

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 1st August, 2006

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### QUESTIONS BY PRIVATE NOTICE

#### SALE OF DELAMERE FARM IN NAIVASHA

**(Mrs. Kihara)** to ask the Minister for Lands:-

(a) Is the Minister aware that part of Delamere Farm in Naivasha has been offered for sale?

(b) Could the Minister purchase the land to resettle numerous squatters in the area?

**Mr. Speaker:** Is Mrs. Kihara not here? She is absent! Her Question is dropped!

*(Question dropped)*

#### JUSTIFICATION FOR PLACING CHARTERHOUSE BANK UNDER STATUTORY MANAGEMENT

**Mr. Kajwang:** Mr. Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) Following the Ministerial Statement by the Minister in the House regarding the strength of liquidity and deposits of Charterhouse Bank, what is the justification for the continued placement of the Bank under statutory management?

(b) Are there no other legal ways of dealing with the perceived malpractices, without imposing a statutory manager on an otherwise strong and vibrant financial institution?

**Mr. Speaker:** Is anyone here from the Ministry of Finance? I am sorry, Mr. Kajwang, there is nobody from the Ministry to answer your Question!

**Mr. Kajwang:** Mr. Speaker, Sir, what do we do in those circumstances?

**Mr. Speaker:** Well, I will defer the Question to Thursday!

*(Question deferred)*

### ORAL ANSWERS TO QUESTIONS

*Question No.351*

WITHHOLDING OF REPORT ON  
BOMBOLULU GIRLS SCHOOL TRAGEDY

**Mr. Kombe**, on behalf of **Mr. Rai**, asked the Minister of State for Administration and National Security:-

- (a) whether he is aware that Bombolulu Girls Secondary School was burned down on 25th March, 1998;
- (b) whether he is also aware that a public inquiry was conducted by a 13 member commission which sat for 30 days; and,
- (c) why the Government has not released the findings to the public.

**Mr. Speaker:** The Minister has requested me to defer the Question! Now that the Questioner is not here, I oblige to the Minister's request and defer the Question to Thursday 3rd August, 2006!

*(Question deferred)*

*Question No.453*

GOVERNMENT EXPENDITURE ON  
GOLDENBERG COMMISSION OF INQUIRY

**Mr. Ochilo-Ayacko** asked the Attorney-General:-

- (a) how much the assisting counsel and Commissioners of the Goldenberg Commission of Inquiry were paid;
- (b) who negotiated the payments; and,
- (c) whether he could justify the payments.

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Speaker, Sir, I request you to call out the Question later on because the Attorney-General arrived in the country this morning. We expect him to be here later on.

**Mr. Speaker:** It is okay! I will call out the Question later on.

*Question No.505*

PAYMENT OF DUES TO MR. WILLIAM MBARUA

**Mr. Munya** asked the Minister for Labour and Human Resource Development:-

- (a) whether he is aware that Mr. William Mbarua who worked for 14 years (between 11th May, 1992 and 2nd March, 2006) as a driver with Mpata Investments Limited located at Gilfilian House along Kenyatta Avenue in Nairobi had his services unfairly terminated and, in addition, has not been paid his terminal dues to date;
- (b) whether he is further aware that the letter of termination of employment and final warning letter were written and signed the same day (2nd March, 2006) by the director, Mr. Yusufumi Mori; and,
- (c) what he is doing to ensure that Mr. Mbarua is paid his dues and that other workers in similar circumstances are not harassed and mistreated by employers.

**The Assistant Minister for Labour and Human Resource Development** (Mr. Leshore):

Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Mr. William Mbarua who worked as a driver for Mpata Investment Ltd. between 11th May, 1992, and 2nd March, 2006 had his services terminated on 2nd March, 2006 after he refused to write a letter of apology to the Director of the company, Mr. Yusufumi Mori.

Mr. Mbarua had used abusive language to the Director on 1st March, 2006 when they had a serious argument as they were travelling from Kichwa Tembo Airstrip to Mara Conservancy.

I am further aware that when the grievant was terminated on 2nd March, 2006, he lodged a complaint with his trade union, the Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers (KUDHEIHA) as a result of which he was paid as shown hereunder. He was paid a total of Kshs162,419, less tax - Kshs23,603 and diesel - Kshs900. He was paid a balance of Kshs129,816. Receipt of payment was witnessed by the National Chairman of his union, Mr. Joseph ole Keiyua on 16th June, 2006.

(b) I am further aware that the grievant was issued with a final warning letter on 2nd March, 2006 and was requested to apologise to the Director in writing but he failed to comply. The company, therefore, decided to terminate his services for refusing to obey lawful instructions from his superior.

(c) Mr. Mbarua was paid his final dues on 16th June, 2006 and he signed a discharge voucher of Kshs134,516 with an overpayment of Kshs4,506 declaring that he has no further claims whatsoever against Mpata Investments, its affiliates, successors or assignors.

Mr. Speaker, Sir, I have labour officers throughout the country where aggrieved workers can lodge their complaints. However, employees who by choice decide to be union members report their grievances to their respective trade unions. Mr. Mbarua reported his complaint to his union, which undertook to act on his behalf.

**Mr. Munya:** Mr. Speaker, Sir, I am happy with the answer and I have no further questions.

*(Applause)*

**Mr. Speaker:** Very well. Next Question by Prof. Mango!

*Question No.094*

INTRODUCTION OF SCHOOL FEEDING  
PROGRAMME IN BUTULA CONSTITUENCY

**Prof. Mango** asked the Minister for Education:-

(a) whether he is aware that out of 33,000 primary school children in Butula Constituency, 11,000 are orphans; and,

(b) what plans he has to institute a school feeding programme to enable these children perform optimally.

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

(a) I am not aware that 11,000 out of 33,000 primary school children in Butula Constituency are orphans. I do not have any records.

(b) The current Kenya Country Programme (2004-2008) operation contract is being implemented in 29 ASAL districts and six unplanned urban settlements in Nairobi with a total beneficiary level of 1.1 million pupils.

The School Feeding Programme (SFP) targets socio-economically disadvantaged and nutritionally vulnerable children in pre-primary and primary schools in the gazetted areas. Butula Constituency of Busia District, unfortunately, is not among the ASAL districts gazetted by the

Government.

**Prof. Mango:** Mr. Speaker, Sir, while I thank the Assistant Minister for the answer he has given to this House, I believe that this data is within the Ministry of Education. The District Education Officer (DEO), Busia, collected the data and sent it to the Ministry of Education Headquarters. The Assistant Minister has said that Busia District is not among the ASAL districts gazetted by the Government. This is the case, and yet an orphan is a child who is highly compromised nutritionally and economically. Could he consider including Busia District among the ASAL Districts where the SFP takes place?

**Dr. Mwiria:** Mr. Speaker, Sir, this is a matter that relates to many districts and not just Busia District. The matter is outside the mandate of the Ministry of Education. There are many districts and constituencies in this country with many orphans in schools. It is impossible for all the districts that experience that problem to be considered for the SFP that takes place in ASAL districts. I appreciate that there are problems. I sympathise with the hon. Member but, unfortunately, the programme targets specific districts that have been gazetted. Until we expand the programme, very little can be done.

**Mr. Karaba:** Thank you, Mr. Speaker, Sir. We are talking about pupils in primary schools who are orphaned. The same pupils will join secondary schools after sitting the KCPE. What will the Assistant Minister do to ensure that the students who are admitted to Form One continue to receive bursaries? Could he also tell us the fate of next year's bursaries?

**Dr. Mwiria:** Mr. Speaker, Sir, I did not understand the question. However, if it is about bursaries, the resources that are available are disbursed through the constituencies as per the guidelines of the Ministry of Education. The orphaned students who join secondary schools will be considered under that programme.

**Mr. Lesrima:** Mr. Speaker, Sir, 34 per cent of the population of Busia District are suffering from HIV/AIDS and 33 per cent are pupils who are orphaned. A good diet and not just drugs is key to recovery. Could the Assistant Minister consider offering specific feeding programmes to the children in those schools? Given the fact that bursaries have been abolished, could he also consider offering special bursaries to the orphaned students who join Form One?

**Dr. Mwiria:** Mr. Speaker, Sir, we will be quite happy to consider the case of Busia and other areas which experience more or less the same problem. Again, this depends on the resources we have. However, in a district where the circumstances are that extreme, the Ministry will find out whether it is possible to allocate some resources towards that end.

**Mr. Rotino:** Mr. Speaker, Sir, I think the Assistant Minister is not taking this Question seriously. If you consider the 11,000 children who are orphaned by AIDS, yet the total population of primary school children in the constituency is 33,000, it is quite alarming. He has said his Ministry is considering reviewing the school-feeding programme. When is he going to do so? He has said this time and again, including when a similar Question was brought about West Pokot District. The school-feeding programme should encompass all children suffering from HIV/AIDS in other districts including West Pokot.

**Dr. Mwiria:** Mr. Speaker, Sir, we will review in the shortest period, may be, in the next three months. I would like to undertake that we will review, but we still have to come up with resources. Review is not all that we need to do; we need to have money for it. So, many circumstances will determine not only when we review, but also when we implement that programme, in case we decide to do an expansion programme.

**Prof. Mango:** Mr. Speaker, Sir, in Butula, poverty is rated at 70 per cent and HIV/AIDS infection is at 35 per cent. That leaves a lot of vulnerable orphans and other children. The Assistant Minister who is very busy with free primary education does not seem to be very serious about the orphans and vulnerable children. Could he tell the House how many orphans are there in primary

schools all over the nation, and what plans does he have to take care of these vulnerable children?

**Dr. Mwiria:** Mr. Speaker, Sir, I certainly care about the vulnerable children, because the same circumstances that are in Busia are also in my constituency and district. The best we can do as a Government is to support free primary school education. We look upon other partners, including NGOs, religious organisations and Kenyans themselves who are doing a great deal to support orphans, to come in and help the unfortunate among us. Other than that, there is no actual official programme of dealing with orphans in primary schools.

**Mr. Osundwa:** On a point of order, Mr. Speaker, Sir. While answering the supplementary question by hon. Lesrima, the Assistant Minister alleged that bursary for secondary school children has been abolished. Is that true? I did not hear him comment on that.

**Dr. Mwiria:** Mr. Speaker, Sir, I did not get what the Member said.

**Mr. Speaker:** Order! What he is asking you is, the provision under your Ministry's Vote which is pending to come, and the Member can wait for that. So, you do not need to respond to that.

*Question No.371*

APPOINTMENT OF BOGS FOR  
SEGA/ULOMA SECONDARY SCHOOLS

**Archbishop Ondiek** asked the Minister for Education:-

- (a) if he could inform the House the official position on formation of Boards of Governors and why the process takes too long; and,
- (b) if he is further aware that Sega Girls' and Moi Uloma Secondary schools have had no Boards for over a year, making it very difficult for the heads of the respective schools to run them.

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

(a) The formation of Boards of Governors (BOGs) is done in accordance with the provisions of the Education Act, Cap.211 which empowers only the Minister for Education to make the appointment. We realised that, that takes very long and unfortunately, this law was enacted when we had only a few secondary schools at Independence. We are trying to review this law, insisting that BOGs should be appointed within 21 days.

(b) The appointment of the BOG of Sega Girls Secondary School was finalised and the letters dispatched through the DEO. The processed letters were collected on the 10th of April, 2006 by the District Quality Assurance Officer.

However, with regards to Moi Uloma Girls Secondary School, there was a delay because the minutes for appointment forwarded on the 3rd of February, 2006 did not adhere to the provisions of the Education Act, Cap 211, and subsequent Ministerial guidelines. However, upon compliance, the BOG was appointed on the 18th of May, 2006 and the letters were dispatched through the DEO, Siaya.

**Mr. Bifwoli:** Mr. Speaker, Sir, you know very well that when the BOG's term expires, the school lacks management. Why is it that many BOG's terms have expired and it takes one or two years to appoint a new one? How do schools run without BOGs? The law is very clear that once the Board's term has expired there is no official management of that school. Why does it take so long to sign those letters to appoint new BOGs?

**Dr. Mwiria:** Mr. Speaker, Sir, there are many reasons for the delay, ranging from the delays in forwarding the names from the schools and so on. I have indicated that the real problem has got to do with the fact that it is only the Minister who is empowered by the law to appoint the BOGs. But we are reviewing our laws to ensure that there is some kind of delegation so that it is

not only the Minister who has to sign. I appreciate that it has been a big problem and many Members have complained. But we are trying to review the situation to ensure that we quicken the pace, and that we register all Boards within 21 days of their nomination.

**Dr. Manduku:** Mr. Speaker, Sir, in appointing Board members, is there a maximum period that a member can serve one school Board? We have seen some members who have been appointed to serve for even 10 or 15 years in one Board. Is there any regulation on how long and how many times one can be appointed a Board member?

**Dr. Mwiria:** Mr. Speaker, Sir, there is a three-year term and a maximum of nine years. Secondly, you cannot serve more than two Boards at the same time or be the chairperson of more than two Boards at the same time.

**Archbishop Ondiek:** Mr. Speaker, Sir, I would like to inform the Assistant Minister that I am the elected Member for Ugenya Constituency and not Nominated, as he alleged in his main reply. So, could he correct that. However, he says he will appoint a Task Force. Could he tell us when they will finalise the appointment so that any school in the near future should have its Board registered within 21 days? When a school is being run by one person, there is a lot of temptation of "illegality".

**Dr. Mwiria:** Mr. Speaker, Sir, the review is already taking place, and I would like to assure the hon. Member that by September, we will be able to register any Board within 21 days of their nomination.

*Question No.141*

PROVISION OF DIALYSIS MACHINES TO  
DISTRICT/PROVINCIAL HOSPITALS

**Mr. Mukiri** asked the Minister for Health what plans she has to provide dialysis machines in all provincial and district hospitals in the country.

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

My Ministry has no immediate plans to equip all provincial and district hospitals in the country with dialysis machines. Dialysis machines are considered high level equipment currently available in national referral hospitals and private hospitals where specialized personnel are also available. The machines are expensive to buy, run and maintain. At our current level of financing of district and provincial hospitals, we cannot sustain the service. In this financial year, 2006/2007 the Ministry intends to continue to equip public hospitals with basic essential medical equipment subject to availability of funds. In the next financial year when appropriate personnel will have been trained, the Ministry will equip a few provincial hospitals with this equipment.

**Mr. Mukiri:** Mr. Speaker, Sir, I am shocked to hear the Assistant Minister say that the Government has no intention of investing in these machines. Currently the only hospital that is offering patients dialysis services is Kenyatta National Hospital. Dialysis is a way of cleaning the system and a patient has to do it about three times in a week. What is happening is that, Kenyans are migrating from Western, Nyanza, Rift Valley and Coast provinces to come and stay in Nairobi because of this essential service. I know of patients who have abandoned their families to come and stay in Nairobi and yet the Government is saying it cannot invest in this special service.

Could the Assistant Minister confirm to the House whether the services they have at Kenyatta National Hospital are adequate for this country?

**Dr. Machage:** Mr. Speaker, Sir, let me first of all correct the hon. Member's view. I did not say that the Government has no intention of facilitating the buying and provision of these machines to the provincial and district hospitals. The Government does not have immediate plans of buying the machines because of limitation of finances. One dialysis machine costs about Kshs40 million

not forgetting, that to have a proper building with the necessary equipment we need about Kshs20 million. It is expensive to equip all the hospitals with these machines. However, we are considering equipping a few provincial hospitals in the next financial year. I think that is good news.

**Mr. Gachagua:** Mr. Speaker, Sir, could the Assistant Minister be a little bit more specific because in his reply, he has said that they will consider equipping a few hospitals with these machines when funds are available. This is a very vague answer. The issue raised by the hon. Member is a specific one. This problem is being experienced all over the country. We know that Kenyatta National Hospital is being allocated a lot of money. Could the Assistant Minister be specific and say when, if at all, this equipment will be provided?

