

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 5th September, 2007

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.176

COMPENSATION FOR WRONGFUL DISMISSAL OF MAUA AGRITECH EMPLOYEES

Prof. Olweny asked the Minister for Labour and Human Resource Development:-

(a) whether he is aware that Messrs: Henry Ouma, Mutinda, Njoroge, P. Odour, Cyrus Maube and three others who were employees of Maua Agritech Limited were arrested at their workplace on 3rd March, 2005, and confined at Isinya Police Station in Kajiado District until 7th March, 2005, on allegations of theft by their employer;

(b) whether he is further aware that the employees were released on 7th March, 2005, but were turned away by their employer when they reported back to their place of work on 8th March, 2005; and,

(c) what he is doing to have the said individuals either reinstated or compensated for wrongful dismissal.

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that on 3rd March, 2005, the following who were employed by Maua Agritech Limited were arrested at their places of work and confined at Isinya Police Station in Kajiado District until 7th March, 2005, on allegations of theft by servant of fuel from stores after the management referred the matter to Isinya Police Station.

The affected employees were Messrs: Henry Ouma, watchman; Mutinda, watchman; Njoroge, boilerman; Peter Oduor, boiler assistant; Cyrus Maube, greenhouse; Godfrey, watchman; Robert Nandibe, supervisor; and William Simiyu Wanyonyi of stores.

(b) I am aware that all the eight employees were released on 7th March, 2005, after the company failed to pursue the matter. However, I am not aware that the said eight employees were turned away by their employer when they reported back to their place of work on 8th March, 2005.

(c) The District Labour Officer (DLO), Machakos, under whom Kajiado falls has been instructed to assist the complainants to be paid their terminal dues.

Prof. Olweny: Mr. Deputy Speaker, Sir, it is common knowledge that when some employers want to victimise their workers, for reasons known best to themselves and they want to deny them their dues, they make all sorts of allegations against them. This is what happened in this case. These people were arrested as indicated here and they reported back on 8th when they were

released. However, they were chased away by their employer. What will the Minister do to help them get their compensation for wrongful dismissal, because they were actually dismissed, apart from them getting their terminal dues?

Dr. Kulundu: Mr. Deputy Speaker, Sir, it is not true that employers concoct evidence against their employees. If there is any such specific case, I would be glad if it is brought to my notice. After investigations were conducted by the police, the following four employees were cleared of any wrongdoing and were released forthwith. These were Messrs: Cyrus Maube, William Simiyu Wanyonyi, Robert Nandibe and Peter Oduor.

The police found other four to have been implicated in the alleged theft by servant. These were Messrs: Henry Ouma, Godfrey, Mutinda and Njoroge. The police were to prefer criminal court charges against these four whose names I have just read out. However, the company did not pursue the matter by recording statements with the police and calling witnesses. Subsequently, the four were also released. Mr. Robert Nandibe sought reinstatement. He is currently back on duty. Mr. William Simiyu Wanyonyi sought for his dues through the DLO, Isinya. He was paid a total of Kshs14,991 which he accepted and signed for receipt. He was paid by cheque.

The management alleged that the remaining six employees neither sought reinstatement nor payment of their terminal dues. The company has promised to pay the six their terminal dues if they present themselves to the DLO to be paid their terminal dues, if any, without any delay.

Mr. Deputy Speaker: Mr. Minister, you have really answered this Question very thoroughly. I do not know whether we need to have any supplementary questions.

Mr. Rai: Mr. Deputy Speaker, Sir, cases of this kind are very rampant. I do not see the reason why somebody should be confined in prison if the complainant has not written a statement first. The employees have been released, but no action was taken against the employer because he did not write a statement. This is not right. These people, who were working there, are citizens of this country. We need an explanation from the Minister as to why people are confined in prison, without the complainants, first, recording statements with the police. We also need to know why it has taken two years for these people to be paid their dues.

The Minister has told this House that the money is lying in the District Commissioner's office and that these people should go there to collect it. If it is a question of these people going to lodge a complaint, it will take another two years for them to be paid their dues. Could he tell this House when this money will be released to the District Commissioner, so that these people can be paid?

Dr. Kulundu: Mr. Deputy Speaker, Sir, I have just said that the money is ready and that these people should present themselves to the DLO who will assist them to get their money from the DC.

Mr. Deputy Speaker: Is it from the DC or the employer?

Dr. Kulundu: Mr. Deputy Speaker, Sir, the employer has to deposit the money with the DC's office, Kajiado District.

Mr. Deputy Speaker: I think the Chair also needs to get this clear. If the employer has deposited the money with the DC, then what role does the DLO play? If the DLO has to investigate the matter and decide on the money to be paid, would it not have been paid through the DLO rather than the DC? Which is which?

Dr. Kulundu: Mr Deputy Speaker, Sir, this has been a long drawn case and, at least, one person has been reinstated. In anticipation that the rest will come for their terminal dues, if any, the employer deposited the money with the DC.

Mr. Deputy Speaker: How much money is lying with the District Commissioner for these people to collect?

Dr. Kulundu: Mr. Deputy Speaker, Sir, I am sorry I do not have the total figure, but I am

sure that if these people go there, they will not be disappointed by lack of money.

Mr. Midiwo: Mr. Deputy Speaker, Sir, beneath this Question lies a very fundamental issue. Here is a case where an employer roundly had his employees arrested but never showed up at the police station to write a statement. The Minister is telling the House that some of these people were found to have acted criminally, without the statement of the employer. This is a clear case of the mighty using police powers to frustrate innocent employees. It is wrong to arrest somebody and not go there to file a formal complaint. Could he make sure that the management of Maua Agritech Limited are arrested and arraigned in court for misusing the police against innocent Kenyans?

Dr. Kulundu: Mr. Deputy Speaker, Sir, at least, for those found to have committed this crime, indeed, the employer should have written letters complaining about them. In the letter that I sent to the District Labour Officer, I said that statements should be obtained from the criminals, although they are dispersed all over the country now, so that proper records can be kept and then full justice is pursued.

Mr. Deputy Speaker: Mr. Minister, going by the answer that you have given to this House, people were arrested, taken to the police station, the employer did not turn up at the police station to record a statement and then their employment was terminated. As the Minister for Labour and Human Resource Development for the Republic of Kenya, are you satisfied that these Kenyans were properly treated?

Dr. Kulundu: Mr. Deputy Speaker, Sir, these four people were found guilty by the police. The other four were also found---

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister for Labour and Human Resource Development who enforces the labour laws of this country in order to say that the police found the alleged people guilty? Since when did the police become a court of law?

Dr. Kulundu: Mr. Deputy Speaker, Sir, may he repeat the question, please?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, as we all know, we have established the Ministry of Labour and Human Resource Development---

(Loud consultations)

Mr. Deputy Speaker: Order, Mr. Angwenyi! The Minister has had to request for the repeat of the point of order by Mr. Angwenyi because he could not hear because of the loud consultations. This is a very important matter. Could you listen?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, the Ministry of Labour and Human Resource Development has been set up by this Government and financed by this Parliament to enforce the labour laws of this country. Since when did the Ministry designate the police to be a court of law to decide whether people are guilty or not?

Mr. Deputy Speaker: That was not your point of order! You have changed your point of order! You were to repeat your point of order!

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister for Labour and Human Resource Development, which enforces the labour laws in this country, in order to mislead this House that the police have become a court of law to find people guilty or not guilty?

Dr. Kulundu: Mr. Deputy Speaker, Sir, the process would have been completed if only the employer had written to complain to the police. But the police, in their investigations, found these four employees guilty of---

(Laughter)

Mr. Deputy Speaker: Order! Let me try to help! Mr. Minister, the point is that you keep on repeating that the police found these people guilty. The point of order is whether it is the role of the police to find people guilty or not or the courts. That is the point of order raised by Mr. Angwenyi. You have kept on saying that the police found the employees guilty. Are you categorical that the police found these people guilty?

Dr. Kulundu: Mr. Deputy Speaker, Sir, maybe I used the wrong language, but the police found these four employees with a case to answer.

(Loud consultations)

Mr. Deputy Speaker: That is even worse!

Mr. Mwanzia: On a point of order, Mr. Deputy Speaker, Sir. I think we can excuse the Minister because he is a bit confused. I have listened to what the Minister has said. These people were confined for about seven days and they were released by the police without being taken to court. This means that the police had been given false information by somebody to arrest them.

Would I be in order to request you to redirect this Question to the Minister of State for Provincial Administration and Internal Security, who is sitting here, to institute new investigations into whoever gave that false information, with a view to taking them to court? These people suffered!

Dr. Kulundu: Mr. Deputy Speaker, Sir, these people were confined for two days; from 5th March to 7th March. They were not confined for seven days. Therefore, the police should be commended for some expeditious work in finding some people with a case to answer and others with no case to answer.

Capt. Nakitare: Mr. Deputy Speaker, Sir, the Minister is dwelling on an issue that calls for justice. Is he aware that unlawful confinement of a Kenyan citizen for even one minute, is an offence in law?

Mr. Deputy Speaker: Now, what does that mean?

Capt. Nakitare: Mr. Deputy Speaker, Sir, the confinement of a person without being taken to court is unlawful in Kenya. Could the Minister inform the House whether the confinement of those people for two days was lawful according to labour laws?

Dr. Kulundu: Mr. Deputy Speaker, Sir, I am not aware that confining somebody for one minute is unlawful. However, I have said that in the course of two days' investigations, the police found four people with a case to answer and four others with no case to answer.

Mr. Deputy Speaker: I really do not know whether the police found them with a case to answer when the complainant did not even record a statement!

Mr. Marende: Mr. Deputy Speaker, Sir, I just want the Minister to come out clearly. He keeps on repeating a statement to the effect that the police found persons who had been arrested with a case to answer. We know that, in law, the only institution which is entitled to try somebody and find out whether or not he has a case to answer, is the court.

Could the Minister clarify under what circumstances the police found these persons with a case to answer or with no case to answer?

Dr. Kulundu: Mr. Deputy Speaker, Sir, before people are taken to court, the police officers investigate them. If there is reasonable suspicion that they have a case to answer, the police forward their cases to court.

Prof. Olweny: Mr. Deputy Speaker, Sir, what is coming out of this is that these people had no case to answer. Otherwise, they could have been taken to court. They actually did nothing wrong.

Could the Minister ask Maua Agritech Limited to reinstate these people instead of terminating their services and giving them peanuts to take home? These people are young and they have young families. Could he consider talking to the company, so that these people are reinstated?

Dr. Kulundu: Mr. Deputy Speaker, Sir, if the workers were found innocent and there is bad blood between the employer and the employees, there is nothing that we can do. The Trade Disputes Act, which we are amending now, forbids us from forcing the employer to reinstate the employees.

Question No.319

DELAY IN COMPLETION OF
KALYAMBEU DRIFT

Mr. C. Kilonzo asked the Minister for Roads and Public Work:

- (a) whether he is aware that the construction of Kalyambeu Drift, which started in 2006, has not been completed to date;
- (b) what has occasioned this delay; and,
- (c) when the Ministry plans to complete the drift.

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

- (a) I am aware that the Kalyambeu Drift, which was started in 2006, has not been completed to date.
- (b) The delay was occasioned by inadequate funds for the project in 2005/2006.
- (c) The Ministry has plans to complete this drift by the end of November this year. The completion works are programmed to start by 1st October this year.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, this is a major road. The Ministry awarded the contract and works began. The road was diverted and for the last two seasons, the road has been totally inaccessible because of the diversion. What happened to the funds which had been allocated to this drift?

Eng. Toro: Mr. Deputy Speaker, Sir, about 50 per cent of the work on this drift was done in 2006. Unfortunately, there was no more financial provision and after spending Kshs1.2 million, the contractor could not continue. There was an omission because no more funds were provided.

Mr. Deputy Speaker, Sir, now, we are making provisions and we are sending Authority to Incur Expenditure (AIE) to the District Works Officer, Machakos, of about Kshs1 million. What is remaining now is the concrete slab to finish the drift. We are rectifying the oversight which was done last year.

Mr. Deputy Speaker: Last question, Mr. C. Kilonzo!

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, the Assistant Minister has said that the Ministry will send Kshs1 million. In the first place, the contractor has not been paid for the work done. That means that if they send Kshs1 million, still nothing is going to happen. Is the Assistant Minister aware of the true position?

Eng. Toro: Mr. Deputy Speaker, Sir, the contractor, that is, Thogami Construction Company, which undertook 50 per cent of the construction, was paid Kshs1.2 million. So, the Kshs1 million which is being sent is meant to finish the work. If the contractor has told the hon. Member that he was not paid, that is not true. He was paid Kshs1.2 million for the work he did.

Mr. Deputy Speaker: Next Question by the Member of Parliament for Alego Usonga Constituency!

*Question No.441*CAUSES OF FREQUENT POWER
BLACKOUTS IN SIAYA

Mr. Midiwo, on behalf of **Mr. Weya**, asked the Minister for Energy why there are frequent power blackouts in Siaya.

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

The frequent power outages that have been experienced in Siaya Town and its environs have been due to the following:

1. Programmed outages to facilitate connections of new lines constructed under Rural Electrification Programme (REP) and the .Customer Creation Initiative.

2. Programmed outages to carry out routine preventive and collective maintenance as the main station supplying Siaya Town is on a spur from the line supplying other areas as well.

3. Transformer overload which cause tripping during peak hours.

The following measures are being undertaken to correct the situation:

1. Upgrading the main transformer at Siaya Sub-station from 1.5 MVA to 2.5 MVA to accommodate an additional customers load.

2. Upgrading the main circuit breaker for Siaya Town and this is due for commissioning by September, 2007.

3. Scheduled commissioning of a 60-megawatts Sondu Miriu power generation facility by November, 2007. This will help improve both supply and voltage in Nyanza.

It is hoped that these measures, once complete, will go a long way in improving the quality of power supply to Siaya Town and its environs.

Mr. Midiwo: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for telling the House that the main circuit breaker will be replaced and commissioned by September, because I think that is part of the problem. But, in order to alleviate the power outages in Siaya, which are more or less, on a permanent basis--- We know that the power outages do not occur because of maintenance works, because they are too frequent for us to believe that. When will the works---

*(Mr. Wanjala crossed the Floor
without bowing to the Chair)*

Mr. Deputy Speaker: Order, Mr. Wanjala! Could you apologise to the House for what you have just done? I do not want to say what it is that you have done! If you just bow, that will be enough!

*(Mr. Wanjala walked to the
Bar and bowed to the Chair)*

Thank you! Sorry, you interrupted Mr. Midiwo!

Mr. Midiwo: It is okay, Mr. Deputy Speaker, Sir. Mr. Wanjala is always rude!

Could the Assistant Minister tell this House when the replacement of the transformer, which he has talked about, will be done, because we think that, that is where the main problem is?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, the main problem is not the transformer, although it is going to be replaced, as I said, in the course of this month. The main problem is our own

people who have these programmed outages. Programmed outages mean that for us to connect a new line with the already existing power line - there is what we call shut-downs - we must make sure that after a duration of time; for example, six hours, and sometimes almost the whole day, when it is major, we cut power deliberately, to enable us to connect a new line that has already been constructed. So, in fact, it is us who cause those outages to be able to connect more customers.

Mr. Kipchumba: Mr. Deputy Speaker, Sir, the problem of power outages is experienced all over the country. While I appreciate the reason given by the Assistant Minister, previously, whenever there was going to be a shut-down, the Kenya Power and Lighting Company (KPLC) would issue an advertisement in the local Press that, indeed, there will be blackouts in certain areas for certain hours within certain days. Why can the Ministry or KPLC not continue doing the same, given that these outages have caused a lot of untold suffering to many people?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, that is true. I apologise for the failure by the KPLC to do the same. We shall ensure that it is done. We shall inform customers in good time. Hon. Kipchumba is well versed in energy matters. Immediately we win the general election next year and he crosses to the Government side, he will be my Assistant Minister!

(Laughter)

Prof. Oniang'o: Mr. Deputy Speaker, Sir, I do not know what the Assistant Minister is talking about. Is he aware that every time there is a power blackout, it actually gives opportunity for criminal attacks? Are they keeping a record in the Ministry of how many criminals attack when there is a power blackout?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, cases of criminal attacks can only be recorded by the police, because we never know whether they occur because of the power outages. Even in the rural areas where we have no power, criminal acts are still going on.

Mr. Deputy Speaker: Last question, Mr. Midiwo!

Mr. Midiwo: Mr. Deputy Speaker, Sir, I have no further question.

Mr. Deputy Speaker: Thank you! Next Question by the Member of Parliament for Amagoro Constituency!

Question No.068

MEASURES TO RECOVER BURSARY
FUNDS IN TESO DISTRICT

Mr. Ojaamong asked the Minister of State for Special Programmes:-

(a) whether he is aware that the money meant for youth programmes and bursary for needy students which was under the custody of the Teso District Commissioner in the year 2002 cannot be traced to date; and,

(b) what measures he is instituting to recover the funds and ensure that they are utilized for the purpose for which they were intended.

