

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 2nd October, 2002

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.339

AUDIT OF BOARDED GOVERNMENT VEHICLES

Mr. Speaker: Is Mr. Munyao not here? We will come back to his Question!
Next Question, by Mr. Gatabaki!

Question No.415

IMPLEMENTATION OF TAXATION MEASURES

Mr. Speaker: Is Mr. Gatabaki not here? We will come back to his Question.
Next Question, by Eng. Toro!

Question No.446

UNPROCEDURAL INTERDICTION OF TEACHERS

Eng. Toro asked the Minister for Education:-

- (a) whether he is aware that his office directed the interdiction of Ngararia Primary School head teacher, Mr. Njooora Njihia, TSC NO.62847, and his deputy, Mr. George Mwaura, TSC No.320564, without following the laid down procedure;
- (b) whether he is aware that parents are threatening to close the school if a new head teacher is posted; and,
- (c) what action he has taken to avert a crisis.

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

(a) I am aware that the Ministry interdicted Ngararia Primary School headmaster, Mr. Njooora Njihia, TSC No.28847, and his deputy, Mr. George Mwaura, TSC No.320564, following an investigation carried out by the District Education Officer, Maragwa District, which revealed that they had caned and slapped a student, Wanjiru Muthoni, against the Government policy which banned corporal punishment in schools.

(b) This has been overtaken by events because the matter has been settled. A Board meeting was held on 10th and a new headmaster appointed, and the two concerned teachers were posted to another school. The interdiction has been lifted, and they have been posted to another school.

Eng. Toro: Mr. Speaker, Sir, I do not know where he read out that because the written reply that I have is a bit different. He should have alerted me that I have a different answer because the one that I have says in part (b) that "I am not aware of any threat by parents to close the school, if a new headmaster is posted." Part (c) of that written reply says that the Ministry has resolved the issue, and there is no crisis. I do not know. He has read out a different answer.

Mr. Mugalla: Mr. Speaker, Sir, this is the latest information. The matter has been settled.

Eng. Toro: Mr. Speaker, Sir, could I have your guidance? Could he give me a copy of that answer because I was preparing on the basis of what I have? Now, he has told me a different story.

Mr. Speaker: Is it a story or a reply?

Eng. Toro: Mr. Speaker, Sir, I am talking of a different reply.

(Laughter)

Mr. Speaker: Mr. Mugalla, could you give him a copy? It is his right, if you have the latest information, which he does not have. Give him! Give it to the Clerk-at-the Table so that he can hand it over to Eng. Toro.

(Mr. Mugalla laid a copy of the written reply on the Table)

Eng. Toro: Mr. Speaker, Sir, I am happy that he has given me a copy of his written reply. I would like to congratulate him for being appointed as an Assistant Minister in the Ministry of Education, Science and Technology, although he told me that he is regretting leaving the Committee on Health, Housing, Labour and Social Welfare where he was a Member. What he has given me is something that he has written with a ballpoint and it is not an actual answer. However, he has answered what I would have asked, about the reinstatement of the headmaster and the deputy, but he has not told me which school. I would like him to tell me which school they have been posted to so that I may go and check.

Mr. Mugalla: Mr. Speaker, Sir, I will give him that information when he comes to the office.

Mr. Speaker: Next Question by Dr. Ochuodho!

Question No.451

SACKING OF KPA BOARD CHAIRMAN

Dr. Ochuodho asked the Minister for Transport and Communications:-

(a) when the term of the previous Chairman of the Kenya Ports Authority (KPA) Board was due to expire; and,

(b) on what grounds he was sacked.

The Minister for Transport and Communications (Mr. Mudavadi): Mr. Speaker, Sir, I beg to reply.

(a) The term of the previous Chairman of the Kenya Ports Authority (KPA) was due to have expired on the 22nd September, 2002.

(b) The termination of the term of office in respect of the previous Chairman of the KPA was to allow for his appointment as Chairman to another State Corporation.

Dr. Ochuodho: Mr. Speaker, Sir, Mr. Mturi, the Chairman that we are talking about, once appeared before the Committee on Energy, Communications and Public Works together with the Minister. He told us: "Unless you save me, I am going to be sacked by my Managing Director because of raising the issue of Bulk Grain Handlers." Could he confirm or deny that, that was the reason why they sacked Mr. Mturi?

Mr. Mudavadi: Mr. Speaker, Sir, to the best of my knowledge, he was not removed as the Chairman of the KPA as a result of the Bulk Grain Handlers Company at all.

Mr. Angwenyi: Mr. Speaker, Sir, Mr. Mturi was one of the best experts on port matters in this country. He was removed from that position when he was turning round that Port. Why is the Bulk Grain Handlers Company given a special rate which is far below the rate paid by other users of the port?

Mr. Mudavadi: Mr. Speaker, Sir, I think that would be a completely different subject which would require a completely different response, because the Question before me was about the removal of Mr. Mturi. I would like to confirm that Mr. Mturi is a very competent person in his field and he is also handling an extremely significant position of Chairman of the Kenya Railway Corporation which dovetails a lot into matters that relate to the maritime and we want to use his expertise there.

Eng. Muriuki: On a point of order, Mr. Speaker, Sir. Is it in order for the Minister for Transport and Communications to pretend when we know that Mr. Mturi was removed because of questioning the special rates which were short-changing Kenyans on that special facility at the Port?

Mr. Speaker: Order! That is not a point of order. That is your view. Why do you think he is pretending?

Mr. Keriri: Mr. Speaker, Sir, could the Minister tell us the name of the successor of Mr. Mturi and why he thinks that, that successor is better in matters relating to ports than Mr. Mturi?

Mr. Mudavadi: Mr. Speaker, Sir, the successor to Mr. Mturi is Maj. (Rtd) About Rafrouf. Mr. Rafrouf is

also somebody who is trained in shipping and he has also held the position as the commander of the Kenya Navy. But he is equally competent in matters that relate to shipping because that was his training.

Dr. Ochuodho: Mr. Speaker, Sir, if KPA is well run, it could meet about a quarter of our annual Budget. Considering that Mr. Mturi was one of the very few marine engineers of that stature that we have around, could the Minister reassure us---. The real contentious issue is the one of the Bulk Grain Handlers and, indeed, the KPA Act, Cap.391, Section W(V), with regard to special rates says as follows:-

"For the avoidance of doubt, all verbal or written instructions, exchange of letters or special letters stand suspended from 1st January, 1995".

This was the law that Mr. Mturi was trying to implement. Could the Minister undertake to confirm to this House that he is going to take necessary action; not to sack the MD and, secondly, to ensure that Bulk Grain Handlers does not continue to enjoy these special rates which have actually earned somebody in this House a Ministerial Cabinet post?

Mr. Mudavadi: Mr. Speaker, Sir, I just want to confirm that the ports will be run efficiently and the MD who is there is under no threat whatsoever on the issue of dismissal. I would like to state that we will apply the law as it should be applied. If there is any substantive issue regarding the Grain Bulk Handlers, I think it should come as a different Question.

Question No.241

REVIVAL OF YALA SWAMP PROJECT

Mr. Speaker: Dr. Oburu is not in? We shall come back to his Question later on!

Question No.534

PAYMENT OF COMPENSATION TO MR. M'MUGA

Capt. Ntwiga asked the Minister for Agriculture:-

- (a) whether he is aware that a banana plantation belonging to Mr. Andriano Njoka M'Muga valued at Kshs40,986 was destroyed in 1986 during the creation of Nyayo Tea Zone Belt around Mt. Kenya region;
- (b) whether he is further aware that a Ministerial letter TN/CROP/12 Vol.1/38 dated 30th April, 1999, accepted liability; and,
- (c) when he will compensate the farmer.

Mr. Speaker: Anybody here from the Ministry of Agriculture? We shall come back to that Question later on!

Question No.387

CONSTRUCTION OF BRIDGE ACROSS RIVER MALEWA

Eng. Muriuki asked the Minister for Roads and Public Works:-

- (a) whether he is aware that General China Bridge across Malewa River in OI Kalou Constituency is a dangerous makeshift wooden bridge;
- (b) whether he is further aware that the bridge has been washed away several times and reconstructed by wananchi; and,
- (c) when the Government is going to construct a proper bridge at this point, which is an important crossing, especially for the people of Gichigirira village who have no other way of accessing the main road to OI Kalou.

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

- (a) I am aware that General China Bridge across Malewa River in OI Kalou Constituency is a dangerous makeshift wooden bridge.
- (b) I am aware that the bridge has been washed away several times and reconstructed by wananchi.
- (c) The bridge is currently being constructed with funds from the community and the District Roads Fuel Levy Fund, with technical assistance and supervision from the Ministry of Roads and Public Works.

Eng. Muriuki: Mr. Speaker, Sir, it is true that the makeshift timber bridge has been constructed with community funds, but the one which is being constructed by the Ministry has been under construction for two years. Is there any intention to construct the bridge at all?

Mr. Mokku: Mr. Speaker, Sir, the Ministry has just chipped in on what wananchi have been doing and, through the DRC, the Ministry has given them Kshs300,000. All the material for the construction of this bridge is on

site now.

Eng. Muriuki: Mr. Speaker, Sir, I was there yesterday and there was no material on the site. I will challenge the Assistant Minister that we go and inspect to see whether there are any materials. Anyhow, when is the Kshs300,000 that is required to complete the bridge going to be availed?

Mr. Mokku: Mr. Speaker, Sir, as I have already said, the Kshs300,000 has been released and that is why the materials are on site.

Question No.528

ALLOCATION OF NHIF VEHICLES

Mr. Onyango asked the Minister for Medical Services:-

(a) how many Land Rovers were donated by the National Hospital Insurance Fund to various health institutions, and whether he could table a list of vehicles given to every institution; and,

(b) how many Land Rovers were given to Migori District and Nyatike Constituency in particular.

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

(a) Twenty three (23) Land Rover ambulances were donated by the National Hospital Insurance Fund to various health institutions. I hereby Table a list of the vehicles given to the various institutions.

(Dr. Galgalo laid the list on the Table)

(b) The vehicles were allocated to provincial and district hospitals, and not constituencies. Migori District Hospital was, therefore, given one Land Rover ambulance.

Mr. Onyango: Mr. Speaker, Sir, we have got very many districts in the country. Could the Assistant Minister tell us the criteria which was used to give out the Land Rovers, and secondly, could he tell me the registration number of the Land Rover which was given to Migori District?

Dr. Galgalo: Mr. Speaker, Sir, I have already told him that we gave one Land Rover to Migori District. As to the criteria that was used in giving out the Land Rovers, it had mainly to do with the difficult terrain that is found in various parts of our country. So, we gave the Land Rovers to the areas with more difficulties.

Mr. Muite: Mr. Speaker, Sir, I have gone through this list of districts that were given vehicles and, as expected, Kiambu District Hospital is missing. During the *El Nino* rains, a Minister of State, Office of the President, without batting an eyelid, said that there was no *El Nino* rain in Central Province. Why did they not give one vehicle to Kiambu District Hospital?

Dr. Galgalo: Mr. Speaker, Sir, Mr. Muite is only referring to half of the story. The other side of the story is that the districts which did not get Land Rovers got Nissan vehicles. Kiambu District Hospital got a Nissan vehicle.

Mr. Speaker, Sir, we thought it fit to give Land Rovers to the areas that have very bad roads because they are stronger vehicles and the Nissan vehicles to those who enjoy the privilege of having tarmac roads right to their doorsteps.

Mr. Sifuna: Mr. Speaker, Sir, arising from the Assistant Minister's reply, Mr. Onyango asked him to tell this House the registration number of the vehicle that was given to Migori District. Could he tell us that registration number?

Dr. Galgalo: Could you give me that list?

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to mislead the House that, since Kiambu District has tarmacked roads and the roads there are reasonably better than those in other areas in this country, the hospital should not qualify for equal assistance and provision of health services, particularly considering that Kiambu District contributes considerably to the revenue of this regime?

Mr. Speaker: Order! That is not a point of order! Ask the next question, Mr. Onyango!

Mr. Sifuna: On a point of order, Mr. Speaker, Sir. The Assistant Minister has not answered my question! It was about the registration number of the vehicle taken to Migori! The Assistant Minister has requested for a list, so that he can tell us the registration number!

Mr. Speaker: I was just telling you, Mr. Sifuna, that yes, indeed, you are entitled to that answer! But you realise that Mr. Gatabaki eloquently interrupted your reply! So, could you now reply to Mr. Sifuna's question?

Dr. Galgalo: Mr. Speaker, Sir, the Land Rover which was allocated to Migori District Hospital bore the registration number, GK A951D.

Mr. Onyango: Mr. Speaker, Sir, when the National Hospital Insurance Fund (NHIF) was established, the main objective was to provide members with finance, so that they could afford staying in hospitals. That was objective number one. Why did they feel that, instead of increasing the rate that is paid to hospitals, they decided to buy the Land Rovers? Was it because someone wanted to keep a certain person in business? Why did they change?

Dr. Galgalo: Mr. Speaker, Sir, the reason why we asked the NHIF to provide the ambulances was for the same reasons that every Member is asking for that service. If there were any irregular deals that were involved, the Government has the machinery to handle such issues. That should not overshadow the real intention of the project, which was to ensure that all our district and provincial hospitals are supplied with ambulances, to be able to assist those who are not able to hire that service.

Question No.521

DETERMINATION OF EMBU LAND DISPUTE

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

- (a) who the rightful owner of land parcel number Kyeni/Mufu/1755 in Embu District is;
- (b) whether he is aware that a dispute, vide Civil Case No.90 of 1977, fuelled by the Provincial Administration, exists between two parties over the same parcel of land; and,
- (c) what he is doing to end the dispute while ensuring that the actual owner is not disinherited.

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

(a) The rightful registered owner of land parcel number Kyeni/Mufu/1755 in Embu District is Elijah Njiru Mbui.

(b) I am aware of a dispute in court, Civil Case No.90 of 1977, but I do not know whether it is fuelled by any other party.

(c) I am not in a position to handle that aspect of the Question because the matter is before a court of law.

Mr. Kathangu: Mr. Speaker, Sir, it is true that Mr. Elijah Mbui is the first registered owner of that parcel of land. But, at the same time, Mr. Mbui was forced out and evicted by the Provincial Administration in 1972 and another family occupied the land. Since then, there have been cases after cases in offices of DOs, DCs and chiefs and now, from 1977, the High Court of Kenya. Mr. Elijah Mbui is not on the land and yet, that family took him to the High Court. What I am asking is this: Is it possible for Mr. Elijah Mbui to occupy his land as the case continues, because the Provincial Administration has warned him never to return to that land!

Mr. Sudi: Mr. Speaker, Sir, as far as we know, Mr. Elijah Njiru Mbui is occupying the land. According to the land adjudication register dated 17th May, 1961, the owner of the land Kyeni/Mufu/1755 is Mr. Elijah Mbui. A green card was issued---

Mr. Kathangu: On a point of order, Mr. Speaker, Sir. I am the representative of Runyenjes Constituency and I am here, telling this House that, Mr. Elijah Njiru Mbui has not been on that land since 1972! Why would the Assistant Minister doubt that statement?

Mr. Sudi: There is no doubt, Mr. Kathangu! You are the Member of Parliament---

Mr. Kathangu: I represent the area!

Mr. Speaker: Order, Mr. Kathangu! Let him reply!

Mr. Sudi: There is no doubt! Nobody has questioned whether he is representing Runyenjes Constituency! But, according to the records in my Ministry, on 26th March, 1974, a caution was registered against the title in favour of one Nyagah M'Ndia, claiming an interest as a beneficiary and owner of the land in question. Mr. Nyagah M'Ndia later took the matter to court and a note was made to the lands register, to the effect that the land should not be transferred before a Civil Case No.90 of 1977 was decided. The caution mentioned above was removed on 14th April, 2000 under Section 133 (2)(b) of the Land Registration Act, Cap. 300 of the Laws of Kenya.

