

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 19th July, 1995

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

## PRAYERS

## ORAL ANSWERS TO QUESTIONS

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, notwithstanding the normal problem with this Government; always failing to submit a written reply, I beg to ask the following Question.

*Question No. 322*

### DEFILEMENT OF SCHOOL GIRL

**Dr. Kituyi** asked the Minister of State, Office of the President:-

- (a) if he is aware that a chief in Bungoma Town defiled a school girl who had gone to him to process papers for issuance for an identity card; and,
- (b) why this chief is still in office.

**The Assistant Minister, Officer of the President** (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware of a complaint reported to Bungoma police station alleging that a chief in Bungoma District defiled a school girl who had gone to him to process papers for the issuance of an identity card.

(b) The chief has been put under interdiction as from the 27th July, 1993 pending further action from my office. Enquiry File No. IF 4/93 was opened and investigations conducted. No sufficient and corroborative evidence was adduced to warrant the prosecution of the chief and consequently, the file was closed.

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. I first raised this Question before this House in 1993 and when the Question came on the Order Paper the chief was interdicted. After investigations were initiated, the chief was returned to his office. If a chief has admitted preliminarily for assaulting a school girl, the girl has gone to hospital and the police has arrested the chief, what further investigations took six months before Government decided that the case had blown cold and now they could return this chief to duty? In the same district, a chief and an assistant chief in the ward which just denied KANU an election victory the other day have been dismissed from their duty. What was so difficult, when preliminarily, at the time I asked the Question in 1993 even with an assurance from this Assistant Minister, it looked like this chief was going to be removed for such despicable behaviour and today he is back in office as a senior chief?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, I do not want to consider as serious what the hon. Member has said about a neighbouring location. I want to inform the hon. Member that I am not at present aware of those circumstances that he is stating that, in fact, this chief has been brought back to office.

My investigation shows that this chief is still under interdiction. I want to assure the hon. Member that if I find out that this is not the case, I will have to deal with this matter appropriately. I have only said that when investigations were conducted by the police evidence to prove beyond reasonable doubt that a sexual offence was committed by this chief was not found to warrant him to be taken to court. But that is not the same as saying that this chief cannot be punished for what he did.

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. Could the Assistant Minister give a specific date when he will bring this reply here once he establishes that this chief, now a senior chief, is in office in Bungoma Town?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, I will come back to the House tomorrow afternoon and inform the hon. Member of my findings.

**Mr. Deputy Speaker:** Thank you.

*(Applause)*

*Question No. 426*

VISIT OF DANISH AMBASSADOR

**Mr. Deputy Speaker:** Dr. Oburu is not here yet. We stand over that Question for the moment.

*Question No. 529*

DISAPPEARANCE OF MR. M'ITUAMWARI

**Mr. Deputy Speaker:** Mr. Mwiraria is also not here? We shall stand over that Questions as well.

*Question No. 427*

OJOLA SELF HELP GROUP

**Mr. Achola** asked the Minister of State, Office of the President:

(a) under what law did the Chief of Upper Suna Location of Migori District refuse to allow members of Ojola Self Help Group from carrying out their activities as stipulated in their memorandum of objectives; and,

(b) what action he is taking to discipline this chief.

**Mr. Deputy Speaker:** Is Minister, Office of the President not here?

**An hon. Member:** He is confused!

**An hon. Member:** You are refusing to stand up?

**Mr. Deputy Speaker:** Are you having too many Questions or you are not ready? Do you have the answer?

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I have so many Questions today. Please allow a minute to sort myself out, I came in late and I ask for a pardon from the House.

Mr. Deputy Speaker: Look, it is Question No.427 by Mr. Achola.

**An hon. Member:** He cannot read!

**The Assistant Minister, Officer of the President** (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Ojola Self Help Group has been refused to carry out their activities under the Public Order Act, Cap 56 of the Laws of Kenya for holding illegal night meetings to discuss issues un-related to their group's objectives.

(b) Arising from my reply to part "a", my office does not intend to take any action against the said chief.

**Mr. Achola:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is misleading this House because the real reason why the Chief has been refusing to give licences to this Self Help Group is because he believes that the people of Upper Suna are 99 per cent FORD(K) supporters and any time they meet to deliberate anything to do with their objectives, the chief is under the wrong impression that they are going to discuss politics. Could the Assistant Minister confirm to this House that it is a fact that this particular chief is a KANU supporter and he is being supported by the DC, Migori and that is why he is not giving this group a licence?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, I know that in the hon. Member's constituency the percentage of FORD(K) members is very high. But the objectives of this particular self help group were to grow sugarcane and to keep bees as well as to conduct fund raising for maize growing. This self help group has never kept any bees, they have never grown any sugarcane and they are not raising any money for maize growing. If they want to participate in political activities of supporting the hon. Member, then they should join the proper Ford(K) instead of coming under the self help group.

**Mr. Achola:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is misleading the House. First of all, this boy, I would call him a boy because he is only 20 years old.

**Mr. Deputy Speaker:** Order!

**Mr. Achola:** Mr. Deputy Speaker, Sir, not the Assistant Minister, the Chief.

**The Deputy Speaker**(Dr. Godana): Oh, I see, okay. I beg your pardon.

**Mr. Achola:** Mr. Deputy Speaker, Sir, but there is very little difference all the same. I am being reminded that even this Assistant Minister qualifies to be called a boy. The Chief is only 23 years old and got his job---

Mr. Deputy Speaker: There are no boys here; they are all hon. Members.

**Mr. Achola:** Mr. Deputy Speaker, Sir, the chief is only 23 years and he has been doing a lot of messes in Upper Suna. Recently he was almost killed by his own administration policemen when he tried to set up a kangaroo court to oversee that the thefts and drinking of chang'aa in this particular area is ended. Can we be saved from this Chief, who is only 23 years? I do not see how the people of Upper Suna are going to withstand this behaviour for the next 30 years. I would request the Assistant Minister to either transfer this chief to another area or dismiss him.

**An hon. Member:** Take him to Ukambani or Transmara!

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, the description of a boy, as far as I know, may fit the hon. Member and his chief. The Government does not have a policy of transferring chiefs from one location to another and I would like to confirm to this House that the Government considers this chief to be very efficient and that, in fact, he deserves a promotion.

The hon. Member does not like the chief because the hon. Member wants to continue holding illegal night meetings and this chief is instrumental in stopping these meetings. I want to confirm to the hon. Member that the people of this particular Location are very happy with the chief and that it is only the hon. Member who is not happy with him.

**Mr. Ogur:** Mr. Deputy Speaker, Sir, we are not frightened by the phrase, "night meeting". The phrase "night meeting" is not correct. We know that to meet at night is illegal and bad and we should not meet. Therefore, it is not correct for the Assistant Minister to use that phrase. The Assistant cannot tell us that there was a night meeting because nobody would meet when they know that the meeting would not take place. Could the Assistant Minister tell us exactly why this chief behaves like he does, because there cannot be any night meeting in a place like Migori, where even during the day, there can never be a meeting? No permit can be issued for a day meeting. So this is not true. Could he tell us exactly what is happening about this young, 23 year-old chief?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, since the hon. Member lives in Nyatike and not in Migori, he should take what I am saying as true but not what the hon. Member from Migori has been telling him.

*(Laughter)*

**Mr. Shikuku:** Mr. Speaker, Sir, arising from that reply that the hon. Member should take what the Assistant Minister says as true and because that Member does not live in Migori, is he aware that he is far from that place, in fact he has never set his foot there himself, and he is only depending on the reply given to him by somebody who is giving his own defence? Could he in view of that, undertake to go and investigate the case which the hon. Members are talking about. He is honourable, I suppose and he should take them seriously and do something about it.

**Mr. Sunkuli:** Mr. Speaker, Sir, if Mr. Shikuku was listening to me from the beginning, he should have actually asked the hon. Member from Migori to deny the fact that this particular self-help group has never even kept a bee or done any development project and that in fact, he has been using this self-help group for political reasons. The hon. Member has said it here himself.

**Mr. Ojode:** Mr. Speaker, Sir, this chief has been behaving in a manner which is likely to cause a reach of the peace. There was a time when the chief was alleging that he was mandated to act in such a manner by the "high authorities". I do not know whether this "high authority" comes from the Assistant Minister or from the DC. In any case, this chief was mandated to behave as he is behaving simply because that location has been subdivided and currently there is a Suba Location. This Suba issue is the problem in Migori District. Could the Assistant Minister confirm or deny that the chief is acting on behalf of somebody?

**Mr. Sunkuli:** Mr. Speaker, Sir, this particular chief is acting in accordance with the Civil Service regulations. If the Suba issue is a problem, it is a problem to the hon. Member and not to the Government, because this is not the only Location in the hon. Members Constituency and every other Chief there does not

behave in the manner which is being alleged by the hon. Member. Why are other chiefs there working under instructions of somebody else?

**Mr. Deputy Speaker:** Next Question.

*Question No.343*

REMUNERATIONS OF SUGAR BOSS

**Mr. Sifuna** asked the Minister for Agriculture, Livestock Development and Marketing:-

- (a) how much money the present Chairman of Nzoia Sugar Company Limited has drawn, in form of allowances/salary, since he joined the company; and
- (b) how much the company spent on fuel and maintenance of the Chairman's car Reg. No.KZZ 928, since he joined the company.

**The Minister for Agriculture, Livestock Development and Marketing** (Mr. Nyachae): Mr. Speaker, Sir, I beg to reply.

The present Chairman of Nzoia Sugar Company has drawn a total of Kshs443,500 in the form of allowances and salary since he joined the company. The breakdown is as follows:-

	1993/94	1994/95	Total
Honorarium	105,000	87,500	Kshs192,500
R/Allowance	214,00	124,500	

The company used Kshs506,181 on fuel and maintenance of the Chairman's car since he joined the company as follows:-

	1993/94	1994/95	
Fuel	190,995	149,011	
Repairs	105,274		9,806
Tyres/Tubes	51,095		-

**Mr. Sifuna:** Mr. Deputy Speaker, Sir, arising from that reply, could the Minister tell this House, why this chairman is paid honorarium?

[**Mr. Sifuna**]

What job does he do that makes him be paid this particular amount?

**Mr. Nyachae:** Mr. Deputy Speaker, Sir, the honorarium is paid to all chairmen, not only this particular one. This is an arrangement which has been in existence in all parastatals for many years.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, every person who knows what goes on around Nzoia Sugar Company, knows that the main thing that the Chairman does it to run around the district trying to seduce people to go to KANU. The most prominent icon on him, is a little budge that is identified with KANU. Can the Minister tell this House, a the time when Nzoia Sugar Company is incapable of paying the farmers arrears, why so much money is being spent to transport around a Chairman who is not an executive chairman, when the company has a Managing Director who is supposed to do all the executive duties, while this Chairman only represents KANU interests in funny places?

**Mr. Nyachae:** Mr. Deputy Speaker, Sir, the Chairman of Nzoia Sugar Company comes from the same area and there is no way he you can stop a person in a free country from moving around to see his people. When it comes to work, the Chairman spends most of his time at the Nzoia Sugar Company offices here in Nairobi.

**Mr. Shikuku:** On a point of order! Mr. Deputy Speaker, Sir. Arising from that absurd reply from the Minister to the effect that the Chairman of Nzoia Sugar Company being from that area is free to move around and do whatever he has got to do. We are not objecting to him moving around, but is he supporting the idea of moving around at the expense of the farmer who has never been paid for his dues? His crops have been delivered to the company and he has not been paid, and the Chairman is moving around.

**Mr. Nyachae:** Mr. Deputy Speaker, Sir, one thing which is very clear to this House is that, any reply I give will always be absurd to hon. Shikuku. The truth of the matter is that the Chairman of Nzoia Sugar Company has never gone round to campaign for KANU because there is no campaign going on in Bungoma District.

**Mr. Sifuna:** Mr. Deputy Speaker, Sir, the hon. Minister is misleading this House at the expense of the farmers. Even recently he took company's furniture when his father died. Six months later, he has not even returned that furniture. He has also turned the guests' room to be his personal property, and that is why he is

misusing company's properties at the expense of the farmers. Could he tell us why this particular chairman is drawing a lot of money more than other chairmen of other companies when the company is currently having a financial crisis?

**Mr. Nyachae:** Mr. Deputy Speaker, Sir, there is no truth whatsoever to say that this chairman draws more money than the other chairmen of other companies. Secondly, there is no truth at all that this chairman is misusing company's properties because an audit query would have come up, but there is none!

*Question No.423*

MAINTENANCE OF COFFEE ROADS

**Mr. Mutahi** asked the Minister for Local Government:-

- (a) whether he is aware that the coffee roads in Mukurwe-ini have not been maintained since 1988, despite the fact that Nyeri County has continued collecting levy on coffee earnings; and,
- (b) whether could he instruct the County Council to use the coffee cess to maintain the said roads as originally planned.

**An hon. Member:** Please hurry up!

**Mr. Shikuku:** On a point of order, Mr. Deputy Speaker, Sir. Did you hear that interjection asking hon. Dr. Wameyo to run. Is it in order for some hon. Members to ask hon. Dr. Wameyo to run.

**Mr. Deputy Speaker:** I did not hear that! **The Assistant Minister for Local Government (Dr. Wameyo):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) Nyeri County Council had not fully maintained coffee roads in Mukurwe-ini since 1988 because road repair machineries had been out of order.

(b) The Council has repaired the machineries and the roads are now being graded.

