

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 8th October, 2002

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.436

FUNCTIONS OF THE NATIONAL FAMINE RELIEF FUND

Mr. Speaker: Is Dr. Ali not here? We will leave his Question until the end. Let us move on to the next Question.

Question No.532

ISSUANCE OF ID CARDS IN NYATIKE CONSTITUENCY

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

- (a) whether he is aware that many people in Nyatike Constituency have not registered as voters because of lack of national identity cards; and,
- (b) what action he is taking to ensure that there is a continuous issuance of identity cards in the Constituency.

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

- (a) I am not aware.
- (b) Registration materials will continue to be availed in sufficient quantities to ensure that there is continuous issuance of identity cards in the constituency.

Mr. Onyango: Mr. Speaker, Sir, I believe the Assistant Minister knows it is a condition for a person to have an identity card before he is registered as a voter in this country. However, getting an identity card, especially in districts along the border is a major problem to our people. Could he try to ease those prohibitive conditions so that our people can get identity cards and register as voters?

Mr. Kochalle: Mr. Speaker, Sir, I know it is a right for every Kenyan to have an identity card.

However, it is very difficult to ease the conditions, but we will try our level best to issue every citizen aged 18 years and above, with an identity card.

Mr. Otula: Mr. Speaker, Sir, the Assistant Minister says he is not aware that the people of Nyatike Constituency do not have voting cards. In the same breath, he says he is aware that they do not have identity cards. Which is which?

Mr. Kochalle: Mr. Speaker, Sir, that is a different Question. I did not say that people of Nyatike are not issued with identity cards. But I am aware that many people of Nyatike Constituency have been issued with identity cards. In fact, there are many uncollected identity cards in the registration office in Nyatike. There are about 42,424 identity cards which were issued in Nyatike Constituency, but they have not been collected.

Mr. Mutahi: Mr. Speaker, Sir, could the Assistant Minister tell us the Government policy on the uncollected identity cards lying in the registration centres throughout the country? What are they doing about it?

Mr. Kochalle: Mr. Speaker, Sir, the DOs and chiefs are being asked to collect those identity cards so that they can issue them to their people.

Mr. Onyango: Mr. Speaker, Sir, could the Assistant Minister tell us how many identity cards have been issued in the last one year?

Hon. Members: Where?

Mr. Onyango: In Nyatike Constituency.

Mr. Kochalle: Mr. Speaker, Sir, I do not have the record of how many identity cards have been issued in Nyatike Constituency in the last one year.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. This is a very important subject because our people are suffering. Could I be in order to ask for a few more minutes so that we can "grill" the Assistant Minister? That is all I am asking from the Chair.

Mr. Speaker: Mr. Angwenyi, that is a very good idea, but today being an Allotted Day, we have to finish Questions at 3.30 p.m. There are 15 [Mr. Speaker] Questions on the Order Paper. So, I cannot do you a favour.

Next Question.

Question No.415

IMPLEMENTATION OF TAXATION MEASURES

Mr. Speaker: Is Mr. Gatabaki not here? We will leave his Question until the end. Let us move on to the next Question.

Question No.453

SHORTAGE OF TEACHERS IN MUTITO

Mr. Speaker: Is Mr. Kitonga not here? We will leave his Question until the end. Let us move on to the next Question.

Question No.157

TERMINAL BENEFITS FOR MR. KITHI

Mr. Mwalulu, on behalf of **Mr. Maitha**, asked the Minister for Labour:-

(a) whether he is aware that Fayaz Bakers and Confectioners of Mombasa has not paid terminal benefits to a former employee, Mr. Said Karisa Kithi;

(b) whether he is further aware that despite efforts made by labour officers, the employer has refused to settle the matter; and,

(c) what action he is taking to have Mr. Kithi paid his dues.

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

(a) I am not aware that the terminal benefits have not been paid.

(b) The employer has paid the complainant a total of Kshs6,000 after the intervention of the Minister for Labour.

(c) In view of my answer to parts "a" and "b" above, part "c" does not arise.

Mr. Mwalulu: Mr. Speaker, Sir, could the Assistant Minister commit himself by giving a specific date when that man is going to be paid?

Mr. Ethuro: Mr. Speaker, Sir, Mr. Said Karisa Kithi was paid the Kshs60,000 as terminal benefits on 13th August, 2002. I have a copy of the certificate of payment.

Mr. Speaker: Very well! Mr. Mwalulu, do you have anything further?

Mr. Mwalulu: Mr. Speaker, Sir, in that case, why was this Question allowed to come before the House, if he was paid?

Mr. Speaker: Why what?

Mr. Mwalulu: I am just wondering why the Question was allowed to come before the House if the Assistant Minister knew that he was paid!

Mr. Speaker: I am sure the Assistant Minister and I will share the same sentiment! Why did you bring the Question if the man was paid? Let us move on to the next Question by Mr. Mwalulu.

Question No.517

PAYMENT OF MR. LEKANDORO'S NSSF DUES

Mr. Mwalulu asked the Minister for Labour:-

(a) when the National Social Security Fund (NSSF) will pay Mr. Christopher Jumamosi Lekandoro, Membership No.255258610, his dues; and,

(b) why the NSSF commenced deductions from Mr. Lekandoro in 1991, when he was formally employed in 1978.

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

(a) Mr. Christopher Lekandoro's membership number has been incorrectly quoted and so, his claim could not be processed by the NSSF.

(b) It is not the responsibility of the NSSF to effect the deductions. That is the responsibility of the employer.

Mr. Mwalulu: Mr. Speaker, Sir, this case is just an example! I have in my possession tens of names of employees who retired and cannot get their compensation from the NSSF. What is the policy of the Ministry to make sure that people who retire do not suffer? There are millions of Kenyans who are suffering because of such cases.

Mr. Ethuro: Mr. Speaker, Sir, we have tried to advise that employees, before they retire, should check with the employers that their records are proper, and ensure that their deductions are reflected in the membership cards. The problem is that most people wait until they have retired, and we cannot be able to trace them.

If you could advise others that they need to check the details before they retire, that would speed up the process.

Mr. Muchiri: Mr. Speaker, Sir, there are very many employers in this country who are deducting that money and they are not passing that money to where it should be. That is where the complaint is. What action is the Assistant Minister taking against the employers who deduct money from their employees and they do not remit it to the NSSF? If there is any action taken, could you tell this House how many people you have prosecuted?

Mr. Ethuro: Mr. Speaker, Sir, we try to ensure that all the employers are registered. That is the only way we can be able to monitor the deductions. But once they are not registered, it becomes a bit difficult. But the moment the NSSF realises that there are employers--- They usually make announcements once a year, to the effect that all employers should ensure that they are registered and the employees should ensure that their dues are submitted. When we know that the employer has not submitted the dues of the employees, legal action is taken.

Mr. Mutahi: Mr. Speaker, Sir, how many such legal actions have been taken against the local authorities? The employees of local authorities suffer a lot in terms of deductions of the National Hospital Insurance Fund (NHIF) and NSSF. What action have you taken against those bodies?

Mr. Ethuro: Mr. Speaker, Sir, the hon. Member would be pleased to know that we have actually taken a number of local authorities to court. He would also be pleased to know that before the Local Authorities Transfer Fund (LATF) is disbursed, it is mandatory that both the NSSF and NHIF dues are paid!

Mr. Kihoro: On a point of order, Mr. Speaker, Sir. The Assistant Minister has said that a number of local authorities have been taken to court because of failing to make contributions in respect of various contributors. Could he name the local authorities that he has taken to court?

Mr. Ethuro: Mr. Speaker, Sir, I will start with the County Council of Turkana. I know that one for a fact! But I thought the hon. Member would be pleased that in terms of local authorities, we have made sure---

Mr. Speaker: Mr. Ethuro, specifically, I think what the Members are worried about is what is happening; that local authorities deduct from employees and do not forward the deductions to the NSSF. Now, apart from your localised knowledge of Turkana, what other local authorities have been taken to court?

Mr. Ethuro: Mr. Speaker, Sir, with due respect, the question was about any local authority! I wanted to give a more assuring answer, and the local authority is the one I could identify.

Mr. Kihoro: On a point of order, Mr. Speaker, Sir. The Assistant Minister said very clearly that a number of local authorities have been taken to court because of what Mr. Mutahi had said; that some of them have not been making contributions. He said that a number of them have been taken to court. Now, it is upon you to tell us which ones they are! Do not tell us about Turkana only. That is out of the way. Tell us the ones in areas like Central Province!

Mr. Ethuro: Mr. Speaker, Sir, I know for a fact that there are a number of cases, but I did not come with that kind of answer. If it is in the interest of the House that we furnish the House with that list, I would be more than ready to do so!

Mr. Mwalulu: Mr. Speaker, Sir, it is an immoral Government that denies former employees their peanuts, when Kshs256 million disappears overnight from the NSSF! This Assistant Minister cannot dilly-dally with this Question! This is a very important Question and the worker that we are talking about used to work for a public primary school as a cook! So, the question of the employer not being registered does not arise. Could the Assistant Minister give a commitment as to when such cases are going to be addressed once and for all?

(Mr. Shakombo entered the Chamber and moved from one side to another)

Mr. Muite: On a point of order, Mr. Speaker, Sir. Did you notice that Mr. Shakombo has actually forgotten the etiquette of this House? He came to that side and then crossed the Floor to this side! Ever since he went to the other side of the House, he does not appear to remember the rules of the House!

An hon. Member: But he has a court case!

Mr. Speaker: Order!

(Eng. Toro walked into the Chamber)

Order, Eng. Toro! Mr. Shakombo, you realise that there are certain accepted ways of moving from one side of this House to the next! I am informed that you breached that by just moving across from my right to my left without proceeding to the Bar, bowing and crossing. Will you proceed and do as requested?

(Mr. Shakombo proceeded to the Bar and bowed)

Well done! Now, you can go ahead!

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. You have given that directive to Mr. Shakombo, but you did not direct him to resign from his party before he moved to this side of the House! That is before he defected to this side of the House! That was a bigger thing!

Mr. Speaker: Order! Mr. Angwenyi, what side are you in, anyway?

(Applause)

Proceed to answer the supplementary question! Who was answering what question? Proceed, Mr. Assistant Minister!

Mr. Ethuro: Mr. Speaker, Sir, there was a question on that issue which was brought on the Floor of the House. But there have been problems in terms of relaying the payments and they are being addressed. But on this particular problem, and especially on what the Government has done, I would like to say that the National Social Security Fund (NSSF) also deals with private employers. The whole purpose was to cushion employees from such employers. No matter what kind of system you put in place; no matter how efficient that system might be, if the correct number is not given, it becomes extremely difficult to process that claim.

Mr. Mwalulu: On a point of order, Mr. Speaker, Sir. It is very wrong to push the responsibility of tracking down the NSSF refunds to the Members of Parliament. When will this Ministry streamline the process so that Members of Parliament do not follow up these refunds?

Mr. Speaker: But for this particular Kenyan, in spite of all the legal niceties and procedures, are the two of you capable of getting the correct number and get him properly paid? Mr. Ethuro, are you capable of reaching out to know the correct number from Mr. Mwalulu; and, Mr. Mwalulu, are you ready to let Mr. Ethuro know the correct number so that we can sort out this issue? Mr. Ethuro, after that, you can answer the other part of the Question.

Mr. Ethuro: Mr. Speaker, Sir, I am more than ready to assist Mr. Mwalulu to sort out this case. This is because such cases arise and we sort them out even before they come before the Floor of the House.

Question No.534

PAYMENT OF COMPENSATION TO MR. M'MUGA

Capt. Ntwiga asked the Minister for Agriculture:-

(a) whether he is aware that a banana plantation belonging to Mr. Andriano Njoka M'Muga, valued at Kshs40,986, was destroyed in 1986 during the creation of Nyayo Tea Zone Belt around Mt. Kenya Region;

(b) whether he is further aware that a Ministerial letter, TN/CROP/12VOL.1/38, dated 30th April, 1999, accepted liability; and,

(c) when he will compensate the farmer.

The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo): Mr. Speaker, Sir, I would like to request for the indulgence of this House for this Question to be deferred until next week, because the answer that I have is not satisfactory.

So, we would like to request to be given more time to carry out further investigations and bring an answer to this House on Tuesday, next week.

Mr. Speaker: Capt. Ntwiga, I know you have had the misfortune of having your Question deferred all the time. What is your reaction?

Capt. Ntwiga: Mr. Speaker, Sir, this is the third time I am asking this Question since the House came back from recess.

In any case, I have not even received a copy of the written answer so that I can know what it contained. I should have been provided with a copy of the written answer.

Mr. Speaker: Well, I do sympathise with you! But the right thing I should do is to defer this Question until Tuesday, next week. The two of you, being from the same side of the House, why do you not consult and sort out the issue?

Capt. Ntwiga: Mr. Speaker, Sir, the issue here is not about consulting because we have to ask Questions in this House.

Mr. Speaker: Very well, I do encourage that, but I am saying that you should have consulted earlier on so that you can know that he was not ready to answer your Question. You could have sorted out this issue.

Mr. Sumbeiywo, I have deferred this Question until Tuesday, next week.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. Would I be in order really to commend the Assistant Minister because he has done the best thing? The officers in the field give Ministers wrong answers to embarrass the Ministries and the Government, and when we have one who says that the answer he has got is not satisfactory and it would embarrass the Ministry or the Government, the other Ministers or Assistant Ministers should learn from him.

In fact, he should be a full Minister and not an Assistant Minister. He is a good guy!

Mr. Speaker: Well done! Mr. Ndicho, when did you become the defender of the Government?

(Laughter)

This Question is deferred until Tuesday, next week.

(Question deferred)

Question No.442

REPAIR OF ROAD C37

Mr. Sambu asked the Minister for Roads and Public Works:-

(a) whether he is aware that a section of Road C37, between Kaiboi and Nandi/Uasin Gishu border, is impassable during the rainy season as no culverts were installed;

(b) how much money the Ministry released for the repair of the road during the years 1999/2000, 2000/2001 and 2001/2002; and,

(c) who carried out the most recent repairs on this road and how much they were paid.

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

(a) I am not aware that a section of Road C37, between Kaiboi and Nandi/Uasin Gishu border, is impassable due to culverts not being installed.

(b) The Government released funds as follows:-

<u>Financial Year</u>	<u>Amount(Kshs)</u>
1999/2000	Nil
2000/2001	5,950,000

2001/2002 3,100,000

(c) The company which carried out the work is called "Cheplelwo Enterprises". This company was paid a total of Kshs756,000.

Mr. Sambu: Mr. Speaker, Sir, the Government requires a total of Kshs9,050,000. This company called "Cheplelwo Enterprises", which means something strange in Nandi language, was paid only Kshs756,000. Which company or individual was paid Kshs8 million?

Eng. Rotich: Mr. Speaker, Sir, the company was supposed to supply murrum and the Ministry was supposed to do the rest of the job.

Mr. Sambu: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to evade answering the question? The question I have asked him is: Who was paid the balance of the money, which was over Kshs8 million?

Eng. Rotich: Mr. Speaker, Sir, I am not avoiding to answer the question. The other job was done under force account, which means that the staff of the Ministry did the job and the money was used by the Ministry.

Capt. Ntwiga: Mr. Speaker, Sir, if the "force" was paid this money, does that mean that the culverts could not be installed by it? This is because the hon. Member has talked about the culverts and the Assistant Minister is talking about the "force" being paid the money. His "force" should install the culverts in that case.

Eng. Rotich: Mr. Speaker, Sir, what the Ministry does in-house is called "force account", and there is no "force" as such like the Police Force. That account is called "force account".

Mr. Sambu: Mr. Speaker, Sir, he has put that for once. This Ministry has accepted that its staff got paid. In Nandi District, the Government sends money for roads either through the District Roads Committee (DRC) or through the Ministry of Roads and Public Works. I would like to say that Kshs8 million was paid, and yet nothing was done. Even if we went there today, you would see that nothing was done. I would like to ask the Anti-Corruption Police Unit (ACPU) to go and verify if any culvert was installed. If this Government is against corruption, let it send the ACPU, under Mr. Slim Swaleh, to go and inspect this road and tell us how many kilometres of murrum were done. Nonetheless, to whose account was this money paid and what for?

Eng. Rotich: Mr. Speaker, Sir, "force account" means that the Ministry does the job in-house. So, there is no account as such. I have looked at the information on this road. Before we contact the ACPU, I am willing to inspect the road next week because there seems to be some discrepancies. I am willing to inspect this road next week before we involve other people.

Eng. Toro: Mr. Speaker, Sir, last week, when the Minister for Roads and Public Works moved his Vote, which we approved, when I was responding, I appealed to him to move away from using force account to contract road works. This is because most of the money is embezzled from the Ministry by the use of force accounts. Could the Minister confirm or assure this House that the force accounts which are being used by road engineers to repair roads under the DRC will be stopped? This is because the road engineers also embezzle money from the DRCs.

Eng. Rotich: Mr. Speaker, Sir, before the Vote of this Ministry was passed in this House last week, we had already made a decision that we will slowly move away from the force account to contracting. That is the direction we are moving towards and we are going to move away to contracting.

