

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

**Thursday, 21st October, 2004**

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### NOTICES OF MOTIONS

**Mr. Wamwere:** Mr. Speaker, Sir, I beg to give notice of the following Motions:-

#### ESTABLISHMENT OF A HEROES ACT

THAT, whereas Kenya has its heroes and heroines, who have contributed in a special way to our liberation and development in various sectors over the years, and aware that these heroes and heroines deserve a place in our history as a nation; this House urges the Government to bring up a legislation to establish a Heroes Act for the burial of these heroes, and to provide a system of naming our streets and institutions after the departed heroes and heroines.

#### INTRODUCTION OF INFORMAL SECTOR BILL

THAT, noting with concern the growth and proliferation of uncontrolled small scale enterprises, and hawking in our streets and road reserves, and appreciating that this informal sector is the source of livelihood of the overwhelming majority of our urban population who cannot procure jobs or who have been retrenched or retired, and aware that this sector of our population needs to be economically empowered and given legal protection and recognition, this House do grant leave for the introduction of a Bill for an Act of Parliament entitled The Informal Sector Bill to establish a regulatory and oversight authority, and to provide for micro-finance to small business enterprises and to the hawking fraternity.

#### AMENDMENT OF REGISTERED LANDS ACT

THAT, aware that many Kenyans have been fraudulently deprived of their land by fraudsters through haphazard registration under the Registered Lands Act, Cap. 300 of the Laws of Kenya, further aware that Section 143 of the said Act denies the High Court jurisdiction to interfere with first registration titles; this House do grant leave to introduce a Bill to amend Section 143 of the Registered Lands Act to empower courts to cancel and revoke fraudulently obtained titles.

*(Applause)*

## COMMUNICATION FROM THE CHAIR

### LIMITATION OF QUESTION TIME

**Mr. Speaker:** Order! Hon. Members, I have four requests for urgent Ministerial Statements from Members. This means, therefore, that I may have to finish with Questions by 3.20 p.m. So, please, with that understanding, let us proceed!

## QUESTIONS BY PRIVATE NOTICE

### MEASURES TO CURB PUBLIC SERVICE VEHICLE ACCIDENTS

**Mr. Kingi:** Mr. Speaker, Sir, I beg to ask the Minister for Transport the following Question by Private Notice:-

- (a) Is the Minister aware that there is an alarming upsurge of road accidents mainly caused by public service vehicles?
- (b) What urgent steps is the Minister taking to curb the accidents and end the damage?

**Mr. Speaker:** I do not know whether there is anybody from the Ministry of Transport here. The Minister called my office and said he was not ready with the answer and requested to answer the Question next Wednesday. Is that okay with you, Mr. Kingi?

**Mr. Kingi:** It is okay.

**Mr. Speaker:** All right. Thank you very much, Mr. Kingi. Your Question is deferred to Wednesday next week.

*(Question deferred)*

### RELEASE OF NDUNG'U LAND REPORT

**Mr. Ngoyoni:** Mr. Speaker, Sir, I beg to ask the Minister for Lands and Housing the following Question by Private Notice:-

- (a) When will the Government release the report of the Commission of Inquiry into Illegal/Irregularly Allocated Land in Kenya chaired by Mr. P. Ndung'u?
- (b) Could the Minister state how much money was spent on the Commission?

**The Minister for Lands and Housing** (Mr. Kimunya): Mr. Speaker, Sir, I beg to reply.

(a) The Government will make public the report on the Commission of Inquiry into Illegal/Irregularly Allocated Land in Kenya as soon as the Cabinet finalises its review of the Commission's recommendations.

(b) A total of Kshs75,399,768 was incurred by the Government on the Commission.

**Mr. Ngoyoni:** Mr. Speaker, Sir, I find it a little bit odd that a report of an independent commission is being tabled before the Cabinet to be discussed. If I may ask, what is it that the Cabinet wants to discuss? In normal practice, a report is presented to the President for him to make a decision to either keep it or make it public. Why is the Cabinet interested in the Report? Is it not that it has implicated some of the Members of the Cabinet and they want to "doctor" it?

*(Applause)*

**Mr. Kimunya:** Mr. Speaker, Sir, for the benefit of the Members, the work of the Ndung'u Commission of Inquiry was commissioned at the request of the Government, to advise the Government on measures that need to be taken to recover the land that was irregularly allocated. The Report contains those recommendations of what action the Government needs to take. The Government can only deliberate on those within the framework of the Cabinet. It is not correct to say that the Commission was appointed by the President and its Report can only be released to the public. It is an advisory report to the Government, and the Government must understand and appreciate the issues recommended for it to take the appropriate action.

**Mr. Muite:** Mr. Speaker, Sir, after the Ndung'u Commission Land Report was handed over to the President, Mr. Kimunya said it was to be made public within two months. Could he tell this House whether that remains the Government's position or, as a result of the names in Appendix Two, the Government has now changed its mind? What is the position?

**Mr. Kimunya:** Mr. Speaker, Sir, it was our wish to have released that Report within two months. We had expected that the deliberations within Cabinet would have been finalised. However, the deliberations are still ongoing. It is our undertaking that, immediately we are able to look through all the recommendations, it would become a public document.

**Mr. Mukiri:** On a point of order, Mr. Speaker, Sir. The Minister did not answer the question by Mr. Muite! When will this Report be made public?

**Mr. Kimunya:** Mr. Speaker, Sir, the Report was presented to the President on 2nd July, 2004. It is actually superfluous to start asking about two months when we all know that the two months have already elapsed.

**Mr. Muiruri:** Mr. Speaker, Sir, a sum of Kshs75 million was spent on this Report. This was public money. So, the Report is the property of the people of Kenya. It is not the property of the Cabinet! That Report is already in the public domain. We have read its contents. So, there is no point of hiding it any more. Could the Minister assure this House that as soon as the Cabinet deliberations on this Report are over, it will be implemented fully?

**Mr. Kimunya:** Mr. Speaker, Sir, the Ndung'u Commission has made its recommendations. The Government has an obligation to this country; to implement what they believe is in the best interest of this country. We undertake that we will implement, as much as possible, what is in the best interest of this country.

**Mr. Munya:** Mr. Speaker, Sir, when this Government took power, they promised to act differently from the previous regime. Now we see a trend where reports are being kept secret like in the previous regime. Could the Minister assure us that they will act differently so that we vote for them again?

**Hon. Members:** They are worse!

**Mr. Kimunya:** Mr. Speaker, Sir, the reason why we appointed for this Commission to go and get all this evidence is because we are acting differently. We will show, in our actions and deeds, that we will act differently and that we have the best interests of Kenyans at heart.

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

**Mr. Speaker:** Dr. Ali, what is it?

**Dr. Ali:** Mr. Speaker, Sir, the Minister is telling us that they will act differently. Unfortunately, since they took over power, they have been forming commissions and hiding the reports of these commissions. Is that being different from the other regime?

**Mr. Kimunya:** Mr. Speaker, Sir, I have just said that this Report will be made public immediately we are through with the recommendations.

**Mr. Serut:** Mr. Speaker, Sir, it is common knowledge in this country that irregularities in

allocation of land did not start in 1962. Irregularities in acquisition of land started in 1895 when *Wazungu* came to this country. Why did the current Government decide to look into irregularities of acquisition of land in 1962 and not before?

**Mr. Kimunya:** Mr. Speaker, Sir, the Commission decided to start on a cut-off date of 1962 specifically because the law under which the Commission was set up was only applicable from 1962. Everything else is being looked at from the framework of the National Lands Policy to which I would appreciate if the hon. Member could give his views.

**Mr. Speaker:** Hon. Members, I am sorry, I have to finish! I appreciate the gravity of the matter, but we have to move on.

Last question, Mr. Ngoyoni!

**Mr. Ngoyoni:** Mr. Speaker, Sir, it is common knowledge that a new form of corruption is now emerging; by forming commissions for particular individuals. Definitely, this is one of them! Could the Minister assure this House that, after the Cabinet is through with the deliberations of this Report, he will bring it to the Floor of the House for Parliament to discuss because Parliament is supreme to the Cabinet?

**Mr. Kimunya:** Mr. Speaker, Sir, even before the hon. Member has asked for it, it was already within our plans that we will have Parliament discuss that Report as background information to formulating some of the regulations and laws that we would like done. So, we will be tabling it here.

### COMMUNICATION FROM THE CHAIR

#### DISTINGUISHED GUESTS FROM UGANDA IN SPEAKER'S ROW

**Mr. Speaker:** Hon. Members, I wish to welcome a delegation from the Parliament of Uganda comprising:-

Hon. John B. Kazora, MP, leader of the delegation.

Hon. Margaret Ziwa, MP;

Hon. Ben Wacha, MP;

Mr. Chris Kaija, Acting Deputy Clerk

Mr. Paul Wabwire, Principal Clerk Assistant; and,

Mr. Immanuel Pinto, Director, Office of Parliamentary Professional Department.

These hon. guests are visiting our Parliament to acquaint themselves with our rules of procedure and practice with particular focus on how our Parliament operates in a multiparty system.

As you are all aware, Uganda and Kenya share a long history of warm relations and good neighbourliness. Our sister Parliaments have attachment programmes and study tours for staff and hon. Members of Parliament that have been of significance in the development of Parliamentary democracy.

May I, therefore, on your behalf and on my own behalf, welcome the hon. Members and Parliamentary officers who are seated in the Speaker's Galleries, wish them a fruitful and rewarding visit to Kenya.

*(Applause)*

CONTRAVENTION OF TRADE DISPUTES  
ACT BY KRA COMMISSIONER-GENERAL

**Mr. Choge:** Mr. Speaker, Sir, for the fifth time this year, I beg to ask the Minister for Labour and Human Resource Development the following Question by Private Notice.

(a) Is the Minister aware of a complaint lodged by the Secretary-General of Banking, Insurance and Finance Union on 19th July, 2004 against the Commissioner-General of Kenya Revenue Authority (KRA) on the contravention of Section 45 of the Trade Disputes Act?

(b) What action has he taken on the matter?

**The Assistant Minister for Labour and Human Resource Development** (Mr. Khalif): Mr. Speaker, Sir, I can see that all hon. Members of Parliament are so excited to hear me talk.

I am afraid I cannot answer this Question because my Minister was supposed to answer it. I came here to answer a different one. I think I cannot answer it adequately because I do not have the details.

*(Laughter)*

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

**Mr. Speaker:** Order, hon. Members!

Mr. Wanjala, what is it?

**Mr. Wanjala:** Mr. Speaker, Sir, it is a bit arrogant for the Assistant Minister, for the first time he is making his maiden speech, to tell the Chair that he cannot answer the Question! That is being arrogant! Is he in order to be arrogant to the Chair; to say that he cannot answer the Question?

**Mr. Speaker:** I thought he gave some reason why he was not in a position to respond!

**Mr. Angwenyi:** Mr. Speaker, Sir, in the past you have given rulings regarding Ministers coming to answer Questions and respond to other aspects of Parliamentary work. Two weeks ago, the Minister went missing. Last week, the Assistant Minister, as well as the Minister, went missing. The Minister is now missing! When will this kind of thing come to an end?

**Dr. Ali:** Mr. Speaker, Sir, I need your indulgence. On Tuesday, this Question was referred to the Attorney-General's office. The Attorney-General's office transferred it to the Ministry of Labour and Human Resource Development. The Assistant Minister is new in the Ministry. Could you defer this Question until next week, on Tuesday, when he or the Minister will answer it? This is his maiden speech! I think we need to help him out!

*(Loud consultations)*

**Mr. Speaker:** Order, hon. Members! I direct this to the Assistant Minister. You heard Mr. Choge say correctly that this is the fifth time that this Question has been asked. There has been a suggestion by Dr. Ali that the Question be deferred to Tuesday. Mr. Assistant Minister, are you giving me an undertaking that it will be answered on that day?

**The Assistant Minister for Labour and Human Resources Development** (Mr. Khalif): Mr. Speaker, Sir, I would like to assure this House that I will give an answer on Tuesday.

**Mr. Speaker:** Mr. Choge, is that all right with you?

**Mr. Choge:** Mr. Speaker, Sir, could he assure this House that, when he comes with the answer, he will not cause confusion, which is apparent in the Government, in this House?

*(Laughter)*

**Mr. Muiruri:** Mr. Speaker, Sir, I know for sure that the Minister for Labour and Human Resource Development arrived last night from Zanzibar. Probably he was not aware of this Question. The only reasonable thing to do is to defer the Question.

**Mr. Speaker:** I think we have already done that. The Question is deferred to Tuesday next week.

Next Question!

*(Question deferred)*

ARREST OF NYANDARUA  
COUNTY COUNCIL CLERK

**Eng. Muriuki:** Mr. Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice.

(a) Is the Attorney-General aware that the High Court has issued an order for the arrest of the Clerk to Nyandarua County Council for opening a disputed road, which was actually done by the Lands Department, and not the county council?

(b) What action is he taking to ensure that the matter is handled transparently?

**Mr. Speaker:** Where is the Attorney-General? Is there anybody standing in for the Attorney-General? Eng. Muriuki, what should I do in the circumstances?

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

**Mr. Speaker:** Mr. Minister, what is it?

**The Minister for Information and Communications** (Mr. Tuju): Mr. Speaker, Sir, I would like to offer apologies on behalf of the Attorney-General, who is out of the country at the moment. When this Question went to his office, he was away. We have just started following it up. I would like to give an assurance to this House that he will come with an answer to the next sitting of the House.

**Mr. Speaker:** When is he likely to come back?

**The Minister for Information and Communications** (Mr. Tuju): Mr. Speaker, Sir, even if he does not come back soon, I will make sure that he makes arrangements for somebody else to bring an answer to this House.

**Mr. Speaker:** When will that be? Will it be next week; on Wednesday or Tuesday?

**The Minister for Information and Communications** (Mr. Tuju): Mr. Speaker, Sir, Wednesday afternoon would be more appropriate for the Attorney-General to bring an answer.

**Mr. Speaker:** Eng. Muriuki, is that okay with you?

**Eng. Muriuki:** Mr. Speaker, Sir, Wednesday afternoon is okay as long as there is no delay beyond that day. The Clerk to Nyandarua County Council cannot go to his office because of the arrest order. The sooner the Attorney-General comes to answer the Question, the better.

**Mr. Speaker:** Very well!

*(Question deferred)*

Let us move on to ordinary Questions!

## ORAL ANSWERS TO QUESTIONS

*Question No.504*

NUMBER OF KILIFI RESIDENTS IN

## SENIOR GOVERNMENT POSITIONS

**Mr. Khamisi** asked the Minister of State, Office of the President:-

(a) whether he could inform the House how many people from Kilifi District have been appointed to the following positions since the current Government came into power:

- (i) Permanent Secretaries,
- (ii) Provincial Commissioners,
- (iii) District Commissioners,
- (iv) Ambassadors, High Commissioners,
- (v) Judges; and,

(b) whether he could indicate how many of them are from Bahari Constituency.

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

(a) One person from Kilifi District has been appointed as an Industrial Court Judge. However, no person from the District has been appointed a Permanent Secretary, Provincial Commissioner, District Commissioner, an Ambassador or a High Commissioner. The reason for this is that appointments to these positions are not made on the basis of districts or provinces.

(b) The person from Kilifi District appointed as an Industrial Court Judge is from Bahari Constituency, the constituency for the hon. Member who has asked the Question.

**Mr. Khamisi:** Mr. Speaker, Sir, it is obvious from the answer given by the Assistant Minister that Kilifi District, which has over 500,000 half a million people has completely been shut out of the Government. Could the Assistant Minister tell this House why, 40 years after Independence, no person from Kilifi District occupies a senior Government position?

