

1_ble, a letter of acceptance into a contract by the Ministry of Roads and Public Works early this year. They directly did it without going through the dealers and yet the Assistant Minister has said that he is not aware that such a company exists. What has the Assistant Minister to say about this letter?

*(Mr. Maore laid the letter
on the Table)*

Mr. Syongo: Mr. Speaker, Sir, as I have clearly said, the General Motors (East Africa) Ltd. is considering setting up a company to do all that it has been doing without necessarily interfering with their dealers. I would like to inform this House that the Government's policy is very clear. We would like foreign investors to be in partnership with local investors. The company that is being envisaged will not in any way interfere with the businesses of the seven dealers who already operate with General Motors (East Africa) Ltd.

Mr. Maore: Mr. Speaker, Sir, the Assistant Minister is still contradicting himself in his answer. He has said that General Motors (East Africa) Ltd. will establish a company that will deal with sales, after sales service and distribution and marketing, and yet he has said that he will protect the seven local dealers who have invested heavily in this business. Those dealers are being replaced all of a sudden. Could the Assistant Minister assure this House that those dealers will not be interfered with and their investments will be compensated incase they are replaced?

Mr. Syongo: Mr. Speaker, Sir, the whole idea of setting up this company is for General Motors (East Africa) Ltd. to specialise and focus on its core function of motor vehicle assembly. Under the East African Community protocol and under COMESA, General Motors (East Africa) Ltd. increasingly gets orders not only to assemble its traditional products but also to assemble other brands for other companies. It is for this reason that it is setting up this company to offer marketing services. The dealership contract with the existing seven companies will not be interfered with. I would like to assure the hon. Member for Ntonyiri that the Government can invoke the Restrictive Trade Practices, Monopolies and Price Control Act, CAP 504(23) Laws of Kenya to ensure that there is no undue concentration of economic power within the General Motors (East Africa) Ltd. I want to make this very clear. This should be a warning to any company that intends to marginalise any Kenyan partners who are key to its businesses, that the Government will not allow it to remove them from the partnership. That is the Government's policy.

Mr. Speaker: Mr. Ndambuki, ask the last question!

Mr. Ndambuki: Thank you, Mr. Speaker, Sir. You have heard the Assistant Minister say that the new company which is being formed is owned by General Motors (East Africa) Ltd. That company will sell vehicles directly to you, me and everybody else. What will the seven dealers do? Will they not be kicked out of business by the new company that General Motors (East Africa) Ltd. will establish?

Mr. Syongo: To start with, I would like to inform the House that the company has not yet been formed. It is being discussed at board level of the General Motors (GM) and the decision as to whether or not it will be operational has not yet been made. The intended company in terms of its ownership, will initially be the GM in the first phase. But in the second phase, which is after two years, they intend to actually sell the shares of this company to the seven dealers and any other dealers who at that time would have been appointed.

But the point remains that it will simply be carrying out sales promotions, advertising and marketing. The actual dealership contract which exists between GM East Africa and the seven dealers will remain valid because there is a contractual obligation on both parties.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Very well, Question by Archbishop Ondiek!

Capt. Nakitare: On a point of order, Mr. Speaker, Sir. Before we go to the next Question, I stand to seek your indulgence on updates on the Private Members' Questions. Looking at today's breakdown of the National Assembly Parliamentary Questions, you promised me last week that my Question, which was not answered by the Minister for Agriculture because he was not here--- You said that the Question would be appearing on Wednesday, which is tomorrow, but it is not appearing among the listed Questions. Does this actually undermine your integrity in the House?

Mr. Speaker: You are undermining my integrity!

(Laughter)

You must wait for the appointed date. Patience pays! I ordered for it to appear on Wednesday and Wednesday is not here yet.

Capt. Nakitare: I am much obliged, Mr. Speaker, Sir.

Mr. Speaker: Very well. Proceed, Archbishop Ondiek!

ORAL ANSWERS TO QUESTIONS

Question No.549

AMBULANCES FOR HEALTH FACILITIES IN UGENYA CONSTITUENCY

Archbishop Ondiek asked the Minister for Health:-

(a) when the Ministry will deliver ambulances to Ukwala Health Centre and Ambira Sub-district Hospital in Ugenya Constituency as promised in the House; and,

(b) when Ukwala Health Centre will be upgraded to a Sub-district Hospital.

The Assistant Minister for Health (Mr. Konchella): Mr. Speaker, Sir, I apologise for this Question not being answered last week. I beg to reply.

(a) My Ministry has been providing ambulances to the district and sub-district hospitals in the country. In July, 2005, 30 districts received an ambulance each, for their very busy sub-district hospitals and health centres. The priority for the ambulances provided to Siaya District were for Yala Sub-district Hospital. Ukwala and Ambira Health facilities have access to ambulance services from Siaya District Hospital. This financial year, more ambulances will be provided and distributed depending on the needs and workload for each facility.

(b) The Ministry has no plan to upgrade Ukwala Health Centre into a Sub-district Hospital. The workload in the health facility does not warrant it to be upgraded. Secondly, Ambira Sub-district Hospital is 12 kilometres away, therefore, has accessibility to the community.

Archbishop Ondiek: Mr. Speaker, Sir, the Assistant Minister seems to be misleading this House. When I asked the Minister for Health the last Question, she herself promised this House that Ukwala was going to have an ambulance. There was one ambulance which was having mechanical problems and it was going to be functional within

one week. Since that time, I have not seen that ambulance and he is now telling this House that the ambulance is not necessary in Ukwala when he knows that it is necessary and required. Could he now tell this House why he is misleading us?

Mr. Konchella: Mr. Speaker, Sir, the Ministry reviewed the allocation of ambulances when some were procured based on the population and disease burden of the community. It was thought to be necessary that the ambulance goes to the other hospital instead of Ukwala because of the distance; Siaya District Hospital is only 12 kilometres and therefore, Ukwala Health Centre can be served from Siaya. While I know that they have an ambulance that is not working, funds can be sought elsewhere to repair it because currently, we are not able to give it because of the workload, which is only 40 patients per day. These are too few to require an ambulance.

Mr. Mwanicha: Thank you very much, Mr. Speaker, Sir. Most of the time, many Members of Parliament ask this Question about ambulances, especially just before the Budget, when we are informed that when the Ministry shall get allocations, they would buy new ambulances and nothing comes. Now, could the Minister make a rota of all the hospitals, dispensaries and health centres in the country and then let us know when each one of them will get an ambulance, so we can wait knowing that the ambulances are coming? Otherwise, we are told that they will come and nothing comes and the story continues!

Mr. Konchella: Mr. Speaker, Sir, as I said earlier has been said earlier, many times when this type of Question is answered in the House, the Minister always says that the upgrading of health centres to sub-district hospitals is not in the plan of the Government. What are the requirements for a health centre to be upgraded to a sub-district hospital?

Mr. Konchella: Mr. Speaker, Sir, the requirements for upgrading a health centre to a sub-district hospital are: The disease prevalence or disease burden in the community, the population and communication because some of them would be very far away and the population is less, but because of the distance, we consider them. Of course, there is also the need for the age of the people, because where there is a lot of disease prevalence, it is a likely indicator of the population concentration in that particular area. Of course, there are also problems of human behaviour which would be looked into because there are certain areas where certain characteristics of human behaviour dictate that we provide the services because of problems. For example, there are people who tend to marry at a very early age, therefore, there would be need for upgrading, to strive and provide services to that young population.

Mr. Speaker: Last question, Archbishop Ondiek!

Archbishop Ondiek: Mr. Speaker, Sir, I would like the Assistant Minister to answer two questions for me. First, could he tell this House what happened to the vehicle they took to the garage for Ukwala Health Centre? Secondly, could he tell this House what population he requires for Ukwala Health Centre, so that it can be upgraded?

Mr. Konchella: Mr. Speaker, Sir, to answer the last question, I mentioned population and the disease burden, but there is also the question of distance. In the case of Ukwala, it is the issue of distance, because it is only 12 kilometres away from Ambira, which is already a Sub-district Hospital. So, there is already a district and sub-district hospital in that constituency.

Mr. Speaker, Sir, regarding the vehicle in the garage, I had the figures--- But I do not know what has happened now, but I can check and if funds are required to repair it, I will ensure that money is provided and the ambulance repaired.

Mr. Speaker: Very well, next Question, Mr. J.K. Kilonzo!

Question No.344

WHEREABOUTS OF MR. MUTUA MATHITU

Mr. J.K. Kilonzo asked the Vice-President and Minister for Home Affairs:-

- (a) whether he is aware that Mr. Mutua Mathitu was arrested in October, 1996, and detained at Kitui Police Station;
- (b) whether he is also aware that while Mr. Mutua was in police custody, he fell ill and was taken to hospital but has since never been seen; and,
- (c) if he could inform the House about the whereabouts of Mr. Mutua Mathitu.

The Vice-President and Minister for Home Affairs (Mr. Awori):
Mr. Speaker, Sir, I beg to reply.

(a) Records held in prison show that Mr. Mutua Mathitu, an ex-convict No.XKTV/62/97LS was committed to Kitui Prison by Senior Resident Magistrates Court in Kitui on 24th February, 1997. He had been charged with the offence of assault, Section 251 of the Penal Code in Criminal Case No.158/96. He was to serve two years imprisonment.

(b) I am not aware of Mr. Mathitu's illness and hospitalization while in police custody. What I am aware of is that Mr. Mathitu was released from prison along with others on 20th October, 1997, on Presidential amnesty.

(c) I regret to say that I am not aware of Mr. Mutua Mathitu's whereabouts since his release from prison on 20th October, 1997.

Mr. Speaker, Sir, I am afraid I cannot produce any document that he signed on his release from prison, but I am trying to look for such a document.

Thank you, Mr. Speaker, Sir.

Mr. J.K. Kilonzo: Mr. Speaker, Sir, when this Question came up, it arose from the concern of the family that since Mr. Mathitu was arrested, he has never surfaced at home again. Initially, it was directed to the Office of the President but it was redirected to the Office of the Vice-President and Ministry of Home Affairs for the sole purpose of producing documents to show that, indeed, Mr. Mathitu was released from prison. Today, his Excellency the Vice-President is saying that he is unable to produce those documents. What do we make of it? Mr. Mathitu has not been seen and nobody knows where he is. It is, therefore, the responsibility of this Government to show Kenyans where Mr. Mathitu is.

Mr. Awori: Mr. Speaker, Sir, in anticipating that supplementary question, I did give an assurance that I intend to look for the discharge document, which I will bring here.

If it pleases you, Mr. Speaker, Sir, I think the Question should be deferred until I get the discharge documents.

Mr. Speaker: How long do you want?

Hon. Members: Tomorrow!

Mr. Awori: No, Mr. Speaker, Sir. It is unrealistic to expect documents that we have been looking for, for the last two weeks, to be produced tomorrow. May I request that you give me at least two weeks?

Mr. Speaker: Is that all right with you, Mr. J.K. Kilonzo?

Mr. J.K. Kilonzo: Mr. Speaker, Sir, it is very clear that in two weeks, this Parliament would have adjourned, yet the family is still agonizing on the whereabouts of their son. Could his Excellency

the Vice-President and Minister for Home Affairs produce this document tomorrow because the Government has the machinery?

Mr. Speaker: Order! I actually do appreciate the anxiety of the hon. Member and that of the family; they want to know where this person is. I will give his Excellency the Vice-President and Minister for Home Affairs until Wednesday next week.

Mr. Awori: That is all right.

Mr. Speaker: All right. The Question is deferred for that purpose!

(Question deferred)

Question No.673

COLLECTION/USE OF PETROLEUM LEVY FUND

Mr. Arungah asked the Minister for Energy:-

(a) how much money has been collected through Petroleum Development Levy Fund in the last two financial years; and,

(b) how the funds have been used.

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

(a) The amount of money received by my Ministry through Petroleum Levy Fund in the past two financial years; 2003/2004 and 2004/2005 are Kshs220 million and Kshs1,438,500,000 respectively, totalling to Kshs1,660,500,000.

The amount spent during the period was Kshs207,151,071.45 and kshs1,200,713,011.85 respectively, leaving a cash balance of Kshs12,848,928.55 and Kshs237,786,988.15 in the Fund's account for the year 2003/2004 and 2004/2005 respectively.

(b) The list detailing how the funds have been spent is long and, I beg to lay it on the table.

(Mr. Kiunjuri laid the document on the Table)

Mr. Arungah: Mr. Speaker, Sir, I am really disadvantaged because, I have just received the written response and have not had time to analyze it. All the same, I want to inform the Assistant Minister that the Petroleum Development Levy Fund was established for the sole purpose of raising funds for oil exploration or keeping national oil reserves. Going through the list that he has given to me, I do not see anything that has any relevance to what this Fund was meant for.

Could the Assistant Minister explain how much money has gone into oil exploration, because we are paying so much money for fuel at the moment?

Mr. Kiunjuri: Mr. Speaker, Sir, it is not true that this Fund was established just for oil exploration. It was meant to serve the Ministry of Energy in all capacities, given that the amount voted by this House for my Ministry is minimal. We spent Kshs20 million for exploration in the year 2003/2004 and Kshs80 million in 2004/2005.

Mr. Maore: Mr. Speaker, Sir, the original intention of introducing the Petroleum Development Levy Fund in the 1980s was to establish even petrol stations in many strategic areas that other commercial companies may not wish to develop. It was also meant to give financial support to the National Oil Corporation of Kenya (NOCK). Why is the Assistant Minister giving the least amount of

money to the NOCK which should be getting the bulk of the money?

Mr. Kiunjuri: Mr. Speaker, Sir, by the time the NARC Government took over, the NOCK which is supposed to carry out oil exploration in the country was completely on its knees. Therefore, we had to first of all make sure that its structures are operational by giving it a lot of funds so as to stabilise. It is only recently that we were able to move forward.

Mr. Osundwa: Mr. Speaker, Sir, for the last three months, the Minister for Energy has been promising to rein in companies that are unilaterally increasing fuel prices. Could the Assistant Minister tell this House what they are doing to make sure that these prices are kept low?

Mr. Kiunjuri: Mr. Speaker, Sir, It is unfair for the hon. Member to ask this question when he has already filed a Question by Private Notice on the same issue, which we are ready to answer.

Mr. Speaker: He is out of order in that regard.

Mr. Abdirahman: Mr. Speaker, Sir, it is believed that some toxic waste has been dumped in some parts of northern Kenya in the name of oil explorations. Could the Assistant Minister tell this House where these oil exploration has been done in this country in the last two financial years, for which they have spent Kshs20 million?

Mr. Kiunjuri: Mr. Speaker, Sir, that is a question with a different dimension. I would wish that the hon. Member files a substantive Question and it will be satisfactorily answered.

Mr. Speaker: Mr. Kiunjuri, look at it this way: Oil exploration and the finding thereof is of immense influence to every Kenyan. I suspect the Minister charged with that responsibility ought and must be having more interest than an ordinary Kenyan. So it must be something within your fingertips. So, I think you better respond to the question asked by the hon. Member.

