ya Utalii imekataa kabisa kuwa na ushirikiano na Wizara nyingine. Ukienda kuwaona maofisa wa Wizara ya Utalii juu ya matatizo, kwa mfano, yanayohusu Wizara ya Uchukuzi na Masiliano kuhusu charters na matatizo mengine kama connection za ndege, moja kwa moja, utaambiwa hili si swali ambalo linahusu Wizara hii. Wanakataa kabisa kujihusisha na Wizara nyingine zozote. Hakuna ushirikiano baina ya Wizara zile ambazo pia zimechangia katika kufaulu kwa utalii. Nikizungumza juu ya mambo ya personnel na professionalism na jinsi ambavyo Idara ya Uhamiaji imeruhusu kuingiliwa kwa kuendeshwa kwa sekta ya utalii na watu ambao hawaelewi shughuli za kitalii. Na nina ushahidi. Hivi sasa kuna hoteli moja Malindi iliyo na wageni kumi ambao wamepatiwa vibali vya kufanya kazi ya raia hali hawana ujuzi kabisa juu ya mambo ya utalii, hali vijana wetu ambao wamepata mafunzo ya kutosha juu ya kuendesha mahoteli na promotion ya utalii, tour guiding na tour operation wako chungu nzima lakini kumekuwa na dharau kubwa sana. Kumekosekana ushauriano baina ya Wizara ya Utalii ambayo ndiyo

inayosimamia utalii na ambayo moja katika jukumu lake ni kuomba kwamba utalii unaendeshwa katika hali ya juu ya professionalism.

Mbali na hivyo, hata watumishi wenyewe wa Wizara hii, nitakupa mfano wa yule msimamizi wa utalii, Mkurugenzi wa Utalii katika Mkoa wa pwani--- Tukiiangalia historia yake, ni mtu ambaye amefundishwa kazi ya afya ya umma. Amekuwa ofisa wa afya ya umma. Leo ndiye anatarajiwa kuyasimamia mambo ya utalii katika ile sehemu kubwa yenye utalii zaidi katika Kenya nayo ni Pwani. Kazi kubwa anayofanya labda ni kushirikiana na kuona kuwa anawatumikia wakubwa wake wanapokuja Pwani kuona kwamba wanapata complimentaries, utazamaji mwema na kadhalika. Lakini katika mambo ya promotion kwa hakika au yeye hana ujuzi. Mbali na hivyo, kumekuwa na dharau kabisa kuwashughulikia wenyeji, watu ambao wanaelewa zaidi mambo ya utalii, waliotelele utalii kuanzia wakati utalii ulipoanza katika 1960s. Leo wao ni watu ambao hawana maana kabisa. Bora kuliko wao ni wale wageni ambao wamekuja jana ambao, kama nilivyosema, wanapatiwa vibali vya kufanya kazi bila ya kuangaliwa hakika ili ijulikane ujuzi wao katika sehemu ya utalii ni kitu gani. Mbali ya hivyo, kitu kimoja ni kwamba lazima tukubali, na inajulikana wazi, kwamba kumekuwa na uhasama baina ya wale wanaohusika na utalii. Inajulikana kwamba wakati mmoja kumekuwa na uadui baina ya South Coast na North Coast kusababisha habari mbaya kuenea huko ng'ambo; Wizara ya Utalii mahoteli kujipangia classification ya mahoteli vile wanavyotaka. Mtalii anakuja akijua kuwa atakwenda kwa five star hotel lakini akija anaona kuwa huduma zinazotolewa ni zile ambazo hata si za hoteli ya three star.

Wizara imeruhusu aina ya exclusive clubs, ambazo sijui zinaleta faida gani huku Kenya kwa sababu zinachukua malipo yote ng'ambo. Hapa wanasema wana US\$400 peke yake ili wasilipe kodi. Malipo yote mengine mpaka yale ya kumtembeza mtalii yanafanywa huko. Hii ndiyo aina ya utalii ambapo hapa mahali kama Malindi tumepata shida kama hizo. Wizara imeshindwa kuchunguza mambo hatari ambayo yanasababishwa na undanganyifu. Hoteli nyingine iliyo Malindi inayoitwa Jacaranda ilitangaza kwamba hoteli iko tayari. Watalii 80 wakaja na walipofika katika pale wakaona kwamba hata hakuna madirisha na milango katika jumba kama hilo. Ni nani wa kulaumiwa katika mambo kama haya? Kufuatia kitendo kama hicho, kumekuwa na habari za kupotosha sana juu ya Malindi na Pwani kwa jumla. Hii yote inatokana na kwamba Wizara ya Utalii imeshindwa kufanya kazi yake. Imeshughulika na kuwanyanyasa wenyeji tu kiasi cha kwamba mwenyeji hapati faida yoyote katika utalii.

Tunajuliza ni bora tuitilie nguvu usitawishaji wa viwanda katika mwaka wa 2020 au tushughulike na upuuzi huu wa utalii ambao faida yake ni kwa wageni tu. Kitu kikubwa ni kuwa wakubwa wa Wizara wakija Pwani wanatangazwa. Vijana wetu wanaonekana kama maadui wa utalii; kitu ambacho si kweli. Waitaliano wote wakikimbia kutoka Cuba kazi yote ya utalii kule imesimamiwa na wenyeji. Hapa Wizara yetu imeruhusu wageni kufanya vile wanavyotaka kabisa. Wameshindwa kujisimamia na ndiyo sababu wanafanya vile wanavyotaka. Tunauliza utalii huu una faida gani kwetu? Hauna faida yoyote. Leo tumewekewa polisi wa utalii. Kitu kikubwa ni kuwa Waziri akija Malindi anatangaza kwamba beach operators wakamatwe. Wamefanya makosa gani? Hebu tuangalie matokeo ya kufanya jambo kama hilo. Vijana wakikosa kupatiwa vibali ili wafanye kazi zao sawa sawa wanaendelea kunyanaswa. Wao ndio wanarudi kuwanyanyasa, kuwaibia na kuwafanyia watalii vitendo vingine vibaya kabisa. Vijana wamejiunga kuwa tayari kujiendeleza kimaisha lakini kumechukuliwa negative attitude kabisa juu ya watu wetu. Nimezungumza mara kwa mara kuhusu wenye mashua lakini maoni ya wenyeji hayadhaminwi na Wizara na hii inaleta fikira za uasi kwetu sisi wenyeji kwa hivyo, tutashindwa kabisa kuliunga jambo kama hili.

