

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 3rd November, 1998

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.318

DISTRIBUTION OF FAMINE RELIEF IN MWINGI

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

(a) how many bags of famine relief maize or other items of relief food were delivered to Mwingi District during 1997; and,

(b) whether he could give a breakdown of the number of bags issued to each location.

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

(a) Mwingi District was allocated a total of 95,281 bags of relief maize between January and December, 1997. Out of this allocation, 91,308 bags of maize were actually issued in that period. A total of 3,973 bags of relief maize were carried over to 1998.

(b) The amount of relief which was issued to needy families and whose records are available at the DC's office, Mwingi and NCPB depot, are as per the attached annex which, if you have not received it, I want to give it to you. There is a breakdown of famine relief allocation; number of bags issued on monthly basis per location in the District from January to December, 1997.

Mr. Musila: Mr. Speaker, Sir, I am grateful to the hon. Assistant Minister for the reply. After a very careful scrutiny of the annex that was made available to me, it is clear that some 33,000 bags valued at nearly Kshs6 million are missing.

Therefore, it is clear that this maize, which was meant for the poor famine stricken people, did not reach these people. Could he, therefore, tell this House what became of these 33,000 bags?

Mr. Angwenyi: Mr. Speaker, Sir, like I said earlier, 3,923 bags were not issued. They were carried over to this year, but fortunately, for the first time for the people of Mwingi, they harvested adequate cereals in that year and they did not need this famine relief support.

Mr. Musila: On a point of order, Mr. Speaker, Sir. The Assistant Minister is telling us about harvesting and famine relief. Is he in order to do that when my Question is specific? I have got a list here showing the distribution of the maize during 1997. That is what we are talking about.

He has told us how many bags we were issued. From this list, after allocating maize to every location, a total of 33,000 bags are not accounted for. I am asking him to tell us what became of the maize, because it is clear that the maize was stolen by the DC and his friends. This is all he should confirm.

Mr. Angwenyi: Mr. Speaker, Sir, the Committees allocating this famine relief to our people in this country include Members of Parliament for the respective areas. The Government would be grateful if the hon. Member could give us those details showing that some of that relief was stolen by our officials.

Mr. Speaker: By the way, hon. Members, it is wrong to use that word here. You can use a substitution! Mr. Musila and Mr. Angwenyi, both of you are out of order!

Mr. Angwenyi: Mr. Speaker, Sir, I beg to apologise for using that word, but I still maintain that we would appreciate if the hon. Member would give us details of the bags of maize which were not properly issued to the people who needed it and we will take further steps; I can assure this House.

Mr. Munyao: Mr. Speaker, Sir, I expected the Assistant Minister to apologise before he replies to this Question. This Question came to this House way back in June, and the hon. Questioner has been reminding him to get the answer. The issue of the lost maize is a great concern of the recipient.

There was a reason why, in the first place, they were given because those who were giving out, gave it in an order. They knew that 95,000 bags were needed and 91,281 bags were needed to be given to people at that time.

Therefore, somebody suffered at that time when this shortage was created. Nobody ate during that time and children did not go to school during that time because they were hungry.

Since we want to eradicate corruption, could the Assistant Minister assure this House that an affirmative action will be taken against this DC and DO who actually has given him wrong answer?

Mr. Angwenyi: Mr. Speaker, Sir, I could not agree with the hon. Member more, but I am insisting that we need to have that information. The Government is more concerned, in fact, if there was any misappropriation of this relief food to our people.

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

Mr. Speaker: Order, Mr. Musila! Order! How dare you order the Chair?

Mr. Musila: I apologize, Mr. Speaker, Sir.

Mr. Speaker: Very well. What was your point of order?

Mr. Musila: Mr. Speaker, Sir, the Assistant Minister asked me to supply information and he himself has given me information here where the maize went and there is a deficit of 33,000 bags of maize. Could the Assistant Minister order an investigation himself because he has got police under him; to investigate the whereabouts of 33,000 bags of maize? Could he also assure this House that in future no grain of famine relief food will leave Government stores without authority from the relevant committees?

Mr. Speaker: Well, I think, Mr. Musila, you have a point. Mr. Angwenyi, between you and Mr. Musila, who has the resources to mount an investigation?

Mr. Angwenyi: Mr. Speaker, Sir, the Government has adequate resources to mount an investigation. But still, the Government will need information. You know information is the key to any investigation.

Mr. Katuku: On a point of order, Mr. Speaker, Sir. The Assistant Minister has admitted here in his answer that, there is a deficit of some bags due to the good weather, Mwingi people harvested. Where are the bags? He has admitted here that they had a deficit. Is he in order to deny here and tell Mr. Musila to go and investigate?

Mr. Speaker: Order! I do not want to get involved in this. But Mr. Angwenyi, a question of stores is really a question of records. Do you have the records? This is what Mr. Musila is asking. Why do you not find out if, according to your records, all the maize you issued went to the people of Mwingi? That is all he is asking.

Mr. Angwenyi: Mr. Speaker, Sir, we have accepted that the maize which was issued fell short of 3,973 bags. These were in our NCPB stores and we did not pay for them. But if these are among the bags that were issued and allocated to the people, then we want information about that.

Question No.572

ADDITIONAL CELL FOR OYUGIS POLICE STATION

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

(a) if he is aware that Oyugis Police Station has only one cell measuring 8" by 6" that accommodates as many as thirty inmates at a time;

(b) if he is further aware that such cramped and congested conditions have serious health implications for the inmates; and,

(c) if the answer to "a" and "b" are in the affirmative, whether he could, as a matter of urgency, construct an additional cell.

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I beg to reply.

(a) It is true that Oyugis Police Station has got only one cell. It is, however, not eight inches by six inches.

(Laughter)

It is 11 feet by 7 feet and it can normally accommodate 10 inmates which is very rare at any particular time. Wherever---

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. It is very interesting that this answer, the way it has been typed here, is reading eight inches by six---

Mr. Speaker: But what is your point of order?

Mr. Ndicho: My point of order is whether this is the mistake of the Questioner who put the inches, or the person who typed this Question here?

Mr. Speaker: Why do you not sit there and listen to Mr. Otula when he stands to ask a supplementary question?

The Minister of State, Office of the President (Mr. Madoka): Mr. Speaker, Sir, as I was saying, it is 11 feet by seven feet and it can normally accommodate 10 inmates. It is very rare to have ten inmates at any one particular time.

Wherever they have excess prisoners, or of different sexes, they take them to Kisii Police Station or Kendu Bay Police Post which have more accommodation.

(b) With the maximum of 10 inmates, the cell is not too unhealthy.

(c) The Government is considering putting up more police cells at Oyugis Police Station.

Mr. Otula: Mr. Speaker, Sir, first of all, I would like to say that the measurement of the cell is eight feet by six feet, not eight inches by six. It has been said that it normally accommodates up to ten inmates. What if they arrest up to 30 people? Where do they take the others, because Kendu Bay is as far as 14 kilometres away?

Maj. Madoka: Mr. Speaker, Sir, I have said that any time we have excess inmates, we take them to Kisii or Kendu Bay. It does not matter how far it is, that is what we do.

Mr. Obwocha: Mr. Speaker, Sir, even the Chair knows that 11 by 7--- The tallest man is 6.6 feet. Now, even if one had to lie on the ground, he would not fit even in this cell. I also brought a Question to this House about Nyamira Police Station where there is even a smaller cell than this one. It measures eight feet by eight feet. Nyamira is even nearer to Oyugis than Kisii. Now the Minister is saying that these inmates are taken to Kisii Police Station. We do not think that this is true. The Minister should be honest and tell this House what they are going to do construct a new cell at Oyugis.

Maj. Madoka: Mr. Speaker, Sir, I have said that we are looking into the possibilities of putting up more cells.

Mr. Otula: Mr. Speaker, Sir, could the Minister tell this House where they normally keep the women prisoners since they only have one cell? Do they mix them with the male prisoners? Where do they put them?

Maj. Madoka: Mr. Speaker, Sir, I wish the Questioner could listen. I did say that when we have inmates of different sexes we take them to Kisii or Kendu Bay Police Stations.

Question No.285

LOSSES INCURRED BY TEA GROWERS

Mr. Kathangu asked the Minister for Agriculture:-

(a) how much money the tea growers of Mungania and Rukuriri Tea Factories lost in the recent past due to uncollected tea leaves and the boycott on tea picking; and,

(b) what he is doing to stop any such loss in future.

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

(a) Mungania and Rukuriri Tea Factories are estimated to have lost in uncollected green leaves due to the poor infrastructure and water loss in black tea in 1997/98, as follows:- Mungania Factory, Kshs3,900,467; Rukuriri Factory, an estimated Kshs737,739.00

During the tea picking boycott in June and July, 1998, Rukuriri Factory did not participate. However, Mungania Factory which boycotted tea picking on 24th June, 1998 and 9th July, this year, is estimated to have lost of a total of 75,000 kilograms valued at Kshs1,920,000.

Mr. Speaker, Sir, the Government has undertaken major policy changes to improve on the policy environment in the tea industry. Under these changes, factory companies will have autonomy to handle their own affairs. They will also have greater say in the transportation of their tea.

Mr. Kathangu: Mr. Speaker, Sir, for eight months, in 1997/98, the two factories did not pick tea. Is the Assistant Minister telling us that the total loss affecting the two factories for eight months was the Kshs4 million he has quoted in his answer?

Mr. Karauri: Mr. Speaker, Sir, we had based that on the tea that we expected to have been picked but which was not picked.

Mr. Ndwiga: Mr. Speaker, Sir, the answer given by the Assistant Minister is ridiculous. It is ridiculous because the Assistant Minister knows very well that apart from infrastructure, part of the reason why there is so

much uncollected tea for both Mungania and Rukuriri Factories, is the capacity. The factories do not have the capacity to handle the tea in those areas. Could the Assistant Minister, therefore, tell this House what they are doing to increase the capacity of these factories?

Mr. Gatabaki: Thank you, Mr. Speaker, Sir. This is the same issue that led to my being thrown out of this Parliament last week. Could the Government assure this country that it will not apply the same scheme of destroying agriculture, the way it has done with sugar, cashewnuts, cotton, coffee and now tea? Could this Assistant Minister assure us that Government is not using the same scheme to destroy the farmers?

Mr. Karauri: Mr. Speaker, Sir, the Government fully supports the farmers. The Government has no intention of destroying the farmers. I would like to appeal to the hon. Members, especially, those from the tea and coffee growing areas, that they should not encourage boycotts in those areas. Boycotts of tea picking have caused the farmers a lot of losses, because finally, it is the farmer who losses and not anybody else.

Mr. Ndwiga: On a point of order, Mr. Speaker, Sir. The Assistant Minister is diverting from the question. Is he in order to ask us not to ask our farmers to boycott picking tea and coffee when he acknowledges--

Mr. Speaker: That is an argument, Mr. Ndwiga!

Mr. Ndwiga: Mr. Speaker, Sir, it is a point of order.

Mr. Speaker: Order! Order, Mr. Ndwiga!

Mr. Ndwiga: Mr. Speaker, Sir, do not throw me out again today!

Mr. Speaker: Order! Order, now! I do not want hon. Members to stand on a point of order, to raise a point of argument. So, you have strictly to understand what a point of order is. Ideally, you should quote which Standing Order the Member is breaching.

Mr. Kathangu: Mr. Speaker, Sir, the two factories; Mungania and Rukuriri, have been employed fully to process the Nyayo Tea from around Mt. Kenya Forest. That is why our farmers continue to boycott tea picking. The question we are asking is this: What is the Ministry doing to make sure that farmers' tea is processed before the Nyayo Tea that we do not even know who it benefits? These two are our factories. They are not Nyayo Tea Zone factories.

Mr. Karauri: Mr. Speaker, Sir, I would like to inform the hon. Member that my Ministry is bringing a Sessional Paper to this House in order to privatise KTDA and at the same time, an amendment to the Act will be brought to this House so that the tea companies can be in charge of their own affairs in their areas.

Mr. Speaker: Next Question!

Question No.548

TARMACKING OF NANYUKI-NYAHURURU ROAD

Mr. Kiunjuri asked the Minister for Public Works and Housing:-

(a) if he is aware that the road connecting Nanyuki and Nyahururu Towns through Mutara is only 67 kilometres;

(b) if he is further aware that due to the impassability of the road, the residents of Nanyuki have to travel 182 kilometres via Nyeri to reach Nyahururu Town; and,

(c) if the answers to "a" and "b" are in the affirmative, when the road through Mutara will be tarmacked.

The Assistant Minister for Public Works and Housing (Mr. Khaniri): Mr. Speaker, Sir, I beg to give the following reply.

(a) I am aware that the road connecting Nanyuki-Nyahururu Towns through Mutara is 71 kilometres long and not 67 kilometres.

(b) I am aware that when it is wet, residents of Nanyuki may choose to travel to Nyahururu via Nyeri Road which is tarmacked.

(c) The Ministry has plans to gravel Nanyuki-Mutara-Rumuruti Road at a cost of Kshs143,858,414.70, because funds are not available to facilitate undertaking of tarmacking works. The project has already commenced. Further, this financial year, the Ministry will also grade and gravel Mutara-Nyahururu Road, at a cost of Kshs145,000.

Mr. Kiunjuri: Mr. Speaker, Sir, the Question I am raising right now, has been asked in this House for the last 20 years. It was asked by hon. Muthura and hon. Francis ole Kaparo in the same House. We have been promised several times by the--

Mr. Speaker: Order! By the way Mr. Kiunjuri, when you stand on the Floor of the House, you must

speak the truth. There was no time at all that one, Francis ole Kaparo was ever in the Back Bench to ask a Question. Anyway, continue!

Mr. Kiunjuri: Mr. Speaker, Sir, I was trying to give some references so that the Assistant Minister, who is young and who I wish could be made a Cabinet Minister by the end of this year, can know that this Question has been raised in this House before.

Mr. Speaker, Sir, it is true that this is a very short distance. The only surprising thing is that, these people choose to use Nanyuki-Nyeri-Nyahururu Road which is almost 200 kilometres, instead of the 71 kilometres linking the two towns. I appreciate the answer from hon. Khaniri. I know they will do as they have promised. However, could the Assistant Minister assure us that the Kshs145,000 he is talking about, which will be used on Mutara-Nyahururu Road, which is more than 20 kilometres, will be enough to grade and gravel the road?

Mr. Khaniri: Mr. Speaker, Sir, I gave that assurance. I said there is Kshs143,858,414.70 for full gravelling of Nanyuki-Mutara Road. Then for Mutara-Nyahururu Road, we are not going to do full gravelling. We will do grading and spot gravelling, that is patching. I assure the House that the amount allocated will be enough.

Mr. Kihoro: Mr. Speaker, Sir, the alternative that has been given by the Assistant Minister of travelling an additional 111 kilometres, from Nyahururu through Nyeri, is no alternative at all. It is a waste of time to travel such a long distance just to make 71 kilometres. It is also a waste of money. It is a waste of foreign exchange, and it is very important that the Assistant Minister understands that this is not an alternative in the circumstances. The road should be made in the next three months.

Mr. Khaniri: Mr. Speaker, Sir, I fully agree with the hon. Member, that, this is not the best alternative. But as I said, the works on Nanyuki-Mutara Road commenced on July 6th. Once these works are completed, the road will be passable.

Mr. Ndwiga: Mr. Speaker, Sir, this connection is very important, not only for the residents of Nanyuki, but also for people around Mt. Kenya. That is, Meru, Isiolo and those other areas. Because of the importance of this short connection, what future plans does the Ministry have to tarmac this road?

