

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 1st October, 2003

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

The Report of the Controller and Auditor General, Appropriations accounts, other public accounts and the accounts of the Fund for the year 2000/2001

*(By the Assistant Minister for Finance
(Mr. Katuku) on behalf of the
Minister for Finance)*

Mr. Deputy Speaker: Again, we will start with Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

SIGNING/RATIFICATION OF ICT ROME STATUTE

Mr. M'Mikindia: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice.

(a) Why is the United States Government putting pressure on the Kenya Government not to sign the Rome Statute, Article 98, of the International Criminal Tribunal (ICT)?

(b) When is the Government going to sign the Statute and bring it to Parliament for ratification?

(c) What are the likely consequences regarding US military aid to Kenya in the event Kenya signs the ICT Statute?

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Government of the United States of America (USA) is not putting pressure on the Kenyan Government not to sign the Rome Statute establishing the International Criminal Court (ICC). As a matter of fact, Kenya signed the Rome Statute in 1999. The US Government has, however, proposed signing of Non-surrender Agreement also known as Article 98 Agreement with Kenya. The agreement, if signed, would mean that once it becomes a State party to the Rome Statute, Kenya will not surrender US nationals to the jurisdiction of the ICC without the consent of the US Government.

(b) Kenya is already a signatory to the Rome Statute having signed it on 11th August, 1999. The Government is currently studying the Rome Statute with a view to initiating the ratification process. A Criminal Law (Amendment) Bill is also being drafted in order to domesticate the Statute

once ratified. This will be tabled in this House.

(c) A decision has not yet been reached on Kenya to ratify the Rome Statute. The consequence would be that if Kenya ratifies the Statute without signing the proposed Article 98 Agreement with the USA, it would immediately lose military assistance from the USA. We need, therefore, time to study the Statute to find

ways that would be acceptable to both Kenya and the US in this regard.

Mr. M'Mukindia: Mr. Deputy Speaker, Sir, first of all, I was not served with a written answer until a few minutes ago and I want to thank the Assistant Minister for giving me a copy.

Part "a" of the Question was not properly written there. My Question was specifically on Article 98 that would prohibit Kenya, or any other country that is signatory to that Article 98, not to surrender US nationals even if they have committed crimes against humanity anywhere in the world. Hon. Members know that this relates to the fact that the US, because of its international activities, would not want any of its citizens to be tried by the ICT. Would it be necessary for Kenya, as a country, to ratify something that the rest of the world is actually going against in order to attract US military aid? Why do we need do to that?

Mr. Wetangula: Mr. Deputy Speaker, Sir, I do not know if my colleague got my answer right. It is true that the ICC is meant to deal with crimes of genocide, crimes against humanity and war. It is also true that America is involved in many conflicts all over the world. The issue is that America has drafted an amendment to one of the Articles of the Statute, which seeks to exclude the arrest and handing-over of American nationals to this court. Kenya has not signed that agreement with America. We are still studying circumstances to see whether it is necessary to sign such an agreement or not. I know that 15 African countries have already signed that agreement with America, but we will not simply blindly follow what others have done. We shall look at special circumstances pertaining to us before we make our decision either way.

Mr. Y. Haji: Mr. Deputy Speaker, Sir, the Assistant Minister has said we will consider whether to sign the agreement or not. Does that mean that if Kenya is refused military assistance, then she will sign the agreement?

Mr. Wetangula: Mr. Deputy Speaker, Sir, the refusal of military assistance will follow the ratification of the Treaty. If we sign Article 98, which America is pushing, then we shall get continued military assistance. If we ratify and we do not sign that separate agreement, then the military support will be cut off. But I want to point out to this honourable House that the military aid that Kenya gets from America is negligible.

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

(Mr. Angwenyi faced away from the Chair)

Mr. Deputy Speaker: Order Mr. Angwenyi! I am afraid I have to withdraw that offer in view of the way you have acted.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I was only trying to get close to the microphone.

Mr. Deputy Speaker: That offer is withdrawn!

Mr. Gachagua!

(Laughter)

Mr. Gachagua: Mr. Deputy Speaker, Sir, I think the matter under discussion before this House is important enough for the hon. Assistant Minister to clarify to this House in a clear and unequivocal manner. Are we saying that if we do not sign Article 98 of the Rome Statute, we shall not get military assistance? The condition is clear. I do not think that there is anything more to study.

What the hon. Assistant Minister should be telling us is, whether this country has lost its sovereignty because basically that is what it is. He should be in a position to tell us so that we know whether that is what the Government is doing. Does it mean that if we do not sign that Article, we will not get military aid?

Mr. Wetangula: Mr. Deputy Speaker, Sir, Kenya has not and will not, under any circumstances, either lose its sovereignty or comprise on it.

Mr. M'Mukindia: Mr. Deputy Speaker, Sir, this House would like unequivocal commitment by this Government, and by the hon. Assistant Minister, in particular, that in the most unfortunate event that Kenya signs Article 98 of the Rome Statute at the behest of the United States of America (USA) arm-twisting, that the Government will bring that statute into this House, for the necessary ratification by the highest authority in the land.

Mr. Wetangula: Mr. Deputy Speaker, Sir, for avoidance of any doubt, this matter has been deliberated upon by our Cabinet. It is the considered opinion of the Cabinet that any execution of the agreement with the United States will be contrary to International Law and the Rome Statute that establishes the International Criminal Court. Therefore, I do not see a situation under which we may enter into that agreement. Be that as it may, if any such decision was made, it would start from this House which has a duty to ratify agreements.

Mr. Deputy Speaker: Next Question, Mr. L. Maitha!

DEATH OF MR. MANASE IN MALINDI COURT CELL

Mr. L. Maitha: Mr. Deputy Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice.

(a) Could the Attorney-General explain the circumstances under which Mr. Paul Shangoneti Manase, a remand prisoner, died in the Malindi Law Court cells on 3rd June, 2003?

(b) Is he aware that the late Manase had been ailing for some time and despite complaints to court, the order to take him for medical attention by the Magistrate had been specific in favour of G.K. Prison dispensary manned by a nurse and not Malindi District Hospital?

(c) Could the family which has lost their loved one due to negligence be compensated?

Mr. Deputy Speaker: Is the Attorney-General here? The Attorney-General is not here and he has no assistant.

Hon. Members: What about the Minister for Justice and Constitutional Affairs?

Mr. Deputy Speaker: The Minister for Justice and Constitutional Affairs is not his deputy. Therefore, I will come back to this Question later.

Let us now move to the Ordinary Questions!

ORAL ANSWERS TO QUESTIONS

Question No.636

REPATRIATION OF MONEY HELD IN FOREIGN BANK ACCOUNTS

Mr. Ngoyoni asked the Minister for Finance:-

(a) how much money Kenyans are holding in foreign accounts;

(b) if he could table the names of the account holders and the amount of money therein; and,

(c) what measures he is taking to ensure that the money is returned for investment in the country.

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

(a) Since the removal of exchange controls in the early 1990s, Kenyans have been free to hold foreign accounts in any part of the world.

Consequently, the Central Bank of Kenya (CBK) does not have the information on money being held overseas by Kenyans since it is not a requirement that these accounts be declared.

The bank, however, has information on the holding of foreign currency deposits in commercial banks licensed under the Kenya Banking Act held by Kenyan residents, that is Kenyans and non-Kenyans including corporate bodies, NGOs, embassies and multilateral agencies. Foreign currency deposits have subsequently grown from Kshs72 million in September 1992, to Kshs52.4 billion equivalent to---

Dr. Godana: On a point of order, Mr. Deputy Speaker, Sir. The Question is about money being held in foreign accounts. The Assistant Minister is telling us about some money being held in local Kenyan bank accounts. He is irrelevant!

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, the Question is about money held in foreign accounts. However, I am being generous to the House by giving more information.

(b) The CBK does not have the information on the names of account holders and the amounts of money therein as requested by the hon. Member, because as I said, in my earlier response, it is not a requirement that these accounts are declared.

(c) The Government is presently taking a number of measures in various fronts in the management of public affairs with the objective of making the country a safe and attractive place to invest. On the economic front, in particular, the Government has put in place measures to ensure that the macro-environment remains stable with low and predictable inflation.

Mr. Deputy Speaker, Sir, a stable macro-economic environment increases security---

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

Mr. Deputy Speaker: Mr. Angwenyi, now you are facing the right side. You may proceed!

Mr. Angwenyi: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to answer a Question which is not on the Order Paper? Could he, please, address the issues raised in this Question? What steps are being taken to return our money deposited overseas for investment in this country?

(Applause)

Mr. Deputy Speaker: Order! Mr. Angwenyi, you are also out of order because you are saying that your money be brought back. This is not your money! This money being held in those foreign accounts belongs to Kenyans!

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, I am talking about the measures the Government is taking to ensure that we get this money back to the country by creating an enabling environment, because there is no law in force to prevent people from holding these accounts.

Mr. Ngoyoni: Mr. Deputy Speaker, Sir, I did not expect that kind of an answer from the NARC Government. I have always thought they are a little bit more serious. What is not included in my Question are the words, "illegal" money being held abroad. My Question was quite clear. How much illegal monies are being held abroad by Kenyans?

Mr. Deputy Speaker: Mr. Ngoyoni, I do not read anything illegal here. There is no such word as "illegal" in your Question!

Mr. Ngoyoni: Mr. Deputy Speaker, Sir---

Mr. Deputy Speaker: Mr. Ngoyoni, would you sit down for a while? Let us make the Question very clear. Mr. Ngoyoni tells us that he meant "illegal" money held in foreign accounts. The Question has nothing to do with illegal money held abroad. Could someone clarify this?

Dr. Godana: Mr. Deputy Speaker, Sir, the hon. Assistant Minister would do us [Dr. Godana]

well if he could state categorically that, under Kenya's laws, there is nothing illegal about holding foreign accounts. That is all he should say!

Mr. Katuku: Mr. Deputy Speaker, Sir, I said that there is no illegality in this case because there is no law contrary to what I said.

Mr. Deputy Speaker: Mr. Ngoyoni, was your Question put the way you wanted it?

Mr. Ngoyoni: Mr. Deputy Speaker, Sir, I am talking about the looted money---

Mr. Deputy Speaker: Order! Mr. Ngoyoni, do not introduce new terminologies in the Question. The words "illegal" and "looting" are not in the Question!

Mr. Ngoyoni: Mr. Deputy Speaker, Sir, it is on record from the Assistant Minister for Justice and Constitutional Affairs, Mr. Githae, that Kenyans are holding looted monies to the tune of Kshs240 billion in foreign accounts. When we add interest and penalties to this figure, it is over Kshs600 billion.

This money is enough to give Kenyans a tax-free year. At the end of the day, Kenyans normally pay Kshs240 billion annually in form of tax revenue.

We are, therefore, asking the Government to tell us what it is doing to bring back this money for investment in this country.

Mr. Katuku: Mr. Deputy Speaker, Sir, I said that since the early 1990s we removed controls. Since that was done, it became very difficult for the Government to talk about money owned by an individual outside the country. If the hon. Member has any information about anybody who is holding illegal money outside the country, he could let us know.

Mr. Shitanda: Mr. Deputy Speaker, Sir, we should take this Question very seriously because the person who has asked it was a district commissioner in the former regime. What is the Assistant Minister doing to ensure that money is brought back, because most of this money was taken out of the country before those controls were removed? At that time, there were controls and you could not take out money without the Central Bank's knowledge. Could the Assistant Minister tell us how much money was taken out before those controls were removed and how much of it has been returned?

Mr. Katuku: Mr. Deputy Speaker, Sir, the hon. Member is talking about monies which went out before the controls. I do not seem to have that information, but if he really requires it, I could find out.

Dr. Ali: Mr. Deputy Speaker, Sir, is the Assistant Minister denying what his colleague said publicly; that there is money held in foreign accounts?

Mr. Katuku: Mr. Deputy Speaker, Sir, I am handling a Question that is before the House, and what the hon. Member is raising is not before the House. If he wishes, he could bring that Question before the House and ask the relevant Assistant Minister, who said so, to explain.

Mr. Deputy Speaker: I agree with the Assistant Minister that the questions you are raising are not related to the Question before the House. The Assistant Minister has fully addressed the Question before the House. If it is a question of looted money or who said what, that is a different issue.

Mr. Wanjala: Mr. Deputy Speaker, Sir, as you can see, this Question regards one of the promises the NARC Government made to Kenyans when they were moving around; that they were going to ensure that the money that is stashed in foreign accounts was going to be returned once they ascended to power. Now they are in power and they are denying that there is money stashed away in foreign accounts.

Mr. Deputy Speaker, Sir, could he apologise on behalf of the Government because they misled Kenyans in voting in this Government?

Mr. Katuku: Mr. Deputy Speaker, Sir, as far as that question is concerned, it has no substance, and as far as I am concerned, I am dealing with facts and not manifestos.

Mr. Ngoyoni: Mr. Deputy Speaker, Sir, it is quite obvious that the Assistant [Mr. Ngoyoni] Minister is going round the Question and yet it is very clear. I have even asked a supplementary question as to what I really meant. The people who drafted the Question actually should have thought better. What steps is the Government taking to ensure that the same does not recur?

Mr. Katuku: Mr. Deputy Speaker, Sir, I think the hon. Member is not getting what I am saying. When I talk about removal of exchange controls, I mean that even now he is free to go and deposit money anywhere in the world. I do not know what he is asking.

Mr. Kajembe: Mr. Deputy Speaker, Sir, now that the Assistant Minister has told this House that there is no law to force people to return that money, and the Ministry of Finance is on record as saying that all looted money will be brought back to this country, is the Assistant Minister telling this House that all that money looted from this country including money from the Goldenberg scam will not be returned to the country?

Mr. Katuku: Mr. Deputy Speaker, Sir, if there is any illegal money in foreign accounts, and it is so proved in court, like what is happening in the Goldenberg Commission of Inquiry, then the Government will have a way to get that money back to the country. But where it has not been proved, I will be misleading the House to say otherwise. As I said from the beginning, we are creating an enabling environment to get those people who have stashed money out there to bring it back and invest in Kenya.

Mr. Deputy Speaker: Next Question!

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

Mr. Deputy Speaker: Order, Mr. Angwenyi! We cannot spend a whole afternoon on one Question. Next Question!

Question No.635

TARMACKING OF ELDORET-
KAPSOWAR-CHESEGON ROAD

Mr. Sudi asked the Minister for Roads, Public Works and Housing:-

(a) why the Ministry has not tarmacked any road in Marakwet District since its inception; and,

(b) what plans the Ministry has to tarmack Eldoret-Kapsowar Chesegon Road.

Mr. Deputy Speaker: The Minister for Roads, Public Works and Housing is not in? We shall come back to the Question later on! Next Question!

Question No.641

TARMACKING OF MUTUNDURI - KIANJOKOMA-RUNYENJES-UGWERI ROAD

Mr. Wambora asked the Minister for Roads, Public Works and Housing when he will tarmack Mutunduri-Kianjokoma-Runyenjes-Ugweri Road due to its economic significance in the district.

Mr. Deputy Speaker: Again this is for the Minister for Roads, Public Works and Housing. It is quite unusual to get somebody missing from that Ministry. We will come back to that Question later on! Next Question!

Question No.639

UNDER-STAFFING IN KOISOIL
PRIMARY SCHOOL

Mr. Keter asked the Minister for Education, Science and Technology:-

- (a) whether he is aware that Koisoil Primary School in Sigowet Division with a population of 400 students has only eight teachers; and,
- (b) what urgent steps he is taking to post more

[Mr. Keter]

teaching staff to the school.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Koisoil Primary School with a population of 444 has only eight teachers.

(b) I am also aware that the school requires four additional teachers, and the Ministry is planning to post the four teachers as soon as the recruitment exercise is completed.

Mr. Keter: Mr. Deputy Speaker, Sir, could the Assistant Minister confirm that the four teachers will be posted immediately the recruitment of teachers is over by next week?