**Mr. Mutahi:** Mr. Deputy Speaker, Sir, since the Assistant Minister has agreed that coffee roads have not been repaired since 1988 to 1995, and the Nyeri County Council continued collecting cess and service charges from Mukurweini people, can he tell us why these machineries have not been repaired within that duration of about eight years? Can he also tell this House which roads have already been graded?

**Dr. Wameyo:** Mr. Deputy Speaker, Sir, the funds were not sufficient to carry out the repairs because the cess was reduced from three per cent to one per cent. Also the fall in prices of coffee reduced the income from coffee sales to the County Council.

A lot of money was used to repair these machineries because as regards KSR 285 grader, the cost of its rehabilitation took Kshs3.8 million; KRW 218 grader took Kshs614,588.65; KRZ 943 shovel took Kshs23,908 and KUL 322 roller took Kshs7,021. Immediately the graders were repaired, the council started grading roads in 1994. In 1994, in Gethi location the grader worked from 15th to 19th. It also worked in Gikondi, Muhito, Rutune and Gakindu locations. The council is still grading the roads for a second time in Mukurwe-ini Division.

**Mr. Mutahi:** Mr. Deputy Speaker, Sir, the amount spent on repairing these machineries is totalling to about Kshs4 or Kshs4.2 million. We are talking about the period between 1988 and 1995, a duration of eight years. What had been collected by Nyeri County Council between 1988 to 1995 as cess and service charges total over Kshs40 million. Could he tell us now, because the amount used in repairing the machineries is about Kshs4 million to Kshs5 million. What has the balance of the money been doing, because it is a known fact that Nyeri County Council rather than collecting revenue is using cess and service charges to pay salaries? Could he tell this House what has happened to the balance of about Kshs30 million to Kshs40 million which has been collected from coffee?

**Dr. Wameyo:** Mr. Deputy Speaker, Sir, I do not have that information now, but I will bring it to the hon. Member tomorrow afternoon.

*Question No.270*

LICENSING OF HAWKERS

**Mr. Nthenge** asked the Minister for Local Government:-

- (a) whether he is aware that unlicensed hawkers are allowed to operate on the streets of Nairobi, thereby denying income to the duly licensed shopkeepers in the area; and,

(b) could the Nairobi City Council licence these hawkers and designate special areas within the city, which are easily accessible, where the hawkers can operate without being harassed.

**The Assistant Minister for Local Government** (Dr. Wameyo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The unlicensed hawkers are never allowed to operate on the streets of Nairobi in essence. They nevertheless default on the by-laws and are arrested from time to time and charged accordingly.

(b) The City Council has licensed quite a number of hawkers outside the Central Business District of Nairobi; in Buruburu, Huruma Estate, Mathare North, Eastleigh Section I, Langata Neighbourhoods, Kariobangi South, Kibera and Karen.

(ii) Although the above easily accessible markets are operational, hawkers come to the City Centre where they market their goods easily because the population is big. As a result, those markets are left unoccupied.

(iii) The Council is also carrying out an exercise whereby open air markets will be fully open in areas like Kawangware.

**Mr. Nthenge:** Mr. Deputy Speaker, Sir, does the Assistant Minister not agree with me that if a hawker is not allowed to operate at the initial stage, he will not operate at all? However, if he is given a number of months to operate illegally it will be hard to get rid of him.

**Dr. Wameyo:** Mr. Deputy Speaker, Sir, maybe!

**Mr. Murungi:** On a point of order Mr. Deputy Speaker, Sir. In October 1994, the Minister for Education, Mr. Kamotho, was seen on television telling hawkers that they could take over the streets and sell their wares without any licences. What comment does the Assistant Minister for Local Government have on this clear breach of Government policy as clearly stated by him?

**Dr. Wameyo:** Mr. Deputy Speaker, Sir, I do not speak for Mr. Kamotho!

**Mr. Achieng-Oneko:** Mr. Deputy Speaker, Sir, is it not true that the reason why City Council officials ignore the construction of these semi-permanent buildings is that the longer they stay the more the income, through corruption, the City Council officials benefit from them?

**Dr. Wameyo:** I am not aware of that, Mr. Deputy Speaker, Sir.

**Mr. Nthenge:** Mr. Deputy Speaker, Sir, could the Assistant Minister order immediate stop to the construction of illegal structures if there are any people who are in need a shown a area where they can sell their merchandise?

**Dr. Wameyo:** I will certainly do that, Mr. Deputy Speaker, Sir.

*Question No.264*

SACKING OF WECO STAFF

**Rev. Ommani** asked the Minister for Labour and Manpower Development:-

(a) whether he is aware that the services of 10 (ten) employees of WECO were illegally terminated by the management of the said college, and that they were not paid their terminal benefits; and

(b) if the answer to "a" above is in the affirmative, when these former employees will get their benefits or be reinstated.

**The Assistant Minister for Labour and Manpower Development** (Mr. Ali): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that ten employees of WECO had their services terminated due to various reasons.

(b) The terminated employees continued to be paid their terminal benefits through an agreed instalment method worked out by my Ministry, WECO management and KUDHEHA Union.

**Rev. Ommani:** Mr. Deputy Speaker, Sir, the answer given by the Assistant Minister is misleading and absurd. The truth of the matter is that WECO is on the verge of collapse and its management is "terminating" its workers illegally without paying them their dues as stipulated by the law. Could the Assistant Minister ensure that these poor workers are paid their benefits?

**Mr. Ali:** As I said earlier, Mr. Deputy Speaker, Sir, an agreement had been reached and so far up to April, 1995, out of the sum of Kshs177,240.30 payable to the employees, Kshs98,183.00 had been cleared. The agreement continues to be upheld.

**Mr. Michuki:** Mr. Deputy Speaker, Sir, I rise on a point of order to seek guidance because I do not understand the question. How does one "terminate" a worker? Is it a worker's services which are terminated or

is it the worker who is terminated?

**Mr. Ali:** Mr. Speaker, Sir, the employer terminates the services of a worker.

**Rev. Ommani:** Mr. Deputy Speaker, Sir, is the Assistant Minister who is answering this Question aware that the services of these ten workers were terminated in May, 1993? One of them has been paid only Kshs5,575 out his claim of Kshs21,000 for terminal benefits. How can you live on Kshs5,575 for three years waiting for another Kshs15,000?

**Mr. Ali:** Mr. Deputy Speaker, Sir, I am aware that the termination dates back to 1993. But due to the financial problems facing WECO it was not possible to pay the terminal benefits at once.

*Question No.258*

ADVANCEMENT OF TRADE LOANS

**Mr. Michuki** asked the Minister for Commerce and Industry:-

(a) whether he could outline the source and amounts of loans advanced to commercial and retail businessmen and women in Kangema Constituency in the last five years; and

(b) when he will establish an office at Kangema Divisional Centre for the purpose of promoting such enterprises in the area.

**The Assistant Minister for Commerce and Industry (Mr. Osogo):** Mr. Deputy Speaker, Sir, I beg reply.

The sources and amounts of loans advanced to the commercial, industrial and retail businessmen and women in Kangema Constituency in the last five years are as follows.

From the Kenya Industrial Estates the businessmen and women received Kshs2,292,237 and from the Joint Loans Board they received Kshs907,000. The other source was the ICDC which does not keep its records according to the constituencies.

**Mr. Michuki:** Mr. Deputy Speaker, Sir, is the Assistant Minister aware that the loans from the Kenya Industrial Estates, as reported by him here, are more of statistics rather than the reality on the ground in that although approvals have been reported to the Ministry, the money has not been released to a number of people I know and it has taken too long to release this money?

**Mr. Osogo:** Mr. Deputy Speaker, Sir, I am not aware of what the hon. Member is saying. But I have got names of people who have received loans from the Kenya Industrial Estates Limited. I forgot to answer part "b" of his Question. My response is that we have no plans of establishing an office in Kangema Constituency because we are satisfied that the offices that are in Murang'a District headquarters serve Kangema Constituency properly.

**Mr. Michuki:** I will give one example of a man called Magochi Waithaka who persistently continues to be asked to supply invoices on a loan which was approved and in relation to which he has spent over Kshs60,000 in fees and lawyers but the money has not been released. He wants the money to go and buy so that he can then submit the receipts. Is he aware of that? Could he investigate this case?

**Mr. Osogo:** I am not aware, Mr. Deputy Speaker, Sir. If the hon. Member had given me the name I would have investigated the matter but I undertake to investigate that one if he gives me the necessary details; name of the person and the market from which he is operating.

**Mr. Michuki:** Mr. Deputy Speaker, Sir, looking at these figures which amount to slightly over Kshs3 million, over a period of five years, is the Assistant Minister satisfied that these institutions are actually doing a good job particularly when the money averages Kshs600,000 per year within a population of 250,000 people? Is this a token or is it business?

**Mr. Osogo:** I am not satisfied, Mr. Deputy Speaker, Sir, but I would like to inform the hon. Member that the Joint Loans Board lends money on a revolving fund basis; money lent to businessmen is repaid for lending to other businessmen. The Joint Loans Board also gets its resources both from my Ministry and the County Councils concerned. Of the money lent out, Kshs907,000 by the Board in these years the defaulting amounts to Kshs609,000. So, I would request the hon. Member to urge those who are likely to receive the loans to repay them so that the money is given to other businessmen.

**Mr. Michuki:** Mr. Deputy Speaker, Sir, I am sure that the Minister may not be aware of this fact. To travel from Kangema to Murang'a Town or Nyeri Town requires a minimum of Kshs400. In order to finalise a loan, you need at least five visits. Is the Assistant Minister aware that the location of his offices in Nyeri and Murang'a towns is not suitable to Kangema people because people are spending money which in the first place

they do not have? They have to borrow money from other people. Could he seriously consider establishing an office in Kangema?

**Mr. Osogo:** Mr. Deputy Speaker, Sir, there will be no need of a trader travelling daily to look for money. If he submits his application, he should wait for the money to be disbursed after the Joint Loans Board has sat.

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

**Mr. Deputy Speaker:** No further questions. Let us go to Question No.232 by Mr. Shikuku.

*Question No. 232*

DISAPPEARANCE OF SACCO FUNDS

**Mr. Shikuku** asked the Minister for Co-operative Development:-

(a) whether he is aware that officials of Inseco Co-operative Savings and Credit Society Limited have disappeared with the funds contributed by watchmen who formerly worked for Express Security Services, of P.O. Box 56666, Nairobi snf;

(b) if the answer to the part "a" above is in the affirmative, what steps he is taking to recover and remit the said amounts to contributors.

**The Assistant Minister for Co-operative Development (Mr. Titi):** Mr. Deputy Speaker, Sir, it is my humble duty to reply.

(a) Yes, I am aware.

(b) The liquidation of the Society is at an advanced stage and appropriate action will be taken after the Society's Statement of Affairs is submitted.

**Mr. Shikuku:** Mr. Deputy Speaker, Sir, arising from that reply, part "b" of my Question was: What steps is the Assistant Minister is taking to recover and remit the said amount to the contributors? He is now talking of liquidation. I do not know when this company went into liquidation because all I know is that the officers concerned had "eaten" the money according to the information I have received. It is the "eating" of the money that brought about the liquidation.

**Mr. Titi:** Mr. Deputy Speaker, Sir, the employees of the Express Security Services who continued being the Members of Inseco Co-operative Savings and Credit Society Limited, in September 1990, the employees, including the whole management committee were laid off, and subsequently the society became dormant, hence the issue of liquidation and order by the Ministry.

**Mr. Shikuku:** Arising from that reply, Mr. Deputy Speaker, Sir, I was referring to the officials who had eaten up this money and in the Assistant Minister's reply, he is saying that the liquidation of the society is at advanced stage and appropriate action will be taken after the society's Statement of Affairs is submitted.

If the officials have disappeared with the people's money, who is going to make this Statement? Is he really serious that he is going to have this money given back to the contributors, because the officials have disappeared with the society's money, and then you are talking of the statement being received? Who will make the statement when the officials have disappeared and eaten the money?

**Mr. Titi:** Mr. Deputy Speaker, Sir, the first step which the Ministry has undertaken is to appoint a liquidator for this purpose. So, any useful information as to their whereabouts will be useful because you cannot trace some of these fellows who have the loans from this company. The best way that the Questioner can do is to also assist the Ministry by giving some more information because they have disappeared, and he himself is saying that they have disappeared. So, it is a problem for us to trace them also. Can the hon. Member also assist us?

**Dr. Lwali-Oyondi:** Mr. Deputy Speaker, Sir, co-operative societies are quite many in Kenya and there is a possibility that they will collapse just like the banks have been collapsing. What steps is the Assistant Minister taking to make sure that the money of the co-operators is safe?

**Mr. Titi:** Mr. Deputy Speaker, Sir, that is not a question initially because we are dealing with a specific co-operative society. So, I do not think that is relevant to this question.

**Mr. Deputy Speaker:** Let us go back to Question No.202 by Dr. Oburu, for the second time.

**Dr. Oburu:** Mr. Deputy Speaker, Sir, I wish to apologise for coming late, and also I would like to state that I have not received a written answer. However, I will go ahead and ask my Question.

*Question No. 426*



## VISIT OF DANISH AMBASSADOR

**Dr. Oburu** asked the Minister of State, Office of the President:

- (a) whether he is aware that the Danish Ambassador to Kenya H.E. Henning Kjeldgaard was in an official visit to Bondo on invitation by the local leaders from 13th to 14th March, 1995.
- (b) whether the Minister could explain the absence of local administrators during the duration of that visit.

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

(a) No official communication, through the normal diplomatic channels, was made to the Siaya Provincial Administration, alerting them of the Ambassador's visit to Bondo in Siaya District.

(b) Since no communication of the visit to Bondo by the Ambassador was made available to the Siaya District Commissioner, my officers treated the visit as purely private. My office can therefore not give any explanation on this matter.

