

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 2nd December, 1998

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.748

PAYMENT OF DUES TO MR. CHEROBON

Mr. Deputy Speaker: Since Mr. Kimeto is not in, we will come back to his Question later. Let us go to Mr. Magara's Question.

Question No.666

MAINTENANCE OF RIOSIRI MOSACHE WATER PROJECT

Mr. Obwocha, on behalf of **Mr. Magara**, asked the Minister for Water Resources:-

- (a) whether he is aware that residents of Gotichaki Riosiri and Tabaka are not benefiting from the supply of water from Mosache Riosiri Water Project;
- (b) whether he is further aware that the Riosiri Mosache Water Project does not adequately serve the selected centres, including Rongo Township, due to lack of proper maintenance; and,
- (c) if the answers to "a" and "b" are in the affirmative, what steps he has taken to ensure that the area within this project is adequately served with consistent water supply.

Mr. Deputy Speaker: Anybody here from the Ministry of Water Resources? Next Question.

Question No.620

SUPPLY OF CLEAN WATER TO RESIDENTS
OF HULUGHO DIVISION

Mr. Deputy Speaker: Mr. Shill not here? Next Question!

Question No.749

REPAIR OF SIGIRI FERRY

Mr. Deputy Speaker: Mr. Wanjala not here? Next Question!

Question No.616

ALLOCATION OF ALTERNATIVE SITES FOR HAWKERS

Mr. Wafula asked the Minister for Local Authorities:-

- (a) whether he is aware that the ongoing operations by City Council askaris and policemen within the City Centre have caused injuries to many innocent people and damage to property;
- (b) if the answer to "a" is in the affirmative, whether he could inform the House who will

compensate the hawkers for loss of property during the operations; and,
 (c) whether he could allocate adequate and alternative sites for the hawkers.

Mr. Deputy Speaker: The Minister for Local Authorities here?

Question No.630

WATER AND SEWERAGE SCHEMES
 FOR OL KALOU TOWN

Mr. Deputy Speaker: Mr. Muriuki not here? Next Question!

Question No.647

REPAIR OF NDHIWA TELEPHONE EXCHANGE

Mr. Ojode asked the Minister for Transport and Communications:-

(a) whether he is aware that Ndhiwa Telephone Exchange has been out of order for the last three months; and,

(b) if the answer to "a" is in the affirmative, what he is doing to repair the telephone exchange machine and instal Subscriber Trunk Dialling in Ndhiwa for ease of communications.

The Assistant Minister for Transport and Communications (Mr. Obure): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I acknowledge that telephone services to Ndhiwa were out of order for at least 16 days in August, 1998. Partial services have since been restored by repairing one of the three lines. The equipment for the other two faulty lines is receiving attention at our Central Repair Depot.

(b) Presently, Ndhiwa has manual services operated at Suna in Migori. Subscribers Trunk Dialling (STD) facilities have been planned in our five-year programme, and installation is expected to be done in the year 2001.

Mr. Ojode: Mr. Deputy Speaker, Sir, the Assistant Minister is misleading this House. This answer, of course, is really misleading, because the radio equipment which was installed at Gembe Hill in Mbita Constituency broke down. It was repaired but there was no vehicle from the Kenya Posts and Telecommunications Corporation (KPTC) to return the radio equipment to Gembe Hills. As a result of that, Ndhiwa and Sori Markets cannot be reached. The telephones have not been working in the entire Ndhiwa Constituency, which has about 14 locations. So, could the Assistant Minister, confirm to this House whether this radio equipment, which has already been repaired, will be taken back to Gembe Hills as soon as possible?

Mr. Obure: Mr. Deputy Speaker, Sir, the information I have is that the repair work is almost complete. As soon as it is complete, the equipment will be moved to the site. However, if hon. Ojode has some other information, I will check it. If I find out that the equipment has been repaired, as he has said, I will give firm instructions today for it to be transported and installed where it is required.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, may I begin by thanking the Assistant Minister for his efficiency. He is one of the few Assistant Ministers available to answer Questions this morning. However, it seems that the KPTC only works under pressure. About a month ago, when I stormed into the Homa Bay Telephone Exchange, which serves Ndhiwa Telephone Exchange, the Minister gave instructions, and work was done. But no sooner had he stopped following them up than they stopped doing the work. Now, could the Assistant Minister tell us why they cannot consider modernising Ndhiwa Telephone Exchange, which is served from Homa Bay, and not from Migori as has been alleged?

Mr. Obure: Mr. Deputy Speaker, Sir, it is true that the KPTC is under considerable strain because of the high demand for telephone services all over the country. The Corporation has hardly sufficient resources to meet the demand. On the question which hon. Ochuodho has raised, I wish to confirm that the modernisation programme for Ndhiwa Exchange is underway at the moment. Our hope is that by the Year 2000, the telephone facility will have been installed to serve the people of Ndhiwa more efficiently than it is doing at the moment.

Mr. Kajwang: Thank you, Mr. Deputy Speaker, Sir. Two week ago, I raised a similar Question in connection with Mbita and this Assistant Minister said that the facility at Homa Bay had been repaired and Mbita would be accessible. As we speak here today, the DC, Mbita, ICIPE and the police cannot be accessed other than through police radio calls. Could he do something so that I can talk to my DC and the councillors?

Mr. Obure: Mr. Deputy Speaker, Sir, I will check on that because the information I have is that the

repair works were completed and that Mbita would be accessible. But we are looking for long-term solutions to these problems. In my opinion, the framework has been laid, but what we are looking for is massive investment from investors, both local and external, to pump investments into this country to develop our communications infrastructure. That is the long-term solution. With the legal framework in place, we hope that we will be able to attract more investors---

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. The hon. Assistant Minister is talking of the legal process being in place and yet, we know very well that much as we appreciate, the Head of State did assent to the Act that we passed here. Is he in order to---

Mr. Deputy Speaker: Order! That is not a point of order.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, could he tell us---

Mr. Deputy Speaker: Order! Proceed, Mr. Assistant Minister.

Dr. Ochuodho: Is he in order to mislead us?

Mr. Deputy Speaker: Order! Order, Dr. Ochuodho! If up to now some Members do not know what a point of order is, the Chair is going to be forced to invoke the provisions of the Standing Orders and to make sure that Members who raise frivolous points of order are ordered out of the House.

Mr. Obure: Thank you, Mr. Deputy Speaker, Sir. What I was saying is that the Act which was passed by this House will lay the framework necessary to attract foreign investments so that people can invest in expansion and development of the telecommunications infrastructure. That is when we can resolve the question of the demand for telephone services.

Mr. Ojode: Mr. Deputy Speaker, Sir, the Assistant Minister is giving very contradictory answers because last year when I asked a similar Question, the answer I was given was that Ndhiwa was supposed to get the Subscriber Trunk Dialling (STD) by that financial year according to the budget for KPTC. Now, he is also giving me a different answer, that Ndhiwa will be upgraded to STD status by the year 2001 and yet, we are still having the same Managing Director and the same Telecommunications Manager, Mr. Cheserem. It is only the Ministers who have swapped places. Could he inform the House which is which? Is it last year's budget of the KPTC for the STD or it is the year 2001?

Mr. Obure: Mr. Deputy Speaker, Sir, the plans are constantly being reviewed to accommodate new changes and in spite of the Question raised by hon. Ojode, I would like to assure him that the current five year plan has taken Ndhiwa into consideration and the modernisation and installation of STD facilities will take place in the year 2001.

Mr. Deputy Speaker: Mr. Kimeto's Question for the second time!

Question No.748

PAYMENT OF DUES TO MR. CHEROBON

Mr. Deputy Speaker: Mr. Kimeto still not here? The Question is dropped.

(Question dropped)

Mr. Magara's Question for the second time!

Mr. Magara: Mr. Deputy Speaker, Sir, I apologise for coming late.

An hon. Member: No, you sent Mr. Obwocha.

Mr. Deputy Speaker: Just a moment, Mr. Magara!

Mr. Magara: I sent Mr. Obwocha to ask the Question on my behalf.

Mr. Deputy Speaker: Order! I am getting a little confused. Mr. Obwocha, you said you had hon. Magara's authority to ask this Question?

Mr. Obwocha: Mr. Deputy Speaker, Sir, for the first time he had given me instructions to ask the Question if he was not going to be in the House. Now that he has come, I have given him the opportunity to ask his Question.

(Laughter)

Question No.666

MAINTENANCE OF RIOSIRI MOSACHE
WATER PROJECT

Mr. Magara asked the Minister for Water Resources:-

- (a) whether he is aware that the residents of Gotichaki Riosiri and Tabaka are not benefiting from the supply of water from Mosache Riosiri Water Project;
- (b) whether he is further aware that the Riosiri Mosache Water Project does not adequately serve the selected centres including Rongo Township due to lack of proper maintenance; and,
- (c) if the answers to "a" and "b" are in the affirmative, what steps the Ministry has taken to ensure that the areas within that project are adequately served with consistent water supply.