**Dr. Machage:** Mr. Speaker, Sir, I think I am specific enough. I have said that this equipment will be provided in the financial year 2007/2008.

**Mr. Sambu:** Mr. Speaker, Sir, while reading the Budget the Minister for Finance said that in one year Kshs40 billion was returned to the Treasury. It only costs Kshs40 million to buy one dialysis machine. Could the Assistant Minister undertake to buy seven dialysis machines; one for each province? In the case of Rift Valley Province which is large, he should consider installing one machine in the southern rift and another in the north rift?

**Dr. Machage:** Mr. Speaker, Sir, my Ministry is not known to return money to the Treasury. If the hon. Member can convince the Finance Minister in this House to avail that money to me, I will buy those machines immediately.

**Mr. Omingo:** Mr. Speaker, Sir, the Assistant Minister who is a very good friend of mine owes Kenyans an apology by first stating that the machines are too expensive to procure and maintain, while we know that some patients cannot even afford bus fare to travel to Nairobi. Could the Assistant Minister state what plans he has, even to install two samples as a test case to decongest Kenyatta National Hospital?

**Dr. Machage:** Mr. Speaker, Sir, while I appreciate the hon. Member's concern, I will not apologise because the term "expensive" is actually subjective. I intend to look at this issue and try to have a few of those machines available in some provincial hospitals in the next financial year.

**Mr. Mukiri:** Mr. Speaker, Sir, I hope the Assistant Minister is serious when he says that in the next financial year they will install the machines, because many Kenyans are dying as a result of unavailability of those machines. What measures is the Ministry taking to reduce the expenses that Kenyans are incurring at the Kenyatta National Hospital? Currently, one session of dialysis costs about Kshs5,000. Very few Kenyans can afford that amount especially because they are supposed to go for it about two or three times a week. What is the Assistant Minister doing to make sure that this service is not expensive and that Kenyans do not die while they look for money to go for those sessions at the Kenyatta National Hospital?

**Dr. Machage:** Mr. Speaker, Sir, it is expensive to do dialysis on a patient although the figure quoted by the hon. Member is on the higher side. It costs Kshs9,000 per week to go for dialysis at Kenyatta Hospital. The Ministry is working very hard to try and enhance preventive measures in the development of methodic syndrome or kidney failure of any other kind so that we have fewer patients requiring this. I will look again at the cost of dialysis at Kenyatta National Hospital and waive some fees to those patients that require this service but cannot afford it.

*Question No.315*

RESUMPTION OF KISUMU-BUTERE  
PASSENGER TRAIN SERVICE

**Mr. Oparanya** asked the Minister for Transport:-

(a) whether he is aware that the passenger train is not operating between Kisumu

and Butere; and,

(b) what he is doing to ensure that the service is resumed.

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

(a) I am aware that the service offered by Kisumu-Butere passenger train popularly known as the "Butere Dove" was suspended on 16th October, 2005. This was occasioned by an accident which occurred at a level crossing within Kisian-Lela section when a *matatu* ploughed in the train killing 14 of the *matatu* passengers. The locomotive was badly damaged and spares for its repairs have been sought. Due to a shortage of locomotives within the Kenya Railways Corporation, it has not been possible to get a replacement. Consequently, the Kisumu-Butere passenger train is yet to resume.

(b) At present, three locomotives are undergoing major repairs at Nalukolongo workshops in Kampala and it is expected that they will be available soon. Nevertheless, the Kenya-Uganda Railway concessionaire is scheduled to run the railway system from 1st November, 2006 and the Kisumu-Butere line will also be under its jurisdiction.

**Mr. Oparanya:** Mr. Speaker, Sir, I thank the Assistant Minister for that answer. Out of the 14 people who died, about seven came from my constituency including one professor of mathematics from Kenyatta University. This accident happened because there was no railway crossing sign and there were no road bumps. Immediately after the accident, the signs and the bumps were put up. This shows that the railway corporation was guilty of not putting up the railway sign and this led to the accident. What plans does the Assistant Minister have to compensate the families of those who died in that accident because of the negligence of the Kenya Railways Corporation and the Ministry of Transport?

**Mr. Githae:** Mr. Speaker, Sir, let me first take this opportunity to send my condolences to those passengers who passed away in that accident, seven of whom came from Butere. We were all saddened by their death. Unfortunately, under the Kenya Railways Act, the train has the right of way. This accident was caused by negligence of the *matatu* driver who did not stop to wait for the train to cross but instead ploughed into the locomotive. As a result of this, my Ministry got in touch with the Ministry of Roads and Public Works and now I am glad to say that bumps have been introduced. The job was completed on 28th February.

Secondly, a very large and conspicuous road sign has been placed on the side of the road to warn motorists of the level crossing in order to avoid any more accidents. We are very sorry for what happened but this accident was due to the negligence of the *matatu* driver because trains have the right of way.

**Prof. Anyang'-Nyong'o:** Mr. Speaker, Sir, this accident occurred in my constituency. I would like to remind the Assistant Minister that in 2003, His Excellency the Vice-President, the Attorney-General, myself and a host of Government Ministers rode on that rail-road from Kisumu to Butere from 9.00 a.m., in the morning to 4.00 p.m., in the evening to open that road. The first time that, that happened was in colonial times. The spirits of the people in that area were awakened. In 2005, a mere *matatu* hit a locomotive train and the Assistant Minister is telling us that as a result, the locomotive was damaged so seriously that it cannot be repaired. Is it really possible for a mere *matatu* to hit a locomotive train and completely dislodge it for two years? Could the Assistant Minister explain to us in clear engineering terms why he is embarrassing the Vice-President who opened the line with us because of an accident between a locomotive and a *matatu*?

**Mr. Githae:** Mr. Speaker, Sir, first, let me take this opportunity to thank Prof. Anyang'-Nyong'o and the Vice President for having taken steps to open that rail-road. As I have explained, the *matatu* was travelling at a very high speed and it ploughed into the locomotive and damaged some very vital parts. This locomotive is now being repaired. I enjoyed the services of the Kisumu-Butere train when I was a student at Maseno School. I have undertaken as a matter of personal



interest to make sure that this locomotive is repaired as soon as possible so that this train can start its operations and so that the students who are in Maseno---

**Mr. Odoyo:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister not misleading the House? He has said that the concessionaire will have the full responsibility of deciding whether this line will be restored or not. He is now telling us that he will personally see to it that this is done. Could he confirm to this House which is which? Does he have any powers at all to instruct the concessionaire to restore this line or does the concessionaire have the full responsibility to restore this line? I ask that because he has sold the rights to South Africa and---

**Mr. Speaker:** Order! Mr. Odoyo, do you realise that every other sentence you are making is drifting away from being a point of order? Could you desist from that? Mr. Githae would you like to respond? Do you have power over the concessionaire?

**Mr. Githae:** Yes, Mr. Speaker, Sir. Indeed, I have powers under the agreement. If the concessionaire does not operate this train service, there are penalties to be incurred. I am, therefore, taking this opportunity to assure my good friend, hon. Peter Odoyo from Nyakach Constituency, that I am going to invoke those powers if the concessionaire does not start operating this train service. As I have explained, I have a personal interest in this matter being a former student of Maseno High School and its present students should also enjoy this service.

**Mr. Oparanya:** Mr. Speaker, Sir, it has taken 10 months to repair this locomotive and I am told that the Kenya Railways Corporation (KRC) is unable to pay for these repairs since it is broke. Could the Assistant Minister tell us where he is going to get money to pay for the repairs so that this service can resume?

**Mr. Githae:** Mr. Speaker, Sir, I have explained that we have instructed the KRC to repair this locomotive. The position of the KRC is improving day by day. I have no doubt that the KRC will be in a position to pay for the repairs which are being undertaken currently. Therefore, I would like to assure my good friend, Mr. Wycliffe Oparanya, that this train will be running as soon as possible and I will keep him informed of the developments.

**Mr. Speaker:** Very well! For the Second Time, the next Question by Mr. Ochilo-Ayacko!

*Question No.453*

GOVERNMENT EXPENDITURE ON  
GOLDENBERG COMMISSION OF INQUIRY

**Mr. Ochilo-Ayacko** asked the Attorney-General:-

- (a) how much money the Assisting Counsel and Commissioners of the Goldenberg Commission of Inquiry were paid;
- (b) who negotiated the payments; and,
- (c) whether he could justify the payments.

**The Attorney-General** (Mr. Wako): Mr. Speaker, Sir, I beg to reply.

- (a) The payments were as follows.

Assisting Counsels:

- (i) Mr. Waweru Gatonye - Kshs36,850,000

**Hon. Members:** Eessshhhhh!!!!!!!

**Mr. Speaker:** Order, hon. Members! What is that hissing sound I am hearing? Where did you get it from?

**Hon. Members:** We are shocked, Mr. Speaker, Sir!

**Mr. Speaker:** Order, hon. Members! I only accept to see your shock expressed through your faces and not your mouths!

*(Laughter)*

**The Attorney-General (Mr. Wako):** Mr. Speaker, Sir, they are shocked but they have not yet collapsed!

(ii) Mr. John Khaminwa - Kshs35,300,000

(iii) Dr. Gibson K. Kuria - Kshs35,300,000

(iv) Ms. Dorcas Oduor - Kshs16,583,333

Commissioners:

(i) Hon. Justice S. Bosire (Chairman) - Kshs56,383,333

(ii) Mr. Nzamba Kitonga (Vice-Chairman) - Kshs38,956,660

(iii) Justice Aganyanya (Vice-Chairman) - Kshs11,883,333

(iv) Mr. Le Pelley (Commissioner) - Kshs49,750,000

(b) The payments were negotiated by the Ministry of Justice and Constitutional Affairs, Office of the President (Provincial Administration, Cabinet Office and the Directorate of Personnel Management) and the State Law Office.

(c) The negotiated amount took into consideration the exceptional national importance, unusual complexity and magnitude of the matter of inquiry, the seniority in the legal profession of the Commissioners and Assisting Counsels, the full time basis of work during the duration of the Commission, the heavy and onerous responsibility undertaken and guidance provided for under the Advocates Remuneration Order.

**Mr. Ochilo-Ayacko:** Mr. Speaker, Sir, you can now see why we do not have "dialysis equipment".

*(Applause)*

However, could the Attorney-General table the minutes of the meetings that negotiated the payments and the agreements that were made thereafter? Secondly, could he tell us the total cost of the entire inquiry?

*(Applause)*

**Mr. Wako:** Mr. Speaker, Sir, I cannot table the minutes. You will have to wait for it for 30 years under the Act when the official secrets will be released to the public. I know you know it, being a lawyer. As far as the total cost is concerned,---

**Mr. Odoyo:** On a point of order, Mr. Speaker, Sir. This is a public matter that was brought to the attention of the public through a public inquiry; a public contract that has been initiated by the public sector and despite being told how much they were paid, we are being told that the minutes which negotiated that process are secret. Is the Attorney-General in order to mislead the House?

**Mr. Speaker:** Did he say that?

**Hon. Members:** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** Order, hon. Members! I did not follow what the Attorney-General said.

*(Laughter)*

**Mr. Wako:** Mr. Speaker, Sir, this is what I said: Just as the Cabinet minutes are absolutely secret but the results of the Cabinet decisions are known, I cannot table the minutes.

**Hon. Members:** Why?

**Mr. Speaker:** Order, hon. Members! The Attorney-General is equating an agreement between councils and governments with the Cabinet. Is that right?

**Mr. Wako:** Mr. Speaker, Sir, what I am prepared to table are the agreements entered into between the Government, Commissioners and Assisting Counsels. I am prepared to table that any time even now. Now, to go to the second lead of your question on the total cost of the inquiry, if you include the Commissioners, Joint Secretaries, the total amount will come to Kshs190,083,363.20. That includes the total amount of the Assisting Counsels and the Commissioners plus what was paid to the Joint Secretaries.

**Hon. Members:** No! No!

**Mr. Speaker:** Order, all of you! The Attorney-General will be allowed to say his bit. He is the one being questioned. When he has finished, if you can catch my eye, you will question him but I certainly will not allow hon. Members ganging up to stop any other hon. Member from speaking.

**Mr. Odoyo:** On a point of order, Mr. Speaker, Sir. We are merely trying to assist the Attorney-General. The figures he has mentioned are not correct. The figure he has given---

**Mr. Speaker:** Order, Mr. Odoyo! As far as I know, you are not the Attorney-General! As far as I can recollect, the Question is directed to the Attorney-General and not you! The only role you have is to question him, not to inform him or the House!

**Mr. Odoyo:** May I request that---

**Mr. Speaker:** Order, Mr. Odoyo! You had better be very careful. You are becoming very disorderly. If you do not cool down, I will ensure that circumstances are created by the Chair that will make you cool down!

*(Laughter)*

Proceed, Mr. Wako!

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

**Mr. Speaker:** Yes, what is it?

**Mr. Kombe:** Mr. Speaker, Sir, is the Attorney-General in order to mislead this House? He has given us the following figures for the Assisting Counsels: Kshs36,850,000, Kshs35,300,00, Kshs35,300,000 and Kshs16,583,333. For the Commissioners he has given us the following figures: Kshs56,383,333, Kshs38,956,660, Kshs11,883,333.30 and Kshs49,750,000. The total of these figures is about Kshs280 million. He is now giving us a total of Kshs190,083,363.20. Is he in order to mislead us?

**Mr. Speaker:** Order, hon. Members! Hon. Members, in our life time we went to school at different stages. In our life time, some of us studied the mathematics of Carey Francis. Some of us studied New Mathematics. Depending on what it is based on, you could get that calculation. So, I do not know what we are talking about. Will the Attorney-General, please, answer the question posed because we have very little time left for this Question and we want to finish with it?

Mr. Wako, what is your basis for this calculation? Is it Base 10 or Base 2?

**Mr. Wako:** Mr. Speaker, Sir, although I got a Distinction I in mathematics, I have since taken to law. Lawyers are not very good mathematicians, particularly if we have these gadgets we normally use. However, the fact of the matter is, I have given the figures. Those who are better at mathematics should add up those figures and tell this House how much it is. I have told hon. Members how much the Assisting Counsels and Commissioners were paid. If the hon. Member add up those figures, he will come to the correct figure.

**Mr. Bifwoli:** Mr. Speaker, Sir, the figures the Attorney-General is reading to us and what we are adding up is different. A layman can see that. However, given the fact that the Bosire Report has been declared null and void by the High Court, what plans does the Attorney-General have to recover the money he paid to the Assisting Counsel and the Commissioners who did no job?

**Mr. Wako:** Mr. Speaker, Sir, I do not think that the Bosire Commission has been declared

null and void. It is up to the Attorney-General to have the last say in the matter. The public will know that the Attorney-General has read the ruling after he has read the proceedings, applied his legal mind to it and looked at the various general principles of law, which appear to have been turned topsy turvy. At that stage, I will make up my mind and let the public know my decision on the matter.

**Mr. Speaker:** Order, hon. Members! I do not want Mr. Ochilo-Ayacko's Question hijacked. Let us stick to the issue of the members of the Commission.

**Prof. Anyang'-Nyong'o:** Mr. Speaker, Sir, you will realise that the concern of hon. Members regards the colossal amounts of monies that were paid to the Assisting Counsels and Commissioners. Hon. Members feel that these figures are rather astronomical. Could the Attorney-General explain to the House the criteria that he used to award these Assisting Counsels and Commissioners this kind of money? Are there really some basic ground rules that he can use to convince the House that the amount spent per Commissioner or Assisting Counsel was actually justified?

**Mr. Wako:** Mr. Speaker, Sir, for professional reasons, I will not give a direct answer to Prof. Anyang'-Nyong'o. I would like to remind him that--

**Mr. Speaker:** Order, Mr. Wako! This is an assembly of the representatives of Kenyans, not the assembly of lawyers. So, please, you must answer his question.

