

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 22nd October, 1996

The House met at 2.30.p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 468

NUMBER OF PROJECTS INITIATED BY THE GOVERNMENT

Mr. Murungi asked the Vice-President and Minister for Planning and National Development:-

(a) how many projects the Government has initiated/supported in North Imenti; Central Imenti and South Imenti constituencies between 1991 and 1995; and,

(b) what are the total amounts spent in respect of the above projects.

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Mr. Oyondi): Mr. Speaker, Sir, I beg to reply.

(a) Between 1991 and 1995, the Government, through my Ministry, initiated or assisted the following projects in Meru District: Iyuru Secondary School in South Imenti constituency; Abothunguchi Secondary School in Central Imenti Constituency and Central Abothunguchi Water Supply Project in Central Imenti constituency.

Mr. Speaker, Sir, the three projects were implemented at a total cost of Kshs14,914,265 allocated as follows: Ihururu Secondary School got Kshs6,757,000; Abothunguchi Secondary School got Kshs7,509,560; Central Abothunguchi Water Supply got Kshs649,705.

Mr. Speaker, Sir, I would also like to inform the hon. Member that other than through my Ministry, the Government through other Ministries, initiated or assisted projects in the three constituencies of Meru District during the period 1991 to 1995. The hon. Member may wish to get the details from the relevant Ministries.

Mr. Murungi: Mr. Speaker, Sir, it is very strange that the Assistant Minister who can read and write is unable to read or answer a question asked to him which is, "How many projects the Government has initiated or supported in the three Meru constituencies and not his Ministry?". He only answered questions regarding his Ministry. Now, the Ministry of Planning and National Development should be able to know the total amount of Government investments in various constituencies in this country. Could the Assistant Minister tell us why he has not given us figures from the other Ministries which constitute Government investment?

An hon. Member: Prof. Saitoti knows!

Mr. Oyondi: Mr. Speaker, Sir, that is why we have many ministries in the Government and the Ministry of Planning and National Development is part of these Ministries. When you direct the question to us, we are answering according to what we have in our Ministry but if you want to know, the other Ministries have spent a total of Kshs127 million whose breakdown I cannot give him. But he can refer to the other Ministries if he wants the breakdown of the Kshs127,694,579. I can only give him the breakdown relating to my Ministry.

Mr. Nyagah: Mr. Speaker, Sir, when the hon. Member submitted this question and it went to the relevant offices within the National Assembly, they knew that there was nothing wrong with this Question so they approved it and that is why it has been brought before the Floor of the House. Could you make an order as to what action should be taken because the Assistant Minister is refusing to give an answer to that Question?

Mr. Oyondi: Mr. Speaker, Sir, I have not refused to give an answer. I have said that the question was directed to the Office of the Vice-President and Ministry of Planning and National Development and we are part of the Government. So, when I reply according to what we know in the Ministry, I am not wrong since I am part of the Government.

Mr. Maore: Mr. Speaker, Sir, is the Assistant Minister not misleading this House when he knows very well that all the departmental projects by any Ministry and the DDC are channelled through the Office of the Vice-President

and Ministry of Planning and National Development? What is he talking about?

Mr. Oyondi: Mr. Speaker, Sir, I am talking about what I have talked about.

Mr. Murungi: Mr. Speaker, Sir, it is quite clear that the Assistant Minister has not really answered this Question and I insist on having an answer to this Question. Now that he says that the total amount spent in the entire district for four years was Kshs427 million, could the Assistant Minister be compelled to give us an answer next week as to how much of this amount was spent in each of the three Meru constituencies?

Mr. Speaker: The best that I can say is this: I think the Question is directed to the right Ministry and asks about Government-supported or initiated projects. Mr. Minister, I suppose that in every district you have a fellow called the District Development Officer (DDO), who should be able to give you that information. May be you could help the House by providing the information next time.

Question No.710

DISMISSAL OF SAMUEL OCHANDO

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

(a) whether he is aware that Mr. Samuel Ochando, who was working with Nyayo Bus Service Corporation, Meru Branch, was dismissed on 28.2.95; and,

(b) if the answer to (a) above is in the affirmative, whether he could consider his case for re-instatement.

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

(a) Yes, I am aware.

(b) My office has no intention of re-instating Mr. Ochando in his employment because he was dismissed for failing to perform his duties as is required, thereby causing the Corporation to lose properties of a great deal of value.

Mr. Obwocha: Mr. Speaker, Sir, this Nyayo Bus Service Corporation (NBS) is one of the Nyayo projects among others like the Nyayo Car, Nyayo Tea Zones, Nyayo Wards and so on. The last accounts prepared for this Corporation, which are in the current Public Investment Committee Report, are for 1989, when the Corporation made a loss of Kshs37 million. We have been told that this Corporation has already been sold. Could the Assistant Minister tell this House who has purchased it, and how the workers will get their terminal benefits? We understand that currently the Corporation is paying only Kshs5,000 to each worker who is being dismissed.

Mr. Awori: Mr. Speaker, Sir, I do not understand what the sale of the NBS Corporation has to do with the dismissal of Mr. Ochando.

Mr. Obwocha: On a point of order, Mr. Speaker, Sir. I am asking about terminal benefits and Mr. Ochando is one of the workers affected!

Mr. Speaker: Order, Mr. Obwocha! He is telling you - and I will restate it - that you are being irrelevant. Can you ask a question which is relevant to the Question before the House?

Mr. Obwocha: Mr. Speaker, Sir, it is true that this man was dismissed, but what are his terminal benefits? I am also asking for terminal benefits on behalf of the other workers.

Mr. Awori: Mr. Speaker, Sir, this man was dismissed with the loss of all his benefits.

Dr. Kituyi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, if it is the case that the NBS has been privatised, why has the Assistant Minister said that Mr. Ochando will not be reinstated in his employment because he is not competent when the correct reply should be that the Government has no power to reinstate somebody in the employment of a Corporation that has already been privatised?

Mr. Awori: Mr. Speaker, Sir, I know that it gives the hon. Member great pleasure to twist things. As far as I am concerned, this man was dismissed because of failing in his duties. Therefore, he lost all his benefits.

Question No.351

DISMISSAL OF MR. CHARLES SIKOLIA

Mr. Shikuku asked the Minister of State, Office of the President why Mr. Charles Sikolia, police constable No. 53439, was dismissed from the Police Force.

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

We tried as much as we could, but have totally failed to trace this person. The service number does not seem to be correct. Perhaps, the hon. Member would help us by giving us some of the documents that indicate that this man

was a police constable in the Office of the President.

Mr. Shikuku: Mr. Speaker, Sir, the number of my Question, 351, shows that it was asked a long time ago. Why did the Assistant Minister take so long before seeking my help? I do not even have the written reply which he has read here!

Mr. Awori: Mr. Speaker, Sir, this is the time the Question has come before the House. It is only then that I am asking for assistance from my very good colleague.

Mr. Speaker: I think the best thing for the Chair to do is to allow the two of you to get in touch. We will defer this Question for, I think, three weeks.

(Question deferred)

Mr. Muite's Question.

Question No.733

PAYMENT OF BENEFITS TO THE FAMILY OF THE LATE KINUTHIA

Mr. Speaker: Mr. Muite is not in here? Mr. Anyona's Question.

Question No.476

PRISON CONDITIONS IN KENYA

Mr. Anyona asked the Minister for Home Affairs and National Heritage whether he will inform the House:-

- (a) the current prison conditions and population in Kenya, and the various categories of prisoners, including remand, convicted, borstal, mental patients (special category), life and death row;
- (b) what happened to life prisoner John Kimani (KAM/105/76/LS) and when he will be released in view of the paralysis caused by injury of his spinal cord through torture while in prison; and,
- (c) the cause and circumstances of the death of inmate Nicanory Munai Omukuba (KAM/384/91/LS) on 23.3.95 at the Infectious Diseases Hospital (IDH) in Nairobi.

The Assistant Minister for Home Affairs and National Heritage (Dr. Momanyi): Mr. Speaker, Sir, I beg to reply.

(a) Up to today the number of convicted and remand prisoners is 27,418. We have other types of prisoners: In borstal institutions we have 533 boys; in youth corrective training centres we have 50 people; we have 189 mental patients; in the category of life imprisonment and sentences at the President's pleasure we have 96 cases; those sentenced to death are 739.

(b) Mr. Joseph Waira Kimani, KAM/105/76/LS, alias John Kamau George, was a given life sentence following his conviction for the offence of robbery with violence on 4.2.76. He was released from prison on 12.12.93 on Presidential amnesty. He had a paralysis of the lower parts of the body due to the infection of the spinal cord. He did not die a prisoner, and so we are not responsible for his death.

(c) Mr. Nicanory Munai Omukuba, KAM/384/91/LS, was on 8.11.90 convicted of the offence of causing death by dangerous driving vide Eldoret Court Case No. 3886/90 and sentenced to seven years' imprisonment, and also disqualified from driving for a period of seven years. On admission into prison he complained of being unwell. He was treated on and off and was eventually diagnosed to be suffering from tuberculosis. He was subsequently admitted into the IDH, where he died on 23.3.95 while undergoing medical treatment. According to the postmortem examination report, the cause of death was chronic pulmonary tuberculosis and narrowing of the air tubes in the lungs, causing difficulties in breathing and, therefore, death.

Mr. Anyona: Mr. Speaker, Sir, in the case of those two Kenyans, clearly this answer is intended to cover up what happened. With your indulgence, I would like to give the House some basic information about these two people. I myself was in Kamiti Prison in---

Mr. Speaker: By the Way, Mr. Anyona, do you think we have time for that? This is Question Time! Is it not?

An hon. Member: It is!

Mr. Speaker: Mr. Anyona what I am saying is, as it were, the Question was in fact, overloaded. It took the

Assistant Minister the best of the five minutes that we allow for one Question. Now you want to take a further five minutes by giving him that information. I will let you ask the question.

Mr. Anyona: Okay, Mr. Speaker, Sir. Can the Assistant Minister explain why the Commissioner of Prisons denied the fact that Nicanory Omukuba was, in fact, sick and died when I wrote to the Attorney-General on the 31st of August, 1992 and also wrote to the Commissioner of Prisons on 30th September, 1992? The Commissioner of Prisons denied that this man was sick. Can he explain the cause for that denial?

Dr. Momanyi: Mr. Speaker, Sir, as I read earlier regarding Nicanory Munai Omukuba, he was being treated on and off. That means the disease had not been diagnosed properly

Mr. Wamae: Thank you, Mr. Speaker, Sir. Is the hon. Assistant Minister aware that Kenya has become notorious for torture of prisoners? If you do not die in prison, you come out of prison maimed. What is the Ministry doing about this?

Dr. Momanyi: Mr. Speaker, Sir, I am not aware.

Mr. Anyona: Mr. Speaker, Sir, in this particular case, when I was in Kamiti, on 29th January, 1992, this man wrote me a letter in which he said his life was in danger. When I came out of prison, I sent that letter to the Attorney-General and the Commissioner of Prisons. Is the Assistant Minister aware of that? Why was action not taken when the man had indicated that his life was in danger?

Dr. Momanyi: Mr. Speaker, Sir, the letter has not been communicated to the Ministry of Home Affairs and National Heritage.

Mr. Speaker: Next Question! What is it Mr. Anyona?

Mr. Anyona: Mr. Speaker, Sir, can I lay the letter on the Table so that the Minister can come with a proper answer later on? I have a copy of the letter here.

Mr. Speaker: Very well.

Question No.261

SACKING OF EMPLOYEES BY BOG

Mr. Ndicho asked the Minister for Education:-

(a) why the Board of Governors of Ruiru Secondary School sacked the following employees who were employed by the Ministry:- Messrs Elias Mwangi Mukururu; Boniface Kamau Njoroge; Margaret Muthoni Ngugi; Hannah Wambui Kimani; Elia Njau Matu, Fanuel Cheucha Mokuu, Charles Gichuki Mwangi and Jane Muthoni Kamwaki; and,

(a) if he could order for their re-instatement and full pay for the months that they were out of employment.

Mr. Speaker: Is anyone here from the Ministry of Education? Let us move on to the next Question.

Question No.282

UPGRADING OF SLUM AREAS IN THE CITY

Mr. Ruhii asked the Minister for Local Government what plans the Ministry have to upgrade the following slum areas in the City of Nairobi:- Soweto; Canan Village; Gitari Marigu; Maili Saba; Kinyago; Mathare and Kibera.

Mr. Speaker: Anybody from the Ministry of Local Government? We will move to the next Question.

Question No. 618

ISSUANCE OF TITLE DEEDS TO RESIDENTS OF MAJENJENI AND MISUFINI

Mr. Ndzai asked the Minister for Lands and Settlement:-

(a) whether he is aware that Majenjeni (Sabaki North) and Misufini areas were demarcated about three years ago; and,

(b) what is delaying the issuing of the title deeds to the residents of these two areas.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that Majenjeni and Misufini areas were demarcated three years ago.

(b) The areas have not been demarcated. It is, therefore, not possible to issue title deeds. However, arrangements are being made to have the areas demarcated so that residents can obtain title deeds.

Mr. Ndzai: Mr. Speaker, Sir, I am the hon. Member for that area and the areas were demarcated. I wonder whether the Ministry lost the maps. I am sure the areas were demarcated. Therefore, I am asking the Ministry to give out the title deeds. What is delaying the giving out of the title deeds?

Mr. Sumbeiywo: Mr. Speaker, Sir, work in that area of Majenjeni (Sabaki North) has not officially started because the District Land Adjudication and Settlement Officer has not received aerial photographs. The surveyor attached to Magarini Settlement Scheme, who subdivided Mamburi/Sabaki Scheme crossed into Majenjeni, and I think that is why the hon. Member is saying that, that area was demarcated. The Surveyor did some work in that area without authority. Majenjeni (Sabaki North), borders Mamburuki/Sabaki. If any work was done in Majenjeni, it was not officially authorised. Mamburi/Sabaki borders Majenjeni/Sabaki North and the hon. Member may have had this scheme in mind when asking the Question.

Mr. Arte: Mr. Speaker, Sir, can the Assistant Minister tell us what this unauthorised job that the surveyors had done in Majenjeni area is? He says that some work was done which was unauthorised. What is that? Is that land grabbing or what?

Mr. Sumbeiywo: Mr. Speaker, Sir, I was still explaining the subject. In this scheme, survey work has been carried out in Mamburuki which borders Majenjeni (Sabaki North) and the hon. Member may have had this in mind. The District Surveyor had crossed into Majenjeni when he was doing the other part of the scheme. That is why I am saying that the work was done unofficially before authority was granted. In this scheme, survey work has been completed and the preliminary index diagrams have been sent to the Director of Survey for drawing and production of fair prints and, thereafter, registration of the area.

There is no scheme called Misufini. It is a market centre where land adjudication staff, who were sub-dividing Mashesheni Government land had put up their camp. Finally, demarcation of Mashesheni Government land has been completed, but has not been finalised because the perimeter boundary has not been re-established by the Survey of Kenya. Title deeds cannot be used by the land owners until the boundary is established.