The Assistant Minister for Water Resources (Mr. Chanzu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that due to disconnection of electricity because of an outstanding bill of Kshs1,060,622, the residents of Gotichaki Riosiri have not been getting supply of water from Rongo Water Supply which is the right name of the water supply. Tabaka residents are, however, getting water from Tabaka Water Supply.

(b) I am aware that Rongo Water Supply does not serve certain selected centres including Rongo Township adequately due to maintenance problems that arose from the vandalism of the project's pipeline.

(c) My Ministry has already paid part of the outstanding electricity bill for Rongo Water Supply to the Kenya Power and Lighting Company (KP&LC) and is negotiating for reconnection of the supply. As for maintenance of the water supply, this is being done from the revenue earned from the sale of water of which Kshs440,000 is unpaid from that water supply. I, therefore, urge the hon. Member to support the Ministry by appealing to his constituents to settle this outstanding bill to enable my Ministry utilise the funds for rehabilitation of the water supply. I further urge the hon. Member to appeal to his constituents to desist from vandalising water installations in the constituency.

Mr. Magara: Mr. Deputy Speaker, Sir, I do not know whether what has been happening elsewhere in the country is being "imported" to where that project is based. They pump water from that project, five kilometres inside my constituency, and tap it from there. It then passes through my constituency without even being supplied to my people. Be that as it may, I would like to know what brought about the outstanding bill of Kshs1 million.

Mr. Chanzu: Mr. Deputy Speaker, Sir, this bill was brought about by non-payment as usual because it has been accumulating.

Mr. Magara: What do you mean that it has been accumulating?

(Laughter)

Mr. Obwocha: Mr. Deputy Speaker, Sir, the Questioner is not satisfied with that response from the Assistant Minister. I am very surprised by what the Assistant Minister is saying that the area Member of Parliament should make sure that his constituents do not vandalise water installations. How is the Member going to make sure that this is not done? That is precisely the question the Member was asking in "c": "What measures has the Ministry taken to make sure that, that project supplies water adequately to that area?" What measures?

Mr. Chanzu: Mr. Deputy Speaker, Sir, once services like water have been rendered to the people, like in this particular area in question, it is the responsibility of the community to look after the facility. I do not think there is anything wrong in appealing to the area Member of Parliament to appeal to his constituents to ensure that there is no vandalism. The Ministry cannot look after those facilities for 24 hours in a day. The measures that have been taken for this project is that the payment is being made. Out of the Ksh1,060,662 which has been passed over to the water office at Migori, Kshs200,000 is being paid towards this particular water supply.

Mr. Ayako: Mr. Deputy Speaker, Sir, the water project in question covers Rongo Township which is inhabited by very many people. We have discussed this matter at our District Development Committee (DDC). The issue that is affecting this area is the non-payment of the bill, but not vandalism. Even if it was vandalism, as indicated by the Assistant Minister, we have the Police Force to guard against that.

Mr. Deputy Speaker: Ask your question!

Mr. Ayako: Mr. Deputy Speaker, Sir, when will the Ministry ensure that this bill is paid? It has been a problem for over a year. When will this bill be settled so that we can have water in Rongo and South Mugirango?

Mr. Chanzu: Mr. Deputy Speaker, Sir, the money has been passed over to the water office in Migori District. We will follow up to see that the bill is paid.

Dr. Kituyi: Mr. Deputy Speaker, Sir, notwithstanding the fairly lengthy lecture from the Assistant Minister about the peoples' responsibilities to maintain water works, if you look at the original Question from hon.

Magara, there are cases where water works construction traverses a region without any benefit to the locals. I have a perfect example of that in my constituency. On River Nzoia, in my constituency, there is electricity brought from Eldoret up to the Water Falls. There is pumping of water from my constituency and yet there is no single bulb of electricity in that Division and there is no tap with water in that Division. But, that electricity and the water works are directly for the supply of water to Eldoret. How do you expect the locals to have a sense of maintaining the water equipment if they are not beneficiaries of that water? I am talking about those people like the ones whose area is traversed by the water supply that hon. Magara is asking about.

Mr. Chanzu: Mr. Deputy Speaker, Sir, that is a problem which is prevalent. In fact, it has been a design problem initially and it is being addressed by the Ministry.

Mr. Magara: Mr. Deputy Speaker, Sir, I think the Assistant Minister is trying to evade this very serious issue. This is because if he cannot ensure that my people will get water, there is no way I will allow that particular project to cross over my place to the other constituency. When will the Minister ensure that the electricity bill is paid and that those areas within that particular project benefit from this water supply?

Mr. Chanzu: Mr. Deputy Speaker, Sir, I have already stated that we are addressing the issue of this water project which has traversed several areas. This does not only apply to that area alone. Just like hon. Dr. Kituyi has said, it is a problem which has been there. This problem has also affected other places. We have already gone to places like Nol Turesh in Maasailand and we are addressing all these problems. Secondly, on the issue of payments, I have said that we have already passed over the money to the water office in Migori. What we only need to do is to follow up in order to make sure that this payment is made. That one we will do.

Mr. Deputy Speaker: Mr. Shill's Question, for the second time!

Mr. Shill: Mr. Deputy Speaker, Sir, I would like to apologise for coming late.

Question No.620

SUPPLY OF CLEAN WATER TO RESIDENTS
OF HULUGHO DIVISION

Mr. Shill asked the Minister for Water Resources:-

- (a) how much money has been allocated for Hulugho Trading Centre water reservoirs for expansion and desiltation in the 1997/98 and 1998/99 Financial Years;
- (b) whether he is aware that due to poor water resources the people of Hulugho Division constantly suffer from water-borne diseases; and,
- (c) if the answers to "b" is in the affirmative, what plans he has to supply clean water to the residents.

The Assistant Minister for Water Resources (Mr. Chanzu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Hulugho Trading Centre dams and pans did not get budgetary allocation for desiltation and expansion in the 1997/98 Financial Year. However, Ksh3 million has been earmarked for this purpose during the 1998/99 Financial Year from the *El Nino* Emergency Programme.

(b) I am aware that due to filling up of the dams in Hulugho Division by the *El Nino* induced floods and non-observance of basic hygiene, the area people suffer from water-related diseases.

(c) In view of my answer to "b" above, my Ministry, in collaboration with the health sector in the area, is planning the following:

(i) To institute an education programme to enlighten the local people on safe dam water abstraction methods and usage.

(ii) To provide simple water treatment facilities that can be sustained by the local communities.

Mr. Shill: Mr. Deputy Speaker, Sir, now that I am very fresh because my petition was thrown out, I will---

(Applause)

Mr. Deputy Speaker, Sir, the Assistant Minister seems to be giving us a fairy tale because this *El Nino* Emergency Programme has become a fairy tale. It seems that *La Nina* is just around the corner, and so my question is: How much money was kept for this project during this Financial Year, if in 1997/98 nothing was done? Why did the Ministry think that the Hulugho Division water projects did not deserve money in 1997/98?

Mr. Chanzu: Mr. Deputy Speaker, Sir, that was because there were no adequate funds to be allocated for that scheme during this Financial Year.

Mr. Shill: Mr. Deputy Speaker, Sir, in his answer to part (c) of the Question, the Assistant Minister told us that there is an education programme to be carried out to enlighten the locals and that he is liaising with the Ministry of Health. But, I know that the dispensaries in Hulugho are all closed. Since there are no funds now, could the Assistant Minister, therefore, assure this House that after this Question, he will telephone the District Water Engineer and instruct him to instal some water treatment facilities there so that these people can use the water while waiting for the allocation of money?

Mr. Chanzu: Mr. Deputy Speaker, Sir, that is quite in order. I undertake to do it.

Mr. Deputy Speaker: Next Question!

Mr. Wanjala: Thank you, Mr. Deputy Speaker, Sir. It is quite unfortunate that the question was supposed to be asked yesterday, and today I have also come late. I say, samahani!

(Laughter)

An hon. Member: What language is that?

Mr. Deputy Speaker: Order! Order, Mr. Wanjala! Do take us seriously. Please, apologise properly.

Mr. Wanjala: Mr. Deputy Speaker, Sir, I apologise, for coming late.

Question No. 749

REPAIR OF SIGIRI FERRY

Mr. Wanjala asked the Minister for Transport and Communications:-

(a) whether he is aware that Sigiri Ferry in Budalangi Division which connects three locations encircled by the Yala Swamp to the mainland broke down five years ago;

(b) whether he is further aware that Sigiri Bridge was proposed to be built when the ferry broke down; and,

(c) if the answers to "a" and "b" above are in the affirmative, what immediate action he is taking to repair the ferry or build the bridge to enable the movement of people who are encircled in the Yala Swamp.