**Mr. Shitanda:** Mr. Speaker, Sir, you will agree with me that before the hon. Member came to this House, he was the Managing Director of the Kenya Broadcasting Corporation (KBC).

*(Applause)*

As I said earlier, appointments to these positions are not done on the basis of districts or provinces. However, the appointing authority strives to strike a regional balance. I believe that Kilifi District falls under the coast region, which is adequately catered for in appointments.

**Mr. Kingi:** Mr. Speaker, Sir, appointments of senior officials in this country are so lopsided and biased that were it possible for some people in this country to export Members of Parliament from one region to another, they would have done it many months ago. This is not fair! What we are hearing is just the tip of the iceberg. Some districts have not been given any share even in the lower cadre positions. What plans does the Assistant Minister have to ensure that there is equitable distribution of jobs in this country?

**Mr. Shitanda:** Mr. Speaker, Sir, while the Government has tried to balance appointments countrywide, sometimes it finds itself in a position where some regions do not have the required manpower to fit into certain positions. This leads to a situation where it appears as if certain regions are favoured over others. Indeed, this happens when we do not have qualified personnel from certain regions.

**Mr. Sambu:** Mr. Speaker, Sir, the Government's discrimination in appointments can well be described by the Kiswahili saying "*Asante ya punda ni mateke.*"

**Mr. Speaker:** What are you referring to?

**Mr. Sambu:** Mr. Speaker, Sir, will this Government accept regionalism or devolution of power in the next Constitution, which will be effective soon? This is the only way in which there

can be fair distribution of the national cake to all regions of Kenya!

*(Applause)*

**Mr. Shitanda:** Mr. Speaker, Sir, as of now, we are strictly doing it on the basis of merit. We do not have a new Constitution yet. If a new one comes into effect, and proposes that kind of arrangement, we will accept it.

**Dr. Ali:** Mr. Speaker, Sir, is the Assistant Minister telling us that people who are 70 years old deserve to be in service while graduates with doctorate degrees, who are aged 40 years, are jobless? Is that what he calls qualifications?

**Mr. Shitanda:** Mr. Speaker, Sir, that is a different Question.

**Mr. Speaker:** Shall I finish with Mr. Munya?

**Hon. Members:** No! Please, give the chance to another hon. Member!

**Mr. Speaker:** Hon. Members, by the way, will you please stop commandeering my eye? Let my eye roam freely! Proceed!

**Mr. Munya:** Mr. Speaker, Sir, once the Assistant Minister starts the redistribution exercise, could he consider picking some from Meru North?

**Mr. Shitanda:** Mr. Speaker, Sir, that will be considered!

*(Laughter)*

**Mr. Khamisi:** Mr. Speaker, Sir, it is not quite true that we do not have qualified people. In fact, we have very many qualified people with PhDs and other professional qualifications. Could the Assistant Minister volunteer to look at some of the curriculum vitae and come here and assure the House as well that the appointments will be made and people from Kilifi will be appointed?

**Mr. Shitanda:** Mr. Speaker, Sir, most of these positions are normally advertised and I would advise the hon. Member to ask his people to apply.

**Mr. Billow:** Mr. Speaker, Sir, this is very serious! The Assistant Minister is misleading this House that the positions of permanent secretaries, ambassadors, district commissioners and provincial commissioners are advertised. In which country does he live? They are not advertised and he is misleading the House!

**Mr. Shitanda:** Mr. Speaker, Sir, the positions of district commissioners are normally advertised internally within the Ministry.

**Mr. Speaker:** Very well. We must go to the next Question!

**Mr. Kimeto:** On a point of order, Mr. Speaker, Sir. You have heard the Assistant Minister say that the positions are advertised internally. How much "far internal" is this?

*(Laughter)*

**Mr. Speaker:** That is not a point of order!

**Mr. Shitanda:** Mr. Speaker, Sir, district commissioners are at the level of senior assistant secretary up to deputy secretary and these positions are normally advertised internally. As and when positions of district commissioners fall vacant, they pick from these people who have already done the interviews and select the under secretaries, deputy secretaries or senior assistant secretaries.

**Mr. Speaker:** Very well. Next Question by Mr. Moroto!

*Question No.519*

REMOVAL OF KATIKOMOR  
ADMINISTRATION POLICE POST

**Mr. Moroto** asked the Minister of State, Office of the President:-

(a) whether he is aware that Katikomor Administration Police Post which was serving Katikomor in West Pokot, Chepchoina in Trans Nzoia and the Kenya-Uganda border has been removed;

(b) whether he is further aware that the above action has led to an increase in insecurity in these areas; and,

(c) what immediate measures he will take to restore the post.

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

(a) Yes, I am aware that Katikomor Administration Police Post was closed down in 1999. It was decided that the General Service Unit (GSU) instead of the Administration Police, offer security services in the three mentioned areas.

(b) It is not true that insecurity has increased in the three mentioned areas as a result of the closing down of the post. The area is adequately policed by the GSU officers based at Chepchoina, barely three kilometres from Katikomor.

(c) The area is currently adequately covered by the GSU. However, plans are underway to review the situation so as to enhance security deployment in Katikomor, Kanyerus and Nakuyen.

**Mr. Moroto:** Mr. Speaker, Sir, from the answer that I have been given by the Assistant Minister, I sympathise with him because he talked of something which is non-existent in that area. Kanyerus, Katikomor and Nakuyen used to serve three communities which were Trans Nzoia, the Sebeis from Uganda and West Pokot. We used to have big market days and even schools in these centres. When the Katikomor Administration Police Post was closed down in 1999 everything collapsed and nothing is existing there now. The GSU officers he is talking about sometimes do not move into that area. ---

**Mr. Speaker:** Ask your question!

**Mr. Moroto:** Mr. Speaker, Sir, the area has become a battlefield for cattle rustlers from the three communities that I have mentioned. Could the Assistant Minister tell us whether we continue fighting and they keep on with their GSU? Let him assure this House that he will let the three communities prepare themselves to fight until when Jesus Christ comes back and separates them!

*(Applause)*

**Prof. Kibwana:** Mr. Speaker, Sir, I have stated clearly that because of our security assessment, it was found that the Administration Police would not really assist in Katikomor. That is why the GSU was asked to take care of that area as well as the other three areas that have been mentioned in part "a" of the Question. I think that the hon. Member of Parliament plus other Members of Parliament concerned, have really to assist us in terms of maintaining security and not to appear as if they are inciting the people.

**Mr. Abdirahman:** Mr. Speaker, Sir, quite a number of times, instead of enhancing security, the manner in which northern areas whether it is the Northern Frontier Districts which used to be insecurity-prone areas as it has been believed, most GSU officers actually enhance insecurity; they do not enhance security. The role which Administration Police officers play in those areas cannot be over-emphasised. Could the Assistant Minister consider reposting back those APs since they will help in facilitating the normal lives of those people?

**Prof. Kibwana:** Mr. Speaker, Sir, in part "c" of my answer, I have indicated that plans are

underway to review the situation so as to enhance security deployment in the mentioned areas. I also want to emphasise, through the Chair, that hon. Members of Parliament as well have a major role to play in terms of assisting us in dealing with the delicate security situation in many parts of the country.

**Mr. Kamama:** Mr. Speaker, Sir, I think the Assistant Minister does not understand the situation on the ground because Chepchoina GSU Camp has been there for the last 25 years and this Katikomor Administration Police Post has been there up to 1999. It was actually supplementing the efforts of the GSU. Could the Assistant Minister consider re-opening this AP post as a matter of urgency because the situation right now is not one of the best? He should consider this one because he does not seem to be in the picture.

**Prof. Kibwana:** Mr. Speaker, Sir, as I had indicated earlier, I am very much in the picture and a deliberate decision was taken to actually upgrade the security situation by making sure that GSU and not Administration Police officers were manning security. The GSU unit at Chepchoina was actually enhanced but the West Pokot District Security Committee has recommended the establishment of security posts at Nakuyen and Kanyerus to enhance security in the area. This is going to be considered; as well as a reconsideration of what we should do about Katikomor Administration Police Post if it is determined that ordinary Administration Police officers can be helpful.

**Mr. Moroto:** Mr. Speaker, Sir, I earlier mentioned about the development which used to be in that place; like the market days and the schools. Now that they are non-existent, how soon is the Assistant Minister going to restore these administration posts in the three mentioned areas?

**Prof. Kibwana:** Mr. Speaker, Sir, I am happy the hon. Member is appreciating that sometimes, as Members of Parliament, if we are not careful about our utterances, a bad situation can arise. However, as I said, we are going to look at Katikomor Administration Police Post; to determine whether it is now safe to use Administration Police officers instead of the GSU and then we will act appropriately.

**Mr. Moroto:** On a point of order, Mr. Speaker, Sir. The Assistant Minister is talking about "utterances". Could he tell this House who these people are, who are making utterances that result in insecurity in those areas?

**Prof. Kibwana:** Mr. Speaker, Sir, even in this august House, the hon. Member has uttered words, which, if they were to reach his constituency, would cause problems. This is not a laughing matter! It is a matter that requires us, as hon. Members of Parliament, to be careful with words that we utter, because some of them could create problems in our various constituencies.

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

**Mr. Speaker:** Order, hon. Members! Cool down Mr. Sambu!

**Mr. Maore:** On a point of order, Mr. Speaker, Sir. If you can recall, the Assistant Minister said that, since January last year, there has been restoration of security, law and order in most parts of the country. Is the Assistant Minister in order to insinuate that Mr. Moroto could be responsible for insecurity when the Government should restore law and order regardless of whoever is inciting anybody?

**Prof. Kibwana:** Mr. Speaker, Sir, it is the responsibility of the Government to restore order throughout the Republic. However, I am also saying that it is the responsibility of the citizenry, as well as elected representatives, to ensure that we do not create disorder.

**Mr. Sambu:** On a point of order, Mr. Speaker, Sir. The Assistant Minister is saying that hon. Members make utterances even here. He is insinuating that you are not in control of the House.

This is because, if anybody makes inflammatory statements here that you deem to be out of order, you always ask them to withdraw their remarks. Is he in order to insinuate that you are not in control of this House?

**Mr. Speaker:** He is absolutely out of order!

Next Question by Prof. Mango!

*Question No.583*

STD FACILITY FOR BUTULA DIVISION

**Prof. Mango** asked the Minister for Information and Communications:-

(a) whether he is aware that Butula Division is serviced by a manual telephone exchange; and,

(b) what urgent measures he is taking to install a subscriber trunk dialling (STD) facility in the Division.

**The Minister for Information and Communications** (Mr. Tuju): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the residents of Butula Division are currently served by a manual exchange, with a capacity for 70 subscribers. It is connected to Kisumu Toll Exchange, where it gets access to the rest of Telkom Kenya's public switch network.

(b) A survey carried out by Telkom Kenya established that there is need to install a subscriber trunk dialling system (STD) facility in Butula Division. However, due to the low demand for telephone services in Butula, it is not commercially viable to instal the facility at the moment.

To facilitate the development of rural telecommunications, I wish to inform the House that the Government is currently negotiating with various development partners for funds for implementation of rural telecommunications programme that will use wireless technology. This will cover all divisional centres in the country, and drastically reduce the cost of automation as well as improve rural telecommunication. The automation of Butula Exchange will be among those to be considered under this programme.

**Prof. Mango:** Mr. Speaker, Sir, Butula is a divisional headquarters and I, as an hon. Member of Parliament, cannot even have a telephone line to my office. Information technology is based on telephone lines, and if we remain with manual systems, we will never go high-tech and become dot.com. Is the Minister serious in suggesting that Butula should wait for the lines which we do not know when they will be in operation? Could he tell the House how soon this system he is talking about will be in operation?

**Mr. Tuju:** Mr. Speaker, Sir, I would like to assure the hon. Member that, as a Government, we regard access to telephony as a human right and not a privilege. Therefore, it is her right and we will do everything possible to make sure that it happens. However, in order to have a roll-out in rural areas, it costs an average of about US\$1,000 per telephone line. In Butula Division, there are 70 lines, out of which only 27 are fully paid for. The balance is not fully paid for by even those who currently rent lines, and some of them have been disconnected due to non-payment. We have to balance between commercial demands and the rights to telephony, and that is why, as a Government, we have to instal service in those areas where some subsidy has to be given by the Government. I empathise with her position.

**Mr. Keter:** Mr. Speaker, Sir, the Minister has clearly said that it is not viable to provide an STD facility from Kisumu to serve the people of Butula. Could he consider providing the digital wireless link to serve those people from Kisumu?

**Mr. Tuju:** Mr. Speaker, Sir, the hon. Member is talking from the advantage of his technical

knowledge in this particular area. I would like to assure him that there is an agreement on my desk to be signed with the Chinese Government, which will precisely provide the technology alluded to by the hon. Member.

**Mr. C.M. Kilonzo:** Mr. Speaker, Sir, lines in areas where we use manual telephone exchanges are very difficult. If you book a call at 7.00 a.m. it comes back after lunch time. I have a Division called Katangi, where there is a manual telephone exchange, and the Minister says that it is not viable to have STD service connected to areas like mine. Yet the other day, we had Kencel installing its facility there and people got connected. What exactly does he mean by saying that it is not viable? Could the Minister consider providing areas with manual telephone exchanges with STD technology urgently?

**Mr. Tuju:** Mr. Speaker, Sir, I have answered that question in various ways, but I will try to use a different language so that we can move forward on this matter.

The STD technology has also advanced but we are going to use a digital wireless exchange, which is much better, cheaper and does not need copper wires to go all around the country. All I ask for is a little bit of patience from the House. The manual STD system is outdated, more expensive and a thing of the past.

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

**Prof. Mango:** Thank you, Mr. Speaker, Sir. Could the Minister give us the time-frame within which this new technology will come into being? We also have schools and other areas that need new technology. We are left behind because we cannot communicate. I would like to hear from the Minister as to how soon this new technology will come into being.

**Mr. Tuju:** Mr. Speaker, Sir, I would like to reiterate that I really empathise with the position of the hon. Member as I said earlier. I said that telephony is a human right and we will make sure that we do what is needed as soon as possible. The only problem is that we cannot roll-out rural telephony to that division and not others in the country. That is why the roll-out is going to affect the whole country.

**Mr. Speaker:** Very well! Question by Mr. Sirma!  
That will be the last Question I will have today!

*Question No.628*

DISBURSEMENT OF LATF MONEY  
TO LOCAL AUTHORITIES

**Mr. Sirma** asked the Minister for Local Government:-

- (a) whether he is aware that local authorities received over Kshs4 billion in the 2003/2004 Financial Year through the Local Authorities Transfer Fund; and,
- (b) whether he could table a list of the projects to be carried out by the local authorities with the funds in each constituency countrywide.

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

(a) I am aware that local authorities have received Kshs3.74 billion - and not Kshs4 billion - in Financial Year 2003/2004 through the Local Authority Transfer Fund (LATF).

(b) I tabled here the list of the projects last time.

**Mr. Speaker:** Very well, I remember you tabling it!

**Mr. Sirma:** Mr. Speaker, Sir, looking at the projects each local authority is implementing, it shows that over half the amount of money has been given for the projects. Is he confirming that the Government is secretly paying councillors directly from the LATF funds, instead of them being paid

from the local authorities' collections?

**Mr. Kamanda:** Mr. Speaker, Sir, the hon. Member has been an Assistant Minister in the Ministry of Local Government and he knows that once the LATF funds are released to local authorities, we, as the Ministry, have no role to play in its usage. It is the local authority which come up with projects.

