

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 15th October, 2008

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

Report of the Independent Review Commission on the General Elections held in Kenya on 27th December, 2007, popularly known as the Kriegler Report.

*(By the Minister for Justice, National
Cohesion and Constitutional
Affairs (Ms. Karua))*

The Minister for Justice, National Cohesion and Constitutional Affairs (Ms. Karua): Mr. Deputy Speaker, Sir, copies of the Report have been submitted to the Clerk. In particular, Members may avail themselves to pick their copies in Room No.8.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. Considering the importance of the Kriegler Report, could the House be categorical on how it wants us to proceed now that the document has been laid on the Table of the House?

Mr. Deputy Speaker, Sir, is it going to be subjected to debate? If it is going to be subjected to debate, what will be the consequences of whatever comments hon. Members are going to make? Will the House make any resolution?

Mr. Deputy Speaker: Order, hon. Member! Hold your horses! That is the prerogative of the Minister for Justice, National Cohesion and Constitutional Affairs if she wants to move this as a Motion.

NOTICE OF MOTION

ADOPTION OF INDEPENDENT REVIEW
COMMISSION REPORT ON 2007
GENERAL ELECTIONS

The Minister for Justice, National Cohesion and Constitutional Affairs (Ms. Karua): Mr. Deputy Speaker, Sir, I beg to give Notice of the following Motion:-

THAT, this House adopts the Report of the Independent Review Commission on the General Election held in Kenya on 27th December, 2007, laid on the Table of the House on Wednesday, 15th October, 2008.

QUESTIONS BY PRIVATE NOTICE

MEASURES TO CURB ILLEGAL IMPORTATION OF HUMAN DRUGS

Mr. Linturi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Medical Services the following Question by Private Notice.

(a) Is the Minister aware that many human drugs are illegally getting into the country through the collusion of his officers with other drug importers and are being sold without being registered?

(b) What is the Ministry doing to punish the errant public officers who are putting citizens to serious health risks, and to curb the situation generally?

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that some drugs have been illegally imported into the country without registration. However, I have not received evidence of collusion between the staff of my Ministry and illegal drug importers.

(b) Importation of human drugs into the country is subject to vetting and approval by the Pharmacy and Poisons Board whose employees are public servants. Where evidence of collusion between officers of the Board and the illegal drug importers is obtained, the necessary action is taken against the officers involved as per the provisions of the Civil Service Code of Regulations, the Public Officers Code of Conduct and the laws of the land.

To curb the influx of illegal drugs in the country, the Pharmacy and Poisons Board has now intensified surveillance at the ports of entry and inspection of drugs on sale in retail and wholesale outlets. The Board is further pursuing closer linkages with the Customs Department for more effective prevention of illegal imports and with the police and the Judiciary for effective prosecution of illegal importers.

Mr. Linturi: Mr. Deputy Speaker, Sir, I appreciate that the Minister has acknowledged to the House that he is aware that there are some drugs in the country that are not registered which are being sold in our local pharmacies. The sale of unregistered drugs in the country puts the Kenyan citizens at a serious health risk.

I would like the Minister to confirm to this House whether he is aware that Phinolex 100 and UCEF 500 milligrams, which are not registered drugs in this country, have been approved for entry by the Ministry of Medical Services, through one of the airports in the country. These drugs are not registered for use in Kenya.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I am very grateful to hon. Linturi for that information. If he would avail to me that information, I would approach the Pharmacy and Poisons Board immediately to institute investigations in order to establish why such drugs are in the country.

Mr. Deputy Speaker, Sir, I have just come from an ongoing conference at the Windsor Golf Hotel on surveillance, particularly for drugs and pharmaceutical equipment. This is an inter-Governmental Conference under the chairmanship of the Chief Pharmacist.

The kind of information that hon. Linturi is giving us is extremely important. We are going further to enlist the services of some of the ICT specialists to make sure that, in future, drugs that are coming into the country are properly brand-coded, so that they do not fall prey to the counterfeit drug lords.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, I wish to lay on the Table of this House a

document to prove that the Ministry has approved entry into this country of the said drugs.

Mr. Deputy Speaker, Sir, it is sad that the Minister has admitted, on the Floor of the House that, indeed, drugs which are not supposed to be in this country are in the country. What immediate action is the Minister going to take to ensure that this does not happen any more?

(Mr. K. Kilonzo laid the document on the Table)

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, let me further add my vote of urgency to the issue. Again, I will definitely welcome the document, so that I can look at it. The Ministry of Medical Services is not a very easy Ministry to run.

Hon. Members: Resign! Resign!

Prof. Anyang'-Nyong'o: No! It does not mean that I will resign! I do not have bulls to go and fight.

Mr. Deputy Speaker, Sir, I am saying this because we are dealing with human lives. When we are dealing with human lives and there are some weird or out-of-the way individuals in the Ministry, which can happen in any Ministry, who are involved in illegal activities, we take very serious measures. I am grateful to the hon. Member for drawing my attention to that. Further, even on 7th October, 2008, we took somebody to court for being involved in illegal drug importation. That is why we have gone further to have this surveillance conference today to tighten the measures of tracking down the illegal trade in counterfeit drugs.

Therefore, I will definitely co-operate with all the hon. Members who represent the various constituencies in this country, to wage this war against counterfeit drugs and illegal trading in drugs. It is dangerous to our people. This Ministry is difficult to run because we deal with human lives and we have to be extra-careful to be on the look-out for wayward individuals who would like to trade with human lives.

The Assistant Minister for Roads (Dr. Machage): On a point of order, Mr. Deputy Speaker, Sir. A document has been laid on the Table and the Chair has not ruled on whether it is authentic or not.

Mr. Deputy Speaker: Which one? Oh, the one that has been laid on the Table? I will look at it!

Let us proceed!

Mr. J.M. Kamau: Mr. Deputy Speaker, Sir, is the Minister aware that we are getting drugs from companies that are not registered worldwide? We will end up having drugs that are not helping anybody and Kenyans will continue to die everyday! What is the Minister doing about that?

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I am not quite sure whether I understood the question. Could the hon. Member repeat the question in a slow motion?

Mr. J.M. Kamau: Mr. Deputy Speaker, Sir, I am going to repeat the question very slowly. Is the Minister aware that this country is not getting drugs from well established drug manufacturers who are rated highly in the world? As a result, Kenyans are dying because they are taking drugs which cannot help them. I hope this time the Minister has understood the question.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, it is not really true that we are not getting drugs from established drug companies. If you look at the companies which supply drugs to this country, you will find that they are the established ones that are known in the pharmaceutical industry. What happens is that people fake the names of these companies and, under the names of the well-known companies, drugs get into this country like it happens in any other faking enterprise.

Mr. Deputy Speaker, Sir, we are trying to work with known ICT providers to make sure that, in future, we have brand coded drugs which cannot be counterfeited. That is highly technical and we have just been discussing it. Once that is established and we have systems and processes that can work against counterfeiting, we will be in a position to stop this. At the moment, I would be dishonest to tell the Members that there are no counterfeit drugs in this country. There are!

Mr. Maina: Mr. Deputy Speaker, Sir, I find it completely perplexing that we are talking about human life and the Minister has admitted that the Ministry of Medical Services is a difficult one. He has admitted that things are happening there that are not proper.

Could he tell us whether the drugs which are entering this country are fit for human consumption? Secondly, could he also confirm whether this drug control agency is working? Thirdly, if it is not working, could he then confirm that the lives of Kenyans are at risk and what steps the Government intends to take?

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, the Pharmacy and Poisons Board, a body established by law, is there to put surveillance on the drugs and poisons imported into this country and not necessarily only those imported by the Ministry, but by all kinds of traders and nitwits who would like to trade with the lives of Kenyans. Now, these traders and nitwits are in the private sector and we are supposed to check them to make sure that they do not bring to the chemists and pharmacists drugs that will hurt people's lives.

As we talk today, at least 16 per cent of the drugs in this country are counterfeits. These are not just the ones that the Ministry imports, which are not counterfeit, but the ones imported by other people who would like to trade with the lives of Kenyans. Now, what we are trying to do, and the meeting in Windsor Hotel is not just a Ministry of Health issue but it is for all Government departments who are concerned, is to put into place a mechanism for making sure that drugs coming into the country are bar-coded in such a way that we shall identify the real ones and the counterfeit ones.

I was saying that the Ministry is difficult to run because we are given the responsibility to deal with nitwits and counterfeit drug lords who are not our employees but men and women who are out there in the Republic of Kenya making money by trading with your lives.

Mr. Linturi: Mr. Deputy Speaker, Sir, now that the Minister has admitted that there are drugs in the country which, in my view, are quite poisonous and dangerous to the health of Kenyans and since he requested that in the event that we have any documentation to prove that there is collusion between his officers and the drug importers, we table it here, then I want to lay on the Table of this House an import document that has been given clearance by his Ministry to have these drugs come into the country. These drugs are UCEF which is 500 milligrams and Phinox which is 100 milligrams. I also table a letter from the Pharmacy and Poisons Board which is the body that is charged with the registration of these drugs. At the same time, these are the drugs that have come into the country illegally and they should be investigated and tested because I believe they are poisonous.

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

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I thank hon. Linturi for being very constructive. Since it is my first time of laying my eyes on this particular document, I will go back to the Ministry and consult the necessary officers and issue a Ministerial Statement in this House in the not too distant future. I will inform the Speaker when I will do so, to establish the authenticity, first, of this document and, secondly, the veracity of the statement that has been made by the hon. Member.

(Applause)

ORAL ANSWERS TO QUESTIONS

Question No.236

FLOUTING OF LABOUR LAWS BY MULTINATIONAL TEA COMPANIES

Dr. Kones asked the Minister for Labour:-

(a) whether he could table a list of the top management; from CEO to the Assistant Manager level, in the multinational tea companies in Kericho-Bureti districts namely; George Williamson Ltd., James Finlays (K) Ltd. and Unilever Tea Kenya Ltd;

(b) whether he could also confirm that the three firms have flouted the labour laws by engaging expatriates to do the jobs that should be done by the locals;

(c) whether he could also give the statistics on the proportions of unskilled labour from the local community (Bureti and Kericho districts) employed in these companies, giving the specific departments/sections; and,

(d) what steps he will take to rectify the above anomalies.

The Minister for Labour (Mr. Munyes): Mr. Deputy Speaker, Sir, I beg to request your indulgence for deferment of this Question until sometime next week, probably Tuesday, to enable me get a satisfactory response.

Mr. Deputy Speaker: The Question is deferred to Tuesday next week!

(Question deferred)

Mr. Deputy Speaker: Next Question by Mrs. Noor!

Question No.275

OPERATIONALIZATION OF CDF HEALTH FACILITIES IN IJARA

Mrs. Noor asked the Minister for Public Health and Sanitation:-

(a) whether she is aware that in Ijara District there are six health facilities namely; Korisa, Ruga, Jalish, Bodhai, Sangole and Handaro that have been constructed using public funds under CDF;

(b) whether she is further aware that four of the six facilities have not begun providing services to Kenyans while the remaining two facilities are managed by UNICEF staff on short-term basis; and,

(c) what urgent measures she is taking to ensure that these facilities are operational.

The Assistant Minister for Public Health and Sanitation (Dr. Gesami): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that six dispensaries in Ijara District namely: Korisa, Ruga, Sangole, Handaro, Jalish and Bodhai were constructed using public funds including CDF.

(b) Yes, I am aware that of the six dispensaries, only two of them, namely Handaro and Korisa, are currently operational. The nurses who were working in the other four dispensaries

resigned citing hardship conditions in the area.

(c) My Ministry is in the process of sourcing for nurses to deploy to the facilities. We have also initiated the Community Health Strategy whereby the community health workers, under the supervision of the community health extension workers from my Ministry will be providing basic health services. We have also made arrangements for provision of essential medical supplies to the facilities through the Kenya Medical Supplies Agency (KEMSA).

Mrs. Noor: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for the answer. However, Kenyans do not have a choice where to be born; whether in hardship areas or otherwise. There are no applications to that effect. Kenyans, however, have a choice to elect a sensitive Government that can give them service. UNICEF and other development partners just support the Government initiatives and their efforts. It is the responsibility of the Government to give service, in any circumstances in the country, to the citizens of this nation.

Let me give some small data. Sixteen women die every day from child birth-related complications while 473 children die every day in our country from preventable diseases. Could the Assistant Minister inform the House what measures the Government is putting in place to motivate and retain nurses and health workers in hardship areas?

