

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 31st July, 2001

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

LEAVE TO INTRODUCE BILL TO
EXTEND LIFE OF PARLIAMENT

Mr. Kajwang: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House do grant leave for the introduction of a Bill for an Act of Parliament entitled The Constitution of Kenya (Amendment) Bill, to repeal Subsection 5 of Section 59 of the Constitution, and to replace it with the following new Subsection 5:

At any time, when Kenya is at war or during a process of a comprehensive review of the Constitution, Parliament may, from time to time, provide for the extension of the period of five years specified in Subsection 4, for not more than 12 months at a time, provided that the life of Parliament shall not be extended under this Subsection by more than five years.

Hon. Members: Shame! Shame!

ORAL ANSWERS TO QUESTIONS

Question No.520

PAYMENT OF COMPENSATION TO
MR. NASIR'S FAMILY

Mr. Shidiye asked the Minister of State, Office of the President when the Government will compensate the family of the late Mr. Matan Abdi Nasir who was killed by a lion on 5th October, 1995.

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

Mr. Matan Abdi Nasir of ID.No.0187543/63

was killed by a lion in Jalango area. The Garissa District Wildlife Compensation Commission approved Kshs30,000 as compensation to the next of kin on 5th October, 1995. The claim has been among the Government's pending bills.

The Kenya Wildlife Service (KWS) is in the process of releasing cheques to the Compensation Committee to clear the bill among others.

Mr. Shidiye: Mr. Deputy Speaker, Sir, arising from that reply, I wish to thank the Minister. But, nonetheless, that case has been there for more than five years. Each year, we are promised that we will be paid in the next financial year. Could the Minister be candid enough and tell us the specific date they will be paid, or whether he has the cheque now? The compensation is long overdue!

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I appreciate that the compensation has been long overdue. But now, the KWS has confirmed and allocated Kshs23 million for purposes of compensating people who have either been killed or injured by wild animals. Now, it is just the question of when it will happen. We will make sure that everybody gets his or her cheque as soon as possible. The Kshs23 million that we have will clear most of the pending cases.

Mr. Ndilinge: Mr. Deputy Speaker, Sir, could the Minister tell the House why it is so difficult to pay

compensation to the family of a dead person? When it comes to hunting, somebody is arrested, taken to court and imprisoned immediately! Why is it vice-versa?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the hon. Member comes from a constituency like mine, where there are wild animals. I am sure he knows that we have the same concern; that people who are attacked by wild animals should actually be compensated as soon as possible.

Mr. Wamae: Mr. Deputy Speaker, Sir, the Kshs23 million is peanuts! Could the Minister explain the procedure that will be used to claim the money? How much money will each be paid? Could the Minister agree to pay the sum of Kshs1 million that was passed by this House as compensation for death caused by wildlife?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the hon. Member ought to know that, that was a flat figure of Kshs30,000. That is why the amount of Kshs23 million will be almost sufficient to clear most of the bills. But he should also be aware that many of us on this side of the House, together with some Members from the Opposition side actually supported the Motion. We are just waiting for legislation, so that we can raise the figure to Kshs1 million. You should remember that this generation passed that Motion. In your time, you thought Kshs30,000 was enough!

Mr. Kajwang: Mr. Deputy Speaker, Sir, could the Minister tell us why there is need to protect hippopotamuses in the shores of Lake Victoria when they destroy our crops, especially vegetables? They sometimes kill people and yet nobody has ever seen them! Which tourist ever comes to see the hippopotamuses in Lake Victoria? Why must we keep them? We are tempted to kill and eat them sometimes!

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I do not know whether the hon. Member would like hippopotamus meat! But that is a very different question. I wish he could ask that specifically!

Mr. Shidiye: Mr. Deputy Speaker, Sir, it is really shocking that the Minister equates Kshs30,000 to human life! Could he confirm or deny that animals are more important to this Government than human beings?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, on the contrary, I wish to deny that animals are more important than human beings. But what I said is that the Government accepted that the amount should be increased to Kshs1 million. It is a matter of time before we bring the necessary legislation before this House.

Mr. Deputy Speaker: Next Question!

Question No.562

FUEL LEVY CHARGE BY KPLC

Mr. Otula asked the Minister for Energy:-

- (a) whether he is aware that the Kenya Power and Lighting Company is still charging fuel levy on consumers even after the use of diesel power generators has been stopped; and,
- (b) what he will do to stop these charges.

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

(a) Yes, I am aware.

The fuel cost adjustment which is being charged by the Kenya Power and Lighting Company (KPLC) is based on the total cost of the fuel used in generation of electricity. This fuel cost is passed on to consumers in the following month after generation. The emergency power plants which were supplying 105 MW to the national grid stopped generating power on 30th June, 2001. Accordingly, the fuel used by emergency power plants will be charged in the bill of July 2001.

(b) The effective installed capacity of our country is 1,074 MW out of which 378 MW is from thermal generation. This accounts for 35 per cent of the total installed capacity and, therefore, fuel cost adjustment will continue being charged at a lower rate after July, 2001.

Mr. Otula: Mr. Deputy Speaker, Sir, could the Assistant Minister confirm or deny that 378 MW which is being produced from the thermal generation was there ever since? If it was there, why was it not being charged?

Eng. Manga: Mr. Deputy Speaker, Sir, I said that 35 per cent of the installed capacity is produced by thermal generation. The balance is ---.

Mr. Otula: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has not answered my Question. I am asking whether he could confirm or deny that 378 MW produced by thermal generation was there ever since. If it was there, why were they not charging these costs when it was there?

Eng. Manga: I do not understand. The KPLC does not charge cost on the power produced by thermal generation. A percentage of the balance of the power produced by diesel or generators is the one being charged to

the consumer and not the one by thermal generation.

Mr. Gatabaki: Mr. Deputy Speaker, Sir, the Assistant Minister is not clear on what the hon. Member is asking. The level of thermal generation in South Africa, and elsewhere in the world, is much higher than that of Kenya, but they charge far less. Why is power in Kenya so expensive compared to the rest of Africa, given that the other countries produce a higher generation of thermal power?

Eng. Manga: Mr. Deputy Speaker, Sir, power produced through thermal generation accounts for 35 per cent. The other 65 per cent is not produced by thermal generation. I do not understand what Mr. Gatabaki is talking about.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, the question that Mr. Gatabaki is asking is very genuine. The KPLC buys power from KENGEN at 3.6 cents per kilowatt. The KPLC sells power to us consumers at 12.6 cents per kilowatt.

The difference is very big. There is nowhere in the world where the consumer is charged more than 400 per cent of the price at which the distributor buys from the generator. Could this Assistant Minister explain to this House why the Kenyan consumers have to subsidise other expenses of the Kenyan Government and KANU through consuming electricity? When you look at your bill, you will note that there are so many taxes added to it which have never been approved by this National Assembly. Could this Assistant Minister explain clearly what Mr. Gatabaki is asking?

Eng. Manga: Mr. Deputy Speaker, Sir, first of all, I am not aware that this charge goes to the KANU party. I want to state very clearly that, that is quite wrong. You can see the taxes that are charged in your bill very clearly. This is not something that we are hiding. Taxes like the Rural Electrification Fund which was approved by this Parliament, is charged 5 per cent. There are also others like the Fuel Adjustment Levy. All these are explained in the bill and you can look at it again to confirm that fact.

Mr. Deputy Speaker: Order! Hon. Assistant Minister, he asked you why the high charge? He wants to know why there is a difference between the cost from the KENGEN to the KPLC and that of the KPLC and the consumer. All those things are itemised, but the bill does not tell us why they are being charged. That is the question that he asked.

Eng. Manga: Mr. Deputy Speaker, Sir, I think we are trying to compare ourselves with other countries. That is what the question is about.

Mr. Deputy Speaker: No!

Eng. Manga: Then what is the question?

Prof. Anyang'-Nyong'o: On a point of order, Mr. Deputy Speaker, Sir. There are two issues here: One, is that the KPLC buys power from KENGEN at 3.6 cents per kilowatt. They then sell power to us at 12.6 cents. We want this Assistant Minister to explain that differential, leave alone the taxes; that is a different issue. Why is there this big difference between 3.6 cents and 12.6 cents? What explains the differential?

Eng. Manga: Mr. Deputy Speaker, Sir, it is so big because all the taxes imposed on electricity go to the KPLC. So, they have to recoup that from the consumer.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. The other day you reprimanded me when I said that some Ministers are *mitumba* because they do not answer questions properly. We would like to have an explanation as to why we should be charged four times what KENGEN charges the KPLC. That is all.

Eng. Manga: I do not know whether that kind of comment is allowed in this House. I do not know if you heard what the hon. Member said. I would like you to protect me from him, because that language is quite abusive.

Mr. Deputy Speaker: I will protect you, Mr. Assistant Minister! Just answer the question!

(Laughter)

Eng. Manga: Mr. Deputy Speaker, Sir, I said that you can see the breakdown of the cost in your bill. We have had to levy these taxes.

Mr. Keriri: On a point of order, Mr. Deputy Speaker, Sir. You have already asked this Assistant Minister to answer the question, but he is not doing so. He is talking to us about taxes. Please, ask him to listen very carefully now. We want to know this: The KPLC buys power at 3.6 cents and sells it to us at 12.6 cents. The Assistant Minister has been asked to explain why there is such a huge differential between the cost of power and the selling price? Why?

Mr. Deputy Speaker: Order! I think we are flogging a dead horse. From my understanding, the Assistant Minister has explained that when you add up all these taxes, that is when you get the unit cost. So, you should be asking why those taxes are being levied and not the differential. He has already explained that 3.6 cents

plus these taxes adds up to 12.6 cents.

Mr. Anyona: Mr. Deputy Speaker, Sir, the taxes are mandatory. Could the Assistant Minister tell us the amount of taxation that is built into the bill to amount to 12.6 cents so that we know the difference between the taxes and the extra cost? Could he tell us the difference between the two?

Mr. Manga: Mr. Deputy Speaker, Sir, the taxes are actually printed in the bill and the rest of it--- I also wanted to say that there are expenses for the company. There are operation and maintenance costs of the lines that are there. For them to be able to produce power, you have to operate and maintain them. So, all those costs amount to the difference.

Mr. Otula: Mr. Deputy Speaker, Sir, the Assistant Minister has said that fuel costs adjustment will continue to be charged but at a lower rate. Could the Assistant Minister be specific and tell the House the exact lower rate which they will charge?

Mr. Manga: Mr. Deputy Speaker, Sir, when I say "lower rate", it means it is now higher and it is going to be reduced because we have stopped the use of emergency generators. Therefore, it is going to be lower but I cannot tell you the exact rate now. However, if you want me to do so, I can bring the information later.

Question No.276

EXPANSION OF SOUTH SAKWA WATER SUPPLY

Dr. Oburu asked the Minister for Water Development what plans he has to expand the [Dr. Oburu]

South Sakwa Water Supply Scheme to serve Bondo Township and other areas of the district.

The Assistant Minister for Water Development (Mr. Kofa): Mr. Deputy Speaker, Sir, I beg to reply.

My Ministry has no plans to expand the South Sakwa Water Supply Scheme to serve Bondo Township and other areas of the district. The existing project was designed to serve a total population of 40,000 people covering an area of 28 square kilometres. Because of the project's design limitation, it is not possible to expand the South Sakwa Water Supply Scheme.

Dr. Oburu: Mr. Deputy Speaker, Sir, the South Sakwa Water Supply Scheme was designed to serve both Central and South Sakwa locations but, at the moment, it is serving only the main line in those two locations. Could the Assistant Minister tell us whether the Government is taking any interest at all in this particular project because, so far, it has not contributed anything? This project was donor-funded through the Catholic Church and the Government was supposed to do the reticulation of water to serve even this population of 40,000 people he is talking about. What plans does the Government have to make this water accessible to those particular target groups he is talking about in his reply?

Mr. Kofa: Mr. Deputy Speaker, Sir, the Government has no part in this project and, therefore, it is not going into it.

Mr. Kikuyu: Mr. Deputy Speaker, Sir, according to Dr. Oburu's Question, he is asking for water to be supplied to the people of Sakwa and the Assistant Minister answering this Question is the one who is responsible for supplying Kenyans with water. What plans does this Ministry have to provide water to the remaining people of Sakwa because it is responsible for supplying Kenyans with water?

Mr. Kofa: Mr. Deputy Speaker, Sir, as I have said, this project was initiated by the Catholic Diocese of Kisumu. So, the Ministry has no part at all in this water project.

Dr. Omamo: Mr. Deputy Speaker, Sir, this particular project was based on water being pumped from the lake to a high hill and then from there, it merely gravitates to all the areas of the entire location and it can serve the whole of Bondo District.

Mr. Deputy Speaker, Sir, could the Ministry agree that they have neglected Bondo District in as far as this water is concerned and, if so, tell the House what plans the Ministry has for providing Bondo people with water?

Mr. Kofa: Mr. Deputy Speaker, Sir, this project was started in 1978 and it is non-gazetted. When it is a non-gazetted project, the Ministry does not collect the proceeds from it. The beneficiaries do collect the proceeds for repairs and so on. So, as I said, the Ministry has nothing to do with this project.

Dr. Oburu: Mr. Deputy Speaker, Sir, this is the single most important project in the whole of Bondo District and the Catholics merely created an infrastructure to be taken over by the Government to provide the people of Bondo with water. Now, that the Government says they are not interested in that project, the question which has been asked repeatedly and the Assistant Minister is avoiding to reply is: What other plans do you have to provide the people of Bondo with water, if you do not want to use an existing infrastructure which has been funded by donors and brought at the door? It is now the responsibility of the Government to take over and provide the people of Bondo with water.

Mr. Kofa: Mr. Deputy Speaker, Sir, as I said, this project is non-gazetted. Two, it was initiated by the Catholic Archdiocese.

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

Mr. Deputy Speaker: Order! Let him proceed since he may be coming to the point you want to raise in part three of his reply.

Mr. Kofa: Mr. Deputy Speaker, Sir, three, it cost the Catholic Diocese Kshs28 million which was not sufficient to complete the project since only the main line was done. So, the other side lines were not done. However, according to the Ministry's estimates, Kshs2,935,000 is needed to complete the other side lines. However, I repeat that the Ministry has nothing to do with this project.

Mr. Deputy Speaker: Order! Hon. Assistant Minister, do not just give the House supplementary information that you are supplied with. The main Question that the hon. Member asked was: What plans does the Government have to supply Bondo Township with water now that you have said that you are not interested with the existing facility?

Mr. Kofa: Mr. Deputy Speaker, Sir, it is the Ministry's policy that the beneficiaries run this water project. Since the project has been run by the beneficiaries from 1978, the Ministry has no plans to support it.

Mr. Anyona: Mr. Deputy Speaker, Sir, if it is not the Ministry's policy to provide water to the public, then it has no business being in existence. What is the mandate of this Ministry? To what extent does its mandate extend to South Sakwa? Leave alone what the Church is doing. What is the Ministry doing even in a small way?

Mr. Kofa: Mr. Deputy Speaker, Sir, as far as the South Sakwa Water Project is concerned, the Ministry is not involved in it.

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to repeatedly ignore the questions that are being asked by hon. Members in this House? Hon. Members have not asked about that particular project because the Assistant Minister has answered on it. But what plans does the Ministry have to supply the people of South Sakwa in Bondo District with water?

Mr. Kofa: Mr. Deputy Speaker, Sir, that is a different Question.

Dr. Oburu: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to refuse to answer a legitimate question? The question is whether the Ministry is not interested in this particular project. This particular project only serves a very small population of South and Central Sakwa. What plans does the Ministry have to supply the people of South and Central Sakwa with water? The Assistant Minister has refused to answer this question. Is it really in order for him to say that Mr. Muite's question is a different one?

Mr. Kofa: Mr. Deputy Speaker, Sir, the Question here is about South Sakwa. If Dr. Oburu has a Question on other projects, he should file a Question about them and we shall answer it.