**Dr. Oburu:** Mr. Deputy Speaker, Sir, I am surprised that the Assistant Minister says there was no official communication to the District Commissioner, Siaya. In my view, the District Officer in Bondo is a representative of the Provincial Administration, and we made all the arrangements with him to welcome the Ambassador and even made an appointment to receive the Ambassador in his Office. Unfortunately, when the Ambassador came, the District Officer himself was conspicuously missing from his Office and there was no Chief or Assistant Chief despite the fact that we visited 15 projects with the Ambassador in the constituency. Is it really right for the Assistant Minister to say that the Provincial Administration was not aware or is he telling us that it is only the District Commissioner who is a representative of the Provincial Administration and not any other officers in the field?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, the hon. Member and myself are saying two different things. What I have said is that the Ambassador did not inform the Provincial Administration of his visit to Siaya District.

According to normal diplomatic channels, because the Ambassador is a representative of a foreign country, it is for him to act diplomatically to inform the Ministry of Foreign Affairs and International Co-operation of his intended visit to a particular district in this country if he intends it to be official.

Then the Ministry of Foreign Affairs and International Co-operation will inform my Office and my Office will therefore, inform respective officers down the line. It is not something to be done on the ground. It must be done from top to bottom.

**Dr. Lwali-Oyondi:** Mr. Deputy Speaker, Sir, this is not the first time Ambassadors have been left stranded even if they had given notice of a visit somewhere. For example, there was a Research Station to be opened by the Japanese Ambassador in Muguga. No Minister or any other Government official turned up. The same Ambassador was abandoned in Nakuru when he was to break the ground for the sewerage system in Nakuru. There was no Minister Assistant Minister; or any Government official except the local District Commissioner. I am asking the Assistant Minister why this carelessness is going on in the Government. Could he explain to us?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, any Ambassador who is accredited to this country is given the full status of an Ambassador, and it is up to him to choose how to co-operate with the Government of Kenya. If the Ambassador who is accredited to our country decides to behave diplomatically, then the Government will handle the Ambassador diplomatically, but if the Ambassador decides to side-step the diplomatic channels, then I am afraid that we, as a Government, have no obligation to treat the Ambassador as a special person once he visits a district.

**Mrs. Ndetei:** Mr. Deputy Speaker, Sir, I would like to put a rejoinder to my colleagues' statement. It looks like there is a lot of confusion within the Civil Service as to how the Ambassadors ought to be handled. Sometime in March, I had an Ambassador who officially informed the Government that he was visiting my Constituency. When he arrived in the constituency and the District Officer of that area heard that the ambassador was there, he took a bicycle and physically ran away from the office and he told any chief who was around to also disappear so that there was no administrator on

sight. So we went to the office and there was only a clerk who kept on telling us that the DO would [Mrs. Ndetei] come in any minute and we stayed for about half an hour waiting for this DO. We signed the visitors book and the DO never showed up. The councillor of the area who is also in KANU came in and was also later harassed for coming to where the ambassador was. When the DO finally came to the office after we had left, he tore away the page of the visitors book where we had signed. That is going a little bit too far. Can the Assistant Minister tell this House whether this Government has a clear-cut guideline as to how DOs and chiefs would handle such cases at

the grassroots because we are getting very frustrated.

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, the Government has a clear line but what I want to urge the Members of the Opposition to do, is to stop treating certain Ambassadors as their personal property. Ambassadors must cooperate with the Government of Kenya. The Ambassadors accredited to Kenya are representatives of their governments to the Government of Kenya and they are supposed to co-operate with the Government of Kenya.

The Opposition must learn that the Ambassadors must go through the Government of Kenya when visiting their constituencies.

**Mr. Gitonga:** Mr. Deputy Speaker, Sir, would the Assistant Minister deny or confirm that the Ambassador was ignored because he was visiting an Opposition area?

**Mr. Sunkuli:** Mr. Deputy Speaker, Sir, several Ambassadors in this country have visited several areas with the representatives of the Opposition and they have been treated very well. There are certain Members of the Opposition who know how to follow proper channels, and therefore, Ambassadors who visit them are treated diplomatically, but a Member of the Opposition or any other Member who decides to take an Ambassador on a private tour, he should not expect the DO to be there.

**Mr. Deputy Speaker:** Let us move on to the next Question.

*Question No. 529*

DISAPPEARANCE OF MR. M'ITUAMWARI

**Mr. Deputy Speaker:** Hon. Members, Question No.529 by Mr. Mwiraria has been deferred to the earliest time Tuesday, next week. I have been informed that this will be the best thing to do because hon. Mwiraria is not here on account of matters beyond his control.

*(Question deferred)*

That leaves us with Question by Private Notice by Mr. Farah Maalim.

**Mr. Farah:** I wish to tell you that this Question was there yesterday in the Order Paper, but it was deferred. However, I beg to ask my Question by Private.

**QUESTION BY PRIVATE NOTICE**

USE OF UNTREATED WATER

**Mr. Farah:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Land Reclamation, Regional and Water Development the following Question by Private Notice:-

(a) Is the Minister aware that the majority of the residents of Garissa use untreated water from Tana River?

(b) Is he further aware that water-borne diseases like bilharzia and typhoid are prevalent in Garissa?

(c) In view of the aforementioned, what is the Minister doing to avail clean water to all the residents of Garissa Town?

**The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale):** Mr. Deputy Speaker, Sir, having looked at the answer that has been drafted, I am not satisfied with it and I wish to beg the indulgence of the Questioner and the House, that I come back with a more considered answer on Tuesday afternoon.

**Mr. Farah:** Mr. Deputy Speaker, Sir, I am glad the hon. Assistant Minister has seen the folly of presenting this answer. Having said that, this is a Question by Private Notice and it is a Question that touches on matters of life and death. The urgency is there. It appeared on the Order Paper yesterday. It is a Question that has been asked the Ministry that is headed by hon. Hussein Maalim who comes from that same Constituency and so I do not see why they should make mistakes like they have done in preparing the answer that we have now. Can the Ministry give us an answer at the earliest possible time. It is a Question by Private Notice. My people are suffering from typhoid now in Garissa because of the untreated water.

**Mr. Ligale:** Mr. Deputy Speaker, Sir, I undertake to give an answer to this Question on Tuesday afternoon.

**Hon. Members:** On a Point of Order! On a Point of Order, Sir!

**Mr. Deputy Speaker:** Order! Order! If it has been approved as a Question by Private Notice, really, the

Ministry will have to make every effort to bring the answer within the shortest possible time and if the Question was deferred yesterday, I would have thought the Assistant Minister would say it is going to be asked a second time tomorrow, but if the

Assistant Minister feels that he cannot give an adequate answer before Tuesday, we can only express regrets and tell him to do so and hope that there will be no more deferment then. We will move on to the next Order.

### MOTIONS

#### ESTABLISHMENT OF SCIENTIFIC POLYTECHNICS

THAT, bearing in mind the crucial role science and technology play in the socio-economic development of a country, this House resolves that there be established, in each of the provinces, especially where none exists at present, a full-fledged polytechnic to offer graduate scientific and technical education to the many of the Kenyan youth who drop out after the Kenya Certificate of Secondary Education (KSCE).

*(Mr. Mak'Onyango on 12.7.95)*

*(Resumption of Debate interrupted on 12.7.95)*

**Mr. Deputy Speaker:** Order! Order! I understand that when the House adjourned last week, we were left with 30 minutes on this Motion of hon. Mak'Onyango which meant that we were left with 20 minutes for the Government Responder and 20 minutes for the Mover to reply. Now, I understand that the Minister concerned is not here. I leave it to the Government side to have somebody take that opportunity, otherwise, I will call on Mr. Mak'Onyango to do the needful.

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I would like to say that the spirit of the Motion in itself is good because the Motion touches on an area that the Government considers very important. The development of village and youth polytechnics and the constant refinements of the Jua Kali industry is the logical conclusion of the development of polytechnics. Therefore, the Motion in itself is a good one and what the hon. Member has asked us to do is to establish full-fledged polytechnics to offer graduate scientific and technical education to many of the Kenyan youths who drop out after the Kenya Certificate of Secondary Education Examination. I do not know why the hon. Member would like us to insist on the question of graduate level polytechnics. My own opinion is that the hon. Member should actually have dropped the question of graduates and he should have insisted on the development of polytechnics on a broader basis so that we can continue to develop more and more polytechnics. The establishment of polytechnics can never be under-rated. The development of polytechnics is a very important aspect because we have realised that once you emphasise on this Question of graduates, taking everybody to the university, you are creating a kind of education that is always less and less practical.

The formal education which has insisted on university education has created a group of people who are quite educated all right, but are never able to do things for themselves. I think the hon. Member should have been fair to his own Motion and gotten rid of the word "graduate" and substituted with the word "advanced" technical training. I am just making some comments in support of this Motion. What I know is that developing polytechnic on a graduate level is going to be a very difficult thing for this country to do and it is also going to be unnecessary. The hon. Member should, therefore, consider substituting the word "graduate" with "advanced" so that we do have advanced scientific and technical education for many of the Kenyan youth who drop from the secondary school. But I---

**Mr. Shikuku:** On a point of order, Mr. Deputy Speaker, Sir. Do I take it that the hon. Assistant Minister is replying to the Motion?

**Mr. Deputy Speaker:** Yes, he is.

**Mr. Shikuku:** If he is, but you can hear him suggesting amendments here and there. Is that in order? Are you in possession of any amendments suggested by him?

**Mr. Deputy Speaker:** No, but he is replying to the Motion.

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I will speak half-way and the Minister will take the other half! I am standing for him.

**Mr. Shikuku:** On a point of order, Sir. It is getting more and more complicated. The hon. Assistant Minister says he will speak half-way and the Minister will take the other half, but we have been told that he is replying to the Motion. Which is which? Is he the official responder or not?

*[Mr. Deputy Speaker left the Chair]*

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

**The Temporary Deputy Speaker** (Mr. Wetangula): The Chair is not aware of any amendment. But you know under Standing Order No. 2, "a Minister", means and includes "an Assistant Minister". Hon. Sunkuli is perfectly in order to respond, as a Government responder. He also has the right, if he wishes, to cede part of his time to any other Minister whom he may wish to speak on the same Motion as a respondent.

*(Hon. Dr. Onyonka walked into the Chamber)*

**The Assistant Minister, Office of the President** (Mr. ole Sunkuli): Mr. Temporary Deputy Speaker, Sir, that is exactly what I was saying: That, in fact, I will cede some of my time to the hon. Dr. Onyonka who is seated on this side. Dr. Otieno-Kopiyo is asking me to sit down and give hon. Onyonka who is more knowledgeable. Hon. Dr. Onyonka on this subject is certainly more knowledgeable than myself, but I am also more knowledgeable than Dr. Otieno-Kopiyo on this subject!

*(Applause)*

However, I must hasten to say that the question of development of graduate facilities for polytechnic, as I said, is a good thing. I am in agreement with the Motion and I was not proposing a formal agreement to the Motion. But I was saying that the hon. Member, in drafting this particular Motion, should have omitted the word "graduate" though I am not necessarily disagreeing with him. Quite a number of our polytechnic throughout the country still require a lot of development. The Government has established several polytechnic which require to be perfected. Now that I said that I would cede some of my time to the hon. Dr. Onyonka, that is exactly what I am doing at the moment.

**The Minister for Research, Technical Training and Technology** (Dr. Onyonka): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for affording me an opportunity to make a few remarks on this Motion.

The spirit of the Motion, in my opinion, is okay. The wording, I think, has a few shortcomings, but I do not wish to amend it at the moment. If the Government had resources, that is the sort of thing that we would do. The important thing here is that in the liberalised economic situation that we have embarked upon in recent years, means that it is those who have the requisite training in technical fields that could easily be absorbed into the labour market. Surely, though a lot of people have said a lot of things about the 8-4-4 system as not producing the desired results, I honestly would wish to repeat what I have said before here in this august House. Educational restructuring or reform is quite a formidable undertaking.

*(Mr. Kagwima walked into the Chamber  
without bowing at the Bar)*

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Kagwima! You do not walk into the Chamber like that! Carry on.

*(Mr. Kagwima bowed at the Bar)*

**The Minister for Research, Technical Training and Technology** (Dr. Onyonka): Thank you, Sir. Whenever a country has embarked on educational reforms, the exercise has invariably generated a lot of controversy. Sir, we have a rather "noisy corner" on my right here!

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Falana! Your "loud consultations" are interrupting the free-flow of ideas from hon. Dr. Onyonka!

*(Applause)*

**The Minister for Research, Technical Training and Technology** (Dr. Onyonka): Mr. Temporary Deputy Speaker, Sir, I have just said that whenever a country or countries have undertaken educational reforms, it has generated a lot of controversy because by and large or invariably differences of opinions have arisen. To reform an educational system, there are certain ingredients you need to be able to do it satisfactorily. In addition, it often requires that you "reform the reformers" themselves. That cannot be done in the immediate short run. It requires time. In fact, it is between the medium and longer term that you will be able to effect meaningful reforms. I would like to assure the House that my Ministry is currently taking a very hard look as to what needs to be done to reform the training within the youth polytechnic themselves, broadly speaking. They have been useful in the past and have trained a lot of artisans who have found employment in the *Jua Kali* sector. But the economic situation or since the economy has undergone significant adjustments which require the training programmes also adjust or, in fact, take the lead in initiating some of the changes that are necessary.

