

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 12th October, 2004

The House met at 2.30 p.m.

[*Mr. Deputy Speaker in the Chair*]

PRAYERS

Mr. Deputy Speaker: Hon. Members, today being the Committee of Supply day, we will start with Questions by Private Notice. Therefore, the first Question is by hon. Ojaamong.

QUESTIONS BY PRIVATE NOTICE

HARASSMENT OF WANANCHI BY ADUNGOSI POLICE STATION OFFICERS

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

(a) Is the Minister aware that police officers at Adungosi Police Station in Teso District are harassing the public through arbitrary arrests and other malpractices?

(b) What urgent measures is he putting in place to stop this harassment?

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

(a) No, I am not aware of any cases of harassment or malpractice at the station. However, frequent crackdown on illicit brews have been carried out from time to time to counter incidents related to the vice, which has enhanced security in the area.

(b) There are strict measures in place to deal with any incidents or cases of harassment of members of the public when cases are reported. No official complaints have so far been brought to my attention concerning harassment or any other malpractice by police officers at the Adungosi Police Station.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, it is very unfortunate that the Assistant Minister is feigning ignorance of the malpractices at the police station. It was just last week when the Officer Commanding Police Station (OCS) was transferred because he encouraged junior police officers to carry out mass arrests of the people and thereafter, these people would buy their freedom. The junior police officers also confiscate *chang'aa* from people which they give to their girlfriends to sell to the public. Why was the OCS who was at Adungosi transferred to another station last week if it was not because of the malpractices?

Mr. Mungatana: Mr. Deputy Speaker, Sir, the particular police station has had a history of crime that is associated with illicit brew-making. It is because of that history that we effected the transfer of the OCS; but it was as a result of the harassment meted on the members of public. So, the transfer was in respect of the history of illicit brew making and we felt that the OCS who was then in charge was not handling the situation as he should have. So, we brought a new OCS together with some new officers to deal with the situation.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, it is true that the policemen from Adungosi find their way to Bungoma and Bumula and arrest people who planted tobacco under credit extended by the Mastermind Tobacco Company, but could not repay the company. The police officers are normally used to arrest people. If one planted tobacco and cannot repay the debt, they take away your property. That is harassment! What plans is the Assistant Minister putting in place so that such things are not done by policemen from Adungosi Police Station?

Mr. Mungatana: Mr. Deputy Speaker, Sir, obviously, if Mastermind Tobacco Company or any other private company is using police officers to enforce private contracts, that is illegal and against the law. We would appreciate any such evidence in order for us to take drastic action against such police officers.

Mr. M. Maitha: Mr. Deputy Speaker, Sir, the Assistant Minister, has said that strict measures have been put in place against this vice of the police harassing *wananchi*. I remember, such Questions have been coming on and off in this House. The biggest predicament we have is that, when you are harassed by a policeman, you are forced to report the same matter to another police officer, and in that case there is a cover-up. What are these measures being put in place that can guarantee *wananchi* to get justice whenever they are assaulted by police officers?

Mr. Mungatana: Mr. Deputy Speaker, Sir, ordinarily, if I go by the example of the hon. Member; if a particular policeman has harassed you as a member of public, and you know he is attached to a particular police station, obviously, it is not advisable for you to report the same vice to the same police station. It would be better to go to another station. But amongst the measures we have put in place is that we have engaged in massive retraining of the police officers. What we want to do is to convert the police from being a police force into a police service, and massive investment has been done towards this. We want to change the whole concept and convert them into being public-friendly, which is an on-going process.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, we have police officers from Busia and Teso districts who have stayed in their stations for over four years. They have made it a habit to harass both Kenyans and Ugandans who cross the border. Business people are unable to undertake their businesses very comfortably. What is the Assistant Minister doing to ensure that these police officers who have stayed in there for a long period are transferred elsewhere, so that we can have new people?

Mr. Mungatana: Mr. Deputy Speaker, Sir, as a general policy of the Government, we try through both the Civil Service and other offices of the other arms of the Government, not to keep any members of public service in one station for more than four years. But I have to admit that the system is less than efficient. So, if the hon. Member could provide us with sufficient evidence, we would be able to take the necessary action. I appreciate the hon. Members' concern in that direction.

Mr. Deputy Speaker: Next Question by Private Notice, Dr. Ojiambo!

EXPULSION OF ORPHANS FROM
NYUMBANI CHILDREN'S HOME

Dr. Ojiambo: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the Vice-President and Ministry of Home Affairs, the following Question by Private Notice.

(a) Could the Minister inform the House why John Rashid, Meshack Ndirangu and Susan Wanjiru, all orphans, were thrown out of Nyumbani Children's Home in 2003?

(b) Is the Minister aware that Susan Wanjiru was consequently gang-raped while sleeping on the roadside at Karen Shopping Centre?

(c) Are the children still on ARVs wherever they are?

The Minister of State, Office of the Vice-President and Ministry of Home Affairs (Mrs. Kilimo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The children have been under the institutional care of Nyumbani Children's Home for varying periods of time but have been disengaged as follows:-

Two have been placed with family members and are beneficiaries of community-based care and attend school in Nyeri and here in Nairobi. One is without a family and he goes to a boarding school in Meru. He is housed by a youth centre in Nairobi during the holidays. His school requirements are met by the home, who also keep track of his progress and enable him to maintain contact with his only other surviving family member, younger than him. He is also under the care of the children's home.

(b) At this stage, there is no information regarding the rape allegations available to us. This would need to be verified from their families now having custody of the child and the police as this constitutes a criminal offence. Further investigations will be carried out.

(c) The three children are not all HIV-positive. Of the two who are positive, one is on ARVs and gets the same from the home, and the home's social visits the rural home to check on his reintegration, which so far is reported to be progressive. The other, who is positive, does not need the ARVs according to the doctor's assessment, but is under the home's community-based programme. She receives routine clinical support and medical support for opportunistic infections through the home's community-based programme. Other support made available to the children includes psycho-social support according to individual needs.

Dr. Ojiambo: Mr. Deputy Speaker, Sir, I want to thank the Minister for that comprehensive answer. Is she aware that these children had been out of school for more than a month? They were only recalled by the home and put back to school after the Kenya Television Network (KTN) brought this to the notice of the public. As we talk today, Rashid is on the streets of Nairobi. Is she aware that this is happening?

Mrs. Kilimo: Mr. Deputy Speaker, Sir, I am not aware that Rashid is on the streets of Nairobi, but we shall investigate.

As to whether I am aware that the children at one time were out of the home, it is true. This is because these children are teenagers. They are undergoing a stormy age in their lives, and being sick does not mean they do not venture out. Many times, they have gone out the institution just to venture into the outside world, which is expected of teenagers at this stage of their life.

Dr. Galgalo: Mr. Deputy Speaker, Sir, whenever we meet with colleagues from other countries, we feel embarrassed to tell them that we do not have legislation that takes care of AIDS orphans. When will the Minister bring a Bill to the House that will take care of AIDS orphans?

Mrs. Kilimo: Mr. Deputy Speaker, Sir, in the last three months, from June, my Ministry has been working on a policy on how to attend to the orphans in this country. We work in collaboration with the relevant Committee in Parliament to come up with a legislation that will take care of these orphans. So, it is very soon but I cannot say how soon although we are working on it.

Maj. Madoka: Mr. Deputy Speaker, Sir, the Minister has said that one of those children was not HIV-positive. Nyumbani Children's Home looks after HIV-positive orphans. What was this orphan doing there? Does this confirm the stories we hear about Nyumbani Children's Home and their suspect movements?

Mrs. Kilimo: Mr. Deputy Speaker, Sir, many children normally revert back to negative status after some time. Nyumbani Children's Home take in orphans who are HIV positive. Sometimes people are suspected to be HIV-positive and when they reach there, they are found not to be positive and yet they are orphans. The Home cannot throw them out.

Mr. Deputy Speaker: Last question, Dr. Ojiambo!

Dr. Ojiambo: Mr. Deputy Speaker, Sir, could the Minister tell us the reason why Nyumbani Children's Home is not taking adequate care of these children? Is it because of lack of funds or other motives?

Mr. Deputy Speaker, Sir, we know that Nyumbani Children's Home gets a lot of goodwill and money from abroad in the name of this orphaned HIV-positive children. We know very well that the little girl, Susan Wanjiru, was raped in the streets. We still have to know the reason why she went out there on the street. If the home is getting funding---

Mr. Deputy Speaker: Order, Dr. Ojiambo! Come straight to the question now!

Dr. Ojiambo: Mr. Deputy Speaker, Sir, I was coming to the question, and I wanted the Minister to understand that we are concerned that this home receives financial support from abroad. Is it true that the home does not have adequate money to take care of the children?

Mrs. Kilimo: Mr. Deputy Speaker, Sir, I would ask the hon. Member to give me more information as to the claim that the home has chased away these children.

(Prof. Maathai was applauded as she entered the Chamber)

Mr. Deputy Speaker: Order, Members! Can we now finish the question?

Madam Minister, please, proceed!

Mrs. Kilimo: Mr. Deputy Speaker, Sir, I had requested the hon. Member to table any evidence that these children are not taken good care of. As far as we are concerned - without covering up for anybody - we think they get the best treatment. However, I need to bring to the attention of the hon. Member that, Nyumbani Children's Home takes care of these orphans, and once their state is stable they are reintegrated back into their communities. The three had reached that stage, where they were reintegrated back into their communities with the Nyumbani Children's Home Community Social workers overseeing them.

Mr. Deputy Speaker, Sir, as to whether Susan Wanjiru was raped, I had indicated in my earlier answer that if it is true, then we have not received the information. This needs to be verified from the family that has the custody of the girl now, and the police, so that action can be taken against them.

(Loud consultations)

Mr. Deputy Speaker: Order, Members! The Minister is just concluding her answer! Minister, have you concluded?

Mrs. Kilimo: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Very well.

Next Question by Prof. Olweny!

MANUFACTURE OF ANIMAL FEED
FROM WATER HYACINTH

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

(a) Is the Minister aware that a company called Two-M is using water hyacinth to manufacture fertilizers and animal feed?

(b) Is he further aware that water hyacinth picks up micronutrient like iron, copper and zinc

and accumulates them in its tissues?

(c) Has the nutritional value and possible injurious effects of the animal feeds manufactured by Two-M using water hyacinth been determined?

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

(a) Yes, I am aware that a company called Two-M submitted to KEPHIS samples of water hyacinth for plant tissue analysis. However, no recommendation was made on its use as fertilizer or animal feed. As such, no authority has been granted to any company or individual to use water hyacinth in the manufacture of fertilizer or animal feed.

(b) I am aware that water hyacinth picks up micronutrients like iron, copper and zinc and accumulates them in its tissues.

(c) The nutritional value and the possible injurious effects of animal feeds manufactured by Two-M using water hyacinth has no nutritional value. The high levels of metals in the weed are toxic to animal, human and plant life.

Prof. Olweny: Mr. Deputy Speaker, Sir, the Assistant Minister has just said that the company called Two-M submitted the water hyacinth plant to the Government Chemist for tissue analysis. What was the reason for the analysis if they are not using the plant for manufacture of fertilisers and animal feeds which can be very dangerous to us and our livestock?

*(Mr. Nyachae was applauded as
he entered the Chamber)*

Mr. Kaindi: Mr. Deputy Speaker, Sir, before you manufacture any product of that nature, it is a standard procedure for the Government that Kenya Plant Health Inspectorate Service (KEPHIS) certifies the product. In this particular case, KEPHIS had to ensure that it fulfils that requirement. The fertilisers and animal feeds they were to manufacture had to conform to the laid-down standard criteria. The Two-M Company submitted water hyacinth plant, as required by law, to the Government Chemist and the analysis clearly proved that they had a high concentration of metals. As a matter of fact, water hyacinth is a noxious substance. It contains a lot of toxic metals and that is why KEPHIS ruled out the possibility of using it. That, however, does not mean that KEPHIS is not carrying out further research. In fact, KARI, in collaboration with KEPHIS, is carrying out further research. If there will be contrary proof, then, appropriate recommendation will be made. At the moment, the analysis proved that water hyacinth had a heavy concentration of metals and could, therefore, not be allowed to produce animal feeds or fertilisers.

Prof. Olweny: Mr. Deputy Speaker, Sir, sometime back, some small cattle were introduced around the Nairobi Dam and they were feeding on water hyacinth. It is also known that some people in Western Kenya allow their livestock to feed on water hyacinth in the water bodies around Lake Victoria, and yet the water hyacinth accumulates heavy toxic metals. What is the Ministry doing to prevent such practice because the heavy metals will end up in milk and meat, thereby affecting our health?

Mr. Kaindi: Mr. Deputy Speaker, Sir, I think Prof. Olweny knows too well that there are activities that are difficult to understand unless civic education on the adverse effects of some of the practices is carried out. I want to confirm to the hon. Member that water hyacinth is not good for the livestock and the best thing to be done by the leadership of the area is to advise the people appropriately.

Mr. Deputy Speaker, Sir, further analysis is being carried out by KARI. We have our research institute in the Lake Victoria region and hon. Members can always seek information with

regard to the water hyacinth. However, as a Ministry, the best we can do is to advise members of the public appropriately like we are doing at this particular time.

Mr. Deputy Speaker: Hon. Members, before we move to the next Question segment, I have a Communication from the Chair. But before I do so, perhaps, hon. Members would like to join me in welcoming hon. Simeon Nyachae back to the House.

(Applause)

COMMUNICATION FROM THE CHAIR

TRIBUTE TO NOBEL LAUREATE
PROF. MAATHAI

Mr. Deputy Speaker: Hon. Members, on behalf of the House and on my own behalf, I would like to congratulate hon. Prof. Wangari Maathai, the Member for Tetu, and Assistant Minister for Environment and Natural Resources, for winning the Nobel Peace Prize, 2004.

(Applause)

In winning this award, she not only becomes the first Kenyan Nobel Laureate, but also the first woman from Africa to be given the prize by the Nobel Peace Committee Institute in Oslo, Norway.

(Applause)

Prof. Maathai has had a very distinguished academic career. In 1974, she became the first woman in East and Central Africa to earn a Doctorate Degree. In 1976, she was appointed the Chairperson of the Department of Veterinary Anatomy at the University of Nairobi and a year later became an associate Professor. In both cases, she was the first Kenyan woman to attain those positions.

In 1977, she began to encourage rural women to plant trees. That marked the beginning of the Green Belt Movement which she has headed through a lot of turbulence, but that did not prevent her from helping in planting an estimated 30 million trees across the country.

Prof. Maathai has won several awards in many parts of the world, including early this year when she won the Sophy Prize organised by the Ford Foundation of Norway. This was in recognition of her dedication and commitment to conserving the environment. Hon. Members, there is no doubt that Prof. Maathai has made this country proud, and also, I dare say, the Kenya National Assembly. She is an accomplished academician, an eminent scholar, a prominent environmentalist, a tireless advocate and supporter of human rights and a freedom fighter, a principled politician and a person dedicated to serve the people of Kenya and the world at all costs.

(Applause)

She has remained a very simple Kenyan, extremely humble in whatever she does and says, including pronouncements in this House. When her name was announced as the winner of the prize for this year, the Nobel Committee noted her contribution to sustainable development, democracy and peace that was unparalleled in the world. The Committee further noted: "Peace on earth

depends on our ability to secure our living environment. Prof. Maathai stands at the front of the fight to promote ecologically viable social, economic and cultural development in Kenya and Africa. She has taken a holistic approach to sustainable development that embraces democracy, human rights and women rights in particular. She thinks globally and acts locally."

