

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

**Tuesday, 1st October, 2002**

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### ORAL ANSWERS TO QUESTIONS

*Question No.401*

#### HARDSHIP ALLOWANCE FOR MASINGA CIVIL SERVANTS

**Mr. Speaker:** Mr. Wambua not here? We will leave this Question until the end.  
Next Question, Mr. Katuku!

*Question No.519*

#### MISUSE OF MWALA BURSARY FUND

**Mr. Speaker:** Mr. Katuku also not here? We will come back to his Question.  
Next Question, Dr. Ali!

*Question No.526*

#### PAYMENT OF DUES TO MR. ADAN'S DEPENDANTS

**Mr. Speaker:** Dr. Ali also not here? We will leave his Question until the end.  
Next Question, Mr. Kihara!

*Question No.478*

#### REGENERATION OF FISH IN LAKE NAIVASHA

**Mr. Speaker:** Mr. Kihara not here? We will leave his Question until the end.  
Next Question, Capt. Ntwiga!

*Question No.534*

#### PAYMENT OF COMPENSATION TO MR. M'MUGA

**Capt. Ntwiga** asked the Minister for Agriculture:-

(a) whether he is aware that a banana plantation belonging to Mr. Andriano Njoka

M'Muga valued at Kshs40,986 was destroyed in 1986 during the creation of Nyayo Tea Zone Belt around Mt. Kenya region;

(b) whether he is further aware that a Ministerial letter TN/CROP/12 Vol.I/38, dated 30th April, 1999, accepted liability; and,

(c) when he will compensate the farmer.

**Mr. Speaker:** Anyone here from the Ministry of Agriculture and Rural Development? We will leave his Question until the end.

Next Question, Mr. Onyango!

*Question No.528*

ALLOCATION OF NHIF VEHICLES

**Mr. Speaker:** Mr. Onyango not here? We will leave this Question until the end.

Next Question, Mr. Kathangu!

*Question No.521*

DETERMINATION OF EMBU LAND DISPUTE

**Mr. Kathangu** asked the Minister for Lands and Settlement:-

- (a) who the rightful owner of land parcel number Kyeni/Mufu/1755 in Embu District is;
- (b) if he is aware that a dispute, vide Civil Case No.90 of 1977, fuelled by the Provincial Administration, exists between two parties over the same parcel of land; and,
- (c) what he is doing to end this dispute while ensuring that the actual owner is not disinherited.

**Mr. Speaker:** Anyone here from the Ministry of Lands and Settlement? What a day!

Next Question, Mr. Mbela!

*Question No.527*

PAYMENT OF MR. CHOMBO'S INSURANCE  
POLICY CLAIM

**Mr. Mbela** asked the Attorney-General:-

- (a) if he is aware that Life Insurance Policy No.0395947 for Mr. Benson M. Chombo underwritten by the Kenya National Assurance Limited matured in November, 1996;
- (b) if he is further aware that several visits to the offices of the Life Policy Manager have not elicited an appropriate solution; and,
- (c) when Mr. Chombo will be paid his benefits.

**Mr. Speaker:** The Attorney-General not here?

Next Question, Mr. Wambua!

*Question No.401*

HARDSHIP ALLOWANCE FOR MASINGA  
CIVIL SERVANTS

**Mr. Speaker:** Mr. Wambua still not here? The Question is dropped.

*(Question dropped)*

Next Question, Mr. Katuku!

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MISUSE OF MWALA BURSARY FUND

**Mr. Speaker:** Mr. Katuku still not here? The Question is dropped.

*(Question dropped)*

Next Question, Dr. Ali!

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**Mr. Speaker:** Dr. Ali still not here? The Question is dropped.

*(Question dropped)*

Next Question, Mr. Kihara!

*Question No.478*

REGENERATION OF FISH IN LAKE NAIVASHA

**Mr. Speaker:** I understand Mr. Kihara is sick. The Question is deferred.

*(Question deferred)*

**Mr. Kihoro:** On a point of order, Mr. Speaker, Sir. Is it in order for the Front Bench on the KANU side and hon. Members to be absent? Are you sure that a wrong notice has not gone out and hon. Members who were supposed to be here could be thinking that Parliament is going to be dissolved? They have decided to go and campaign. Could it be the case?

**Mr. Speaker:** Mr. Kihoro, I am not worried since Parliament has not been dissolved and, for now, business continues!

Next Question, Capt. Ntwiga!

*Question No.534*

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- (a) whether he is aware that a banana plantation belonging to Mr. Andriano Njoka M'Muga valued at Kshs40,986 was destroyed in 1986 during the creation of Nyayo Tea Zone Belt around Mt. Kenya region;
- (b) whether he is aware that a Ministerial letter TN/CROP/12 Vol.I/38, dated 30th April, 1999, accepted liability; and,
- (c) when he will compensate the farmer.