Wakati mmoja kuliwekwa Kamati ya Wizara ya kuja kuchunguza matatizo ya utalii. Mpaka leo ninataka Waziri atuambie matokeo ya Kamati ya wizara iliyoundwa mwaka wa 1964 yako wapi kwa sababu ilionekana maslahi yake ni kwa wenyeji wetu. Lakini Mzungu akienda kwa Wizara kuleta lalamishi lolote dhidi ya wenyeji, kesho polisi wa utalii wataambiwa wawanyanyase watu wote. Wenye mashua hawana kazi ya kufanya kwa sababu wakati ambapo Wizara nyingine zote zilizohusika hata Wizara ya Local Authorities, wamekubali kuwapatia wageni vibali vya kufanya mambo ya mashua, Wizara ya Utalii inaogopa. Inaona kwamba ikiyanyima mahoteli mashua basi itaharibikiwa. Kwa sababu hiyo, ninaendelea kuuliza kuwa utalii huu una faida gani kwetu sisi? Kweli tunahitaji Bodi ya Utalii iliyo huru. Lakini ikiwa Bodi ya Utalii vile ilivyo, ikiongozwa na yule mwenyekiti ambaye alitunyanasa, mtu ambaye alikuja kujinufaisha yeye mwenyewe, ana maslahi yake na mahoteli yake peke yake. Ukiangalia composition ya bodi ile imedharau kabisa uwakilishaji wa zile sehemu ambazo zina utalii mkubwa. Sioni kama bodi hiyo italeta manufaa yoyote tofauti na ile kazi ambayo faida haipatikani kutokana na Wizara.

Kwa hayo machache, ninaunga mkono.

**Mr. Parpai:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this very important Motion. This Motion is very important in the sense that the sector used to earn this country a lot of foreign exchange. In fact, it was just second after coffee, but now as we speak here, the sector has gone to a dark

corner and very many things have contributed to this.

To me, a few things must be done, if this sector is to be "resurrected". Three elements, to me, must be present. One, security must be there, not only in the national parks, but also in those other areas where our local and international tourists visit.

Sir, security is a very important element and it can only be there if the tourist police are equipped, increased in number and given serviceable vehicles to be able to run up and down to perform their duties. That must be there if security is to be maintained in this sector.

Not only do we need the police to have serviceable vehicles, but they must also have helicopters. They need to patrol our big national parks. Some of these national parks are even bigger than some provinces. So, surely, if these national parks have to be patrolled, we need to have serviceable helicopters and people who are determined to do that. We also need to have that unit having some autonomy of a kind because, like we know, some of these police officers in this country do not have vehicles. So, if we provide these tourist police vehicles, they can be used by these police officers.

So, what I am saying is that these people must have some autonomy. They must have a say in whatever they get in their departments so that they can perform what is required of them because the sector is very important.

This sector is important because it has created employment for our young people. It has also created outlet markets for our produce; things like meat, as it was said by one of the speakers here. It has also made us open kiosks that are no longer there because of the way the industry has been run down.

Sir, you recall when we were in Mombasa in April, you realised that those hotels were empty. They were empty because there were no tourists at all. In fact, even kiosks and the boats there have no business. So, this is an industry that requires to be revamped. Security is a very important element in refurbishing that sector.

We also require infrastructure to be improved. Not only do we need to improve the roads leading to the parks, but we also need to improve the road network inside the parks. Some of these roads surely are too bad. There is no accessibility to the national parks because of the poor roads that are there.

Sir, I have in mind the Amboseli National Park. In fact, the roads are too bad. One cannot just go there without a four-wheel-drive vehicle. How many tour operators have four-wheel-drive vehicles? We need really to improve our roads.

We need to improve the telephone services around the national parks. It is very important to improve the telephone services, in case of any emergency for the tourists to be rescued. That is a very important element as well. It is important to improve and rehabilitate the vehicles and the earth-moving machines that have been there some years back to be able to improve the road network both leading and within the national parks.

It is also important to supply our national parks with power because there is quite a lot of movement from hotel to hotel. If there is no power, it poses a lot of risks to our tourists and we need them to move up and down as they wish.

Sir, I also talked of the Tourist Board. This is a very important element in refurbishing that sector. It is important that, that Board is provided with adequate funds to be able to do a lot of promotion for us, not only within the country, but beyond our borders.

The Board should and must recruit our own. I say this because we need continuity and we can only have it if we have our own. They should not rely quite a lot on hired consultants because we have a consultant today, he comes and designs a different direction, tomorrow he is out, we hire somebody else and he comes and designs a different direction altogether. It will then become very difficult for us to identify what our priorities are. We can only be able then to follow if we have our own who will always be there and who have the inside knowledge of our country. That should be done if this industry has to be improved.

Sir, the Ministry should encourage those people living next to the national parks. They should be given incentives, get some revenue-sharing and employment. After all, it is them who have preserved these animals. They preserved these animals, but this House has abolished wildlife compensation. After compensations have been abolished, what other benefits do these people get yet these animals keep, day-in-day-out, on killing people and livestock? They can only appreciate staying with these animals if they get some bit of incentives for them to appreciate and mingle with these animals.

Sir, it is also important that this Ministry goes out of its way to look for resources that have not been tapped. There are quite a lot of things and attractions. There are quite a lot of tourists who do not come to this country because they get what they would have wanted to see in this country elsewhere, yet, we have those facilities here. It is only that quite a lot of resources have not been tapped and we need to look into that.

It is also very important now that the Government has run down this sector, it should come out clean and assist in giving the hoteliers and businessmen in this sector loans. They need to get loans to improve their

businesses and save them from auction because some of them are getting auctioned.

You cannot imagine if you have acquired a loan and you do not get visitors who are supposed otherwise to pay for you to service the loan. So, the Government should come out clean, give out loans on reduced interest rates. This is very important if we have to create jobs, encourage hoteliers to do their businesses for our good. After all, it is for the good of this country, so that needs to be looked into.

Sir, on negative reporting, this needs to be looked into. This does not squarely lie on the Government. Our reporters as well should know that if hon. Parpai is killed in Amboseli, he has an equal value with a Briton killed in Aberdares. There is no difference; life is life and human is human! So, I do not understand why if an African is killed, he is reported in the middle of a daily paper while a Mzungu or anybody else is reported on the first or the back page. They should assist us in reporting positively about this country.

Tourists have somehow diverted from this country because of the poor reporting they get abroad. So, that also needs to be corrected. I sympathise with them at times because they do not get this information when they need it. We need the Ministry to be a bit open. This is a public sector---

Thank you, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! I will now call upon the Mover to reply.

**Mr. Wamae:** Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I would like to thank all hon. Members who have contributed to this Motion. They were quite many and all of them have supported this Motion. I would also like to thank the Government because the amendment they have made has not altered the substance of the Motion. All what they have done is to remove the figures, but they have agreed that 150,000 Kenyans are at risk.

*(Mr. Kosgey stood up to consult the Chair)*

Oh, the Minister has not spoken! In any case, if the Chair requires me to sit down in order for the Minister to speak, I will do so.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Hon. Members, I think the Minister has spoken because he moved the amendment and that took care of the Ministry's position. I now call upon the Mover to reply, unless the Mover wants to give the Minister time out of his 10 minutes.

**Mr. Wamae:** Mr. Temporary Deputy Speaker, Sir, I am willing to give the Minister five minutes because I want him to come and say exactly what the Government is going to do to implement this Motion.