That is absolutely true. The Member for Tetu puts an appearance in her constituency almost on weekly basis to help the local people solve their problems, but has lost no sight of Kenya's critical national pathologies which she always talks about with a lot of compelling sanity and passion. This House, therefore, joins other Kenyans in congratulating hon. Prof. Maathai for the honour and recognition she has brought to this country. Thank you.

(Applause)

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to suggest that in keeping with the kind of recognition Prof. Maathai has been given internationally, this House resolves that we recommend to the Head of State to elevate her to the position of a full Minister?

(Laughter)

Mr. Deputy Speaker: That is a good suggestion, but it is not definitely in order for us to do so. It is out of order.

Next Order!

ORAL ANSWERS TO QUESTIONS

Question No.313

OFFICIAL VEHICLE FOR BANGALE
DISTRICT OFFICER

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

- (a) whether he is aware that Bangale Divisional Headquarters operate from a room in a dispensary since its inception in 1992;
- (b) if he is further aware that the area District Officer has no vehicle; and,
- (c) considering that the area is a security operation zone, whether he could construct the headquarters and supply the DO with an official vehicle.

Mr. Deputy Speaker, Sir, may I also congratulate Prof. Wangari Maathai.

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

(a) I am aware that Bangale Division Headquarters operate from a room in Bangale Division, sadly so.

(b) I am also aware that there is a vehicle for Bangale DO, vehicle GK No.940W Land Rover Defender 110, which is currently grounded requiring mechanical repair estimated at a cost of Kshs120,000. Arrangements are being made to source for funds to repair this vehicle so that the DO can utilise it.

(c) The Divisional Headquarters will be constructed amongst others when we have the funds with us. When the Government purchases new vehicles, perhaps in the next year, we shall give Bangale Division some priority.

Mr. Wario: Mr. Deputy Speaker, Sir, we have passed millions of shillings in budgetary allocations for the Office of the President in operation and maintenance work. What justification does the Minister have not to allocate Kshs120,000 from those millions to Bangale to revive that vehicle? Is he appealing to the World Bank to come and repair that vehicle for him?

Mr. Mungatana: Mr. Deputy Speaker, Sir, normally, every District Commissioner is allocated a Vote for purposes of maintenance and repair. The Vote that was allocated to Tana River District, where the hon. Member comes from, cannot support Kshs120,000. I also come from that area, unfortunately. We can assure the hon. Member that we will make special arrangements to have this vehicle mobile again.

Mr. Rai: Mr. Deputy Speaker, Sir, arising from the answer given by the Assistant Minister, and noting that Bangale is a security zone, could he tell this House for how long this vehicle which only requires Kshs120,000 to be repaired, has been detained? This is a security zone. If anything happens today, will we wait for Kshs120,000 for this vehicle to be repaired?

Mr. Deputy Speaker: Mr. Rai, I thought the Assistant Minister said he will make special arrangements.

Mr. Mungatana: Mr. Deputy Speaker, Sir, I have already made the point that we will make special arrangements for this particular situation.

Mr. Abdirahman: Mr. Deputy Speaker, Sir, the response from Ministers time and again, especially in relation to when a project will be undertaken, is not satisfactory. We do understand that we have money allocated in budgets for a particular year. We also understand that in the planning cycle they talk about the medium-term expenditure framework. Can the Assistant Minister give us actionable plans? This problem is not only occurring in Bura or Bangale; the same thing is happening in many parts of this country. Could he tell us what plans he has in store for Bangale, along with other District Officers?

Mr. Deputy Speaker: Order, Mr. Abdirahman! You cannot ask a question and try to answer it yourself. You have asked the question; let the Assistant Minister answer.

Mr. Mungatana: I am aware that it is not only Bangale Division that has this problem. The truth of the matter is that we made some requests as the Office of the President to the Treasury, but we were not granted the amounts that we wanted. In fact, we got a lesser Vote than we got last year. This has affected our operational and development capacities. At least, in this case of Bura, Bangale Division, I can give the assurance that we shall make arrangements for it.

Mr. Wario: It is now 12 years since this DO started operating in this room of a health centre. Could the Assistant Minister assure the House that it will not take this Government another 12 good years for funds to be available?

Mr. Mungatana: Mr. Deputy Speaker, Sir, it will not.

Question No.504

NUMBER OF KILIFI RESIDENTS IN
SENIOR GOVERNMENT POSITIONS

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

(a) whether he could inform the House how many people from Kilifi District have been appointed to the following positions since the current Government came to power:-

1. Permanent Secretaries
2. Provincial Commissioners
3. District Commissioners

4. Ambassadors, High Commissioners and,
5. Judges; and,

(b) if he could also indicate how many of them are from Bahari Constituency.

The Assistant Minister, Office of the President (Mr. Shitanda): Mr. Deputy Speaker, Sir, I beg the indulgence of the House to have this Question answered next week because it reached our office only on Friday and it involves getting information from the Judicial Service Commission and the Ministry of Foreign Affairs. We are trying to work on it and the answer should be ready by Tuesday, next week.

Mr. Khamisi: Mr. Deputy Speaker, Sir, this is a fairly easy Question, but I will accede to whatever the Assistant Minister has said.

Mr. Deputy Speaker: Very well. The Question is deferred until Thursday, next week.

(Question deferred)

Question No.067

PAYMENT OF ARREARS TO
PYRETHRUM FARMERS

Mr. Angwenyi, on behalf of **Mr. Mwanicha**, asked the Minister for Agriculture:-

- (a) when pyrethrum farmers will be paid their 15 months' arrears for the delivery of pyrethrum flowers to the Pyrethrum Board of Kenya; and,
- (b) what the Government's long-term position on the pyrethrum sub-sector is.

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

(a) The Pyrethrum Board of Kenya has realised improved payment of growers' arrears during the last financial year ending on 30th June, 2004. They paid Kshs415 million compared to Kshs272 million over the same period, the previous year. This is because pyrethrum sales improved by 40 per cent from the previous year. The Board is now paying pyrethrum growers on monthly basis, depending on cash flow. This financial year they have paid growers Kshs100 million between July and September. They will pay farmers during this month another Kshs30 million.

(b) Hon. Members will recall the Parliamentary Motion on pyrethrum passed in this House on 28th July. Following the debate, the Minister for Agriculture was required to appoint a committee of experts to look into the problems facing the pyrethrum industry. A committee has already been appointed. As we talk today, the committee is in Nakuru doing the initial work. This committee will be able to assist the Ministry and the Government in coming up with a clear position with respect to the pyrethrum industry. Once this report is ready, it will be tabled as required by this House for debate by hon. Members.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House how much arrears are outstanding as the dues to pyrethrum farmers in Gusiiland?

Mr. Kaindi: Mr. Deputy Speaker, Sir, in general terms, throughout the country, particularly the areas that grow pyrethrum, we have arrears totalling Kshs1.4 billion. The Pyrethrum Board of Kenya holds stocks to date whose value is worth Kshs1.9 billion. The Board is making efforts to ensure that we source sufficient market to be able to sell that pyrethrum so that we can settle the arrears to the farmers.

Mr. Serut: Thank you, Mr. Deputy Speaker, Sir. We know for sure that pyrethrum farmers

have not been paid for quite some time. The Assistant Minister has said here that they have been paying arrears. Which arrears are they paying? Are they paying for the delivery of pyrethrum which is being taken to the board now, or are they paying the previous arrears?

Mr. Kaindi: Mr. Deputy Speaker, Sir, the hon. Member does appreciate that we have farmers delivering the pyrethrum even today. The board has made arrangements to ensure that as deliveries are made, part of the money is paid. But you will recall that the board made efforts through the Ministry of Finance to see whether the board could be able to secure some loan to ensure that they were able to solve that problem. But the bigger picture which I want to give hon. Members is that the board is looking for markets. There have been consultations with Sumitomo of Japan to source other markets. I also wish to point out that locally, we are exploring the possibility of using pyrethrin as a product in the manufacture of products that can be used to protect Kenyans against malaria. Therefore, we need to aggressively address the question of the local market, and this is what the Ministry is doing. But when the Committee visits these areas, as they are doing today, I want to finally assure hon. Members that we are planning a workshop at the end of which stakeholders from those areas can come and give their recommendations as appropriate.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Cheboi: Thank you, Mr. Deputy Speaker, Sir. By his own admission, the Assistant Minister has said that the Pyrethrum Board of Kenya has stock worth more than Kshs1.9 billion. What steps has it taken to make sure that the stock which they have is used as security and they give money to the pyrethrum board for them to pay farmers?

Mr. Deputy Speaker: Mr. Kaindi, try to be very brief!

Mr. Kaindi: That is the direction we are taking and that is why we are consulting. We want to use the stocks that have piled up as collateral so that we can be able to arrest the situation. We are working on a strategic plan and very soon, I will be able to appraise this House on what measures we are taking to ensure that the farmers are paid.

Mr. Deputy Speaker: Last question now, because hon. Members know that this is a Supply Day.

Mr. Angwenyi, last question!

Mr. Angwenyi: I think hon. Dr. Manduku has a question.

Mr. Deputy Speaker: Order, Mr. Angwenyi! You are completely out of order!

Mr. Angwenyi: The issue of pyrethrum is a very serious issue where we come from. The produce of farmers has been neglected by this Government, I do not know why. It seems as if they want to impoverish my people. There is a bank, the Import-Export Bank, which would like to give money to pay up these farmers and assist them in producing more pyrethrum. Could the Minister undertake to explore that possibility and bring money to our farmers?

Mr. Kaindi: I have said this, and I want to say it again, that we are exploring every avenue possible to ensure that farmers are paid. We share his concern and we wish to assure him, as a Ministry, that these are the avenues to ensure that farmers are paid.

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

Question No.352

REVENUE COLLECTION BY KENYA
AIRPORTS AUTHORITY

Mr. Deputy Speaker: Is Mr. Wamunyinyi not here? We will drop his Question. What is it,

Mr. Keter?

Mr. Keter: Mr. Wamunyinyi had requested that this Question be deferred until next week.

Mr. Deputy Speaker: Who did he request?

Mr. Keter: He had told me to request the Chair.

Mr. Deputy Speaker: The proper procedure is for the person to communicate with the Chair or the office of the Clerk.

Very well then, I will defer the Question, but in the future, if any hon. Member wishes a Question to be asked on his behalf or if you want it to be deferred, communicate to the Clerk or the Chair, and it will be done. This Question is deferred to tomorrow.

(Question deferred)

Next Question by Mr. Owino Likowa!

Question No.455

MEASURES TO AVERT WATER
CRISIS IN KENYA

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

(a) whether she is aware that a recent World Bank report has indicated that Kenya is facing a serious water crisis that is threatening to disrupt social and economic activities; and,

(b) what immediate plans the Ministry has to counteract the above situation.

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

(a) I am aware of the World Bank report entitled: "The Republic of Kenya Towards a Water Secure Kenya" released in April this year by the World Bank. This report was prepared through a partnership between the World Bank, the Government of Kenya and other stakeholders, and the Ministry of Water was also involved.

(b) In order to counteract this situation, my Ministry through the ongoing Water Sector Reforms, has taken immediate measures which include the establishment of the Water Resources Management Authority to manage and protect all our water resources. This authority aims to launch a vigorous public awareness campaign involving all our leaders and citizens in catchment protection efforts. We also intend to launch an awareness campaign for the efficient use of water for domestic, agriculture and other needs. This is being conducted in partnership with other stakeholders like the National Environmental Management Authority (NEMA), the Ministry of Environment and Natural Resources and all other stakeholders.

To effectively and efficiently manage our water resources, my Ministry has further formulated a Water Resources Management Strategy detailing various activities to be undertaken, which include, but are not limited to, restoring the degraded catchments, curbing water pollution, rational and equitable allocation of our water resources, in addition to the construction of additional dams for storage and flood control. Even though the country is classified as water-scarce, we have so far only developed 20 per cent of our water resources. We intend to do better than that to ensure that we have a water-secure future. The key will be by harnessing flood waters and such other measures.

Mr. Owino: I want to thank the Minister for that good answer. But she has mentioned that

there will be sites or, I believe, reservoirs. Could she tell us where, generally, these sites will be? Because if I remember, and I know places like Nyatike in Migori District where I come from, Rachuonyo and many other places in the lowlands; for example, Budalangi and Siaya, a lot of water goes to waste. Could the Minister generally tell us where these reservoir sites will be so that we can start telling our people that we shall have water reserves for the purposes of irrigation and others?

Ms. Karua: They will be along appropriate sites, but currently, the most immediate is that we intend to build reservoirs for flood control along the Nyando and Nzoia Rivers at various suitable points.

Mr. Wambora: I want to know whether the Minister is aware of the re-introduction of the Shamba System in forested areas which form the basis for the water catchment areas? Will this not adversely affect the water situation in the country?

Ms. Karua: I am aware that the Ministry of Environment and Natural Resources is dealing with the issue. I am not aware that they have accepted the Shamba System, but I am aware that they are collaborating with us to ensure that catchment areas are preserved, and that we restore the degraded catchment areas to ensure adequate water resources are available.

Mr. Deputy Speaker: Last question, hon. Members, because we have some business to do before 3.30 p.m.

Last question, Mr. Likowa!

Mr. Owino: I think I am generally satisfied, Mr. Deputy Speaker, Sir.

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

Question No.413

DESTRUCTION OF TREES BY MOTORISTS

Mr. Kipchumba asked the Minister for Environment and Natural Resources:-

- (a) if he is aware that many trees are destroyed everyday by motorists who use twigs as a hazard sign when their vehicles breakdown; and,
- (b) what steps he is taking to stop this menace.

The Assistant Minister for Environment and Natural Resources (Prof. Maathai): Mr. Deputy Speaker, Sir, before I answer this Question, please, allow me to thank the Chair, hon. Members, colleagues and friends for the very warm congratulatory messages, the friendship and comradeship with which you have received this prize.

(Applause)

As I have said before, this prize belongs to all of us; it belongs to our country, Africa and to all people in the world who are able to make that link between sustainable management of the environment, democratic governance and peace. It is great that our country has been recognized as one which has managed to make that linkage from bottoms up. So, thank you for that warm reception.

Mr. Deputy Speaker, Sir, I particularly would also like to thank the women hon. Members of Parliament in giving this recognition. It is also a great encouragement for all the women and especially the girl-child who should know that the sky is the limit.

(Applause)

Mr. Deputy Speaker, Sir, with regard to this Question, I would like to request the indulgence of the House, I have an answer here which is not signed. So, I know that the hon. Member who requested for an answer does not have a copy. Therefore, I would like to request that I be allowed to answer it tomorrow morning or afternoon, whenever appropriate.

Mr. Deputy Speaker: Very well! It looks like Mr. Kipchumba has no objection. Therefore, this Question is deferred until tomorrow afternoon.

(Question deferred)

Hon. Members, I have to request that the remaining two Questions be deferred till tomorrow because, as you recall, last Thursday, the Ministerial Statement that had been sought by Mr. Mukiri required some clarification. We agreed that we would allow time for clarification this afternoon. Therefore, I would like to request Mr. Wamwere, Mr. L. Maitha and the Ministers concerned to bear with me. I defer these two questions till tomorrow afternoon.

Question No.038

PAYMENT OF LOW SALARIES TO
MENENGAI ESTATE WORKERS

(Question deferred)

Question No.578

LOSS OF SHARES BY KILIFI/
MALINDI CASHEWNUT FARMERS

(Question deferred)

POINTS OF ORDER

ESCALATION OF VIOLENCE IN LIKIA

Mr. Deputy Speaker: Hon. Members, the Assistant Minister actually issued a complete Ministerial Statement on the Likia situation. However, hon. Members wanted some clarification. So, I will give a few minutes for that clarification.