Dr. Mwiria: Mr. Deputy Speaker, Sir, the most I can confirm at this point is that the school will get two teachers with effect from next week, and another two teachers will be posted as soon as the resources are available and others are recruited. But for the time being two teachers will be recruited. This is not so bad, considering that the whole of Kericho District got only 63 teachers and that Sigowet Division where that School is located got only eight teachers.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, the Assistant Minister has said that, that school will get two teachers. What about other schools?

Mr. Deputy Speaker: Order! The Question is about Koisoil Primary School, and I think it is very unfair to ask the Assistant Minister to tell you about other schools. I am sure he did not come with that information. He only came with information concerning Koisoil Primary School.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, the Assistant Minister is aware that there are so many under-staffed schools. We are interested to know what steps he is taking to make sure that the problem of under-staffing is solved.

Dr. Mwiria: Mr. Deputy Speaker, Sir, the hon. Member is not the only one who is aware that schools require more teachers; we all know that. The problem, however, is that right now we do not have the resources to recruit all the teachers we need in the country. As soon as those resources are available, we plan to recruit teachers and ensure that all our schools have adequate numbers of teachers.

Mr. Manoti: Mr. Deputy Speaker, Sir, we know that there is a general shortage of teachers throughout the country. Right now, the Teachers Service Commission (TSC) is carrying out recruitment of teachers. There is a general problem, that when teachers retire from a particular school there is no replacement. Could he confirm or deny that, that is the case? If so, is he going to post teachers to schools where teachers have retired or died?

Dr. Mwiria: Mr. Deputy Speaker, Sir, the teachers that are being replaced at this time, given the absence of the resources that I talked about, are only those that have been lost through natural attrition. So, all those are being recruited. One cannot guarantee that the teachers will necessarily be posted to the schools where others have retired. However, an attempt is made to ensure that teachers are sent to the schools that deserve to have them.

Mr. Ndambuki: Mr. Deputy Speaker, Sir, you look at the requirements of teachers, there are some districts where understaffing is not so high. There are other districts where understaffing ranges from 2,000 to slightly more than that.

Mr. Deputy Speaker, Sir, why can the Minister for Education, Science and Technology while employing teachers, not narrow the understaffing number in some districts like Machakos and

Makueni? Makueni during the---

Mr. Deputy Speaker: Order! Order! You have already asked your question. Let us give time to the Minister to reply.

Dr. Mwiria: Mr. Deputy Speaker, Sir, what happened, of which I am sure Mr. Ndambuki is aware of, is that the number of places that were available were distributed proportionally, nationally, depending on the actual shortages in the districts. As a matter of fact, Makueni and Machakos districts got more teachers than most areas of this country.

Mr. Deputy Speaker: Last Question by Mr. Keter.

Mr. Keter: Mr. Deputy Speaker, Sir, Koisoil Primary School in Sigowel Division is located in a very remote area. The hon. Assistant Minister has said that the division--

Archbishop Ondiek: On a point of Order, Mr. Deputy Speaker Sir! I wanted to find out from the Minister---

Mr. Deputy Speaker: Order! Order! Order! Archbishop Ondiek, I have already given a chance to Mr. Keter. Then you stood on a point of order. I thought you had noticed something that was out of order! Do you have anything out of order that you have noticed? Mr. Keter, please go on!

Mr. Keter: Mr. Deputy Speaker, Sir, I was saying that the division has 45 primary schools. Of the eight teachers who are going to be posted there, none of them will go to Koisoil Primary School. Will the two additional teachers you are talking about top up the eight to become ten?

Dr. Mwiria: Mr. Deputy Speaker, Sir, I realise that the area is experiencing serious problems, as indeed most schools in the remote parts of this country. However, I explained that at this point it is not really possible to ensure that all the districts get all the teachers they need. For the time being, we shall give you two teachers but as soon as the situation improves, we will give another two to ensure that Koisoil Primary School has the number of teachers that they require.

Mr. Deputy Speaker: Next Question by Dr. Kuti!

Archbishop Ondiek: On a point of order, Mr. Deputy Speaker Sir! I would like to find out from the Assistant Minister if it is in order for eight classes to be taught by two teachers.

Mr. Deputy Speaker: Archbishop Ondiek, you are out of order! But because of your profession, I will allow that question.

(Laughter)

Dr. Mwiria: I think that the Archbishop did not realise that the school has eight teachers and not two teachers. I do not know why he is thinking that the school has only two teachers. We do know obviously that it is not professional but more importantly that is not the case.

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

Mr. Deputy Speaker: Order now! I gave you a very rare chance. Now, I am not giving you another chance.

Next Question, Dr. Kuti!

Question No.640

ELECTRIFICATION OF BULA PESA ESTATE

Mr. Bahari: Mr. Deputy Speaker, Sir, I would like to inform you that Dr. Kuti is indisposed and I would request, on his behalf, that the Question be deferred.

Mr. Deputy Speaker: Is that the case? Is the Minister for Energy here?

The Assistant Minister for Energy (Mr. Kiunjuri): Yes, Sir.

Mr. Deputy Speaker: Now, you have heard the information. Shall we defer the Question?

The Assistant Minister for Energy (Mr. Kiunjuri): Yes, Sir.

(Question deferred)

Mr. Wanjala: On a point of order, Mr. Deputy Speaker, Sir! I just want your clarification. I find it so hard to believe that there are still some Ministers who were allocated Government houses and they are still sitting in front of this Table.

Mr. Deputy Speaker: Order, Mr. Wanjala! You know that you are out of order and you just want to disrupt the Business of the House. You must refrain from that, otherwise I will declare you [Mr. Deputy Speaker] disorderly! Next Question Mr. Kembi-Gitura.

Question No.668

ELECTRIFICATION OF TRADE
CENTERS IN GIKINDU LOCATION

Mr. Deputy Speaker: Is Mr. Kembi-Gitura not here? We shall leave this Question until the end.

Let us move to the next Question. Dr. Awiti!

Question No.643

LOANS OWED TO CO-OPERATIVE
BANK BY RACHUONYO UNION

Dr. Awiti asked the Minister for Co-operative Development if he could give the run-down amount of loan and interest, separately which Rachuonyo Union owes the Co-operative Bank of Kenya from 1963 to date.

The Assistant Minister for Co-operative Development (Mr. Kenneth): Mr. Deputy Speaker, Sir, I beg to reply.

The hon Dr. Awiti has actually asked two Questions which interrelate to each other. He has asked Question Nos.636 and 643 which relate to the same issue.

Mr. Deputy Speaker: Where is Question No.636?

The Assistant Minister for Co-operative Development (Mr. Kenneth): The Questions are with us in the Ministry. I am saying they come together, so I will be giving details which might also cover both.

Mr. Deputy Speaker: Just deal with Question 643.

The Assistant Minister for Co-operative Development (Mr. Kenneth): Okay. The amounts of money given to Rachuonyo Co-operative Union were given in the following years; 1975/76, Ksh4,735,095 and the interest accrued was Ksh5,428,275. In 1975 and 1977, they borrowed a further Ksh1,184,070 and the interest accrued was Ksh2,670,487; totalling to Ksh3,854,558.50. In 1980, they borrowed a further Kshs7,668,647.50 and the interest accrued was Kshs6,970,367.

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

Mr. Deputy Speaker: What is it?

Mr. Sasura: Mr. Deputy Speaker Sir, you will realise that the Question is asking for

information which dates back to 1963. That is just like reading the history of Kenya after the Independence. Could he just table the answer instead of reading the whole list?

Mr. Deputy Speaker: That is a good point. I do not know how long your list is. If it is a very lengthy answer, the House could have it tabled.

The Assistant Minister for Co-operative Development (Mr. Kenneth): There were actually four borrowings. I was only reading the principal amounts plus the interests. I have tabled the information here and I have given hon. Dr. Awiti an answer. I can give the summary as the total ever borrowed from the Co-operative Bank as Ksh22,117,000. The accrued interest was Kshs26,302,000 totalling to Kshs48,419,000.

Dr. Awiti: Mr. Deputy Speaker, Sir, I had asked a very specific Question about the loan owed by Rachuonyo Co-operative Union. What is being replied to is in respect of South Nyanza District Co-operative Union. I wanted specific figures for Rachuonyo Union because the ginneries have been auctioned and are not accessible to the farmers, as a result of loans. But the loans that are being given after the ones for South Nyanza--

Mr. Deputy Speaker: Dr. Awiti, please, ask your Question.

Dr. Awiti: I am explaining Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: I have allowed you to explain but you cannot go on and on.

Dr. Awiti: I am building the question. Can I now ask what I wanted to ask?

(Laughter)

Mr. Deputy Speaker: Now ask!

Dr. Awiti: These figures are for Victoria, Sare and Mbita Union. I wanted specific one for Rachuonyo. Could the Assistant Minister take the Question back and come back with the specific figures for Rachuonyo?

The Assistant Minister for Co-operative Development (Mr. Kenneth): Thank you, Mr. Deputy Speaker. Rachuonyo Co-operative Union actually merged into South Nyanza in 1989. These figures are prior to 1989.

Thank you.

Mr. Sambu: Mr. Deputy Speaker, Is it in order for the Ministry of Co-operative Development to sell off cotton ginneries while we know there are coffee and other co-operatives that owe more money than the cotton ginneries, yet the cotton ginneries have been sold off?

Mr. Kenneth: Mr. Deputy Speaker, Sir, I think that the issue of selling cotton ginneries is another Question all together. The Question that was asked was how much did Rachuonyo Union get before they merged and those are the figures that I have given.

Dr. Awiti: Mr. Deputy Speaker Sir, I would like to plead with you. The figures which the Assistant Minister has given belong to South Nyanza; I was asking if the Assistant Minister should go back to his officers, dig in the books, and come up with the figures because the farmers there are suffering.

Mr. Deputy Speaker: Very well. I will give a ruling on what Dr. Awiti has said. The answer I have here, which the Minister has given, purports to reply to Questions Nos.634 and 643.

Mr. Deputy Speaker, Sir, I think this is confusion because the House does not have in front of it, Question No.634. What we have is Question No.643. The Minister has tried to combine two Questions. We do not know the contents of the other one. I will ask the Minister to now forget about the other one because there is a note here which says: "Could he be allowed to answer Question No.634 and No.643?" We do not have the other Question.

Could I ask the Minister that I defer this Question so that he comes with a specific answer for Question 643. Forget about the other Question because we do not know what it talks about. For that reason, I will defer this Question to Tuesday afternoon.

(Question deferred)

Question No.346

WILD PIGS MENACE IN BUDALANG'I

Mr. Wanjala asked the Minister for Environment, Natural Resources and Wildlife:-

(a) whether he is aware that farmers in Bunyala South, Hajula, Bunyala Central and Bunyala West locations in Budalang'i Constituency cannot farm because wild pigs from Yala Swamp are destroying their crops;

(b) whether he is further aware that there are no game wardens in Budalang'i Constituency despite available accommodation in Rukala

Dispensary; and,

(c) what urgent measures he is taking to ensure that game wardens are sent to Budalang'i to protect the famers from the wild pigs and enable them to farm.

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Mr. Deputy Speaker, Sir, I beg to reply.

(a) No, I am not aware that farmers in Bunyala South, Hajula, Bunyala Central and Bunyala West in Budalang'i Constituency cannot farm because of wild pigs from Yala Swamp. This is because, while it is true that wild pigs inhabit Yala Swamp, the KWS has received only one report of crop destruction since January 2003.

The report was received from Mau Mau Location on Friday, 20th June, this year and was promptly attended to the following day.

(b) I am aware that there are no game wardens in Budalang'i Constituency, but the Kenya Wildlife Service has received a request to open up an outpost in the area. However, due to lack of adequate resources, all conservation matters are co-ordinated from the Kakamega station.

(c) Subject to availability of resources such as rangers, vehicles, radio communication and suitable accommodation, the KWS will consider opening an outpost in the area to provide conservation services. In the meantime, the KWS will continue to provide services from the Kakamega station.

Mr. Wanjala: Mr. Deputy Speaker, Sir, first of all, I want to tell the Assistant Minister that it is embarrassing to hear this kind of an answer, especially when we are in the Government and we thought we would bring changes. It is also embarrassing that a whole Government would provide a helicopter and use a lot of money to run around in a game park here because one lion has been killed and yet when people report to the Government, it does not assist them.

Since the Assistant Minister is aware that wild pigs inhabit Yala Swamp, could she consider urgently, relocating game wardens to Budalang'i because Kakamega is 200 kilometres away from Budalang'i and the roads are impassable? How will the wardens reach there?

Prof. Maathai: Mr. Deputy Speaker, Sir, I do appreciate what the hon. Member is frustrated about. I do know that the hon. Member has had discussions with our Minister over this issue. My information is that the wild pigs only come out when the crop is in the field and not all the time.

Mr. Deputy Speaker, Sir, arrangements are being made so that some people will be deployed there as soon as possible. I want to appreciate the fact that the hon. Member has made some accommodation for the rangers available so that, at least, there can be some people there.

Mr. Deputy Speaker, Sir, definitely when the crop is under threat, our Ministry is always ready to bring wardens to take care of the situation.

Dr. Galgallo: Mr. Deputy Speaker, Sir, I fail to understand the Assistant Minister. The hon. Member says accommodation has been made available for these officers and she has enough officers. We know that KWS officers in most places are just idle doing nothing most of the time. What is the problem? Why can she not take those officers there if they have accommodation?

Prof. Maathai: Mr. Deputy Speaker, Sir, I thought that is what I said; that they will be taken there as soon as possible, now that there is accommodation.

Dr. Oburu: Mr. Deputy Speaker, Sir, the Assistant Minister says they will take officers there as soon as possible. The pigs are too many and they keep on bearing more and more offspring.

In view of the fact that the KWS used to do culling to reduce the number of pigs, must the Ministry wait for the pigs to destroy crops before they intervene and reduce their numbers? The numbers are too high. Why must they wait for the pigs to destroy the crop?

Prof. Maathai: Mr. Deputy Speaker, Sir, my Ministry will do its best to contain the pigs. We also want to promise that in areas where we know the pigs come when crops are under threat such as in Budalang'i, we will do our best. I cannot say whether this will be done tomorrow or the day after, but I know that this issue is being taken very seriously in our Ministry because the hon. Member has raised it several times.

Mr. Deputy Speaker, Sir, I can only say that we will try to contain those animals. We have said before that part of the reason that those animals are destroying crops is not so much that they are reproducing more than they should. It is mainly because human settlements continue to encroach in their habitat. It becomes very difficult for those animals to lead a normal life.

Mr. Deputy Speaker, Sir, in this particular case, I can assure the hon. Member that I will personally ensure that this is taken care of.

Mr. Deputy Speaker: Very well. Hon. Members, if you look at your Order Paper you will note that we must stop Question Time by 3.30 p.m. and we are still far away. So, I will take the last question by Mr. Wanjala.

Mr. Wanjala: Mr. Deputy Speaker, Sir, I have severally gone to the KWS to seek assistance. I want to correct the Assistant Minister---

Mr. Deputy Speaker: Order, Mr. Wanjala! I will abandon your Question. I want you to ask a question to the Assistant Minister.

Mr. Wanjala: Mr. Deputy Speaker, Sir, that is what I am doing. I have hardly said ten words.

Mr. Deputy Speaker: If you do not have a question, just say so!

Mr. Wanjala: Mr. Deputy Speaker, Sir, the people are not growing towards the swamp. It is the swamp that is growing into the farms of the people. One wild pig will produce 30 offsprings at a go. They normally produce five times a year. They have encroached and nobody can cross the swamp. Therefore, there are no---

Mr. Deputy Speaker: Order! The pigs can continue producing. We have finished with that Question.

Next Question by Mr. Sudi!

Question No.635

TARMACKING OF ELDORET-
KAPSOWAR-CHESEGON ROAD

Mr. Sudi asked the Minister for Roads, Public Works and Housing:-

(a) why the Ministry has not tarmacked any road in Marakwet District since its inception; and,

(b) what plans the Ministry has to tarmack Eldoret-Kapsowar-Chesegon Road.

