

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 13th June, 2007

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

The Economic Survey for the year 2007

*(By the Minister for Planning
and National Development)*

The 2007/2008, 2009/2010 Medium-Term Expenditure Framework (MTEF) Budget for the Kenya National Assembly

*(By Mr. Sambu on behalf of the Chairman,
Parliamentary Service Commission)*

Mr. Speaker: Mr. Minister, I think I still need you, if you have the following documents to be tabled: the 2007/2008 Estimates of Recurrent Expenditure of the Government of Kenya, and also Estimates of Development Expenditure for the same period.

The Minister for Planning and National Development (Mr. Obwocha): Thank you, Mr. Speaker, Sir. On behalf of the Minister for Finance, I beg to lay the following Papers on the Table:-

The Estimates of Recurrent Expenditure of the Government of Kenya for 2007/2008 for the year ending 30th June, 2008.

The Estimates of Development Expenditure of the Government of Kenya for 2007/2008 for the year ending 30th June, 2008.

*(By the Minister for Planning and
National Development on behalf
of the Minister for Finance)*

Mr. Speaker: Thank you. I hope they are available for Members in the pigeon holes. Very well, hon. Members, we will go to Questions now!

(A mobile phone rang)

Who is that, again? Who is it?

The Assistant Minister for Planning and National Development (Mr. Serut): I apologise, Mr. Speaker, Sir.

Mr. Speaker: All right, I accept the apology. Switch it off and hand it over to the Serjeant-At-Arms. Switch it off and hand it over. I have said no gadgets of any nature in this Chamber!

*(Mr. Serut handed over the phone
to the Serjeant-At-arms)*

Thank you, Mr. Serut!

QUESTION BY PRIVATE NOTICE

DISAPPEARANCE OF RHINO HORN TROPHIES FROM MERU NATIONAL PARK

(Mr. Maore) to ask the Minister for Tourism and Wildlife:-

(a) Under what circumstances did the seven (7) rhino horn trophies disappear at the Meru National Park on the 17th of February, 2007, seven days after the inventory was taken?

(b) What action has been taken to recover the trophies given that the security department facilitated the smuggling and cover-up?

Mr. Speaker: Now, Mr. Maore, you are here?

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

Mr. Speaker: I am afraid that I will have to defer your Question to Tuesday next week. As you know the Minister for Finance is preparing for tomorrow.

Mr. Maore: Mr. Speaker, Sir, my Question is directed to the Ministry of Tourism and Wildlife

Mr. Speaker: Oh, I am sorry! Indeed, even that one! As I said yesterday, all the Ministers in that Ministry are out of the country; all of them. I understand that they are all using their energies to try and save the endangered species in the CITES meeting.

An hon. Member: Even Kalembe Ndile?

Mr. Speaker: Yes, indeed!

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.324

TABLING OF AUDITED ACCOUNTS FOR LOCAL AUTHORITIES

Mr. Speaker: Order, Members! I also want to let the hon. Member for Nakuru Town, hon. Mirugi--- Are you there? If he comes, he should be informed that Question No.324 has been deferred to Tuesday, because the Minister for Finance is preparing for tomorrow. So, I will defer it straightaway.

(Question deferred)

Question No.296

PAYMENT OF SALARIES TO NURSERY SCHOOL TEACHERS BY MINISTRY

Mr. Omamba asked the Minister for Education:-

(a) whether the Ministry could consider paying nursery school teachers in the country; and,

(b) whether he could further provide funds for the construction of classrooms for nursery schools.

The Assistant Minister for Education (Dr. Mwiria): Mr. Speaker, Sir, my colleague was to answer this Question; I did not bring the answer because that was the agreement. She is the one who said she would do it today. I am sorry; I think she is still on the way. I beg for some little time.

The Vice-President and Minister for Home Affairs (Mr. Awori): I have the answer here!

The Assistant Minister for Education (Dr. Mwiria): Okay, I will read it out.

Mr. Speaker, Sir, I beg to reply.

(a) The Ministry is in the process of working out modalities to mainstream early childhood development (ECD) and education as part of basic education, and to integrate four-year old to five-year old children into the primary cycle by 2010. Among the strategies laid out in the Kenya Education Sector Support Programme (KESSP) is a number of measures to be taken, including the development of a scheme of service for ECD teachers, liaising with other partners in education, particularly local authorities, to improve salaries and terms and conditions for ECD teachers and carrying out a baseline survey on the ECD sub-sector to determine how much it will cost the Government to integrate ECD as part of primary education. When these strategies are in place, a decision regarding payment of nursery teachers will be made.

(b) Due to lack of adequate resources, the Government cannot construct classrooms for ECD centres at the moment. This has been left to the communities while the Government provides technical support. However, the Government, through the District Education Boards, has identified 4,000 ECD centres within public primary schools in arid and semi-arid lands, in slums and in areas of poverty across the country for the provision of community support grants, which can be used for improvement of infrastructure, among other needs. Phase I of this will be effective this financial year, 2006/2007.

Thank you.

Mr. Omamba: Mr. Speaker, Sir, the system is quite good but the year 2010 is very far away. Could the Government provide some funds to the Ministry to teach these students for the time being?

Dr. Mwiria: Mr. Speaker, Sir, I beg for a repeat of that question because I did not quite hear it.

Mr. Omamba: Mr. Speaker, Sir, the system laid down by the Ministry is quite good but the duration of time, up to 2010, is far away and yet the children are suffering so much. Could the Government provide some funds to the Ministry to teach these children who are suffering because of lack of teachers?

Dr. Mwiria: Mr. Speaker, Sir, 2010 is not that far off. It is only three years away. In any case, given the constraints in which we are operating under as a Ministry, we have begun gradually implementing something that is sustainable. This is why in this Financial Year, 2006/2007, we have already identified 4,000 sectors that will receive initial support. Perhaps, the situation will improve next year and we will do more than 4,000 sectors. The intention is to incorporate all this

within the overall plan; that is by 2010 latest.

Mr. Ndambuki: Mr. Speaker, Sir, everybody knows that the foundation of education starts from nursery school. These nursery school teachers have been in anguish. They get peanuts for their pay. Sometimes, you will find that the children from these nursery schools are not based in primary schools. They are based outside. Could the Assistant Minister consider placing a nursery school teacher in every constituency who is paid by the Ministry?

Dr. Mwiria: Mr. Speaker, Sir, that is a very realistic request. The only problem we will have is which criteria we will use to decide which school will get that one teacher. It is more important for us to see how we can have a long-term plan that incorporates as many young people as possible. There are other reasons for it. The real problem of early childhood education is one of inequality. Children who are able to benefit from pre-school education have an advantage by the time they go to good primary schools because most primary schools require that they sit for an exam before joining them. From a socio-economic perspective, it is a very unfair system whereby the majority of the poor children cannot afford pre-school education. So, we have an interest. If we are really interested in alleviating poverty, we have to target the majority. It is in this regard that we are thinking of a long-term plan that will incorporate the majority of these disadvantaged Kenyans in the system by 2010. Otherwise, they will be disadvantaged for many years to come.

Mr. Omamba: Mr. Speaker, Sir, every school in Kenya needs this Early Childhood Education as a solid foundation. Could this grant also be given to primary schools to divide among themselves so that any additional monies plus the funds from CDF are added on top of it?

Dr. Mwiria: Mr. Speaker, Sir, that is the intention. This year, we will deal with 4,000 sectors. Perhaps next year we will have money that can be distributed across, depending on how much we get from the Treasury which is also dependent on how much revenue we collect as a Government.

Mr. Speaker: Very well. Next Question!

Question No.210

SUPPLY OF ELECTRICITY TO MUTARAKWA
DIVISIONAL HEADQUARTERS

Mr. Speaker: Is Mr. Kimeto not here? The Question is dropped.

(Question dropped)

Question No.288

REASONS FOR POOR KCSE
PERFORMANCE IN 2006

Mr. Speaker: Is Mr. K. Kilonzo not here? The Question is dropped.

(Question dropped)

Question No.310

COMPLETION OF MIGORI
DISTRICT HEADQUARTERS

Mr. Owino asked the Minister of State for Administration and National Security:-

(a) whether he is aware that construction of Migori District Headquarters has stalled for several years; and,

(b) when it will be completed.

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

(a) I am aware that the construction of Migori District Headquarters has stalled for several years.

(b) Consultants have now been commissioned to finalise documentation by the end of June, 2007. Tenders for the works are expected to be invited early next Financial Year, 2007/2008. The works are expected to be completed by June, 2009.

Mr. Owino: Mr. Speaker, Sir, I do not have a written reply but I will continue. I asked this Question around this time last year and I was given the same answer. Could the Assistant Minister tell the House what happened to the money that was set aside for this project this financial year?

Mr. Munya: Mr. Speaker, Sir, this is one of the many projects that stalled and they are usually treated as one group of projects and budgeted for. Sometimes the money is not enough to cover all the projects because they are so many and they require a lot of financial allocation every financial year.

I would like to assure my colleague that we will make sure that money is set aside this financial year to ensure that the project takes off.

Mr. Ahenda: Mr. Speaker, Sir, unless the word "budget" has got a different meaning to the Assistant Minister, if this was budgeted for, how comes it is not enough? How is the Ministry budgeting?

Mr. Munya: Mr. Speaker, Sir, last time, we had projected that we would set aside money for this project in the 2005/2006 Financial Year. In fact, it is the Ministry of Roads and Public Works, and not the Office of the President, that deals with stalled projects.

The Ministry of Roads and Public Works normally budgets for these projects and carries out the work. Even the information we are giving here is basically from the Ministry of Roads and Public Public Works. The projects are so many that they may not be completed within one financial year. They have given us an indication that they will make sure that this one is given allocation this financial year. We will ensure that this project is done because it is for our Ministry but the money is coming from the Ministry of Roads and Public Works.

Mr. Manoti: Mr. Speaker, Sir, I would like to commend the Government for introducing very many new districts but a number of them have no offices. Will the Assistant Minister allocate some money in this year's Budget to construct headquarters for these new districts to avoid what is happening now in Migori?

Mr. Munya: Mr. Speaker, Sir, it is true that there are many new districts that are in the process of being created. They will require infrastructure. Some money will be allocated this financial year to help put up the infrastructure. We will not be able to allocate enough money within this financial year to complete all the infrastructure that is required. District headquarters are projects that take time to complete. Last year, we gave Kshs1 million to every new district headquarters to put up something temporary to make them run as we put up permanent structures for them. Communities also come in to assist because they are the ones who keep demanding for new districts.

Mr. Owino: Mr. Speaker, Sir, I am satisfied with the reply because I am sure of coming back to Parliament next year. I hope I will not ask the same Question again. Thank you.

Mr. Speaker: Next Question!

*Question No.298*DISAPPEARANCE OF PATIENT FROM
MACHAKOS DISTRICT HOSPITAL

Mr. Speaker: Is Mr. M. Maitha not here? The Question is dropped.

(Question dropped)

Why am I not hearing points of order? There are no hon. Members asking Questions either. If it were the Ministers who were absent from the House, the House would be on fire now! Why the double standards? Anyhow, I am here to hear you complaints.

Next Question!

*Question No.317*GOVERNMENT EXPENDITURE
ON ANTI-CORRUPTION
STEERING COMMITTEE

Mr. Speaker: Is Rev. Nyagudi not here? The Question is dropped!

(Question dropped)

Next Question!

*Question No.324*TABLING OF AUDITED ACCOUNTS
FOR LOCAL AUTHORITIES

Mr. Speaker: Is Mr. Mirugi also not here? The Question is dropped!

(Question dropped)

Next Question!

*Question No.335*NON-ISSUANCE OF TITLE DEEDS
TO SUBA RESIDENTS

Mr. Speaker: Mr. Kajwang also not here? The Question is dropped!

(Question dropped)

The Assistant Minister for Lands (Mr. Kamama): On a point of order, Mr. Speaker, Sir. You realise that we work very hard to make sure that these answers are availed to this House on time. Am I in order to request the Chair to trace these Members of Parliament because we are being told that they are with their luminaries? Where are they being hidden?

Mr. Speaker: They are with what?

The Assistant Minister for Lands (Mr. Kamama): They are with their ODM luminaries!

Mr. Speaker: Mr. Kamama, what are luminaries?

The Assistant Minister for Lands (Mr. Kamama): Mr. Speaker, Sir, these are people who illuminate politics in this country!

Mr. Speaker: They are people who illuminate life! Anyhow, I hope everybody will take their job seriously.

Mr. Sungu: On a point of order, Mr. Speaker, Sir. Rev. Nyagudi is very unwell and I did hear when you called Question No.317.

Mr. Speaker: I am sorry that Rev. Nyagudi is unwell but you should have seen me in advance.

Mr. Sungu: I apologise, Mr. Speaker, Sir.

Mr. Speaker: Double apology, thank you.

Hon. Members, that is the end of Question Time.

POINT OF ORDER

CAUSE OF RIOTS IN OYUGIS TOWN

Mr. Ahenda: Mr. Speaker, Sir, I rise to ask for a Ministerial Statement concerning the riots that took place in Oyugis Town last Thursday, where I lost two of my voters who were shot by the police as a result of the riots caused by the Ministry of Local Government due to the high rates that they were charging in Oyugis Town. Up to now, Oyugis Town is still in panic. Things have not come back to normal. Could the Minister for Local Government clarify and tell us what caused the riots and what he is trying to do to harmonise the situation in the town?

Mr. Speaker: Is the Minister for Local Government here? What about the Deputy Leader of Government Business?

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Speaker, Sir, with your permission, this can be done next week on Wednesday.

COMMUNICATION FROM THE CHAIR

DEFERMENT OF COMMITTEE OF THE WHOLE HOUSE ON BILLS

Mr. Speaker: All right! I will create a little time. As you know, from tomorrow, business of the House will begin at 3.30 p.m. promptly. I think we all have to keep that in mind.

Before we go to the next Order, I would like to bring to the attention of the House the fact that Order No.7, the Committee of the Whole House, on The Supplies Practitioners Management Bill (Bill No.4), and The Nutritionists and Dieticians Bill (Bill No.5), has been deferred to a future date. So, Order No.7 stands deferred.

BILL*Second Reading*

THE KENYA ROADS BILL

*(The Minister for Roads and
Public Works on 12.6.2007)*

*(Resumption of Debate interrupted
on 12.6.2007)*

Mr. Speaker: Who was on the Floor? Hon. Muturi, how much time do you have?

Mr. Muturi: I have 20 minutes, Mr. Speaker, Sir.

Mr. Speaker: You still have forever!

Mr. Muturi: Mr. Speaker, Sir, 20 minutes is really a very short time, but I will try to hurry up.

As I said yesterday, I am in support of the Kenya Roads Bill, subject to minor amendments, which I believe have been proposed by the relevant Departmental Committee. With the creation of the proposed three roads authorities, we are going to see a situation whereby three service institutions will be undertaking road construction, rehabilitation and repairs in various designated areas as proposed in the Bill. I commend the Ministry for borrowing a leaf from what happened in the Ministry of Water and Irrigation following the changes brought about by the enactment of the Water Act, 2001.

Mr. Speaker, Sir, we will have a situation whereby professionals in the roads sub-sector will now be located, not just in the Ministry, but also in other institutions as proposed by the Bill. Clause 33 states that:-

"The Minister shall, once in every five years, in consultation with the authorities and the Kenya Roads Board, cause to be prepared a road investment programme for approval by the Minister responsible for Finance".