**The Minister for Tourism** (Mr. Kosgey): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to thank hon. Matu Wamae for giving me part of his time to say a few words on this Motion. I would also like to thank him for bringing this Motion to the attention of this House and the whole country. The tourism industry, as it has already been said, is a very vital sector. It so vital that as we speak, and as it has been previously said, it contributes substantially to the Exchequer.

In 1996, it contributed 11 per cent of our Gross Domestic Product (GDP) and 18 per cent of our total foreign exchange earnings amounting to about Kshs30 billion. That excluded what is being earned by people involved in agricultural activities and other service industries. Therefore, the Government takes very seriously what is going on in the tourism industry. This sector has grown. In 1963, we had only 70,000 tourists. Up to 1997, the figure had moved to one million. We have the infrastructure and the capacity at the moment without any additional investment to move to two million tourists. With the infrastructure and the investment which has been done now, we have to make it actually viable. We need to increase the number of tourist who come to this country to about two million.

Nevertheless, as it has already been stated, after 1997, the general decline was noticed. Although there was a very gradual decline way back from 1994, it was in 1997 when an abrupt decline was noticed after the Likoni incident. The Government is very much concerned and I thank the hon. Members for their contribution. We are as much concerned as all other Kenyans. What has the Government done? Although this question was answered by my Assistant Minister when I was not here, the Government has actually done a lot of things. First of all, we know that one of the major concerns has been on the part of security and the Government is committed to ensuring that security is provided, not just for foreigners but for all Kenyans. We are not a Government which cares for security of foreigners only; we want each and every individual in Kenya, be it a resident, citizen, visitor, or tourist to be safe and, hence, the setting up of the Tourist Police. Consequently, an amount of money was voted here in Parliament, under the Office of the President, for the Tourist Police in order for them to effectively do their job.

We have game rangers under the Kenya Wildlife Services patrolling all our game reserves and national

parks. In the case of Maasai Mara and Samburu, we have also county council rangers. The Government will do everything to boost the tourism industry. As I speak now, we have approached the World Bank for a soft loan for this sector and I am confident that we will make headway. We have promises and I am confident that, before the end of this financial year, we will announce some kind of arrangement or facility to be borrowed by hoteliers.

We remember that the Minister for Finance, in his Budget Speech, said that he will allow zero-rating under VAT for locally financed tourist hotel development and refurbishment. So, there was already an indication that something was being done. There was also money from the European Union, to be given to the Tourist Board, to be able to market Kenyan tourism effectively. This is because one of the biggest weaknesses in the past has been that, we have not been doing aggressive marketing. The short-term marketing which has been done for the last few months is beginning to yield results. We have an increase in bed occupancy in the lodges of about 65 per cent; down at the Coast, we are coming to about 45 per cent. There is a lot I could have said but, unfortunately, I was not here last week when it was the turn of the Government to respond. I was only adding that we are committed and we will take very, very seriously, the recommendations in the Motion as amended.

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

**Mr. Wamae:** Mr. Temporary Deputy Speaker, Sir, you can see the co-operation we have on this Motion and that is why I was able to give my time to the Government to make further contribution on this Motion, and the Minister has reaffirmed that the Government will support this industry. They are looking for cheap money which they can be able to use to support this industry, otherwise, these investors will be put under receivership. The investment has already been done and the only thing is to safeguard it from collapse because of action which was not taken by the hoteliers themselves. It is something which was external to them. The question of clashes, and so forth, is something that the hoteliers had nothing to do with and they could not defend themselves.

Mr. Temporary Deputy Speaker, Sir, I would like to thank all those hon. Members who have contributed, particularly hon. Members from the Coast. They have shown that the people at the Coast are suffering more than anybody else. Even Giriama Dancers do not have anywhere to dance now. This is part of the problems which you get when disturbances occur. We would also like to have more training in the Utalii College and the recruitment to the Utalii College should be done without favouritism. There is already criticism that there is some favouritism in Utalii College intakes. I am sure the Minister will look into this. All in all, I think we need to have a lot of publicity which is proper and well co-ordinated. I saw a publicity note of Kenyan tourism in the *New York Times* which was not very well done. In any case, all they showed was that few people have contributed very much to the development of tourism. We need a well done paper and for the sake of this House, I will lay a copy of this here so that hon. Members can see the disadvantages and the damage that can result from a poorly structured advertisement. We need a very well prepared advertisement for Kenya in all sectors which can bring us development in all respects.

*(Mr. Wamae laid the document on the Table)*

We know that tourists who were coming to this country now go to South Africa and even to Zanzibar. We need to reassure the tourists coming here that they are secure and they will be able to get good service. We need hotels to be inspected by the Ministry to ensure that the standards are being maintained so that they can be able to get value for money. When all these things are done, I am sure tourists will once again choose Kenya as their destination. But we need commitment and we also need to look at new areas of starting tourist centres so that we have varieties of ways in which we can sell Kenya. We need to ensure that there is full support from the Government to this sector and that we will continue to employ more Kenyans in areas where foreigners are being employed, bearing in mind the training we have in Utalii College and elsewhere. We do not need many foreigners to lead us in this sector, but we need foreigners in the tourist centres for promotion. That is why we said that we do not think that we need the officers of the Ministry of Tourism abroad. We need people from the private sector who will include people from those countries encouraging their own nationals to come to Kenya to enjoy themselves, because they will be more convincing than Kenyans because they might not believe us. The money being used by tourist officers in the Ministry of Tourism can be channelled to the Kenya Tourist Board.

With these few words, I beg to move.

**The Temporary Deputy Speaker** (Mr. Poghisio): Mr. Wamae you cannot lay on the Table that document, because it is a copy of the newspaper.

*(Mr. Wamae withdrew the document)*

*(Question of the Motion as amended)*

*put and agreed to)*

*Resolved accordingly:*

THAT, while realising the sharp drop of tourists visiting Kenya since the Likoni clashes in July/August 1997 and the subsequent poor state of our infrastructure which has resulted in the huge losses being incurred by the hotels and other stake holders in the Tourist Industry, and being aware that the employment of about 1,500 Kenyans is at risk; this House recommends that:-

- (a) Security be improved in all tourist centres;
- (b) The Government in liaison with the private sector and international funding agencies such as EID, IDA and others, develop a tourist enhancement package that make medium term loan of five to eight years at concessionary interest rates available to tourist hotels;
- (c) The Government works towards the lowering of VAT rates particularly to tourist establishments; and,
- (d) The Government progressively enhances the annual allocations for the tourist promotions through the Kenya Tourist Promotion Board, particularly in Europe and America.

COUNCILLORS AND CHIEF OFFICERS  
TO BE PAID BY GOVERNMENT

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

THAT, noting with great concern the financial problems that face most of the local authorities in this country, and further noting that councillors are elected by the tax payers, this House resolves that;

- (a) The Central Government pays salaries/allowances to councillors and chief officers of local authorities;
- (b) Revenue from the councils and services charge be strictly used for maintaining services in the councils and payment of salaries for junior staff; and,
- (c) The Chief Officers be transferred to another council after serving three years in one council.

