

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 4th September, 2007

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

IMPLEMENTATION OF IPPG RESOLUTION ON CONSTITUTIONAL AMENDMENTS

Mr. Marende: Mr. Deputy Speaker, Sir, before I ask Question No.1 by Private Notice, may I disclose to the House that I am an hon. Member of the Inter-parties Committee, and, to that extent, I am interested in the matter.

I beg to ask the Minister for Justice and Constitutional Affairs the following Question by Private Notice.

(a) What progress has been made towards publishing a Constitutional Amendment Bill as resolved by the Inter-parties Parliamentary Group on 19th June, 2007?

(b) Could the Minister state when the Bill will be published?

Mr. Deputy Speaker: Minister for Justice and Constitutional Affairs!

The Assistant Minister, Office of the President (Mr. Munya): Mr. Deputy Speaker, Sir, she is just at the door!

Mr. Deputy Speaker: Mr. Munya, but you know that we do not wait for Ministers. Next Question! Mr. Marende, we will come back to your Question in a little while.

WITHDRAWAL OF ANTI-STOCK THEFT UNIT FROM BORABU DIVISION

Mr. Masanya: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Administration and National Security the following Question by Private Notice.

(a) Is the Minister aware that the Anti-Stock Theft Unit at Kineni/Isoge area of Borabu Division, Masaba District, has eradicated cattle rustling and stopped tribal clashes experienced in the area previously?

(b) Is the Minister aware that the Unit has been withdrawn from the area inspite of the community having donated land and CDF funds having been used to construct permanent structures for the Unit?

(c) Could the Minister order the reinstatement of the Unit to safeguard the prevailing peace and guard against recurrence of insecurity-related incidents in the area?

Mr. Deputy Speaker: The Minister of State, Office of the President!

Mr. Cheboi: He has gone out to look for the Minister for Justice and Constitutional Affairs!

(Laughter)

Mr. Deputy Speaker: Mr. Vice-President and Minister for Home Affairs, are we really serious?

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, it was in good faith that Mr. Munya wanted to bring in the Minister for Justice and Constitutional Affairs to answer the Question. She has just arrived!

Mr. Deputy Speaker: But that is not the good way to do it! Mr. Munya is not here!

[Mr. Deputy Speaker]

Mr. Minister, could you take your seat? Mr. Marende, you can now ask your Question. If the Minister is not ready, we can go to the next Question.

IMPLEMENTATION OF IPPG RESOLUTION ON
CONSTITUTIONAL AMENDMENTS

Mr. Marende: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Justice and Constitutional Affairs the following Question by Private Notice.

(a) What progress has been made towards publishing a Constitutional Amendment Bill as resolved by the Inter-Parties Parliamentary Group on 19th June, 2007?

(b) Could the Minister state when the Bill will be published?

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The report of the Inter-Parties Parliamentary Group (IPPG) is not officially with my Ministry.

(b) In view of my answer to part "a" above, part "b" does not arise.

Mr. Marende: Mr. Deputy Speaker, Sir, the answer by the Minister is obviously very unsatisfactory. You will recollect that this Question came up last week and the Attorney-General attempted to answer it. He began to say that, indeed, the Government was aware---

M. Deputy Speaker: Can I correct you, Mr. Marende? The Attorney-General did not attempt to answer the Question. The Question had been originally directed to the Attorney-General's office and it was redirected by the Attorney-General to the Ministry of Justice and Constitutional Affairs. The Attorney-General only commented, but he never attempted to answer the Question.

Continue, Mr. Marende!

Mr. Marende: Mr. Deputy Speaker, Sir, as I said, the answer by the Minister is obviously most unsatisfactory. In fact, it amounts to no answer except for being pedantic. The Minister is herself an hon. Member of the Inter-Parties Parliamentary Committee and she has been represented at all the meetings of the committee. Therefore, she is officially aware of the report of the Committee and the resolution that was made by the committee on 19th June, 2007. I wish to table the minutes of the committee. Could the Minister be so kind to this House and to Kenyans, to answer the Question?

*(Mr. Kamanda was applauded as
he entered the Chamber)*

Mr. Deputy Speaker: Order now! I believe the Chair would have done the same if I had a place, because that is meant to congratulate the Kenyan team which was second in the world. The Minister for Gender, Sports, Culture and Social Services has just arrived. Congratulations, Mr. Minister!

Mr. Marende, sorry for the interruption, but I think it was worth it.

Continue!

Mr. Marende: Mr. Deputy Speaker, Sir, indeed, I also associate myself with that applause because the Minister for Gender, Sports, Culture and Social Services deserves it.

However, if I continue from where I was, the Minister is an hon. Member of that committee by virtue of her position as the Minister for Justice and Constitutional Affairs. Therefore, being an hon. Member in that official capacity, she is aware of the decision that the committee made on 19th June, 2007. I wish to table the minutes of that meeting.

*(Mr. Marende laid the document
on the Table)*

Mr. Deputy Speaker: What is your question, Mr. Marende?

Mr. Marende: Mr. Deputy Speaker, Sir, given the fact that the Attorney-General has passed the buck on to her portfolio, when will she ensure that the Attorney-General complies with the resolution of the committee to publish the Bill?

Ms. Karua: Mr. Deputy Speaker, Sir, first, I am not in charge of the Attorney-General. He is an independent constitutional office holder. Secondly, if, as the Questioner puts, I am supposed to be aware of the report, then the Standing Orders do prohibit anyone from asking a Question whose answer is obvious. But I want to reiterate that, officially, my Ministry is not aware.

Thirdly, I am aware that there was a communication from the committee to the Attorney-General. The Attorney-General raised some very fundamental issues of concern with the committee which I am not aware whether they have been dealt with. So, officially, there is nothing on which my Ministry can take action.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, before I ask my question, I also want to congratulate the Minister for Gender, Sports, Culture and Social Services for leading a team out of this country, which attained position two in the world.

If the Minister is an hon. Member of this committee and up to now she is not aware of what is happening, honestly, why does she sit in the committee, and as who? Does she sit there as a Minister? If she is not aware, does it mean that she sits in the committee without brains?

Ms. Karua: Mr. Deputy Speaker, Sir, which committee is the hon. Member referring to? I would just ask him to do his homework!

Mr. Cheboi: Mr. Deputy Speaker, Sir, I think the main problem here is the fact that there is an issue between the office of the Attorney-General and the Minister for Justice and Constitutional Affairs. The issue is that when we asked the Question and directed it to the office of the Attorney-General, he referred it to the next office. That is not important because, first, I think the Chair should give us guidance on the issue.

However, 168 hon. Members have appended their signatures confirming and affirming that they would wish minimum reforms to be brought before this House. Here with me, I have a list of 168 hon. Members and two others who are willing to sign before the end of this Session.

Mr. Deputy Speaker: What is your question?

Mr. Cheboi: Mr. Deputy Speaker, Sir, I want to lay this list on the Table. I am not asking a question to the Ministry and I do not even need an answer from the Ministry.

Mr. Deputy Speaker, Sir, I want to lay the list on the Table, so that you can take it to the President, so that he can direct us on this issue. Hon. Members, and Parliament itself, are willing to deal with this matter once and for all. As you table the list before the President, you should also tell him to congratulate our good Minister for doing a good job!

*(Mr. Cheboi laid the document
on the Table)*

Ms. Karua: Mr. Deputy Speaker, Sir, it is not incumbent upon me to engage with any hon. Member on the procedures on any matter. Every hon. Member is deemed to be aware of which procedure to follow when he or she wants a matter brought before the House. I, therefore, have absolutely, no comment.

Mr. Cheboi: Mr. Deputy Speaker, Sir, I will---

Mr. Deputy Speaker: Order, Mr. Cheboi! By the way, the committee you are referring to is not a committee of this House. Therefore, do not drag the Chair into a matter concerning a committee that is not a committee of the House. If it was a committee of the House, I would, certainly give directions.

Ms. Ndung'u: On a point of order, Mr. Deputy Speaker, Sir. The Minister is an hon. Member of the committee and she is aware that this bi-partisan committee discussed the issue of affirmative action including creating 24 seats for women in the Constitution. Because of what happened to the 50 seats proposal that she brought to the House, could she, please, embrace the spirit of the bi-partisan Committee to ensure that, at least, the proposal for the women seats is brought to the Floor of the House?

Ms. Karua: Mr. Deputy Speaker, Sir, I will not be able to engage in double-speak. There was a proposal before this House two weeks ago, not for 24, but for 50 Members. As far as I am aware, the hon. Member asking this question was opposing the same!

Ms. Ndung'u: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to state that I was opposed to the 50 seats when, indeed, I was not? I was actually helping her lobby! We, as women MPs, actually pleaded with her to withdraw the Bill, so that we could negotiate for those seats with the male Members. Could she, please, withdraw and apologise to me?

Ms. Karua: Mr. Deputy Speaker, Sir, I affirm my remarks!

Mr. Deputy Speaker: Order, Ms. Ndung'u! You have already made your response. I gave you an opportunity to respond to the allegation that you opposed.

Ms. Ndung'u: Is she in order?

Mr. Marende: Mr. Deputy Speaker, Sir, you will notice that the Minister has been obviously evasive with this Question. She has chosen not to give any answers. What is significant is that the Minister asserts that if there are minutes of the committee meeting and she is a member of that committee, then she will not answer the obvious. There is nothing obvious about this matter because the resolution of the committee is clear. The decision was that the Attorney-General should proceed to publish a Constitutional Amendment Bill which he has not done. There is nothing obvious about this issue. Could she tell Kenyans, and the House, whether or not she is still committed to ensuring that there is constitutional change in this country for which Kenyans have been yearning for a long time and that she will not continue to engage in public relations exercises on constitutional matters just to appease Kenyans?

Mr. Deputy Speaker: Order, Mr. Marende!

Mr. Marende: Mr. Deputy Speaker, Sir, allow me to finish---

Mr. Deputy Speaker: Order, Mr. Marende! You have asked a question. Now you are making a speech! Let the Minister respond.

Ms. Karua: Mr. Deputy Speaker, Sir, it is clear to everybody who is playing to the Gallery. I have said here that the Attorney-General received communication from the committee. He raised some very fundamental issues about the constitutionality of the proposals. As far as I know, those

issues have not been dealt with by the committee, yet the committee expects action to be taken. Let us ask Questions genuinely and not play to the Gallery. The commitment of the Government to constitutional review was exemplified by my tabling a Bill for the comprehensive review because minimum is not an end in itself. It is a stop-gap while waiting for comprehensive reforms. The Bill is before the House. The House, in its wisdom, stayed the discussion on the proceedings. The Government has done the best it can.

Mr. Deputy Speaker: Mr. Cheboi, I have examined the document that you laid on the Table of the House. It is actually a letter addressed to His Excellency the President. I do not know what role you want the Chair to play. Therefore, you may take your letter back. If you wish the Chair to have anything to do with it, discuss with the Chair before you lay it on the Table.

(Mr. Cheboi took back his letter)

WITHDRAWAL OF ANTI-STOCK THEFT
UNIT FROM BORABU DIVISION

Mr. Masanya: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Administration and National Security the following Question by Private Notice.

(a) Is the Minister aware that the Anti-Stock Theft Unit at Kineni/Isoge area of Borabu Division, Masaba District, has eradicated cattle rustling and stopped tribal clashes experienced in the area previously?

(b) Is the Minister also aware that the Unit has been withdrawn from the area in spite of the community having donated land and CDF funds having been used to construct permanent structures for the Unit?

(c) Could the Minister order the reinstatement of the Unit to safeguard the prevailing peace and guard against recurrence of insecurity-related incidents in the area?

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

(a) I am not aware of the Anti-Stock Theft Unit that was based at Kineni/Isoge area. However, I am aware that there was an Anti-Stock Theft Unit which was temporarily based at Memisi area of Borabu Division, Masaba District. I am also aware they eradicated cattle rustling and stopped tribal clashes experienced in the area previously.

(b) I am also aware that the Anti-Stock Theft Unit was withdrawn on 27th, August, 2007 when stock theft in the area was brought under control. In addition, I am aware that the community has donated one acre of land and 20 temporary police houses together with a permanent administration block. Cells were put up through CDF funds and community effort.

(c) The area is adequately being patrolled by police officers at Riodonye Patrol Base in Memisi area which is situated five kilometres away.

Currently, plans are underway to deploy additional police officers to the area in view of the Government's immediate plans to have the patrol base upgraded and gazetted into a fully fledged police post.

Mr. Masanya: Mr. Deputy Speaker, Sir, I am so disappointed by the answer given by the Assistant Minister. The police units he is talking about have been there since Independence. They did not eradicate the tribal clashes he is talking about nor did they stop the stealing of these animals. Since this unit was withdrawn, about nine cows have been stolen. How come he is convinced that the same police officers who did not do anything can now stop the problem?

Mr. Munya: Mr. Deputy Speaker, Sir, the Anti-Stock Theft Unit personnel are usually moved to an area where there is a serious problem of stock theft. A minor theft of one, two or three

head of cattle, can adequately be handled by police officers. These officers were there for that purpose. Our assessment is that the problem has been dealt with. We have already placed police officers in places where the Anti-Stock Theft Unit personnel were stationed. There are five police officers in the facilities that the MP has put in place. We are in the process of gazetting this place as a police post and, in future, upgrade it to a police station. We think the situation is under control right now. There is no need of deploying Anti-Stock Theft Unit police. They have been taken to areas where there are more serious problems.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I am shocked by the answer given by the Assistant Minister. These are the types of answers which will destroy this Ministry the way the Ministry of Transport was destroyed after Mr. Michuki moved away.