**Mr. Speaker:** Anyone here from the Ministry of Agriculture and Rural Development? The Question is deferred.

*(Question deferred)*

Next Question, Mr. Onyango!

*Question No.528*

ALLOCATION OF NHIF VEHICLES

**Mr. Achola**, on behalf of **Mr. Onyango**, asked the Minister for Medical Services:-

- (a) how many Land Rovers were donated by the National Hospital Insurance Fund (NHIF) to various health institutions, and if he could table a list of vehicles given to every institution; and,
- (b) how many Land Rovers were given to Migori District and Nyatike Constituency in particular.

**Mr. Speaker:** The Minister is still not here? The Question is deferred.

*(Question deferred)*

Next Question, Mr. Kathangu!

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DETERMINATION OF EMBU LAND DISPUTE

**Mr. Kathangu** asked the Minister for Lands and Settlement:-

- (a) who the rightful owner of land parcel number Kyeni/Mufu/1755 in Embu District is;
- (b) if he is aware that a dispute, vide Civil Case No.90 of 1977, fuelled by the Provincial Administration, exists between two parties over the same parcel of land; and,
- (c) what he is doing to end this dispute while ensuring that the actual owner is not disinherited.

**Mr. Speaker:** Anyone here from the Ministry of Lands and Settlement?

The Question is deferred.

*(Question deferred)*

Next Question, Mr. Mbela!

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- (b) if he is further aware that several visits to the offices of the Life Policy Manager have not elicited an appropriate solution; and,
- (c) when Mr. Chombo will be paid his benefits.

**Mr. Speaker:** The Attorney-General still not here? The Question is deferred.

*(Question deferred)*

I am totally disgusted that not a single Question has been answered.

**QUESTIONS BY PRIVATE NOTICE**

PROVISION OF VEHICLES TO  
KASARANI POLICE STATION

**Mr. Muchiri:** Mr. Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

- (a) Is the Minister aware that the OCPD and OCS Kasarani Police Station are maintaining their station vehicles by buying spare parts, and currently, have no vehicles for use during the execution of their duties?
- (b) Could he urgently avail vehicles to this station?

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

(a) Yes, I am aware that the OCPD Kasarani has been buying spare parts to maintain all police vehicles in Kasarani Division since he is entitled to do so to facilitate smooth functioning of his command. The OCPD has the following vehicles at his disposal:-

(i) One GK Lorry. I do not know whether the hon. Member wants to know the number of the others, but he has nine vehicles in total.

(b) Kasarani Police Station is allocated the following serviceable vehicles:-

GK Z551, GK A451, GK Y916, and GK T975 which is allocated to Njiru Police Post.

Therefore, there does not seem to be an urgency to allocate more vehicles to this station.

**Mr. Muchiri:** Mr. Speaker, Sir, I am not asking about the money being paid from the public coffers. Is the Minister aware that the OCPD and OCS Kasarani Police Station are using their own money to buy spare parts for Government vehicles? For example, the vehicle at Njiru Police Post is currently out of order and the public is contributing money to maintain it. Is he aware of that fact?

**Mr. Sunkuli:** Mr. Speaker, Sir, the OCPD has not informed his Commander that the vehicle is not serviceable. I do not know why he is using other people's money.

**Mr. Mwenje:** Mr. Speaker, Sir, it has become quite common that, before you get any police services, apart from when they want to arrest you, you are required to give money to fuel these vehicles. Every time you report a case, you are told that the vehicles have no fuel. It has now become a common habit for the police to ask the public for money to repair and fuel those vehicles. What is the Minister doing to ensure that there is enough money to fuel and repair these police vehicles on time without interfering with the public?

**Mr. Sunkuli:** The public should not give the police money to buy fuel because we allocate enough fuel to all our police stations. There should not be any reason why the police should ask for money from the public.

**Mr. Keriri:** It is alright for the Minister to say that the public should not give money to the police. If you have a dying person and the police tell you that you have got to give them money because they do not have fuel or you have a very urgent case, what is the public supposed to do?

**Mr. Sunkuli:** Mr. Speaker, Sir, I think we should distinguish between the two cases the hon. Member is stating. If a civilian wants to use a police vehicle as an ambulance arising from non-police work, that is different. If it is a question of doing police work, that we provide for.

**Mr. Kibicho:** Mr. Speaker, Sir, the tendency for the police to ask for money for fuel is prevalent countrywide. Is the Minister not apprehensive that this is a form of corruption on the pretext that they require the money for fuel?

**Mr. Sunkuli:** This problem is not regular and I would urge hon. Members and the public to report specific cases when these happen.