Mr. Deputy Speaker: Order! You know the Chair can only compel a Minister to answer a Question, but it cannot compel him to answer it in a specific way. That power does not lie with the Chair.

Question No. 422

COMPLETION OF YATHUI-WOTE ROAD

Mr. Kalulu alimuuliza Waziri wa Barabara na Ujenzi:-

(a) kama anafahamu kwamba sehemu ya barabara ya Yathui-Kalawa kutoka Kalawa mpaka Wote iliachwa kama haijatengenezwa wakati hiyo barabara ilikuwa ikijengwa,

(b) ni lini sehemu hiyo itajengwa, na;

(c) ni kiasi gani cha pesa kimetengwa kukamilisha barabara hii na hata kuimarisha daraja linalounganisha Kalawa na mji wa Wote?

The Assistant Minister for Roads and Public Works (Mr. Mokku): Bw. Naibu Spika, naomba kujibu.

(a) Ninafahamu kwamba barabara ya kutoka Kalawa mpaka Wote haikutengenezwa.

(b) Sehemu hii tayari imewekwa kwenye mpango wa marekebisho ya mwaka huu wa 2001/2002.

(c) Wizara imeweka kwenye ratiba yake ya mwaka huu marekebisho ya barabara ya Kalawa mpaka Wote na daraja linalounganisha Kalawa na mji wa Wote.

Mr. Kalulu: Bw. Naibu Spika, ninafikiri kwamba Waziri Msaidizi hakuelewa Swali sawasawa. Wakati wa mvua ya *El Nino*, tulipoteza watu 14 kwenye Daraja la Kalawa. Daraja hili linahudumia tarafa za Mwala, Yathui, Kalawa na Wote. Niliuliza Swali hili mara ya kwanza katika Bunge hili mwaka wa 1977 na Waziri akanijibu kwamba daraja hilo lingejengwa katika mwaka uliofuata. Je, Wizara ina mpango gani wa kujenga daraja hili ambalo linaunganisha Wote na Kalawa?

Mr. Mokku: Bw. Naibu Spika, jibu ambalo ninalo hapa linaonyesha kwamba Kamati ya Maendeleo ya Wilaya ya Makueni imeweka katika ratiba yake ujenzi wa barabara hii. Barabara hii ni Class E na inaweza kugharamiwa na Kamati ya Maendeleo ya Wilaya ya Makueni. Wajibu wa Wizara ni kutoa pesa kwa Kamati za Maendeleo za Wilaya (DDCs). Kamati ya Maendeleo ya Wilaya ya Makueni itagharamia ujenzi wa hiyo barabara na daraja. Hata hivyo, hii si daraja lakini ni bonde dogo.

Mr. Kalulu: Bw. Naibu Spika, mto wa Thwake ndio mkubwa zaidi katika Wilaya za Makueni na Machakos. Hili si bonde dogo kama vile Waziri Msaidizi anavyosema. Waziri anajibu Swali hili akiwa Nairobi na hajafika pale Thwake. Kamati ya Maendeleo ya Wilaya ya Makueni imepitisha ujenzi wa barabara hii mara tano kutoka mwaka wa 1974. Waziri Msaidizi amekariri mambo ambayo yameandikwa katika orodha ya leo. Je, Wizara ina mpango gani wa kujenga daraja linalounganisha Wote na Kalawa?

Mr. Mokku: Bw. Naibu Spika, ni lazima nikariri ripoti niliyo nayo kuhusu bonde dogo lilo kati ya Kalawa na Wote. Mhe. Kalulu ameuliza kuhusu daraja lakini daraja na bonde dogo ni vitu tofauti. Majibu ambayo niko nayo hapa ni juu ya bonde dogo. Ningemuomba mhe. Kalulu aulize Swali kuhusu daraja na nitalijibu.

Mr. Katuku: Bw. Naibu Spika, umesikia kwamba Bw. Kalulu aliuliza Swali hili mara ya kwanza mwaka wa 1974. Aliliuliza mara ya pili katika mwaka wa 1977. Ukimwambia Bw. Kalulu, utaona kwamba anakaribia kwenda nyumbani. Kila mara anapoliuliza Swali hili, anaambiwa daraja hili litatengenezwa mwaka ujao. Je, Wizara inaweza kulitengeneza daraja hili ili watu wa Mbooni wamkumbuke Bw. Kalulu atakapopumzika?

Mr. Mokku: Bw. Naibu Spika, daraja halitengenezwi kulingana na umri wa mtu, lakini linatengenezwa kulingana na mahitaji ya watu wa sehemu inayohusika. Majibu niliyo nayo hapa yanahusu bonde dogo. Kama Bw. Kalulu ana Swali kuhusu daraja, ambalo ni tofauti na hili, ningemuomba aliulize Swali hilo na nitalijibu.

Mr. Kalulu: Bw. Naibu Spika, je, Waziri Msaidizi anaweza kulieleza Bunge hili Wizara ina mpango gani wa kujenga daraja hili? Kamati ya Maendeleo ya Wilaya ya Makueni imepitisha mara [Mr. Kalulu] nne ujenzi wa daraja linalounganisha tarafa za Kalawa na Wote.

Mr. Mokku: Bw. Naibu Spika, kama nilivyosema hapo awali, Bw. Kalulu akiuliza Swali kuhusu daraja hili, nitamweleza mpango wa Wizara kulihusu.

Question No.482

RECARPETING OF NAKURU-NAIROBI ROAD

Mr. Manyara asked the Minister for Roads and Public Works:-

- (a) when the recarpeting of Nakuru-Nairobi Road will commence; and,
- (b) how much money has been set aside for the repairs.

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

- (a) The Nakuru-Nairobi Road is being recarpeted in sections as appropriate finances are secured.
- (b) Kshs20.44 million has been set aside to repair the bad section of the Nakuru-Nairobi Road.

Mr. Kihara: Mr. Deputy Speaker, Sir, anybody who enters Nakuru Town, and I know the Chair does, knows how long it takes to move from Stem Hotel to town because of congestion and heavy trucks in that section. Has the Ministry got any plans for it now?

Mr. Mokku: Mr. Deputy Speaker, Sir, Kshs1.72 million has been set aside this financial year to repair the road between Nakuru and Gilgil.

Hon. Members: A dual carriageway to cost Kshs1.72 million?

Mr. Mokku: Mr. Deputy Speaker, Sir, I am coming to the question by the hon. Member.

Mr. Deputy Speaker: Order! Do not answer them when they provoke you!

Mr. Mokku: Mr. Deputy Speaker, Sir, for the dual carriageway that the hon. Member has talked about, we have no immediate plans for it.

Mr. Manyara: Mr. Deputy Speaker, Sir, this is one of the busiest roads in this country, and I would like to know, from the Assistant Minister, when he will recarpet it. I would like to commend the Government on what it has done on the section of the road between Nairobi and Naivasha.

Mr. Deputy Speaker, Sir, my main question is when the Ministry will repair the road from Naivasha to Nakuru.

Mr. Mokku: Mr. Deputy Speaker, Sir, I would like Mr. Manyara to repeat his question so that I can answer it.

Mr. Deputy Speaker: He has said that you have done a good job between Nairobi and Naivasha. When

will you do the same between Naivasha and Nakuru?

Mr. Mokku: Mr. Deputy Speaker, Sir, I would like to say that Maai-Mahiu-Naivasha-Lanet Road will be funded under Phase II as part of the Northern Corridor Rehabilitation Project which will be funded by the European Union (EU). Sultan Hamud-Mtito Andei Road is also being financed under Phase I of this project. The Naivasha-Nakuru Road is ready for financing this financial year--

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

Mr. Deputy Speaker: He is answering the question!

Mr. Mwenje: He is not answering the right question!

Mr. Deputy Speaker: But he has already started!

Mr. Mokku: Mr. Deputy Speaker, Sir, the Naivasha-Nakuru Road will be repaired this financial year at Kshs5 billion. These funds will come from the Chinese Government.

Dr. Omamo: Mr. Deputy Speaker, Sir, as one moves from Nakuru to Nairobi, he or she will find that avenue trees are planted on both sides of the road. Among these trees, there are two ceremonial trees which were planted by His Excellency our late President on 27th April, 1972. The two trees have been interfered with. As you move along the road from Nakuru to Nairobi, you will notice that both sides of the road are littered, messy and an eyesore. It is terrible to see this. As you enter Nairobi City at Kangemi Market, you also realise that it is in a terrible state.

Mr. Deputy Speaker, Sir, could the Assistant Minister undertake to rectify the situation by taking care of the two ceremonial trees so that they can grow properly, and also remove the litter from the roadside?

Mr. Mokku: Mr. Deputy Speaker, Sir, the two ceremonial trees are not part of the Question that has been put to me by the Questioner. The responsibility of collecting rubbish in the City of Nairobi does not fall under the Ministry of Roads and Public Works, but under the Nairobi City Council (NCC).

Mr. Manyara: Mr. Deputy Speaker, Sir, according to the Assistant Minister, Kshs5 billion has been set aside for the repair of the road. When shall he undertake to start the project?

Mr. Mokku: Mr. Deputy Speaker, Sir, I have said that, that section of the road will be repaired under the EU during the 2001/2002 financial year.

Question No.475

MINISTRY'S REFUSAL TO PAY DEBT

Mr. Deputy Speaker: Is Mr. Achola not here? We will move on to the next Question by Mr. Kibicho!

Question No.545

NSSF DUES FOR MR. KIRUGU

Mr. Kibicho asked the Minister for Medical Services:-

(a) whether he is aware that Mr. Kariuki Kirugu, FN.No.020058128, who was an employee of the Ministry, P/No.312121, retired in 1989 and has since not been paid his National Social Security Fund (NSSF) dues,

(b) whether he is further aware that NSSF is unable to pay Mr. Kiragu because the Ministry had not been remitting statutory deductions for the period 1972-1975 and 1978-1983; and,

(c) what action he has taken to rectify the anomaly and have the dues paid.

The Assistant Minister for Health (Dr. Wako): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Kariuki Kirugu, P/No.312121, NSSF No.020058128, who was an employee of the Ministry, until his retirement in 1994, has not been paid all his NSSF dues.

(b) I am not aware that the NSSF is unable to pay all his dues, as the Ministry submitted all the statutory contributions for the period 1972-1975 and 1978-1983 as required.

(c) The Ministry has resubmitted the same schedule of contribution to the Fund to enable it reconcile its records and pay Mr. Kariuki any outstanding dues.

Mr. Kibicho: Mr. Deputy Speaker, Sir, could the Assistant Minister consider bringing amendments to the House so that those people who do not pay statutory deductions are liable for penalty including imprisonment, because it is a serious matter to refuse to pay statutory deductions?

(Loud consultations)

Mr. Deputy Speaker: Order! I have not heard what the hon. Member is saying!

Dr. Wako: Mr. Deputy Speaker, Sir, this can be done, but what is happening is that we submitted the dues in 1991.

Mr. Nderitu: Mr. Deputy Speaker, Sir, the Question before this House affects many people, and more or less all the Ministries are involved. Could the Assistant Minister, to begin with, ask the NSSF to furnish him with the names and a list of all the staff it has paid statutory deductions?

Dr. Wako: Mr. Deputy Speaker, Sir, we have already asked for the schedule for this particular person. We received it and found that they have not paid him. That is why we have sent them another schedule.

Mr. Kibicho: Mr. Deputy Speaker, Sir, if the Assistant Minister is serious on what he is saying, and if he is sure that they had remitted the deductions to the NSSF, could he table the schedule which he sent to the Fund for comparison?

Dr. Wako: Mr. Deputy Speaker, Sir, I would like to table the schedule which was taken to the NSSF on 11th January, 1990.

*(Dr. Wako laid the schedule
on the Table)*

Mr. Deputy Speaker: Mr. Achola's Question for the second time!

Question No.475

MINISTRY'S REFUSAL TO PAY DEBT

Mr. Deputy Speaker: Mr. Achola still not here? His Question is dropped!

(Question dropped)

Let us now proceed to Questions by Private Notice!

QUESTIONS BY PRIVATE NOTICE

LIQUIDITY CRISIS AT
NATIONAL BANK OF KENYA

(Mr. Sambu) to ask the Minister for Finance:-

- (a) Is the Minister aware that there is a serious liquidity crisis at the National Bank of Kenya?
- (b) Is he further aware that without an urgent injection of Kshs10 billion, the Bank will collapse?
- (c) What steps is he taking to save this Bank?

Mr. Deputy Speaker: Mr. Sambu is not there!

Next Question, Mr. Mugeke!

STAFF LAY-OFFS AT
INDUSTRIAL PLANT

Mr. Mugeke: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice.

(a) Is the Minister aware that Industrial Plant E.A. Limited has terminated services for its 177 employees?

(b) Is he further aware that all the 177 employees have not received their terminal benefits?

(c) Could he order the employer to immediately pay the employees their terminal benefits?

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

(a) I am aware.

(b) I am aware that the benefits have not been paid.

(c) We cannot enforce that.

Mr. Mugeke: The issue here is that some of the employees attained retirement age as far back as 1994.

They were detained there by the employer for reasons best known to him. One of them had worked for 37 years after being employed in 1963. The others had worked for 32 and 33 years respectively. They are very many and I have a list here. Their terminal benefits were calculated and they amounted to a lot of money. But they were retained there by the employer against their wish. Because these people had attained the retirement age, could the Assistant Minister treat them differently and pay them their terminal benefits? Also, we would want through the Committee---

Mr. Deputy Speaker: Order! Order! Ask one question at a time!

Mr. Ethuro: Mr. Deputy Speaker, Sir, I said I was aware that Industrial Plant E.A Limited had terminated services for about 177 members because the company is under-receivership. They were paid about Kshs4,000 each. I am not aware that other people were retained. But under the Companies Act, if a company is under receivership, you cannot pay the other sums until the receiver manager completes his work.

Mr. Mugeke: Mr. Deputy Speaker, Sir, the answer by the Assistant Minister is not satisfactory, because these people attained retirement age five years ago. They were retained there against their wish by the employer. Five years ago, these people had qualified for retirement benefits. Could they be treated differently? At the same time, this company opened a sister company by the name Airduct. The employer has indicated that the machinery in Industrial Plant E.A Ltd is owned by Airduct. Could he tell us the connection between Airduct and Industrial Plant E.A. Ltd?

Mr. Ethuro: Mr. Deputy Speaker, Sir, I am not aware of the connection. But I am aware that Industrial Plant E.A. Ltd is under receivership, so the collective bargaining agreement ceases to operate.

Mr. Mugeke: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has said that he is not aware of the connection between Airduct and Industrial Plant E.A. Ltd. Could he check and confirm who are the directors of these two companies?

Mr. Deputy Speaker: Order! Order! That is not a point of order. You are asking a question.

Next Question, Mr. Keriri!

APPROVAL OF KERUGOYA/KUTUS
PART DEVELOPMENT PLAN

Mr. Keriri: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Is the Minister aware that according to Part Development Plan (PDP) No.CKR 72/95/12 approved by both the Municipal Council of Kerugoya/Kutus and the Physical Planning Department of the Ministry of Lands and Settlement, Plot No.90 was set aside for the construction of a town hall?

(b) Is he further aware that the Physical Planning Department is in the process of preparing a new PDP to sub-divide this plot with a view to allocating part of it to a private developer?

(c) Could the Minister ensure that the Municipal Council of Kerugoya/Kutus is not denied the use of this plot for the construction of the town hall?

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that in a Draft Part Development Plan (PDP) No.CKR 72/95/12, which was prepared in 1995, it was proposed that Plot No.90 be set aside for the construction of a town hall. The PDP was never approved and cannot, therefore, be used to reserve or allocate land.

(b) I am also aware that there is a PDP No.C72/85/4 which was prepared and approved in 1985.

(c) Enough land has been reserved for the construction of the town hall for the Municipal Council of Kerugoya/Kutus.

Mr. Keriri: Mr. Deputy Speaker, Sir, I have a lot of respect for this Minister as a person but I think he is rather misleading in his answer. One, he does not say who should have approved the PDP because the council approved that. There is a minute to that effect.