Mr. Mbela: Mr. Speaker, Sir, force account is one of the ways in which officials of the Ministry embezzle funds! Is the Assistant Minister happy or sure that the money was not actually embezzled and no work was done?

Eng. Rotich: Mr. Speaker, Sir, this is precisely what I am saying. I am willing to go and [Eng. Rotich] see the work by myself next week.

Mr. Sambu: Mr. Speaker, Sir, it is not good enough for the Assistant Minister to go to the site because I have already seen the Chief Engineer, and I have talked to the people involved. What is the use of the Assistant Minister visiting the site? In my contribution to the debate on the Vote of this Ministry last week, they told me that "I can go to hell". I also told them they can go to the same place. That is why I am insisting that, if there was no embezzlement of funds and the road was constructed, why are they opposed to having the Anti-Corruption Police Unit (ACPU) visiting the site to see that road, and Road D39, between Mosoriot and Kapsabet? The guilty are afraid!

Mr. Speaker: Mr. Assistant Minister, are you afraid?

Eng. Rotich: Mr. Speaker, Sir, the Minister is not afraid. If the truth is to be known, let it be known. So, we are going to see the site, if necessary. If we find that the condition is as the hon. Member is saying, we are ready and willing to involve the ACPU.

Mr. Speaker: Very well. Next Question, Dr. Kulundu!

Question No.533

REPAIR OF ROAD C37

Dr. Kulundu asked the Minister for Roads and Public Works whether the Ministry could urgently repair the impassable sections along Road C41 destroyed by the *El Nino*-induced rains and, in particular, the Ingoste/Kharanda and Nzoia River sections.

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

The Ministry will repair the impassable sections along Road C41, which was destroyed by *El Nino*-induced rains, and in particular, Ingoste/Kharanda and Nzoia River sections during this financial year.

Dr. Kulundu: Mr. Speaker, Sir, I must congratulate this Ministry, first of all, for sending Eng. Rotich to come and personally inspect this road sometime in July this year. But after having heard this good news from the Assistant Minister, would he be kind enough to tell us how much money he has set aside for the road, and when will it be constructed? Since July and now, it is a long time and this road is impassable, as can be certified by Eng. Rotich. How much money has the Ministry set aside for this road, and when will the work commence?

Mr. Mokku: During this financial year, 2002/2003, Kshs6.6 million has been budgeted for this road from the Road Maintenance Fuel Levy.

Mr. Kombo: Mr. Speaker, Sir, I happen to know this road. I do appreciate that the Assistant Minister has visited the area, but is the job they are promising just going to be a shoddy job of gravelling, or are they going to tarmac the road?

Mr. Mokku: Mr. Speaker, Sir, I am promising the hon. Member and the House at large, a perfect job.

Dr. Ochuodho: Mr. Speaker, Sir, I am surprised the Assistant Minister intends to repair this road using the Fuel Levy funds. The road was destroyed by *El Nino* induced rains and the Government started an *El Nino* Emergency Fund, which is run by a different Ministry.

Could the Assistant Minister tell us whether the money in the *El Nino* Emergency Fund is depleted, or why they are using the Fuel Levy Fund money for this project, instead of *El Nino* Emergency Funds?

Mr. Mokku: Mr. Speaker, Sir, I am only capable of answering on behalf of the Ministry of Roads and Public Works. As regards the *El Nino* Emergency Funds, it is actually in order for the hon. Member to put that question to the right Ministry.

Dr. Kulundu: Mr. Speaker, Sir, this is a very important road. In fact, it is so important that, in 1983, this House passed a Motion recommending that this road be tarmacked. Could the Assistant Minister be kind enough to tell us what plans the Ministry has to have this road tarmacked as was recommended by this House?

Mr. Mokku: Mr. Speaker, Sir, I have no immediate plans for tarmacking that road. But as I had stated here earlier, we are actually committed to improving this road, and that is why we have set aside Kshs6.6 million.

Mr. Speaker: For the second time, Dr. Ali's Question!

Dr. Ali: Mr. Speaker, Sir, I am sorry for coming late to the House. However, I beg to ask my Question.

Question No.436

FUNCTIONS OF FAMINE RELIEF FUND

Dr. Ali asked the Minister of State, Office of the President:-

(a) whether he could explain the functions of the National Famine Relief Fund;

(b) what the membership of the Fund is; and,

(c) how many disasters the Fund has assisted and how much money it has in its kitty.

The Assistant Minister, Office of the President (Mr. Kochalle): Mr. Speaker, Sir, I beg the indulgence of the House to defer this Question until Thursday because my colleague who was supposed to answer this Question did not come.

Mr. Speaker: Which Thursday? You mean Thursday this week?

The Assistant Minister, Office of the President (Mr. Kochalle): Yes, Mr. Speaker, Sir.

Mr. Speaker: You do not understand the calendar of your country?

The Assistant Minister, Office of the President (Mr. Kochalle): Or it can be put on the Order Paper for tomorrow afternoon, Sir.

Mr. Speaker: Tomorrow?

The Assistant Minister, Office of the President (Mr. Kochalle): Yes, Mr. Speaker, Sir.

Mr. Speaker: Is that okay, Dr. Ali?

Dr. Ali: It is not okay, Mr. Speaker, Sir. Who is this colleague the Assistant Minister is referring to, and where is he now and why did he not come to the House to answer this Question, because he knew about it? Could the Assistant Minister answer the Question?

An hon. Member: Under collective responsibility!

The Assistant Minister, Office of the President (Mr. Kochalle): Mr. Speaker, Sir, I know all my colleagues and this Question is not directed to my docket. The Question was to be answered by my colleague and he will come to the House tomorrow to answer the Question.

Dr. Ali: On a point of order, Mr. Speaker, Sir. Could I know who that colleague of his is? Does it mean that he does not have a name? Or he is a stone?

The Assistant Minister, Office of the President (Mr. Kochalle): He is a Minister in the Office of the President.

Dr. Ali: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Order, Dr. Ali! Mr. Kochalle, be serious! Which Minister are you talking about?

The Assistant Minister, Office of the President (Mr. Kochalle): Mr. Speaker, Sir, I am also one of them, but now I am not ready to answer this Question because I do not have the answer. Therefore, I beg the House to defer it until tomorrow, then I will answer it!

Dr. Ali: It is okay, Mr. Speaker, Sir, but it will be deferred to when?

Mr. Speaker: I will defer it to next Tuesday.

Dr. Ali: Maybe, Parliament will not operate next Tuesday!

Mr. Speaker: Who said so?

Dr. Ali: Mr. Speaker, Sir, the President said that "after 12th October, 2002," anything can happen, or we do not know what will happen.

Mr. Speaker: Let it remain that way; "we do not know"! We operate on the basis that there will be Parliament. So, the Question is deferred to Tuesday next week. The Question cannot be put on the Order Paper for tomorrow because the Order Paper is already out and it cannot accommodate it.

(Question deferred)

Next Question, Mr. Gatabaki!

Mr. Kathangu: On a point of order, Mr. Speaker, Sir. Is it in order for the Speaker to say in this House that he also does not know when this House will be dissolved?

Mr. Speaker: But that is true!

Mr. Kathangu: Oh! You do not know?

Mr. Speaker: Order! Order! The only thing that the Speaker is permitted to say here is the truth, and the truth is that the Speaker does not know when the House will be dissolved. That is the absolute truth!

Forget about that now! Next Question!

Mr. Kombo: On a point of order, Mr. Speaker, Sir. You are the custodian of this House. Is there anything we can do so that in future, you can permanently know what happens in this House?

Mr. Speaker: Mr. Kombo, you tried and you failed!

Njehu Gatabaki's Question, for the second time.

Question No. 415

IMPLEMENTATION OF TAXATION MEASURES

Mr. Speaker: Is Mr. Gatabaki still not here? The Question is dropped.

(Question dropped)

Next Question, Mr. Kitonga!

Question No.453

SHORTAGE OF TEACHERS IN MUTITO

Mr. Speaker: Is Mr. Kitonga still not here? The Question is dropped.

(Question dropped)

(Mr. Kenyatta was applauded)

as he entered the Chamber)

QUESTIONS BY PRIVATE NOTICE

NUMBER OF BURSARIES AWARDED BY VOI NGO

Mr. Mbela: Mr. Speaker, Sir, I beg to ask [**Mr. Mbela**] the Minister for Home Affairs the following Question by Private Notice.

(a) Is the Minister aware that a non-governmental organisation, Youth Crisis Intervention Organisation, operating from Voi Town, charges a bursary application fee of Kshs500 for needy children?

(b) What is the total number of applications received and how many bursaries have they awarded?

(c) What is the value of the bursaries awarded?

Mr. Speaker: Is the Minister for Home Affairs here? Mr. Mbela, the Minister is not here. So, I will defer the Question until Tuesday next week. Will that be okay with you?

Mr. Mbela: Mr. Speaker, Sir, let the Question come up tomorrow.

Mr. Speaker: I have said that the Order Paper for tomorrow is already out.

Mr. Mbela: Mr. Speaker, Sir, Tuesday next week will be all right. I believe that Parliament will not have been dissolved by then.

(Question deferred)

Mr. Speaker: Let us proceed to Eng. Toro's Question.

DEATH OF MR. KIBE

Eng. Toro: Mr. Speaker, Sir, I beg to ask the Minister for Foreign Affairs and International Co-operation the following Question by Private Notice.

(a) Under what circumstances was Mr. Charles Kibe, a humanitarian worker employed by World Vision, killed in Sudan on Monday, 29th July, 2002?

(b) Could the Minister state the whereabouts of Mr. Andrew Omwenga, a colleague of Mr. Kibe, who was taken hostage by the killers?

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): Mr. Speaker, Sir, I would like to seek the indulgence of the House to be allowed to answer the Question on Tuesday next week. The information we have is scanty, and we would like to do justice to this Question. Besides, I have already discussed with Eng. Toro and agreed that I answer the Question on Tuesday next week.

Mr. Speaker: Eng. Toro, will Tuesday next week be okay?

Eng. Toro: Yes, Mr. Speaker, Sir.

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

(Question deferred)

Let us proceed to Mr. Ndicho's Question.

ILLEGAL ALLOCATION OF THIKA CEMETERY

Mr. Ndicho: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that a councillor, Philip Muonki of Thika Municipal Council, has been allocated the Kiantutu Cemetery where he erected beacons recently?

(b) Is he further aware that this is the only cemetery remaining in Thika Town as the other one is full?

(c) Could he revoke the allocation?

The Assistant Minister for Local Government (Mr. Sirma): Mr. Speaker, Sir, I beg that the Question be deferred, so that we can get more details on the matter. The issue raised in this Question is about land. There is a confusion as to whether the Question should have been directed to the Ministry of Lands and Settlement or the Ministry of Local Government.

Mr. Speaker: Will that be okay, Mr. Ndicho?

Mr. Ndicho: Mr. Speaker, Sir, once again, I beg to commend very highly the behaviour of the Assistant

Minister for being truthful and willing to give full information. So, I have no alternative but to agree with him, so that he can come here with the right answer.

Mr. Speaker: The Question is deferred to next week.

(Question deferred)

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. While lauding Mr. Ndicho for being here to ask the Question, you realise that all the three Questions by Private Notice have been deferred because the Ministers are either not available or not ready to answer them. Most of the Ministers are too busy with the "project". Could the Chair prevail on the Ministers---

Mr. Speaker: Order! Order! Hon. Members, last week, I asked this House twice to address hon. Members by their names and not by their derogatory titles. It seems to me that Dr. Ochuodho is among the minority in this House who do not seem to listen to Mr. Speaker. Dr. Ochuodho, you are now well advised that you had better listen to Mr. Speaker. You have the last chance.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. You realise that half of today's Questions have been deferred, which means that hon. Members will not bring new Questions next week. So, could we allocate special time for such deferred Questions? During such time, the normal business of **[Mr. Angwenyi]** the House should be suspended to allow hon. Members to ask the Questions. Otherwise, we will be prevented from asking urgent Questions.

Mr. Speaker: Hon. Members, I duly agree with Mr. Angwenyi. I have said a thousand times that when an hon. Member's Question appears on the Order Paper, he is duty-bound to appear here and ask it. In the past, I said that I will not consider reinstatement of dropped Questions unless valid reasons for absenteeism are given. As for the Ministers, who are bound---

(Mr. Mokku consulted with Mr. Sirma)

Mr. Speaker: Order! Order! Could you listen, Mr. Mokku?

The Assistant Minister for Roads and Public Works (Mr. Mokku): We are listening, Mr. Speaker, Sir.

Mr. Speaker: I further said that Ministers who have Questions to answer must come to this House and answer them. There is no doubt that there will be instances where, because of the nature of the Question, the answer may not be readily available. An example is the Question concerning a person who died in Sudan, which was brought here by private notice. We can understand such instances. However, regular Questions must be answered immediately. So, I agree with Mr. Angwenyi. In one way or the other, most of you contribute to deferment of Questions. I hope that it will not happen again.

Eng. Toro: On a point of order, Mr. Speaker, Sir. Would I be in order to suggest that when a Minister asks for the deferment of a Question on the basis that the information he has is scanty, he be required to give the unsatisfactory answer given to the hon. Questioner? In the absence of a written answer, we cannot tell whether such an hon. Member will be misleading the House or not.

Mr. Speaker: I will say two things about that proposal. Firstly, it would be very unfortunate if it were true that a Government official would choose to give a Minister incorrect information. If that were to be true, it would be most unfortunate that the Minister does nothing about it.

Secondly, I think the Minister ought to give you the answer. However, if the Minister thinks that the information given is not right, then he should not expose himself. So, Ministers, please, do not come here and tell the House that you are unable to handle civil servants under you. In effect, that is what you would be telling us.

Let us proceed to the next Order.

POINT OF ORDER

LOSS OF LIVES IN KAKAMEGA DISTRICT

Mr. Munyao: On a point of order, Mr. Speaker, Sir. I rise to ask the Minister of State, Office of the President, in charge of internal security, to issue a categorical Ministerial Statement explaining how the lives of some people were lost in Kakamega District before persons who took oath to safeguard the lives of Kenyans. In that incident, four people died, and several others were hospitalised. So, I would like the Minister to assure this House that the more than 40 people who have been hospitalised will be taken care of by the Government.

Mr. Speaker: Mr. Kochalle, are you prepared to issue the Ministerial Statement sought?

The Assistant Minister, Office of the President (Mr. Kochalle): Mr. Speaker, Sir, I am not prepared to issue the Ministerial Statement. So, it will be issued on another day.

Mr. Speaker: Very well; let us proceed to the next Order.

COMMITTEE OF SUPPLY

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

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Vote 12 - Ministry of Local Government

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

Mr. Speaker, Sir, I would like to thank you and this august House for giving me this opportunity to present both the Recurrent and Development Votes of my Ministry. As hon. Members are aware, the Ministry is essentially a service Ministry, whose main role is to advise, co-ordinate, support and guide the 174 local authorities throughout the Republic by enhancing quality service delivery, citizens' participation, economic governance and accountability. To sustain the reform momentum, achieve the objective of improved local service delivery and enhance economic governance for all the local authorities throughout Kenya, my Ministry will focus on six related areas of priority as follows.

The enhancing of local government finances through the continued implementation of revenue sharing programme, particularly the Local Authorities Transfer Fund, and strengthening of local revenue mobilisation capacity, particularly through rates and user charges, reform and implementation of the single business permit; the strengthening of financial management capacity, accounting control and audit mechanisms; the review and amendment of the Local Government Act, Cap. 265; the implementation of a citizen-driven planning process through individual Local Authority Service Delivery Action Plans (LASDAPs); the development of the decentralisation policy and the integration of Local Government finance into the Medium-Term Expenditure Framework (MTEF), and the implementation of a more focused monitoring and evaluation system of local authority activities.

In addition, my Ministry will continue to strengthen the Kenya Local Government Reform Programme Technical Secretariat to support the basic administration of Local Authorities Transfer Fund and single business permit mechanisms. At the same time, the review and harmonisation of the Local Government Act, Cap. 265, with other Acts of Parliament, will be given priority and accelerated.

Mr. Speaker, Sir, to achieve these objectives, I will request the House to approve a total of Kshs6,355,844,900 for my Ministry during the current Financial Year 2002/2003, out of which Kshs3,804,156,100 will be for Recurrent Expenditure. The total amount required for Development Expenditure is Kshs2,551,688,800.

I want to talk about the Kenya Local Government Reform Programme which requires Kshs3,635,216. Allow me to emphasise that my Ministry is fully committed to the reform of the Local Government system, and continues to demonstrate this commitment at the policy, programme and project levels. The main objectives of the reform are to:-

- (i) improve local service delivery;
- (ii) enhance economic governance and accountability; and,
- (iii) reduce poverty in line with the Poverty Reduction Strategy Paper.

To date, my Ministry has received encouraging results from local authorities in the form of:-

- (i) timely submission of improved budgets;
- (ii) formulation and implementation of local debt resolutions plan;
- (iii) production of abstracts of accounts for the financial year 1999/2000 by all councils; and,
- (iv) preparation and submission of local authority service delivery action plan, through a consultative process with the citizens.

My Ministry intends to build on the on-going work to make local authorities more accountable and responsive to the needs of the people. To sustain the momentum of the Local Government reform process, my Ministry would like to request for strong and continued support from hon. Members to all local authorities in Kenya.