Is there any hon. Member wishing to stand on that? Mr. Mukiri had requested for that Ministerial Statement and he is not here.

Mr. Serut: Mr. Deputy Speaker, Sir, the Likia issue concerns land. It is an issue which has struck a lot of emotions and speculations in this country as far as our stand on land is concerned. I would like to ask the Assistant Minister to clarify this issue. There are two communities who are fighting over this land. One community has title deeds and one does not have. Now, which community is entitled to this land; is it the one with the title deeds or the one which is just laying claim on this particular piece of land?

Mr. Deputy Speaker: Do we have any other clarification? It looks like we have no other.

Mr. Mungatana, you may proceed!

The Assistant Minister, Office of the President (Mr. Mungatana): Mr. Deputy Speaker, Sir, with regard to the situation in Likia, the number of people that I had explained that have title deeds are 318. In fact, the number of people who had title deeds were more than the plots that were available. This suggests that there were actually some irregular allocations which were there.

However, the hon. Member is interested in knowing whether it is the people who have title deeds or those who are laying claim to the land who own it. As I said, I ordered that all people stay out of that area. We will follow the law.

Hon. Members: Which law?

The Assistant Minister, Office of the President (Mr. Mungatana): Mr. Deputy Speaker, Sir, the law that gave title deeds. The initial people who had title deeds that are unchallenged shall be given preference. However, the history of this whole area revolves around the degazettment of afforested areas. With regard to some of the people who are claiming to have title deeds; the title deeds were given, but in an area which had not been de-gazetted as a forest. Therefore, some of those title deeds will necessarily have to be reconsidered in keeping with the law.

Mr. Deputy Speaker, Sir, with those few remarks, I just would like to say that the Government needs to be given time so that we sort out the issue in a small, but clear way.

Mr. Sirma: Mr. Deputy Speaker, Sir, out of the Assistant Minister's answer arises other questions. The Assistant Minister claims that there are other non-genuine title deeds. Who issued these title deeds because during settlement, there was no conflict? Has the Government come as a design to disrupt the settled people so that they can achieve their goal of not allowing them to settle because they belong to a certain community?

The Assistant Minister, Office of the President (Mr. Mungatana): Mr. Deputy Speaker, Sir, first, to answer the hon. Member, it is the Government that issued those title deeds. Maybe I need to clarify an issue here. On those forested areas, the process that was followed was that the former President was requested, and genuinely he gave direction that some of the areas within the forest be settled, with good intention. However, what happened is that when people were settled, there was also a second extension that was requested. Normally, leaders would go back and explain that they needed to add more land to the people who were settled. These extensions are the ones that cause the problem because the leaders; in fact, politicians, are the ones who bring extra people. When these people lay claim to this land, sometimes without even degazettment of the forest areas, they somehow manoeuvre and get title deeds. That is the genesis of the problems we have with regard to land. So, as Government, we are begging for the understanding of this House. This is a serious issue and we need to go slow over it, but we are handling it. I would like to inform the House that as of today, we have arrested over 55 people who have been involved in incitement, carrying of dangerous weapons, *et cetera*.

Mr. Deputy Speaker: Mr. Mungatana, I have to cut you short!

The Assistant Minister, Office of the President (Mr. Mungatana): Mr. Deputy Speaker, Sir, I just would like to say that we are dealing with the issue and we shall conclusively finalise it.

Mr. Deputy Speaker: Very well! I will allow the next one minute for any hon. Member requesting for a Ministerial Statement.

Mr. Muite!

IMPLEMENTATION OF THE NDUNG'U LAND REPORT

Mr. Muite: Mr. Deputy Speaker, Sir, I rise to request the Minister for Lands and Housing, Mr. Kimunya, to issue a Ministerial Statement on the Ndungu Report.

This House is the public watchdog on expenditure of public funds by the Executive. We would like to know, how much, for example, did the Ndungu Commission cost the Kenyan taxpayer? Is the report exhaustive; that is to say, not confined to the Moi Regime? Does it go back to 1963, and if it does not, what plans does the Government have to ensure that the report is exhaustive? This House is also entitled to know what plans the Government has for full implementation of that report. When it is tabled, let it be the full report with all the appendices, none

of them being removed.

The Assistant Minister for Lands and Housing (Mrs. Tett): Mr. Deputy Speaker, Sir, I will issue the Ministerial Statement on Thursday.

Mr. Deputy Speaker: Prof. Olweny, I will give you one minute to seek your Ministerial Statement!

Prof. Olweny: Thank you, Mr. Deputy Speaker, Sir. I rise to seek for a Ministerial Statement from the Minister for Education, Science and Technology regarding the position of the Vice-Chancellor of the University of Nairobi and other public universities. The post of the Vice-Chancellor of the Nairobi University has been advertised today as opposed to the previous tradition whereby they were simply appointed. What does the Act and the Charter of the University of Nairobi say about these positions? That is the position of the Vice-chancellor, the Deputy Vice-Chancellor, the principals of colleges and the Chancellor.

Mr. Deputy Speaker Sir, could the Minister for Education, Science and Technology clarify to this House how those positions are supposed to be filled in? That includes other---

Mr. Deputy Speaker: Order, Prof. Olweny! You have now finished seeking your Ministerial Statement. Could the Minister for Education, Science and Technology respond to that?

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Deputy Speaker, Sir, I would like to say that we will be prepared to issue an exhaustive statement next week.

Mr. Deputy Speaker: Mr. Munya, I request you to seek your Ministerial Statement tomorrow morning because the Order Paper does not allow me to go beyond this time!

Let us now move on to the next Order!

COMMITTEE OF SUPPLY

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

MOTION

THAT MR. SPEAKER DO NOW
LEAVE THE CHAIR

Vote 12 - Ministry of Local Government

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

*(Several hon. Members withdrew
from the Chamber)*

Mr. Deputy Speaker: Order, Hon. Members! Those who wish to leave the Chamber should do so quietly. The hon. Members behind there, Minister for Local Government is moving a very important Vote.

Proceed Mr. Minister!

The Minister for Local Government (Mr. Kombo): Mr. Deputy Speaker, Sir, I would like to thank you and this august House for giving me this opportunity to present both the Recurrent and Development Votes for my Ministry.

As hon. Members may be aware, my Ministry is essentially a service Ministry whose main role is to advice, co-ordinate, support and guide the 175 local authorities throughout the Republic of

Kenya. The main objective of this support is to enable local authorities to enhance the delivery of services. This will be achieved through improving financial management and accountability and the mechanisms for citizen-participation in governance. 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 the local authority reforms linked to improved budgeting, enhancement of revenue mobilisation, sound financial management practices, participatory service delivery, planning and implementation and capacity building.

(ii) Development of policies, systems and procedures to strengthen and institutionalise a democratic and participatory community-based decision-making process.

(iii) Formulation and implementation of policies to promote orderly urban development and address challenges of urbanisation.

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

(v) Improvement of urban road network and traffic management to promote faster movement of people, goods and services.

(vi) Provision of non-motorised transportation facilities by paving pedestrian walkways for pedestrian and cyclists of whom the majority are poor.

(vii) Institute effective fire disaster prevention and management mechanisms to prevent loss of lives and destruction of property and shelter, especially in slums.

To achieve these objectives, I request hon. Members to approve a total of Kshs6,752,736,806 only for my Ministry during the current 2004/2005 Financial Year.

Out of this amount, Kshs4,720,766,800 only is for Recurrent Expenditure. The distribution of funds in the Recurrent Expenditure is, therefore, as follows. Personal emoluments will take Kshs90,242,611, operations and maintenance - Kshs108,684,189, Local Authority Transfer Fund - Kshs4,071,000,000, contribution in lieu of rates - Kshs300 million, and street families rehabilitation programme - Kshs40 million. The total amount required for Development Expenditure is Kshs2,031,920,006.

The following is the detailed breakdown of my Ministry's budget allocation. The Kenya Local Government Reform Programme will spend Kshs11 million. My Ministry is fully committed to reform the local Government sector at the policy programme and local governance levels. One area that the Ministry is currently addressing is to guide local authorities to prepare and implement realistic budgets.

Another area of great concern is the financial management in local authorities. So far, the Local Authorities Integrated Financial Management Information Systems has been piloted in eight councils. This is a computer-assisted system whose specific objective is to harmonise and standardise data capture, analysis and reporting to the local authorities. My Ministry is planning to roll out the software to other local authorities in future. The system is intended to improve efficiency, accountability and transparency in conducting financial operations of local authorities. The Ministry is also addressing the issue of implementing simplified accounting systems 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 preparation and implementation, so that any deviations can be detected early enough and corrective measures taken.

Secondly, we have the Local Authorities Transfer Fund (LATF). During this Financial Year, 2004/2005, a total of Kshs4,071,000,000 will be disbursed to all the 175 local authorities to enable them improve on local service delivery and catalyse improved financial management. The LATF allocation criteria is designed to ensure that funds are allocated in a predictable and transparent

manner. The LATF allocation is based on the following criteria as per the LATF regulations. The first one is a basic minimum lump sum of Kshs1.5 million for each local authority. The second factor is the population of each local authority as per the 1999 population census issued by the Central Bureau of Statistics (CBS). The third one is the urban population of the local authority. I would now like to outline LATF disbursement conditionalities.

For a local authority to qualify for the receipt of LATF Fund, it shall fulfil the following conditionalities.

On LATF disbursal conditionalities, one, at least, 50 per cent of the allocation from the service delivery account must be budgeted for capital expenditure. Two, expenditure on personnel should not exceed 60 per cent of the total expenditure of the local authority. Three, from 1st July 2000, all statutory charges payable by the local authority should have been paid within the year in which they are due. Four, the statement of actual receipts of expenditure, cash and bank balances up to 30th June, 2004. Five, statement of debtors and expenditure for the payment actually made in the year 2003/2004. Six, a revenue enhancement plan for the year 2005/2006 must be produced. Lastly, a local authority annual service delivery plan must be produced. In the event of a local authority failing to meet any of the above conditionalities, it attracts a penalty.

Mr. Deputy Speaker, Sir, at this juncture, I wish to request the hon. Members to show a keen interest in the usage of the LATF monies in their respective local authorities. These LATF monies are combined with locally-generated council revenues to provide services at the local level. Hon. Members are also encouraged to acquaint themselves with the LATF annual reports which give detailed information on the financial revenues and expenses, progress on the service delivery and the project implementation and debt resolution in their areas. The LATF reports are distributed to this House and also published in the print media.

Mr. Deputy Speaker, Sir, on the Local Authority Service Delivery Action Plan or otherwise known as LASDAP, in order to enhance citizen involvement in the affairs of local authorities, my Ministry has introduced the concept of participatory planning through the preparations of the LASDAP. This reform initiative aims at improving the quality of planning and enhancing the level of governance in the local authorities. My Ministry intends to introduce the concept of community contracting which aims at creating opportunities for employment at the local level. In addition to this, community monitoring and evaluation of the activities of local authorities will be promoted to enhance service delivery.

Mr. Deputy Speaker, Sir, on rehabilitation of street families, the growing phenomena of street children and families needs a multi-sectoral approach in solving one of the most pressing urban social problems in Kenya. It is estimated that there are approximately 250,000 street children in Kenya. Now, with the increasing street families, the population of street persons is approximately 300,000. The street families rehabilitation process begun in the City of Nairobi in January, 2003, on a pilot basis. In addition, 15 local authorities are at different stages of setting up their rehabilitation programmes.

From the experience gained in implementing the rehabilitation programme in the City of Nairobi, there are some key interventions that are core to the rehabilitation process and which require urgent attention. Consequently, the funds allocated in the current financial year will be utilised in the following manner. One, establish a scholarship scheme to support secondary school-going children from the street families. Two, support primary school-going children by providing uniforms, books, stationery, school bags, *et cetera*. Three, provide food and medical services. Four, provide support to charitable homes that accommodate street families, and five, rehabilitate the physical structure in the centres that accommodate these families.

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

Mr. Temporary Deputy Speaker, Sir, now we look at the Development Vote, Kshs2,031,920.06. The funds voted for the Development Vote in my Ministry will be utilised in the following projects and programmes. One, reproduction health in informal settlements in Nairobi, Kshs6,080.006. Statistics available indicate that nearly one-third of the world's population is living in a state of poverty. In Nairobi alone, 55 per cent of the population lives in unplanned settlements. The unplanned settlements are expanding rapidly at a growth rate of between 13 per cent and 24 per cent. The growing settlements are characterised by poor or non-existent public infrastructure and unplanned development. In addition, the community is faced with rampant underemployment and a resultant rise in insecurity. Local authorities lack adequate capacity to provide the much needed basic facilities within these settlements. The funds on this item will be utilised to support the health facilities in the unplanned settlements and propagate productive health principles. Currently, our unplanned settlements in Nairobi are situated mainly in Mukuru, Kibera, Mathare, Ngomongo, Kawangware and Korogocho in Nairobi.

Two, Kenya Urban Transport Infrastructure Project or otherwise known as KUTIP, Kshs891 million. At the time of the suspension of the IDA Credit in October, 2001, some projects had not been completed. The Government, in conjunction with the World Bank, has commissioned an audit firm to carry out forensic audit for this project. Once the audit is completed, the suspension will be lifted so that the funds voted can be accessed. As I mentioned earlier, one of the areas of focus of my Ministry's development budget is to improve the urban infrastructure. The main areas of concern, therefore, are the improvement of sanitation and solid waste management, urban roads, fire disaster, improvement of markets and construction of bus and *matatu* termini.

Mr. Temporary Deputy Speaker, Sir, item number three is primary education in poor urban areas, Kshs114 million. The project concerns the extension and rehabilitation of primary schools in poor areas of Nairobi. The provision of adequate and auxiliary facilities, furniture and teaching materials, sensitisation of parents-teachers associations, and teacher training measures. This is to contribute to the achievement of universal primary education in poor urban areas of Nairobi. The project activities include the construction of about 260 classrooms, including appropriate sanitary facilities, and also rehabilitation of about 160 classrooms. It also includes provision of adequate furniture and teaching materials and also connection of schools to the urban supply network of water and electricity.

The next item is the road sub-sector which will have Kshs145 million. These funds will be utilised to increase the efficiency of the urban road network and to build a sustainable road maintenance capacity. The unclassified rural roads within local authorities account for 150,000 kilometres, which need to be attended to by the local authorities.

Mr. Temporary Deputy Speaker, Sir, the fifth one is waste management which is currently the most serious environmental issue in our urban areas. Local authorities which are charged with the responsibility to develop and deliver this service are faced with serious challenges on solid waste management, in general. During the 2003/2004 Financial Year, my Ministry procured feasibility study consultancies for 18 towns in three clusters. The feasibility studies were completed on 30th September, 2004. The funds in the current financial year will be utilised to implement some projects and programmes based on the studies.

We also have Kshs104 million for disaster prevention and management. Fire outbreaks and other disasters are causing serious damage in terms of destruction of lives, property and facilities in

our urban areas. All the 175 local authorities are charged with the responsibility to provide disaster management services. However, the current situation falls short of those requirements. My Ministry is addressing this challenge in order to put in place responsive systems, capacity building and appropriate legal frame work.

During the 2003/2004 Financial Year, my Ministry procured feasibility study consultancies for 22 towns in four clusters. The studies were completed on the 30th September, 2004. I propose to utilise the little funds provided in this Budget to procure a few rapid deployment medium vehicles for some local authorities.