**Mr. Sirma:** On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading the House by saying that he has no role to play once the money has been disbursed to the local authorities. What business does he have giving local authorities the money?

**Mr. Kamanda:** Mr. Speaker, Sir, as far as the projects are concerned, it is for each local authority to come up with the projects, and not the Ministry.

**Mr. Midiwo:** Mr. Speaker, Sir, local authorities are rotten! There is no single local authority in this country where the LATF money is used judiciously. We do not know what it is used for. Is there anything we, as hon. Members, can help him do? Could he come up with a set of specific recommendations, so that we can help him to monitor what happens to the LATF money?

**Mr. Kamanda:** Mr. Speaker, Sir, my Ministry and the Ministry of Finance have already set up a committee to come up with new rules to govern the expenditure of LATF money. It is the concern of my Ministry that LATF money has not been used properly for many years. There is a recommendation at the Ministry that we come up with new rules governing the expenditure of LATF money, so that we can see whether the money will be used properly.

**Mr. Manoti:** Mr. Speaker, Sir, as we all know, councillors have no say in their local authorities. Could the Ministry give councillors some access to the accounts of their local authorities instead of leaving them to the clerks to the councils to control everything without the input of the elected people of those local authorities?

**Mr. Kamanda:** Mr. Speaker, Sir, it is not true that councillors have no powers over the expenditure in their local authorities. Local authorities are corporate bodies, which have their own rules and regulations as well as by-laws to follow.

**Mr. Billow:** Mr. Speaker, Sir, I share the sentiments of my colleague with regard to the way the money is shared out, largely by councillors. The regulations provide that there must be audits of local authority accounts before there is a further disbursement of LATF money to those local authorities. In this case, is it not right for us to assume that the Ministry invariably ignores the reports by its own auditors and Inspectorate Department? The Constituency Development Fund Act, which provides for district project committees in which hon. Members and chairmen of local authorities sit. Can we use that forum to determine which projects that money should be used on?

**Mr. Kamanda:** Mr. Speaker, Sir, those are some of the recommendations that the committee we have formed may come up with. Let us give the committee a few weeks.

**Mr. Sirma:** Mr. Speaker, Sir, you have heard the Assistant Minister say that they are in the process of making regulations. It is stipulated in the LATF Act that any local authority that is found to have misused LATF money should be denied those funds. How much money has been withheld from the various local authorities because of lack of compliance? Is the Assistant Minister colluding with the local authorities?

**Mr. Kamanda:** Mr. Speaker, Sir, we have already penalised 56 local authorities.

**Mr. Speaker:** Very well. I am sorry, I now have to end Question Time for the reasons I gave earlier. I had intimated, much earlier, that I will leave five minutes for hon. Members who wish to seek urgent Ministerial Statements.

Hon. Members, I have Mr. Wamwere and Eng. Okundi, whose Questions have not been answered. Mr. Wamwere, could we have your Question answered on Tuesday or Wednesday?

**Mr. Wamwere:** Yes, Mr. Speaker, Sir, but you remember last time, you said that when a Question is deferred, the next time, it will enjoy priority in the Order Paper!

**Mr. Speaker:** Correct, and I so direct!

**Mr. Wamwere:** Mr. Speaker, Sir, this was a deferred Question.

**Mr. Speaker:** I am sorry about it. I will give it priority next time.

**Mr. Wamwere:** Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Thank you.

*Question No.038*

PAYMENT OF LOW SALARIES  
TO MENENGAI ESTATE WORKERS  
(*Question deferred*)

**Mr. Speaker:** Eng. Okundi, on which day would you prefer your Question to be answered?

**Eng. Okundi:** Mr. Speaker, Sir, let it come on Tuesday.

**Mr. Speaker:** Very well. Question deferred to Tuesday. It will be given priority; like Mr. Wamwere's Question.

*Question No.600*

REHABILITATION OF KOCHIA WATER PROJECT  
(*Question deferred*)

**Mr. Speaker:** I have four hon. Members who would like to seek Ministerial Statements. I will begin with Mr. Sambu. Please, Mr. Sambu, be mindful of your colleagues, because we have only five minutes.

**Mr. Sambu:** Mr. Speaker, Sir, I will be brief.

**POINTS OF ORDER**

IMPLEMENTATION OF  
PAC/PIC RECOMMENDATIONS

**Mr. Sambu:** Mr. Speaker, Sir, I rise on a point of order to seek a Ministerial Statement from the Minister for Finance and also from the Attorney-General, and from the Government generally, as to the implementation of the recommendations of the two audit Committees of Parliament, namely, the Public Accounts Committee (PAC) and the Public Investments Committee (PIC). Every year, the two Committees come up with recommendations, which are adopted by this House. The previous Government never implemented any of those recommendations. When will the NARC Government start implementing the recommendations of PAC and PIC? Parliament taxes the people---

**Mr. Speaker:** Mr. Sambu, please, be mindful of your colleagues. I believe that the appropriate Ministry to issue the Ministerial Statement sought by Mr. Sambu is the Ministry of Finance. So, could the Minister be informed?

DESTRUCTION OF PROPERTY  
BY ELEPHANTS IN BAHARI

**Mr. Khamisi:** Mr. Speaker, Sir, I rise on a point of order to seek a Ministerial Statement

from the Minister for Tourism and Wildlife on the destruction of property by elephants in three locations in Bahari Constituency, namely, Matsangoni, Rhoka and Gerenya. The situation is so bad that villagers have had to vacate their villages by 5.00 p.m., because of the marauding elephants. Could the Minister issue a Ministerial Statement and tell the House what he intends to do to deter these animals from invading our villages?

**Mr. Speaker:** Mr. Tuju, when do you propose to issue the Ministerial Statement? Can you issue it on Tuesday? Is he here?

**An hon. Member:** He is gone!

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

**Mr. Speaker:** Can I, first, finish with the hon. Members who wanted to seek Ministerial Statements? Time is really of essence.

INVASION OF IGEMBE RESIDENTS  
BY ARMED GANGS

**Mr. Muriungi:** Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State, Office of the President, concerning the invasion of Igembe residents by armed gangs from Tharaka District.

On Tuesday this week, more than 200 men armed with crude weapons, bows and arrows, crossed over to Kianda and Ogoti Sub-Locations and chased away farmers, who were preparing their land. They shot three people with arrows. One of them, Mr. Verano Kanyi is admitted at the Methodist Hospital with an arrow lodged in his head. Two people, a man and a woman, were also abducted by the same gang. So far, one of them has not been found. The man who was abducted, a Mr. Joseph M'Njatho M'Mwithia, was yesterday found dead. He was brutally murdered by this savage gang. Even last year, around this time, the same people visited death and havoc on the people of Igembe.

What action will the Minister take against those savage attacks? I seek a Ministerial Statement to that effect.

**Mr. Kagwima:** On a point of order, Mr. Speaker, Sir. I am shocked! I am the Member of Parliament for Tharaka and I have just arrived from there. I am not aware of what the hon. Member is saying! I thought we were living in peace! I thought he was trying to promote peace in that area! Those utterances are going to cause us problems!

**Mr. Speaker:** I hope everybody keeps the peace. I hope the Minister will issue a Ministerial Statement next week.

**The Assistant Minister Office of the President (Dr. Machage):** I will communicate that to the relevant department.

**Mr. Speaker:** Mr. Choge, you have half a minute!

**Mr. Choge:** Can I try?

**Mr. Speaker:** Yes, please!

MOLESTATION OF CHILDREN BY SEX PESTS

**Mr. Choge:** Mr. Speaker, Sir, in the recent past---

*(Loud consultations)*

**Mr. Speaker:** Order, hon. Members! Could we listen to Mr. Choge?

**Mr. Choge:** Mr. Speaker, Sir, in the recent past, sex pests have been preying on our children. I would like the Minister of State, Office of the President to issue a Ministerial Statement on the various children rape cases and molestations. Let him, as the satellite office, tell this House how many such cases have occurred and what action has been taken over the last six months. I would like him to tell the House how many convictions have been secured and whether any action has been taken. I would also like him to tell this House what specific disabilities he encounters in the discharge of his duties and what short-term measures he has undertaken to deal with the sex pests.

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

### COMMITTEE OF SUPPLY

*(Order for Committee read  
being the 14th 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 19.10.2004)*

*(Resumption of Debate interrupted  
on 19.10.2004)*

**Mr. Speaker:** Prof. Maathai was on the Floor. You have five minutes left!

**The Assistant Minister for Environment and Natural Resources** (Prof. Maathai): Thank you very much, Mr. Speaker, Sir. I was emphasizing on the need for the Ministry to ensure that vegetation along the highways is not destroyed. I also emphasized that, that is something to which I have drawn the attention of the Ministry before. It is very important to control water along the highways. When it rains, as it is happening now, a lot of water runs through the highways, especially in the villages. There is a lot of soil erosion and soil is carried down the streams. The money that could be saved from bush clearing, could be used to create stoppages along the roads to prevent massive soil erosion.

Mr. Speaker, Sir, we should have an Inter-Ministerial Committee comprising of my Ministry, Ministry of Roads and Public Works and the Ministry of Agriculture. Sometimes, water gathers in certain areas and breaks into peoples' farms destroying crops and causing great damage to our roads. There is no need for the Ministry of Roads and Public Works to direct water into peoples' farms as if they were outlets. The Ministry of Roads and Public Works does not care where that water goes once they have directed it. Quite often, there is massive soil erosion because of poor direction of water.

Mr. Speaker, Sir, in this country, majority of the people walk and a few others use bicycles. We create roads for motorists and pay no attention to the fact that our people walk. We should

create paths for people who walk and those who use bicycles. There was a time when poor people used bicycles. The Government reduced the cost of bicycles. But to ride a bicycle in this country is to invite death. This is because the Ministry has ignored footpaths for people who walk and ride on bicycles. That is an essential service especially in a city like Nairobi and other major urban centres. We would like to encourage the Ministry to pay attention to that sector. Failure to build footpaths has led the people to create their own paths and this wears away the roads and creates massive soil erosion.

I would like to appeal to the Ministry of Roads and Public Works to work with my Ministry to prevent the use of plastic bags. We have talked about plastic bags in this House many times. Our Ministry is partly responsible. We have called upon the National Environmental Management Authority (NEMA) to ensure that plastics are not thrown into drainage systems. They block drainage pipes, cause man-made floods and make our roads impassable. The Ministry, in conjunction with other Ministries, could ensure that the use of those thin plastics is stopped completely. We appeal to Kenyans to stop using those thin plastics, so that we can reduce blockages in our drainage system. That way, we can avoid flooding and motorists will not be inconvenienced.

With those few remarks, I support the Motion.

**Mr. Billow:** Mr. Speaker, Sir, the Ministry of Roads and Public Works was not well known. It was known as the den of corruption. I would like to thank the officers in the Ministry, and the Minister, for making efforts to try and change that image. The quality of roads in this country has been one of the main problems that Kenyans have had for a long time. Some of the reasons why we have a problem with the quality of roads has to do with the Ministry of Roads and Public Works itself. When a road is designed, it is in such a way that there is room for variations. You design a road and make a provision for variation deliberately. Subsequently, you find the same staff from the Ministry, in collusion with the contractors, requesting the Treasury for a variation of the same road or a building. Subsequently, 90 per cent of roads and Government building projects have been varied at some time along the way. Consequently, a road that costs about Kshs60 million or Kshs70 million, ends up costing Kshs500 million or Kshs600 million. That is because during the planning stages, the designers make provisions, so that they can be amended along the way.

The second problem with regard to the quality of roads is the collusion by engineers. The engineers who are required to inspect Government roads and buildings collude with the contractors to approve them and, consequently, get paid. This country has lost billions of shillings because of poor quality roads. I would like the Ministry to do two things with regard to the quality of roads and buildings.

First, the Ministry could develop specific benchmarks so that, if a contractor cannot achieve those benchmarks with regards to quality, he should be blacklisted both at the national and district level. That way, he will not be allowed to do work for the Government. That is the only way we can control what is going on in this country. This is the only way in which we can control what is happening in the country. The Ministry should consider fixing a warranty period within which if a road becomes damaged or develops potholes or a building develops problems, the contractor gets penalised by being black-listed. The engineers who are responsible for certifying that work should in the first place be held responsible and punished for professional negligence.

Mr. Speaker, Sir, with regard to benchmarks, it is important, particularly in the district level, for us to have a specific benchmark, not only for the quality of work, but also for the amount of money that can be spent on a particular work. If we want to gravel a kilometre of a road, we should know how much it costs to gravel it in particular regions. The Ministry should develop guidelines to show the minimum and the maximum amount of money that the Ministry can spend to gravel a kilometre of a road. A District Works Engineer will tell you that to gravel one kilometre road costs

Kshs200,000 and after six months, another one tells you that the same kilometre will cost Kshs500,000. Without specific benchmarks to determine the cost, we will have a problem and the Government will be ripped-off money.

The other problem we have had, particularly at the district level, is with the District Works Engineers, who are colluding with contractors. For example, when money is sent to the District Roads Committees, a Works Engineer contracts for the supply of 10,000 litres of diesel ostensibly to be used for gravelling a road. That fuel will never be delivered and that money will be shared between the contractor and that engineer. This is one of the main problems that we have at the district level. Secondly, money that has been assigned to the Ministry for gravelling or grading a road is never utilised. We have a serious problem with regard to that money.

Mr. Speaker, Sir, when you allocate Kshs1 million to grade a particular road from point A to point B, based on the Ministry's own estimate that each kilometre will cost Kshs10,000 and you give the contractor the Kshs1 million, you will find that after six months, that road will not be graded or gravelled. If you file your complaints with the Ministry, no action is taken against those officers. The Government is losing millions of shillings through corrupt public servants, particularly those who are in charge of roads in the districts. I want the Ministry to take action against the officers who are responsible for using the District Roads Committee money. That money is not being utilised and we are losing billions of shillings every year. The Minister should take the appropriate action against those officers.

The second point that I want to address is with regard to the inequitable development of roads in this country. We are all Kenyans and we are all taxpayers. The money that is raised by this Government should be spent equitably across the country. There are regions of this country, in particular the North Eastern Province, which is the only province that does not have a single kilometre of tarmac road. It is an embarrassment. It is an indictment of all the Governments that we have had in this country. They have completely ignored a whole region. In spite of the many promises that we have heard in the last two years, there has not been one shilling that has been allocated by this Government both in this year and last year, to tarmac a single road in North Eastern Province. To date, that province is not on their road map or in their plan. It is a shame that the whole region has been ignored completely. As we speak, that region is completely cut off. Mandera and Wajir Districts are completely inaccessible because of the rains that started last week.

Mr. Speaker, Sir, we want the Government to provide money for gravelling roads, particularly because of this emergency, to make them passable. The Government has enough resources. I want the Ministry to move immediately and provide money to gravel roads in those areas. You can construct culverts or put temporary measures in place to ensure that these areas are accessible. Indeed, we have asked the Ministry to provide, at least, Kshs100 million to ensure that all roads in that area are all-weather roads pending efforts by the Government to obtain money for tarmacking.

This year, I have Kshs4 million for the B9 Roads in Mandera District. Last year, Kshs13 million was allocated. When it comes to the actual disbursement of money to the district, we do not see that money. Out of the Kshs13 million which was allocated last year for grading the trunk road linking Mandera to Nairobi, only Kshs3 million was ultimately disbursed. The Government must take this matter seriously. You cannot neglect a whole region in this country. Every time the President speaks, he keeps saying that we have to give priority to that region. We want this Ministry to come out and tell us whether North Eastern Province is not in Kenya, and if it is, indeed, in Kenya, why funds are not being provided to make roads in the province accessible. Kenyans there are being affected. Food is not available and people are starving. The Government cannot transport food to the North Eastern Province. Famine relief food has not been transported to that region for

the last two weeks. Consequently, you are putting the lives of the people in the entire region at risk.