Dr. Gesami: Mr. Deputy Speaker, Sir, I want to agree with the hon. Member that it is the responsibility of the Government to provide health services to every Kenyan in this country. There is no doubt about that. As a Ministry, we have tried to post nurses to the North Eastern part of this country but, unfortunately, they have been resigning but we have not stopped doing the same. We are, in fact, in the process of recruiting nurses in the very near future and I think I have discussed this with the Minister of State for Public Service so that we can send a few nurses to that area to assist Kenyans to get treated.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I sat in the Constituencies Development Fund Committee in the last Parliament. We had negotiated with the then Director of Medical Services and he agreed to employ 1,600 nurses specifically for dispensaries which were constructed using the CDF money. But after they were employed, none of them was posted to areas where people were not "politically-correct." There are six dispensaries in my constituency, but none of them got a single nurse. What is the Assistant Minister doing to correct this injustice?

Dr. Gesami: Mr. Deputy Speaker, Sir, as I have already indicated, we are in the process of recruiting nurses. My Ministry will be able to send nurses to those dispensaries once we recruit them. Although we are actually recruiting about 1,500 nurses, we are far from reaching the actual number of nurses that can provide health services in the country. We shall continue to employ more nurses when funds are available.

Mr. Gabbow: Mr. Deputy Speaker, Sir, we know that the nurses that are being posted to these dispensaries come from other areas and they do not actually want to work there. You had better train the local people because we are even finding out that the admissions to the Medical Training Colleges (MTCs) are skewed towards some direction. Train the locals and give them these chances, so that they can accept to work in those areas. The Ministry is posting people there who go to other places after six months or one year.

Dr. Gesami: Mr. Deputy Speaker, Sir, since I worked in the Civil Service, let me assure this House that deliberate efforts have been made to train locals from North Eastern Province and post them there. However, as soon as they finish college, they opt to go to other bigger towns such as Nairobi, Nakuru and Mombasa. So, really I do not know whether that will be a cure. But we shall continue making deliberate efforts to recruit nurses from those areas and send them back to serve the Kenyan people.

Mr. Bahari: Mr. Deputy Speaker, Sir, this problem is not unique to Ijara Constituency alone. In my own constituency, since the 2005/2006 Financial Year, I have had four dispensaries

which have not been manned, despite the fact that this matter was raised and discussed at the level of the CDF and the Ministry. Some nurses were employed, but part of the problem is that the Ministry officials send relatives to be employed there and they immediately transfer them back to Nairobi or other places. As a matter of policy now, could the Assistant Minister consider what, perhaps, the Teachers Service Commission (TSC) has done, by ensuring that those employed in those districts sign a contract to serve for a minimum of five years to avoid the situation that they have been perpetuating?

Dr. Gesami: Mr. Deputy Speaker, Sir, at the moment, we have a policy that every nurse who is recruited stays in the station for three years. We shall continue enforcing that policy to ensure that they will stay there and give services. Five years is a little bit too long.

Mr. Deputy Speaker: Last question, hon. Noor!

Mrs. Noor: Mr. Deputy Speaker, Sir, I am privileged to sit in the Departmental Committee on Health, Housing, Labour and Social Welfare. I was able to visit some of the health facilities and found out that our priorities in the Ministry of Medical Services are not right. Ruga, Jalish and Bodhai dispensaries are not operational, yet they supply them with drugs. We were privileged to go to Uasin Gishu District Hospital in Rift Valley and found out that it has got 89 staff. Out of that number, 16 of them are doctors, but not even panadol is supplied by the Government. Are our priorities, as a Ministry, right in serving Kenyans?

Mr. Deputy Speaker: Hon. Assistant Minister, you are sending staff to some facilities with no drugs and sending medication to facilitate where there is no personnel!

Dr. Gesami: Mr. Deputy Speaker, Sir, we shall continue reviewing these issues. I can assure this House that we shall look at all those things with a view to serving all the Kenyan people.

Mr. Deputy Speaker: Next Question by Hon. Anyango!

Question No.229

STALLING OF REP IN NYAKACH

Mr. Anyango asked the Minister for Energy:-

(a) whether he is aware that the Rural Electrification Programme scheduled to run from Rae Girls Secondary School to Katito, Pap Onditi District Hospital and Kolweny Market stalled in September, 2007; and,

(b) when the Ministry will complete this project.

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

(a) It is true that since September, 2007, up to early July this year, no work was ongoing at the Katito-Pap-Onditi Rural Electrification Project. This was due to unexpected delays in procurement of some materials by M/s China National Wire and Cable Corporation which was contracted to do the project. There were also some other delays which were occasioned by them not moving to the site as early as possible.

(b) However, the situation above has changed right now. I want to tell my neighbour that I have been to the site myself and work is almost complete. It is awaiting only transformers to be installed, which should be done within the next few weeks.

Mr. Anyango: Mr. Deputy Speaker, Sir, I want to appreciate the Assistant Minister very much. Actually, he visited the constituency and promised that the work would proceed. Work has really progressed well and I am very much pleased. I do not want to interrogate him further, except-

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Mr. Deputy Speaker: Order, hon. Member! You have rested your case!

Next Question by Dr. Munyaka!

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. While appreciating your ruling and the satisfaction by the hon. Member who asked the Question, I do not think that all Members are satisfied. Is it in order for us to continue asking the Assistant Minister supplementary questions?

Mr. Deputy Speaker: Order, hon. Mbadi! The Question is not a general one that actually affects the rest of the country. It is a specific Question on Pap Onditi. You are not from Pap Onditi; are you?

Next Question by Dr. Munyaka!

Question No.287

LOSS OF LIVESTOCK DUE TO
INADEQUATE STAFF

Mr. Deputy Speaker: Is Dr. Munyaka out of the country by any chance on official Parliamentary business?

An hon. Member: No!

Mr. Deputy Speaker: The Question is dropped!

(Question dropped)

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Hon. Munyaka is attending a recruitment drive of ODM(K). May I request you to defer the Question, because he is doing Government work?

(Laughter)

Mr. Deputy Speaker: Order, hon. K. Kilonzo! The recruitment of ODM(K) is not Parliamentary business!

Proceed, hon. Litole!

Question No.311

AMOUNT OF MONEY REMITTED TO
POKOT COUNTY COUNCIL BY KENGEN

Mr. Litole asked the Deputy Prime Minister and Minister for Local Government:-

(a) whether he could confirm how much money was remitted to Pokot County Council by the Kenya Electricity Generating Company (KenGen) Limited in the 2007/2008 Financial Year;

(b) how much of this went to buying iron sheets for pre-unit schools by the end of 2007; and,

(c) whether he could list the schools that benefited from this money.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae): Mr. Deputy Speaker, Sir, I beg to reply.

(a) In the 2007/2008 Financial Year, KenGen paid the Pokot County Council Kshs.6,352,350.

(b) Out of the amount paid by KenGen, no money was used to buy iron sheets for the pre-unit schools by the end of the year 2007.

(c) It is only Ortum Secondary School which benefited from the money paid by KenGen. It received Kshs300,000 from the council.

Mr. Litole: Mr. Deputy Speaker, Sir, while I agree with the answer given, it is a bit misleading, because as of yesterday, documents related to the Question I asked have disappeared from the county council files in Kapenguria as we speak now. Could the Assistant Minister do a thorough job, because we have documentary evidence to show that some of that money was used to buy iron sheets, instead of being taken to pre-unit schools? It was used for political purposes! If the position is as the Assistant Minister has explained, could he tell the House where the rest of the Kshs6,053,350 went to?

Mr. Githae: Mr. Deputy Speaker, Sir, for the information of the hon. Member, I did not say that no iron sheets were bought. I am saying that no iron sheets were bought with the money given by KenGen, but the council bought some iron sheets. I can give him the names of the pre-unit schools that benefited from the iron sheets that the council bought, not KenGen. They are Lowar Primary School, 40 iron sheets of 3 metres, gauge 30; Kamayek Pre-unit School, Pasakas School, Karapolong School and Chemilil School. The total cost was Kshs156,000. As I said, in our Ministry we want to be as transparent and accountable as possible. In this respect, if the hon. Member still wants, I can give him a breakdown of how the council - not KenGen - used the money that KenGen donated.

Mr. Litole: Mr. Deputy Speaker, Sir, the money was given to the county council by KenGen. How did they use that money? They used part of that money, as county council, to buy those iron sheets. That is the way I understand it.

Mr. Githae: Mr. Deputy Speaker, Sir, I am not sure that we are communicating. I am saying that KenGen gave that money to Pokot County Council. How it used the money has nothing to do with KenGen. I am also saying that part of the money given by KenGen was used by the council to buy some iron sheets, and on some other expenses. I can give him a breakdown of how they used the money, but not by KenGen. Once KenGen has donated money, their responsibility ends there. If the money is misused, or he is not happy with the way the council spent the money, the entity to deal with is the county council, and not KenGen. That is the point I am emphasising!

Mr. Ethuro: Mr. Deputy Speaker, Sir, KenGen gives Pokot County Council money from electricity production from the Turkwel Gorge Dam. The Turkwel Gorge is a natural resource shared by two communities, the Turkana and the Pokot. If we use it credibly, it can be a source of peace-making. Could the Assistant Minister tell us how much money KenGen sends to Turkana County Council, and if it can be earmarked for specific community projects?

Mr. Githae: Mr. Deputy Speaker, Sir, this Ministry has absolutely no intention of getting involved in turf wars between the Pokot County Council and Turkana County Council. The money that KenGen paid to Pokot County Council was not from generation of electricity. It was in lieu of rates, because of the area that they are occupying. We must also put it on record that it has been a fallacy to say that KenGen has not been contributing anything to the local communities. For example, in the Financial Year 2007/2008, KenGen gave the county council---

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

Mr. Deputy Speaker: Mr. Ethuro, you rose on a point of order. The Assistant Minister is responding to your point of order. Allow him to finish his response and then you can rise on another point of order.

Mr. Githae: Mr. Deputy Speaker, Sir, I am saying that in the financial year 2007/2008, KenGen paid the Pokot County Council Kshs11,370,350. In 2008, they have paid another Kshs5 million. That is the amount that KenGen has paid to Pokot County Council. If my friend, Mr.

Ethuro, also wants Turkana County Council to be paid, they need to make a formal request and it will be considered.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I appreciate the Assistant Minister's issue, but I think he has very serious limitation in knowledge on the location of the Turkwel Gorge plant.

The dam is sited in my friend's constituency, but the power generating plant is in Turkana. Therefore, we need to share the goodies in order to make peace between the two communities. In fact, we want to use this to bring peace between the two communities. This is not a turf war! So, what is he giving to Turkana?

(Laughter)

Mr. Deputy Speaker: Mr. Assistant Minister, you said that the money is given in leu of rates. But KenGen is not located, in terms of infrastructure, only in Pokot; it is also located in Turkana. Do you also have something for Turkana people?

Mr. Githae: Mr. Deputy Speaker, Sir, the heart of the project is in Pokot, but now that my friend has mentioned that Turkana County Council needs to have a share of the goodies, this is the right time for him to make a formal request. We will definitely ask KenGen to give something in leu of rates, as part of the dam is in Turkana South. It is only that they have not been making a request. The county council that has been making a request is that of Pokot.

Mr. Litole: Mr. Deputy Speaker, Sir, while I do not agree with the previous speaker, Mr. Ethuro, that the generating plant is in Turkana, they are trying to invade that area, but we gave it to them to graze their animals on; but they are now claiming the land. I do not agree with him at all!

(Laughter)

However, it looks like the Clerk to the County Council, who has stayed in Pokot for five years, and has outlived his usefulness, has cheated the Ministry. He has not given the correct answer.

I also want to ask the good Assistant Minister: How long does it take a clerk to be transferred? The Pokot County Council Clerk has stayed in office for five years, and that is why the Prime Minister said the other day that such clerks are holding county councils to ransom. When will the Clerk to Pokot County Council be transferred, because he has outlived his usefulness?

Mr. Githae: Mr. Deputy Speaker, Sir, five years is not a very long time to stay in one station. In fact, one of the reasons why the local authorities are not performing is the frequent transfers of clerks. If the hon. Member has some issues with the county clerks, he only needs to tell us about them, and if we think that those issues warrant attention, we will effect not only the transfer, but even a dismissal.

We have said that we will not just be transferring an officer who messes one area to another area to mess it up. So, if there are reasons why he thinks that, that clerk has messed up the county council, he should let us know because we are not aware of anything. If those reasons warrant, I can assure him, we will not be talking of a transfer but dismissal.

Question No.387

DELAY IN COMMENCEMENT OF KISUMU
AIRPORT EXPANSION PROJECT

Mr. Outa asked the Minister for Transport:-

- (a) whether he could explain why the planned expansion programme for the Kisumu Airport has not commenced; and,
(b) whether he could give the identity of the contractor and state the scheduled dates of commencement and completion of the project.

The Minister for Transport (Mr. Mwakwere): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Kisumu Airport upgrading project has actually commenced; instructions to commence works were given to the contractor on 10th September, 2008. The contractor is mobilising and is currently on site, setting up the site offices and a workers' camp.

