

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 27th October, 1999

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.425

FURNISHING OF HOMA BAY DC'S RESIDENCE

Mr. Deputy Speaker: Is Mr. Ojode not here? We will leave that Question till the end. Let us move on to the next Question.

Mr. Wanjala: Mr. Deputy Speaker, Sir, I have not received the written reply. However, I beg to ask Question No.438.

Question No.438

DISAPPEARANCE OF CORPORAL NALIALI

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

- (a) when the Government will release the investigations on the disappearance and subsequent death of Corporal Lucas Ombiji Naliali who was working with the Kenya Navy;
- (b) what was the cause of his death; and,
- (c) when the Government will compensate his family.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I apologise to the hon. Member. I have just got the answer to the Question and that is why the hon. Member has not received a copy of the reply. However, I beg to reply.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. It is very nice of the Minister to be honest enough and say that the reply has just been supplied to him. However, there are rules of this House which tell him and his officers, what time he is supposed to submit the answers.

I can see the Minister brushing this aside. Is the Chair going to allow Ministers to ambush Members by bringing in answers to Questions at the last minute, in the breach of the rules?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, what happened was that, there was a question of a post-mortem report which was delayed. It just came in at around 1.00 p.m. when I was getting a proper briefing. So, a copy reply may be on the way. But if the hon. Member wants us to defer the Question, I will be ready to answer it next time.

Mr. Deputy Speaker: Mr. Wanjala, do you want the Question answered now in the absence of a written reply?

Mr. Wanjala: Mr. Deputy Speaker, Sir, if the Minister will answer next week, I have no problem.

Mr. Deputy Speaker: The Question is deferred.

(Question deferred)

An hon. Member: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! Really, the Chair has made the position absolutely clear, as to what should happen with Questions. If a Ministry is in a difficulty in supplying answers within the time allowed, all you have to do, is to inform the Clerk and the Question will then be put on a different day, to give hon. Members an opportunity to

receive the reply, so that they can also prepare supplementary questions. It is only fair that we give them time to prepare supplementary questions. It is not out of any tricks; it is merely to play fair.

Next Question, Dr. Kulundu.

Question No.468

TESTING OF MEAT FOR
PESTICIDE POISONING

Dr. Kulundu asked the Minister for Agriculture what steps the Ministry is taking to ensure that meat consumed in this country

[Dr. Kulundu]

is tested for pesticide poisoning.

The Assistant Minister for Agriculture and Rural Development (Mr. Khaniri): Mr. Deputy Speaker, Sir, I would like to request that this Question be deferred to next week because the answer I have, I do not think is satisfactory for me to bring it here.

Dr. Kulundu: Mr. Deputy Speaker, Sir, whereas I sympathise with the Assistant Minister, I must also put it on record that, I filed this Question late last year. I only renewed it this year. If one week is enough for the Assistant Minister to come up with a satisfactory answer, I have no objection to his request.

Mr. Deputy Speaker: The Question is deferred to Wednesday, next week.

(Question deferred)

Next Question, Mr. Munyao.

Question No.462

DISMISSAL OF HOUSE OF MANJI WORKERS

Is Mr. Munyao not here? We will leave that Question till the end. Let us move on to the next Question.

Question No.433

EXPANSION OF NAIVASHA HOSPITAL MORTUARY

Mr. Kihara asked the Minister for Medical Services what plans the Ministry has to expand and improve the Naivasha Hospital Mortuary which is at present grossly inadequate for a sub-district hospital.

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

Yes, it is true, Naivasha Hospital Mortuary has inadequate facilities and plans are underway to expand and improve it.

Mr. Kihara: Mr. Deputy Speaker, Sir, that is the most ridiculous answer I have ever listened to, to a Question like this. This is a serious Question and I do not think the Assistant Minister has taken this matter seriously. Could he tell us what specific plans are underway for improving the mortuary?

Dr. Wako: Mr. Deputy Speaker, Sir, the Hospital Management Board has set aside Kshs110,000 from the Cost Sharing Fund towards the rehabilitation of the mortuary. The Ministry has also set aside Kshs400,000 for the rehabilitation of the mortuary.

Mr. Kihara: Mr. Deputy Speaker, Sir, I do not know what the Assistant Minister intends to do with Kshs110,000. The refrigeration system of this mortuary collapsed a long time ago. Bodies are being eaten by rats in the mortuary. What work is the Assistant Minister going to do with only Kshs110,000?

Dr. Wako: Mr. Deputy Speaker, Sir, it is not true that the refrigeration system has collapsed. It is not even true that the bodies are being eaten by rats. There is congestion in the mortuary because Naivasha Municipality does not have its own mortuary. So, the Naivasha Hospital Mortuary which is supposed to cater for only 12 bodies is now catering for all the highway accident victims along that road. However, the Hospital Management Board has Kshs110,000 and the Ministry has given Kshs400,000 for the renovation of the mortuary.

Dr. Kulundu: Mr. Deputy Speaker, Sir, the condition of Naivasha District Hospital is very appalling. I can

say this authoritatively because I worked there for 15 years. This is a hospital that caters for many accident victims. Could the Assistant Minister tell us what defects he envisages repairing in this mortuary?

Dr. Wako: Mr. Deputy Speaker, Sir, the problem with the mortuary is the congestion of the bodies, since that there is no cooling effect. The expansion of the mortuary which will cost Kshs2.5 million cannot be undertaken right now. The Hospital Management Board has an on-going Harambee to see to it that they raise the Kshs2.5 million.

Mr. Deputy Speaker: Dr. Wako, he would like to know what part of the mortuary you are going to fix with Kshs550,000.

Dr. Wako: Mr. Deputy Speaker, Sir, I said, that one of the cooling machines is not functional, but the rest are functional. So, we are going to repair that. It does not require more than Kshs550,000.

Dr. Murungaru: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to evade answering the Question that has been put to him by hon. Kihara? Mr. Kihara would like to know what plans the Ministry has to expand the capacity of the mortuary to accommodate more bodies than it is accommodating now, and yet the Assistant Minister is talking about rehabilitating the existing cooling system.

Dr. Wako: Mr. Deputy Speaker, Sir, it is unfortunate that Dr. Murungaru did not read the Question well. The Question seeks to know what plans the Ministry has to expand and improve the mortuary. So, I have already given an answer as concerns expansion that we have given Kshs550,000 and Kshs2.5 million for rehabilitation.

Mr. Anyona: Mr. Deputy Speaker, Sir, the Kshs110,000 set aside looks ridiculous before this House. Could he tell us how much the hospital raises by way of cost sharing, so that this Kshs110,000 then makes sense, if it is proportionate to the amount of money collected?

Dr. Wako: Mr. Deputy Speaker, Sir, I do not have the figure which is raised as cost sharing. The Kshs110,000 is what the Hospital Management Board has set aside for the improvement of this hospital.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, one of the tours that the Departmental Committee on Health is undertaking, is to inspect mortuaries in Kenya, which are in appalling conditions. Could the Assistant Minister explain to this House why they are deviating from the original intention of cost sharing money which was not supposed to go into capital expenditure like in this case?

Dr. Wako: Mr. Deputy Speaker, Sir, we are not deviating from the cost sharing principle, because we are talking of improvement, maintenance and rehabilitation, which are part and parcel of the cost sharing principle.

Mr. Kihara: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House when he intends to carry out the improvement and expansion of the mortuary?

Dr. Wako: Mr. Deputy Speaker, Sir, as soon as possible.

Mr. Deputy Speaker: Next Question!

Question No.427

RATIONING METHOD FOR
MUKURWE-INI WATER PROJECT

Mr. Mutahi asked the Minister for Water Development:-

(a) what rationing method he is planning for the Great Mukurwe-ini Water Project for water to reach Kiawamururu, Gatura, Munyu Sub-location, Gikondi, Kaihungu, Githi and Rutune Locations; and,

(b) when this rationing method will be effected.

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

(a) For water from the Great Mukurwe-ini Water Supply to reach the areas mentioned, my Ministry will continue to ration water through the following:-

(i) Kiahungu-Ichamara Pipeline.

(ii) Kiahungu-Mihuti-Mweru Pipeline.

(iii) Kanunga-Kiawamururu Pipeline as necessary.

(b) The rationing programme has been in force since 1989 when the demand exceeded the supply.

Mr. Mutahi: Mr. Deputy Speaker, Sir, I wish the Assistant Minister could have a chance to get to the ground and compare what he is telling us and what is on the ground. I come from that constituency and I am usually there every weekend since 1989. The Kiahungu-Kiawamururu Pipeline has never had a drop of water since that time he is talking about. The Kiahungu-Mihuti Pipeline has also not had a drop of water for the last ten years. Could the Assistant Minister undertake to enforce rationing which at the moment is not there? If he insists that it is there, I would like him to inform the House when the pipeline serves water on Kiahungu-Ichamara line. I am sure he would not be able to answer that. Could the Assistant Minister go back, do research on the rationing of this water and come back to the

House with an answer?

Mr. Kofa: Mr. Deputy Speaker, Sir, according to his Question, I said, that every other day, water is supplied to Kiahungu-Ichamara Pipeline, while Kiahungu-Mihuti-Mweru Pipeline and Kanunga-Kiawamururu Pipeline are closed. The Ministry is not aware that, that is not happening.

Mr. Mutahi: On a point of order, Mr. Deputy Speaker, Sir. I am trying to be very fair to him, by informing him that what he is stating is not what is on the ground. I wanted to know the method used during the water rationing, which does not exist. We would like a certain method put in place. Could the Assistant Minister give a breakdown on how that water is rationed? The Assistant Minister is putting himself into difficulties for nothing. I would like to advise him to go back, get a proper answer and bring it to the House. I sympathise with him.

Mr. Kofa: Mr. Deputy Speaker, Sir, I do not think I need sympathy, because that is exactly what is happening; that after every other day one line is opened, the other two are closed. The following day, the other line is opened while the other two are closed. But if the hon. Member thinks that, that system is not in place, I will go back to the ground and find out.

Mr. Deputy Speaker: Mr. Kofa, the hon. Member would like to know which pipeline supplies water on which day. If you do not have that information, just say so.

Mr. Kofa: Mr. Deputy Speaker, Sir, I do not have that information as categorically as he wants it. So, I will go back and come back with an answer.

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

(Question deferred)

Question No.340

TARMACKING OF MUTUNDURI-
MANYATTA-KIANJOKOMA ROAD

Mr. Deputy Speaker: Is Mr. Ndwiga still not here? His Question is dropped.

(Question dropped)

Question No.425

FURNISHING OF HOMA BAY DC'S RESIDENCE

Mr. Deputy Speaker: Is Mr. Ojode still not here? His Question is dropped.

(Question dropped)

Question No.462

DISMISSAL OF HOUSE OF MANJI WORKERS

Mr. Deputy Speaker: Is Mr. Munyao still not here? His Question is dropped.

(Question dropped)

(Mr. Ethuro stood up in his place)

Mr. Deputy Speaker: Mr. Ethuro, you are answering no Question!

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Mr. Deputy Speaker, Sir, I am not asking a question. I was ready to answer Mr. Munyao's Question. I want to register my displeasure by his non-appearance!

(Laughter)

Mr. Deputy Speaker: Well, there was no Question for hon. Ethuro to answer. So, he has answered no Question. That Question is dropped. Let us move on to the first Question by Private Notice by hon. Leshore.

QUESTIONS BY PRIVATE NOTICE

Mr. Leshore: Mr. Deputy Speaker, Sir, I have not received the written response.

Mr. Deputy Speaker: Do you want your Question to be answered or not?

SEVERE DROUGHT IN SAMBURU

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

(a) Is the Minister aware that due to severe drought and famine, Samburu District is a recipient of famine relief maize?

(b) Is he satisfied that maize alone, without any other subsidiary food-stuff, is going to improve the health of the starving children?

The Minister of State, Office of the President (Mr. Nassir): Mr. Deputy Speaker, Sir, as it was, and as it is, I beg to reply.

(a) I am aware that due to severe drought and famine, Samburu District has been receiving 4,500 bags of maize per month from the Government, to assist in alleviating the deteriorating food situation in the District.

(b) I am not satisfied that maize alone, without any subsidiary food-stuff, is will improve the health of the starving children. However, when funds become available, supplementary feeding will be done.

Mr. Leshore: Mr. Deputy Speaker, Sir, this is why I said that, I will not be satisfied! I did not get the written response. I did not get what the Minister said in response to part (b) of the Question! Could he repeat his answer to part (b) of the Question? I cannot understand him!

Mr. Deputy Speaker: Mr. Nassir, would you like to repeat your answer to part (b) of the Question?

Mr. Nassir: Mr. Deputy Speaker, Sir, the hon. Member is one of my friends. I will repeat my answer to part (b) of the Question. It reads:-

"I am not satisfied that maize alone, without any subsidiary food-stuff, is going to improve the health of the starving children. However, when funds become available, supplementary feeding will be done."

Mr. Leshore: Mr. Deputy Speaker, Sir, it is saddening because yesterday, when I toured my Constituency, I was told that, four pupils from a certain primary school, fainted due to lack of food. The Minister has said that there are no funds and yet, he said that the Government has set aside over Kshs300 million. When will the Minister consider to give a portion of the Kshs300 million, to cater for the children in Samburu District?

Mr. Nassir: Mr. Deputy Speaker, Sir, the money is not for hon. Leshore's constituency alone. It is for the whole country. The drought is getting worse and worse. We have to cater for every Kenyan.

Mr. Leshore: On a point of order, Mr. Deputy Speaker, Sir. I did not say that the money is for Samburu District alone! I asked whether the Minister could be kind enough to apportion a little of that money to cater for Samburu District, especially on the malnutrition side.

Mr. Nassir: Mr. Deputy Speaker, Sir, I will be very pleased to help my colleague. This is what has brought me down here. We should help one another. If there is any money, we will sort out the problem. Even the 4,500 bags of maize are not enough. We need to increase the number of bags to cater for more people. However, I will personally go there to assess the situation.

Mr. Munyasia: Mr. Deputy Speaker, Sir, what the Minister was asked in part (b) of the Question was; to see whether he could add something beside carbohydrates; that is maize. Simply, the Minister is being asked: "Is it not possible, with the money that he has, to give Samburu District some maize and *"omena"* from Kisumu and things like that?" Could the Minister ensure that Samburu District does not only get maize, but also some beans and *omena*?

Mr. Nassir: Mr. Deputy Speaker, Sir, I will see to it that it is done. I will personally go there whether by walking, car, bicycle or aeroplane. Where there is a problem of food, I will be there to help.

Mr. Nderitu: Mr. Deputy Speaker, Sir, we are talking about food for people who are malnourished. We are talking of food for children who study under the sun. It requires to have a little bit of more energy, leave alone what the Minister is saying. I am worried if you are the one who is going to will handle the situation, Mr. Minister! The question is: Now that we have a lot of maize lying at Kimilili with no market; a lot of fish in Kisumu with no market;

and, a lot of rice in Mwea with no market, could he use the Kshs300 million to buy this food?, On the other hand, could famine areas be declared disaster areas so that other nations could assist our Government to feed all the people?

Mr. Nassir: Mr. Deputy Speaker, Sir, we have to plan, especially when the country is faced with famine and drought. Whatever maize we have is not used to feed one place. We have to look everywhere. We have officers in the office who work day and night to make sure that no person will die of hunger anywhere. About the children, we are concerned and we will make sure that, everything is done for them.

Dr. Omamo: Mr. Deputy Speaker, Sir, the Minister has agreed that he will introduce *omena*, which is good. Could he also agree that instead of maize, we should buy indigenous cereal foods like sorghum and millet, which the people are used to? Their system is used to indigenous food-stuff. This will help people who depend only on maize in these circumstances. The maize is not good because we should encourage the people to feed on the food that they are used to! Could the Minister agree to mix maize, sorghum and traditional foods? Let them be bought from anywhere in Kenya. But let them be taken there!

Mr. Nassir: Mr. Deputy Speaker, Sir, the Government is run by the people of Kenya. Where they live, they have a place to sit down together; that is the District Development Committees (DDCs), to discuss what they want. So, I will be very pleased if my friend will go and sit there with the DOs and chiefs, and agree what type of food they want. Then, we will be able to send it to you!

Mr. Gitonga: Mr. Deputy Speaker, Sir, arising from what hon. Nderitu had asked, is the Minister ready to declare that area a disaster zone so that the Government can ask for aid from outside the country?

