

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 23rd July, 2003

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.463

POLICE VEHICLES FOR MALINDI TOWN

Mr. Deputy Speaker: I understand that this Question was answered sufficiently and should not be here. Do you agree, Mr. L. Maitha?

Mr. L. Maitha: Mr. Deputy Speaker, Sir, I agree that this Question came up and was answered. But the promise that the Minister gave has not been fulfilled. Could he rise again and give another promise?

Mr. Deputy Speaker: I think you will sort that out with the Minister. As far as it goes, the Question was answered and it is only by error that the Question is on the Order Paper.

Question No.218

COMPLETION OF TIMBOROA-
HAJEES ROAD PROJECT

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

- (a) what is the expected total cost of Timboroa-Hajeess Road Project (D325) including the construction of the bridges; and,
- (b) when the project is

expected to be completed and who the contractor is.

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Kshs344,994,525.84 was the total cost of Timboroa-Hajeess Road Project (D325), including the construction of bridges.

(b) The project was substantially completed and substantial completion inspection was conducted on 15th May, 2003. The contractor is Samek Construction Company.

Mr. Kipchumba: Mr. Deputy Speaker, Sir, if I heard the Assistant Minister correctly, he is talking of over Kshs300 million for putting murrum on a road and not tarmacking it. That is a substantial amount of money. That project is not complete and construction is still going on. I was

there personally. The problem is that, part of the road that was constructed with that substantial amount of money has been washed away. Could the contractor go back and repair the road because it was not done properly?

Eng. Toro: Mr. Deputy Speaker, Sir, I partly agree with the hon. Member that the road has taken a long time to gravel. When I said "substantially" complete--- We have received a proposal from the contractor to leave the site. But, at the moment, it is being assessed by the Ministry. If we find that he has some work to do, we will not accept the final certificate from him. So, rest assured that we have not given him a clean bill of health.

Mr. Bahari: Mr. Deputy Speaker, Sir, one of the biggest problems of road construction in this country is improper drainage. That is why we see most roads "living under-age." Could the Assistant Minister ensure that roads constructed in this country are properly drained, so that they are not washed away like the one in Timboroa?

Eng. Toro: Mr. Deputy Speaker, Sir, that is one the problems that we have been having. The issue of drainage for all future constructions and designs will be taken into account. On that particular road, three bridges were built. There were two box culverts to help the drainage of water. But if there is need for additional culverts, that will be taken into account before we release the contractor from the site.

Mr. Kipchumba: Mr. Deputy Speaker, Sir, the reason why I asked for the name of the contractor is for Members to know that the contractor used over Kshs300 million to gravel a 20-kilometre stretch. It is quite shameful! Could I get an assurance from the Assistant Minister that the contractor will repair the part of the road that has been washed away and the bridges that are incomplete? We need a guarantee of ten years for that kind of money! But the road is already washed away even before the contractor leaves the site!

Eng. Toro: Mr. Deputy Speaker, Sir, I would like to correct the hon. Member. The section in question is not 20 kilometres long, but the contractor was supposed to gravel 62 kilometres. I can assure the hon. Member that before the contractor leaves the site, he will have to make good whatever has gone wrong.

Question No.486

CONSTRUCTION OF SOGORORBEI BRIDGE

Mr. J.K. Koech asked the Minister for Roads, Public Works and Housing:-

- (a) what delayed the construction of Sogororbei Bridge located on road C14 near Chebunyo Market; and,
- (b) what he is doing to complete the construction of the said bridge.

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The construction of Sogororbei box culvert located on Road C14 near Chebunyo Market was delayed by inadequate funding of the project.

(b) My Ministry intends to issue all the funds required to complete the structure this financial year, 2003/2004.

Mr. J.K. Koech: Mr. Deputy Speaker, Sir, I want to know whether it is normal practice that, before a bridge is constructed, it is budgeted for and an amount of money set aside to complete it. How much money was allocated for that particular bridge and why was the whole amount not disbursed to the district?

Eng. Toro: Mr. Deputy Speaker, Sir, I agree with the hon. Member that some money should be allocated to complete work on this bridge within the shortest time possible. The amount of money

allocated to complete this bridge in the 2001/2002 financial year was Kshs2,031,485. However, during that year, only Kshs750,000 was released towards the construction of the bridge. This money was used to construct the bottom slab of the box culvert, box walls and wallings. During the 2002/2003 financial year, Kshs1 million was again released towards the construction of this bridge. These funds were used to construct the top slab and wing walls. The outstanding work requires Kshs600,000, and this amount of money has been allocated this financial year. This money will be enough to complete the box culvert.

Mr. J. Koech: Mr. Deputy Speaker, Sir, could the Assistant Minister assure me that in the next few months this---

Mr. Deputy Speaker: Mr. J. Koech, this is no longer your Question! This Question belongs to the House!

Mr. J. Koech: Could the Assistant Minister assure this House that this bridge will be completed in the next few months?

Eng. Toro: Mr. Deputy Speaker, Sir, I would like to assure this House that work on this bridge will be completed in the next few months.

Question No.374

GOVERNMENT FUNDING FOR OYOMBE/OMBOGA SCHOOLS

Dr. Awiti asked the Minister for Education, Science and Technology:-

(a) whether he is aware that Oyombe and Omboga Primary Schools in Rachuonyo District, which were allocated Kshs62,918 and Kshs75,187 respectively, to buy textbooks did not receive the money; and,

(b) what measures he has taken to remedy the anomaly.

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

(a) I am aware that Oyombe and Omboga Primary Schools in Rachuonyo District which were allocated Kshs62,918 and Kshs75,187 respectively to buy textbooks last year did not receive the money since the accounts they provided for remittance of this money were inactive.

(b) The schools were advised to open new accounts and the Ministry has already remitted the same money vide their new accounts in the Kenya Commercial Bank (KCB), Oyugis Branch.

Dr. Awiti: Mr. Deputy Speaker, Sir, you have realised from the answer the Minister has given this House that these schools did not get money to buy textbooks. As a result, the pupils in the two primary schools could not learn effectively. Could the Minister assure this House now that this money has reached those accounts? I asked this Question more than four months ago, and when I visited those schools two weeks ago I was told that they had not received the money.

Prof. Saitoti: Mr. Deputy Speaker, Sir, I have said that the bank accounts for those two primary schools were dormant and, therefore, the bank could not credit the money, which was finally returned to the Ministry. However, the two schools were advised to open new bank accounts. The new bank account numbers for Oyombe and Omboga Primary Schools are 15005349 and 150053943 respectively. The money was credited to those bank accounts on 10th June, 2003.

Prof. Oniang'o: Thank you, Mr. Deputy Speaker, Sir. Lack of textbooks is one of the biggest problems facing the free primary school education programme. Could the Minister confirm to this House that, of the 17,000 public primary schools in this country, it was only these two primary schools which did not receive the money to buy textbooks?

Prof. Saitoti: Mr. Deputy Speaker, Sir, I would like to make a small clarification. The Question before the House refers to the money disbursed to schools in the year 2002. Some money was disbursed to certain primary schools in that year by DFID, an agency of the United Kingdom (UK) Government. This is the money the two primary schools did not receive last year. However, I

have said that this money was sent to their accounts on 10th June, 2003.

In addition, we have disbursed money to all the 18,000 public primary schools in our country. But I would like to be frank here and say that the money sent to a few primary schools bank accounts was returned to the Ministry because there was confusion over those accounts. These schools have been advised to open new bank accounts so that they can receive the money.

Dr. Awiti: Mr. Deputy Speaker, Sir, as you know, most of our public primary schools are very poor and cannot afford to keep some balance in a bank. In fixing the amount of money to be sent to each public primary school, has the Ministry taken into account the bank charges?

Prof. Saitoti: Mr. Deputy Speaker, Sir, I am sure that the House will be pleased to know that, prior to the disbursement of the free primary school education programme money, we had agreed with all the major banks that they would waive charges for public primary schools' accounts.

Question No.361

PAYMENT OF MR. MACHARIA'S
FIELD ALLOWANCE

Mr. Deputy Speaker: Is Mr. Mwangi not here? We will come back to this Question later on.

Let us move on to the next Question by Mr. Sirma.

Question No.383

COMPLETION OF TORONGO WATER PROJECT

Mr. Sirma asked the Minister for Water Resources Management and Development:-

(a) whether she is aware that Torongo Water Project which was started in 1969 is incomplete and the materials put in place such as pipes are now rusting and going to waste; and,

(b) when the Ministry will complete the project.

The Assistant Minister for Water Resources Management and Development (Mr. Munyes): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Implementation of Torongo Water Project commenced in 1973. My Ministry operated the project until 1991 when it was handed over to the community to manage and operate. The project infrastructure, including the piping system, is still intact. However, smooth operation of the project is hampered by frequent breakdowns of pumping sets.

(b) My Ministry has budgeted Kshs10 million during the 2003/2004 financial year for the rehabilitation of water supplies in Koibatek District. Rehabilitation of Torongo Water Supply will be considered alongside other water projects in Koibatek District.

Mr. Sirma: Mr. Deputy Speaker, Sir, the Assistant Minister is actually not telling the House the truth because the water pipes for this project were vandalised when the road to Eldoret Town was being constructed. People do not use those pipes any more because they were vandalised. Could the Assistant Minister tell us why this project started experiencing frequent breakdowns of pumping sets after the Government handed it over to the community to manage and operate, if at all it did that?

Mr. Munyes: Mr. Deputy Speaker, Sir, according to the Ministry, the piping system is still intact. The problem facing the water project lies with the old pumping sets, which break down more often than not. We have budgeted Kshs10 million this financial year for rehabilitation of water projects in Koibatek District. Some of this money will be used either to buy a new water pump or

new spare parts for the old pumping set for Torongo Water Project.

Mr. Korir: Thank you very much, Mr. Deputy Speaker, Sir. The Assistant Minister has just said that he has budgeted Kshs10 million for rehabilitation of water projects in Koibatek District. He has also said that Torongo Water Project will benefit from this allocation. Could he tell us the other water projects in Koibatek District which will benefit from this allocation?

Mr. Munyes: Mr. Deputy Speaker, Sir, the Kshs10 million will be used to rehabilitate water supplies in Koibatek District because there are so many water projects in this district. The policy of this Ministry is to complete stalled water projects and rehabilitate old ones which have problems.

Many of these water projects experience frequent breakdowns of pumping sets, while others experience water leakages as a result of broken water pipes. We will use the Kshs10 million to repair several water projects in Koibatek District.

Mr. H.M. Mohamed: Mr. Deputy Speaker, Sir, the Ministry of Water Resources Management and Development can continue to give money to those districts and yet, those projects may not survive for long. I remember that in 1994, the Ministry came up with a strategy to hand over water supplies to the communities. What plans does the Ministry have to effectively hand over water supplies to the communities?

Mr. Munyes: Mr. Deputy Speaker, Sir, our strategy is to ensure that before we hand over the projects to the communities, we rehabilitate them to be in good shape. After the rehabilitation, we will identify community committees to manage them.

Mr. Deputy Speaker: I want to go to the last Question! Yes, Mr. Ethuro!

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

Mr. Deputy Speaker: What is it?

Mr. Wanjala: Mr. Deputy Speaker, Sir, the questionnaire has been in the Government and as an Assistant Minister for---

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. There is no questionnaire here!

Mr. Deputy Speaker: Order! Can you repeat---

Mr. Ethuro: There is no questionnaire here, Mr. Deputy Speaker, Sir!

(Laughter)

Mr. Deputy Speaker: Mr. Wanjala, I am sorry! Mr. Ethuro, proceed!

Mr. Ethuro: Mr. Deputy Speaker, Sir, I am concerned that there was a project which was started in 1969 in Baringo District, where the former President hails from. Is the Assistant Minister satisfied that, if the former President could not complete a project in his district of origin for 24 years, he can do it?

Mr. Wanjala: Within six months!

Mr. Deputy Speaker: Is that a question, Mr. Ethuro?

(Laughter)

Last question, Mr. Sirma!

Mr. Sirma: Mr. Deputy Speaker, Sir, I wish to inform the hon. Member that ---

Mr. Deputy Speaker: Order! Order! Mr. Sirma, you stood to ask the Assistant Minister a question and not to inform anybody! Could you ask the question?

Mr. Sirma: Mr. Deputy Speaker, Sir, I wish to ask the Assistant Minister whether he knows that the current President was the Minister for Finance in 1973t and he did not fund that project

adequately.

(Applause)

It was also under a different regime. Is the Assistant Minister aware that his Ministry's staff stole the equipment before they handed over the project? That is what made the project to stall! What action will be taken by the Ministry against those who stole the engines? We had been given mortars in exchange of the engines. They have worked for a very long time.

Mr. Munyes: Mr. Deputy Speaker, Sir, I am not aware of that. But if the hon. Member has information to that effect, we are ready to discuss it and take the necessary steps.

Mr. Deputy Speaker: Next Question!

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Did you hear the hon. Member say "steal"?

Mr. Deputy Speaker: Order! Order! Mr. Angwenyi, I did not even give you permission and you are already---

Mr. Angwenyi: Mr. Deputy Speaker, Sir, the other day you reprimanded me for using the same word.

Mr. Deputy Speaker: Alright! What I am saying is that you stood on a point of order but I did not oblige! But now, I want to oblige. So, can we hear your point of order?

Mr. Angwenyi: Is it in order for the hon. Member to use the word "steal" and yet, a week ago, I was reprimanded by the Deputy Speaker for using the same word?

Mr. Deputy Speaker: What did you say, Mr. Sirma?

Mr. Sirma: Mr. Deputy Speaker, Sir, I said that the staff of the Ministry actually "took away"---

(Laughter)

Mr. Deputy Speaker: Never mind! That is gone! Let us go to the next Question. Mr. Karaba!

Question No.242

USE OF WOOD FUEL IN TEA FACTORIES

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

(a) whether he is aware that tea factories in Kirinyaga District use wood fuel to dry tea leaves; and,

(b) what impact that has on other competitive wood users in the area.

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

(a) Yes, I am aware that tea factories in Kirinyaga District have been relying on wood fuel for tea curing since the alternative use of furnace oil has proved to be more costly.

(b) The impact exerted on other wood users as a result of this, is the sharp increase in wood fuel prices due to competition in supplying the tea factories because of attractive prices offered compared to other local consumers. This competition is encouraging farmers to plant trees on farms on commercial basis.

Mr. Shitanda: On a point of order, Mr. Deputy Speaker, Sir. Are you satisfied that the Assistant Minister is properly dressed?

(Laughter)

Mr. Deputy Speaker: What? Order! Order, hon. Members! I would like to hear that! Mr. Shitanda, could you repeat?

Mr. Shitanda: Mr. Deputy Speaker, Sir, I am referring to that shawl and the headgear.

Hon. Members: The blanket!

Mr. Deputy Speaker: I see nothing wrong with the way she is dressed. It is perfectly in order!

Next question!

(Loud consultations)

Order! Order, hon. Members! Mr. Karaba, proceed!

An hon. Member: I swear!

Mr. Karaba: Mr. Deputy Speaker, Sir, can I continue?

Mr. Deputy Speaker: What is it, Mrs. Tett?

The Assistant Minister for Local Government (Mrs. Tett): Mr. Deputy Speaker, Sir, is it right for the hon. Member to say that Prof. Maathia is dressed in a blanket?

Mr. Deputy Speaker: Order, hon. Members! Let us be serious. Prof. Maathia is properly dressed and we have no issue with that.

The Assistant Minister for Local Government (Mrs. Tett): Could he withdraw?

Mr. Deputy Speaker: I want to hesitate because it is a matter of definition. You can call it whatever you like, but it is certainly not a blanket. However, it is not a serious matter to waste time on. Mr. Karaba, you may proceed!

Mr. Karaba: Mr. Deputy Speaker, Sir, the Assistant Minister is aware that tea factories in Kirinyaga District continue to cut trees from forests and farms. If that is the case, the Ministry should come up with a policy on reforestation, a policy on discouraging the cutting of trees or introduce zero-rated furnace oil to enable tea farmers to cure their tea without destroying the forests.

Prof. Maathai: Mr. Deputy Speaker, Sir, I did not hear the question.

Mr. Deputy Speaker: Indeed! I will now give Mr. Obwocha the chance! You lost your chance, Mr. Karaba!

Mr. Obwocha: I agree with the Assistant Minister that Mr. Karaba did not ask a question! He made a comment. Many factories in this country use wood fuel to cure tea. Could the Assistant Minister tell this House the Ministry's policy with regard to the cutting down of trees to be used as wood fuel to cure tea? Is it allowed or not?

Prof. Maathai: Mr. Deputy Speaker, Sir, as far as we are concerned, farmers can use whatever fuel they wish. They could use trees if they so opted. However, we know that, as a country, we are short of trees. When farmers over-use them, we are very concerned because that can cause a lot of damage to our forests.

Mr. Billow: Mr. Deputy Speaker, Sir, in January, the Kenya Tea Development Agency (KTDA) adopted a policy requiring the more than 50 tea factories under it to use wood fuel instead of oil fuel, to cure tea leaves. Has the Ministry carried out any assessment to determine the impact of that policy on the forest in this country? Really, if all these tea factories use wood fuel, the impact that decision will have on our forests will be very serious. Unfortunately, that is the policy that was adopted by the KTDA in January.

Prof. Maathai: Mr. Deputy Speaker, Sir, if tea factories were to plant their own trees and use them as fuel to cure tea leaves, the Ministry would not have any reason to stop them from doing so. I know we would oppose factories depending on forests to cure their tea leaves. I know that, in some instances, some factories have insisted on accessing forests for that purpose. That is, definitely, contradictory to our commitment to save forests.