So, I say the spirit of the Motion is in the right direction. The important thing is that as we proceed with the changes, surely, it is our expectation that in the longer term we shall be in a position to set up additional institutions to cater for the varied training programmes we expect to introduce to cater for the demands of the economy in the future.

Mr. Temporary Deputy Speaker, Sir, I simply want to re-emphasise this fact, that technical training has got to play a greater role in our general training programmes, because that is the only way in which we can render our youths more readily employable or absorbable into the economy, and in our on-going programmes to turn them into entrepreneurs. In addition, we have to appreciate one thing, that the standards required for improved performance in certain sectors and sub-sectors of our economy will require training at a much higher level than is taking place presently. I am not suggesting that training has to take place at graduate level for everybody. Our different sectors and sub-sectors require training at different levels. But there is no doubt at all that if we are going to manage the economy to produce competitively, or in other words, if we are to have efficient sectors and sub-sectors, we will require more thoroughly trained artisans and other people, especially in the *Jua kali* sector.

I have said before that even the *Jua Kali* sector cannot remain at the level it has been operating; it has to be jerked up so that actually the more competent entrepreneurs will be able to put Kenya on the international map.

In an open world trading system only the efficient will survive. That means producing at a much lower cost. Of course, I am not implying here that only training at that level will do the trick. We need to be more efficient in rendering all the other services that go to make the country's productive capacity, because that is the challenge of the future.

Mr. Temporary Deputy Speaker, Sir, so, I appreciate the spirit of the Motion; I take note of what some of the hon. Members have said. We already have Mombasa, Nairobi, Eldoret Polytechnics and other training centres which take students from all the other provinces in the Republic. But in terms of numbers, and if we had the resources, there would be a lot of sense in setting up institutions of a similar type in practically every province.

This is because, after all investment in manpower is the greatest thing that we could give to the people of this country. At the moment technical training is the key.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Mak'Onyango:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. Let me take this opportunity to first and foremost thank those colleagues of mine who have variously supported this Motion. In the same vein I want to thank the Minister for accepting the Motion. I could not agree more that some aspects of the wording of the Motion needed to be looked at more closely. However, what is important is, I think, the spirit of the Motion. I think the Government accepts that the spirit of this Motion is acceptable.

Mr. Temporary Deputy Speaker, Sir, now, the Motion is merely calling on the Government to focus attention on an area that is overly important. This is because what this country needs are technologists and technicians in various fields. You will recall that in the field of health many of our hospitals are suffering from break downs of equipment. This is happening generally due to lack of properly trained technicians who could ensure that these facilities function normally. I think our polytechnics are today the most reliable source of that kind of personnel.

Indeed, Mr. Temporary Deputy Speaker, Sir, the Motion calls on the Government to improve, diversify and expand the training scope within our national polytechnics. The reason for this is that, as the Minister and other speakers on this Motion have indicated our economy is growing and as it does so it is acquiring a certain degree of sophistication that equally calls for people with the right kind of skills and training in order for them to be able to service it. Hence the need for the expansion of these facilities and, of course, the need to ensure that as many of the Kenyan youth who qualify to undergo training as possible have access to it.

Mr. Temporary Deputy Speaker, Sir, it is on that account that the Motion is calling for some degree of

equity of these facilities. As I did point out when moving this Motion, in our planning care should be taken to ensure that various raw materials that we have are put to the best use possible in order to expand the basis for our national industrialisation and so that our national polytechnics could stand to play a very crucial in the whole process. They will only do this if there is proper distribution, alignment and arrangements to ensure that raw materials, wherever they exist, are fully exploited. Hence the call that there should be equitable distribution of these facilities. In each area an attempt should be made to ensure that people who will use the raw materials are trained as close to those resources as possible. I would, therefore, urge this House to approve this Motion. We are, therefore, calling on the Government to go out of its way and see to it that every region--- It would really serve a useful purpose if each provincial headquarters had a national polytechnic of its own to take care of the many students in that particular region. It is also a known fact that the question of job creation in this country is a big problem. One way through which we can solve this problem is to expand training capacity in our national polytechnics so as to ensure that as many of our youth as possible are given such skills as will enable them go into self-employment and then in the process help in the creation of jobs.

I think that this is an area that calls for priority in Government planning because that will ensure that as many of our people as possible become self-employed and, in the process, provide employment for other needful youths. The Motion also calls for an elaborate policy to harmonise the training at the national polytechnics and the *Jua Kali* sector in this country. You will agree that the *Jua Kali* sector holds the future prospects for this country. That, they can only do if they are properly backed up in terms of properly trained personnel and the necessary financing.

Mr. Temporary Deputy Speaker, Sir, I am thinking of a situation in which our polytechnic graduates should be given, on graduation, some kind of assistance to enable them go out on their own and start businesses. This calls for a special loan scheme that would ensure that each graduand willing to go on his own is given the necessary support as a start off. In this way, we will be moving towards job creation in a surer and more meaningful way. It would help if, in planning, the Ministry concerned could take this suggestion into consideration. That is; come up with a kind of scheme that would help promote self-employment by people who acquire the necessary skills through our national polytechnics.

Mr. Temporary Deputy Speaker, Sir, there are also such schemes like the controversial World Bank Scheme for the *jua kali* sector. This has become the subject of some controversy and it is creating some kind of division within the *Jua Kali* sector. As one of my colleagues, hon. Obwocha, did point out, it is time that the Ministry took a serious view of this matter and sorted out this problem, because this is scaring away the financial back up that we need to promote the sector. The World Bank and other donors are going to find it difficult to support these ventures if the leadership continues wrangling over the money provided.

Mr. Temporary Deputy Speaker, Sir, so, it is in the interest of this country that the Ministry comes up with a solution to this problem as soon as possible. I am very encouraged that the Minister himself has appreciated the needful role that this kind of training provides and, therefore, the efforts they are making to draw up some kind of policy or elaborate programme on the training of technologists and technicians at the various institutes and polytechnics.

Mr. Temporary Deputy Speaker, Sir, you will agree with me again that there is too much duplication in terms of the training being offered in most of these institutions, hence, the need for some kind of well co-ordinated policy to ensure that each of our youth polytechnics or institutes of technology do train only such personnel as will readily be absorbed by the economy. It is also clear that there is need for us to distribute industrialisation evenly to ensure equity for all.

With these few remarks, I beg to move.

*(Question put and agreed to)*

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

#### PAYMENT OF COUNCILLORS SALARIES

**Mr. Rotino:** Mr. Temporary Deputy Speaker, Sir, I would like to thank you for giving me the opportunity to move this Motion because I believe that this is a very important Motion for all parties in the House.

I beg to move the following Motion:-

THAT, bearing in mind the perennial inability of local authorities to be so financially sound as to sustain their operations; and being aware that local authorities are the bedrock of our democratic system of Government, this House urges the Government to work out modalities to

ensure civic leaders (councillors) are paid a monthly salary drawn from the Vote of the Ministry of Local Government, while leaving the dues they collect to meet other costs.

Mr. Temporary Deputy Speaker, Sir, on the onset, I want to thank the Head of State, His Excellency the President, for having instituted the Odongo Commission because this will go a long way in getting deeper into the modalities I am talking about in relation to the local authorities. All of us, as Members of Parliament, depend very much on these civil leaders because they are the people who are right at the grassroots. They are the people who liaise with the electorate. They are the people who, when we go down to our constituencies, give us the insight on what is going on within the local communities because they represent specific wards. These people are very important. Every weekend, we have Harambees and other functions within the community and they are our contacts as Members of Parliament. They are the people who we depend on. All of us here have councillors that we depend on to give us backing in the running of our constituencies.

Mr. Temporary Deputy Speaker, Sir, these councillors have problems. Every now and then, we go to them and request them to organise Harambees and other functions within the constituencies. However, these people have problems because they have not been paid. As I speak now, quoting what the Odongo Commission said yesterday, out of 143 local authorities in this country, 104 are in financial crisis. This is more than 70 per cent of all the local authorities in the country. When these local authorities are in a financial mess, what are we going to say as a House? Are we going to watch them every weekend, coming to us and asking for money? Are we going to watch them being humiliated in the community? We cannot sit in this House and watch them being humiliated. We have to come up with a policy. The Ministry should come up with a clear policy as to what they are going to do with civic leaders. The Ministry of Local Government is meant to support the local authorities. What we are seeking from the Ministry is that these people be given their rightful status. They should be given money from the Consolidated Fund so that every month the payroll goes from the Ministry of Local Government right to the councils so that they can be paid like the hon. Members of Parliament are being paid. That is why we are trying to seek funds from the Ministry so that they are given their money. This is very important.

Mr. Temporary Deputy Speaker, Sir, when we speak about local authorities, there are what we call the Chief Executive or the senior officers within the local authorities. However, you find very erroneous things happening. The Public Service Commission interviews the top cream of the senior officers of the local authorities. After interviewing them, they go as far as fixing the cadre of their scales but they do not pay them their salaries. The whole burden again is thrown to the local authorities and the councillors. This is very erroneous.

I believe that if the PSC interviews these people, through the Union of Local Workers Authority, they should be able to work out how these people are going to be paid. When the burden is thrown to the councillors, they have to sit down again in their meetings and try to think on how to raise funds in order to pay these officers who are paid a lot of money. The clerks in local authorities are paid Kshs23,000 per month plus other allowances like sitting allowance, *et cetera*, while a councillor gets less than Kshs3,600 per month. What a shame? An employee of the council earns ten times more than the councillors. This is something that the Ministry has to review. I would like to appeal to the councillors to appear before the Omamo Commission so that they can air their problems in order that when this report is prepared, these anomalies can be brought to light.

When you speak about the quality of civic employees like clerks, treasurers and engineers within the local authorities, you are talking about very, very qualified people and we are talking of engineers from the University of Nairobi. These people are not going to accept the peanuts that we are talking about. Then when the burden is thrown to the councillors we expect these technocrats within those authorities to advise the councillors on how to go about things. I know that some of our councillors are not very educated, and so we expect the technocrats to advise them. I think that is why the PSC interview these technocrats, who are supposed to help the councillors on running the local authorities properly. But we cannot be able to get people of high standards or people with good professional technical qualifications if the salaries are not attractive and if they are not sure of being paid at the end of every month. Many qualified people shy off to accept jobs in these authorities because they are not sure of getting their monthly salaries. This is because they know that the civic bodies have no money. How can the local authorities be able to raise funds if the technocrats who are supposed to advise and help them are themselves not very qualified? As I said earlier, qualified people are unwilling to accept these jobs because they are not sure of their monthly salaries.

Through this Motion, I am suggesting that the Ministry of Local Government should get money from the Consolidated Fund, from the taxpayers' money to be able to pay these councillors and other top senior officials. Even in the *East African Standard* of Tuesday 18th July, 1995, Naivasha Municipality laid off 46 nursery school teachers just because Naivasha Municipality is in the red. It is in financial crisis. This is not only happening to

Naivasha, it is happening everywhere. Many nursery school teachers and other people working within small centres in local authorities, have been laid off because there is no money to pay them salaries. Those still hanging there are only waiting to "milk" on market days. They do not submit the revenue that they collect to the Treasury or local authorities on these market days. They share these collections among themselves and that is a shame. You cannot say that the local authorities should be able to streamline the revenue collection within the market centres as well as in their licensing offices. When the revenue money comes, they distribute among themselves. They do not even bank it in the accounts of the respective local authorities. This is the mess that is going on within our local authorities.

Mr. Temporary Deputy Speaker, Sir, when we talk about local authorities, we talk about infrastructure as well. Even in this country when we call upon the foreign investors to come and invest in this country, they cannot do so when the infrastructure is lacking. In my own constituency, in the entire West Pokot, there is no industry and no factory, but we cannot invite foreign investors to come there.

Even with the cement deposits in Ortum in my own constituency, we are not able to attract foreign investors to come and invest there because the infrastructure is lacking and electricity is not there. Yet, Turkwell Power Station in West Pokot

produces at least a maximum of 160 Mgw. and West Pokot does not even get an iota of that and not even a token of appreciation for taking care of that power station. Can the Government even consider giving West Pokot only 2 per cent of the 160 Mgw so that we can attract investors? Foreign investors can only invest when there is infrastructure in the area. The millions of tons of cement deposits are lying there untapped. If the factory takes off, we shall be able to employ a lot of Kenyans. Can the Government consider giving us 0.08 per cent of 160 Mgw? That will be enough for us.

Mr. Temporary Deputy Speaker, Sir, the second problem is lack of water within the community. Can the Ministry also assist in solving this problem? These are what I call the infrastructure. When we have a big plant like the Ortum Cement factory, the local authority will be able to collect revenue from there, hence they will be able to pay their own staff. But if those facilities are unavailable, how can the local authority get money?

Even as I speak now, the Kenya Power and Lighting Company (KP&L) owes West Pokot Kshs19 million as part of the compensation for taking their land. Many people used to have activities on that land which is now submerged under the dam. They used to have beehives; they used to cultivate and their animals used to graze there. Unfortunately, now they cannot make use of that land. Therefore, we are asking the Government, through the client, the Kerio Valley Development Authority (KVDA), to pay the local authority as compensation. As I speak now, more than Kshs4 million has not been paid to the direct beneficiaries, who are benefiting from that area. We are asking the Government to pay our people very little which is nothing to what KP&L gets monthly. Councillors in West Pokot miss their monthly salaries, yet KP&L owes them Kshs19 million! Local people are suffering because they lack water and roads, while the KP&L through KVDA owes them a lot of money.