Mr. Nassir: Mr. Deputy Speaker, Sir, the Government cannot rush like that. We are studying the matter and if there is need to that effect, we will do so.

Mr. Sungu: Mr. Deputy Speaker, Sir, famine in Kenya is a very serious issue. I would like to urge the Minister to also include Kisumu District in his Estimates because many parts of Kisumu are being affected by famine. What is the Minister going to do about cases of rampant theft of famine relief food by the District Commissioners who are the custodians of relief food?

Mr. Nassir: Mr. Deputy Speaker, Sir, I would like to advise my colleagues to come and report any DC who sells or steals relief food to me in confidence and action will be taken immediately.

Dr. Omamo: On a point of order, Mr. Deputy Speaker, Sir. Did you hear the hon. Minister suggest that I should go and sit in the DDC in order to convey my suggestions; whereas it is not my duty away from this House to do so? Could the Minister make himself very clear as to what he meant? We give him ideas in this House to go and convey, and it is not for me to go there in person!

An hon. Member: Tena mzee kama wewe!

Mr. Nassir: Mr. Deputy Speaker, Sir, I am pleased to inform my hon. colleague that the Government must always respond to the needs of the people. Any Member of Parliaments who wants things done properly must go to the grassroots and do his job properly. I have been in Parliament for 27 years and I have never asked Questions. I always do my job in the place where I represent.

Mr. Anyona: Mr. Deputy Speaker, Sir, the principal here is: When a Question has come to the Floor of the House, it is no longer a matter between the Minister and the Questioner; it is the property of the House. If the Minister refers this matter back to the Member of Parliament to go and consult with his constituents, then what is the role of this Parliament? Are we going to allow this to be carried so far?

Mr. Nassir: Mr. Deputy Speaker, Sir, what my hon. friend has said is true. But the easiest and the simplest thing is for him to go to his constituency. A Member of Parliament is like a governor in his constituency and he must see to it that his job is done. He should ask his people to do it, but if they do not want to do it, just bring it here and I will see what to do with it.

Mr. Leshore: Mr. Deputy Speaker, Sir, I would like the Minister to tell us when he last issued an order for the Samburu District Commissioner to collect these 4,500 bags from the National Cereals and Produce Board.

Mr. Nassir: Mr. Deputy Speaker, Sir, I have done my job in my office. The Member of Parliament should go and do his job in the place where he comes from. I will bring the documents he is asking for because they are in my office---

Mr. Leshore: On a point of order, Mr. Deputy Speaker, Sir. When did he last issue an order to the Samburu District Commissioner to collect the 4,500 bags from the National Cereals and Produce Board?

Mr. Nassir: Mr. Deputy Speaker, Sir, the maize was distributed last month and everybody has been getting it. If my hon. colleague wants some more maize, he should come to my office. The doors are open!

(Laughter)

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

(a) Is the Minister aware that elephants and monkeys have caused extensive damage to farmers' crops in Njukini, Chala and Maka locations in Taita Sub-District?

(b) Is he further aware that the matter was reported to the Director of the Kenya Wildlife Service and no action has been taken?

(c) What action is the Minister taking to ensure that this menace is eradicated with immediate effect?

The Assistant Minister, Office of the President (Mr. Gumo): Mr. Deputy Speaker, Sir, I am sorry that by the time I came here, I had not received the answer and I would like to request the Chair to defer this Question to next week.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. This matter of Ministers not being ready to answer Questions came up sometimes last week when you were out of the country. The Speaker made a very categorical ruling that from then henceforth, if a Minister is unable to answer Questions, he would have to give a very good account of himself before he can be allowed to get away with it. Is this a good enough account for this Ministry, the Office of the President, which is the highest office in the land, not to answer Questions in Parliament?

The Assistant Minister, Office of the President (Mr. Gumo): Mr. Deputy Speaker, Sir, the notice was a bit too short and the distance is also far. We have got to get these answers from Voi and we have been trying to get in touch with the officers there, but they have not been able to reach us in good time.

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, I am surprised by what the Assistant Minister is saying. According to my understanding, this Question is one month old. The question of getting answers from Voi does not arise because the Question is related to Taveta. But I have no objection for it being answered next week.

Mr. Deputy Speaker: Hon. Members, in addition to what the Speaker has said about answering Questions, I would like to remind the Ministers that Questions by Private Notice must be answered within 48 hours. So, if a Question has been in your Ministry for longer than that period then I think you have had more than adequate notice according to our Standing Orders. So, we would like to see the Office of the President set a good example to the other Ministries by answering Questions every time and on time.

(Question deferred)

COMPLETION OF KISUMU BUS PARK PROJECT

(Mr. Sungu) to ask the Minister for Local Government:-

(a) Is the Minister aware that the Kshs.130 million Kisumu Bus Park Project, which commenced on 6th October, is in jeopardy because a Nairobi company, Messrs Werro East Africa, is claiming the public land adjacent to the Moi Stadium, Kisumu, to which over 2,000 traders previously operating within the bus park have been transferred?

(b) When was the land, which belongs to the municipal council, allocated to a private company?

(c) Could the Minister consider reverting the ownership of this land to Kisumu Municipal Council?

Mr. Deputy Speaker: This Question will also be deferred because the Minister for Local Government is not adequately prepared to answer it. With agreement from the Member concerned, that Question will be deferred until tomorrow in the afternoon.

(Question deferred)

MINISTERIAL STATEMENT

MINISTER INVOLVED IN CLASHES

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu wa Spika, nimesikitika sana kusoma katika gazeti la leo maandishi yafuatayo: "*Minister behind Land Clashes: Claims Maitha.*" Mimi ni Waziri katika Ofisi ya Rais ambaye anapenda amani katika Kenya. Nimesikitika sana kusoma mambo haya. Kwa mambo ya vita, yule anaye washa moto ndiye anaye chomeka. Mawaziri walioko nami kama vile Maj. Madoka na Bw. Ngala hawajawahi

kuhusika katika mambo ya uchochezi.

Bw. Naibu Spika, mhe. Maitha anaona kwamba, ili mtu apate ukubwa, ni lazima damu ya Wakenya imemwagike. Kufanya hivyo ni vibaya sana. Kwa hivyo, ningependa kuiomba Serikali imchukulie hatua mtu yeyote atakayetamka maneno ya kifo; matamshi kama hayo yasipuuzwe. Inafaa mtu kama huyo athibitishie madai yake, na amtaje yule ambaye ameuua. Hii ni kwa sababu, tangu mhe. Maitha alipoanza kutafuta ukubwa, mji wa Mombasa umekumbwa na taabu kubwa.

Mr. Deputy Speaker: Order! Order, hon. Nassir! Let me have a look at that newspaper.

*(Mr. Nassir gave the newspaper
to Mr. Deputy Speaker)*

Hon. Nassir, I thought that you wanted to raise an issue that affects you personally. This matter arose from a contribution that was made in this House yesterday. If you had any umbrage to take with hon. Maitha, you should have done so yesterday, or waited until a related debate comes before the House and then to take the matter up. However, under the Standing Orders of this House, I cannot allow you at this time to answer a hon. Member who contributed to debate legitimately in the House. So, you are totally out of order.

POINTS OF ORDER
MINISTERIAL STATEMENT ON
VIOLENCE IN KISAUNI

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. I stand to seek a Ministerial Statement from the Office of the President with regard to the flare-up of violence in Likoni. So far, three people have been reported to have died in those flare-ups. One of those three was my constituent, who was buried last weekend.

Mr. Deputy Speaker, Sir, I would like the Minister concerned to tell us the number of deaths reported following those flare-ups, the names of those who died, the cause of the flare-ups and what the Government has done to permanently eradicate ethnic clashes in Likoni area. Similar incidents occurred last year and affected mainly people from up-country. Particularly, people from our part of the world were the most affected.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I will make the Ministerial Statement on Thursday, next week.

Mr. Kamolleh: On a point of order, Mr. Deputy Speaker, Sir. I come from Matuga. I pass through Likoni everyday as I go to Matuga. I know that there are no ethnic flare-ups in Likoni. So, if hon. Dr. Ochuodho meant to ask for a Ministerial Statement about flare-ups that may have occurred elsewhere, I think he should be specific about it.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. I was referring to the flare-ups in Kisauni, and not Likoni.

Mr. Deputy Speaker: Dr. Ochuodho, you should make up your mind which area you are referring to next time.

MINISTERIAL STATEMENT
ON PRICE OF MAIZE

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. I rise to demand an urgent Ministerial Statement from the Ministry of Agriculture regarding grain buying in Western Kenya.

I would like the Minister to inform the House when the National Cereals and Produce Board (NCPB) will open the doors of its stores, and how much it will pay for each 90-kilogram bag of maize. Currently, traders are exploiting maize farmers; they use weighing machines which are not allowed for use by the Weights and Measures Department. Currently, traders buy a bag of maize at about Kshs900 and sell it at more than Kshs2,000 in Ukambani. I would like the Minister to tell the House when the NCPB will open its stores, and the price at which it will buy maize, considering the fact that imported maize is currently hitting the Nairobi market at Kshs1,800 per 90-kilogram bag.

Mr. Deputy Speaker: Very well, next Order!

BILL

First Reading

The Central Depositors Bill

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

COMMITTEE OF SUPPLY

*(Order for Committee read
being 18th Allotted Day)*

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Vote 12 - Ministry of Local Government

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

I would like to thank you and this august House for giving me this opportunity to present both Recurrent and Development Votes of my Ministry. As hon. Members are quite aware, the Ministry is essentially a service Ministry, whose main role is to advise, support and guide local authorities throughout the Republic. The local authorities in Kenya play a crucial role in our socio-economic development. They are responsible for vital services critical to the livelihood of all Kenyan households.

Mr. Deputy Speaker, Sir, local authorities are responsible for provision of important services such as water, garbage collection, local road maintenance, street cleaning and lighting, and such other related services. Essential services provision roles which are provided by local authorities throughout the land are important channels for enhancing the citizen participation in all socio-economic and democratic processes. The local government sector, therefore, has to be given very high priority to enable it play the proper role of social and economic development of our country.

In the past, local authorities have faced difficulties in fulfilling the functions, or roles, they were expected to play. Primarily, those difficulties came about due to lack of an adequate financial base in their jurisdiction. In addition, local authorities have also faced the problems of financial mismanagement on whatever resources they have collected. This has been due to poor quality staff in local authority institutions. In addition to that, local authorities' staff rarely get relevant training to enable them do what is expected of them. So, recognisant of the importance of local authorities and the severe constraints they are facing in fulfilling their roles, the Ministry has embarked on a major reform programme in order to strengthen these institutions, to enable them play their roles in socio-economic development.

Mr. Deputy Speaker, Sir, these reforms, which focus mainly on rationalisation of external, central and local government fiscal relations with the internal local government financial planning and systems, will empower the local authority sector to play its role in the governance of the country in general.

In order for my Ministry of Local Government to fulfil this particular mission of guiding, assisting, improving and revitalising the Local Government sector, it is asking this House to approve a total of K£270,486,625. This will enable it to meet both the Recurrent and Development Expenditures for the Ministry during the 1999/2000 Financial Year. The local government sector reforms entail the following policy initiative.

Mr. Deputy Speaker, Sir, allow me, therefore, to emphasise some of these important local government reforms being undertaken by the Ministry through the Kenya Local Government Reform Programme, which I am sure hon. Members will be interested in familiarising themselves with. These reforms are:-

(i) The Road Maintenance Levy: As we all know, this is 20 per cent of the revenue accruing from the fuel levy. This is because 80 per cent of the fuel levy goes to the Ministry of Roads and Public Works. The Fund is meant to provide local authorities with the capacity to repair roads which are within their jurisdiction.

(ii) We also have the Local Authority Transfer Fund, which the hon. Members can very vividly recall passing a Bill in this House last year. The Act provides a provision of some revenue accruing from the Central Government collections of income tax. This constitutes 2 per cent of the total income tax collected in a year and it is estimated to be about Kshs1.2 billion. Eventually, this Fund will rise to 5 per cent of the total income tax collected and will be distributed to various local authorities on an agreed formula. This will be administered by a committee which will soon be gazetted by the Minister for Finance and Planning in consultation with the Ministry of Local Government.

(iii) The Local Government Business Licensing Reform Scheme: As we all know, the Central Government has pulled out from issuing any business or trading licence as a source of revenue. This has now been left to local

authorities, which have been advised to compress all the trade licences which used to be there into one single licence. This will make it more convenient to the business community to have them. It will also be a source of revenue to the local authorities. In fact, some local authorities have already implemented the reform programme. It is our hope that the other local authorities will implement this reform initiative during the next two years.

(iv) The Financial Management and Revenue Mobilisation Improvement: As I said earlier on, one of the major problems of local authorities is poor staffing. Local authorities have staff who do not have adequate training. We have also noted that the finances they collect is misused. There is rampant corruption even in the collection of revenue of local authorities throughout the country.

If you go to your market place, you will find that most of those revenue collection officers move around with two receipt books; one for themselves and their masters and the other one for the council. With the help of hon. Members of this House, we can stop that kind of practice, because it is milking traders for nothing.

Mr. Deputy Speaker, Sir, I think rural women spend all their lives toiling to grow bananas or other crops and when they take them to the market to sell them, the first thing they are expected to do is to pay the market fee which does not go towards the intended purposes. So, we are concerned. Therefore, the training we are talking about, for example, trying to help these local authorities to computerise their services and improve their methods of revenue collection is aimed at rationalising and justifying the money they collect. So, that when they talk of increasing their own allowances or salaries--- Allowances of councillors and Local Government workers is not a budgetary item of the Central Government. Every local authority in the 174 local authorities we have budgets for its expenditure. They budget for their revenue sources. So, the only thing that we can do in our capacity to advise, and what we are currently doing in collaboration with organisations like the UNDP is to assist in capacity building of these local institutions in order to improve their revenue collection.

Mr. Deputy Speaker, Sir, take the example of the Nairobi City Council. We are all aware that it is not up-to-date in terms of paying salaries of their workers, even for those who work in crucial areas like the mortuaries and Pumwani Maternity Hospital. It is not that the Nairobi City Council cannot raise enough money to pay its personnel. There is haphazard recruitment of staff and you will find that staff are by far more than its capacity.

Regarding water revenue collection, we are aware of the amount of water which is pumped to the Nairobi City everyday from the various sources. However, I understand that only about 10 per cent of revenue expected from water is actually collected. So, there is need to modernise the revenue collection system and make sure that, that money is properly utilised. Also for an organisation like the Nairobi City which has 11 departments, it is said nobody knows the actual number of its employees. The population of workers is estimated to be between 22,000 and 25,000. An organisation with that kind of labour force should have a modern directorate of personnel to deal with the problems of workers - staffing, recruitment, training, salaries, administration, pension and insurances, and so forth. However, the Nairobi City Council does not have that kind of personnel. It has departments which are less useful. So, those are some of the areas we are talking about rationalising and reforming; including the structure and organisation in the local authorities. So, Mr. Deputy Speaker, Sir, as I said earlier, we expect to collect K£81,700,000 million from the Road Maintenance Levy Fund. That amount of money is approximately Kshs1.6 billion.

Mr. Deputy Speaker, Sir, I said, that amount of money will be allocated to various local authorities on agreed acceptable formula and there will be a national committee which will be monitoring and advising on the utilisation of that money. This is because that money is supposed to go to the maintenance of roads; it will not go to other uses. We expect to collect K£59,850,000 under the Local Authorities Transfer Fund, which is two per cent of the Total Income Tax. Eventually, the percentage of that money will rise to five per cent according to the Local Authorities Transfer Fund Act. It is supposed to be operational from 1st January, 2000, and the money will be distributed directly to the local authorities. It will be monitored by an advisory committee which will be gazetted by the Minister for Finance in consultation with the Ministry of Local Government. That money will help in meeting the legal obligations and increasing the liquidity capacity of local authorities. Therefore, it is the way-forward to try to strengthen the revenue base of the local authorities.

Mr. Deputy Speaker, Sir, I did mention earlier about the licensing reform programme which is a major business programme aiming at both deregulating the business sector to encourage greater economic growth and employment creation at the local levels. So, the Central Government will only be left with the licensing role and be responsible in areas relating to health safety, security and environment. It will not be licensing for the purpose of revenue collection. That will be a function of the local authorities, and they are all moving towards establishing a single business permit to avoid so-many licences being charged to traders.

