

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 19th July, 2006

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### QUESTIONS BY PRIVATE NOTICE

#### IRREGULAR COLLECTION OF FUNDS BY MAU MAU ORIGINAL TRUST

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

(a) Is the Minister aware that an organisation named Mau Mau Original Trust of P.O. Box. 15348 - 00100 Nairobi, is collecting money from Mau Mau veterans in Kilome purportedly to open bank accounts that will hold their compensation dues from the British Government?

(b) When was the compensation agreement, if any, for the Mau Mau veterans between the governments of Kenya and the United Kingdom signed and what steps is the Minister taking to stop the collections and charge the culprits should the compensation claim be a hoax?

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

(a) I am not aware that an organisation called Mau Mau Original Trust is collecting money from Mau Mau veterans in Kilome purportedly to open bank accounts to hold their compensation dues from the British Government. However, investigations have commenced over the matter and should it be established that money is being collected for the purpose of the non-existent compensation scheme, then appropriate action will be taken against the culprits.

(b) There is no known agreement that has been signed between the Government of Kenya and the United Kingdom for compensation to Mau Mau veterans.

**Mr. J.M. Mutiso:** Mr. Speaker, Sir, before I ask the supplementary question I would like to Table these documents.

**Mr. Speaker:** What are those documents, before you Table them?

**Mr. J.M. Mutiso:** Mr. Speaker, Sir, this is an undertaking from the Mau Mau Original Trust Bank for the members to give irrevocable instructions to the British Government to deposit the money there. Therefore, I thought this would be useful for the Assistant Minister to peruse before I put the question.

*(Mr. J.M. Mutiso laid the documents on the Table)*

Information has been circulated around that the British Government will pay huge amounts

of money to the Mau Mau veterans.

Mr. Speaker Sir, could the Assistant Minister tell us whether there are any negotiations as to the compensation of Mau Mau veterans because of the suffering they underwent during the colonial rule? Are there any negotiations known to this Government which have been done by a private organisation, civil society or the Government itself?

**Mr. Kingi:** Mr. Speaker, Sir, as far as we are concerned, there is no known compensation scheme in place. There are no known negotiations going on between the Government of Kenya and the British Government. We are not aware of any private organisation that is doing that on behalf of the Government.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, it is well known that some Kenyans including myself have taken the British Government to court to pay reparations for killing our people and taking their animals. Mr. Muite is our lawyer. Could the Assistant Minister deny or confirm that Mr. Muite has taken these people to court and that we expect some money as compensation from the British Government?

**Mr. Kingi:** Mr. Speaker, Sir, we are not aware of any negotiations. The Question was about negotiations. If there are court cases, that is a different matter. As Government, we have not been consulted.

**Mr. J.M. Mutiso:** Mr. Speaker, Sir, it is true that there is an organisation calling itself The Mau Mau Trust Bank which is collecting money from unsuspecting veterans. This has been going on for the last one year. It is high time the Government came out clearly on what action it will take to handle the compensation money for the Mau Mau.

**Mr. Kingi:** Mr. Speaker, Sir, one thing we must understand here is that, the Mau Mau Original Trust is a registered organisation. They may have their own arrangements of collecting money for anything. It has been agreed between the Republic of Kenya and the British government that no compensation will be paid. Should any veteran come forward and tell us that money has been collected from him for this purpose that we are talking about, we will definitely take action against the people who are collecting that money.

**Mr. Muite:** Mr. Speaker, Sir, is the Assistant Minister aware that the case for reparation will be filed on 20th October by Mau Mau War Veterans Association and that this will be done through the Kenya Human Rights Commission? Therefore, there are Kenyans who are being conned by this particular organisation. Is the Assistant Minister aware of that? If he is, why is he not handing over the matter to the CID to investigate because the other commission does not intend to have the complainants pay any money? It is doing it for free.

**Mr. Speaker:** Very well! I think you could ask the Assistant Minister to investigate whether or not people are collecting money contrary to the Public Collection Act. Mr. Muite, I do not think it is fair to ask the Minister whether he knows that you intend to file a suit in October. I think that is beyond his human capacity.

**Mr. Kingi:** Mr. Speaker, Sir, part of my answer covered that item that is being raised. I said investigations commenced after we got this information. Ideally, this Question should have come as an Ordinary Question but it came as Question by Private Notice, which gives us very little time to investigate. We have instituted our investigations and should anybody with information come forward to say that he has been conned of money, we will definitely take action.

MINISTRIES' COMPLIANCE WITH DIRECTIVE  
TO SURRENDER EXCESS VEHICLES

(**Mr. J. Nyagah**) to ask the Minister for Finance the following Question by Private Notice.

- (a) How many vehicles have been returned by Ministers and Permanent Secretaries to the Government vehicles' pool following the Minister's directive?  
(b) Which Ministers and Permanent Secretaries have not yet complied with the directive?  
(c) What action is the Minister taking on those disobeying the directive?  
**Mr. Speaker:** Is Mr. J. Nyagah not here? The Question is dropped.

*(Question dropped)*

## ORAL ANSWERS TO QUESTIONS

*Question No.456*

### PAYMENT OF SALARIES TO NURSERY SCHOOL TEACHERS

**Mr. Midiwo:** Mr. Speaker, Sir, Mr. Kombe had asked for permission from the other Speaker that the Question be deferred. Could I ask the Question on his behalf?

**Mr. Speaker:** There is no other Speaker!

**Mr. Midiwo:** The Speaker who was in the Chair this morning.

**Mr. Speaker:** There is no other Speaker!

**Mr. Midiwo:** You are the one and only Speaker. I was referring to the other Chair.

**Mr. Speaker:** There is only one Chair. You should have said that he asked for permission from the Chair. The Chair is continuous and it is singular.

**Mr. Midiwo:** I withdraw and apologise.

**Mr. Speaker:** Very well! I will defer it to next week.

*(Question deferred)*

*Question No.238*

### OFFICIAL TRANSPORT FOR SOUTH WANGA DO

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

(a) whether he is aware that the District Officer for South Wanga Division in Mumias has not been provided with official transport for the last five years and relies on *matatus* in performing his duties; and,

(b) when the Government will provide a vehicle to the division.

**Mr. Osundwa:** Mr. Speaker, Sir, I have not received a written reply.

**The Assistant Minister, Office of the President (Mr Kingi):** Mr. Speaker, Sir, we sent a written response to this Question on 13th July. I will find out what happened.

Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the District Officer for South Wanga Division in Mumias has no official vehicle assigned to him. Transport, however, has always been provided to him by the DC to undertake official functions if and when requested.

(b) The District Officer, South Wanga Division, will be considered for a new vehicle

alongside other needy divisions in the next allocation of vehicles.

**Mr. Osundwa:** Mr. Speaker, Sir, we would like to know when the next allocation will be done because the answer is hanging.

**Mr. Kingi:** Mr. Speaker, Sir, it will be done within the next one week.

**Mr. Khamasi:** Mr. Speaker, Sir, perhaps the Assistant Minister would like to tell us what he is doing about other divisions which do not have motor vehicles. It is not only in Mumias. This is happening virtually all around the country. Perhaps the Assistant Minister should let this House know how many vehicles which have been withdrawn from Ministries will be distributed to divisions which do not have vehicles.

**Mr. Kingi:** Mr. Speaker, Sir, in the last few months, we have sent over 50 vehicles to divisions all over the country. There is a criteria that we use and normally areas that are prone to insecurity are the ones that we consider first. We also consider the size of the division and the districts that have a number of divisions but none of them has a vehicle. We normally give these areas first priority.

As far as the other question is concerned---

*(Loud consultations)*

Mr. Speaker, Sir, could you protect me from hon. Members who are talking about Marsabit here?

**Mr. Speaker:** Order! This morning, the hon. Deputy Speaker warned hon. Members seated on the Front Bench to my left hand side against heckling. That notwithstanding, in the afternoon of the same day, you are engaging yourselves in the same *modus operandi*. Could you sit there in a dignified manner as shadow Ministers?

**The Minister for Housing** (Mr. Shitanda): On a point of order, Mr. Speaker, Sir. Since the heckling by the hon. Members seated in the Front Bench persists, could you invoke your powers under Standing Order No.1 and order them to sit on the Back Benches?

*(Laughter)*

**Mr. Speaker:** Order! I expect hon. Members seated on the Front Bench on my right to behave like real Ministers!

*(Applause)*

Can we proceed?

**Mr. Kingi:** Mr. Speaker, Sir, on the question of the vehicles being returned, if any of them are given to our Ministry, we shall definitely distribute them. The DOs stand to benefit in the distribution exercise.

**Mr. Lesrima:** Mr. Speaker, Sir, could the Assistant Minister lay on the Table the distribution list? He has said that they received 50 vehicles which they distributed to insecure areas of this country. I come from the most insecure place. The DOs in Six divisions in Samburu District do not have vehicles. Could he lay on the Table the past and future distribution lists?

**Mr. Kingi:** Mr. Speaker, Sir, I think one and half months ago, I was asked a similar Question and I laid on the Table that list. If the list is required again, I will make a copy and bring it to Parliament.

**Mr. Speaker:** You can check it. The House wants to know how those vehicles are distributed. That is the worry of hon. Members. Anyway, let that be as it is.

Mr. Osundwa, ask the last question!

**Mr. Osundwa:** Thank you, Mr. Speaker, Sir. South Wanga Division was created by the previous Government six years ago. *Wananchi* mobilised funds and built the DO's office and residence. The Government was only supposed to provide a Land Rover or vehicle to the DO. However, I am grateful that the Assistant Minister has promised to give me a vehicle to take to that division in the next one week. I will be available to accompany the vehicle to the division.

**Mr. Kingi:** Mr. Speaker, Sir, I said that the division will be considered alongside other needy divisions in the next allocation of vehicles. I want us to be very careful about that.

**The Assistant Minister for Health (Dr. Machage):** On a point of order, Mr. Speaker, Sir. It is true that Kenya is experiencing very cold weather now. Is it not in order for this House to keep the temperatures that are conducive to the sitting of hon. Members? This House is usually too cold.

*(Laughter)*

**Mr. Speaker:** Order, hon. Members! I had directed earlier on that the Air Conditioner (AC) be switched off and that was done. However, you know that, you and me cannot do anything about the July weather. It is cold outside and here. There is nothing I can do about the cold weather. So, you have to bear with it!

**Mr. Ochilo-Ayacko:** Mr. Speaker, Sir, although I have not been provided with a copy of the written answer, I beg to ask Question No.204.

*Question No.204*

SHOOTING OF SCHOOL BOY  
BY POLICE OFFICER

**Mr. Ochilo-Ayacko** asked the Minister of State for Administration and National Security what action he is taking against the police officer who shot a school boy and another young person on 21st November, 2005 at Rongo township without cause.

**The Assistant Minister, Office of the President (Mr. Kingi):** Mr. Speaker, Sir, I definitely appear to have a problem between my officers and Parliament. I will sort that matter out so that answers could reach hon. Members in good time.

However, I beg to reply.

Investigations about the incident were commenced immediately the report was made at Kamagambo Police Station. The investigations have since been completed vide Kamagambo Police Station File Inquiry No.1/2005 which was forwarded to the Attorney-General for perusal and further direction. The outcome of the investigations will be made public immediately the Attorney-General gives his recommendations.

**Mr. Ochilo-Ayacko:** Thank you, Mr. Speaker, Sir. That incident took place at about 10.00 p.m. when the results of the referendum were being given out. One of the victims was a school-going boy who was shot and a bullet is still lodged in his pelvis. Is there any assistance this generous Government can give towards the treatment of that young student and the other one who was also injured?

**Mr. Kingi:** Mr. Speaker, Sir, we are handling the case, but as far as humanitarian assistance is concerned, I cannot commit the Government. Maybe, the hon. Member should consult with us in our office and we will see if there is anything we can do to assist.

**Mr. Ojode:** Mr. Speaker, Sir, the same police officer is still on the payroll and works in

Macalder. The boy who was shot comes from Ndhiwa. What action will the Assistant Minister take against that police officer who is still on the payroll? That officer should have been interdicted.

**Mr. Kingi:** Mr. Speaker, Sir, I have said that we have sent the file to the Attorney-General for recommendation. Definitely, we will take action against the officer, the moment we get advice from the Attorney-General.

**Mrs. Kilimo:** On a point of order, Mr. Speaker, Sir. Could the Assistant Minister not treat that case as an emergency? That is a young boy with a bullet lodged in his pelvis. Could this rich Government not support that boy to remove the bullet lodged in his pelvis while it carries out investigations?

**Mr. Kingi:** Mr. Speaker, Sir, I thank the hon. Member for that compliment but I have already answered the question. I have said that we will consult with the hon. Member if he comes to our office. However, as far as we are concerned, there is no law that allows us to do that.

**Mr. Ogur:** Mr. Speaker, Sir, you may not remember that last year a policeman killed a DO in Macalder in Nyatike Constituency. The policeman who shot the boy in Ndhiwa was transferred to Macalder where a DO was shot dead last year. Could that police officer be removed from Macalder before he shoots another person?

*(Laughter)*

**Mr. Speaker:** Who shot who? Mr. Kingi, have you followed what the hon. Member has said?

**Mr. Kingi:** Not clearly, Mr. Speaker, Sir. Let him repeat his question.

**Mr. Ogur:** Mr. Speaker, Sir, a DO was shot dead by a policeman in Macalder last year, and yet the policeman who shot a boy in Ndhiwa was transferred there. This is causing fear in us. Could that policeman, who is smart in shooting people, be removed from Macalder immediately before he shoots another person?

*(Applause)*

**Mr. Kingi:** Mr. Speaker, Sir, we will consider that once we get the correct facts about the incident.

**Mr. Ochilo-Ayacko:** Mr. Speaker, Sir, perhaps, the Assistant Minister does not understand the gravity of this matter. That police officer was not interdicted but transferred to Macalder. He is likely to shoot other people. Somebody who can shoot children can shoot other people. Before we get the verdict of the Attorney-General, could the Assistant Minister interdict that officer immediately and also get a deadline from the Attorney-General? This is because somebody who is trigger-happy is dangerous to everybody.

