

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 28th October, 1999

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.526

RE-INTRODUCTION OF THE
TWENTY-SHILLING NOTES

Mr. Kathangu asked the Minister for Finance:-

(a) if he could explain why the Kshs20 notes have been re-introduced into circulation following the withdrawal of twenty shilling notes worth Kshs2 billion and the replacement of the same amount with coins by the Central Bank of Kenya;

(b) how much of this money is in circulation; and,

(c) how this affects the strength of the shilling and the level of inflation.

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

(a) There was no withdrawal of the Kshs20 notes worth Kshs2 billion and the replacement of the same amount in coins, by the Central Bank of Kenya. The issue of re-introduction of the Kshs20 notes does not, therefore, arise.

Mr. Deputy Speaker, Sir, in view of the answer to part "a" above, parts "b" and "c" do not arise.

Mr. Kathangu: Mr. Deputy Speaker, Sir, I am happy with the Ministry, for giving me supplementary information on the distribution and tabulation of the Kshs20 notes in circulation.

Mr. Deputy Speaker, Sir, however, I would like to know why three months after the introduction of the Kshs20 coins, there were no Kshs20 notes circulating in this country, until there was an allegation in this House that the National Bank of Kenya was collapsing. That was the time the Government gave Kshs2 billion to the National Bank of Kenya to bail it out. Was it a coincidence that the National Bank of Kenya was collapsing and the Kenya Shilling started losing in value?

Mr. Lomada: Mr. Deputy Speaker, Sir, I think, the hon. Member ought to note that the National Bank of Kenya could not have been left to collapse. The Kshs20 note is being replaced gradually by the Kshs20 coin. Whenever any customer goes to any bank with the Kshs20 note, it is taken to the Central Bank, and the Kshs20 coin is given to the customer. That is what is in circulation at the moment.

Mr. Gatabaki: Mr. Deputy Speaker, Sir, in Kenya today, there are so many old Kshs20 notes circulating. There is a possibility that they have been recycled back into circulation. The fact that some people have made a killing out of it, cannot be overruled. Foreign exchange certificates worth Kshs3 billion were taken to the Central Bank of Kenya and they have never been found. Could the Government assure this House and the people of Kenya, that this money has not come back through the back door, and that is why we have old, stinking, filthy notes?

Mr. Lomada: Mr. Deputy Speaker, Sir, I would like to assure the hon. Member, that, any Kshs20 notes that are taken back to the bank are never put back into circulation. The Kshs20 coins replace them immediately. It should also be understood, that, the Kshs20 note can also not be introduced at the same time with the Kshs20 coin. What goes to the Central Bank is not put into circulation any more.

Mr. Gatabaki: On a point of order, Mr. Deputy Speaker, Sir. What about the three sacks of foreign exchange certificates which disappeared from the Central Bank of Kenya? Could he assure the House that these will not find their way back into circulation?

Mr. Lomada: Mr. Deputy Speaker, Sir, I think, that case was handled exhaustively by security

personnel. Therefore, that is not a problem at the moment.

Mr. Anyona: Mr. Deputy Speaker, Sir, this sounds like a simple matter, but for ordinary Kenyans, it is very complicated. The Assistant

Minister should not confuse himself, the House and

the country. Could he explain to us the correct position in very simple language? For example, we had the Kshs5 note which was replaced by the Kshs5 coin and the same applied to the Kshs10 note, which was replaced by the Kshs10 coin. In that respect, we would like him to assure the House, that, once the coin is introduced, the notes gradually disappear. Could he also tell us the validity period within which they are still legal tender? Kenyans would like to know.

Mr. Lomada: Mr. Deputy Speaker, Sir, actually, as the hon. Member has stated, we do not see the Kshs5 note or the Kshs10 note nowadays. They have disappeared. The same thing will happen to the Kshs20 note. But the Kshs20 note is still a legal tender.

Mr. Deputy Speaker: He is asking how long the Kshs20 note and the Kshs20 coin will run parallel? Is it one year, two years or five years?

Mr. Lomada: Mr. Deputy Speaker, Sir, that is what I was coming to. It will take a year. After that, you will not see the Kshs20 note any more.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, it is very unfortunate for the Assistant Minister, to authoritatively state that the National Bank of Kenya (NBK), would not collapse. Yet, the Government robbed this country of Kshs6.5 billion to save the same bank. However, my question is this: In a layman's language, what does replacing a note with a coin mean? Is it devaluation or what? What do we tell Kenyans has happened? Why do we replace?

Mr. Lomada: Mr. Deputy Speaker, Sir, there is nothing like devaluation. What is happening is that we are just changing the Kshs20 note with a coin. It is just modern currency. That is what the banks have decided.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. Why do we not change the Kshs100 note with a coin, if we just change for the sake of it?

Mr. Lomada: Mr. Deputy Speaker, Sir, hon. Gatabaki has just complained of the notes getting lost, being filthy, smelly and old. I think it was a wise idea for the coin to be introduced for durability.

Mr. Ndicho: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us whether the late Mzee Jomo Kenyatta's notes are still legal tender in this country? Once in a while, when you go to a shop or a bank, you can be given that note.

Could he also tell us why, when mechanics strike the Kshs10 coin or the Kshs20 coin, the copper one in the middle splits from the coin, and you are left with a ring. Could he tell us the quality of the Kshs10 and Kshs20 coins?

Mr. Lomada: Mr. Deputy Speaker, Sir, in the first place, even hammering the coin is a crime! Whoever does that should be taken to the police! That is destroying our money! However, I do not think that the question of the late Mzee Jomo Kenyatta's money can arise in this case. We are dealing with the present currency!

Mr. Ndicho: On a point of order, Mr. Deputy, Speaker, Sir. Could the Assistant Minister tell this House whether the late Mzee Jomo Kenyatta's notes are still legal tender? Are the notes still recognised by the Treasury?

Mr. Lomada: Mr. Speaker, Sir, the notes are not there any more! If they are not there, then they are not in circulation!

Mr. Wamalwa: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House, since he is in effect saying that, the late Mzee Kenyatta's money is no longer there, is it going to be a Government policy that, each time there is a new President, the old money is scrapped and replaced by new money bearing the portrait of the new President?

Mr. Lomada: Mr. Deputy Speaker, Sir, I think that will depend on what the banks and the Government want.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, Kenya is part of the world. It is not an island. For example, in America, there is money with a portrait of Abraham Lincoln and other founders of those States. There are certain designations of either one dollar note, ten dollar note or US\$100 note for different Presidents, to maintain the history of that country. What we are asking is this: What is the policy of the Government? Shall we be changing our money with each President who comes, or shall we retain some of the notes for the founding fathers? There ought to be one note in Kenyatta's name to last forever!

Mr. Lomada: Mr. Deputy Speaker, Sir, the question of either changing or not changing is relative, it is not very important. What is important is the money itself!

Mr. Sambu: Mr. Deputy Speaker, Sir, does the withdrawal of the note bearing the portrait of the late

founder of the nation, Mzee Jomo Kenyatta, imply that when he died, his importance to the history of this country also died?

Mr. Lomada: Mr. Deputy Speaker, Sir, I believe that is not part of this Question!

(Loud consultations)

Mr. Deputy Speaker: Order! It is quite clear that we are making no progress, asking questions to which we are getting no answers! So, we better make some progress! Let us move on to the next Question!

Question No.489

PAYMENT OF TUITION FEES
IN PRIMARY SCHOOLS

Mr. Muchiri asked the Minister for Education:-

- (a) whether he is aware that, headmasters of primary schools in the country, have sent home many pupils due to non-payment of tuition fees of Kshs200 or more, per child per month, which is not remitted either to the Central Government or the local authorities;
- (b) whether he is further aware that members of the Parents Teachers Association (PTAs) in some schools are paid attendance allowance from money collected as tuition fees; and,
- (c) whether he could ensure that this practice is stopped.

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

(a) My Ministry has received a few letters of complaint to the effect that some head-teachers in some schools charge tuition fee, and it is investigating. However, it has not come to the notice of my Ministry that, the headmasters of all primary schools in the country charge Kshs200 each per pupil as tuition fee. It has also not been reported to my Ministry that any pupils have been sent home for non-payment of tuition fee.

(b) It has equally not been brought to the attention of my Ministry that, the committee members of the PTAs in some schools are paid attendance allowance.

(c) My Ministry does not encourage the payment of tuition fees in schools. However, in order to promote education in the respective districts, the District Education Boards (DEBs) have been mandated, under the cost-sharing policy, spelt out in Sessional Paper No.6 of 1988, whose membership include the hon. Members of this august House, to promote education in their respective districts. In this connection, therefore, they do approve limited levy to be charged to pupils by schools in order to improve education standards.

Mr. Muchiri: Mr. Deputy Speaker, Sir, in reply to part (a) of the Question, the Assistant Minister has said that, he has received a number of complaints from some parents. If you have found that, it is true tuition fees are charged in some schools, what action will you take?

Mr. Karauri: Mr. Deputy Speaker, Sir, I have said that the DEBs can authorise collection of some levy, including tuition fees. If any hon. Member has a query with regard to what any primary school does, he should raise the matter in the DEB. If they fail to take any action, that should be brought to our notice and we will take action.

Mr. Muchiri: On a point of order, Mr. Deputy Speaker, Sir. Are school tuition fees that are charged today legal or illegal? Has the Ministry recommended the payment of tuition fees?

Mr. Karauri: No, Mr. Deputy Speaker, Sir. It is against the Ministry's policy.

Mr. Anyona: Mr. Deputy Speaker, Sir, if the Assistant Minister was to expect Members of Parliament to bring him cases, they would be so numerous that he would not know what to do with them. Just the other day, I had a case from Kitutu Masaba and I spoke to his Permanent Secretary (PS). I wrote to him and I do not know whether any action has been taken! What I would like to know clearly and categorically from the Assistant Minister is: Is there, or are there no tuition fees for primary schools in urban and rural areas? If so, how much is it?

Mr. Karauri: Mr. Deputy Speaker, Sir, first of all, let me state that we have 17,080 primary schools in this country. If they were to charge Kshs200 per pupil per month, that would be a lot of money. Some pupils would not afford to pay the money. Where the PTA approves a method which is against the Ministry's policy, it is very difficult to investigate.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. I have asked a very simple straightforward question! Is there, or is there no tuition fees in primary schools in urban and rural areas? If so, how much is it? If there are fees, what is this long story all about?

Mr. Karauri: Mr. Deputy Speaker, Sir, whoever is doing that, is doing it against the Ministry's policy.

Mr. O.K. Mwangi: Mr. Deputy Speaker, Sir, the Assistant Minister has acknowledged that the District Education Board (DEB) has got the authority to levy fees for the promotion of education in this country. How does it ensure that the monies that the DEBs levy on the students are spent in the manner in which they are supposed to be spent? I am not aware of any situation where a DEB has been audited. How will the Ministry ensure that the DEB does levy money for the purposes of promoting education?

Mr. Karauri: Mr. Deputy Speaker, Sir, in the absence of any complaints, we assume that things are running well. Since the hon. Members of this House are Members of DEBs, they should report those cases to us.

Mr. Sambu: Mr. Deputy Speaker, Sir, the policy of our KANU Government which is also stated in its manifesto, is the provision of free primary education for all. How can this Ministry allow primary schools to charge tuition fees? Would he agree with me that the Minister for Education, the Director of Education and all the education officers are going against the law by charging tuition fees when education is supposed to be free at the primary level?

Mr. Karauri: Mr. Deputy Speaker, Sir, we do not allow that. We want specific cases where the law is being violated. We want the receipts that are being issued to pupils so that action can be taken.

Mr. Muchiri: Mr. Deputy Speaker, Sir, can the Assistant Minister tell this House what the policy of the Government is with regard to the children who cannot afford to pay the tuition fees which are being levied in primary schools? Are these children supposed to continue with their education or they will have to be discontinued?

Mr. Karauri: Mr. Deputy Speaker, Sir, since those levies are not authorised by the Ministry of Education, if we had specific cases and complaints, we would make sure that those children go back to school.

Mr. Anyona: Mr. Deputy Speaker, Sir, this is one case in which we made some progress and I am very grateful to the Assistant Minister. He has said that all the tuition fees which are being charged are illegal and that any other levy which is being charged is also illegal.

Mr. Deputy Speaker, Sir, will it not be in order for the Assistant Minister to make a categorical statement this afternoon that anybody who is collecting money from students is breaking the law and will be prosecuted and that this must stop with immediate effect?

Mr. Karauri: Mr. Deputy Speaker, Sir, we will not do that. I have already indicated that the DEBs have a leeway. In order to promote education in the districts they can make certain decisions. Since hon. Members are members of DEBs, they can assist us!

Mr. Deputy Speaker: Next Question, Mr. Kihara Mwangi!

Mr. O.K. Mwangi: Mr. Deputy Speaker, Sir, before I ask my Question, I would like to say that although I have received a written reply just now, I have noticed that the Assistant Minister has deliberately omitted to answer part of the Question. I do not know whether that part of the Question will be answered.

Mr. Deputy Speaker: Mr. Mwangi, let the Assistant Minister answer your Question. If you will not be satisfied with the answers he gives you, you can say so and I will make a ruling.

Question No.521

MARAGWA/MURANG'A
TEACHERS TRIP TO DUBAI

Mr. O.K. Mwangi asked the Minister for Education:-

- (a) under what circumstances 80 teachers and other personalities from Maragwa and Murang'a districts went on a business trip to Dubai using school funds;
- (b) under what authority these teachers undertook to buy electronic equipment like computers and fax machines for their schools;
- (c) why the parents of Muthithi Secondary School were being forced to pay Kshs2,000 each for the trip; and,
- (d) whether he could table a list of all persons who went on the trip, their schools and positions held and further order those who spent school funds to refund the said money.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Deputy Speaker,

Sir, I beg to reply.

(a) Twenty six principals of secondary schools, two education officers and a District Officer I from Maragwa District and nine principals from Murang'a District - a total of 38 people - went to Dubai from the two districts. These were among a total of 93 people from Central Province comprising of 87 principals of secondary schools and six other public servants who went on an education tour to Dubai and not on a business trip. The trip was facilitated by the Central Province Branch of the Kenya Secondary Schools Heads Association. However, individual school Boards of Governors recommended sponsoring of the majority of the principals from voted school funds while other principals used their own private funds. My Ministry views such trips to be educationally beneficial to both the individual and for the good of education in the country, so long as the Boards of Governors and Parents Teachers Associations approve them and the DEBs endorse them.

(b) Those principals who bought electronic equipment and other machines for their schools were authorised to do so by their respective Boards of Governors through a Minute of their respective Boards of Governors meeting.

(c) The parents of Muthithi Secondary School are paying Kshs2,000 per student towards the drilling of a water borehole in the school and not towards the trip as alleged by the hon. Member. This project, as well as the cost was approved under Minute 6/99 of a joint meeting of schools Boards of Governors and Parents Teachers Associations held on 26th March, 1999.

(d) Since the amount of money utilised from the schools funds for trip by those principals who travelled to Dubai was approved and voted for by their respective Boards of Governors who manage the schools, the use of the said funds was in order. The question of the principals refunding such funds, therefore, does not arise.

Mr. O.K. Mwangi: Mr. Deputy Speaker, Sir, the answer given by the Assistant Minister is full of falsehoods. I would like to inform the Assistant Minister that on 24th May, 1999, the Provincial Director of Education, Central Province, confirmed that there were 80 teachers from Maragwa and Murang'a Districts who went on this trip. Secondly, the students of Muthithi Secondary have been sent away not because of the money which is meant for the drilling of a borehole in the school, but because they refused to pay money towards the trip. They have been sent away on the grounds that they must pay for the money that was spent from the school account. Can the Assistant Minister tell this House - since there is no audit of school funds and the DEB funds currently - how the Ministry ascertains that school funds are not used for the wrong purposes? Can the Assistant Minister tell the House what the Ministry is doing to ascertain that the money that is spent by the teachers and the Boards of Governors are not school funds? The parents are required to pay that money while they are not even represented in the decision making of the schools budgetary committees.

Mr. Karauri: Mr. Deputy Speaker, Sir, I want to assure the hon. Member that the Ministry of Education has an audit department that audits school funds where there are problems. In this particular case, the hon. Member and the other hon. Member from the same district sat in the DEB which authorised this trip.

Mr. O.K. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. Since the Assistant Minister has alleged that I sat in the DEB which authorised the spending of this money, can he table the Minutes of that DEB meeting which authorised the spending of that money?

Mr. Karauri: Mr. Deputy Speaker, Sir, I have got the Minutes of the DEB meeting and I will table them. Among those who were present as *ex-officio* members included hon. O.K. Mwangi, MP and hon. Peter K. Mwangi MP, Maragwa. This meeting was held on 4th December, 1998.

(Mr. Karauri laid the Minutes on the Table)

Dr. Ochuodho: Mr. Deputy Speaker, Sir, while I very much appreciate that some of the teachers came back with computers and I would, of course, want to encourage other schools in the country to follow suit, I do not think that it was necessary for the teachers to go to Dubai on an educational tour to buy these computers. Can the Assistant Minister tell us what the teachers stand to benefit educationally by going to Dubai?