Mr. Speaker: Are you happy, Mr. Ndzai?

Mr. Ndzai: Mr. Speaker, Sir, the Assistant Minister is misleading the House. He says there is no scheme known as Misufini. Actually, I never mentioned a scheme in Msufini. I said the area was demarcated some years ago, and I was asking him why the issuance of title deeds is being delayed. Now he says the surveyors were not official. Why were they not official? They carried out the survey on the land and, probably, some people sent these people to grab the land there. That is why the title deeds were not given out. Can the Assistant Minister now tell us--- He says that arrangements are being made. What are these arrangements being made? Can that exercise be repeated so that this area can be demarcated for the second time?

Mr. Speaker: Very well, Mr. Ndzai.

Mr. Sumbeiywo: Mr. Speaker, Sir, I said earlier on that the officers who were attached to Magarini and who were sub-dividing Mwamburi/Sabaki scheme crossed into Majenjeni. The issue here is: Why were the officers not official? They were not official because they had not been authorised to sub-divide that land.

Mr. Speaker: Order! What is it, Mr. Ndicho?

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. The Assistant Minister is deliberately misleading the House. At no one time did the hon. Member ask why these surveyors crossed to the area that he is talking about. He is asking why the title deeds have never been issued. Can the Assistant Minister admit that it is because of the corruption in his Ministry that these title deeds are not being processed? Some people want to grab that area and process the title deeds for themselves. Admit that!

Mr. Sumbeiywo: Mr. Speaker, Sir, as I said earlier on, title deeds cannot be issued in respect of land which has not been officially demarcated by the Government.

Mr. Arte: Mr. Speaker, Sir, we are confused because the Assistant Minister is taking us from left, right and centre. When he was replying to the Question the first time, he told us that no demarcation has been done in this area. When he was sitting down he said that demarcation has been done and very soon title deeds will be issued. Which is which? He has also said that the surveyors, who surveyed and demarcated the land, were unauthorised. We do not know how surveyors get authorization from the Ministry or how they can survey unauthorized land. Can he tell us exactly whether the area is demarcated or not?

Mr. Sumbeiywo: Mr. Speaker, Sir, there are two areas here; Majenjeni and Mashesheni. There has never been any demarcation in Majenjeni, but there has been demarcation in Mashesheni and this is the land for which title deeds are going to be issued.

Mr. Ojode: Mr. Speaker, Sir, could the Assistant Minister tell us what the Government policy is on the issuance of title deeds because in Ndhiwa, the whole of Kanyamwa Location has been demarcated? The whole of Kabuoch Location has been demarcated---

Mr. Speaker: Order! The thing is this: If you really wanted to ask a Question about that particular area, why can you not put a Question? You are hijacking Mr. Ndzai's Question from the Coast to the West.

Mr. Ojode: Mr. Ndzai is talking about title deeds---

Mr. Speaker: Order! You can only ask about these places called Majenje and Misufini.

Question No.765

TARMACKING OF SAGANA-KIANJEJE-KARATINA
ROAD

Mr. Mbui asked the Minister for Public Works and Housing what plans he has to tarmac Sagana-Kianjeje-Karatina Road which serves the farmers in Kiini and Mathira areas.

The Assistant Minister for Public Works and Housing (Col. Kiluta): Mr. Speaker, Sir, I beg to reply.

The Ministry has no immediate plans to tarmac Sagana-Kianjeje-Karatina Road which is 15.8 KM long because we will require Kshs316 million to tarmac it and this money is not budgeted for in this Financial Year.

At present, the Government's immediate priority is to maintain existing classified roads in the whole country into fairly motorable state. During 1990/91 Financial Year, the Government spent Kshs3,397,580 to gravel eight kilometres of this road in question. The contract was awarded to M/S Rungare Construction Company.

In 1991/92 Financial Year, a further Kshs2,253,420 was spent on the same road for procurement and delivery of gravel and Kshs509,640 on reshaping the 7.8 Kilometre of the said road. The total expenditure for the two financial years was, therefore, Kshs6,160,640. The road is of gravel standard and is in good motorable state.

During 1996/97 Financial Year, the Government will spend Kshs2,253,000 to maintain another 400KM of unpaved roads in Kirinyaga District.

Mr. Mbui: Mr. Speaker, Sir, if this Ministry has no plans to tarmac this Sagana-Kianjeje-Karatina Road, can the Assistant revise the work on Kagio-Baricho-Kibirigwi-Kerugoya Road, which was tarmacked half-way ten years ago after the works on it were abandoned? Can the Assistant Minister consider completing this road now?

Col. Kiluta: Mr. Speaker, Sir, we ran into problems with the contractor of Kagio-Baricho Road and the contract was cancelled. We are now looking for another contractor to complete this particular road in question although it was not part of the Question.

Mr. Wamae: Mr. Speaker, Sir, is the hon. Assistant Minister aware that this road is in a highly productive area where coffee, horticultural crops and other types of crops are grown and a proper road is required? What will he do to ensure that he gets funds to make the road passable throughout the year if it cannot be tarmacked?

Col. Kiluta: Mr. Speaker, Sir, I am aware that this road passes through a very productive area and as soon as we get money, the road will be done.

Mr. Mbui: Mr. Speaker, Sir, the Minister has told us that they are looking for contractors for Kagio-Baricho-Kerugoya Road. Have they advertised for this tender; and if not, when are they going to advertise it so that we may know that work on the road will start?

Col. Kiluta: Mr. Speaker, Sir, we are at the pre-qualification stage. We have already asked people to bring forward their qualifications so that we can find out who is qualified to undertake a job of that magnitude. After that, out of that list, we will pick the people who qualify to go for tender and this will be done. So, we are at the initial stages and work is being done.

Mr. Speaker: For the second time, Question No.733!

Question No.733

PAYMENT OF BENEFITS TO FAMILY OF LATE KINUTHIA

Mr. Speaker: Mr. Muite is still not there.

(Question dropped)

Mr. Speaker: For the second time Mr. Ndicho's Question!

Question No.261

SACKING OF EMPLOYEES BY BOG

Mr. Ndicho asked the Minister for Education:-

(a) why the Board of Governors of Ruiru Secondary School sacked the following employees who were employed by the Ministry:- Messrs Elias Mwangi Mukuru; Boniface Kamau Njoroge; Margaret Muthoni Ngugi; Hannah Wambui Kimani; Elias Njau Matu; Fanuel Cheucha Mokuu; Charles Gichuki Mwangi and Jane Muthoni Kamwaki; and

(b) whether he could order for the reinstatement and full pay for the months that they were out of employment.

The Assistant Minister for Education (Mrs. Ndeti): Mr. Speaker, Sir, I beg to apologise for not being here the first time the Question was asked. There was some breakdown in communication.

I beg to reply.

(a) The Board of Governors of Ruiru Secondary Schools sacked the eight employees because it considered them redundant in the face of escalating costs of running the school.

(b) My Ministry cannot order for their reinstatement with full pay for the months they were out of employment as that would interfere with the management of the school which is entrusted to the Board of Governors and the Parents Teachers Association.

Mr. Ndicho: Mr. Speaker, Sir, I am very disturbed by this answer. If you look at the Question, you will see that I asked it in 1993, immediately we were elected. When I discovered that this Question was not forthcoming, I decided to follow up the case in the Ministry of Education and out of my initiative these eight employees have already been paid all their terminal dues by the Ministry. Is there no coordination in this Ministry because now the Assistant Minister is telling us that these employees cannot be paid their dues when they have already been paid? What is the position of the Ministry of Education on this matter?

Mrs. Ndeti: Mr. Speaker, Sir, what the Questioner has asked is whether these people can be paid for the months they have been out of employment. We are aware that they have been paid all their full benefits including their redundancy benefits. The circumstances which rendered them redundant at the time have not changed, and so they cannot be reinstated.

Mr. Speaker: Very well, I suppose Mr. Ndicho you are happy. Next Question!

Question No.618

UPGRADING OF SLUM AREAS IN THE CITY

Mr. Ruhii asked the Minister for Local Government what plans the Ministry has of upgrading the following slum areas in the City of Nairobi:- Soweto; Canan Village; Gitari Marigu; Maili Saba; Kinyago; Mathare and Kibera.

Mr. Speaker: Is the Minister for Local Government not in the House? I am afraid I will defer your Question to next week, Mr. Ruhii.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

INTENSIVE CARE UNIT FOR KAKAMEGA HOSPITAL

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

(a) Is the Minister aware that Kakamega Provincial Hospital urgently needs an Intensive Care Unit?

(b) What steps is the Minister taking to ensure that the Hospital has an Intensive Care Unit?

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

(a) Yes, I am aware that Kakamega Provincial General Hospital, like all other provincial hospitals, needs an Intensive Care Unit (ICU).

(b) The Ministry is already negotiating with some potential donors, with a view to getting funds for the rehabilitation of the Hospital's buildings, including the establishment of an ICU.

Rev. Ommani: Mr. Speaker, Sir, the Assistant Minister is admitting that there is no ICU at the Provincial Hospital, which means that the whole of Western Province has no ICU. No wonder, we have more deaths in that section of the country. My question to the Assistant Minister is this: How long are these negotiations going to take so that he can put up an ICU in the Hospital?

Mr. Mutiso: Mr. Speaker, Sir, this particular Hospital needs quite a large amount of money, so that it can reach that standard, whereby an ICU can be established. The amount of money needed is in the region of Kshs32 million. Because of that, I said that we are entering into some negotiations with some donors, and we are hoping that during the Financial Year 1997/98, we shall be able to start the rehabilitation of this Hospital.

Mr. Magwaga: On a point of order, Speaker, Sir. The Minister is misleading the House. He is not answering the Question of the cost of the ICU itself alone, without involving the rehabilitation. He is not rehabilitating the ICU because it is not there.

Mr. Mutiso: Mr. Speaker, Sir, if the hon. Member listened to me carefully, I said that an ICU cannot be established by itself, without other supporting facilities. Because of that, I am saying that, to have that particular hospital rehabilitated to include the establishment of an ICU, we need Kshs32 million. We are hoping that in the 1997/98 Financial Year, we shall start this exercise.

Mr. Shikuku: Mr. Speaker, Sir, arising from that very miserable reply, and taking into account that Kakamega District alone, as per the 1989 Census, has got 1.2 million human beings, and taking the whole Western Province, it should be over 5 million people, is the Assistant Minister comfortable to leave this population without an ICU? We are only asking for the ICU and not the renovating of buildings there. We are just asking for the ICU.

When the hon. Member comes to Western Province and gets a car accident there, and I hope he does not get it again, he would be sent to the ICU in Kakamega. Is that not a big shame that the whole population of Western Province does not have an ICU? We should not be talking of donors. We can do it ourselves.

Mr. Mutiso: Mr. Speaker, Sir, it is because of that feeling that I have stated here that in 1997/98 Financial Year, which is next year, the Government hopes to establish this particular Unit in the Hospital.

Mr. Kiliku: Mr. Speaker, Sir, this is a provincial hospital. When it was upgraded to a provincial hospital, why did the Government not consider the question of an ICU in the first place?

Mr. Mutiso: Mr. Speaker, Sir, it is not only this particular hospital which does not have an ICU. Many other provincial hospitals do not have ICUs. Therefore, this one should not be taken as a special case. This is being dictated by the financial constraints, which the country has been going through.

Mr. Nthenge: Mr. Speaker, Sir, can the Assistant Minister tell this House, how many ICUs exist in Kenya, and which belong to the Government of Kenya?

Mr. Mutiso: Mr. Speaker, Sir, we will need a notice of that question.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. The Assistant Minister is evading the question. We are discussing about the ICUs. I am asking him how many we have. Is that not relevant and sensible?

Mr. Speaker: It is!

Mr. Mutiso: Mr. Speaker, Sir, I have just said that I do not have that particular answer, and I need a notice of that particular question, so that I can be able to answer him.

Mr. Kiliku: Mr. Speaker, Sir, could the Assistant Minister deny or confirm that the Government cannot afford Kshs32 million until June next year?

Mr. Mutiso: Mr. Speaker, Sir, yes, the Government cannot have that money, according to the budgetary needs. This is because every penny is budgeted for. That item was not within the Budget.

Mr. Speaker: Very well. Next Question by Private Notice!

MISAPPROPRIATION OF EXAMINATION FEES

(**Mr. Ndubai**) to ask the Minister for Education:-

(a) Is the Minister aware that the District Commissioner and the District Education Officer, Nyambene, have misappropriated Kshs7 million meant for the primary schools Kenya Certificate of Primary Education Mock Examinations in Akithi and Muthara education zones?

(b) Is he further aware that the officer who unearthed this misappropriation has been interdicted?

(c) If the answer to "a" and "b" above are in the affirmative, could the Minister ensure that the prosecution of the District Commissioner and the District Education Officer, and that the Education Officer, who has been interdicted, be reinstated immediately and promoted so as to boost the morale of honest officers in the District?

Mr. Speaker: Is Mr. Ndubai still not here?

(Question dropped)

Next Order!

COMMITTEE OF SUPPLY

*(Order for Committee read
being Sixteenth Allotted Day)*

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Vote 12 - Ministry of Local Government

The Minister for Local Government (Mr. ole Ntimama): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair, to enable me to move the Vote of the Ministry of Local Government, on both Recurrent and Development estimates.

Mr. Speaker, Sir, I am requesting Parliament to approve a total of K£203,726,650 for both Recurrent and Development estimates for my Ministry, for the year 1996/97.

Mr. Speaker, Sir, I want to emphasise that we are a service Ministry. We give services to local authorities so that they are able and capable of performing their functions. The most important functions are those that touch on finance and administration.

Mr. Speaker, Sir, one of the most important functions that my Ministry provides to Local Authorities is the preparation of annual budgets for each of our Local Authorities. This is a very important exercise because it reflects the way any Local Authority is going to deliver services to the local people; the amount of funding that they are going to spend and the way that those funds are going to be distributed to areas of development in that particular Local Authority.

We have developed a system from the headquarters to the province and right down to the district, in fact, we have taken the service to the Local Authorities themselves. In the past, it was only the headquarters and the Provincial Local Government officers, but now we have moved our services right down closer to the Local Authority in the land. We have the Local Government officers in most of our districts. These officers help Local Authorities apart from the general co-ordinations of other functions, but as I said, the first and most important function is to prepare for annual estimates. These estimates reflect very well the performance of any Local Authority throughout the year.

We encourage Local Authorities to prepare balanced budgets; budgets that are truthful and budgets that reflect the financial position of the Local Authorities as such. We discourage the luxury of some Local Authorities of preparing deficit budgets because we want Local Authorities like everybody else, to cut their cloth according to their size. In this way, our people in the headquarters, at the provincial level and at the district level scrutinise some of these estimates to make sure that no wrong item is sneaked into the budget. For example, we look into situations where probably there is a conflict as to whether to buy a civic car, spending millions of shillings or probably paying the nursery school teachers. All the time, we support the payment of nursery school teachers as against buying a luxurious civic car. I can again repeat here that although we do this scrutiny, the onus is always with the Local Authorities. They are the people who decide mostly on what kind of development projects they want to develop in their own areas and we assist them.