Mr. Speaker, Sir, I would like to add that such an investment programme in the roads sub-sector should not just be the preserve of the Minister for Finance, the Minister for Roads and Public Works and the authorities which will be created. Such an investment programme should be brought before this House, so that the Membership of this House, representing the entire country, debates, discusses and approves the said investment programme as proposed, so that, at least, even those respective authorities, as they go out to implement that investment programme, it is a programme that has the full ownership of this House and indeed, the country as a whole. Therefore, I will be proposing that even Parliament be included as one of the institutions that must debate and approve that investment programme.

Mr. Speaker, Sir, I have looked at Clause 32, which talks about the investment of surplus funds. It states that:-

"Any funds of an authority among the three, not immediately required for any purpose under this Act, may be invested in a manner which the respective Boards may, with the approval of the Minister and the Minister responsible for Finance determine".

This talks about the Minister for Roads and Public Works and the Minister for Finance. I want to propose that we move away from this kind of language, so that we can provide that any surplus funds held by the authority which may not be immediately required for investment within

the programme provided for in Clause 33 below, will then be invested by the said authority in accordance with existing financial regulations regarding investment of surplus funds held by any public institution. I am saying this to avoid a situation whereby the two Ministers could easily "collude" to ensure that such funds are invested in areas other than those which may be directed by existing financial regulations. We are in the era of transparency and accountability and I think a proposal like that one should find a place and be acceptable to the Ministry.

Mr. Speaker, Sir, I can also see another situation which requires some harmonisation. Clause 30(c) says that:-

"The funds and resources of each authority shall consist of:-

(c) in the case of the Rural Roads Authority and the Urban Roads Authority, such proportional funds from the Local Authority Transfer Fund (LATF) as the Minister for Finance may direct".

That may be giving the Minister for Finance unfettered power and discretion. Since the Bill provides that funds which are meant to go to the LATF will be invested in the two bodies, I think we should require that the Kenya Roads Board be the one to determine the quantum that will go to any of the two authorities as opposed to the Ministry of Finance. The Ministry of Finance may not have the technical capability to know how much of the funds from LATF should go to any of the two proposed authorities.

Mr. Speaker, Sir, I have looked at various other provisions of this Bill and I am in agreement with most of the propositions. However, I take issue with a few of them. Like I said yesterday, there will be need for the Ministry of Roads and Public Works and the Ministry of Local Government to sit at a round table to agree on the provisions of Clause 53, which says:-

"Notwithstanding anything in any law to the contrary, no local authority or other person shall exercise any power relating to the control, maintenance, development or protection of any road, except where such power has been delegated by the authorities established under this Act or by the Minister".

The reference here is to the Minister for Roads and Public Works for the time being. I think there is potential for conflict in this clause. As I have proposed, the two Ministries ought to sit and agree on how this should be worded. Unless there is an amendment or a repeal of the Local Government Act, Cap.265, there is need for the Ministries to sit down and harmonise this to avoid a situation whereby one of the Ministries feels short-changed or inferior to the other.

Mr. Speaker, Sir, Clause 54 talks about an officer or a servant of any of the authorities being forbidden from disclosing information. At this time when we are talking about the freedom of information, some of these provisions may be a bit outdated and they will need to be re-looked into.

Clause 58 provides for general penalties. However, I am worried because throughout the Bill, there is no reference to any form of punishment to anybody who carries out shoddy or sub-standard works on our roads. A lot of public resources have been expended over the years in the construction of roads, some of which do not even last for six months before they begin collapsing or developing potholes. We need to make certain provisions in this Bill that will give the various authorities power to intervene and even withhold payments and punish contractors who do sub-standard and shoddy works on our roads. Like I proposed yesterday, if you do value for money, inspection and audit, you will realise that what is being done is shoddy.

Mr. Speaker, Sir, even as much as I say that there is need to harmonise the provisions of this Bill and those of the Local Government Act, I must state categorically that whatever money has gone to the local authorities through LATF, that is meant to address the issue of roads within the local authorities, should be explained. For example, in my area, I am unable to pinpoint anything that my local authority has done with funds that have been given to the authority to

improve roads.

In fact, we get surprised when we look through the Printed Estimates and see that money has been allocated from the Kenya Roads Board to local authorities to do roads. It is a very sorry story. Sometimes a lot of us may not want to comment on this issue because councillors are also influential people and could easily begin battling with us, but it is important for us to be honest and frank.

*(Mr. Kimeto entered the Chamber
without bowing to the Chair)*

Mr. Karaba: On a point of order, Mr. Speaker, Sir. An hon. Member has entered the Chamber without bowing to the Chair. Hon. Kimeto has just walked in without bowing to the Chair!

Mr. Speaker: Hon. Kimeto, did you recognise the Chair? Will you proceed back there and bow to the Chair? First of all, you are late to ask your Question and then you do not recognise the authority of the Chair.

*(Mr. Kimeto went back to the Bar
and bowed to the Chair)*

Thank you!

Mr. Muturi: Mr. Speaker, Sir, it is good that we remain at all times in the observance of our rules.

In this Bill, a very important concept has been introduced. This is the concept of every of these authorities created, being required to sign something similar to performance contracts. It is important that as we create these service institutions, they need to know that they will be under constant public scrutiny to ensure that they perform. The Rural Roads Authority and the Urban Roads Authority, will, within specific periods, as proposed in the Bill, come up for scrutiny. Parliament should get the reports by the Minister for Roads and Public Works to show, on a periodic basis, the performance of each of these authorities.

It is not enough, as happens and as provided for, that there will be reports by the Controller and Auditor-General in accordance with the Public Audit Act. The reports by the Controller and Auditor-General will only deal with financial matters. We need to get periodic reports which show performance. These are roads authorities. The reports should show how many roads a particular authority has constructed within a specified period. In case of rural authorities, the reports should show how many roads the authority has repaired or rehabilitated and how many roads it has opened within a given period of time. It is very important that this is provided for in the Bill, so that we do not just create institutions that do not add value.

Mr. Speaker, Sir, like my colleagues who have commented before me, I laud the fact that the funds which are to go to the constituencies have been increased by 4 per cent. We too, as hon. Members who sit in the District Roads Committees (DRCs), have an obligation to contribute to the performance of the respective authorities. This is because I believe that the District Roads Committees (DRCs) will also fall under the various authorities.

Mr. Speaker, Sir, as I conclude, I want to say that it is amazing how Kenya appears to be one of the countries with the highest number of roundabouts in their cities. I wonder whether we are dealing with outdated engineering concepts or not. Many of the traffic snarl-ups that we see in major towns and this City, particularly, are as a result of poor designing of roundabouts. In this City, one wonders why we have traffic lights, because they do not work. Even where they work,

policemen have replaced them. Those lights are supposed to control the flow of traffic at specified times. But when a policeman stands at the roundabout with his hand up, he does not even time--- He allows vehicles to move only if there are no more vehicles coming from a different direction. The confusion that he causes to motorists who approach that same roundabout from other directions is so much.

I want to appeal to the Ministry - in this case, both the Ministry of Local Government and Ministry of Roads and Public Works - to see to it that they bring some sanity. We should either have those traffic lights working or we train our policemen to be the ones to replace them, particularly, in Nairobi City.

Mr. Speaker, Sir, I know that we discussed the contents of this Bill last year, when we discussed Sessional Paper No.5 of 2006, on what investments and priorities should go to the roads sub-sector. I do not want - having gone through the Bill - to belabour the point that it is a good innovation.

With those few remarks, I beg to support.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Thank you, Mr. Speaker, Sir. I rise in support of this Bill. May I begin by commending the Minister for bringing this very innovative Bill.

Like has been said, it does introduce the idea of decentralization in planning and implementation. From the centralized position where the Ministry is planning and undertaking works all over the country, we shall now have three authorities. These are: The Kenya National Highways Authority, which will be undertaking the construction and rehabilitation of the national roads, which are sufficiently described in the Act; the Kenya Rural Roads Authority which will be in charge of rural roads and the Kenya Urban Roads Authority which will be in charge of cities and municipalities. This will speed up development and also ensure that these authorities are concentrating on their areas of operation. It is a bit clumsy when we expect the Ministry to originate policy, do the planning for the whole country and also carry out the implementation. This decentralization not only helps in speeding up the works, but leaves the Ministry with only the issue of policy and general supervision and direction of these authorities. This is the way forward in most of the Ministries and undertakings of the Government. I heard my colleague on the opposite side lament that there are no penalties for contractors who undertake shoddy works. I do not think that we can expect the Kenya Roads Bill to take over what our Penal laws provide. I would imagine that where a contractor undertakes construction and does shoddy work, he or she will be penalised in the contract, and where the work is done in a fraudulent manner, our Penal laws will apply. What really matters is that there be close supervision of everybody who has been contracted by any one of these authorities to undertake works, and to make sure that everybody is held to account. What we lack today is accountability and follow-up even where we have established that the work is done in a shoddy manner. What I would recommend is that, perhaps, we should have a clause that allows blacklisting of contractors who are known to do shoddy work.

Mr. Speaker, Sir, I agree with colleagues who have pointed out that local authorities, although given money by the Kenya Roads Board (KRB) as an agent for undertaking construction, have actually not excelled. It is time that Ministries concentrated on their core business. The core business of local authorities is not undertaking road construction. This now had better be left to the roads authorities, so that any other player in Government can liaise with the relevant roads authority to ensure that roads in their area of need, are constructed. I would, therefore, advocate that the work of undertaking construction, repairs and maintenance of roads be entirely left to these three new authorities that are being created. Any urban or local authority that needs to know the status of its roads will only liaise, or as a board member of the authority, and will be able to give

directions as to what it needs done.

Mr. Speaker, Sir, maybe, one of the reasons why our urban road networks are not good is because no one was really responsible. One time, you are told that it is the local authority that is responsible for a certain section of the road and another time, somebody will say that it is the Ministry. But now, there will be clarity. The Kenya Highways Roads Authority will be in charge of national roads, while the Kenya Urban Roads Authority will be in charge of roads in the cities and other smaller towns. We now have one centre where we can follow the development of our roads.

Mr. Speaker, Sir, I also want to take this opportunity to commend the Ministry and the Minister, in particular. For the short period that he has been in this docket, we have seen construction all over the country. We have seen projects that had stalled being finished. We have also actually seen the Ministry become visible, the Ministry of Roads and Public Works. There are public works all over the country. There is a period when I thought this Ministry had turned into the Ministry of Tourism, because all it did was to tour the country and pointing out where works in the future will be carried out, and no work was going on. I would urge this Ministry to carry on with the good work and also to infuse ethics in the authorities when they do come up, to ensure that our roads are fit for our use.

My colleague on the opposite side did refer to the issue of roundabouts. Indeed, roundabouts are a pain today. We cannot enter certain parts of the City because of traffic jams created by the roundabouts. But I am happy that I have learnt from the Ministry of Roads and Public Works - and I know that the Minister will be responding - that something is actually being planned, in order to ease the traffic problem. I do hope that the Minister will be confirming to us the Ministry's short-term and long-term plan, because this cannot wait for long. It needs to be tackled now; otherwise, it will become impossible for people to enter or leave Nairobi City. I do not know whether it is a sign of the improved economy that also the number of motor vehicles in Nairobi has more than doubled. Everybody is coming out in their vehicles and the city does become inaccessible in the mornings, evenings and at all rush hours. These days even during the weekends, we are experiencing traffic jams. I would want to urge my colleagues to look at this Bill and support it, so that we can all enjoy the roads that we deserve as a country and the road network that will help us to develop and to achieve our Vision 2030.

With those very few remarks, I beg to support.

Mr. Syongo: Mr. Speaker, Sir, thank you very much for giving me this opportunity to make my contribution to this Bill.

Mr. Speaker, Sir, I want to take the first opportunity to thank and commend the Minister for bringing this Bill. I am personally convinced, like other colleagues, that this Bill will help to transform the situation of our roads infrastructure in our country.

The previous situation was clearly totally unfeasible. It was a situation where the District Works Officer was the Authority-to-Incur Expenditure (AIE) holder and also the focal point for procurement of services to construct roads and awarding tenders for road construction in the district. The District Works Officer was also the one responsible for monitoring and certifying that jobs have been done and authorising payment. That arrangement was surely bound to fail. It is no wonder that if today you wanted to look for the real centre of corruption in the roads sub-sector, it is really at the district level. That is where it is all happening.

Mr. Speaker, Sir, I also want to thank the Minister for agreeing to increase the allocation for constituency-based roads by 20 per cent. In an earlier suggestion, we had actually recommended that it should have been increased to 24 per cent. This is because if you do count and add up the total kilometres of roads, those that fall within the constituency are surely the longest. The burden, therefore, in terms of roads construction and maintenance, truly lies in the constituency-based roads.

Mr. Speaker, Sir, I also want to commend the Minister for looking at other [Mr. Syongo] options. I would like to believe that the statement that had been made earlier by His Excellency the President that opportunity to use long-term bonds to raise money for the road construction is something that will be considered and that the three authorities will have the flexibility to explore creatively other opportunities for raising funds for roads. Even more so, I do hope that these authorities will have the managerial flexibility and mandate to be able to fast-track the concessioning of some of the heavily used roads. In fact, we can bring on board private sector investment to expand our road network and improve the quality of our roads.

Mr. Speaker, Sir, the number of vehicles that are on the roads has increased tremendously in the last five years. It is only logical that we must have commensurate expansion and improvement of our roads in order to accommodate the increased traffic that is clearly seen everywhere, especially in the urban areas and even on the major highways.

Mr. Speaker, Sir, another development which I do hope that the Minister is aware of is the number of heavy commercial vehicles. Until four years ago, the 40-tonne trucks were hardly seen on our roads. However, today, indeed, as you travel towards western Kenya, there are probably more of the 40-tonne trucks crisscrossing that area across into Rwanda, Burundi, Uganda and Tanzania and, of course, now in Southern Sudan than even the small vehicles. This is a clear testimony that we need to expand and improve our roads if we truly believe in making and retaining Kenya as the major trading nation in this sub-region. Without a good transport system to support manufacturing and agriculture, we cannot develop this economy and Vision 2030 then will become a mirage.

So, it is extremely important that this idea that the Minister has brought on board; of setting up these three authorities should, in fact, be extended to the railway system. I think it is high time we also had an authority dealing with railways and charged with the responsibility of encouraging private sector investment in the railways sub-sector. By so doing, we can also expand railway services to various parts of the country. We can also connect this country to our regional neighbouring markets of northern Tanzania, Sudan, Ethiopia and even Somalia.

Mr. Speaker, Sir, yesterday, my colleagues, particularly hon. Maoka Maore, did talk about re-classification of roads. It is long overdue. There are many roads in this country. If you look at their potential in terms of the economic sectors they serve, they are still "D" and "E" Class roads. They are being given pittance in terms of allocation of funds and yet, they are moving volumes of high value produce. I have for example roads that are serving the dairy sector. I have in mind the roads serving the fisheries sector where virtually all the roads are Class "E" and below. Most of them are unclassified. It is a pity that we feel very proud when we say that we are a major fish and dairy exporter within the region. And, of course, we are major exporter of horticultural crops. We need the exercise of re-classification of our roads. This is the only way we can give the roads the classification which is commensurate with their strategic economic and security status. Without that, then we will not maximise and optimise on the opportunities that are available in every corner of our country.