**An hon. Member:** Ask the Government!

**Mr. Rotino:** Mr. Temporary Deputy Speaker, Sir, can the Ministry of Energy, through KP&L and KVDA pay our local authority because our councillors are suffering. They have not been paid for the last one year! They have been paid haphazardly as the

Minister for Local Government sends them cheques when he feels that they have something extra. With this haphazard payments, a councillor cannot budget and this is very sad. So, when we speak of a local authority, we speak about infrastructure.

Mr. Temporary Deputy Speaker, Sir, we are talking about infrastructure which would enable local authorities to give service to wananchi. As I speak here now, Kapenguria Town has no water. The District Commissioner has no water; he has got to use a Land Rover to fetch water. Kapenguria Town has no sewage system. The population has increased ten times. The Ministry should set priorities and policies regarding the development of local authorities. The Ministry should do systematic planning whereby they will be able to tell us how many sewage systems they are going to put up in municipalities and urban councils in a given year. This will enable us to know how many local authorities will have permanent sewage systems and reliable water supplies in the next 20 years. Currently there is haphazard planning of local authorities; where I have to go to go the Minister for Local Government and ask him "Could you kindly give money this year for sewage works?" Why do I have to do that? The Ministry has its own planners. They are there to give us systematic plans and telling us how many sewers are going to be there in the next ten years; how many water projects they are going to complete in the next ten years.

Mr. Temporary Deputy Speaker, Sir, the Odongo Omamo Commission might come out with a report saying "Upgrade Kisumu, Eldoret, Nakuru and Mombasa to cities. Sub-divide Nairobi City in boroughs." But is there any money to provide the infrastructure to turn those towns in cities? It is not just a matter of city by name;



it should be city by infrastructure. All the facilities that are required before a town can become a city must be provided. Therefore, the Ministry of Local Government should draw up a systematic plan so that we can know where will be in the next five years. We need to have systematic planning in the local authorities so that when the time comes for these local authorities to be upgraded the exercise is carried out in an orderly manner. We should have municipalities that are going to function as municipalities.

Council meetings in local authorities are conducted haphazardly. The councillors do not sit as frequently as they are supposed to sit; to deliberate on issues pertaining to their respective local authorities. When councillors hold sittings they are supposed to be paid sitting allowance, but there is no money. So, you will find that councillors have resorted to "technical appearances." They just appear there briefly and go out again to attend to their private affairs.

This is a very, very important Motion. We are going to discuss very important units of our democratic system of government. This is because democracy begins at the grassroots level; where the people are. The people are within the local authorities. So, I urge the Government, through the Ministry of Local Government, to look into the plight of our civic leaders; so that we have systematic policies geared towards alleviating the problems facing our local authorities.

Just before Independence we used to have what used to be known as "regional councils." Maybe we could go back to that system so that we can put together weak local authorities to form regional councils. Maybe four or five local authorities can merge to be able to have financial strength.

With those few remarks, I beg to move and request hon. Obwocha to second the Motion.

**Mr. Obwocha:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to second this Motion. Indeed, this is a Motion that has brought us together since it has been moved by one of our few colleagues from the other side of the House.

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

*[The Temporary Deputy Speaker  
(Mr. Mak'Onyango) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, we are talking about individuals who have grassroots support. As my colleague has said, a salary of Kshs3,600 per month that is paid to a councillor is not even enough for one Harambee.

First of all, I would urge the Minister for Local Government to look at the Local Government Act, Cap.265, because I think this is where the problem originates from. If there was a review of the ways and means of raising revenue by these local authorities then we would not be discussing this Motion here now.

*[The Temporary Deputy Speaker  
(Mr. Mak'Onyango) left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, recently Members of Parliament approved their own salaries increases. The councillors are asking "Why did you forget us. Why did you not give us a pay rise?" But we are saying that Members of Parliament are not supposed to increase the salaries of councillors. We are supposed to talk on behalf of the councillors.

I would like to submit that some of the councillors who are elected in this country, do not have the necessary qualifications. We would like the councillors to be vetted, just as Members of Parliament are vetted, to qualify to be in local authorities. This is because some of the councils are led by illiterate councillors. Some of the mayors are people who cannot read or write. When they receive delegations from abroad they are unable to communicate properly as to what their councils require. I am not saying that all councillors are illiterate. I have a friend of mine who is a councillor in Siaya who was my classmate at the university. So, I am not saying that all of them are illiterate, but there should be a minimum qualification for councillors.

Mr. Temporary Deputy Speaker, Sir, we know that most local authorities do not prepare their accounts for auditing. There is a lot of corruption. In fact, in the current Public Accounts Committee Report, the preamble

says:-

"The Committee was once again gravely concerned that the books of accounts of most of the local authorities were in arrears some dating as far back as 1980s."

If a local authority has not prepared its accounts since 1980, how would you know how much money has been collected and how much has been spent? This is one area where the local authorities have gone wrong. They have continued to levy Services Charge. They have continued to collect licence fees and so on, but this money is not being used. Since the councillors are not well remunerated, they have started engaging in corruption. Some of the councillors are basically in the councils just to try and look for empty plots to grab. If we people who are paid by the Ministry of Local Government were paid from the Consolidated Fund, then these vices, and corrupt deals will cease, or at least will be minimised. I hope the Minister for Local Government is here to---

**Mr. Temporary Deputy Speaker** (Mr. Wetangula): He is there and you can see him!

**Mr. Obwocha:** Mr. Temporary Deputy Speaker, Sir, through you, I am asking him to look at the audits of the local authorities. What is he doing to update these accounts, because that is where the problem starts? There is also something that was touched in the Public Accounts Committee (PAC) where the Head of the Civil Service took up the responsibility of the Permanent Secretary of the Ministry of Local Government, and retired a Deputy Permanent Secretary unprocedurally. This Deputy Permanent Secretary went to court later---

**Mr. Temporary Deputy Speaker** (Mr. Wetangula): Is the matter still in court?

**Mr. Obwocha:** No, it is not in court. He went to court to ask why he should be retired unilaterally in that manner by the Head of the Civil Service instead of through his Permanent Secretary. He was awarded Kshs1,749,00. This matter is on page 130 of the PAC Report. What I am saying here is that Officers are misusing their powers. This is one of the cases. In fact, the Head of Civil Service should be made to repay this money because

he has made the Government lose this kind of money instead of following the right procedures.

Mr. Temporary Deputy Speaker, Sir, we hope that the Minister for Local Government reviews the Act, so that all these local authorities have a chance to rectify the problems that are facing them. We were told here yesterday by the Minister for Local Government that the new water project for Nairobi has its taps turned on, and yet there is no water up to now. People in Langata and Karen areas are suffering. We would like the Minister to address himself to these problems that are in local authorities, particularly in Nairobi where the Mayors and the people who have been in charge are misusing their offices, particularly the former Chairman of the City Commission before the General Elections, where he sold a Government House belonging to the City Council. He took all the furniture and everything and now he is one of the fellows *manga mangaring* around looking---

**Mr. Temporary Deputy Speaker** (Mr. Wetangula): Order! To the best of my knowledge, the matter you are referring to is in court. The former Chairman was sued and the case is pending in court.

**Mr. Obwocha:** That means actually what I am saying is true. Thank you so much.

**Mr. Temporary Deputy Speaker** (Mr. Wetangula): But you ought not say it. That is what I mean.

**Mr. Obwocha:** Thank you, Mr. Temporary Deputy Speaker, Sir. An hon. Member of Parliament is responsible for the accuracy of the statements he makes in this House. So, I thank you for that, and I cannot indulge myself further in that matter.

Mr. Temporary Deputy Speaker, Sir, to finish up my contribution in seconding this Motion, we are asking the Government to look into this issue very closely because these councillors have a lot of interactions. They are always with the people and they have a lot of assignments and yet the amount of money they are receiving is very little. It does not help them. It does not help anybody and we would like them to be effective and, indeed, if they are going to be effective, then their remunerations should be included in the Budget of the Ministry of Local Government so that then they can receive regular and reasonable salaries to be able to attend to their duties. I am not saying that we ourselves who get some little money are able to attend to all our duties. There is no limit, but we would like them to be effective in serving our people.

Therefore, this Motion has, indeed, brought that side of the Government and the Opposition together for the welfare of the councillors. In fact, our own Party, Ford-Kenya, says in its own Manifesto, that we will strengthen the local authorities when we come to power in 1997 and this is one of them. Now we have come together after reconciliations, these fellows are really threatened now.

So, what we are saying is that we need to strengthen our local authorities and in so doing, the councillors need to be paid handsomely so that they can attend to their duties.

Mr. Temporary Deputy Speaker, Sir, we hope that the Odongo Omamo Commission will do a good job since he is the same fellow who handled the remunerations of Members of Parliament. We hope he will follow the same route.

With that, Mr. Temporary Deputy Speaker, Sir, I beg to second the Motion.

*(Question Proposed)*

**Mr. Mwaura:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

I think we must realise that the local authorities are the base of the foundation of any democracy or any Government. They are the lower base of political set up, administration, and they are the people who are really closer to *wananchi* in the grassroots. The most unfortunate thing about our local authorities which is a section of the Government is that - when I had an occasion to work for local authorities about six years - our country is different from one Province to another. What I am trying to say is that if you look at the Local Authority, for example in the North Eastern Province, you will find that those local authorities resources and the foundation of their funds usually come from the money which is raised from either traders or the people who sell their livestock.

This is where some of these local authorities get their revenue from. It is like talking about a Member of Parliament. But how can you compare a councillor, say, from Turkana and a Councillor from Mombasa Municipality, whereas Mombasa Municipality may have various ways of raising its revenue because of the tourism boom that we have in the Coast Province.

The other Councillor in the other remote area like Isiolo and some other remote places, including Narok of course. However, councillors in Narok have livestock to sell and generate income. The local Authorities there have a base of raising revenue, for example, from wheat farmers and livestock farmers.

The Government has not really created standards for councillors. For example, what qualifications should the councillors have before they are elected? What you will find is that some of the local authorities are being run by people who are really not properly qualified, people who only go there because they want to survive. Again, you will find that there are no funds because these local authorities mismanage them. Some of these local authorities sell land and other properties. Some of them have, indeed, engaged in selling plots. We see this happening in Nairobi where councillors engage in the sale of plots and illegal allocation of plots. This is because the kind of salaries these people are paid are not adequate. These people are politicians who are engaged in Harambees like all of us. When I go to a Harambee I may pay Kshs5,000 if I can afford. The councillors too will equally feel that they would like to be seen as leaders and would like to contribute a certain amount of money. The little salary that they earn of Kshs3,600 in some areas is not enough to do what they are expected to do? This is the kind of thing that makes councillors corrupt. I know for example that the Muranga County Council from 1970 up to 1974 was very viable, but today, that council is not any more viable. It has within the last few years almost become bankrupt because the revenue that that council was getting from coffee and tea cess was mis-invested by councillors. You know that those are the days when local authorities used to invest money in various banks which were mushrooming. Let me tell you that for some councils to invest their millions of shillings paid by the local people in these banks they had to be corrupted. What happened is that when these banks fell, most of this revenue was lost.

There are a lot of things that county councils can do to our people because they are the ones who are closer to the people. In some districts if this revenue was properly managed there could be a strong base from which councils could really become viable and give proper service to the people. What kind of service do our people want? Most districts and divisions want to see their roads repaired. Most districts want to see the council invest in constructing secondary schools, and nursery schools where their children can get taught.

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

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

In some areas especially in Muranga District the County Council there has been paying untrained teachers who go out to help educate nursery school children and, therefore creating employment. If those councils are not being managed by people who know how to look after the money that they gain from collection of revenue then these local authorities, will not be giving proper services to the local people. It is for this reason that I feel that if we really want to create strong local authorities let the Central Government create a fund that will pay these councillors. Let the Ministry of Local Government also review the salaries of councillors because we cannot continue having people there who are required to be

leaders at the districts but who are not properly paid. This kind of thing forces them to be involved in corruption.

The local authorities can also help the informal sector within the areas that they represent. The question of training girls and boys can also be supported by the local authorities, but this can only be done if the local authorities are capable of raising good revenue. I am not sure that people know that there is a fund that is run by the Ministry of Local Government that is called Local Authority Provident Fund. That is the Fund that is created by people who work in the local authorities. They make their contributions to this Fund which is meant to go towards their retirement benefit. This is the a Fund where most local authorities also contribute money. For many years this has been a source of revenue which most of the local authorities have used in order to develop their areas. I would urge that this Fund be strengthened in order that it can be used in some areas where the local authorities are not economically viable.

With these few remarks, I beg to support.

**Mr. Wetangula:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion.

I will start by congratulating Mr. Rotino for bringing to this House such a broad and well thought out Motion which affects all Kenyans. I do recall one time when Prof. Ouma said on the Floor of this House that if you go around the country all you find are embarrassed mayors, councillors, civil leaders; embarrassed financially. They are embarrassed because they cannot meet the demands of the people who elected them. Embarrassed because they cannot give the services that wananchi expect them to give. The question of local authorities is very paramount in this country. As it has been said and I do not need to repeat, these are the grassroots governments. They are the people who deal with the general population on day to day basis. It is important that the Government takes a serious view of the role played by the local authorities and provide salaries not just a pittance, but salaries that would sustain their livelihood as politicians, or salaries that will sustain them as councillors and, so on and so forth.

By improving the salaries of councillors this will give an incentive to attract quality people into the council. If you go around the country, you will find most councillors are mainly illiterate, retired persons, people with very little to offer in terms of guidance on development. This is because there is no sufficient financial attraction to attract quality people. Of late we have been having young people going to be councillors, but as soon as they get there, because of the poor remuneration, they find themselves in the usual wave of conspiring and scheming on how to "grab" public land and plots so that they can sell them to sustain themselves.