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

(a) I am not aware. However, I am aware that Kshs152,400, being proceeds of an impromptu Harambee meant for the Teso Youth Development Programme were deposited at the Teso District Treasury, but was later withdrawn by the depositors on 27th July, 2005, to be used for the then existing youth programmes.

(b) If the money was misappropriated, we advise the hon. Member to report the matter to the police for necessary action.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, the money in question was raised by the hon. Biwott. It was over Kshs3 million. Another Kshs2 million was raised by Members of Parliament from Western Province led by the hon. Mudavadi, and it was deposited in the district treasury. Whenever a question about these monies is raised in Teso, and the meeting has to be chaired by the District Commissioner (DC)--- The first DC, Mr. Mwasera, was transferred and promoted to a Provincial Commissioner (PC). The second DC, Mr. Kipkebut, was also transferred. The third DC, Mr. Kiprono, was also transferred. When the fourth DC, Mr. Arthur Kaaria, nearly came to the root of this problem, he died under mysterious circumstances. Who are these people who withdrew this money and for which programmes was it meant?

Mr. Kingi: Mr. Deputy Speaker, Sir, as far as we are concerned, the money that was deposited was Kshs152,400 and not the Kshs3 million that the hon. Member is talking about. As I have already said, it was withdrawn by the same people who deposited it at the district treasury. We have a letter showing the people who withdrew it.

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

Mr. Bifwoli: Mr. Deputy Speaker, Sir, it appears that the Assistant Minister cannot read that letter and tell us the names of the people involved. If the money for the youth was deposited in the district treasury, why did the DC give out money to individuals and he knew that youth groups were not yet registered? If the money was withdrawn, was it given to the youth groups? Could he tell us the names of the youth groups that benefited from the money that he is talking about?

Mr. Kingi: Mr. Deputy Speaker, Sir, I have said that, that money was raised in a Harambee for youth groups. When it was deposited at the DC's office, we were not told which those youth groups were. When the depositors came for the money, they did not tell us about their youth groups. They just came and took the money that they had raised for their youth groups.

Mr. Deputy Speaker: Hon. Members, sometimes the Chair always finds itself in a very difficult position to understand a Question! Mr. Ojaamong, you are claiming that the money was deposited in the DC's office and it was withdrawn. You do not know who withdrew it. The Assistant Minister has asked you the following: If you knew that such a thing happened, why was a report not made to the police? You have just said that the money was withdrawn and you are counting four DCs. Why, whoever deposited the money at the DC's office, having found out that the money had been withdrawn or disappeared, did not report to the police? Answer my question!

Mr. Ojaamong: Mr. Deputy Speaker, Sir, this matter has been reported to the police several times. It has been discussed in the Teso District Development Committee (DDC). That is why, after every five or six months, a new DC is brought. Another one dies mysteriously. That is why this matter is mysterious.

We have to get to the root cause of all those problems.

Mr. Keter: Mr. Deputy Speaker, Sir, the Assistant Minister has clearly said that the depositors went and withdrew the money. I want him to tell this House who were the depositors who went and withdrew the money.

Mr. Kingi: Mr. Deputy Speaker, Sir, I have tabled a letter showing who those people were!

Hon. Members: Give us the names!

Mr. Deputy Speaker: Order, hon. Members! Mr. Kingi, you have tabled a photocopy of something. I could not even read the names. If you have the original letter, I now order you to read out the name of the person who withdrew the money!

Mr. Kingi: Mr. Deputy Speaker, Sir, the money was deposited at the district treasury by hon. A.A.A. Ekirapa. He is the same person who withdrew that money from the district treasury.

Mr. Deputy Speaker: Mr. Ojaamong, last question!

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

Mr. Deputy Speaker: Mr. Sirma, what is it?

Mr. Sirma: Mr. Deputy Speaker, Sir, we do not know who is telling the truth. The money was raised in a Harambee and the hon. Member is aware of the amount. The amount that was deposited was Kshs152,400. If it is true that it was Mr. Biwott who conducted the Harambee, I am sure that amount could only have been his contribution. Could the Assistant Minister confirm how much money was raised for all those youth programmes, before the Kshs152,400 was withdrawn? That could have been the last withdrawal!

Mr. Kingi: Mr. Deputy Speaker, Sir, I said that, that was an impromptu Harambee. The amount of money that was deposited at the DC's office was Kshs152,400. We can only account for the money that was deposited at the district treasury and not how much was raised. We [Mr. Kingi]

were not there. That is why we are saying that the money that was deposited at the district treasury was the same amount of money that was collected by the depositor. That is the end of the matter!

Mr. Deputy Speaker: Mr. Ojaamong, last question!

Mr. Ojaamong: Mr. Deputy Speaker, Sir, the Assistant Minister has said that somebody withdrew the money from the district treasury. The money was meant for youth programmes. Is the person who withdrew the money a youth? What role was he playing with that money? That money was in the safe custody of the Government. Who was he to take the money belonging to the youth?

Mr. Kingi: Mr. Deputy Speaker, Sir, I do not know whether he was a youth when he collected that money! But he is the same fellow who deposited and collected the money. He said that he was going to use that money for youth programmes. If the hon. Member feels that, that money was not properly utilised, let him report the matter to the police and we will take appropriate action.

Mr. Deputy Speaker: Thank you, Mr. Kingi! That marks the end of Question Time!

POINT OF ORDER

FATE OF SUGAR (AMENDMENT) BILL

Prof. Oniang'o: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Agriculture over the fate of the Sugar (Amendment) Bill, which I moved in this House as a private Member. I naively handed it over to the Minister for Agriculture at a workshop in Naivasha. He promised that the Government would support and hasten it to be brought before this House. The Ninth Parliament is about to end and the Minister has let me down. He has also let down the sugar-cane farmers who are suffering. I would like him to tell us the following:

(i) Why is he treating the sugar-cane farmers that way?

(ii) When will he bring and table that particular Bill?

Mr. Deputy Speaker: Is the Minister for Agriculture here? Leader of Government Business, you heard the hon. Member!

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, I will convey the information to the Minister for Agriculture, so that he can bring a Ministerial Statement here on Thursday next week.

Mr. Deputy Speaker: Hon. Members, I have a Communication from the Chair---

*(Messrs. Cheboi and Salat
consulted loudly)*

Order, Messrs. Cheboi and Salat! Let us have some order!

CONSIDERED RULING

ALLEGATIONS AGAINST EQUITY BANK: MEMBERS SHOULD NOT USE PARLIAMENTARY PRIVILEGE TO MALIGN INDIVIDUALS/INSTITUTIONS

Mr. Deputy Speaker: Hon. Members, you will recall that last week on Thursday, 30th August, 2007, the Chair undertook to make a ruling on the admissibility or authenticity of documents which had been tabled on Thursday, 23rd August, 2007, by Messrs. Kajwang and Midiwo during a debate on the Statute Law (Miscellaneous Amendments) Bill. The documents were tabled purporting to prove allegations of irregularities in the operations of Equity Bank.

Hon. Members, matters relating to the bank in question have been raised in this House on a number of occasions and we, therefore, seek your indulgence to make reference to such instances, so that the issue can be put in its proper perspective.

Hon. Members are aware that on 10th July, 2007, the Assistant Minister for East African Community, Dr. Khalwale, made serious allegations against the integrity of the bank while contributing to the Vote of the Ministry of State for Administration and National Security and tabled a letter addressed to the Minister for Finance to prove his claim. The Chair undertook to study the letter and guide the House accordingly.

On 11th July, 2007, the hon. Member for Kwhisero Constituency, Mr. Arungah, sought a Ministerial Statement on the allegations made by Dr. Khalwale - the previous day - on the management of the bank. The Assistant Minister for Finance, Mr. Kenneth, immediately issued the Ministerial Statement which addressed the concerns raised by the hon. Members and, further, responded to several points of clarification sought as provided for in our rules of procedure. The need for a ruling by the Chair on the authenticity of the letter was, therefore, in my view, overtaken by the Ministerial Statement.

Hon. Members, on Thursday, 23rd August, 2007, during the debate on the Statute Laws (Miscellaneous Amendments) Bill, issues relating to alleged irregularities in the operations of the bank, again, resurfaced on the Floor of the House. Mr. Kajwang tabled a letter purportedly written by a Director of the bank to the Chairman of the Board on serious operational flaws in the bank.

Another document titled: "*Equity Bank Limited - Special Audit Report*" was tabled by hon. Midiwo to support hon. Kajwang's assertions. The document was ostensibly prepared by an audit firm called Keat Peat Marwick Group (KPMG). It was at that point that hon. Angwenyi and other hon. Members of the House, requested for guidance from the Chair on the authenticity and, indeed, admissibility of a document tabled before the House on 23rd August. Mr. Angwenyi revisited the matter addressed to the Chair on 30th August, 2007.

Hon. Members, I have studied the documents mentioned and the statement issued by the Assistant Minister for Finance on 11th July, 2007 and which led me to come to the following observations:

First, the letter tabled by hon. Dr. Khalwale was addressed to the Minister who has not disputed that fact. He, in fact, responded to its contents. Two, a special audit report contains a disclaimer that it was prepared for the purpose of investigation which I believe the Minister for

Finance may wish to comment on. Three, the letter tabled by hon. Kajwang was addressed to the Chairman of the Board. It is not in dispute as it is an internal memo between Board members.

Hon. Members, arising from the foregoing, it is my view that the question before the House does not relate to the authenticity or otherwise of the documents tabled. It rather relates to the use of the Floor of this House to make certain allegations on individuals or institutions who cannot defend themselves here. Whereas the Minister for Finance would wish to make a statement on the documents tabled by hon. Otieno Kajwang, I wish to state, without hesitation, that hon. Members should not use the privilege granted to them to malign or make allegations that, for all intents and purposes, are clearly intended to injure the character of individuals or institutions that may not have access to the Floor of this House. Hon. Members, may I point out that the privilege granted under the National Assembly Powers and Privileges Act, Cap.7 of the Laws of Kenya is not absolute, but must be exercised with the responsibility and dignity worth the institution of Parliament.

Hon. Members, I thank you.

(Applause)

Next Order!

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

Mr. Deputy Speaker: Mr. Ndambuki, what is it? Is it on the same matter?

Mr. Ndambuki: Yes, Mr. Deputy Speaker, Sir. It is on the same matter.

Mr. Deputy Speaker: No! 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 on 4.9.2007)

*(Resumption of Debate interrupted
on 4.9.2007)*

Mr. Deputy Speaker: Hon. Members, as you are aware, yesterday's Business was lost because the House adjourned before the end of Business due to lack of quorum. Therefore, today is the first day for the Vote of the Ministry of Transport. Mr. Muiruri was on the Floor when the House was interrupted due to lack of quorum. He has two minutes to finish his contribution!

The Assistant Minister for Agriculture (Mr. Muiruri): Mr. Deputy Speaker, Sir, I was not on the Floor!

Mr. Deputy Speaker: Apparently, hon. Members seem to be ahead of the Clerks-at-the-Table because they tell me that it was Mr. Muiruri who was on the Floor! Mr. Muiruri says he never contributed! I do not know where they got him from!

Mr. Wamunyinyi: I was on the Floor, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Wamunyinyi, you have two minutes.

Mr. Wamunyinyi: Thank you, Mr. Deputy Speaker, Sir. Indeed, I was contributing when the House was interrupted yesterday. I was appealing to the Minister for Transport to urge the Kenya Airways to also introduce a local passenger service to Eldoret. I was concluding by saying that we have impassable roads in Kenya.

Mr. Deputy Speaker, Sir, for example, in Bungoma Town, Mumias Road is almost getting impassable. Although it is not directly under this Ministry, but because of its relationship with the Ministry of Roads and Public Works, it is important that that road is also looked at.

The fact of the matter is that members of the public are generally using public transport which comprise of *matatus* and the buses and it is important that the measures that had been initiated earlier to bring about discipline within the transport industry are implemented. We must ensure that there is order and sanity in this industry. It is important also, for purposes of ensuring peace and stability, that all the rules are followed by all those concerned in the transport sector.

With those few remarks, I beg to support.

Capt. Nakitare: Thank you, Mr. Deputy Speaker, Sir. I stand to support this Motion with a wide variety of concerns. The Ministry of Transport is the most important Ministry in the country. It is like the vein that circulates the blood in the whole system of an animal or the body of a human being.

Mr. Deputy Speaker, Sir, I would start from the maritime sector at Mombasa. Our country is the gateway to landlocked countries that do not have ports. The Port of Kilindini has a causeway which has not been utilised properly. This port needs to be expanded, especially at Mtongwe, so that it can compete with other ports like Tanga and Dar-es-Salaam.

In the near future, we will face a big competition from Somalia when it attains peace and starts operating its ports. Water transport is very important.

[Mr. Deputy Speaker left the Chair]

*[The Temporary Deputy Speaker
(Mr. M'Mukindia) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, the Ministry of Transport has not taken serious considerations when it comes to search and rescue operations on the waters of the Indian Ocean. We have 487 kilometres of coastline. If the Ministry of Transport put in elaborate navigational systems, it would be a big advantage to this country. If you have water masses and you do not have navigational directions on them, it becomes ambiguous. We, in Kenya, have not taken it seriously to understand the importance of water transport. This affects our river waters, lakes and the ocean. The situation at the Port of Kilindini is similar to the one at Kisumu. We have Lake Victoria which is the second largest fresh water lake in the world, but we do not have water vessels that can transport people across it to other countries. We would be having a very easy time of transporting oil from Kisumu to Entebbe if we used its waters. We would not need petroleum pipelines to do so.

Mr. Temporary Deputy Speaker, Sir, when it comes to railways, it is understood that our railway system was started in the 1890s. Over the years, there has never been a time when the railway lines have been put under repair. The amount of money that Kenya is using to repair feeder roads and the main highways in this country is more than the equivalent amount of money that would be spent to rejuvenate the railway line. It is high time Kenya put emphasis on electric trains, which would serve passengers. If we had electric trains, we would not have carnage on the roads or spend a lot of money repairing roads. We would not be demolishing people's houses to construct road bypasses. We would not have congestion of vehicles on roads in towns and cities.

I take issue with the construction of the roads. Now that Kenya has realised that we are the only outlet and inlet to other countries, the number of lorries transporting containers that are using our roads is not forgiving. The level of road damage is very high compared to the road use. Drivers suffer a lot due to the large number of containers that transit through Kenya. I have in mind the recent incident, between Nakuru and Eldoret, at Timboroa, and that between Nakuru and Naivasha, at Soy Sambu. Heavy commercial transport vehicles get stuck on the road, and drivers are left midway with no help. The Ministry of Transport has to come out clearly. Now that the construction of roads is being funded by international donors, the Ministry must take responsibility of labelling traffic signs.

Mr. Temporary Deputy Speaker, Sir, consequently, policemen are now the "speed governors" on the highways. I do not see how roadblocks, with spikes, can control the speed of a vehicle. Under the Traffic Act, driving schools subject their students to learning road signs only for those students to go out on the road to find no road signs by the roadside. This is anomalous. It is an abuse of the law. The Traffic Act has not been utilised properly. Things have to happen in line with what the Ministry of Transport is doing.

Coming to the air transport sector, you find that, following the expansion of the air transport system, trans-African air travel has become a demanding issue. The Government must do a serious job in terms of expanding the airports and equipping the Directorate of Civil Aviation and the Kenya Airports Authority. We, international pilots, find it very hard sometimes to even locate a VOR at the airports, because the signs are insignificant. The fact that we are controlled by navigation, does not give this country the leeway to be complacent. The arrival and departure lounges are in a mess. People are now using road bypasses as packing bays while waiting to see their passengers off. Time is gone when we had waiving bays. People used to stand on waiving bays and watch their relatives fly off. Those days are gone. The airports are prestigious. Aviation is a prestigious industry but, again, it is demanding. It is the most important mode of transportation that our country has to execute.

I am happy that the Kenya Airports Authority has now adhered to international requirements, and that we will use the Jomo Kenyatta International Airport (JKIA) as a taking off point for distant flights; that is for flights going as far as New York. That is wonderful. The other important fact is that it is a gateway for tourists. It is, therefore, a question of understanding what tourists want. Most of the tourists come from very advanced nations. So, when we find ourselves in airports that are dirty, and where arrangements are awkward, this denies Kenya foreign exchange.

Mr. Temporary Deputy Speaker, Sir, the Minister for Transport has to come out and discipline driving schools. Why do we have road carnage? Why do we have unprofessional people? In developed countries, a driving licence is not issued forever. You renew the driving licence after every two years or ten years. However, before you renew your driving licence, you must go for a test. This is the time when the Ministry of Transport has to come out to help the police. If a person is found driving a vehicle under the influence of alcohol for three consecutive times, he should be taken off the road, so that he may become disciplined. That is the only way the Traffic Act can be respected. Road bumps are not provided for in the Traffic Act. They are not even marked. Why do we have them on our roads? Why does the Ministry of Roads and Public Works build road bumps?