**Mr. Wako:** Mr. Speaker, Sir, I just want to remind the hon. Member that he was once a Cabinet Minister and that, therefore, he knows this issue.

When we are thinking about these amounts, they may look astronomical, but bear in mind the following facts: That this was a commission that took slightly over 24 months, day in, day out, of hearing, and thereafter, writing the report and presenting it. In other words, for two years, these Senior Counsels and Advocates were doing nothing else other than the work of the Commission. They were in the employment of the Government. Honestly, if we were to go on the basis of hiring them as advocates for two years, these are not amounts to quarrel about. However, because the Government was conscious of the cost involved, we were able to negotiate a monthly payment because they were to work on full time basis, their offices were to be literally closed down and, therefore, we took into account the cost-opportunity. If you take into account the monthly payments multiplied by over 24 months period, we are not talking about very high sums, taking into account the nature of the work done---

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

**Mr. Speaker:** Hon. Members, we must finish this matter! Mr. Sungu, what is your point of order, and it had better be?

**Mr. Sungu:** Mr. Speaker, Sir, is the Attorney-General, the learned gentleman, really in order to avoid answering the question? The question was, what basis or rationale was used to come up with these payments? Was it because of the time spent? The Attorney-General is just giving us a round about answer.

**Mr. Wako:** Mr. Speaker, Sir, if the hon. Member had listened to my answer rather than being too anxious to raise a point of order, he would have realised that, in fact, I was answering that very point of order.

We are talking about 24 months where the Assisting Counsels and Commissioners were working on full time basis. We are also talking about the complexity of the work and the Senior Counsel literally closing down their offices for 24 months. If you have been a Senior Advocate, I am sure you know how much you would earn in those 24 months and how many clients you would lose in those 24 months because you are working on a full time basis for a commission. If we take that into account, then the amounts we paid were reasonable.

**Mr. Speaker:** Last question, Mr. Ochilo-Ayacko!

**Mr. Ochilo-Ayacko:** Mr. Speaker, Sir, the Attorney-General had indicated that he will table the agreements, which he has not done. Perhaps, if you could request him to table them, that would be in order. However, the President for two years earns about Kshs48 million. Now, these people have certainly surpassed any person in public employment in this country and yet, their job was in public employment. The Attorney-General has said that the figures he gave were for the total cost. These figures are payments to the Assisting Counsels and the Commissioners. I believe witnesses were travelling and there were a host of other expenses that are not captured here. Could the Attorney-General be at least honest to this House and give us the global sum that was expended on this *cul de sac* Commission?

**Mr. Speaker:** Mr. Wako, can you do that very quickly? We have to finish this matter.

**Mr. Wako:** Mr. Speaker, Sir, the question was limited to assisting counsel and commissioners. Therefore, I did not go into the global issue. The furthest I went was the other support staff and that comes to Kshs68,997,202. I did not go into the global figure because that was not the Question before me.

**Mr. Speaker:** You are right!

**Mr. Ochilo-Ayacko:** What about the agreements?

**Mr. Wako:** Mr. Speaker, Sir, on the issue of the agreements, I am tabling them. These are agreements between Dr. John Khaminwa, Dr. Kamau Kuria, Mr. Waweru and others.

*(Mr. Wako laid the agreements  
on the Table)*

**Mr. Speaker:** Very well! That should end the matter now!

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

What is it? I hope it is not on this issue!

**Mr. Osundwa:** On a point of order, Mr. Speaker, Sir. I am wondering that some of the commissioners are public officers on salaries. What justification was there for the Attorney-General to pay them allowances?

**An hon. Member:** Defer the Question!

**Mr. Speaker:** Order, Mr. Osundwa! I think hon. Members must appreciate this. I cannot defer this Question! I have given this Question more time than I have ever given to any other. I, certainly, will not defer it! Any hon. Member who is not satisfied can have recourse to the relevant Standing Order. You all know that! If you know you are unhappy about it, I think it is the most remunerating employment you can ever get in Kenya now!

**An hon. Member:** Yes!

**Mr. Speaker:** Next Order!

## COMMITTEE OF SUPPLY

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

## MOTION

THAT MR. SPEAKER DO NOW  
LEAVE THE CHAIR

## Vote 12 - Ministry of Local Government

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

I wish to thank you and this august House for giving me this opportunity to present both the Recurrent and Development Votes of my Ministry.

As hon. Members are aware, my Ministry is essentially a service Ministry, whose main role is to advise, co-ordinate, support and guide the 175 local authorities throughout the Republic. The main objective of this support is to enable local authorities to enhance the delivery of services. This will be achieved through improving financial management, accountability and mechanism for citizens' participation in governance.

Mr. Speaker, Sir, in line with the Ministry's mandate, the utilisation of the Ministry's resources is targeted at significantly contributing to economic recovery and poverty reduction through the following activities:-

- (i) Acceleration of local authority reforms linked to:-
  - (a) Improved budgeting and sound financial management practices for enhancement of revenue mobilization.
  - (b) Participatory service delivery, planning and implementation.
  - (c) Capacity building.
- (ii) Spearheading the implementation of pro-poor development programmes in local authorities through capacity building and disbursement of a poverty reduction fund.
- (iii) Development of policies, systems and procedures to strengthen and institutionalise democratic and participatory community-based decision-making process.
- (iv) Formulation and implementation of policies aimed at promoting orderly urban development and addressing challenges of urbanisation.
- (v) Improvement of solid waste management in order to provide a healthy living environment in urban areas.
- (vi) Improvement of the urban road network, traffic management, non-motorised transport facilities and road safety aspects to promote faster and safer movement of people, goods and services.
- (vii) Institute effective disaster prevention and management mechanism.

Mr. Speaker, Sir, to achieve these objectives, I am requesting hon. Members to approve a total of Kshs9,416,193,147 for my Ministry during the current Financial Year 2006/2007. Out of this, an amount of Kshs7,323,640,780 is for Recurrent Expenditure distributed as follows:-

Personal Emoluments, Kshs119,198,248; Local Authority Transfer Fund (LATF), Kshs6,572,750,000; contribution in *lieu* of rates, Kshs300 million and operation and maintenance, Kshs331,692,535. The total amount allocated for Development Expenditure is Kshs2,092,552,367.

The following is the detailed breakdown of the Ministry's Recurrent Expenditure:-

Let me start with the Kenya Local Government Reform Programme. As noted in my last year's statement, my Ministry is fully committed to reform the Local Government sector at the policy, programme and local governance level. Towards this end, the Ministry continues to guide local authorities in the preparation and implementation of realistic budgets.

Mr. Speaker, Sir, another area of great concern is the financial management in local authorities. So far, the Local Authorities Integrated Financial Operation Management System has been successfully carried out in eight councils. This is a computer-assisted system whose specific objective is to assist local authorities to harmonise and standardise data. My Ministry is planning to roll out the software to other local authorities in the current financial year. The system is intended

to improve efficiency, accountability and transparency in conducting the financial operations of local authorities.

The Ministry is also addressing the issue of implementing a simplified accounting system for local authorities in order to minimise the level of financial mismanagement in the local authorities. The Ministry is now more pro-active in monitoring budget preparations and implementation so that any deviation can be detected early enough and corrective measures taken.

On the issue of LATF, Mr. Speaker, Sir, during the Financial Year 2006/2007, a total of Kshs6,572,000,000 will be disbursed to all the 175 local authorities in accordance with the LATF Act and regulations. The LATF was designed as a mechanism to supplement the financing of the services and facilities which local authorities are required to provide under the Local Government Act Cap.265.

Mr. Speaker, Sir, LATF is structured to provide both budget support and strong incentives to local authorities to improve service delivery, financial management and accountability and debt resolution. The LATF allocation criteria are designed to ensure that the funds are allocated in a predictable and transparent manner. The LATF allocation is based on the following criteria as per the LATF regulations.

(a) A basic minimum lumpsum of Kshs1.5 million for each local authority.

(b) Population of each local authority as per the 1999 population census issued by the Central Bureau of Statistics.

(c) Urban population of the local authority.

With regard to LATF disbursement conditionalities, for local authorities to qualify for the receipt of LATF, they must fulfil the following major conditionalities among others.

(a) At least 65 per cent of the allocation from the Service Delivery Account must be budgeted for capital expenditure.

(b) Expenditure on personal emoluments should not exceed 55 per cent of the total expenditure of the local authority.

(c) From July, 2000, it is a mandatory requirement that all statutory charges incurred by the local authority shall have been paid within the year in which they are due.

(d) The statement of actual receipts, expenditures, cash and bank balances up to 30th of June, 2006 must be submitted.

(e) A statement of abstracts of accounts for the Financial Year 2005/2006 must be produced and submitted as required.

In the event that a local authority fails to meet any of the above conditionalities, it attracts a penalty.

Mr. Speaker, Sir, hon. Members are encouraged to acquaint themselves with the LATF annual reports which give detailed information on the financial revenue and expenditure, progress on service delivery and projects implementation among other areas. The LATF reports are distributed to this House and also published in the print media.

With regard to the Local Authority Service Delivery Action Plan (LASDAP), in order to enhance citizen involvement in the affairs of local authorities, my Ministry, in 2001, introduced the concept of participatory planning through preparation of the LASDAP. This reform initiative is a process that accords a mechanism for interaction between the local authorities and their citizens or stakeholders on financial information, exchange and planning of projects and activities for implementation.

In the past, there have been complaints from hon. Members of Parliament, and the public, that local authorities allocate small amounts of money to capital projects thus ending up with unviable and ineffective projects in terms of service delivery. My Ministry will no longer accept allocations that have no impact. I am in the process of making changes whereby local authorities

will be required to ensure that 50 per cent of LATF's Service Delivery Account is allocated to infrastructural projects. In future, LATF will not be released to local authorities until they ascertain compliance.

Mr. Speaker, Sir, at this juncture, I wish to enumerate some of the successful LATF projects in a sample of local authorities. I am doing this because many times there have been complaints that the money from the LATF has not been used to do any work that can be seen. These projects include: A livestock market in the Mandera Town Council; the rehabilitation of boreholes in the Samburu Town Council; construction of Chachangwani Health Centre in Molo Town Council; and expansion of street lighting in Kapsabet Municipal Council. These are projects worth emulating.

However, some local authorities, we do accept, have not successfully implemented LATF projects. These include, the bus park project in Malaba Town Council; council offices and slaughterhouses in Vihiga County Council; and access roads to Jomvu Kuu and the repair of Mishomoroni Road in Mombasa Municipal Council.

Mr. Speaker, Sir, the concept of community contracting for provision of infrastructural services has now been embraced with the main aim of creating employment opportunities at the local level while addressing the Economic Recovery Strategy for Wealth and Employment Creation. My Ministry has been encouraging the application of this concept for works undertaken using LATF money as well as the Roads Maintenance Levy Fund.

The Street Families Rehabilitation Programme has been allocated Kshs27 million. The issue of rehabilitation of street families is a matter the Government has been addressing since 2003. The allocation in the current Budget is Kshs27 million. The funds will be utilised on the following: Rehabilitation of Thunguma Academy and Nanyuki Children's Home; purchase of foodstuffs to support charitable homes and institutions; vocational training skills of rehabilitated youth; and re-integration of rehabilitated families in their homes.

Mr. Speaker, Sir, the Africities Conference has been allocated Kshs150 million. In recognition of Nairobi as the regional economic hub in East Africa, the Africities Fourth Summit is scheduled to take place in Nairobi from the 18th to the 24th of September this year. The Africities Summit is a platform of political dialogue on decentralisation in Africa. It brings together the central Government, local Government, NGOs, the private sector, research and training institutions, bilateral and multilateral donor support agencies and so on. This summit has been organised every two years since 1998 by the Municipal Development Programme (MDP) in collaboration with the umbrella union of Local Government Associations in Africa. The Summit has been held in Abidjan, Windhoek and Yaounde.

The theme of the Fourth Edition of the Africities Summit is: "Building Local Coalitions for the Implementation of the Millennium Development Goals (MDGs) in African Local Governments". Among its objectives, the Summit aims at providing a forum for a continental exchange of information and good practices between elected local Government officials, technical officials and local Government institutions. The event provides a golden opportunity for our country to market herself as an important tourist destination as well as the place of choice for prospective investors.

Further to this, efforts are underway to restore the past glory of this great city in the sun. The budget earmarked for this Summit will cater for expenses on hospitality, including publicity, security, capacity building and so on.

Mr. Speaker, Sir, the Development Vote has been allocated Kshs1,305,788,374. The funds voted for the Development Vote in my Ministry will be utilised in the following projects and programmes: The Rural Poverty Reduction and Local Government Support Programme has been allocated Kshs498,685,163. The Economic Recovery Strategy for Wealth and Employment



Creation elaborates a three-pillar strategy to meet the Government's objectives over the medium-term, as outlined in the Budget Strategy paper of 2005. That includes enhancing equity, poverty reduction and improving governance. Poverty, systematically excludes a large portion of the population from full national and social participation.

Mr. Speaker, Sir, 67 per cent of our people live in areas under the county councils. About 53 per cent of those people live in poverty. In line with the Governments' efforts to achieve poverty reduction and Millennium Development Goals (MDGs) as articulated in the Budget Strategy Paper of 2005, my Ministry is spearheading the implementation of pro-poor development programmes in local authorities through capacity building and poverty reduction. The above programme is being implemented with financial support from the European Union (EU). The programme will run for three years at a total cost of Euros21 million. The funds for the current financial year include the support of the Kenya Local Government Reform Programme and the Poverty Reduction Fund grants to be disbursed in the same period. The programme targets to support pro-poor development programmes in local authorities. The evaluation of submissions from the local authorities that responded to the request for proposals shows that a total of 38 local authorities qualified to receive poverty reduction funds. The list of local authorities that will benefit is available. A total of Kshs281 million poverty reduction grants will, therefore, be disbursed in the coming year. A second request for proposals will be launched later in the year, and another group of local authorities will benefit.

Mr. Speaker, Sir, in addition to financing various projects in the selected local Government, the Poverty Reduction and Local Government Support Programme seeks to further strengthen institutions of governance through capacity building in the Ministry of Local Authorities. Secondly, primary school construction in poor urban areas has been allocated Kshs215 million. The project concerns the extension and rehabilitation of primary schools in the poor areas of Nairobi, the provision of adequate ancillary facilities, furniture and so on. That is to contribute to the achievement of the universal primary education in poor urban areas, particularly in Nairobi. The project activities include construction of classrooms, provision of adequate furniture and so on. The implementation of that project was supposed to have commenced during the last financial year. However, due to delayed procurement procedures, the project did not take off. The implementation is now on schedule and the project is being supported by the Federal Republic of Germany.

Mr. Speaker, Sir, the infrastructure sector has been allocated an amount of Kshs1,286,151,780. The Ministry has recognised the importance of roads in driving economic growth. Part of those funds will be utilised to increase the efficiency of urban roads infrastructure, and to build a sustainable road network maintenance capacity in local authorities. About 60 per cent of our GDP in this country comes from Nairobi. I, therefore, wish to thank the Minister for Finance for allocating 1 per cent of the Road Maintenance Levy Funds to the City of Nairobi. However, at the Ministry, we still think that, that is not adequate. The funds in that budget will be utilised to facilitate the continuation or completion of ongoing and new roads construction projects in urban centres.

Mr. Speaker, Sir, apart from the City Council of Nairobi, my Ministry is currently undertaking improvement of roads in Meru, Murang'a, Nyeri and Embu, with the support of the Road Maintenance Levy. Other roads earmarked for rehabilitation include those in Mombasa, Kwale, and Kerugoya-Kutus, among others. In addition, a total of 96 local authorities, including all district headquarters, are accessing funding from the Road Maintenance Levy. In addition, the funds requested under that Head will be utilised to complete the ongoing construction of bus and *matatu* termini.