Mr. Speaker, Sir, I want to thank the Minister that, at long last, we are now seeing some work being done on the Mai-Mahiu-Narok Road. That road is extremely important. That area is a major agricultural sector area. It also opens up the rest of Kenya towards the west and, of course, to northern Tanzania. It is also serving the tourist sector. It becomes totally embarrassing when you see many tourists in tourist vans going up and down because of the potholes. I want to thank the Minister, therefore, for taking a bold step and moving the contractors on that road and clearly demonstrating that he is determined to improve that road. My prayer is that the Minister will ensure that, that road will be built to high quality, so that it can accommodate heavy commercial vehicles. I still would like to emphasise that we must invest in heavy-duty roads, so that we allow heavy

commercial vehicles to move commodities across our countries to various market destinations.

Mr. Speaker, Sir, the other point I would like to talk about is the standard setting. It is absolutely imperative that we must have standards for specific roads classifications. We must ensure that those standards are understood and complied with. One of the biggest problems we have had in this country is that we give specifications in terms of materials and work, say, to Class "B" roads, but what actually is done on those roads cannot sustain the kind of vehicles which are envisaged to use that kind of classification of roads.

So, setting standards and ensuring that we have enough engineers who will ensure compliance, supervise the work and ensure that those standards are adhered to, is absolutely important. In this respect, I want to appeal to the Minister not to ignore the necessity to build the human resources we need to construct and supervise roads. I am not so sure of the current status of the number of engineers that we have in this country, and those who can work with them as supervisors. However, I would like to encourage the Minister to have a meeting with all our universities, especially the faculties that deal with the Ministry. This will ensure that we have human resource being developed and have a clear succession management of our engineers. This will ensure that we have enough even to export engineering services to our neighbouring countries.

Without adequate and high quality human resources in form of engineers and technical officers to design and supervise road construction, we are not going to sustain that sub-sector, which is so important.

If we had clear standards and officers, then we would not have had a situation which is embarrassing; where the Government Spokesman who holds a Bachelors Degree in Communications pretends that he can actually inspect and condemn the work of an engineer. This is really unfortunate! I would like to believe that, that incident will never be repeated in this country. We are a fairly sophisticated and civilised country and we do not want to embarrass ourselves the way we did during that particular incident.

Mr. Speaker, Sir, I would also like to appeal to the Minister to consider the issue of technology. As a young student, I happen to have visited India in 1983. I saw a situation where, because India such an abundant labour, they have more labour-based technology to do roads; maintain and build them. They did not have sufficient capital in terms of heavy machinery but they had a lot of human resources. Currently, we have a huge reservoir of human resources; young men, who are looking for anything to do. If you ask them: "What job would you like me to get you?" They say: "Any job!" "Any job" should include road construction. Right now, we have a Swedish Government-sponsored Roads 2000 Programme which is labour-based. What is particularly encouraging is that these groups, having been trained at the Kisii Highway Institute, are using their hands with minimum equipment and they are doing an excellent job in terms of opening up and maintaining roads in the rural countryside. We can do so! I believe that with less expenses, we can open up more roads and maintain them. I do not see why the Public Works Department (PWD)--- I think it is being used because PWD in the colonial days, they used to work with their hands and we have very good roads. I still remember seeing some of those roads as a youth. Why were they successful and yet they were labour-based, largely speaking? So, the necessity to have the right mix between machinery and human resource, given that we have more available human resources, is something that I would like to appeal to the Minister to consider.

Mr. Speaker, Sir, the question of ensuring that various sectors are opened up and stimulated to enable our economy grow, is so important. If you look at what is superficially considered as the Arid and Semi-Arid lands, there is enormous opportunity for those areas to contribute to the Gross Domestic Product (GDP) of this country in terms of livestock, tourism, honey production and so many other things. If you look, for example, today, in the emerging markets, we have products like Aloe Vera which can do extremely well in the ASAL areas. Currently, you can hardly satisfy the

demand and yet that particular commodity and many others, including the Neem tree, can do extremely well in the so-called ASAL areas. We have Lake Turkana teeming with fish. However, the fish grow and die out of old age. I can be quoted on that! The fish in Lake Turkana grows and die of old age because they are not being harvested by human beings because there is no road going there. I think it is unfortunate! If we construct a permanent road to Lake Turkana and put up cold storage facilities, we would increase our fish exports. Anybody coming from Europe must be looking at us and asking himself: "What is wrong with these guys? They have opportunities but they are not taking full advantage of them."

Mr. Speaker, Sir, we have not looked at the details of the allocations for roads for the coming Budget tomorrow. However, I hope that there was some sensitivity in looking at some of the strategic sectors and allocating money for roads to open those areas so that they can make a contribution towards the economic growth of our country.

With those few remarks, I beg to support.

Mr. Speaker: Very well! I have the following hon. Members on the list just in case there are hon. Members who have come who want to be added. I will go straightaway to Mr. Kimeto. After that, I will have Messrs. Karaba, Tarus, Sungu and Kagwima.

Mr. Arungah: On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Kimeto was to be after me!

Mr. Kimeto: Thank you, Mr. Speaker, Sir---

Mr. Speaker: Wait a moment, Mr. Kimeto! I do not seem to have the name of the hon. Member for Khwisero on the list. Maybe my staff did not recognise your---

Mr. Arungah: I was next after Mr. Kimeto, Mr. Speaker, Sir.

Mr. Karaba: Mr. Speaker, Sir, I agree that I was supposed to follow Mr. Arungah! I will reduce my time so that he can also contribute.

(Laughter)

Mr. Speaker: Very well!

(Mr. Arungah stood up in his place)

Mr. Speaker: Do not talk; just stand so that we can take note of you. Are there any other hon. Members showing future interest?

(Messrs. Mwenje and Mwaboza stood up in their places)

Who is that? It looks like there is a new hon. Member I cannot recognise! Mr. Mwenje, just sit down! Who is that hon. Member?

(Mr. Mwenje resumed his seat)

An hon. Member: It is Dr. Mwenje!

The Assistant Minister for Immigration and Registration of Persons (Mr. Mwaboza): It is Mr. Mwaboza, Mr. Speaker, Sir.

Mr. Speaker: Oh, it is Mr. Mwaboza! Very well! We will have it in that order and I will follow the list so that those who come late will not take advantage of those who have been sitting. So, we will have that list now.

Mr. Kimeto, you will be followed by the hon. Member for Khwisero and, thereafter, by Mr. Karaba.

Mr. Kimeto: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Bill. This is a very nice Bill. The Minister has brought it in time and he has drafted the skeleton part of it; on how to improve on our roads.

He has also given us information that there will be an Urban Roads Committee and a rural roads committee. Probably, he should also have included constituencies roads committees to enable the roads to be done everywhere in the Republic.

Mr. Speaker, Sir, this is a very good Bill. There is only one way where we would accommodate the Minister on how to improve these roads. If the criteria used to allocate money for roads in the past is repeated, I think we will not go far. The Minister and Parliament needs to increase this money from 16 per cent to 40 per cent. To ensure that, that money is well utilised, the Minister should have proposed that the money should be channelled through the constituencies. This will ensure that every constituency in the country takes care of its own roads. I have read this Bill and I have not seen where it talks about the bridges.

In areas which receive a lot of rainfall, we have so many places that require bridges. The Minister should have brought out the issue of construction of bridges. In some cases, we cannot access the other parts of our constituencies because there are so many rivers. More money should be allocated to rainy areas because the rains destroy all the main roads and feeder roads, therefore, making them unaccessible.

Mr. Speaker, Sir, I wish there was a way of telling the Minister for Finance, before he reads the Budget tomorrow, to allocate more money for roads in areas which receive heavy rainfall in the country. He should consult with the Ministry of Environment and Natural Resources so as to determine which areas in the country receive more rainfall than others. This will enable them to budget for more roads in those areas. The Minister of State for Special Programmes should ensure that those people living in areas which experience drought are supplied with enough food.

Once we allocate money for the construction of roads, we should also allocate some of it to building of bridges. This would enable many people to go through some areas without problems. I want to challenge the Minister for Roads and Public Works to consider incorporating, in his Ministry, people who would monitor how the money allocated for roads is being used. Once money is sent to the districts, the engineers have found ways of spending it to fulfil their own selfish ends without involving the area Members of Parliament. The same engineers then write to the Ministry headquarters in Nairobi informing them that a certain road has been constructed when it has not. Sometimes, you may see a lorry at a construction site purporting to be transporting construction materials, yet there is no work which is being done. I would like to request the Minister, whenever he is disbursing money for road construction, to always inform the area Members of Parliament so that they can make a follow-up of the project. Money is sent to constituencies without the knowledge of hon. Members. This is a straightforward way of misusing Government money.

When you look at what some road contractors do, you will wonder. Some of them construct culverts which are way below the standard height. The culverts are constructed almost three metres below the road and when it rains, water does not drain properly. One is left wondering where the water is supposed to flow to.

I am giving the Minister these facts for free without asking for anything in return. I am left wondering why some contractors construct culverts way below the roads. This leaves water flowing on the road. The Minister should move around in the country and see how roads are being constructed. Contractors are digging into the road so much; about three metres down and this has made the roads very dangerous to motorists. I wonder where the engineers were educated. Why can

the Minister and hon. Members not move around and see how the road from Maai Mahiu to Narok is being constructed? If you happen to go to Rimba area, you will see some culverts which have been built way below the road. I wonder how the contractors got the contract to construct the road. The engineers who are carrying out the construction should inquire from area residents on which direction water flows before building culverts. That would save them time and help harness drainage.

Mr. Speaker, Sir, whenever road contracts are being awarded, the area Members of Parliament should be informed so that they can give their contribution to the project. That way, we would move forward in a more comfortable and intelligent manner. No one should be left to feel as if they have all the knowledge of engineering. I had to say this so that the contractor who is working on the Nairobi-Kiserian Road can do a good drainage system and give an easy time to those who will be using the road, once it is complete. When the Minister is giving out money for road construction, he should not give it out to the contractors.

Most of the time, the road contractors end up over-estimating their costs so as to be paid more money. If that continues, this House will continue to complain about the poor state of our roads. Road contractors who get paid before completing their work always escalate their costs so as to get more money. Those people who are in charge of awarding tenders use corrupt ways to award the tenders to their preferred people, and we will continue complaining about poor roads.

Mr. Speaker, Sir, when we are dealing with issues of national importance like roads and health, it is important that the concerned Minister holds discussions with hon. Members. Without that, we will continue to pay out money but we will not stop hearing complaints because money will always be misused. The audited reports as usual come out after ten years when those who have made mistakes have already gone to Heaven! Let us do things which can help us today.

We have seen the congestion that is on our roads in Nairobi. Why have we not factored in some money to build fly-overs? That would ease traffic congestion on our roads. Today, it takes, at least, three hours to drive one kilometre in this town after 7.00 p.m. Why can the Minister not construct fly-overs to enable quick movement of vehicles? We are spending a lot of money in traffic jams. What should we do with the traffic jams in Nairobi? The movement of vehicles has become almost impossible. In fact, you are better off walking than driving. Any time after 6.00 p.m., it is always better to walk.

Mr. Raila: On a point of order, Mr. Speaker, Sir. I would like to inform Mr. Kimeto.

Mr. Speaker: What is it?

Mr. Speaker: Do you want to be informed, Mr. Kimeto?

Mr. Kimeto: I wanted to continue without any information!

(laughter)

Mr. Speaker: Do you want to be informed or not?

Mr. Kimeto: I want to continue with what I was saying.

Mr. Speaker: He does not want any information!

Mr. Kimeto: Anyway, since he is my friend, let him inform me.

Mr. Raila: Mr. Speaker, Sir, Mr. Kimeto is making a very valuable contribution about the traffic congestion in the City Centre, and he is talking about fly-overs. What he needs to know is that there are city bypasses which have been designed, namely, the Southern bypass, the Eastern bypass, the Northern bypass and the link road. That is what he should be asking the Minister to fast-track, so that the congestion in the City can be eased.

Mr. Speaker: Are you better informed now, Mr. Kimeto?

Mr. Kimeto: Mr. Speaker, Sir, that is part of what I was continuing to say. He just wanted

to sneak in and take my time. However, I thank him and thank you, Mr. Speaker, Sir.

(Laughter)

So, we need to have the fly-overs and what Mr. Raila has mentioned to be budgeted for to enable this country to move forward without any problems. As the population of this country grows, the number of feeder roads in Nairobi will increase. There must be some extra roads leading into the City. As Mr. Raila has said, there must be by-passes. The same should be the case for rural areas. We want quick services. There is no way we can have quick services without the Minister planning for more roads.

There is no way we can have quick services without the Minister taking into consideration the points being made by Members of Parliament. Such points should be put into practical use in the future, so that we can move forward. Planning should also include for air transport. There must be some areas in every constituency where small aircraft can land and take-off, so as to assist members of the public in the rural areas in times of sickness or other emergencies. So, we should have roads for vehicles, railways lines and even "roads" for aircraft, if there are any. So, all these are matters which fall squarely under the "camp" of the hon. Minister.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, we thank the Minister for bringing this Bill. However, I would like to bring an amendment so that as soon as the Bill is passed, the money can be disbursed to the constituencies immediately. If that money goes to the constituencies, a lot of difference will be seen. Some constituencies will misuse the money, while others will use it to the best of their ability. So, these are the things I want us to understand.

At the same time, as the Minister plans, I would like him to set aside more money for areas which receive more rain, and which have clay soil, like Kisumu. Road construction in clay soil areas consumes more money than in red soil areas.

With those few remarks, I beg to support.

Mr. Arungah: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this Bill. Let me take this opportunity to thank Mr. Kimeto for his very passionate contribution.

As I said in the beginning, I stand to support this Bill. In my understanding, this Bill seeks to amend the Kenya Roads Board Act in order to create the three authorities, namely, the Kenya National Highways Authority, the Kenya Rural Roads Authority and the Kenya Urban Roads Authority. We have been told over and over again that only 20 per cent of our highways are in good shape. Forty per cent of them are in dire need of reconstruction, while another 40 per cent of them need rehabilitation. I believe that with the formation of these three authorities, the roads will be harmonised and rationalised, so that each authority can undertake its specific mandate, and then we will have no cases of confusion as we have seen in the past.

Mr. Temporary Deputy Speaker, Sir, I want to begin by appreciating the good work that has been done by the Minister for Roads and Public Works. We have seen a lot of works going on since he took over office. I want to take this opportunity to thank him for what he has done, wish him well and pray that he fulfils what he has started to do. I also want to appreciate the Government's role, because it has understood the importance of infrastructure. In the last three

years, there has been an increase of about 80 per cent development in the road sector.

So, I hope that with this increased funding, and with the creation of these three authorities, the dream of having good and decent motorable roads will be realised, because that is the only way we are going to achieve faster economic growth and development. I believe, therefore, that by passing this Bill, the Minister will have been given the necessary legal and institutional framework to do what he needs to do to reduce the backlog in the poorly maintained roads, as we know them.

Mr. Temporary Deputy Speaker, Sir, I want to give some suggestions to the Minister as to what I think should be done. We have had a tendency to rush and construct new roads every time we have money, while neglecting the roads that have already been constructed. It has been shown that it is much cheaper to keep rehabilitating and maintaining a road than wait for ten years by which time the road will need complete rehabilitation. We should lay emphasis on maintaining the existing roads, as we seek to increase the mileage of the new road network.