Mr. Kiunjuri: Mr. Speaker, Sir, he has asked about toxic matter that is deposited where we have carried out oil explorations.

Mr. Speaker: Order, Mr. Kiunjuri! Let me put his question clearly. He said that it has been feared, that occasionally, in the name of oil exploration, toxic matter has been deposited in some places in this country. His question is: Where has these exploration been carried out?

Mr. Kiunjuri: Mr. Speaker, Sir, exploration has been carried on in most parts of North Eastern Province. This is an area where sedimentary rocks from Southern Sudan roll down to Kenya. That is from Block L10 downwards. However, the exploration that was done in these area was minimal. Every borehole drilled was over 100 kilometres, and the one which was closest to it was about 10,000 kilometres. This means that it was not easy to get oil there. Otherwise, today we are exploring the Lamu Basin. We have also issued out Block 10 "A" and "B" at the Coast Province and we expect the drilling to be done. Even if we may not get oil, we anticipate to get gas in those regions.

Dr. Godana: Mr. Speaker, Sir, would I be in order to ask that this Assistant Minister be told to go back and bring a more detailed and serious answer? He is definitely not serious when he tells us that they have drilled up to 10,000 kilometres. That will be to the earth's core. It is not possible; not even 100 kilometres. He is just waffling and thinking what to say on the spot here. Would I be in order to ask that he goes back to bring a better answer, taking into account the very relevant question which Mr. Abdirahman has asked? He should give us details of what blocks, what areas, their geographical references and so on. He should table such details before the House.

Mr. Kiunjuri: Mr. Speaker, Sir, that is what I have said. That

is why I said that the question required a detailed answer and the House insisted that I give an answer on the spot. I concur with him that a substantive Question be raised and I will give a detailed answer to it.

Mr. Arungah: Mr. Speaker, Sir, I think the Assistant Minister is treating this Question rather lightly. The blocks he is talking about have been leased to outsiders. The rate at which the Ministry is receiving funds, this country is capable of drilling a minimum of four wells in a year. Out of such four wells, we are likely to strike oil. Now, if they are collecting at a rate of Kshs1.5 billion a year and he is telling us they have given out only Ks80 million to the Department that is responsible for oil exploration, it does not show any seriousness on the part of the Ministry.

Could he assure this House that the NOCK will get the bulk of this money so that they are able to sink more wells in order to increase our chances of striking oil?

Mr. Kiunjuri: Mr. Speaker, Sir, that is where we are moving. I want to admit that a lot has not been done, especially on exploration. At the same time, I would say that we have put structures in place and the systems must run properly. I want to promise the House that we shall set aside enough funds to support the exploration.

Mr. Speaker: Very well. Next Question.

Question No.433

DETENTION OF MISS GRACE MUTHEU MBATHA

AT MAKUTANO POLICE STATION

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

(a) whether he is aware that Miss Grace Mutheu Mbatha, a pupil at Sunflower Junior Academy (Kapenguria) was detained at Makutano Police Station between 25th January to 10th March, 2005,

(b) whether he is further aware that Miss Mutheu and her two sisters were taken from Donyo Sabuk in Kangundo in 1987 by a Mr. Nilson of Sunflower Academy following the murder of their mother,

(c) why the pupil was arrested and why she was not arraigned in court, and;

(d) what action he will take against the OCPD, Kapenguria who transported the pupil to Nairobi and abandoned her at the Nairobi Country Bus Station instead of taking her to Kangundo.

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

(a) I am not aware that Miss Grace Mutheu Mbatha was detained at Makutano Police Station between 25th January to 10th March, 2005. I am, however, aware that she was presented to Kapenguria Police Station by the Children's Officer on 27th February, 2005. On 28th February, 2005, she was presented before a Kapenguria Court where an order was given that she be repatriated to her grandmother's home in Kangundo.

(b) I am aware that Miss Mutheu and her two sisters were taken from Donyo Sabuk in Kangundo in 1997, and not in 1987, after the death of their mother. The two sisters, Esther Kirinya and Jane Mukunya, are still at the Sunflower Academy in Class Five and Class Four respectively. At the time of her arrest on 27th February, 2005, Mutheu was not a pupil of Sunflower Academy, but had escaped from

Kirigiti Rehabilitation School. She was arraigned in court on 20th February, 2005 and charged with the offence of being in need of care and custody, contrary to Section 119 of the Children Act and a request for a repatriation order was made pursuant to Section 125(2) of the Children Act, No.8 of 2001 which was duly granted.

(d) The OCPD, West Pokot, escorted the girl up to Nairobi on 9th March, 2005 and booked her at the Railway Police Station for care and custody. On the morning of 10th March, 2005, the OCPD took the girl to the Country Bus Station under the escort of a police officer who escorted her up to her home in Donyo Sabuk. The issue of action being taken against the OCPD does not, therefore, arise.

Mr. M. Maitha: Mr. Speaker, Sir, the answer given by the Assistant Minister is not correct. These children come from Kangundo Constituency and I know that their mother was murdered in 1987 when Mutheu was three years old. That is why the manager of Sunflower Academy, a Mr. Nilson---

Mr. Speaker: Order, Mr. Maitha. You are the Questioner and he is the responder. You are contravening Standing Order No.35. You are making a speech in effect. Just ask him the question.

Mr. M. Maitha: Mr. Speaker, Sir, I am building it up. You cannot just ask a question without building up the question.

Mr. Speaker: Order! I think the problem with this Parliament is that nobody respects the authority of the Chair. You must abide by the ruling of the Chair. The Chair has directed you on what to do. Ask the question.

Mr. M. Maitha: Mr. Speaker, Sir, the mother of these children was murdered in 1987 when Mutheu was three years old. We have been told that one of them is in Standard Four right now. Could a one year old child be in Standard Four this year?

Mr. M. Kariuki: Mr. Speaker, Sir, the answer is very clear that these children were taken to Sunflower Academy in Kapenguria in 1997. We do not know whether their mother died much earlier. We are aware that they were received in this institution in 1997.

Mr. Rotino: Mr. Speaker, Sir, I come from Kapenguria and I know what Mr. Nilson does. Mr. Nilson's operations are not different from those of Bishop Deya. I would plead with the Minister to consider investigating the actions of Mr. Nilson because he picks children from other districts and takes them to Kapenguria Children's Home in order to use them to collect money.

Mr. M. Kariuki: Mr. Speaker, Sir, that is a general question on the conduct of an individual. We have not received any complaint whatsoever about the proprietor of Sunflower Academy. As soon as we receive a complaint, I can assure you it will be investigated.

Mr. Waithaka: Mr. Speaker, Sir, I am suspicious because the mother is said to have died in 1987 and the children are still in primary school. Could the Assistant Minister undertake to cross check and find out whether their mother died in 1987 or later because this is a very serious issue which needs to be ironed out. The mother is alleged to have died 18 years ago.

Mr. M. Kariuki: Mr. Speaker, Sir, the essence of the Question was the safety of the children. We have tried to explain this matter in very fine details. If the issue now is when the mother died, I do not think it is relevant one way or the other. Whatever time she could have died, the issue was not about her cause of death. The issue is about the welfare of the children and we have explained that in fine details.

Mr. M. Maitha: Mr. Speaker, Sir, I brought a Question similar

to this one here in Parliament about a girl who completed her primary education and got over 350 marks and the Assistant Minister for Education agreed with this observation. If these children were taken to that home for safekeeping, why were they arraigned before a court of law in Kapenguria?

Mr. M. Kariuki: Mr. Speaker, Sir, regarding Miss Mutheu, in 2003 while she was in Sunflower Academy in Kapenguria she developed truant behaviour. She would escape from school, stay away for a month and she got involved in illicit brews. Finally, she got pregnant and that is why she was repatriated after she gave birth to a child.

Mr. M. Maitha: Mr. Speaker, Sir, could the Assistant Minister substantiate his allegations that this girl gave birth in Kapenguria? I know that she gave birth when she was taken to Kangundo.

Mr. Speaker: But she has given birth anyhow!

(Laughter)

Mr. Speaker: Hon. Members, I have just under ten minutes. I will have to defer the Questions that we have not tackled today. These Questions will be distributed in the course of this week.

Question No.357

REFUND OF MR. STEPHEN KIBET'S
MONEY BY M/S GESOKO GBC LTD.

(Question deferred)

Question No.119

TARMACKING OF NUNGUNI-
KIKOKO-ITHEMBONI ROAD

(Question deferred)

Question No.633

PAYMENT OF DUES TO
MR. MOSES ONYANGO

(Question deferred)

Question No.179

AMOUNT OF GM FOOD IMPORTS
SINCE 2002

(Question deferred)

Mr. Speaker: Hon. Members, there was an hon. Member who wanted to seek a Ministerial Statement on a very important issue, namely; the national examinations which are being conducted right now.

For the benefit of planning my work, I just wonder whether there is any Minister in charge of education here.

*(Dr. Mwiria stood up
in his place)*

This is a matter that is of interest to the House. It is the end of Question Time.

POINT OF ORDER

ERRORS IN KCSE MATHEMATICS PAPER

Mr. Muite: Mr. Speaker, Sir, I rise on a point of order to request the Ministry of Education, Science and Technology to give a Ministerial Statement to this House to clarify to Kenyans whether they are aware of the extreme anxiety and stress that examinations cause to students. If so, why do they allow the recurrence of errors in examination papers? What steps is the Ministry taking to ensure that such errors do not recur? Is there any other country in the world where such errors occur?

I would like this issue to be clarified to the House and to Kenyans, generally.

*(Dr. Mwiria responded
from the Back Bench)*

The Assistant Minister for Education, Science and Technology
(Dr. Mwiria): Mr. Speaker, Sir, I undertake to give a Ministerial Statement on Thursday,---

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

Mr. Speaker: Order! Sit down! Dr. Mwiria, please, finish what you were saying before you were interrupted.

Hon. Members: But he is responding from the wrong place!

The Assistant Minister for Education, Science and Technology
(Dr. Mwiria): Mr. Speaker, Sir, all this is Parliament!

I undertake to give a Ministerial Statement on Thursday.

Mr. Speaker: Dr. Mwiria, I thought you are an Assistant Minister. Why are you responding to this issue from the Back Bench? Will you proceed to the Dispatch Box?

(Dr. Mwiria moved to the Dispatch Box)

The Assistant Minister for Education, Science and Technology
(Dr. Mwiria): Mr. Speaker, Sir, I did not expect that you would ask me to give a comprehensive Ministerial Statement right away. If this issue is urgent, I could give the Ministerial Statement tomorrow afternoon.

Mr. Arungah: On a point of order, Mr. Speaker, Sir. Would I be in order to request the Assistant Minister to explain what will happen with regard to the incident that occurred yesterday concerning the Mathematics paper in addition to him telling us what future plans his Ministry has to prevent such incidences? My daughter is among the candidates who were affected by this irregularity.

Hon. Members: *Pole sana! Pole!*

The Assistant Minister for Education, Science and Technology
(Dr. Mwiria): Mr. Speaker, Sir, I sympathise with the hon. Member. However, this issue has also affected many parents in this country. It is only fair that I do a bit of research so that I am able to give a comprehensive Ministerial Statement tomorrow afternoon or on Thursday.

Mr. Speaker: Dr. Mwiria, is it possible for you to do that tomorrow morning?

The Assistant Minister for Education, Science and Technology
(Dr. Mwiria): Mr. Speaker, Sir, I have to consult with the Kenya National Examinations Council (KNEC) and they will require a little

bit of time.

Mr. Speaker: All right! I will set aside ten minutes tomorrow for that purpose. I hope hon. Members will understand that because this matter must be put to rest so that the candidates can have peaceful minds as they proceed with the rest of the examinations. I will, therefore, give you ten minutes tomorrow.

Mr. Weya: On a point of order, Mr. Speaker, Sir. The Chair ruled that the Minister for Co-operative Development and Marketing should table the list of KPCU debtors today.

Mr. Speaker: Mr. Weya, the Minister has been very anxious to do that.

Mr. Weya: I have two supplementary questions---

Mr. Speaker: Order, Mr. Weya! The Minister is anxious to do that. He has approached the Chair to do that and I will allow it. You must all be mindful of time, we only have five minutes.

MINISTERIAL STATEMENT

LIST OF KPCU DEBTORS

The Minister for Co-operative Development and Marketing (Mr. Ndwiga): Mr. Speaker, Sir, Mr. Weya requested my Ministry to table a list of debtors who owe money to the Kenya Planters Co-operative Union (KPCU).

The KPCU is a farmers' organisation, registered under the Co-operative Societies Act. The union's membership is drawn both from the small-holder coffee farmers and large coffee estates in the country. Over the years, it has played a pivotal role in coffee production, processing and marketing. The key services offered by the organisation include milling, warehousing and storage, marketing agency, extension, farm input supply including coffee seedlings and pre- and post-harvest financing. For a long time the KPCU has been negotiating for a favourable line of credit from commercial banks for on lending to the farmers to finance coffee production. It has, therefore, played the role of collateral manager, providing farmers with an avenue for reliable and affordable credit, which guarantees sustainability in coffee production. The KPCU has been offering this service to the entire coffee sector over the years, which saw the national production rise steadily to an impressive 130,000 metric tonnes in 1987/1988. From the early 1970s, the coffee industry faced a general decline due to factors including, erratic weather conditions, drop in the international coffee prices and adverse effects of liberalisation.

The current debt portfolio in KPCU amounts to Kshs3,386,022,603. Out of this, Kshs1,906,460,584 is owed by only 10 debtors. Some of the causes of the outstanding debts include, diversion of coffee delivery to other millers by debtor farmers, particularly after the liberalisation of the industry. Some debtors deliver coffee through pseudo-licenses issued through different means to disguise the true farm owner, therefore, frustrating any effort to recover the debts. Other factors are, poor international coffee prices, erratic weather conditions and delay in finalisation of debt matters in court. My Ministry together with the KPCU---

Mr. Speaker: Mr. Ndwiga, how long will it take you to go through that Ministerial Statement?

The Minister for Co-operative Development and Marketing (Mr. Ndwiga): Mr. Speaker, Sir, I am just about to finish.

My Ministry, together with the KPCU, has taken measures to

ensure recovery of all the outstanding debts. First, the Commissioner for Co-operative Development has written to all co-operative societies that are indebted to the KPCU and deliver their coffee to other millers to honour their obligations with the KPCU immediately. I am also liaising closely with my counterpart in the Ministry of Agriculture---

Mr. Speaker: Order, Mr. Ndwiga! Please, table that Ministerial Statement so that I can ask Mr. Weya to seek a clarification. I have only two minutes and I must be fair to the hon. Member.

(Mr. Ndwiga laid the document on the Table)

Mr. Speaker: Mr. Weya, we only have two minutes. So, let us move very quickly!

Mr. Weya: Mr. Speaker, Sir, the Minister has said that about Kshs1,906,460,584 is owed by 10 organisations. Could he name those organisations?

Mr. Speaker: Mr. Weya, but he has tabled that list!