I am not aware whether the Ministry has done any studies to establish whether the said policy is likely to have any impact on our forests generally, if all our tea factories use wood fuel, but I will shortly find that out. I know that we use wood fuel to cure tea leaves because we believe that the process produces tea of better quality than when oil fuel is used. But we have to consider the general impact that the use of wood fuel by tea factories will have on our forests, notwithstanding whether the trees to be cut are those in our forests or on individual farms, considering the fact that only 1.7 per cent of this country's land mass is covered by forests.

Mr. Deputy Speaker, Sir, having responded to that question, I would like to say that this is my first time to be elected to this House, and I am sometimes amazed by the triviality that some hon. Members engage in. I have in mind the hon. Member who, obviously, does not appreciate the difference between a blanket and a shawl.

Mr. Karaba: Mr. Deputy Speaker, Sir, the Ministry had made us believe that it would come up with a policy on the use of wood fuel in this country. Why can the Assistant Minister not introduce the zero rated furnace oil, so that we can minimize on the cutting of trees for fuel?

Mr. Deputy Speaker: Mr. Karaba, again, that is not a question but rather a very good statement.

Let us proceed to Mr. Mwangi's Question.

Mr. Mwangi: Mr. Deputy Speaker, Sir, before I ask the Question, I wish to apologise for coming late.

Question No.361

PAYMENT OF MR. MACHARIA'S
FIELD ALLOWANCE

Mr. Mwangi asked the Minister for Water Resources Management and Development:-

- (a) whether she is aware that Mr. Johnson Macharia, an employee of the Ministry, Personal No.79130741, has not been paid his field allowance dues amounting to Kshs19,200 for the period August, 1991 to September, 1993;
- (b) why Mr. Macharia has not been paid; and,
- (c) when he will be paid.

The Assistant Minister for Water Resources Management and Development (Mr. Munyes): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Johnson Macharia, Personal No.79130741, has not been paid his field allowance dues for the period August, 1991 to September, 1993, amounting to Kshs19,200.

(b) Over the years, funds allocated for payment of staff field allowances have not been adequate. Due to the inadequate funds, my Ministry has not paid field allowances dues for some members of staff, including Mr. Macharia.

(c) My Ministry has facilitated payment of some staff's field allowances through the issuance of specific funds or through district budgetary allocations. Due to inadequate funds, priority in the payment of field allowances is given to officers proceeding on retirement or those who have lodged formal claims for payment. In the circumstances, Mr. Macharia should submit his claim to the Ministry

Headquarters for consideration.

Mr. Mwangi: Mr. Deputy Speaker, Sir, the Assistant Minister is not serious about paying this money. You will realise that the figure of Kshs19,200 has accumulated over a long period of time. The Assistant Minister claims that his Ministry has not had adequate resources when they forward budgetary proposals to the Ministry of Finance year in, year out. From what sources does the Ministry raise the money to pay field allowances dues to members of staff proceeding on retirement, and since---

Mr. Deputy Speaker: Order! Mr. Mwangi, save us time!

Mr. Mwangi: Mr. Deputy Speaker, Sir, from what sources does the Ministry get the money to pay field members of staff proceeding on retirement if it has been unable to raise Mr. Mwangi's Kshs19,200, which has been owing for more than 12 years now? Could he undertake to pay Mr. Macharia immediately?

Mr. Munyes: Mr. Deputy Speaker, Sir, we take these cases seriously. That is why I said Mr. Macharia should submit his claim to the Ministry Headquarters. We have a specific fund, or district budgetary allocation, to cover this kind of case. Actually, this problem was created by KANU. So, we are just trying to help.

*(Several hon. Members stood up
in their places)*

Mr. Deputy Speaker: Order! Order! Hon. Members, we are not going to waste time on trivial issues. Let us move on.

Mr. Omingo: Mr. Deputy Speaker, Sir, that is why we thank you most sincerely for bringing to the House the Pensions (Amendment) Bill that we passed recently. You have heard the Assistant Minister say that his Ministry's employee, in the name of Macharia, is required to lodge a claim for money he ought to have been paid. Is he justified to make such a statement on the Floor of the House?

Mr. Munyes: Mr. Deputy Speaker, Sir, as I said, we are taking this case very seriously. I really sympathise with the employee. We are now trying to streamline our procedures but, for this particular case, we need documents that will help us to process the claim.

Mr. Deputy Speaker: By the way, Mr. Assistant Minister, we are talking of a claim that is 12 years old. Surely, I thought that you would come with an answer to the effect that you have already paid. So, could you do better than that? Could you now tell the House when you intend to pay this claim, which is 12 years old?

(Applause)

Mr. Munyes: Mr. Deputy Speaker, Sir, I take your word. We are serious about this case; we will pay.

An hon. Member: When?

Mr. Munyes: Very soon!

Mr. Kipchumba: Mr. Deputy Speaker, Sir, the Assistant Minister has been consistently misleading the House by saying that he is going to consider paying this claim. Could he be specific and save Mr. Macharia from frustration?

Mr. Deputy Speaker: Mr. Assistant Minister, you know the Chair is very sympathetic to matters of this nature. So, you had better indicate when Mr. Macharia is likely to be paid his dues!

Mr. Munyes: Maybe, in two weeks!

Dr. Godana: Mr. Deputy Speaker, Sir, it is very unfortunate that the Assistant Minister can say "Maybe in two weeks." He is taking this House for a ride. He should be able to give an

undertaking that, within two weeks' time or earlier, he will come back to the House and report that Mr. Macharia has been paid or, for some other reasons, he would not be paid.

Mr. Deputy Speaker: Mr. Assistant Minister, you have heard Dr. Godana's sentiments. What do you have to say?

Mr. Munyes: Mr. Deputy Speaker, Sir, I will look into that issue in two weeks time.

Mr. Deputy Speaker: Order! We should be more serious. We want a definite answer as to whether you are going to do it in two weeks time. If you are a Minister of this Government, you can do it in two weeks. Could you tell us if you will do it?

Mr. Munyes: Mr Deputy Speaker, Sir, I will do it in two weeks.

Thank you.

Mr. Deputy Speaker: Let us move on to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

ARREST OF MR. ANWAR

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

(a) Could the Minister explain under what circumstances armed policemen raided two Muslim schools in Garissa on Saturday, 28th June, 2003, harassed students and residents in the neighbourhood and arrested a young man, Mr. Navied Anwar, who is a Kenya citizen, passport No. 882595?

(b) When will Mr. Anwar be released from custody?

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

(a) On 28th June, 2003, police officers from Garissa Police Station conducted normal security raids within Garissa Municipality. The aim was to identify illegal aliens and refugees within the town. In the course of their duties the police found one Mr. Navied Anwar, a Kenya national of Pakistani origin, at the residence of one Sheikh Muti Ul Rasul of the Young Muslim Centre. At the time of his arrest, he had two different passports belonging to two different people, a fact that raised suspicion.

(b) Mr. Anwar was released from police custody on 7th July, 2003.

Mr. H.M. Mohamed: Mr. Deputy Speaker, Sir, it is very unfortunate that this Assistant Minister is giving this misleading answer. My concern is not what the police were doing and why they arrested this man. It is the way the police behaved. A hundred policemen armed with rifles and grenades raided a centre, which has orphaned children, harassed and terrorised everybody. We know from Press reports that they arrested an *Al Qaeda* member from Somalia. Could the Minister tell this House for how long the people of North Eastern Province will be harassed like this? We have been harassed from 1963 to today!

(Applause)

An hon. Member: Especially now by NARC!

Mr. H.M. Mohamed: Mr. Deputy Speaker, Sir, we are now being harassed because the Government intends to enact the Suppression of Terrorism Bill.

(Laughter)

Mr. Tarus: Mr. Deputy Speaker, Sir, the hon. Member has indicated that he has no quarrel

with what he has raised in the Question but rather with the police behaviour during the operation. I would like to assure the House that if there was misbehaviour by the police force, we regret it. I want to promise the House that we shall follow up on the culprits. With regard to the issue of the *Al Qaeda*, we all know what terrorists can do. However, I promise the House that this will not happen again.

Mr. Choge: Mr. Deputy Speaker, Sir, the law permits the police to hold a suspect for not more than 48 hours. Under what law did the Kenya police hold a suspect for two weeks?

Mr. Tarus: Mr. Deputy Speaker, Sir, when enforcing law, the Government would like to ensure that it sticks to its provisions. There may have been reasons for holding the person that long. However, I have indicated that the person was released from the police custody. I also said that we regret any action that contravened the law.

Mr. Khamasi: Mr. Deputy Speaker, Sir, this is not just one incident. This is a routine thing that is happening with the police force. We wanted to show a difference when we took over this Government. We said that we wanted to show a difference by ensuring that the police do not go on harassing people indiscriminately the way they are doing. What is this Ministry doing to re-train our police force so that it can put on a human face and treat Kenyans properly?

Mr. Tarus: Mr. Deputy Speaker, Sir, we have indicated in the past in this House that we have an elaborate programme to create a new police force through proper training and re-training.

Mr. Deputy Speaker: Hon. Members, this is a very important Question but we cannot continue with it forever. I am constrained by time. Let us have the last question. Yes, Mr. Sasura!

Mr. Sasura: Mr. Deputy Speaker, Sir, I am really shocked that the Assistant Minister is calling this incident a normal police raid. In 1981, a similar raid in Garissa resulted in ten school girls becoming pregnant and the same thing has been repeated. This cannot be a normal raid; this is robbery with violence. Rape is similar to robbery with violence. The Assistant Minister said that Mr. Anwar is a Kenyan, that he had two passports and was released from police custody. As far as I know, it is illegal for any person to hold two passports. What has he charged Mr. Anwar with, if this was a not malicious act against the people of North Eastern Province by this NARC Government?

(Applause)

Mr. Tarus: Mr. Deputy Speaker, Sir, I would like to inform the House that Mr. Anwar was found with two passports. It was later proved that they actually belonged to his parents. I have said that this was just suspicion and we have regretted the kind of action taken.

Mr. Deputy Speaker: Let us now have the next Question by Mr. J.K. Kilonzo.

MEASURES TO CURB CATTLE
RUSTLING IN MUTITTO

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

(a) Is the Minister aware that over 4,000 cattle rustlers have invaded Malalani Location of Mwitika Division, Kitui District, displacing the locals and stealing cattle while the nearest Anti-Stock Theft Unit is 70 kilometres away?

(b) What action is the Government taking to ensure that the Unit is equipped and transferred to Malalani Location where the problem is pronounced?

(c) What urgent action is the Minister taking to evict the invaders and resettle the locals on their land?

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

(a) I am not aware of any cattle rustlers who have invaded Malalani Location of Mwitika Division. However, I am aware that about 200 herdsmen from the neighbouring Tana River District, with an estimated 1,500 head of cattle, camel, sheep and goats have entered the eastern part of Malalani Location, specifically Twambuli Sublocation in search of water and pasture.

(b) The Government has no plans of re-locating the Anti-Stock Theft Unit, which is only 20 kilometres away from Malalani headquarters. The station has a serviceable vehicle equipped with a mobile communication system, and regularly patrols around Malalani Location and other areas, including the western parts of Tana River District.

(c) The issue of resettling the alleged displaced locals does not arise since there was no case of displacement.

Mr. J.K. Kilonzo: Mr. Deputy Speaker, Sir, first, I have received a written reply that is not signed; it is anonymous. Secondly, this Assistant Minister is not serious because his answer has not addressed my Question. I have talked of the Anti-Stock Theft Unit being in Endau Town, which is about 70 kilometres away from the problem-prone area. What is he doing to ensure that these people move out of Malalani Location?

(Applause as hon. Raila walked into the Chamber)

Mr. Tarus: Mr. Deputy Speaker, Sir, I have said that the Government is aware of herdsmen who have moved to Malalani Location in search of pasture.

I would like to inform the House that, indeed, the Government is taking care of any problems that may emanate from the movement of the herdsmen.

Mr. Wario: Mr. Deputy Speaker, Sir, I am sad because I do not know if some people really know who cattle rustlers are, because 4,000 pastoralists, being an entire population of a location, are branded cattle rustlers by the Questioner. Could the Assistant Minister assure the pastoralists, who are in their normal migration pattern, that they are going to be safe? As this Question looks, very funny things might happen to those people very soon.

(Applause)

Mr. Tarus: Mr. Deputy Speaker, Sir, I do assure the House that the pastoralists will be safe. Thank you.

Mr. Deputy Speaker: Let us have the last question from Mr. J.K. Kilonzo.

Mr. J.K. Kilonzo: Mr. Deputy Speaker, Sir, could the Assistant Minister assure this House that these people are going to move from Malalani, which belongs to the people of Kitui, back to Tana River!

Mr. Tarus: Mr. Deputy Speaker, Sir, we are aware that Kenyans have a right to live anywhere in this country as long as they do not cause any security problems. We have no intention of interfering with community aspects.

MEASURES TO CURB SALE OF COUNTERFEIT VETERINARY PRODUCTS

Mr. Mwanicha: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) How many counterfeit pesticides and veterinary products are selling in Kenya?

(b) What action is the Minister taking to check the sale of such products to save farmers from

the losses as a result of such farm inputs?

Mr. Deputy Speaker: By the way, Mr. Mwanicha, this Question was answered the last time. I have the HANSARD here. The Question was answered sufficiently. This is the third Question today that has appeared erroneously on the Order Paper, when it has actually been answered. So, I am asking the Clerk to ensure that his staff do not put Questions on the Order Paper which have already been answered. So, this Question is withdrawn.

Mr. Mwanicha: On a point of order, Mr. Deputy Speaker, Sir. This Question came up and as the first supplementary question was being answered, the question of dress came up. The Question was thus not answered. There were hon. colleagues who wanted to ask supplementary questions and they are still eager to get answers. I, therefore, suggest that we proceed with the Question---

Mr. Deputy Speaker: I beg your pardon. On reading the HANSARD again, the last sentence indicates that the Question was deferred. I beg your pardon. The last sentence says, and I quote: "Mr. Speaker, Sir, my Question has not been answered". Mr. Speaker then ordered the Question to be deferred. Therefore, the Minister for Agriculture, you can answer the Question now.

The Assistant Minister for Agriculture (Mr. Khaniri): Thank you, Mr. Deputy Speaker, Sir. I beg to reply for the second time.

(a) The Ministry has detected 15 counterfeit pesticide products this year. But I am not aware of counterfeit veterinary products in the country.

(b) Through the Pest Control Products Board (PCPB), the Ministry has already put in place control and monitoring measures to ensure that the products in the market are of good quality, safe, effective and that they are used correctly. Efforts are also being made to train farmers, stockists and other users of the products on how to recognize registered products.

Thank you.

Mr. Mwanicha: Mr. Deputy Speaker, Sir, the Assistant Minister is talking of PCPB which has been put in place. All the 15 counterfeit pesticide products came into the market after the board had been constituted. Is the Assistant Minister satisfied that the board is doing its work properly?

Mr. Khaniri: Yes, Mr. Deputy Speaker, Sir, I am satisfied that the board is doing its work properly because, in the last two years, we have charged 26 suspects and obtained ten convictions. Therefore, I am satisfied that they are doing their job.

Mr. Mukiri: Mr. Deputy Speaker, Sir, this is a very serious Question. Conviction is not enough, because these people could be convicted and fined Kshs2,000 or Kshs3,000, but they could still sell their counterfeit products at the expense of farmers.

Mr. Deputy Speaker, Sir, what is the Assistant Minister doing to make sure that these people do not have any licence to manufacture these counterfeit products?

Mr. Khaniri: Mr. Deputy Speaker, Sir, I agree with the hon. Questioner that the current fine of Kshs10,000 imposed on the convicted offenders is very minimal. We have made a proposal that this fine be revised and increased to Kshs100,000 in order to deter this practice.

Mr. Deputy Speaker: Let us have the last question by Mr. Mwanicha.

Mr. Mwanicha: Mr. Deputy Speaker, Sir, the Assistant Minister said that he is not aware of any counterfeit veterinary products. Is he, however, aware that there are acaricides which are sold in the market, but which do not kill ticks?

Mr. Khaniri: Mr. Deputy Speaker, Sir, I adequately answered that question in my answer to part "a" of the Question, in which I said I was not aware of that fact.

Mr. Sambu: Mr. Deputy Speaker, Sir, could the Assistant Minister tell the nation what they are doing about vaccines, particularly for foot and mouth disease, because KEVEVAPI now releases foot and mouth disease vaccines with which animals are vaccinated, and the very next month they contract the disease? What is he doing to ensure that KEVEVAPI produces effective vaccines?

Mr. Khaniri: Mr. Deputy Speaker, Sir, if I am not wrong, the hon. Member is repeating a question that I have already answered. What I said is that the Ministry has already put in place control

and monitoring measures.

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

Mr. Deputy Speaker: No, that was the very last question. Hon. Members, it is now 3.30 p.m. and we still have one Question on the Order Paper. Prof. Olweny, can I seek your indulgence that we defer this Question to tomorrow?

(Loud consultations)

Order, hon. Members! I am talking to Prof. Olweny!

Prof. Olweny: It is all right, if it will be placed first on the Order Paper.

Mr. Deputy Speaker: Yes, it will be placed first tomorrow afternoon.

PROSECUTION OF NCC EMPLOYEES

(Prof. Olweny) to ask the Minister for Local Government:-

- (a) What happened to the Nairobi City Council employees who were apprehended at City Hall with millions of shillings belonging to the Council early this year?
- (b) When will the officers involved in the scandal be prosecuted?