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Deputy Speaker, Sir,

I apologise for coming late. However, I beg to reply.

(a) The Ministry has not tarmacked any road in Marakwet District since its inception because the roads have not met the road upgrading criteria to bitumen standards.

In addition, the Budget has just being approved by this Government and, therefore, we cannot answer for the previous Government.

(b) The Iten-Kapsowar-Chesegon section of the road in question will be tarmacked as soon as its detailed design is completed and funds are available.

Mr. Sudi: Mr. Deputy Speaker, Sir, after waiting patiently for a very good and sober answer, I did not expect such an answer from the NARC Government, especially from this Minister who has been to Marakwet District severally and knows very well the condition of the roads. Could he give us a proper answer to this Question?

Mr. Raila: Mr. Deputy Speaker, Sir, the first question is: Why has the Ministry not tarmacked any road in Marakwet District since its inception? There are several years since the inception of Marakwet District. As I

said, this Government was not in power then. That is I said I cannot answer for the previous Government. However, now that our Budget has been approved, the Ministry has already made a provision. A sum of Kshs30 million has been allocated in this financial year for feasibility studies which, once completed, will show how much money is required for the tarmacking of this road.

Mr. Bahari: Mr. Deputy Speaker, Sir, I think I heard the Minister very well in his first part of the answer to the Question. I think the Question is about the Ministry. Although this Government was not in power, this Ministry has always been there. So, could he accordingly answer the Question?

Mr. Raila: Mr. Deputy Speaker, Sir, I cannot answer about the policies of the previous Government. As soon as the NARC Government took over power and I was appointed the Minister in this Ministry, I did tour Marakwet District. I travelled along this particular road and it is gravelled between Iten-Kapsowar-Chesegon. The Eldoret-Iten section of this road is tarmacked. After my tour, we did come back and came up with a programme of improving roads in the entire Marakwet District. The hon. Member is very much aware of this information. That is the reason why, in this financial year, we have set aside money for detailed engineering design, which also includes a feasibility study, to enable us know how much it will cost to tarmack this particular road. I do not know how much more would be expected of a Government that is only nine months old.

Mr. Sudi: Mr. Deputy Speaker, Sir, as you know, the Minister has been to Marakwet District severally. However, the people of Marakwet District expect that road to be tarmacked. Considering that Marakwet District is a very productive area and that this Government wants to improve the economy of this country, through poverty eradication and creation of more employment opportunities for the youth, could the Government tarmack this road immediately? **Mr. Raila:** Mr. Deputy Speaker, Sir, I have already said that we are carrying out design works. We cannot begin to tarmack the road before we do engineering design.

Mr. Deputy Speaker: Next Question, Mr. Wambora.

Question No.641

TARMACKING OF MUTUNDURI-KIANJOKOMA-RUNYENJES-UGWERI ROAD

Mr. Wambora asked the Minister for Roads, Public Works and Housing when the Mutunduri-Kianjokoma-Runyenjes-Ugweri Road will be tarmacked due to its economic significance in the district.

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Deputy Speaker, Sir, I beg to reply. My Ministry will tarmack the full stretch of

Mutunduri-Kianjokoma-Runyenjes-Ugweri Road D467 after the road has been designed at a cost of Kshs9 million available in the Budget this financial year.

Mr. Wambora: Mr. Deputy Speaker, Sir, may I express my gratitude for that great answer from a great Minister. To my people, that is good music.

I only want him to confirm whether the Kshs9 million will be adequate to also design and to build Kianjokoma-Runyenjes-Ugweri section of the road because the Budget covers only Mutunduri-Kianjokoma section of the road.

Mr. Raila: Mr. Deputy Speaker, Sir, I can confirm that the money that we have allocated for this particular task is sufficient to carry out the engineering design of this Road. Upon which, as I have already said, we will begin tarmacking.

Mr. Deputy Speaker: Last question on this. Mr. Shitanda!

Mr. Shitanda: Mr. Deputy Speaker, Sir, I want to raise a different matter.

Mr. Deputy Speaker: If it is different, let us finish with this first.

Mr. Wambora, I thought the Question was sufficiently answered. Do you have a question?

Mr. Wambora: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Okay, go ahead!

Mr. Wambora: Mr. Deputy Speaker, Sir, I am so grateful that I will invite the Minister to inspect the road. However, in the event that the design is completed this financial year, what are the possibilities of sourcing funds for the actual tarmacking of this road?

Mr. Raila: Mr. Deputy Speaker, Sir, we are talking to a number of our development partners about funding of several roads in the country, this road included. It is quite possible that, in the course of the financial year, once the feasibility study is completed, a donor may be found who will be interested to finance this road.

Mr. Deputy Speaker: Hon. Members, on the next page, the Question by Dr. Awiti was deferred to Tuesday next week. I understand the Minister or the Assistant Minister will not be there that Tuesday. Therefore, this Question is deferred to the next Tuesday.

Question No.643

LOANS OWED TO CO-OPERATIVE
BANK BY RACHUONYO UNION

(Question deferred)

Hon. Members, it is now 3.30 p.m. However, I will give five more minutes to deal with the last Question by Private Notice and we will have the five minutes after 6.30 p.m.

Next Question, Mr. L. Maitha!

QUESTION BY PRIVATE NOTICE

DEATH OF MR. MANASE IN
MALINDI COURT CELL

Mr. L. Maitha: Mr. Deputy Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice.

(a) Could the Attorney-General explain the circumstances under which Mr. Paul Shangoneti Manase, a remand prisoner, died in the Malindi Law Court cells on 3rd July, 2003?

(b) Is he aware that the late Manase had been ailing for some time and despite complaints to

court, the order to take him for medical attention by the Magistrate had been specific in favour of GK Prison Dispensary manned by a nurse and not Malindi District Hospital?

(c) Could the family who have lost their loved one due to negligence be compensated?

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, I apologise. However, I beg to reply.

(a) Mr. Paul Manase, deceased, was the accused person in Malindi under Miscellaneous Criminal Case No.33 of 2002. He was brought to court on 17th October, 2002, to provide security for good behaviour. He intimated to the court that he was willing to sign a bond to keep the peace. He was bonded to keep the peace on the same day for 12 months for Kshs100,000 with two similar sureties. The case was mentioned seven times for the purpose of enabling Mr. Manase to provide the securities. On 17th January, 2003, the accused changed his mind and said that he was not going to sign the bond to keep the peace. He prayed that the case be heard and hearing dates were set. Mr. Manase died on 30th June, 2003, and not 3rd June, 2003.

(b) I am aware that the accused reported to the court that he was not feeling well and the court ordered that he be taken for treatment at Malindi GK Prison Dispensary. I am also aware that the accused was taken to Malindi District Hospital on 29th June, 2003.

(c) Police Inquest file No.6 of 2003 was opened and it has been placed before the Magistrate Court Inquest No.19 of 2003 for the purpose of holding a public inquest. The issue of Government's liability, if any, will be looked into and decided upon according to the law after the inquest has been heard and determined.

Mr. L. Maitha: Mr. Deputy Speaker, Sir, the answer given by the Attorney-General is not satisfactory and the date given is highly suspect. Mr. Manase reported to the Resident Magistrate five times that he was ailing. It is surprising that each and every time the Magistrate kept on referring this man to GK Prison Clinic. He used capital letters to write: "Please send him to GK Prison Clinic". I want the Attorney-General to explain why, despite five times of reference, there was no need for the Magistrate to refer him to the district hospital.

Mr. Deputy Speaker: Mr. L. Maitha, I do appreciate the feelings particularly when someone has died. But the Attorney-General has said that an inquest file has been opened. The matters you are bringing to the House will obviously be material for the inquest. If you have any other question that you can ask, can you ask it, please?

Mr. L. Maitha: I appreciate that an inquest file has been opened but why I am saying it is suspect is that I even suspect the police are involved in a cover-up. The letter written by the OCS to the Chief Magistrate informing her of the incident, because this man died in the court, was written on 2nd July and reached the court, which is 300 metres away on 14th July. So, this means the OCS in a manner to cover-up backdated this letter. How can I trust the police to carry out the inquest?

Mr. Wako: Mr. Deputy Speaker, Sir, I hope that the hon. Member will assist the court by ensuring that all the material evidence that is necessary is before that court.

Mr. Deputy Speaker: Very well!

Mr. Shitanda: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Mr. Sasura to mislead this House that Dr. Kuti is indisposed and in bed when his Question came up only for Dr. Kuti to later come in looking very jovial and healthy?

Mr. Deputy Speaker: Order! Order, hon. Members! I do not know whether he is jovial. But I know that immediately Dr. Kuti came to the House, he approached the Chair and disclosed that he was not feeling well. So, I can only go by what he said that he was unwell.

That is the end of Question Time! The House will rise at 6.35 p.m. this afternoon.

Next Order!

MOTION

THAT MR. SPEAKER DO NOW
LEAVE THE CHAIR

Vote 12 - Ministry of Local Government

*(The Minister for Local
Government on 30.9.2003)*

*(Resumption of Debate interrupted
on 30.9.2003)*

Mr. Deputy Speaker: Who was on the Floor? Mr. Nyachae, you were on the Floor and you have eight minutes. Please, continue.

Mr. Nyachae: Thank you, Mr. Deputy Speaker, Sir. As I said yesterday, we support the Ministry of Local Government because it is the foundation of good public management.

We want the Ministry to be given support so that it can do the job as expected by the taxpayers.

[Mr. Deputy Speaker left the Chair]

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

As I mentioned yesterday at the time of closing, I was touching on the question of demolition of kiosks. This is a very serious matter and I would request the Minister concerned to understand that nobody seems to accept responsibility that we are destroying the lives of people. We need this issue to be taken seriously by the Ministry of Local Government because it is the one which is in charge of those local authorities where these problems have arisen. As hon. Member would appreciate, we are here to represent every Kenyan; both the poor, the unemployed and those who have means of livelihood. We are not here to support only those who have means of livelihood. The people who run kiosks have no other alternative for their livelihood. It is very sad that people who are trying to make ends meet are being woken up at night by bulldozers, council askaris and Administration policemen and no action is taken to prevent this kind of action. We are destroying the lives of Kenyans.

The hon. Minister for Local Government, when he was not a Minister a year ago, and he is my close friend, Mr. Nassir was destroying kiosks in Mombasa. This Minister sat with me and said: "Let us go down to Mombasa to fight Mr. Nassir because he is destroying kiosks and the lives of people." Has the Minister forgotten that we need to take care of those people he was crying for? This must come to an end. We

do not want the NARC Government to have leaders who do not accept responsibility. We have a Minister for Local Government and then we see Administration Police, and when people are crying, every one of these Ministers and even the Mayor disown whatever is going on. So, who issues instructions? We appeal to the Government to understand that kiosks do exist all over the world. Even in developed countries like the United Kingdom (UK), if you go on Saturdays and Sundays along Piccadilly Road, you will see people with their mobile kiosks selling items. If you go to Shepherd's Park within the City of London, Westminster, you will find people with kiosks. Why do you feel shy in this country to have your own people making a living through kiosks? The only responsibility we

should have is to ensure that those kiosks are not a threat to the health of the people living around there and the goods being sold there are fit for human consumption. To destroy kiosks is actually increasing insecurity in the country. Those people will have no means of livelihood because you have destroyed their kiosks. What is the alternative for them? It is to rob you and steal from other people! Why should we not plan?

I would like to request the Minister for Local Government and the Minister for Planning and National Development: "Can you please sit down and plan using your physical planners in every city?" We shall always have unemployed people for years on end. Let us have sites and plans for kiosks, so that they are permanent and people know that those areas have been set aside for kiosks. The same planners can then design the type of kiosk you should have, so that if you are selling tea, you are shown the type of kiosk to construct. If you are selling fruits, you are shown the kind of kiosk to construct. If you are making other sales in foodstuffs and so on, you are shown the kiosk to construct. Are we unable to plan those kinds of things for Kenyans? You cannot promise 500,000 jobs and when people are trying to employ themselves, you are blocking them from creating employment and yet, at the same time, you are not advertising any jobs. We would like to ask the Government: "Please, let us be seen as leaders who care for every Kenyan and the poor". For example, last weekend, the place approaching Serena Hotel, which was created at one time during Kenyatta's time for the marching of *askaris* going to State House and coming down, is not needed now. Why are you destroying kiosks on that road? What are you going to use that space for? That space should be planned and given to the people. It is very shameful that every month we see those things happening. I am emphasising this point because I feel very painful. What are we teaching our children on television when they see bulldozers knocking down kiosks and mothers and poor people crying because everything has been destroyed? Could we stop that kind of behaviour? Your popularity will disappear if you continue because those are the people who voted for you and not us. It is those poor people who voted for you and now you are punishing them. That must stop.

Mr. Temporary Deputy Speaker, Sir, I would like to comment on the question of Ministers, like the Minister for Local Government. Could he be given a chance to manage local authorities instead of you fighting? In-fighting!

With those few remarks, I beg to support.

Ms. Mwau: Mr. Temporary Deputy Speaker, Sir, I want to add my voice to those Members who have risen to support this Motion on the Vote of the Ministry of Local Government.

I will start by congratulating the Minister for the good work that he has done. At least, the City of Nairobi has a different picture from last year. The need to continue improving the City is crucial. The Central Business District (CBD) has improved. We need to have more toilets so that people can use them. The hawkers have been removed from the CBD. But they have been put in places which are not accessible. The need to improve the City from Tom Mboya Street to Nyamakima is really crucial, so that the hawkers could have a better place for their businesses.

Mr. Temporary Deputy Speaker, Sir, I would like to congratulate the Ministry for removing the street children. But the question of dealing with the rootcause of street children is crucial. We are dealing with the symptoms and not the rootcauses of the problem. It is important to identify the families of those street children. Most of the time we see a street child, we see a woman. It is important to find out who are responsible for those children and hold them responsible. Let the men also take responsibility. The children in the streets are not women's children alone. Men are also involved. Otherwise, we are dealing with a situation where, we remove them today and next day, 100 of them come to the City.

Therefore, it is important to deal with the rootcause and actually identify the families that abandoned those children in the streets. If they cannot take responsibility, then let the law take its course.

I would like to add my voice to the issue of paying councillors a little bit better. Councillors do a lot of work. There are so many expectations put on them and yet, they earn meagre salaries. It is

important for us to facilitate the councillors to earn more. We are talking about the Local Authorities Transfer Fund (LATF) and yet, the councillors are not paid well. Corruption will still continue because they will collaborate with the councils' personnel and money will be lost. Mr. Temporary Deputy Speaker, Sir, I would like to raise a concern about the provision of water in this City. A lot of water gets lost through burst pipes, diversion of water and non-payment of bills because of water meters that do not work. It is important, especially for the City of Nairobi, to ensure that water services are taken care of and people take responsibility to pay for their water.

Mr. Temporary Deputy Speaker, Sir, I would also like to add my voice to the sentiments made by an hon. Member, that polythene paper bags are strewn all over our country. If you visit any town, you might think that polythene paper bags are flowers. It is important that we find ways and means of controlling the use of polythene paper bags. That aside, there is need to renovate and maintain bus stages in every local authority. This is because these stages were

built and left unmaintained. I wonder where the fees *matatu* and public service buses pay go. Why are these bus stops not maintained? It is important that we maintain these stages so that passengers can be comfortable when they use these stages. *Matatu* and bus stages in the City of Nairobi become worse during the rainy season. This is especially the case with the *matatu* stage at Tom Mboya Street.

These stages are in a deplorable state and are unacceptable. So, it is important for the Nairobi City Council (NCC) to renovate these stages.