Mr. Temporary Deputy Speaker, Sir, Kenya is a developing country and it is high time that we looked into terms and conditions of service for our councillors from time to time. It is also high time this country did away with outdated colonial terms and conditions of service that our councillors are being subjected to. During the colonial days, various councils were responsible for collecting various taxes countrywide or within their areas. But after Independence, the Central Government gradually removed the responsibilities of collecting taxes from various councils back to the Central Government, leaving the councils with literally nothing in terms of revenue collection. During those days, the councils were responsible for education, health services and even maintenance of roads. We had very little problems as far as their services were concerned in our respective areas. Even at that time, when councillors were being paid from the tax collected, you would hardly find a case where a council had failed to pay salaries or allowances to councillors or chief officers. These days, even some of the local authorities fail to pay workers' salaries for three to four years, until sometimes they resort to bribes and so on. This is so bad.

Mr. Temporary Deputy, Speaker, Sir, these councillors are elected just the way we are elected. The rules governing their election are the same rules governing Parliamentary even Presidential elections. It is very unfair for the Government to continue paying councillors between Kshs7,000 to Kshs8,000 per month. What can a councillor do with Kshs7,000 per month, unless we are encouraging them to be corrupt? These councillors have almost the same duties as we have. They are loaded with Harambee, funeral expenses and school fees problems; just the same way Members of Parliament are involved. They are the backbone of politics on the ground. Members of Parliament are far much better than the councillors in the sense that councillors interact with the people on the ground from time to time and they have to spend money. There are a lot of expectations from our voters. If we cannot make sure that our councillors get better pay, then we should take the blame for their problems.

Mr. Temporary Deputy Speaker, Sir, last year or last year but one, a Motion was moved in this House urging the Government to increase the salaries of councillors to Kshs15,000. To-date, the Government has not implemented the contents of that Motion at all. Whenever we ask the Minister what they are waiting for, we are told: "When funds become available". When will funds become available? The Government, from time to time, promotes various markets in municipalities, county councils, and urban councils without knowing that these urban areas need some funds or services to be provided.

Mr. Temporary Deputy Speaker, Sir, Kenyans are poorly paid, heavily taxed and no services are rendered to them. If one pays taxes, then services must be provided for those taxes. In the absence of that, it is another form of corruption; collecting taxes from Kenyans and failing to provide services.

We have said time and again that it is high time the Government comes up with clear policies to develop the various areas of the country. The Government does not pay Members of Parliament or councillors any development funds at all. The Government assumes that the role of a Member of Parliament is to develop their constituencies. This is very wrong. Our work, and that of councillors, is to tell the Government what is lacking in our respective areas, but not to do it. So, we fail to understand why the Government, instead of developing the areas using the enormous amount of money that they have collected from wananchi, they will ask: "What have you done as a Member of Parliament?" Our work is to tell the Government what is to be done there or what is lacking in my area, be it water, electricity and so forth. Even the councillors should do the same thing.

Mr. Temporary Deputy Speaker, Sir, here in Kenya, we claim to be the most developed country in East Africa and that Uganda is the poorest. But you will be surprised that a councillor in Uganda is paid a salary of Kshs75,000 per month plus transport allowance of Kshs25,000 per month, making a total of Kshs100,000 and our councillors are earning Kshs7,000; yet, we claim to be developed. Even a councillor in Uganda is better off than a Member of Parliament in Kenya. Here in Kenya, councillors and Members of Parliament are loaded with Harambees which have become the order of the day. We are very tired of these things. Today, you have to conduct a Harambee for a funeral, education, weddings, divorcees, name it. Where are we going to get the money from? Unless the Government is trying to tell the councillors indirectly that they should be corrupt in order to satisfy the public---

Mr. Temporary Deputy Speaker, Sir, I do blame the Fifth Parliament for having taken away the responsibility of employing the chief officers from the councils. During those old days, if a chief officer did not deliver the services required by the council, they would be fired by the councillors. These days, it is vice-versa. During the Fifth Parliament, we removed the powers of hiring and firing the chief officers---

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Sifuna in order to impute improper motives on Members of Parliament? He has said that Members of Parliament officiate at Harambees for divorcees, meaning that Members of Parliament encourage divorce in families. Is he in order?

**Mr. Sifuna:** What I have said is that Members of Parliament, councillors and even all politicians in this country who are involved in so many---

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Mr. Munyasia, I think when you raise a point of order, you should do so immediately after the allegation is made. You are even late for that!

**Mr. Sifuna:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. I know my friend hon. Munyasia was just trying to waste my time but the truth of the matter is that Members of Parliament are burdened with so many Harambees and other expenses. During those olden days, the councillors were responsible for hiring and firing the chief officers but honestly, there were good services. Even in Nairobi, the roads were very good but these days during the Sixth Parliament when we removed the powers from the councillors and given to the Central Government, the chief officers have gone home. They do not care who the councillors are. They are so powerful that the councillors have no voice or authority and have nothing to do or to say about the chief officers. Most of these chief officers have embezzled public funds so much but nothing whatsoever has been done against any particular chief officer. Instead, the worst thing that will be done to such a chief officer is to be transferred to another local authority. It is just like transferring a thief from Nairobi to Mombasa to continue stealing.

Mr. Temporary Deputy Speaker, Sir, if the Central Government is responsible for employing the chief officers, it should also be responsible for also paying their salaries. We should not allow that particular chief officer to continue stealing or trying to embezzle the council's funds and when we report such matters to Ministers here, the much that will be done is that the Minister will transfer that chief officer instead of sacking that man or taking him to court. I have never seen, since I came to this House, a Minister for Local Authorities having sacked any chief officer for embezzlement of funds. All that I have been seeing around is the transfer from point "A" to point "B" which is very wrong. During elections last year, we were told that there were some officers who embezzled public funds and that action had been taken against those officers then by the Minister for Local Authorities, by way of interdicting them. They were interdicted and later on it is the same Minister who ordered that the chief officers be reinstated. That is one way of encouraging corruption.

Mr. Temporary Deputy Speaker, Sir, some of these chief officers have been in one station for more than 20 years without being transferred and it is high time that at least, a formula was found whereby, if a chief officer has served in one council for three or four years, he should be transferred to another council but not to stay in one area for too long. By staying in one area, you will be encouraging more corruption and looting. But the Government normally says that they are hardworking Kenyans. When you loot you become a "hardworking

Kenyan". When you are honest, then you are not a development conscious person at all and this is exactly what is killing this nation. Kenya could be the richest country in Africa if we were not corrupt. We preach that Kenyans should not be corrupt but it is the same, same system of Government, chief officers and politicians that will end up corrupting these people and not a small man because the small man has no vehicle and voice. He will only be told to go and carry the looted or the corrupted goods.

Mr. Temporary Deputy Speaker, Sir, so this Motion is very clear. All that we are trying to find out is the best way of assisting various local authorities. One way is by taking over the payment of the chief officers' salaries because they are transferrable and let that burden be given to the Central Government. Councillors are also elected in just the same way that we are elected and thus, let the Government should pay them.