Apart from the expenditure in some of these estimates, we also make sure or look into the sources of revenue for these Local Authorities. How can you spend money when you do not collect it or when you do not earn? We have encouraged our Local Authorities very, very seriously to identify sources of revenue and to make sure that they intensify the collection of that revenue. They should only intensify, but also take care of that revenue so that it does not get lost between the Treasury and the collections centres. This money should go to the proper use of helping people in that particular Local Authority to improve their lifestyle in all social activities. Some of these traditional sources of revenue, as we all know, are rates, cess, local licenses and, indeed, the service charge. The service charge is one of the sources of revenue. This House enacted an Act of Parliament in 1989 which has enabled the Local Authorities to be able to collect service charge.

What I want to impress here on this House is that on most of these sources of revenue, cess, for example, the

Local Authorities only charge one per cent of the value of the crop marketed. Indeed, service charge, as well, is only one per cent of salary or we also charge the businessmen on the value of the revenue that they derive from the sale of their wares. So, it is actually very little indeed. Some people are complaining of this service charge, but it is only one per cent of salaries earned in that particular area. So that is one of our most important services that we provide to our Local Authorities.

Mr. Speaker, Sir, I want to emphasise here before I go very far the fact that we all realise that Local Authorities are a very important component of any Government. I thank the Government of Kenya and, in particular, His Excellency the President Daniel Arap Moi, because he realises and supports the fact that there must be a Local Government system in this country. As you know, after Independence, most of our neighbours here discarded the Local Government systems in their own countries, but Kenya up to today supports the Local Government system. In fact, we realise that democratisation of any people at all cannot be complete unless we support the democratisation of the local people at the grassroots level. That is probably what our friends call democratisation, if we do not support democratisation on the ground, then we are probably not democratising at all.

It must be realised that even experts have agreed that a strong Local Government system can support a well established and stable Government. That is true. In fact, the Local Government Act Cap. 265 which has been a subject of a lot of discussions empowers the local people to be able to make decisions on everything that affects their lives at the local level.

Mr. Speaker, Sir, we have got something called "devolution of power, or decentralisation of power, that is the Government relinquishing certain functions or powers to the local people. This, I must add, is not delegation, but it is devolution. Devolution is very different from delegation. They have functions that really they have to perform. This question of democratisation is very, very important, indeed, and I am sure most of you, the champions of democracy probably on the Opposition side know that.

(Applause)

I say those who claim to be champions of democratisation will support us here that we want to go to the grassroots. We want the people to be empowered to be able to make their own decisions. Mr. Speaker, Sir, for the benefit of the hon. Members, I want to tell you that the development of the local Government system has expanded a lot since Independence, and it is very interesting because, maybe, this is something that our hon. Members would like to know. We have now 2,500 elected and nominated councillors. We call them all councillors. In fact, we do not normally differentiate when they are in a county council debate whether one is nominated or elected, they all hold the same status as far as that Local Authority is concerned, and nobody is junior or senior than the other. They all have the same and equal status before the law and in decision making as far as that Local Authority is concerned. We also have a total of 153 Local Authorities. Out of the 153 Local Authorities, we have one council with city status and that is Nairobi City Council, and 36 Municipal Councils. For example, Nairobi, Mombasa, Eldoret, Kitale, Garissa, Kisumu, Homa Bay, Kakamega and so on. We have 35 town councils. In between the municipal council and the urban council, we have the town councils which are also independent like any other Local Authority. We also have 26 urban councils which came to be supported and directed by the county council in that particular area. Then we have 55 county councils.

Mr. Speaker, Sir, as you know, several new districts have been created and along with the creation of the new districts, we have established the corresponding number of county councils in the newly created districts. It is important also to know that the personnel working in these Local Authorities has also increased a lot. It is interesting to note that these Local Authorities have increased by 200 per cent since our Independence. As you know, some of our hon. Members have requested that we upgrade and elevate certain Local Authorities. We have the Wameyo Commission which visits some of our Local Authorities and, and of course, talks to members of the public, the councillors and Provincial Administration, and they normally come out with a decision as to whether that Local Authority should be upgraded or elevated and so on.

But they have certain criteria to follow. One of them is population in those Local Authorities. The second criterion is the size of the land, to establish whether that Local Authority would have jurisdiction on a reasonable size of land, that probably is going to be economical for rating, renting, and so forth. The third one and most important one, is whether that Local Authority is going to be economically viable. We take this very seriously, because we have problems right now, some of which are not created by our Local Authorities, but created by other problems, like environment. We have got county councils in our ASAL regions which cannot pay their way, which cannot pay their workers and which cannot deliver any services. Those are the things we watch. We look into the economic viability of any council when we start upgrading it. Some Local Authorities cannot do this just because the officers and councillors have mismanaged the finances of that council, and it also becomes economically unviable to be

recommended for upgrading.

Mr. Speaker, Sir, the other very important advice service that our Local Authorities are given by the Ministry is the legal advice. We know very well that councils are corporate bodies, they can sue and can be sued. We give them legal advice and they have got all sorts of problems from debts to people who do not pay rents and cess, and all sorts of things. Like in the City of Nairobi, we have got a problem that certain lawyers have not remitted the rents that they were supposed to collect on behalf of Nairobi City Council. They still owe millions, if not billions of shillings, to Nairobi City Council. In some of these Local Authorities, we also have a problem because sometimes, some people in the councils, especially senior members of the council, or in the Litigation Department, sometimes side with these defrauders and they give them time and they get away from paying Local authorities that kind of money. This is the legal advice along with the Office of the Attorney-General, that my Ministry gives to these Local Authorities.

Mr. Speaker, Sir, I mentioned a little bit in passing about sources of revenue for all Local Authorities. I mentioned cess, rents, rates and even Service Charge. The emphasis I want to make here is that most Local Authorities, the chief officers and other people could identify important sources of revenue. There are many things that the Local Authorities can suggest to raise small amounts of taxes and licences which go to help that Local Authority. Most of our Local Authorities have settled and have been satisfied to operate and to only charge those traditional sources of revenue, and I imagine there are very many sources of revenue. With a clever treasurer, supported by a committed and hardworking chief officer, like a clerk, and the councillors themselves, they could normally identify small other areas of taxation that can help the council. Apart from these other councils that I mentioned, there are those councils in the ASAL regions, and those councils that, for no fault of their own, disasters have befallen them and they cannot probably raise any revenue from their own people.

But some councils in the Rift Valley Province, Central Province, Coast Province and some other areas are able to stand on their feet, if only the people who are serving these councils were to go out and identify these sources of revenue and legalise them.

Mr. Speaker, Sir, I have mentioned something which is very important. I will now move on to development. The Government of Kenya has assisted my Ministry in initiating very important development projects in our local authorities. People might have not noticed that we have got major development projects going on in our local authorities throughout country. Some have been completed and some are probably in the process of being developed and some are already in the pipeline. However, the most important thing that I want to mention, in relation to water and sewerage development projects in our own urban centres. For the information of the hon. Members, I want to give a list of projects, and the sum of money that has been allocated to various projects in this country. These projects are to be funded during this current financial year. Before I go very far, I want to thank my colleague hon. Musalia Mudavadi because without the efforts of Treasury and the Government in general, probably we could not have been able, as a Ministry, to secure these funds. We have allocated the following amounts:-

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|----------------------------|--------------|
| Kikuyu Sanitation | K£80,000 |
| Murang'a Municipal Council | |
| Sewerage | K£3,800,000 |
| Nyeri Municipal Council | |
| Sewerage | K£100,000 |
| Karatina Sewerage System | K£50,000. |
| Othaya Sewerage System | K£50,000 |
| Thika Sewerage System | K£100,000 |
| Mombasa Municipal Council | |
| Sewerage | K£5,300,000 |
| Embu Sewerage | K£80,000 |
| Machakos Town Sewerage | K£50,000 |
| Marsabit Sewerage | K£100,000 |
| Meru Town Sewerage | K£100,000 |
| Wote Sewerage | K£100,000 |
| Tharaka-Nithi-Chuka | |
| Sanitation Study | K£50,000 |
| Kisii Town Sewerage | K£11,830,000 |
| Kericho Sewerage | K£4,400,000 |
| Nanyuki Sewerage | K£95,000 |
| Nakuru Sewerage | K£20,000,000 |
| Eldoret Sewerage | K£3,300,000 |

| | |
|--------------------------|-------------|
| Bomet Town Sanitation | K£100,000 |
| Kabarnet Town Sanitation | K£100,000 |
| Kapsabet Town Sanitation | K£400,000 |
| Bungoma Sewerage | K£3,300,000 |

Mr. Speaker, Sir, I want to talk briefly about urban development. We have got a major project coming up on what we call "Urban Development Project." That project has been initiated through the efforts of World Bank, Kenya Government and some of other friendly countries. They have lent us a lot of money which we are going to use to develop about 22 towns in this country. The most important ones are; Mombasa, Nairobi, Eldoret, Kitale Bungoma, Kakamega, Kisii, Homa Bay, Kabarnet, Kapsabet, Kericho Nakuru, Narok, Kitale, Thika, Embu, Nyeri, Garissa, Machakos, Makeni, Voi, Kajiado, Malindi, Busia, Meru and Murang'a. These are the towns where we are going to improve the road network. This is the most important thing in our local towns. The main work will include parking, improving and widening our road network within these urban centres, including, of course, bus parks and so forth. So, a lot of money will come into the country. I think most of you who will benefit will be happy because they will have very good road network which we are all looking for.

Mr. Speaker, Sir, I want to say that this department is very important. It has been established by the Government in our Ministry and it has very highly qualified personnel including architects, surveyors and engineers. We hope that we are going to use them in many other projects in many towns that are developing right now. Also the department has got a duty of monitoring what is happening in our urban centres including the social services that are provided by the councils. As you know, we have a serious problem on rural-urban migration. We have got plans of checking the flow of people from rural areas to our urban centres, small and big. They have brought about pressure on the services that are being provided by these local authorities. Indeed, most of our local authorities cannot cope or provide housing, health, education and even road services. There are too many cars on their roads and, as a result, the roads get spoilt. So, we hope that this particular department is going to monitor what is happening in our urban centres and advise the Central Government on what should be done about these problems that affect the social lives of the people there.

So, Mr. Speaker, I hope to hear a lot from the hon. Members. I want to thank them for having listened to me.

I am still requesting Parliament to approve the Recurrent and Development Expenditures for the Ministry of Local Government.

Thank you, Mr. Speaker, Sir. I beg to move.

The Minister for Labour (Mr. Masinde): Mr. Speaker, Sir, I rise to second the Motion. I think it is very important that we support the Ministry to get the money the Minister is asking for, because there are many things the Ministry has got to do with this money. Nearly everybody is complaining about the services we are getting from the City, down to the towns and to the markets. It is important that we support the Minister to get the money he is asking for. However, I hope that in supporting the Minister and whatever little money this House may approve, his staff in the Ministry of Local Government, in towns, markets and the City should be able to support the efforts the Ministry is trying to make and not to sit and wait for the Ministry to provide even what they can provide for themselves.

Mr. Speaker, Sir, there are a lot of ways and means by which the City Council and local councils could collect funds to establish and improve towns and our dear City, Nairobi. There are definitely many ways of raising money. In the markets we have the market collections, in small towns we have bus stations, plot rates and where water is supplied, we have water being sold and so on. Unfortunately, there is no much that shows that this money is being collected because the occupants or the inhabitants in those towns, markets and in the City here are getting completely a raw deal. We do not see what that money is doing for those who contribute towards the welfare and the services of these areas. It is important that those responsible for running the councils make sure that the money is fully collected, properly used and services are given to the people who deserve the services for which they pay.

Mr. Speaker, Sir, I would also like to appeal to the Minister to facilitate the surveys and issuance of title deeds to those holding plots in the markets, especially. In many markets in this country, the owners of the plots do not have title deeds. It is important that the Ministry of Local Government, through the Ministry of Lands, helps to have the title deeds issued to every plot owner so that the owners could use their title deeds in negotiating for loans to develop businesses in those areas. That way, they will keep the rural wananchi from flocking to the big cities and big towns and they will also encourage business at grassroots level so that business owners can place some people into employment.

Mr. Speaker, Sir, there is one very serious issue here which I hope the Ministry will also look at very seriously and that is the statutory deductions which are made by executives of the local councils. In mind I have the National Hospital Insurance Fund, the National Social Security Fund and other pension schemes that exist. This money is being deducted from the employee. It is mandatory that deductions have to be made. However, more often

than not, we find that when some of these people are retiring and they want to get the benefits from NSSF or when they fall sick and they would like to reap the benefits from the National Hospital Insurance Fund, they find that although they have been contributing, the contributions have not been submitted to the relevant areas. In this way, we are actually helping the workers who put in so much of their energy to move faster towards their graves. I think this should be looked into very seriously so that whatever statutory deductions that are made in the councils are submitted to the relevant bodies.

Mr. Speaker, Sir, occasionally and in many markets, despite the fact that collections are made from those who take their foodstuff or their produce to sell, these markets are in very bad health conditions. Many of them do not have public toilets at all and the few that have including those ones in towns, those public toilets do not function. It is important that when people who go to make use of the markets; people who pay for displaying their products at the markets, when they are there, their health is also properly looked after.

Mr. Speaker, Sir, we have had quite a number of areas where Cess tax is supposed to be collected. More often than not, we find even those who have areas where Cess tax can be collected are crying about money. We have areas where we have tea and coffee growing where this Cess tax is used for developing roads. However, there are certain areas like Busia District where Cess is collected from sugar cane growers, fishermen, cotton growers and I do not think the Council or the markets management can tell us what this Cess money ever does, if they ever collect or demand for the Cess money at all. If they do, we would also like to have roads in these areas properly managed from the cess money. Quite often, roads in these areas are very bad and when we ask the councils, at least some of the councils claim they have money but they have no graders. I would like to appeal to the Ministry, if they get a bit of money and I think some of this money should be used to buy graders and be evenly distributed to the local councils, so that the roads connecting these local councils are made viable. Because, most of these local councils are in the rural areas and the rural areas are producing a lot of food which needs to find its way to the markets and this cannot be done when roads are impassable. That is because, transporters get stuck and some of them could be carrying perishable goods like fish for example, and, if the vehicles transporting such commodities do not reach their destination on time, it means that all that is being carried perishes and that is a complete waste to the owner of the product and therefore, he loses money as well. The local councils seem to have been ignored right from the Nairobi City Council down to the smallest local council in the countryside. It is important that we provide quality education to our children and this must start right from pre-primary. It is important that the local councils should set aside some money to employ and train qualified teachers for the pre-primary schools and they should also build some pre-primary schools for the children in the areas where these people are contributing.

With those few remarks, I beg to second.