**Mr. Wamae:** Mr. Speaker, Sir, I do not think the hon. Minister is serious. This is such a widespread issue. Everybody, including Members of Parliament, is asked to assist in fuelling police vehicles so that the police can do their work. If you do not do that they say they cannot do their work because they have no vehicle. Could the Minister give instructions here and now that the police officers should not ask for any money from the public?

**Mr. Sunkuli:** Yes, Mr. Speaker, Sir.

**Mr. Muchiri:** There is a tendency by the police, of late, to refuse to collect dead bodies. The dead bodies are now being collected by the relatives of the deceased and taken to the mortuary and yet that is part of police work. Could the Minister order the police, from today, to take up that responsibility as they used to even from time immemorial when we had a colonial Government in place?

**Mr. Sunkuli:** Mr. Speaker, Sir, the police only collect dead bodies that arise from road accidents and matters that they are investigating. I do not know where the hon. Member has seen dead bodies that have not been collected.

**Mr. Speaker:** Next Question!

#### ILLEGAL ALLOCATION OF THIKA CEMETERY

**Mr. Ndicho:** Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that a Councillor Philip Muonki of Thika Municipal Council, has been allocated the Kiandutu Cemetery where he erected beacons recently?

(b) Is he further aware that this is the only cemetery remaining in Thika Town as the other one is full?

(c) Could he revoke the allocation?

**Hon. Members:** Project Uhuru!

**Mr. Ndicho:** Mr. Speaker, Sir, could you protect me from these characters?

**Mr. Mwenje:** On a point of order, Mr. Speaker, Sir. Mr. Ndicho is always with the Minister for Local Government and now he comes to the House to ask the same Minister a Question. Is it in order?

**Mr. Speaker:** What is wrong with that? Where is the Minister for Local Government?

**Hon. Members:** He has gone to campaign!

**Mr. Speaker:** Mr. Ndicho, what is your reaction in the absence of the Minister?

**Mr. Ndicho:** Mr. Speaker, Sir, possibly by the time that we finish Question No.3, he will have come to the

House.

**Mr. Speaker:** We do not allow lateness. There is no excuse for anybody to come late. The Question is deferred.

*(Question deferred)*

**Mr. Kathangu:** Mr. Speaker, Sir, I noticed this morning that a section of the Press quoted Mr. Ndicho as saying that the cemetery was owned by departed souls. He said that in a court of law. I am only wondering whether Mr. Ndicho forms part of that community that ---

*(Laughter)*

**Mr. Speaker:** Order! What are you saying?

**Mr. Kathangu:** I think it is correct for me to demand from Mr. Ndicho, through you, that he [Mr. Kathangu] tells us whether he is part of that community and what complaint he has if he is a departed soul!

**Mr. Speaker:** The only thing I can assure you of, Mr. Kathangu, is that you may not be part of that community right now, but be assured that some day you will.

*(Laughter)*

**Mr. Ndicho:** Mr. Speaker, Sir, all I was saying, and it is good you have helped me, is that the cemetery does not belong to people who are living. It belongs to people who are presumed to be dead. These people are grabbing land that belongs to people who have no souls.

**Mr. Speaker:** Next Question!

#### FRAUDULENT MEDICAL CLAIMS

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

(a) Is the Attorney-General aware that over 30 advocates have colluded with doctors and insurance brokers and have filed cases in Machakos, Kajiado, Kikuyu and Milimani Commercial Courts claiming for medical and workman's compensation of employees of several industries in Athi River Town?

(b) What legal measures has he taken to bring the culprits to book?

(c) What further action has he taken to facilitate compensation to the companies which are facing imminent collapse due to colossal sums of money lost as a result of "a" above?

**Mr. Speaker:** Mr. Attorney-General, where were you in the first place?

**The Attorney-General (Mr. Wako):** Mr. Speaker, Sir, first of all, I must apologise for not being in the House when the Question was asked. As you know, my Questions always come last and I always estimate that you will be coming to my Question at about 2.50 p.m. I really blame the other Ministers for not being available so that my Question was asked earlier than I had anticipated.

**Mr. Speaker:** Apology accepted. Proceed!

**The Attorney-General (Mr. Wako):** Mr. Speaker, Sir, I beg to reply.

(a) The Attorney-General is aware that over 30 advocates have filed cases in Machakos, Kajiado and Milimani Commercial Courts claiming medical and workman's compensation for employees of M/s Devki Steel Mills Company. No other Athi River-based company has lodged complaints of false claims with the police.

(b) Two cases are being prosecuted arising out of these false claims. They are as follows:-

(i) The Republic Vs. John Kenyatta Muli trading as Dawa

Medical Centre (Police Case No.442/138/2002, Court File No.4830/2002).