I am sure Mr. Michuki would move in and restore that Anti-Stock Theft Unit in that place. Nine cows were stolen from the Kisii community. They are worth more than Kshs1 million. So, it is not a small matter! One single cow---

Mr. Deputy Speaker: Ask your question, Mr. Angwenyi!

Mr. Angwenyi: Mr. Deputy Speaker, Sir, one single cow to a Kisii farmer means 100 cows to a Maasai!

Mr. Deputy Speaker: Mr. Angwenyi, I will cut you short!

Mr. Angwenyi: Mr. Deputy Speaker, Sir, could the Assistant Minister restore that unit immediately? I know they have a problem managing the Commissioner of Police. When he makes a decision, even if it is against a community, they do not know how to manage him. That is how he removed those officers from there. Could he restore that unit immediately?

Mr. Munya: Mr. Deputy Speaker, Sir, I have already indicated that we have already deployed five police officers there. We are not planning to deploy other officers; the five are already there at the station. If the problem gets worse, and these officers cannot handle it, we will increase the police presence. The issue of cattle theft has been brought under control. We cannot have a contingent of Anti-Stock Theft Unit personnel in that particular area.

Mr. Maore: Mr. Deputy Speaker, Sir, concerning the issue raised by Mr. Angwenyi, there is a problem between the Office of the President and the Commissioner of Police. However, the Assistant Minister has evaded the issue. Does it confirm that our Police Commissioner is out of the control of the Minister and this Assistant Minister?

Mr. Munya: Mr. Deputy Speaker, Sir, those are baseless allegations. I do not think I need to respond to them.

Mr. Masanya: Mr. Deputy Speaker, Sir, I think there is total confusion in this department. When this unit was first established, the Government officials participated. They used to tell us that the unit would be there permanently. That is why we put up permanent structures through community efforts and the CDF. All of a sudden, they withdrew the unit!

Mr. Deputy Speaker, Sir, could the Assistant Minister reinstate this unit in that area immediately?

Mr. Munya: Mr. Deputy Speaker, Sir, I have already said that we have deployed police officers to that particular place with a view to making this a police station. If there will be need to bring back the Anti-Stock Theft Unit, that will be done. Right now, we think the situation is under control.

ORAL ANSWERS TO QUESTIONS

Question No.184

MEASURES TO SPEED UP LAND

CASES IN COURTS

Prof. Oniang'o asked the Minister for Justice and Constitutional Affairs:-

- (a) whether she is aware that there are land cases piling up in the Kakamega Law Courts affecting the district and the entire Western Province that have lasted for over three years;
- (b) if she could state whether or not this is a countrywide problem; and,
- (c) what the Government is doing to amend land laws and introduce modern technology in order to speed up the process.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that there are land cases piling up, not only in the Kakamega Law Courts, but in many other courts in the Republic which cases have accumulated over the years.

(b) It is a countrywide problem.

(c) The following steps are being taken:

1. Review of the land laws is under progress.
2. The Expeditious Disposal of Cases Committee was established by the Chief Justice on 25th May, last year, with a mandate to develop techniques, measures and rules to achieve the expeditious determination of cases before the courts.

3. The Rules Committee established under Section 81 of the Civil Procedure Act has an objective to make, improve and simplify rules of civil procedure to improve access to justice at a cost-effective and affordable rate. The Judiciary is currently in the process of implementing a system of digital-audio reporting of court proceedings which will greatly increase the speed at which proceedings are recorded; thus eliminating the need for judicial officers to take down proceedings in longhand as is the practice now.

4. Additionally, computerisation of court registries, and training of the staff on the same, is ongoing with the assistance of the Governance Justice Law and Order Sector Reform Programme (GJLOS). This will lead to increased sufficiency in the processing of cases at the registries.

5. A proposed amendment in the Statute Law (Miscellaneous Amendments) Bill, now before the House, seeks to increase the number of Court of Appeal Judges from the current 11 to 14 and those of the High Court from the current 50 to 70. This move is expected to go a long way in bridging the existing gap that has greatly contributed to the backlog of cases countrywide.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, I want to thank the Minister for that very detailed answer. However, for many Kenyans, land is the only item they can call a resource. Many of these cases are tied up in the courts over very minute issues. Could she tell us when the proposed recommendations are put in place and how long it will take to clear the backlog of cases?

Ms. Karua: Mr. Deputy Speaker, Sir, I cannot give the exact time. As the Judiciary tries its best to expedite cases, the litigants, through their lawyers, are also part of the problem for applying for adjournments and delaying cases. To this end, the Judiciary has also established a pilot scheme on a court user's committee where all the parties to the dispute, from the prosecutors, the litigants through their advocates, the probation officers and all the people in the court system process are meeting to find out exactly where the bottlenecks are. We are, therefore, urging Kenyans to participate in this process to make sure that together we expedite, not only land cases, but also clear the backlog.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, one of the reasons why there are very many pending cases is the inability of land dispute tribunals and land control boards to operate fully. One of the reasons behind this poor performance is that there are no sitting allowances and any other payments which are currently being received by these two bodies. Secondly, there is also lack of training opportunities for their members. Could the Minister inform the House what the

Government is doing to ensure that, one, these people are trained properly, and two, payments are made in time, so that they can deal with these land cases?

Ms. Karua: Mr. Deputy Speaker, Sir, under GJLOS, there is training for the land disputes committee members. Issues of payments are also being streamlined. We have a procedure where the payments are being made by the lands office. There is a proposal to try and see whether their payments could come under the ambit of the courts. These are quasi-judicial tribunals, so that we can streamline the operations of these tribunals. However, I want to agree that there are bottlenecks and we are looking at them.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, many of the cases I am aware of are so simple that they could actually be [Prof. Oniang'o] solved at the family level and even through the chiefs. Could the Minister tell us why it is not possible to be done even for many of these very simple cases?

Ms. Karua: Mr. Deputy Speaker, Sir, at the moment, the law does not allow that to be done at that level. There is nothing to stop warring parties from discussing and recording that consent in courts. However, there is also a proposal to look for a small claims court where certain disputes can be discussed and settled out of the courts. However, land disputes mainly are also coming from succession causes which ought to go through the court process before they are settled. I think that these are all ideas which merit consideration as we look for a solution to this very thorny problem.

Question No.461

MEASURES TO ADDRESS INFLATIONARY
TENDENCIES IN THE ECONOMY

Mr. Owino asked the Minister for Finance:-

- (a) what the main causes of the current inflationary tendencies in the economy are; and,
- (b) what measures he has taken to address the problems in order to protect consumers.

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

(a) The current inflationary tendencies in the economy are caused by a number of factors amongst them being increased prices of food, wines and spirits, rising costs of cooking gas and charcoal and rising housing costs.

(b) In order to contain the inflationary spiral, the Government has put in place a number of measures such as pursuit of prudent monetary policies that support low and stable rates of inflation and curbing of unnecessary Government spending and keeping the domestic borrowing within target.

Mr. Owino: Mr. Deputy Speaker, Sir, the Assistant Minister is proudly telling Kenyans that the economy is growing at 6.3 per cent. Could he inform the House how this relates to the common *mwananchi* who is really suffering because of the high cost of food products and other items in the economy?

Mr. Kenneth: Mr. Deputy Speaker, Sir, first of all, it is not a question of pride. It is a question of the truth that the growth rate has been at 6.3 per cent. However, I have said that arising from increased prices of food, there has been inflation. I have also said that the only way to curb that inflation is to pursue prudent monetary policies that we are doing, and probably, to invest a

little bit more in improving road transport to be able to curb the rising costs of foodstuffs.

Mr. Ahenda: Mr. Deputy Speaker, Sir, could the Assistant Minister inform the House about the current inflationary trend rates in the country at the moment?

Mr. Kenneth: Mr. Deputy Speaker, Sir, in May it was 6.3 per cent, June, 11.1 per cent and in July, 2007, it was 13.6 per cent.

Mr. Owino: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House by talking about the underlying inflation and not the overall inflation? Could he inform the House about the overall inflation because that is what affects *mwananchi* and not the underling inflation?

Mr. Kenneth: Mr. Deputy Speaker, Sir, I have actually given statistics of the overall inflation and not the underlying inflation. We can tackle underlying inflation by tackling a wider sense of growth. However, we cannot be able to tackle the overall inflation unless we employ prudent monetary policies.

Mr. Syongo: Mr. Deputy Speaker, Sir, could the Assistant Minister assure this House that the Government is not involved in printing and releasing excess currency into the economy ahead of the general elections?

Mr. Kenneth: Mr. Deputy Speaker, Sir, this House has my assurance on that.

Mr. Deputy Speaker: Next Question by Mr. Muturi!

Question No.457

ACADEMIC/PROFESSIONAL QUALIFICATIONS
OF CHAIRPERSONS OF SUGAR COMPANIES

Mr. Muturi asked the Minister for Agriculture:-

(a) what the academic/professional qualifications of the chairpersons of the Boards of Directors of the following sugar companies:-

(i) Mumias;

(ii) Sony;

(iii) Chemelil;

(iv) Nzoia; and

(v) Muhoroni are;

(b) whether he could also confirm that the chairpersons of the listed State Corporations are competent to hold office and that none has been convicted of a felony or declared bankrupt; and,

(c) how he rates the performance of the chairpersons.

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

(a) The academic and professional qualifications of the chairpersons of the Boards of Directors of the five sugar companies are as follows:

Mr. Deputy Speaker: Mr. Assistant Minister, if it is a long document, lay it on the Table of the House!

The Assistant Minister for Agriculture (Mr. Muiruri): Mr. Deputy Speaker, Sir, it is not a long document; it is a short document.

(Mr. Raila was applauded as he entered the Chamber)

Mr. Deputy Speaker, Sir, the Chairperson of Mumias Sugar Factory is Mr. John Bose whose professional qualifications indicate that he is an Associate of Chartered Institute of Bankers (ACIB, UK) and also holds a Diploma in Banking. He has been the Chief Executive of the Development Bank of Kenya for the last 15 years.

Mr. Deputy Speaker: Order, Mr. Assistant Minister! You have got five companies listed here and stating the qualifications of their chairpersons will take long! I suggested that you lay the document containing their qualifications on the Table of the House and then proceed to answer the other parts of the Question. Is that not possible?

The Assistant Minister for Agriculture (Mr. Muiruri): Mr. Deputy Speaker, Sir, if you only give me one minute I will finish! The next one is Sony Sugar Company and its Chairman, who is Mr. Herbert Ojwang, holds a Higher Diploma in Public Relations and Marketing and a Diploma in Management and Human Resources. The third one is Chemelil Sugar Company, but the position of its Chairperson is vacant. The fourth one is Nzoia Sugar Company and its Chairperson is Mr. Burudi Nabwera who is a former Minister for Internal Security and holds a Bachelor of Science in Economics. Finally, is Muhoroni Sugar Company which has no Board because it is under receivership.

That is all.

Mr. Muturi: Mr. Deputy Speaker, Sir, I have some records, some of which relate to decisions of the High Court, regarding one of the Chairmen, Mr. Herbert Ojwang. I was pleading with the House to allow me time, up to Tuesday next week, in order to present them to the Minister, so that I can ask a proper supplementary question.

Mr. Deputy Speaker: Mr. Muturi is asking for the Question to be deferred in order for him to receive more information. What is your reaction, Mr. Muiruri?

Mr. Muiruri: Mr. Deputy Speaker, Sir, this Question has come here for the fourth time now. Mr. Muturi should also declare his interest in this Question. He comes from Siakago. I do not know why he has brought this Question, which is on sugar companies. I have the answer here. I have said very clearly that the man is highly educated---

Mr. Deputy Speaker: Order! Order, Mr. Muiruri! As the Chair has ruled from time to time, there is no particular constituency that belongs to anyone. Mr. Muturi may come from Siakago, but he has the right to ask a Question touching even on Mumias. I do not know why you should take an issue with that one.

Having said that, the hon. Member has a very genuine Question. He has made a request, that he requires more time to seek more information in order that he may ask some supplementary questions. I, really, do not see any problem in that. So, I defer the Question to Thursday next week.

(Question deferred)

Mr. Deputy Speaker: Next Question by the Member for Butula!

Question No.428

DELAYED PAYMENT OF COMPENSATION TO
FREDERICK NAYIYA'S NEXT OF KIN

Prof. Mango asked the Minister for Transport:-

(a) whether he is aware that Mr. Frederick Nechesa Nayiya, a locomotive driver, was crushed to death at Moi's Bridge/Lesero Railway Station, while driving a locomotive train in 1996;

(b) whether he is further aware that to date no compensation has been made to his next of kin; and,

(c) what he is doing to ensure that the bereaved family is compensated without further delay.

The Minister for Transport (Mr. Mwakwere): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Frederick Nechesa Nayiya worked as a locomotive driver Grade RB3 with the Kenya Railways Corporation until he met his death through a tragic train accident along Moi's/Soi Bridge Section on 8th November, 1996.

(b) Records indicate that after the death of the employee, the Kenya Railways Corporation management, procedurally, requested the District Commissioner (DC), Busia, to provide a list of the legal dependants for the purpose of payment of both death gratuity and workmen's compensation dues. The DC, Busia, in his letter, dated 11th March, 1997, gave a list of dependants comprising of three widows, namely, Selfa Adikinyi, first wife; Beatrice Naliaka, second wife; Mwajuma Nekesa, third wife, and seven children.

Thereafter, the management processed death gratuity dues, amounting to Kshs187,142.50, which was submitted to the DC, Busia, on 4th July, 1997, for disbursement to the legal dependants. The first wife was advised to contact the DC, Busia, for the dues. The family members decided to follow up the workmen's compensation dues through their lawyer, M/s N. Gikonyo & Company Advocates of Eldoret, who wrote to the corporation on 4th August, 1997, seeking an admission of liability and quantification of the amount due. However, the lawyer has made no further necessary follow-up on the matter since then.