Two, he has not answered part "b" of my Question which reads: Is he further aware that the [Mr. Keriri] Physical Planning Department is in the process of preparing a new PDP to sub-divide this plot with a view to allocating a part of it to a private developer? He is telling me about 1985 and I am talking about this month, 2001. That is misleading because he has not answered my Question. Could he, please, do that?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I wish to confirm that I have rejected any request that might have come my way. So, it is not official because the Minister has not approved that PDP. I would like to table two documents that I referred to; that is, the approval, which clearly proves what I am saying. One was a draft and I

wish to table it now. I also wish to table the approved PDP by the Commissioner of Lands, a Mr. Njenga, on 25th November, 1985. It says, one, "proposed for lands office"; two, "approved" for what was then the urban council offices of Kerugoya.

*(Mr. J. Nyagah laid the documents
on the Table)*

Ms. Karua: Thank you, Mr. Deputy Speaker, Sir. Could the Minister also confirm that, for any land to be allocated by a local authority, it has to be gazetted, and that the intention to allocate that land has to be gazetted according to the Physical Planning Act to enable residents to apply or to object to such allocations? Further, could he confirm that no gazettement has occurred in respect of this particular portion of land?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, if we are talking about an imaginary thing which has not reached me, I do not know. But the procedure is very clear as stipulated by the Physical Planning Act; that you advertise and gazette. But I think we should not confuse issues. If there is something which is trying to make its way to me, that is a different subject. But I am dealing with an approval given by Commissioner Njenga even before I became a politician. I think it is important for them to understand the difference.

Mr. Deputy Speaker: Order! Order! I am afraid we will have to defer Mr. Kihara's Question to tomorrow afternoon.

Ms. Karua: I have a burning question, Mr. Deputy Speaker, Sir. Let us defer it.

Mr. Deputy Speaker: Okay!

Mr. Deputy Speaker: Order! There is some business we must transact before 3.30 p.m. So, I will end Question Time there.

SALE OF GILGIL COUNCIL HOUSES

(Mr. Kihara) to ask the Minister for Local Government:-

(a) Is the Minister aware that the County Council of Nakuru has sold Gilgil Council houses to the councillors at the expense of the tenants?

(b) Is he further aware that the councillors are in the process of selling the houses to third parties?

(c) What action will he take to ensure that the houses are sold to the tenants living in them as per the Ministry's directive and the Council's own minutes?

Mr. Deputy Speaker: Mr. Kihara's Question is deferred to tomorrow afternoon.

(Question deferred)

Next Order!

BILLS

First Readings

THE CONSTITUTION OF KENYA
(AMENDMENT) BILL

THE ANTI-CORRUPTION AND
ECONOMIC CRIMES BILL

THE PUBLIC SERVICE
(CODE OF CONDUCT AND ETHICS) BILL

*(Orders for the First Readings read -
Read the First Time - Ordered to be read
the Second Time tomorrow)*

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I beg to move

that The Anti-Corruption and Economic Crimes Bill and The Public Service (Code of Conduct and Ethics) Bill be referred to the relevant Departmental Committees in accordance with Standing Order No.101(a)(1).

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. If the Minister has referred the last two Bills to the relevant Departmental Committees, how do we proceed since the Constitution of Kenya (Amendment) Bill has not been referred to the relevant Departmental Committee?

(Mr. Deputy Speaker consulted with the Clerk)

Mr. Deputy Speaker: Hon. Members, as you well know, constitutional and finance Bills are not referred to the relevant Departmental Committees. After the Clerk has read them out, that is all. The Bill has been read properly for the First Time.

Next Order.

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. I need to be assisted to understand what the Standing Orders say on that issue. Whereas we understand that we cannot amend the Constitution of Kenya (Amendment) Bill, but a Committee of the House can recommend to us whether to accept or reject it. I expect the relevant Committee to tell us to reject this Bill. Should we not be advised by the Committee of the House?

Mr. Deputy Speaker: Order! You cannot have debate during the First Reading of any Bill, including constitutional Bills. So, really you have to wait to make your comments, if, in fact, you feel that the Bills have not been treated properly when we reach the Second Reading stage.

Mr. Mboko: On a point of order, Mr. Deputy Speaker, Sir. The common practice under our Standing Orders is that Bills are referred to the relevant Committees of the House after First Reading.

Mr. Deputy Speaker: Order! I have just advised the House that constitutional and finance Bills are not referred to Departmental Committees. That is what our Standing Orders say. That has been the practice and we will continue with it!

Next Order!

COMMITTEE OF SUPPLY

*(Order for Committee read
being Ninth 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 (Mr. W.C. Morogo): Mr. Deputy Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair, to enable me initiate debate on Vote 13 - Ministry of Roads and Public Works.

Last year, I did enumerate the functions of my Ministry and I do not intend to dwell on them this year; except to say that my Ministry's mission is to contribute to the socio-economic development of the country by facilitating adequate provision and maintenance of physical infrastructures in the form of roads and buildings throughout the country. To achieve this mission, my Ministry has adopted some strategies which include facilitation of adequate provision of road infrastructure through policy formulation, research, designs, supervision and regulation of standards for their development and maintenance throughout the country. We have a provision on a cost-sharing basis of logistical and technical support and training in road construction and maintenance, by acquiring and servicing equipment and training facilities. We mobilise resources from both the public and private sector to roads development and maintenance. We have effected facilitation of adequate provision of cost-effective buildings, including decent houses for Kenyans through policy formulation on informal settlement upgrading, research on building materials and technology, and dissemination of research information and promotion of wider application of innovative materials.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, my Ministry undertakes to meet its functions under the following expenditures Sub-Votes:- General Administration and Planning, Building and Works, Housing Development, Roads and Other Services. In order to finance these services under Vote 13, I will require a gross provision of Kshs17,865,744,927, out of which, Kshs11,885,568,341 will finance the recurrent activities, while Kshs5,980,176,586 will finance Development Expenditure.

Mr. Temporary Deputy Speaker, Sir, I will now present proposals under Recurrent Vote 13 and then proceed to present those of Development Expenditure.

The Recurrent Vote Printed Estimates of Kshs11,885,568,341 will be utilised for the following purposes:- Kshs1,249,267,961 will meet expenses of staff salaries and allowances, including training; Kshs2,569,523,448 will go towards operations and maintenance; out of which, Kshs1 billion will be required to pay for redecoration of leased Government houses and repair of old houses; Kshs8,042,192,199 is Appropriations-in-Aid in form of the Road Maintenance Levy and transit all charges which will be used under road maintenance programme.

Mr. Temporary Deputy Speaker, Sir, as part of harmonisation of terms and conditions of service for public servants, the Government announced new housing policy for the Public Service at the beginning of the last Financial Year. The major policy changes include introduction of regional house allowances and rates that were implemented in two financial years from 1st July, last year. We have started charging market rents under the new Public Service housing scheme with effect from 1st July, this year and phased out leases for public servants.

In recognition of the need to assist Public Service employees to access reasonable housing accommodation, the Government has combined implementation of Phase II and Phase III of house allowances with effect from 1st July, 2001. Let me hasten to clarify that it is not the Government's intention to evict public servants from Government houses, but rather to create equity and encourage employees to own houses within urban areas. Due to this policy change, the Ministry is seeking authority of this House to spend Kshs1 billion on internal repairs and redecoration; Kshs180 million on security of rented Government houses which will be vacated as their leases expire and Kshs660 million on payment of rents and rates during 2001/002 financial year.

The Government introduced the Road Maintenance Levy in 1994 in order to raise the required road maintenance finances after recognising the fact that the provision of an appropriate road network is one of its major challenges in achieving sustainable economic development. In this financial year, the Ministry will follow the priorities defined in the Poverty Reduction Strategy Paper and the Medium Term Expenditure Framework. We will continue to emphasise on the maintenance of trunk roads, limit the number of new contracts on angle roads, contract out routine maintenance for major roads, strengthen our in-house roads and patching units.

Mr. Temporary Deputy Speaker, Sir, the Kshs8,042,292,199 Appropriations-In-Aid (AIA) from the Roads Maintenance Levy Fund (RMLF) will be used on actual road maintenance activities, which include routine maintenance of all roads, resealing and recarpeting of existing tarmac roads, and gravelling and regravelling of unpaved roads.

During the last financial year, my Ministry received a total of Kshs6,875,969,293 in form of both Road Use Levy and Transit Toll (TT) charges. The funds were committed on both routine and periodic maintenance of paved roads, procurement of equipment for road maintenance as well as for traffic toll administration, among other maintenance related activities.

In summary, the funds were expended as follows: Contracted works, Kshs3,989,589,185.85; direct labour work, Kshs2,174,105,630.70; material procurement and capacity support, Kshs280,767,899.25; Constituency Fund, Kshs361,374,317.20 and Roads Programme Counterpart Fund, Kshs80,138,250. These figures add up to Kshs6,875,969,293.

Mr. Temporary Deputy Speaker, Sir, during the year, major works were undertaken, and are still continuing, on the following roads amongst others: Bachuma Gate-Maji ya Chumvi section of Nairobi-Mombasa Road, Elwak-Mandera Road, Murang'a-Kangema Road, Kisumu-Yala Road, Kakuma-Lokichoggio Road, and Kasarani-Njiru Road.

I would like to assure hon. Members that all the funds that shall accrue from both the RMLF and TT charges will continue to be utilised solely for the maintenance of roads throughout the country, and that the Ministry will fully account for the same. This will be achieved through thorough oversight of all road works in Kenya by the Kenya Roads Board (KRB), which commenced its work during the 2000/2001 financial year.

The KRB is overseeing implementation of road development, rehabilitation and maintenance through the following agencies: The Roads Department, Kenya Wildlife Service (KWS) and District Roads Committees (DRCs). The Roads Department is responsible for the maintenance of the major roads while the KWS is

responsible for the maintenance of roads within national parks and game reserves. The DRCs will oversee the maintenance of secondary and minor and special purpose roads, adopted trees and unclassified roads in the districts.

Mr. Temporary Deputy Speaker, Sir, in order to maintain transparency in reporting on utilisation of these funds, the levy collected will continue to be deposited in the RMLF account, which is managed by the KRB. All disbursements will be made on the basis of approved road maintenance expenditure plans, as prescribed in the KRB Act. In order to increase productivity and efficiency on road maintenance, the Government will continue to enhance the functions of axle load control.

In this respect, the Government will continue to strictly enforce the axle load control regulations in accordance with the current Act as it pursues the process of off-loading some functions to the private sector, enhance private sector participation in routine maintenance of classified roads, and adopt the new Highway Design and Maintenance Model IV in its evaluation of new roads construction and maintenance projects in order to ascertain the environmental impact of such activities.

Mr. Temporary Deputy Speaker, Sir, the poor road network in the past has been attributed to incomplete documentation used for awarding of contracts, lack of effective contract supervision, leading to construction of poor quality roads, and lack of routine maintenance. In order to address these shortcomings, my Ministry has continued to root out these malpractices. Stern measures are already being taken against contractors and Government officials who compromise on quality and standard of work. Also, my Ministry is taking measures to restore transparency, professionalism, accountability and discipline among its staff through enforcing professional ethics, code of regulations and strict adherence to procurement and accounting rules and regulations.

Other measures include strict enforcement of the use of economic project appraisal methods, improving the auditing and accounting for road maintenance funds, limiting the number of projects a single contractor can handle at any given time, depending on his capacity to handle such projects, strengthening the Road Works Inspectorate to ensure that resources allocated for road reconstruction and maintenance are consistently applied to the purposes for which they are intended and ensure efficient and transparent use of such resources.

Mr. Temporary Deputy Speaker, Sir, I will now turn to the Ministry's Development Vote. As highlighted earlier, my Ministry proposes to spend a gross total of Kshs5,980,176,000 for capital expenditure, including planning, material research, consultancy services, design and building works, development of roads and staff training institutes. Out of this provision, Kshs4,494,986,586 will consist of external receipts from bilateral development partners and multilateral financial institutions in the form of loans and grants.

It is my Ministry's long-term objective to develop a road network that is consistent with the actual needs of both the economic and social sectors of our economy. To achieve this objective, we will accord the highest priority to the following: Preservation of vast investment in the existing road infrastructure through timely and adequate maintenance and rehabilitation; upgrading high-priority roads to gravel and bitumen standard in areas where the absence of such roads poses serious bottlenecks to development; use of labour-based methods in road works, where these are most-effective and also help to generate employment opportunities; training and retraining of our personnel to reduce the cost of road maintenance; promotion of road safety by improving road signs and markings, and rehabilitation of all dilapidated road segments.

Mr. Temporary Deputy Speaker, Sir, in order to enhance the aforementioned strategies, the Ministry, in conjunction with its development partners, has embarked on the implementation of Roads 2000 Programme. This initiative is geared towards the improvement of roads to maintainable standards, using a network approach involving use of both labour and equipment, with greater emphasis being put on reducing costs and maximizing employment at the local level in line with the Government policy on poverty reduction, particularly with regard to rural agricultural roads. In this respect, the Ministry will continue to improve rural roads through the following interventions.

With the assistance of the Danish International Development Agency (DANIDA), the Government is implementing the Roads 2000 Programme in Taita-Taveta, Kwale, Kilifi and Malindi Districts of the Coast Province. During this financial year, Kshs76,489,000 is provided in the Budget as a donor contribution. The Government of Kenya (GOK) contribution will be in form of road levy funds. Also, with the assistance of the Swedish International Development Agency (SIDA), the Government is implementing the Roads 2000 Programme in Nyeri and Kirinyaga Districts of the Central Province. Kshs61,500,000 has been allocated as SIDA contribution to the province while the GOK contribution will, again, be in form of road levy funds. Other development partners who have indicated their willingness to support the Government on Roads 2000 Programme, include the World Bank, the African Development Bank, the KfW of Germany, Agencies Franchise De Development and AFD of France.

Mr. Temporary Deputy Speaker, Sir, some of the key projects and programmes which my Ministry

intends to undertake during this financial year include, continuing with the tarmacking of Katumani-Wote Road, with financial support from OPEC and the Bank for Economic Development in Africa (BEDEA) and to procure contractual arrangement for the tarmacking of Wote-Makindu Road. Secondly, we will carry out feasibility studies on Dondori-Ol Kalou-Njambini and Emali-Loitokitok Roads, with the assistance from the Arab Bank for Economic Development in Africa. We shall undertake to complete designs and introduce procurement and construction services and start strengthening and widening the Narok-Maai Mahiu Road, with financial support from KFW and AFD. Thirdly, we intend to initiate procurement process on the reconstruction of Maasai-Maai Mahiu-Naivasha-Lanet Road, with financial support from the European Union.

We shall also complete procurement and commencement processes on the construction work on the Mtito-Andei-Sultan Hamud Road, as part of the Northern Corridor Road Rehabilitation Programme, with financial support from the European Union. We also intend to complete designs and start construction work on the rehabilitation of the Maji ya Chumvi-Miritini section of the Nairobi-Mombasa Road, with financial support from the World Bank. We will also commence the construction work on Garsen-Lamu Road, with financial support from the KFW.

Mr. Temporary Deputy Speaker, Sir, I am further seeking the authority of the House to spend Kshs132 million on materials, research, testing architectural services, electrical and mechanical services; structural engineering services and contractual management of Government building projects. I am also seeking authority of the House to spend a further sum of Kshs29,701,000 on development of middle level technical skills on roads and building sectors, as well as on the promotion of labour-based technology in road construction and maintenance. Overall, I am seeking authority of the House to spend a total sum of Kshs17,865,744,227 to enable me undertake the implementation of roads and building programmes and projects under Vote 13, Ministry of Roads and Public Works.

Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to thank all hon. Members for the support they have continued to accord this Ministry in the challenging tasks of improving physical infrastructure in all parts of the country.

With those remarks, I beg to move.