**Mr. Kingi:** Mr. Speaker, Sir, I have said that we will consider that once we get the correct facts. We have done our bit and all we can do is to await the Attorney-General's direction.

*Question No.473*

MEASURES TO COPE WITH INCREASED  
SECONDARY SCHOOL ENROLMENT

**Dr. Ali** asked the Minister for Education:-

(a) whether he could confirm that the Free Primary Education Programme has increased primary school enrolment by about 2 million children; and,

(b) given that the current transition rate from primary to secondary school stands at 57 per cent which the Government intends to increase to 70 per cent, how the Ministry intends to cope with increased secondary school enrolment without employing new teachers.

**The Assistant Minister for Education** (Dr. Mwiria): Mr. Speaker, Sir, I would like to apologise because I do not have the answer. There was a misunderstanding between Mrs. Mugo and I as to who would answer the Question. If I had passed through the office, I would have brought the answer. I expected her to be here and she also expected I would be here.

**Mr. Speaker:** I will hold on until she comes!

**Dr. Ali:** Mr. Speaker, Sir, could I read out the written answer?

**Mr. Speaker:** No! He is the one who gave you a copy of the written answer. Let us wait and see whether she will come!

*Question No.155*

ELECTRIFICATION OF MARKET  
CENTRES IN BUSIA DISTRICT

**Prof. Mango** asked the Minister for Energy:-

(a) when the following market centres namely:- Bulemia, Kanjala, Sikarira, Shibale, Bulwane, Elugulu, Tingolo, Bukhuyi, Muruka and Chango; and Bukhuyi, Tingolo, Elugulu, Kingandole and Bwaliro secondary schools will be electrified; and,

(b) within what time frame rural electrification will cover the whole of Busia District.

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

(a) The Ministry has already approved the electrification of Bulemia and Sikarira markets and Sikarira Health Centre at an estimated cost of Kshs7.5 million. Implementation is expected to be done during the 2006/2007 Financial Year. Other market centres will be considered later.

(b) It is not possible for the Ministry to give a timeframe when rural electrification will cover the whole of Busia District as this would require an analysis of the cost of such electrification vis-a-vis the funds available for electrification of the entire country.

**Prof. Mango:** Thank you, Mr. Speaker, Sir. The market centres mentioned above have secondary schools. The students in those schools are performing poorly in their examinations because of lack of electricity. Could the Assistant Minister consider supplying electricity to those market centres where there are secondary schools?

**Mr. Kiunjuri:** Mr. Speaker, Sir, supply of electricity to those markets will be considered once funds become available.

**Mr. Midiwo:** Thank you, Mr. Speaker, Sir. We have works approved by the Ministry of Energy throughout the country but which have not been undertaken for almost two years. Could the Assistant Minister confirm or deny that they have problems with qualified firms or engineers who can undertake those works? What measures have they put in place to sort out that problem?

**Mr. Kiunjuri:** It is true that we are now faced with the problem of contractors. It is because we never used to contract out works before. We have now started doing that and that is why we are now experiencing these teething problems. I wish to inform this House that we have already advertised for more contractors to come in and help. In fact, we will continue advertising for more contractors to be selected so that we are able to handle the work.

**Mr. Marende:** Mr. Speaker, Sir, this Question is not an isolated incident. As a matter of fact, this has become a common feature in this House. In order to address the concerns of hon.

Members from different constituencies will the Assistant Minister table a report of the programme on rural electrification for the rest of the country and if so, when?

**Mr. Kiunjuri:** Mr. Speaker, Sir, all that information is in this House. Two weeks ago I answered a similar Question and I laid on the Table of this House all the ongoing projects. A month ago I was asked to table a list of all the ongoing projects and I did so. So, all the information is with the hon. Members of Parliament.

**Prof. Mango:** Mr. Speaker, Sir, from the answer given by the Assistant Minister, it seems as though many areas in Butula Constituency will never see electricity, perhaps, until the next century. Under the Rural Electrification Programme, there seems to be no systematic programme to supply electricity to areas that lack it. Could the Assistant Minister tell this House what plans he has to supply electricity to Butula Constituency?

**Mr. Kiunjuri:** Mr. Speaker, Sir, we have a programme already. In fact, we have identified almost all ongoing projects in Butula Constituency. For example, we know that the project at Kanjala will require Kshs5 million; Shibale, Kshs2.5 million; Bulwane, Bwalilo and Elugulu, Kshs10 million; Bukhuyi and Tingolo; Kshs20 million; Chango, Kshs7 million; and Muruka, Kshs0.8 million. So, we are aware of all these projects. All these projects depend on availability of funds. We have already started working in the constituency and as we get more funds we shall implement all those projects.

*Question No.385*

COMPENSATION TO KISII FARMERS FOR  
WASTAGE OF GREEN TEA LEAVES

**Mr. Omingo** asked the Minister for Agriculture:-

(a) whether he is aware that thousands of kilograms of green tea leaves go to waste costing tea farmers millions of shillings in the greater Kisii due to low crushing capacity of the existing factories and poor collection strategy;

(b) what he is doing to operationalise Eberege and Itumbe tea factories to alleviate the suffering of the farmers; and,

(c) if he could consider quantifying and compensating farmers for these losses occasioned by mistakes that are not of their making.

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

(a) Yes, I am aware that tea factories in the greater Kisii are experiencing leaf collection and processing problems which are being addressed by the Ministry, KTDA and the factories.

(b) Itumbe and Eberege factories will be operationalised as soon as they have been fully connected with electricity which has already been paid for by KTDA.

(c) Currently, there is no compensation policy for leaf loss. However, my Ministry will consult stakeholders in the industry to develop one in order to alleviate losses incurred by tea farmers.

**Mr. Omingo:** Mr. Speaker, Sir, I want to thank the Assistant Minister for the attempt he has made in answering the Question. However, his answer is simply a wish list without concrete solutions to the suffering of tea farmers who have been losing millions of shillings after planting, harvesting and delivering tea to their respective collection centres. Could the Assistant Minister tell this House the concrete measures he intends to take to alleviate the suffering of farmers?

**Mr. Kaindi:** Mr. Speaker, Sir, part of the bigger problem with regard to this issue is the capacity within the existing factories. My Ministry, through the Kenya Tea Development Authority (KTDA) is addressing this problem by ensuring that the factories stated are operationalised as soon as possible in order to ease the congestion in that area.



We recognize the fact that during the peak period a lot of tea leaves are not collected by KTDA thus occasioning farmers huge losses. My Ministry has always liaised with KTDA to ensure that even during peak periods there is zoning in terms of deliveries so that during the bad weather periods tea is not lost and farmers incur losses as the hon. Member has indicated.

### COMMUNICATION FROM THE CHAIR

#### DONATION OF A NEW SET OF LAWS OF KENYA

**Mr. Speaker:** Hon. Members, you will notice that we have a new set of Laws of Kenya. These new volumes replace the old ones which were in this House. The set of laws are arranged in an alphabetical order. In case the laws are amended, the page containing the amended laws will be replaced.

These volumes were donated to me, but in accordance with the Public Officers and Ethics Act, I declared and surrendered them to Parliament. So, do not worry about my name which appears on them. I am just abiding by the law. I wish to inform you that 120,000 volumes were donated.

#### *(Resumption of Oral Answers to Questions)*

**Mr. Raila:** Mr. Speaker, Sir, it is true that farmers have been experiencing the problems that the Assistant Minister has referred to. However, there is a serious crisis looming over the tea industry in the country at the moment which the Government is not addressing. It is the issue of the introduction of tea-picking machines. This is likely to cause loss of thousands of jobs. Could the Assistant Minister inform the House what measures the Government intends to take to ensure that tea pickers are not sent home as a result of the introduction of tea-picking machines?

**Mr. Kaindi:** Mr. Speaker, Sir, on 3rd May, 2006 my Ministry answered the same question. However, that notwithstanding, I think the hon. Member is right to say that there is anxiety amongst tea farmers. As a result, the Government has formed an interministerial committee to address the problem. I know that the Minister for Labour and Human Resources Development will table the report here so that he can explain to us what the Government is doing to address the matter in question.

**Mr. Karaba:** Mr. Speaker, Sir, there are very many tea farmers losing money either through negligence by factories not collecting tea in good time or sometimes bad weather which results into tea leaves rotting in the farms. Is the Ministry going to consider subsidising the farmers especially when they lose their crop due to natural causes?

**Mr. Kaindi:** Mr. Speaker, Sir, the tea subsector is liberalised. The factories have been directed by my Ministry, through KTDA, to come up with a workable solution so that even if it means having an insurance scheme in place, we do so in order to cover losses incurred by farmers. If we do that we shall really alleviate the suffering of farmers.

**Mr. Sambu:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House that his Ministry is working in conjunction with KTDA when we know for a fact that the Tea Act, as amended in 2000, removed the issue of authority from KTDA and makes it an agency? He has said here, over and over again, that his Ministry is working together with KTDA. Is he aware that KTDA is no longer an authority, but just an agency?

**Mr. Speaker:** What is out of order to work with an agency?

**Mr. Sambu:** Mr. Speaker, Sir, the main purpose of amending the Tea Act was to liberate tea factories. I was the Chairman of the Departmental Committee on Agriculture, Lands and Natural Resources when the Act was amended. The main purpose, as I said, was to liberate tea factories from the KTDA. This is because by involving KTDA, the chain is made even longer and, therefore, the cost increases.

**Mr. Speaker:** What is your reaction, Mr. Kaindi?

**Mr. Kaindi:** Mr. Speaker, Sir, as a policy measure, the Ministry is in charge. However, it is true that KTDA had a role to play in the tea subsector. I have said that we shall consult with the stakeholders in this industry. As a Ministry, we give policy directives to KTDA on how to deal with farmers.

**An hon. Member:** No! No!

**Mr. Speaker:** Order! Order, hon. Members! Why do you keep on saying "no". You are not the one who is replying. It is the Assistant Minister! You cannot impose your will on the Assistant Minister. You may have your view, but he has his too. So, please, question the Assistant Minister when you have been given the opportunity.

Last question, Mr. Omingo!

**Mr. Omingo:** Mr. Speaker, Sir, the Assistant Minister, in his answer, was actually wishing that things could happen! But they are not happening and farmers are suffering. Could he tell this House when the contract of operationalizing Eberege and Itumbe tea factories will be completed? Could he confirm to the House that everything is in place except the connection of electricity? Why has it not been connected?

**Mr. Kaindi:** Mr. Speaker, Sir, yes, the bigger problem was the connection of power. The first payment was paid on 11th January, 2005. We have made follow-ups to that effect, so that power can be connected. The issue of the boiler has now been addressed. I have been assured of that this morning. Arrangements are underway to commission Itumbe and Eberege factories by the end of this month. I discussed that issue with the hon. Member. It is also my concern that we visit those areas and tackle the problems on the ground.

**Mr. Speaker:** Next Question by the Member for Saboti Constituency!

*Question No.337*

DESTRUCTION OF ENVIRONMENT BY  
PAN AFRICAN PAPER MILLS

**Capt. Nakitare** asked the Minister for Environment and Natural Resources:-

(a) whether he is aware that Pan African Paper Mills has continued to cut down trees in Mt. Elgon water catchment areas, including Kiboroa forest, Mt. Elgon forest and others without replanting trees, leading to change of rain patterns in Kenya.

(b) whether he is further aware that the above company has not contributed anything in terms of development to the people of Trans Nzoia, despite the destruction of their environment.

(c) what measures he is taking to ensure that Pan Paper Mills is stopped from further destroying our environment, and compelled to restore the forest by replanting trees and grading the roads that have been damaged in the course of the company's activities.

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

(a) Yes, I am aware that Pan African Paper Mills has continued to cut down trees in Mt. Elgon water catchment areas, including Kiboroa forest, Mt. Elgon forest and other forests within the pulp wood circle. However, I am not aware that they have not been re-planting trees, leading to a change of rain patterns in Kenya.

(b) I am further not aware that the said company has not contributed anything in terms of development to the people of Trans Nzoia. However, I am aware that, over the last six years, the company has contributed Kshs607,722,579.40 to the Exchequer as revenue. That money has been used to support development programmes throughout the country, including Trans Nzoia District.

(c) My Ministry has ensured that the trees being harvested by Pan Paper Mills are those in the exotic plantations, which were established for the sole purpose of providing pulp wood to the company. The harvesting does not lead to the destruction of the environment, since the company has an elaborate tree re-planting programme in the pulp wood areas, which include Trans Nzoia District. The company also maintains the road network in the areas of its operations.

**Capt. Nakitare:** Mr. Speaker, Sir, I want it to go on record that it has become a habit of Ministers to ignore the realities of the Questions and always answer: "I am not aware!"

Mr. Speaker, Sir, Mt. Elgon Forest has been depleted. I am not aware that Pan Paper Mills has any trees nurseries along or below the slopes of Mt. Elgon. The Minister has gone ahead to tell this House that Trans Nzoia has benefitted from trees from Kaptagat and Webuye. The Minister has also said that Trans Nzoia has benefitted through HIV/AIDS programmes. All the things that he has mentioned are not within Trans Nzoia. What benefits has Pan Paper Mills given to Trans Nzoia and Mt. Elgon areas? We would like him to tell us where those benefits are!

**Prof. Kibwana:** Mr. Speaker, Sir, it is a fact that, from 2000 to 2006, Pan African Paper Mills has actually re-planted about 16,173.6 hectares of land in pulp wood areas. In Trans Nzoia, the company planted trees in 2,323.6 hectares. In Lugari, the company planted trees in 3,597 hectares. So, a total of 16,173.6 hectares of trees were planted in Uasin-Gishu, Mt. Elgon, Keiyo, Nandi South, Kakamega, Vihiga, Kericho and Koibatek. That speaks for itself.