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

Mr. Wario: Ahsante, Bw. Naibu Spika wa Muda kwa kunipatia fursa hii ili niichangie Hoja hii. Wakati Bw. Mwenje alipokuwa anaichangia Hoja hii jana, alishangaa sana kumwona aliyekuwa shadow Minister akiwa Waziri wa Serikali za Mitaa na aliyekuwa Waziri Msaidizi katika Wizara hio akikaa katika upande wa Upinzani.

Ningependa kumweleza Bw. Mwenje mambo ambayo yalitufanya sisi tuwe katika Upinzani. Serikali ya KANU ililaumiwa na Wakenya kwa ufisadi, kutotekeleza ahadi ambazo ilitoa kwa Wakenya, kupigania vyeo na kulewa na mamlaka, kuwakamata waandishi wa habari na kuwashitaki bila ya hatia na kuua. Miezi minane imepita na Serikali ya NARC inalaumiwa kwa mambo hayo hayo.

Serikali hii isipochunga, wembe ulioinyoa Serikali ya KANU utainyoe. Serikali ya NARC itajikuta katika upande wa Upinzani. Nikianza kuchangia Hoja hii nataka kusema serikali za mitaa ni kiungo kikubwa cha Serikali na taifa kwa jumla. Juhudi za serikali za mitaa kuleta huduma karibu na wananchi zimenilazimisha kuiunga mkono Hoja ambayo iko mbele yetu leo. Wahenga walisema kwamba paka hashibi kwa wali matilaba yake ni panya. Matilaba, maudhui na wajibu wangu ni kuikosoa Serikali. Hoja ambayo iko mbele yetu imeangazia zaidi miji mikubwa na kusahau sehemu za mashambani. Kuhusu Local Authorities Transfer Fund (LATF), ningependa kusema kwamba Serikali inatoa pesa nyingi kuboresha huduma katika sehemu ambazo tunawakilisha hapa Bungeni. Ningependa kumwomba Waziri anayehusika abuni sera ambayo itahakikisha kwamba pesa za LATF zinatumiwa kupunguza umaskini mashambani kabla hazijatolewa hapa Nairobi.

Kuna juju wa majuju hapa Nairobi. Juju huyu amefungua kampuni ya kukagua matumizi ya pesa, na anasema yeye ndiye anayefanya final accounts za councils zote katika nchi hii. Kampuni hii imelipwa kiasi kikubwa cha pesa za LATF. Nilikuwa ninafikiri kwamba Wizara ya Serikali za Mitaa ina maofisa ambao wana ujuzi wa kufanya final accounts ambazo zinapewa kampuni fulani. Kampuni hii inachukua kiwango kikubwa cha pesa za LATF. Ninamwomba Waziri wa Serikali za Mitaa ahakikishe kwamba kampuni hii haichukui pesa ambazo zingetumiwa kwa manufaa ya wananchi.

Mr. Kajembe: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Bw. Wario amesema kwamba kuna kampuni fulani ambayo inafanya final accounts katika local authorities, na imechukua pesa nyingi za LATF. Ningependa kumwomba Bw. Wario atuambie jina la kampuni hio na ni pesa ngapi imelipwa.

Bw. Wario: Bw. Naibu Spika wa Muda, haya ni mambo ambayo ni wazi. Jambo hili liko

katika taarifa ya Controller and Auditor-General na Wizara inalifahamu. Kwa hivyo sioni ni kwa nini nipoteze wakati mwingi juu ya jambo hili. Kampuni hii imetajwa katika taarifa ya Controller and Auditor-General. Kwa hivyo ningependa kumwomba Waziri anayehusika ahakikishe kwamba final accounts zinaangaliwa na wafanyikazi wa councils ili kampuni hii isichukue pesa ambazo zingetumiwa kutoa huduma kwa wananchi.

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Wario, if you did not continue talking about the company you have in mind, it would not have been an issue. Since you have repeated your allegation, you have to respond to Mr. Kajembe's point of order.

Mr. Wario: Bw. Naibu Spika wa Muda, ninazungumzia Mwema and Kigotho Auditors. Kampuni hii imechukua kiasi kikubwa cha pesa za LATF. Zaidi ya Kshs100 million zililipwa kampuni hii ambayo imefungua ofisi hapa Nairobi na haifahamu vile watu wa Wilaya ya Tana River wanavyoumia. Kampuni hii imefungua ofisi hapa Nairobi na hulipwa mamilioni ya pesa.

Ningependa kuongea juu ya kamati tekelezi. Hii ni kamati ambayo inatekeleza mapendekezo ya kamati inayosimamia LATF. Kamati hii inajumuisha wafanyikazi na si madiwani. Baadhi ya maswala ambayo yanaamuliwa na kamati hii ni ya kusikitisha. Ningependa kumwomba Waziri kuhakikisha kwamba madiwani wanahusishwa katika kamati hii ambayo inatekeleza miradi inayogharamiwa na LATF. Hii ni kwa sababu pesa kutoka LATF hazitanufaisha wilaya fulani kama madiwani, ambao walichaguliwa na wananchi, hawatapendekeza vile zitatumika. Tukiwaachia maofisa wa Wizara jambo hili hatutanufaisha wananchi vile inavyostahili. Ningependa

kumkumbusha Waziri kwamba kura iliyomchagua Rais wa nchi hii au yeye ndio iliyomchagua diwani.

Baadhi ya madiwani wanakaa katika hali dhaifu sana. Madiwani wako karibu sana na wananchi na hawawezi kutekeleza wajibu wao vyema kwa sababu wanalipwa mishahara midogo. Ningependa kumwomba Waziri aongeze Mishahara yao. Jana, Waziri alisema kwamba anaangalia jinsi ya kuboreshwa kwa mishahara ya madiwani. Nilifikiri kwamba kiasi fulani cha pesa kimetengwa kuongeza mishahara ya madiwani. Baada ya kusoma bajeti yake Waziri alituambia kwamba angeangalia masilahi ya madiwani. Ningependa kumwomba Waziri aboreshe mishahara ya madiwani kwa kuleta makadirio ya ziada katika Bunge hili ili tuweze kuyajadili na kuyapitisha kwa manufaa ya madiwani wetu.

Ningetoa pendekezo langu la pili kwa Mheshimiwa Waziri. Jamii ya wafugaji ina tatizo kubwa na baadhi ya sera za councils zetu. Kama mimi ninasafirisha ng'ombe kutoka Mandera, kila council ninayopitia sehemu yake inachukua cess kutoka kwangu, na nifikapo Nairobi wale ng'ombe watakuwa hawana faida tena kwangu. Ninaomba Wizara ichunguze tena ulipaji wa cess, ambayo ni wajibu wa councils kutoza. Inafaa Wizara itupatie mwongozo ili tusinyanyaswe sana kwa sababu pia kuna kitu kingine kiitwacho "grazing fees". Utatoa malipo haya katika Garissa, Tana River, Mwingi, Yatta hadi ufike Nairobi. Utakapofika Nairobi ng'ombe wako hawana faida tena. Namwomba Waziri aingilie kati swala hili.

Kuna national reserves ambazo zinastahili kuwa chini ya councils. Councils zitakapoboreshwa kwa kupewa pesa kiasi fulani ili ziboreshe national reserves, bila shaka hali ya mapato yake itakuwa bora zaidi, zitajimudu na kuweza kutoa huduma kwa mwananchi. Leo Kenya Wildlife Service (KWS) ambayo imechukua hizi reserves, hailipi pesa zozote kwa councils. Ningependa kuwe na sera ambayo itaishurutisha KWS kulipa pesa kwa councils wakati inapozichukua reserves.

Kiwango cha Kshs1.8 billion zilizotengewa maendeleo ni kidogo mno. Ningemwomba Waziri, amabaye anashughulikia councils 175, akubali kwamba Kshs1.8 billion za maendeleo ni kidogo sana. Kuna janga la kiasli na maradhi ya dharura yanayotokea. Kuna mafuriko na mikasa ya moto inayotokea mara kwa mara. Nilifikiri Waziri angetenga pesa kiasi fulani ambazo zingeiwezesha Wizara kushughulikia dharura au majanga ya kiasli.

Nikielekea kumaliza, tuna methali isemayo: "Mgala muuwe lakini haki yake mpe". Jamii ya mitaani ilikuwa aibu kwa taifa hili na wanadamu wa Kenya. Juhudi aliyofanya Waziri kuhakikisha

kuwa amewachukua watu hao na kuwaweka mahali washughulikiwe na utu wao uwekwe sawa na Wakenya wengine ni kubwa na inastahili sifa. Nasema ahsante kwa Waziri na pongezi kwa Serikali yetu pia.

Mr. Marende: Thank you, Mr. Temporary Deputy Speaker, Sir. First of all I want to begin by commending the hon. Minister for Local Government for the able manner in which he presented the budget of his Ministry. In my view the Minister captured all factors that are necessary to realise development of local authorities.

Secondly, I wish to commend the Minister on the achievements that his Ministry has made so far, and in particular getting rid of street children and families from urban areas. However, it is important that the Ministry remains vigilant because we are beginning to witness, at the moment, some of these street children filtering back into the streets. It is necessary that removing them from the streets is not treated as a once-and-for-all action but that it is, in fact, made a continuous exercise.

Upto this point, the Minister appears to have done well, but I wish to appeal to him to note and bear in mind that the functioning of local authorities is key and central. It plays a pivotal role in the realisation of national goals by the Government. I see disparity and inequality in the allocation of resources by this Ministry. In particular, looking at the figures on the distribution of Local Authorities Transfer Fund (LATF), I see a lot of inequality. The City of Nairobi gets out of LATF Kshs600 million and the City of Mombasa gets Kshs200 million. This compares with an allocation for Kisumu City of Kshs70 million and Kakamega of Kshs20 million. Luanda Town, which I represent, gets a paltry Kshs9 million. I want to see equity in this area. There must be equalisation. The Minister has rightly said that there is an effort to devolve powers. This does not just refer to political power. Devolution also refers to distribution and sharing of financial resources. We want to see this actually practised.

I also wish to comment on the area of accountability and professionalism in local authorities, which the Minister also touched on. It is my submission that the Minister, as the titular head of local authorities, must, apart from talking about accountability and good governance in local authorities, live and lead by example. The NARC Government has promised Kenyans that it will uphold the rule of law. It is wrong, with respect to the Minister, who is my friend and at some point has been my client, to dismiss employees of various local authorities through street statements. The rule of law entails a concept to the effect that the governed and the governors must abide by the law. Those workers that are dismissed through statements issued in the streets, on the road sides, or in the middle of the road for that matter, also have rights and must be heard before their services are terminated. It is my sincere hope, therefore, that the Minister will refrain from those road side statements so that he continues to be my friend. The NARC Government promised Kenyans that it would create 500,000 jobs per year. I do not know how well we have done on this. However, the way to create 500,000 jobs is not by unfairly dismissing those who are already in employment.

At this point, I also wish to say that I see a contradiction on the part of the Minister when he talks about proper management and good governance, and yet he fails to respect the doctrine of collective responsibility.

(Applause)

It is not good for this Government for Ministers to feud over who takes responsibility for the demotion of kiosks, particularly doing so in public. This is a matter that they ought to deal with in the Cabinet and I urge them to do so. It is also not in order for there to be a feud, instead of development, as to who is responsible for management of water resources. We have seen that as well and I urge the Minister to move in the correct direction to correct that.

I also wish to commend the Minister's bid to raise the salaries for councillors. These are people who serve Kenyans at the grassroot level and it is in order and justified that their allowances be

increased.

Finally, I urge the Minister to ensure equitable distribution of LATF funds by emulating what is being done with regard to roads construction funds. This will ensure that there is a committee in every constituency that will supervise the allocation of LATF funds. Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support.

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion on the Vote of the Ministry of Local Government.

A lot has been said by my colleagues regarding the issue of demolition of kiosks and the handling of street families in our urban centres, towns and cities. What we require in this country is a policy on the erection of *kiosks* in our cities and other urban centres; so as to avoid a situation where officers from various local authorities will go out of their way and issue traders and would-be-traders with licences to operate *kiosks* in certain areas only for the inspectorate departments to subsequently move around with bulldozers to pull down the same licensed *kiosks*.

I think what is required in this country is simply a policy on the operations of *kiosks*, so that it will not matter who the Minister or who the inspector-general or the inspector, as the case may be, or the licensing authority or officer, will be. Such a policy will help to streamline the operations of *kiosks* because, as it has been said, and which I fully agree with, those who operate *kiosks* in this country are Kenyans, and have a right to eke out a living in the manner that they chose to do so.

Mr. Temporary Deputy Speaker, Sir, closer to where we are, at some stage early this year, we witnessed some very encouraging developments in the form of beautification of our city. We applauded. However, somewhere along the way, that effort appears to have stalled. I would want to urge the Minister for Local Government to intervene, as he has always done, and see to it that this effort is continued on a sustained basis and also re-awaken the Nairobi City Council to the reality that this is the capital city of Kenya, and that we need to operate with sufficient lighting in the streets. We have been told that we must be a working nation. Some Kenyans are willing to work after dusk but they can only do so safely and securely when there is sufficient street lighting within our cities and upcoming town centres.

Mr. Temporary Deputy Speaker, Sir, driving from the Jomo Kenyatta International Airport (JKIA) towards the City Centre along Uhuru Highway, for instance--- For the last ten years or so, there used to be some traffic lights at the Nyayo Stadium roundabout. I do not know the wisdom behind the Nairobi City Council's decision to employ police officers, who have no sense of knowing when a minute has lapsed or when they are supposed to allow motorists to use a particular lane for 30 seconds, to man that roundabout. Consequently, driving along Uhuru Highway during certain times of the day has become a nightmare.

I would like to urge the Minister - especially, considering that he has been allocated, as noticed in the *Special Issue* of the *Kenya Gazette* of 14 April, 2003, over Kshs600 million from the Local Authorities Transfer Fund (LATF) - to encourage the Nairobi City Council to address the issue of street lighting and beautification.

Mr. Temporary Deputy Speaker, Sir, there are many local authorities that are county councils. Most county councils, if not all of them, serve what are actually administrative districts. A lot of times, the major problems found in most parts of the rural areas, which are served by county councils, have to do with the road infrastructure. I would want to urge the Ministry to consider insisting, as part of the funds that they allocate to the various county councils, on the purchase of equipment that would help in the opening up of various feeder roads into growing urban market centres all over the country.

It is not enough for local authorities to be allocated some funds and, as indicated in this *Special Issue* of the *Kenya Gazette*, be required to explain how they are settling their debts and whether their debtors have agreed to be re-paid in the next two financial years. Many of the county councils do business with small-scale business people within the local areas. To require such business

people to agree with local authorities that they will be paid their dues in two financial years is to actually push them out of business. It is also to invite big businesses in areas where our own residents, who are doing their small business, would otherwise eke out a living by dealing with the local authorities.

I notice that there is something called "The Small Towns Development Project", which the Minister proposes to give Kshs120 million. I think we would have required some little bit of transparency by identifying these small towns going to be developed using only Kshs120 million. I notice that this is an increase from last year's allocation of Kshs45 million but, nevertheless, Kshs120 million is like a small drop of water in the ocean.

Mr. Temporary Deputy Speaker, Sir, before I wind up my contribution, I would like to point out to the Minister a very disturbing issue regarding the Kenya Urban Transport Infrastructure Project (KUTIP). In the last financial year, the project was allocated Kshs100 million. In the current financial year, there is a proposal that it be allocated Kshs820 million. This project has always been known to be a "cash cow". We know that when the project was started, before the current Minister was appointed, the people managing it messed up a lot with its funds. We have read in the press that a certain engineer in the Ministry was bribed. In fact, he appeared in court and was charged with receiving Kshs8 million.

This scandal would not even have been revealed here had it not been because of a certain fellow called Singupta, who was working for the World Bank. The most disturbing bit about that saga is that the case has been left to "die" a natural death for reasons that are yet to be explained to this House and to the country at large. Much worse, recently, on 29th July, 2003, it was reported that the same contractor - the person who was doing the survey work - was taking the Value Added Tax (VAT) Department to court, arguing that he was not supposed to pay the Kshs93.6 million in VAT because he had entered into an agreement with the Ministry of Local Government to have him excluded from paying VAT.