Mr. Speaker, Sir, in the Building Section, the funds requested under that Head will be used

to build markets and mini-markets in various parts of the country. Regarding the solid waste management, part of the funds requested under those Heads will be utilised to implement solid waste management projects in Mombasa and Nakuru, with the assistance of the French and Swedish Governments. Regarding fire disaster prevention, an amount of Kshs230 million has been allocated. Fire outbreaks and other disasters pose a very serious threat in this country. All the 175 local authorities are charged with the responsibility of providing disaster management services. However, our present capacity is not good enough. During the Financial Year 2006/2007, my Ministry will acquire a total of ten rapid deployment medium vehicles for distribution to local authorities. In addition, my Ministry will rehabilitate the NCC 50-metre high table ladder for highrise rescue purposes.

Mr. Speaker, Sir, before I conclude, I wish to state that my Ministry does not condone the barbaric behaviour of civic leaders in the ongoing mayoral elections, as witnessed recently in some local authorities. In that regard, my Ministry is in the process of developing of a code of ethics for councillors that will address matters of conduct for civic leaders. The document will be ready during the current financial year. That behaviour should, however, not overshadow the positive infrastructural development taking place in the City of Nairobi and other areas around the country. In conclusion, I call upon hon. Members to support me in my endeavours to carry out the enumerated tasks. I wish to assure the House that I have a team of very dedicated staff who will ensure that all the above commitments are achieved, in order to improve governance in local authorities; to enable them deliver quality services.

Mr. Speaker, Sir, I now beg to move that a sum not exceeding Kshs9,416,193,147 be issued from the Consolidated Fund to meet the sum necessary to meet expenditure during the year ending 30th June, 2007, in respect of the Ministry of Local Government.

With those few remarks, I beg to move and ask Mr. Kagwe to second.

**The Minister for Information and Communications (Mr. Kagwe):** Mr. Speaker, Sir, I rise to second the Motion. I wish to thank my friend who was on the Floor. I congratulate him for the good work that his Ministry is currently doing. I would like to start off with his last point. He has said that he has got good people, engineers and others, who are showing very good signs of dedication to work, efficiency and good use of the monies that have been allocated to them. The cleanliness that the City of Nairobi is enjoying now was not there a few years ago. There are flower beds and the streets are well lit. It is a sign that serious work is being done by the Ministry of Local Government. That good work is as a result of private and public sector partnership that is currently on-going. I, particularly, want to congratulate those in the private sector who are assisting in the lighting of the city. I also congratulate those who are building slaughterhouses. There are all sorts of activities that are aimed at to improving security in our towns. That way, Nairobians and other Kenyans will enjoy life as they ought to do.

Mr. Speaker, Sir, I want to congratulate the Minister on the issue of the children's homes. Those children belong to Kenyans. There is no child who belongs to the streets. Streets do not bear children. Therefore, I think that Kenyans should take a collective responsibility as far as the so-called street children are concerned. These children have fathers somewhere. Since we cannot identify those particular fathers, the society must take responsibility. All fathers must taken responsibility for the fathers who actually put those children on the streets. Similarly, all mothers must take responsibility for the particular mothers who put those street children on the streets. If we do not do that, these street children will eventually end up being a huge liability in terms of matters of security and general stability as far as our cities are concerned.

Consequently, we are all delighted by the work that the Ministry is doing. I, indeed, propose that in next year's Budget, more money be allocated towards the creation of children's homes and their consequent needs.

Mr. Speaker, Sir, in the past, we have noticed that the City Planning Department within the Ministry of Local Government was not taken very seriously. If we look at Umoja and other estates that were originally planned to be middle class areas, they eventually developed into *ghettos*. This is simply as a result of negligence on the part of the planners. Some people decided to follow archaic laws, while others decided to take the law into their own hands. If one wants to put up a building in Umoja Estate, even if the area is designated for bungalows, he can put up four floors on top of a small house. These things were being done and those responsible for checking could see them. Eventually, when we come down to correcting those mistakes, it will be at a great expense to those who constructed those houses and to Kenyans at large. This is because it will get to the point where we might eventually have to bring down some of the illegitimately constructed buildings.

Mr. Speaker, Sir, I want to mention something about the LATF which the Minister has spelt out very clearly in terms of usage. There is a close correlation between the LATF and the Constituencies Development Fund (CDF). This is because the Minister has clearly said that 50 per cent of the amount involved will go towards improving the infrastructure. It is necessary to have some sort of cohesion between the money that is being used in various estates, such as coffee estates and the money that is allocated by the Kenya Planters Co-operative Union (KPCU) and other organizations, and the amount that we are spending under the CDF and LATF to improve the infrastructure. This will ensure that monies are not allocated from different sources towards the same projects.

Similarly, we look forward to a time when, within the councils, there will be that discipline that the Minister is clearly aiming at getting. Indeed, we look forward to a time when the election of mayors and council chairmen will be done by the populace directly. This is because the current electoral process of mayors and council chairmen is basically flawed and highly abused. Consequently, that is something that should be looked at. In addition, we should improve the remuneration of the councillors. Indeed, one of the reasons why it is so easy to manipulate the electoral process during council and mayoral elections is because of the poor remuneration that councillors have. Consequently, it will be necessary for us to improve the salaries paid to councillors. Indeed, the Minister has gone a long way in trying to improve that particular situation.

Mr. Speaker, Sir, I also believe that, in order for us to eventually live in clean cities and areas, Kenyans themselves must also take responsibility for cleanliness. It is not possible for the cities and towns to be clean if the indiscipline that Kenyans exhibit in terms of garbage dumping continues. For example, people eat bananas in their cars and throw away the peels all over. They also dump papers in all areas. Basically, it is not possible to keep Nairobi City clean if the residents do not wish to do so. It is the residents themselves who can keep a town clean and not the town council workers. We would have to have each individual being followed by a town council worker to keep it clean, if the same behaviour is exhibited throughout all the towns. Therefore, as Kenyans blame the local authorities for the dirty towns we have in some areas, they should, first and foremost, blame themselves for the same.

We should also blame ourselves for the indiscipline that we exhibit even on our roads. We avoid the zebra crossings when crossing our roads. When there are accidents, we blame the local authorities. The local authorities have also built pedestrian bridges, yet, we find people avoiding them and crossing roads under them. They eventually get hit by cars and then they blame somebody else for that accident. Clearly, it is the indiscipline in our own society that is creating some of these scenarios. It is not possible for an undisciplined society to develop and remain cohesive.

Mr. Speaker, Sir, I, therefore, urge that the by-laws that are there within the councils in urban areas should be implemented and enforced very strictly, so that Kenyans can learn to behave

in a manner that can assist the local authorities in their efforts to retain and keep towns and cities clean.

Mr. Speaker, Sir, I also want to encourage the workers in councils to continue doing the good job they are doing. These people do a lot of work, often without any appreciation whatsoever. Indeed, many a time, we believe that they are people who are just lay-about who should be kicked out of town. But often, we find them working hard without much technology, cleaning up roads and so on. We should appreciate the work that they continue to do.

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

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

**Mr. Speaker:** Please, relax all of you! I expect all hon. Members to understand the rules! There is no point in standing before the Question is proposed!  
I will now propose the Question.

*(Question proposed)*

Who is the Shadow Minister for Local Government?

**An hon. Member:** He is not here!

**Mr. Speaker:** If the Shadow Minister for Local Government is not here, I will recognise Maj-Gen. Nkaisserry.

**Maj-Gen. Nkaisserry:** Thank you, Mr. Speaker, Sir. I rise to support this Vote. Looking at the Ministry of Local Government's responsibilities, they are quite enormous. Therefore, the amount of money which has been allocated to it, to me, looks inadequate. However, we have a major problem in this Ministry in terms of the LATF. When we look at the LATF allocation of Kshs6.5 billion, that is quite a substantial amount of money which is meant to develop the local authorities. For the last three years and eight months that have I have been a Member of Parliament, I know that Kajiado District must have received a substantial amount of money through the LATF and Local Authorities Services Delivery Action Plan (LASDAP), but when we go to the ground, we hardly see any development.

When I inquired from the county council, I was told that the allocation of this money is occasionally done at the Ministry headquarters. We want this money to be given to the local authorities just like the Constituencies Development Fund (CDF) is being allocated. We want that money to go to the projects at the grassroots level. But, at the moment, tenders are offered with instructions from the head office. We would like the money to be allocated to the local authorities, which will decide which projects should be funded. It should be disbursed to the local authorities concerned.

Mr. Speaker, Sir, when you also inquire about the LATF money, you realize that it is released some time after October and we decide how to utilize it in July or early August. Sometimes we end up getting this money at the end of the financial year or at the beginning of the next financial year. We want the Minister to streamline those shortcomings.

Mr. Speaker, Sir, regarding the use of LATF money for development, I would like to recommend that, for the sake of health and fitness of this nation, each county council or town council should develop a stadium and a social hall for the local people. This is very critical for social activities in this country. So, the Minister should direct that LATF money should be used to develop those facilities. If you visit a majority of the local authorities today, you will hardly find any playing grounds for our pupils. Therefore, we want to ensure that the LATF money is used for

that purpose.

Mr. Speaker, Sir, you heard the Minister say that we are hosting the Africities Conference any time now and a lot of money has been allocated for this event. I would like to know what benefit this Conference will bring to Kenya. It is very important for us to know so that we can judge whether the huge amount of money being used is of any benefit to Kenya.

Mr. Speaker, Sir, I would also like to echo the sentiments of one of my colleagues about the issue of elections in local authorities. These elections have become very acrimonious and they create a lot of unnecessary chaos. Most of the councillors are hidden from their home areas and as I speak now, some of them are hiding in a hotel in Mombasa; using Government money. We want to know whether the local authority is going to pay for their upkeep or whether the councillors themselves are going to pay. We cannot accept people to go, just hide and consume money meant for the poor. That money should be used to pay school fees for the very poor children in those local authorities.

Mr. Speaker, Sir, I would also like to recommend that a small portion of the LATF money should be used in the poor towns and municipal councils for bursary, because we want to develop our people. It is the human resource that will develop this country; it is the human aspect and Kenyans that we want to develop. It is the Kenyans we want to give quality services to. There are some county councils which are very poor and the CDF bursary money is not enough to cater for their needs; like school fees. A good example is where I come from, Kajiado Town Council, which is very poor. So, we would like a small portion of that money to target the poor children within that council.

Mr. Speaker, Sir, when you look at the Development Vote of about Kshs2 billion, we would like the Minister to tell us where the development is taking place. Where is equity? We are very inquisitive because we want to know. We want the Ministry to tell us how the Kshs2 billion is distributed, because this is the Ministry of Local Government, which goes all the way to the grassroots. The most under-developed districts should be given priority. I would like to tell the Minister, who is a very good friend of mine and we did not become friends in this House but many years ago, that Nairobi City is the capital city of Kenya. We would like the 42 communities of Kenya to be members of the Nairobi City Council so that we can reduce the acrimony in this council. It is very important that each community is represented in the council of the capital city of the Republic of Kenya. This is of paramount importance!

Mr. Speaker, Sir, if you look at the salaries of councillors, you will see that they get peanuts! We should have a basic salary of, at least, Kshs50,000 up to Kshs100,000. If a council is rich, then the allowances can vary. But we should assist those individuals who are actually elected leaders of the people at the grassroots. So, it is very critical that they are given a basic salary of, at least, Kshs50,000 per month. We, hon. Members, take home Kshs30 million every five years. For the five years I am serving my constituents, I will take home Kshs30 million. Today, the Minister has told us that an individual in a Commission is taking home Kshs35 million for sitting for 200 days. It is unbelievable! Those councillors are working day and night to support the local people. This is a Cabinet decision which needs to be taken seriously and given priority.

Mr. Speaker, Sir, on the issue of the environment, the most terrible situation which has happened to our country is the exposure to plastics. This happens in the local authorities and also in the town councils. I would like the Minister, by the time he walks out of this Chamber today, to issue a directive for each urban and town council to be cleaned. Just the other day, I took part in cleaning Kajiado Town. We want all our towns to be clean. A policy on polythene papers should be formulated by this Government because we are going to destroy our environment if we do not do that.

*[Mr. Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, we need to support this Ministry. We need more money to go to the local authorities and we need the local authorities to be strengthened. The other day, it was in the news that civil servants have been given a salary increase. The same should be done for councillors.

With those few remarks, I beg to support.

**Mr. Musila:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I stand here to support this Motion by my good friend, the Minister for Local Government.

Mr. Temporary Deputy Speaker, Sir, let me start on a happy note and congratulate the Nairobi City Council because having lived in this city for many years, recently, I have begun to see some improvements in certain areas with regard to cleanliness of the city and, particularly, street lighting. I think that when a good job is done, we owe it to those who do it to say: "Thank you". I think they have done a good job.

Having said that, Mr. Temporary Deputy Speaker, Sir, I think we all agree that the recently concluded mayoral elections in Nairobi brought shame to this country. As the previous speaker has just said, Nairobi is the capital city of this country and what happened through those elections clearly showed us that there is a lot of rot in the Nairobi City Council. My biggest disappointment is that my very good friend, the Minister for Local Government, approved those elections. If I were him, I would have cancelled those elections immediately, ordered a repeat of the elections and ensured that the elections were conducted properly and democratically. So, I think that the Minister erred here grossly in approving an election that we all saw clearly was full of violence. This has never happened anywhere else before.

Mr. Temporary Deputy Speaker, Sir, local authorities are responsible for providing services to local residents. I have already given credit to the ongoing street lighting programme that is being witnessed in Nairobi. However, a lot remains to be done. There is traffic congestion in Nairobi. There appears to be no proper management of traffic flow in the City of Nairobi. The traffic lights that we have today were installed during the time when Her Worship the Mayor, Margaret Kenyatta, was the mayor of Nairobi. There has been no increase of street lights in this City over the years. Most of the street lights do not function.

One wonders, because the Nairobi City Council has an Electrical Engineer. What does he do? If he cannot repair a street light, what is he there for? What I am emphasising is that the Nairobi City Council must provide services to the people. We must have more street lights. If you even go to small cities in Africa, you will find many street lights. The congestion being witnessed in most parts of Nairobi is due to either malfunctioning street lights or none at all. So, I hope that even as the Minister prepares to host dignitaries from other cities in Nairobi, there are certain things that he must put right. It is not just street lights, but he must put right the traffic flow which is such a big problem.

Mr. Temporary Deputy Speaker, Sir, the issue of waste disposal has been alluded to by the previous speaker. There is a lot of illegal dumping of waste all over. These are matters that we must correct. The Nairobi City Council appears to only concentrate in cleaning certain areas. That is, the area between Parliament Road up to Moi Avenue. If you go beyond Moi Avenue, you will wonder whether you are in the City of Nairobi. May I suggest to the Minister that he immediately considers privatising garbage collection services because there is no way the people we see along

the road, pretending to be collecting garbage, will manage to clean this city.

Mr. Temporary Deputy Speaker, Sir, an issue that is in the minds of those of us who represent the people is the harassment of petty traders, commonly known as hawkers in the City of Nairobi. Recently, we witnessed violence in the streets of Nairobi, perpetrated by City Council *askaris* and sometimes the hawkers themselves. We must know that hawkers are here to stay. Hawking does not just go on in Nairobi. Even in developed countries hawking is permitted. In this case again, I think the problem is that of management.

Therefore, I would like to urge the Minister - whom I know has made some efforts but has not yet quite succeeded - to ensure that hawkers are given their rightful places to do business. He should ensure that, like in the developed world, certain streets are closed over the weekend to allow

hawkers to sell their wares. We must accommodate these poor people. We all belong here, and we must accommodate them.

Mr. Temporary Deputy Speaker, Sir, going further to the rural areas, county councils and town councils are literally robbing the poor traders of their money, pretending to be collecting licence fees for very small *kiosks*. So, I urge the Minister to refuse to approve proposals by local authorities on exorbitant licence fees that they propose from time to time. I have in mind a *kiosk*, probably with a turnover of Kshs500 per day, from which local authorities demand a licence fee of up to Kshs2,000. I think this is ridiculous and someone ought to look at the plight of those people because local authorities in the rural areas are simply syphoning money from poor people. Whenever poor people want to transport chicken to Nairobi, they have to pay tax as they cross certain areas. So, I am actually fighting for the poor people. Where people are involved in collecting things like minerals and other things, tax must be collected.