Mr. Khaniri: Mr. Speaker, Sir, as to the question of tarmacking, I cannot promise the House, that tarmacking will be done, because we all understand the economic situation our country is facing at the moment. When we met at Mbagathi, we all agreed that until further notice, the Government should not initiate new projects.

Mr. Kiunjuri: Mr. Speaker, Sir, I really appreciate what the Assistant Minister is saying, but he should remember that, the whole of Laikipia East Constituency with a road network of over 800 kilometres has only three kilometres tarmacked. In the whole of Laikipia District, it is only 156 kilometres of the road network which is tarmacked, out of which, 163 kilometres are in Laikipia West. Could the Assistant Minister assure us that he will go back to the field and get us a proper answer? Because, I used that road last week; I passed through Mutara-Nyahururu Road, and in my view, it should be gravelled and not graded. In fact, not a kilometre of it is passable even during the dry season. Could the Assistant Minister consider going there physically and see the 1.5 kilometres road which he is planning to grade and gravel?

Mr. Khaniri: Mr. Speaker, Sir, I will not do that, because we have already done that. According to our field men, the Nanyuki-Mutara Road will undergo full gravelling and it deserves that. We will spot-gravel and grade the Mutara-Nyahururu Road and that is what it also deserves at the moment.

Question No.439

PROVISION OF POSTAL SERVICES IN WAJIR EAST

Mr. Speaker: Mr. M. A. Mahamud not here? The Question is therefore deferred.

(Question deferred)

Mr. Speaker: Next Question. Dr. Shem Ochuodho.

Question No.561

FORMULATION OF NATIONAL IT POLICY

Dr. Ochuodho asked the Minister for Research and Technology when his Ministry intends to

formulate a national information technology (IT) policy.

The Minister for Research and Technology (Mr. Kiptoon): Mr. Speaker, Sir, I beg to reply.

The Ministry of Research and Technology is in the process of formulating a comprehensive information and communication technology policy, which is expected to be finalised within the next two years.

Dr. Ochuodho: Mr. Speaker, Sir, the Government aspires to industrialise by the year 2020 and I want to put it to this Government that, there is no way that they are going to industrialise without putting computer technology at the centre of that process. About four years ago, a national IT policy was drafted under the auspices of the same Ministry. Can the Minister tell us why they need two years to do a policy document which can be done in two weeks and could he guarantee that this will be the case in particular, considering that a parallel commission has been formed to address the year 2000 bug which will not submit results until after 18 months when the bug shall have long struck?

Mr. Kiptoon: Mr. Speaker, Sir, I do agree with the Member that, there is a draft made on this particular policy and that due to changing circumstances, and as the technologies keep on changing, there is need for us to undertake a thorough review of that, so as to be able to give a comprehensive policy. I would also wish to assure the Member that the recent commission was set up specifically to address the 2000 bug and it will definitely deliver before the due date.

Mr. Kombo: Mr. Speaker, Sir, the answer the Assistant Minister is giving obviously shows that the Government is not serious. I am not sure if he is aware that one of the new conditionalities by the World Bank and IMF for aid is free flow of information. I cannot see how the Government will qualify if they are not serious about the IT, when they can get proper information. Is he aware of this situation and that we could be denied aid because of poor information?

Mr. Kiptoon: Mr. Speaker, Sir, I do agree that it is only recently that the public sector has been opened up for computer applications and telematics and it is only recently that we had the market opened and I agree that a lot of conditionalities are being put in place. However, we are aware and we are prepared to occasionally put in sectoral programmes to guide the institutions such as the Kenya Posts and Telecommunications Corporation, the Meteorological Department and the mass media. So, we shall be offering segmental policy statements before the actual comprehensive ones come into place.

Mr. Achola: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister earlier, could he explain to the House or give an overview of what is contained in that policy, since he will not be able to hear it in the next two years?

Mr. Kiptoon: Mr. Speaker, Sir, at the moment, the country does not have a single information policy but there are these sectoral programmes guiding the various institutions. My Ministry, through the National Council for Science and Technology (NCST), is in the process of formulating this particular comprehensive policy to cover the various sectors of our economy. Now, there are quite a large number of sectors which I would say, cover the total mass of our activities including the mass media, banking, networking, research, the film industry, the publishing industry and meteorological Department. Now, we are working very hard to ensure that, the various facades that do come in, in need of policy do receive our attention and we do give the necessary guidance. However, as I said, within the next two years, we shall be able to have a comprehensive policy that shall cover all the various parts of our economy.

Dr. Ochuodho: Mr. Speaker, Sir, when the hon. Minister, being an engineer was appointed to this Ministry, we in the industry were very delighted but I must put it to him on behalf of the industry that, we are very disappointed. Looking at the *Kenya Gazette* that was issued on Friday, a committee has been appointed by the Ministry of Finance. That committee combines a number of Permanent Secretaries. My submission is that, I do not see what contribution the Ministry of Health is likely to make and yet, a very key Ministry is left out which is the Ministry of the Minister who is speaking. It is like the left hand of Government does not know what the right hand is doing. Could the Minister tell us why his Ministry and the Computer Society of Kenya are not represented on this committee?

Mr. Kiptoon: Mr. Speaker, Sir, I do agree with the sentiments expressed by the Member in that, when the *Kenya Gazette* went out, we discovered that actually, they did not include the relevant parts of the Government but all in all, they did allow for the incorporation of the option of experts and other interested parties and I do believe that, the computer society and the Ministry shall definitely have a role to play.

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. The Minister is misleading the House about the commitment of this Government to information technology, because nobody other than the Head of State has said that, computer information technology destroys jobs. So, if the President is hostile to information technology, then the Government is hostile to information technology.

Mr. Speaker: Mr. Gatabaki, that is not a point of order. Next Question!

Question No.449

SIZE OF LAND ALLOCATED FOR
WANGURU RESEARCH FARM

Mr. Speaker: Mr. Nderitu not here? Question deferred.

(Question deferred)

QUESTION BY PRIVATE NOTICE

ALLOCATION OF KARURA FOREST LAND

(Mr. Anyona) to ask the Minister for Lands and Settlement:-

(a) Who authorised the allocation of parts of Karura Forest between 1992 and 1996 and what acreage was allocated in that period?

(b) Who were the original allottees?

(c) Who have purchased some of the land from the original allottees?

Mr. Speaker: Order! Mr. Anyona, I was called by the Minister for Lands and Settlement and he said that he is not able to be in the House today and he would like to have this Question dealt with tomorrow. Is that accepted?

Mr. Anyona: Mr. Speaker, Sir, I did get a communication indirectly from the Minister. I imagine that is what he wanted to tell me, so I will take it from you.

(Question deferred)

COMMUNICATION FROM THE CHAIR

WITHDRAWAL OF MR. OKWEMBAH'S
PRESS ADMISSION CARD

Mr. Speaker: Hon. Members, I have a very brief communication to make to the House.

Under the provisions of Section 8 (b) of the National Assembly Powers and Privileges Act, Mr. Speaker, may from time to time issue such orders as he deems necessary, regulating the admittance of strangers within the precincts of the National Assembly and any party thereof other than the Chamber. A stranger in relation to the Assembly is defined as "any person other than the Speaker, a Member of the Assembly or any officer of the Assembly". Under powers conferred by that Act, Mr. Speaker had made rules which among other things deal with the following:

(i) Those strangers shall without special permission be admitted into or allowed to remain in any part of Parliament buildings or gardens unless in possession of a permanent pass signed by Mr. Speaker or the Clerk.

(ii) When such a pass has been withdrawn, the bearer will automatically be excluded from the precincts of the National Assembly.

(iii) The Sergeant-at-Arms and the Assistant Sergeant-at-Arms and any other person acting under specific instructions from the Sergeant-at-Arms or his assistants, is authorised and required to compel any person whom in his opinion is infringing these orders and no such expulsion shall be questioned except by way of appeal to Mr. Speaker after compliance. Four, any representative of the Press, approved by Mr. Speaker, shall be admitted by Press Admission Card. Such a representative shall be subject to these orders as applicable to all strangers who hold permanent passes.

Hon. Members, I had personally given instructions that the Press Admission Card of one David Okwembah be withdrawn. The withdrawal of that pass did not affect the status of the *East African Standard* newspaper in Parliament Buildings. The management of the newspaper was made aware of my position in that regard. Therefore, it was their business to plan their affairs the way they considered appropriate. I am, therefore, surprised that some hon. Members tried to bring the affected reporter to the Press Gallery through intimidation,

manipulation and blackmail. That sort of behaviour should not be condoned in this House. I wish to say that the matter of this particular affected reporter is being dealt with administratively and, hopefully, will be resolved in the best interests of those concerned.

Thank you.

PERSONAL STATEMENT

EXTENSION OF DEBATE OUTSIDE PARLIAMENT

Mr. Kombo: Thank you, Mr. Speaker, Sir, for giving me an opportunity to rise on a point of order under Standing Order No.69, and make a personal statement.

Mr. Speaker, Sir, if you recall, I raised a Question by Private Notice on Tuesday, 27th October, and you ruled that, that Question be answered on Wednesday, 28th, 1998. The Question, *inter alia*, required the Minister for Agriculture to respond to an award of a tender to supply three million gunny bags to the Kenya Tea Development Authority (KTDA). In raising this Question, I was motivated by my cardinal responsibility as an elected Member who represents farmers whose interests I swore to defend. The sugar industry on which my constituents solely depend is collapsing due to massive sugar importation. Nzoia Sugar Factory, among others, is almost closing down. Webuye Paper Mills, the alternative source of my constituency's livelihood, is threatened by cheap imports of paper products. These are the concerns that I feel this House as the National Assembly of this Republic needs to address. I was driven by noble and national concerns of the poor Kenyan farmers.

Mr. Speaker, Sir, those who have cared to associate with me, both in my private and public life, will testify that I am above trivial and tribal politics. My interest in the welfare of all Kenyans irrespective of their tribe, religion or status in society is beyond doubt. I would hate and, indeed, detest any person, whatever his rank in society or Government, to connect the issues I raised in the House with any tribe or community, or individual interests. Whatever differences there might be between individuals should be resolved at the personal level. Communities, whether Luhya, Gusii, or Kikuyu, should be left out.

I take great exception that an issue which was handled so ably by the Minister for Agriculture in this House was a subject of further debate at a public Harambee last week by an hon. Member. I call upon your wisdom to reprimand those who extend debates outside the four walls of this Chamber in total contravention of our traditions and conventions.

Mr. Speaker, Sir, I hate to be drawn into shadow boxing. Those who are aspiring to occupy higher offices of the Vice Presidency, or any other party office, should not use communities as ladders or horses to ride on. As one hon. Members of this House once said, let every person carry his or her own cross.

(Applause)

Finally, let me reaffirm my commitment to fight for my constituents and the voiceless Kenyans against economic exploitation. These are the ideals I stand to fight for to the end as long as I am in politics. Those who are driven by other forces of power are better advised to look at other avenues, but not to engage in shadow boxing, or behave like a bull in a China shop.

Mr. Speaker, Sir, as William Shakespeare wrote centuries ago, the sin that man commits follow him to his grave.

Thank you.

(Several hon. Members stood up in their places)

Mr. Speaker: Order! I do not want to get drawn into this. But I think I recall vividly that, either last week or the week before last, I did warn hon. Members of this House that matters that are being dealt with in the National Assembly must be confined here, and that we should not carry debates outside this House. This makes the work of Mr. Speaker very difficult, particularly when the discussion is of issues that are before this House. I hope that hon. Members do understand that the communication I made last time is for the betterment of the proceedings of this House, and is in their own interest. So, hon. Members, can we abide by that long-held tradition of not carrying debates out of this House, and never personalising them.

Mr. Musikari Kombo, you have just said what I have said more than 100 times: Let us never tribalise debates. I hope that, that ends that matter.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. I think that this is the right time for this matter of

taking debates outside this House to be re-visited. I remember that many years ago, when hon. Kibaki was the Vice-President and the Minister for Home Affairs, he went to a meeting in Machakos where certain issues were raised concerning a matter that was before the House.

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

Mr. Speaker: Order! Order!

Mr. Anyona: Mr. Speaker, Sir, the matter was then raised here in the same context, namely, that the Vice-President had taken debate outside the House. We are in a dilemma as to whether the public should be denied certain information if it is in their interest, because the matter is pending before the House. I understand the complication, particularly when we are still making a decision, but I would plead that this is, maybe, a matter that needs to be re-visited. We can draw on all our past experience and see if we cannot make some exceptions, so that when members of the public seek explanations on some issues at public meetings, we do not tell them that we cannot say it because it would be in contravention of the traditions of the National Assembly. Of course, we cannot deal with matters like this one and others when they are still pending before this House.

Mr. Speaker: Mr. Anyona, as I said last week, and the week before, many problems arise when hon. Members speak outside the House on matters that are already pending before the House. I am still of the view that hon. Members must not carry out debates of this House outside it, unless the matter is concluded. For example, it would be difficult for the Speaker to make a ruling one way or another on a matter that has already been ventilated outside my jurisdiction. I do not want to be drawn into all this.

On the issue of informing the public, may I also take this opportunity to very kindly request Ministers - it is not an order but a request - to make policy pronouncements from the Floor of the House. Let Government policies be articulated here. Maybe, you can expound them there, but it would be very nice to articulate a new policy from the Floor of the House, rather than at some strange Harambees or funeral gatherings. I think Kenyans will take you much more seriously if you use the Floor of this House to articulate Government policies.

On my part, I will try as much as is humanly possible to accommodate Ministers who will request the Chair for time to make Ministerial Statements from the Floor and inform Kenyans on what new Government policies they intend to embark on. I will try as much as possible to give you that opportunity. So, please, take this opportunity. I invite you to use the Floor of the House.

POINTS OF ORDER

HARASSMENT BY PROVINCIAL ADMINISTRATION

Mr. Munyao: On a point of order, Mr. Speaker, Sir. Last week on Tuesday, I rose on a point of order and requested the Minister of State, Office of the President, in charge of internal security to make a Ministerial Statement on the situation of an elected councillor who is also the chairman of Makueni County Council and who was being harassed by the Provincial Administration and the

[**Mr. Munyao**]

CID. At that time, the Minister had promised that he would make a Ministerial Statement on Thursday, but he did not do so. I understand this same councillor was even arrested on Saturday in the presence of four elected MPs who were shielding him and upto now he is still shivering in cold water somewhere. Could the Minister come up and tell us something about it?

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I appreciate what the hon. Member has said. But again, there is certain information I am collecting, I will certainly make a statement tomorrow.

ADMISSION OF STUDENTS TO UNIVERSITY

The Assistant Minister for Education and Human Resource Development (Mr. Awori): Mr. Speaker, Sir, on 15th October, hon. Munyasia brought a Question by Private Notice asking what would happen to six students who had qualified to join the university, but who had been left out. I gave an undertaking that an appeal would be made to the Joint Admission Board (JAB) for those students; I have a letter here from the university confirming that the six students have been admitted and that letters to that effect have been sent to them. Thank you.

(Applause)

TOWING OF VEHICLES BY NAIROBI CITY COUNCIL

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. I raised a matter here some two weeks ago concerning the Ministry of Local Authorities and it is unfortunate that the Minister is not present---

Hon. Members: He has arrived!

Mr. Ndicho: Mr. Speaker, Sir, can I wait for the Minister to settle down before I raise this matter?

Mr. Speaker: I am listening very carefully.