Mr. Weya: Mr. Speaker, Sir, coffee is being diverted to other coffee factories. Since this is obtaining money by false pretence, could the Minister ensure that those individuals are arrested?

Mr. Speaker: Let me allow some two more questions so that the Minister can respond to all of them.

Mr. Karaba: Mr. Speaker, Sir, if some of these people and factories have licences, why can the Minister not cancel them to solve this problem?

Mr. Omingo: Mr. Speaker, Sir, is the Minister aware that an hon. Member of this House, who is interested in this issue, owes the KPCU money? Is he also aware that the wife of Mr. Pius Ngugi, who was a director of KPCU is actually a debtor? These people owe KPCU money and they are competing in business!

Mr. Speaker: Order, Mr. Omingo! Hon. Members, I have made it absolutely clear in the past that being indebted is not criminal. I suppose each one of you in one way or another has a debt. So, could we stop being sensational.

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

Mr. Speaker: Order! Order! I do not have the time for coffee wars!

Mr. Ndwiga, could you respond to the questions?

Mr. Muiruri: Mr. Speaker, Sir, I have a very important point of order.

Mr. Speaker: Order! It is not a debate about coffee. If you want a Motion, bring it.

The Minister for Co-operative Development and Marketing (Mr. Ndwiga): Mr. Speaker, Sir, we have a problem of collecting debts. We have been frustrated by our court system. But that is being addressed elsewhere. It is true that we have Members of this House who, like other farmers, also owe Kenya Planters Co-operative Union (KPCU) some money. That is because they are also farmers. We are also treating them like farmers in terms of collecting the debts. The issue of the ten Members, as we have been told, is in this document. It is true that one of the top debtors is also a miller. That is one case where my Ministry has been frustrated in its effort to recover that money. They, indeed, owe KPCU close to Kshs600 million! It is a big shame! They are also receiving coffee from co-operative societies and estates, who also owe KPCU some money. We are liaising

with my colleague in the Ministry of Agriculture to see how we can address that particular problem. My Ministry is convinced that those people should not have a licence to do any coffee business in this country.

Mr. Speaker: Very well. Next Order!

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

Mr. Speaker: Order! It is a Supply Day and it is 3.30 p.m. That is the law.

Proceed to the next Order!

COMMITTEE OF SUPPLY

*(Order for Committee read being
the Seventeenth Allotted Day)*

MOTION

THAT MR. SPEAKER DO
NOW LEAVE THE CHAIR

Vote 12 - Ministry of Local Government

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

Mr. Speaker, Sir, I wish to thank you and this august House for giving me an opportunity to present both the Recurrent and Development expenditures of my Ministry. As hon. Members are aware, my Ministry is essentially a service Ministry whose main role is to advise, co-ordinate, support and guide the 175 local authorities throughout the Republic. The main objective of this support is to enable local authorities to enhance the delivery of services. That will be achieved through improving financial management, accountability and mechanisms for citizens' participation in governance. In line with the Ministry's mandate, the utilisation of the Ministry's resources is targeted at significantly contributing to the economic recovery and poverty reduction through the following activities:-

(i) Acceleration of local authority reforms leading to improved budgeting, enhancement of revenue mobilisation, sound financial management practices, participatory service delivery, planning, implementation and capacity building.

(ii) Spear-heading the implementation of pro-poor development programmes in local authorities through capacity building and disbursement of poverty reduction.

(iii) Development of policies, systems and procedures to strengthen and institutionalise a democratic participatory community based decision-making process.

(iv) Formulation and implementation of policies to promote orderly urban development and address challenges of urbanisation.

(v) Improvement of solid waste management in order to provide a healthy living environment in urban centres.

(vi) Improvement of the urban road network and traffic management to promote faster movement of people, goods and services.

(vii) Provision of non-motorised transport facilities for use by pedestrians and cyclists, of whom the majority are poor.

(Loud consultations)

Mr. Speaker: Order! Order, hon. Members! You must give audience to the Minister for Local Government to move his Vote. In the meantime,

I hope the Minister for Co-operative Development and Marketing has not left. I really need him to look at the document he has tabled. It seems that it has some duplications. I would like him to address that issue.

Proceed!

The Minister for Local Government (Mr. Kombo): Thank you, Mr. Speaker. Let me proceed from where I left.

(viii) Institute effective disaster prevention and management mechanisms.

Mr. Speaker, Sir, to achieve those objectives, I am requesting hon. Members to approve a total of Kshs7,439,614,664 for my Ministry during the current Financial Year, 2005/2006. Out of that amount, Kshs6,133,826,290 is for Recurrent Expenditure. The distribution of funds in the Recurrent Expenditure is as follows:-

<u>ITEM</u>	<u>KSHS</u>
General Administration	- 119,066,289
Provincial Local Government Offices	- 44,956,876
Local Authority Reform	- 14,150,000
Urban Development Department	- 52,053,719
Local Authorities Transfer Fund	- 5,584,000
Contribution in lieu of rates	- 300,000,000
Local Government - Finance and Administration Department	- 29,599,406
TOTAL	- 1,305,788,374

Mr. Speaker, Sir, the following is the detailed breakdown of my Ministry's budget allocation.

Under the Kenya Local Government Reform Programme, we will require Kshs14,150,000. My Ministry is fully committed to reform the local government sector and the policy programme at the local government level. One area that the Ministry is currently addressing is to guide local authorities to prepare and implement realistic budgets. Another area of great concern is the financial management in local authorities. So far, the Local Authorities Integrated Financial Operation Management System has been successfully carried out in eight councils. That is a computer assisted system, whose specific objective is to assist local authorities to harmonise and standardize data. My Ministry is planning to roll out the software to other local authorities in the future. The system is intended to improve efficiency, accountability and transparency in conducting the financial operations of local authorities. The Ministry is also addressing the issue of implementing a simplified accounting system for local authorities. In order to minimise the level of financial mismanagement in local authorities, the Ministry is now more pro-active in monitoring budget preparations and implementation so that, any deviations can be detected early enough and corrective measures taken.

Under the Local Authorities Transfer Fund (LATF), during this financial year, a total of Kshs5.584 billion will be disbursed to all the 175 local authorities in accordance with the LATF Act and regulations. The LATF was a designed mechanism to implement the financing of the services and facilities which local authorities are required to provide under the Local Government Act. LATF is structured to provide both budget support and strong incentives to local authorities to improve service delivery, financial management and accountability and debt resolution. The LATF allocation criteria is designed to ensure that funds are allocated in a predictable and transparent manner. The LATF allocation is based on the following criteria as per the LATF regulations:-

One; a basic minimum lumpsum of Kshs1.5 million for each local authority; two, population of each local authority as per the 1999 population census and three; urban population of the local authority.

For local authorities to qualify for the receipt of LATF, it must fulfil the following major conditionalities, among others:-

(i) At least, 50 per cent of the allocation from service delivery must be budgeted for capital expenditure.

(ii) Expenditure on personal emoluments should not exceed 60 per cent of the total expenditure of the local authority.

(iii) From the 1st of July, 2000, it is a mandatory requirement that all statutory charges payable by the local authority shall have been paid within the year in which they are due.

(iv) Statements of actual receipt, expenditures, cash and bank balances as at 30th of June must be submitted.

(v) A statement of abstract of the accounts of the financial year in question must be produced and submitted as required.

In the event that a local authority fails to meet any of the above conditionalities, it attracts penalties.

Mr. Speaker, Sir, hon. Members are encouraged to acquaint themselves with LATF annual reports which give detailed information on the financial revenue and expenditures, progress on service delivery and project implementation and debt resolution. The LATF reports are distributed to this House and also published in the print media.

Mr. Speaker, Sir, in order to emphasise citizen involvement in the affairs of local authorities, my Ministry introduced in the year 2001 the concept of participatory planning through preparation of Local Authorities Service Delivery Action Plan (LASDAP). This reform initiative is a process that has got mechanisms for interaction between the local authorities and their citizens on financial information exchange and planning of projects, and activities and implementation. My Ministry is enhancing this participatory approach, broadening and deepening the process through information dissemination, facilitation and capacity building to all local authorities. Communities are also being facilitated to participate in the design, implementation and monitoring of locally identified activities and projects.

Mr. Speaker, Sir, at this juncture, I wish to enumerate some of the successful LATF projects in a sample of local authorities. In the County Council of Nandi, Gosorai Girls Secondary School, classes have been built. In the County Council of Garissa, a cattle holding ground has been constructed. In the Town Council of Narok, a slaughterhouse has been constructed. In the Municipal Council of Kapsabet, a slaughterhouse has been constructed too.

This financial year, local authorities will be required to utilise 20 per cent of their capital expenditure to supplement other road-work programmes. These reform initiatives are aimed at improving the quality of lives of citizens and stakeholders, and enhance governance in local authorities.

My Ministry has introduced the concept of community contracting, which aims at creating opportunities for employment at the local level, while addressing the Economic Recovery Strategy for Wealth and Employment Creation. In addition to this, community monitoring and evaluation of the activities of local authorities is being promoted to enhance service delivery, transparency and accountability.

Mr. Speaker, Sir, the Development Vote allocation is Kshs1,305,788,374. The funds voted for the Development Vote in my Ministry will be utilised in the following projects and programmes:-

The Rural Poverty Reduction and Local Government Support Programme; Kshs325 million. The Economic Recovery Strategy for Wealth and Employment Creation elaborates three pillar strategy to meet the Government's objective over the medium-term as outlined in the Budget Strategy Paper of 2005. This includes enhancing equity and poverty reduction, and improving governance.

Poverty systematically excludes a large portion of the population from the full national and social participation. About 67 per cent of our people live in rural areas, which fall under county councils. Out of this, 53 per cent are living in poverty. In line with the Government's efforts to

achieve poverty reduction under Millennium Development Goals as articulated through the Budget Strategy Paper, my Ministry is spearheading the implementation of pro-poor development programmes in local authorities through capacity building and the disbursement of poverty reduction funds. These funds will be disbursed to local authorities that are rural in nature. Qualification for the grant will be based on the past performance of the local authorities, with reference to the element of the on-going reform programmes.

Mr. Speaker, Sir, the Rural Poverty Reduction and Local Government Support Programme seeks to further strengthen the institutions of governance through capacity building in my Ministry and in the local authorities. This programme will empower rural communities to demand better service delivery from the local authorities.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I wish to recognise the collaboration of our development partners, and in particular, the European Union, through which the European Development Fund, is providing grants to the on-going Kenya Local Government Reform Programme and supplementary resources to boost the fight against poverty in rural local authorities. The programme commenced in September, 2004 and it will take four years. It will cover a total of 30 local authorities over the planned period.

Primary school construction in the rural areas has also been allocated Kshs29.7 million through the programme. The project concerns the extension and rehabilitation of primary schools in poor areas of Nairobi, the provision of adequate auxiliary facilities, furniture and teaching materials, sensitisation of Parents Teachers Associations (PTAs), teacher training measures and so on. The process of identifying the schools is going on in the slum areas of Nairobi. This is to contribute to the achievement of universal primary education in poor urban areas of Nairobi. The project activities include the construction of 260 new classrooms, including appropriate sanitary facilities, and rehabilitation of about 160 classrooms. It also includes the provision of adequate furniture and teaching materials, and also connection of schools to the urban supply networks of water and electricity.

The roads sub-sector has also been allocated Kshs550,840,735. These funds will be utilised to increase efficiency of the urban road infrastructure and to build a sustainable road network maintenance capacity. In particular, funds will be utilised to facilitate the continuation of the on-going construction of roads in the urban centres, including Kisii by-pass, Kangema Township, Webuye Township, Mukurweini Township, Pangani Road, Kegoye-Mudete Road, among others.

Mr. Temporary Deputy Speaker, Sir, my Ministry is currently undertaking improvement of roads in Meru and Embu, with the support of the Fuel Levy Fund. In addition, a total of 96 local authorities including Nairobi, Mombasa, Kisumu, Eldoret and Nakuru are accessing funds from the Fuel Levy Fund to maintain roads in their areas of jurisdiction. In the current financial year, efforts will be made to improve roads within the City of Nairobi including the improvement to the great separation of the Museum Hill Junction and the Muthaiga Roundabout amongst others. In addition, the funds requested under this Head will be utilised to complete the on-going and planned construction of bus and *matatu* termini in various parts of the country, including Garissa, Maua, Mtito Andei, Bomet, Kericho, Kisii, Kitui, Kabarnet, Nyamira, Migori, Kapenguria, Malindi, Taveta, Voi and Maralal amongst others.

The fourth Head is on the building of the sub-sector, which requires Kshs190,300,000. The funds requested under this Head will be utilised to complete the on-going and planned construction of markets and mini-markets in various parts of the country including Luanda, Bondo, Siaya, Port

Victoria, Kapsokwony, Ahero, Kibirigo, Othaya, Kibingoti, Karuri, Soko Mjinga, Kianjai, Kibiricha and Chwele among others.

The fifth Head is on the Kenya Urban Transport Infrastructural Project. On 13th February, 1996, the World Bank and the Government of Kenya entered into a Development Credit Agreement in terms of which the World Bank provided assistance to the Government for the implementation of the above project. The primary development objectives of the project were:- Firstly, to increase the economic efficiency of the urban road network; secondly, to build a sustainable road maintenance capacity, institutions, financial and engineering of the project in towns and thirdly to target investment to benefit the urban poor. The project commenced in 1996 and it involved the upgrading of the road networks in 26 cities and towns including Nairobi, Kisumu, Mombasa, Nakuru and Eldoret. In terms of the credit, the World Bank would supply funding of US\$115 million and the Government would provide US\$40 million.

Following the suspension of the credit facility in October, 2001, the Government of Kenya with the support of the World Bank commenced the forensic audit by M/s Deloitte and Touche in June, 2004, with a view to audit and finalise the above project. Following the conclusion of the forensic audit, the Government of Kenya set up an inter-Ministerial committee to examine the recommendations of the audit report and to work out an implementation action plan. Both the implementation action plan and the subsequent activities were communicated to the World Bank for information and further action. No immediate reaction was forthcoming from the World Bank as the credit facility came to a close on 30th June, 2005.

Mr. Temporary Deputy Speaker, Sir, so far, certified payment certificates were found to be in order and payable by the audit in respect of the work done, inclusive of the interest amounting to Kshs556,267,557.75. These have been duly processed and are awaiting payment. The Kshs40 million will be utilised to pay part of the outstanding bills. The Ministry in consultation with the Treasury is in the process of working out modalities to settle the balance of the outstanding bills.

The next Head is on Fire Disaster Prevention. Fire outbreaks and other disasters are causing serious damage in terms of destruction of life, property and facilities in the urban areas. All the 175 local authorities are charged with the responsibility of providing disaster management services. However, the current situation falls short of this requirement. My Ministry is addressing this challenge in order to put in place responsive systems and capacity building under an appropriate legal framework. During the Financial Year 2005/2006, my Ministry will complete the process of procuring a total of ten rapid deployment medium vehicles for distribution to some local authorities.