(c) I would, therefore, request the hon. Member to advise the deceased's next of kin to follow up the death gratuity with the DC, Busia. They should pursue the workmen's compensation claim directly with the management of Kenya Railways Corporation for faster finalisation of the issue. They may, alternatively, make a follow-up with their advocate, if they so prefer.

Prof. Mango: Mr. Deputy Speaker, Sir, I thank the Minister for the answer. However, it is now ten years since this happened. The family members are not in a position to follow up the case. Could the Ministry help the family to follow up workmen's compensation dues since they cannot get to Nairobi to do so?

Mr. Mwakwere: Mr. Deputy Speaker, Sir, the Ministry is willing to help by highlighting the procedure that must be followed. Once an officer dies, there is a process to be followed for the payment of dues to the dependants. A death certificate and a confirmation letter from the local DC, showing the list of legal dependants and the degree of dependency, have to be forwarded. The dues are then sent to the Public Trustee, or DC, for disbursement to the dependants. So, I would advise, as a Ministry, that the dependants should contact the DC, Busia, for the necessary follow-up.

Capt. Nakitare: Mr. Deputy Speaker, Sir, the Minister has dwelt very much, in his answer, on the Kenya Railways Corporation. Is he aware that the Kenya Railways Corporation no longer exists, and that it was replaced by the Rift Valley Railways? On the other hand, road and railway carnage is as a result of the Ministry's failure to post road signs and railway signs to warn drivers. What steps is the Ministry taking to save people from carnage on our roads?

Mr. Mwakwere: Mr. Deputy Speaker, Sir, that is a different Question. However, I am wondering where Capt. Nakitare lives. If he lives in Kenya, he should know that the Kenya Railways Corporation was not disbanded. The corporation is still there. We only contracted Rift Valley Railways to operate Kenya Railways. We did so jointly with the Ugandan Government. So, he should rest assured that the Kenya Railways Corporation is still there. Only three days ago, I appointed a Managing Director to it.

Secondly, the problems afflicting the railway systems are known by everybody. Our solution was to get a concessionaire to run the system; we privatised it, because that is the trend

globally.

Mr. Deputy Speaker: Mr. Mwakwere, Capt. Nakitare raised the issue of lack of sign boards at railway crossings, citing that as the reason as to why there are many accidents. He sought to know what you are doing to ensure that accidents are minimised.

Mr. Mwakwere: Mr. Deputy Speaker, Sir, I will be very pleased to have signs posted at appropriate places, if Capt. Nakitare could cite examples.

Mr. Deputy Speaker: Last question, Prof. Mango!

Prof. Mango: Mr. Deputy Speaker, the deceased person's family tried to follow up this case through the advocate, but because they cannot afford the advocate's fees, they could not continue. Could the Ministry help the family to hire a lawyer, so that they can follow up the workmen's compensation?

Mr. Deputy Speaker: Prof. Mango, the Minister has already advised you on the matter. The deceased person's family has already approached a lawyer. How can you ask the Ministry to hire a lawyer for the family?

Anyway, Mr. Minister, it is your question!

Mr. Mwakwere: Mr. Deputy Speaker, Sir, I would like to inform the hon. Member that the Ministry is ready to assist further by advising the family to, directly, get in touch with the management of Kenya Railways Corporation. If they do so, the Ministry will intervene accordingly to have the matter sorted out as fast as possible.

Question No.459

DESTRUCTION OF CROPS BY WILDLIFE
IN LARE DIVISION

Mr. Deputy Speaker: Mr. Mukiri is absent. Therefore, the Question is dropped!

(Question dropped)

Hon. Members, that marks the end of Question Time.
Prof. Oniang'o!

POINTS OF ORDER

WITHHOLDING OF CERTIFICATES ON
ACCOUNT OF FEES BALANCES

Prof. Oniang'o: Mr. Deputy Speaker, Sir, I wish to seek a Ministerial Statement on a matter which I know is close to your heart about certificates belonging to school leavers being held by schools. As you know, there are more than 600,000 Kenyans whose certificates are still in school.

The reason why I am seeking a Ministerial Statement is that on 2nd August, 2007, the Permanent Secretary, Ministry of Education was quoted to have said that he sent letters to principals and head teachers of secondary schools instructing them to release those certificates belonging to poor students. Since that time, I have received information that the children are being turned away and the principals and heads are claiming ignorance over the matter.

So, I want the Minister to tell us if it is true that the advisory was sent to every school and what is being done to make sure that these children are released from bondage so that they can take

advantage of the opportunities that are available right now. As you know, we passed a Motion here that those certificates should be released. I want to hear from the Ministry and the Minister himself regarding this matter.

Mr. Deputy Speaker: Prof. Oniang'o, you are very right. That matter is very dear to me. Although you said that there are 600,000 Kenyans whose certificates are still held in schools, my estimation is one million former students. Now, do we have the Minister for Education here? Your Excellency the Vice-President and Minister for Home Affairs, would you, please, take up that matter and forward it to the Minister for Education?

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, I will certainly do so.

Mr. Deputy Speaker: Thank you.

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

Mr. Deputy Speaker: Yes, Mr. Kamotho!

POLICE BRUTALITY AT KIRIAINI
TRADING CENTRE

Mr. Kamotho: Mr. Deputy Speaker, Sir, my point of order is on an issue I raised on 22nd August, 2007 with regard to an incident in Kiriaini Market of Keru Location, Murang'a District where the police raided the trading centre, beat up people, locked them up and one person died. The Minister promised to bring a Ministerial Statement on Wednesday, last week, but he did not. Could the Minister tell us why and when he will bring the Ministerial Statement?

Mr. Deputy Speaker: Mr. Munya, you have heard Mr. Kamotho!

The Assistant Minister, Office of the President (Mr. Munya): Mr. Deputy Speaker, Sir, we can give the Statement on Thursday.

Mr. Deputy Speaker: You were supposed to issue the Ministerial Statement last week! I think it will be reasonable to ask that you bring the Ministerial Statement tomorrow morning. Is that okay, Mr. Assistant Minister?

The Assistant Minister, Office of the President (Mr. Munya): Mr. Deputy Speaker, Sir, I will bring the Statement tomorrow afternoon.

Mr. Deputy Speaker: Very well! Next Order!

COMMITTEE OF SUPPLY

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

MOTION

THAT MR. SPEAKER DO
NOW LEAVE THE CHAIR

Vote 14 - Ministry of Transport

The Minister for Transport (Mr. Mwakwere): Mr. Deputy Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair.

Mr. Deputy Speaker, Sir, the Government recognises the pivotal role played by the transport sector in the rapid economic development of our country. The world over, transport is

acknowledged as crucial in facilitating both national and international trade and commerce. It is gratifying to note that the country's Strategy for Economic Recovery, Wealth and Employment Creation, whose implementation comes to an end this year, recognises infrastructure, which includes transport, as one of the three main pillars of economic recovery. Consequently, the Government has, for the last four years, invested substantial resources in the transport sector.

Indeed, the sector has been one of the high key growth areas in the economy. Its share of the Gross Domestic Product (GDP) contribution in 2006 was 9 per cent. During the current fiscal year, the Ministry will focus on priority areas that will contribute towards the realisation of the Kenyan Vision 2030, which is taking over from the Economic Recovery Strategy (ERS), and whose aim is to transform the economy into a middle income one with a sustained growth rate of 10 per cent for the next 25 years.

The transport sector in Kenya encompasses a system comprising of aviation, roads, rail, maritime and inland waterways, motorised and non-motorised means of transport and meteorological services. The mandate of the Ministry of Transport is to formulate and oversee implementation of transport policies, develop appropriate regulatory framework, investigate air accidents, motor vehicle inspection and provision of meteorological services.

Mr. Deputy Speaker, Sir, in 2005, the Ministry developed a five-year strategic plan 2005-2009, which is a valuable planning and management tool that has helped the Ministry to remain focused in playing its role in realising the national goal of economic recovery. The plan defines the business of the Ministry and the key targets for achievements over the planned period. Essentially, the strategic plan will be instrumental in assisting the Ministry accomplish its mission of facilitating accessible transportation services and meteorological information to spur socio-economic growth. This mission draws from the Ministry's vision of developing our country, a world class transportation system and meteorological services for improved quality of life for our people.

Mr. Deputy Speaker, Sir, the Ministry performs its mandate through the departments and State corporations under its portfolio. I am glad to inform this august House that since the introduction of performance contracts, the departments and corporations have recorded remarkable improvement in generating profits, honouring tax obligations, paying dividends to Treasury and in delivering social good to our people.

Mr. Deputy Speaker, Sir, the Ministry performs the following core functions alongside others in line with its mandate: Transport policy, Kenya Railways Corporation, Kenya Ports Authority, Kenya Ferry Services, Transport Licensing Board, Motor Vehicle Inspection Unit, Registration and Insurance of Motor Vehicles, Kenya Civil Aviation Authority, Kenya Maritime Authority and Kenya Meteorological Department.

One of the achievements registered in the area of policy reforms is the recent formulation of the Integrated National Transport Policy. There are a number of policy recommendations in these documents which address the myriad of problems in the transport sector. The proposed policy focuses on the integration of the transport infrastructure and operations. It also advocates private sector participation in developing Kenya's strategic position as a regional transit hub. A Sessional Paper on the document has been developed to facilitate appropriate action by this House.

Mr. Deputy Speaker, Sir, other important areas of policy reforms undertaken by the Ministry include the joint concessioning of Kenya-Uganda Railways. After years of decline in the performance of the rail operations, the Government decided to concession freight and passenger services of the Kenya Railways Corporation.

On 1st, November, 2006, the Governments of Kenya and Uganda jointly concessioned the Kenya-Uganda Railways to the Rift Valley Railways Company (RVR). This is a private operator. The period of concession is 25 years for freight services and five years for passenger services. This

shift in policy is intended to stimulate private sector investments into the current dilapidated rail network and rolling stock. The anticipated improved efficiency in operations will reduce transportation costs in the region thereby making Kenya the preferred transit country into the hinterland of Africa. It will also make Kenyan goods competitive in the regional and global market.

Mr. Deputy Speaker, Sir, the Government is very keen on strengthening regional integration, especially with the neighbouring neighbour states. Towards this end, the Ministry has plans to improve a new transport corridor from the Port of Lamu to Ethiopia and Southern Sudan. This undertaking will comprise of a road network, railway line, oil refinery, oil pipeline, Lamu Airport and a free port at Lamu. The project will be implemented on a Build Operate and Transfer concept (BOT). It is estimated to cost between US\$10 billion to US\$15 billion. It will take six years to complete. A draft framework agreement has been formulated between Kenya and Kuwait investors. It is currently under discussion.

Mr. Deputy Speaker, Sir, the Kenya Ports Authority (KPA) plans to develop a free trade zone at the Port of Mombasa through public-private sector partnership arrangement.

Mr. Deputy Speaker, Sir, the Kenya Meteorological Department is charged with the responsibility of collecting and disseminating weather and climatic information for safety of life, protection of property, advancement of economic activities and conservation of the natural environment. The global trend is towards the creation of semi-autonomous agencies and the Ministry is considering this status for the Kenya Meteorological Department.

The current public transport system is dependent on *matatus*, buses and railway. It is a system experiencing numerous problems which the Integrated National Transport Policy mentioned earlier elsewhere in this statement, intends to address immediately. However, in order to cope with the increasing demand for an efficient public transport system in the City of Nairobi, the Government intends to introduce a convenient mass transport system in the form of Bus Rapid Transit (BRT) System. It is a system designed to reduce both the prevailing traffic congestion and environmental pollution in the city. A draft concept paper on the proposed BRT has already been prepared. It is currently being scrutinised in sensitisation workshops with the aim of seeking views from key stakeholders. The envisaged project will entail the construction of segregated bus ways and tendered infrastructure. The introduction of a light rail system is also under consideration.

Mr. Deputy Speaker, Sir, I am pleased to inform this august House that following extensive consultations between my Ministry and the Treasury and the stakeholders in the aviation industry the Kenya Civil Aviation Authority (KCAA) and the Kenya Airports Authority (KAA) have been allowed to retain the revenues collected in the form of air navigational fees and passenger service charge respectively. This is a major policy shift that will enable these corporations to undertake both their capital and operation programmes in line with their corporate strategic plans and thereby improve their service delivery.

Mr. Deputy Speaker, Sir, allow me to express my Ministry's gratitude for the understanding shown by the Treasury on this issue.

Mr. Deputy Speaker, Sir, we have ongoing projects and programmes which are worth mentioning. In its efforts to enhance service delivery, the Ministry and State corporations are implementing several projects and programmes. Some of the major ones involving substantial financial resources are:

(i) Road safety campaign: These programmes were introduced in the year 2003 and are still going on in the Ministry. The programmes emphasize on multi-media public awareness campaigns and impromptu inspections aimed at evaluating compliance with road safety requirement and enforcement of regulations. This is done through licensing of only those operators who comply with road safety regulations. The programmes have yielded commendable results. They have created employment opportunities in the motor transport industry and several investors have

ventured into this industry.

Mr. Deputy Speaker, Sir, the programmes have reduced carnage on our roads. Before the road safety campaigns, there used to be 44 fatalities for every 10,000 vehicles. This figure has now been reduced to 30 fatalities for the same number of vehicles even though we have disappointing surges over certain months of the year.

The KPA has made substantial investment in the equipment modernization and replacement programme. The programme involves procurement of new marine craft such as tugboats and equipment like ship to shore cranes, rift stokers and fork-lifters. This investment has cost Kshs5 billion and was started in 2003. The programme is aimed at increasing efficiency at the port.