Mr. Karauri: Mr. Deputy Speaker, Sir, in this country, many schools organise to visit other schools in other districts and if they are capable, they can even go to Britain or any country. As a Ministry, we think that it is beneficial. The teachers saw that country's educational system and what they do in their schools, which is beneficial to them.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. When people go to Britain we understand since they have educational excellence. What is so excellent educationally in Dubai that would make teachers or students want to go there?

Mr. Karauri: Mr. Deputy Speaker, Sir, Dubai is a country in the United Arab Emirates, and it is like

any other country in the world.

Mr. O.K. Mwangi: Mr. Deputy Speaker, Sir, I would like to see those minutes.

Mr. Deputy Speaker: Order, hon. Mwangi! They have been laid on the Table.

Mr. O.K.

Mwangi: Mr. Deputy Speaker, Sir, this is because I want to inform this House, through the Chair, that I was not present when the minutes of the meeting that decided on the question of Dubai were deliberated upon. I heard about it after the meeting which was not on the material day that I attended the DEB meeting.

Mr. Deputy Speaker: Order! The Assistant Minister has laid on the Table minutes which purport to include your name.

Mr. O.K. Mwangi: Mr. Deputy Speaker, Sir, which I am refuting.

Mr. Deputy Speaker: Order! You now have an opportunity to get hold of those minutes, read them and if you have another issue with the Assistant Minister, I will give you an opportunity to raise it. However, you cannot stand now, read the minutes and continue arguing with the Assistant Minister. So, take the minutes, read them and then next week, if you have an issue, raise it and I will give you time.

Next Question!

Mr. O.K. Mwangi: Thank you, Mr. Deputy Speaker, Sir. I have a final question.

Mr. Deputy Speaker: You have just explained it at that time by telling us that you want to read the minutes.

Next Question!

Question No.501

DESTRUCTION OF FISHERMEN'S
NETS BY TRAWLERS

Dr. Awiti asked the Minister for Agriculture, Livestock and Rural Development:-

(a) whether he is aware that trawlers are fishing in the shallow waters of the Nyanza Gulf, Lake Victoria, instead of fishing in the deep waters of the lake;

(b) if he is further aware that trawlers are destroying the small fishermen's nets rendering the fishermen out of the fishing business; and,

(c) what action the Ministry is taking to correct the situation.

The Minister for Rural Development (Mr. Mohamed): Mr. Deputy Speaker, Sir I beg to reply.

(a) I am aware that there has been a few incidences of illegal trawlers operating in the shallow waters of Lake Victoria.

(b) I am also aware that such illegal trawlers may destroy the small fishermen's nets rendering the fishermen out of business.

(c) Under the Fisheries Act, General Regulation 43 (1), trawling is a prohibited fishing method. My Ministry has intensified patrols to curb incidents of illegal trawling. In fact, a number of trawlers have been taken to court. The Government has also initiated projects geared towards effective law enforcement mechanisms and to address the issue of regional co-operation.

Dr. Awiti: Mr. Deputy Speaker, Sir, fishing is one of the most important industries in Nyanza. In Karachuonyo constituency, where small fishermen have been affected, about 20,000 people earn their living from fishing. As I am talking, as late as last week, about 500 canoes have been rendered useless. They cannot continue with business because their fishing nets have been destroyed by the trawlers. Since the Government has now accepted that illegal fishing is going on, could the Minister tell this House now whether they are going to compensate the fishermen whose nets have been destroyed. Could he further tell us which trawlers have been taken to court?

Mr. Maalim: Mr. Deputy Speaker, Sir, I agree with the hon. Member that fishing in Lake Victoria is very important and the Government attaches great importance to that industry. As I have already said, the Government has taken measures to make sure that this illegal trawling stops immediately. As a result of that, on Friday, 1st October, four trawlers with six people on board were arrested and charged in Bondo Court on 4th October, 1999, on two counts of trawler fishing using prohibited methods of fishing. Each of the six people was fined Kshs12,000. This is what we are doing and we are going to make sure no more illegal trawling takes place in Kenyan waters.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, enforcement of the law of the sea or any law affecting water is always a very difficult thing because no country has the force to be present at the boundaries or within its

territorial waters to enforce all laws. Now, in this case, trawling in Kenya is prohibited, but it is allowed in Tanzania and Uganda. Therefore, trawlers from Tanzania and Uganda which stray into Kenyan territorial waters on Lake Victoria can still violate the regulations that have been put in place. Would the Minister consider using the new spirit of East African Co-operation to urge both Tanzania and Uganda to enforce similar laws on their side of the lake so that no illegal trawling can reach Kenyan waters?

Mr. Maalim: Mr. Deputy Speaker, Sir, I said in my answer that we are using every means possible and particularly, with the regional co-operation spirit. We are co-operating with our two neighbouring countries and we are doing everything possible to make sure illegal trawling is stopped.

Mr. Sungu: Mr. Deputy Speaker, Sir, the matter of fish is very important to the people of the lake region and we take this matter very seriously because when trawlers are used to deplete the fish levels in the lake area, we are not happy. The perpetrators of the trawling are well known. In fact, a former Provincial Commissioner of Nyanza who is a PS in the Office of the President is one of the perpetrators of this illegal trawling. Can the Minister tell us how many patrol boats he has to patrol the lake waters of the gulf? What measures is he taking about these well known criminals?

Mr. Maalim: Mr. Deputy Speaker, Sir, there is no doubt about that and I agree with the hon. Member. Fishing in Lake Victoria is very important and the Government is not sparing anybody whether he is a Provincial Commissioner or a Member of Parliament. Anybody found fishing illegally will be arrested and taken to court.

Dr. Awiti: Mr. Deputy Speaker, Sir, the Government has agreed that illegal fishing is going on in the shallow waters of Nyanza Gulf, Lake Victoria, and I have said here that many of the small fishermen's nets have been affected. Could the Minister tell this House whether these fishermen who have been affected can be compensated?

Mr. Mohamed: Mr. Deputy Speaker, Sir, I am not clear about the question of compensation, but what we are doing is to make sure that we protect the fishermen.

Question No.540

LAKE BASIN DEVELOPMENT
AUTHORITY PROJECTS IN URIRI

Mr. Omamba asked the Minister for Rural Development:-

- (a) what projects the Lake Basin Development Authority has initiated in Uriri Constituency between 1993 and 1999; and,
- (b) how much money has been spent on each project.

The Assistant Minister for Agriculture and Rural Development (Mr. J.D.M. Lotodo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Lake Basin Development Authority has initiated the following projects in Uriri Constituency between 1993 and 1999:

(i) Rural Domestic Water Supply and sanitation projects where six water points have been constructed in Rae, Murrum, Nyaobe, Koduoga A and B and Kotieno. Also 327 VIP latrines were also constructed in homes, market places and institutions.

(ii) West Kenya Rainfed Rice Project: Under this project, 124 farmers in Uriri constituency have been assisted with seasonal credit for land preparation and rice seed for planting.

(iii) Small Scale Fish Farming Project: Under this project, the Authority has constructed a number of fish ponds in Migori District and 47 farmers from Uriri Constituency have benefited so far.

(b) The following is the amount of money spent on the mentioned projects at (a) which were initiated by the LBDA in Uriri Constituency:

(i) Rural Domestic Water Supply and Sanitation Project; Kshs3.24 million.

(ii) On West Kenya Rainfed Rice Development Project, Kshs2.3 million has been spent out of which Kshs921,760.00 has been spent in Uriri Constituency.

(iii) On Small Scale Fish Farming Projects, Kshs2.5 million has been spent in Uriri Constituency.

The projects are on-going and it is expected that the Authority will continue initiating more projects in Uriri Constituency as the need arises and when funds are available.

Mr. Omamba: Mr. Deputy Speaker, Sir, when I toured my constituency, these water ponds the Assistant Minister is talking about were started and have not been completed and there is no water in the ponds.

Secondly, the Assistant Minister talked about the rainfed rice project. In which part of Uriri Constituency

have these farms been initiated and if so, in which locations? These farms do not exist!

Thirdly---

Mr. Deputy Speaker: Order! Order, Mr. Omamba! Ask one question at a time. You have already asked two questions!

Mr. J.D.M. Lotodo: Mr. Deputy Speaker, Sir, I would like to inform the hon. Member that, the water points and six VIP latrines cost the Government Kshs620,000; while Murram wells and also 50 VIP latrines cost Kshs550,000. Nyaobe Well and also 50 VIP latrines cost Kshs550,000. Koduoga A Well and 50 VIP latrines, cost Kshs550,000. Koduoga B Well and 650 VIP latrines, Kshs620,000. Kotieno Well and 53 VIP latrines, Kshs599,000.

So, the argument that those projects were not implemented is not true.

Mr. Onyango: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House in which part of Uriri Constituency, the Government is having West Kenya Rainfed Rice Project?

Mr. J.D.M. Lotodo: Mr. Deputy Speaker, Sir, I have just mentioned the areas.

Mr. Achola: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is misleading this House. There is no scheme in Uriri Constituency where rice is grown. This particular Question was raised in this House last year and we reminded the Ministry that, the scheme is actually in my constituency which is Migori; 35 kilometres away from Uriri. Therefore, could the Assistant Minister tell us exactly where in Uriri this scheme is?

Mr. J.D.M. Lotodo: Mr. Deputy Speaker, Sir, as I said, there is no specific scheme in Uriri, but farmers within that particular area have been assisted.

Mr. Achola: Mr. Deputy Speaker, Sir, I am sure the Chair is not satisfied with what the Assistant Minister is talking about. We are saying that the scheme he is talking about is in a different constituency and that, in Uriri Constituency, no such project exists. Now that the Assistant Minister has failed to give a proper, could he go back and do his proper homework?

Mr. J.D.M. Lotodo: Mr. Deputy Speaker, Sir, as I said, the scheme which was initiated--- I am referring to the pockets of farmers within that constituency who were assisted with some inputs and other farm implements.

Mr. Omamba: Mr. Deputy Speaker, Sir, the Assistant Minister is talking about fish ponds in Uriri Constituency and he mentioned many farmers. Could he tell this House the names of those farmers in Uriri Constituency and which location they come from in Uriri constituency?

Mr. J.D.M. Lotodo: Mr. Deputy Speaker, Sir, for the benefit of the House, since the list is long, I would like to lay it on the Table because it contains names of 127 farmers.

(Mr. J.D.M. Lotodo laid the list on the Table)

Mr. Deputy Speaker: Do that! Next Question, hon. Shidiye!

Mr. Omamba: On a point of order, Mr. Speaker, Sir. The Assistant Minister has mentioned a large sum of money. If that amount of money was given to the farmers. could he---

Mr. Deputy Speaker: Order! Order! Hon. Omamba, you asked him to give you the names of the farmers with fish ponds and he has just said that he is tabling that list. You cannot now jump from the list of names to the sums of money. Be consistent. Mr. Assistant Minister, you can lay it on the Table.

Mr. J.D.M. Lotodo: Mr. Deputy Speaker, Sir, I have laid it on the Table.

Question No.479

AMBULANCE FOR MODOGASHE
HEALTH CENTRE

Mr. Shidiye asked the Minister for Medical Services:-

(a) whether he is aware that Modogashe Health Centre lacks an ambulance, generator and other equipment necessary for its operation; and,

(b) when he will provide enough and trained personnel to man this health centre.

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

(a) I am aware that Modogashe Health Centre does not have an ambulance. The Ministry was only able to provide one ambulance for the district. The Health Centre has a generator which has minor defects and is being repaired. The other equipment necessary for the operation of the centre is in place.

(b) There are trained personnel already in place to man Modogashe Health Centre. A Clinical Officer

attached to the Centre is scheduled to go for post-graduate training and a replacement will be made as soon as possible to boost the staff establishment.

Mr. Shidiye: Mr. Deputy Speaker, Sir, I sympathise with the new Assistant Minister. This is not an answer! As far as I know, Modogashe Health Centre does not have an ambulance and it does not have a clinical officer, a generator nor water supply. Therefore, it is not worthy to be called a health centre.

Having said that, since this is not an answer, could the Assistant Minister go back and bring a proper answer to this House because this is not what we deserve to be given as an answer?

Mr. Mukangu: Mr. Deputy Speaker, Sir, what I have stated in my reply is that, the Ministry was only able to supply one ambulance for the district. However, I promise that once funds are made available, we are going to make sure that there is one ambulance for the Health Centre.

Mr. Shidiye: On a point of order, Mr. Speaker, Sir. Garissa District is 45,000 square kilometres and the entire district has only one doctor and one ambulance! The Assistant Minister is not serious! That ambulance cannot reach Garissa and that road cannot be used by the ambulance.

Mr. Deputy Speaker: Order! Order, Mr. Shidiye! Do you want to pursue this Question or do you want it deferred?

Mr. Shidiye: Mr. Deputy Speaker, Sir, this Question should be deferred.

Mr. Deputy Speaker: The Question is deferred.

(Question deferred)

Question No.500

KILLING OF MRS FARAH
AND MR. SUGU

Mr. Shill asked the Attorney-General:-

(a) whether he is aware that on 25th March, 1994, a police officer killed Mrs. Farah and Ismael Sabe Sugu in Garissa Town;

(b) whether he is further aware that the Principal Magistrate's Court at Garissa carried out an inquest No.3/95, and recommended that the police officer be charged; and,

(c) what action has he taken against the said officer.

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

(a) Yes, I am aware.

(b) The magistrate stated that the circumstantial evidence on record pointed to a named police officer.

(c) Having received the court's ruling on the inquest, and having studied the same, I have ordered further investigations into the matter as recommended by the court.

Mr. Shill: Mr. Deputy Speaker, Sir, in 1994 when this incident happened, a former Member of Parliament for Lagdera sought a Ministerial Statement from this Government. At that time, the Government said that those people had been killed by a stray bullet. Today, the Attorney-General has accepted that those people were killed by a police officer. Since this matter has taken five years, justice delayed is justice denied. How soon is this man going to be arrested and taken to court?

Mr. Wako: First of all, it took sometime because investigations had to be carried out. The inquest hearing also took sometime. After the inquest hearing, the ruling and everything else has to come my office. We received the inquest ruling in September, and I have already ordered further investigations which are really technical investigations before I take action.

Mr. Keynan: Mr. Deputy Speaker, Sir, it seems that there is an indirect policy by the Government to alienate the people of North Eastern Province. The only punishment policemen who have killed and committed other atrocities in North Eastern Province are given is to transfer them from the region. Can the Attorney-General tell this House why it took him five years to recommend what action to take against a particular officer? If it was in other parts of this country, he will have acted within two days.

Mr. Wako: Mr. Deputy Speaker, Sir, the Government does not have a policy to alienate people from North Eastern Province. I, myself, was there only recently at Ijara. Therefore, there is no such policy.

After receiving the file, I have taken only two weeks to read it and ordered further investigations. That is a very efficient way of handling this matter. There may have been some delays in the investigations and in the inquest, but this is common throughout the Republic. We are addressing that issue.

Mr. Kaptan: Mr. Deputy Speaker, Sir, the evidence in record, and I have had the chance to read the

records, point at nothing else but murder. The witnesses gave evidence and the Magistrate has stated very clearly that the policeman is responsible. What investigation is the Attorney-General ordering to be made instead of ordering the arrest of this man so that he can be charged with murder?

Mr. Wako: Mr. Deputy Speaker, Sir, I have the inquest ruling with me and it makes very clear in two instances that the case was very poorly investigated. Because of those poor investigations, there is no conclusive evidence pointing to a particular person. But the magistrate does say that it points in a particular direction. Therefore, we need conclusive evidence that points to the particular person, hence, further investigation. If the hon. Member wants to know further areas of investigation, he is at liberty to come and read my letter of 19th October, 1999, addressed to the Director of Criminal Investigations, on the areas which require further investigation.

Mr. Weyrah: Thank you, Mr. Deputy Speaker, Sir. I think I will not be wrong if I said that the Office of the Attorney-General and himself are very inefficient. If a case is pending under investigations for five years and still, he wants to do further investigations, I do not think there is any justice. This is not the only case which is pending under investigation. There are other thousands of cases like this one which are still pending under investigation. Can he assure this House that he is not going to order for further investigation into this case and that the culprit will be taken to court?

Mr. Wako: The hon. Member is complaining about the delays in investigations. The hon. Member clearly knows that the police do not fall under the Attorney-General's Chambers. So, you should not confuse investigations with the work of the Attorney-General. At times, investigations do take a long time and I admit that this particular case took a long time. In fact, the magistrate alluded to the fact that there may have been an attempted cover-up. But these are issues we deal with and we are dealing with them, so be patient. In this particular instance, I am sure justice moves very slowly, but justice will be done at the end of the day.

Mr. Shill: Mr. Deputy Speaker, Sir, it is very clear that the Attorney-General has just taken action after I had raised this Question. Is the Attorney-General aware that after the mob attacked and injured the said police officer, he went and took a gun from his house and started killing people randomly? Do such things really need evidence? Could the Attorney-General, therefore, confirm or deny that this officer used his gun to kill these people?