Let me talk about the Local Authorities Transfer Fund (LATF). The Local Authorities Transfer Fund Act was

passed by this House to provide funds and incentives to local authorities to improve local service delivery, financial management and debt reduction. LATF is essentially a mechanism to enhance local authorities' revenue base by giving them access to the more buoyant Income Tax base of the Central Government. It provides local authorities with important revenues, while providing the Central Government with a mechanism to further encourage and guide the local Government reform efforts.

Mr. Speaker, Sir, the LATF funds are allocated and disbursed on an objective and published criteria. The LATF Advisory Committee was established under Section 8 of the LATF Act to advise the Minister on the operations of the LATF, and has since met and approved the recommendations for disbursement allocation criteria for the financial year 2002/2003, which were gazetted by the Ministry of Finance and Planning on 19th April, 2002. During the year, a total of Kshs3,267,000,000 will be disbursed. At this juncture, I wish to request hon. Members to continue monitoring the usage of the LATF funds through their respective councils and the LATF annual Report. The 2000/2001 edition is already out and has been distributed to hon. Members of this House. For this financial year, 65 per cent of the disbursement will be for service delivery support, which is subject to the following conditions.

(i) Capital expenditure by local authorities should not be less than 50 per cent of the amount allocated under the service delivery account.

(ii) At least, the personnel expenditure should not exceed 60 per cent of the total recurrent expenditure.

(iii) Payments of all statutory charges are to remain current.

The remaining 35 per cent will be disbursed subject to the following performance criteria being met by local authorities.

(i) A statement of revenue expenditures.

(ii) Cash and bank balances for the financial year 2001/2002 duly certified as a true record by an auditor.

(iii) Statements of debtors and creditors are provided and an implementation of debt reduction plan is confirmed.

(iii) A revenue enhancement plan is developed.

(iv) An abstract of accounts for the year 2000/2001 is submitted and a local authority annual service delivery action plan with evidence of community participation is submitted for the year 2003/2004, and for two subsequent financial years. Mr. Speaker, Sir, to encourage the prompt use of this additional LATF money in the local authorities, my Ministry will hasten the approval of all local authorities' budgets and finalise the approval within 60 days of submission. I can assure hon. Members that my Ministry will accelerate the budget review and approval process.

I would also like to talk about the licence reform of single business permit. As the hon. Members know, the Government has undertaken a major business licensing reform aimed at deregulating the business sector to encourage greater economic growth and create employment, as well as reduce the administration and compliant costs, control, regulate and maintain information on the private sector activities by introducing the single business permit. I can now report that all local authorities have adopted the new system. In addition, the Local Government Act was amended to introduce a 3 per cent penalty on all late payments for the single business permit.

In order to avoid double trade licences for accountants, advocates, doctors, architects and other professionals, amendments were made to the various controlling Acts to cancel the trade licence fees payable to the Central Government by these professionals. Since the adoption of the single business permit by local authorities, the majority of local authorities have experienced resistance to pay for the single business permits by professional business persons. Subsequently, these local authorities have not collected single business permit fees from these professionals. My Ministry, in conjunction with the Ministry of Finance and Planning and the Office of the Attorney-General, has initiated dialogue with the affected professionals, with a view to reconciling the differences between them and the local authorities on payment for the single business permits. My Ministry has continued to consolidate the implementation of the single business permit by holding consultative meetings with the local authorities and the stakeholders.

I want to talk about financial management and revenue mobilisation. I have mentioned previously that the area of financial management and revenue mobilisation has been a major challenge in our local authorities. My Ministry is in the process of strengthening financial management and accountability at the local authority level. Towards this end, concerted efforts have been focused on developing improved financial management systems directly linked to business licence reforms and property rates. These computer-assisted systems are capable of assessing billings and monitoring the collection of local business permit and property rates. This system will provide local authorities with operational revenue and expenditure control mechanisms that can easily be expanded to include all local financial operations.

Mr. Speaker, Sir, the Ministry is also undertaking reforms to improve service delivery. A number of important policy reforms related to commercialising the management of local services, notably garbage collection and water supply, have been undertaken. One major effort has been focused on the commercialisation of water and sewerage services through the formation of water management companies.

Mr. Speaker, Sir, I will now come to the Nairobi City Council Interim Oversight Board. Arising from the recommendations contained in the Nairobi City Council Extraordinary Inspection Report - the Mbogua Report - my Ministry has established an interim oversight board to implement the report. This is an initiative which was intended to deal with the financial problems facing the Nairobi City Council.

The Government operationalised the interim oversight board beginning with the financial year 2000/2001. The Board has managed to assist the council in updating its abstract of accounts and the Ministry requires Kshs19 million to develop the initiative in the current financial year.

General Administration and Planning - Sub-Vote has been given Kshs150,511,357. A sum of Kshs151,050,511,357 will be required to enable the Ministry to pay salary for staff and carry out general administration at the headquarters as well as in the provinces.

Mr. Speaker, Sir, with regard to contribution in lieu of rates, my Ministry will continue working closely with the Ministry of Finance and Planning to ensure that the Central Government fulfils its obligations relating to contribution in lieu of rates by paying what is due to the local authorities. The annual contribution in lieu of rates is in the region of Kshs400 million. The Government of Kenya is indebted to local authorities to the tune of Kshs1.5 billion. This has adversely affected service delivery in many local authorities.

I will now come to Development Expenditure. In my earlier remarks I mentioned something about the local authorities levy rates, various fees and charges on various items to finance the recurrent expenditure and some other capital projects. These sources, however, are inadequate for them to undertake major capital projects within their area of jurisdiction. This has forced them, together with Government assistance, to undertake capital projects through grants and loans from friendly donor countries and agencies. My Ministry is seeking Kshs2,551,688,800 to finance capital projects in needy local authorities during the current financial year.

The Government of Kenya, in collaboration with the World Bank, has assisted my Ministry to rehabilitate and maintain urban roads through the Kenya Urban Transport Project. The project has mainly addressed road maintenance in 26 towns spread across the country, namely; Nairobi, Mombasa, Kisumu, Nakuru, Eldoret, Bungoma, Busia, Embu, Garissa, Homa Bay, Kabarnet, Kajiado, Kakamega, Kapsabet, Kericho, Kisii, Kitale, Machakos, Wote, Malindi, Meru, Murang'a, Narok, Nyeri, Thika and Voi. The aim of the project is to increase the economic efficiency of the urban road network and to build a sustainable road maintenance capacity in the project towns. The credit has been under suspension since October 2001 owing to allegations of misprocurements and impropriety. The Government of Kenya and the World Bank are working together to finalise investigations with a view of having the suspension lifted. Once the suspension is lifted, my Ministry will require Kshs1.2 billion to complete ongoing works.

Mr. Speaker, Sir, my Ministry will require Kshs333,173,431 to implement other projects as follows: Environment and Urban Development Training Project, the Urban Water and Sanitation Management Project, minor alternations and maintenance works, local authority reform projects, interim oversight board, small towns development project and poverty reduction reoptimising the local governance systems in Kenya.

Mr. Speaker, Sir, my Ministry will require Kshs1,018,515,369 during this financial year to implement water and sewage projects in Nyeri, Mombasa, Kisii, Eldoret, Kapsabet and Bungoma towns.

Mr. Speaker, Sir, in conclusion, I wish to thank all hon. Members in this House for the invaluable support they have given my Ministry in the past. I also wish to assure this august House that the funds voted for my Ministry will be used strictly for the purpose they are voted for.

I beg to move that Parliament approves a sum of Kshs6,355,844,900 to meet both Recurrent and Development Expenditure for my Ministry for the fiscal year 2000/2003.

Mr. Speaker, Sir, I beg to move.

The Minister for Science and Technology (Mr. Ndambuki): Mr. Speaker, Sir, thank you so much for giving me this opportunity to second this Motion of the Ministry of Local Government. The Ministry of Local Government, as everybody knows, is really involved in almost every district of this country and the kind of work the Ministry is doing is very commendable and it really needs to be given more money so that it can give us the services we require in the urban centres and also in the county councils.

Mr. Speaker, Sir, if you travel in this country you will find that most of our centres do not have tarmacked roads and this is due to lack of funds. I would like to see the Ministry is given more funds to tarmack some of these roads.

Mr. Speaker, Sir, as the Ministry said, the Local Authority Transfer Funds (LATF) which have been sent to every county council have been doing a very good job although in some cases we would like to ask the Minister to make sure that these funds are accounted for because most of the times the projects for which these funds are allocated are not done to the satisfaction of wananchi. Also, in some of the county councils, the councillors go for a long time without funds although we know that the Ministry is not the one which really gives the salaries. We would like to ask the Minister to also pay attention to some of these delays in paying the councillors salaries because when they do not

receive their salaries they end up using LATF and fail to give services to wananchi.

Mr. Speaker, Sir, we know some urban centres where the supply of water was being run by some county councils, but now they have abandoned those boreholes and units where the water was coming from. We would like to ask the Ministry to allow the urban centres to use those boreholes so that they can supply water to the citizens. For example, in Machakos town, there are so many boreholes which were being used, some years back and now they are not being used leading to a water shortage in the town. We would like to see these boreholes revived so that they can supply water to the local authorities. Also, we would like to request the Minister to restore the Kenya Urban Infrastructure Programme (KUTIP). We know that most of the towns like Nairobi, have been tarmacked through the KUTIP. But now it has been suspended and some of the projects which were going on have stalled. We urge the Minister to ensure that KUTIP is put back in place so that our roads which have not been tarmacked, and which have not been earmarked for tarmacking, are tarmacked.

Mr. Speaker, Sir, another area where we are concerned about is licensing. You will find that most of the local authorities hike the licence fees without informing the businessmen. We would like to have some controls on the licence fees so that our businessmen are not put out of business.

The other issue is the planning of towns. If you visit some local authorities, you will find shops which have been planned well, but in the middle, you will find other structures coming up. Now, all these people do not pay equivalent licence fees. Let there be some control. If it is a question of kiosks, a provision should be made on where they can build them so that they allow other people to do their businesses.

I would like to thank the Minister because some parts of Nairobi are now being cleaned every morning. I think that is what we require to make sure that Nairobi is clean. Even on the lighting of the City, we would like to see it lit very well to reduce incidences of mugging.

Mr. Speaker, Sir, on the question of staffing, some local authorities are overstaffed and efforts should be made to reduce staff to manageable levels. This will enable local authorities to pay them in time instead of delaying their salaries. Once their salaries are delayed, the revenue collected by these employees ends up being misappropriated. We have seen many local authorities being run down. It is not because they are not collecting revenue, but the revenue they collect is not put into use. It is misappropriated by a few people. That is not what we want. We want whatever is collected to be used well so that we can get the services we require.

Mr. Speaker, Sir, on the question of auditing of local authorities, it should be enforced. If we audit these accounts after one or two years when the officers who had been mentioned adversely have been transferred to other places, it would not help us. The auditing should be done according to the financial year so that, if there is any misappropriation, whoever is involved can be held accountable.

Mr. Speaker, Sir, the other issue is about the councillors. It is true that we need councillors, but we need people with dignity and people who can represent their people well. They should also be able to understand exactly what is going on in their areas, and they should be ready to serve their people. Even the officers who are seconded to the local authorities should do their work well. This issue has caused a lot of concern to various local authorities. You send officers there to serve the people, but when they reach there, they collude and misappropriate funds and then they are transferred to other areas. We would like this trend to be stopped.

The Minister should make sure that if one of his officers messes up at his station, he should not be transferred to other places to cause the same problem there.

With these few remarks, I beg to "move".

Mr. Speaker: What are you moving?

(Laughter)

The Minister for Science and Technology (Mr. Ndambuki): Mr. Speaker, Sir, with these few remarks, I beg to second.

Mr. Speaker: That is better!.

(Question proposed)

Mr. Muite: Mr. Speaker, Sir, in supporting this Motion, I would like to emphasise just how extremely important the Ministry of Local Government is. If we are going to make a difference in terms of rationalising and bringing stability in respect of local authorities, we must use local authorities for a more equitable redistribution of the resources of this country. So, it is not just an issue of allocating a budget to run the different local authorities. In the new constitutional dispensation, we must aim at using the restructured local authorities to redistribute more equitably the national resources.

I want to appeal to the Minister to have that in mind because, also, *ya Mungu ni mengi, huenda ikawa*; who knows; he may well be the President in the next Parliament. Therefore, I want to emphasise just how important the local authorities are.

Mr. Speaker, Sir, if the Coast Province is bringing to the national economy a certain amount of money because of tourism, where is the formula of ensuring that a percentage of the income is ploughed back through the local authorities to benefit the people of Coast Province? Where is the formula for ensuring that a percentage of the income that comes to the national economy from national parks; for example, in Samburu and Maasai Mara, is ploughed back through the county councils, to the people of Samburu and Trans Mara, so that we can have a more equitable distribution of resources? What we need in order to strengthen the local authorities is for the Central Government to ensure that the auditing and the policing is good because we do not want this money to be taken to the local authorities to be misappropriated. Also, we want the Ministry to support the strengthening of local authorities. Very many local authorities are in problems because all matters are left in the hands of the elected councillors. The chief officers, most of whom are truly very inefficient and corrupt, are controlled by the Ministry. So, effectively, although those who elected the councillors keep complaining about them, the councillors are powerless. They cannot move or do anything without authorization from the Ministry of Local Government. So, they are rendered impotent as the local authorities will be the ones responsible for hiring and firing.

Mr. Speaker, Sir, when you have got a situation where the chief officers can ignore the councillors as long as they have got the support of the Minister of Local Government and the Permanent Secretary, that is a recipe for disaster. We have been going on our knees to get some clerks of town councils transferred because their job is to allocate plots and to facilitate land grabbing. The councillors, chairmen of county councils and mayors do not want this, and yet they are powerless. They are actually under the control of the chief officers, and the local authorities have got nothing to do with the hiring of these chief officers. They are not even responsible to the actual grassroots people of that particular local authority.

I would urge that even as we support this budget, this rationalisation should be looked into. When we are rationalising these local authorities, we should revisit the issue of unviable local authorities. Let us look at the whole country and come up with viable and rational arrangements of local councils. We should not have so many councillors in a small area which cannot even support the emoluments of those councillors. Last time when we were discussing the Statute Law (Miscellaneous Amendments) Bill, I was unfortunately told that I cannot move an amendment.

Mr. Speaker, Sir, I would appeal to the Minister to take this opportunity to remember the elected councillors. These are the people who do a very difficult job at the grassroots level. They have to attend every fund raising for funerals because the Minister knows we cannot afford to bury people without holding Harambee's. The councillor must be a guest of honour in the Harambee in order to raise funds to bury people. He is also expected to officiate at weddings and other functions. Even before the people come to the Member of Parliament, the first port of call is the councillors and the chairmen of county councils, and yet we do not remunerate them. They should be remunerated from the Ministry of Local Government. We should seek reasonable emoluments for these people if we intend to encourage them to stop land grabbing and other corrupt practices. We cannot leave these responsibilities to them and make demands on their resources without remuneration. Let us fix the remuneration uniformly from the Vote of the Ministry of Local Government.

I am urging that next year, the Ministry looks into ways of amending the law so that the councillors will be paid an adequate remuneration across the board in the entire country from the Vote of the Ministry for Local Government.

Let us---

(Loud consultations)

Mr. Speaker: Order, hon. Members! I suppose we are all sitting here to hear what the contributors have to say.

Proceed.

Mr. Muite: These are the people who are opposed to the "project".

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

Mr. Speaker: Order!

Mr. Muite: I apologise. It was a slip of the tongue.

Mr. Speaker: Order! Mr. Muite, this is the fourth time I am telling hon. Members not to use derogatory names on other Members. You must now proceed there and apologise to this House.

Mr. Muite: Mr. Speaker, Sir, I apologise. In apologising, I wish to add that I did not use that in a derogatory manner. It is not derogatory at all!

Mr. Speaker: Order, Mr. Muite! There is no condition attached to my order.

Mr. Muite: I have apologised, Mr. Speaker, Sir. It was a slip of the tongue regarding my very good friend from Kiambu, where I also come from.

Mr. Speaker, Sir, I wanted to say that a person like the mayor of Nairobi is---

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. Hon. Muite is referring to a friend of his from Kiambu. Who is this friend?

Mr. Speaker: Order! Must you know all his friends?

Proceed and ignore that!

Mr. Muite: Mr. Speaker, Sir, I was talking about the responsibility on the shoulders of persons like the Mayors of Nairobi, Mombasa and Kisumu. If we, as Members of Parliament have actually increased our emoluments to the current level, surely a sum of Kshs250,000 per month for the mayors of Nairobi, Mombasa and Kisumu is not unreasonable.

Mr. Achola: On a point of order, Mr. Speaker, Sir. You have just ruled that Mr. Muite was out of order for using the word "project", and that, that word is derogatory. What do you mean?

Mr. Speaker: Exactly what I said.

Proceed.

Mr. Muite: Mr. Speaker, Sir, my time is very limited. The point I wanted to make is that we should fix these levels of remuneration for the mayors of the major cities. The chairmen of the bigger county councils should be entitled to at least Kshs100,000 a month. Councillors should be entitled to about Kshs50,000 per month. Let us make this money payable to these people from the Ministry's Vote.

