

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 19th October, 2004

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

NOTICES OF MOTIONS

Mr. Wambora: Mr. Speaker, Sir, I beg to give notices of the following Motions:-

LIBERALIZATION OF THE COFFEE MARKETING SYSTEM

THAT, aware that the premium coffee produced in Kenya has the potential to become a major foreign exchange earner for the country and a major source of income-earning for the rural coffee growers; further aware that the achievements of the said two major goals of the coffee sub-sector cannot be realized as long as the current monopolistic and inefficient coffee auction system exists; cognizant of the fact that the current marketing system primarily serves the interests of the intermediaries as opposed to those of the coffee producers; this House do grant leave for the introduction of a Bill to amend the Coffee Act 2001 in order to liberalize the coffee marketing system that facilitates direct coffee marketing by coffee owners or their representatives, which shall operate alongside with a more open coffee auction system that is regulated by the Capital Markets Authority.

EPZ STATUS FOR TEA FACTORIES

THAT, aware that tea is Kenya's number one foreign exchange earner; aware further that tea production and supply far outmatches the international tea demand, a phenomenon which is likely to lead to stagnation or decline of tea prices and earnings by tea farmers; cognizant of the high cost of production, processing and packaging of tea; this House urges the Government to lower the high cost of tea production by granting tea factories Export Processing Zone (EPZ) status under the EPZ Act Chapter 517 upon application by respective tea factories.

(Applause)

Mr. Speaker: Is there any other Member with a notice of Motion?

Next Order!

As usual, this being a Committee of Supply Day, we will begin by Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

STATUS OF SOMALI PEACE TALKS

(Mr. Shaaban) to ask the Minister for East African and Regional Co-operation:-
What is the status of the Somali peace process going on in Nairobi under the IGADD Peace Initiative?

Mr. Speaker: The first Question has been overtaken by events as the Member has seen me and his Question has consequently been withdrawn.

(Question withdrawn)

Next Question, Mr. C. Kilonzo!

SHORTAGE OF SEEDS IN EASTERN PROVINCE

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

(a) Is the Minister aware that due to famine in most parts of Eastern Province, there is a serious shortage of seeds?

(b) What urgent measures is the Minister taking to ensure farmers get the seeds before the rainy season?

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

(a) I am aware that there is serious shortage of seed in most parts of Eastern Province due to the prevailing drought.

(b) My Ministry, in collaboration with the Office of the President and key development partners, has already embarked on measures to alleviate this problem as follows.

Approximately Kshs44 million has been set aside to purchase seeds to alleviate that problem as follows:-

Seed Type	Total Amount	(Metric Tonnes)
Maize	165	
Sorghum	40	
Millet	20	
Beans	100	
Cowpeas	80	
Green grams	60	

The seeds will be distributed to vulnerable families in 20 drought-affected districts in the five provinces.

Mr. C. Kilonzo: Mr. Speaker, Sir, I do not think I want to thank the Assistant Minister because the amount of money they have allocated for 20 districts is very little. Do they intend to give each farmer one grain? What exactly do they want to do? I think the Government is not taking the issue of famine seriously. How much do they intend to give to each farmer among those who are affected?

Mr. Kaindi: It must be understood that just like the famine relief food, this seed distribution is targeting the most vulnerable families within the districts in those provinces. We do appreciate that, that seed is not enough and, as a Government, we are reviewing that position to see whether we can, as a matter of urgency, increase that ration together with other stakeholders like the Catholic Relief Agency, among others. I wish to indicate to the hon. Member that this exercise has already commenced specifically in the district where he comes from. This morning, 10,000 kilogrammes of maize and close to 4,000 kilogrammes of beans were delivered, and the exercise is ongoing.

Mr. Kimeto: The Assistant Minister has given us information that he is delivering some little amount of seeds to the affected areas. I am aware that the Minister for Agriculture is spending over Kshs4 billion for purchasing maize from other parts of this world. Why has the Ministry not deliberately spent the same Kshs4 billion in producing seeds to distribute them to farmers in enough quantities, instead of enriching other countries?

Mr. Kaindi: Mr. Speaker, Sir, in terms of these, certainly the quantities cannot be the same. The amount that you grow or you plant and the amount that you give specifically for planting cannot be the same. But I want to agree with the hon. Member that it is true. When you look at the vagaries of weather that have necessitated this emergency appeal so that as a Ministry and a Government we can be able to give family relief, that was an emergency. We agree with hon. Members that this is not enough. While efforts are being made to augment this, I would still like to point out that it is not possible to give everybody seeds. We are targeting the most vulnerable through the lead agencies.

Ms. Mwau: Mr. Speaker, Sir, I would like to know from the Assistant Minister what criteria the Ministry is going to use to identify the most vulnerable? For example, the disabled and women.

Mr. Kaindi: Mr. Speaker, Sir, when we were distributing famine relief sometime back in those districts, we realised how difficult it was to distribute through the Provincial Administration. We have identified lead agencies in these particular districts who already have existing data on who is vulnerable. This is based on the data used when we were distributing famine relief a year ago. Most of the districts in Ukambani; Makueni and Machakos, Kilifi, Kwale and others, it is the Kenya Red Cross which is distributing that maize. They have already purchased that maize from the Kenya Seed Company, and it is being distributed. In Machakos, I confirmed that the maize is there. In Makueni, I talked to the DC and the maize had not arrived. I confirmed that the maize would be there before the end of the week on Thursday, in those districts where the Red Cross is doing the distribution.

In areas where the Catholic Relief Services (CRS) is distributing maize, I would like to confirm again that the exercise has begun. I have already talked to the lead agencies. So is the case with Arid Lands Resource Management Project which is distributing seeds in Kitui, Mwingi, Mbeere and Tana River.

Mr. C. Kilonzo: Mr. Speaker, Sir, could the Assistant Minister tell us what measures the Ministry is putting in place to ensure that we have enough storage facilities for our seed at the district level, so that this problem does not keep on recurring?

Mr. Kaindi: Mr. Speaker, Sir, the question of seed supply was liberalised in 1996, and that gave birth to many players. Today we have about 45 registered seed companies, and about 43 of them are in operation. They have been certified by KEPHIS to ensure that they undertake seed multiplication and seed packing in those restrictive areas. As a Ministry, I wish to state that we already have a seed policy draft in place. We have finalised it and it is ready for debate. It lays down and stipulates the regulations that seed merchants will follow in terms of storage and pricing, so that we protect our farmers from being taken for a ride by middle men.

CONTRAVENTION OF TRADE DISPUTES
ACT BY KRA COMMISSIONER-GENERAL

Mr. Choge: Mr. Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice.

(a) Is the Attorney-General aware of a complaint lodged by the Secretary-General of Banking, Insurance and Finance Union on 19th July, 2004, against the Commissioner-General of Kenya Revenue Authority on the contravention of Section 45 of the Trade Disputes Act?

(b) What action has the Attorney-General taken on the matter?

Mr. Speaker: Sorry, Mr. Choge! We are in a very unfortunate situation where your Question is being tossed from the Attorney-General to the Ministry of Labour and Human Resource Development and vice versa. Just this morning, I received a letter addressed to the Ministry of Labour and Human Resource Development by the Attorney-General saying that they are the ones to answer the Question. Is there anybody from the Ministry of Labour and Human Resource Development? Is there anybody from the Ministry of Labour and Human Resource Development?

An hon. Member: None!

Mr. Speaker: What do I do in those circumstances, Mr. Choge?

Mr. Choge: Mr. Speaker, Sir, as you realize, this Question was filed in August this year. It was deferred in August, and was due to come up on 5th of October. It was again deferred to 12th October, and now I have had to write to you so that you can intervene. When can this Question be answered? If the Ministers are not available, could the Vice President who is the Leader of Government Business come in?

Mr. Speaker: I share your sentiments, Mr. Choge. There is really nothing complicated about this Question. I do not know why they are scared about it. Is there anybody from the Ministry of Labour and Human Resource Management or a representative of the Attorney-General? Is there any Minister prepared to answer this Question; any volunteer? By public acclaim, Dr. Kituyi!

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. You realise that last week the Minister for Labour and Human Resource Management was complaining that he had not traced his Assistant Minister. Today, the Minister himself is "lost". Could somebody pass a message for them to be replaced?

Mr. Speaker: I am completely baffled. This is a straightforward Question. Why should Mr. Choge forever wait?

Dr. Godana: Mr. Speaker, Sir, really, it is a pity that the Government Front Bench is nearly full and none of them has the courage to stand and even speak for the Minister to request for the Question to be deferred. What kind of Government are we dealing with?

The Minister for Trade and Industry (Dr. Kituyi): Mr. Speaker, Sir, some of us have had the privilege to sit in this House for a substantially long time with Dr. Godana. He can doubt us on many things, but the courage to stand up and admit that a Minister is not here is not one of them. It was just my hope that maybe the Assistant Minister was going to walk in while the matter was still on the Floor. On behalf of the Government, I will make an undertaking that the right Minister will come to answer this Question.

Mr. Speaker: Dr. Kituyi, when can I slot it in, because I understand the anxiety of Mr. Choge? The Question has been like a ping pong. When do you hope to do it?

The Minister for Trade and Industry (Dr. Kituyi): Mr. Speaker, Sir, I want to commit the Minister to answer on Thursday.

Mr. Speaker: Very well! Thank you, Dr. Kituyi. Are you happy with that, Mr. Choge?

Mr. Choge: Mr. Speaker, Sir, Thursday is okay, but let it be the last time this Government

is being reminded.

Mr. Speaker: Well, I hope so. Could we now go to ordinary Questions?

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.607

COMPENSATION FOR MR. FRANCIS MWILU'S NEXT OF KIN

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

(a) whether he is aware that Administration Police Sergeant, P/No.80042773, Francis

Mwilu, was killed while on duty on 13th April, 1999; and,

(b) what compensation was paid to the next of kin.

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

(a) I am aware that Administration Police Sergeant P/No.80042773, Francis Mwilu was killed while on duty on 13th April, 1999.

(b) Death gratuity amounting to Kshs159,985.50 was paid to the estate of the late Francis Mwilu in November 2001, and is being administered by the Public Trustee in Machakos.

Mr. J. M. Mutiso: Mr. Speaker, Sir, while I appreciate the answer given by the Assistant Minister, I would like to inform him that Mr. Mwilu died while in the course of duty, and he was entitled under the Civil Service Regulations for an injury pension which was also supposed to be extended to the widows and children. Could he tell us when the Government paid these bills, besides the death gratuity?

Mr. Mungatana: Mr. Speaker, Sir, as far as my information goes, the death gratuity was all that was paid. As far as the other claims the hon. Member is raising are concerned, I am not aware of any payments that have been made.

Mr. Wambora: Mr. Speaker, Sir, could the Assistant Minister investigate the age at which the late Mwilu died, so that the widow or the next of kin could get his death benefits for the next five years? Is it in line with the Civil Service regulations? Could he also conduct some investigations on the contributory amounts for widows and children, which is mandatory for all civil servants? Could he conduct the investigations and report back to the House?

Mr. Speaker: Mr. Mungatana, are you sure you have that information?

Mr. Mungatana: Mr. Speaker, Sir, the other payments are processed in the normal manner. However, we could give him the information later.

Mr. Speaker: So, could I defer this Question to Tuesday, next week?

Mr. Mungatana: Yes, Mr. Speaker, Sir.

Mr. Speaker: Mr. M. Mutiso, are you happy with that arrangement, so that you could get the correct information?

Mr. M. Mutiso: Yes, Mr. Speaker, Sir.

Mr. Speaker: Very well!

(Question deferred)

Next Question!

Question No.612

GRAVELLING OF NDUNDORI-NJABINI ROAD

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

- (a) whether he could inform the House how much money was allocated by the Government under the *El Nino* Emergency AFD Project to gravel Road C69 (Ndundori-Njabini) in Nyandarua District;
- (b) whether he is aware that a very shoddy job was done between Ndunduri-Njeru and Njabini townships; and,
- (c) when the defects liability period is ending and, in the meantime, what urgent measures he is taking to ensure that the defects are repaired.

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

(a) The Ndundori-Njabini Road C69 in Nyandarua was allocated Kshs82,612,698 by the Government under the *El Nino* Emergency AFD Project. The road was supposed to be gravelled with the work commencing in August, 2002, and expected to be completed in May, 2003.

(b) Just before the road could be completed, it rained and the area between Ndunduri-Njeru and Njabini was washed away. That area had to be redone.

(c) The defects liability period is ending on 26th November, 2004. A site inspection was done on 28th September, 2004, and the defects noted. It was agreed during the site meeting that followed immediately after the site inspection that the contractor was instructed to attend to all the defects which were noted before the defects liability period ends.

Mr. Waithaka: Mr. Speaker, Sir, the Ndundori-Njabini Road C69 is very crucial because it traverses through my constituency, Kipipiri and Ol Kalou constituencies. The assertion that the Assistant Minister has made, that certain sections of the road were washed away by rains, is not true. Could he, therefore, confirm or deny that, that area was shoddily done because the contractor, Mugoya Construction Company, was paid all the money. Therefore, they rushed the construction of the road. There is no way the contractor will move to the site and repair the defects because he is not claiming anything from the Government.

Dr. Machage: Mr. Speaker, Sir, indeed, I deny that.

Mr. Serut: Mr. Speaker, Sir, given the fact that the Ministry of Roads and Public Works does not supervise the roads under the *El Nino* Emergency AFD Project, who supervises those roads in the Office of the President? Who advises the Government as to the cost of those roads?

Dr. Machage: Mr. Speaker, Sir, it is not true that the Ministry of Roads and Public Works does not supervise those roads. Those roads are under the District Roads Committees (DRCs), which are also under the Ministry of Roads and Public Works. There is a continuous assessment of those roads. Once the *El Nino* Emergency AFD Project was completed, all roads were handed over to the Ministry of Roads and Public Works.

Mr. Midiwo: Mr. Speaker, Sir, the Office of the President has no role to play with regard to roads. This Question has been brought before this House several times since I came to Parliament last year. Could the Assistant Minister tell this House which roads has the Office of the President participated in all over the country, so that we could know who is cheating who; whether it is the Ministry of Roads and Public Works or the Office of the President? I believe that money is for those

people to "eat". We need some proof!

Dr. Machage: Mr. Speaker, Sir, I abhor the use of the word, "cheating".

Mr. Speaker: Dr. Machage, you are right! It is unparliamentary. Mr. Midiwo, do not use it again! But you must reply, Dr. Machage!

Mr. Midiwo: Mr. Speaker, Sir, I beg to withdraw the use of that word.

Mr. Speaker: Very well! Dr. Machage!

Dr. Machage: Mr. Speaker, Sir, I am happy that it has been accepted and noted that this Question has, indeed, been pushed right and left. I am happy that the House is appreciating my endeavour to answer this Question at this time.

Mr. Speaker, Sir, there is no body pushing left and right the management of roads in this country. It is known that there is a Ministry that is entrusted with that work. However, the exercise of the use of *El Nino* funds was actually to rehabilitate the infrastructure destroyed by rains that year. Some of the infrastructure destroyed included the road network, water and sanitation services and the health sector. Being an emergency, it fell under the Office of the President.

Mr. Speaker: Very well! Last question, Mr. Waithaka! Would you like to give your colleague, Mr. Muchiri, your chance?

Mr. Waithaka: Mr. Speaker, Sir, no! However, you could have given him an opportunity to ask a question because he is also affected by this issue.

Mr. Speaker: I will do so if you want him to take the last chance.

Mr. Waithaka: Mr. Speaker, Sir, you heard the Assistant Minister deny that the contractor was paid all the money. I do not know whether he did that out of ignorance. However, if the contractor was not paid all the money, how much money is still pending before he gets a certificate of completion of that road, so that he could go back and do the re-gravelling?

Dr. Machage: Mr. Speaker, Sir, I did not deny out of ignorance. A guarantee of five per cent was made, which is Kshs7,529,006.35, and which is supposed to be paid. We will only release the money when we are satisfied.

Mr. Waithaka: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to mislead this House that a guarantee will be released to the contractor? The contractor was paid all the money and he gave a guarantee. How will the guarantee be released to him if he was paid all the money! Let the Assistant Minister come out clean now!