Mr. Wako: Mr. Deputy Speaker, Sir, the inquest ruling makes reference to a fracas involving this police officer. It makes reference to other police officers coming to the scene. It also makes reference to many police officers having guns and shooting people. These are the issues that have to be investigated so that, the evidence leads conclusively to this particular police officer.

QUESTIONS BY PRIVATE NOTICE

RELIEF FOOD FOR NDARAGWA RESIDENTS

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

(a) Is the Minister aware that the people living in the lower parts of Ndaragwa Division in Nyandarua District are faced with famine?

(b) Could the Minister urgently consider supplying relief food to the residents of this area?

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

(a) I am aware that most parts of the country are experiencing drought and stress, hence affecting the availability of food. This includes the lower parts of Ndaragwa Division in Nyandarua District.

(b) Relief food will be supplied to Ndaragwa as requested by my colleague. But usually, they must sit with their DCs and DOs to tell us how many people are suffering from hunger and how many bags they need. But today, when I saw this Question, I authorised for the supply of relief food to the affected area.

(Applause)

Mr. Thirikwa: Mr. Deputy Speaker, Sir, I think I have asked a very specific Question, so the issue of the whole country does not arise. I am specifically concerned with Ndaragwa Division. I have a written answer here which is talking about a committee called the Local Social Dimensions of Development Committee. Since time immemorial, I have never heard of this kind of Committee. The Minister requires this Committee to give him the number of people who are suffering from hunger in Ndaragwa. Could he possibly tell us about this

Committee so that, we can know what it is all about and then, we can avail ourselves to go and sit in that Committee so that the people of Ndaragwa do not continue suffering?

Mr. Nassir: Mr. Deputy Speaker, Sir, I advised the hon. Member to see the DO and DC, so that they can assess the situation and let me know how many bags of maize are needed in that area. In fact, I know his people are suffering and that is why I sent them some relief food.

Mr. Deputy Speaker: Order! Hon. Members, no more questions. This Question and others by Private Notice are all deferred, because it is now exactly 3.30 p.m and we must move on to the next Order.

(Question deferred)

OCCUPATION OF COFFEE
FACTORIES BY THUGS

(Mr. Mutahi) to ask the Minister of State, Office of the President:-

(a) Is the Minister aware that on 5th October, 1999, the Nyeri District Commissioner, Mr. Ali Korane, with his entire security team and 40 armed policemen were stoned and chased away by armed thugs, who had camped and had been training in Mutitu Coffee Factory?

(b) Is he further aware that the said thugs illegally occupied three coffee factories namely; Mutitu, Karundu and Kiawamururu about two months ago with the full knowledge of the District Security Officers and that on 20th July, 27th September and 5th October, 1999, the thugs invaded villages and destroyed coffee plants, burnt houses and shops and held several people hostage including the area chief?

(c) In view of the above, what action has the Minister taken to restore security in the area, and punish those behind the attacks?

(Question deferred)

CLOSURE OF MOI UNIVERSITY

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

(a) Why was Moi University closed on 19th October, 1999 at 5.30 p.m.?

(b) Where is the students' leader, Mr. John Matata?

(Question deferred)

DISAPPEARANCE OF MOI-SIRGOI
HIGH SCHOOL HEADMASTER

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

(a) Is the Minister aware that the headmaster of Moi-Sirgoi High School did not report to the school when the third term of 1999 started in early September, 1999?

(b) Is he further aware that before the said headmaster disappeared from the school, he withdrew an amount of Kshs.920,000, money collected by parents of the school for purchasing a school bus?

(c) What immediate steps is the Minister taking to apprehend the said headmaster and get back the school money he withdrew from the school's account?

(Question deferred)

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

Mr. Deputy Speaker: Hon. Members, you [Mr. Deputy Speaker] have before you, the Order Paper. It states very clearly that the debates on the Committee of Supply should start not later than 3.30 p.m. So, if you do not have the watch, for your benefit, there is a clock on the wall.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. Why should the Chair defer Questions which have been on the Order Paper for many months?

Mr. Deputy Speaker: Order! The Chair does not defer these Questions because it does not want them asked, but your own rules force the Chair to start the next Order at 3.30 p.m. Change these rules, so that we start

at 4.00 p.m. and you will have another half-hour. However, for the time being, we shall proceed to the Next Order.

COMMITTEE OF SUPPLY

*(Order of Committee read being
19th and Final Allotted Day)*

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Vote 12 - Ministry of Local Government

(The Minister for Local Government on 27.10.99)

(Resumption of Debate interrupted on 27.10.99)

Mr. Deputy Speaker: Mr. Obwocha was on the Floor.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. I would like to seek the guidance of the Chair with the respect to the provisions of Standing Order 142(7). After the Vote on the Ministry of Local Government, we shall go into the Guillotine procedure. Normally, the Ministries that have been considered during the Committee Supply within the 18th Allotted Day, do not fall under Guillotine procedure. We guillotine Ministries' and departments' votes that were not considered during those days. Given the recent reshuffle in the Government, there has been transfers of Ministries, functions and services across the entire spectrum of the Government organisation. Now, we run the danger as the Parliament, possibly, by failing to vote money simply because we have not carefully considered whether a particular vote has been passed in one Ministry or not. For example, I can see here under Vote 10, Ministry of Agriculture and Rural Development. This Ministry, as the Ministry of Agriculture, has already been voted by the House and yet, today we have it on the Order Paper. I thought, maybe, the Chair would like to explain to the House, that will be required as the House, to pass each and every vote wherever it might be, in the spread of Government organisation this afternoon, for the money to be legally voted.

Mr. Deputy Speaker: Order! First of all, we are still discussing the Vote on the Ministry of Local Government. So, when we come to the Committee stage, Ministries which have been merged and whose votes have been approved, I hope that, the Minister who will then be moving it for the Guillotine procedure, will exclude the specific vote that has been approved. So, I think everything is in order. However, in any case, we have not reached that stage yet. I myself, will be chairing in the Committee and I will watch out for it.

(Applause)

POINT OF ORDER

MISREPORTING BY THE PRESS

The Assistant Minister for Local Government (Mr. Kiangoi): On a point of order, Mr. Deputy Speaker, Sir. I stand to seek your guidance and I note that you have called for the next Order. Yesterday, Mr. Obwocha was on the Floor and there was a matter that was not completed in the sense that, he had been asked by the Speaker to withdraw and apologise for naming me as a person who instigated the arrest of certain councillors, without a substantive Motion. That matter is still pending and I would like to get your guidance on it, as to whether Mr. Obwocha, who apparently is not here, will still be required to withdraw and apologise to the House. Secondly, Mr. Deputy Speaker, Sir, it was reported in today's *Daily Nation* and *the East African Standard* newspapers that I was involved in fighting hon. Obwocha after the House rose. With due respect, there was no fighting. I think that part of report was wrong. I only wanted to find out why he was trying to bring matters which we had discussed before, into the House.

Mr. Deputy Speaker: Order! That is enough, Mr. Kiangoi. I have looked at the HANSARD and it

looks like hon. Obwocha was saved by the Bell. But he is not here now. So, any ruling that I may make, will not have any effect on him now. But I will defer that matter to next week on Tuesday or Wednesday, when I will give a ruling on it. As for the reporting, the Chair has had to warn the newspapers to report accurately, because they are here at our sufferance. We allow them to sit here by courtesy and they must report accurately. I do not know whether they reported you fighting

Mr. Obwocha physically or verbally, because here we are supposed to win opponent's argument by logic and not by going physical. I would like once again, to appeal to the newspapers that they must report accurately. If in doubt, come down and ask the Clerk for clarification.

Mr. N. Nyagah: Take evidence?

Mr. Deputy Speaker: Order! I am not holding a court session. So, I am not going to take evidence from hon. N. Nyagah or anybody else. The important thing is this: Hon. Members, must act with restraint all the time. You must avoid issues that lead to physical fight because this House is not for physical fights, but for debate, so that you win it over others with logic.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. This is the third time, a matter involving politics of Kisii has surfaced in this House. All the time, it is from the same source. You remember that there was a time when I was adversely mentioned here. I did raise the matter with you and you said the matter would be looked into, but it was never addressed. I decided to leave it there. More recently, there was an issue where Prof. Ogeri was said to have killed the late Ouko. Again, the Speaker undertook to take some action, but nothing happened. Today, we have another issue. Would I be in order to request that matters, of Kisii politics be left totally out of this Parliament? This Parliament is not about Kisii. If people have problems, let them go and sort those problems out there!

Mr. Deputy Speaker: Order! Order! Hon. Obwocha, I have told you that the Chair is still with this issue, and that a suitable ruling on it will be made. For the time being, let us proceed with debate on the Motion before us. So, hon. Members who would like to contribute to the Motion on the Vote of the Ministry of Local Government may we proceed.

*(Resumption of Debate on Vote 12 -
Ministry of Local Government)*

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

Mr. Deputy Speaker: No more points of order. Hon. Nyagah, you may proceed.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. We are going against the procedures of this House.

Mr. Deputy Speaker: Hon. Sambu, we are not breaching any procedure. We are debating a Vote that is rightly before this House.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. We have debated and passed a Motion on the Vote of the Ministry Health. However, the same Vote has been brought again to be passed under the guillotine procedure. Have the procedures changed?

Mr. Deputy Speaker: Hon. Sambu, I would like you to tell the House the procedure that we are breaching.

Mr. Sambu: Mr. Deputy Speaker, Sir, we are voting on a Vote twice, and that is not procedural.

Mr. Deputy Speaker: Hon. Sambu, hon. Anyona has raised the same issue. I answered him that for the time being, we are debating the Motion on the Vote of the Ministry of Local Government. However, when the House goes into Committee, queries on all the Votes that have been referred to will be raised. I also said that the Minister who will be moving the Votes for guillotine will make the necessary exclusion of those Votes which we have already approved. Now, if that is not the correct procedure, then I stand to learn from hon. Sambu's Parliamentary college. Proceed, hon. Nyagah!

Mr. N. Nyagah: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to the Motion on the Vote of the Ministry of Local Government. I would like to start by thanking the Minister for having taken action, first and foremost, by asking for certain details from the Nairobi City Council. I will appreciate if the Minister listens to what I have to say.

I would like to state right away that the principal statute on which the local government system was drafted in 1963 prior to Independence needs to be amended. Over the years, the statute has been amended on a piece meal basis. Time has now come for this Parliament to be great by amending this statute. The local government regulations of 1963 provided that a complete review of the local government system would be done

within five years of their publication and that, thereafter, local authorities would be looked into every 10 years. However, the Government has continued to misuse and abuse the same rules that it has made. This is not a matter for the Minister for Local Government or local authority chief officers or the President to make a decision on. Parliament, which is supreme, ought to have amended the Act.

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

Mr. Temporary Deputy Speaker, Sir, blame has been apportioned over and over again that Opposition areas are being looked as organizations that are not able to effectively run local authorities. So, if the Government is committed to adhering to the Constitution, it must follow the provisions of the 1963 statute on local government system. The Government should be courageous enough to bring into the House the recommendations of the Omamo Commission for debate and adoption. When he was contributing to this Motion yesterday, it was very difficult to tell whether hon. Dr. Omamo was speaking as the former chairman of this Commission. Several issues he raised are contained in the Omamo Commission.

So, I would like to know why it is so difficult for my good friend, the new Minister for Local Government, to bring forth these amendments. My view of hon. Kamotho, as the Secretary-General of KANU, is very different from that my good friend, Mr. Angwenyi. If hon. Kamotho carries out his duties in the Ministry with the same zeal he serves KANU, as its Secretary-General, local authorities countrywide will do well. I would like to request the Minister that, with all the "251 powers", not to bring a commission into Nairobi; he should let us sort out the mess at the Nairobi City Council. I would not like to discuss the roles being played by the Chief Officers at the Nairobi City Council. However, I would like to discuss the issue of Nairobi City Council because I represent an urban constituency that is affected by what is happening at the Nairobi City Council, and I have no apologies to make to whoever I will "attack" here. The time has come for the new Minister for Local Government to send away the Town Clerk, Mrs. Wandera, and Mr. Kuria wa Gathoni, from this council.

Hon. Members who talk about these two officers in this House are not crazy. These officers will never facilitate the provision of the required services to the residents of Nairobi. Let us not wait any further. We have a lady who is more powerful than her own Minister. Who are these godfathers who are protecting this woman? She must go. If she does not go, no services will be rendered to the residents of Nairobi. New blood has been injected into the Ministry, which we would like to see serving Nairobi. My worry is that when hon. Kamotho leaves the Ministry, the one who might take over the Ministry might not observe what will have been put in place by his predecessor. So, I think time has come for a Commissioner for Local Government to be put in place, so that the Minister is left with the principal role of policy making and the handling of political matters that go with his office. The Commissioner for Local Government will look after the administrative aspects of local authorities.

Mr. Temporary Deputy Speaker, Sir, I really love my role as the shadow Minister for Health. Time has come for us to realise that 1.9 million Kenyans are already infected by the AIDS-causing virus. So, I would like to request, once again, that the Nairobi City Council brings in a fully-qualified public health administrator to head the council's relevant department. I have no quarrel with the council's current public health officer. However, he is not qualified enough to enable us to move forward. Currently, three out of 10 people in Nairobi are HIV positive. As a matter of principle, I have decided to hold a medical camp for my constituents every two months during which doctors will treat people for various diseases, including AIDS. For this purpose, I have got aid from outside the country. So, I would other hon. Members to follow suit, so that this can be done. As you know, we are organising a big symposium on AIDS which will be attended by all Members of Parliament, including the Vice-President, Prof. Saitoti. We are also trying to invite some experts from outside the country to come and help.

Before I finish, I have some little matters I would like to take up with the Minister. I am glad that the chief officers from the Ministry are here, because I will be a nuisance after I read the material report. It partly reads as follows:-

"It is a blockage of vehicular access to commercial property on LR. No.209/7259/R, Biafra Estate, where some very rich man put up a Kshs40 million property".

After that was done, a letter was written by the Director of City Planning, Mr. Kuria wa Gathoni, which reads as follows:-

"The referenced blockage of vehicular access to Mr. Kangata's development has been caused by unauthorised encroachment of the estate's existing village into a section of the existing road reserve. Mr. Kangata's development was approved with consideration that vehicular access provided for in the plan by the City engineer was--- Give them access to this road".

What happened thereafter? The same Kuria wa Gathoni who is known to have more than 600 plots within Nairobi City had a friend whom he wanted to allocate this particular place. This place has electricity mains, water and sewerage pipes and so, if there is a blockage it is difficult to access the pipes. Now, what they have done is to allocate a rich man, Mr. Johnstone Chege Meru, this area. I will lay the documents on the Table so that hon. Kamotho can see them. Now, they are asking a group of villagers who have already put up two nursery schools, a hall, a church and toilets, through funding by two NGOs, one of them being the United Development Group, to demolish the village so that Mr. Kuria wa Gathoni and his group can benefit. Is this what we are planning in Nairobi City? I would like to urge the Minister and his Permanent Secretary, Mr. Osundwa, as soon as they get back to their offices, to move in and save the situation. This is because the people of Biafra and Members of Parliament are tired of being viewed as people who only deal with demolition of kiosks. They are saying that they will fight to the end.

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

The Minister for Medical Services (Dr. Anangwe): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion. May I begin by supporting the Motion and endorse all those views that have been expressed in support of this Motion. Indeed, this Ministry's Vote needs to be passed without any amendment because they have done a very good job.

There is something unique about the Ministry of Local Government's Vote. It is one Ministry that can balance its books. Before it makes request for money, it has already identified where it will get the revenue from. It is unlike other Ministries which you find in their gross budgets or expenditures, they only express the figures they wish to be assisted in terms of money, but they hardly make an effort to identify where these resources will come from. Each Ministry has gross and net expenditure. If you look at what is being requested from the Exchequer in most Ministries, you will find that some are big spenders. They ask as much as 93 per cent, but this Ministry is very unique. It is only asking for 8.7 per cent, and the least in terms of its request from the Exchequer.

The next Ministry that has nearly done what the Ministry of Local Government has done is the Ministry of Roads and Public Works. Therefore, I am saying that in so far as it has expressed its wish to get about K£17.7 million from the Exchequer, we cannot really deny it the money. May I also request other Ministries to borrow a leaf from the Ministry of Local Government so that in future when we get budgets from them, at least, they are balanced. In terms of Appropriations-in-Aid, this Ministry can cater for itself to the tune of about 91 per cent. The same picture was there last year, when it could cater for itself by 92 per cent. This is a pattern we expect from other Ministries instead of them loading us. Where there is no fundamental difference between growth and net expenditure, because the Ministry has not identified where it will get its resources from--- This Ministry is very special. It can generate resources from sale of equipment and machinery, miscellaneous receipts, reimbursement from LATF, road levy and reimbursement from local authorities. This is how things should be.

That notwithstanding, I would still wish this Ministry to re-examine its budget, at least, with a view to increasing Sub-Vote 120, Head 372, Item 326 which relates to the Grants to Needy County Councils. I am sure that even if it made an effort to request as much as it asked today in respect of that particular Item, it would still be performing very well. It will not exceed 20 per cent of its gross expenditure.