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. M'Mukindia): Mr. Zadock Syongo!

Mr. Syongo: Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me a chance to contribute to this debate in support of the Motion.

In our country, we are, of course, lucky because we have the capacity to enjoy all the various forms of transport; air, road, rail and marine transport. However, the thing which this House should, really, worry about and communicate to the Ministry is inadequate development

funding of our transportation facilities. Whichever way you look at it, the budget of this Ministry is dismal. It is totally inadequate, yet we are priding ourselves that we are a growing economy. Without investing in transport facilities, we cannot expand the economy because, apart from the services sector, we need transport to carry goods from point A to point B. This is so for both domestic and export marketing of our various merchandise and produce.

Mr. Temporary Deputy Speaker, Sir, looking at, for example, our air transportation system we, of course, have a national airline. However, even in terms of passenger services by Kenya Airways, we must express our concern that the service standards are, obviously, declining. For the last two weeks, Kenya Airways has not been able to comply with its timetable, even for scheduled flights. There have been long periods of waiting at the airports. Last weekend, the situation was chaotic at the JKIA. Some of the things which were being said about us, as a nation as well as our airline, by foreign tourists, who were arriving, and who were supposed to have been transmitting to elsewhere, were, really, terrible. We can no longer talk of Kenya Airways being the "pride of Africa". In fact, last weekend, it was the shame of Africa. That is something the Ministry must pay attention to. This is because even as we privatise, the Ministry must retain and exercise its oversight responsibility over all the State corporations working under its ambit.

Mr. Temporary Deputy Speaker, Sir, it has been said before that we have not expanded our railway network. We also have wonderful news that, in fact, we have discovered huge quantities of limestone in Kitui. Two nights ago, the television was showing how a cement factory - I think it was Bamburi Cement Factory - has already moved heavy equipment to Kitui to start experimental drilling of limestone. If we are going to transport this bulky commodity from the mining site in Kitui to the processing units in Athi River and Mombasa, we will definitely need an efficient and cost-effective means of transport. There cannot be any substitute to railway transportation. However, in this document there is no provision whatsoever, under the Development Estimates, for the expansion of the railway line and yet there is every opportunity for us given the amount of money Kenyan taxpayers are paying. We have an opportunity for leveraging by borrowing substantially so that we can actually expand and modernise our railway transport system.

Mr. Temporary Deputy Speaker, Sir, the safety in the maritime sector is worrying. First of all, if you look at the inland lakes, even though we have only a 6 per cent share of Lake Victoria, as I talk to you now, there are nearly 4,000 vessels on the Kenyan side of the lake engaged in passenger transportation as well as commercial fishing and yet we have no unit on Lake Victoria, 80 per cent of which is in Suba District, which can make an emergency response. So, if there is any accident there, we have no capacity--- Even our police who are in that area do not have a single vehicle for search-and-rescue operations. Even after we passed the Kenya Maritime Agencies Bill, no action has been taken in order to establish these institutions which are so critical in ensuring navigational safety in our lakes. The same applies even to the Indian Ocean.

Mr. Temporary Deputy Speaker, Sir, the question of air pollution, especially in the urban centres, should be a worry to everybody. Not only does polluted air contribute to drivers getting fatigued, and can cause accidents, but it also interferes with visibility especially at night. The heavy carbon emission from exhaust systems of vehicles that use poor quality diesel, and unserviced vehicles, is a major worry. This is not only from a medical point of view, but also in terms of road safety. All the countries around us have a very simple rule even if you do not have money to buy the right gadget. It is the "visible-by-the-naked-eye" rule. Any sensible nation today, given the health dangers of carbon emission, which is now an issue in agricultural exports because of the carbon emission factor in fresh produce, unless we deal with heavy air pollution in this country, we are not only endangering our lives, but actually also endangering our export business, especially fresh produce.

I, therefore, would like to urge the Minister to really deal with this issue because it is a very

serious one. Let us apply the "visible-by-naked-eye" rule so that any vehicle emitting smoke which can be seen by the naked eye should automatically be moved out of the road. I know that as soon as that rule is in force, vehicle owners will be servicing their vehicles more regularly so that there is less pollution in our cities and main highways.

Mr. Temporary Deputy Speaker, Sir, even after the disastrous accidents we have had including that one that resulted in the death of our colleagues of the Ninth Parliament, the condition of various airstrips in this country is still terrible. This includes a major airport in Kisumu. We are courting disaster! With expansion in investment in the aviation industry, which is taking place, we need the Government to have corresponding investment in modernisation of our airstrips. The tourist arrivals have increased and many of them are diversifying their destinations, that is, from the Coast Province to upcountry destinations. Now, with the chaotic road situation and a very poor road infrastructure, air transportation is definitely a preferred choice of transport, especially between distant points in our country. So, we need to modernise our airstrips. We also need to have a proper management agency because I am afraid that--- The truth is that the Kenya Airports Authority (KAA) deals largely only with the Moi International Airport in Mombasa and the Jomo Kenyatta International Airport (JKIA). They hardly have any time for other airstrips and airports.

The Meteorological Department is so important to us not only for navigational reasons, but also for agricultural production. However, if you look at the daily weather reports, that department only covers sections of this country. Why can they not report on the weather conditions in Turkana? Why are they not doing so in Kajiado or in the Mara and yet we know that many farmers have invested heavily in commercial production of wheat and other products in Narok area? We hardly get weather reports from those areas. Even the fisheries sector which relies on the safety in our lakes as well as the farmers in that entire region, there is hardly any data being collected from that area and being disseminated to guide farmers and those who use the various navigational means.

I would like to conclude by saying that if really we want to be a trading nation, we need to think seriously about a national shipping line. I know that we used to have Kenya National Shipping Line. What happened to it? We hardly ever hear about it. What happened? Should we not upgrade or expand it and even look for a partnership like Kenya Airways did with KLM? We should be thinking about partnerships so that we can expand our capacity to carry passengers, but especially cargo if we really intend to be a great trading nation.

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

The Assistant Minister for Immigration and Registration of Persons (Mr. Mwaboza): Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia fursa hii ili nami nichangie Hoja hii ya makadirio ya matumizi ya fedha katika Wizara ya Uchukuzi.

Kwanza ningependa kuitolea Wizara hii heko kwa jinsi inavyojitahidi katika masuala ya uchukuzi. Mbali na hilo, kuna suala la Shirika la Kenya Airways ambalo linaendelea kufanya vizuri nchini. Hata hivyo, kama walivyosema waheshimiwa Wabunge wenzangu waliozungumza hapa, kuna taabu za hapa na pale katika shirika hilo lakini malumbano hayakosekani katika kila shughuli.

Katika Kenya ya leo, Wizara hii ingefikiria kubuni "Kenya Sea Airways". Kwa nini nimesema hivyo? Ni kwa sababu Serikali yetu iliahidi kuzalisha kazi kwa vijana ambao ni wengi humu nchini. Nyanja hii bado haijafikiwa kabisa. Kwa mfano, kule Tanzania, watu husafiri kutoka Dar-es-Salaam hadi Zanzibar wakitumia ile sehemu ya maji iunganishayo kisiwa cha Zanzibar na Dar-es-salaam. Mambo kama haya yanazalisha ushuru kwa taifa. Vile vile yanatoa fursa ya uzalishaji wa kazi na kutoa utajiri kwa wale ambao watakuwa katika himaya hii ya ufanyaji kazi. Katika nchi ya Kenya, kilomita zaidi ya 640 za mwambao wa pwani zimeachwa wazi bila kuwepo na biashara zozote. Wakati umefika kwa Wizara hii kufikiria ikiwa mambo

kama haya yanafanyika katika nchi nyingine. Kama Wizara hii ingetengeneza *sea ways*, basi watu wataweza kusafiri hadi jijini Mombasa, Lunga Lunga, Kilifi, Malindi hadi Lamu. Shughuli hii ingezalisha kazi nyingi ambazo zingezidi zile kazi nusu milioni Wakenya waliahidiwa. Vile vile shughuli hii ingepunguza misongamano iliyoko katika barabara zetu ambazo kwa mara nyingi uzito wa mizigo na magari makubwa yanafanya barabara kuharibika. Kwa hivyo, wale ambao ni watungaji sera katika Wizara hii, wana jukumu kubwa kuhakikisha kwamba tunaendesha Kenya mbele katika nyanja hii.

Bw. Naibu Spika wa Muda, kitu kingine cha pili muhimu ambacho ningependa kuzungumzia kuhusu Jiji la Mombasa ni kwamba kuna feri ya kwenda Likoni na daraja moja la kuelekea Mombasa Kaskazini, upande wa Nyali.

Kule Dubai kuna usafiri wa baharini kupitia njia ya feri. Wamejenga pantoni ambazo huwezesha meli fulani kuvukisha watu kwa bei ya chini. Kwa njia hii, wanazalisha kazi. Kwa mfano, kutoka Mkomani English Point kufika Port Jesus, tungekuwa na usafiri wa baharini. Magari yanayopitia kwenye ile daraja yangepungua. Mizigo ingepitishwa kwa thamani ndogo na ingepunguza bei ya uchukuzi wa matatu ambayo kwa sasa yanawadhulumu watu wetu. Utaona ya kwamba mahali pa Kshs10, watu wetu wanalipa Kshs30. Hizi ni fikira ambazo zizafaa kuzingatiwa ili jiji la Mombasa lipatiwe hadhi yake. Hata abiria wanaosafiri wataweza kujimudu ikiwa mzigo huu wa usafiri utakuwa umepunguzwa.

Bw. Naibu Spika wa Muda, suala lingine muhimu la kuzungumzia ni jinsi magari yanavyofanya ajali katika barabara zetu. Shida hii inatokea kwa sababu Wizara ya Uchukuzi ndio inayoshughulika na sheria za barabarani. Lakini ni nani anayefaa kutekeleza jukumu hili? Utakuta ni maofisa wa idara ya trafiki. Hata hivyo, hawa maofisa hawako chini ya Wizara ya Uchukuzi. Kama hakuna ushirikiano na idara hii, basi itakuwa vigumu kwa Wizara kutekeleza jukumu lake. Maombi yangu ni kwamba Ofisi ya Rais ishirikiane na Wizara ya Uchukuzi ili tupunguze ajali barabarani. Kwa mfano, tunaweza kuwa na askari maalum chini ya Wizara ya Uchukuzi ili watekeleze sheria hizi. Hii inawezekana kwa sababu Shirika la Reli lina Railway Police.

Pia shirika la Bandari ya Mombasa lina Port Police. Kwa nini hatuwezi kuwa na hawa askari chini ya Wizara hii ili watekeleze sheria za trafiki? Mara nyingi, kumekuwa na mvutano kati ya Wizara hizi mbili. Mmoja anamlimbikizia mwingine matatizo. Kumekuwa na hali ya vuta nikuvute na huku watu wetu wanapoteza maisha yao kutokana na ajali barabarani.

Bw. Naibu Spika wa Muda, suala lingine muhimu la kuzungumzia ni kazi ya mabaharia. Miaka ya 1965, 1970 na 1980, vijana wengi walikuwa wakiajiriwa kazi kama mabaharia. Walikuwa wakisafiri kwa meli na kwenda ng'ambo kufanya kazi hiyo. Hivi sasa kumetokea sheria mpya ya kimataifa. Kila kijana ambaye anataka kwenda kufanya kazi kama baharia ni lazima awe na cheti cha STCW. Inahitajika mtu awe na *discharge book* na pasipoti ili aajiriwe. Kufikia sasa, nchi ya Kenya haijaweza kutoa vyeti hivo kwa sababu ya upungufu wa sheria fulani ambazo bado hazijapitishwa. Katika nchi jirani kama Tanzania wamepitisha sheria hizo. Vijana wetu ni lazima waende kule Dar-es-Salaam na kulipa Kshs30,000. Tuko na Chuo cha Bandari ambacho kinaweza kufanya mambo haya yote. Wakati umefika, Katibu na wenzake ambao wanatunga sera, wafikirie mambo haya. Hii inaweza kuzalisha nafasi za kazi zaidi ya laki moja kwa mwaka katika nchi hii. Serikali ya Thailand hupata utajiri wake kutokana na nyanja hii. Kwa hivyo, ni lazima fikira zetu Wakenya ziwe pana. Tukifanya hivyo, tutaweza kuendesha taifa letu vizuri.

Bw. Naibu Spika wa Muda, suala lingine ambalo nitalizungumzia, na ambalo mhe. Zaddock ameligusia, ni la Kenya National Shipping Line (KNSL). Nikifungua macho kulikuwa na meli mbili ambazo zilinunuliwa na ushuru wa nchi ya Kenya zikiwa chini ya KNSL. Meli hizi zimepotea kijaibu. Mpaka leo haijulikani ni nani aliziua. Hakuna mtu yeyote anayezifuatilia. Hii ni himaya mpya ya utawala ambapo wangufuatilia mambo haya ili tujue ni nani alifanya udhalimu kama huu kusudi iwe kielelezo kwa wengineo ambao watakuja baadaye. Ni lazima tulinde

rasilimali ya mwananchi wa kawaida.

Bw. Naibu Spika wa Muda, suala lingine muhimu ni kuhusu ubinafsishaji wa vituo vya mwisho au *terminals* za Kenya Ports Authority (KPA). Kwa mfano, kuna mwekezaji mmoja kwa jina Boss Freight. Amepatiwa vituo hivi aviendeshe kama mtu binafsi. Kuna hatari ya silaha kupitishwa ikiwa vituo hivi vitasimamiwa na watu binafsi. Pia kuna hatari ya madawa ya kulevya kupitishwa ikiwa yeye ndiye atakuwa anashika doria. Atakuwa na mamlaka na itakuwa ni vigumu kwa wakuu wa forodha, ama polisi wakawaida, kufanya uchunguzi katika sehemu hizo. Vile ninavyojua, katika sheria ya Kenya Airports Authority Act, vituo hivi ni mali ya wananchi. Mambo yale kama yalifanyika, wakati huu ni wa kufanya mabadiliko ili mambo haya yasifanyike tena. Kuna msongamano wa shehena katika bandari yetu kwa sababu ya madhambi yetu. Sehemu fulani zilibinafsishwa na kuuzwa. Huu ni wakati wa kurebisha matatizo haya.

Bw. Naibu Spika wa Muda, suala lingine muhimu ni kupanua viwanja vya ndege kama kile cha Malindi. Kuna haja ya kupanua viwanja hivi. Ni wajibu wetu kuyapatia kipa umbele mambo kama haya. Tufanye ufunguzi wa sehemu zile ndio watalii wengi waweze kuja na mahoteli yetu yaweze kufaidika. Hatimaye, kazi itazalishwa na ile miji kuinuka.

Bw. Naibu Spika wa Muda, suala lingine linalojitokeza ni kwamba, kumekuwa na mvutano baina ya baraza na bandari ya Kenya kuhusu ushuru ambao Baraza la Manispaa ya Mombasa lingetaka lipatiwe. Kumekuwa migogoro ya kesi. Ikiwa linafanyika katika nchi zingine, kuna umuhimu wa Bandari ya Mombasa kupata kiasi fulani cha ushuru ili litekeleze jukumu lake; kama vile kukarabati barabara ambazo zinaharibiwa na malori makubwa. Manispaa ya Mombasa haina fedha. Ikiwa ushuru huu utatolewa, basi itakuwa rahisi kwao kutekeleza wajibu wao kwa watu wa Mombasa.

Mambo mengine ni haya ya usafiri kwa shirika la Kenya Airways. Mara nyingi tunakwama na kucheleweshwa. Unalipia ndege ya saa kumi na mbili na nusu. Unaambiwa itakuja lakini inachanganywa na ndege nyingine inayotoka nchi ya kigeni. Watu wanaosafiri na ndege mara nyingi ni wafanya biashara. Kwao, wakati ni kitu muhimu kuliko hata pesa. Ningependekeza kwamba yule mkurugenzi na Wizara ya Uchukuzi kwa jumla, wakaa na kuangalia iangalie matatizo haya yanaweza kutatuliwa kwa namna gani.

Kwa hayo machache, ninaunga mkono.

Maj-Gen. Nkaiserry: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion.

Mr. Temporary Deputy Speaker, Sir, we are talking about a Vote of about Kshs9 billion. I feel very dismayed that, since coming to power, this Government has not prepared an economic plan on the transport sector. This is a very important sector. This country gets income from the transport sector. I have looked at Vision 2030, but I have not seen a critical aspect concerning transport in this country. If you look at Nairobi Railway Station, it is rotten. This is very shameful! It is an eyesore for this country. I do not even know whether the Minister for Transport, Permanent Secretary and other officers have visited the Nairobi Railway Station to see the shame it gives this country. We have a Government and Ministers who have been appointed to give the country leadership. This is what is hurting Kenyans.