Dr. Machage: Mr. Speaker, Sir, I hope the hon. Member was listening to my answer. The defects liability period is ending on 26th November, 2004. A site inspection was done on 28th September, 2004, and defects were noted. During the site meeting, it was agreed that, immediately after the site inspection, the contractor was to attend to all the defects, which were noted before the liability period ends on 26th November, 2004. That period has not yet expired.

Mr. Speaker: Very well! Next Question, Mr. Munya!

Question No.230

MEDICAL PERSONNEL/DRUGS FOR
TIGANIA EAST DISPENSARIES

Mr. Munya asked the Minister for Health:-

- (a) whether she is aware that Karama, Lailuba and Kunati dispensaries of Tigania East have no medicine and medical personnel; and,
- (b) what measures she has taken to post personnel and provide drugs to the dispensaries.

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

(a) I am aware that Karama and Lailuba dispensaries are not operational. I beg to advise that Kunati dispensary is fully operational.

(b) The Ministry is in the process of posting four nurses, two to man Karama and another two to man Lailuba health facilities before the end of this month.

On the issue of drugs, the Medical Officer of Health (MOH) has been instructed to requisition more drug supplies from Kenya Medical Supplies Agency (KEMSA) to replenish the three health facilities immediately.

Mr. Munya: Mr. Speaker, Sir, I would like to thank the Assistant Minister for his forthright answer. This is the only forthright answer I have ever received since I joined this House. However, the two dispensaries have been without medicine and personnel for the last three years.

Mr. Speaker, Sir, could he give us a definite date when the nurses will arrive there?

Mr. Konchella: Mr. Speaker, Sir, notwithstanding difficult logistics, I will make sure that the nurses are at the dispensaries by the end of this month.

Mr. Ndambuki: Mr. Speaker, Sir, what is happening in Tigania East Constituency is exactly what is going on in almost all constituencies. There is lack of health personnel and medicine. Could the Assistant Minister tell us what he will do to make sure that all dispensaries which are closed, and especially in Kaiti Constituency, become operational and are supplied with drugs?

Mr. Konchella: Mr. Speaker, Sir, with due respect to the hon. Member, as far as I am concerned, there has been enough supply of drugs to every dispensary in the country for the past one year. There could be shortage owing to logistics. However, there is no lack of drugs. It is the issue of personnel only, which is a hiccup to us.

Mr. O. K. Mwangi: Mr. Speaker, Sir, is it in order for the Assistant Minister to mislead this House that there are drugs in all the dispensaries in this country, when Mr. Ndambuki has just said that dispensaries in his constituency lack drugs? I also want to say that dispensaries in my constituency have no drugs. Which are these dispensaries with drugs?

Mr. Speaker: Probably, I will be generous with you today. Proceed!

Mr. Konchella: Mr. Speaker, Sir, if there are any dispensaries without drugs, the Ministry is not aware of them. I request the MOHs concerned to forward the matter to us so that we can do something about it.

Mr. Muchiri: Mr. Speaker, Sir, recently, the Ministry of Health gave a directive that laboratories that were being operated through dispensaries be closed, either because of exorbitant charges or other reasons. Is the Assistant Minister aware that this particular move has almost grounded provision of health services in dispensaries? No laboratory services can be provided because of that directive. This is happening in my constituency as well as in other constituencies.

Mr. Konchella: Mr. Speaker, Sir, the instructions of the Ministry affected quarks who were running laboratories and cheating Kenyans. They were overcharging Kenyans, and were not giving proper services. Some of the them were giving wrong diagnosis of diseases, causing unnecessary anxiety to people. Therefore, people who were not qualified to run laboratory services in accordance with the Ministry of Health Regulations had them closed.

Mr. Ndambuki: On a point of order, Mr. Speaker, Sir. The question which was asked by Mr. Muchiri applies to all health centres. For instance, where I come from, there is a health centre with a laboratory technician. He no longer does anything because a circular came from the Ministry stopping him from doing laboratory work. Why did that happen?

Mr. Konchella: Mr. Speaker, Sir, the Ministry cannot stop any licensed operators in this country from doing their work. Those people had no licences. They were operating illegal clinics

which cannot be licensed.

Mr. Munya: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Yes, what is it?

Mr. Munya: Mr. Speaker, Sir, I did not ask my last question.

Mr. Speaker: Ordinarily, I know that. However, you confessed that was the best answer you have ever got. I did not see you stand after that. *Pole sana*. Next time, I will recognise you. Are you serious about it?

Mr. Munya: Mr. Speaker, Sir, let me ask one more question.

Mr. Speaker: Okay! Ask one more question.

Mr. Munya: I wanted to ask the Assistant Minister whether he could consider up-grading Kunati Dispensary to a health centre because it serves a large population and is situated in a very remote area, where patients cannot access any other health centre.

Mr. Konchella: Mr. Speaker, Sir, I am aware that the dispensary serves more than 5000 people. It needs up-grading. However, before we do that, there is need to construct more facilities.

Right now, it is operating from a four-room block only.

Question No.503

UNTAPPED TOURISM POTENTIAL
IN GUCHA DISTRICT

(Question deferred)

Mr. Speaker: Mr. Omingo's Question has been deferred until Thursday next week.

Question No.840

ISSUANCE OF TITLE DEEDS
FOR KCB BUILDINGS

Mr. ole Metito asked the Minister for Lands and Housing:-

(a) whether he is aware that the Kenya Commercial Bank has not been issued with title deeds in respect of its branch building and the manager's house in Loitoktok town; and,

(b) when the above documents will be issued to the bank.

The Assistant Minister for Lands and Housing (Mr. Ojode): Mr. Speaker, Sir, I beg to answer.

(a) I am aware that the Kenya Commercial Bank (KCB) has not been issued with title deeds in respect of its branch building and the manager's house in Loitoktok Town.

(b) My Ministry is in the process of preparing the necessary documents to facilitate issuance of title deeds.

Mr. ole Metito: Mr. Speaker, Sir, I wish to thank the Assistant Minister for that positive reply. This bank was built in 1984. It is now 20 years down the line and it has not been issued with a title deed, or even documents to facilitate the issuance of the title deed. Therefore, the bank has not been able to pay rates as required by the Government. I wish to know from the Assistant Minister whether the bank will be required to pay rates from the day it receives its title deed, or whether it will be required to pay for all the years it has not done so.

Mr. Ojode: Mr. Speaker, Sir, the rates will be paid from the date that appears on the letter of allotment. The part development plans have been approved. We are waiting for a survey to be conducted then we can issue a letter of allotment.

Mr. Serut: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead this House that rates will be paid as soon as the title deed has been issued, when we know that rates are effective from the day of allocation of the plot?

Mr. Ojode: Mr. Speaker, Sir, I said that the rates will be paid as soon as we issue a letter of allotment.

Mr. ole Metito: Mr. Speaker, Sir, there is a plan by the Kajiado County Council to turn the manager's house into a guest house. Could the Assistant Minister assure this House that, that will not be the case?

Mr. Ojode: Mr. Speaker, Sir, the building belongs to the KCB. I want to assure the hon. Member that the house belongs to the bank and we will issue a title deed to it.

Question No.635

CONFLICT BETWEEN KABERWA FOREST
CAMP STAFF/COMMUNITY

Mr. Serut asked the Minister for Environment and Natural Resources:-

- (a) whether he is aware that on 9th May, 2004, the community of Kaberwa in Mt. Elgon District held a demonstration against the forester, Mr. Boaz Mung'aya and the Kaberwa forest guards; and,
- (b) what urgent action he has taken to restore good relationship between the forest staff and the community living along the Kaberwa forest camp.

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

*(Prof. Maathai was applauded
as she stood up to reply)*

Thank you very much. hon. Members.

(a) No, I am not aware. The information that I received from the district did not indicate any demonstration being held against the forester, Mr. Boaz Mung'aya and the Kaberwa forest guards.

(b) My officers within Mt Elgon District have always been instructed to liaise with the area district security committee for formulation and implementation of various measures aimed at promoting a harmonious co-existence between the forest staff and the community living along the Kaberwa forest camp. The following measures have already been taken and put in place:

(i) The formation of a committee comprising of the local community, local leadership and forest officials to try to resolve any conflict and misunderstanding that may arise among them.

(ii) The local people have been sensitized on the importance of avoiding grazing their animals in areas where tree seedlings have been planted.

(iii) The local community has also been advised to desist from falling victims to incitement by fellow members wherever forest guards and forest staff are performing their official duties.

Mr. Speaker, Sir, my Ministry will ensure that this harmonious co-existence continues into the future.

Mr. Serut: Mr. Speaker, Sir, I want to thank the Assistant Minister for that very elaborate

answer but I want to ask her this question: What is the criteria of charging compound fines on those who graze their animals in the forest, given that guards own animals and they do not pay anything to the Government but when the community grazes their animals in the forest they pay compound fees for their animals?

Mr. Speaker: Madam Assistant Minister, have you followed the question?

Prof. Maathai: Mr. Speaker, Sir, I did not hear the first part.

Mr. Speaker: Mr. Serut, do you want to repeat?

Mr. Serut: Yes, Mr. Speaker, Sir. I will repeat my question. What is the criteria used on both the fines and fees? Here is a situation where whenever animals of the members of the community living along the forest trespass into the forest, they are charged Kshs1,100 as a fine per animal but the forest guards who also graze their own animals in the forest are not charged anything as a fee for grazing or as a fine for keeping the animals in the forest. Why is this so?

Prof. Maathai: Mr. Speaker, Sir, there is something there that is not quite correct and I can only promise to go and look into it. Forest guards are not supposed to be grazing their animals in the forest. As for the fines, there are stipulated fines for everybody who is found grazing illegally in the forest.

Mr. Serut: Mr. Speaker, Sir, I am making reference to two forest guards who own 15 animals each in Kaberwa Forest and they do not pay anything to the Government. I want to also say that the people demonstrated because they were assaulted by the forest guards. What is the Forest Department doing right now to stop their guards from assaulting the people of Mt. Elgon District who live along the Mt. Elgon Forest?

Prof. Maathai: Mr. Speaker, Sir, it would be helpful if we got the details of those foresters who are operating contrary to the regulations. As for the guards assaulting members of the local community, it is absolutely unacceptable and if the information is brought to our Ministry, I am sure action will be taken against any guard that assaults people who are grazing in the forest.

Mr. Speaker: Next Question by L. Maitha!

Question No.578

LOSS OF SHARES BY KILIFI/
MALINDI CASHEWNUT FARMERS

Mr. L. Maitha asked the Minister for Co-operative Development and Marketing:-

(a) whether he is aware that Kilifi and Malindi farmers, through the Kilifi District Co-operative Union lost 35 per cent shares when the Kenya Cashewnut Factory collapsed; and,

(b) what the Government is doing for these farmers to get back their shares.

Mr. Speaker: Where is the Minister for Co-operative Development and Marketing? Is Mr. Ndwiga not here? Mr. L. Maitha, I see no Minister.

Mr. L. Maitha: Mr. Speaker, Sir, this is the fourth time this Question has appeared on the Order Paper and has gone unanswered. Either it is being avoided or I seek your direction because it is a very important and crucial Question.

Mr. Speaker: I am sorry, Mr. L. Maitha. Well, I will defer it to Thursday. I will ask His Excellency, the Vice-President and Minister for Home Affairs, Mr. Awori to ensure that the Minister for Co-operative Development and Marketing comes to answer this Question.

Mr. Sambu: On a point of order, Mr. Speaker, Sir. I do not answer questions for the Government but, if allowed, this matter has been dealt with by the Public Investments Committee

(PIC) in detail and recommendations have been given to the Government. If the Government acted on the recommendations of the PIC, issues like this one could be solved. I sympathise with the hon. Member because it is a very pertinent matter because cashewnuts are the livelihood of those coastal people.

Mr. Speaker: Mr. Sambu, is that a matter which has been concluded or it is still pending?

Mr. Sambu: Mr. Speaker, Sir, the matter was concluded. I was a member of that committee. It was brought here and the House adopted it.

Mr. Speaker: Very well. We will hear what the Minister has to say on Thursday.

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Speaker, Sir, on behalf of the Minister, I need to apologise because he lost his father last week. In fact, Friday is the burial day.

Mr. Speaker: Order, hon. Members! We are thoroughly sorry for that and on your behalf, I send our heartfelt condolences to the Minister and his family. I also understand the Assistant Minister is unwell. So, it may be just well that we do not defer this Question to Thursday this week. Let us defer it to Thursday next week.

Mr. L. Maitha: Mr. Speaker, Sir, I wish it to be deferred to Tuesday next week.

Mr. Speaker: Let us give him time. Let us defer it to Thursday next week. I think we are all human beings. Mr. L. Maitha, let us defer it to Thursday next week. Now, that concludes that business.

(Question deferred)

COMMUNICATION FROM THE CHAIR

PRESENCE OF ZAMBIAN DEPUTY
SPEAKER IN SPEAKER'S ROW

Mr. Speaker: Order, hon. Members! I wish to welcome the hon. J. Mfula, Deputy Speaker of the National Assembly of Zambia. He is visiting our Parliament to acquaint himself with our procedures and practices. As you all know, Zambia and Kenya share a long history of warm relations. Our two sister Parliaments have an attachment programme for staff and occasionally for Members of Parliament. May I, therefore, on your behalf and on my own behalf, welcome the hon. Deputy Speaker who is seated in the Speaker's Gallery and wish him a fruitful and rewarding visit.

Thank you.

(Applause)

Thank you. That concludes Question Time. Prof. Oniang'o wanted to seek a Ministerial Statement.

POINT OF ORDER

PROF. KIAMBA'S RESIGNATION
AS VICE-CHANCELLOR OF
NAIROBI UNIVERSITY

Prof. Oniang'o: Thank you, Mr. Speaker, Sir. Sometime ago, the Vice-Chancellor of the University of Nairobi, Prof. Crispin Kiamba left his position as Vice-Chancellor before the expiry of his contract. I am, therefore, seeking a Ministerial Statement from the Minister for Education, Science and Technology to tell us the status of this situation. What led to him leaving his position before the expiry of this contract; whether, in fact, it is now a university and Government policy to have positions of Vice-Chancellors competitively sought; what the statutes do say and whether they are going to be reformed and what indeed, is the relationship between the Chancellor, Chairman of Council and Vice-Chancellor and how this affects the running of universities.

Thank you.

(Applause)

Mr. Speaker: The Minister for Education, Science and Technology is not here? I hope somebody will convey that to him.

Prof. Olweny: On a point of order, Mr. Speaker, Sir. I raised the same issue last week and the Minister told me that he would bring a statement in that regard.

Mr. Speaker: Well, I am sorry, I forgot about that because I would not have allowed Prof. Oniango to repeat it. Nevertheless, I will ask that the earlier request be responded to. If that be the position, the subsequent request will be deemed to be out of order.

Mr. Kimunya, do you have a statement?

MINISTERIAL STATEMENT

RELEASE OF NDUNG'U LAND

COMMISSION REPORT

The Minister for Lands and Housing (Mr. Kimunya): Mr. Speaker, Sir, last week or the week before, Mr. Muite requested a Ministerial Statement on the Ndungu Commission Land Report.

I beg to state as follows: The Commission of inquiry into illegal and irregular allocation of public land was appointed by his Excellency the President, Mr. Kibaki, vide Gazette Notice No.4559 dated 30th June, 2003 which was published on 4th July, 2003. Generally, the Commission was appointed to inquire into the phenomenon and extent of illegal and irregular allocation of public land within the country. At the end of the inquiry, the Commission was to make recommendations as to how illegally and irregularly allocated public land could be restored to its original purpose, and also recommend legal and administrative measures that could be institutionalised to prevent such occurrence in future.

Prior to the operations of the Commission, it was realised that a number of efforts had been put in place by various line Ministries and Government departments to investigate and, where possible, recover illegally allocated Government lands and buildings. However, these efforts needed to be consolidated into one coherent public land recovery strategy. Thus, the Commission was expected to be the centre of the Government strategy to recover illegally acquired land. Harmonising all these efforts into one Commission would have many obvious advantages. It would address all public land problems, it would comprise of professionals and experts in the relevant fields and it would ensure uniformity of approaches and equality of treatment.