(Question proposed)

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, I will begin on a bright note by congratulating the Minister for Local Government for the eloquent manner in which he has expounded the problems facing the local authorities under his Ministry; and also the able manner in which he has been seconded. **[Dr. Otieno-Kopiyo]** For the first time, we have found ourselves in a very unusual situation where we have to agree with one another, that there are enormous problems within the local authorities. Those problems need to be solved within our collective wisdom as a Parliament.

For that reason, I will present a couple of proposals from the Opposition as their spokesman on Local Government affairs. First of all, I admire the Minister for Local Government at a personal level for defending the Maasai land rights. But I do also find a great contradiction because he does not defend City plots that are being grabbed left-right and centre as he watches. I would think that in his normal zest, he would find reason within that to also defend us from this new found mafia that would not let our children sleep in peace.

The current Minister for Local Government presides over a misnomer called Local Government. It is an exercise in futility with neither finances nor resources to fulfil its mandate. This is not a fault of the Minister or anybody else, but it is due to loopholes in our legislation that need to be addressed. The Opposition, and, in particular the party which I represent, Ford(K), has continually proposed the need for devolution of Central Government so that certain powers are deliberately ceded to the local authorities. Among our proposals, has been the radical one that makes many people not to sleep: That we abolish the Provincial Administration and in its place, get elected officials who would perform those functions on behalf of the residents of the districts or the provinces that those current commissioners are presiding over.

Mr. Speaker, Sir, it does not take much wisdom to understand that if all the salaries paid to the PCs, DCs, DOs, chiefs and assistant chiefs were to be paid to elected officials at the local level, we would have a more efficient local authority system in this country. That is not to say that there should be no Local Government. What we are

saying is that the Local Government should be thoroughly devolved and decision making should be taken from the centre downwards to the people on the ground. That will make those officials more accountable to the local residents and then ease tensions that exist amongst the citizens in our society today; that deals with the question of democratisation.

The current Minister for Local Government talks about democracy in local authorities but he does not rationalise the fact that up to now, he presides over the nomination of over 30 per cent of all the councillors and at the stroke of a pen, he can revoke the nomination of a particular councillor. That beats the whole essence of democracy. In most cases, where we have eight or so councillors, all they have done including bringing in the DC as a councillor, the Minister controls the Local Government beating the main intentions of democracy, that were intended through the exercise of universal adult suffrage on which we elected the councillors. So, we are appealing for a Bill to be brought to this House that will make the highest authority of Government at the district level the elected council there. That council then, should be given enough power through a mandate by Parliament to pass legislation and cede relevant taxes which the Minister calls the small taxes.

The other point which I would like to dwell on is the question that the Minister raised very ably - the question of the economic viability of the councils. The current local authorities are non-existent. They are just names because they do not have the means to support themselves. A mechanism must be found within our taxation system for us to cede a certain portion of the national budget to the local authorities. Let us put it at the ratio of 40:60 ratio, so that 40 per cent of all the taxes collected in Kenya go to the local authorities to help them finance the murraming or roads, filling of potholes and other things which they want to undertake there. When I was young, they used to have District Education Boards which were under the management of the councils. We had councils which had their own road maintenance equipment. We do not see them any more. We must find a way, and that can only be done through legislation, that the Minister should bring a Bill to Parliament where we should allocate a specific amount of money for a specific mandate to the local authorities. Otherwise we will continue to see the dilapidation of our services and structural network within cities and towns.

In that context, Kenya is ripe for some form of Majimbo, where ethnic communities who live in different areas do not have to fight and create tension for the murraming of a 50 kilometre road. That should be done at the local level by the local people. There is no reason why I should come from Kasipul-Kabondo to ask the Minister for Public Works and Housing whether he knows that a certain road has not been murramed, when it can actually be done by the local people. What we need to do is to give these people power by ceding taxes to them. The tensions that have built over the period cannot be underestimated. Areas of vital and critical development have been determined on an ethnic basis. If we are honest enough, to say here in Parliament, like the Minister has just done, that K£20 million will be used in Nakuru for example, let us admit the reality that ethnicity rules in Africa and in Kenya for that matter. If you are a Kalenjin, you are more likely to get a job, even if you have been accused of all manner of ills. Let us admit those things and agree that this is the reality today; like the Minister is talking about the Masaai. That is a local reality that we cannot run away from. For that reason, recognise it by giving it means to be able to carry out the desires of the people. Otherwise the central tensions that bedevil the Government today, the in-fighting in KANU and in the Opposition is all about one thing - the winner take it all! So, when Kenyatta was in power, the Kikuyus benefitted. So, today, it is the turn of the Kalenjins and I hope when hon. ole Ntimama becomes the President, the Maasai will also have their turn and so, the story continues.

The Assistant Minister for Local Government(Mr. Kamuren): On a point of order, Mr. Speaker, Sir. I do not want to interrupt the hon. Member on the Floor, but I would like to ask him to substantiate what he is talking about because Nakuru---

Mr. Speaker: Order! Order! what are you saying?

The Assistant Minister for Local Government(Mr. Kamuren): Mr. Speaker, Sir, he is talking about Kalenjins in the case of Nakuru with K£20 million. Nakuru is a cosmopolitan town. It is not a Kalenjin area. It is an area where everybody lives!

Mr. Speaker: Order! I am not aware of Nakuru having any tribal tag except the name upon which it is named. As to where it is derived, maybe you can go to history. Now, proceed.

Dr. Otieno-Kopiyo: Thank you Mr. Speaker, Sir, for saving me but I do not have to go further to say Arap Cheserem; Arap Kimurgor; Arap Bii; Arap Too and I can name all the people.

Mr. Speaker, Sir, I am not talking about Nakuru. I thought you explained that so well. I did not need to go into it.

Mr. Speaker, Sir, when we talk about ethnicity in Kenya, it is a reality. Let us solve the problem by providing power to the local people so that the little that we have to fight over in Kenya at the centre should be minimal. That is my thesis. I am not fighting the Kalenjins. I understand it is their right to "eat" now and I am praying for the next lot that they will also "eat". But I am saying that in order to reduce the tension that causes people sleepless nights in the

Cabinet, we want to be able to provide local authorities with enough mandate to run effectively the services that we demand of them. Without that mechanism, we are talking about a futile exercise that will not take us very far.

Mr. Speaker, Sir, finally, I hope that the Minister will spend less time chasing after defecting councillors and put that money into repairing sewerages. I commend you for all the sewerage projects that you will undertake. Continue with that.

Thank you Mr. Speaker, Sir.

Mr. Magwaga: Thank you, Mr. Speaker, Sir, for giving me the opportunity to speak on this Motion. I want to speak on three items. Firstly, I will speak on the Local Authorities Act by requesting the Minister to think in terms of trying to amend it a little and revising it. There are certain sections which are archaic which refer to "County Education Officer" saying that the primary schools are still being run by the local authorities. So, that aspect is expected to be brought up to date because we know the education system has changed and the "County Education Officer" is no longer in existence.

Mr. Speaker, Sir, I was happy when the Minister enumerated the amount of money that will be spent in particular municipalities and I listened with very keen interest to hear how much Kakamega Municipality will receive. Unfortunately, it has received nothing so far and that is what happens. Kakamega has never been treated as a provincial headquarters. We would like the Ministry to assist the Kakamega Municipal and County Council in the provision of facilities such as sewerage, water and electricity. The streets of Kakamega Town are as dark as the village streets and yet, it is a town that we admire as a provincial headquarters.

Mr. Speaker, Sir, secondly, if you look at the county council markets---

The Minister for Local Government (Mr. Ntimama): Mr. Speaker, Sir, I want to inform the hon. Member that Kakamega is listed as one of the most important towns that are going to benefit from the urban transport system.

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

Mr. Speaker: Mr. Obwocha, I am the Speaker.

Mr. Magwaga: I would want to say that the markets ---

Mr. Obwocha: Is the Chair satisfied that, what the hon. Minister has raised is a point of order because he was replying to the point raised by Members instead of waiting to reply to the Motion?

Mr. Speaker: I am also not satisfied that you are on a proper point of order. Proceed!

Mr. Magwaga: Mr. Speaker, Sir, if I may be given a chance to air my views without Members raising frivolous points of orders, I would want to say that the county council markets are other places which the local authorities should look into. At the moment, the county councils have changed and built permanent kiosks in the middle of the markets where the ordinary mwananchi would sell his wares like clothes. For example, if you went to the Kakamega County Council, there are markets like Khayega Market where wananchi are now selling their clothes along the road and are exposed to danger because the market where they were selling their wares before has been grabbed by people through the county council and they have built permanent kiosks. The DC of Kakamega ordered that those kiosks should be demolished so that wananchi can go back to the market and continue selling their things there. This has not been done and, I think, the quicker the local authority looks into it the better.

My third point is on councillors. I would want the Minister not to take lightly the issue of councillors. Councillors are the elected leaders in this country and we would wish that the Omamo Commission remunerates them properly. There is nobody who would think and believe that Kshs3,600 will remain their allowance for ten years. It is the late Minister for Local Government, Mr. Oloitipitip, who raised this allowance to Kshs3,600 and we do not see provision for councillors in this budget. We would like the councillors to be treated like elected people so that they are well remunerated; their salaries should be raised. They should be given allowances just as Members of Parliament. They are given allowances and they have salaries. Why is the Minister evading the truth and yet this is the straightforward truth about his councillors? I would wish that the Minister takes this seriously if the councillors have to be proud of their work because the councillors are complaining very bitterly about their low salaries.

Lastly Mr. Speaker, Sir, the roads in the local authorities are very bad and the same applies to the City roads. Why have we not developed one more city council? Why do we still have only Nairobi after 33 years of Independence? Why can we not develop another City so that we can see the local authorities developing? Why are we developing at the bottom where urban councils are coming up? Somebody suggested that we need Mombasa, Nakuru and Kisumu to be considered. We do not know why the Minister has ignored that suggestion. Could we be told that the local authorities will be developed so that we have some more cities to prove that we are developing our local authorities? Why can Mombasa, Nakuru and Kisumu not be developed to city status? After that we can then develop the markets down here, urban councils and town councils which are numerous. There is nothing of the sort right now. I would wish to stress to the Minister that we also want to develop the top instead of developing the bottom. This will help us to spend a lot of good time in those areas.

Lastly the Services Charge in the local authorities should be used properly. There are certain local authorities

that do not have facilities like toilets; facilities which are supposed to be for wananchi and yet, they pay Services Charge. They should state clearly, every time they have a council meeting, how much of it has been collected and used. It is very unbelievable that in big municipalities like with large bus parks, there no facilities which can assist wananchi and yet they are paying Services Charge. This is a very, very unfortunate aspect of our local authorities whereby they ignore wananchi and yet keep on collecting revenue. The Central Government should give a certain percentage of the money it collects in particular areas under the jurisdiction of the respective local authorities. Instead of all the money being taken to the central Government, definitely part of it should be left for the local authorities, just as it used to be left for them some time in the past, so that they can finance their operations. Such money would help in the area of roads in local authorities. Road sections in local authorities are not effective. They have a lot of problems because they have no equipment. What used to be camps for road maintenance now do not exist. We pray that somebody will come and see the condition of the Kisumu/Kakamega Road. There is no permanent maintenance personnel for this road.

Mr. Speaker, Sir, it is not right for councillors to be given money for maintenance of roads in their wards. If this is not a policy we would like the Ministry to stop it. Kakamega County Council councillors are given money to decide what to do with it. This money is supposed to be used for maintenance and grading of roads. In some areas roads are not passable because the money is diverted to other uses.

Scholarships and bursaries, which are given by local authorities should also be properly controlled, and should not be given to individual councillors, who award them to children of very rich people and those of their own relatives. If that money is supposed to be used for the benefit of children that is what should happen.

We hear that pre-primary school education is supposed to be the responsibility of local authorities. But some local authorities do not have money to pay salaries to pre-primary school teachers. Such teachers are also not trained properly.

Mr. Speaker, Sir, I beg to support.

Mr. Maore: Thank you, Mr. Speaker, Sir, for giving me this opportunity to make a few comments on the Vote of this Ministry. First I wish to criticise the point which the Minister raised, but which we always touch on. This is the point about the amendment of Cap 265 of the laws of Kenya. The Minister said that it gives power to the people. But in very many cases this Act gives powers to the Minister, who actually uses them to cause a lot of havoc in very many local authorities by making unilateral decisions, which do not take into consideration the needs of specific local authorities, depending on whether they are in urban or rural areas. Whenever we have called for the amendment of Cap 265 we have always hit a dead end. If the Minister wants to practise democracy he has the powers to liaise with the Office of the Attorney-General and make Cap 265 more democratic.

Many officers on attachment from the central Government have wreaked havoc in very many local authorities. Even at the Ministry's Headquarters, they are having a hard time trying to control many of the town clerks. Many of them are unable to prepare their annual budgets or the estimates, and yet the Ministry keeps on pumping money into the local authorities to prevent essential services from collapsing. The question is: Why is the Ministry not using its powers to sack many of these officers instead of rotating them from one station to another, thereby enabling them to continue creating havoc?

Mr. Speaker, Sir, another issue that the Minister raised relates to a few lawyers in Nairobi, who hold money which is enough to cater for the Ministry's development budget in this financial Year. The Minister wants about K£40 million for development in this financial year, and yet he has a group of about five lawyers who actually owe the Nairobi City Council (NCC) twice this amount. Many people will think that this is a mystery, but it is not. These lawyers have classified them to be among the politically correct people. Instead of being treated as crooks, we hear that many of them are organising to go and contest various parliamentary seats next year on KANU tickets. They collect rates on behalf of the NCC but do not remit the money. Many of these lawyers have invested this money and yet it is not theirs: It is the money of the rate payers in this City. Something must be done, other than the Minister coming here to complain ought to be done about that group of lawyers, who have taken City Council's money and kept on investing it. When the innocent rate payers happen to be late in the payment of their rates for a few days, they usually get auctioneers at their doors, and yet money they pay does not go into public use.

Another issue that we need to raise is the way this City has been run down. It took the efforts of the President to notice that services in the City were almost collapsing. It was stinking with garbage, there were potholes and it was in darkness because there were no lights. But active provision of services took place for only one month after the President started it off at Wakulima Market. After one month, we never saw the Managing Director of Kenya Power and Lighting Company on top of cranes, trying to fix bulbs in the streets. We are moving into the 21st century when much of the world's population will live in cities. But the way we are managing Nairobi City gives the picture of a people who have just moved out of stone age into the computer age, but the stone age is still with them. We need to live decently. Garbage is not a good neighbour. We have something called waste management. I know

that many officers from the Ministry of Local Government have been to very many cities like Singapore, Toronto, London and other big cities, whose population is five times that of Nairobi, but which are able to manage it. There was a time when I had a problem with somebody from the opposite side when I said that a saying may not be a fact. A fish starts to rot from the head. We have authorities that are not interested in having well managed local authorities.

