

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 22<sup>nd</sup> June, 2016

The House met at 2.30 p.m.

*[The Speaker (Hon. (Muturi) in the Chair)]*

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### EQUITABLE SHARING OF NATIONAL REVENUE ALLOCATED TO COUNTIES

**Hon. Speaker:** Hon. Members, as you may recall, I conveyed to the House a Message from the Senate on 21<sup>st</sup> April, 2016 regarding the approval of the Second Basis for Equitable Sharing of National Revenue Allocated to Counties. Article 217 of the Constitution stipulates that the National Assembly may consider the Senate's resolution on the formula and vote to approve it with or without amendments, or reject it in full within 60 days.

Yesterday, Tuesday, 21<sup>st</sup> June 2016, was the sixtieth day from when the Message was conveyed to this House. Therefore, the provisions of Article 217(5)(a) of the Constitution come into play. For clarity, the said Article states as follows:-

“If the National Assembly –

(a) does not vote on the resolution within sixty days, the resolution shall be regarded as having been approved by the National Assembly without amendment; or”

Since there was no decision made by the House to either amend or reject the formula, the National Assembly is deemed to have approved the formula as passed by the Senate. I will, therefore, proceed to communicate this Message to the Senate for conclusion of that process of considering the Second Basis for Equitable Sharing of National Revenue. The House stands guided accordingly.

*(Several Hon. Members walked into the Chamber)*

Those Members making their way in should do so quickly so that I can convey this Petition.

**Hon. Angwenyi:** Hon. Speaker, on a point of order.

**Hon. Speaker:** There is a ranking Member of the House who is on an intervention.

**Hon. Angwenyi:** Hon. Speaker, I did not get clearly what you have just read. Are you saying that we approved by default what we should have approved by discussing and assimilating it into our own knowledge? If it is so, is there a leeway whereby we can postpone that decision until we discuss it on the Floor of the House?

**Hon. Speaker:** Hon. Angwenyi, for avoidance of doubt, the word used in the Constitution is “shall”. It says:-

“If the National Assembly –

(a) does not vote on the resolution within sixty days, the resolution shall be regarded as having been approved by the National Assembly without amendment”.

The matter rests there. It is deemed to have been passed. You and I would recall the days when we had lots of arguments about the word “deeming” when we were dealing with other legislations.

## PETITION

### AFFIRMATIVE ACTION FOR YOUTH REPRESENTATION IN PUBLIC OFFICES

**Hon. Speaker:** Standing Order No.225(2)(b) requires that the Speaker reports to the House any petition other than those presented through a Member. I, therefore, wish to convey to the House that my office is in receipt of a petition signed by one, Chege Macharia, a resident of Kiambu County. The Petitioner contends that Article 55 of the Constitution on affirmative action programmes for youth has not been fully implemented.

Hon. Members, he petitions that Parliament should take measures, including affirmative action programmes, to ensure the youths have opportunities to associate, be represented and participate in political and socio-economic and other spheres of life.

In the Petition, the petitioner prays that the National Assembly enacts legislation to provide for obligatory implementation of specific affirmative action programmes, including representation in Parliament, county assemblies and other public offices.

Hon. Members, this Petition stands committed to the Departmental Committee on Labour and Social Welfare for consideration.

Hon. Members, there are Members who want to comment on the Petition. I can say without doubt that Hon. Maanzo’s name is there.

**Hon. Maanzo:** Thank you, Hon. Speaker. I had an opportunity to work in the Ministry in charge of youth affairs in the previous Government. This Petition is great because without a ministry in charge of youth affairs in the country, with a Principal Secretary and a Cabinet Secretary, there is every likelihood to cause concern as it has been done.

Under the Constitution of Kenya 2010, there is a requirement to engage the youth in the country. In fact, the youth constitute 72 per cent of the population in the country. Therefore, it is a big constituency which should be taken care of by legislation. Something should be done in future to ensure that we have a ministry in charge of youth affairs to specifically handle matters affecting the youth. The youth may not particularly be elected directly as the Petitioner has requested, but there is a way they can be guided so that they can be appointed through nomination. This will ensure that they are represented in the Senate and National Assembly.

Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Endebess, you have the Floor.

**Hon. (Dr.) Pukose:** Thank you, Hon. Speaker. I want to support the Petition by Mr. Macharia Chege from Kiambu.

The Leader of the Majority Party and Hon. Kajuju are asking me whether I am a youth. I am above that threshold. I am in the middle ages bracket but I represent the youth within my

constituency. I am sure that the Leader of the Majority Party and Hon. Kajuju have youth in their constituencies. We know that the Youth Enterprise Fund caters for the youth. We also know that there was a Bill that was brought here by Hon. Sakaja, which made it compulsory, as envisaged in the Constitution, for Government entities to reserve 30 per cent of tenders for the youth, women and people living with disabilities. The question is whether that policy is being implemented. The tenders that are given to the youths are mostly for supplying printing materials and small things. Those might not be able to significantly contribute to their economic empowerment, and yet we know that this is the critical part of the society that we depend on.

Secondly, many youth, for example, from Trans Nzoia County, look for white collar jobs. We also have the elderly, who are about 60 years, going into farming and yet farming is the backbone of this nation. I want to encourage the youth to think of innovative ways of engaging themselves in farming activities. This will not only improve the economy of this country but also their economy.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Kathuri Murungi, you have the Floor.

**Hon. Murungi:** Thank you, Hon. Speaker, for giving me the opportunity to support this Petition by Mr. Chege Macharia.

Sincerely speaking, we have done a lot for the youth, including creating the Uwezo Fund and the Youth Enterprise Fund. However, the youth population is too huge that we are not able to cover all of them in the affirmative programmes being implemented by the Government. Therefore, it is important for the Departmental Committee on Labour and Social Welfare to explore other ways of ensuring that we support the big population of the youth through appropriate action programmes.

Let me mention Uwezo Fund because the youth are unable to access that Fund. The resources in the Uwezo Fund are too little but they are sharing them with women and people living with disabilities. Therefore, the amount left for the youth, who are almost 72 per cent, is not enough to fund enough programmes for them. Therefore, it is important to look into their welfare. We also need to consider lowering the retirement age from 60 years to 55 years, so that some of them can be absorbed when the old *wazee* retire. That is one of the areas which can be considered. We can also give some people retirement packages to encourage them to leave so that the youth can be absorbed in the job market.

Thank you, Hon. Speaker.

**Hon. Speaker:** Let us have Hon. Justice Kemei.

**Hon. Kemei:** Thank you, Hon. Speaker. I rise to support the Petition. The youth in our country feel marginalised, especially on the aspect of empowerment. It will be good for our country to do something to give the youth the power, strength and the ability to perform.

I support the Petition, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Joseph M'eruaki.

**Hon. M'uthari:** Thank you, Hon. Speaker. I rise to support the Petition.

It is my hope that when the Committee considers this Petition, there will be innovative ways of engaging the youth. There are many activities focusing on the youth, especially those who are in school and universities. Which category of youth is being considered in this Petition? I hope this will be clarified. However, there is a tendency in the Republic of Kenya, of every group feeling marginalised. It appears that we are in a Republic where everybody is marginalised. Maybe we have to reconsider the meaning of the term 'marginalisation', so that we know exactly what it means. This is an important Petition. It raises questions, especially when

we have the Uwezo Fund and other funds. How are they brought together so that by the end of the day, there is meaningful engagement apart from the National Youth Service (NYS)? How are all these engagements brought together in a focused way, so that the youth feel more engaged and involved?

Thank you, Hon. Speaker.

**Hon. Speaker:** Let us have the Member for Chuka\Igambang'ombe.

**Hon. Njuki:** Thank you, Hon. Speaker. Allow me to cite the analogy which is normally used to describe the situation in the country – the famous *kazi kwa vijana, pesa kwa wazee*. You allocate 30 per cent of the available opportunities of procurement to the youth, who are 70 per cent of the country's population. It is a paradox of the whole situation because that is where we have the most energetic, productive people and the highest percentage of the population which is very needy.

According to what we passed in the Constitution, we are denying the youth this opportunity. Before the current Constitution was promulgated in 2010, you can imagine how the situation was like. Despite the youth being given the opportunity by the Constitution to get 30 per cent of the jobs, we still have a serious problem of succession in most public institutions in this country. The youth are not being given opportunity to display what they can do because they have not taken over from the older generation. That is why sometimes we keep on recycling the older generation in jobs which would be done by the youth if they had the opportunity to learn early enough.

I support the Petition by Mr. Chege from Kiambu County.

Thank you, Hon. Speaker.

**Hon. Speaker:** Let us have the Member for Kipkelion East.

**Hon. Limo:** Hon. Speaker, I rise to support this Petition. Youths are very important but unfortunately a lot of effort has not been put on building their capacity. As much as we appreciate that there have been efforts to empower the youth, little attention has been given to capacity building as we allocate money and even give them opportunity. We were supposed to build their capacity so that they take up opportunities to build or empower themselves.

Therefore, I urge that we come up with a comprehensive way of dealing with the youth so that they are really empowered and the country will move forward in a very structured manner.

Hon. Speaker, I support.

**Hon. Speaker:** The Petition then goes to the relevant Committee. Just to appreciate the extent that the Petitioner seeks legislative intervention, when there was a Bill you were unable to raise sufficient numbers. You did not consider that Article 100 of the Constitution requires that Parliament enacts legislation to provide for the representation of youth, women, persons with disabilities, other minorities and marginalised groups. It is important now that you are not able to raise the thresholds. Maybe this time round when you are considering similar legislations, you must provide for the representation of the youth.

## PAPERS LAID

**Hon. A.B. Duale:** Hon. Speaker, I beg to lay the following Papers on the Table of the House, today Wednesday, 22<sup>nd</sup> June, 2016:-

Reports of the Auditor-General on the financial statements in respect to the following institutions for the year ended 30<sup>th</sup> June, 2015 and the certificate therein:-

- i. the National Youth Service Mechanical and Transport Fund;
- ii. the Kenya Institute of Public Research and Analysis;
- iii. the National Drought Management Authority; and,
- iv. the Office of the Attorney-General and the Department of Justice.

**Hon. (Eng.) Gumbo:** Hon. Speaker, I beg to lay the following Papers on the Table of the House today Wednesday, 22<sup>nd</sup> June, 2016:-

The Report of Public Accounts Committee on the Government of Kenya Accounts, Volume I and Volume II for the 2013/2014 Financial Year.

**Hon. Mbiuki:** Hon. Speaker, I beg to lay the following Paper on the Table of the House today Wednesday, 22<sup>nd</sup> June, 2016:-

The Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on the ratification of the East African Protocol on Sanitary and Phytosanitary (SPS) measures.

## NOTICES OF MOTIONS

### ADOPTION OF PAC REPORT FOR 2013/2014 FINANCIAL YEAR

**Hon. (Eng.) Gumbo:** Hon. Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya Accounts, Volume I and volume II for the 2013/2014 Financial Year, laid on the Table of the House on Wednesday, 22<sup>nd</sup> June, 2016.

Thank you.

### ADOPTION OF REPORT ON RATIFICATION OF EAST AFRICAN PROTOCOL

**Hon. Mbiuki:** Hon. Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on the ratification of the East African Protocol, and on Sanitary and Phytosanitary (SPS) measures, laid on the Table of the House today Wednesday, 22<sup>nd</sup> June, 2016.

**Hon. Speaker:** Hon. Members, as we proceed, allow me to recognise the presence in the Public Gallery of students and pupils from various institutions as listed hereunder:-

- i. Students from Kalulini Secondary School, Kibwezi West Constituency, Makueni County.
- ii. Lake Naivasha Girls High School, Naivasha Constituency, Nakuru County.
- iii. Punda Milia Primary School, Maragua Constituency, Marang'a County
- iv. Kiamaogo Primary School, Maara Constituency, Tharaka Nithi County
- v. St. Joseph High School, Chuka/Igambang'ombe Constituency, Tharaka Nithi County.

They are all welcome to observe the proceedings in the National Assembly this afternoon.

## STATEMENT

### PRIORITY ON DEBATE OF PAC REPORTS

**Hon. (Eng.) Gumbo:** Hon. Speaker, today Wednesday, 22<sup>nd</sup> June, 2016, on behalf of the PAC we have laid the Report of Government of Kenya accounts for the 2013/2014 Financial Year. Hon. Speaker, I wish to draw the attention of Members that this is a very big Report of 466 pages and it comes in two volumes. Volume I is the Report of the Committee which is 466 pages and volume II which is over 100 pages are minutes of the Committee meetings.

In keeping with the practice of the Commonwealth jurisdictions, I request the House Business Committee to give priority to the discussion and debate on this Report and adoption. Through you, I wish to kindly indulge you that as we speak today, there are three Reports of PAC which have been laid before this House but are yet to be discussed. One of those Reports is on the benchmarking tour of the US while another is a benchmarking tour of the People's Republic of China. These are not big Reports but they are important because they have recommendations aimed at informing policies on prudent use of public funds.

Last but not least, on the 23<sup>rd</sup> March, this year, we laid on the Table of the House the Report of the PAC on the Special Audit of the 2013 General Elections otherwise known as the Report of the Independent Electoral and Boundaries Commission (IEBC) of the PAC. As a Committee, it is our believe that this Report has recommendations which may go a long way in enriching the public debate which is going on in our country right now on the reform process of the IEBC. Again, through you, I would request that this Report be given priority for debate.

Thank you.

**Hon. Speaker:** The Members of the House Business Committee have heard the request and it is fair. We should not keep some of these reports pending for too long because action that may be recommended and drive is lost. Many Members also lose memory of the issues that may have been contained in those reports. Therefore, the Clerk's Department is instructed to ensure that priority is given to those reports as listed by the Chair.

Hon. Members, we are also supposed to be apprised on the status of business pending before these Committees. That is the Joint Committee on National Cohesion and Equal Opportunity and the Joint Committee on Parliamentary Broadcasting and Library.