The Assistant Minister for Transport and Communications (Mr. Obure): Mr. Deputy Speaker, Sir, this Question has been referred to the Ministry of Public Works and Housing. I hope the Minister will hopefully come here with an answer.

Hon. Members: What are you saying!

Mr. Deputy Speaker: Mr. Obure, they did not get what you said! Could you repeat?

The Assistant Minister for Transport and Communications (Mr. Obure): Mr. Deputy Speaker, Sir, I was saying that this Question has been re-directed to the Ministry of Public Works and Housing for an answer.

Hon. Members: Point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Order! If a Ministry feels that a Question directed to them is not appropriate for them to answer, that Question should be re-directed to another Ministry. When writing to the appropriate Ministry, please do serve Parliament with a copy so that we know it in advance and we do not put the Question on the Order Paper.

The Assistant Minister for Transport and Communications (Mr. Obure): Mr. Deputy Speaker, Sir, point taken.

Mr. Deputy Speaker: Well, Mr. Wanjala, we will make sure that Question is put on the Order Paper for tomorrow, or whatever day, when we receive that communication from the Ministry of Transport and Communications.

Next Question, Mr. Wafula!

Mr. Wafula: Thank you, Mr. Deputy Speaker, Sir. I can see the Minister for Local Authorities and his Assistant Minister have arrived. I wish to ask this Question now, although I had submitted it some time ago when we had---

Mr. Deputy Speaker: Ask your Question!

Mr. Wafula: Mr. Deputy Speaker, Sir, when the police and the City askaris in Nairobi were harassing the wananchi, that time---

Mr. Deputy Speaker: Order! Order, Mr. Wafula! Will you ask Question No.616 or do you want to give us a speech?

Question No.616

ALLOCATION OF ALTERNATIVE SITES FOR HAWKERS

Mr. Wafula asked the Minister for Local Authorities:-

(a) whether he is aware that the ongoing operations by City askaris and policemen within the City Centre have caused injuries to many innocent people and damage to property;

(b) if the answer to "a" is in the affirmative, whether he could inform the House who will compensate the hawkers for the loss of property during the operations; and,

(c) whether he could allocate adequate and alternative sites for the hawkers.

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

(a) There are no operations being undertaken to remove hawkers from the City Centre by the Nairobi city askaris and the regular police force. Business is being undertaken smoothly and in an orderly manner. Indeed, there are no hawkers in the Central Business District of the City of Nairobi.

(b) The issue does not arise since there are no operations going on.

(c) In an effort to ensure that hawking is done in a properly organised and procedural way, the City Council of Nairobi has designated various areas within the city of Nairobi and away from the City Centre where licensed hawking should be carried out. The arrangement has been very successful.

Mr. Wafula: The Assistant Minister should not say that demolitions are not going on right now in Nairobi, they are going on elsewhere in other municipal councils---

Mr. Kombo: On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order, Mr. Kombo! You cannot give him information because he is asking a question!

Mr. Wafula: Mr. Deputy Speaker, Sir, I am sure that the operations by the City Council askaris, and municipal council askaris elsewhere in the country, are going on and the Assistant Minister should tell us what he is doing to make sure that wananchi are compensated for the property they have lost.

Mr. Sasura: Mr. Deputy Speaker, Sir, I am sure that the hon. Member was referring to operations in the Nairobi City Council and I said that there are no operations going on as of now. It is also very clear that he was referring to the operations early this year and we are aware that during those operations some perishable and non-perishable merchandise was abandoned by the fleeing hawkers and the non-perishable merchandise was taken by the City Council to their Dagoretti Yard where it can be claimed by the legitimate hawkers during the official working hours. The perishable merchandise perished in the streets and it was collected by the Council as garbage.

Mr. Kombo: Mr. Deputy Speaker, Sir, sometimes we get fed up with the amount of lies told--- I am sorry. I mean the amount of untruths told by Ministers. At this point in time demolition is going on at Kileleshwa near the petrol station. Is the Assistant Minister aware of that? We can go to that place right away with him. The City Council lorries are there and they are demolishing kiosks. What kind of an answer are you giving us? Let us go there right now and you will see for yourself.

Mr. Sasura: This is not to say that the operations of City Hall have stalled. What I am saying is that there is no operation by City Council askaris in the Central Business District. However, if there is any illegal hawking, these operations have to be undertaken, regardless of where they are.

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. This Assistant Minister is talking as if he is reading an answer written by Mrs. Wandera. There is nothing in the Question about the Central Business District. Why is he running away from the challenges of the City Centre and its environs and he goes ahead to say that there is no destruction going on in the City? Your responsibility goes beyond the Central Business District. Could you give an undertaking that the madness going on right now at Kileleshwa Shopping Centre will be stopped?

Mr. Sifuna: Say "yes" and sit down!

Mr. Sasura: Mr. Deputy Speaker, Sir, I cannot say "yes" and sit down. In fact, I will stand up and say that if there are any illegal structures and hawking, that operation will go on.

Mr. Muchiri: Mr. Deputy Speaker, Sir, it is the Nairobi City Council which permits the hawkers to hawk their goods. Could the Assistant Minister tell us under what section of the law they are doing this? Are

you not violating the constitutional rights of these people?

Mr. Sasura: Mr. Deputy Speaker, Sir, hon. Muchiri is very much aware that the Nairobi City Council is acting within its by-laws.

Mr. Muchiri: On a point of order, Mr. Deputy Speaker, Sir. There are no by-laws which permit the City Council to demolish kiosks.

Mr. Kapten: Mr. Deputy Speaker, Sir, even if the hawkers have to be removed from various places where the Government is saying they are trading without authority; where do these City Council askaris get authority to beat up people and injure them?

Mr. Sasura: Mr. Deputy Speaker, Sir, the question of injury does not arise. What happened early this year is that there was injury on all sides; the regular police, the City Council askaris and the hawkers.

Mr. N. Nyagah: The harassment of hawkers is going on all over the place. Could the Assistant Minister ensure that in future adequate notice will be given to these hawkers? They are human beings and they have a right to earn a living and the policemen should be comfortable with the manner in which they discharge their duties.

Mr. Sasura: Mr. Deputy Speaker, Sir, I appreciate the sentiments expressed by hon. Nyagah. I will ensure that they are given adequate notice, but it must be appreciated by the hon. Members that illegal arms have been retrieved from the demolished structures. These are security issues and it is very healthy for the City. The hawkers will be given adequate notice in future.

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

Mr. Deputy Speaker: No, time is over, Mr. Kapten! Next Question!

Mr. Muriuki: Mr. Deputy Speaker, Sir, I apologise for coming late.

Question No.630

WATER AND SEWERAGE SCHEMES
FOR OL KALOU TOWN

Mr. Muriuki asked the Minister for Local Authorities:-

(a) whether he is aware that Ol Kalou Town which is the designated headquarters for Nyandarua District has no proper water supply and an organized water-borne sewerage systems;

(b) considering that Ol Kalou Town compiled and submitted their Local Authority Development Programmes over six years ago in which they highlighted the water and sewerage problems in the town, what the Ministry has done to help the Town Council in developing the very essential water and sewerage schemes; and,

(c) whether he could assure the residents of the town that funds will be provided in the 1998/99 Budget to commence studies and planning for water and sewerage schemes in Ol Kalou Town.

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

(a) I am aware that Ol Kalou Town has no organized water-borne sewerage systems. However, with regard to water supply the town is served with a rural water supply system under the Ministry of Water Resources.

(b) As a long term measure, plans are now underway to undertake feasibility studies for Ol Kalou Township to establish water and sewerage needs. In the short term, my Ministry is liaising with the Ministry of Water Resources with a view to having adequate water supplied to the town. With regard to sewerage needs, my Ministry has provided the council with sewerage exhauster, a tractor and a refuse collecting trailer as a remedial measure to assist the council in liquid and solid waste disposal.

(c) Funds for the said study have not been included in the 1998/99 Budget but consideration will be done during the 1999/2000 Forward Budget.

Mr. Muriuki: Mr. Deputy Speaker, Sir, this Question was asked sometime back. We have in the meantime received a report from the Ministry of Water Resources in form of a preliminary design for the water supply for Ol Kalou Town Council and in this report, the Ministry of Water Resources does clearly state that the Town has some boreholes which are far from adequate. In fact, the report does state that the water which is obtained from those boreholes is less than a quarter of the current needs. Therefore, part "b" of the answer, which says that the town is being served by rural water supply, is not true.

With the permission of the Chair, I wish to table this report from the Ministry of Water Resources which was produced by the Government water experts. In the same report, the Ministry has carried out a feasibility study which has given Ol Kalou Town Council--

(Mr. Muriuki laid the document on the Table)

At the same time, this report has given us the amount of funds which he says will not be available until next year. So, could the Assistant Minister, therefore, assure this House that funds will be provided in the next financial year for the implementation since the study has already been completed?