Mr. Speaker, Sir, Pan Paper Mills also supports education. They sponsor students to Moi University every year. They sponsored the best student in Webuye Division. They give Kshs100,000 every year towards bursaries for secondary schools. They also support sports, games and recreation. They also participate in poverty alleviation programmes, including helping the *boda boda* cyclists and so on.

In Trans Nzoia District, many farmers have been involved in social farms forestry where 1.5 million seedlings have been given for distribution. I visited that particular firm about one month ago, and they showed us things which they do for the communities. Of course, that could be enhanced. I urge hon. Members from that community to visit that company, know some of those projects and benefit from them.

**Mr. Sambu:** Mr. Speaker, Sir, some of us who come from that area see a new Constitution where we control our resources as the only way out. But what the Minister has told the House is not true, whatsoever! That company is just destroying our nation. We might as well import the paper from Egypt. Could this Ministry allow the *shamba* system, so that our people could plant trees? That company does not plant a single tree, and that is a fact! Could the Minister allow the *shamba* system, so that we could re-plant the trees?

**Mr. Speaker:** Order! Before we go further, in the last four years, this Question has come in every Session. There must be much more than what the Ministers have been saying! He is not the only one!

*(Loud consultations)*

Order! It is a matter that has been coming to this House every session, in the last four years.

Records would bear me out. So, Mr. Minister, would you like to go back and look at that issue? Please!

**Prof. Kibwana:** Mr. Speaker, Sir, I think there is a problem here because I, personally, visited the mills. I was shown some of those things. As hon. Members know, the Government, itself, is a major shareholder in that firm. I think there are a lot expectations, including the *shamba* system that the hon. Member has talked about. As hon. Members may be aware, in the new forestry law, there is a provision for community participation and concessioning---

**Mr. Speaker:** Order, Mr. Minister! What I was saying is simple. For the last four years, in every Session, we have been talking about the Pan African Paper Mills. When I sit here all the time and look at the eyes of the hon. Members questioning the Minister, I see their agitation. Could the Minister, in conjunction with the hon. Members from those areas, check on what is actually happening there?

*(Applause)*

**Prof. Kibwana:** Mr. Speaker, Sir, I have no problem whatsoever in inviting the hon. Members of Parliament to visit with me the Pan African Paper Mills, so that we can clarify this matter once and for all.

**Mr. Speaker:** Maybe, I will defer the Question for one month. The issue of natural resources, utilisation and sustenance of the same, is increasingly becoming important world wide. I think Kenya is not an exception to the world trend. If you see hon. Members raising an issue, Session after Session, there must be something wrong.

So, I will defer this Question for one month. Those hon. Members who feel very strongly about this issue, please, get in touch with the Minister, so that he can arrange a visit with you. You can then go and tell him exactly what is there on the ground. If any hon. Member does not get interested on this issue with the Minister outside this House, please, let him or her not come and tell me next time that he or she wants to participate.

*(Question deferred)*

**Capt. Nakitare:** On a point of order, Mr. Speaker, Sir. The East African Legislative Assembly Members, including Mr. Serut and I, carried out a comparative study. We went to both sides of this mountain and we saw the destruction on it. Could I lead a delegation to the Minister---

**Mr. Speaker:** Order! That is exactly what I have told you to do. In fact, do more than that. Invite the hon. Minister to go with you and show him whatever you have to. Let even the public be involved.

**Capt. Nakitare:** Much obliged, Mr. Speaker, Sir.

**Mr. Speaker:** Please, do not incite the public against the Minister!

**Mr. Weya:** Mr. Speaker, Sir, some of the hon. Members affected are downstream towards the end of Nzoia River. That river used to have fish a couple of years ago. But now, we cannot find any fish because it is silty and polluted. The Members of Parliament for Budalangi, Ugenya, and I, need to be involved in that consultative meeting.

**Mr. Speaker:** Order! I have said, all hon. Members interested! I do not know whether you understand the word "interested" in ordinary terms. If you have any interest in the issue, please, see the Minister!

Last Question by Mr. Salat!

**Mr. Salat:** Mr. Speaker, Sir, before I ask the Question I would like to point out that I do not have a copy of the written reply from the Minister. However, I beg to ask my Question.

*Question No.350*ALLOCATION OF STABEX FUNDS  
TO BOMET COFFEE FARMERS

**Mr. Salat** asked the Minister for Co-operative Development and Marketing:-

(a) how much money he has given to Bomet coffee farmers through the STABEX funds since the Fund's inception; and,

(b) if the answer to "a" is in the negative, when the Fund will benefit Bomet coffee farmers.

**The Assistant Minister for Co-operative Development and Marketing** (Mr. Mwenje): Mr. Speaker, Sir, first of all, the issuing of written answers to hon. Members is done by Parliament. Once we hand them to it, it should hand them over to the Questioners.

I beg to reply.

Coffee farmers in Bomet have not been given any funds under the STABEX programme because they have never applied for them. How do we give money to people who never applied for it? Money is never given freely until you apply.

*(Laughter)*

**Mr. Salat:** Mr. Speaker, Sir, the arrogance---

**Mr. Speaker:** Order! That is even worse! Mr. Mwenje has made a statement of fact, that you have not applied for the funds. That is not arrogance, but a statement of fact. I think what you need to do is to prove otherwise. You do not do that by being unnecessarily---

**An hon. Member:** Arrogant!

*(Laughter)*

**Mr. Speaker:** No! I do not want to use that word. You do not do that by being unnecessarily war-like.

**Mr. Salat:** Mr. Speaker, Sir, when we have funds given to this country, like these particular funds from STABEX, it is not meant only for those who are able to apply. The Government has to consider the fact that there are coffee farmers in different parts of the country. It should, therefore, sensitize farmers on how to apply for these funds. It is in the interest of the Government to ensure that the coffee farmers from Bomet access these funds, so that they can uplift their living standards. Without the necessary information being dispensed by the Assistant Minister, how will the coffee farmers in Bomet know that there are STABEX funds that they are supposed to apply for?

**Mr. Mwenje:** Mr. Speaker, Sir, the hon. Member knows very well that coffee co-operative societies qualify to apply for this money. Bomet coffee farmers have not applied for these funds. Secondly, it is only in 2002, when farmers in Bomet started growing coffee. STABEX funds are purely for the development of coffee farming. The quantity of coffee harvested from Bomet District is very little. It was never even taken to the factories. People simply sold it among themselves. According to our records held by the Co-operative Bank of Kenya, they have not sold any coffee at all. Therefore, they are not qualified to apply for the funds. Now that they understand the situation, if they apply, I will give them money. However, they must, first of all, bring coffee.

**Mr. Omingo:** Mr. Speaker, Sir, now that we have listened to the combative Mr. Mwenje, could he tell the House, knowing that information is power, that the guidelines and information

regarding to access of that money was given across the board and not selectively? If so, under which system was the information passed?

**Mr. Mwenje:** Mr. Speaker, Sir, Questions on STABEX funds have come more than ten times to this House. So, the information is there. In any case, the applicant who wants to apply for a loan is the one who would go to a bank and get the information. Otherwise, we are not going to hold *barazas* to give that information. The money is there in the bank and anybody willing to apply for it, will be given the procedure and information that they require. **Mr. Speaker:** Last Question, Mr. Salat!

**Mr. Salat:** Mr. Speaker, Sir, just a while ago, you brought up the issue of resources and how sensitive their distribution is. That is why we ask Questions in this House. We heard the Assistant Minister say that these funds are actually meant to develop the production of coffee. How much money is still there for the coffee farmers in Bomet District and other parts of the country to apply for?

**Mr. Mwenje:** Mr. Speaker, Sir, we have over Kshs5.8 billion to lend to coffee farmers who are willing to show how much they have grown. I would like to take this opportunity to inform the House that the Co-operative Bank has asked farmers, through the radio, to go for the money because we have a lot of it. But it will be calculated in accordance to the amount of cherries that have been delivered to the factories. Even the amounts that were spent under STABEX have now been refunded. So, the Co-operative Bank is saturated and comfortable with money. If only the hon. Member will tell his farmers to grow coffee, we will give them money.

**Mr. Speaker:** Very well. That is the end of Question Time.  
Next Order!

### COMMITTEE OF SUPPLY

*(Order for Committee read being  
the Fourth Allotted Day)*

### MOTION

THAT MR. SPEAKER DO  
NOW LEAVE THE CHAIR

Vote 13 - Ministry of Roads and Public Works

*(The Minister for Roads and  
Public Works on 18.7.2006)*

*(Resumption of Debate interrupted  
on 18.7.2006)*

**Mr. Speaker:** Maj-Gen. Nkaisserry, you have five minutes!

**Maj-Gen. Nkaisserry:** Thank you, Mr. Speaker, Sir. According to my watch yesterday, I was left with seven minutes, but the Chair said five minutes.

**Mr. Speaker:** What have you said? Order! Order, Maj-Gen. Nkaisserry! Your watch could be defective and the Speaker's watch is accurate. You have five minutes.

*(Laughter)*

**Maj-Gen. Nkaisserry:** Thank you, Mr. Speaker, Sir. Last year, Kenyans voted against the Wako Draft because one of the most important aspect in that Draft was referring to devolution, which means that the only time citizens in some part of this country can benefit is when resources are taken to their districts. Yesterday, I mentioned that the technocrats in this Ministry never considered the effect that roads have on the economic factors of this country. They never considered security issues when they budgeted for this money.

Mr. Speaker, Sir, if you take an example of Isiolo District, which is very expansive, they only allocated Kshs14 million. If you compare that amount with what was allocated to Central Province districts, we cannot help but pose a question regarding the issue of equity as far as the Government is concerned. All the roads in Central Province were funded by the Government of Kenya while the rest of the roads in other provinces were funded through borrowed money. This means that the roads in the areas where the Ministers and Assistant Ministers are coming from will get funding immediately while those ones which were represented by other hon. Members will have to wait for the loans to be approved by the donor community. This is very unfair! A district like Mwingi has been allocated Kshs7 million, while a whole district which is smaller than my constituency has been allocated Kshs1 billion. Is that fair? This is a critical issue which we must address as Parliament. I recommend that before we pass this Vote, adjustments must be made!

*(Applause)*

We cannot accept to pass a Vote like this when some districts are getting Kshs1 billion while others are getting peanuts, yet we are talking about resources of this country. It is very shameful to allow the Government to push citizens to the back door. If you look at a district like Bungoma, which is very critical with a lot of resources, very little money was given. I am not talking about the Rift Valley Province. I am talking of Kenya in total.

If you look at the situation in Southern Ethiopia, we wanted to attract that market. Yesterday, I said that we needed a road from Isiolo to Moyale. We needed a road from Garissa to Mandera---

*(Loud consultations)*

**Mr. Speaker:** Order! Order! You know we do not do allocations in the House. When talking about the Budget, it is a serious matter. That is the primary reason why Parliament was created in the first place: To authorize taxation.

*(Applause)*

So, I urge hon. Members to treat this debate solemnly so that you can understand what you are doing! Next time, you will be told by the Minister: "Why complain, you are the ones who authorized that money". If you do not listen, you will pass things you do not know.

Proceed, Maj-Gen. Nkaisserry!

**Maj-Gen. Nkaisserry:** Thank you, Mr. Speaker, Sir. I was saying that if we wanted to trade with Southern Ethiopia, we need a road from Isiolo to Moyale. If we want to trade with Somalia in future, we need a road from Garissa to Mandera. We also need a road from Kitale to Lodwar to Lokichoggio all the way to Southern Sudan. These roads will open up markets and are very critical. Surprisingly, when you look at the allocations, you realise that Kisii Central, Gucha and Nyeri have been allocated big chunks of money. But a constituency like mine, for example,

from Hunters Lodge to Magadi has been given nothing! Where is equity?

*(Applause)*

That is why I am recommending that we defer debate on this Vote until adjustments are made. We respect the Minister. We know that the technocrats are the ones who misled him to put those things in the Vote. It is very unfair to pass this Vote as it is. It is very critical because some areas have actually been marginalized.

Mr. Speaker, Sir, yesterday, I was stunned by a Government Minister for saying that the Government is not misusing taxpayers' money. The Government has misused taxpayers' money to the tune of over Kshs25 billion, and we can prove that.

With those few remarks---

**An hon. Member:** Say if you support or oppose the Vote!

**Maj-Gen. Nkaiserry:** I beg to support.

**Mr. Midiwo:** On a point of order, Mr. Speaker, Sir. Since yesterday, we have been listening to the iniquities and inequalities in the distribution of funds for roads. Would I be in order to request you to give the Minister a chance to re-do those allocations to the satisfaction of hon. Members and Kenyans?

*(Applause)*

**Mr. Speaker:** Well, I suppose the Minister is listening attentively. This matter will ultimately go to the Committee of the Whole House and you will go through it item by item. You will pass those you accept, and reject those you do not accept!

**Mr. Ojode:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Order! Order! Hon. Members, there are certain things that should not be raised on the Floor of the House including this one. In essence, you are telling the Speaker to take charge of the Vote of the Ministry. I think there are other ways of doing this. This should be through communication between the various parties through established channels. I realize that the whipping is very weak of late. There is really very little reports, given by hon. Members to whips. Therefore, they have crippled themselves. The reason as to why we have whips in a parliamentary system is to make that go, between Ministers and parties, to make things happen. I hope everybody is listening. The gist of all these complaints, in one sentence, has been the following: Fair distribution of national resources.

*(Applause)*

That is the gist of the matter!

**An hon. Member:** That is right!

**Mr. Speaker:** So, please, keep on hammering it. The Minister is listening very attentively. Maybe, he will see reason to get in touch with you.

Mr. Wetangula!

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

Mr. Speaker, Sir, roads are critical for the economy of this country and the economy of any country. It is, therefore, important that when we deal with roads, the Ministry has to look at the whole country. I have looked through the budget of the Ministry of Roads and Public Works. I have not seen the famous Isiolo-Moyale Road; a road that we have all said is absolutely critical for



the opening up of northern Kenya. This is a road we all said if it were there, probably, our five colleagues would not have perished. I would want to urge the Minister to see how best he can juggle his budget to provide for the Isiolo-Moyale Road.