The Authority is at an advanced stage of automating most of its cargo clearance operations. This is being done through the e-Port concept introduced in November, 2006. This venture will reduce cargo clearance processes and improve efficiency at the port.

Mr. Deputy Speaker, Sir, revenues from marine operations have been dwindling. The major reason for this undesirable development is the by-passing of the Port of Mombasa by large vessels. Only small size vessels are calling at the Port of Mombasa. Large post-Panama vessels cannot access the Port due to its shallowness and narrowness of the entrance point. This is a matter of concern since the Port is gradually evolving into a Feeder Port. Solution to this problem is to deepen the channel to 14.5 metres. The project is expected to cost Kshs4.5 billion. Meanwhile, the Treasury has availed a total of Kshs800 million, since the last financial year, to embark on this project.

Mr. Deputy Speaker, Sir, the other ongoing project is the expansion of Mombasa Container Terminal. The Authority is undertaking measures to accommodate the growth in container traffic at the Port. It has re-designed the existing container terminal with a view to increasing its holding capacity. Plans are also under way to construct a new container terminal near Port Reitz. The first phase of this project will commence early 2008 and will be funded by the Japan Bank for International Co-operation (JBIC).

Mr. Deputy Speaker, Sir, the other ongoing project is the enhancement of maritime safety and security. The International Maritime Organisation (IMO) has identified Mombasa as a regional centre. Following this recognition in May, 2006, the IMO entered into a joint venture with the Kenya Ports Authority (KPA) and the Kenya Maritime Authority (KMA) and established a research and rescue co-ordination centre for ships and crew in distress at sea. The centre will serve the whole of the East African region.

The integrated security improvement programme has also been put in place, and is being implemented at the Port of Mombasa. This programme complies with the International Ships and Port Security (ISPS) code and, therefore, guarantees the safety of our Port.

Mr. Deputy Speaker, Sir, the next project within the Ministry, or its parastatals, is the expansion and upgrading of the Jomo Kenyatta International Airport (JKIA). The mandate of managing airports and aerodromes falls under the Kenya Airports Authority (KAA). The country is experiencing phenomenal growth in passenger and cargo traffic. Over the last two years, the traffic has grown by 6 per cent and 15 per cent, respectively. The main thrust of the Authority's current development programme, therefore, is the expansion project at the JKIA, which is intended to improve passenger and freight facilities such as the cargo apron, warehouses, *et cetera*. The project also includes upgrading of existing terminal facilities. It will cost Kshs9 billion. The KAA will meet 90 per cent of the project cost from its own internally-generated resources, and this is a great compliment to ourselves, as a country. In its efforts aimed at countering terrorist attacks, the KAA will not compromise on the security of our airports. It will continue to invest in modern security and safety equipment and general security surveillance.

Other ongoing project in the Ministry is the Flight Safety and Security Project. The core function of the Kenya Civil Aviation Authority (KCAA) is to regulate the civil aviation industry and to provide air-navigation services. In its current efforts of ensuring civil aviation safety and security, this Authority has recorded the following accomplishments.

(a) It has successfully carried out calibration of its equipment in line with International Civil Aviation Organisation (ICAO) regulations.

(b) The Authority has started implementing the Kenya Airspace Master plan which will re-organise our airspace and enhance air traffic monitoring and control.

Mr. Deputy Speaker, Sir, we, however, have challenges and that is why I was mentioning them to the august House to aid decision-making as we discuss the proposed budget. The Ministry is addressing the following challenges with the urgency they deserve. These include the fragmented transport system, low investment in transport infrastructure, and inappropriate institutional framework. We also have challenges in slackened enforcement of rules and regulations, general corporate governance and the area of congestion at our seaports, airports and, sometimes, in other areas. We also have the problem of enhancement of safety and security issues at the seaports and airports. A lot is being done but that remains as a challenge, because it is still a global challenge and we cannot divorce ourselves from that overall global challenge.

We have the challenge of reviewing outdated legislation. The activities of the Ministry go far back into the old colonial days, and a lot needs to be changed. A lot has been changed and adjusted to meet some present demands, but a lot more needs to be done and we are systematically working on that in all modes of transport in the country.

Mr. Deputy Speaker, Sir, we have a challenge relating to environmental concerns, especially pollution, inadequate technical personnel especially in air-accident investigations, motor vehicle inspection and meteorological services. There is also a challenge in modernisation and replacement of equipment.

High on the agenda of these challenges is the replacement of ferries. The Kenya Ferry Services (KFS) is scheduled to procure two new ferries, while consultations are ongoing between the Ministry and the Treasury for funds to rehabilitate the existing ones. The Ministry's budget that is before us here, though inadequate will be utilised prudently in addressing these challenges.

The Ministry of Transport has been funded under the Physical Infrastructure Sector in the current 2007/2008 Financial Year. The gross amount obtained for this sector, to finance both Recurrent, Vote R14, and Development, Vote D14, in my Ministry falls under the recurrent sector, which has been allocated Kshs4,600,825,000 and under the development sector, which has been allocated Kshs4,731,676,000. I need not go into the details because they already appear in the Budget booklet which each hon. Member of this august has read and has with him or her here today.

Mr. Deputy Speaker, Sir, may I also highlight the general distribution, which will also assist in the discussions, that under General Administration, we have been allocated Kshs1,807,390,000, and the allocation for Information, Communication and Technology Services is Kshs55,110,000. Under the Road Transport generally, we have Kshs167,325,000. The net Recurrent amount of Kshs2,029,825,000 in the current financial year reflects an increase of Kshs355,437,980, or 21 per cent, from the previous financial year's figure of Kshs1,674,387,020. The increased resources in this Vote will enhance grant subventions availed to the KMA, which is a newly-created parastatal, now regulating the maritime industry, and the KFS, which is a social services-oriented State corporation that renders free services to *wananchi* across Likoni and Mtongwe Channels. But, of course, only pedestrians and cyclists enjoy this free service and not motorists. Both corporations rely on Government resources since their operations are not profit-oriented for the time being.

Two, that would enable the Ministry of Transport to set aside Kshs50 million to settle court awards for the victims of the Mtongwe Ferry disaster. Of course, every time a court decision is made, we pay in accordance with the law. But there are still some cases pending in court. So, we have set aside that money so that, whenever a court decides that we pay, we will have funds to pay the dependants of the Mtongwe Ferry disaster without any delay.

Three, financial resources for ongoing road safety campaigns: A tribunal has been set up in my Ministry to address complaints from stakeholders in the motor vehicle industry.

Four, assist the Ministry to meet its international financial obligations. The Ministry is a contracting party to several conventions which include International Maritime Organization, Transit Transport Co-ordination Authority and the International Civil Aviation Organization.

(The light at the Table flickered)

I was wondering whether my time is up because the light at the Table kept on going on and off. Maybe, the bulb has a problem. So, I was not sure whether---

Mr. Deputy Speaker: It is on! You have four minutes!

The Minister for Transport (Mr. Mwakwere): Mr. Deputy Speaker, Sir, all the other details are captured in the Budget document. But may I mention here that we have set aside funds for projects like Wajir Airport. It will be opened officially in the next few days. We have set aside funds for the purchase of ferries, the dredging of the Port of Mombasa, modernizing facilities and equipment to improve meteorological services and maintenance of aerodromes and airstrips.

Mr. Deputy Speaker, Sir, we are doing a lot under the Northern Corridor Transport Improvement Project. We are involved in capacity building at the Ministry of Transport and Kenya Civil Aviation Authority. We are also involved in the ongoing expansion of the airport in Nairobi. We are also participating actively in the East African Trade and Transport Facilitation Project which will cover integrated security systems and community-based systems at the Kenya Ports Authority (KPA), access to pension schemes and Kibera Relocation Plan following the concessioning of the Kenya Railways, the establishment of a transport data centre at the Ministry's Headquarters, which is also included.

Mr. Deputy Speaker, Sir, in the current financial year, the Ministry of Transport is expected to collect Kshs1,977,000,000 in the form of Appropriations-in-Aid under the Recurrent Vote. In the Development Vote, the Ministry will receive a loan through Authority to Incur Expenditure (AIE) amounting to Kshs1,470,676,000.

In conclusion, Mr. Deputy Speaker, Sir, I wish to reiterate that the monies availed to my Ministry will be expended on the activities, projects and programmes intended, in line with the Medium-Term Expenditure Framework guidelines and the Government Financial and Procurement Regulations, in order to realise the objectives of the Kenya's Vision 2030 in the transport sector. I also want to emphasize here that the Ministry of Transport works very closely with other Ministries because a lot of its activities depend on the successful achievements of other Ministries, particularly, the Ministry of Roads and Public Works, the Office of the President and, to a certain extent also, all other Ministries in general. I am therefore, most honoured to request the House to give the Ministry's Vote full support, so that we may operate effectively, efficiently and to meet the aspirations of Kenyans in the Financial Year, 2007/2008.

With those few remarks, I beg to move.

Mr. Deputy Speaker: Who is seconding?

(Several hon. Members consulted with Ministry officials in the Civil Service Bench)

Could I ask hon. Members standing on my right to go back to their seats? Who is seconding this Motion?

(Loud consultations)

The Minister for Transport (Mr. Mwakwere): I would like to request Dr. Kituyi, who is the Minister for Trade and Industry, to second.

The Minister for Trade and Industry (Dr. Kituyi): Thank you very much, Mr. Deputy Speaker, Sir. My friend and colleague had forgotten a little detail of asking somebody to second his Vote.

Mr. Deputy Speaker, Sir, I beg to second the Motion as presented and, in the process, wish to make a few remarks of my own. First of all, I would like to thank the Minister for giving a very substantial attention to issues that have been yearning for our attention for the past decade, at least. It is not good enough to go back to history to see the price we are paying for inadequate attention to transport infrastructure; the inadequate attention to the ports and the airports of this country, and the extent to which they are inhibiting attaining an even higher momentum in our national growth.

Mr. Deputy Speaker, Sir, while I applaud the Minister for the efforts he is making to turn around the Port of Mombasa, to open the Port of Lamu properly, to extend new routes into the interior to Southern Sudan and Ethiopia, to expand Jomo Kenyatta International Airport, I have two or three requests that I would like to make.

Mr. Deputy Speaker, Sir, first of all, the Port of Mombasa has been leaning too much on promise. Most other projects that were being designed for mega-growth at the start of the Kibaki Administration have gone through substantial steps towards being realised. But the Port of Mombasa, apart from tinkering on the margins of improvement and replacements of equipment, the grand vision of turning around that Port into a major hub for this region still awaits to be done. It is not just about what is to be done to the Port itself, although that is also part of the issue, but it is also about the infrastructure around the Port.

Mr. Deputy Speaker, Sir, those of us who are involved in multi-lateral negotiations of services trade know that one of the critical hubs through which this country can benefit is the multi-model transport infrastructure linking the Port of Mombasa, the railway network and the road network. Unfortunately, the original enthusiasm some of us had about the Rift Valley Railways Company concessioning the railway is starting to dissipate. We can understand that it takes some time to mobilise things and get started. But if you consult with any consumers of the railway service, they will tell you that there has been a net decline in the services offered by the Kenya Railways Corporation. Of course, privatisation has its promise of efficiency. But private management does not, in itself, per se, become a mantra to all problems of management. We have seen what happened after the privatisation of the railways in Britain. It took a lot of time before they appreciated and confessed that it never worked.

I hope the Minister and his officers could be bold on that railway project. If it is not working, we should stop it before it becomes a major fraud. That is because the potential of a railway line to ease the burden on the road--- The potential of a railway line to move major capital equipment in this country is much bigger than the desire to protect egos about a project gone wrong!

I have been excited about the prospects of the expansion of Jomo Kenyatta International Airport. In the lengthy period that we debated this, I have had instances that, in the development of the airport, we have two kinds of mindsets. There is what I call "the slum improvement mentality" and the "the slum replacement mentality". Do you want to tinker on the margins and make it

slightly better and slowly try to make it even better or, do you want a totally new approach to what you want to do? That airport has served us very well, from the vision of those who designed it in the early 1970s. But my sense of the coming super-liners, the new infrastructure of international air travel and the possibilities that you can build this airport as a hub for Africa and filter through Kenya Airways for different destinations, calls for a totally different design rather than knocking some walls and extending some bays around that 1972 airport.

Mr. Deputy Speaker, Sir, to my mind, I would have liked the current work going on at the Jomo Kenyatta International Airport (JKIA) to be part of preparing it to be a hub not only for African flights, but for inter-continental flights. I would have liked to see other slightly different dedicated facilities that will be attractive and will offer additional services that will make that airport generally the hub of travel around Africa.

Similarly, Mr. Deputy Speaker, Sir, I applaud the amount of investment that the Government has lately put into other small airports. I am very happy about the fact that, Wajir Airport is about to be re-opened as a proper airport after the work that has been done there. I am happy about the expansion of Kisumu Airport, which has been long overdue. I am also happy about the work on the construction of a cool storage at the airport in Eldoret, which will go a long way in enhancing horticultural exports for those of us who come from that part of the country. But I urge that, apart from the larger airports, there is value in re-doing the existing small airstrips because of the contribution they can make. Many other smaller airstrips that used to be very important for communication--- For example, there is one in Bungoma Town, one in Kitale Town and quite a few others around the country, which go unattended, even as we pay attention to some of the bigger ones. It will be nice to see how much we can ease, particularly passenger traffic, from some of the larger regional airports if you could just re-do and extend the runways at some of the airstrips in the country.