In 1999, Mr. Elijah Mbui had made a correction of the name to Elijah Njiru Mbui, of which he obtained a consent. The consent of the correction of name dated 1999 was not entered in the lands register until after the withdrawal of the caution in the year, 2000. The Registrar making the entry in the correction of the name appears to have been careless not to notice the entry above and the date thereon, and proceeded to make an entry appearing on an earlier date and year. That can create a query, should one have access to land registry through a search. Otherwise, according to the records in my office, Elijah Mbui is the owner and every effort is going to be made to make sure that he is settled on the land.

Mr. Kathangu: Mr. Speaker, Sir, what the Assistant Minister is explaining is correct. But, in May this year, the DO, Runyenjes wrote a letter to Elijah Mbui, summoning him. He went and warned him that he must never try to evict the family from his land. That happened in May, this year, which is only four months ago! While I know the Assistant Minister could put all his efforts to do that, we want to know the following: For how long should we have that family out in the cold since 1972?

Mr. Speaker: As a matter of interest, Mr. Kathangu! The family was ousted in 1972 and the case was there in 1977 up to today! What action is he taking to expedite the hearing of the case and its determination?

Mr. Kathangu: Mr. Speaker, Sir, it is the same Judiciary we are talking about!

Mr. Speaker: Which one?

Mr. Kathangu: The corrupt Judiciary! So, instead of going through the Judiciary this time, we want to ask this House whether it has any power to reinstate or give hope to a family that has been suffering for the last 30 years!

Mr. Sudi: Mr. Speaker, Sir, regarding part "c" of the Question, I said I am not in a position to handle the situation because the matter is before the court of law. Therefore, it is *sub judice*. However, as soon as this matter is settled, my Ministry will act accordingly.

Mr. Nderitu: On a point of order, Mr. Speaker, Sir. The Assistant Minister admits that Mr. Elijah owns the land. But in the same breath, he says there is nothing he can do. Is he really in order to say so and yet he has the capability to make sure that Mr. Elijah is settled on that land?

Mr. Sudi: Mr. Speaker, Sir, the case is before a court of law. Therefore, I cannot act on matters before the court because they are *sub judice*.

Mr. Speaker: Next Question, Mr. Ndicho.

Question No.537

OFFICIAL ACCOMMODATION
FOR THIKA TOWN CLERK

Mr. Ndicho asked the Minister for Local Government:-

(a) whether he is aware that a former town clerk for Thika Municipality and his deputy refused to vacate their official houses after they were transferred elsewhere;

(b) whether he is further aware that the subsequent town clerks have been renting accommodation at a rate of Kshs50,000 per month due to lack of official houses; and,

(c) whether he could order the former town clerk and his deputy to vacate the houses.

The Assistant Minister for Local Government (Mr. Sirma): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware.

(b) I am not aware. Both the current and the immediate former town clerks have been residing in their own houses and the question of renting accommodation for them at a rate of Kshs50,000 per month does not arise.

(c) Arising from my answers to "a" and "b" above, the issue does not arise.

Mr. Ndicho: Mr. Speaker, Sir, I am surprised that the Assistant Minister is not aware that the former town clerk is residing in the official residence of the town clerk after two years when he was transferred. The people of Thika know that both the former town clerk and his deputy are residing in those houses. The officers who are preparing these answers are out to destroy the good name of the Minister for Local Government, Mr. Uhuru Kenyatta. They come from that place and they know very well that the answer is the very opposite of what is on the ground.

Mr. Muite: On a point of order, Mr. Speaker, Sir. You have warned this House many times that Question Time is not time to give speeches. Should Mr. Ndicho be permitted to give a speech, especially when this is an issue he can sort out with the "project" when they are chatting in the evening?

Mr. Speaker: Order! Mr. Muite, pray, what do you mean by "project"?

Mr. Muite: Mr. Speaker, Sir, I assumed that the Chair lives in Kenya with the rest of us. Currently, there is a project being implemented relating to one Mr. Uhuru Kenyatta. That is the "project"!

Mr. Speaker: Order! Jokes aside, I think hon. Members should treat each other with dignity. Hon. Members are known by their names. Mr. Muite, can you refer to hon. Members by their names? Otherwise, next day, we may get a very strange name appended to the hon. Member for Kabete.

Proceed, Mr. Ndicho!

Mr. Ndicho: Mr. Speaker, Sir, I have got a name for my friend here, but I do not want to give it to him at the moment.

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. You heard Mr. Ndicho say people are spoiling the good name of the Minister for Local Government. Are they spoiling it in his private or official capacity? Otherwise, there would not have been this problem.

Mr. Ndicho: Mr. Speaker, Sir, let us ignore all this. They all know that Mr. Uhuru Kenyatta will be the next President of this country and they are becoming jittery about it.

Hon. Members: When?

Mr. Speaker: Order! We are not transacting the business of the House and we will stay on course. Be on course, Mr. Ndicho!

Mr. Ndicho: Mr. Speaker, Sir, the people of Thika know that the former town clerk and his deputy are living in the official residence. The former town clerk was residing in his house in Embu Town. But he had an official vehicle which used to take him to Embu Town every morning and evening. I was furnished with this information about the Kshs50,000 from the Thika Municipal Treasurer's office. This is the amount of money these two people pay as their house rent. Could the Assistant Minister check properly whether it is true or not that these two people are

living in those houses at the expense of the current officers and the people of Thika?

Mr. Sirma: Mr. Speaker, Sir, thank you for making a good ruling on what Mr. Muite said.

Mr. Ndicho wanted to know whether the Minister is aware that the former town clerk and his deputy have refused to vacate the houses. I am not aware because we have served them with notice to leave. Those houses were not required by the clerk who was transferred to Thika Municipality because he resides in his house and earns house allowance.

Mr. Maitha: Mr. Speaker, Sir, from what you can see, the Assistant Minister for Local Government is incompetent to answer questions from hon. Members. They do not do a thorough research before they come to this House. Could the Assistant Minister confirm to this House who is more competent to give the correct information? Is it the hon. Member who represents the constituency or the answers the Assistant Minister is giving now?

Mr. Sirma: Mr. Speaker, Sir, it is unfortunate that Mr. Maitha thinks that we are not competent to answer Questions in this House. I would like to assure him that we are very competent to answer Questions in this House because we have the right information. Mr. Ndicho is aware that a Mr. Muganju who is a former town clerk for Thika Municipality is still residing in that house. He has been issued with an eviction notice because that house belongs to Thika Municipality. Very soon, that house will be vacant. However, the current town clerk is residing in his house. So, even if they vacated those houses, they will still be vacant.

Mr. Keriri: On a point of order, Mr. Speaker, Sir. If you listened to the Assistant Minister answering this Question, first, he said he was not aware that the former town clerk and his deputy reside in the official residence. Now he says they have been issued with an eviction order. Is he not confusing this House?

Mr. Speaker: Absolutely confusing!

Mr. Sirma: Mr. Speaker, Sir, I said the former clerk has not refused to move out of that house because it is not required by anybody. Even if he moves out of that house, it will remain vacant because the present town clerk is residing in his own house.

Mr. Speaker: Order! Order! Mr. Assistant Minister, the way I understood you initially was that the Town Clerk was not living in a council house but his house. So, why were you not courageous enough to say that the former town clerk lives in a council house? Could you not have said that straightaway?

Mr. Sirma: Mr. Speaker, Sir, the Question was: "Is the Minister aware that the former Town Clerk for Thika Municipality and his Deputy have refused---" There is no time the two officials have refused to move out of the council houses.

Mr. Ndicho: Mr. Speaker, Sir, the Assistant Minister has shed more light on the whole issue. He has said that an eviction order has been given so that this house falls vacant so that the current Town Clerk does not spend the council's money to rent another house. He will sleep in that house. I am happy that the former Town Clerk has now been served with an eviction order. Let us now come to the Deputy Town Clerk, who is also occupying another house. What is the position of the house being occupied by this officer?

Mr. Sirma: Mr. Speaker, Sir, the Deputy Town Clerk has a family. She was transferred on April this year to another station. She has children in school and has requested to be allowed to stay in that house until the end of the year so that she can vacate the house as she makes arrangements to transfer her children to another school next year.

Mr. Ndicho: Mr. Speaker, Sir, the Assistant Minister ought to have given us the last information when I first asked the Question. Honestly, he has taken this House's time for no apparent reason. So, I am satisfied that by the end of this year, the Deputy Town Clerk will vacate that house so that the current Deputy Town Clerk can occupy it. The former Town Clerk has been given an eviction order. Could the Assistant Minister tell us now when the eviction order will expire?

Mr. Sirma: Mr. Speaker, Sir, he was given a notice a month ago, and we expect him to vacate the house after three months.

Mr. Speaker: I would like to ask hon. Ministers and Assistant Ministers, when they are answering Questions, to be straightforward so that we do not take unnecessary time. Mr. Sirma, you have taken us in circles; on a journey we were not interested in for so long!

(Applause)

Question No.422

ISSUANCE OF BOUNCING CHEQUES

Mr. Sifuna asked the Attorney-General:-

- (a) how many Kenyans have been taken to court and charged for having given bouncing cheques;
- (b) how many of these are public officers or politicians and what their names are; and,
- (c) how many of these have lost their public or political offices as a result of "a" above.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I will duly reply in accordance with your instructions. I beg to reply.

(a) None.

(b) In view of "a" above, "b" does not arise.

(c) In view of "a" above, "c" does not arise.

(Laughter)

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. Earlier on, you ruled in this House that you do not want those kind of answers and, for about eight months, we have not been receiving that kind of answers. This habit has now come back. Could the Chair rule out this kind of answers?

Mr. Speaker: I think the Attorney-General has answered the Question properly!

Mr. Sifuna: Mr. Speaker, Sir, you can see the problems we have in this House. The Attorney-General is aware that, on April this year, the Mayor of Mombasa, Mr. Masoud Mwachima, was arraigned in court and charged with having given a bouncing cheque. This even cost him his post. This is the case, and yet the Attorney-General is telling us that he is not aware. Now, which is which? Could he give us the reason why the Mayor of Mombasa was taken to court and even removed as the Mayor of Mombasa if it is not the issue of him having given a bouncing cheque?

Mr. Wako: Mr. Speaker, Sir, the Mayor of Mombasa was not taken to court because of issuing a bouncing cheque, but he was taken to court under court case No.1073 of 1992. The offence was obtaining by false pretence contrary to Section 313 of the Penal Code. The particulars of the offence, if I may read them out, are:

"Mwalimu Masoud Mwachima, on diverse dates between 10th May and 14th May, 2001, at Mombasa Municipal Council in Mombasa District, within Coast Province with intent to defraud obtained a letter of consent to transfer land No.390/9 from Wycliff Jogensen Mukhongo by issuing cheque No.00059 of Kshs134,253.45 knowing or having reasons to believe that the said cheque was not good/valid."

The offence was obtaining goods by false pretences and not issuing a bouncing cheque.

(Laughter)

Mr. Keriri: Mr. Speaker, Sir, could the learned Attorney-General tell this House the difference between someone obtaining something by false pretences which is proved by the cheque bouncing and a bouncing cheque? We, non-lawyers, would like to know how the Attorney-General would advise us on that matter.

Mr. Wako: Mr. Speaker, Sir, the offence was under Section 313 of the Penal Code. Hon. Members of Parliament are aware that the Government, through the Finance Bill, actually wanted to make it an offence for one to issue a bouncing cheque. Under the Finance Bill, 2002, we described the nature of that offence on page 731. Hon. Members will also recall that they were in support of this new offence of issuing bouncing cheques being defeated.

Mr. Speaker, Sir, at the Committee State, an hon. Member, whom I believe was from the Opposition, moved an amendment to delete this. Consequently, as of now, we do not have an offence of bouncing cheques.

Mr. Speaker: I suppose the Attorney-General could have given the hon. Member a simple answer. If I gave you a cheque for no consideration at all and it bounces, there is no offence.

Mr. Maitha: Mr. Speaker, Sir, now that the Attorney-General has confirmed that the charge against Mwalimu Masoud Mwachima resulted from issuing a bouncing cheque--- Since consent to prosecute him did not come from the Attorney-General, could he now enter a *nolle prosequi* on that case?

Mr. Wako: Mr. Speaker, Sir, there is no *nolle prosequi*. Mr. Mwachima has been properly charged before court. What I did not consent to was the abuse of office. There is evidence on this particular offence. I do not want to talk about it. This matter is *sub judice* because it is before the court. But just to explain a bit about what the hon. Member has asked, if for example, at a Harambee I issue a cheque and it bounces, it is not an offence.

Mr. Speaker, Sir, that is the reason why I wanted to move that particular amendment here so that it becomes an offence but the hon. Members rejected it.

Mr. Angwenyi: Mr. Speaker, Sir, leaving semantics aside, could the Attorney-General tell this House the number of people who have obtained money by false pretences or issued bouncing cheques? Could he also tell us how many people have lost their public jobs?

Mr. Wako: Mr. Speaker, Sir, according to the Standing Orders, that is a different Question which can be answered when it is asked.

Mr. Sifuna: Mr. Speaker, Sir, could the Attorney-General tell this House whether the cheque Mayor Mwachima gave was official? If it was a personal cheque, what has it got to do with his mayoral post?

Mr. Wako: Mr. Speaker, Sir, the case is pending before the court, there is more to it and more facts need to

be disclosed. I would rather not discuss it in accordance with the Standing Orders of this House.

Mr. Speaker: I will now call upon hon. Members to ask their Questions for the second time. I am afraid, a lot of the Questions will be deferred. Mr. Munyao's Question for the second time!

Question No.339

AUDIT OF BOARDED GOVERNMENT VEHICLES

Mr. Munyao asked the Minister for Finance:

- (a) whether he could carry out an audit of all boarded Government vehicles lying in all district headquarters and table a list indicating the make of such vehicles;
- (b) what the total value of all the vehicles is; and,
- (c) what action will be taken to clear all of these vehicles to appropriate the income thereof.

The Minister for Finance (Mr. Obure): Mr. Speaker, Sir, I apologise for coming late to the House. However, I beg to reply.

(a) We have carried out an audit of boarded Government vehicles lying in district headquarters, divisions and Ministry headquarters. I have been requested to indicate the makes of such vehicles and I would like to say the following:

We have a total of 60 Peugeot 504s, 405s and 205s; 27 Volvos and BMWs, 57 Toyotas, 60 Nissan/Datsuns, ten Mazda/Marinas, ten Mitsubishi/Pajeros, 292 Land Rovers, nine Daewoo Cielo/Hyundai vehicles, 14 Suzuki and Subarus, 18 Isuzu Trooper/Chevrolet and Renaults, 52 trucks and lorries, one Ford Cortina, 24 Motorbikes, ten passenger buses, three Volkswagons, 13 Mercedes Benz cars, 18 Caterpillar Scrappers and Forklifts; and, lastly, 57 Mahindras; making a total of 744 vehicles.

(b) The current estimated value of these boarded vehicles is Kshs55,956,965.

(c) The vehicles will be disposed of through the Government laid down procedure, which involves advertising and sale of such vehicles to the highest bidders.

Mr. Munyao: Mr. Speaker, Sir, I would like to thank the Minister for his answer. He is a good friend of mine who is in charge of finance and, therefore, we assume he knows mathematics. But my shock is that the figure he has given here is less than 30 per cent of what is available in most of the areas. This country is lacking so much money and the Minister is aware of that! Would he direct that these vehicles be disposed of immediately, because I am sure some of them have stayed for over ten years where they are?