Mr. Speaker, Sir, the other item that I want to talk about with regard to that area is equipment. Most of our districts do not have equipment. There was a Motion that was passed in this House and was supported by the Government that each district will have a grader, an earth mover, wheel loaders and several other equipment. We want the Government to move very fast and provide equipment.

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

**Mr. Khamasi:** Thank you, Mr. Speaker, Sir, for giving me a chance to contribute to the debate on Vote 13. This is one of the most important Ministries. In fact, it is the lifeline of the country because all the other sectors depend on good infrastructure if they have to tick.

I would like to take this opportunity to commend the Minister for moving the Vote very effectively. We all know that he is a very serious man who wants things done. We commend him for that. In fact, he is the most widely travelled Minister around the country. I do not think there is any other Minister who has travelled more than Mr. Raila. One would only wish that the mileage that he has covered travelling around the country would reflect exactly what is on the ground. It is the opposite! He has covered too many miles around the country inspecting projects, which I do not think exist.

Mr. Speaker, Sir, the Minister has always come to the defence of civil servants whenever anybody points an accusing finger at them. I would like to advise him that, in fact, corruption is still rampant and it is up to him to dismantle it completely. I have said it time and again here that, people who have grown through a system of corruption and who cherish corruption as their way of life, do not change overnight. You need to move in very effectively with a system which must make them change their way of thinking. For example, when did the so-called "cowboy contractors" get a clean bill of health? Of late, we have seen officials from the Ministry dining and, in fact, trying to test equipment with the same so-called "cowboy" contractors. One wonders when these people actually got out of that habit. We have seen their equipment on the roads being tested and no hon. Member has come to this House to tell us when they were removed from the blacklist.

Mr. Speaker, Sir, I would like also to talk slightly about the classification of roads. This exercise is taking too long to be completed. Some roads are really overdue for upgrading because the last time this was done, God knows when. There are certain roads which really need upgrading, but nothing has happened. Some areas which benefited during the Kenyatta and Moi regimes, where the roads were classified as A and B still continue to have an advantage over the other areas where the roads are still classified as D and E. It is important that classification of roads is quickened so that some roads are upgraded to benefit from the allocation of the Fuel Levy funds.

In Shinyalu Constituency, there is one road classified as D298, from the Provincial headquarters in Kakamega through the only airstrip in Western Province that is of any consequence and connects Kakamega and Rift Valley Province. This is a road which former Presidents of this country have promised will be tarmacked, but nothing has happened. It is the only linkage in my constituency with neighbouring constituencies and other districts. Nothing has been done on this road. We would like the road to be gravelled so that, at least, we can access other areas. We have been advised that drawing and design has been done. That is good news, but we must go beyond that because we would like to see it tarmacked.

I would also like to comment about procedures for service delivery which this Ministry must simplify. The Minister has been accused here of repeating the same story he told this House last year. Indeed, I think the major reason is too much red tape that he cannot move. That is why at the end of the financial year, the Ministry has got to take back to the Treasury quite substantial amounts of money. This Vote includes the monies for housing. I think it is most appropriate that we must

also comment on the housing situation in this country. It was good to see the President inaugurating a scheme where the Government will upgrade the slums of this country, starting with Kibera. That is a very welcome move. But one wonders how fast that will be done after that major announcement was made. Will it remain on paper or action will be taken?

Mr. Speaker, Sir, I have got a lot of quarrel to pick with this Ministry, particularly when it is supervising contracts in this country. A classic example is just at our doorstep here; that is, the Continental House. We spent a lot of money to make it properly air ventilated and have the health club working. These facilities have just deteriorated within a very short time. It was the responsibility of this Ministry to make sure that these facilities work. One would like to question the Ministry; where its interest is, particularly when it is dealing with an institution like Parliament? They gave us a whole house without proper air ventilation. They installed sub-standard equipment there. As a Commissioner, I am sure, we have complained to the Ministry that the equipment is not working, but it has always fell on deaf ears. Nobody seems to be serious about anything. It is a high time that this Ministry must know that taxpayers' money must not be spent in vain. It must be spent on worthwhile causes and the public must appreciate that this Ministry is working for them and not for individual contractors who collect money without delivering proper service.

**Mr. Speaker:** The hon. Members on the Opposition side can have a little relaxation because, as you can see, the population on the Government side is higher. The Opposition side is sparsely populated.

Proceed, Mr. Wamwere!

**Mr. Wamwere:** Asante sana Bw. Spika, kwa kunipa nafasi hii nichangie Hoja hii ya Wizara ya Ujenzi na Barabara. Ningependa kuanza kwa kusema ya kwamba adui wa barabara zetu ni ufasidi na ubaguzi. Ufasidi ni mwingi sana katika Wizara hii. Unafanywa na wahandisi wakishirikiana na wenye kandarasi. Ikiwa ufasidi huu hautapigwa vita, basi nchi hii haitapata barabara ambazo tunastahili.

Kwa kupigana na ufasidi katika Wizara hii, ningependa kumshukuru Katibu Mkuu wa Wizara hii ambaye nina imani naye. Yeye ni Bw. Mwongera. Ningetaka kumhimiza aendelee kuwa mwokovu kwa sababu---

**Mr. Speaker:** Order! Maybe for the record, I think Eng. Mwongera is not the Permanent Secretary in the Ministry. It is Mr. Mukiira.

**Mr. Wamwere:** Ni kweli, Bw. Spika. Naomba kuondoa. Hata hivyo, natumai ataendelea kufanya kazi nzuri katika Wizara yake mpya. Ni kweli ya kwamba ili Wizara hii ipigane na ufasidi kikamilifu itahitaji wafanyakazi ambao ni waadilifu na ambao watafanya kila wawezalo kukwepa ushawishi wa kula hongo.

Jambo lingine ambalo ningetaka kugusia kuhusu ufasidi ni kwamba ni aibu kwamba ikiwa afisa wa Serikali au mhandisi fulani hajihusishi na ufasidi mara nyingi hupigwa vita na kutimuliwa. Hapa ningependa kuongea juu ya mhandisi wa Wilaya ya Nakuru ambaye amekuwa akifanya kazi nzuri lakini wenye kandarasi ambao amewanyima nafasi ya kumhonga sasa wanatafuta namna ya kumtimua ili walete mwingine ambaye wanaweza kushirikiana naye katika ufasidi. Ni jambo la aibu kuona wenye kandarasi wakimtisha mhandishi wa Serikali kwa kumwambia ya kwamba: "Usiponipatia kazi ya kujenga barabara hii au ile, tutaona ni nani ana uwezo wa kwenda mbele."

Bw. Spika, unashindwa "mbele" ni wapi? Ni nani huyo yuko mbele na ambaye anaonekana na wenye kandarasi wafisadi ili wapewe wanachokitafuta? Natumai kwamba Wizara itahakikisha kwamba huyo mhandisi mwadilifu hatatolewa kutoka wilaya hiyo kwa sababu kuna wenye kandarasi ambao wanataka kumuingiza katika ufasidi.

Ningependa kusema kwamba mwenye kandarasi ambaye alitengeneza barabara ya kutoka Ndundori hadi Lanet alifanya ufasidi wa wazi. Alitengeneza barabara ikawa mbaya kuliko

ilivyokuwa kabla ya kutengenezwa. Tulipouliza kwa nini hali hiyo ilitendeka, tuliambiwa kwamba barabara hiyo ilikuwa inatengenezwa chini ya mpango wa *El Nino*. Tulishindwa ikiwa mpango huo haukuwekewa ratiba yoyote ya kuhakikisha kwamba hakuna ufisadi. Mwenye kandarasi hiyo alitengeneza barabara hiyo kwa kuimwagia mchanga badala ya *murrum*. Wizara ikikagua ile kazi, itaona kwa hakika kwamba pesa za Serikali zililiwa bure na hakuna kazi yoyote ilifanyika. Wakaazi wa Subukia wanasema kwamba ingekuwa afadhali ikiwa barabara hiyo haingetengenezwa, kwa sababu iliharibiwa badala ya kutengenezwa. Tungetaka aliyehusika, kama hajalipwa pesa zake, asilipwe! Ikiwa alilipwa, basi aulizwe airudie kazi hiyo tena vizuri.

Bw. Spika, hatuwezi kumaliza ufisadi ikiwa wenye kandarasi ambao wametajwa na ripoti ya Mkaguzi wa Hesabu wanaendelea kupewa kazi. Kwa mfano, kuna Kirinyaga Construction Company na wengine wengi. Unashindwa kuna haja gani kuwa na ripoti za Mkaguzi wa Hesabu ikiwa wale wanaotajwa katika ripoti hizo wanaendelea kupewa kandarasi. Hapo pana upungufu mkubwa! Inaonekana kwamba Mkaguzi wa Hesabu na Kamati ya Bunge ambayo inachunguza ripoti hizo wanafanya kazi ya bure.

Ningetaka kuguzia makampuni ambayo yanavuna miti katika misitu ya Ndundori na Bahati katika eneo la Subukia, hasa kampuni ya Comply. Kampuni hiyo inaharibu barabara zetu sana! Haijawahi kukarabati barabara hizo. Ikiwa kamapuni kama Comply itaruhusiwa kuharibu barabara pasipo kuzikarabati, huo utakuwa upungufu mkubwa. Wanapata faida kubwa kutokana na uvunaji wa miti lakini wanachotuwachia sisi watu wa Subukia ni hasara tupu na barabara zilizoharibika.

Bw. Spika, ikiwa makampuni kama hayo yataruhusiwa kuharibu barabara, itakuwa hasara kubwa sana kwa nchi yetu. Ikiwa kampuni itaharibu barabara, ni lazima ilazimishwe kutengeneza barabara hiyo kabla ya kuondoka, au ilipe fidia ya aina moja au nyingine.

Bw. Spika, nakubaliana na wale ambao wamesema kwamba kumekuwa na ubaguzi mwingi katika kutoa pesa za kutengeneza barabara. Haieleweki ni kwa nini wilaya moja inapewa Kshs500 milioni kutengeneza barabara, ilhali wilaya zingine hazipewi hata Kshs1 milioni. Nakubaliana na Bw. Bellow aliposema kwamba Mkoa wa Kaskazini Mashariki umebaguliwa sana kwa muda mrefu. Kuna wakati nilitembelea Wilaya ya Garissa na nikashangaa kusikia kwamba mkoa huo una kilomita sita tu za lami. Ni aibu kubwa kwa nchi na Serikali kwamba sehemu moja ya nchi haina hata barabara moja ya lami.

Kuna kitu ambacho sijaelewa. Ikiwa Serikali ya KANU iliwabagua wakaazi ya mkoa huo, kwa nini wanaendelea kufuata KANU? Kwa nini walikuwa wanaunga mkono Serikali ya KANU na ilikuwa inawabagua?

*(Applause)*

Bw. Bellow analia hapa na kusema kwamba wamebaguliwa lakini yeye ni waziri butu katika Serikali ya kesho ya KANU. Naomba kusiwahi kuwa na Serikali ya KANU baadaye. Watu ambao wangepaa kukimbia chama cha KANU na Serikali ya KANU ya baadaye, ni watu wa mkoa huo. Lakini, kwa wao kuja hapa kulia kwamba wamebaguliwa, na wanaendelea kuunga mkono chama hicho hicho, ni kuonyesha kwamba wanadanganya watu wao.

Bw. Spika, mimi naishi Kahawa Sukari. Naomba wakora wasinisikie ili wanitafute huko. Hapo, tuna taabu kubwa sana ya barabara. Wanaoishi katika mtaa huo wamejenga nyumba nzuri na ni vigogo Serikalini. Namwona Mheshimiwa hapa anacheka. Hata yeye anaishi kule. Tunashindwa ni kwa nini hatuwezi kuwekewa lami.

Kwa hayo machache, naunga mkono.

**Mr. Muiruri:** Mr. Speaker, Sir, I want to thank you for allowing me to relieve you for five minutes, and for allowing me to sit on your Chair. Maybe, a number of hon. Members did not

realise that I was the Chair for a full five minutes. Let it happen again.

*(Applause)*

Mr. Speaker, Sir, I also thank you for giving me the opportunity to contribute to this Vote on our roads. In the last Parliament and this Parliament also, I have raised questions regarding the roads in Gatundu. I asked a similar Question in this House today and the answer I got from the Assistant Minister for Roads and Public Works, Eng. Joshua Toro was that, that road was tarmacked in Gatundu during the late Mzee Jomo Kenyatta's rule. That means that, for the last 28 years, no single road has been tarmacked in Gatundu. We are taxpayers like anybody else.

Mr. Speaker, Sir, there is a road that runs from Thika and passes through my constituency; Road C66. It is a very important road that joins the main Nairobi-Nakuru highway at the flyover. It is full of potholes and it is almost impossible to drive along it. I even went to the Ministry of Roads and Public Works to see the then Permanent Secretary (PS), Mr. Mwongera to complain about that road, but nothing has been done. I hope the new Permanent Secretary will take up that matter because that road is very important.

Mr. Speaker, Sir, there is also a very important road between Gatukuyu and Matara. It is the only road in Gatundu North Constituency. It becomes impassable during the rainy seasons. Economically, it is a very important road to the people of Gatundu North Constituency. The people of Gatundu keep on asking: Did the late President Jomo Kenyatta die with the roads? No single road has ever been tarmacked. Most of the roads are totally impassable.

Mr. Speaker, Sir, the Ministry of Roads and Public Works must be able to work together with the Ministry of Transport. The Government can save our roads if it makes proper use of the railway system. It is important for the Government to enhance railway transport in the country and not only the use of the railway from Nairobi to Mombasa. Heavy vehicles on our roads destroy them because of the very heavy loads they carry, for example, the containers. We can actually save a lot of money by using the railway system as the major means of transport other than using the roads.

Mr. Speaker, Sir, over the last weekend, I drove from Nairobi to Molo. I realised that the road between Naivasha and Molo is such a terrible road. It cost me two punctures and as a result I lost two tyres. The road is in a pathetic state and one has to drive slowly. In fact, the road is getting worse by the day. The road from Nairobi to Thika, a major highway, is also bad. One wonders what the Ministry is doing. I heard the Minister say that he is not adequately funded. Who is supposed to fund him? We are talking of a Government that has collective responsibility and it is not right for the Minister to cry to the public that he is not adequately funded. What is he telling the public and yet it has funded him through the taxes?

Mr. Speaker, Sir, it is high time our Government did something about our roads. We have a little money, just about Kshs5 million annually, allocated to the District Roads Committees (DRCs). All hon. Members of Parliament are members of the DRCs and so is the District Commissioner (DC). We are normally told to come up with a workplan concerning the expenditure of the Kshs5 million. That money is not adequate. It is so little. When we told the engineer of roads that we want to murrum a road from one corner to another, that is, less than one kilometre, we found that the money was not enough. It is not right that the DRC is given only Kshs5 million. That amount of money cannot do anything.

Mr. Speaker, Sir, I am a Member of the Agriculture, Lands and Natural Resources Departmental Committee and I know that the Kenya Roads Board (KRB) has been collecting cess from the Kenya Planters Co-operative Union (KPCU), Socfinaf and Thika Coffee Mills. The Board collects Kshs66 million from the coffee-growing areas of Kiambu and Thika. The money has not

been released to the coffee-growing areas so that it can subsidise the Kshs5 million allocated to the DRC. It is important that the Minister, through his able Assistant Minister, Eng. Toro, looks at the distribution of the cess money from coffee and tea. The money is not properly managed and it needs to be accounted for. The current system, as it is now, gives no room for counter-balancing between the Coffee Board of Kenya (CBK) and the KRB to ensure that the actual amount of money is deducted and sent to the KRB. The money should not, in fact, be sent to the KRB. It should go back to the coffee-growing areas where it will be used to construct roads. That is the law. Thika Coffee Mills, Socfinaf and KPCU should not be remitting this money to KRB. Instead, it should be paying the money directly to the DRC.