On the other hand, Sir, it is not entirely correct to say that by improving payments or remuneration for the councillors, we are going to stamp out corruption. We have to develop a "national culture" of shying away from vices like corruption so that when a councillor has been paid a reasonable salary, he has to appreciate that he has a moral duty to society not to sell public land, not to take bribes, not to compromise his position through corrupt practices and so on.

Mr. Temporary Deputy Speaker, Sir, local authorities from time immemorial provide very important services to the population. They, in fact, supplement Government provision of services like road maintenance, water services, refuse collection and so on. It is impossible for those councils to function simply because of lack of funds. I suggest and agree with hon. Rotino that if the money that the councils get from rates, rents and other collections is left entirely to run the services - because their salaries are paid from the Government - then councils should be able to meet the demands that society expect from them.

Mr. Temporary Deputy Speaker, Sir, I will also suggest that in certain areas like Western Province where I come from, we have large industrial installations like Mumias, Nzoia and Pan Paper. These installations are supposed to pay cess. First and foremost, I urge the Minister for Local Government - I hope he is listening - that the cess collection from these installations should be increased to, at least, between 15 and 20 per cent so that there is enough money generated for the local authorities to assist them in providing services. Having improved and increased the collection of cess, I would suggest to the Minister for Local Government that in a region like Western Province, Mumias, Nzoia, Pan Paper and any other industrial installation, should team up and provide a fund to the region, not simply to the local authority that they belong to, so that the money they generate from cess can be used to maintain and build roads, maintain infrastructure like water, school and so on so that the benefit of the presence of such industrial set up reach each and every person in the region other than limit it to the small jurisdictions of the particular local authority. I say so because if you came to western Kenya, a district like Busia which is part of the region, does not have a single industrial installation. So, they cannot benefit from the enormous cess that is collected from Mumias. For instance, Mumias Sugar Company spends about Kshs70 million per annum on road maintenance within its area. But this money is capable of spreading out to Busia, Bungoma, Mt. Elgon and so on so that a conglomerate of local authorities into a bigger umbrella that can help

develop the area will be much more meaningful than the small ones. The same goes to the running of nursery schools, quality primary schools and so on.

Mr. Temporary Deputy Speaker, Sir, I also urge the Ministry of Local Government to ensure that the personnel they second to the local authorities are people of integrity and qualified. We need proper planners to be seconded to the local authorities. What we have in the country now is a mushrooming of slums in the name of urban councils. We have urban councils being gazetted, towns being created, municipalities and so on, but when you go there, all you see are endless stretches of wooden houses, paper houses, slums and so on to the extent where you feel embarrassed being told that this is a town. I think we have to get serious in what we are planning. We have to plan for the future. It is not enough to have councillors cutting out little pieces of plots and awarding them to their supporters and creating slums in the name of towns.

Mr. Temporary Deputy Speaker, Sir, if you looked around the world, very many leaders have emerged from local authorities to leading statesmen. The current President of France has just emerged from being the Mayor of Paris. We also have the famous Dr. Willy Brandt who was the Chancellor of West Germany for a long time; he was the Mayor of Berlin. We also have the Mayor of Los Angeles who was trying to become the President of US. Look around Kenya and see if there is any Mayor or civic leader who can aspire that high. I think we need to improve our local authorities so that we can be able to produce from the grassroots leaders who can rise to the national level. This can only be done if the incentives are good, or if the Government is giving them full support and also making sure that the money available to them for the infrastructure and services to wananchi is not stolen, swindled or diverted into corrupt practices that are now rampant in every local authority. If you looked around the country, every civic leader, including the employees, sweepers, cleaners, clerks and so on, all they do is to conspire and scheme on how to get plots, everywhere. If you go to every town, public utility land is gone, all reaction land is gone, schools and churches' land are being grabbed. Where are we heading to?

*(Applause)*

I think we have to get something done and I hope that when the Minister for Local Government stands up to respond to this Motion, we are not going to be treated to the usual jargon of "I oppose"; "I amend" and so on. This is a Motion that needs support of everybody. I am giving it my full support and hope that every hon. Member is doing the same with the hope that when we pass it, it will be implemented as it should be.

With those few remarks, Sir, I beg to support.

**Mr. Mathenge:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion.

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

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

First of all, I would like to congratulate the Government for having appointed the Odongo Omamo Commission to look into the affairs and the mess in the local authorities with a view to finding the remedies of the messes and restructuring the authorities to make them effective as agents of development in the rural areas as well as in the urban areas.

The problem with our local authorities is not the low wages and salaries paid to the councillors, but the problem stems from lack of guidance and positive support of those authorities by the Central Government. As it is at the moment, local authorities are controlled and their development is, therefore, inhibited by the Central Government. If the local authorities are to succeed the Government must help them to succeed since these are "small governments" within localities. Therefore, unless the Central Government will take steps to arrange how these local authorities will be financed, if they are left to fend for themselves, it will take many years before they can develop.

Mr. Temporary Deputy Speaker, Sir, now, if you look at their establishment, you will see that we have too many local authorities everywhere which bring in nothing to this country, but they only consume the little revenue that they collect since there is no system of studying the feasibilities of local authorities before they are established.

For instance, the Minister for Local Government one day announces that he has created a local authority or declared an area an urban area, a town area and so on without, first of all, doing studies to find out---

*(Dr. Otiemo-Kopiyo remained standing as he took a glass of water)*

**Dr. Lwali-Oyondi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for two hon. Members to be standing on the Floor of the House at the same time?

**Mr. Mathenge:** Mr. Temporary Deputy Speaker, Sir, I thank Dr. Lwali-Oyondi very much. I think we need orderliness here! Now, that we have an opportunity to look into these local authorities, we should make concrete suggestions as to how they should be financed and encouraged to grow. Passing this Motion here will be dealing with the matter on a piece-meal basis. Although I agree that the councillors should be better paid I also query as to whether if we pay them better today we will get value of our money. We have seen that in many local authorities such as Nairobi and Mombasa councillors are selling plots earmarked for public utility allegedly in order to collect money to pay their staff. If we are going to allow them to sell plots which are meant for the future development what will happen after they have sold all the plots? Where will they get money from to pay their staff? After they have sold all the plots earmarked for markets and other public utilities they will next raise rates for commercial and residential rates so high that traders will get out of business. So, it is self-destructive to allow them continue with what they are doing.

Nowadays town planning has no meaning. This is because although the official and proper plans exist, you will find so many other party plans which disorganise the original town planning. There is no control over this because of the scramble for plots. This is something that should be looked into. In short, I would say that we give serious thought to the recently appointed Commission on local authorities. We should make proposals to it so that it can come out with better restructured local authorities.

With those few words, I beg not to support this Motion.

**The Assistant Minister, Office of the President (Mr. Sunkuli):** Mr. Speaker, Sir, one is in a dilemma about this Motion because---

**Dr. Lwali-Oyondi:** You are always in a dilemma!

**The Temporary Deputy Speaker (Mr. Wetangula):** Order, Dr. Lwali-Oyondi! It is not true that hon. Sunkuli is always in a dilemma!

**The Assistant Minister, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, I am sure he knows that.

One is in a dilemma here because one must sympathise with the situation of councillors in this country; their allowances are very low. Even FORD(K) Members are in a dilemma. On the one hand one wants to ensure that the local authorities are strong, or they are able to raise revenue and pay their councillors. But on the other hand the councils are not strong and are not able to pay their own councillors. For once a Motion has been brought here by a KANU hon. Member and supported by FORD(K) hon. Members. It says that the power of paying councillors should be transferred from local authorities to the central Government. I think for once I can see very clear and accepted contradiction even in the policy of the Opposition.

Mr. Temporary Deputy Speaker, Sir, I must say that one would like to sympathise with the councillors. We would all like to see the councillors being paid well, but there are other matters to consider. If today the House accepted this Motion as it is, shall we not be asking for an amendment of the Local Government Act? In fact, that is what is more required to put this Motion into effect.

And what will be the effect of the recently appointed Omamo Commission on local authorities? We will, perhaps, be asking it to disband itself and take the resolution, which has been debated here only for two hours without taking into consideration all the factors. I am just saying that would be the problem.

I am personally sympathetic to this Motion, but I am saying that there is a legal matter that should be considered here. The Motion does not ask us to amend the Local Government Act; instead, it is asking us to do something which is, in fact, contrary to our own law. I think that the Motion should be amended to require that the Local Government Act be amended in order to allow the central Government to pay the salaries of councillors.

Now, having said that, I would like to say that councillors are elected leaders who have a role in nation-building. That is why they should be paid more. I know that hon. Shikuku has a philosophy that elected leaders only need to talk. I am sure he will oppose this Motion because he will say that councillors will not need any money to give in Harambees. And yet an elected representative in a Third World country has a bigger responsibility---

**Mr. Shikuku:** On a point of order, Temporary Deputy Speaker, Sir. I think the hon. Member is

looking for trouble and he is likely to get it. He is now talking about Harambee and yet we are talking about councillors. He has said that he is sure the hon. Shikuku is going to oppose this Motion. Is he in order to anticipate my contribution before I have opened my big mouth?

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I was giving a good reason as to why councillors should be given more money; because they need to go for Harambees. I am then saying that hon. Shikuku has a renowned philosophy of making life very easy! He says that a councillor is just supposed to talk and that the role of an hon. Member comprises only of coming to this House and talking.

**Mr. Gatabaki:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to continue misleading this House by saying that the purpose of elected Members of Parliament is just to talk, knowing very well that we keep the Government of the day on check because of its misdeeds and that the councillors do the same job?

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Gatabaki! I do not see any point of order there! How do you keep them on their toes? You do so by talking and that is what the Assistant Minister was saying!

**The Assistant Minister, Office of the President** (Mr. Sunkuli): I am also saying, Mr. Temporary Deputy Speaker, Sir, that is the philosophy of Mr. Shikuku; it is that hon. Members' only duty is to come to this House and talk. But I am saying, that elected representatives in a Third World country have a duty called "nation-building". It does not exist in the western world---

**Mr. Shikuku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Can the hon. Member tell the House which law requires a Member of Parliament to give Harambee money? Will he also tell us how much Harambee money we paid to Wazungu for our Uhuru? This "baby" should understand!

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Mr. Shikuku, did you refer to the honourable Member as "a baby"?

**Mr. Shikuku:** Yes, I did. In terms of politics, he is a baby.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, Mr. Shikuku! You are out of order! Can you withdraw and apologise? There are no babies in this House.

**Mr. Shikuku:** Since I do not want to quarrel with the Chair, I withdraw that.

**The Temporary Deputy Speaker** (Mr. Wetangula): And apologise!

**Mr. Shikuku:** Apologise? There you are. I have apologised!

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, as I said, our councillors require this money so that they can participate in nation building in a third world country and, particularly, Kenya principally requires that we do Harambees. This is something that we have to keep stressing on in this House. Otherwise, the nation will be misled by people who will quote Lancaster House conference and the colonial days.

It is important to state here that, that is one of the functions of an elected Member in a third world country. Hon. Shikuku should also listen to young people because being old does not necessarily make him a monopolist of knowledge.

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Dr. Mukhisa Kituyi in order to describe Mr. Sunkuli's dilemma as that of "between being KANU and being reasonable"? This is what he has just said.

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, Dr. Kituyi sometimes confuses words.

Mr. Temporary Deputy Speaker, Sir, I also want to say that now that we have the advantage that many districts have been created and, therefore, many councils will be created as a result thereof, it is important that the "mother" councils give substantial assets to the new councils that will be created to enable them to operate. Where there is a dispute about the sharing of assets between the two councils, it is important that the old council should always co-operate so that a joint commission can be started in order to arbitrate in the sharing of assets. I know that quite a number of districts have had this problem, because the old councils do not want to give the new councils properties.

Mr. Temporary Deputy Speaker, Sir, I know that many of the councils in this country can actually pay their own councillors' so long as they can do two things. If a council finds that the number of its own councillors is high, then it should look for a way of ensuring that the number of wards is gazetted to enable that council to pay. This will ensure that we do not have an over-extended number of councillors who cannot be paid by the local authority. Also, the methods of collecting revenue should be enhanced. I know that the councils of the

district where I come from can pay salaries of nursery school teachers and carry out other projects and even award bursaries. I do not see why another council, for instance, Murang'a or Kiambu County Council cannot pay with the type of revenue that they have, unless the councillors are involved in corruption to the extent that they cannot run their councils. If the revenue we get is controlled properly, then we have no reason to transfer this duty to the Central Government. I know Dr. Kituyi wants to speak, but I hope he does not get the next chance.

I support.

**Mr. Busolo:** Thank you, Mr. Temporary Deputy Speaker, Sir. The point I want to raise on this Motion is my disappointment to the effect that a Motion of this importance and dimension is being discussed without officers from the Ministry of Local Government being around to take notes of what hon. Members are contributing so that they can go and discuss that in their Ministry and advise the Minister appropriately. This aspect of staff from the Ministry not coming to listen to Motions of this kind is something that the Government should look into.

Having said that, I would also like to comment on the fact that we are discussing this Motion at the time when the Omamo Commission is going round. I would like to suggest that the Omamo Commission tries to get the HANSARD Report and go through the Members' contributions. These contributions can assist them in their conclusions on local authorities.

A modern local authority requires a very skilled cadre of councillors. This is necessary, given the kind of world we are living in. We are living in an information age of faxes and computers and we require modern councillors who understand that kind of language. A modern council also requires planning. We are heading to the world where city states are a phenomenon of the future in countries such as ours. As such, the people who work in such councils need to be well remunerated. They should be people who understand what a planned city state requires. We also need local councils that have a very solid building code so as to avoid the kind of structures that we have in our local councils. Local councils also require to have modern services like sewage, water, electricity, roads and so forth. On account of that, it means that councillors require very good remuneration so as to focus their energy and efforts on the requirements of their local authorities.