**An hon. Member:** It is provided for!

**The Assistant Minister for Foreign Affairs (Mr. Wetangula):** If it is provided for, then that is okay. I had not seen it.

Mr. Speaker, Sir, another road that is so critical to the economy of this country is the Kitale-Lodwar-Lokichoggio Road, for the opening up of our links to Southern Sudan. This is a road that even if the Government was to concession it, let it be, so that we can open up that area and benefit from the peace dividends that we have painstakingly undertaken to bring to Southern Sudan.

Equally, I would want to see a speedy implementation of the rehabilitation of the highway from Mombasa to Malaba and Busia because this is the lifeline of our economy. I know that there is the Mai Mahiu-Lanet Road project going on. One would want to see and know when the Lanet-Mau Summit, Mau Summit-Malaba and Mau Summit-Kisumu road connections are going to be done, so that we can ease the movement of traffic and goods from Mombasa to Uganda.

Mr. Speaker, Sir, one would equally want to see the much talked about dualization of the highway from Mombasa to the Uganda border to make it easy for goods to move. Today, it takes three to four days for trailers to move from Mombasa to Malaba or Busia, a distance that could take a trailer one day to cover if the road was good.

As a representative of my constituency, I also want to mention that I am not quite happy with the manner of allocation of the funds. This House, more than ever before, requires a Budget Office. We need a Budget Committee that will ensure equity, fairness and a national outlook in our allocation of resources. It is, certainly, disheartening for me from Western Province to look at the Financial Estimates and see that what are called national and provincial projects have been allocated to every province except Western Province. Not even one!

Mr. Speaker, Sir, if you look at pages 35 and 36 with regard to the National/Provincial Projects, you will see that the resources have been allocated as follows: Nairobi Province bypasses, Kshs30 million; Central Province, Kshs830 million; Coast Province, Kshs1,367,000,000; Eastern Province, Kshs1,431,000,000; Nyanza Province, Kshs554 million, and Rift Valley Province, Kshs4,644,000,000. I understand the figure for the Rift Valley Province because of the ongoing Mai Mahiu-Lanet Road project. However, there is not a single provision for National/Provincial Roads for Western Province. The province has been totally left out. This is unacceptable because the people of Western Province also pay taxes and need to be looked at.

Mr. Speaker, Sir, even the funds that have been allocated for tarmacking roads in that region, which include one road in Bungoma, the road from Kakamega to Bungoma; one road from Kamkuywa around Mount Elgon; the Khwisero-Yala Road, so on and so forth, cannot do even 10 kilometres. This is not right. I hope that in future budgets, the Ministry will re-consider these roads. If you start tarmacking a 40 kilometre road, why should you allocate it Kshs100 million? We were told last week that it costs Kshs60 million to tarmac one kilometre of road. What kind of tarmac are we going to do? This is not right and I would want to register my sentiments.

Further, we as constituencies have enormous problems from implementation of our projects by officers from the Ministry of Roads and Public Works. Every engineer in the district is either moulding culverts or in cahoots with some crooked contractors, and the road projects just do not go on. In my constituency, I put at the disposal of the District Roads Office, my District Committee Roads (DRC) funds, but roads are not being done. Every time you ask, you are told there is no grader. If you want bridges constructed, you have to go to the Provincial Works Officer.

Mr. Speaker, Sir, I want to urge the Minister to decentralise some of these departments to

districts, so that every district has a department dealing with bridges, so that when, under CDF or any other fund, we want a bridge to be done, we do not have to go to the Provincial Works office. You can imagine a Member of Parliament from Loitokitok going to Rift Valley Provincial Works Office in Nakuru to look for an engineer to do a bridge. You can imagine an hon. Member from Kibwezi going all the way to Embu to look for an engineer to do a bridge. These are things that can be done quite easily. The Ministry should post bridge engineers to every district and, eventually, to all divisions, so that we can function and utilise available funds efficiently.

Mr. Speaker, Sir, I also want to say something that the Vice-President and Minister for Home Affairs mentioned yesterday. We have roads in this country that are allocated between Kshs100 million and Kshs200 million annually for murraming and grading. I have examples in Bungoma District. There are cartels of contractors who, when a road is allocated money for murraming, all they do is to bring a grader to run all over the road and the money is taken away. This, again, has to change. For us to reduce the rate of corruption, we must check every sector of our Government. No economy can grow in the absence of proper infrastructure. We were told, previously, that this country needs about Kshs120 billion to put all our roads in a good state. The request in this year's Budget is close to Kshs45 billion. One would want to believe that by the next financial year's Budget, more than 90 per cent of the roads in this country will have been done so that we can benefit from good infrastructure in the country.

Finally, I want to urge the Minister that when he brings his supplementary Budget later in the year, he corrects the imbalances that are glaring in this year's Budget, so as to have equity.

With those few remarks, I beg to support.

**Mr. Kipchumba:** Thank you, Mr. Speaker, Sir. I wish to give my comments regarding this important Ministry. I think hon. Members have now seen the importance of having a Budget Committee and they now appreciate the importance of sharing resources properly. However, the practice we are seeing today has always been there since Independence, where money meant for the construction of roads is always taken to areas where those in authority have interests. It is a practice that has been taking place and is likely to go on until we have a Budget Committee. We want to believe that this is the last time we have to pass this Vote without having a Budget Committee in place. So, let us pass it today and correct the situation as we move along.

I want to talk about the Kenya Roads Board (KRB). This House wants to allocate more money to the KRB. Hon. Members want the 16 per cent of revenue that goes to the CDF increased to 24 per cent. That is very important because the money that goes directly to our constituencies is what is used to carry out most of the projects. However, that money can make sense to us only if engineers do not interfere with its use and become contractors. That is the biggest problem we have in this country. Contractors in every district are the ones who own construction companies. So, when tenders are floated, they are the ones who win. That is the point we should start looking at because we may continue complaining forever. We can even increase the CDF to Kshs20 million per constituency. However, as long as the District Roads Engineers are the ones who continue to give out tenders, the process of awarding tenders will not be fair. It must be supervised or awarded in the constituencies themselves. If that happens, we will see more projects being carried out with the money.

*[Mr. Speaker left the Chair]*

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

The authorities being established are good. However, we must have one additional

authority to take care of building of bridges. As long as we do not have a bridges authority, we will continue to build bridges which should cost Kshs10 million, at Kshs100 million. We should bring the authority under law just as other authorities like the Kenya Roads Board, the Kenya National Highways, the Rural Roads Authority and the Urban Roads Authority. If we bring it into law, any money that is voted to it will be used in the right way. I would like to urge the Minister to include a bridges authority in his proposal so that the money allocated to it is separated from that which is meant for road construction.

We have talked about the private sector's contribution. We have always been told, in this House, that the private sector will be given a role to play in road construction. However, so far, I have not seen a document which has information indicating that there is a move to that direction. We cannot be talking about the private sector's participation without a paper or a law or even indulging the sector to participate. No matter how long we may discuss the issue, it may never make any sense. Let us be told how the private sector will participate in road construction.

Indeed, there is a very serious lack of capacity in this country. We will vote the Kshs46 billion for this Ministry, but at the end of the year, probably Kshs20 billion will have been used. If the Minister can assure us that, indeed, all the funds will be used, then there would be need to give the Ministry an additional amount next year. If the funds we vote are not used, there will be no need of giving the Ministry additional funds. I want to request the Minister, after the Vote has been passed, to move fast and spend the money so that next year, when he makes a requisition for more, we can consider it.

We have been talking about by-passes every year. Last year, a number of houses which were built on road reserves were destroyed to give way for the construction of by-pass roads. We have seen how much congestion is in this city and why the by-passes should be constructed soon. Given the fact that we are voting in money for the development of by-pass roads, the project should start immediately so that by the end of next year, we do have heavy trucks transiting through the city centre. We should encourage the development of underground tunnels. We must reduce congestion in this city. Our city, Nairobi, is planned poorly. The other towns we have are also poorly planned and the by-passes should also be constructed in those towns. We need the by-passes and they should have been constructed yesterday. Given that houses were destroyed for the construction of the by-passes, and that money has been allocated to the project, we want the projects done immediately.

There are roads which need attention. The base of the Eldama Ravine Road, which was mentioned yesterday has collapsed. Whenever I pass there, I find contractors on site pretending to reconstruct the road. You cannot reconstruct a road whose base has collapsed. It is a waste of time because the moment it rains, the tarmac will be swept away. That road serves as an alternative route when the Nakuru - Eldoret Highway is blocked. Some of us use it as an alternative route. There is no reason why money should not be provided for the construction of that road. It is the only alternative route to Uganda, which is available.

I have class "C" roads in my constituency, but every time I need money to do reconstruction, I have to beg the Ministry to avail the funds. We have been told before that class "C" roads are supposed to be under the mandate of the Ministry of Roads and Public Works. However, that is not the case. Those roads are not taken care of. We do not want to be beggars. Road C53A has never been reconstructed for many years now. We do not want to be going to the Ministry to demand or beg for funds which have already been provided by law.

I, therefore, want to request the Minister to avail funds for the reconstruction of roads which are already classified, such as classes "A", "B" and "C" which are supposed to be taken care of by the Ministry.

Procurement, we have been told previously, has been a problem and we hope that has been

sorted out. All roads in the country must be under one Ministry; the Ministry of Roads and Public Works. Many times, we are told that some roads fall under the Ministry of Local Government. What does the Ministry of Local Government have to do with roads? Where does it get its engineers from? Why can all the roads in this country not be put under one Ministry? The reason why roads have failed in many local authorities is because we give them money and yet, they have no expertise. Most of the funds are embezzled. The way the local authorities are run is that, when they get some funds, they use them first for salaries. I, therefore, want to request that, in future, all roads, including those in urban centres, be put under one Ministry of Roads and Public Works. That can be done. That would make a lot of sense. We are duplicating roles and wasting money. We give people work which they cannot handle.

Mr. Temporary Deputy Speaker, Sir, like I said before, very little money has been provided for the purchase of equipment in the Budget. Last year, Kshs2 billion was allocated. This year, it is only Kshs42 million. I do not know whether the Minister is saying that we have enough equipment. We need more equipment! This House passed a law that every district must have a grader. We are now being told that a few have been bought. They have been distributed to 16 issuing centres. Give every district a grader! That will make a lot of sense. Most of those centres are very far from our districts. Therefore, I want to request the Minister to, in future, consider providing between Kshs3 billion to Kshs4 billion to purchase equipment and machinery.

With those few remarks, I beg to support.

**Mr. Musila:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute. I must say that I am very sad. The Ministry of Roads and Public Works has, so unfairly, distributed the resources of this country. I am quite sure that the Minister cannot be responsible for this. I say that because I know the Minister. He is a very fair man. I have worked under him as his personal assistant and deputy for many years. He is my mentor. Therefore, I can say with certainty that, this is not the Minister's work. It is very unfairly done!

Mr. Temporary Deputy Speaker, Sir, during my contribution to the Presidential Speech, I said that I will be proving to this House that this Government has deliberately been marginalising certain areas of this Republic!

*(Applause)*

I have made an analysis of all the Ministries. I want to say that the Ministry of Roads and Public Works leads in marginalising people in this Republic. From the districts' allocation, look at national and provincial roads; it is very clear where resources have gone. I do not need to repeat. It is very clear! This House should not be taken for granted! That, we sit here to approve proposals for funds to develop certain areas, while other areas languish in poverty and lack of infrastructure. It is happening in the Ministry of Water and Irrigation, Ministry of Roads and Public Works and every other Ministry, including the Ministry of Education.

I want to give an example of Mwingi District. Out of the Kshs45 billion that this House is being asked to approve, Mwingi District has been allocated Kshs7 million. I beg the Minister to remove the Kshs7 million given to Mwingi and give it to another district! It is an insult to the people of Mwingi District to be given Kshs7 million for roads! We, therefore, request that, that money be re-allocated to another Ministry or district, perhaps, Nyandarua District. Nyandarua District has almost been given Kshs1 billion! Why not give them the Kshs7 million for Mwingi District, to make it Kshs1 billion? We do not need the Kshs7 million.

Mr. Temporary Deputy Speaker, Sir, there is a road B7, from Kibwezi to Kitui. It is one of the oldest roads. Ever since I was a child, it was being said that the road would be tarmacked. It has been in the books all the time. Today, it is in this Book and is allocated Kshs7 million. A "B" road

is an international road. That B7 Road is supposed to join Maua and go all the way up to Ethiopia. But priority has been given to "E" roads. Class "B" Roads have been denied funds while Class "E" roads have been given money. Money has even been allocated to "D" roads! I want it to be very clear that we, in Mwingi District, do not require the Kshs7 million. It can be allocated elsewhere because we can do without it. Therefore, I appeal to the Minister, Mr. Nyachae, whom I respect very much, that, please, we do not require the Kshs7 million. Let it be given to Nyandarua District, so that they can get Kshs1 billion. I say that with a lot of bitterness because for how long--- We have now been in this House for close to four years. But, every year, we are promised that things will be different in the following year. But when I get these books, they are the same or even worse!