In conclusion, I call upon the support of hon. Members in my endeavours to carry out the many enumerated tasks, and particularly, in major cities of Nairobi, Mombasa and Kisumu, where my Ministry is looking into ways and means of commercialising some of the activities, such as street lighting. This is because the Ministry believes that when you have a well-lit city, 60 per cent of insecurity will have been dealt with. This is a project we are embarking on quite seriously.

Garbage collection is another area that is an eyesore to many Nairobians and the people of Mombasa. My Ministry will also ensure that in this area, we find partners from the private sector, with whom we can link up and ensure that we have clean cities.

The year 2006 will also see Nairobi hosting the Africities. This programme will bring together approximately 5,000 people from various local authorities all over Africa to Nairobi. We look forward to hon. Members giving support to this programme, so that when our visitors come, they will find a clean, well lit and well planned City.

I now beg to move that Parliament approves a sum not exceeding Kshs6,752,736,800.06 only to meet the expenditure during the year ending 30th June, 2005, in respect of the Ministry of Local Government.

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

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I want to second this Vote of the Ministry of Local Government. I want to say very clearly that this time round, we have an able Minister in the Ministry of Local Government. Mr. Kombo is known by all of us to have fought corruption. We all remember the "list of shame" which was produced here. He was the first one to attack corruption. I know very well that despite all the problems that are in Kenya today, especially, in the local authorities, he will try his level best and turn local authorities into powerful machines which will make the economy of this country grow.

I have said on the Floor of this House many times that local authorities are the basis for our democracy and economy. If these bodies will not be reformed in such a way that they will be able to manage their resources and finances and develop their own economies--- This is because I am sure that every local authority is endowed with some resources which it can develop to make the economy grow. If local authorities collapse because of many reasons, they will impact negatively on the Central Government. Unless we reform them, we will have a very difficult task in making the economy of this country grow.

I would like to say very clearly that we share the reforms--- I am the Minister of State, Office of the President, in charge of the Public Service. My Ministry covers all the employees of all local authorities, and so, we share the problem together. The most important thing is to try and reform people in the public sector, and especially, in the Ministry of Local Government. Definitely, most of those workers have no reputation at all. Most of them have been caught stealing, while others have been transferred from one place to another. But we need to reform the Public Service, including our local authorities. I think concerted effort should be put towards that end by all of us.

I want to briefly talk about Narok County Council where I come from. Most hon. Members in this House know that, that council, for many years, is supposed to have been the richest county

council in the Republic of Kenya, followed by Nyeri, Eldoret, Nakuru, Mombasa and Kericho Municipal Councils, which have got resources. Today, Narok County Council is the poorest. It cannot pay bursaries, or even employ nursery school teachers who are the basis of our education. What is the use of coming here and saying that there is free primary school education for all when we do not have pre-primary school teachers in Narok District? Where will we get the children who will join primary schools from? This is the case, and yet it is that county council which is bestowed with that responsibility. Because of greed, all those teachers were sacked and the council has not even contemplated re-employing them. This is very serious.

Mr. Temporary Deputy Speaker, Sir, today, I was at the Safari Park Hotel where you invited the President to speak about corruption in this country in the presence of a Prime Minister. I was very surprised by what I saw there. Corruption is dangerous. It fights back. It kicks and bites. It organises itself into army units to fight back. It can be anywhere, including in the Government. It can be in the Ministry of Local Government or in the Provincial Administration or at Narok County Council. We have a problem. I wanted to talk about it here, so that what I say can be recorded in the HANSARD, so that it can be revised.

Mr. Temporary Deputy Speaker, Sir, the Narok County Council has no by-laws or regulations. Everything has been set aside and the looters have taken over. It is a very serious affair. The Mara Game Reserve is being excised. It no longer earns revenue collection for the county council through gate collections. The revenue realised through gate collections goes into individuals' pockets, who are known by members of the public and the workers at the game reserve, and even the Ministry of Local Government in Nairobi is aware. A resolution was passed for this revenue to be collected, but nothing has happened because the Clerk to the County Council, the Ministry's officials and senior councillors, namely, the chairman of the county council, his vice-chairman and others, are part of the whole system. So, they do not want to stop that revenue from going into individuals' pockets.

We have to look at trust land as county council land. It does not matter whether it is a trust land for cattle or forests. It is the responsibility of the local authorities. The Government should vest the responsibility of managing trust land to county councils to see whether they can manage. They cannot manage. We have asked the Narok County Council to draw a boundary to separate the people from the trust land, but these people do not want that done because they are selling the forest land to innocent people. Even today, people are selling land belonging to Narok Forest. Some of them are very prominent people. These include the councillors themselves, including those in the chairs. They do not want to tell members of the public that Mr. Kimunya has stopped the issuance of title deeds for land hived from forests. Title deeds can be issued for land elsewhere but not for forest land, especially when we have rivers like Mara, Sondu-Miriu, Yala and Turkwel, and others - which start from the Mau Escarpment - drying up. Unfortunately, people do not care.

A resolution was passed for the drawing of that boundary, but nobody is interested in doing so. Money is being collected by a few, rich people. The county council resolved to give it to another group of people, which is more efficient, but nobody wants to implement that resolution, because money is being looted and shared amongst a few people. It is a very serious affair. Even the Minister knows that corruption in Narok County Council is fighting back. I do not know what is happening in the Ministry of Local Government, but I saw so many leakages. We do not know who is in charge. We do not know whether it is the Minister or the clerk to the council or his deputies. We have got information from all over, which has leaked from the Ministry of Local Government. This shows that the Ministry contributes to most of the problems facing local authorities.

The people of Narok need honest people who can serve them and realise revenue for the local authority, and not the thieves who co-ordinate to loot the council with the help of some people.

Mr. Poghisio: On a point of order, Mr. Temporary Deputy Speaker, Sir. Unless the Chair stops the Minister, he is using unparliamentary language. The situation is becoming worse.

The Temporary Deputy Speaker (Mr. Khamasi): You are quite right, Mr. Poghisio. Mr. ole Ntimama, you know that we do not use that language here.

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I apologise. The situation on the ground is so bad that I do not know which other words to use to describe it. Maybe, I should just call them embezzlers, but it still means the same.

So, we want Narok County Council to be properly focused. We want a good clerk to the council. We want people to be listened to. I have heard that, because of rumours from the Ministry of Local Government, the clerk to Narok County Council and the councillors are planning to do something. They must stop, because I know the workers. We want a good clerk.

Mr. Sirma: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could Mr. ole Ntimama elaborate on that "something" about which the councillors want to come and see the Minister?

The Minister of State, Office of the President (Mr. ole Ntimama): It is confusion, Mr. Temporary Deputy Speaker, Sir, which we do not want. Unfortunately, it is shared amongst the Provincial Administration officials in Narok, the Ministry of Local Government and others with personal interests. We want good service provision. We would like to have some good people to come and work in Narok County Council, and not fake and bogus people!

(Mr. ole Ntimama resumed his seat)

The Temporary Deputy Speaker (Mr. Khamasi): Mr. ole Ntimama, what is that you have done? You have not told us what you were doing.

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I said in the beginning of my contribution that I was seconding the Motion.

I beg to second.

(Question proposed)

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, I wish to thank the Minister for highlighting some of the key issues within his Ministry, which comprise of the 175 local authorities in this country.

Local authorities are the ones which move the people at the grassroots-level. As we know, local authorities are judged by the public. We either become proud of them or they become an eyesore of Kenya. I thought that the Minister, being the author and originator of the so-called List of Shame, would, today, stand here and name a few local authorities, like the one mentioned by Mr. ole Ntimama, which have brought shame to this country. The Nairobi City Council is a classic example. The Minister for Local Government is a level-headed man. I have a lot of trust that he will deliver in as far as the performance of local authorities is concerned, but we want him to go beyond what he has read out to us and show us his willingness to transform the local authorities in this country.

Last year, the then Minister for Local Government, the late Karisa Maitha, promised us that he would move very fast and initiate reforms within local authorities but, to date, we have not been told what amendments the Ministry intends to propose to Cap.265. I think once one is appointed to head the Ministry of Local Government, he enjoys the immense powers given to him under the law and forgets that we want reforms. I am sure that if Mr. Kombo had been asked, in the last

Parliament, when he was in the Opposition, to give an opinion on the issue of reforming local authorities, he would have said: "We want local authorities reformed immediately."

However, as we sit now, the reform agenda is not seen anywhere. Theft and abuse of office in local authorities is still the order of the day. Where are we heading? Could we be told what the Minister intends to do in this regard? We want accelerated reforms. Reforms are not just about sitting and discussing issues. It is about implementing them.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Local Government has used immense resources to send extra-ordinary inspection teams to the various local authorities and they have produced audit reports. However, these reports have been shelved in the Minister's office or in the offices of those who are concerned. What is the purpose of having an inspection team if there is no action taken on those reports? Is it the Government policy to conduct inspection on local authorities and then shelve the audit reports after spending taxpayers' money? We are tired of that. The Government should act on those reports.

Mr. Temporary Deputy Speaker, Sir, the staff of local authorities are the most abused civil servants in this country. They only exist when they co-operate with civic leaders to loot money from the councils. If you disagree with them, you will be fired. I am sure if Mr. ole Ntimama could have gone further, he would have confirmed to the House that a lot of money changes hands to maintain some of the chief officers there. We need good management in the local authorities. The time has come when the Minister should institute measures that will deter the mayors and chairmen from running the councils, and chasing away chief officers or closing their offices when they fail to get their allowances on time. It is high time that these measures were put in place.

Mr. Temporary Deputy Speaker, Sir, some of the councils do not know how to prepare their budgets because they lack qualified personnel. When we talk about reforms, these are some of the most important things. Last year, when the then Minister moved the Vote of the Ministry, he promised us that he was going to introduce several reforms. However, they have not been introduced.

The Minister has talked at length about the solid waste management. This is an issue of concern to all Kenyans. Our environment needs protection and good management. Last year, the Minister promised that he was going to re-organise the *kiosks* in urban centres. He also told us that he had constituted a Cabinet committee comprising himself, the Minister for Roads and Public Works, and the Minister of State, Office of the President in charge of internal security. This was very brutal to the *kiosk* owners in this country. They flattened all the *kiosks* and other properties at night, using bulldozers which had no registration numbers. What do they fear? Why do they not put number plates on those bulldozers? If it is a Government decision to destroy people's property, why do they not come out clearly and say: "We have come to brutalise you and this is our dream as a Government, which promised Kenyans a lot of employment? We have now come to destroy that employment". Those are some of the things which Kenyans are still crying about. How can we plan *kiosks* in this country? It is not only Kenya where we have kiosks. They are all over the world. Why are we condemning them? We just need to put them in the right locations, so that Kenyans could earn a decent living out of them.

Mr. Temporary Deputy Speaker, Sir, I would like to comment on the issue of water management. Currently, we have water management and sewerage companies, which are running the water resources in the various local authorities. They fall under the Ministry of Local Government and the Ministry of Water. When we do not have water in Nairobi, whom do we blame? Do we go to the Ministry of Local Government or the Ministry of Water? Where does the buck stop? One of them is just managing the resources, while the other one is just collecting money. How is that money managed? There is a lot of revenue which is being generated through water bills.

Some of the projects, which use gravity, generate a lot of money to the local authorities. However, those ones which use electricity are expensive. At the moment, we do not know who is in charge of water. Could we have a clear demarcation? There were a lot of wars between the Ministry of Water and the Ministry of Local Government. The infrastructure on the ground belongs to the local authorities, but the water is claimed to belong to the Ministry of Water. How do they share those resources?

Mr. Temporary Deputy Speaker, Sir, I want to comment on the informal settlement. This was a dream of the NARC Government. They promised Kenyans that they were going to put up many low cost houses in this country. Some few days ago, the Minister for Roads and Public Works and the Minister for Lands and Housing launched the construction of houses in Kibera. I hope that those slums are not going to be flattened before the people residing there are given alternative housing. We also know that the docket of housing was not in the proper place where we had a loyal Minister. It has now gone to a Minister who is more correct, and I hope they will do the right thing. Those are some of the things which we need to address---

The Assistant Minister for Local Government (Mrs. Tett): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it really in order for the hon. Member to say that the docket of housing came to the correct people? Is that really in order?

An hon. Member: That is correct!

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

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, you always take your cows where you trust that Pokots would not come around!

Mr. Kamama: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to cast aspersions on the Pokots? Pokots do not steal cows. They are good people!

The Temporary Deputy Speaker (Mr. Khamasi): Order! Mr. Kamama, you are out of order. Mr. Sirma, address the issue she raised.

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, Pokots are good custodians of cows. So, I think they are the correct people.

Mr. Poghiso: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know whether you heard the hon. Member properly. He said that you always take your cows far away from the Pokots. That is casting aspersions. Is that in order? He really needs to bring the cows nearer and not take them far away from the Pokots!

(Laughter)

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, I do not intend to cast aspersions on the Pokots. I apologise because they are my good friends. They really know how to keep cows.

The Assistant Minister for Local Government (Mrs. Tett): Mr. Temporary Deputy Speaker, Sir, Mr. Sirma has not addressed the issue I raised. We want to know who are these "correct" people.

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, the Minister for Lands and Housing is "correct". There is no Minister who is "wrong". All of them are correct. Am I supposed to say that he is a "wrong" Minister? No, he is the correct Minister for Lands and Housing. He is very correct.

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Only last week, the Chair said that we must maintain integrity in this House. We should not use the Floor of this House to raise ethnic issues. So, is the hon. Member in order?

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Angwenyi! I do not think we are belittling the ruling of the Chair. We are here to make decisions. We know what people are

saying here. Mr. Sirma is right in explaining his position. So, you are not going to say that we are sitting here letting the integrity of this House go down.

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, let me not go back to it because I think it is in the right place. You must have land on which to put up a house. So, this is actually correct. The Director of Housing has always been residing in Lands Building.

Let me go to roads and infrastructure. The Kenya Urban Transport Infrastructure Programme (KUTIP), which the Minister has talked about, is a shame to this country. The amount of money which has been used in rehabilitating roads in this country needs to be looked into. The Minister has said that forensic audit is being carried out. People who were involved and who came from outside this country were charged in their various countries and pleaded guilty to those offences. Kenya is a classical case because the person involved was not guilty. I do not know how it happened that the Americans found their people guilty, Europeans found theirs guilty and the one in Kenya is not guilty! This is possibly because he might be "correct." It is interesting that we have such double standards.

Mr. Temporary Deputy Speaker, Sir, roads in urban centres are not classified. At one time, they had been stopped from accessing the Fuel Levy Fund. I am happy that they have now started receiving that money and that will ensure that we have better roads in urban areas. We have very bad roads within Nairobi. The Minister should ensure that we rehabilitate most of the roads. We need to construct by-passes in all major towns, so that we can decongest them.

I wish to congratulate the Minister for putting an effort to construct pedestrian paths. This will reduce the incidents of pedestrians being knocked down by motorists every other time in Nairobi as they compete for space in our narrow roads, which our architects have continuously designed in this country. They have never had regard for pedestrians especially in urban centres. These paths should be put in place.

The Minister comes from an area where *boda bodas* are very common. He should design paths for them, so that pedestrians can have their paths, the *boda bodas* theirs and the motorists can use the roads. This will make him get a lot of votes next time.

Fire outbreaks have destroyed most of our buildings in Nairobi. This is an issue of concern. The amount of money which has been allocated to that sector is very little. Instead of paying money to the non-existent Anglo Leasing, the Government should have bought fire-fighting equipment, so that every urban centre can have, at least, fire-fighting equipment. This would ensure that people's properties are saved from fire outbreaks. City Hall could not even save itself! If we do not address that issue, we shall be in a fix.