Mr. Deputy Speaker, Sir, the honourable Minister talked about the negotiations that are going on with the Kuwaitis, about the Lamu projects. It is true that this country has reached a stage when it should be bold enough to make major decisions for mega projects. Lamu has needed this to happen for a long time, maybe, just for its geographical location. It is critically important, if we have to win the scramble for Southern Sudan, that we offer the lowest cost access to that part of the world. So, it is exciting for me.

But, Mr. Deputy Speaker, Sir, I wish to request that we hasten with caution. A person who has a lot of money and is an expert in building ports, is not necessarily the best suited for building resort towns. He is not necessarily the best suited for building railways. So, there has to be a possibility for desegregating different components of that major programme, if we are to reduce the possibility of inter-sectorial inefficiencies being transferred to sectors where they are not particularly competent, mainly because of the resources that are at their disposal. But having said that, I encourage engagement and boldly look at the establishment of a new route to the sea for Ethiopia and Southern Sudan. We need to open up the interior of this country, particularly the pastoralist areas, for what they can send to the rest of the world and for what can be taken, not to mention, of course, that the ease of movement will free up the gypsum and limestone resources of Kitui, Mwingi and Garissa to the behemoth that is growing; the insatiable markets for cement and related products in the region.

Back to Mombasa, the other day, I witnessed an investor who was going into the operation of a free port in Dongo Kundu. It is a project that has been waiting to happen. But, once again, I say: "Let us hasten with caution." Unless a foreign investor has a unique competence and a demonstrated performance - like the Port of Dubai or others - we should be reluctant about types that come and purport to have money, and then we give them a free hand. They can just slow the things that we consider critically important for this country. We should be bold enough to dare do

things, but we should be cautious enough to say "no" some of the times, if the coating is not reflecting on the track record of the investor who wants to go in.

Finally, Mr. Deputy Speaker, Sir, this Ministry is responsible for negotiating landing rights for different international airlines in bilateral agreements and also to assist Kenya Airways. It has done a very good job. I share their sense that we have to give priority to liberalizing African skies. I am very glad that we have agreed on the liberalization of the Common Market for Eastern and Southern Africa (COMESA) skies. But I am very, very hesitant to generously liberalizing access to our airspace by Emirates Airline. That is because it is highly subsidized by the states. If their attempts to start having flights into Mombasa are allowed, they are going to hurt the national interests. Hasten with caution. Give them only as much as we can take from them.

With those remarks, I beg to second.

(Question proposed)

Mr. Deputy Speaker: Mr. Maore, do you want to give the Official Opposition response?

Mr. Maore: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Very well. Mr. Maore is the Official Responder from the Opposition.

Mr. Maore: Mr. Deputy Speaker, Sir, I beg to also put in some few remarks about this major Ministry that has not been getting a chance to be debated in very, very many years and, for that reason, the Minister and his team have taken cover that, maybe, they are not very keen to work or deal with Parliament.

Mr. Deputy Speaker, Sir, you will find that when they are taking very major decisions that are going to have an impact on this country, they are talking of 25 years concessions. By that period, I can assure you that not many of us will be in this House to take the consequences of those bad decisions that we might be making now.

Mr. Deputy Speaker, Sir, on the issue of the Lamu projects--- It is not, actually, Lamu project, it is Lamu projects. The Minister said that they want to do a first railway line to Southern Sudan, the airport, pipeline, refinery and, of course, a resort town. Now, when you talk about those kind of projects, you need a consortium like, for example, the Liberty or Mutual Insurance or the Lloyds of London, to undertake a US\$10 billion investment in a country like Kenya. Now, our Government, or this Minister and this Ministry, take refuge in negotiating with an individual, a Prince from Kuwait, and then that individual only needs a Cabinet resolution and, maybe, the Treasury approval, and then the matter can go on.

Mr. Deputy Speaker, Sir, that is what I am saying. The Minister actually needs a Sessional Paper for that project alone to be laid on the Table of this House, before you can negotiate that kind of deal. The reason being that, if you talk about US\$10 billion--- You should actually be saying it in terms of shillings. We are talking about Kshs700 billion! That is not something you can trust a Minister and a team that I can see in the corner there to make a decision for this country, without involving Parliament! So, we need that to be taken into account.

Mr. Deputy Speaker, Sir, I have just remembered another issue. When I raised a Question here about the Integrated Transport Policy, this Minister promised me, this House and this country that, in six to ten weeks, the report will be ready. That was in April. We are now in September and, actually, we are almost seeing a red light to the Ninth Parliament! So, I do not know whether he meant ten weeks or, maybe, ten months or, maybe, another time. Mr. Deputy Speaker, Sir, another issue that we need to remember relates to the many departments that are in this Ministry and, specifically, the issue of road use and dual carriageway. Those of us who are familiar with how dual carriageways are used--- You will find those of us who drive, for example, along Thika

Road--- We have a problem driving from Githurai to Kenol. That is a problem with dual carriageway. You will find fellows who have speed governors and trailers cruising at 50 kilometres per hour keeping on the right side of the road. When you overtake them, you are actually forced to use the left side. So, that is road abuse. That is actually what it is! It is very serious. We need people to be forced! They are not allowed to overtake from the left. You are also not supposed to keep right if you are not overtaking. That is the kind of public education and emphasis that we require. That will be done one day when traffic policemen will be under this Ministry and not under the Office of the President. That way, we can have a smooth running transport sector.

Mr. Deputy Speaker, Sir, let me talk about the taking over of the Kenya Railways Corporation by the Rift Valley Railways Consortium. Our Committee invited the group for a meeting and they came. The Ministry of Transport officials also attended that meeting.

Mr. Deputy Speaker: You are not being clear. What Committee?

Mr. Maore: Mr. Deputy Speaker, Sir, I am talking about the Departmental Committee on Energy, Communications and Public Works. They left us more confused than we were before they attended the Committee meeting. We are wondering what kind of due diligence was done to invite these fellows into the concessioning of the railway. Since they took over, they do not seem to have the money, capacity, resources or ability to revamp and revive the Kenya Railways as we wanted. If you go to the Port of Mombasa, you will see that there is so much congestion of containers. This is because our road capacity and the transport outlet required is not there. We still have a few question marks over that issue.

We commend the re-opening and repairs of the Wajir Airport. I happen to have been a major beneficiary because of the *miraa* trade with Somalia. I really condemned the idea of the Government stopping aircraft from taking *miraa* to Somalia through the Wilson Airport because of insecurity. They should have known what to do instead of closing the airport. Maybe they were trying to serve the American interests with regard to the stories of terrorism, among others.

The other issue concerns the Kenya Civil Aviation Authority (KCAA). Between June and July, the Director-General was supposed to have retired. There has not been any movement. The Director-General of the KCAA should retire because he has finished his two terms. There should be no attempts or excuses to extend, quietly or irregularly, the tenure of someone who has served the two-term limit as per the Act which was passed by this House.

I also agree with the Seconder of the Motion about the issue of the free-trade zone. I am surprised that the Minister has referred to it as one of the achievements. What we have near Dongo Kundu is a shopping mall. Someone has opened a yard of maybe 100 by 40 feet and we are calling it a free-trade zone. That will also require a policy change on how we will harmonise between the Kenya Revenue Authority, the Kenya Ports Authority, and all the whole regime about the free trade zone. Is it duty free? What happens when you buy goods there and they find their way into the market? We need some guidelines to regulate that.

The other issue the Minister talked about is the Kenya Maritime Authority. We passed the Kenya Maritime Authority Act in this House. However, we cannot operationalize the Kenya Maritime Authority before passing the Merchant Shipping Bill. We have, as a Committee, gone through the Bill very many times. We do not know why the Government has not prioritised the passing of this Bill. Under what law will the Kenya Maritime Authority operate? If we do not pass the Merchant Shipping Bill, which has over 500 clauses, which would be sections if it was an Act, how do we expect to operate without it? The Ninth Parliament has the red light. How and when do we intend to pass it? With all these issues being raised, we have a major Ministry with many issues pending. The Ministry has not benefitted from putting the same issues into a Sessional Paper, bringing them to this House and have them passed so that they can be implemented. We do not want the idea of implementing issues and then they seek post-facto authority. That is the best the

Treasury can do. Sometimes, they comply with those issues since some of them are politically-prudent. Generally, they are not in the interest of the country.

With regard to the issue of the Kenya Airports Authority and the money it generates, I have heard the Minister say that they are generating 90 per cent of the money--- But when you look at the issues raised when they proposed to expand the airport, you will see that we were getting US\$100 million from the World Bank. That is how the issue of consultancy came in and the Canadians took it. They have increased the cost of consultancy. The Minister said that they are going to fund the expansion of the airport from their own resources. What happened? I hope that when he is responding, he will tell the House what happened to the funding from the World Bank. Have they pulled out? Why are they funding 90 per cent of the expansion programme from local collections?

With those few remarks, I beg to support this Vote.

The Minister for Information and Communications (Mr. Kagwe): Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion and congratulate the Minister for Transport, indeed, for the improvement he is making in the sector. I would like to point out a few areas we must address, as the Government, so that we can have further improvements. Kenya, and specifically Nairobi is beginning to be known as the service centre for this part of the world, particularly when it comes to matters of service; may they be financial, banking or transport services. When it comes to transport services, Nairobi is the hub for the region. If you want to get a connection, the fastest place to get a connection in this continent is, in fact, Nairobi. Consequently, one of the areas that, as a Government, and as a people, we must address very quickly and seriously, is the issue of airport services. As we speak, the Nairobi Airport Services (NAS) holds a monopoly. Consequently, there has been a couple of questions regarding the services offered by the NAS. That means that the Minister - and I am sure he is doing this - is looking at creating competitive services in this area. I think the Minister's proposal will go far into creating a competitive well serviced airport.

The *matatu* business is big business. Many people have talked about it. There is a lot of debate on what ought to be done regarding *matatus*. I am aware that the Minister is also addressing the matter of the now increasing road accidents on our roads, particularly where some people have already begun to overspeed and misbehave. The Minister's actions on this area are very good. One of the ways of doing this is to increase the fines regarding when one makes mistakes or causes accidents on our roads, especially if it was caused by overspeeding. The fines, thereof, should be reflective of the offence.

If you look at other countries in the world like the Great Britain and the United States of America, you will see that the number of vehicles on their roads are far greater than the number of vehicles on our roads, and yet the number of accidents on those roads are far less than the number of accidents on our roads. This is not something that only the Government is responsible for. It is something that even the citizens are responsible for. The deterrence in the UK, Sweden, US and in Finland is simply the huge fines which are meted out on the people who commit offences that potentially cause deaths in our country.

Therefore, increased fines for offences committed on our roads is, perhaps, the way we will have to go because there is no other way.

The other proposal that I want to congratulate the Minister for, is the issue of the second corridor. This country has only one corridor from the coast which was built so many years ago by the colonialists when they built the Uganda Railways. Now that the *simbas* are no more, we can build them a lot faster than the last time. The idea of the creation of the Port of Lamu to serve, not only Southern Sudan, Ethiopia, Eastern and Northern Provinces and parts of the Rift Valley, it will open up these provinces for modern development because there is nothing equal to transport. There

are those who ask: "Where are you building this road to and why is it going where there are no people?" This is a chicken and egg business. Which one comes first? The transport to the place or the people who go there? I propose to you that if you build a road to nowhere, people will go there. Therefore, if the structures are correct and the transport systems like roads and railways are available for sparsely populated districts and provinces such as North Eastern, I am sure that people will go there and do business in those areas.

So, I want to congratulate the Minister and urge him to continue fighting for the second port in Lamu. That is particularly because it is now possible for us to build huge projects on the basis of private capital, on the basis of build, operate and transfer. This is something new in this country and we have not heard a lot of it going and consequently there are those who will see it as selling our land to nationals of other countries and foreigners as it were. But this is how the modern world is being built today; on the basis build, operate and transfer. It is very unlikely that from our Budget from Treasury, we are going to raise US\$10 billion to construct Mombassa Port and another railway line to the Lamu Port. It is very unlikely that we are going to allocate that money. But if we go for a build, operate and transfer, then we will succeed.

Mr. Deputy Speaker, Sir, there are those who will say that we are giving away too much. We are giving away our land to those people. But my question is: What is that land currently being used for? I put it to my colleagues that if we give that land for somebody to use it for 20 years and we own whatever is built on it, it is much better used than keeping the land there. What happens is that, 20 years later, you look back and see that the land is exactly the same way and nothing has happened on it. If you had done something 20 years earlier, you would have been successful. Therefore, my view is to urge the Minister to continue negotiating with organizations and companies that would like to partner with us on the basis of build, operate and transfer so that our nation can be developed not just on the basis of capital available in this country but on capital available all over the world.

Mr. Deputy Speaker, Sir, coming back to the issue of roads again, there is the issue of roadworthiness. As you know, we were determining vehicle roadworthiness on the basis of the issue that one had to go for vehicle inspection. As we travel along the Kenyan roads and we see some of those vehicles on our roads, we must ask ourselves if those vehicles are a potential accident simply waiting to happen. In the United Kingdom, for example, there is the Ministry of Transport Sticker. They call it MOT. It is basically a determination of the roadworthiness of a vehicle that is on the road.

There are those who will say that this is a poor country and so, as long as it is moving on the roads, then it should be allowed to be there. But there is a great extent to which we can allow some of these things. So, it is not that we want only new vehicles on our roads but we want good and properly maintained vehicles on the roads. But we must also have some sort of measure of roadworthiness. It is the only way that the insurance companies themselves can determine--- If the Government has determined that a vehicle should be on the road, then it follows that an insurance company can insure that vehicle. The issue of creating a legislative mechanism to determine vehicle-worthiness on our roads is vital. I am sure that the Minister is also looking at that.