Mr. Temporary Deputy Speaker, Sir, today, the Jomo Kenyatta International Airport (JKIA) is bringing a lot of business. I just came from Stockholm a night ago and travelled on British Airways (BA).

There are so many tourists but the airport facilities--- When are we going to develop our airport? When are we going to develop not only the Jomo Kenyatta International Airport (JKIA) but also the Moi International Airport, Mombasa, so that we can divert some of the traffic to these airports? So, where is the economic planning, so that this country can generate money? The critical question here is: Is the Ministry planning for the future of this country? In my view, the answer is

"no" because I have not seen any planning. If the Kenya railway line is the same since Independence or the colonial times---

We have Southern Sudan which is opening up, and there is great potential there which this country can tap. We have oil, goods and everything else and we have not even thought about it. What we have done is that we have sold our rights through concessioning of our railways to the Rift Valley Railways (RVR), which is a competitor. It is a South African company, which is a competitor of this nation. I cannot imagine that we can sit down as a country and give business to our competitor. South Africa is a competitor of this nation and it will make sure that the economy of Kenya will never rival its economy, yet we have planners in this nation who sit down and say we concession. It is a shame! It is critical.

Mr. Temporary Deputy Speaker, Sir, when you look at the Port of Mombasa, you will see that it is the gateway to East and Central Africa. From the time the colonial people left, the Port of Mombasa became highly congested. It is strategically located in this region; it is between the ports of Durban and Dubai. We must target the strategic importance of the Gulf.

(Applause)

Where are the economic planners? Can they not see that the Gulf region will remain the most important region in the world for the next 20 to 30 years? Yet we cannot think of how to develop the Port of Mombasa, first of all as a free port and secondly as a strategic, launching and staging zone. Where are the planners in the Ministry? We have none! Actually, I am wondering whether the planners in the Ministry have complied with their performance contracts. I wish I was the examiner! I would fail all of them!

Look at Southern Ethiopia. The Port of Lamu would have been the greatest opportunity. We should have constructed a railway line through Wajir all the way to Southern Ethiopia. I have seen in the newspapers today that there is Kshs700 billion, just because we are debating this Vote. What has happened since this Government came to power? We cannot just wake up overnight and say: "We are doing this!" Look at the issue of Wajir Airstrip. We built it for security purposes, but we can turn it into an economic airport, from where we can take our produce from North Eastern Province to the Middle East. Look at what this Government did! When they came to power, they closed the Eldoret Airport for political reasons. They have not even thought of improving Lokichoggio Airstrip. Southern Sudan has opened up. We are not even thinking of putting up a strategic airport in Isiolo or Marsabit to take care of our northern area. Where are the economic planners? This is really a problem for this Government! Where is the economic planner? I want to know!

I know the Minister; he is my friend, but I think he needs to move to ensure that the Kenya Ports Authority (KPA), the Kenya Airports Authority (KAA) and the Kenya Railways Corporation are activated. At the moment, I think they are dormant, and we would like to strengthen and improve the Port of Mombasa, the JKIA and Eldoret Airport to international level, and the Kisumu Airport so that the flow of traffic is improved and we create--- So many people will be travelling through Kenya and they will bring money to our country, which will improve our economy.

So, I just would like to recommend, or suggest, to the Minister that after we pass this Vote, he must go to the drawing board and review the concessionary agreement between the RVR and the Kenya Government. I would like to recommend that it be cancelled because it is not doing anything to Kenya. We cannot give contracts to our competitors.

With those few remarks, I support.

The Assistant Minister for Transport (Mr. Githae): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to also contribute to our Ministry's Vote.

I would like to take this opportunity, first to congratulate the Minister for the way he very well laid down the policy of the Ministry of Transport. He made it very clear that, as far as traffic laws and accidents are concerned, the main purpose of the Ministry is to lay down the policy. The enforcement is in another arm of the Government. I think he made it so clear because we were getting a little bit tired that every time there was an accident, that was the time the media, the FM stations remembered and started calling us and asking us why that accident had occurred, as if we were the driver. So, I think that has been very well laid down.

He also put it very well that the enforcement of the traffic laws is in another arm of the Government. What is required for this country are traffic wardens. We must distinguish police work from traffic work. Traffic work in other places is carried out by traffic wardens. The day when that happens, we will be able to get rid of bribery on our roads and enforce our traffic laws.

Mr. Temporary Deputy Speaker, Sir, I would also like to commend the Minister on the way he gave out the proposed plan on how we can improve on the road and rail traffic. He said that at the moment, 80 per cent of our traffic is on road and only 20 per cent is on rail. These figures are untenable! If we continue this way, even all the roads that have so far been made by this Government are going to be destroyed. So, ways and means must be sought for increasing traffic on the rail.

On the issue of our *matatu*, PSV and all other drivers, I think we need to do something about *matatu* drivers. At the moment, I do not know where they are getting the technology. Their technology is ahead of that of the police. Now they have remote controlled bypass switches that disable the speed governors. I am told that the remote control gadget is not kept by the driver but by the conductor, so that when they see policemen on the road, the conductor switches it on, and it activates the speed governor. However, as soon as they pass the police roadblock, the conductor switches off the gadget and it is in his pocket. We need technology that can detect where the gadgets have been tampered with. We are encouraging our scientists and engineers to come to our aid and give us a machine that can counteract this move.

Let me take this opportunity to commend the Permanent Secretary in our Ministry for guiding the Ministry---

Mr. Syongo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to seek your indulgence. The Assistant Minister who is speaking is in charge of the same Ministry. He is complaining about their incompetence and inability to do what they are supposed to do. Is it in order for him to complain, and yet he has authority to do something about it?

The Temporary Deputy Speaker (Mr. M'Mukindia): I think the hon. Member is speaking as a contributor. He is not replying to the debate. Therefore, let us allow him to express his opinion.

The Assistant Minister for Transport (Mr. Githae): Thank you, Mr. Temporary Deputy Speaker, Sir. I am shocked that a Maseno High School old boy can stand up and come up with such a point of order. That is not what we learned when we were in Maseno! We must face reality. We are seeking help from the people behind the speed governors; the remote-controlled gadgets. We are seeking help from our engineers and scientists. That is a fact.

Mr. Temporary Deputy Speaker, Sir, let me take this opportunity to thank the people behind the Ministry of Transport, the PS and his team for a job well done. We are lucky to have him, a very hardworking man. We are also lucky to have the Managing Director of the Kenya Airports Authority (KAA). He has turned around that airport. Before Mr. George Muhoho became the Managing Director of the KAA before going to the airport, one was required to visit the toilet in his house because the toilets at the airport were in a mess. They were in a terrible mess! However, now it is a pleasure to go and use the toilets at the airport. So, we must commend him for a job well done.

We are also fortunate to have a very hardworking Managing Director of the Kenya Ports

Authority (KPA). He has turned around the port and all the developments such as having a second port, the free port and a container terminal are all his ideas. So, we must commend him. We must also commend the Director of the Kenya Meteorological Services for the job he is doing. Previously, the Meteorological Department was only concerned with aviation but now it is giving services to the Ministry of State for Administration and National Security, the Ministry of Agriculture and the Ministry of Livestock and Fisheries Development. I am saying this because there is a correlation between weather and internal security.

Mr. Temporary Deputy Speaker, Sir, I would also like to take this opportunity to ask my fellow Kenyans not to insist on investing in *matatu* business. Very few Kenyans own ships. We need to encourage Kenyans to start owning ships. Very few Kenyans own aeroplanes. We need to encourage more Kenyans to own aeroplanes because that is where the future is. As the Ministry is trying to upgrade all the airstrips that are scattered all over the country, we need to encourage Kenyans to own the airports.

My other point concerns our railway system. The main problem with our railway line has been the narrow gauge which was put up by the colonialists. Britain has moved away from using the narrow gauge to the standard gauge. Unless we change the gauge, it will be difficult to make the train run on time. The wheels of the wagons and the caravans have to be specially made because of the narrow gauge. Those are some of the problems.

Let me take this opportunity to congratulate the Managing Director of the Kenya Airways, Mr. Titus Naikuni. He has also done a commendable job. He has turned around the airline. I will take this opportunity to ask him to take into account the comments that were recently made by the President of Uganda about the un-Godly hour that the Kenya Airways plane leaves Entebbe. I think the comments were in good faith and they should be taken seriously.

Mr. Temporary Deputy Speaker, Sir, let me also take this opportunity to commend the Director-General of the Kenya Civil Aviation Authority (KCA), Mr. Chris Kuto. He has also done a good job. He has professionalised that Authority. Previously, it used to be a department but now it is an autonomous Authority. He has also done a good job. In short, the people in the Ministry of Transport and all the parastatals have done a good job and we must congratulate them so that they can continue doing the good job. This will enable us to achieve our Vision 2030.

With those words, I beg to support.

The Assistant Minister for Health (Dr. Kibunguchy): Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this chance to say one or two things about the Vote of this Ministry. At the outset, I would like to say that I commend the Minister and his team for the work they have done so far, although there are a number of areas they would have done better.

I would like to start off by talking about the Eldoret International Airport. Eldoret International Airport was in the news at the beginning of this Government's tenure when it was closed for sometime. At that time, it was said that it was because of political reasons. I come from that part of the country and the closure caused a major inconvenience to most of us who use that airport. Since then, the airport was re-opened but it has not been given the attention it deserves. Eldoret International Airport is a strategic institution, in my view, because it is an airport that can reduce, substantially, the volume of goods that come to Nairobi from Ethiopia, Sudan, Somalia and the eastern parts of Uganda. Those are the areas, including the western parts of Kenya, that would greatly benefit from this airport.

I would like to urge the Minister, in his reply, to tell us what plans he has for Eldoret International Airport. I am made to understand that big planes cannot land in Eldoret because the runway is short by a kilometre. However, the facility, I am sure you have been there, is excellent. So, if the only shortcoming is about the runway, then I think we can find money to lengthen it and tap the potential that is available in those areas. Eldoret International Airport will be ideal for

people in those areas that are involved in horticulture. There is quite a bit of volume of horticultural products that come from western Kenya. People in those areas rear livestock. Again, it would be an ideal institution to transport beef and other animal products from those parts of the country.

Mr. Temporary Deputy Speaker, Sir, I have talked about our surrounding neighbours who will use that airport. So, as I stand here, I would like to urge the Minister, very passionately and strongly, that he needs to put in some money to make that facility accommodate very large planes.

Mr. Temporary Deputy Speaker, Sir, my second point has been highlighted by many hon. Members. It is about our railway line. We know that our roads have been destroyed by huge trucks that use our roads to transport goods to and from the Port of Mombasa. It is now a nightmare to drive from Nairobi to Eldoret and beyond. It is a complete nightmare! But we also know and appreciate the saying: "There is no gain without pain". So, we know that our roads are being done. We would like to commend the Government for that. But we also know that it will just be a matter of time, if those huge trucks continue to use the constructed roads, before they fall apart again.

Mr. Temporary Deputy Speaker, Sir, many hon. Members have said that, maybe, we need to look at the concessioning that we did. That is because since the railway line was concessioned, I do not see anything being done in terms of improvement, operationalization and getting the railway line to play the role it is supposed to play. So, I would like to urge the Minister and the people who took up the management of the railway - the Rift Valley Group--- If they do not measure up to the task, I think it will only be fair for the people of Kenya for the Ministry to move in and re-negotiate that concessioning. If not, it should cancel it altogether.

Mr. Temporary Deputy Speaker, Sir, my third point - and I am glad the Minister mentioned it when he was moving this Vote - is about the Port of Mombasa being a free port. I wish that process could be speeded up because I am meant to understand--- I am not an expert in that line, but I am meant to understand that, once we get the free port of Mombasa, if nothing else, it will create more than the magical 500,000 jobs a year that we all keep on talking about. So, maybe, when the Minister comes to reply, he will tell the House and the country how far he has gone towards that process, and whether it is something that is coming up in the very near future.

Finally, Mr. Temporary Deputy Speaker, Sir, I would like to talk about the transport industry in this country as a whole. We complain day and night about the overloading in *matatus*. We complain day and night about over-speeding and the accidents that are caused. I know the Minister has made it very clear that theirs is only policy formulation. But I would like to ask the Minister and his team to liaise very, very closely with the Police Department, so that we can reduce the road carnage that is witnessed, day in, day out, in this country. If, as the Assistant Minister has said, the *matatu* industry has the ingenuity to circumvent the speed governors--- In medicine, we always say that you must be able to find an anti-dote to that. I would like to urge the Minister and his team to move quickly to find an anti-dote to whatever is being done.

With those few remarks, I beg to support.

Mr. Mwandawiro: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili nichangie Hoja hii, ambayo ni muhimu sana. Namaanisha Hoja ya Wizara ya Uchukuzi. Kwa kweli, kulingana na umuhimu wa hii Hoja, watu wengi sana wangehusika. Mawaziri wa Serikali hii wangukuwa hapa kwa wingi ili kusikiliza Hoja hii kwa sababu inahusu sehemu zote. Nafikiri, labda, watu wamechoka. Serikali hii imechoka! Basi, livunje Bunge hili mara moja ili watu waende nyumbani kwa uchaguzi mwingine mpya! Hatuwezi kuwa na Hoja muhimu kama hii na Serikali haionekani! Watu hao ndio wenye jukumu la kutupatia mwelekeo! Bunge hili lingevunjwa leo ama kesho, ili twende kwa uchaguzi mpya ili tuangalie sera mpya!

Baada ya kusema hayo, Bw. Naibu Spika wa Muda, naomba kusema kwamba nimewasikiliza wale wenzangu waliochangia kwa kirefu. Michango yote imekuwa muhimu kwa sababu imesisitiza umuhimu hasa wa Wizara hii kuwa na maono. Jukumu kubwa ni kuwa na

ndoto. Jambo muhimu ambalo lingefanywa na Wizara ya Uchukuzi ni kukabiliana na suala la usafiri katika karne hii. Inajulikana wazi kabisa kwamba tunalia kuwa barabara zimeharibika kwa sababu ya malori makubwa yanayobeba mizigo kupitia nchi yetu na kuipeleka huko Congo, Sudan, Rwanda na Burundi. Lakini, tatizo ni kwamba binadamu wamegundua kwamba usafiri wa reli ndio msingi hasa wa usafirishaji nchini. Kwa hivyo, badala ya Wizara ya Uchukuzi na Serikali kuzungumzia mambo ya ubinafsishaji wa mambo muhimu kama reli--- Umekuwa kama wimbo! Serikali ingechukua sekta ya usafirishaji na kuifanya imara zaidi. Sekta hiyo ndiyo msingi wa uchumi wa nchi hii! Tunafikiria kwamba badala ya Serikali kuichukua reli na kuipatia watu wa Afrika Kusini, ingehusika zaidi! Tangu tuwe huru mpaka sasa, tunawakubali wawekezaji wa kila aina. Kwa mfano, kuna wawekezaji wa kuuza bia, nyama choma, kuku na mayai. Yaani, tunawakaribisha watu kufanya mambo mengi katika mahoteli. Wizara hii ingetembea dunia nzima kutafuta wawekezaji wa reli na kufanya kazi pamoja nao. Hilo ndilo jukumu kubwa zaidi, badala ya kuwakaribisha watu kuja kufanya mambo ambayo Wakenya wenyewe wanaweza kuyafanya.

Isitoshe, mambo hayo yanahitaji ujasiri! Zamani, wakati reli hii ya Uganda ilipojengwa, ilichukua miaka mitano. Wazungu wakoloni na watu wengine walikaa porini na kujenga reli kwa mikono. Makalasinga waliletwa kutoka nje chini ya serikali ya mkoloni, watu walipanda na kupitia kwenye mbuga ambazo hazijulikani! Walitumia teknolojia ya chini na wakajenga reli kutoka Mombasa hadi huko Port Florence au Kisumu ya sasa! Mpaka sasa, sisi Waafrika katika dunia ya leo, ujasiri wetu uko wapi? Naamini kwamba kukiwa na ujasiri wa kuwahamasisha wananchi wa Kenya na dola kuipa reli kipa umbele, hilo ni jambo ambalo linaweza kutokea. Lakini tukiwa na mawazo kuwa tutakuja kufanyiwa mambo na mabepari au watu binafsi ambao watawekeza, na dola itolewe huko, sijui kama kuna pahali tuaenda. Isitoshe, reli inawaajiri kazi wananchi wengi sana. Kwa hivyo, namuomba Waziri wa Uchukuzi awaangalie wale watu waliokuwa wameajiriwa na Shirika la Reli la Kenya Kenya na Shirika la Reli la Afrika Mashariki na ahakikishe kwamba wamelipwa kikamilifu kutokana na jasho lao.