Mr. Temporary Deputy Speaker, Sir, the next Head is on Afro-Cities. I wish to remind the hon. Members that the City of Nairobi is programmed to host the Fourth Summit of the Afro-Cities between 18th to 24th September, 2006. This is a follow up of the earlier summits held in Abidjan, Windhoek and Yaounde. The theme of the summit will be: Building Local Coalitions for the Implementation of the Millennium Development Goals in African Local Governments, including their Target. The event will bring together all mayors and key local Government leaders from Africa and affiliated organisations from all over the world. In this endeavour, efforts are under way to restore the past glory of this great City in the sun. In order to facilitate the hosting of this important event, I intend to seek the support of the hon. Members to enable me get funding for the hosting of the summit during the Revised or Supplementary Budget. Your support and participation will be highly appreciated. In conclusion, I call upon the support of the hon. Members in my endeavour to carry out these enumerated tasks.

I now beg to move that a sum not exceeding Kshs7,743,961,464 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2006, in respect of the Ministry of Local Government. I call upon hon. Karua to second the Motion.

The Minister for Water and Irrigation (Ms. Karua): Mr. Temporary Deputy Speaker,

Sir, I rise to support this very important Motion. I want to begin by lauding the Ministry for the good work that it is doing and for restoring order in a sector that was characterised by disorder and mismanagement.

We know that the battle is not yet won, but there are indicators that slowly the Ministry is restoring order to this sector. This is a Ministry that covers the entire country as all the corners of this country are under one local authority or the other. The development programmes that local authorities institute are in my view, precursors of the Constituencies Development Fund (CDF). Since the Local Authorities Service Delivery Action Plan (LASDAP) started, all the corners of this country have received funds through the local authorities, but perhaps, the CDF has now overtaken that because it goes deeper in each constituency.

I am happy that the organisation of the programmes under the LASDAP allow for participation by the local communities. I am urging this Ministry to look at the set up of the CDF and see whether the participation of the communities in arranging these programmes can be streamlined, so that it is an improvement of what is currently happening in the CDF, and also to follow through on accountability, so that the bulk of the money is used in development projects. This is a very commendable effort of distributing funds for development countrywide.

Mr. Temporary Deputy Speaker, Sir, I have been comparing our urban centres in the rural areas and the big towns with what we have seen in other countries around the world, especially in South Africa, which is considered as our "big sister" here in Africa. I wish to urge this Ministry to come up with models for development of urban centres for markets. This will enable us to upgrade the development that we are currently carrying out. Elsewhere, we have noticed that markets, even in the rural areas, remain completely clean. The people are made to wash off the soil from their produce before they enter the market. We do not have to enter the market with soil or dirty commodities. Farming should not be synonymous with dirt or mud. Therefore, I am urging the Ministry in its development activities to come up with models for markets that allow people to trade in an environment that is good, clean and friendly. They should also come up with models for kiosks to enable informal businesses to thrive, both in the rural areas and within the towns. When we travel around the countryside and in our constituencies, we notice that in most urban centres, the kiosks that are coming up are with polythene papers and all manner of shelter that make the environment look unclean and not very friendly. They look very disorganised.

Mr. Temporary Deputy Speaker, Sir, there are kiosks even within major cities like London. It is possible to have organised informal trading in big cities. I notice that this Ministry, through the various local authorities, has began trying to bring order into the informal sector. I would urge them to look at what is happening elsewhere and come up with models that will enable the informal businesses to thrive. They should also be located where they can access customers. It is possible to keep the environment clean, our cities beautiful and to also accommodate these informal businesses. I am very confident that this Ministry is going to do that.

Mr. Temporary Deputy Speaker, Sir, I want to note with appreciation something captured in the speech of the Minister when he was moving this Vote that they are trying to streamline financial management in local authorities and increase efficiency. This is another area that we need to look at. Because of inefficiency in financial management, most of the funds voted for this Ministry do not end up being spent for the intended projects. Like all other sectors, local authorities have also been afflicted by the scourge that we are all battling; corruption. This is an area that we need to redouble the effort to ensure that each cent voted goes to the intended purpose. One way of doing it is by ensuring that the message is loud and clear that corruption does not pay and that those who indulge in it and/or deliberately mismanage the resources will be made accountable.

Mr. Temporary Deputy Speaker, Sir, we need to see prosecution of errant officers who deliberately squander or mismanage councils' money. We also need to see recovery of outstanding imprests in all our local authorities. In some cases, we need to see clerks and former clerks made to account for documents and title deeds that have disappeared and/or properties changed to other

hands. This will ensure that everybody working for a local authority will learn that they have to be above board, otherwise, they would be held accountable.

I also note with appreciation that this Ministry is undertaking wholesale reforms. I am looking forward to the passage of the new Constitution which will enable and give a framework for broader reforms within our local authorities. I note that our local authorities partner with many of our Ministries in delivering services. They partner with the Ministry of Water and Irrigation through the companies that are being formed by local authorities to deliver water and sanitation services. We are looking forward to partnering with them in managing our resource base. We also look forward to partnering with them to keep pollution out of rivers.

I, therefore, call upon this Ministry to come up again with models of car wash-sheds. The washing of cars throughout the local authorities in this country pollutes our rivers. The only way we can get our people to do it the right way is by coming up with model car wash-sheds that are environmental friendly. Only local authorities can undertake this responsibility. I am confident that this Ministry will take up these challenges that are needed for our country to become environmentally sound.

Mr. Temporary Deputy Speaker, Sir, I also appreciate the role of local authorities in rural access roads and urban roads. However, I want to remind the Minister that Kerugoya-Kutus Municipality within Kirinyaga District, is waiting for the day he will mention it as one of the local authorities where the access roads are going to be looked after under one or the other programme. I am happy that he has cited many others and we are hopeful that Kerugoya-Kutus is going to be on his list of priorities. I want to urge this Ministry to hurry up and deliver the much needed services to this nation.

With those very many remarks, I beg to second.

(Question proposed)

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, I rise to support the Vote of the Ministry of Local Government. This Ministry is a service Ministry. It provides services to the residents both in the urban and rural areas. We are also aware that we have about 175 local authorities in this country which fall directly under the Ministry of Local Government. As the Minister endeavours to ensure that services are provided, he should give the local authorities independence. As we speak now, local authorities have no authority. They receive funding from Government through the Local Authority Transfer Fund (LATF) but they have to go to the Minister to seek for authority to spend the money. If we are serious on governance and devolution of power, the Minister should set an example. This is where corruption will finally get to his door. It does not matter how much will be spend in this country, the Minister stands to be blamed because he is the authorising person. Local authorities have elected leaders who are required to serve their residents and provide all the services that are required in those areas.

There are many areas lagging behind in terms of infrastructure. The road network, market centres and all other services that the local authorities are required to provide have stagnated. I am surprised that the Minister for Water and Irrigation was seconding this Motion. I could see that she was lauding the Minister for giving out all the water systems that were owned by local authorities in this country. If that was the agreement, I think local authorities are entitled to get revenue from water schemes that they run. You cannot deprive them of that right because that is their source of income. These are issues which are so pertinent in the area of administration of local authorities.

Mr. Temporary Deputy Speaker, Sir, while moving this debate, the Minister made reference to non-motorised pavements. The introduction of non-motorised pavements in most of the urban centres is laudable. We should also re-introduce the same because many of the accidents involving bicycle riders in this country is due to competition of space between motor vehicles and the bicycle riders. I hope that the Minister will consider expanding roads with the urban centres

which have the *boda boda* business.

Mr. Temporary Deputy Speaker, Sir, there is an issue which the Minister has evaded to mention. That issue is in the public domain. In as much as he has addressed the issue of the Kshs6 billion which he is going to use in administration, he has gone public in saying that he has increased the salaries of councillors. However, he has not given us the mechanism of how local authorities will raise sufficient revenue to meet their wage bills without affecting the current Budget.

When some of the Ministers were in the Opposition, they struggled to have councillors paid through the Consolidated Fund. I moved a Motion intended for that purpose in the last session of Parliament. This House approved that councillors be paid from the Consolidated Fund. Where is the Minister's commitment? We would like the Minister to tell us exactly where this money will come from so that the councillors do not deprive the residents of their areas, the services they had planned for. Unless that is done, I do not know whether to say that the Minister is misleading this House, or lying to the House - which is possibly unparliamentary - but he is not giving us the true facts which we need to know as a House. The Minister should have gone public with facts and not just do so for the purpose of winning support for the Government's position in the forthcoming referendum. I think that is what the Minister was doing.

Capt. Nakitare: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Mr. Lesrima in order to insinuate that the money that was awarded to councillors in the form of enhanced allowances was a campaign mechanism for the Government in the forthcoming referendum when we know that the councillors have been crying for a better life like he has been doing?

The Temporary Deputy Speaker (Mr. Khamasi): That is an argument!

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, the hon. Member has addressed himself to the wrong person. I am not Mr. Lesrima. So, he should get his facts right and know who I am so that he can ask me the question.

Mr. Temporary Deputy Speaker, Sir, I wish to say categorically that we are not opposed to the enhancement of salaries and allowances for councillors. We are not, in any way, opposed to that spirit. What we are saying is, as much as the Minister has promised them, the award came at a time when he was looking for publicity.

It is unfortunate because that action by the Minister has not shown any positive response in terms of improved living standards for the councillors, because he has not shown them the way. The Minister is their father, but he has told them to go to their goats and slaughter them. He has not provided an additional budget for that award. Could he provide an additional budget for the salary increment he has given the councillors? If he does not do so, that award will interfere with the resources for which the local authorities have already planned.

It is unfortunate that whereas we are voting Kshs6 billion for Recurrent Expenditure, the Ministry has only Kshs1 billion allocated for Development Expenditure. It is very unfair that a Ministry which has a lot of development to undertake for Kenyans has been given such a small amount of money for development.

Mr. Temporary Deputy Speaker, Sir, I would now like to talk about the road network and the Fuel Levy Fund. You realise that the number of cars in urban areas is much higher than the rural areas. The Minister is hurriedly undertaking projects to beautify Nairobi because of the Afro-cities meeting that is going to take place in Nairobi, and not because of Kenyans. If it were not for that meeting, the City of Nairobi would still be looking like a slum. He has given that as excuse for refurbishing and re-beautifying the City of Nairobi.

If that is his intention, without considering that Kenyans also need to live in a good environment, it will be a sad story. This Minister is undertaking the wrong priorities for Kenyans. He does not need to impress foreigners. He should impress Kenyans so that they can vote for him to come back to Parliament. I hope he will be on the Opposition side in the next regime so that we can show him the way.

Mr. Temporary Deputy Speaker, Sir, the strategy that the Minister has instituted for the

management of financial resources in the Ministry is welcome. We have been allocating resources to people who have no capacity to spend. They do not have the capacity to manage those resources. We have been giving them these resources without knowing how well they can perform. I think the former regime did it earlier.

The current Government should be lauding the former Government for introducing the Local Authority Transfer Fund (LATF), which is now doing a very good job in this country. We could have started with streamlining the management of financial resources in the Ministry but because local authorities needed money, we started with LATF. So, the current regime should thank the KANU Government for doing a good job which enabled the Minister to start off well. He will go on well until we take over again.

I hope that what the Ministry has done in the eight local authorities, as a pilot project, will be used as the baseline for financial management in other local authorities countrywide. With regard to the support given by the Minister in terms of provision of financial resources through the LATF, I think it is time we amended the criteria being used to disburse money from this Fund.

Mr. Temporary Deputy Speaker, Sir, with the change of the administration in this country, I thought that there would also be a change in ideas. We are still using the 1999 Census and betting on other parameters. We would like to target the rural poor. The Nairobi City Council has consumed so much of our money generated through the LATF as well as collection of rents and rates, among other levies, yet it is able to generate its own revenue to the tune of over Kshs3 billion annually. We should amend the LATF Act so that more money from this Fund can go to local authorities in the rural areas.

If we continue to base our allocation to local authorities on their respective populations, the North Eastern Province will never develop for the next 100 years. It is time the Minister re-looked at these issues and proceeded to amend them.

On the participatory approach of the Local Authorities Service Delivery Action Plan (LASDAP), as much as we have always been using it, there have been very many questions which have been coming to this House on projects undertaken by local authorities. An example was the purchase of a grader by Nyando County Council. This was not a priority of the people of Nyando. On top of all that they purchased a second-hand grader. What did the Ministry do? It kept quiet and allowed it to go. We are always told in this House that they are going to investigate the matter. They will investigate these things until the end of their tenure and there will be nothing substantial achieved.

There are many noble projects which have succeeded through the Local Authority Transfer Fund (LATF), and the Minister has enumerated them. They are good and there are many others which have been carried out by the local authorities. They need actually to be identified because they have used the LATF money well.

Mr. Temporary Deputy Speaker, Sir, the contracting of projects to the community is a worthy way of doing things, so that hon. Members can monitor whatever is there.

Under the Development Vote, the Minister talked about spending Kshs325 million on the Rural Poverty Support Programme. We are Kenyans who talk too much and do very little. We really like using the word "poverty" because it attracts attention. But in real sense are we addressing the poverty needs and issues of this country? In Nairobi City people would like to earn a living through *kiosks* development, but they cannot do so because of the barbaric action of demolishing them. This is not a solution in this country. There should be a proper mechanism of resettling and relocating kiosk owners with a human face. I do not support the current scenario where demolition by use of bulldozers is going on. This is something which we have always been addressing. I have seen two Ministers going to complain about demolition in Westlands because of a plot owner who wanted to develop it. If such demolition is not barbaric, then I do not know what other word I should use.

Mr. Temporary Deputy Speaker, Sir, as much as we always talk about the infrastructure in

our City, the Kenya Urban Transport Infrastructure Project (KUTIP) had offered a solution. But it was abused by the officers of the Ministry of Local Government. The World Bank withheld funding on 30th June, 2005 because one of their issues was not addressed. The people who were involved in corruption have made this country suffer. The person who was involved was released by the Government. The people who were involved at the World Bank were charged in court and they lost their pension, and yet, in this country we let those thieves go scot free.

The Minister for Local Government (Mr. Kombo): On a point of information, Mr. Temporary Deputy Speaker, Sir.

Mr. Sirma: I do not need information, Mr. Temporary Deputy Speaker, Sir. I have facts!

The Minister for Local Government (Mr. Kombo): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am not sure whether my brother is in order to mislead the House that the Kenya Government has not taken action on the man involved in KUTIP. In fact, the matter is in court and the case has been going on.

(Applause)

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, that is a new development and I would say it is good of the Minister. But I do know that as things stand, Mr. Ngari is a free man.

Mr. Temporary Deputy Speaker, Sir, we lose quite a substantial amount of money through interest on the penalties accrued from the loans by the contractors. We do not need to lose money through interest because of corruption. If that is where we are taking Kenya, it will be a disaster. We are not serious in our fight against corruption, because issues of interests and penalties are yet to be addressed by the Minister on the World Bank funding which was closed.