Mr. Temporary Deputy Speaker, Sir, let me mention something about the Kenya Roads Board (KRB). I will not say much because I am angry! I cannot say much when I am angry. The KRB, through the District Roads Committees (DRCs), has been distributing money to constituencies for the purpose of developing or improving rural access roads. Last year, every constituency, including mine, got Kshs6.5 million. At the end of the financial year, that money had not done any work despite the fact that, the KRB had produced a programme that we set and approved. When we asked the roads engineers, they said: "We did this or that road". However, nothing was done on the ground. I have raised that matter with the Assistant Minister, Eng. Toro. The engineer cannot co-operate because he is in cahoots with other people. They consume that money by doing things like bush clearing. In Mwingi District, there is no bush to be cleared. We have not received any rains for the last four years. So, the Kshs6.5 million for our constituency went to the engineers and their friends. There is nothing to show for it. To prove that, I ask the Minister to send an auditor to audit the funds. He will find out that no road was done. Now those funds have been increased to Kshs11 million per constituency. There is nothing to celebrate about. What will happen is that the engineers will now have more money to "eat" with their friends. We must find a solution to that problem because we do not want to cheat our people that we are---

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

**Mr. Musila:** I beg your pardon, Mr. Temporary Deputy Speaker, Sir. We do not want to tell untruths to our people that we are voting money to improve their roads, when we are not. We want the Ministry to prevail upon the engineers to stop using those funds the way they want. That way, we can improve rural roads. We recommended in this House that those funds could do a better job if they were utilised through the Constituencies Development Fund (CDF). We can already see what the CDF is doing. If all the constituencies are like mine, I would like to submit to the Minister that money that is being sent to the constituencies by the Kenya Roads Board is not serving the purpose that is meant to serve. It can only serve the purpose if the funds are audited. When you ask the Mwingi District Roads Engineer what roads he has done, he tells you that he did certain roads, but for the whole financial year, a grader never passed through some of the roads that he claims to have done. Where did the money go to?

Mr. Temporary Deputy Speaker, Sir, if this is the trend, we will not develop this country equitably as we intend to. Again, I want to insist that we must find a way of allocating resources in this country. Money should not go to certain areas and not to others. For example, in the Ministry of Water and Irrigation, we have seen money being allocated to areas where there is water and not to areas where there is no water. I take it that we have received no money in Mwingi District and I beg my good friend, the Minister, to re-allocate the Kshs7 million to another district, so that we can say that we received zero amount of money in this year's Budget.

**The Assistant Minister for Health (Dr. Machage):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to request hon. Musila to donate that Kshs7 million to Kuria District because we have received nothing?

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! That is not a point of order, Dr. Machage!

**Mr. Khaniri:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for according me the opportunity to make my contribution to this very important Vote. At the very outset, let me take this opportunity to congratulate the very able Minister for the way he moved his Vote.

When NARC took over power in 2002, one of the greatest expectations of Kenyans was that the road network and infrastructure in general in this country was going to improve tremendously. During the campaigns, we made so many promises to Kenyans and we raised their expectations. We said: "*Yote yawezekana!*" When we took over the Government, this was not to be. This Government has failed Kenyans totally in terms of the road network and infrastructure. Kenyans are very disappointed with this Government and if the Government does not know that, it should wait until December, 2007, when we go for the elections and it will face the full wrath of Kenyans. The Government should know that it has let us down badly.

Mr. Temporary Deputy Speaker, Sir, road network and infrastructure are very important for any country. It is high time that the Government invested heavily in our roads, to ensure that we have good roads. It is high time that we allocated enough resources to the Ministry of Roads and Public Works to enable it to undertake the works that it intends to undertake in this financial year. We cannot be saying that we want to revive our economy when we have a very poor road network. Any development revolves around the road network and infrastructure.

For our tourism sector to flourish, we will definitely need to have good roads. For us to benefit fully from our agricultural activities, we will need to have good roads for the farmers to take their farm inputs to the farm and their produce to the market. Therefore, the issue of a good road network can never be over-emphasised.

Mr. Temporary Deputy Speaker, Sir, one issue that always comes up when we are discussing the Vote of the Ministry of Roads and Public Works is the issue of fair distribution of resources to all corners of this country. When the NARC Government took over power, it was expected that the idea of allocating resources to politically-correct constituencies or areas was going to be a thing of the past. It is unfortunate to note that this Government has perfected that art. It is worse than it has ever been before. It is very clear in the Printed Estimates that some areas have been heavily favoured in the distribution of these resources. That is why we are saying that we are going to be hesitant in passing this Vote until the resources are re-distributed.

I want to urge my colleagues that we must all remain here, sit firm and ensure that this Vote does not go through until the Minister re-distributes the resources. We are all equal taxpayers. There are no special Kenyans. We are all Kenyan taxpayers and we expect to have an equitable distribution of resources.

Again, when the NARC Government took over power, it gave a very firm undertaking that it was going to eliminate the cow-boy contractors in this country. It is sad to note that slowly but surely, the cow-boy contractors are finding a place in this country again. The kind of works that are being done on our roads are very wanting. Contractors are making roads that do not last even for five years. A road is done and within five years, it is completely worn out. We should improve on the available technology than going lower than what used to happen. In the 1960s and 1970s, contractors used to make roads that lasted for 25 to 30 years. What happened? I would like to urge the Minister to be very tough on the contractors and ensure that whenever a contractor is given a job to do, he does it to the specifications in the books.

Mr. Temporary Deputy Speaker, Sir, I am happy that the Government is finally doing something about the Naivasha-Nakuru Road. This is a very important road to this Republic. It is one of our international highways. It has been a nightmare for the users of that road, especially some of us who have to use the road to get to our constituencies every weekend. We are happy that

works are going on, on this road. However, I want to make one complaint to the Minister about the speed at which the contractor is undertaking the works. I thought that part of the agreement was that the detour must also be maintained by the contractor. The detour is a nightmare; it gets very dangerous driving on it at night. So, I want to urge the Ministry to ensure that the contractor completes this job in time. The Ministry should also carry out inspections to ensure that the contractor completes the job to the required specifications.

Mr. Temporary Deputy Speaker, Sir, I also want to thank the Government for providing funds to complete Kambogi-Serem Road, which happens to be in my constituency. This is a project that stalled more than five years ago. I am so happy that resources have been found through the People's Republic of China, to complete the road. All we want to ask is for the process to be expedited so that works commence very soon. I also urge the Minister to ensure that the contractor does a good job, not like the one who was there earlier on who did the job and after a few months, the tarmac was peeling off.

Mr. Temporary Deputy Speaker, Sir, last but not least, I want to talk about the Roads Maintenance Unit. When I was in the Ministry, we used to have a unit within the Ministry that was known as the Roads Maintenance Unit. This is a unit that has failed this country totally. It is pointless for us to invest a lot of taxpayers' money in constructing a road and then we fail to maintain it. This particular unit should take its work seriously and make sure that roads are well maintained; drainages are opened always because flooding destroys the roads. They should make sure that potholes are resealed before the road is totally damaged.

With those remarks, I beg to support.

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

First of all, I want the Ministry to look into the cost of road construction. As a valuer, I do not think the costs that we are being treated to in roads construction are real costs. We tender for these contracts, but I think we should do a little bit more in trying to ensure that the cost of road construction is reasonable. I want to challenge the engineers in the Ministry to ensure that before any work is tendered, they should have an engineer's estimates from which we would be able to gauge whether the bidders are actually giving us the correct costing.

Mr. Temporary Deputy Speaker, Sir, Mbagathi Road in Nairobi is a case in point. I understand that road will cost over Kshs400 million, yet it is hardly six kilometres. I know they are trying to introduce concrete technology in road construction. I think that is the wrong way to go. Concrete is in itself very expensive. I urge the Ministry to abandon that technology.

Mr. Temporary Deputy Speaker, Sir, there is the issue of equitability in sharing the national cake. I think, as Government, we should do that. But it must be understood that for many years, Nyandarua District has been neglected. It is now that I think the current Government has done some kind of balancing. The money that has been voted to build a road in Nyandarua is from donors. This road is not only important to Nyandarua, but also to Laikipia and Samburu districts. It is the road that links those areas with Nairobi. The late J.M. Kariuki used to complain about this road when he was serving in the Kenyatta Government. Mr. Kimani Wanyoike used to complain about it during the Moi Government. We have complained about it during the Kibaki Government. This is a very important road to Nairobi. I can assure this House that this road will bring a lot of food to this town; food that is being wasted in Nyandarua District.

Mr. Temporary Deputy Speaker, Sir, while we are thankful to the Government for considering this road through donor funding, I want to remind the Ministry that there was a Road D388 which joins Road C69 that ought to be considered, because the Ndaragua people cannot join to this road unless Road D388 is completed. It is a road that requires to be upgraded from "D" class to "C" class, because it is very important as it will open up tourism activities.

Mr. Temporary Deputy Speaker, Sir, I want to address myself to the ownership of roads in this country. While Kenyans have owned schools and health centres, it appears that they have not owned their roads. I want to suggest that in the rural areas, we need to have local roads committees so that the roads can be owned by *wananchi*. There are many areas in this country where rural roads have been encroached and they are becoming smaller and smaller such that even vehicles cannot pass. The Ministry should look into that. The Ministry should liaise with the Provincial Administration to see that something is done towards this end.

We have the phenomenon of roads passing through forests. While I agree with Prof. Maathai that we do not need to clear some of the road reserves, we have a problem of security. I was travelling to Eldoret the other day and I passed through Eldama Ravine and Torongo. Much of that road passes through the forest. I agree with hon. Kipchumba that it requires some patch-ups. But the point is that while I agree that roads should pass through forests, there is a lot of insecurity along those sections. There is, for example, the Nyahururu-Nyeri Road which passes through my constituency, and for 15 kilometres, it is inside a forest. That is where we have the greatest insecurity in Ndaragua. The Ministers for Roads and Public Works and Environment and Natural Resources should come together and see what can be done about those roads. We have lost a lot of lives particularly in a spot called Kianugu on that road.

Mr. Temporary Deputy Speaker, Sir, as I support this Vote, I want the Ministry to beware of variation orders. The Chairman of the Public Investments Committee (PIC) spoke about them yesterday. I am also a Member of the PIC and we keep on complaining that a lot of money is expended and misused through the so-called variation orders. We have said in the PIC that we shall deal very firmly with any contract that has a variation order which is not within the original contract. I want to confirm this because this is one way in which money has been misused. You heard hon. Waithaka yesterday talk of Kshs400 million being spent on a 20-kilometre road through a variation order. A variation order should only be given within the original contract and it should not be more than 10 per cent. Sometimes it costs more than the contract itself. So, we have expressed this through the Kenya Roads Board (KRB) when it appears in the PIC meetings and I am echoing that we shall deal very firmly as Parliament with variation orders.

Mr. Temporary Deputy Speaker, Sir, I hope that, in the near future, the Budget Committee will look at all Ministries' Estimates very carefully because I think it is not right that certain corners of this country should be complaining while others are not. Even us in Central Province are not happy. I would like to thank the Government for the roads it has constructed in Nyandarua District but they have come as a result of a lot of pushing and pulling.

Mr. Temporary Deputy Speaker, Sir, I want to address myself to the District Roads Engineer (DRE). This person reports to the Chief Engineer, Roads, from whom he gets some administration money. He also wants some administration money from the District Roads Committee (DRCs) and the Constituencies Development Fund (CDF). This person will soon be a malingerer that this Ministry will not be able to control because if he wants to supervise work that is being funded by CDF, he wants administration money. I hear that he has to take 7 per cent of DRC money in the name of administration expenses and this is happening in my district. Also when he is resealing roads that are under the Chief Engineer, Roads, he also wants administration money. We wonder how big the office of the DRE is; that it is being funded by everybody in order to maintain it. I think that is an issue the Ministry should look into. If that is done, then we shall see light at the end of the tunnel.

Mr. Temporary Deputy Speaker, Sir, on the whole, I support this Vote and I urge the House to do the same.

**Mr. Ochilo-Ayacko:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me an opportunity to contribute to this very important Motion.



Mr. Temporary Deputy Speaker, Sir, I stand here a very disappointed Member of Parliament. I stand here expressing the disappointment of many hon. Members of Parliament. We have, year in, year out, talked about the Rongo-Homa Bay Road. The Rongo-Homa Bay Road is well known to the Minister and everybody in this House. That road has been allocated a paltry Kshs7 million. If you look at part of that road between Rodi-Kopany and Rongo, it is easier to drive through the bush than driving on that road.

*(Applause)*

I must confess that I have not been to Homa Bay for the last two years because of that road. I confess further that I will not go to Homa Bay for another year because that road will still be in that state.

Mr. Temporary Deputy Speaker, Sir, the resources of this country belong to all Kenyans and this House is a House of justice and fairness. If you look at the manner, way and style in which these funds have been shared out, there is no justice. We could be the minority but justice has been defeated by the manner of distribution of resources in this House. It is tragic that some people who may not have travelled to other parts of the country are cheering the Ministry on and saying that the allocation is fair. If you look at what has been allocated for Nairobi and add that to what has been allocated to Central Province, we are talking about Kshs6 billion.

Mr. Temporary Deputy Speaker, Sir, not all of us live in Nairobi, Central Province and even the neighbouring environs but we must know that the economy of this country is interconnected. What is being produced in Mount Elgon, Uasin Gishu and Kitale must reach Nairobi. What is in Lake Victoria is as much property of Kenya as what is in Coast Province. So, if we are approving the allocation of money in this style and there is no guarantee that Coast, Nyanza, North Eastern and Eastern provinces will be captured by a more magnanimous Ministry next year, then what those people have is not hope but doom.

So, I want to ask Members of Parliament who are in this House and who love this country, to show that love by thinking about fairness to other areas that do not have a voice in the Government.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, the Minister is a very good friend of mine. He is elderly and we respect him and I am sure that in his youthful days he used to love visiting Homa Bay, Sori and Kendu Bay and he can only do so by improving the roads to that side of the world. We have no problems whatsoever with allocations that have been given to other places but we want fairness in these allocations. Hon. Ojode here has to come and sleep in my constituency and tip-toe to his area because there is no road called Rodi-Kopany-Karungu Road. So, this is really tragic.

We might talk about the recovery of the economy of this country and an economic growth rate of 5 per cent but that economy seems to be hanging around Nairobi. If you ask those who are outside Nairobi whether there is an economy, they look at the road and say: "That economy [must be flying in the air or it is floating somewhere in the sea". It is important for us to be fair in this one. It is also absolutely important for us to think of others in the minority who equally need these roads.

**Mr. Ojode:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member contributing to this very important Motion to say that the Rodi-Kopany Road has not been tarmacked whereas the President ordered that it be tarmacked with immediate effect?