Mr. Ndicho: Mr. Speaker, Sir, I am addressing my point of order to the Minister for Local Authorities concerning the way vehicles are being towed away in the City of Nairobi by breakdowns. I raised this matter here because we feel that there is a conspiracy between some police officers and City Hall officials. The attendants who are supposed to issue parking tickets of Kshs50 are not present when somebody is parking his vehicle, but when he goes away, they come with towing cars and tow away his vehicle to Dagoretti Corner. And before it reaches there, some windscreens and other parts of the vehicle have been destroyed and every person is required to pay between Kshs3,000 to Kshs5,000 to get his vehicle back.

I want the Minister to make a Ministerial Statement. We would also like him to increase the personnel issuing parking tickets or we implore upon him to scrap that method all together because it is cumbersome and it has been used for corruption purposes. That money is not even going to the City Hall, it is going to individuals. Kenyan motorists must be protected when they come to this City.

The Minister for Local Authorities (Prof. Onger): Mr. Speaker, Sir, indeed, when hon. Ndicho raised this matter, I had every intention to issue a Ministerial Statement. In view of the allegations that he is making here now, I am obliged to state as follows:- First, the collection of parking fees at the Central Business District (CBD) which include both the Kenyatta Avenue, Moi Avenue, Uhuru Highway and Halle Selassie Avenue, the total collection of the parking fees for the last six months has been Kshs365,000 boiling down to between Kshs31,000 and Kshs32,000 per month. One of the issues that I remember vividly the hon. Member raising in this august House during the debate on Vote of the Local Authorities was the question of revenue collection by local authorities. When we summoned the City Council officials and told them that they must be responsible for the revenue collection, I want to tell you, Mr. Speaker, and this august House, that within 16 days when that method was put into place, the City Council was able to collect Kshs3.9 million and in the subsequent 10 days, they were able to collect Kshs2.1 million making a total of almost close to Kshs7.5 million in a space of 26 days.

Mr. Speaker, Sir, it is quite clear that, that revenue is now receivable and it is assisting the Nairobi City Council to meet part of its obligations. The only part which was crudely done was to tow the vehicles from the City Centre to Dagoretti. I was able to talk with the Mayor and he issued an appropriate Press statement stating that the vehicles will be towed right to City Hall yard where those who are not able to pay the parking fees will do it and get their vehicles back. Thirdly, we have been able to get enough askaris whose responsibility is to issue parking tickets. They are all over the place and they will be able to give you those tickets. The other thing is that we have actually gone as far as getting a security type of ticket that can be placed before the car and you do not have to struggle much. So, if your car is towed, you will find it right at the City Hall here and you must pay the fees for the services rendered and the money accruing from that will assist the City Council to meet its obligations.

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

Mr. Speaker: Hon. Members, you want to make this a debate?

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. We have no problem with the collection of revenue by the City Council, but our concern and the Minister touched on it is that we want enough personnel to issue parking tickets. The Minister is saying that they cannot employ more askaris to do that, but the problem is that when you park your vehicle there and you have the Kshs50, there is nobody to give. So, if the Council is collecting Kshs6 million in two weeks, why can he not employ more Kenyans to issue those parking tickets? Hon. Nyanja's car, a "KAE" was damaged yesterday. So, all we are saying is that the Minister must increase the number of personnel. There are so many Kenyans who are jobless and it is very good that he has come up with employment opportunities.

The Minister for Local Authorities (Prof. Onger): Mr. Speaker, Sir, I am happy that hon. George Nyanja's car was towed away for not paying the fee and I think he should pay the fee. Secondly, I did assure the hon. Members that as far as the number of persons is concerned, the City Inspectorate has enough personnel. I think they are about 3,000 people and they should be able to carry out that job. I have asked the City Council officials to avail enough personnel to be in position so that no car is towed without the owner being known. But as

for hon. Nyanja, I have no problem with him because, if he parked it wrongly and it was towed, he should pay Kshs50.

Mr. Nyanja: On a point of order, Mr. Speaker, Sir. I have no problem paying that fee. As a matter of fact, I am here to testify that there is not enough personnel. Why are you towing the vehicles? The person was not there to receive the money and that is what hon. Ndicho is trying to hammer home and, Professor, do not miss the point; the point is; you do not have enough personnel. They are destroying other peoples' property. We are going to have a very major fight because we cannot allow our vehicles to be damaged and you protect them in the name of revenue collection. Kshs3,000 is nothing compared to the Kshs10,000 one incurs when his vehicle is damaged.

Mr. Speaker: Very well. Order! Order, Mr. Obwocha! I think the best course is, since it does look like it may be a contentious matter, if any Members want to have further discussion on it, they make it appear in the House in a proper fashion.

Maj. Madoka, you had consulted me, you wanted to make a statement about the incident raised by the hon. Ngilu, but you wanted to wait for her, now she is here. Would you like to make your statement?

MINISTERIAL STATEMENT

HARASSMENT BY POLICE

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I wish to make a Ministerial Statement on alleged harassment of hon. Charity Ngilu by police on the 26th of October, 1998.

On the 26th of October, 1998, at 1445 Hours, within the Kitui BAT Grounds, hon. Charity Ngilu attempted to hold an illegal public meeting. She had not complied with the laid down procedures as required by the law which stipulates that a person intending to convene a public meeting or procession should notify the regulating officer, in this case, the OCS, of such an intent at least three days before but not more than 14 days before the proposed date of the meeting or procession. As a result, police cordoned off the area keeping away members of the public.

When hon. Charity Ngilu found no people for the meeting, she went away and convened another meeting at Kitui Bus Station and started addressing it. The police dispersed the illegal meeting using tear gas after the people declined to disperse when asked to do so.

Following the above, the hon. Member of Parliament boarded her vehicle and headed for the District Commissioner's office, followed by a group of some councillors and a few local people. She demanded to see the District Commissioner of Kitui who was in another meeting. After the meeting, the District Commissioner allowed her in and she had a discussion with the District Security Committee for about two hours. Her main complaints were corruption in the Kitui District Hospital, insecurity in her constituency and land problems. She complained that the police disrupted her meetings and indicated that as an elected Member of Parliament for the constituency, she will never notify the police about her meetings.

(Applause)

This defiant attitude does not help as it sets a bad example to the general public. No report of injuries or damage to property has been made to any police station within Kitui District resulting from this incident.

It is incumbent upon all leaders, more so law makers, to refrain from acts that may endanger peace and cause disruption of law and order. It would be beneficial to all of us to pursue established channels which are meant to assist us in managing our public affairs.

(Several hon. Members stood up in their places)

Mr. Speaker: Obviously, the first chance will be given to Mrs. Ngilu.

(Applause)

Mrs. Ngilu: Mr. Speaker, Sir, I am surprised that the Minister is not well informed about what happened in Kitui Town. He is certainly misinformed. The town is in my constituency and I was on a meet-the-people tour on a Monday afternoon. We had held a meeting with the councillors in Kitui Town, and when we came out to meet the people, we ran into this problem. It was another hon. Member of this House who told the police to make

sure we never meet people.

Hon. Members: Shame! Shame!

Mrs. Ngilu: Mr. Speaker, Sir, therefore, can I be guided as to how I will be meeting people in my constituency?

An hon. Member: Under what law?

Mrs. Ngilu: Again, can I be told what law was used? I still want to repeat: When I will be visiting my constituency to meet my people, I will never apply for a licence. I will never apply for a licence. Let the Minister get it right!

(Applause)

I am elected legally, and I will never get a licence.

Mr. Nyanja: On a point of order, Mr. Speaker, Sir. Maybe the Minister is new in this job, but the law does not require a Member of Parliament to apply for a licence in order to meet his own people. That is very clear!

An hon. Member: His or her own people?

Mr. Nyanja: I meant "her" own people. So, for the Minister to demand that hon. Ngilu should follow certain channels or requirements in order to meet her own constituents---- The law is very clear on that. So, this violation of human rights, because she is a woman--- This is very serious offense. I wish it was removed!

(Laughter)

Mrs. Ngilu: Mr. Speaker, Sir, I do not think that I was elected to this House just because I am a woman. However, the tendency has been that, whenever the police set on the Members of Parliament, they hurt them. They have hurt hon. Beth Mugo very much before. They have also hurt me very much. So, he might also come up and say whether this is aimed at women Parliamentarians only!

Mr. Speaker: Let me give another chance to another lady.

Ms Karua: Mr. Speaker, Sir, it appears that the Minister is legitimising the use of force and disobedience of the law by police officers and the administration. As hon. Nyanja did put it, the law does not require Members of Parliament to seek permits for "meet-the-people tours." It is, therefore, contrary to the law, for the Minister or the police to expect Members of Parliament to seek permits to tour their constituencies. When hon. Ngilu says that she will never seek for a licence, that is the law! She is not required to seek one.

(Applause)

Mr. Speaker, Sir, I am a bit disturbed that the hon. Minister uses the word "alleged". When a Member of this House says that she had been assaulted, it is no longer an "allegation." We are supposed to be people of honour and Ministers should not use such words before doing thorough investigations. Where are the hon. Members and councillors from Kitui supposed to report to if it is the same police showing brutality?

(Applause)

It has become an issue of human rights. Even if the meeting was illegal, which it was not, the police cannot use excessive force. They did not have to beat, neither did they have to throw tear gas. Can we be told whether there is a new policy where the Government disregards the law when dealing with hon. Members from Opposition parties?

Mr. Speaker: Mr. Minister, can you respond to that?

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I think we have to make a clear distinction between a meet-the-people-tour and a convened public meeting. The Gracious Lady was not on a meet-the-people-tour. She had definitely convened a public meeting and wanted it to go on. That is what was stopped.

(Loud consultations)

Mr. Speaker: Hon. Members, are we going to turn this into a debate?

Mr. Anyona: Mr. Speaker, Sir, I think it is important that this matter is clarified. This is one of the

IPPG's recommendations. The position is like this: When we were deliberating on this matter, we abolished the process of licensing. We said that it is imperative that the security arm is aware when hon. Members are transacting their political business so that if a Member has a Harambee, he or she will inform the security personnel three days in advance so that they can provide the necessary security. But it was made quite clear that Members of Parliament, councillors, and the President, by the way, while touring the country, would not need notifications and permits. That is the law!

(Applause)

Mr. Speaker: Maj. Madoka, do you have anything to add? If you have nothing, you can sit down.

The Minister of State, office of the President (Maj. Madoka): Mr. Speaker, Sir, I do not know what the problem is. We definitely agree that during a meet-the-people-tour, one does not need a permit. But, while convening a public meeting, you need to notify the police. In this case, no notification was given, and we will continue---

(Several hon. Members stood up in their places)

Mr. Speaker: Order, hon. Members! We have turned this into a debate. I think I have given enough time for this matter. Any Member who wishes to pursue it further can use the relevant Standing Order to continue the debate. But we cannot turn a point of order into a debate. So, that should end that matter now.

NAMING OF MR. OSUNDWA

Mr. Obwocha: On a point of order, Mr. Speaker, Sir. Last Wednesday, you made a ruling when this controversial and very unfortunate Question was in this House. Hon. Osundwa was named and he went away for three days and he is now back in the House. You said that when he comes back, he should substantiate the problem that was here. Many of us have suffered the same fate when we have been unable to substantiate issues we have raised in this House. I do not think that we should bury our heads. Many hon. Members here may not appreciate, but we are in parties which are led by Luhyas and we are having problems even in dealing with our own people. I would like this matter to be substantiated properly so that we place the law where it belongs. We do not want to punish innocent Kenyans if there is no evidence.

Mr. Speaker: Order, hon. Members! Again, we are falling into the same trap! We are falling into the same trap again and again! All the time I advise that we should keep tribes out of our discussions but there we fall into it again. So, can we, please, get this out of our thinking? But there is one valid question that hon. Obwocha has raised and this is the duty of a Member; to substantiate a statement of fact.

(Mr. Haji consulted loudly with Mr. Shidie)

Order, Mr. Haji! There is a requirement by rules of this House that a Member is held responsible for the accuracy of any statement of fact alleged by him and he may be called upon to substantiate. I think hon. Osundwa was last time called upon to substantiate these issues and I did, as a matter of fact, on Wednesday last week, at the invitation of the Minister for Agriculture, contrary to Press reports that I went out of my way to stop the Minister from answering the Question and demanded an apology from Mr. Osundwa--- It was in fact, the hon. Minister for Agriculture who said, to the best of my recollection - which statement was not carried by any of our Press - that the Ministry and the KTDA absolves Mrs. Nyachae, the wife of Minister Nyachae, from the allegations made by Mr. Osundwa. The Minister asked me to ask Mr. Osundwa to clarify what he had alleged before he could answer the Question. So, it was actually Mr. Mudavadi who gave way to Mr. Osundwa to make that clarification. Because I was requested by the Minister, I obliged.

So, hon. Members, it is something that I find difficult when you get all these things mixed up. But I did allow hon. Osundwa an opportunity to either substantiate as demanded or withdraw, if he could not substantiate. That was the opportunity I gave to the hon. Member and he declined; and we keep on going and that is what now hon. Obwocha is complaining about. One thing which I must say, therefore, is that we must get the rules of the House. Let us distinguish between everything else. The rules of the House must be enforced by Mr. Speaker. As far as I am concerned, you are all hon. Members. If you are in breach, you are in breach and it does not matter who you are. So, I want to advise hon. Members that when you are called upon to substantiate, take the earliest

opportunity to substantiate. In fact, I am very surprised that when an hon. Member is given a chance to say his or her piece and he declines the offer, normally hon. Members complain about not being given a chance to substantiate. Here we had an opportunity for the hon. Member to substantiate what he said. Again, for the second time, I am availing this opportunity to Mr. Osundwa to either substantiate, and if he does that to the satisfaction of the House, the matter must rest there, or if he cannot substantiate and he wishes to withdraw then the matter will also end there. But it is entirely upto him. All I have to do is to give you the opportunity. There it is! Is Mr. Osundwa there? It is unfortunate that he is not there. Because he is not there, I cannot give an opportunity to a void! His place is empty! I urge hon. Members who want to pursue this issue not to do it in the absence of the hon. Member because I will be taking away the time of the House unreasonably. So, let us wait. I hope this matter will come to rest.

The Assistant Minister for Local Authorities (Mr. Mwakalu): Jambo la nidhamu Bw. Spika. Ninainukia jambo la nidhamu nikiwa nimechapwa na mshangao kwamba swala la ukabila limepigwa marufuku kuzungumziwa kwenye ukumbi [**The Assistant Minister for Local Authorities**] wa Bunge. Ukabila umekuwa kidonda ndugu katika nchi hii. Haukubandika!

(Laughter)

Mr. Speaker: Order, Mr. Mwakalu! I am totally disadvantaged because that kind of Kishwahili, I find it extremely difficult to follow. Can you make it slightly understandable to the likes of us?

The Assistant Minister for Local Authorities (Mr. Mwakalu): Samahani Bw. Spika. Nilikuwa ninaomba ufafanusi kuhusiana na jambo la kuwa swala la ukabila limepigwa marufuku kuzungumziwa katika ukumbi wa Bunge. Sijajua ni kipengee gani ambacho kimekataza kuzungumziwa swala hili katika Bunge hili, kwa sababu ukabila umekuwa kidonda ndugu. It is a chronic cancer in this country! Hatuwezi kuepuka kuzungumzia swala hilo kwa sababu ukabila umepenywa katika kila mahali; katika maisha, nidhamu, tabia, desturi na mila za Wakenya siku hizi.

Mr. Speaker: Order! Hon. Mwakalu, are you debating without a Motion?