Mr. Temporary Deputy Speaker, Sir, there is a Head, which the Minister did not touch. This is on the small towns development. This is selective. We do not know the criteria which the Minister has used to select the few towns. We do not know how he has arrived at which small town should be given a grant to develop. These are some of the things which we need to show. There are many things which are seen by the public but few questions are asked.

At the moment, Nairobi is lit towards the Airport. The Minister has not come out publicly to tell us what ratio of the revenue goes to the private developer and what amount of money goes to the City Council. This is a booming business. The Minister has always been fighting corruption and he should have come out clearly on this. This is a mystery to Kenyans. They do not know how the City is being lit using a donation from an individual. They do not know how much money is being used, how much is being generated and how much goes to the pockets of the people who have approved it. This is a mystery and the Minister needs to come out clearly on it, so that Kenyans know how Adopt-A-Light Company is going about its business. This is not a charitable organisation. It is a profit-making organisation.

Let me go to an issue that has always attracted a lot of questions from hon. Members in this House. This is the Local Authority Transfer Fund (LATF). This subject has been talked about in many fora; including this House. The abuse of it has never even been addressed by the Minister. He has said that there will be penalties. Today, he should have published the local authorities which have embezzled funds. We have had many Questions about graders in this House. We have also had many Questions about councillors pocketing the money and nothing has been said about it. Is this corruption as usual? Could we unravel what is behind the LATF? This Fund is used exclusively by councillors to do whatever they want.

Mr. Temporary Deputy Speaker, Sir, the Local Authorities Service Delivery Fund (LASDF), has never achieved much because there is no accountability in their negotiations. Instead of councillors going out to get views from the public, they prepare a report in the office and send it to the Minister to approve without the knowledge of the public. We should have a committee, similar to the Constituency Development Committee, so that we can bring all the stakeholders together. We should bring the traders, farmers, kiosk owners and others on board. We need to have a committee to oversee the usage of this money.

You will agree with me that, by the end of last year, Kshs11 billion had been used by the local authorities in the form of Local Authorities Transfer Fund (LATF). But you cannot show to this House even a single structure in some of the local authorities in this country. Do we have any? We do not have them. They do not exist because money ends up in councillors' pockets. Some of the councils are unviable. They end up using the same money to pay up their salaries.

As much as the Minister would say that 60 per cent of the revenue will not be used on personal emoluments, he has not named even one council. I know many of them who have not utilised the money properly. I can assure you that, this money is just "free" money for councillors to use as they wish. This is because if disbursement of that money is managed by a committee within the council--- There is a tender board within the council where the clerk is the chairman. We do not subject them to Government control in spite of the fact that we passed an Act of Parliament here known as the Constituency Development Fund (CDF) and we subjected that Fund to the normal Government procurement procedures. Why is the LATF not subjected to the same procedures, since this is public money?

We should never allow money to be spent the way it has been spent left, right and centre by people who do not even have the capacity to use that money. Constitutional reforms are not yet even over; to get people who know financial management. If they do not know financial management and you give them money, they think it is their pocket money. This is not pocket money; it is development money! This is an issue which we need to address.

Mr. Temporary Deputy Speaker, Sir, I know that there are many other bad things which have happened in the local authorities. An example is the issue of the mayoral chain belonging to the Nairobi City Council. This is another scandal in this country and the Minister needs to address it.

There is the issue of the councillors' remuneration. When the NARC Government took over power last year, all the councillors were summoned to Kasarani because they could not fit anywhere else in this country. They were promised heaven, but they have ended up in hell. This is terrible! I hope the hon. Minister is going to support my Motion which I am going to move next week, that councillors should be paid from the Government kitty, because this is what the NARC Government promised. I am trying to help you to achieve what you had promised Kenyans.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Sirma! You are anticipating debate! It is not allowed here!

Mr. Sirma: Sorry, Mr. Temporary Deputy Speaker, Sir. Some money has been set aside for primary schools in urban areas to take care of desks and classrooms. I hope the 260 classrooms

which are going to be built in this country will be distributed evenly all over the country.

With those few remarks, I beg to support.

Mr. Mwenje: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving this opportunity. At the outset, I would like to point out that some of the information I am going to give here has also come to me in my capacity as the Chairman of the Departmental Committee National Security and Local Authorities. Although we will have a meeting with the Minister on Friday, I beg to mention one or two of those things.

I will start where the Shadow Minister for Local Government left; that is, the question of the mayoral chain. The Ministry should by now have found out the true position of the mayoral chain. A chain was stolen. Later on we were told by a former Minister for Local Government that it had been found and it was in the hands of the police. Much later, one Mayor requested for Kshs20 million to buy a mayoral chain and the money was sent to a certain account in Britain having been debited from the Kenya Commercial Bank account here in Kenya. A total of Kshs10 million was sent to that effect, but, up to today the chain has never been found. We have been asking the Minister to follow up this matter. Recently, we were told that somebody rang from South Africa and said he was holding the chain awaiting payment, totalling Kshs10 million, to be able to release it. I am in possession of a letter from one lawyer in South Africa demanding that, that money be paid before the chain can be sent!

The Minister for Local Government (Mr. Kombo): On a point of order, Mr. Temporary Deputy Speaker, Sir. The matter of the mayoral chain is in court. Is it in order for the hon. Member to actually start debating it in the House?

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Mwenje, if it is *sub judice* then you better steer clear of it.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, the matter is not in court. It is true that the former Mayor was arrested, but he has not been charged yet. He was in court even today, but he was not charged. He was released until they carry out further investigations. So, the matter is not *sub judice* because it is not yet in court. I have all the information. The Minister has a letter from South Africa asking him to send Kshs7 million. I have another letter too asking for the same firm to be paid Kshs10 million. I have asked the Minister to find out the truth as to which letter is authentic, but up to now, nothing has been done. I am suspecting that there is something amiss happening in the Ministry. This is the letter and the Minister has the other one. This is an issue that needs to be followed up because the Nairobi City Council is about to lose Kshs20 million.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Mwenje! Would you like to table that letter?

Mr. Mwenje: I will table it after I have finished with it because I am still referring to it. In any case, the letter was removed from the office of the Permanent Secretary, Ministry of Local Government by either the Minister or the Assistant Minister; from their own safe! So, it is something that they have copies of. There is nothing secret about it!

Mr. Osundwa: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think it is in order for hon. Mwenje to table that letter so that the Chair can establish the authenticity of it before he proceeds with his argument.

Mr. Mwenje: As I have said, I will not do that! But when I finish I will do it; no doubt. In any case, the letter is actually in the office of the Permanent Secretary, Ministry of Local Government and, therefore, the Minister is aware of it.

Mr. Temporary Deputy Speaker, Sir, I want to leave that particular issue and go to a more sensitive one. There is another form of Anglo Leasing scam in the Ministry of Local Government. It is a clear "Anglo Leasing" or something even worse than Anglo Leasing. I would like to urge that,

we need to ask the Ringera Commission to go and investigate this particular issue which was done a week ago and authorised by the Ministry of Local Government. This is an issue concerning one company called, Adopt-A-Light. What happened a week ago is that the Council was ordered to hold its Annual General Meeting on 5th October, 2004. When they met they could not agree to pass a particular item on Adopt-A-Light which they were asked to do. Immediately after that, they were ordered again to call for another meeting on 5th October, 2004 and a notice was given by the Town Clerk, asking the Mayor to call a meeting to go and pass this particular item. This is an issue that needs to be investigated because the rush with which this matter has been put on shows clearly that there is a lot of corruption involved. Because I have a lot of respect for the Minister who has been known not to be corrupt at all, I want to plead with him not to allow this kind of corruption to be practised by the Council.

Mr. Temporary Deputy Speaker, Sir, the then Permanent Secretary of the Ministry of Local Government, a Mr. Mukiira, wrote to the Town Clerk and told him that it had been brought to their attention that despite earlier discussion on this particular matter of Adopt-A-Light, further approval should not be allowed and the agreement should be adhered to. The current agreement was done by Adopt-A-Light. The company has been allowed to behave as if it is the Council, itself. This is corruption of the highest order and it should not be allowed at all. Although the matter is coming to my Committee this Friday, I must state here clearly that the Ministry will certainly not exonerate itself because they are the people who called the Council to their office to force them to pass a particular item because of particular interests. We cannot work like that. Councillors are elected members of a council and they have their own authority and identity. The Ministry cannot summon councillors to the headquarters and force them to pass particular issues for their own interests.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I have said clearly that I have always known the Minister as a man who is not corrupt. He is a man who can put up a list of shame! I want to believe that sooner or later, the list of shame will not include the Minister himself. It will be very sad if such a thing is allowed. The agreement gives Adopt-A-Light absolute authority to collect revenue for the Council until Jesus comes back! I want to read this particular section of the agreement.

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

Mr. Mwenje: Yes! I am going to read it!

The Minister for Local Government (Mr. Kombo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member table the agreement and show us the paragraph which says that Adopt Alight will collect revenue for the council until Jesus comes?

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I am ready to read it. Let me read it and table it because you already have a copy. One of the clauses in the agreement says:-

"This agreement shall commence on 1st April, 2002 and shall endure for an initial period of five years provided that from the date provided that from the date provided the operator is not at the end of the initial of any renewal period in breach of any of its obligations in terms of this agreement. The agreement shall renew automatically!"

(Applause)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Mwenje! You called for it!

Mr. Mwenje: Yes, now, let me finish the sentence!

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

Mr. N. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. In conformity with the Standing Orders, since the hon. Member has made reference to the document he has, that is the purported contract, could he table it for the benefit of this House?

(Mr. Mwenje stood up in his place)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Mwenje! This is coming out very clearly. As soon as you finish your statement, I think we want those documents tabled.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I will table it and even before I do that, the Minister has a copy of the agreement I am referring to. After all, he signed it on Mombasa Road the other week!

So, the agreement shall renew automatically at the end of this period for every five years and thereafter! That is what I am saying.

(Mr. Kombo stood up in his place)

The Temporary Deputy Speaker (Mr. Khamasi): Order! I think we must be respectful. We must respect the rules of the House. Mr. Mwenje when the Temporary Deputy Speaker stands, you sit down and keep quiet! You do not talk!

Mr. Minister, proceed with your point of order!

The Minister for Local Government (Mr. Kombo): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has said that I signed the document on Mombasa Road. Could he produce it here right now?

The Temporary Deputy Speaker (Mr. Khamasi): Yes, I heard that, Mr. Mwenje, you said that the Minister signed the document on Mombasa Road. It is up to you to substantiate that he actually did that.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, let me answer him. The order which the Minister made on Mombasa Road is for the Council to meet and endorse the same agreement which had been signed. It is here and I am ready to table it.

Hon. Members: Table it!

The Temporary Deputy Speaker (Mr. Khamasi): Order! Mr. Mwenje, you are responsible for the accuracy of the statements you make here. Therefore, it is your duty to substantiate what you say. If you cannot, then the only way out is to withdraw and apologise.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I was interrupted as I was saying that this agreement was supposed to be signed on Mombasa Road. It is here and it is signed. I am ready to table it.

The Temporary Deputy Speaker (Mr. Khamasi): Order! I will not let you get away with it. Under Standing Order No.1, I will let you finish the substantiation of what you said.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, the agreement I am referring to is the one that was passed by the City Council after the Permanent Secretary had written to the Council directing them to meet on this day to endorse the same!

An hon. Member: Which year?

Mr. Mwenje: This year! This document is dated 5th October, 2004. Therefore,---

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Khamasi): Order! You do not seem to follow the rules of the House. When somebody is substantiating, you let him finish!

Mr. Mwenje, your time is up, but you have to substantiate or alternatively, I will let you withdraw what you said.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I will not withdraw! What I have said is true and I have it on record and he will read it. It is here! It is dated---

Hon. Members: Table it! Table it!

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! Mr. Mwenje, you will not challenge the Chair! You need to substantiate what you said; that the Minister signed it on Mombasa Road. If you cannot substantiate that, then the only way out is for you to withdraw.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, the Minister did not sign the agreement, but he authorised the order for the council to be called on that day. The agreement is here and it is signed on a different date. It is the same one. I withdraw the issue of the Minister signing the agreement on Mombasa Road.

The Temporary Deputy Speaker (Mr. Khamasi): Very good! You have withdrawn that he never signed the agreement on Mombasa Road. The only bit left is for you to apologise to the Minister, and then we proceed.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I have withdrawn and apologised on the date of signing on Mombasa Road. However, the council was ordered to honour the same agreement which was signed earlier on. Here is the notice from the Minister.

Hon. Members: Table it!

The Temporary Deputy Speaker (Mr. Khamasi): Order! Mr. Mwenje, then we will require the documents you have referred to tabled here because your time is up.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, allow me to take a photocopy before I table it! I want a copy!

(Laughter)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Mwenje! You have been here too long and you know our rules---

Mr. Mwenje: Well, I will table it, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Order! You cannot do that!

Mr. Mwenje: I will get a copy of it! After all, I have it. I now table it honourably!

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

(Applause)

Archbishop Ondiek: Thank you Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute to the Vote of the Ministry of Local Government. The local authorities in this country are the most corrupt. The councillors are given funds to finance development projects in their wards. The councillors are withdrawing funds from the bank accounts---

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. With regard to the allegations made by hon. Mwenje, that there is grand corruption in the Ministry of Local Government, could we defer this Vote until we have solved that issue?

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Angwenyi! I think you are being frivolous! You are an old hon. Member of this House and you know that this Vote is properly before the House. Surely, you cannot propose that. That is very frivolous!

Archbishop Ondiek: Mr. Temporary Deputy Speaker, Sir, I am trying to advise the Minister for Local Government to find out how finances are used in the local councils. It is common to find a councillor, accompanied by the clerk to the local council, going to the bank to withdraw money ostensibly for a project. The question of auditing finances of the local authorities is unheard of. You cannot find any council, in this country, where financial regulations are being followed!

I do believe that the funds that local councils get come from taxpayers. The money should be accounted for in every way. In the last financial year, we were told that councillors would be paid better allowances than what they are being paid today. That was never to be the case. We are wondering when that money will be paid to the councillors.

Mr. Temporary Deputy Speaker, Sir, with regard to free primary education, I believe that nursery school children should be looked after by their respective local councils. The councils should employ teachers to teach the pre-primary children in nursery schools. The teachers are available, but they are never paid their salaries. I do not know what the Local Authority Transfer Fund (LATF) is used for. The LATF should also be used in paying the nursery school teachers their salaries.

We talked about capital expenditure. What do we mean by capital expenditure? It means that there should be a development project within a local authority. You may find that a local authority purchases a tractor under capital expenditure. The tractor will be used in so many ways yet you will never be shown the revenue collected from the hire of the tractor. The local councils should work hand in hand with the Ministry to ensure that financial regulations are being followed if we really need to run this country properly.

Mr. Temporary Deputy Speaker, Sir, there are a lot of funds being collected by the local authorities from markets and other trading places, but we do not see what that money is used for. For example, in Nairobi City, when you park your car somewhere, in a short time, you will find it being towed. You are then charged a lot of money, but when you look at the roads in the city, they do not reflect that there is good use of money the taxpayers are charged. There are landlords in this country who pay rates yet there is no service that local authorities give in return. There is no service to property owners in Nairobi. What the local authorities are good at is the collection of rates. Something ought to be done. I am requesting the Minister for Local Government to ensure that the services being paid for are actually delivered.