Mr. Temporary Deputy Speaker, Sir, at the same time, I am urging the Government to be more realistic. Let us have even Implementation Committees in this House to ensure that whatever Motion has been passed by this august House is implemented rather than passing Motions and taking most of our time and yet, they are not implemented. Even recently, there was a Motion here by hon. Obwocha excluding members of the Provincial Administration from being nominated councillors. I would like to hear the Minister for Local Authorities telling the members of the Provincial Administration to resign immediately, so that other Kenyans can be nominated to take over their seats, so that by next year, we should have new nominated councillors and not the Provincial Administration. These people do not do anything. What they do is only to frustrate councillors. When you ask the DC or that particular chief officer, he does not know anything other than a plot for him to grab. The next day, they will start claiming that the politicians are against them. Why do we collect so much revenue from Kenyans if, we cannot even maintain roads, provide good water or electricity? Kenyans pay too much taxes in this country; Pay-As-You-Earn, "pay-as-you-live, pay-as-you-breathe, pay-as-you-do-everything", and this is what we call hardwork. Let us come up and make sure that at least when we come to 1999, we will transform this Parliament into an actual Parliament and not a rubber-stamp Parliament whereby Ministers come and start urging others to support a Motion or a Bill which is not good for our nation. But I hope the entire House will support this Motion and make sure that our councillors are bailed out so that the little money these councils collect will go a long way in maintaining roads and providing electricity.

With those few remarks, I beg to move and urge hon. Professor Anyang'-Nyong'o to second the Motion.

**Prof. Anyang'-Nyong'o:** Mr. Temporary Deputy Speaker, Sir, I beg to second the Motion.

Mr. Temporary Deputy Speaker, Sir, hon. Sifuna has stated very clearly the importance of this Motion to the effect that, unless we have local authorities which are effective, good governance will never be practised in this country. This is because the local authorities are the grassroot authorities in the system of Government in this country. Indeed, when I was in primary school, we used to have elected location councillors and locational councils which were representative of the people. Local government started right from the village. Subsequently, locational councils were abolished as county councils took over. They were originally called district councils and, eventually, they became county councils. At that point in time, the county councils were responsible for a lot of things. They collected revenue, financed education, health and roads. In 1984, those powers were removed from the Ministry of Local Authorities. Indeed, at that point in time, even the qualifications required for one to contest for the seat of a councillor were reduced from being a person who is reasonably literate to being anybody who could open his mouth at a meeting and speak in any language.

Mr. Temporary Deputy Speaker, Sir, the changes that the Government has made over the years have weakened local authorities as power was centralised in the Ministry of Local Authorities. This has made a mockery of any system of local governance. If the people who are meant to run local authorities are weak, underpaid and over-ignored, and the powers are centralised, then, indeed, you will have thoroughly undermined local authorities. What this Motion is trying to effect is what I call "a remedial action" within the present framework, which is completely undemocratic. The current framework undermines the importance of democracy from the grassroots level. But since this is the framework that at present exercises power, this Motion seeks to improve the performance of local authorities within it. We in the Opposition find the present framework unsatisfactory. We would, in fact, propose a proper devolution of powers to local authorities and a complete restructuring of the local authority system of government in this country. Once this is done, there will be no need for the Ministry of Local Authorities. The Ministry will have to be abolished once we have proper local authorities established. Local authorities will relate to the various Government Ministries rather than to a highly authoritarian Ministry whose existence undermines the very essence of local governance.

Mr. Temporary Deputy Speaker, Sir, having said that, how can we improve the present performance of local authorities within the existing framework? These are the three points that hon. Sifuna put forward. We will do so by, first of all, ensuring that councillors and chief officers of local authorities are adequately paid, so that they can do their work well. We have always been penny-wise and pound-foolish by thinking that by paying

employees small salaries, we save. If you pay somebody a small salary and give him a responsible position, he will find ways and means of paying himself well. So, officers of local authorities have been dipping their hands into the revenue that they are required to give to the authorities and pocketing it.

Mr. Temporary Deputy Speaker, Sir, I will give an example. In Kisumu Town, all the residents who are supplied with water by the Municipal Council are expected to have water meters, but the Municipal Council has long forgotten where it put these meters. So, people have their own meters, which they read. However, when they pay their water bills, the money goes into the pockets of individuals instead of going to the Municipal Council. So, the municipality loses money through people who pay bills to individuals within it. Also, each of those officers who collect rates at the local markets carries two receipt books: One for the local authority, and one for himself. They use their personal receipt books to collect rates for themselves.

So, here is a case whereby we are defeating a purpose. Local authorities do not have revenue because the people they have employed are lowly paid. So, they decide to dip their hands into the very revenues that they collect for the authorities. Even though they do that, the officers and councillors remain generally paupers and beggars. They hang around the county council halls looking untidy. They lack the dignity required of them as representatives of the people who elected them. Now, this is a shame to both the councils and the nation.

Mr. Temporary Deputy Speaker, Sir, what we need to do in this regard is for the Ministry of Local Authorities, if, indeed, it still wants to have these powers to itself and control local authorities; they must pay for these local authorities. Recently, we passed the Local Government Transfer Fund (Amendment) Bill which was meant to give some money to the local authorities; five per cent of whatever taxes that the Government wants to give them and the Minister is going to decide which local authorities are going to get this money. This was done before the local authorities were restructured. I think the Bill itself was what I call putting the cart before the horse. You need to restructure the local authorities first before you give them money. In any case, that five per cent is not even enough to run the local authorities effectively.

Secondly, Mr. Temporary Deputy Speaker, Sir, regarding the revenues from the councils, I think it is important for us to go back to the point when local authorities ran certain services and ran them effectively. No central government can run a nursery school in Isiolo, Kajiado, Kisumu and Rusinga Islands. A nursery school, if it is going to be in the public sector, should be run by an authority which is closer to that nursery school. No central authority can know which road is broken down in Garissa, Mombasa and so on, some of these local roads must be run and maintained by local authorities. Indeed, I will go further, even in terms of security; it is ill-advised for the Government to think that they can run security in every village and town. In civilised nations, all these services are provided for by the first step of the Government; the local authorities and if they are going to do so, they must have the revenue under competent individuals and people to run these services. Our towns have broken down both in terms of infrastructure and services because we have a system of Government which is outdated. We have not put emphasis where it should be. We have not strengthened governance at the local level and got competent people to do so. It is an abuse to the intelligence of the people of Kenya to elect mayors and county council chairmen who never passed a single examination in their lives. What decision can they make? The first decision you make in your life to prove yourself as an intelligent person is to pass an examination. If you have never passed an examination in your life, you cannot think intelligently. That is one of the trials that we must go through. That is why when we say that so and so should have a school certificate or its equivalence, that is important. The equivalence must be something that proves to others that you are capable of thinking and making a decision. So, we need to improve the quality of human powers and service in local authorities by getting competent and qualified personnel who are properly paid so that our people can get the services from the taxes they pay. At the moment, we have gone to town cheating Kenyans. So, I think this should be improved and we should take the Motion by hon. Sifuna very seriously.