Kuna malalamiko makubwa sana na watu wanateseka. Watu ambao walikuwa wanafanya kazi kwenye shirika la Reli hawajalipwa ajira yao. Tunadai kwamba lazima hiyo ajira ipatikane. Inatakikana tufikirie juu ya miundo msingi ambayo tumepata kibahati kama bandari. Serikali isijiondoe kwa bandari ila ifanye mipango ya kurekebisha yale matatizo na kufanya bandari iwe ya kisasa badala ya kuwa na fikra za kuibinafsisha.

Bw. Naibu Spika wa Muda, ninaomba kwamba katika uajiri huko bandari, lazima tuhakikishe kwamba kuna haki ya kuajiri. Vibarua wamezidi huko Mombasa bandarini. Inafaa tuwe na juhudi ya kuajiri watu badala ya kuwafanya watu wengi kuwa vibarua kwa miaka mingi. Isitoshe, kusiwe na ubaguzi wa kikabila katika kuajiri watu. Inafaa tuhakikishe ya kwamba watu wanaajiriwa kwa haki. Ule msongomano wa magari kule Mariakani katika *toll station* na mahali pengine ni mbaya sana na hausaidii uchumi wetu. Watu kutoka Jamhuri ya Kidemokrasia ya Congo, Sudan, Burundi na Rwanda huwa wanachoka sana katika ule msongomano ambao unaletwa kwa kutokuwa na mpangilio mzuri katika hiyo *toll station*.

Jambo lingine ambalo linazua malalamiko ni ufisadi. Kwa hivyo, lazima Serikali inyoroshe hayo pamoja na barabara kutoka bandari. Barabara ya kutoka Naivasha hadi Kisumu ni mbaya sana. Pia ile barabara ya kwenda Eldoret ni mbaya mno. Hiyo haiwezi kusaidia usafirishaji. Viwanja vidogo vidogo vya ndege ni muhimu sana kwa usalama, uchumi na utalii katika nchi. Ni muhimu viwanja vidogo virekebishwe. Kwa mfano, kiwanja cha Voi kimewachiliwa sana. Inafaa kitengenezwe. Kitasaidia sana kwa utalii kwa sababu kiko karibu na mpaka. Kitasaidia biashara mpakani na vile vile biashara ya madini. Vile vile, mji wa Voi unakua sana na kuna watu wengi. Kwa hivyo, kiwanja kama cha Voi kinastahili kurekebishwa ili ndege zianze kutua hapo.

Bw. Naibu Spika wa Muda, lazima tukubali ya kwamba tunaagiza magari ya mitumba kupita kiasi. Tunalaumu watu kwa kunywa pombe ama kuendesha magari kwa kasi, lakini, labda

mitumba ya magari ambayo imezidi katika hii nchi haiwezi kutuhakikishia usalama. Kwa hivyo, mikakati ifanywe ili hayo magari ya mitumba yaangaliwe kwa undani zaidi na hata yapunguzwe na ikiwezekana yaondolewe kabisa. Magari ni mengi kupita kiasi hapa Nairobi na kote nchini. Kuna misongamano mijini na ajali nyingi. Ni lazima tuhakikishe usalama wa wananchi wetu kwa kudhibiti uagizaji wa magari ya mitumba kutoka nje. Hiki pia ni chanzo kikubwa cha ajali ambazo zinatokea katika nchi yetu.

Hata usafiri wa meli kwenye Ziwa Victoria ni muhimu uendelee. Sijaona uwekezaji wa Serikali katika biashara ya utalii katika miji ilioko karibu na Ziwa Victoria. Utalii utaweza kuendesha uchumi wetu katika hiyo miji mingi ambayo iko ndani ya Ziwa Victoria. Ni lazima Serikali iangalie hayo ili tuendelee utalii katika Ziwa Victoria.

Kwa ujumla, hii ni sekta ambayo ingepata pesa nyingi zaidi. Kwa hivyo, hii ni pesa kidogo sana. Tungeongeza pesa katika hii Wizara ya Usafirishaji lakini lazima iwe katika mstari wa mbele wa kutupatia sera na mwelekeo wa kusuluhisha tatizo la usafiri katika nchi yetu na kuifanya nchi yetu iwe ya kisasa. Ni lazima tuzingatie sekta ya reli na bandari ili ziimarishwe na kufanywa bora zaidi.

Bw. Naibu Spika wa Muda, inafaa Serikali ionekane inahusika zaidi na sio kuwauzia watu binafsi. Kwa mfano, faida ikipatikana na Kenya Airways, inaenda kwa nani? Nyingi inaenda kwa watu binafsi. Watu binafsi wanatajirika zaidi. Hata ninashindwa hiyo ambayo tunaita Kenya Airways, ni kwa nini inabeba bendera ya Kenya na haiwafaidi Wakenya?

Ningependa kuona ndege ya Kenya ambayo inabeba bendera ya Kenya, ikiwa ni mali ya dola ya Kenya, kwa niaba ya wananchi wa Kenya na sio mali ya mabepari binafsi ambao wanabeba bendera ya Kenya na kuzungusha huko na kusema kwamba wanafanya biashara kwa niaba ya watu binafsi. Mimi ninasisitiza kwamba lazima dola ihusike sana katika usafirishaji kwa sababu hiyo ndiyo inaonekana kote duniani.

Kwa hayo machache, ninaunga mkono.

The Minister for Science and Technology (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to support this Motion. I want to commend the Minister and his staff for the good work they are doing.

I will start by saying that our national carrier, Kenya Airways, has been doing well since the new management took over. I want to repeat by also congratulating the Managing Director who is doing a good job. I know that this airline has very good staff. The cabin crew is very well behaved. They do a good job and should be encouraged by being paid good salaries. I would rather travel with Kenya Airways to any part of the world than any other airline. We also know that our airport is being rebuilt or expanded and it is only right that all the modern facilities should be included in the expansion.

I am thinking of the disabled Kenyans. Anybody from outside who uses our airport should find that the airport is of modern cadre so that a disabled person can move comfortably. Cleanliness is something that worries me. When I travel from Europe, on arrival in my own country, I see litter everywhere. I go to the toilets and there is a funny smell there. I ask myself: Why do I have this type of service when in Europe, everything is perfect? We want to make sure that our airport is brought to international standards. Many people come through it. It is the face of Kenya. This is the first thing that you see when you arrive in the country.

Therefore, it should have the right facilities in place. When you drive from the airport, it takes you about two hours to arrive in town. If you happen to be at the Jomo Kenyatta International Airport (JKIA), it will take you close to one or one and a half hours to come to town. This is a situation that we should correct very quickly. I know that as a Government and through friendly partners, we are going to address this issue which is quite urgent. The road from the airport to town should be to international standards. We should widen it, if possible, to four lanes on each side. We

should also make sure that we do not have the huge drains that we see either in-between the road or on the sides of the road. We should have a big motorway from the airport to our City.

Mr. Temporary Deputy Speaker, Sir, we have an airstrip in Kitale which was constructed many years ago. Once upon a time, we had a daily flight by Kenya Airways operating between Nairobi and Kitale. As residents of that area, we feel that we have been neglected. We also feel that it is time this airstrip is upgraded, so that it can accommodate planes that can carry 50 people. We have enough land there, although I must say that part of it has been grabbed, but we can get it back.

I know that close to 150 acres have been grabbed by people who were serving in the previous Government. Since we are in the process of repossessing land that was grabbed, I wish to state here that the Minister must address the issue of grabbed land in Kitale. I am available and I can show him the land that has been grabbed and give him the names of the people who grabbed this land. This will enable the airstrip to be upgraded.

Once upon a time, the Eldoret International Airport was described as a white elephant, but all along, I knew that this was a good investment and, for sure, it has proved itself now.

Mr. Odoyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would it not be in order for the honourable Minister to immediately table the names of those land grabbers, because, indeed, he may not get another opportunity to do so? If somebody has grabbed the land that he is talking about, let him table the names immediately, so that action can be taken against the grabbers.

The Temporary Deputy Speaker (Mr. M'Mukindia): Not at this stage! If the Minister had named somebody, we would have asked him to prove that, actually, that is the case. He has just made a mere statement. Mr. Minister, please, continue!

An hon. Member: But it is common knowledge!

The Minister for Science and Technology (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, indeed, it is common knowledge that land throughout this nation has been grabbed by various people. But I think I have a feeling that my friend who is sitting opposite has not grabbed anything!

Mr. Temporary Deputy Speaker, Sir, as I said, Eldoret International Airport was once described as a white elephant, and I am glad to say that it is not. This airport is serving many farmers from Uasin Gishu, North Rift in general and western Kenya. I am appealing today that Mr. Naikuni, who is a very good Managing Director of Kenya Airways, resumes Kenya Airways services into this airport, because many of us depend on those services. As I said, once upon a time, we used to have Kenya Airways flights between Nairobi and Eldoret, but because of financial constraints, it was felt at the time that they should be stopped. Those of us who live in that part of the country are appealing that Kenya Airways should start daily flights to Eldoret. Indeed, I am amazed when I go to Kisumu. We have now three or four airlines competing on the Kisumu route. Every flight is always full. This shows that if we start daily flights to Eldoret, the same thing is going to happen.

Mr. Temporary Deputy Speaker, Sir, speaking about Nairobi City--

The Temporary Deputy Speaker (Mr. M'Mukindia): Your time is up!

The Minister for Science and Technology (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I beg to support.

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this very important Vote.

I am a Member of the Committee that is responsible for this Vote. I want to commend the Minister and his staff. They have tried, although they have some further distance to move, especially on road carnage. On Friday, God willing, I will be participating in a funeral function where we will be burying 30 Kenyans who died in a tragic road accident at Daraja Moja in Kisii Town. On Monday, God willing, I will also be participating in another funeral service for seven

young kids who were killed yesterday in an accident in Gucha. Road carnage has gone wild. I do not understand why the Ministry cannot implement the so-called "Michuki" rules. We know that Mr. Michuki is no longer in charge of the Ministry, but could the Ministry, for a change, bring some sanity on our roads? I have just talked of two incidents in Gusiiland, but that is the order of the day throughout the country.

Although the Ministry of State for Administration and National Security is handling the *Mungiki* menace, some forms of *Mungiki*-like syndicates are operating in all our *matatu* termini throughout the country. For example, in Kisii, *matatus* carry excess passengers. The *matatus* that are licensed to carry 14 people carry up to 30 passengers. The 30 people who were killed and over 23 people who were maimed in the accident that I have referred to were in two *matatus*. That means that each one of them had more than 25 passengers, yet they had passed through two police roadblocks between the Kisii Bus Terminus and where the accident occurred, one-and-a-half kilometre away. During the period when the "Michuki" rules were enforced, that could not have happened. So, I am beseeching this Ministry to take up the issue seriously and bring some sanity on our roads as we face the General Election and Christmas holidays.

Mr. Temporary Deputy Speaker, Sir, this Ministry is responsible for a service that can generate a lot of income for this country. The Port of Singapore, for example, generates revenue which is 20 times the total Government revenue of this country in a year. This is a port in a small country with a population of 4.5 million people. Why do we want to invent the wheel when it has already been invented? Why can we not replicate some of the successful ports, for example, Port of Dubai and the Port of Djibouti which was very small five years ago? Its operations were a small fraction of the operations of the Port of Mombasa. Today, it has surpassed the Port of Mombasa because they accepted the management of the Port of Dubai to move in without further investment by the Government of Djibouti and convert it to a modern port. When the management of the Port of Dubai moved into the Port of Djibouti - That was in the last Parliament; I served in the same Committee and we visited Dubai, Singapore and Australia. We then compiled a report which recommended that the Port of Mombasa replicates some of the developments in those other ports. In fact, at that time, the Ambassador of Kenya to the United Arab Emirates (UAE) fully negotiated--

QUORUM

Mr. Ojode: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very important Vote. We need to contribute to this Vote. It looks like there is no quorum. The Standing Orders provide that if there is no quorum---

Hon. Members: There is quorum!

Mr. Ojode: If there is no quorum, there is no quorum and there is nothing I can do! But I have to alert the Chair that there is no quorum!

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Ojode! You have made your point! I order that the Division Bell be rung!

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members! We now have a quorum. Please, resume your seats!

Proceed, Mr. Angwenyi!

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, I was saying that the Committee compiled a report with recommendations that this Government invests substantially in the Port of Mombasa. It also recommended that the Government invests in the ports of Malindi, Lamu and

Kisumu. But those reports are just gathering dust in our shelves. Mr. Temporary Deputy Speaker, Sir, although the operations at the Port of Mombasa are not up to standards because of lack of facilities and major capital investments, it can be converted--- If we were able to buy one, which manages various ports in the world, I am sure they will invest and turn around that Port. That Port could generate as much revenue as we collect in taxes within two years.

Mr. Temporary Deputy Speaker, Sir, even with the little operations at the Port of Mombasa, we cannot move out some of the exports and move in some of the imports because of the failure of the railway system. I thought that when we concessioned our railways to Rift Valley Railways (RVR), they were going to start with Mombasa, so that there is no congestion there. They should have started with that, before they could even think of expanding our rail line. They should have moved to Mombasa and cleared off that backlog at the Port. It has now taken almost a year and we cannot see anything arising from that concessioning. I urge the Minister to move with speed. If he liaises with our Ambassador to the UAE, I am sure that, before the end of this year, there will be investments in the Port of Mombasa.

We were told that there was somebody who wanted to invest in the Port of Lamu, and construct a railway line to Ethiopia. I do not know whether the Government got scared by some of the issues that were raised by the people who are raising quorums here! The Government should have moved in and embraced that investor. It is a Government that is elected by Kenyans. It should have moved in and made that Port an international one.

Mr. Temporary Deputy Speaker, Sir, on airports, the Jomo Kenyatta International Airport (JKIA), for example, was constructed during the reign of the late *Mzee* Kenyatta. I remember it was done by somebody called Mr. Alfred Nderitu. Almost 30 years have gone by. My son was born at that time. He is now a manager of some port somewhere else in the world. We have not invested enough. JKIA could have been a hub for air travel in East and Central Africa. We can raise a lot of money and create jobs for our people in that kind of operation. But we are not doing that. We get recommendations and nothing is done. Why do we have to construct roads to Kampala?

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Angwenyi! Your time is up!

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

The Temporary Deputy Speaker (Mr. M'Mukindia): Yes, Mr. Muchiri!

Mr. Kajwang: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is the Opposition side in this House! There have been three speakers from one side continuously. That is not in order!

Mr. Ojode: Which Standing Order are you referring to?

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Ojode! That is a good question, Mr. Ojode! I know hon. Members who have been here since 2.30 p.m. I also know hon. Members who come in and go out. You know the rules that have been made by this Chair before. I did not make them. Indeed, I must take account of hon. Members who listen and contribute to debate, not the ones who just come in, get a chance to speak and then go out. For that reason, Mr. Muchiri, you may continue!

Mr. Kajwang: Mr. Temporary Deputy Speaker, Sir, that is perfectly all right. But I want to say that---

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Kajwang!

Mr. Kajwang: Mr. Temporary Deputy Speaker, Sir, there is an Opposition in this House! We cannot have a one-sided debate!

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Kajwang! Would you kindly move out of the Chamber?

(Applause)

Mr. Kajwang: We come here to debate!

The Temporary Deputy Speaker (Mr. M'Mukindia): Order!

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, but that is---

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Ojode! You may actually also join him!

The Assistant Minister for Local Government (Mr. Muchiri): Thank you, Mr. Temporary Deputy Speaker, Sir,---

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Muchiri! Let us wait until Mr. Kajwang leaves the Chamber.

*(Mr. Kajwang withdrew from
the Chamber)*

Proceed, Mr. Muchiri!

The Assistant Minister for Local Government (Mr. Muchiri): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. The likes of the hon. Member who has moved out---

Hon. Members: Do not talk about that!

The Assistant Minister for Local Government (Mr. Muchiri): Mr. Temporary Deputy Speaker, Sir, it is nice that I have got this chance because I have been here since 2.30 p.m. I beg to support this Motion. The Ministry of Transport is quite an important Ministry in this country. The Ministry supervises very strategic parastatals like Kenya Airports Authority (KAA), Kenya Ports Authority (KPA), Kenya Railways and so on. Those parastatals must wake up to the fact that, they can make a lot of money for this country. That way, we can stop borrowing money from outside.

Whereas I acknowledge that the management of those parastatals is now improving, I want them to do better.

This is so that we generate money, in particular, from Kenya Ports Authority (KPA) and Kenya Airports Authority (KAA) which are cash cows for this country. I want to inform their management that whereas they have done a good job, I want them to do even better.

Mr. Temporary Deputy Speaker, Sir, a lot has been said about road carnage. I think the Assistant Minister for Transport, Mr. Githae, explained that they are more or less dealing with policy and enforcement lies with other arms of the Government. Perhaps, therefore, we should be able to lay the blame where it lies. We want drivers in this country to be controlled. The causes of road carnage in this country is speeding. Sometimes our drivers do not have the necessary experience. I want to urge that Public Service Vehicle (PSV) drivers must now attain a certain level of education. Days are gone when driving was only left to those who could not get to secondary education. Driving should now become a very honourable profession, so that we encourage people who are able to pass a certain aptitude test to take it up. For that reason, those who are charged with issuing driving licences must now go beyond the art of driving. What am I saying? I am saying that we need to make that examination more stiffer than it is now. For one to be a driver, particularly a PSV one, one needs a lot of training.