As the proposed authorities come into place, there is one area that we need to take great care of. The Minister should know that there are no many Barazas in the Ministry. For those hon. Members who do not know who Baraza is, in the year 2001, a group of consultants took the Government to court, demanding to be paid Kshs200 million. A judge at the Milimani Commercial Courts relied on the evidence of one man called Baraza to throw out that case, because those consultants were trying to steal the money from the Government. In that case, that particular officer saved the Government Kshs200 million.

Mr. Temporary Deputy Speaker, Sir, I am told that three years later, the same officer saved the Government another Kshs900 million. In the second instance, a group of contractors had actually taken the Government to court over a bogus claim for Kshs945 million. The court relied on the evidence of this one Baraza and the claim was reduced from Kshs945 million to Kshs20 million. However, there are not many Barazas in the Government today. So, as the Minister embarks on this work, he has to ensure that he recruits competent staff, and makes arrangements for them to be adequately remunerated, because without adequate remuneration, the officers will find ways and means of paying themselves.

Mr. Temporary Deputy Speaker, Sir, the man I am talking about, who saved the Government Kshs200 million and another Kshs900 million at that time, was earning only Kshs200,000 gross. For example, the Chief Roads Engineer has a Budget of approximately Kshs40 billion at the moment. That Chief Engineer, I can tell you, Mr. Temporary Deputy Speaker, Sir, does not take home more than Kshs150,000! Yet, he sees people take away Kshs40 billion. Unless we look at the terms of remuneration of those officers, they will definitely find ways and means of getting access to that money. So, I urge the Minister, as he forms those authorities, to look at the pay packages of those officers. He should give them adequate remuneration so that they could keep their jobs and do a descent job. That way, everybody will benefit in the long run.

I would like the Minister to look at the issue of design. Like I said, the Government is going to spend approximately Kshs40 billion on roads this year. If we were to assume the consultants - because the Ministry, at times, out-sources design works--- Assuming they spend only 1 per cent of that mount on design, that represents a figure of Kshs400 million. That amount is given to outside consultants. I believe if the Minister or those local authorities were to recruit 100 qualified and well paid engineers and pay them Kshs1 million each per month, that would amount to Kshs100 million in a year. We will end up saving Kshs300 million which will do another 150 kilometres. I am saying that the Ministry should embark on a scheme of increasing capacity within the Ministry. That is because when those jobs are given to outside contractors, they eventually go back to the Ministry staff who do the work. But the money ends up going somewhere else. I am saying that we have the potential or the opportunity to increase capacity within the Ministry so that, at the end of the day, we shall save some money.

Mr. Temporary Deputy Speaker, Sir, I am grateful that the Ministry has come up with a very innovative scheme where it has bought some machinery. It has placed them at strategic areas in the provinces. My understanding is that, that equipment was supposed to support the District Roads Engineers. Unfortunately, what has happened is that, instead of the District Roads Engineers having access to that equipment, the briefcase contractors who are given works on the understanding that they have the capacity to do those roads, have hired that equipment. So, the roads that were supposed to be maintained in the districts are delayed because those people hire the machines. I urge the Minister to look into that matter and make sure that the machines are only available to outside contractors when the District Roads Engineers have no work for them.

Mr. Temporary Deputy Speaker, Sir, we spend so much money doing those roads. But, unfortunately, we have overloaded trucks that mess up those roads in a very short time. I have never understood why it has been very difficult for the Ministry to handle that issue. I believe that all heavy containers that come into the country must come in through certain border points. In the case of Mombasa, it is very easy for the relevant Ministry to insist that a weigh-bridge be constructed at the exit point at the Port so that, every container that comes out must conform to the required road axle before it leaves. That will avoid all the nonsense that we see on our roads.

Mr. Temporary Deputy Speaker, Sir, we are members of the East African Community. I think it is very easy for us to jointly agree - as East African States - to pass a law barring any container that exceeds certain weights. That way, we shall save our roads from unscrupulous businessmen who do not care how much we spend to repair our roads as long as they make some money. We have a duty and the means to stop that. I think the Minister will look into that, so that we can save our roads. There is no point spending that money and then, after five years, we do not have any roads.

There is a misconception that it is the heavy trucks weighing 20 to 30 tonnes that are damaging our roads. Overloaded smaller trucks weighing seven tonnes and three tonnes have the same impact of damaging our roads. We should look into the possibility of making sure that even those smaller trucks go through the weigh-bridges to measure the axle load. That way, they will not damage our roads.

Mr. Temporary Deputy Speaker, Sir, there is an issue on the actual construction of our roads. We were told at some stage that bitumenizing a road per kilometre would cost Kshs40 million. Then, it was brought down to Kshs17 million. Then, suddenly, it went up to Kshs20 million and Kshs30 million. So, nobody knows exactly how much it would cost to do a road. I do not believe it is impossible to set a bench-mark to know that to construct a kilometre of bitumenized road in each province should not exceed a certain amount of money. That has been left open and subject to manipulation. I think it is possible to do it. Other countries have done it. We know that in Tanzania, there is no way any contractor would be paid more than Kshs18 million to do a kilometre of a road. I do not see why that doubles, as soon as somebody crosses the border. So, we have a responsibility not just to spend that money, but to spend it responsibly.

Mr. Temporary Deputy Speaker, Sir, I have a case, for example, when a road--- I thank the Minister because when he came in, the roads in Khwisero were not motorable. There is one particular road that was constructed initially, but it was to be upgraded by gravelling. That road was about 31 kilometres and a contract was given for a whopping Kshs120 million, just to gravel it. To me, it means that the Ministry was paying Kshs4,500 per cubic metre of gravel. With due respect, that was exorbitant because I have been involved in road construction. I can tell you that, at the very outset, it cannot cost more than Kshs1,000 per cubic metre in Khwisero where there is a lot of gravel. But the contractor was given that work for Kshs4,500 per cubic metre. To me, that is theft. The Minister has a responsibility to re-visit that issue and come up with the cost of constructing our roads.

Mr. Temporary Deputy Speaker, Sir, I do not want to finish without thanking the Minister because I am hopeful that, since the people of Khwisero were created, they will have an opportunity to see what tarmac looks like in a few days. I am glad that the Ministry has given approximately Kshs1 billion to tarmac a road from Aviangu to Ekeru. It is being rumoured that there is another road from Kisa Stand up to Yala that is due for tarmacking. I hope that, that will come to pass.

With those few remarks, I beg to support.

Mr. Karaba: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to sincerely thank the Minister for bringing this Bill to Parliament. From the outset, I would like to support the Bill.

Mr. Temporary Deputy Speaker, Sir, roads are very important arteries of development. Without roads, we cannot talk about economic development in any country. I believe that is what we are doing here. We are trying to imagine what the future holds for this country. You can imagine the number of perishable products that we have in our agricultural sector. Without proper roads, those products will not be accessible. They cannot be processed and turned into finished products.

So, if we were to think about roads, let us, first of all, think about areas which are potentially agricultural. These are areas where coffee, tea and French beans are grown. We should also think of the places where irrigation is carried out on daily basis. Those are the areas we need to improve roads, so that the agricultural products can access markets. We should be able to collect the produce in time to avoid them rotting.

Mr. Temporary Deputy Speaker, Sir, if you go to many tea factories, you will see the kind of rotting of produce that takes place in collection centres. This is due to lack of adequate road transport. Some of the roads connecting these factories are inaccessible, particularly during wet seasons. Many times, we find tea trucks stuck in mud for long hours. This causes great loss to farmers. I have witnessed this in Kirinyaga District where I come from. We grow a lot of tea there.

Mr. Temporary Deputy Speaker, Sir, without proper roads, therefore, we will lose money, not only of Kirinyaga and Kerugoya/Kutus farmers, but also the Kenyan economy will be affected. This is what it translates to. This Bill seeks to come up with a policy through which the rural access roads will be improved. This is something we can support because it will boost the economic development in the rural areas. More so, the income per capita of the majority of farmers in the Republic will be improved.

Mr. Temporary Deputy Speaker, Sir, you will also note that without proper road system, we will promote rural-urban migration. We need to encourage most of our population to be in the rural areas. We need to encourage young people to remain in our rural set-ups, so that they can provide the labour needed. I, therefore, would like to encourage labour-intensive industries in rural areas, so that people do not move to urban centres where they create criminal activities. This can only be achieved through the development of good roads.

Mr. Temporary Deputy Speaker, Sir, we also have some commodities which are very bulky. It has been said here that we have very heavy trucks transporting bulky goods. Some of these trucks transporting these goods destroy our roads, beautiful as they might be, after construction. I would imagine that there should be collaborative effort from both the Ministry of Roads and Public Works and the Ministry of Transport, so that we increase the hauling of the railway network in our country. Let us have trains transport some of these bulky goods, so that we ease congestion and preserve our roads. It has been seen in developed countries that certain tonnage of trucks are not seen on their roads. Let us do the same, so that the excess load can be transported by railway. However, I have seen that there has been very serious sabotaging of the road safety network in this country. Big names are involved and they prefer transporting bulky goods using trucks instead of

railway, thinking that railway transport is slower. That should be discouraged, so that the railway market is increased. In that way, our roads will be better.

Mr. Temporary Deputy Speaker, Sir, you also notice that road construction in this country takes a very long time before it starts off. I have in mind a road in my constituency which has taken about five years before any work starts. Even now, I do not know whether it will be tarmacked this year or not. I am told that the design works began in 2002. It went on through 2003 and review of design was done in 2004. Up to now, the design works is still going on. The procurement has not started. This is a very long process which I think should be shortened by the Minister concerned. Once the roads have been designed, it should take a very short time before it is constructed to completion. We have some roads which were abandoned as early as 1987 and 1989. There are such two roads in Kirinyaga; Kagio-Baricho Road and Baricho-Kerugoya Road. These are the D424 and D425 roads. They were abandoned by the then Government in the year 1987. To date, nothing has happened. I am, therefore, asking the Minister concerned to note this. The roads were initially designed to pass through a very important agricultural area. Even today, five years after the NARC Government came to power, nothing has happened. These roads should have been tarmacked by now. I hope that, tomorrow, there will be something on paper to suggest that these two roads would be tarmacked.

Mr. Temporary Deputy Speaker, Sir, we also note that there have been increased accidents on our roads. Very many accidents have been caused by the poor state of roads, particularly on our highways. I note with very great concern that the Thika-Nairobi Road is a killer road. Every other day, and almost every other hour, there is an accident happening on this road. The cause is the many potholes on the road. When you avoid one pothole, you land into another one. Before you get to the third pothole, you are in the fourth. In the process, you might land into a ditch. This has caused the loss of very many lives. I am, therefore, suggesting that much as we consider this Bill, we should have element of insurance. Road users, who might be ignorant of what is happening, should be paid for the loss of lives as soon as accidents happen. However, we should not wait until accidents happen. Let us repair our roads as soon as a pothole develops. That is what we see when we travel outside this country. When a crack develops on a road, it is sealed in summer. We should have routine maintenance instead of waiting until we have to do a total overhaul construction of a road once it develops potholes. Let us continue maintaining roads. That is the only way we can be seen as being serious on road usage.

Mr. Temporary Deputy Speaker, Sir, it is also important that we encourage our youth to partake, particularly in the labour contracts. Let us include the labour-intensive techniques, so that our rural access roads are maintained by our youths. When we talk about employment, we should talk about employing the youth in the rural areas where they can take care of the rural access roads. This has happened in the past. I do not know why it is not taking place these days.

It is also important to note that most rural access roads are very narrow. This is a result of unscrupulous farming techniques. Farmers have encroached into the roads to a point where some have been closed. The roads are not there! They have been narrowed to less than 20 metres width. Most rural access roads are so narrow that even a small car cannot pass through. This hinders development and accessibility of rural areas. So, we hope that this Bill will look into this, so that rural access roads are properly maintained with proper boundaries. Maybe local administration can be used to help in this. I hope that the Minister is listening because this is very serious. Rural access roads are not there in rural areas. Please, make sure the roads are maintained. Some of the roads have a width of two metres and others are five metres. We cannot even access some of schools in rural areas because some roads are closed by those unscrupulous farmers.

Mr. Temporary Deputy Speaker, Sir, there is something that I have also noted in this country and outside the country; the kind of jam we are experiencing in Nairobi City can be

stopped. We need to come up with the correct policies. Those bypasses that were suggested earlier on by the former Minister for Roads and Public Works, Mr. Raila, I do not know what has happened to them. I do not know whether they are still going on; the southern, northern and central links. We need to know what is happening. There was a very ambitious plan of the southern bypass, which was supposed to pass through Ngong Forest. I think this project has been abandoned. If this project was to continue, I am sure we would not be experiencing the kind of jams we are experiencing these days. This has really cost us in terms of man hours and a lot of money as we wait in the jams. It is even dangerous when you are not sure when you will get home and who is behind you, because sometimes, the traffic is almost at a standstill.

Mr. Temporary Deputy Speaker, Sir, let us come up with serious plans. Once these plans are started, we need not stop them even when there is change of guard. We should continue with them so that we can have our roads maintained properly. I am yet to be told what happened to the bypasses that were there; southern, northern and central bypasses in Nairobi.

We also need to realize that any money that is collected through the Roads Maintenance Levy Fund (RMLF) or anything to do with the roads should be ploughed back to the maintenance of the roads. Let us not divert this money to any other department. Let us continue making and maintaining the roads because they are very important arteries of development.

Mr. Temporary Deputy Speaker, Sir, you will also note that when you are coming from abroad and you are lucky to land at the Jomo Kenyatta International Airport (JKIA), for you to get to Nairobi City centre, it will take you three hours, whereas it would have taken you, maybe, three hours to come from London or from any other town. Moving from the JKIA to the Central Business District (CBD) will take you almost three hours on the road. So, this is something we need to look at very seriously. We need to come up with express roads which would link us to the JKIA or outside the JKIA, so that we do not lose a lot of revenue.

Tourists do not even trust our security as they move from the JKIA. So, we need to have those roads, because they are there in many international capital cities. I do not see the reason why we should not come up with one to make sure that there is express transport of tourists and even passengers as they transit out of Nairobi through the JKIA.

Mr. Temporary Deputy Speaker, Sir, there are also these other things that we need to think about. If the parking in Nairobi is causing congestion, we can have alternative parking, the way I found in Ireland, where vehicles are parked, for example, in Jamhuri Park and people are allowed to use shuttles to get to town. If that can happen, we are going to have less vehicles and even less pollution in our city centre as compared to having many vehicles in our city. That, of course, requires planning. If that planning could be continued and well done, I am sure we are going to have very good transport and even communication policy of our own in our towns. I would, therefore, request the Minister who is really working very hard, to look into this matter and give it priority in his planning.

Mr. Temporary Deputy Speaker, Sir, lastly, I would like to talk about road clearance and our District Roads Engineers. I think there is something wrong with these people. Either it is the culture or the way they were taught in our universities. These people are seriously looting money which they are given.

I have evidence where, the moment you give them Kshs11 million, they can only account for less than that money on road maintenance, gravelling *et cetera*. You cannot tell where the rest of the money has gone to. You will be told that much money has gone to bush clearing, gravelling, maintenance and culverting, whereas these things are not there. So, we need to have proper inspectors of our roads so that we are not in collision with some of those engineers. Some of them are very bad and they need, if not to be sacked, not to be engaged on our Kenyan roads. They are bad news!