Mr. Sasura: Mr. Deputy Speaker, Sir, I said that this will be considered in the next Financial Year.

Mr. Muriuki: Mr. Deputy Speaker, Sir, permit me to inform the Assistant Minister that although I am sure he will have the opportunity to read, the total amount required for water supply is Kshs172 million. He should look at the first Phase, which will cost Kshs75 million, and that is what we are asking for. With regard to the answer to the second part of the Question, which is about the sewerage system, Ol Kalou Town is supposed to be the new headquarters for the whole of Nyandarua District. So, saying that they have given us an exhauster, in which case the Government would wish us to continue using latrines. Is it in order?

Mr. Sasura: Mr. Deputy Speaker, Sir, that is not the end of our plan. We have said that we are also soliciting for assistance from the Small Towns Development Project in solid and liquid waste management. This is just a beginning and a temporary measure.

Mr. Muriuki: Mr. Deputy Speaker, Sir, in the compilation of this report for the water supply, the Town Council was asked to pay. Could I, therefore, request the Assistant Minister to allow the Town Council to pay, similarly, for the feasibility study for the sewerage scheme, the same funds to be refunded as and when they are included in the Budget next year.

Mr. Sasura: Mr. Deputy Speaker, Sir, the Ministry will obviously respond to the Council's request, when the Council writes to the Ministry.

Question No.748

PAYMENT OF DUES TO MR. CHEBORON

Mr. Kimeto asked the Minister for Agriculture:-

- (a) what has delayed the payment for the services rendered by Mr. William Cheboron of Sotik Motors, P. O. Box 364, Sotik, for the repair of vehicles GK Q447; GK M432; GK Q888; GK Q889 and GK Q890 belonging to the Livestock Department, Sotik Division, vide Local Service Order Nos.375755 and 375767 totalling Kshs17,190; and,
- (b) when Mr. Cheboron will be paid his dues.

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

It is true that Mr. William Cherobon of Sotik Motors, P. O. Box 364, Sotik, repaired the vehicles GK Q447; GK M432; GK Q888; GK Q889 and GK Q890. The Ministry has launched investigations to establish why the payments were not made. We have already taken up the matter with the District Commissioner, Kericho, and as soon as the outcome of the inquiry is received, appropriate action will be taken to ensure that Sotik Motors are paid their dues.

Mr. Kimeto: Mr. Deputy Speaker, Sir, I beg to ask whether Mr. Cherobon will be paid with interest. This is because all this money has not been paid since 1992. Could the Assistant Minister assure the House that he will pay the money with interest, and when?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, we shall endeavour to pay Mr. Cherobon before Christmas, but I do not think we shall pay him with interest.

QUESTIONS BY PRIVATE NOTICE

THREATS TO KOREAN BUSINESSMEN

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

(a) Is the Minister aware of the presence in this country since 1982 of two Korean brothers: Messrs Dong Jo Lee alias Bruce Lee and Dong II Lee alias Michael Lee?

(b) Is he further aware that these two brothers have been conning other Korean businessmen in the country and are threatening the business and the lives of their victims?

(c) If the answers to "a" and "b" are in the affirmative, what urgent steps is the Minister taking to rid the country of such undesirable persons?

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

(a) I am aware.

(b) The matter was brought to my notice and a complaint on this matter was lodged through diplomatic channels.

(c) We are investigating this matter, and I am contemplating recommending to the Department of Immigration that these persons be considered for deportation.

Mr. Munyasia: Mr. Deputy Speaker, Sir, I do not know what more has to be done by way of investigations, when it has been given to this Ministry, that these two Korean brothers have had their passports withdrawn by the Korean Embassy, way back in 1994. How have these young men got work permits without presenting valid passports? Could the Assistant Minister, since these people do not have any valid passports, order that they be deported immediately? There is no more need to investigate.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, every person has a right to be heard. But I must assure the hon. Member that I feel exactly as he feels; that these persons should be deported. But as soon as we have established a few facts, they should be deported back to Korea.

Mr. Sifuna: Mr. Deputy Speaker, Sir, I wonder what type of information the hon. Assistant Minister is trying to investigate, in order to be satisfied, when he has already been told that even a letter written to the Office of the President in October, 1998, from the Embassy, states clearly that these people are criminals. All that the Government was required to do was to arrest these people and take them back to Korea so that they can face the charges. I have a letter here written to the Office of the President stating that these people are criminals and they should be taken back to answer for these criminal charges. What more information is the Assistant Minister trying to investigate in order to deport these people?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, indeed, I must confirm that, that letter was written. The Korean Embassy has been to see me over this matter. There are certain matters of a personal nature to these persons that will be supplied by the Korean Embassy. As soon as that is established, we will get a viable reason to deport those persons.

Mr. Kihoro: Mr. Deputy Speaker, Sir, I am surprised that criminals operating in this country have not been arrested by the police. Those are people who should have appeared in our courts. They should have been sentenced and, maybe, they should actually be taken from our prisons when they are deported. Why has the Assistant Minister not proceeded in that direction?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, indeed, I have proceeded in that direction. Those persons were arrested at one stage. But, unfortunately, the requirement of our law is that persons must be proved beyond reasonable doubt to have been criminals. But the steps that are necessary now are that in view of the fact that we do not have enough evidence to prosecute them, it is just to declare them *persona non-grata*.

Mr. Magara: Mr. Deputy Speaker, Sir, I thought the Office of the President could just get some vigour because it has such young lawyers and young Ministers. You see, these things are happening almost everywhere. Nowadays, when you go to the Immigration Department, Indians are here with fake passports and work permits. Now, he is telling us that even when they have been denied by their own, he is still keeping them in the country. Is that in order?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I am sure even you, you have understood the Question from hon. Magara.

(Laughter)

Mr. Munyasia: Mr. Deputy Speaker, Sir, since these two brothers are dangerous persons in this country; they are very violent and they have organised attacks against Kenyans and against fellow Koreans living in this country. Could the Assistant Minister, while he is carrying out his purported investigations, ensure that they are incarcerated and put in custody awaiting deportation, when he is satisfied with his investigations?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, this morning I gave those instructions to the Director of the CID.

ALLOCATION OF SCHOOL LAND TO HOMA GROUP

Mr. Sungu: Mr. Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question

by Private Notice:-

(a) Is the Minister aware that land belonging to Kibos Primary School has been allocated to a private developer known as Homa Group?

(b) If the answer to "a" above is in the affirmative, under what circumstances was this land allocated to Homa Group in 1988, when it was donated to the school by the local community in 1963?

(c) Is the Minister aware that the land is now about to be auctioned by Delphis Bank who are holding the title deed as security for the loan given to Homa Group?

(d) What urgent steps will the Minister take to return the land to the school?

Mr. Deputy Speaker: The Minister is not here!

Mr. Sungu: Mr. Deputy Speaker, Sir, I would like this Question to be answered very soon because the land is being auctioned!

Mr. Deputy Speaker: Order, Mr. Sungu! We understand that it is a Question by Private Notice. So, we will re-schedule it as soon as it is practical, either in the afternoon or tomorrow. Therefore, your Question is deferred.

(Question deferred)

PAYMENT OF BENEFITS TO RETIREES
OF KENYA RAILWAYS

Dr. Ochuodho: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Transport and Communications the following Question by Private Notice.

(a) Is the Minister aware that there is currently a potentially explosive standoff between Kenya Railways retirees and the management?

(b) If the answer to "a" above is in affirmative, what are the plans to resolve the stalemate?

(c) How many employees have retired over the past 12 months and how many more are expected to retire over the next 12 months?

(d) How much money has so far been paid as retirement benefits for those who have retired in the past 12 months.

The Assistant Minister for Transport and Communications (Mr. Obure): Mr. Deputy Speaker, Sir, with your indulgence, I wish to request that this Question be answered tomorrow afternoon.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, in the light of the gravity of the problem, I do consent that the Question should be deferred because no answer has been received.

Mr. Deputy Speaker: Thank you. The Question is deferred.

(Question deferred)

Mr. Ita: I apologise for coming late, Mr. Deputy Speaker, Sir.

POSTING OF DOCTORS TO MBEERE
DISTRICT HOSPITAL

Mr. Ita: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that doctors have been posted to work at Mbeere District (Siakago) and hardly any one of them has stayed at Siakago which is a District Headquarters?

(b) Could the Minister confirm or deny that the doctors posted at the above mentioned hospital do not stay and work there due to frustration by the Medical Officer of Health who is stationed at Ishiara District Hospital, 35 miles away from the District Headquarters?

(c) In view of the above and the fact that Mbeere District Hospital (Siakago) has been without a doctor for quite sometime, could the Minister order the posting of a qualified doctor to stay and work at the said hospital and ensure that the doctor posted is not frustrated by the Medical Officer of Health, Mbeere District.