Mr. Deputy Speaker, Sir, on financial management and revenue mobilisation, I have explained enough on it, and that is a very important reform function which the Ministry is involved in. It is holding several seminars and workshops to ensure that the local authorities are up-to-date. We are also working very closely with the Ministry of Environment and Natural Resources in order to appoint local authorities as water undertakers. And we have also

started programmes of commercialising water.

Mr. Deputy Speaker, Sir, one of the successful stories is Nyeri Municipality, where the local authority has formed a private company. The local authority is a shareholder in the privately owned company, but water management is done commercially. I think hon. Members in this House are also contributing to this. We have seen that revenue increases. For example, Nyeri Municipality which was collecting only Kshs5 million to Kshs6 million, now it is collecting about Kshs10 million from water rates. This will increase the financial capacity of various local authorities and I will make sure that it is properly done, so that the services which local authorities are expected to provide in health, environmental conservation, garbage collection and road maintenance are properly provided. To be able to do all these, the Recurrent Expenditure expectation is K£168,635,065. All this money is meant to provide for recurrent expenses to service the work of the local authorities. Of this amount, General Administration will take K£4,396,626.

Mr. Deputy Speaker, Sir, the other item under which a lot of local authorities have been expecting the Central Government to meet its obligations, is contribution in lieu of rates. Currently, the Government owes local authorities about Kshs1.2 billion in form of rates. It is good news that the Minister for Finance stated very clearly during his Budget Speech that from now on, the Central Government will be paying direct money from the Exchequer in lieu of rates. During this particular current year, the Minister has accepted to set aside K£21,299,875 for that purpose. This will also help in increasing the liquidity position of various local authorities.

As I said earlier, some of the local authorities are extremely poor. There is another item on grants to the local councils which cannot even make their ends meet. This is an important Sub-Vote, but we only got a very small allocation of K£50,000 under it. This cannot do much, but it will assist some of those very poor local authorities to meet some of their very small requirements.

For the Development Expenditure, we require K£101,851,620. This is particularly for roads maintenance, sewerage and water supply which we are carrying out not only with money from the fuel levy, but also with money from donors like the World Bank and other friendly agencies such as the Federal Republic of Germany, the UNDP and the others. For the Kenya Urban Transport Infrastructure Project IKUTIP we require K£75 million, which is money from the World Bank for roads maintenance in various parts of the Republic. Some of these projects are already going on and some will start very soon. For General Administration and Planning, Headquarters, we require K£75,145,700.

With those few remarks, I beg to move.

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu wa Spika, nina furaha kubwa leo. Nimekuwa nikiota ndoto lakini kila nilipowaambia wenzangu itatokea siku moja walikataa. Leo ninashukuru kwa sababu Waziri wa Serikali za Wilaya amejua shida za Wakenya na namna ya kuzitatua. Tunayo haja kubwa kuzisaidia Wizara ya Serikali za Wilaya kushinda kitu kingine chochote. Hili ni jambo moja ambalo litasaidia kuwaunganisha watu wa Kenya. Huko ndiko wakaazi wa kila aina waliko wakishirikiana na kusaidiana.

Iko haja pengine ya kuwaajiri watalaamu. Madiwani wetu ni watu wazuri na wenye imani sana lakini elimu yao pengine haitoshi. Hii ni kwa sababu mtu akichaguliwa kuwa mwenyekiti wa idara ya elimu na kizungu chake kiwe ni kama cha hon. Shariff Nassir, atafanya kazi namna gani?

(Laughter)

Mtu akichaguliwa kuwa mwenyekiti wa idara ya afya na akienda huko havai vizuri, hatafaulu. Waheshimiwa Wabunge wenzangu wanajua ya kwamba unaweza kumpatia mtu pesa na kila uwezo, lakini hataweza kufanya kazi kama hana elimu ya kutosha. Mtu anaweza kuchaguliwa kuwa mwenyekiti wa afya, elimu au ukarabati wa barabara, lakini awe hajui kiasi cha changarawe na simiti ambacho huchanganywa ili kujengea, au barabara hupimwa vipi. Rafiki yangu Mhe. Waziri atapata taabu na ni lazima tumsaidie.

Hata hivyo, madiwani wakipatiwa pesa, ni lazima waambiwe kwamba hiyo ndiyo bajeti yao bila kupewa matumaini kwamba kuna pesa nyingine watakazoongezwa. Wakipewa matumaini kuwa kuna pesa nyingine, watazimaliza pesa ambazo walipewa wakitarajia pesa zaidi kutoka Nairobi. Wasitiwe matumaini kuwa Nairobi ndio Kenya. Kwa mfano, mtu wa Murang'a akiulizwa anaenda wapi kama anakuja Nairobi, anajibu ya kwamba anaenda Kenya, na kumbe anakwenda Nairobi. Hiyo fikira ikitolewa, itakuwa vizuri sana.

Wakati umefika ambapo watu wapinge, wasipinge, watake au wasitake, kila mtu ni lazima ajue namna ya kukula na kuosha nyumbani mwake, na pia kuwaelimisha watoto wake.

Kuna shule za msingi kila mahali katika Manispaa ya Mombasa lakini zingine hazina hata mti wa kukalia. Ukipita njiani utamwona mtoto ameketi chini anasoma. Ni lazima tufanye bidii watu wasimamie mitaa yao wenyewe. Wasiwe na fikira ya kuwa kuna Wizara ya Serikali za Wilaya na tutamuomba pesa Mhe. Kamotho. Ikiwa unamtoza mtu kodi ya nyumba, lazima hiyo nyumba iwe safi na mambo mengine yawe mazuri.

Ninashukuru kwa sababu Manispaa ya Mombasa ndio ya pekee ambayo ina kabila zote zinazoishi kwa amani kama ndugu, ??Ijapokuwa wanasiasa wengine wana nia ya kupakana matope kwa sababu wanataka wawe wakubwa. Hata mtu haogopi kusema kuna Mawaziri fulani wanahusika na mambo ya kifo. Tangu sijawahi kuona kabila lolote ambalo sijalifanyia hisani kwa njia moja ama nyingine, kama kutompeleka mtoto wake Ulaya, kutoisafirisha maiti yake na kutomsomesha mtoto wake. Ninasikitika watu wanapoweka siasa juu ya vifo vya watu. Wizara ya Serikali za Wilaya ndio sura ya Mombasa. Kuna madiwani wa kila kabila. Huwezi kumwona diwani wa kabila langu pahali pengine. Lakini wako huko kwetu na tunaishi vizuri. Kuna watu wanaoona siasa kubwa ni kutetisha watu. Hata pia mimi nilipigwa kabisa kwa kuitwa Mswahili, Mwarabu na mambo mengine machafu. Ukweli ni ukweli.

Wanasiasa hawafai waliambie kabila fulani kuwa wanalipenda sana. Wao sio Mungu. Penda makabila yote; usilipende kabila moja. Yule anayedanganywa akiambiwa: "Mimi ninakupenda zaidi na wale wengine wanakuchukia" atadanganyika wakati wa kura. Wao ndio wanakwenda kumwona Rais Moi asubuhi na kumwambia: "Mimi niko na wewe Mtukufu Rais. Usitie hofu kwa sababu nitakuletea mambo ya wale wengine asubuhi." Akienda kwa Mhe. Kibaki atasema: "Usiwe na hofu, hata ukiona nikitoa sauti, ninawadanganya tu; lakini mimi niko nyuma yako."

Mr. Kihara: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Nassir to claim that he likes all the tribes when it is a well-known fact that he hates Kikuyus and says that he can smell them in the streets of Nairobi? Is it in order for him to mislead this House that he loves all the tribes?

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika, singependa kumjibu Mbunge lakini akifika Mombasa atawakuta jamaa zake ambao ninawasadia katika sehemu yangu. Usiniudhi nikirejea Mombasa nifanye unyama kama mfanyao nyinyi. Mimi ninawapenda Wakenya na ninataka tuishi pamoja. Wizara ya Serikali za Wilaya inafaa ipewe pesa zaidi na ifunzwe kama kuna mahali---

Mr. Kajembe: Jambo la nidhamu, Bw. Naibu Spika. Tunamheshimu Waziri huyu ambaye amesema kuna watu wanaoenda kumwona Rais Moi, kisha wanaenda kumowna Mhe. Kibaki. Ni nani huyu kwa sababu tuna wasiwasi?

The Minister of State, Office of the President (Mr. Nassir): Usiwe na wasi wasi kwa sababu ni rafiki yako sana, Mhe. Maitha.

Mr. Maitha: On a point of order, Mr. Deputy Speaker, Sir. I think the Minister who has been here for many years more than me is now going astray according to the Standing Orders. You cannot mention another Member's name in this House without bringing a substantive Motion. Hon. Nassir, why are you doing this? Is it because you are an old man?

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika, hayo ni maoni mangu. Yeye anatoa maoni yake, na mimi ninatoa yangu. Kwa hivyo, tusikasirike; ukweli ni kuambiana tu. Tunapendana huku Kenya. Tusaidiane ili tuendeshe Wizara ya Serikali za Wilaya vizuri. Inafaa kiongozi achaguliwe na Wakenya wote, si kujibandika na kabila ambalo halikujui wewe ni nani. Hata wakati ambapo fujo ya ardhi ilipotokea huko Mombasa, Wizara ya Serikali za Wilaya ilihitajika kuhusika kabisa na mambo hayo. Hata DC na Wabunge walihitaji kuhusika, si kumwachia DO, mtu mmoja tu. Kwa hivyo, hata ninaomba habari hii itakapojadiliwa katika Baraza la Mawaziri, haya mambo yabadilishwe na watu wa Kenya nzima waombe hii ardhi. Ninaunga mkono juu ya habari ya pesa za Wizara ya Serikali za Wilaya kwa sababu Kenya nzima inaheshimu Wizara hii. Wizara hii ndio nguzo yetu, njia yetu ya kuwaelimisha watoto wetu na njia ya kusaidiana.

Kwa hayo machache, ninaunga mkono.

(Question proposed)

Mr. Maitha: Bw. Naibu Spika, mimi ndiye waziri wa Serikali za Wilaya katika serikali ya kifinyo. Nimesimama hapa kuunga mkono kabisa Hoja hii ya Serikali za Wilaya kama ilivyoletwa na mwenzangu Waziri wa Serikali za Wilaya Mhe. Kamotho. Amezungumza mambo mengi ya maana sana ambayo ni lazima yazingatiwe. Hasusa hasa, yale aliozungumzia yangefaa kuzungumzia upande huu ambao nimekaa. Nimesikiza kwa makini sana akizilaumu serikali za wilaya na ubaya wazo. Ubaya wote ambao uko katika Serikali za Wilaya usilaumiwe madiwani ama baraza zile za wilaya. Serikali inafaa ilaumiwe kwa sababu kwa wakati huu, Waziri anayehusika na sheria inayolinda mabaraza hajaleta marekebisho ili mabaraza yalaumiwe. Sheria iliyoko sasa haizipatii uwezo baraza za wilaya kutekeleza mambo yazo inavyotakikana.

Baraza za wilaya katika Kenya, hasa zile ambazo zimechaguliwa kihalali na zinatekeleza wajibu wazo kwa muda mrefu zimeilalamikia Serikali zipewe uwezo wa kufanya mambo yazo. Kwa sababu sheria inayotunga mabaraza yale inafunga mambo mengi ya uwezo wao, mabaraza mengi sasa yanatawalwa na maofisa hasa wanaoletwa na Serikali kama vile mwekahazina na katibu wa mji. Wamekuwa madereva wa kuongoza Serikali za Wilaya na wakati mwingine wanawatukana madiwani waliochaguliwa na wananchi kutekeleza miradi yao katika Serikali za Wilaya.

[Mr. Deputy Speaker left the Chair]

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

Madiwani ni watu muhimu sana. Nimekuwa diwani kwa miaka 15. Nilifanya vizuri sana katika eneo langu niliochaguliwa na ndipo wananchi wakanichagua kama Mbunge wa sehemu ya Kisauni. Utakuta kwamba diwani ni mtu anayetokeleza uwezo wa wananchi usiku na mchana. Huyu ni mtu anayestahili kupewa uwezo wote ili ahakikishe kuwa anatomia baraza hilo na uwezo wake kuwapa wananchi anaowakilisha katika eneo lake faida ya baraza. Utakuta kwamba madiwani wetu wamekuwa watu wa kuogopa, hasa wamekuwa vibaraka. Huko Mombasa madiwani wote wako chini ya mwenyekiti wa KANU. Hawawezi kufanya chochote mpaka wapate amri kutoka ofisi ya chama. Unakuta ya kwamba mabaraza ya miji wakati mwingine hayawezi kutekeleza chochote mpaka zingojee Waziri wa Serikali aseme. Pia unakuta katika mabaraza ya miji kwamba madiwani wamekuwa waoga kwa sababu wakisema chochote katika baraza lao watapelekwa Bungeni ili watukanwe au wafanyiwe yale ambayo wanafikiria kwamba hawawezi wao wenyewe kujifanyia. Tumekuta mifano mingi katika Bunge hili ambapo Mbunge anaweza kuja katika Bunge hili na akaanza kuingilia baraza katika eneo lake analowakilisha Bungeni, kwamba limekosea wananchi sana. Lakini unakuta kwamba sheria za mitaa ndogo ndogo ambazo kwa Kiingereza zinaitwa by-laws zimetungwa na baraza lile kwa minajili ya kuwastawisha wananchi ili wapate mapato katika baraza lile. Lakini wanapozitekeleza sheria zile, Mbunge wa eneo lile anakuwa na wasiwasi kwamba diwani anapofanya hivyo, labda anafanya vizuri zaidi ama yeye anajaribu kupata kura za yule Mbunge na huenda kiti chake kikachukuliwa na yule diwani.

Ndipo tunasema ya kwamba, yale aliyozungumza Waziri ni mazuri sana. Lakini hangelaumu yale yanayotendeka katika mabaraza. Yeye angepaswa kuja hapa Bungeni kurekebisha sheria ambazo zingewapa uwezo zaidi mabaraza yale ili kwamba yatekeleza mambo yao. Ninasema hivyo kulingana na vile alivyoeleza. Pia kabla sijaingilia vile alivyosema, tungebadilisha sheria hii ya mabaraza na tuseme kwamba: "Wenyeviti wa mabaraza na mameya wachaguliwe na wananchi kama vile Wabunge wanavyochaguliwa." Mbunge anapochaguliwa katika eneo lake, ana nguvu kwa sababu anaona wazi ya kwamba eneo lile lote alipata kura nyingi na kura zile zote alizopata ni zake. Kwa hivyo, ana sauti ya kuzungumza kuhusu chochote kwa sababu yeye ndiye Mbunge kwa miaka mitano. Lakini diwani ambaye amechaguliwa anaitwa meya ama mwenyekiti wa Konseli. Yeye unamkuta kwamba ni mtu wakusikiza amri. Saa zote utamkuta ofisi ya Bw. Waziri akilalamika kwamba: "Mimi ningependa nisamehewe hivi, ama ningependa kuenda kutekeleza mambo haya." Hii ni kwa sababu sheria inamuambia: "Wewe huwezi kutekeleza jambo lolote bila katibu wa baraza lile ambaye anaitwa Town Clerk kumuambia: "Wewe, fanya hivi kama diwani, na kama mimi sitaki, wewe usifanye."

Ni juu ya Waziri kuleta marekebisho ya sheria hii ya mabaraza ili kuwapa mameya na wenyeviti wa miji uwezo ili wachaguliwe kwanza na wananchi. Hata wananchi wakiwa wa Nyandarua ama wa Mombasa, wamechagua meya wao kwa kura zao. Wao wenyewe wanaweza kumlaumu meya yule anapofanya makosa. Kwa mfano, kule Mombasa tulikuwa na meya mzuri sana anayeitwa Najib Balala na Bw. Waziri anajua jambo hili vizuri sana. Ulikuwa ukifika Mombasa, unapata mji unameremeta lakini kwa sababu ya siasa za ubinafsi; siasa kama hizo mlisikia zikizungumzwa na wazee ambao wana mvi zao hapa, kwa sababu anamilikiwa na chama kinachotawala; kwa sababu aliteuliwa na chama kinachotawala, meya huyo ilimbidi ajiondoe kutoka mamlaka na kujiuzulu. Mji wa Mombasa ulikuwa unanawiri, ulikuwa msafi, barabara zilikuwa zinapandwa maua, ulikuwa na watalii ambao walifurahia hali nzuri. Lakini kwa sababu ya siasa za ubinafsi za kupenda kuzungumzia ukabila, za kupenda kusema: "Kabala hili liko hivi, dini hii iko hivi, huyu yuko na tumbo na yule hana tumbo", ikabidi meya yule aondolewe.