Mr. Speaker, Sir, I wish to support and wish hon. Kenyatta and all the other candidates success. May the best man win.

The Minister of State, Office of the President (Mr. ole Ntimama): Thank you, Mr. Speaker, Sir, for giving me this opportunity to speak a little bit on the Vote of the Ministry of Local Government.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, like I said when I stood to contribute on the Motion of the Ministry of Roads and Public Works, sometimes one finds it very difficult to support a Vote when you do not really know whether it will provide services to the people on the ground. Anyhow, I wish to support this Vote.

The local authorities are a very important institution in this country. It is a fact that during the contribution and presentation of views to the Constitutional Review Commission all over this country, everybody supported the creation of strong, viable local authorities. They even went further and said that the structure of the local authority - for those who have read the draft constitutional review report - should go right down to the village level. This is so important because people want to be in charge of development in their local authority. They want the local authority to be a people's local authority, so that the people can own and have a stake as far as the local authority is concerned. This will ensure that they are masters of their own house and they will be able to share in the development of the local authorities in the best way.

We need to develop local authorities democratically and make sure that there is proper management of resources. We must also curb looting in councils. Today, most of our local authorities are dens of thieves. What is happening in most local authorities is outright looting. In fact, they are looting with gusto right now. I am glad the Minister is here. I was listening to his presentation and I was very happy with what I heard. I think he delivered it very efficiently. I wonder whether the Ministry of Local Government is able to control some of the activities that go on in these local authorities in as far as looting, embezzlement, land grabbing and stealing of council property is concerned. I wonder whether the Ministry is really able to control these malpractices. From the look of things, they are either unable or unwilling to control some of these things. This is very unfortunate. This is because if you look at some of these things, right now, and I hope this has nothing to do with derogatory language or whatever, we are in the middle of a campaign of the political divide of some sort. Fortunately, or unfortunately, the Minister for Local Government is in his own campaign, and people are in another campaign. This is now the dilemma. You see, some of the people are also divided in the country, and much more so in the local authorities.

Some people who are on the other side of the political divide think that they are alienated. Some people who are on this side of the political divide think that they have a licence to loot. These are the things that we must watch because, otherwise, we are going to get into bigger trouble because the local authority is the "mother" of democracy.

Definitely, if we want to make the economy of this country grow, we have to start at the bottom; we have to start at the local level. If there is chaos, total mismanagement and lack of control in the local authorities, then, there is nothing we are doing. Because, for example, in my own area, Narok County Council was the richest council in this Republic. Now, it is the poorest. They cannot even pay their electricity, water and telephone bills!

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members!

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Deputy Speaker, Sir, they cannot pay bursaries for our children, when as a matter of fact, we wanted this council to support education and development in some of these marginal areas. It cannot, because people are looting. The Mara area is being subdivided into pieces, and it is going to individuals! That is where the revenue is being collected. Either the local officials of the authority do not want it or they are part of it, or they are condoning or they are colluding in all these activities that are happening in this area. Otherwise, if they are not, then, they must do something.

The other day I reported to the Ministry that the Narok Town Council is not moving because people do not meet. It is the Chairman, Treasurer and the Clerk who know what to do. The council has never met again. If there are no meetings of the council, then, there is no council. I do not know! I have also been the Minister for Local Government, and I know this. But the fellows have been let to go free, because they think that they are being supported by some very high-powered people somewhere. We have lost! You may hear that the Treasurer has stolen a lot of property from the county council. The police have got the property, but they have been told not to prosecute. These are some of the things, and the Chairman goes on grabbing the land in the town and selling it and pocketing the money.

I have informed the Ministry of Local Government, right from the bottom to top; from the province to the top here, and I do not know what is happening. Nothing is happening at all! There is a token movement of sending a few inspectors there, and they come back to the Ministry with bogus reports, just because they have been compromised. Some of these things are very annoying. They are annoying the public indeed. We would like to see service being given to the people because the local authorities are the most important institutions in this land. When we talk of corruption in some of these areas, I think this is a scourge that we must start fighting right down from the local authority, upwards.

It is very difficult to say this because it is a fact known by everybody, that, the anti-corruption team headed by the famous Judge Ringera was thrown out of the window as unconstitutional. Then, the President invited another group the other day - the Risk Group - which made a long and very elaborate report with a lot of recommendations. Nothing happened! It is gathering dust in some of the shelves of very important people. We have got the Anti-corruption team right now, and I know Mr. Swaleh Slim as a very good and important officer, but for sure, I am very certain that his hands are tied. He cannot do anything because somebody tells him not to. There are some untouchables and there are some areas that he cannot go in.

Let me say very frankly that we are prepared to support the Minister for his efforts, but there must be absolutely concrete efforts. People must go out and stop these criminal things that are happening in this area. I have just said that the Mara area - a sacred piece of land - is now being grabbed and divided into individuals. Some of them are receiving the revenue and everybody is keeping quiet in the Government, from the local authority upwards, because they have been given a licence to steal; a licence to alienate other people. I think I would like the Minister to take it very seriously upon himself to see to it that some rationalisation is done in some of these local authorities so that the people get services. Right now, nobody would tell me, including this side or that side, that any local authority is providing excellent services to the people; that is water, housing and other things. It has become a show of individual looting, sometimes with the support of the top echelon of the people in this country.

I want to end by saying that I reluctantly support the Vote.

Mr. Kihoro: Thank you, Mr. Deputy Speaker, Sir. I thank the Minister for Local Government for very ably moving the Vote. I find that there are only 10 pages of documentation for the Vote of the Ministry of Local Government in this 1,000 page Estimates. But, indeed, the Minister has tried, and I congratulate him for doing his job very well. I thought this Vote would be styled in a different way when we have a different Minister.

We are very used to having Mr. Kamotho move the Vote for the Ministry of Local Government. I thought the advent of Mr. Uhuru Kenyatta is going to bring a new way of doing things to the Ministry of Local Government. That is not what I have found. I did today look at the other Votes from the Ministry of Local Government, and I find no change. I did not find what we are looking for in the 10 pages that are included in this Vote.

Mr. Deputy Speaker: Order, Mr. Kihoro! Just explain yourself! Are you talking about the Minister's presentation today, or the way they conduct their business?

Mr. Kihoro: Mr. Deputy Speaker, Sir, I was trying to look for a difference in what is contained in the Vote,

and I have not found it. The traditional approach used by Mr. Kamotho is what I have found out. The Minister did not move away from the traditional way. I thought that we are going to get something new.

I did find in the Vote that there are LATF funds that have been allocated; Kshs3.2 billion has been allocated. They are contained in the Vote without any explanation. I thought, maybe, there could be a breakdown to enable hon. Members to debate the Vote with authority, so that we know exactly what is happening in respect of LATF funds. I can see that the Ministry is also proposing next year to use as much of Kshs3.6 billion, and in the year 2004-2005, to use Kshs3.9 billion. So, I find it very difficult then to debate a Vote where the amount of money is kind of given to me in a lump sum in the LATF funds. That comprises nearly 40 per cent of the Vote. I thought, to be able to debate properly this Vote, there should have been a breakdown. If there is a breakdown in this Vote, where even an expenditure of Kshs1,000 is put down, and it is indicated exactly how it is going to be spent, I wonder then why we cannot have a breakdown on the spending of Kshs3.2 billion which is put down as one lump sum. I hope that--

The Assistant Minister for Local Government (Mr. Sirma): On a point of order, Mr. Deputy Speaker, Sir. The Local Authorities Transfer Fund (LATF) was established under an Act of this Parliament. The regulations governing it provide for a fraction of the total income--

Mr. Deputy Speaker: Order! Mr. Sirma, what is your point of order?

The Assistant Minister for Local Government (Mr. Sirma): Mr. Deputy Speaker, Sir, my point of order is that Mr. Kihoro does not understand the conditions.

Mr. Deputy Speaker: Order! Mr. Sirma, I think you should do better than that. This is the Vote of your Ministry and you should give hon. Members an opportunity to talk about it so that you know where you need to improve. You did not rise on a point of order, but you were giving him information. Mr. Kihoro says he is so well informed that he does not need your information.

Mr. Kihoro: Mr. Deputy Speaker, Sir, thank you very much for protecting me.

The point I am making is that we are talking about a budget of Kshs8 billion. Within that [**Mr. Kihoro**] budget, we notice that LATF has been allocated Kshs3.2 billion. How can we be able to debate it with authority when there is no breakdown of how these funds will be used? Indeed, I do not know what is being proposed. Some hon. Members have said this money is being spent on councillors' salaries. I cannot disprove that. Since it is possible to indicate an item of Kshs1,000 in the Vote, why should this LATF allocation be lumped together as Kshs3.2 billion, without any indication as to how it will be spent?

Mr. Deputy Speaker, Sir, presently, we have got three cities in this country. We have Kisumu and Mombasa cities, in addition to Nairobi which became a city in 1950. I expected to see some difference in terms of funding because I do not think that a municipal council is the same as a city. I thought there will be certain indications to show how much money will go to specific cities or municipal councils. The other day, when I went to Kisumu, I could not tell the difference between the old Kisumu Municipality and the present Kisumu City.

Mr. Deputy Speaker, Sir, with regard to the Local Government Elections, I thought it will be possible to have better administration in our municipalities. The question of the payment of salaries to the councillors is very important. Some hon. Members have talked about better remuneration for councillors. It is very important to pay the councillors well because they will provide better services in their local authorities.

As it is now, there is a lot of land grabbing in the local authorities. Land grabbing is very rampant in our local authorities and councils. Indeed, there are no plot allocation committees in our municipalities and councils. But the sad thing is that plots are being allocated.

Mr. Deputy Speaker, Sir, another aspect which I would like to comment on is the sale of Government houses. Some of these houses are occupied by high-level officers in the Ministry of Local Government. I wonder what will happen if we sell all the houses that were built 40 to 50 years ago. What will happen to the administration of the local authorities? How are we going to trace our mayor? Would you move around the 3 million people, looking for the mayor of Nairobi because there is no specific place where he resides? There are no specific places where senior officers of the council reside. Eventually, they will end up residing in Embakasi. We cannot get a mayor even in the case of an emergency.

An hon. Member: He is a crook!

Mr. Kihoro: Mr. Deputy Speaker, Sir, we will get a better mayor in due course when we go for election.

The sale of the Local Government houses in all local authorities is something that has been ongoing. It means that in another five years, we will not be able to find a councillor or a municipality official even in the case of an emergency. Many of them may go into hiding in Korogocho, whereas we could give them great respect if only we could preserve the existing houses. It will not cost this Government anything to retain these houses. There is no need of selling them at Kshs2 millions because you will spend it the following day. We need to have houses for the councils' officials and councillors.

The last point I would want to make is about the roads that are being built in the local authority areas. M/s

Victory Construction Company is notorious in building substandard roads in most of our local authorities. They are awarded many contracts under the Kenya Urban Transport Infrastructure Programme (KUTIP), but they do substandard work. For example, they constructed roads in Nyeri and Machakos. These roads are not acceptable to our people because they are of substandard quality. If you go to Embu and Meru, among other towns, it is the same company that is being awarded all the contracts. You wonder what they do to get these contracts. How come they get these contracts in all our local authorities? That is for the Minister to tell us later on.

Mr. Deputy Speaker, Sir, the Nairobi Valuation Roll caused a lot of problems because they inflated values of the houses and plots. These plots and houses became the subject of high rates. That needs to be reviewed.

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

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this very important Vote.

I want to join my colleagues, especially Mr. Muite, to wish the hon. Minister for Local Government the very best in his presidential campaign. I am sure he will be the next President after President Moi retires.

Mr. Deputy Speaker, Sir, this Vote is very important because it involves the management of the local authorities in this country. I have a very important issue to raise with regard to Wajir County Council. The residents of Wajir, since time immemorial, have used bucket latrines. Every year we go through the Budget. In the last five years I have observed that the Ministry has made a deliberate attempt not to find sufficient funds to service the sanitation programme in Wajir Town, to ensure that the people of Wajir County Council never again rely on bucket latrines.

[The Assistant Minister for Foreign Affairs and International Co-operation]

I would like to appeal to the Minister and his staff that when they prepare the budget next year, they should improve sanitation services, either through donor-supported programmes or internal resource mobilisation. They should find ways of addressing these problems. Secondly, we in Wajir County Council have appeared before the Electoral Commission---

*(Mr. Ndicho consulted with officials
on the Civil Servants Bench)*

Mr. Deputy Speaker: Order! Mr. Ndicho, if you want to consult extensively with those officials, you must go to the Back Bench.

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): Mr. Deputy Speaker, Sir, we have had the opportunity to appear before the Electoral Commission, where the wards in Wajir County Council have been reduced substantially. We know that quite a number of councillors in Wajir have got huge outstanding arrears in terms of salaries and allowances. Since the Wajir County Council cannot sustain the current number of councillors, I would like to request the Minister to look for ways of financing them.

Mr. Deputy Speaker, Sir, the Ministry, in conjunction with the relevant Departments of Government, created those wards when they knew exactly that the town council could not sustain the payment of their salaries.

Mr. Deputy Speaker, Sir, for them to feel they have given sufficient services to the residents of Wajir - quite a number of them might not be able to seek elective posts in future. I would like to request the Minister - and I am happy that the Ministry officials are here - to raise some funds, even by trying to see whether they can be able to get some little funds from the Local Authorities Transfer Fund (LATF), to pay the councillors in Wajir because they have been given their services and we are quite happy with them. The wards have been reduced substantially and quite a number of them were scrapped. We will be quite impressed if they can be able to be given some little amounts of money.

Secondly, when the wards were being reduced, there were certain constituencies where sufficient thoughts should have been put. For example, we have Wajir South Constituency which has a huge size. As the local Member of Parliament, I have got 27,000 square kilometres to cover. The settlements are far apart and they all require the support of a councillor. Therefore, I appeal to the officers who are present here this afternoon to consider that, even though they have gazetted and increased the wards in Wajir South by a minimum of three more wards---

Mr. Deputy Speaker, Sir, I would like to request the Minister to consider Wajir County Council because it has had serious managerial problems over the last couple of years. Some changes are happening. He should be able to monitor that council very closely, so that the end benefit trickles to the residents of Wajir Town and the district as a whole. In the same light, I would like to appeal to the Minister to consider elevating Habaswein to a town council status, so that the residents of that area could benefit. Habaswein is a fast-growing centre and it is located on the main Garissa-Nairobi Road. It can be able to sustain its own council. Revenue can be collected because it has a big market. I would like to appeal to the Minister to see how the council could be elevated, so that we can be able to have services closer to the residents of that part of the district.

With those few remarks, I beg to support.

Mr. Mwenje: Thank you, Mr. Deputy Speaker, Sir. I also wish to add my voice in saying that, maybe, we should allow the Vote of this Ministry, minus something like Kshs20. We should deduct Kshs20 from the Vote of the Ministry because we have not been receiving the right services that we should receive. We get a very raw deal from the Ministry of Local Government. We do not get the right services from the local authorities and, in particular, the Nairobi City Council (NCC). We hardly get any services from the NCC. As Mr. ole Ntimama said, all that is going on there is pure looting all the time! There is pure looting, stealing and all other kinds of ills. That is what we receive from the local authorities and, in particular, the NCC where my constituency lies.

Mr. Deputy Speaker, Sir, the Minister referred to the LATF. We do not know how the money that the local authorities receive from the Government is spent. We have never seen any services rendered using the LATF money at all! They do not even construct any roads with the LATF money. If anything, we use the Kshs5 million constituency funds which also has labour camps. When we try to bring the LATF funds to be considered under the contingency committees, the Mayor does not attend any meetings! He is a member but he never attends the meetings. That is because he does not want to be questioned about the LATF funds. I hope the Minister will note that the LATF funds are squandered by the local authorities because it is not spent anywhere to offer services to the people. We have never seen anything being done with that money!

Mr. Deputy Speaker, Sir, we also have the cess money. If you go to places upcountry where the coffee cess is supposed to be paid to the local authorities, there are no services offered using that money. In fact, in Thika, what is happening today--- I specifically refer to Thika! What is happening is that money is collected and it goes to individual accounts of particular people. The money is not collected by the local authority. It goes to individuals.

Mr. Deputy Speaker, Sir, the Ministry of Local Government has a duty to check why that money goes to individuals and it does not end up with the local authorities. Therefore, the people never get any services at all in some areas!

Mr. Murathe: On a point of order, Mr. Deputy Speaker, Sir. Is it not in order for the hon. Member to name those individuals who pocket cess money in Thika District; or he withdraws that allegation?

Mr. Deputy Speaker: He has not named anybody and so---

Mr. Murathe: He has said that, that money goes to individual people's pockets!

Mr. Deputy Speaker: Order! I suppose that money can only go into pockets, but the Member has not named any owner of those pockets!

Proceed, Mr. Mwenje!

Mr. Murathe: That is what we are demanding!

Mr. Mwenje: Mr. Deputy Speaker, Sir, let me proceed! The Member knows how it goes!