Mr. Deputy Speaker: Order! The Minister for Health is out of town and his Assistant Ministers are also engaged somewhere. One is engaged in court and the other one is on another assignment. So, the Minister requested me to defer this Question. Hon. Ita, because you came late, I am sure you will have no problem

agreeing to that request.

Mr. Ita: Mr. Deputy Speaker, Sir, it is deferred to when?

Mr. Deputy Speaker: The Standing Orders dictate that we must not have more than 15 Questions in a day. So, we will see whether it can be slotted in for tomorrow. It may not be possible to have it answered this afternoon since the Order Paper has already been prepared.

(Question deferred)

MINISTERIAL STATEMENTS

REPAIR OF THWAKE BRIDGE

The Assistant Minister for Public Works and Housing (Mr. Khaniri): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity. I rise to respond to a point order. Two weeks ago, the Member for Mwala, Mr. John Katuku, stood on a point of order and requested for a Statement from my Ministry on Thwake Bridge along Road C101. The following is the Statement.

I am aware that the approaches to Thwake Bridge along Road C101, which links Miu and Mumbuni markets, were affected by the *El Nino* rains between October 1997 and January 1998. Further, the Bridge connects Mwala and Mbooni Constituencies. The constituencies are in Machakos and Makueni Districts respectively. As the hon. Members are already aware, the *El Nino* rains damaged many roads and bridges, among them, Thwake Bridge.

Through concern and initiative of this House, the Office of the President is currently addressing the issues relating to some of the bridges and roads which were damaged by the *El Nino* rains. The extensive damage done on the roads by rains for an extended period was not foreseen and as such, advance measures could not have been put in place. On the other hand, after the rains, many roads and bridges required attention. The *El Nino* Roads Repair Programme could not cover all the roads and bridges countrywide. It appears, therefore, that Thwake Bridge is not included in this programme.

The Ministry has set aside Kshs500,000 this Financial Year 1998/99 to facilitate backfilling of the damaged approaches and unblocking openings to the Bridge so that motorists can use the Bridge. The intended repairs are expected to commence in January 1999 after the short rains are over. During the next Financial Year, that is 1999/2000, the Ministry will allocate an additional Kshs2 million to enable undertaking of more protection works. After these measures are put in place, the Bridge will be fully protected from flood water damage.

In the meantime, until the planned repairs to the approaches are done, commuters between Machakos and Makueni can use either of the following routes which are motorable; that is, Machakos-Katamani-Wote, Machakos-Masii-Tawa-Wote, Machakos-Emali-Wote and Machakos-Makindu-Wote roads. Thank you.

Mr. Katuku: Mr. Deputy Speaker, Sir, I am not satisfied with the Ministerial Statement given by the Assistant Minister, in view of the fact that, if this Bridge is not repaired immediately, it will be swept away. The Assistant Minister is telling us that this can be done in January next year. My concern is that if something was done immediately on this Bridge, it would save this Government a lot of money. Surely, if it is to be done next year, it means that we will have to spend millions of shillings. Could the Assistant Minister liaise with the Office of the President, in view of the fact that they do not have money in their Ministry, and release Kshs500,00 to repair the Bridge immediately? Otherwise, communication in the area is already cut off. The Bridge is very vital, not only for communication, especially this month of December--- People from Mwala cross over to Mbooni for special reasons, maybe, even to marry. You know most people marry in the month of December. Could the Assistant Minister liaise with the Office of the President to repair the bridge immediately?

Mr. Khaniri: Mr. Deputy Speaker, Sir, I am not going to liaise with the Office of the President since we have already set aside funds from the Ministry for this specific Bridge. Maybe, what I will promise the hon. Member, and this House, is that I will try to talk to our officers on the ground and see if they can do the work much earlier than planned.

Mr. Munyao: Mr. Deputy Speaker, Sir, the Ministry of the Public Works and Housing has made a good attempt in their Ministerial Statement. I have only one clarification to make. It would appear as if the Assistant Minister or the officer who prepared that Statement did not go there. He prepared this Ministerial Statement here at the Ministry's headquarters. It appears that there has been no communication between the officers at the headquarters and the officers on the ground. This Bridge is an old bridge which was designed in a primitive way. It is about 20 feet high and has no balconies(?) on the wall. As it is now, water has washed away

the walls leaving the pillars exposed. Crossing it takes a lot of time. The urgency of the matter is very crucial because this Bridge joins two districts. The alternative routes the Assistant Minister is telling us to use will be cumbersome to our people because, for example, from Emali to Makueni it is about 100 kilometres. It is totally impossible. Would the Assistant Minister undertake to send a more serious officer and get correct information from the ground? We are concerned about the people who use that Bridge.

Mr. Khaniri: Mr. Deputy Speaker, Sir, we are very much concerned and we have already done what the hon. Member is asking us to do.

PAYMENT OF DUES TO FORMER NYAYO
BUS CORPORATION EMPLOYEES

The Minister of State, Office of the President (Mr. Ndambuki): Mr. Deputy Speaker, Sir, I rise to make a Ministerial statement on Nyayo Bus Service Corporation as a result of a Question which was asked by hon. Prof. Anyang'-Nyong'o.

I wish to respond once more to an issue raised by hon. Prof. Anyang'-Nyong'o to the effect that the former Nyayo Bus Service Corporation employees have not been paid their dues since the Corporation was wound up. I wish to say that the former Nyayo Bus Service Corporation was a fully fledged Corporation, functioning on its own and meeting its financial obligations from its resources.

Mr. Deputy Speaker, Sir, in the 1995/96 Financial Year, the Corporation started experiencing financial problems to the extent that it was unable to pay employees' salaries and meet operational costs. The management of the Corporation sought Government intervention and, as a result, a decision was made to dissolve the Corporation. Under the circumstances, the staff were declared redundant. In circumstances where employees are declared redundant, and are not members of a trade union, or are not covered by any collective bargaining agreement, the affected persons are paid as follows: They are paid for days worked. Any leave due is paid for in cash. One month's salary in lieu of notice plus house allowance are paid. They are also entitled to severance pay at the rate of 15 days for each completed year of service.

In compliance with the above legal requirements, all former Nyayo Bus Service (NBS) employees were declared redundant and have been paid their final dues totalling to Kshs9,693,284.10. That figure is broken down as follows: One month's salary in lieu of notice plus house allowance - Kshs2,574,558. Severance pay at the rate of 15 days for each year worked plus leave dues - Kshs7,118,726.

I wish to reiterate that the NBS was not wound up as a result of the Structural Adjustment Programmes. The Civil Service Reform Programme, under which a certain category of civil servants have been allowed to voluntarily retire, does not apply to the defunct NBS staff. Hence the employees cannot benefit from the scheme, commonly referred to as "Golden Hand-shake".

In view of the foregoing, I would like to state clearly that the Government does not have any money set aside to pay the former employees of the NBS. The claims that the staff were to be paid "Golden Hand-shake" money, and that already the top management have been paid, are nothing but rumours and wishes generated by the employees themselves.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Munyao: On a point of order, Mr. Deputy Speaker, Sir. On 19.11.98, I rose on a point of order in this House during the Zero Hour. I requested the Minister for Education and Human Resource Development to make a Ministerial Statement concerning illegal collection of examination fees in Makueni District, specifically in some divisions. I followed the procedure laid down in the Standing Orders, which requires that the Speaker approves the request by 1.00 a.m. The Standing Order also stipulates that the Minister should get a notice of the matter to be raised by 4.00 p.m. Despite the fact that this was done, the Minister has never made a Ministerial Statement on the issue since then. Yesterday, when the Minister and his Assistant Minister were in this House, I raised the matter again but I have not had any response. I would like the Chair to advise me on what to do in order to get a response from the Minister. Could the Chair direct this Minister to conform to the requirements of the Standing Orders of this House? This will enable us to get the reply this afternoon. There was a reason why I requested for a Ministerial Statement. Could the Chair help us in this matter?

Mr. Deputy Speaker: Is there anybody here from the Ministry of Education and Human Resource Development? The Leader of Government Business, take note that the hon. Member has complained about non-action by the Minister for Education and Human Resource Development on a matter he raised here two weeks ago.

The Minister for Agriculture (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I will do that.

POINT OF ORDER

HARASSMENT OF KISUMU RESIDENTS

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

Mr. Deputy Speaker: Hon. Sungu, you cannot ambush the Chair with a point of order after Question time. What is it hon. Sungu?

Mr. Sungu: On a point of order, Mr. Deputy Speaker, Sir. On 19.11.98, I raised a matter under Standing Order No.20 during Zero-Hour regarding the harassment of the residents of Kisumu Town by police officers. The hon. Assistant Minister, Office of the President, who is sitting here, agreed to give a Ministerial Statement regarding that issue last week. To-date, I have not heard any response from the Ministry. Could he promise to make a Ministerial Statement this afternoon? Irealise that the Minister is very busy, but I want this matter to be addressed effectively because the people of Kisumu Town are still suffering. Police officers are still harassing them and yet no action has been taken by the Ministry to solve the problem.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I have taken note of what the hon. Member has said. An answer will be provided at an appropriate time.