Mr. Temporary Deputy Speaker, Sir, we also notice that to clear most of our roads, we need to see what is happening in Tanzania. If you were to travel from Arusha to Dar es Salaam by road, you will really admire their roads; they are very well maintained. The clearing on both sides is done very well, the roads are very clear and very neat and everything else is well done. I wish Kenyan roads could be like that. Let there be, maybe, a plan where neighbouring farmers are paid to clear roads in adjoining areas, instead of having to employ people who will be clearing the roads further from their homes. If this happens, I am sure that even the workers in our countryside will also benefit from the revenue.

With those few remarks, I want to thank the Minister for bringing this Bill and beg to support.

The Assistant Minister, Office of the President (Mr. Tarus): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this Bill. At the outset, I want to thank the Minister for Roads and Public Works for this very, very important Bill. If there is anything that the Government has done during its term in office in terms of innovation, I want to think that this is the best innovation so far.

Mr. Temporary Deputy Speaker, Sir, looking at the level of investments, for the last 40 years, that we have invested as a Government in this sector, and also looking at the benefits or the outcome from that investment, we can say that if we did an analysis, we would realize that out of the funds that have been allocated, we have lost so much. The reason why we have lost so much is basically because we never thought of the best ways to organise and manage the development of infrastructure in Kenya.

Mr. Temporary Deputy Speaker, Sir, infrastructure plays a critical role in our national economy. We are talking about the economy growing at around 6.1 per cent, but sometimes I ask myself, if we had a properly developed road network, a functioning Government the way we have now, less corruption within the country and an efficient workforce, what would be the level of growth of our economy? Possibly, we would be talking about over 10 per cent growth. Therefore, lack of infrastructure and lack of proper management of the resources that we have for the development of infrastructure is costing us possibly, 3, 4 or even 10 per cent of what we would be obtaining as a country for development. Every time we lose resources either through poor planning or bureaucratic processes, we squander the opportunity of the generations that have not been born. We also squander the opportunity of those who have the ability to provide services and, in fact, join the sector in terms of employment. We cannot afford to do so because we are losing through our weaknesses.

Mr. Temporary Deputy Speaker, Sir, I am glad that the authorities that have been proposed have been given specific responsibilities. There are those that shall be in charge of highways, urban roads, and rural infrastructure. Looking at the highway infrastructure, you will find that every time that you construct a road, you know that this road will last this number of years. You also know the amount of traffic that will ply that road. You will also know, through the Roads Maintenance Levy Fund, how much you will get from that road. However, you will realise that these roads, it is like once they have been constructed, you expect them to last for eternity. We do not plan, for example, that on the tenth year, that is, before the 15th year which you had intended the road to last, you will need to begin again to plan for when to reconstruct the road.

Mr. Temporary Deputy Speaker, Sir, I have read in this Bill that the proposed functions of these authorities will be to manage, develop, rehabilitate and maintain the roads. I hope that when we talk about management, we are talking about management in the real sense and not administration. This is because we have a tendency that when we talk of management, the processes that you will see are merely administrative.

We would like to see efficiency in monitoring the use and utilisation of these roads. We

have invested a lot of billions of Kenya shillings and a good example is the Mombasa-Nairobi-Nakuru-Eldoret-Malaba Road. This road earns Kenya a lot of money in terms of Fuel Levy, boosting the economy and linking Kenya to other countries. However, Mr. Temporary Deputy Speaker, Sir, can you look at how discriminative construction has been in the past? You do a road all the way from Mombasa to Nairobi and then stop at Naivasha for another five years. You start again after another five years. By the time you are finishing the remaining part of the road, you will need to go back and begin to do the road.

I hope that with the establishment of the Highway Authority, it will help us to make sure that when we plan, we do so once.

I am glad of the work that is going on now. I hope that as we do this, we shall take cognisance of the fact that we exhausted--- I looked at the Bill and it talks of every authority having an inventory of roads that it is supposed to be in charge of. I think that is very important because when you rehabilitate the roads, you know which roads are remaining. This is because we have realised that some roads have actually been forgotten and they only come to repair them after people have suffered for a very long time. I am glad that the Bill is proposing an authority specifically for highways in our country. I hope that the funds that will be obtained through the Fuel Levy will be ploughed back for maintenance and development of the roads.

Mr. Temporary Deputy Speaker, Sir, I am glad also that the Bill has proposed that every authority will be working together with the Kenya Police in terms of ensuring that there is compliance to the regulations that have been developed. This is good, and with the emergence of these authorities, I hope that there is going to be a formula to make sure that what the police and the authorities do are in tandem so that we reduce risks and we make sure that we do not just provide opportunities for some people to do their own things.

Mr. Temporary Deputy Speaker, Sir, talking about development, there are roads which give high returns. I understand that any road is valuable, particularly when you talk about the marginal areas. I know that it is our responsibility, as a country, to ensure that we provide roads there. However, where you also get a lot of returns, it is important that you ensure that those roads are in proper condition at all times.

I would like to support somebody who talked about remuneration for the staff who will work in these authorities. As a matter of fact, the engineers who serve in this particular sector have not received their due reward or what they deserve. That is why in most cases, the invisible hand is very effective. People exchange other valuables which have sometimes been called corruption without taking cognisance of the importance of what needs to be done to ensure that the road worth service provision is done properly. It is important to ensure that we have proper remuneration for the personnel that work for these authorities. I have experience having been elected a Member of Parliament and having worked with them. I see some of the challenges that we face with regard to personnel in this sector, particularly those at the district levels. I hope that, without prejudice, when we have better remuneration that culture will disappear.

Mr. Temporary Deputy Speaker, Sir, I wanted to recognise the fact that the Bill also stipulates that it is mandatory for every authority to ensure that a five-year investment plan is developed. In that five-year investment plan, every programme that will follow every year will make sure that it sticks to the investment plan. That is good for programming, planning and forecasting. However, I hope that when we do this investment plan we capture--- I have in mind the fact that we have an inventory of all the roads. We need to make sure that, that investment plan is representative of the whole country so that we have equitable and fair investment plans for all regions. That way, this business of tilted or biased construction of roads, which I think has occupied our minds for quite some time, can be a thing of the past.

I also would want to thank the Ministry for providing, in this Bill, performance agreements

between the Ministry and the respective authorities on the achievements expected within a particular year. This will ensure that people, in the performance of their duties, make sure that they have adhered to the programme, so that the people can enjoy the services they deserve.

Mr. Temporary Deputy Speaker, Sir, I will not finalise before I say a number of things. One is that every time we are talking about road development, there are roads that have been forgotten. There is the road from Chavakali to Kapsabet and Eldoret. This is a forgotten road. I am sure it falls under the highways category. I hope this organisation comes into effect very fast, so that some of these roads can be put into plan for development.

The other issue is that if you go to Kapsabet Town, you will realise that it is the only town that has three kilometres of tarmac road. I like the idea of the urban authority, because sometime back, Kapsabet had been planned for tarmacking of the roads within it, and it is not a lot of kilometres; only 17 kilometres. But one of the leading lights in ODM reduced them to three kilometres when he was a Minister. I am seeing him going back to ask for votes in my constituency without shame. I hope he remembers the injustice that he did to us.

Now, with the urban authority, this town will receive resources for the tarmacking of the road, so that it can grow. It is an agricultural town; it has the potential, but it has not grown because there are no services like roads and other infrastructure.

Mr. Temporary Deputy Speaker, Sir, we have the local authorities that receive funds through the Local Authority Transfer Fund (LATF). It has been a disgrace, because prioritisation by the local authorities does not take cognisance of the importance of roads. So, with this innovation of urban authorities, I hope the towns will receive due support for development of infrastructure.

With those remarks, I beg to support.

Mr. Sungu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to also support this Bill, and to say that it is long overdue. I want to associate myself with the remarks made by my colleagues who have spoken before me.

Mr. Temporary Deputy Speaker, Sir, to establish a National Highways Authority, a Rural Roads Authority and an Urban Roads Authority is something that can help streamline the operations of the roads sector in this country. This will give them the responsibility for management, development, rehabilitation and maintenance of these roads. But before I say that, let me just say that there is one area in the roads sector which is of concern to most of us, and which has been mentioned by most of my colleagues. That is that, if doctors were like engineers, we would all be dead. These engineers do not hesitate to use their vast technical knowledge to cheat us and do shoddy roads. Even at the very lowest level in the constituencies where we sit in the District Roads Committees, you will find that a road that may be allocated Ksh3 million, half of that money will not go towards that road, and you can never ever argue with them at the same level and win the argument, because they know all the facts, how to calculate the volume and what to say, the force to work, *sijui nini*; all kinds of things. I want to say that until the day when members of the engineering fraternity come to the realisation that Kenyans need them to give them their best as far as their profession is concerned, we will not get anywhere, however many authorities we create. It takes only one person to make a difference, and the whole lot of them, with the exception of a few, are really doing us a disservice.

Mr. Temporary Deputy Speaker, Sir, this Bill will give the authorities the power to acquire land, ensure that road reserves are well maintained, and that buildings do not come up. Only a few years back, we made this tremendous effort to remove buildings from road reserves. This effort died where it started, after a lot of publicity. I want to support the Ministry. There should be no building on a road reserve, even if it is in my constituency, because the road reserve is where you have room for other development infrastructure like power lines and so on. You find people

building right up to the edge of the road, yet it is even dangerous for them. So, I want to support that.

Mr. Temporary Deputy Speaker, Sir, I also want to support the fact that compensation under this law when roads personnel enter somebody's land to survey, or to cut trees or remove pipes and so on; that is all right, because compensation can be agreed between the parties; that should be fairly obvious. But what worries me is this issue of liability. I come from a background of insurance. I know that in the United Kingdom, they have the National Roads Authority and the Highway Code. If a road authority is responsible for the construction, maintenance and repair of a road, and a pothole appears on it, and they are not able to repair in time, and an accident occurs, that authority is held responsible for that accident. There are many cases that have been decided in courts, and as an insurance man, I studied these cases, and I know for sure that it is not right. If we are going to give these authorities power over these roads; power to maintain, power to construct and all the other powers, they must also, in equality, be liable if there is anything wrong with the work that is done. We know for certain that a lot of accidents occur in this country because of the poor state of the roads.

I want to appeal to my--- I do not want to call him my uncle because his sons are my friends and, therefore, he is like a father to me. The roads in the western part of this country, even if you want to go via the Mara and Narok, even if you go from here, the moment you reach Gilgil, you go to Nakuru and then to Mau Summit, Eldoret, Kisumu, and to Kisii, there is absolutely no road. I want to tell you that the other day, we had a very good occasion to welcome the President of this Republic and five other heads of government and almost the entire Government was in Kisumu. Do you know how shameful it was to learn that the Presidential limousine, that nice Mercedes Benz car had to be put on a train to be transported to Kisumu because the road is so bad that it could not reach Kisumu? That is a shame to this country.

That kind of situation should not arise. Even if the road is going to be reconstructed, they should, at least, carry out temporary repairs to allow people like me, who like travelling on the road, to travel through it. I know it is not western Kenya only that is affected. I also know that if you are going to Meru, you will have problems. Many parts of this country have problems. In that light, we want to support this Bill, but we want to urge the Minister to exercise due authority over his officers to ensure that some of this work is done.

Mr. Temporary Deputy Speaker, Sir, there is no point flogging a dead horse. This Bill has been well debated in a well informed manner, and I do not want to take the time of the House any more. With those remarks, I beg to support.

Mr. Kagwima: Mr. Temporary Deputy Speaker, Sir, I want to start by agreeing with my colleagues that we need to pay our engineers well. We need to look at the positions that they are holding versus those of other people trained in other disciplines. If you look at the engineers in the districts, their bosses are the DCs who were with them in the same colleges; the DCs did cheaper courses than the engineers they are supervising. So, the engineers feel demoralised and they look for ways of helping themselves, because they are not recognised. I am not supporting the fact that engineers should not be responsible for the actions they take, but we need to revise their terms. In those old days when we left the university, engineers were placed a job higher than those others, who did commerce and other degree courses. The doctors and engineers were employed under Job Group "K" at that time, while the others were employed under Job Group "J".

The Temporary Deputy Speaker (Mr. M'Mukindia): Please, address the Chair!

Mr. Kagwima: I apologise, Mr Temporary Deputy Speaker, Sir. But this issue is very important and we need to address it if we want to retain the engineers in the public service.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Roads and Public Works is now terribly short of engineers. For example, the Minister will agree with me that the Bridges Unit is

dead. It is obsolete, because the last time I visited that unit, I found two engineers who were due to retire. I do not know what has happened now because their time of retiring lapsed. The Minister should tell us what he has done with the unit.

In this country, if you apply for a design of a bridge, it will take more than two years. If you depend on the money from the Ministry, by that time, that money will have been taken back to the Treasury. We are lucky that the Constituencies Development Fund (CDF) money is carried forward. I applied for designs of some bridges four years ago, but I had to hire private engineers to do the designs because I could not get them from the Ministry of Roads and Public Works. When you apply for approval of the designs, it takes another one year. We are now faced with the danger where bridges are not being inspected. A number of them can collapse at any time. They are supposed to be inspected to ensure that they are properly maintained. So, I would like to appeal to the Minister - and I hope that he is listening - to ensure that he revives the Bridges Unit. Unless we do that, the roads that we are constructing will be left with gaps as a result of the collapse of bridges. So, we need to employ new engineers and train them well. We should also pay them well.

Mr. Temporary Deputy Speaker, Sir, having said that, I also want to salute the fact that more money is being allocated to the rural access roads. I think we should allocate money to these roads every year, to ensure that the rural areas are developed. The economy will grow faster when people are producing more and the produce reaches the market. So, I support the fact that we have increased allocation to rural roads. But, we need to increase the supervision of roads. That is why we still require more engineers.

Mr. Temporary Deputy Speaker, Sir, in contracting for the construction of roads to bitumen standards, there are two components. First, you are told to construct a road as a contractor. Then, you are also told that you must maintain that road until the construction is completed. That is where the contractors and engineers take public money. This is because the issue of maintenance is not observed. We only await for the road to be constructed, yet, the contractor is also supposed to maintain it. That component is always ignored. I want to appeal to the Minister to instruct the engineers to ensure that the *wananchi* get the two components. As the construction continues, in the meantime, it is the responsibility of the contractor to ensure that, that section of the road that he is working on is also maintained and it is motorable. That is what the contract, under normal standards, says.

Recently, some contractor was appointed to construct Road C92, Mate Road. Part "b" of the contract says what I have just said. But that road is impassable. It is under contract and the Government has pulled away from it. However, the contractor is not doing the maintenance part of the contract. If you drove through Ishiara, you would be shocked by the kind of stones that are on that road, yet it is on contract to be constructed to bitumen standards. So, I urge the Minister to address this issue and ensure that, that part "b" of the contract is also addressed.

Mr. Temporary Deputy Speaker, Sir, I know that the Budget will be read tomorrow and, therefore, there is not much that we can do to change the figures. But, in future, the Minister requires to look across the country and find out which areas have not been funded reasonably, so that the distribution of funds is equitably done. There are parts of this country where children have only read about tarmac roads in books, but they have never seen them. The Minister should allocate money equitably, so that the *wananchi* of this country benefit.