(Question deferred)

COMMUNICATIONS FROM THE CHAIR

AWARD OF TREASURY PSI TENDER

Mr. Deputy Speaker: Hon. Members, you will recall that last Thursday, 17th, July, 2003, the hon. Member for Mumias, Mr. Wycliff Osundwa, raised a Question by Private Notice concerning award of tenders by Treasury for pre-shipment inspection of goods. The Minister for Finance, in his reply, informed the House that the matter is in court and, therefore, *sub judice*. The hon. Member for Nakuru Town, Mr. Mirugi Kariuki, requested the Chair for a ruling on the matter. I did direct the Minister for Finance to avail certified copies of the plaint to the House and the Minister has complied with my ruling vide reference of his letter No.ZZ/279/08 dated 21st July, 2003 and has forwarded copies of the plaint. The issues before the court *inter alia* relate to High Court of Kenya, Miscellaneous Civil Application No.723 of 2003 in a matter of an application for judicial review by Intertek Testing Services International Limited in a matter of Exchequer and Audit Public Procurement Regulations, 2001, issued under the Exchequer and Audit Act, Cap.412 and in a matter of a decision by the Public Complaints Review and Appeals Board delivered on the 27th June, 2003 in Application No.19 of 2003 and in a matter of an award by the Tender Committee of the Ministry of Finance of the Government of Kenya dated 20th May, 2003, Tender No.MOF/6/2002/2003.

Hon. Members, having perused the plaint, I am satisfied that this matter is *sub judice* and, therefore, in accordance with our rules of procedure and practice, the Question is deferred until the matter is decided by the High Court.

POST-ELECTION ORIENTATION SEMINAR FOR MEMBERS

I wish to inform hon. Members that pursuant to the decision made by all the hon. Members,

early this year, the Post-Election Orientation Seminar for all hon. Members will be held on Friday the 25th and Saturday 26th of July, 2003 at Safari Park Hotel starting at 8.30 a.m. on Friday.

The Seminar will be addressed by distinguished resource persons from outside Kenya who will include the Secretary-General of the Commonwealth Parliamentary Association (CPA), hon. Dennis Marshall. In addition, there will be local resource persons who include several hon. Members. I am, therefore, appealing and urging all hon. Members to turn up for this extremely important seminar which will enhance their knowledge in parliamentary procedures and enrich their experience as representatives of the people.

I thank you.

POINTS OF ORDER

POLICE OBSTRUCTION OF HON. MOI'S VISIT TO HIS CONSTITUENCY

Maj. Gen. Nkaisserry: Mr. Deputy Speaker, Sir, I rose last week to request a Ministerial Statement from the Minister of State, Office of the President as regards the harassment of the hon. Member for Baringo Central. This Ministerial Statement was supposed to have been issued yesterday, but the Minister requested to issue it this afternoon. So, I request for that Ministerial Statement.

Mr. Deputy Speaker: Mr. Minister, do you have it? Just hold on. Is there another Ministerial Statement being sought?

Mr. Osundwa: On a point of order, Mr. Deputy Speaker, Sir. If you read today's *East African Standard*, on page 16, one of the firms which were irregularly awarded this pre-shipment inspection services tender attempted to clarify how it won the tender. Now, you are saying that the matter is in court. Is it in order for that firm to comment on a matter that is in court?

(Applause)

Mr. Deputy Speaker: Mr. Osundwa, I am following the Standing Orders of this House. I do not think I am competent to address myself to those other orders which are followed by newspapers. However, I have specifically addressed myself to the Standing Orders of this House.

RAPING OF KENYAN WOMEN BY BRITISH SOLDIERS

Prof. Oniang'o: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Office of the President regarding the rape of more than 650 Kenyan women during the period that the British soldiers have been in this country and the latest rape, in fact, occurring in March this year.

Mr. Deputy Speaker: Now, let us get the Ministerial Statements very quickly.

MINISTERIAL STATEMENTS

POLICE OBSTRUCTION OF HON. MOI'S VISIT TO HIS CONSTITUENCY

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, on 16th July, 2003, hon. Maj. Gen. Nkaisserry, requested a Ministerial Statement on alleged police obstruction of hon. Moi's visit to his constituency. The hon. Member alleged that the hon. Member for

Baringo Central was barred from visiting his constituents on orders from above. Consequently, the hon. Member wished the Government to tell Kenyans the position with regard to freedom of movement and freedom of speech as enshrined in the Constitution of this country. In this regard, I wish to state as follows:

On 10th July, 2003, at 12.45 p.m., hon. Gedion Moi, in a convoy of 12 vehicles, was stopped at Kapel Trading Centre by security personnel who advised him not to proceed to Muchongoi to address a public rally as it had not been licensed. The prevailing circumstances on the ground were volatile due to tension that had built up between two factions in the area. This was between those who had been allocated more than one parcel of land and those who were never allocated any. The police had information that land allocation at Muchongoi was to be one of the subjects of discussion at the meeting. Given the likelihood of confrontation between the two groups and non-notification of the police of the intended meeting as required by law, it was deemed prudent that no public gathering takes place at the venue as this could have resulted in a breach of peace. I wish to state that the Officer Commanding Police Station (OCS) was simply enforcing the law as it relates to notification of public meetings to the police.

Mr. Deputy Speaker, Sir, I wish to assure the hon. Member and the House that the freedom of movement and speech is guaranteed as enshrined in the Constitution as long as that freedom is exercised within the law and is not likely to endanger the rights of other citizens in enjoying the same rights. The hon. Member should, therefore, be rest assured that he has the right to visit his constituency any time.

Thank you.

Mr. Deputy Speaker: Hon. Members, I will allow one clarification from Major-General Nkaisserry. It is not a matter of debate.

Maj.Gen. Nkaisserry: Thank you, Mr. Deputy Speaker, Sir. I wish to thank the Assistant Minister for that assurance that the people of this country are free to assemble, associate and address each other. However, I would like to request for a clarification. Do mandated and elected leaders require licences to address or visit their constituents?

Mr. Deputy Speaker: Mr. Assistant Minister, note that clarification. I am now going to ask hon. Gedion Moi to seek a clarification since he is here.

Mr. Moi: Mr. Deputy Speaker, Sir, I still have not reached my constituency and so I am very glad for what the hon. Member has said. I would like to clarify this: It was not a convoy of 12 cars. It was a convoy of six cars. Secondly, the OCS, Mr. Seki, told me two things. First, he told that I did not have a permit. My lawyer, therefore, showed him my notification. Under the law, all I had to do was to notify the authorities. Secondly, he told me that: "I am sorry, but you know I have orders", while pointing up.

(Laughter)

Could the Assistant Minister clarify what "this" means?

(Mr. Moi pointed upwards)

(Laughter)

Mr. Deputy Speaker: Very well. Mr. Tarus can you clarify what "this" is?

Mr. Maore: Mr. Deputy Speaker, Sir, how can you ask the Minister to clarify "this" when the HANSARD did not indicate "this."

Mr. Deputy Speaker: Order, Mr. Maore! Mr. Tarus, you heard what the hon. Members

wanted clarified. Would you go ahead and clarify whatever it is?

Mr. Tarus: Mr. Deputy Speaker, Sir, on the issue of a licence, I would like to inform the House that all the hon. Members need to do---

(Loud consultations)

Mr. Deputy Speaker: Order, Members! You are being disorderly!

Mr. Tarus: Mr. Deputy Speaker, Sir, all that hon. Members need to do when they want to hold public rallies is just to notify the authorities.

On the issue of meet-the-people tours, hon. Members are free to criss-cross their constituencies. On the issue of chiefs, I do not know what "this" means.

(Mr. Tarus pointed upwards)

(Laughter)

But, since the area in question is in Baringo, I suspect the chiefs around the area have not received adequate training. They are still used to the last orders.

(Laughter)

*(Several hon. Members stood up
in their places)*

Mr. Deputy Speaker: Order, Members! That is enough. You relax now.

ARREST OF MR. KHALIF ABDI
HUSSEIN IN MALAWI

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Mr. Deputy Speaker, Sir, two weeks ago there was an issue in this House concerning a Kenyan; Khalif Abdul Hussein, who was kidnapped in Malawi by the Federal Bureau Investigations (FBI) agents. We have since established the following facts:-

- (i) That Mr. Khalif is a genuine Kenyan;
- (ii) That he has no criminal record nor any relations with any terrorist groups;
- (iii) That he was lawfully employed as a religious teacher in Malawi; and,
- (iv) He has been held in a prison in Zimbabwe up to July 14, 2003, when through the intervention of our mission there, he was released and he will soon be joining his family.

Dr. Godana: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that articulate response, but---

Mr. Deputy Speaker: Dr. Godana, do you know that you just walked to the microphone? However, I will oblige, but next time please wait until your name is called first.

Dr. Godana: Mr. Deputy Speaker, Sir, I will not go for self-help next time, but it is interesting that the Assistant Minister said that the person who was arrested in Malawi and was reported to have been kidnapped from the same country ended up in a prison in Zimbabwe.

Could the Assistant Minister tell us how this person who was arrested in Malawi ended up in a prison in Zimbabwe? Who kidnapped him?

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

Khalif and four other persons of different nationalities were arrested in Malawi by the law enforcement authorities of Malawi and the FBI agents. They were then transported to Harare, Zimbabwe, where they were held and investigations proceeded. It was established, as I said, that Mr. Khalif had nothing to do with the people he was arrested with and he has since been released. As to why he was arrested or taken to Zimbabwe, only those who arrested him can answer.

*(Several hon. Members stood up
in their places)*

Mr. Deputy Speaker: Order, Members! If you look at your Order Paper, it says: "Not Later than 3.30 p.m."

Now, it is 3.45 p.m. Mrs. Tett has got a Statement, but, if you recall, this morning the Chair ruled that the Statement would be delivered tomorrow afternoon. So, we go to the next Order and the House will today rise at 6.45 p.m.

COMMITTEE OF SUPPLY

*(Order for Committee read being
the Seventh Alloted Day)*

MOTION

THAT MR. SPEAKER DO NOW
LEAVE THE CHAIR

Vote 13 - Ministry of Roads, Public Works and Housing

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Deputy Speaker, Sir, I beg to Move that Mr. Speaker do now leave the Chair to enable me to introduce debate on Vote 13 - Ministry of Roads, Public Works and Housing.

Mr. Deputy Speaker, Sir, the core functions and responsibilities of the Ministry of Roads, Public Works and Housing include the following: development and maintenance of roads; public works, planning and policy development; development and maintenance of public buildings; maintenance of inventory and Government property; provision of mechanical and electrical services; materials research and testing; supply of common user items to Government Ministries, Departments and other public institutions; housing and housing policy; national secretariat for human settlement; rent restriction tribunal; registration and regulation of engineers; architects and quantity surveyors; and, registration of contractors.

Mr. Deputy Speaker, Sir, the Ministry strives to contribute to social economic development of the country by facilitating adequate provision and maintenance of physical infrastructure in form of roads, buildings and shelter throughout the country. To accomplish these my Ministry is pursuing the following strategic objectives:-

(i) Facilitation of adequate provision of roads infrastructure through policy formulation, research, design, supervision and regulation of standards for their development and maintenance throughout the country;

(ii) Provision on cost sharing basis of logistical manpower development and technical supports in roads construction and maintenance by procuring and servicing equipment and training personnel;

(iii) Mobilising resources from both the public and private sector for the development and maintenance of roads and buildings; and,

(iv) Facilitation of adequate provision of cost effective buildings including decent housing to Kenyans. This will be achieved through policy formulation or informal settlements upgrading, research on building materials and technologies, dissemination of research information and promotion of wider application of innovative materials.

Mr. Deputy Speaker, Sir, my Ministry carries out the aforementioned functions under the following expenditure Sub-Votes: General Administration and Planning; Buildings and Works; Housing Development; Roads; and other services.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, let me now present proposals for the Recurrent Vote R13, after which I will present those for Development Vote D13.

In order to finance services under the Recurrent Vote, I will require a gross provision of Kshs10,865,392,840 which I propose to spend as follows:-

The Kshs1,330,031,827 will meet the expenses of staff salaries and allowances including training. The Kshs935,845,573 will go towards operations and maintenance, out of which Kshs101,250,000 will be used to maintain plant and equipment and procure vehicle spare parts. The Kshs186,058,542 will be used for security and maintenance of Government buildings. Then, Kshs50 million will be contribution to a Housing Development Fund. The Kshs25 million will be used for payments of rents and rates for constitutional office holders and Presidential appointees, while Kshs37 million will go towards revitalisation of the Mechanical and Transport Fund and security of mechanical workshops.

Mr. Temporary Deputy Speaker, Sir, Kshs8,599,515,440 of gross provision will be collected as Appropriations-In-Aid as Road Maintenance Levy and transit toll charges. These funds will be extended through the Kenya Roads Board (KRB) on road maintenance activities which include routine maintenance of all roads, resealing and recarpeting of the existing paved roads, gravelling and regravelling of unpaved roads, construction and repair of bridges, design of roads and procurement of vehicles, plant and equipment for supervision and maintenance works, respectively.

I wish to briefly update the hon. Members on the administration and usage of the Fuel Levy Fund. As you are all aware, the KRB is charged with the responsibility of overseeing the administration and utilisation of road maintenance funds, for the maintenance programmes. In order to increase productivity and efficiency in its application, the Government intends to put in place the following measures.

- (i) Institutionalise private sector involvement in axle load control operations.
- (2) Enhance the use of the private sector for road maintenance activities. Currently, all periodic road maintenance works are carried out by the private sector contractors. My Ministry will also start awarding routine maintenance contracts to the private sector, after a well defined criteria has been developed.
- (3) Explore avenues for raising sufficient funds for roads maintenance.
- (4) Use labour-based methods in road works to generate employment opportunities.

Towards this end, the Ministry is implementing the Roads 2000 Strategy, for the sustainable maintenance of roads network through planning and routine maintenance, spot improvement and partial rehabilitation works. The delivery options are putting emphasis on the use of labour-based

methods, private sector participation and local resources where these are effective. This strategy is intended to make use of local labour and we hope, through it, we will employ many local people in road maintenance and construction of rural access roads. Here we hope to make a substantial [contribution towards the creation of 500,000 jobs.

Mr. Temporary Deputy Speaker, Sir, in order for the hon. Members to appreciate the extent of utilisation of the funds accruing from the Roads Maintenance Levy Fund and transit toll charges, I would like to highlight some of the activities that we have funded in the 2002/2003 financial year. An estimated Kshs5,740,000,000 was spent on routine and periodic maintenance and rehabilitation of paved and unpaved roads, including procurement of equipment for road maintenance. Under the Unpaved Roads Programme, a total of nine road projects were gravelled at a cost of Kshs233 million while Kshs790 million was used on routine maintenance throughout the country. With regard to paved roads, several resealing, recarpetting and rehabilitation contracts were executed at a cost of Kshs4,670,000,000. Works were also substantially completed on the following major roads:- Athi River-Namanga, Naivasha/Longonot turn-off and Miritini to Saba Saba. Works are on-going on the following bitumen roads among others:- Magumu-Njabini, Meru-Maua, Sotik-Amala River, Nakuru-Marigat and Juja Road in Nairobi.

Periodic maintenance and rehabilitation contracts involving extensive patching and reservicing will be started along the following major roads among others.

- (i) Kisumu-Kakamega-Webuye.
- (ii) Murang'a-Sagana-Marua.
- (iii) Nairobi-Thika.
- (iv) Embu-Nkubu-Meru-Lewa.
- (v) Mombasa-Malindi.
- (vi) Machakos-Kitui.
- (vii) Kapsabet-Chavakali.
- (viii) Kisii-Kilgoris.

I wish to assure hon. Members that all funds accruing both from the road use levy and transit toll charges will be utilised for the intended purposes and my Ministry will fully account for the same.

Mr. Temporary Deputy Speaker, Sir, I will now turn to the Ministry's capital expenditure under the Development Vote; D13. My Ministry proposes to spend a gross total of Kshs8,663,265,540 for the capital expenditure including planning, Materials Branch, constructors, design and development of roads, buildings and staff training. Out of the gross provision, Kshs6,328,800,000 will consist of external receipts from bilateral and multilateral development partners in the form of loans and grants. While roads are the primary mode of transport in Kenya, domestic resources to upgrade and improve the road network have been inadequate due to the many financial needs from other sectors of our economy. The Kenya road network is estimated at about 150,000 kilometres, of which 63,000 is classified. For the classified road network, 57 per cent is in maintainable condition, while 43 per cent is in unmaintainable condition which requires major rehabilitation. In order to bring the existing road network to a maintainable standard, it is estimated that a total of Kshs80 billion is required. In the light of the forementioned, my Ministry plans to pursue the following policies; preservation of the past investments in the existing road infrastructure through timely and adequate road maintenance and upgrading of high priority roads to gravel and bitumen standards in areas where absence of such roads poses serious bottlenecks to development. In order to implement these policies the following measures will be put in place:-

- (i) Road design manuals will be reviewed in order to ensure that appropriate road design standards and specifications are applied to avoid pre-mature failure of road pavements.
- (ii) Cost-effective designs for roads and bridges will be enhanced.
- (iii) Quality control during

construction, maintenance and rehabilitation of all roads will also be enhanced. This will include strengthening of the regional testing laboratories to cater for all ongoing road projects, monitoring performance, identify potential problems on road pavements and structures and recommend the remedial measures for urgent attention, including monitoring the performance of new road construction materials.

(iv) A manual for the assessment of the environmental impact on new road projects will be prepared.