The Chairs of those Committees are supposed to apprise the House on what business is pending before them. Can I hear from the Chairperson or Vice-Chairperson of either of the two Committees? Hon. Korir, which Committee are you a vice to the Chair?

**Hon. Korir:** The Joint Parliamentary Broadcasting and Library Committee.

**Hon. Speaker:** Do you have some information that you want to proffer to the House?

**Hon. Korir:** Yes, Hon. Speaker.

**Hon. Speaker:** Proceed.

#### STATUS OF BUSINESS BEFORE THE JOINT PARLIAMENTARY BROADCASTING AND LIBRARY COMMITTEE

**Hon. Korir:** Hon. Speaker, on behalf of the Joint Parliamentary Broadcasting and Library Committee, I have the honour to present the status of the business before the Committee as at today, Wednesday, 22<sup>nd</sup> June, 2016.

In fulfilling its mandate of recommending to this House on matters relating to broadcasting of parliamentary proceedings, the Committee in the month of March this year, tabled its report on the proposed amendments to the Standing Orders of both Houses regarding activities of the media in the precincts of Parliament. The report proposes guidelines on the

conduct of the media houses while in the precincts of Parliament. This is in addition to the amendments on matters related to public participation, where the Committee has proposed expansion of its mandate to include liaising with the county assemblies on the establishment of standards and best practices in order to enhance effective public participation in legislation.

The Committee undertook a study visit to the United States of America (USA) in October, 2015 to apprise itself on the procedures relating to joint broadcasting of parliamentary proceedings and public participation. The report on the visit has been adopted and will soon be tabled in this House.

Finally, the Committee is in the process of developing a framework on public participation. To achieve this, the Committee is working closely with the Centre for Parliamentary Studies and Training (CPST), the Parliamentary Broadcasting Unit (PBU) and the Parliamentary Outreach Committee (POC) with the view of technical support to achieve this target by the end of this financial year. This is one of the major mandates of the Committee that as Committee Members and as the Vice-Chair of the Committee, we have taken very seriously to make sure that we develop a framework for public participation for both Houses to be used when creating laws. I also want to bring to your attention a very important issue that we are facing as a Committee.

*[The Speaker consulted with Hon. (Ms.) Kajuju]*

Hon. Speaker, I need your attention on this because I need your help.

**Hon. Speaker:** Proceed.

**Hon. Korir:** Hon. Speaker, as a Committee, we have an issue with finances. As a joint Committee of both Houses, the Senate and the National Assembly, it has been very difficult for us to achieve our mandate because of the two votes that have to be approved by both Houses. As a Committee, we need finances to fulfil our roles. For example, you will find one House approving the said finances but the other House says that it is waiting for the Supplementary Budget to release the money. We have been stuck and unable to move especially on the issue of public participation which, as a Committee, we feel we need to have a framework before the end of this year. This is so that this House and the next can have something to use when doing public participation, which is a very important thing as per the Constitution of this country. We need your guidance on how to solve the issue of finances especially with regard to the Joint Committees of both Houses.

I would like to lay the Report on the Table of the House.

**Hon. Speaker:** That is a very important point that you have raised. There is a planned retreat for the Senate Rules and Business Committee (RBC) and the House Business Committee (HBC) of the National Assembly to look at how to process business between the two Houses. That is an important aspect that needs to be considered because Committees must not be stifled in their operations. That is an important point, Hon. Korir.

Let us have Hon. Gideon Irea. Do you want to contribute on the same point?

**Hon. Irea:** Thank you, Hon. Speaker. Now that the Hon. Member sitting next to me has mentioned something about the media, I suggest that when children from various schools visit Parliament---

**Hon. Speaker:** I am sorry, I cannot hear you.

**Hon. Irea:** When students from various schools visit Parliament, they should appear in the parliamentary website for other schools to see the need of coming to visit Parliament. That should be noted.

**Hon. Speaker:** The Vice-Chair of the Committee is just next to you. There should be a record that shows that certain institutions have visited the National Assembly. That is good for the records. I do not know if it is for records or other things but it is important. It is good for institutions to be recognised.

Let us have the Chairperson of the Committee on National Cohesion and Equal Opportunity. This must be Hon. Johnson Sakaja. Hon. Sakaja is absent and not desiring to be present. Let him be informed that his Committee will give the House an update of the business before it next Wednesday. Let us move to the next Order.

## BILLS

### *First Reading*

#### THE INFORMATION COMMUNICATION TECHNOLOGY PRACTITIONERS BILL

*(Order for First Reading read – Read the First Time and ordered to be referred to the relevant Departmental Committee)*

### *Second Reading*

#### THE KENYA ROADS BILL

*(Hon. A. B. Duale on 14.6.2016)*

*(Resumption of Debate interrupted on 14.6.2016)*

**Hon. Speaker:** Hon. Members, this is continuation of debate which was interrupted on 14<sup>th</sup> June, 2016. How many Members had spoken? Hon. Members, as Eng. Mahamud said when he was seconding this Bill, it is very important to all of us. This is the Kenya Roads Bill (National Assembly Bill No.26 of 2015).

Only nine Members have so far contributed. It is a very important Bill. It is only the Mover, Hon. Duale; Hon. Mohammed Mahamud; Hon. John Waiganjo; Hon. Chris Wamalwa; Hon. Kimani Ichung'wah; Hon. Nicholas Gumbo; Hon. Yusuf Chanzu; Hon. Joseph Manje and Hon. Thomas Mwadeghu who have contributed to this Bill. Those are the only ones who may not contribute. Hon. Mwadeghu, did you contribute? You raised the issue of quorum. You are the one who raised the issue of quorum. Your argument was that the Bill was too important to be debated in the presence of very few members who had cared to attend. Do I take it that, therefore, you want to contribute now when there is sufficient number of members? Do I give you the first shot?

Proceed, Hon. Mwadeghu.

**Hon. Mwadeghu:** Asante Mheshimiwa Spika kwa kunipa nafasi hii ili nami nitoe mchango wangu kwa Mswada huu. Wakati uliopita, niliomba mjadala uahirishwe kwa sababu Wabunge hawakuwa wa kutosha Bungeni. Ndio maana nikaomba angalau tusbiri mpaka siku



Wabunge watakuwa ili nao wapate nafasi ya kutoa mchango wao. Ninatumai ndugu yangu, Mheshimwa Duale, ambaye anaondoka atafahamu kuwa sikuwa ninasubiri Wabunge wawe hapa tu ila hali ilivyokuwa kwa wakati huo ilibidi Wabunge nao wajitolee na kutoa mchango wao.

Mhe. Spika, nchi hii haiwezi kuendelea kama barabara hazijafadhiliwa na kufunguliwa. Pia, nchi hii haiwezi kuendelea kama barabara zitakuwa upande mmoja. Nchi hii haiwezi kuendelea iwapo sehemu tofauti tofauti zitakuwa na barabara zisizofanana. Eneo Bunge la Wundanyi lina nusu kilomita ya barabara ya lami tangu tupate Uhuru. Ukienda kwingine, lami imetamba kila mahali.

Mhe. Spika, ni ombi na maoni yangu kuwa kitengo hiki kifadhiliwe na kushikiliwa vizuri. Serikali ikiweka pesa za kutosha na waliochaguliwa kukiongoza wawe imara, kitengo kitatoa mchango wa kutosha katika nchi hii.

Hali ilivyo, tunaona barabara zetu zimekumbwa na matatizo. La kwanza ni utekelezaji wa ujenzi wa barabara. Utakuta kuwa wanaopewa nafasi za kujenga hizo barabara wana kasoro nyingi. Ni kwa sababu hatuangukii iwapo hizo barabara zinajengwa sawa. Barabara hizo zinabomoka muda mfupi baada ya kujengwa. Utajiuliza waliokuwa na kazi ya kufanya na waliopewa majukumu ya kusimamia barabara hizo ni nani.

Pili, kampuni zinazoshughulikia barabara zetu ni za Uchina. Swali ninalotaka tujiulize ni iwapo kampuni hizi za Uchina zimebainika wazi kuwa na uwezo na uzoefu wa kututengeneza barabara tukilinganisha na kampuni zilizokuwa hapo awali za Uingereza, Ujeremani au Waafrika wenzetu, shida iko wapi?

Tatu, ni matumizi ya barabara. Kuna barabara zilizojengwa zitumiwe na magari ya uzani fulani. Mara nyingi, utakuta magari yanayotumia barabara hizo yameachiliwa kuziharibu. Unakuta barabara kama hiyo inadumu kwa miaka mitano, kumi au sita ilhali iliundwa idumu kwa miaka 30. Walio na majukumu kuhakikisha barabara zinatumiwa na magari ya uzani uliokubalika hawafuati sheria hizo. Tutaendelea kutumia pesa za umma kwa muda gani ndipo Wakenya wajue kuna upotevu fulani?

Katika Bajeti tunayoitumia wakati huu na makadirio ya fedha tutakazoiweka kwenye barabara, Wizara ya Uchukuzi na Miundo Msingi imepewa kiwango kikubwa sana cha pesa. Barabara ziko wapi? Wakati umefika tuambiane wazi wazi kuwa hii nchi inahitaji barabara kwa usawa. Isiwe barabara zinazotakiwa kutengenezwa kwa muda uliopeanwa hazitengenezwi. Tumeisubiri barabara ya Taveta hadi Voi kwa miaka mingi. Ninashukuru inakaribia kumalizika.

Hata hivyo, watakikanao kufadhiliwa kwa kutoa mashamba yao kwa mradi huo kutoka Bura hadi Mwatate hawajalipwa hadi sasa. Tunaomba wanaohusika kuhakikisha wenyewe wamelipwa ili barabara ipewe nafasi kupita kwa muda uliotegwa. Tunasema heko kwa Serikali kwa sababu hatukuwa na hiyo barabara kwa muda huo wote. Tunasisitiza kuwa barabara ya kutoka Mwatate hadi Wundanyi na Wundanyi hadi Bura kupitia Werugha na Mghange iwekwe maanani itekelezwe na ijengwe kama nyingine.

Barabara ya kutoka Voi hadi Mombasa ina pahali parefu sana pa mchanga. Imebainika wazi ajali nyingi zinatokea hapo. Tunaomba wanaohusika kuhakikisha kuwa barabara hiyo inamalizika.

Nikisoma Mswada huu, ninaona kuna watu wameombwa kuhusika kwa uendeshaji wa Bodi. Wahasibu wanahitajika. Nimeona kipengele kinachotaka mhasibu awepo kwenye Bodi. Nilisikia mmoja wetu akisema haoini faida ya mhasibu ndani ya Bodi. Makadirio ya barabara na utekelezaji wa shughuli zote unahitaji hesabu sahihi. Atakayetupa hesabu sahihi ni nani kama si mhasibu? Ijapokuwa taaluma zingine pia zinahitajika, hatuwezi kuiwacha ya uhasibu nje.

Nikimalizia, ninaomba watakaohusika kuhakikisha Bodi hii inaweka mkazo kwa barabara zetu wazingatie zile muhimu. Tukitoka Mombasa hadi Malaba kupitia Nairobi, ni muhimu kitengo husika kushughulikiwa vilivyo ili tusiwe na ufasidi sivyo, tutakosa barabara tunazohitaji.

Kwa hayo mengi au machache, ninaomba niunge mkono Hoja hii ili kamati itakayochaguliwa iwe na uwezo wa kusitiri barabara zetu na tupate ufanisi tunaohitaji.

Asante, Mhe. Spika.

**Hon. Speaker:** Hon. Limo, you have the Floor.

**Hon. Limo:** Thank you, Hon. Speaker. As I rise to contribute to this very important Bill, I wish to say that it is timely. It has come late, somehow, because the Constitution, under Schedule Four, has classified the roads under the national Government and the county governments.

There has been a lot of confusion in the rural areas as to who is responsible to do roads. The passage of this Bill will clear a lot of doubt in the minds of the people. Under this Bill, boards like the Kenya National Highways Authority (KeNHA), the Kenya Rural Roads Authority (KeRRA) and the Kenya Urban Roads Authority (KURA) will be collapsed. They will be replaced by the new Kenya National Highways Authority (KeNHA) and the Kenya National Secondary Roads Authority (KeNSRA).

Over time, roads used to be constructed by the parent Ministry of Roads and Public Works. There have been many problems before. Since the setting up of these three authorities, there has been a lot of improvement in the management of roads. I wish to say that the Government should ensure the same discipline is improved so that delivery of service in the road sector can be better.

When it comes to the management of roads, the way the roads have been classified is good. However, I have an issue with the process. Current roads, particularly the ones which have been known in the rural areas, are classified improperly. The way classification has been done is that you will find that the roads which were taken to Class "C" and "D" are very few. A number of roads under Class "E" were left out. If you read the description given by the Bill, you will find that Class "C" are roads which link important regional routes linking county headquarters or other regional important centres to each other and to Class "A" and "B" roads.

There are a number of roads in my constituency which were initially classified as Class "E" but currently they are left in this class and, therefore, they have disappeared, yet they actually fit in Class "C". An example is a road linking Eldoret-Nairobi Road which is Class "A" to "B" and then it links Nakuru-Kisumu road via Kericho. That road is popularly known as Hilltop-Sigowet-Londiani Road which was historically Class "E". It has been in existence for decades. It was not supposed to have been classified under Class "D" but "C". It clearly falls under important links to county headquarters because it goes all the way to Kericho. This is just an example.

We have heard from Members that when roads were classified, public participation, as demanded by the Constitution, was not adhered to. We have never been given a chance to contribute in terms of classification of roads. We are urging the Departmental Committee on Transport, Public Works and Housing to ensure that classification of roads is amended so that as we pass this Bill the county roads will be properly classified.

We have many problems with our roads. Many times you find contractors working on our highways and some of them excavate roads so as to lay their communication cables. Some are county governments while others are contractors who excavate roads to lay pipes. This country

needs serious designing of roads. We need to design the road network properly so as to provide shared trunk for both communication cables and pipes. For example, we have very many companies including Faiba and others who have been destroying pavements in towns. This country will never develop if we do not design it properly. We need to come up with a proper trunk which is shared even if at a fee so that anybody who wants to lay cables can do so in properly designed routes.