I am happy that the contract is on to construct a tarmac road in my constituency. It is going to be history because this will be the first tarmac road in that area. So, we need to shift from that old programme where the *wazungu* classified regions into high-potential and low-potential areas. As a result, they developed the high-potential areas first. Fortunately, when God created the world, each area was rewarded with something. If an area does not have coffee, for example, it has other resources that require to be tapped and opened to the rest of the world. So, if we can open the rest

of the country to investors--- We have areas where people can invest, so long as they are sure that they can access their investments. So, the Minister should look into this issue and ensure that those areas that have not benefited in the past, do so now.

Mr. Temporary Deputy Speaker, Sir, I do not have to talk about the bypasses and flyovers, because my colleagues dwelt on them a great deal. But, this area is important, because the economy is suffering a great deal. People spend over four hours everyday in traffic jams. If you look at the time lost and the fuel that is consumed, that is a major portion of our economy that we are wasting. We need to move with speed and ensure that our people meet their appointments and reach their work places in good time. The time that we spend in traffic jam is much. Even over the weekends, there are traffic jams. I think we need to move with speed to ease these traffic jams.

Mr. Temporary Deputy Speaker, Sir, those who want to invest should be encouraged. Consessioning should be undertaken so that people can invest in roads, like they invest in buildings. I know that some Government offices are in rented buildings. We should also encourage people to invest in roads and recover their money. The Government should let them manage the roads for whatever periods, so long as finally, the roads will belong to us. In any case, even as they continue to recover their money, we will continue using the road. Countries like Malaysia and many others went that direction a long time ago. They have beautiful private roads where people set up toll stations where they collect money from road users. We have talked about this issue for some years, but we need to take action now. We should be action-oriented, so that we develop our country, instead of just coming up with policy papers and putting them on the shelves.

Mr. Temporary Deputy Speaker, Sir, finally, I want to say that the engineers at the district levels and even at the headquarters should encourage our own people, especially in the rural areas, to register as contractors. We should not have just a few contractors who will kind of form a cartel to fleece the public. In any case, we will be creating employment in those rural areas if we have some contractors. This is because they will create employment for themselves and employ a few others as they work on those roads. So, I think this is important, but it is not easy. I say this because I have tried to assist a few people to get registered as contractors, but bureaucracy thwarted my efforts. So, we want to ease this, so that we have contractors based in the districts and constituencies. There will be more competition. In the process, our people will get better returns. Otherwise, when we do not have contractors in the districts, you are told that since we cannot raise them locally, we have to pay a certain premium to attract contractors from far. So, I think it is important to do so.

Mr. Temporary Deputy Speaker, Sir, as I wind up my contribution, we want to hear from the Minister regarding the Roads 2000 Programme. This programme has been with us for very many years. It was said it would start in July or November, last year, but it has never started. We want to hear whether the European Union (EU) or the European Commission (EC) is committed to this project. Otherwise, the Government should take over those commitments and meet them since we have waited for these funds for so long. I hope the Minister is taking note of this because it involves a lot of money. Why talk of money that is not coming?

Mr. Temporary Deputy Speaker, Sir, if the programme will ever take place, we also want practical terms that we, as country, can meet. We do not also want to see it taking so long before it starts. We also want terms that we can afford because this money is not for free. In one way or the other, we will repay it. I am sure we will be hearing from the Minister about this programme from the EU, or wherever other donors will come on board. We should hear what the Minister will do about employing more engineers and ensure that they are properly paid and trained. We should also hear about this last component, whether there is the road construction and maintenance in one contract. That should be observed, so that the contractor does not put the money that he is supposed to use for maintenance into his pocket.

Mr. Temporary Deputy Speaker, Sir, let me finish by urging the Minister to talk to a company called Intex. Intex Company has done a road leading to Meru Town for the last three-and-a-half years. The same company has been given the C92 Road from Ena through Ishiara, Ciakariga to Meru Town. The starting does not look very encouraging. These days, I have decided to be driving along that road every week I go home. The work being done there, is not encouraging at all. There is a tractor being driven along that road just to show that the job is being done. When you go the following week, the same tractor is just moving slowly along that road. I hope the Minister will be able to follow up this company before it messes us up. That contractor has been there, but he is doing nothing. People in Meru think that their leaders do not talk about this company which has been there for three-and-a-half years.

An hon. Member: Even in Rift Valley!

Mr. Kagwima: Mr. Temporary Deputy Speaker, Sir, I hope the Minister is hearing this. In Rift Valley Province, Intex Company is stuck. In Meru and Ishiara, this company is stuck there. It is a *Mhindi* construction company. He talks with the Permanent Secretary and the other people. He gets their brothers employed, so that nobody harasses him. If you go to Ishiara now, many people from North Eastern Province are employed by that company. These are the relatives of the Permanent Secretary for Roads and Public Works. Therefore, do you think the PS will have the energy to talk to the contractor when he has employed his brothers? So, I do not know whether this road will ever be done. I am trying to draw the attention of the PS to this road and what is happening on the ground. We have no quarrel with the brothers being employed, but we want that service for the Kenyan people.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Khamasi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to say a few things about this Bill.

(Loud consultations)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Khamasi! Hon. Prof. Olweny, you do not necessarily have to like what the Chair does but you are consistently making noises which are very unhelpful. That is the third time you have done it, this afternoon. Every time you do not catch the Speaker's eye and somebody else is given a chance to speak, you make some funny noise. This is a very unhelpful noise. You know that as a professor. Please, you have to accept what the Chair has decided.

Proceed, Mr. Khamasi!

Mr. Khamasi: Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Odoyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Let me seek your guidance. You have the full discretion. However, it is common practice to move from left to right and *vice-versa*. We will simply appeal that your left hand side---

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Odoyo! It is always a problem when people come late. If you were here at the very beginning or two hours ago, you would know the Chair ruled on how the proceedings of this afternoon will be carried out. Indeed, that is what we are trying to follow and that is why I do understand why hon. Prof. Olweny consistently keeps making this noise. He is aware of the ruling that the Chair did make this afternoon.

Mr. Odoyo: Mr. Temporary Deputy Speaker, Sir, I am much obliged.

Prof. Olweny: On a point of order, Mr. Temporary Deputy Speaker, Sir. What did I do?

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Prof. Olweny! Give hon. Khamasi a chance to continue to contribute!

Mr. Khamasi: Mr. Temporary Deputy Speaker, Sir, I think you should crack the whip to deal with the disorderly manner in which---

Mr. Odoyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Khamasi to attempt to try to show you how to do your job which you are very competent at doing just because you occasionally allow him to sit in your Chair?

(Laughter)

The Temporary Deputy Speaker (Mr. M'Mukindia): Very well, Mr. Odoyo. Proceed, Mr. Khamasi!

Mr. Khamasi: Mr. Temporary Deputy Speaker, Sir, it is not surprising to hear from that circle.

Mr. Temporary Deputy Speaker, Sir, I want to say a few things about this Bill. There is a very big demand for good roads in our country. More often than not, when the Vote of the Ministry of Roads and Public Works comes to this House, the Minister has got a real problem in satisfying hon. Members about what their requirements are. I believe, without anticipation of debate, that also this year and going by what we have seen in the Printed Estimates, he must be preparing himself to deal with another big issue about allocation of funds to our roads.

Mr. Temporary Deputy Speaker, Sir, this is a good Bill. I believe, probably, it should have come much earlier than today. To categorise roads in the sectors in which it has been done, I think, it is the best thing. The Minister has good intentions. I believe if it is well executed after this Bill becomes an Act, then we shall see a lot of difference in the manner in which we deal with our roads in this country. This Bill, if enacted, will now make sure that there is concentration in each sector of the road. I believe we can see excellence in construction and maintenance.

I have one problem: Who will manage these authorities? The Bill says who the appointing authorities are. I believe we shall be depending on the same characters who are in this industry in the name of engineers. Last week, I happened to belong to the Public Accounts Committee (PAC) and we had to go out and inspect one of the roads in this country. First and foremost, what perplexed everybody was that there was a contract given to a contractor to do a road from one point to another. The contract price was Kshs148 million. In the process, this contract was varied about four or five times up to Kshs2 billion.

The Assistant Minister for Roads and Public Works (Eng. Toro): Which year?

Mr. Khamasi: Mr. Temporary Deputy Speaker, Sir, the Minister is asking me which year. I will provide him with the necessary details, if he so wishes, because this is already an audit query in his Ministry. I think the Permanent Secretary is dealing with it.

The variation from Kshs148 million to Kshs2 billion is very abnormal! We went to see the road. I wish you could see it! What we saw was about 11 kilometres of a road which is done to go to the former President's tea farm. There was totally nothing else. They said that they had put some murrum yet if you looked for the sign of the murrum, it was not there. We got lost in the process of trying to drive on the road. The surprising aspect was that we were with engineers who were supervising the roads. How could they supervise a road and get lost when inspecting it? This is my problem! It is like our police force.

I heard Eng. Kagwima saying that we need to look at their terms of employment and change it. We have done that with the police, but we have seen very little change. I do not know whether something else must be done. I was asking one of the engineers and he said: "*Mheshimiwa*, we, engineers, are suffering from a disease!" I asked him: "Which disease is this Bw. Engineer?" He said: "It is called "eatology." So, I asked him to spell it for me. It is "eatology". It is a disease of eating.

(Laughter)

Here is an engineer who is telling me this jokingly, that their culture is to eat. When you look at that type of variation of a contract, you really wonder. Shall we ever be real Kenyans and mind about our motherland? I know the Minister has good intentions. He is a very nice man and he will go ahead and do what he wants to do. However, I do not know how he will cure this "eatology" disease. It is a big problem!

Mr. Temporary Deputy Speaker, Sir, for a long time because I am a gentleman, I do not bother Ministers when they are sitting in their offices. I have once gone to the Minister's office to tell him about a road in my own constituency which was designed and was completed in the last four years. It is a road which the former Vice-President twice came and said that it was going to be tarmacked; at one stage because some people were defecting from FORD(A) to KANU. At that stage, I cannot remember what was happening, he twice promised that, that road; Road D298, from Kakamega to Chepsonoi, was going to be tarmacked and the Minister gave instructions to his officers. I will be raising the same issue when he brings the Vote here. There is no point of wasting public resources designing roads and then you shelve them and nobody bothers about what has gone on. It is of no use! It is a total waste of public funds and giving people hope for nothing. I think this is a matter that needs to be looked at very closely so that we do not just talk about things going to be done. We must see them actually done.

A colleague of mine mentioned something to do with the Roads 2000 Programme. Western Province is probably the only province that does not have this programme. We have asked to be explained reasons why that cannot be the case. Probably, one day, somebody will think about it seriously and find out how and why a whole province has been excluded from this programme.

Mr. Temporary Deputy Speaker, Sir, our roads, particularly rural roads, we have a major problem with encroachment on them. I hope with the introduction of this Bill, we shall not watch this done with impunity. More often than not, you do not find a solution to where encroachment has been done on rural roads. You do not know who is responsible for making sure that this is actually not done. You go to the roads engineers and they will refer you to the Provincial Administration and you find yourself being tossed left, right and centre and nothing is happening.

What I really wanted to say has been covered by my friends. However, I want to let the Minister know one thing. It is now very dangerous to drive on our roads. I experienced it myself very recently when I took the chance of driving from Kericho to Kisumu in the night. I was very, very lonely on that road because everybody has deserted the road and it was at night. I felt that I was in trouble. If I got a breakdown on that road, I would have been in trouble. We are watching it! Recently, a Question was raised here and there is no plan at all. There is nothing put in place by the Government, to address this issue yet it is a major road. This is a major road, yet everyone has deserted it. The only road I would have diverted to has a lot of traffic and it is already being worn out at a very fast rate. So, we will continue to wear it out completely and at the end of the day, we will have two roads which are worn out and nothing is being done about them.

(Applause)

Mr. Temporary Deputy Speaker, Sir, as you move from Kisumu to Kakamega and then to Webuye, you will see that the road is disintegrating, yet nothing is being done about it. The road is disintegrating at a very alarming rate, particularly from Kisumu to Kiboswa. There is almost no road there, yet there is nothing being done to arrest the situation. We will continue crying and pleading with the Minister so that his officers can do something about that. Where we had roads,

we now have holes. They cannot even be referred to as potholes. They are craters. While driving there, you will try to dodge one but you still find yourself hitting another crater. This is a matter that we must address.

I want to congratulate the Minister for bringing this Bill. I believe that if it is enacted, it will be a good law. I want to plead with the Minister to, perhaps, carry out a re-orientation exercise with the engineers that he deals with. We were once told here, when this Government took over power in early 2003, that it would blackmail all cowboy contractors and they would never be in the scene again. We were told that we would not see them any more.

Capt. Nakitare: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Khamasi talked about blackmailing. Did he mean to say blackmail or blacklist?

The Temporary Deputy Speaker (Mr. M'Mukindia): That is not a point of order.

Mr. Khamasi: Mr. Temporary Deputy Speaker, Sir, that is very typical of him. I will not pay attention. I know that is what he does all the time.

We were told that the Government would blacklist all cowboy contractors in the Republic of Kenya and that we would never see them again. But who do we see? We see the same boys and men operating in the same names they were blacklisted, doing the same things. If they are not using the same names, they appear in different names. How shall we deal with that? I leave this to the good judgment of the Minister.

Thank you, Mr. Temporary Deputy Speaker.

Prof. Olweny: Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this opportunity to make some contribution in support of this Bill. My concern is that the Minister is here alone. He is not with his officers who could have been helping him to take note of what we say. That is a serious concern. However, we are talking about roads here today. Roads, just like the rest of infrastructure, is a major key to development. Good roads are one of the major indicators of good economic growth. We are talking about good economic performance within the last four years. To me, that is not reflected in that major indicator; the roads. If we have no good roads, how can farmers realise growth? How are they supposed to deliver their goods to the market? How do other suppliers of consumer goods deliver their goods to the market? Bad roads, as they are today, make it very expensive to maintain and repair automobiles. Therefore, if someone tells me that we are realising good economic growth, that is something which I may not see being reflected in the major economic indicator; the roads.

The roads in this country are at their poorest state since Independence. Probably those in other parts of the country are good. However, where I come from, to the West of Nakuru, the roads are terrible. This is more so reflected in western Kenya to the East of Nakuru. We have no roads at all in those areas and no one can tell me that we have roads, because they are terrible.

Mr. Temporary Deputy Speaker, Sir, there is always a budget for road maintenance and repairs. For instance, my constituency was allocated Kshs16 million last year. However, I have never seen anything being done on roads in my constituency.

Mr. Temporary Deputy Speaker, Sir, I have called the engineers but they say there is rain. But when there is a dry spell, they do not do anything about the roads. All they tell me is that they are still in the process of procurement, which takes six months. Six months is more than half-a-year. So, when are they supposed to do the roads if they spend more than half of the financial year doing procuring; looking for the same contractors that they already know and who are their business partners? I believe that most of the engineers in the districts and provinces are business partners with the contractors. They take six or more than six months to procure looking for the same people they eat with. Hon. Khamasi has said that these people are suffering from what is called "eatology." They take time to look for the same people with whom they have the same "eatology." I do not believe that is right. These engineers are not treating this country well. They

are not treating us well. These guys are thieves! They are robbing us using the pen. That is being unfair to this country. Look at the road---

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Prof. Olweny! As you know, you must have very clear evidence regarding certain issues. You must be very careful. You used the word "thieves". That is unparliamentary language. So, please, withdraw it so that we do not have it in our HANSARD. You have to withdraw that word.