I also want to inform Kenyans that we are having accidents because we have neglected maintenance of our vehicles. In fact, the culture of maintenance in this country is nowhere. It is not even there on our buildings, machinery or vehicles. That is why accidents are happening. Okay, we

can also apportion blame to human error and the rest of it where some drivers drive when they are not sober. It is the responsibility of the traffic police to curb such things. In my constituency, for example, sometimes I come across three roadblocks manned by traffic policemen. Do we really need three to four roadblocks full of traffic police officers on the road and yet accidents still continue to happen? I think much as this Government is trying to curb corruption, I think it is still rampant in the police force. I do not know how we will stop it. We should go back to recruitment and ensure that our policemen must now enforce the law, so that we can curb all these accidents that we have in this country. I think this is the point.

Mr. Temporary Deputy Speaker, Sir, the issue of traffic jams has been talked about. I do not want to start lamenting about traffic jams in the morning and evenings. What solutions do we have? I have always thought that we should have staggered hours of work. Why should everybody report to work at 8 O'clock in the morning and leave at 5 O'clock in the evening? Where did we get this culture from? If we continue doing so, we cannot avoid traffic jams on our roads. So, we should have staggered our working hours for selected industries and ministries, so that we can ease traffic jams on our roads. I believe if we construct bypasses in this country, we can ease traffic jams. I have in mind for example that bypass road from the airport. It is necessary to get that bypass done from Mombasa Road all the way to Langata Road. Right now, people are using it, but the road is so rough. It goes along the national park. I think the Ministry of Roads and Public Works should be told to make that road better, so that all vehicles coming from the airport can divert that way and then we shall not have vehicles coming through the city centre.

Mr. Temporary Deputy Speaker, Sir, we, as the Ministry of Local Government, are willing also to assist in terms of enforcing the law regarding traffic. We are now asking our people to ensure that motorists violating zebra crossings and those ones over-speeding be reported to the police. We are also willing to ensure that there is order in all bus stops and stages in this country by using our personnel so that as a Ministry of Government we need to take the bull by the horns.

Mr. Temporary Deputy Speaker, Sir, this is a very important Ministry and the twin issues again of *matatus* and safety belts recur. Kenyans must understand that one does not need to be forced to fasten a safety belt. I think this culture must start setting into us because we can save a lot of lives if we respect safety belts. One should belt up when one driving his or her own car. It is not necessarily that one must be in a *matatu*, so that they belt up. It is important that all drivers irrespective of whether they are driving their own private vehicles or whatever, should observe this particular aspect that was introduced during the Michuki time.

Mr. Temporary Deputy Speaker, Sir, this Ministry is also responsible for focusing on the weather. We are treated to this particular aspect every evening in the televisions. The Meteorological Department is doing its best. However, I think they must improve their science of focusing on the weather alone. Weather is fairly important to air communication and agriculture. It is necessary that they are able to do some projections of some sort so that they do not just tell us about their short-term predictions. I think they should do a bit more of long-term kind of planning, so that they can focus weather in a longer-term so that farmers and other people benefit from those services.

Mr. Temporary Deputy Speaker, Sir, I have an issue with the Ministry for their continued support of the Kenya Railways Corporation. I was looking at the Printed Estimates of last year and noticed that they were given about Kshs125 million. The Ministry's support to that corporation is now dwindling. Kenya Railways Corporation is the biggest landlord in this country. They own nearly the whole of Industrial Area. They are the superior landlords of industrial area. They also own a lot of houses. For whatever reasons, it was run down, I do not know by who. I would like to urge the Minister that if there was anybody who run down the Kenya Railways Corporation, I think that kind of person should never hold any public office in this country because this was once a

upon a time a very rich corporation which went down the drain. We are now talking of concessioning and what does it mean? It means that we are unable to run our affairs. I also do not believe in the concessioning at the airport that you must get somebody to run a very simple facility to charge vehicles getting into the airport. What are you lacking? Why can you not give it to a managing agent and let him or her charge five per cent of whatever he or she collects other than giving somebody to make money with the public facilities?

I beg to support.

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

First, I want to say that for a very long time, the Ministry of Transport has done very well. Particularly, when the Ministry introduced the so-called "Michuki Rules" in the public transport system, sanity was returned to the road transport industry. Unfortunately, over the last few months, the sanity that had been restored has, quickly, been disappearing. At the moment, people no longer use safety belts. Speed governors have been tempered with. So, it is important that the Ministry re-focuses on enforcing the rules it introduced earlier on to ensure that they are followed. It is very important to do so, because the lives of many Kenyans are at risk due to lack of enforcement of those rules.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Transport is very important, particularly considering the fact that the Kenya Ports Authority (KPA), the Kenya Airports Authority (KAA) and other very important authorities fall under its docket. This means that the Ministry contributes immensely to this country's economy. Talking about the KPA, I would like to congratulate the Ministry because, in the last regime, the KPA was not making a lot, but of late the performance of the KPA has improved a great deal. However, there is the issue of Grain Bulk Handling Company Limited, which is the only matter I will talk about and sit down, because it is a very sensitive issue.

*[The Temporary Deputy Speaker
(Mr. M'Mukindia) left the Chair]*

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

In 2001, the Grain Bulk Handling Company Limited was given a tender to handle all the grain coming into the country through the Port of Mombasa. The company was given a five-year tender in 2001, and I must say that, that was the greatest mistake made by the previous Government. I say this without fear. It was the previous Government's greatest mistake, because, first, tender procedures were not followed. Secondly, the company was given the sole right of handling grain coming into the country through the Port of Mombasa, which was wrong. It is good that now I do not think the company's lease has been renewed.

It will also be the greatest mistake by this Government to lease out something that should bring us quite a lot of money to just one company. What we have heard is that Grain Bulk Handling Company Limited is supposed to be given a 28-year lease. That is what the company is asking for from the Government. Of course, again, that will be done without tendering. It will be very good, and very useful, for the Minister to confirm to us or deny this particular allegation when he replies to debate, because we cannot afford to give one company a 28-year lease to handle our grain imports. We have Kenyans---

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Cheboi, I want to believe that you are stating facts. If you are simply predicting or prophesying, you had better say so.

Mr. Cheboi: Mr. Temporary Deputy Speaker, Sir, my grandfather used to prophesy, but I do not know whether I inherited that talent.

But this is a very serious issue. If, really, there is nothing to worry about let me, at least, bring it to the attention of the Minister, so that he knows that it is something which is likely to happen. I want to go on record, as the Member for Kuresoi, as having said during the Ninth Parliament, that there is the danger of us giving one specific group of people called Grain Bulk Handling Company Limited the right to handle our grain imports without following the correct regulations.

I would also like to predict, although I am not a prophet, that, most likely, I will be the Minister for Justice and Constitutional Affairs in the next Government. I would not want a situation where I will say: "I said it during the Ninth Parliament and I am now prosecuting people who have done it in the wrong way". Let this thing be done correctly. Let Kenyans be allowed to tender. We are in an era of transparency and accountability. We want a situation where everything is done above the table. Nothing should be done under the table. I am saying with a lot of pain that we may end up making that mistake.

Mr. Temporary Deputy Speaker, Sir, if the time comes when the Government is asked to renew, or award tenders, the Government should do so correctly. I am saying this because the Minister for Transport is here, and he has the power to instruct the KPA to handle this matter properly.

So, whereas I want to congratulate the Ministry for doing very well, I will be happy to congratulate them again for having stopped some things which would have been done underhand. It is very important that Kenyans know that we must do things above board.

Thank you.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Muiruri!

The Assistant Minister for Agriculture (Mr. Muiruri): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this debate.

The Ministry of Transport is one of the very key Ministries in the Government. Whereas I would like to thank the Minister and his staff for a job well-done, there are some things which are bothering Kenyans. What is bothering Kenyans most is what every hon. Member of this House is complaining about. That is the issue of escalation of deaths on Kenyan roads. During the last regime, deaths occurred on our roads everyday.

Mr. Temporary Deputy Speaker, Sir, when Mr. Michuki was appointed the Minister for Transport, he introduced very strict rules to specially reign in *matatu* drivers and their management. One of them was identification, which involved wearing uniforms by *matatu* crews. The other one was the introduction of speed governors. What is now happening? You find *matatu* crews operating without putting on their uniforms, and over-speeding. All those rules have now been abused and flouted. That is why innocent Kenyans are now dying on our roads.

Mr. Temporary Deputy Speaker, Sir, sometimes I wonder what kind of roads we have. I hope that if Mr. Cheboi becomes the Minister for Justice and Constitutional Affairs, he will consider one thing: If he finds a Kenyan arguing with another Kenyan in a bar, both of them being drunk, after which one gives a blow to the other, who then dies, that person will be arrested and charged with manslaughter---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Muiruri! You should address the Chair. He is not yet the Minister for Justice and Constitutional Affairs.

The Assistant Minister for Agriculture (Mr. Muiruri): Mr. Temporary Deputy Speaker, Sir, let me continue, because time is running out.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Muiruri! Focus on addressing the Chair!

The Assistant Minister for Agriculture (Mr. Muiruri): Thank you, Mr. Temporary Deputy Speaker, Sir.

I was saying that, that man should be arrested and remanded in a cell for a long time, because he will have been charged with murder before the charge is later on reduced to manslaughter. That man may stay in remand for more than three years before the case comes up for hearing.

Mr. Temporary Deputy Speaker, Sir, what happens when a drunk *matatu* driver or bus driver carelessly kills about 30 people, as it happened recently in Kisii?

There is a lot of injustice in this in the sense that the man who was remanded killed one person in a bar while both of them were drunk. The two persons could have been friends. However, the *matatu* driver, who was carrying 30-40 passengers, drove carelessly, under the influence of alcohol, and killed 30-40 people, and he almost got away with it! So, Kenyans are now asking what the Minister for Transport is doing.

Mr. Temporary Deputy Speaker, Sir, when Mr. Michuki introduced the rules governing the operations of public service vehicles (PSVs), Dr. Murung'aru was the Minister in charge of administration and national security. I would like to thank hon. Dr. Murung'aru for the good job that he did then. He is the one who enforced the rules that were introduced by hon. Michuki. However, Kenyans are now wondering what is happening to the Minister for Transport and the Minister of State for Administration and National Security. Is there a problem with the two of them? This is because there is, truly, a problem. Kenyans are dying and we need to know what is happening.

Mr. Temporary Deputy Speaker, Sir, let me turn to railway transport. All over the world, even in the advanced countries, one of the major important means of transport is the railway. But what happened to our railway transport system? About 20 to 25 years ago, we used to travel by train. It was the most comfortable and accepted method of travelling. Other Kenyans and I would board a train from the Nairobi Railway Station at 7 p.m. By the time the train arrived in Athi River, the bell would be rung to indicate that dinner was ready. The train had a couch and by the time it arrived in Mombasa, one would still be fresh to go and do his or her business. The situation was good until that time there was a train accident at a place called Ngai Ndethya, where 96 people died. That accident sounded a death knell of the Kenya Railways' passenger train system because from there on, Kenyans got afraid of travelling by train. Those days, there used to be a small thing that would travel along the railway line to ensure that it was safe. That was done away with and people no longer trust travelling by train because they think it is not safe.

Mr. Temporary Deputy Speaker, Sir, however, it is important that the railway system be reinstated, especially to save our roads. When the Queen of England came to Kenya a number of years back, she travelled by train from Nairobi to Thika. It was still safe then. So, it is important that the Minister for Transport does all that it takes to ensure that our railway system is back and safe. It will go a long way in saving us millions and millions of shillings that we spend on the road. I travel almost every day from Thika to Nairobi. There is a railway line all the way, but rarely do I see a train use that railway line.

Mr. Temporary Deputy Speaker, Sir, with regard to the Kenya Airways, it has done very well. I would like to join all those hon. Members who have commended Mr. Naikuni and his staff for a job well done. But of late, as you go to the Jomo Kenyatta International Airport (JKIA), you will see a lot of traffic. As you walk towards the gate you meet a lot of people sleeping along the corridors. This is not right. It does not augur well for our airports although I must admit that our airports are the best compared to others in Africa. They are doing a good job.

I would also like to thank Mr. Chris Kuto, who is in charge of the Kenya Civil Aviation Authority, for a job very well done. At the same time, even as I commend the two of them, it is

important to note that we have had two major accidents involving our national airline. In fact, one of the pilots who was piloting the plane that crashed came from my constituency and, up to now, the family is still waiting to know exactly what happened, including myself. Of late, the Kenya Airways management is facing some challenges. During the last Agricultural Society of Kenya (ASK) Show held in Mombasa, there was a lot of congestion. I had to go to the airport three or four times just for me to get a booking to come back to Nairobi. That is not right in the sense that they should be able to plan well in advance such that if there is an ASK Show in Mombasa, they ensure that there are enough aircraft so that passengers are not inconvenienced.

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

Mr. Kimathi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion on the Vote for the Ministry of Transport, which I beg to support.

I wonder whether the Minister for Transport has remembered to include in his Miscellaneous Bill, what we recommended to him, that is, the restriction of the international merchant---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Kimathi! Including what? We are not dealing with the Statute Law (Miscellaneous Amendments) Bill!

Mr. Kimathi: Mr. Temporary Deputy Speaker, Sir, I was talking about the International Shipping Merchant Bill. We expected it, but last time, it was not debated because we went for recess. I was drawing the attention of this House to the fact that we cannot throw all the concessions to foreign countries. I am well-travelled. In fact, I have travelled to many countries of the world and many of them do not allow merchant shipping companies to also operate agencies within the territory that they operate. Agencies involved in offloading and loading of cargo should have more than 51 per cent shareholding, if not 100 per cent by the indigenous citizens of that country. We have noted in this country, that shipping agencies or many shipping merchants get themselves offices within all ports of entry in this country. That deprives able Kenyans who have, probably, been retrenched from shipping lines and are trained and qualified in that area, the opportunity to start their own agencies. They stand to benefit from the services of offloading and loading ships!

Mr. Temporary Deputy Speaker, Sir, it has been said that it is the theme of the NARC Government to create employment for many of our young men and women, that would be one way of creating thousands of jobs to these young people if only we do not give away to all foreign merchants the business of carrying dry cargo to sea and offloading and loading services within the ports in our territory.

I would like to remind the Minister about the Chinese Rebellion and tell him what caused it. The Chinese Rebellion was as a result of the Western world, that is, the USA, France and other countries, being given so many concessions by China, which later went insolvent. They no longer had silver to pay the foreign countries. They were declared insolvent. So, the population rebelled against the idea of too many concessions. We cannot keep on selling our parastatals, which make huge profits. For example, we cannot afford to sell a parastatal like the Kenya Ports Authority. There must be a reason to warrant the sale of a parastatal. For example, there is no reason to warrant the Government of the Republic of Kenya to sell the Kenya Ports Authority (KPA). The KPA is run well. It has one dynamic manager who is home grown. That should be the trend. Even when it comes to political appointments, we have many men and women who are qualified and they are home grown within the organisations. Instead of sourcing for unqualified manpower; sometime dead woods, from outside, we must promote those men and women within the parastatals to become the Chief Executive Officers (CEO). A majority of them may have started as clerks and grown within the system. They would offer the best results.

Mr. Temporary Deputy Speaker, Sir, it is very unfortunate when we do not encourage our young men and women to work hard and improve their status in the Ministries and parastatals. I know some men and women working in Ministries and parastatals who joined at very low levels. However, they have worked hard to uplift themselves. Some have gone to an extent of acquiring Bachelors degrees, Masters and Doctorate of Philosophy (PhD).

Mr. Temporary Deputy Speaker, Sir, the Ministry of Transport is amorphously too wide. It has many dynamic parastatals. I would urge that we enhance it. The Attorney-General should bring good law to organise the institutions.

Mr. Temporary Deputy Speaker, Sir, I also want to point out here that it is very unfortunate that some CEOs in some parastatals tend, probably due to individual influence, to display some degree of superiority beyond the parent Ministry. If I am the CEO of a parastatal and I have a Minister friend, it does not matter how rich I am or how well I am connected politically, but I must work within the policy framework. It is on record that some CEOs of parastatals have tended to display the width of their chest due to their good political connections. They have tended to ignore the Ministers or the officials of the Ministries. We lead from the top. We have to become role models. If I am a Member of Parliament, I must behave well so that councillors can emulate me. If I am the CEO of an organisation, I have to respect the policies I receive from the Minister. It does not matter what my status in life or political connection are. It is only then that we can, no doubt, make this country a great nation.