(Laughter)

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Mr. Ochilo-Ayacko, do not respond to that statement because it is not a point of order!

**Mr. Ochilo-Ayacko:** Mr. Temporary Deputy Speaker, Sir, I agree. I entirely sympathise with hon. Ojode since he might soon use *boda boda* to his home since there is totally no road there.

(Laughter)

Mr. Temporary Deputy Speaker, there is indication that some money is being given to the District Road Engineers. The Members of Parliament who are expected to "participate" in the efficiency with which money is utilised and eventual services to the public are edged out completely. We meet, talk about roads and say that Road "A" should be done but when we look at what has been done, you will find out that it is like what our people say that "ploughing using goats is very different from ploughing using the oxen". The roads are so badly done. If somebody does not come up with mechanisms of empowering the stakeholders at the grassroots, so that they satisfy themselves that the paltry money given to them is properly utilised, then the attempt of giving it to the districts and constituencies ends up being a mockery. It ends up eating more money and creating bureaucracy that is not necessary.

Mr. Temporary Deputy Speaker, Sir, we usually drive when going to our villages. Without asking for the sympathy of the House, recently, my wife had an accident because of the poor state of the Mai Mahiu Road. I know that some money has been put aside for repair and maintenance of this road. However, there is need to link parts of this country to the centre, which is Nairobi. The road works going on between Naivasha-Nakuru and Nairobi-Mai Mahiu is very slow. It is going on forever. Our people keep on dying as a result of road accidents. Mr. Ogur had a terrible accident a few months ago.

**Mr. Ogur:** That is true!

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Ogur! Will you, please, sit down?

Proceed, Mr. Ochilo-Ayacko!

**Mr. Ochilo-Ayacko:** Mr. Temporary Deputy Speaker, Sir, we want the little money allocated for the repair of those roads to be properly utilised.

Migori District, for example, has been allocated Kshs50 million for the public works activities. The Kshs50 million ostensibly is for putting up the district headquarters. There was so much *hullabaloo* about the creation of new districts during the referendum. However, we do not see anywhere, on the ground, where such districts are covered. I sympathise with Mr. Ojaamong when he brings his Bill because he was granted leave by this House to do so. What will happen to those facilities, if the ones that are already in existence are not catered for in the current Budget?

Mr. Temporary Deputy Speaker, Sir, I want to conclude by asking all hon. Members to urge the Minister to look at this document again. He should look at it fairly so that every villager and urban dweller is happy about the work of the Government. When we talk about roads, we are talking about the general well-being of the country.

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

**Mr. Angwenyi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Motion. The road network is the circulation system of an economy. This year's Budget has tried to address some of the issues we raised last year. However, they have not all been addressed.

**COMMUNICATION FROM THE CHAIR**  
ADVICE TO MEMBERS TO MOVE AMENDMENTS  
BEFORE THE HOUSE GOES INTO COMMITTEE

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Angwenyi! Just a minute. I want to bring to the attention of hon. Members that at 5.30 p.m. we will go in the Committee of Supply. If there are any hon. Members who want to make any alterations or move any amendments, we will give you up to 5.30 p.m. to submit in your requests for approval. There after we shall not accept those requests. We will strictly adhere to Standing Order No.142.

Proceed, Mr. Angwenyi!

*(Resumption of Debate on Vote 13)*

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, as I said, the infrastructure, especially the roads is what maintains an effective and positive economy. Year in, year out, we have seen certain areas which do not receive any money for repair and construction of roads. Some of these issues have been addressed in this year's Budget. I hope most of them will be cleared next year.

I would like to thank the Minister for allocating funds for a very important road, the Mai Mahiu-Nakuru Road. This road is impassable at present. I hope the amount which has been set aside for that road will be used immediately we pass this Vote. That road serves the Maasai Mara National Game Reserve and the south-western part of this country. That road serves the people of Rachuonyo, Homa Bay, Migori, Kuria, Kisii Central, Gucha, Kericho, Bomet and Trans Mara districts.

The amount of money which has been allocated for the road from Mai Mahiu to Lanet should be utilised quite quickly. If you were to drive on that road, by the time you get to Nairobi, if you are coming from Nakuru, your vehicle will be in tatters. Year in, year out, an amount is allocated to this road, but nothing happens. At the end of the year, the road is in the same state it was at the beginning of the year; probably worse. I could give an example of Kisii-Miruka Road in my constituency. In the Budget for the Financial Year 2003/2004, this road was allocated Kshs50 million and nothing was done on that road. The following year, with the wisdom of the Ministry, they reduced that amount to Kshs20 million, but nothing was done. This year, I am glad to note that it has been allocated Kshs100 million. I hope this is a true allocation of funds for this road, and that the road will be done this year.

Mr. Temporary Deputy Speaker, Sir, I have seen, with a lot of happiness, that the road from Isiolo to Moyale where my late friend, Galgallo came from. I wish he was alive today, will be done. However, let us not have an amount allocated in the Printed Estimates, but without the actual intention to do the road. The Ministry should take charge of these roads. As my colleagues have said, many times the engineers and the bureaucrats have messed up the road network. The money is allocated, but they siphon it. They use it for their own purposes. They give contracts to their own companies. It is time the engineers were asked whether they want to do their private business or they want to work for the Government. If they are conducting private business, they should be asked to resign, so that they can concentrate on that provision. We will not make progress if we do not manage the utilisation of funds allocated through the Budget for our road network.

Mr. Temporary Deputy Speaker, Sir, I have seen that there is a road I have been asking Questions about for the last two or three years. This is the Narok-Mai Mahiu-Nakuru Road. This road is very critical. It traverses through a very potential area which is likely to become the granary of this country. I hope the Minister will consider it next time and allocate it enough funds.

Another road I would like to talk about is the Chebilat-Ikongge-Chebera Road. The President promised the people of that area that, that road would be done. However, I do not see any amount of money allocated for that road. That road also traverses through a very potential area. If it could be connected to Litein, then it would serve two very potential districts.

Mr. Temporary Deputy Speaker, Sir, I note that in the provincial allocations, Nyanza Province, which contributes a lot to this economy, has only been allocated Kshs500 million whereas some provinces are receiving Kshs4 billion to Kshs6 billion. I have heard hon. Members from those provinces complain. I wish the Minister would take away money from those provinces, which have received Kshs4 billion to Kshs6 billion and allocate that money to Nyanza Province. We are willing to have the amount of money that was surrendered by Mr. Musila. I would like to have it. We can, at least do a road delivering our tea to a tea factory so that we can earn money to pay taxes. We need to establish a roads and transport authority that utilises the money. Once the Kenya Roads Board (KRB) has received the money, that authority will implement the utilisation of those funds.

Mr. Temporary Deputy Speaker, Sir, I beseech the Minister to change the policy of maintaining roads in high rainfall areas like Nandi, Kisii, Kakamega, Kericho, Nyeri, Nyandarua, Uasin Gishu, Mt. Elgon, Bungoma and Meru. In those areas, even if you do gravelling in a month, within two or three months, that gravel is washed away. So we should change the policy and adapt what has been adapted in South Africa where you do proper gravelling but you apply a single or double seal over that gravel. This will ensure that the roads can withstand the pounding of heavy rainfall. If that were to be done, we would save a lot of money. We might spend a little more but I understand that will cost between Kshs3 million and Kshs5 million per kilometre instead of spending Kshs2 million just to gravel and yet it will be washed away within a month or two and make the roads impassable. The Minister should adapt that new policy and replicate it in this country because it has been tested, tried and found to be correct in South Africa and other areas. This will enable us to have good roads like to have the Kenya Tea Development Agency (KTDA) roads we had in the 1960s and 1970s. That will save this country a lot of resources. It will also make our roadways motorable all the year round.

Mr. Temporary Deputy Speaker, Sir, the other aspect I would like to talk about is concessioning of the roads network. This has been tried in a country like Germany. Our Departmental Committee on Energy, Communications and Public Works visited Germany two months ago. We also visited the United Kingdom two months ago and we saw roads that had been constructed on the basis of concessioning. Since we have already adapted concession policy for our railways, I wish the Minister would consider concessioning a lot of roads, especially the main highways; the ones which consume billions of shillings, year in, year out. He should consider concessioning them so that we can have them done by private developers who will recoup their investments over a period of time. Thereafter, they will hand over the roads to the Ministry.

The last aspect I would like to talk about is procurement. It takes, on the average I understand, 23 months to complete a procurement transaction on road construction. Recently, we enacted the Public Procurement Act here in Kenya. The Ministry should implement that Act so that we can reduce the period of procurement from 23 months to six months. That is the only way our implementation rate in construction and maintenance of roads can be attained. A higher level of implementation will be attained and we can have our roads well prepared.

Finally, Mr. Temporary Deputy Speaker, Sir, when the Ministry gives out contracts, the contractors should be required to construct a road that lasts, at least, five years before the cracks emerge. Currently, there was a road which was being constructed in Eastern Province and our Committee visited that road. It had been done about four months earlier. When we visited it, we found that it was chipping off at the shoulders after only four months. That contractor had been

paid close to a billion shillings. The Ministry must demand and have it in the contract agreement that the road must last between five and ten years. In Australia, a road contractor must construct a road that lasts, at least, 15 years before it is attended to for maintenance.

With those few remarks, I beg to support.

**Mr. Sambu:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me time to contribute. I wish, at the outset, to support the proposals in this Budget.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Sambu! You have five minutes upon which we shall call upon the Minister to respond.

**Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, I will request the Minister to give me two minutes because I am supporting it.

I do not even want to talk about this because, for as long as we do not have a Budget Committee, what is the point of coming here to oppose or support? Nothing will change! Things will only change when we get the Budget Committee and a new Constitution. Unfortunately, those of us who are in this thing called ODM who were supposed to be looking for a new Constitution are now busy looking for the presidency; the same presidency which we opposed. What is the point? I will, therefore, speak about the District Roads Committees (DRCs) and the Kenya Roads Board Act. I hope that some of those officers will listen. The mess happens in the districts even if this money is allocated. So, first, we want the DRC to receive 24 per cent and not 16 per cent. That 24 per cent should go to the constituencies. It should be part of the Constituencies Development Fund (CDF). As it is now, the 16 per cent which comes through the DRC does not do any work. In Nandi North where Mr. Tarus and I come from, the DRC has not met because the District Roads Engineer who was there, an Eng. Achwala, and another one called Mr. Otula are the lords of the day. They tell us off in the meetings. There was another called Mr. Odek. When auditors went there, Mr. Odek claimed that a road, I think it is E301, had been gravelled and claimed Kshs1.2 million. Where is the murrum? The road was not gravelled. There is nothing to show for it. A school bus that had just been bought overturned there. Yet when we are in a DRC meeting they speak in their language; Dholuo or something I do not know. So, we are saying that nothing will change until we get a new Constitution.

If this nation will not give us a new Constitution, fine enough, they will go the Rwanda way. Do you think that some of us are going to just sit while our districts produce the resources and we pay taxes yet when it comes to allocating the resources we get zero?

**Mr. Ojode:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It is true that we have discussed and debated on this particular Vote. You have also realised that there are a number of complaints that some districts have not benefited from the allocations. I would, therefore, wish to move that we postpone the debate on this particular Vote until those allocations are equitably done.

**The Temporary Deputy Speaker** (Mr. Khamasi): Under which Standing Order?

**Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, since he does not even know the Standing Orders of this House and he cannot quote them, we shall not postpone the debate!

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Sambu! Let us hear Mr. Ojode!

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, if you look at Standing Order No.21, it will confirm the very reasons which I am putting to the Chair.

Mr. Sambu, should not argue with bitterness!

**Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, we want 24 per cent of the money to go to the District Roads Committees (DRCs), and we should let it be controlled by the DRCs. The DRC must be convened by its chairman. In my district, engineers, whom I have named, have refused to call a DRC meeting. We have not had a DRC meeting for a long time.

Let me say one more thing because I have no time left. Our road, Mosoriot-Chepterwai, was allocated Kshs10 million in the Financial Year 2004/2005 for design work. It is difficult for this Ministry to design a road, and this money was returned to the Treasury. If the Nandi people are not good, then why do you require tea from our area? If they are not good, then why should you need our milk and maize?

**An hon. Member:** Your time is up!

**Mr. Sambu:** My time was taken up by hon. Ojode, who rose on a point of order to raise something he could not substantiate according to Standing Orders! So, who will compensate me for the time lost? What I am saying is that we can pass this Motion but if we can have in place a new Constitution to guide the allocation of resources properly then wait for something more serious. If your engineers come to design our road, I will tell them off!

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Order, hon. Members! I am still consulting the Clerk of the National Assembly about the application by hon. Ojode. While I do so, it is time for the Minister to respond.

**Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, I have not finished!

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Sambu! While I consult on the application by Mr. Ojode, I will ask the Minister to respond.

**The Minister for Roads and Public Works** (Mr. Nyachae): Thank you, Mr. Temporary Deputy Speaker, Sir. With your permission, I would like to donate two of my minutes to hon. Keter, two minutes to Dr. Machage and two minutes to Mr. ole Metito.

**Mr. Keter:** I want to thank the Minister for giving me two minutes of his time.

From the outset, I support this Vote. I support it despite the fact that Kericho District, where I come from, has been given zero allocation for roads. I say this because the Sotik-Ikong-Sondu Road does not pass through Kericho District. It is in North Mugirango Constituency and does not pass through Kericho District. However, I want to say that since Independence Belgut Constituency that I represent has not had any allocation for roads construction. But I thank the Minister for allocating money to Sigawet Hospital in my constituency. This hospital was built way back in 1989. In this Budget, the Minister has allocated it Kshs90 million for its rehabilitation and completion. This is a facility which is situated at our border with Nyanza Province. It is located at a very strategic location.

Another issue of my concern is our weighbridges. There are always long queues at weighbridges. I propose that the Ministry starts using cross weight instead of using axle weight. This is because, given the uneven road network in our country, we should not use axle weight; doing this is not convenient. This will also eliminate the rampant incidents of corruption at our weighbridges.