Mr. Speaker, Sir, the NARC Government was supposed to do quite a lot within the first one or two years after taking over. The speed of its operations with regard to roads and other activities, leaves a lot to be admired. We know that the collection of taxes by Kenya Revenue Authority (KRA), as of now, is very substantial. The authority is collecting a lot of money and one wonders why it is not being spent. There is no justification at all that only Kshs8 billion is released to the Ministry of Roads and Public Works. What are they doing with the balance? Why are they retaining it and what is it for? So, if funding towards the Ministry of Roads and Public Works is inadequate, and we are going to rely on the Ministers word, that is not right.

I hope that the Minister will look seriously into the issue of our roads, and especially roads in Central Province, which were terribly neglected by the KANU Government. No roads, especially in Gatundu, were made during the KANU regime whereas if you go along other roads such as the Ngong - Isinya Road, you will realise that it is a very good road. The only problem is that there is no traffic on that particular road. You wonder why it was constructed. It is only right that the NARC Government now concentrates much more on roads in Gatundu North. Some of the roads in Gatundu South are quite okay because that is where Mzee Jomo Kenyatta came from. However, the roads in Gatundu North are in a terrible state of neglect. I am sure that the NARC Government, now that I fully support it, will look into that issue.

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

**The Assistant Minister for Education, Science and Technology** (Dr. Mwiria): Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this important Motion. We do not need to over emphasise the need to put much more resources into our road system than we have before. The contribution of roads, as an infrastructure, to the development of our country cannot be gainsaid and it is expensive for this country to have roads that are dilapidated. This affects individuals as well as organisations.

*[Mr. Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, I would like to reiterate a point that has been made with regard to priorities in terms of which areas to focus on. As we prepare estimates for our roads, the principle of fairness should be considered very importantly, for example, the way resources are allocated for various districts and for specific roads within those districts. I would like to concur with my colleagues who said that there are parts of this country that have been neglected for a very long time. As we make allocations for new roads as well as the maintenance of existing roads, priority should be given to former Opposition zones. The previous regime, for a long time, ignored those districts in the Opposition zone totally and without any amount of shame.

Mr. Temporary Deputy Speaker, Sir, with regard to public works, the previous regime created political districts. There are so many of them now. The problem, however, is that the districts were created without allocation to support public works in those areas. So, it is easy to find a district which has no headquarters or housing for staff members in those districts. They lack proper institutions since the idea to create them was purely political rather than to ensure that the new districts have the resources that would qualify them as districts.

Mr. Temporary Deputy Speaker, Sir, also important is the need to consider road systems that connect service centres, markets, hospitals, police posts, coffee and tea factories. There is also need to support road structures in our game parks. I think it is not enough to get our tourists to go to national parks. It is important to ensure that as tourists, both local and foreign, use those roads they are motivated to come back by the kind of road structures they use in visiting our parks.

There is need for the Ministry of Roads and Public Works to strengthen collaboration with other Ministries that have something to do with roads and public works. The Ministry needs to check the damage on our roadside that is caused by *matatu* madness. A lot of our road systems are wearing out, especially in towns because when there is heavy traffic jams *matatus* tend to ignore the proper roads and use side roads, thus causing tremendous wear on the roads in addition to causing a lot of congestion on roads. This is really a problem, especially in Nairobi.

Trucks are also messing up our roads. They use roads during times when they should not be using them. They are usually overweight, and it is not quite clear that adequate action is taken to curb this kind of problem. Our roads have also become a source of insecurity. Something needs to be done to ensure that motorists are protected from people who attack them and organise other types of crimes.

It is also important for collaboration to de-congest our roads. A point has been made about the need to exploit other opportunities for travel, including rail travel, air travel and waterways. Enough is not being done in this area. We just concentrate on roads, not emphasising enough on the other possible alternatives that could be exploited.

In terms of dealing with those people who have no respect for the law like *matatu* drivers and other people who cause insecurity, I would not say that bumps are a solution. I think we could have a system whereby there is immediate arrest of *matatu* drivers and other road users, who are blatant in their ignorance of the law. It is also possible to have fines imposed on the spot especially if we have a computerised system that makes it impossible for a police officer to check which motorists are repeatedly disobeying the law.

There is also need for us to emphasise a great deal on attitude change, in terms of educating, not just *matatu* drivers, but also *matatu* passengers. This is a subject that will be debated more seriously when we come to the Vote for the Ministry of Transport. Change of attitude among the citizens and road users is particularly important, because those who disobey traffic rules are not just *matatu* drivers, but even private motorists have absolutely no regard for traffic rules.

A point was made earlier on about the need to take care of our cyclists and pedestrians. These are the majority of the road users. It is very unfortunate to find thousands of people trekking from Kibera and other parts of this City into the city Centre in the morning. These people struggle to find space to walk on. Cyclists are also threatened occasionally by motorists who have no respect for bicycle users. I would like to strongly insist that any future design of our roads must take into account the needs of the majority of Kenyans who cannot afford to travel in a *matatu*, leave alone private cars.

Also important is the need to consider provision of specific services along our highways. If you go to many countries in Europe and the USA you will see that after virtually every 20 or 30 kilometres there are toilet and telephone facilities, cafeterias and security personnel. It is a big

shame to see people coming out of their cars to go and relieve themselves in the bush, just because toilets have not been provided. I think this should be taken into account in terms of not only the convenience it will provide to road users, but also in terms of the security that may come from telephone booths that will be available to motorists, who may want to report danger when it arises.

Also important is the need for expanding our roads in terms of their width. I say this because many of the contracts that have been awarded in the last 20 years did not live up to expectations in terms of both the kind of quality of roads that was expected and how much was used on the materials and road expense. There is, therefore, a need to revise designs of roads because they cause a lot of danger to motorists. When they are narrow, overtaking becomes a problem.

There is also the need for improved maintenance. If privatisation will help, I think it is worth experimenting. If we have to privatise some roads, so that we have people who will be concerned with road maintenance, I think that will be useful. More importantly, we should insist on local authorities spending much more than they are spending now on the maintenance of roads. It is essential to educate people on maintenance culture. The way people use their vehicles or leave their houses to be run down until they are beyond redemption is a big problem. Maintenance culture is problem. This is much more so with regard to our public infrastructure, especially roads.

A point was also made about the need to link our regional countries with a road network. We need to improve our roads domestically. For example, it is unfortunate that there is only one main highway leading to Mombasa from all parts of this country. If we constructed another road through Maua and Ukambani for people from Central Province, it will be a quicker route to Mombasa. I do not know why these issues have not received enough attention. It is important to see how we can diversify our structures to ensure that we are not too dependent on just one highway.

I agree with those who have called for continued demolition of structures that are on road reserves, except that I think that this should be done along with actual construction of roads. Secondly, it is good to revisit the plans for this city. In estates like Kahawa Sukari, entrepreneurs who put them up were not concerned about relevant structures, including the infrastructure that is necessary to support estate populations.

With those few remarks, I beg to support.

**Eng. Okundi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this important Vote. I would like to congratulate the Minister and his Assistant Minister for preparing a very good speech which was presented here earlier in the week outlining what they, as Ministers would like to see our roads in this country be like.

We know that the Minister inherited the Ministry when the infrastructure had collapsed in many parts of this country. Therefore, we need to do very careful planning before we inject money to reform the infrastructure which had collapsed. Last year the Minister took this House through a careful analysis of how the Ministry had consulted with their counterparts in Tanzania and Uganda to find ways of reducing the per unit cost of maintenance, new construction and gravelling of roads. At that time, we saw in this House that the budget could be halved. We would spend less money doing more roads and save on the very high costs which the contractors used to determine the cost of their contracts. Mr. Temporary Deputy Speaker, Sir, I would like to say that even the money we approved for some projects last year is being returned to the Treasury because the work has not been done. Why is this the case? It is true that corruption has penetrated in the Ministry. This is a Ministry which has the highest number of engineers, and good enough, our President has appointed a Minister and an Assistant Minister who are engineers. I think it is upon them to very seriously consider where

this country is headed to. This is because road infrastructure is the main lifeline to the upliftment of the economic and social status of our country. We should spend money to do our roads so that we

can also sell our goods, communicate and travel. The *matatu* industry and many other sectors cannot thrive without good roads. There are a number of examples to show that there is something wrong. If you take, for example, Homa-Bay District, where I come from, the roads which really matter to the residents and have been tarmacked before are the roads from Homa-Bay District to Rongo, Rodi Kopany to Karungu Bay and Katito to Kendu Bay. These roads are worse than murrum roads because the potholes are actually "craters". Those potholes will damage our new cars very soon because we have to visit our constituencies to know what our people want, bring the request to the Government and this House so that action can be taken. This is the case and, yet when you visit your constituency, you risk damaging your car completely. Surely, why should we tarmac a key road and fail to maintain it? There are a number of bad roads which I can mention here as examples.

There are also public buildings which were started by the previous Government. In Nyanza Province, for example, the previous Government started constructing a modern and excellent looking provincial headquarters. This would be a Government facility housing not only Government institutions, but also private institutions which would easily interact with the Government to enhance business for the benefit of the region and the country. That building has been left in a desperate state of affair. Somehow, something is very wrong.

In the Development Expenditure last year, we approved Kshs50 million for the tarmacking of Kendu Bay-Mbita Road, but what is in the Printed Estimates? This year Kshs28 million has been allocated to the same road. They are saying that out of the Kshs50 million, we approved last year, Kshs15 million was spent and the remaining Kshs35 million has to be returned back to the Treasury because it was not used. This is a very sorry state of affairs. Why did they fail to spend that money which had been approved? I have seen regular tendering, re-tendering and pre-qualifications. The paper is full of expression of interest to do this and that road. The Ministry should stabilise the construction and maintenance of these roads. The Ministry should give out its costs and if a contractor has been awarded a tender, he should be on site for two years to see to it that the road was properly constructed. After that, the Ministry should move to requisition of funds, which should be available. We will not build this country unless funds are used to do our roads the way they have been designed and approved.

Mr. Temporary Deputy Speaker, Sir, on the Kenya Roads Board (KRB), each district has a District Roads Committee (DRC). Sometimes I wonder where some engineers in certain districts trained. For example, when I pass through some districts, particularly, Rachuonyo District, I find that some roads have been done very well. When I go to my district, I find that the road projects we approved do not seem to have utilised the money we approved and yet they are in a terrible state. Why is this the case? Is it because we should allocate and approve money at the District Tender Committee, the DRB or ask the engineers who can do that job to do it? I speak like that because I am also an engineer. I know that specific professional work is not being directed to the road sector for the money which has been approved. Is it because money is not being disbursed by the Treasury, or is it because we have gone haywire in the supervision of public funds and we do not really care what happens?

I would like to say that the Kenyan public judges us, hon. Members, by the way we talk about how their funds have been spent. In the roads sector, the poverty index increases substantially, when they are in a bad state. If a producer cannot sell his products, he will be a poor person. For example, I know there are some vegetables in my constituency, but the farmers cannot sell them because they cannot access the market centres since the roads are in a terrible state. The vehicles, which are used occasionally, have also broken down and they cannot be repaired because of lack of money.

We should pass this budget, but we need also to be told periodically how monies have been spent. I remember that last year, we had a list of the monies disbursed by the KRB to the various constituencies, and when we met, we compelled them to do the roads using those funds. It is very difficult to emphasise how crucial road infrastructure is to all of us. The roads are so crucial that if we do not use these funds well, the patience of *wananchi* will run out.

Lastly, I would like to say that there is an acute shortage of equipment. This is a sector which requires good equipment. The Ministry should plan and buy new equipment. Buying equipment is fast today. I do not think that there are many tender procedures which have to be followed. The Ministry can do the tender and buy the equipment immediately.

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

**Mr. ole Metito:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion.

The road network is very vital to the economy of this country. It is very vital that any major inefficiency would slow down the economic growth of this country. Currently, the state of our road network is wanting. The poor road network is really impacting directly on the manufacturing cost of our products. Therefore, I would like to join my colleagues in supporting the fact that we have to improve our country's economic competitiveness by giving the first priority to the roads sector.

Mr. Temporary Deputy Speaker, Sir, the Government, which runs the Kenya roads network through the Kenya Roads Board needs to invest more or even sell out to the strategic partners or investors to pump in some new capital so as to bring some light to it. As it has been said earlier by the previous speakers, the roads infrastructure in this country has really collapsed.

I would like to talk specifically about my constituency, Kajiado South. We have a road called Emali-Loitoktok Road which is one of the most important roads for the economy of this country. Hon. Mwiria talked of the need to develop the roads that link our country to other regions. He also talked about the need to have another road linking Nairobi to Mombasa. If the Emali-Loitoktok Road is tarmacked by this Government, it can do both; it can link Kenya to Tanzania as well as Nairobi to Mombasa. It can even help to ease traffic congestion on the Nairobi-Mombasa highway, as well as shorten the distance between Nairobi and Mombasa. We can take advantage of our markets in East Africa by tarmacking this road and also by making sure that the transport system is not just reliable, but efficient. By doing this, we are not just going to improve the livelihoods of the people of Loitoktok, but that of the people of this country.

Mr. Temporary Deputy Speaker, Sir, Loitoktok is both an agricultural as well as a horticultural area. A lot of onions, tomatoes among other perishable goods are produced in this area. The market for this produce is the Kongowea market in Mombasa. It takes the farmers more than a week to access the Nairobi-Mombasa highway through the Emali-Loitoktok Road, especially during this rainy season, when the road is completely impassable. By the time the farmers access the Nairobi-Mombasa highway at the Emali junction, all the horticultural produce would have rotten. This road is very important, and I would like to urgently request this Government to put more emphasis on the tarmacking of this road before the end of this term in 2007. The previous Government promised to tarmack this road; it has even been reflected in the maps and drawings. Everything, including the designs have been done on this road. Some people even say that in the books, this road has been tarmacked, but if you use that road right now, it is in a pathetic situation.

I would like to talk about the future expansion of our roads. I think it is imperative to be focused on the future by protecting our road reserves. In the South African region, in Botswana in particular, the road reserves are so clearly marked and protected, and they are even fenced by the Government! In that country, after every 100 kilometres, the road is so wide that it is used by aeroplanes as a safety landing place. That means that, for example, from Nairobi to Mombasa, a

distance of 500 kilometres, there are about five safety landing areas on the road. That is because the road has been widened so much, and that can only be possible if we protect our road reserves, but I think the opposite is true for our country.

Mr. Temporary Deputy Speaker, Sir, my constituency has no single road which has been tarmacked that actually connects my people from the constituency to Nairobi. We only have six kilometres of tarmacked road on the other side of Tanzania. It is a border district, and it is both an entry and exit point for this country. It is a very important region for the economic revival of this country. So, I would like to request the Government to tarmac that road. I would actually wish to see the plans they have to tarmac that road as it will be a major project that will make me keep on supporting the Vote for this Ministry.

With those few remarks, I beg to support.

**The Assistant Minister for Foreign Affairs** (Mr. M. Kariuki): Thank you, Mr. Temporary Deputy Speaker, Sir. I also wish to support this Vote for the Ministry of Roads and Public Works.