(b) The contractor for the project is China Overseas Engineering Group Company Limited. The scheduled dates for commencement and completion of the project are as follows:-

Commencement date is 10th September, 2008; the contract period is 22 months and completion date is 9th July, 2010.

Thank you.

Mr. Outa: Thank you, Mr. Deputy Speaker, Sir. I want to thank the Minister for attempting to answer the Question. I got the written reply today from the Minister. As a good friend of mine, you know very well that you need to give me more time to study your answer and critique or interrogate it. However, you know Kisumu City--- Kisumu is a City!

(Applause)

With that status, Kisumu needs an upgrade of the airport to allow the expansion of the businesses operating around there. Kisumu is situated along Lake Victoria---

Mr. Deputy Speaker: Order! Order!

Mr. Outa: Mr. Deputy Speaker, Sir, he has given me the answer when it is too late. I just want to make sure that the Minister understands why we need to upgrade the airport in Kisumu City. Anyhow, I want the Minister to tell this House whether the works have commenced now because I fly there every day!

An hon. Member: Really?

Mr. Outa: I fly there every day! Sorry, it is not every day but every week.

(Laughter)

But I have not seen those contractors on the site. Mr. Minister, where are the contractors? Are you sure whether the work has begun or are you just giving us answers to please us? We need the expansion of Kisumu Airport as soon as possible. When will they actually begin to break the ground? When?

Mr. Mwakwere: Mr. Deputy Speaker, Sir, my friend, hon. Outa, has asked several supplementary questions, but I will attempt to answer all of them. On the question whether this answer was given for the sake of answering, work has actually commenced. It must be completed within 22 months. I am not in a position right now, to tell you exactly where they are located, but they are within the periphery of Kisumu International Airport in Kisumu City.

(Applause)

Mr. Deputy Speaker, Sir, we carried out a feasibility study and that is why we are expanding Kisumu International Airport. The feasibility study touched on aspects like traffic forecast, financial analysis of the project, economic analysis and we came up with concrete recommendations.

Mr. Deputy Speaker, Sir, based on all those factors, we concluded that it was high time that we expanded Kisumu International Airport to accommodate bigger aircrafts and be a hub of aviation not only in the sub-region in terms of the lake, but even beyond into countries like the Democratic Republic of Congo (DRC).

Mr. Deputy Speaker, Sir, we selected the contractor in an open tender system and, if need be, I can give details.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Olago: Mr. Deputy Speaker, Sir, I can say that, this time round, the honourable Minister, who is my friend, has given a correct answer.

(Applause)

Mr. Deputy Speaker, Sir, that is a Kshs3 billion project and it is very close to the hearts of the people of Western Kenya and this nation as a whole. But I am glad that, at least, the issue that was delaying the project earlier on - the issue of the Kogoni compensation - is being handled. I can confirm that two days ago, I was at the site and the contractors are, indeed, at the site.

(Applause)

Mr. Deputy Speaker, Sir, the delay of the expansion of that airport is causing us concern because we are watching the election campaigns in the United States of America (USA) very closely. We would wish that by January, next year, when the new President of the USA will be sworn in, the airport would be big enough to accommodate Airforce One.

(Applause)

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Hon. Olago---

Mr. Olago: Mr. Deputy Speaker, Sir, my question is this: Could the Minister confirm that, indeed---

Mr. Deputy Speaker: Order, hon. Olago! Order! We are not in the business of expanding our airports so that Airforce One can come! It is not only for that purpose! In any case, Airforce One is for the American States. We are not Americans! We just have a good relationship with them and, for your information, Barrack Obama is not a Kenyan. He is an American citizen!

Yes, hon. Shakeel?

(Mr. Shakeel addressed the Deputy Speaker from the Front Bench)

Mr. Shakeel: Thank you, Mr. Deputy Speaker, Sir. May I ask the Minister---

Mr. Deputy Speaker: Order, hon. Shakeel! Order! You are on the Front Bench. This Bench is reserved for Ministers!

(Hon. Shakeel attempted to cross the Floor)

You cannot cross the Floor!

(Laughter)

(Hon. Shakeel moved to the Back Bench on the Government Side)

Mr. Shakeel: Thank you, Mr. Deputy Speaker, Sir, for guiding me.

Mr. Deputy Speaker, Sir, could the Minister kindly advise us whether there are any plans to give Kisumu Airport a suitable name of a hero of Kenya?

An hon. Member: Obama!

Mr. Shakeel: Mr. Deputy Speaker, Sir, could the Minister kindly advise us whether there are any plans to rename Kisumu Airport to a suitable name of a hero of Kenya, preferably Jaramogi Oginga Odinga. That is because we have Moi Airport in Mombasa and Jomo Kenyatta International Airport here in Nairobi?

(Applause)

So, could the Minister kindly advise us whether there are any plans to rename Kisumu Airport?

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Minister, if you want, you can answer it. But if you do not want, you do not have to.

Mr. Mwakwere: Mr. Deputy Speaker, Sir, however hard I try, it will not be possible for me to get the airport in Kisumu completed at the end of this year to allow Airforce One to land!

(Applause)

Nonetheless, I will tell the contractors to work as hard as possible to complete it within the term of office of the next President of the United States of America.

(Applause)

(Laughter)

Mr. Deputy Speaker, Sir, my answer to hon. Shakeel's question is that, there is really no objection to name an airport after any of our heroes. That is in the hands of the leaders of the country and we can agree on that.

Thank you very much, Mr. Deputy Speaker, Sir.

(Applause)

Mr. Deputy Speaker: Last question on this issue, hon. Outa!

(Mr. Bett stood up in his place)

Hon. Franklin Bett, what is it? Proceed!

Mr. Bett: Thank you, Mr. Deputy Speaker, Sir. While I appreciate what is going on in Kisumu City, there is concern on other aerodromes or airstrips in the country. For example, in Kericho, we have an airstrip that is not functional. Similarly, the one in Bomet is going into disuse. What plans are there within the Ministry to maintain and upgrade airstrips in other parts of the

country?

Mr. Mwakwere: Mr. Deputy Speaker, Sir, I would like to confirm to the House that we have a schedule for upgrading all airports in strategic areas in the country, and they actually include Kericho and Bomet.

Mr. Deputy Speaker: Mr. Outa, are you happy with the answer or you still want to have one last shot?

Mr. Outa: I am proceeding, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Please, proceed.

Mr. Outa: Mr. Deputy Speaker, Sir, I want to thank the Minister for his answers. I believe this work will be completed in 22 months. However, is he aware that the engineers are planning to carry on with this work in two phases? In the first phase, they are planning to construct a 3,000-metre runway. In the second phase, they will do 200 metres. Why could you not just do it at one go?

Mr. Deputy Speaker: Order! Order! Mr. Outa, today is a Committee of Supply day. Your questions were very specific. To the best knowledge of everybody here, they have been adequately answered. So, if you are happy with the answers, we will proceed to the next Question.

Mr. Outa: Mr. Deputy Speaker, Sir, I am happy with the answers. What I am trying to ask is why the Ministry could not just complete the 3,200-metre runway that is needed for the bigger plane to land once the project is completed?

Mr. Mwakwere: Mr. Deputy Speaker, Sir, we are doing it in phases, because we do not want to shut down the airport altogether. We would want aircrafts to land and take off while we extend the length of the runway and improve other facilities. So, it is being done in phases so as to incorporate activities at the airport.

Mr. Deputy Speaker: Order! Order! Hon. Members, it is good for us to always respect our own rules. Whereas it says "Not later than 3.30 p.m.---", the Question by Mr. John Pesa is deferred to tomorrow afternoon, and it will be the first Question on the Order Paper then.

Question No.385

NON-COVERAGE OF MIGORI BY
TV RECEPTION SIGNAL

(Question deferred)

There is one Ministerial Statement to be issued by the Minister of State for Provincial Administration and Internal Security, which we deferred today. Is the Minister here?

An hon. Member: He is not here!

POINT OF ORDER

DESTINATION OF HIJACKED
UKRAINIAN SHIP

Dr. Khalwale: Mr. Deputy Speaker, Sir, I rise on a point of order to demand a Ministerial Statement from the Minister for Foreign Affairs in respect of the cargo ship carrying arms, which was hijacked by Somali pirates in the Indian Ocean. I seek the following clarifications from the Minister:-

(a) Could the Minister confirm that the cargo's destination was Mombasa, and that it was,

indeed, for the consumption of Kenya?

(b) Could he give us details of the exact nature of the cargo aboard the hijacked ship, itemising its value in Kenya Shillings?

(c) Could he tell us why the Government of Sudan in Khartoum is asking Kenya and Ethiopia to desist from aiding the semi-autonomous Government in Southern Sudan in acquisition of arms? What is the connection between this particular request by the Government of Sudan and the cargo that has been hijacked?

(d) Should the pirates make good their threat to blow up the ship, who will bear liability for the lost goods?

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Is the Minister for Foreign Affairs here?

(Mr. Mungatana stood up in his place)

Mr. Deputy Speaker: Order! Order, Mr. Mungatana! I thought the Deputy Prime Minister and Minister for Local Government, and other Ministers, are here. Are you the Assistant Minister for Foreign Affairs?

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Deputy Speaker, Sir, I just want to make an undertaking.

An hon. Member: He is a "Minister"!

Mr. Deputy Speaker: Order! Under the circumstances, it is the Deputy Prime Minister and Minister for Local Government who will deal with the matter.

(Laughter)

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I will convey this important demand to the Minister for Foreign Affairs, who is not here, so that he can respond.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! Order! We are not entertaining any more points of order. We are exactly at 3.30 p.m. We are going to---

(Mr. K. Kilonzo stood up in his place)

Mr. Deputy Speaker: Order! Order, Mr. K. Kilonzo! We are proceeding to the next order!

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, I want to raise a matter of national importance.

Mr. Deputy Speaker: Order, Mr. K. Kilonzo! You all understand our practice and procedure. If you want to raise a point of order on a matter of national importance, you must approach the Speaker well in advance, explain the content of the issue you want to raise and get the approval of the Chair. You cannot ambush the Chair! The rules are very explicit.

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

Mr. Deputy Speaker: Mr. Ethuro, I extend my apologies. I know that you did approach the Chair on this point of order. Nonetheless, you will get your opportunity tomorrow in the afternoon.

Next Order!

COMMITTEE OF SUPPLY

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

MOTION

THAT MR. SPEAKER DO NOW
LEAVE THE CHAIR

*Vote 12 - Office of the Deputy
Prime Minister and Minister
for Local Government*

*(The Deputy Prime Minister and Minister
for Local Government on 14.10.2008)*

(Resumption of Debate interrupted on 14.10.2008)

Mr. Deputy Speaker: Yes, Mr. ole Metito!

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Mr. Deputy Speaker, Sir, I thank you for giving me an opportunity to contribute to this very important Motion on the Vote of the Office of the Deputy Prime Minister and Ministry of Local Government.

On the onset, I want to support this Motion. This is a very important Ministry. It is really the Ministry on the grassroots level. It needs to be given all the support that it deserves, for proper functioning, efficiency and effectiveness in service delivery to wananchi.

However, I have a few issues I would like the Deputy Prime Minister and Minister for Local Government to address. One of them is the issue of new districts. In the run-up to last year's general elections, several new districts were created. I think some of them deserve new county councils. So, it is important that the Ministry also moves with speed to see the viability of new county councils being created for the new districts. This is because the prime objective of creating new districts is to take services closer to the people. There were so many services which were required to get closer to wananchi.

The Ministry of State for Provincial Administration and Internal Security was actually aiming at taking provincial and administrative services closer to wananchi. The Ministry of Local Government, being the grassroots Ministry, deserves to follow suit and find out how many new districts are able to hold new county councils. In the middle of last year, a task force was formed by the Ministry. It had representatives from various Ministries, like the Ministry of State for Provincial Administration and Internal Security, the Treasury and the Electoral Commission of Kenya (ECK).

The mandate of the task force was to see the possibility and viability of creating new local authorities for the new districts. I am very sure that some of them were recommended to be viable. A good example is Loitokitok County Council. Loitokitok is now a new district. It used to be in the larger Kajiado District. It is 300 kilometres from the headquarters of the parent district. The reason as to why a new district was created was to take services closer to the people. So, I beg the Ministry of Local Government to bring services closer to the people because we are still travelling very long distances to seek the services of the local authority. I am sure it is toping the list of the most viable local councils.

Mr. Deputy Speaker, Sir, on the issue of remuneration of councillors, I want to say categorically that these are the leaders at the grassroots. Their remuneration, as it is now, is not proper. It is not adequate. This Ministry should bring a Bill to this House to amend the Local Government Act to ensure that remuneration, particularly salaries, for councillors are drawn from the Consolidated Fund. We can then leave their allowances to be drawn from their respective local authorities.