Mr. Deputy Speaker: Order! Order, hon. Members! I think, let us be serious about our business! When Members are on the Floor, let us give them an opportunity to express their views. Now, in respect of points of order with regard to what Members say, as I have told you repeatedly, the Member must have breached our rules or he has conducted himself in such a disorderly manner, that you wish to draw the attention to the Chair!

Proceed, Mr. Mwenje!

Mr. Mwenje: Thank you, Mr. Deputy Speaker, Sir. The Minister has told us that 50 per cent of the Ministry of Local Government funds are actually used on Recurrent Expenditure.

It is important that 50 per cent be---

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. You understand the gravity of the issue that Mr. Mwenje has raised here! In fact, I would be very glad because one of the reasons that I have made a lot of noise here, is that money has been "eaten" in Thika Municipal Council! It looks like Mr. Mwenje has information to give to us! I think he should do it!

Mr. Deputy Speaker: Order, Mr. Ndicho! You are now being grossly out of order! You know, you are a good friend of mine sometimes! But you know, they say that the guilty are afraid!

Proceed, Mr. Mwenje!

Mr. Mwenje: Thank you, Mr. Deputy Speaker, Sir. If anything, I thought he would take note of it, so that he can help himself! So, those people said that, of the amount which the Minister referred to, 50 per cent is actually spent on Recurrent Expenditure. It is important to note that more than 20 per cent should be actually spent on Development Expenditure, rather than paying salaries and usual things. That is unfortunate and that situation should be checked.

Mr. Deputy Speaker, Sir, we have seen here, in quite a number of local authorities, where kiosks are built and licensed and yet, on the following day, you find the same local authorities demolishing the same kiosks belonging to poor men! He was licensed and paid money to the local authorities and yet, the following day, that kiosk is demolished. That trend must stop! We saw it happening in Mombasa where kiosks were demolished and a whole

Cabinet Minister standing there to watch! The local authority did not protect those people. It is the same local authority that was used to demolish kiosks in Mombasa and some other places. I was waiting for the same to happen in Nairobi! They would have seen what was going to happen here! We would not have allowed that kind of thing! Could the Ministry of Local Government make sure that poor people's kiosks are not licensed and demolished the following day? That is impoverishing Kenyans and it is robbery without violence - or maybe, with violence - but that should stop in future.

The other day in Nairobi - and we mentioned it here - the Mayor's chain was stolen by somebody who is known! The chain was recovered and is being held by the Commissioner of Police. But, instead of that chain being returned to the NCC, the same local authority asked the Ministry to approve another Kshs20 million to buy another Mayor's chain. The Ministry of Local Government went ahead and authorised the NCC to buy another chain being sold by a company owned by the same people who were buying! How can the Ministry collaborate with the Nairobi City Council (NCC) to have a chain bought when the other one is still there? I would like to say that Kshs10 million has already been paid, and yet the chain has not been brought here. The chain which is here is the one which was stolen. What is this gimmick which is being played by the Ministry of Local Government and the NCC? We should be told this. Whether we are playing politics or not, public funds should be protected. We cannot allow an individual to steal the NCC money, which is public money. The Ministry is supposed to ensure that the NCC money is used properly, but this does not happen.

Mr. Deputy Speaker, Sir, on privatisation of water and collection of garbage which the Minister referred to, we know that the NCC tried to start it, but that was simply a deal which was about to be sealed. I am happy that this has not taken off. Let me put it clearly that those of us who live in Nairobi will not allow those kind of deals to take place. Let the people who live in various estates arrange and have garbage collected. Why do we pay rates to the NCC or the Ministry of Local Government when we do not get services? This is stealing and very unfair to the public who pay rates to the NCC. This is the case, and yet the Ministry of Local Government allows this to go on unchecked. This is very unfair to our people.

The Minister referred to what is commonly known as the Mbugua Report - the Extra-Ordinary Inspection. To date, we have not had this report being tabled in this House. We have demanded that it be tabled in this House. We know a few things which are contained in the report because it was published by the newspapers, but it has not been tabled in this House. We demanded that the former Minister table the report, but he did not do that. The current Minister has also not tabled the report. We know the names which were mentioned in the report. The only reason why the report is not being tabled in the House is because the names of the persons mentioned by it are the same ones which are being protected by KANU. This is serious. We want that report to be tabled in this House. This team used a lot of public money to publish the report. But today, instead of the report being tabled in this House or made public so that we can know what it contains--- It was recommended in the report that some officers be surcharged. There was also recommendation that some councillors should be taken to court, but nothing has happened to date. Why is the Ministry condoning all these criminal activities which are contained in the Mbugua Report? Why have these cases not been acted upon? Is it because some of them are simply KANU players? Let us not politicise some of these reports which we receive. If you have committed a crime, you have and it does not matter whether you are a priest. You should be told that you have committed a crime. We are still waiting for that report to be tabled in this House. We will continue demanding that it be tabled here. The people of this country are owed an explanation as to why this report has not been acted upon to date? This is because those who were mentioned in the report are known. We can see them now driving big Mercedes Benz cars because they stole and the report is there, but no action has been taken against them to date. That is very serious. If we want to form a Government, then we should prove to Kenyans that we want to have a clean Government. We want to have a government which is answerable to the people who pay tax. This team came up with this report, and yet nothing has been done. How will you convince Kenyans to continue to pay taxes? Soon or later, we will tell the people of Nairobi and other local authorities not to pay taxes because even if they pay, they do not get services. If anything, the money they pay ends up in somebody's pocket and no action is taken against him or her. Therefore, I would like to demand that before this Parliament is dissolved or we go for elections, the Mbugua Report should be tabled here. We will even refer to it during the campaigns. We will name some people mentioned in that report during the campaigns. We will tell members of the public who these people are and what they stand for.

I would like to thank the Minister for dissolving Kandara Town Council. That was a good move. But today, I hear that because of politics, this council has been revived. There is no point of creating unviable councils which do not give people any service at all. If the amount we are being asked to approve here is approved and we do not get services, it will be very unfair to the people of Kenya. We want Kenyans to get services. Soon, we will move a Motion to the effect that 20 per cent should be deducted from this Ministry.

Dr. Omamo: Thank you, Mr. Deputy Speaker, Sir. I would like to say that I support the Motion and that all

that I will say, even if it sounds to the contrary, will be in support of the Motion. The Minister has moved the Motion very well. He has also done some good homework and given a good speech. As the English people say; "well begun is half-done." If this trend continues, according to Mikoba, something is bound to happen. I would like to appeal to the Ministry to ensure that local authorities are authoritative. There is no use for them to run as local authorities, and yet they are not authoritative. They should be authoritative. By "authoritative", I would like to propose to the Minister, through the Chair, that the local authorities should take charge. The first area they should take charge is in their physical planning. Time has come when the Ministry should work shoulder to shoulder with the Ministry of Finance and Planning and the Ministry of Lands and Settlement to ensure that planning officers are made available to local authorities so that they can plan ahead. By planning ahead, they will not make the mistake of allowing slums to develop uncontrolled. I would like to plead that when they plan ahead, they should take charge. They should plan, implement and ensure that the law is enforced. This is what is causing trouble even in a small town. You will find slums developing even in a small town because physical planning has not been done and no one controls development of slums. Slums are developing even in my small town of Muhoroni. I would like to appeal to the Ministry to send a physical planner to Muhoroni to stop formation of slums there.

I would like to appeal to the Minister that, in order to make every local authority authoritative, they should have access to funds. Usually funds follow functions and not the other way round. When there are functions to be performed, the funds would follow. I think time has come when this country should be ready to give the local authorities more functions and, therefore, more funds so that they become authoritative when they are seen to perform functions. Earlier on, when several functions were taken away from local authorities, the local authorities became weaker. I want to suggest to the Ministry that time has come for us to return some of those functions to the local authorities, then funds will follow.

Mr. Deputy Speaker, Sir, as the Minister said, I would like to suggest to the Ministry that accountability is very important. I am glad to hear from the Minister that different local authorities are now coming forward early enough with their budgets to be approved. Five years ago, the books of accounts for many local authorities lacked auditing, and when we counted them in 1997, exactly five years ago; we found that many local authorities countrywide were late in submitting their books. The yearly submission of audited books of account were late by 1,500 years. Some were late by two years, others by five years; but the total for the whole country was 1,500 auditing years! I hope that the Ministry will employ auditors to clear this backlog. It is very difficult for them to perform when the books have not been audited properly.

Mr. Deputy Speaker, Sir, I would like to thank the Ministry for encouraging water project undertakings even by private organisations. This is a move in the right direction and it should be encouraged. Many eminent speakers in this House have already talked about the need to improve remuneration of our councillors, which is overdue. Councillors should be paid reasonably on humanitarian grounds because they are not paid enough salaries! I think corruption in allocation of plots *et cetera*, by the councillors, is being encouraged by lack of sufficient money in the pockets of the councillors. If you give me sufficient money in my pocket, I will really behave, I will spend that money and, before it gets finished at the end of the month, you again put the same amount. This is what the councillors want!

Mr. Deputy Speaker, Sir, I would like to suggest that time has come for our country to empower the councillors. Let the councillors take charge of the local authorities, let them be the authorities to hire and fire the chief officers. When I say "hire", I mean hire the best officers in the country; without being guided by narrow ethnicity. Let them hire the best officers. When the officers cannot perform, they should be fired and replaced by a better lot. I would really want to stress this point that, the matter of "hire" requires immediate action.

We cannot have commonsense in the local authorities, if the chief officers do not obey their employers; the councillors. I hope things will change soon and we shall have an opportunity to have the chairmen of the local authorities elected directly by the people so that the bickering and groupings for or against the mayor should end. The mayor should be the people's choice. When he becomes the people's choice, let him do his best, knowing that after five years, he will only return if he has performed well.

Mr. Deputy Speaker, Sir, I would like to end my contribution by congratulating the Minister again for what he said and, let us hope that with the coming changes, this Ministry will render valuable service to the Republic.

Mr. Ndicho: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute. I stand to support the Motion on this Vote for the Ministry of Local Government.

I must say that we are happy to hear that there will be reforms and reviews of the Local Government Act, Cap.265. All the problems that are in the local authorities are all shielded and contained in this archaic Act. The Act is so old that, until and unless something is done to it, as the first stop, there is nothing else that will be done to improve service delivery by the Ministry of Local Government. This is where we find that a councillor can embezzle money from the local authorities. This Act says that, the councillor, or chief officer, can apply to be forgiven by either the High Court or the Minister for Local Government. Truly, they are found to have embezzled council money. They

either go to the High Court and the High Court releases them. So, this is the starting point, if we are going to make this Ministry a truly service delivery Ministry.

Mr. Deputy Speaker, Sir, currently, if the Anti-Corruption Police Unit (ACPU) is employed and given a free-hand to investigate the financial happenings in many local authorities; starting with Thika Municipal Council, most of those councillors and chief officers would be in Kamiti Prison right now. This is because, for example, the money for the Local Authority Transfer Fund (LATF) that was given early this year, where the councillors invited people from the local community to be involved in project mobilization and to identify which projects need to be given priority--- The people attended a one-week so-called "seminar" and everybody was paid Kshs500 and, they were told to identify the projects to be done in every area. They all did that! From there, nothing has ever been heard about that issue of LATF and I am told that the money that was given there is nowhere to be seen. The LATF money that was given in Thika Municipality for the construction of the local roads, a year ago, is hardly gone and all those roads are now wearing out. One wonders whether there are no supervisors from the Ministry of Local Government who go to the site to supervise what the money from LATF has done. But the problem is in the Act itself because there are a lot of loopholes and leeway left without any supervision.

Mr. Deputy Speaker, Sir, I was happy to hear the Minister say that the hon. Member for the area would be allowed to monitor the expenditure especially from LATF. We want that report to be brought here so that every hon. Member can peruse and see how money expended in a particular area. Since he is the man on the ground, who comes to this House, he can go there and certify that truly, that is happening.

I agree with what the Minister said, that they have got a challenge in financial management in this Ministry because everybody is left to do whatever he wants. For example, in Thika Municipal Council, the people who collect money from the bus stage have got two sets of receipt books. They go to printing firms in Nairobi and print receipts where they enter a few shillings to be taken to the local authority and the rest of the money is shared between the Treasurer, the Town Clerk and the boys at the stage. That is why I was very happy when my friend, hon. Mwenje, contributed on this matter. I really wanted him to come out with it and say who these people are! So, this is exactly what is happening!

Mr. Deputy Speaker, Sir, one morning a new Town Clerk was appointed and reshuffled the people who collect money from the market and from the bus stages. Previously, they used to receive Kshs7,000 but when these people came in, they used to take to the council Kshs47,000 everyday. Really, we are wondering what is happening. When they left, the collection dropped back to Kshs7,000 per day.

Mr. Deputy Speaker, Sir, the Minister has talked about privatisation and commercialisation of water and sewerage services. That is a welcome gesture. However, the people of Thika Municipality have asked one question regarding this issue, bearing in mind that the water supply system in that municipality was put up using billions of shillings from both the Government and donors: Does the Minister intend to give all the water facilities to a private person who did not participate in their installation and subsequently collect money for the local authority, some of which will go into his pocket? We, the people of Thika, do not want that business. All that we want is the Minister to have efficient officers, who can supervise water delivery and collect money in time. If the Water and Sewerage Departments of the Cities of Nairobi, Kisumu and Mombasa could collect all their respective water charges, they could raise enough money to manage their affairs and even give some money to the Ministry. Half of the money in respect of water consumed is not collected. If the money is collected, it is shared between the council and the officers involved in its collection. The problem with this Ministry is that some of its officers are very corrupt. Officers from the Anti-Corruption Police Unit should be attached to the Ministry. That way, people will be accountable.

The only way by which to stop land grabbing in local authorities is to pay each councillor a salary of Kshs150,000, and a car loan of Kshs500,000, which they should repay within five years. As long as councillors receive a salary of Kshs15,000 per month, land grabbing will not stop. The councillor with whom I have a problem, for instance, has grabbed a cemetery because there is no other land left in Thika Municipality. Because of his status in society, he has trained himself to lead an expensive lifestyle. So, when his finances get depleted, he can do anything in order to sustain his lifestyle. That is why he has gone to the extent of grabbing the cemetery I have talked about and sub-divided it into plots. He has gone further to mislead the Commissioner of Lands, so that he could be issued with title deeds to enable him sell the cemetery land and get money. If the councillor was earning a salary of Kshs150,000, he would not have grabbed public property. Therefore, I recommend that councillors be properly remunerated, so that they concentrate on service delivery.

The former Minister for Local Government, Mr. Joseph Kamotho, assured this House that the Local Government Act would be reviewed by the next general election, which is about two months away. There is a proposal that mayors should be elected directly by the electorate, which I support. If we go to the elections without the review of the Local Government Act, mayors will have to be elected by the councillors as usual.

As it is now, a mayor's allegiance is not to the people but rather to the councillors. Such a mayor will do

everything, ranging from grabbing plots and misappropriating a local authority's money, so as to maintain his electors, who are the councillors. Therefore, I suggest that before the next general election, the Ministry brings to this House some Subsidiary Legislation to purposely address this issue, so that mayors of local authorities are elected directly by the electorate for a five-year term. That way, we can know whether one is capable of leading the people well or not.

One of the management impediments at local authorities, particularly financial management, is low standard of education of those in office. Therefore, we recommended that local authority leaders should, at least, be Form Four graduates, so that they can have basic knowledge of accounting systems and communication. So, the Minister should bring subsidiary legislation so as to effect these proposals. I believe that the House will gladly pass such legislation.

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

Mr. Kamolleh: Ahsante, Bw. Naibu wa Spika, kwa kunipa nafasi hii ili nichangie Hoja hii.

Bw. Naibu wa Spika, inaonekana kwamba jukumu iliyopewa Wizara ya Serikali za Wilaya ya kunyapara mabaraza ya miji liko tu katika Sheria. Ukweli ni kwamba Wizara imelegea na kuyaacha mabaraza ya miji kufanya kazi kana kwamba hayana mlezi. Ninasema hivi kwa sababu zifuatazo. Ufisadi katika mabaraza ya miji huanza pale baraza linapoajiri wafanyikazi wake. Utaona kwamba mabaraza hununua magari mapya hali magari yalinyonayo yako katika hali nzuri. Kwa mfano, licha ya kupatikana kwa mkufu wa Meya wa Nairobi, uliokuwa umeibiwa, Baraza hilo lilitaka kununua mkufu mwingine. Utaona kwamba viti katika mabaraza huwa katika hali nzuri, lakini huruuliwa na vingine kununuliwa, ili wahusika katika ununuzi huo waweze kujitengezea pesa. Kwahivyo, ningependa Wizara iimarisha unyapara katika uajiri na ununuzi wa vifaa vya mabaraza ya miji, ili mambo haya yarekebishwe.

Utepetevu katika mabaraza ya miji umeimarika zaidi katika vitengo vya mipango. Katika mabaraza ya Miji ya Nairobi na Mombasa, na yale ya miji midogo kama vile Kwale, kuna shida ya mipango. Ni kwa nini? Bw. Ndicho alidai kwamba madiwani katika mabaraza ya miji ni wafisadi kwa sababu hawalipwi vizuri. Ningependa kumkumbusha kwamba si madiwani ambao huendesha shughuli za mabaraz ya miji, bali ni makatibu wa mabaraza ya miji, ambao hutumwa katika mabaraza hayo na Wizara. Kwa nini makatibu wa mabaraza ya miji wamewaacha madiwani kufanya hivyo? Wanyapara wa mabaraza ya miji, ambao ni makatibu, ndio wanaopaswa kufanya hivyo.