The Assistant Minister for Local Authorities (Mr. Mwakalu): Bw. Spika, nilitaka kujua ni kipengee gani ambacho kinamzuia mhe. Mbunge kuzungumza juu ya ukabila katika Bunge hili.

Mr. Speaker: Order! Order! Honestly, I do not understand. Maybe, in simple language you can tell me later. By then, I will be able to understand.

(Laughter)

(Mr. Osundwa walked into the Chamber)

Mr. Osundwa, I do not know whether you were here when I was giving you an opportunity to discharge your onus. The onus you have is to substantiate what you claimed last time and, of course, you are aware of the Standing Orders of the House.

Mr. Osundwa: Thank you, Mr. Speaker, Sir. First of all, I must apologise. When you called me, I had gone to take a telephone call from my constituent.

I must say this: I did not have the benefit of listening to the Minister for Agriculture's reply to the Question as asked by hon. Kombo and which actually was the basis of my substantiation of the claims I had made here. However, I am happy that the tender in dispute has now been cancelled as confirmed by the Minister which, in itself, is a substantiation that things were not right with that tender. I am happy about that.

I have three papers here. I will lay them on the Table of the House for your own judgement.

Hon. Members: No! Read them!

Mr. Osundwa: I want to save the time of the House by laying the papers on the Table.

(Loud consultations)

Mr. Speaker: Order! The Clerks-at-the Table, do you have a transcript of Mr. Osundwa's allegation because he only has to substantiate what he said and not anything beyond that? Do you have a transcript?

To the best of my recollection, I think what he did say last time was that Mr. Karanja, Mr. Sanderson and Mrs. Nyachae were involved in this scam of three million bags. I am not quoting exactly--- Order! What is happening at that corner?

(Loud consultations)

Hon. Members: Massacre!

Mr. Speaker: Order! What you were challenged, at that time, to substantiate--- Nobody challenged you, for example, to substantiate about the involvement of Mr. Karanja or Mr. Sanderson in this tender. What you were challenged by Mr. Nyachae himself was to show that his wife was involved in the scandal of KTDA. That is the only bit. So, you go ahead.

Mr. Osundwa: Mr. Speaker, Sir, as I have mentioned earlier on, I have three documents here. One is the tender analysis form which clearly shows that the lowest tenderer was not given this tender, but the East African Packaging Industries (EAPI) won the tender. If you look at the tender report, it mentions Mr. Karanja, Mr. Sanderson, Mr. John Small and Mrs. G. Nyachae. All this information is contained in the documents I am going to lay on the table.

(Mr. Osundwa laid the documents on the Table)

Mr. Speaker: Very well. Mr. Nyachae, what do you want to seek?

The Minister for Finance (Mr. Nyachae): Mr. Speaker, Sir, I want to look at the documents because we cannot lay false documents on this Table.

(Loud consultations)

Mr. Speaker: Order, hon. Members! I think, in all fairness, I cannot make a decision now. Even the House does not know what is happening. So, I think in all fairness, the Chair must peruse the documents. Any interested hon. Member can peruse the documents. After we have perused these documents, I will then communicate to the House

[Mr. Speaker]

whether, in my opinion, that is fair substantiation. Anyone who expects me to do it now, is expecting me to be an angel, which I am not. So, we will hold this matter now in abeyance there, so that every hon. Member who wants to look at those documents may peruse them and the Chair will communicate to the House after perusing the same.

The Assistant Minister for Agriculture (Mr. Karauri): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! I find it extremely difficult that every time I make a decision---

An hon. Member: Can we peruse them?

Mr. Speaker: Order! I have not even seen those papers. I do not know where they are. I do not know what those papers are. I have not looked at them. They have been given to the Clerk.

The Assistant Minister for Agriculture (Mr. Karauri): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Mr. Karauri, you will see the outside of this House! What the House has agreed on is that we peruse these documents; to know what they contain. In the meantime, the Clerk will make them available to all hon. Members and to Mr. Speaker. My findings will be made after perusing those documents. It is as simple as that.

Dr. Kituyi: Jambo la nidhamu, Bw. Spika. Nidhamu yangu ni kuhusu swala lililoletwa juu ya ufafanuzi kutoka kwa mhe. Mwakalu. Alitaka kujua ni kipengele gani katika Kanuni za Bunge hili kinachozuia mhe. Mbunge kuzungumza juu ya ukabila. Ningetaka kufahamisha Bunge hili ya kwamba katika sura ya 72, kipengele cha nne, ndicho kinachohusiana na maswala aliyouliza alipotumia msamiati mgumu.

(Laughter)

Mr. Speaker: Next Order!

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

Mr. Speaker: Order! I hope the three of you are not revisiting this issue!

Mr. Muchiri: It is quite different!

Mr. Speaker: What is it, Mr. Muchiri? I do not normally hear you complaining.

Mr. Muchiri: Did you hear hon. Nyachae say that we are shouting like fools in this House?

Mr. Speaker: Did he say that?

Hon. Members: Yes!

Mr. Speaker: Mr. Nyachae, did you say that?

The Minister for Finance (Mr. Nyachae): Mr. Speaker, Sir, I said that in this House, we must not shout like fools. I did say it.

Mr. Speaker: Order! Hon. Nyachae, I think we must bring some form of order and dignity to the House. I do not think we have any fools here and neither do hon. Members shout like fools. I will order that you withdraw the words that, "hon. Members shout like fools".

The Minister for Finance (Mr. Nyachae): Mr. Speaker, Sir, I am going to withdraw, but if this House has dignity, then heckling must stop so that we respect each other. But if some hon. Members gang up and they keep on shouting--- I am a human being, I apologise and withdraw.

Mr. Orengo: On a point of order, Mr. Speaker, Sir. I have grown to respect hon. Nyachae for sometime, but I am beginning to lose that respect because you gave him an opportunity to withdraw. But in withdrawing, he is compounding the problem that he found himself in. He is saying that we are "ganging up". Whenever, we stand up to speak here, we do not stand up as a gang, we speak up individually as hon. Members. I think that has to---

Mr. Speaker: Order, hon. Members! If you listened very carefully, after whatever else Mr. Nyachae said, he ended by saying: "I withdraw and apologise." That is all the cure or medicine for hon. Members in the House. Once an hon. Member has withdrawn and apologised, that is the cure for all ailments. So, I think it is properly cured now.

Next Order!

Mr. Ndicho: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it Mr. Ndicho?

Mr. Ndicho: Mr. Speaker, Sir, with all due respect to you and hon. Osundwa, I am seeking guidance on when you throw an hon. Member out of this House for three days, and order him to substantiate his allegation when he comes back. Can he come back before the three days are over to substantiate? I am seeking your guidance because I have been a victim.

Mr. Speaker: Mr. Ndicho, you are seeking my guidance because that issue is already out of my way. You are trying to take us back and I will not be taken back. Next Order!

BILLS

First Reading

THE NATIONAL INTELLIGENCE AND SECURITY SERVICE BILL

*(Order for First Reading read, read the First Time -
Ordered to be read the Second Time tomorrow)*

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I beg to move:-

[The Minister of State, Office of the President]

THAT, the National Intelligence and Security Service Bill be referred to the relevant Departmental Committee in accordance with Standing Order 101(A)1.

Mr. Anyona: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is your point of order, Mr. Anyona?

Mr. Anyona: Mr. Speaker, Sir, given the experience we had recently with this---

(Loud consultations)

Mr. Speaker: Mr. Anyona, I cannot hear you!

Mr. Anyona: Mr. Speaker, Sir, the experience we have had recently concerning Bills which are referred to Departmental Committees, is that a Bill comes to the House for Second Reading without the report of the committee. This is a very important Bill, and we wanted to remind the Minister and the Committee that they have

seven days under Standing Order 101(A)(3) within which to bring the report before this House. We would not like to be landed with a Bill, important as it is, without a report.

Thank you, Mr. Speaker, Sir.

Second Reading

THE LOCAL AUTHORITIES TRANSFER FUND BILL

(The Minister for Finance on 21.10.98)

(Resumption of debate interrupted on 27.10.98)

Mr. Speaker: Who was on the Floor?

Mr. Mwenje: Mr. Speaker, Sir, hon. Raila was on the Floor.

Mr. Speaker: Mr. Raila, you have the Floor for 15 minutes.

(Mr. Raila consulted with hon. Members)

Mr. Speaker: Order! Mr. Raila, have you finished?

Mr. Obwocha: You have not finished, hon. Raila?

Mr. Raila: Mr. Speaker, Sir, I had finished.

Mr. Speaker: Yes, Mr. Mwenje!

Mr. Mwenje: Mr. Speaker, Sir, I would also like to support this Bill, because there has been so much inconvenience to those who have been paying Services Charge fee without getting services from the local authorities. All local authorities, particularly the one which my constituency falls under, should have been taken to court for obtaining money by false pretences. This is because they have been collecting money from the residents without providing them with services. The Minister should have taken them to task for continuing to collect money without giving our people services.

It is for that reason that we should support this Bill, so that we will precisely know the amount of money that will be transferred from the Treasury to the local authorities. Then, we will know how much local authorities will spend out of their actual income. The problem has been that the local authorities collect money from the residents, and yet we do not know how much they collect, spend and misappropriate. There has been total confusion in the use of services charge money and it has been deliberate. This is because we have been asking big local authorities, particularly the Nairobi City Council, to publish budgets, which would enable us to know how much they collect and spend. It has been in nobody's knowledge how that money has been spent. It is for that reason that one will find that the officers of local authorities have become "gods." This is because they steal, or misappropriate that money and nobody checks this. At least, we know when money is misappropriated at the Treasury, because it is voted by this House and audited by the Controller and Auditor-General. But we do not know how much money is collected by local authorities. This is the best idea that has been brought about by this Bill. Money will now be transferred from the Treasury to local authorities. So, we will know how much it will be. The starting percentage of five might be low but, as proposed by the Minister, it will continue rising as time goes by.

Mr. Speaker, Sir, we hope that when we know how much local authorities will receive from the Treasury, the residents, particularly those living in Nairobi City will get services. We have been getting a raw deal for the money we have been paying to the local authorities. If one goes around Nairobi City, he or she will find heaps of garbage. No single road which leads to Eastlands has been tarmacked. The roads which have been tarmacked have been shoddily done. There is one such road in Parklands. They are so shoddily done that, that money which is given out to the contractors is not worth the job that is carried out. Why does that happen? This happens because the amount of money which is collected by local authorities is not known. We do not know how much is collected.

Mr. Speaker, Sir, yesterday I read in one of the newspapers that the contractors who are repairing roads in Nairobi City have gone to the extent of bringing an invoice from a different company, and have been paid over Kshs53 million. I hope the minister will find out why a contractor like M/S Kabuto Contractors presented an invoice which belonged to M/S Kay Construction Company, and was paid. Who is encouraging all this?

What is now happening is that, in the City Council, for that matter, each contractor applies for particular jobs. They have already identified the contractors whose deals they will accept. How do they pre-qualify some

contractors? You decide which ones will be allowed to tender and not others. All these are Kenyans and they should be allowed to tender. That is happening because they have entered into some deals with some of these contractors. The money which is paid to these contractors is derived from the Services Charge which we are paying. I was surprised to read about such a thing. What is happening today is that these officers, because now they have been able to collect all this money and because nobody knows how much it is, are so rich. Take any particular officer here in the city and you will find that he is driving a bigger car than the Minister can afford. Each one of them has more than ten cars. Very big ones including Range Rovers, Mercedes Benz and Corsa. I doubt whether the Minister for Local Authorities can afford any of those cars. If this looting continues like this we do not know to which level it will be extended. We are worried that these officers, because of the enormous amount of money they have, they will continue the defrauding residents of this City and other local authorities a lot of money. They have even been taking a lot of plots.

I dare refer to one officer who has taken more than 100 posh plots in this City only worth more than Kshs3 billion. He is doing it in conjunction with another senior officer and the Town Clerk.

Mr. Kikuyu: On a point of order, Mr. Speaker, Sir. In view of the serious allegations being made by the Member for Embakasi, could he name the officers so that we can know who is corrupt, and who is not, instead of saying that 100 plots had been grabbed by one officer who owns two cars?

Mr. Mwenje: Mr. Speaker, Sir, I am very much prepared to name them is I am challenged to do so. There are two officers, in fact they were here and one is called Kuria wa Gathoni. I am on a point of order. I am replying to the challenge.

The Minister for Local Authorities (Prof. Ongeru): On a point of order, Mr. Speaker, Sir. Is it in order for hon. Mwenje to name people who are not able to defend themselves in this August House? If he has any evidence of such corruption could he lay it on the Table so that we can peruse it?

Mr. Mwenje: Mr. Speaker, Sir, I have been challenged to name them and I am prepared to name them and mention all the plots which have been taken in that respect. I have the complete list. If I read them here you will get shocked in this House.

[Mr. Speaker left the Chair]

[The Temporary Deputy Speaker

(Mr. Imanyara) took the Chair]

An Hon. Member: Go ahead!

Mr. Mwenje: I am even prepared to give the Minister a copy of the list of all these plots here. I do not say things which I do not know about. I wanted a photocopy of this document because I have only one copy. I want to retain one copy. So, after my speech I will give them a photocopy. I am going to make reference to this one.

What I am saying is that there are two officers in City Hall whose job--- I am going to table it immediately. I am making some reference to this one. This man called Kuria wa Gathoni and the Town Clerk, Zipporah Wandera, have been messing up this City. They have taken so much from the public. They have taken all the plots that are around here and these plots are now worth over Kshs3 billion. What is happening here in City Hall is common knowledge. Because of that, the Minister for Local Authorities has been challenged and has even been given notices by Nairobi City Councillors to remove them. A resolution has been passed to that effect. I would want the Minister to listen to this because I am wondering why he has not been acting on this one. What I am saying is that the city fathers have passed a resolution and signed it. The resolution was forwarded to the Minister for Local Authorities. It was given to the Minister for Local Authorities and with a delivery book yet the Minister has refused to act on this resolution from the Nairobi City councillors.

We are now being forced to allow local authorities to be given money. What assurance are going to be given by the Government that even this money will not be misused? If that is going to happen we do not know what will happen. We have been told the Services Charge will be withdrawn. But still more, we have just been told by some Members of Parliament here, how their cars have been towed and a lot of money has been collected. How will this money be accounted for? If they are now going to depend on the money coming from the Treasury to this Fund, how will this Fund be monitored? How will it be controlled? We are not even sure whether we are not allowing the local authorities to be able to take money from the public coffers or even from the Treasury. If they have been embezzling the money which they have been collecting, how sure are we that this other money will not be squandered? When we talk of local authorities and their funds, it is the most pathetic situation that we have

ever talked of. Almost everybody coming here will see that they do not get the service that they are paying for. Foreigners, visitors, tourists, Kenyans and everybody else that they are being robbed of the money that they are paying.

While supporting the idea that we need to start this kind of Fund, I would want the Minister to come up with measures and tell us how they are going to monitor the spending of this money without a budget. We are now going to allow money from public coffers--- I am prepared to Table this paper now because I now have two copies. Meanwhile I will also Table this so that the Minister can also see.

An Hon. Member: Table it right now!