As we construct our roads, we must pay attention to our local contractors. We have very many contractors coming to this country because it is very lucrative in terms of construction of roads. We have a group of people, especially youths, who have been registering companies and if we go to the banks you will be surprised that almost all of them have collapsed. When we started implementing devolution in 2013, Kenyans were very enthusiastic. They were saying that devolution is the answer. They bought trucks and all sorts of machinery but almost all of them are either grounded or have been confiscated by banks. This is because the way we manage our contractors is wanting.

Procurement laws require that no procurement should commence if funding is not available but, you will find most county governments, especially when they are constructing roads, currently procuring without proper planning. They end up leaving the contractors wallowing in poverty. Their machines and everything is taken by their financiers, either banks or different lenders. We want to encourage counties to follow the procurement law to the letter.

Secondly, there is an enemy called “pending bills” which has worked against the Government’s effort to build our roads. Initially, pending bills came up because of lack of enough funding. This is a situation where county governments are allocated all the money they require and it is used before the end of every financial year. At the end of the day you find many counties have pending bills with small contractors who were supposed to be assisted. They are actually terrorised for close to two financial years and yet the counties do not wait for any money from the national Government. I want to urge that this Bill must be adhered to and implemented properly.

As I finalise, I want to urge the KeNHA to relocate the weigh bridges away from the highway to ease movement of goods. An example is the Gilgil Weigh Bridge which has been a nightmare because people line up the whole night. They should be designed and relocated away from the highway. They should also be installed with automatic sensors so that light weight vehicles can move.

With those many remarks, I beg to support and urge this House to support this important Bill.

Thank you, Hon. Speaker

**Hon. Speaker:** Let us have the Member for Kwanza.

**Hon. F.K. Wanyonyi:** Thank you, Hon. Speaker, because I was the one on the stage---

**Hon. Speaker:** Just contribute. Do not give stories.

**Hon. F.K. Wanyonyi:** I am not complaining, Hon. Speaker. In supporting this Bill, I want to urge this House to be attentive to it.

I have been asking myself the genesis of this classification of roads. In my constituency, for example, it was all fine when we had the Kenya Rural Roads Authority (KeRRA), the Kenya Urban Roads Authority (KURA) and trunk roads but the governors got involved. I can tell you my biggest problem today is that I do not even know which road belongs to me or who actually came and classified roads in my constituency. It has all been done and as you know, this is one

way of pulling a rag under my feet. Members of Parliament should understand that things are not the same as when we came here.

The roads and National Government Constituencies Development Fund (NGCDF) are no longer ours. So what are you going to do in your constituencies? You will oversee but by just overseeing you are going to become irrelevant. To me, this has malice because the governors went and asked for the classification of roads in constituencies and counties. I know if it was done in good spirit there is going to be better coordination, management and maintenance of roads. Therefore, I do not even know my role in my constituency because I was supposed to have some roads but in Kwanza, I do not have any. This means that they were all taken by the county government.

Secondly, I know that classification was done and there was a 20-kilometre road network which I was supposed to get from the Government. I think this is in a Motion that we passed in this House sometime back in 2014. To date, I do not know what has happened. I hear of a 10,000-kilometre road network programme being implemented in this country, but as far as I am concerned, each constituency is supposed to get 20 kilometres. In my case, I have had surveyors coming to survey but nothing has happened for the last one year. As I was waiting for them to come and tarmack 20 kilometres of roads in my constituency for my own survival, they were taken away by the governors. We know that there will be sanity, but as far as I am concerned, something is amiss. We cannot sit here and wait to see what is next. The next thing is that we will have nothing. We are going to be rendered irrelevant because I know the National Government Constituencies Development Fund (NGCDF) will go and we will have nothing. Even the pupils we have been supporting through the NGCDF are now at home due to lack of fees. I am told that the governors are involved. As far as we are concerned, there is much more.

Much as there is going to be classification, we want the proposed Kenya National Secondary Roads Authority, which is going to take care of the county roads, to have the machinery put in regional centres. In the past, we had machinery and equipment that helped us in road reconstruction being taken upcountry all the way from Nairobi. It is better for us to have the equipment decentralised to regional centres so that we can access them for construction purposes.

In the past, we used to travel all the way to Nairobi to ask for equipment. Most of the time, we were told that the equipment had gone somewhere else. There was no coordination. Therefore, I request that that be done as we wait for what is going to happen.

Those of us who travel to western Kenya – to the so-called “Northern Corridor” – have a problem. The road is very narrow and it takes almost four hours to travel by road from Nairobi to Nakuru because of the congestion on the road. I hope that with this clarification, we will have lanes set aside for motorcycles and pedestrians so that trucks take one part of the road and motorcycles take the other to avoid accidents. We have been seeing nasty accidents on the roads because motorcycles and motor vehicles compete for the small space. As I said, those who use the Northern Corridor road take four hours to travel from Nairobi to Nakuru, and another four hours to get to Eldoret. This is because the road was not designed properly. The road to Kisumu has the same problem. We ask the proposed Authority to look at this and ensure that the Nairobi-Nakuru-Eldoret Road is a dual carriage road up to Busia or Malaba. That will bring sanity on the road and lessen the accidents that occur. This is because there are too many accidents.

The other day, I saw three motorcycles crashed at different spots just because of competing for space. The Northern Corridor takes trucks all the way to Rwanda, Burundi, South Sudan and Uganda. Some of them go up to Ethiopia. We have to do something about the road

network between Nairobi and Eldoret through Nakuru and onwards. We have a problem. Therefore, the proposed Authority should look into that aspect and redesign the roads.

As I conclude, I want to know where the 10,000-kilometre road network programme is being implemented. I have not seen it in my place. There is nothing in western Kenya. We hear of the 10,000-kilometre road network programme that some areas are getting but we do not have anything in the North Rift and western Kenya.

With those few remarks, I support the Bill and I hope that there will be some sanity in the whole system because it is bad.

Thank you very much.

**Hon. Speaker:** Hon. Yusuf Hassan, you have the Floor.

**Hon. Abdi:** Thank you, Hon. Speaker. I rise to support this important Bill. One of the fundamental differences between a developed country and a developing one is in the levels of their infrastructure and road networks. We can only achieve progress and the Vision 2030 dreams if we adequately invest in development of our infrastructure and, in particular, our roads. Roads contribute to economic growth and development. They provide an opportunity for people to take their farm produce to the market, travel and be able to do all the things human beings require in their daily activities and development.

One fundamental thing that has been raised here, which we need to change, is the confusion that exists. We seem to have too many Authorities dealing with different types of roads in our country. We need to change and rationalise this function. We also need to put in place rules and regulations to ensure that we build well-designed and long-lasting roads. Our roads also need to meet both regional and international standards. We need to get rid of cowboy contractors and penalise contractors who take taxpayers' money and do shoddy jobs. This is common in places like Nairobi, where you see one road being done today, with millions of shillings being spent, only for it to be full of potholes the following day.

Other elements which need to be looked into include planning, building, designing and management as well as maintenance of our roads. All these appear to be in a mess. We live in the nightmare of congested and jammed roads every day. We need to put some sense into that. I hope that this Bill will go a long way in doing that.

Another point I wanted to raise is lack of maintenance. What happened to the practice and culture of maintaining roads? You see potholes on roads that have just been finished and have cost millions of shillings in taxpayers' money. What happened to the practice of the old days when the department of public works used to repair those roads before they become a major problem and require millions and millions of shillings to repair?

Another element which has been raised is lack of public awareness among road users. It appears that many road users have very little consideration for other road users. Many of them also use heavy trucks without being penalised thus damaging roads. Some of them are reckless and they cause problems to other road users. This should be looked into. The public should be educated on how to use roads properly and to be safe drivers. Those who do not take responsibility for the use of our national roads should be penalised.

Finally, I would like to say that it is important to make a distinction. As a Member of Parliament now, I have difficulty in finding out which road falls under which Authority. If this is the case, you can imagine the confusion which exists among the public.

With those few remarks, I would like to support the Bill.

Thank you very much.

**Hon. Speaker:** Let us have the Member for Borabu.

**Hon. Momanyi:** Thank you Hon. Speaker, for giving me this opportunity so that I can also contribute to this very important Bill. Some of my colleagues have said a number of our constituencies do not have a single kilometre of tarmac road. It is important for us to come up with these kinds of boards so that we can have some uniformity on how roads are constructed in this country. Like in my constituency of Borabu, we have had the Head of State coming there twice and promising that the Nyansiongo-Raitigo-Metamaywa Road would be tarmacked. It is almost two years now and we have not seen any works on that road. It becomes very cumbersome going to every office asking for favours and trying to find how far some of these road projects are. If we had a competent authority channelling answers to the questions that we raise, it would help most of us so that we know exactly what we should tell our people.

It is also important that this body should be able to regulate how funding is done so that we have funding done almost everywhere in this country. As one of my colleagues has said, we do not even know as Members of the National Assembly the roads which we are supposed to do. You find residents of a constituency sometimes making noise about every road without knowing whether it is a national or county road. It is therefore important that we have regulations in place and a proper body which should be updating us about these road networks.

You will also find that most of the roads are poorly designed. Quite a number of roads do not have proper bus stops. Therefore, *matatus* and buses stop anywhere, even in the middle of the road, thereby causing accidents. Therefore, it is important for classification to be properly done and to have a proper board which should be giving us updates on our roads. It is also important for the national Government to know that this country belongs to all Kenyans and we should have roads done everywhere in the country unlike instances where we see roads done in certain areas in this country while neglecting some parts of the country.

I support this Bill and we should see its fruits as soon as possible so that we do not just pass some of these Bills and then they do not see the light of the day. This is a good Bill. Let us have it implemented as soon as it is passed.

Thank you, Hon. Speaker, for giving me this chance.

**Hon. Speaker:** Hon. Peris Tobiko.

**Hon. (Ms.) Tobiko:** Thank you, Hon. Speaker. I rise to support this Bill. Infrastructure in this country is very important. We cannot overemphasise the same. If development of infrastructure was distributed equitably to every part of this country, we would have all the roads in all parts of this country being developed. I believe all Kenyans are hard workers and we would be able to move on in terms of development.

As you are aware, quite a number of constituencies are suffering because of the issue of classification of roads. We have had the Council of Governors (CoG) going to court to stop Kenya Rural Roads Authority (KeRRA) and other national agencies from doing a number of roads. So, for quite a while our constituents have suffered because we are unable to tell which roads to do and we have been subjected to the whims of governors so that if you are in a working relationship with them, they will allow you to do a road and yet we are elected and we have our own mandate from the people. It is sad that anybody would go to court to stop development in their own counties. We have suffered and our constituents have suffered and we feel for them.

My constituency is one of the newly created constituencies. These are areas that had been left out of development completely. Kajiado East has no tarmac road. Sometimes we benefit from Mombasa Road and the road heading to Namanga, but we do not have a single tarmac road. We have eagerly been waiting for the launch of the Isara-Mashuuru-Kajiado Road. The people of Kajiado East also hope that---

*(Technical hitch)*

**Hon. Speaker:** Very well. Hon. (Ms.) Tobiko.

**Hon. (Ms.) Tobiko:** Thank you, Hon. Speaker. I was talking about the importance of this Bill. We cannot over-emphasise the necessity of infrastructure in all parts of this country especially the road network. This is what promotes development.

I had gone ahead to state that Kajiado East Constituency is one of the constituencies that does not enjoy a single tarmac road. We have been looking forward, waiting and praying that, at least, the Isara-Mashuru-Kajiado Road will be done during this term of the Jubilee Government. If we will be fairly considered to have Isinya-Konza Road which is heading to the Konza City, I am sure many Kenyans will benefit. I believe that if we were to have Kitengela-Tuala Road tarmacked, the constituents of Kajiado would elect the Jubilee Government until Jesus comes. We will not ask anything more from the Jubilee Government if our roads are done. That is because we suffer.

There is confusion on the ground about the roads which belong to the county government and the ones which belong to the national Government. I am aware that the other day, sand harvesters from my constituency were protesting because of the Imaroro-Kiu Road. The Governor said that the road belongs to the national Government. That is not the case. The county governments continue to collect a lot of money from the sand harvesters. They should use the same money to maintain the roads. County governments are running away from their obligations and responsibility. It is not fair to our constituents. It is not fair to our people.

We also have our towns in a mess. Kitengela has a road network that needs to be dealt with, so that we can save the residents of Kitengela from a lot of dust. There should also be planning of sewers that spoil the roads. The county government has a lot of to do. Kenyans should be educated on the roles of the county government because they do not know. The county government should be planning the towns, maintaining the sewer systems and also the road networks in town. The county governments have used the national Government as a cover for not doing their work.

I stand to support this Bill because it is important. Class “C” and “D” should be done by the Kenya Rural Roads Authority (KeRRA) and National Secondary Roads Authority (KeNSRA) for the benefit of Kenyans.

Thank you.

**Hon. Speaker:** Let us have Hon. Moi.

**Hon. Moi:** Thank you Hon. Speaker, for giving me the opportunity to contribute to this very important Bill.

The development and maintenance of the road network in this country is key to economic growth and poverty alleviation. Production of goods and access to markets by small and medium-size entrepreneurs depend on good roads. Additionally, those who live in ASAL areas also depend on a good road network. Otherwise, their security will be in jeopardy.

Before the advent of devolution, the Central Government was responsible for constructing and maintaining all roads in this country. Under the new constitutional dispensation, a new framework has been established that defines the duties and roles of the various levels of government. The national Government will be responsible for the national trunk roads as the county government take responsibility for the county roads. Therefore, the Bill eliminates a lot of confusion that had engulfed the road sector even for the Members of Parliament. We would

have difficulties with the county governments in trying to determine which roads would be done by the Members of Parliament and which ones would be done by the county governments. Because of this Bill, that confusion will be eliminated.