Mr. Temporary Deputy Speaker, Sir, I can see in the Ministry's budget, an amount of Kshs2 billion in the form of LATF. This amount of money is meant to cater for 175 local authorities. I do not know what happened to the LATF in the last financial year. In my own district, I have not seen any development project being financed from the Fund. So, we do not know if the money is used for payment of salaries or if it is used for capital development. I would like the Minister, as he talks of introducing reforms in the local authorities, to work out a method so that the LATF is utilised properly.

How can a council be run well when it does not have skilled manpower to do so? You will find that there is nothing like a cash book in most of our councils. The revenue collected and payments made are not reflected anywhere. You cannot find such vital information in our councils. For instance, you will hardly see money collected from markets reflected in any records. The local authorities are, however, always short of cash from 1st January to 31st December. Where do they take the money they collect? How do these councils do their reconciliation especially when they are closing the financial year? Where do they get the information they use for reconciliation? There are

no records kept in these councils. We have been talking about funds allocated for roads in the local authorities. I have never seen any road being constructed or repaired by the council in my district. I do not know whether it happens in other districts. Are we only approving the money here in the House only for it to be pocketed by someone else?

Mr. Temporary Deputy Speaker, Sir, I would urge the Minister to ensure that the funds allocated are properly used. He should also let the public know that the money is being used properly.

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

The Assistant Minister for Transport (Mr. Ligale): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion. First, I want to congratulate the Minister for moving this Vote. I share the sentiments of some of my colleagues who spoke earlier when they said that we have a lot of confidence in this Minister.

(Mr. Mwenje consulted loudly)

I hope that hon. Mwenje can allow the Minister to listen to some of us because he needs to hear some of these comments that we are making.

Mr. Kombo has shown in the past that he is a man of integrity. He is not a corrupt person. Coming from a business background we think that he has the best chance to reform the local government system in this country. I would like the Minister to listen to me because I have a bit of experience that I want to share with him. I want to give him the benefit of some of my experience in the local government.

I think we have an opportunity here. I know the Minister moved the Vote very well in terms of what we have at the moment. I am suggesting that while we give the Minister the opportunity to implement the Recurrent and Development Vote in terms of what it is at the moment, it would be prudent if the Minister were to go back and think through the whole process of restructuring our local government system.

We have talked about reform and restructuring for too long, but we have never really come up with that restructuring. I believe this Minister has that opportunity and he can do it. I think we have too many local authorities which are mainly based on administrative divisions that we have in this country including some constituencies which cannot collect enough revenue to run on their own as county councils. In the past we had the Central Rift County Council and the big ones that combined Trans Nzoia and other local authorities in West Pokot and so on. Given that we cannot be able to change the administrative divisions that we have, we cannot scrap districts some of which were given purely on the basis of satisfying local sentiments. I believe that we can combine a number of them to make viable county councils that can be able to serve our purpose.

Mr. Temporary Deputy Speaker, Sir, I see an opportunity here for us to get the three cities to metropolitan authorities. This way we will give them some autonomy. We will be able to get mayors those metropolitan authorities elected by *wananchi* so that they can attract people of high calibre who will be able to serve this country better. I see that opportunity and I believe this Minister has the capacity to do it. We should try and combine the various small districts littered all over the place into larger county councils that can be viable. Even if we were to say that we should pay councillors from the Exchequer, we cannot afford it. Local authorities must be able to raise enough revenue to run their own affairs. They cannot do so if they are still in the very small spaces that they have at the moment. They must be made larger and more viable. I am suggesting that, that is an opportunity which this Minister can take up at the moment to give us local authorities that are viable, can generate enough revenue and fend for themselves. We can then give them the

opportunity to pay their councillors adequate allowances to try and reduce corruption.

Some of the problems that councillors face at the moment are because they get miserable allowances. These councillors are elected like MPs. We should not expect them to live on a salary of Kshs12,000 per month and yet they are supposed to contribute to various development possibilities like harambee's which are still being carried out. They cannot manage. We have an opportunity here to reform our local government system. We should make them more viable. We should pay better salaries to the councillors, clerks and chief officers so that they can manage the affairs of the local authorities. It is only that way will we ever hope to get reforms in our local authorities. If we carry on the way we are doing at the moment, on hand to mouth basis and expect them to reform and perform better, we are deluding ourselves. That is my first and most important point which I believe the Minister will implement. He needs to bring a policy Paper to this House for passage so that he can amend the current Local Government Act into something that is more viable at the moment.

Let me address one or two other areas. Mr. Sirma has talked very well today. He addressed the problems some of us have with the LATF money. We all know the problems facing the LATF. All that money is not being used properly. The councillors are dishing out money to themselves. They are going out there and presumably utilising the money on projects. If you go and inspect, you will find that those projects are not there in most cases. That money is being misused. I hate to see that we are allocating as much as Kshs4 billion this time to these councillors because this money is unlikely to benefit our people.

Let me talk about cities of which I know very well. We have allowed our cities to degenerate. We do not have development control. I have been a Director of Physical Planning and we used to have good plans for this city and all our major towns. I feel very sad when I see them going to the dogs like it is happening at the moment. The control of development is supposed to be done by the councillors. Unfortunately, because of the calibre of the councillors we have and the fact that they get very little allowances, they want to do whatever it takes to get a bit here and there. They have become prone to manipulation by suppliers, contractors so we do not get anything done.

We now have all kinds of bars and restaurants that have mushroomed even in upmarket places like Upper Hill, Kileleshwa and Lavington. These were estates we were proud of. Now when you go there you will find that there are bars all over the place.

On the question of advertisements, there are such large billboards in our towns. We do not seem to have any policy on advertisements. We must have a policy on controlling of advertisements or billboards which are littering our towns. I would like the Minister to address this matter urgently. Otherwise, some of us who have bought or build properties in this town--- These properties are losing value.

I have a property in Riverside Drive. When I bought this property I felt that it was located in a good place. The other day I woke up only to find a multi-storey block going up. I believe it is an office block. The construction of this building has now reached the 8th floor. So, the value of my property is going down. I have no idea how this came about. In the past, residents in a quiet residential area would be given an opportunity to object if that kind of building was going to come up. These days they are not giving us an opportunity to object to that kind of development. We are losing the value of our property, businesses and good residential houses because of the decisions which are made in City Hall. This is despite the fact that the law allows us to protest against this occurrence. We must get back to basic principles. We must get back to ensuring that the value of our properties in this town is protected. It is only the Minister who can assist us at the moment. If we rely on those councillors, some of them have been compromised. Even chief officers and professionals have thrown their professionalism to the dogs. They do not even advise the councillors

properly. I do not know whether it is because they are intimidated or if they are given *kitu kidogo*. I used to chair the Town Planning Committee in this City. In those days, before any of those developments were undertaken, they would go through that Town Planning Committee. If we said "no" it was "no". If we said "yes" we were certain that, that had received proper professional assessment. We must get back to basics and allow our local authorities to make a contribution whether it will become a hazard to our lives.

With those few remarks, I support.

Mr. Salat: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to contribute to this Vote. From the words of the Minister, I think he means well for the local authorities in this country. But mine specifically concerns an issue which touches so much - and the Minister is very much aware - on the distribution of assets within the county councils. Recently, the Minister came to Kericho District and, during his tour, which was not really a tour because he actually came to divide the assets within the Kipsigis County Council. I was very happy when the Minister came and, on his arrival, he started to distribute the assets among the County Councils of Bomet, Bureti and old Kericho, Londiani, Sotik, Kipkelion and Litein. Mr. Temporary Deputy Speaker, Sir, our concern then was that the Minister came to address a vital issue so that he could be seen to be fair in the distribution of assets within the greater Kipsigis County Council. But at the end of it all, I did actually talk to the Minister and I told him that all the people of Kipsigis District belong to one family. At no given time did we expect the Minister, when giving his decision, to actually relegate Bomet County Council to abject poverty. Bomet District, or Bomet County Council, is a section of the old Kericho District which is semi-arid. Bomet District was created in 1992 and not long after that, in 1997, Bureti District was created which gave birth to Bureti County Council. We hoped that the Minister was going to address an old issue, taking into consideration the concerns that had been raised regarding Embong'oss Tea Farm. This is a farm that, in itself, has been with Bomet County Council for the last seven years, and Bomet County Council had invested a lot in it. But to our surprise, the Minister's decision was that Bomet County Council has not invested any monies in this particular farm. We have all the receipts to show that Bomet County Council has put in its money, and that the decision by the Minister, since he came to the Ministry the other day was unfair. He could have taken time to look into and to discuss the issue with us. He could have invited other leaders. Because, as leaders, we were willing to talk. The Minister's decision was to surrender Embong'oss Tea Farm entirely to Bureti County Council. The reason he used to arrive at that decision was that Embong'oss Tea Farm falls within Bureti County Council. We disputed the Minister's decision that there was no money that was contributed by Bomet County Council towards the development of that particular farm. We are requesting the Minister to rescind the decision that he arrived at on that day. We expect the Minister, who is a very reasonable man, to give the farm to Bomet County Council. The only option remaining now is to take the Ministry to court. This is not our choice, but he has to understand that we have invested in this farm. We feel that we have been short-changed by the Minister, and we expect that the decision that he arrived at to actually give Embong'oss Tea Farm to Bureti County Council should be rescinded.

Bomet County Council cannot sustain itself. It is one of those councils which, if it is not going to be given something that it can use to generate funds to sustain it, then it should be one of those councils that the Minister should do away with. The former Government had decided to give us Mau Forest and then allowed us to plant tea in Kericho. This was because we had given up another tea farm from the larger Kericho, called Kabiang'a. We surrendered that particular tea farm and then we were again given Embong'oss Tea Farm. So, I am urging the Minister, as he goes around the country distributing other assets in the country, to take his time because most of the decisions which were reached then were rushed and biased.

I also want to join hon. ole Ntimama in saying that there are many leakages in the Ministry. On that particular day, we knew that an unfavourable decision had been reached against Bomet District. Some county council had already prepared to celebrate for acquiring Embong'oss Tea Farm at the expense of their own brothers. We are asking the Minister to treat this issue of Embong'oss Tea Farm and other assets very cautiously because, very soon, Bomet, which is a key transit point from Nairobi will actually have nothing to show because right now, all the assets that we had have been surrendered to Kericho and Bureti Districts. Now, there is nothing else that we have been left with.

So, this issue which the Minister understands very much, is one which I hope he will address very soon and make the people of Bomet feel that he is not out to suffocate them. When sharing out these assets, he should give these people at least something that they can hold on to. That was one of the key issues that I was concerned with, and that is why I felt that I should actually contribute to this Vote and bring it to the attention of the Minister, as I did then on that occasion. I will continue doing so, to let the Minister know that Bomet residents are counting on him to address the issue of Embong'oss Tea Farm as soon as possible.

Other issues have been raised here. I do support our Shadow Minister for Local Government for doing a bullion work in bringing to the attention of the Minister so many areas that his Ministry has to address. Another issue is the revision of the Local Government Act. There are so many contradictions and duplications. In one instance, it says that a county council can own assets and property outside its own jurisdiction, while on the other hand, it says again that upon the creation of a new council, all the assets that were owned by the various councils should remain there. I find that as one area that the Minister has to really look into so that we do not have one clause supporting his decision whereas another one is opposing it.

Mr. Temporary Deputy Speaker, Sir, I do not want to say much more and so, with those few remarks, I beg to support.

The Minister for Roads and Public Works (Mr. Raila): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to take this opportunity to congratulate my colleague, the Minister for Local Government for successfully moving his first Vote as the Minister for Local Government.

(Applause)

This debate can be best put in context by agreeing on fundamental principles. What do we want in our local authorities? If you divide them into urban and rural, we would like to have proper services such as good roads in our urban centres and rural areas, water and sewage systems that work, street lights that are functioning, housing estates with houses that are affordable and proper garbage collection in our cities taking place. In other words, we would like to have cities and towns which are clean and working. If we take that as the benchmark, then all the developments we would like to have should be directed to achieving those very fundamental objectives.

Mr. Temporary Deputy Speaker, Sir, so, if we use that as the basis of making judgements then, we would not be wasting a lot of our valuable time talking about a very mundane issue like the mayoral chain. Of what significance or value is the mayoral chain? Why does a mayor of a city have to put on a chain? These are colonial relics, which we as an Independent country should long discard! Why should we be spending Kshs10 million to order a chain for the mayor from South Africa? This is so trivial! Instead, we should be talking about constructing proper houses and improving the slum areas. It is time we came up with something which is more innovative; a Paper addressing our mayors befitting our African traditions than looking at what a mayor wears in Manchester or London.

Mr. Temporary Deputy Speaker, Sir, as I said, we would like to have decent cities. I listened very carefully to the Shadow Minister. He was once upon a time, in earlier incarnation, the Assistant Minister for Local Government. In fact, the chain he was talking about was stolen when he was the Assistant Minister. The things he was talking about here are things he was incapable of doing when he was in Government. However, I am not saying that, that is the reason why those things should not be done. In fact, those things are being done. Only last week we had a joint meeting with my colleague, the Minister for Local Government---

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

The Temporary Deputy Speaker (Mr. Khamasi): What is it, Mr. Sudi?

Mr. Sudi: Mr. Temporary Deputy Speaker, Sir, I did not want to interrupt the hon. Member in his contribution. However, is he in order to mislead this House that when the Shadow Minister for Local Government was the Assistant Minister in the Ministry, he stole the mayor's chain?

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Sudi! I think that is frivolous! That is not a point of order.

Mr. Raila, do not respond to it, continue contributing!

The Minister for Roads and Public Works (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, I have very little time and I have a number of issues that I want to raise.

We discussed with my colleague on how we can pull our resources together in order to improve roads not only in Nairobi, but in other urban cities. Most of the roads within urban areas fall within the domain of the local authorities, not under the Ministry of Roads and Public Works. If the roads are potholed, *wananchi* do not know anybody else, they only talk about the Minister for Roads and Public Works.

Mr. Temporary Deputy Speaker, Sir, nobody would really like to wantonly destroy private property. If you have got people putting up *kiosks* and structures on road reserves and on other places which are for public use, we must find a way of dealing with this. If we agree that we would like to have decent cities that are properly planned then, we must do things the way they are done in civilised societies, for example, in London and Sweden. I even told some of the donors this. Nobody will allow you to put up a *kiosk* by the roadside. When a bulldozer is sent to put these structures down, you say: "Show them an alternative site". If you do that, you will be encouraging people to put up these illegal structures in the hope that eventually you will be forced to give them an alternative site. So, we must allow the Government to do what the Governments are there to do; to create order in places where there is disorder.

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

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

Mr. Temporary Deputy Speaker, we recently launched a very massive slum upgrading programme in Kibera. This is being done with a human face. As the President said, the tenants of the improved structures will not pay any more rent than what they are paying today. So, a lot is being done.

Mr. Temporary Deputy Speaker, Sir, Mr. Ligale raised a very fundamental issue about urban planning. He said that illegal structures are coming up all over; people are being allowed to put up structures without proper planning. This is causing a lot of havoc and harm to an otherwise decent environment. For instance, right now, in the middle of industrial area, next to Elida Ponds

Company, somebody is putting up a residential estate, which is surrounded by factories. In those old days, this would never be allowed to happen. It is unfortunate that this has been approved by the City Council. Something needs to be done. I am urging my colleague to pay proper attention to that illegal development.

Mr. Temporary Deputy Speaker, Sir, there is the other issue of Woodley Estate, which is an old estate in this city. The tenants of that estate have lived there for very many years. Some of them are now retired civil servants. The moment there is a move to evict them; some of them for defaulting in paying rent for two or three months and then bringing in new tenants, this is causing a lot of pain and suffering to people who have rendered service to this country. I would urge the Minister to pay attention to this issue to save the residents of Woodley Estate from eviction.