(Mr. Mwenje laid the documents on the Table)

Mr. Mwenje: For now, we are discussing the ones which were taken by the two officers over whom the Minister has received several appeals from Members of Parliament in the city and the Nairobi City Council, in writing, but he has refused to act on that. We need an explanation to know if they are supporting this business of squandering public plots and public funds. We expect the Ministry of Local Authorities to get more serious. While I respect the Minister as an individual, I am not satisfied that the Ministry is really doing its job. So, while we talk of these services, it is my humble submission that the Ministry should come up with a solution on how the residents of this City will be able to know how their money is being spent. I am perturbed, I do not know whether the Minister is also aware that these contractors--- I thought when you go to open tender, it should be an open tender. But when you give it to the same few contractors, who have been messing up such as Kabuto Contractors-- - I wish the Minister could visit Parklands Road and see how shoddily that job has been done.

But this is the same contractor who is always at the top there. Why? Just because there are some deals cut there.

Today in Nairobi, it is very unsafe to drink raw water from the taps. It is very unsafe. You get typhoid and yet this water is supposed to be treated. This is happening and, yet, we pay a lot of money for water.

The Minister for Local Authorities (Prof. Ongeru): On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Mwenje has made a very serious allegation. The allegation he is making to this hon. House and the rest of Kenya, is that the water that we drink through the pipes is not treated. Could he substantiate this allegation? He should lay papers on the Table to prove that. I would insist that because that allegation has far-reaching implications on the health of the people of this City, could I request him to lay the documents on the Table and substantiate the allegations before he proceeds with any further discussions?

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I am prepared to lay the water that we drink here on the Table.

*(Mr. Mwenje poured water into a glass
and laid it on the Table)*

Mr. Ndwigu: On a point of information, Mr. Temporary Deputy Speaker, Sir. I do wish to inform my dear colleague here that the point he is making is quite relevant. Last year, in this House, it preoccupied debate on the Ministry of Local Government. Indeed, at one time, there was a businessman who supplied chalk to the Nairobi City Council. Mr. Kongo supplied chalk to the Nairobi City Council. In this same House, the Minister then acceded to the fact that water in the Embu Municipal Council was not being treated, and that is why there was an outbreak of cholera. So, what other substantiation is the new Minister looking for?

The Minister for Local Authorities (Prof. Ongeru): Mr. Temporary Deputy Speaker, Sir, hon. Mwenje has made a specific allegation; that the City of Nairobi water is untreated. He is saying that it is not being treated. I want him to substantiate that now. I happen to know that the water is treated with chlorine powder. I can tell him, on a daily basis, the alkalinity and the acidity of water depending upon the amount of titrated treatment of that water in Nairobi. Also, he made a further allegation that there is typhoid. Could he give the number of cases in each hospital and how many have been treated? He has been drinking the same water for the last eight months that we have been in this Parliament and he has not contracted typhoid. Could he substantiate?

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I am very much prepared to substantiate. First of all, the water here has to be boiled before it is brought here. That is why I can take it. It is boiled because it is not treated and that is why I am saying it is unsafe for human consumption.

The Minister for Local Authorities (Prof. Ongeru): On a point of order, Mr. Temporary Deputy Speaker, Sir.

Mr. Mwenje: I am responding to his point of order! How can he continue rising on a point of order, when I have not even responded to the first one. Can I respond to his point of order? So, what I am saying is that this is one substantiation right on **[Mr. Mwenje]** the Dispatch Box here. He has also been informed that the water is being treated with chemicals that are not right.

Secondly, he is talking about typhoid. I wish to lay myself on the Table because I suffered from typhoid because of drinking the same water. That is another substantiation; that I myself was sick after drinking the water, and the doctors told me it was because of the water. I do not take the water any more. Now, I take mineral water. Almost literary in every hotel and shop, there is mineral water.

(Prof. Ongeru stood up in his place)

I am responding to his point of order! Could the Minister be a little bit more orderly? He is out of order because I am responding to this point of order! So, what I am saying is that it is true---

(Prof. Ongeru still stood up in his place)

Can he sit down? So, what I am saying is---

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

The Temporary Deputy Speaker (Mr. Imanyara): We cannot have two points of order at the same time!

Mr. Mwenje: What I would like to tell the Minister is that he should not try to defend the obvious. He is trying to defend the officers. It is true that water in Nairobi is unsafe and we will say it in any corner of this country. People have to boil water in Nairobi. The medical doctors are telling us, and he is one of them, that we should boil the water. He should tell us not to drink un-boiled water because it is dangerous in Nairobi today. It is the duty of the Minister to see that the water is properly treated and checked before it reaches the consumer at the other end. Several times, I have opened my own tap in my house and a lot of dirty water has come out.

The Minister for Local Authorities (Prof. Ongeru): On a point of order, Mr. Temporary Deputy Speaker, Sir. I asked for a specific substantiation. He said that the water is not treated, and you can check the HANSARD. If boiling was such a simple matter, the nation, including the City of Nairobi, will not be spending millions of shillings to treat the water that we are drinking today. The hon. Member, if he wants some form of education from me, not all water which is boiled is free of bacteria. My point of order is this: Can he substantiate before the House that the City of Nairobi water is not treated by the conventional method of treatment, which is by chlorine?

The Temporary Deputy Speaker (Mr. Imanyara): Order! I understood hon. Mwenje to say that the water in Nairobi is unsafe for drinking. That is what he said. Now, that is a matter of opinion and I happen to share that opinion, Mr. Minister.

Mr. Mwenje: Thank you very much, Mr. Temporary Deputy Speaker, Sir. That is why the Minister needs to be informed.

Mr. Ndwiaga: On a point of order, Mr. Temporary Deputy Speaker, Sir. My point of order concerns the order of the House. The Minister is taking useful time of the House and of the hon. contributor here, while he has time enough when he replies, to say what he would like to say.

The Temporary Deputy Speaker (Mr. Imanyara): Let hon. Mwenje proceed with his debate.

Mr. Mwenje: Thank you. That is Solomon's ruling. Therefore, I think the Minister should take us seriously. We are the people who live in Nairobi. We are the people who are elected in Nairobi. I represent over 114,000 registered voters, more than three times that of his constituency. He should know this. So, when I speak about them, and when I speak of their safety, I am serious and I know what I am talking about. He should take note so that this is rectified and dealt with. But just because he has been ignorant of the appeals which have been made to him, to rectify the situation, that is the only reason why he would like to stand here on a point of order, which is not a point of order.

We demand proper services for the amount of money that Kenyans are paying. The amount of money which is paid to the local authorities is a lot. I am glad that the Minister for Finance has come up with a better solution. This is because nobody ever knows how much is in City Hall and other county councils. No Local Authority in this country prepares a budget. At least, we know what we have in the Government. But we never know what is there in the local authorities. So, I would like to appeal to the Minister for Finance to demand that

even before he gives money to the Fund, he should ask the local authorities to give their budgets, and show how much money they have also collected. They should not just sit and depend on the money that is coming from Treasury. They will continue collecting some money which will not go in the normal sack of the Exchequer. They will still keep that money. So, if they are going to get the funds, they should also be able to tell us how much money they have collected, how they intend to spend the money, and how they will be spending the money that they will be given.

Mr. Temporary Deputy Speaker, Sir, to-date, we do not know how local authorities are spending this money. If they are going to take a contractor and give him an exaggerated figure to do a particular road and then the road is shoddily done, we are giving a free hand to a few individuals in the local authorities to play around with public funds the way they want. Members of Parliament were complaining about the amount they are paying when their vehicles are towed. How do we get this figure? How do we know that this is also true and how do we know the amount that they are actually collecting?

Mr. Temporary Deputy Speaker, Sir, mine is to insist that we need to know how they are spending this money and how they are collecting it. Most local authorities do not bother about education.

Here in Nairobi, they care about primary education, but I do not know why they do not bother about secondary education. It is no good training children up to Standard Eight and then leave them in the hands of Harambee contributions from politicians and leaders as if these are not the same children we were looking after when they were in primary school.

The other day I was surprised that the Government, on Kenyatta Day, said they do not know what Nairobi Members of Parliament are doing in respect to schools in Nairobi. I want to inform the Government, and His Excellency the President, that we have done a lot for children in this City. I personally have started five secondary schools in Embakasi Constituency on my own initiative. I have been spending my money and collecting money to start these secondary schools.

There is no single secondary school that was ever started either by the Local Authority or even by the Government itself. I did it on my own. I could not have built them on Kenyatta Day, it is only 10 days ago. I did it long time ago and I have been here for the last 20 years as a leader in this country.

I was surprised to hear that the President does not even know that we have been building schools in this City. I know even a number of hon. Members and Ministers here who have also come to help us in building some of these schools, yet the information never gets there correctly.

We should not be blamed for lack of information to those who should have got the information through proper channels. They should be told that we are working hard for our people. The Local Authority here is not able to do it. So, we are doing it ourselves and we are going to continue doing it.

Mr. Temporary Deputy Speaker, Sir, as for the money which is coming, we should also be told when it is deposited in a particular bank, at what rate of interest - although it is negotiable - it will attract.

Let this money not be played around with, like we have had other money in the local authorities which is placed in some banks so that particular fellows can get loans and favours against it in those banks. There should be a rate of interest which should be regulated from the Ministry of Finance. It should be known how much it is. They should also be directed as to which bank they are going to deposit the money. We do not want to hear, like we heard sometime ago, that money owned by local authorities has fallen with particular banks.

A lot of money was lost sometime ago just because particular individuals wanted to get favours from these banks. We should negotiate these rates at the prevailing rates or even better, if possible, because these will be large sums of money. The money will not be kept in Treasury or in Central Bank. So, it should attract proper interest rate where it will be kept.

It is common knowledge that when payments of local authorities go to particular individuals depending on the favouritism that is there, you might find a bill of an individual taking too long and another one is just taken today, and it is paid, just because there is a deal with some of these officers.

The integrity of our officers has got to be vetted. The problem with this Government is that we tell them and repeat many times, but nothing happens. This falls on deaf ears and that is why we are saying we have lost confidence in this Government. It should resign tomorrow morning because nothing is happening. Our people are not getting services.

We are now voting for money here to go to this Fund and people are not getting services; there is a lot of uncollected garbage, un-repaired roads, no water supplied and nothing is moving properly here.

Whose fault is it? It is this Government. We tell them and we will continue telling them until they go home, because they need to go home. We may have one or two good ones, but I know most of them should go home if a proper election is conducted.

Our people are not getting services and the hue and cry in this country is that our people do not get

services, yet they pay taxes. They pay so much taxes yet they do not get services.

All Kenyans should know that when one drinks a soda, there is a tax on it. When they drink beer, tax is there, yet, sometimes they believe that they do not pay tax because they do not see themselves paying taxes. It is this same money which is squandered by a few individuals.

When one catches such a person who has been stealing, somebody is told, "go and examine whether his head is proper". His head may not be proper because he is arresting somebody who has been stealing. When people steal here in Nairobi, we put a tyre on them and burn them. This is the same fate that those who are taking public money should face.

I am glad there has been some real change here and there since the current Minister for Local Authorities came, but still he will never be able to control the system because the system is tight; so much that these people are corrupt even in their own bones, one can never change them. They will never change because it is in their bones and their blood.

They talk of belonging to KANU by blood, but it is theft by blood which is in KANU. It is very bad that corruption will never be eliminated in this country because it is in them. It starts from the top to the bottom.

When we talk of Karura Forest, we know who are there doing all these things. We know the people involved, yet when we talk about them, instead of following those who are saying this is bad, they follow the ones who are doing these things.

This Government has got to change. Time has come when they should be told by the members of the public that they either go home or the members of public come by force and remove them as long as they continue stealing public funds. It is serious and we are getting fed up. They are running out of time, but they do not realise that they have to change and this has got to stop.

I support the idea that we put this money in a particular fund. This Bill should be supported and passed, but then they should not be given free hand, those in local authorities - because they are worse. When we tell them that they have been stealing from public coffers, that is why yesterday, I also called my people and gave them plots. Whether it is legal or illegal, they must have them also because they are following the same style. We will follow the same style until are able to remove them.

With those few remarks, I beg to support.

The Assistant Minister for Planning and National Development (Mr. Sumbeiywo): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Local Authority Transfer Fund Bill. The problem we are facing in this country today is lack of funds, particularly in the Local Authority.

In the past, the local authorities were endowed with a lot of resources which they used to get from taxes and from donors.

Today, I am happy that this Bill has been brought to the House so that the local authorities can be given this five per cent of the Services Charge so that they can run the services that they used to run in the past.

We are aware that the local authorities had some special roads that they used to look after; like the feeder roads and the small roads leading into the countryside.

There were some schools which have now been closed down as a result of lack of funds to maintain them.

Mr. Temporary Deputy Speaker, Sir, it is disheartening when you send your children to these schools and they are sent away just because the local authorities cannot pay the teachers since they have no funds. So, it is gratifying to see that the Government is thinking about helping the county councils or local authorities to run their affairs. The most important thing is that the local authorities must be able to generate some kind of income or revenue by putting in place proper machinery for collection of revenue. It must ensure that the collected revenue is properly utilised, as opposed to the present practice where the town clerks and the councillors are allowed to use the money or decide how the money is spent, I think because most of the local authorities have councillors who may not know a lot about financial management of the little revenue that is collected, they need to be educated. These people need to go to education seminars all over the country so that whenever there are new councillors, they are educated on how money collected within the local authorities ought to be spent.

Mr. Temporary Deputy Speaker, Sir, the proposed 5 per cent Services Charge to be given to the local authorities, although it is a small amount, is better than nothing. This is because as we speak now, most of the town councils and even the municipal councils are without any money to run their affairs. I would suggest that competent officers are attached to the local authorities so that they can educate the officers in the field, including the councillors, on how to utilise this Fund which we are now debating. As it is, most of the officers are not very much acquainted with how the collected money is supposed to be used.

Mr. Temporary Deputy Speaker, Sir, there has been a tendency in the past to sell some property belonging to the local authorities; like land and houses. I think it is not fair. What should happen is that those houses which were built a long time ago, during the colonial time, should be reconstructed so that the same houses

can be used by the officers of the local authorities. They should be rehabilitated for human habitation. What is happening is that land or houses on local authority land is sold to developers. These developers in the end sell the same houses to the local authority at an exorbitant price. Why can the town councils, and local authorities in general not construct their houses so that they can rent them out and get revenue to supplement what we are now trying to give to them so that they do not go back every now and then to the Government to ask for more money?

Mr. Temporary Deputy Speaker, Sir, in some local authorities, the by-laws, if there are any, are not properly enforced. This is because I am sure there are by-laws enacted to govern every town council, every municipal council and all county councils in this country. But some of these by-laws are really ignored. I would like to urge the Minister to ensure that these by-laws are strictly followed so that the management of town councils is properly carried out. This is because without by-laws and without any legal laws to govern the running of county councils, town councils and local authorities in general, things will go haywire. This is because the councillors will be saying one thing and, on the other hand, the town clerk will be following the by-laws strictly. I think the councillors should be given authority because they are the representatives of the people. The laws in this country should recognise that the councillors are superior to the officers because they are elected by the people and they speak for the local people as opposed to the present system where you find the officers are controlling the local authorities, that is, the town councils and the municipal councils. I think they should be given authority because they speak for the people; just like a Member of Parliament has the authority to speak for his people who elected him into Parliament. By doing that, I think we will avoid wrangling. There are frequent wrangles between the councillors in a given town council or county council or municipal council. If the councillors are given powers by the Local Government Act, this wrangling will be eliminated completely.

Mr. Temporary Deputy Speaker, Sir, I would like to urge the Minister because I heard him say the other day when he was moving this Bill that the local authorities that get Services Charge and remit the same are going to get this money and the others are not going to get it. I want to appeal to him that I think the Ministry should be considerate because there are some councils which have nothing to offer. They are not able to collect revenue because there is nowhere to collect it from. The people have no business. So the little money they get is used to perhaps, run the affairs of the offices. I think the Minister should give all the local authorities the five per cent as opposed to his intention to give to those councils which he thinks are collecting revenue and remitting the same to the local authorities.

Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity in this House to appeal to the Minister to consider at least taking care of water and sewage in our local towns and district headquarters. Several times I have appealed in this House, that a district headquarters called Litein has no running water. It is a shame that 35 years after Independence, there is no running water or sewage. I wish you could pass there one day and see the pathetic situation. Yet it is being claimed that we have electricity, water, sewage and everything. I would like to appeal to the Minister to look for funds to ensure that we have water in that small town, however small it is.

Mr. Temporary Deputy Speaker, Sir, the last speaker on the Floor said that this Government should go because it cannot offer services as far as local authorities are concerned. I am not very sure the hon. Member has got another Government in waiting, in case this one goes. But he has no powers. So, the best thing for him to do, is to go to the Ministry of Local Authorities and give his advice, which I am sure the Minister will be willing to accept. But just saying that they will organise people in Nairobi to do this and that, does not serve any useful purpose. The best thing is to sit at a table and advise the Minister where he is going wrong. I am not saying that the Ministry of Local Authorities is 100 per cent perfect, but nobody is 100 per cent perfect in this country. So, what is required here is a kind of mutual understanding. We should come together and solve our problems, because we are not expecting anybody from any---

Mr. Kariuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to insinuate that the Government listens when we, as the Opposition, keep advising the Government and yet, they do not take the advice that we give them? Most of the issues that are raised by this side of the House are normally ignored by that side.

The Assistant Minister for Planning and National Development (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, I think the hon. Member is still fresh in this House. That is not a point of order, it is a point of argument. So, he should keep listening and get experience from those who have been here longer than him.

Mr. Kariuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to say that because I am new, I do not know what I am talking about? I am elected by the people of Kiharu and they know why they elected me.

The Assistant Minister for Planning and National Development (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, I respect the hon. Member and he knows that he is a good friend of mine. The only thing I am saying here is that, he needs to spend more time in the House and differentiate between a point of order and a

point of argument. He will have his time, because I know he is going to be the next speaker on the Floor.

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, the speaker on the Floor is taking a lot of time lecturing on points of argument and points of order. We need your guidance. Is it not legitimate for the question that was asked to be answered?

The Assistant Minister for Planning and National Development (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, I thought that the hon. Member was a doctor and he should know more than a former police officer.

Mr. Temporary Deputy Speaker, Sir, I would like to continue.

Mr. Muithia: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard the sentiments by hon. Members from this side of the House. Is the hon. Member in order to refuse to answer a relevant question? We know that the old guard in this country who have refused to go are the ones who have messed up this country.

The Assistant Minister for Planning and National Development (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, this is not Question Time, so I am not obliged to answer any question. Let him wait until next time when I have an opportunity to answer a question, then he can tackle me.

Mr. Temporary Deputy Speaker, Sir, the Government is listening and everybody knows that the Government is listening. I do not come from the Ministry of Local Authorities, but I have seen what the Ministry of Local Authorities is doing. Some of the roads in Eastlands have now been patched, whereas some of the roads in South B are being patched. So, we should congratulate the Minister. As I said earlier on, the Ministry of Local Authorities is not 100 per cent right. But where it has done well, we should congratulate them. Like I have said, they have not done much in my constituency. There is no water at Iten. If they have done roads in these other areas, we should congratulate the Ministry and at the same time, give that little money they are asking for, so that they can do better.

Mr. Temporary Deputy Speaker, Sir, for example, houses in Shauri Moyo, Maringo and Ofafa Jericho should be demolished so that the land can be made available for development by the City Council, so that more people can acquire houses in the City and also the City Council employees can have shelter over their heads, as opposed to the present moment where there are very few people who own houses in Nairobi and who can get access to living in the City Council houses. I am sure the hon. Member for Dagoretti will confirm that there are no houses in that area. So, we need to build houses in that area and I know there are so many other areas that do not have these houses.

Mr. Ita: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to insinuate that the Ministry of Local Authorities should continue building houses, when in fact, Government itself continues to sell those houses? How can we have this dualism? Is he in order to suggest that Local Authorities should continue to build houses, only for them to be re-allocated to politically correct people?

The Assistant Minister for Planning and National Development (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, I said earlier on that the local authorities should not dispose of land belonging to the City Council and other municipalities. Instead, they should construct houses on those pieces of land for the benefit of the workers of those local authorities. Secondly, I said that if there is any vacant or empty land, the local authorities should construct houses for mortgage, so that they can sell to workers in the local authorities. Because, at the moment, land developers are disposing of their property at very, very exorbitant prices. So, I think, the local authorities should chip in and use the little money so that they can sell these houses on mortgage, so that in future they can own houses. It is high time that our people owned houses in local authorities. Because if we keep on renting houses, the landlords are charging very high rents that cannot be afforded by the ordinary worker in the City or municipal councils for that matter. So, I am urging the Minister to build more houses. He should approach the Housing Finance Company of Kenya or any other financial institution to finance this project so that the workers can own houses.

Mr. Temporary Deputy Speaker, Sir, even in the rural areas, it is important that our people own houses. For how long are we going to wait for our people to own property in the City? We know that presently, the interest on money borrowed to do business, mainly construction or real estate, is very high. But we also want to ask the Minister for Finance to consider these people; that is, the local authority workers and for that matter, all the workers so that they can obtain these funds for construction of houses for mortgage as my hon. friend, Mr. Ita is saying here. It is high time that this was done. I know that there are very few people in this House who own property in this City. They are mainly foreigners but it is not the fault of our people. It is because they cannot afford to pay whatever percentage that one is required, so that they can own houses. So, I am urging the Ministry of Local Authorities to try and help our people, so that they also own houses.

Mr. Temporary Deputy Speaker, Sir, in the rural areas, there used to be machinery for maintenance of

roads. The machinery is now obsolete or has broken down. It cannot be serviced and yet, it belongs to the local authorities. Why? This is because the local authorities cannot obtain funds to rehabilitate or to repair machinery, so that they can make the roads in the rural areas. Some of us are farmers and we have seen that there are some roads which are completely impassable. During the harvest season like now when people are harvesting wheat, the machinery cannot move on those roads. Those machines, called combine harvesters have very big heads and when they are being driven, they carry a head which is supposed to harvest wheat. Those machines, therefore, cannot move on those roads because they have not been maintained by the local authorities and it is not their fault. They have no funds. So, we are saying that they should be given this money so that, they can construct those roads to enable the combine harvesters now harvesting wheat in the rural areas and especially around Nanyuki, Maasai, Nakuru, Eldoret and elsewhere, to move.

Mr. Temporary Deputy Speaker, Sir, if this money is given to the local authorities, I think they will provide services that will be satisfactory to the people. Again, I think it is only fair that, most of these local authorities have some kind of transport. This is because you cannot expect a town clerk or a chairman of a town council to go hitchhiking when coming to Nairobi to see the Ministry's officials. It is unfair. I am saying this because my town council, Iten, has had no vehicles for many years now. I think it is only fair that, they be given one vehicle to be shared among the councillors and officers, so that they are mobile and also be able to provide services to the people. It is unfair to expect the councillors, the town clerk and other officers to be mobile, when they have no means of travelling.

Mr. Temporary Deputy Speaker, Sir, I think it is time that the local authorities moved out also and endeavoured to attract investments from foreign investors so that, they can generate their own income. As it is now, most of the councillors depend on these hon. Members here. That is, when they go home over the weekends for harambees, they always bother them. If the councils are stable financially, the councils could even put up schools and bridges. So, it is high time that the councillors and the town council officials educated to ensure that, they attract investors from abroad under the guidance of the parent Ministry, so that they have some revenue. It is shameful when you find a town clerk without a vehicle trying to visit another area or coming to Nairobi and even when executing the duties of the local authority locally.

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

Mr. O. K. Mwangi: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to contribute to this Bill with a lot of sadness, particularly when I look at Nairobi the so-called City in the Sun. I think you will agree with me that, it is now the City in the darkness. This is because if you look at the roads, infrastructure, water, housing and everything else, it demands that, we should change from calling Nairobi a City in the Sun and I regret that I authored that booklet which made Nairobi the City in the Sun when I was working for the City Council. But it was then a City in the Sun but it has been devastated by a Government which does not seem to know what a Government should do for its people. A Government that is behaving like a foreign Government in occupation.

Mr. Temporary Deputy Speaker, Sir, I would like to decry the amount of corruption that has bedeviled Nairobi, particularly on the side of public utility properties. I decry the fact that, the Government can sit there and just watch. The officers of the City Council are behaving as if Nairobi was somebody's property and they inherited it from their grandfathers. When I learnt that an officer of the council who is not even an elected member of the council can allocate the whole of Nairobi that is the public utility open spaces, toilets and even roads--- Today, I witnessed a road in the industrial area that connects Kampala Road and Likoni roads having been allocated and somebody is already building a godown on it. This is a shame. Those who are in this Government think that it is virtuous to turn public utility land into personal property. I would like to tell them that those of us in the Government-in-waiting will not hesitate to take that land back when we take over. I would like to particularly warn somebody by the name of Kuria wa Gathoni, who has allocated himself 800 prime land plots in Nairobi, that we shall take them back. We learn from history that those who exterminated the Jews during the reign of Adolf Hitler are being prosecuted today.

Mr. Temporary Deputy Speaker, Sir, it does not matter how long it will take, or what one calls himself, or who his godfather is. A time will come when we will take over. When that time comes, we will not allow this country to go to the dogs just because the Government does not seem to understand what should happen to a country. This is a sovereign state; it is a country which belongs to the people, who will rise up and take over their Government. It is these issues that we shall address no matter how long it takes. We shall take back any public property and give it back to the people.

I am particularly perturbed by this Bill, because it does not indicate how the money will be allocated to the various local authorities. Although it is okay for the Minister for Finance to allocate five per cent of Government revenue to the local authorities, he should tell us how he will allocate that money to the various local authorities. I

am saying so because, most members of this Government have been corrupt. I wonder how the Minister will disburse the money to the various local authorities. If he intends to entrust this responsibility to those members of the Government---

The Assistant for Finance (Mr. Keah): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that members of this Government are corrupt? Personally, I am not corrupt. So, is he in order to say that all the members of this Government are corrupt? Is this acceptable in this House?

The Temporary Deputy Speaker (Mr. Imanyara): I heard him say that some members of this Government are corrupt. He did not say that all of them are corrupt.

Mr. O.K. Mwangi: Thank you, Mr. Temporary Deputy Speaker, Sir. It is no point substantiating the obvious. I did not name any particular person but it is a known fact even to the international community that some members of the Government are truly corrupt. There is no doubt about that. That is why the country's economy is in the current mess.

Mr. Temporary Deputy Speaker, Sir, I was saying that although it is okay for the Minister for Finance to allocate the money to local authorities, the basis on which he is supposed to do so is still questionable. We know that some local authorities are just villages which have been turned into local authorities for political purposes. I am a victim of the creation of a district which cannot stand on its own even today. No matter how much we contribute to the Government, we still cannot get much because some of the local authorities were created for political reasons. I personally come from the so-called Maragwa District. The way this district was carved out of Muranga District is very sad and regrettable. The creation of this district was not planned, the people did not sit down to decide where the boundaries should be, or how the assets and the liabilities of the former larger Muranga District should be divided. Maragwa District was just left on its own. If you go there today, you will find that the council does not even function. The Clerk and the Treasurer to the Council collect the little money that they can find and pocket it. There was not even planning of how the council should manage its finances. They do not even pay salaries to the council's workers. Things are generally in shambles. Are these the type of local authorities we are talking about?

Mr. Temporary Deputy Speaker, Sir, therefore, I am saying that the Minister should come up with a clear basis for disbursement of the funds to the local authorities. The reason for this is that some local authorities contribute much more than others in terms of taxation. Some local authorities have higher populations than others, while others contribute a lot to the economy of this country. If this Bill is passed without the basis on which the funds will be distributed, then we are giving the Minister a leeway to allocate the funds in whatever manner he likes. He may decide to allocate the money to his village just because it is, maybe, a municipal council or a town council, or whatever, irrespective of what contribution the people in that local authority contribute to the country's economy.

Mr. Temporary Deputy Speaker, Sir, I would like to request the Minister to think about the members of the advisory committee. According to this Bill, the Government will consider the experience of officers who have been working in local authorities but it does not specify the qualifications of these people who will serve in this committee. My fear is that we may have officers on the committees who may have devastated the establishment of the local authorities. If this happens, we will end up with more problems than we have today. For example, I do not see why people like Kuria wa Gathoni and Mrs. Ziporah Wandera should be brought back to the Nairobi City Council. These officers were actually sacked, but they were brought back just because they were the masters of corruption, allocation of public funds, awarding of tenders illegally, *et cetera*. If we happen to have such officers on the advisory committees, we shall be heading for more problems than we have today. Therefore, I am calling upon the Minister to come out clearly on the qualifications of those who will sit in the advisory committees, so that this House can determine first and foremost, the kind of people to serve in the committees.

Mr. Temporary Deputy Speaker, Sir, in all major towns, the Government rehabilitates only the infrastructure which serves high class residential areas. I do not know whether you have had the opportunity to go to Korogocho, or Mathare, or Mukuru slums to find out the kind of infrastructure that exists there. This shows that the current Government does not have concern for the poor man who lives in the slums. It is as if those people live there out of their own choice. Those people live in those conditions because of the mismanagement of the economy by the KANU Government.

That is why I am saying that we cannot continue having a Government which is serving the interests of Asians and other foreigners at the expense of our people. I would like to comment on the question of housing. If you go around, you will find that most of our people other than the Ministers and their relatives, are living in poor houses when we have got vacant land in Dagoretti, Kiambu and Nairobi. Instead of the Government looking for ways and means of allocating this land to those people so that they can develop decent houses; they are selling the houses that have already been built by the Government and the City Council to their daughters and cousins and

other individuals. I am calling upon the Government to look for funds because there is a lot of vacant land that should be developed to accommodate the residents of Nairobi comfortably. For instance, we have got a lot of vacant land in Dagoretti, Ngong, Kiambu, Ruiru and the surrounding areas. If this Government was concerned and, if only this Government knew that it is there to serve the people of this country; it could have allocated funds to these people to build better houses instead of leaving them to live in slums like Mathare, Korogocho and others.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about the rural areas where the elected councillors have no power to determine and guide the development in those councils. You will find that in a local authority, it is the clerk and the treasurer who are employees of the Public Service Commission (PSC) and who are the signatories to the funds of the council. The councils have become ineffective because all the funds are being controlled by two people in those local authorities. Even, a chairman of a county council or an urban council becomes a pet of the two officers, that is the clerk and the treasurer of a local authority. I am, therefore, calling upon the Minister for Local Authorities, if he wants the local authorities to be effective and even if he is going to allocate money to them, to change the scenario of the signatories and the controls of the finances. I have got evidence that in my local authority, the treasurer and the clerk are deliberately destroying the local authority just because they are employees of the Central Government and they happen not to have come from the area. So, their responsibility is to collect all the revenue, but they do not even deposit those funds in the council's accounts because they give handouts to their supporters and even to the officers in the Ministry's Headquarters---

Mr. Temporary Deputy Speaker, Sir, I hope the Minister is not interrupting me just because it is his Ministry that is involved in this.