First of all, let me say that the importance of roads and railway infrastructure cannot be gainsaid, because our entire strategy for economic recovery depends very much on how we fix our infrastructure. It is not just for purposes of the investors and our exports but for also for our domestic production. The element of transport is an important component of production. The cost of production depends very much on the easy access to the markets and the conditions of the roads.

Having said that, let me add a few footnotes to matters that have already been mentioned here. First and foremost, it is almost unanimous in this House that the issue of roads should be under one command. Currently, those of us who live or come from urban areas know that we have to get our road funds from the Kenya Urban Transport Infrastructure Programme (KUTIP) and, under the current Budget, only Kshs881 million has been allocated for all the urban councils in Kenya. That is really peanuts compared to the volume of work that is required to be done in our urban areas. That is where our industries and the manufacturers are, and it is important that the road network in our urban areas be considered together with other national road networks.

Mr. Temporary Deputy Speaker, Sir, I recall that during the last financial year, Nakuru Municipal Council only managed to get Kshs23 million from the Local Government fund, KUTIP. Given the cost of building roads today, which is estimated to be between Kshs20 million and Kshs40 million per kilometre, the Kshs23 million that was given to the Nakuru Municipal Council is hardly enough to repair tarmac roads, leave alone creating new tarmacked roads within the urban areas. We made these recommendations last year during the last Budget, and I do hope that some steps are going to be taken before the next Budget to ensure that the entire national road network is placed under the Ministry of Roads and Public Works.

I would also like to add my voice on the issue of local and indigenous contractors being given work. I think we have a few things to learn from our colleagues in South Africa, where no tender can be given to a company unless the company can demonstrate that 51 per cent of the shareholding is local. That will create a sense of patriotism and nationalism. I think we have to do a serious bargain with any company that wants to get a contract. I recommend to the Ministry that we place a rule in our procurement procedures, which should come to the House before the end of this Session, to have the 51 per cent rule on local shareholding for any company that wants to do road construction in this country.

The third point is the question of regional road networks. Every time you meet an Ethiopian delegation coming to Kenya or you go to their country, the first item on their agenda is what is happening to our side of the Trans-Africa Highway. Ethiopia has been able to tarmac their side of the road up to the border. This road is important, because the bulk of our export trade today is within the IGAD and East African Community area. Now that we are talking about the importation of

maize, Ethiopia has been endowed with a very good weather this time round, they have huge reserves of maize for export. But if you take the cost of importation by road from Ethiopia to Kenya, because of the nature of our highway to the border, it is such that it will be very high. It is much cheaper to import maize from South Africa by ship than bringing it by road from Ethiopia. So, I think we need to invest in terms of the future in the regional markets because that is where our future lies.

If you look at the European market, the bulk of their trade is within the European Economic Community (EEC). I think we should focus our sight in the regional market in terms of improving infrastructure and to make our exports and imports much cheaper.

Mr. Temporary Deputy Speaker, Sir, may I say something about the Roads Board Act. We have had challenges on this particular Act, and I think it is timely now that we propose some amendments. My experience in Nakuru is that we lost Kshs7 million last financial year which was misappropriated by the district roads engineer. We made this complaint known, and apparently he has not been prosecuted. Instead, a new district roads engineer was brought there. But we are yet to get our Kshs7 million which the district roads engineer used to repair Graders of private contractors and vehicles for the Ministry of Roads and Public Works, yet that Vote was supposed to go to the respective constituency for road improvement.

Mr. Temporary Deputy Speaker, Sir, one of the major problems in the Act is Section 23, which provides for keeping of books of accounts. But who is supposed to keep these books? It is the same district roads engineer. We need to have separation of powers here. We can bring on board the district accountant, who will be responsible for accounts, while the district roads engineer supervises the construction.

This is what happened in our case. The district roads engineer is the same person who was supposed to provide accounts. He never did so, and at the time of his departure from Nakuru, we established a loss of Kshs7 million. Something should be done to seal that particular loophole.

Section 17(7) of the Roads Board Act, again provides for a separate account other than that at the District Treasury. I think this is important for purposes of control. In most districts, this has not been actualised, and in Nakuru, it has not been actualised. It is important that we get a free hand to establish separate accounts away from the District Treasury, so that our money is not mixed up with other district expenditures.

Mr. Temporary Deputy Speaker, Sir, I would like to say something about decongesting our streets. If you go to South Korea, you will find that they have done away with roundabouts. There is nothing like a roundabout within the towns. Roundabouts are what creates congestion. You can see it in Nairobi, particularly when our traffic lights cannot work. A lot of congestion is created in the urban roads because of the roundabouts. I want to recommend very strongly to the Ministry to ensure that roundabouts are done away with.

In order to further decongest the roads, we have to look for another measure, because I can see that we have constraints of space, in terms of expansion. We can have what is called "storied roads." I have been asking my colleague here, hon. Eng. Toro, what they call them in technical language, but he was not able to assist me. But you can create a storey road on top of another road, so that we have two roads on top of the one below. That will be a measure towards decongesting our roads.

The third step that we should take in terms of decongestion is to have a long-term strategy. Look at Nairobi. Traffic cannot move at all! I think we need to think about an underground rail system to decongest our roads. It may be ambitious, but in terms of long-term strategic planning, it is very important that we think ahead of time so that we do not do management by crisis. We should be able to plan ahead to avoid crises.

Mr. Temporary Deputy Speaker, Sir, I wish to mention something on the Elementaita-Nakuru Road. A tender to reconstruct that road was given to a contractor. Part of it, 19 kilometres is within Nakuru Town, towards Elementaita. The contractor scooped out the entire tarmac. I think the idea was to recarpet the entire road. After the removal of the tarmac, no further work took place. I want to appeal to the Minister to ensure that this road is given special attention. Measures should be taken against the contractor who was supposed to repair this road, since it has now become impassable.

Finally, on the Northern Corridor, this Vote was there last financial year. We saw that the Mai-Mahiu-Naivasha-Lanet Road would have to depend on donations from the EEC and the African Development Fund (ADF). I think we have to get out of this donor dependency syndrome. I do not see why we cannot get this Vote directly from the taxpayer. I am aware that this country is probably one of the best managers in terms of Budget.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Hon. Members, I still have five minutes before I call upon the Minister to reply. I can see two Members who have been very consistent in trying to catch the eye of the Chair; hon. M. Mganga and hon. Kimeto. So, between the two of you, who is going to take the five minutes? Hon. Kimeto!

**Mr. Kimeto:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. If there was a way this Government could implement what Members of Parliament say or propose, our country would be one of the best countries. Kenya is bestowed with a lot of food crops. But without good roads, this country will forever be faced with the problem of famine. There are no good roads to serve the rural areas.

Mr. Temporary Deputy Speaker, Sir, roads engineers in this Ministry are very good in doing nothing other than siphoning the money which we vote into this Ministry. The roads engineers are very good in embezzling money. As you see them there, they have already ripped-off the Kenyan people by embezzling money meant for our roads development.

Look at the way the roads are constructed. Take, for example, the shoulders of our roads. If you go off the road a little bit, you will never survive, because there are trenches along the roads. There is nowhere to negotiate. The moment you slip, you immediately go to your hell or heaven. The roads are made to kill us! They are not made to assist the motorists. Just less than a metre from the road, you will find a deep trench. Where were these engineers trained? Why can they not do the roads to the best of their abilities? It is unfortunate that our engineers do not supervise construction of our roads in this country. Instead, they are busy negotiating with contractors on how they will share money meant for construction of roads. This is a very unfortunate scenario, especially when a lot of people are dying due to accidents caused by poor construction of roads.

The other issue I would like to raise concerns on is the lack of road signs on our roads to indicate, for example, a steep, sloppy or dangerous corner. Instead of looking into this, the people concerned spend most of their time planning how to misappropriate funds.

Mr. Temporary Deputy Speaker, Sir, roads in most of our rural areas have also been neglected. Most of the bridges are in a dilapidated state, unfortunately, there is no money set aside to repair them. I suggest that all the money set aside for construction of roads during every financial year be managed by the Constituency Development Fund (CDF). The CDF should be headed by the area hon. Member who will be accountable to wananchi. Failure by the honourable Member to account, I suggest that he loses his or her seat automatically.

Mr. Temporary Deputy Speaker, Sir, it is common to note that officials from the Ministry of Roads and Public Works are transferred from one district to another. This trend should be stopped because if one complains today, for example, of an officer in Bomet District, that officer is

transferred to another district where he also misappropriates funds. I suggest that stern action be taken against such officers even if it is to sack them. Some of these officers were employed during the KANU regime. If the present Government continues to trust them, this country will never realise its dream of good roads. For example, construction of the Sotik-Kilgoris Road has not commenced. I wonder when it will commence. Sometimes back, the Minister indicated that construction of that road would commence. Unfortunately, the construction work has not started. I hope the Minister will look into this.

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

**The Temporary Deputy Speaker** (Mr. Khamasi): Hon. Members, we have come to the end of debate time. I will now call upon the Mover to reply. Eng. Toro, you could give part of your time to the hon. Members who are keen to speak.

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Speaker, Sir, I would like to donate five minutes of my time to Mr. Kenneth and another five minutes to Mr. Muchiri.

**The Assistant Minister for Co-operative Development and Marketing** (Mr. Kenneth): Thank you, Eng. Toro, for giving me five minutes of your time. It shows what good neighbours we are back in the village.

*(Mr. Angwenyi consulted loudly)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Angwenyi! Could you consult quietly.

**The Assistant Minister for Co-operative Development and Marketing** (Mr. Kenneth): Mr. Temporary Deputy Speaker, Sir, I would like, first of all, to start by talking about the District Roads Committees (DRCs). From where I come from, we have had a very good and successful DRC. Some good points have come from the Ministry. However, there are many handicaps that we have continued to face despite having a very cohesive DRC. What pains me is to look at the equipment that lies idle at Thika; equipment that could be well up and working, that could assist us in doing our roads. I hope that the Ministry will be in a position to look at that equipment which is lying unrepaid and idle.

Mr. Temporary Deputy Speaker, Sir, the other point I would like to make is that the DRC is overburdened by the non-classification of roads. We have roads which are classified as "D" and they are fully tarmacked. Surely, these roads cannot be looked after by the DRC with the meagre allocation we give to them. It would be important if the Ministry could classify our roads in our country today, so that we know which roads are really under the DRC and which ones are under the Ministry.

Mr. Temporary Deputy Speaker, Sir, I also would like to encourage the Ministry to look at the roads all over the country. In particular, when I look at my one and only road that leads me to my constituency, that is A2, Thika Road, and I have raised these questions here before, I have failed to understand who owns the road between the dual carriage way because I see people with gardens growing maize and beans whereas that is supposed to be part of the road. To me, it creates more erosion to the stability of the road.

Mr. Temporary Deputy Speaker, Sir, I also would like to pick up a point with this Ministry over a quarry. There is a quarry as you go towards Ndarugo River on Thika Road which I believe continues to undermine the foundation of a very major road.

The other point I would like to raise is on road signs and bridges. If you go all over the country today, most of our bridges do not have guardrails. In particular, if I look at Chania River,

where the bridge is at a curve, there are no signs or guardrails. This is a danger spot. We have a very big danger spot at Githurai where there is a railway passing under, which constitutes a bridge. Every other week, there is a car that veers off the road into that bridge. This is because we do not have guardrails and road signs. I would like to encourage the Ministry, as they build new roads, it is very important that they think about the bridges and signs.

Mr. Temporary Deputy Speaker, Sir, Mr. M. Kariuki spoke a few minutes ago about the traffic jam. It is true and maybe it is time that the roundabouts were done away with. In particular, from Nakuru to Mombasa, there are only seven roundabouts and those are from Westlands up to Nyayo Stadium. If you look at the clogging that they cause in terms of traffic jam, it is quite heavy. We are now getting another systematic manner in which we are acquiring traffic jams in the country. You get *matatus* going at 80 kilometres per hour on a dual carriage way. One takes the left, another the right. So, you get a traffic jam because both *matatus* are on both lanes, moving at a speed of 80 kilometres per hour, and they cannot overtake each other. So, I would like to appeal to the Ministry to work, in liaison with the Ministry of Transport and Communications, to ensure that slow traffic keeps to the left as it is supposed to be. This can only be achieved by increasing education through the use of road signs, educating our people and asking traffic policemen to ensure that slow traffic keeps to the left.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to appeal to the Ministry. I know there are many roads to be constructed; there are many areas that require construction. In fact, in last year's vote, one of the roads, C67 was actually due for construction. I hope that construction will still take place. However, I would like to appeal to the Ministry to look at some of the priorities because we can easily get cut off as a country. If you look at the Thika-Nairobi, Nairobi-Athi-River, Naivasha-Nakuru, Mai Mahiu-Narok and Mariakani-Mombasa roads, they are all priority roads.

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

## QUORUM

**Mr. Mwandawiro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. There is an obvious lack of quorum in this House. We are discussing a very serious business concerning our roads. I do not even see anybody from the Ministry of Roads and Public Works.

**The Temporary Deputy Speaker** (Mr. Khamasi): For sure, there is no quorum. Ring the Division Bell!

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, hon. Members! We have a quorum now. You may proceed, Mr. Muchiri.

**Mr. Muchiri:** Mr. Temporary Deputy Speaker, Sir, I wish, in the five minutes that I have been given by the Assistant Minister, to summarise a few points that I think are pertinent to the administration of roads construction and maintenance.

I want to remind the Ministry that Nyandarua District accounts for 26.9 per cent of Central Province land area. We are disadvantaged because of large landmass. We have poor roads, whose repair is now our priority. Although we are happy that the Ministry will fund Njabini-Dundori Road with the provision of Kshs180 million that has been made, the road had been done partially through the *El Nino* Fund. The contractor did not do a good job, nor did the contractor who worked on Road C83 by the name of victory Construction. I want the Ministry to look into the roads that require a lot of maintenance before it utilises further the Kshs180 million.

My biggest problem in Ndaragwa Constituency is road maintenance. I want the Ministry to look into the question of re-classifying roads. This is a problem that is bedeviling Nyandarua District. It is a settlement district and most of its roads have not been classified. That means that we do not have many "A", "B" or "C" class roads. Therefore, we cannot benefit economically from the roads. Most of our roads fall under classes "D" and "E", which we may refer to as tracks.

Although District Roads Committees (DRCs) are assisting in maintaining classes "D" and "E" roads, I am surprised that the Ministry uses 7.7 per cent of the District Road Fund for management expenses incurred by the DRC. I do not know if this is only happening in Nyandarua, or if it is also happening in other districts. That money is running the Ministry of Roads and Public Works office in the district. That is not in the Act and should be stopped. I am told that the power to use the money is derived administratively, but it is contrary to the Act. That money is supposed to go to road construction and not to pay for electricity, water, telephone or other expenses of the DRC. Seven per cent is a lot of money. I would appreciate if that was stopped and all the money went into road construction.

On the issue of district tender rates (DTR) for people who supply murrum or quarry waste, I wish the Ministry could adopt local tendering for certain roads. Let us not use one rate across a whole district like Nyandarua. This has affected us a lot because quarry waste of seven tonnes costs us Kshs6,000 whereas we could find it locally at Kshs4,000 or Kshs3,000. That is something that we have told our District Roads Engineer (DRE). I hope his bosses are listening because they are here. This is [Mr. Muchiri]

a big problem, because we are getting some of the material at a high cost. I do not want to cast any aspersions, but I want to say that our roads can be done more cheaply than they are being done now.

I beg to support.

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Speaker, Sir, I wish to take this opportunity to thank all hon. Members who contributed to the Vote of the Ministry of Roads and Public Works, Vote 13. In the next 13 minutes, I would like to highlight and respond to some of the issues that were raised before we go to the Committee Stage.