We want to see a local authority where there is decent planning, not mushrooming of slums in every corner you turn to. Nairobi should be the best example of such a Local Authority. We want to see decent planning, whereby those who pay Value Added Tax (VAT) and those people who pay licences do not get inconvenienced by hawkers in every street. I am not an enemy of hawkers, but it should be clearly stated which areas of the city they should be and on what days. They should not be in every inch of the city such that those people who pay a lot of money through good-will or development have no chance of making ends meet because there are hawkers all over.

Another issue that I would like to touch on is that of the way the Ministry has been running the projects on sewerage and water in very many urban centres. There is a bit of anxiety, even in the Ministry of Local Government, about key projects that have come up within this Ministry. In some of these projects, the direct awarding of contracts is not done by the Ministry of Local Government; it is done directly by Treasury. I am sure it is something that needs to be corrected so that there can be efficiency in accountability and even in the running of those projects. There are some contractors who have been involved with the previous Ministers for Local Government and they have wanted to carry on in a way that the incoming Minister may not be able to handle. So they keep on following the Treasury. That needs to be corrected. If you have one or two specific companies that have to do a local government project, let them go through the Ministry of Local Government and not Treasury.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, another issue that we need to address very carefully is the issue of the Omamo Commission. I do not know if it was a popular reflection. Instead of going around, spending a lot of public money trying to seek public opinions, the planners in the Central Government should know what to do. It was all done with just one town in mind to be upgraded to city status, at whatever cost. You are aware of a town called Eldoret. Every major facility has been directed there, even though it is not a city. So, I do not see any sense in going and getting the Omamo Commission, pumping a lot of public money and pretending to go around the whole country, soliciting for people's views, when the actual issue is that of upgrading Eldoret into a city status. If, for any reason, you want to look like you are democratic or you want to pretend to do the public will, we have noticed--- There is a Central Bank branch in Eldoret, and yet it is not a city. There are a lot of other infrastructures that are in Eldoret, like the TV boosters, the Military Colleges and, of late, the biggest economic activity now of manufacturing bullets. All these are in Eldoret, yet it is not a city. So, I do not see any sense in spending public money, going around, pretending that you are looking for public opinion, when actually, you never had any regard for public opinion.

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

The Assistant Minister, Office of the President (Mr. Awori): Thank you, Mr. Temporary Deputy Speaker, Sir. Local authorities are service providers. In order to give good service, local authorities need to be in unison, that is, the officers and the elected officials. That being the case, it should be necessary for there to be minimum requirements for those who seek election as councillors. We have seen problems that have befallen the City of Nairobi to the extent that services have been neglected because of the fights between the Chief officers employed by the Ministry and the elected councillors. If the councillors understood the by-laws of the local authority, perhaps, it is possible that both the councillors and the officers would be working together. I, therefore, advocate very seriously that there should be minimum requirements of education for those who stand for election as councillors. This does not in any way mean that those with little education cannot make contribution to local authorities' work. But I think it is necessary that, as we have now an adequate number of people who have good education, we should have a minimum educational requirement.

In order to give good service, we need to strengthen the planning departments of all local authorities. These departments must implement the by-laws because, I believe, that we have already been having a lot of by-laws that govern how our towns should be planned. We have recently had tragedies where poorly constructed structures have collapsed resulting in loss of lives and damage to other properties. This is because the planning department has not implemented the by-laws required. If I remember, in the past, if you had a house within the Municipality and you wanted to change a window into a door or a door into a window, you had to apply for planning, and the planning officer came to see whether, aesthetically, it was correct and whether the change was safe before you were given the

permission to carry out the change required. We would like planning to take place all the way from markets to urban councils and town councils. We know towns of the future start as markets. It is going to be very difficult when a market has mushroomed into an urban council and, later into a town council, to have proper streets and proper sewerage.

Mr. Temporary Deputy Speaker, Sir, we know that right now, it is difficult to curb the crime rate that is taking place in various towns. Take, for instance, Mathare Valley or Korogocho. It is very difficult, when robbers run and hide in there, for the police officers to go in with vehicles to apprehend them. It is, therefore, necessary that the local authorities, particularly, the Ministry be given, not only the money it is requesting, but perhaps more, so that they can help these towns to plan properly. It is sometimes a great shame, for instance, when you fly out of Kisumu and you see the well planned streets of Milimani, and as you just pass, you see the terrible buildings without any plans at all, where our people, the "blacks" are supposed to stay. We have brought this upon ourselves. This is because we have not succeeded in working well as local authorities. This is an indictment against the local authorities officers who have failed to curb the mushrooming of unplanned structures. A way must be found of getting income for the many authorities, particularly, in the rural areas so that they can give services to the people. If I may return to the discussion on towns, again going back to the officers who I believe have not succeeded in implementing the by-laws required, many streets have been damaged by those who are putting up new structures and water. Many of them want to put a pipe across the street. In the old days, it was necessary that when a contractor does that, he must put back the street in exactly the same way he found it. This is not the case today. They dig across the street with impunity, fill it with soil and very soon when the rains come, the soil is drained away and we find we have got potholes.

Mr. Temporary Deputy Speaker, Sir, market places turn into urban areas and into town councils. Today, very few of them have got title deeds. It is necessary that the Ministry makes great effort to ensure that at market places people have got title deeds. There are now very many improvements at market places, but these people who are making the improvements have not got any security of any kind. I know, for instance, a place like Funyula Market where very many expensive buildings are coming up, but all these buildings are standing on land where there is no title deed at all. It is necessary that this is done.

We are having a great deal of traffic jam in towns like Nairobi, Mombasa and perhaps even in Kisumu. This is a responsibility of our City fathers, but mainly the officers employed there. Many times we have discussed at different fora, over a period of years, the question of an underground system in Nairobi. Someone has brought a counter-argument that there is too much subterranean water in Nairobi. This should not stop it. We have technologies that should be able to help us to have an underground transit system. But be that as it may, we could have an overhead transit system that will reduce the traffic jam. There are many man-hours that are lost by many middle managers travelling to the offices and out of offices because of the traffic jam. It is necessary that a modern city like Nairobi has a good transit system.

Sewerage is another area. I was glad to hear the Minister enumerate the amount of money that has been set aside for sewerage in various towns. I was recently in Bungoma during a Harambee and the waste that was running on the surface is a health hazard to human beings. It is necessary that officers see that sewerage are properly constructed and maintained, so that they do not cause an outbreak of various waterborne diseases.

Finally, rates in many towns are a little too high. They are high because the services that should be brought in return are almost non-existent. You find that people are requested, like here in Nairobi, to pay something like 6 per cent---

With those few remarks, I beg to support.

Mr. Kamuyu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to make my observations on this very important Vote for the Ministry of Local Government.

On the outset, I must say that managing of towns, county councils and the City of Nairobi is obviously very dependent on the boundaries. I must also complain that I do not know the boundaries of Dagoretti Constituency because my most populous location called Kangemi has been cut away from Dagoretti. I am very disappointed about this matter. I am so disappointed that I may request all people from Dagoretti to make a grand march to Justice Chesoni's offices to protest this action. We should have been consulted about this change. Once more, they have given Dagoretti half of Kibera. I have never been to Kibera. I was not consulted and I do not even know the boundaries. Now, I am as confused as Chesoni himself.

The Temporary Deputy Speaker (Mr. Wetangula): What has that got to do with the Ministry of Local Government?

Mr. Kamuyu: That is long-term planning of constituencies. Once more, there should have been more Members of Parliament in Nairobi than just eight because there are 3 million people residing in the City. There should be at least 15 Members of Parliament to be able to join the Minister for Local Government in planning for the development of Nairobi. That is the relevance of this matter.

I must say from the outset that in Nairobi, where I come from, we have got very demoralised councillors and I fully concur that councillors' salaries and allowances must be reviewed forthwith with at least an increment of 300 per cent. In fact, there is real war going on between Members of Parliament in Nairobi and councillors because they think that we came to this House, doubled our salaries and allowances and left them behind. There is that tug of war now in the locations throughout. I think the Minister for Local Government, the Permanent Secretary to that Ministry and his offices must now reconsider that matter and draft a Bill to be brought to this House seeking to enhance salaries and allowances for these councillors. You can imagine Kshs6,000 for a councillor!

It is a shame.

Recently, I came across Nairobi City licensing officers who have been going round in all business premises including kiosks asking for not less Kshs9,000 for the City Council licences. This thing has suddenly emerged from some place. I am glad one of the newspapers highlighted this matter three days ago. Consequently, there has been many business closures now in the City of Nairobi. They cannot afford the current license fees in the City at all. What is happening is that they are all rushing to the jua kali and mitumba businesses. There is also another alternative where City Council officers solicit bribes because nobody among these people can afford this money. They are putting emphasize on this fee at the last hour when the year is only about two months to end whereas they should have done that perhaps from January. For the time-being, I request the Minister to look into this matter more seriously because the informal sector must be encouraged and when this kind of fee is put on licences, these people cannot afford it.

I want to talk very briefly about trust land in this City because sometimes, there is confusion when it comes to development of land for housing purposes.

In the rural Dagoretti, three-quarter of the land is trust land. I always wonder why the City council in conjunction with the Ministry of Lands and Settlement dishes out land without first holding consultations. Three-quarter of Dagoretti land is trust land and no one has got authority to touch it without first asking for the consent of the local community. Today, more than 57 plots belonging to various women groups and primary schools have been given out to private developers. Today, the tension is so high that if anybody who has been given land in Dagoretti dares to come and develop it, I do not think he is going to be seen.

Mr. Nyagah: Atapata cha mtema kuni!

Mr. Kamuyu: This is because what they are doing is totally immoral and criminal.

Mr. Temporary Deputy Speaker, Sir, I am going to speak very briefly about Maasai cows. Recently, Maasai cows have invaded the city of Nairobi in their thousands. If you go to Lang'ata and Mombasa Roads, there are Manyattas constructed there. Are the City by-laws in force or not? How come that recently, my ten goats which were grazing along Ngong Road near my house were arrested by the City Council, and I had to go and retrieve them through a lot of negotiations. They were just ten! Mbuzi tu ya kuchinjachinja mwisho wa wiki kama Kenyatta Day. There are thousands of Maasai cows. Shall we be told whether the by-laws are in force or not?

You know, one Mzungu woman came crying the other day. She said: "Look, these Maasai cows are so strong". They came and mated with her own cows! You know, you cannot stop them. They are so strong! Once they have decided, they have decided! These kind of things must be reviewed and looked at, very carefully. This is because they are going to spread tick-borne diseases. I know this because I am a resident of Karen. And as you know, Karen and Lang'ata people keep their small cows. I know many of them are selling or slaughtering them because of the tick-borne diseases from Maasai cows. When the Minister is replying, he has to be very serious about this matter.

Mr. Temporary Deputy Speaker, Sir, I want to speak very briefly on the management of the City Council of Nairobi. The idea of decentralising the City Council of Nairobi so that the services can be better given to the people, has been talked about even at the DDC level where the Town Clerk is represented, but nothing has been done. We must have North, Central and Southern Nairobi. That is the only way to have this Council, so that the administration of this city can be much easier. That is why we have got perpetual war between the Town Clerk and the Mayor. It is because of this confusion in administration. Maybe, we should have three mayors in Nairobi. We have got a Nairobi Town Clerk, who is clearly very arrogant. He does not listen, negotiate or even discuss with the Mayor or the councillors of the City Council. This is permanently creating tension. As a result, services cannot be rendered to the people at all.

If you go to Dagoretti, we have the worst roads in this Republic. I would like the Minister to give me one hour of his time so that we tour Dagoretti together. This is because what you see, for example, Naivasha Road is not Dagoretti. Dagoretti roads are the feeder roads inside Dagoretti. We have a lot of potential, agriculturally. We have horticulture but we cannot do anything in terms of small agricultural development. This is because of roads. I have been called many times at night to go and assist people. For example, when it rains, and I have a Four Wheel Drive car, I have been called many times to get some people to the hospitals, and also some women to maternity hospitals.

And half-way between, and this is serious, you find them being carried by sacks, over or in. On one or two occasions, we have seen them having their babies half-way through because they cannot reach any hospital due to the road problems that we are having in Dagoretti. We must, therefore, look at this matter much more seriously.

I mean, if KANU wants votes in Dagoretti or anywhere else in the Opposition zones, why do they not get their noses there and do development, instead of---? I want to continue---

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this very important Vote of the Ministry of Local Government, which was very ably moved by the Minister for Local Government, who himself has a lot of experience in the Local Government, having been---

Mr. Nyagah: Where?

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Oh yeah! He was Chairman of a County Council before. So, he has a lot of experience of the things he is talking about.

Mr. Nyagah: Can you name where he was?

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): You are interrupting me! Mr. Temporary Deputy Speaker, Sir, can you protect me from this gentleman on the other side of the House?

The Temporary Deputy Speaker (Mr. Wetangula): Order!

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Mr. Temporary Deputy Speaker, Sir, the whole basis of a local Government does require a thorough review. The way we are moving, we can talk about the devolution of power to our local authorities, urban development and the monies we are voting for those people to carry out their duties, the need to ensure that councillors' allowances are enhanced to keep with the times, but if we do not think through the whole business of financing the local authorities, we will not be getting anywhere.

This is because it is not good giving allowances to councils like Nairobi where they can afford to pay their councillors, when we cannot be able to pay them in the smaller county councils, urban councils and town councils. This is because if we are going to pay allowances, they must apply across the board. We cannot peg allowances on the basis of a few councils that can afford it. We must peg it on the basis that it can be afforded and, therefore, the basis of financing all local authorities must be reviewed properly.

I am hoping that this all important document, that we have not been able to see, that is the "Omamo Report", has addressed itself to this very important issue. We need to look at the whole basis of local Government. I do agree that local governments do play an important role in the whole democratisation process, and the Minister was at pain to illustrate that point. We do agree that we need a voice for the majority of our people at that level, so that they do not all clamour to come to this House. That means that some can be able to address the issues of local Government and others can be able to deal with issues that are best tackled at that level. But as long as we have not been able to define those powers properly, as long as we have not been able to define how they can raise their revenue to be able to address those issues, as long as we have not been able to define who becomes elected as a councillor, as long as we have not been able to give a basic standard of education so that we do not just have people who get elected and they cannot read the Minutes of the councils, and they cannot understand what is being discussed, thus being 'put into the pockets' of the chief officers who give them three months advance allowances to keep quiet and not raise issues while the chief officers are grabbing the little land available in the various local authorities, we are deluding ourselves. We must address this issue, and address it now. It is an important area that we cannot continue to address in a very artificial manner. We must really do surgery of this whole business. I cannot think of any better person, well placed to do this work, than the current Minister for Local Government.