Mr. Temporary Deputy Speaker, Sir, the last point that hon. Sifuna has raised is that chief officers of local authorities should be transferred periodically. So long as local authorities are run by the Central Government, through the Ministry of Local Authorities, there is no need of having a Town Clerk who serves for 20 years when mayors come and go after five years. The Town Clerk very soon begins to dictate and threaten others. He begins to say that in any case, he does not belong to that area, he can be transferred at any moment while he stays there permanently. This is an anomaly. We cannot have somebody who is elected holding a seat with the people who have voted for him as their representative and another one who is picked up as an ambassador of the Central Government to the local authority becoming an authoritarian ruler at the local level. This anomaly must be corrected and so long as these Chief Officers are appointed by the Central Government they should be transferred periodically so that they can give room to people's representatives to make laws or decisions that are in the interest of the people.

I beg to second.

*(Question proposed)*

**The Assistant Minister for Finance** (Mr. Lomada): Asante sana Bw. Naibu Spika wa Muda kwa kunipa nafasi hii niweze pia kuchangia katika Hoja hii inayohusu Serikali za Mitaa. Kwa kweli, naunga mkono Hoja hii na namshukuru mhe. Sifuna kwa kuileta.

**Dr. Ochuodho:** On a point of Order, Mr. Temporary Deputy Speaker, Sir. We need the guidance of the Chair. We thought that it was the Ministry of Local Authorities which should be responding first to the Motion. Is the representative from the Ministry responding?

**The Temporary Deputy Speaker** (Mr. Poghiso): Order! Order! Who gave you the permission to speak? Proceed, Mr. Lomada!

**The Assistant Minister for Finance** (Mr. Lomada): Asante Bw. Naibu Spika wa Muda. Kwa kweli, tunajua ya kwamba Serikali za Wilaya katika sehemu ama wilaya mbali mbali zinashida kadha wa kadha, hasa kulipa mishahara kwa Madiwani, na wafanyi kazi wao, yaani maafisa wao. Shida hii sio ya kwamba imeanza jana kwani imeendelea kwa muda mrefu. Mpaka sasa tunajua ya kwamba madiwani wengine wanadai pesa chungu nzima kutoka haya mabaraza yao. Hii imekuwa aibu kwa hawa madiwani kurudia mabaraza haya kila saa na kuambiwa ya kwamba pesa hazijapatikana. Kwa hivyo, pendekezo hili kuwa serikali isaidie kwa kulipa mishahara kwa wafanyikazi na madiwani litakuwa jambo la busara litakapopitishwa kwani litasaidia, hasa madiwani.

Bw. Naibu Spika wa Muda, tunajua ya kwamba madiwani ni viongozi ambao walichaguliwa kama sisi wabunge na wanawajibu mbali mbali kuona ya kwamba wamesaidia watu wao kupata maendeleo. Tunajua ya kwamba madiwani wanaalikwa kwa Harambee mara kwa mara katika sehemu zao. Hao madiwani wasipokuwa na senti za kupleka katika Harambee fulani, huwa mara kwa mara wanaona haya kuhudhuria Harambee hizo. Ni shida kubwa kwa mtu aliyeye diwani kukosa kuhudhuria Harambee kwani wakati mwingine huwa wanaulizwa kwa nini hawakuonekana. Kwa hivyo hawa madiwani hawawezi kusema kuwa hawajapata pesa, kwani hii ni siri kati yao na mabaraza yao. Mimi ninafikiri ya kuwa serikali ingeweza kutafuta namna yoyote ya kupata pesa za kulipa hawa maafisa pamoja na madiwani. Tunajua ya kuwa wananchi wanawategemea hawa kwa njia zile zingine kama kulipa karo. Utaona mwananchi akimkimbilia diwani ili asaidiwe kulipa karo, kama vile wanakuja kwetu sisi wabunge. Kama hawa madiwani hawana pesa zozote, basi hawawezi kuwasaidia watu kama hawa, na huwaambiwa kuwa hawa ni "bure"; eti "hawana chochote na kwa nini walichaguliwa, na kwa hivyo wangoje kesho, tutawatupa." Kwa hivyo, utaona mambo huanza kuwa changamoto kwa madiwani wetu. Diwani anaweza kuwa kiongozi kabisa ambaye anataka kuwaongoza watu wake, lakini, kiongozi yeyote aliyeye maskini, ni hatari kwa maisha ya raia, na tunajua hilo. Wabunge hawa wanafahamu hilo jambo kabisa kwani wewe ukiwa huna pesa, wananchi wanakutazama kama mtu ambaye aliyeye mkono mgumu ama hataki kuwasaidia. Kwa hivyo, mimi ninaona ya kwamba, ni bora kuwaheshimu hawa madiwani kwa kuwatafutia fedha ili walipwe kama vile ambavyo wabunge wanalipwa. Wakilipwa vizuri, sisi kama wabunge tusipate shida ya kugongwa na madiwani. Madiwani kule nyumbani wanataka tuwasaidie kwa namna mbali mbali. Wanataka wabunge wawapeleke pahali ambapo labda wanaweza kupata usaidizi au labda wawatafutiwe mikopo na mambo mengine mengi. Kwa hivyo, sisi kama wabunge tunapata shida kwa sababu madiwani wetu wanafikiri ya kwamba sisi tu ndio tuko kwa raha kwa sababu tunalipwa mara kwa mara. Hivyo basi sisi hatujali maslahi yao. Sisi pia, kama Wabunge tusipochunga, hata hawa madiwani watakuja kutafuta kazi zetu kwani wao pia wanataka kupata mishahara kama vile sisi tunavyopata. Kwa hivyo, ni jukumu letu kama Wabunge kuona kwamba hawa madiwani wanaweza kulipwa na Serikali Kuu. Pia, ningependa kuiomba Wizara ya Serikali za Wilaya ikubali Hoja hii ambayo imeletwa na mhe. Sifuna na wahakikishe kwamba hawa madiwani wamenufaika.

Kwa hivyo, singetaka kuongeza mengi ila tu kusema kwamba yafaa tuunge mkono Hoja hii ili mabaraza ya miji yaweze kufanya shughuli zao za kujenga nursery schools, kuwalipa walimu wa nursery schools na kutengeneza barabara katika miji mbalimbali. Hawa madiwani wanatakikana kuchangia katika maendeleo.

Kwa hayo machache, naunga mkono.

**Mr. Waithaka:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute on this Motion.

Mr. Temporary Deputy Speaker, Sir, I wish to support this Motion by saying that we inherited a very bad colonial system in our local authorities and even in our Parliamentary system whereby those who served in the civic bodies in Britain in those old days were generally people from very well-to-do families and that is why they were actually not paid salaries, but allowances when they attended the civic authorities meetings. But the scenario has changed in this country. We have some councillors some of whom are very young people who are in their earning stage, educated and have families to take care of, besides their electorate. A salary of Kshs7,600 is

peanuts to a person of that calibre. I would, therefore, support the notion that councillors' salaries should be increased to a reasonable amount that will be able to make them live comfortably.