He was charged with the following offenses: Conspiracy to defraud contrary to Section 317 of the Penal Code and also operating an unregistered and unlicensed medical clinic contrary to Section 25 of the Medical Practitioners and Dentists Act Cap.253 of the Laws of Kenya.

(ii) The Republic versus Bernard Mubinja Wamalwa, who is an advocate, and Mr. Steven Olunde Malundi who is an insurance broker, police case No.111/994/2002 and court file No---

*(The Minister for Education)*

*entered the Chamber)*

**Hon. Members:** Shame! Shame!

**Mr. Speaker:** Order, hon. Members! What is all these shouts of "shame" about?

**Hon. Members:** Shame! Shame!

**Mr. Speaker:** Order!

Proceed, Mr. Wako!

**The Attorney-General** (Mr. Wako): Mr. Speaker, Sir, court file No.49/2002. They were charged with the following offences: Conspiracy to defraud, contrary to Section 317 of the Penal Code and making documents without authority, contrary to section 357(a) of the Penal Code. The Attorney-General, vide his letter dated 13th August, 2002, directed comprehensive investigations into the matter.

**Mr. Kaindi:** On a point of order, Mr. Speaker, Sir. You have heard the noise. Secondly, I do not have the advantage of having the written reply with me because the Attorney-General has not given it to me. Therefore, I cannot even follow what he is reading out.

**Mr. Speaker:** Order! Then, what do you want me to do?

**Mr. Kaindi:** Mr. Speaker, Sir, could he---

**Mr. Speaker:** Order, Mr. Kaindi! Hon. Members do not make noise. Just be attentive and relax.

Proceed, Mr. Wako.

**The Attorney-General** (Mr. Wako): Mr. Speaker, Sir, for the benefit of hon. Members, I said that some cases have already been prosecuted. I will now quote the second case, where an advocate and an insurance broker have been charged with making documents without authority contrary to section 357(a) of the Penal Code and also charged with conspiracy to defraud, contrary to section 317 of the Penal Code. The Attorney-General, vide his letter dated 13th August, 2002, directed comprehensive investigations into the matter. It will be appreciated that as there are over 300 claims under investigations, this may take a bit of time. The said investigations are still continuing, and I am sure that in the very near future, more people will be charged.

(c) It is up to the companies involved to successfully defend the cases filed against them in court. **Mr.**

**Kaindi:** Mr. Speaker, Sir, I do appreciate the fact that the Attorney-General did copy a letter to me where he had addressed it to the Commissioner of Police to investigate the cases in question. But we are talking of 300 cases, and he has rightfully agreed that there are over 300 cases facing only one factory, the Devki Steel Mills. I have absolutely no interest. But when one company is facing that huge amount of litigation from so many lawyers; one lawyer had filed over 30 cases with the Attorney-General, another one with over 40 cases. He has the documents. Is he justified? Is he in his own mind clear that this company - and a few others - would continue to be in business without him invoking the relevant sections under the Law Society of Kenya Act to punish these lawyers because it is the question of collusion? They have been taken to court and he needs to discipline the lawyers. Who else is going to discipline the lawyers if the Attorney-General cannot do so?

**Mr. Wako:** Mr. Speaker, Sir, the issue of disciplining lawyers is well covered under our laws. We have the Advocates Complaints Commission, where somebody can lodge a claim against a lawyer or make an allegation against a lawyer. In more serious cases, we have the Disciplinary Committee which also looks into the issue of disciplining lawyers. But on top of that, and that is why we are already prosecuting one advocate, we cannot proceed to prosecute the advocate. As I said, investigations are continuing at very advanced stages in some cases, and more people will be prosecuted. The company is, of course, at liberty to file claims and complaints before the Complaints Commission and also before the Disciplinary Committee through the Law Society of Kenya.

**Mr. Gatabaki:** Mr. Speaker, Sir, is the Attorney-General aware that it is not only the doctors, lawyers and insurance brokers who are involved in this fraud, but also the magistrates and the Judges of the High Court are involved? This is why the Judiciary is very unsupportive of the Ghai Commission.

**Mr. Wako:** Mr. Speaker, Sir, on the issue of corruption, all institutions are corrupt, including the Judiciary and, in appropriate cases, where cases have been reported and investigations carried out, and *prima facie* evidence obtained at the magistrate's level, prosecution has ensued.

**Mr. Maitha:** Mr. Speaker, Sir, what the Attorney-General is trying to explain is quite clear. But the issue of lawyers misbehaving has now brought a lot of problems to innocent wananchi all over the country. Could the Attorney-General tell this House, if the Complaints Commission does not satisfy the public where a lawyer has misbehaved, what powers has he so that somebody can go directly to him in order for him or her to be helped?