The Commission was accordingly tasked to identify grabbed land and grabbers, detail the current status of such land, recommend to the Government what recovery measures it should take and recommend remedy or long-term measures that will ensure that the things that happened in the

past would not happen again in future. It was also tasked to help the Government to anticipate judicial and constitutional challenges to revocations and repossession of the land thus taken. It was guided by terms of reference, details of which are contained in the Legal Notice setting up the Commission.

Mr. Speaker, Sir, the Commission completed its work after nine months and presented its report to the President on 2nd July, 2004. This report has been tabled to the Cabinet and is awaiting deliberations and decision on the recommendations made by the Commission on the various tasks that were put before it.

I was also asked about the total cost of the Commission. The total budget for the Commission was Kshs117,114,600, and the total expenditure by the Commission was Kshs75,399,768. This is what was spent by the Government on the Commission within the nine months of its operations. I also need to add that the Commission looked at the allocation of land within the period from 1962 to date. Those were the issues that were sought.

I also want to confirm that I have received a Question by Private Notice on the same, which I believe is now overtaken by events.

Mr. Speaker: No, it is not.

Hon. Members: No!

The Minister for Lands and Housing (Mr. Kimunya): Mr. Speaker, Sir, these are exactly the same issues raised by the Question by Private Notice.

Mr. Speaker: What you should have done is this: If you had the Question in your hands when you got a request for a Ministerial Statement, you should have got in touch with the Chair. This is because the Question takes precedence over the Ministerial Statement. Just deal with general issues and then wait to answer the Question, or you can stop there and wait for the Question to come.

What do you choose, Mr. Minister?

The Minister for Lands and Housing (Mr. Kimunya): Mr. Speaker, Sir, I would be happy to answer the Question even now.

Mr. Speaker: Well, you cannot do that now because it is not on the Order Paper. We must follow the rules!

The Minister for Lands and Housing (Mr. Kimunya): Mr. Speaker, Sir, most obliged.

Mr. Speaker: I understand that the Question is scheduled for Thursday. Why do we not all wait for it?

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

You can all digest that and come on Thursday prepared for questions. Relax now, hon. Members!

(Mr. Muite stood up in his place)

Mr. Muite, I will give you an opportunity on Thursday when the Question comes. That is a promise! Therefore, on Thursday come prepared for it. Is there any other hon. Member with any pressing issue?

There being none, we will move on to the Next Order!

COMMITTEE OF SUPPLY

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

MOTION

THAT MR. SPEAKER DO NOW
LEAVE THE CHAIR

Vote 13 - Ministry for Roads
and Public Works

(Loud consultations)

Mr. Speaker: Order, hon. Members! We are now coming to the Business of the day; the Minister for Roads and Public Works has the Floor.

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

The core functions and responsibilities of the Ministry of Roads and Public Works include the following: development and maintenance of roads, public works planning and policy development, development and maintenance of public buildings, maintenance of inventory of Government property and provision of mechanical and electrical services. They also include maintenance of security roads and airstrips, materials research and testing, supply of common user items to Government Ministries, departments and other public institutions. The Ministry also handles registration and regulation of engineers, architects and quantity surveyors and registration of contractors.

Following the recent re-organisation of the Government, some of the functions reflected under the Vote have been transferred to the Ministry of Lands and Housing. Arrangements to effect the changes are underway.

The Ministry's mission statement is to facilitate provision and maintenance of quality infrastructure, mainly in roads, buildings and other public works, so as to promote and sustain socio-economic development. To accomplish this, my Ministry has been pursuing the following strategic objectives: Facilitation of adequate provision of road infrastructure through policy formulation, research, design, supervision and regulation of standards for development and maintenance throughout the country; provision, on a cost sharing basis, of logistical manpower development and technical support in road construction and maintenance by procuring and servicing equipment and training personnel. The Ministry also mobilises resources from both the public and private sector for development and maintenance of roads and buildings.

Mr. Speaker, Sir, my Ministry undertakes the functions I have outlined above under the following expenditure Sub-Votes: General Administration and Planning, Building and other public works, roads and other services.

The status of the infrastructure in the country is of great concern to all Kenyans and more so to the elected and nominated representatives. It is in response to this concern that my Ministry organised a National Roads Conference on 26th and 27th July, 2004, at the Bomas of Kenya. One of the objectives was to review the progress of implementation of the roads sector reforms, receive feedback from the stakeholders on our performance and agree on the way forward on how to

improve service delivery in the roads sub-sector.

Mr. Speaker, Sir, in this regard, allow me to take this opportunity to thank His Excellency the President for officially opening the conference. I also want to thank hon. Members for attending the conference and for their invaluable contributions. I want to assure my colleagues that we are in the process of implementing the resolutions that were agreed upon during the conference.

We all acknowledge that there have been problems in the roads sub-sector. These include insufficient financing of road maintenance, poor performance by contractors and corruption. It is in this regard the Government is carrying out major reforms in the sub-sector in order to improve efficiency and productivity. Over the next two years, my Ministry intends to undertake the following reforms: Restructuring the Administrative and Technical Department of the Ministry, institutionalise private sector involvement in axle load control operations, finance the use of the private sector for road maintenance activities, explore avenues for raising sufficient funds for road maintenance, use labour-based methods that are cost effective in road works to generate employment opportunities. Towards this end, the Ministry is implementing the Roads 2000 Strategy, and training personnel in order to reduce cost in road maintenance and enhance efficiency.

(Loud consultations)

Mr. Speaker: Order! Order, hon. Members! We spend a lot of this House's Question Time on road matters, and the Minister for Roads and Public Works is telling you about the state of our roads. Please, listen to him, so that you can make useful contribution to the debate.

Proceed, Mr. Minister!

The Minister for Roads and Public Works (Mr. Raila): Thank you, Mr. Speaker, Sir, for your intervention. What I am saying here is what hon. Members have all the time been asking about.

In addition, we are introducing a design-and-build approach, recruitment of resident engineers from the private sector and undertaking post-qualification of contractors as opposed to pre-qualification.

Mr. Speaker, Sir, having explained the reasons for our existence and our core functions, allow me to present my Ministry's budgetary proposals for the year 2004/2005 to this august House.

In order to cater for services under the Recurrent Vote, I will require a gross provision of Kshs10,642,761,696, which I intend to apply on major items as follows: An amount of Kshs1,235,232,000 will meet the expenses of staff salaries and allowances, including training. An amount of Kshs300 million is the Government's contribution to the Civil Servants Housing Development Fund. This item was included in my budget when the Housing Department was still under this Ministry. An amount of Kshs540,529,696 will be spent on operations and maintenance, out of which Kshs34,792,996 will be spent on major and minor maintenance of Government buildings; Kshs35,746,000 will be spent on payment of rent and rates; Kshs62,617,950 will go towards the security of rented Government houses; Kshs19,616,000 will be spent on internal repairs and redecoration of voids, and Kshs72,548,370 will be used for purchase of spare parts and maintenance of plant and machinery for the Mechanical and Transport Department, to mention just a few.

Mr. Speaker Sir, in financial year 2003/2004, the Kenya Roads Board (KRB) released to the Roads Department a total of Kshs6,425,527,901 for roads maintenance works. Out of this amount, Kshs5,194,953 was for classes A, B and C roads, while Kshs1,230,574,132 was for classes D and E roads. During the year, a total of 11 roads, both paved and unpaved, were completed. The works on these included rehabilitation, periodic maintenance and gravelling. Specifically, these include Miritini-Bachuma Gate, Sosiot-Sondu, Rironi-Mai Mahiu, Kangema-Murang'a, Murang'a-Nyeri,

Uplands-Naivasha, Kesses-Ndanai-Gorgor, Kabati-Bondoni, Mwatate-Taveta, Machege-Eldama Ravine, Sotik-Amala River and Lokichogio-Kakuma roads.

In addition, the Ministry was able to rehabilitate and re-gravel 469 kilometres of both paved and unpaved secondary and minor roads. These include Lari-Mutwetu, Ngong-Kiserian Road, Kionyo-Nkubu-Mtimbuu, Sururu-Likia-Pombo, Mogotio-Kisanana-Olkokwe, Siaya-Bondo-Kodiaga-Magai, Kadel-Homa Hill, Hajes Rift-Timboroa, Kambi Moi-Solian, Namwela-Kaptama, and Tarasaa-Ngao roads.

Mr. Speaker, Sir, an amount of Kshs8,567,000 of the gross provision will be collected as Appropriations-in-Aid (A-i-A) as Road Maintenance Levy and Transit Toll Charges. These funds will continue to be expended in accordance with the stipulations of the Kenya Roads Board Act on road maintenance activities, which include routine maintenance of all roads, resealing and re-carpeting of the existing paved roads, gravelling and re-gravelling of unpaved roads, construction and repair of bridges, design of roads and procurement of plant, equipment and vehicles for road maintenance works.

Mr. Speaker, Sir, in the 2004/2005 financial year, the Ministry intends to start periodic maintenance and rehabilitation contract involving extensive patching and resurfacing of the following major and economically strategic roads, among others:-

Kisumu-Kakamega-Webuye

Murang'a-Sagana-Marua

Nairobi-Thika

Embu-Nkubu-Meru-Lewa

Mombasa-Malindi

Machakos-Kitui

Kapsabet-Chavakali

Kisii-Kilgoris

Katitu-Kendu Bay

Homa Bay-Rongo

Mr. Speaker, Sir, my Ministry has also embarked on 13 roads for improvement and gravelling in the current financial year, among them being:-

Kahahaini-Mukarara

Ilassit-Njukiini

Bungoma-Vokoli-Kimilili

Goma-Mitaboni-Kathiani

Ebuyangu-Ekero

Kibiru-Kiondage-Murunini

Junction C-Iten-Kapsowat-Chesoir

Mr. Speaker, Sir, as hon. Members are aware, the Kenya Roads Board Act stipulates that 24 per cent of the Road Maintenance Levy Fund collected in a given financial year be disbursed to the District Roads Committees (DRCs). That requirement was not complied with because, in the past, part of the 24 per cent was used by the Roads Department to finance ongoing roads projects in some districts. Those historical commitments have since been cleared and the 24 per cent is now being sent directly to the districts with effect from this financial year. The Ministry is working very closely with all stakeholders and transporters to improve the management of weigh-bridges.

Mr. Speaker, Sir, the rehabilitation and maintenance of roads require heavy and reliable equipment. I am aware that hon. Members wanted graders to be purchased and allocated to each constituency. That is not possible due to financial constraints. However, in order to create capacity to address emergencies, quick maintenance interventions, resealing operations and improved service

delivery, my Ministry has established specific units at the district and regional levels. Every maintenance unit will have a motor-grader, tipper, pedestrian roller, a farm tractor and a water tanker.

Mr. Speaker, Sir, in order to supplement our efforts, the Government has negotiated a soft loan with the Government of the Republic of Korea to procure road construction equipment amounting to US\$31,250,000, of which, US\$25 million would be from the Government of the Republic of Korea, and US\$6,250,000 will be our Government's counterpart contribution. The equipment will greatly alleviate the current shortage and heighten the repair and maintenance of our roads. They include among others, 68 motor-graders, 18 free-loaders, 22 excavators, eight dozers and 157 tippers, all of which would be distributed to the district and regional units in the next one year. In the last two financial years, my Ministry was able to purchase a total of 14 graders from the Road Maintenance Fund, which have been distributed to a number of districts. In order for my Ministry to implement the programmes that I have outlined above, I am requesting this House to approve the sum of Kshs10,642,761,696 to finance the Recurrent Expenditure for the year 2004/2005.

Mr. Speaker, Sir, let me now deal with Development Vote, D13. Let me now turn to my Ministry's Development Expenditure for the 2004/2005 financial year. My Ministry will spend Kshs13,669,613,600 in the following areas: Capital expenditure, including planning, materials research, consultancy services, design and development of roads and staff training. Out of that, a sum of Kshs8,439,420,000 will come from external receipts in form of loans and grants. The balance, which amounts to Kshs4,630,193,600, will come from our own resources. Due to the enabling environment and reforms which the Government has carried out, more and more development partners have started to support the road sub-sector. In that respect, I would like to take this opportunity to thank all those development partners who have supported us, and appeal to those who have not, to consider doing so because we need their support.

Mr. Speaker, Sir, at this juncture, I would like to mention a few of those development partners who have already made firm commitments to support our development in the road sub-sector. Those include the Swedish International Development Agency (SIDA), the Danish International Development Agency (DANIDA), the Federal Republic of Germany, the African Development Bank, the French Government, Japan International Co-operation Agency (JICA), World Bank, European Union, the Arab Bank for Economic Development in Africa, the Government of Kuwait, Organisation of Petroleum Exporting Countries (OPEC) and the Government of Peoples' Republic of China, among others.

Mr. Speaker, Sir, while roads are the primary mode of transport in Kenya, domestic resources to upgrade and improve the road network have been inadequate due to financial constraints within the economy. In order to bring the existing road network to a maintainable standard, it is estimated that, a total of Kshs100 billion is required to bridge the financing requirement. However, those financial resources are unavailable in the medium term. To address that problem in the interim, My Ministry is pursuing the following policies:-

(i) Preservation of the past investment in the existing road infrastructure through timely and adequate road maintenance.

(ii) Upgrading of high priority roads to gravel and bitumen standards in areas where absence of such roads poses serious bottlenecks to development.

Mr. 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 roads development over the years. In that regard, the following measures are envisaged:- Concessioning and dualing of sections of Mombasa-Nairobi-Busia-Malaba Highway. Towards that end, our investors' conference is

scheduled for 2nd and 3rd November, 2004. Development of roads under the East African Roads Network Project; accelerating and expanding the implementation of the Roads 2000 Programme. Fourthly, we are decongesting transportation in key urban centres through the construction of by-passes in Nairobi, Mombasa and Kisumu. Lastly, we continue to reform the legal institutional and regulatory framework in the roads sub-sector with a view to enhancing the proper designs of roads, integrity in roads contract procurement and management.

Mr. Speaker, Sir, the major development projects, which I intend to undertake in the roads sub-sector during this financial year are as follows:- Rehabilitation of Maji ya Chumvi/Miritini Road, with the assistance of Nordic Fund for Development amounting to Kshs280 million. The rehabilitation of Sultan Hamud/Nairobi Road with the assistance of the World Bank for Kshs1.7 billion. The procurement of construction services for the Mai Mahiu/Naivasha/Lanet Road, funded by the European Union and the Government of Kenya for Kshs1.83 billion. The procurement of consultancy and construction services for the rehabilitation of the Mai Mahiu/Narok Road, financed by the Governments of Germany and France at a cost of Kshs102 million. The up-grading of Central Kenya roads to bitumen standards and the up-grading of Wote-Makindu Road to bitumen standards funded by the OPEC for Kshs108 million.

The next one is the opening of the procession way in Nairobi. The Ruiru/Ruai Road; Isiolo Merille Civil Works funded by the ADB; Merille/Moyale/Dori/Luanda Road; Mayoni Butula/Bumula/Port Victoria Road; Lokichogio/Southern Sudan and the Kibwezi/Mwingi/Isiolo Roads. Construction work will continue on all the ongoing projects, some of which are the construction of Sultan Hamud/Mtito Andei Road, Kisii/Chemosit Road, Kisiga/Kiserem Road, Keroka/Nyangusu Road and the rehabilitation bridges along Kibwezi Road, Vanga Sea Wall, Malindi Jetty and Lamu Sea Wall. Some of these projects have already started, while others are at the procurement stage. In this list, there is also the Kitui/Kangundo Road.

Mr. Speaker, Sir, under the building sub-sector, the Ministry is undertaking the designers supervision of about 700 buildings; projects of various cleared Ministries in our annual works programme. As the hon. Members are aware, inadequate budgetary provision in the past and poor planning have led to abandonment of many incomplete building projects throughout the country. To address this programme, the Government set up a committee, which identified projects to be completed. To this end, the Government has made a provision of about Kshs2.9 billion in this financial year.