Mr. Temporary Deputy Speaker, Sir, it is important to increase that particular Item for various reasons. Many county councils are "broke" and they need assistance. I hope that through that particular Item, the Ministry will assist needy county councils. I know that some people might argue that county councils are supposed to generate their own resources. My reaction to that kind of argument is that the Central Government gets money from the people of Kenya, most of them who belong to county councils. In order to avoid double taxation, the resources which the Central Government collects are the same resources that are due to county councils. Indeed, if we were to restructure allocation of resources in this country and we went back to the way things were in 1963, we would have to be very explicit and say that this percentage is for local authorities and the other one is for the Central Government. In other words, seeing the changes that occurred in 1963, the bulk of the resources has gone to the Central Government and, of course, county councils and local authorities have been left with little resources. But that does not mean that they are not entitled to what the Central Government generates. All I am saying is that the Central Government taxes the same people who belong to local authorities, and if the local authorities had a leeway, they would equally tax the same people. In other words, the Central Government should be willing to share resources with local authorities.

It is in this particular respect that I am asking the Minister for Local Government, in future, to see if they can expand the provision in Item 326 on Grants to Needy County Councils, so that they can get more money. When county councils perform well, probably, the load on the Central Government, of course, becomes less. When county councils dispense services such as health, water, education and roads, the burden on the Central Government also diminishes. That makes the job lighter for everyone, not only for the county councils and the

councillors, but also for hon. Members of Parliament.

As of now, being a councillor in a rural county council, you really depend on the MP. Whereas wananchi might queue to see the hon. Member of Parliament for assistance of one form or the other, at the head of that particular queue will be councillors from that constituency. This is because they cannot really sustain themselves because the resources are very scarce in the county councils. When the councillors get access to resources and services, they might lessen the burden on the hon. Member of the constituency and that makes the responsibility of the MP a lot easier. But as of now, councils do not function, they do not have resources and the councillors are "broke". Now, it is the hon. Member of Parliament who feels the heat. I would like to request that if, in future, it is possible a remedy is reached so that more resources can flow to the county councils.

Mr. Temporary Deputy Speaker, Sir, centralised services are sometimes psychologically alien to the rural people. They have either to go to the district, or the provincial headquarters, or if need be, travel to Nairobi to seek services. When officers from the Central Government are posted to the rural areas, most of them sound as if they are from the moon. They talk to the local people in Kiswahili. And to most of the rural Kenyans, speaking in Kiswahili is to be a "Mswahili." A "Mswahili" is perceived as a cunning person. In other words, the rural people hardly really have faith in them. And that is why it is very imperative that we bestow more authority and responsibility to the local units. I agree with the sentiments raised here by some hon. Members; that we need extended devolution of the local authorities. Indeed, that is the trend. Managing resources and politics from the centre, maybe, a shortcut, of course, to disaster. The danger of centralising politics and management of resources is that you also create very few avenues for political competition and capacities to deal with problems from the rural areas.

Therefore, a quest to secure control of that particular centre becomes a matter of life and death, and it is a zero-sum game. Whoever wins would not like to surrender. But when you create more opportunities, where there are also local arenas for political competition and capacities to dispense resources to the rural people, politics become a little bit lessened, in terms of tension. And that creates an opportunity for many people, of course, to compete. There would be no need - if those capacities were existing at the local levels - for councillors to want to be Members of Parliament. In fact, it would be even more fashionable for many of us to leave the national arena and seek elective posts through the wards, because we can afford to stay at home every morning with our rural people. We can move to where solutions need to be generated, instead of the trend where you have one leg in the rural area and another one in the urban area and your job is to keep on galivanting between Nairobi and your rural constituency. That would make, at least, representation at that level a bit more attractive.

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

Mr. Ndicho: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to also air my views concerning this all-important Ministry of Local Government, because after the Central Government, this Ministry becomes very important as far as the delivery of services is concerned to the people of this country. To have effective delivery of services, we need sound management in the local authorities in this country. And more, we also need good political leadership in the councils. Currently, there are a lot of squabbles in all the councils all over this country, because of the mode of election of the political leaders who are leading them. And that is why I am joining other hon. Members to support the call where mayors and county council chairmen will be elected directly by the people so that the Mayor of a municipality, or of the Nairobi City Council gets direct loyalty from the people of this City, or a municipality, rather than the councillors who have elected him. I have got a practical example to give. A mayor gets people from his rural area to come and elect him in a certain ward and, then, he takes them back. And because he has got some money, he bribes councillors so that they can elect him as a mayor. In that way, the Mayor has no personal relationship with the rest of the residents of that municipality. And that is why we have a lot of problems, because I, as the elected Member of Parliament, am answerable directly to each and every individual. If that is not so, next time they will not give votes. But that mayor who was not elected by the ordinary people has nothing to lose. He would bring his people to his ward who would elect him and then give the councillors money to elect him the Mayor. So, I fully support the suggestion that mayors should be elected directly.

Mr. Temporary Deputy Speaker, Sir, I wish to oppose categorically and vehemently the suggestion that the local authorities should be given autonomy. The minute the local authorities are made autonomous, that is the end of the world. If now we have got big heads in the local authorities, who go on spending council money with impunity and yet there is a Minister and a Permanent Secretary and other officers to check on them, what about if they are left alone in the discharge of their duties? They would plunder those local authorities and disappear. So, there must be close control and supervision of them from the Ministry of Local Government. We have really suffered in the hands of the past officials of the Ministry, and I am happy that we have new officials. We look upon those officers very much, because they are the window of the Government in the rural areas. They should not

let councillors and Town Clerks to come from their respective stations to give them money so that things go the way they want.

Mr. Temporary Deputy Speaker, Sir, currently, in Thika Municipal Council, we have no competent and qualified Town Clerk. We urge the Ministry to post a Town Clerk there, because the person running the Council now is Fourth Grade from the rank of the Town Clerk. And things are going haywire there. I kindly appeal to the Minister and the Ministry's officials to do something, because Thika Municipal Council is one of the richest local authorities in this country. It is generating a lot of income from market stalls, houses and other areas. Yet, as the Minister said yesterday--- I have a practical example where in one of the markets, Madaraka Market, which is currently under siege because of land grabbing, council officials have printed two sets of receipt books. They are collecting Kshs3,000 daily from that market. Then, the councillors demanded that there be a team to go and collect revenue alongside those people. During the first day, they collected Kshs9,000. Ever since that day, they are collecting between Kshs12,000 to Kshs15,000 every day. You can see how corruption has really ruined our local authorities.

In Ruiru Municipal Council which is also in my constituency, we do not have a treasurer. The one who was there was involved in the murder of the late councillor. When the police started investigating the murder, he ran away and has never been arrested to-date, making that Council to be operated by an accountant. Then, how do you expect such a council, which is an important town as well, to run without a qualified, treasurer? As the Minister streamlines the services of the local authorities, it is important that he also gives us a treasurer.

Mr. Temporary Deputy Speaker, now, there is a tendency of local authorities to destroy kiosks and sheds belonging to the common persons in the country. This morning, without notice at all, Thika Municipal Council askaris went with bulldozers and demolished kiosks which were stocked with people's goods. Maybe, somebody took a loan of about Kshs50,000 from a friend to stock a kiosk. Then, the Council, because the Mayor is not a friend of that ward, sends askaris and bulldozers to demolish people's properties. Kenyans are asking: Upto when will the Government make us paupers? But I tell them: "It is not the Government; it is the other small government called the local authorities." So, the Minister for Local Government, who is also in the Central Government, must protect the image of the Central Government from being destroyed by his officers down there. Somebody takes the trouble to go and identify an area, digs holes, constructs a kiosk and then it is demolished by the council's askaris. Why did the Council not stop those people from doing business in those kiosks in the first place before destroying their properties?

Mr. Temporary Deputy Speaker, Sir, I have a letter here which I have addressed to all Members of parliament from Kitui, Mwingi, Garissa and Wajir districts and I have given a copy to the Minister. Madaraka Market in Thika Town supplies foodstuffs to North-Eastern and Eastern provinces. I have brought that issue to this Parliament to show that 319 people from one ethnic group have been allocated the whole market. It has been sub-divided into 319 stalls. We have got over 2,000 traders in that market. I have addressed them and told those Members of Parliament from the above districts to come and join me in fighting against the grabbing of this market. Once this market is grabbed, the people from the north will not get cabbages, potatoes and all the other commodities.

I wish also to inform the Minister for Local Government to follow the Local Government Act, Cap 265. If he follows that Act to the letter, he will not favour anybody politically. I do not want favours from the Minister, but I would like him to follow that Act strictly. Right now, Thika Municipal Council has got 12 elected councillors. The law provides that a third of those elected councillors should be nominated to the council. A third of 12 councillors are four councillors. Early this year, the Minister's predecessor, the hon. Prof. Onger, over-nominated by an extra councillor to the Thika Municipal Council, whereby, instead of having 16 councillors, we have 17 councillors. Is that not breaking the law? Did the Minister and the President not swear by the Bible that they would defend the Constitution of this country till Jesus comes? How did somebody just break that law with impunity? The former Minister argued that the law allows for co-option. I read Section 91 of the Act which says that a certain committee will sit down, and if it requires the services of a qualified person within a certain period, it should hire the services of that person to offer services, and be paid an allowance for that sitting. This person is a full-time councillor and draws a salary from Thika Municipal Council. If we are talking about reviewing the Constitution of this country and we are ignoring the small laws that we have, then where is the goodwill to show that even the Constitution will be reviewed to the satisfaction of Kenyans? I appeal to the Minister to follow the Act and de-nominate that person, who is the KANU Executive Officer in Thika District.

Mr. Temporary Deputy Speaker, Sir, I would also like to appeal to one Member of Parliament from Thika to keep off my Constituency. Yesterday, he tried to haul insults at me here, but I cannot be a councillor because I am an hon. Member of Parliament. He should speak for himself instead of speaking for somebody else. He has been told to say this and that. He should stop because I will not tolerate it.

With those few remarks, I beg to support.

Mr. Muturi: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support the Vote of the Ministry of Local Government. I wish to say one or two things regarding what various hon. Members have said with regard to the necessity to amend the Local Government Act, Cap 265.

Some of my colleagues, especially on the opposite side, may be delighted to know what constitutes the qualification of a person to be elected or nominated a councillor. Under Section 53(v) of the Act, the copy of which I have just borrowed from the Clerk of the National Assembly and which was revised in 1986, gives the following as the qualifications.

Mr. Parpai: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member implying that those of us who are sitting on this side do not know the provisions of Cap 265?

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, it is not my intention to insinuate that any hon. Member of this House does not know the provisions of the Act. If I am understood correctly, I said that my colleagues on the opposite side may be delighted to know that under Section 53(5), paragraph (c) one of the qualifications is that a councillor must be, among other things, a KANU life member. I am saying this to drive my point home about the necessity to amend the Local Government Act, Cap 265 which was revised in 1986. This is the copy that we have here in the House.

Dr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. member in order to mislead the House out of ignorance for not having been updated, that Cap 265 was amended? Would he allow the Minister to update him so that he does not give false information to the House?

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, I said that I am using the Act which is available here in the House and which is also available in the library. I expect that, should there be any recent amendment that the hon. Member may, perhaps, be aware of, and that this House and the Clerk of the National Assembly are not aware of, perhaps, we could benefit from his wisdom

Mr. Temporary Deputy Speaker, Sir, the Act that governs the operations of local authorities in this country is outdated. Appointments of various officers in the local authorities, especially from the levels of Town Clerks, Treasurers and the Medical Officers of Health is done by the Public Service Commission with the approval of the Minister. The same Act goes on to say that the councillors in those local authorities shall not direct or give instructions to any of such officers. I wish to add my voice to the voices of other hon. Members who have spoken before me in calling for an urgent review of this provision, so that councillors in various authorities in this country will have powers to control all employees of those authorities. In Nairobi City Council, a lot of officers in various departments such as Surveying and Physical Planning are in the habit of moving around the estates and locating open spaces, and, without any regard as to what may have previously been the intended purpose of that open space by the local authority. They re-survey such plots and then in the end, those plots are allocated for other purposes other than the ones for which the local authority may have set them aside.

Mr. Temporary Deputy Speaker, Sir, I also do know for a fact that the creation of various new districts in this country has also created an attendant problem. A lot of the new local authorities are not able to stand on their own financially. I am saying this while being mindful of Head 326 which hon. Anangwe alluded to. If these local authorities had been created after serious and thorough research having been done for their necessity, I believe we would not have a situation whereby we would be talking about needy county councils. One wonders why they should be needy if there had been any proper research done to warrant their creation. It is not necessary that whenever a new administrative area is created there should be a new local authority. We would not be talking about the need to increase funding to needy county councils in the country because there would be none.

I do also note that within Head 383, Item 182, we talk of payment of rents and rates for non-residential areas in district administrative services. I am unable to reconcile my thinking with the fact that all over the country, local authorities are dishing out those few premises that they have to individuals and, at the same time, they come here saying that they want to be given money to pay rent for their accommodation, official offices and things like those. To me, this appears to be untenable. Whereas we do know that it is a service Ministry, it should consider that this is misuse of public resources.

I would wish to appeal to the Ministry to consider intervening in the areas of Embu and Mbeere County Councils. When the two local authorities were created after the creation of the new districts, there was never any division of assets between the two county councils. One of the county councils ended up with nothing whereas the other one was left with all the assets which had been created by the two administrative units when they were one. I would urge the Ministry to urgently order the councillors, with the assistance of the Provincial Local Government Officer in Eastern Province, to sit down and agree on modalities of dividing assets of the two county councils so that Mbeere County Council is able to forge ahead. Right now, the councillors in Mbeere are thinking of any

imaginable way of raising funds day and night. The money is not meant for offering services, but it is raised to pay the councillors' and officers' allowances.

At the end of the day, even though the local authority was meant to serve the residents of its area of jurisdiction, it ends up just milking them dry. We do know that local authorities are meant to be service outlets of the local residents of the areas within which they operate.

With those few remarks, I beg to support.

Dr. Ochuodho: Thank you, Mr. Temporary Deputy Speaker, Sir. I must begin by congratulating Parliament for having recently passed a Motion that urged the Ministry to increase the allowances of councillors and also to allow them to draw their allowances from the Local Authorities Transfer Fund. However, I must also register my concern that there are many Motions that we pass in this House that remain unimplemented. The councillors in Homa Bay County Council, have not been paid for 14 months. The councillors in Rachuonyo County Council have not been paid for 18 months. Under such conditions I wonder how we expect the councillors to deliver. It is no wonder that sometimes we do not get the kind of quality councillors that we expect under those kind of conditions.

I want to register the concern with regard to failure to implement what we have passed. In this very House a couple of months ago, it was resolved that DC's or DO's would cease to act as nominated councillors. Several months later, it is like the cries of a frog that does not stop a cow from drinking water. I hope that the Minister concerned is going to take our discussions here seriously. For heaven's sake, Parliament is an important institution. A Government that does not implement what Parliament passes has got no confidence in that Parliament. In my opinion, it has got no legal right to lead. I would want to encourage my colleagues from the other side to take Parliament seriously. If they have any problems implementing whatever is passed here, they should say so during deliberations. They should not wait until we pass them then they remain unimplemented.

On that basis, I want to urge the Minister to go ahead and sack all DC's and DO's who are councillors and allow the respective parties to nominate councillors to fill those positions. Recently, I had problems in my own town, Homa Bay Municipality, where the DC was prevailed upon to vote for a particular very unpopular mayor for the purpose of creating a tie, which is very illegal. Going through the Local Government Act, Cap.265, as amended it says: "The presiding officer who usually happens to be the DC is only supposed to have a casting vote. He should only vote if there is a tie." In this particular case the DC created the tie. If the Minister had allowed us to nominate a councillor instead of the DC, that influence from above would not have occurred. I also want to draw the attention of the House to the fact that---

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Dr. Ochuodho is misleading the House by saying that according to the Local Government Act, Cap. 265, the presiding officer at an election can only have a casting vote. Can he tell us which particular clause that is? To the best of my knowledge, he can have a deliberative vote.

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, I would urge hon. Munyasia to refer to the Act. However, I choose to go ahead. The clerk sent to ---

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. I asked that he tells us in which Section of the Act that is found. Otherwise he is misleading the House and he should withdraw it.

The Temporary Deputy Speaker (Mr. Musila): Dr. Ochuodho, if you are not sure of that matter, you should withdraw.

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, I will look at the particular Section. I agree that I do not know the particular Section. However, the point I am making---

The Temporary Deputy Speaker (Mr. Musila): Order! How can you say that you are not familiar with the Section when you have already told the House what it is? If you are not sure, could you be gentleman enough to withdraw it?

Dr. Ochuodho: I withdraw and apologise, Mr. Temporary Deputy Speaker, Sir.

With the current arrangements, clerks have a way of tightening the belt on councillors. In some cases councillors who dance to their tune are paid up to date. In fact, in some cases they are even given advances. Those councillors who do not toe their line are told there is no money. It is in this regard that I would want to urge the Minister to make sure that resolutions in this House are implemented so that councillors get dues that are rightfully theirs.