MOTIONS

COUNCILLORS AND CHIEF OFFICERS TO BE PAID BY GOVERNMENT

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

- (a) The Central Government pays Salaries/allowances to Councillors and Chief Officers of Local Authorities;
- (b) Revenue from the Councils and service charge be strictly used for maintaining services in the Councils and payment of salaries for junior staff; and
- (c) The Chief Officers be transferred to another Council after serving three years in one council.

(Mr. Sifuna on 25.11.98)

(Resumption of Debate interrupted on 25.11.98)

The Minister for Local Authorities (Prof. Ongeru): Mr. Deputy Speaker, Sir there is a Motion before this House, to which I would like to propose certain amendments so that it can be in line with the expectations of the future programmes on the Local Authorities Reform Package.

The Motion before this House is in three parts. The first part states:

"The Central Government pays salaries and allowances to councillors and chief officers of local authorities; the revenue from the councils and service charge be strictly used for maintaining services in the councils and payment of salaries for junior staff, and the chief officers be transferred to another council after serving three years in one council."

Mr. Deputy Speaker, Sir, I have consulted the Mover of this Motion on certain aspects of the Motion. If this Motion is passed the way it is today, it is bound to contradict a series of measures that were part of the recommendations of the Omamo Commission. The recommendations will be the subject of a Sessional Paper to this House for guidance. Therefore, I would like to give a bird's eye view of what the whole scenario looks like. At the moment, the Central Government is progressively transferring certain services to local authorities. One such mechanism, which is important for the transfer of financial viability and stability to local authorities is the question of the management, expenditure, collection of fees and provision of services.

Mr. Deputy Speaker, Sir, I would like the hon. Members to note that in a series of measures, including the last Finance Bill, the Central Government has made provision for sharing its income with the local authorities.

One such mechanism is the Road Maintenance Levy mechanism. By now, through the previous Finance

Bill, 1997/98 and the successful Finance Bill, 1998/99, there is a provision that under the Fuel Levy there is a fund which is designated as the Road Maintenance Levy Fund. That Fund is available to local authorities for the maintenance and servicing of the roads within the small towns and the major towns. That is one mechanism through which the Central Government is transferring resources to local authorities. Twenty per cent of that Fund is available to local authorities. Hardly a week ago, the Local Authority Transfer Fund (LATF) Bill was moved in this House. It was approved by this House to enable the Central Government to transfer five per cent of the Income Tax to the local authorities. That again is another mechanism through which the Central Government is transferring the resources to local authorities. Therefore, by that designation alone, five per cent of the total income and the subsequent, hopefully, Finance Bill, will increase the percentage depending upon the needs and requirements of the local authorities.

The third mechanism through which the Central Government is transferring resources to local authorities is through the stoppage of fees and services which the Central Government hitherto has been collecting. It has now been provide in the last Finance Bill that we should only create one stop gap fee which is levied by the local authorities and the Central Government will bequeath all those other fees and charges, chargeable to local authorities. That is yet another mechanism of resource transfer to local authorities. You can then see that one of the stipulations in the Omamo Commission which will be - I have already given indications to this House, that a Sessional Paper detailing some of the recommendations of the Omamo's Commission - tabled before this House. It is all aimed at devolving power from the Central Government to the local authorities. The constitutional review process which is the subject of a Bill before this House to enact an Act of Parliament to enter into a constitutional review process, will have an element to review of the local authorities. In other words, to have the local authorities derive a function from the Constitution itself. Currently the local authorities operate under Cap.265 of the Local Government Act. It is hoped that during the reform process on the Constitution we shall be able to discuss this as it is already provided for within the Local Government Reform Package.

Therefore, within a short time the local authorities will be, in fact, subject of deliberations on how and what format they should take in the overall constitutional process. Therefore, to bring this Motion now, in my opinion and in the opinion of the Government and the Ministry, will be to jump the gun because there are so many provisions that will be at stake if this Motion is passed. Therefore, I am suggesting the following amendments:

That in view of the things that I have said we should delete "a" and replace it with the following wordings: "The Central Government in future should consider making budgetary allocations to cover salaries and allowances of chief officers of the local authorities bearing in mind the outcome of the constitutional reform process".

If the reform process states that we grant autonomy to local authorities then obviously, the Central Government through this mechanism that I have already outlined, will be in a position to transfer those funds and cause them to pay salaries to officers and councillors within and from the provisions of the county councils.

Under part (b) essentially, we are only amending a small part of it. As you will have realised in the last Finance Bill, the Services Charge is being phased out progressively to be replaced by LATF. To include in this Motion "Services Charge", would be, in fact, including a language and phraseology which in a short while will be phased out and, therefore, will not be in tandem with the provisions of the Bill that we have gone through; the Local Authorities Transfer Fund.

We are mending that part to delete the words "service charge" and for clarity of language in place thereof we are inserting the words "revenue from the councils be used for maintaining service in the council."

The only word we are striking out in that phrase is the question of the Services Charge which by now--- This House has already deliberated upon and has accepted that Services Charge will be phased out and be replaced by LATF.

Part (c) relates to the question of transfer of officers. Basically, we are not in quarrel with this aspect of it. We support the idea that the chief officers should be transferred to other councils when deemed necessary. In some instances, I must say, some officers have overstayed in their stations for too many years. I am aware of certain instances where officers have stayed in a station for as many as 21 years. That has been brought to my attention. I think it is not fair to have officers stay in one station for too long. Again, there is a provision in the Kenya Local Government Reform Package; that as we devolve these powers and responsibilities to local councils, one of the outcomes that is likely to come through, I do not want to anticipate what the debate will be like, but I suspect that one of the issues would be that the councils want to employ their own officers so that they are in charge of them. Should that be the position, then I think it will be unfair to try and start transferring officers from one council to another. That is why we are saying "when deemed necessary". If it is not necessary, then the local councils will find it necessary to transfer such officers as and when they deem it necessary.

What I am trying to put across to the hon. Members is that there is a lot in store in the local Government Reform Package that we are going to go through which will be eventually beneficial to the local authorities. We do not want to spoil this path that we have already set by bringing in some other amendments or Motions that will derail us from the path that we have taken.

Mr. Deputy Speaker, Sir, I think that it is a good thing that we should do; that the revenues accruing to Central Government should be shared well with the local authorities. We should move in that direction rather than saying, "let us put everything back to Central Government, then in the same vein, ask the Central Government to pay directly the chief officers and the councillors from the central kitty". That would defeat the very purpose which I have seen, in a very animated and useful manner, hon. Members arguing that we must have the councils become autonomous in one way or the other, and be able to run their services effectively.

In fact, as I speak now, there are certain councils which are saying that they have the ability to do certain functions if they can be allowed by the Central Government to do so. I am currently considering such councils, who in their own financial management packages, are able to control their services and meet the obligations that are required of councils as laid down by the Local Government Act; that such councils should be allowed to proceed in the direction in which we are already moving.

Mr. Deputy Speaker, Sir, I also must bring to the attention of the hon. Members that one of the functions that we are now progressively involved in, is the commercialisation of water services to local authorities. All these revenues, in conjunction with the Ministry of Water Resources, when eventually accrued, will be beneficial to the local authorities where they are generated. I think this is, once again, another mechanism through which the Central Government is actively involved; in transferring responsibility from the Central Government to local authorities to be able to commercialise certain activities of their own functions in order to raise adequate financial resources to man and manage their programmes.

Mr. Deputy Speaker, Sir, I cannot conclude these remarks without saying that one of the major programmes, which is a programme with the World Bank and my Ministry, is the question of the reforms in the Local Government sector. That has been agreed upon and such reform will take the format of improved local service delivery, economic governance of local authorities through efficiency, accountability, transparency and ownership. The programme will have four major areas of priority to improve the basic infrastructure position to support the economic growth of our towns.

That is the direction we are taking. We want to enable our towns to have such infrastructure that will support economic activities which have a direct bearing on revenue receipts to these authorities, and, of course, to enhance the fiscal soundness of the Local Government systems. I have already enumerated some of the financial mechanisms; that is Road Maintenance Levy, Single Licence Reform Programme and commercialisation of services that will have a direct bearing to the councils. And, of course, to enhance the economic governance of these local authorities. Obviously, these will have the overall impact of building sustainable institutional capacity in local government systems.

Bearing in mind the trend we are taking, I will urge hon. Members to support this amendment because it has a definite thrust and we do not want to lose site of that thrust.

With those few remarks, I move to amend this Motion as suggested, and I will ask hon. ole Ntimama, to second this amendment. Thank you.