Kuna watu wengine ambao wangependelea kuona meya ama mwenyekiti wa baraza ni mtu ambaye hasemi chochote, wala hana uwezo juu ya kitu chochote katika mtaa ule ambao anawakilisha. Na hii ndiyo imezorotesha mabaraza mengi. Na hiyo ndiyo wananchi wamelia kwamba mabaraza hayana usaidizi wowote na baadaye Serikali pia inaunga mkono kwamba ni kweli. Unapofika Mombasa saa hii na unakuta uchafu umejaa. Miaka miwili iliyopita tulikuwa hatuoni huo uchafu. Meya wa wakati huo alihakikisha kuwa mji ulikuwa safi. Lakini kwa sababu alikuwa hapendwi na watu fulani, meya yule ilikuwa lazima atolewe. Kwa sababu hapendwi na jamaa fulani ama chama fulani, meya yule lazima atoke maanake ni mpinzani.

Ningependa kuyashukuru mabaraza ya wilaya, hasa yale mabaraza ambayo yanaongozwa na mameya ambao wako katika vyama vya Upinzani. Nasema hivyo kwa sababu moja. Katika manifesto ya vyama vya Upinzani, madiwani wameelezwa kwamba wizi wa maploti ni kinyume cha manifesto ya vyama vya Upinzani, hasa chama changu cha DP. Kimepinga kabisa diwani yeyote ambaye huenda katika baraza fulani na kuiba ploti ya shule. Lakini unakuta kwamba kwa sababu chama kinachotawala kimeleta mkubwa wa chama katika baraza lile ama katika Wizara ile, sasa yeye amekuwa mtu wa kusema, madiwani wote lazima wasikize Serikali na ni lazima watasikiza Serikali na wakati unaposikiza Serikali na unapofanya vizuri, kitu utakachoambiwa ni kwamba "tafuta ploti na tutakupatia". Sasa

unakuta madiwani wale wanavunja sheria ya vyama vyao na kuenda kuwaibia wananchi. Wanavunja sheria kwamba wao ni wapinzani ama ndio wanatakiwa kufanya haki kwa wananchi lakini wanaenda kufanya yale mabaya.

Tukitoe mfano mzuri ni kama Nairobi hapa. Nairobi ni baraza la DP, lakini hata Bw. Waziri nilipomsikia saa hii alikuwa analaumu sana mambo ambayo yanafanyika hapa Nairobi. Lakini hii ni maukusudi tu, kuilaumu ionekane baraza la mji wa Nairobi ni mbaya. Lakini tuulize: "Kwani ni DP iliyomuandika Bi. Wandera?" "Ni DP iliyoandika maofisa wakuu wote?" "Kwa nini meya wa Nairobi asichaguliwe na wananchi wenyewe?" Sheria ibadilishwe. "Kwa nini sheria zisibadilishwe ili madiwani wawe na uwezo wa kuwaandika watu wao wenyewe ili mtu akifanya makosa, awe anawezwa kufutwa kazi na madiwani wale kwa makosa ya kuwakosea wananchi?" Unakuta diwani wa Nairobi hawezi kumfuta Katibu wa Jiji hili, mwekahazina, au hata mfiagaji. Hii ni kwa sababu sheria haimruhusu. Sheria ya diwani ni ile ya kuchaguliwa na kuingia katika baraza la Nairobi, Mombasa, Nyandarua au kwingineko. Lakini haruhusiwi kuguza chochote, hata matumizi ya fedha. Kuna wenyeviti katika mabaraza kama ni wa elimu, umma au wa fedha na kila mwaka anasoma makadirio. Lakini katika sheria, hapo ukisoma jinsi ambavyo Waziri anatoa masharti yake katika makadirio ambapo mabaraza yangetumia, yanamuumiza kabisa yule mtu wa baraza anaitwa diwani. Ni mpaka apate ruhusa, sijui ya kufanya nini. Kwa mfano, Mombasa imeuliza mara nyingi kwamba bandari ya Mombasa iko Mombasa na Mungu "ameizaa" Mombasa. Mizigo yote inaingia pale, wapate tu dollar moja ili waongeze mapato yao. Wameuliza mara nyingi Mombasa ipewe uwezo kama Nairobi, maji yote yawe wanauza wao. Hiyo ni mpaka waombe kwa Waziri. Waziri akikataa na kama hampendi meya wa Mombasa, basi huyo hapewi.

Bw. Naibu Spika wa Muda, watu wa Mombasa wameomba, Mombasa, kama mji wa pili kwa ukubwa katika Kenya, uwe katika kiwango cha mji mkuu. Lakini kwa sababu watu wa Mombasa pengine hawapendwi--- Kila wakati Waziri ambaye angefaa kuandika ripoti hiyo na kuipeleka kwa wanaohusika ili mji huo ufanywe mji wa pili mkuu wa Kenya--- Mpaka leo mji wa Mombasa unaitwa Manispaa, na hali ni mji wa pili mkuu katika nchi hii na ambao hutembelewa na watalii wengi. Pia mji huo una hoteli nyingi za watalii.

Bw. Naibu Spika wa Muda, ningependa kuiambia Serikali kwamba kuyapa uwezo mabaraza ni kuyafanya yatumikie wananchi vizuri. Kwa sababu hizi ni Serikali za Wilaya, ni vizuri kuyapatia mabaraza uwezo. Wananchi wanaoishi kule wanataka kupewa huduma zote. Ikiwa "*Bwana Bora Afya*" hajaitembelea mitaa na kuleta hadhari kuhusu magonjwa ambayo yangedhuru wakaazi wa mtaa fulani, yafaa madiwani wapewe uwezo wa kutekeleza mipango yao ili ripoti ya "*Bwana Bora Afya*", ifanye kazi vizuri. Lakini unapata daktari wa mji analeta mapendekezo ya kuwasaidia wakazi wa baraza lile--- Ama maofisa wote wa mji wanaleta ripoti zao kuhusu; kwa mfano, nyumba fulani ambayo imejengwa bila mpango, kwa hivyo, haikuchorwa sawa sawa, au nyumba fulani ilijengwa lakini mambo yake hayakupitia katika baraza la mji, kwa sababu mtu aliyejenga anajuana na mkubwa katika Wizara ya Serikali za Wilaya. Kwa hivyo, yeye ataenda mara moja na kuzungumza na wakuu katika Wizara na ataandikiwa barua ya kusema kwamba, "Huyo mwacheni ingawa hajayatekeleza yale mliokuwa mnayataka".

Baraza lile linafungwa mikono kumchukulia hatua mtu ambaye nyumba yake itakuja kuuu watu wakati ujao. Kwa hivyo, ikiwa Waziri wa Serikali za Wilaya angependelea mabaraza yawe na pesa nyingi, ni lazima mabaraza hayo yapewe uwezo wa kujifanyia mambo yatakayowaletea mapato.

Kuna mambo mengi ambayo mabaraza yanaweza kufanya na kujipatia mapato. Kwa mfano, baraza la Taita Taveta, limeiomba Wizara ya Serikali za Wilaya kila wakati kwamba, pesa zinazokusanywa kutoka kwa mbuga za wanyama wa porini ambazo hutembelewa na Wazungu kila siku katika Taita Taveta na kwingineko ambako kuna wanyama, kama Mt. Kenya, Naivasha na kadhalika., yafaa mabaraza yale yapate mapato kidogo kutoka kwa Wizara inayohusika na mambo ya utalii. Lakini unakuta kwamba, hata baraza likiandika barua kwa Wizara inayohusika, ili kuifanya Wizara inayohusika na utalii iyasaidie mabaraza hayo yapate pesa, inakuwa vigumu. Baraza la mji wa Narok lilifanya bidii mpaka aliyekuwa mwenyekiti wakati ule, Bw. ole Ntimama ambaye sasa ni Waziri--- Ilimbidi Bw. Ntimama afanye juu chini kuifanya Wizara kukubali kwamba wakati watalii wanapoenda kuangalia wanyama na mambo mengine katika mji wa Narok, baraza la mji huo linapata mapato kidogo kutokana na malipo yanayotolewa na watalii.

Vile vile katika mji wa Mombasa, shirika la KWS linachukua pesa kutoka ufuo wa bahari mpaka Lamu; yaani Marine Region. Mabaraza ya Mji wa Mombasa na Lamu hayapati kitu chochote. Pia katika kujipatia mapato zaidi, mabaraza hutaka kusafirisha mikoko hadi Ulaya, lakini Wizara inayohusika na misitu haijui maana ya mikoko. Baraza la mji linaandika barua na kusema kwamba mikoko ina bei nzuri Ulaya. Lakini kwa sababu Wizara inayohusika haijui na haitaki kumuelewa diwani ambaye yuko kule chini na uchumi wake; Wizara inasema kwamba; "Hamuwezi kufanya kazi hizi kwa sababu iko chini ya Wizara nyingine". Diwani yule yule analeta mapendekezo ya kiuchumi, kwa mfano, kuhusu uvuvi na kazi ambazo zingeliwezesha baraza kupata pesa, lakini mapendekezo hayo yakiletwa katika Wizara, inasema kwamba, "Haya mambo uliyoyaleta hayahusiani na Wizara hii". Ukiyandikia Wizara hiyo barua, inakujibu kwamba, "Nyinyi ni baraza na hamwezi kusema hivyo. Hadi sisi tuketi tuone kama tunaweza". Kwa hivyo, mabaraza yanapata taabu, yanatapapa; hayana njia ya kuanzisha mipango ya kupata mapato zaidi na ndiyo sababu mabaraza mengi yamekuwa maskini; hata hayawezi kuwalipa mishara wafanyakazi wao. Hii

ndiyo sababu wafanyakazi wa mabaraza wanagoma.

Bw. Naibu Spika wa Muda, ningependa kuingilia mambo ambayo ni ya kisasa ambayo tunayaita liberalization; yaani soko huru. Hii ni kuhusu biashara ambazo zinaweza kupewa watu binafsi. Lakini unakuta kwamba, Wizara ya Serikali za Wilaya imeyambua mabaraza yatoe shughuli za ufagiaji na mambo mengine kutoka mikononi mwa mabaraza na kuwapatia watu binafsi kazi. Lakini unakuta kwamba kampuni zinazopewa kandarasi zile zinahusiana na mtu ambaye ni mfanyakazi wa Wizara hiyo; kwa mfano, Katibu wa Kudumu. Kama si Katibu wa Kudumu utakuta kwamba, ni Waziri mwenyewe ambaye anahusiana na kampuni zile. Unakuta kwamba kila kitu kimepangwa sawa sawa. Kwa mfano, juzi mji wa Malindi ulipotoa kandarasi ya ufagiaji wa mji kwa kiasi cha Kshs8 milioni, jambo hili lililetwa katika Bunge hili na lilitatanisha sana. Mwishowe iligunduliwa kwamba, aliyekuwa amepewa kandarasi hiyo alikuwa ana uhusiano na Wizara. Ilibidi Bunge hili libatilishe kandarasi ile. Ni lazima Waziri awape madiwani uwezo wa kuketi na kukabiliana na majukumu ya kutoa tenda kwa wale wanaotaka kufanya kazi za mabaraza.

Bw. Naibu Spika wa Muda, ningependa pia kutaja mambo machache kuhusu uzembe wa wafanyakazi wa manisipaa. Katika manisipaa nyingi, wafanyakazi wanalaumiwa kwa kuwa wazembe. Ni wazi kwamba, kuna hali ngumu katika mabaraza; mishara ya wafanyakazi wa mabaraza ni duni. Utakuta katika baraza moja, kwa sababu ya matatizo ya pesa, karibu miaka kumi imepita bila nyongeza ya mishahara kwa mfanyakazi. Basi kama mfanyakazi yule amewekwa katika kituo cha kukusanya pesa, kwa mfano, kituo cha mabas yanayoingia katika mji ule, lazima kila jioni, atie pesa kidogo mfukoni mwake kwa sababu anajua kwamba baraza hilo halitamlipa mishahara wa mwezi huo. Ni lazima Wizara hii itafute njia, kama Mswada tulioupitisa juzi katika Bunge hili, ulioitaka Serikali iwalipe madiwani moja kwa moja kutoka mfuko wa Serikali, si kutoka mabaraza. Lazima pia njia itafutwe ya kuyasaidia mabaraza yanapokwama na kukosa pesa za kuwalipa wafanyakazi wake ili migomo ya wafanyakazi wa manisipaa na wizi wa pesa za mabaraza uweze kukomeshwa. Ninasema hivyo kwa sababu, hata wakati Serikali kuu inapokosa pesa za kulipa majeshi na wafanyakazi wake wengine, inatafuta pahali popote palipo na pesa; kwa mfano, KPA mahali pesa ziko, wanachukua pesa hizo na kuwalipa wafanyakazi halafu baadaye wanarejesha. Tunajua vile wanavyofanya!

An hon. Member: Hasa pesa za National Social Security Fund (NSSF)!

Mr. Maitha: Hata pesa za NSSF! Tunajua kwamba wanazitumia na hawalipi! Hii ndio sababu tunasema kwamba, mabaraza yatafutiwe njia ili wakati yanapokwama-- Wanaweza kutoa mipango, kwa sababu tumeona katika mabaraza mengine, wako na nyumba ambazo wanaweza kuweka rehani. Lakini kama njia ingepatikana ya mabaraza kupata pesa na kuwalipa wafanyakazi wao; mateso ya wafanyakazi kugomea kazi za mabaraza yatakoma. Haya ni mambo yanawasikitisha wananchi sana.

Kwa hivyo, nikiunga mkono Voti hii ambayo Waziri amewasilisha, Serikali za Wilaya ama baraza ndizo misingi hasa wa siasa katika Kenya. Ni lazima Wizara inayohusika iwape uwezo wa kujisimamia. Hata tunasema wakati wa kugeuzi Katiba yetu hapa Kenya, tuwe kama wenzetu kule Ulaya ambao wamezipa nguvu Serikali za Wilaya mpaka sikawa Bunge zao zinazopitisha mambo yao halafu yanaletwa katika Bunge Kuu kujadiliwa.

Tukienda katika nchi za ulaya kama vile India, utakuta kwamba mabaraza ya mji yana Bunge lao ambalo linapitisha mambo yao na kuyawasilisha katika Bunge kuu ili yachunguzwe. Lakini hapa Kenya, unakuta kwamba sheria inayoongoza mabaraza ya mji ni sheria ya kikoloni na imekaa kwa muda mrefu. Tunataka madiwani wetu wapewe mamlaka ya kufanya kazi yao vizuri. Tusiwape madiwani wetu siasa za pesa nane kama vile tumesikia hapa Mawaziri wengine ambao wamekaa katika Bunge hili kwa muda mrefu, wanaleta siasa za pesa nane. Tunajua kwamba siasa zake ni za ukabila. Anapofungua mdomo, anasema kwamba hataki Mkikuyu, au mtu wa bara asipewe ploti Pwani. Wewe ni nani katika Kenya hii kama umekaa katika Serikali ya umoja, Serikali ya KANU? Kenyatta alisema kwamba KANU ilileta umoja kwa sababu KANU iliyo kule sasa ni KADU na sehemu hii ndiyo KANU!

(Applause)

Unakuta kwamba Mawaziri wa Serikali iliyoleta umoja ndio wanaoeneza ukabila katika Kenya. Hawa ndio wa kwanza kushauri Serikali ifutilie mbali ploti zilizopewa watu wa bara katika mabaraza ya miji ili zipewe watu wa Pwani. Hakuna matatizo huko Pwani, matatizo yanaletwa na wanasiasa. Ploti zilizopewa watu kutoka bara, pengine ni 200, lakini ardhi inayomilikiwa na watu wanaokaa Adeni au Yemeni; sitaki kuleta siasa za Mombasa hapa, lakini unakuta kwamba Mombasa Island ambayo ni Manispaa; ardhi iliyo Mombasa, kama ni ya skuli, Manispaa inalipa kwa tajiri ambaye hayupo Kenya. Nyumba ambazo unaziona pale Mombasa, watu wanalipa kodi kwa tajiri. Mwafrika analipa Kshs500 kwa tajiri katika maisha yake. Kwa njia hiyo, Baraza haliwezi kukusanya ushuru wowote kwa ardhi ile. Serikali pia haiwezi kupata kodi kwa sababu mtu yule hakai hapa na huwezi kumpata. Sisi tumenyamaza na hatujasema tuwapige vita hata ingawa wanamiliki ardhi nyingi. Lakini Mkikuyu mmoja akipewa ploti Pwani, watu wanasema Maitha anafanya siasa kwa sababu anataka kura za watu wa bara kwa visingizio kuwa kuna uchaguzi mdogo unaokaribia. Hakuna uchaguzi mdogo huko Kisauni! Hata petition itanza mwaka ujao na pengine

haitakuwepo.