The following projects will be implemented: Completion of Phase I of Nyanza Provincial Headquarters; completion of the General Service Unit base camp of Ruiru staff housing; completion of Kapsabet Divisional Police Headquarters and the completion and rehabilitation of Wambugu Farmers Training Centre; completion of Nuhu Karatu and the completion of Ishiara Phase II of Kaptabet Vihiga and Lodwar District Hospitals. The completion of Tana River and Busia Co-operative societies and the National Youth Service Building in Naivasha, and the completion of staff housing in Ongata Rongai and Langata Police Dog Section.

Mr. Speaker, Sir, in addition, a sum of Kshs50 million has been allocated for the construction of the official residence of the Vice-President. The following projects have been completed. The Vihiga District Headquarters, Isinya Health Centre and laboratories, staff houses at Garissa for the Veterinary Department, a multi-purpose hall in Kehancha and two wall blocks in Nairobi remand prisons. I have already outlined the programmes that my Ministry is going to implement in the current financial year. As I have explained, the Ministry is carrying out major reforms to ensure that the funds this august House will vote for it are used efficiently and in a transparent manner. I assure this House that the funds will be utilised only for the intended purposes.

I am now seeking the approval of this House for my Ministry to spend the sum of Kshs23,712,375,296 to finance both the Recurrent and Development expenditures for the Financial Year 2004/2005. As I have stated, my Ministry intends to use this money purely for the purposes for which it is intended and approved for by this House. I wish to add that with the limited resources at our disposal, we will continue to do our best to bring out road network in this country into a motorable condition. We will continue to rehabilitate most of the stalled projects, which are scattered all over the country.

With those remarks, I beg to move.

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Speaker, Sir, I stand to second this Vote.

I will begin by thanking the Minister, Mr. Raila, who is a professional. He is a Roads Engineer and he has fairly qualified members of staff in his office. It is for that reason that they have managed to do a good job.

As I compliment the Minister, I want to draw the attention of this House to the fact that the NARC Government took over a tattered Government from the former KANU Government. It looked like a net; you could see through it. It is amazing how the Minister has managed with the little funds we gave him last year to do the roads that he has done all over the country. I think he has been nicknamed "*Agwambo*" because you find him everywhere. Kambas are calling themselves "Raila" because they would want to be as effective as him. I am not campaigning for him, but I know he is an effective professional. He should keep it up. We know the amount of work he is doing with the little funds that he has.

Mr. Speaker, Sir, no money would be enough for this Ministry. The Minister has told us that he needs more than Kshs100 billion to do what we have been asking him to do in this House. The Kshs23 billion which he is asking for is peanuts, and I pity him. I do not know how he will spend it. We should approve this money, so that he can start working.

However, I would like to propose that we allow the Ministry to borrow as much money as is possible, to do the roads in Kenya, so that our economy can recover. The economy cannot recover without proper roads. For example, we need good roads in sugar-cane and cotton growing areas and in the livestock producing areas, in order to get all this produce to the market.

The other thing I would like this House, and more so, the Treasury, to consider is the issue of procurement procedures, which are very cumbersome and confusing. This is because the current rules and regulations of procurement are such that, for example, the Minister for Roads and Public Works presents his Vote in Parliament, which is then approved. He will then have to appear before the Public Accounts Committee (PAC) to account for the Ministry's expenditure, if he overspends. But, unfortunately, when contracting some companies to carry out construction, he will be held by some procurement procedures to an extent that the same Minister starts paying penalties when he actually had money to pay the contractors. Once a Ministry is given money, let it go ahead and spend it, knowing that at the end of the year, if it overspends it, the Minister will explain to this House and the PAC how the money was spent. But there should be no other drawback in-between, for example, being told to wait for 100 days for something to mature. We do not need this. I am not an engineer, but all these procedures, ranging from designing, searching and so on, to me, should be completely done away with, so that we can construct our roads fairly easily. If there is a road to be constructed, it should be constructed immediately the money is made available.

Mr. Speaker, Sir, the Minister had managed to do much more than the KANU Government did for the last 25 years. He promised to give road construction equipment and a grader to every constituency. No Minister has ever done this. Why can the Opposition not appreciate and spend all

their time complimenting the Government on what it has done? The NARC Government has introduced many programmes throughout the country; for example, bursaries and free primary education, without discrimination. No part of the country is being discriminated against. Every constituency is getting Kshs5 million from the District Roads Committees (DRC). What other fairness can anybody get from the NARC Government? I hope the hon. Members from the Opposition will compliment what the Government has done.

Mr. Wanjala: On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead this House, and especially Kenyans, that there is opposition from the Opposition side, when it is really the Government side which is not appreciating what they are doing themselves?

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Speaker, Sir, that is how governments operate and if somebody does not know how to measure maturity, then we will have to open more schools.

(Laughter)

Having said that, the Minister has told us that he is going to distribute some road construction equipment to the constituencies.

*(Several hon. Members consulted
with Ministry Officials)*

Mr. Maore: On a point of order, Mr. Speaker, Sir. Could you save our visitors from harassment by hon. Members?

Mr. Speaker: Order, hon. Members! You are harassing officials. They are here to listen and advise the Minister. The only person who is authorised to consult with those officials is the Minister. So, could you, please, give them their peace so that they can follow the debate of the House and advise the Minister? So, it is out of order for any hon. Member to go to those officials.

Proceed!

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Speaker, Sir, having said all that, let me try to remind the Minister that I have got a constituency which I represent in Parliament. I may say a lot about Taita-Taveta, Nyanza and Western Kenya, but, if he does not know what we need in my area, I will not have done enough.

Mr. Speaker, Sir, I want to remind the Minister that, severally, we have been promised some roads which have been said to be still under the design stage. In Mbooni Constituency, when schools close, students are taken on tours to be shown what tarmacked roads look like. Mbooni Constituency does not have a single tarmacked road. For that reason, I am asking the Ministry to consider the Masii-Tawa Road, which was planned to be tarmacked. We also have other roads classified as C101 and E713, which we were told they would be designated and classified. Road E710, which joins Machakos to Makueni, needs to be tarmacked. There is a serious bridge there on river Thwake which joins the two districts, which we would like to have constructed. We would like to be told where the designs of this bridge are. We have got also the Chemba-Kikima Road. Kikima is fairly a developed area where we grow a lot of potatoes and tomatoes, but there is no good road. We have been promised severally that we will have a tarmac road. The time should be yesterday because we were promised a long time ago by the KANU Government. This Government now should not make us suffer like we did. There is also a very important bridge which joins Kitui and Makueni; that is, Syoto Valley. I thank the Minister because he came there with his Ministry officials and saw it. Kitui and Makueni districts have already recommended that this bridge be built.

We would like to see it built.

With those few remarks, I beg to second.

(Question proposed)

Mr. Maore: Thank you, Mr. Speaker, Sir, for this opportunity. In the process of responding, it is good to take cognisance of the promises and the schedule of the roads that the Minister did enumerate last year while presenting his Vote. I would like to note that they are the same roads that are being presented to us again this year, as per the HANSARD report of 23rd July, 2003, when the Minister moved the Vote.

[Mr. Speaker left the Chair]

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

We have a schedule of the same roads that the Minister was talking about, for example, the Mombasa-Nairobi-Busia Highway to Maji ya Chumvi-Miritini Road, Sultan Hamud-Nairobi Road, Lanet-Mau Summit and Mau Summit-Kericho. If you go through the same list, you will find that the Minister is likely to respond by saying that the procurement processes do not allow him to put out contracts at the specified time. If you can recall, last year when I was interjecting by saying that they needed to bring up legislation in last year's financial report, the Minister was not welcoming the interjection. We are likely to have the same list next year because the same regulations about the procurement or tendering process are still in place. We are also likely to have the same list next year because the money is not available.

We need the Ministry to address the issue of promising to construct roads that they know its budget can absorb. Over the last one year, there have been a lot of advertisements for road jobs. We want to be sure that they are going to have money. We also need to be assured that, on top of the high-priority roads, the tourism-circuit roads, which are a nuisance to the tourists, are in motorable conditions. If you meet any of our tour operators, he or she will complain about the state of the Narok-Mai Mahiu Road. They will talk about the bad roads within Samburu Game Reserve and Shaba National Park. You will hear complaints about the Mai-Mahiu-Naivasha-Nakuru Road. If you travel in those roads, they are quite a nightmare. The Ministry must be coherent about those roads and deliver the promises.

We also need to have proper management of our roads. I will give an example of the Makutano-Embu-Meru-Maua Road. If you have ever been on that road, you will find that a distance of 200 kilometres has about 114 bumps. The engineers in this Ministry should be told that it is very primitive to erect uneven bumps on a major highway like the Meru-Makutano section of the Meru-Maua Road. Those bumps are like roadblocks and do not control any traffic. Internationally acceptable---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Members! Let us hear the Shadow Minister in silence! Please, consult quietly.

Mr. Maore, please, proceed!

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, internationally recognised ways of

controlling traffic and speed are simple. It is by signs and signals. We do not know why they have to create "mountains" on roads in the name of bumps.

(Applause)

Mr. Temporary Deputy Speaker, Sir, you will find every District Development Committee (DDC), which is full of village activists, proposing that bumps should be erected in almost every corner of a stretch of road to control traffic. They should not mess up our roads by creating "mountains" all over! We would like the Minister to take note and remind his engineers to order the removal of bumps on the major highways.

Mr. Temporary Deputy Speaker, Sir, another issue is that of the Kenya Roads Board (KRB). If you recall, in the previous Parliament, the KRB was an initiative of this House and had the support of donors. The Government was very reluctant at that time because it viewed the creation of another entity a nuisance. The House then was feeling that the Government was condoning corruption and other inefficiencies within the roads sector. Today, the Ninth Parliament does not trust the Ministry to deliver on the roads sector alone. That is why we would like the Ministry to clarify the mandate given to the KRB as per the Act. In the Committee on Energy, Roads and Communications, we are initiating the process of empowering the KRB. We are resisting the attempts to relegate it.

Mr. Temporary Deputy Speaker, Sir, we know that last month, there was a struggle over who should head the KRB. That is because fellows at the Ministry are not able to pick phones and manipulate those who are heading the KRB. So, there is pressure and inconvenience. So, we want to empower the KRB and not dilute it. When there is a problem, the Ministry should come to this House and we can give them the enabling environment to empower - and I repeat - to empower the KRB.

Mr. Temporary Deputy Speaker, Sir, I want to give a very quick example. Yesterday, we had the District Roads Committee (DRC) meeting in our district. When our resident engineer was presenting the schedule of work for June this year, he gave a small road, URA4, and said that it had cost Kshs240,000 and was 100 per cent complete. We kept quiet. Yesterday, when he presented the same road, URA4, which is a distance of 60 kilometres, he said it had sucked in Kshs1,125,000. I am raising this example because that road does not exist in my constituency. The engineer used a fictitious project to siphon money with a contractor. We sit in the DRCs and we are told that we are responsible. If you ask the KRB why they released that money, they will say they are not the ones who hire and fire the district road engineers. We need some harmony in the way we administer the policy on our roads. We do not want the complaints that are prevalent at the headquarters.

I want to praise the Minister for his very strict instructions that engineers at the Ministry should not own companies that construct our roads. However, I want to stand here and say that, many engineers at the Ministry of Roads and Public Works are sucked into conflicts of interest. They support companies for which they are not directors. So, even if you sent investigators, they will not find their names in the list of the directors of the companies at the Registrar of Companies. I would like to plead with the Minister to look for a more transparent method of putting in a mysterious box near his office or corridors, so that the engineers or staff in the Ministry--- They know those people. When a claim is forwarded, they start asking each other: "Whose claim is this?" They start giving names. They know them and we want the Minister to follow up that issue and clear it.

Mr. Temporary Deputy Speaker, Sir, still on administration, we now have several officials who have been disciplined in the Ministry with regard to the procurement of bitumen. We want to

say that on the issue of bitumen, there is the same conflict of interest. It needs to be clarified, so that we do not have any cases of favouritism for any contractors, delay or punishment for others.

We also need to look at the issue of the Local Authority Transfer Fund (LATF) money. That money comes from the Road Levy and it is transferred to the local authorities. The portion that is supposed to be for roads maintenance and development should be channelled to the DRCs. It will be better utilised there because, within the DRCs, we have the mayors of the local town councils and chairmen of the county councils. So, it is in the DRCs where we can ensure that monies meant for roads by the county councils are utilised. In most cases, if you call any district roads engineer, he or she will never tell you of any money that has been utilised for the maintenance of roads. So, that money is lost forever.

Mr. Temporary Deputy Speaker, Sir, until we have a mechanism of ensuring that money sent to the local authorities - as agents for roads - is retrieved from those irresponsible hands back to the KRB, the DRCs or even to the Ministry, it will continue to be lost. That is where it can be accounted for. If you look at the schedule tabled last week by the Minister for Local Government, about the LATF monies and where they have been allocated, you will see that the largest percentages are to the roads. When you go to the ground, you will never find a kilometre of road done using that money.

Mr. Temporary Deputy Speaker, Sir, there is another major issue that needs to be explained. Last year, the Minister said that 63,000 kilometres of classified roads or 43 per cent of the classified roads are not in maintainable condition. So, we would like him to provide an inventory as he presents this year's figures. He should tell this House, and country at large, what amount of money has been spent on the classified roads. Out of the 43 per cent, the Minister ought to have told us that his Ministry has done at least 5 or 10 per cent and next year they would do another 10 per cent. If that can happen in three years, then, we would be able to phase out this Item from our Estimate Books.

Early last year, the Minister for Roads and Public Works instituted the Pending Bills Verification and Validation Committee. We are looking forward to see the Minister give us the findings. We hope to be given the schedule of implementation of the report that came out of that committee. It is important because when the Minister sets up a committee such as that one, it is supposed to help us move forward. He should not keep quiet about it as other issues emerge unnecessarily. So, we look forward to hear the Minister, during his reply, mention to this House, and to the country at large, what became of the Pending Bills Verification and Validation Committee Report that he had promised to come out in a month's time, and whether it is supposed to be implemented at all. We have found out that there are both fake and genuine claims. If there are genuine claims, then we need to see the schedule required in settling the claims for pending bills.

Mr. Temporary Deputy Speaker, Sir, with regard to road reserves, it is true that over the years, members of the public have encroached on the road reserves. You will remember that last year, the Government had lot of goodwill from the public when it was clearing the road reserves. However, somewhere down the line, despite the idea enjoying much public support, the Ministry of Local Government and the Ministry of Roads and Public Works did not pursue the issue of clearing the road reserves. It is easy to do what the Waswahili say: *Usipoziba ufa, utajenga ukuta*. One day was used to demolish very huge buildings that had been built on road reserves. However, there are other buildings in Eastleigh area of Nairobi which have encroached on the roads. In fact, people have reclaimed the roads and built highrise complexes, yet the Government does not find it feasible to demolish them on time. Should they wait forever?

Mr. Temporary Deputy Speaker, Sir, there was a Roads Conference at the Bomas of Kenya, yet the Ministry did not find it necessary to inform the House Committee on Energy,

Communications and Public Works. We were sent invitations two days before the material day, just like any other hon. Member. That was not fair. We should have been part of the conference. We should have been allowed to present our views as a Committee. The Minister should remind his secretariat that there exists the Energy, Communications and Public Works Committee whose mandate is also to deal with roads. So when there are major conferences or functions, locally and internationally, hon. Members of that Committee should be invited. That way we can be friends when it comes to matters that need legislative support in the House.

Mr. Temporary Deputy Speaker, Sir, I want to commend the Minister for the initial move to procure machinery for the maintenance of roads. It is true that you cannot have Government contracting every job that comes up specifically on an urgent and crucial issue like roads. Even if the Minister cannot get machinery for every constituency, at least, we should have machinery for every district for any jobs under Kshs5 million. Even the constituency allocations are able to maintain and keep the machinery busy throughout the year. So we need to insist that--- I heard hon. Munyao blaming us for not praising the Government. We are not praising the Government because it made promises. I know the Government is capable of breaking any promise that it enters into with anybody. That is why we are taking it with a pinch of salt. Unless there is a specific date when the equipment can be procured, nobody is in a hurry to praise the Government for anything.