An hon. Member: No way!

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, I am not laying any blame on the Minister, but I urge him to fully investigate this case and liaise with the Office of the Attorney-General with a view to having the matter pursued to its logical conclusion. It is reported that they have not even entered an appearance on this matter, allegedly, because the Government would lose that which was due to it; through reported corrupt dealings, which are well-known to the Ministry, through the KUTIP.

Mr. Temporary Deputy Speaker, Sir, I fully associate myself with the sentiments expressed here regarding the payment of higher allowances to our councillors. We appreciate the amount of work that they do. They are politicians like ourselves. Nevertheless, let us not give them hope if we have no intentions of actually giving them these allowances.

With those few words, I beg to support.

Mr. M. Kariuki: Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to support this Vote for the Ministry of Local Government. First, I would like to say that the NARC Government needs to rethink and re-examine whether we should continue with the local government as constituted today. The history of the local Government authorities has drastically changed from the original concept. About 25 years down the road, we have drastically politicised local government authorities. The initial idea of a local government authority was really a welfare association for the local people. It was an honour for retired people, in fact, heads of states, to be mayors in their home towns; for Members of Parliament to retire and be councillors in their home areas. But today, it is the other way round.

So, we need to look at that and ask ourselves: "Is it of any benefit today that we have semi-illiterate people running local authorities?" The people who are supposed to have informed debate at the local authority level cannot possibly contribute to the welfare of the people. Let us not re-invent the wheel. Let us venture out and see whether we can come up with a new structure where

local authorities can be properly run by people who are properly trained with managerial and leadership skills. I think that is the main deficit in our local government authorities.

I was looking at the Act and saw that Section 62(a) says: "No Member of Parliament should be a councillor." I sometimes wonder because when I am in a constituency, it is also a local authority. The boundaries are the same and the kind of issues that are discussed at the council level are the same ones I am supposed to forward to Parliament. I think we need to empower the Members of Parliament whose constituencies fall within local authorities to be ex-officio members of the local authorities. That would enable us to make our contributions at that level and probably advance the value and the quality of the debate. Whatever is discussed there is, one way or the other, going to affect the welfare of our people. I think it is time the Minister ventures out.

For example, he is going to give out money for urban roads. Here I am as a Member of Parliament and the councillors will meet and decide that one or two roads are going to be tarmacked. Where is the voice of the Member of Parliament and yet we are serving the same constituency? That needs to be looked at very critically.

Mr. Temporary Deputy Speaker, Sir, for a long time under colonialism, local government by-laws were made and they are still there oppressing our people. At that particular point in our history, we had no Constitution. We have retained the by-laws and there has not been any serious attempts to re-examine them. For example, in my hometown of Nakuru, the by-laws say that any woman seen walking out at night is suspected to be involving herself in prostitution - loitering for immoral

purposes! I am sure that no woman would want to be targeted by that outdated piece of legislation. The Minister must take it upon himself to form a commission to re-examine all local authority by-laws, so that if they are not consistent with the spirit of the Constitution, they should be outlawed.

While on the issue of the by-laws, the other point that I would like to raise is that the Judiciary has allowed itself, pursuant to Section 157, of the Local Authority Act, to enter into agreements with local authorities where magistrates are supplied by the Judiciary and the local authorities are allowed to share in the fines that are imposed on the people who appear before a municipal court or a city court. That is un-constitutional! There is no way you can have a judge or a person who puts in place the machinery of justice, benefitting from fines imposed on the litigants who appear before it. I think the Minister needs to look at that. It is really gross injustice to our people. That is because when local authorities run out of money, they tell their askaris to go out there and arrest all the hawkers and bring them before the city court. Then heavy fines are imposed on them and at the end of the month, they share the fines, so that they can be able to meet their obligations to their employees. I think that is illegal and the Minister should stop it immediately. I am appealing to him that the court he established in Nakuru in January should close down immediately. We do not need a court to harass my people there! My people need justice.

I would also like to talk about the issue of licences and fees. Sometimes back, I am not sure but I think it was when Mr. ole Ntimama was the Minister for Local Government, he gave out guidelines on the levy of fees and licences and gave discretion to local authorities to decide which schedule would apply to the respective local authority. That has been grossly abused because the councillors are not properly guided in their deliberations. They look for the highest scale to impose on the local traders without considering the fact that the economy might not be doing very well for them.

I think the spirit of levy of fees and licenses has to be based on a consensus with the stakeholders. A local authority cannot impose licenses that are not affordable by the local traders. That has created a crisis and there has been a flood of litigation in our courts by traders who are trying to stop the local authorities from imposing exorbitant licence fees. The Minister should have proper guidelines and be able to assess each local authority and say: "This is the economic performance of the people in this area. I am proposing that this scale should be followed by this local authority for

purposes of fees and licensing."

Mr. Temporary Deputy Speaker, Sir, may I also say something about the allowances of councillors. Under Section 150, it is the duty of the Minister to recommend them. I am happy that our dear Minister for Local Government has taken it upon himself to recommend Kshs50,000. I think that is long overdue but, as I said earlier, if the local authorities were manned by people of honour, people who have retired from managerial leadership in corporations and people who have been in political leadership, surely they would be able to sacrifice their time. But, since they are manned by people who have no other means of livelihood, and who contest seats at the local government level as a way of getting jobs, surely you must be prepared to give them something. Otherwise, if you do not give them something, they are going to indulge in corruption. I welcome the Ministers recommendation to have them paid Kshs50,000 per month.

On the issue of hawkers, the Minister has to look at the Act. It empowers the Minister to acquire land for the purposes of creating markets. I do not think the Minister has considered that because the question of hawkers on our streets is something we have to live with. As Mr. Nyachae said, even in the most advanced economies in the US and Britain, there are hawkers. Our obligation to our people is to regulate that sector to ensure that people do not lay their wares wherever they want to. The only way out of that is for the Minister to start looking out for land where he can set up markets for those people. As long as there are no markets, people will have to come to the streets because that is where the customers are. I would, therefore, recommend very strongly to the Minister to start acquiring land in urban areas for purposes of establishing markets where hawkers can earn their livelihood.

I see there is a serious conflict between the Ministry of Local Government and the Ministry of Water Resources Management and Development. The Local Governments Act says that the sewerages and water should be managed by the local authorities. We have a Water Act, 2002, which empowers the Minister for Water Resources Management and Development to manage water even in local authorities. There is a clear conflict there because things like sewerages cannot be managed by the Ministry of Water Resources Management and Development. I think the local authorities must be mandated to deal with sewerages.

I think that in the course of time, a legislation should be brought to remove this particular conflict between the Ministry of Local Government and the Ministry of Water Resources Management and Development and to see whether, in fact, the Water Act (2002) is not in conflict with Section 168 of the Local Government Act.

Mr. Temporary Deputy Speaker, Sir, finally on the question of roads, I think it is time that the Ministry of Roads, Public Works and Housing was mandated to manage all roads including the urban roads. I think the Minister here should be willing to give up some of his powers as the Local Government Minister because we in urban areas are greatly disadvantaged. We hope that The Kenya Roads Board Act will be amended appropriately so that the Ministry of Roads, Public Works and Housing can manage roads all over the country.

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

Mr. Bahari: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to support this Vote, but I have to add my voice to the rest of the hon. Members in recognising the role the Ministry of Local Government plays in enhancing development and service delivery in this country.

Mr. Temporary Deputy Speaker, Sir, Kenyans are in dire need of service delivery at the devolved levels like the district levels and the like. I think it has been the thinking of those who put these local authorities in place that local authorities will form a very important organ in improving or ensuring that we have service delivery at the grassroots. However, I would like to point out the following: As much as I know the Minister has tried to visit many local authorities in order to understand their problems, there is need on the part of the Ministry to come out with a very clear

vision on what is it that they want to do with local authorities and how the local authorities must run. Clear guidelines should be provided by the Ministry and, perhaps, enforced.

Mr. Temporary Deputy Speaker, Sir, one area that comes out very clearly in the weakness of the Ministry of Local Government is the quality of human resources that are employed in those local authorities. You cannot expect a good service delivery when the right persons are not in place. That is the starting point. However much the resources are there, if the right persons to deliver the services are not there, then you can forget. This is where this Ministry has terribly gone wrong because over a period of time it has been over-politicised. You find treasurers who cannot do the final accounts of the councils and clerks who cannot even correspond properly. It is high time that they took the initiative because who else will do it if it is not done now? They should take the initiative to overhaul local authorities in terms of their staffing. It is very important because a lot of resources are going into these councils and these resources must be seen to be ploughed back into those authorities so that people start feeling that there is good reason why they are paying these rates. This is because we are getting to a point where the local authorities are collecting rates from residents and there is no service in return. I think it is only that Kenyans have been very good people. I fail to understand why we continue paying some of these rates and I think the examples are known. For example, we have levies on dustbins and all that when the dustbins have never been provided. So, it is very important that the Minister addresses himself to this issue of human resource deployment in the local authorities as a matter of urgency.

Mr. Temporary Deputy Speaker, Sir, it is common knowledge that local authorities are one of the very corrupt institutions in this country also. There has been total plunder of resources. No procedures exist and it is high time that the Minister put in place proper audits and controls. I do not think audits mean anything for local authorities. There have been instances even where inspectors have been appointed. We know these ones very well and at the end of the day, you find nothing coming out of all those inspections. So, we are not getting results from local authorities and yet the residents continue paying a lot of money. Indeed, they are becoming a liability. For this country to continue having this Ministry, then there must a justification and I think the Minister really needs to come out strongly in this area so that controls are put in place and audits have meaning in local authorities.

Mr. Temporary Deputy Speaker, Sir, I would like to mention something about the budgets of local authorities. Under the pretext that the budgets have been approved by the Minister and the councils, a lot of unnecessary expenditures have been provided for in those budgets. It is very important that local authority budgets are properly scrutinised and proper justification is given because it looks like it is for watching sports and carrying out trivial issues. If that is the case, then enormous amounts of money are being budgeted for and approved. It looks like nobody looks at those budgets. So, it is important that the financial department of the Ministry of Local Government seriously looks into this area. Perhaps, this may be one of the areas where the many problems that they have originated from. So, the department in the Ministry that deals with finances must seriously address the issue of scrutinising each and every item in the budget of the local authorities.

Mr. Temporary Deputy Speaker, Sir, there are those few local authorities which manage game reserves. I do not think necessary attention has been paid to that particular sector in those specific local authorities. For example, in Isiolo County Council over 80 per cent of its revenue is from the game reserves. If you look at the Isiolo County Council and look at its manning level and the departments, that department is not being given the proper attention and I am sure this is true for similar local authorities and yet we know the Clerk and the Treasurer do not have expertise in those areas. So, we need the Ministry to look into some of these areas and make sure that these councils are run properly. I appreciate the fact that the Minister has got very good memory of what goes on in most of these councils. I am happy about that, but then the issue of what is it exactly that we want in these councils must be properly addressed.

Mr. Temporary Deputy Speaker, Sir, previous speakers have mentioned something to do with the Local Authorities Transfer Fund (LATF) and this is the money that comes from the Consolidated Fund. How the councils utilise these funds is, for example, not known by the Members of Parliament. The rest of the public do not know anything about it. I appreciate the effort the Minister has put in place in notifying the public of how to go about some of these things, but still a lot needs to be done at the planning level so that the people are properly involved. We know very well that even in the national Budget, various sectors of this economy give a lot of input in it. For example, the industrialists, the labour movement and all sectors of this country give a lot of input into the Budget of this nation. Similarly, the budgets of local authorities should be scrutinised by the people. As much as I know that last year a circular was issued to that effect, it seems it has been forgotten and now the people are not involved. They need to come out openly and invite inputs from the people. They should make it open since it is not happening.

Directives and circulars have been issued, but so far nothing has happened. The Ministry needs to move fast. The same scenario applies to procurement procedures in local authorities. It is in a total mess. People with a lot of influence over procurement are the ones who determine the outcome of results in the elections of councillors nowadays simply because they reap a lot of money from the councils, thereafter, influencing the elections. They also influence as to who becomes the council treasurer or the council chairman at the end of the day.

It is important that the Ministry puts in place a transparent mechanism in procurement procedures because it is an issue that has dodged the NARC Government even at the national level. I am sure the Minister has the leeway to enforce and ensure that procurement is properly done.

Mr. Temporary Deputy Speaker, Sir, I would like to sum up by saying that county councils are extremely important and in the future it is important that the qualifications of every councillor are looked into. Presently, every Tom, Dick and Harry can become a councillor yet there are a lot of legal issues that a councillor needs to go through, minutes to be read and interpretations to be made. But what do you find in our local authorities?

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

Mr. ole Ntimama: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I want to support the Vote for the Ministry of Local Government and commend the hon. Minister for the able way he has pushed this Vote through the House.

Local authorities are a very important solid base for democracy in any country. They are definitely a reflection of what is happening in the central Government. Right now, this country is grappling with the problem of trying to re-write a constitution that will benefit our children for many years to come. The process of devolution is very popular. It means that we will have more powers devolved downwards to the local authorities. Unless we all change the local authorities in such a way that they are able to bear the burden of responsibility and governance of democracy, we will probably not do anything at all.

The Minister is doing his best. A few months ago I supported the Minister in this House when there was hue and cry about the removal of certain officers who were embezzling council funds. I still support him in removing the chief officers who mess up with the finances and the general management of councils. Unless the chief officers are really responsible, incorruptible and people who are professionally tuned out, those local authorities will not survive at all.

I think we should encourage the Minister to prune those chief officers; be they treasurers, clerks or their assistants, who are not doing their work well and replace them with good officers. This time round we are not going to be parochial. We want all officers to work well and support the local authorities. Parochialism and tribalism will not work. Maybe the Ministry should consult people on the ground in some of the areas, but definitely the most important thing is to have a good chief officer.

Mr. Temporary Deputy Speaker, Sir, I want to say something about the investigating team

that goes out to our local authorities. We all saw in the gazette that two investigators have been sent to Narok County Council to probe the council and so forth. All that these officers go to do is to look into the books of accounts of the local authorities. They merely talk to the officers present and open and close the books of accounts. That is very ineffective! They come out of there without knowing what is happening in the local authority. Normally, they are influenced by chief officers who collude with the top brass in the council; the likes of the chairmen and the vice-chairmen and nothing comes out of the investigations. I would like to request the Minister to open up investigations so that the officers can go out and solicit views from members of the public and hon. Members of Parliament. By so doing, he will be opening the whole process. Members of Parliament know what is happening and if there is bias it will be known no sooner than the report has been written. If we restrict the whole investigation process to two people only and require them to write a small report, they are highly likely to be influenced and they will not be able to know the problems facing the local authority.

The Local Authorities Transfer Fund (LATF) is one of the most badly used funds in the local authorities. Normally, chief officers and a clique of other officers in the council collude and decide among themselves on what to do with the money. That is very serious. I support the hon. Member who said that hon. Members have to be involved in the overseeing of the LATF money so that if it is given out to their respective constituencies, they will know where to channel the money. I support hon. Bahari, who said something about local authorities which run some game reserves. Isiolo, Samburu, Narok, and Kajiado are a good example. About 90 per cent of our revenue comes from these game reserves. The Minister ought to know that we have problems in these game reserves. First of all, they are our source of revenue and yet they have been poached by people from within and without. Much of the revenue collected goes into the pockets of other people including the employees who work in the same reserves. We need proper investigations so that the Minister and his colleagues in the Ministry of Tourism and information and the Ministry of Environment, Natural Resources and Wildlife can work together to ensure that the revenue collected is maximised and channelled to the right projects. Unless it happens so, we are going to lose. Much of the poaching in the game reserves is done by people within and without them. It is normally an affair between the chief officers and a clique of a few powerful people in the local authorities.

I do not know what is happening now because I have not yet gone through the regulations.