I wish also to introduce an issue which we have asked about in this House before. There was a firm contracted called Jacorossi which signed agreements with the Nairobi City Council (NCC), which were cancelled later. If the same firm, because there was an agreement, comes back and demands compensation, who will actually pay them? We do need a transparent Government---

The Assistant Minister for Lands and Housing (Mrs. Tett): On a point of order, Mr. Temporary Deputy Speaker, Sir. There was not such an agreement whatsoever with Jacorossi.

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, the HANSARD will bear me witness. I asked for a Ministerial Statement in this House and it was given. I, therefore, do not know who is actually misleading the House right now.

We lost the KUTIP money through the mapping in the local authorities in this country. The firm which was involved is called Geomaps. It did not do any job. But the same firm has been contracted by this Government--- We have the Kenya Revenue Authority (KRA) which is collecting revenue for the NCC, but the Government has gone ahead and contracted Geomaps to collect rates on behalf of the NCC. This is another Anglo Leasing scandal which the Minister should explain to this House. Who actually gave out the tender?

The Minister for Local Government (Mr. Kombo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Official Opposition Responder to insinuate that Geo Maps is going to collect money for the NCC when it is not? It is keeping data that will help the KRA to collect money.

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, these are the same corrupt fellows. I am told in my community: Once a buffalo has chased you before, when you see a black cow you may think it is the same buffalo. So, this is the same terrible man called Lenny Kivuti who has been doing the dirty job in City Hall.

Mr. Deputy Speaker, Sir, I would like to point out that, as much as the Minister is saying that they are getting new data, we have inside information that, finally, Geomaps will be transformed into a rates collecting unit at City Hall. If that is true, could the Minister give us the terms of reference which have been given to that company to run City Hall? How much money will they get from City Hall for doing that job? Who identified Geomaps? Which tendering procedures

were used to identify Geomaps? We know that there was no procedure. It was done through single sourcing. We need to be informed how the Kenya Revenue Authority (KRA) was performing its duties before somebody else was engaged to do that job. We have lost rates in this city through fraudulent lawyers who were hired to do the same job as Geomaps have been given.

If we are serious in bringing order in local authorities in this country, we should start with Nairobi City Council (NCC). If we make NCC look sober so that it can be emulated by other local authorities, then we will be heading somewhere. This is the simplest City to run. But the problem is that we have too many people running around looking for money. It is the milk-cow which everybody in the Ministry is trying to milk.

Mr. Temporary Deputy Speaker, Sir, as I close, a good report of the expenditure has been given. The Minister should think about Kenya and the population in the rural areas. He should amend the Local Authorities Transfer Fund (LATF) Act, stop fraudulent tenders and do the good things that Kenyans expect from him.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Khamasi): Proceed, Mr. ole Ntimama!

*(Mr. ole Ntimama walked to the Dispatch
Box followed by Mr. Kamama)*

The Temporary Deputy Speaker (Mr. Khamasi): What are you up to?

The Minister of State, Office of the President (Mr. ole Ntimama): I beg your pardon, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Somebody is following you very closely.

(Laughter)

Okay! Proceed, Mr. ole Ntimama!

The Minister of State, Office of the President (Mr. ole Ntimama): Are they threatening me, Mr. Temporary Deputy Speaker, Sir? Wait until I speak! They could actually do more than that.

Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity. I want to support this Vote. It is a very important Vote because it deals with a very important sector - local authorities. We want to pass this Vote here in Parliament. However, I have a few things to say.

First and foremost, I had the privilege of serving as the Minister for Local Government for eight years continuously! The only other person who came near my tenure was the late senior Mudavadi, who served in the Ministry for five years. I can claim to know something about Cap.265 of the Laws of Kenya. I have dealt with it for all those years, including the regulations and other things that deal with local authorities. Let me say at the outset that, a local authority is an institution that has been created by the Constitution in order for citizens of an area to be responsible and deal with their own development affairs. It is also for the citizens to decide their own destiny in many ways.

I want to go a little bit faster on the following issue. A council is guided and controlled by resolutions. The resolutions of a council dwell on development and social issues. That is what they think about when they are passing resolutions in councils. It is true that the Minister can reject certain resolutions passed by any local authority if, by passing those resolutions, the councillors are divided in the middle. There has not been consensus in passing those resolutions. The Minister can also reject the resolutions if he is well informed that there was corruption and fraud in passing them. However, he must be able to show that there was fraud in passing those resolutions.

Mr. Temporary Deputy Speaker, Sir, these days, I am told that the Minister would just say:

"I do not like your face! Your resolution is rejected!" Normally, that is misuse of power. If the Minister can do such a thing, especially where the council has passed a resolution and followed the normal procurement procedure, really the Minister--- Unless, he puts it in writing--- He should not just go to the chairman and say: "I do not like what you did! You annoyed me." That is not the law. Those are the whims of an individual. He must be able to say why he cannot accept a resolution. He must do that in writing. He should not just think he can go and peddle a finger before the council.

Mr. Temporary Deputy Speaker, Sir, it is true that we must support local authorities. I want to say a few things about my own local authority. We are mourning right now. I want to say that very clearly. We are mourning because the Minister here, has transferred a clerk who came to Narok County Council a few years back, when that council was in deep pits of bankruptcy. It owed the people of this country Kshs300 million. He has cleared that debt. The workers were not paid. They are now being paid. He organised for the saving of Mau Forest, the park and many other things. We do not know why that man has been transferred. In fact, that person is not even a Maasai. We are not talking about ethnicity here. He comes from the famous land of the Abagusii. We think that it is discrimination, malice and destroying the Narok County Council. It is destroying the park, forest and the integrity of the people of Narok. The Minister read something here and said that county councils are being reformed. What do you reform when you start sending away those who are doing the reforms?

Mr. Temporary Deputy Speaker, Sir, the Minister came to that Ministry about one and half years ago. I went to him and said: "Mr. Minister, the park is being looted. Strangers have gone into the park and are collecting money. We think you should come in and save it". When him, Mr. Kimunya and myself went to inspect the forest, we saw that the money was being collected by strangers. According to the law, a stranger is somebody who goes to the gates and collects money. It is only the council that has the authority to collect money. He said: "Okay! I am going to do it". But one day, he jumped into a plane and came to Keekorok, collected everybody and said: "Look here gentlemen, the *status quo* must remain!" That means they will continue to collect that money illegally. That *status quo* has now remained for one and half years. In the meantime, the park is being looted. He said he was going to form a task force--- I do not know whether that task force was formed. But he does not want to produce that report. I am sure that task force was composed of reasonable people. They must have recommended that the council must be saved.

Mr. Temporary Deputy Speaker, Sir, the other important thing is that the Keekorok Lodge has been the first lodge which tourists visit in this country for a long time. It was a famous lodge. That is where the Americans, Germans and everybody came to visit. Let me tell you in front of the Minister here that Keekorok Lodge now looks like a slum. The *Mhindi* who was given the concession there has gone on and built unplanned structures everywhere including in the park and around the lodge. When he is told that this not right since he is actually breaking the law he says: "I have got the support of the Ministry of Local Government and you can get lost". Imagine such a *Mhindi* saying this with arrogance and impunity. This is how we think Narok County Council is being destroyed. I appeal to the Minister and say that I have a lot of respect for him but we cannot stand up and see the whole of our resources being destroyed just because somebody wants to "eat" a little money from the corner either from a *Mhindi* or from the gates.

We will not agree on anything like that and I want to appeal to the Minister to look into the whole situation again. He should first of all, produce a report of the task force so that we can save the looting of the Mara. It is true that we hear a lot of stories now and we want to believe a few of them. We hear that some "big" people in Nairobi including Ministers, now want to go to the park and carry out some excision of it by using some other corrupt greedy individuals who are notorious for that kind of grabbing and greed in that area. I want to appeal to the Minister to look into this area because this is where we are getting a lot of tourists. The Maasai Mara Game Reserve gets 70 per cent of all the tourists that visit this country. It is not just an ordinary reserve and unless we get a person who is going to look after our resources, it is going to be a disaster. We are not going to

sit back and watch this reserve being destroyed. I can tell you that. We are not going to fight anybody but we are going to pray to the Almighty God to save us.

Thank you.

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity to make my contribution to this Ministry's Vote.

From the outset, I want to support this Vote and to elaborate a little bit on the issue that was raised by hon. Sirma regarding Kenya Urban Transport Infrastructure Project (KUTIP). It is a fact that the World Bank has since stopped that aid which had been extended to the country. Even for somebody to appreciate this whole saga, we are told that the Nairobi City Council and the Mombasa City Council have engaged this company called Geomaps to identify property owners within their areas of jurisdiction. I think it is dishonest on the part of the two local authorities to purport to claim that they do not know the list of property owners within their areas of jurisdiction. It is dishonest in that there is nobody who owned land in those areas without paying for it through the local authorities concerned. To engage other companies to come and identify for them the property owners purportedly in order to catch defaulters, is in a way dishonest.

Mr. Temporary Deputy Speaker, Sir, since I can see this issue is exercising the minds of some people, let me say it from the Floor of the House since there is nothing to backbite. The gentleman whose name was given by hon. Sirma is the same person in the charge sheet, in the case against Eng. Ngari. He is shown to have been on two counts, bribed the said engineer with US\$50,000 on each count and there is nothing so secret about it. The charge sheets are there in court and we have all seen them.

Mr. Temporary Deputy Speaker, Sir, the question I want to ask is: "Are we saying that yesterday's crooks have become today's angels?" As I said, this is yet another demonstration that "Nothing Actually Really Changed" (NARC). I believe that those who are involved will be able to respond as appropriate if they deem it necessary to do so. It begs the question that a person who is obviously of questionable credibility is the one who is to identify defaulters for these local authorities. I want to urge the hon. Minister to re-look at the issue raised by hon. Sirma regarding identification and so on.

Mr. Temporary Deputy Sir, let me go to my other more substantive contribution. I have always wondered about something. The Ministry of Local Government, as the parent Ministry of all local authorities, would in my view do great service to this country, if it came up with a master plan of its vision about how it would want the local authorities to grow in this country. I believe such a master plan would incorporate, among other things, the points raised by hon. Ms. Karua when she was seconding the Motion. It is then that we will be able to come up with what hon. Ms. Karua talked of; model towns or market centres, because as you know Nairobi appears to have lost direction. We do not know which direction it is moving into. You find all manner of unplanned structures all over as you move. In fact, I would urge the Minister to consider this idea seriously because it would help the small market centres and towns that are coming up in the rural areas to develop in a planned manner to avoid the pitfalls that Nairobi and other major cities in this country have followed.

Mr. Temporary Deputy Speaker, Sir, I want to add my voice to the issue of the Local Authorities Service Delivery Action Plan LASDAP and the Local Authorities Transfer Fund (LATF). I found out that there are few hon. Members of this House who actually can tell you the applications to which those funds are put by our respective local authorities. My response to the Minister here would be to sit with the staff and councillors and find out a transparent method for which each local authority will apply those resources. This will avoid situations in which we are applying Constituency Development Fund (CDF) funds and then suddenly we hear that some councillors have come up with something and it is declared that they are the ones who are funding it. In some situations, it is not even duplication. It is pretence by the councillors that they are applying LATF funds or whatever other funds in those areas where we are also funding projects. I

think it is only fair that an accountable and transparent way be found if only to work as a guide because they are the parent Ministry. The local authorities are the children and we know it takes so many years before all of them are audited in order for the various misapplications and transgressions that the councillors may have engaged in to be discovered. I think it is only fair that we plan ahead to help the councils because we would want to really see our towns grow up in a more organised way. That can only happen if the funds that are given to the local authorities are applied in a manner that the Ministry will be able to retain some residual authority whereby they can intervene if complaints are raised at an early stage by saying: "No, you are misapplying these resources. You had indicated that you were going to apply them in this manner but you are now misapplying them and for those reasons, you may not get this particular quota or tranche of money".

Mr. Temporary Deputy Speaker, Sir, there is a piece of legislation called the Local Government Provident Fund Act. Under this Act, the Ministry of Local Government is supposed to second a junior staff to go and act as a secretary to the Provident Fund Committee. If you look at the various audited accounts of the Local Government Provident Fund; fortunately, they fall under the Controller and Auditor-General and through the Kenya National Audit Office they are audited, you will see cases of wanton misuse of funds. This House, through the Public Investment Committee (PIC), has recommended over the years that there is need to amend that law to provide for a leaner board so that we have about nine members sitting on that board instead of the current 15 members. The board should also be given authority to hire its own chief executive.

In situations where local authorities all over the country are found not to remit the contributions of members to that fund it becomes very unfortunate for the contributors. I suggest that the parent Ministries withhold some of the funds that it gives to the local authorities until that time they remit what they owe the Provident Fund. I would urge the Minister to consider seriously this proposal and look at the Act with a view to streamlining that fund because many Kenyans who are contributors to it are suffering on a daily basis. They line up everyday for their money. Sometimes they think that the officers are running away from them, but we appreciate the fact that the officers run away because they do not have money to give to the contributors. I think it is only fair if the Ministry thinks of amending the law so that it is possible to ensure that the local authorities remit all the dues they are supposed to remit to this fund in order to alleviate the suffering of the many contributors.

Mr. Temporary Deputy Speaker, Sir, I looked at this Ministry's Development Vote and I saw a provision to the tune of about Kshs1.3 billion. I am wondering whether there is any particular local authority that did not submit some Item on development. My attention was drawn to the fact that my own county council does not appear to have received anything. All that appears to be allocated for under that Vote are: Feasibility, Development of Bus Park, Management of Rain Water and so on. Surely, is there any town or market centre in this country which does not require those things?

I hope the Minister will answer that question when he rises to respond.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Muchiri: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to support the Vote for the Ministry of Local Government.

We read that the Local Government in the olden days was the beginner of democracy. This, indeed, has continued. I wish to, first of all, laud the Minister for actually addressing the plight of councillors in this country. However, I would also wish my colleague, hon. Sirma, to know that the Government has now collected more money than it expected. Therefore, the Local Authorities Transfer Fund (LATF) money is more than was budgeted for. I think that is where the Minister will get his money. The Minister will respond to this matter later on. Since the Kenya Revenue Authority (KRA) has collected more money, the LATF money has increased and so the Government is able to pay the councillors. I think politicking over this matter may not make sense.

This Ministry is a Government in itself because it controls education, roads, housing, revenue collection and so on. When such a Ministry is headed by an able Minister like Mr. Kombo, we have every reason to be proud because he is able to champion that Government which we all know is a Government within a Government. I want to challenge the Minister to continue bringing reforms. I heard him say that the Ministry has Kshs14 million which it will use to bring reforms in the local authorities.

There are areas that I would like the Minister to look into so that he can even render more service to this country. This Ministry is a planning agency and, therefore, all buildings in town have to be approved by the local authorities. For a long time, plot ratios have not been reviewed. A plot ratio is the formula that allows one to build more floors on his building. It is a technical term in the field of planning. These ratios have not been reviewed and yet there is great need to review them if we really do not want to have illegal buildings in our urban centres. If they are not reviewed, we will not be able to control development. Plot ratios, site coverage and minimum plot size must all be reviewed. For example, in Karen area, people were not allowed to subdivide more than five acres of land. That acreage was reduced to two-and-a-half acres and now it has been reduced further to half an acre. If the county councils can provide a sewerage system we should even allow for subdivision of a quarter of an acre. Since the technocrats are around, I challenge them to change those planning parameters. If you do not change, there will be development pressure and that is a political wave that cannot be stopped. For example, what can you do about Umoja Estate now? You cannot go to bulldoze those houses because they have already been put up. The planners are not able to cope up with the reality on the ground. That is, indeed, a challenge to this Ministry.