Mr. Temporary Deputy Speaker, Sir, the other issue relates to the projects in the Estimates Books that have a link with donor money. An example is the Roads 2000 Programme that was sponsored by the European Union. In Eastern Province, it was officially launched with a lot of fanfare in April 1998. They even donated a lot of Land Rovers and equipment. They also promised that a lot of money would be available in the following 90 days. People jumped all over thinking that their problems were now part of history. Today, six years later, we have no sign of a single completed road under the Roads 2000 Programme. All of them are still in the pipeline. We are told that negotiations are under way with donors. The Heads of the European Union come and go and negotiations begin all over again. We are still where we were six years ago and our roads continue to deteriorate.

I wish to ask the Government to ensure that the promises they give are easy to deliver. They should not give promises when addressing people for the sake of making them happy, and yet when it comes to delivering the promises, it becomes a nightmare.

Mr. Temporary Deputy Speaker, Sir, the Minister mentioned the issue of concessioning. Those of us who have been here longer enough have not seen any Sessional Paper by the Government about that kind of significant policy change with regard to privatisation of our roads. We would like the Minister to come before this House and seek legal mandate for the purpose of concessioning roads. I know it is possible for the Minister and his staff to say that they are organising a Cabinet Paper, and if it is approved by the Cabinet it would still be okay. With a loud noise we say, "No." It is neither legal nor appropriate for the Ministry to enter into that kind of change of policy without coming to the House to seek legal mandate for that proposal. When there is a breach of contract on either party, it is the Kenyan taxpayer who suffers. We have seen a situation where somebody comes, does concessioning, signs contracts, just collects money and does not do work to certain standards. There will be no redress because nobody has ever envisioned a situation where individuals or private companies from other countries own our public roads. We are not against it, but we want it in our laws.

Mr. Temporary Deputy Speaker, Sir, there is another issue that has not been clarified. We have contractors, who are registered by the Ministry in certain categories such as A or B. When there is work to be done, we hear the Ministry organising pre-qualification. In the process, the issue of cartels and canvassing by contractors arises. You will find one contractor with too many jobs

which he cannot do using his equipment. This is because, all of a sudden, he has many jobs to perform and yet he has not had jobs for a long time.

An example is the Kay Construction Company that has been doing the Meru-Maua Road. It is an Kshs800 million job. This contractor has not been doing any job for many years, and now he has been given a job out of the blue. He has been given another job in Kisii on top of one in Meru. When he hears that the Minister will visit Kisii, he mobilises all the equipment from Meru and takes it to Kisii, so that when the Minister shows up, he has a lot of equipment on the road. The following month, when he hears that there is hue and cry about the Meru-Maua Road, he mobilises the equipment again to Meru. We need proper and careful awarding of contracts. When they are awarded, their terms must be adhered to by the contractor and the Ministry. The loudest complaint that comes from the Ministry is that it does not have the money to pay contractors on time. It also uses other excuses such as auditing or inspecting works as a way of delaying implementation. Then, sooner or later, projects stall.

We would want to have an elaborate mechanism, so that when a contractor has raised a certificate, the Ministry should be able to say whether the claim is valid. If it is valid, it should pay it. If it is not, it should say so. It should not have too many incomplete projects. We end up losing a lot of money in interest. If a job worth Kshs5 million was completed seven years ago, payment certificates were raised, but were not paid, the cost of the project rises to Kshs200 million because of the interest. The Pending Bills Verification and Validation Committee should address the issue of the money we are losing through interest accrued. This committee's recommendations should be implemented, or we should be told what other mechanism the Ministry will use to address the issue of pending bills, which are a big nuisance to our Budget. If these bills are fake, the Minister should have those officers who validated them arrested. We want to see people in court for signing fake contracts.

We want to see contractors in court for having received money fraudulently, so that we can now have confidence in the Government. It pledged to deliver on its promises. Donors are scared because the Government made promises, but it has now turned into a tower of babel. It does not want to agree on anything. It wants to fight over everything. When one side is asking for money, the other side is saying it does not trust the Government. It is true that the wrangling is healthy, but it would have been wiser if the wrangling was outside the Government. If a Government turns into its own enemy, who will deliver on the promises its members made to Kenyans?

We only have two more years before the electioneering period. They should use this time to deliver on the promises they made to Kenyans. After that, those who are getting ready to take on the Government in 2007 can now do their politicking for even 12 months, and nobody will be tired of them. We want the Government to deliver on its promises because it is the taxpayers who are financing it, and they are suffering.

With those few remarks, I beg to support.

The Assistant Minister for Regional Development Authorities (Mr. Odoyo): Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to add my voice in support of this particular Motion. Vote 13 is one of the most important Votes in this country. The real development in any economy is from roads. The quality of our roads is a reflection of the development status in Kenya. It is true that we inherited a road infrastructure that was so dilapidated due to corruption in the past regime that we have spent the past two years trying to plan, to enable us build better roads for the future of Kenya.

For the very first time in this economy, we have a Minister who is committed to ensuring that the Kenyan public is able to get quality services for the taxes that they pay. I, therefore, congratulate the Minister for Roads and Public Works and urge him to continue with the good work

he is doing, particularly in trying to deal with the "cow boy" contractors whom we inherited from the past regime. These people continue to drink our blood. They "drink" the strength of this nation through fake contracts, which they want us to pay them for.

The Assistant Minister, Office of the President (Mr. Shitanda): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to blame the past regime when he was a member of that regime?

The Assistant Minister for Regional Development Authorities (Mr. Odoyo): Mr. Temporary Deputy Speaker, Sir, I want to thank my fellow Assistant Minister for acknowledging that we are working under collective responsibility. However, at times, we need to point out how inefficient the KANU regime was.

We have classified roads and rural access roads. Our people in the rural areas today continue to moan the death of the rural access roads. The Roads 2000 Programme, which we have been waiting for, continues to elude our people in the rural areas because the gestation period continues to be longer and longer. What exactly is happening on the Roads 2000 Programme? I know that the Minister is doing his best to put in place an enabling environment, to ensure that the programme is implemented. I know that a few people, and especially those on the other side of the House, continue to frustrate the efforts of the Government to implement the Roads 2000 Programme.

Mr. Boit: On a point of order, Mr. Temporary Deputy Speaker, Sir. May I remind the hon. Member on the Floor that Mr. Raila was the Secretary-General of KANU and the Minister for Energy in the former Government. Therefore, it is a continued exercise. He should not blame this side of the House because---

The Temporary Deputy Speaker (Mr. Khamasi): Order! When you rise on a point of order, let it be a point of order. Do not inform people what you know.

The Assistant Minister for Regional Development Authorities (Mr. Odoyo): Mr. Temporary Deputy Speaker, Sir, could my time be extended because of these frivolous interjections? Could the Chair protect me from the people who continue to interrupt me?

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Odoyo!

The Assistant Minister for Regional Development Authorities (Mr. Odoyo): Mr. Temporary Deputy Speaker, Sir, I was talking about *bandia* contractors who are embedded in corruption. I urge the Minister to continue doing the good work he is doing on *bandia* contractors. Anybody who wants us to pay those contractors--- And those on the other side of the House keep on coming to see the Minister so that he can pay these contractors. I urge the Chair to caution hon. Members who continue to front for *bandia* contractors.

Mr. Maore: On a point of order, Mr. Temporary Deputy Speaker, Sir. According to the Ethics and Public Order Act, it is illegal to say what the Assistant Minister has said hon. Members on this side of the House do. Could he be compelled to state exactly what he means?

The Assistant Minister for Regional Development Authorities (Mr. Odoyo): Mr. Temporary Deputy Speaker, Sir, for the sake of the short time I am left with, let me profusely apologise and continue.

There was a time when roads in Rift Valley Province were done, but those in other parts of the country were not done. You would find a portion of a road passing through Nyanza Province was not done, but a portion of the same road was done in Rift Valley Province. A good example is Road C 18. This road, which passes through my constituency, also passes through Rift Valley Province. The Rift Valley portion was done, while the Nyanza portion was left undone. Up to day, the portion of the road in my constituency has not been tarmacked. I would like to commend the Minister for his consistent efforts in doing roads in every part of this country, as opposed to the previous regime, which only did roads in Rift Valley Province.

Before I get on to the Department of Public Works, let me turn to the situation on our roads. There was a time when overloaded lorries passed on our roads with impunity. They would exceed the axle load by two or three times because nobody checked them, and corruption was imminent in all parts of our roads. The traffic police and the officers who checked the axle load were there but the lorries exceeded the axle load. I want to commend the Minister for ensuring that the axle load is checked. I urge him to ensure that we do not interrupt the export and import operations of our neighbouring countries by ensuring that the axle load measurement is done at one point, or at most, two points. I spoke to a lorry driver from Rwanda who carries some of my billboards to Uganda and Rwanda. He told me that, on one occasion, he had to pass through over 30 police roadblocks between Mombasa and Malaba. The officers who check the axle load and the traffic police continue to interrupt the good business being done by our neighbouring countries.

On the Department of Public Works, I would like to commend the Minister for minimising the level of corruption in this department by a staggering 50 per cent. The most corrupt Ministry in the past regime was the Ministry of Roads and Public Works. They took medicine from my village-

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

The Assistant Minister for Regional Development Authorities (Mr. Odoyo): Thank you, Mr. Temporary Deputy Speaker, Sir.

I beg to support the Motion.

Mr. Muturi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Vote. Indeed, I agree with the last speaker that the Ministry of Roads and Public Works is one of the key Ministries which, as a country which is desirous to revive its economy, we cannot ignore. We can only ignore this Ministry at our own peril.

Last evening I arrived back in the country from a World Bank-sponsored visit to a fellow Third World country; the Republic of Nicaragua. In that country, a kilometre of road costs the equivalent of between Kshs8 million and Kshs9 million to tarmac. I am very sure that the same kilometre will cost, if we are very lucky to get an honest contractor, slightly double that amount. This is a matter which needs urgent attention. We should not continue cheating ourselves that we will revive our road infrastructure if we do not address the issue of how much it costs to construct roads or rehabilitate the ones which are in a terrible state.

As the Chairman of the PIC, I have seen roads which have cost sums which are really shameful to mention, just to reseal and within a period of less than six months they are washed away. I have in mind the famous nine-kilometre road off Mai Mahiu to Ngema Pump Station of the Kenya Pipeline Corporation (KPC). This road cost this country over Kshs540 million, and yet it has been washed away. So, when I talk about the cost of constructing our roads, it is a matter which the Ministry should address with great seriousness.

Mr. Temporary Deputy Speaker, Sir, I am grateful to hear the Minister tell us that various maintenance units and districts will get graders, tippers and other road maintenance equipment. I keep wondering whether I still belong to this country. This is because he is talking of some equipment as having been given out. I represent a constituency which is in a district of this Republic, but it does not exist anywhere in the programme the Minister has told us here. The promises about graders were given to this House by the Minister last year. Of course, the only thing he has added today is when he said that he did not have money. If he knew that he would not get money, why did he tell the House that he would ensure that every constituency would have a grader? He assured us, when we pressed him in the Committee Stage, that he would ensure that every constituency had a grader in the last financial year. This has not happened! He has told this

House now--- I was surprised when I heard some of my colleagues applaud him. I have learned to be cautious when it comes to applauding the gentlemen on the other side of the House because they are too good at giving good promises which they do not fulfil.

(Mr. Wetangula nodded his head)

Mr. Temporary Deputy Speaker, Sir, I think the Chair has noted that Mr. Wetangula is good, but I do not want to be distracted by him. I want to point out that the Minister did say that from this financial year, the 24 per cent which used to remain at the Ministry Headquarters, as was then said, to do existing contractual obligations, has now gone to the districts. You and I know that today is 19th October, 2004. I arrived last evening and this morning, I spoke to the Provincial Works Officer in Embu and the Roads Engineer in Mbeere and they told me that they have not received the first quota from the Government to enable them to start grading and maintaining roads. The first quota of the financial year has already gone! Just as you know, some "four-wheeled politicians" out there in the villages would go round saying that Members of Parliament have taken Kshs20 million, when you and I know that nothing like Kshs20 million has been released for this financial year! It is the same, same thing that is happening with regard to the issue of roads. What is happening? Why is it that when we pass the Vote on Account, the money is not released during the first quota, and nothing is being done about our roads? The roads are impassable because it has started raining, now we cannot move easily on our roads!

Mr. Temporary Deputy Speaker, Sir, there is a very important road that the Minister was recently seen on the television saying that it was going to be tarmacked. Sometime last year, they gave out what they call design contracts. The designs have been completed and there is no mention of it in the printed Estimates. The Minister went on the television saying that Mathi Road, C92, will be tarmacked. Just the other day, they made some high profile political visits in that part of the Republic and they still said the same thing; then we start wondering why do they go around making those stories to excite the simple minds of the villagers when it is not there in the Printed Estimates? They are politicking as usual! No wonder, NARC represents "Nothing Actually Really Changed". It is called NARC!

(Laughter)

Nothing actually really changed; they are just politicking by telling the people in Embu and the surrounding areas: "Road C92 is being tarmacked!" In fact, by saying: "We are going to do I do not know what", and at the end of it--- what the Minister has just talked about here is a small portion called Mitunguu, which is not even part of that road! But just the other day, in a huge political rally, he said that the road is going to be tarmacked. So, you can see why I am saying that nothing actually really changed! It is called NARC.

Mr. Temporary Deputy Speaker, Sir, this problem of designs, pre-qualifications, and the process of carrying out feasibility studies, pre-feasibilities and I do not know what--- All this is a question of a process. We are happy that we recently heard the Minister saying that they have worked on procedures that are going to make the procurement of goods and services in his Ministry shorter than it has been in the past. In the same way I had observed earlier on, the Minister is good at making promises. Fortunately, he has not made those "lightning visits" to my village. So, we are still all right. We are just waiting to be told that the Roads 2000 Programme is still on. I have just heard hon. Odoyo saying that the Roads 2000 Programme is being revived by the Minister, who is making all efforts. But do we have to sit here and wait for 10 months? Since the beginning of this year, we have been told that: "We are sitting with the donors and having negotiations. The project is

going to start---" I started being told that the project is going to begin in March. But it shifted to June, then it went to July. We were then going to do a workshop to decide on ways, then another workshop was to be organized for us to go and agree which roads would be tarmacked. Up to now, none of those things has happened. We are being told that the Minister is making efforts.

Mr. Temporary Deputy Speaker, Sir, if those donors who promised to give us this money are not willing to fund the programme, we better remove it from our books! Let us just live by our own means. If we are not able to, please, do not cheat us by telling us: "This is being funded by the European Union, that one by Sweden---" all these stories about who is going to fund what--- They just come here and hold seminars where they tell us they are going to do this or that road. Let us just plan for what we are able to raise. Let us live within our own means. Let us not excite the people in the villages about what we are able to do!

Mr. Temporary Deputy Speaker, Sir, as I conclude, I heard the Minister mention that they are doing some few district headquarters. I want the Minister to know that Mbeere District exists within the Republic of Kenya, and we have never seen the construction of even one single building there since its creation.

With those few remarks, I beg to support.

Mr. M'Mukindia: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Vote. In supporting the request for funding for this Ministry for the next financial year, I wish to support my colleagues on what they have said in terms of the implementation rates that the Government has promised. I do remember very clearly a statement that was made, either by the Minister himself or by somebody higher up last year. He said: "As arteries are to the body; so too are the roads to our country". That was a very fundamental statement which we all agree with. Indeed, roads are to our country, what arteries are to our bodies.

Mr. Temporary Deputy Speaker, Sir, two years down the road, we have not seen the seriousness that is required to ensure that this body is well supplied with blood with arteries that are not full of cholesterol. Our roads today are no better than they were one or two years ago. We congratulate the Government for recognizing that and, most importantly, for saying that they know what needs to be done. As you know, in the last two years, this House has actually supported the Ministry of Roads and Public Works very strongly, especially through hon. Eng. Toro, because he represents the Ministry in this House. We supported him virtually in every case, and we thought that he was doing a good job.