Mr. Temporary Deputy Speaker, Sir, adult education used to be under the local authorities. As far as I am concerned, the Adult Education and the Community Development Department in local authorities is dead. If we are really going to help our people, especially those communities that had not benefitted in terms of education many years ago, this department of adult education should be started in local authorities. The Ministry of Local Government should also pay teachers well so that they may continue to teach adults who can in turn use this education to run small businesses here and there.

As for revenue collection, Mr. Temporary Deputy Speaker, Sir, I support the increase of allowances for councillors. But, if these allowances must be pegged on the revenue that is collected, what allowances would you give people who do not collect revenue? What allowances are you going to give people who embezzle the little revenue that is collected? Mr. Minister, it is those local authorities and those people who are committed and who are steadfast in collecting revenue that should be rewarded by getting extra allowances. I do not know if you are probably going to make a spirited struggle to get money from elsewhere like from the Central Government. But whatever it is, the payment should be based on the amount of money each local authority collects. If the economy of the local authority does not improve, if it does not have pillars economically, then definitely the whole thing will collapse.

Mr. Temporary Deputy Speaker, Sir, I would like to commend the Minister for his good work. The question of scrutinizing minutes of the councils will in one way ensure that money is not misused. I support the hon. Minister.

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

Mr. Obwocha: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to share the feelings

of hon. M. Kariuki that this Parliament must re-examine the purpose of the current local authorities. The purpose for which local authorities were formed and the basis of Cap.265 is currently obsolete. I believe that Kenyans, in discussing devolution in the current constitutional talks, will address themselves to the issue of what the local authorities are supposed to do.

Having said that, I would like to say that the problem we are having at the moment is the question of salaries and allowances for councillors. I do not know in which form, the Minister has addressed this in the Budget. But when I was looking at the figures, I was asking myself a number of questions. The Minister gives approximately Kshs5 billion in terms of the Local Authorities Transfer Fund (LATF) within one year. When this money is despatched to the local authorities, there is basically nothing on the ground to show that money was despatched. If the Minister, through LATF can address the issue of salaries and allowances to a specific figure like Kshs50,000, you would be talking about between Kshs1 billion and Kshs1.8 billion a year. Basically, that is not a lot of money if you compare it with the money you are giving in form of LATF and for which we are not seeing anything on the ground. If this was done, you would have solved the issue of corruption amongst the councillors in the local authorities. In Nyamira District, Nyamira Town Council, there is even a report in the Ministry on corruption and misuse of funds. So I expect the Minister to look into this issue. You are lucky that you have a team now headed by a Permanent Secretary who is not interested in manoeuvres in the councils.

The Nyamira Town Council plots have been grabbed by an individual who is not even a member of Nyamira District, a man who came from Nakuru. I am speaking from the Kenya National Assembly and let that man know that if he wants to develop that plot, Nyamira residents will not allow him to do so. How can he grab a plot where the council offices are located? How can we allow that kind of thing? Even if he has acquired the title deed for that plot, he should know that it is illegal. There is no approval from the council as there are no council minutes indicating the approval for the sale of that plot. Let him return that plot! Having made such strong comments about that particular plot, I also want to say that Nyamira Town Council, and I hope that the Minister is listening to me--

The Minister for Local Government (Mr. K. Maitha): Yes, I am listening.

Mr. Obwocha: He should ask Nyamira Town Council to come up with a physical plan for the town. How can I buy a plot in Nyamira when there is no physical plan? At the moment it is difficult to buy plots and build because there is no physical plan. So, I want to request the Minister to ask the Town Council to come up with an approved physical plan so that the people of Nyamira can start buying plots and building.

Mr. Temporary Deputy Speaker, Sir, water services is another controversial subject among our councils. Even when some of us were in Cancun, Mexico for the talks about trading services, water and sanitation was one of the issues. The problem we are having is of management. As we talk, there is no town in this country that is offering efficient and manageable water services. Talk of Nakuru where I was for many years, there was a big scheme by Konoike Water Construction Company but to date there is no water. Talk of small towns, like Nyamira which I was talking about, there is no water. So, what we are saying, and this is what we said in Cancun, we cannot give foreigners the task of giving us water. We can only do so if we fail in the management aspect of water services. Therefore, the Ministry should sort out this issue. If they are leaving it to the Ministry of Water Resources Management and Development, they should tell us so that we can tell hon. Ms. Karua why we want efficient management of water resources.

Mr. Temporary Deputy Speaker, Sir, I want to say something about licences.

Local authorities have no business giving licences to professionals. Basically, they do not know which professional should practice and which one should not. The issue of practising should be left to professional bodies because they know whether Mr. Obwocha is qualified to practice or not. When we leave councils to collect licence fees from professionals, they license quacks and unqualified people. If councils need money from professionals, then they should ask professional bodies to collect licence fees from their members and forward the money to them. That should be the right procedure because

professionals' bodies are the ones which know which professional should practice and which one should not.

Finally, I want to share the feeling of hon. Members about the development of small-scale businesses and kiosks. We are destroying the lives of our people. We are not creating jobs for them. We are the managers. We should know where people should construct kiosks and where they should not. Our work should not be to destroy their lives. So, let us plan for them. They should run the kiosks in specified places, so that we can encourage them to engage in small-scale income generating activities.

Having said all that, I believe the Minister has been doing a good job. We would like him to make a follow up of the funds he is distributing to councils through the Local Authorities Transfer Fund (LATF). When councils come up with their budgets, I believe there is no proper follow up from the Ministry to the councils as to how the funds have been used. These funds have been misused before and the Ministry should find out how the funds have been used and whether they have been used for the benefit of the residents of the areas concerned. We want to have efficient devolved local authorities. We want services from the councils.

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

Mr. Billow: Mr. Temporary Deputy Speaker, Sir, I have also been given an extra three minutes by the Minister. The Ministry of Local Government, indeed, is a very interesting Ministry. It is the only Ministry that has a government of its own, which, however, does not use any of the known principles of governance.

If you take the local authorities, headed by a mayor or a chairman, you will find that the mayor is sub-ordinate to the Minister. We have the chief executive officer, who is supposed to be the clerk, who serves two masters. He serves the Minister through the Ministry and he also serves the council through the mayor or the chairman. At the same time, we have the members of that local authority, who are the councillors, who have to compete with the Provincial Administration (PA) for the residual power. In other words, councillors who are supposed to be in charge of a particular local authority do not have as much power as the local administrators, for example, the District Officers and the District Commissioners. The ineffective use of resources that we have seen in the delivery of services by local authorities and their failure in serving the society is largely because of the manner in which they are structured. It is my request that the Ministry should make efforts to bring in Parliament, the necessary amendments to the Local Government Act, through a Bill, that will empower councillors. I say this because there is no way we can ever achieve success in the delivery of services, unless there is participation by the people. Participation by people must be through their elected representatives. In this case, they are the councillors. I think---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Billow! Your formal time is up, but if the Minister wishes to donate some of his time to you, he has to take his time first and then donate to you.

The Minister for Local Government (Mr. K. Maitha): Mr. Temporary Deputy Speaker, Sir, I want to donate to him extra two minutes. I also want to donate two minutes to Prof. Oniang'o and two minutes to Mr. Karume.

The Temporary Deputy Speaker (Mr. Ethuro): Allowed. Mr. Billow, continue.

Mr. Billow: Mr. Temporary Deputy Speaker, Sir, I was saying that it is the people's participation that is lacking. That is why we are unable to have effectiveness in local authorities. We have chief officers but unfortunately, the councillors who are supposed to be a small cabinet of a government by itself, who must decide what services their people need and how resources must be spent, do not have that power. Therefore, it is my request that the Local Government Act must be amended in line with the recommendations of the Omamo Commission, so that councillors, the mayor or the chairman can be empowered, so that the executive powers of the Minister can be reduced.

The Minister is on record for having said that he has executive powers in running the Ministry. Until some of those powers of the Minister are reduced and people are empowered, we will never

achieve the effective use of resources that we want to see. Another thing that I need to mention is that services rendered by local authorities have failed poor people.

Mr. Temporary Deputy Speaker, Sir, if you look at Nairobi City Council, you will find that places where the poor live, for example, Eastlands, Kibera and Eastleigh, do not get services from the council. The only areas which local authorities serve are the areas of the rich because poor people do not have a mechanism of influencing policy makers in determining the use of resources.

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

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

Mr. Temporary Deputy Speaker, Sir, the Minister is on record having said that local authorities are dens of corruption. In my opinion, they have gone beyond being dens and are now penthouses. If you want to go to a place where you can find comfort in terms of corruption, then go to the local authorities. The plunder that we have seen is because councillors, the people who should actually be grilling the chief officers and determining what should be done, are not in charge of the councils. Therefore, I insist that something must be done through the adoption of the Omamo Report to ensure that councillors are in charge. That is the only way people can determine the use of resources. One of the main resources that have been misused is the LATF funds. When councillors prepare their budgets, those budgets are not being scrutinised. You can imagine 170 plus local authorities sending their budgets to the Ministry. I do not believe, for once, that the Ministry of Local Government has the capacity to go through all those budgets and scrutinise them thorough and determine the appropriateness of the proposed expenditures. Therefore, there has to be a mechanism to check this. I want to propose that in the same way, the Ministry of Roads, Public Works and Housing and the Ministry of Education, Science and Technology involve hon. Members of Parliament on the ground, the Ministry of Local Government should also involve them in council meetings. Even if they are invited as ex-official members, at least, they can influence or find out the appropriateness of the expenditures.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Billow!

Prof. Oniang'o: Mr. Temporary Deputy Speaker, Sir, I have two minutes from the Minister. I want to thank him for giving me the two minutes. I have been trying to catch the Chair's eye without much success.

Let me start by saying that this is one of my favourite Ministers, especially so, in the beginning. He delivered. He went to places and I think many Kenyans gave him a very high score. But I am afraid, for a while power was probably getting into his head, being a human being like we all are. I want to commend him for surviving the onslaught by the Opposition. We want him to stay in this Ministry, get back to the good work he was doing and we shall support him. If he will fight corruption, he has to be above board. He has to be corruption-free because Kenyans want corruption fought against. He has to ensure that he avoids the loopholes and the temptations which render him prone to corruption.

There are two points I want to make here. First, I want to urge the Minister to target the poor.

Please, Mr. Minister target the poor. The poor in the City have no access to health and maternity facilities, good roads and clean drinking water. They are always suffering from typhoid because of drinking unclean water. They have no access to good and quality schools. You need to work with the other Ministries just to ensure that---

The Temporary Deputy Speaker (Mr. Khamasi): Order! Prof. Oniang'o, please, address the

Chair!

Prof. Oniang'o: Mr. Temporary Deputy Speaker, Sir, I will do so. It just happens that the hon. Minister is directly facing me.

I would like to mention one particular place which I usually frequent. I have mentioned Kenyatta Market to the hon. Minister before. Please, allow me to formally address him directly so that he can go to Kenyatta Market where there are about a thousand Kenyans trying to make an honest living. Their electricity has always been disconnected, garbage collection is poorly done and toilet facilities are in a poor state. The Minister, who is very good at making news and scoring, would score highly if he went to Kenyatta Market and offered free electricity for six months. If he does so, businesses will take off and those people will not have to go on begging.

Mr. Temporary Deputy Speaker, Sir, I would also challenge the hon. Minister to develop a city in every province, during the remaining four years of the NARC Government. Some of the resources from the Local Authorities Transfer Fund (LATF) that are being wasted and misappropriated by councillors could go into developing cities or big towns in every province.

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

Mr. Karume: Asante sana Bw. Naibu Spika wa Muda---

The Temporary Deputy Speaker (Mr. Khamasi): Order! Mr. Karume, you cannot speak without permission from the Chair!

The Minister for Local Government (Mr. K. Maitha): Mr. Temporary Deputy Speaker, Sir, I am very sorry for that. I did indicate to the Chair that some hon. Members had shown interest to speak. Mr. Karume is one of them.

The Temporary Deputy Speaker (Mr. Khamasi): Very well!

Proceed, Mr. Karume!

Mr. Karume: Asante sana, Bw. Naibu Spika wa Muda kwa kunipa fursa hii. Kwanza ningependa kumshukuru Waziri wa Serikali za Wilaya kwa kazi nzuri ambayo amefanya kwa muda mfupi ambapo amekuwa Waziri. Wizara hii ina kazi ngumu kwa sababau ya siasa za madiwani. Hata hivyo, kwa kipindi kifupi ambacho amekuwa Waziri, amefanya kazi yakupendeza.

Bw. Naibu Spika wa Muda, ningependa Waziri aangalie sana swala la marupurupu yanayolipwa madiwani hapa nchini. Ninazungumza juu ya shida za madiwani kwa sababu niliwahi kuwa diwani miaka mingi iliyopita. Wakati huo, madiwani walikuwa wakilipwa shilingi mbili wakihudhuria mikutano ya mabaraza yao. Sasa hali ya maisha imepanda sana na bei ya bidhaa ni ya juu sana. Ninajua Waziri atayaangalia marupurupu haya kwa sababa wakati mmoja alikuwa diwani na anajua shida za madiwani. Pia ningependa kumuuliza Waziri alete Mswada juu ya mishahara na marupurupu katika Bunge hii.

Ikiwa madiwani watalipwa vizuri, basi pesa hizo zitawasaidia kwa sababu kila mara wao huandamana na maofisa wa Serikali katika kukagua miradi mbalimbali ya maendeleo.

Bw. Naibu Spika wa Muda, ningependa kumuuliza mhe. Waziri achunguze njia mwafaka za kutatua vita kati ya meya na wenyeviti wa mabaraza. Kwa mfano, ninamuuliza Waziri atatu shida zinazokumba Kiambu Town Council. Kuna vita vikali juu ya pesa za Local Authorities Transfer Fund (LATF). Hatujui vile pesa hizi zinatumiwa. Waheshimiwa Wabunge hawawezi kuwachukulia hatua madiwani hao kwa sababu wanasimamiwa na Wizara ya Serikali za Wilaya.

Bw. Naibu Spika wa Muda, ikiwa mhe. Waziri atasoma nakala za HANSARD za miaka iliyopita ataona mambo ambayo aliyotaka Waziri wa Serikali za Wilaya wakati huo ayafanye. Yeye kama Waziri wa chama cha Upinzani mwaka jana alipendekeza mambo mazuri. Huu ni wakati wake wa kuyatekeleza mambo haya yote. Leo tutaipa Wizara hii pesa na ni maombi yetu kuwa mambo haya yote yatatekelezwa. Ningependa Waziri aendelea na kazi nzuri anayoifanya.

Bw. Naibu Spika wa Muda, zamani tulikuwa na nursery schools nyingi na zote zilikuwa zikisaidiwa na county council ya Kiambu. Sasa zimefifia, kwa sababu hakuna pesa. Wale watoto

waliokuwa wakisoma katika nursery schools hizo hawapo tena. Kwa hivyo, ningependa kumuomba Waziri achunguze vile hali inavyoweza kurudi vile ilivyokuwa.

Kwa hayo machache, ninasema asante sana.

The Minister for Local Government (Mr.E.K. Maitha): Mr. Temporary Deputy Speaker, Sir, let me first of all thank my fellow hon. Members of Parliament who contributed to this Vote.

QUORUM

Mr. Muturi: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Vote of the Ministry of Local Government is quite a critical one, and it does appear to me that there is no quorum in the House.

The Temporary Deputy Speaker (Mr. Khamasi): You are right, Mr. Muturi; of course there is no quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order, hon. Members! There is a quorum now. Proceed, Mr. Maitha. You have got 11 minutes to go.

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Speaker, Sir, let me thank fellow hon. Members of Parliament who contributed, for that good spirit they gave me during their contribution.