**Mr. Wako:** Mr. Speaker, Sir, it is true that disciplinary procedures against the lawyers have been very weak. They have not been in a position to take expeditious action. But I am grateful to this House for having passed The Statute Law (Miscellaneous Amendments) Bill, 2002 which increased the powers of the Complaints Commission,

which also increased the powers of the Disciplinary Committee to discipline advocates. In fact, the House also increased the number of panels so that all the cases are dealt with expeditiously. Also, it gave the power to the Law Society of Kenya to bring into force compensation funds out of which the clients who may have lost as a result of the advocates action can be compensated. It also gave the power to the Law Society of Kenya to bring into force a professional indemnity insurance scheme to protect clients of this nature. So, the actions taken by this House, in enacting that legislation, will go a long way to improving the methods of disciplining advocates in this country.

**Mr. Ndicho:** Mr. Speaker, Sir, I think the Attorney-General needs to do something about the Complaints Commission. Would I be in order to ask the Attorney-General to completely overhaul the complaints commission and bar it from listening to cases between clients and lawyers? This is because the complaints commission and the LSK are all made up of lawyers. They all went to school together, and they work together. So, when a case comes up against a certain lawyer who is a colleague, it is the public which gets nothing at the end of the day. So, Mr. Wako, could I ask you to crate a department of police to deal with cases where lawyers are concerned or involved in embezzling clients money. This is because the Complaints Commission and the LSK are doing nothing.

**Mr. Wako:** Mr. Speaker, Sir, I must say that the amendments that were brought to this House were brought by me, but in co-operation and collaboration with the Law Society of Kenya and other stakeholders. So, they are aware of the problem and they are, indeed, to my mind, doing something about it. On the issue that these procedures only involve advocates judging on their own, this House again, when you passed that amendment, stated that on the panels of the disciplinary committee, there would be eminent laymen sitting on them and overseeing what the lawyers are doing. So, we are already moving in that direction; asking other people to be involved in the disciplinary procedures against advocates.

**Capt. Ntwiga:** On a point of order, Mr. Speaker, Sir. Since there is time for Question Time, would I be in order to ask you to ignore your earlier ruling and allow us to ask more questions?

**Mr. Speaker:** Order! What are you saying?

**Capt. Ntwiga:** Mr. Speaker, Sir, I am asking you whether you could allow us to ask more questions since Question Time is not yet over?

**Mr. Speaker:** Order! Capt. Ntwiga, I call upon you to be serious. This is not a joke, and you are joking. Proceed.

**Mr. Muchiri:** Mr. Speaker, Sir, if I understood the Attorney-General well, he indicated that he has only prosecuted two or three advocates out of 300. About 25, or over 20 advocates, have not been taken to court. To investigate a case of conspiracy does not take two months. This Question has taken two months since we went for recess. Could the Attorney-General explain the reason why there is such a delay; failing to take these people to court as a matter of urgency?

**Mr. Wako:** Mr. Speaker, Sir, we have not taken them to court because investigations are not complete. We have over 300 cases that have to be investigated. The police have encountered problems with these investigations because some of the claimants were not even permanent employees of the company; they were casual employees, and it has become very difficult even to trace where those casual employees are. But you can rest assured that this matter is under active investigation. As soon as it is complete, and there is enough evidence, we shall take action.

**Mr. Muite:** Mr. Speaker, Sir, you may have noticed that throughout the answers to the supplementary questions, the Attorney-General has very carefully skirted around the fact that he is the Chairman of the Disciplinary Committee. Now, in that capacity, given the dissatisfaction being expressed by hon. Members and the public, what personal initiative is the Attorney-General going to take, as the Chairman of the Disciplinary Committee, to ensure implementation of the law and expedition of disciplinary cases? What affirmative action is the Attorney-General going to take as the Chairman of the Disciplinary Committee?

**Mr. Wako:** Mr. Speaker, Sir, I think I have already replied to that question, when I said that the Attorney-General of the Republic moved the Statute Laws (Miscellaneous) Amendments Bill here, under which he further empowered himself, on the Disciplinary Committee, to be able to discipline advocates more expeditiously. He further empowered himself by not just having one panel under him, but three to four panels, on which panels are not just senior advocates, but eminent persons or laymen who will be seeing what we are doing. He empowered himself, to be able to order immediate compensation to the clients up to Kshs5 billion and to be able to summon advocates---

*(Messrs. Raila, Nyachae, ole Ntimama,  
Prof. Saitoti, Awori, Gumo and Khaniri  
entered the Chamber amid applause)*

**Hon. Members:** Rainbow! Rainbow!

**Mr. Speaker:** Proceed, Mr. Wako!

**Mr. Wako:** Mr. Speaker, Sir, the Attorney-General empowered himself to bring order and discipline to the proceedings of the Disciplinary Committee so that there is no chaos, noise and excuses of adjourning cases. So, I think the Attorney-General has done what he could, but I can tell you that it is not just the Attorney-General, we are doing it as a profession.