Mr. Temporary Deputy Speaker, Sir, we know that the Minister has the will to do it. Even going by the basics that the Government is taking administration closer to the people, so, for every district created, we must give it a county council status. Some of them cannot survive on their own. We had in this country an amalgamation of various districts which formed a county council. I remember the good old days of Sirikwa County Council, Wareng County Council and so on, where we had several districts which, for various reasons could not survive on their own as a County Council and were amalgamated together. For instance, the case of the former South Nyanza County Council where we now have five or six districts, what would be wrong in keeping all those under one county council which will make them viable for them to be able to deliver services to those people? Instead of creating Suba County which cannot survive on its own. The smaller ones cannot survive on their own. So, we must look at this old basic and I am not giving the county council alone but there are many others. Even those of Mandera district and the new county councils of Moyale cannot survive on their own as a County Council. It means that they must be brought together. There nothing wrong with this---

Mr. Opere: On a point of order, Mr. Temporary Deputy Speaker, Sir. He says that the Suba County

Council is not viable.

The Temporary Deputy Speaker (Mr. Wetangula): He said "for example" -- In any case that does not exist.

Mr. Opere: Mr. Temporary Deputy Speaker, Sir, I wonder why he says it is not viable.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Mr. Temporary Deputy Speaker, Sir, that is not a point of order. I am making very useful comments and he had better listen to me. These are useful comments and I have the experience of this area. I was the Permanent Secretary of the Ministry of Local Government for a long time. So, I know what I am talking about. I want us to be able to give a good revenue base to our Local Authorities whichever they are.

Let me address myself to another very important area I also have some experience here. I was the Director of Physical Planning in this country for ten years. I was proud of the job I did because at that time we planned our towns and we did development control and we did not have much of the mushrooming that we have at the moment. We did not grab land or parcel land just for the seek of grabbers. We actually planned properly and towns grew and I was proud of that work. At the moment, I feel ashamed when I look at our towns, I really do not know. Unfortunately, my successors have not been doing planning. All they have done is parcelling of land for the grabbers.

(Applause)

We must go back to proper planning and development control. We must go back to applying the by-laws in our towns. This business of our towns being taken over by hawkers is bad. They are all over the place. Any time you walk in the town, you are not safe anywhere. We must go back to applying the by-laws and it is important that we apply the by-laws without fear or favour, regardless of who is controlling the council. Whether it is the FORD(A) controlling Nairobi City Council or KANU controlling Eldoret Municipal Council, they must apply the by-laws across the board and there is no other way of doing it.

We must go back to being proud of our towns. We must go back to applying the by-laws and the building codes so that we do not want to have buildings falling on people because they have not applied the proper standards or because the structural engineers have not applied the by-laws. This is a matter that is very dear to my heart and a matter that I feel so sorry about that unless, we go back to this basic standards we shall wake up and there shall be no City in this town. We shall wake up and we shall find that there are kiosks, pit latrines below the Hilton and so on. This kind of thing is going to happen not before long.

This business of beggars now moving around with human waste so that if you do not give them what they are asking for, they splash it to you. This is a very sad affair and we must go back to our basic standards and we can only do so if the elected councillors work in concert with the chief officers. If the electoral councillors feel that they are there to provide a service and not to go and grab land or make quick money, we must go back to the selfless service that the Rubias of this world provided when they became mayors in the City; the late Lugonzos of this world provided because they were already established in their own business and they were not going to councils to make money. When we have touts coming up to stand as councillors and they go there to grab, to make quick money and so on, they cannot give selfless service.

I am suggesting that we must go back to a situation where councillors are elected because they are well established people who are going to give service and not looking to allowances as their only means of livelihood, but as a supplementary sort of income.

Mr. Temporary Deputy Speaker, Sir, these are matters I feel very strongly about. I do support.

Mr. Opere: Mr. Temporary Deputy Speaker, Sir, I would like to support this Motion on the Vote of the Ministry of Local Government and further I would like to add a number of points. While I do agree with what the previous speaker has been saying, I should have objected straight that there is no such thing as a Suba Urban Council. As a matter of fact, one of the things we have asked the Minister of Local Government is precisely to establish Mbita Urban Council, on which an official of that Ministry went around collected information, discussed with wananchi and I do believe compiled a report. The people are anxiously waiting for the establishment of Mbita Urban Council. I have not seen anything of the sort. As you maybe aware, the argument that the resources are not there is not applicable at all to Mbita. There is plenty of resources from which cess can be levied to maintain urban council. The Minister maybe aware or not, but we have more fish than any other area, constituency or districts surrounding the Lake Victoria. Most of this fish is taken away, the middlemen take the toll and the local people remain with very little. This is a real basis of levying cess from which Mbita Urban Council--- The cess can sustain the Urban Council.

I would further like to make a solemn appeal to the Minister to grant us Mbita point an Urban Council along the lines which were recommended by the local people who discussed with the mission the Minister himself sent to the

area. We need urgent attention in one way or the other and we are waiting for decision.

We have also many markets in the area which are generating financial resources. These markets would be further upgraded for sustaining the urban council. Therefore, the question of resources is not applicable in Suba District, because the resources are there. I do invite the Minister to come and visit Suba District, if he does not believe what the mission he sent there saw for themselves.

There are other points, Mr. Temporary Deputy Speaker, Sir, that needs urgent attention. There is the question of the councillors. I think it is appalling that councillors are subjected to such kind of treatment where an officer writes to the councillors, who are elected representatives of the people, that, if they have to see any of the officers, they have to make appointments through whatever channel and so on. I think this is undermining the entire system. We should not think that he is undermining the councillors, but he is undermining the system. So, I think this should not be treated along those lines. Elected leaders should be respected as such.

There is the Local Government Act. I think this should be considered along the same lines with the review of the Constitution of this country. Whether we like it or not, soon or later, we must revise the Constitution. It is not in any particular party's interest or individual's interest, but it is for this country's interest to review and revise the entire Constitution. So, the Local Government Act, likewise, would need to be considered at the same time.

Another problem we have in the local council areas is the road system. In my area, for example, there are hardly any roads, yet as I have stated and anybody who does not believe, I invite you to come and see for yourself, the place is extremely rich. I mentioned only about fish, but there are other riches in the area which can be used for development. But without roads, nothing can be done. I hope that the urban councils when established would also raise resources for this purpose and I believe they can raise resources locally for these purposes.

Mr. Temporary Deputy Speaker, Sir, the role of the Provincial Administration is worth noting. More often they do more harm to the Local Authorities than good. They sit in the council meetings and for no apparent good reason, they are supposed to be councillors there. But what they do is to obstruct quite often the decisions of the urban councils on the pretext that the higher authorities, including the Minister etcetera do not approve those council resolutions. If the councillors have to meet to approve only what is approved at high levels, then they have no important role to play. I do want to appeal very sincerely to the Minister for Local Government to grant us an urban council and to ensure that the councillors are treated accordingly in the way they should.

The other question is about the sitting allowance to the councillors. Some get as little as Kshs3,000. I think this needs to be looked into so that they can get reasonable allowances on which they can live on because they are working for the public. If they are working for the public and they do not get enough allowances to live on, what do you expect them to do? To moonlight? What they are asking for is basically peanuts. Shall we not give our councillors peanuts to live on?

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I support the Motion.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to speak on this Vote of the Ministry of Local Government on Recurrent and Development Expenditure.

Mr. Temporary Deputy Speaker, Sir, the Minister for Local Government here is asking this House to approve a total sum of K£203,726,650-00-00. This is a small amount of money considering the development that the Ministry is expected to carry out throughout the country. The Minister for Local Government needs to be given more powers. He should have more "muscles" to be able to run the affairs of the county councils. As it is now, he has "lean meat". He cannot run the Urban Councils effectively.

The Temporary Deputy Speaker (Mr. Wetangula): The Minister does not agree with you.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): He has to believe me because, as I am standing here today, the allocation of land in the county councils and urban councils is done haphazardly. I agree with my colleague, hon. Ligale, when he said that the County Councils or the Local Government needs to be overhauled so that there is proper planning for our towns, urban councils and town councils. It is not possible today to identify who allocates land in a county council or a town council. The District Commissioner is allocating land, the Chairman of the county council is also allocating land, the Minister is allocating land and the Commissioner of Lands is also allocating land. Where are we? It should be streamlined so that there is only one organ of the Government which allocates land in a Town Council. Even the Local Government officers themselves allocate land to themselves. I think this particular issue should be properly addressed.

Mr. Temporary Deputy Speaker, Sir, I would like to join my colleagues who have spoken earlier on---

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to surely complain here about who allocates land here in this country when he is the one who is supposed to tell us, because it is his Ministry of Lands and Settlement which has brought all this mess in this country, not even the Ministry of Local Government? Is he in order to mislead us that way?

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, I do not think that is a point of order. But briefly, I think, I am talking about land which is owned by the county council, because county councils have got authority over a certain land in their areas. I am talking about planning in the county councils, town councils and urban councils. I have a case in point. Today, after 33 years of Independence in this country, a place like Iten Town Council, a District Headquarters has no planned market. The women who sell their wares, display their food in an open area which is unhygienic. We want to ask the Minister for Local Government to plan for a proper market at Iten Town Council. The traders who are selling food in those areas planned in the past to construct some structures which looked a bit decent, but unfortunately, they were destroyed by some kind of authority and each of these ladies lost Kshs5,000 which they had contributed in putting up these structures. They are now asking me to ask those people, the authority that destroyed those kiosks to put them up again.

Mr. Temporary Deputy Speaker, Sir, I would like the county councils to be supplied with bulldozers, road-graders, so that they can repair some of the feeder roads and open up new roads, so that there is road network all over the county councils and urban councils.

I am also appealing to the Ministry of Local Government to ask the Kerio County Council to explore the possibility of establishing a game reserve in Kerio Valley near Kamnork River because by doing that the county council will be able to generate income or collect some revenue. At least, they can liaise with Ministry of Environment and Natural Resources to be able to generate or collect revenue. Where they have herds of elephants which are of no use to our people because they are destroying our crops. They stumble on our people and they kill them. Unfortunately, these people are not compensated. I have given one month notice to the Ministry of--

Mr. Mak'Onyango: On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard with your own ears the hon. Mr. Sumbeiywo say that the elephants are of no use to this country.

The Temporary Deputy Speaker (Mr. Wetangula): No, he did not say that, he said that they are useless to his people.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, I know the hon. Member wanted to waste my time. They are of no use to my people because they are not generating any income neither to the county council nor to the urban council. Tourists do not travel on those roads because they are not accessible. The animals live in their natural habitat. I have asked my people not to kill them, but to wait for the Minister for Local Government and the Minister for Environment and Natural Resources to liaise together so that they can establish a game reserve in that area. But, if they are not doing that within a month from now, my people will decide what to do with those animals.

Mr. Temporary Deputy Speaker, Sir, half of my constituency which is Kerio Central, is almost made up of the town council. People have no money to pay to the county council because they have no sources of revenue. Whoever established that big constituency should make it smaller for the people to be able to pay land rents. The Ministry of Local Government should devise a better method of collecting land rent particularly from residents of Nairobi. People owe the Ministry of Local Government or the City Council a lot of money because the method which is used currently used to collect money is not viable; it cannot work they use lawyers to collect revenue. They have officers who are employed specifically to collect land rent as another form of fees.

Mr. Temporary Deputy Speaker, Sir, we have lived in this City long enough to know that cleaners are not doing a good job. Maybe it is because they have no proper person to supervise them. I heard the Minister for Local Government taking about sewerage. "Sewerage" is a vocabulary name in my constituency because today Iten Town has no sewerage system, 33 years after Independence. We want a sewerage system. People are using pit latrines and there is no way of disposing off wastes when those latrines are full. We must have a sewerage system in that area.

In case of councillors, I think, academic standards should be set so that councillors are people of substance.

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

Mr. Kibaki: Mr. Temporary Deputy Speaker, Sir, the Ministry of Local Government is one of the key Ministries in the Government and there are very essential issues that I want to address on during this occasion.

First and foremost, with the coming of multi-party system, it is time we abolished the habit of the Minister for Local Government neutralising or negating the decision of the electors of Kenya. If you look at the structure of local authorities all around the whole country where the citizens of this nation voted in the people they wanted to be in charge of themselves, they have been denied that authority by the process of nomination, so that nominations turn the minority into majority and the will of the ordinary citizen is frustrated. Democracy is denied a chance to prosper. So, one of the obvious decisions that should be made is to abolish the power of the Minister for Local Government to nominate councillors.

I am pleased to note that the Minister for Local Government at one time had made a very valid point that the powers given to the Minister are excessive and they need to be looked into and amended. On that one point we are

agreed. As one way of beginning, he might begin by telling the District Commissioners that they have no business trying to direct the local authorities. District Commissioners in this country are overloaded to the point that however able the DC is, is incapable of doing the duties he is given. They have too many duties. The District Commissioner is the administrator of a district; he is the head of security; he is in charge of District Treasury; he is in charge of everything else; he is also in the county council; and he is a councillor. The District Commissioner cannot do those jobs, however able he is. They are far too many duties. So, they all end up not being done effectively and properly.

To start with, we want the money collected as cess from farmers whom you represent in this Parliament, not go to the District Treasury. They should go to an account where the farmers and their own representatives are able to decide that the monies used for the roads or what it is meant for. Whether it is the cess from tea, coffee, maize and everything else is meant to improve the roads. However, but once it goes to the District Commissioner's Treasury, the District Commissioner who is the chairman of tendering system--- In this Parliament there is pretence that we should go back to District Development Committee for funds. District Development Committees have been emasculated; they are no longer supervising any tender. Tenders are supervised by the District Commissioners who end up eating the cess money. This way we are not getting any development anywhere although we go on paying cess. So, we want that structure of administration to be removed so that we can enjoy our money. I do not see how the Government can enjoy seeing a system whereby tax is paid and then it becomes income for just a few individuals.

Mr. Temporary Deputy Speaker, Sir, you and I, have heard the Local Government Minister, councillors, the Head of State and the Ministers complaining that land is being grabbed. Every person who is in authority either in the Local Government or the Central Government is complaining that land is being grabbed by some peculiar spirits from hell who come to earth and grab land.

Mr. Temporary Deputy Speaker, Sir, there is no shame in this Government, for Members of Parliament, Councillors and everybody to be complaining that land is being grabbed, as if it is being grabbed by an unknown person. Land in this country is being grabbed by authorised people who are in the Government itself. In this country, no one else registers any land apart from the Commissioner of Lands. So, for land grabbed in the middle of Nairobi, the Government, the Minister for Local Government, the Central Government know who it is has been given to and who they have sold to and then, they pretend shedding crocodile tears trying to cheat. Who are they trying to cheat? Kenya citizens? God? They are only cheating themselves and nobody else. So, I think, it is a disgrace that land which is for development is being grabbed to the benefit of individuals. At least the pretence should be stopped and Government should agree, it has become a Government of land grabbers who are trying to rob this nation before their term ends. That is exactly what the game is. Otherwise what else is the game? It is being done everyday. Now forests are being grabbed in this country. So, soon we shall have no Karura Forest. Very soon Mount Elgon Forest will be finished and yet, the Minister here is talking of land being grabbed. They have allocated one chunk of forest in Mount Kenya near Nanyuki. It is not grabbing, it is authorised robbing by Government officers under the authority of the Government itself and they are cheating no one by shedding crocodile tears. So, I hope that at least, they will spare us that kind of mischief.