*(Mr. Wanjala crossed the Floor
without bowing at the bar)*

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, I withdraw so that I can proceed in peace.

Mr. Ochilo-Ayacko: On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you notice that Mr. Wanjala crossed the Floor in a *jua-kali* way without bowing to the Chair?

Mr. Wanjala: I bowed!

The Temporary Deputy Speaker (Mr. M'Mukindia): Hon. Wanjala, kindly walk back to the bar, recognise the Chair, and go where you want to go.

*(Mr. Wanjala walked back to
the bar and bowed)*

The Temporary Deputy Speaker (Mr. M'Mukindia): That is the correct way of doing it.

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, those people are interfering with my contribution.

I do not know who is supposed to supervise road engineers. I doubt if the Minister can. The Permanent Secretary may not be in a position to do it. Who is supposed to ensure that money that is meant to construct and maintain our roads is properly used without the taxpayer losing?

*(Mr. Wanjala consulted loudly
with other hon. Members)*

Mr. Rotino: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Wanjala is making a lot of noise.

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Wanjala! Would you kindly consult in a low tone? As soon as you walked into this Chamber, you disrupted everything from that end to this end. Would you kindly consult in a low tone? Give Prof. Olweny a chance to make his contribution.

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, Mr. Wanjala is trying to do his best to interfere with my contribution.

Many hon. Members have talked about the road from Nairobi to Kisumu. It was an issue yesterday. The section between Kericho and Kisumu does not have potholes. It has huge uncovered craters. I am inviting the Minister to, one of these days, drive along that road to have a feel of what that road is like, so that he can come back to Nairobi and decide what should be done on it. I wonder whether our engineers ever inspect the roads. When I was young, I used to see engineers inspect roads. Of course, I was young. So, I would not know for sure whether they were, indeed, engineers, but I thought they were engineers. There were people who were inspecting the roads. There were people who used to move around in Government vehicles to inspect the murrum road

that passes through my village. I was told that they belonged to the Public Works Department. Every week, you would see them travelling along the road, inspecting the culverts and looking at the drainage system along the road. These days, we do not see such things happening. Road engineers either stay in their offices or travel to Nairobi for meetings. I wonder whether they were employed for meetings throughout the year. If they are not attending meetings---

(Loud consultations)

Mr. Temporary Deputy Speaker, Sir, hon. Members are consulting too loudly. Could you help? There is Mr. Biwott here and Mr. Wanjala across the Floor. I plead with you, could you help?

The Temporary Deputy Speaker (Mr. M'Mukindia): I agree with you, professor. Messrs. Wanjala and Biwott, could you, kindly, consult quietly with Mr. Kipchumba?

Proceed, professor!

Prof. Olweny: Thank you, Mr. Temporary Deputy Speaker, Sir. So, if the engineers were inspecting roads regularly, they would tell where a crack is developing. Once a crack develops on a road and rain water collects in it, it forms a bigger opening. That is how potholes develop, which graduate to uncovered craters. If our engineers were inspecting the roads regularly, they would make sure that any cracks are handled before a road is totally messed up. We just see what is happening on the road from Kisumu to Muhoroni via Miwani. It has a similar problem to that of the road from Kericho to Kisumu. There are also other roads with that problem. If you travel from Nandi to Eldoret, you will see a road which is already going. It is on its way out.

Road engineers do not inspect those roads. If they were doing so, they would know that the drainage systems are getting blocked, and ensure that they are maintained in order for water not to collect in pools along the roads and on the roads. They would also find out whether culvert entrances are getting blocked. There is a lot of vegetation growth at the entrance of culverts. Several of them are actually blocked. You ask an engineer whether he knows where we have culverts on a particular road, which he is supposed to be responsible for, and you find that he does not know. So, what the hell are road engineers doing in the districts and provinces if they cannot tell where culverts are located, or that road drainage systems are getting filled up with silt and vegetation, or that cracks are developing on the roads, so that they can repair them before they progress into potholes? What are they doing in the districts and provinces? No wonder they have not come here to listen to us complaining as we make our contribution on this Bill.

Mr. Temporary Deputy Speaker, Sir, a few of my colleagues have talked about the weight on our roads. The kind of heavy vehicles that travel along our roads, I want to believe that they are actually not meant for those roads. We have too heavy weights being moved along our roads. That is one of the factors which lead to very fast dilapidation of our roads. I am wondering whether the Ministry specifies the weight that is supposed to be moved along the various classes of our roads. Some time back, it was suggested that heavy cargo should be hauled by rail.

Why can we not use the railway system to transport heavy loads instead of using our poorly done roads, which cannot withstand those weights? They are not repaired or maintained. Something needs to be done about this. I think it is for the Ministry to specify what weight of cargo should be hauled on our roads. I believe that the Ministry has the power to control the weight of cargo that is hauled along our roads. Instead of worsening the already bad road situation, let us use the railway system. It can help haul some of the heavy cargo from Mombasa to Nairobi, Kisumu, Kampala and beyond.

Mr. Temporary Deputy Speaker, Sir, we have maram roads. Once in a while, when we complain, road engineers grade them. That is what they do to maintain and repair those roads. For me, I am an agriculturalist. I am not an engineer, but I can always see that something is wrong. You

do not need to be trained as an engineer. If something is bad, you will always tell. Continuous grading of maram roads loosens the soil. Once the soil is loosened, and the rain comes, all that soil is drained down to the river or to the lake. So, if you continuously grade these roads, you end up with roads which turn into streams during the rainy season. They get lower and lower. The road surface itself is lower than the rest of its surrounding.

So, whenever there is a little rain, all the water ends up into the road surface. So, the road ends up being eroded and forming a huge drainage. This is one thing I have told road engineers in our district. So, let us not continue ploughing the roads. Let us gravel them a little. Let us raise the level of the roads, so that they are higher than their surroundings. If a road is lower than its surrounding, it definitely becomes a stream when we have rain. I do not know how road engineers are trained, but you do not need to go to school to get a degree in engineering to know that someone is doing something wrong.

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Professor! I do not like to cut you short but I want to inform Members to make their contributions very short. As you know, tomorrow is Budget Day and, for the next seven days, we will not be able to debate any more bills. I think it is in the interest of this House, as well as the country as a whole, to ensure that we finalise this Bill today. Therefore, I intend to call the Minister to reply at 6.00 p.m. We have a number of hon. Members who would wish to make contributions. So, perhaps, if you take five minutes each, we will be able to cover that.

Prof. Olweny: Thank you, Mr. Temporary Deputy Speaker, Sir. Let me sum up and leave it for the rest. Lastly, I had a few more points to give, but let me give this one. In this country, we have so many cyclists. They cause accidents all over the country. We need bicycle lanes to improve safety on our roads.

With those few remarks, I beg to support.

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

The Temporary Deputy Speaker (Mr. M'Mukindia): We have Mr. Mwenje because Mr. Mwaboza is not here. He will be followed by Mr. Rotino, Mr. Kipchumba, Mr. Muite, Mr. Mungatana and Mr. Biwott.

Mr. Ochilo-Ayacko: Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. M'Mukindia): Is that Mr. Ochilo-Ayacko? Yes, indeed, if we have enough time. Two minutes each.

The Assistant Minister for Co-operative Development and Marketing (Mr. Mwenje): I will try to be quite short Mr. Temporary Deputy Speaker, Sir. I support the creation of the authorities. I think we need the authorities particularly to handle roads in the City. On the by-passes that were started - and I am glad the Minister is here - I think they should now be completed. The real intention for their construction was to reduce traffic jams that occur daily. I think some of the by-passes pass in my place.

I urge the Minister to try and finish them a little bit faster than the way they are being constructed. Even if you are not able to tarmac them, at least, you should do them to a level where people are able to use them. They will ease the congestion that we have.

Mr. Temporary Deputy Speaker, Sir, the estate roads in the City are very bad. If you go to any estate--- The spine roads are okay. If you go to Kayole, Dandora and Umoja, the spine roads are okay. But the roads within the estates are so bad that people have to leave their cars at the spine roads and walk to their houses. I urge the Minister to liaise with the City Council to do those roads.

Mr. Temporary Deputy Speaker, Sir, one very important thing for those who live up-

country are the rural access roads. The rural access roads used to be done by young men. They used to be maintained by young men who were employed to do that. They could use equipment such as *jembes* to maintain those roads. Today, they are not maintained. We wait until we get the machinery to do the roads. Otherwise, they are not done. The young men were getting jobs to maintain those roads. I urge the Minister to ensure that rural access roads are maintained by young men within those areas. It is the only way to guarantee that our roads are maintained.

Mr. Temporary Deputy Speaker, Sir, many people are using bicycles. I think it is important to reserve lanes on the roads for cyclists. The last one is on the standards of our roads. Those of us who have travelled abroad--- If you go to America and other places, the standards of the roads are very good. You hardly ever see any potholes. I think the contractors are not doing good jobs. It is important that the standards of our roads be maintained. Today, if you drive along Thika Road which was done just the other day, there are potholes. I do not know whether they are really potholes or craters. I am sure you have driven along that particular road. I think it is important that high standards be maintained. Every two years, we re-do the same roads.

With those few remarks, I beg to support.

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity to say something about this Bill.

I want to, first of all, thank the Minister for bringing this Bill. Yesterday, when he was moving the Bill, he moved it in a very good way. He gave us the background of why the Bill should be amended. He gave a wonderful speech yesterday about why the Bill is supposed to be amended. I want to thank him on that. I do not want to repeat all what my colleagues have said because they have spoken very well. All of us are not living in the outer space. We know this country. All of us have driven in this country and know how the roads are. I am pleading with the Minister to check his staff. If doctors were like engineers, all of us would be dead. Engineering is a wonderful profession. It is a profession with morality and respect. But they have really downgraded that profession. I am pleading with the Minister to do something.

Mr. Temporary Deputy Speaker, Sir, I want to mention only one road. The road from Kapenguria- Kitale-Lodwar to Lökkichogio is a main road. The road is just gone! You can imagine how much money we get from Southern Sudan. That is a highway. But the whole road is gone and there are no plans to rehabilitate that road. Secondly, the other day, I drove to Marakwet. There is a road called a hanging tarmac in Chesoi in some place in Marakwet. If you look at the quality of that road---

I am pleading with the Minister to inspect that road. It was done by a company that they mentioned. That is not tarmac. It is just deceiving people that there is tarmac. There are engineers in the Ministry who are supposed to supervise that road. I am pleading with the Minister to get time and supervise the roads that we are doing. Otherwise, the plans and the vision that the Minister has by creating the authorities is a wonderful idea. We are going to support it. I wish that those ideas are implemented to the letter, so that we can be like other people. We cannot talk about development if our roads are not up to the standards.

With those few remarks, I want to say that I support the Bill. I encourage the Minister to take charge.

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

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

Mr. Muite: Mr. Temporary Deputy Speaker, I would like to add my voice to those who are complimenting the Ministry of Roads and Public Works. If the consumers and people who interact with the Ministry were asked to do a rating, it is the Ministry of Roads and Public Works and the Ministry of Finance that would score a point. I do hope that when those authorities come into legal being, one of the areas where the engineers will focus on when designing the roads is the issue of drainage. It does not make any sense for us to spend millions of shilling tarmacking a road, when we are not attending to proper design of drainage.

If you go to Cameroon today, a country which is in the middle of a tropical rain forest, you will not find a single pothole on their roads. That is simply because they design their drainage in such a manner that you do not get stagnant water on the road. You do not need to be a trained engineer to conclude that, unless a road is tarmacked with a good drainage pegged with permanent exit for water--- If you allow water to stagnate on the road, that road is going to have potholes within no time. Examine our potholed roads and you will see that nearly always, it is where water is collecting. So, I do hope the issue of designing drainage when we are designing a road will be given absolute priority.

The second point that I would like to make is that, sometimes, the Ministry of Roads and Public Works, including the engineers there, are blamed without seeing the linkage between the Treasury and the Ministry of Roads and Public Works. We have a situation in which engineers design contracts that are signed between the employer and contractor. When we examine the contract, it has a clause which says that once a certificate is issued by the Ministry of Roads and Public Works engineers to confirm that a particular section of the road was done according to the specifications, and if the amount shown in the certificate is not paid within 30 days, it starts accruing interest at commercial bank rates. This is why sometimes we find the so called cowboy contractors. These are contracts in which the original amount was very small, but because they have not been paid for years, the contractors are legally entitled to claim interest at commercial bank rates. That is the standard contract.

The Treasury must provide enough funds to the Ministry of Roads and Public Works, so that a contractor who has completed his work and has certificate issued, is paid promptly to stop interests from accumulating.

Finally, I would like to draw the attention of the Minister to a potential conflict between this Bill and Cap.265, Ministry of Local Government Authority Act. In terms of the Local Government Authority Act, the Ministry of Local Government has legal power to undertake repair of roads within their areas of authority in the urban centres and towns. So, the Government needs to come up with a policy decision as to whether these roads that are currently served by the Ministry of Local Government are also intended to be taken over by these Authorities we are creating for administration or the Ministry of Local Government will continue to maintain them.

If it is the intended to transfer those roads to the new Authorities, then there is a need to amend Cap.265, so as to revoke the authority of the Ministry of Local Government. If that is not done, there will be a conflict. If, on the other hand, it is intended, as a policy decision by the Government, that the Ministry of Local Government will continue to administer the roads, then that needs to be harmonised, so that there is no conflict between the two statutes.

Mr. Temporary Deputy Speaker, Sir, I beg to support.

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, I will spend only three minutes.

First of all, I would like the Minister to reconsider Clause 37 which talks about the accounts "being in conformity with the international standards". That is not correct. I think we must ensure that accounts are in conformity with what is prevailing in our own country. We cannot peg our accounts to international standards. The rest of the subclauses from (iv) to (vi) are superfluous. The office of the Controller and Auditor-General is an independent office. We cannot make a law to

order them to audit various roads. They cannot do that! They must have their own authority and that is spelt out in the Public Audit Act. Therefore, I would want to request the Minister to consider deleting subclauses (iv) to (vi) of Clause 37.

I also want the Minister to consider whether the establishment of these Authorities is necessarily going to ensure that we centralise everything. If you talk of rural roads, I do not understand. They are talking of "people with capacity, engineering economics and transport economics". I think, we, as a country, are overwhelmed by these very big degrees to the extent that we are not being practical. We cannot have people in charge of rural roads being necessarily accountants or engineers. What will an accountant do in a Board in charge of rural roads? These kind of issues of educational qualifications must be reconsidered.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Agriculture in terms of Rural Roads Authority, must be part of the Board. There is merit because our country depends on agriculture. In my view, people in charge of co-operative societies should be included in the Board.

Mr. Temporary Deputy Speaker, Sir, I want to request the Minister that, in future, we make regulations that every project dealing with road construction lasts only three years. There is no merit in having a contractor construct a road for ten years. By the time they reach the end of the road in ten years, the other part will be requiring serious reconstruction. I think we must put it in our regulations that it must only be three years.

Finally, the Minister must consider banning the use of crashed stones in construction of roads. If you look at all the roads constructed using crashed stones, they are difficult to maintain because of the nature of the stones used.

With those few remarks, I beg to support.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, I want to thank you for giving me the opportunity to make a few remarks on this Bill. First, may I congratulate the Minister for upgrading our law to the status it is in now. From 4,000 BC when we had roads in current Iraq and the current transformation of road advanced, there has been transformation in law. Unfortunately, for us the development of the law has not been as fast as it should be. Therefore, I want to say that the Minister has done a good job. Every Minister leaves a mark in the Ministry he or she serves in. In this particular one, the Kenya Roads Bill is a really good development. But, every good development can be made better.