Mr. Temporary Deputy Speaker, Sir, I would also like to address the issue of revocation of nomination of councillors in Nyamira and Homa Bay districts where attempts have been made to revoke nominations of councillors so as to influence the outcome of elections. I did not find anywhere in the Act, where, for purposes of influencing an outcome of an election, the Minister has power to withdraw or to nullify nominations. I am not

saying that he does not have any powers to withdraw---

The Assistant Minister for Local Government (Mr. Kiangoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to refer to attempted cancellation of nominations in Nyamira District when it never occurred?

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, if it was attempted, then it did not occur, but in Siaya District, it has already occurred. If I looked at my data, I would get at least one other district where it has happened. But in Siaya, one revocation has occurred.

The Assistant Minister for Local Government (Mr. Kiangoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am saying that it has never occurred in Nyamira and there has never been an attempt to cancel nominations of councillors.

The Temporary Deputy Speaker (Mr. Musila): Dr. Ochuodho, you referred to Nyamira District as a case where cancellation of councillors's nominations took place. If that is not the case---

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, I said that, it was attempted in Nyamira District. I did not say that it occurred. But in Siaya District, it actually happened. I also would like to address the issue of revocations.

Mr. Temporary Deputy Speaker, Sir, you do not look very happy!

The Temporary Deputy Speaker (Mr. Musila): Order! I would like to urge you to concentrate your debate on matters that you have facts on. That is why you have just apologised to a point of order raised by Mr. Munyasia. Mr. Kiangoi has again raised an issue which you have now changed again to say, it was attempted. This is because you are referring to matters that you are not sure of. So, would you stay clear of matters that you are not sure of?

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, in the case of Siaya District, I am absolutely sure, and the Minister can confirm, that, indeed, it happened. If it has not happened in other places, I would like to urge the Minister to ensure that it is not used as an effort to influence leadership within those councils.

Mr. Temporary Deputy Speaker, Sir, I would also like to raise my concern about what seems to be an apparent Government policy to impoverish leaders. Soon a Bill will be Tabled in this House to improve the terms and conditions of the services of hon. Members of Parliament. It strikes me that it is in the interest of the Government to impoverish councillors so that some people can easily manipulate them. The reason I say this is because, if you compare the budget that we have for the National Intelligence Service in the current financial year is four times as much as the budget that we have for the entire National Assembly.

The Temporary Deputy Speaker (Mr. Musila): Dr. Ochuodho, we are debating the Vote on the Ministry of Local Government. If you would like to refer to the Vote of the National Intelligence Service, it falls under guillotine. So, you will refer to that matter at that time. At the moment, please, stick to the debate on the Vote of the Ministry of Local Government.

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, apart from comparing the funds that we have allocated to the National Intelligence Service vis-a-vis the budget for Parliament, I have also tried to compare it with the amount of resources that are due, based on the old Kshs7,000 payable to councillors per month for the entire year, and I still come to a similar conclusion that we seem to be overspending on certain issues. In particular, I have a problem with the budget for the National Intelligence Service.

In future Local Authorities could be given higher provisions.

Mr. Temporary Deputy Speaker, Sir, about Kshs30 million was spent in Homa Bay Town to construct a water system---

The Assistant Minister, Office of the President (Mr. Samoei): On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Ochuodho has made a very serious allegation to the effect that there is a deliberate scheme by Government to impoverish leaders. I do not think he can justify those allegations. Could he be asked to substantiate the allegation that the Government is impoverishing leaders or withdraw and apologise to the Government?

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, when I came to this Parliament, I thought it would be cheaper to beer in the lounge than it is to buy it from Intercontinental Hotel. But somehow, beer is not subsidised in Parliament. It strikes me that the idea is to keep leaders as far away as possible, to minimise our interactivity and impoverish us.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to address my concern about the money that we have---

Mr. Badawy: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii. Moja kwa moja, ningependa kuwaunga mkono wale Wabunge wote waliotambua kwamba, Waziri wa Serikali za Wilaya

alijitokeza wazi kabisa kukubali maovu na marekebisho yanayohitajika kuyatengeneza mabaraza yetu.

Nasikitika nitazungumza Kiswahili, kwa sababu, ndio lugha yangu, wala mimi siyo mjanja vile ilivyosemwa; kwamba, wale watu wanaozungumza Kiswahili ni wajanja. Ninamsikitikia yule aliyesema hivyo, hasa kwamba, yeye ni msomi. Matamshi kama hayo hutoka kwa wale watu ambao ni wajinga. Lakini haifai kutamkwa na msomi.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Badawy! You are using unparliamentary language. Could you withdraw the word "wajinga" and apologise?

Mr. Badawy: Bw. Naibu Spika wa Muda, ninakuomba msamaha, na ninalibadilisha neno hilo kwa kusema, ni watu wasioelewa na wasiotaka kuelewa.

Hata hivyo, singependa kutoka kwa maudhui yangu, kwa sababu, hotuba ya Waziri ilikuwa ni hotuba iliyokabili ukweli ulioko katika mabaraza ya wilaya. Matumaini yangu ni kwamba, vile alivyotambua zile shida zilizoko katika usimamizi, kutofahamu kwa maofisa na kutohudumu sawasawa, matumaini ni kwamba, atazingatia marekebisho yatakayosaidia mabaraza, ili wananchi wanufaike mashinani. Ni kweli, kama vile wengi walivyosema, kwamba, mabaraza ya wilaya yanatekeleza shughuli muhimu sana kushinda zile kazi tunazozifanya. Na hata kushinda kazi ambazo zinafanywa na baadhi ya zile idara zilizoko katika wilaya. Kwa sababu, huduma za kila siku zinazohitajika kwa usimamizi wa mji katika nyanda tofauti, tofauti, kama vile usafi, afya, elimu na kadhalika, ni mambo ambayo yanasimamiwa na mabaraza ya wilaya. Imani yangu kwa Waziri Kamotho, kama ile niliyokuwa nayo kwa Waziri Lotodo alipokuwa katika Wizara hii, ni kwamba, tutapata mabadiliko. Ni matumaini yangu kwamba, hakutakuwa na mabadiliko katika baraza la Mawaziri ya ghafla hivi karibuni, ili Waziri huyu aweze kutekeleza yale marekebisho ambayo alitueleza hapa, kwa urefu.

Bw. Naibu Spika wa Muda, ni kweli kwamba, jambo linalozusha shida katika mabaraza ni kutofahamu. Makarani wa mabaraza, mara nyingi wanachaguliwa kutokana na uaminifu wao kwa watu fulani, pahali wanakotoka na kulingana na mambo gani mazuri wamevifanyia vyama vyao. Nikisema hivyo, sikusudii kumaanisha kwamba, ni chama cha KANU kinachofanya hivyo, lakini, ninaushahidi kwamba, viongozi wa vyama hutaka watu watumbe kwa kazi tofauti, tofauti kutokana na uaminifu wao katika vyama vyao. Ningependa kumsihi Waziri ahakikishe kwamba, makatibu wa mabaraza watakuwa watu walio na ujuzi wa kutosha, hasa ujuzi wa sheria. Zamani, ulikuwa mtindo kwamba, katibu wa baraza lazima awe mwanasheria. Lakini kumekuwa na mtindo wa kuwachagua makatibu ambao wana kiwango cha elimu cha Certified Public Secretaries (CPS) ambao wana ujuzi fulani wa sheria. Lakini inafaa wawe wamefanya mitihani ya Certified Public Secretaries hadi kiwango cha mwisho na wawe na ujuzi na maarifa ya kufanya kazi katika mabaraza. Haifai mtu kutoka masomoni na kukabidhiwa baraza muhimu, hasa mabaraza ya manispaa na miji.

Sitaki kurudia yale yaliyosemwa na wenzangu Wabunge, lakini kitu cha kusikitisha ni kwamba, mabaraza mengi hayana madiwani wenye kiwango cha kujua mambo yanavyoendelea katika taifa letu. Hata wakipangiwa kongamano kadha wa kadha, hawanufaiki kwa vile akili zao ni duni. Hawajui mahitaji ya Kifungu cha 265 na vile pesa zinavyotumiwa katika mabaraza. Mambo haya yanahitaji watu wenye ufahamu wa kutosha. Madiwani wetu mara nyingi wanasarifiwa na makarani hodari. Ukiunganisha kutofahamu kwao na zile shida zao za kiuchumi, wanakubali kusarifiwa na kuzungushwa huku na kule, na kupitisha mambo ambayo hayaambatani na sheria. Nina ushahidi wa mambo kama hayo.

Mambo yaliokuwa kule Malindi hivi majuzi, ya kupeana kandarasi ya kuzoa taka, yanahuzunisha sana. Ijapokuwa ni siasa ya Serikali, na imo katika Manifesto yetu ya Chama cha KANU, kwamba siku moja kazi za kuzoa taka zitapewa watu binafsi, ule upeanaji tenda kwa mashirika mawili haukuwa halali. Ukiangalia pesa zinazokusanywa katika Baraza la Malindi kwa muda wa mwaka mzima, haziwezi kufikia kiwango cha pesa walizolipwa waliopewa kandarasi ya kusafisha mji kwa mwezi mmoja! Mambo kama hayo yanatokana na kutofahamu na njaa. Usimamizi wa fedha lazima upewe umuhimu sana, kulingana na nia ya Waziri kuleta miradi kadha wa kadha, kama usimamizi wa maji.

Mfano alitoka Waziri kuhusu usimamizi bora wa maji katika Mji wa Nyeri unatia moyo. Ukiwa mradi huo umefaulu, basi uwe kielelezo cha kufuatwa kwa mabaraza mengine. Lakini nikizungumzia Baraza la Malindi, linashindwa kuzimamia hata ukusanyaji wa pesa za leseni. Vile Waziri amesema, kuna watu ambao wana vitabu vyao vya kukata risiti. Wanatumia vitabu vyao badala ya vitabu rasmi vya Serikali. Imefikia kiwango kwamba baadhi ya mabaraza hayana mapato. Hata madiwani wanaruhusiwa kwenda kienyeji kukusanya pesa za leseni na ushuru sokoni, ili wajilipe madeni wanaoyadai mabaraza yao. Mambo kama hayo yawe funzo kwetu. Usimamizi mzuri wa fedha utiliwe maanani. Napongeza Serikali na Bunge hili kwa kuona umuhimu wa kusaidia mabaraza kwa pesa. Malipo mengi yataondolewa. Yanachokesha wale wanaolipa na pia wale wanaokusanya! Mfanya biashara moja anadaiwa pesa za leseni, pipa, kufagia na pia, pesa za kuandika jina lake kwa duka lake! Anadaiwa pesa chungu nzima! Hata katika leseni ya jumba la biashara, nguo inalipishwa peke yake! Ukiweka nazi na maembe, kuna ushuru wake. Ukiweka papa na sukari, kuna ushuru wake! Ukiweka viatu,

kuna ushuru wake! Mambo kama hayo yarekebishwe. Naunga mkono nia ya Waziri ya kuondoa mambo kama hayo.

Nikirejerea malipo yanayotowza katika kituo cha mabasi huko Malindi, yanasikitisha sana. Huko Malindi hakuna nafasi ya kuweka magari barabarani. Kila mtu anaweka gari lake nyumbani. Lakini, kumewekwa malipo ya kuweka gari lako kwenye kituo cha mabasi. Kumewekwa vizuizi katika barabara kuu! Ajabu ni kwamba, Wizara ya Barabara na Ujenzi imesema kizuizi kilicho karibu na kiwanja cha ndege cha Mombasa si halali! Kizuizi hicho tayari kimeua mtu! Kiliwekwa kamba, na mtu alipopita na pikipiki yake, kikamkata shingo akafa! Baraza la Malindi liko katika hali ya kushtakiwa kwa jambo hilo! Kumewekwa bumbs pahali ambapo zinahatarisha usalama wa watu. Hali hii inatokana na mabaraza kufikiria kila njia za kupata malipo! Mabaraza yanafikiria njia ambazo zinaleta uhasama kwa wale wanaolipishwa.

Nimezungumza mara nyingi sana kuhusu ufisadi katika ugawaji wa maploti. Ingawa kweli---

Mr. Mwakiringo: On a point of information, Mr. Deputy Speaker, Sir. Just to add on what my colleague has said, the bumbs at Malindi are very dangerous. They are in the town centre. They have no painting or signs to show that they are there, as you arrive in Malindi. So, I entirely agree with what he is saying. The bumbs are putting the municipality in a very dangerous situation!

Mr. Badawy: Ahsante sana, mhe. Mwakiringo. Mambo ya ufisadi hasa kwa mambo ya maploti, mimi sina wivu na vita na mtu yeyote ambaye atabahatika kupata ploti halali. Lakini ploti za umma---

The Temporary Deputy Speaker (Mr. Musila): Wakati wako umeisha! Endelea, mhe. Muchiri!

Mr. Muchiri: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I would like to support the Vote as it is, but I would request the Minister to note the following.

First, there is a confusion under the Act on the definition of the "City of Nairobi" and the "Municipality of Nairobi." That definition ought to be cleared. That is why you find there is a confusion in creating Mombasa as a City by itself.

Secondly, as we stand here, the Nairobi City Council (NCC) is collapsing. It is almost grinding to a halt. It is unable to pay its own employees. There is a lot of money within the City of Nairobi. It is only that the NCC employees are not collecting the revenue. What we all ask in this nation is: Why are all the Local Authorities collapsing? If we ask ourselves that question, and all of us work towards one goal, to prevent the Local Authorities from collapsing, and collect the revenue, the Local Authorities would come to the standard and the NCC will be one of the Local Authorities that will be lending money to the other Local Authorities.

I would like to request the Minister for Local Government to ensure that employment in the NCC and all the other Local Authorities is not done by the town clerks and the chief officers. What is happening today is that when you go those Local Authorities, they employ only those people who are connected with them. This means that the children of those who are not connected and known will never get employment. Since 1992, the NCC has employed over 5,000 people. If you ask the Members of Parliament from Nairobi, they are not aware of those who are employed. For the last ten years, not a single person has been employed by the NCC from Kasarani Constituency.

The other issue that I would like the Minister to note is that the same NCC has allocated over 12,000 plots from 1992. Those plots have not been minuted in the Minutes of the NCC. This means that the allocations are illegal. At the same time, the same NCC has employed many people without Minutes. The Minister promised to table the Minutes of the NCC, which indicate the allocation of plots last year. On two occasions, I have requested him to table the Minutes. But he has not tabled the Minutes. This means that the NCC is acting contrary to the Local Government Act. We cannot sit down and permit a Local Authority to act contrary to the Act.

The Local Government Act creates only four departments within the Nairobi City Council; that is the City Engineering Department, the Town Clerk's Office, the Public Health Department and the Treasurer's office. But the Nairobi City Council has got more than eight departments as of today. Could the Minister consider reorganising these departments and put them under the four departments that are recognized by the Act? Currently, the Nairobi City Council has got over 2,000 employees who are doing practically nothing. If you go to their offices, nothing is operational. If he does that, the management and supervision of those officers will be easy. What is happening currently is that all the chief officers and their deputies in the City Council keep on attending meetings everyday. That means that there are no people to supervise the junior staff. So, the Minister should ensure that when a particular committee is sitting, it is attended by the particular officers who are supposed to serve in that committee. By so doing, the other senior officers can go to the field and supervise the junior officers. For many years, there has not been any supervision of the junior staff of the City Council and that is why it is riddled with corruption.

Mr. Temporary Deputy Speaker, Sir, the Town Planning Department of the Nairobi City Council has

been given such enormous powers of allocating plots without the authority of the councillors. If you go to that department today, they will not give you the list of the people who have been allocated plots. This is because there has been a lot of double allocation of plots and at the same time, there have been so many unapproved plans of houses; and people have gone to the extent of building houses on road reserves. Can the Minister send a team to the Nairobi City Council to investigate the Town Planning Department and the Architectural Department. There are so many houses in Nairobi - and one complete estate - which have been built on unplanned grounds using unapproved plans.

The other issue which is of concern in those departments is that when they go to show somebody a plot, they charge Kshs13,000. This amount of money is more than the actual cost of the plot! Why should these officers be permitted to do this? The people who are putting up houses in Umoja Innercore plots were being charged by the Nairobi City Council Kshs17,000. When you charge your staff this amount of money, are you not encouraging corruption within that institution? If one is a staff of the Nairobi City Council, then he should be allowed to enjoy the facilities that are being enjoyed by people in other institutions. They should be given free services.

The other issue which I would like to comment on here is that of health facilities. In Nairobi, we do not have adequate health facilities. If you come to my constituency, you would not differentiate between the most remote parts of this country and this City. All the health facilities in this City have collapsed. We are asking the Minister for Local Government to step in and ensure that we get the health facilities. Garbage should be collected and the sewerage system should be unblocked. He should also ensure that we get qualified health personnel.

Mr. Temporary Deputy Speaker, Sir, in my constituency, there is no single road which has been tarmacked. The only road which has tarmac is the one which leads to Kamiti Prison. All the roads in that constituency are murrum roads. We have been moving from one office to another, trying to get a grader to grade the murrum roads but to no avail. Now that the rains have come, all the tenants in my constituency are going to move away to other constituencies. Can the Minister do the needful? We have agreed to buy diesel but unfortunately, the Ministry and the Nairobi City Council do not have a grader. The one they have is lying at CMC. How are we going to utilise the services of the roads that we are supposed to enjoy? We request the Ministry to give us these services and we will appreciate. If you do not give us the services, then we will start doubting the competence of this Government. Why should we have lip-service from this Government?