The Bill also classifies roads into three main categories; namely, the primary national trunk roads, the secondary national trunk roads and the county roads. The roads are the responsibility of a specific authority- Kenya National Highway Authority (KeNHA) and Kenya National Secondary Roads Authority (KeNSRA). One authority will be responsible for the primary national roads and the other will be responsible for the secondary national roads. Of course, the county governments will be responsible for the roads that are mostly gravelled.

Hon. Speaker, there are currently agricultural boards, like the Kenya Tea Development Agency (KTDA) that are authorized to collect levies and maintain roads in small-scale tea growing areas. I do not know whether it has been dealt with in this Bill. It is very important to clearly state who will be responsible for the roads that served specific development objectives. Those roads will lead to areas that produce wheat, tea, rice and coffee, and to areas with potential in tourism and fisheries activities. It should be noted that levies were imposed on farmers for the maintenance of those roads. This being Kenya, we know that some of the monies that were collected were never used for the intended purposes. It should be made clear who would be responsible for those roads. We now believe it will be the county governments that should be accountable. There should be audit and accountability.

A good road network is essential for our economy, especially in the rural areas. It can be used for transporting farm inputs and outputs. This Bill should also make provisions for the construction of tracks and lanes for non-motorized modes of transport such as *boda boda* bicycles and carts, so that we can minimize accidents. The Bill also needs to address measures that should be put in place to lessen road congestion, especially in urban areas. The Departmental Committee on Transport, Public Works and Housing needs to propose measures aimed at increasing demand for other modes of transport, like rail, to ease the burden on our roads. This Bill, in Clause 60, states that trunk roads can be made national toll roads, where charges for road use will be levied. The revenue raised from those levies is important in that it will be used in maintaining the same roads. As we know, in the past, such levies were not used well because of corruption and lack of audit. This has led to poor maintenance of the roads. We need to do frequent audit to ensure that there is compliance in order to lessen corrupt practices.

Finally, I would like to urge the authorities in charge of the various categories of roads to come up with strategies to ensure the use of labour intensive techniques for constructing and maintaining roads in order to alleviate the extremely biting unemployment of our youth.

With those few remarks, I beg to support.

**Hon. Speaker:** Member for Maara.

**Hon. Mbiuki:** Thank you, Hon. Speaker, for giving me the opportunity to contribute to this important Bill.

This Bill is critical under the current constitutional dispensation. During the old constitutional dispensation, it was the preserve of the national Government to ensure that roads are maintained across the entire county. Under the new Constitution, we have two levels of Government; namely, the national Government and the county governments. In the end, we have been having serious clashes and blame games between the two levels of government because even as leaders, we cannot differentiate which roads fall under the national Government and which ones fall under the county governments. This Bill is curing this confusion. It also creates three authorities; namely, the National Roads Authority, the National Secondary Roads



Authority, which will be the preserve of the national Government and another authority to take care of the county roads.

Hon. Speaker, sometimes early this year in January, the national Government did the classification of roads. Classes “A”, “B” and “C” are the preserve of the national Government. Class “D” downwards to unclassified roads will be maintained by the county governments. This has helped to cure some of the ambiguities and blame games which we have witnessed since the promulgation of the new Constitution.

I would urge the Government to ensure that once this Bill is enacted into an Act, we should have the entire country benefitting from the roads sector because roads have been extremely emotive and have been used for political patronage. During the last regime, in the larger Meru District, we used to have roads done only in Meru County. A road could start from Tharaka Nithi County to Meru County. However, immediately it reaches the border between Meru County and Tharaka Nithi County, it could wane and Tharaka Nithi would be disadvantaged.

Under the current Jubilee Government, Tharaka Nithi County has benefitted greatly under the improved roads infrastructure. Now, we have a tarmac road in Chuka Town and other access roads which are being tarmacked. As residents of Maara Constituency whom I represent in this House, we are still looking upon the promise which was made by the Jubilee Government to ensure that the Chogoria-Weru Road is tarmacked. We had an occasion when the Deputy President and the other top leadership of this country visited the area and promised that under the Roads Annuity Programme, those roads will be done. But as we all know, the programme was not successful. Very few roads were done under the Roads Annuity Programme and hence, later on the 10,000-kilometer low volume sealed roads were introduced.

However, even under the low volume sealed roads, it is yet not very clear which part of the country is going to benefit. Many Members of Parliament (MPs) have been moving from one office to another. They have been moving from the Office of the President, offices of Cabinet Secretaries (CSs), Permanent Secretaries (PSs) and Director-General of Kenya Rural Roads Authority (KeRRA) to ensure that our constituencies benefit from those important road programmes. I would like to urge that we have an orderly way such that if there is 10,000 kilometers which will be done under the roads programme, we need to ensure that it cuts across the entire country and all the 290 constituencies benefit, even if it means 30 kilometers per constituency. That way, it will not be the role of MPs to go and sit in people’s offices from morning to afternoon seeking to see PSs and the CSs to ensure that their roads are also earmarked for tarmacking.

Hon. Speaker, we need to have standardization when it comes to the maintenance of roads. We need law and order. We need to ensure that those roads are done as per the specific standards. We also need to ensure that the contractors---

*(Technical hitch)*

**Hon. Speaker:** Hon. Mbiuki.

**Hon. Mbiuki:** Thank you, Hon. Speaker. We need a commission to investigate and ensure that whatever is happening here does not recur again. Hon. Speaker, we need standardization when it comes to road construction in this country. Roads play a critical role in the development agenda of this country. As leaders, we have realized that what we sanction a lot and what it means to our people is good roads.

The most critical part of this Bill is to remove ambiguity and the clashes that have been there between the two levels of Government. They will be cured once and for all. I urge my colleagues in this House to ensure that whatever roads are classified under the national Government become a preserve of the national Government to ensure that they are constructed. Let us not bite more than we can swallow for the national and secondary roads. Those are the roads that link one county or urban center to another.

Let us also develop some good programmes to ensure that the national Government undertakes very precise and predictable ways of ensuring that rural access roads are properly upgraded into all-weather roads.

That way, rural access roads will be left under the preserve of the county government. The other major link will be left under the national Government. This is an extremely timely Bill. It will ensure that we have two authorities from the current three authorities: The Kenya National Highways Authority (KeNHA), Kenya Rural Roads Authority (KeRRA) and Kenya Urban Roads Authority (KURA). We are merging them to two to be left with the two levels. We should realise that we are operating under the new constitutional dispensation. It is not the role of the Members of Parliament (MPs) to manage construction of roads. Our role is oversight. Our role is to ensure that what the national Government is supposed to do in our respective constituencies is done in a systematic and professional way.

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

**Hon. Speaker:** Hon. (Ms.) Zainab Chidzuga.

**Hon. (Ms.) Chidzuga:** Shukrani, Mhe. Spika kwa kunipa nafasi hii kuchangia Mswada huu ambao umekuja wakati mzuri. Nasema hivyo kwa sababu utaweza kutufafanulia barabara ambazo zitasimamiwa na Serikali kuu na zile za serikali za kaunti. Hapo awali, kumekuwa na mvutano ambao umesababisha madhara. Kwa mfano, katika eneo langu la Kwale, barabara ni mbovu kabisa. Zaidi ya machungu ni pale ambapo Serikali kuu ilipoamua kutuwekea barabara lami, magavana walienda kortini kuzuia barabara hizo ziziwekwe lami.

Kama Wabunge, Mswada huu utatupa mwangaza kutekeleza majukumu yetu ya kuangalia jinsi hela inatumika pande zote mbili - Serikali kuu na serikali za kaunti - kinyume na vile magavana wanavyofikiria kwamba sisi hatupaswi kuchunguza matumizi ya pesa katika kaunti.

Mhe. Spika, ni jambo la kusikitisha. Ilifikia kiwango kwamba barabara zetu zilizorota kwa sababu ya mvutano. Tumekuwa tukitetea barabara nyingi zisimamiwe na Wabunge. Kuna mfano mzuri wa matumizi mabaya ya pesa pale ambapo magavana waliamua kuchukua hospitali zote na hivi leo, hospitali hazina madawa. Kunguni tele na watu wanalala watano na wengine wanalala chini. Hivi sasa, wamepewa nafasi ya kusimamia barabara na sisi pia tuna hofu iwapo wataweza kusimamia vizuri kwa sababu lengo lao sio kumuhudumia mwananchi, bali ni kuweka pesa mifukoni.

Mhe. Spika, kuna tatizo kuu katika Kaunti yetu ya Kwale. Tumekuwa tukiambiwa kuwa Dongo Kundu itajengwa barabara. Ingekuwa imejengwa. Lile tatizo la watu na magari kutumbukia baharini lingekuwa limeepukika. Ule msongamano ambao uko katika feri ni kwa sababu Dongo Kundu imekuwa ni nyimbo au hadithi ambayo mpaka leo haijawahi kutekelezwa. Tuna imani kwamba kupitia Mswada huu, barabara nyingine kama hiyo ya Dongo Kundu, ile iliyoko eneo Bunge la Matuga, na ile iliyoko Marere kuzunguka kupitia Shimba Hills hadi Mabungo, imewekwa lami kwa wakati unaofaa. Barabara hiyo katika Eneo Bunge la Matuga imesaidia usafiri na ingeweza kusaidia kusafirisha mazao na hata wagonjwa. Hufikia kiwango ikawa barabara hiyo haipitiki. Barabara nyingine ni ile ya Samburu-Kinango-Kwale-Lungalunga

kupitia Ndavaya. Hivi sasa, magari yote kutoka Tanzania yanatumia barabara hiyo kwa sababu yanapopitia feri, inachukua siku tatu au nne ndio gari liweze kuvukishwa. Barabara ya Samburu-Kinango-Lungalunga imerahisisha usafiri. Kwa upande wa utalii, barabara hiyo ya Samburu-Kinango-Lungalunga-Kwale inafaa kuwekwa lami wakati huu. Hii ni kwa sababu imekuwa nyimbo tangu enzi ya Rais Mstaafu Daniel Arap Moi. Kila wakati tunaambiwa kwamba lami itawekwa, lakini hatujawahi kuiona. Sasa hivi, tunategemea barabara hiyo kwa utalii. Ikiwekwa lami, itatufungulia utalii ambao umezoroteka katika Kaunti yetu ya Kwale.

Barabara iliyo katika eneo la Lungalunga inayoenda Shimoni ni barabara nyingine muhimu. Hivi leo, tunataka bandari ijengwe haraka lakini ikiwa barabara kutoka Kanana hadi Shimoni haitawekwa lami, basi hakutakuwa na maana. Mvua inaponyesha, barabara hiyo haipitiki. Barabara ya kwenda Vanga pia haipitiki mvua inaponyesha. Sehemu hizi ni nzuri sana katika kukuza utalii katika eneo letu la Kwale. Naunga mkono Mswada huu kwa sababu utatuonyesha mwelekeo ambao utatekeleza mahitaji muhimu ya mwananchi.

La ziada ni barabara ambazo zimejengwa kupitia China Road na mashirika tofauti. Wakati umefika upanuzi wa barabara hizo uweke nafasi ya watu wa *boda boda*. Ajali nyingi za *boda boda* zimetokana na barabara nyembamba na hawajatengewa sehemu zao za kupita.

Magari yetu yana michoro kwa sababu zile pikipiki zikipita, zinakwangura gari na ukisema umshtaki, utakuwa unamwonea kwa sababu si makosa yake maana anahitaji kutumia barabara hiyo. Mswada huu utatusaidia. Natumai hakutakuwa na ufiisadi katika mpangilio wa ujenzi wa hizo barabara. Ufiisadi umetuharibia mipangilio mingi ambayo inasimamiwa na Serikali kuu kumwondolea mwananchi tatizo katika usafiri katika nyanja zote.

Kwa hayo, naunga mkono Mswada huu.

**Hon. Speaker:** Hon. Humphrey Kimani Njuguna.

**Hon. H. K. Njuguna:** Thank you, Hon. Speaker. I rise in support of this Bill. The first time I appeared before the Departmental Committee on Transport, Public Works and Housing, I was agitating for the tarmacking of roads in Gatanga. There was laughter in that Committee to the effect that all roads in Gatanga are tarmacked and that there are no potholes. The truth of the matter is that I do not have more than 50 kilometres of tarmac road in my constituency. I had even petitioned Parliament to go to Gatanga to see the hitherto belief that Gatanga is very developed in terms of roads.

In support of this Bill, I want to say that roads are one of the universal indicators of development. World over, roads, infrastructure, health and communication are some of the indicators of development. In the developed world, the level of infrastructure, particularly roads, is so high and pronounced. But when you come to countries like Kenya, then you can see exactly what we are talking about. This Bill is recognition that roads play a major role in economic growth and development of a country. The fact that we have a new constitutional dispensation order, particularly the Fourth Schedule, where we are now talking about county governments and the national Government, it is important that we support this Bill because it recognises the two levels of Government.

We have KeNHA which will be in charge of primary roads. The KeNSRA) will be in charge of secondary roads. The county government will be in charge of the county government roads. This classification, like some Members have contributed before me have observed, is important because of the confusion that has been there. This classification is also important because we will know the capacity of the national Government and county governments. We want uniformity in some of those roads. So, this Bill will end the confusion and politics which have been there in that sector.

I support the Bill because we will know the roads that belong to the county governments and national Government. We will know the mandate of the two authorities which have been established. The Bill sets out the parameters which KeNHA and KeNSRA shall follow - like the national values and principles of governance as specified in Article 10 of the Constitution. It also sets out the relationship between the county governments and the national Government, the principles of accountability and public participation. The Bill also outlines all the principles that those authorities will follow. This is important, particularly public participation because it is one of the principles that are enshrined in our Constitution.