Mr. Obure: Mr. Speaker, Sir, yes, hon. Munyao is quite right. I have already directed that the vehicles be disposed of as soon as possible.

Mr. Gatabaki: Mr. Speaker, Sir, has the Minister considered repairing those vehicles in view of the critical shortage of vehicles, particularly on the Police Department? We are talking about Mahindras and Land Rovers; has he considered the possibility of repairing them instead of waiting to buy new vehicles while the Government has no money?

Mr. Obure: Mr. Speaker, Sir, all the options have been examined and evaluated. We do not think that it makes economic sense to undertake any repairs of these vehicles at this stage.

Mr. Keriri: Mr. Speaker, Sir, the Minister must have wondered why there were so many vehicles worth so much money lying idle in these garages before he became the Minister for Finance. Now, has he considered making it compulsory that this sale of vehicles be done twice a year so that vehicles do not lie in Government garages for so long, at the expense of the taxpayer?

Mr. Obure: Mr. Speaker, Sir, this is a subject which has been handled very comprehensively. We believe that the new procurement regulations, including the proposed Procurement Bill, will be coming up with an outline of some of the measures intended to be used in future to deal with similar cases.

Mr. Kibicho: Mr. Speaker, Sir, is the Minister telling this House that all the vehicles which the Government does not require, and whose life has expired, or which have been written off, have all been boarded, or is it only a fraction which the Government does not require, and which have been boarded? If all the vehicles the Government does not require have not been boarded, what is the difficulty of finishing with all of them once and for all?

Mr. Obure: Mr. Speaker, Sir, this is an exercise which is done in a continuous process. What is important is the mechanism which is now in place to ensure that we do not hold such stock of vehicles for unnecessarily long time. So, the mechanisms that have been put in place will ensure that there is efficiency in the use of public vehicles.

Mr. Munyao: Mr. Speaker, Sir, the value of these vehicles has been debated by the same officers, who, somehow, suspected that the vehicles were going to be sold. What assurance does the Minister have that these were the actual values of the vehicles? My feeling is that, if you send a circular to the officers in charge, who are corrupt as we know them, they would know that these vehicles are going to be disposed of and, therefore, underestimate them. What

method is the Minister going to use to make sure that he realises the right values for the vehicles?

Mr. Obure: Mr. Speaker, Sir, this sale is being done under the existing regulations; and, it is done according to the current laws. We have identified a number of weaknesses in the current law and what hon. Munyao has said could be true in some respect. We are trying to ensure that the new regulations, including the new Procurement Bill, deal with the situation to make sure the Government does not lose a lot of money in future, particularly in respect to disposal of wastage and used equipment. This will be taken care of in the next Bill.

Mr. Gatabaki: Mr. Speaker, Sir, before I ask my Question, I wish to apologise for coming late to the House. There was confusion with the traffic and the road was overcrowded.

Question No.415

IMPLEMENTATION OF TAXATION MEASURES

Mr. Gatabaki asked the Minister for Finance:

(a) whether he is aware of the public and professional concern posed by the frequent introduction of new tax measures and the limited time given between the introduction of new measures and the effective dates of their implementation; and,

(b) whether he could consider adopting the international practice by providing more time to taxpayers before tax measures are implemented.

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

(a) I am not very sure that there is public and professional concern posed by the introduction of new tax measures and the time given between the introduction of the new measures, and the effective dates for their implementation.

I wish to point out that the introduction of new tax measures is not, indeed, as frequent as alleged by Mr. Gatabaki. But, it is, indeed, an annual exercise carried out on the Budget Day. The dates for implementation are carefully chosen and vary in accordance with the nature of the respective tax measures.

In the case of the Finance Bill, 2002, for example, the date ranges immediately from the 1st of January, 2003--

Therefore, the changes are not that abrupt. Measures that require immediate implementation are those measures which have an immediate impact on revenue where any delay in implementation could lead to loss of revenue or bring massive pressure on tax administration and the market in general, in a bid to take advantage of proposed or existing tax measures before the effective days of the changes.

While due care is taken in selecting the implementation date, there may be instances in which the period is limited. This is the reason why I continue to hold post-Budget discussions with representatives of the affected parties and organisations, with a view to finding amicable solutions to the problems posed without compromising revenue.

(b) There is no international practice or convention which compels countries to adopt specific timeframes for implementation of tax measures. But, allow me to reiterate that all attempts are usually made to allow ample time for implementation. This is done on a case-by-case basis, after having considered whether the legal framework is in place, and the existence of administrative capacity within the implementing organs of the Government and other implementing agencies.

Mr. Speaker: Hon. Members, Question Time is up! Mr. Gatabaki, I am afraid I have to defer your Question. When it is called out tomorrow, you will start by asking a supplementary question. The Minister will not reply to the main Question afresh. So, to that extent, the Question is deferred.

(Question deferred)

Hon. Members, I am also going to defer the Questions which have not been answered.

Question No.241

REVIVAL OF YALA SWAMP

Mr. Speaker: Is Dr. Oburu here?

An hon. Member: No, he is not.

Mr. Speaker: His Question is dropped.

(Question dropped)

Question No.534

PAYMENT OF COMPENSATION TO MR. M'MUGA

Mr. Speaker: I can see that Capt. Ntwiga is here, but his Question is deferred.

(Question deferred)

Mr. Speaker: Hon. Members, let us proceed to the next Order.

COMMITTEE OF SUPPLY

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

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Vote 13 - Ministry of Roads and Public Works

(The Minister for Roads and Public Works on 1.10.2002)

(Resumption of Debate interrupted on 1.10.2002)

Mr. Speaker: Mr. Kimeto, you were on the Floor when debate on this Motion was interrupted. You have five more minutes to speak.

Mr. Kimeto: Mr. Speaker, Sir, the road from Nairobi to Narok brings this country a lot of revenue. Tourists travel to Narok District to see wildlife in Narok District. However, the Narok-Mai Mahiu stretch of that road is becoming impassable. That stretch of the road has deteriorated from a tarmac road to a murrum road. It is now deteriorating further to an earth road. So, since the road contributes so much to foreign exchange, could the Minister ensure that sufficient funds are allocated for its rehabilitation for it to continue giving the invaluable service it has been giving us?

Mr. Speaker, Sir, the Ministry's budget does not have provision for construction of bridges. As we all know, this country has many rivers. However, the only bridges we have are those which were put up by the colonial government. Why do we not build additional bridges? In my constituency, Kapkelei and Septebe bridges and other nine bridges, which were washed away by the *El Nino* rains in 1997, have not been replaced. Why has the Minister not provided for the reconstruction of these bridges? The Minister should have provided for the reconstruction of bridges in every constituency, so that economic activities could take place countrywide.

Even in Nairobi, roads are congested with traffic. Some vehicles are made to stop at junctions and roundabouts for about ten minutes to give way for other vehicles to pass. Why does the Minister not provide for the construction of fly-overs at appropriate places, so as to decongest the roads in Nairobi? After 4.00 p.m., it becomes very difficult to drive within the City centre.

Mr. Speaker, Sir, the Government has refused to implement the teachers' salary award that was negotiated some time back. Is that not a straightforward oppression of the teachers? If they vote for KANU in the next general election, that will be a slap on their face.

Is that a roundabout way or a straightforward way---

Mr. Speaker: Order! Order, Mr. Kimeto! What does the teachers' salary issue have to do with roads?

Mr. Kimeto: Mr. Speaker, Sir, I am only stressing the point that the teachers must be paid their salaries, especially during this particular time when something could happen.

An hon. Member: Teachers cannot be paid from the roads budget!

Mr. Kimeto: Mr. Speaker, Sir, why can the Government not use part of this Ministry's budget to pay the teachers?

(Laughter)

The Minister for Roads and Public Works (Mr. W. Morogo): On a point of information, Mr. Speaker, Sir.

Mr. Speaker: Mr. Kimeto, would you like some information from the Minister?

Mr. Kimeto: Mr. Speaker, Sir, I believe that the relevant information is what I am giving him. I do not need any information from him!

(Laughter)

I have so much information to give to the Minister. I only touched on the issue of the teachers' salaries because I did not want to forget my dear friends, the teachers.

Mr. Speaker, Sir, the Kshs2 million that the Minister has allocated to each Constituency Roads Committee (CRC) is not enough. So, I would like him to allocate additional funds to the CRCs. Every CRC should be chaired by the area Member of Parliament, and the Minister should ensure that not even a single cent of those funds is spent without the consent of the Member of Parliament for that constituency. You find that money allocated to CRCs is handled by District Roads Engineers in a very awkward manner. District Roads Engineers give contracts to some contractors to repair the roads. However, when a contractor pours only one lorry load of murram, the money is said to be finished.

Mr. Speaker: Order, Mr. Kimeto! Your time is up!

Mr. Kimeto: Mr. Speaker, Sir, with those few remarks, let me thank you very much.

Mr. Speaker: You may now resume your seat. Hon. Members, I will now give the Floor to the Respondent of the Official Opposition, Eng. Toro.

An hon. Members: But many of us have not spoken!

Mr. Speaker: We are not yet closing debate on this Motion, but the respondent of the Official Opposition has not responded. He must respond so that the Minister can know how much funds he ought to have asked for.

Eng. Toro: Mr. Speaker, Sir, first of all, I would like to congratulate the Minister for having remained in that portfolio for more than a year. Previously, the Ministry had so many changes that even its officials lost track of what they were supposed to do. This is a very happy day for me because this is the last time I am responding to the Ministry's debates as the Shadow Minister. Next year, I will be the Minister for Roads and Public Works; the Minister will be on this side of the House.

Mr. Speaker, Sir, the Minister is not new in this Ministry. He presented the Ministry's Vote before this House last year. However, he did not explain why there was a reduction of about Kshs2 billion in the Ministry's budget. We needed to have more money. During his presentation of the Ministry's Vote, the Minister said that we needed a good road network, but his budget decreased by Kshs2 billion. Really, this House cannot understand the thinking of the Minister and his officials. He should have sought more allocation from the Treasury, so that the Ministry's Vote could have about Kshs20 billion. Why am I saying this? As the Minister said, the economy of this country depends on a good road network. A good road network cannot be achieved if the allocation to the Ministry's Vote continues to decrease every year.

Mr. Speaker, Sir, the effects of a poor road network reflect on the overall performance of the economy. First and foremost, a poor road network contributes to high demand for spare parts for motor vehicles for this Ministry, other Ministries and the public. As motor vehicles require more spare parts, transportation cost goes up, hence workers going to work pay more money as transport cost. That also affects investments. Labour costs influence what the investors want. If they want to come and invest in Kenya, one of the things they look into is the labour aspect. If the cost of labour in our country is higher than it is in our neighbouring countries, due to the cost of transport, it means that investors will keep away from us. Again, for road transporters to meet their overheads, the transportation cost per tonne of goods from one destination to another will also go up. Due to this, exporters will spend more money to export their commodities.

I agree with the Minister that good roads have an effect on the economy. So, I am appealing to the Minister that we need more money for this Ministry, precisely because road network, especially in the agricultural areas, needs to be improved. The Minister did not indicate the areas that require urgent attention. Priorities have to be set by the Minister and his officials in the Ministry. When moving the Vote, the Minister did not indicate the priority areas, where we need to allocate more money so that we can open up agriculturally rich areas. I want to give an example of a place like Nyandarua District, which has a very high potential for agricultural output, yet it is more or less closed up. When it rains, you cannot transport commodities from Nyandarua District to Nairobi. The Minister has not prioritised Nyandarua District as a high potential agricultural area.

The Roads Department, and this is where the key work of the Minister is, has been bogged down by corruption. Corruption has been reflected in heavy expenditure on road maintenance, and yet we do not see any improvement on our roads. The Minister, when moving the Vote, did not tell this House what he will do, or what he has done over the last one year, to improve the discipline of engineers in the Ministry and other officials who have the

responsibility to design our roads and to supervise contracts and projects. Money is allocated to the various districts through District Roads Engineers and District Works Officers for maintenance. It would be very encouraging if the Minister would give specific examples of engineers who have been disciplined in the past. Sometimes, I feel ashamed of being an engineer when my fellow engineers are accused of corruption. The Minister should have told us how many engineers have been disciplined in the Ministry for corruption or for unprofessional conduct. We need to see examples so that we know that the Minister is serious. This time round, the Minister should not have a problem because he has one of the most qualified Permanent Secretaries, who knows the Ministry inside out. There is no reason why the current PS cannot help the Minister to sort out the problems in the Ministry.

You will remember that sometime back, a PS was involved in corruption and, unfortunately, when he was taken to court, he was fined just about Kshs30,000, which is peanuts. He had looted much more, maybe 100 times more than he was fined. I would like the Minister to tell us whether such an engineer has been removed from the register of practising engineers to serve as an example to other engineers. The Minister should also have told us what he will do to amend the Engineers Registration Act. For the last five years, we have heard promises that this would be done. Unless the Engineers Registration Act is amended, to provide for a disciplinary action to be taken against corrupt engineers, then we will not have discipline in the engineering profession.

Also, the Minister has said that these days, the Ministry ensures that it does not compromise on workmanship by contractors, yet he never gave us an example of blacklisted contractors. I would like the Minister, when replying to debate on this Vote, to give us the names of the contractors whom he has blacklisted, so that the House will know that such and such a contractor is not allowed by the Ministry to tender for any project. Members of Parliament have always been complaining about shoddy jobs in their constituencies, yet the same contractors who do these shoddy jobs continue being awarded tenders.

Mr. Speaker, Sir, to achieve an efficient road network, there is need for forward planning. Without forward planning, then we cannot achieve our objectives. There should also be proper budgeting, so that when we pass the Vote of the Ministry, we know that proper budgeting has been put in place and all the programmes related to the Vote will be implemented. We also need to have a proper infrastructure design. This has to be there years before. It should not be done in a hurry because once it is done in a hurry, then we cannot say that we are doing some forward planning.

We also need to have proper maintenance programmes. Over the years, maintenance programmes in the Ministry have been very poor. Indeed, it appears as if there are no maintenance programmes in the Ministry. When you travel towards Nanyuki, you will find some boys on the road filling potholes with soil and they ask every motorist to contribute Kshs20. If that is a reflection of the maintenance standards in Kenya, then it is a sorry state. We have not heard the Minister condemning the young boys who are trying to eke out a living by filling potholes with soil.

Programmes cannot be implemented without proper inventory and condition survey of all our roads, both classified and unclassified roads. This is necessary because for the Minister to be able to plan, he needs to know how many kilometres of classified and unclassified roads he has. This inventory has not been undertaken and the Minister, unfortunately, has not given any indication as to when it will be undertaken.

That job was given to the Kenya Roads Board, and I do not think that the Kenya Roads Board should be left alone to do the inventory of the road network. The Ministry has got the proper data, although it is not up-to-date. The last classification, and which is being used today, was done in the late 1960s. So, we are talking about 40 years before a reclassification has ever been carried out. What planning and budgeting can the Minister do without reclassifying the roads? Why am I saying this? Why is it important? Under the current Kenya Roads Board, it allocated classes "A", "B" and "C" to the Roads Department. It also allocated classes "D", "E", and other unclassified roads, to the District Roads Committees (DRCs). Some of the roads that have been left to the DRCs should actually be reclassified to category "B" or "C". Some other roads have already been paved and they are under categories "D" and "E" and yet, DRCs will not be able to maintain any paved roads. So, this reclassification should be a priority and the Minister should be able to look into how he can allocate funds for a total reclassification of all our entire road network.