Finally, let me inform the Minister for Local Government that in Kaada, the council there has never met. The council was created but it could not raise the revenue necessary to pay salaries for the councillors and staff. Since then, nothing seems to be materialising. Some politicians went there and incited the public not to pay revenue. The Minister should investigate this matter and take appropriate action. Surely, we cannot manage our local authorities like this.

The Assistant Minister, Office of the President (Mr. Samoei): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute on this Vote.

Mr. Temporary Deputy Speaker, Sir, I want to join the other hon. Members of this House in congratulating the Minister for Local Government for the exposition he made and the position he has taken towards solving the myriad problems that have plagued the Ministry of Local Government for a long time. I want to urge the Minister to be firm since he is known to be a very firm person in dealing with matters that concern this very important Ministry.

I think it is time in this country that we re-evaluated our Local Government policy to reflect the changes in time that we have gone through as a country. It is ridiculous that in this time and age and at the threshold of the millennium, we do not have a formal criteria on who should be elected as a councillor. Upto and including now, illiterate people and people who have very little education or none at all still find their way into our councils and municipalities.

Mr. Temporary Deputy Speaker, Sir, the confusion that we have in the councils is occasioned by councillors who have not gone to school, working with lawyers who happen to be the chief officers in the municipalities and councils. You will appreciate the fact that civil servants working in these councils are supposed to work with councillors towards the formulation and implementation of the policies of those councils in order to provide services to residents of the councils, towns and municipalities.

The reason why we have chaos and people fighting all the time in councils and the deplorable situation we occasionally witness at the Nairobi City Council is occasioned by people who cannot reason. They go ahead to fight over issues which would have been solved through reasonable discussion and judgement. They resolve them physically through fighting. I think it is time that we agreed to have basic formal education as a prerequisite for one to become a councillor, even it means that four leavers are people who qualify to be councillors. I think that is important.

Mr. Temporary Deputy Speaker, Sir, let me say this: Councillors and chairmen of county councils are

slaves to the chief officers. I think it is time we changed policy so that councillors and chairmen of county councils---

The Temporary Deputy Speaker (Mr. Musila): Mr. W. Ruto, your time is up.

The Assistant Minister, Office of the President (Mr. Samoei): So that councillors and chairmen of county councils are elected by the people and, thus, become subject to the people.

The Temporary Deputy Speaker (Mr. Musila): Order! Order, Mr. Samoei. I am surprised that you keep on talking when I have already called you to order. It is now time to call upon the Minister for Local Government to reply.

The Minister for Local Government (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, first of all, I would like to thank all the hon. Members on both sides of the House for their very, very constructive contributions on the Vote of the Ministry of Local Government.

Mr. Temporary Deputy Speaker, Sir, I will try and respond to quite a number of issues raised by Members and also assure the hon. Members that everything they have said here will be looked into very, very seriously. However, let me start by saying that as far as the Omamo Commission Report is concerned, the Sessional Paper is ready. Therefore, as soon as practicable, the Government will bring that sessional paper here for debate so that if there are any areas that require refinement, reductions and redirections, they will be done by this House. This is because the report itself has very, very good elements which can take us a very long way towards strengthening the institutions of local Government. We are all in agreement that because of the important role which local Government institutions or local authorities play in the socio-economic development of the country, they definitely require to be given more autonomy and of course, that autonomy can only go together with adequate sources of finances to do what they are expected to do.

Mr. Temporary Deputy Speaker, Sir, when we talk of having passed a Motion here to have allowances of local authorities increased, can we understand one another that allowances and salaries of local authorities staff and councillors are not a budgetary item of the Central Government so far. So, when you tell me to go and increase salaries, it is to increase salaries from nothing because as hon. Dr. Ochuodho just mentioned here, councillors in one of his local authorities have not received any pay for 14 months. What am I going to increase? Another burden to tell them to increase the burden? I have made it very clear and I would like to state it again. Let these local authorities improve their revenue collections. If they are financially viable and sustainable, then there is no problem. We will tell them: "You can revise the salaries of your staff, councillors and so forth." However, to tell me just to issue empty directives has no meaning because I cannot tell somebody to pay what he or she does not have. The City of Nairobi, for example, is unable to pay the staff they have. What are you telling me to tell them to increase money from? The staff have not been paid for two months. I would look very foolish to go and tell them to start increasing pay allowances of councillors when there is no money to pay. So, our main emphasis is rationalisation and also to try and increase efficiency in revenue collection and management - expenditure control of these local authorities. When they are financially viable and sustainable, there is no reason why we cannot allow them to go ahead and pay their councillors what they are capable of paying. On the issue which was raised by hon. N. W. Nyagah about dissolving any local authority, we have no plans whatsoever of doing so. I would also like you to realise that since the advent of multi-partyism, the Central Government has not dissolved any local authority in this country. Therefore, there is no need of worrying about things which are not there. I do not think dissolving a local authority is a solution to the problems they are all facing of financial mismanagement and other things.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to ask the Minister to clarify whether the Ministry or the Central Government today in the era of multi-partyism is still capable of dissolving a local authority? If for example, it is just bad, do you still have the power to dissolve it or your hands are tied?

The Minister for Local Government (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, the law is still there, but I have said we have not used it and I am not ready to just use it for the sake of it. That is what I meant, but the law is still in place.

Mr. Temporary Deputy Speaker, Sir, we will try and ensure that we stick to the Local Government Act to the letter and avoid things which can be corrected. I must clarify one point which hon. Ndicho raised here about a nominated "councillor" in Thika. Nominations are done by political parties! As far as I am concerned, KANU has not recommended any nomination for a councillor in Thika Municipality because we did not have a seat there. I have gone through all the Gazette Notices and I have not seen anywhere where---

Mr. Ndicho: On a point of information, Mr. Temporary Deputy Speaker, Sir.

Mr. Ndicho: The Minister has said that he needs information, but the Chair is not allowing him to be

informed!

The Temporary Deputy Speaker (Mr. Musila): Order! Order, Mr. Ndicho! I expect you do be orderly. You rose and said that you wanted to give some information to the Minister and the Minister said that he did not want the information. I think you know the rules! Therefore, sit down and let the Minister to continue!

The Minister for Local Government (Mr. Kamotho): Mr. Deputy Speaker, Sir, as far as I am concerned, as Minister for Local Government, I am not aware of a councillor who had been nominated outside the rules and the law governing nominations. So, because Thika Municipality is a Social Development Party (SDP) council, if the councillor had been wrongly nominated by SDP, the party should write to me. But, me as a Minister, I have not gazetted any---

Mr. Ndicho: On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Minister for Local Government (Mr. Kamotho): Okay.

The Temporary Deputy Speaker (Mr. Musila): The Minister has agreed to receive your information. Go ahead!

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, do not intimidate the Minister, he is my friend and he needs the information.

The Temporary Deputy Speaker (Mr. Musila): Order! Give him the information!

Mr. Ndicho: The information I want to give him is that, he is right to say that, there is no gazettement of the councillor. But his predecessor, the hon. Sam Ongeri, did write a letter to the Thika Mayor and copied to the Thika Town Clerk and Mr. Uhuru Kenyatta; the KANU District Chairman, Thika, telling that, that councillor had now been nominated. Mr. Uhuru Kenyatta, being the Chairman of KANU, and being the KANU Executive Officer in the district, and you being the Secretary-General of KANU, could you now nullify hon. Ongeri's letter because it is on the strength of that letter, that man is a councillor in Thika Municipal Council?

The Temporary Deputy Speaker (Mr. Musila): That is more than a point of information!

The Minister for Local Government (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, I do not need to go and play about with illegalities myself. This is because as far as I am concerned, I stick to the Local Government Act and the Act governing nominations. I said that, there is no nomination of a councillor in Thika done in accordance with the law.

Secondly, if it is a KANU councillor, a letter comes from me, as the Secretary-General of the ruling party KANU, to the Chairman of the Electoral Commission, who in turn writes to the Minister for Local Government for gazettement. There is no such thing in the file! Therefore, I am lost and I do not know how to handle that matter.

So, the other issue is, Dr. the hon. Ochuodho talked about some nominations in Siaya *et cetera*. The hon. Members should understand very clearly that, revocations and nominations of councillors originate from political parties. Therefore, the Minister should not be blamed. When a political party decides to revoke a nomination, they write to the Electoral Commission and when the Electoral Commission writes to the Minister and says; "revoke and replace", the Minister only does the gazettement. So, I do not know what we are arguing about.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister not misleading this House when he gives the impression that, once the Secretary-General of the party has written to the Chairman of the Electoral Commission, that matter is settled, while we have cases from the Ministry of Local Government where a Permanent Secretary in the Ministry of Local Government presented names of KANU officials in Bungoma, for instance, to be nominated as councillors and we had to go to court to stop their registration? Is this Minister not misleading because it is his Ministry that does actually register the nominees?

The Minister for Local Government (Mr. Kamotho): That is why the court gave that ruling. I think the hon. Member appears to be supporting what I am saying that, that is the procedure. If it is done in a manner that is inconsistent with the law, the courts can always turn it around. So, the Minister should not be blamed.

Mr. Temporary Deputy Speaker, Sir, hon. Members also talked quite a bit about the grants currently being given to various local authorities. I agree that the Item is very small but---

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Before the Minister proceed, he has said that, that is why the courts are there; so that any illegalities are sorted out in the court. In the Thika case--

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

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, allow us to speak! I am rising on a point of order to ask whether the Minister is in order to make sure remarks, when in Thika we went to the High Court and the High Court gave a ruling that this Councillor should not participate in the Municipality's affairs even with that court

order, he is still there? So, could the Minister give us more direction as to where we should go when we fail in court?

The Minister for Local Government (Mr. Kamotho): As far as I am concerned, I am not responsible for enforcing court orders. But if a court order has been given and somebody is defying it, there is what is called "contempt of court". Therefore, if an order was given it had to be enforced.

Mr. Wamunyinyi: On a point order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Kamotho not misleading by claiming that, he is following the law when it is him, the same, same Secretary-General of KANU who allowed the overthrow of Mr. Nyachae when he ratified it here and said that there was an election? Is he really following the law? Is he in order?

The Minister for Local Government (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, I thought we were talking about the Ministry of Local Government and not KANU!

The Temporary Deputy Speaker (Mr. Musila): Certainly! Mr. Wamunyinyi, we are talking about the Ministry of Local Government.

The Minister for Local Government (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, if he wants us to discuss about managing KANU affairs, he is welcome to KICC and we can discuss that, or we go to Kamukunji.

Mr. Temporary Deputy Speaker, Sir, hon. Members also talked about direct election of mayors and chairmen of local authorities. I think this is a subject matter that has been talked about for so many years and it a subject that should come up when the reviewing of our laws and our Constitution will be taking place. These are not things I can do administratively because this touches on electoral laws. Therefore, it would have to wait and Members can use any channels they have---

Dr. Kituyi: On a point of information, Mr. Temporary Deputy Speaker, Sir.

Mr. Temporary Deputy Speaker, Sir, I wish to inform hon. Kamotho that in 1997, there was a unanimous resolution of this House for direct election of chairmen of councils and mayors. It is just that the KANU Government, in retracting from what it promised to enact, has failed to bring here a Bill for the amendment of the Local Government Act.

The Minister for Local Government (Mr. Kamotho): As I have just said, Mr. Temporary Deputy Speaker, Sir, direct elections of mayors and chairmen are part of the electoral process. The Electoral Commission is a constitutional institution in the land and therefore, that matter should be looked at in the light of the whole electoral process because it will change the electoral landscape of Local Government. There is no reason why it should not be left to that forum rather than a day of Committee of Supply.

Mr. Temporary Deputy Speaker, Sir, the other point which came up very much during debate is about the haphazard allocation of public utility plots in local authorities, although some Members like hon. Maitha mentioned that where local authorities were elected from the Opposition, there is no land grabbing because this is a KANU culture. Let me make it very clear that there is not a single local authority in Central Province which belongs to KANU, neither does Nairobi City Council belong to KANU. There is no place which is more abused in terms of rampant grabbing and stealing of public land than the two provinces I have mentioned. That is not KANU. Let us be honest. Hon. Ndicho is not a KANU Member and his council is not a KANU local authority. Let us not bring about partisan politics in this matter. Let us be nationalists because this is the National Assembly. Land grabbing is a disease and it is practised everywhere, including Bungoma. So, let us be honest. Unless we agree to stick to the rule of law, let things be done in accordance with the established law.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Dr. Anangwe to point at me when the Minister said that I am not a KANU Member, which is true? I am told that he is following what my detractors in Thika have said that I own 80 plots. Tomorrow, I am taking the Press, including the Kenya Television Network (KTN), the British Broadcasting Corporation (BBC), Voice of America (VOA) and the other South African Paper, to show them that I do not own any plot there. I invite my critics to be present.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Ndicho! You had the time to debate on this Motion and I do not want to entertain that point of order. Actually, there was no point of order, you just gave a speech.

The Minister for Local Authorities (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, I do not think Dr. Anangwe implied that Mr. Ndicho is a land grabber. I was only referring to the local authority.

The Minister for Medical Services (Dr. Anangwe): On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard him mention my name and it is true I was pointing in that direction. There are about six hon. Members there. Why did he really believe that I was pointing at him, specifically? I never mentioned his

name.

(Laughter)

The Minister for Local Government (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, finally, I would like to say that regarding the policy instruments that I explained yesterday, which the Ministry has initiated of the Fuel Levy, the Local Authority Transfer Fund, the single business permit by local authorities, commercialisation of management of services like water and garbage, we will make sure that they are not abused through proper monitoring systems. We will make sure that local authorities live up to the expectations of the people of this country, because Kenyans are entitled to decent services by local authorities. They are entitled to proper services from the institutions which they have created.

With those few remarks, I beg to move.

(Question put and agreed to)

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

IN THE COMMITTEE

[Mr. Chairman took the Chair]

GUILLOTINE

APPLICATION OF GUILLOTINE

*(Interruption of business pursuant
to Standing Order 142 (7))*

Mr. Anyona: Mr. Chairman, Sir, I had indicated earlier in the day that, we may require some clarification when it comes to the guillotine procedure. Essentially, we are dealing with Revised Estimates. We are not dealing with the original Estimates, given the reorganization of the Government. At some stage, you, Mr. Chairman, Sir, and many of us were very concerned about the procedural aspect of the Committee of Supply; and how the reshuffle would affect the procedural aspect of the business. In part of my research, I found out that Revised Estimates are only allowed in principle to make changes in Votes which have not already been voted. Votes which have been voted cannot be revised. If you look at Erskine May on page 699, it says as follows on the Revised Estimates:-

"If it proves to be necessary to vary the terms of a Vote so as to alter the ambit of the Vote or even to alter materially the description of a sub-head or to reduce the amount demanded, the original Estimate is withdrawn and a Revised Estimate presented."

The Votes that we are dealing with now are deemed to have been withdrawn and the Revised Estimates have been presented in their place.

Mr. Chairman, Sir, it further says:- "This can only be done before the original estimates have been voted." And I want to emphasise that it can only be done before the original estimates have been voted. In this situation, there are cases where some Votes have been voted, and in which case, technically, they cannot even be revised. That is what we are pondering; how do we go about it?

Mr. Chairman, Sir, it goes on to say:- "According to the modern practice, it is rare to present a Revised Estimates for an increased amount". In fact, here, we are told that we cannot revise estimates upwards in the Revised Estimates. So, if there is any upward revision of these estimates, then that is in breach of procedures.

Finally, Mr. Chairman, Sir, it says:-

"If an increased amount is required and the original estimates is proceeded with, and a supplementary estimates is presented unless the sum involved is exceptional large when a revised estimate may be presented to draw the attention to this fact---"

In other words, if you have to revise substantially upwards, then you can only do it in the Supplementary Estimates. That is what happens. We always come up with Supplementary Estimates.

Mr. Chairman, Sir, the aspect I want to draw the attention of the Chairman and the House is: (a) We are

dealing with Revised Estimates where our hands are tied, in so far as some of the Votes have already been voted. In the case where the Votes have not been voted, we have no problem. They have been revised and we can guillotine them. That is the first point. So, I shall be seeking clarification and I do not know whether you want to do it when we come to each Vote or now. I want guidance on that because there are cases, and I could give an example to guide the House. The first Vote on the Order Paper is State House. State House, ordinarily, and even in the reorganisation of the functions of Government, falls under the Office of the President. The Vote of the Office of the President has already been voted.

Mr. Chairman: Hon. Anyona, let me make one thing clear; first of all, we are not dealing with any Supplementary Estimates. The sum total being sought under the Revised Estimates, is exactly the same as sum of the money that was sought under the original estimates. So, there is no increase. However, there is the other re-arrangement which has already been presented to the House, and the House has approved. So, we are proceeding on the basis that there is reassignment of Votes. So, State House was a Vote on its own, although it appears under the Office of the President. If you look at the original Vote On Account, State House appeared on

[**Mr. Chairman**]

its own as a Vote, and it is still retained as a Vote, although the Office of the President has a Vote number. So, the two are distinct and separate. So, let us proceed, and when a question arises on a specific Ministry, let us then deal with it at that point. We are in the Committee of Supply, and we are going to apply the Guillotine Procedure.