We remember that some years ago, somebody was assassinated in Woodley Estate for defending its illegal grabbing. Those who were charged with the murder have since gone scott free and are now roaming our cities. I would like to urge the Minister to take proper action to protect these people and allow them to own those structures by buying the houses.

Mr. Temporary Deputy Speaker, Sir, I agree that we should have direct elections of mayors and the chairmen of our county councils. This will stop a lot of unnecessary pain. We will then be able to get qualified people to deal with these local authorities. At the moment, we have a problem because when the mayoral elections near, councillors are herded like goats, and are taken to hidden places where they are fed on *nyama choma*, beer and wanawake. When they come for elections they say: "*Tunajua fulani peke yake*". They elect that individual and the circle continues. We have situations where sometimes the left hand does not know what it is doing. For instance, in a case where the mayor and the councillors gang up with employees to go and demand salaries from the Town Clerk because the employees have not been paid. The mayor and the Town Clerk are supposed to be part of the management. This is something that we need to change. Until we have quality leadership in our local authorities, we will continue to have the kind of mess that we have today. I know that most of our hon. Members of Parliament are people who mean good for this country, but sometimes some issues are raised in this House which have nothing to do with transparency and probity. These issues have got to do with commercial competition. People who have lost in the tendering process find their way into this House by having Questions raised here on their behalf. They say that this and that Minister is corrupt, has been compromised and this is a big scandal. They say that this is like the Anglo Leasing and Finance Company No.2, so on and so forth. We are competing amongst ourselves and we are fighting battles of losers. The people who have lost in the tendering process find a way of raising those issues here through some hon. Members. I urge my colleagues ---

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the honourable Minister in order to cast aspersions against hon. Members who ask Questions in this House?

Hon. Members: That is the truth!

The Minister for Roads and Public Works (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, I have said that majority of the hon. Members in this House are honourable. Even in the House of Commons, Mr. Tony Blair was forced to set up a Commission of Inquiry, which was called "Question for money" and some Members of Parliament were thoroughly disciplined. We may, at one point, have to bring a Motion here because this is an issue which can be discussed by way of a Motion. With that Motion, we will articulate these issues and sensor some of those Members properly.

With those few remarks, I support the Motion.

The Temporary Deputy Speaker (Mr. Poghiso): Order! Hon. Members are hon. Members until such a Motion is brought before the House! We should ignore that issue for now.

Mr. H.M. Mohammed: Thank you, Mr. Temporary Deputy Speaker, Sir. Let me take this opportunity to congratulate the Minister for Local Government for presenting his budget. When His Excellency the President appointed Mr. Kombo the Minister for Local Government, people of Kenya thought that corruption was going to be a thing of the past. This is because the Minister was known for his campaign against corruption. He visited every part of this country, saw the plots the KANU members were allocated and wrote a big report which was at that time known as the "list of shame." The report contained some names of hon. Members who were on that side of the House at that time.

We know there is a problem in this country. The moment people leave this side of the House and move to the Government side, they completely change.

(Applause)

I am saying this because when the Ministers who are now seated in the Government side were in the Opposition, they used to talk loudly about corruption, but these days, I do not hear much from them. I think they are busy doing something!

(Laughter)

The Minister for Local Government (Mr. Kombo): Mr. Temporary Deputy Speaker, Sir, could the hon. Member substantiate his remarks that I look different now that I am in this side of the House compared to when I was on the Opposition?

Mr. H.M. Mohammed: Mr. Temporary Deputy Speaker, Sir, since time immemorial, the biggest problem which has faced this country has been corruption. I was on record one time when I was a Minister in the previous Government - when even hon. Members of the Opposition could not talk about corruption - as having mentioned the extent to which corruption had penetrated in this country. I cannot remember the percentage I gave out at that time now. Today, I do not know its percentage because I am not in the Government. However, I will do some research and come up with the percentage.

The Minister has talked about disaster management in our cities and municipalities. It is very sad to hear the Minister say that he will establish a disaster management fund in our cities. There is a market called "Suq Mugdi" from where I come from. This means "dark market". That market has got everything you would like to buy in this world. That market is like Garissa Lodge. That market was completely burnt down four times in the past. It is unfortunate that the piece of land earmarked for a fire station in Garissa Municipality was grabbed. I am sure that the Minister knows that very well. Other important public facilities have also been grabbed. When the Minister went round the country, he saw it. I do not want to mention some of those grabbed properties. Recently, I brought it to the attention of the Minister a funny development going on there in that area. I hope that he will do something about the grabbed public utilities.

Mr. Temporary Deputy Speaker, Sir, I want to talk about the roads in Nairobi. Sometimes I visit Eastleigh Estate to buy *miraa* over the weekend. If you visit that estate, you will wonder in which world you are because the roads there have not been repaired and maintained for many years. I do not know why this is the case. Maybe, it is because the people of Eastleigh Estate supported KANU. Maybe, that is why they are being punished. I do not know the other reason why they are being punished. I would like the Minister, who has been in office for a few months, to visit that estate and see for himself the state of roads there.

Money was earmarked to do a road where I live but it has not been done. I think this is

because people know that the man from Garissa lives there and he does not know anything about tarmac roads! I visited the Nairobi City Council (NCC) and told them that some money has been earmarked for the repair of that road. I requested them to repair that road, but they just ignored it. In Garissa, where I come from, the roads are also in a pathetic state. It is unfortunate that Mr. Raila has just left the Chamber because his Ministry is supposed to maintain those roads.

I would now like to talk about posting of clerks and treasurers to municipalities and county councils. In this country, democracy starts from local authorities. This is because councillors are elected by people who have no say over who manages their affairs in their local authorities.

Mr. Temporary Deputy Speaker, Sir, clerks and treasurers are posted to the municipal and county councils from Jogoo House. Some of them have no qualifications. Some are embezzlers. I do not want to use the words hon. ole Ntimama used because I will be out of order. He used the "very good words": "Those people are just looters". It will be fair when the Ministry is posting a clerk or a treasurer to a city council, municipal or country council to consult with the councillors and the mayor although we know the powers are with the Minister. However, at least, it is important that the Minister consults with the authorities there. I am saying so because in my municipal council in the last ten years, there have been over ten clerks and treasurers. Each one of them comes, takes away the money, goes and another one comes who will take everything and then we are just left there. I think this is very unfair and I think the Minister should look into this problem.

Mr. Temporary Deputy Speaker, Sir, there is a slum problem in our cities especially in Nairobi. The slum situation in this country is very bad. When you watch television or go to the slums and look at the way Kenyans live, you will cry because the situation the people live in is pathetic. When the Government came to power in 2003, it promised 150,000 housing units every year. I think two years are over. I cannot blame them because I think they are still learning. They are drawing the plans for these houses. However, after finishing those drawings, please make sure houses are built for the poor people of this country. If we leave these people to continue living under this situation, when we die and especially people in the Government, we will not go to heaven. We will be asked a lot of questions.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, I want to turn to the kiosks.

The Temporary Deputy Speaker (Mr. Poghiso): Order! Your time is up.

Mr. H.M. Mohammed: Thank you, Mr. Temporary Deputy Speaker, Sir. With these few remarks, I support.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, thank you for giving me a chance to contribute to this important Vote.

We have been yearning for devolution of power to various levels of Government in this country. In fact, that is one of the contentious issues in our constitutional review process. However, we have never taken stock whether the devolution of power in local authorities has ever succeeded. Like my colleague, hon. Mwenje said, this Ministry is one of the most corrupt Ministries. This is a Ministry where elected people are not respected by officers who are employed in those councils. We must consider our councillors as our colleagues and our younger brothers so to say. They are elected by the same people who elect us. However, the councillors are not respected at all by the officers at the headquarters of the Ministry and by the officers posted to those councils.

At one time, councillors were real councillors and they could pledge to their constituents what they want to do for them and they could deliver but today they cannot deliver because you find a town clerk, treasurer or chief engineer has more power than the mayor or the chairman of that authority. They have more powers than the people who hold power from the people who elected

them. For us to devolve power in this country, we must make the local authorities work first. Let us make them work first. Let us empower those councils so that they can deliver services.

Mr. Temporary Deputy Speaker, Sir, Cap. 265 of the Local Government Act specifies what services are provided by the local authorities. They are supposed to supply water but tell me, does the Kapenguria Urban Council supply water? I know for sure Masiba Town Council does not supply any water. I know for sure, the Kisii Municipal Council does not supply water to the municipal residents. I know for sure the people who live in Karen in this city - and I am one of them - we are not supplied with water. For the last three years, I have been buying a tank of water every week from Karen shopping centre from private suppliers. This Ministry has never held those councils responsible to give these services for which they have been formed.

Mr. Temporary Deputy Speaker, Sir, The local authorities are supposed to provide health services but if you walked around the streets of Nairobi; go to Tom Mboya Street and River Road, you will see garbage upon garbage. Are those health services? Do we still have the Public Health Department in this city? Do we have it in any other town? We do not! Most of the people fall sick because there are no hygienic conditions where they live in their habitat and we have never held these authorities accountable for not providing those services. The local authorities are supposed to take care of drainage and sewerage and it is unfortunate hon. Raila has left for his tea. If you go through those alleys of Kibera, you can see for yourself that there is no drainage and sewerage system in Kibera and 600,000 Kenyans live in that slum.

Mr. Temporary Deputy Speaker, Sir, why have we never asked the City Council of Nairobi or the Ministry of Local Government before we approve their budget why they cannot supply at least some habitable conditions for the Kenyans who live in Kibera or Mathare? Year in, year out, we vote for this Ministry to get so much money. We are going to vote for them to get Kshs2.1 billion for development and next year they will come for more. We have never asked them: Where did you use the money which we voted for you last year and yet our people live in squalid conditions?

Mr. Temporary Deputy Speaker, Sir, the City Council of Nairobi and other councils are supposed to provide streetlights, security, supply electricity and offer housing. That is what used to happen before. When I finished my university education in the 1970s, I lived in a city council house in this city but today can you live in a city council house? They have dished them out to their friends. Instead of providing housing for the residents of this city, they have sold them to the rich people, the people who live in the posh areas so that they can rent them to the poor people. That is the service that we are given. That is the Ministry we are voting money for.

Mr. Temporary Deputy Speaker, Sir, how about health facilities like dispensaries? Why has the Nairobi City Council (NCC) not demanded from the Ministry of Health to be provided with a doctor at each health centre? Recently, I almost lost a relative of mine; a lady who was taken to Pumwani Maternity Hospital to give birth and there was no doctor. When we were informed, we had to ferry her from there to Nairobi Hospital so that we could save her life. That is a major hospital and, yet it does not have resident doctors. That is the local authority we are talking about.

What do we do? First, let us vote money for councillors and reduce the number of councils we have in this country.

(Applause)

Secondly, let us vote money for councillors to get their salaries and allowances from the Consolidated Fund, the same way we get because we are elected as they are, by Kenyans. Let us also provide proper management. In the Ministry of Local Government, we used to have an inspectorate department which would go round the country to inspect the books of account,

management systems, protect and conserve our assets. However, we do not have it any more. Right now, what we have is a Permanent Secretary and some other person, maybe, whom they call "Accounts Controller", who gives edict upon edict without regard to the law.

Mr. Temporary Deputy Speaker, Sir, do we have budgets prepared by each local authority before the Ministry of Local Government comes here for money? I know that half of our local authorities in this country do not have up-to-date audited accounts. I would like the Minister to challenge me on that. I know that there are between five and ten councils whose books of account have not been audited for the last 20 years and, yet these authorities receive the LATF funds against the law. This is because the LATF funds are supposed to be given to those authorities which have up-to-date books of account. We should allow the Controller and Auditor-General to even out-source audit services so that these accounts can be updated. Therefore, I request the Minister to stop giving funds to those authorities whose books of account have not been audited and are not up-to-date.

Mr. Temporary Deputy Speaker, Sir, those funds can help us elsewhere. They can be used to drill boreholes for pastoralists and make roads for agriculturalists. Do local authorities provide markets? If you go to Kisii Municipal Council, you will find people buying and selling their wares on the streets at Daraja Mbili. Why has this Ministry not constructed a proper market for the people in Kisii?

(Applause)

Why has it not done this for the people of Chepchindet in Kericho District, the people of Keroka, Nyamache or even Nyakoe where I come from? What is this Ministry doing? Why is it being allocated funds when it cannot show what it uses them for? Mr. Temporary Deputy Speaker, Sir, some of the local authorities have land and parks, like Mr. Ole Ntimama said and, yet the revenue generated from those resources is not being taken care of properly. We have heard that there is a scandal brewing between this Ministry and Nairobi City Council. I want this Minister to quickly order an inspection report on this issue.

With those few remarks, I beg to support.

Mr. Osundwa: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Ministry of Local Government's Vote. Like the previous speakers, I want to start by thanking the Minister for Local Government for the able manner he has moved his Vote. The Minister is asking us to approve a budget of Kshs6 billion only, ostensibly to provide services to the *mwananchi*. However, before we give this approval, let us reflect on how the money which was voted last year for the Ministry has been used.

Mr. Temporary Deputy Speaker, Sir, I will straightaway go to the areas of wastage, because Kshs6 billion is by far a lot of money. We see no services on the ground, yet year in, year out, Ministers come here asking us to approve their budgets. However, this time round, unless Ministers are careful, we will start reducing their budgets by Kshs20 and you know what that means. Unless they take serious measures to curb wastage, we will do that. There is an allowance called "subsistence allowance", which is paid to chief officers and councillors when they travel to Jogoo House. I do not know what they come to do at Jogoo House. We have the Provincial Local Government officers all over the country and, yet on simple matters that could be resolved at the provincial level, you find a whole council, plus chief officers travelling to Nairobi to see the Minister. What for? I do not know what they carry to Jogoo House but I would like to ask the Minister to post District Local Government Officers to the districts because from the look of things, Provincial Local Government Officers are not of much use. We hope that, that will reduce the frequent and insignificant travel to Nairobi. I hope the Minister has noted that, because you will

find, for example, Mumias which is a small council with eight councillors spending Kshs800,000 on subsistence allowance alone when they go to Kakamega which is 30 kilometres away from Mumias on tarmac. They take three night-outs in Kakamega. In fact, the Permanent Secretary in the Ministry has been a PC in Western Province and he knows that it only takes one 15 or 20 minutes to travel from Mumias to Kakamega. Why spend a night out? Some of these issues have to be handled at the local level. Sometimes four councillors and chief officers come to Nairobi on an issue which could have been handled on telephone. They could even write a letter, send it through Securicor courier and the following day it would be in Nairobi. Unless, they look into ways of curbing those unnecessary expenditures, Parliament will be forced to do something.

The other issue I would like to talk about is with regard to money collected from markets and bus parks. I am sure there is a lot of money that could be collected, but there is serious under-collection because of collusion between traders and the revenue agents from the municipal councils. Sometimes for a bus or *matatu* ticket costing Kshs100, the agent will just collect Kshs40. Therefore, collections from bus parks have gone down because of collusion and, this is an area we want the Minister to look at. The revenue clerks should be transferred frequently because we have established that they collude with traders and sometimes the chief officers. Some of them have printed receipts and collect a lot of money which they give to chief officers in the evening; they do not bank everything. Those areas have been pointed out in various inspection reports but the Minister is not taking action. Therefore, my suggestion is that we should have frequent transfers of those officers dealing with that.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about the LATF. In Butere-Mumias County Council, I pointed out last year that over Kshs18 million was squandered. Some councillors and chief officers were arrested and their cases were taken to Kakamega High Court but they were acquitted. Evidence on the ground shows that they used part of this money to buy justice. This is very bad! They have gone round boasting that there is nothing hon. Members of Parliament can do. So, we want to intensify spot checks on the usage of the Local Authority Transfer Fund (LATF) funds, because most of it does not go to the intended purposes.