Why are civic leaders not being paid the kind of dues that they require? In my view, there is too much government in this country, particularly, at the local level. A democratic tenet demands that the ground needs to be made up of people who are elected. It should be the one that informs the central government. However, here, we have a situation where the central government is too powerful over and above the elected civic authorities. In fact, the fact that we are discussing the question of remuneration for these people shows that the democratic tenets we hold do not go down to respect the local mwananchi because, if we did so, we would be remunerating the councillors who make up the base of this society. I suggest that due emphasis be given to the local authorities and that over-centralisation be reduced so that we pay the necessary attention. There is another problem which I noticed with the local authorities and, perhaps, that is why they are not well remunerated. This is too much politics. Like anything else in this country, there has been over-politicization of the local authorities. There does not seem to exist explicit standards of up-grading local authorities. It is politics that determines which area needs to be up-graded to a local council, urban councils, city and so forth. I hope the Omamo Commission and contributions on this Motion consider establishing explicit standards which should be known by everybody so that when a particular area needs to be up-graded, those standards are followed.

Mr. Temporary Deputy Speaker, Sir, there is the question of the dues and taxes which the Motion is speaking about. I am of the view that Ministries like those of Education, Health, Water, Public Works and Transport need to be abolished. The local authorities can run the services that these Ministries run. Let us take the question of education, for instance. If we abolished the Ministry of Education and decentralised education the local authorities in the country know the skills and knowledge necessary for their areas. They will have ready tax from school fees and other such like things through which they can run their areas and develop them better than what the Ministry is doing. Let us take something like health, for example. The local authorities do understand the kind of diseases their areas are prone to. They know the kind ailments that afflict their areas. If they were given authority over health services, they would draw the necessary revenue and make those areas develop faster than they are doing presently. I am of the view that we need to strengthen these authorities, decentralize or do away the Ministries I have mentioned so that they are run by the local authorities.

There is the other question of the role of the councillors and the town clerks. I am at a loss as to understand why a town clerk should be paid more than the elected councillors. It seems that, that demonstrates the power of central authority over the elected councillors. I think I am in agreement with hon. Sunkuli about the question of reviewing the Local Government Act. I think both the contributions of Members to this Motion and the conclusions of the Omamo Commission should look into this area so that elected civic leaders do have more power than the town clerk. In that way, they will have the necessary enthusiasm to work in those areas more than



what is going on. I wish to end there by supporting this Motion.

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

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Dr. Misoi): Thank you very much, Mr. Temporary Deputy Speaker, Sir.

This is a very important Motion as it touches on basic units of democracy. Local Government authorities are the pillars of democracy in any country and, as such, they should be able to meet the needs of the people they represent. The Motion highlights the manner in which the local authorities are incapable of doing any meaningful development for the people. It appears as if the local authorities are there only to pay the councillors and the officers who are confined to their offices. This is disgraceful and negative to the democratic development of this nation. It is time that the local authorities were streamlined to serve the needs of the people at the local level.

Mr. Temporary Deputy Speaker, Sir, at

Independence, we had the area councils and local native councils which disbursed bursaries. Some of us were educated through bursaries from the local authorities. Today, there is no such a thing. Local authorities constructed roads, they catered for nursery schools and they put up and manage dips. That is history today. The question is: What has happened after Independence? What have we done? What has happened is that a lot of powers have been taken away from the grassroots to the centre and that is tragic. Also a lot of revenue bases have been taken up. Therefore, these units can only survive with provision of the maintenance funds from the Central Government finances. That would enable these bodies to support the Government in the operations that they are supposed to carry out.

Mr. Temporary Deputy Speaker, Sir, as the Omamo Commission goes round, I believe Kenyans will be able to give their views as to how our local governments should be managed, funded and monitored, what revenue bases should be given to them and what responsibilities they are supposed to discharge. Also, they should tell us the type of remuneration that should be given not only to the officers, but also to the councillors. We hope that it will reduce the demands from various quarters. Even the *majimbo* issue will not be discussed for sometime if the we were to strengthen the local authorities as there would be no need for that. Let the local authorities be the basis of development, not only in developing the nation, but also in practice of democracy.

There is also need to institute proper control and monitoring measures to see how these people are operating and how they are taking care of the public properties. All the plots within the local authorities should be protected for the future of the nation. They should not just be issued to people like us, politicians *et cetera* as rewards for some purposes as we have to take care of the future generations. It is unfortunate that a lot of public spaces like parks and gardens have been converted into structures, concrete blocks thus taking away all the areas which would be used by wananchi for relaxing. This is very bad. Some people have even claimed that even public toilet areas and mortuaries have been allocated to individuals. Where shall we bury our people in the future and yet the population is increasing and the country is becoming more urbanised? It will create a lot of demands for the people of this country. This Motion has come at the right time and I believe that while the hon. Members of Parliament will be discussing it, they will, at the same time, be able to pull their sources and ideas together so that the Omamo Commission can use it as a basis of improving the local authorities.

Mr. Temporary Deputy Speaker, Sir, it is also important that the councillors who have been elected just like the hon. Members are elected, should also be able to catalyse development in their own areas like locations and wards and in the end strengthen the people's will to be self reliant and be productive. They should also be able to promote those small activities like the *Jua Kali*, the *mitumba* business and hawkers dealing in other items.

It is unbelievable that sometimes the City Council askaris disturb these people who are trying just to earn a small living to survive to maintain and educate their children. It is really unfortunate. The Ministry of Local Government should warn these askaris and others to ensure that they treat Kenyans in humane manner. There is no good bulldozing or pulling down structures these hawkers have put up. These people should be given time and allocated alternative sites. Our planners should be able to guide people on what type of structures they should put up. What has happened to the engineers, to the planners and the architects? Why can they not put up models or small structures which are cheap and affordable with sanitary facilities included? These people spend a lot of money putting up the structures because they are not experts nor engineers and the next day you see bulldozers pulling these structures down together with the properties in the structures. This is quite serious. We need people who are concerned about the welfare of mwananchi, who have made this country more stable and peaceful and better than her neighbouring countries. Mr. Temporary Deputy Speaker, Sir, although many people are talking of all sorts of things, including the Opposition, we should be proud of what Kenya has. Let the Opposition be constructive, but not destructive. I am giving them this challenge that they should be development conscious. They should give credit where it is due.

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. May the hon. Member on the Floor clarify to us who has the barometer of deciding who is development conscious and who is not?

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Dr. Misoi): Mr. Temporary Deputy Speaker, a development conscious leader is that leader who enhances the capability of the people to develop themselves. Not a leader who just talks a lot.

**Dr. Kituyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Dr. Misoi in order to continue spilling out this tired propaganda that if you show any criticism towards this rotten Government, you are not constructive?

**An hon. Member:** Rotten?

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Dr. Misoi): Mr. Temporary Deputy Speaker, Sir, if this Government was rotten, these hon. Members in this House, especially those in the Opposition would not be here. This country would be in chaos, but because we are an orderly nation---

**Mr. Rotino:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Dr. Kituyi to say this Government is rotten? Is that Parliamentary language?

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Indeed, Dr. Kituyi, the use of the word "rotten" is totally un-Parliamentary and I order you to withdraw it.

**Dr. Kituyi:** Mr. Temporary Deputy Speaker, Sir, there is nothing---

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! The order is that you withdraw the use of the word "rotten."

**Dr. Kituyi:** Mr. Temporary Deputy Speaker, Sir, I live by the rules of transparency. I cannot see anything more polite and honest about this Government than being rotten.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! One last chance, Dr. Kituyi, for you to withdraw the word "rotten."

**Dr. Kituyi:** What Standing Order am I breaching, Mr. Temporary Deputy Speaker, Sir?

**The Temporary Deputy Speaker** (Mr. Wetangula): Dr. Kituyi, I expect you to comply with the order from the Chair. I have ordered you to withdraw the word "rotten."

**Dr. Kituyi:** Mr. Temporary Deputy Speaker, Sir, I have struggled, but I cannot find any other way to call this thing other than a rotten Government.

**The Temporary Deputy Speaker** (Mr. Wetangula): You must leave the Chamber now, Dr. Kituyi.

*(Dr. Kituyi withdrew from the Chamber)*

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Dr. Misoi): Mr. Temporary Deputy Speaker, Sir, that shows how rotten Opposition politics is.

**The Temporary Deputy Speaker** (Mr. Wetangula): Time up, Dr. Misoi!

**Mr. Shikuku:** Mr. Temporary Deputy Speaker, Sir, I would like to point out to my critics that---

**The Temporary Deputy Speaker** (Mr. Wetangula): You have only five minutes, Mr. Shikuku.

**Mr. Shikuku:** Mr. Temporary Deputy Speaker, Sir, I wish to point out to those critics of mine that I tabled a Question in this House asking the Minister for Local Government---

*(Mr. Mathenge stood up in his place)*

**The Temporary Deputy Speaker** (Mr. Wetangula): Order hon. Mathenge! Why are you on your feet and hon. Shikuku is on his feet contributing?

*(Mr. Mathenge resumed his seat)*

Carry on, Mr. Shikuku.

**Mr. Shikuku:** Mr. Temporary Deputy Speaker, Sir, it is on record that I did ask the Ministry of Local Government to look into the allowances paid to councillors in this Republic. But I was not asking the Ministry of Local Government to increase the allowances paid to councillors so that they can take the money to Harambee. One thing is certain. Whether big or small, you pay taxes to the Government. You do not pay to the hon. Members. It is the duty of the Government to develop the country. We must get rid of this myth that a Member of Parliament can develop an area. It does not matter how much money you give to hon. Members of Parliament

and councillors; they cannot be in a position to develop their areas using their salaries.

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You ruled Dr. Kituyi out of order for using the word "rotten." But immediately after that, Dr. Misoi stood up and referred to this side of the House as rotten. Is he in order to use the word "rotten" against the Opposition?

**The Temporary Deputy Speaker (Mr. Wetangula):** Order! First, that issue is closed and second, I did not hear him. Indeed, if he used that word he was out of order. But I did not hear him.

**Mr. Shikuku:** Mr. Temporary Deputy Speaker, Sir, I would like to say that it does not matter what salary you give to the hon. Members; they cannot develop their constituencies. Taxes are paid to the Government and that is why we have Ministers. I am glad that hon. Members suggested that some Ministries should be done away with their portfolios decentralized to local authorities so that the local authorities can give the services required down there.

It must be understood by all that one does not become development conscious by bribing or stealing money from the same Government and giving out as a donation from the Government. The Government should send money to the local authorities. It is not a favour because the money comes from taxes. We have got indirection taxation, we have Income Tax, Pay-As-You-Earn and Services Charge. All this is paid to the Government. It is the responsibility of the Government to develop the country. You cannot develop your constituency from your salary and if you are doing so from your salary, you cannot at the same time stand up and say you are an honest man because first, you are a beggar and second, you must be a thief to be able to develop your area. I will never bulge on this because the taxes from Butere people are paid to the Central Government and not to the hon. Members. If they want a Member or a councillor to develop his area then the people in that area should pay taxes either to Member or the councillor so that he can develop the area. But if people pay taxes to the Government and then you ask one individual to develop an area then you must be beside yourself.

One hon. Member asked why local authorities have failed. The Minister for Local Government is like a king. Let his powers be decentralized. Let the people decide on what they want in their own areas and let the Government supply the money because it is the people who pay taxes to the Central Government.

With those very few remarks, I beg to support the Motion as it stands.

**The Assistant Minister for Local Government (Dr. Wameyo):** Thank you very much, Mr. Temporary Deputy Speaker, Sir.

**Mr. Ruhii:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We cannot hear what the Assistant Minister is saying because first he is too short and secondly, the microphone is---

**The Temporary Deputy Speaker (Mr. Wetangula):** Order hon. Ruhii! Besides, he has not said anything. I do not know why these frivolous points of order are being raised in this House honestly.

**The Assistant Minister for Local Government (Dr. Wameyo):** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for that comment.

I would like to thank hon. Rotino for his concern that local authorities are not financially sound and, therefore, cannot sustain most of their operations let alone paying out a monthly allowance to councillors. My Ministry shares his concern although we are also handicapped because we do not have Vote from which such allowances can be paid. In order to address the problem, the following argument has been advanced.

Mr. Temporary Deputy Speaker, Sir, I should point out that local authorities are bodies corporate, with powers to sue and to be sued. These bodies are, therefore, autonomous and operate within a specified legal framework. All the local authorities are given certain powers, duties, responsibilities and provisions under the Local Government Act. Each local authority, thus, is responsible for financing its activities including payment of councillors' allowances.

Mr. Temporary Deputy Speaker, Sir, I wish to introduce the following amendment to the Motion. I propose that the Motion be amended by deleting all the words immediately after the word "monthly" appearing in the fifth line up to the end and the following words be inserted in place thereof "monthly allowances as per the Local Government Act while awaiting the recommendations of the Odongo Commission Report."

Mr. Temporary Deputy Speaker, Sir, that is the amendment I want to introduce; that we await the recommendations of the Odongo Commission.

**Mr. Ruhii:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I agree with the amendment the hon. Assistant Minister is moving. But could he clarify to which Odongo he is talking about. This is because some people may think that the Assistant Minister is talking about the Odongo of FERA!