The Minister for Local Authorities (Prof. Ongeri): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Onesmus Mwangi has made a very serious allegation and I would request, through you, that he avails those documents that show the collusion he is alleging to have taken place between the clerk and the treasurer with the aim of defrauding the council of money. That is serious enough for him to avail those documents to me now.

Mr. O.K. Mwangi: Mr. Temporary Deputy Speaker, Sir, it is not a secret, the Minister himself is aware of this because just recently---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, Mr. Mwangi! Are you going to avail those documents to the Minister or not?

Mr. O.K. Mwangi: Mr. Temporary Deputy Speaker, Sir, I cannot avail the documents because he has the documents himself. I was saying just recently --- **The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order! You made an allegation of collusion between two officers. The Minister wants to know whether you can produce those documents.

Mr. O.K. Mwangi: This is what I was saying, Mr. Temporary Deputy Speaker, Sir; that the Minister is aware because just recently, he had to remove the clerk from my county council because of that collusion and he has got those documents. We had made those appeals, so the documents are with him.

The Minister for Local Authorities (Prof. Ongeri): On a point of order, Mr. Temporary Deputy Speaker, Sir. I have no intention of interrupting him, but to come this august House and allege that a clerk and a treasurer of his council have colluded to defraud the council of money, I think it is only fair that he avails that information to me for remedial action. To allege that I already know while I do not know, why would I be asking for those documents from the Member if I knew?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mwangi, it is only fair that you withdraw.

Mr. O.K. Mwangi: Mr. Temporary Deputy Speaker, Sir, I do not want to withdraw. I request that you give me this week to produce those documents because the audit for Murang'a County Council has already been done and it is very clear that, that is what has been happening. He is the one who removed the clerk from Maragwa County Council because of those allegations and I went to his office, so he knows that what I am saying is true. But if you give me time, I will avail the documents that I can get. If I cannot find them because they are in his file, then I will come and tell this House that I could not find them.

Mr. Temporary Deputy Speaker, Sir, these are the officers who are actually destroying the councils because they are the signatories of the finances of the council. In my council, one officer has even sold a whole market and pocketed that money and the Minister is aware of that. But in any case, I will try to avail whatever documents I can lay my hands on.

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

Mr. Kajembe: Thank you, Mr. Temporary Deputy Speaker, Sir. I totally support the proposal of transferring these funds to the local authorities. The idea is very good, but I would like the Minister for Local Authorities also to monitor this money when it is taken to local authorities. We have experience that some of the

local authorities in this country have mismanaged funds. There is laxity in revenue collection. The Ministry of Local Authorities in conjunction with the Ministry of Finance should state clearly that this money is allocated to local authorities to improve infrastructure or put up projects. Some of the local authorities are unable to collect revenue and there is laxity in revenue collection. Some of the Government Ministries and parastatals do not pay rates to the local authorities. There are certain untouchables in this country who do not pay rates, so it is upon the Minister for Local Authorities to ensure that the collection of revenue by local authorities is done satisfactorily. This money can boost the local authorities.

Mr. Temporary Deputy Speaker, Sir, it is true that some of the Local Authorities have mismanaged these funds. The problem raging today, after the introduction of the multipartyism, is because some of these local authorities are being run by the Opposition parties. They are managed by them. The Mayors are from the Opposition parties, and when things go wrong in these local authorities, our friends from that side say that this Government must go. They should tell their councillors how to manage the local authorities rather than coming to this House and saying "the Government should go home."

Mr. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir. Although sometimes we would like to forgive ignorance, but some things cannot go unchallenged. If you are a Kenyan, you should know who runs the local authorities! The bone of contention---

Mr. Temporary Deputy Speaker (Mr. Imanyara): What is your point of order, Mr. Ndwiga?

Mr. Ndwiga: Mr. Temporary Deputy Speaker, Sir, I am building it up. The bone of contention in this country is that the local authorities, regardless of whether the councillors come from KANU or Opposition, have no authority. The authority is vested in the chief officers of the councils. That has been the bone of the contention. Is my friend in order, therefore, to try to mislead this House? We do hope that with time he will learn this. Time will teach him.

(Laughter)

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, I wish to inform the hon. Member that I have been a councillor for 15 years and I know the system. The reason why it is called a council is because of the councillors who constitute a council. It is not chief officers who constitute a council. So, I am sorry because if the hon. Member thinks that there is ignorance here, then it comes from that end.

Mr. Temporary Deputy Speaker, Sir, let us call a spade a spade. Some of the local authorities have been mismanaged by the councillors from the Opposition parties because all the local authorities are run by them. They do that to sabotage the Local Authorities system!

(Applause)

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

Mr. Temporary Deputy Speaker (Mr. Imanyara): Mr. Kariuki, you rose on a point of order when Mr. Temporary Deputy Speaker, Sir, was on his feet---

Mr. Kariuki: I am sorry, Mr. Temporary Deputy Speaker, Sir, if I did that. But, I was just---

Mr. Temporary Deputy Speaker (Mr. Imanyara): You still impose your point of order on Mr. Temporary Deputy Speaker? You have not caught my eye! Mr. Kajembe, continue.

Mr. Kajembe: Thank you, Mr. Temporary Deputy Speaker, Sir, for protecting me.

Mr. Ita: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Member has been heard saying that some of the local authorities have been managed or mis-managed by the Opposition parties. There was a time when this country was a one-party State. Were the local authorities before 1992 mismanaged by the Opposition?

Is he in order to say that the local authorities have been mismanaged by the Opposition parties?

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, they are wasting my time. But, I would like to draw the attention of this House to the time before 1992 and even before President Moi took over. So many local authorities were dissolved because of mismanagement and misappropriation of funds.

Hon. Members: By who?

Mr. Kajembe: You see, I am saying this because our friends from the other side have an impression that whatever goes wrong in this country it is KANU which is behind it. This is never the case. There are areas---

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, I hate to disrupt the hon. Member on the Floor. But, can he tell us which party was in power for the period he is talking about, if it was not KANU?

Mr. Temporary Deputy Speaker (Mr. Imanyara): Continue, Mr. Kajembe.

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, I am a Back-Bencher. I am not a Minister, and so I do not know how people answer questions in this House. So, I will continue with my presentation.

There are some areas in which we need to advise the Ministry of Local Authorities, especially in the area of town planning. There are very few local authorities in this country which have masterplans for their councils. The lack of the masterplans has made the local authorities to find it difficult to plan for their areas. I do agree with some speakers who spoke before me that the local authorities should not sell their properties. They should not sell their land, houses and other properties. Some of the local authorities sell these properties to raise funds in order to pay salaries. One day, these properties will get finished and they will have problems in paying workers. Where will they get money to pay these workers? I fully support the move by the Ministry of the local authorities. The Minister has directed several times that the local authorities should not allocate land. But, there is one area which the Minister needs to take note of. The local authorities today give temporary occupational licences which is one way of allocating land by the local authorities. I think that also should be stopped because councillors from these local authorities are taking advantage of that.

Mr. Temporary Deputy Speaker, Sir, the local authorities today do not pay salaries on time. They pay after 2nd 3rd, or even in the middle of the following month. The Ministry should come in and find out why the Authorities do not pay salaries to their workers on time because this is very bad.

Mr. Temporary Deputy Speaker, Sir, when these funds are transferred to the local authorities, the Ministry should come up and identify if they are for projects; improving infrastructure, or whether this money is for paying salaries to the workers. The Ministry should come up with guidelines on this public matter. With the economic hardships in Kenya, it is unfair for the local authorities to raise house rents. I call upon the Minister to consider stopping any increases on house rents because it will be difficult to pay rents with these economic hardships. Residents in Kenyan towns are complaining about it.

If you go to these local authorities, you will find old houses which have never been renovated either by the councils or municipals. People are paying for it and those who are working in these towns are paying rates.

Mr. Temporary Deputy Speaker, Sir, time has come for residents in all the towns and in all the local authorities in this country to enjoy proper leadership from the councillors. I will give an example of how revenues are being collected in this country. Certain local authorities have been denied the right to collect revenue. All local authorities in Kenya, especially in big towns, are water undertakers. Mombasa Municipal Council is not a water undertaker and every time they make an application to the authorities to become a water undertaker, they have been refused. Water undertaking by a local authority is one way of generating funds. Why should Mombasa Municipal Council be denied that right? I am advising the Minister for local authorities, in consultation with his counterpart the Minister for Water Resources, to allow Mombasa Municipal Council to become a water undertaker.

Mr. Temporary Deputy Speaker, Sir, I know that some local authorities in this country are getting some levy from tourists; but Mombasa Municipal Council is not getting any levy from tourists who use the beaches. But there are some local authorities in this country that are getting that levy. I would advise the Minister that when such levies are being introduced in some local authorities, they should apply to all the local authorities. They should not be applied selectively so that some local authorities are allowed to charge such a levy while others are not allowed. If there is a policy on charging levies on tourists, then such a policy should apply to all local authorities in this country.

The Minister for local authorities (Prof. Onger): On a point of information, Mr. Temporary Deputy Speaker, Sir.

Mr. Kajembe: Thank you for the information, Mr. Minister, but I do not need it now.

Mr. Temporary Deputy Speaker, Sir, in big towns like Nairobi, Mombasa, Kisumu and Nakuru, you will find that there are two categories of roads. There are town planning roads which are being maintained by the local authorities and the trunk roads which are being maintained by the Ministry of Public Works and Housing. Wananchi in these big towns take to task municipalities and city councils responsible for the mess there. Why has the Minister not come up with a suggestion that all roads in all big towns should be under one local authority? When they are in a bad shape, then wananchi in that area will get hold of the local authorities to repair the roads, rather than allowing the Ministry of Public Works and Housing to do part of the roads.

Mr. Temporary Deputy Speaker, Sir, I praise the Minister for local authorities because he has improved all the local authorities in this country. People have been talking of corruption but I do not think there is more corruption taking place in these local authorities now because measures have been taken by the Ministry to stem this practice. You do not see councils allocating land now as they used to do. You do not see the misappropriation of funds in the local authorities as it used to be. I think the Ministry now is doing a good job

which this House and the country should appreciate.

It is true that the Opposition can say this or that is bad, but that is allowed in a multiparty system of Government. One area where the Minister should take note of is the auditing of the accounts of local authorities. Local authorities today do not audit their accounts. Many of them have not audited their accounts. Measures should be taken by the Minister to ensure that auditing of accounts in local authorities is done in good time and they should be published for the public to know what is happening in their respective local authorities. Local authorities in this country, especially in big towns are in a bad state. Recreational facilities in big towns have been allocated to individuals and people have made a lot of money from these allocations. The Minister has done a good job and he has stopped that one. That should not continue! With the passing of this Bill, which will stop the allocation of public land to individuals, things will be much better and this should be appreciated. On the strength of this one, the Minister for local authorities should insist that the local authorities should not allocate open spaces, road reserves and recreational centres to individuals. Some of these local authorities in the country have deaf ears. They do not listen to what the Minister tells them. Time has come in this country for every institution, including local authorities to be transparent and accountable in their activities.

Mr. Temporary Deputy Speaker, Sir, upgrading of local authorities has not been proper. It is true that some of the local authorities have been upgraded and yet they are not ripe for that upgrading. They are not ripe in the sense that they do not have enough money to run those local authorities and they cannot even deliver services to the communities of those areas. So, this one should be taken care of.

Mr. Temporary Deputy Speaker, Sir, Mombasa Municipal Council was the first one during the colonial days. After upgrading all these local authorities in this country, why is it that the Minister is not upgrading Mombasa Municipal Council to a City Council? Time has come for Mombasa Municipal Council to be upgraded to city status. Chief officers of the local authorities in this country are being posted by the Ministry of local authorities and are appointed by the Public Service Commission but some of these officers have stayed in their stations for long periods. They are now creating problems for the local people.

Mr. Temporary Deputy Speaker, Sir, the transfer of Government officers from one place to another is very normal. In a local authority, where people are fed up with the chief officers, the Minister should consider to transfer them from one place to another.

Mombasa Municipal Council has not received any revenue from the Kenya Ports Authority (KPA). Roads in Mombasa Town have been damaged by heavy commercial vehicles from the KPA. But there is no payment that has been made to Mombasa Municipal Council to repair those roads by the KPA.

I request the Minister for local authorities to liaise with the Minister for Finance so that they consider giving a certain percentage of revenue earned from the KPA to Mombasa Municipal Council. We will be very happy to receive that gesture.

With economic hardships, the salaries of councillors should be considered. Councillors play an important developmental role in this country just like hon. Members. Sometimes, they are invited to Harambees and they are expected to contribute generously. I think it is high time that this House considered increasing salaries for councillors. Councillors have been doing a very good job. Although not all of them who have been doing a good job, their salaries should be looked into. For example, if you go to remote areas, you will find that some of the councillors cannot even read and write. But in big towns, I know most of them have done a commendable job.

We have a problem with the local authorities, especially when issuing licences to business people. If you go to any beach hotel today, for example, Mombasa Municipal Council issues more than ten licences; different licences for beer, hot drinks, watersports, bedding and so on. During the Budget Speech, the Minister for Finance directed all local authorities in the country to issue only one licence to traders. But that directive has not been implemented. All local authorities in this country should implement that directive and issue businessmen with one licence. Business people are not very much interested in having so many licences for one business. At times, they cannot do business because they are asked to pay so much when they apply for licences. I request the Minister for local authorities to make sure that local authorities issue one licence for one business. If that is done, then business in this country will prosper.

Mr. Temporary Deputy Speaker, Sir, it is time the local authorities in this country did their own census. They should not wait for the Minister for Planning and National Development. Local authorities should conduct their own census to ascertain their population. It is only through head counts that they can know how many people are in Nairobi, Mombasa and in any other local authorities. If local authorities do not know how many people are within their local authorities, then they will be unable to plan properly.

Mr. Sang: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order, at this stage, to ask the Chair to call upon the Mover to reply?

Hon. Members: You are not in order!

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, this hon. Member wants to waste my time.

I concluded by commending the Ministry of local authorities for the good job it is doing throughout the country under the wise leadership of hon. Ongeru.

Mr. Shidie: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think we have deliberated on this matter enough. Will I be in order to move that the mover be now called upon to reply?

Hon. Members: You are not in order!

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, I stand to support this Bill with a big "But." The issue of accounting officers who overshadow the role of councillors in local authorities has been addressed by hon. Members as a major concern. The issue of the accounting officers who receive falsely monies that are collected by councils and pay themselves, is of great concern to us.

Mr. Temporary Deputy Speaker, Sir, I would like to say from the onset that I hope this Fund, when it goes through, because I believe it will, will not be used by the accounting officers to pay themselves. As it is now, I would like to appeal to the Ministry of local authorities to desist from using councils' resources to reward the accounting officers. I mentioned a little earlier on that money collected is being used by council clerks to pay themselves before even they have paid councillors and other employees.

I want also to re-emphasise the role---

Mr. Muhia: On a point of information, Mr. Temporary Deputy Speaker, Sir. Would you like to be informed?

Dr. Ochuodho: No information, thank you! I also want to agree with my colleagues on the crucial role that is played by councillors. When the constituents whom we represent in this House are faced with problems, the first people they turn to are councillors. I, therefore, concur with the other hon. Members who said that councillors deserve better salaries than what they earn currently. It is also in that regard that I am saddened that, although there was, at one point, a recommendation to the effect that councillors be paid Kshs15,000 per month, to-date, they are not being paid that amount. I also want to appreciate the fact that even with the Kshs7,000 that they are supposed to earn, many councils are not able to pay them. I would like to laud the initiative by the Ministry of local authorities to boost their kitty so that they can pay councillors what is rightfully due to them.