I would like to tell hon. Members that there is a big difference between the local authorities now, and those local authorities which were manned during colonial times. You remember that most of us were educated by bursaries which were given by local authorities. The question is: Why are the present local authorities now not doing the same thing those local authorities during the colonial time were doing? There is something amiss, and that is why, for the last eight months, I have worked with hon. Members. In fact, it is my honour to announce today that my Ministry has even issued a circular to District Commissioners and Town clerks to allow hon. Members access to council funds and see how they are used. That has already been done.

Mr. Temporary Deputy Speaker, Sir, I have gone round the country in the 82 local authorities, and I have found out that councillors and chief officers were working alone. They used to take money and do whatever they wanted without involving hon. Members of Parliament. That meant that most hon. Members lost their parliamentary seats, since they were being accused by the public that they were not undertaking development, whereas your work is to come and legislate in this House, and not to do development. The Government must do the development which you are talking about in this House. How does that money reach the public? It is through the local authorities and other Ministries.

Mr. Temporary Deputy Speaker, Sir, there is the Local Authorities Service Delivery Action Plan (LASDAP) money, which is all in your local authorities. You have been seeing councillors with cheques in markets, taken from their local authorities claiming that they are, for example, going to dig dams. I am giving an example of Iten County Council where seven councillors were each given Kshs1 million of LASDAP money to go and dig dams in their respective wards. That was during the general elections. Those dams were not dug and the councillors took the money. We now have a lot of problems in getting back that money. This also happened in Tana River and other areas where councillors took the same money. I have now changed the system so that hon. Members are supposed to know about this money. It is supposed to be given out by hon. Members of Parliament or District Commissioners in those areas.

Mr. Temporary Deputy Speaker, Sir, one day I went to Mandera in the constituency of Mr. Billow, who is a very good friend of mine. It is only people who think that we are fighting. When I

went there, he did not have a girls secondary school.

In Mandera, there is only one girls secondary school, and the second one has stalled for the last five years. Being an hon. Member of Parliament, I knew councillors were going to misuse the LASDAP money. I took the money to his constituency with a letter to the District Commissioner to distribute to that, school Kshs1 million. He has confirmed to me that, that money went there three months ago.

An hon. Member: A bribe!

The Minister for Local Government (Mr. E.K. Maitha): I did not bribe him. This happened three months ago and he has his own right to put me straight, as Prof. Oniang'o says.

Mr. Temporary Deputy Speaker, Sir, I would like to thank hon. Members of Parliament who talk about corruption when they notice it happening. That is the right way of doing it, because hon. Members of the Cabinet will always know that there is somebody looking at them. So, this LASDAP money must be known by hon. Members, because it is their money, although it is not shown to you. If given a chance to stay in this Ministry for at least one year, there will be tremendous development in your areas. I promise that you will not even campaign again.

(Laughter)

I am saying that because I have seen that money in that Ministry and I know how it flows in your constituencies. In the past, you were not made to understand what happens. I have given that money to Mr. Billow and other hon. Members who are seated here, and I have been informing them when the money has already gone. This is not a joke. Hon. Members did not know about it. There was a lot of money, and if I wanted to be very corrupt the way people think, this is the money I could even "eat" quietly. You have seen councillors giving out bursaries. They give bursaries to their own children and other people, while Members of Parliament are not even aware. We have now started distributing the roads levy money in our local authorities. Very soon, we are going to make most of our local authorities, whereby you will be getting the money. We have about Kshs800 million which will be coming to our Ministry. We need that money to go to roads. Members of Parliament will also get Kshs5 million which is being given by the Roads Board. It is time that Members of Parliament knew that the councillors receive this money. That should be added up to the money that you will receive from this Parliament so that you can make good roads in your areas because this money is meant for roads. Councillors are being careless with this money.

I have been going to local authorities offices, as well as talked to Members of Parliament. When we discuss about a road which is supposed to have been gravelled, the Member of Parliament of that local area is never aware, since he has never seen it, yet, the money that was intended for that road has already been spent. I want to assure you that there is money for the development of your constituencies through the local authorities.

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to state here that councillors are misusing money from LASDAP, and LATF and on the other hand he says that there is nothing that he can do about it while we know that there is state machinery to take care of this kind of problem? Could he tell us why he has not taken those involved to court?

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Speaker, Sir, I want to appreciate the concern of Dr. Khalwale, but let me remind him that I am very new in the Ministry. For the last three years that LATF has been there, Ksh9 billion has already been pumped into the local authorities. Threequarters of that money is nowhere to be found, but, I was not there. This is a new Government. I want you to encourage me. That is why my Ministry will call you for a seminar.

My Ministry has a strategy whereby we want Members of Parliament to correct us on where we are not doing our best. We are going to call you very soon. I have been reading audit reports and you have been seeing how money is being misused. I have appreciated all that has been said on the issue of kiosks, garbage collection, fire fighting, roads and, in fact, the KUTIP which is a big issue.

We have been asked to do forensic audit. The officer who was involved in that will be taken back to court. I can assure you that we have done a lot.

I am concerned about the audit reports and I have agreed with my Ministry to do our best. We are going to include auditors throughout the country to help us use their services because we want transparency. I understand you are talking of a person who took Kshs100 million. It is true that it happened and that is why we are going to call you, Members of Parliament, to sit down together and rectify what this Ministry needs because it belongs to you. I am calling upon Members of Parliament to help me pass this Budget.

It is true that I sent a proposal to the Cabinet which is still confidential. It is being studied and a sub-committee was set up last week. We shall be checking on it tomorrow. If it has been approved, I will announce the proposals of salaries tomorrow. Because I am a Minister, I cannot go against the Cabinet and so I have to wait. However, I want to rectify what has been reported in the Press that the Consolidated Fund is going to pay them. That money is ours. In this Budget, contribution from local authorities, the Government budgeted Ksh450 million. We are not looking for Kshs450 million; the local authorities need Kshs4.5 billion. Mr. Sirma is here and he can confirm that.

Nairobi alone is looking for Kshs10 billion from creditors. That is why we are saying that we shall enhance revenue collection. Local authorities have a lot of money to pay themselves. A councillor could even earn Kshs500,000, but, the local authorities have not been collecting that money, especially those placed in areas with game reserves. We need to have unity in our work or partnership with the local Member of Parliament in every area so that they know what is happening with local authorities. That was the only weakness. Otherwise, local authorities are based on service delivery. They can give you services and repair your roads. Therefore, taking care of nursery schools is nothing. We have already ordered that nursery schools should be taken over by local authorities. We should build them and pay nursery school teachers. That is something very little. We can even do more than that. Why should the colonials use local authorities.

Look at the buildings of local authorities which were built during the colonial times. If you go to Kiambu or Murang'a county councils, you will see beautiful buildings built during the colonial era.

We have not managed to do even half of what they were doing because we do not have better management of local authorities. I promise that I will work with you. If I have wronged anybody, I want to work with you. I want you to be my friends. I apologise if you think that I have messed you up. I have been sitting in my office listening to all the problems, and I am not an angel. If you think that there is anything I have messed up, you can come and we can always discuss. This budget is yours. It can always be harmful to you if you do not support it because it will affect you in the village. For example, people cannot see the councillors' allowances here. You have not even seen how we got the Kshs3.75 billion.

We have not elaborated because we used to get Kshs3 billion for service delivery. We have had a little increment. We are getting Kshs700 million from the Ministry of Co-operative Development which is pending in the co-operative society. We are getting another Kshs4.6 billion from the Government as contribution in lieu of rates. So, we will have enough money.

What we have proposed to the councillors as pay is a reality and we want to pay them this money. We will force the Government to give us this money because it is within the law that we should have that money. We have been given a budget of Kshs450 million and the Local Government Act says: "If the Government is--"

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Minister, you should be winding up

now.

The Minister for Local Government (Mr. E.K. Maitha): If the Government is supposed to have local authorities, then they should give us the contribution--- Thank you again for encouraging me to shine as usual. I kept quiet because I had duties in the office. I had not studied all these issues. I promise you that as of tomorrow, you will see wonders.

I beg to move.

(Question put and agreed to)

*(The Temporary Deputy Speaker
(Mr. Khamasi) left the Chair)*

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Mr. Khamasi) took the Chair]*

Vote 12 - Ministry of Local Government

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman Sir, I beg to move:-

THAT, a sum not exceeding Kshs533,632,100 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 12 - Ministry of Local Government

(Question proposed)

Vote R12 - RECURRENT EXPENDITURE

SUB-VOTE 120 - GENERAL ADMINISTRATION AND PLANNING

Head 372 - Local Authorities Reforms

Mr. Obwocha: Mr. Temporary Deputy Chairman, Sir, on page 542, Head 372, Item 500, Grants to Local Authorities Transfer Fund (LATF), where the Minister is asking for Kshs3.75 billion could I know whether this is where the proposed salaries and allowances of councillors are? On which page are they?

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman, Sir, you will recall that during last year's Budget, the Ministry of Local Government got Kshs3 billion. This year, it was increased and the councillors' allowances are not known as salaries. They are known as part of the reforms. So, part of that amount and another amount based on the collection of silo will be part of the increase of the allowances of councillors. It is not shown here, but it is known as the reforms which will be part of the increment of salaries and all these things. According to the law, we are not allowed to pay salaries under the LATF. We are allowed to make reforms as part of that money. So, we have decided that part of those reforms should be included in improving the councillors' reforms within the local authorities.

Mr. Billow: On a point of order, Mr. Temporary Deputy Chairman, Sir. The LATF was set

up through an Act of Parliament. The use of those funds is very clearly specified in the Act. I do not think that the use of the funds through a process of reform to pay allowances would be within the law. Could the Minister explain how he intends to use LATF indirectly to pay allowances?

The Temporary Deputy Chairman (Mr. Khamasi): Mr. Billow, you are asking a question. You do not have any other point of order. I will ask the Minister to respond to that. That was not a point of order.

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman, Sir, Mr. Billow is not right. During last year's Budget, the Government gave only Kshs3 billion and it left out reforms. Those reforms do not include councillors' allowances only, but also capacity building and others. It is stipulated in the usage of that money. However, it is true that we are not allowed to use LATF money to pay salaries. In fact, those who have been using LATF money have been asked to refund that money back. In the reform programmes, we are allowed to use part of the reform programme money to reform areas where local authorities are weak. The weakness of local authorities is to have councillors who do not get enough allowances to man Kshs3 billion. We are not calling them allowances, but reforms in local authority.

Mr. Sirma: Mr. Temporary Deputy Chairman, Sir, on the same Item 500, His Excellency the President said that those institutions which do not remit co-operative deductions of their workers will be dealt with. Could the Minister confirm that part of the Kshs3.75 billion will pay the Kshs200 million due to NACICO?

The Minister for Local Government (Mr. E. K. Maitha): In fact, that is very correct. That is the arrangement. County councils have signed agreement with the Ministry of Co-operatives that this money will be paid directly to the co-operative societies and the balance will be given to the local authorities.

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, I hope my friend, Mr. Obwocha is satisfied. I want to point out that Head 372, on page 542, Item 327, Kenya Local Government Reform Programme, is allocated Kshs6 million. I wonder, when the Minister talks of reform within local authorities and when he answered the question posed by Mr. Obwocha under Item 500; is he not confusing the two issues? As a result we may end up spending LATF money to pay councillors' allowances when we should have specifically made provision for their allowances.

The Minister for Local Government (Mr. E. K. Maitha): Mr. Temporary Deputy Chairman, as I said, it is against the Local Authorities Act to use LATF money to pay salaries and allowances. However, there are two items here. The Minister for Finance, before he presents the Budget to this House, always holds consultations with Ministers. The issue of raising councillors' salaries came up at that stage. That is how we ended up with this amount of money. However, the budget of reforms amounting to Kshs10 million has always been reflected here. During consultations it was found that the Kshs3 billion allocated to local authorities was not enough to carry out many reforms within the local authorities. So, the increment you have noted here includes part of the reforms within the local authorities. I do not want to tell you that we are using part of this money to pay councillors as shown because it is not allowed in the law.

Head 360 - Planning and Development

Mr. Bahari: Mr. Temporary Deputy Chairman, Sir, on page 541, Head 360, Item 093, Refund of Medical Expenses - *Ex-Gratia*, I have in the past managed medical *ex-gratia* expenses in another capacity, and I know it is bound to be misused a lot if not properly controlled. Since this figure is now more than double, could the Minister explain what measures he will put in place to make sure that this *ex-gratia* account is properly managed?

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy

Chairman, Sir, I appreciate the concerns raised by Mr. Bahari. But I have stated clearly that we have problems in auditing of local authorities.

I have also told the House how one person took Kshs100 million from LATF funds. These are the areas of reforms we are trying to rectify at the moment. I want to assure him that we are going to put stringent measures in place to ensure that all the money is properly utilised and then we will report back to the House.

Mr. Kipchumba: Mr. Temporary Deputy Chairman, Sir, on page 541, Head 360, Item 200 - Replacement of Motor Vehicles, I would like the Minister to explain to us whether he is going to buy luxurious vehicles for the local authorities. What will happen to the old ones? On sale of equipment, I do not see any income that will accrue from the sale of the old ones.

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman, Sir, you will appreciate that in our reforms, we will try to empower the provincial local government officers who at the moment do not have vehicles. Those vehicles which are there have worn out. That is why councillors from all parts of the country are coming to the Ministry headquarters. The provincial local government officers have no capacity to go to their local authorities. We intend to buy, at least, three or two vehicles for the provincial local Government officers; one in Rift Valley and the other in North Eastern.

Mr. Billow: Mr. Temporary Deputy Chairman, Sir, the Minister seems to be getting away with that one but not yet. I have a couple of questions. On page 541, Head 360, Items 300 and 320-- Under Item 300, Rehabilitation of Street Families, I thought the responsibility for rehabilitation of the street families was by the Nairobi City Council but not the Ministry of Local Government. Could the Minister clarify that? On Item 320, Grants to Local Authority Interim Oversight Team, which was disbanded by the Minister. My understanding is that the World Bank had offered Nairobi City Council a complete management team including a city manager and resources that will be required to finance them so that the efficiency and operations of the City Council could be enhanced. Could the Minister explain why the Interim Oversight Board was disbanded when the funding is there?

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman, Sir, I appreciate the concerns raised by Mr. Billow. The Street Children Rehabilitation Fund was created by the Ministry of Local Government to take care of all street children all over the country, including Mandera. If today the local authority in Mandera will set up a committee, it will definitely get part of this Kshs40 million. It was an initiative of the Ministry and the Government allocated this Kshs40 million. It is not only for Nairobi but for the whole country.

On the Interim Oversight Board, it is so painful to see that the Interim Oversight Board was disbanded. The World Bank, which was funding the Interim Oversight Board through the Nairobi City Council, discontinued this facility. Mr. Sirma, who was then the Assistant Minister, is aware of this. The Government paid this money for two years. But this year, when we took over, the Ministry of Finance refused to give us money for the Interim Oversight Board and the Ministry had to disband it because we cannot sustain it.

Head 372- Local Authorities Reforms

Mr. Salat: Mr. Temporary Deputy Chairman, Sir, I am still not satisfied with the Minister's explanation. On Head 372, Items 327 and 500, I think Mr. Obwocha had asked clearly where the money to pay the councillors will come from. Is the Kshs3.75 billion part of the salary increment to the councillors? Let him just say yes or no.

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman, Sir, with due respect, we are not allowed, and it is not within the law, to say that councillors are paid through LATF money. We cannot use LATF money to pay councillors' salaries. However, I have told

him that during the negotiations of LATF, my Ministry managed to negotiate an increment of Kshs750 million for reforms in the local authorities. That is why we have taken this issue on the plight of councillors' allowances to the Cabinet and it might even come here for approval. I want to inform the House that we have enough money for the reforms. I do not want to say that the Kshs750 million which was given is part of councillors' salaries.

The Temporary Deputy Chairman (Mr. Khamasi): Hon. Members, I think you would appreciate that I have allowed quite a lot of time on this Vote. I wanted the Minister to be very clear in his explanation. Ordinarily, in the Committee, we do not allow this sort of time because the time for debate is over. I would only request one clarification and then I will put it to vote.