Mr. Temporary Deputy Speaker, Sir, I just want to make a few remarks. I want to zero-in on Clause 43. This clause gives us the annual report on the status of roads in this country that is supposed to be submitted by each Authority. If you look at what the Minister is expect to receive, apart from subclause 2(g), most of the others are really routine things. I want to suggest that in this country, for us to say we have a proper report of the annual status of roads every year, this report must include; status of traffic flow in the country because this is a thing that affects us.

Most legislators who have spoken have said we have a problem with the way we waste man-hours on our roads. This must be included in this report. Traffic jams which is happening across the country must also be included. What is the status of major road works maintenance in the country? This must be contained in the annual report that is supposed to be submitted to the Minister.

Mr. Temporary Deputy Speaker, Sir, another thing that has been left out is the safety aspect. If you look at the National Roads Authority of Australia; where I believe part of the thinking in this Bill has been borrowed, the safety of roads is a primary duty of the National Roads Authority. We cannot talk of just building roads. The authority cannot be restricted to just talking about how the roads are. They must tell us what measures they have taken to drastically cut down road fatalities in this country. This must be contained in the report that the Minister receives at the end of the year.

Mr. Temporary Deputy Speaker, Sir, in fact, we have dwelt on the issue of safety. Right now, what we have is the Kenya Road Safety Network, which actually does the campaign, discussion and whatever. It is a Non-Governmental Organisation (NGO). It is not a statutory body that is recognized in any law of this country. This needs to come in here. The safety of people on the roads, as has been put in various imagery expressed here in this House, must be taken seriously.

Mr. Temporary Deputy Speaker, Sir, I see here that the question on the environment has been pushed to the back again. In road construction, the impact of the environment must be stated in the annual report. How has our environment in the countryside, even in the urban centres and towns been affected by new road development that is there? How has it been affected by ongoing road development? What measures to mitigate the negative impact have been put in place? This must be in the report the Minister receives because we do not want to just have the normal kind of thing.

Mr. Temporary Deputy Speaker, Sir, the question of archaeology must be considered. I am speaking like this because on your way to Malindi, not very far from the main road, there has been discovered a very ancient tower and excavation is still going on. If we do not have archaeological input, we will lose a big part of our history, because if you put engineers to just go dig and there is no archaeological input, they will see those old things and just drill them away like they do not matter. It is important that we have reports on this so that we can preserve what is our history.

Mr. Temporary Deputy Speaker, Sir, this brings me to Clause 5 of this proposed Bill. Clause 5 establishes the Board of the Authority, and this goes *mutatis mutandis* to the other authorities as well; the three authorities that have been put up here. The Authority puts up five extra people that the Minister is supposed to appoint, and here, we have somebody with knowledge of the industry, highway engineering, transport economics, urban and regional planning, accountancy or law. Where are the people of environment? They must be represented in this Authority, otherwise, decisions at the highest level would be devoid of serious input on the environment. Where are the archaeologists? I have just referred to the National Roads Authority of Australia. They have employed 27 permanent archaeologists on that Board. We need to have a change. The Minister needs to consider increasing the membership of this Board, and this goes to the other boards as well that are in the rural areas and also the other authorities.

Mr. Temporary Deputy Speaker, Sir, I am very happy that in Clause 3, although the authorities have been made independent, the Minister has had the presence of mind to give them the power to borrow money, but subject to consultation with the Treasury and the Ministry. I think that was wonderful, because we may have authorities that may end up giving us problems in future.

There is another issue about the functions of these authorities which are captured in both the National Roads Authority, the Rural Roads Authority and the Urban Roads Authority. One of the functions I thought should be included is the function of public awareness and education on the maintenance and taking care of our roads. It is not enough to pass laws when we know, as legislators, that a lot of what we pass is not known outside there in the rural areas. For instance, the campaign of saying: "If you get out of your house, switch off your lights" or "Please take care of energy or water" has had a major impact. It makes Kenyans think in a different way. One of the functions of the Authority must be public education. They must go to the radios, television and the Media in general and teach the public to take care of our roads. Those investors who invest in overweight vehicles or who overload will have difficulties. This is because they already know in their minds, for it would have been repeated to them for the last two to three years. They will have difficulties disobeying that law, including even the people who load and the police who man the axle load weight control areas.

Mr. Temporary Deputy Speaker, Sir, I think public awareness and education is extremely important as far as changing the culture of taking care of our roads is concerned. It is important that

it is included and the Minister must---

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. With the indulgence of the Chair, we did agree as hon. Members that we will limit ourselves to two minutes to give the Minister enough time to respond to our comments. But I am now seeing that we are going beyond that. It was a gentlemanly agreement.

The Temporary Deputy Speaker (Mr. Khamasi): Are you saying that it was a gentleman's agreement?

The Assistant Minister for Justice and Constitutional Affairs (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, I am sure I am making some good points and the Minister agrees with me.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order, Mr. Mungatana! Indeed, it is actually the time for the Mover to be replying.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Mungatana): In which case, then, Mr. Temporary Deputy Speaker, Sir, I beg to support.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Ochilo-Ayacko, I can see that you are listed here. So, probably, take two or three minutes and then we will give the Minister a chance to respond.

Mr. Ochilo-Ayacko: Thank you, Mr. Temporary Deputy Speaker, Sir, for your generosity and magnanimity.

I want to thank the Minister for bringing this piece of legislation. I want to particularly thank the Minister for promising to fix a bridge on one of the roads from Rongo Township to Kisii. That specific road is called Nyarach-Oboke-Rangwe Road. In December, the bridge was washed away and the people cannot visit one another. That curtails the right of movement of those people. The Minister, who is a very good friend of that part of the world, has committed himself to assist us, and may God bless him and give him a long life.

Mr. Temporary Deputy Speaker, Sir, I just want to address Clause 14 of this Bill, which provides for the recruitment of a Director-General. It also specifies the qualification of that Director-General, but the unfortunate bit of that Clause 14, is Sub-Clause (b), which restricts the qualification of the Director-General to 15 years experience. In the developed world, people who achieve a lot are young persons who have an agenda and a commitment to achieve. If we put qualification in place that takes care of people who have 15 years' experience and above, then we are restricting the young professionals who have something to achieve, who have no dirty past and who can take this country to higher heights.

I want to humbly suggest to the good Minister that seven years is good experience. An hon. Member who has been here for five years is considered experienced, so why should we, in this House, put 15 years as the yardstick? That will curtail the recruitment of young persons, and there is a commitment to have young Chief Executive Officers (CEOs) in this country.

With those very few remarks, I want to thank the Minister for bringing this Bill and beg to support.

Thank you.

The Minister for Roads and Public Works (Mr. Nyachae): Thank you, Mr. Temporary Deputy Speaker, Sir. First, I must apologise that I may not be able to cover all the useful points that I have heard from yesterday to this evening. However, I will cover, broadly, a few areas which I consider to be pertinent.

Mr. Temporary Deputy Speaker, Sir, may I say that some of the suggestions that have come forward this afternoon, particularly with regard to the clause on the experience of the Director-General and so on, some of them are likely to come up at the Committee Stage when the relevant Departmental Committee of Parliament which has gone through this Bill, will be coming up with

certain additional recommendations. So, I would not like to comment on such kind of matters.

The other thing which was mentioned by hon. Lagat was about auditing and accounting. I think that, here, the stakeholders--- This is not just a Government Bill, it is a document that has been drafted after consultations across the board of all stakeholders, that is, the users of the roads, the business community, the professionals and so on. They are the ones who have given this opinion. With regard to accounting, it is the international standards of accounting and auditing that this country follows in every company, in the banking sector and in all organisations. I cannot understand why, we, ourselves, through these institutions that we are setting up, would be following a different system of accounting and auditing which is not applicable in this country.

Mr. Temporary Deputy Speaker, Sir, having said that, on the issue of classification of roads, this is a matter that is absolutely necessary. I wish to report to this House that we had already started an exercise of preparing the terms of reference on the classification of roads. It is not as simple as we see it. This is because it requires a lot of statistical information on the utilisation of the roads that need to be classified. This is being done. We are now in the process of appointing some specialists in this field. Some may get some input from, say, our international friends such as the World Bank who could help us in the preparation of the terms of reference. So, with regard to this matter, we are in agreement that it is absolutely necessary that we do it.

With regard to the problem of damages on our roads and the axle weight, this is a very complex headache. It is a very big problem because it involves changing the laws in terms of controlling the type of vehicles we need in this country. The roads specifications that we have in this country cannot allow our roads to carry some of the vehicles that ply on them. These vehicles, some of them are meant for concrete roads, but in this country, we do not have concrete roads. So, when the heavy vehicles come, they just ply over the roads and the following week, you will see the roads sinking.

Now, we have another headache, that is, corruption of the axle weight. I am talking about corruption at the weigh bridges. We have even decided that we are going to abandon the current static weigh bridges and have computerised, centrally controlled, mobile weigh bridges so that when a vehicle is passing through somewhere, someone in a central place here in Nairobi is able to see what has been weighed, say, in Mombasa. That way, if they give us the wrong records, already, the computer will have shown at the central point what the weight is. This is a big problem. I have tried! For instance, to show you how serious the matter is, we have our own officers there. We also have the police and all types of people there. You transfer one policeman from the weighbridge to general duties, the next thing he will do is to resign!

(Laughter)

If we transfer our own officers from the weighbridge, he will not go to the Head office or go and work any where else. He will resign because the illicit money that they get there is several times more than what the payslip shows. So, we cannot deny that corruption at our weighbridges is a very serious problem and we have to deal with this. However, to me, what I have in mind is that I want to, first of all, start with a gazette which is going to say, "For road so-and-so, the weight of a vehicle which will be allowed on that road will be up to so many tonnes and no more." Forget about the weighbridge! If that vehicle is beyond that tonnage, then it has to be confiscated.

Mr. Temporary Deputy Speaker, Sir, with regard to the fines, if you look at the law, you will find that the transporters can afford to pay the fines. In fact, they do not have to go to court. They will only send a driver and tell him, "Go and pay this fine." This is because it is so little. So, this has to be addressed. Right now, I am in touch with the Ministry of Transport to agree with me that this is what we are going to do. It is being done in other countries like India where drivers of

vehicles know which roads to follow. They know which roads they cannot use. But here, a few rich people with huge vehicles are ruining all these roads and the taxpayer is expected to repair them. So, it is a much bigger problem than we are debating here. However, I think we will overcome that problem, anyway.

Mr. Temporary Deputy Speaker, Sir, the issue of capacity building in this country is a very urgent matter. If you talk of cowboy contractors and say, "Those who were there during the last regime were cowboy contracts and so deregister all of them and do not give them contracts", you will have no contractors. It is the same people. You cannot believe it, but right now, we are dealing with a problem of cartels. They are so few that they can meet when you are going to tender and say: "Do not quote below this; now let us compete from this price to that price"; they decide *wewe ndiyo*-- I am sorry I was going to use two languages, I apologise.

They may agree as follows: "This road, you are the one who is going to quote the lowest figure within the bracket we have agreed on. You will take that road. Then, next time, you will be higher and so and so will take another road". All these games are there now, because these people are so few. Our own contractors, the Kenyan or African contractors have let us down. They are not serious about growing. You give them work, they are the ones who delay it. They abandon the work. Even right now, I am having some who have run away from the roads. You give them work, and you cannot see them.

Somebody was given Enterprise Road a year ago and he has not even stepped there. This week, I was checking up another African contractor, somewhere in Kieni East. He was given a road 18 months ago. When I was checking, even the equipment is not there; not one single piece of equipment. Yet they want to say: "I am an African a contractor". You call them to the Kenya School of Monetary Studies to discuss things; they all agree with you; the following day, they have gone somewhere else. All that they want is the initial mobilisation money. Once they get that, they do not move on site.

I know it is a very unpopular thing to get rid of our own people, but they are a big problem. We bought vehicles and machinery and put them in regions. We said if our own contractors do not have enough equipment, they can hire that equipment. The machines are there, they are not even able to hire them, yet they have received mobilisation money. What do I do? The only alternative is to get rid of them.

The same thing applies to our own engineers. You are talking about people; somebody used a terminology I have never heard of before, "eatology". I think he is the "Speaker" now. The truth of the matter is that if people were trained to "eat" for so many years, and you now want to ask them to make their stomachs small, I think the only way you can make them accept that their stomachs must be small is to have replacements. Do we have additional engineers to replace them? Once they see that threat, then they will behave. But so long as they know that if we get rid of them there is no other engineer, I don't know where we are going to get them. I have just over 153 engineers. I need almost 300, so that I can suspend some and utilise some, then they will become disciplined. So, we have certain ideas about what to do, but it is not easy to apply them.

On the labour based-idea, that is something I launched a month and a half ago under the Roads 2000 Programme. We are encouraging that almost in every district. Right now, we have more than 35 districts covered by this, and we are spreading it to all the districts in the country, so that our young people can also be involved.

Now, there is something called "fly-overs". These fly-overs are very useful, particularly in urban areas like in Nairobi. The plans are there, but let me tell you that if you want to build fly-overs, they are very expensive. We need the money. Right now, I am not in a position to promise that we can start building fly-overs unless there is a special Vote for fly-overs in certain cities like Nairobi, Mombasa, Kisumu and Nakuru. These fly-overs can decongest traffic. They can help,

even more than the by-passes. But I am afraid that the amount of money--- Fly-overs cannot be done using bitumen; they have to be done using concrete.

You can imagine the price per cubic foot.

I would like to talk about the pay packages for officers. I am not quite sure that it is a better pay package that makes someone efficient. What makes anybody efficient, in my view, is that, first, if you are a professional, you must be proud of your profession. Two; you must be proud of the results of your performance. It is not a question of your stomach first and then your profession comes second. So, to me, we have to understand that pay packages are not only for engineers or professionals. Even the ordinary person has got a stomach as well. The moment you increase wages and think that you are going to make other people efficient, what will happen to the ordinary person? Better pay packages must go even to the farmers. They also want something better. So, to me, something should be given in the form of a reward; when one has performed his or her duty well. The engineers, themselves, should be able to say: "We deserve better because we have improved the economy. The roads are now better, hence, there is less expenditure on the roads. From there, take care of us." That is what should be done.

As I said, we have stationed machines for hire in 16 regions. But we will add more machines.

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Nyachae, I just want to remind you that if you want to conclude, you still have got about a minute or so, or else, we will carry it forward.

The Minister for Roads and Public Works (Mr. Nyachae): Mr. Temporary Deputy Speaker, Sir, I was going to conclude within seconds.

As I said, more debate will come when the Bill goes to the Third Reading; that is, when the relevant Committee of this House brings more issues for discussion.

I want to conclude by thanking all the hon. Members for the interest they have taken and everything they have said. Some comments sounded like criticism, but, to me, they were not. To me, it was education. I always thank those hon. Members who come to the Ministry and tell me: "The road in area So-and-So has not been constructed correctly." That is not a complaint, but actually, a reminder that area So-and-So requires attention. We need to work together.

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

(Applause)

(Question put and agreed to)

*(The Bill was read a Second Time
and committed to a Committee
of the whole House tomorrow)*

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 14th June, 2007, at 2.30 p.m.

The House rose at 6.30 p.m.