Mr. Temporary Deputy Speaker, Sir, I want to commend the very able Minister for Transport in the manner he has worked hard to steer this Ministry. It is very important that parastatals be advised on policy issues. How does this come about? It is not the Minister for Transport who has succeeded per se. He is only an individual. It is the Ministry that has succeeded. Through who? Through his very dynamic and able qualified technocrats who work under him. They advise him well and work well. It is very important that this country start valuing good brains. We should reward and start appreciating the services we receive from experts in various fields.

Mr. Temporary Deputy Speaker, Sir, finally, I want to say that there is a lot of confusion as the speaker who spoke before me said with regard to driving licenses. The confusion involves the Ministry of Transport and Office of the President. There is need for separation of responsibility. I am sure the people of Lari love me. I will come back in the Tenth Parliament. Together with my brothers and sisters who will come back, we need to enhance this separation. We should have a transport authority and these organisations can run well. Mr. Temporary Deputy Speaker, Sir, the Ministry of Transport has something to do with roads and the Ministry of Roads and Public Works has the input of constructing roads. We need harmonisation, so that we have one authority running all those rather than the over-laps.

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

The Assistant Minister, Office of the President (Mr. Kingi): Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili niweze kuzungumza machache kuhusu Hoja hii. Kwanza ninataka kumpongeza Waziri na Wizara yake; maafisa wake wote, kwa kazi nzuri ambayo wanaendelea kufanya katika Wizara hii.

Bw. Naibu Spika wa Muda, ninaungana na wenzangu walionitangulia katika kutoa pongezi zao, hasa ukiangalia kazi nzuri inayofanywa na mashirika mbalimbali chini ya Wizara hii. Kuna Shirika la Kenya Airways ambalo linafanya kazi nzuri. Ninaamini kwamba kazi hii nzuri inaendelea kwa sababu ya usimamizi bora. Kuna mashirika mengine pia kama lile la Kenya Ports Authority (KPA), ambalo pia linafanya vizuri. Ninafikiri linafanya vizuri kwa sababu ya usimamizi bora.

Bw. Naibu Spika wa Muda, ninataka kumpongeza Waziri na kumuuliza aendeleo kufanya kazi hio nzuri. Sehemu hizi ambazo tunazitaja zinazohitaji marekebisho zifanyiwe marekebisho ili

kazi yao izidi kuwa nzuri.

Bw. Naibu Spika wa Muda, wenzangu waheshimiwa wamezungumuzia ajali barabarani. Tumepoteza watu wengi. Hivi majuzi kulikuwa na ajali mbili mbaya sana. Hili si jambo ambalo tunalotaka kuliona. Sitarudia sababu walizotaja kusababisha ajali za barabarani. Lakini ninataka nitaje kwamba kuna wakati nilishuhudia ajali. Tulipokuwa tunataka kuwasaidia wale waliojeruhiwa, kuna jambo moja ambalo tuligundua. Wengi wa wenye magari hupuuza sheria zingine kama vile kubeba visanduku vya huduma ya kwanza na vifaa vya kuzima moto. Hivi vifaa ni muhimu sana. Ingawaje sheria inaeleza kwamba viweko katika magari ya usafiri, mengi huwa hapana. Wale wakonavyo, utakuta kwamba viko duni. Labda sababu moja ni kwamba Wizara haijalezea vifaa hivi viwe vya namna gani. Ikiwa ni kisanduku cha huduma ya kwanza, ni vifaa gani vinahitajika kupatikana ndani ya kisanduku hicho. Ikiwa ni vifaa vya kuzima moto, basi vitakuwa namna gani. Hata polisi wanaposimamisha magari kufanya ukaguzi, wahakikishe vifaa vile vinavyohitajika vipo ndani ya magari.

Bw. Naibu Spika wa Muda, ninataka nizungumuzie feri. Watu wengi wa Pwani wanaishi kusini mwa Pwani au *South Coast*. Kuna shughuli nyingi za ukulima, utalii na za uchimbaji wa madini ya titanium. Bila shaka, kutakuwa na kazi nyingi. Watu wengi wanaoishi Pwani Kusini, *South Coast*; huenda pia Pwani Kaskazini, *North Coast*, na vifaa wanavyotumia kuvuka ni *ferry*. Lakini nashangaa kuona kwamba nyingi ya zile *ferry* zinazotumika kufikia sasa zimezeeka; ni za kitambo sana; zina umri wa zaidi ya miaka 30. Mara nyingi *ferry* hizi zimekwama katikati ya Bahari kwa sababu hazina nguvu na uwezo wa kuwavukisha wananchi.

Bw. Naibu Spika wa Muda, miaka michache iliyopita tulikuwa na ajali mbaya sana ya *ferry* huko Mtongwe ambapo Wakenya wengi walipoteza maisha yao. Mpaka sasa nafikiri Wizara bado inaendelea kulipa ridhaa kwa familia ambazo zilipatwa na mkasa huo. Hatutaki kuona ajali kama hiyo ikitokea tena. Tumekuwa tukifuatilia mambo haya ya *ferry*. Tunajua kwamba kibali kilipeanwa kwa Kenya Ferry Services (KFS) inunue *ferry* mpya, na hatujui ni matatizo gani yamewazuia kuinunua, ili kuhakikisha kwamba maisha ya Wakenya yatakuwa salama. Hatutaki kuona mkasa mwingine kama huo ulitokea miaka michache iliyopita ukitokea tena Likoni. *Ferry* hizi huwa zinabeba watu wengi sana. Nafikiri kuna nyingine ambazo hubeba watu zaidi ya 1,000, na haitakuwa vizuri sisi tukae ilhali *ferry* zetu ziko katika hali hiyo.

Wenzangu wamezungumzia kuhusu reli. Reli ni muhimu na tungetaka kuona Wizara hii ikisambaza huduma za reli kila mahali katika taifa hili. Tangu tukiwa watoto wadogo tuliona laini moja tu ya reli kutoka Mombasa kupitia Nairobi hadi Kisumu, na kengine kafupi kutoka Voi kwenda sehemu za Taveta. Hakujafanywa juhudi zozote za kusambaza huduma za reli katika taifa hili. Tunataka huduma za reli zisambazwe kila mahali, kwa sababu kila mahali wananchi wanafanya kazi, wanalima na wangetaka kusafirisha bidhaa zao bila matatizo. Tungetaka pia huduma za reli ziimarishwe kati ya Mombasa na Nairobi ili mizigo mizito mizito inayopokelewa leo iondolewe kutoka barabarani na kusafirishwa kwa reli ili tuweze kulinda barabara tunazojenga. Ujenzi wa barabara ni ghali na tunatumia pesa nyingi. Lakini iwapo magari mazito mazito, ambayo mengine yana zaidi ya tani 50, hatutayaondoa kutoka barabara zetu, basi tutakukuwa tukijenga barabara kila mwaka, na kwa hivyo hatutaweza kuendelea. Tungetaka reli ijengwe hadi Lamu, Malindi, Ganze, Kinango na Kwale ili tuweze kuwasaidia wakulima, wavuvi na watu wengine ambao wangetaka kupeleka bidhaa zao katika Mji wa Mombasa.

Bw. Naibu Spika wa Muda, tunapozungumzia viwanja vya ndege, nataka kuongeza tu kwamba kwa miaka mingi tumesikia hadithi kuhusu upanuzi wa uwanja wa ndege wa Malindi. Tungetaka kuona ndoto hii ikiafikiwa. Wakaazi wa Malindi, na Mkoa wa Pwani kwa jumla, wangetaka kuona viwanja vya ndege vya Malindi, Diani, Isiolo na hata katika sehemu nyingine kama vile Mandera vikidumishwa ili wasafiri wetu waweze kusafiri kwa usalama. Kunazo sehemu nyingine ambako viwanja vyake vya ndege nafikiri vilinyakuliwa na mabepari. Moja ya sehemu

hizo ninayojua wazi ni Kilifi. Kile kiwanja cha ndege cha Kilifi kilinyakuliwa na sasa Kilifi ina shida, haina uwanja wa ndege. Tungetaka kuuliza Wizara ichukue hatua inayohitajika ili watu wa Kilifi wapate uwanja wao. Pia infaa Wizara iutengeneze vizuri huo uwanja ili wakaazi wa Kilifi nao waweze kupata huduma ya kiwanja hicho.

Ningetaka pia kuongeza kwamba ni vizuri madereva wetu, hasa wanaoendesha gari za abiria, iwe mara kwa mara wanafanyiwa ukaguzi. Ingekuwa vizuri pia tubadilishe mfumo wa kutoa leseni. Labda tungezitengeneza upya na kuzifanya kuwa *electronic* ili maafisa wa polisi wanaofanya ukaguzi mara kwa mara waweze kuweka alama katika leseni, hasa katika zile za madereva wanaofanya makosa.

Sasa hivi hili jambo halifanyiki kwa sababu tunatumia leseni za zamani sana, na inakuwa vigumu kujua madereva wanaofanya makosa mara kwa mara. Hili ni jambo ambalo linafanywa na jirani zetu---

The Temporary Deputy Speaker (Mr. Poghisio): Time up!

The Assistant Minister, Office of the President (Mr. Kingi): Bw. Naibu Spika wa Muda, kwa hayo machache, naunga mkono.

Prof. Maathai: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for the opportunity to contribute to this Motion on Vote 14 for the Ministry of Transport. I will first of all thank the Minister and his team for the excellent work that they have done in addressing problems on many roads which for many years were abandoned.

In making my contribution, I almost feel like I am repeating something I have said every year when we come to this Vote. It is partly because I sometimes wonder whether we talk here, but the Ministry does not read the HANSARD and see what was said and try to address the issues raised. This issue has remained untouched and every year we make contributions. However, I will do it again for the record and hope that the Ministry this time might, indeed, do something about it. It is something that is very disturbing at the grassroots level. It is in connection with gravelling of roads. I have never fully understood why roads are gravelled immediately before the rains, because what that does is that it makes the soil very loose. When the rains fall, all that soil is washed away by water; that also has a tendency to make the roads very slippery. So, when the rains come, hon. Members--- At least I get called by my constituents from all directions to complain about the fact that the roads were gravelled immediately before the rains and now the rains have fallen---

The Temporary Deputy Speaker (Mr. Poghisio): You know, this is the Vote of the Ministry of Transport and not that of the Ministry of Roads and Public Works?

Prof. Maathai: Mr. Temporary Deputy Speaker, Sir, we are talking about transport.

The Temporary Deputy Speaker (Mr. Poghisio): Yes, but not roads! This is totally different. They are related, as you can see!

Prof. Maathai: Mr. Temporary Deputy Speaker, Sir, they are connected, and I was about to say that, indeed, almost every time I address myself to these issues, I seem to be addressing several Ministries that are very related. There is the Ministry of Transport, Ministry of Energy, Ministry of Environment and Natural Resources, the Ministry of Agriculture, Ministry of Water and Irrigation and the Ministry of Lands. In fact, much of what I am saying is what I said several weeks ago about the Ministry of Water and Irrigation, because they are connected. Unless these Ministries work together, we will never be able to resolve the problem that we talk about in transport.

I also want to say that the issue of road carnage has been addressed many times. Sometimes people say that we get the leaders we deserve. In many ways, we get the transport we deserve; although we say that the roads are bad or the drivers are drunk, it is true that we get what we deserve. I have sometimes observed cars on the roads. I have observed how people refuse--- There is a traffic jam, a long line of cars, but some people just refuse to stay on the queue, and start

driving in all directions. They are completely impatient; it is as if those who are on the queue are stupid, or are not in a hurry, and that only those who are cutting corners are in a hurry. With that kind of impatience and indiscipline by Kenyans, I do not know what the Minister can truly do. We must start by being a people who are patient; a people who respect others, who do not want to cut corners and a people who are willing to stick to the rules. I sometimes think that when you see those people doing that, and in the next few days you hear that a car has gone off the road and several lives have been lost, you almost want to ask: What do we expect?

Mr. Temporary Deputy Speaker, Sir, we have to be disciplined. We cannot be disciplined in one way and be indisciplined in another. It is on the roads, especially when there are traffic jams, that I know for sure that Kenyans will not stop dying for a long time. The Minister may not be able to do anything. In any country where people are disciplined, respect the rule of law and follow the guidelines that have been put in place, you do not have the kind of carnage that we have on our roads. As long as we continue to be indisciplined people, who do not want to respect the rule of law and other road users, then I am sorry, I do not know what to say. Kenyans continue to put themselves at the mercy of the indisciplined drivers who do not respect the rule of law.

It has been said, and recently it was in the newspapers, that we waste a lot of money in traffic jams. I do not understand why it has been difficult to revive the railway line. I remember one time, the former Minister for Transport, Mr. Michuki, launched the railway line from Nairobi to Nanyuki. In fact, he travelled on a coach that went all the way to Nanyuki. I almost boarded the coach because I was so excited about the fact that the railway services were coming back. The dream collapsed and I wondered why. If we are going to improve transport services in this country, we must revive the railway line. In every country in the world, even those that are highly developed, the railway line is their solution to transport problems. For some reason, partly due to indiscipline, corruption and the sense of not caring that so many of us have when we work in the Public Service, we eventually ran down a proper railway line that was serving our people. We have been unable to invest and make sure that our people can travel in comfort.

As we all know, if we had a strong railway line and we were transporting our goods, especially from Mombasa to the hinterland using the railway line, we would not have such bad highways and the kind of accidents that we experience on our highways such as the Mombasa Highway. Again, we can only appeal to the Minister to ensure that we invest in the railway line and change the situation. I know that we have been thinking about giving it to other people to run it for us. That is okay, but in a way, it is a shame that 40 years after Independence and having inherited such an excellent railway system, we cannot sustain it, let alone expand it to other parts of our country.

It is very important for us to think about our people. It is them who are dying on the roads. Quite often, it seems like we have become used to death in this country. We read about it everyday. Whether it is happening through police encounters with criminals or along the highways, it is as if we have become numb to death in our country. I think that developing and investing in the railway line is one way in which we can reduce the road carnage in our country.

With those words, I support the Vote.

Mr. Omingo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion on the Ministry of Transport.

As I take the Floor, I want to share the sentiments of Prof. Maathai, who has stated a few things which I really want to emphasise on in terms of adding more weight to them, if they will ever be listened to.

One most important issue that she has raised, which has touched me, is the issue of impunity; people doing things without regard for others. That reminds me of some great leaders who disobeyed the law even when there were court injunctions. So, what does that tell you? If a

father in a home is behaving in a funny way, you do not expect his child to behave differently. Therefore, if we are talking about issues of law and respect for each other, it must start from all the spheres. One other thing that is affecting us is the selective application of the law, particularly in terms of passing on sentences and punitive measures.

Having said that, let me go straight to the issue of road carnage. Last Thursday, 30th August, 2007, at Daraja Moja in Kisii Town, a trailer rammed into three *matatus* which were carrying passengers who had just left a funeral, and 29 people died on the spot, while others were critically injured and are admitted to hospital. Road carnage is not something which anybody needs to emphasise. It is only the implementors of the policies that need to move with due speed and diligence to apply and save this country from the road carnage.

Let us give hon. Michuki his fair share of praise. At least, he brought sanity on our road system. Hon. Mwakwere, who is a little younger and looks more flamboyant and a diplomat, we thought could do better. We should encourage him and give him more money, so that he can, at least, try to measure to what hon. Michuki did. It is disappointing to note that we have gone back to total *matatu* madness. I thought that after we attacked the *Mungiki* members, who were patronising our transport system, sanity would prevail. The situation is terrible and you cannot believe it. As much as we want to remove blame from the Ministry of Transport, our road system is terrible. It is true that the carnage on our roads has a linkage between the road worthiness of our vehicles and the quality of our roads.

Most of our bridges are colonial bridges. For example, the Daraja Moja bridge, where the accident happened, is a very narrow bridge which was constructed right at a bend. Therefore, any driver at high speed would easily lose control. We need to redesign our roads. We need to expand our bridges. That Daraja Moja bridge needs to be expanded to reduce the risk involved in killing our people. Besides our bad roads and the narrow bridges, the road worthiness of our vehicles must be put to question. One wonders why we have the Vehicles Inspection Unit in Industrial Area, where people go to receive stamps on the same vehicles that they drove in. More often than not some vehicles are never driven to Industrial Area for inspection. This is something that we must address, as a nation. Again, the element of corruption creeps in.

Mr. Temporary Deputy Speaker, Sir, on our air transport, we have had serious accidents in West Africa. Unless the reports of the same accidents came out yesterday, we are yet to know the cause of such tragic accidents. We are very quick in terms of flying, consoling families and giving them all manner of goodies during such tragedies. More often than not, we are bent to fire fighting as opposed to providing fire extinguishers to stop the fire or having precautionary measures. This country needs to know the reports of the two planes that have crashed in West Africa, which were very tragic to this nation.