Councillors really need to earn uniform salary. You will find a councillor from Kajiado County Council earns half or even a third of another councillor's salary from another local authority. Members of Parliament receive the same amount of salary, irrespective of the constituency that one represents. I think it is high time this House took a stand to ensure that we streamline the payment of our councillors, irrespective of where they represent. We could leave travelling and other allowances to be paid by the respective local authorities.

Mr. Deputy Speaker, Sir, this Ministry should take a step on the issue of improvement of the management of county councils. This is especially with regard to the LATF. If the Ministry of Local Government streamlines the management, supervision and the way LATF is handled, just like the CDF--- I am not saying that the CDF management procedures are perfect. However, they are better than those of LATF. I would kindly urge the Ministry to come up with a structure to try to streamline the management of LATF. We could have a development committee whose composition can be decided by councillors.

We should have a small team at the ward level that decides how LATF is managed. They should prioritise which projects are to be undertaken and how they are to be done. It should be done just like we are doing with the CDF which has assisted in devolution from the national level to constituency level. If we can devolve further to the ward level using LATF, that would be very good.

Mr. Deputy Speaker, Sir, another important issue on the management of LATF is that, as it is now, we are leaving a lot of executive powers to the chief officers and civil servants in the local authorities to decide how LATF is used, who to use it and when to use it. I think we should devolve such powers to elected leaders; the councillors. We can then leave the procedures and procurement to the chief officers or civil servants.

Mr. Deputy Speaker, Sir, I would like to request this Ministry to take a step further to look into the issue of infrastructure in terms of roads. There are so many feeder roads that are handled by the local councils. It, however, takes a lot of time for the roads to be upgraded. This Ministry should look for ways of empowering the local authorities, just like is the case with the District Roads Committees (DRC), to have a committee that supervises the maintenance and construction of new feeder roads. These are very important roads because they are the ones used by farmers to take their produce from farms to the market.

Mr. Deputy Speaker, Sir, it is almost impossible to access farms as a result of poor infrastructure, yet this is one source of revenue for local authorities. If they collect revenue, it is also important that they maintain roads.

Mr. Deputy Speaker, Sir, finally, I would like to talk about the role of the Ministry of Nairobi Metropolitan Development. I think the office of the Deputy Prime Minister and Ministry of Local Government and the Ministry of Nairobi Metropolitan Development overlap in their duties. There is need for the two Ministries to come up with very clear policies that define the roles and jurisdiction of each. As it is now, some of us do not really know. It is even creating confusion at the local authorities. Some local authorities do not know whether they are under the Ministry of Nairobi Metropolitan Development or the Ministry of Local Government.

Mr. Deputy Speaker, Sir, I will give a good example; when the Ministry of Nairobi Metropolitan Development was formed, the objective was for it to cover a 40-kilometre radius. But

now, I am seeing it being asked to expand to cover up to Oloitokitok. Oloitokitok is 300 kilometres from here. They have no business being under the Ministry of Nairobi Metropolitan and Development.

Mr. Deputy Speaker, Sir, that is why I am saying, it is good we get a local authority at Oloitokitok such that if Kajiado County Council is within the 40-kilometre radius, then it will have no business with Oloitokitok County Council which would be 300 kilometres from Nairobi. More importantly, these two Ministries should come up with a clear structure and policy that defines the role and jurisdiction of each one of them.

Finally, is the issue of pre-nursery and nursery schools. They have been under the local authorities for a long time. However, I think it is important that the Ministry assists in paying nursery school teachers for us to realise the benefits of Free Primary School Education.

With those few remarks, I beg to support.

Mr. Twaha: Mr. Deputy Speaker, Sir, I would like to add my support to the Motion that the said funds be allocated to the Ministry of Local Government.

The Ministry of Local Government is a very important Ministry. More importantly, our local authorities are very dear to us. As was evident during the referendum on the proposed new Constitution a few years ago, Kenyans want devolution of power. We have local authorities elected by the people. When people go to the polls, they elect the President, Member of Parliament and councillor. The councillors in turn go ahead and elect a mayor to oversee the local affairs of the authority. Unfortunately, there has been a tendency to pass some legislations in this House which I suspect are donor-driven. You will find that they are the same legislations passed in Uganda and Tanzania. I do not think we think about the consequences of some of the legislations we pass.

Mr. Deputy Speaker, Sir, one of such legislations is the one which established the National Environment Management Authority (NEMA). NEMA is a national body to look after, protect and safeguard the environment all over the country. This is a noble task. Unfortunately, they have also usurped some of the powers and roles of our local authorities. I do not think there is any reason our local authorities cannot be empowered to safeguard the environment and perform the same duties that NEMA performs.

For example, formerly, we used to submit a drawing to build a house to the county council, municipal council or city council, and it would take a few days or one week and your building plans are approved. You would then go ahead and start building and everybody gets jobs. Money circulates and business confidence is there. Nowadays, your drawing will get to the council, you will get the approval, subject to environmental impact assessment by NEMA. The environmental impact assessment takes a whole month. Then you have to gazette it in the Kenya Gazette for two successive weeks and put it in the dailies at your expense for two successive weeks. So, it takes a whole two months before they issue you with a building licence. They could even decide not to give a building licence.

Mr. Deputy Speaker, Sir, by the time you get the licence three months later, you will have lost your enthusiasm for that project or you might have taken the money somewhere else. The project may be halfway. This is not healthy. I would like the Minister to take back the powers of our local authorities which NEMA has stolen. The power to approve building plans should be taken back to the local authorities where they belong. The competent jurisdiction for approving building plans all over the world is the local authority and not the NEMA. Give that power back to the local authorities, because that is where it belongs.

Mr. Deputy Speaker, Sir, these plans have been done by architects, who studied for five years in universities. They are competent enough to draw up plans which comply with all the regulations of local authorities.

For the new rules of NEMA, they can be taken to seminars and told what is required, so

that after a competent architect puts a signature to a drawing, it does not take three months for NEMA to release the building licence; this is not good for investment, the growth of this economy [Mr. Twaha]

and creation of jobs. So, I urge the Minister to fight for our local authorities to get the powers from NEMA to approve our building plans.

Mr. Deputy Speaker, Sir, another thing that I would like to add my voice to is that our mayors are under siege by the councillors, because they have to be elected by them after every two years. So, they surrender to the whims of the councillors rather than to that of the public. They constantly have to appease them and are blackmailed. This is not good for the country and the local authorities themselves. It is about time we amended our Constitution to have our mayors elected directly by the voters, and serve for a full five-year term. In some countries like the United States of America (USA), even the Metropolitan Police are under a mayor. Recently, in London the Commissioner of Police submitted his resignation to the mayor and not to the Prime Minister or the President. I would also like to support Mr. ole Metito that the councillors should be paid fair wages, and paid directly from the Consolidated Fund instead of having to struggle with the local authorities which have small revenue bases.

With those few remarks, I beg to support.

The Assistant Minister, Ministry of State for Planning, National Development and Vision 2030 (Mr. Kenneth): Mr. Deputy Speaker, Sir, I stand to support Vote 12 - Office of the Deputy Prime Minister and Ministry of Local Government. Let me congratulate the Deputy Prime Minister and Minister for Local Government. He has been in the Government for a long time, and he has a good team and should be able to make the Ministry of Local Government an example, and set the way forward to make sure that the local authorities achieve what they should achieve.

Looking at the Development Vote, we have seen a lot of development of markets and bus parks. I want to encourage the Ministry that at many places where markets are being built and bus parks being put up, local authorities have interests competing with what the Ministry is doing. So, you will find that there is a lot of hawking, kiosks and so on. It does not make sense for a whole Ministry to spend so much to put up a very good market, then we have kiosks and hawking outside the market. The money that is spent, for example Kshs1.8 billion, should be able to alleviate poverty by allocating stalls to those who are trading in kiosks and those who are hawking, so that our trading centres or cities can look more beautiful and better than they are today.

Mr. Deputy Speaker, Sir, the Ministry of Local Government must come up with standards for municipal councils, cities and county councils. I am talking about this because year in, year out, they are given LATF money; so, how do you evaluate the use of that money if standards do not exist. When I talk about standards, I am talking about certain basic standards. What are the planning standards of a county council? What are the environmental standards of a municipal council? What are the infrastructure standards of a certain county council, municipal council or a city. I am saying that the Ministry should be in a position to tie LATF funds to certain minimum standards that all county councils and municipal councils must adhere to before the release of LATF funds to them. Unless we have a way of assessing our councils, then we will not be able to assess how best the LATF funds are used. By setting standards, we will be encouraging our own councils to work harder and make Kenya a better place to live in.

Mr. Deputy Speaker, Sir, I want to support my colleagues who have spoken before me about direct elections of mayors and chairmen. It is important that we have a person elected in the authority which he or she seeks to control. A unique example is - we do not have to reinvent the wheel - the City of London, which elects its mayor. He is the Chairman of the Board of the Metropolitan Police of London. So, he even decides on the police issues. I will allude to this when I will be speaking about Nairobi. It is important that, that person is accountable to the people he

represents. A Motion was passed here in the last Session, to the effect that mayors be elected directly by the people, so that you do not have councillors being taken to some remote places, hidden there and then they come to elect the chairman or the mayor, who will be more beholden to them than to the people whom he represents. I do support that they should be elected directly. I hope that the Minister will enforce a Motion that was passed in the last Session for election of mayors directly.

A lot has been said about the allowances of councillors. In fact, early this week, there was a discussion about councillors. I want to encourage the Minister to have a starting point as the Odongo Omamo Report. I think it deals in a big way with the issue of councillors. Although Mr. ole Metito spoke about having the uniform rates, I think we do not need to re-invent the wheel. A lot of work was done in the Omamo Report, and it can be a very good starting point in harmonising and increasing the allowances of councillors.

Mr. Deputy Speaker, Sir, I want to challenge the Ministry on two issues, which I think are important. We have to be innovative. One issue that I want to challenge the Ministry on is solid waste. People have turned solid waste into something beneficial to the economies of their own countries. Solid waste can be recycled. The cartons and plastics that are recycled are sold to China. Cans are also being recycled and sold. More importantly, we need to have proper land fills where we can put our garbage. That is how the developed world has gone. They have hills made out of garbage, so that they can produce energy from those hills. Quite a number of land fills in the world are producing about 60 megawatts purely from garbage. We are fighting over Sondu Miriu, which produces 60 megawatts, whereas the garbage in Dandora can produce that. It just requires the Ministry to be innovative, and come up with a privatisation scheme on how garbage is to be collected. We clean the city by sending the garbage there. We should have proper environmental areas for that garbage, and then power is produced from garbage centres. In fact, many of those land fills have become very good golf courses in the world after they have been filled to capacity.

When you look at the Nyika Plateau just after Athi River, it can become a very good land fill for garbage and we get power from it. We do not have to re-invent the wheel, because it is happening everywhere in the world. We just need to copy and follow that.

The second thing that I would like to encourage the Ministry to be innovative with is water. Today, Kenyans are talking about shortage of water, but we do not have water waste management. The municipal councils and cities are in charge of that. That water can be recycled and used for other purposes, yet we are saying that we have a shortage of water and the dam levels are going down. All that we are doing is intake, but where that water goes, there is not water waste management. I want to encourage the Ministry to move fast and ensure that we have a proper water waste management policy that encourages the harnessing of resources.

Finally, Mr. Deputy Speaker, Sir, I want to talk a little about what I see in our three Cities today. I have seen that we are doing a lot of street lighting in Nairobi.

[Mr. Deputy Speaker left the Chair]

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

We are also doing a lot of street lighting in Mombasa. But the investment of putting those street lights is very expensive. But it is more expensive to have those poles put up and the street lights are not working. That is how the majority of those projects that have been undertaken are today. The poles are up but the lights are not working. When you look at the investment that has been put there, it is a lot. Probably, the power bills are not as high as that investment.

Mr. Temporary Deputy Speaker, Sir, I alluded to mayors and chairmen of local authorities being elected directly and being in control of metropolitan police. But, recently, the City Council of Nairobi invested in very good traffic lights along Kenyatta Avenue. But there was no point of investing in them if the police officers were going to stand near them and disregard their purpose. We tend to cause more traffic jam when a traffic policeman disregards those traffic lights. So, I do not know what the Ministry intends to do. But, I want to encourage them that traffic lights are a better way of managing the traffic, rather than police officers. That is because if it is green, it is green for everybody. We should not just wait for a hand to go up like this when the lights are red. They are actually encouraging wananchi to disregard the laws of this country, especially the traffic laws. I want to encourage the Minister to look into that.

With those few remarks, I support the Motion.

Mr. Wamalwa: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this very important Vote and the Motion that was moved by the Deputy Prime Minister and Minister for Local Government.