We are beginning to worry, Mr. Temporary Deputy Speaker, Sir, because of what has been happening over and over again. We have over-relied on donor funding on things which are extremely important as arteries are to the body. If we are serious about rejuvenating our economy and ensuring that our country develops properly, then we have no option other than to go back to the drawing board and really being honest with ourselves. Are we able to depend on foreign funding for infrastructural development? The kind of things that are happening lately, even in the financial management of this country, are worrying.

For example, I read in today's newspaper that the Central Bank is now against long-term bonds, and they are moving towards Treasury Bills; which means that if the Government wants to raise long-term capital for any project, it will no longer be possible. We will end up where we were three or four years ago, with a huge stock of unpaid debts to local financiers, because of the short-term Treasury Bills.

Mr. Temporary Deputy Speaker, Sir, I can still remember what governments in Europe and America did after the Second World War. They raised local financing themselves using municipal boards, road boards, *et cetera*. Why is it impossible for the Kenyan Government to raise local funding from our own people to support infrastructure? Why is it impossible to raise an

infrastructure fund in shillings terms, which you and I will contribute to, which local banks will be forced to contribute to, which we know we will pay in shillings and not dollars, and finance our infrastructure? For how long are we going to depend on the World Bank? I get very worried when the World Bank now starts saying we congratulate the Governor of Central Bank, Dr. Andrew Mulei, because he has now changed tact; he is no longer supporting long-term Treasury Bonds; that he now supports Treasury Bills. That worries me because it is not in the interest of the World Bank, it has never been, and it will never be, to see us self-sufficient or self-supporting.

So, why are we, as a Government, then allowing this thing to happen, when we know we are putting the country in danger, which was done during the former regime? Why are we repeating the same mistakes, two years after this Government took over? This is not even going into long-term projects. It is to finance short-term debts; to balance the Budget and so on. I would strongly suggest to the Minister for Roads and Public Works, as well as the Minister for Finance, to truly re-look again as to how we are going to finance our infrastructure, and how we are going to finance our roads, if they are going to be as important as arteries in our bodies.

The World Bank is giving us cholesterol; it will cause us a heart attack and this country will never develop. We have to depend on our own funding capacity. We must strengthen our own hearts and our own arteries. There is no other choice.

Having said that, I would like to point out again, as my colleagues have said, that if you look at the way roads have been developed in this country, these arteries tend to support only one part of the body. They support only the roads from the Coast to the West. They lead to Uganda, Sudan and north-west Tanzania. People in Eastern, North Eastern and Coast Provinces have been totally ignored in so far as road network development is concerned since Independence, to the extent that they have no access to their neighbours. North Eastern Province has no access to Somalia or Ethiopia. Eastern Province has no access to the Coast Province and their neighbours. They are not connected at all.

Yes, the roads exist. From Garba Tulla, Maua to Garissa, to Garsen, to Lamu, the road is there. But it is impassable! So, I am forced to go from Maua all the way to Nairobi, in order to go back to Lamu, where I came from, yet I should go directly, within a very short time and sell my goods there. I could access the Coast easily. The people in North Eastern Province can access Somalia, now that there is going to be peace there, very easily. Unfortunately, from Wajir to Mandera, the road is impassable. It has never been looked at. On the most important international road today - Isiolo-Marsabit-Moyale - nothing has been done. A whole market of over 60 million people in Ethiopia would like us to trade with them. They did their part of the road more than 25 years ago. They have tarmacked their road from Moyale to Addis-Ababa. We, in Kenya, have consistently failed to do our part. Why is it that we have deliberately marginalised three-quarters of the country, by making sure that they have absolutely no communication with the outside world? This has to change. We do not believe that the World Bank will say that the Isiolo-Moyale Road will be economically viable. They will not! It is not in their interest for us to trade with Ethiopia. Why can we not raise a local infrastructure fund, payable in the next ten years, and fund it with shillings rather than borrowing in dollars?

Mr. Temporary Deputy Speaker, Sir, in conclusion, let us all remember, that the World Bank is a parastatal. When they tell us to privatise, I wonder why they do not privatise themselves first, because they are the chief parastatal in the world! A parastatal made up of government funding is asking another Government not to depend on itself, but to keep borrowing from it! We have to critically look at the role of the World Bank in our economic development, and stand firm. This will require a lot of courage from the NARC Government, and from our Ministers for Finance and Roads and Public Works. They have to stand firm and put Kenya first. If they do not do that, this

country is doomed. The roads will not be done. There will be no money to do it.

With those few remarks, I beg to support.

Mr. Serut: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this important Vote. As my colleagues have rightfully put it, this is one of the key Ministries in the Government of today.

Mr. Temporary Deputy Speaker, Sir, the road network in this country is very important to each and every corner of this country. But I want to say here that there are certain areas of this country where there is no road network. The reason advanced by the Ministry representatives is that there is a Government policy to the effect that a road can only be upgraded if the amount of traffic increases. According to my own analysis, the traffic on any particular road will increase depending on how good the condition of the road is! It cannot increase automatically. Therefore, I feel this policy, if, indeed, it exists in the books of the Ministry of Roads and Public Works, should be done away with, so that roads with less traffic can also be looked into and upgraded.

There is also the issue of re-classification of roads in this country. In certain parts of this country, you find roads are re-classified every now and then. But in districts like Mt. Elgon District, there is no single road which is tarmacked. The simple reason given is because of the amount of traffic. I would like to urge the Minister to try just one road; re-classify it, tarmac it for the people and see whether traffic will increase or not.

Mr. Temporary Deputy Speaker, Sir, I want to speak about the *El Nino* Project. We know for sure that the Office of the President does not have the capacity to supervise or develop any roads in this country. We know they have no engineers, road superintendents and so on. So, why is this *El Nino* Fund still being retained in the Office of the President? It is my considered opinion that if this Fund still exists, it should be moved to the Ministry of Roads and Public Works, so that the Vote of this Ministry can be increased and our roads can be made passable throughout the year.

Mr. Temporary Deputy Speaker, Sir, I would now like to talk about the district roads funds which fall under the District Roads Committees (DRCs). How often are those funds audited? Since I became a Member of Parliament, I have never seen any officers from the Ministry of Roads and Public Works coming to my district to audit those funds. That has led to a lot of embezzlement of those funds. I see a situation where the district roads engineer is both an advisor of the Ministry and the Board. What will stop him from misleading the Board to endorse anything that he thinks he will benefit from? What will also stop him from corruptly getting money from contractors? That is one area which the Ministry should carefully scrutinise and place those people under very close supervision. Without that, those funds will be misused. I am saying that because I know of a road - that is D315 in my district - where it was alleged that about Kshs2 million was spent. But, as I speak here today, that road is hardly used! Not even by donkeys! So, I do not understand why the Government pumped a whopping Kshs2 million into a road which was not economically viable.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about demolitions, especially back in the rural areas. The Ministry of Roads and Public Works has put a mark of "X" on buildings that were built in the 1950s. My question is: When did those particular shopping centres, which were built on native land, belong to the Government? That is because, for the Government to own those particular shopping centres, it must, first of all, acquire them. So, why should the Government go ahead and mark "X" on a one-line shopping centre, wanting to demolish it for the sake of coming up with a road? Which is economically viable? Is it to demolish a whole line of a small shopping centre or to divert the road? Are the officials of the Ministry of Public Works and Housing at the district level well informed of the consequences of demolishing shops belonging to private citizens of this country? This is an area which the Ministry should re-look into and see to it that, at least, something is done to save the poor *wananchi* from losing their shops for roads, which might not be

developed even in the next decade.

Mr. Temporary Deputy Speaker, Sir, there are errant officers at the district level. There are cases where we report those officers to the Ministry, but it takes a whole year for the Ministry to respond. Thereafter, the same officers are transferred. They are still left in the same station for another six or seven months. What will stop those officers from embezzling funds? I would like to give a good example of Mt. Elgon District. We asked the Ministry to transfer the District Roads Engineer. That is about six or eight months ago. He was given a letter about four or five months ago but, up to date, he is still there. What is he still doing there? Could the Ministry act promptly on those officials? Some of those officers have been using funds even without the approval of the DRC. A good example is Mt. Elgon District! I want that to be investigated now! About Kshs1 million has been spent by the officers without the approval of the DRC.

Mr. Temporary Deputy Speaker, Sir, there is the issue of Local Authorities Transfer Fund (LATF), which has been stated here. I would like to request the Minister for Roads and Public Works to sit down with the Minister for Local Government and see to it that monies from LATF are transferred to the Ministry of Road and Public Works. After all, they will build the same roads. That way, we will move forward as a country. However, as it is, most of that money does not reach the Kenya Roads Board (KRB). The councillors have no capacity to decide which road to build. If they have, do they have their own roads engineers? The answer, definitely, is no! So, why give them money, when we know those people have no capacity?

Mr. Temporary Deputy Speaker, Sir, I would like to say something about the cess money, which is also for roads. I do not know what is the relationship between the Ministries concerned and the Ministry of Roads and Public Works. There is money which comes from cess; coffee, tea and even maize. That money has always been collected by the Government for purposes of infrastructure development. What happens to that money? There is also money collected for infrastructural development by the Ministry of Lands and Housing before buildings are developed. It is collected together with lieu of rates. Part of it is for the development of roads. Does the Ministry of Roads and Public Works follow that money? If it does, how much money has it ever received? Take, for example, this financial year. It is of great concern that we have a lot of resources, but all we require are proper structures to collect that money and put it into good use. I would like to end there.

With those few remarks, I support the Vote.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this Motion.

I said here last week, and I would like to say again that, I think in future, when are debating and approving the votes of any Ministry, it will be desirable for the Minister concerned to give us a statement on the affairs of the Ministry and the projects and the monies we approved the previous year, so that Parliament gets to know whether the statement given to Parliament and the money approved, was put to good use or not, before we move on to the next allocation.

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

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

Mr. Temporary Deputy Speaker, Sir, I would like to bring to the attention of the Minister for Roads and Public Works that, over the weekend, I was in Malaba, on the Kenya-Uganda border to

receive a delegation of hon. Members of Parliament from Uganda. One of those hon. Members is the Chairman of the Committee on Public Works and Roads in Uganda. I was with Mr. Kombo. He brought to my attention a very dangerous situation on the critical bridge that links Kenya and Uganda on the Luakhakha River at Malaba. As a result of congestion of traffic, and the bottle-neck created there, heavy trucks park and stop on the bridge for long hours. The bridge, as a result, has very dangerous cracks and is a disaster waiting to happen. You are talking of a gate-way to a country that is Kenya's number one trading partner. I hope the Minister is hearing this! He needs to move quickly and see if he can take some remedial measures to not only repair the bridge but also find a way of getting rid of that bottle-neck by opening and expanding access from the Kenyan side to the Ugandan side.

The Minister has outlined several things that he wants to do to improve roads. Hon. Members have stated how important roads are to this country, and how poorly maintained they are. Every single road in this country is a history and litany of fraud in public works. We have heard of roads which have been constructed or re-carpeted and within no time they go to waste. Everybody knows the sad story of the Mai Mahiu Road, which leads to Narok and the gate of to Trans Mara Game Reserve. This is a road that, for the past ten years, has been re-constructed twice. If you go there now, you will find that it is an endless stretch of potholes and craters. This is replicated on every road in this country.

I urge the energetic Minister for Roads and Public Works to pay more attention to the quality of work being done rather, than to the quantity. We would rather not have the length of roads we are earmarking for tarmacking but do a good job that will last ten, 15 or 30 years, than create a mere veneer of tarmac on roads which even a rolling cyclist on the road wears away.

I have noticed, from the statement given in the House, that there is a bit of bias in the allocation of resources. You heard the Minister enumerate the roads earmarked for either tarmacking, upgrading, gravelling, or some other improvement in the current financial year. The sad thing is that Western Province is virtually cut out. We have very few roads which have been allocated funds in the Western Province. Even roads which we have previously been told would be tarmacked have now been put in the gravelling category. I see from the Minister's speech an amorphous and inexplicable statement that reads in part, "loan from European Union (EU), upgrading of Central Kenyan roads to bitumen standards." This kind of blanket allocation of resources is not equitable. The role of this House is to ensure that, if we are talking of having 20 kilometres of tarmac in every region, it is done. We cannot have a blanket cover of upgrading roads to bitumen standards. It means that roads will be tarmacked in one region of the country because other regions are not mentioned at all.

The Minister talked about buying graders for districts. The Minister must exercise some caution here. It will be totally inequitable and unjust to provide a grader to a district that is smaller than my constituency and give another one a grader of the same size to my district, which has five constituencies. There must be some equity. There would be no justification, for instance, to give equal resources to Teso District and Bungoma District, or give equal resources to Nakuru District and Ijara District, or give same resources to Machakos and Mount Elgon District. These districts are not equal. We have to find a way of having some equity. If you will give graders, then you must find a way of banding districts together. If you give Teso District one grader, Bungoma District must be given five for it to enjoy equity. Otherwise, that will be grossly inequitable.

I have said in this House before that it is my wish that all roads, whether in municipalities or in cities, must come under one command, the Ministry of Roads and Public Works. Let the Ministry of Roads and Public Works be the principal undertaker of construction, maintenance and looking after roads in any way required.

You know the history of our local authorities. Funds are given to them and they do not do the work that is intended. Some of them do not have the capacity, others are riddled with fraud whereas others are riddled with both and the money goes down the drain. It is my humble wish that the Minister for Roads and Public Works will be responsible for all the roads in this country, whether they are in Bungoma, Machakos, Nairobi or any other part of the country, so that we may have a standardised way of maintaining our roads.

We have on our highways what we refer to as weighbridges. I have always wondered about the sense behind putting up a weighbridge in a place like Webuye when the trucks to be weighed come from Uganda. Why can we not weigh them at the point of entry? By the time they get to Webuye to be weighed, they have already destroyed our roads if they are of excess weight. This is replicated in many other parts of the country.

There is also the question of local contractors. It is my belief that affirmative action should be exercised by the Ministry, so as to support indigenous contractors who have the capacity to do the job. This will enable them to compete with non-indigenous contractors. This will improve the economy of our people.

Mr. M'Mukindia talked of access to our neighbours. I want to inform the Minister that the newly formed Government in Somalia provides an enormous economic opportunity for Kenya. A way should be found to extend our road infrastructure to that country.

With those few remarks, I wish to support.

Mr. Chepkitony: Mr. Temporary Deputy Speaker, Sir, thank you, for giving me this opportunity to contribute to this important Vote. This is a vital Ministry. It is a Ministry which determines whether our economic growth will accelerate or stagnate. Road infrastructure is a very important component of our development. Infrastructure in our cities and rural areas must be improved, if we have to realise the economic growth we are aiming at. The road network in this country is still very dilapidated. Major international roads like Road A1044, which goes all the way from Nairobi to Malaba, are very important. The section of Road A104, from Naivasha to Nakuru, is very bad. It appears as if no attention is being paid to this road. Also, the section from Nakuru to Timboroa is terrible. An attempt was made to repair it but it is back to the same very poor condition and I do not see much money in the Budget for it. Maybe it will be covered from other sources but we need to give attention to this very important road. Also, roads in our cities and towns are in a pathetic state. Even some roads within Nairobi City are in a pathetic state. You wonder what is happening. You wonder whether people really care about the roads in the country.

Mr. Temporary Deputy Speaker, Sir, one thing I would like to commend the Minister for is the attempt he is making. He called for a National Roads Conference for the whole country in July this year. I think this was a good eye opener and it was a reflection of some seriousness. I hope that seriousness will be reflected into action so that we do not just talk year in, year out. We talked last year. We are still talking this year. We are giving ideas and views and yet nothing happens. I would also like to commend the Minister for the visits he has made extensively to all parts of the country. I hope, through his visits, he does not disregard the suggestions he is given when he goes there. I hope he is taking them seriously and he will take action on the recommended areas.

Mr. Temporary Deputy Speaker, Sir, I would like to speak about the issue of reclassification of roads. We were told last year that this exercise was going on countrywide. I do not know its status but I hope it is complete because it is a very important exercise. It was done a long time ago and I think it is long overdue. We need to re-classify the roads afresh. We have new major roads which have been opened up to very important areas which should be re-classified to Class "C", "B" or even some to "B" and "D" so that we have an attended road network. Some roads need to be recognised as important and given their due recognition. So, I hope those who carried out the

exercise have done it well and followed the recommendations from all over the districts.