Bw. Naibu Spika wa Muda, ninaunga mkono kwamba mabaraza yapewe uwezo. Siasa za Wabunge kuwatatanisha madiwani zifanywe kwa kiwango kinchoridhisha kwa sababu madiwani ni watu muhimu. Mbunge huyo anawaalika madiwani katika mikutano ya waandishi wa habari huko Majengo na yale anayozungumza pale hayafai nchi hii. Mambo haya yote yanakuja kwa sababu chama kinachotawala kimeshikilia mabaraza kama mali yao. Tungependa chama kinachotawala kiachane na mabaraza ya miji ili yatekeleze shughuli zao vizuri na tukifika katika mabaraza hayo, tuone yanafanya kazi vizuri. Ninawashukuru madiwani wote Kenya nzima hata ingawa wamelaumiwa na Waziri. Kwa hayo machache, ninaunga mkono.

The Minister for Vocational Training (Mr. Kones): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support the Vote of this Ministry. I would like to thank the Minister for the very able manner he moved the Motion.

Personally, I like the idea of privatisation in the municipalities and county councils, particularly on water supply. In areas where water supply has been privatised, the county councils and municipal councils generate a lot of revenue. They are also assured enough supply of the commodity. One thing that makes municipalities to develop is the availability of constant water supply. The lack of the same retards development. I would like to urge the Minister to take a national move towards this and try as much as possible to influence other municipalities to do the same. The only constraint here is a situation where we already do not have that water supply in plenty. So, we you need to get the money first to develop that water supply before we privatise those services. I have in mind Bomet Municipal Council. The supply in Bomet was established in 1930 to serve only 30 families. Today, the town has grown, but the water supply system has not been improved. This is totally unacceptable. The Minister should do something to supply this town with water. In the past, a lot of studies have been done but nothing seems to have come through.

Mr. Temporary Deputy Speaker, Sir, we have a problem with county and municipal councils. What my colleagues have said about the excessive powers vested on the clerks of the local authorities is true. I think these officers are totally in full control of the councils and they listen to nobody. I do not know what we are going to do to make these fellows to follow a certain system of operation. The clerks are everything, they do not listen to the councillors and Members of Parliament. They do not listen to anybody and they seem to get away with it. A lot of money has been siphoned by these same people. The sad thing about it is that these fellows do it so nicely so that, they even know who is going to win the expected mayoral or chairmen elections. It is easy for them. They divide the councillors into two factions and then, finance another faction to make sure that only the person they want to be the Mayor wins the elections. They do it so nicely using the same money which is siphoned from those local authorities. It is so pathetic and you find that there is nothing you can do about it.

I would like to urge my colleagues to ensure that there is a code of regulation for chief officers and they should be transferable. I do not understand why a clerk would want to belong to a town or own that town, when there are officers who have been posted there on normal Civil Service arrangements? Why can they not be moved? Sometimes, these clerks are transferred, but they refuse to move out and they succeed. It is amazing, you cannot believe it. I would like to urge my colleague to ensure that these people are moveable. They do not want to move because they have committed a lot of crimes and if they moved, it would be dangerous for them. This is something that I feel should be done.

The Minister has also talked about improving the infrastructure in certain municipalities. But when you look at it, it appears as if this is done on a selective basis. I do not see what basis they are using because the infrastructure in other towns in this country also deserves to be improved. There is nothing which is being done about them. It is not even in the budget and yet, they also pay the fuel levy which is used to improve certain infrastructures in some of the towns.

There is need to improve infrastructure within county councils of this country. Even if we can tarmac a 10-kilometre road in five years, this is something that will benefit wananchi. We feel that all of us should benefit from fuel levy. Otherwise, we are not happy contributing to fuel levy, when there is no improvement of infrastructure in this country.

Mr. Temporary Deputy Speaker, Sir, there is a very serious problem that has emerged from the division of assets by county councils. Once a county council is divided, there should be division of assets. However, in case of division of assets, it is the survival for the fittest. You find that some councillors are not ready to surrender certain assets to the new county councils. This makes some county councils to be poor because they get very few assets. There is no mechanism put in place to arbitrate over the division of assets within county councils. In fact, we have cases where councillors have exchanged blows over assets. When a county council is divided or a new district is created, I suggest that, there should be a mechanism where a tribunal will sit down to assess the assets before they are divided equally among those county councils. In so doing, there will be no fighting over assets. In a situation where it is left for county councils to divide assets and there is no tribunal to arbitrate, the situation is so ugly that, councillors

might end up fighting over those assets. This is an area that I feel must be addressed to immediately. For example, the former Kipsigis County Council managed all assets of Kipsigis. It was divided between Bomet and Kipsigis county councils. But before the assets were equitably distributed among those two county councils, another county council was created. Therefore, the division of assets was done from Bomet County Council, which was already in Kipsigis County Council. So, Kipsigis County Council remained with most of their assets intact. There has never been anybody to arbitrate over the division of assets within those county councils. This has created a lot of bitterness among our people. We are not happy about it at all. I would like to appeal to the Minister for Local Government, to look into this problem.

Mr. Temporary Deputy Speaker, Sir, it is even worse in a case where one of those clerks I was talking about before, was transferred from Bomet County Council to Buret County Council. Before he moved to Buret County Council, he transferred all the assets and money to Buret County Council. He also built headquarters in Buret District without the consent of Bomet County Council. This is very serious. Bomet County Council was left without assets and money. It is sad that, that clerk was oscillating between the two county councils because he had all the powers. What are we supposed to do about this? I would urge the Minister to do something about it, because it is very serious. That clerk must account for those assets. I would suggest that, all clerks should work within a budget. No clerk should be allowed to build headquarters without any approval of anybody or without following the provisions of a budget. This is a very serious matter and I hope the Minister will look into it.

Mr. Temporary Deputy Speaker, Sir, the last issue I would like to talk about is Harambees organised by some town clerks, whenever their councils are required to contribute ten per cent to a project. For example, when they are given a certain amount of money by the World Bank and requested to raise ten per cent, they decide to organise Harambees. They forcefully tax our people to raise their contributions. Who allows this? I thought the arrangements are that, the ten per cent must come from the generation of income within the county councils. If the county council is not able to contribute its ten per cent to a given project, then it means that the council does not deserve the project. They should not tax people to raise that ten per cent. This is unacceptable, although it is happening within our county councils. It is just because they want the money which they cannot account for. This is because any money raised through a Harambee is not accounted for. I would like to see some transparency in the management of county councils in this country. The Minister should not allow clerks to conduct Harambees in order to raise the ten per cent contribution required from them. This is totally unacceptable. I would like to urge my colleague to look into this. Otherwise, all said and done, the Minister should focus a lot on this and I suppose he will improve the county councils in this country. We want the councillors to be empowered. With those few remarks, I beg to support.

Dr. Omamo: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Minister for the very able presentation. Right from the start, I support the entire Vote. My question is: "Does the Kenya Government recognise Local Government?" I say, yes, they do it in only one occasion; that is, during the General Elections. There is a three-tier voting pattern whereby we have *Simba mara tatu*, *Tinga Tinga mara tatu*, *Taa mara tatu* or *Jogoo mara tatu* among other symbols. The first "tier" is for the presidential candidate, the second is for the parliamentary candidate and the third is for local authority candidate. Wananchi recognise them all, as politicians. But after the election, the presidential candidate who won gets his salary, hon. Members get their salaries--- I was responsible for increasing that salary at one time and it was a very fat salary. But the councillors, if I may use these words, they are "almost forgotten."

Mr. Temporary Deputy Speaker, Sir, I agree with the Minister that we should empower the local authorities. We must empower them right from the grassroots level. Let us empower the councillors. There was a time when my friend, hon. Kibaki, paid me a visit in Bondo County Council and told me: "Bill, before you can produce, you must consume." I agreed with him. Before the councillors can be productive in local authorities, they must be given something to consume. They should be given good salaries and allowances, so that they can be productive. I would like to plead with the Minister, because it is the wish of Kenyans that the mayor be elected by people themselves.

(Applause)

For how many times shall we repeat this to the Minister? He should bring a Bill to the House to put this into effect, because it is the wish of Kenyans. It will stop this grumbling and fighting in the local authorities, because the mayor and the chairman of county council will have their authority and mandate from the people.

Mr. Temporary Deputy Speaker, Sir, I would like to urge the Minister that it would be very good if the Government proceeds in the way the Minister has explained to us. These are benefits that are now directed to the Local Authorities, for example, additional funds through the transfer of funds, road maintenance levy and the rest. I would like to persuade the Chair to whisper and ask the Minister why he has not published the Omamo Commission Report as promised by Prof. Onger, the previous Minister. It appears to me that the Government is implementing the Omamo

Commission Report in piecemeal. I am sure the Minister will have tremendous support from this House if the Omamo Commission Report was made available to hon. Members and wananchi to read. There is nothing new reported by the Minister which is not in that report. Prof. Ongeru committed himself, that, that report would be made available here, but it has not. I am sure the Chair will whisper this to the Minister so that he can jog his memory and bring the report.

Mr. N.M. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. Arising from the request by the Chairman who actually did the Omamo Report, that hon. Members of Parliament have the report, may I have the privileged position to Table the report for hon. Members to read?

(Mr. N.M. Nyagah, laid a document on the Table)

The Temporary Deputy Speaker (Mr. Musila): The hon. Member asked the Minister to Table it. Proceed, Dr. Omamo!

Dr. Omamo: Mr. Temporary Deputy Speaker, Sir, I am not speaking here as the Chairman of the Omamo Commission.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the report which has been Tabled by hon. Nyagah official?

The Temporary Deputy Speaker (Mr. Musila): I did not accept that report, and I told Mr. Nyagah that hon. Omamo reminded the Minister for Local Government of his predecessor's commitment. In any case, when he comes to reply, he will probably talk about it. In the meantime, hon. Nyagah may withdraw his so-called, "Omamo Report".

(Mr. Nyagah withdrew the document)

Mr. M.A. Galgalo: On a point of order, Mr. Temporary Deputy Speaker, Sir. In what capacity is hon. Nyagah tabling that report?

The Temporary Deputy Speaker (Mr. Musila): I think, it is irrelevant because I did not accept it. So, it is not yet Tabled. Proceed, hon. Omamo!

Dr. Omamo: Thank you, Mr. Temporary Deputy Speaker, Sir, for confirming my position. I was not speaking as the Chairman of the Omamo Commission. I am speaking as the hon. Member for Muhoroni Constituency.

Mr. Temporary Deputy Speaker, Sir, I would like to persuade the Minister to do more research and exhaust all sources of revenue, so that sufficient revenue goes to these Local Authorities. Once the revenue is there, we should also ensure that the revenue is properly utilised. I happen to know -if I am wrong, the Minister can correct me - that in the past, the audit department that services these Local Authorities did not do a good job. There is need to strengthen auditing of the books of the Local Authorities so that there is transparency. Four years ago, the Local Authorities were late in auditing for 1,500 audit years. I do not know what the position is right now, but the Minister could tell us. It is important that auditing be done. If it is done, then corruption would be reduced. I remember when the Commission went to Berlin, we interviewed some people and we were happily surprised to be told that stealing of money through underhand methods does not work in those countries. We were told that they manage this because the system of auditing is such that when one attempts to steal money, he or she is stopped by the system itself. I would appreciate if the capacity building---

Mr. Muniyao: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would not like to disturb Dr. Omamo, but he has talked about the Local Authorities not doing audits for the last 1,500 years.

Dr. Omamo: Mr. Temporary Deputy Speaker, Sir, I do not know whether it is the beard that is bothering Mr. Muniyao. An audit year is in default if you have not submitted your audit for one year. Four years ago, for those who had not submitted their audit books, when added together, they were 1,500 years.

I beg to support.

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. First of all, I would like to thank the Minister for the able manner in which he presented his Vote.

Mr. Temporary Deputy Speaker, Sir, like those who have contributed, I am very grateful to note that the Minister is taking appropriate measures to restructure the Local Authorities and to enable them to render services to the people in the areas in which they perform.

In many Local Authorities - I have in mind the Local Authorities in my constituency - councillors have not been paid for close to two years since the last General Elections. The councillors are totally demoralised. They are not

able to perform their duties any more. In fact, two councillors in my constituency have given up their service to wananchi. They do not attend to council matters any more. Instead they have gone to do other business which can earn them a living. It is important that in this restructuring, the Ministry ensures that councillors, especially the chairman and the mayor, receive salaries directly from the Ministry of Local Government. If not, the Government should be able to provide them with funds to be able to pay the chief officers.

Mr. Temporary Deputy Speaker, Sir, in my constituency, there is a mayor who travels in a matatu, simply because the council is not able to maintain a vehicle for her. I think, this is totally demoralising to such senior people. It is not fair for a leader of a Local Authority to travel in a matatu, because her council is not able to provide transport. I think, it is a key issue that is not only affecting Local Authority leadership in my constituency alone. I believe it covers the entire country. So, it is a matter that ought to be addressed pretty quickly.

Mr. Temporary Deputy Speaker, Sir, the Minister talked about restructuring and capacity building for those officers of the Local Authorities who work in those councils. Many of those councils do not have personnel who are competent to even understand the Local Government Act. They cannot translate the Act, and they have no management ability to look after the affairs of the councils.

Mr. Temporary Deputy Speaker, Sir, I would like to suggest to the Minister, that, perhaps, in restructuring, one major issue that ought to be considered is to train the officers of Local Authorities. The councillors should be served by officers who are trained and able to manage and understand Government regulations.

Instead, what we have are untrained people who claim to be council clerks, who do not understand the Act; and who clearly, are not able to provide any services that are required of the councils. I think the key issue, if this restructuring is to succeed, is to train the personnel who service the councils. They must be people of integrity, who are able to service the councillors without being detrimental to the services of the councils.

On the issue of roads management and the levy of 20 per cent, I would like the Minister to elaborate on that. I do not understand how the total amount that will be collected from this levy, will be apportioned to the various councils. There are councils which do not have roads in their own areas. The roads have not been developed there. What will they do with this kind of money? How much money will they be given? Would it not be better to consider establishing roads in those areas first, before those councils are given money to maintain roads that do not exist?

Mr. Murathe: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to mislead this House that, there are some councils without roads in this country?

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): Mr. Temporary Deputy Speaker, Sir, I am in order because that statement was made in this House by an hon. Member. The point I am making is that, we need to understand how the various councils will receive that money, and at what proportion.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it really in order for one brother-in-law to ignore the other, when he has been specifically asked to name any council without a road?

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Mwenje! We have nothing to do with "brothers-in-law" here! Let us be serious with our debate! Proceed, hon. Ekirapa!

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): Mr. Temporary Deputy Speaker, Sir, I would expect the hon. Member for Embakasi to be a little more serious than he is! He is just wasting my time!

On the question of transfer of funds, I hope the Ministry will take account of councils that have no income. The Minister has said that there will be some responsibility to the councils, to collect revenue in their own areas. Perhaps, he will also consider what to do with councils which do not have sources of revenue. There are councils which have no means to collect the revenue. How will they be treated? We need to understand that.

Mr. Temporary Deputy Speaker, Sir, many Members are concerned about the management of Local Authorities. Every time, we hear about plot allocations, mismanagement and so forth. Could the Minister consider giving guidelines on how plots would be allocated and managed in future, so that an officer of the council, does not arrogate himself the responsibility of land distribution and plot allocation, without the authority of the council? This is an issue which has been discussed in this House very often, but nothing appears to be happening. Plot allocations continue un-hindered. Every time we are told that they are allocated by individual officers without the authority of the council.

In the restructuring of the councils' responsibilities, could the Minister consider empowering councils so that no plots or parcels of land are given to individuals by an individual council officer, without the approval of the councils?