The Minister for Finance (Mr. Okemo): Mr. Temporary Deputy Speaker, Sir, I rise to second Vote 13, Ministry of Roads and Public Works.

I think it is important that we accord due importance to this very important sector of the economy. We know infrastructure has been a concern, not just of this House, but a concern of the entire public because of the dilapidated infrastructure throughout the Republic. During the consolidation process of the Poverty Reduction Strategy Paper (PRSP), it was one of the sectors that was rated very highly as a sector that is important in promoting economic growth. I do, therefore, wish to support the Vote. In fact, I wish we had been able to have more resources to allocate to this Ministry. Unfortunately, the resources are limited. With the limited resources, I would like to assure this House that with the new procurement procedures, tendering procedures are transparent and the money will be used as voted for by this House. I would, therefore, like to appeal to hon. Members in this House to support this Vote wholeheartedly, despite the shortcomings that have been brought out in the past.

Mr. Temporary Deputy Speaker, Sir, with regard to the concern of the Kenya Roads Board (KRB), I think that is now going to be history because the KRB is almost in place and the Chief Executive's appointment is almost complete. So, I think hon. Members will be happy to note that, that concern has been taken care of. As to participation by hon. Members on the Road Committees at the district or constituency level, I think they will play their role which they rightfully deserve to play without having to be signatories to any account because that would compromise their position as legislators.

With these few remarks, I wish to second.

(Question proposed)

Eng. Toro: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving this opportunity to contribute to this Vote. I rise to respond on behalf of the Leader of the Official Opposition, as a Shadow Minister for Roads and Public Works.

Mr. Temporary Deputy Speaker, Sir, the Minister for Roads and Public Works has enumerated, and has gone through, all the points that are necessary to make his Ministry deliver in road maintenance and the housing sector. This is the promise that the Government gives to Kenyans year in, year out, but nothing happens. Some of us are a bit happy that there is a new development in the Ministry with the appointment of the new Permanent Secretary because he seems to be taking his work seriously and putting all the evils in the Ministry in order. But a lot has to be achieved before the Ministry goes back to the old days when it used to deliver to Kenyans.

Mr. Temporary Deputy Speaker, Sir, the increase on the amount of money allocated for this Ministry during this financial year is very insignificant. The increase in the Recurrent Expenditure, of about Kshs960 million, falls far below the requirement for the actual proper road maintenance. Even in the Development Expenditure, the increase of Kshs242 million, compared to the last financial year is not much. We need much more money to put our infrastructure back into place. The Minister has enumerated his commitments that he will undertake to upgrade our road systems up to gravel and bitumen standards. However, the Minister has looked into the actual costing per kilometre of gravel and bitumen standards. This is because we happen to have very high costs per kilometre when we come to gravel and bitumen standards. We do not understand why that is so and the Minister should be able to find out why, to construct a Kenyan road per kilometre is more expensive than it is the case in our neighbouring countries; Uganda and Tanzania.

Mr. Temporary Deputy Speaker, Sir, we still need some commitment on maintenance. We are very good at producing very good designs; we have very beautiful drawings, but we construct roads to sub-standard specifications, under the supervision of the Ministry and once the road is constructed, it is forgotten. For example, last year when the Minister moved the Vote of his Ministry, he talked about the re-establishment of maintenance camps. I do not understand why the Ministry is taking too long to establish maintenance camps, which used to be an integral part of road maintenance in the past years. It is high time we brought them back because the numerous problems that we are facing today are due to lack of proper maintenance. So many roads which have been built to bitumen standard are now gone. Why is that so? This is because there are no decentralised maintenance camps to take care of those roads and the infrastructure at the district and provincial headquarters do not even have the machinery. They are not even able to be mobilised to do any meaningful repair of our roads.

Mr. Temporary Deputy Speaker, Sir, the Government has been very good at reorganising the activities of the Ministry. In 1993, a Bill was brought to this Parliament, which established the Road Maintenance Levy Fund. At that time, Kenyans were promised that the problems pertaining to road maintenance and construction would be history. But it became an avenue to misappropriate the money meant for road maintenance and construction. When that did not work, another reorganisation was thought of and that was the creation of the Kenya Roads Board and we passed the Bill in 1999 which became an Act in January, 2000.

Mr. Temporary Deputy Speaker, Sir, hon. Members are very worried that the KRB has not taken off. Although the Minister says that the KRB is in place, for all practical purposes, it is not in place. The KRB, at the moment, is operating as an agency of the Ministry of Roads and Public Works, instead of the vice-versa. When the KRB Act came into effect, the Ministry's role in road construction and maintenance was as an agency of the KRB. That is the Roads Department. But for the last one year, the Chairman of the KRB and his Board have been acting as if they are the agency of the Ministry of Roads and Public Works and acting like public relations officers for the Ministry. We would like that to stop. They have established a secretariat. The Minister never told us whether they have opened a bank account, how they are being funded, how the Board is being funded. How is the Board being funded, if it has not been able to receive money from the Road Maintenance Levy Fund? The DRCs are agencies of the KRB; KWS is an agency of the KRB. When the DRCs became operational, we started off very well, and we had the committees. Instead of the Minister coming back to the House with any amendment, if there was anything wrong, somebody rushed to the High Court to make the KRB ineffective and later on, the DRCs for no apparent reason at all.

It is high time this Government took this House seriously. It is not for the court of law to be deciding on what goes on in Parliament. At best, the court should have referred the case back to Parliament for any necessary amendments because we have been operating the KRB. Hon. Members have not been able even to sit in the DRCs. The DRCs are not functioning and yet for the last one year, the Minister has decided it is his role to be disbursing the money meant for the KRB to the districts, his road engineers, provincial and district works officers. That is a negation of the Act and it is high time we put things in order.

Regarding the appointment of the Chief Executive of the KRB, how long does the Minister take to do that? How many months does he want to be given to be able to appoint the Chief Executive? It is a known fact that, without the Chief Executive, then, the KRB cannot operate. Yet, he has not been able to tell us why he has not appointed the Chief Executive. The Minister for Finance, in seconding the Vote, said that the Chief Executive is about to be appointed. Three months ago, the same was said. Maybe, one year down the line, we will be told again that "the Chief Executive is about to be appointed." Could we have a commitment from the Minister by giving a timeframe as to when he is going to appoint the Chief Executive? The KRB appointed a management consultant, interviews were done and three names were forwarded for the Minister to pick one. I do not see why he cannot be able to pick one name. The most qualified engineer, who could be appointed as the Chief Executive of the KRB, happens to come from the Kikuyu community which the Minister does not want to appoint from. He should be honest enough and tell this House that is the reason why he is not appointing the Chief Executive.

Otherwise, we do not see any reason why he has delayed for one year to appoint a Chief Executive.

The Minister for Roads and Public Works (Mr. W. Morogo): On a point of order, Mr. Temporary Deputy Speaker, Sir. If there is one thing that I hate in this world, is tribalism and I would hate Eng. Toro to introduce that to me. Could he substantiate that I have been a tribalist? Otherwise, he should withdraw that statement and apologise!

The Temporary Deputy Speaker (Mr. Musila): Eng. Toro, if you cannot substantiate that the Minister is unable to appoint the Chief Executive of the KRB because of his tribe, then, you are obliged to withdraw that remark. Which one do you want to follow?

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, if he can give the House the names of the three people who have been shortlisted, then, you can see the reason why I am saying that.

The Temporary Deputy Speaker (Mr. Musila): Order, Eng. Toro! We do not wish to interrupt your very useful contribution that you are making. Either you substantiate or withdraw.

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, are you asking me to withdraw the names--- If it will please the Minister that I withdraw the remarks---

The Temporary Deputy Speaker (Mr. Musila): Order! You are not doing that for the Minister, but for the House!

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, so that I may be able to continue, I withdraw the remark; that the Minister is a tribalist and apologise to the House and leave it to him---

The Temporary Deputy Speaker (Mr. Musila): Order, Eng. Toro! If you---

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, I have apologised and left that subject. I am continuing.

The Temporary Deputy Speaker (Mr. Musila): Stop it there; you may spoil it.

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, let us hope that the Minister, when replying to the Motion, will give a timefactor as to when he is going to appoint the Chief Executive. Let him commit himself to this House; that it will be in two days, one week or one month, so that Kenyans should stop waiting endlessly for the Chief Executive to be appointed. Before the Chief Executive is appointed, no other officer in the KRB should be appointed.

Why is it that road maintenance has been so poorly effected in Kenya? One of the issues that have been of concern to this House is corruption in the Ministry. As I said, the current PS and his team are fighting corruption, but they have got an uphill task because it has been entrenched over the years. He should be supported by the Minister and this House.

The Minister for Roads and Public Works (Mr. W. Morogo): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has said that the Permanent Secretary (PS) should be supported by the Minister. Is he suggesting that I have not been supporting the PS? He has always had my support! The hon. Member should give his contribution and not---

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, I did not say he is not supporting the PS. I said that he should continue supporting the PS. I know that the Minister is not a corrupt person. If he was, I would have said so.

Mr. Temporary Deputy Speaker, Sir, corruption has made maintenance and construction of our roads to be very expensive. It starts from the design stage, all the way to the construction stage. You will find that people are thinking of what they can put in their pockets. That is why we have not been able to be effective and efficient in construction and maintenance of our roads. It is the duty of the PS and the Kenya Roads Board (KRB) to come up with specific costs per kilometre of either gravel, bitumen and pavement standards, so that we can be able to have a reference point. Every time we argue in this House about the amount of money spent on a five-kilometre or 20-kilometre section of a road, you find that it varies from Kshs15 million to as much as over Kshs30 million per kilometre, which is very high. We would like to know what reference point this House should use when Members are debating on the issues of road maintenance, repairs and construction, to be able to say that a certain road is expensive or not. It is very important that the Ministry and the KRB come up with specifications and the costs involved.

Mr. Temporary Deputy Speaker, Sir, the principles of effective and efficient project management are no longer being exercised in the Ministry. Instead, we have got mismanagement of projects. From the time when a project is conceived, until it has been finalised, all the management principles should be put in place. They should be cost effective and efficient. But, instead, we have had professionals ganging up together, to make sure that there is money left for their pockets. That is why we are talking about corruption. Corruption can only be addressed by coming up with proper standards and specifications which can be simplified for this House, so that Members can understand what is involved in the roads sector. If Members of Parliament are going to be active

when they sit in the District Roads Committees (DRCs), they need to know what is involved. Guesswork should not be there.

Monies which have been allocated to the DRCs up to now have not been used effectively. We have District Roads Engineers who have, over the years, been used and are part and parcel of the corruption that has been going on. That is why the Kenya Roads Board Act specified that the DRCs should recruit or appoint new independent engineers who are not corrupt, to be able to man the DRCs.

The Minister should also be able to look at the materials that are used for the construction of roads. We should look into other areas. Most of our roads are of bitumen standard. We have got other materials that can be used in the construction of our roads. We have got three types of materials that can be used. We have got Asphalt concrete - namely the bitumen, rigid concrete and paving blocks. We would like the Ministry to look into the three of them, and find out where each can be applied cost effectively. Paving blocks have been found to be very good for urban areas. If that is the way we should go, it is labour intensive and after the road has been constructed, it is almost maintenance free. If that is the way we should go for urban areas, there is no reason why the Ministry should not recommend that municipalities and town councils should follow suit. We need an analysis from the Ministry to show us which materials are effective where, and under what conditions. We cannot keep on insisting that we should use bitumen all the time. We need to explore other areas and diversify.

Mr. Temporary Deputy Speaker, Sir, the Minister talked about axle-loading. Axle-loading has been one of our biggest disasters on our roads. Although he said that the Ministry is doing something about it, I am convinced that it is not doing anything about it. We have got mobile weighbridges, but they are not helping much. Why? It is because corruption is also being exercised in those areas. The officers who are supposed to be checking on axle loads are usually compromised. If you look at the newly-constructed roads or the main highways where big lorries and trailers pass through, you will find that they have already given way. They have already been deformed. Why is that happening and those lorries always pass through the checkpoints? It means that nothing is being done and we cannot continue complaining when we are not doing anything about it. We would like the Minister to look into that matter in detail. When I transverse through the country and come to a place where there is a weighbridge, I have never seen any lorry stopped and off-loaded. It is not a question of penalising the overloading. Once you penalise and even take the driver to court, but you let the lorry pass, it will continue damaging the road further ahead. We have to insist that any lorry that is overloaded should be off-loaded on the spot. We are yet to see that and it does not happen!

Mr. Temporary Deputy Speaker, Sir, on the issue of awarding of contracts, once tender documents have been prepared and the tender is awarded, contract documents are prepared. Over the years, it has been a one-sided affair, whereby the contractor has been the only person supposed to have a performance bond. It used to serve very well before corruption set in. The Government would always have money to pay the contractor. The Government never defaulted. So, that one-sided affair used to work very well. The person who would default would be the contractor, but never the Government. But over the years, that has changed. The Government has become the biggest defaulter in the contracts. That has given rise to stalled projects all over the country! We have an example of the National Youth Service Housing Scheme, where incomplete houses have been there for many years! Why have they never been completed up to now? Who was the defaulter? It must have been the Government. It is high time the Ministry looked into the contract documents to safeguard the contractors. Currently, the contractors are required to give performance bank guarantees, when they are dealing with the Government and World Bank projects. Once the contractor has been engaged, he starts using his money. He gives the Government a guarantee that if he defaults, he will forfeit payment and the Government will go straight to the bank and get the money back. What happens to the contractor when the Government defaults? Currently, he is told to go to court and claim interest. We know very well that if you take the Government to court, the case will take years and maybe you will never be paid. Could the Ministry also look into the possibility of the Government guaranteeing the contractor because the Government also defaults in some cases? The time has come when the Government should also be taken to task so that, if they default, then the contractor can recover his money and quit the site.

The issue of pending bills comes about as a result of this. Variation orders have been raised by contractors because of the Government defaulting and never paying the contractors. This is because contracts have been awarded to attract professional fees. Once this fee is paid to the people awarding the contract, thereafter, they do not care whether the Government has money or not. That issue should be looked into so that we can safeguard the interests of both the contractor and the Government.

The issue of housing seems to be neglected all the time. Housing development continues to be chaotic in this country. It has become a free-for-all situation whereby anybody can put up whatever structure they want, anywhere in the Republic. As long as you own a plot to put up a house, nobody cares any more what you are

building. Security of the tenant and that of the neighbouring houses is not guaranteed. This is because the Ministry abandoned the issue of housing in urban areas. Urban areas do not have the necessary personnel and expertise to cope with the housing developments that are coming up.

Housing estates have been springing up everywhere and the Government has not been able to provide the necessary services. Private developers put up nice estates, but the infrastructure within the estates is very poor. There has to be a way of forcing the developers to develop the infrastructure; the roads, street lights and sewerage systems. Otherwise, we will have a lot of problems in future, whereby people have invested a lot of money to buy those houses and they are situated in a slum area. The Ministry should consider seriously how to tackle this problem.

There are nice estates which have been developed, like Kahawa Sukari, but they do not have water, roads or a sewerage system. The Government should take it upon itself to look for development partners to come and provide some of these services in the estates that are being developed by private developers or individuals. Since the Government has failed to develop housing for Kenyans, then those people who are doing so should be encouraged by being provided with the necessary infrastructure and support that is required.

About 50 per cent of the people in Nairobi are now living in slums. These slums have been neglected. They do not have the basic amenities like piped water, toilets or roads. As a result, diseases like diarrhoea are on the increase. The Government should seriously address the issue of how to provide infrastructure to the slum areas. We cannot demolish the slums and tell people to go. Therefore, the Ministry should look into ways of solving some of the basic amenity problems that they have.

It is high time that the Ministry brought to this House a Sessional Paper on housing policy, to be debated in this Parliament so that an appropriate law to look into the housing sector can be enacted. I do not understand why the Ministry has not been able to bring a Sessional Paper to Parliament. They have come up with a housing policy, but they have never been able to bring it to the House. I would urge the Minister to bring a Sessional Paper to this House as soon as possible, so that we can take care of the housing sector for Kenyans.