Mr. Temporary Deputy Speaker, Sir, I now move to the Meteorological Department. You and I know for a fact that, our Meteorological Department can actually focus better, yesterday. That is because it would have actually happened. One thing that everybody needs to understand could be, and I want to imagine that the Minister here could tell us, they may not be having sufficient modern machines to actually scientifically predict the weather. The world over, economies that depend on agriculture, like ours, are actually dependent upon a proper, scientific and accurate weather forecast. Now, if they can only forecast yesterday after it has happened, it means, therefore, that it is irrelevant to have that department! It is extremely primitive! I have seen people carrying umbrellas after they have said: "*Manyunyu na rasha rasha za mvua, na manyunyu ya pale na pale!*" When you come to town---

The Temporary Deputy Speaker (Mr. Poghio): Order, Mr. Omingo! What is that supposed to mean?

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, I am trying to translate the weather

forecast in Swahili, as they usually do it. They say there is going to be rainfall showers in various parts of the country. You will find people carrying umbrellas and there is no rain! When they do not predict rain, it just pours until people are unable to get home! I think we need to do something about the Meteorological Department.

Mr. Temporary Deputy Speaker, Sir, last year, they were provided with some little money - about Kshs260 million - to buy equipment. This year, they have been provided with Kshs206 million to buy the same equipment. This Parliament must know what equipment is bought and whether it is better than the one that they have. The one that they have predicts what happened yesterday and not tomorrow.

Mr. Temporary Deputy Speaker, Sir, I would like to comment on the Kenya Railways Corporation. Hon. Mwakwere, himself, is a diplomat and, again, he is a very nice man. He knows that Kenyans who worked for Kenya Railways Corporation have suffered without their benefits. In fact, most of the employees who had pumped money in their Savings and Credit Co-operative Societies (SACCOs)--- Their money is "sitting" there and people are languishing in poverty! I have not seen the Ministry providing a lump-sum to pay them off. At least, that would be giving them an appreciation for the service they have given to Kenya Railways Corporation! Above all, they are running away from the management of Kenya Railways Corporation! The people they are off-loading are languishing in poverty. Kenya Railways Corporation is not picking! I am sorry, Madam *Mheshimiwa* from Tetu, but if you ever risk to board those trains, please, do not get into a mess because, again, we were trying to do public relations. No improvement has ever been done to our railways since Independence. Not one inch of railway has been increased since Independence! The colonialists constructed, in four years, all the railway network that you see today. We always say that we are an independent State! The problem is graft and wastage of public resources.

Mr. Temporary Deputy Speaker, Sir, our airports--- Kisumu Airport, sometimes, when it rains, you cannot land because, basically, the problem is equipment and the weather. Sometimes, there is no power and you cannot manage. We are yet to see improvements. We provided Kshs8 billion to Jomo Kenyatta International Airport. I am yet to see, not that I must see, anyway, but we need to feel the expenditure of Kshs8 billion on our airport! Watch this space! Those who are handling those public coffers will have to account for that Kshs8 billion! It does not matter when, but that accounting must be done!

Mr. Temporary Deputy Speaker, Sir, I am talking about the ferry services. Some of us who cannot swim, when we are in Mombasa, we are terrified! Sometimes back, when that ferry almost stalled, we almost wanted to say our last prayers! Our ferry system--- I have said here in this Budget, they have increased the Recurrent Expenditure by Kshs300 million to provide for the services in the ferry system. I thought the great Minister here could have provided some money to buy modern ferries to serve our people well in Coast Province, and give comfort to some of us who are local tourists, and who fear or dread crossing that ferry, because some of us are land animals and we cannot swim!

Mr. Temporary Deputy Speaker, Sir, recently, the Minister talked about removing the vehicles that have four axles from our roads. He knows that three-quarters of the trucks in this country have got four axles. Unless they have got a new contract to supply three-axle trucks, the Minister needs to tell this country why they have decided all of a sudden to have rapid change of the axle load on our roads. That is why I want to encourage this Minister to be more proactive, ask for more money and account for it wisely, because I know he will be able to do it.

With those few remarks, I beg to support.

Mr. Arungah: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Vote.

Mr. Temporary Deputy Speaker, Sir, may I join my colleagues in commending the Minister

for the work that he has done. If you look at the parastatals that are under his Ministry, the performance, generally, has been on an upward trend.

But, Mr. Temporary Deputy Speaker, Sir, a lot has been said about the issue of *matatus*, the madness in that sector and the role that hon. Michuki played. It has been implied that the current Minister is not doing much about order or disorder in the *matatu* sector.

Mr. Temporary Deputy Speaker, Sir, I am just wondering aloud because, as a Minister, hon. Mwakwere or hon. Michuki are involved only at the policy level. But, on the ground, it is the technocrats who are supposed to implement whatever policies or measures on the ground. I am not aware that when hon. Michuki left the Ministry, he took away some officials from that Ministry. Perhaps, when the Minister is responding, he should tell us whether the order that was, for a short time, introduced into the *matatu* sector, disappeared when the Minister was moved away from that Ministry! Why, then, is it that the officials who were left there have not been able to implement the policy that hon. Michuki put in place?

Mr. Temporary Deputy Speaker, Sir, I said that the Minister and his staff have tried. I would like to take this opportunity to commend him and the entire staff for the work that they have put in place. There are three areas, though, that I would like to comment on. I would like to start with Kenya Ports Authority (KPA).

For many years, KPA has made losses. But we have been told that, in recent years, it has been making profits. But there are areas which I think the Minister could do something to improve the performance of that corporation because, in terms of facilitation of trade, it is extremely important.

Mr. Temporary Deputy Speaker, Sir, there is a practice which is going on at the Port, where the loading capacity and the equipment at the Port is not adequate. So, as a result, KPA is deliberately allowing in a number of trucks which they know, they will not be able to load. For example, they allow into the Port about 100 trucks. At the end of the day, they are able to load only 50 trucks because of malfunctioning of the cranes there. But the sad part is that when, for example, the transporters or the owners of the goods have loaded their goods, the vehicles are detained at the Port for no reason of their own. There is a surcharge that is levied on them because, for some reason, the cargo was not able to leave the Port. The Port has three or four gates but, for some strange reason, KPA has decided to use only one gate to cause a jam, so that those trucks cannot leave the Port and, maybe, they can levy that money. I do not know. I do not understand why they cannot make use of the other two or three gates. The transporters and the owners of the goods are being inconvenienced. The resultant effect is that we are not facilitating trade as we claim we are doing.

Mr. Temporary Deputy Speaker, Sir, the unfortunate bit is that there is very high level corruption that is taking place in this Ministry. For some strange reason, the weighbridges have been put under this Ministry. I want to hold this Ministry, at that level, solely responsible for the destruction of our roads! I want to hold this Ministry solely responsible for the destruction of our roads. We know how much money we are spending to build those roads. There is a container at the port in Mombasa, nicknamed "*nundu*" which is 25 tonnes and is 20 feet. So, there are brokers who know there is "*nundu*" coming and they go at the weighbridges and discuss it because they know so-and-so is coming and has so much tonnes over-weight. By the time the container leaves Mombasa Port to Malaba border, there is a fee on each container of Kshs40,000 which somebody puts in his or her pockets.

Mr. Temporary Deputy Speaker, Sir, if you assume that there are 100 containers leaving the Port of Mombasa and 30 per cent are overloaded, it means that somebody is pocketing on average, Kshs2 million a day. I do not want to believe that the Minister or his staff are not aware of what is going on. It is possible to address this issue because I expect the Minister to be in the fore-front in

pushing for legislation. If we cannot do it as a country, then we can do it as the East African Community (EAC) because the Minister may be afraid that we will lose the business of Mombasa Port to Dar-es-Salaam. But as EAC, there is no reason why they cannot come up with a piece of legislation to require that no cargo that exceeds a certain weight per container leaves the Port of Mombasa. That is the only way we can minimise damage on our roads.

In addition, I have not found the reason why they have put many weighbridges on our roads when the easiest thing would be to put one weighbridge at the Port, so that any container that is above the required weight is detained and does not leave the Port until they off-load the goods. Instead, these weighbridges are conduits. These weighbridges have been put in place for the sole reason of collecting revenue. This is a fact. When the Minister will be responding, I would like him to comment on this issue because he is aware. If he does not know, he should know now because that is what is happening. They should scrap this nonsense called "weighbridges" because it is just a place for robbing money from *wananchi*, transporters or the owners of the goods.

Mr. Temporary Deputy Speaker, Sir, my bitterness is due to the fact that Mombasa Road is excellent but with what is going on, in another two years, we shall have no road and this Ministry will solely be responsible for that mess. I hope he can do that. He should come up with legislation, which states that any cargo coming into the country must not exceed a certain weight, that way, we shall save our roads.

There is the issue of licensing of aircraft. This country has played a very important role in the struggle in our neighbouring countries like Sudan. But you will find that there are people who have been sitting pretty elsewhere in other countries, who are bringing in aircraft and forming companies here and are given licences to do lucrative business between ourselves and our neighbouring countries which we have struggled so much to save or help. The beneficiaries should be us but that is not so. I urge the Minister to ensure that before the Kenya Civil Aviation Authority (KCAA) issues any licences, they have to insist that there is a Kenyan component involved in it.

Mr. Temporary Deputy Speaker, Sir, in fact, let me inform the Minister that because of the traffic jams on our roads, there is process of incorporating a company to airlift passengers from the airport to the City of Nairobi because it can take you two hours from the airport to the City centre. I hope that when that company is formed, he will demand that Kenyans have a share in it because we do not want people coming from elsewhere and reaping our sweat.

The Temporary Deputy Speaker (Mr. Poghisio): I do not understand; how will they do that? Will they use helicopters?

Mr. Arungah: Mr. Temporary Deputy Speaker, Sir, from Jomo Kenyatta International Airport (JKIA), it takes a minimum of one hour to get to the City centre. So, there is a company which is going to airlift people. As soon as you land, you get into a chopper and you are brought to town. That will take five minutes. That is what is going to happen. If the Minister is now aware, I have informed him. I am hoping that he is going to insist that Kenyans must be part of that deal, otherwise it is not fair.

Mr. Temporary Deputy Speaker, Sir, the only railway line we have was built in four years during those donkey years. Why is it that we cannot start building a modern railway track so that we have two railway lines? What is the problem? Where it was left by *mbeberu* is where it has remained and not an inch more. I hope the Ministry will do something about it.

Western Province is the second largest province in Kenya in terms of population. We do not have an airport worth talking about. I would like to urge the Minister, as he plans forward, he should make sure that Kakamega airstrip is enlarged so that all sorts of aircraft can land there.

With those few remarks, I beg to support.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this chance to support this Vote of the Ministry of

Transport. I also want to say that the time that there was strict enforcement of rules in the transport sector for *matatus* and strict adherence to axle load, we saw, in the summary of statistics given by the Department of Police, accidents having dropped tremendously. Looking through the experience that we have seen in the last few days, the whole problem of accidents erodes the gains that this Government had recorded in the transport sector. This, therefore, calls for a way to be found to support the Minister for Transport by developing the transport police. I am sure that if they had personnel whose duty is to make sure that the users of road transport like *matatus*, lorries and so on, comply with the rules, we will save lives. We should not forget how Kenyans supported the initiative to introduce rules even when there was no space because of the strict number of passengers per *matatu* and there was a shortage of vehicles; Kenyans walked from their homes to work and back home. We need to bring back the confidence of Kenyans by making sure that we do address the problem afresh. One wonders where the problem is because we seem to have got how to fix it. I am sure we know where to fix so that we put an end these accidents.

Mr. Temporary Deputy Speaker, Sir, it has become very common, and I saw it recently, most of these accidents involve long trucks. The accident that occurred in Kisumu in the morning and killed people involved a trailer. The one that killed people in Kisii is also a trailer. The one that killed some families near Naivasha is also a trailer. This calls for the Ministry to look at how to control the trailers and make sure that they follow the rules.

With regard to the urban transport, Nairobi has become such an expensive city. If you want to go, for example, from here to the University of Nairobi, you have to invest one hour on the road. So, you have to start your journey one hour early. If you are going to the airport, and the airlines say that you must be there two hours earlier, then you must have an extra one hour along Mombasa Road, to be able to catch your flight.

We need to ask ourselves how we are going to improve the urban transport system, so that we save time. Can we imagine how many hours Kenyans lose on the road? For example, if you are coming to the City Centre using Lang'ata Road in the morning, if you do not leave by 6.00 a.m, you will certainly be here at 8.30 a.m. Likewise, if you are coming to the City Centre using Thika Road, if you do not leave before 6.00 a.m.---

If we think about labour, the contribution towards the economy and how much time we lose in transport, I think the Ministry should also evaluate the current system *vis-a-vis* how much we lose in terms of time and, therefore, develop a framework of how to improve urban transport.

Mr. Temporary Deputy Speaker, Sir, we do not have a good railway transport system anymore, yet we have invested in it. It is shameful that today we do not have enough passenger trains that would really ease the traffic congestion within the City. One of the hon. Members said that the Kenya Railways is strategically located and has a lot of assets. We only need to modernise it and acquire more trains. It is saddening to see how idle the resources that we have are. If we converted them into useful investment, I am sure our economy would even triple. Lack of utilisation, effectiveness and efficiency of the railway transport is the source of every investor switching to using road transport to transport goods. Railway transport is not only necessary for Kenya, but also the countries within the East and Central Africa. If we had an effective, efficient and functioning railway network all the way to Uganda, we would decongest our roads and, therefore, ensure safety of our people and roads. Therefore, we need to invest in this sector. We need to support this Ministry by allocating it resources for its modernisation, because it plays a critical role in the transformation of the economy.

Mr. Temporary Deputy Speaker, Sir, on air transport, we are doing quite well. But let us utilise our resources fully. Let us utilise the facilities that we have developed.

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

The Minister for Justice and Constitutional Affairs (Ms. Karua): Thank you, Mr.

Temporary Deputy Speaker, Sir. I rise to support this Motion. I have heard many hon. Members talking about the increase in the number of accidents on our roads. For the record, it is good to clarify who plays what role. It is quite clear to me that after the Ministry of Transport made the rules, the enforcement belonged largely to the police and the law enforcement agencies. The Ministry of Transport, other than licensing, has no means of stopping vehicles on the road to see whether they are observing traffic rules. I would, therefore, call for closer co-operation and co-ordination between the Ministry of Transport and the Police Department to ensure that the so-called Michuki rules are fully enforced.

I admire the way our Police Force has firmly dealt with security issues that were threatening to become a major problem. I would urge them to decisively deal with the road carnage, by ensuring that the rules are enforced to the letter.

Mr. Temporary Deputy Speaker, Sir, it does not take much imagination to see that one of the causes of those accidents is over-speeding. It is not even so much on the defects in the vehicles. Those are the vehicles that are supposed to have speed governors. One wonders what the officers on duty normally say after there has been a major accident, which is caused by over-speeding and yet, there are various road-blocks along the road. It is a problem that must be addressed within Government as a matter of urgency. I call upon the Ministry and the Police Department to urgently sit down and look at ways of enforcing the "Michuki rules" and reduce road carnage.

The same goes for corruption at the weigh-bridges, and many hon. Members have complained about it. Again, that is a question of enforcement. Those are issues that can be discussed on a round table, between the two departments, road users and the transport industry and look for solutions.

Mr. Temporary Deputy Speaker, Sir, I also want to comment on the issue of the concessioning of Kenya Railways. We all know that Nairobi is now totally congested. It is impossible to move, whether it is during rush hour or off-peak hours. All hours in Nairobi are congestion hours. I remember that when the "Michuki rules" were enforced for the first time, and the *matatu* industry had gone on strike, Kenya Railways was then offering transport on the outskirts of Nairobi. One wonders why the Rift Valley Railways (RVR) cannot offer services to the residents of Nairobi, even if they start offering the commuter services in the outskirts. That would lessen the need of so many vehicles coming to town. They should also urgently see which other areas they can provide transport. If the people coming from Mlolongo to work in Nairobi are able to get railway services, we will not have so many vehicles coming into town. The same applies to other areas. If the concessionaire is unable to improve the transport system, especially the railway system, then we do not need them.

We also need a policy on transport. When we give concessions, transport is an essential service. Why do we not have a policy of doing it the Kenya Airways style, where the State retained an interest to ensure that it fulfils its mandate to give essential services to the people?

Overall, I want to commend the Ministry for the changes it is bringing. Yes, there are areas that we need to strengthen. They have been mentioned by hon. Members. We urge the Ministry to move with speed to strengthen the areas where there are weaknesses, and ensure that not only do we have a transport policy, but we have a modern transport system in this country. I want to commend the Ministry for initiating those steps.

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

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Ms. Karua, when the debate on this Motion resumes, you will have five minutes to finalise your contribution.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, I have finished!

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): All right! Hon. Members, it is now time to interrupt the business of the House. This House, therefore, stands adjourned until tomorrow, Thursday, 6th September, 2007, at 2.30 p.m.

The House rose at 6.30 p.m.