Recently, I took members of the Roads Board and Government officials to my constituency, in connection with 10,000 kilometres annuity programme. I have been allocated a road. Interestingly, my constituents said they want their road to be constructed by Chinese because they are the only ones with the capacity to finalise the road as fast as possible. That amazed me. The Wanjiku down there is denying local contractors the chance to construct the road. I asked myself very pertinent questions. What is wrong with our local contractors to the point that Wanjiku does not believe or support them? Those are the questions which we need to answer because we need to support our contractors.

I concur with some Members who have said that it is important to support our contractors, but then the *mwananchi* is refusing to award them contracts. She is saying that those people have failed in the past. They are proposing the Chinese to construct the roads. This is very interesting. Even as we support our own, we need to ask ourselves what has gone wrong, so that we can address that question. It is important that we support our contractors. In fact, any road below 20 kilometres is supposed to go to the citizens of Kenya. Any road above 20 kilometres is open to other people. However, our people are proposing to award the contracts of roads which are below 20 kilometres to the Chinese. Are the Chinese taking over the contracts in this country on public interest? It is important to address those issues because we are talking of economic growth and development in this country.

When we construct roads like the Thika-Nairobi Highway, there are questions which are very disturbing. After every five kilometres in the Thika-Nairobi Highway, you get bumps, which create traffic jams. Is it that we do not have the discipline required? That is because bumps are only in this country? What ought to be done? What should we do because that road was supposed to clear traffic jams? Woe unto you if you are travelling over the weekends or another place, the traffic jam starts all the way from Kenol to Witeithie in Mangu because of the bumps. The discipline in our roads is poor. We need to address it. As we create those authorities, it is important to know how to create the necessary discipline in our roads. The intention of the Bill is to bring order in our roads, and to make sure that we can deliver in marketing our farm produce and allow accessibility and socialisation. That is because roads open up all the regions.

I support this Bill, its intentions and the authorities which it is establishing. Thank you.

**Hon. Speaker:** Member for Kathiani.

**Hon. Mbu:** Thank you, Hon. Speaker, for giving me this opportunity to contribute. When the current regime came to power, it promised this nation serious economic development. It said that we will get double digit growth. The only way that can be achieved is through the development of proper infrastructure for our nation. Unfortunately, my observation in the infrastructural development of this country seems to be connected very closely to politics. My colleague has just told me that it is important to know that when a Government is developing a region, it should look at what it will get in return, but not what will develop the nation. The Government should look at what it will get back in terms of votes from the regions which it is

developing. Members have contributed about roads which are being constructed in their regions. I have been in Parliament for three years. When I was elected, there is a road that had already started to be constructed. It was already being tarmacked. But since then, absolutely not a single cent has been put there. I brought a Petition in the morning to complain about the state of that road, where public funds are being wasted. This is an important Bill and a situation to look at.

Kenya's development is through Mombasa Road. That is where most of our imports come through. Mombasa Road has only two lanes. One lane is going to Mombasa and another one is coming to Nairobi. However, from Nairobi to Thika, there are six lanes going towards Thika and six lanes coming towards Nairobi. Basically, I do not think we are doing development, in terms of what can help the economy of this nation. We are doing politics in development. This is something we need to work strongly against. This Bill will help us achieve or solve some of those problems because it deals with the classification of our roads, standards and designs, construction and maintenance. It is also proposing the formation of the two bodies, KeNHA and KeNSRA. Classification of roads is an excellent idea because we will distinguish between the two levels of Government - the national Government and the county governments - in terms of development of roads.

Recently, there was a court case which was brought against KeRRA by the county governments. They were proposing that KeRRA should not undertake the construction of roads. They look at KeRRA as a national Government authority. It is important to classify and make a law that distinguishes between the roads they can construct and the ones that can be constructed by the national Government. Recently, the county governments had gone to the court again to fight the National Government Constituencies Development Fund (NGCDF). What are they fighting? I suspect it is because if you go to the counties, you will find a classroom being constructed for Early Childhood Education (ECD) centres at a cost of Kshs1.6 million. A similar classroom constructed by NGCDF costs Kshs 500,000. So, governors do not want to see Members of Parliament with money for development. That is because they are exposing how they are stealing taxpayers' money.

In Machakos County, there was a full page advert put in all the dailies showing the roads that the county government would construct and deal with. I was shocked when His Excellency the President came to the region. I was surprised because all those roads are national Government roads. So, I asked myself a question. If those roads were constructed, and the President did not come to tell us, what would have happened to the money that the county government was proposing to spend on those roads? This is an excellent Bill. It will seal the loopholes that the governors are using to take money from us.

I also constructed a 15-kilometre road through KeRRA. We were doing bush clearing, gravel patching and grading. Where the road began, the governor put a sign board. Where the road ended, he put another one. In the middle, he built culverts worth about Kshs30,000, Kshs40,000 and Kshs50,000. When you look at the advertisement which has the photograph of the youthful Governor of Machakos County, it does not say that he is doing gravel patching. It just says "culverts" but our people do not read. They look at the photograph. So, they know the Governor has done the road. Basically, we need to separate our roads so that this business of being cheated becomes something of the past.

Hon. Speaker, this Bill deals with standards and designs of road construction. I brought a Petition in the morning talking about a road that was not done well and not completed and, therefore, it is eroding currently. In our county, there is a road that every Kenyan has talked about. It has been on social media and on television. Many photographs of that road have been

taken from every angle. It is from Kithimani to Makutano Ma Mwala, Machakos County. Incidentally, it broke two records. The first one is that it had the most number of contractors on a single road. There were 11 contractors doing 33 kilometres. I think each was doing three kilometres. The second record it broke is that it was the fastest road to be done. It was done in three months. But there are three other records that nobody is talking about. The first record which is not stated is that it is the poorest designed road in Kenya. It is a road with a single line on the bridge and there are three to five bridges on that road. I wonder what they were thinking as they came up with that road. The second unknown record is that it is the most highly repaired road. Before it was commissioned, it was already being repaired. Those are things we have to talk about.

The worst record is this: I think it has the thinnest layer of tarmac than any road in the world. In fact, a drizzle will wash away part of that road. That has been perpetuated in some of our areas. In Kathiani Constituency, in Mitaboni Market, a road was done. It drizzled and the tarmac was washed away. They painted the tarmac on the road. As a nation, we need to ensure that the standards of the roads that are done in our country are high.

On the issue of the construction of roads, I want to talk about the proposal that has been mentioned by many Members. We were told that the current regime will do 10,000 kilometres. But here in Parliament, we passed that every year we will do 20,000 kilometres. It is three years down the road, but not a single road has been done in Kathiani. I believe that if we go on like this, probably, there will be no single kilometre of tarmac up to the end of the term. I wonder what I will tell the people and yet, I was clapping and saying that the regime has said that it will work for us and that Jubilee is working. The people of Kathiani are talking about roads, but nothing is being done. So, we need to ensure that those things are done, so that we can solve this problem.

Finally, when roads are done, let us ensure there is a proper maintenance budget. If you do a good road and you do not put money aside for maintenance, obviously, there will be a problem in the future. When we put up good roads, we should maintain them and ensure we have expanded the road network in the nation and this country will go far. If we do that and if what I have said is taken seriously by the regime in power, I am sure Kenya will develop and probably hit the double digit.

Thank you, Hon. Speaker, for giving me the opportunity.

**Hon. Speaker:** Hon. Kubai Iringo.

**Hon. Kubai Iringo:** Thank you Hon. Speaker, for giving me the opportunity to contribute to this important Bill. I support it. It is long overdue. It should have been brought earlier than this period, when we are facing a crisis of financing in the construction of roads in this country.

This Bill will save a lot in terms of conflicts, duplication and blame games which have been going around in the counties and constituencies in the country. I believe that each county or constituency has experienced it. It has not been clear which roads belong to the counties and which ones belong to the national Government. I strongly believe that the Authority which is going to be established by this Bill will go out of its way and expediently define the roads that should be constructed, managed and maintained by the county governments, and those which will be maintained by the national Government.

We have even had problems with some counties where you are not able to sit with a county government to prioritise, budget or even identify the roads which are to be constructed. In the past, we have been dealing with KeRRA, which is going to be replaced by the National

Secondary Roads Authority. We would allocate money to KeRRA for a particular road and it would be evaluated, but before the contractor would go to the ground, the county government would come overnight with a grader and work on the same road. Thereafter, you go to the drawing board again. I strongly believe this will solve those problems and the roads will be done expediently without duplication.

Let me also add that it is only through infrastructure that we can develop this country, and it is natural justice. When you look at places where there has not been any road, once a road is opened there, development takes place. The value of land goes up, people put up structures and businesses come up. We have evidence of the Northern Bypass. That place was a bush from Ruiru to Mombasa Road. Nobody lived there but, today, it is a beehive of activity because of the road which has been opened.

If we go back to our villages or rural areas, you will find that if there is no road, carrying the produce from the farms and people trying to access facilities like hospitals, dispensaries, markets and even going to shopping malls becomes very difficult.

My constituency, Igembe Central, is very young and it has no roads at all. It is very difficult especially when we have a lot of produce in the northern part of the constituency, where we grow cereals and other food crops. When it rains, there are food crops, but they cannot be taken to the people who need to consume them. There are food crops, but they rot in the farms because there are no roads for transport.

With this Bill, I strongly believe the Authority will go out of its way and make sure that each constituency, each ward and every corner of this country is accessible in one way or another. I also request the Authority to look for ways of decentralising its offices. The Kenya National Highways Authority (KeNHA) has few offices in the country. They are located in places like Nairobi and Isiolo. When you need their services, it is very difficult to get them. I propose that we have an office in each county - if not in each sub-county - for access of service and other things.

When it comes to repairing of roads, they are constructed well and a lot of money is spent. But, after it has been done, there is no programme for the maintenance of that road. It is left out, gets dilapidated, gets potholes, shoulders are worn out and the bus and *matatu* stages get worn out. By the time someone realises that the road is worn out, the amount of money that was supposed to repair another one is spent to rebuild that road.

We have a case in point. The road in my constituency from Farm to Meru National Park was done 10 years ago. It was a very good road, but it has never been repaired even once in that period. It has eroded and today, we are seeking the Government to rebuild it. It will become very expensive. Let the Authority make sure that once a road has been classified and it has been tarmacked or graded, it should be repaired in subsequent years because there is always erosion because of the rains. If we ignore the roads, we will start re-inventing the wheel and we will waste a lot of money.

There is a policy in this country which I do not know. The Authority should look at bumps on our roads. On each road, you find people erecting them using soil or stones. Sometimes, they cause very bad accidents. There should be a policy where a bump should be erected and the standard and gauge at which it should be done. A case in point is the road from Makutano to Embu, all the way to Meru. There are almost 300 bumps on that road. Driving on that road is a nightmare. Some bumps are so high that small vehicles cannot drive over them. Let them be standardized and done in a way that even if a vehicle hits them by accident, it is not

damaged and the driver does not run the risk of causing an accident. Let them put up proper road signs for bumps to be identified.

In the same vein, there is influx of *boda boda* or motorcycles. There are so many of them in the country at this time. They have become a mode of transport, especially in the rural areas and villages. The trouble is that policemen have closed their eyes to the way those motorcycles are used. We have accidents every day. We are burying our children every day because the motorcycles are driven by very young people. The motorcycles carry many people and luggage. Unfortunately, our roads were only designed for one vehicle to pass another. We did not have lanes like in the western world, where they have lanes for riders, pedestrians and drivers. The authorities should look into modernizing our roads to cope with the influx of motorcycles. We should have a lane for motorcycles because they are mostly hit by vehicles since they ride on the same lane and drive at a very slow speed. A speeding vehicle will always knock those people accidentally. Therefore, the structure of our roads should be done in a way that will accommodate all.

Bus stops have been quietly neglected by those people who construct and repair roads. The road from Meru to Maua was recently repaired. Whereas the road had very good shoulders and bus stops, whoever repaired the road only repaired the two lanes which vehicles use. The other section which should have also been repaired was not done. That is where we get those briefcase contractors who are in a hurry to earn money. You then hear that people are looking for the Chinese to construct our roads, instead of our own people. Let us get proper engineers through the authorities to construct our roads and give accreditation to serious people who are ready to properly construct our roads. Through the authorities and surveyors, we will save a lot of money and those serious business people will benefit. Kenyans should benefit in their own country, instead of taking our resources to other people.

With that, because of lack of time, I beg to support the Bill.

**Hon. Speaker:** Let us have the Member for Kaiti.

**Hon. Makenga:** Thank you, Hon. Speaker for giving me this opportunity. I rise to support this very important Bill. From the outset, this Bill is very timely. This House passed a Motion sometimes in 2013 to have at least 20 kilometres of roads constructed in every constituency. This was going to cure the problem of areas which are deemed to have been highly marginalized. The construction of a 20-kilometre road in every constituency would have meant that every constituency would enjoy the fruits of this country and the equitable distribution of road construction. This should be looked into by the Government, although it has come up with the ambitious 10,000 kilometre Roads Annuity Programme, which has not started up to now. If that Motion, which was tabled by one Member of Parliament, could be looked into and actualized, it would really bring a big change in road infrastructure.

Infrastructure is very important. We cannot talk of any meaningful development in this country without talking about infrastructure. Talking about road infrastructure means that development can be hastened and growth can be spurred. Talking about infrastructure means we can connect from one point to another. If roads are not constructed to ensure faster movement of goods and services, then it means that there is no meaningful development which is being realized.

The improvement of roads in some parts of this country is causing a lot of concern. There are some roads which are constructed and end up getting dilapidated even before they have been used for two years. It is important that the road engineers or the people who construct those roads



make them to last for a longer period. Maintenance is very key. Some roads develop potholes and it takes so long before they are repaired.

I would like to point out the upgrading of roads in the country. In my constituency, there is no single road that has been upgraded to the level which the Government is supposed to maintain. Most of the roads have gone under the oversight of the devolved government. This is causing a great concern because it means that in my constituency, there will never be a single tarmacked road. The county government in our county has never constructed a single kilometre of road. That is causing a lot of concern. I urge the Kenya Roads Board (KRB) to consider upgrading, at least, three or four roads to national standards so that, at least, we can have some of the roads being tarmacked. It is important that the improvement and upgrading of the roads is looked into so that we can also feel that we are part of the country when it comes to road infrastructure.