Mr. Temporary Deputy Speaker, Sir, I am also a bit saddened that while we are talking about the Fund now in the House--- I was reading in today's newspapers that some councils, namely, Sotik, Kericho and Nyamira have already benefited from this Fund. When the Minister comes up to respond, I would want to request him to clarify, under what provision some councils are already receiving this money while other councils are not receiving it.

The Minister for local authorities (Prof. Ongeru): On a point of information, Mr. Temporary Deputy Speaker, Sir. I would like to inform the hon. Member for Rangwe, Dr. Ochuodho, that at 2.15 p.m. this afternoon all the money was released to all councils in the country. So, let him not dwell on the point.

Dr. Ochuodho: Thank you very much, Mr. Temporary Speaker, Sir. I am glad to hear that and I hope that the Homa Bay County Council has also received this money. I also wanted to register my concern that, while I appreciated that a number of municipal councils were granted funds by the World Bank for renovation of the infrastructure, very little seems to have happened today. Apart from some roads in the City of Nairobi, that have been repaired, none of the roads in other towns that were supposed to be recarpeted have been repaired. I would also like to seek clarification from the Minister on what the current status is and when we can expect the work to be done and completed.

I would also deplore the fact that having been to about a quarter of the world's major cities, I am saddened to register my concern about the state of certain roads in Nairobi City. I have never been to a city that has got worse roads, even in the developing world, than some of the roads in the City of Nairobi. While appreciating the hard work done by this Minister, he should pay a little more attention to the Nairobi roads than he is doing at present. While I support the idea of this money being transferred from the Treasury to local authorities, I am saddened that there is nothing in the Bill that seems to explain how this money will be distributed. It implies that the municipal councils will get a bigger share than the county councils, which I do not have any problem with. It would have been helpful if we clearly defined how we will apportion it. In the past, a major concern, which has necessitated some people to call for *majimboism*, has been that a lot of revenue is collected from one part of the country and then it is used to develop another part of the country. I think a better criteria should have been used in apportioning the funds.

Mr. Temporary Deputy Speaker, Sir, I would like to turn to Homa Bay County Council. I must register my concern at the very little revenue that is collected by this council. Because it does not have any factory at the moment, it does not receive any cess, and yet every month there is a bill of about Kshs1.8 million to be settled,

although the council collects only about Kshs0.3 million per month. The situation is so deplorable to the extent that over the past seven months, my councillors in the county council have not been paid. They were paid 3 months at the beginning of the year.

Under those circumstances, anybody will agree that it becomes very difficult for the councillors to operate and do what they are supposed to do. While this is the case, Government officers go ahead and close down livestock markets, which have been boosting the revenue that is collected by the council. We are also told that when herds of cattle are transferred from one council area to another, police officers illegally collect revenue thereby denying the county councils the revenue that would boost their kitty. I would like to appeal to the Minister to look into this matter, and if possible, open avenues that can help the councils raise more revenue.

Mr. Temporary Deputy Speaker, Sir, I would also take this opportunity to register my concern on the transfer of Ruma Game Reserve from Homa Bay District to Suba District. This Game Reserve used to fetch Homa Bay County Council about Kshs0.3 million per month. When the "politically-correct" Suba District was created, Ruma Game Reserve, despite its being in Homa Bay District, was transferred to the new district. No wonder the council is unable to pay its councillors today.

I would also like to allude to the issue of mismanagement of funds that is rampant, across the board, but particularly in my county council. This is one county council where the Clerk goes overseas for as long as four months without proper arrangements. Since he is the main signatory to the council cheques, for the four months he is away it is like the operations of the council come to a stand still. Attention of the Ministry is drawn to this fact but very little is done about it. Equally, this is a council where the Clerk has attained the compulsory retirement age, but he was retired and then reappointed to serve the council on contract. This was done despite numerous complaints by the councillors that he is a "disaster" to the operations of the council. One will also find in this council that a mere messenger owning a fleet of matatus and other property. I would like to appeal to the Ministry to thoroughly investigate this county council and, if possible, bring to book those who are found to have been responsible for financial mismanagement. I would like to add that earlier in the year the Ministry did send investigators from the Provincial local authorities office to Homa Bay Municipal Council. They found out that upto Kshs6 million had been misappropriated. I must register my concern that about six months later, after that devastating report, no action has been taken to rectify the anomaly.

Mr. Temporary Deputy Speaker, Sir, I would also like to register my concern at the level of nepotism that is rampant in this county council. This is one council where the Chairman, Accountant, Clerk, Treasurer, Cashier, Chief Marketing Officer and the Revenue Officer are all from Ndhiwa Constituency, and yet its headquarters is in Rangwe Constituency. I would like to appeal to the Ministry to remove what seems to be a clear case of nepotism that has been championed by the Clerk.

Mr. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not wish to interrupt my friend, but we would like him to clarify the county council he is talking about. Is it Ndhiwa County Council or which one?

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, I was talking about Homa Bay County Council. I would like to appeal to the Ministry to carry out feasibility studies for the various councils. This is because I believe that there are many ways in which the councils can generate revenue. Currently, it is almost left to the whims of the councillors and the accounting officers. I believe that if experts were sent to the ground and carried out proper feasibility studies on income generating activities, then the councils would be able to boost their kitty.

Finally, I am delighted to note that despite earlier opposition by the Minister to a Motion that was brought to this House seeking the withdrawal of District Commissioners (DCs) and District Officers (DOs) from being nominated councillors on the promise by the Minister that a Holistic Local Authority Reform Bill was going to be tabled in this House, he still found it fit to bring an isolated Bill before this House. Despite the fact that the Motion that sought to bar DCs and DOs from being nominated councillors went through in this House, I am yet to see the current DCs and DOs, who are members of the county councils, being degazetted. I think the Minister may argue that since the Motion simply "urged" him to degazette the DCs and the DOs, he is not obliged to drop them. I would like to urge the Minister to realise that the House found it befitting and in the interest of the country that those DCs and DOs be dropped from the councils. I would like to urge the Minister to degazette these officers immediately, so that political parties that have a majority of elected councillors in the concerned areas can replace them with their nominees in order for the councils to run smoothly. I dare add that the reason why we have been getting problems in Opposition-dominated councils is because apart from the accounting officers, the DCs and the DOs who sit on those councils have also tied councillors' hands.

With those remarks I beg to support the Bill.

Mr. Kimeto: Thank you very much, Mr. Temporary Deputy, Sir, for giving me this opportunity to contribute to this Bill. Some of the local authorities should be called "local councils." This is because an

"authority" has the power to fire or hire its officers. But the majority of the local authorities have no powers to fire or hire their officers without consulting the Minister or the Permanent Secretary first. I would like to suggest that local authorities or councils should be given enough powers to fire or hire their officers. Why are they called "authorities" when they have no power to hire and fire? Some councils are unable to supply water to their residents, and yet they are said to be local authorities. Most urban councils, especially that of Sotik, have no water.

With due respect, may I also request the Minister for local authorities to exempt or de-link the Water Corporation until the local authorities are able to provide the water within their areas. There are local authorities but the Water Corporation is there, not to serve the people. Indeed, they are doing a disservice to the local residents. You will find that you have local authorities that should be given enough money from the Central Government to enable them to maintain roads within their areas of jurisdiction. They are unable to maintain roads within their areas because they do not have vehicles or graders. You find that the local authorities have been given places to serve but they have no powers. Why are the local authorities not allocated funds from the Central Government to enable them to give services to the residents in that area? You find that we are doubling what the Government could be doing, but when the money goes straight to the Government, it is very difficult for these local authorities to get this money.

Why do we not give power and money to the local authorities to enable them to run hospitals, schools dispensaries and polytechnics within their local areas? You find that the local authorities are there but they are unable to use this authority. You find that in some places the local authorities cannot collect funds. They are not in a position to collect the cess from within their areas of jurisdiction because they are not allowed by the Minister for Agriculture to collect cess. I think local authorities should also be given money to enable them to provide all the services within their local areas of jurisdiction. You will find that in the local authorities, the chairmen and the clerks of the councils have absolute powers over these people. The other councillors are there just as mere local representatives. They are not in a position to assist anybody in any area. They cannot assist in making decision for the local people and yet they are there. These powers should be streamlined so that the other councillors have the power within their areas of jurisdiction without relying on the clerk and the chairman of the Councils who subject them to a lot of suffering. I have also found that in some local authorities especially in the town councils, the Ministry of Energy is responsible for what we call "cutting off lights" in the dark corners in the towns. Local authorities should be given authority to install electricity wherever it is required in their local areas. You will find that some areas within the towns are so dark thereby, encouraging thieves to continue rampaging the people within the local centres because the power is insufficient. The power is not installed everywhere within that local authority because it has no power. The Ministry of Energy is carrying out all the power installations.

The Government should give the local authorities money to enable them to purchase power and put it wherever it is necessary within the local authorities. At one stage you find that some local authorities have no sewage. My Sotik Constituency is a very large town but there is no sewage. The local authorities have not been given money to enable them to give these services to the best of their knowledge. If we sit down in this Parliament and see what is necessary for the local authorities, we should give complete power to the local authorities or the Ministry. If we can put some of the Members of Parliament to be with them so that they may assist them whenever they are doing what is necessary within that local level.

With those few remarks, I beg to support.

Ms. Karua: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Bill. It is well intentioned, but hastily drafted and, therefore, it needs a lot of improvement before it can get the full support of this House. I believe the Bill is supposed to strengthen management of local authorities. Without resources, local authorities cannot serve Kenyans. While supporting that local authorities need resources, we need to know the criteria that the Minister will use in allocating funds to the local authorities. I have seen Section 6 of this Bill which says that there shall be paid out of the Fund to local authorities such amount and in such manner as the Minister with the advice of the Committee may specify. We are leaving the power to the Minister to decide how much money goes to what local authority. I think this is not proper in a democratic society. We must have a specified criteria which the Minister or the Local Authority Advisory Committee will apply in deciding how to disburse this fund. We cannot leave discretion to operate in a vacuum. It should be subjected to certain rules. If any discretion is left, it must also be based on the standard criteria of the rule. So, I am suggesting that Section 6 ought to be looked into to provide the criteria of disbursing these funds.

The other point I would like to raise is in relation to Section 8. The Advisory Committee should advise on how to administer the funds. Section 8(e) allows the Permanent Secretary in the Ministry for the time being responsible for Local Authorities to appoint three people to the Advisory Committee. When you look at Section 8(a), the officer administering the fund is the PS, I believe, Ministry of Finance.

We cannot have an advisory committee that is totally controlled by the people in the Government. Where

is the participation of the citizens for whose benefit this Fund is being administered? There ought to be a space for members of the community like the NGOs and religious leaders to participate in advising the Minister on how this Fund should be administered. One of the criteria I suggest should be introduced is that each local authority receiving the funds, since this is taxpayers money, the amount they receive should be proportionate to the amount of taxes collected from the area, and also the population of the area. This will avoid abuse of the funds by the officers concerned and by the Minister. We will avoid the use of the funds as a political weapon. As it stands now, if the Bill is passed as it is, the Minister for local authorities and his chief officers, in collusion with the Ministry of Finance, can utilise the bulk of these funds in their areas of preference. This is a situation that should not be allowed in a democratic society. We believe in accountability and transparency. We should have a criteria which should enable us to complain when the Ministers with all their Permanent Secretaries go outside the set criteria.

The other issue that I would like to raise with regard to this Bill is simultaneously strengthening the local authorities by giving them money. If we do not look at the welfare of councillors, they are going to be tempted to misuse this Fund. So, while supporting the passing of this Bill, I am urging that we immediately look at the provisions of the Local Government Act Cap. 265, with a view to strengthening the councillors and looking after their welfare. Their salaries and allowances ought to be reviewed and since they are elected by the taxpayers, I propose that their salaries should come from the Consolidated Fund. As it is, local authorities are left to pay allowances of their councillors from the revenue that they collect; which means that if they are unable to collect revenue, councillors will be tempted to pay themselves from the money that we are talking about today. This is the money received from the taxpayers. There is nothing wrong with that, but why can we not budget the salaries of the councillors, while budgeting the annual estimates every year? They deserve to be paid from the Consolidated Funds just like the Members of Parliament.

Again, to get quality services from local authorities, the criteria for those who can vie to be councillors should be harmonised with that of Members of Parliament. Proper running local authorities are as important as Parliament. This is because they are closer to the people and they give every day service. They give the basic services to the people. So, I propose that the level of education and criteria for running for elections of councillors be harmonised with those of Members of Parliament. Secondly, they should be paid sufficient allowances out of the Consolidated Fund.

The other area that may need looking into urgently is their facilities. They should be allowed to go into their offices daily. They should be provided with offices. How do we expect them to serve the local residents if we have no space within the councils, where they can sit and be reached? As it is, the Minister's directive is that councillors cannot visit the council chambers more than twice a week. That is ridiculous and it negates the idea of having elected representatives. Councils are being run by the chief officers on a daily basis. We have given them more prominence than elected leaders. This, again, negates democracy and it is an area we need to urgently look into. Otherwise, we will be wasting money transferring funds to local authorities and tying the hands of the councillors in administering these funds, and leaving the funds at the mercy of corrupt chief officers. I am not saying that all the chief officers are corrupt. But the experience in Kenya has shown that 99 per cent of the chief officers of the local authorities are corrupt. They have supervised the plunder of resources, especially in the major towns. When the councillors complain, the Ministry is protective towards the errant chief officers, and does not respond quickly to the complaints of the councillors. The councillors should be allowed to move a vote of no confidence in any of the chief officers, and to have them fired or transferred. After all, it is the councillors who are the elected representatives of the people; not the Minister or the chief officers. If we are to go in line with the idea of democracy, it is the representatives of the people who should choose who is to serve them, rather than the Minister, the PS and the others. As it is, we have a situation where the local authorities subvert the will of the local residents, through their chief officers and plunder their resources. So, I am urging that as we look into the provisions of this Bill with a view to passing it, let us also look at other urgent measures which needs to be taken in relation to the Local Government Act. Some of the things that need to be done can be done by the Minister, with the stroke of the pen, without us having to pass any law. It is pathetic that circulars have eroded the powers of the councillors. The Minister can use his pen and revoke those circulars that have proved to be an impediment to our local authorities. He can restore back the powers of the councillors. The Minister can also look at the welfare of the councillors agitating for them to be paid out of the Consolidated Fund. They should be paid reasonable allowances to enable them to give services to the residents, and to enable them to properly administer the local authorities Transfer Fund in an effective manner. We cannot expect councillors not to have transport to their offices to be able to give services. Unless if we are going to say that we want this money allocated for use by chief officers, we have to look at the welfare of councillors and their relationship with chief officers, and their powers over the chief officers to make them effective. I would urge the Minister to critically look at Section 6,

Sub-Section 8 of this particular Bill, and also, at the Local Government Act for the welfare of our local authorities and their residents.

With those few remarks, I beg to support the Bill, subject to the amendments suggested.

Mr. Ndwiga: Mr. Speaker, Sir, you cannot be blamed for noticing the ruling party on this side. Now, I rise to support the Bill. By supporting the Bill, I wish to congratulate the Minister for a few good things that he has done during his short tenure in the Ministry. He has been here for a few months, and he is learning politics pole pole. We will teach him.

The Minister for Local Authorities (Prof. Ongeru): On a point of order, Mr. Temporary Deputy Speaker, Sir.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Order. The time is up. We adjourn the proceedings of the House to tomorrow, Wednesday, 4th November, 1998, at 9.00 a.m.

The House rose at 6.30 p.m.