(v) Enhancement of professionalism and adherence to ethics in the roads sector.

(vi) Reduction of the existing liabilities and commitments in the roads sector.

Mr. Temporary Deputy Speaker, Sir, hon. Members will recall that earlier in the year, I set up a Pending Bills Verification and Validation Committee to verify these bills and advise the Ministry on the extent and, more importantly, suggest ways and means of addressing this problem. I am glad to inform the House that this Committee will complete its work next month. I shall then advise the Government on this matter accordingly.

(vii) Enhancement of project management competency in the roads sector and instill financial discipline in order to ensure value for money.

Mr. Temporary Deputy Speaker, Sir, it is the aim of the Government to maintain roads adequately in order to preserve the benefits of the large sums of money invested in road development over the years. In this effort, the following measures are envisaged; concessioning and dualing of sections of the Mombasa-Nairobi-Busia-Malaba highway. A study on road concessions in Kenya concluded that the Northern Corridor is, indeed, viable for conventional concessioning and will result in more capital inflows into the roads sub-sector thus releasing funds for other priority programmes. Once a legal contractual and regulatory framework for concessioning is in place, the Northern Corridor will be operational as a concession network.

The other measure is the development of roads under the East African Roads and accelerating and expanding of the implementation of the Roads 2000 Programme, decongesting transport in key urban centres through construction of by-passes in Nairobi, Nakuru, Kisumu, Eldoret and Mombasa and to continue reforming the legal institutional and regulatory framework in the roads sector with a view to enhancing the proper design of roads, integrity in road contract procurement and management.

Mr. Temporary Deputy Speaker, Sir, may I now highlight some of the key development projects which I intend to undertake in the rural sub-sector during this coming financial year:-

(i) In order to enhance regional integration, my Ministry has prepared tender documents for possible World Bank assistance for maintenance intervention along the Northern Corridor comprising the following sections: Maji ya Chumvi-Miritini Road, Sultan Hamud-Nairobi Road, Lanet-Mau Summit Road, Mau Summit-Kericho-Kisumu Road and Mau Summit-Timboroa Road.

(ii) Procurement of construction services for the Mai Mahiu-Naivasha-Lanet Road with European Union assistance.

(iii) Procurement of consultancy and construction services for the rehabilitation of the Mai Mahiu-Narok Road with the Government of Germany and French assistance.

(iv) Upgrading of the Keroka-Nyangusu Road to bitumen standards.

(v) Upgrading of Ndorio-Owindi-Kotieno Road to bitumen standards.

(vi) Rehabilitation of Athi-Ikutha and Ngeyo bridges along Kitui-Kibwezi Road, among other bridges, with the Government of Japan assistance.

(vii) Upgrading of Wote-Makindu Road to bitumen standard with the Overseas Private Investment Corporation (OPIC) assistance and opening up of the processional way in Nairobi.

Mr. Temporary Deputy Speaker, Sir, works will continue on all the ongoing projects. Some of which are reconstruction of the Sultan Hamud-Mtito-Andei Road, sections of the Nairobi-Mombasa Road with the European Union assistance. The Kisii-Chemosit Road and

Kipsigat-Serem-Shamakhokho Road.

Mr. Temporary Deputy Speaker, Sir, I wish now to turn to the housing and building sub-sector. While there are serious housing problems in both rural and urban areas throughout the country, housing problems are most acute in urban areas. In the last two decades, the urban housing situation deteriorated seriously as a result of the poor performance of the economy leading to a serious housing deficit. This housing deficit has led to the proliferation of informal settlements in form of slums, construction of unauthorised extensions in existing estates and poor standards of construction of housing units.

Mr. Temporary Deputy Speaker, Sir, the NARC manifesto spells out the need to develop a housing policy that aims at enabling the poor access decent and affordable housing and to provide basic services and infrastructure necessary for a healthy living environment, especially in urban areas. The manifesto further emphasises on the need to facilitate increased investment by the formal and informal private sector in the production of housing for low and middle income urban dwellers. My Ministry has undertaken the following policy initiatives in addressing the problems existing in the housing sector. A National Housing Development Programme for 2003-2007 which is geared towards facilitating the delivery of an average of 150,000 housing units every year is being put in place. In this regard, the Government has signed a memorandum of understanding with the OPIC of the United States of America to establish a framework for mobilising and facilitating the participation of the US private capital and skills in housing development.

Mr. Temporary Deputy Speaker, Sir, the Government has also signed a Memorandum of Understanding with the United Nations Human Settlement Programme (UN Habitat) to implement the Kenya Slum Upgrading Programme, soon starting with Soweto in Kibera. The sources of the funds will be from Cities Alliance, UN Habitat and other development partners. Building materials constitute a large component of housing cost. In order to make building materials more affordable, my Ministry intends to enhance research aimed at developing low cost building technologies.

Mr. Temporary Deputy Speaker, Sir, the NARC manifesto spells out the need to create a housing development fund to be financed through budget provision, support from development partners and other sources. My Ministry is requesting for provision of Kshs50 million for the national capitalization of this fund, part of which will go towards financing the civil servants housing scheme. A Cabinet Memorandum on the establishment of the scheme has also been prepared and will be presented before the Cabinet for approval soon.

Mr. Temporary Deputy Speaker, Sir, hon. Members will recall that during the Budget Speech of last year, the previous Government proposed to sell some Government houses to bridge a Budget deficit of Kshs2 billion. However, the NARC Government has since rescinded this decision and suspended the sale. I wish to assure hon. Members that only non-strategic houses will be sold when parity and moderation of prices to an affordable level by all occupants has been put in place. The proceeds of this sale will form part of the said money for the civil servants housing scheme. This will assist Government to access affordable financing of decent accommodation for its employees.

The issue of Government houses, buildings and plots thereon being alienated irregularly has been generating a lot of public outcry. In order to address this issue in a transparent manner, my Ministry, in March this year, set up a committee to investigate this irregular sale of Government plots together with the Government houses thereon and other related Government land, especially road reserves. The committee, known as the Government Properties Investigation Committee, is expected to submit its findings, recommendations and the way forward next month. The terms of reference of the committee include taking stock of all Government houses countrywide.

Mr. Temporary Deputy Speaker, Sir, implementation of the stalled Mathare 4A Slum Rehabilitation Project has resumed. Through this project, the Government will continue the implementation in order to ensure that projects of a similar nature succeed. The building development

component comprises a sizeable component within the construction industry in terms of creation of wealth and employment. Over the years, my Ministry, in liaison with other Ministries and departments, has been carrying out construction programmes, complementing the activities of other participants, notably, the private sector, NGOs, religious organizations as well as other development partners.

Mr. Temporary Deputy Speaker, Sir, in order to rationalize Government projects portfolio, my Ministry is now concentrating on completing a few core projects to enhance their completion rate in order to have direct and immediate contribution towards poverty alleviation. In order for my Ministry to finance the above mentioned projects and programmes, I am seeking the authority of this House to spend a gross total of Kshs19,528,658,420 for Vote 13 - Ministry of Roads, Public Works and Housing.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to take this opportunity to thank all our partners in development who have always come to our assistance when requested to do so. These partners include: The Swedish International Development Agency, the Danish International Development Agency, the Federal Republic of Germany, the African Development Bank, the French Government, Japan International Cooperation Agency, the World Bank, European Union, Arab Bank for Economic Development in Africa, Government of Kuwait, the Organization of Petroleum Producing Countries and the Government of China, among others.

Mr. Temporary Deputy Speaker, Sir, I also wish to thank hon. Members for the support they have so far given my Ministry, and I urge them to continue to do so. I have told hon. Members that my office is always available and open to them. I have also told them that the Government relies on them as a watchdog, particularly when it comes to the District Roads Committees. Through the District Roads Committees, we intend to construct most of the rural roads. Unlike in the past, when this money went into people's pockets, we will use this money for the projects they are intended. This is the reason I have asked all my engineers, who had their own construction companies, to either wind them up or resign from Government and become full-time contractors. We found out that some of the engineers were themselves contractors, awarding themselves contracts, supervising those contracts, issuing variation orders, carrying out inspections, issuing certificates for payments and then coming to the Ministry to chase payments. If that is not conflict of interest, I do not know what conflict of interest is.

Mr. Temporary Deputy Speaker, Sir, we would like, as I have said, to use the Roads 2000 Programme to employ local people. Whoever gets a contract will not be allowed to import labour from outside the area where he is working. That is the reason why we have a college at Kisii where we are training people in labour contracting, so that they can hire youths for manual labour.

I beg to move.

The Minister for Water Resources Management and Development (Ms. Karua): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to second the Motion before the House. I would like to appreciate the good work that is being carried out by this Ministry; of rehabilitating our dilapidated infrastructure. I also want to appreciate the proposals he has laid before the House; on how he intends to spend the money that is now proposed.

Mr. Temporary Deputy Speaker, Sir, one of the ways that the Government has been using the revenue voted by this House is through bogus contracts. I would like to appreciate that close to Kshs200 million has been set aside for rehabilitation of machines and vehicles. I hope that this Ministry is going to use their own graders to do the roads, and that they are also going to have their own lorries for carrying the materials where they need them. There were days when the Government never used to need contractors in almost everything, and then there came a time when contractors were the norm. One wonders what was left for the Government and the Ministry to do. The only way we can utilise the little resources we have to maximum use is doing away with contractors where we do not need them and making sure that those employed by the Government do as much as they can so that the little

money we have can be spread over a wider area than it is currently the case.

Mr. Temporary Deputy Speaker, Sir, when we look at the money allocated to roads in the districts and the work done, most of the time you will notice that there is absolutely nothing done on the ground but, on paper, a lot is indicated to have been done. I would like to agree with my colleague who has moved this Motion, that hon. Members will have to join hands with the Ministry to act as watchdogs. For example, in my district, acting as watchdogs through the district boards has helped us get better roads. We came from a situation where there was wastage in the resources allocated, to a situation where we could now see the effect of the monies voted. So, it is possible to improve the performance of our officers in the field by making sure that they are subjected to public scrutiny, and where we have complaints, we raise them with the Ministry. This should not be after the contract is over, but during the contract, when correction can be made and the Ministry can ensure better utilization of the funds. We would want to see this Ministry being allocated more money than it has. We must also appreciate that the Government is also constrained by resources.

We have very few roads in my constituency that are tarmacked. We also have roads which were earmarked for tarmacking whereby the Ministry of Roads, Public Works and Housing paid compensation to people who had farms neighbouring the roads as far back as 1983. I am referring to a case in my constituency; the project for tarmacking the Rukenya-Kimunya Road. Compensation was paid way back in 1983, the designs have been complete since then and no tarmacking has taken place. I know that this is the situation prevailing in many areas in the country.

We would want to see the infrastructure that is existing in this country rehabilitated and this Ministry starting to improve our roads from murrum to bitumen so that we are able to take our produce to the market without much hindrance. This Ministry is very vital to the economic growth of this country. The farmers cannot get their produce to the market and people cannot get to their places of work in time without a good road network.

I want to pledge that my Ministry will work together with the Ministry of Roads, Public Works and Housing to ensure that our water infrastructure does not destroy the roads. We know of cases where we have burst water pipes near the roads. We are also sometimes interfering with the good roads that have been constructed when they are destroyed by water-ways. In my constituency, water furrows sometimes encroach into the roads and destroy the roads. For that reason, the Ministry of Water Resources Management and Development will work very closely with this Ministry to ensure that the good work being done is not destroyed when my Ministry is doing its work on another side.

I am also urging this Ministry to work very closely with the Local Government Ministry as they are the people in charge of shelter. This Ministry should be giving quality advice to the Ministry of Local Government to ensure that there is proper design of informal shelters for purposes of business; I mean *kiosks* and the like. Instead of us destroying *kiosks*, we should be having a design that is acceptable and through the design of this Ministry we should have locations where those informal businesses can exist without the occasional raids because they are not in an authorised place. Even where business has to be conducted in the streets, I believe that the Ministry of Local Government has to seek the advice of the Ministry of Roads, Public Works and Housing, on proper mapping.

Previously, each Ministry has been doing its own work. It is time we started recognising the areas of competence of each Ministry, borrowing that expertise and relying on their advice to perform better in our own areas of expertise. That is why I am saying that for us to have a proper design for the shelters for informal businesses, the Ministry should give the necessary advice.

I am very glad to hear that this Ministry has taken consideration of the housing problem especially with regard to civil servants and it is considering an owner-occupier scheme. This is the way forward because the civil servants sacrifice themselves by working for the public, not always getting the right remuneration. If better means are found for ensuring that they have adequate shelter if they cannot be all housed by the employer, they can at least be enabled to access loans to buy their

own houses. This, indeed, is the way forward and will improve the quality of life of the civil servants.

My Ministry will also work very closely with this Ministry with regard to upgrading informal settlements in Nairobi and in other areas. Whenever this Ministry is going round building the houses, my Ministry will be side by side providing water and sanitation. We, therefore, appreciate the plans of this Ministry to upgrade the informal settlements within Nairobi and also to develop housing in other areas.

We need to see a good roads network not only in the urban areas but also in our constituencies to enable everybody to travel to their places of work, to the market, and everywhere without a problem. Forty years after Independence, we should not be having places which are inaccessible because of lack of transportation. I believe that some of the insecurity problems we are experiencing in some parts of the country are due to lack of a reliable road network. Where there is a reliable road network, the law enforcement agencies will be able to pursue the law-breakers, the bandits, and when places are opened up, business people and other people will be frequenting different parts of Kenya which will bring down the insecurity that is currently being experienced. I, therefore, believe that we should support this Ministry by allocating the funds that they are requesting to enable them do their work.

I also want to state that it is important, in licensing contractors, this Ministry sets the standards. Currently, any quark can register as a contractor, get a contract at the district level or the national level for which they are ill-equipped to perform and that is why we are ending up with so many incomplete contracts, so many arbitrations pending before our courts between the Ministry and bogus contractors. It is important that contractors that are authorised and who can transact with the Government be people who qualify and who have equipment to a certain standard. There is no need of giving someone a contract which they are ill-equipped to perform and which they will go and sub-contract. It is time we raised our standards and overcame our past which is leading us to a lot of ruin. This goes for many other Ministries; not just the Ministry of Roads, Public Works and Housing.

With those many remarks, I beg to support.

(Question proposed)

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this chance to contribute to Vote R13. If you go through the HANSARD that talks of this Vote for the year 2002, a lot of words and statistics are actually being repeated now, or what is referred to as "cut and paste".

I would want to state that the Ministry, being a very critical one in the organisation of the Government, it is only fair that it is given money that it requires.

While I am talking of leading the organisation of Kenya Government, the key sector of housing happens to intertwine their roles with the Ministry of Local Government, the Ministry of Water Resources Management and Development, including the Ministry of Energy about sanitation, water and sewerage. We have a problem about the co-ordination on the rise of slums. I am not saying that we should get rid of the slums. Those who are Christians know that Jesus said that the poor will always be with us. The Government needs to stand firm and undertake policies that can move us forward. We should not witness the kind of theatrics we saw yesterday, where two key Ministers wanted to expose the under belly of the Government, as a Tower of Babel, where the left hand does not know what the right hand is doing. The Minister for Local Government authorised the demolition of kiosks and when the situation exploded politically, he started getting jumpy and mentioned other names. I think it is fair to have a co-ordinated Government running the affairs of our country and not one called "the Tower of Babel".

Mr. Temporary Deputy Speaker, Sir, if you look at the location between Mater Hospital, there

are slums that have very interesting names such as Mukuru kwa Njenga and Kayaba. They seem to be following a chain up to Kangundo Road. We are asking the Government to set standards for housing. Even if it means demolishing the slums which have actually cropped up so much that you are not able to provide proper amenities like water, electricity and sanitation. We are talking of human beings. You do not allow everybody, who migrates from the rural areas, to come and set up a shelter anywhere. It is appropriate to set standards for housing in this country. This is proper. I have here, a Sessional Paper on housing policy for Kenya dated 1966. Sessional Paper No.5 of 1966 cannot be viable or valid today. At that time, I was only three years old. I have been here for ten years. You can tell that this is an obsolete document that we have.

We do not want to be relying on the goodwill of the policy-makers who show up at the Ministry of Roads, Public Works and Housing. We want to have coherent and co-ordinated policies whereby, in case the Minister becomes the Prime-Minister tomorrow and abandons the office, we will have somebody who can carry on the policies he had put in place. We should not have political pronouncements. An example of a political pronouncement is where he is asking for Kshs50 million. There is no infrastructure put in the Ministry of Roads, Public Works and Housing today, on which he will use the Kshs50 million for housing. The Housing Finance Company of Kenya (HFCK) was privatised through the stock exchange. Even if you said you wanted to put Kshs10 billion into the Ministry today or tomorrow, nobody would know what to do with it. We are asking for policies that actually work.

If, for example, we are being told that part of the definition of the Ministry of Roads, Public Works and Housing is to oversee the approval of the National Housing Policy and the establishment of centres to enhance training and dissemination of information on low-cost building materials and appropriate technology, we would expect the Minister for Roads, Public Works and Housing to bring before this House, a Bill where he is seeking to require every Kenyan who wants to put up a structure, it does not matter where, to have some form of definition. It may be important to know that, one day, we may need to develop our rural areas than we are developing them now. The main emphasis has been on the urban centres.