I would also urge the agencies which are concerned about road improvement to do their part. The Nairobi-Mombasa Road has remained a single-lane road for a very long time. That road is very important to this country. It is high time that the Government considers dualling that road because it is a very important road economically. It is in the heart of the economy of this country. Before the introduction of the Standard Gauge Railway (SGR) in this country, we have been depending on Mombasa Road. This road is very important and should be dualled so that it can continue helping the economy of this country. Not all goods will be moved by SGR from Mombasa to Nairobi. Some goods will still be moved from Mombasa to Nairobi and other parts of the country by road. That is because loose cargo and any other light cargo have to be transported by road. It is high time that the Government puts money towards improvement or dualling of that road.

Hon. Speaker, the other very important issue is that some roads are designed with many loops. That is a core mandate of the Government. Those loops or so many corners can cause accidents. If the designs can be in such a way that they reduce the loops, we will reduce accidents.

Hon. Speaker, some roads have been devolved and will be maintained by the county governments. I fear for my county because it has taken four years for it to construct a single road. I urge the Kenya Roads Board (KRB) to consider upgrading, at least, three or four roads in my constituency.

Thank you, Hon. Speaker.

**Hon. Speaker:** Let us hear the Hon. Member of Parliament for Emurua Dikirr.

**Hon. Kipyegon:** Thank you, Hon. Speaker. I also rise to support this Bill with some reservations, given that this is a Bill which is going to determine how roads in this country are going to be constructed. As per the Constitution, the provision was that all the roads should be classified so that it is known which ones will be managed by the national Government and which ones will be managed by county governments.

From the experience we already have, there are so many authorities which have never been useful to the citizens. They have not been doing any good to this nation. If you look at the Kenya Urban Roads Authority (KURA), it has not been doing any good work. The county governments have been doing badly in almost all constituencies. I wish to state that the classification or re-classification of those roads should have been put into a very serious scrutiny. That way, we will not come up with a classification like the one we have, where certain roads are wrongly classified as "A", "B", "C", "D", "E", "F", "G" and all that. I know the Departmental Committee on Transport, Public Works and Housing might not have been the originator of this

Bill. It may be the Ministry of Transport and Infrastructure. But, as the Committee vested with the power to bring this Bill, amend it and table it in this House, I would have wished that it went to all parts of this country. That should have been the case, even if it would have taken them a year. It would have been prudent so that when they come up with a plan like this, it would be classification based on knowledge and the fact that they went round. This is a Committee which should avoid those international travels. You cannot tell me you are going to the United States of America to see how they make roads and you cannot come closer to them. You cannot tell me the members have been travelling to China or Japan to look at how they make roads and yet, we cannot come closer to making even a kilometre of such roads. The members should have gone round the whole country to ensure that each and every constituency will have a road that is classified when they bring this idea of classification. That is so that each constituency can get, at least, 20 kilometres of tarmac road when money is put to infrastructure.

I will say with a lot of sadness that there are so many constituencies whose roads fall under Class “E” and those other classifications, which will be run by some rogue governors. In my constituency and many others, we do not have any road that falls under Class “A”, “B” or “D”. Our roads fall in those other classes. Some of them are not even classified. I wonder how we are going to benefit from that classification if our roads are not classified. Those that are classified are classified as “E” and the rest. From the challenges we face where a county government constructs a road and then stays for three or more years without repairing it, I find it very hard and tempting to decline or oppose this Bill.

In each of the previous authorities, there have been yearly allocations of maintenance and repairs. In this Bill, I wish to create a mandatory allocation of funds to each road in this country every year. If it will be the county government, each will be obligated to ensure they allocate money to every road every year. That is so that roads which have been created are maintained and repaired. That is how the Kenya Rural Roads Authority (KeRRA) and Kenya National Highways Authority (KeNHA) have been doing it. That is very fundamental because we cannot allow monies which are usually allocated to the national Government or county governments to be concentrated on particular areas. Maybe, that is where the governors or the Government have an interest.

When you talk about major roads which are Class “S” and “A” where we have super highways, it is not even. In this country, super highways are concentrated only in Nairobi. When you look at the bypasses, they are concentrated only in Nairobi and yet, those are roads which take the bulk of our money. It even includes corridors and those other special infrastructure.

We know Nairobi and most of those major cities are very important and are the backbone and hub of our economy. But we must also realise there are many other areas of this country which serve those big cities and yet, they are inaccessible.

I wish we had a situation where it would become mandatory to classify roads which go to mining sites into “A” or “B”. That is where Kenya gets its money. Tourist attraction areas like Maasai Mara should have special consideration. We should have had a compulsory classification of Mara Road as Class “A”. That is so that it is compulsory for this Government to build a tarmac road heading there. Imagine tourists heading to some direction and who are bringing us billions money having to push their stuck vehicles. This is despite the fact that we pride ourselves with Maasai Mara, being the second biggest foreign exchange earner to our economy. We cannot even construct a tarmac road to that area. This Bill should have made it mandatory to have such tarmac in those areas.

*[The Speaker (Hon. (Muturi) left the Chair]*

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Shebesh took the Chair]*

Hon. Speaker, counties which are farming zones or bread baskets of this country should have their roads classified thus. Those are areas that are feeding this country. Areas like Uasin Gishu and Narok where wheat and maize are planted in bulk do not have access roads. I would have wished this Committee went to those rural areas and identified which roads should be compulsorily classified in a certain way.

**Hon. (Ms.) B.N. Nyaga:** On a point of information, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Member for Tharaka-Nithi County, whom do you want to inform? Hon. Member, would you accept the information?

**Hon. Kipyegon:** She is a good friend of mine. I can accept.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Okay, Hon. Member.

**Hon. (Ms.) B.N. Nyaga:** Thank you, Hon. Temporary Deputy Speaker. I want to inform the Member on the Floor that he is dealing with Madam Speaker and not Mr. Speaker.

**Hon. Kipyegon:** Sorry, Hon. Temporary Deputy Speaker. It was after she mentioned it that I realised your presence.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): No problem. You can continue.

**Hon. Kipyegon:** Hon. Temporary Deputy Speaker, I was saying the Committee should have visited areas that are the bread basket of this country to classify the roads heading to these areas into Class "A" or "B", so that it becomes compulsory for them to be tarmacked. They should also have visited areas heading to railway stations like the new Standard Gauge Railway (SGR). We visited those railway stations a few days ago with Members of the Public Investments Committee (PIC).

No money was allocated under the SGR to enable people from the Nairobi Central Business District (CBD) and airports access railway stations. This is very important. When one alights from a railway station, it takes three hours to get to the CBD. So, it makes no sense to take only four hours from Mombasa to Nairobi then take three hours to the CBD. These areas should have been classified and made compulsory to be tarmacked or maybe upgraded to dual carriageway to avoid traffic jam.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Member, you have been heard. I now give the Floor to Hon. Jessica Mbalu, Member for Kibwezi East.

**Hon. (Ms.) Mbalu:** Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity and, of course, chasing away the Member for Kaiti.

I support the Bill on roads given the importance of infrastructure in our country. I represent Kibwezi East Constituency and I am known for search of roads even through demonstrations. As I speak, it is a shame that the only Kibwezi-Kitui Road in the history of this country has never been tarmacked. It is a shame that we have a road that even the Government is aware of, but which has not been attended to. I hope this Bill is going to take care of some of this marginalization.

I must appreciate and support this Bill because it will give classification in terms of who is going to do which road between the national Government and the county government. Of late, we have had a lot of debate between Members of Parliament, county governments and the national Government on classification of roads and who is supposed to deal with them. In terms

of KeRRA and the NGCDF, which are under me in my constituency, I have seen a lot of social impact in my people. Even as I look forward to the Budget, I have just received a message from my constituency talking about Metava Road which we have tarmacked and the fact that it has enabled many children to attend school.

I do not see why Members of Parliament are proud of some developments in their constituencies. In Kibwezi Constituency, we do not even have a single centimeter of tarmac road. I held demonstrations and three tear gas canisters were thrown at my car and I told them to add another one. From these demonstrations, the President and his Government came to Makueni and promised to construct a road that has been discussed in this Parliament many times. Some contractors had already assessed the road before. I hope this time, the cries of the people of Kibwezi, Kitui and Ukambani, to open up the area, will be heard.

Part III provides for the classification of trunk and county roads. It gives the separation of roles between the county governments and the national Government. It also talks about standardisation. One Member has talked about the standards of the roads that have been tarmacked. I want to support the Member for Kathiani who talked about some pot holes being filled by the county government and they term the roads as fully done. That is why we are saying “no NGCDF, no Budget”. From the little money that we get as Members of Parliament, as much as they have tried to remove some roads from our jurisdiction, we can show the social impact in our people.

Infrastructure brings development. I call upon the governors, as they undertake their mandate, not to marginalise some areas. I was surprised to hear the Mover of the Bill, Hon. Duale, talking about 10 and 20 kilometers of tarmacked roads. In Makueni County, this is history. We are Kenyans. We do not want to think that these roads are in areas where the residents sing and dance some party positions. Development is our constitutional right. We should live in the Kenya that we want residents of counties like Makueni, Kitui and Machakos to have a taste of the cake.

Financial matters have been very well put in Part IV. It provides for the financial years, annual estimates, accounts and audits of the authorities and classification and formation of the board. I hope that when the board comes into place, constituted as provided by the Bill, we will get a fair jurisdiction and application of matters.

Part V provides for the appointment of the chairperson in terms of the qualifications. Some of the loopholes and miscalculations are because of the qualifications. This is provided for in Part V of the Bill. On the memorandum, the whole objective of this is to propose an amendment to the Kenya Roads Board Act, 1999, Cap. 4, to repeal the Roads Act 2007 and the Public Roads and Roads Access Act 1920.

The people of Mita-siano, Kikunduku and Nzeveni in Makueni County can say that the NGCDF must stay for the benefits they have enjoyed from the little money their Member has had through the CDF. Many Members have spoken about the benefits we derive from proper infrastructure, but let us have all proper roads in all our areas. The 10,000 kilometres of road that have been promised by the Jubilee Government must be equally distributed. I will be happy if the Mtito Andei-Nthongoni Road that we proposed during the public hearing is done. The road to the university in Kibwezi should also be done so that the people can recognise that they have a Government. Otherwise, we will keep on crying and doing what it takes for us to be given what is duly ours.

I hope this Bill is going to shed some light and make a difference in terms of development in our areas. If KeNHA, county governments, NGCDF, MCAs and the national

Government can all do their bits, we can develop this country. Let us not compete for resources that are not ours. We should deliver resources to the right people. The Kibwezi-Kitui Road needs to be attended to as soon as possible.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to the Member for Kapenguria, Hon. Moroto.

**Hon. Chumel:** Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity to also join my colleagues who are in support of this Bill.

During the colonial period, Kapenguria was a closed district. I cannot understand the reasons. Those who came and opened the eyes of the members of that community came through Uganda. That is why, sometimes, we have a lot of respect for Ugandans than Kenyans. After we attained Independence, in 1965, Sessional Paper No.10 brought a lot of harm to the people in that region. They classified Kenya into two regions, namely, productive areas where you can get tea and coffee, and other areas which were totally marginalised and put aside. Up to now, this is just like a dream. We have a lot of hope from the new Constitution and the devolved governments.

Many Papers and Bills have been passed since 1963, but up to now, nothing goes to the Arid and Semi-Arid Lands (ASAL). As we were discussing the Motion on cattle rustling today, I realised that some Members of this House do not understand why people are practising cattle rustling. It is not a culture, it is because of pressure. People are faced with death and they have to look for a way to satisfy their needs so that they live even for another day. Roads bring opportunities. Some Members have mentioned other places. In Kapenguria, even access to learning institutions is not possible. Inspectors cannot go to schools to do their duties. As we talk about electricity in schools, we must realise that in some areas, nothing can happen because of lack of road network.

I thank the Government for initiating the solar system because solar panels can be carried on shoulders or on donkeys and taken to schools. We are almost seeing light, but there is nothing beyond that. The Bill provides for classification of roads into two or three categories. However, most of the roads under the national Government are mostly concentrated on areas that are developed. When you go to areas that are neglected, you will see low class roads that are supposed to be under the county governments. The Committee of this House in charge of roads should look into this issue so that we can see where the problem is. We can also make a protest. You hear people demonstrating and speaking out, what is termed as incitement. It is not incitement. It bothers them and they have to vomit it out to relieve themselves. Those who are oppressing others are running up and down saying that, that is incitement. When they do their part, it is not incitement, but when we raise our voices, they call it incitement. As I talk, there are areas in which we do not feel the presence of the Government. The highest Government officer that we get in certain areas is an assistant chief.

Recently, I attended a function in the presence of a county commissioner and an official from the national Government. The dancers who entertained us praised retired President Moi. They did not know that Moi is no longer the President. They only knew the late Mzee Jomo Kenyatta. They know that he died and so the only person who is still living is Moi. This is because these areas are not well represented. It is only teachers who tell the people that we have a new President. It is only the other day when our President Uhuru Kenyatta came to Kapenguria that people recognised the changes but the old ones still refer to the former President.

I know it is not only in Kapenguria where we have problems. Much attention should be given to Kapenguria, Lodwar, Lokitaung and Maralal. That is where the Independence of Kenya

came from. We protected Kenyatta and the other five freedom fighters for seven years. He went to Lodwar and when he came back, he became the President of Kenya. However, nobody is thinking about the museum which has the cells and the African court. The other day when Hon. Eugene Wamalwa went there, we called for the upgrading of the museum because it is where the founder of the nation was while he was alive. We are giving a lot of care to the grave instead of where everything good came from. We should fly our flags there and not in a place that has a skeleton.