Another issue I would like to talk about is on environment and urban development projects. The Minister has asked for Kshs28 million in the current Budget. In the last Budget, Kshs50 million was provided for these projects. If you go round the local authorities, you will see that most of them lack water. This is because of encroachment on water catchment areas and cultivating on riparian land. The local people have not been educated on which species of trees to plant where. If you go around Western Province, you will find a lot of eucalyptus trees planted upstream. The eucalyptus trees are known to suck a lot of water, and this causes many streams to dry up. This is a very serious matter. We want the local authorities, especially in Nyanza and Western provinces, to make by-laws which will prohibit the residents from planting eucalyptus trees along river banks and in water-catchment areas. In fact, there should be a deliberate Government policy to uproot all eucalyptus trees in those areas because, they are of no use. We know why they were introduced in this country. All other countries have phased them out. So, let it be a Government policy to do away with eucalyptus trees.

Mr. Temporary Deputy Speaker, Sir, another area I want to address is the building by-laws, which has been mentioned by some hon. Members who spoke before me. If you go to Nairobi's slum areas like Mathare North and Kariobangi, you will find residential buildings of 15 floors. They are leaning like the towers we hear of. Some of them even fall down before completion. So, we wonder why the by-laws governing construction of houses still exist in this country. I have witnessed a building in Umoja Estate collapsing. The irony of it is that its construction plan was approved by the Nairobi City Council. That is a serious danger to the people living around there. So,

we want serious attention given to that area. We do not want catastrophes to occur and then commissions are formed to investigate them.

Some time back, we had a disaster in Nairobi. An old building housing Sunbeam Supermarket in Nairobi collapsed. A commission was formed, and we thought that something would be done to look into the issue of old buildings. So many buildings in Nairobi were put up in the 19th Century and most of them are now old. They need to be refurbished or demolished. So, I plead with the Minister to set up a special team to go round the country and inspect all buildings. I suggest that those which will be found to be unfit for habitation be pulled down.

Mr. Temporary Deputy Speaker, Sir, I would like to repeat what another hon. Member said here. There have been so many inquiries into local authorities, even before the current Minister was appointed to head the Ministry of Local Government. I even have with me here a report of one local authority - which I will not mention - which highlights serious errors of omission and misappropriation of funds. I am sure that the Minister has a copy of this report. Unfortunately, nothing is being done to these reports of inquiry. So, the chief officers and councillors continue spending LATF and other funds from the Ministry's headquarters, and nothing is being done to them. I would like the Minister to look at all the reports of inquiry into local authorities and take serious action against the culprits. With those few remarks, I beg to support.

Mr. Kamama: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Vote.

I want to thank His Excellency the President for appointing the current Minister to head this very critical Ministry. Mr. Kombo is patriotic. He has been known for championing the fight against corruption in this country. Also, the Permanent Secretary - a former Provincial Commissioner, who I worked with - also believes that corruption in society must be fought with all the weapons available. He does not believe in corruption at all.

Mr. Temporary Deputy Speaker, Sir, when Ministers are appointed to head Ministries, they are normally given briefs by the Permanent Secretary. They are briefed on the operations of the various departments in the Ministry. They are briefed on how the LAFT funds are managed, how the Legal Department operates, the mandate of Local Purchase Orders (PLOs), the operations of the Sewerage and Water Department, among others. However, the Minister is not briefed on how money is stolen. He is not briefed on the sources of revenue and how that money is used, or even on the possibilities of pilferage in the Ministry. When it comes to money matters, the Minister is not told anything. On other issues, he is given very articulate reports.

I would like the Minister to get to the bottom of the issue of corruption in the Ministry of Local Government. In last year's Transparency International's urban bribery index, the police emerged first. We were told that even the Department of Defence has become corrupt. The Ministry of Local Government was also rated as one of the most corrupt Government Ministries, departments and institutions. It was among the top ten most corrupt Government entities. Most Kenyans have no faith in the operations of city councils, municipal councils and county councils, because they are being managed by officers who behave like colonial headmen. In the colonial days, headmen had no written code of ethics. There must be professionalism in the way we manage our local authorities.

Mr. Temporary Deputy Speaker, Sir, I want to talk about environmental issues. The Ninth Parliament is actually blessed. One of its own membership was honoured with the Nobel Peace Prize because of fighting and championing for better environmental management. The City of Nairobi is not worth living in. Public utility facilities, right from the sewerage system to the trees in the parks, are poorly managed. Sewerage drainage trenches have become places where Nairobi's street families take bath during the day time. Something is not being done. So, the management of the environment must be looked into very critically.

One of the most serious problems facing this country is rural-urban migration. The City of Nairobi is congested. You cannot breath fresh air in Nairobi because, everybody is migrating from upcountry to the city to look for employment or a relative to give him hand-outs.

Mr. Temporary Deputy Speaker, Sir, we must decongest the city. The Government has not addressed the issue of creation of employment for the youth of this country. This makes them to flock to this City and we will not be able to manage them. It is so unfortunate that also the youth in this country have not asserted themselves like the middle class in America. They have the power to vote for the Government that will take their interests into account. Unfortunately, the youth have retreated into the cocoons of their communities. The issue of employment must be addressed, if we want to decongest this city.

Mr. Temporary Deputy Speaker, Sir, regarding the issue of minimum wage, I do not support the issue of paying councillors their allowances from the Consolidated Fund, but a way must be found to address the issue of minimum wage. Most of my friends, who are councillors, are planning to resign even before 2007 because of the hardships they are facing. One of my friends, who used to be a mayor somewhere, is actually vendor. He is selling in a supermarket in Europe. This is a shame. A mayor going to Europe to become a supermarket boy reflects badly on how we treat the councillors.

Mr. Temporary Deputy Speaker, Sir, I want to talk about Cap.265. The current Minister is a very humble man. I do not think he requires the excessive powers in that Act. We want him to be the first one to come up with better reforms to reduce powers in that Act that are equivalent to the powers of the Colonial Governor. He should devolve powers to town councils and county councils.

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

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

The other issue concerns the county councils, especially in the Arid and Semi-Arid Lands (ASALs). We do not know what this Ministry does in those areas. We only know that there is a chairman of a county council and clerks. We never see them. We only see people coming with receipts to collect money during market days when we sell our livestock. That is the only role. I am saying that because the Local Authorities Transfer Fund (LATF) is being mismanaged. The Minister should physically look into the issue of LATF so that our people can benefit. You could have beautiful Local Authorities Service Delivery Programme (LASDP) projects, but if they do not translate into concrete development on the ground, then we are wasting time.

With those few remarks, I beg to support.

Mr. Sasura: Mr. Temporary Deputy Speaker, Sir, let me join my friends in contributing to the Vote of the Ministry of Local Government. I am not sure whether to support this Vote or not, but I am left with no alternative, but to support it.

This is a very important Ministry in this Government and any other government. It is called Local Authorities or Local Government depending on what party is in power. Today, it is called the Ministry of Local Government. This is the Ministry that is closest to the people. I would like to agree with my colleague who said that we would not need a devolution of power in the new constitutional dispensation, if our councils are run properly. I would like to say that over the past years, when KANU was in power, this was one of the most corrupt Ministries. I want to be honest

by saying that it is not as corrupt as it was. It is still not a very clean Ministry.

Mr. Temporary Deputy Speaker, Sir, this is the Ministry where loyalty used to be pledged to the Government through the Minister of Local Government. I must thank the Minister because that is not there any more. A few years ago, this House enacted the Local Authorities Transfer Fund Act. That was basically to bring services closer to the people, proper management of funds at the local level and to decentralise everything from Nairobi to the local authorities. It started with about 2 per cent of the income tax devolved to the people and now, it is almost 5 per cent. We are not sure whether we are achieving the desired impact on the ground. There is no impact assessment of those funds as at now. The Ministry needs to come up with a report and tell us that what has been enacted by Parliament is working. If it is not working, we would rather revert to the old system and institute other measures to seal the loopholes, so that there is no corruption. Over the years we have known Ministers who have sent these funds to their areas. If you are the Minister of Local Government, then your area tends to get more depending on your connection to Treasury and the committee handling the disbursement of those funds. There is need to evaluate the impact of the LATF Act and the money we are sending down to the people. If mistakes have been committed, what remedial measures have we taken to ensure that it is stopped and does not continue?

There is something called Local Authorities Service Delivery Programme (LASDP). Sometimes last year, it used to be implemented through the councillors and I was really shocked that Marsabit County Council was implementing that programme through their councillors to an extent that councillors were being paid directly for specific projects in their specific wards. The councillors were asked to present projects that they wanted/ wished funded, like nursery schools and they were given cheques in their own names. While we exonerate the current officers and the Minister, we do not want to rule out that there is a lot to be done in this Ministry.

There are inspections that go on in the local authorities. These include the ordinary inspection and the extra-ordinary inspections. When it is an extra-ordinary inspection, it is a gazetted move where officers are sent to the local authorities to inspect and report back to the Minister. I raised a Question in this House on the inspection that was done on the Marsabit County Council and the report came up with. The Assistant Minister at that time on the Floor of this House conceded that the report had come out with a misappropriation of Kshs23 million belonging to the Marsabit County Council. He said that the town clerk had since been transferred. I cannot be convinced that this Ministry is fighting corruption when it accepts that Kshs23 million had been misappropriated by the town clerk and the only action it took was to transfer him to some county council in the Coast Province.

Mr. Temporary Deputy Speaker, Sir, I still stand and my demand still stands that there is need to publish most of those extra-ordinary inspection reports because they are there. Hoping that they have not been doctored, they should be presented to us as the people's watchmen or to the House. That is just as an example in the whole country.

I would like to talk about personnel. At the local level, there are two types of personnel. There is staff of council and the councillors. When there was a Constitutional amendment during the Inter-Party Parliamentary Group (IPPG), it was resolved that nominations at the parliamentary level and the local council level be done on pro-rotas basis on how the parties have been elected. It is an open secret that, first, the staff of our councils are mainly on acting capacity. In Marsabit County Council, we have an acting treasurer and an acting accountant. I wonder why those posts are not filled by the Ministry of Local Government through the Public Service Commission. You wonder why these posts are not being filled by the Ministry of Local Government, and yet they have been there for the last ten to 12 years.

Mr. Temporary Deputy Speaker, Sir, there is an over-nomination of councillors in our local

authorities. These people are "eating" into the revenue of our councils. The over-nominations are done by the Ministry and have not been in tandem with the Inter-Parties Parliamentary Group (IPPG) resolutions. The Ministry cannot tell us to vote money for it to go to people who do not deserve it. There are public officers serving in our councils, who are appointed without any qualifications and no criteria is used. They are just arbitrarily appointed. In every council, there is a public officer. These are the former District Commissioners that we used to have in the councils. Who are the public officers accountable to? Who do they report to? What are they looking for in our councils? They just sit and earn money that we have voted for the Ministry, even money collected at the local level through rates.

It beats reason when as an hon. Member I just come and say: "Aye, I have voted this money for this Ministry", when I know it is going to the wrong place. The Minister has a lot of work to do. He has to revamp the image of this Ministry. He is able and he has the capacity. He has qualified officers unless they are not willing to work. I wish him a good time in the Ministry. If he is to produce another "list of shame" in that Ministry, I am sure it will be about three or four times the list of shame that he authored in this House a few years back.

Mr. Temporary Deputy Speaker, Sir, lastly, one of the roles of hon. Members is to be watchdogs. We should watch over the management of our various institutions. It will definitely be wrong to say that hon. Members should not ask questions about awarding of tenders. If those tenders have been awarded irregularly, there is definitely need to query them. Most of our councillors are contractors. They have registered companies at the local level and they influence the awarding of these tenders. If you expect me to keep quiet about it as an hon. Member, then that is very wrong. It is too bad. That is theft and even the law does not allow them to be contractors when they are the ones who made the decisions to award the tenders.

The Nairobi City Council has made significant improvement over the years. It has really improved in terms of garbage collection, water provision and even parking facility. When I was an Assistant Minister in that Ministry, we evaluated the issue of parking in towns. At one time, over a three week period, when we were following the issue of parking in the Central Business District, we realised that they were collecting about Kshs70,000 in one week. As we were continuing to monitor, by the fourth week, they had collected Kshs270,000. This means that the people who were working on the manual metres were cheating the council. The Minister needs to also check on that. Collection does not have a size. The Kshs1 that you lose will amount to millions of shillings that we will lose. The money we collect from water bills will be used to provide other services in various parts of the City.

Mr. Temporary Deputy Speaker, Sir, I would like to appeal to the chief officers not to protect the officers on the ground. They should not keep shifting them. We will not trust the officers in Jogoo House if they will repeat what has been happening in that office even when KANU was in office.

With those few remarks, I beg to support.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me time to contribute to this Vote. I support the Vote because this Ministry has a Minister whom we all believe will clean up the mess in local authorities.

I will start with a point raised by Mr. Sasura; the issue of LATF. For example, in my district, in 2001, as we went to elections, there was a councillor - luckily he was voted out - who was given money to construct a foot bridge. No system of accounting was put in place. He was given hard cash, put it in his pocket and went to the village and bought a huge eucalyptus tree. He hired youths to go and put it across the stream and a bridge had been built. In another incident, on the eve of elections, I found a councillor who was defending his civic seat with his sons and brothers busy

digging a foundation for a dispensary to account for the money he had collected on the LATF account. These cases are replicated all over the country.

Many times, I have visited the Minister and mentioned to him that the Ministry should go out of its way and strengthen the tendering and the accounting systems of the local authorities. The Ministry should post engineers and other professionals to the councils. It is important that the money gets to a ward where a councillor represents, but it is equally important that the councillor does not handle that money physically. All he needs to do is to identify a project. We have enough Government officers, whether in the Ministry of Roads and Public Works or in the City Council, to evaluate the project, supervise its implementation and pay on certificates, so that this money is used for the intended purpose. If we do not do this, we will continue voting money for local authorities, which will be shared by the councillors or put to payments of allowances such as night outs, without caring whether it was meant to provide services to the ordinary person or not.

Mr. Temporary Deputy Speaker, Sir, obviously, in the absence of accounting systems, anybody, even an angel, will exploit loopholes. Let us not blame the councillors. They are exploiting a vacuum that we have created. It is important that the Minister must leave a legacy in this Ministry when he moves on to higher grounds, by getting the councils and the civic authorities working effectively and making sure that the money we send to local authorities is put into good use.

It is my view that local authorities need a little more autonomy than they enjoy currently. It is very difficult in certain circumstances for councillors to work with a clerk they cannot "hire or fire". Sometimes it becomes very difficult for the clerks and the senior officers to take instructions from the

civic authorities and the councillors. It will be important for the Minister to think of a radical change. If we are going to devolve power to the local authorities, then they must be truly Local Government. Gone are the days when a third of the students in rich districts like Bungoma then, used to learn on bursaries managed by councils.

Right now, the councillors simply walk into any set up in the council that is legally bound to pay cess, take the cess and share it among themselves. There is no accountability. Whether you are talking about the sugar sector or any other sector, this has become such a notorious trend and something must be done.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Mr. Wetangula, you have five minutes remaining. It is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday, 13th October, at 9.00 a.m.

The House rose at 6.30 p.m.