It is fair to note that when the Ministry of Planning and National Development was launching the Economic Recovery Strategy for Wealth and Employment Creation two weeks ago, at the Grand Regency Hotel, they said that shelter is a social as well as an economic good. They said that this high cost of housing is due to the high cost of land, construction and building materials, but they did not talk about the cost of money. The Minister is asking for an amount Kshs50 million which we will help him get in this Vote. He should put this amount in the Housing Finance Company or National Housing Corporation, whereby they can bring the interest down, so that the working class can be able to access money cheaply through those two institutions. If you go to the chart at the index, towards the end of the publication, on the column regarding housing development, you will find that the sub-sector is being called housing development. The objective is to provide urban housing and improve urban sanitation and residential infrastructural facilities. The proposed action is to enact appropriate housing legislation to facilitate private sector development of affordable housing. The expected outcome is increased private sector housing. The funny part of it is that they overlooked or forgot to say who the implementing agency is. There is also no time frame. There is a time frame and an implementing policy for every other aspect that is mentioned here. So, we do not know whether it was an oversight or a deliberate political statement without any intention of ever implementing it.

While still on housing, we want to commend the Minister for the way he came forward in stating that he wants to repossess the houses that had been illegally allocated. I know this was contained in the Report of the PAC of 1996 which I was a Member. We had about 505 houses that were allocated in 1992 and 1993. It is under that aspect that we would seek to ask the Minister to follow the law. When he is trying to repossess these houses, he should not use the same unlawful

means that were used in dishing them out. While the Minister is trying to repossess them, he should look into the files in his Ministry because he will find that a lot of those disposals emanated from the Commissioner of Lands requesting the Ministry of Roads and Public Works to surrender those plots for allocation.

Cap.280 talks about the powers of allocating land between the President who delegates those powers. We would ask the Minister to seek an Executive order or a legal order to come and declare that those two officers are there invalidly.

The Temporary Deputy Speaker (Mr. Khamasi): The President is delegating powers to who?

Mr. Maore: To the Commissioner of Lands. When we tried to ask them about the manner in which these allocations were done, there was a lot of hostility between the then Commissioner of Lands and the PAC. We are saying that as the Minister is trying to repossess them, he should not victimise a few and leave others. The process of repossession should be 100 per cent. If it is a case of compensation or buying back the land, you had better do it before you get some complications where the properties change hands between three and four owners.

I would like to mention a few points regarding roads. I was listening to the list the Minister was reading out of various roads he wants to rehabilitate. I want to point out to him that he did not mention any portion of any road in northern Kenya. I want to remind him that northern Kenya and North Eastern Province are also parts of Kenya.

An hon. Member: And Meru-Maua!

Mr. Maore: Meru-Maua is very much there. Usually, my business is not to keep on praising the Government. If they are doing their work, *shauri yao*. The point I really wanted to raise regarding roads is that of fuel levy. Kenyans are satisfied with the fuel levy being charged. However, they are not very much informed about the issue of privatising roads. I also note that this was in the same policy paper I was talking about. It says:

" A recently completed feasibility study shows that there is a scope for concessioning of some roads to private investors."

This should scare any Kenyan. The investors will do what Telkom Kenya did when they were trying to split the function of providing telephone services in this country into seven regions. After splitting telephone services in all the other regions they left out Nairobi Province. No investor has taken up the offer because without including Nairobi Province, you are not in any business of telecommunications. I do not know the intention behind privatising roads in a developing country. This can only work in Europe and the United States of America, where you can invite a contractor to invest Kshs50 million and promise him that in 25 years, he will be able to recover it. However, in Kenya, people might take up contracts only in those viable areas, but in areas where the Government needs to put up the roads, nobody will be interested. So, I plead with the Minister, because I know that he is among the few in the Cabinet, who are able to quickly pick up the wrong things and make sure that they are straightened. On the issue of toll stations, they were a nightmare when they existed. We do not want to see them again. When the Government carries out the privatisation of roads we are sure to see toll stations again. We do not want to make a few of our friends, whether foreign or local, richer than they are now.

Mr. Temporary Deputy Speaker, Sir, there is also a mention of privatising the Axle Loads Controls. An Axle Load Control Centre should be a regulatory one. It can only be run by the Government and not by any other monster. There has been a mention frequently of the Government trying to take measures, again, from the same Economic Review Strategy For Wealth and Employment Creation (ERSWEC), to de-congest transport in key urban centres through construction of by-passes; that is, mainly the northern and southern by-passes in Nairobi and Mombasa. I want to remind the Minister that the areas intended for the Nairobi by-pass are where skyscrapers today stand.

This is between View Park Towers, Ufundi SACCO Plaza, Hazina Towers and others. If they were scared after demolishing kiosks, I do not know whether it will be exciting to demolish those skyscrapers.

Mr. Temporary Deputy Speaker, Sir, I also want to raise a few things with regard to the Roads 2000 Programme. In April 1998, the head of the European Union Mission came to launch the Roads 2000 Programme in seven districts of Eastern Province. About Kshs700 million was to be spent on roads in the districts. Five years later, we have not had any of them completed because there was quite a twist between the European Union, Ministry of Roads, Public Works and Housing, the consultants and the contractors. I wish to plead with the Minister that when inviting donors to fund projects in this country, to ensure that they start and finish projects within a specific timeframe. We do not want a situation where they come and just want to hang around the country forever. If, for some strange reason, there is a tendering process which they want to control from the beginning to the end and then it goes murky, we should also be able to charge them. We should discourage them from interfering with the tendering process.

Mr. Temporary Deputy Speaker, we have the Stalled Roads Project. The Minister who seconded talked about arbitration and tribunals of stalled contracts, contractors who do their work, but they do not get paid. However, mostly you will find that contractors who do not finish their jobs have no pending bills. The Ministry has no business whatsoever, in using kid gloves on contractors who do not complete their jobs on time and keep on seeking extension of time.

Mr. Temporary Deputy Speaker, Sir, there has been an issue raised regarding the use of cement based roads instead of the use of bitumen or petroleum based roads. I wish to plead with the Minister, since we have indigenous companies that produce cement, and as a way of creating jobs in this country, to talk nicely with the Ministry of Trade and Industry, so that the cement factories in this country can be expanded. The Ministry of Roads, Public Works and Housing should support these indigenous factories and not support the Egyptian and other foreign owned cement factories who are likely to export cheap cement into the country. In this way, we will create and domesticate those jobs permanently. The best way to do this is by having contracts prior to the times when we are likely to be pushed by the French, Americans and other people who have shares in other foreign companies. That way, we can own a piece of our own wealth.

Mr. Temporary Deputy Speaker, Sir, when it comes to the construction industries, Africanisation arises. For example, in South Africa, President Thabo Mbeki, who is a friend of the Minister has deliberately enforced the Black Economic Empowerment Policy in his country. Its purpose is to make sure that they transfer wealth from the Afrikaner to the indigenous Africans. Today, if you were to follow the regular tendering procedure set up by the Treasury and the Ministry, Africans would not qualify in accessing tenders that are advertised by the Ministry. This is because the Government wants to include a requirement that for one to qualify to rehabilitate, say, Meru-Maua Road, Thika-Sagana Road or any other Road, he must state that he has done a job worth Kshs300 million or Kshs400 million. The Minister as well as the Permanent Secretary knows that only those nasty Asians who were given contracts for the last ten years can raise bonds for Kshs300 million without sweating because they have the money. The moment they get paid on Friday, they are on the first flight of British Airways flying out of the country to bank the cheques out there. In the last ten years, if we had given African contractors all the contracts the Government has ever given, we would be having many skyscrapers in Nairobi City. Today, the foreign contractors have skyscrapers in Canada, Hong Kong, Australia and the United Kingdom. That is Kenyan wealth being wasted and flushed away like in a toilet. So, I would like to plead with the Minister to make sure that when they are giving contracts they should make deliberate efforts to ensure that Africans have access to these contracts.

Today, among the top ten contractors, there are only three; that is, Nyoro, Ongata Works, and

Kirinyaga construction companies. Kirinyaga Construction Company is being fought by the Asians. They are using every method to make sure it is blacklisted by Parliament so that they can continue dominating the construction industry. It is high time we supported our African brothers to be economically empowered. That is the only way we can keep our wealth within our borders.

Mr. Temporary Deputy Speaker, Sir, if you look at the circus of the Goldenberg players, you would notice that 99.9 per cent were Asians even though they could have been doing it as conduits for other Africans. If we follow keenly, the money is not with Kenyans; it is with those Asians. We can name all of them.

An hon. Member: Shahs!

Mr. Maore: Do not remind me about that! I thought of KANU at that time because they used to work with KANU. Now, they are working with NARC.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Maore, address the Chair!

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, I am trying to acknowledge the cheers!

(Laughter)

Mr. Temporary Deputy Speaker, Sir, the Ministry of Roads, Public Works and Housing plays a critical role in both housing and the road sector in this country. I challenge the Minister for Roads, Public Works and Housing to one day come forward and name contractors he would have blacklisted for non-performance or stealing money from the Ministry. Many of them have done it before. They organized with the staff of the Ministry to get the certificates which enabled them to be paid. We will support the Minister to recover such monies from those people. We are not after this circus of people being arrested for abuse of office. But we have not heard of anybody following the money. We want to hear the money has been returned and somebody whose contract went bad should have his assets seized or bank accounts frozen if this Government is to be taken seriously.

Mr. Temporary Deputy Speaker, Sir, the Minister should fire civil servants who are running contracts whether through proxy or directly. We will support him and we will not entertain anybody who would want to protect them; that is, if the Minister would have adequate courage to sack them.

Lastly, Mr. Temporary Deputy Speaker, Sir, I want to assure the Minister that we will support him to get all the money he is asking for. We will make sure that he will not have an excuse like they used to have before that "*pesa ilikuwa imetengwa, lakini aliitwa akaambiwa asitengeneze barabara hiyo*". We know such things used to happen. But today, there is nobody who is making phone calls to order the Minister to do anything.

With those few remarks, I beg to support.

The Minister for Trade and Industry (Dr. Kituyi): Thank you, Mr. Temporary Deputy Speaker, Sir. I was running the risk of forgetting how to debate in this House. This is my first privilege to contribute to any debate since I became Minister. I want to thank you very much for that.

Mr. Temporary Deputy Speaker, Sir, first of all, may I associate myself with those hon. Members who have expressed the view that if this country is going to become competitive, if this economy is going to get off its knees and be what is being called the economy again, and if the opportunity we have now to redeem our nation has to be realised, that effort is going to come critically with the way we address the question of our transport infrastructure.

My Ministry has been involved in a lot of efforts to encourage foreign investors who were leaving this country and others who have been looking at going to Africa that this country is a good place to go to. But always you have the three critical questions: "What is your cost of power? What is the cost of transport internally? What is the cost of telephoning or communication?" In that context, whatever other efforts those of us in supply related Ministries make, unless we can cut down the cost of doing business in Kenya, it is a delusion to think that we are going to turn around this economy.

Mr. Temporary Deputy Speaker, Sir, today, it costs more to move a container from Nairobi to Mombasa than to move the same container from Mombasa to Antwerp in Belgium. You cannot rationalize investment in a society which cannot address that distortion as to why petroleum costs less to bring it from Iraq to Mombasa than from Mombasa to Nairobi. If you transport cement from Nairobi to Kampala, the cost of transport is more than the factory cost of a bag of cement. We are not going to become competitive unless we systematically address the questions which have made our transport infrastructure such a liability to do business in our country.

I have no doubt in my mind that hon. Eng. Raila is equal to the task of doing what is materially possible to do, to repair this crisis in communication. One of the most painful things we had in this country recently was how Uganda was starting to import its goods through Durban because it took much shorter time to transport goods off Durban into Kampala than from Mombasa to Kampala. Of course, we had the problem of pilferage at the port. It is a national shame that we had become a community that was incapable of shock.

Mr. Temporary Deputy Speaker, Sir, as we attempt to redo public infrastructure, we must, *pari passu* retune our public psyche about what are limits of acceptable conduct and what outrage we should have about excesses that besmirch our national integrity and reputation internationally. As we speak, a major investment is underway under the auspices of the Southern Africa Development Co-ordination (SADC) to construct a road from Nacala in Northern Mozambique across Malawi into Zambia. That major stab into the interior of southern African is going to pose a major competition with the northern corridor road as the route of growth and investment in Sub-Saharan Africa. If this country has to retain any semblance of being a significant player and if Nairobi is to become the hub of COMESA, every effort must be made to make communication the state of the art. We must make every effort to invest in roads. We have no right to invest in everything else if we do not have roads to move in. It has been said that if you say education is expensive, you are asked to try the alternative. Similarly, roads cannot be too expensive for us to do with them.

But having said that, non-patriotic forces which have driven irrationally high prices of construction are the big price of paid up society for having this dilapidated infrastructure. There is absolutely no reason why Kenyan-based enterprisers should construct roads in Uganda and Tanzania at lower than the prices they construct roads in Kenya. There is absolutely no reason why at the behest of the 21st Century, the most lucrative and potential market for Kenyan exports; the 66 million people of Ethiopia, remains a distant potential market just because we have not had the resolve to construct a 400 kilometre of tarmac road between Isiolo and Moyale.

Mr. Temporary Deputy Speaker, Sir, Mr. Maore talked about some of the scandals and failure to support Africanisation. I think it is important that we restate our commitment. It has been Government practice and it is still Government practice, if a legitimate bid by a citizen is 10 per above the lowest bid by a non-citizen, the Government can legitimately give that business to a citizen.

But having said that, there is something I have to warn the House of. Under the multilateral negotiations going on now, the next round after Cancun, there is something called the Singapore Issues. Under the Singapore Issues, the most important and first one is government procurement. The emerging scenario is that we are going to be forced into a new regime of international agreement under which the government has no right to give a tender to a local if a tenderer from Taiwan or Tel Del Fuego has offered a better bid. We will be sued in Geneva and we will rescind the tender offered to the local. That is the hostile environment coming. If we were to be involved at the level of emerging multilateral liberalization, it is a scary thing coming.

Mr. Temporary Deputy Speaker, Sir, I hope that, at an appropriate time, I will issue a substantive Statement on the Floor of this House, about Kenya's position as we go to Cancun. I am glad to say that, at least, with the assistance of the whole of Africa and India particularly, we have been able to defer any negotiation on public procurement until after Cancun. So, it will be the next two and

half year's negotiation agenda. Let us not wait until it is too late to address the critical concerns. We have a window of two years, during which we must improve on the competence and competitiveness of our local contractors, in order to have any fighting chances to get some of those jobs.

Mr. Temporary Deputy Speaker, Sir, with regard to cement, my Ministry is very much aware of the possibilities of growth through the cement roads. What have we done? We are already yielding the miracle results of reforms at the Portland Cement Company. Between January and May this year, the company sold more cement than it sold between January and December last year. A share of Portland Cement was worth Kshs14 in January this year. On Thursday last week, it had risen to Kshs52 at the Nairobi Stock Exchange. For the first time ever, the company is operating at 90 per cent capacity. That means, it is generating sufficient resources to attract viable alternative sourcing of funds, to expand and take advantage of the Government driven toll road construction. We are definitely on course, up to speed and what it takes! We are very much encouraged because that is not only an opportunity to create permanent roads for this country, but in the short-term, to suck in the excess unemployment that is hurting us politically and economically right now.

Mr. Temporary Deputy Speaker, Sir, I am glad I attended a workshop on anti-corruption this afternoon. The President declared that he is setting up the necessary mechanism to track some of the hundreds of billions that we read about in the newspapers, and return them to the country. I would like to urge the Government to put some of that money directly into infrastructural investments. You cannot go wrong with building roads, schools and railways. Those are the areas where we can put that money. I hope we will move towards inter-modal logic between sea, rail and road. It is so critical for the turn-around of international trade. We, as a country, should now be moving into the direction where the Minister in charge of roads is also given the mandate to be in charge of the railways. The investment in one is directly related with what you anticipate to happen in the other. This artificial separation does not help to create the syllogism necessary for ministerial planning on the way forward.

Mr. Temporary Deputy Speaker, Sir, we have to position ourselves as a country that wants to use the window of opportunity that remains today; to be competitive, to be a leader but also to be the transit territory of regional trade. That is the only mechanism for growth remaining in the world. To do that, we must mature into a responsibility of investing in telephones - we are still in stone age - roads, railways and affordable power. I see the efforts being made by the Minister with his modest request of Kshs19 billion as an important but critical first step in addressing this critical lack of competitiveness, that is making second hand republics appear to be more competitive than us, and making Kenyans to start asking us to protect them from competition. When a son of a heavyweight boxer asks his father to protect him from a fight with a son of a welterweight boxer, he should start asking himself whether he is feeding his son well enough. To feed that son, we have to invest in our infrastructure.

With those few remarks I beg to support.

Dr. Godana: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me the opportunity to make some very modest contributions to this Motion before the House. I must say, at the outset that, I stand to grudgingly support this Motion. I say that because, whereas the Ministry has been given an impressive figure of Kshs19 billion, with nearly half of it going to Development Expenditure, I am disappointed that, notwithstanding the numerous public pronouncements by this Minister who, I have no doubt is very energetic and, indeed, by the President of the Republic, Hon. Mwai Kibaki himself on the occasion of the State Opening of Parliament, that they will reverse the trend of disregard of infrastructural and other developments in Northern Kenya, there is not a single word or sentence in the whole of the Minister's speech on Development Expenditure, referring to any road in Northern Kenya.

I would like to congratulate Dr. Kituyi for lamenting yet again the sad state we find ourselves in, in our quest to be a major player in the region, a strategic entry point to the heart of Africa and a

major trading player within the COMESA region, and yet we have not had the wherewithal to make usable the 400-kilometre long road which links us to Ethiopia, which is the most populous country within the COMESA region today. Mr. Temporary Deputy Speaker, Sir, having said that, let me say that one of the most positive developments in road construction and maintenance has been the creation of the Constituency Roads Fund, which was established by hon. Members of this House against advice, I will say, from the Government of the day, particularly civil servants.