Mr. Deputy Speaker, Sir, the other one is the issue of harmonization of both transport outside urban areas and within urban areas because one cannot work without the other. As you know, the Ministry of Transport and the Ministry of Local Government sit in joint committees that are supposed to determine the way forward on planning and on future transportation; how Kenyans will be transported tomorrow. It is important for us, as a Government - we are doing so - and Kenyans to know that we are harmonizing those two areas. There is no point moving people into towns on very good roads and then get into a massive jam when they get into the cities or vice-versa. We have very good urban transportation but as soon as you leave the urban areas, then you

get into bad roads.

Therefore, that harmonization is very important. Nairobi has reached a point where Nairobians are crying due to the level of traffic jams that we have. Given the fact that the Kibaki Administration is winning the next elections and coming back and also given the fact that the current growth in the economy of 6.1 per cent is likely to grow to 7.1 per cent or 8.1 per cent heading to 10 per cent, that will translate to probably more vehicles.

With those few remarks, I beg to support.

Mr. Lesrima: Mr. Deputy Speaker, Sir, I would like to support this important Ministry's budget. I would like to say that it would be very nice to have some kind of master-plan for the future airports and aerodromes that are being established in the country as we move towards 2030. It may be necessary to fast-track the establishment of airports in areas such as Maralal, Marsabit and the northern parts of Kenya given that it will take us a long time to ever see any tarmacked roads.

Mr. Deputy Speaker, Sir, the second issue that I want to raise is the question of the second runway at the Jomo Kenyatta International Airport (JKIA). I am not familiar with the developments at the airport but what I know is that occasionally we have aircraft blocking the runway when they have mechanical problems thus necessitating the closure of the airport and it takes time to clear the runway and to get the necessary equipment. I would like to recommend that now that the airport, after 20 years since it became a parastatal, is allowed to retain Airport Tax, landing fees and so on, they should invest part of that money in buying the necessary equipment to recover the aircraft when they are stranded on the runway so that business is not interrupted.

More appropriately, it would be very nice to have land for a second runway. Most airports in the world have two or three runways. There was land available at JKIA but it seems it has been turned into estates. So, I do not really know whether we are going to have new technology aircraft that will not require second or third runways.

Mr. Deputy Speaker, Sir, the other critical and important department is the Department of Meteorology. The meteorologists are very important people because they assist us in terms of agriculture and livestock farming. They tell us when to plant crops. This Department is also very important because it lets us know when to run away from floods. With global warming, some of the most risky events are taking place in the country, including in my constituency. When it rains, the towns are swept away. So, we need to know when to run up to the hills. It is the meteorologists who can save our lives. I know they are doing a very good job, but they require to do more frequent information dissemination. They may not have adequate equipment, but I think this is one Department that also should be allowed to translate into a parastatal and retain its own revenue, to buy the necessary equipment that can enable them to do correct predictions on weather.

[Mr. Deputy Speaker left the Chair]

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

The other point that I want to talk about is the issue that was raised by the previous speaker, hon. Kagwe, that is, road carnage. We do not know what is going on in the road transport sector. The discipline seems to be collapsing again. There were days of the "Michuki" rules. I do not know why those rules should not be brought back to save the lives of many Kenyans. I know that some medical officers; bone specialists, lost quite a bit of business when the "Michuki" rules were applied. Last week, we lost 30 people in the accident which took place in Kisii. There was also the carnage of Nyamminia where we lost 21 Kenyans. I do not believe that it was an act of God. I

wonder whether that trailer that was coming down the hill was not speeding or if it was in good condition. I also wonder whether the driver was not drunk or properly trained. I also wonder if our driving schools are producing good students and if they are inspected and accountable. In addition, I wonder if our roads are in good shape and if the policemen are accountable. We cannot keep on saying that it is an act of God, as we usually say in funerals. We need to introduce deterrent measures. It is not enough to say Kenyans are not disciplined. There must be a law. The law must be as stiff as it is in Canada and other countries.

Mr. Temporary Deputy Speaker, Sir, the other issue that I want to raise is axle load. This Ministry implements axle load regulations. Our neighbouring countries are very strict on axle load. I believe the vehicles that are sent away from neighbouring countries find their way to Kenya. One needs to drive on the beautiful new Nairobi-Nakuru Highway, which is being constructed at a cost of Kshs60 million per kilometre, to realise that there are signs of sagging on it. I know that it is a very big challenge. Again, this is an area of implementation of the rules which are already in place. We would like the Ministry to look at that.

With regard to the Nairobi transport system, I think the Ministry needs to set aside land--- It is not enough to put these plans on paper; that by the year 2030, we shall have a large number of trains in Nairobi. Where will we construct those railway lines when there is no space anymore in Nairobi? One just needs to drive around Kitisuru Area to see that Kenyans are now putting up buildings on the river banks. Just like in the case of airports or future aerodromes, I think it is time that the Ministry planned.

With regard to the security of our ports, the Ministry also needs to invest in some kind of vessels. I do not know whether it is the Kenya Navy which now takes care of our 200-kilometre exclusive economic zones in terms of patrolling to ensure that one aspect of crime does not take place, that is, the dumping of toxic materials from other countries. I believe that should be part of Port security. I congratulate the Minister for the plans to expand airports. These plans have always been in the drawing boards for very many years. I really do not know when this country will ever take off in terms of expanding the airports, like the Malindi Airport, or the ferry services in the Port of Mombasa. I do not know when the Ministry will ever, really, improve these things. It is very nice to hear very high-sounding investment terminology like Build, Operate and Transfer (BOT). But when will we actually start to build?

Mr. Temporary Deputy Speaker, Sir, it is very gratifying to note that, finally, the Government is recognizing the importance of the Kenya-Sudan railway line. I think four years ago, the Sudanese were getting a bit frustrated because we were moving a little slow in encouraging the construction of a railway line from Mombasa to Sudan, and also upgrading the gauge from 12 tonnes to 20 tonnes.

With those few remarks, I beg to support.

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

First, I want to congratulate the Minister for the way he presented the Estimates and the way they are attempting to bring sanity in the transport sector. This is a very vital area of our economy in this country. If we do not have an efficient transport system, we cannot develop the country. We need an efficient and integrated transport system in this country. I know that over the last four or five years, the Minister has been attempting to develop an integrated transport system and have it in place. But to date, we have not gone beyond talking about it and tabling papers in boardrooms. We want now to move from that situation into the actual implementation of that integrated transport system because it is critical. If you look at the road network at the moment--- I know that this Ministry's responsibility is the use of the roads that have been constructed by the Ministry of Roads and Public Works. But, currently, because of the dilapidated nature of our road

network, some of the policies that this Ministry wants to put in place are really brought to naught. Some of the worst accidents that we have had in the recent past are partly as a result of people trying to avoid the many potholes, crevices and cracks on our road system. There must be a way in which these two Ministries can work together to try and repair those roads so that, anybody who uses them, whether they are in big trucks such as the tankers that have recently caused panic in Kisii Town and Nyamminia in Siaya District, could be safe. I am not saying that the accidents were caused by people trying to avoid potholes or cracks, but currently, anybody using our roads is really hard-pressed. That is because they are in a very bad state.

Mr. Temporary Deputy Speaker, Sir, be that as it may, discipline on our roads is still very bad. In fact, if anything, it has receded. Two or three years ago, there was a bit of semblance of discipline and road carnage actually came down substantially. We are back to those bad days. The Minister and his staff must re-double their efforts, even as we try to get some of those repairs done.

Mr. Temporary Deputy Speaker, Sir, the traffic congestion that we have in our major towns, particularly Nairobi, is partly because of the bad habits of the drivers on our roads. Even as we attempt to bring into being a rapid transport system in the City of Nairobi--- That is a long-term solution. In the short-term, I am sure, with prudent management--- A road is a resource. One must look at it as a resource which must be managed properly. If it is not used properly, we will find a lot of congestion. Currently, many people in Nairobi are spending many man hours on our roads. All you need is a little rain at about 5.00 p.m., when people are leaving their work places going to their homes. It will take you up to three or four hours to travel from the City Centre to Eastlands, because of traffic congestion. We need to manage that system in a more efficient manner. Perhaps, we have come to a stage when we might have to stagger our working hours. We may have to look at the possibility of ensuring that our kids are ferried to schools by public transport.

One problem that we have in this City is the fact that, parents, particularly when schools are going on, ply from one part of the town to the other dropping children in schools. Then, they have to drive back to their places of work. Sometimes, they have to drive their spouses to their places of work and then go back to their places of work. If we had a more efficient public transport system, our people would not need to drive their cars all the time. We should look at the public transport system and make it more efficient.

When you look at the Kenya Bus Services (KBS) vehicles, you will imagine that they are managed by the KBS company. In fact, those are *matatus* owned by individuals. All they are using is a management company. We do not have buses owned by the KBS. They are all individual buses. They are only being managed by a management company. No wonder, we have a lot of problems with them on a daily basis.

Mr. Temporary Deputy Speaker, Sir, on our airports, I am glad they are doing something at the Jomo Kenyatta International Airport (JKIA). I hope that, that rehabilitation and expansion will be completed in the near future.

Currently, because of the terrible road to western Kenya, many of us are flying to Kisumu. You and I know what happens at that little airport terminal at Kisumu. You want to be there at 8.00 a.m. in the morning, but you can hardly find a space to make a booking. There are too many of us there. The whole place is over-congested. We are not too sure whether the plane will take off or land safely. Could the Minister fast-track the repair and expansion of Kisumu Airport? It is critical. That part of the country is very important. We need that airport upgraded as soon as possible. I am glad they are doing something about Wajir Airport.

Mr. Temporary Deputy Speaker, Sir, Wilson Airport is in trouble in terms of security. That is one facility that is very insecure. People are landing from Bunia in Congo, and we have no idea where they are coming from. They just come and land there. We do not even have a fence around the airport. That airport needs to be upgraded and its security enhanced.

Mr. Temporary Deputy Speaker, Sir, currently, we are losing a lot of revenue at the Port of Mombasa. That is because the larger vessels are not able to go in because of the shallowness of the creek. We have talked about dredging the Port of Mombasa for a long time. Why is it taking so long? I know it takes a lot of money. But that is a business that we can do through a Build, Operate and Transfer (BOT) system. We do not need to have the money in our own kitty to do it. We want the Port of Mombasa to be competitive. Currently, Dar-es-Salaam is even doing better business than us. We need to dredge that facility as soon as possible.

I am glad that, at long last, we are doing something about a second corridor in Lamu. I do not agree with my brother here who said that we ought to bring that matter on the Floor of the House before we negotiate. Let the Minister negotiate, put in place the funding and the actual feasibility. Once it is ready and we are about to implement, he should bring it to the Floor of the House as a Sessional Paper. We want to own that project. It is very important. If we cannot open up those parts of our country, which are currently virtually ignored, we will not be able to get there. I am glad that efforts are being made to that effect. I encourage the Minister to finalise those negotiations with the possible investor, so that, that project could be implemented as soon as possible.

Mr. Temporary Deputy Speaker, Sir, with those comments, I fully support this Motion.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this Vote. For as long as we can remember, we have never discussed the Vote of this Ministry in this House. If we did, it must have been a long time ago. This is a very critical Ministry, particularly in terms of policy formulation. It is the Ministry that has to formulate the transport policy, deal with the railways, airports and ports. It is the Ministry upon which other Ministries and agencies of Government have to rely on, for the Government to function efficiently.

Mr. Temporary Deputy Speaker, Sir, in contributing to this Vote, one has to look at what is happening within the sectors and areas under the management of this Ministry. When we talk about the transport policy, one can see, very worryingly, the spectre of accidents creeping back on our roads. It is difficult to tell whether the blame goes to the Ministry, the police or the operators of public transport. But, be that as it may, the Ministry needs to clearly lay down what our transport policy is and should be.

Mr. Temporary Deputy Speaker, Sir, we sanctioned the privatisation of the railway network in the country. A company called Rift Valley Railways (RVR) was given the railways to run. More than a year down the line, we can neither see nor feel the presence of that company. One is left to wonder whether that company was actually up to the job that it was given. If you look at the railway lines, you will still see those old locomotives going at an olympic snail speed.

Mr. Temporary Deputy Speaker, Sir, if Rift Valley Railways (RVR) was a viable and credible investor, how come we do not even see new trucks on the rails? How come a year down the line, we do not see any upgrading of the rail lines? How come a year down the line, the time taken to transport goods from Mombasa to Kampala is getting worse instead of getting better? I think the Ministry should look at this company called RVR and see what they are doing.

Mr. Temporary Deputy Speaker, Sir, we have problems of movement of bulk goods. Our roads are dilapidated, destroyed by heavy axle loads and overweight when we have a railway line. I want to urge the Minister and his team to re-look at the issue of the management of our railway lines. I am sure, being a lawyer, that in that agreement, there must be a break clause. If this company cannot take off, bring the agreement here and we look at it and Parliament will sanction the break of that contract and look for somebody more credible. In fact, when Kenya Railways was a public corporation it was doing a much better job than that RVR.

Mr. Temporary Deputy Speaker, Sir, on our airports, Jomo Kenyatta International Airport

(JKIA) was built long time ago, but still has only one runway. We all know it is a very busy airport. I know there is an expansion programme going on, but we would want to see it move faster. If for any reason there is a mishap on the runway, then no planes can land or take off at JKIA. We want to see a second or third runway for JKIA and an upgrade of the facilities. If you go to the airport, the transit passengers need comfortable lounges. It is a shame to see travellers sleeping on the corridors that you cannot even walk. Something must be done to improve the airport and boost its image as the international and regional hub in this area.