Mr. Speaker, Sir, I am glad that the hon. Member of Parliament, as a lawyer, supported those amendments when we tabled them in the House.

**Mr. Kaindi:** Mr. Speaker, Sir, the Attorney-General knows that justice delayed is justice denied. Already Kshs200 million has been paid by the insurance of that particular organization. By the time we finish the 300 cases, that particular factory will have collapsed. What remedial measures is the Attorney-General putting in place to ensure that compensation claims are put on hold until he completes investigations?

**Mr. Wako:** Mr. Speaker, Sir, we cannot put cases on hold, but surely the company can defend itself in those cases. They should not just *ex parte*, I know they can successfully defend themselves in those cases, because the advocates will be hard put to prove their case before a competent law court.

**Mr. Speaker:** Next Order!

## POINT OF ORDER

### APPOINTMENT OF VICE-PRESIDENT

**Mr. Maitha:** On a point of order, Mr. Speaker, Sir. I stand to demand a Ministerial Statement from the Office of the President. Recently we had the Vice-President dropped or sacked and, according to Section 17 of the Constitution, it states:-

"There shall be a Cabinet consisting of the President, Vice-President and Ministers".

Could the Minister concerned give a Ministerial Statement with regard to whether the Cabinet is properly constituted under our Constitution?

**Mr. Speaker:** Is there anybody here from the Government side to reply? Mr. Mudavadi! There is nobody interested in answering!

**Mr. Mwenje:** On a point of order, Mr. Speaker, Sir. In view of the fact that there is nobody to answer such an important question in this House, may I move that this House has no confidence in this Government, and that it should resign?

**Mr. Speaker:** Mr. Mwenje, matters of that gravity are not done as casually as you think!

**Mr. Muite:** On a point of order, Mr. Speaker, Sir. In terms of the practice of this House, we always have the Leader of Government Business to guide the Speaker and the House.

In his absence, we have the Deputy Leader of Government Business who is sitting there. Could he not guide the House on this important issue that has been raised by Mr. Maitha?

**Mr. Speaker:** Mr. Mudavadi, would you like to give guidance?

**Hon. Members:** Shame! Shame! Shame!

**Mr. Mudavadi:** Mr. Speaker, Sir, I think hon. Maitha directed that question to the Minister of State, Office of the President. I have taken note, and we will get him to respond.

**Mr. Sungu:** On a point of order, Mr. Speaker, Sir. As you have said, this matter is being taken very casually. This is a constitutional office, and a Vice-President should not be absent in this House, because anything can happen to the President.

Mr. Speaker, Sir, could you make a ruling that this constitutional office be filled up, including that of the Leader of Government Business?

**Mr. Speaker:** You are giving me the powers that I do not have!

**Mr. Sungu:** Mr. Speaker, Sir, we can even give you those powers today!

**Mr. Speaker:** Well, bring the Bill!

**Mr. Gatabaki:** On a point of order, Mr. Speaker, Sir. Considering that the Attorney-General is here, and he is the principal advisor of the President and the Government of Kenya, and by extension maybe the advisor to this Parliament, could he tell the House the circumstances in which the Government is operating unconstitutionally?

**The Attorney-General (Mr. Wako):** Mr. Speaker, Sir, I am glad that the hon. Member knows what the Constitution provides as to the functions of the Attorney-General; the Principal Legal Advisor to the Government of the day. The Government of the day will be advised appropriately.

**Mr. Speaker:** Next Order!

## COMMITTEE OF SUPPLY

*(Order for Committee read  
being 11th Allotted Day)*

### MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Vote 13 - Ministry of Roads and Public Works

**The Minister for Roads and Public Works** (Mr. W.C. Morogo): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair to enable me introduce debate on Vote 13, Ministry of Roads and Public Works.

Mr. Speaker, Sir, the core functions and responsibilities of the Ministry of Roads and Public Works include the following:

Development and maintenance of roads, public works planning and policy development---

*(Loud consultations)*

**Mr. Speaker:** Order! Order, hon. Members! We have business to transact, so those hon. Members wishing to take their leave, please do so quietly.

Proceed, Mr. W.C. Morogo!

**The Minister for Roads and Public Works** (Mr. W.C. Morogo):

Development and maintenance of public buildings.

Maintenance and inventory of Government property.

Provision of mechanical and electrical services.

Material research and testing.

Supply of common-use items to Government Ministries, Departments and other institutions.

Housing and housing policy.

National Secretariat for human settlement.

Rent Restriction Tribunal.