Kwa hivyo, kama Wizara inawajibika kunyapara shughuli za mabaraza ya miji ni lazima itoe mwongozo, hasa kwa madiwani, kwamba hoja za kutaka kugawanywa kwa ardhi ovyo ovyo zisipitishwe. Mambo haya yanaendelea kwa ushirikiano wa wanyapara wa mabaraza ya miji, ambao ni makatibu, na madiwani. Kwa nini Wizara haijakomesha mambo haya kupitia kwa makatibu wa miji? Inafaa Wizara ihakikishe kwamba mabaraza yakiamua kugawanyia watu fulani ardhi bila ya kuzingatia kanuni zilizopo, imekomesha shughuli hiyo na kusistiza kwamba shughuli hiyo ni lazima ifanywe kulingana na sheria za ugawanyaji ardhi, ambazo zinahusisha Wizara ya Ardhi na Makao.

Nimeshangaa kuona kwamba Mji wa Kwale umepandishwa cheo na kufanywa baraza la Mji licha ya kwamba Mji wa Kwale ni mdogo, hali mji wa Ukunda, ambao umeendelea sana, bado haujapanda cheo. Mtu hujiuliza hivi: Kati ya Kwale na Ukunda, ni mji upi unaostahili kupandishwa cheo? Watu wa Kwale tumepewa baraza la mji, hali Ukunda umeachwa ulivyo. Mji wa Ukunda ndio unaostahili kupandishwa cheo. Hivyo ndivyo walivyofikiria wenzangu katika Wizara ya Serikali za Mitaa. Ingawaje Mji wa Ukunda hauko katika sehemu yangu ya uwakilishi Bungeni, ningependa upandishwe cheo na kuwa baraza la mji badala ya Baraza la Mji wa Kwale licha ya kwamba mji kwa Kwale uko katika sehemu yangu ya uwakilishi Bungeni.

Jambo la tatu, ningetaka kusema kwamba wakati umefika wa Wizara kuacha kulazimisha mabaraza kuajiri makatibu fulani. Inafaa Wizara ipendekeze watu wanne au watu kwa baraza, halafu baraza likae chini na kuchagua mtu ambaye linaweza kufanya kazi naye bila kulazimishwa. Jambo hili haliwezekani kwa sababu madiwani huteta sana na jambo hili huwafanya wafanye njama za kufanya ufisadi. Wizara inafaa iangalie mambo haya kinaganaga ili kuwe na muongozo wa kuendesha shughuli za mabaraza bila ufisadi wo wote.

Ninaelewa kwamba leseni hutolewa ili watu wafanye biashara lakini hazitolewi ili watu wajenge vibanda mijini. Lakini ikiwa ninaelewa vibaya, basi Wizara inafaa iache kutoa leseni bila mpango kwa sababu ujenzi wa vibanda umesababisha uchafu na ujambazi mijini. Utaona mji mzuri kama Kisumu au Mombasa, umejaa vibanda tele hata ukitembea unaweza kuona nyoka akipita maana vyakula vinamwaga kila mahali. Ningependekeza kwamba leseni za biashara zitolewe na zionyeshe biashara zitafanyiwa wapi. Hakuna haja ya kupatia mtu leseni bila kumuonyesha mahali atakapojenga kibanda chake. Watu hujenga vibanda vyao katikati ya barabara na hivi vibanda vikibomolewa, wao husema eti Serikali ni mbaya. Wizara itakuwa ikipata pesa kutoka upande mmoja na upande mwingine inalaumiwa kwamba inabomoa vibanda vya watu. Hii inaonyesha kwamba hatuna mwongozo mwema.

Ningemwomba Waziri wa Serikali za Mitaa aangalie jambo hili ili ahakikishe kwamba leseni za biashara zinapewa watu wafanye biashara mahali mahasusi lakini si wafanye biashara mahali po pote. Leseni zikitolewa bila kuonyesha mahali pa kufanyia biashara watu hujenga vibanda vyao karibu na barabara na inabidi watu wengine, kama mhe. Nassir, kuvivunja vyote. Wajenzi wa vibanda na wabomoaji wake hawana makosa. Makosa ni ya Wizara. Wizara inafaa itoe mwongozo sawa sawa ambao utaonyesha kwamba leseni fulani ni ya kufanyia biashara mahali

mahasusi ambapo panajulikana. Ikiwa Wizara itafanya hivi, itatusaidia sisi wengine tusipate lawama wakati tunapowaambia watu wabomoe vibanda vyao ambavyo wamejenga karibu na barabara wakitumia rasilimali yao. Wizara inafaa itoe mwongozo ambao utaonyesha wazi sehemu za kufanyia biashara mijini.

Mabaraza mengi huajiri watu wengi sana kazi na kununua vifaa vingi, na baadala ya mapato yake kukua, matumizi yake ndiyo yanaendelea kuongezeka. Mambo haya yanaharibu pesa sana. Wizara haifanyi chochote kuhusu jambo hili bali inaendelea kutoa pesa za LATF kwa serikali za mitaa. Pesa ambazo zinatakikana kufanya jambo fulani zinatumwa kufanya mambo tofauti. Hii ni kwa sababu matumizi ya kila siku yamezidi. Haya matumizi yanafaa kupunguzwa ili tuweze kutengeneza barabara nzuri mijini na kuweka vibao vya ishara barabarani. Kwa mfano, ukienda Mombasa, mji uliokuwa msafi, mji wa kistaarabu na wenye utamadumi mpya wa kisasa, utaona kwamba hakuna taa katika sehemu fulani kama Nyali Bridge. Ukiuliza unaambiwa kwamba baraza halina pesa za kuweka taa za barabarani. Mji wa Mombasa ni mji mzuri na mji wenye watu ambao wamestaarabika tangu miaka 800 iliyopita, na ambao sasa wanakaa kwenye giza. Sehemu kama Changamwe na Likoni pia hazina taa za barabarani. Mbona Serikali isiambie Baraza la Manispaa ya Mombasa liangalie mambo haya? Ustaarabu tuliokuwa nao sasa unatoweka na tumekuwa mabwesheshe. Mji wa Nairobi ni mji ambao kila mtu kutoka Afrika Mashariki anataka kuutembelea. Matumizi ya kuendeleza shughuli za baraza yamezidi zaidi. Inafaa tupunguze haya matumizi ili tuweze kusafisha miji yetu.

Kwa hayo machache, ninaomba kuunga mkono Hoja hii.

Mr. Obwocha: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to the Vote of the Ministry of Local Government.

First, I want to say that this House passed a legislation concerning the operations of the Local Authorities Transfer Fund (LATF) funds. In fact, in the Budget, Kshs3 billion has been set aside for the local authorities through this Fund. But in some local authorities, for example, Nyamira Town Council and Nyamira County Council, funds that have been disbursed to the two councils have been misused. This House provided that every council that is eligible to get the LATF funds must produce its audited accounts. I do not know whether the Ministry has received these audited accounts. Secondly, and more importantly, when the Ministry disburses this money, does it follow it up to see whether it has been accounted for?

In Nyamira, there was an audit inspection report which was produced by inspectors from the Ministry, but that report has been rotting at the Headquarters of this Ministry. What is the point of appointing inspectors who produce a report and you do not act on it? Officers have destroyed these two councils. This House needs to stand up and say that if the Ministry does not implement the conditions laid down for disbursing the LATF funds, then the Ministry of Finance and Planning has no business providing the Ministry of Local Government with LATF funds. This House must be clear that this is taxpayers' money which must be accounted for, and the Ministry has a responsibility to do that.

Mr. Deputy Speaker, Sir, in concluding that particular point on Nyamira County Council, I am asking the Ministry to look into what is happening in Nyamira. The District Development Committee (DDC) of Nyamira passed that there should be a rehabilitation and juvenile home built in Manga. Now, the county council went ahead and allocated land in that place but what we have seen is that that project has stopped. I do not know who has stopped it. I would like to know, on behalf of Nyamira residents, whether the Kshs60 million that was allocated to this project is still on or not on. I know part of the forest was destroyed. That should have been taken care of by the Ministry of Environment and Natural Resources, but what the residents want to know is whether the project exists or not.

Mr. Deputy Speaker, Sir, the other point I want to make is that the chief officers of some of these councils are people who are not implementing decisions made by the councils. These officers are not accountable to the elected leaders. I hope and believe that this particular issue will be addressed when we will be amending the Local Government Act. I also want to join the rest of my colleagues by saying that we are still anxiously waiting for a provision to be made for mayors and chairmen of councils to get elected by the people through universal suffrage so that these people can be accountable to the people they serve. Right now, as you know, some of these mayors or chairmen are using money to get elected.

Mr. Deputy Speaker, Sir, one other thing I want to point out is that through the Local Government Act, Cap.265, the public officers, like the District Commissioners and others, are still messing up the councils. In fact, one of the people in Nyamira, but who has been transferred now for not implementing what the DDC said, is a public officer.

Personally, I brought a Motion here seeking that public officers who are mentioned in the Local Government Act should be people who can help councils. They should be professionals who can help the councils like engineers, quantity surveyors and so on. They should be people who can contribute to the welfare of the councils and not these administrators who go in to mess up the councils and further their own interests.

Mr. Deputy Speaker, Sir, I want to say something about licensing. Now, in most councils, the licensing of

professionals is done by the county councils, municipal councils and so on. Do these people have the capacity to know who can be licensed to practise as a lawyer, accountant or an engineer? Why is this role not left to the professional bodies which know whether "A", "B" or "C" can practise or is eligible to practise? I think this anomaly should be corrected so that it lies where it correctly should be.

Mr. Deputy Speaker, Sir, I wanted to say something about the provision of water services in many councils. Nakuru Municipal Council is one of them. I have grown up in Nakuru although I do not come from there, but water is a problem there. Why does the Ministry of Local Government come up with a policy of privatising the water and sewerage services? People who would like to come in with their investments on water projects should be able to recover their money and then leave you to manage the water resources in those councils instead of saying year in, year out, we are talking about lack of adequate supply of water in those councils.

Mr. Deputy Speaker, Sir, I want also to join my colleagues in saying that I hope in the new constitutional dispensation, the issue of salaries of councillors and their levels of education will be addressed. If this is addressed, then we will be addressing the issue of grabbing of land and council houses in various municipal and county councils. However, the councillors we have today are people we do not understand. They are people whose level of education can never promote those councils. The moment we address the issue of their salaries, we will have addressed the issue of grabbing land because it is basically pointless to pay these fellows Kshs10,000 to Kshs15,000 and expect them to go for Harambees every single day and not expect them to start grabbing.

Mr. Deputy Speaker, Sir, finally, I want to say that Parliament should not become a talking shop. We should be talking about implementation and how we can follow it up with some of these policies that we have passed in this House. There are many Bills and Motions that we have passed in this House, but we have seen very little implementation of them. There is no point of Parliament being a talking shop. We should set up an Implementation Committee that can go to the Ministry of Local Government and ask: "Why has "A", "B", "C" and "D" not been done?" We passed a Motion here when hon. Kamotho was the Minister for Local Government; that our vehicles should not be touched when they have the labels of the National Assembly, but we are being harassed left and right by the Nairobi City Council fellows. I do not know at what time this provision was withdrawn.

With those few remarks, I beg to support.

Mr. Angwenyi: Thank you, Mr. Deputy Speaker, Sir, for allowing me to contribute to this very important Motion. The Ministry of Local Government should be a very important part of governance in this country. In most countries of the world most basic services are provided to the people of those countries by the Ministry of Local Government. I am sure the intention of the people of Kenya in establishing the Ministry of Local Government was to get these services right next to the people. They feared that the Central Government being in Nairobi may not attend to their problems. However, what was very intentioned has become a nightmare to Kenyans.

Mr. Deputy Speaker, Sir, early in our life as an independent nation, even during colonial days, local authorities were providing essential services such as clean water, health facilities like dispensaries and health centres, roads, street lighting, sewerage and drainage services. Indeed, we had gardens where people could go and recreate or take leisure walks. At that time they were providing effective and designated markets where you could know that if I wanted vegetables I would go say to Wakulima Market. If I wanted fish, I would go to City Market. If I wanted meat, I would go to Dagoretti Market. It is was a well-planned town or city. You knew that if you wanted to build a house in a place like Lavington, you would not build a ten-storey house. If you wanted to build a house in Lavington, then I would not do so with box paper carton material. That was the time when the local authorities were real local authorities and were doing what they were supposed to do.

Mr. Deputy Speaker, Sir, at that time we had security in our City. You could not be mugged on Moi Avenue or Tom Mboya Street. That time, I was a young man and I could walk from one night club to another and enjoy myself at the end of the month after I had earned my salary. But, today, to walk around a City like Nairobi, Kisumu, or even a small town like Kisii, is a nightmare. You just do it at your own peril as if we do not have a Government any more. The city askaris and the askaris in other towns are now kangaroo courts. They harass people, arrest them and fine them through their kangaroo courts. The Ministry of Local Government has lost complete control over our local authorities. They can do what they want. This is a Ministry where councillors are elected specifically not to do anything except grab properties belonging to the councils and this behaviour is condoned by the Ministry of Local Government; the custodian of trustland or public properties. Why have we reached this stage? We are in this stage simply because the Central Government has interfered with the running of local authorities. Senior officers of local authorities are appointed by the Central Government and they are not answerable to the councillors, the mayor or the chairman of the council. They are not, therefore, answerable to the people they are serving.

Mr. Deputy Speaker, Sir, another aspect which has led to deterioration of the situation is lack of proper management of our councils. Today, our councils are being managed by the DCs, who seem to know everything. They seem to know something about medicine, planning, engineering, or how the mayors should dress. Those are the

type of managers that we have in our councils today and yet, this Parliament, year in, year out votes substantial amounts of money to these councils without demanding from them audited accounts for the money they arrive. Two years ago, I served in the Public Accounts Committee (PAC), and we received a list of local authorities that had not had their accounts audited for the last 30 years, and yet we are giving them funds. We do not find out where these funds go. We live in Nairobi and we have got street boys and street people all over the place. What has this City done to solve that problem? These people harass tourists who come to this country.

Mr. Deputy Speaker, Sir, I am glad to note that the current Minister for Local Government used to be the Chairman of the Kenya Tourist Board (KTB) and he knows how much damage the councils do to the promotion of tourism in this country. They go out to promote our tourist attractions to lure tourists to our country, but when they reach at the airport, they see mounds and mounds of garbage. When they go to their hotels, they are warned not to drink water from the taps because it is dirty. When they go to the streets at night, there is no street light. So, they would not want to come again to this country. So, our image has been damaged by the inefficiency and non-performance of our councils. The councils get funds from fuel levy, cess, fees, rates and rents, but like I said, they never account for these funds. Maybe, we should surcharge the Minister and his senior officers for not ensuring that taxpayers' money is well spent.

Mr. Deputy Speaker, Sir, the councils have become political battle grounds. Now, to elect a mayor or a chairman, you have got to get an okay from the top-most seat in this country. Even if the people whom that person is going to serve do not want him or her, the Minister for Local Government will insist that he be elected. The councillors will be bribed to elect an inefficient person and then expect good services from that council.

Mr. Deputy Speaker, Sir, we do have the Department of Public Health in this country and some of the public health officers serve under the local authorities. But I wonder whether the Minister for Local Government has ever demanded that they perform their duties. Because of their inefficiency, we have got those mounds of garbage and raw sewer on our streets. That is why we have got dirty water in our taps. That is why plastic papers are littered all over the country. I remember, we used to enjoy sitting at Uhuru Park with our girlfriends before we got married. Can you enjoy sitting there today? You see garbage and plastic papers littered everywhere. Open ground has been turned into toilets, because public toilets have been grabbed by the councillors and well-connected people.

Mr. Deputy Speaker, Sir, this Ministry must undertake to do two things. First, to amend or revise Cap.265. Two, it should ensure that no funds are given to any local authority unless it has got audited accounts. Three, that they make inspections and the reports are tabled before this House and made public for the Kenyans to know what goes on. If we are able to do that, then we will have good local authorities.

With those few remarks, I beg to support.

Mr. Mwakiringo: Thank you, Mr. Deputy Speaker, Sir. I rise to support the Vote of the Ministry of Local Government. But as I do so, it is important to state that this is a very important Ministry in the Central Government. What the Ministry of Local Government does, definitely, reflects the image of the Central Government.

Mr. Deputy Speaker, Sir, in my view, the budget is not sufficient. The Ministry needed to have more funds. But, again, we are doubtful because of the past mistakes which were done by the Ministry officials. Many chief officers and councillors in the local authorities have become non-performers and are only good in grabbing what belongs to the councils.