Mr. Temporary Deputy Speaker, Sir, there are certain estates, for example, here in Nairobi that were built during the colonial time. They include Bahati, Ofafa, Maringo and Kaloleni estates. These estates are so dilapidated and nobody thinks about them. I think I have a solution to this problem. Why can we not allow private developers to develop those estates anew? This is how to go about it: Give a private developer that plot in, for example, Bahati Estate and let him develop a flat of three floors. Let him rent out two floors and surrender one floor to the local authority. The developer can then earn from the rent he receives to repay the cost of building the flats. That will work. Otherwise, these dilapidated houses are sitting on very prime land which is of no benefit to anybody. That is a solution that can be adopted because it is very easy. For as long as we leave those houses to be in a dilapidated state, they are not helping the tenant neither are they of help to the council since it receives very little in form of rent. I want the Minister to consider my suggestion.

Mr. Temporary Deputy Speaker, Sir, there are certain wards in this country that are very large. There is one in my constituency which is one-third of the constituency. It is called Ndaragwa Ward just like Ndaragwa Constituency and it comprises of two locations. Such large wards need to be reduced to manageable sizes. I know the Electoral Commission of Kenya is looking at this matter, but I think the Ministry should also review the sizes of the wards.

I know that there are many urban authorities, town councils and municipalities that were created during those days of political machinations. I want to ask the Minister and the Ministry to think of elevating Ol Kalou Township. That is where Nyandarua District will have its headquarters because we are moving from Nyahururu Municipality. We will perhaps require a municipality. So, I am pleading that Ol Kalou be elevated to a municipality so that services like construction of roads and provision of water can be provided.

The issue of LATF is important. It is important that we streamline the management of that fund. I would like to suggest that the Ministry should have a committee to manage the Local Authorities Service Delivery Action Plan (LASDAP) component, so that projects can be managed the way they are done under the Constituency Development Fund (CDF). The aspect of managing LASDAP by the Ministry should be looked into so that money can be used on the projects on the ground. Since the Ministry and, indeed, the local authorities are charged with the responsibility of

providing good infrastructure of the town, I want to say that there are certain areas that have been forgotten, particularly here in Nairobi. The roads are so dilapidated that people do not appreciate the services of the council. I urge the Ministry to utilise the road money properly. The council only thinks about the city centre. However, it forgets that in other areas like in the estates outside the city centre, roads need to be rehabilitated. It is also necessary for the Ministry and, indeed, the local authorities like the Nairobi City Council to liaise with the neighbourhood associations within the towns because they are the ones which know the problems they face. For example, I cannot understand why residents of Karen should still be buying water. I do not know why trucks of water have to go into some areas. This is because the Department of Water, through the Nairobi Water Company, is not looking into this area. Why should people buy water in a city like Nairobi? These are some of the issues that we need the councils to look into. The oversight role of the Ministry must be seen to transcend to the councils so that there is proper management.

In conclusion, I want to support the Vote and encourage the Ministry to exercise its oversight role over the councils so that they can give the necessary services to *wananchi*.

With those few remarks, I beg to support.

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

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

Mr. Serut: Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for the reforms he is undertaking in the Ministry. The Ministry of Local Government, as I know it, had been messed up by the previous regime. It could not account for its properties and could not collect its revenue because it had no records. I know that the Minister has a heavy task ahead. I say so because when I look at, for instance, the City Council of Nairobi, I know that collections in lieu of rates are not up to date because the council does not have proper records as to how much land it owns and how much of it has been allocated to private developers. Within the City Council of Nairobi, land has been allocated to private developers and I know that most of it is not shown in the records of the council, as having been allocated. As a result of that, councils have lost a lot of revenue. I urge the Ministry to move very fast and identify how much land belongs to the council and has already been allocated, and therefore, collect the rates and contributions in lieu of rates, to enhance revenue within the various county councils.

The issue of roads has been talked about. But we cannot talk about roads when we have not talked about reviving the Urban Planning Department, under the Ministry of Local Government. For quite sometime now, the department has not been working. As a result of that, I know that there are many slums which are coming up within the councils, including the City Council of Nairobi. It is my request that the Government revives the Department of Urban planning so that it takes up the lead in planning all the cities we have together with the county councils.

I want to talk about the issue of waste disposal. In most county councils, for instance, in Mount Elgon, Kapsokwony Town is built on a rock. The means of disposal used are septic tanks and drainage system. We cannot introduce the sewage system. How shall we carry out disposal in that town in future? I have been discussing the issue with the area councillors, but we have not found any solution to it. The Ministry should assist the county council of Mount Elgon by coming up with personnel that has the capacity to advise on the planning of disposal.

There is the issue of collection of rates. Without the valuation rolls, the councils are not able to collect what is due to them in form of rates. I urge the Ministry to ensure that all county councils come up with valuation rolls that are up to date to enable them collect revenue in their county councils. This would supplement the amount of money that is given by the Ministry and

ease the pressure on the Ministry in terms of demand for more money.

I have also been looking at the issue of viability of projects that are started in various county councils. A good example is in Mount Elgon County Council, where the council has come up with several projects which have stalled. The projects are not properly evaluated and have poor infrastructure. I feel that the money allocated to such county councils does not reach the common *mwananchi* because there are no services rendered despite the fact that it is a service Ministry. It is my request to the Ministry that when we pass this Vote, it will revisit the issue of the personnel who are working within the various county councils.

Without proper personnel who have the capacity to advise the councillors, I think the issue of giving money to councils will not assist the county councils. It is my feeling that most of the councils should, first of all, be equipped with personnel who have proper capacity. They should be able to use the money that is given to them prudently. This is the only way that the money that we are giving to these county councils will be put to good use.

Mr. Temporary Deputy Speaker, Sir, another issue that has been raised in this House is the issue of audit reports from various councils. Most of the audit reports which have been written by the various firms, which have been doing the auditing have not seen the light of day. The audit reports are written and brought to the Ministry, but no action is taken. This has promoted corruption. In Mt. Elgon County Council an audit was carried out after some councillors were found to have embezzled money but no action has been taken to date. This will encourage corruption to thrive because councillors know that by the time the Ministry revisits the audit report, they will be no longer in office. The Ministry should start taking action on these audit reports promptly. If there is anyone who has been incriminated in a certain report, that person should be arrested and prosecuted immediately.

Let me comment about LATF funds and supervision from the local authorities. As the Member of Parliament for Mt. Elgon, for the last three years that I have been in Parliament I have seen the Provincial Local Government Officer visit Mt. Elgon only once. We have about 13 county councils. Where does this Provincial Local Government Officer carry out his duties? I thought the work of the Provincial Local Government Officer is to supervise and oversee the activities carried out in the councils within that province, but this has not been happening. There are allegations that most Provincial Local Government Officers collude with local officers within the county councils to embezzle money. It is high time the Ministry of Local Government chose the route of coming up with private auditors who will audit the funds and hand over the reports so that prompt action is taken.

Mr. Temporary Deputy Speaker, Sir, I am on record as having asked a Question on LATF funds. I wanted to know how much money had been given to Mt. Elgon in form of LATF. The records produced in this House showed that Mt. Elgon had received Kshs15.8 million through LATF. When I demanded to see the details, some of the items shown included bursary money to students. No single child has been given bursary through the county council of Mt. Elgon. I want to ask the Ministry to follow this up and find out who these children are, who were given bursaries.

The Temporary Deputy Speaker (Mr. Poghio): Your time is up.

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

The Assistant Minister for Lands and Housing (Mrs. Tett): Mr. Temporary Deputy Speaker, Sir, I stand here to support the Vote. I would like to tell the hon. Member who spoke here that the Ministry is beautifying the city because of the Fourth Afro Cities Conference that will take place soon. The other reason is that we want publicity.

Mr. Temporary Deputy Speaker, Sir, when we took over the Government, the late Karisa Maitha and I were given the portfolio of running the Ministry of Local Government. We know too well that this city was filthy. It was full of disorderly hawkers and street children all over. Women in Nairobi were even afraid to walk in the streets of Nairobi. You could not find a place to walk because the hawkers had littered each corner of this town. It did not look like a town. It

looked like a slum area. We brought order in the town. We are not just beautifying the city because of the Fourth Afro Cities Conference, but we are also bringing order.

I remember the late Karisa Maitha used to say that he liked beautiful things. He used to go looking for flowers all over to plant in the city. When we took over the Government there were many street children in Nairobi City.

The Temporary Deputy Speaker (Mr. Poghio): Are you giving the Official Response?

The Assistant Minister for Lands and Housing (Mrs. Tett): I am contributing, Mr. Temporary Deputy Speaker, Sir. I just wanted to respond to that issue so that we are not misunderstood.

This Ministry is in charge of street children in this city and other parts of this country. There were over 300,000 street families in Kenya and 10 per cent of those children had never stepped in a classroom neither did they know how a teacher looked like. This Ministry went out to make sure that those children were rehabilitated. The children that were littering and wandering all over the streets of Nairobi are now in school. Their mothers have been put in institutions where they are learning some skills.

Mr. Temporary Deputy Speaker, Sir, corruption was very high---

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to say that street children were taken to rehabilitation centres and are now back to school when we know they are back in the streets? As a matter of fact, these children never went through the so-called rehabilitation programmes. They remained in the streets! The Assistant Minister is out of order!

The Assistant Minister for Lands and Housing (Mrs. Tett): Mr. Temporary Deputy Speaker, Sir, I am in order because I was in charge of ensuring that street children were out of the streets. Mr. Mwenje is referring to very new cases. These cases are normally handled as they come up. By the time we started this programme, there were 60,000 street children in Nairobi. At the moment, you can even count the number since it has gone down. Their interests are being taken care of.

Mr. Temporary Deputy Speaker, Sir, when we talk about corruption, the Ministry and, indeed, the local authorities were the most corrupt institutions in this country. When we toured all local authorities in Kenya with the then Minister for Local Government, the late K. Maitha, we were shocked to see many stalled projects where money was allocated, but it was misused in one way or another. The Ministry took charge and if you tour these local authorities, you will see that most of those stalled projects are now complete. Corruption was so rampant. Some of the workers at the Nairobi City Council (NCC) were involved in private businesses. I recently picked a friend who told me that the last time she visited Nairobi she was picked by a taxi driver. When she asked him what else he does, he said he works for the NCC. He was doing taxi business during the day. So, most of these workers used to leave their workplaces and just engage in personal businesses. This was brought to a halt. That is why this City was in a disorderly state.

Mr. Temporary Deputy Speaker, Sir, the Minister has said that Kshs5.5 billion will be allocated to 175 local authorities. That money will be used to reduce poverty because it will trickle down to the constituencies. This way, Kenyans will enjoy proper services. That is why we are talking about devolution and devolved governments. We need each local authority to get money that will enable them decide which development projects they need to get involved in. This was never done. No one was concerned with what local authorities were doing. About 53 per cent of Kenyans live below the poverty line. Many of those people are women.

Mr. Temporary Deputy Speaker, Sir, I would like to ask the Minister to look for ways and means of providing good markets, stores and *kiosks* in rural and urban areas, as they strive to assist women. Women are the backbone of this country. There was a time when women used to display tomatoes and onions for sale and the NCC *askaris* used to beat them up. They would run with their children strapped on their backs. That is now a thing of the past. However, we still need to enhance

kiosks and improve the areas where hawkers operate from.

This Ministry has done a lot in as far as dispensaries are concerned. Initially, there was no medicine in most of the dispensaries. However, most of these dispensaries have been rehabilitated and offer good medical services to our people. In the past, one would visit those dispensaries, but there were no assistants to offer services. They simply did not care whatever happened to Kenyans. We should, therefore, applaud this Ministry for what they have done so far.

Mr. Temporary Deputy Speaker, Sir, on the issue of fire-fighters, the Minister has indicated that the number of fire-fighters will be increased by ten. That is very important. We have lost many lives through fire. Unfortunately, there are no fire-fighters. Water is also scarce. I would like to ask the Minister to ensure that there is water to fight fires because most of the time there is no water when there are fire outbreaks.

With those few remarks, I beg to support.

The Assistant Minister for Environment and Natural Resources (Prof. Maathai): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Vote.

First, I would like to commend the Minister, and his Ministry, for the many improvements that we have seen, especially on our roads. I live in South C and, for many years, those roads have not been repaired. I still live near a road, which I know has not been repaired for the last 30 years but, at least, I have seen some improvements along the main road. I would like to encourage the Ministry to improve those roads so that people can really see that the NARC Government is doing a lot of good work.

I would like to repeat a subject that I have raised in this House many times. I will continue to raise it until we have seen a change. This is on the issue of plastics. I find that this country has almost resigned itself to the fact that we must continue using thin plastics that we only use once. They are mostly used in *kiosks* and shopping centres. They are used to pack vegetables and other provisions. When they are taken home, the contents are used and the plastics are put in the waste paper basket. From most of the high class residential areas, these plastics end up in dump sites in Eastlands. Anybody who has not visited Kayole to see where those plastics are thrown does not know the menace that is plastics. Other plastics end up on the roads, parks and in drains. I have literally seen workers of the NCC sweeping and putting dirt in the drains. Along with the dirt are those plastics. I am sure those plastics contribute a lot to blocking the drains. We could ask the NCC workers to be more careful but, in my opinion, we should not have those plastics in this country. It will take leadership for us to achieve this. I know Rwanda had the same kind of menace and a lot of their animals were dying because of these plastics. One day, President Kagame banned the use of plastics in his country. That was the end of that menace. Today, they have none of that nuisance.

Mr. Temporary Deputy Speaker, Sir, besides these plastics being a nuisance, blocking the drainage systems and contributing to more than 60 per cent of the garbage that we see in the garbage sites, when they are thrown in the environment, because they do not degrade, they create small dams and when it rains mosquitoes breed in those dams. When we throw those plastic bags in the environment, we are creating millions of habitats for mosquitoes to breed. So, when we cry out that we have a resurgence of malaria due to a lot of mosquitoes in our city, I do not see why the City Council and, especially, the Health Department cannot make a connection between those plastics and the resurgence in malaria.