Mr. Speaker, Sir, the reclassification, as a priority, will be able to differentiate between the core road network. It will also be able to differentiate between the urban, local and the rural roads. This differentiation will enable the Minister, when allocating resources and sourcing for funding for maintenance and new roads, to know his relationship, especially with the cities and the towns. How does he relate to them? It will enable him to know how much money from his Ministry can be injected into some road networks in the cities and towns because most of the roads under the Ministry traverse the cities and towns.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, once a proper classification has been done, road maintenance capacity constraints can also be identified because, without identifying the constraints in the maintenance, then the Minister will not be able to achieve much. Therefore, there is need, also after the identification, to be followed with a need to respond positively to changing maintenance management and to achieve efficient cost-effective results. We are spending so much money on maintenance costs. We do not have maintenance standards yet, so that what is happening in Maragwa District is that the officials who are supervising and manning the maintenance of paved roads especially, that the standard is the same in Mombasa, Nairobi, Nyanza Province and Nyeri District. They should be the same because you might find maintenance in one part of the country is better than maintenance in other parts of the country. So, we need a standard for maintenance of our roads.

Mr. Deputy Speaker, Sir, the Ministry, over the years, has been relying heavily on maintenance by false account and it is time now, since this one has failed tremendously and the Ministry has been relying on the supervisors and personnel in the Ministry, to inspect false account maintenance. Since this has failed over the years, there is an urgent need to move away from this system and we start contracting maintenance services to small-scale contractors and large-scale contractors. That way, we can be able to have a tendering system that will be standardised to every contractor who is undertaking maintenance of our road network.

Mr. Deputy Speaker, Sir, tenders for new paved roads, and this has been something that I thought the Minister would assure this House, should provide for the contractor after having successfully finished the contract, that he continues maintaining the road for whatever period of time, even if it is five years to ten years. This is because this one would make sure that once he has finished the job and if he has done a shoddy job, he does not leave the maintenance costs to another party. He should be able to know that if he does a poor job he will be there for another five or ten years at an agreed maintenance cost, to be able to continue maintaining. Therefore, that would be one way of curtailing poor workmanship once the contractor knows that he is required by law to continue maintaining the road.

[Mr. Deputy Speaker left the Chair]

[Mr. Speaker resumed the Chair]

Mr. Speaker, Sir, that also goes for resealing and recarpeting of roads. I will give an example of recarpeting of the Nairobi-Thika Road. After recarpeting it, less than one year, potholes started cropping up. If there was a provision for the contractor to maintain the road after recarpeting, surely he would not have done a poor job. This also applies to resealing. The Minister seriously needs to think about what he can do in giving provisions for post-construction maintenance.

Mr. Speaker, Sir, the Minister should also have told the House the steps he is taking to carry out a comprehensive maintenance study and also to develop a projection and an intervention programme for the next five years.

In his speech, the Minister dwelt on improvement of maintenance and without having a comprehensive maintenance study, he cannot be able to achieve this. We need the Minister to come up with that study. He should tell us how much money it is going to cost to have that study done so that we can be able to maintain what we have. The problem we have in our country today is putting up new infrastructures and we do not maintain them. Three to four years down the line, all the money goes to waste. So we need, as a matter of priority, the Minister to do a maintenance study so that we can be able to know that once new infrastructures are put up, they are going to last and last for a long time.

Mr. Speaker, Sir, the Kenya Roads Board which has more or less inherited the work of our road network has not actually lived up to the expectations of the Members of Parliament. It is still bogged down with administrative problems and I do not know where these administrative problems come from because administrative problems can crop up if there is no money. However, under the Kenya Roads Board Act, there is a percentage that is supposed to go to the secretariat of the Kenya Roads Board and there is no excuse whatsoever, for them to say that they are not establishing a proper secretariat because of lack of funds.

Mr. Speaker, Sir, there is one department that is very key to supervision and maintenance and that is the technical audit and the financial audit department. We are receiving money in DRCs and yet once the money is spent, any complaints coming from Members of Parliament or stakeholders cannot be addressed adequately unless the technical audit and the financial audit department in the Kenya Roads Board is not functioning. It is not good enough just to give DRCs money or the Roads Department money and then the Kenya Roads Board secretariat cannot be able to follow up to see whether the money has been put to good use. That is one area that the Chief Executive of the Kenya Roads Board should address so that it starts functioning as soon as possible.

Mr. Speaker, Sir, when the Minister gave his speech, there is one area that he avoided. The Kenya Roads

Board Act clearly stipulates that 24 per cent is supposed to go the DRCs to take care of the district roads, and 16 per cent is supposed to go to the constituency to take care of the constituency roads. Over the years, we have only been receiving 16 per cent for constituency roads. The Minister should have taken time, because that question is coming up every time in Parliament, to explain why the DRCs are not receiving the 24 per cent as the Act stipulates. This morning, an Assistant Minister answered a Question on that issue and said that they could not remit the 24 per cent because they were using it to pay the on-going projects or works. Which are these on-going works? That 24 per cent should have been remitted to the district, and then the district would see which projects require attention so that the Ministry can give direction on matters of payment. But, first and foremost, the money should be allocated to a particular district. For example, in Maragwa District, if we received 24 per cent on top of the 16 per cent per constituency it would help us a lot. But to categorise and lump together all the districts and say that there are on-going work programmes and deny districts what is rightfully theirs, that is wrong. I think the Minister should address that and remit the 24 per cent and let the districts decide which programmes they are going to pay for.

Mr. Speaker, Sir, still on the Kenya Roads Board, we were promised that we would have tendering systems to the DRCs. Currently, we are using the District Tender Boards (DTBs) which do not cater properly for the DRCs, because the DRCs have no control over them. Supply of materials to the DRCs is very expensive because they have got to comply with the conditions of the suppliers who have been short-listed by the DTBs. I think it is time we had guidelines from the KRB about the tendering system for the DRCs so that we can save money on supply of materials.

Mr. Speaker, Sir, on housing, I am happy that the Minister tabled the Sessional Paper on the housing policy although it has been long overdue. But the Minister should seriously look at the physical planning of our cities and towns. We have estates coming up which have been developed by individuals and, in those estates, there is no provision for waste disposal. If there is no proper programme for waste disposal, we are talking about dealing with water-borne diseases.

Mr. Speaker, Sir, on the National Housing Policy, the Minister should speed up the process and let Parliament pass the Sessional Paper as quickly as possible so that he can come up with proper amendments to various Acts of Parliament.

Mr. Speaker, Sir, to wind up, I would just mention that, in our cities, especially in Nairobi, we have traffic jams because of poor design of our traffic flow. For example, Outer Ring Road is a nightmare to motorists. By now, this road should have been redesigned and it should be a dual carriageway because anybody who wants to go to the Industrial Area has got now to go through the City Centre to avoid going through Outering Road. These are areas which the Minister should look into to ease traffic congestion, especially in the City of Nairobi. I do not think the Minister should wait for the City Council to do that. The City Council has, definitely, failed in their design. If they have, the Minister should take over and direct proper road network for Nairobi.

Mr. Speaker, Sir, this Vote asks for funding of some sectors, which I do not think are serving Kenyans; for instance, the Kenya Building Research Centre. We allocate money every year and yet we do not see the fruits of the Research Centre. Can the Minister, when replying, throw some light on why this centre should exist? The other one is the Housing Development Department headed by a Director. It is not helping Kenyans anywhere at all. We are going to question why it should exist. If it cannot function, then it has no business existing. The other one is the Kenya Institute of Highway and Building Technology. Why should we allocate money to such departments?

Mr. Speaker: Time up!

Eng. Toro: With those few remarks, I beg to support.

The Minister of State, Office of the President (Mr. ole Ntimama): Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to briefly contribute to the Vote of the Ministry of Roads and Public Works. I am going to support this Vote very reluctantly.

Mr. Speaker, Sir, this morning, I got very many telephone calls from Narok District, and my constituency, from people wanting to know why our roads will not be given attention by the Government. This is because the Minister mentioned several roads in this country which the Ministry is going to tarmack, put murrum, or maintain and there was no road in Narok District at all in that list, especially in my constituency. Although the Kenya Broadcasting Corporation (KBC) has been condemned many times by politicians as not reporting anything about the Opposition, or even our Rainbow Alliance, which is a faction of KANU, at least, they report on parliamentary proceedings. It is true to say that we do not feature at all.

I was perusing a copy of the HANSARD this morning and I found out that I have stood on the Floor of this House very many times trying to convince and plead with the Government and the Ministry of Roads and Public Works to do something about the Narok-Mau-Narok-Nakuru Road. This road has a very nasty history behind it, even during the days of Kim Gatende, but it has never been done. It is not even being murrammed at all. There is no maintenance going on, on this road and it is a very important road. The road leading from Narok-Mau and Narok to Nakuru traverses a very high potential region of the Mau Escarpment. This is where most wheat and vegetables are

grown. The economy of that area would have taken a very sharp growth if only there was access to the market. The lorries that go to take wheat are bogged down and get stuck on that road for weeks. Sometimes the wheat is rained on and we cannot just get through. If this particular road was done, it would have opened up that region completely and we would not be talking of 64 per cent of the people living below the poverty line in some of these areas. At least the economy would have developed and people would have made a little money by selling some of their stuff on the market. Things would have changed. How do we expect people to develop without infrastructure? This is why those of us who come from some of these areas keep saying that we have been left out, forgotten and alienated. It is not an exaggeration because this is my 15th year in Parliament and I have not seen any road development of any magnitude at all. There has been token development which means nothing at all. These days, there is heavy traffic on the Mai Mahiu-Narok Road, particularly along the main road at Ntulele area. This is because this road also serves Kisii, Kericho as well as Kisumu districts. However, some of the potholes near Ntulele can swallow a whole elephant. These are some of the things that we must look at. This is exactly what I have been talking about many times here; that the distribution of resources in this country must be equitable, otherwise some people will feel that they do not belong.

Mr. Speaker, Sir, the Mai Mahiu-Narok Road has been tendered about four or five times. In fact contractors have come several times, but all of a sudden they disappear because somebody has embezzled the money through corruption. Corruption has hit the infrastructure of this country more than any other area. I know it has hit us in many ways. Some of these people who steal this money are a notorious group of thieves with no parallel, who are known in this country. Nobody seems to be stopping them or ensuring that things are done in the best way. We travel hundreds of miles to go to the next medical centre. If you get sick, you either carry your patient on your back or a donkey's back because there is no road. This is the dilemma that our people are facing today.

Some people are saying that they will go there to look for votes and they do not even want to know whether we will ask them what little they have done for us. We are not against anybody, but we do not want any extension of the corruption and the autocratic rule that currently exists in this country. We do not want it to continue because the suffering that we are undergoing is exactly what we will undergo, especially if some of these bad practices like corruption and the embezzlement of funds by the same notorious group of people who are known, is not curbed.

Infrastructure is very important. However, we do not see the money that is sent to the District Roads Committees. It is spent between the DC and the District Roads Engineer. We do not know where the money goes. Some of these people are known to be thieves of no parallel. The money just disappears there. When we try to call the Ministry to find out what has happened to the money, we are referred to the District Roads Engineer. It appears that the DC and DRE normally apportion the money between themselves. We are being told that a lot of money is going to the district treasuries which is used to open up some roads into the forests in order to facilitate grabbing of the forests even in some water catchment areas which are sacred.

They are building big wide murram roads that are going nowhere except facilitating a group of people who are known to the Provincial Administration and the District Commissioner himself. They are opening up the roads just to grab the forests, sell them and make money. It is high time we exposed these malpractices because, if we do not, then it is wrong. The public knows that this money goes to people's pockets. The Maasai people in Narok know that they are not supposed to benefit from any money coming out of the Ministry of Roads and Public Works. It has all been stolen either here in Nairobi or down on the ground and we are left as we were a century ago. This is serious. Tokenism, about putting a little dust on the road to give the impression that something is happening, does not help. We want some serious development especially of the infrastructure in some of these areas that were left out by the British. When the black man took over from the colonial government we thought we would benefit, but the situation became even worse. We thought we would gain something from Independence, but we have not; even after a whole century. We should ask that changes be made to make the people benefit.

Thank you, Mr. Speaker, Sir.

Mrs. Mugo: Thank you, Mr. Speaker, Sir, for giving me the opportunity to contribute to the Motion on the Floor and to support this Vote. I have been listening to the Ministers confirming that this Government has been stealing all the money and that is why we have no development. I hope Kenyans will vote out this KANU Government. If the Ministers have confirmed this fact then what are we, in the Opposition, supposed to do? We have been complaining of the same thing.

The Minister of State, Office of the President (Mr. ole Ntimama): On a point of order, Mr. Speaker, Sir. I was talking about my own constituency in particular. First and foremost, it is my constituents who sent me here. Whether I am in the Government or any other place, these are the people that I represent.

Mr. Speaker: But you are a Minister, nevertheless!

(Laughter)

Mrs. Mugo: Mr. Speaker, Sir, I was just confirming why we in the Opposition have been saying that this Government should go home. To begin with, we have only Kshs3.7 billion allocated for roads infrastructure in this country because all the money has been stolen. That money does absolutely nothing. The Development Vote has been allocated Kshs1.5 billion. What development of roads can be done with this amount? I think it is pathetic, but at least we know why.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, while appreciating the difficulties facing the Government, just because they cannot safeguard public money, and though they are still honest enough to own up, my people and I feel wronged because we have no roads, especially in Dagoretti. When I see the money that is allocated in the Development Vote, it means we will not have any improvements on our roads. I have checked the budget and there is very little or no allowance for Dagoretti. What are we really doing in this House? I have spoken about roads in Dagoretti unceasingly but nothing happens. I would like to ask the Minister, when he is replying, to tell us how much money he is giving to Dagoretti and Nairobi in general. Nairobi is the capital city that generates commerce and industry and that can create wealth in order for people to get employment. How will people get employment in an industrial area with no roads? The little money that companies might make is used to repair their vehicles. It is a shame! I feel that very little money has been allocated to this Ministry and it will not be able to improve the economy.

Does this mean that Ministries like Heritage and Sports which have been given Kshs4.7 billion have been rated higher than infrastructure? Does this mean that the Department of Defence which has been allocated Kshs14 billion is more important than developing the roads? We are not in a state of war. Why do we need all that money for defence instead of allocating it to the Ministry that builds roads in the country? We are complaining that there are too many accidents, but we know that the buses and *matatus* cause accidents because of potholes. It is about time this Government stopped talking and started doing something constructive for the people of this country.

I do not see why the money that was removed from the Recurrent Vote did not go towards developing the roads. We could have had at least one tarmac road in Dagoretti. As it is now, we only have one little road, Wanyee Road from the *El Nino* Fund, for which a shoddy job is being done right now. I have complaints from the residents of that area that it will encourage accidents. I hope the engineers who are working on this road will ensure that it is finished properly because we know there is so much corruption, like the Minister has said. We sometimes wonder whether we have qualified engineers and officers who supervise this work.

Mr. Temporary Deputy Speaker, Sir, regarding funding of roads from the constituency fund, I have had to go round in my constituency with the Provincial Roads Engineer to straighten out some issues; that, instead of putting murrum on the road, it is soil that has been brought. Now that I can see that the whole Civil Service Bench is full, I hope the Government will look into it. This is because I had to reject several lorries full of soil, and they were removed. Why does the Ministry have to wait until we come to inspect the roads? I am not an engineer. It is the Ministry's job, and they are paid for it. So, this is the corruption that I am sure the Minister is talking about. But even with the little money that we have, we can go far, if people entrusted with it can be honest and faithful to the Kenyan people.

In Dagoretti Constituency, most of the work that is done is grading because we have no tarmac roads; we do have it even in the capital City. Even with that, many roads are impassable. So, I would like to ask the Minister, when he is replying, to show us how much money he has given to us so that we can carry out that work. How can the constituency funds be used to grade the whole of Dagoretti? This is because there are no other tarmac roads; there are no all-weather roads.