Mr. Temporary Deputy Speaker, Sir, the administration of the LATF leaves a lot to be desired. Just as we want to ensure that monies from the Constituencies Development Fund are properly accounted for, we must also insist that the Minister for Local Government reins in on councillors and local authorities to ensure that LATF funds, which is public money, are properly distributed within the councillors' areas of jurisdiction. He should also ensure that we can see programmes being implemented using these funds. We have heard of cases where councillors distribute money from the LATF amongst themselves. That is not fair and must not be done.

At the same time, I must say that we have been underpaying councillors for far too long. It is high time that a deliberate policy to remunerate councillors in accordance with the cost of living was made. I have in mind councillors earning as little as Kshs7,000 per month. I do not think it is fair. In the Public Service, we have increased salaries across the board. We have even increased salaries of Members of Parliament. We have been very unfair to councillors. So, I would like to propose that ways and means be found so that we can remunerate councillors in accordance with the wealth of the areas they serve. Where there is no sufficient wealth, the Exchequer should be able to provide funds to supplement the local authorities.

Mr. Temporary Deputy Speaker, Sir, finally, I have been looking at the book that the Minister has provided, which pretends to show the allocation of funds to districts. Every time I stand here, I talk about the manner in which Ministries allocate funds. First and foremost, a lot of districts are missing from this book. Talking about my own district, Mwingi, we have been allocated Kshs3 million. The other day, I got Kshs7 million from my friend, the Minister for Roads and Public Works and today I am being given Kshs3 million by the Minister for Local Government.

Mr. Temporary Deputy Speaker, Sir, is it not a shame that we can sit here to discuss a Kshs2 billion budget and all that I can take home is Kshs3 million? What is this money for? Incidentally, it is for putting up a cattle open-air market which is not necessary. I would like to put

it to the Minister that it is time that he and his colleagues went back to the drawing board and learnt how to distribute the resources of this country in an equitable manner.

With those remarks, I beg to support.

**Mr. Ligale:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Vote. I want to support the Minister and commend him for the very able manner in which he initiated debate on this Vote.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Local Government is very important. Local authorities are the basis of democracy. We must build our local institutions for them to contribute to our well-being. That is where we nurture and develop leadership. Therefore, we should give opportunity to councillors to enable them contribute to the development of this country. However, we must start where the matter starts.

What kind of local authorities do we want? Do we want a multiplicity of tiny local authorities spread all over the country or viable entities that can give services to our people?

Mr. Temporary Deputy Speaker, Sir, I believe in the 1970s, there was a commission formed, led by Mr. Omamo, to look into the possibilities of enhancing the performance of local authorities and ensure that they are viable. To date, as far as I am concerned, the Report of that commission has never been made public. We need to find out whether the Minister can refer to the same report and bring about viability of local authorities; 175 of them which range from Nairobi City Council, which is large, although made up of councillors who we are sometimes ashamed of, to tiny little local authorities which can hardly stand on their own. That is why I am giving the Minister a challenge. We need to rationalise our local authorities. We need to find out whether they are viable or not.

There was a time in this country when we amalgamated several districts to form a viable local authority. We once had the Wari County Council and others which were put together, as different entities to form one local authority. We should revert to that system and establish local authorities. If every time a new district is formed - and recently we have seen new districts being formed on the basis of ethnicity and requests by politicians--- If administratively they are handled well, local authorities can afford to pay the salaries of District Commissioners and other civil servants. In terms of being viable, there are many local authorities which cannot generate income on their own and run without any assistance, yet we establish them as separate local authorities. I challenge the Minister to look into the basis on which our local authorities operate. Some of them do not need to be on their own. In terms of the calibre of the councillors we have, the Minister himself, in his concluding remarks, alluded to the recent wrangles we have been seeing in the election of mayors and chairmen of county councils.

There was a time when we had civic fathers in this country. That was when we had people like Charles Rubia, Isaac Lugonzo, Margaret Kenyatta, Elijah Musumba in Mombasa, Lesiew in Eldoret and Ezra Gumbe in Kisumu among others. Those were civic fathers one would be proud of. They were people who were businessmen in their own light and became elders or councillors, merely because of the service they wanted to give to people. The calibre of councillors we have at the moment leaves a lot to be desired. One of the elements the Omamo Report I referred to was looking into was the probity of the councillors. That had to do with the level of their education. We said, in the Report, that the minimum level of education should be at least the Kenya Certificate of Primary Education (KCPE), if not "O" level so that when they were holding council meetings, councillors would contribute to debate and have some level of probity on their own so that they are not bribed and cajoled in order to give services. That is a matter which the Minister needs to address. The standards and integrity of the councillors we have in our local authorities leaves a lot to be desired. That is why we have constant problems in the application of by-laws.

Mr. Temporary Deputy Speaker, Sir, I want to comment on some of the points that have



been raised by my colleagues, especially poor standards in building and approval of plans. Sometimes, we ask too much from the councillors, yet they do not understand. It is not the planning that is bad; it is the development control that is not applied. It is not the fault of the city planners. I worked in the Ministry in the past, and I could see us planning, but when it came to time of control in terms of densities and plot ratios, I realised that we were asking too much from councillors because their level of understanding is not that high. They would, therefore, be easily manipulated by developers.

In cities, especially in the City of Nairobi, developers are looking for the maximum value for the little money they have. Some of them want to build without considering the required standards. We then end up with a situation like the one we had in Juja Road the other day. We ought to begin to upgrade the level of councillors we have, to be able to apply standards so that we do not end up with the cluttering of illegal developments we have all over the place. I believe that if we were to insist on a basic standard for one to become a councillor, we would overcome some of the problems we have in this country.

The question of LATF money has been referred to. It is a very noble idea to take development resources to local areas where councillors know what needs to be given priority. However, in some of the local authorities, we have had misappropriation of the funds. Most of it ends up paying salaries. Sometimes, the money is dished out to councillors to carry out projects like building of bridges or construction of roads but eventually, it ends up being misused. I know of a case of one councillor who gave the money to his construction firm and did a very shoddy job. So, in the same manner, we are trying to request that the CDF money be utilised properly, we should also make sure that LATF and LASDAP money is used properly, so that *wananchi* can get the services they deserve.

I want to commend the Minister for the changes we are seeing in Nairobi, particularly along major highways. We have been seeing projects going on as we drive from the airport through Uhuru Highway. There are many projects going on, like tree planting and gardens being put up. That is a plus for the Minister and we should encourage him. He should also encourage those people who are in charge of other cities like Mombasa and Kisumu and other smaller towns like Nakuru and Eldoret to do the same. Those are laudable efforts and we should commend him for that.

On the issue of street lighting, which is being carried out as a partnership between the private sector and the Ministry, we should commend the Minister for it. Those are the kind of efforts we want to see being put in a more diversified manner. In the same way, where we cannot provide services, let us privatise. We should not assume that local authorities can provide all the services on their own. Some of them are not able due to lack of professional know-how and competence and quite often, application of those efforts. Where work can be done by the private sector, let us privatise the services. Let us work in partnership with the private sector to make sure that we beautify our cities and towns.

Mr. Temporary Deputy Speaker, Sir, finally, the congestion in Nairobi, particularly, the traffic management is getting out of hand and we should address it. It is affecting people from wherever they are coming from. If one is coming from Kasarani or Limuru, they are likely to take three hours to get to their places of work. It is even getting worse day by day. This is not because we do not have good roads; it is because of traffic mismanagement. We must apply some precautions right now. If we do not, in the next three years, we will not be able to move.

I beg to support.

**The Assistant Minister for Planning and National Development (Mr. Serut):** Thank you, Mr. Temporary Deputy Speaker, Sir. Let me start by appreciating the work of the Minister for Local Government, for the short period that he has been in charge of the Ministry. For the first time

since Independence, the Minister was able to allocate the people of Mt. Elgon slightly over Kshs32 million to build a market at Kapsokwony. Allow me also to say that, for the short period the Minister has been in office, he has done a bit of work within the City of Nairobi, other cities outside Nairobi and county councils.

However, at the same time, I want to say that the Minister can do more with regard to county councils. The Minister seems to have forgotten that county councils are part of his mandate and something ought to be done. Councillors who are in charge of those councils run them like personal properties. I say that in respect of LATF allocations. The Government has disbursed a lot of money for development through LATF. But that money is not seen on the ground. If you go to most constituencies right now, the only projects you will see there are initiated through funds from Constituencies Development Fund (CDF). If you ask for any county council initiated projects, you will be told that councillors have not been seen since they were elected.

Mr. Temporary Deputy Speaker, Sir, the question I always ask myself is: If the current councillors cannot convene meetings at their county councils, of what value are they? Why are they being paid salaries? Does the Ministry know what business those councillors do? I say that because I represent a constituency called Mt. Elgon, which has 14 councillors. Those councillors have never met the electorate since they were elected. But I know that they meet at the council to receive money.

Mr. Temporary Deputy Speaker, Sir, another area of concern is procurement. Let me give the example of Mt. Elgon in regard to money meant for roads. The councillors, themselves, become procurement officers. What they do is this: A councillor will look for a caterpillar in Baringo to construct a road in Mt. Elgon. How much diesel does that caterpillar consume before it gets to Mt. Elgon? How much of the money allocated to a particular ward will be used for the intended purpose? To me, it is none! So, it is actually collusion. I request the Minister to rein in those councillors to ensure that they do not participate in procurement. It should be done by a body within the council or district procurement authority.

Mr. Temporary Deputy Speaker, Sir, allow me to say something about the sewerage and solid waste disposal management in most county councils and more so, in Mt. Elgon District. The headquarters of County Council of Mt. Elgon is situated at a place called Kapsokwony. Currently, there is no sewerage disposal services. There are no vehicles to empty septic tanks. I do not know what the county council will do. I do not even know whether the Ministry is aware of that. I would like the officials of the Ministry to take note of that, and follow it up with the council. We are sitting on a time bomb!

Mr. Temporary Deputy Speaker, Sir, most buildings belonging to Mt. Elgon County Council are on private land. For any council to sustain itself, it must have a proper base for revenue collection. The council has not acquired the pieces of land where those buildings are situated. It is, therefore, restricted to very few plots within the council. That, in essence, translates into very little revenue. I am asking the Ministry to move with speed and ensure that, that council acquires most of the land that lies within its headquarters for purposes of revenue collection, especially land rates and rent.

Mr. Temporary Deputy Speaker, Sir, there is LASDAP. It is not there in Mt. Elgon. It is a community-initiated project. Since I was elected as a Member of Parliament for Mt. Elgon Constituency, I have never heard of any community initiated project that has been financed by the council.

Mr. Temporary Deputy Speaker, Sir, we have allocated a lot of money to the Ministry. It is slightly over Kshs9 billion. Out of that amount, only Kshs2 billion is going towards development. The rest goes to Recurrent Expenditure. Part of that money under Recurrent Expenditure is supposed to pay salaries for nursery school teachers. I do not know how many teachers are paid through county councils in this country. The Mt. Elgon County Council has no

single nursery school. Therefore, no nursery school teachers are paid. If there is any money that is set aside for payment of salaries to nursery school teachers, where does it go?

Mr. Temporary Deputy Speaker, Sir, there is the issue of ownership of land belonging to the Nairobi City Council (NCC). Sometimes back, I used to work at the Ministry of Lands. That Ministry used to collect a lot of money in lieu of rates. That money was kept at the Ministry. That money was in respect of land owned by NCC. The question is: How will the City of Nairobi identify that land? How will it ask the Ministry of Lands to remit that money? I know that, that is a problem.

But as Mr. Ligale indicated - I know he is a former planner - without proper planning, no local authority will be able to identify its land. They will not be able to come up with decent houses. None of them, including NCC, will come up with estates that are accessible. Why? They will only be developing slums! Therefore, I am asking the Minister to ensure that, even at the county council level, before any buildings are developed, there must be a proposed development plan to enable the residents to access their houses, premises and certain resources. If I can make reference to my own district, what is coming up at Kapsokwony is a slum. Houses are being built haphazardly. Land is being sub-divided without access roads. In case of fire, no one can access houses built on such plots.

Mr. Temporary Deputy Speaker, Sir, allow me now to say something about the misuse of resources, especially motor vehicles. Many county council officials have converted council vehicles to their personal use, especially the chairmen. If you go to most bars, restaurants or walk around town at night, be it in Nairobi or any other towns, including Mt. Elgon, you will find county council vehicles parked outside, even up to midnight! The question is: There is a circular that was issued on 29th, regarding the use of Government vehicles, did that circular apply to county council vehicles also? I think it applies. I am asking the Minister to issue another circular to most of those county councils, so that our vehicles are not misused.

Mr. Temporary Deputy Speaker, Sir, on the issue of bursaries, within the Recurrent Expenditure in county councils, there is always an Item referred to as bursaries. From the time that I was elected into Parliament, I have always seen some money in that regard. That indicates that bursaries have been given to students---

**The Temporary Deputy Speaker** (Mr. Khamasi): Your time is up!

**The Assistant Minister for Planning and National Development** (Mr. Serut): With those few remarks, I beg to support.

**Mr. Muturi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to make my contribution on the Vote of the Ministry of Local Government as duly presented by the Minister.

First of all, I want to start by acknowledging that the Minister, in keeping with what the House has directed, has provided us with the district allocations. However, quite sadly, looking at this booklet, no reference has been made to my district. It appears as if the Minister for Local Government wants to remove us from the list of the local authorities that he has.

Hon. Musila, when making his contribution, alluded to the fact that his district has, at least, got some Kshs3.5 million. My district is totally missing. When I look at the projects which are being developed in the various local authorities, for example, the development of Nyangores/Amalo Irrigation Scheme, improvement of water supply and distribution, self-help water projects and the construction of cattle sale yard, I wonder whether the Minister did not think that my local authority is worth having any of such facilities. There are so many random projects such as bus parks in the various local authorities. Was the criteria demand-driven? Did the local authorities have to write to the Minister and make requests, so that he may know that they require to do some water projects or bus parks?

Mr. Temporary Deputy Speaker, Sir, I am looking at the copy of the Development Vote. It may well be that, perhaps, the Minister has another copy which I think he will then make reference to when he is relying.

**The Minister for Local Government** (Mr. Kombo): On a point of information, Mr. Temporary Deputy Speaker, Sir. I just want to inform my brother, hon. Muturi, who was a Magistrate in Bungoma, that we did not forget Mbeere District. Another document which shows the Roads Maintenance Levy will be passed around and Mbeere is on that list.

**Mr. Muturi:** Mr. Temporary Deputy Speaker, Sir, that is some solace or some form of consolation for me.

I have said time and again that there is need for the various Ministries to streamline the way they allocate development resources. Like most of my colleagues who have spoken before me, I am concerned about the application of LATF. It is enormous. We appreciate that this is taxpayers' money. We need to be told how it is being applied. For the period that I have been in Parliament, I have never seen any document showing how LATF in my local authority is applied and yet I know the local authority receives that money.

Last week when we were debating the Vote of the Ministry of Trade and Industry, I proposed a neutral request that local authorities should be asked to give some seed money for the actualisation or gazettment of the Joint Loans Boards in the districts. The Minister for Trade and Industry indicated that it is not a mandatory requirement. We have always been told that local authorities are required to pay some seed money, so that they can be gazetted and given the allocation from that other Ministry. I was going to propose that a requirement should be put that where a local authority is asked to pay some seed money, then a proportion of LATF goes to that local authority. This is money that should attract other resources from the Government to help the local communities.