Mr. Temporary Deputy Speaker, Sir, I also raised that issue when we debated the Vote of the Ministry of Lands and Housing. I would also like to raise it here because it concerns the Ministry of Local Government. That is the construction of houses in our cities. If you go to a country like the United States of America (USA), you will find that, because in summer there are many insects, they have developed a technic where houses have two doors. One is the main door and the other one is for keeping mosquitoes and other insects out. Why is it that in this country,

where we claim that many people die of malaria, we cannot improve our Building Code, so that all windows and doors should have the extra gauge - a thin wire - to keep mosquitoes and other insects out, especially in the evening? What would it cost if we required that all windows should have that gauge to keep mosquitoes out? If the Europeans had put that as a requirement for buildings, we would be doing it. Why can we not think for ourselves? I have raised that issue and I will continue to raise it. It just amazes me that we continue encouraging open doors and windows, and then claim that our people are dying of malaria due to mosquitoes, and then we go all over the world asking the World Bank and other donors to give us money! Even now, we are campaigning that everybody should have a bed net. Instead of investing in bed nets, why not invest in those wires on our windows, so that you are not only protecting those who are sleeping, but also every member of the family? Bed nets only protect those who are sleeping. Mosquitoes are very busy biting us in the evening while we are eating and so on. So, I would like to appeal to the Minister, along with his colleague in the Ministry of Lands and Housing, to look into the Building Code. It would be very cheap and it would also save lives.

Mr. Temporary Deputy Speaker, Sir, I would also like to mention something else. More than 60 per cent of the people in this country are poor. They do not have cars. But there is absolutely no reason why we have not developed bicycle paths, so that our people can ride on bicycles without being knocked down by cars. We lose so many lives. We do not see Kenyans riding bicycles, even though the Government has made them very cheap. Mr. Temporary Deputy Speaker, Sir, why is it that the Government, in a country where the majority of the people walk, cannot see the need to create walk-paths and cycle-paths? Our people constantly go over bumps, stones and ditches because, originally, our country was created for Europeans who had cars. That should be done, so that our people can walk with self-respect and dignity. That also applies to public toilets and latrines. I know that there has been a slight improvement, but we still see people standing by the hedges "helping themselves". There is a certain amount of indecency that, when exposed, reflects very badly on a society. I think urinating in public is one of the most dehumanising aspect that I find in our society. Yet, we continue as if that does not matter. When a man stands by the hedge, he is not only reflecting himself, but all of us in the society. Therefore, I would like to appeal that we should improve our public utilities with respect to latrines and toilets, so that our people can have self-respect. That is because, after all, if you are walking around and there are no toilets, what do you do? You stand and pretend that people do not know what you are doing? But everybody knows what you are doing!

This country needs to see a certain amount of equity. This is one of the Ministries that is supposed to reflect equity, because it collects taxes. After collecting taxes, it is very important that people see services. That is why we want roads to be repaired, walking paths to be created and public toilets to be built. We expect all the resources to be used for the benefit of the society in general; to improve the quality of life. The same applies to *kiosks*. That is a subject we have talked about before. There is no reason why we cannot produce model *kiosks*, big enough to do business, but small enough for people not to turn them into homes! That is unacceptable.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Poghisio): The Member for Amagoro!

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this chance.

The Temporary Deputy Speaker (Mr. Poghisio): Could you move closer to the microphone?

Mr. Ojaamong: I am very close to the microphone!

The Temporary Deputy Speaker (Mr. Poghisio): Then make use of it. You are not being picked.

Mr. Ojaamong: Can I come to the Dispatch Box?

The Temporary Deputy Speaker (Mr. Poghisio): It is now okay.

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, while I appreciate that the Ministry of Local Government has recorded tremendous improvement in terms of service delivery, there are some areas which the Minister, if he acted with speed, could rectify.

Mr. Temporary Deputy Speaker, Sir, I am going to mention very few points. The first one is on corruption. It is true that when the NARC Government took over power, there was rampant corruption in the Ministry of Local Government. But thanks to the late Minister, Mr. Karisa Maitha, because he moved with all his might across the country, together with his Assistant Ministers, and addressed that problem. Corruption really came to an end. In fact, the chief officers, together with the councillors who were involved in corruption, almost resigned. Most of them resigned or disappeared from their workplaces.

Mr. Temporary Deputy Speaker, Sir, currently as we speak, I have time and again presented a complaint to the Ministry of Local Government regarding my local authority. The Ministry has come to my help and this has borne some fruits. The residents have seen some development projects being undertaken and I hope that will continue.

However, I would like to, specifically, talk about Busia Municipality. Half of it happens to be in my constituency, and the other half is in Busia District. It is unfortunate that officers in Jogoo House do not know that part of Busia Municipality is in Teso District. Whenever I refer that problem to them, they tend to ignore it and refer me to Teso, not knowing that part of Busia Municipality is in Teso District. So, may I take this opportunity to tell the Minister to, at least, make his officers get acquainted with boundaries in all local authorities. They should know that Busia District is quite different from Busia Municipality. So, whenever I have a problem regarding Busia Municipality, it should be understood that I am a Member of Parliament representing that municipality. However, the workers there have not been paid for the last four months and they are now on strike. I do not know what the Ministry is doing about it because there is a state of misery there. The Treasurer has been chased away and the councillors are helpless. I appeal to the Minister to move with speed and correct the situation in Busia Municipality. The chief officers and some councillors have embezzled a lot of money. For the last three financial years, we have not even seen a project funded by the LATF funds. Officers from the headquarters went to do a special audit there and they found no project, but they have never reported back to the Minister. I hope this is not a deliberate move to bring down Busia Municipality. I have confidence that the Minister will correct the situation.

Mr. Temporary Deputy Speaker, Sir, before Teso District was created, we used to operate under Busia County Council. When we split, the Teso County Council was created. Some staff were transferred from Busia County Council to Teso. To date, over 30 of them are floating, but they are supposed to be employees of the Ministry. Some of them have retired but they are still on the payroll. Moreover, the sharing of assets between the two councils has not been done to date, thereby creating imbalances. I appeal to the Minister to address this issue. I raised it here some time back and I was told it would be addressed in due course, but it is now taking over one year.

Mr. Temporary Deputy Speaker, Sir, the issue of expenditure of funds by local authorities is a very big one. Whenever a project is completed by a community, it takes almost six months for the Minister and his officers to append their signatures. I have a project in my constituency where we were supposed to install electricity in one shopping centre in Teso, called Machaku in Malaba Town Council. Fortunately, I secured funding from the Ministry of Energy to supply electricity to that shopping centre. Now, we wanted to change from supplying electricity to that shopping centre by the Ministry of Local Government to putting up classrooms in a neighbouring school. It has taken almost six months since the officers from Teso brought that project here to date. This is denying *wananchi* services.

Another issue I wanted to raise is the status of the Ministry of Local Government in the proposed new constitution. When the councillors came here, it was made clear to them that the councils would be obsolete. Instead, we shall be having district governments. I appeal to the

Minister to re-think his support for the "banana" group, because his Ministry will be scrapped.

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to express his ignorance of provisions in the proposed new constitution?

The Temporary Deputy Speaker (Mr. Poghiso): Order! Order, Mr. Angwenyi!

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, I think he is more ignorant than me because---

The Temporary Deputy Speaker (Mr. Poghiso): Order, both of you! Mr. Angwenyi, will you withdraw those words?

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, to express his lack of knowledge?

The Temporary Deputy Speaker (Mr. Poghiso): Order, I am talking about withdrawing!

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, I beg to withdraw.

The Temporary Deputy Speaker (Mr. Poghiso): All right. Let us not use that language in the House. Furthermore, I do not want to hear anything about the referendum brought into the House.

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, this is a very big Ministry that employs very many people countrywide. What is the fate of those employees in the proposed new constitutional dispensation? That is a problem that will affect us all. The Minister may be blamed for that. I know he will be a Presidential candidate in 2007 and I would not like him to face problems.

With those remarks, I beg to support.

Mr. Mwanzia: Thank you, Mr. Temporary Deputy Speaker, Sir, because I have finally caught your eye after trying for long.

The Temporary Deputy Speaker (Mr. Poghiso): Order! There is no question of standing for so long! You catch the Chair's eye when you do!

Mr. Mwanzia: Mr. Temporary Deputy Speaker, Sir, at the outset, I want to thank the Minister for the speech which he has read while moving his Vote. I listened to it, and it has a lot of important content, as long as he is going to implement it.

I have listened to hon. ole Ntimama. He has said that he has been a Minister for Local Government for eight years. I have worked for the Nairobi City Council for 20 years, and I think I have more experience in talking about the problems of local authorities, as a civil servant.

Mr. Temporary Deputy Speaker, Sir, the Local Government Act, Cap.265, gives local authorities powers to run their affairs on the basis of resolutions. But it also gives the Minister immense powers, which, if wrongly used, could destroy local authorities. For the last 20 years, I have worked under about five Ministers, including hon. ole Ntimama and hon. Kamotho. I never worked under hon. Kombo, but I am now working with him as a Member of Parliament.

I have seen the Ministers misuse their powers under this Act. I have seen them direct local authorities, and more so the Nairobi City Council, to pass resolutions which have led to the misuse of revenue and assets of the councils. I hope hon. Kombo will use those powers in helping the Kenyan people. Many of these resolutions are not done for the benefit of the local authorities, but for the benefit of councillors and the people who do business with the local authorities.

Mr. Temporary Deputy Speaker, Sir, I have heard hon. Members talk about the collection of revenue by local authorities. The collection of revenue is actually not the problem. This is what the Minister and his staff should realise. I was a Principal Valuer in charge of Rates at the Nairobi City Council. I was compiling even the current Valuation Roll which is being used now. I was even involved in compiling the by-laws that are being used now. I know the rating base for Nairobi City Council. I even know the Geo Map issue, but that is not the biggest problem facing the Nairobi City Council. The biggest problem is how revenue is used once it is collected.

Mr. Temporary Deputy Speaker, Sir, the office of the paymaster in City Hall is where the buck stops. This is where corruption is. People who work in that office, unless they are aligned to

the Mayor, the Town Clerk and the Treasurer, if they cannot be corrupted, they are chased away. There was a paymaster who refused to sign fictitious payment vouchers and he was chased away. These are the kind of employees the Minister should have at City Hall. That man should be returned to City Hall. I am not campaigning for him, but he was very honest.

Another very important issue that the Minister should look into is the welfare of the workers. The welfare of workers in local authorities is a very big problem. When I started working with the Nairobi City Council in 1980, we had a very good working environment. The morale of the workers was very high. Why has it gone down? I agree with hon. Tett that workers preferred going to work in the field because they were not getting their salaries in time and they had to look for some money. They were not even getting their SACCO deductions. The City Council is owing NACICO SACCO Kshs1.2 billion. I am a former chairman of the NACICO SACCO and I know what the Minister is doing. The workers are getting something and that is why their output has improved. They can now get loans to pay school fees. The morale of the workers is very important.

Mr. Temporary Deputy Speaker, Sir, for the many years I worked there, it is only hon. Uhuru Kenyatta, when he was the Minister for Local Government, who tried to reach out to the workers. He called all the workers and listened to them, but before he could do anything, we went for the elections. I would like to appeal to the Minister to talk to the workers and try to know their problems. This will enhance the output of the workers. No organisation can succeed without taking care of its human resource.

I want to say something about the physical planning of urban centres and local authorities. Many market centres are coming up without proper planning. There is no infrastructure. We are not providing the necessary services such as sewerage systems, water and electricity. What will we do in future when we will need to put these services in place? The Minister, who is entrusted with the planning of the local authorities should take up this challenge before the situation gets out of control. If you look at a town like Athi River, you will find that comprehensive developments have been put up. These developments are being put up on an 0.8 acres pieces of land where most of the services cannot be provided for. Where people are supposed to provide for sewerage systems, they are installing septic tanks. What will happen to these developments in the future? The people are not even providing sewerage systems. Even if in the future we would like to construct sewerage systems, it would not be possible. Even if the Minister looked for donor funding to construct sewerage systems in towns, it will not be possible because there are no provisions for that. The Ministry has a Physical Planning Department which should be planing for these market centres.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about corruption in the utilisation of the Local Authorities Transfer Fund (LATF). I am grateful to the Minister for disbursing the LATF funds to the local authorities. However, he needs to put in place a mechanism to check how this money is being used. If you go to Machakos, there is an outcry because they want to put up a residential housing scheme. I was in the initial team that came up with the Local Authority Transfer Fund (LATF) when I was in the City Council. It was not meant for such projects. They are discouraging development of rental houses because we want services to be provided to the people at the local authority. If you see the contracts they are awarding, they are too high because there is a lot of corruption. I am not talking ill of them. If you visit the local authority, you will realise that councillors have bought new cars for themselves. Where are they getting this money from? We know them! We are asking the Minister to institute an inquiry in Machakos Municipal Council. I brought a Question to the House, two weeks ago, concerning the misuse of Kshs2.5 million which was allocated for a community centre. It was answered by Mr. Kamanda. He agreed and promised that he would take up the matter. There are so many cases of this kind.

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

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this important Vote.

The Local Government is the first Government of the people of Kenya. It is the Government that reaches the grassroots levels of our country. If the services of the Local Government are not appropriate or adequate, they impact negatively on the Government. We are dealing with Cap.265 of the Laws of Kenya which was enacted many years ago. At that time, the local authorities were providing effective services in this country. I used to live in Kibera and we had clean running water throughout the year. We did not have to construct overhead or storage tanks for our water. Our toilets were adequately cleaned and sanitation was maintained. The bushes around the area were cleared so that we did not have mosquitoes to spread malaria. At that time, we had street lights. I was a young man and I could walk to Starlight Club, dance there and walk back to Harlians Club in the City Centre because there were street lights.

Mr. Temporary Deputy Speaker, Sir, at that time, our parks; the City Park, Uhuru Park and Jamhuri Park were very well-maintained. You could go there and relax with your girlfriend or family, if you had one at that time. Our roads were well-done. If you went to Wanyee Road out in Dagoretti, it was well-done with street lights and tarmacked. At that time, the City Council was providing housing for the poorer members of the City. This is what happened throughout the country. At that time, the Ministry of Local Government had a department of inspection. It carried out inspections throughout the country to ensure that the books of accounts were appropriately maintained. Where there were flaws or transgressions in the financial management in our local authorities, the people concerned would be held accountable. They would either be disciplined or charged in a court of law.

At that time the local authorities' workers were receiving their salaries on time just like the Central Government employees. All deductions were being made on time! However, over the years because corruption got into our Government and local authorities, the services have declined to the extent that you cannot advise anybody today to drink unboiled water from our taps. They may contract some water-borne diseases!

Today, you cannot walk in the streets of Nairobi, or in the streets of Kisii Town at night, because there are no street lights. The roads and the streets in our urban centres and the Nairobi City are not maintained. If you drive through Karen Estate in Langata, which is believed to be a high class estate within Nairobi, you will encounter big potholes, which are unlikely to be filled up in the next two to three years.

Mr. Temporary Deputy Speaker, Sir, the current Government, and also the previous Government have not taken keen interest in improving the services provided by local authorities. We have the Local Authority Transfer Fund (LATF) which gets in excess of Kshs5 billion, which is dished out to our local authorities. However, we do not monitor the use of those funds. We do not allocate them for specific projects. Therefore, that money ends up being misused.