The Minister for Transport and Communication (Mr. ole Ntimama): Mr. Deputy Speaker, Sir, I stand to support the amendment as proposed by the Minister for Local Authorities. I think we should, as he said, allow a proper development of the local authorities reforms as we go through the constitutional making that is ahead of this country now.

I have no doubt that if the people of this country are given a chance to make proposals in the writing of the next Constitution, they will all support the system of autonomous local authorities. I think it is so important that this autonomy of local authorities is an important constitutional dispensation because without an autonomous local authorities, the democratic power of the people would have been interfered with if they are not allowed and empowered and also supported to make proposals and raise revenue for the use in their areas---

Mr. Deputy Speaker, Sir, I want to support the hon. Minister for Local Authorities, Prof. Onger, because personally, I feel that whatever he has told this House, even like today, shows that he has a vision for local authorities. As I have said, the empowering of the people to make their own decisions and to raise revenue from the resources within their areas, is important for the economy; to support the economic governance of the local authorities.

It is important that all of us, and this time there are no parties or individuals, but all Kenyans should gear up to try and support the strengthening of local authorities. If the local authorities are strengthened, then the top will have been strengthened. If the local authorities are weak and shaky, then it will be a total disaster.

I even go along to say that, right now I can see the Minister for Local Authorities saying, maybe, some local authorities, after the reforms, will be able to take charge of their affairs, including paying their senior officers and everybody else, including councillors as they are doing now. But it is important to consider the economic governance of these local authorities. Maybe, the reform process coming along will decide that Central Government should subsidize the local authorities. They should also be allowed to collect cess and royalties from some of these big companies and hotels in their areas so that they can support the running of the local authorities.

*(Mr. Kiunjuri crossed the Floor
without bowing at the Bar)*

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir. Did you notice that hon. Mwangi Kiunjuri did not go up to the Bar to bow before he crossed to the other side? He has just stood here, bowed and crossed. Is it not in order that he should be asked to go to the Bar and bow to the Chair?

Mr. Deputy Speaker: Order! Order! You have made your point of order! Mr. Kiunjuri, you must go back and do it properly!

*(Mr. Kiunjuri walked up to the Bar and
bowed to the Chair)*

The Minister for Transport and Communications (Mr. ole Ntimama): Mr. Speaker, Sir, during those old days we had the Local Government Staff Commission which was a preliminary move. I want to suggest to my hon. friend, the Minister for Local Authorities, that we used to have a Local Government Staff Commission. This Commission was composed of very important Kenyan citizens, with the Chairman, sometimes appointed by the Minister for Local Government or the President, with members to decide on what to do in the discipline of chief officers in the local authorities, transfers, promotions and other things. I think the Minister for Local Authorities has got very good advisors. If he could get that body so that when you transfer an officer, for example, from Narok County, it is known that you have transferred him for certain reasons--- This is because these transfers have been so dependent entirely on the whims of one individual. Sometimes it depends on what advice the "fitina mongers" give to the authorities who control these transfers. I think the whole thing should be transparent and in most cases the Members of Parliament should be included when they discuss the senior officers in their own local authorities. They should be consulted, not necessarily that, they will probably make the decision, but they are important people. It does not matter which side of the House they come from, they should be consulted on how their councils and chief officers are being treated. If we do that, we will avoid and discard the whole old style of politics of undermining somebody through the local authorities or any other group, or to divide the Members of Parliament in that area. This is the old style of politics of divide and rule. We must avoid the situation where any Member of Parliament interferes with the areas of other Members of Parliament by transferring chief officers and so forth. This is because there are some rogue people who are sponsored to interfere with other people's affairs. I want to say that, if we have a Local Government Staff Commission to look after this thing, it might look more transparent than it is now.

With those few remarks, I wish to second the amendment.

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

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I do wish to say that the spirit in which the Minister has requested for this amendment is good. This is because the Government is currently facing a situation where it cannot be in a position to say, this or that salary be increased. I think that the Minister has agreed with the spirit of this Motion but does wish to postpone its coming into effect to a future time. Although that is the case, when we go through constitutional reform, indeed, this might even in the future be unnecessary because the future of this country lies in the Local Government. I think the Local Government will be the system of governing this country. This is because the people of this country are residents in the districts of this country. They are residents where their local authorities are. I think it is very important to realise that if we want to build democracy both in economics as well as politics, then we must put into effect an actual system of Local Government, where Local Government become a government in the real sense of the word.

Mr. Deputy Speaker, Sir, the Minister for Local Authorities should really consider setting up a mission of

prominent Kenyans; probably ten, to go to the countries where the local government has been used as a system of governance, so that we can be able to recommend, in addition to the Omamo Commission, what kind of local government we would like to have exactly. We have not been successful in our local government mainly because the law is inadequate. The kind of law that we have to govern our local authorities in form of the Local Government Act and other laws is inadequate. That particular law actually renders local authorities, just to be extensions of the Central government. You find that, when some local authorities are doing well, they cannot be allowed to spend that money without the authority of the Minister, under the law. I think it is important that if each local authority is autonomous; it makes its own money and spends its own money, then a lot of these other things we are talking about become unnecessary. This is because, for one, you have your own revenue, you have control over your own budget and, therefore, you are accountable to yourself and if you fail, you fail. That is extremely crucial because some of these budgetary constraints that are put on local authorities are absolutely unnecessary.

Mr. Deputy Speaker, Sir, the allowances paid to councillors now are uniform throughout the country. That is not how it should be in future. In future, each local authority should be able to say how much it can pay its councillors. This is because if you are making enough money, then you should not pay your councillors the amount that another local authority is paying. That will not be in line with the wishes of the people, because when their local authorities are doing well, let them pay well and conduct their services well so that it becomes an incentive for raising revenues.

In future, most of the positions we have in local authorities should be democratically elected positions. There is absolutely no reason why the Ministry of Local Authorities should impose an officer on any local authority. Each local authority should be able to employ or elect its own clerk so that, that person becomes accountable to the local authority itself. This is because sometimes you are made to stay with an officer whom you are not happy with. It is important that if you are a true local government, you should be able to say who your chief officers are, so that we have a strong de-linking between the Central Government and the Local Government.

Mr. Deputy Speaker, Sir, I would like to suggest that in future, one of the councillors be elected as the secretary or the clerk, so that if the council is not happy with him, there is a way of removing him. This is because we have inherited a certain system where officers are reshuffled from one local authority to the next because they have not been performing in that local authority. It is not a thing that started yesterday. It is a thing that has been inherited from one department to another and that has killed the spirit of local authorities.

Mr. Deputy Speaker, Sir, it may not be sweet when it is happening to you, but when it starts happening, you start complaining. The reason why these local authorities do not perform well is because the officers who fail certain county council are transferred to other county council to fail them. I think that particular thing can be rectified if the officers belong to that council. If they are not elected, let them be given a contract of three years and if the council is not happy with them, they can terminate the contract or refuse to renew that contract at the expiry of that time.

Mr. Deputy Speaker, Sir, while we are discussing about salaries, I think it is important that the philosophy behind Local Government must be reviewed, so that we make them servants of the people, rather than people looking for ways of paying them. The local authorities should look for a way of working for the people and actually earn their money. What is the use of the council struggling to pay its workers when the workers cannot earn their salaries; they do not work? I know of some local authorities which have as many as 600 casual workers. What is the use of having 600 casual workers who have no job? How do you justify the heavy wage bill that you pay to the local authorities if you do not give them opportunities to make the councils rich or useful?

Mr. Deputy Speaker, Sir, that indeed, is the good spirit, and I wish to support the amendment of the Minister.

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

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

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

(Question of the Motion as amended proposed)

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. We need your guidance. You notice that amendments were proposed, seconded by the same side of the House, and the same side contributed. Is it in order, according to our Standing Orders, to put the question before the other side even responds?

Mr. Deputy Speaker: Order, Dr. Ochuodho! Could you cite for me the Standing Order that has been violated? Could you cite the Standing Order that has been breached?

Dr. Ochuodho: Mr. Deputy Speaker, Sir, normal practice demands that---

Mr. Deputy Speaker: Order! Order, Dr. Ochuodho! Cite for me the Standing Order which has been breached? I am taking this matter very, very seriously because you have formed a habit of standing on frivolous points of order. We must now bring this to an end!

Dr. Ochuodho: Mr. Deputy Speaker, Sir, I asked for your guidance. Is it in order that when one side proposes---

Mr. Deputy Speaker: Order! Order, Dr. Ochuodho! When you stand on a point of order, you are standing under Standing Order No.68, and I invite you to read it and see that it requires you to ask the Chair to make a ruling on a Standing Order that has been breached. Now, I want you to comply!