I end by saying that I support this Bill. I pray that we will be serious as Members of this House. Let us make a follow up to make sure implementation takes place. We can talk a lot and use good language, but when it comes to implementation, we wait for ages.

I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Thank you, Member for Kapenguria. I hope your people also know that there was President Kibaki between Moi and Uhuru.

*(Laughter)*

Please, keep your people informed. I now give the Floor to the Member for Wajir South, Hon. Diriye.

**Hon. Mohamed Diriye:** Thank you, Hon. Temporary Deputy Speaker. I also rise to support the Bill. The Kenya Roads Bill 2015 is very important because it gives effect to the Fourth Schedule of our Constitution. This way, it is going to streamline our roads sector and give it the necessary legal and institutional framework, so that our roads are managed in a better way and the roads sub-sector has better management. This Bill will also ensure that it is done in an efficient and effective manner. This is very important because some of the proposed things in this Bill were done 30 years ago. Even the current Acts that we are using in the roads sub-sector, namely, the Kenya Roads Board Act and the Kenya Roads Act, were enacted about 10 years ago. It is very important that this Roads Bill comes into effect, so that it streamlines the roads subsector, particularly in line with devolution and the Constitution. We should know which Authority and Government organ is in charge of which road.

The Bill also proposes imposition and development of standards. Roads construction and improvement is very important for our economy to grow and for our country to develop. Without roads, there is no way other sub-sectors of the economy like coffee, tea or livestock can grow. Even for us to come to Parliament in the morning from our houses or constituencies, we cannot discharge such important duties without proper roads. If you want to see how a country is doing in terms of progression, the first thing to look at is the road network. Even when we travel outside the country and we see roads that are done nicely, we say that that country is well developed. It is, therefore, very important that we give all the attention and support to this sector.

The Bill also proposes classification of roads. The current classifications were done many years ago. So, it is also very important that our roads are classified because the country is growing. Our population is now almost 50 million people. The current classification may have been done many years ago. I do not remember when it was done. It is very important for roads to be classified because many urban centres, regional and county headquarters are coming up which requires the roads to be properly classified, so that they are tarmacked.

This Bill is very important because it will give priority to financing of our roads sub-sector just like the former President Kibaki and Hon. Raila Odinga did in terms of opening up the

country by building many roads. The economic growth we have witnessed can partly be attributed to the fact that the road network was hugely expanded by His Excellency the former President, Mwai Kibaki. Honestly, I wish the current Government would follow the footsteps of Kibaki and Raila. I am sure it was not Kibaki alone. It must have been the Prime Minister and the President collaborating and coordinating together to have our roads done well.

The only thing that pains me as an individual is that much as a lot of progress has been done in terms of tarmacking and opening areas, the Wajir-Garissa-Nairobi Highway up to Mandera, which was a B9 Road and has been proposed to become an “A” road, has never been tarmacked. My colleagues are now advocating for the tarmacking of feeder roads connecting villages, district headquarters, locations and divisions yet some parts of this country do not even have a tarmacked national highway. It is important for the Government to come up with an innovative way of funding, not only from the fuel levy fund, but also from the proposed annuity programme or other ways even if it means taking money from the rich companies, imposing extra tax or whatever name the Government will give it, to tarmack these roads.

The Government should come up with very diverse ways of raising funds to tarmack these roads. Fifty-five years of Independence there is no way roads connecting Nairobi to provinces all the way to Ethiopia and Somalia can remain untarmacked. If the Government can raise funds from any source, even raising extra tax on those who earn high income, this will be very important.

One of the main problems that we have in the roads subsector in this country is corruption, especially between contractors, the Ministry and the specialised agencies like the KeNHA, KeRRA and KURA. The roads sub-sector has become a cash cow for contractors and an avenue for eating money because everybody wants to get road construction contracts. When the provisions of the Bill come into effect, the first thing this Authority should do is to check corruption and vet contractors properly. If we give 40 per cent to the proposed KeNHA, 32 per cent to the KeNSRA, 15 per cent to the county governments and 10 per cent goes to the Cabinet Secretary for his or her discretion for emergencies, that is a very fair way and we can develop a lot. The only impediment for growth is corruption, bottlenecks at the Ministry level and cowboy contractors. Those are the areas that we need to improve on.

One last thing, I have seen that the person to head the proposed authorities and the boards is a holder of a degree in engineering. That is one area that we will be proposing amendments because the person managing KeNHA or KeNSRA is not the engineer doing the roads. We can have a manager holding an MBA or a management degree instead of locking out others. It looks like the bureaucrats in the Ministry who drafted the Bill are locking out other qualified Kenyans. If we have a finance manager in KeNHA or KURA who holds a Finance Degree or an MBA, nothing prevents him or her from becoming the managing director. He is not the one supervising the construction of roads on a day-to-day basis. Therefore, why only have a holder of a degree in Civil Engineering? One can have an MBA.

I support the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Tonui, the Member for Bomet Central.

**Hon. Tonui:** Thank you, Hon. Temporary Deputy Speaker for this opportunity. I was already exhausted. I was trying to stretch myself having sat here from 2.30 p.m. and not having got a chance to contribute. However, I am very grateful for this opportunity.

I want to support this constitutional Bill. I know in one way or the other, it is going to affect us negatively, but it has to be passed. I support anything to do with improving our roads

because without good roads, we cannot develop this country. The economy of this country cannot improve. In fact, our roads are the economic foundation of this country.

I support the creation of these authorities, but I wish we could create a smaller Authority to deal with access roads to institutions of national nature, especially primary and secondary schools. We need to have a category of roads where Members of Parliament can do roads to access schools, which are national according to the Constitution. Whenever we go to our constituencies, we are asked to extend the roads leading to schools so that our children and teachers can access the schools. But through this Bill, we will no longer do that. We will be talking of superhighways, which will make us either relevant or irrelevant on the ground.

Hon. Temporary Deputy Speaker, at a certain stage, we may need an amendment to have, at least, some funds to construct some small access roads to schools. If we are unable to put that in this Bill, based on the Constitution, we can have money such as conditional funding to the NGCDF to improve roads to schools, if the NGCDF survives the current court case and I believe it is going to survive.

We would have wished KeRRA to continue to the end of 2017, so that we can complete the roads which we have planned to construct in our constituencies. We have done a lot under the KeRRA programme. I wish this would continue. I do not know why we are rushing this Bill. It needs to be slowed down.

My other contribution on the issue of roads is about contractors who are doing shoddy work. If all the money for roads is used effectively, I am very sure the state of our roads would be improved. Situations where contractors take more than 60 per cent profit as they build our roads are not sustainable. Our people continue being poor and using very bad roads. Proper utilisation of funds needs to be encouraged. In fact, a standard unit cost of putting murrum on our roads or tarmacking based on classification needs to be availed, so that we have a certain guideline in the effective use of public funds.

The issue of high potential agricultural areas needs to be considered. In Bomet Central, where we grow tea, our roads are among the poorest in this country. Despite always being in the central power, we have not had good roads. We were there for 24 years and we never did it. I wish we could do it through a law so that our people can benefit and our farmers can deliver their tea in a cost effective manner. Transportation of tea to factories becomes a big issue due to bad roads and this contributes to the high cost of producing tea.

There has been a lot of corruption. Members of Parliament are normally taken around to beg Cabinet Secretaries to have certain roads done and this issue needs to be dealt with in this House. We need to be allocating funds directly to roads which are specifically stated, so that we can have equal distribution. The country can be well covered and we can play a certain role on the issue of roads. I wish we could capture specifics instead of having lump sum allocations for Ministries to make a decision on their prioritisation. We are the elected representatives of the people who should know which roads should be prioritised in terms of funding.

I also wish issues of prioritisation could be done. I sometime imagine that if we had borrowed an amount similar to what has been borrowed for the SGR of Kshs327 billion to improve roads in our villages, that could spur development much more than even the SGR, which might lead to sacking of many truck drivers who ply the Mombasa-Nairobi route. I wonder where they will go once the SGR is completed yet we need to create employment in this country.

There is the issue of governors. I believe this law will clearly specify the roads under the county government and those under the national Governments, so that governors who normally



take us to court to block construction of certain national roads will stop. The Council of Governors took KeRRA and other agencies to court on the issue of annuity roads and the court suspended funding for KeRRA in some counties. This will be dealt with, so that the issue of misusing courts to delay development programmes will come to an end. Bomet is one such county where the governor is aggressively against the national Government and every time he is in court on the same issue. If it is not tarmac roads, it is university. It is unfortunate to have such kind of leadership in counties who are anti-development. I wish they could look at the interests of the people whom we represent.

I wish somewhere in this Bill Members of Parliament have representation at the constituency level, so that even when we have these authorities, there are committees at the local level. These are the people who will understand the needs of the people on the ground and capture the roads that need to be prioritised, the ones that need to be improved and the specific stages of these roads. These are the kind of issues which we really need to address.

Otherwise, with those few remarks, I support this Bill, but wish to have some amendments at the relevant stage.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Thank you. I now give the Floor to the Member for Kaloleni, Hon. Gunga Mwinga.

**Hon. Chea:** Thank you, Hon. Temporary Deputy Speaker, for this opportunity. I wish to support this Bill. I want to agree with Members who have spoken to this Bill and the fact that a good road network is important for the economy to develop. You realise that in most parts of this country, the road network is not that good and as such, the economy has not developed well.

We have had a serious confusion in terms of these roads. What the common *mwananchi* expects from us are services. It does not matter to him whether this is a function of the national Government or the county government. Now that this Bill is here, the issues that have been raised in relation to the Fourth Schedule of our Constitution will be addressed. When we address our constituents on that matter, we realise we quarrel with our governors because some roads are said to be county roads while others are said to be national Government roads. It is not clear. This Bill will go a long way towards curing this very important issue. The passage of this Bill will equally contribute to the development of the economy.

At the Coast, we have areas where if the road network is taken care of, we can improve the economy of this country. For instance, we can reduce congestion in Mombasa by ensuring that the road from Bamburi to Mwakirunge and some parts of Kaloleni are done. This is a road that people have spoken about for so many years, but as I speak, it has not been done.

The road from Mariakani to Kaloleni and Mavueni in my constituency is in the process of being done, but the progress has been too slow. We have spoken about this road from the days we were in primary school. I must now urge the Government to expedite this and ensure that this road is done. I must equally register my thanks to the Government because I took the Deputy President to my constituency to see the road from Mariakani to Bamba. I want to thank him because he has honoured his promise. As I speak, contractors are on site working on that road. I really want to thank him. The Government is committed to honoring its promise.

As we proceed to discuss this Bill, the boards that are going to be created under this law must up their game and prepare themselves quite well. We have witnessed roads being done, but after about a year, they are full of potholes. From Mariakani to Kaloleni, a road was done a few years ago, but now it is full of potholes. One of the functions of the board that is going to be created is to ensure that standards are maintained. It is quite important for the board to be on the

ground, have qualified people who will always know what is happening and ensure that the roads are done to the expected standards. That is very important.

Hon. Temporary Deputy Speaker, there is need for the board to go round the country and look at the roads. They should set aside enough money, so that we can do away with the idea of us walking into offices of Principal Secretaries and Cabinet Secretaries. We have other issues to handle, for instance, we seriously want to do legislation in this House. If a fund is set aside and the authorities that are going to be set up are equally well funded, it will save time for us to deal with other issues. It is important for us to look into the issue of our roads.

With those few remarks, I wish to support the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Thank you, Hon. Member. I now give the Floor to Hon. Chachu Ganya, Member for North Horr. I believe your constituency is the biggest. Is it the biggest, Hon. Chachu?

**Hon. Ganya:** Thank you so much, Hon. Temporary Deputy Speaker. My constituency is the largest. It is actually a country called “North Horr”, not a constituency.

From the outset, I really want to support the Kenya Roads Bill, 2015. The principal object of this Bill is to give effect to the First Schedule of our Constitution in relation to the roads subsector in our country. The Bill proposes to review, consolidate and rationalise the legal institutional framework for the management of the road subsector in our country. In doing so, the Bill proposes to amend a number of relevant Road Acts prevailing today to ensure that they are aligned with our current Constitution. These includes the Kenya Roads Act, 1999, the Kenya Roads Act, 2007 and other old laws some dating back to 1920.

The Bill establishes two institutions although one has been there before, but will have a different function now, namely, KeNHA. The second institution is what will replace what we today call KeNHA which is called KeNSRA. In addition to having these two institutions, the Bill goes further and proposes a new formula for sharing the fuel levy fund, where 40 per cent will go to KeNHA, 32 per cent to KeNSRA, 15 per cent to county government and one per cent to the Kenya Wildlife Service (KWS). An additional 10 percent will be given to the Kenya Roads Board with the approval of the CS on emergency interventions and other activities that are to be undertaken by the State. This will be in addition to the two institutions.

The Bill further provides for clear criteria of classification of roads in our country. This is very important because the last time our roads were classified was about 30 years ago. This Bill provides clear definitions of “county roads” and “national roads”. The national Government is responsible for classes of road starting from “S”, “A”, “D”, “H”, “G”, “J” and “C”, while county governments have more functions as their roads range from classes “E”, “F”, “G”, “K”, “L”, “M”, “N” and “P”. This covers by far a more vast area than the roads to be covered by the national Government. With this, we hope the county governments will be clear on the roads for which they are responsible and for which the national Government is responsible. I hope the court cases by the Council of Governors (CoG) will end and this will enable us to do what we can with the Kshs18 million that we get every year at the constituency level.