Mr. Temporary Deputy Speaker, Sir, last year when we were debating the Vote of this Ministry, I had opportunity to suggest to the Minister that he looks into how the Local Authorities Provident Fund (LAPF) is managed. Many local authorities are in arrears. A large amount of this money is from contributions from the individuals working in those local authorities. A portion of what goes to each local authority, which owes the LAPF known sums of money, should be deducted directly and paid to the LAPF. This is beneficial to the workers in those local authorities.

I have also called for the streamlining of the LAPF. When you look at the accounts of the Fund, you will find that there is no clear distinction between the Chief Executive and the other members of the Fund. There is some conflict here. Civil servants are seconded to the Fund from the Ministry. It may be important for the Fund to be allowed to have its own Chief Executive who is answerable, for the day to day running of the Fund.

Mr. Temporary Deputy Speaker, Sir, we have talked about the 1 per cent and the Minister for Finance alluded to the fact that the Roads Maintenance Levy would go to the Nairobi City Council. Whereas that is a welcome gesture, I know that it is still not enough. I wonder what the City of Nairobi is thinking about its decongestion. I want to appreciate what my colleagues have said regarding traffic lights and roundabouts, which appear to be an outdated form of engineering. They do not appear to be in very many other cities in the world.

The Minister should, at least, to save the face of our city during the forthcoming Afro Cities Conference, do something that would deliberately address the issue of congestion. I know that this would have to go through the Nairobi City Council, but nevertheless, the Minister can direct that the council takes an immediate collective action that would result in a much smoother flow of vehicles into the city and more so into the Central Business District (CBD).

While on the issue of the Africities Conference, from some of the stories that I have read regarding the Conference, it looks like we might not be planning for the exact number of guests

that we are likely to have. I am not too sure that the organisers have looked into the issue of bed occupancy and capacity within the City. Are we able to host those many visitors in a comfortable manner, so that they leave with good memories of the City of Nairobi and the country of Kenya?

Why are we not seeing any construction of by-passes and flyovers in this City? Is there a conflict between the Ministry of Roads and Public Works and Nairobi City Council? I know that the Ministry of Local Government is one of the agents under the Kenya Roads Board Act. It gets a lot of money from the Roads Maintenance Levy. Why do we not see by-passes being constructed? In other cities, by-passes and flyovers are built within such a short time that we wonder why in Kenya it is made to appear like it is rocket science to construct them. Flyovers would help us to address the issue of congestion, particularly within the CBDs in our cities.

There is need for the Minister to tell us what criteria he is using to address this embarrassing situation we go through every year when mayors and chairmen of county councils are being elected. What we saw recently in Nairobi City Council was so embarrassing and children were wondering whether these are actually national leaders. Why has the Ministry not fulfilled the promise to review the Local Government Act, Cap. 265 to address this problem of the election of chairmen and mayors once and for all? I want to urge the Minister, and I know he is progressive, to bring before this House an amendment to the Act so that we can make it be in tandem with modern times.

With those remarks, I beg to support.

**The Assistant Minister for Health** (Dr. Kibunguchy): Thank you, Mr. Temporary Deputy Speaker, Sir, for the opportunity. I would also like to join my colleagues in congratulating the Minister for Local Government, who also happens to be the Chairman of my party, FORD(K), for ably moving his Vote.

Mr. Temporary Deputy Speaker, Sir, I would also like to congratulate the Ministry of Local Government, and in particular, the Town Clerk of Nairobi City Council. When you look at the media, there is a lot of commendation from various parts of this country congratulating the Town Clerk for the wonderful work that has been done so far in this City. When you walk everywhere, you find trees are being planted. As other hon. Members have mentioned, the lighting system, especially in the CBD area and many other reforms that are extremely positive and enlightening, goes to show that where there is will, you will always get a way.

Mr. Temporary Deputy Speaker, Sir, I will spend a bit of time talking about Lugari. Looking at this book, Lugari County Council has been allocated Kshs3 million for construction of a bus park. It is little, but probably in terms of development for Lugari District, this is the only year that we have got any money from this Ministry. I would like to thank the Minister for that.

At the same time, I would like to remind him that Lugari District is a new district and lacks a lot of basic facilities. Lugari District is however endowed with a lot of agricultural potential. I would like to urge the Minister to do a lot more for this district. We are now developing the bus park. But the question of planning should come in again and again. In as far as markets are concerned, there is no planning. Therefore, structures keep coming up and certain centres like Matunda, are a nightmare. If a fire broke out there, I do not know how we can save our people. So, for all that, I would ask the Ministry of Local Government, as a matter of urgency, to look into this whole concept of planning for our towns, markets and other informal trades, especially hawkers where they are able to carry out their businesses without interference.

Mr. Temporary Deputy Speaker, Sir, let me concentrate on Lugari District. We are getting slightly over Kshs22 million for development from LATF. This is significant. There has been a surprising rise from last year. But like all the other hon. Members have said, all this money for development that passes through LATF is never realised on the ground. My suggestion to the Minister in terms of reforms is to find a system where the money for development that comes

through LATF is consolidated with the money that we get from the Constituencies Development Fund (CDF). We should put all this money together in one basket and sit down and allocate it to the various development projects in our areas. If we did it that way, then this money can be significant and can go some way in addressing development.

In Lugari District, for example, there are ten locations. I can very easily see that this money coming for development is going to be divided by ten. So, each location will get Kshs2 million. You find that when the money comes to the location, it goes to little projects that do not have any impact. I know the Minister has directed that money for development will consider big projects. But the politics on the ground is such that each location will want to get its share. Therefore, you will find this money will go into small little projects in each location. That is why to most of us, these projects are so small that you cannot even see them with your naked eyes. That is also why most Members are saying, we do not see anything that is being done with money that is meant for development that comes through LATF. I propose that we consolidate this money with CDF and harmonise how we use it.

Mr. Temporary Deputy Speaker, Sir, I would also like to root for the fact that our councillors are not remunerated well enough. We have to find a way. I know that councillors are never paid salaries, but allowances. If it is a question of reviewing the Local Government Act so that we pay the councillors something reasonable, depending on the living standards, let us do it. That, in a way, will be a motivation and probably, we can get some councillors who can add value to our councils.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about poverty and unemployment in this country. Those are the two biggest problems that we have to contend with in this country. That is why we have problems of hawkers and *boda boda* boys. There are many of them in Lugari and, of late, they have arrived in Nairobi. That is why we have so many of these so-called informal businesses. It is very sad when you see poor people carrying children on their backs and they have probably not eaten the whole day. They try to eke a living on the roadsides while being harassed by the Nairobi City Council *askaris*. Sometimes as the saying goes, "They are children of a lesser god".

Mr. Temporary Deputy Speaker, Sir, however, that is why we are here as elected leaders. We must be able to address the issue of hawkers in this country. It probably is not as bad in Nairobi as in towns like Eldoret. When you go to Eldoret, even in the middle of the day, people have put their wares right across the road and we must be able to plan for this. I think the Ministry should come out with a master plan. In some countries, you find highrise double deck areas where people sell their wares. We must be able to find a solution to this problem because in the end, we are punishing our own mothers, sisters and brothers whose only fault is that they are poor and have to make a living.

Mr. Temporary Deputy Speaker, Sir, so for all that, I would like to urge the Ministry and the Minister, who I said is my Chairman, to be able to look into this problem and solve it, I hope before 2007, because there is a lot of wrath out there.

I beg to support.

**Mr. Midiwo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support the Minister and this Vote.

First of all, I want to join hon. Justin Muturi in complaining that in the Minister's Development Vote, Siaya District is not included. There is a trend in this country currently where resources are going where they are not needed at all. Areas where they are needed, most people are not getting anything at all. Siaya Town Council is responsible for Siaya Town. Siaya Town does not have an inch of tarmac road. That town does not have even toilets. There is no bus park. I wonder, when we go through a Budget like this, who are we supposed to turn to?

Mr. Temporary Deputy Speaker, Sir, I am very happy with the general performance of this Ministry. I see a lot of changes. What I would like to see is a new pattern of expenditure imposed because I believe that this Ministry and the Minister in particular has the power to develop a structure which can easily be monitored by leaders. I have looked at the LATF report from my district and some of the roads they reported two years ago as bad are the same ones which we have done using our local road fund. There is no way to monitor these funds other than using the already developed formula by this Parliament which is the CDF. Members of Parliament do not have to be involved because the councillors are too scared since some of them are thieves. However, what can happen is that we can develop a module---

**Mr. Ahenda:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Midiwo to call some of us thieves?

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, I did not call some hon. Members thieves.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Mr. Midiwo, did you say that?

**Mr. Midiwo:** No, I did not, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Khamasi): Mr. Midiwo, be honest with yourself.

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, I never called any hon. Member a thief.

**The Temporary Deputy Speaker** (Mr. Khamasi): Do you want us to go back to the HANSARD?

**Mr. Midiwo:** Yes, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Khamasi): Are you sure?

**Mr. Midiwo:** Yes, I am sure, Mr. Temporary Deputy Speaker, Sir. Let me say what I said again. I said that some of these councillors in these local authorities are thieves, and that is the truth. I did not say Members of Parliament are thieves.

*(Applause)*

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

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Angwenyi!

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, that is why I would like to say that the Ministry of Local Government can help us develop a structure which can be easily monitored by communities so that the clerks, who are the biggest thieves in these councils, can be the only Authority to Incur Expenditure (AIE) holders just like the District Development Officers (DDOs) under the CDF. That can work for this country. That is the future of this country and we only ask the Minister to listen to us because the CDF is working amidst opposition from the World Bank, Washington and London. The CDF is the only fund working for the development of this country. So, we have to emulate and copy that.

Mr. Temporary Deputy Speaker, Sir, I want to congratulate the Minister because the Nairobi City is beginning to shine again. It is a departure from other Ministries which are riddled with corruption like the Ministry of Trade and Industry where corruption is the order of the day. If you go to Bamburi Portland Cement Company you will find that the order of the day is plunder and theft. If you go to Kenya Wines Agency Limited (KWAL), it is the same story. Last week we had the audacity to---

**Mr. Ahenda:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know why the hon. Member keeps on referring to people as thieves and corrupt. Could he substantiate his claims?

**The Temporary Deputy Speaker** (Mr. Khamasi): Mr. Ahenda is learning the ropes very

fast. He is saying that he wants Mr. Midiwo to substantiate that councillors are thieves and he is right in doing so.

**Mr. Ahenda:** Mr. Temporary Deputy Speaker, Sir, he particularly mentioned the Ministry of Trade and Industry.

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, I want to substantiate my claims. In particular, I was talking about the Bamburi Portland Cement Company where people are writing undated cheques and walking away with cement. Last month alone---

**Mr. Angwenyi:** Table that!

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, I am going to do that.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Mr. Angwenyi, I can only have one hon. Member on the Floor contributing. Mr. Midiwo, please make sure that you keep in check with our Standing Orders as concerns relevance.

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, I am sorry if I brushed you on the wrong shoulders but I want to illustrate that this Ministry is doing a good job unlike the Ministry of Trade and Industry whose budget we passed here amid corruption which is so rampant there. I wish to say on the Floor of this House that people are writing cheques. There is a notorious depot in Bungoma which the Minister is using as a conduit, with his own people, to siphon tonnes of cement out of that factory. Amidst all that, the country has lost almost Kshs400 million!

*(Applause)*

So, it is incumbent upon us to talk about issues of corruption and we need to commend this Minister who is doing well. That place is riddled with single sourcing. The chairman who is a close confidante of the Minister in that factory---

**Mr. Arungah:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise to seek your guidance. Are we discussing issues concerning the Ministry of Local Government or the Ministry of Trade and Industry?

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Arungah! Mr. Midiwo is right in trying to make a comparison. When we come to the relevant Ministry, we will be told a few things concerning it.

Proceed, Mr. Midiwo!

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, in the past, we all know that people used to supply chalk to the Nairobi City Council for water treatment. Mr. Kombo has now stopped it. The reverse is that the Chairman of the East African Portland Cement Company (EAPCC), a Mr. Sande, is doing single sourcing from his office in town, and they are supplying and stealing---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Midiwo! The word "stealing" is unparliamentary and you know that!

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, I withdraw and apologise. However, what is happening at the EAPCC is not the same thing that is happening at the Ministry of Local Government.

The issue of corruption is what is riddling this country with poverty. The forensic investigation data shows that the computer system at the EAPCC is open such that non-existent people will just walk in, order cement and walk away with it.

The EAPCC is not even a parastatal. Bamburi Cement Limited (BCL), which is its main competitor owns 54 per cent shares. So, the game is similar to what was about to happen between Nakumatt and the chain of Uchumi Supermarkets. I am angry because last week we pampered that same Ministry with praises. Some of us never got a chance to talk.

**The Temporary Deputy Speaker** (Mr. Khamasi): Okay, let us discuss the Ministry of



Local Government!

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, I will table all those documents for hon. Members to see.

*(Mr. Midiwo laid the documents  
on the Table)*

I would like to ask the Ministry of Local Government to be transparent, and not to follow the issues of resource allocation blindly. We all need a share of the national cake. When this Ministry is doing well, we should have no reason to talk bad things about it. In essence, the Minister should re-look at his development budget and do us justice, as people coming from various districts in this country.

Mr. Temporary Deputy Speaker, Sir, the LATF annual report, which the Minister alluded to, is something which comes many months after the funds have been spent.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Midiwo! Your time is up!

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support.

**Prof. Maathai:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. I want to join hon. Members in congratulating the Minister for the way he has moved the Motion and also for the on-going campaigns to plant trees in the capital city. It is particularly very good to see trees being planted on road reserves because, in the past, the habit in Nairobi and in many other places in the countryside, has been to clear off any trees along the road reserves. These trees are not only beautiful, but they also stabilise the roads and prevent soil erosion. So, I am very happy to see the Ministry planting trees on the road reserves.

Mr. Temporary Deputy Speaker, Sir, I would like to raise a few issues which I have mentioned in this House on several occasions. I would like to join other hon. Members in expressing disappointment that we have mentioned so many times in this House, and I have certainly done so through the Ministry of Environment and Natural Resources, that they must do something about the plastic bags in this country. When will we stop production of the very thin plastic bags that are used in shops and *kiosks*? Eventually, these plastic bags end up in dump sites, drainage and in poor neighbourhoods such as Kayole Estate. There is absolutely no reason why we continue to smother our country with plastic bags. We find them on hedges and trees. They are even eaten by animals. In some cases, they cause the death of those animals. Why can we not stop their production once and for all? Without any exaggeration, if you visit any dump site, more than half of the garbage is plastic. That plastic will never rot. We find them in rivers. I think it is about time that the Ministry of Local Government and the Ministry of Environment and Natural Resources together with the National Environmental Management Authority, dealt with this menace. We have on many occasions gone as close as possible to banning them, but somehow, factories are able to go to the Ministry and convince them that they need to be in business. However, we need jobs, but not at the expense of our environment, especially the cleanliness of this city.

Mr. Temporary Deputy Speaker, Sir, we spend a lot of money promoting Kenya abroad. This is good. However, I am quite sure that we will not need to use half as much money promoting Kenya abroad if we just kept Kenya clean. Many tourists would visit this country if we have a clean city. However, if they come here and walk over garbage and dirty water, especially when it rains, they will not come back again. If our neighbourhoods are suffocating with plastic bags, tourists would not like to see it. They want to see a decent town, leave alone a capital city. So this is where we should really invest.

Mr. Temporary Deputy Speaker, Sir, the other point that I would like to say is that this is one of the few capitals in the world without pedestrians' walk paths. Why is it that we can afford to tarmac roads and plant trees, but we cannot afford to create walk paths for our people? Why is it that we cannot afford to create bicycle paths, so that the majority of our people who cannot afford cars cycle without the risk of permanent damage or death? Anybody who rides a bicycle in this city is surely playing with death.