Mr. Temporary Deputy Speaker, Sir, there is a report prepared by the Omamo Commission and this report was presented a long time ago. When are we going to read it? Or has it been abandoned? Why were the Government resources used on it and now it has not been released? We want to read it. We do not want the habit of Central Government utilising public money by having public commissions which go to gather evidence from the public and then we are told: "That report will not be published, it is too sensitive." We are told that the report on devil worship is too sensitive to be published. Now, who are these holy spirits who are reading this sensitive report and then issuing statements to the rest of us Kenyans that the report is too sensitive? We do not agree. It was a public report and public inquiry.

The report on devil worship should be published. The report by Omamo should be published and the reports on any public institution; any public commission which hears evidence openly from public must be published. It is the principle of Government and there is no way of denying that principle of Government.

Mr. Temporary Deputy Speaker, Sir, the Minister of Local Government has taken to himself the powers to check the budgets of all local authorities. As you and I and any other Members in this Parliament know, all local authorities are spending more than 80 per cent, some of them 90 per cent and even some of them 95 per cent of their budget on payment of salaries. So, they have no money left whatsoever for any services to the public. So, we are wasting our time here. If you look at those estimates.

The Assistant Minister for Health (Mr. Mutiso): On a point of order, Mr. Temporary Deputy Speaker, Sir.

Mr. Kibaki: I withdraw that statement, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): How can you withdraw without knowing what it is?

The Assistant Minister for Health (Mr. Mutiso): On a point of order, Mr. Temporary Deputy Speaker, Sir. So he made it deliberately! Is the hon. Member for Othaya in order to say, hon. Members elected by the people

of this country here in this august House are wasting time? Can he withdraw?

Mr. Kibaki: Mr. Temporary Deputy Speaker, Sir, I told you I knew what that hon. gentleman would say.

The Assistant Minister for Health (Mr. Mutiso): How?

Mr. Kibaki: He is incapable of saying anything better. I was saying that the Ministry of Local Government--

The Assistant Minister for Health (Mr. Mutiso): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the hon. Kibaki should have respect for his colleagues. He is not more senior than me in this House and he should not impute improper motives. He should withdraw and apologise for saying that we are wasting time here.

Mr. Kibaki: Mr. Temporary Deputy Speaker, Sir, I did withdraw, but what I am saying is that---

The Temporary Deputy Speaker (Mr. Wetangula): But, hon. Kibaki, I thought that, that was below the belt.

Mr. Kibaki: I have withdrawn the point that anybody is wasting time. No one is wasting any time, but as you can see---

Mr. Temporary Deputy Speaker (Mr. Wetangula): You also said that he is incapable of saying anything else, and I thought that was not the best remark.

Mr. Kibaki: Mr. Temporary Deputy Speaker, Sir, I only made a point that I knew what he was going to raise and then he raised exactly what I knew he was going to raise and, therefore, you can see I focused everything right and you can, therefore, not say that I was wrong in focusing what he would say because he said it. So he proved exactly what I was telling you. He was trying to take my own time instead of waiting for his own time.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Local Government should cut the staff of local authorities. They are too heavy. All salaries are eating 95 per cent of this budget and so, we shall never have development.

The Assistant Minister for Health (Mr. Mutiso): Mr. Temporary Deputy Speaker, Sir, I thank you very much for allowing me this opportunity also to make few comments on this very important vote.

The Ministry of Local Government is a very important Ministry in that, according to the set up of our system of Government, we have the Central Government and the Local Government. The Local Government is the part of the Government which is at the grassroots where the ordinary wananchi live and, as such, I believe it should be well run and organised.

Mr. Temporary Deputy Speaker, Sir, the money the Minister is asking for I think, is worth commenting on. Because, many Members who have spoken here have indicated that there is much need for the Minister for Local Government to look into the affairs of the local authority operations. It is important to know what actually is the major problem that causes all these dissatisfaction within the councils, why the Councillors and all the chief officers are said to be grabbing land; it is because of economic frustrations. When you look at the cost of living today in this country, it is so high. The Councillor is the person at the grassroots. He is always required to attend local harambees for pre-weddings, funerals and many other activities within his own location. With his meagre allowance that he gets, he cannot meet such heavy demands. The only way he tries to make his two ends meet, is to look for any opportunity within a given market which has been left for public utility, take it and allocate it either to himself and sell it so that he can get some extra money.

Mr. Temporary Deputy Speaker, Sir, time has come when the Minister for Local Government should either by himself or in conjunction with his colleagues in the Cabinet come up with a plan to look into the real problems that affect the local authorities, with a view to improving them in order to attract people with better education, knowledge and understanding. Because, with that meagre allowance, the local authorities will remain being manned by people who are half baked. As such, many local authorities cannot develop.

Another point which I would like to bring to the attention of the Minister is about traffic congestion in the city. When one leaves home in the morning at about 7.30 a.m. one cannot reach the City Centre by 8.30 a.m. One can spend up to 2½ hours on the way. This is just the beginning! I do not know what the state of this City will be in the year 2000. Therefore, the Minister for Local Government should be looking forward in planning the traffic facilities for this City, so that by the year 2000, this problem can be alleviated. Kenyans have bought many cars and put them on the roads. Our roads have remained the same, the roundabouts have become a big problem and I want to recommend to him that he should consider looking for money from any donor to improve the City roads. He should build fly-overs instead of these roundabouts because these cause a lot of congestions on the roads. They are making both the people and the Government lose heavily in terms of man hours because of the time wasted on the roads.

The other issue which I want to bring to the attention of the Minister is the vandalism of traffic lights. All the time, we find that traffic lights in the City have been vandalised and I want to ask the Minister for Local Government to consider, in conjunction with the City police, to make sure that these traffic lights are protected. It is pointless to

put these lights on the streets for one night and the following day, they are not there. This is causing unnecessary draw of the kitty of whoever pays for those lights.

Mr. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not want to take the Assistant Minister's time, but I think we must keep the rules of this House. Did you notice that hon. Sumbeiywo was in between the Speaker and the Member on the Floor?

The Temporary Deputy Speaker (Mr. Wetangula): He must be grossly out of order. I saw that!

The Assistant Minister for Health (Mr. Mutiso): Mr. Temporary Deputy Speaker, Sir, I think you can excuse the hon. Member because he is new in this House and he does not know the procedures in the House, but he will learn as time goes by.

The Temporary Deputy Speaker (Mr. Wetangula): Ignorance of the law has never been a defence!

The Assistant Minister for Health (Mr. Mutiso): The other issue which I wanted to raise to the Minister is the question of local authorities within my area. Matuu Town Council in Yatta has allocated plots to kiosk owners and this has made the town to be congested. There are many other plots in the centre of the market where women could come and display their bananas, potatoes, onions and many other things to sell from their shambas but that place has been grabbed particularly in Sofia Market.

I want to ask the Minister for Local Government, and his officers are here, to intervene because these councillors do not see the future and they cannot think about what the situation will be in the next ten years. They only consider what can make them live and therefore, they allocate these plots to themselves and sell them, so that they can make some money. This is why I was saying it is important that the Minister should look for ways and means in which the income of these local authorities could be improved, so that the councillors can have something tangible which can make them live decently and which can also attract more enlightened people who can plan with proper knowledge, the development of those towns. I believe that the Minister for Local Government as a person who has been the Chairman of a county council knows the problems facing these local authorities better than other persons who have never acted in that capacity. He also comes from an area which is also coming up and he knows the difficulties of those areas and therefore, we cannot have a better Minister for Local Government than the Present Minister. I believe he will take a serious note and view of these points.

With those few remarks, I beg to support.

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

I would like to proceed from where hon. Ligale left. The salaries of councillors should not only be reviewed, but should be taken over by the Ministry for Local Government. What is killing most county councils, municipal councils and all the councils in the country is their wage bill. So, the first thing which the Minister for Local Government should do is to take over the salaries of all those workers and put it on the pay-roll of the Ministry of Local Government, so that all the other revenue which they get can be used to carry out other services required in these councils. I do agree with other Members of Parliament that the level of education of councillors should be set. When I see a colleague like Oiro Obwa, who was in our Bachelor of Commerce class in 1971 in the University of Nairobi as Chairman of Siaya County Council, I feel very proud about him! But these councillors who are grabbing even toilets here--- I think going to school by itself is a virtue. It can tell you that it is immoral to grab a toilet.

I would also like to request the Minister for Local Government to strictly keep the law that gives him the power to nominate councillors and nominate them as per the law. Right now, you have over-nominated councillors in Kitale Municipal Council. What justification do you have? We have now turned elected councillors to be a minority in most of these councils. They do not have a say! All we have are the Minister's nominees who are overruling these other elected leaders.

We would like the Minister to bring a Bill here repealing most of the sections of Cap. 265 - The Local Government Act, which gives him extensive powers. Those of us who have served in the Public Accounts Committee can tell you that no local authority has prepared its accounts up to date. I challenge the Minister to tell us which local authorities have prepared their accounts. I challenge the Assistant Minister to tell us which local authority has upto now submitted its accounts for 1993. Some of the local authorities accounts are as far back as 1981. Now, I would like to recommend to the hon. Minister for Local Government to use the services of the members of the Institute of Certified Public Accountants of Kenya (ICPAK) who are qualified auditors to prepare accounts for these county councils. If they do not have the accounts, they should at least start somewhere so that they can update some of these accounts; use their services to bring upto date some of their accounts. This is because you do not know what is happening in these councils.

Mr. Temporary Deputy Speaker, Sir, I would also like to request the Minister for Local Government to liaise with the Government to off-set some of the debts that the local authority owe the Government and vice-versa so that some of these councils can operate. You find this overlapping; the Government owes the City Council of Nairobi

millions of shillings in rates and vice-versa. You should have paid this.

Mr. Temporary Deputy Speaker, Sir, the other issue that I would like to touch on is on Nyamira County Council and Town Council. Nyamira County Council took deposits from individuals who are members of the public for plots at Nyansiongo. The members of the public were paying Kshs1,000 each as deposit in 1994. They have used this money to pay salaries and yet these depositors were not allocated the land. So they want their money back. The Minister should investigate over Kshs800,000 that was paid in terms of deposits for these plots which should be refunded back to the depositors. Now, these people who have grabbed the water sewerage at the Nyamira County Council should be investigated and that water supply returned back to the council. This mania of grabbing land in this country is very distasteful.

Mr. Temporary Deputy Speaker, the hon. Minister has wide experience in these things and we hope that he will act on some of these irregularities.

Now, I would also like to appeal to the Ministry that there are too many trading licences in local authorities. You should harmonise the issue of trade licences. Get the trade licences in categories. Now, we pay Service Charge to the hotels. I cannot name all the licences; they are about six. Why do you not harmonise these licences so that if it is a fee, you increase one fee so that somebody does not have to apply six times because they check a lot of things and by the time they finish the checking, the year is over and the council does not have the money in time to use for its services.

Now, Mr. Speaker, Sir, I would also like to touch on the issue of the Kisii Sewerage Plant which the Minister said he has allocated K£11 million to. Now, this project has taken too long and this is the only reward this Government has given to the people of Bonchari for voting a KANU candidate during the by-election. Now, if you have given them the present or reward of a sewerage, why do you not then finish that sewerage plant?

Mr. Minister, in any case the tendering was so awful. In fact, a senior Minister's company was involved in that deal. If we did not make noise, that would have been an irregular issue of that tender.

Mr. Temporary Deputy Speaker, Sir, I wish to touch on the question of roads, which is very touchy. Most of the small roads that used to exist in most towns no longer exist. In fact, I commend the new Nakuru Mayor, Her Worship Mrs. Chelaite, because she has done a good job. The Ministry is not giving her money and her council cannot raise enough money. So, she has used very classified murrum to repair most of the Town's roads. She has taken off tarmac from some of the roads which were unrepairable and murrumed the roads afresh. That is very commendable and fast thinking. I do not even know what the previous mayor was doing. If other local authorities borrow a leaf from what Mayor Chelaite has done then, probably, we will get somewhere. Since the Minister is asking us to agree to approve his Ministry's Vote he should take over the burden of salaries from local authorities. If he does not do that then he should expect the local authorities to achieve nothing. He cannot succeed.

With those very few remarks, I beg to support.

The Assistant Minister for Labour and Manpower Development (Mr. Ali): Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili nami niuchangie mjadala juu ya Voti hii ya Wizara ya Serikali za Wilaya. Kwa kweli, Lamu County Council ndiyo changa zaidi katika nchi hii. Vile vile, ni ndogo kuzishinda konseli nyingine, na mapato yake ni ya chini sana. Ningependa Waziri ayasikilize maoni yangu sana kwa sababu hali hii haikuletwa na mtu, ila imetokana na mazingira. Kwa sasabu ya hali hii huduma nyingi za Konseli ya Wilaya ya Lamu zimezorota. Kwa wakati huu, Konseli hii ina deni la K£41,696, na haijui itazipata wapi pesa hizi.

Kuna ukame ambao umezorotesha uchumi wa Wilaya ya Lamu sana. Kiwango cha ukulima kimeenda chini sana. Ukuzaji wa pamba hata haujafikia nusu ya kiwango chake cha kawaida. Pia shughuli za uvuvi zimepungua sana. Kwa hivyo, Konseli hii haina njia yo yote ya kupata pesa ili iweze kutoa huduma kadha wa kadha kwa wanananchi. Mbeleni tulikuwa tukikata makoko na kuyauza katika nchi za kigeni. Mkoko ulikuwa na faida tatu kwetu: Tulikuwa tunapata ganda lake kuza nje, makaa na vile vile miti. Biashara ya makoko ilikuwa inatuleta pesa za kigeni. Pia Konseli ya Wilaya ya Lamu ilikuwa ikipata pesa za kutosha kuiwezesha kutoa huduma kadha wa kadha. Wakati huu ukataji wa makoko umeruhusiwa kwa matumizi ya nyumbani tu. Pengine Serikali itafikiria na kutukubalia kuanza kuza makoko nje tena ili uchumi wa Wilaya ya Lamu ukue, na pia Konseli ya Wilaya ya Lamu ipate pesa za kuiwezesha kuwahudumia wananchi wa kule. Jambo hili pia litasaidia vijana kupata kazi. Vijana wetu hawana kazi. Vile vile kina mama walikuwa wakifaidika kwa sababu wao ndio waliokuwa wakiifanya biashara ya maganda. Hakuna mwanamke katika Lamu ambaye alikuwa na shida ya kupata kazi. Lakini leo, isipokuwa ni ushonaji wa kofia, kazi nyingine zimekuwa ni haba.