Dr. Ochuodho: Mr. Deputy Speaker, Sir, I was seeking your guidance, because, normal Parliamentary practice---

Mr. Deputy Speaker: Order, Dr. Ochuodho! This is the last time the Chair will tolerate you because you are consuming time that others would have used in debating this Motion. So, those hon. Members who want to contribute, just stand up and catch the Speaker's eye. Hon. Nyagah!

Mr. N. Nyagah: Thank you Mr. Deputy Speaker, Sir. I believe I have only got five minutes before the Mover is called upon to reply, but I want to begin by saying that local authorities have been given a very raw deal over the years, from 1963 when the Local Government was based on the Principal Statutes on which it was formulated.

Mr. Deputy Speaker, Sir, I would like to remind the Minister that, through Hard Acre Commission of 1963, there was recommendation that the Local Government Act should be repealed after five years from the time it was enacted. And that, thereafter, every 10 years, the Local Government Act ought to have gone through a process of review. That is one thing that the Government has reneged on and refused to do.

Mr. Deputy Speaker, Sir, it is high time the Omamo Commission Report was made public. Three years after the Government spent a lot of money, this Commission's Report is still a mystery. Nobody knows anything about it. We only get reference to it. I would like the Minister to listen to this very carefully: The fact that LATIF is considered to be a benefit to the local authorities, in actual fact, it is not a benefit. This is because, what the local authorities need to do is to come up with a Local Authorities Service Commission to look at that and be able to recruit its own members of staff who are qualified to do the job. Basically, what is happening at the moment, is that, whatever money goes in there, the chief officers and members of staff who are there, are the beneficiaries of whatever revenue is in those authorities. Hence, one of the problems that we have within all the local authorities at the moment, is that, we are unable to pay councillors. The Minister should also move his deputy and assistant secretary from the Ministry of Local Authorities, and have a qualified human resources manager within the local authorities, so that they are able to come up with better recruitment. What are they having today? They have people who are unable to manage the revenue. Therefore, irrespective of the sweet words that we have heard, this would not work.

May I also appeal to the Minister that he should create a training institution where the personnel of the local authorities will be trained. In fact, let me go a step further and say that, an approach should be made to the local universities, so that diplomas should be awarded to members of the local authorities, in order to have effective local authorities in this country.

The other one, I know the Minister will not like it, is that the Minister should have no business at all, in transferring his members of staff to the local authorities because their allegiance is not to the local authorities, but first and foremost, to the Minister for Local Authorities. He may disagree with me on this issue, but he does not realise the powers that he wields from and below his chair. This has been a recommendation by the Omamo Commission. They found it fit, after spending a lot of resources, to consider that chief officers should never in future be seconded to the local authorities. We should not hide under the guise that there would be another Commission. The Omamo Commission Report should be brought out now, before the Constitutional Review Commission, so that we can have certain review. If we are going to wait for the next two years, the local

authorities are going to suffer.

The other issue I would like to raise about the chief officers is that they should never, ever be transferred. If at all they are transferred, the receiving local authority should have a say in it. They should not wake up one morning and find a new face that has been sent to them. It is a mockery of the whole exercise of the local authorities. Therefore, my very strong recommendation in support of what hon. Sunkuli has said, in future, even with those that will be reviewing the Constitution, is that if you want a sense of belonging and allegiance, the chief officers of the local authority must belong to that authority and not to the Minister.

With those few words, I oppose the amendments.

Mr. Sifuna: Mr. Temporary Deputy Speaker, Sir, before I respond, I would like to give five minutes to my brother, Dr. Ochuodho to contribute.

Dr. Ochuodho: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I am a bit saddened that the amendments are being brought by the Minister at this stage. The Minister clearly tells us that there is a Transfer Fund which is going to help the councils, but also goes ahead to say that money should not be paid to councillors. There are no employees in this country who are more impoverished than the councillors. In Homa Bay, for example, the councillors have not been paid for eight months, and there are also some councillors in the previous council who have not been paid arrears. The issue of paying councillors what is dutifully theirs is a major issue, and I would like to appeal to my brother here, that he must have the interest of the councillors at heart.

Mr. Temporary Deputy Speaker, Sir, the burden that the councillors shoulder is something that we all know about. No wonder, they are impoverished and that is why corruption and land grabbing is rampant. But considering that there is hardly any more land left to be grabbed, I want to sincerely appeal to those on the Government side; they know the councillors are the people they rely on for day-to-day operations of their constituencies; that they need to be seen not only to be considerate, but also to have the interest of the councillors at heart.

Mr. Temporary Deputy Speaker, Sir, the councillors are currently at the mercy of the clerks. The clerks only pays them when they sing their tune. It is in this particular regard that I totally agree with my colleagues who have been pushing for the empowerment of the councillors. In a way, it is a beginning of devolution of power, the Majimbo, to the extent that I even feel the Government should be considering doing away totally with the chiefs as part of the Provincial Administration; so that, we give the councillors a little more power. Currently, there are conflicts of interest between councillors and chiefs when it comes to locational development committees. You wonder then, why we need to have the councillors if we cannot provide enough funds for them to perform their duties correctly.

Mr. Temporary Deputy Speaker, Sir, may I just mention that in my county council, the clerk has been found to use a tractor loaned out to Awendo-Sony, earning Kshs450,000 every month. But currently, this money is not accounted for. The councillors are not even aware. For the last eight years, this tractor has been earning money from Sony without being accounted for. We have to come out with tangible measures of empowering the councillors and, in my opinion, there is no way we can empower the councillors if we do not pay them adequately. We do not want them to be impoverished as the Parliamentarians are. They are impoverished, so that they can sing the tune of some bigger brothers. It is in that regard that I want to support those who are opposing the amendments, because if we are going to adopt the amendments as they are, I would want to challenge the Minister to tell us how he intends to pay the councillors, especially those whose payments are long overdue. The Minister at one point said that the Local Authorities Transfer Fund was going to be paid countrywide. Recently, when I was in my county council, I learnt that Homa Bay County Council had not received a single cent, and I understand new conditions are now being given on the Local Authorities Transfer Fund to be paid to the councils. Could the Minister tell us what the conditions are and if those districts which already received the money met those conditions?

Thank you very much hon. Sifuna for giving me your time.

Mr. Sifuna: Thank you, very much, Mr. Temporary Deputy Speaker, Sir, for giving me time to talk about this particular Motion. The amendments suggested on this Motion have diluted the intention of this Motion. We fail to understand why the Government takes too long to implement various Motions passed by this august House. The Government is now telling us that they are trying to implement the Omamo Commission Report. But that Report was submitted to the Cabinet in 1996. Why have they delayed its implementation? What was wrong with the implementation of the Report? It is now that they have seen my Motion that, they want to implement the Omamo Report. This is one way of dilly-dallying with the whole process. It is not good for this House to pass Motions but when it comes to implementation, it becomes very difficult. Recently, there was this Motion about banning members of the Provincial Administrators from being nominated to the councils. It was a very good Motion, sponsored by hon. Obwocha. The Minister for Local Authorities should now make sure that the provincial

administrators do not attend council meetings, and it is high time various political parties nominated their people to take those seats which were being occupied by the provincial administration. If the PC attends a council meeting, he will be attending as a representative of the Government and as such, we do not want this kind of mistake to happen again, since this issue was resolved by the IPPG in 1997.

Mr. Temporary Deputy Speaker, Sir, when the Minister talks about the Omamo Commission Report and even the previous Motion where the House passed that the councillors should be paid at least Kshs15,000, to-date, they have not been implemented. Even the Omamo Commission Report has indicated that the councillors should be paid more money. The Government at the same time should stop creating more councils through the districts, and as such creating more expenditure to the councils. That is why local authorities have not paid their councillors or their staff for the past one year or more.

With those few remarks, I beg to oppose the amendment.

(Question of the Motion as amended put and negatived)

(Applause)

LIVE COVERAGE OF PARLIAMENTARY PROCEEDINGS

Mr. Deputy Speaker: Order! Hon. Kirwa is not here? Motion dropped.

(Motion dropped)

Mr. Deputy Speaker: Next Order!

FORMULATION OF WATER RESOURCE
HARVESTING MASTER PLAN

Mr. Deputy Speaker: Mr. N. Nyagah!

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, may I ask the indulgence of the House because as we deliberated in the Sessional Committee yesterday. I did say that I would like to move this Motion next year when we come back bearing in mind that hon. Kirwa's Motion was before mine and, therefore, I was not ready both myself and my Seconder on this Motion. May I ask that it is deferred until next year?

Mr. Deputy Speaker: Motion deferred.

(Motion deferred)

Next Order!

REPEAL OF HIGHER EDUCATION LOANS BOARD ACT

Mr. Deputy Speaker: Dr. Mukhisa Kituyi not here? Motion dropped.

(Motion dropped)

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, that concludes the business on the Order Paper. It is now time for the interruption of business. The House is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 11.03 a.m.