Local authorities will be very important, particularly after the constitutional review process that we are about to jump-start. Devolution is going to be the centre-piece of those reforms. We will be seeking to take the funds and the resources to the regions. As we do so, we need to look into the issue of governance to ensure that our local authorities are run by competent and able people. Many Members here have touched on the issue of the councillors' welfare and the election of mayors. I think we need to act on that. That is a matter that has come up time and again. It is a matter that has been debated upon in this House. A Motion was passed but nothing was done. We do not even have to wait for the constitutional review process to do it. We only need to amend the Local Government Act, Cap.265. We need to amend Section 14 of the Constitution to allow for direct election of mayors by the residents. We also need to amend Section 29 of the Constitution to allow for the direct election of chairmen of county councils. That needs to be done to ensure that we enhance accountability. Where the people are directly elected by the residents, they will tend to be more accountable.

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

*[The Temporary Deputy Speaker
(Prof. Kamar) took the Chair]*

Madam Temporary Deputy Speaker, we would also need to reform the terms of those office holders. I wish to also support what my colleagues have said. We should not limit it to two years and subject the mayors to the blackmail of councillors. Every two years, they have to set aside funds and hide away councillors in expensive hotels. That has to be addressed.

Madam Temporary Deputy Speaker, apart from that, we also need to address the issue of salaries of all councillors. It is an issue that has engaged the thoughts and energies of our councillors and civic leaders. We need to put it to rest by passing that they should be paid from the Consolidated Fund. If that is done, I think then, they should not waste a lot of time talking about their allowances instead of engaging in serving the people.

After enhancing the governance in those areas, we need to look at resource management aspect. What is happening now in our local authorities is that--- Indeed, you will find that many of our local authorities are havens of corruption. We need to do something to ensure that, that is checked. We also need to look at how LATF funds are managed. It is a lot of money. We are talking about Kshs9 billion being sent to those councils. Yet, the only issue that is very pleasing is

that of allowing participatory approach in terms of involving the citizens in identifying projects through the Local Authority Service Delivery Action Plan (LASDAP) arrangement. I think that is something that must be applauded. It is something that our current Minister talked about. But we need to go further. Apart from involving residents at the stage of identification of priority projects, we also need to look at who manages the funds - the administration of those funds? You will find that elected leaders have very little say. Councillors have no say. The funds are controlled by the officers from the Ministry. When it comes down to the projects, you will find that we have a lot of incomplete projects that are sponsored by LATF. When you ask the councillors, they do not have much information about what is happening. I think we need a system that will be more accountable. The best people who are directly accountable to the people are the elected leaders. I think that is something that we need to look into.

You will find that many councils that receive those funds are heavily indebted. My own council of Kitale has a huge debt of about Kshs600 million! Whenever the funds come, we are informed that much of what is received goes towards servicing those debts. But we need to find a way of ensuring that those funds work and development projects are actually seen from the monies allocated. Part of the reforms - and I am happy the Minister has promised to carry them out - have already been mentioned by many hon. Members who have spoken here. We also need to look at enhancing the funds. Recently, we heard the Minister of State for Planning, National Development and Vision 2030, Mr. Oparanya, say that he intends to amend the CDF Act. We hope that part of the amendment would be to increase the amount of CDF funds. We also hope that, in future, if those amounts could be increased to 10 per cent, it will have a major impact in areas where those funds are channelled. We hope that the Minister will also consider, as part of the reforms that he intends to carry out, to enhance LATF. Probably, we can have LATF at the mark of 10 per cent. I think we will have substantial funds that would actually enhance meaningful development in our local authorities.

Madam Temporary Deputy Speaker, as we speak of increasing resources, we need to look at how the resources have been distributed. I also wish to add my voice to support Members who have spoken here. I know that there are some who tried to lay blame on the Minister. There was a particular Member who insinuated that a lot of money has gone to Western Province. But I have gone through this allocation and that is not correct. But I agree with those who have said that a lot of funds have been allocated to Nairobi. When you go through the district allocations, you will find that almost Kshs2 billion has gone to Nairobi. It is the same Nairobi that is the subject of a new Ministry of Nairobi Metropolitan Development. We also passed a Vote here of about Kshs2 billion towards that Ministry, which also goes to the same area. I wish to state that in future, as we think of increasing funds, we also need to look at equitable distribution of these resources. There are very needy local authorities that need more funds yet funds have been allocated to authorities that have resources. Indeed, they have given literal meaning to the biblical saying that unto those who have, even more shall be added, and to those who have not, even the little that they have shall be taken away.

Madam Temporary Deputy Speaker, Sir, as we speak, Trans Nzoia, today, has three districts yet no allocation has been made towards Trans Nzoia. I do not know if it was an omission or not. I have seen allocations to our neighbouring districts, that is, Bungoma, Uasin Gishu and West Pokot, but not to Trans Nzoia. We need a lot of help in Trans Nzoia. There are markets to build and roads to be done. In fact, there is a bridge, and I am happy the Minister touched on the issue of disaster preparedness in our local authorities, in an area called Ziwani, which has cut off Kitale in two parts. It separates Mitume and Ziwani. It is, indeed, a disaster. Yet when we have approached the Office of the Deputy Prime Minister and Ministry of Local Government, we have been told that it falls under the Ministry of Roads. What they have done is to play ping pong with

an issue that needs to be addressed urgently. It is rather surprising that with a situation like this, no funds have been allocated towards Trans Nzoia as a district.

Madam Temporary Deputy Speaker, with regard to the issue of water and sewerage, Kitale Town does not have a proper sewerage system. In fact, we have raw sewage being discharged into River Kiminini. This is water that is consumed by fellow Kenyans. I had expected that this matter would be addressed urgently because of its serious nature.

In the area of education, I had expected that there would be allocations. We have a lot of problems with council schools. We have problems of lack of title deeds for the schools, encroachment, water and electricity. Our municipal councils are unable to do much about these problems. We hope that in future, the Ministry will look into these problems and better the education standards in our local authorities.

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

The Prime Minister (Mr. Raila): Madam Temporary Deputy Speaker, I wish to support the Motion. I would like to begin by saying that local authorities are very important institutions in our governing system. Without them, the Government cannot function efficiently. So, we say that they are the building bricks of a society.

At Independence, we had a structure of Government which had devolved power to the regions. We had regional governments and local governments below them. Local governments were being supervised by the regional governments. "Local" means that they are local as opposed to Central Government. They are supposed to serve the local community. That is why they are called local governments. They are governments. They should not be subservient to the Central Government. They were supposed to raise their own revenues and provide services to the people. That is why I sometimes wonder when you talk about salaries for councillors. The councillors are supposed to earn allowances for services rendered to the people.

Recently, I addressed a group of councillors. I told them that they need to be paid for services that they are rendering. A newspaper reporter went overboard and said that I had opposed allowances or salaries for councillors. I never opposed. I want it to be properly recorded that I have never opposed the increase of allowances to councillors. It should be noted that it is an allowance and not a salary. Salary means that you have been employed permanently. All over the world, be it the UK, USA, Japan, Germany and wherever I have been too, councillors are paid allowances on the basis of the services that they render and also depending on the ability of those local authorities to pay. The central government is supposed to deal with centralised services while local authorities are supposed to deal with local services.

Madam Temporary Deputy Speaker, before Independence, most of the urban local authorities were empowered to provide a lot of services to the people. If you look at the Nairobi City Council, you will find several residential estates which were constructed at that time. We have estates like Kaloleni, Makongeni, Shauri Moyo, Jerusalem, Jericho, Pumwani, Ziwani and so on. Since Independence, provision of housing actually just died. The modern independent city council has not constructed any more new estates. That is the reason why slums have continued to proliferate in our urban areas. Slums are a direct consequence of the failure of local authorities to provide housing to the population.

We want to challenge these local authorities to do what they are required to do by the Constitution. Waste management is a responsibility of the local authorities. Provision of water and maintenance of roads within the local authorities is also their responsibility. These are services against which the performance of the local authorities need to be measured. So, when hon. Members are talking here, let them not just talk about the expenditure side. Let them also demand proper services from these councillors. They are elected by the people to provide services, be it in the rural areas or urban areas.

If you go to our towns, they are all in a very sorry state, whether it is Kitale, Mombasa, Kisumu, Nakuru, Eldoret and so on. If they expect to attract investment in those areas which will in turn provide employment, they must create a conducive environment. You cannot expect an investor to come to your town when it is filthy and stinking, roads are potholed, no water services and failed sewerage systems. Time has come for this House to speak with one voice and demand that our local authorities need to be reorganised in order to provide services to the people. Let us not play populist politics. Let us give leadership where it is required. This House must talk with one voice for services to be rendered to our people who are suffering under the mismanagement of our local authorities.

Madam Temporary Deputy Speaker, there is the LATF money which is provided by the Central Government. It is a lot of money. There is Kshs9.2 billion that has been provided in this Budget and it can make a lot of difference.

Madam Temporary Deputy Speaker, my advice to the councillors is that they plan well and use that money properly. They should not divide that money into small units that do not have effect, for example, allocating a project Kshs20,000 or Kshs50,000. They should have a provision that will only fund a project costing, say, more than Kshs300,000. That will make a difference to the local population.

Madam Temporary Deputy Speaker, I want to support those who are calling for the revision of the Local Government Act, Cap.265. Once upon a time, I used to be a shadow Minister for Local Government in this House. I did a lot of research on how this could be done. I also want to support those who are calling for the direct election of chairpersons of county councils and mayors of our cities and also to give them a full term of five years instead of electing them after every two years.

Madam Temporary Deputy Speaker, if you see the way these elections are carried out, they are a basis for corruption because councillors are taken like sheep, herded to some place and hidden until the day of elections when they are all taken to the election hall. As soon as they arrive there, they say: "*Sisi ni watu wa fulani*". They are in groups and then they vote like voting machines. So, this also needs to be changed.

Madam Temporary Deputy Speaker, we are going to be dealing with the constitution of this country and we need to be sober when we talk about it. Let us debate it with an open mind and be tolerant. Even if you do not agree with my views, you should at least listen to them. The moment I debate about a presidential system and a parliamentary system, we should realise that it is a healthy debate. Kenyans need to know about it.

At Independence, we had a parliamentary system. We had a Prime Minister and a Head of State being represented by the Governor. That Prime Minister was elected as a Member of Parliament for Gatundu. When the Constitution was changed in 1964, he was elevated from being a Prime Minister to an Executive President without going for an election. Then in 1969 there was no opposition since it had been banned. He was elected unopposed. In 1974, he was also elected unopposed. In 1978, he passed away. So, he was a president for all these years without any Kenyan going to the ballot box to elect him. Then "*Nyayo*" took over. He was elected unopposed in 1979. In 1983, he was also elected unopposed. The same also happened to him in 1983 and 1988. Kenyans went to the ballot box for the first time to elect a president in 1992.

So, all this nonsense that Kenyans have been all the times electing a president is not true. The election of presidents started in 1992, 1997, 2002 and 2007. So, we have only had four presidential elections in the life of the Republic of Kenya. So, let us be very open minded when we are debating the issue of a new Constitution. In a country that is ethnically divided, should we go for a presidential or parliamentary system? Let us also look at the results of 1992, 1997, 2002 and 2007 and let those be a source of information for us as we go into this process of the Constitution

review.

Madam Temporary Deputy Speaker, I am sure that we have intellectuals in this House who will be able to argue intellectually so that if you convince me that a presidential system is better, I will agree or if a parliamentary system is better, I will also agree.

With those few remarks, I beg to support.

The Member for Kamukunji (Mr. Mbugua): Thank you very much, Madam Temporary Deputy Speaker for giving me this opportunity to stand before you today. First, I would like to congratulate all of you hon. Members for being elected into this House, although I have come late. My congratulations are a little bit late.

(Applause)

Madam Temporary Deputy Speaker, I thank the people of Kamukunji for electing me into this House to be their representative and I look forward to working for them with diligence and dignity so that at least they can see a developed Kamukunji in the years to come.

Allow me, with your indulgence and patience, just to give a history of Kamukunji. Kamukunji is situated in Nairobi North District and I must say it is a very historical constituency because if you look at all the important people in this country, from President Jomo Kenyatta, Tom Mboya and Jaramogi Oginga Odinga, you will notice that they all lived in my constituency. I must say that the struggle for democracy started in my constituency. You will remember very well that the repealing of Section 2(A) started in Kamukunji. So, it is a historical constituency and one that has been neglected over the years.

Madam Temporary Deputy Speaker, touching on various subjects starting from health, my constituency has problems of health facilities. All our dispensaries have gone down to waste because they have become mere centres for first aid rather than treatment facilities. It is in this view that I would like to ask the hon. Members of this House to help my constituency by training our people because this area has been neglected. You will realise that we have four health centres in Kamukunji and all of them are not operational.