Mr. Temporary Deputy Speaker, Sir, at times you find it very difficult to follow road issues at the Ministry. We discuss road issues in our districts and when you go to see the Chief Roads Engineer or other officers, we do not get satisfied with the answers we get. We are told "this road is being undertaken and looked into" but that is not the case. I think I would like to propose that a desk officer is stationed for every region to take care of the region. If it is for Coast Province, we have an officer dealing with all roads at the headquarters so that when recommendations from the districts reach the headquarters there is somebody to deal with them. I suggest this because the Ministry is amorphous and so big and one finds it very difficult to follow up problems. I hope the Minister is listening!

Mr. Temporary Deputy Speaker, Sir, we have the issue of the District Roads Committees (DRCs). I would like the Roads Act to be looked at afresh in order to expand the membership of DRCs because, at the moment, we have only one representative from every constituency and a chairman of the county council and the mayor. That is all. I think we need to expand the membership of the DRCs.

On the tendering process or the awarding of the contract for DRC funds, we find that we have nothing to do with that. We just trust the advice of the District Roads Engineer. I think the tender committee should have the membership of a person from the civil society so that this suspicion of corruption or unfair awarding of tenders can be avoided. I think that will be a better way of managing those committees because we need to be transparent and involve the participation of the local people and not only leave the Government officers to award the tenders.

Mr. Temporary Deputy Speaker, Sir, we are thankful to the Ministry for giving us the 24 per cent of the DRC funds this year. We received it. We are wondering what criteria was used to distribute it to different districts or constituencies. I find that some constituencies have received more than others and I think they should be distributed in an equitable way. I think we should consider the request made by districts rather than being decided from the top and being imposed on the constituencies. I think we have to devise a better way of allocating this 24 per cent share of the DRC funds, otherwise I support the move. I think this 24 per cent of shares of the DRCs from the Kenya Roads Board (KRB) should continue being disbursed to the districts and constituencies because they will assist in improving our roads.

Mr. Temporary Deputy Speaker, Sir, I hope the Ministry of Roads and Public Works should also take care of their offices in the districts. In my own district, which is Keiyo District, the Ministry of Roads and Public Works has been requesting for funds to build permanent offices for the district works officers of the Ministry. They are required to move from a piece of land which does not belong to them to their own land for which they possess a title deed and they have been defeated to budget and build their own offices. We drew this aspect to the attention of the Minister when he was in the district. We have requested the Ministry. Letters have been written and nothing seems to be happening. They are occupying temporary offices and they need to move out and leave the land to the owners so that they can now have a new home of their own to operate from.

Mr. Temporary Deputy Speaker, Sir, I would like to speak on the allocation of funds for the classification of roads "C" and "B". When they request for money, the money they are given is too little to do anything.

I beg to support.

Thank you.

Mr. Kingi: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii fupi ili niweze kuzungumzia Hoja muhimu uliyoko mbele yetu kuhusu barabara. Nataka kuunga mkono wenzangu waliotangulia na kueleza umuhimu wa barabara, na hata kuzifananisha na mishipa ya

damu ambayo ni muhimu sana mwilini. Barabara ni muhimu kwa taifa kwa sababu ndizo zinazotumiwa kutoa huduma mbalimbali. Ukitaka kuokoa maisha ya watu walioathirika mahali kwa sababu ya moto, kusafirisha vyakula kutoka mahali pamoja hadi pengine au kuokoa wakati ili usisafiri kwa muda mrefu, unahitaji barabara nzuri. Kwa hivyo, barabara ni kitu muhimu kwa taifa, na tunaunga mkono mapendekezo ya Waziri ambayo ameyaleta hapa ili kuhakikisha kwamba kuna mipango kabambe ya kujenga au kutengeneza barabara zetu na kuziweka katika hali nzuri. Hata hivyo, tunataka kumweleza Waziri kwamba ingawaje mipango hiyo ni mizuri, tunataka ahakikishe kwamba inatekelezwa vizuri. Hii ni kwa sababu tumezungumzia mipango mizuri sana hata mbeleni, miaka mingi iliyopita, lakini wakati wa kuitekeleza kulikuwa na shida. Ukiangalia huko kwetu Pwani, utaona kwamba isipokuwa labda barabara moja tu, ile ya kutoka Mombasa kuja Nairobi, barabara nyingine ni mbaya, na zimekuwa hivyo kwa miaka mingi. Mipango imekuwako kwa miaka mingi ya kurekebisha au kutengeneza barabara hizi, lakini hakuna ambalo limeweza kufanyika. Kwa mfano, barabara kutoka Voi kwenda Taveta ni muhimu sana kwa sababu kuna wakulima wengi kwenye sehemu ya Taveta, na wangetaka kupeleka vyakula au mali zao Mombasa kuviuza, lakini nyingi za bidhaa zao huharibika kwa sababu ya barabara mbaya. Katika barabara ya kutoka Mombasa kwenda Malindi, kuna sehemu ya Kikambala/Shauri Moyo, ambayo imekuwa mbaya kutoka mvua ya *El Nino*. Nataka nilikumbushe Bunge hili kwamba katika mwaka wa 1997 kulikuwa na daraja dogo la Bogolo ambalo lilikuwa limeondolewa na tulikuwa na shida sana kutoka Mombasa kwenda Malindi. Kutoka wakati huo, mpaka tunapozungumza sasa, hakuna kazi ambayo imefanyika kwenye daraja hilo. Iwapo kutakuwa na mvua hata nusu ya ile ya 1997, daraja hili litaenda na tutakuwa na shida. Mvua iliponyesha juzi maji yalikuwa yanapita juu ya daraja, na ilitibi magari yangoje kwa muda ndipo yavuke baada ya maji kupungua.

Bw. Naibu Spika wa Muda, kuna barabara ya kutoka Taru kwenda Mombasa. Sehemu yake hasa kutoka Taru kwenda Miritini imekuwa mbaya sana kwa miaka mingi. Inachukua labda masaa mawili kutoka Taru kwenda Mombasa. Huo ndio muda unaohitaji kusafiri kutoka Mtito Andei kwenda Voi, umbali wa kilometa 150. Huo ndio muda unaohitaji kusafiri kilometa 40 kutoka Taru hadi Mombasa. Kuna shida gani? Ni kitu gani ambacho hakiwezi kurekebisha katika sehemu hii ili watu waweze kusafiri?

Ninaunga mkono wenzangu waliosema kwamba wakati tunapokuwa na kazi za ujenzi wa barabara, inafaa wale wanakandarasi walio katika sehemu barabara zinako jengwa wafikiriwe ili kila sehemu ya nchi iweze kunufaika. Kuna wakati fulani ambapo wajenzi wanatolewa mbali. Kwa mfano, kuna mmoja ambaye amepwa kandarasi ya kurekebisha barabara ya kutoka Mariakani hadi Kilifi. Mwanakandarasi huyu anajenga barabara hii kwa madharau sana. Muda wa kandarasi hii ulimalizika zaidi ya miaka miwili iliyopita, lakini sijui kuna uhusiano gani kati yake na maofisa wa Serikali au Waziri. Ingawaje muda wa kandarasi hii umemalizika, mwanakandarasi huyu anazidi kuongezewa muda; ingawa kazi yake ni mbaya sana. Juji kuliponyesha murrum yote iliyokuwa imeweka ilisafishwa na maji ya mvua na sasa shida ambazo tumekuwa nazo kutoka 1997 zinaendelea kutukumba, ingawaje hata hajamaliza kuijenga barabara hii. Pia mwanakandarasi huyu ana ubaguzi kwa sababu ametoka sehemu nyingine ya Kenya na vibarua. Wakati wa malipo anawalipa vibarua ambao amekuja nao, lakini wale ambao amewaajiri kutoka sehemu ya ujenzi hawalipi! Hii inaleta shida kwetu. Kwa hivyo, ikiwa kazi za kandarasi zimepatikana, inafaa watu wa sehemu au mikoa kazi inakofanyika wafikiriwe. Iwapo watu wanaotatikana hawapatikani katika sehemu hiyo, watu kutoka sehemu nyingine wanaweza kufikiriwa.

Bado ninafikiri kwamba ujenzi wa barabara katika nchi yetu ni ghali sana. Juji kulitengezwa daraja dogo katika sehemu ya Jaribuni. Urefu wake ni mita tano au sita, lakini gharama yake ilikuwa Kshs8.6 million. Hata unajiuliza hizi pesa zimetumiwa kwa kufanya nini mahali kama hapo? Daraja hilo halikujengwa kwa njia nzuri, na linaweza kuharibika au

kubomolewa na mvua wakati wowote. Kwa hivyo, tunawaomba wahandisi ambao wanahusika na ujenzi waokoe pesa za Serikali kwa kuhakikisha kwamba wanapunguza gharama za ujenzi wa barabara. Pia inafaa barabara au madaraja yajengwe kwa njia nzuri ili yaweze kudumu kwa sababu tunajua gharama zake.

Nakubaliana na wenzangu waliosema kuwa bado kuna ukorofi katika vituo vyetu vya upimaji uzani. Hii ni kwa sababu kuna magari mengi ambayo uzani wake umezidi kile kiwango ambacho kimeruhusiwa na bado yanaruhusiwa kwenye barabara zetu na yanaharibu barabara zetu. Barabara ya kutoka Mombasa kwenda Malindi, na ile inayoelekea sehemu za Tana River zinatumiwa na magari mazito mazito, ingawaje kuna kituo cha upimaji uzani hapo Mtwapa, ambacho kinastahili kuzuia magari ambayo uzani wake umezidi kiasi.

Kuna barabara nyingine muhimu katika mkoa wetu, kama ya kutoka Mariakani kupitia Kaloleni kwenda Mavueni. Barabara hii ilikuwa imekadiriwa kuwekwa lami kwa miaka mingi. Tunasikia kuwa kuna mipango ya kuhakikisha kwamba barabara hiyo sasa imewekwa lami. Tunaomba jambo hili lifanyike kwa sababu barabara hii ni muhimu, hasa kwa shughuli za utalii. Hii ndio barabara ambayo watalii wanaweza kutumia na kupunguza umbali wa kutoka Mombasa hadi Malindi, labda kwa kilomita 60. Hata kuna barabara nyingine, amabyo ilikuwa muhimu; ya kutoka Malindi kupitia Vitengeni na Bamba hadi Mariakani, ambayo ilikuwa inatumiwa na watalii, na ilikuwa imefungua sehemu za ndani ndani. Tunataka mipango ifanywe ya kuzijenga barabara hizi vizuri.

Mara kwa mara, wakati wa ujenzi wa barabara unapotokea, kuna sehemu fulani za barabara zinazopitia mashambani mwa watu, na huwa kuna mipango ya kulipa ridhaa. Kuna wananchi katika sehemu ya Kilifi, ambao mashamba yao yalitumiwa wakati wa kujenga madaraja, lakini mpaka leo, ingawaje wameandika barua na sisi tunajaribu kuwasaidia ili waweze kulipwa ridhaa, bado kuna shida. Kwa hivyo mambo kama hayo ni mabaya na yanaudhi wananchi. Tungetaka kuona tofauti kati ya Serikali hii na ile iliyopita. Mashamba ya wananchi yanapotumiwa inafaa walipwe ridhaa zao kwa haraka ili waweze kufurahia matunda ya uhuru. Tumeeleza kuhusu umuhimu wa barabara, na nitaka kusema kwamba ninaunga mkono Hoja iliyo mbele yetu. Nampa Waziri motisha ili ahakikishe kwamba barabara zetu zinaangaliwa vizuri ili taifa hili liveze kunawiri.

Ahsante.

Mr. Poghiso: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to join the rest of my friends, who have already spoken, in congratulating the Minister, first of all for being present when his Vote is being discussed. I do not take that for granted. Many Ministers allow their Votes to be discussed in their absence from this House. Therefore, I need to congratulate the Minister and his team.

We do what we are doing today every year, as hon. Members of Parliament. We approve funds, and there is nothing we can do except to approve them. It is after the approval of the funds that the credibility of the Minister and his Ministry comes into question. Passing this Vote is an easy thing, according to me. Following up to see that the Minister honours his word is the harder part.

When I hear people discussing roads, I walk out of the meeting. What are tarmac roads for me? Let us just talk about murrum roads and tracks for the cows. There has never been a design for a road to be tarmacked between Kapenguria through Kacheliba Constituency to Turkana. I do not think there is a design for that road. If there is none, I have a design myself. I desire that, some day, the Ministry will think about that road, because it is very important. Travelling from Kapenguria to Alale, which is in the northern part of my constituency - a distance of only 200 kilometres - takes between five and six hours. Many times, when I reach a point in my constituency, where the road is extremely neglected, I drive into Uganda and use that country's road, which moves along the border, because their roads are better. They are good murrum. Everybody knows that our roads in that area

are not good.

Mr. Temporary Deputy Speaker, Sir, at one time, the Ministry said that it would tarmack the road in Kacheliba. I am still waiting for that to happen. It is important for the Ministry to even just do the designs and let me know, so that I can feel good. Maybe, somebody will do that road in the subsequent governments. I have pleaded enough with the Ministry. We have been neglected in the area of roads and communications. Fortunately, the Minister has seen the roads. He has been there. So, he knows what we are talking about. I leave it at that. We do not have another voice that is going to add to that.

Mr. Temporary Deputy Speaker, Sir, people have value. Kenyans want to be in any part of this country. I will only encourage the transformation and the free movement of Kenyans from one end to the other, so that they can live together. That can happen if the road network is improved. People are classified as being hopeless or useless depending on the condition of their roads. Let us remember that the road network is so important that it even gives value to human beings. It even shows which human beings today are more important than others in this country. I can prove to you that the roads being improved right now are those leading to the places represented by the who-is-who in the Government. So, the condition of the roads tells you who is more valuable in this country. We cannot neglect that fact.

So, we are going to do this ritual every year. I am going to participate every year, as long as I am here, and help pass this Vote, but the Minister must sit and down and ask himself: "Who are the most neglected people in this country and what can we do, to do something for them, to raise their value?" I insist that we should attach roads to the value of the human being who lives there. None of us is going to sit in those places where the cake is cut.

Mr. Temporary Deputy Speaker, Sir, we have spoken about security in our areas. It is important that the places that are known to be insecure are net-worked properly with roads. That means there has to be a deliberate move to look into those areas. We should ask ourselves: "If there is insecurity in those areas, how do security personnel reach there?" Sometimes I think we should detach these things from politics. The District Roads Committees (DRCs) money has been coming and it will continue to come. It is about time an audit was carried out on those funds. If that money was put under the Constituency Development Fund, it might do a much better job than what it is doing at the moment. I would like the audit to truly represent the value for money. If Kacheliba Constituency has received Kshs10 million up to now, let us go to the ground and determine if the work that has been done there is worth Kshs10 million. If such an audit is carried out, we would realise that we need to revise the way we do our things.

Mr. Temporary Deputy Speaker, Sir, the grading of the roads in those areas is really wanting. I do not know whether it is the graders that we do not know how to operate, or the operators are very few. I would rather get *jembes*, *shokas* and spades and go and construct a road now, than ask for a grader. If you pass through Kacheliba going towards Alaleiyo, you would find a place called Konyao. The graders have created a river where there was none. All that those graders do is to drive through. I could do that. There are no angles, shaping and drainage. They just drive them forward. The soil is taken away from the road and it becomes a river. Many rivers have been created where there were none, and sand has moved in. Where are we going wrong? I live next to Uganda where they grade their roads using the same equipment, and their roads are better. If you come to my district, I will take you through the Ugandan roads and compare them with ours. They are parallel to each other. Where do we go wrong? What are the engineers doing in those places?

We shall support you and you will get the money. But it is after the Ministry has been given the mandate to spend that money that questions will arise.