Sometimes, I wonder why Dagoretti people continue to pay taxes. As I have said, we have the slaughter house in Dagoretti. We generate a lot of business. That is where the money should also go to, where there is business and money can be generated to build the economy. We have to open up our markets, as one hon. Member said. How are we going to build our economy if the product cannot act as the market, especially in the agricultural sector? Is Kshs1.5 billion able to develop all that? It is a pity that after Kenyans were dragged to the poverty reduction strategy paper workshops and agriculture and the infrastructure - road - were rated the highest, in the Budget, they have been given least money. Then, why this hypocrisy? Why waste Kenyans time and the World Bank money pretending that we are doing some workshops and we are going to follow that to do our Budget, when this Government has no intentions of doing that?

I am telling you that a NAK Government certainly will not do that kind of rot which we have seen happening

with this Government. The NAK Government is coming very soon, from January. Turning to the *El Nino* weather phenomenon, we keep on creating an emergency fund. Five years down the line, we even have lost the meaning of an emergency fund. Nobody knows what this money does. It is shrouded by secrecy. What is this roads money doing in the Office of the President?

Is the Office of the President able to utilise that money better than the Ministry of Roads and Public Works? We know that this is the money that is normally hidden for campaigns by KANU. This emergency project was given Kshs262 million, and it is under the Office of the President. The project also got another Kshs2.1 billion from the donors. We would like to see it in the Budget. Where exactly does this money go to? Which *El Nino* road will be repaired? I hope the Minister is listening. It should not be some campaign money hidden somewhere. The *El Nino* weather phenomenon is no longer an emergency. Could the money meant for roads go to roads - for Heaven's sake - and not hidden in the Office of the President for some corruption purposes or electioneering?

Regarding houses, I am very sad. I sympathise with the Minister because the Government has decided to charge the same rate of housing at the market value for our civil servants, when know in the Civil Service, civil servants are not paid in the same way as the private sector. Do you know just how much a secretary in the private sector gets? He or she gets what a senior officer in the Government gets. Where are they supposed to live?

With those few remarks, I support.

Dr. Omamo: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to follow the path of my friend, Mr. ole Ntimama, to draw the attention of the Ministry to what I call hardship areas, as far as the road system is concerned. I would like to appeal, through you Sir, that the Ministry remembers that not all constituencies are the same. Yes, we are all Kenyans and constituencies form one country, but they are not the same! Just like the fingers, there is the thumb, the first finger, the second finger and the rest. But they are not the same.

I want to appeal through you so that the Ministry remembers that Muhoroni Constituency is not the same as Kiambaa constituency; they are quite different.

This constituency recently - two years ago - took the Ministry by surprise. When the Ministry of Education, Science and Technology sent teams there, to check on the condition of the teachers. Finally, Muhoroni was declared a hardship area. Not because it was dry; not because it was far away than North Eastern Province but because of drought conditions. No! Because of the wet conditions in the constituency. The wet conditions in Muhoroni constituency have brought to the surface special hardship conditions. I do not want to compare this with the Mau Narok! No! Mau Narok is a very big area, and my friend has narrated the story there. But Muhoroni constituency is not very big, but the problems are very many.

Let me just give the Ministry an example. Muhoroni has sugar-cane as its economy.

Mr. Temporary Deputy Speaker, Sir, the economy of Muhoroni is based on growing sugarcane and milling it for sugar. It is a heavy duty operation. Sugar-cane farming is heavy duty not only in land preparation, but also in ploughing, harrowing, furrowing, harvesting, transporting the cane to the factories, crushing the cane and distributing the sugarcane to wananchi. The roads in Muhoroni Constituency and the Nyando sugar belt are default in design. There are faulty in specification, which should not have been allowed.

If you look at the road from Muhoroni via Achego, Kibigori, Miwani to Kibos, you will see that heavy duty equipment do not allow the road, even if it is tarmacked, to last long. I still remember the efforts of the one-time Minister for Roads and Public Works, Mr. Kones. Mr. Kones inspected the Kibos-Chemelil Road after tarmacking. He was surprised by what he saw. In fact, if he was not a tall man, he would have fallen down badly. He noted the condition of the road and promised to sack the person who was responsible for constructing that road; Hayer Bishan Singh, who was charging higher and higher, but the road was not good enough. The road was missing, but Hayer Bishan Singh was charging very high. Mr. Kones promised to sack him but, unfortunately, for us in Muhoroni, before he could sack Hayer Bishan Singh, he was sacked.

Mr. Temporary Deputy Speaker, Sir, I would like to appeal to the Ministry officials to check on the specifications. Because of the heavy rains in the Nyando-Nandi sugar belt, the bridges do not last long. As I am talking now, the road from Ahero to Miwani is impassable. The road from Miwani to Olik Oiero, Kasese to Chiga is impassable. Also, the road from Olik Oiero to Nyakungru is just impassable. It is so because the culverts that used to be there are gone. Even the most important road linking Chemelil Factory across one of the tributaries of Nyando, and linking it to a big estate known as Potopoto is gone. This is because of the heavy rains. The heavy rains in Muhoroni area do come down just like the ordinary rains, but rains fall on the Nandi Hills and the Kano plains, and then the floods from the Nandi Hills come down rushing and join the floods further down below. As they sweep down, they sweep the road, the culverts and the bridges. It is impossible to pass through those roads.

I would like to appeal to the Ministry to come up with proper specifications by designing proper drainage channels. It is the drainage channels that are killing us. A previous hon. Member for Muhoroni Constituency had it very rough. There were even occasions when an hon. Member of Parliament had to be given a lift by the voters so as to

wade across the floods. When *El Nino* rains came, I was really threatened. There is another threat of *El Nino* which is even a bigger threat. I would like the Ministry to help. I know that when the floods are heavy and I am joining my voters, both of us may have to drown because I cannot climb on the back of a voter because of my weight.

An hon. Member: Heavy duty!

Dr. Omamo: Of course, I am heavy duty!

Mr. Temporary Deputy Speaker, Sir, it is not just the roads, but the culverts, the bridges and the drainage.

With these few remarks, I beg to support.

Mr. Munyao: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this moment to say a few words to the Motion.

This Ministry has got very good people who are very well trained. Kenyans can work well, but the problem is, perhaps, the policies of the Ministry which are upside down. The Minister should streamline the policies of the Ministry and implement what we are telling him. Bad roads contribute more towards poverty. There is no purpose of growing cotton in Kitui, Machakos, Yala and other parts of the country, and yet you cannot get that cotton to the market. Maize grown in some areas cannot get to the market. I believe the Ministry has got eyes in all corners of the country, because committees are sitting all over. I am not talking about DDCs, because they have become completely dormant. I am talking about the DRCs which were formed after the Kenya Roads Board Act was enacted.

Mr. Temporary Deputy Speaker, Sir, the Ministry should improve roads in some areas, because without communication, the country will be doomed and dead. We will have nowhere to go because of lack of communication. When we passed the KRB law, we cited clearly how much money would be given to each area. This was done publicly and Kenyans know what they are supposed to be getting every year. Even tonight, Kenyans will know how much money has been given to the Ministry of Roads and Public Works. The question which remains is why, after the money has been released, wananchi keep on seeing their roads in the same bad state. Which hole does that money go to immediately it has been voted to the Ministry? Kenyans would like to see the effect of the money that we vote in Parliament being felt in various places.

As far as the District Roads Committees (DRCs) are concerned, we had passed that out of 16 per cent of the money collected, 5 per cent would go to the constituencies. Since that law was passed, I do not know whether other districts have got the money, but no single district in Ukambani has received that money. We wonder what has happened to some of that money. I would like to assist the Minister by telling him that when that money is distributed, it should be published in the normal newspapers, so that, all the districts will know how much is due to them. That way, districts like Meru, Makueni and Wajir will know how much has been given to them. That way, wananchi will be knowing how much has been given to their own areas, then, they would expect matching development in that area.

Mr. Temporary Deputy Speaker, Sir, since the money started trickling out to the districts, some of the money has been going out in form of materials. I remember that in Makueni District, where I was sitting as a member of the DRC, we had about Kshs400,000. We also agreed that since the financial year was about to end and we did not want that money to be returned, we buy fuel to commit that money until the end of the year. But, after the end of the year, the then Roads Engineer, who has since been moved, was the one who knew about that money. The issue of corruption in this country has been discussed many times. We feel that the Minister, whom we trust, should put his foot down to get such things straightened. We have seen the Minister travelling with his officers in various places. Unless he has not been posturing for cameras to pick him, we want to see what has happened after visiting those areas. When the people see you, they expect something!

Mr. Temporary Deputy Speaker, Sir, could the money that is voted by this Parliament be utilised properly? When a job is done, let there be commitment. For example, there is the Wamunyu-Makueni Road, E713, which connects with Road C101, which was constructed a year ago. The road was done very well and murramed. For the first four months, the road was very perfect and you could ride anything on it. But, today, the whole road has been completely ruined. It has bigger holes than the ones Mr. Ntimama was talking about! I have been to MaiMahiu-Narok Road. It is very true that my car could disappear completely in those holes. One had to stop, come out and see how deep the holes were. The road that I am talking about has a big river called Thwake, where there is a bridge. That bridge connects two districts, Machakos and Makueni. A lot has been discussed in this House and the previous Minister had visited that area several times and promised the people that the bridge would be repaired. What has happened? That is because every time it rains, people from both districts cannot communicate. One needs to go round, and it takes three days for a distance which is hardly 30 kilometres. Our hope is on the Minister because communication is very important.

Mr. Temporary Deputy Speaker, Sir, the other worrying point is the issue of the Kenya Roads Board (KRB). The moment we passed that good Act, the KANU that we have been fighting with immediately went underground and instructed somebody to go to court, pretending that it was an individual. *Kumbe* it was KANU! It is the same way they are going to court to prevent the constitutional review process to continue. That individual who went to disturb

the entire law on KRB--- It is a miserable thing! When Parliament has done so much and put a lot of effort into whatever it was doing, an individual goes to court to challenge what Parliament has done!

The Minister for Roads and Public Works (Mr. W.C. Morogo): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has said that it was KANU that took the matter of the KRB to court. Could he substantiate? Secondly, he has said that it is KANU that is trying to derail the constitutional review process. Could he lay facts on the Table?

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, I can substantiate. It is very true because, at that time, when that individual went to court, we thought it was another individual. But later, we saw the gentleman receiving a certificate at Kasarani! Therefore, that was KANU. Whatever is also happening now, there is a lot of information---

The Temporary Deputy Speaker (Mr. Karuri): Could you talk about issues relating to the Ministry of Roads and Public Works?

Mr. Munyao: Yes! Thank you! Having enacted a very good law on KRB, we set the structures for implementation. A circular from the Minister was issued and it removed the structures that we had put at that time. He returned the same DCs who had stalled projects all over the country because of corruption.

Mr. Temporary Deputy Speaker, Sir, through you, I would like to request the Minister to withdraw that circular and let the DRCs be manned by people who are committed to good roads. Kenyans are very well trained, including those who are in the Ministry. But one wonders where our engineers were trained at that time. We know they must have trained elsewhere. But where did the idea of roundabouts come from? You begin from a roundabout to another roundabout to another roundabout, and in two or three hours of driving in Kenya, your mind becomes a roundabout! The whole of our roads are all roundabouts! From here to the Jomo Kenyatta International Airport, there are roundabouts. Could we not have flyovers which can connect our roads? That could be faster. I understand most of our roads, even Haile Sellasie and others, were all planned with proper handing-over flyovers. But because of greed, some areas are eaten up! Look at the South B area, where one area has got a flyover, but you cannot turn because the other area was given out the other day. A policy must be brought to construct our roads properly.

With those few remarks, I beg to support.

Mr. Kajwang: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to say, just like my colleague has said, that this budget seems to want to address something called "poverty eradication". I am sure we cannot eradicate poverty. So, they are calling it "poverty alleviation". All the same, we are trying to fight with one enemy called poverty, but you cannot fight poverty without growth. That is because you must build something from which people can eat! You cannot have growth if there are no investments. Nobody is going to invest in an environment where the cost of production does not make its goods competitive. That is what is happening to Kenya. We are not competitive enough within the COMESA and the East African regions. We know most investors in this country get their goods from other COMESA countries to export them to Kenya. Sooner or later, Kenya will be a market for goods from other COMESA countries because the cost of production of goods in Kenya is very high.

Mr. Temporary Deputy Speaker, Sir, one of the reasons which make our goods very expensive and which make our investors relocate is the poor transport network in our country. Our goods are more expensive than goods from other COMESA countries because of high transportation costs. For example, to transport goods from Mombasa to Nairobi and other markets is very expensive.

The other day, the Departmental Committee on Finance, Planning and Trade invited us to a seminar at Mombasa. We were addressed by very brilliant people from the Treasury and the private sector. The people from the private sector told us that if we do not reduce the cost of production and transportation of goods from Mombasa to the hinterland, then our businessmen will not invest in this country. The cost of producing one pencil in Kenya is about 43 per cent because of additional transportation costs. Unfortunately, we do not manufacture pencils in this country. We import pencils from the Republic of China. But the cost of production or adding value to any goods manufactured in Kenya is 43 per cent. The cost of production in Egypt is about 4 per cent. So, how are we going to compete with Egypt or South Africa when the cost of transporting goods from Durban to Kampala is half the cost of transporting goods from Mombasa to Nairobi? How are we going to compete with them?

So, we must reduce our transportation costs by improving our infrastructure, particularly the road network. We have some of the longest tarmacked roads in Eastern Africa, but these roads are badly maintained and others were poorly tarmacked. There are no roads any more in this country. In my constituency, there is no single kilometre of tarmacked road. So, I will not talk about it. I will come to it later. But there is a road which was constructed from Katito, near Kisumu, to Kendu Bay. That was one of the worst roads before it was tarmacked. When it was tarmacked between 1992 and 1994, we were very happy. At least, I could reach Kendu Bay and then drive to Homa Bay in 30 minutes. That road is only about 30 kilometres. It was tarmacked in 1995, but by 1999, there was no tarmac. I remember Dr. Otieno-Kopiyo said in this House that this road was the only thing that the KANU Government did in Nyanza since Independence. They tarmacked that road. But it is a shame that there is no road now. It was tarmacked

by the HZ Construction Company associated with Mr. Biwott. Why do we do shoddy work? First of all, the cost of tarmacking one kilometre of road in Kenya is higher than anywhere else in the world because of corruption. This makes tarmacking of our roads a very expensive exercise to undertake. Even if it is expensive, let us improve the conditions of our roads.

Mr. Temporary Deputy Speaker, Sir, the Sori-Homa Bay road was tarmacked. But before the certificate of completion was signed, there was no road. Mr. Ojode complained about the poor state of that road and the Ministry went there and sealed some potholes. As I speak, that road is in a very bad state. What is wrong with Kenyans? *Afadhali ukule pesa lakini ujenge barabara*. This Ministry has very brilliant officers, but why do they do a shoddy job? This Ministry always pays pending bills. They will never end. They will always be pending and yet no job has ever been done. When somebody in Treasury who was a bit careful asked whether the road was done, he was told to pay even if the road was not done. What is wrong with Kenyans? How can you pay a contractor who did not do any job? Do you just pay because you awarded them the contracts? Do you pay pending bills because the contractor's equipment has been on the site for the last 20 years? You end up paying the accrued interest rates and penalties, *nini* and *nini*, and so forth. As a result, we have so many white-elephant projects.

Mr. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir. I hate to interrupt my friend, Mr. Kajwang. But I do not know how the HANSARD will record "*nini* and *nini*". Is he in order to mix languages?

Mr. Kajwang: Mr. Temporary Deputy Speaker, Sir, I am sorry. I am trying to learn Kiswahili because, very soon, we are going back to our constituencies. However, I will restrict myself to the English language. I am not very good in Kiswahili language, but I am learning a bit of it so that I can come back.