Mr. Temporary Deputy Speaker, Sir, on the question of financial management, we have already talked about the poor quality of staff. We hope that, that matter will be considered. However, I would like to make a contribution about the Nairobi City Council. Many people have talked about this particular Council. It is our major Council. It is the capital of this country. It is the Council that foreigners, who visit our country, first visit and see. I think that it should be an example of good Local Authority management. I would like to suggest that, because the Council has

become so big, to the extent that the Minister has indicated that, it does not even know the number of people it employs, we should consider implementing the Motion that was discussed in this House. The Motion sought to have the Nairobi City Council divided into several boroughs, so that each borough can deal with its own financial problems. It can elect its own people. I do hope that in certain areas of Nairobi, there could be councillors who will be able to manage the affairs much more ably, for other councils to emulate. I think that matter should be considered and hope that when the Minister will restructure the councils, this issue will be taken into account. In fact, it should be implemented.

In the olden days, people volunteered to work in the councils. This is because they felt that they wanted to make a contribution. They felt that the council needed their services. Those were senior members of our society. They provided that service very well. Could the Minister consider amending the law to enable certain senior citizens of this country--

With those few remarks, I beg to support.

Mr. Wamalwa: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity, to say a few words on the Ministry of Local Government Vote.

I would like to start by congratulating the Minister for Local Government, for the able manner in which he moved his Ministry's Vote. I dare say that the hon. Minister is more likeable when he speaks as the Minister for Local Government, than when he speaks as the KANU Secretary-General!

(Applause)

Mr. Temporary Deputy Speaker, Sir, the general malaise afflicting the Local Authorities, as has been said here by almost every speaker who had the opportunity, is just a mere reflection of the general malaise afflicting the Central Government here. When we talk of corruption, we talk of failure to maintain roads, failure for councils to submit their accounts for audit and stuff like that! All these things are common to the general Government of this country. To eradicate corruption in the Local Government system, corruption has to be eradicated root and branch, from the Government itself.

Mr. Temporary Deputy Speaker, Sir, one point that is common to almost every council and statutory road in this country, is failure to maintain. It seems that the Government, whether it is local or central, has taken the attitude that the roads we found after Independence, and the new roads that were built after Independence, will last forever without any maintenance. So, you watch roads develop small potholes, then turn to moon-craters and eventually take the whole road! You just have to re-build a new road instead of repairing it. This is a general problem with the Government, and not just the Ministry of Local Government. In any case, the Ministry of Local Government is a Ministry in the Government. So, what is wrong in the Ministry is really wrong with the whole Government. These are issues which must now be addressed seriously. At the moment, we have embarked on a programme of restructuring the Government in order to provide more efficient services. One would like to see this carried out throughout all the local authorities so that wananchi can get the services they deserve.

Mr. Temporary Deputy Speaker, Sir, the problem of water persists in most local authorities. In this regard, I would like to give the example of Kitale Municipality as the worst case scenario. In Kitale, some years back, the Government decided to develop a new source of water supply. When I was the Member of Parliament for Kitale West, we dug a trench from the top of Mt. Elgon and brought water through the bamboo forest to a place called Kimondo, to be brought to Kitale Town by gravity. In the wisdom of the Ministry, and I suppose the Government as a whole, they decided to develop a new source from River Nzoia which is at a lower level than Kitale Town. To get water to Kitale Town from this source, you have to use tremendous power to pump the water uphill into the town. As a result, today, in Kitale Town, there is no water. The Municipal Council struggles and manages to pay a few millions of shillings and then water is pumped for a week and after that, there is no more water. I know that many hon. Members know this because they are residents of Kitale and they know that water is the biggest problem there. If they had utilised water from Mt. Elgon by gravitational flow, Kitale Town would have more water than it requires. Today, because of this tremendous water shortage, there are hardly any industries functioning in that town and there are no investors interested in placing any industries there because they will never have enough water.

Mr. Temporary Deputy Speaker, Sir, all these problems that we have talked about, for instance, the empowerment of councillors, creating efficiency in these councils and providing better services to the local people, point to one solution, that we have to embrace the 21st Century concept of devolution. That local authorities must become governments as they are called in their local areas. This means that each local authority will have the equivalent of a provincial parliament. All decisions will be made there. Local authorities must be empowered to levy appropriate taxes and keep the money there. The moment you send the money to Nairobi, it is going to get lost somewhere along the way and nobody will ever trace it again. In this manner, the local authorities will provide better

services. If there are no drugs in hospitals, the farmer or whoever is suffering will not be told that the Ministry Headquarters in Nairobi has not sent medicine. They will go directly either to the chairman of the county council or the Mayor's office and say: "Medical services here have failed." I think it is only in this manner that we will be in a position to serve people better. I do believe that in Africa today, the main item on the agenda for the 21st Century is a greater freedom for the individual; greater services for the individual and the provision of economic opportunities for the individual. The 20th Century agenda was the liberation of the African continent and we have gratefully seen all African countries become independent, finishing that process with South Africa. Now as we enter the 21st Century, we must empower the individual, give him more freedom, better services and opportunities to prosper economically. I do believe that one way of serving the individual better is to let him have a say in his government. Today, the ordinary mwananchi has very little to say even in a local authority affair. This is because they are told that decisions are made in Nairobi. We want all decisions to be made in a person's own district and solutions provided from the Headquarters of his own district. If he has a problem to raise, he can walk or go by bus to the district Headquarters and get his problem sorted out. Once we have devolution and autonomous powers for the local authorities, you will find that better decisions will be made.

In 1991, I brought a Motion to this House, urging the Government to amend Sections 14 and 15 of the Local Government Act to provide for mayors and chairmen of county councils to be elected directly by the people. At that time, the country was under one-party system and it was not very easy to see a Motion like that, brought by a Backbencher to the House. It was used to measure whether one was more of *Nyayo* than the next man or less *Nyayo* than the next man. But Government Ministers broke ranks on that occasion and supported the Motion. I remember one Minister saying; it does not make sense to him for a man who has been elected by seven councillors to fly a flag and yet an MP, elected by 30,000 people cannot fly a flag.

Mr. Temporary Deputy Speaker, Sir, we want better remuneration for the councillors. If you expect people to perform well, they must be rewarded. Today, councillors earn about Kshs7,000 a month and yet, they must attend Harambees, help those who have problems with medical bills, school fees and so forth. In fact, councillors in this country have been reduced to the level of serfs. We want proper remuneration for the councillors and if the Government feels that it does not have the money to pay them better salaries, this devolution that allows the councils to levy and appropriate their own taxes, then you will find that they will collect those taxes more efficiently and any council that has more money than it probably requires for certain projects can pay its councillors what it likes because it has the money and the resources to do so.

Mr. Temporary Deputy Speaker, Sir, I am terribly bothered by the power that is bestowed upon the Minister for Local Government to dissolve local authorities when he feels fit. I believe that this is an offence to the laws of natural justice. That people who have been elected by wananchi and constitute a legislative body can be dissolved arbitrarily by the statutory power of the Minister. I think a peoples' council should only be dissolved when it has run its course and the people are ready to elect new councillors.

With those remarks, I beg to support.

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

Mr. Temporary Deputy Speaker, Sir, the local authorities in this country have got no authority at all. In fact, it is more fitting to call them local councils because they have not been in a position to make rules. Councillors have always been vying for seats but once elected, they are not in a position to fulfil their mandate because they have not been empowered by the Central Government. Local authorities are there to render services to the people but as things stand today, they are not capable of doing that because they do not have the resources.

Mr. Temporary Deputy Speaker, Sir, local authorities have their own hospitals, but these hospitals are mismanaged. Local authorities manage such hospitals; they try to advise on how best they should be managed. However, officers from the Central Government misuse local authorities' funds despite the existence of councillors. How can local authorities be authoritative if they cannot effectively use their resources, or stop the mismanagement of local authorities' funds by hospital staff? I would like to see local authorities empowered to make them completely authoritative, so that they can have participatory management of their institutions.

Local authorities exist, but they cannot provide water to residents. Water provision services in local authorities have been taken up by the so-called "giant water corporation". For instance, Sotik Town Council cannot provide adequate water to the people of that local authority. People in my constituency are suffering, because the local authority has not been authorised to undertake water provision services just because of the existence of the so-called "giant water corporations". That corporation should be given to the local authority; the people should have been allowed to form a participatory management of the local authority, to enable the council's chairman and his committee to work out a way of ensuring that everybody gets water for domestic use.

Mr. Temporary Deputy Speaker, Sir, within Sotik Town Council, there is a river with water. However, the

water of that river cannot be pumped to the town for the peoples' consumption. Now, how can local authorities be authoritative if they cannot do such a job? We could disassociate the water supply from the National Water Conservation and Pipeline Corporation and authorise local authorities to undertake water provision services, to enable them serve the people to the best of their abilities. We always talk of the importance of local authorities; on the other hand, we complain about the involvement of local authorities in massive public utility plots grabbing. All this happens despite the existence of local authorities and councillors.

How can local authorities be authoritative if they cannot prevent land grabbing? How can they be authoritative if they cannot identify the land grabbers and sue them in courts of law for the offence? Are we here to always complain about grabbed land? How can local authorities be useful if they cannot hire or fire their chief officers? According to the existing laws, councillors cannot do anything to chief officers. Chief officers are there to run the local authorities without the will of the councillors. How can local authorities be authoritative that way? Why do we not give the necessary powers to councillors, together with area Members of Parliament, to enable them run the affairs of their respective local councils?

(Applause)

Mr. Temporary Deputy Speaker, Sir, local authorities collect what is called "cess" from open markets. How can they be useful if they cannot build market places for the local people to enjoy the existence of the local authorities? People carry out their businesses in open markets. They cannot enjoy the "fruits" from the Government of the day if they cannot be given adequate authority to enable them run their local authorities.

Mr. Temporary Deputy Speaker, Sir, how can local authorities be authoritative if they have no autonomy? The Local Government is there to just give them piecemeal kinds of business. If they cannot authoritatively work to the best of their ability, how can they serve the people? Why does the Minister not give local authorities the necessary power, money, and autonomy to run their affairs? Why do we call them "local authorities", and yet they are sidelined? They cannot work to the best of their abilities. We want the local authorities to be authoritative, so that they can work with the local people to collect cess and put up market places.

We do not want them to just collect money from the people, whom they do not serve well. In some areas, licensing fees have been increased, so that local authorities can raise money for salaries for their staff, because the Central Government is not in a position to service the councils to the best of their abilities. We want all local authorities in the country to stand on their own. The word "authority" means "power". If local authorities have no power, they should not be called "local authorities"; instead, they should be called "local councils".

With those few remarks, I beg to support.

Mr. Munyao: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to congratulate the Minister for Local Authorities, who is also the Secretary-General of KANU, for the policy statement that he has presented to this House. If achieved, the commitment that the Minister has given will help this country. I would like him to implement that policy very fast because, these days, Ministers do not hold their offices for more than six months. If the Minister is moved to another Ministry before implementing the policies he has outlined here, that will create a very big gap.

I would like to stress that local governments should be made to look as such; they should be given responsibilities, the finances and be made to behave like local governments. Also, I would like to request the Minister to treat all local authorities equally. This is because some local authorities are in Opposition zones. In particular, the Democratic Party of Kenya (DP) is in leadership in quite a number of local authorities. We would not like the Ministry to support some areas and ignore others. We believe that the Minister will be fair, and that he will not be out to suppress the efforts of some local authorities. We fear that, the Minister being the ruling party's Secretary-General, may try to influence some councillors in local authorities which the DP controls to defect to KANU; we are aware of the possibility of such a thing happening. However, we would like the Minister to be fair when he deals with local authorities where the DP has the majority of councillors.

Mr. Temporary Deputy Speaker, Sir, KANU has been revoking appointments of councillors who are notorious in it. Whenever the party has written to the Electoral Commission of Kenya (ECK) regarding such revocations, the matter has been forwarded to the Minister, who has gazetted the revocation immediately. However, when the Opposition has revoked the appointments of councillors on similar grounds, the Minister has sat on the matter. As I speak here, the Ministry is sitting on quite a number of such cases. I do not want to adduce evidence to prove this fact to the Minister at the moment. However, since he now occupies that office, I would like him to check the records. There are quite a number of revocations which a previous Minister sat on because some of the councillors whose appointments were revoked were from his constituency. Now that the Minister, like me, has no constituency, I would like him to be fair and ensure that recommendations forwarded to his office by all parties are treated equally.

Mr. Temporary Deputy Speaker, Sir, I support the Minister on the issue of staff qualifications, especially when this affects clerks to councils. Quite a number of clerks to local authorities countrywide were posted there because they happened to be politically-correct. There was a clerk in Makueni County Council who could repair one vehicle more than ten times and despite this, the vehicle was always having mechanical problems. The vehicle was later written off, but it was indicated in the books that it was being repaired. The bills for repairing the vehicle were going to an excess of Kshs1 million. The clerk was later transferred to the Kirinyaga County Council. The issue was brought here sometime back, but up to now, the Minister who had promised to take action has done nothing.

It is proper that when county council clerks are posted to county councils or municipalities, the status of that particular county council or municipality is considered. This is because there are some municipalities and county councils which, because of the nature of their area, are bigger than others. Therefore, posting unqualified clerks to those areas creates a lot of problems.

Mr. Temporary Deputy Speaker, Sir, the IPPG had resolved last time that District Officers (DOs) and District Officers (DCs) will not sit in county council or municipal council meetings. This has not been done although one year has gone. To make matters worse, when DCs attend these meetings, they sit next to the chairman or the mayor. They do this to assert their positions and show people that they are still in charge. When they attend the meetings, they boast that they are in charge of land allocation and allotment.

Mr. Temporary Deputy Speaker, Sir, I was happy the other day when hon. Members of Parliament went to Safari Park Hotel to attend a seminar. During the seminar, we resolved that any Motion which is passed in this House, but is not implemented within 90 days, will be assumed to be implemented. That Motion should be implemented because this issue is worrying everybody. The DCs and DOs should have completely de-linked themselves from the county councils because a Motion to that effect was passed in this House along time ago. We would like the new Minister for Local Government to ensure that this matter is implemented.

Mr. Temporary Deputy Speaker, Sir, revenue collection, on which the Minister expressed his concern, is not done effectively because of corrupt revenue collectors. In fact, last weekend, I queried some revenue officers on the system of revenue collection, which the Minister has already explained here. These revenue collectors go to the market and station about four or five assistants in different gates; they collect revenue, but when they remit it to the council, no receipt is issued to show the amount of money that was received from the junior officers. The money is put in one bag and then it is remitted to the county council the following morning. It is only the revenue clerk who was in the market who knows the amount of money he collected. This is because no receipts are issued to show the amount of money that is collected from different gates. As such, the revenue collectors account for, maybe, 20 or 30 per cent of what they have collected.

I would like to give an example to the Minister. On Saturday, last week, we were in Kalawa Market. This market has got six gates. When the councillor of the area, Mr. Salim Kamula, asked the revenue collectors to sign somewhere immediately they receive revenue from the clerks at the gates, before Monday, the Clerk to Makueni County Council sent *askaris* to arrest him because he thought that the councillor was interfering with their system. The councillor was handcuffed and locked up in the police cells on Monday, and up to yesterday afternoon, he was still locked in. I do not know whether he has been released or not, because we talked to the DC, who was also concerned. The further you are from the main area, the worse the system becomes because everybody is a "king" in the area. Please, let us streamline the system of revenue collection. I am happy that the Minister is concerned, and he is aware of what is happening, but because he has only two eyes, we are the eyes at the back to tell him what is happening in that area. Please, take this matter seriously.

The other issue which is very annoying is the business of putting up ropes in every market. As you go down to Ukambani, including your area, you will find that everybody has got a rope in almost every market centre, and because these ropes do not bear the names of county councils, almost every person seems to have his own rope which he puts at a certain place so that whoever passes there will pay money. In fact, there was a time when some of these people used to have uniforms, but not any more. So, you might even pay your money to the wrong person. We would like the Minister to streamline these issues.

Mr. Temporary Deputy Speaker, Sir, I beg to support.

Mr. M. A. Galgalo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Vote of the Ministry of Local Government. First and foremost, I would like to support the Motion. Over the years, we have witnessed that county councils are no longer delivering services. This is based on the fact that most councils do not have enough revenue or resources to provide better infrastructure in their respective local jurisdictions.