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

The Assistant Minister for Labour and Human Resource Development (Mr. Chanzu): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support the Vote of the Ministry of Roads and Public Works.

I would also like to support the work being done by the Ministry in the countryside. Without infrastructure, we cannot do any meaningful development. Therefore, it is very essential and necessary. It is important that we allocate the Ministry the money that they have requested for. They should even be allocated much more if the resources were permitting. We have to transport goods and services all over the country and this can only be effective with proper roads. As we look at the aspect of the resources that are required, we should also look at the way they are to be utilised. Therefore, I would like to suggest that the Ministry must have proper mechanisms and ways of ensuring that the money that is allocated for every aspect is properly utilised.

There is also the aspect of timing. Some parts of the country are very wet and I think that needs to be looked into. Some of the works that are done, particularly on the roads in the rural areas, are washed away immediately they are done. We need to look at this aspect so that the money that is disbursed does not just go to waste. We must also look at modern ways of design so that the projects that are designed are more cost-effective. By this I mean that the designs, materials and techniques that are used should be reviewed from time to time.

We also need to address the competence and integrity of the staff who are running these programmes. We have many instances where works are done when the money is disbursed, but we rarely have feedback. I do not know whether the Ministry gets feedback to know about the amount of money that has gone out and what work has been accomplished. I would also like this issue to be looked into. There are many examples we can quote.

I support what has been advanced here by the Mover and the Responder. The Ministry staff are doing a good job. I know the Permanent Secretary and his staff to be very well-qualified and competent, but I think we need to have feedback. Last year, for example, I got some money for two roads and one bridge but we were not able to get an account of how the money was spent and the remaining sum. The works are still outstanding and we have not been able to get a feedback on that project. For the information of the Permanent Secretary, it is the feedback on Mugogo Bridge in Vihiga District and Tigoi-Masane-Angweya Road.

Mr. Temporary Deputy Speaker, Sir, we also need constant renewal and rehabilitation of the equipment that is in the countryside. This is because it costs a lot when the equipment has broken down. This is evidenced by the amount of money officers in the field talk about that is required to repair it. It is very expensive at times and consumes most of the money that is intended for the projects in the rural areas.

Mr. Temporary Deputy Speaker, Sir, the other item that we need also to look at is the integrity of the contractors who are doing these projects, particularly when they are contracted projects. I suggest that there should be regular reviews of the list of those contractors because, once and again, you get questions in this Parliament

regarding the integrity of the contractors. I think one way this problem could be addressed is to have regular reviews of all these contractors by getting feedback from the field; from time to time and on time.

Mr. Temporary Deputy Speaker, Sir the other issue that I would like also to be addressed is equitable distribution and disbursement of the funds. I think everybody in the country requires to be served and it is fair that the disbursement of the funds is done equitably as possible. In undertaking jobs in the rural areas, of late, it has been part of the poverty reduction strategy. It is also important that, as much as possible, materials, labour and such things that go into the projects are from the local areas where the projects are undertaken so that the money remains there, the people can earn wages there and it can help in reducing or alleviating poverty.

Mr. Temporary Deputy Speaker, Sir, I have talked about the integrity of the staff. I would just like to touch on the aspect of honesty of the staff who are supervising the projects, including even those who may be engaged as consultants. They should be as transparent and as accountable as possible.

Mr. Temporary Deputy Speaker, Sir, there is also an aspect which has been there before but which is likely to be overlooked. That is training anew of the people to man the projects in the field and retraining them on new technologies available.

Once again, I wish to support the Vote of the Ministry of Roads and Public Works and hope that the money that will be voted to it will be put to proper use so that we can be able to achieve the desired development. There is need for people to move. We need to move goods from across the country. We need to move our agricultural products and we cannot do so without roads. We cannot industrialise by the year 2020 if we are not going to have a proper and adequate roads network.

I wish to support.

Dr. Wekesa: Thank you, Mr. Temporary Deputy Speaker, Sir. I would also like to support this Motion and commend the officials in this Ministry. There is evidence now that concerted effort is being undertaken by the workers in this Ministry because we can see that corruption is going down. At least, in my own district, there is evidence of this. We once had a Permanent Secretary from my district heading this Ministry and what he did to this country was very regrettable. I commend the present leadership within the Ministry.

Mr. Temporary Deputy Speaker, Sir, I also commend the Government for efforts that are being undertaken in Trans Nzoia District. In my own constituency, there is a road that I asked for when I was in this Parliament, eight to nine years ago, that is being constructed. This is the Endeless-Suam Road. It is now being gravelled and widened. I beseech the Ministry to do a good job. There have been complaints about the type of the murrum that is going to be used on this road. Ordinary people like me, who are not engineers, already know that the murrum that is being dug to be put on this road is not the right type. In my district, there is an area called Saboti which has very good murrum and I am requesting the officials and the Minister who is here that we should get the murrum from the Saboti Quarry because it is first-class murrum. This is a very important road which serves all the farmers in this area. A lot of maize is grown in the Suam-Chepchoina area and we would like this road to be properly constructed.

Mr. Temporary Deputy Speaker, Sir, I think one of the problems we have had for many years relates to the planning departments in many ministries, including this one. I think we should plan our things before we start constructing them. I had an opportunity to go to Taita-Taveta District and I chose to take the Namanga-Arusha-Moshi Road. I counted the potholes on that road and in a distance of about 250 kilometres, there were about six of them. How come that a country that we sometimes look down upon like Tanzania, with probably less resources, can maintain its roads and have six potholes in 400 kilometres whereas, when I drive from here to Kitale, I can hardly sit down due to an aching back because of the numerous potholes? Why do we not plan that, even before we construct roads, we should maintain the existing ones? I have always said in this House that we should maintain the roads that are already there. We should not be excited to construct new roads when we cannot maintain the ones that are already there.

Mr. Temporary Deputy Speaker, Sir, some of the hon. Members sitting here are engineers. I am not one, but how can you construct a road and then a pothole starts forming; you see it forming; it becomes a gully and you do nothing about it for one or two years? I cannot believe this! Within this Ministry, there must be some planners and people who can investigate things. When I was a small boy, I used to see people doing research. There must be a research department in the Ministry.

I would also like to stress the fact that the Namajalala-Kitale, Namajalala-Kwanza-Kolongolo-Suam Road is a security one. I am appalled to see that for years, this road has never been murrammed or widened. Now, we have so much rain in Trans Nzoia District that farmers are unable to go about their businesses in towns. I beseech the Ministry to allocate some funds to repair this road and make it passable. As I speak today, residents in the areas that I have mentioned cannot use this road, which is a very busy one.

I would also like to ask the City Planning Department that whenever we construct roads within the City,

we must provide space for pedestrians and cyclists. This is something you do not see in Kenya, but you see everywhere else. How is it that roads are only constructed for motor vehicles? In towns, pedestrians and cyclists also use roads. We must also provide space along our roads for these people. There is also need to mark zebra crossing lines to ensure that people are not hurt when crossing roads.

With those few remarks, I beg to support.

The Minister for Transport and Communications (Mr. Mudavadi): Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion. In the process, I also want to state a few things.

First of all, this is one of the Ministries that seem sometimes to do a thankless job in the sense that the demands and pressures on our infrastructures, particularly roads, are so immense. Even what the Ministry is seeking today, which is close to Kshs17 billion, will still be very little, bearing in mind the kind of demands and expectations the country has for roads improvement.

The biggest component of these resources will definitely come from the Roads Maintenance Levy Fund. This is a tax which amounts to about Kshs3 to Kshs4 on every litre of fuel, and is supposed to go to roads maintenance. The target of the Ministry is to achieve about Kshs8 billion which will then be dedicated to roads maintenance. This is, therefore, an issue that clearly puts the Ministry of Roads and Public Works into greater focus. The common man now knows that he is making a specific contribution towards the maintenance of roads. Therefore, the way in which the Ministry accounts for these resources ought to change, be more transparent and, in fact, be broad-based up to the district level.

Mr. Temporary Deputy Speaker, Sir, I am aware that the Ministry has been publishing a bulletin, which indicates some of the roads and projects that it has at the national level over a period of time. But there is still a weakness when you get to the district level. These bulletins do not come out timely, yet, we would like to know within every district, which projects have been awarded, their cost, the implementation period, and the contractor, so that at the district level, we can have some mechanism which is properly circulated and known by the leadership and the people in each district, to enable us put some of these contractors to task. This is an issue which I would like to ask the Ministry to take very seriously, so that the process of accountability does not necessarily end at the ministerial headquarters level; it should take place right at the district level.

The other thing that I would like to emphasise is the aspect of procurement. I have talked about this before, but I would like to repeat it. I know there are some new procurement procedures that have been put in place. But we want this Ministry, in particular, to make sure that the procurement procedures and the tender mechanisms are such that they can stand the test of the time. We have now been invaded by procedures from the donors. The donors are now imposing their procurement procedures on us. This is something that needs to be dealt with so that it can be standardised and we can know what are the proper procedures that ought to be followed. Otherwise, we have a situation where the World Bank has its set of rules for procurement, and so have the European Union (EU) and the Swedish International Development Association (SIDA). There is need to make sure that these rules are harmonised; otherwise, the procurement process takes too long, and is not straight. We have seen a situation where to procure a contract for a road takes almost 18 months or even two years, yet the funds are available. This is a situation that is completely unacceptable and ought to be dealt with through streamlining of the procurement process by the Ministry.

Mr. Temporary Deputy Speaker, Sir, one other aspect I would also like to touch on relates to the issue of housing. We have been told by an hon. Member here that there are many stalled housing projects. That is true. We would like the Minister, because it did not come out clearly in his statement, to give us an indication when he is replying, of some strategies or mechanisms which the Ministry has put in place to complete these stalled projects. The stalled projects should be disposed of or made available for the public and the civil servants to use. We cannot talk of our people going to look for houses at the market rent rates in the economy that we are in at the moment. This is expensive.

I, therefore, want to urge the Ministry of Roads and Public Works to also look at how it assesses the market rents. We know that civil servants have been told to pay market rents for the Government-occupied houses. Who assesses the market rents for houses? I know the Ministry assesses rents for the Government houses. The economy is depressed. So, the notion of what housing market rents are needs to be looked at afresh. There is no point in fixing a market rent rate, get civil servants out of houses in Kileleshwa and other places because they cannot raise the market rents. Then who will occupy those houses if they are beyond the market rent? So, we must look into this issue afresh and make sure that the market rents for houses also reflect the state of the economy. If house rents were to go up to Kshs60,000, how many people, whether they are civil servants or not, would pay this amount of money? Let us face the reality. This is something that I would like the Ministry of Roads and Public Works to look into; otherwise, we will be left with empty houses; we will have the capacity but nobody will occupy them because the whole philosophy of the market rent does not reflect the reality. We will defeat ourselves, or

shoot ourselves in the foot by pegging rent at very high levels when we know that the economy cannot, at this point in time, accommodate very high rents.

Mr. Temporary Deputy Speaker, Sir, the other thing that I would also like to emphasise on is that when the Ministry of Roads and Public Works looks at some of our projects, it is time that the issue of maintenance and appropriateness was looked into. This is because we now have several properties which belong to the Government, some of them are eight or ten-storey buildings, while others are even higher. When somebody was working on this, the issue of lift maintenance did not occur. Do we really need these tall buildings, even in rural areas where, perhaps, a district headquarters can be put up without going several storeys high? This is because we know the requirements are that if you go to the fifth floor, you should instal a lift. Clearly, we have to look at ourselves and ask: Do we design buildings that function properly; buildings that can reflect our economic status; buildings that can tell us that we have limited resources and we should not just emulate certain designs that become very expensive even in terms of air-conditioning and so forth? These are things that I would like to urge the Ministry of Roads and Public Works to look into very carefully. Even when it comes to our hospitals and health centres, I am sure that they can come up with better concepts which can help us to minimise the cost of putting up and maintaining these institutions.

The other thing that I would also like to echo is that every economy and business is also dependent on Government expenditure. If a Government does not spend money, the economy cannot grow. So, it is clear that there is a symbiotic relationship between the Government and the private sector in any given nation. One of the things that we need to be careful about is that those of us who will be directly responsible in terms of working with the private sector, especially contractors and so forth, let us make sure that we live within our means. This will ensure that contractors are not awarded a tender and then after sometime we are unable to pay them. If we cannot pay these contractors, they will go under and we will kill indigenous contractors. I would like to point out that indigenous contractors are suffering; they are being forced out of business; they are laying off people and now this country is being flooded with contractors from outside.

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

Mr. Mboko: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Vote of the Ministry of Roads and Public Works.

This is one Ministry which the entire country depends on. This Ministry should be allocated enough money. To put in place infrastructure in any country is a very expensive venture. The amount of money that has been allocated to this Ministry is inadequate.

We need to have very good roads in order to open up this country for the better performance of our economy. We have high potential areas in terms of agriculture and other sectors of the economy, but they are not accessible because of poor road network. A case in point is the Athi River which passes through Kibwezi, and we have put a lot of money in horticultural production, but to reach Kibwezi is a nightmare. To reach those rivers where the crops are grown is a nightmare. Although the officers are on the ground, I am yet to see real action.

We should privatise some of these roads. Even in the developed world, for example, Europe and South Africa, they have privatised their roads which the governments cannot maintain. We have some people who are ready to invest in this country, and are willing to put up private highways, which will be given a lease period of, maybe, 20 or 30 years before they are handed over to the Government.

The road from Nairobi to Mombasa is very busy. This road is prone to fatal accidents. This Government loses a lot of money in terms of accidents that occur along the Mombasa Road. I would like to request this Ministry and the Government to find investors, and we have some in mind, who want to invest in this country, to construct a private road from Nairobi to Mombasa. The Government may not have that money to construct the road, but the investor may have it.

On housing, I would like to point out that civil servants should be housed properly. The colonial Government was sympathetic to its workers, unlike our present Government. A civil servant should be protected and stay in a good place even if it costs the Government a lot of money, because that is investment on the side of the Government. It is common sense that our civil servants keep on moving from one station to another. It is humiliating when you are transferred from the province where you had been staying in a good house, to Nairobi, and find that the Government house in the City has been given out to a politically-collect individual. The civil servant who dedicates the whole of his life to the Government is unable to be provided with good housing. I do agree with the sentiments of Mr. Mudavadi that the issue of market rents should not be applied. Who will stay in the Government quarters? Is this another ploy of this Government to remove the civil servants from these houses and then allocate them to their friends? What is the logic of removing a civil servant from a good house and tell him to go and stay either in Kayole or Mathare? I understand that we should provide civil servants with good houses.

Those of us who happened to be civil servants at one time know what it means to be one. Today, we call civil servants "civil sufferers" because nobody cares about them. These people are paid low salaries and are not given adequate housing allowance. Now, they are being removed from the Government quarters where they have been staying. Does the Government expect them to work very well and supervise these roads when they do not stay in good houses? Time has come for the leaders of this nation to realise the benefit of our civil servants.

I would like to talk about contractors. We have had few contractors being awarded tenders from the Coast to the west and from south to the north. Are these contractors angels? Is it fair to award one contractor contracts worth Kshs800 million in Mombasa; Kshs400 million in Kisii, and another one in Kakuma worth Kshs300 million? No. We must, as a House, agree that each contractor should have one job at a time. If a contractor has a contract in Thika, he should not be given another job until that one is finished, so that our people can get the small jobs to uplift our own economy. Where a contract is given to an indigenous African, he is harassed. Even the first payment to move his machinery to the site is not paid on time. Our Government should promote our indigenous companies and engineers. We cannot give all contracts to Indians throughout. Even in these Indian companies, it is Africans who work. When Africans apply for these jobs, they are asked to execute a performance bond of Kshs1 billion. That is one way of keeping Africans away from this business. Africans should be given an opportunity. Let us start by giving them contracts to gravel and then put bitumen on our roads. We do not want to have a situation whereby our Independence is being thrown to dogs. We fought for this Independence to be free here as Africans and not as Indians or Mzungu. Let any Mzungu or Indian who wants to be in this business be a factor to the Africans. Time has come that we must talk as Kenyans.