What I am trying to say is that the cost of tarmacking our roads is very exorbitant. Why do we continue building our roads with bitumen? We know very well that when it rains, it swells or when a heavy trailer passes over it, it opens up and our roads develop potholes. Sooner or later, there is no road. Why do we not make it more costly and build roads of concrete? Just try it here in Nairobi first. Just build one road of about 10 kilometres using concrete and you will see the difference. Roads which were built with concrete 20 years ago have no potholes. Why use bitumen? First of all, we import it or some people purport to import it. Why do we not use cement, create more jobs and have a market for our cement and construct roads which will last for 30 to 40 years? These officers know about this, but nobody wants to suggest it to the Minister. The Minister cannot suggest it to the Cabinet because nobody will listen to him. This is very appalling!

Mr. Temporary Deputy Speaker, Sir, there is a lot of fish in my constituency, but we have no tarmac roads in the entire Suba District. However, we do not even complain. Why can we not have a murrum road from Homa Bay to Mbita? Just one murrum road of about 43 kilometres.

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

Mr. Mwakiringo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me these few minutes to contribute to this Vote. I would like to thank this Ministry because of late, it is being run professionally because it has qualified people. At the same time, we should congratulate the Ministry for accepting to implement, through the Kenya Roads Board, the Act which was passed by this House. But I am more perturbed by the fact that most hon. Members of Parliament complain about poor roads all over the country without even thanking the Government and the Ministry for giving each constituency Kshs5.5 million to do roads in the 2001/2002 Financial Year. I think it is worth noting that, whoever is contributing. In any case, if hon. Members of Parliament followed what happened on the ground with their District Public Works Officers, they would not complain here. Instead they would compliment the Government.

The Kenya Roads Board cannot release the Kshs5.5 million per constituency if the work plan is not signed by the respective hon. Members of Parliament. To me, it seems that quite a number of hon. Members of Parliament do not know what happens. I am speaking as a Member of the Departmental Committee on Energy, Communications and Public Works. I think I should put that straight so that when the Minister replies, he can also include it.

Now, we should be talking about the disbursement of the 24 per cent of the Fuel Levy money, which, as a Committee, we have discussed with the Ministry. I am sure that, that will be implemented possibly in the course of this year. But one other important thing I would like to urge the Minister to do is to take stern action against District Roads Officers who have formed a habit of forming their companies and awarding themselves contracts within the districts in which they work and, therefore, frustrating the efforts of the small-scale contractors who are supposed to be employed within their locality. This has led to rampant corruption. The other thing is that most of these officers have overstayed in their respective stations. I have an officer in my district who has been there for the last eight years. He has become a resident, and he is married to a Taita. He is frustrating our small-scale contractors. This is an issue which the Ministry should take into account so that Ministry officials do not overstay in one particular station.

I would like to urge the Minister to bring an amendment to this House so that he can be allowed to use part of the Fuel Levy Fund to upgrade some of the roads, like the Voi-Taveta Road, which requires tar-coating as we wait for

the tarmacking of the same.

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

The Minister for Roads and Public Works (W.C. Morogo): Thank you, Mr. Temporary Deputy Speaker, Sir. First, I would like to thank the hon. Members for the great contributions they have made to the Vote of my Ministry. I note the seriousness the hon. Members attach to our roads and other activities of this Ministry. I do accept that we have room for improvement in certain departments and ways of our operations. At the same time, from the contributions, I also note that some of the hon. Members contribute without knowing what exactly goes on, on the ground.

Various areas were touched on and, obviously, because of the time factor, I may not respond to all of them. But should I not respond to any of them, I would like to assure the hon. Members that we have noted their concern and we will take serious corrective measures so that we can deliver services to wananchi.

Mr. Temporary Deputy Speaker, Sir, first, let me allay the fears by one hon. Member, whom I think was the Official Responder of the Opposition who said that he does not seem to know what the Housing Department, the Kenya Highway Building Technology and the Building Research Centres do. I would like to inform the hon. Member that these departments do a wonderful job. Building materials that are used in some areas of the country have come as a result of the studies and serious research that is undertaken by these departments. I could go into details but because of the time factor, I would like to invite the hon. Members to the Ministry, where we can give them details and show them the activities of these departments, so that they can appreciate the wonderful work they do.

One hon. Member talked about our Supplies Branch. Let me assure the hon. Members that there is nothing which is hidden at the Supplies Branch. The tenders which are always advertised are open to everybody. We do not discriminate against any race or tribe. We go by the laid-down procedures which are always revised by the Treasury. Where hon. Members or members of the public feel aggrieved, they should report to us and we will take corrective measures. But so far, I am satisfied that the department is run---

Mr. Murungi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to cross over and say that tenders are properly granted when I know for certain that, that is not the case? For instance, the tender for the Meru-Githongo-Chogoria Road was awarded in January by Eng. Wakori, who is the Permanent Secretary, but because the people who won the tender did not give out a bribe, the tender was illegally cancelled and referred to the Ministerial Tender Committee, which has not resolved the matter up to now. The Kshs37 million that was allocated for that tender is still somewhere being "eaten" by his officers who are seated here. Could the Minister come out clearly and tell us the steps he will take?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Temporary Deputy Speaker, Sir, you can see that one of the biggest problems here is that even when we try to explain to the hon. Members what happens, they do not listen. This is the reason why we have a problem. Like now, I am talking about the Supplies Branch and I am addressing an issue which was raised by an hon. Member, and all of a sudden, my friend here is talking about his road. I can understand his concern, but I will address that road eventually.

I was informing this House that we will make sure that the laid-down procedures are adhered to and that there will be no discrimination whatsoever. It is the laid-down procedures which will be followed.

Mr. Temporary Deputy Speaker, Sir, the other issue which was raised was the standardisation of Government vehicles. This was a very welcome observation. In fact, the Ministry, in conjunction with the Ministry of Finance and Planning, has set up a committee to look into this issue. We hope that very soon, something will come out with a view to rectifying that particular concern.

The other issue which was raised by the hon. Members is the availability of roadworthy equipment. It is true that not all districts in the country have enough equipment. We appreciate the fact that some of the districts were created from others, but it was not possible to give all of them equipment. There has been a problem there. But given the financial constraints we face, it has not been possible for us to provide equipment, but I would like to inform this House that it is our desire to provide equipment for every district so that work can continue smoothly.

Mr. Temporary Deputy Speaker, Sir, on Government houses, I would like to say that the Government intends to raise revenue out of the sale of its houses. Let me further assure hon. Members that we will not sell all the houses. When I was moving the Vote, I said that the houses occupied by presidential appointees, judges and members of our disciplined forces will not be sold. That is the policy of the Government.

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

[Mr. Speaker took the Chair]

We will also not sell Government houses in rural areas in various districts because we feel that Government officers serving in such areas must be properly housed in order to discharge their duties well.

Mr. Speaker, Sir, with regard to roads, the Ministry uses standard road maintenance manuals in all the districts. It is not true that work is done in different standards in various districts. What, perhaps, could be different is the soils and such factors, for example, as the terrain and so on. Otherwise, the standards applied are the same throughout the country. We were assisted by the Japanese Government to come up with a manual which has been given to all districts so that the same standards are applied.

Mr. Speaker, Sir, the Ministry will also continue to encourage small-scale contractors, especially for labour-based contracts in poverty reduction strategy framework. I can report to this House that there has been some success in this area, where small-scale contractors have been trained and we have seen them perform well in parts of Coast and Nyanza Provinces.

With regard to the issue of drainage, this is an area we have noted and it is being addressed, and it is covered under the road maintenance manual. The current criteria used for funds allocation and distribution nationally is on the basis of the network function of the road. Let me say here that, whatever the Ministry does depends on what various districts request, through their road plans. It is a requirement that leaders will sit in various districts and recommend the roads that are supposed to be done according to their priorities. They are also supposed to send the same work plans for the Kenya Roads Boards (KRB) to consider and fund. So, of this requirement is observed by all, particularly with the assistance of hon. Members, we shall see a fair distribution of resources to the development of roads, and we shall attend to the road works according to the needs of *wananchi*.

Mr. Speaker, Sir, the other issue is with regard to various roads, which I could say are of concern to hon. Members, and which are receiving some attention in one way or the other. For instance, on the Mombasa-Mariakani Road, I could say that, already we have approached the European Union to fund the feasibility study, with a view of making that section of the road a dual carriageway. The road from Mombasa to Malava is generally motorable, except that there are some sections of that road, like the Sultan Hamud to Mito Andei; for which, already, we have approached a donor and we have agreed on it. Hopefully, that will be starting very soon. So, as I have said, others have received some attention, for instance, Mombasa-Malindi Road. I have personally visited that road and I know it calls for great attention and already we are doing something about it. We are sending some contractor there for its maintenance as we also look for funds to do proper designing in order to improve the whole road.

Mr. Speaker, Sir, we have also approached the African Development Bank (ADB) with a view to funding the improvement of the road between Athi River and Namanga. This is a regional road which is being looked after by the East African Community, and I know for sure that this road will be attended to.

Mr. Speaker, Sir, with regard to Mai Mahiu-Narok Road, the procurement for design and rehabilitation work is being done at the moment. Of course, the Ministry is doing the normal maintenance work while we seek funds for proper rehabilitation of the road. With regard to the concern about the encroachment of roads, already we have directed our officers on the ground to be very vigilant, to stop anyone encroaching on our roads. I would like to request hon. Members to keep us informed of where they think the roads are being encroached, and we will take the necessary action.

Mr. Speaker, Sir, there was a suggestion that some of our roads, like Mombasa-Malava, could be given out a concession. Let me inform the House that we have been seriously looking into this area; it has been ascertained that this road could be viable. But there are a few areas which we are still looking into, with a view to satisfying and finding out the modalities of implementing the same.

Mr. Speaker, Sir, with regard to bridges and related activities, I know that we have been a bit slow in this area. I have personally been to some districts where roads are being constructed, and where construction of bridges was going on. There had been delays and I can assure this House that this particular area of concern has been addressed and we are going to improve on this quite substantially.

The other issue of concern to hon. Members was the cost of grading, or the cost of paving certain roads, where hon. Members thought that there should be a standard cost per kilometre, or something like that. As has been said over again in this House and elsewhere, it is really not possible to put a standard cost for all the roads because various factors go into the costing of such roads. These factors keep varying from one area to the other. Let me say here that, we are doing everything possible to bring the cost down. In fact, if one looked at the records of what used to be the cost of the year; for example, two years or before the two years elapse, he will notice that there has been a great change between the last financial year and the one before.

Mr. Speaker, Sir, with regard to the question of accidents, let me assure hon. Members that, while constructing roads, we take cognizance of the fact that, people travelling on these roads must be safe. While it is true that some of the accidents have been caused due to the condition of the roads, it is also true that this problem really lies elsewhere, because if all our drivers were very careful on our roads, we could save more lives and hence this blame

would rest somewhere else.

The Rural Access Roads Programme that was in place has since been changed. Of course, we still have on-going activities in the rural areas to improve the rural access roads. Over the years, we have reformed the programme, and today we have in place the Roads 2000 Programme, which is going on in many districts.

Mr. Speaker, Sir, while initiating debate on this Vote, I said that the Roads 2000 Programme was on-going in some districts, and that we had already approached some development partners with a view to having it cover districts which have not hitherto benefited from the programme. The programme has worked very well. Through this programme, small-scale contractors have managed to participate in the maintenance of our rural access roads. The contractors have employed the local communities. So, the programme has been well received. We will continue to improve on it. We welcome ideas from hon. Members and members of the public on how to further improve the programme.

I would now like to respond to the question of stalled housing projects. Hon. Members will recall that I said that we are now trying to find out which of the buildings that were being put in place are necessary and which ones we can afford to construct to completion. We are trying to prioritise them, so that we can complete the projects which can be completed. We are looking at various options. Some of the incomplete houses could be sold to the public or to civil servants at a certain price, so that they can complete their construction and own them. So, these are areas which we are still looking at. Hopefully, we will reach a decision which will enable us to improve. As I said earlier, we, too, are not happy about stalled projects, which are not very pleasant to look at. It is appreciated that the Government invested heavily in these projects in terms of payments to both contractors and consultants. It is, therefore, prudent that stalled housing projects are completed. As I said, some of the options we have settled for are completing the projects in phases, as recommended by the Public Accounts Committee, and entering into joint venture with partners to complete the projects in an agreed arrangement.

Mr. Speaker, Sir, let me now touch on the issue of the 24 per cent of the Fuel Levy Fund, which the law requires the Ministry to release to the districts. First of all, let me say that it is our desire to implement the Act to the letter. As I have already informed the House, we have not managed to fully implement that particular aspect of the Act because when it came into being, the Government had already entered into various contracts, which we had to conclude. So, had we implemented that aspect of the Act, the Government would have remained with a burden, which is also of concern to hon. Members. As we are all aware, hon. Members have always been complaining about pending bills. It is our desire to clear these bills, so that we can see how to address other areas of concern.

Regarding the issue of constituency road funds, let me ask hon. Members to participate in the drawing of initial work plans for their respective constituencies. That is the only way hon. Members can know how funds for their constituencies can be utilised. For the last two years, we have managed to disburse the amounts as required of us. I know for sure that the funds reached the districts. So, I was amazed to hear some hon. Members still saying that the funds did not reach their districts. I am sure that the funds have been disbursed to the districts. If any hon. Member feels that the funds are not being spent properly - indeed, I have received some complaints from some hon. Members, and corrective measures were put in place immediately - let him tell us so, and we will act swiftly and decisively. We want the funds to reach the constituencies and ensure that they are used according to the work plan.

Mr. Speaker, Sir, before I sit down, I would like to respond to some remarks made by my shadow colleague, Eng. Toro. He said that he hopes to be on the Government side after the next general election. One thing he has forgotten is that he has enjoyed that dream for the last two Parliaments, and he has never realised it. Let me assure him that his dream will not come true even after the next general election, which is around the corner. I would, therefore, advise him to be serious in campaigning for his parliamentary seat because I believe that even after the next general election, KANU will continue to rule and continue to implement Government projects to the satisfaction of wananchi, as it has always, and ably, done.

With those few remarks, I beg to respond.

(Question put and agreed to)

[Mr. Speaker left the Chair]

IN THE COMMITTEE

[Mr. Chairman took the Chair]

The Minister for Roads and Public Works (Mr. Morogo): Mr. Chairman, Sir, I beg to move:-
THAT a sum not exceeding Kshs1,852,881,185 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2003, in respect of:-

Vote 13 - Ministry of Roads and Public Works

(Question proposed)

Mr. Chairman: Hon. Members, we will begin with the consideration of the Ministry's Recurrent Expenditure, Vote R13, which starts from page 603 of the Printed Estimates.

VOTE R13 - RECURRENT EXPENDITURE

SUB-VOTE 130 - GENERAL ADMINISTRATION AND PLANNING

(Heads 380, 381, 382, 419 and 600 agreed to)

(Sub-Vote 130 agreed to)

SUB-VOTE 132 - BUILDING AND WORKS

(Heads 400, 401, 402, 409 and 413 agreed to)

(Sub-Vote 132 agreed to)

SUB-VOTE 133 - OTHER SERVICES

Head 418 - Government Housing Section

Mr. Murathe: Mr. Chairman, Sir, under Head 418, there are a lot of discrepancies. Last year, the Ministry spent Kshs60 million under Item 200 - Replacement of Motor Vehicles - but no provision has been made for this year. Under Item 255, the Ministry also spent Kshs655 million but a provision of only Kshs40 million has been made this year. Under Item 261 - Security of Rented Government of Kenya Houses - the Ministry spent Kshs100 million last year, but a provision of Kshs90 million has been made this year.