One of the biggest problems in our local authorities is the presence of councillors. Mr. Temporary Deputy Speaker, Sir, I know you have been a DC and a PC. The current trend is that DCs tend to be manipulative. In fact, the current situation in Kenya is that everybody is on "transit" and, therefore, he grabs as much as he can, and gets out of

the way.

I would like to suggest that DCs should no longer be members of local county councils. This is because the clerk is answerable to the DC by virtue of being the chairman of the district security committee. In fact, councillors owe their allegiance to the DC because in most local authorities, councillors do not even know their rights. They are illiterate!

So, by virtue of your experience, you will know that these councillors owe their allegiance, not only the nominated ones but even the elected ones, to the DC. This is because the DC, in a rural district, is a very powerful man. Let me recollect an incident that occurred in the first month of this year. Some three bags of relief maize were found in the house of the Chairman of Tana River County Council, and the DC ordered for the arrest of the Chairman. He paraded him in a public rally and announced: "This is the man who has stolen relief food." Yet, we know for sure that the DCs are the ones who steal relief food in the districts.

(Applause)

So, it becomes very embarrassing if all the relief maize that is given to the districts does not get to the people because the DCs and DOs steal it. For a DC, who also sits in council meetings, to arrest the chairman of the county council, is very embarrassing.

I am suggesting, therefore, that DCs should no longer take part in council meetings. They should stay away from the local authorities because they manipulate all the decisions that are made in the county councils, municipalities or town councils.

Mr. Munyasia: A Motion concerning that issue was passed here!

Mr. M.A. Galgalo: I am not asking for your opinion!

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. M.A. Galgalo! You should address the Chair. You have no business exchanging words with some hon. Members.

Mr. M.A. Galgalo: Mr. Temporary Deputy Speaker, Sir, I am not seeking any opinion from hon. Members from FORD(K).

The other issue that I would like to raise is about the local authorities bordering national parks. They must benefit from the revenues generated from the national parks. I have Tsavo East National Park and the Primate Reserve in mind. They contribute to the destruction of properties and human lives and yet, the local authorities are not receiving any revenue from those parks. It is my humble view that the Ministry of Local Government should liaise with the Ministry of Tourism, Trade and Industry, and ensure that councils are part of the revenue-generating process and benefit from the services and finances from national parks.

Mr. Temporary Deputy Speaker, Sir, again, there are certain councils, like the Machakos County Council and Makueni County Council, which are benefitting from sand harvesting. You will remember very well that for the last 15 years, we have been struggling to ensure that the Tana River County Council benefits from gypsum mining because some gypsum is manufactured there. This is because the council does not receive any money from that activity. I am asking the Minister for Local Government to work out a formula, so that the councils can directly be responsible for the gypsum that is mined in trustlands. That formula will assist the councils to collect revenue.

Mr. Temporary Deputy Speaker, Sir, we have some county councils which are responsible for holding grounds. Most of those holding grounds are now being allocated to individuals. In other words, county councils should contribute to the sale of their main products, like livestock. If councils have no powers over holding grounds, but instead they are usurped by the Minister for Lands and Settlement, then, we would not be able to control diseases and they would not benefit from the livestock sales in their respective districts. I, therefore, would urge the Minister to ensure that all holding grounds are managed and serviced by local authorities.

I would also like to talk about certain county councils which are treated badly, economically. There are certain areas, like Tana River, Lamu and Garissa, which do not grow tea, coffee or maize and, therefore, we would urge the Minister to assist them by effecting the Local Authorities Transfer Fund, so that they can also run effectively like all other councils.

Mr. Temporary Deputy Speaker, Sir, regarding the issue of employment, there must be a system where councils have a role in recruiting town clerks and council treasurers. The idea of dumping clerks rejected by other local authorities to other areas is principally wrong.

There was an incident recently where a town clerk was beaten up in Garissa and the only thing that the Minister did was to transfer him. That is wrong! Councillors are bitter because they are not involved in the recruitment

of treasurers. They also have no powers to sack those errant town clerks, or clerks to councils, or council treasurers. For example, in my Tana River County Council, the council treasurer's department is full of thieves and yet, the councillors cannot do anything.

So, Mr. Minister, in order to effect efficient operation of councils, you should give councillors powers to remove those "thieves" from the councils. Councillors in Tana River County Council have complained about them.

An hon. Member: And you are in KANU!

Mr. Wanjala: What about the Nairobi City Council!

Mr. M.A. Galgalo: Mr. Temporary deputy Speaker, Sir, I am in KANU, but thieves are not in KANU.

With those few remarks, I beg to support the Motion.

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, I am very surprised that when Ministers want money for their Ministries, they come here with very beautiful statements about their good intentions on what they intend to do. If you listened to the speech of the Minister for Local Government, you will leave here believing that we will have beautiful and well-restructured local authorities. But for that to happen, the Minister should undertake to come to the House with a policy document, to show how they intend to restructure the local authorities. This is because it is very clear that the problems of the local authorities are caused by Cap.265. It is Cap 265 that has been oppressive to the local authorities, so much so that, when we sit here and talk about autonomous and self-regulating entities, and about the devolution of power without a substantive amendment of the law, we are just wasting our time.

Mr. Temporary Deputy Speaker, Sir, it is under Cap. 265 where the Minister has supervisory powers over these local authorities. I do not know whether we will see the political will to move forward. We believe there has been a deliberate attempt by this Government to control those local authorities all over the country. We have had instances where these local authorities collect money, but they do not have the authority to spend that money. For example, the services charge has been collected for so many years. There is no incentive for these people to collect money. They will collect the money and even before they spend it, they will have to seek authority from somebody. These people should be freed and given the incentive to collect money and spend it.

We were here during the 1998/99 Budget, and it was resolved and passed in this House that the Local Authorities Transfer Fund will be 5 per cent this year and should gradually increase to 10 per cent. This year, this same Government has reduced the rate to be issued from the Income Tax from 5 per cent to 2 per cent. We are not moving forward, but we are moving backwards. They have their own reasons for this. When we come here and pass a Bill and say that we will give 5 per cent of the total collected Income Tax, then next year we come here and say: "No, we will not give 5 per cent of the total collected Income Tax, but we will give 2 per cent", are we serious about what we are doing here?

Mr. Temporary Deputy Speaker, Sir, a lot has been said here about the criteria to be used to distribute that money. We hope that it will not be used punitively. All those ideas are very beautiful, about, for example, the local authorities auditing their books, keeping their books in order, and using the 40 per cent criteria of distribution. We know that this Government can use those same issues to deny funds to those local authorities in the perceived Opposition areas. Can we have a system where people are given what is due to them? We want a flat across-the-board allocation, depending on the needs of each local authority. In that regard, the new local authorities, for example, Thika County Council, which was hived out of the old Murang'a and Kiambu County Councils, just inherited liabilities. It inherited a workforce, got no assets, and it is starting from the scratch. When we are distributing this money, can we give priority to those new local authorities which do not have a strong financial base?

This brings us to the creation of these unviable urban councils. These are urban councils that cannot sustain themselves. There is one called Kandara Urban Council which is complaining that it owes its workers Kshs2.5 million. It also owes the councillors Kshs700,000. This is simply because it cannot raise money. The reason why it cannot raise money is because it has been hived out of one location in Kandara Constituency. All the other three locations are in Maragua County Council. The rates of an urban council are very different from those of the county council, so that when your neighbour running a shop about two metres from you pays a rate of Kshs1,000, the one in the urban council is paying Kshs12,000. That is why people are refusing to pay the money. Once you have an urban council, it is supposed to deliver certain services such as sewers and electricity, but these councils cannot raise that money. It is high time that this Ministry considered some rationalisation about the basis on which they create some of these urban councils.

Mr. Temporary Deputy Speaker, Sir, this also brings us to the issue of councillors' allowances, which has been discussed in this House. This House passed a Motion to pay councillors Kshs18,000 a long time ago. Two weeks ago, a Motion was also passed to increase councillors' allowances by 100 per cent. The Minister for Local Government was quoted saying that he cannot pay the councillors from the Local Authorities Transfer Fund because it is intended for other purposes. We are now requesting this Minister to give a commitment to this House that those local authorities that can demonstrate the ability to pay those allowances from their own sources will be allowed to do so. All it will

take is a Ministerial circular or a legal notice. There has been a directive from the Head of State to that effect. I do not know why this Government uses double standards. There are some directives which it agrees to, while others, it does not. For example, the law is very clear that cess money should be collected by the local authorities. Some people take some farmers to the Head of State and a directive is issued for the cess money to be given to the farmers. The next day, somebody wakes up and takes the councillors back to the Head of State, and a directive is issued that the cess money should be given to the local authorities. The next time, a directive is issued that it should be shared between the local authorities and the farmers.

In Murang'a County Council, the cess money for 1997/98 and 1998/99 is lying idle without being utilised to repair the roads because some people are in court and there is nothing clear about the application of the cess money. Why can this Ministry not, once and for all just say that this money should be given to the local authorities? Then they can use that money and those people who want to go to court can do so and the matter is sorted out.

There is also a lot of political interference in the running of these local authorities. Some hon. Members of Parliament cannot decide whether they want to be Members of Parliament (MPs) or mayors. If somebody wants to be a mayor, he should first become a councillor. So, some of these MPs must then decide to resign as MPs and then they become councillors and rise to mayors. A lot of our people are being frustrated by some hon. Members of Parliament. The Ministry should consider giving the local authorities permission to revoke the unfair land allocation in the council areas. For example, the land grabber of Thika--

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Murathe has alleged that some of us here are aspiring to be councillors and mayors. Could he be asked to substantiate that some of us, hon. Members of Parliament, are aspiring to be councillors and mayors?

The Temporary Deputy Speaker (Mr. Musila): Mr. Murathe, you have heard Mr. Munyasia's point of order. Go ahead!

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, I was talking about those hon. Members of Parliament who can never let mayors work. I said that if somebody wishes to become a mayor, he must first become a councillor. If you want to see what I mean, come to Thika Town and I will prove it to you.

I want to talk about the Nairobi City Council (NCC) in relation to the people of Gatanga. It has refused to repair the Gatanga Road as per their contractual agreement. The source of the NCC water is Ndaka-ini Dam in Gatanga. Part of the agreement was that because they were going to have extra axle-load lorries weight when delivering the materials to construct the dam, it would repair that road. Right now, the Ministry, the World Bank and NCC are in the process of paying that contractor Kshs1 billion. I would like this Minister to make sure that those people are not paid before they fulfil their contractual obligation to repair that road. They have also neglected to consider compensation. The environmental impact survey that was carried out revealed that as a result of that dam, the weather and everything about that area had changed. There were contractual obligations for these people to compensate the people of Gatanga. I would like them to consider, as my friend, hon. Nyagah, has said, paying some royalties to Gatanga people. That is the source of the water that comes to Nairobi. We know that the only source of revenue for the NCC is that water coming from Gatanga.

With those few remarks, I beg to support.

The Assistant Minister for Energy (Mr. Chanzu): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to contribute.

I would like to congratulate the Minister for the eloquent and able manner in which he presented the Vote for the Ministry of Local Government. I want to support the Vote. I am very happy that the Ministry has got very competent and able officers at the top, starting with the Minister. The Assistant Ministers, the Permanent Secretary and his senior members of staff are also very able. They are all here and I am sure they will do commendable work. They will implement what the Minister has outlined in his statement this afternoon.

The Ministry of Local Government is a very important Ministry. It is very close to the people, and it is in the eyes of the people.

Mr. Wanjala: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member on the Floor is also an Assistant Minister in this Government. Is he in order to mislead the House that the Minister is able to carry out his duties while even the mortuary workers, who are under his Ministry, are not being paid their salaries?

The Assistant Minister for Energy (Mr. Chanzu): Mr. Temporary Deputy Speaker, Sir, I think hon. Wanjala just wants to waste my time. He knows very well that the Minister does not deal with payment of mortuary workers.

We would like the Ministry of Local Government to be given more funds in order for it to render services at the grassroots level because, basically, that is what it is supposed to do. The Ministry is well-staffed, but the politicising of what goes on in the councils sometimes brings a lot of problems. We would like to see a situation where the Ministry has more control of what goes on. We would like the councils to be well-equipped in terms of personnel

with technical and managerial skills, so that they can run the affairs of the councils effectively and efficiently.

A number of Members who have contributed have talked about the issue of decision-making. There is also a problem because of the politics involved. We would also like the Ministry to empower the councils so that once they are well equipped with staff and personnel with managerial and technical skills, the decision-making can be undertaken at that level so that services can be rendered faster and more effectively. In that case, there is need to decentralize and give autonomy to the councils so that they can render services effectively. We have also talked about privatisation of certain key areas of the work that is being done by the councils. Right now, we have a problem with the city mortuary which I think is not a very good show. The city mortuary collects revenue from the services it renders. If a service like that one was privatised, maybe, it would remove the headache from the city council. That will happen in the same way they are trying to privatise water services. If they can have proper personnel at the local council level, then they should be able to privatise these services.

A good example is the services being rendered by Kenya Bus Service at the moment. I find it slightly better than what it was previously. We have also heard about the politics of clerks versus councillors and the other members of staff. That is also an aspect which needs to be harmonised. If a single clerk takes control of what goes on in the council, there will be a lot of mess. This is achieved when some of the councillors are compromised. They are being compromised because of their level of earnings. I also want to recommend that if finances allow, and if they improve on revenue collection, the councillors should be paid well, so that they do not get compromised.

The issue of services rendered by the councils is also very important. In a city like Nairobi, sometimes street lights work and sometimes they do not. We would like the Ministry to look into this so that we can find a lasting solution to these problems. On infrastructure, I want to appeal to the Minister here that some money be set aside from the fuel levy fund for Vihiga town, where I come from, so that the road that runs across Mbale Township can be repaired. It is in a very bad state. The Minister should kindly attend to that road, plus several others which Members have requested. Procurement of services and projects is rather lengthy and this tends to make them costly. I was just talking to one of the officers from the Ministry about Langata Road. It took a long time to have this project implemented. At the moment, it is suffering a lot of delays whose reasons we do not know. We have been told it is a donor-funded project, in which case, the problems of finances should not arise. We should look at this and make sure that it is working, so that people can get the services they expect from that facility. In the districts, we have got chairmen of councils and mayors attending the DDC meetings. I would like to suggest, and I think this needs to be followed up, that we need to have the elected leaders at local level, that is councillors, involved in these meetings. There are a lot of weaknesses when you have got only one person attending. There is a lot of bulldozing, sometimes, from the Provincial Administration. We need to strengthen that level.

Collection of revenue is the only way that the councils can sustain themselves. I would like to urge the Ministry to find ways of improving the collection and usage of the revenue collected through rates, licences and service charges. Service charge is much easier to collect through payments from people who are employed. There are other revenues which they are not able to collect.

The last item is on the issue of tea cess. We have talked about it many times here. The problem was that if this money was to be channelled through the councils and they had financial difficulties, the money would be used for other purposes. I would like to urge the Ministry of Local Government, Ministry of Agriculture and the other interested parties to resolve this matter so that this money is paid directly, and we can get the services that we require out of the tea cess money. A good example is in Vihiga where the money has not been disbursed because of that problem.

With those few remarks, I beg to support.

Mr. Munyasia: Mr. Temporary Deputy Speaker, Sir, thank you for giving me the chance to also make a few comments on this Vote. If the confidence with which the Ministers for Local Government that we have matched the truth of what actually transpires, the Local Government Ministry would have been the best in giving the public service. However, we hear a lot of good promises and assurances that they are going to put this and that in place. You will wait and wait, and hardly anything happens. When we complained that they were only repairing the roads around Parliament Buildings and these other places near the GPO for COMESA, we were told: "No, it is just part of the plan." After completing these roads, they were now going to go to the "third world" of Nairobi City; that is, from Tom Mboya Street and downwards. How long shall we wait before this Ministry starts this road repair project? They talk well but there is hardly much that they do.

Mr. Temporary Deputy Speaker, Sir, they have also been promising a lot. For example, in Bungoma, we have a sewerage project which has been on-going, I think, for the past five years. This year, we had the fortune of having the Minister himself come around. He addressed us and assured us that by August, everything will have been completed. I do not have to tell you what the position is. Even by next August, 2000, it will not be ready. That is this Ministry. That is how they talk, but that is how much they do.

Mr. Temporary Deputy Speaker, Sir, this Ministry has been giving out some things very easily in the past.