It is very important for the Nairobi City Council (NCC) to demand that anybody who rides a bicycle in this city has reflective material or the bicycle are well lit. I do not know how many times I have seen people very early in the morning or late in the evening when it is dark, riding bicycles in total darkness. Most of these bicycles do not have lights or reflective back lights. Some of these people need to follow laws, which we have to enforce so that we do not have people maimed or killed and then we make such a big fuss about burials.

Mr. Temporary Deputy Speaker, Sir, we have talked about these issues before so I just wonder why they are not prioritized in this Ministry. It is this Ministry that should provide these facilities, which for all practical purposes, are essential services for the poor people in our society.

It is important to manage waste from slaughter houses. We still allow waste from slaughter houses to go into our rivers. We still have a lot of our people getting water from the rivers. So, many of our rivers, especially those running close to slaughter houses are the drainage for blood and waste. I just do not see how we accept that. There must be ways of managing that waste. The Minister said that one of the waste we manage is solid waste. The solid waste from the slaughter houses should be managed. It should not be allowed to go into the rivers. For the sake of the environment, this is completely unacceptable. I do not see why somebody has to come and say it is unhygienic to allow solid waste from slaughter houses to be drained into our rivers.

Mr. Temporary Deputy Speaker, Sir, I want to also say that the congestion in our cities is completely deplorable. I do not know how much time we waste. The other day I was driving towards Nyeri and I must say I was shocked. All the way from Nairobi Town to somewhere around Roysambu, cars were bumper-to-bumper. I wondered how those people would eventually get to the City and this was already about 6.30 a.m. We must do something about congestion; not only because it wastes time and energy - imagine all the petrol that is burnt while people are crawling in this congestion - but also the gases that these cars emit. If we are really serious about global warming, we must remember that we are the headquarters of the United Nations Environment Programme (UNEP). We must set an example as people who are sensitive to the environment. So, for us to allow the kind of congestion that one sees in the morning into the City and in the evening out of the City, is really a reflection of how little we care about the environment and the whole issue of global warming.

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

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

Mr. Temporary Deputy Speaker, Sir, I want to say something about the management of water catchment areas. The Minister knows that all the water that comes into this City comes from the Aberdares Forest. It is very important that the Ministry be concerned about the management of the Aberdares water catchment. I think that it ought to be concerned about rehabilitation of the forest. They need to realise that de-forestation or establishment of commercial plantations of exotic species in the Aberdares Forest contributes negatively to the capacity of the mountain to sustain

water. So, it is in the interest of the Ministry to make sure that the Aberdares Forest is protected. The Ministry should not leave this to the Ministry of Environment and Natural Resources or the Department of Forestry alone. It ought to be a concern that the mountain is protected. One of the ways in which we continue to degrade the Aberdares Forest and many other forests is actually by allowing these commercial plantations to continue in our forests.

Everywhere I go in my constituency, I am confronted by nursery school teachers. I am asked how come they are not assisted like other teachers. I am wondering whether this is an area where the Minister could look into. He should take care of the nursery school teachers.

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

**Mr. M.Y. Haji:** Thank you very much, Mr. Temporary Deputy Speaker, Sir.

From the outset, I would like to support the Motion and at the same time commend the hon. Minister because I consider him to be one of the best level headed Ministers in this country. We know how some few years ago local authorities were being run left and right. Civil servants were disappointed and discouraged while councillors were being threatened. However, at the same time, the truth must be said and I would like to express my feelings very sincerely. I am really flabbergasted, disappointed and discouraged to note that the fears that we had as a community way back in the 1962/63, that we were going to be marginalised by our big brothers in this country is being exercised very openly everyday.

I am saying this because last time when we were contributing to the Budget, I said that the Budget mentioned the northern part of Kenya or the arid areas in only three lines and money was allocated only for water as if the only thing that we need is water. Today, if you look at this book, it is written: "Republic of Kenya, Ministry of Local Government, District Allocations Development Vote." However, I would rather call it: "Republic of Kenya for Very Selected, Few Privileged Districts Development Allocations." I am saying this because there is no mention of Ijara or Wajir districts. During the financial year 2002/2003, some money was allocated to tarmac Masalame District Headquarters and Mandera District Municipality. Tenders were advertised but they were never awarded. That money was re-allocated to other areas of this country. The question that one asks is this: Is this really fairness? It is not fair at all!

Mr. Temporary Deputy Speaker, Sir, we would like to be treated like the rest of the country. We are not asking for any privilege. We have the right to be considered like the rest of the country. If this trend will not change, I think a time will come when we will ask for self-determination so that we can decide about our future and not have people deciding for us and deny us what is rightfully ours.

When I look at the Local Government generally, people are talking about corruption in this country, about things that happened 15 years or two years ago like Anglo Leasing and others yet we see in a very glaring manner corruption being perpetrated by councillors. There are councillors who are being locked in hotels for days and months so that they can be induced to elect a few who have the money to buy them. Is this really the proper way of doing things in this country? Why do we not say: "We are a corrupt country and, therefore, everybody should be free to be corrupted", if we cannot control things that are happening before our very own eyes. The other day it was Kilifi, yesterday I saw it in Mombasa and the same thing is possibly happening in other places. For the time the Minister is here, we would like him to bring sanity to the method of elections in local authorities in this country. There should be rules and regulations governing elections of mayors and chairmen of local authorities just like the ones governing elections of hon. Members as well as Presidential elections.

Secondly, Mr. Temporary Deputy Speaker, Sir, I want to comment on the issue of the minimum qualification for councillors. Most of the councillors, particularly in my area, cannot even read their own names let alone reading the rules and regulations of the council. Therefore,

there is need to introduce a minimum qualification depending on the level of development for the various parts of this country. For instance, in North Eastern Province and other areas, one should be a holder of a Kenya Certificate of Primary Education (KCPE) and the rest of the country, may have A-level Certificates of Education.

Mr. Temporary Deputy Speaker, Sir, most local authorities are run through trial and error. This is because there are no by-laws. Councillors cannot sit and introduce by-laws. The only councils which have by-laws are the ones which were established way back in the 1940s and 1950s, during the British rule in this country. For example, here, in the Nairobi City Council, by-laws exist. However, if you go to Ijaara, Garissa and other places, there are no by-laws there. In my area, cattle sleep in the town streets as if it is a cattle *boma*, and yet councillors, because they do not know their responsibilities, cannot deal with the owners. These people are not aware that they are endangering the health of people and also infringing upon their welfare.

Mr. Temporary Deputy Speaker, Sir, I would also like to speak on LATF and LASDAP. I think that there is a lot of mismanagement of the LATF. There is, therefore, need for the Ministry to introduce rules that will govern the manner in which the LATF Fund is going to be used. I would like to suggest that no money should be released to local authorities before they come up with a proper development plan. The Ministry, until it is satisfied with that plan, should not release the money. Currently, the LATF money is being used to cater for personal emoluments and recurrent expenditure of, say, running motor vehicles and council offices.

Mr. Temporary Deputy Speaker, Sir, perhaps, there is need, in order to curtail the misuse of the LATF, for the Government to give a certain amount of money to councillors in form of salaries, the way hon. Members of Parliament are paid from the coffers of the nation. This is because most of the councillors are not able to sustain themselves by using the revenue that they generate from their localities. I tend to agree with what hon. Ligale suggested, that some councils should be amalgamated in order for them to be able to manage their affairs.

I would also like to take this opportunity to congratulate the Town Clerk of Nairobi City Council. In the same breath, I would also like to congratulate the Minister. It is just the other day when a Minister woke up at 2.00 a.m. to go to Uhuru Park where he took the law in his own hands and tried to stop a demolition of a mission at Uhuru Park. We would like to commend the Town Clerk and all those who are doing a wonderful job. We ask them to continue doing so because we shall give them all the necessary support.

Mr. Temporary Deputy Speaker, Sir, since there are other hon. Members who would like to speak, I beg to support.

**Mr. Mwiraria:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to join my colleagues who have congratulated the Ministry of Local Government, and particularly the Minister, for the good job they are doing around the country.

If you look at Nairobi City, a lot has been said about improved street lighting and cleanliness. Nowadays we see people cleaning the city. Before, it appeared as though the city council had no employees. We see them cutting grass and bushes along the roads. Equally important is the fact that the city council is now planting a lot of trees and flowers along roads. They have also embarked on a project of repairing roads.

Mr. Temporary Deputy Speaker, Sir, the road projects which were started many years ago and financed by the World Bank were stopped when there were allegations of corruption. However, they were restarted after the NARC Government took over, but unfortunately, they are not doing very well. I can cite the example of roads projects in Meru; I have discussed this matter with the Minister. The company which was appointed and given tenders to re-do the roads in Meru Town went ahead and dug up all the roads and laid stones. However, for the last six months nothing has been happening. The people of Meru Town are now up in arms. In fact, they are

blaming the present state of affairs on politicians, especially myself. I know that hon. Kombo has initiated action, but it is really my prayer that the action be enhanced so that the roads are completed in the shortest time possible.

Many of our towns are located in areas where there is ample rainfall. However, if you visit these towns you will not see trees or flowers. If what is being done in Nairobi City could be extended to other towns like Meru, this would really be an excellent thing for the country.

The hon. Prof. Maathai talked about the problem brought about by plastic bags. It is true that plastics make our towns dirty. I think this is an issue which the Government should take up seriously so that we have in place a system of collecting all used plastic bags for the purpose of recycling. This will ensure that people do not throw them away haphazardly. People who collect the plastic bags for the purpose of recycling should be given a little cash. We know that plastic does not burn fully, and it leaves waste which will remain forever.

Mr. Temporary Deputy Speaker, Sir, it is unfortunate that most of our municipalities and towns do not have dumping sites. Meru Town is one example I can cite. In Meru, waste is dumped in the forest where monkeys get an opportunity to scatter it all over. Sometimes waste is dumped near residences and people do not like that. I think most towns in our country do not have incinerators. I would like to suggest that the Ministry should come up with a system of disposing garbage so that it is completely destroyed.

I know that the Minister has been very concerned about the availability of fire brigades. This is one area where as a country, we are really weak. In Meru, last year, there were five fire outbreaks in a span of three months. The fire destroyed slums; in fact, one slum has been destroyed three times in a span of two years. The people of Meru Town cannot do anything because there is no equipment to fight fire. It is important that the Ministry makes this a priority for all our major cities, municipalities and townships.

Mr. Temporary Deputy Speaker, Sir, let me mention another point that really bothered me. The hon. Y.M. Haji mentioned the fact that most local authorities do not have by-laws. What is even more shocking is that most of our municipalities and towns do not even have master plans. People just build houses the way they want to. You will find a big town with very narrow roads, where no two vehicles can bypass one another. This is because people have encroached on road reserves and built houses there.

Mr. Temporary Deputy Speaker, Sir, if we want to develop this nation, we need to start off with proper planning of our cities. We need to think 50 years from today, and not just think about tomorrow or five years to come. It is really painful when you visit some parts of Nairobi. People have put up storeyed buildings and big flats, but there is no sewerage and roads, and it is impossible to move when it rains. Let long-term planning be a must for every town or city. Let them be forced to do long-term planning. The Ministry should train town planners and post them to all our towns.

Mr. Temporary Deputy Speaker, Sir, quite a lot has been said about the use of LATF and LASDAP monies. I want to join those who have stated that LATF and LASDAP money is not properly utilised. I do know that, in some of our municipalities, councillors actually share out the money for bursaries. A councillor is given the money, he puts it in his pockets and decides who to give. He prepares the list of beneficiaries from the bursary fund. The only thing that can be done immediately is to say that nobody will get cash. If bursaries are awarded, the cheques should be drawn by the county councils or municipalities, so that the children could go and collect them, or they are sent to the schools. That is such an important matter. We cannot afford to let that money be used the way it is being used today.

Mr. Temporary Deputy Speaker, Sir, the other point is that, if that money is being given for development, the Ministry should insist on having development projects on which that money will

be spent. There is no point of giving out the money hoping that local authorities will spend it wisely on development programmes. Many of them, in fact, do not have time to do development projects. Therefore, if you go to some of them, you will find that funds which have been there for two years are still being held by the Ministry.

With those few remarks, I beg to support.

**Dr. Ojiambo:** Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me the opportunity to support the Minister for Local Government. I congratulate him for what he is achieving for this country. Local authorities are manned by very important people. Councillors are important politicians in this country. Those people can add a lot of value to the development of this country if they are properly mandated to do their jobs. I would like to ask the Minister for Local Government to evaluate the work of the councillors and find out whether they are properly utilised. Councillors know the local problems affecting urban and rural areas. They are at the grassroots level with the people, and they work together with them all the time. They know when the people are happy or unhappy. There is a lot that can be done to improve the welfare of our people through leaders in the local authorities.

Mr. Temporary Deputy Speaker, Sir, I want to talk about development in the countryside. Where there are town councils and municipalities, some aspects of good development take place. But there are also many market centres in the countryside that have been neglected. That is because the Minister for Local Government is no longer creating more townships. There are many market places that could do with further encouragement. The Urban Towns Programme was of great encouragement to our rural community, until it was stopped. I hope that some areas can be improved through that programme. I am saying that in reference to our place called Sio Port. That place has been a household name in this country for a very long time. It is one of those very early trading centres. It used to be an important port for water transport. But since the vessels in Lake Victoria stopped going there, that place has been neglected! But it still continues to host a very active fish market with no sewerage. The fish we eat in Nairobi come from there.

Mr. Temporary Deputy Speaker, Sir, over ten years ago, that place had been approved for development, but up to today, nothing has happened. Traders, especially women, sit on the floor in a very dusty environment, selling fish to very honourable members of this society. I call upon the Minister for Local Government to think about the plight of Sio Port Trading Centre. It is a very active market place and all it requires is a shed and a few stalls to sell fish.

Mr. Temporary Deputy Speaker, Sir, I would like to make the same appeal regarding many fish markets. We still have many problems in those areas, and yet fish is eaten by all members of our community. Along the lake-side, there are no proper facilities for selling fish. I would like to call upon the Minister to send his inspectors, if they exist any more, to look at what is happening around those markets, so that we are assured of a clean environment at places where we go to look for food.

Mr. Temporary Deputy Speaker, Sir, the same should be done to slum areas of Nairobi, other big cities and urban centres. I would like to talk about the welfare of people living in slum areas. The residents of slum areas in Nairobi constitute one of the most important workforces in the city, but they stay in appalling areas. There is no sewerage and toilet facilities. That is where many children in this country are born. It is appalling to see children grow up in those areas to become very important citizens of this country. When we talk about the cleanliness of Nairobi, we only think about the Central Business District (CBD). Go to Kawangware Market here, and you will be ashamed to think that those people also consider themselves to be Nairobians. As I said earlier, it is important that we have councillors who can help us improve the welfare of Kenyans. However, they can only do so if they are assisted by this Government. The Ministry should consider sending health inspectors periodically to different parts of this country to inspect the sewerage and drainage

facilities. Some of our people live in very deplorable conditions. They cook in places where the drainage and sewerage systems are bad. Likewise, children play in such conditions. It is very important for this Ministry to treat this issue seriously.

Mr. Temporary Deputy Speaker, Sir, I want to talk about the transport system in Nairobi. Our people no longer have adequate transport since the collapse of the Kenya Bus Service (KBS). The transport system has been reduced completely. We find very many people standing by the roads until very late at night, waiting for transport to their respective homes. Some of them walk for many miles because, today, the available Citi Hoppa buses cannot adequately serve everybody. The Minister should look into this problem, because Nairobians really suffer, especially when it rains, and yet these are the people who provide services to us. Therefore, they should not be exposed to this kind of suffering after work. Hon. Members claim to work for long hours, but from here we drive home comfortably. When the common *mwanachi* gets home, there is not even warm water to bath. The sewerage is running in front of their houses. It is really terrible for them. Therefore, the Minister for Local Government should consult with his colleagues in Government to improve transport for our people in Nairobi. This is an urgent problem. If we go out there, especially in the evening, we will see many people struggling to get transport back to their homes. Many children cannot get to schools in time any more because there is no adequate transport.