I would also like to touch on the infrastructure of this constituency. Roads in this constituency, since the infamous *El Nino* rains, have never been allocated funds for repair. It is a pity to note that a constituency which contributes about 55 per cent of the Value Added Tax (VAT) in this country has been neglected in such a pathetic way. I am planning, in the next coming month, to mobilise my people not to pay taxes in order for the Government to realise that we need development in this constituency.

Madam Temporary Deputy Speaker, I want to mention one contractor who was given a contract five years ago to repair one of the roads in Eastleigh. This contractor is called Nyoro Construction Company. It has failed to deliver as per the terms of the contract which was given five years ago. This road in Eastleigh has continued being dilapidated and my people have continued to suffer as a consequence of giving work to a contractor who has not been performing.

It is also worth noting that youth and women are very important groups in our society and in Kamukunji. However, because of the development of the informal areas, you will find that there are a lot of unemployed youth. So, the Youth Enterprise Development Fund (YEDF) is one of the major developments that we have in my constituency and it is an initiative which was wisely thought by the Government. So, I am looking forward to the Government doubling this fund because the Kshs50,000 currently given to women and youth is not enough for them to start and also continue with businesses.

Madam Temporary Deputy Speaker, it is unfortunate we continue to enjoy as our people continue to languish in cold nights and poverty. About 84,000 families are suffering in the Rift

Valley Province as we continue with our lives every day without thinking about them. It is high time that we thought about these people who are suffering. They are our brothers and sisters and whatever happened to them is as a result of tribalism which the Prime Minister, hon. Raila, has just spoken about just now. This is a vice that we need to eradicate so that we can continue developing as a country.

Madam Temporary Deputy Speaker, our food prices have gone up and it is my view that these prices should be brought down considerably, especially maize because it is the staple food for most Kenyans. In fact, most Kenyans cannot even afford a packet of maize flour.

I would like to end my speech because I have seen the yellow light.

An hon. Member: No! Proceed until you see the red light!

The Member for Kamkunji (Mr. Mbugua): Mr. Deputy Speaker, the people of Kamukunji mainly depend on paraffin. It is, therefore, my request to the Minister for Energy to make sure the price of paraffin goes down. Since about 80 per cent of the people in Kamukunji use paraffin, it is my request that all the taxes charged on paraffin be scrapped so that our people can continue using it.

Madam Temporary Deputy Speaker, I am a product of the Electoral Commission of Kenya (ECK). Indeed, I must say that I was affected by the ineptness of the ECK. Eight months down the line, I have been out there in the cold, just because of a system which was not working. My request is that as we continue to scold the ECK, we also look for a lasting solution that will help this country move forward, rather than to tell people to resign without a solution. The only solution is to make sure that we come up with laws that will ensure that people are elected to this House in a proper way and in accordance with the laws of this country.

Madam Temporary Deputy Speaker, I wish to make an observation that I have also seen. We live in a multi-cultural, multi-lingual and multi-ethnic society. Our people work hard. They are very tolerant and dignified. Despite all this, in our interpersonal and inter-communal relations, we tend mainly to focus on our few differences rather than on our many strengths. So, it is my view, we, as Members of this House, need to work together and continue addressing the challenges that are facing our people diligently as we try to transform this country into a better country than it was in the yesteryears.

Madam Temporary Deputy Speaker, as I continue to face the challenges that Kamukunji people are facing, I would like to call upon all the Members of this House to come with me and face these challenges together so that we can improve this country at large. It is also worth mentioning that Kamukunji Constituency is one of the biggest contributors of taxes in this country. We should not forget that. Therefore, we need to be attended to as the other constituencies. This is because I believe that our constituency lacked proper leadership, but now we have it.

Thank you very much, Madam Temporary Deputy Speaker, for giving me this opportunity. May God bless all the hon. Members. May God bless Kamukunji Constituency. May God bless Kenya.

Thank you.

The Assistant Minister, Ministry of State for Public Service (Maj. Sugow): Thank you very much, Madam Temporary Deputy Speaker. I would like to congratulate the Deputy Prime Minister and Minister for Local Government for presenting this Vote. We would like very much to support Vote 12 in the House today.

Madam Temporary Deputy Speaker, many Members rightly emphasized the importance of local government in this country and any modern country in the world today. The Ministry of Local Government is like the roots that hold a country. They are the ones in touch with the taxpayer on the ground. Therefore, the running of these institutions is very important even for the Central Government to be able to function properly. Therefore, this Ministry has a very great role to play,

which everyone of us has to support, hence the need for us to wholly give support to the Minister on this particular Vote.

Madam Temporary Deputy Speaker, I only have three or four points to raise because many of the issues have been touched by my colleagues and I am not going to repeat them. There are many new districts that have been created recently in the country. Together with these districts, even some of the old towns in this country are not well planned. Councils are unable to carry out this task mainly because of lack of physical planning. There are no adequate physical planners in the country, particularly to support local authorities. I would urge the Minister to take this matter seriously and see how he can support local authorities to get physical planners to carry out this very important task. Besides, probably the indebtedness of the councils themselves, this particular matter is adding to the problem even further. Lack of planning of our towns is denying us development.

The district that I come from, for example, is new. Its headquarters is not planned; there are no physical facilities for Government offices and building residential houses up to now. You cannot carry out this without any plan.

Money has been allocated for planning in this financial year, but there are no physical planners. Even monies that we have allocated from the CDF on emergency basis for planning some of these towns are still lying idle four or five months down the line because of lack of physical planners. So, this is a very acute problem nationally. Hon. Deputy Prime Minister and Minister for Local Government, you will remember that I met and discussed this matter with you. He understands the gravity of the matter. I hope he will be able to pay attention to it, because this issue is also denying the local authorities revenue.

The other issue that we really need to address is land allocation. Nationally, I think there is still an embargo on land allocation. As a result, many of these local authorities, not only fail to plan the towns, but also do not give land regularly to the wananchi, through the right laid-down procedure. As a result, local councillors are taking their own initiatives to give pieces of land in their backyards at their personal level. The revenue out of that is misappropriated because it never gets to the local authority. What comes out as a result is very poorly settled towns, where there are no public amenities and the existing plots are not in the registers of these local authorities. Therefore, they are not generating any income for these local authorities. So, we are developing shanties instead of towns. This is a matter that goes to the core of the existence of the local authorities, especially the county councils.

Madam Temporary Deputy Speaker, the issue of remuneration of councillors is the one that is undermining their capacity, effectiveness and efficiency. Since there is no standardised payment or remuneration to councillors, and some of the local authorities do not have good bases from where they are supposed to get their allowances, many of them go without salaries for a long time. Coupled with the fact that in most of our towns we are not planning and, therefore, there is no regulated allocation of land, many of them are trying to use their offices for sustainability.

We must, therefore, address this issue of remuneration to councillors, if we really want our councils to be efficient. They must get a reliable and standardised payment, and this can only be from the Exchequer. Many of our local authorities cannot support remuneration to councillors, even if it means reducing wards and councillors, for that matter. We must come up with a solution to the issue of remuneration of councillors if we really want these councils to deliver.

The other issue is lack of capacity. Many of our councillors, once elected, are not fully exposed during the five year period to all the areas of work of a local authority. So, many of them are learning on the job, and do not know what they are doing. I urge the Minister to try and find ways of workshopping, or inducting, councillors to understand their roles in councils, so as to avoid conflicts between the chief officers and the councillors.

The other issue concerns the Local Authorities Service Delivery Action Plan (LASDAP) projects, which are normally carried out in a manner that does not educate the communities first before they give their priorities. As a result, they come up with projects that are not necessarily of use to the community. Most of them become white elephant projects. Most of them are never completed. I know of projects in my constituency done halfway by LASDAP even before I became a Member of Parliament, and this is my second term. That means eight years down the line, those projects are not completed. Therefore, my request to the Minister is for him to review all the projects that were undertaken through LASDAP in the last ten years or so. For projects that have not been completed, the councils should be urged, or forced, to complete them before they can undertake other projects.

With those few remarks, I beg to support.

Mr. Koech: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to contribute to this very important Motion. I would have wished to contribute when the Deputy Prime Minister and Minister for Local Government was listening because---

The Assistant Minister, Office of the Deputy Prime Minister and Ministry for Local Government (Mr. Githae): He is well represented!

Mr. Koech: Madam Temporary Deputy Speaker, I have seen that he is ably represented.

The Ministry of Local Government is very important in this country. Last year when we were campaigning, most of us were doing so on the platform of devolvement of funds to the grassroots. One best example is through the local government. Therefore, our belief is that through the local government we can see how devolvement of funds can succeed in our country. Through the local government, we expect that every corner of our country is allocated funds, and that all our areas develop at almost the same rate. It is, therefore, important that the Ministry of Local Government delivers to the people as we yearn for the new Constitution under which, we believe that, as Kenyans, we are going to devolve even much more funds to the grassroots.

Of great concern is the capacity of staff at the lowest level. It is not enough to devolve funds. It is more important to take note and cognisance of the fact that we need to build the capacity of those who are going to ensure the use of the said money. Our colleagues, who campaigned with us, are the most important people; these are the councillors. Our councillors require serious capacity building in every corner of this country, so that they can ensure that this money is used properly.

My colleagues have mentioned this very important point. The people who are expected to implement what we are going to approve are frustrated. They are a frustrated lot because, first, the salaries, or whatever, they get is too low. It is too low in some areas, but it is quite enough in others, especially in the cities. Today we are talking of Kisumu City, Mombasa City and Nairobi City. They are relatively rich, but those in the periphery are suffering; it is important that the Ministry enhances their capacity by remunerating them well, so that they can perform their duties well. Even the little that they get is not forthcoming at the end of every month in some councils.

Madam Temporary Deputy Speaker, it is for this reason that we feel that there is need to ensure that our councillors countrywide are paid from the Consolidated Fund. I want to mention here that we are in the process of bringing a Motion. I hope that our Deputy Prime Minister will be the first to support it, so that our councillors can be receiving their money on time in order for them to perform their duties. I say this because when we, hon. Members, visit our constituencies, we see the number of people who come to our homes. Our councillors are not exempted from this. Every morning our councillors receive so many guests, and all of them have to take a cup of tea. It is necessary that we enhance their capacity and give them enough to enable them perform these duties.

The second very important point here is that the distribution of resources to local authorities

in this country is very important. How we apportion money to every corner of this country is very important. Looking at the document before us, I want to join my colleagues who said that it does not look like Mr. Mudavadi's document, because I believe that he is consistent in the belief that there is need for us to take these resources to every corner of this country in almost equal proportions.

Madam Temporary Deputy Speaker, in particular, looking at the distribution that we have here, Nairobi is getting over Kshs1.7 billion and Mombasa, which we want to promote as a tourist destination, is getting a paltry Kshs175 million.

This country requires to think out of the box, and see the many ways in which we can get money as a country. It is important to promote Mombasa and clean it, so that our guests can enjoy and even sell Kenya better.

Madam Temporary Deputy Speaker, some towns, including my neighbour, Eldoret, are receiving over Kshs100 million. Nandi, which has four districts is getting a paltry Kshs6 million for improvement of the market in Kapsabet. It is painful to note that even for that small Kshs6 million, nothing is coming from the Government of Kenya. That is to tell us that the whole of Nandi is not getting anything from our Government in this financial year. It is my special appeal to the Minister that, please, consider us! We are desperate and need development. We cannot wait for more than a year.

Madam Temporary Deputy Speaker, we have created so many new districts, as my colleagues have mentioned. These new districts have many and major challenges. The other day I was asking the Minister of State for Provincial Administration and Internal Security a Question. He told me to use the CDF to improve our district headquarters. When shall we catch up with the rest, where the Government bails them out? I appeal to the Ministry that, as a constituency and as a district, we seriously need to improve our markets. We have Mosoriot, which serves all my people. I appeal for some funds from somewhere. I believe the Minister will go and look at the corners of his store, so that we can have some money for the markets in my place. Kibiyet is a whole district headquarters with no planning! It has nothing. I appeal for special funds towards that. Kipkaren is a big division with a whole district officer, but it does not have electricity!

So, Madam Temporary Deputy Speaker, while others are talking about drainage, we are yet to talk about getting piped water in our places. This is a special appeal and the laughter from the Minister, I believe, is an affirmation that we are going to benefit.

Madam Temporary Deputy Speaker, the Department of Social Services is expected to supply the equipment to be used, especially in games. I want to appeal that some funds be allocated to that department because it is one way of developing our talented students and Kenyans, who are very good in football, athletics and field events. We appeal that they be considered.

Madam Temporary Deputy Speaker, we have always been talking about grabbed land in this country. Most of that land, which many people consider as grabbed land, is given out by the councils.

Madam Temporary Deputy Speaker, could the Minister consider looking into the land policy critically? As a country, we should embrace a new policy which ensures that once the land has been given to any individual and the procedures are followed well, then that person is the sole owner of that particular piece of land.