Registration of engineers, architects and quantity surveyors.

Mr. Speaker, Sir, the Ministry tries to contribute to socio-economic development of the country by facilitating adequate provision and maintenance of physical infrastructure in form of roads and buildings throughout the country. To accomplish that, my Ministry is pursuing the following objectives:-

Facilitation of adequate provision of roads infrastructure through policy formulation, research, design, supervision and regulation of standards for their development and maintenance throughout the country.

Provision on cost-sharing basis of logistical manpower development and technical support in roads construction and maintenance by procuring and servicing equipment and training personnel.

Mobilising resources both from the public and private sectors for development and maintenance of roads and buildings.

Facilitation of adequate provision of cost-effective buildings, including decent housing to Kenyans through policy formulation on informal settlement upgrading.

Research and building materials and technologies, dissemination of research information and promotion of wide application of innovative materials.

Mr. Speaker, Sir, my Ministry carries the aforementioned functions under the following expenditure votes:-

Sub-Heads - General Administration and Planning, Building and Works, Housing Development, Roads and other services.

Mr. Speaker, Sir, in order to finance services under Vote 13, I will require a gross provision of Kshs15,832,093,194, out of which, Kshs10,596,743,724 will finance the recurrent activities, while Kshs5,235,349,470 will finance development expenditure.

Mr. Speaker, Sir, let me now present proposals for the Recurrent Vote, after which, I will present those for the Development Vote.

Mr. Speaker, Sir, the recurrent gross Printed Estimates of Kshs10,596,743,724 will be expended as follows:-

Kshs1,340,195,448 will meet the expenses of staff salaries and allowances, including training; Kshs772,785,452 will go towards operations and maintenance, out of which Kshs90 million will be used to procure

security services for Government premises. Kshs55,296,028 will be used for major and minor maintenance works, while Kshs19,034,224 will be used for payment of rents and rates for constitutional office holders and presidential appointees. Kshs40,500,000 is allocated for internal repairs and redecoration of vacated houses and Kshs121,488,100 will be used by the Mechanical and Transport Department for purchase of spare parts, equipment and for maintenance of plants and equipment. The balance of Kshs446,471,100 is for operation and maintenance under various heads.

Mr. Speaker, Sir, Kshs8,444,301,809 of those funds will be collected as Appropriations-in-Aid (A-in-A) in form of Roads Maintenance Levy and transit toll charges. The funds will be expended on road maintenance activities which will include routine maintenance of all roads, gravelling and re-gravelling, re-carpeting and resealing, pave-road construction and bridges and design of roads.

Mr. Speaker, Sir, roads constitute the single-most important mode of transport in the country. Indeed, the growth and development of all other economic sectors depend on an efficient roads network. For that reason, the long-term objective of the Government is to develop and maintain a system of all-weather roads, which will facilitate access to all key areas of agricultural and general economic activities, including market centres.

Mr. Speaker, Sir, in a deliberate effort to raise the required roads maintenance finances, the Government introduced the Roads Maintenance Levy Fund in 1994, having recognised the fact that the provision of an appropriate roads network is one of its major challenges and bottlenecks in achieving sustainable economic development, thus culminating in the enactment of the Kenya Roads Board Act and the establishment of the Kenya Roads Board. The Kenya Roads Board Act of 1999 was assented to by His Excellency the President on 6th January, 2000, and the Board was launched in July that year.

Mr. Speaker, Sir, during the last quarter of the last financial year, the Board filled most of the posts in the secretarial and the Board is now fully operational and able to discharge its mandate.

Mr. Speaker, Sir, during the 2001/2002 financial year, the Kenya Roads Board approved road programmes for the various road agencies and disbursed a total of Kshs7,754,442 collected from the Roads Maintenance Levy. The Ministry was able to undertake the following rehabilitation works amongst others, using the Fuel Levy resources:-

Athi River-Kajiado-Namanga Road, Kisumu-Yala Road, Magumu-Njabini Road, Maili Tatu-Ndalu Road, Nyeri-Kangema Road, Miritini-Saba Saba Road, Mwatate-Taveta Road, Mandera-Elwak Road, Kabati-Mbondoni Road, Olenguruone-Silibwet-Mulot Road, Mwingi-Garissa Road, Mariakani-Bamba-Ganze Road and Amalra River-Sotik roads

Mr. Speaker, Sir, as the House may recall, the Kenya Roads Board made public, through the local dailies, its interim roads status report covering 1st July, 2001 to 30th May, 2002. The report gave a detailed account of how the amount disbursed through the different road agencies was utilised and the number of kilometres that it covered.