**The Temporary Deputy Speaker (Mr. Wetangula):** Mr. Ruhii, nothing can be more frivolous than that!

**The Assistant Minister for Local Government (Dr. Wameyo):** Thank you very much Mr. Temporary

Deputy Speaker, Sir. That is a very frivolous point of order as you have ruled. It is the Dr. William Odongo Omamo Commission. In short, the Omamo Commission Report.

I beg to move.

**Mr. Temporary Deputy Speaker** (Mr. Wetangula): Do we have a seconder?

**The Assistant Minister for Tourism and Wildlife** (Mr. Kisiero): Mr. Temporary Deputy Speaker, Sir, I stand to second this Motion as amended by my good friend Dr. Wameyo. It is true that councillors are the bedrock of our development in that they come from the rural areas, they are always in touch with the common mwananchi and the work they do is very vital in this country because without them we would not be able to reach the ordinary mwananchi. All the same, it is true that there is a Commission that is going round the country with a mandate of finding out what best should be done to improve the county councils and other local authorities and what else should be done to improve the welfare of the councillors.

Mr. Temporary Deputy Speaker, Sir, therefore, whereas this Motion is very good, and it is supportive of the Councils and the councillors, we cannot make a decision now when we know that Dr. Omamo's Commission will soon come out with some recommendations. So, to avoid duplication of policies, it is reasonable that we give Dr. Omamo and his group time to complete their work and bring their Report so that we may be able to put our heads together again and ensure that something is done to improve the welfare of wananchi through strong local authorities wherever they may be. We know that many local authorities have no money and no proper source of raising funds. In some cases, even when funds have been raised, for example in the case of forest revenue, that kind of money sometimes disappears in other Ministries and never reaches down.

So, all of us are committed to see that the local authorities are strengthened and the councillors live well so that they may do the good work that we expect them to do to raise the standards of living of our people.

With those remarks, I beg to second.

*(Question of the amendment proposed)*

**Dr. Otieno-Kopiyo:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to make a few remarks on this very important Motion.

Mr. Temporary Deputy Speaker, Sir, first of all, I will depart from the practice of praising the nomination of a few people forming them into a Commission to tackle an important issue such as the future of the of Local Government in Kenya. What we need right now is to remove the ambiguity that exists between the Ministry of Local Government and the local authorities on the one hand.

Mr. Temporary Deputy Speaker, Sir, whereas in the Act they are supposed to be as autonomous as possible, the Ministry has far too much control over their activities. The Ministry, for example, appoints the chief officers that make all the important decisions that all these Authorities simply meant, yet the elected councillors who are the people's representatives on the council have no control over these chief officers. They are controlled from the Ministry of Local Government. I think that ambiguity should be removed so that we know who is in charge of local authorities, and if there is blame to be apportioned we should know whom to blame.

Mr. Temporary Deputy Speaker, Sir, secondly, we do not need a Commission. We need a thorough overhaul of the Constitution as it relates to the demarcation of responsibility between the Central Government and the Local Government. For example, I think what these local authorities need is more power. More power comes from money. Most of these local authorities have been created on tribal considerations, political motivation and, therefore, are not economically viable. So, what do you do if you are caught in this quandary? We need to give them more money. I propose that 40 per cent of all taxes collected by the Central Government be ceded to local authorities so that they can be able to carry out important task such as maintenance and building of infrastructure. The Central Government keeps all the money and if you want to build a murrum road around the lake to export fish, you have to come to the Treasury. It is absurd that to murrum a road, you require a Member of Parliament to come and ask a Question in Parliament when actually a small amount of tax given to the local authorities would be able to enable these bodies to carry out their duties.

Mr. Temporary Deputy Speaker, Sir, cess can be levied in areas where we have tourism like the Coast. A certain portion of the money that is collected from tourism should go to the local authorities there to help them even maintain some of the infrastructures that the tourism industry depends upon. I think this job is far too big to be left to Odongo Omamo Commission. With due respect to them, that cannot work. We need a constitutional overhaul that will take into consideration the issue of how to raise money for the local councils. Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support.

*(Question of the first part of the amendment,  
that the words to be left out,  
be left out, proposed)*

*(Question of the first part of the amendment,  
that the words to be left out be left out,  
put and agreed to)*

*(Question of the second part of the amendment,  
that the words to be inserted in place thereof  
be inserted, proposed)*

*(Question of the second part of the amendment, that the  
words to be inserted, in place thereof  
be inserted put and agreed to)*

*(Question of the Motion as amended proposed)*

**The Minister for Information and Broadcasting** (Mr. Makau): Thank you, very much, Mr. Temporary Deputy Speaker, Sir. As stated in the Motion which is now amended, councillors are very, very important when it comes to matters of development. Councillors play a very major role because they are always with the people at the grassroots, and the Motion as amended, I feel its welcome and is long overdue.

Mr. Temporary Deputy Speaker, Sir, one of the things that I would like to stress here is that although we are talking about remuneration of councillors, it is also very important and we hope that the Odongo Commission is going to look into the training and the quality of people working in the Councils. Apart from the Councillors, those officers who are working in Councils, there should be constant in training for them because if some of the Councils, you find that some officers who have been given responsibility are not trained, especially in financial management. So, this is one of the things that we hope that the Odongo Commission will look into and while also looking into that, we would like them to look into that allowance or salary of Kshs3,600 which is given to Councillors. A councillor is always with his people and the allowance that he is given is not enough because, as you know, politics today needs a lot of interaction with the people that you represent. Sometimes when they go for the Harambees, there is need for them to contribute some money.

Mr. Temporary Deputy Speaker, Sir, there is one thing which I would like to say, that we are stressing on these people that are bedrock of a democratic system of Government. I would also like to say that we should also understand clearly that a lot has been misunderstood when it comes to democracy. There is a lot of interpretation and a lot of misinterpretation of what democracy is. We should always keep on stressing on democracy that is home-grown not the one that is "imported" by foreigners.

Mr. Temporary Deputy Speaker, Sir, while on this, I would like to stress the fact that there is need for peace and stability and any group that incites people to demonstrate, inviting civil disobedience should be condemned by all peace loving Kenyans. I have in mind some statement that was made yesterday whereby---

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Makau! Hon. Makau, you are right in what you are saying, but what has that to do with this Motion?

**The Minister for Information and Broadcasting** (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, this Motion talks about the local authorities being the bedrock of our democratic system of Government. I am talking about democracy. It is contained on the Order Paper. I am talking about those who are being influenced to "importing" democratic issues. We would like to condemn them and especially any statement that is meant to incite wananchi like for example a statement that was made by Dr. Leakey which is seditious. He is very lucky that he was not arrested. He should have been arrested on the spot after inciting people to demonstrate in support of his party. He should have been arrested immediately.

**Dr. Lwali-Oyondi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to keep on misleading people that when you call for demonstration you are inciting them when he has been inciting people to demonstrate against Brig. Odongo?

**The Minister for Information and Broadcasting** (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, I am stressing the fact that if you have applied for registration of a party and there is delay you cannot say that you are going to ask people to demonstrate against this. You can wait as long as the Government is looking into that

application. One thing should be known that it is not a must that the registration of political party, is approved.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Makau! The Safina matter is before the court. You all know it, or ought to know it and you have no business discussing it here.

**The Minister for Information and Broadcasting** (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, I am talking about a statement that was made yesterday, calling on people to demonstrate. He is inviting anarchy in this country, and this is something that should be condemned by all Kenyans. In fact, Dr. Leakey is lucky because he was not arrested. He should have been arrested on the spot for inciting people to demonstrate. It was a seditious statement in accordance with the Penal Code.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Although it is now time for the Mover to reply he had indicated to me that he was ceding five minutes of his time. I don not know whether he still has that intention. So any hon. Member who wants to speak there are five minutes available. I will give the opportunity to hon. Kiliku.

**Mr. Kiliku:** Ahsante sana Bw. Naibu Spika wa Muda. Hawa madiwani wamechaguliwa na watu ambao pesa zao zinakatwa na kodi zinapelekwi moja kwa moja hadi Benki Kuu ya Taifa. Zile pesa hazipelekwi kwa local authorities mbali zinapelekwa kwa Central Government. Serikali za Wilaya kama ya Mombasa zikiishiwa na pesa zinauza vitu vyote. Hivi sasa wameuza vitu vyote. Wanauza masoko ili wapate pesa za kulipa Wizara. Wameuza central market, vyoo vya umma, na mali yote ya umma ili wapate pesa za kulipa. Hivi sasa ninazungumza watu wa Tudor Estate wamelipia maji kwa Mombasa Municipal Council na zile pesa zimekosa kulipwa kwa Wizara ya Maji na hivi sasa maji yamekatwa.

Ukienda kwa Council wamechukua pesa lakini hawawezi kupeleka hizo pesa kwa Wizara lakini wanawalipa wafanyakazi wao.

Katika hizi serikali za wilaya ni lazima madiwani wote watendewe vyema kwa sababu ndio wanafanya kazi kule grassroots. Hivi sasa, madiwani wameona kuchukua maploti na kuziua ndio kuendelea kwao. Ikiwa madiwani watalipwa sawa sawa na wawe na heshima, basi watakuwa katika mstari wa mbele kuzitetea zile public utilities katika mitaa yao. Hivi sasa, ukitoka, huwezi kupitia pale City Hall kwa sababu kuna maandamano ya wafanyakazi tangu jana. They are going to paralyse the services of this City kwa sababu bado hawajalipwa pesa zao. Nimewaona askari wakitumia farasi. Lakini farasi hawawezi kusaidia.

Ikiwa ukweli haupatikani, hata kila mtu akiwa na farasi yake, hawawezi kitu ikiwa City Council bado haijalipwa wafanyakazi wake. Je, kule kwingine nje ambapo pia wamesikia namna hiyo kwamba ni lazima walipwe pesa zao? Nairobi wameanza, Mombasa pia waanze, Kitale, Eldoret, Kisumu na kadhalika, Waswahili wanasema: "Usipoziba ufa utajenga ukuta", mambo yatakuwa mengine.

Nakubaliana na Waziri kwamba, sio mhe. Mbunge anayefaa kuleta Mswada ugeuzwe, ni Waziri kuleta Mswada wa kugeuza sheria. Yeye ndiye anatakiwa kufanya hivyo lakini sio Mbunge kuleta sheria ---

**Dr. Otieno-Kopiyo:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ni haki kwa mhe. Kiliku "kutabiri" kwamba kutakuwako na mchafuko huko Mombasa, Kisumu na kadhalika watu wasipolipwa?

**The Temporary Deputy Speaker** (Mr. Wetangula): Hayo ni maoni yake na sio lazima yawe ni ya kweli! Endelea, Bw. Kiliku.

**Mr. Kiliku:** Ahsante sana, Bw. Naibu Spika wa Muda. Nimeshamwambia "usipoziba ufa, basi utajenga ukuta". Basi namwomba Waziri alete Mswada hapa wa kuigeuza sheria ili tuwe na uwezo wa kuitekeleza Hoja hii.

Kwa hayo machache, naunga mkono.

**Mr. Rotino:** Mr. Temporary Deputy Speaker, Sir, I really want to thank all those hon. Members who did contribute to this Motion and even those who had the intention, but did not have time. I want to thank them for their wonderful contribution.

Even the Bible says that do not tempt somebody beyond certain limits. Even when Christ was also tempted, he was tempted beyond his limits. He could not be tempted more than what he could bear. We are tempting our councillors so much into doing things that is not their wish because "the flesh is weak, but the spirit is willing". The spirit is not willing to do something bad, but the flesh is doing it.

This issue concerning the salary of councillors is very important. The qualification of senior staff within the councils is also very important. The audit of all local authorities' accounts should be looked at seriously. In fact, as it came out in the PAC report, most of the local authorities' accounts have not been audited for along time.

As mentioned, there are different problems within different councils. Not all of them are the same. But what is pertinent is that councillors are really suffering. I want to appeal to all those who are responsible in all local authorities to ensure that they prepare their accounts and appear in the Odongo Omamo Commission so that

they take their problems there. We want their problems to come out strongly there so that they are seen to be pertinent and spread all over the country and that the Government needs to consider seriously how to solve them. As I had said, local authorities are grass roots organisation in our communities. They are the custodians of the problems of the Community. They are the people we depend on seriously.

Mr. Temporary Deputy Speaker, Sir, I want the Omamo Commission to incorporate in their Report the views we have expressed on this Motion. If these views are not brought out clearly we will reintroduce this Motion here. This Motion should be implemented and should not be shelved like various Ministries have done with other Motions. All councillors in the Republic are waiting for the passage of this Motion to see what the Ministry will do with it. We should remember that councillors decide our fate during campaigns. So, if you say something which will not please them then you know that you will lose in the next election. Councillors should also appear before the Omamo Commission and give their views.

I also ask the Ministry of Finance to speed up the release of grants to local authorities. Why are these grants released haphazardly? If the Treasury has budgeted for those grants, why are they not released to the local authorities timely? These people have families and children who they educate. And all of us budget for the amount of money we are sure of getting at the end of every month. However, councillors have nothing to budget on.

I just once again want to thank the Ministry of Local Government for having taken this Motion seriously. I hope that the Ministry will be as serious with the implementation of the Motion as they have accepted it.

With those few remarks I beg to move.

*(Question of the Motion as amended  
put and agreed to)*

*Resolved accordingly:*

THAT, bearing in mind the perennial inability of local authorities to be so financially sound as to sustain their operations; and being aware that local authorities are the bedrock of our democratic system of Government; this House urges the Government to work out modalities to ensure that civil leaders (councillors) are paid a monthly allowance as per the Local Government Act, while awaiting the recommendations of the Omamo Commission Report.

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, Hon. Members! Although we still have five minutes remaining, for the convenience of the business of the House, the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.25 p.m.