Mr. Temporary Deputy Speaker, Sir, the issue of *boda boda* transport in Nairobi is alive. It is here to stay. The *boda boda* mode of transport has assisted Kenyans in the smaller urban areas. Our people in Nairobi have also found it important. However, it is appalling to see bicycles speeding from Kawangware down the valley to Argwings Kodhek Road and James Gichuru Road; winding their way between the very heavy traffic and fast-moving vehicles. Our people must be protected. Side lanes must be constructed for bicycles to use. This has happened in other cities of the world. Therefore, Nairobi should also quickly start to think about it. The *boda boda* mode of transport will also help to decongest the capital city.

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

**Mr. Angwenyi:** Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to commend the Minister for Local Government for a job well done. I want to encourage him to put more effort to achieve greater heights of prosperity.

Mr. Temporary Deputy Speaker, Sir, the Local Government is a government in itself. That is why we call it the Ministry of Local Government. If I were the Minister, I would not be competing with the so-called "ODM luminaries" who have no government. I would instead be performing my work to the extent that they would be the ones who would be trying to catch up with me. The Minister for Local Government has a political network throughout the country. I do not know how many county, urban and city councils we have in this country. If he connects that network, he does not even have to worry about somebody competing with him in Bungoma!

Mr. Temporary Deputy Speaker, Sir, I would like to urge him to put in more effort and use the political network that has been provided to him as the Minister for Local Government, and he can reach up to the sky. The reason I am saying this is because local authorities serve our people at the grassroots. When somebody in the slums of Kisii Town is provided with proper housing, this is registered at the grassroots level. Even the President cannot reach there. If the Ministry of Local Government provides a proper water and sewerage system in Kibera, it registers to that person who cannot afford a pair of shoes at the grassroots, which is the lowest level of this country. As you know, 63 per cent of Kenyans live below the poverty line. They cannot afford a pair of shoes. So, those are people the Minister will occupy. In fact, he will possess them!

Mr. Temporary Deputy Speaker, Sir, I would like to suggest that the Ministry of Local Government should reclaim its previous glory. I have seen them trying to do that in Nairobi, but I would like them to extend that to Kisii, Kakamega, Mombasa and Garissa towns. I happen to have

worked in the Ministry of Local Government as a finance officer and we used to carry out impromptu or surprise inspections, and we had powers to put a clerk in jail. This is unlike today when even a nominated councillor can challenge a Minister who has nominated him in a court of law. I do not know what our courts are doing. I do not know whether they do not have business to do. How can you challenge the person who nominated you when he cancels that nomination? This has never happened anywhere else except in Kenya, where courts indulge themselves and entertain frivolous litigation at the expense of handling more urgent and important matters.

Mr. Temporary Deputy Speaker, Sir, I would like the Minister for Local Government to make sure that local authorities provide the services that they have been mandated to provide in Cap.264 of the Laws of Kenya. They are supposed to provide portable water for our people and marketing facilities so that we do not have hawkers in our towns. The Minister should come here and say that he is allocating Kshs3 billion from the Kshs9 billion of LATF money to provide proper marketing stalls in Nairobi, and provided that he takes Kshs500 million to Kisii, I will support him! I am sure the Temporary Deputy Speaker will support him if he did the same to Kapenguria.

*(Applause)*

We need to construct proper marketing facilities in our towns and market centres.

Mr. Temporary Deputy Speaker, Sir, sometimes I wonder why we levy some fees to people who go to our markets. What service does the Government provide to the people who go to the old market or Webuye Market? Nothing! There are no latrines. There is no water or even security. What do they pay for? I am asking the Minister to provide these services, so that one pays, knowing that he is paying for a service. That can be done if the Minister takes charge of the Local Authority Transfer Fund money, instead of giving it to the people who Mr. Midiwo said misappropriate it.

Mr. Temporary Deputy Speaker, Sir, since last year, the Constituency Development Fund (CDF) disbursed Kshs7.2 billion, and you can see that money in the form of projects in every corner of this country. The Ministry of Local Government disbursed Kshs9 billion of LATF, but you cannot see that money anywhere; at least, not in Kisii District. I do not see it anywhere else except Nairobi. Could the Minister round up the people who manage this money and put them in jail? They should be put under the care of Uncle Moody and be made to explain where they took this money.

When are we going to have street lights? The Nairobi City Council has attempted to install some in the city. When are we going to have them in Nakuru, Mombasa, Kisumu, Kisii and Nyamira towns? They used to be there sometime back. Where did they go to? When are we going to have proper sewerage systems? Even in Nairobi's Karen area, we have allowed sub-division of land to very low levels, and yet we have not provided for a proper sewerage system. Two or three years from now, Karen area will be stinking with sewage because there is no proper sewerage system.

Mr. Temporary Deputy Speaker, Sir, when are we going to zone this city, so that when you invest in Lavington you know what you are buying? Today, you could buy a house in Lavington and the next day, its value could be reduced to nothing because somebody has introduced a slum in the neighbourhood. When does the Nairobi City Council intend to repossess some of the properties that were wrongly given to people? When will the Nairobi City Council re-occupy the mayor's house?

The current Minister for Local Government is the one who brought to this House the Anti-Corruption and Economic Crimes Bill, which we enacted into law. We know that he does not



condone corruption. So, why can he not apply that law? Who gave away the mayor's house to an individual, however senior he was in the Government? Round him up and hand him over to Uncle Moody.

Mr. Temporary Deputy Speaker, Sir, the Ministry is supposed to provide road, planning and security services. What do the City Council *askaris* do apart from chasing away hawkers? Once the *askaris* chase away the hawkers, they do nothing else. Can they not provide some security services? Dr. Ojiambo talked about transport. It is time we got proper transport systems in Nairobi, Mombasa and Kisumu, even if it means having the local authorities in those cities investing in that system.

Recently, the Departmental Committee on Energy, Communication and Public Works visited London. The authorities in that city have provided a proper transport system. You can use the railway, bus or canal. London has more than 20 million people and yet they have got an efficient transport system. In Nairobi, maybe, we are now five million people, but the Nairobi City Council cannot provide us with adequate transport.

We are now inviting *boda boda* transporters to come to Nairobi. What can *boda boda* do in Nairobi? Inviting *boda boda* transporters to Nairobi is like inviting hawkers of transport. It will be a problem to eliminate them. *Boda boda* transporters should be confined to small towns. Instead of *boda boda*, the Nairobi City Council should introduce the tram or bus system. We should revive the old Kenya Bus system, so that it can provide proper transport to our people. That is what we should look forward to. Dr. Ojiambo said that she enjoys seeing *boda boda* cyclists doing their thing on the valleys. What transport is that? County councils collect cess money. The Ministry must ensure that, that money is properly applied for services to our people.

Finally, I would like to suggest that we amend Cap.265 of the Laws of Kenya, such that mayors are not elected through a process of throwing chairs at each other, but rather through direct election. That must come in the next general election.

With those remarks, I beg to support.

**Mr. Lesrima:** Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to thank the Minister for considering my constituency and allocating Kshs3 million for the construction of a slaughter facility, and Kshs5 million for a market centre.

However, I must complain about an allocation of Kshs53 for building a bus park, whereas there are no buses that operate in that area. That kind of money is a waste of resources. The Minister should have given us money to build a small donkey park because that is the mode of transport we use. He should also have given the people from the lake region that money to build a boat park. The money should even have been allocated to the people who use *boda bodas* to put up a bicycle park. The Kshs53 million for a bus park, in a place where there is no tarmac road and might not be there in the next ten years, is a waste of money. The allocation of that money was done from the Permanent Secretary's Office, and the contract awarded by the same office, yet the local people were not consulted. The construction of the bus park contract was awarded to Gibraltar Construction Company. As we know, Gibraltar is a place near the Mediterranean Sea. We got a contractor from the Mediterranean Sea and gave him a contract of Kshs53 million to put up a bus park in Samburu. That is what I consider a waste of resources. The construction company, Gibraltar, was awarded a contract of Kshs53 million, but it did not perform. Where I come from, you know how many cows that money can buy. It appears as if we have our priorities upside down. Maybe, I should not mind about the whole project because one day we might have a tarmac road running from Rumuruti to Maralal. Maybe, one day we will have buses going there. Our situation is like that of the City of Yamoussoukro in Cote d'Ivoire. A former President constructed a whole ghost city, but people are yet to go there.

The road contractor disappeared from site on 16th May, after he had scratched the ground

around Maralal, and got Kshs53 million. That is my biggest disappointment with this Ministry. It picked a contractor from Gibraltar and sent him to Samburu to do nothing. The Ministry of Local Government should take our priorities seriously. It should consider priorities like provision of water, education and roads. I would like to urge the Ministry of Local Government to make its plans in liaison with the CDF committees. In every 15 CDF committee members, two are from the local authorities. I think the purpose of placing the local government officers in those committees was to share ideas of planning and use their monies to meet their goals. I hope that clerks to county councils and the chairpersons will continue to be members of the district steering groups and DDCs, so that we avoid duplication of resources in planning.

Mr. Temporary Deputy Speaker, Sir, on the question of governance, we want the local authorities to consult communities on the utilisation of monies under the LATF. We want to see periodic returns and county council audited reports. We want auditors from Nairobi to audit those county councils. Even when you know that corruption is taking place, it is always predictable that when those officers go back to Nairobi, they will give them a clean bill of health. We need to put emphasis on procurement laws. The procurement laws that we passed in Parliament should also apply to local authorities.

Mr. Temporary Deputy Speaker, Sir, I want to say something about planning in our urban centres. Even hon. Members have contributed to the improper planning of our cities. We can see highrise buildings coming up in low residential areas. That destroys the privacy of other citizens. We hope the Minister will put his foot down to guard the privacy of citizens who live in areas with low buildings. We also want county councils to plan for satellite towns. The current urban centres are getting congested. They should also be concerned about the environment. We are now spending money, even in towns such as Maralal. We spend a lot of money to build gabions to protect towns from soil erosion. County councils should get concerned.

Mr. Temporary Deputy Speaker, Sir, we should implement by-laws, particularly in Nairobi City. There are men "irrigating" all over. The Nairobi County Council should work together with the East African Breweries Limited (EABL) so that, through its corporate social responsibility, it can take the responsibility of maintaining the environment. We hope that by-laws can be enforced to stop the men who "irrigate" the trees and make the city smell. They also make Nairobi rivers very dirty. As you know, dumping of toxic material on---

**The Temporary Deputy Speaker** (Mr. Poghisio): Are you against irrigation?

**Mr. Lesrima:** I am against men "irrigating" the city after taking the stuff from East African Breweries. They affect the health of people living downstream.

Mr. Temporary Deputy Speaker, Sir, I would like to encourage the Nairobi City Council and other urban centres to begin a programme of street naming. It is very difficult to get around some of those cities. That is because the streets have not been named; or if they are named, they are not numbered. In cities overseas, it is very easy to get to shops in streets because of numbering. If we were to work out the total amount of time Kenyans spend looking for particular offices or shops--- The people from Samburu come here looking for places to buy veterinary drugs or syringes. They take a whole day looking for the street and a whole day looking for the shop!

**The Assistant Minister for Local Government** (Mr. Shaaban): On a point of information, Mr. Temporary Deputy Speaker, Sir.

**Mr. Lesrima:** Mr. Temporary Deputy Speaker, Sir, I do not want to be informed by the man from Mandera.

He takes two days to come from Mandera to look for a shop to buy spare parts. The streets should be named.

**The Assistant Minister for Local Government** (Mr. Shaaban): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am not a man from Mandera. I am an hon. Member of

Parliament in this House and an Assistant Minister for Local Government. Is the hon. Member in order to demean the hon. Member for Mandera East Constituency?

**Mr. Lesrima:** Mr. Temporary Deputy Speaker, Sir, I have a lot of respect for the hon. Member for Mandera East and the people of that constituency. We spend a lot of fuel in traffic jams. So, the issue of constructing and naming streets should be looked into because this is a major project.

With regard to disaster management, every time there is a disaster, there is some kind of confusion. The people of Nairobi do not know where command centres are or where to get leadership. It is time the Mayor got involved, not only in the management of disasters, but also in the prevention of disasters. We need to know where command centres are and what telephone numbers to use. The chain of command does not come out very clearly.

Finally, I would like to join other hon. Members in saying that we should be electing mayors for a five-year term. The business of making our councillors prisoners every two years in hotels for two or three months is not democratic.

With those few remarks, I beg to support.

**Mr. Ahenda:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to say something about the Vote of the Ministry of Local Government.

I would like to commend the Minister for having done a fantastic job. Before he took over, the Ministry of Local Government was riddled with a lot of *kelele*. There were a lot of *migomos* every now and then, and we used to hear about these things all over. I commend him for that.

**The Temporary Deputy Speaker** (Mr. Poghisio): Mr. Ahenda, you started speaking in English. Could you continue speaking in English?

**Mr. Ahenda:** Mr. Temporary Deputy Speaker, Sir, I am very cognizant of the Standing Order that allows me to speak the same language throughout. However, I was commending the Minister for a job well done.

However, there are two horrible things in this Vote that I did not expect. The first one touches on Rachuonyo District, where I come from, because it does not appear anywhere in the Vote. I am really shocked that the Minister could leave out the district. Rachuonyo is an up-coming district and we gave the county council vast land to develop. Oyugis Town Council, which is also very vibrant and which joins Kisii and Rachuonyo districts, is really growing very fast. None of these districts has appeared anywhere in the Vote. That is a very horrible thing to come from the Ministry.

Another horrible thing is that, last year, the Minister allocated over Kshs120 million to Bungoma District. Again, this year, he has allocated a cool Kshs44 to the district.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! You just say what was allocated to Bungoma District. You are beginning to go into trivialities. If you know what was allocated to Bungoma District, just say that it was allocated to Bungoma District. I do not think the Minister allocated the money to himself.

**Mr. Ahenda:** Mr. Temporary Deputy Speaker, Sir, I am reading what is written here. Instead of him allocating Kshs44 million to his home district and allocating nothing to my district, he should allocate Kshs10 million to my district and Kshs30 million to Bungoma District. That would be a very fair deal.

The Minister is a good friend of mine. Recently, he visited my constituency. He actually visited our town hall. There is a lot to be done in my constituency. The councillors in my area really applauded him during that visit because they expected him to do more.

**The Temporary Deputy Speaker** (Mr. Poghisio): Mr. Ahenda, I know you are basically new in the House, but if you talk about another hon. Member in the sense that you are imputing improper motive on him, then you are out of order.

**Mr. Ahenda:** Mr. Temporary Deputy Speaker, Sir, I am not in any way imputing any improper motive on the Minister. I am just making a passionate appeal, so that he can also consider my district. That is what I am trying to put across. We are pals in this game and as a pal, he should not forget his friend.

Generally, the Ministry is lacking supervision right from the headquarters down to the local authorities. The Minister sends out the LATF and LASDAP and then he sits back and does not follow up to see how the money is being spent or what the councillors are doing. This has created some laxity, particularly on planning. For example, Kosere District Headquarters is just an up-coming town. In fact, Kosere should have been upgraded to a town council and Oyugis to a municipality. Oyugis has grown and has become so big that it should be upgraded to a municipality.

If proper planning is not done, the time will come when people will be putting up structures anyhowly and in few years to come, bulldozers will be brought to clear the structures. Why can we not plan properly right now, when the town is still coming up? If planners from the headquarters were visiting local authorities regularly, they could be seeing in time and in advance that there is no proper planning. In fact, Kosere can become a New York or a London within Africa, because the land on which it is being put up is very vast. We only need to have proper planning, which is lacking at the moment. The Ministry officials are not visiting the local authorities to instruct them on how structures should be put up and at what pace.

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Poghisio): Mr. Ahenda, you have a balance of five minutes.

Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday, 2nd August, 2006, at 9.00 a.m.

The House rose at 6.30 p.m.