I also want to say that the Resealing Unit of the Ministry should be doing a lot of work. When you travel from Nairobi, you will find that the road network is not bad until you reach the Kericho District border, all the way to Awasi. The Resealing Unit is not doing any work, because there are a lot of potholes on the stretch of road to Awasi. From Awasi onwards, the road is a bit better. So, I call upon the Ministry to reactivate its Resealing Unit, so that our roads can be repaired.

**The Assistant Minister for Health** (Dr. Machage): Mr. Temporary Deputy Speaker, Sir, I also support this Motion. However, I would like to make a few remarks.

It is evident that Members of this House have complained about inequity in the distribution of resources by this Ministry. Equitable distribution does not mean equal distribution. A framework

was prepared for the last three years by a former Minister for Roads and Public Works. Huge projects were earmarked in certain provinces and districts. Indeed, the current Minister was forced to allocate resources to complete those projects. Otherwise, it will mean that this House will have to resolve that work on the projects that were initiated by the former Minister be stopped so that funds can be reallocated to other areas. Indeed, in my district has received nothing for roads. However, I think we are being unfair to the current Minister for Roads and Public Works. He was forced intentionally by somebody else to act in a certain way.

I am aware that there will be more money from the Fuel Levy Fund, but he is also required by the laws of this country not to talk about it in his budget. My request to him is, whereas he has distributed Kshs11 million to every constituency, it will be prudent to ensure that any extra money that will be available is awarded to those districts that have received nothing. Indeed, one hon. Member said that Kshs7 million for Mwingi District should be given to another constituency. I suggest that it should be given to Kuria District. I wish hon. Members had the power to reallocate it. I would rejoice if it was given to Kuria, because Kshs7 million for my constituency is better than nothing.

I would like to also remind the Minister that His Excellency the President has made certain pronouncements on construction of important road networks in certain areas. In my area, the Migori-Kehancha-Kilgoris-Lolgorian-Narok Road, which connects my constituency to Nairobi is of importance. It will reduce the distance to Nairobi by over 200 kilometres. It would be lifeline for my people.

With those few remarks, I beg to support.

**Mr. ole Metito:** Mr. Temporary Deputy Speaker, Sir, I want to support this Motion.

I would like to talk about Emali-Loitokitok Road. This is a very important road for the economy of this country. For the last three financial years, money has been allocated to this road but nothing has been done. In the Printed Estimates for 2004/2005, Kshs180 million was allocated for this road. In last Financial Year, 2005/2006, Kshs400 million was allocated to it but nothing was done. In this financial year, 2006/2007, Kshs600 million has been allocated for this road. I would kindly request the Ministry to tarmack this road this time.

With those few remarks, I beg to support.

**The Minister for Roads and Public Works (Mr. Nyachae):** Thank you, Mr. Temporary Deputy Speaker, Sir.

First of all, I want thank hon. Members for their contributions. I want to assure them that their expressions, sentiments and complaints will be taken seriously. We will do the best we can to correct anomalies that have happened.

Mr. Temporary Deputy Speaker, Sir, it is true that there is need to correct anomalies. However, it is also a fact that in order to correct these anomalies, you have to go through a process. There is no way I would have stopped the contracts that are already signed and ongoing in order to divert the money to new projects just for the sake of equitability. My intention is to phase out the ongoing projects, hopefully, within this financial year so that when we move forward, we are able to take seriously the needs of every area.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, when we talk about the allocations shown in the Printed Estimates, by law, I am not supposed to include the money that has been collected through the Kenya Roads Board (KRB). The money from KRB is equally distributed among all constituencies. The amount of money given to each constituency is Kshs11 million. Over and above that, with your approval of this Vote, it does not mean that we have reached the end of

making adjustments. For instance, if we realise that an ongoing road project might not be completed in time and thus requiring that money be returned to the Treasury, we will divert the money to the needy areas. So, we are there to continue the adjustment programme.

I want to assure hon. Members that my Ministry is there to serve every corner of the country. We would like to urge hon. Members to draw our attention any time they see something going wrong. We will act immediately.

With regard to the issue of engineers not doing their work correctly, I know that there are some who have overstayed in the Ministry. Others have done strange things in their districts. In fact, the problem we have had is that some officers from the Ministry have, over the years, formed their own hidden companies. Over the last six months, I have had to transfer more than 100 engineers.

*(Applause)*

We are continuing with the exercise which does not only target engineers, but also architects. Therefore, if you have concrete information, we welcome it. However, personal dislike of an officer is not enough reason to take disciplinary action against an officer. Let us have concrete evidence and we shall surely deal with that officer. It is true that we have transferred a good number of them and suspended others. So, we have not turned a deaf ear to what is going on in the country.

Mr. Temporary Deputy Speaker, Sir, the creation of new institutions will be done after the relevant Bills have been brought to this House. You are the ones who will advise on how we finally establish these new institutions. You will, in fact, decide what kind of institutions we are going to have. This is not a matter for the Ministry or Government alone.

Donor-funded projects normally have a lot of delays. Sometimes hon. Members may complain that we are not moving fast enough. However, it is a major problem that once you have agreed in principle with the donors, then you have to agree with them on the consultants also. Once you have

done that, the design that you come up with must be sent to the donors for approval. Once the approval has been received, we have to do the same thing about tendering. The tenders have to be sent to the donors too. They really take us in circles and so it takes too long. However, I want to assure this House that we are speeding up what is already in the pipeline. Two months ago, I communicated with the World Bank and we have agreed that they will accelerate whatever bit is on their side with regard to our proposals. We are also in discussion with the European Union (EU). So, hon. Members, we are doing what we can.

Mr. Temporary Deputy Speaker, Sir, the hon. Member for Taveta mentioned her district in her speech. I did not ignore her district. I am, in fact, at a very advanced stage of negotiating for funds from the EU to construct the Voi-Taveta Road. However, I cannot indicate that in the Printed Estimates before the agreement is signed. I am not blind to the needs of the people of that area.

There are certain roads that were mentioned here and they are actually in our programme. For instance, we have almost completed discussions with the EU with regard to the Mau Summit-Kericho-Kisumu Road. Also, we have already awarded contracts for the Nakuru-Mau Summit Road and the Mau Summit-Timboroa Road. So, we are making a lot of progress. The road from Likoni Ferry to Ukunda is in our programme. We have started to construct a bypass from Mazaras to Ukunda. It is only that we cannot include everything in the Printed Estimates and especially when the programme is not ready. Some hon. Members have complained that their districts have been neglected. My colleagues from Nyanza Province, especially Kuria and Kisii districts, have complained bitterly that no money has been allocated to construct roads in their districts. However,



the truth of the matter is that there are ongoing programmes in those districts only that I did not put them in the Printed Estimates. For example, Butere-Musanda Road; and Ugunja-Ukwala Road have been allocated Kshs109 million in the ongoing programme. Kombewa-Maseno Road project has been allocated Kshs109,670,000 while Awasi-Katito Road has been allocated Kshs137 million. In North Eastern Province, the Mandera-El Wak Road has been allocated Kshs294 million although it is not indicated in the Estimates. So, it is not compulsory that we indicate in the Estimates what is ongoing.

Mr. Temporary Deputy Speaker, Sir, hon. Members talked about road bumps. This is not the responsibility of the Ministry. It is schools or hospitals which complain first and then the District Development Committees (DDCs) write a report. When we get the report we contact the traffic police. Normally, what we do is to place road signs to warn motorists and also give specifications of the bumps to be erected. Some bumps are too high and others too rough. We need to standardise our specifications on bumps.

I agree that we need to come up with a policy on road gravelling. Once we agree on that, I will seek audience with the Departmental Committee on Energy, Communications and Public Works. I will brief them and require them to advise me accordingly with regard to my Ministry's policy on road gravelling.

Mr. Temporary Deputy Speaker, Sir, regarding the quantities by the Ministry of Roads and Public Works, I have noted the comments by hon. Members and I have instituted measures to establish the discrepancies in the cost of projects conceived by the Ministry. It is true that we have a few problems here and there regarding the way projects are conceived and costed. Let me mention here that there is a major issue of cost per kilometre of tarmacked roads. We must address that. In some places, it is over Kshs20 million per kilometre. The road from Busia to Port Victoria is costing Kshs18 million per kilometre. So, we must reduce the gap. But we also have to appreciate the specifications of the road; how thick is the tarmack. That also has an element on the cost.

I have talked about the Likoni Channel. The Kapenguria-Lodwar Road has been earmarked for construction. As I am talking, we are holding discussions with Japan International Co-operation Agency (JICA) to construct the Kapenguria-Lodwar-Lokichoggio Road. The Kinangop-Aberdare-Nyeri Road has been talked about for a long time, but we have to look at the sharing of the resources. We do not have to give all the money to one area. The country needs a lot more. The Mariakani-Kilifi Road has been allocated Kshs101 million. So, I think for Mombasa, you should be reasonably happy. Promises have been given to construct the Isiolo-Moyale Road for a very long time. We are now determined to move on. We are starting 134 kilometres first. I do not know of any contractor whom we can give a road stretching 300 kilometres and complete it within one year! So, we are dividing the road into segments. We are awarding the contract for the first segment of 134 kilometres.

Mr. Temporary Deputy Speaker, Sir, I will not talk about every single road and all the complaints that you have raised because we have tabulated everything that you have said. I now want to emphasize that the proposal to have a 24-hour working schedule is something that we are now going to including as a policy.

Regarding public procurement and disposal, we are following the law. Variation orders are not allowed. That is a policy! We have emphasized that to the engineers. We shall not entertain any variation orders unless they bring - and that will have to go to the Roads Committee of Parliament - reasons for the variation. The Professor said that we should not clear the bushes and road reserves. There are very good reasons why we must preserve road reserves. This country is developing and the roads that we have are too narrow. We must retain road reserves to open up the roads as and when we feel that the traffic has increased. If we do not protect those reserves, we

shall have what is happening at Mlolongo here. They have encroached on road reserves and they want to be protected. We cannot allow that. The road reserves must be protected. We cannot stop clearing the road reserves because of traffic reasons. The drivers need to see who is coming. We cannot just be sentimental about trees at the expense of human life. So, I think we need to be reasonable about some of those matters. We are all supporting the environment---

**The Minister for Environment and Natural Resources** (Prof. Kibwana): On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Prof. Kibwana! I thought you are a Government Minister. What is the breach that you want to bring to the attention of the Chair?

**The Minister for Environment and Natural Resources** (Prof. Kibwana): Mr. Temporary Deputy Speaker, Sir, it is just a simple issue where the hon. Minister, whom I respect very much, talked about being sentimental vis-a-vis trees. Usually, in terms of environmental protection, trees are very important. That was my point of order.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Prof. Kibwana! You have now been here for close to four years. You should have read your Standing Orders well.

Mr. Minister, could you finish?

**The Minister for Roads and Public Works** (Mr. Nyachae): Mr. Temporary Deputy Speaker, Sir, I will, maybe, invite Prof. Kibwana to count trees on my plantations. I love trees, probably, more than him.

Mr. Temporary Deputy Speaker, Sir, I would like to, once again, thank hon. Members. I, personally, my colleague in the Ministry and the officers do not feel that there has been any negative contribution. We feel that you have done more to educate us on how to serve this country. Therefore, when you draw our attention to an area that has not been considered, I always use a traditional message. If you have a *boma* with cows, unless they make noise, you will never know it is milking time! So, you are educating us that we have done very little. You have encouraged us to do better and remember certain areas.

Now, let me say the following: To correct an inequity that has been existing for more than 40 years is not something that can be done overnight. Let us accept that we need to overcome the problem. We have embarked on a journey to overcome that problem. Therefore, I want to thank all hon. Members in advance, and request them to pass my Vote so that we can start the work.

With those few remarks, I beg to move.

## COMMUNICATION FROM THE CHAIR

### DEBATE ON VOTE OF MINISTRY WILL NOT BE ADJOURNED

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, hon. Members. Mr. Ojode stood and moved that, under Standing Order No.21, the debate be adjourned. I said that I will consult. Please, take your seats! If you want to take leave, please do so quietly. Standing Order No.21 provides the Speaker with the discretion to decide as to whether that application is not an abuse of the process. We also have Standing Order No.41 which deals with the procedure in the Committee of Supply. Standing Order No.142(1) provides for only two Allotted Days for every Vote. This means that if we adjourn the debate on this Vote today, then we will have lost the whole of this Day.

I, therefore, want to apply Standing Order No.21(3), which states:-

"If Mr. Speaker shall be of the opinion that any such dilatory Motion is an abuse of the proceedings of the House, he may forthwith put the question thereon or he may

decline to propose it."

I think we will definitely want to abide by what our Standing Orders say; that it is only Two Days. I would request Mr. Ojode and other hon. Members, if they are against any proposals which will now be discussed in the Committee, to challenge them.

I, therefore, decline Mr. Ojode's application and---

*(Mr. Ojode stood up in his place)*

Order, Mr. Ojode! You cannot contest it! It is the Chair's ruling! So, you will have to sit there and vote against or for those Sub-Votes that you feel strongly about.

*(Applause)*

I will, therefore, put the Question.

*(Question put and agreed to)*

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

#### IN THE COMMITTEE

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

Vote 13 - Ministry of Roads  
and Public Works

**The Minister for Roads and Public Works** (Mr. Nyachae): Mr. Temporary Deputy Speaker, Sir, I beg to move:-

THAT a sum not exceeding Kshs8,968,895,720 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2007, in respect of:-

Vote 13 - Ministry of Roads  
and Public Works

**The Temporary Deputy Chairman** (Mr. M'Mukindia): Hon. Members, we are now in the Committee of Supply. For avoidance of doubt, let us know which books we are referring to. As you may remember, last week we had a few difficulties because we were referring to several books at the same time. We will begin with the Recurrent Expenditure, R13. The book we will be referring to is Volume No.1.