In the Education Department, we appreciate the role of the Local Government in taking care of the primary schools in our municipalities. But, recently, we introduced the Free Primary Education Programme where all our Kenyan children are getting money from the Exchequer. Could the Minister consider reallocating part of the money that used to go to primary schools to the development of even street lights in our towns?

With those few remarks, I beg to support.

The Minister for Foreign Affairs (Mr. Wetangula): Thank you very much, Madam Temporary Deputy Speaker, for giving me an opportunity to support this very important Vote.

Madam Temporary Deputy Speaker, local authorities in this country ought to play a very critical role in our development. Indeed, it is for that reason that we have funds under the LATF going to those authorities. But when you look at the performance of all the local authorities, starting with the premier local authorities like the city councils of Nairobi, Mombasa and Kisumu-- - In all of them, there is some bit of disconnect between what they are supposed to do and what they actually do. I hope that the new Minister, with new dynamism, will cause those local authorities to do the work they are supposed to do.

Madam Temporary Deputy Speaker, Nairobi is the hub of Kenya's economy. About 60 per cent of our Gross Domestic Product (GDP) comes from Nairobi. One would expect that the amount of money that we pass in this Parliament to pass on to the City Council of Nairobi and the money they collect from the public from services, should give the residents of this City proper services. Gone are the days when the City Council of Nairobi used to develop prestigious housing enterprises like Madaraka Estate, that was a premier residential area for middle class people in this country. There was Kariokor Estate and others. I do not think that the City Council of Nairobi has, for the last 20 or 30 years, developed any residential houses for the people who live in this town.

Madam Temporary Deputy Speaker, you look at the roads--- Of course, we passed a law here to create the Kenya Urban Roads Authority, that is supposed to take over the management of urban roads. But, even before that, the roads in this City, whether you go to Industrial Area, where the bulk of the wealth of this country is created and generated, or to rich suburbs where people live, including on. Members of Parliament--- If you go to Runda, Karen and everywhere, there are hardly any roads that are commensurate with the status of a city!

Madam Temporary Deputy Speaker, I think this Parliament should work hand in hand with local authorities to see that the taxpayers' money, whether directly paid to the authorities or allocated from the Exchequer through this Parliament, is put to good use. The same story is replicated everywhere! If you go to Mombasa, it is the same story. There are kiosks everywhere! You land at the Moi International Airport and as you drive out, there is an eyesore of kiosks! If you go to Kisumu, you feel appalled to see raw sewage being released into Lake Victoria! If you go to Nakuru, you see the dirt and the storm water that rolls into Lake Nakuru! Everywhere, it is a sad story in dire need of change!

I do hope that the Minister and all of us who are concerned do not reduce our engagement with local authorities at the level of talking as to whether we are going to pay them from the Consolidated Fund or not; to discuss as to whether they should earn over Kshs100,000 or not--- We should look at the services. I do believe that if the local authorities gave services, they would, in turn, collect more revenue and will, in turn, be able to pay themselves better allowances than what they are getting.

Madam Temporary Deputy Speaker, when you go to rural areas, there was a time when there was a mania in this country for creation of urban centres to the extent that, when you go everywhere, there are townships. Some with no capacity, whatsoever, even to collect revenue of Kshs50,000 per month! One wonders why those small local authorities cannot be amalgamated into bigger ones to form more formidable councils that can deliver services to the people!

Madam Temporary Deputy Speaker, in the good old days, we used to see local authorities going around even spraying mosquitoes to stamp out malaria. Many older people in this country went to school through bursaries from local authorities. Many people in this country used to benefit immensely from local authorities. Where have we gone wrong? Those are the questions that we should be asking ourselves.

Madam Temporary Deputy Speaker, another critical issue that I would want to urge the

Minister to deal with, as he runs the Ministry responsible for oversight on local authorities, is the manner in which markets are mushrooming all over the country. In the olden days, markets were planned and designated. You will find that if you have a market here, you will go up to Westlands and get another market. What happens these days? Anybody with a parcel of land fronting a road simply wakes up in the morning and starts building a shop.

Madam Temporary Deputy Speaker, when we talk of encouraging provision of services for quality life, we are talking about water, electricity, health facilities, *et cetera*. How do we provide services like those when the highway between Nairobi and Nakuru is a continuous row of shops and *kiosks* everywhere? We need to plan our country properly, particularly in a country where only 17 per cent of our land is arable and available for good use. We have to preserve this land.

Planning of our country is important. I would want to see a situation where every local authority has a cemetery, for instance, so that we stop these reckless burials and cementing of graves everywhere. We should leave our land for better use in future. If you go to many local authorities, you will find that the residents pay bills for services they do not receive.

Madam Temporary Deputy Speaker, equally important is the provision of water. Water never flows in pipes in most of local authorities, and when it flows, some local authorities never even treat it. Again, this is something that the Deputy Prime Minister and Minister for Local Government, and all of us, must ensure that the money we are voting to local authorities is put to good use. One would expect that local authorities, particularly the towns and cities, are in competition to attract investment.

Throughout my life in this country, I have never seen a single local authority advertise in the newspapers that they have land available and calling upon investors to come and put up a factory, a shopping mall or put up some facilities that will enrich that local authority. They simply wait for the headquarters to plan and tell them what to do. If you go to other countries, you will see that there is competition.

Madam Temporary Deputy Speaker, you will find towns like Thika or Kericho even holding investment seminars in a city like Nairobi, to tell people with entrepreneurial capital and spirit what they can offer, so that they can go and invest in those towns. They inform potential investors on availability of land for market, office blocks, amusement parks, *et cetera*. That is how towns grow.

Madam Temporary Deputy Speaker, here, in Kenya, they are all seated there waiting. They have now teamed up with the NEMA to frustrate investors. When an investor comes up, the number of hurdles he faces before he even puts up what he wants to put up makes it impossible for one to do business in this country. We cannot grow that way. We need an attitude change, so that the urban centres that we have can be truly urban and give services to the people.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, the time for debate is now over. I now call upon the Deputy Prime Minister and Minister for Local Government to reply, unless he wants to donate a minute or two to anybody.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Thank you, Madam Temporary Deputy Speaker. I would like to donate two minutes to Mr. Nanok to make a comment or two.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Madam Temporary Deputy Speaker, I would like to thank the Deputy Prime Minister and Minister for Local Government for giving me this opportunity. I will take a very brief moment to highlight a few issues I feel the Ministry should pick up and address. I acknowledge the big role that the Ministry of Local Government has been playing in this country, right from Independence. I fully support this Motion mainly because

of the big role being played by the Ministry.

Without repeating what my colleagues have said, let me highlight a couple of issues that I think may be noteworthy to the Ministry. One, our local authorities are known to be inefficient mainly because of the minimal support they get from the Central Government. The oversight responsibility by the Central Government has been very limited. The ability for local authorities to compete and generate revenue has also been lacking. That is why I echo what my colleagues have just mentioned here - that it is, indeed, time we begun to change.

Madam Temporary Deputy Speaker, sometimes we may think that certain local authorities are inefficient and yet, it is because of their vastness. It is the large areas covered by local councils that make them inefficient. I will give the example of Turkana County Council, which covers 77,000 square kilometres and serves three districts. That local authority is basically inefficient because the area it covers is so vast for it to be effective. I believe that the reason as to why the Central Government had to divide the larger Turkana District into three districts is to make that region more governable.

So, I request the Ministry to look into this issue, so that we can make Turkana County Council more efficient. As it is now, it is difficult. The County Council Clerk and his staff are being pooled in between three districts. They are meant to attend meetings in three districts, which increases the local authority's budget in terms of travelling expenses.

Madam Temporary Deputy Speaker, in this country, we have been talking about devolution of powers. Every party has actually talked very well in its manifesto about devolution of powers. It would be very good for us to re-look at how we manage the local authorities, so that we can use this as a tool for devolution. Let us look into the support we give to local authorities, or the oversight responsibility; and capacity building. We also have to emphasise on proper planning and set revenue targets for the local authorities.

As hon. Wetangula mentioned, there are so many local authorities out there which have a 50 or 100---

The Temporary Deputy Speaker (Prof. Kamar): That is enough, Mr. Nanok!

Mr. Deputy Prime Minister and Minister for Local Government!

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Madam Temporary Deputy Speaker, Sir, first of all, let me take this opportunity to thank all the hon. Members who have had an opportunity to contribute to this Motion, and for their very important contributions and comments on the various aspects of local authorities. There is still an opportunity, maybe, as we focus on the Votes at the Committee Stage, that they could raise one or two other points, which can be taken up by the Ministry.

I will try to respond very briefly on a number of issues that have been raised, which are important. One is the issue of allocation of land. It is true that the case of land allocation in our local authorities is not a very good case. There are cases where this has been done either haphazardly or done without taking into account the capacity of the people who have been allocated that land, to develop it and make good use of it.

Madam Temporary Deputy Speaker, in many cases, people have been allocated land for speculative purposes. So, clearly this is an area which must be corrected. One of the issues we want to ensure is that local authorities enforce the requirements that are attached to letters of allotment, one of which is that if you do not develop the plot within a certain period of time, the right of ownership to that land reverts to the State.

Madam Temporary Deputy Speaker, there is also the issue of the Kshs712 million for the construction of primary schools in a number of urban areas. I would like to enlighten hon. Members that if they look at the Estimates, it shows FRG. That means that this is a grant from the Federal Republic of Germany. It did arise out of the element of debt stop between the Kenyan

Government and the Federal Republic of Germany. Contrary to some belief that maybe this money is not serving a good purpose, I would like to point out that this money is going to be used to finance a number of primary schools in Nairobi, particularly in the slums. We are targeting areas like Mathare, Kangemi, Mukuru and Kawangware. These are areas that, under normal circumstances have not been addressed properly through the usual Government funding yet they carry the largest population of Nairobi. It is, therefore, important that they get a lot of support to have primary schools.

At an appropriate time, I will be very happy to take some hon. Members to visit some of the schools that are being constructed using these funds. That is Phase I for Nairobi. However, we also know that through the same arrangement, there will be assistance going to Mombasa and Kisumu.

Madam Temporary Deputy Speaker, the election of mayors and council chairmen is a story that has been bought and accepted by everybody. I would like to say that the amendment Bill is due to come to this House so that we can effect these changes and allow mayors and chairmen of councils to be elected directly by voters in their respective areas.

There is also the issue of remuneration of councillors. I have always said that the welfare of councillors is not a simple matter, neither is it a joking matter. Indeed, it is something we need to look into very carefully and come up with a long term strategy to support the local authorities. There is always the debate on whether they should be paid from the Consolidated Fund or there should be another mechanism that can be used to ensure flow of remuneration, whether you want to call it salary and allowances, is determined and known. Then the whole idea of this becoming a topical issue at every other event can be put to rest. We are happy to listen to the various ideas that may come on the table. We, indeed, intend to work together with this House to have a lasting solution to this problem.

Madam Temporary Deputy Speaker, clearly, we must also remember that once you are paid from the Consolidated Fund, in effect, you cease being local. This is one thing that one would have to understand. We will need to work on this so that, if at all we are coming up with a different mechanism, we must also be able to properly categorise these local authorities. We must also be able to figure out whether the viability of the 175 local authorities should not be questioned in certain instances. Perhaps, consolidation of some of them might be necessary before we come up with a lasting solution to this matter. Definitely, it is an issue that ought to be critically looked into.

Madam Temporary Deputy Speaker, I would like to take this opportunity to re-affirm to the councillors that the adjustment that was made to their allowances, a few weeks ago, is in place contrary to some media reports that it had been cancelled. That is not true. The councils have the circulars communicated to them. I would like to put that matter to rest. Yesterday, I read in one of the print media that, that had been terminated. That is a false alarm from the print media in that respect.

I have also noted Members' concerns on the allocation of resources. There has been a lot of concern expressed that judging from the Estimates allocations from the previous financial year may not have reflected sufficient equity. This is something that we need to look at and I can assure you that we will look at it so that next year, when presenting the Financial Estimates, perhaps, we shall have less concerns expressed on that point.

Madam Temporary Deputy Speaker, I also want to say something on Road Maintenance Levy. About 134 local authorities receive Fuel Levy Fund for routine maintenance from the Kenya Roads Board. In addition, the Ministry also receives a small proportion of such funds to contract and rehabilitate roads. I have taken note of the concerns of Members that this should also be allocated or distributed fairly. However, I want Members to note that there is the Kenya Urban Roads Authority (KURA) which has come into being and there is also the Kenya Rural Roads Authority (KeRRA). All these are going to become the new entities that shall be driving the road

maintenance fund even in the rural areas.