I am glad that we, hon. Members of Parliament from both sides of this House, managed to unite two or three years ago to establish this fund. To the best of my knowledge it has, perhaps, been one of the most successful approaches to road construction in some of our rural areas. I agree that not every constituency has had effective supervision of the use of the funds allocated to the Constituency Roads Fund.

We have made more than 300 kilometres of new roads in my constituency and shortened distances between certain communities which are far apart. The benefit of having good road networks is not just confined to the local communities but extends to Government Departments and security services which have ended up using some of those roads. Therefore, I am somehow disappointed to hear that the Permanent Secretary, Ministry of Roads, Public Works and Housing, has already informed all District Roads Engineers through a circular that hon. Members of Parliament, mayors and chairmen of local authorities should not chair the Constituency or District Roads Committee. Let me declare that I have no interest in my Constituency or District Roads Committees and I have never been a chairman of either of these committees. In Marsabit District, where I come from, we decided that no hon. Member of Parliament would chair any of these committees when they were established. Indeed, we passed that responsibility to the chairmen of the local councils. But I do smell a rat in this and hope that the Minister will take what I am saying positively.

Whereas it is legitimate for us to be concerned, as hon. Members of Parliament, we should not try to determine which roads should be given the first priority. But I think it is not fair to say that elected representatives of the people should keep off the District Roads Committees. It is also discouraging to hear that even local council chairmen should not chair these committees. I think a chairman of a county council, who normally represents one ward out of 20 or 30 wards in a district, cannot influence the work of the District Roads Committee in his favour.

Some old tricks are still continuing. I am saying this because I know the Minister. As I said earlier on, he was serious and committed when he talked with a passion about fair dealing in road maintenance. You will find District Roads Engineers hiring 60 casual labourers on a particular project but in their returns they indicate that they hired 100 casual labourers. These engineers will again hire casual labourers for 15 days in the field but in their returns they indicate that the casual labourers worked for 30 days. These engineers will also employ their friends at district headquarters offices, who have no idea about road maintenance, as supervisors. You will also find District Roads Engineers who use all kinds of tricks to justify expenditure of part of that money. Some will pretend that they bought spare parts for equipment when we know, and I believe this, that all equipment in the districts for road maintenance has its maintenance vote. Because of this, it is important that the role of the elected representatives is retained.

Mr. Temporary Deputy Speaker, Sir, I welcome the passionate commitment the Minister has expressed here and, indeed, before he was appointed a Minister in the NARC Government, that we should use labourers to maintain roads in rural areas. I remember him saying, when he was a Minister in the KANU Government until October last year, that we needed to employ labour intensive methods in road maintenance in the rural areas. The colonial administration in this country built roads, some of which we still use in North Eastern Province, without a single machine. They used forced labour. I think some of the equipment we use is completely irrelevant to some of our conditions. Indeed, in the case of Marsabit District, when we received those funds we agreed that we did not want any

machinery or earth-moving equipment, except where there was a general agreement. Human labour can do most of this work.

I also welcome the commitment by the Minister to move towards cement-maintained roads. I am not an engineer, but I have seen spot improvement by way of concrete patches in some of our very rocky areas remaining intact for a long time. The lifespan of concrete roads is much longer than the lifespan of bitumen roads. Some of the oldest concrete slabs in the most difficult areas have lasted 20 to 25 years without cracking, or are just beginning to give way after 20 to 25 years of usage.

In any case, cement is not just locally produced, but is also less harmful to the environment than bitumen. We know how in hot climates bitumen road surfaces under heavy traffic begin to melt and wear out before the expiry of their expected lifespan.

Similarly, in the area of bridge construction, we note that there are drier parts of this country which do not have permanent rivers, but have torrential streams which can, within hours, create flood havoc and sweep away vehicles. There has been a move by the Ministry over the years to shift away from building bridges towards building drifts. These days we hear of vented drifts, which are actually, in my understanding as a layman, a kind of a combination of a quasi-bridge and a quasiderift. I urge the Ministry's engineers to begin moving towards this direction.

We welcome the Ministry's policy towards reinvigoration of a housing development programme, particularly in urban centres. The mushrooming of slums at exorbitant rents, considering the quality of service you get from them and the recent clashes between tenants and landlords, attests to the fact that there is a severe shortage of appropriate housing in our urban centres. This makes me raise questions on the materials used in housing construction. I do read in the Printed Estimates that this year substantial allocations have been made, as usual, to various research institutions for material development and so on. I wonder what has been happening all these years with the developed materials. It appears as if whatever research has been done by the Housing Department at the University of Nairobi and the Housing Research Department of the Ministry of Roads, Public Works and Housing does not percolate down to the people. Somehow, we are stuck in the old mind-set of talking about building permanent structures only if they are in accordance with what the colonialists left behind, namely brick and mortar. This is the case, and yet there are many structures which may not be built in that form but are permanent and can last beyond the lifetime of anyone of us.

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

Mr. Sungu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the debate on the Kshs19 billion allocated to the Ministry of Roads, Public Works and Housing. I believe that if we doubled this budget, we would see a different Kenya.

Having said that, let me associate myself with the comments of one of my colleagues, that we need to africanise the construction industry. The other day we were at the Bomas of Kenya discussing our Draft Constitution. One of the key issues raised at the Bomas of Kenya was affirmative action. Africans in this country have been disadvantaged greatly. It has even been a problem for many Kenyans to get credit from commercial banks in this country. Finding a few Africans in the construction industry is something to be proud of and we should encourage it. Therefore, I am saddened when I hear my friend, the Minister for Trade and Industry, say that some regulations to benefit other countries and not Kenya are on the way. I will oppose those regulations.

Mr. Temporary Deputy Speaker, Sir, let me take issue with an aspect that has come to my notice. On 19th June, 2003, the Permanent Secretary, Ministry of Roads, Public Works and Housing wrote a letter to all the districts in Kenya, saying that Members of Parliament should never be Chairmen of the District Roads Committees (DRCs). The court decision was made at a time when there were some jealous people who were not interested in the progress of this country. We made a lot of progress when Members of Parliament were given the responsibility to supervise those projects. The operative word is to "supervise" and not to "implement". Implementation is for the Executive and

the civil servants. But the supervisory role is part of our job as Members of Parliament and the Legislature. I would like to appeal to the Minister to reconsider that decision. In many cases, we have seen money allocated to districts and constituencies going to waste because we are not able to tell what the district research officer or the district roads engineer do with that money.

We have made a lot of progress. For example, in my constituency, we have constructed roads that have not been constructed for over 30 years since Independence! Yet, the money has been there all the time. The funding for DRCs should be regular. I think it is necessary to call upon the Minister to ensure that equipment used in road construction is repaired. It is very expensive to acquire some of those equipment. Questions have come to the Floor of this House and we have been told the cost of acquiring a bulldozer or a roller. Despite that, we have such equipment lying idle in Government Ministries! It would cost much less to repair them.

Mr. Temporary Deputy Speaker, Sir, many issues have been raised with regard to pending bills. I have heard a particular contractor being named severally in relation to payment of pending bills. What about the others like Patel, Kabuiti, Mugoya Construction, Intex, Kamcons, Feroze and Behal? As far as I can remember, some of those companies have been blacklisted in this House because of misusing Government funds in the name of constructing roads. Why do we concentrate only on one African contractor? We need to have answers to some of these issues! We need to know how many African contractors are operating in that industry at the highest level. We need to know how many foreign-owned companies are operating in this country and how much money they are getting. Like my colleague said, those foreign or non-indigenous people take our taxpayers money overseas. That money is not going to help our economy! We want money that can help in building Kenya.

Mr. Temporary Deputy Speaker, Sir, let me address the issue of road reserves. The other day some kiosks were demolished. I understand that they were not on road reserves and that the demolition was authorised by the City Council. There was no notice at all. I dare say it is improper for one Minister to attack another Minister on the guise that they have their own personal differences. That is not how a Government should run!

There are road reserves which were grabbed. For example, in Outering Road, we know those road reserves belong to the Government. But at that time, they were taken by a powerful individual when *wananchi* had no control. This was a time when the *wananchi* did not have control. But, in other areas like Dunga, where Road C85 is being constructed, the land belongs to the people. They have title deeds and have built permanent houses and stayed there since time immemorial. If we were to demolish some of those houses in the name of constructing a class C road, we will be doing a lot of harm to our people. I would like to appeal to the Government to build that road to bitumen standards.

But, at the same time, while that is being done, those houses should not be demolished. If the houses are to be demolished, then owners should be compensated as was the case when the Nairobi-Naivasha road was being upgraded to a dual carriage way.

Mr. Temporary Deputy Speaker, Sir, on the question of housing, rents in Nairobi are exorbitant. Most of our people are poor; some of them earn something like Kshs3,000. When landlords demand a payment of say Kshs2,500, where would they get the money? There is a problem here and I agree with the Minister that there is a housing crisis created by the fact that the Government has sold a lot of its housing units to *wananchi* and civil servants. Secondly, the local authorities have not been building any houses to be used to accommodate people at reasonable rents. In the process, a shortage of houses has arisen. Because of that and a high demand, rents have risen considerably.

It is now necessary for the Government to come up with a very clear policy on how to solve this problem. I would like to congratulate the Minister for taking up this issue with the UN Habitat. I also want to say that the proposed project should be extended to cover the whole country. Even in Mombasa, we have slums such as Kisumu Ndogo and others. In Nairobi, we have Mathare, Kibera, Korogocho and others. Even in Kisumu we have Nyalenda, Manyatta and other areas that need to be

upgraded. If we want to help our people, then we must look at the entire country and not Nairobi only. Any funding that comes to help the housing sector, should be spread all over the Republic.

I want to tell you that theft of Government houses has gone up to ridiculous levels. I am very happy that the Minister has appointed a task force to ensure that we know how this theft occurred. I would like to know who allocated Government houses to individuals, who sold them to their current owners and under what law they did this. You will find that when civil servants are transferred to various parts of Kenya they cannot get houses to live in. Even the Police Commissioner's house was grabbed sometime back by a former Commissioner of Police. In Kisumu, there is virtually no Government house available to civil servants, except for the DC, PC, the Provincial Police Officer and the Provincial Prisons Officer. The other senior civil servants are not housed. It is a shame that we cannot house our civil servants, and yet they are not as well paid as some of us in society.

I think the root cause of corruption was the illegal allocations of land. Such allocations were being used for political purposes to reward those who were seen to be politically correct. I would like to say that it is now time we got to the root cause of this problem. It is now payback time. It is time for us to make people who were given public land to give it back, or pay us its value. This is because we know for sure that some of these houses were sold for almost peanuts, after which the bogus buyers were able to sell them for millions of shillings. This is an open fact that needs no substantiation.

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

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, I would like to support this Motion, albeit with reservations. This is a very important Ministry that serves this country, perhaps, better than any other. However, it has been the practice in this Ministry that quality has never been ensured. You will find that a road constructed today needs to be re-done a few months down the line. It is very important that, as we continue voting money for this Ministry, the issue of quality of roads is addressed seriously. Even if we double its Vote, as one Minister has suggested, as long as quality does not improve, public funds will continue to go down the drain. This issue must be addressed with the seriousness it deserves. To make matters worse, those poorly done roads are known to be the most costly to build. So we are on both extremes. The quality is the worst and the prices are high. That is corruption par excellence. These matters must be addressed because if this trend continues, we will not get anywhere.

Mr. Temporary Deputy Speaker, Sir, as previous Members have said, we must think commercially in this country even if we are in the public service. The Minister for Finance said that Kenyans will get value for their money. We are among the highly taxed lot in the world, yet we get very poor quality services from the public sector. It is high time these issues were addressed, particularly in this Ministry. I said I supported this Vote with reservations.

Mr. Temporary Deputy Speaker, Sir, you know that parts of this country, like the northern part, have been forgotten for a very long time. We continue forgetting them, even at this time when none other than the Head of State has said that the northern parts and marginal areas of this country be given priority, so that they are not further relegated to the periphery. We see the continuity of that. Why do I say this? When we came up with the Roads 2000 Programme, Kshs700 million was spent in Eastern Province. In the upper eastern, not a single shilling was spent. I wonder whether upper eastern is not part of Eastern Province. Where did we go wrong? Even now we are not mentioning that part of the country! I do not know what we need to do in that part of the country so that we can be considered for these projects.

Like it has been mentioned here, there was an agreement between this country and the Ethiopian Government that Kenya would construct a road up to Moyale from where the Ethiopian Government would extend it to Addis Ababa. Ethiopians did their bit a long time ago, but Kenya has not done anything up to now. Time and again it has been repeated that this road would be done. I do not think that anybody would like to hear that any more. We would like that work to begin. This is a story we keep on hearing during election time. It is very disappointing and discriminative. It is a stated

policy of this Government that Kenyans will be served equally. Where is the equality that we are talking about? Forget about upgrading a road to bitumen standard; our roads have no murrum and are not even gravelled!

Some of the investments that we have put in place in that part of the country are useless as they are not serving this country better! Because we have not constructed a road to the end, what happens? The roads are not motorable at all or the drainage is ignored and this makes the quality of the existing roads to be sub-standard or worse. It is high time this Ministry addressed this issue very seriously.

Mr. Temporary Deputy Speaker, Sir, the parts of this country that are already marginalized need to be considered for development. If we only talk about it, and when it comes to the allocation of resources, these issues are ignored completely, then that is deceit! I do not think any Government that is worth its salt will do that kind of thing. This trend must be reversed. These marginal areas need special attention and affirmative action. We need to jump-start the economies of these areas. There could have been billions worth of businesses between the Port of Mombasa and Ethiopia if only the Isiolo-Moyale Road was done. This has been ignored and yet we want to create employment. We want some of these areas to be developed. We want to compete with the rest of Africa. We must look at these issues from a strategic point of view. We should not look at them in the short-term. I heard just a few minutes ago the amount of money allocated for doing the Embu-Meru Road and if you look at the previous year's allocation, it is the same amount over and over again. It is important that these marginal areas be addressed.

Mr. Temporary Deputy Speaker, Sir, I would like to comment on the memo that has been issued by the Permanent Secretary about the Members of Parliament not becoming Chairmen of District Roads Committees. What is the basis of that memo in law; in the relevant Act? This is the issue that we would like to see clarified. At the same time, some of these memos are very inhibiting in terms of performance of the District Roads Committees. Where roads have not been done for the last 20 years and the bushes have grown to the extent that now you have to clear the bushes, then the memo comes from the Ministry again saying: "No bush clearing". The District Roads Committees have been given the mandate to do what is appropriate. The District Roads Committees are not given the leeway to do the right thing because the memo comes saying: "No bush clearing for this period". I think the District Roads Board should be given a leeway in handling these issues as they deem appropriate. Like one of the speakers said, it is one of those projects in this country that has actually yielded the right fruits. Through these District Roads Committees we have seen services actually being realised and also seen value for money. So, it is important that the Ministry, when issuing some of these circulars, seriously considers the implications; otherwise, we will put systems in place and then render them impotent.

Mr. Temporary Deputy Speaker, Sir, secondly, the importance of this Ministry like I have said before and other hon. Members have said, and its relationship with other Ministries, cannot be over-emphasised. For example, businessmen in the northern part of the country with those kinds of roads, go for hire-purchase of trucks but look at the maintenance costs. What kind of business are they expected to do? How does such a businessman compare himself with somebody else who is doing business on a better road?

With those few remarks, I beg to support.

Mrs. Mwendwa: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion. First and foremost, I would like to comment on the Housing Department. We Kenyans are very keen to start new constructions and when we construct buildings or whatever, we are very poor in maintaining them. I would point out to the Ministry that Government offices, houses or buildings are in a very pathetic condition. We do not paint or maintain them and yet we are ready to move on and build new ones. However, it is common sense that if we do not maintain

our buildings, they will not last long and, therefore, it is a waste of our resources. We must start maintaining our buildings.

Mr. Temporary Deputy Speaker, Sir, having said so, we have tried to maintain the western standard of buildings and yet we know there are some local materials, which if used properly with the advice of architects and engineers, we can build good houses for our people. Even in England, we have seen where they use burnt bricks in the construction of houses although some are for decoration purposes. However, if we could use burnt bricks in the construction of houses especially for our ordinary people instead of letting them build their houses with cartons and other very sub-standard materials which are very dangerous because they catch fire easily, we would save our people from dangers of fire. Building materials like bricks can last for a very long time if they are used properly. Therefore, I call upon the Ministry to experiment a little bit more by using local materials without necessarily lowering the building standards at all.

Mr. Temporary Deputy Speaker, Sir, let me now come to roads. One hon. Member said that we should use our local contractors. That is a very noble idea, but the question is: Are we ready to sacrifice the standards because some of the contractors who have let us down are our own brothers and I am saying so because I have been in this business for quite a while. These are the people who have also been claiming payments for roads which they have not even done. They do not even know where the roads are and yet they demand to be paid. Actually, some have been paid and we know them. Some of them are our brothers. Yes, I would go on for Africanisation, but a time has come when we have got to live up to something. We must have some standards. If you are a contractor, wherever you come from, even if you come from my backyard, you must do the job that you are contracted and paid for because we have these bad roads everywhere. They are done and within a very short time, potholes are everywhere and yet these are tarmacked roads. We wonder where our engineers are when this shoddy job is being done. I am sure it does not happen in other places. We get embarrassed when we are told: "*Jifunge na kitambaa*", when we are travelling because of the dust. When you go to Kenya or Tanzania, you will notice the difference of their roads and ours. I am sure we are better than our neighbours. We have always been and we would like to keep the lead. We do want good roads. If you asked me whether I will sacrifice to have a contractor do a shoddy job because he is an African or I give the contract to a foreigner, I would choose the latter because he is going to do a good road which will last for a very long time.