*(Question proposed)*

#### VOTE R13 - RECURRENT EXPENDITURE

#### SUB-VOTE 130 - GENERAL ADMINISTRATION AND PLANNING

*Head 380 - Headquarters Administrative Services*

**Mr. Muturi:** Mr. Temporary Deputy Chairman, Sir, on page 545, there is Head 380, Item 2210700, Training Expenses. Last year, the provision for it was Kshs256,250, but this year, the provision is Kshs10,256,250, an increase of Kshs10 million. I just want to get a clarification from the Minister on what these training expenses are all about.

**The Minister for Roads and Public Works (Mr. Nyachae):** Mr. Temporary Deputy Chairman, Sir, we have decided to enhance the training at Ngong College and Kisii College, not only for our own officers, but also for the local contractors, because we cannot continue relying on foreign contractors.

*(Heads 154, 380, 381, 382, 419  
and 600 agreed to)*

*(Sub-Vote 130 agreed to)*

SUB-VOTE 132 - BUILDING AND WORKS

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

*(Sub-Vote 132 agreed to)*

SUB-VOTE 133 - OTHER SERVICES

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

*(Sub-Vote 133 agreed to)*

SUB-VOTE 136 - ROADS

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

*(Sub-Vote 136 agreed to)*

*(Vote R13 agreed to)*

VOTE D13 - DEVELOPMENT  
EXPENDITURE

SUB-VOTE 132 - BUILDING AND WORKS

*Head 400 - Construction of Buildings*

**Mr. Muturi:** Mr. Temporary Deputy Chairman, Sir, I am querying Head 400 - Architectural Department, Item 3110200 on page 320, the second item titled: "Construction of

Buildings". I just wanted to get a clarification from the Minister because I can see that last year---

**The Temporary Deputy Chairman** (Mr. M'Mukindia): Order, Mr. Muturi! For the information of the Minister, we are on Vote D13 - Development Expenditure on page 320.

**The Minister for Roads and Public Works** (Mr. Nyachae): We are there!

**Mr. Muturi:** Mr. Temporary Deputy Chairman, Sir, I was saying that I have seen that last year, there was a provision for Kshs1,242,000,000. This year, it has gone up to Kshs2,094,000,000. I just wanted to get a clarification from the Minister because it is showing that it is in the Architectural Department. Is it for buildings countrywide or is it just for the headquarters?

**The Minister for Roads and Public Works** (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, this is to increase our efforts to catch up with stalled projects. This year, this money is intended for 50 stalled projects countrywide.

*(Applause)*

*(Heads 400, 402 and 413 agreed to)*

*(Sub-Vote 132 agreed to)*

SUB-VOTE 133 - OTHER SERVICES

*Head 505 - Purchase of Specialized Plant, Equipment and Machinery*

**Mr. Muturi:** Mr. Temporary Deputy Chairman, Sir, I am querying Head 505 - Purchase of Specialized Plant, Equipment and Machinery, on page 321. Last year, there was a provision for Kshs2,475,000,000. This year, the provision is for Kshs42 million. The Minister talked about some equipment coming from Korea. It is indicated that most of the payments were made last year. Is the Kshs42 million the balance or what is it?

**The Minister for Roads and Public Works** (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, this money is meant to make the equipment operational in the 16 regional centres. The machinery has already been sent to the regional centres. If I am required to give the names of those regional centres, I will do so because I have the list. The equipment arrived and we dispatched it to the 16 regional centres in the country. There is no regional area which has been left out.

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

*(Sub Vote 133 agreed to)*

SUB VOTE 136 - ROADS

*Head 384 - Major Roads*

**Mr. Chepkitony:** Mr. Temporary Deputy Chairman, Sir, I would like to seek clarification on the provision under Head 384, Item 3111400, which is expenditure on Research, Feasibility Studies, Project Preparation and Design, Project Supervision. Last year, the allocation for this project was Kshs22,500,000. This year, the figure has shot to Kshs157 million, which is more than 20 times last year's allocation. Why is there such a big jump?

**Mr. Kipchumba:** Mr. Temporary Deputy Chairman, Sir, let me seek a further clarification so that the Minister can respond to the two simultaneously.

Mr. Temporary Deputy Chairman, Sir, if you look at the booklet showing the detailed allocations, you will see that Uasin Gishu District, where there is no major road project going on, has been allocated Kshs55 million for supervision. What does the Ministry intend to supervise since there is no road project going on in that district?

**The Temporary Deputy Chairman** (Mr. M'Mukindia): Mr. Kipchumba, could you specify the Head and Item you are referring to?

**Mr. Kipchumba:** Mr. Temporary Deputy Chairman, Sir, I am referring to Head 384, Item 3111400, on page 321 of the Financial Estimates. This is in the booklet showing the detailed allocations. It appears on page 33.

**The Minister for Roads and Public Works** (Mr. Nyachae): Mr. Temporary Deputy Chairman, Sir, we have increased the allocation for feasibility studies and designs because it has become necessary to design more roads. The demand for new roads has increased. Unless we do feasibility studies and design work, we cannot market our projects to donors. So, we must have ready information. We do not want the World Bank to come and say: "We will send you somebody to do feasibility studies before we give you money for road construction." If we wait for the World Bank to provide us with experts to do such works, it will take a long time for road projects to commence. We want to do some of the work ourselves, so that when we are ready to sell our projects to donors, we can present our designs.

The same applies to the money we have allocated to Mr. Kipchumba's district. If he wants to know how the money will be utilised, I can explain that to him clearly. However, we cannot go into the details of projects at this time.

**Mr. Odoyo:** Mr. Temporary Deputy Chairman, Sir, I know that a matter has been raised concerning the period the Minister takes to implement a project.

**The Temporary Deputy Chairman** (Mr. M'Mukindia): Mr. Odoyo, you must address the Chair and not the Minister.

**Mr. Odoyo:** Mr. Temporary Deputy Chairman, Sir, I request the Minister to explain to the House what he is doing to reduce the feasibility study period he has talked about, to start the actual road construction. At the moment, he is taking---

**The Temporary Deputy Chairman** (Mr. M'Mukindia): Order, Mr. Odoyo! As you may be aware, the main debate on this Vote is over. We are now discussing Sub-Votes, Heads and specific Items. If you have specific issue regarding an Item, then you can raise it.

**Mr. Odoyo:** Mr. Temporary Deputy Speaker, Sir, the Minister has just talked about a feasibility study which relates to the item which was being discussed. Although he has been conducting a feasibility study, how long will he take to start construction of the road?

**The Temporary Deputy Chairman** (Mr. M'Mukindia): Mr. Odoyo, you are out of order. The money is specifically allocated for the 2006/2007 Financial Year. That is quite obvious!

**Mr. Kipchumba:** Mr. Temporary Deputy Chairman, Sir, while I want to agree with the Minister, there is a column indicating feasibility study. There is also another column showing supervision only. What are you supervising? I thought a feasibility study, project preparation and design are all different. That is okay, and we understand that. However, when money is allocated for supervision, yet there is no work being done, we should get an explanation for that.

**An hon. Member:** They are classified together.

**Mr. Kipchumba:** They are not together. You do not even have the book!

**The Temporary Deputy Chairman** (Mr. M'Mukindia): Mr. Kipchumba, please, address the Chair.

**Mr. Kipchumba:** Mr. Temporary Deputy Chairman, Sir, I am referring to an Item on page 333, which I want the Minister to look at. Project Supervision has been left hanging alone.

**The Temporary Deputy Chairman (Mr. M'Mukindia):** Mr. Minister, do you have anything to say to that?

**The Minister for Roads and Public Works (Mr. Nyachae):** Mr. Temporary Deputy Chairman, Sir, it is extremely important that we support the Project Supervision policy for the simple reason that where we have an ongoing project--- For instance, where we have an ongoing project like the reconstruction of the Timboroa Road, which passes near Mr. Kipchumba's place, when the contractor is on site, he has to be supervised. One of the reasons why we have many pending bills is because we have not been supervising contractors. They come and tell us that they have used additional material when it is not the case. When they get one of our resident engineers who they can easily influence, the figure goes up. We must have supervision of what is going on, not only on the roads but for the development of all ongoing projects. New projects are coming up and we have to cater for them.

**Mr. Chepkitony:** Thank you, Mr. Temporary Deputy Chairman, Sir. On page 322, Head 384, Major Roads, Item 1330100, you will see that there are new items indicated; one is Grants Received by Central Government Budget from General Government Units. I would like to know which units the Minister is talking about because there is a figure of Kshs2.315 billion. On Foreign Borrowing - Direct Payments treated as AIA, Item 5120200, there is an amount of Kshs4.872 billion. I would like an explanation of how the figure came about because it was reflected last year.

**The Temporary Deputy Chairman (Mr. M'Mukindia):** I think the question Mr. Chepkitony is asking is where Kshs2.3 billion and Kshs4.87 billion will be used?

**The Minister for Roads and Public Works (Mr. Nyachae):** Mr. Temporary Deputy Chairman, Sir, for every major road contract that we have to carry out with foreign firms, counterpart funds have to come from the Central Government. That is the money that is included here for major roads, including the Northern corridor. We are expected to make a contribution to support what has been given by foreign donors.

**The Temporary Deputy Chairman (Mr. M'Mukindia):** I may also wish to inform the hon. Member that the details are contained in this other booklet. He can, therefore, go into the details of that and check it out.

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

*(Sub-Vote 136 agreed to)*

*(Vote D13 agreed to)*

*(Question put and agreed to)*

*(Resolution to be reported  
without amendment)*

*(The House resumed)*

*[Mr. Deputy Speaker in the Chair]*

**REPORT**

Vote 13 - Ministry of Roads  
and Public Works

**Mr. M'Mukindia:** Mr. Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs8,968,895,720 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2007, in respect of Vote 13 - Ministry of Roads and Public Works, and has approved the same without amendment.

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

**The Minister for Environment and Natural Resources** (Prof. Kibwana) seconded.

*(Question proposed)*

**The Minister for Planning and National Development** (Mr. Obwocha): Mr. Deputy Speaker, Sir, I just want to make one comment because I did not get a chance to say it. Now that we have passed this Vote, I want to thank the Minister and hon. Members. But there are two important things that must be done. We have given Kshs45 billion to the Ministry, but the Ministry must get its act together and get more money from the bond market. I am talking about the Government versus the private sector partnership. That way, we will get more money for our roads.

The second issue is with regard to the Kshs1 billion that we have allocated the Nairobi City Council (NCC) to sort out traffic jams in Nairobi. Let us dig underground tunnels so that, vehicles coming from Mombasa or Nakuru just pass through the city.

**Mr. Ligale:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to make a few comments.

First, I would like to thank the Minister for responding to the comments that were made by the hon. Members. I did not get a chance to contribute to the debate, but I know that he made note of the comments that were made on the Floor of the House. I know that he will take the comments into account and construct roads for the future. I would also like to suggest that the Minister should work closely with the Minister for Transport to ensure that the traffic jams that we are having in this city and other major towns are unravelled. It is becoming virtually impossible to move from one point to another. It takes about three hours for people to commute from places like Kabete to the City Centre. Part of the problem is because the roads are too congested and they need to be expanded, but part of it is purely lack of proper traffic management, which is in the purview of the Ministry of Transport. However, they should work closely together.

With those few remarks, I beg to support.

**The Assistant Minister for Health** (Dr. Machage): Thank you, Mr. Deputy Speaker, Sir. I would like to congratulate the Minister for Roads and Public Works for the eloquent presentation of his Budget.

However, I would like to remind him that the Kuria people exist. We have been over-marginalised for too long. He should, please, remember this.

**Mr. Omingo:** Thank you, Mr. Deputy Speaker, Sir, for also giving me a chance to add my voice, although I did not have a chance to contribute to the debate on the Vote. I would like to commend the Minister for a job well done. Now that we have introduced the procurement rules that have shortened the period of procurement, we expect an effective and efficient application of the funds, so that we do not have projects lagging behind.

*(Mr. Muiruri moved to the Dispatch Box)*



**Mr. Muiruri:** Thank you very much, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, Mr. Muiruri! Who gave you that promotion?

*(Laughter)*

*(Mr. Muiruri moved back  
to the Back Bench)*

**Mr. Muiruri:** Mr. Deputy Speaker, Sir, I was rehearsing because, maybe, tomorrow I will be speaking from there.

I would like to thank the Minister very much for promising this House that all the abnormalities will be corrected. I believe in corrections. I come from Thika District and there are four divisions in the district. Last year, the entire Budget allocation went to Gatanga Division. This year, out of the Kshs369 million which has been allocated to Thika District, only Kshs4 million has been allocated for projects in Gatundu North Constituency. The rest of the money goes to Gatanga Constituency. I would like to request the Minister to correct this abnormality.

**The Assistant Minister for Finance** (Mr. Kenneth): On a point of order, Mr. Deputy Speaker, Sir. The Ministry ought to show all the ongoing projects in each district. Whatever has been allocated to repair Gatanga Road, which passes through hon. Muiruri's constituency---

**Mr. Deputy Speaker:** Order!

**The Assistant Minister for Finance** (Mr. Kenneth): Is it in order, Mr. Temporary Deputy Speaker, Sir---

**Mr. Deputy Speaker:** Order, hon. Members! I just proposed the question. I had a little time that I wanted to give you, but now you are going beyond. Mr. Muiruri has talked about Gatanga Constituency and the hon. Member for Gatanga wants to respond. We cannot have that kind of thing!

I will give a chance to the shadow Minister for Roads and Public Works, Mr. Maore.

**Mr. Maore:** Mr. Deputy Speaker, Sir, I would like to congratulate the Minister for successfully moving the Vote and for the humility with which he has handled the closing remarks. He has seen the unanimity of the House. We want to see what we have passed on the ground.

*(Question put and agreed to)*

## ADJOURNMENT

**Mr. Deputy Speaker:** Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 20th July, 2006, at 2.30 p.m.

The House rose at 6.25p.m.