The Mover of this Motion has suggested that councillors' salaries should come from the Central Government. I very much support that because the councillors are frustrated by the chief officers in the councils. If councillors do not toe the line of Chief Officers in the councils, they are usually frustrated in terms of payments. If a council has not paid its staff and the councillors for five months, a councillor who does not toe the line of the chief officer will also not be paid and the chief officer will be paying those councillors who are toeing the line. So, for us to have independent and working councils, we must have councillors who are independent and are not manipulated by chief officers to make certain decisions. They make decisions according to the wishes of the electorate, but not according to the wishes of the chief officers who have to give them money in terms of imprests and salaries. This money should even be paid from the Consolidated Fund so that a councillor is comfortable and does not have to queue in the office of the county council treasurer to be paid his money. Councillors have led very miserable lives because they have to beg for their salaries and allowances because the chief officers who have been in certain councils for as long as 20 years, as it has been said by the Mover, become institutions in those councils. They are in fact, institutions that you cannot remove.

If one has an institution in such a council, even if you are appointed a mayor or the chairman of the council, you cannot move the institution in the name of a chief officer. These chief officers are, in most cases, employed by the Public Service Commission (PSC). If the PSC is the one which employs chief officers, they should be able to pay these employees of theirs, who they can transfer at will to any place they want. His salary should not be pegged on the council that he is serving. It should be a salary pegged on his employment, but not in the council. We have had instances where a chief officer is transferred from one country council to another. When he goes to the other council, after handing over his council, he is rejected by the councillors. So, he does not report there and, yet, he has moved from his council. It becomes a bit difficult even to determine which council will pay his salary. He is confused before he is dumped at the Ministry's headquarters. So, we are saying there should be a policy, where county councils, municipal councils and town councils will contribute to the Central Government for the payment of the chief officers and the councillors. The chief officers and the councillors should be paid directly by the Central Government, from the Consolidated Fund, so that they do not become a bother to the local people.

It is said that some chief officers are very powerful. After staying in one station for a long time, they grow horns. Not even chief officers, if you go to the City Council here, we complain of the Town Clerk, who is untouchable and cannot be moved by the councillors or by the members of the public. But we have other people in the same City Council, in certain departments, who, even the Chief Officer who is there, cannot touch. They run certain small departments, but they are untouchable. The biggest problem in this country is when people have to rely on their godfathers. They have very good connections from the top. You will find somebody who is not even qualified to be a chief accountant in the City Council, not answerable to the Town Clerk. That is what is ailing our councils. We have people who cannot be touched because they have very strong godfathers. What they collect in terms of revenue does not end at the City Hall. It ends in their pockets and in the pockets of their godfathers. This is because their godfathers thrive on those illegal earnings from the local authorities. That is why they are not able to thrive.

Mr. Temporary Deputy Speaker, Sir, for these councils to work effectively, there must be a system that if a chief officer serves in a certain station for a certain period of time, he is automatically transferred to another station. This is because some of them, even when they take their leave, those acting in their place would not even do anything because they hide the files until they come back and start from there. This is common in the plots allocation files. The chief officer's main duty is to manipulate the council's Minutes in allocation of plots, in what they call TOL. Even when a District Plot Allocation Committee is not allocating plots--- These days, especially in Nyandarua District, you do not find Plot Allocation Committees which are chaired by the District Commissioners. They do not operate. Plots are allocated by the clerks, backdating the Minutes of the Council and saying: "A TOL in a certain place was given in 1993", when it is being given today. That is what the clerks are doing because they know all the councillors are new, and they have been in the councils for quite some time and they are able to do all those dirty deals. So, what we are suggesting is that those clerks should be transferred after every three years so that they do not become "institutions" and a problem in our councils.

Councillors play a greater role in the development of rural areas than hon. Members. This is because they are always with the members of the public throughout the week, but hon. Members spent most of their time here in Nairobi. When somebody has died in their localities, they are there to help the bereaved family or when somebody is marrying, he goes to his councillor. They also organise Harambees for medical bills for our people in the rural areas. So, councillors should be paid well.

Mr. Temporary Deputy Speaker, Sir, some of the councillors are very young and probably they do not even own their houses. They stay in rented houses. There should also be a provision for house allowances for them so that they can also live in decent houses. It is not necessary that everybody who is elected a councillor must own a farm, but he should not be staying in a rented house. If he is elected to be a councillor, he should be given house allowance to be able to live conformably.

Mr. Temporary Deputy Speaker, Sir, councillors are also leaders who do a lot of things for our people in the rural areas. Therefore, a salary of Kshs7,600 per month is not enough for them.

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

**Mr. Munyao:** On a point of order, Mr. Temporary Deputy Speaker, Sir. My point of order is directed to the Chair. In this House we have nine different political parties represented; the ruling party on that side and eight parties on this side. I brought it to the attention of the Chair that a decision ought to be made in order to make sure that we have eight hon. Members from this side contributing and one from the other side. I am aware that this point has even been discussed in the House Business Committee. We need your guidance because if you keep on giving unfair chances to hon. Members on one side, it will be very unfair to the other side. We have got eight parties against one---

**The Temporary Deputy Speaker** (Mr. Poghiso): Order, Mr. Munyao! You are actually taking a lot of our time. If the matter is already before the House Business Committee, a ruling will be made on it by Mr. Speaker.

**Mrs. Kittony:** Mr. Temporary Deputy Speaker, Sir, I would like to thank hon. Sifuna for bringing this Motion to this House. I would like to contribute to this Motion from my own experience, because I have been a councillor for 10 years. I would like to tell hon. Members that a councillor is a very important person in the society. You will agree with me that most Members of Parliament (MPs) actually depend on councillors in one way or **[Mrs. Kittony]** the other. He is more important than even the MP, because he is with people day-in-day-out.

There is a lot that we want our local authorities to do for us. A councillor has to be well protected, fed and respected by the community in order to perform his duties effectively. Without a good pay we do not expect much from such a person. The society would like our councillors to deliver the goods, such as building our roads and providing us with clean water. Unless that councillor gets what is worth his time--- I believe that he can work for almost 24 hours if he is paid well.

While supporting this Motion, I think this House should set up a committee--- We need to deliberate and debate more on the role of councillors and what they should be given. We also need to consider the educational background of a councillor and the contribution that he can make in our society. As Prof. Anyang'-Nyong'o said, if you have not passed an examination, how will you deliberate on issues of such magnitude as those dealt with by local authorities?

Planning in our local authorities is also a very important factor. If you visit the City of New York you will see how well it is planned. But here in Kenya, you will find poorly planned buildings coming up. This is because the councillors are not well educated and they do not understand what is expected of them. Therefore, we really need to look at the educational background before one qualifies to be a councillor. There has to be a limit to what a councillor can offer.

Mr. Temporary Deputy Speaker, Sir, in supporting this Motion, I wish to say that there should be a committee--- We also need to discuss and deliberate more on this issue.