On the issue of river crossings that was raised, the Ministry is in the process of carrying out investigations with a view to coming up with priorities and a programme to improve them in the 2004/2005 financial year. In Kitui and Makeni Districts, the crossings, including those at Thwake River, are being worked on.

The Ministry acknowledges the problem of cumbersome procurement procedures. The matter is being addressed through the Procurement and Disposal Bill that hon. Members are aware of. To this end, the Ministry has adopted some remedial measures while awaiting debate on the Procurement and Disposal Bill. Such measures include post qualification and evaluation for our tendering system, as opposed to pre-qualification and post qualification. We have also adopted design and build as a concept in project implementation.

The issue of roads that serve tourist areas was raised. The Ministry has been addressing this issue, and has come up with some short-term and long-term measures for the tourist-circuit roads. I will give an example of Narok-Mai Mahiu Road, roads leading to beach hotels in Mombasa, the Mombasa-Malindi Road, and Mombasa-Lunga Lunga Road. In addition, the Kenya Wildlife Service (KWS) is also working on access roads leading to national parks and game reserves. We have been funding the KWS to take care of the roads that lead to national parks and game reserves.

Mr. Temporary Deputy Speaker, Sir, on the construction of bumps on highways, this was raised, and an hon. Member said that we are building "mountains" along the highways. Whereas it is not the Ministry's policy to put up bumps on highways, it is however due to pressure from residents

along certain roads and also leaders, especially hon. Members of Parliament; where certain sections of highways are prone to accidents, they approach the Ministry to erect some bumps so that traffic can move at a slow speed. However, we acknowledge that this is not the best way of managing speed, and speed limit signs should be enhanced and leaders should be asked to educate the community and the drivers, so that they obey the speed limits, especially at shopping centres.

Mr. Temporary Deputy Speaker, Sir, the issue of the Kenya Roads Board (KRB) and KRB Act has been raised. I would like to state that the KRB is fully empowered to undertake its core functions. The Board is fully in place and the required personnel have been recruited. The mandate of KRB is well stipulated by the KRB Act, and it is being complied with to the letter. However, the issues that have been raised by the hon. Members of Parliament on the shortfalls of the KRB Act can be amended in this House. It is up to the hon. Members of Parliament to give the indication of where we need to amend the Act and the Ministry has no objection to any amendments that the hon. Members of Parliament feel are necessary. The issue of recruitment of the executive director is done by the Board in consultation with the Minister, and there should be no issue and it will be done as quickly as possible.

Mr. Temporary Deputy Speaker, Sir, the issue of conflict of interests between our engineers, especially district roads engineers and district works officers, contractors and suppliers, has been raised a number of times by the hon. Members. Whereas we admit that we have a problem in that area, we are addressing that issue seriously and we would like to appeal to hon. Members of Parliament to help us so that we are able to catch up with the district roads engineers who are misappropriating District Roads Committee (DRC) funds in the name of procurement and conflict of interest, where they have got their own construction companies. Last year, the Ministry issued an ultimatum to those engineers with interest in the construction industry to leave and concentrate on building works, applying for tenders and the ultimatum was issued by April last year. We are still expecting those engineers who want to do business with the Ministry to quit and we will be able to award them tenders so that they can do business. For those who are still working and have got interest in construction companies, I think their time is limited.

Mr. Temporary Deputy Speaker, Sir, on the issue of Local Authority Transfer Fund (LATF), many hon. Members raised the issue of the component of LATF funding which is budgeted for by the county councils to improve the roads. The hon. Members said that they have no control over this funding and sometimes they are not even aware that the local authorities have earmarked any money for improvement of roads. The Ministry will be in touch with the Minister for Local Government to find out the best way of utilising the LATF component of road maintenance, so that it can be managed by the DRC. We hope that the Minister for Local Government will agree that the councils direct the money to the DRCs for appropriation.

Mr. Temporary Deputy Speaker, Sir, on the issue of pending bills and verification, the validation committee that was set up by the Minister last year has finished its work and the report was forwarded to the Cabinet. The Cabinet appointed a sub-committee which has been dealing with this matter and the sub-committee will come to finalise the report and find out who is going to be punished and who is not. So, we will wait for the sub-committee to finalise its deliberations.

Mr. Temporary Deputy Speaker, Sir, on the issue of illegal structures on the road reserves, I am happy that most of the hon. Members said that the Ministry was doing a good job by removing illegal structures on road reserves. The only reservation that we had was that sometimes we remove illegal structures on road reserves, and yet we do not work on the roads. I would like to assure hon. Members that while we are looking for funding, where we have removed the illegal structures, especially on by-passes, it is not easy to look for funding when structures are already on the road reserves because no donor funding will come as long as the road reserves allocated for by-passes

have got structures. We would like the support of the hon. Members so that when we move and demolish the illegal structures we are not told that we are making people jobless.

Mr. Temporary Deputy Speaker, Sir, the percentage of kilometres has improved under the Road Maintenance Fuel Levy. It has tremendously improved. The previous figure of 43 per cent of unmaintainable roads network has had some improvement. Once we do a roads inventory and conditions survey, I am sure this figure of 43 per cent will rise to beyond 50 per cent. It is worth noting that 180 kilometres of paved and 130 kilometres of unpaved trunk roads have been completed. In addition, 469 kilometres of both paved and unpaved secondary and minor roads have been completed.

Mr. Temporary Deputy Speaker, Sir, the issue of bush clearing was raised, especially by hon. Prof. Maathai and we totally agree with her that when doing bush clearing, there is no need of damaging the environment. There are some trees along road reserves that do not need to be cut down. However, when the order to do bush clearing was given, our engineers were overzealous and they cut some of the trees which were not supposed to be cut. We, as a Ministry, are working with the National Environmental Management Authority (NEMA) when carrying out environment impact assessment studies to ensure that the environment is preserved as much as possible.

Mr. Temporary Deputy Speaker, Sir, on the issue of provision of equipment to districts, as the Minister said when he moved the Motion, we are going to benefit from US\$25 million from the South Korean government, where we are going to buy various equipment for road construction. The equipment purchased through this grant will go a long way in improving maintenance of roads in all districts as this equipment will be deployed to various districts and regions.

Mr. Temporary Deputy Speaker, Sir, the implementation of Roads 2000 Programme in Eastern Province was criticised as having been a failure.

**The Temporary Deputy Speaker** (Mr. Khamasi): Could you, please, wind up?

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Speaker, Sir, in summary, the Roads 2000 Programme has been a success and we will go ahead and rectify the shortcomings that have been discovered.

With those few remarks, I beg to move.

*(Question put and agreed to)*

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

IN THE COMMITTEE

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

Vote 13 - Ministry of Roads and Public Works

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT a sum not exceeding Kshs3,339,340,920 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2005, in respect of:-

Vote 13 - Ministry of Roads and Public Works

*(Question proposed)*

### QUORUM

**Mr. Kipchumba:** On a point of order, Mr. Temporary Deputy Chairman, Sir. This is a very important Vote of the Ministry of Roads and Public Works, but there is no quorum in the House.

**The Temporary Deputy Chairman** (Mr. Khamasi): Mr. Kipchumba is right! Under our Standing Order No.24, the quorum of the House is 30 hon. Members, excluding the presiding officer. Therefore, there is no quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Chairman** (Mr. Khamasi): Order! We have a quorum now. We will start with the Recurrent Expenditure, pages 477 to 494.

### VOTE R13 - RECURRENT EXPENDITURE

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

##### *Head 380 - Headquarters Administrative Services*

**Mr. Muturi:** Mr. Temporary Deputy Chairman, Sir, on Head 380, Item 188, if we look up we see that Item 065 was indicated in the previous financial year as medical allowance, but now there is no provision for it. Item 188 is indicated as medical scheme and has a sum of Kshs69,565,080. Could the Assistant Minister explain which medical scheme this is that has not been passed by this Parliament? Is it the same scheme that we have said we do not want to hear about, and which Kenyans have rejected?

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, as will appear later under all the Items and Heads, there is no allocation this year for medical allowance. There is also none under Items 092 ad 093. All the medical allowances are provided for under Item 188, and the amount is Kshs69 million. This is the money that will be used to pay all the medical allowances for all other departments. As we go along, we will note that no money has been allocated elsewhere for medical allowances.

**Mr. Angwenyi:** Mr. Temporary Deputy Chairman, Sir, this Item has been occurring in previous Votes. I fear that we might be approving something through the backdoor. What we should do is to remove this amount from this Vote, to send a message that we do not want to approve an expenditure to a scheme that we have not approved in this House. We cannot tax our people to meet an expenditure that we have not approved in this House. Could the Assistant Minister, therefore, amend this Sub-Vote by removing this amount?

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, the question of reduction does not arise because, in this Vote, allocation for the medical scheme has been made under Item 188. Apart from this one, there is no other allocation for medical facilities.

**Mr. Billow:** Mr. Temporary Deputy Chairman, Sir, the Ministry's employees will need medical allowances in order to get medical attention. There is no provision for medical allowance. How will the Assistant Minister transfer funds from Item 188, which are meant for a medical

scheme, to be used by the employees? It will be irregular for him to do so. He cannot ask the House to approve an irregular transaction.

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, these funds have been factored in Ministry's budget pending regularisation. You can see that this item is for the medical scheme, and not for something else. There is no other allocation. As I said, this is the money that will be used for all medical facilities for civil servants in the Ministry.

**Mr. Angwenyi:** On a point of order, Mr. Temporary Deputy Chairman, Sir.

**The Temporary Deputy Chairman** (Mr. Khamasi): Order, Mr. Angwenyi. Is it on the same issue?

**Mr. Angwenyi:** Yes, Mr. Temporary Deputy Chairman, Sir.

**The Temporary Deputy Chairman** (Mr. Khamasi): I have heard him very clearly. It is now up to you to approve or refuse to approve the same.

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

*(Sub-Vote 130 agreed to)*

#### SUB-VOTE 132 - BUILDINGS AND WORKS

**Mr. Angwenyi:** Mr. Temporary Deputy Chairman, Sir, I would like to refer to page 485, Head 399, Kenya Building Research Centre. What does this centre do, and how has this country benefited from it?

**The Temporary Deputy Chairman** (Mr. Khamasi): Order, Mr. Angwenyi! We have not yet reached there. Could you hold your horses?

#### *Head 409 - Government Buildings*

**Mr. Muchiri:** Mr. Temporary Deputy Chairman, Sir, I would like to seek clarification on Item 140, Electricity Expenses, and Item 141, Water and Conservancy Expenses. Could the Assistant Minister tell us why he is deducting money from the District Roads Committees (DRCs) Fund to pay for water and electricity?

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, these items are provided under Head 380, Headquarters Administrative Services. They have nothing to do with the DRC Fund.

**Mr. Muchiri:** Mr. Temporary Deputy Chairman, Sir, could the Assistant Minister tell us how the District Roads Engineer (DRE) pays for water and electricity in his offices? I am worried, because the Ministry is spending a lot of money meant for the DRCs Fund to meet the costs incurred by the Ministry.

**The Temporary Deputy Chairman** (Mr. Khamasi): The Assistant Minister has said that these are recurrent expenses under the headquarters. So, they have nothing to do with the DRCs Fund; unless you have understood differently.

**Mr. Muchiri:** Mr. Temporary Deputy Chairman, Sir, my understanding is that the offices of the DRE, which are in the districts, must have their water and electricity bills paid by the Ministry.

**The Temporary Deputy Chairman** (Mr. Khamasi): Yes, but the districts are not at the headquarters. Mr. Assistant Minister, perhaps, you can respond to that question.

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, it is the DRC's secretary; the DRE, who requests the committee to allow him to use some of the DRC funds to carry out certain functions within the district. This happens to all districts. Sometimes no money is sent from the headquarters to cater for certain functions at the district level, but the DRCs approves. So, you will find that different DRCs have approved different things. Some DRCs approve repair of the Ministry's graders, which are cheaper to run than hiring graders from the private sector. So, that depends on the particular DRC.

**Mr. Serut:** Mr. Temporary Deputy Chairman, what is the general policy on payment for water and electricity by the Ministry? I am following up the same question that was asked by Mr. Muchiri.

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, Heads 381 and 382 cater for payment of water and electricity bills for the Ministry's provincial and district offices, respectively. Money for payment for electricity and water bills is budgeted for every year and given to the respective provinces and districts. Those provisions appear under the various items.

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

*(Sub-Vote 132 agreed to)*

#### SUB-VOTE 133 - OTHER SERVICES

##### *Head 399 - Kenya Building Research Centre*

**Mr. Angwenyi:** Mr. Temporary Deputy Chairman, Sir, this is where I was asking the Assistant Minister to explain to us the purpose of the Kenya Building Research Centre and what benefits this country has got from it.

**The Temporary Deputy Chairman** (Mr. Khamasi): What page, Head and Item are you referring to, Mr. Angwenyi?

**Mr. Angwenyi:** Mr. Temporary Deputy Chairman, Sir, I am referring to page 485, Head 399.

**The Temporary Deputy Chairman** (Mr. Khamasi): What item?

**Mr. Angwenyi:** Mr. Temporary Deputy Chairman, Sir, I am referring to the entire Head 399, Kenya Building Research Centre; from Item 000 through to Item 670.

**The Temporary Deputy Chairman** (Mr. Khamasi): What is your query?

**Mr. Angwenyi:** Where is this research centre located, and of what benefit is it to Kenyans? Have we improved our buildings because of this research centre, so that we should spend a lot of money on it? For instance, in this financial year, we are going to spend Kshs800 million on this centre.

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, it is not necessary to under-estimate the role played by research institutions. The research centre is the one that co-ordinates research and provides information for the building industry. Unless somebody goes there to see for himself, it is not easy for me to say in a few words the role that they play. But research is necessary. We had even requested for more funding for the centre, but we could not be allocated more money. It is grossly under-funded. In the absence of research in the building industry, we will continue to construct buildings at a very high cost.

Research could lower contraction costs to this country.

**Mr. Keter:** Mr. Temporary Deputy Chairman, Sir, I would like to follow up Mr. Angwenyi's question. I want to agree with the Assistant Minister that the research centre is necessary. My questions is: Where is the Kenya Building Research Centre?

**The Assistant Minister for Roads and Public Works** (Eng. Toro): It is at the headquarters.

**An hon. Member:** Which floor?

**The Assistant Minister for Roads and Public Works** (Eng. Toro): It is not possible for me to say which floor every office is located. But if you have visited Transcom Building, there are a few structures which have been displayed. That is as a result of research.

**Prof. Olweny:** Mr. Temporary Deputy Chairman, Sir, I would like to raise the following under Head 399, Item 131 and Head 506, Item 131 - Expenses of Board Committees and Conferences. Under Head 506, there is nothing budgeted for this year. But under Head 399, there is a substantial reduction. Does it mean that those people will not meet this year? Could the Assistant Minister explain that to us?

**The Assistant Minister for Roads and Public Works** (Eng. Toro): I did not get the question, Mr. Temporary Deputy Chairman, Sir.

**The Temporary Deputy Chairman** (Mr. Khamasi): Could you repeat the question for the Assistant Minister?

**Prof. Olweny:** I will repeat it, Mr. Temporary Deputy Chairman, Sir. Under Head 399, Item 131 - Expenses of Boards, Committees and Conferences, there is a real substantial reduction from Kshs30,000 last year, to Kshs6,000 this year. Then, under a similar Vote, that is Head 506 Item 131, there is nothing for Boards, Committees and Conferences. Last year, you had Kshs45,000. Does it mean that those people are not going to meet? Could you explain?