One of the impediments in developing these local authorities is that the level of education of most of the councillors is questionable. Most of the councillors are not educated and I would urge the Ministry to put in place certain qualifications for councillors. For instance, the minimum qualification of education for councillors should be an O-Level certificate. This way, they will effectively market municipalities and know what is being done in those local authorities. For example, in my Voi Municipality, out of the eight councillors, only two reached the level of Standard Eight and they are only there simply because they worked with the Kenya Posts and Telecommunications Corporation (KPTC). Otherwise, the rest never went to school. Therefore, if you attend their meetings, you will get disappointed because you might discuss an agenda at 10.00 o'clock and the same councillors will ask you about it five hours later as if you had not discussed it.

Mr. Deputy Speaker, Sir, immediately after elections let the Ministry take the councillors for a retreat to explain to them their roles. I remember in 1993, when I was a nominated councillor, we were taken to Mombasa GTI where we were appraised of the activities of the council, the different departments within the council which need more personnel and those which do not. The Debt Collection Department in Voi has only three members of staff compared to hundreds in the Cleaning Services Department. We do not need a lot of people in the Cleaning Services Department because debt collection is more important in generating the council's revenue.

I am happy I was received very well by the current PS, Ministry of Local Government and the Director of Local Government. There is a big problem in Voi as I talk now. It does not have a qualified town clerk. The current Acting Town Clerk is just a mere administrative officer. This officer wrote a letter requesting to be designated as an

administrative officer because he could not perform the duties of a town clerk, but that has not been effected to date. He has faced a lot of problems.

A certain lady clerk who was trained at the Coast Institute of Technology in Voi has been appointed as Treasurer in the council and yet she is not qualified for that position. She is a treasurer despite the fact that she holds a CPA 3. She is there as the Treasurer and she commands the Town Clerk on what to do. Recently she grabbed a plot and I supervised the demolition of that kiosk. She also instigated the sacking of an internal auditor who was giving audited reports of the council. Instead of that auditor being promoted, he was suspended by the Town Clerk because of the evil things that the Town Clerk and the Treasurer are involved in.

I would urge the Ministry and especially the PS to talk to the Public Service Commission to relax the rules required for one to be employed as a town clerk and treasurer so that we can have qualified people being posted in these local authorities like the municipality of Voi. The Voi Town Clerk has caused a lot of problems because of his inefficiency. He has been involved in irregular allocations of market plots. I had to intervene with my PC to stop some of these allocations. Despite the DC giving an order that mis-allocations of plots be audited and investigated, nothing has happened to date because the Town Clerk and treasurer have seen to it that the exercise does not continue. I have reported this matter to the Minister of Local Government, but nothing has happened to date.

As I talk now, Voi is a municipality, but it does not have a town planner or a civil engineer. We only have a draftsman. How does he act at that level and yet that is a municipality? I am facing a very embarrassing situation, but I take it as an advantage because those are the tools that I will use to hit at KANU for their inefficiency in electing semi-illiterate councillors and appointing unqualified people to run the municipality of Voi. That is a mileage to me and that is what will happen. I will vote for Opposition councillors who will run that municipality efficiently according to the required standards.

Recently, boundaries were altered in the local authorities and we, the local leaders, were not consulted during this exercise. For example the Mbololo and Ngolia wards are very big and they needed to be divided more, but instead they were amalgamated. Maungu and Sagala were amalgamated and these are big wards which cannot be served by one councillor because some of the areas are on the lowlands while others on the highlands. That cannot be done. Amalgamation should only have been done in the Voi Municipality because the town is small and we do not need more than eight councillors. We needed to divide wards in other county councils like Taita-Taveta because of the geographical features of that area. Instead, some wards were scrapped without our consultation. Most of the people at the grassroots level are complaining because if one is elected as a councillor there, he cannot effectively serve the people.

As much as some of the roads in the local authorities are being done, others are in progress and others will be done, I would urge the Ministry to closely liaise with the Kenya Roads Board (KRB) so that the roads can be supervised by the KRB because this body is not corrupt, it can audit and it has the evaluation department which oversees everything that goes on in road development. So, it is important that they liaise with the Ministry of Roads and Public Works through the KRB so that roads are monitored and overseen by the KRB. The money from the Fuel Levy Fund is normally channelled to the local authorities.

Mr. Deputy Speaker, Sir, the Ministry of Local Government has not been transparent as regards these funds. It even took us a lot of time as Members of the Departmental Committee on Energy, Communications and Public Works to summon them to appear before the Committee. It is only today that they came and we discussed the issue. We have ironed out the differences which were there. They were so rigid and this is because we have very corrupt officials in the Ministry, especially in the building and town planning departments of the local authorities who swindle the monies which are allocated for particular projects in the local authorities.

Most of these local authorities need to be established only on condition that they can sustain themselves. You do not just establish a local authority for political mileage. Local authorities should not be established to reward people because they supported a particular party. I think that is unfair. I am saying that because most of these local authorities do not have funds to pay even their own councillors and staff. Most of them do not even have fire engines and yet each council must have a fire engine. Voi Municipality does not have a fire engine. If fire breaks out anywhere within or outside the municipal boundaries there is no way it can be put out on time in order to salvage anything. I am urging the Ministry to be more efficient in future.

With those few remarks, I beg to support.

Prof. Anyang'-Nyong'o: Thank you, Mr. Deputy Speaker, Sir. I wish the Minister for Local Government had been here to listen to the contribution from hon. Members to the Vote for his Ministry. The behaviour of the Minister for Local Government reminds me of what I used to witness when I was young. When I was young, we used to have goat traders taking goats from one market to the other for sale. Since those days the demand for goats in my area was not very high; in order for your goat to be bought in a market, it had to be of very good quality. I used to have an uncle who, when he had a goat to sell, he would take it to Kombewa and Lwanda but nobody would buy it. He

would travel up to Ahero, but nobody would buy it. But he did not realise that this was a very expensive way of trying to transport and sell the goat from one market to another; that, it was more than even the value of the goat. I think this is what is happening to the Minister for Local Government. He is being taken from one market to the other as a goat to be bought, and nobody is buying the goat.

(Laughter)

He could as well be here now.

Mr. Deputy Speaker, Sir, but coming back to the Ministry of Local Government, if we were serious, we would realise that we do not have a Ministry of Local Government. This is because local Government begins at the village. As far as I know my assistant chief in Nothrata(?) is an employee of the Office of the President; the chief in Natuanyia location and the DO in Maseno Division are employees of the Office of the President. When I go home, that is the local authority that I know; that is a local Government that I know. Because the other day I was at home and a man beat his wife, and the nearest authority he looked for was the assistant chief. The assistant chief had a crown over his head from the Office of the President. So, I do not understand why I am brought here every year, trying to vote money to a Ministry of Local Government, when in the local area where I live, there is no presence of a local Government.

What is it that we are doing in this House? Could we not ask ourselves that this Ministry does not exist? The only other thing that they occupy themselves with is the urban Government. I am quite sure that if you go to Mr. Dick Waweru in City Hall, he would tell you that he has a contention with the Ministry of Local Government because the City of Nairobi which perhaps would be the biggest centre of the local authority has never been under the sovereignty of the local Government. There is a contention; usually, what they do in City Hall with their monies and so on is not much controlled by the Minister. What is the use of this Ministry? Why do we vote for it?

When I was growing up too, these county councils were responsible for a very important part of local life, education. The District Education Board was a very important branch of the local authority in the local areas. I went to school with a bursary from the DEB. If you go to the local schools in my area, except for a few people who come with sandals every now and again to inspect schools, and when they come to inspect schools they are more costly to the schools than the work they are doing. They would come and demand chicken and ugali to be cooked for them, and even demand transport back to Maseno where they came from. Surely, they are more of a burden to the schools than a service.

What local authority are we talking about? Messrs. Mwakiringo and Angwenyi were talking about county councillors. I have been to the county council meetings, the so-called District Development Committees (DDCs). When I go to the DDCs, where the county councillors should be present, all I see are civil servants. The county councillors who should be sitting there and discussing issues are not there. So, what they do in the county council when we are not there is not even visible because when I go home, I know that the only thing that a county council does is to collect market rates and put ropes in markets and collect money from matatus as a source of their revenue.

The Assistant Minister for Local Government (Mr. Hashim): Mr. Deputy Speaker, Sir, is the Professor in order to compare DDCs and county councils run by the local authorities, yet they are members who are appointed by the DDCs and not the local authorities?

Mr. Deputy Speaker: Order! Mr. Hashim, I did not get your point.

The Assistant Minister for Local Government (Mr. Hashim): Mr. Deputy Speaker, Sir, the composition of the DDC members is not under the local authority and Prof. Anyang'-Nyong'o is trying to give an impression that the local authorities are the ones appointing the DDC members.

Mr. Deputy Speaker: No! He did not give such impression. He was merely talking about the non-attendance at those meetings of your councillors.

The Assistant Minister for Local Government (Mr. Hashim): Mr. Deputy Speaker, Sir, it is only the Chairman who is the member of the DDC.

Mr. Deputy Speaker: Well, he is a councillor too!

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, the point I was making to the Assistant Minister is that the DDC is a very important committee at the district level. But only to have the Chairman of the county council attending it, when the representatives of the people at the local level are not there, is being "pennywise and pounds foolish," if you understand that. That is the point I was making.

The other point that I want to make is that even if you come to urban areas, space is an extremely important aspect of governance. People exist in space; they travel and trade in space. The biggest economic actors in urban areas are hawkers. These are the people who sell commodities to the largest section of non-income earners in urban areas. By the way, 92 per cent of the residents in the City of Nairobi are unemployed. They occupy the biggest space in the City.

They are the people who depend on hawkers. When hawkers do not have legal title to the space that they occupy, obviously, local governance is failing. For example, hawkers are settled in space in urban areas by Mr. Gumo, like the one near Kangemi where I have been living, near the Kenya Sugar Authority (KSA) offices. Today they came to my office, saying that some important man in the City of Nairobi has gone there with police officers and surrounded them. These are about 5,000 to 30,000 City residents who have been settled there for five years. They were surrounded, a fence has been put around them, and Askaris are posted there, and they have been told to vacate that space. I do not know where they are going to go. There has been no presence of a local authority there. What we have there are police officers from the office of the Commissioner of Police. The police officers are not employees of the local authorities in Nairobi, yet they have taken authority to Kangemi to surround those people and evict them. Now, you are telling these people that there is something in Nairobi called local governance. What local governance is there when you have occupied space for more than 5 years and one morning somebody comes without a court order or anything else, surrounds you, and tells you to move out? Where are you going?

I had to talk to those people and advise them to go to court and get an injunction to stop the PC of Nairobi, a Mr. Maina, from grabbing that piece of the earth on which thousands of Kenyans have settled over the last five years. The Government of Kenya, through one of their civil servants, has the temerity to tell those people to move out one morning. That is why I am telling you that the whole idea of local governance, as far as ordinary wananchi are concerned, is absolutely balderdash. Because security and space, perhaps, are some of the most important functions of the Government; a Government must guarantee its citizens some space to live in and some security. When those two things are not there, you can as well forget about local Government.

If we want to grant that there are a number of people employed by the local authorities to work--- For example, in the City of Nairobi, today, as I speak, the majority of the people of Nairobi are governed by what are called "neighbourhood associations." These are the things that matter. Wherever I have lived in the City of Nairobi, there are what are called neighbourhood associations. They collect our garbage, provide adequate water and security. They talk with us, we meet with them and they organise Christmas parties. When you die, they take you home, and when you have a Harambee, they come to your aid, but the so-called authority is not there. Yet they come to Parliament with books saying that we should give them money. Give them money to do what? Because the reality is completely divergent from the theory.

We are living a fiction for the last 20 years. Every year, you come to Parliament, there is the Ministry of Local Government. If you want to appoint somebody who wants to leap frog into the presidency, you appoint him the Minister for Local Government. It is painful to succeed in politics; somebody cannot come from his diapers to the presidency. There is a track to be followed. It is a difficult track to be run. You cannot just jump from your diapers. Kenyans would not take that kindly, and I think the people of Kakamega showed you quite clearly that they are not going to withstand and be abused by a diaper President! That is not going to happen to the Republic of Kenya!

Thank you.

Mr. Koskei: Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to contribute to the Vote of the Ministry of Local Government. I want to add my voice to what my colleagues have said about the Ministry. The intentions of creating the Ministry were noble but, unfortunately, I think the way the Ministry has been run has turned it to be a burden to the people. Mr. Deputy Speaker, Sir, I would like to begin by saying that, for the last three years, we have been advocating--- I think there was a time when the Ministry of Local Government actually held a series of seminars, with a view to looking at Cap.265 and amending it, so that, some of the suggestions that we made year-in, year-out, during the Votes of this Ministry could be implemented. We have always sang here that there is need for setting up minimum education standards for the councillors. We said it clearly that local authorities legislate and implement at the same time. If we are going to give the councillors powers to legislate, pass the laws, rules, regulations and implement them; and the people who are doing that do not understand what is happening, nothing will happen! You find that, since the clerks and the senior officers are the implementors, they are the cause of problems that are experienced in those local authorities. The councillors are supposed to pass anything in the full council meetings. But you find that because the councillors cannot read and understand what they are passing, what will prevent a clerk or councillor slipping in what they think should be done? Since the councillors are ignorant and do not do any follow-up to find out whether whatever they pass in their full council meetings has been implemented, that becomes the source of mess that happens in those councils.

Mr. Deputy Speaker, Sir, I think the idea of giving local authorities some money from the Treasury through Local Authorities Transfer Fund (LATF) was good. But you find that, in the initial period, the councillors were given money to implement projects which were poorly implemented. Besides being poorly implemented, the councillors were given very little money. What did the Ministry expect the councillors to do in their wards with Kshs70,000? What kind of project could be implemented by the councillors in their wards with Kshs70,000? It only created avenues for the councillors to misuse that money. You find that, up to date, three years down the line, after that money

was given out to the local authorities, nothing has happened! The Ministry tried to cover up by sending auditors to audit and make reports. But, unfortunately, the audits that cost the local authorities a lot of money end up with nothing!

A case in point is the Nakuru County Council. Year-in, year-out, many audit reports have been written and, up to date, no action has ever been taken. So, it does not make sense to give the local authorities the money and they do not put in place, better mechanisms to implement what is planned. It is important for the Ministry to ensure that the money spent by the local authorities in form of audited reports--- When they send their officers from the headquarters to audit the county councils, they should make sure that whatever comes out in those reports is implemented. That should not be just done as an exercise in futility! They should even be done as a form of public relations exercise. In that regard, I would like the Ministry to give us the findings of the investigations that they have been conducting in the Nakuru County Council. The Ministry should also tell us the action it has taken. The said councillors are known and they did not implement their projects in their wards. What action has been taken against them because money was not used for the intended projects?

[Mr. Deputy Speaker left the Chair]

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

The other aspect I would like to highlight here is on the LATF money. For the last two years, Molo Town Council has been collecting this money. This council has been purporting to buy market plots using this money. After the market plots have been bought, the councillors and the clerk connive amongst themselves, subdivide those plots and allocate themselves. I brought this to the attention of the officers who are concerned in the Ministry, and I hope that something has been done. It is a pity that a plot which was bought at Mau Summit Trading Centre meant for a market place was sub-divided by the councillors and allocated to themselves. It does not really make sense if such a thing is brought to the attention of the concerned officers and the councillors get away with it.

The other issue I would like to raise here is about nominated councillors. I have raised this issue time and again and something should be done. Our people make a lot of noise about it. This has been a contentious issue. Any time there are elections in the councils, we use the nominated councillors to ensure that our favourite candidate becomes the mayor of that local authority or is actually elected as the chairman of that local authority. The nominated councillors require protection so that nobody, including Members of Parliament or even the Minister for Local Government, can revoke their nomination. That is actually painful. We should give tenure of office to nominated councillors, so that whichever councillor is nominated serves for five years. This would prevent people playing around and trying to make up for the numbers which they do not have during the civic election. Let us ensure that if a chairman is elected for two years, he serves for that period. It really does not make sense to revoke the nomination of these chairmen before their term is over. So, the issue where the Minister takes action if anybody says today that he does not want a nominated councillor, a chairman or a mayor of a given civic authority in office does not make sense. So, it is important that the tenure of office is given to these people. If a mayor or a chairman of a given council is elected to serve for two years, let him serve for the two years.

The other issue is on service provision by these local authorities. Two weeks ago, *askaris* from Nakuru County Council were sent to our small centre called "Sachagwan" in my constituency. The council *askaris* decided to take the law into their hands and, they actually started beating up the traders whom they had gone to ask for money. It is a pity because the council *askaris* ask for money from the traders and yet there are no services being provided. I think whatever charges and rates that council *askaris* demand from the traders should be commensurate to the amount of stock that the traders can afford to have. You cannot ask somebody to pay for a licence of Kshs6,000, when his stock is less than Kshs6,000! It does not really make any sense!

With those few remarks, I beg to support.

Ms. Karua: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Motion on this Vote. I rise reluctantly to support this Motion. Although most hon. Members may not see anything good in the local authorities, I am very proud of Kirinyaga County Council. The Kirinyaga County Council is doing a commendable job and they are using their money properly. For the last five years, they have been efficient, accountable and service-oriented. I would not want us to fail to pass this Vote because the money Kirinyaga County Council has already committed to capital development from what they expect from the Local Authority Transfer Fund (LATF) would not be forthcoming.