There is something which appears in the Estimates that I want to highlight. These are the European Union (EU) funds. I just want to let Members know that the EU financing agreement has been there for sometime. They have been supporting either markets or certain facilities within various local authorities. They could be schools and so forth. They have very rigorous conditionalities or vetting standards. We have partnered quite well with the EU and we have drawn from the experiences on how they have been supervising the utilisation of their funds. We want to bring this to the LATF management so that we improve its management in our local authorities.

Madam Temporary Deputy Speaker, that brings me to the issue of LATF. It is true that since inception, about eight to nine years ago, LATF started off with Kshs1 billion shared amongst all local authorities. Now it has risen to Kshs9.25 billion. This has been shown in a Gazette Notice on how the funds have been distributed to all the local authorities in the country. Our desire and wish is that if the funds can be utilised very well, we shall be able to have a strong case to come back to this House and seek an amendment to the ceiling that has been provided by this House. As of now, the ceiling provided is that the LATF are up to a maximum of 5 per cent of the annual Income Tax collection in the entire country. That is what is shared between the Central Government and the local authority. If the management of local authorities can improve; and that is where we want to go, it is our hope that we can elevate this 5 per cent to a higher level even up to 10 per cent. This could be done provided local authorities can also show and convince the Members of Parliament that the money is doing serious construction work in the various local authorities.

Madam Temporary Deputy Speaker, I would like to support the Members who have said that it makes no sense to release all these monies to the local authorities and then they simply start taking Kshs50,000 and distribute among the various councillors and say they are going to do a project. I think there should be a minimum threshold. It could be something like Kshs300,000 for the smallest project that can be undertaken by LATF. This would make more sense because it can then be tangible. But when you break down the programmes to Kshs50,000 or Kshs20,000 in some areas, that money is just being consumed and is adding no value to the local people.

I agree that there are some issues about the management of local authorities which need to be re-looked at. When it comes to procurement, it is true that local authorities are not exempt from the Public Procurement and Disposal Act. They have to follow the rules and procedures under that law. What is important is that the chief officers must also be prepared to show and lay on the table of various councils the details of whatever they are doing so that this concern that maybe they are misappropriating funds, does not arise. This is something that they must take extremely seriously.

Madam Temporary Deputy Speaker, regarding the issues of planning and mapping, I want to report that to date the Ministry, working with the Architectural Association of Kenya (AAK), has recruited 22 Physical Planners and posted them to various local authorities. We are in the process of recruiting another 57 Planners, who will be deployed in various local authorities to help them in improving on their physical planning. This is a programme under which we want to work very closely with various professional associations, so that they can help us in identifying competent people who can assist us in this area.

We have noted the weaknesses under disaster management. These are issues that require a lot of resources, but I want to say that so far the Ministry has procured a number of form tenders. Not too long ago, Nairobi and Nakuru were given modern fire-fighting equipment and vehicles and there are a few more that are going to come and we shall give them to other urban areas.

We have also taken note of the concerns about sewerage systems and the issue of street lighting. All these are important points. We also note the issue of contribution in lieu of rates. We are seeking Kshs513 million to be given, but so far the Treasury has only released about 50 per

cent of that amount. We are still in negotiations so that they can release the balance and we can distribute it to the various local authorities.

*[The Temporary Deputy Speaker
(Prof. Kamar) left the Chair]*

[The Deputy Speaker resumed the Chair]

Mr. Deputy Speaker, Sir, There is the issue of the relationship between the Ministry of Local Government and the Nairobi Metropolitan Development Ministry. I want to state that there is Circular No. 1 issued by the Office of the President which clearly defines the roles of the Nairobi Metropolitan Development Ministry and that of the Ministry of Local Government. We shall dialogue so that we can harmonise areas where there is some level of misunderstanding or confusion. I believe that, that is an issue that we deal with.

I just want to say that all the local authorities, when it comes to performance, they have all signed performance contracts for the first time. The idea is to see how they are managing their finances and how they are improving on service delivery. It is on the basis of that, that we are going to establish whether they are performing or not. In the meantime, there is some critical debate. That is the debate on whether this country should have any more local authorities. There are cases where new districts have been created and we have either the local leadership or the political leadership, saying that they want new local authorities. I want to forewarn Members of Parliament that this is an extremely sensitive issue, and I would like it to be tackled very objectively, because soon I will table some details on this matter in this House. We should be able to understand where we are coming from and where we should be going to, and help chart the future of local authorities.

Mr. Deputy Speaker, Sir, let me also say that we are now advertising competitively for positions in the local authorities. You will be seeing a lot of that in the print media, so that you can hire various competent people in various departments and various local authorities in a transparent and objective manner.

With those few remarks, I beg to move.

(Question put and agreed to)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

[Mr. Chairman took the Chair]

Vote 12 - Office of the Deputy Prime Minister
and Ministry of Local Government

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Chairman, Sir, I beg to move:-

THAT, a sum not exceeding Kshs1,668,902,595 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2009 in respect of:-

Vote 12 - Office of the Deputy Prime Minister

and Ministry of Local Government

(Question proposed)

VOTE R12 - RECURRENT EXPENDITURE

SUB-VOTE 120 - GENERAL ADMINISTRATION AND PLANNING

(Heads 360, 362, 372 and 375 agreed to)
(Sub-Vote 120 agreed to)

SUB-VOTE 122 - CONTRIBUTIONS IN LIEU OF RATES

(Heads 367 and 415 agreed to)
(Sub-Vote 122 agreed to)

(Vote R12 agreed to)

VOTE D12 - DEVELOPMENT
EXPENDITURE

SUB-VOTE 120 - GENERAL ADMINISTRATION AND PLANNING

Head 360 - Planning and Development

Mr. Kioni: Thank you, Mr. Chairman. I have looked at these issues of development. From what we have been given, there is Nyandarua District. The only amount of money allocated to Nyandarua District is Kshs6 million. That money is coming from the European Union (EU). The Government of Kenya intends to do nothing for the coming 12 months in Nyandarua District.

If you compare it with the districts that are next to us, Kirinyaga has been allocated Kshs96,128,746, Nyeri has been allocated Kshs105 million and Murang'a has been allocated Kshs18 million. If you go to a district like Kisii, it has been allocated Kshs169 million. This document was done upside down. So, you will have to allow me to get the figures properly. Vihiga has been allocated Kshs114 million, Kakamega, Kshs93 million and Ndaragwa/Nyandarua, Kshs6 million. What was the rationale behind those allocations?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Thank you, Mr. Chairman. I indicated that, first of all, that is a point that has been raised severally by a number of speakers. I want to point out that there were a number of projects that were done prior to that and most of the money has been allocated to complete them.

Now, the cycle of budgeting had started much earlier and, by the time I was within the Ministry, those projects had already been identified and funds allocated. But I have undertaken that, come the next financial year, issues of disproportionate allocations will be looked into very carefully. But if you look at some of the other funds like LATF, where there was clear statutory direction, all local authorities have been allocated. But I want to say that I have taken note of the hon. Member's concern.

Mr. Ngugi: Mr. Chairman, we have no problem with the undertaking by the hon. Minister. We know that he is a very fair and capable Minister. But just this morning, we had a question of roads. Most of our roads in Nyandarua are not classified. We were told that they would be

classified so that we can get funding. Classifying them means that we get to the same level with other people in the country. I would like to ask, what affirmative action will be taken so that we can climb up to the rest of the districts and constituencies? Again, this afternoon, it is the same thing. Nyandarua has been marginalised in roads, water, local authorities, livestock and yet, all the water resources for this country come from Nyandarua. We pay taxes. I want an undertaking from the Deputy Prime Minister and Minister for Local Government that if they are able to get other donors in the course of the year, he should say: "Here are really some of my children who are really suffering." That is the assurance that I would like to get from the honourable Minister.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Thank you, Mr. Chairman. I would like to assure the hon. Member that we shall look at Nyandarua very carefully. The point has been well taken.

Mr. Kioni: Mr. Chairman, I appreciate the answer from the Deputy Prime Minister and Minister for Local Government. I have no doubt that what he has promised will be done. But that does not allow me to feel totally rested. He may have gone to the Ministry much after some of the work had been done. But we have the technocrats in his Ministry. What is it that they consider when they are allocating the money? They are the ones who have come up with this document. You have to keep on turning it up and down so that you can read the figures. But all said and done, these are things that were done. We are only doing a borehole in the whole of Nyandarua District with 470,000 people. Only one borehole for a whole 12 months! Even with the assurances from the Minister, what do we go and tell the voters? There is something that is totally wrong and we can actually see it. What other form of marginalisation are we talking about? This is total discrimination!

The Deputy Prime Minister and Ministry of Local Government (Mr. Mudavadi): Mr. Chairman, the sentiments are well taken. The best I can do at this point in time is to say that we shall look at the concerns expressed very critically.

Mr. Waititu: Mr. Chairman, I appreciate the work that the Ministry is doing on the markets. But recently, there was an intended plan of Public/Private Partnership (PPP) which should be encouraged. Some of the markets that the local authority is not able to allocate some money were designed by the Ministry. The residents should be given a go-ahead to construct the markets. Right now, in Embakasi, there is no allocation for any market and we have places where we can construct markets.

I request the Minister to direct the Nairobi City Council to design a market at Kariobangi South. It is supposed to be a big supermarket. We can engage our local people in constructing some of the stores. We know very well that lack of markets is what is causing the mushrooming of *kiosks* and illegal markets which, sometimes, make our people fight with the Nairobi City Council staff.

Mr. Chairman, Sir, there are also some concerns that I wanted to raise with the Ministry due to massive grabbing of surrendered public land in the sub-divided schemes in Embakasi. Right now, we are struggling to get some pieces of land to construct some schools but most of the land has been grabbed by the people there through the Nairobi City Council. People have been surrendering 10 per cent of their land. But the Nairobi City Council is reluctant to take inventory of those pieces of land. The people at the Nairobi City Council collude with some land speculators and allocate those pieces of land illegally. In fact, they do not even get change of user for those pieces of land. They just allocate directly to land grabbers. Right now, our areas of Mihang'o, Ruai, Gundu and Kamulu had surrendered a lot of land during the sub-division. But that land has been grabbed. I wish to ask the Minister to direct the Nairobi City Council to repossess all those pieces of land that were left for public utility, so that they can be used for the purposes that they were initially intended.

We also have a big problem with the way the *matatus* are presently operating in Nairobi. All the *matatus* from eastern areas and, especially, Embakasi, end up in Muthurwa Market. It is

only those *matatus* that are privately owned. Otherwise, *matatus* from the big companies come to the City Centre.

Mr. Chairman, Sir, our people are complaining that there is no level playing field for the *matatus*. This is because most of our people are now going for those *matatus* owned by the big companies because they are the ones allowed to come into the CBD area. We want a level playing field. Either all *matatus* are allowed to enter the CBD or all of them should end up at Muthurwa Market. If that does not happen, most of the privately-owned *matatus* will be sold because the owners cannot get enough money to service the loans with which they bought their *matatus*.

Mr. Chairman, Sir, there is also a point I wanted to raise. I have been a councillor and, therefore, I understand a bit of the operations of the local authorities.

Mr. Chairman, Sir, the nomination of councillors has not been fair. We expect the number of nominated councillors to reflect the number of constituencies. We know very well--

Mr. Chairman: Hon. Member, in this stage, you are only required to ask a question.

Mr. Waititu: Very well, Mr. Chairman, Sir.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Chairman, Sir, I just want to stress that on the issue of the land, we concur with the hon. Member. Indeed, I stressed that matter. Local authorities have to ensure that anybody who has been allocated land complies with the conditions of the letter of allocation.

Equally, with regard to what he has pointed out about public/private partnerships, this is something that we are looking at and encouraging. We are at a very advanced stage in preparing the Public/Private Partnership Procurement Rules which will be gazetted under the Public Procurement and Disposal Act to provide a mechanism for the private sector to be allowed, perhaps, to take over some of these areas and how we source them. They can then develop some of these markets.

(Head 360 agreed to)

(Sub-Vote 120 agreed to)

SUB-VOTE 125 - DEVELOPMENT SCHEMES

(Head 364 agreed to)

(Sub-Vote 125 agreed to)

(Vote D12 agreed to)

(Question put and agreed to)

*(Resolution to be reported
without amendment)*

(The House resumed)

*[The Temporary Deputy Speaker
(Prof. Kamar) in the Chair]*

REPORT

Vote 12 - Office of the Deputy Prime
Minister and Ministry
of Local Government

Mr. Farah: Madam Temporary Deputy Speaker, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs1,668,902,595 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2009 in respect of Vote 12 - Office of the Deputy Prime Minister and Ministry of Local Government.

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

The Assistant Minister for Medical Services (Mr. Mungatana) seconded.

(Question proposed)

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Thursday, 16th October, 2008, at 2.30 p.m.

The House rose at 5.45 p.m.