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, you will notice that in the entire Vote, there is a reduction, sometimes as much as 50 per cent of the previous estimates. That is because the Treasury could not allocate us the funds that we wanted. That is what was allocated to us by the Treasury. We have to try and cope with what we had been given.

#### *Head 418 - Government Housing Section*

**Mr. Muturi:** Mr. Temporary Deputy Chairman, Sir, on page 486, Head 418, Item 255 - Internal Repairs and Re-Decorations of Voids, I just want the Assistant Minister to explain to us what those re-decorations and voids are, and why those voids need to be red-decorated and repaired?

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, the Government rents houses for Ministers, Permanent Secretaries and Judges. Once the agreement comes to an end and an officer leaves the house, we redecorate the house and abide by the terms and conditions of the agreement. That is the money we spend.

**Mr. Angwenyi:** Mr. Temporary Deputy Chairman, Sir, Head 418, Item 261 is Security of Rented GOK Houses. I thought that Government houses are secured by Administration Policemen (APs), for whom we have voted money for salaries in the Office of the President. Do we still hire private security firms to guard Government houses? Secondly, Head 505, Item 250 is on Maintenance of Plant, Machinery and Equipment. We had a bulldozer in Nyanza, which we wanted to use, but it could not be repaired by the Government. We had to use our DRC money to repair it. In fact, after we had repaired it using money from two districts, it was taken to one district and it has

been there for the last eight months. What is this money for if it cannot be used to repair such equipment?

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, with regard to Government houses and buildings, it has been found necessary that we hire security guards to complement the Government security agents. We have very many establishments and it is not possible for the Government to provide police officers to guard them. At the moment, we have 855 security guards who are guarding various Government buildings countrywide. The advantage in using private security guards is that when anything is stolen or there is a breakage, they pay for it, whereas if we are using Government security agents, the best we can do is to sack the poor police officers. So, we find it more appropriate to use private security guards.

**Mr. Angwenyi:** Mr. Temporary Deputy Chairman, Sir, he has not answered my second question.

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Speaker, Sir, the plant, equipment and machinery that is held by the Mechanical and Transport Department is very old. The hon. Member will agree with me that sometimes we carry out repairs and after that, we find that the equipment requires further repairs. That is why the Kshs43 million, which has been allocated here, might appear to be a lot of money, but it is not. You can see that there has been a reduction from Kshs60 million to Kshs43 million. This problem will be solved when we get the new equipment under the South Korean grant of US\$25 million.

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

*(Sub-Vote 133 agreed to)*

#### SUB-VOTE 134 - HOUSING DEVELOPMENT

##### *Head 411 - Housing Department*

**Mr. Angwenyi:** Mr. Temporary Deputy Chairman, Sir, under Head 411, Item 362, Contribution to Shelter Afrique, I would like to know what benefit we get from Shelter Afrique. Initially, when it was brought to this country we thought it was going to assist us in rehabilitating our slums, but it has not done anything and yet, we are contributing so much money every year to this body.

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, when Nairobi became the headquarters of Shelter Afrique, Kenya became a signatory to the articles establishing it. Shelter Afrique has financed some buildings in Kenya and in other countries in Africa. We get some benefits through payment of dividends. If I may just cite the last three years, for example, we were paid US\$32,282, US\$44,000 and US\$46,000 in 2001, 2002 and 2003 respectively. So, as you can see, apart from being members we also benefit.

**Mr. Angwenyi:** Mr. Temporary Deputy Chairman, Sir, he has not answered my question!

**The Temporary Deputy Chairman** (Mr. Khamasi): Order, Mr. Angwenyi! Let us be orderly! What is it that you are not clear about?

**Mr. Angwenyi:** Mr. Temporary Deputy Chairman, Sir, my question was: Of what benefit has it been to this country? He cannot name one benefit! We are getting these monies from taxpayers' money. The Assistant Minister should tell us the specific benefits we get from Shelter Afrique.

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, as I said, there are some estates and residential houses that have been put up with the assistance of Shelter Afrique. Investors and developers are free to go and borrow from Shelter Afrique to put up buildings. That is the benefit that we are getting.

**Mr. Muchiri:** Mr. Temporary Deputy Chairman, Sir, Item 364, Kshs300 million has been set aside for the contribution to the Civil Servants Housing Development Fund. Could the Assistant Minister tell us whether this Fund exists? Who manages it?

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, the Civil Servants Housing Development Fund has been created and the articles and regulations have already been developed. What is left now is to open a bank account where these funds will be paid into. The Civil Servants Housing Development Fund will receive all the proceeds that will be realized when the civil servants' houses have been sold. Also, in future, when civil servants repay loans through the check-off system, the proceeds will go to the Fund. This Fund will be used to lend money to the civil servants to buy houses and, in turn, repay it.

**Mr. Angwenyi:** You can see on that item that you are giving an approval for an illegal transaction. This Parliament has not passed a law for that Fund. We are now being asked to approve an amount for an illegal transaction. That must be pointed out to the Assistant Minister.

*(Heads 411, 416 and 423 agreed to)*

*(Sub-Vote 134 agreed to)*

#### SUB-VOTE 136 - ROADS

**Mr. Muchiri:** On a point of order, Mr. Temporary Deputy Chairman, Sir. I am seeking a clarification. Since housing is not under the Ministry of Roads and Public Works, what is the legality of approving it under this Vote?

**The Temporary Deputy Chairman** (Mr. Khamasi): Mr. Assistant Minister, I believe you have got an answer for that.

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, the housing docket was transferred to the Ministry of Lands after the Estimates had been printed. There is no way we can ignore what is in Vote 13.

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

*(Sub-Vote 136 agreed to)*

*(Vote R13 agreed to)*

**The Temporary Deputy Chairman** (Mr. Khamasi): We will now go to the Development Expenditure on pages 310 to 316.

#### VOTE D13 - DEVELOPMENT EXPENDITURE

##### SUB-VOTE 132 - BUILDINGS AND WORKS

*Head 400 - Architectural Department*

**Mr. Kipchumba:** Mr. Temporary Deputy Chairman, Sir, under Head 400, Item 401 - Construction of Buildings for the Vice-President, Kshs50 million was given last year. I want to know from the Assistant Minister: For the Kshs50 million that was given last year, where is the house? Has the construction of the house started? Is the Kshs1 billion set aside necessary for that kind of structure?

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

**The Temporary Deputy Chairman** (Mr. Khamasi): Order, Mr. Ojode! Proceed, Eng. Toro!

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, there is a mistake here. Under the construction of buildings Vice-President's Residence, you can see there is Kshs1,050,000,000. The Kshs50 million will be used to build the Vice-President's residence and the Kshs1 billion will be used to finish stalled projects country-wide.

We had even requested for more funding but we could not get it. When the Supplementary Estimates will be brought to this House, there will be some amendments in the 2005/2006 and 2006/2007 Financial Years. We have requested for Kshs3 billion in 2005 and Kshs3 billion in 2006, so that we can be able to finish stalled projects.

**The Temporary Deputy Chairman** (Mr. Khamasi): The other question was: Where is the residence?

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, it is in Karen-Langata.

**Prof. Olweny:** Mr. Temporary Deputy Chairman, Sir, I am wondering aloud! Is it right for the Ministry to lump those two different projects. The Vice-President's residence and the stalled projects are different. Why did they put them under one item That is one way of siphoning money! Is it not? Kindly, tell us why.

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, even the Vice-President's residence is a building. Once there is a clarification on the error, then you can understand the separation between Kshs1 billion and Kshs50 million. However, we are proposing to have a separate item for the Vice-President's residence, to separate it from the construction of buildings.

**Mr. Angwenyi:** Mr. Temporary Deputy Chairman, Sir, I am really worried about what this House is doing. We are being asked to approve these particular Heads and yet there is agreement that there was a printing error. Surely, since June 2004, this error ought to have been corrected. If you can recall, three years ago, we had Printed Estimates which had mistakes. They were withdrawn and proper figures for the right Items inserted. Legally and constitutionally too, when we approve this amount of Kshs1.05 billion, the Ministry can go ahead to spend it in Karen and we shall have no recourse. After all, they would have done it legally after getting the approval of this House. Even though, are we going to spend Kshs130 million in the next two years to build a house for the Vice-President?

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, what hon. Angwenyi is saying is not correct. I said before that we are completing stalled projects using Kshs1 billion. So, there is no way we will use the money on the construction of the Vice-President's residence. However, the site for the Vice-President's residence was bought last year in June. So, the Kshs50 million has not be used yet. It will be used during this

current year. Hon. Angwenyi is not correct by saying that we intend to spend Kshs30 million.

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

*(Sub-Vote 132 agreed to)*

#### SUB-VOTE 133 - OTHER SERVICES

**The Temporary Deputy Chairman** (Mr. Khamasi): There is too much noise from the back here. Orderlies! Please, ensure that those people behind go wherever they need to go.

#### *Head 404 - Planning and Research*

**Mr. Kipchumba:** Mr. Temporary Deputy Chairman, Sir, Items 298 and 305 both reflect Slum Upgrading. I wonder why that had to be separated.

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, Item 298 refers to Kenya Slum Upgrading which has started in Kibera, while Item 305 refers to Slum Upgrading at Mathare 4A funded by KFW.

*(Heads 399, 404, 505, 506 and 507 agreed to)*

*(Sub-Vote 133 agreed to)*

#### SUB-VOTE 136 - ROADS

#### *Head 488 - Planning and Design*

**Mr. Muturi:** Mr. Temporary Deputy Chairman, Sir, under Item 149, Procession Way, Nairobi, it is noted that in the last financial year, a sum of Kshs80 million was spent, but now it is being proposed that an amount of Kshs100 million be spent on Procession Way during this financial year. Unless I am wrong, I know that Procession Way is around Uhuru Park. What is Kshs100 million going to do on that small road?

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Processional Way, is the one that starts from State House and ends at Uhuru Park. Although there was an allocation of Kshs80 million during the last financial year, it was not used. This was because when preparing the bills of quantities (BQs) for Processional Way the cost of doing roads within State House was included in them. Later it was found more convenient to have contractors working on State House roads only. The BQs were revised and now the tender documents exclude the cost of roads within State House. The amount is now specifically for Processional Way.

**Mr. Angwenyi:** Mr. Temporary Deputy Chairman, Sir, Head 384, Items 501, 502, 503 and 504 on page 313 relate to the Machakos-Wote-Makindu Road. If you sum up the amount being projected to be used on this road, you will see that it is Kshs10 billion. Why does the Ministry want to use so much money on one road when other areas have not received any money? How long is this road?

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, Items 501 and 502 refer to the Katumani-Wote Road, which is now complete. The Wote-Makindu Road project is one road that will be financed by Badea, but the project has not

started yet. We are still procuring financing for it.

**Mr. Angwenyi:** Mr. Temporary Deputy Chairman, Sir, I asked how long this road, for which we are going to spend Kshs10 billion, is. Arising from the answer given by the Assistant Minister, I will ask another question. If the road is complete, why give some allocation for it for this year, next year, and the year after?

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Speaker, Chairman, Sir, I do not understand. How many billions is he talking about? Could he repeat his question because I have not got it.

**Mr. Angwenyi:** Mr. Temporary Deputy Chairman, Sir, can I reply?

**The Temporary Deputy Chairman** (Mr. Khamasi): Be brief because we are pressed for time.

**Mr. Angwenyi:** Mr. Temporary Deputy Chairman, Sir, I am not wasting time. These are a lot of resources. How long is this road? I have gone through the last two Budgets and seen that we have spent close to Kshs4 billion on this road. Now we are projecting to spend Kshs6 billion on it. You add up the figures. The Assistant Minister has already said the road is complete. Why are we allocating funds for it for this year, next year and the year after?

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Chairman, Sir, this is the money that will be paid to the contractors. No more money will be spent in the next financial year. What is reflected in the 2003/2004 Estimates has already been paid. This is now the final account. The Kshs180 million and Kshs80 million is for the final account, so that the contractor can pack up and go home.

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

*(Sub-Vote 136 agreed to)*

*(Vote D13 agreed to)*

*(Question put and agreed to)*

*(Resolution to be reported  
without amendment)*

*(The House resumed)*

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

## REPORT

### Vote 13 - Ministry of Roads and Public Works

**Mr. Khamasi:** Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs3,339,340,920 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2005, in respect of Vote 13 - Ministry of Roads and Public Works, and has approved the same without amendment.

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

**The Assistant Minister for Lands and Housing** (Mr. Ojode) seconded.

*(Question proposed)*

**Mr. Kipchumba:** Mr. Temporary Deputy Speaker, Sir, now that we have approved the budget for the Ministry of Roads and Public Works, we want to urge it to embark on construction of roads instead of destroying houses and cutting down trees. We are happy that the Department of Housing was moved to the former Ministry of Lands and Settlement so that the Ministry of Roads and Public Works cannot destroy houses, but concentrate on the construction of roads.

*(Laughter)*

**Mr. Muriithi:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to congratulate the Ministry of Roads and Public Works for the good budget it has presented in this House. It will be very sad that after we have passed these huge amounts of money, we shall not see any road works going on. Some funds were given out in February or March this year for the construction of our roads, but there are no works going on, on our roads, and especially those in Central Province. We do not want to see nothing being done on our roads every year after we pass the Vote for this Ministry. In developed countries, the army is involved in road, bridge and school construction, but nothing like that happens in our country. We have got good civil engineers in the Army. Why could the Ministry not request the Army to help us with its professional engineers?

We take our young people to the National Youth Service (NYS) centres in Eldoret and other places for training. We can use them to supplement the efforts of the Government in providing services to *wananchi*. **Prof. Olweny:** Thank you, Mr. Temporary Deputy Speaker, Sir. May I congratulate the Minister for this, and we hope that a good job will be done now that they have tried to deal with corruption. I hear that corruption has reduced substantially by about 50 per cent. Let us reduce corruption within that Ministry further, so that a good job is done on our road network, because a good road network is vital for development. There is this mysterious Roads 2000 Programme: Where is it? Can we see it done? Who is funding it? Even the donor is dragging his feet; can things change? I hope donor aid will come.

Lastly, Mr. Temporary Deputy Speaker, Sir, my constituency is prone to floods, and every now and then, we suffer from floods. I am, therefore, requesting the Ministry to let their experts do better work on those roads that are always destroyed by floods. Let us have larger culverts because, as a result of the small culverts, it leads to siltation and eventual blocking of the culverts when the water comes.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Poghisio): Hon. Members, this is not time for debate! Debate time has passed, so, just say one or two things or remarks!

Proceed, Mr. Arungah!

**Mr. Arungah:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to commend the Assistant Minister for having defended his Vote. I hope I can just go back to Khwisero and justify having stayed here to support this Vote, because as we speak, we do not have a single inch of tarmac in Khwisero. But now that you have been given some money, I am hoping that you are going to behave differently from the past. If you do not do that, Mr. Assistant Minister, it is my intention to move an amendment to the Act so that the money that goes to the DRB goes to the Constituency

Development Fund.

**The Assistant Minister for Finance** (Mr. Katuku): Thank you, Mr. Temporary Deputy Speaker, Sir. I also want to join my colleagues in congratulating the Assistant Minister for having his Vote passed. But I also want to appeal to the Assistant Minister because for the last six years, there is a road which has been appearing in his books; Makutano-Kithimani Road, and it has never been done. This time I am sure it will be done.

*(Question put and agreed to)*

### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Poghisio): Hon. Members, it is now time to interrupt the Business of the House. This House is, therefore, adjourned until Tuesday, 26th October, 2004, at 2.30 p.m.

The House rose at 6.30 p.m.