If the Minister decided today, that out of the Budget we are going to approve for his Ministry today, he is going to use Kshs2 billion from the Kshs5 billion allocated to the LATF to construct business malls at Kenyatta Market, Umoja Estate and Pangani Estate, he will accommodate all the hawkers we see in our streets. All the dirty kiosks we see on our streets will become a thing of the past. The Nairobi City Council will generate a lot of revenue from those malls. However, if we only give money to people to spend it as they wish, they cannot spend it properly.

If the Minister were to do in Nairobi what I have suggested, and then, in the next financial year he gives an amount of Kshs1 billion to Mombasa Municipal Council and another Kshs1 billion to Kisumu Municipal Council, followed by Kshs500 million to Kisii Municipal Council and Kshs500 million to Kericho Municipal Council in the subsequent year, in a period of five years, he would have changed the face of the local authorities in this country. We will see the benefits of properly using the LATF money.

Mr. Temporary Deputy Speaker, Sir, we know that this Minister has not conducted himself in the same way some of his predecessors did. If you recall, in the previous Parliament, a Question

was brought here about a Minister who authorised the paving of 200 metres of road at Museum Hill, Nairobi, for Kshs214 million. I am not ashamed of telling you who the former Minister was, because he was named here. Mr. Ongeru sanctioned the paving of a road, of 200 metres long, for Kshs214 million! That is over Kshs1 million per metre!

The Temporary Deputy Speaker (Mr. Poghio): Order! Order, Mr. Angwenyi! How does that, really help this cause if you mention names of people who cannot defend themselves here?

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, I am referring to the issue because I brought the Question on the matter, and he was mentioned.

Now, allow me to proceed on the issue of land allocation.

Mr. Kimeto: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member on the Floor in order to introduce names of persons who are not in this House to defend themselves?

The Temporary Deputy Speaker (Mr. Poghio): That is basically what I said. Mr. Angwenyi, when I raise such matters, it is not for you to just brush them aside.

Mr. Angwenyi: I have heard you, Mr. Temporary Deputy Speaker, Sir.

On land allocation, there have been instances where people contested seats in their wards simply because they wanted to "grab" land or properties. Some of the Ministers have abused that "land grabbing" procedure. We have a case in Nairobi where the mayor's house was "grabbed" by a Minister. I am, in fact, shocked that the current Minister has not taken any measures to repossess the mayor's house, so that we know that this is a mayoral house in the same way we know State House and in the same way we are building a house for the Vice-President.

The Temporary Deputy Speaker (Mr. Poghio): Order! Order! Mr. Angwenyi, I have to remind you that you are responsible for the accuracy of the information you give to the public. You are a very senior hon. Member of Parliament. You mentioned something that you know is true or, at least, you have information about. Having mentioned it, you must substantiate.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, you are taking my time!

The Temporary Deputy Speaker (Mr. Poghio): If you cannot substantiate, do not try and introduce names or even titles of people, especially when they are hon. Members of Parliament. I protect them.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, I did not want to mention names but if you want me to mention them, I will do so. Let me go to the next subject.

The Temporary Deputy Speaker (Mr. Poghio): Order, Mr. Angwenyi! Do you think that by just proceeding on I am going to relent?

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, let me retract---

The Temporary Deputy Speaker (Mr. Poghio): You should be responsible, so that your time is not wasted! But when you say a Minister has grabbed---

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, I said a former Minister, hon. Ngala. He is staying in that house even today. The Minister can confirm that to you.

The Temporary Deputy Speaker (Mr. Poghio): Mr. Angwenyi, you are really behaving as though you are getting away with all these things. All this name-calling does not help you!

Mr. Angwenyi: You have driven me into calling him!

The Temporary Deputy Speaker (Mr. Poghio): If there is a house that has been grabbed, it is the Minister who should say so, or you bring the information here. But mentioning people's names and making them look like you have all the---

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, you are finishing my time!

The Temporary Deputy Speaker (Mr. Poghio): Order! It is you! We never waste time here! You should never dwell on things that you cannot substantiate. Do not drag people's names here!

Proceed!

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, I do not know why you are hurt. Is it because this man is in the Orange Camp? I am saying the truth! Mr. Ngala has grabbed the Mayor's house in Nairobi. That is a fact!

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Angwenyi! You have proceeded to insult the Chair and for that reason, I really have no option but to ask you to withdraw from the Chamber.

*(Mr. Angwenyi withdrew
from the Chamber)*

I had already given a chance to the Member of Parliament for Ndhiwa Constituency.

Proceed!

The Assistant Minister for Foreign Affairs (Mr. Ojode): Thank you, Mr. Temporary Deputy Speaker, Sir, for having recognised me. I will start by congratulating the Minister for Local Government. But I have some issues which I want to share with a friend of mine, the Minister for Local Government.

The roads in Nairobi are in a pathetic state. If you go to Parklands and Hurlingham areas, you will not believe that you are in Nairobi. I do not want to put this blame on the Minister because I know that he has been in office for about seven months. There is nothing happening within the City. Since these roads were constructed about 40 years ago, there has never been any expansion, leave alone filling the potholes. The statement we always hear is that they are being done. That is what we are also getting from the Minister.

When you go to Nairobi South C, Nairobi South B and Nairobi West estates, you would think that you are in Garissa.

The Assistant Minister for Local Authorities (Mr. Kamanda): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead this House that the Ministry has not even constructed or recarpeted any roads when you know that we have about 18 roads in Nairobi which the Nairobi City Council has already recarpeted?

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, what I am saying is true in some estates. Why can we not expand the existing roads? The road from the City Centre to Hurlingham is impassable during peak hours. That is the fact of the matter. We should also tarmac by-passes to ease traffic. There is no way you can reach the airport if you leave this place at 5.00 p.m., trying to catch a 6.00 p.m. flight. You will never reach there. Why? Because we need to have by-passes. Nothing is happening! Recently, they expanded the Westlands Roundabout. How can you expand a roundabout and not the road, even if you are so daft? It is better to expand the roundabout, together with the road. That is because you are inviting more traffic.

The Local Authorities Transfer Fund (LATF) is meant for the officers. It is meant to pay debts incurred way back in the 1960s and 1980s, and pay wages. I was surprised the other day when I heard my friend, the Minister, say that he will increase the wages and salaries of councillors. You know very well that his statement, based on the revenue collection from each and every county council and municipality, does not mean anything. That is the reality! That is the fact of the matter. He has created more problems.

In Homa Bay County Council, the councillors are getting a salary of Kshs7,000 to Kshs8,000. They have never been paid that money for the last 12 months and yet, a week ago, there was a statement that councillors will now get more than what they are getting. From where? That is an exercise in futility and he knows it. Why can we not suggest something that is going to stay forever? If we are going to pay the councillors from the Exchequer, I would have congratulated the Minister. But what he has done is an exercise in futility! Majority of those

councils will never get that money. If they cannot even pay what the councillors were earning before, why hoodwink them? Why say: "I have added you some allowances!" From where? As we speak now, Homa Bay County Council has not paid salaries.

Mr. Temporary Deputy Speaker, Sir, the other bit is the issue of security through the enforcement officers within Nairobi, Kisumu and other county councils and municipalities. Within Nairobi, the enforcement officers are not working. I do not know since when! If the Minister cannot manage Nairobi City Council, let him split it into three, four or five boroughs. Let that act as a showcase of whether it is possible to manage Nairobi through boroughs.

Mr Temporary Deputy Speaker, Sir, if you to Jo'burg, you will never compare it to Nairobi. I do not want to take you to Jo'burg! Go to Tanzania here---

The Temporary Deputy Speaker (Mr. Poghisio): What is Jo'burg?

(Laughter)

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, Jo'burg is Johannesburg. The place is so clean that you cannot even imagine coming to Nairobi. Why is it so clean? It is because the staff are well-paid and there is proper management of the revenue that they are getting from Johannesburg. How about Tanzania? Tanzania is so clean that you would never think of it being our neighbouring country. How is Nairobi? These street lights are ridiculous. Nairobi goes up to Tom Mboya Street. That is the end of Nairobi. The other side is not Nairobi. This is ridiculous! It is so bad. We cannot even talk about it.

The local authority used to spray some chemicals in order to get rid of mosquitoes. I do not know what became of that exercise. I do not know whether they used all the money which they had for this purpose or the officers are "eating" that money. People are contracting malaria because of mosquitoes. They used to spray the bushes around the Jomo Kenyatta International Airport (JKIA), Wilson Airport and other bushy areas. They are not doing that. They are just busy looking for money to loot.

Mr. Temporary Deputy Speaker, Sir, I think that department which is entrusted with the collection of garbage is not working. I do not know what became of it. When the Minister stands to reply, he should also tell us the way forward as concerns garbage collection. Garbage is not being collected and that is why a number of Nairobians suffer from typhoid, cystosomiasis and other stomach related diseases. This is due to poor planning. This is common knowledge and even the Minister knows that Nairobi is not clean any more. In fact, he is aware of it.

The Minister for Local Government (Mr. Kombo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member really in order to actually pretend that he has not seen changes that have taken place in Nairobi today?

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I have never seen any changes! The only change I hear of is the looting of public funds.

Mr Temporary Deputy Speaker, Sir, let me continue. When you think of the planning bit, go to Mombasa Road near Mlolongo.

The Temporary Deputy Speaker (Mr. Poghisio): Order! If you do not want Members of Parliament to take your time do not make statements that attract points of order. That is how your time is taken away. Try to be parliamentary in your presentation.

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, you are aware of what I am saying. This is not news to you. It is not even news to the officers who are seated here, neither is it news to the hon. Members.

Mr. Temporary Deputy Speaker, Sir, my time is going. I would also want to talk about the planning of Nairobi City.

Mr. Ojaamong: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the

hon. Member on the Floor of the House substantiate his claims that the money is really being looted? Could he give names?

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, that is a frivolous point of order. Let me just go on because he knows what I am talking about. It is not something which is new. Let me go to the planning of Nairobi City.

The Temporary Deputy Speaker (Mr. Poghio): Your time is up!

The Assistant Minister for Foreign Affairs (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I beg to support.

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to support the Motion on the Floor and to congratulate the Minister because he has brought changes to this Ministry. In the last three years, very big changes have occurred which I do not intend to dwell on. Even Rome was not built in one day. I do not think the filth that was in this City could be cleaned in one year. I congratulate the Ministry.

Mr. Temporary Deputy Speaker, Sir, having said that, I think we have concentrated a lot on the City Centre, that is the Central Business District (CBD) where we have done well.

I think it is high time we talked about wards and small townships such as Kawangware, Umoja and many others. We appreciate the fact that the Nairobi City Council deployed some staff to keep these areas clean. However, there is absolutely no supervision hence no work is going on. Those places are filthy; including my constituency, Dagoretti. The people who are sent there to supervise work concentrate more on harassing the residents and charging them for non-existent services. Even innocent mothers who display their wares on the ground so that they can get some money to feed their children, are charged by the council *askaris*. What is annoying is that there is absolutely no service that is being given to those women. In fact, they clean the area themselves. I would request the Minister to look into this matter because if anything is put on the ground and there is no structure, there is really nothing to be paid for.

The Nairobi City Council *askaris* are also known to harass vendors. They always confiscate the vendors' wares. For example, recently, I was informed of a case where a painter in Kawangware had his tools confiscated. I have written to the Town Clerk of the Nairobi City Council many times but, unfortunately, I never get a reply. I invited the Minister to my constituency and he came with all his officers but, out of whatever we discussed then, not a single thing has been implemented. I have not even received any letter as a result of that meeting. There needs to be a follow-up by the council officers especially when the Minister takes the trouble to come and see the problems facing my people. His officers should ensure that they implement what has been discussed in such meetings. The Minister gave instructions that a certain road be repaired but, up to now, nobody has gone there.

We also raised the issue of Local Authorities Transfer Fund (LATF) money. Money was voted to be used in the revamping of the football field in Ndararua. It is now three years and nothing has been done yet on the football field. The youth in the area keep on asking me about the field. I wrote a letter to the City Council in connection with this, but I have never heard from the Nairobi Town Clerk. I can go on and on about issues I have written to him about Dagoretti. We want to have an account of the money which is said to have been given to the people in Dagoretti because we have not seen what that money has done yet. We want to know where it has been spent. I also hope that I will get a reply to my letters.

Mr. Temporary Deputy Speaker, Sir, with regard to electricity, we need the streets in our wards to be lit. There are many cases of rape in my area. In the evenings, girls run from the bus stop to the doorsteps of their houses. Even then, they are still attacked and raped. This is because there is no street lighting in those wards. That is why I suggest that we should now move a little bit away from the Central Business District (CBD) to where our people live because they are also taxpayers and citizens of this country.

Another area that I have written letters on to the Nairobi City Council is the planning in my area. The sewerage system is poor; for example, in Uthiru, the sewer drains in people's gardens. This case has been forwarded, yet my neighbours still complain about their gardens. What shall we do about these cases? I request that whoever is in charge of sewerage visits the area and sees what is happening in that ward. The planning situation of buildings is poor. Everyone seems to be putting up a building where they please. The sewerage system put in place is not good. We have been told that even if we wanted to sink boreholes, we would not do it because the water would mix with sewage. I urge the Nairobi City Council (NCC) to have proper planning of such areas, otherwise, we will never develop.

People in my area depend on building small rental houses along roads for their livelihood. Time has come to improve on that. We need to support landlords. The NCC should come up with ways of supporting landlords so that they can put up better houses, which can also improve on our housing. These people should be given money. The Government alone cannot build good houses for all citizens of this city. So, we should look into how we can get some money to support the private landlords.

We now have the Nairobi Water Company. However, I think that the NCC still has a responsibility to oversee how the company is being run. The Council still has a contract with the people of Nairobi. There are many estates which lack water and Dagoretti is one of them. I keep on promising my people that we will have water soon, but it is not forthcoming. I request the NCC to look into the issue of lack of water and how soon it can supply people with it. There is also the issue of unpaid bills, although no one has been reading our water meters. My people have received bills reading hundreds of thousands of shillings, which they cannot afford to pay. These are bills whose origin we do not know because my residents have not had water running in their taps for a long time. That needs to be looked into very seriously. That is an issue which should be dealt with by the NCC and the Nairobi Water Company. The issue should not be left in the hands of Nairobi Water Company and the residents because the company has no idea whether the water was used or not. Those are areas where I think, people living in estates should get proper services. Just as we have concentrated services in the Central Business District (CBD) area, let us move out there.

When time to tarmack roads comes, I request that Dagoretti be put in the plan. Dagoretti looks like a reserve area. We want to feel as if we are part of the city, if we are expected to pay rates and rents like in Eastlands and other areas.

There is the issue of harassing livestock owners. There are some people in my area who own five or six acres of land. We cannot treat their animals the same way we treat those which roam in the streets. The resolution which was applied recently, we feel, was unfair and residents of my area should not be told to move their pigs because they live in small farms, even if they are within the city. Dagoretti is very different from Eastlands and must be treated differently.

With those few remarks, I support.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members. It is now time to interrupt the business of the House. This House is, therefore, adjourned until tomorrow Wednesday, 26th October, at 9.00 a.m.

The House rose at 6.30 p.m.