So, Mr. Temporary Deputy Speaker, Sir, we want standards. It is high time we had standards set in this country. I share the sentiments expressed by my colleague from Eastern Province, hon. Bahari. I first came to this House in 1974. Since then, we have been talking about the road that passes through Kibwezi, Kitui, Mwingi, Maua, Isiolo, Marsabit and Moyale, all the way to Ethiopia. We understand that this road is going to be constructed and that the money has already been negotiated. This time round we do not want to leave this Parliament without seeing that road constructed. The Mombasa road is very congested and it becomes very difficult, if you have to come from Moyale, to join the Nairobi-Mombasa road as you go to Mombasa. It is very expensive.

Mr. Temporary Deputy Speaker, Sir, there was a proposal to build a road from Thika, to Kitui, all the way to Malindi through Tana River. This is an area where schools are ever closed and banditry is rampant. All the same, we need this road for security reasons. I am sure that if the road is constructed, people will not have to come all the way from Nairobi to go down to Mombasa. If only we could open up those areas, it would be economical and there would be security along the road. It would also reduce accidents because we would have spread our roads further.

I would like to point out to the Minister and his personnel that for us to actually jump-start our economy, and also to deal with the problem of poverty, the first thing that we need is water. Secondly, we will need energy and lastly, roads. If I get water in Kitui and then I grow whatever crops there, I will need the road to be able to sell my produce somewhere! To do that properly I will also need

energy and it goes without saying that if we have power, water, and good roads, our brothers and sisters will not have to come to live in shanties in Nairobi. They would rather run small-scale industries in the countryside. Therefore, roads are very important in the life of a nation and until we have good roads, it will cost us so much to bring our agricultural produce, be they mangoes, tomatoes or sukumawiki, upmarket. But with good roads, the cost would not be very high and many people would be self-employed. We, therefore, call upon the Government to allocate more money for this Ministry, but let them also double the width of roads because at the moment the roads are in a bad state.

Mr. Temporary Deputy Speaker, Sir, we have a lot of faith in this Ministry. It is also gratifying to see an engineer being employed in a Ministry where engineering is useful. Both the Minister and his Assistant are engineers. This is the right trend. We have had people who have no knowledge, whatsoever, running Ministries. How do you appoint Nyiva Mwendwa to be the Minister for Health and yet she does not know anything regarding health! She is expected to run the Ministry when she does not have any idea about it. We do appreciate the appointment which was done in this Ministry and we have got faith in it, but we do want to see results.

We love Kenya very much. If we were called a talking nation, we should say: 'Amen', because we talk, do feasibility studies, but when it comes to implementation, we are excessively poor. We hope this will not be the same with the Ministry of Roads, Public Works and Housing.

With those few remarks, I beg to support.

Prof. Oniang'o: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to support this Vote. I will start with positive remarks, in the sense that we are seeing this Ministry in action. It is a Ministry that cannot hide what it is doing because it is visible and is addressing an area that is very important.

Before I go on with what I want to say, I want to condemn the deliberate demolition of kiosks in the City of Nairobi. I felt embarrassed as a Kenyan, to see on television what was happening to poor people. I saw women crying as askaris were pulling their hands. We know very well that, in fact, these kiosks form the housing for many of those people. They close their kiosks and sleep in the back. So, in essence, we have destroyed their livelihood in the name of freeing road reserves. If this Ministry had anything to do with the demolition, it should be ashamed of itself. It should stop the demolitions because it is rendering Kenyans, who draw their livelihood from the kiosks, homeless. These are very poor Kenyans who do not want to commit crime, but to earn a living honestly. We are driving them to crime, suicide and abject poverty. I thought I should just start by saying that because we have seen the two Ministers contradicting each other and ashamedly arguing against each other on television.

Mr. Temporary Deputy Speaker, Sir, let me talk about roads. Our roads begin to have potholes before they are even finished. Somebody has said that this is the most corrupt Ministry in this country. Tarmacking roads costs a lot of money that the ordinary *mwananchi* cannot even fathom it, and all the corruption is hidden in these figures. We hope that this Ministry with the personnel in it, will be transparent and accountable. In fact, I want to dare the Government that if it wants to weed out corruption, it should start with this Ministry and find out where the money that has been allocated over the years to tarmac roads, has gone to. We have the worst roads in Eastern, Central and Southern Africa. Kenya has the worst roads. This is the reason why production costs are high in Kenya and we cannot even maintain our cars. You cannot even want to buy a new car because after you drive it here in Nairobi for a week, it will already be tattered. This is a new opportunity for the technocrats in the Ministry to show us that we are getting value for our money; that, the quality of their work is assured and there is proper monitoring and evaluation. The road quality is not just for motorists. Many Kenyans come from areas where *matatus* cannot even move. By the time people in *matatus* get home, their backs are aching. Kenyans who walk to work have nowhere to walk because the roads are completely dilapidated and potholed. As we vote money for this Ministry, it should not have an excuse not to give us quality work. The Minister should ensure that roads are maintained often.

We have inner city and rural roads. For those of us who work in the rural areas, we know that once it has rained, the roads are completely impassable, yet these are the agricultural areas that feed this nation. You cannot transport food from where it is produced to the market or to where it is needed. We are doing a disservice to the farmers of this nation. Over 70 per cent of the Kenyan population is the farming community who have never seen good roads, bridges built and maintained. This is a tragedy that must be addressed.

Before my time runs out, I want to talk about housing. Housing is unaffordable for Kenyans in the City. For majority of Kenyans, except for maybe one per cent, housing is unaffordable. If you go to the slums of Kibera and Korogocho, you will see people living in inhuman conditions, and now we are telling them to move out. Move to where? We are hoping that this Ministry will have a proper plan, something that this Government has failed to do. It wakes up one morning and says it is doing this and that, yet it does not know what planning is all about. We have engineers in this Ministry but we lack good managers in this country. We need good management for the technocrats to do their jobs properly. I hope that as we address the issue of housing, we shall address it properly, that even civil servants, teachers and the poor who live in inhuman conditions will afford better houses. I do not understand why anybody should come from the Western or the Coast provinces to live in mud shanties which have no sanitation in the slums of the City and next to it, there is a posh housing complex. We should be ashamed as a nation. I hope that as we vote money for this Ministry, housing will be given priority. The Ministry should have a human heart and be cognisant of the plight of the poor. As I say this, I am thinking of Kenyatta Market where I go to have my hair and my dressing done. The market does not even have electricity. How will the Government create the so-called 500,000 jobs? I would like to see somebody come up and say: "These are the concessions we are going to give to the poor because we want to address poverty and create jobs". The poor people are trying to create jobs for themselves and we are making this extremely difficult for them. I just want this Ministry to give a human face to its work.

With those few remarks, I beg to support.

The Assistant Minister for Health (Mr. Konchella): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the debate on this very important Vote.

From the onset, I support the Vote. The money that has been allocated to this Ministry should be used to create a better infrastructure in this country. Even the funds the Ministry may get from bilateral donors, should be used to support the Ministry to do the job it is doing. I want to also thank the Minister for making a provision to rehabilitate the Kisii-Kilgoris and Keroka-Nyanguso roads. Trans Mara District and all parts of Maasailand have been at the edge of development. In fact, if you see the road from Kisii to Kilgoris, as you get to Nyanguso which is at the border, you will find that, that is the end of the design and we have a short-cut between Nyanguso and Kilgoris which has a very thin layer of tarmac. Could the Ministry now tarmac the road from Nyanguso to Kilgoris, so that we have a proper tarmac road, at least, 10 kilometres in my district? We have never had a tarmac road in the area before.

You will realise that infrastructure in this country has been destroyed for 40 years, for example, the Mai Mahiu-Narok Road that leads to the Maasai Mara. The amount of revenue this country receives from tourism is colossal. Where does it go? Why is it not put into infrastructural development in the areas from where the revenue has been raised to support the local people? The Narok Road is impassable and so, everybody who has money boards a plane and flies to the Mara to watch the animals. As a result, businesses which the poor would harness from tourism, for example, road side kiosks, have been destroyed. No tourist today travels by road because of the bad state of the infrastructure.

Foreigners come here and fly tourists while they have no idea about the geography and the terrain of Kenya. Consequently, they are killing tourists like we have just seen from the plane crash

that occurred on Mount Kenya. I would like to ask the Minister for Transport and Communications to ensure that no foreign pilots fly in the Kenyan airspace without obtaining a licence from the Kenya Civil Aviation Authority. We have competent and well trained pilots who are able to fly tourists safely to every corner of this country. I would request the Ministry to ban immediately all foreign pilots from flying in Kenyan airspace unless they are licensed.

Mr. Temporary Deputy Speaker, Sir, on the issue of the Maasai Mara, I am glad the Minister has put in place measures to ensure that the road leading there is repaired. The Maasai Mara will now be accessible to both local and international tourists.

Mr. Temporary Deputy Speaker, Sir, Trans Mara District produces a lot of milk, tea, coffee and vegetables. If the Government tarmacs the Narok-Kilgoris Road, we will be able to supply vegetables to Nairobi and enable the poor people get food at affordable rates. Therefore, I urge the Ministry to consider tarmacking this road to enable our people to transport their goods to Tanzania. It will also open up Migori District and other parts of South Nyanza. As a result, they will be able to access Nairobi easily to do various businesses. Let us allow our people in that part of the world to have a chance to use a tarmac road for the first time in the last 40 years.

Mr. Temporary Deputy Speaker, Sir, on the issue of kiosks demolition in Nairobi, as the hon. Member said, those kiosks are owned by poor people. I do sympathise with those kiosks owners since this was their means of livelihood. However, they must know that there is an Act of Parliament that states that nobody should construct houses or any structure on a road reserve. So, it is either we obey the law or not. The KANU Government disobeyed the law in the last 40 years. In fact, they are the cause of problem to those kiosk owners. This is because KANU allowed people to illegally settle on land that was set aside for road reserves.

Prof. Oniang'o: On a point of order, Mr. Temporary Deputy Speaker, Sir. Nobody is so bad as to go against the law. Is the hon. Member in order to imply that, in fact, we want people to build on road reserves? The fact is the Government demolished those kiosks without giving the owners notice.

The Assistant Minister for Health (Mr. Konchella): Mr. Temporary Deputy Speaker, Sir, as far as I am concerned, that is not the issue. I agree that these kiosk owners need to be protected because they are Kenyans. However, what I would like to ask the Ministry is to let us build ring roads around Nairobi. We should also think of buying land to construct big markets so the owners of the demolished kiosks can be relocated there to continue with their businesses. I would like the Ministry of Local Government and the Ministry of Roads, Public Works and Housing to facilitate this because they are unfair on those people. I am not trying to say this will not help. We must all obey the law. We, as Parliament, have the duty to make laws of this country. We will not run this country the way it has been run down before. I am sure, if anybody constructed a kiosk around Parliament, there would be a lot of noise here. Is that what the hon. Member wants to be done? Therefore, let us construct ring roads and big markets in this city so that people on road can reserves move to those markets.

I would also like to say that Africans must be empowered to run the economy of this country. We have no business as a Government not to empower our people. We would like civil servants to understand that unless they empower African contractors - not cowboy contractors - we will remain poor forever, because this money will go into the hands of foreigners who will go away with it. We should empower African contractors to construct roads in this country. This is my request.

With regard to construction of highways, we know there is a lot of corruption going on. We have super corruption in this Ministry because of people who are thirsty to get these jobs. For 40 years they had a field day for corruption, they should now stop and construct roads which can last for five years before we see a pothole. It is very shameful when we travel around the World, for example, Europe, and see how people live and construct their roads. But when you compare with what is happening here, it is a pity. It is not Asians who award these contracts, it is the Africans themselves. Could we for a change say that this is our country and support the Minister, who we know is capable

of creating an infrastructure which can set a good example for Africa?

Thank you.

Mr. Rotino: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the chance to contribute to this Motion.

The Ministry of Roads, Public Works and Housing requires Kshs19 billion this financial year. We are giving them money for a specific duty to be performed. I would like to echo what my colleague said that this Ministry is one among the many Ministries that are corrupt. The staff on the ground are very corrupt. When I go to my constituency in West Pokot District, I always make it a point of visiting the Ministry offices every Monday, because I see so many things happening in the district, which I have to inform the Chief Engineer about. There are so many engineers and supervisors who just loiter around the offices every time I have been to that office.

Mr. Temporary Deputy Speaker, Sir, the other day Wakor Bridge was washed away in my constituency. It is along the Kitale-Lodwar Road which serves Turkana District and the southern part of Sudan. This bridge was washed away on a Friday at 8.00 p.m. and there were more than 300 trailers taking food to Sudan, Lokichoggio and Kakuma refugee camps. It took the Ministry up to a week to go and inspect that bridge, despite our complaints. When a mobile bridge was taken there, I even went there personally to complain that it could only carry the weight of about 16 tonnes. First of all, the mobile bridge costs Kshs40 million. If you include the cost of installation and other expenses, it came to about Kshs80 million to Kshs90 million. I asked them why they could not open up a temporary road and use that money to build a permanent bridge. That mobile bridge is not sufficient because that road is used by heavy commercial vehicles. The small lorries can use the bridge, but the heavy commercial trailers are using a diversion. Many times, the Government has had to send a bulldozer from Nairobi or Nakuru to that area in order to help tow away the trailers which get stuck, and yet it could have taken them about Kshs15 million to Kshs20 million to build that bridge. I do not know what engineering knowledge was used.

Mr. Temporary Deputy Speaker, Sir, the drainage system of all the roads in this country is pathetic. If you drive from Kitale to Lodwar, all the culverts are blocked and yet there is money for their maintenance. I do not know where that money goes. All the culverts are blocked whereas the engineer passes there every two weeks to one month and is aware that the culverts are closed. He will not act until the roads are washed away. The engineer is not in heaven; he is always moving in that district. I do not know what he is supposed to see.

Mr. Temporary Deputy Speaker, Sir, for the last 20 years, I do not think there is any bridge which has been constructed in West Pokot. We have even prioritised some of the bridges that should be constructed, because when there is heavy rain, our children cannot go to school. For example, pupils of Lomut Primary School cannot go to school when it rains because of the river which is there. The engineer in Kapenguria says that he has taken estimates to the Ministry headquarters and yet nothing has been done. Something must be done.

Mr. Temporary Deputy Speaker, Sir, as I said, I have made it a point of visiting the Ministry of Roads, Public Works and Housing offices in my district every Monday. As I speak now, there is no driver of a bulldozer in that district. When the bridge was washed away, we were given an earth mover, but the Ministry did not have a driver. They had to hire a driver who had been retrenched. This type of driver does a shoddy job. Even somebody who has not gone to an engineering class will tell that a road has been poorly done. They are not able to do simple grading. As I speak now, they are trying to grade the Sigor-Chesegon Road at the border of Marakwet, but the grading standard is poor. Last weekend when I asked the engineer whether that was the right standard of grading, he informed me that he did not have qualified drivers or operators for those grading machines. You can imagine a whole district without a single driver to do the road. Why should the bulldozers be sent there if there are no drivers? He also informed me that he had not been given the authority to employ a driver.

Mr. Temporary Deputy Speaker, Sir, the Constituency Roads Fund should be enriched, because for the last six months, the little money that we got from the Ministry was used to gravel the small rural access roads and, it was a wonderful job. I would like to encourage the Ministry to employ labour intensive works for the rural access roads, because our people should be employed. For example, we gravelled a 20 kilometre road at the cost of less than Kshs100,000 and the road is perfect. I went to check it over the weekend with the engineer and the road was good. I would, therefore, encourage the Ministry to use labour intensive works on those roads.

Mr. Temporary Deputy Speaker, Sir, with regard to the tendering system in the Ministry, the other day the Ministry of Roads, Public Works and Housing vehicles were being boarded. This boarding is done at the Ministry headquarters. They usually sell vehicles in Kapenguria from Nairobi. I specifically called somebody in the Ministry and asked him why vehicles were being sold from Nairobi, and he informed me that there is a system called the Central Boarding System which does this job. That system is wrong. We should be able to give the local people opportunity to purchase the vehicles which are being boarded in particular districts. We have people who are capable of buying those vehicles in those districts. When this exercise is centralised, those who cannot travel to Nairobi are disadvantaged. Even if it is advertised in the newspapers, the people who purchase those vehicles are usually from Nairobi and Nakuru, because they have friends in the Ministry. That puts us in a very poor situation. If you read page 417 of the Estimates of Development Expenditure book, it talks of construction of the Vice Presidents residence, at a cost of Kshs50 million. It is indicated there: "*Nendeni muangalie.*"

Mr. Temporary Deputy Speaker (Mr. Khamasi): What language are you using?

Mr. Rotino: I am using a national language. I am sorry. I am saying that I will reject the issue of construction of the Vice President's residence at the cost of Kshs50 million, when it gets to the Committee Stage. Let it come.

I want to join my colleagues in calling for the indigenisation of our tendering system. Most of the work done by the Ministry of Roads, Public Works and Housing is tendered. Once it is tendered, most of the big sharks who qualify for it are not our local people. Most of them are Asians like Jay Shah and Mukesh, and they are also the ones who apply for the tenders. They qualify because they meet the conditions. I will encourage the Ministry to help our local people so that they can also get the tenders.