I am trying to look at some of the major discrepancies between last year's provisions and this year's. For example, under Item 181 on Payment of Rents and Rates, expenditure has reduced from Kshs400 million to Kshs19 million this year. The Ministry should clarify whether there is a new way of doing things.

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, this is not a new way of doing things. I think the House is aware that the Government has since surrendered to their owners the houses which were leased, and so the necessity to pay more has now gone down. With regard to the issue of motor vehicles, the department bought some vehicles last year and so there is no need to buy them during this financial year. This also applies to maintenance. A lot of maintenance was done last year, and so this year, there will be less maintenance.

Mr. Murathe: Mr. Chairman, Sir, I want to understand whether you can have an expenditure dropping from almost Kshs1.3 billion to Kshs167 million, and the operations of the Ministry do not get affected.

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, there are so many factors to it. If you look at the transport operating expenses, you will find that they were very high last year for many reasons. One of the reasons was that there was the exercise of retrenchment and there was a lot of movement. On the issue of capital expenditure, for example, vehicles, it is not necessary to buy them every year. So, that is the reason why expenditure has decreased. It should also be noted that we could not get the amount of money that we required. We had to scale down our expenditure to the ceiling that we were given.

Eng. Toro: Mr. Chairman, Sir, under Item 261 on Security of Rented Government Houses, there is an allocation of Kshs90 million. Would it not be cheaper for the Minister to give these houses free of charge to Government officers, so that they take care of security and then the Minister will not have to pay for any security at all? What is the rationale of guarding vacant houses vis-a-vis allocating them to Government officers even if they were to stay in them free of charge?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, I mentioned during my

earlier speech that civil servants opted to move to cheaper rented houses. We cannot allow them to stay in the Government houses because we cannot be sure for how long they will be in them. We want the houses to be secure. This is why civil servants moved elsewhere and to secure the houses, we have to provide this amount of money to pay for security.

Mr. Chairman: Mr. Minister, the hon. Members are saying that if you look at Item 261, you will find that expenditure has gone down from Kshs100 million to Kshs90 million, and then the following year, the figure increases by a lot more. If the logic is that the number of houses has decreased, how come that the expenditure increases? That is what hon. Members are trying to ask.

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, I would rather we concern ourselves with this year's expenditure.

Mr. Chairman: The whole idea of us being given a three-year horizon Budget is that we keep everything in view.

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, I appreciate that, but I am trying to say that we are anticipating various factors in the coming year. It is easy for us to reduce the provision and then increase it in subsequent years. However, in this particular case, the provision is likely to continue decreasing in the coming years.

Eng. Toro: Mr. Chairman, Sir, the reason why Government officers have moved from Government houses is because when the Government evaluated rents and commercialised them, the rents went up so high that the officers could not afford them. So, they had no choice but to move out.

So, could the Minister consider reducing rents for Government houses--- If he does this, instead of paying for security, he will have officers staying in the houses and he will not have to allocate Kshs90 million for security.

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, I think it might be of help to the hon. Members to know that this does not go only to residential houses, but also takes care of the Government offices.

(Heads 399, 418, 505, 506 and 507 agreed to)

(Sub-vote 133 agreed to)

SUB-VOTE 134 - HOUSING DEVELOPMENT

Head 411 - Housing Department

Mr. Angwenyi: Mr. Chairman, on Head 411, Item 362 which is Shelter Afrique, why do we pay so much to it? What does it do for to the Government?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Shelter Afrique does many things. It is an institution set up by African nations with a view to looking into how best to provide shelter. It assists with loans for people and organisations to come up with housing and provision of shelter, and we are members of this organisation and that is our contribution towards it.

Mr. Angwenyi: On a point of order, Mr. Chairman. My question is: Why do we contribute this much? What are we benefiting from it? Could the Minister give me an example of what benefit Kenya has received from this institution?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, the Shelter Afrique has been granting loans, for example, to National Housing Corporation (NHC), where it has been able to assist in the provision of shelter in some of the municipalities in the country.

Mr. Kamolleh: Mr. Chairman, whereas I would like to agree with the Minister that loans were given to the municipalities, my question actually is: Most of those houses that Shelter Afrique constructed were in Nairobi, and yet there was no provision to other areas like Coast Province. Why do you only provide loans to some areas and leave out others?

Mr. Chairman: Well, I think you are being unfair to the Minister. Kshs30 million cannot be regarded as a lot of money in terms of housing development. However, Mr. Minister, he asked you a question. Could you answer it?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, this is only a contribution to this organisation. It is a subscription, so to say, and being a member, we negotiate loans according to the need and request by various towns and the rest.

Mr. Angwenyi: Mr. Chairman, this is a very important matter. We do know that the Government does not

provide housing to anybody any more. Why do we continue providing these kind of allocations for a body which would be of no benefit to us? When is the last time we got any loans from Shelter Afrique?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, we did sign an agreement with other states. Kenya will not just pull out until such a time that we may think that it is of no benefit to us. However for the time being, we will have to continue paying. The hon. Member is asking for an example, and I can invite him to visit one estate near the Nairobi Dam by the name "Jonathan Ng'eno Estate", and he will see that NHC is doing something.

(Heads 411, 416, 423 agreed to)

(Sub-Vote 134 agreed to)

SUB-VOTE 136 - ROADS

Head 384 - Major Roads

Mr. Angwenyi: Mr. Chairman, I can see there is a very heavy allocation on road maintenance as per Items 288 and 299. Does this Ministry have a road maintenance unit and if so, where is it located?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, indeed, we have a road maintenance unit and if you have been travelling on our roads, you will see that there have been some repairs and the rest. This particular amount is the amount that we are deducting from the Fuel Levy which is given to the Kenya Roads Board for various maintenance works.

Mr. Kibicho: Mr. Chairman, does this road maintenance unit do the clearing of bushes along road reserves and if so, does it also include cutting down the crops? If so, could you consider stopping its operations, so that you reduce the costs?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, I cannot really stop that one because I would hate to see the hon. Member get involved in an accident because he could not see the other side of the road because of the bush which encroaches on the road.

Mr. Murungi: Mr. Chairman, where is this road maintenance unit located because, at least, in my district, it is only the Kshs5 million that is used to maintain and even tarmac roads? Where is the road maintenance unit for Eastern Province located and have you given it any money?

The Minister for Roads and Public Works (Mr. W. Morogo): Mr. Chairman, I think the hon. Members will appreciate that this amount which is given to Kenya Roads Board is the amount that helps in maintenance of roads throughout the country. I highlighted some of the roads that have been maintained using these particular funds. As to the small units, I cannot say that we have them throughout the country. We just revived a few of them and they are on the major international highways for the time being. However, we are working towards having such units in every province, at least.

Mr. Chairman: So, there is none in Eastern Province?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, let me consult, but I believe we have one in Eastern Province. It is in Embu.

Mr. Angwenyi: Mr. Chairman, Sir, there is none in any province. If you travelled between Kisumu and Luanda, you can see what we go through. So, there is no maintenance.

Mr. Chairman: But my roads are maintained by the municipality!

Mr. Angwenyi: Mr. Chairman, Sir, is there an inspectorate unit in this Ministry? If so, how many people have been fired for approving shoddy work in the last one year?

Mr. Chairman: Mr. Angwenyi, you will help us greatly if you indicated which item you are talking about.

Mr. Angwenyi: I am referring to Head 393.

Mr. Murathe: On a point of order, Mr. Chairman, Sir. I think we had not exhausted this particular item and now he has gone to another one.

Mr. Chairman: No, they are together. We are dealing with heads 384 to 483.

Mr. Murathe: Mr. Chairman, Sir, the road maintenance programme is the crux of the matter. The monies that have been going to the DRCs are mainly for routine maintenance. There are very few areas where we have had actual allocation for development. We see roads which have been done using the Fuel Levy Fund, and I expect they come from this sort of allocation. There is this confusion because the Kshs5 million is allocated for routine maintenance and there is no funding for developing road network in the constituencies.

Mr. Chairman: Mr. Murathe, we are still dealing with Recurrent Expenditure.

Mr. Murathe: I agree, Mr. Chairman, Sir, and that is why I want clarification. If he is saying that he is granting Kshs8.3 billion to the KRB for Recurrent Expenditure, is he talking about routine maintenance; something that is recurring all the time? This is something which is causing a lot of confusion in terms of the monies that are sent to the DRCs.

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, maintenance work is completely different from the development of roads. The KRB is mandated to provide funds as collected from the fuel levy. This year, we anticipate to collect about Kshs8 billion, which is reflected here. This money will be spent according to the requisitions of various districts or work plans. The KRB will look at them to determine whether they merit and then it will provide funds. You will notice that even this Kshs8 billion is not enough to do and maintain all the roads in the country.

Eng. Toro: Mr. Chairman, Sir, I think we need a further clarification, because what Mr. Murathe was saying is that, we have put all the funds collected from the fuel levy into Recurrent Expenditure. The specific question was: Are we not going to allocate any money from the fuel levy for Development Expenditure, because all the money is in the Recurrent Estimates?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, I wish the law could allow me because the Act simply says that the whole amount should be spent on maintenance.

Head 393 - Road Works Inspectorate

Mr. Angwenyi: Mr. Chairman, Sir, do we have an inspectorate unit in this Ministry? If so, in the last one year, how many people have been sacked and, maybe, even surcharged for approving shoddy work? That is Head 393.

Mr. Chairman: Yes, but I thought we were talking about expenditure and not sacking.

Mr. Angwenyi: They have shown here that they are expending some money, but we are having shoddy work in the country. If there is that unit where we are spending money, what is their work?

Mr. Chairman: No, that is not an appropriate question for now because he is talking about monies that have been put into Recurrent Expenditure. If you want to ask a question about people who have been sacked, then I would suggest you ask it when the House is sitting. I have ruled on that.

Mr. Angwenyi: Mr. Chairman, Sir, we are approving expenditure of taxation. Why do we spend or allocate this money for this unit which does not exist?

Mr. Chairman: That is a better way of putting it.

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, one reason why there is some improvement in performance is because this particular unit is very much alert. It has been going round and advising on what to approve and what not to approve.

I can assure the House that there has been great improvement since we introduced this inspectorate.

Eng. Toro: Mr. Chairman, Sir, I want to be very clear in my mind and at the same time ensure that the Minister does not get confused. If we spent Kshs300 million from the fuel levy on recarpeting a road, would you call that routine maintenance or development?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, recarpeting a road which had been paved is simply maintaining it. So, it falls clearly on the function of maintenance.

(Heads 384, 386, 392, 393, 482 and 483 agreed to)

(Sub-Vote 136 agreed to)

(Vote R13 agreed to)

VOTE D13 - DEVELOPMENT ESTIMATES

SUB-VOTE 132 - BUILDINGS AND WORKS

Head 413 - Electrical Department

Mr. Angwenyi: Mr. Chairman, Sir, on Head 413, Item 298, is it possible to acquire PABX's for Government buildings for Kshs594,100,000, and also, Kshs39 million a year, maybe, for servicing them when we need so much

funds for our roads?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, in the last financial year, with the assistance of the Belgian Government, PABX facilities were installed in most Government departments. That activity has almost been concluded and the Kshs39 million is simply to clear the remaining part. This will conclude the whole programme this year.

Eng. Toro: Mr. Chairman, Sir, could the Minister explain, under Head 507, the Kenya Institute of Highways and Building Technology?

Mr. Chairman: We have not got there yet.

(Heads 400, 402 and 413 agreed to)

(Sub-Vote 132 agreed to)

SUB-VOTE 133 - OTHER SERVICES

Head 507 - Kenya Institute of Highways and Building Technology

Eng. Toro: Maybe the Minister can explain because in my contribution I raised the issue about the Kenya Institute of Highways and Building Technology. We do not see the benefit of having this institute. We can see the allocation of money for the Minor Roads Programme, and yet it is not clear what they do. Could the Minister explain?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, I know that Eng. Toro was not in when I did reply to his concern. The Kenya Institute of Highways and Building Technology does many things. First of all, it trains people on how to do minor roads. This is where we also train the small contractors. The institute has done a commendable job in this particular area because some of the roads which we have done under Roads 2000 have benefited immensely from the expertise that has been gained through the Kenya Institute of Highways and Building Technology.

Mr. Angwenyi: Mr. Chairman, Sir, actually my concern is the reverse of my hon. colleague. This institute does a very good job. In fact, it should be expanded to train more people. Why are they allocated so little? Kshs21 million is nothing these days. That is what a contractor takes in one hour's work.

The Minister for Roads and Public Works (Mr. W.C. Morogo): Again, this is due to the financial constraints that we are facing. We did request for a substantial amount of money. This is one of the institutions we would have liked to see more funding going to, but we could not do more because of the limitations.

Eng. Toro: In actual fact, I was asking that question indirectly because over the years, maintenance standards have been going down. At one time, maintenance standards for the Ministry used to be very high and this is when this institute was well-funded and well-managed. Why do we need it if it is not producing supervisors and personnel who can do supervisory maintenance? Right now supervision of maintenance has gone down.

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, this institute still does produce supervisors and it also provides training on the skills to be employed in this changing world. So, it is still very necessary to have this institute. After all, we cannot remain like this forever. Hopefully, very soon, our economy will have improved and we might increase our funding to this institute.

Head 404 - Planning and Research

Mr. Angwenyi: Mr. Chairman, Sir, I would like to raise an issue on Head 404, Item 298 - Slum Rehabilitation. Kshs82 million has been allocated for this rehabilitation programme. Where is this being conducted? So much money is being allocated to this item, and yet I have not seen them doing any slum rehabilitation in Kisii or Kibera.

The Minister for Roads and Public Works (Mr. W.C. Morogo): The German Government is assisting the Kenya Government to upgrade the Mathare 4A project at the moment. That project is ongoing and it has provided some funds. This year Kshs77 million has been allocated for that particular slum. A commendable job has been done. Although we have had some administrative and security problems in there, the intention is quite good.

Mr. Githiomi: Mr. Chairman, Sir, on Head 507, Item 455 - Roads 2000 Programme, they have estimated an allocation of Kshs9,201,000 for the Roads 2000 Programme. I wonder whether this is for maintenance or construction. Either way, this money will not be enough. Could we be told what it is for?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, an agreement was reached between Kenya and DANIDA in respect of the Roads 2000 Programme. This is a training component of that

agreement.

Head 505 - Mechanical and Transport Department

Eng. Toro: Under Head 505, Item 188, there was no allocation last financial year for commercialisation of mechanical services, but there is an allocation for this item this financial year and next financial year.

Could the Minister explain what commercialisation of mechanical services is?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, we have decided to commercialise this department. We want to hire out some of the equipment to individuals, contractors or anyone else who would be interested. This amount is meant to cater for the study of how best we can get into this commercialisation activity. This Kshs13 million is for consultancy services.

(Heads 399, 404, 505 and 507 agreed to)

(Sub-Vote 133 agreed to)

SUB-VOTE 136 - ROADS

Head 385 - Other Roads

Mr. Githiomi: Mr. Chairman, Sir, on Head 385, Item 431 Dundori-Ol Kalou-Njabini Road, could the Minister tell us whether the feasibility study has been done or how far the Ministry has gone?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, we have sought the help of the Arab Development Bank concerning this particular road and we are in agreement. We now want to carry out the feasibility study. This amount goes into the study which is ongoing at the moment.

Mr. Murungi: On the same Head, under Item 440 - Meru Githongo-Chogoria Road, I can see that you have allocated Kshs10 million for study and design. This road has been allocated some money for study and design for the last ten years. I can see that you will still be allocating Kshs20 million to this item all the way from 2000 to 2005. How many years does the Government need to study and design this road? Secondly, the tender which you gave for engineering design of the road was for Kshs37 million. Is the Kshs10 million which you have allocated sufficient for that engineering design to be done this year?