Mr. Temporary Deputy Speaker, Sir, Kenya Ports Authority (KPA) is another area of focus. We have been told about the intention to build a port at Lamu. It is welcome. However, I am not one of those who agree that we get some young or old rich person from the Middle East and hand over the entire Lamu to him and tell him: "Build and do what you want with it". It is not right. First, for the national security, and secondly, even for national pride. I would want a situation where the Ministry of Transport, as a policy formulator, gets an investor from Middle East or wherever, but offloads a portion of the investment into equity for the public to participate. We can offload shares on the Nairobi Stock Exchange (NSE). Let everybody, including you and me, and this young man here, Mr. Muturi, buy some shares.

Mr. Wamunyinyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to refer to hon. Muturi as a young man sitting across on that bench?

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, the young man himself has not protested at the description.

(Laughter)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Wetangula! Whether he complains or not, we do not have young men here! We have hon. Members here!

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Thank you very much, Mr. Temporary Deputy Speaker, Sir. He is the honourable young man sitting across the Floor.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, I was making reference to the intended Lamu Port. I would want to see a situation where if we have an investor we agree that he will put 60 per cent of the equity and then offload the rest of it on the NSE for anybody to be able to buy shares and participate in such lucrative business. This will apply to Mombasa and Lamu ports. In the last ten years, we have been speaking about privatising Mombasa and Lamu ports and other ports in the country. As we speak, Tanzania is planning to privatise Dar es Saalam to give us competition. They are engaged in discussions to build a new modern port in Tanga. That is competition. Mozambique has Beira, Nambula and Maputo. All these are our competitors. We have to move. We have talked for too long about privatising the Port of Mombasa.

The Port of Mombasa serves a corridor of up to 300 million people. Just imagine that 30 million people transact business in the Port of Mombasa per annum and each individual spends just US\$5,000 in the transactions. How much revenue do we bring to the country? It is time that we urged the Ministry to move and actualise what we have been talking about for the last over ten years. If we do not, we will soon be overtaken. We are competing with neighbours. If Somalia comes to normalcy, they will give us stiff competition because they have got very beautiful deep water harbours. Yet, we stand in a unique position to offer port services to Ethiopia with a population of 73 million people and a landlocked country. We have Uganda, Rwanda, Burundi, Eastern Congo and Southern Sudan. All these countries are landlocked. We can cut a niche that

nobody will ever take away from us. I want to urge the Minister to move very quickly on this.

Mr. Temporary Deputy Speaker, Sir, as a formulator of transport policy, one keeps wondering why do we have trailers carrying containers passing through the streets of Nairobi to go to Uganda, Rwanda and Burundi? If you go to the United States of America (USA), trucks like those ones, never see the inside of a city. We should not even be talking of the bypasses that *Agwambo* used to destroy peoples' properties from South C here to Rironi. We want a bypass---

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

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Mr. Sungu, the mention of *Agwambo* should not hurt you. I am asserting a fact.

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to impute improper motives on an hon. Member of this House when he was acting as a Minister and not as an individual? That was a Government policy.

The Temporary Deputy Speaker (Mr. Khamasi): Order! There is no imputation on the former Minister. I never heard of any.

Proceed, Mr. Wetangula!

The Assistant Minister for Foreign Affairs (Mr. Wetangula): None whatsoever, Mr. Temporary Deputy Speaker, Sir. He destroyed properties. It is an open secret.

I beg to support the Vote.

Mr. Sungu: Thank you, Mr. Temporary Deputy Speaker, Sir. As my colleague has said, this is one of the most important Ministries in this country. If only Kenyans were to think for the national interest rather than for regional, tribal or individual interests, this Ministry would be given top priority. There are number of policy issues that are at stake and as we talk, this Ministry is led by very competent individuals and some of them used to be my colleagues at the University of Nairobi (UON). We have full confidence in them. Does the Government give them enough support?

For example, the question of the national transmission grid. This should be a master plan to include roads, railways, air and sea transport. This is a strategic thing. If you go into history, you will find that countries that fared well even in wars which were of worldwide significance, did so, because of communication structures that they had on the ground. They were able to achieve victories almost at a lightning speed because of that.

Mr. Temporary Deputy Speaker, Sir, we are not taking seriously even modern issues such as security. You only need to go out of this country to see an overall nationally co-ordinated transport safety authority board in some countries. This is long overdue, We should not just look at issues individually like, for example, aircraft terrorism and so on. We know the Kenya Railways Corporation used to have the Kenya Police Unit. Modern crime has become complex and is always evolving. For example, would you know that in the *matatu* transport sector, *Mungiki* hit us hard the other day? This was another government within a Government. They were collecting taxes from *matatus* into the tune of billions. That is why *Mungiki* became a menace. We are sitting there. We only have to wait until a national crisis occurs that we start creating a Rhino squad, Spider squad or whatever it is.

Mr. Temporary Deputy Speaker, Sir, that is wrong. We should plan ahead. We have competent people who can think forward, plan for this nation and look into the future of this country. There is no need of looking at things at piecemeal. We need a co-ordinated effort, which is nationally oriented and which can help us. That co-ordinated effort must be sustainable, and must cut across the entire country, because we know that when you hit at criminals in Nairobi, they will go to Kisumu or Mombasa or Malindi or even Nyeri. So, we need to look into these matters very seriously.

The other issue that I wanted to raise is the strategic impact of planning. When we were

students, we used to talk about some of things like strategy and so on. As my colleague said, we must know that we are not an island. We must compete. We must look ahead. We must try to compare ourselves with our neighbours to see where we are headed. We must also try to open markets for our people.

We must open regional trade routes to make Kenya more important. We are only a "sleeping" nation, and that is why we have not constructed any road to Ethiopia. That is also why we have not tarmacked the road to Moshi, Tanzania, which is only a few kilometres from Voi, despite the fact that, that is an international highway.

Mr. Temporary Deputy Speaker, Sir, it now takes two days for one to travel by road from Mombasa to Kisumu, instead of one day. One takes over eight hours to travel by road from Nairobi to Kisumu, or western Kenya. It is wrong. We need to look at this country. Let us assume that we are tribal. If you go to the City of Kisumu, you will realise that it is one of the most cosmopolitan cities in this country. The most successful businessmen are Kikuyus, Embus, Merus, Kisiis and other Kenyans, but we do not look at them as anything else other than as Kenyans. So, if you deny the people of Kisumu a road, you are denying your own people, if you are a Kikuyu, the use of same road you think you are denying the Luos.

Kenya sacrificed a lot to make the realisation of peace in Southern Sudan a reality. What have we done about the road that passes through that important Turkwel George and Lodwar to Southern Sudan? Instead, we have allowed Uganda to take advantage of the prevailing peace in that country, because we are asleep. We are not looking at the national interests of this country.

I understand that there are over 50,000 Kenyans in Southern Sudan. How they travel to that country, only God knows, because air transport to Sudan is very expensive. If we are to look at the question of transport properly, then we will be able to expand this country's economy and even create some jobs - the so-called 500,000 jobs that we used to talk about when we were in NARC.

Mr. Temporary Deputy Speaker, Sir, my colleague has raised a very important issue regarding the Kenya Railways Corporation. We have very competent people in this country. I do not understand why we have to give the management of our railway network to foreigners. The railway network is strategic infrastructure, in terms of the national interest. That is number one. The saddest thing is that since we got Independence, not a single kilometre of rail line has been constructed by the Government of Kenya, from the Kenyatta regime to the Moi regime and, now, the Kibaki regime. Instead, you see rail lines that are abandoned. You see railway sidings that have fallen into disuse. If you were to give to any sensible person some of these things and allow them to sell them, they would make billions of shillings. It is a shame that we can let important infrastructure like our railways network to fall into pieces because we do not want to invest enough money in it.

I note that the Government is now giving the corporation some money to pay its retired staff pensions and terminal benefits. "Yours truly" have made countless journeys to Kenya Railways Corporation headquarters to ask for that little money, which belongs to them, after so many years of service. I hope that when we approve this Vote, hopefully, tomorrow, the Kenya Railways Corporation will actually pay its retired employees. It goes without saying that we have not done enough in this important sector. I do not know how, as a country, we allowed the corporation to fall to that level. It is wrong, and a shame to us, as a country. If you look at the Ministry's budget, you will only see provision for construction of buildings and routine maintenance. There is nothing for civil works or construction. That is, again, wrong, strategically.

Mr. Temporary Deputy Speaker, Sir, let me now talk about the "dear" airport at Kisumu. I do not know why on earth it is taking us so long to construct the airport at Kisumu. Kisumu airport was even ahead of Nairobi when it came to planning. We have had countless meetings with the stakeholders and the Kenya Airports Authority. What have they done to date? Even as we speak,

nothing has been done. I understand that the money which was earmarked for the construction of that airport was to come from foreign sources. The money was available but somebody wanted the construction of that facility to delay.

Meanwhile, they think that the people of Kisumu are suffering. That is not correct. Kisumu has great hinterland. Kisumu airport will serve northern Tanzania, Eastern Uganda and most of western Kenya. It is strategically placed. It will even serve parts of Rift Valley Province. More importantly, the headquarters of the Lake Victoria Commission - a body of the East African Community - is based in Kisumu. We could make Kisumu a regional hub. Just think of the potential that is lying unexploited. Think of the possible economic benefits that we could gain out of just making Kisumu a regional hub for air transportation, and other means of transportation, including water transportation.

Mr. Temporary Deputy Speaker, Sir, it is difficult to fathom why we are not able to focus on some of these issues when we have experts of the calibre that I see in this House, and a Minister who is equally capable. I am telling, and I have said it here before, that when you serve Kisumu, you are not just serving the people of Kisumu but rather Kenyans as a whole, because Kisumu is open to everybody, including people from the Mijikenda communities.

So, I want to appeal to the Ministry to fast-track the construction of Kisumu Airport because, internationally, it is a danger. In fact, we should say this very quietly, although it is recorded. The airport is a danger. It could cause a catastrophe in terms of an accident, because if one tyre busts, it could be a danger. This is possible with the kind of corrugated surface that we have on the runway of that airport. So, I would like to appeal to the Government to do something about it.

Mr. Temporary Deputy Speaker, Sir, on the question of roads, I would have liked us to explore, so that we can release funds to other sectors of the economy, particularly to the transport sub-sector, so that we could tarmac certain roads. The northern corridor road should have been privatised a long time ago. We should get those fellows, who agreed to construct and own the roads for a period of time, charge cess, recover their money and then leave for us a beautiful road.

That is what should have been done, instead of constructing our roads on a piecemeal basis by giving the section from Mariakani to a certain place to one contractor, the section from that place to another place to another contractor, the section from Naivasha to Gilgil to another contractor, the section from Nakuru to Mau Summit to another contractor and the section from Mau Summit Kisumu through Kericho to another contractor. This is not going to take us anywhere.

We need to take our work and this country seriously. As we politic, let us not forget the plight of our people. Our people need us. They need an economy and a transport system which is working.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Khamasi): Dr. Machage!

The Assistant Minister for Health (Dr. Machage): Thank you, Mr. Temporary Deputy Speaker, Sir. A good transport system is actually the backbone of economic development of any country in the world. It is very sad that in Kenya, the dilapidated transport system has been a rubberstamp to many years of poor management of our economy and corruption in the former systems of governance.

Mr. Temporary Deputy Speaker, Sir, like my colleagues have already said, it is a shame that since Independence, we have not even added a metre of a new railway line. We have forgotten what is more important, that is, the ready market for railway transport in this country. We should have had a railway from the Tanzanian border, through Kisii, Kericho to Nairobi. My own district, Kuria, produces 90 per cent of the finger millet that is consumed in this country. However, the cost of producing millet is so exorbitant because of the transport system that we have. However, we

have to accept that the Ministry of Transport has a handicap because it can neither control road construction nor can it control policing of our road network, hence my suggestion.

Mr. Temporary Deputy Speaker, Sir, municipal councils and town councils have the opportunity of owning their own police system. The Office of the Vice-President and Ministry of Home Affairs has its own police system. The Ministry of State for Administration and National Security has its own police system and so has the Ministry of Defence. I suggest that the Ministry of Transport be also allowed to set up a department for policing so that they can make decisions and implement them. What is happening now is that whatever the Minister for Transport does, he has to go and kneel down before another Ministry in order to implement his policies. Most of the time, this is at the detriment of the Ministry of Transport, hence the chaos we have in Nairobi now. Everybody is now shouting that the Ministry of Transport has failed! Where has it failed when we know that the control of the whole transport system is under somebody else's docket? We have to be realistic and accept some of the handicaps that the Ministry of Transport has.

Mr. Temporary Deputy Speaker, Sir, with regard to the Kenya Ports Authority, it is true that this is another parastatal that we have neglected. We have been talking of an improvement in our economic growth. Unless we develop our infrastructure, especially, the inland ports in order to harness the importance of the lake system that connects five countries, that is, Kenya, Tanzania, Uganda, Rwanda and Burundi, we will not establish an easy means of water transport. The second biggest fresh water lake in the world has been left to go to waste. We have to circumvent--- We have to go round Lake Victoria to reach Eastern Congo, Rwanda and Burundi, thereby incurring great losses. Why? Is it because we cannot buy ships? As a Government, we do not have to! All we have to do is to make that environment conducive for investors to see. If that is done, then our western tourism circuit will develop. We just need to enhance that system.