If you drive along Kitale-Kapenguria Road, there are no road signs. Lack of these road signs causes a lot of accidents on our roads. When we are designing roads, we should be able to create avenues for cyclists. I almost had an accident over the weekend because of a cyclist who was riding on the side of the road carrying charcoal. The roads must be designed in a way that we create room for those who cycle so that we do not cause accidents.

I want to comment on our housing. It is good that the Permanent Secretary from the Ministry of Roads, Public Works and Housing is here because, as I speak, West Pokot has no single Government house. All of them have been grabbed, not by the Pokots, but by outsiders. The houses are now being sold to the Pokots at very high costs. It is only the DC's house, the DO's and the Police houses that exist.

With those few remarks, I beg to support.

Eng. Okundi: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion. This Vote is very crucial for the revival of the infrastructure in this country. We all know that infrastructural development which include roads and communication had collapsed. We need a foresighted Ministry with proper budgeting and implementation schemes to revive it. In terms of development, we should give our people good roads, clean water and electricity. Those are very basic in order to uplift the other areas of good life and progress of the nation as a whole. I am happy with the Minister for Roads, Public Works and Housing because even before we have approved

the Vote, he has foreseen the need to call for bids so that they can select the people who are going to do the roads and discuss the other nitty-gritty issues that need to be placed. Eventually, when the money is approved, the works can start straightaway. Many of us always push for the money to be approved when we have not planned for it. We then keep the money for long and eventually, it goes back to the treasury because there are no plans for it. I will not complain. I know we tend to cloud our discussions with a lot of complaints, about what was bad and so on. We all know that a lot of corruption had filtered in the ways we did things in this country, but now that the NARC Government is in power, these programmes are excellent. I want to commend this Ministry. We would like as Parliament, to concentrate on corrective measures so that good things can happen. The budget of Kshs15 billion to this Ministry in respect of broken down infrastructure is not enough. We could double it or even increase it further. The agent of change for our development requires roads, even in agriculture and *matatus*. We need roads in everything we do.

Public transport is expensive to investors because our bad roads are destroying their vehicles. This has come about because the money that was allocated in the past towards maintaining roads was not properly utilised and it got lost through other areas where public funds were being misused. I wish to thank the Minister and the Government for bringing the Roads 2000 Project to Nyanza Province. This is a province which has suffered very much in terms of its roads outlay. What I really like about this project which is coming to my constituency and district for the first time, is that it is based on the fact that there shall be developed local capacity which is highly labour-intensive in building, maintaining and planning these roads.

Mr. Deputy Speaker, Sir, I remember that when the Colonial Government was running this country, the roads were under the Public Works Department (PWD). They had an arrangement, whereby there were local roads foremen. Each foreman was given sections of the roads that concerned his area or work. They always employed local labour to maintain the roads. They were intensely rural-access roads built by murrum and the road reserves were always very clean. As such, *wananchi* were always reminded not to violate the by-laws on road reserves. The Roads 2000 Project, will increase the need for people to maintain their roads and see to it that roads are well planned. This will ensure that information about drainage, culverts and pot holes is sorted out. All this was stopped due to the collapsed infrastructure. Some well wishers started trying to seal the potholes which had developed in order to mirror this idea which the Minister and his well-qualified staff are bringing back now. The Roads 2000 Project is highly welcomed and we, as Parliament, really feel that it is a big obligation for us to support them heavily and only push for this project so that the Government will approve it as early as possible and let those projects take shape. In our area, we have earmarked the roads that should fall under this programme.

On housing, when the National Housing Corporation was established, there was a programme almost everywhere throughout the country. The idea was to come up with simple housing using simple building materials based on simple designs. This started off very well indeed. Even people benefited from using this simple plan to build their own rural houses. This is highly commendable. When the Minister took over this Ministry, this programme started to be revived. I really commend the Minister and his staff for doing this. I know that they have a goal of constructing 150,000 houses per year in this country. This will create an enormous number of jobs for our people wherever they are and also revive the idea of housing for our people. This is good for the health of the nation.

Such a well prepared programme like the budget for the Ministry of Roads, Public Works and Housing will not qualify for so much of our bashing because of past frustrations. Under the NARC Government we have sufficient indication that they are on the right track, they are moving ahead and that they are prepared to sort out some of these things as quickly as possible.

Let me touch on the issue of District Roads Committees (DRCs). Today every Kenyan is very alert about his or her responsibilities. You will find that those whom the people have not elected to

represent them really resent people who make decisions, particularly financial and political decisions affecting their economic lives. This is why I feel that the participation of a Member of Parliament in the DRC gives sufficient relief to *wananchi* that the project is being done for their benefit. In a case where DCs or administration officers are involved in this without the full participation of Members of Parliament, it always brings suspicions of *wananchi*. The moment they start complaining, it is very difficult for the programme to move ahead.

I wish to congratulate the Minister because for the first time, he explained to this House how money was allocated to the districts and roughly what happened. We now have sufficient information to explain at the district level about the use of these funds. I support this Vote and I would like the funds to be released as early as possible, so that construction of these roads which we need so badly can start immediately.

With those remarks, I fully support this Motion.

Mr. Kipchumba: Thank you, very much Mr. Deputy Speaker, Sir. I would like to make my comments on this very important Vote of the Ministry of Roads, Public Works and Housing. First, I would like to say that I was a bit shocked when the Minister gave a list of the roads that will be rehabilitated. The road between Nakuru and Timboroa which is an A Class road, that is the Great North Road, which is almost impassable right now was not included in the programme. This is a bit embarrassing because as soon as you cross Uganda, the road is very good. It is still very good when you travel past Eldoret up to Timboroa, but it is in a hopeless state almost up to Nakuru. I hope the Ministry will consider at least, tarmacking that road because we should not be taking two hours to travel on a road on which we are supposed to take one hour.

I think we need to prioritise our roads. I do not know which comes first when you leave an A class road and tarmac a B class road. Some of the projects we have are very ambitious. I listened very keenly to what the Minister said, that we need to make the Mombasa-Nairobi Road a dual carriage road. That is a very good project, but my problem is that by the time you finish one side of the road, the other one will be totally impassable. Therefore, I do not know whether we will achieve our objective. I think it is important to first repair or make the existing roads passable.

Mr. Temporary Deputy Speaker, Sir, there are forests where some of us come from and also, there are lorries that carry the logs from the forests. The lorries pass through our roads all the way to Pan African Paper Mills. We need protection from those lorries because in many occasions, in my view, they seem to carry overweight loads. Even if we repair our roads, they do not last for a long time. If the Government cannot ensure that those lorries do not destroy our roads, I think we will do it ourselves. We will make sure they pay a levy which will be used to repair those roads.

Mr. Temporary Deputy Speaker, Sir, the Road Maintenance Levy which is Kshs5.80 per litre is a lot of money to be paid by every Kenyan for a service which they rarely receive. I think Kenyans would not mind paying more for services delivered. We need to receive service for that levy. In that view, the money we receive from the Kenya Roads Board for our constituencies does a very good job to the extent that we would have wanted the 24 per cent to be shared also equally between the constituencies. I think many hon. Members will agree with me that we can quantify the kind of job that we have done with the 16 per cent or so, that we always receive. If the 24 per cent can be put together with the 16 per cent and then shared out between the constituencies, we will be able to do a very commendable job.

Mr. Temporary Deputy Speaker, Sir, I would also like to say that we should look for contractors from within the region for maintenance works. I do not see why some of us in Eldoret have to get the so-called "qualified contractors" from Nairobi for jobs that cost Kshs500,000 to Kshs800,000. We are confident that we have competent contractors in that region.

Mr. Temporary Deputy Speaker, Sir, very many hon. Members have talked about corruption in the Ministry of Roads, Public Works and Housing. But I think we need to remunerate the staff

working under this Ministry. I have on many occasions seen some of the staff camp in the field for very many days with their tents. I am sure if you were to ask them what kind of allowance they are given, it might be probably very little money compared to the work they do for this country. They are very dedicated people. So, as much as we would like to condemn corruption, we should look at its root cause and address it squarely. We should pay those engineers just as we would like to pay the doctors and lawyers. They are all professionals in our country and therefore, they should not be discriminated against.

Mr. Temporary Deputy Speaker, Sir, I do not know the fate of projects which had already been pre-qualified. Some of us have roads in our constituencies which had been pre-qualified and which, in my view, deserve to be looked into. We are not talking about tarmacking the roads. We are talking of gravelling them so that they are passable during the rain season. We hope that issue will be looked into. I have looked at the Printed Estimates and I have found out that those roads are not included. In future, we would like to see a situation where every district in this country receives or is given a fair share of the national cake so that, at least, one road per district is given attention. As I said before, we are not talking of tarmacking of the roads, we are talking of gravelling the roads. Even if it means five kilometres in every district every year, every Kenyan will feel that the Government appreciates them.

Mr. Temporary Deputy Speaker, Sir, we would like our industries to have very good roads. There is no way we will talk of encouraging investments when the roads that lead to those industries are in a very deplorable state. If you go to Eldoret Town you will find that these industries are being revitalized. However, it is only Ruba factory that is in operation. They have complained that there is a lot of dust that spoils their machines. I would urge the Government to tarmac the two-kilometre road leading to that factory. We will only succeed in creating 500,000 job opportunities in the country, if we rehabilitate our roads, so that industrialists can see that this Government really cares.

Mr. Deputy Speaker, Sir, I would like to join my friends in emphasizing that drainage is our single biggest problem in the roads sector. If we can dedicate, maybe 30 per cent of the money allocated to the Ministry towards drainage, I think our roads could be kept in a very good state. At the moment, even if the Government constructs a very good road, without good drainage, it is will be useless. As I said before, some engineers are not necessarily corrupt. At a times, they are demoralised to the extent that when some of us go to the field to inspect the roads, you realise that the contractors are using soil to rehabilitate roads instead of murrum. Personally, I have intervened on very many occasions. It is a very simple job. I have appealed to people in my constituency that if they see a contractor using soil on the road instead of murrum, they should stop him. Right now, people in my constituency will not allow them to use soil instead of murrum. It is basic knowledge that you do not have to check the quality of the material used to tell whether it is soil or murrum. You can easily differentiate between murrum and soil by just looking at it. Therefore, let the Ministry give enough means of transport to engineers so that they can supervise the works on our roads. Contractors are human beings and they would like to make as much money as possible. However, we should not allow them to make easy money.

Mr. Deputy Speaker, Sir, on the issue of Axle Loads Control Centres (ALCC), I would not say that there is corruption involved because I do not know the truth. However, it is important for these centres to require a maximum of a certain weight. They should not allow certain lorries carrying over weight goods to use our roads. There should be punitive measures put in place to ensure that drivers do not overload their lorries.

Mr. Deputy Speaker, Sir, the machinery used for the rehabilitation of roads in many of our districts is no longer in existence. We have three grading machines in my district, but none of them is in a working condition. They were bought a long time ago.

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

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity to support the Vote of the Ministry of Roads, Public Works and Housing. I will start by congratulating the hon. "*Tinga*" for doing a good job. At least, for the short time he has been the Minister, we have seen that he is vibrant, efficient and conscious of what his job entails.

Mr. Deputy Speaker, Sir, the road network in this country is in a deplorable state. Due to failure by the Ministry to repair and maintain roads, some roads are so dilapidated that they have to be reconstructed afresh. So, all roads in this country, be they municipal, classified or not, should and must be put under one command, so that even roads in local authorities fall under the Ministry of Roads, Public Works and Housing. That way, we will be able to maintain and sustain the standards of our roads.

Also, the Ministry will have a national road grid which it can, from time to time, evaluate and upgrade. I say so because, in many municipalities, starting with Nairobi, Mombasa and all the proliferation of municipalities everywhere, wherever roads are under the care and maintenance of local authorities, you find that they are in a pathetic state of disrepair. They are either underfunded or the little money that they get is misapplied and does not do the job it ought to do. It will be a good idea if we put all roads countrywide under the care of the Ministry because the Minister is accountable to Parliament and any money given to such institutions, including money from the Fuel Levy Fund, has to be accounted for.

I am sometimes baffled by the way roads in this country are repaired. As my colleague has just said, you find road engineers using marrum to repair tarmac roads. I wonder whether marrum can adequately repair a broken tarmac surface. I think it is desirable that the Minister standardises the level of repair and maintenance on our roads. Because of the Ministry's inadequate capacity to repair roads, you find that little boys who have run away from school all over the country have set up illegal road tolls. They sit down and chip road potholes, pretending to repair them, virtually extorting money from motorists as they pass-by. Therefore, with a new Government in place, and the dynamism that comes with it, this kind of thing should come to an end.

Mr. Deputy Speaker, Sir, I have always wondered why the rail network in this country is not under the Ministry of Roads, Public Works and Housing. Railways is part of the public transport system. It is my considered opinion that we should put Kenya Railways Corporation under the command of the Ministry of Roads, Public Works and Housing, so that there can be synchronisation of management of public transport. You find that wherever we have a railway line, it is complemented by a road and vice-versa. So, perhaps, it is not prudent to have the two transport systems under different commands.

Mr. Deputy Speaker, Sir, there is what we call the axle load weigh bridges on some of our roads. I regularly travel between Nairobi and Bungoma District, where I come from. I can say without fear or favour that I routinely see money change hands between the officers manning the weigh bridge stations and truck drivers, whose vehicles are supposed to be checked to establish whether they are overloaded or not. There is one such weigh bridge in Webuye Town, which is about 35 kilometres from the Busia border. If an overloaded vehicle comes from Uganda, it is given an opportunity to destroy the road between the Busia border and Webuye Town before it is checked to establish whether it is overloaded or not. It will be desirable to have these weigh bridges at the entry point, if we are dealing with transit transport vehicles and at the factories where they load goods, if we are dealing with internal transport trucks. If this is done then weigh bridges will make sense.

Mr. Deputy Speaker, Sir, besides that, the policemen who man the axle load weigh bridges should be seconded to the Ministry of Roads, Public Works and Housing for supervision and command. It becomes difficult for supervisors from the Ministry to supervise policemen who man these weigh bridges because they report to the Commissioner of Police and compete with the clerks

from the Ministry of Roads, Public Works and Housing over how to take bribes. The supervisors from the Ministry are helpless and cannot take any disciplinary action against these policemen who do not take commands from them. These policemen should be seconded to the Ministry of Roads, Public Works and Housing in order to enhance supervision.

One of the most disastrous activities of the last Government in this country was the reckless disposal of Government houses. The previous Government embarked on a near suicidal mission of disposing of virtually every Government house which came its way. Some of those houses were given out as gifts to friends, some were sold at low prices while others were simply grabbed to the extent that the Government is now in a crisis.

Mr. Deputy Speaker, Sir, the Government cannot house its civil servants and have land in good areas on which to build houses because every piece of public land was grabbed.

I subscribe to the view, as has often been said by the Minister, that those people who were beneficiaries of the reckless disposal of public property should be made to account for it. Any unlawfully disposed of public property should be repossessed.

The Government, as an owner of property, including houses and land, is only but a public trustee for the people of this country. Nobody should be allowed to give out such properties to individuals at the expense of the greater good of the country.

Mr. Deputy Speaker, Sir, I want to draw the attention of the Minister to the fact that the following roads in Western Province, where I come from, are in a pathetic state and require attention. The road from Mumias to Bungoma District is in such a bad state that a distance which we used to cover in a 10-minutes' drive now takes an hour to cover. We have craters, potholes, gullies and all manner of cracks on this road. Even the murrum that the engineers try to cover the potholes with does not help because the area experiences heavy rains, and as a result, the murrum is washed away rapidly.

Mr. Deputy Speaker, Sir, the road between Webuye and Kakamega is virtually impassable because it has not been repaired for a very long time. Basic repairs and maintenance of these roads will make them last forever. We should not leave these roads to wear out to a level where we have to reconstruct them.

Everybody who goes to Western Province knows of the state of the road between Naivasha and Timboroa. This road is in such a bad state that we have to detour through Ravine to get to Eldoret to avoid damaging our vehicles.

One wonders why a road that is not used regularly like the Marigat-Eldama-Ravine Road can be in such a good state, while a main highway is not repaired! I think that is a misplacement of priorities.

With those few remarks, I beg to support.**Mr. Deputy Speaker:** We have only two minutes left and I will give them to the gracious lady, Prof. Maathai.

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Thank you, Mr. Deputy Speaker, Sir. I would like to join my colleagues in commending the Minister and his team for the excellent work that they are doing for this country. I want to bring in an aspect of the environment in the roads sector. In roads maintenance, we have what is called clearing bushes along the roads. At the moment, the cutting of trees along the roads is being done with a lot of enthusiasm. I travelled to Nyeri yesterday and noticed that, from Nairobi all the way to Nyeri, there were many people cutting all the vegetation along the highway.

I want to inform the Minister that the vegetation along the roads is extremely important for the control of water flow. When the rain drops fall, the vegetation ensures that their force is reduced and that water sips down gently into the soil, instead of running off into the drainage. I wish I could persuade road contractors and road maintainers to know that the vegetation is very important for maintaining roads and preventing soil erosion, which is very massive along our roads. There are also

many gullies along the roads. But to my surprise, people are busy cutting trees instead of planting them. I wonder why they do not plant trees in bare lands and exposed grounds.

ADJOURNMENT

Mr. Deputy Speaker: Prof. Maathai, you will have eight minutes tomorrow!

Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow Thursday, 24th July, 2003, at 2.30 p.m.

The House rose at 6.47 p.m.