Mr. Temporary Deputy Speaker, Sir, on procurement procedure, this Ministry is the core procurement organ for Government Ministries. The Supplies Branch of this Ministry needs to be strengthened. We need to have a strong Supplies Branch whereby all Government stores for use in offices countrywide must be procured. We do not want to have these small quotations running in offices because prices are inflated for purposes of kickbacks. Now that there is no Central Tender Board, the Permanent Secretary should be very transparent and give Africans first priority when it comes to awarding tenders for supply of goods.

Mr. Temporary Deputy Speaker, Sir, I am aware the Government has no money but the Ministry is headed by a good Minister and Permanent Secretary and a whole lot of engineers who are very transparent to us. But we cannot provide good services at the district level because of poor equipment. I would ask this Ministry to procure an extra grader for every district. Let part of the money which is meant for the District Roads Committees be used to procure a new grader for each district. The graders which are at the district level are all old. Some of them are not serviceable. They are obsolete. You cannot be assured of a good job. Our personnel at the grassroots; that is, the DRC secretaries, must come to terms with the DRCs. They are still behaving as if they are not part of the DRCs.

With those few remarks, I beg to support.

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

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

The Assistant Minister for Education, Science and Technology (Mr. Awori): Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to join my colleagues in supporting this Motion. I want to start by congratulating the current team in that Ministry for the good work that it is doing. It is obvious that a lot of my colleagues think so, hearing the comments that have been made.

Mr. Temporary Deputy Speaker, Sir, roads have got a very major role to play in any country, particularly in a developing country like Kenya. For the economy to grow and to be sustained, it needs very good communication network. Our economy depends a great deal on agriculture. In order to improve that agriculture, we need to have roads that will traverse all the areas where farming is taking place. This brings down the cost of production. Currently, we do know that South Africa is bringing in tomatoes which are cheaper than the ones in this country. But do we stop to ask ourselves why? It is because the cost of production of tomatoes in South African is lower than the cost of production in Kenya. One reason is because of the poor road network. In order to produce tomatoes, you need vehicles to travel. If the vehicles are breaking down all the time; if the motor industry is spending a lot of money in bringing spare parts from overseas, then the net result is that production cost will be high. In order to sustain and improve agriculture, we need better roads.

We are a country that has got the best tourist destination. Tourism is a growing industry. There are

countries in the world that depend entirely on tourism and their GDP is incredible. The reason why they have improved is because their infrastructure has improved. They take care of their infrastructure. Then, there is just the ordinary trade which our own people engage in. They need good road network. There are those who come from the Lake region like myself. We have got the fish industry. Fish industry from Lake Victoria at the moment is earning this country, in the European Union, Kshs6 billion per annum. There is no reason at all why that should not be trebled. In fact, they should earn more than Kshs30 or Kshs40 billion a year. But they cannot do that because the fishermen experience great difficulties in getting this fish from the lake. Today, fishermen are not benefiting from their industry at all. It is the traders who buy from them that are benefiting because they pay very little. They say that it is expensive to drive from Kisumu or from Nairobi to the lake. I am, therefore, saying that in order to improve and sustain our economy, we need a good road network. Also, roads help to improve the social welfare of the people and bring about personal relationship. You can imagine how good it will be for people from Kwale travelling to Turkana, North Eastern and Western Kenya. This would bring about good tribal or ethnic relationship. Good road network will improve the political relationship because it makes it easier for people to travel from one area to another. Above all, the road network will enhance education because you will be able to move books, people, food and be able to build good schools by moving materials.

Mr. Temporary Deputy Speaker, Sir, roads and other infrastructures should be looked at on a national basis. There must be no area that will be disadvantaged or favoured. This will mean that our planners must put the map of Kenya on the drawing board and simply say they want a good road network in the country. At the moment, the criteria that a good road must go to an economically potential areas is very strange. This is a ridiculous situation. Unless we construct a good road in a place, how do we expect the economy to improve there? We need to ensure that we have good roads so that the economic growth of an area will improve. When designing roads, we have to look at the terrain of an area. The designs and specifications that are used in a road are very important, indeed. When the design work is completed, the contractor must follow the specifications to the letter. We have a good climate whereby, if roads are properly built, they can last for a longer time. Imagine a place like Europe or America where there is snow that hardens the road; the sun bakes those roads up and cracks develop, but they still last a long time. If our roads were properly built, they would last for a very long time.

Mr. Temporary Deputy Speaker, Sir, in selecting contractors, we need to look at their track record. I am amazed to see that contractors who have let down this country continue to get contracts every year. There are about eight contractors and they have divided this country into zones. There is a contractor who gets every contract in Western Province. There is a contractor who gets every contract in Central Province every year. It is a pity to continue awarding these contractors contracts because they do not have the track record. Why should we continue to award them contracts? In fact, I want to be controversial enough to say it is time now, because of globalisation and world trade organisations, that we went out there and looked for international contractors; contractors who will give us good performance. This is really what we need.

(Applause)

At the moment, we must be looking at privatising our roads. I would like to support the hon. Member who spoke earlier, that it is high time that we privatised our roads. If we talk of liberalisation, why not privatise our roads? This is now the trend everywhere in the world, of having roads that are run by private individuals. If we want to become an industrialised nation by the year 2020, this is what we have got to do.

Mr. Temporary Deputy Speaker, Sir, for the benefit of the Permanent Secretary and his team who are here, I would like them to consider tarmacking Road C30 in my constituency. I know there have been discussions with the Government of Japan to tarmac it. I would like to see that this, indeed, happens. This is because it is part of poverty reduction. If, indeed, that road from Khumala to Port Victoria is tarmacked, there will be a great deal of improvement in the economic wellbeing of our people. Our people will make much better contribution to the national coffers of this country.

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

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, in supporting this Vote of the Ministry of Roads and Public Works, I would also like to add my voice to those who have commended the current team at the helm. I would like to commend the Minister, the Permanent Secretary and entire team, particularly because of their accessibility. It is a team which is accessible and which is forthcoming with information. There is breath of fresh air in terms of them giving information to members of the public.

Having commended them, I would like to make a few points. First, I have always been dumbfounded as a lawyer, not as an engineer, why we do not attend to our drainage system when constructing roads and when maintaining them. I would like, through the Chair, to appeal to the Ministry to pay a premium on drainage,

particularly on its maintenance. Let the Ministry come up with a budget that will specifically target our drainage system. This is because one does not have to be a road engineer to see the high cost of repairing of our roads, because we do not maintain our drainage system. Recently, when I went to Uganda and [Mr. Muite] Cameroon, I was very impressed to see individuals unblocking their drainage systems at a very low cost. It is a sad affair that in this country, once we construct a road, there is absolutely no attention to the drainage system. When I talk about drainage system, I am not just only talking about culverts, but the trenches running alongside our roads. They must be attended to so that when it rains, rain water will not collect alongside our roads. If you drive along our roads, even the newly constructed ones, you will find that the drainage system is never maintained.

Surely, with acute unemployment in this country, it will not cost much to attend to our drainage systems. If we leave them unattended, the rain water will collect on our roads, eat them up, a little pothole will develop, then in a year's or two years' time, there will be a gaping hole. I ask the Ministry, through the Chair, to attend to drainage systems across the entire Republic, so that we reduce the cost of maintenance of our roads. It is ridiculous to spend so much money to tarmac our roads and then fail to spend so little money to ensure that they are not spoiled because of poor drainage system.

Mr. Temporary Deputy Speaker, Sir, the second point I would like to make is about the District Roads Committees (DRC). Again, the Ministry has been cooperating in terms of operationalisation of the Act that set up DRC. I call upon the Ministry to issue a statement and clarify that the DRCs are operational and that the judgement in court did not stop them from operating, and that hon. Members are entitled to be members of those committees. I would like the Ministry to issue a statement because the District Roads Engineers (DREs) misunderstood the substance of the judgement by hon. Kassanga Mulwa. They are relying on what they read in the Press. In Kiambu, we had a meeting in our constituencies, but we could not change DRE from what he had read in the Press. First of all, the Kshs1 million which has been sent to each constituency in Kiambu District has been spent without the authority of the DRC by the engineer and the District Commissioner. We are moving away from this situation, where District Roads Engineers and District Commissioners award tenders in advance to some people to supply materials. District Roads Engineers believe that District Accountants must approve the department's payment vouchers. My understanding is that District Roads Committees (DRCs) are charged with responsibility of spending that money, which includes overseeing the procurement process. So, a Ministerial Statement to clarify these matters is necessary.

Mr. Murungi: On a point of information, Mr. Temporary Deputy Speaker, Sir. I just want to inform my learned friend that, as a matter of fact, I was in court when the judgement he is referring to was read. The judgement said that Section 17 of the Kenya Roads Board Act is inconsistent with the Constitution in so far as it allowed Members of Parliament to sit in DRCs in executive capacity; it did not destroy the DRCs. So, it means that Members of Parliament continue to be Members of DRCs so long as we do not sit there in executive capacity. That is the clarification we expect to come from the Minister.

Thank you.

Mr. Muite: I am grateful for that information. We are, indeed, not sitting in the DRCs in an executive capacity.

As I was commending the Ministry, I forgot to pay special tribute to Eng. Mwongera. During the days of the late President Kenyatta, Gatundu Constituency was the least developed constituency in the country; that is still the case today. If you travel along the Meru-Kinoru Road, which passes near the home of Eng. Mwongera, who is in charge of roads development, you will realise that it is one of the worst roads in the country. So, the fact that Eng. Mwongera has not used his position to develop a road that passes near his home, I think is a matter of commendation. Of course, that road passes through a very rich area. So, if he gets money, it is time he tarmacked that road.

Mr. Temporary Deputy Speaker, Sir, I was saying that DRCs are very important; this is the new participatory approach that we want. We want the Kshs5.5 million that has been allocated to each constituency disbursed; we do not want its disbursement delayed any more. We would like the DRCs to assume the responsibility of determining the roads to be attended to in each constituency; that is the actual purpose of setting up the DRCs.

Finally, I would like to appeal to the Ministry to blacklist contractors who have been "raping" and ruining this country. A few years ago, I was very embarrassed; on my way home, I went to a social place. A certain contractor had the cheek of talking to me in a very bad language. Using an unparliamentary four-letter word beginning with letter "f", he said: "If you people want me to "f..." your country, why should I not do so? I go to State House with a briefcase and a list of contracts I would like given to me. Nyinyi wapumbavu; nikipoleka kidogo, hamkumbuki kuniuliza ngapi nitapata." I was actually insulted by a contractor.

So, the time has come for the Ministry to blacklist this contractor. The Ministry knows the contractors I

am referring to. They are not the only contractors in the country. Since the Ministry has now become more transparent, we want to give it authority not to listen to any political godfather. Even as we believe these contractors, as Mr. Awori said, a number of known contractors have political godfathers who say that they must be given jobs. We want Parliament to strengthen the Ministry. We do not want these political godfathers to have any role any more in influencing the Ministry to give jobs to the contractors who are "raping" our country. Nothing is more political and sensitive than roads.

Mr. Temporary Deputy Speaker, Sir, Kabete Constituency is now a dormitory of Nairobi. If the Ministry wants to release pressure from Nairobi, it should put in place a good road network in Kajjido North, Kabete and Juja Constituencies, among others, so that people can stay there and come to Nairobi to work. So, when the Ministry allocates resources to constituencies, it should not just consider the equality aspect of that allocation, but rather the strategic position of the constituencies. The Ministry should allocate sufficient resources to the constituencies surrounding Nairobi, so that they can relieve Nairobi of pressure.

I would also like to thank the Ministry for acceding to the request by the former Member for the then Kikuyu Constituency, Mr. Charles Njonjo, to do the Kibichiko Road. My request is that the Ministry should not stop at his father's home, but rather take the road work further to Wangige Market, which is very important since it supplies Nairobi with foodstuffs.

With those remarks, I beg to support.

The Minister for Mineral Exploitation (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, first of all, let me take this opportunity to also thank the team in the Ministry of Roads and Public Works.

I have, time and again, seen them supervise work on roads. I support that initiative very much because one cannot become a good manager unless he knows very well what he is managing. I have personally seen some of the members of that team at work; they have actually shown a high level of commitment to duty. We should, therefore, commend them. However, they should not forget that they should work very hard, so that they can create a better image for themselves than they have had before. That is our wish for them.

Mr. Temporary Deputy Speaker, Sir, Mr. Murungi talked of bad roads in Meru. Because of the volcanic nature of the soil in that area, roads are very bad. We may attribute that problem to various factors. The Maua-Meru Road has now been allocated some money. That road was previously badly damaged. However, when we raised the matter with the Ministry, the potholes on it were refilled. Therefore, as an hon. Member said, the solution is to construct culverts where they are required and fill up potholes.

When a small crack is not addressed immediately, it will develop into a pothole and then into a gully, thereby completely causing the washing off of the road. We spend a lot of money repairing such roads after so many years of neglect. Therefore, I am of the opinion that roads should be inspected regularly. As soon as one has been awarded a tender to either grade or tarmack a road, he should do so immediately.

Mr. Temporary Deputy Speaker, Sir, recently, there has been talk of Government houses being sold off or allocated to some people. The Minister should come out clearly and tell us who owns which house. We do not want to give a bad image of other people. We want to know exactly who has been allocated which house. This also brings to the fore the issue of stalled housing projects. The Ministry should address the issue with a view to completing the projects in bits; one house can be completed at a time instead of leaving all of them uncompleted.

Another issue I would like the Ministry to look into is that of Government vehicles which have broken down. Every district has many Government vehicles which have broken down. What should we do with such vehicles? Should we not sell or repair them? The Minister should tell us what we need to do with these vehicles. I have seen people buy GK vehicles and once they repair them, they do very well. So, I suggest that the Government repairs these vehicles because we need to use them.

Mr. Temporary Deputy Speaker, with regard to Poverty Reduction Strategy Programme, roads are very vital tools for poverty reduction. There is a bridge over the Tana River which connects Ukambani and Meru and which has been completed and we are very thankful. There is also another bridge which connects us to the Meru National Park. It has been completed and, therefore, people can now move from Mwingi to Meru.

The bridges across the Thang'atha and Ura Rivers were rehabilitated and I also thank the Ministry for that. But we need some little money in order to clear some sections which have not been completed so that vehicles can move from Mombasa through Mwingi, Maua up to Isiolo. If this matter is taken seriously, it will help the Ukambani people instead of depending on relief food because they can also come to Maua to buy their own food.

Mr. Temporary Deputy Speaker, Sir, there is a road which is being constructed between Maua Farm to Kawelo which has taken a long time to be completed. When I was driving along that road yesterday, I found that it has not been completed. There is also a road connecting Keengo Market which was part of that project, but the construction work on that road has not commenced. So, I would like the Minister to talk about it when replying.

There is also a road between the Red Canteen through Mikinduri to Kagaene, which was to be funded by the European Union. The road connects us to the southern part of Nyambene, an area with very high potential for coffee, tea, cotton and miraa. I heard that tenders for this road were going to be advertised and I would like the Minister to tell us when this road will be constructed.

Mr. Temporary Deputy Speaker, Sir, while thanking the Minister for his efforts, I would urge him to be more factual with road contractors. The Minister should take this country out of the mess it has been in the past with regard to the road network. So, the Minister should work hard and make sure that they move faster and be honest in safeguarding this country against such mess in his Ministry. We do not mind who has been awarded the contracts. Give the contract to anybody, but assess whether the contractor being awarded the contract has the right equipment or whether he is just being awarded on behalf of X, Y or Z. Let the Ministry become more strong and plausible so that we can get out of these affairs.

With those few remarks, I congratulate the Minister and his officials and support the Vote.

Ms. Karua: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity contribute.