Vote 12 - Ministry of Local Government.

THAT, a sum not exceeding K£17,747,250 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2000, in respect of:-

Vote 12 - Ministry of Local Government.

(Question put and agreed to)

Vote 02 - State House

THAT, a sum not exceeding K£9,859,075 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2000, in respect of Vote:-

Vote 02 - State House.

Mr. Anyona: Mr. Chairman, Sir, this is something that has never happened before. We would not want matters to go by default. I want some clarification. When the Vote of the Office of the President was moved here, it was moved by one Minister and he moved all the Votes, as I understand it, first of all, on Vote on Account, and then, the actual Vote. My understanding is that all the functions that fall under the Office of the President were covered by the resolution that asked the House to vote for funds for the Office of the President. I do not, therefore, understand, how now again, we can come here and ask to guillotine what appears to be extra funds for an office for which money has been voted. I would like an explanation. I may be wrong, but I do want to be clear in my mind.

Mr. Chairman: Hon. Anyona, I can do no better than to refer you to the estimates of the current expenditure, 1999/2000. If you look at the table of contents, you will see that the first item, Vote R01, is the Office of the President, and Vote R02 is State House. When we discussed the estimates of the Office of the President, it was only Vote R01. So, we are perfectly in order.

(Question put and agreed to)

Mr. Michuki: On a point of order, Mr. Chairman, Sir. I am seeking the Chair's guidance. The Vote of the Ministry of Local Government has been debated and is now before the Committee. On that basis, we cannot mix the debate on the Ministry's Vote with the guillotine procedure. We, first of all, have to report the Committee's resolution on the Ministry's Vote to the House. Thereafter, we can come to the guillotine procedure. The Vote for the Ministry of Local Government is not being guillotined; it has already been debated.

Mr. Chairman: Hon. Michuki, you know very well that, that has been the procedure all along. More importantly, this is the last possible day for us to carry out the guillotine procedure. So, we must complete the process today by 7.00 p.m. More importantly, it has been the practice that the Minister who presents the last Vote for debate, before we go into guillotine, has his Ministry's Vote is guillotined along with the rest of the Votes that may not have been debated.

Mr. Michuki: On a point of order, Mr. Chairman, Sir. My point is purely procedural in that we have debated the Vote for the Ministry of Local Government. We moved into Committee and the Committee's resolution on the Vote is supposed to be reported to the House. In this case, we are not supposed to include the Ministry's Vote for guillotine with the remaining Votes. It now appears that a Ministry which is not the subject of guillotine is being dealt with under the Motion to guillotine the rest of the Votes that have not been debated.

Mr. Chairman: Mr. Michuki, all the Votes that have not been debated up to now fall under the guillotine procedure. In fact, last year, I was the Chairman of this very Committee; we followed this same procedure then. So, please, defer to my little experience over this matter.

Mr. Anyona: On a point of order, Mr. Chairman. Mine is just a question that might help us to agree on this matter. My reasoning is slightly different. I think hon. Michuki is right; I referred you to this matter earlier. Standing Order No.142(7) reads as follows:-

"On the last of the allotted days, being a day before 31st October, the Chairman shall, one hour before the time for the interruption of business, forthwith put every question necessary to dispose of the Vote then under consideration,---"

Mr. Chairman, Sir, the Vote under consideration right now is that of the Ministry of Local Government. So, every question under this Vote must be disposed of. The Standing Order goes further as follows:- "---and shall then forthwith put severally the questions necessary to dispose of every Vote not yet granted; and if at the time aforesaid, the House is not in Committee, the House shall forthwith move into Committee without questions put for the purposes aforesaid".

So, I think, procedurally, we have to deal with the Vote of the Ministry of Local Government normally, as we did with other Votes that we have approved. When we finish, we shall then come to the guillotine procedure as regards the rest of the Votes that we have not disposed of.

Mr. Chairman: Hon. Members, first, we were to dispose of the Vote of the Ministry of Local Government. We have done that, have we not?

Hon. Members: Yes, we have.

Mr. Chairman: Hon. Members, in fact, I proposed the Question, which means that the Vote was open to debate for you to ask questions. Nobody asked any question. So, I put the Question to which we agreed.

Mr. Anyona: On a point of order, Mr. Chairman, Sir. The normal procedure in Committee of Supply is that we have a general debate. One hour before the interruption of the House's business for the day, we go through the Sub-Votes one by one. We have to do that with this Ministry's Vote as well. We finished the general debate on the Vote, but have not gone into Committee Stage to go through the Vote's Sub-Votes.

Mr. Chairman: Hon. Members, I moved from Mr. Speaker's Chair to the Table to start the Committee process. The first thing I did was to propose the Question on the Vote of the Ministry of Local Government. That means that you were, then, at liberty to ask questions; you did not do that.

An hon. Member: You did not call for questions!

Mr. Chairman: Hon. Members, I do not call for questions; you ask them.

Mr. Michuki: On a point of order, Mr. Chairman, Sir. For purely procedural purposes, the Committee of the Whole House should have taken a very short time to report its consideration on the Ministry's Vote to the House, to dispose of it and then go to the guillotine procedure for the remaining Votes.

Hon. Members: But we have already done that!

Mr. Michuki: Mr. Chairman, Sir, we have not reported the Committee's consideration of the Vote.

Mr. Chairman: Order! Order! Hon. Members, I am following the same procedure we used last year in dealing with this kind of business. I am not making new regulations. I have done exactly what we did last year. I proposed the Question immediately the Minister moved the Motion. What hon. Michuki has proposed is not procedural, because we are now on another item. So, we shall proceed.

Vote 03 - Directorate of Personnel Management

THAT, a sum not exceeding K£38,460,335 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2000, in respect of :-

Vote 03 - Directorate of Personnel Management.

*(Mr. Michuki crossed the Floor
without bowing at the Bar)*

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sport (Mr. Sumbeiyu): On a point of order, Mr. Chairman, Sir. Is hon. Michuki in order to cross the Floor to the Government side without bowing at the Bar?

Mr. Chairman: Hon. Michuki, if you did such a thing, retrace your footsteps and bow at the Bar.

*(Mr. Michuki moved to the Bar
and bowed to the Chair)*

(Question put and agreed to)

Vote 04 - Ministry of Foreign Affairs and International Co-operation

THAT, a sum not exceeding K£49,661,235 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2000, in respect of:-

Vote 04 - Ministry of Foreign Affairs and International Co-operation.

(Question put and agreed to)

Vote 05 - Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports.

THAT, a sum not exceeding K£86,001,239 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2000, in respect of:-

Vote 05 - Office of the Vice-President and
Ministry of Home Affairs, Heritage and Sports.

(Question put and agreed to)

Vote 07 - Ministry of Finance and Planning.

THAT, a sum not exceeding K£219,617,141 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2000, in respect of:-

Vote 07 - Ministry of Finance and Planning.

(Question put and agreed to)

Vote 08 - Department of Defence

THAT, a sum not exceeding K£268,272,850 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2000, in respect of:-

Vote 08 - Department of Defence.

Mr. Achola: Mr. Chairman, Sir, I would like to say that whereas we are going to allow the Department of Defence to spend this amount of money, we would like to warn the Office of the President not to be involved in underhand deals in the Ministry. This is because we have had many cases in this department of misappropriation of funds under the pretext of---

Mr. Chairman: Order! Under this procedure, hon. Achola, if you want to move that you want to reduce that provision by K£1, I will give you time to move your Motion. But right now, ask a specific question to the Minister and he will answer you, but there is no debate.

(Question put and agreed to)

Vote 10 - Ministry of Agriculture and Rural Development.

THAT, a sum not exceeding K£71,752,666 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2000, in respect of:-

Vote 10 - Ministry of Agriculture
and Rural Development

Mr. Anyona: Mr. Chairman, Sir, this is another area where there is some overlapping. We have already voted the Vote on the Ministry of Agriculture and Rural Development. After the re-organisation, two Ministries have been added; that is the Co-operative Development and Regional Development. In effect, the individual separate Votes of the Ministry of Co-operative and the Ministry of Regional Development have been frozen by the Controller and Auditor-General. Right now, they have no Vote. I would like to have some clarification from the Minister on whether the figures we are talking about here are in respect of the original estimates related to the former Ministry of Co-operative Development and that of Regional Development.

Mr. Chairman: I would like to say that we have produced a simplified form of the Revised Estimates which I think hon. Members should get hold of here if they do not have their copies of the books. You do have the books, but this will show you in graphic form what has been taken from what Ministry and added to what Ministry.

Mr. Anyona: On a point of order, Mr. Chairman, Sir. I know that. In fact, in my own honest view, I thought it was waste of public funds to print so many copies of the Revised Estimates because nobody has, or will, read them. We have not seen this summarised form of these estimates, and giving them to me now to enable me ask this question will not help me. Could the Minister clarify the issues I have raised?

The Minister for Local Government (Mr. Kamotho): Mr. Chairman, Sir, the Ministry of Agriculture and Rural Development includes K£8,802,690 of the former Vote 22 - Ministry of Co-operative Development. It also includes K£50,368,615 of the former Vote 34 - Ministry of Rural Development. It further includes K£4,548,757 of the Department of Fisheries transferred from Vote 21 - Ministry of Environment and Natural

[The Minister for Local Government]

Resources. In addition, it includes K£5,766,502 from the Department of ASAL which was transferred from Vote 06 - Office of the Vice-President and Ministry of Planning and National Development; and K£37,266,102 for research institutions, transferred from the former Ministry of Research, Technical Training and Technology. However, it excludes K£7,273,000 in respect of Nyayo Tea Zones granted under Vote 01 - Office of the President.

(Question put and agreed to)

Vote 11 - Ministry of Health

THAT, a sum not exceeding K£10,623,925 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2000 in respect of:-

Vote 11 - Ministry of Health.

Mr. Anyona: Mr. Chairman, Sir, again, the Ministry of Health has already been voted. In the recent re-organisation of the Government, there may as well have been services which have been transferred to this Ministry. Could the Minister explain why this Ministry is being put under *guillotine*, yet it has been voted? Could he also tell us what services may have been transferred, which have not been voted in their respective Votes?

The Minister for Local Government (Mr. Kamotho): Mr. Chairman, Sir, I would like to inform the

hon. Member that the Ministry of Health was actually split into Medical Services and Public Health. That sum of money is in respect of the sum necessary to complete the expenditure for the year ending 30th June, 2000, in respect of the Kenya Medical Research Institute (KEMRI). That service was transferred from the former Vote of the Ministry of Research, Technical Training and Technology. It does not include the sum granted under Vote 01 - Office of the President, for the Government Chemist Department.

Mr. Anyona: Mr. Chairman, Sir, I was very clear about the other one, but I am not very clear about this one. The fact that in the Ministry of Health, there are two Ministers - The Minister for Public Health and the Minister for Medical Services - makes no difference in terms of the Vote. It is still one Vote, and the Vote of the Ministry of Health as it then stood has been voted. All we are asking is: Is K£10,623,925 meant for the transfer of KEMRI? And if so, is that the only one, or is there any other? It is the first time we are dealing with this kind of procedure, and we want to be clear with it, so that in future, we are wiser.

The Minister for Local Government (Mr. Kamotho): Mr. Chairman, Sir, I thought I have already given an answer to the hon. Member.

Mr. Chairman: Mr. Minister, he is asking whether that is the only service that had been transferred and which is affected by this provision?

The Minister for Local Government (Mr. Kamotho): Mr. Chairman, Sir, that is the case.

(Question put and agreed to)

Vote 14 - Ministry of Information, Transport and Communications

THAT, a sum not exceeding K£34,588,935 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2000, in respect of:-

Vote 14 - Ministry of Information, Transport
and Communications.

Mr. Anyona: Mr. Chairman, Sir, in this particular Vote, we have two Votes which were separately passed before. One was the Vote of the former Ministry of Information and Broadcasting, and the other one was the Vote of the former Ministry of Transport and Communications. Now, I would like the Minister to do two things; one, give us a breakdown of each Vote as it is put in the original estimates, and then also explain if, in addition to that, there are any other Votes that may have been transferred from other sectors of the Government into this particular Vote.

The Minister for Local Government (Mr. Kamotho): Mr. Chairman, Sir, the former Ministry of Information and the former Ministry of Transport and Communications were just merged. So, the Estimates remained as they were in the original Estimates. They have just been consolidated.

Mr. Anyona: Mr. Chairman, Sir, yes they were merged, but are we saying that if they had been passed separately, that amount of money is probably what they would be asking? I also wanted to find out its breakdown. The reason for that is to make sure that nothing is left out, or nothing has been included by default. Could the Minister give us a breakdown to confirm that?

The Minister for Local Government (Mr. Kamotho): Mr. Chairman, Sir, those figures are in the Printed Estimates.

Mr. Chairman: Mr. Anyona, if you look at Sheet No.2 of the Table, you will see the former Ministry of Transport and Communications listed as Item No. 14, and, then, you will see the former Ministry of Information and Broadcasting listed as Item No. 18. It is down the line, at page 19. You see, that sheet gives what all the Ministries had by way of their Votes, and on the far end, what they are now having as combined new Ministries.

Mr. Anyona: Mr. Chairman, Sir, the Recurrent Estimates under that column, Item 14, is K£35,212,830 for transport. Under information, it is K£16,183,210. That would clearly not add up to what he has asked for. So, can he explain that discrepancy?

Mr. Michuki: Mr. Chairman, Sir, this matter was discussed within our Finance, Planning and Trade Committee with the Minister for Finance. It is quite clear that the newly Printed Estimates have proposed to this House about virement. Virement is the allocation between Votes. That virement relates to services because the money which was in the original estimates was in relation to particular services. Those services which have been

transferred to whatever Ministries, move with the allocation that was made in the original estimates. Therefore, the present totals estimates are not different from what we had in the blue books. So, there is no new money being sought; each service is being provided for through virement, and virement cannot be done by the Treasury or anybody else. It has to be done by this Parliament. This is why we have gone through this with the Minister for Finance. If our committee is satisfied with what has been done, I do not see the argument.

Mr. Chairman: The answer to hon. Anyona's question is simply that, here we are dealing with making provisions for the Vote on Account. If you divide K£59,177,870 by two, you will get what the Minister is asking for under the Vote of the Ministry of Information, Transport and Communications. The rest will be provided for when we pass the Appropriations Bill.

Mr. Anyona: Mr. Chairman, Sir, I asked the Minister a question and he said that the Ministries were merged, which is true, and that the Votes were also merged. Then I asked him for a breakdown, and he referred me to these figures. On the face of it, the Votes add up. There is this new element of Vote on Account. What is the position of the Vote on Account when it comes to guillotine?

Mr. Chairman: Hon. Anyona, if you look at the figure the Minister is asking for, for the Ministry of Information, Transport and Communications, it is half the amount that appears in the Estimates. We are guillotining what was provided under the Vote on Account because the balance of the money will be availed after we pass the Appropriations Bill. The Minister is quite in order in this respect.

(Question put and agreed to)

Vote 15 - Ministry of Labour and Human Resource Development

THAT, a sum not exceeding K£28,857,235 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2000, in respect of:-

Vote 15 - Ministry of Labour and Human
Resource Development

Mr. Anyona: Mr. Chairman, Sir, again, in this particular case, I would like the Minister to explain. He has asked for K£28,857,235, and in this breakdown here under the earlier estimates, the figure is K£18,307,190. Clearly, there is more to it than what has been reflected here. Can the Minister explain where the difference comes from, and how much is reflected?

The Minister for Local Government (Mr. Kamotho): Mr. Chairman, Sir, the Vote of the Ministry of Labour and Human Resource Development does not include the sum granted under Vote 01 - Office of the President, for the Department of the Directorate of Applied Technology. Also, the figure does not also include K£12,562,125 for the Centre for Research and Technology.

Mr. Anyona: Mr. Chairman, Sir, maybe, I was wrong. I was reading the figures for the old Ministry. This thing is very confusing. Under the new Ministry, Vote 15, the supply required here is K£57,714,470. He has asked for K£28,857,235. If we go by what you explained earlier on, that would appear to reflect the difference between this and the Vote on Account. I would like the Minister to confirm that?

The Minister for Local Government (Mr. Kamotho): Mr. Chairman, Sir, that is the case.

(Question put and agreed to)

Mr. Mwiraria: On a point of order, Mr. Chairman, Sir. Is the hon. Minister in order to give the impression that what we are passing today does not include monies already approved under Vote on Account? When I was reading the Motion, I got the impression that the amounts we have been asked to approve are the sums of money to come from the Consolidated Fund to be added to Appropriations-in-Aid so that the Ministries will have adequate funds. Am I right, or completely lost?

The Minister for Local Government (Mr. Kamotho): Mr. Chairman, as you explained earlier, we are voting the balance of the total Budget to be added to the amount which was voted in the Vote on Account in July. So, I do not think we are duplicating anything at all.