Bw. Naibu Spika wa Muda, wakati huu, uchumi uliobakia ni wa utalii, lakini tunasikitika kwa sababu huduma za County Council hazitoshelezi kusafisha mji. Huduma hizi ziko hatarini, na uchumi wa utalii pengine utadhoofika. Kwa hivyo, tungeomba Waziri azingatie kusaidia mambo kama haya ili hizi huduma za kusafisha mji zipatikane. Hivi sasa, gari la kubeba takataka limevunjika, na magudurumu yako flat na hata dereva atastaafu mwisho wa mwezi, na hakuna njia ya kuweza kumregesha tena, au kuajiri dereva mwingine. Kwa hivyo, Bw. Waziri akiwa

hapa, tunataka atilie maanani vizuri mambo hayo ili huduma ziweze kurekebishwa.

Jambo lingine ni kwamba County Council yetu ni "squatter", haimiliki ardhi, na wananchi vile vile wote ni squatters kwa jumla. Tunashukuru mpango wa Wizara ya Ardhi na Makao wa kuharakisha mipango ili watu wamiliki ardhi, lakini pengine itachukua muda mrefu. Na kwa sababu hiyo, watu hawawezi kustawisha viwanja vyao au kujenga nyumba ili County Council ipate fanaka ndani yake. Kuna watu wengine waliofariki na wajane wao hawawezi kupata ridhaa zao, kutoka kwa Provident Fund kwa sababu County Council haikuweza kulipa yale malipo katika Provident Fund Authority. Kwa hivyo, Waziri vile vile azingatie na aipatie kiasi cha fedha cha kuweza kulipa hizi provident funds na wale wajane waweze kujisimamia maisha yao, maana yake maisha yao yamekuwa mabaya sana tangu waume, au watu wao kufariki. Vile vile, hakuna pesa za kuwalipa wale wafanyakazi wanaotarajia kustaafu hivi karibuni. Sijui hali itakuwa vipi, pengine wataipeleka County Council mahakamani.

Bw. Naibu Spika wa Muda, tungeomba Waziri, ile misaada inayotolewa kwa grants zinapewa County Councils zingine nchini, pia County Council ya Lamu izingatiwe kwa kiwango maalum, kwa maana hali yake siyo ya kujiweza kujikimu yenyewe. Haiwezi kabisa kwa wakati huu kujisimamia yenyewe, na hakuna haja ya kusema kwamba tukifanya hivi au vile itaweza kujisimamai, mpaka tusaidiwe kidogo kwa muda, tupatiwe special grants ili tuweze kuendesha mambo yetu katika County Council. Wengine hapo walikuwa wakizungumza siasa ya senti tatu wakisema ya kwamba Waziri hafai kupewa wadhifa wa kuteuwa Madiwani. Hili si jambo la kuzungumziwa hapa. Sio Waziri peke yake ambaye anachukua jukumu hili bali husaidiwa kimawazo na viongozi kutoka wilaya tofauti tofauti. Hawa viongozi humpasha habari Bw. Waziri ya kwamba, fulani na fulani anastahili kuteuliwa. Hili si jambo la kigeni kwa sababu sasa tuko katika mfumo wa vyama vingi. La! Hili ni jambo ambalo limekuwa likiendelea kutoka hapo mbeleni na yale mambo ambayo Waziri amefanya, yamefanywa kulingana na sheria. Hivi kusema kwamba hawa watu hawapendwi si kweli kwa maana sasa katika County Council yangu, diwani mteule ndiye mwenyekiti wake. Hata naibu wake pia ameteuliwa diwani mteule. Hii inadhihirisha kwamba kazi aliyoifanya Bw. Waziri, kuchaguwa wale madiwani wateule, ni nzuri. Alifanya hivyo kwa sababu anafahamu kwamba hawa watu wanaweza kuwakilisha watu sawasawa. Kwa hivyo, yangu ni kutilia mkazo mambo kama hayo niliyoyataja hapo mbeleni ya kwamba pesa ni haba sana katika County Council ya Lamu. Sikusema haya ili kumfurahisha Waziri lakini ninamwambia hali ilivyo katika County Council ya Lamu. Hali ya hii County Council imezorota sana na kwa hivyo inataka izingatiwe.

Kwa hayo machache, naunga mkono.

Mr. Mwaura: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Vote of the Ministry of Local Government.

When the Minister introduced his Vote earlier on, he highlighted various projects that the Ministry is going to undertake such as sewerage, urban development and other infrastructures. He did also indicate various towns that are going to benefit from this project. I was disappointed to see that some of my urban centres in Kigumo Division such as Maragwa and Kangare, which are major towns and the towns which we have in the past requested the Ministry to include, particularly in its budget for sewerage, at the bus park, were not included in the Ministry's budget. I would, therefore, like to request the Minister to ensure that these towns are included in his future development projection.

When we talk about sewerage, it is a very important component of infrastructure of our urban centres. We have seen, particularly in this City of Nairobi, a lot of burst water pipes and sewerage systems where we have raw human waste surfacing on the ground. This creates a lot of inconvenience. The stench fills the town and this threatens our tourism industry. The Minister must take a very serious approach to make sure that our urban centres, particularly Nairobi, are well planned.

I would urge the Minister for Local Government to watch the film entitled, "Kenya becomes an Independent State", and he will see how Nairobi City was those many years back. The City was beautiful and flowers in the City were enormous. Those days, Nairobi was known as the "City under the Sun". What has happened? Since the Africans took over the Government, the City of Nairobi has degenerated and this is a very serious challenge to the Minister who is in charge of local authorities.

The question of urban development is another area which really needs to be taken very seriously. The Minister did say that the World Bank and other donors have given money to the Kenya Government, in order to do proper planning of our city, in terms of the urban sector. This is a very critical area because, as the earlier speaker said here, what we see today in our city is congestion of vehicles. Unless we have a long projection planning, we could find Nairobi becoming another Lagos, where people have to take five hours to drive from Jomo Kenyatta International Airport to reach the city. You could be taking a sick person to the hospital, but because of the congestion in the city, you may not move very fast. This is a serious matter, but many years ago, when I was in the local Government for about five years, I dealt with this matter. But I am afraid that even before me and others, there were others who were dealing with the same projects. What happens is that research is done and when the projections are done, the books are thrown in the waste baskets. We want implementation and not waste baskets.

The other area that I would like the Minister to seriously look into is that, the German Government has, for a number of years, given our Government money to construct a wholesale market in Nairobi. Plots were found and made available for a wholesale market. We would like to know why the Kenya Government turned down that offer from the Germans. I understood that an allocation of Kshs2 billion had been made available to the Kenya Government, but it did not agree to their arrangements, where the German Government requested to be allowed to manage the market. We do need a wholesale market in Nairobi. It is very important.

Mr. Temporary Deputy Speaker, Sir, the other area that I would like to mention, and request the Ministry of Local Government to consider, is the issue of Ndakaini Water Dam, which supplies Nairobi with water. It was constructed in Murang'a District. My own constituents have given land to that source of water in Ndakaini. When the Ndakaini Water Project was inaugurated, the Kenya Government did give an undertaking to the local people, especially those who live within six kilometres of the Dam, that they would be given water from this source. I would like to request the Ministry to ensure that the people of Murang'a also benefit from the Ndakaini Water Dam. All we are doing now is to supply water to Nairobi and the people of Murang'a are not getting any benefit. I would like that matter to be looked at very seriously.

The other issue is the question of the local authorities, and the councillors. Is it right for some of the Chairmen of the local authorities, like the Chairman of Murang'a County Council, to use the vehicles of the authorities for their personal errands, private matters, campaigns, private studies and even during midnight? Is it right? Is it allowed in the local Government regulations? We want this matter to be looked into very seriously.

With regard to land allocations, while we condemn the Government, you will find that most of the local authority councillors, even in areas where they are elected by the Opposition, are the ones who are dishing out this land. Let us be fair and honest. In my area in Murang'a, which is an all Opposition area, most of the land has been given out. If you go to Maragwa and Muthithi, the land there has been given out by councillors. Most of the time, they carry allocation letters in their pockets, and give them to their friends. This must be stopped if we want transparency in the matters that are not straightforward.

We have Nairobi City Council market at the Westlands. It is an old market but it has been left idle. This is a market which we could have developed to a modern market, but leaving it the way it is, we have left it to land grabbers. Not too long ago we saw hawkers' kiosks being demolished and some of those *kiosks* demolished were situated on the side of the Nairobi City Council. How is it that this hawking area now is allocated to an individual? Mr. Minister, try to create a modern market at Westlands so that we can use that market even as parking area or for proper hawking.

The other area, as I said, other people have talked about abolition of Provincial Administration and replacing it with elected leaders. I am not sure that we shall be improving anything by abolishing Provincial Administration because if councillors continued to do what they are doing today, then we shall not be improving at all. I would like to suggest that there should be a minimum basic education for all councillors so that they can improve in rendering services to people. We do not have to abolish Provincial Administration because that would be creating ethnicity. For example, the hon. Member was congratulating the Minister for Local Government for protecting Maasai land, I think it is wrong for the unity of this country. I am quite happy with the Ministry of Local Government when he protects Government land, the land which is owned by the Local Authority in Maasai, but let him not interfere with the private land of Maasai.

With these few remarks, I support.

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Muchilwa): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to support the Motion. I would like to start by congratulating the Minister for Local Government, hon. ole Ntimama, and his staff for doing a very good job under very difficult conditions; conditions that have been made even more difficult by introduction of multi-partyism. I would like to start by agreeing with my colleague who said that the Ministry of Local Government needs a review. It certainly needs to be streamlined in order to operate well; it cannot be said to be operating well when it is not delivering. It would be said to be operating well when it is delivering the services.

In the Ministry of Local Government there are people called town clerks. These town clerks have hijacked the powers of elected representatives of the people to the extent that councillors are almost irrelevant in their councils. This has been done through all sorts of inducements. They make sure councillors do not get imposts if they are not with them. They also ensure that their allowances are delayed or denied and if there are plots, the councillor who is not with the Town Clerk does not get anything. A councillor who is not obedient to the Town Clerk cannot get any of his constituents employed. So, through all these things, there are a few good ones, but there are others who have made themselves into small kings and who have converted councils into small kingdoms. A case in point is the Luanda Town Council where I come from. Luanda is the second largest market in rural Kenya after Karatina. It serves a big catchment area which includes even portions of Siaya, Ugenya and through traffic to Busia. It, therefore, should have

sufficient revenue. That Town has not paid its employees since the beginning of this year, and yet Luanda Market---

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, those who are canvassing rather excitedly, Hon. Muchilwa is making very valuable contributions and you do not seem to be listening.

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Muchilwa): Thank you for protecting me, Mr. Temporary Deputy Speaker, Sir. Here is a Council which has not paid its employees since the beginning of this year, and this includes officers who are collecting money from the markets. How does a person collect money from the market when he is hungry and cannot send his children to school and fail to steal part of that money? This is money which the Council is collecting, for example, from the tractor and the trailer services which was given to it and it is being rented out profitably to individuals. It brings in money instead of carrying garbage from the market. It has a market that deals in all sorts of things with an average income of Kshs700,000.00. Where does that money go to? When recently it was discovered that the Town Clerk, called Otido, who gives himself nearly Kshs20,000.00, has so arranged that the Revenue Clerk and others are stealing money there and that Revenue Clerk having been caught red-handed for altering a lot of receipts so that the original receipts look different. Where they have been paid Kshs6,000.00, he writes on the duplicate Kshs600.00 and a lot of money was swindled. It took more than two months and a lot of pressure for the Town Clerk to agree for that Revenue Clerk to be sent on leave, pending investigations. Later on, the same Town Clerk prevailed on councillors through what we have been talking about to come and say, "okay, we now excuse you and since you have accepted that you stole this money, we now reinstate you, and you would be paying slowly by a method which is mutually agreed between you and the Council". A person who has stolen money and the evidence is all there, is not even reported to the police! You can see what is happening. It is through those sorts of methods that these chiefs who have hijacked the powers of the Councils are "bleeding" the Councils dry and with impunity.

These officers have got double loyalty. They have one leg in the Government because they have been seconded by the Government. Therefore, they do not care even if they run down the Councils. They will go back to the Government and they would be made DCs, PCs and so on. Meanwhile, like in the Luanda situation, the Town Clerk is building a lot of buildings in Kakamega and so on. He has got a big belly when the people in the Council cannot even be paid. That question of dual loyalty by the chief officers, and the situation of chief officers of Councils vis-a-viz the elected representatives of the people has got to be addressed. There are criminal elements in it and the chief officer is covering, in spite of the fact that I understand that they are supposed to be checked on by Provincial Local Government Officers, who could be corrupted because they are not taking action in such obvious situations of theft. That area should be addressed.

Mr. Temporary Deputy Speaker, Sir, I would like the wages and allowances of councillors to be improved. Democracy is expensive. If Members of Parliament are well looked after by the exchequer, why not councillors? What we want is effective representation of the people. It has been argued that several councils due to certain circumstances cannot be able to sustain themselves, especially in dry areas. Nobody should say that councillors are not representing people. It should be viewed in that line so that the allowances of councillors are met by the Central Government. They should be made reasonable instead of councillors being paid peanuts, and then end up stealing or being put in the pockets of town clerks who earn four or five times. They treat them as a bunch of school children.

Mr. Temporary Deputy Speaker, Sir, let me come to urban areas. I have been paying rent and rates for the dustbins and everything else for many years. However, I have never seen dustbins near my compound and yet I pay. There are potholes on our roads, no water and everything is missing. Why should citizens and these councillors keep on blaming the Government? In Nairobi, they blame the Government although the City of Nairobi is run by FORD(A). We get no services from FORD(A). Where are we going to get a remedy for this? When they tax us they take everything from us. They do not give any service. Something should be done so that residents who pay taxes can get some remedy from those people running the City. The Minister used to disband local authorities and in their places appoint commissions. Unfortunately, some individuals used to take loans. I think we need a system where if chief officers and other people frustrate wananchi they are pushed aside so that we can have the people who can deliver the services.

Mr. Temporary Deputy Speaker, Sir, when it comes to the question of planning in the City, I get very ashamed. I get even more mad whenever I go to Jomo Kenyatta International Airport. All Members of Parliament travel out of the country and they know that cities elsewhere are properly planned with four or five lanes with a similar number coming the other way. In China they have even one for bicycles.

Mr. Temporary Deputy Speaker, Sir, look at that main artery road from the Airport to the City Centre. The factories are being built next to the road, yet Kenya is going to be very rich very soon because of the measures that we are putting in place to boost our economy. Where are we going to park our cars? Langata Road was planned as dual carriage way but, look at what people are doing to it. It is impossible to travel from Karen to town, because the land for expansion is being built on these planners are very corrupt. What is going on?

Mr. Temporary Deputy Speaker, Sir, we were promised that water would come and we have spent a lot of money on water and yet there is no water in Nairobi. There is rationing of water and all sorts of things. You heard about the school child who died in Eldoret because of water-borne diseases while others are sick in hospital.

Mr. Temporary Deputy Speaker, I beg to support.

ADJOURNMENT

Mr. Temporary Deputy Speaker (Mr. Wetangula): Order! Hon. Members, it is now time for the interruption of business. The House therefore, is adjourned until tomorrow, 23rd, October, 1996, at 9.00 a.m.

The House rose at 6.30 p.m