I support the transfer of chief officers from one local authority to another after sometime. This is because they are untouchable. If they do not respect the councillors, because they have been in a local authority for along time there will be nobody to take action against them. Even if meetings are held and Minutes are approved, they will not be implemented, because councillors do not have enough knowledge to scrutinise Minutes and know whether what they have passed has been implemented or not. In most cases, a lot of things are discussed but there is no proper action taken. So, I support the idea that chief officers should be transferred from one council to another.

The Ministry should also look for ways and means of improving the quality of the councillors by giving them good allowances. We know that we inherited a lot from the colonial system. In fact, the colonial system exploited our resources a lot. Colonial councillors received good allowances because they received enough income from the resources of this country. I support the idea that the Ministry should improve the terms and conditions of service of our councillors, because they are the people whom we depend on. They are very important in the society.

Mr. Temporary Deputy Speaker, Sir, I beg to support this Motion.

**Mr. Munyao:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to support this

Motion.

**An hon. Member:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Munyao was on his feet a while ago complaining that Opposition parties are not given a chance to speak. Hon. Waithaka is a member of the Democratic Party of Kenya (DP)---

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

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, all of you! You cannot take over the role of the Chair while I am on it!

**Mr. Waithaka:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that I am a member of the DP, whereas I am in this House on a FORD (P) ticket?

**The Temporary Deputy Speaker** (Mr. Poghisio): Mr. Waithaka, it was not in order for him to say that.

**Mr. Munyao:** Thank you, Mr. Temporary Deputy Speaker, Sir. In fact, I will not touch on that issue because the Chair has given a ruling on it. I am standing here to support hon. Sifuna and congratulate him, particularly at this moment, for being so considerate about our councillors. They are elected just in the same way we are elected to this House, and they ought to be treated well. I do sympathise with the councillors, and I am sure that those of us who have been councillors - I have never been a councillor - will come up and say more on this issue. This is because some of them understand this matter more than those of us who have been elected, or nominated, directly as MPs.

Mrs. Kittony has already spoken about her experiences and I am sure she is not the only Member of Parliament who has been a councillor and then from there elevated to a Member of Parliament. Local Government is a government just like the Central Government. These two institutions are complete and they ought to behave like that. A councillor who is lowly paid will all the time become an easy prey to be used by other people. He can even be tempted to play with the council properties like it has been said in the past.

I would like to repeat only one thing which hon. Sifuna, and a few other Members have said; that Motions passed in this House take long to be implemented and at times we fail to know why. Particularly this Motion here is so crucial because it affects the lives of our elected Members of Parliament. I have seen that this Motion is going to be passed today because a few Ministers who have spoken have given us an indication, particularly KANU diehards who have already talked, because they said that they are going to support this Motion. It is very clear that this Motion is going to receive the necessary support. In that case, I would request the Government to implement this Motion immediately because the councillors would like to join their families for the Christmas holidays with a New Pay package. They also ought to have a better new year. There is nothing better than that. I am sure that some of them will now forget what Lawrence Sifuna has just said.

We passed a Motion in this House requesting the Government to bring a Bill here to delink Provincial Administration from the various councils. At that time we gave a lot of clear reasons why we felt that the Provincial Administration must be delinked. As per the IPPG recommendations last year it was very clear that the provincial administration was not supposed to be part of the councillors to be nominated. Wherever they are in councils they go there wearing their full uniforms DOs or DCs. That way, they manage to influence the councils. Some of them go and say: "I am the chairman of land allocation." Since these people know that they do not belong to those councils, they do not take the responsibility of improving the structures in that area. Therefore, they will, all the time, not care about how the town looks like. Somebody goes into an area for a month, a year or two years. If he is a DO or DC he knows that he is going to leave that area and move elsewhere. Subsequently, he will not even care about the development of that area. He will go there for personal gain of getting plots for sale, reallocating plots and mismanaging those areas. This is very true and I would request the Minister for Local Authorities, because at that time this issue was directed to the then Ministry of Local Government, to immediately bring that Bill to this House. Before they do that, because the idea was accepted in this House that the Provincial Administration must be delinked from the local authorities and they should not be nominated as councillors in those areas---

Some of us have already sent these messages to the areas where we can reach. But the Minister ought to take action now because it was accepted. Now, he should direct that all the DOs and DCs sitting in some councils must go elsewhere immediately. We must get them out of those authorities. In any case, I would expect the Minister, when he comes to reply today, to direct that from today those DOs and DCs should not serve in those councils. That way, you will be helping this country.

Mr. Temporary Deputy Speaker, Sir, the nomination of DCs and PCs to councils has been a cancer and our local authorities will never be stable as long as these people are there because they are the agents of confusion in councils. We know very well that when the DCs and the DOs go to councils, they go and join up with the chief officers in the councils. They are the ones who have been ruining some very good councillors by offering illegal

incentives.

In some areas a councillor is offered a plot to sell for Kshs5 million or Kshs6 million. That councillor will never even be loyal or even listen to his parent party because, "after all, here is Kshs6 million and a senior Member of my party, what is he giving me and why should I be so loyal to him"? So, he becomes a disciple of that person who is offering him these offers. In that case, this person becomes an agent of confusion all through.

Mr. Temporary Deputy Speaker, Sir, I would like to request some councillors to try and portray some independence. I have in mind some areas where councillors from the Opposition control those areas. They are the Government there, the other one is in the Opposition and they should try and behave as such, try and show the country at least what they would have been if they had taken the leadership. Some councillors are really letting us down by going into councils and their priority is to sell plots, sell councils property particularly now with the Government houses which are under them. In this country there are very few areas where Government land under the control of local authority is intact. Most of the areas have become the issues of compensating those well connected sort of people. As I said, this is an influence already acquired from these people. I do agree with earlier speakers who have set a minimum qualification for the councillors because these people are also dealing with by-laws. They are there to make by-laws for the local authorities, to interpret the laws and the issues affecting their people. Unless councillors in some areas have got certain minimum qualifications, it will be impossible and to maintain them in these areas will just be like "putting a square peg into a round hole". It will never work. We expect these people to understand certain basics to get them to evaluate the by-laws and, particularly instructions from heads in the Ministries.

Sir, it is important that the Ministry of Local Authorities understand, because right now whenever there is mismanagement, particularly a financial mismanagement in a local authority, what the Minister, particularly the Permanent Secretary does, is to get in touch with the Provincial Liaison Officer the Ministry of Local Authorities, to go and inspect that mismanagement in a certain area. What is now going on because these people, after living in some areas for too long, they have now made some arrangements that the people who are sent to those **[Mr. Munyao]**

areas are the same group with these other people and no information will be obtained. Because every time the same people are sent the same report is obtained.

The Ministry of Local Authorities ought to establish another way of auditing the management of local Authorities. I do not know who they will have to send because the people in the offices here, and particularly the provincial representatives, who are called the "Provincial Legal Officers", have got that inter-linking with the locals.

I would request, particularly if there is any mismanagement, financial or otherwise, that you send your people direct to those areas.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Poghisio): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.