Mr. Michuki: Mr. Chairman, Sir, there is confusion here. If what is being said is what we are actually doing, we are thousands of kilometres away from what is required. The Vote on Account was not a final Vote. It was like you would spend petty cash on suspense account, which would be rectified when the policy in question

has been approved. Therefore, the voting of money in this House, as we discuss it here, is expected to cover the full range of the Votes without reduction, so that the Vote on Account is also legalised through the same process. Therefore, I was under the impression that, this is what we were doing. If what has been said is what we are actually doing, we are out of order.

Mr. Chairman: What the Minister said is actually what we are doing.

Mr. Anyona: Mr. Chairman, if you look at Standing Order No.142, paragraph six, it says this:

"Any Vote on account shall be put down as the first business on the first of the allotted days being a day before 26th June. If on the last allotted day, a question with respect to any Vote on Account shall not have been put---"

When we supply each Vote, the question of the Vote on Account is also put as part of the procedure. In cases where that has not happened, like in this particular Vote, the Standing Order goes on to say:

"If any Vote on Account shall not have been put, then the Chairman shall, one hour before time for the interruption of business, forthwith put that question."

My understanding of the rules here is that in the Ministries which were not voted, we are also putting the Vote on Account under guillotine.

Vote 16 - Ministry of Tourism, Trade and Industry.

THAT a sum not exceeding K£33,598,630 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2000 in respect of:-

Vote 16 - Ministry of Tourism, Trade and Industry.

Mr. Anyona: Mr. Chairman, under this particular Vote, the Vote of the former Ministry of East African and Regional Co-operation has already been voted. The Ministry of Tourism, Trade and Industry was not voted. I would like the Minister to explain the breakdown of this new Vote in respect of the fact that one Vote had already been passed.

The Minister for Local Government (Mr. Kamotho): Mr. Chairman, the Ministry of Tourism, Trade and Industry does not include the sum of K£8,952,470 which was granted under the former Vote 09 - Ministry of Regional and East African Co-operation.

Mr. Mwenje: Mr. Chairman, now that this figure of K£33 million does not include the amount that we were discussing for compensation, can the Minister assure us that he will come back with a figure which will address the compensation for people who were attacked by wild animals?

The Minister for Local Government (Mr. Kamotho): Mr. Chairman, that is an issue that will be brought to the House during the next financial year because it has not been cleared.

Mr. Chairman: In any event, there is a Motion before the House which is discussing that precise subject. That Motion has not ended; so, we do not know whether the Government is going to accede to it or oppose it. The indication, as of yesterday, was that they were willing to accept the Motion and amend it.

(Question put and agreed to)

Vote 21 - Ministry of Environment and Natural Resources.

THAT a sum not exceeding K£86,385,324 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2000 in respect of:-

Vote 21 - Ministry of Environment
and Natural Resources

Mr. Anyona: Mr. Chairman, neither of these two Votes, which were separate before, has been voted. Could the Minister confirm that they remain as they were in the original estimates? If they do not, can he explain if there are any additions or subtractions?

The Minister for Local Government (Mr. Kamotho): Mr. Chairman, this particular Vote 21 - Ministry of Environment and Natural Resources, does not include K£481,748 granted under Vote 01 -Office of the President for the Permanent Presidential Commission on Soil Conservation and Afforestation. The other one

which is part of this Ministry was the Ministry of Water Resources which has already been discussed and voted in this House.

Mr. Anyona: Mr. Chairman, that is not very clear to me. This commission he is referring to has always been under the Office of the President, so its Vote would have been reflected there. It was not meant to be included in the first place, anyway. So, what does that mean? It never belonged there before.

The Minister for Local Government (Mr. Kamotho): Mr. Chairman, this was already discussed under the previous Vote of the Office of the President.

(Question put and agreed to)

Vote 25 - Office of the Attorney-General

THAT, a sum not exceeding K£16,467,980 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2000, in respect of:-

Vote 25 - Office of the Attorney-General.

(Question put and agreed to)

Vote 26 - Judicial Department

THAT, a sum not exceeding K£9,472,570 be issued from the Consolidate Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2000 in respect of:-

Vote 26 - Judicial Department.

Mr. Mwenje: Mr. Chairman, Sir, as regards this Judicial Department, many problems are encountered, particularly, when money is paid---

Mr. Chairman: Hon. Mwenje, there is no debate.

Mr. Mwenje: Mr. Chairman, Sir, I am not debating. I am just making a comment on this particular Vote. When money is paid as security and deposited in this particular account, there is a problem when it comes to refunding those who deposited the money. Could the Minister consider advising the Judicial Department to maintain its own account for security purposes?

Mr. Chairman: I think the Minister has noted that, and he will inform the Attorney-General accordingly. I do not believe he has got the competence to undertake any measures in this regard.

(Question put and agreed to)

Vote 27 - Public Service Commission

THAT, a sum not exceeding K£1,083,170 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2000 in respect of:-

Vote 27 - Public Service Commission.

(Question put and agreed to)

Vote 28 - Controller and Auditor-General

THAT, a sum not exceeding K£3,627,515 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2000, in respect of Vote:-

Vote 28 - Controller and Auditor-General.

(Question put and agreed to)

Vote 29 - National Assembly

THAT, a sum not exceeding K£23,401,810 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2000, in respect of Vote:-

Vote 29 - National Assembly.

(Question put and agreed to)

Vote 31 - Ministry of Education, Science and Technology

THAT, a sum not exceeding K£19,175,550 be issued from the Consolidated Fund, to complete the sum necessary to meet expenditure, during the year ending 30th June, 2000, in respect of Vote:-

Vote 31 - Ministry of Education,
Science and Technology

Mr. Anyona: On a point of order, Mr. Chairman, Sir. The Vote of the Ministry of Education was approved by Parliament. But now, there is an addition of the Ministry of Science and Technology. We would like the Minister to give us the original breakdown of the two separate Ministries, and tell us whether there are any additions or subtractions in the new Vote.

The Minister for Local Government (Mr. Kamotho): Mr. Chairman, Sir, although I do not have the actual details for the Ministry of Education, Science and Technology, I think this Vote excludes the amount which was allocated to human resource development, which has since been transferred to the Ministry of Labour and Vocational Training. Science and Technology was brought in from the Ministry of Research. This is also minus the amounts for research institutions, which were under this particular Ministry.

Mr. Anyona: Mr. Chairman, Sir, I do not mind being lenient but if we go on the basis of conjecture and discover later that there was an oversight, we will be in serious problems. Can the Minister hold some consultations with those people from the Treasury in order to confirm this? This House cannot give a blank cheque! Can he confirm how much money will go to the Ministry of Education, and what constituted the Vote for human resource development, and how much money went to science and technology in this re-organization? These people could not have been doing re-organization without understanding, internalising and digesting what they were doing. I do not think we can pass anything on conjecture! Can he consult and tell us?

The Minister for Local Government (Mr. Kamotho): Mr. Chairman, Sir, the details of the breakdown of all those departments are clearly spelt out in the Estimates and, therefore, I would suggest that hon. Anyona or any other hon. Member refers to them. There is no duplication whatsoever in the revised Budget.

Mr. Anyona: Mr. Chairman, Sir, this is one of the most celebrated ceremonies of this Parliament. When we give you money without even telling you what we think about your services---The Minister is asking the House to go and find out this information in the Estimates. His responsibility this afternoon was to come and answer questions from hon. Members, and do it to their satisfaction. He can consult his colleagues because we are not in a hurry. We have got the whole night to discuss this! In my view, it would be wrong for this Parliament to operate like this.

Mr. Chairman: Well, if you look at the last sheet of the tables, the details are contained there.

(Question put and agreed to)

Mr. Mwenje: Mr. Chairman, Sir, with due respect to the Chair, once we have agreed to give this money to the Government, I think it is important to note what hon. Anyona said. If we are going to continue---

Mr. Chairman: Order, hon. Mwenje! I have not asked you to repeat for me what hon. Anyona has said. I heard it---

Mr. Mwenje: Mr. Chairman, it is my right to be heard!

Mr. Chairman: Order, hon. Mwenje! Mr. Minister, you can ignore the behaviour of "councillor" Mwenje!

(Laughter)

Mr. Mwenje: On a point of order, Mr. Chairman, Sir. I demand that the Chair withdraws that remark because I am not a councillor! I am hon. Mwenje!

Mr. Chairman: Order, hon. Mwenje! Can you sit down? Proceed, Mr. Minister.

Vote 33 - Electoral Commission

THAT, a sum not exceeding K£10,725,845 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2000, in respect of:-

Vote 33 - Electoral Commission.

(Question put and agreed to)

Vote 45 - National Security Intelligence Service

THAT a sum not exceeding K£45,000,000 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2000, in respect of:-

Vote 45 - National Security Intelligence Service.

Mr. Anyona: Mr. Chairman, I think, sometime last year, we raised the question of complying with the mandatory provisions regarding the Committee of Supply; that there are 20 days for Supply in which each Vote takes two days. You made an undertaking last year that we would try and **[Mr. Anyona]**

comply, and we have done very well because today is the 19th day. We are still short of one day. It does also, in the procedure, say that the Vote on Account is a Supply day but somehow it is not counted. Now, if we had met the full complement of 20 days, one of the Votes we would have liked to discuss was Vote 45 for two reasons. One, it was a new Vote. It was something which we debated last year, and I would have thought, in the wisdom of this Parliament, we should have had an opportunity to discuss the functions and operations of the National Security Intelligence Service. That did not happen and we are voting a lot of money really without knowing what we are doing it for. I just do not know if we could make it possible. However, in order to give this House some credibility and a sense of seriousness, can the Minister briefly outline why he wants this money for this particular service?

Mr. Chairman: Well, we cannot do that under the guillotine procedure, but I do want to tell Members this: For the first time, in over ten years, we have done 19 supply days and if we had one more day to go, we would have achieved that 20 supply days debate. However, today is technically and physically the last possible day we can hold this supply debate because we are required to complete our procedures by the 31st of October, and we could not possibly do it this time round. I think the House ought to compliment the House Business Committee for having made arrangements this time round for 19 days to be extended on the discussion of supply Votes.

(Question put and agreed to)

The Minister for Education (Mr. Kamotho): Mr. Chairman, I beg to move that the Committee of Supply do report to the House its consideration of the Resolution and its approval of the same without amendment.

(Question put and agreed to)

(The House resumed)

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

REPORTS

REMAINING VOTES IN COMMITTEE OF
SUPPLY ON NINETEENTH AND LAST
ALLOTTED DAY

The Temporary Deputy Speaker (Mr. Musila) Mr. Omino, you may just make it the sum voted and the Vote without the formal words.

Mr. Omino: Thank you, Mr. Temporary Deputy Speaker, Sir.

Vote 12 - Ministry of Local Government:	K£17,747,250
Vote 02 - State House:	K£9,859,075
Vote 03 - Directorate of Personnel Management:	K£38,460,335
Vote 04 - Ministry of Foreign Affairs and	International Co-operation: K£49,661,235
Vote 05 - Office of the Vice President and Ministry	of Home Affairs, Heritage and Sports: K£86,001,239
Vote 07 - Ministry of Finance and Planning:	K£219,617,141
Vote 08 - Department of Defence:	K£268,272,850
Vote 10 - Ministry of Agriculture and Rural	Development: K£71,752,666
Vote 11 - Ministry of Health:	K£10,623,925
Vote 14 - Ministry of Information, Transport and	Communications: K£34,588,935
Vote 15 - Ministry of Labour and Human Resource	Development: K£28,857,235
Vote 16 - Ministry of Tourism Trade and Industry:	K£33,598,630
Vote 21 - Ministry of Environment and Natural	Resources: K£86,385,324
Vote 25 - Office of the Attorney-General:	16,467,980
Vote 26 - Judicial Department:	9,472,570
Vote 27 - Public Service Commission:	K£1,083,170
Vote 28 - The Controller and Auditor-General:	3,627,515
Vote 29 - National Assembly:	K£23,401,810
Vote 31 - Ministry of Education, Science and	Technology: K£19,175,550
Vote 33 - Electoral Commission:	K£10,725,845
Vote 45 - National Security Intelligence Service:	K£45,000,000

The Minister for Local Government (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee of Supply in the said Resolutions.

The Minister of State, Office of the President (Maj. Madoka) seconded.

(Question proposed)

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, while we agree with the Motion as moved, I would like it to be noted that under Vote 45, it will be very difficult to account for the manner in which this money will be spent, particularly when we do not know the actual functions of National Security Intelligence Service (NSIS). I would like to appeal to the Government that, in future, they need to tell us how this money is spent by the NSIS, which was originally called the Special Branch. We did not know precisely how they spend their money in their investigations *et cetera*.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, I would like to make several comments.

The first comment which I would like to make is that, we were almost caught up in a constitutional crisis with regard to the Government re-organisation and also the parliamentary procedures. I know that this is something which many people may not know. The Speaker and the Deputy Speaker spent sleepless nights trying to avoid this crisis. I am very grateful that we have been able to wade through without faltering.

Mr. Temporary Deputy Speaker, Sir, in future, it is important that, when there is Government re-organisation, true and proper consultations are carried out. If this Parliament, and particularly this side of the House, had decided to be obstinate, we would have had a lot of problems with the re-organisation in the context of the Revised Estimates. It is to the credit of this Parliament that, that did not happen. But I think it is a lesson we need to learn. Sometimes these things happen because of certain external pressures. Sometimes these pressures are inevitable, but I think, as a national Parliament, the Government cannot afford to be pushed around by donors, the World Bank, IMF, the United States or by anybody else. I do not think that the sovereignty of this country and the people of Kenya should be subjected to the whims of other people. I would like to propose that in future when there is need for a major re-organization of Government and the political structure, which cuts across many interests, there should be full and proper consultation. It must be done in the interest of this country and not to please the whims of other people, however, important they think they may be.

Secondly, Mr. Temporary Deputy Speaker, Sir, hon. Mwenje has rightly referred to the National Intelligence Service (NIS). It is something that we went into deliberately because we wanted to erase the past image of our intelligence unit, namely, the Special Branch. I think the House was very courageous in agreeing to come up with this new outfit to be able to get the confidence of our people in the intelligence collecting unit. I think it will be dangerous if we continue to shroud this service in mystery. Yesterday, I was talking to some students of Moi University, and they told me a story of the student who was abducted from the university. They told me that there were five armed people who came and abducted this boy, and I said: "That is what the Special Branch used to do. There is no Special Branch any more." The National Intelligence Service is people-friendly. Who are these people who abducted this boy? So, the image of this new service can very easily be tainted if we do not guard it jealously. I would, therefore, like to say that, as we move into the end of this Session and the new Session, we would like the Government and the operations of this unit to be transparent, so that our people can live in confidence.

Lastly, Mr. Temporary Deputy Speaker, Sir to---

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Anyona! You have exhausted this matter and we have given you a lot of time.

Mr. Anyona: I am making very brief comments, Mr. Temporary Deputy Speaker, Sir. Having voted this money, as we have done, money which is Kenya's taxpayers' revenue, we would like to see the services immediately, not next year; not sometime in the future. If our people do not see that, then they will feel that they are being cheated, and we, as a national Parliament, will not be able to acquit ourselves of our responsibility.

(Question put and agreed to)

MEMBERS HALF HOUR STATEMENTS

The Temporary Deputy Speaker (Mr. Musila): Hon. Members, under Standing Order No.20(A), I have two matters here which I would like to go through very quickly.

Yes, Mr. Gatabaki?

THREAT TO HON. GATABAKI'S LIFE

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, last night, at 3.00 a.m., my brother, who works for the Senior Officer of the Commonwealth Development Corporation (CDC), was telephoned by somebody purportedly from the Police Headquarters. He was told that Hon. Njehu Gatabaki had been shot and was in the hospital. My brother spent the whole of yesterday looking for me in all police stations and hospitals, until this morning. Previously, my offices were fire-bombed and this Government has tried all means to eliminate me. Whoever is behind it; whoever telephoned my brother last night, I am not taking this very lightly. Whoever is involved, I want to say that, if anything happens to me, the Government of Daniel arap Moi is responsible.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, first of all, the hon. Member says somebody purportedly rang from the police station. I think, unless the hon. Member can say who rang, and from which police station, his allegations do not deserve any Ministerial Statement. He should go to the police station and make a statement.

MISUSE OF GUN BY NAKURU TOWN CLERK

Mr. Manyara: Mr. Temporary Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Office of the President. On the night of 19th October, 1999, the Town Clerk, Nakuru Municipal Council, drew a gun at the watchman who was guarding Nakuru Town Hall. He forcefully entered his office by breaking a door, and made away with unknown council documents. Secondly, on 27th January, 1999, he shot at the council workers. Those two incidents have been reported to the police. Why has he not been arrested? Why is he still carrying a gun? Why has the Minister not ordered investigation regarding those two incidents?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, regarding the two incidents, we have checked all police stations in Nakuru, but no incident has been reported.

If the hon. Member can say who reported, and to which police station the report was made, then I will be in position to make a statement.

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

The Temporary Deputy Speaker (Mr. Musila): Order, hon. Gatabaki! At this time, there are no points of order allowed. So, you are completely out of order!

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Musila): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 2nd November, 1999, at 2.30 p.m.

The House rose at 7.05 p.m.