It is time the Chair considered another way of distributing time in this House. It does appear that hon. Members from the Democratic Party (DP) are being marginalised in this House. Hon. Members from smaller parties have better chances of contributing than those from the DP on this side! If the principle is to give either side of the House a chance, using the same principle, we should look for a formula that would make it possible for the Chair to give all hon. Members on the Opposition side equal opportunities to contribute.

As matters stand now, going through the list of parties represented here, hon. Members from DP are being marginalised.

Dr. Ochoudho: On a point of order, Mr. Temporary Deputy Speaker, Sir. With regard to what my sister, Ms. Karua, is saying, the Chair realises from the list of political parties, that NDP has not spoken since the debate on this Vote started. Where do I fall? Could the Chair, perhaps, clarify that situation?

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, the hon. Member knows very well that his party's chances have been distributed evenly in the House. Perhaps, he should look for answers elsewhere, but I am not the Chair. We have raised this point in the House Business Committee. Since our party is designated as the Official Opposition Party, then we should get adequate chances to discharge our responsibility!

With regard to the issue of roads, it is time this Ministry thought of a formula to have equal access to a good road network for all Kenyans. As matters stand now, and looking at the way the money has been allocated in the district allocation budget, some districts are missing in the Development Budget! One would imagine that the missing districts have a perfect road network, while it is not the case.

We have just come from the just-concluded Taveta Constituency by-election. I did not believe what I was being told before I went to Taita-Taveta, that there could be such bad roads in Kenya. It is very sad to note that in the Development Vote, Taita-Taveta does not appear anywhere. I do not know when the Ministry is going to think about the road coming from Loitokitok to Taveta. Taveta is virtually inaccessible, whether through the Voi route, because the Nairobi-Mombasa, Voi-Mwatate and Mwatate-Taveta Roads are in terrible conditions.

Mr. Temporary Deputy Speaker, Sir, it is the duty of the Ministry of Roads and Public Works to ensure that Kenyans have a good road network. To achieve this, the Ministry should come up with an affirmative action, so that the areas without a good road network are given certain basic amounts for money every year to help them have good road networks like other places. I am urging this Ministry to include Taita-Taveta District in its priority list. I am doing this as a Kenyan because if I wish to visit the area, I need to use a good road. I am saying so on behalf of the new hon. Member-elect of DP, Mr. Mwalulu.

I would also like to join those who have talked about the quality and standards of the works carried out by contractors. We can only maintain the quality and standards of our roads, if we can eradicate corruption when awarding tenders. The Ministry has put on some commendable efforts and I want to acknowledge that. Currently, in Gichugu, we do have a fairly good road network which has come about as a result of the participation of both the Ministry and us as the beneficiaries. To maintain that good road network and to ensure that money allocated is actually spent for the intended purpose, we need to watch out the roles of District Commissioners in awarding tenders for roads. It is common knowledge that DCs try to influence the District Tender Boards and end up causing the beneficiaries not to benefit from monies allocated, by awarding contracts to their cronies. We have cases of DCs moving from one district to another with their cronies to take local tenders. I do not see the reason why the Ministry of Roads and Public Works and the Ministry of Finance cannot decree that all unskilled works should go to the local communities, unless there is nobody interested as a contractor. I do not see why a contractor should be taken from a neighbouring district to improve roads using quarry waste or murrum. When there are lorries available, and people have applied for that job in the district where the work is being done, I see no reason why casuals employed on the road to do manual labour should come from a neighbouring district or

division. That is, when in a district or division where the construction work is going on there are people who can do that job, there is no need of employing workers from another area. After all, what is the objective of the District Focus for Rural Development? Are we going to have people take away from us specialised jobs and unskilled jobs?

Mr. Temporary Deputy Speaker, Sir, when it comes to foreigners and tenders for big roads, I think this House can do something. We cannot wait for the Ministry to put its act together. It is the duty of this House to scrutinise the reports of the Controller and Auditor-General, and the Committee that is currently policing this particular ministry, to ensure that the House has a list of the contractors who have been short changing Kenyans. If the Ministry insists on continuing to give them tenders, then, we should throw out its Vote. Why should we vote for money to be eaten by sharks, instead of it serving Kenyans?

We also want the Minister to confirm that, as agreed in this House, every constituency is going to receive Kshs5 million. I do not know where that money will come from, because when I look at the Vote, as I have said, I see that some districts are missing. There is not a single penny for development in some of those districts. I am happy that my district is not among them. On my part, I will ensure that every penny voted for my constituency will go to the benefit of my constituents. We would like the Minister to clarify to this House the role of the District Roads Committees (DRCs). Are the tenders for the roads going to be carried out by the District Tender Boards where Members of Parliament have been removed, or are they going to be carried out by the DRCs? I want to say that roads in Kirinyaga improved when Members of Parliament started participating in the District Tender Board. That was from 1998. We have now been removed through a notice in the *Kenya Gazette* in March, this year. It means that DCs are now going to have a field day, coercing the District Roads Officers to give tenders to their favourites. This is something the Minister should look into, especially to clarify that the tenders for the roads can only be awarded by the District Roads Committees.

We would also want the Minister to clarify to us the issue of the court ruling. I know that my DRC in Kirinyaga has not met since October, last year, when the ruling came up. Could a circular clarify that ruling, so that the DRCs can continue functioning?

Mr. Temporary Deputy Speaker, Sir, closer home, I want to remind the Minister that way back in 1983, two decades ago, the people along Rukenya-Kimunya Road were paid compensation in an effort to expand the road, ready for tarmacking. To date, that road has not been tarmacked. Could the Minister consider allocating some money to this road for purposes of tarmacking it next year? What about the Kianyaga-Thumaita Road, which is leading to Thumaita Tea Factory? This road was in the estimates of 1993. What happened to the money? The Minister must convince us that his Ministry is serious. Otherwise, it is pointless voting money for projects and not getting any returns from such money.

I would also like to mention that we want to see more activities related to housing from this Ministry. The last time the Ministry of Public Works and Housing had projects to do with housing was when they constructed the Kileleshwa Civil Servants Housing Scheme and the Rubia Estate. At a time when civil servants cannot afford good housing, it is the responsibility of this Ministry to alleviate their suffering by coming up with housing schemes. I do not see why the Ministry cannot have a parastatal that concerns itself in housing which will carry out Government housing projects, instead of giving them to sharks who end up ripping us of our money.

Again, on the issue of privatising roads, I would like to urge this Ministry to borrow the example of South Africa. There is a highway from Maputo to South Africa, which is a private highway built on borrowed funds but financing itself through toll system. That is the system that can be replicated here and Kenya has a lot to learn about roads networks from South Africa.

With those few remarks, I beg to support.

Dr. Ochuodho: Thank you, Mr. Temporary Deputy Speaker, Sir. The importance of roads does not need to be over-emphasized. The cost of investment in this country is very high, mainly because of broken infrastructure; poor roads and telephone system. The telephone charges are also too expensive. Having been to about a third of the world's countries, I have seen that Kenya has got some of the worst roads. I do not think that it requires more emphasis; that, the major cause of death in Kenya is road accidents. Most of the road accidents are caused by poor condition of our roads.

In this regard, I just want to go back to my first point, that the importance of good roads, for that matter, does not need to be over-emphasized. I want to reinforce a point that Mr. Muite did talk about; that is, the issue of drainage. It is no good spending so much money constructing a good road and then at the end of it, we have not done proper drainage. One just needs to come to Nairobi during the rainy season and you will find what happens. When there is just some light rainfall, we are as good as swimming in a flood. I would want to appeal to the Ministry to provide higher allocation for the drainage system, so that whenever roads are rehabilitated, the drainage system is also repaired.

Recently, in Rangwe Constituency, some roads were constructed under the *El Nino* Emergency Fund and

we are grateful for that. But about a month or two later, because the drainage system was not taken care of, the roads are as good as they were never done. I want to appeal to the Ministry and re-emphasize the point that was made by one of my colleagues before; that, they must pay particular attention to the drainage system if they want the roads to last longer.

I must also take issue with regard to rural roads in Rangwe and also in other places, especially when there are by-elections. Recently, areas like Taveta, Bomet and Rangwe were traditionally considered to be KANU or NDP areas, but the Opposition has tried to sell itself with a lot of difficulties. If roads were good, the Opposition would have won with even a higher margin because they would not have had difficulties accessing the voters.

I also want to appeal to the Ministry to, in future, give higher allocations for road markings and signs because many of our roads, for example, the B-3 type, like the Maai Mahiu-Narok-Bomet Road, hardly have road signs. But that is just one of several other roads where I think it would be very helpful if we had road signs and markings. We would minimize the accidents that occur on those roads.

I must also take issue with regard to the Ministry in terms of incomplete projects. I know that there are a number of housing projects that have not been completed and my colleagues have talked about them. I want to draw the attention of the Chair, in particular, to the Nyanza Provincial headquarters, which have not been completed. Currently, the Nyanza PC is housed in a building that is believed to be owned by one former PC. I believe that the Government pays nearly Kshs1 million every month in terms of rent for that building. Especially now that, that region is no longer an Opposition area, it is an area that is now friendly to the Government; why is the Government not considering completing the Nyanza Provincial Headquarters, so that we save the Exchequer the amount of revenue which we pay currently in terms of rent for the Provincial Administration or the PC's house?

I now want to turn to some specific roads. In my own area, there is the Katito-Kendu Bay-Homa Bay-Suba Road. Recently, we were privileged to host the President when he officiated over the bursary funds. One of the things that I told the Head of State was that if Road C19 and Road C18 that originate from Oyugis-Rodi-Kopany up to Karungu were tarmacked, even I, who is not in the "co-operation", would seriously consider co-operating! I want to repeat those same remarks. I put it to the Government that even today, if it tarmacs those roads--- Let me put it in another way. Until and unless those roads are tarmacked, I am not going to consider co-operating with the Government. So, I would like to appeal to the Ministry to consider doing something on those roads. The state of those roads is currently pathetic, especially the Kendu Bay-Homa Bay Road, which is almost impassable, and yet, it is a high potential region with fish caught from Rachuonyo and Suba districts, as my colleague, Mr. Awori, had alluded to earlier. I would have thought that the Government would have considered putting a ring road around Lake Victoria if we want the economy to pick up. The returns would be very high.

Mr. Temporary Deputy Speaker, Sir, I must also take issue with the Government for having accepted Road C18 between Rodi-Kopany and Ndhiwa, which was shoddily done. The District Development Committee (DDC) recommended that, under no circumstances should that road be accepted, until it was redone by the contractor. But later, we were surprised to learn that the road was actually accepted, contrary to the pledge that the Ministry gave, and also the recommendations of the DDC. I want to still call upon the Ministry to look seriously into that road because money was pumped into it, but barely a year after the road was done, it had fallen apart. I think it would be a wrong way to spend money, even if it is donor funds.

Mr. Temporary Deputy Speaker, Sir, I also looked through the Estimates and I was a bit saddened that there is no single road in Luo Nyanza that is being done. Again, with the warm relationship between Luo Nyanza and the Government, I would have thought that this is the time we would have seen some roads being tarmacked. When the "co-operation" was being started, there were five things that we hoped the Government would do. It was supposed to revive the cotton industry, fishing industry, sugar industry, the molasses project and lastly, tarmac roads. But, to date, there is little to show in that regard. So, I would like to call upon the Government to consider tarmacking roads in Nyanza. I am saddened that within the Estimates, there is no specific provision for a road in Nyanza. Nearly every other province has got, at least, a road that is being provided for in the Development Estimates.

Mr. Temporary Deputy Speaker, Sir, I also want to take issue with the Government for failing to put up a bridge along one major road, that traverses Rachuonyo and Homa Bay districts; that is, the Agindo Bridge on Road C18. That bridge was swept away towards the end of last year. I raised a Question in this House and the Minister pledged that within two months, that bridge would be done. But as we speak today, the road still remains impassable. A few months ago, a number of Members of Parliament who were traversing the area got stuck. They had to push vehicles across the river because the bridge had been swept away. It is a "C" road, which is a major road that traverses several districts. It is very shameful because it falls in a district that is very friendly to

the Government. It does not fall on my side. If it fell in Homa Bay, I would understand why the Government is not putting up the bridge. But why is that bridge not being done? Maybe, rather than giving Rachuonyo a flag - a Minister - it would have been better to tarmac that road. I think we would have benefitted more.

Mr. Temporary Deputy Speaker, Sir, I must also call upon the Government to consider what is being adopted in other countries. I have a document here from Mozambique, with a road that was done under the Build Operate and Transfer (BOT) Programme. There are many success stories where that has been tried. Why are we waiting? I do know that the Government may say that the Kenya Roads Board (KRB) concept is still new. I have no reason to doubt that the KRB concept is going to work. Why can we not also consider the Building, Operating and Transferring method, if we do not have adequate resources to give Kenyans the roads that they deserve? Being a regular user of the Maai Mahiu-Narok- Bomet Road when going to Homa Bay, instead of going through the Nakuru-Kericho Road, I normally save about two hours. Going by past experience, roads in Rift Valley tend to get preferential treatment.

Mr. Temporary Deputy Speaker, Sir, I want to reassure the Government that when they do these roads, they are not only benefiting the people of Rift Valley Province, but also those from other parts of Western Kenya. For that reason, I would like to call upon the Ministry to consider repairing the section of the road from Narok, especially from Longisa, up to Sotik, because it has become a popular route to accessing the southern and western parts of Kenya.

Mr. Temporary Deputy Speaker, Sir, while all this is happening, I also take cognisance of the Government's reluctance to allow the Kenya Roads Board (KRB) to operate. I have here with me a tender announcement of four roads. The law states that from July last year, all road works of this nature should have been done by the KRB. The Nanyuki-Doldol, Nakuru-Marigat, Makutano-Matemburi and the Kisii-Chemosit roads which are currently being done all are in one province, except one. I think it was wrong---

(Applause)

The Temporary Deputy Speaker (Mr. Muturi): Your time is up!

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to the debate on this Ministry. There is what was called "*El Nino*" money. Those of us who come from Meru District are surprised that Meru was not considered a beneficiary of the *El Nino* funds. The Office of the President is in charge of disbursing the *El Nino* funds. The Ministry of Public Works and Housing should be in charge of these funds because they know which roads are good and which ones are bad. The *El Nino* rains destroyed roads and bridges. Areas that normally have very high rainfall are the ones which were most affected. I am grateful for the assistance that we normally get from the PS and his team whenever we raise our complaints with them. However, I cannot understand why the whole of Meru District was omitted in the *El Nino* funding. I am talking about a road like the D484 in my constituency which had been murramed in 1983. Today, it is impassable and the bridges were washed away. You cannot drive on that road, and yet it is classified.

When building roads, we should also think of maintenance. Some roads have been murramed and become very good. If there is no maintenance, say, after five years or so, then the money that we used initially is wasted. Why make a road that will cost Kshs50 million and then it is not there any more after five years? It ends up looking like a cattle track because there is no maintenance or grading. As we talk now, I do not know whether there is any district with a good grader. In my own district, we have graders that break down every other day. You will find that if the grader is to be repaired today, it might cost about Kshs500,000. Two weeks after repairing it, there is no tractor on the road again. I do not know how districts will manage to spend the money allocated to them. Even if we were given that Kshs5 million meant for constituencies and the other 24 per cent for districts, I do not know whether most districts would spend that money. We must have tractors that are working. People can also work on these roads; they will benefit. It can be part of the poverty alleviation programme. People should be allowed to do this work by hand and then the contractor can bring the murram where it is needed. But most of the work can be done by hand.

Today, we rely on tractors that break down everyday. If I repair my car, it should be in good working condition for at least six months or even a year before it breaks down again. However, these tractors are repaired every two weeks. So, I do not know what kind of repairs they undergo because they keep on breaking down.