Mr. Temporary Deputy Speaker, Sir, I join my colleagues to urge the Ministry to act responsibly in hiring chief officers. The county councils should be consulted whenever chief officers are hired. We would want the Ministry

to stop imposing corrupt chief officers to county councils. Why should the Ministry transfer a chief officer who has been implicated in improper use of finances from one local authority to another? Why, for instance, did this Ministry transfer a certain chief officer who had an outstanding imprest of over Kshs18 million, from Kisumu City to Kerugoya-Kutus Municipality? I am talking about Tubman Otieno. It was in the public domain that Mr. Otieno's activities were questionable in Kisumu; before then he was at Makeni and there was havoc! Why is this chief officer being taken from one local authority to another? Is it that the Ministry condones misuse of public funds? Why are we imposing these officers without integrity to the local authorities only to blame the councillors later?

Under the current set-up, the Treasurer and the Clerk are the ones who sign for the monies of the county council. If they do not feel accountable to the councillors, they would choose what to do. That is why, in Nairobi, priority is given to paying suppliers who supply air, instead of paying workers their salaries, or even giving essential supplies to Pumwani Maternity Hospital. That is the reason why we have had instances of council workers in Nairobi and Mombasa demonstrating because of not being paid their salaries. These local authorities are collecting revenue and yet they are unable to pay workers because the money is being misused with the connivance of the Ministry of Local Government. If the Ministry has nothing to do with corruption, let it show and demonstrate that it has no sympathy for corrupt chief officers. If we want transparency and accountability, we have to show it by action, and not just by saying that stern action will be taken against corrupt individuals. What has prevented the Ministry from taking stern action all these years?

Mr. Temporary Deputy Speaker, Sir, I am also disappointed by the Ministry for lacking a clear policy on the informal sector. The Ministry has become an oppressor of hawkers, who are trying to eke out a living the hard way in towns. Instead of being a facilitator, the Ministry's officers are forever harassing the *mama mbogas* and other hawkers who peddle their wares within the City. At this time of joblessness, what does the Ministry expect the hawkers to do? I am talking of the Ministry because when the local authorities lack a clear policy, it reflects on the Ministry. It is for the Ministry to show the way forward regarding the policy on what to do with the informal sector. On the issue of kiosks, why would the Ministry and the local authorities collect revenue by licensing kiosks only for them to demolish them later? By the way, which Ministry is in charge of the affairs of the cities of Nairobi and Mombasa? Is it the Ministry of Local Government or the Provincial Administration? We know that, in the two cities, kiosks have been destroyed by Provincial Administration officers.

Mr. Temporary Deputy Speaker, Sir, I know of a certain Minister who supervised the demolition of kiosks in the City of Mombasa. Had this Minister being contracted by the local authority to supervise the exercise? Had he become the Minister for Local Government, or is there a vacuum in that Ministry so that any Minister can destroy kiosks belonging to other people? Let the Ministry of Local Government stop supervising violation---

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, you have heard the gracious lady talk about a certain Minister who usurped the powers of another Minister. Would I be in order to ask her to mention the name of that Minister?

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I will gladly mention the name of the Minister I was talking about. It was Mr. Nassir. He took over the Ministry of Local Government because there was a clear vacuum in that

Ministry. *(Applause)*

Mr. Temporary Deputy Speaker, Sir, had there been a Minister who was in charge, it would not have been necessary for the City of Mombasa to be under the personal control of Mr. Nassir. These are the kind of acts we do not want to see. We want to see co-ordinated policy and respect for human rights and private property. Even if one was selling only a few potatoes and cabbages, those were private property; the kiosk owner had nothing but that kiosk. Why were they not given adequate notice and an alternative site, so that instead of destroying their kiosks and causing mayhem, they could have been moved to a new site? The Government woke up and acted as though it had just happened on those people. After seeing them operate, and licensing them to operate, the Government raided and destroyed their properties.

The Ministry had failed to offer direction. When the current Minister took over, he promised the Departmental Committee on Administration, National Security and Local Authorities, to which I am a Member, that there was a policy being put in place on the informal sector, and that there would be no further demolition of kiosks without notice until the policy was out. In spite of those assurances, demolitions of kiosks have continued unabated.

I am surprised to hear Prof. Anyang'-Nyang'o say that in Kangemi, people who had settled on the land for over five years are now being thrown out. Maybe, we shall be told that this is Government land. But Government land within municipalities is under a certain measure of control by local authorities. Change of user cannot be given without the approval of the Ministry of Local Government. Can the Ministry of Local Government take responsibility? Where does the Minister want these people to go? Does he want them to swim in the Nairobi River, which is full of muck, or

where are they going to settle? The Minister should provide alternative places for them.

We would like to see more money allocated to this Ministry if it had a clear policy on housing. It is the responsibility of local authorities to house people within urban areas. We lack a clear policy on this aspect. It is the duty of the Ministry of Local Government to provide essential services within their areas of operation, namely, water, health and education. That is what used to be the case previously. However, we are now not seeing the Ministry waking up to its serious responsibility. We would like to see some action taken. We have to support this Ministry because all of us live, in some way or another, within the jurisdiction of local authorities.

At this time when we are proposing devolution of power in the new constitution, which we anticipate will be enacted soon, we need to prepare local authorities for this task. To this end, I am disappointed that this Ministry is yet to table an amendment to the Local Government Act. We need to have mayors and chairmen of county councils elected directly. We need to harmonise the qualifications of councillors with those of Members of Parliament because of the important role played by local authorities in our daily lives. We were promised that amendments to this Act would be brought to this House. Why have they not been brought? In whose interest are these delays? I think the Ministry is asleep. Of late, I have been seeing the Ministry's vehicles on a campaign trail for a certain candidate who has been likened to a goat in the market by the previous speaker. This Ministry should be transparent. Vehicles of local authorities must not be involved in partisan campaigns. It is the right of every Kenyan to seek votes wherever they wish. They should seek votes using their own resources without using the local authorities workers, properties and time. When you use the workers, you also use official time, and to that extent you are abusing your position.

How can we expect integrity of the local authorities officers if it is not shown by the people in charge at the Ministry? We are calling for high ethical standards by those who are in charge of the Ministry. I am expressing disappointment that a Ministry as important as this one, is suffering neglect. I am aware that there are officers who are working hard in this Ministry, whom we commend, but they need direction and leadership which is totally absent at the moment.

Lastly, this is the sunset of the Government of the day. We are looking forward to a new dawn when this Ministry can truly serve the people and rise up to the challenges of its job.

With those few remarks, I beg to support.

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika wa Muda, ningetaka kuzungumza juu ya Wizara Ya Serikali za Wilaya.

Hakuna Wizara ambayo imepangwa vizuri kama hii ya Serikali za Wilaya. Serikali za Wilaya zimepangwa vizuri kuwasaidia wananchi kwa elimu, taa, huduma za afya na kila njia. Lakini kwa bahati mbaya, madiwani wamepewa mamlaka ya kuchagua **[The Minister of State, Office of the President]** viongozi mbali mbali wa mabaraza yao, na mara nyingi wao huchagua viongozi ambao hawafai. Wao huchagua mwenyekiti wa elimu ambaye hajui kusoma, mwenyekiti wa afya ambaye anajikuna na mwenyekiti wa barabara ambaye haelewi ujenzi wa barabara. Pia wao huchagua meya ambaye hajijui mwenyewe. Hiyo ndiyo shida ambayo tunayo. Ni vizuri tujue kwamba "roho" ya nchi ni madiwani na serikali za mitaa. Hii Wizara hutujengea shule na hospitali.

Ni lazima mtu akichaguliwa mwenyekiti wa kamati fulani, awe na ujuzi fulani. Lakini kwa sasa, madiwani huchaguana vile wanavyojuana, na hata kama mtu ni mlevi sana au mfutaji sigara sana, anachaguliwa na marafiki zake. Jambo hili linasababisha uchafu mitaani, shuleni na hata hospitalini. Wafanyakazi wa serikali za wilaya hawalipwi mishahara kwa wakati ufaao. Ni lazima turekebishe jambo hili ili Kenya ijayo iwe na mpango fulani kuhusu manispaa zetu.

Mhe. Kamolleh alinitaja kwa uzuri alipokuwa akiongea juu ya vibanda ambavyo vinajengwa karibu na barabara katika Mji wa Mombasa. Yeye si mtu wa Mombasa kama mimi lakini huutembelea mji huu tu. Katika mahali atokapo, maskini akilima karibu na barabara huuawa. Hawa ni watu ambao hawana imani na wananchi na wanataka wananchi wawe maskini zaidi, wajenge vibanda karibu na barabara, wawe wagonjwa na wachafue miji. Wao hawajali. Wale wanasema hivyo leo wao mwenyewe wakienda Mombasa watafurahi. Wananchi ni wasafi na wana imani. Tumewawekea pahali pa kuuzia samaki wao. Wana pahali pao pa kula. Tumewapa ardhi. Kwenu nyinyi hamtoi hata robo ya nchi kwa maskini au mkiipata mnainyakua nyinyi wenyewe? Hamjui maana ya umaskini ni kitu gani? Wale ambao hawajui mambo ni heri wajue mambo haya.

Bw. Naibu Spika wa Muda, viongozi wa Kenya leo ni mawakili au matajiri. Kitu ambacho wanajua ni kujinunulia magari tu lakini hawajui shida za kule ndani ya vijiji. Wanaishi hapa Nairobi katika hoteli kubwa kubwa kama Intercontinental na New Stanley. Ikifika usiku waanaenda disco na wapenzi wao. Watajuaje mambo haya? Hawajui shida za watu. Kwa hivyo, hilo si jukumu lenu pekee na sisi Wabunge. Ni jukumu la wanaume na mabibi wa Kenya wanaochagua Wabunge. Mkiona mtu ni tajiri msimchague kwa sababu hatawasaidia hata kidogo.

Mr. Maitha: Kama mhe. Uhuru!

The Minister of State, Office of the President (Mr. Nassir): Ndiyo, lakini babake aliwafanyia heshima kwa

kuwaletea Uhuru!

Bw. Naibu Spika wa Muda, tuna njia nyingi kabisa za kuweka nchi na miji zetu safi. Tutapendekeza kwamba ni jambo la busara kuwachagua viongozi ambao wana imani ya kuwatumikia wenzao. Mtu ambaye amechaguliwa ni lazima awe mtu mwenye roho ya kuwasaidia watu na sio kuangalia upande mmoja. Tunataka Serikali ijayo ifanye hayo yote yanayotakikana leo katika ile Katiba tutayokuja kupitisha. Kila mtu atakuwa na kwake. Kila mtu atajionea maana ya Uhuru. Huo ndio muda ambapo watajua ni kitu gani ambacho wanaweza kufanya. Leo tungetaka watu waombe Mungu atufikishe mwaka 2003. Hapo ndipo mambo yatajulikana. Kutakuwa na majimbo na kila mtu atapata haki ukitaka au usitake. Lakini kuwe na majimbo au kusikuwe na majimbo, kila mtu atapata nafasi ya kupigania haki yake na tutasaidiana. Lakini ningetaka katika Serikali za wilaya madiwani wawe na vyeti fulani ya kuwawezesha kufanya kazi zao. Ikiwa ni meya au mwenyekiti wa konseli ni heri awe na elimu kidogo

Kw hayo machache, naunga mkon **Mr. Omingo:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. First, I want to make a few comments on what the previous hon. Members have talked about. The impoverishment of Kenyans today is as a result of the insensitive, primitive and irresponsible behaviour of the Government of the day. So, when the Minister stands up to tell Kenyans that he cares for the poor, that is like drumming his own music and nobody will ever listen to it. He is party to this and he knows what his Cabinet colleague, hon. Nassir, did in Mombasa. Many people are watching him keenly and we shall charge him accordingly when we take over.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Local Government, as some hon. Members have said, is important but yet, without authority. The Minister has said that there are 174 local authorities, all of which have got no authority to do anything except through corrupt chief officers. We appeal to the Minister to vet and censure the chief officers. For example, the Town Clerk of Tabaka Town Council walked away with a whopping Kshs20 million for a very young council and he is enjoying the loot in the comfort of his home without being questioned. The Minister talked about strengthening the financial base of local authorities; I am an accountant by profession, but I do not know what he means. They pretended at one time to provide LATF funds to all councils that had already submitted audited accounts. None of that rule has ever been obeyed. There are some local authorities that have never submitted their returns. Not a single toilet has been built in Tabaka County Council and yet, we are talking about strengthening the financial base. These are the stories we have been hearing over and over again and we are grateful that their time is up. These kind of campaign gimmicks, nice analogies and terminologies are coming to an end. We require an action-oriented government and we will provide that government very soon. So, when the Minister comes up to reply, he should tell Kenyans how the LATF funds have been accounted for, specifically on Tabaka Town Council. It is a shame and embarrassing to the Government and a Ministry headed by the so-called president.

Mr. Temporary Deputy Speaker, Sir, the Audit Department of the Ministry is actually as archaic as the Act itself. The people who are supposed to man the Audit Department of that Ministry are not professionals. If there are any professionals, they are very few. We would require that when these auditors are sent to the field to audit accounts of the local authorities--- For example, they sent an audit team to Tabaka Town Council, but they were given doctored accounts. That team was satisfied with that. We do not want that kind of corruption and then somebody stands up to say that we want to strengthen the financial base! It cannot work without people who are intelligent and subscribe to professional ethics.

Mr. Temporary Deputy Speaker, Sir, corruption is rampant in this Ministry, particularly in town councils. I do not have to explain that. The mayoral chain is an example. We do remember also that somebody supplied chalk instead of chlorine to Nairobi City Council. Primitive as they may be, they do not even care about the health of Kenyan citizens. These are the very people who go to churches and mosques. If there are people who are land grabbers, they belong to the Ministry of Local Government. They grab everything and anything including toilets. The issue of corruption in the Ministry of Local Government is one thing that we must address so that we can have a clean Ministry. An example of what this Ministry does through local authorities is collecting cess. I talked about a classical case in my constituency where you will find a trader being charged a licence fee of about Kshs3,000. The turnover of that shop operator in the rural setting is Kshs3,000 per month. The Ministry, through the Rural Tax Collection Departments of the local councils demand a licence fee of Kshs3,150 for a kiosk that has got a turnover of Kshs3,000. It is ironical, irresponsible and we must address some of these issues appropriately.

Be that as it may, they should be allowed to collect tax, but they should not do so without accounting for this money or giving service to the people. A while ago, we used to see town councils doing the roads, but no single road has been done in most of the town councils where I come from. Some money was voted for rehabilitation of roads and I think all this money goes into people's pockets. This cannot be allowed to continue and yet the Minister here is asking for Kshs6.355 billion to begin with. When we move to the Committee of the Whole House, I intend to propose that we reduce this Vote. Why is corruption so rife in the councils? I sympathise with the councillors because they are paid from those collections as they get entry to the market. You will find a woman carrying tomatoes to sell in the council

market being charged a very high tax. That amount is not sufficient to pay the councillors their allowances without accountability. In return, when these councillors receive money from the LATF, they decide to first of all deal with the issue of allowances. I would like to propose that councillors be paid through the Consolidated Fund however little the money may be, so that they can properly utilise and account for all those funds that they collect for development.

I would also like to comment on the issue of kiosk demolition and slum evictions. The Assistant Minister - the Minister has gone on his campaign trail - needs to note this: It is only an insensitive Government that does not care about the pride of its people; which gives licenses for people to operate kiosks and then demolishes the same kiosks three years down the line. Note, therefore, that you will be paid sooner than later because those people you are impoverishing deliberately are Kenyans and some of them are your sisters and brothers. When you see a fellow slave being buried in a shallow grave, the same awaits you. When you demolish kiosks, why do you not, as a matter of courtesy, protocol or diplomacy provide alternative sites for relocation? Instead you will find Administration Police walking in one morning to demolish kiosks which you have actually licensed to operate. If these hawkers were more aware of their legal rights, they would take you to court and most of you would not be able to pay for the damages and suffering you cause to our people.

I am suggesting that councillors be paid their salaries and allowances through the Consolidated Fund and that the monies allocated to that Vote be only used for development. I believe this will solve most of the financial problems that the local authorities are currently facing. At the moment, I do not foresee a possibility of us voting that kind of money to the councils as it will actually go to waste.

It is very painful to find that incompetent people are the same ones who are being rewarded. We have heard cases of town clerks who were transferred after embezzling so much money. Such cases are widespread in the Republic and yet we are trying to suggest that we give all this money from the taxpayers pockets to this Vote. This will not be possible and I intend to propose a slashing of the Vote of this Ministry, come the Committee of the Whole House stage. With those few remarks, I beg to oppose.

Mr. Otula: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to the Vote of this very important Ministry. This is a Ministry where you find that councillors are elected by *wananchi* as directors to take care of these particular councils. The current problem in the councils came about as a result of non-payment of allowances.

Mr. Temporary Deputy Speaker, Sir, you will find that councillors can work for over six months without being paid their salaries and when the LATF money is sent to the councils, most of the councillors normally fight over this particular money.

There must be a system---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Kihoro): Order! Hon. Members, it is now time for the interruption of our business today. The House will resume tomorrow, 9th October, 2002, at 9.00 o'clock. Mr. Otula you will have nine minutes.

The House rose at 6.30 p.m.