Mr. Temporary Deputy Speaker, Sir, with regard to the development of our airports and airstrips, for me to reach my constituency, I have to fly to Kisumu and then drive for over 300 kilometres. More often than not, I have to drive for over 500 kilometres on some of the worst roads in this country at the detriment of spoiling my own vehicle or the Government vehicle that I may be using and at the same time, increasing the cost of maintenance. Putting up an airstrip is not all that a big issue. In my constituency, I have put aside 50 acres of land for the construction of an airstrip big enough to accommodate any size of plane in this country. It is just there lying fallow. That is what we planned with the old chiefs during the colonial times. We said that it would be necessary at one time to have an airstrip. The land is there! It will be easy to harness that business in western Kenya, especially on the south western part of Kenya, that is, Kisii, Kuria, Trans Mara and so on, which are so important for the development of this economy. Those are some of the things that we really do not see.

Mr. Temporary Deputy Speaker, Sir, the need for road bypasses in this town and other major towns in the country cannot be overemphasised. We have seen something similar to road bypasses being constructed. Yes, it is true that houses were demolished by some other people - I do not want to name them here. But why were they demolished if no roads have been constructed? Why did they destroy those properties? We have to be serious. The relevant Ministry ought to construct these bypasses because they are very much important.

The Motor Vehicle Inspection Unit, which is also under the Ministry of State for Administration and National Security, should also be transferred to the Ministry of Transport so that it can decide the tonnage and the type of vehicles that pass through our roads. They should also decide on the penalties, where appropriate and at the right time. This has been ignored because it is being controlled by other Ministries that may not know what the Ministry of Transport is going through. We have a problem with the railway system in this country. If you look at the gauge of our railway lines, you will realise that this gauge was long forgotten by other countries. No wonder we cannot get proper railway line. What we have is a thin railway line that was used in the 18th

Century. If we have to get an investor for our railway system, then let us get a serious investor. The current investor should be told, in bold, that he has failed us for the last few months or years he has taken up the corporation and called himself "Rift Valley Railways". No, it is unacceptable! We need to see something better than this!

We are happy that the Jomo Kenyatta International Airport is being expanded, but we also have to look at security issues at the airport, for example, where the incoming passengers mix with exiting passengers at the arrival terminal. We can have our airport properly graded to allow direct landing of big planes from the bigger continents. At the moment, we cannot have direct landing of big planes from the USA. These planes have to go to Ethiopia. Why is this the case? It is all because of simple design mistakes. I hope that the revamping of this airport has taken care of that anomaly.

Mr. Temporary Deputy Speaker, Sir, we need to streamline the *matatu* industry because many people depend on it. We have to give guidelines and stop people who wait for election time to start hitting the *matatu* industry with an aim of making the Government to lose votes. That should not be done at this time. All we need to do is to come up with a good policy. Let us have a peaceful election. Let us implement the policy in the new year.

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

Mr. Muturi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. To begin with, I hope that the Minister, while responding, will address this issue. I want to read to the House the HANSARD of 19th April, 2007 and the issue is about Government position on Integrated National Transport Policy. The person who gave the Government position is none other than my good friend, the Minister for Transport, the hon. Mwakwere. This is what he said. I want to read it so that when he will be responding, he should tell us where things went wrong. He said *inter alia*:

"The Draft Integrated National Transport Policy was formulated in February, 2004, by a task force committee. Thereafter, the Ministry of Transport constituted a team to study the policy recommendations contained in the document and also requested Ministries and institutions, directly or indirectly touched by the recommendations, to make their comments. The Report was, thereafter, revised and a small task force was established to prepare a Draft Sessional Paper on the country's Integrated National Transport Policy. The Draft Sessional Paper is now ready for submission to the Cabinet for approval. The Sessional Paper will be presented to the House for debate as soon as Cabinet approval is obtained".

That is what the Minister said on 19th, April, 2007. When he was further pressed by Mr. Maore who had raised the issue as to how long it was to take, he responded as follows:

"Mr. Speaker, Sir, I estimate that the Sessional Paper will be presented to Parliament for debate within the next ten weeks."

That was on 19th, April, this year. He talked of ten weeks. He was further pressed and he said:

"Mr. Speaker, Sir, the ten weeks is the upper limit. It could be done earlier than that. May I also inform the hon. Member that the presentation of a transport policy does not mean that all our problems will be solved. It is an Integrated Transport Policy that involves, not only Government Ministries, but also the private sector. It is a document that will map the future of the transport sector in this country to make it secure, safer, efficient and more useful to the people as a whole".

Mr. Temporary Deputy Speaker, Sir, there are very good intentions contained in that statement. The ten weeks which was the upper limit elapsed without us seeing that paper. We are now debating this Ministry's Vote and yet, that paper has not been tabled here.

Mr. Temporary Deputy Speaker, Sir, I have been listening to the contributions by various

hon. Members. I am happy that I got the chance to speak after listening to them. The issues being raised by various speakers are isolated here and there. In my view, they would be best addressed in such a Sessional Paper. It could be worked on by technocrats, come here and then we enrich it with whatever ideas that we may have. As we appreciate the key role played by the Ministry of Transport, we would be having a policy document that guides the manner in which, we, as a country, will direct investments in this sector.

As it is today, we will talk and somebody will come and say, "now we want Mombasa to be Free Port", another one will talk about Dongo Kundu. The Minister talked about two new ferries. Some years ago, they talked about a fly over bridge.

Mr. Temporary Deputy Speaker, Sir, the reason these things keep changing is that we lack a policy document that should guide the way investments in this very key sector of our economy is to be operated. As we sit here, somebody would say, "we have invited some youth from Brunei or Middle East or some retirees from any of such countries who may have some little money to invest". This is not guided by anything that one would lay his or her hands on. Mr.

Temporary Deputy Speaker, Sir, as we support this Ministry's Vote, we want the Minister to very quickly deliver that document to us. Somebody said that we are seeing the red lights. It is called the home-stretch. We are on the home-stretch. The Ninth Parliament of Kenya is on its home-stretch. It would have done us good and proud if, among other issues, we left after having debated and passed a policy on transport because of the key role the Ministry is plays.

Mr. Temporary Deputy Speaker, Sir, even when you talk about sectors like the *matatu* industry, we heard the Assistant Minister one time talk about some decision to do away with the 14-seater vehicles. I do not know whether it was in a funeral or during a football match. He said that they were going to do something about those 14-seater vehicles. We have not seen it here. The reason these things are being addressed in this haphazard way is we lack the policy. I want to encourage the Minister and his team to, please, do us proud as a country, by bringing that document here. I am sure, we will pass it with one breath.

Mr. Temporary Deputy Speaker, Sir, some of the decisions that the Ministry will make obviously will not be very popular, particularly in the *matatu* industry. I see every time you touch that industry, there will always be some noise here and there. But we just have to be bold. We do not have to always make popular moves! If the decisions made are for the betterment and well being of the country as a whole, we have nothing to worry about. We should not fear that elections are around the corner. I mean, why should we? Therefore, I will be one person who will support any serious decision that brings sense within the *matatu* industry. I want to assure you that we will support the Minister.

Mr. Temporary Deputy Speaker, Sir, people have talked about reaping the peace dividends in Southern Sudan. I am happy to know that there is some movement towards improvement of the facilities at Lokichoggio airstrip. We must accompany that with the development of the road sub-sector; which I know is not in his Ministry, but would be guided by that policy paper I am talking about had it been debated and adopted.

This Ministry has one interesting department under it. It is called the Meteorological Department. Either the department operates with obsolete equipment or something. However, if you listen to the weather focus and they say, like they do in Kiswahili, that there will be "*rasha rasha*", that is a day you would be well advised to put on light clothing because it would be very hot. So when they tell you it would rain, what you get the next day, is the opposite. I have always wondered why this is so. I have been to other countries and they give such precise predictions. I am sure, we have trained personnel here. Is it possible that maybe the equipment that they use or what they give to our radio and television stations is not meant to be correct? I would want the Minister to address whatever the problem is.

Mr. Temporary Deputy Speaker, Sir, a lot has been said about the concessioning of the Kenya Railways to the Rift Valley Railways. I wish to associate myself with my colleagues, I think not very serious thought went into that. However, having read some story later that a group of companies called the Trans-Century Group invested within the concessionaire some US\$14 million, then it looks to me, the reason for the hurry to do the concessioning was merely meant to transport a portion of public funds into that group of companies. Otherwise, how comes since the concessioning, the railway sector has actually under-performed?

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

Mr. Wamunyinyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for the opportunity to contribute on this Motion. I think this is the first time this Ministry's Vote has come before the House as opposed to previously when it was passed through Guillotine.

Mr. Temporary Deputy Speaker, Sir, I will start from the point Mr. Muturi has stopped. When the issue of restructuring of the Kenya Railways Corporation came to light, it was generally believed that it was going to help Kenyans and this country to get railway business on a healthy footing. The kind of investment we were told about by the group of companies that invested in this railway system, should have been able even to bring about some new coaches, wagons and introduce passenger services which had been stopped in areas like Malaba route.

Mr. Temporary Deputy Speaker, Sir, the result of this restructuring has occasioned the sacking of Kenyans, who have now been made unemployed. Some of the employees who were laid off have not been paid to date. You recently heard that they had been evicted from their houses. You also heard Mr. Muturi mention Trans-Century, the firm that is said to have invested in the Rift Valley Railways (RVR). The thing has failed and the only honourable thing that can be done now is to terminate the whole process because of the suffering.

An hon. Member: That is correct!

(Applause)

Mr. Wamunyinyi: Mr. Temporary Deputy Speaker, Sir, this firm that has been referred to, and that is said to have invested is involved everywhere.

Mr. Odoyo: Totally!

Mr. Sungu: Yes!

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

Mr. Wamunyinyi: Mr. Temporary Deputy Speaker, Sir, you can see from the reaction of hon. Members that this firm is responsible for fleecing or stealing Kenyan money.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Wamunyinyi! Use Parliamentary language!

Mr. Wamunyinyi: Mr. Temporary Deputy Speaker, Sir, I can put it in a different word. It can be looting or pilfering or anything else, but it means just one thing, that public money has been taken away!

(Laughter)

So, my only appeal on this point is to ask the Government to act fast and save Kenyans from this continued suffering as a result of the restructuring move. I am sure that eating must have taken place.

Mr. Odoyo: Big eating!

Mr. Wamunyinyi: Mr. Temporary Deputy Speaker, Sir, yes, big eating, or whatever else, took place but it is now time for us to act to correct the situation.

Mr. Odoyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have continually advised hon. Members to use Parliamentary language. Could he kindly define the tenets of the main concept of "eating"? Eating what?

The Assistant Minister for Foreign Affairs (Mr. Wetangula): But you know what "eating" means in the Kenyan context!

The Temporary Deputy Speaker (Mr. Khamasi): What is "eating", Mr. Wamunyinyi?

Mr. Wamunyinyi: Mr. Temporary Deputy Speaker, Sir, that is not really a point of order, because all of us know what happens. There is pinching and just taking and eating. Even this hon. Member knows what I am talking about!

(Laughter)

Let me say that the best thing that can be done is to terminate this whole process, the contract, or whatever took place, so that we can stop further suffering of Kenyans. We would have seen the RVR introduce passenger services to Kisumu, improve the class of transport to Malaba, Busia and Kampala, which we had previously before it collapsed. Now they say they have put in money but the thing is dying off.

Turning to the airports, which are also important to us, hon. Members have talked about the Kisumu Airport, particularly, Mr. Sungu, under whose constituency it falls, but it is all of us, who use this airport, who experience difficulties. I think it is a matter of urgency that this Government should take action to ensure that the airport is done, so that those potholes we experience during landing and take-off are no more.

But when you come to the Eldoret Airport, the Kenya Airways (KQ), which is the pride of Africa and is Kenyan, we have always been appealing that they should also introduce service to Eldoret, being an international airport. Local flights should be introduced by the KQ to Eldoret. I do not understand what difficulty is there when we have "matatus" like 540 and Aero Kenya flying there. We want to see this Minister advise the KQ to also introduce a service to Eldoret, which will benefit most of the people of Mt. Elgon. Kitale and those sides.

Mr. Temporary Deputy Speaker, Sir, you will also be a beneficiary if this happens! It cost this country so much money to put up this Eldoret International Airport, but it is not utilised at all. So, it is important that the KQ also introduces services there, which will be of benefit to the people.

Mr. Temporary Deputy Speaker, Sir, we have an airstrip in Bungoma, which is in good condition. It has a good tarmac but it is not fenced. Nothing goes on there, so driving schools use the runway in Bungoma to train drivers.

(Laughter)

Why should the Ministry allow such an important airstrip, which is the only link---

Mr. Temporary Deputy Speaker, Sir, it is close to Uganda and the people in that area have been hoping that it would be improved to ensure that we also fly there in the event of some emergency and while on other business. The Minister, and the Ministry of Transport, should consider improving the Bungoma Airstrip, because some unscrupulous Kenyans, members of the previous regime, in the then ruling party, KANU, had sub-divided a section of the airstrip and had wanted to grab it. It was not until we acted--- You remember that when I said that nobody was going to take a bit of it I was arrested and detained for a while, because I was preventing some land grabbers from grabbing airport land in Bungoma. That airstrip land! The same people---

QUORUM

Mr. Weya: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very serious debate that we are having in this House and I think we have a quorum hitch as of now. I think we need to consult over that issue!

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Weya! You address the Chair and that is it!

Mr. Weya: Mr. Temporary Deputy Speaker, Sir, I clearly said that there is a quorum hitch in the House. It is clear!

The Temporary Deputy Speaker (Mr. Khamasi): Of course, there is no quorum! Can you ring the Division Bell?

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! All arise. Mr. Wamunyinyi, you will have about two minutes when debate on this Motion resumes.

Hon. Members, due to lack of quorum, the House now stands adjourned until tomorrow, Wednesday, 5th September, 2007, at 9.00 a.m.

The House rose at 5.45 p.m.