Mr. Temporary Deputy Speaker, Sir, I know the Ministry is aware that there is this road D482 which runs through my constituency from Meru, Mikinduri to Maua--- It is also the same road that runs from around the National Cereals and Produce Board depot in Meru, Githongo to Chogoria. Now, these are areas of high productivity. There is tea and other crops, but that road is impassable most times of the year, especially when it

has rained. Now, what is our priority? Do we have priorities in doing the roads or is it that, maybe, we have to hear from some people which road should be done without the Ministry of Roads and Public Works having a policy of improving roads in the high productivity areas? A road may be built to nowhere. It serves the purpose of three to four people. You see, maybe, three to four vehicles going there. You would also notice that even if you wanted to sleep on some of the roads, there will be no car moving by for the next six hours.

Mr. Temporary Deputy Speaker, Sir, however, there are areas where we are producing food and we have no roads. For example, I cannot go home during the rainy season. Our people in Nairobi cannot invest in farming because the planting and weeding seasons coincide with the rainy season. Now, how do they invest in agriculture? Then we talk about poverty eradication. I do not know how we are eradicating poverty without looking at these things. There is no infrastructure and so farmers cannot cultivate.

Mr. Temporary Deputy Speaker, Sir, sufficient food is needed for this country. What is the Ministry of Roads and Public Works policy on tea roads? Tea is the biggest foreign exchange earner in this country today and we have to pour our tea on the roads because the lorries cannot carry it to the factory, and in the process we lose a lot of tea. What is the Ministry's policy on this? Can we not even borrow money and repay that money from the tea earnings? We are putting up factories at very high prices of around Kshs600 million and sometimes even more than Kshs1 billion, and a lot of tea goes to waste. What is the Ministry's policy? What are our priorities?

I think we have our priorities upside down. This is because if we cannot improve roads from areas where we are getting the money to give to the Government, then what are we doing?

Mr. Temporary Deputy Speaker, Sir, about The Kenya Roads Board and the District Roads Committees, I want to say that whoever took the matter to court had some ulterior motive. This is because the Minister for Roads and Public Works is an elected Member of Parliament and he still manages the Ministry. He is not a signatory. Now, who gave the Government the impression that Members want to be signatories to the accounts?

(Applause)

Members do not want to be signatories but they want to ensure that the money that goes to the district is properly utilised. We want to sit in those committees in our capacities as Members of Parliament and then we will know that the money that came to the district has been spent properly. We do not want to be signatories! The Minister can say who should be a signatory. It may be the Roads Engineer, District Roads Officer, the DC or anybody else, but we want to be allowed to sit in those committees to ensure that the money that has come to the district has been properly utilised.

As we are talking now, we do not know unless you ask privately and you are told. It is, maybe, when you ask the Minister or an officer in the Ministry of Roads and Public Works when you will be told the truth.

Mr. Temporary Deputy Speaker, Sir, if we ever got this money, we are not sure how it was utilised. That is why we are insisting that we should sit in those Committees without compromising the principle of separation of powers, which is not even practised in this country anyway. The separation of powers is a theory we have here from the United States of America, but we do not have it in our laws. A Minister for Finance in this country will sign exemption of duty, even though he is an elected Member of Parliament. When you are appointed a Minister, you join the Executive, but you are already also an elected Member of Parliament. Separation of powers in this country is a theory that we engage in, but is not in our laws.

Mr. Temporary Deputy Speaker, Sir, I hope that when we are reviewing the Constitution, we will provide for proper separation of powers. We can even have Ministers who are not elected Members of Parliament so that we get administrators and specialists in certain fields. Today, our Ministers are all elected Members of Parliament. On one hand, they are legislators and vote in this House, and on the other hand, they are Members of the Executive.

With those few remarks, I beg to support.

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

First, I wish to share with the House my experiences of last weekend in Taita-Taveta District. I heard one of my colleagues say that, that place has no roads. That is true. Those of us who went down by road from Nairobi to Taveta, a distance of 302 kilometres, took 6 hours in a good, almost new, four-wheel drive vehicle. There are no roads there. On our way back to Nairobi, good judgement dictated that we come through Tanzania. At the border post of Holili, as we were processing our travel papers, a small girl said:

"You are hon. Members of Parliament from Kenya. At this post, we only want tourists because they are the ones who bring money to this country, but you are avoiding using your roads because you have no roads".

This was so embarrassing; Tanzanians knew that we wanted to pass through Moshi, Arusha and back to Nairobi

because we have no roads. The girl went further and said:

"You have been singing that you are the most developed country in East Africa".

This is a big shame. The Minister happens to be my friend, and I hope he has heard my sentiments.

Mr. Temporary Deputy Speaker, Sir, three months ago, the House Departmental Committee on Agriculture, Lands and Natural Resources went to Brussels to discuss the STABEX funds. While we were there, we asked the gentlemen at the European Union (EU) Secretariat about the Roads 2000 Programme, which is funded by the EU. They told us that they wanted to send us to our Government to come and tell it that they were fed up. You can verify this with our ambassador, who was in our entourage. They said:

"You people come to us and tell us that you need assistance to do your roads. We tell you that we will not give you money because of your performance in the past. But you tell us that this time, you have found a formula; you will legislate and create a body called 'the Kenya Roads Board (KRB)'. You go to your Parliament and do just that. Then, you go to your courts and declare a body created by your Parliament unconstitutional. Go and tell your Government that it can fool Kenyans for as long and as much as it wants, but it cannot fool us".

The Minister has got a statement from one of his donors.

Mr. Temporary Deputy Speaker, Sir, let me get back home. I do not know whether to support or reserve my comments about the issue at hand. For three years running, the Ministry has imagined that Embu is part of Kirinyaga, Meru or Mbeere District. It is shameful that Embu is not included in the Development Expenditure except in the Recurrent Expenditure, where it has been allocated some money to pay our civil servants. This is the third year that we have been left out. The President would not go to Embu because for the last ten years, he has been promising the people of the area that Mutunduri-Kianjokoma-Runyenjes Road would be tarmacked, but it has not. I would like to point out that delegations have gone to State House or Kabarak to request the President to have Mutunduri-Kianjokoma Road tarmacked. This is one road that connects two tea factories. One of these tea factories -Rukuriri - has a record of producing the highest quality tea in the world, but it is not accessible. Do you want to tell me that we have a Government in place?

Mr. Temporary Deputy Speaker, Sir, right now, we are building a tea factory at Kathangariri. As of last week, we could not take machinery to the site because the Embu-Kibuu-Kathangariri Road is impassable. We have a bridge called "Ndunda" which is in a pathetic state. We have asked Questions in this House every year, and we have been promised that we would be given Kshs5 million to repair the bridge, but nothing has happened to date. The construction of this tea factory has stopped because we cannot take machinery to site because of poor roads.

My colleagues have talked about systems which ought to be put in place in order to improve the road network in this country. I would like to support privatisation of our roads. These sentiments have been raised by both sides of this House. The Minister should take heed that this is what this House really wants. We have seen the road network in South Africa, which has privatised all its roads. These roads are financed through the toll system.

Mr. Temporary Deputy Speaker, Sir, I would like to turn to the Roads 2000, which is a European Union project that is supposed to do roads in Eastern Province. I would like to say that nothing has happened, although some years have passed. We have seen former officers of the Ministry of Roads and Public Works--- Right now, we have a Minister who is my friend and he has a good team, but I do not know where we go wrong. We have got the right people in place. What is happening? For the last three years, nothing has happened in connection with the Roads 2000. The Chair heard Ms. Karua say in this House that they have a good road network in Kirinyaga District. These roads are being funded by SIDA. We, in the whole of Eastern Province, and not just Embu, do not know what is happening because none of those roads which were started is complete. There is not even a single road that has been completed. So, what is happening? We hope that when the Minister responds, he will say something about the Roads 2000. I have discussed this matter with him many times.

For those who will vote money for this Ministry, I would like to bring to the attention of the House that we are actually voting money for the DCs to go and "consume". Money is being voted here and no roads will be done because the Tender Committee comprises of the DC and DO1, who is the alternate chair. Everybody here could be good, but the law says:

"The Chairman shall have the power to veto any decision of this Committee."

What are we doing? This is crazy! I swear, this is madness! We are voting money here and allocating it to the DC. This is where we have come from. We created the Central Tender Board and the District Roads Committees because the DCs were inefficient. They would consume all the money. A DC from Embu who is in Migori would get some contractor from Embu to go and drop some stacks of murrum in Migori. Similarly, a DO who is a Luo in Embu would get some contractor from Homa Bay to drop some stacks of murrum there and go back home. This is crazy.

With those few remarks, I beg to oppose.

The Minister for Energy (Mr. Raila): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to join those who have spoken before me on this very important Vote. Infrastructure is key to economic development. The Members who are speaking here are lamenting because of the poor infrastructure that we have in our country today. Members have spoken about roads in agricultural areas, like roads in tea growing areas, which are used by farmers to transport their produce to marketing centres. This is making life very difficult to our farmers. It is making the cost of the produce too expensive. In the same vein, the fishermen have serious problems. When it rains, most of the people who are engaged in fish business cannot access the beaches. The beaches become inaccessible for a very long period during the rainy season. This is something that we need to address as a country.

Mr. Temporary Deputy Speaker, Sir, I am a strong believer in separation of powers; that we have the Legislature, the Judiciary and the Executive. I believe very strongly that the Legislature has no business getting involved in what is constitutionally the domain of the Executive. But having said that, I believe that Members of Parliament have a very important role to play in ensuring the smooth operation of the Government. That is why I see no contradiction or anything wrong with Members of Parliament sitting in the DRCs. I believe that Members of Parliament can make very good contributions. In sitting in those committees, they are not playing an executive role. That, therefore, does not contradict their role of being public watchdogs. When Mr. Mwenje chairs or sits in the Nairobi DRC, that will not contradict his work as a member of the Public Accounts Committee (PAC). As a Member of Parliament for Nairobi, I want to say that when we were members of the committee, we drew up very comprehensive programmes of how the roads in the City were to be maintained. As you know, the City Council, as an institution, has collapsed. So, this was the only way out to help the residents of the City. Members of Parliament who represent the various constituencies sat together and agreed on the priority roads in their respective constituencies.

Mr. Temporary Deputy Speaker, Sir, I have already provided a list. Mr. Mwenje has done so with respect to Embakasi Constituency, and so has hon. Kamanda and other Members. But just by a stroke of the pen, we were removed. Nothing is happening and nothing will happen within the life of this City Council.

Therefore, something ought to be done. The *El Nino* funds were supposed to be spent on repair of the road network that was destroyed during the *El Nino* rains. There were a number of contractors awarded contracts to repair roads in Nairobi City. Juja Road was one of those roads which were awarded to a contractor. A lot of money was paid to repair Juja Road. If you go to Juja Road today, there is no road. There are potholes big enough to bury a human being on Juja Road. So, the question will continue to be asked; where did that money go? Again, this raises a very fundamental issue of the sense of patriotism by Kenyans. For a contractor to be paid after he has repaired a road, this has to be certified by an engineer consultant. An engineer who can certify payments by a contractor to do what has been done on Juja Road needs to be in Kamiti Maximum Prison and he should not actually be practising.

Mr. Temporary Deputy Speaker, Sir, if you go to places like Botswana, you see highways which are done to very high standards. You will be surprised that it is Kenyans who are working in Botswana as consultants who have constructed those highways. They are able to construct good quality roads in Botswana, but they are not able to do it here. You find some highways which have not been officially opened already collapsing.

Mr. Temporary Deputy Speaker, Sir, having said all this, I see what we are doing in this House is lamenting because there is a problem. To address a problem, you must address it. It is a fact that construction of major infrastructure requires a lot of money. It is a capital-intensive project. We know what has happened over the last ten years; that over the last ten years, we have had very little injection of capital into the country. Whereas the Government has been made to pay the old debts, there has been very little injection of funds coming from outside. Therefore, we as hon. Members, have a responsibility to ensure that conditions are created that will enable money to begin to come back into this country again. It does not make sense to blame the Minister for Roads and Public Works because roads are collapsing, or roads are better in Tanzania than they are in Kenya, when he does not have the equipment to make better roads. Therefore, it behoves us, as hon. Members, and here I am speaking to both sides of the House, and the time has now come, to rise above our various partisan interests and address these issues as Kenyans, so that money can begin to come back again. If this is done, I am sure that the Minister for Roads and Public Works will be able to do what we require of him, or we will be justified in blaming him for not doing what we want him to do.

A number of hon. Members spoke here about what I think we, as the Government, need to address; the issue of build, operate and transfer. This is something that has been operated in very many countries in Europe, where people are offered projects; they inject money, construct roads, put toll stations and collect money until they have recovered the money that they have invested. This is another way out, which is available to us as a country. I am sure we will look into that as an option. It will enable us to make much wider coverage. Ultimately, we need to decentralise and transfer certain functions to the periphery. However, this issue should be addressed during the

constitutional review process. Some of the functions can best be carried out by regional governments. Regional infrastructure can be handled locally as the central Government remains with the responsibility of dealing with major national and international highways. If revenue is available, I am sure that this will enable us to provide better infrastructure from which our farmers and fishermen will benefit, and so will the local business communities.

With those remarks, I beg to support.

Mr. Githiomi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to also air my views. I must first start by thanking the Ministry for the work it is currently doing. But that is not to say that it has done everything to the satisfaction of Kenyans.

I want to focus on the district I come from. The people of Nyandarua District are in a lot of problems. I want to invite you to my district to see how bad the roads are. I have gone round the country, but I have not seen any district with as bad roads as Nyandarua District. We have a wonderful District Roads Engineer, but without funds, he cannot go far. During the *El Nino* rains, our roads were destroyed like many other roads in the country. However, as of now, no road in Nyandarua District has been repaired using the *El Nino* emergency funds. We wonder what use these funds have been put into.

We have now entered another financial year. We really wonder whether any road in Nyandarua District is going to be repaired using these funds. Road D389 is now becoming impassable. It has so many potholes. It is a class "D" road, but if you go there, you will find that it is in a deplorable condition. It is becoming totally unmotorable. I think the Ministry had better do something about it. The Ministry needs to send a small amount of money to the District Roads Engineer, who is very capable of working. His qualifications notwithstanding, without funds, the road will remain impassable.

Mr. Temporary Deputy Speaker, Sir, agriculturally, Nyandarua District is very rich. It can, on its own, feed the whole of Nairobi and other towns in the country. The only problem that we have is bad roads. Currently, we sell milk at Kshs9 per litre while potatoes go for Kshs200 per 150-kilogramme bag. The main problem is bad roads. We keep on lamenting every now and then that there is a shortage of food in the country, yet Nyandarua District has good agricultural land. The only facility we need is good roads. So, this Government had better address the road question in Nyandarua District.

The people of Nyandarua have almost forgotten that this country has a Government because they never see it in terms of infrastructure. The only thing they really need now is motorable roads. It is not that we must get new tarmac roads; we are saying, if the Government can give us passable roads or patch up the bad portions of roads and seal the potholes on them, that will be all right for the time being.

Mr. Temporary Deputy Speaker, Sir, I would now like to raise an issue about a road we have, over the years, been singing we want it tarmacked. In its planning, the Government has been prioritising it.

I am talking about Road C69, which was supposed to have been tarmacked in the 1970s. However, up to now, it has not been tarmacked. It has been our priority, all hon. Members in Nyandarua District, including those who were there even before us in the 1960s. Even the late J.M Kariuki talked about that road being tarmacked, but it has never been tarmacked to date.

So, the people of Nyandarua have no reason to think that they have a Government, and that there is even a party called KANU because this party would be serving them if it ever existed. We are only seeing these---

The Minister for Roads and Public Works (Mr. W. Morogo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is my good friend, hon. Githiomi, in order to mislead us that the people of Nyandarua District do not feel that the Government is in existence when we are very much available in that district? You only need to go a few kilometres and you will see Government activities!

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, I think the hon. Minister is right. He was seen by the people of Nyandarua, but we want him to give us services. This is why I am very polite in answering his point of order.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Muturi): Order! Hon. Members, it is time for the interruption of business. The House, therefore, stands adjourned until tomorrow, Wednesday, 1st of August, 2001, at 9.00 a.m.

The House rose at 6.35 p.m.