With those few remarks, I support this Vote because it is important for this country.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me a chance to contribute to this important Motion. Like the Minister said a few days ago, the road network is like the blood system in a human being. I wish that Minister could confirm that expression practically in our areas. About four years ago, we realised that we were not getting good value for the money that we voted for this Ministry. As a result of that, this Parliament enacted the Kenya Roads Board Act. In that Act, we said that all the roads in this country, whether class A or rural roads, fall under the ambit of the Kenya Road Board (KRB). But some people, or some mandarins in the Ministry, have contravened the intent and objective of that Act. They have decided to make some roads fall under municipalities. Therefore, we have not been able to tackle the problem that we faced four years ago. That is the problem that we faced four years ago.

Mr. Temporary Deputy Speaker, Sir, we allocated funds to rehabilitate various categories of roads. The work being done by the District Roads Committees (DRCs) can be seen in the countryside. They are opening up access roads. In what constituency has the 24 per cent money been used except to rehabilitate Mombasa Road? We have been repairing Mombasa Road for the last four years! The Act does not provide that this money will be used to rehabilitate Mombasa Road only. Have we done away with the Poverty Reduction Strategy Paper (PRSP)? There was a document which was done by Kenyans, which identified priorities for each area. For example, in Gusiiland, our priority is roads. The reason why Kisiis wanted roads to be done is because they have very small shamba holdings and we apply ourselves---

Mr. Poghio: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Mr. Angwenyi to mislead the House that there is such a place as Gusiiland? There is no such place!

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, I wish Mr. Poghio came to my class and I could have taught him geography and civics. Be that as it may, in Gusiiland; Nyamira, Kisii Central and Gucha Districts, we identified roads as our priority item. In fact, we even rated roads higher than food because we have small shamba holdings. We work on our small shambas from 5.00 a.m. until 5.00 p.m. trying to produce food for this nation. I thank God because we have never relied on relief food since Independence. We work on our shambas and God has been very kind to us and has provided us with water. We work on our shambas to produce coffee and tea, which fetch foreign exchange which is used to buy equipment to and repair the roads in this country. Our tea rots in tea-buying centres or by the road-side because there are no passable or all-weather roads.

The professionals in the Ministry of Roads and Public Works grade roads in Kisii, an area which is hilly and there are rains in ten out of 12 months. So, you will grade a road today, but two days later, it is impassable because of the sticky red soil. So, year in, year out, we waste money that way. The Ministry should make the artery roads in all the constituencies in that area to bitumen standards. If this is done, for ten to 15 years, the Ministry will not spend money on the roads and our people will deliver their produce to the factories and markets. This Ministry should implement the entire Act that we passed here four years ago.

Mr. Temporary Deputy Speaker, Sir, recently, we had a chance to tour parts of the South Rift and parts of Gucha and Kisii Districts. We passed through Road E218 in my constituency, which is 32 kilometres long. It took us three hours to cover 32 kilometres in a Four Wheel Drive vehicle. Representatives from the Kenya Roads Board, the Ministry and the local area were there. It took us a solid three hours to cover that distance!

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

[The Temporary Deputy Speaker

(Mr. Poghisio) took the Chair]

It took us three hours to drive for 30 kilometres and we could see many tonnes of our tea leaves rotting by the roadside, and yet, we understand that people in some areas are given money for water, roads, schools and relief food. That is from the taxes that we pay! Some districts that were "created politically" get a similar amount of money as other larger districts. We demand that all the districts pay equal taxes. If the smallest district pays K£1 million, then every district in the country should pay K£1 million. The balance should then be collected and used on other districts. That is the way it will make sense.

Mr. Temporary Deputy Speaker, Sir, we do have emergency funds. I thought these funds could be used in emergency areas where bridges and roads are washed away frequently, but the Ministry does not do this. A previous speaker said that there are funds from the European Union which are going to be used in one region. Those loans are going to be repaid by every Kenyan. So, we are going to question that Item when we get to the Committee Stage. We must be told why one region must get all that money when some of us cannot get to our homes and markets.

Our transport system has never been considered for change; to expand the railway network and waterways. Why should we construct a road from Kisumu to Asembo Bay instead of using steamships and re-allocate the money which would have been used to construct that road to Kitutu Chache, Kapenguria or Kacheliba constituencies?

We talk about the fuel levy amount all the time, but we have never talked about the amount that we vote for Development in this Parliament; the amount that could be used to open up roads in those areas which were neglected before.

I come from a district which has got four constituencies and we do not have a running grader and a bulldozer, and yet, the area is hilly and stony. Recently, I requested a bulldozer from Kisumu but, instead of getting it, it was diverted to some other area. Is this what Kenyans want? I am urging the Minister that, if he declares a certain road to be constructed, it must be constructed.

With those few remarks, I beg to support.

Mr. Omamba: Thank you, Mr. Temporary Deputy Speaker, Sir. I commend the Minister for considering many roads for construction. He mentioned about national, district and regional roads.

During the previous years, roads were constructed on instruction of people who mattered in the Government. The areas where such people came from got good roads. I consider roads to be the light. In my constituency, it is just after the District Roads Committee came into existence that we managed to penetrate a few areas, and yet, Gogo Falls on River Gucha which generates electricity is in my constituency. The bridge on River Kuja was built during the colonial times. Now, we have earmarked a place called Ongito. We have managed to construct a road there. We have been waiting for the bridge to be constructed for two years now. Nothing is being done and yet, the residents of that place are taxpayers. They grow tobacco and sugar-cane. Why neglect such people? I wonder so much!

Mr. Temporary Deputy Speaker, Sir, tenders are handled by the district engineers, roads officers and the DCs. There are also politicians, like councillors and Members of Parliament, who do not sit in the tender boards. There are allegations that those people have machines and award the tenders to themselves. Someone has bought so many machines in Nairobi. The tender is being made for somebody there.

I congratulate the Minister for mentioning that they are going to buy some equipment. That will perhaps discourage people from awarding tenders to themselves. I do not know how roads are classified. If a road is used to carry raw materials to a factory--- For example, in my constituency,

we grow a lot of sugar-cane and tobacco. The road is so busy throughout the year and yet, it has no number. It is only called DOE. When does a road qualify to be classified as class C? Therefore, there is favouritism! The inspectors come from far away and do not know about the roads. Somebody comes from---

*(Mr. Omamba moved away
from the microphone)*

The Temporary Deputy Speaker (Mr. Poghio): Order! Mr. Omamba, you know you could actually have lost a lot of what you have said! You are now speaking off the microphone. It is not going to be recorded! Just stay where you were before!

Please, proceed!

Mr. Omamba: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for that reminder. I used to be a teacher and I used to walk up and down as I taught! That is the kind of habit that I still have.

The classification of roads must be stable. We do not know who comes to inspect those roads. Are they district engineers or they come from elsewhere? We people on the ground see how those roads are used to carry raw materials all the time to the factories. There are many vehicles passing and yet, it has not been graded.

Mr. Temporary Deputy Speaker, Sir, as I said previously, there has been a delay in building the bridge at Nyarago. That bridge is used to take sugar-cane to South Nyanza Sugar Factory (SONY). The bridge has never been built and yet, people are there just basking in the sun! Are there no inspectors to check the work? They sit there the whole day and go and yet, they earn a salary! What kind of negligence is that?

I am also worried about the old machines that are lying on the ground. Can they not be repaired or auctioned to the farmers who need them? Some of them are very new, but they are just lying there. Some of them have only worn out tyres, but they just lie there for years.

With those few remarks, I beg to support.

The Assistant Minister for Lands and Housing (Mr. Ojode): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Vote on Ministry of Roads and Public Works.

From the very beginning, I want to start by commending the Minister for having done a wonderful job since he took over as the Minister for Roads and Public Works. He has done a tremendous job in getting rid of the cowboy contractors and corrupt officials.

Mr. Temporary Deputy Speaker, Sir, I want to urge the Minister to clean up the Ministry of corrupt officers. I am saying that because, as we speak, there is one road which has been re-advertised four times! That road is called Oriang'- Pala - Magina - Mirogi. When you try to find out why the tenders for construction of roads are re-advertised more than three times, you will discover that there is vested interest from the engineers themselves. They collude with the contractors from outside. Even the pre qualifications included in the advertisements are later on done away with and re-advertisement is done. Why is that the case? It is because some of the engineers own construction companies!

Mr. Temporary Deputy Speaker, Sir, there is a growing tendency of getting rid of indigenous contractors. We have been stating, time and again, that this is our country. It is better for us to give our own indigenous contractors jobs to do. Why should we look for Asians and other people from outside the country to come and construct our roads? These people introduce cash bonds in the whole deal. For example, if you want a job worth Kshs140 million to be done, they

would require you to give a cash bond. Why should we not selectively give reputable firms insurance bonds? That in itself is denying indigenous contractors the jobs. It is so bad when our own fellows want to kill the indigenous contractors. I was told that the re-advertisement done on a daily basis is meant to look for an Asian company to do the job and thereafter the engineers get a kickback. Otherwise, if that is not the case, the Ministry should tell us why re-advertisement is done more than three times.

Mr. Temporary Deputy Speaker, Sir, you are aware of one road known as Rodi - Kopany - Karungu on which the Government spent Kshs1 billion four years or so ago. Last year the Ministry gave out about Kshs50 million for patching and sealing of the road. They slashed the amount to Kshs25 million. Today, as we speak, the contractor on site has done only one kilometre and with murrum. It is quite shameful. Why should we have corrupt engineers in the Ministry of Roads and Public Works? Why can we not get engineers from outside?

An hon. Member: From where?

The Assistant Minister for Lands and Housing (Mr. Ojode): Private companies! We can! Companies that deal with designs are closing down and we should ask ourselves why. We can hire them to do design work. You cannot convince me that an engineer who gives a clean bill of health to a contractor and later on place the blame on the contractor is right. It is the engineer who should be charged. Mr. Temporary Deputy Speaker, I heard the Minister talk of the European Union (EU) giving a blanket funding towards the upgrading of Meru roads to bituminous standard. Why should they be discriminative, when in South Nyanza we do not have a single bituminous road? It is we ourselves who shall pay back the money! Is it because the Minister for Finance comes from Meru? What influenced this particular decision?

The other issue is the disbursement of money from Kenya Roads Board (KRB) to the Government and then to the districts. KRB insists on waiting for the returns on what they had disbursed. KRB can wait for even one year for that money and then a large sum of it goes back to Treasury. What is it that we are doing wrong? Can KRB state that it wants the money back? If the returns are not yet ready, KRB should be allowed to use the available money instead of it being returned to the Treasury.

The other one is Otigo Bridge for which the Government factored in Kshs5 million. To date, the site has been abandoned. They had done the pillars inside the water. They are now supposed to do the bed. That is why the Kshs5 million was voted. They are waiting until next year in order for that Kshs5 million to be taken back to the Treasury. I have spoken to the engineers and the Accounting Officer. I have asked him: Why can you not contract these jobs so that we can utilise the Kshs5 million? Thank God I am not a Minister in that Ministry!

Mr. Temporary Deputy Speaker, Sir, as we speak, there is no road to Ndhiwa. I cannot even go to my own constituency because there is no passable road! All roads in Ndhiwa, be they murrum or gravel, have collapsed. I do not know who will help me. I am in a state of confusion. I have nothing to tell my constituents, and yet they know I am an Assistant Minister in this same Government. Mr. Syongo here cannot visit his constituency, Gwasi, because there are no roads.

We are talking of Roads 2000 Programme. What is the rationale in rushing to make pronouncements when you do not have the money? Why do you have to announce that we will have Roads 2000 Programme implemented when you do not have the funds to do that? The other day I saw Kenya Roads Board (KRB) officials rushing to Outer Ring Road with cameramen. They were saying that they would construct that road to be a dual carriage road. Why rush if you know you are not ready? Our engineers are so good at thinking about what is to be done, but the problem lies in implementation. This is probably due to vested interests.

In Homa Bay District, we have never received even a single cent from the KRB. Why

should things be put on paper when implementation never takes place? Is it to hoodwink Kenyans that we are doing something? Is it because of vested interests? Why should we take so long with implementation? In fact, nothing is ever done on the ground. It is better for us to have people who are ready to work for their own country without thinking of any vested interests. What will we do now that Rodi-Kopany-Karungu Road has not even been given priority?

Whenever we go to plead with Ministry officials to give us emergency funds, it is as if we talk to people who are not even a Kenyans. What should we do, as a Government, in order for the implementation to be done? Why should we wait for this money to be taken back to the Treasury? Do officers want to sabotage the Ministry? Why can we not be told why the Treasury and the road engineers are frustrating the Ministry? What will I tell my constituents when I go back tomorrow?

I need four bridges. There is one which should connect Ndhiwa and Buyu. There is no bridge as we speak now. There is one that should connect Pala and Ndhiwa, for which the Kshs5 million has already been voted, but nothing has happened. The engineers only take you round in circles. The tender for construction of that bridge will be advertised four or five times, because they will be looking for an Asian to do it. Shame on them! It is important for us, as a country, to do what is required by law.

With those few remarks, beg to support.

The Assistant Minister for Environment and Natural Resources (Prof. Maathai): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Vote of the Ministry of Roads and Public Works. I want to congratulate the Minister for the proposals he has put forward.

There is one aspect I have addressed before, but I want to address it again. This is about the highways. I want to address myself to the environmental aspect of the highways. I would like to say that one of the duties that the Department of Roads officials perform is to clear the bushes along our roads. I want to say again that there is no need to clear the bushes along our highways because they add to their aesthetic beauty. If the bushes and the trees, which grow along the highways, were trimmed and nurtured, they would make the highways extremely beautiful. If the Ministry does not want people to cultivate along the highways, then it should make it very clear that no cultivation should be done along our highways. If the Ministry allows people to cultivate along the highways, it should determine the kind of vegetation it should allow along those highways. For example, the Ministry should allow nappier grass to be planted along the highways because people can use it as fodder to feed their animals. The other good thing about nappier grass is that it curbs soil erosion along the highways. It is okay if the Ministry does not want bananas, sugar-cane and maize to be grown along our highways, but that policy should be implemented clearly so that everybody can know the kind of crops which the Ministry of Roads and Public Works allows to be grown along our highways.

It looks very ugly when the Ministry literally cuts down the vegetation, especially food crops grown along the highways now and then. This is a very bad thing to do because people would have invested their resources there. Why should the Ministry wait until people have grown crops and then come and cut them down? It is quite possible to pass the information through the Provincial Administration; the local chiefs could ensure that vegetation, especially food crops are not allowed along our roads. I do not see the reason why crops like bananas, should not be grown along the highways because they contribute towards their beauty.

Mr. Temporary Deputy Speaker, Sir, the other aspect I would like to touch on is that more often than not, you see people burning bushes along the highways. I do not know why the Ministry sets the bushes along the highways on fire. Again, it is wasteful and destructive. It makes the highways look extremely ugly when you drive along them. Sometimes you feel bad because the fire

along the highway does a lot of damage. I really do not see the benefit that the Ministry gets by burning the bushes along our highways. The Ministry should let them grow and trim them so that they can make very beautiful avenues. I have been reminded by a colleague here that we refer to streets with concrete as streets, and the ones we have planted trees along the streets, they become avenues. So, we could easily turn our roads into avenues and this will beautify our country. Our country will be very beautiful if all our roads had rows of beautiful trees along them. Can you imagine how it will look like, for example, if the jacaranda trees bloom? Just imagine how beautiful this country would be if we had jacaranda trees planted along the highways.

Mr. Temporary Deputy Speaker, Sir, the other point I would like to make is the fact that the roads are major sources of soil erosion. One can see gullies literally along the highways. Again, this is because the Ministry does not allow vegetation to grow along the highways. The soil is exposed to both wind and water erosion because there is no vegetation cover along our roads. Before long, even some very beautiful roads develop very ugly gullies. You will find every grain is in place when engineers build the roads, but after sometime you will find gullies because the Ministry does not allow vegetation to grow, cover the soil and stop soil erosion. Quite often than not, the water which runs along the roads---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghio): Order! Prof. Maathai, you will have five minutes to contribute next time. Tomorrow is a public holiday and I wish you good Kenyatta Day celebrations. Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Thursday, 21st October, 2004, at 2.30 p.m.

The House rose at 6.30 p.m.