Hon. Temporary Deputy Speaker, I really have to appreciate what the former President Kibaki’s administration and the current Jubilee Government have done for the people of upper Eastern, namely, Marsabit and Isiolo counties. In the last about five years, over 450 kilometres of road have been tarmacked from Isiolo all the way to Moyale. Today, there are three contractors on site, namely, two Chinese and a Turkish and very good work is being done. For sure, the life of the people of Marsabit County has changed. In the past, it took us three days from Moyale to Nairobi and most of the time we were carried together with cows, goats or in big trucks because

buses could hardly ply the roads. Today, somebody can leave Moyale in the morning and easily have dinner in Nairobi without trouble. For this, it is important to appreciate our Government where they have done well. For sure, this has happened for the people of Marsabit County. They can get fresh fruits and vegetables from Meru to Marsabit within hours. The quality of life of our people has changed. We have more than 10 buses plying the route from Nairobi to Moyale, which is a major change to the lives of the people of Marsabit County.

Having said that, we are lucky that this happened because we are within the great north road called the “Pan African Highway”, which connects Cape Town to Cairo. We are just lucky to be within this stretch of the road. In my constituency, if you go to the southern tip which connects three villages, three quarters of my constituents hardly have any road. While I appreciate that it has made a big difference, I have to say that North Horr Constituency, as big as the whole of Western, Nyanza, Nairobi and Central put together with over 38,000 kilometers and a diameter of 800 kilometres from one corner to the other, a large part of it is not tarmacked. Because of this, getting from place to place is very difficult. For example, during the rainy season, there are areas we cannot access for weeks just because there is no road. I strongly urge our Government, appreciating what they have done for us already, to consider tarmacking part of these roads linking major centres within the constituency to the county headquarters in Marsabit Town, where the tarmac road passes at the moment.

The 15 per cent that county governments are getting from the national Government is a lot of money. I hope they will make use of it and if not tarmac roads, they maintain all weather roads so that our people can utilize the roads for effective travel within our constituencies and counties.

With those few remarks, I support the Kenya Roads Bill, 2015.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Thank you, Hon. Member. I now give the Floor to Hon. Sunjeev Birdi.

**Hon. (Ms.) Sunjeev:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to voice my opinion on yet another very important Kenya Bill, namely, the Kenya Roads Bill, 2015. All the Members are privileged to be here this time round because we happen to be at a time when the Government is actively engaged in the development of our country.

We just heard the Member for Kapenguria say that people from his area do not know who the President is. It is true that a large part of our citizens are living in places which are underdeveloped. Many of them travel long distances either on foot or using means which indicate that infrastructure is very difficult to access. So, this Bill comes at an opportune time and should have been passed as early as yesterday. Nevertheless, I hope Members will raise their opinions and we shall pass the Bill. Road infrastructure has been in confusion. I cited a case this morning of a Petition that had been brought to my office one-and-a-half years ago. Industries have been squabbling over a certain road since the 2007/2008. Such industries are stuck in a situation where they finally submit to powers because there is nothing they can do. This increases the cost of production and manufacturing tenfold and they are left with no other possibility rather than getting out of where they have been based so that they can get better resources as far as infrastructure is concerned. So, my heart goes out to such industries which have done their best in terms of providing jobs to the people and they cannot do better than that because of poor infrastructure. This Bill comes at an opportune time where we can demarcate the duties of the national Government and the county governments.

This Bill talks about private developers. In a city like Nairobi where development is moving at a very fast rate, we need to understand where the duties and responsibilities of a

private developer lie. Private developers' trucks ruin roads that have been constructed by the county government. They finish their development and move out. The question then is who is responsible for the destruction of that road? This Bill clearly states that if a road is defaced, there is a general penalty of not less than Kshs100,000 or imprisonment of not less than two years or both. That is commendable because somebody should be held responsible for a road that is ruined in the process of development. It is a step in the right direction.

Clause 57 states that the Authority shall require the owner of any land to remove, trim trees or shrubs to its satisfaction. I find it a bit contentious because authorities like the Kenya Power Company (KPC) will not allow an owner to touch any trees without a licence. One is not allowed to trim or cut their trees. This Bill states that the Authority shall require the owner to trim trees. So, they are throwing this responsibility to a person who might not even have the resources to do so. This is a clause that I might have to approach the Committee to try and amend at the correct stage.

From the outset, many Members have voiced their opinions on roads in their constituencies and counties. On behalf of the people of Nairobi, the state of roads is not only shocking, but they are seriously congested. The problem of roads in Nairobi is not just tarmacking, but they need a facelift and a proper development strategy, so that they do not just put tarmac upon tarmac, but they need to look at them at a large and broader scale. They need to understand that roads attract tourism. Proper infrastructure is going to bring development not only in Nairobi, but in its environs. I will also raise a flag for industries surrounding Lunga Lunga Road in Industrial Area where you can get stuck for three hours simply because of traffic and the nature of the road. It is one lane and it needs to be done. That is not the only road that needs to be done, but that cuts across the board. Most roads in Nairobi are congested. People get stuck in traffic for many hours when they have flown to Nairobi within a few hours. This is ridiculous.

I welcome the Bill. I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Thank you, Hon. Member. I now give the Floor to the Member for Shinyalu, Hon. Anami.

**Hon. Anami:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to speak on this Bill. I would like to support the Kenya Roads Bill, No.26 of 2015, particularly on the need to develop a concrete policy framework that will regulate maintenance and construction of roads in this country. Courtesy of the new Constitution, we have had two major levels of governance that is the national Government and the county government.

We also have other initiatives that are undertaken by the various roads maintenance and construction authorities like KeRRA, KURA and KeNHA among others. We have had an opportunity to open up our countryside by developing roads through the initiative of the NGCDF and the county governments.

We have had instances where some geopolitical areas have been marginalised and not having access roads. These communities have not come out to participate in development activities and the quality of their lives has not improved. Even the value of their land is not growing because there is no access to the areas.

This Bill is important because it is going to create an environment that will give everyone an opportunity. However, we have some challenges. I support the Bill because it opens up infrastructure. We need to be very succinct on policy and the principle of equity, distribution of resources and designing works to be undertaken courtesy of this Bill. What is supposed to be done by the counties and the national Government should be clear. This will only be guaranteed

if we have a supervisory provision where monitoring of the works will be done by an independent Authority, so that we have guarantee of standard work and proper articulation of contracts between the authorities and the contractors.

We have talked about wastage of resources through corruption. In this sector, we have bad stories about corruption and wastage of resources. We have roads that were supposed to have been tarmacked 20 years ago, but they have not even seen murram. Some of these roads are in Shinyalu Constituency. The Khayega-Shinyalu-Chepsonoi Road is an important old road which connects several communities and townships. It is supposed to have been tarmacked long time ago, but it has never been done. I hope it will be tarmacked soon because the responsibility has been bestowed upon the county government and resources have been allocated for the construction of roads such as the Kambi Mwanza-Vihiga-Rondo Road and Chepsonoi as well. The Khayega-Kaimosi Road is an important link road. It links communities, markets and certain functionalities. With a policy framework like this, we should be careful so that we are specific on linking areas. We should never have hanging roads that end at a river because a bridge cannot be constructed. Roads should not be constructed and stopped at a boundary as if citizens from one community should not communicate with citizens from the other community.

This Bill should help us to develop viable link roads. We should have roads that connect with others to enable people to interact because Kenyan communities have a social and a moral responsibility to live and share opportunities with each other. The road network will help us actualise this.

I would like to talk about public participation. For us to achieve the ideals of this Bill, we should inject public participation in the implementation process so that people can participate in deciding the kind of infrastructure they want. People should participate in deciding the time when such works should be finished and on the guarantee period that the roads should be useable. Some roads are constructed, but cannot be used at the end of the year they are commissioned. Contractors should give guarantee. If the work which contractors have done cannot last for a certain period of time, they should be made to go back to that road and construct it again. This will solve the issue of wastage. Members of the public provide social audit on such works. We have lost lives due to road works that have not been done properly. I recall a bridge which caved in on the Londiani-Muhoroni Road, causing a lot of wastage of resources. Businessmen lose a lot of money on transport and cannot deliver their goods when there is no road network.

Development of roads is very essential especially when we are developing new settlement areas and estates in townships. The Kenya Urban Roads Authority was established to construct roads in a timely manner to link new settlement areas. People spend a lot of money on rent because they cannot access certain areas. Other people abandon their houses because there is no road network. The Bill should give guidance on the need to develop communication to new settlements.

There is also the issue of informal settlements which get abandoned and you can identify them with their poor infrastructure. We should standardise these facilities. There should be transparency on the criterion of identifying contractors to do the roads. There should also be restoration of facilities like electricity and water. When these facilities are installed, important common user facilities get destroyed.

I support this Bill. I request that we be given ample time during the Committee of the whole House to move amendments.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Thank you, Hon. Member. I give the Floor to the Member for Njoro, Hon. Kiuna.

**Hon. J. K. Ng'ang'a:** Thank you, Hon. Temporary Deputy Speaker. I want to support this Bill. From the outset, let me say that there is no nation which can develop without good road infrastructure. There is no meaningful development which we can achieve without good road infrastructure. With that preamble, I want to emphasise the importance of road infrastructure in our country. If we want to achieve any meaningful development in the various sectors, we must develop our road network.

There is insecurity in areas which do not have proper road network. Since morning, I have heard from Members that pastoralist communities who engage in fights are crying for proper infrastructure. That is why there is a lot of insecurity. It is also the same case in education and health. We also need good road infrastructure in the agriculture sector. Road network is vital for our development.

Road network affects employment opportunities. When we have good road network, we create a lot of employment. So, I support this Bill. It has come at the right time. I also emphasise the importance of KeNHA and KeNSRA.

As we pass this Bill, we should go to the ground and identify the roads that we are supposed to embark on. Right now, there is a conflict between the national Government and the county governments where each claims that this or that road belongs to them. In fact, in some areas, there are people who duplicate what has been done. We earmark the NGCDF budget for a specific road and then the MCA also goes to the county and borrows money for the same road. So, it is very important that we classify these roads and come up with their defined boundaries for those that belong to the counties and those that belong to the national Government.

From there, we have to agree. I request the Members, particularly Members of the Departmental Committee on Transport, Public Works and Housing to make sure that whatever we have agreed here and passed is seen on the ground. It is embarrassing when a road is allocated some money and awarded to a certain contractor, but the kind of work that is done on the ground leaves a lot to be desired. I know of various roads in my constituency which people have complained about. They wonder why when a road is rehabilitated, even before the contractor moves out of site, it is impassable especially in places where he started. This is very shameful. We need to look again at these contractors and the kind of work they do. Any contractor who is awarded a road and does a shoddy job should not only be blacklisted, but also penalised and surcharged. That is the only way through which we can save the taxpayers' money.

It pains me a lot when I see a road, especially in my sub-county of Njoro, at Soilo Junction next to Nakuru being worked on every year, but hardly stays for a year without potholes. The same applies to the road from Njoro Town to Mau Narok shopping centre. You wonder the kind of materials the contractors use. That road was constructed in 1972 by an Israel company and stayed for more than 30 years without any repair work being done on it, but when it started getting dilapidated, it was given to a local contractor and the kind of work he did on it is questionable.

Recently, people demonstrated because of big potholes on roads. On the Njoro-Mau Narok Road, we have more than 50 trucks full of potatoes, carrots and other farm produce on a daily basis going to various markets like Nairobi, Mombasa, Nakuru and western Kenya. These trucks normally get damaged because of the big potholes on the roads. We have to agree that contractors who will be awarded these jobs must do a good job.

I would also like to comment on planning. The House will agree with me that the kind of traffic jams we have in Nairobi and other urban centres waste a lot of man-hours. A lot of money is wasted in these traffic jams. We need to come up with a strong policy which shall be implemented. At times, I feel ashamed to call myself a Kenyan when I land at the Jomo Kenyatta International Airport (JKIA) and get into a vehicle towards town and then it takes more than three hours to get to the CBD. Somebody flying from Dubai or any neighbouring town will arrive at the JKIA in three hours yet I will spend more than three hours to reach Parliament Buildings.

The traffic jam on the Nakuru-Nairobi Highway around Westlands has now stretched all the way to Uthiru in the morning. Unless you wake up very early in the morning, you cannot get to town on time.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Thank you, Hon. Member. I now give the Floor to Hon. David Ochieng'. Hon. Member, you will have four minutes.

**Hon. Ochieng'**: Thank you so much, Hon. Temporary Deputy Speaker. I have been wishing to speak on this Bill because it is one of the most important Bills in this Session. Roads are a national heritage and property and they make a country what it is. In our new Constitution, devolution of roads was one of the things we thought would herald development and open up the rural areas. This Bill comes at a time when this country has witnessed many fights between governors and the national Government on who should do which road yet Kenyans, wherever they are, do not care who does which road. Kenyans want good roads.

From the outset, construction of roads and opening up of paths, be it animal or human paths, anything that goes into roads in any country is one way of creating jobs. In this country, we have seen roads largely being constructed by Chinese Government contractors yet we have so many contractors who can give jobs to our young people and ensure that the roads are done and maintained for a long time. They are not doing it because we do not view roads as a national property. We do not view roads as part of the economy. We view roads, and especially tarmacking of roads, as a means of applying patronage and showing political might. For you to have a road tarmacked in your constituency, you must either be a Member of the ruling party or associated with it.

Roads should be constructed based on a plan and a clear reason. One of the major reasons why we have not developed is that we produce so much in our farms, but there are no roads connecting the farms to the market. The Bill we have today should not merely be descriptive about national roads, county roads, creating national highways and regional roads authorities, but should go beyond that and put roads squarely at the centre of the industrial development that we want as a country. We cannot do so by merely being descriptive. There are roads that are cross-county and those that are cross-country. In this Bill, I do not see provisions made to ensure that those roads are maintained in the way we want them to as a country. We cannot construct roads by raising 10 per cent of the construction fee today, giving it to a contractor and hope that the contractor will spend his own money and finish the construction of the road in a year or two without being paid.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Member, I do not want to interrupt you, but you will have seven more minutes when this Bill next appears on the Order Paper.

**Hon. Ochieng'**: Thank you, Hon. Temporary Deputy Speaker.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, the time being 6.30 p.m., this House stands adjourned until Thursday, 23<sup>rd</sup> June, 2016 at 2.30 p.m.

The House rose at 6.30 p.m.