Promoting markets to urban council status or to town council was as easy as it was for God when he created the world. God said: "Let there be this", and it was. That is how this Government creates districts and divisions. However, when you tell them: "Lwakhakha is a big international market at the border of this country with Uganda; please, promote this market, which has a big population, to town council status so that there are people ready at hand to give services, to keep the place clean, to bring water, *et cetera*" - I do not know how long they should be given to effect that simple request, which is to just declare that Lwakhakha is now a town council. What is wrong with this Ministry?

Mr. Temporary Deputy Speaker, Sir, there are other times when they send out commissions to investigate. The people ask: "What do you investigate?" We have asked the Ministry to give us what we asked for. You have given people in other areas what they had not asked for. This Ministry likes listening to gossip. That is what I want to advise the new Minister against; that your colleagues in the past have been listening to so much gossip. A few councillors come up, not on behalf of the councillors, and they do not even ask for evidence of the authority. You should ask them: "You have come to see us, yes, but on whose authority?" However, the Ministry officials listen to them. They say: "We do not want such-and-such an officer. He is corrupt." At times, they also listen to a few of the MPs from here. Gossip! However, if you wanted really to find out the truth; if, for instance, a county council is serving about four to five constituencies and two of them come to you, I thought you would curiously find out by asking them: "But what about the others?" If two of them come to you complaining about a certain officer of the council, why do you not ask them: "Why do you arrogate to yourselves that responsibility?" "Why do you undertake the burden of having to complain about this when you have, for instance, five MPs from that county council?" Only two councillors come and tell you about an officer, and you say: "Yes, we are going to act." So, the others do not know what is happening. However, they go ahead and act and then look at what follows.

In April this year, this Ministry, under the guise of restructuring--- You know, we understand things very differently. For them, "restructuring" means throwing out people left and right, removing 100 officers of the council comprising of clerks to council and town clerks. 100 at one go! You tell them: "You move". We had a very efficient Town Clerk to the Bungoma County Council. He was thrown to Vihiga. When he got there, he was told: "There is no place for you here". So, he went back to the Ministry and said: "I am told there is no vacancy at the place you have transferred me to, and so where do I go to?" This particular Ministry does not know that actually there is a vacancy and that they have not promoted whoever is sitting in the clerk's office in Vihiga. The councillors then go and meet and they decide by saying: "Yes, we do not want that in-coming fellow." I do not know for what reason. Can you believe it that since April to date, this clerk has not been placed and there is nothing they can prefer against him? There is no offence; no discipline matter that he has committed, but he is "floating". So, part of the "restructuring" of this Ministry is "floating" clerks.

Mr. Temporary Deputy Speaker, Sir, now what makes it bad, and the clerk happens to come from my constituency--- I was not complaining about him. His services were very good. However, the system they have is that the clerks are not paid by the Public Service Commission (PSC). They are paid by the local authorities that they serve, although they are hired by the PSC. So, that means that this particular clerk has not been paid from April to date. That is how the Ministry "restructures". That is what we find extremely disturbing.

Through the Chair, I am asking that the Minister should ensure this particular clerk is given a station, and the Ministry officials should stop listening to gossip from those who will resist having certain officers coming to serve them, even when they do not know how those officers serve. This is because I happen to know that this is a highly qualified senior officer, of very high grade. You know, Kenyans are being denied the services of this man.

Mr. Temporary Deputy Speaker, Sir, many of our councillors actually do require some education, just as the officers also require education. I think it is high time that we built a college for their education. At the moment, what is happening--- I think if you want to see where chaos reigns in this country, go to the Ministry of Local Government. When councillors have not been paid allowances for some time, they undertake the collection of market fees. We heard today that one such councillor was arrested. Yes, but should councillors be going to collect market fees personally? It might be that they do not know, but they know that they have to be paid from the collection of market fees. So, when they see that a certain market does generate quite much and that money is not reaching them, fact and so they are not getting their allowances, they have that tendency to go and collect market fees. However, those in Bungoma appear to be successful because since they went to the markets to supervise the market fees collection, the collections have increased, in fact, ten-fold.

Mr. Temporary Deputy Speaker, Sir, it means therefore, that, this Ministry confirms that those revenue clerks are greedy thieves. So, the Ministry must do something about the collection of rates.

With those remarks, I beg to support.

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important but filthy Ministry.

This is a Ministry of Local Government but it has nothing to do with local authorities. This is because all

those local authorities are being run from Nairobi. In fact, it should be called the "department of Central Government". We have councils which are supposed to run their own affairs. We have councils where we elect people at the grassroot level to represent the interests of the electorate, but what you find there is that, officers sent to those councils are the ones who are running the councils, and they do not regard as important the contribution of the elected councillors.

Mr. Temporary Deputy Speaker, Sir, the Provincial Administration at the district level is more independent than the councils that are supposed to be independent. As a result of that, the councils do not offer services any more. When I was young, I was fortunate to work in the Ministry of Local Government. At that time, councils provided the services listed in the Local Government Act. They provided education, roads, sanitation facilities, water, *et cetera*. But, today, councils such as Kisii Municipal Council do not run water systems. Kisii Municipal Council wanted to carry out some sanitation projects, but could not do it because it is being run from Nairobi. I sometimes get surprised as to why the Minister for Local Government cannot demand that all those services listed in the Local Government Act fall under his docket, and they are given to the councils concerned to provide the services.

Mr. Temporary Deputy Speaker, Sir, if you go round the country, the councils are supposed to provide fire brigade services. But how many councils can provide fire brigade services in this country, yet that is one of the functions that they were set up for? The people of Kenya pay services charge. Services charge is levied upon all the residents of all the councils in order to be provided with the services that they are supposed to receive.

Mr. Temporary Deputy Speaker, Sir, in Nairobi, we do pay services charge but where I live, I have not seen a service provided by the Nairobi City Council! They have not collected rubbish; they have not provided water or roads and they do not even have a functioning fire brigade! What we see are people who were recruited to collect funds from the public, which end in people's pockets.

Mr. Temporary Deputy Speaker, Sir, we have a new Minister in the Ministry of Local Government who has been very effective in destroying KANU. I hope he will not be as effective in destroying the local authorities as he has been in destroying KANU. I implore the senior civil servants in that Ministry; the PS and others--- With this new system---

The Assistant Minister for Local Government (Mr. Affey): On a point of Order, Mr. Temporary Deputy Speaker, Sir. I do not wish to interrupt my good friend, but is he in order to claim that the Minister is effective in destroying KANU? Could he substantiate his allegation?

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, that is a very nice and very clean Assistant Minister. He has never been given a chance to destroy anything. I am saying that somebody alluded to the fact that nominated councillors were degazetted without cause. The people who suggested them--- In fact, that Ministry has destroyed our party by degazetting KANU nominated councillors! This has not happened to the Opposition! This is because there is a vested interest.

I hope that the way the Minister moved this Motion, he will abide by it, and therefore, he will be a clean person. He can borrow a leaf from there and pass it on to KANU. I am a KANU man, but I am worried as to whether KANU will be able to sponsor me and win an election anywhere, especially in my constituency because KANU has destroyed itself in that area, and that is why I was speaking like that. Mr. Temporary Deputy Speaker, Sir, I am concerned about my future. I do not want to go and look for a job again; I do not want to go to the classroom to teach. That is why I am speaking the way I am speaking.

I am glad they reduced the figure requested for. This is because we must get the structures, and we must get people who can manage public resources. If we were to give them 5 per cent today; the one we have passed here and yet they are not able to manage the collections from the markets, they would squander it.

Mr. Temporary Deputy Speaker, Sir, the immediate former Minister in that Ministry had done wonders in destroying councils in the country. That Ministry had become filthy and corrupt in the previous regime. I hope this new regime--- I can see my good friend, the Minister, looking at me, and I know he is going to take my advice very seriously. If they are going to implement transparency and accountability, and if they are going to give that recovery team and the Permanent Secretary a chance to prove himself, things will improve.

Mr. Temporary Deputy Speaker, Sir, this is a Ministry where somebody was suspended at Gusii County Council and the Ministry wrote a letter and said, "you go back", but that letter was not acted on. It is two years now! That is a Ministry to which you cannot go for recourse or to mitigate on any situation.

Mr. Temporary Deputy Speaker, Sir, you know what has happened in the City Council where *wakor*s are paid for the delivery of goods, and yet they cannot pay even the City Mortuary attendants; that is the Ministry we are talking about. Somebody said that we must move to an age of revolution; revolution to give the power and administration to the people, the same way we are doing with the creation of new districts. So, that is why I am saying that, Marani, Mosocho and Kegogi should be urban councils because I know that such urban councils can make it on their own. Kisii Town is a small modern town. When you are there, you will think that you are in Nairobi. I have

bought more land in Nairobi than I have in Kisii! So, there; are people there, we are hard-working people, and we can produce for ourselves. So, when we ask that these towns be made towns, let them be towns. We do not want to succumb to the whims of the Minister, who can go to a roadside and say: "This roadside path can be a municipality." We want to be good managers.

Mr. Temporary Deputy Speaker, Sir, we passed a Motion here increasing allowances of councillors and said that, they should be paid from the Consolidated Fund. Could the Minister bring a Bill to this House to implement that resolution?

During the IPPG, we passed an enactment of a law that the chairmen and mayors should seek election from the electorate. They should be elected by the people from the entire constituency, but this was not implemented in the last election. Could we be assured that during the next election, these people will be elected by the electorate, instead of having those people who are carried away like slaves and kept in a hotel; brought in during the last minute, to elect somebody who the people do not want to be elected? I hope the Minister wishes to do that because he must salvage the image of our party. This is because every time we do not implement these issues, we lose the trust of the people of Kenya against our party.

Ah non. Member: He is the Assistant Secretary-General!

Mr. Angwenyi: An Assistant Secretary-General, a very effective one, in fact!

The Temporary Deputy Speaker (Mr. Musila): Order! Try to keep party politics out of the House.

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

(Applause)

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I am the last person to contribute to this Motion today. I have been here since 2.30 p.m.---

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

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Wanjala!

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, could you tell this new Member of Parliament to behave? I have only 10 minutes. We have said now and again, that money that was given to the local authorities should be collected. I would like to tell the new Minister that from that Kshs580 billion which I was talking about in the Report of the Public Accounts Committee, he needs to collect about Kshs7 billion in outstanding loans from the local authorities. That is the work he has now. These loans are in arrears and they need to be collected.

Secondly, I moved a Motion in this House early this year asking the House to revoke the appointment of all PCs, DCs and DOs as councillors in various local authorities. Up to this time, this Ministry has not effected the resolution of this House. This is one of the recommendations from this House which should have been effected. I do not know why the Minister has not brought an amendment to Cap. 265 to amend that portion that deals with public office.

Mr. Temporary Deputy Speaker, Sir, we have said that local authorities should start governing themselves well. If you look at the way county councils in Nyamira and Kisii have been managed, it is very pathetic. In Gusii County Council, the Head of State of this country sent Kshs8 million to destabilise the councillors and the KANU regime in that region.

Mr. Khamasi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Obwocha is making a very serious allegation here. I think it is fair that we call upon him to substantiate those allegations, that the Head of State spent so much money to destabilise the Gusii County Council.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I have a letter here, dated 15th August, 1999. It reads as follows:-

"Your Excellency, Sir, I first of all thank you for your great support. The money you gave us was properly utilised. I gave the KANU youths Kshs 2 million; councillors - Kshs4.5 million---

The Temporary Deputy Speaker (Mr. Musila): Order! Order, Mr. Obwocha! You have been asked to substantiate the allegations you made, and if you have something to substantiate---

An hon. Member: He should read it first!

The Temporary Deputy Speaker (Mr. Musila): Order! Order! The Chair would like to see it first.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I would like to table this letter from the self-styled Kisii KANU Chairman, Mr. Geoffrey Asanyo, who was given Kshs8 million by the Head of State to destabilise councils in Kisii.

(Applause)

(Mr. Obwocha laid the document on the Table)

Can I continue from here?

Hon. Members: Yes!

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Obwocha! The letter you have brought here is a photocopy. It is not authenticated or signed. Therefore, I cannot accept this at the moment.

Hon. Members: It is signed!

The Temporary Deputy Speaker (Mr. Musila): Order! This is a photocopy.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, did you want me to get the original from Moi?

The Temporary Deputy Speaker (Mr. Musila): Order! Order! Mr. Obwocha, the letter we are referring to here is a photocopy. There is a name of Geoffrey Asanyo. There is also a signature, but I do not know whether it is for Mr. Asanyo.

Order, Mr. Obwocha! The fact is that this is a photocopy and the Chair cannot accept a photocopy of a signature unless I have time to ascertain that this is Mr. Asanyo's signature.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I have even another letter here he wrote to the City Council and he has embezzled Kshs23.5 million. Just look at the signature also and satisfy yourself before you crucify me. How could I get the original of a letter sent to His Excellency the President? I got a photocopy.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Obwocha!

Mr. N. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. In the past, we have given letters here that are photocopies.

I think the Chair should then, at a later stage, check whether that is the signature of that gentleman. But he is known to be an extremely corrupt person within Nairobi City Council. When I get the opportunity, I will hit hard at this man.

The Temporary Deputy Speaker (Mr. Musila): Order! Order! Mr. Nyagah, you have said exactly what I said; that I need time to check on this. Therefore, we will defer this matter until a later time when I would have checked.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, if you find that it is not the correct signature, then you can order that it be expunged. I think that is the proper way of going round it.

The Temporary Deputy Speaker (Mr. Musila): Therefore, for the moment, since we have deferred the matter, proceed on without making reference to it.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I have substantiated that this money from the Head of State was used to destabilise the people of Kisii. It is very bad.

Mr. Temporary Deputy Speaker, Sir, in Nyamira, when some councillors lost in the elections for the chairmanship of the Town Council, the DC sided with one side. Those councillors who lost have been punished. Last week, when I was in Nyamira, they were arrested and put into the cells. That cell was constructed in the fifties---

The Temporary Deputy Speaker (Mr. Musila): Sit down, Mr. Obwocha!

The Assistant Minister for Local Government (Mr. Kiangoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Obwocha to bring here matters pertaining to his district, where the DC had the right to vote for whoever had vied for the chairmanship or not?

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I am saying that the DC was partisan. First of all, this Assistant Minister is the one who instigated the councillors to be arrested.

The Assistant Minister for Local Government (Mr. Kiangoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Can he now substantiate that I actually instigated the arrest of the councillors? It is important that he substantiates at this stage or he withdraws.

The Temporary Deputy Speaker (Mr. Musila): Order! Mr. Kiangoi, would you sit down? Mr. Obwocha, you do not refer to a Member adversely unless you bring a substantive Motion. You know that one. You have said that he is the one who instigated the arrest of those councillors. I think you should withdraw and apologise or substantiate.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I was saying that the partisan way---

The Temporary Deputy Speaker (Mr. Musila): Order! I know what you said, Mr. Obwocha. The Chair has ruled that you either substantiate or withdraw.

Mr. Obwocha: Yes, I can substantiate, Mr. Temporary Deputy Speaker, Sir. There were two factions---

The Assistant Minister for Local Government (Mr. Kiangoi): The substantiation should be in writing.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Kiangoi! Would you sit down? Mr. Obwocha, you have not brought a substantive Motion here to adversely talk about Mr. Kiangoi. Therefore, you should withdraw and apologise.

Hon. Members: No, he can substantiate!

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I come from Nyamira and I can substantiate the way he sided with one faction. It is clear. There is no document I am bringing.

The Assistant Minister for Local Government (Mr. Kiangoi): Mr. Temporary Deputy Speaker, Sir, I think he is getting out of hand. You have ruled that he withdraws because he has not brought a substantive Motion. Can he withdraw now?

Hon. Members: No!

The Temporary Deputy Speaker (Mr. Musila): Mr. Kiangoi, he is not getting out of hand. It is very clear that Mr. Obwocha either withdraws or substantiates.

Mr. Obwocha: Yeah!

The Temporary Deputy Speaker (Mr. Musila): If you want to substantiate, you will be given an opportunity to do so, but the substantiation should be acceptable to the Chair and the House.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, let me substantiate. There were two factions in the election of the chairman of Nyamira Town Council---

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. This House needs a quorum to continue with its business.

(Laughter)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Musila): Order! Hon. Members, it is now time to interrupt our business. Therefore, the House stands adjourned until tomorrow, Thursday, 28th October, 1999, at 2.30. p.m.

The House rose at 6.30 p.m.