The Minister for Roads and Public Works (Mr. W. C. Morogo): Mr. Chairman, Sir, we approached the German Government to assist us on this particular road. The Kshs10 million is what we require this year to enable us conclude the study. The other allocations are for subsequent needs and findings of the study. Otherwise, for this particular year, we know that we have strong indications that we will receive support for its construction.

Head 384 - Major Roads

Mr. Murathe: Mr. Chairman, Sir, I want to go back slightly to page 491 - Head 384, items 501 and 502, the Machakos-Wote-Makindu Road, Kshs337,500 and another Kshs300 million. Then, we have Head 504, Wote-Makindu Road Project, Kshs130 million. Could the Minister tell us whether this is part of the same road or is it a repetition? Or, really, what is it?

The Minister for Roads and Public Works (Mr. W. C. Morogo): Mr. Chairman, Sir, this road was funded by two donors. One was the Organisation of the Petroleum Exporting Countries, and the other one by the Kuwait Fund. That is why under Heads 501 and 502, we have shown two amounts. The other, Head 504, is for the road from Wote to Makindu, which is a separate project sponsored by Badea.

Mr. Angwenyi: Mr. Chairman, Sir, on the same Head, there are two provisions. As he says, there are items 501 and 502. Are they speaking of the same road? Secondly, if item 504 is being funded separately, are they constructing a parallel road between Wote and Makindu?

The Minister for Roads and Public Works (Mr. W. C. Morogo): Mr. Chairman, Sir, one is from Machakos Town to Wote. Then, from Wote Town to Makindu is another road.

Mr. Omingo: Mr. Chairman, Sir, I am on Head 385, item 451, page 492 - Kisii-Chemosit Road. The approved estimates for this financial year is Kshs100 million, and the estimated costs of this road is---

Mr. Chairman: Order! No! That is for last year.

Mr. Omingo: Mr. Chairman, Sir, how does the Minister then anticipate to finalise this road because it is a

political road which has continued to be constructed over the years?

Mr. Chairman: Kshs100 million could last for---(inaudible).

Mr. Omingo: Mr. Chairman, Sir, was that money spent? This is because no work has commenced, and Kshs400 million is supposed to be spent. That is what I am saying.

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, certainly the work that can be done within this financial year requires only Kshs400 million, and that is why we have budgeted accordingly.

Mr. Chairman: He is asking about what the Kshs100 million did.

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, the contractor has already mobilised, and he is on the ground.

Mr. Angwenyi: Mr. Chairman, Sir, this is a road which has been talked about in this House for long. Last year, there was no work done on the road. Was the Kshs100 million spent to pay the contractors to stay at home?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, to the best of my knowledge, the contractor who is one of the best contractors we have; Put Sarajevo, has mobilised and is on the ground.

In fact, I intend to visit that particular road because I know the concern which the community in the area attach to this road. I have been there once, and I know the concerns they have. I intend to see to it that this road is done.

Mr. Githioni: Mr. Chairman, Sir, on Head 385, Item 431 - Dundori-Ol Kalou-Njabini Road, there is an estimate of Kshs12 million for feasibility studies, and last year there was Kshs15 million for the same feasibility studies. I was told that the feasibility studies are ongoing. Could we be told at what stage the feasibility studies are? Have they finished the ground work, written the report and taken it to the Minister?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, the feasibility studies have already commenced, and they are ongoing. We have not received any report because we have not concluded the studies. I believe they will be finishing feasibility studies soon, as we have urged them. I know the hon. Member has always been at my office seeking to see the commencement of the works on this road, and I share his concern.

Mr. Murungi: Mr. Chairman, Sir, with regard to Head 385, Item 440, in January this year, the Permanent Secretary appointed Gibb and Partners to do the engineering study and design for the Meru-Chogoria Road. That contract was cancelled under mysterious circumstances after an appeal by Otieno Odongo and Partners. We were told that the matter has gone back to the Ministerial Committee, which had approved Gibb and Partners in the first place. Is the matter still before the Ministerial Committee and secondly, when is this study going to be completed?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, the studies are ongoing, and soon they will be finished. The Government of Germany has agreed to do this road. If they assist us, the work will start.

Mr. Angwenyi: Mr. Chairman, Sir, on Head 385, Item 453 - Mai Mahiu-Narok Road, I can see there was an amount of Kshs53 million which was supposed to have been spent last year. I am a user of that road every week and nothing was done in the last financial year. The road requires a lot of work and I see it has an allocation of only Kshs14 million to do it. Yet, they spent Kshs53 million last year for nothing! What would Kshs14 million do, if Kshs53 million did not do an inch?

The Minister for Roads and Public Works: (Mr. W.C. Morogo): Mr. Chairman, Sir, last year, we indicated that we expected Kshs53 million and it did not come. This year, the AFD of France and KFW of Germany have agreed to sponsor that road, and the Kshs14 million will be used to do a study on the road, and they will do the actual construction of the road.

Mr. Angwenyi: Mr. Chairman, Sir, I thought that if the amount to be spent on that road is so much, they should show the amount that would be spent to do the road, and show the contribution by the German Government as Appropriations-in-Aid. Otherwise, how much will be used to do that road? Is it Kshs14 million?

The Minister for Roads and Public Works: (Mr. W.C. Morogo): Mr. Chairman, Sir, as I said, that particular amount did not come. The re-allocation is what is being budgeted now. There is the Kshs14 million under the AFD of France, and Kshs14 million from the KFW of Germany.

Eng. Toro: Mr. Chairman, Sir, I am back to the issue of feasibility studies; the one for Kshs12 million, and the Meru one. It is a well-known fact that corruption starts from consultancy level. Could the Minister tell us what is the total consultancy fee for those feasibility studies? That is because there is a question of percentage. The higher the consultant puts the contract sum, the more money he gets! So, what is the total consultancy fee, instead of breaking it per year for three years?

Could the feasibility studies not be done one year and allocate all the consultancy fees in one year, instead of breaking it to three years?

The Minister for Roads and Public Works: (Mr. W.C. Morogo): Mr. Chairman, Sir, studies on various

roads take time according to the work that is required. So, some can be done within a year or two, and some could even extend to three years.

Mr. Chairman: I will now put the Question on Heads 384, 385, 488 and 489.

Mr. Murathe: On a point of order, Mr. Chairman, Sir. You have gone faster than what you had proposed!

Mr. Chairman: Order, Mr. Murathe! The Question has been put!

Mr. Murathe: I wanted to rise on a point of order! This is very critical!

Mr. Chairman: It is not a question of "what I want". The Question has been put!

Mr. Murathe: What you put did not include Head 489, when you first put the question the first time! You had not read that one. You had gone to Head 488. That is because on Head 489, we need a few clarifications!

Mr. Chairman: Excuse me! I read Heads 384, 385, 488 and 489!

Mr. Murathe: No! Maybe, you actually started on page 491 with Head 384, and went up to Heads 385 and 488.

Mr. Chairman: So, are you saying that I did not read Head 489?

Mr. Angwenyi: No, you did not!

Mr. Murathe: If you did, then we are asking for your indulgence to look at Head 489 slowly! That is because we did not hear it!

Mr. Angwenyi: Give him the benefit of doubt!

Mr. Chairman: Order! What is your plea?

Head 489 - Miscellaneous (RARP and GBC)

Mr. Murathe: Mr. Chairman, Sir, there was an allocation of Kshs224 million for approved estimates last year under STABEX funds for agricultural roads. There is another Kshs300 million. As far as I am concerned, I do not know where that Kshs224 million was spent and the Minister should tell us where he intends to spend this Kshs300 million under the STABEX facility.

The Minister for Roads and Transport (Mr. W.C. Morogo): Mr. Chairman, Sir, this money is being provided by the European Union as STABEX funds to improve roads in coffee and tea growing areas in Eastern Province. Although this money was allocated last year, it was not spent. We have allocated it in this financial year, 2002/2003.

Mr. Angwenyi: Mr. Chairman, Sir, this is a very important issue. As you know, I come from a tea and coffee growing area. Could the Minister tell me which one project in that area benefited from STABEX funds. Why did they not use the Kshs224 million allocated last year?

The Minister for Roads and Transport (Mr. W.C. Morogo): Mr. Chairman, Sir, when we negotiated for these funds, it was agreed on which regions they will be spent and on which roads.

Mr. Murungi: Mr. Chairman, Sir, I come from Eastern Province. As you know, I am the Vice-Chairman of the Coffee and Tea Parliamentary Association (COTEPA). Why was this money not spent last year in Eastern Province? Where is the money now? Who do we follow up?

The Minister for Roads and Transport (Mr. W.C. Morogo): Mr. Chairman, I am sure the hon. Member knows that there were a lot of consultations last year between the Treasury and the donors. Since they have now concluded their consultations, these funds will be released to be used in Eastern Province.

Mr. Omingo: Mr. Chairman, Sir, I think I have a problem in terms of accounting. I am an accountant by profession. I wonder whether we are not at risk of double accounting in this case, or somebody saying they allocated the money but it was not spent. How do we ensure that there is no double accounting? Are we not risking double accounting?

The Minister for Roads and Transport (Mr. W.C. Morogo): Mr. Chairman, Sir, there cannot be double-accounting because the money is spent according to the Government regulations. Treasury advises each Ministry on how to account for its funds. We cannot account for funds which we did not receive from Treasury. But I can assure the hon. Members that whatever funds we receive from Treasury, they are transparently accounted for.

Mr. Chairman: We know the books are audited every year by the Controller and Auditor-General. If there is any double-accounting, he will pick it up quite easily.

Mr. Murungi: Mr. Chairman, Sir, we are still following up on the STABEX funds - Item 442. The Minister says the money for last year was not spent and now he has allocated Kshs303 million for coffee and tea roads in Eastern Province. Could this money be released to us through the District Roads Committees (DRCs) because the coffee and tea roads are the rural access roads which fall under the jurisdiction of the DRCs, so that we can be sure that this amount is spent for the benefit of our farmers?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, it was negotiated and agreed that the STABEX funds will be used to do certain roads. This particular amount of money is meant for Eastern Province. We have agreed on how we will spend it.

Eng. Toro: Mr. Chairman, Sir, the issue of STABEX funds is a very sensitive one to coffee and tea growing areas. The Minister has been unable to explain this satisfactorily. If you look at last year's expenditure, you will find that the money was not spent and it is reflected here as an approved estimate. There is an increase this year, and there is also a provision next year. If he says that the work which was supposed to be done in the last financial year was not done, and it will be done this year, where will the money or the provision for next year and the following year go? Do we adopt this and all the money is used to do roads in Eastern Province, or where will the other money be spent in the next financial year?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, I have said that this money will be used to do some roads in Eastern Province. Some roads have already been identified, and they will be funded by this money.

Mr. Githiomi: Mr. Chairman, Sir, I am on Head 489, Item 495 - Road Maintenance. The Minister has estimated Kshs105 million for road maintenance. Could he tell us the roads he will maintain, and whether he has set aside some money for Nyandarua District, which has very bad roads?

Mr. Angwenyi: Mr. Chairman, Sir, first of all, let us exhaust Item 442.

Mr. Chairman: Order! We have already done that. I had very exceptionally allowed him to go to Head 489.

Mr. Angwenyi: Mr. Chairman, Sir, the farmers are being impoverished---

Mr. Chairman: Order, hon. Members! I will only allow very limited questions for Head 489. I had recognised Mr. Githiomi before.

Mr. Githiomi: Mr. Chairman, Sir, I am on Head 489, Item 495 - Road Maintenance. The Minister has estimated Kshs105 million for road maintenance. I would like to know the roads he will maintain, and whether he has set aside some money out of the Kshs105 million for maintenance of roads in Nyandarua District, which has very poor roads.

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, the roads in Nyandarua are not covered under Item 495, but are covered under the Roads 2000 Programme, Item 496.

Mr. Murungi: Thank you, Mr. Chairman, Sir. The Minister has said that they have identified some roads which they will do using the Kshs303 million STABEX funds. Could he give us the list of those roads? Secondly, this amount of money was actually Kshs700 million. What has happened to the other Kshs400 million?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, I think the hon. Member can see that in the subsequent year, we had an allocation. All we are doing is to budget for what we can spend in this particular year.

Mr. Murungi: Mr. Chairman, Sir, which roads?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, for instance, we will do Maua-Mikinduri Road. There are also some roads in Machakos and Makueni Districts of Eastern Province which will be done using these funds.

Mr. Murungi: On a point of order, Mr. Chairman, Sir. These funds were meant to repair tea and coffee roads. The Meru-Mikinduri Road is just a single road which passes through a coffee area. There is no money which has been allocated to tea roads in Meru District. Which tea is there in Makueni District?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, Sir, I think the hon. Member is also aware that after negotiations and consultations, it was also agreed that the funds could not be limited simply to coffee and tea areas; they could also serve other agricultural areas.

Eng. Toro: Mr. Chairman, Sir, then it is misleading for the Minister to put the words "coffee and tea" here! We had better remove those words and put the following words "under agricultural products." However, the Minister said that during this financial year, he will be funding the construction of roads in Eastern Province. Has the Minister decided where and which roads he will construct next year, or is he not going to construct roads in Eastern Province?

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Chairman, we will still construct roads in Eastern Province.

Mr. Angwenyi: Mr. Chairman, Sir, he always gets the short end! With some of these fundings; the same thing happened on *El Nino* funds, Kenya Urban Transport Infrastructural Programme (KUTIP) and everything. Is the Minister saying that there is no allocation from STABEX funds for areas such as Kisii, South Nyanza, Kericho, Nandi, and even Rongai where he comes from, and that there is no single road that is going to benefit from this funding?

The Minister for Roads and Public Works (Mr. W. C. Morogo): Mr. Chairman, Sir, indeed, these other areas will also be covered. When I moved this Vote, I mentioned that discussions are on-going for Roads 2000

Programme to be undertaken in other districts, particularly the Rift Valley, Western and Nyanza Provinces.

(Heads 384, 385, 488 and 489 agreed to)

(Sub-Vote 136 agreed to)

(Vote D13 agreed to)

(Question put and agreed to)

(Resolution to be reported without amendment)

(The House resumed)

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

REPORT

Vote 13 - Ministry of Roads and Public Works

Mr. Omino: Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding KSh.1,852,881,185 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2003, in respect of Vote 13 - Ministry of Roads and Public Works, and has approved the same without amendment.

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Minister for Finance (Mr. Obure) seconded.

(Question proposed)

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, I have only a few comments to make. We have noticed improvement in the operations of the Ministry for the last one year, and I would like to call upon the Minister and his team to endeavour to enhance proper maintenance and expansion of the road network in the country. This House would like the Ministry of Roads and Public Works to move away from the number two category, as assessed by Transparent International, as one of the most corrupt institutions in Kenya, to the bottom. I am sure that the team at the Ministry's headquarters, which is currently being led by my friend, the Permanent Secretary, who has been in the Ministry since his completion of university studies, can do the job. If the Minister can give that team the political goodwill, and not intimidate them to award contracts to politically-correct contractors, we can achieve a lot.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Minister for Roads and Public Works (Mr. W.C. Morogo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Eng. Toro suggesting that I have been doing what he has said? He must be suffering from---

An hon. Member: But he has praised you!

The Minister for Roads and Public Works (Mr. W.C. Morogo): Mr. Temporary Deputy Speaker, Sir, Eng. Toro must withdraw what he said about me because I do not think that he will ever substantiate it. I am in a good working relationship with my officers. We have, together, managed to improve the Ministry's operations because we have wonderful working relations. I do not think it is good for him to suggest that I have been intimidating my officers. I think he should withdraw that.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Karauri): Hon. Members, it is time for us to interrupt our business. Therefore, the House is now adjourned until tomorrow, Thursday, 3rd October, 2002, at 2.30 p.m.

The House rose at 6.45 p.m.