Mr. Billow: Mr. Temporary Deputy Chairman, Sir, I think that item is very important. It is coming out very clearly that the Minister wants to use the Kshs750 million to pay councillors' salaries. Could we ask the Minister to adjust his figures and bring in a supplementary? It is clear that he wants to use LATF money to pay councillors' salaries. Otherwise, it is not clear to us then.

Mr Mwenje: Mr. Temporary Deputy Chairman, Sir, there are two issues that I want the Minister to clarify. First, it is on the Kshs40 million for rehabilitation. I want to find out from the Minister because I know where those children are kept. Is it enough? Some people have been donating money towards that programme. Is it included or is it in addition to the figure we have? Secondly, before the Minister answers, the question of salaries to councillors still remains unclear. Are the salaries coming from Local Authorities Transfer Fund (LATF)? The Minister needs to clarify that fully! Is it coming from another Vote?

The Temporary Deputy Chairman (Mr. Khamasi): Mr. Minister, could you clarify that so that I could put it to vote?

The Minister for Local Government (Mr. E. K. Maitha): Mr. Temporary Deputy Chairman, Sir, in the reforms that we are undertaking - if Mr. Billow could pay attention - we have the financial management--- But before that, if you heard my speech yesterday, where the Government allocated us Kshs450 million in the seal-off - When you look into the same thing - We explained the whole thing. I have said that part of that money is what we shall use to pay allowances to councillors.

(Heads 360, 362, 372, and 375 agreed to)

(Sub-Vote 120 agreed to)

SUB-VOTE 122 - CONTRIBUTION IN LIEU OF RATES

Head 367 - Contribution in lieu of Rates

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, I would like to request the Minister to explain briefly to us what are the contributions in lieu of rates. That is Sub-Vote 122, Items 393 and 394.

Could the Minister tell us how the contributions in lieu of rates from this contribution and the Escrow Accounts relate to Item 394?

The Minister for Local Government (Mr. E. K. Maitha): That is where you beat it!

(Laughter)

Head 415 - Local Government Finance and Administration Department

Mr. Kipchumba: Mr. Temporary Deputy Chairman, Sir, on page 544, Head 415, Item 050 - House Allowance, the local authorities have many houses. I would like to understand why he has allocated a very big provision for house allowances from Kshs4 million to Kshs9 million.

The Minister for Local Government (Mr. E. K. Maitha): That is contained in the Public Service Commission (PSC). Most of our administrators are employed by the PSC. The PSC gives house allowances to those who are working.

I think that one is in order.

Mr. Sambu: I am glad the Minister has realised that senior officials of the local authorities are employees of the PSC---

The Temporary Deputy Chairman (Mr. Khamasi): Which page and which Head?

Mr. Sambu: The page he has been reading. Why has he been sacking them along the streets and yet they are employees of the PSC? They are subject to the laws of the Constitution of Kenya?

The Minister for Local Government (Mr. Maitha): Mr. Temporary Deputy Chairman, Sir, the hon. Member should know that I have not been sacking officers. The Local Government Act is very clear.

Once someone is found guilty of an offence, the Permanent Secretary (PS) recommends to the Minister that the person be sacked. We then send the recommendation to the PSC once we have evidence that the officer messed.

The Temporary Deputy Chairman (Mr. Khamasi): Very well. I will allow one more question. Please, say the page, Head number and Item!

Mr. Salat: Mr. Temporary Deputy Chairman, Sir, on page 504, Head 415, Item 050.

The Minister will recall that there was a time when Nairobi City Council (NCC) had many ghost workers. Does it mean that the number of ghost workers at the NCC has increased?

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Chairman, Sir. The hon. Member is out of order because we are discussing the Vote of the Ministry of Local Government and not the NCC. Therefore, the hon. Member is totally out of order.

The Temporary Deputy Chairman (Mr. Khamasi): Mr. Mwenje, the hon. Member is not out of order! I believe that he is on the right track and he can proceed and ask his question. The hon. Member is not out of order!

Mr. Mwenje: Mr. Temporary Deputy Chairman, Sir---

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Mwenje! You are out of order!

Mr. Salat: Mr. Temporary Deputy Chairman, Sir, I would like the Minister to explain the drastic increase from Kshs4 million to Kshs9 million in house allowances. Will the Minister employ more workers as part of creation of the 500,000 jobs per year the NARC Government promised Kenyans?

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman, Sir, we will employ more workers. The hon. Member knows that the Government has increased salaries for civil servants.

The previous Government sold its houses because it had increased house allowances for its civil servants. That is why we have this anomaly.

(Heads 367 and 415 agreed to)

(Sub-Vote 122 agreed to)

(Vote R12 agreed to)

VOTE D12 - DEVELOPMENT

EXPENDITURE

SUB-VOTE 120 - GENERAL ADMINISTRATION AND PLANNING

Head 360 - Planning and Development

Mr. Kipchumba: Mr. Temporary Deputy Chairman, Sir, on page 411, Head 360, Item 326 - Kenya Urban Transport Infrastructure Project (KUTIP), we appreciate the fact that the Minister will distribute this money to local authorities. Could he briefly explain how the Kshs820 million will be distributed---

(Loud consultations)

The Temporary Deputy Chairman (Mr. Khamasi): Order, hon. Members!

Mr. Kipchumba: Mr. Temporary Deputy Chairman, Sir, could the Minister briefly explain how the money will be shared by local authorities in this country?

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman, Sir, I have not got his question.

The Temporary Deputy Chairman (Mr. Khamasi): Mr. Kipchumba, could you repeat your question?

Mr. Kipchumba: Mr. Temporary Deputy Chairman, Sir, we have Item 326 - KUTIP, under Head 360.

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman, Sir, is that on page 411? Which Item is the hon. Member talking about?

Mr. Kipchumba: Mr. Temporary Deputy Chairman, Sir, I am talking about Item 326 - KUTIP.

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman, Sir, does the hon. Member want an explanation on the KUTIP money?

The Temporary Deputy Chairman (Mr. Khamasi): Yes! The hon. member would like you to explain why there is that big variance.

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman, Sir, that is a very good question. This money does not belong to us but to the World Bank. The World Bank gave us this money but suspended its disbursement later on after one of our officers stole part of it. This is according to the explanation given by Mr. Muturi. This money is currently held in a bank and it is not in use. However, the World Bank has given us some conditions that we have to meet before it releases the money. Some of the conditions are to charge that officer in a court of law, wait for judgement and then carry out an audit. Immediately we meet those conditions, the World Bank will release the money and we will distribute it to the local authorities covered by the KUTIP. Eldoret Municipality was one of the local authorities to benefit from this project. We will inform hon. Members how we will distribute that money once the World Bank releases it.

Mr. Rotino: Mr. Temporary Deputy Chairman, Sir, on page 411, Head 360, Item 536, Small Towns Development Project, you have Kshs120 million. Could the Minister explain that. What are these small towns? Is Kapenguria Town among them?

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman, Sir, I think this year's Budget Speech mentioned clearly remote areas. In fact, one of the speakers here has spoken about councils which are in remote areas, and this is the money we are spending on those

areas. However, we are going to send out a circular showing how many of these small towns are going to be given this money. We have been talking about small towns in the rural areas of Tana River District and elsewhere.

Mr. Sirma: Mr. Temporary Deputy Chairman, Sir, could the Minister clarify Head 360, Item 326, the Kenya Urban Transport Infrastructure Project (KUTIP). I am sure that the Minister is aware that KUTIP funds were distributed to many towns, and we want him to confirm to us that these funds are not going to be paid to Kirinyaga Construction Company alone.

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman, Sir, the answer is precisely "yes". We have even stopped paying. The other day we read in newspapers that money had been paid. The problem is that there was a circular which stated that Ministries were not supposed to pay pending bills, save for the Ministry of Finance. That is how it happened, but the Government has now sorted that matter out. His Excellency the President of this country has ordered that, only contractors listed in the report prepared by M/s Price Waterhouse Coopers, and the hon. Member is aware of this.

Mr. Mwenje: Mr. Temporary Deputy Chairman, Sir, I am on Item 326, KUTIP. Before the Ministry of Finance appointed the Ministry of Local Government to become an agent, work on many roads had been abandoned before completion.

Mr. Temporary Deputy Chairman, Sir, now that the money is available and the Ministry has been appointed as an agent, could the Minister now assure us that immediately we give him this money, contractors for the roads concerned will be back on site, and will complete all those roads as they were left in a bad state? Some of them were dug up and have remained a risk to children.

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman, Sir, the answer is "yes". In fact, roads in Mr. Mwenje's area are a first priority and will be done straightaway.

Mr. Billow: Mr. Temporary Deputy Chairman, Sir, while opening this Parliament, the President made it quite clear that there would be an affirmative action with regard to the North Eastern Province. I have not seen anywhere in the Development Vote of the Ministry of Local Government any indication of affirmative action for that province. Could the Minister, for the purpose of the record of the HANSARD, give an assurance that the Small Towns Development Project, which is allocated Kshs120 million under Head 360, Item 536, will cover, at least, one of the small towns in each of the constituencies in the North Eastern Province?

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman, you know that Mr. Billow is very much aware of the amount of money that the North Eastern Province is going to receive from the Government. The budgetary allocations made to projects located in that area through the various Ministries is not secret. I am surprised that the hon. Member has to come begging on the Floor of the House.

The money is there for the North Eastern Province. I would like to assure him that the North Eastern Province is one of the areas for which the Government has earmarked so much money. So, I do not have to promise him anything. So, let us finish up with this business.

Mr. Billow: Respond on the issue of affirmative action!

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman, Sir, probably, the hon. Member has a specific town in mind, but I would like to assure him that the towns he is thinking of in the North Eastern Province will be covered by the Small Towns Development Project.

The Temporary Deputy Chairman (Mr. Khamasi): Hon. Members, I will take one query from Mr. Salat then I will dispose of the matter.

The Minister for Local Government (Mr. E.K. Maitha): On a point of order, Mr. Temporary Deputy Chairman, Sir. For the benefit of Mr. Billow, I would like to inform the House that

the construction of Wajir Sewerage Works will soon commence under the Small Towns Development Project.

Hon. Members: Why Billow?

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman, Sir, I want him to know the development projects that we intend to undertake in the North Eastern Province.

The Temporary Deputy Chairman (Mr. Khamasi): That is all right, Mr. Minister. Let us now have Mr. Salat.

SUB-VOTE 125 - DEVELOPMENT SCHEMES

Head 364 - Local Authorities Water and Sewerage Schemes

Mr. Salat: Mr. Temporary Deputy Acting Chairman, Sir, I would like to seek clarification on the budgetary provision made under Head 364, Item 421, Nyeri Water Supply, on page 411. As you can see, even though we were in the Government then, we were concerned about Nyeri. I am surprised that the home town of His Excellency the President this time round was not given any money. What is the reason behind that? Does the Minister not want to keep his job?

(Laughter)

The Minister for Local Government (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman, Sir, if the hon. Member was here when we were passing the Vote for the Ministry of Water Resource Development and Management, he should have noticed that Nyeri District was allocated a lot of money. So, we have only retained this little provision for administrative purposes.

(Head 360 agreed to)

Sub-Vote 120 agreed to)

(Head 364 agreed to)

(Sub-vote 125 agreed to)

(Vote D12 agreed to)

(Question put and agreed to)

(Resolution to be reported without amendment)

(The House resumed)

(Mr. Deputy Speaker in the Chair)

REPORT

Vote 12 - Ministry of Local Government

Mr. Khamasi: Mr. Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs533,632,100 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of Vote 12 - Ministry of Local Government, and has approved the same without amendment.

The Minister for Local Government (Mr. E. K. Maitha): Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Assistant Minister for Local Government (Ms. Tett) seconded.

(Question proposed)

Mr. Billow: Mr. Deputy Speaker, Sir, I just want the Minister to reassure this House that all the funds that have been voted and, particularly the Local Authorities Transfer Fund (LATF) funds, will be spent on the local authorities and accounted for.

Mr. Deputy Speaker: You are supposed to make comments. The Minister had already answered the questions in the Committee. So, that is just a comment you have made.

Mr. Salat: Thank you, Mr. Deputy Speaker, Sir. I would like to join in by urging the Minister to work with Members of Parliament as he promised. We viewed him as if he was out of reach but, today, he has assured us that he is going to give priority to Members of Parliament. That way, we can know the ins and outs of local authorities. We also would like to assure the Minister that, if he gives us that co-operation, we will also assist them. Our interest is to see local authorities functioning well, so that the people who sent us here can benefit from the funds that we have voted today. We hope that when we meet next time, we will be talking more positively about the Ministry.

Mr. Mwenje: Mr. Deputy Speaker, Sir, now that we have approved this Vote, we expect to see services being rendered. We should see our people being given the proper services. In particular, construction of roads which were abandoned early this year by the contractors because they were not paid--- We have authorised the Ministry to pay them because we have given it the money. We hope to see that in less than a week, those roads are completed or are being done.

Mr. Deputy Speaker, Sir, we also hope to see no more garbage in our cities and towns. Now that the money has been given, I, as the Chairman of the Administration, National Security and Local Authorities Committee, will make sure that the Ministry keeps the promise they have made before this House. Otherwise, I would be condemned in this House through that Committee.

Mr. Deputy Speaker: I beg your pardon! I will give two more!

Mr. G. G. Kariuki: Mr. Deputy Speaker, Sir, all I want to say, after what has been done by this House; that is to pass the monies, that the Minister was very effective for the first three months in office! Later on, he went down and down. Maybe, it was because there was no money for him to spend to develop our local authorities. I think this time round, with all the money he has, the Minister and his officers are aware of the problems that we have in all the councils in this country. Some councils cannot pay salaries! It is not known how that money is spent. But this morning, I was very happy to see an official Gazette Notice signed by the Minister to let us know what has been allocated to each local authority. I think Members of Parliament need to be involved in the utilisation of these monies. We should all come together in implementing the projects that are intended by the money which the Minister has just been given. Otherwise, I want to congratulate him for what he has done so far, and he should expect our support all the time in this House because I am sure he was worried whether the House was going to pass this money. However, I want to assure him that we see beyond the minor criticisms which comes from Members of Parliament. We thank the Minister for what he has done and we hope he is going to multiply his energy and do a little bit more.

Mr. Sirma: Mr. Deputy Speaker, Sir, I wish to also reiterate that "The Hurricane" has

stopped working and should now start moving. Possibly, his hand-brake *ilishika kidogo*. Possibly, there were some brakes which jammed and I hope he is going to make the people in the local authorities wake up. There are many stalled projects which, I think, according to what is printed in the Estimates have not received funds. The Minister should think about those projects. Examples of such projects include Bungoma Water and Sewerage, Ahero Bus Park, Murang'a Town Road Rehabilitation Project and many other stalled projects. He should be able to do that so that he can be able to look for funds to complete them because we can continuously give him money, but if we do not also direct him to use that money well, then we shall not be achieving anything. Some hon. Members have talked about corruption and I hope that the Minister is going to really employ more auditors in the various councils because corruption is almost a routine job in City Hall, Mombasa City Council and many other councils because we hear of millions of shillings changing hands. I hope that the Minister is not part of it. I hope he is listening because this is very important. I hope corruption in the councils is not part of his job. I hope you are not part of the corruption in these organisations.

Mr. Deputy Speaker: Mr. Sirma, we are not re-opening debate here. Could you just make one comment?

Mr. Sirma: Mr. Deputy Speaker, Sir, I am making comments because I want him to improve so that we can get councils running well.

The involvement of Members of Parliament in these issues of local authorities is a welcome move and we want Members of Parliament to be given the leeway to know whatever is going in the councils so that we can be able to participate fully.

I support.

(Question put and agreed to)

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, we still have some 10 minutes, but since we have finished with the business of the day and we have no more business, the House stands adjourned until tomorrow, Thursday, 2nd October, 2003, at 2.30 p.m.

The House rose at 6.25 p.m.