Mr. Speaker, Sir, in order to maintain transparency in reporting on the utilisation of those funds, the levy collected will continue to be deposited in the Roads Maintenance Levy Fund Account managed by the Kenya Roads Board. All disbursements will be made on the basis of approved road expenditure plans as prescribed in the Kenya Roads Board Act. In order to increase productivity and efficiency on roads maintenance, the Government will continue to enhance the function of axle-load control. In that respect, the Government will continue to strictly enforce the axle-load control regulations in accordance with the current Act, as it pursues the process of its privatisation. The Government will also continue to enhance private sector participation in routine and periodic maintenance of roads. We will also continue to utilize new highway designs and maintenance modal in valuation of new roads construction and maintenance projects, in order to ascertain the environmental impact of such activities.

Mr. Speaker, Sir, as my Ministry had promised this House in the past, we are still addressing the negative aspects which have inhibited quality and standards in road maintenance and management. My Ministry is determined to continue combating the shortcomings by ensuring that there is a high level of accountability, transparency, ownership and professionalism at all levels. To achieve this, the Government has harmonised the posts of chief officers in the Ministry and upgraded others in an effort to motivate the professionals in the Ministry.

My Ministry, through the Kenya Roads Board (KRB), has been organising and will continue to organise regular workshops and seminars with our development partners and the private sector on how best we can improve our road network. We are also constantly making field visits to monitor and inspect on-going projects to ensure that they are completed in time and are also of high standards so that quality is not compromised.

Mr. Speaker, Sir, I will now turn to the Ministry's Development Vote. As I highlighted earlier, my Ministry proposes to spend a gross total of Kshs5,235,349,470 for capital expenditure including planing, material research, consultancy services, designs and development of roads, buildings and staff training. Out of the gross provision, Kshs3,945,968 will consist of external receipts from bilateral and multilateral development partners in the form of loans and grants. It is my Ministry's desire to develop a road network which is consistent with the changing needs of the social and economic sectors. To realise this, the Ministry will prioritise its activities as follows:- Adequate maintenance and rehabilitation of existing roads, upgrading high priority roads to gravel and bitumen standards,

generate employment through the use of labour-based methods in the road works, staff development of our personnel to reduce the cost of road maintenance and promotion of road safety by improving dangerous road locations.

Mr. Speaker, Sir, in order to enhance these strategies, the Ministry, in conjunction with our development partners, has embarked on the implementation of Roads 2000 Programme. This initiative is geared towards the improvement of roads to maintainable standards using a network approach and an appropriate combination of labour and equipment. The emphasis in this approach is put on reducing cost and maximising employment at local levels in line with Government policy on poverty reduction, particularly with regard to rural agricultural roads.

In order to enhance the stated strategies and to actualise Government policy of reducing poverty, the Ministry has focused more on improvement of rural roads with the assistance of donors. In the last two years, the following commendable achievements have been made. The implementation of the Roads 2000 Programme in Taita-Taveta, Kwale, Kilifi and Malindi with the assistance of Danish International Development Agency (DANIDA) has continued as scheduled. During this financial year, Kshs49,800,000 is provided for in the Budget to complete the programme. The implementation of Roads 2000 Programme in Nyeri and Kirinyaga districts of Central Province, with the assistance of the Swedish International Development Agency (SIDA) is also on course. In 2002/2003 financial year, Kshs147 million has been provided as SIDA contribution, while the Government of Kenya counterpart funding will be provided from the Road Maintenance Levy Fund. The implementation of Roads 2000 Programme in eight districts of Eastern Province; namely, Meru North, Meru Central, Meru South, Tharaka, Embu, Mbeere, Machakos and Makueni with the assistance of European Union is still in progress. A total of 92 kilometres of the road have been improved at a cost of Kshs173 million. Similarly, Kshs300 million has been provided in the current budget.

The implementation of Roads 2000 Programme in Nakuru, Nandi, Kuria, Bomet, Buret and Nyamira in Rift Valley and Nyanza provinces, with the assistance of KfW of Germany is scheduled to commence in January next year. KfW of Germany intends to spend approximately Kshs525 million on the programme, of which Kshs100 million is provided for in the current budget. The implementation of Roads 2000 in Nyandarua, Maragua and Murang'a districts of Central Province, with the assistance of AFD of France is also under consideration. This will also cover Kajiado, Narok, Uasi Gishu, Trans Nzoia, with Pokot and Keiyo and Marakwet districts of Rift Valley Province. This is under discussion with the development partners. It is hoped that the programme will commence in the next financial year.

Mr. Speaker, Sir, other key projects and programmes which my Ministry intends to undertake during the year, include continued tarmacking of Katumani-Wote Road with financial support from the Organisation of Petroleum Exporting Countries (OPEC) and Kuwait funds. Continuation of undertaking of a feasibility study on Ndondori-Ol Kalou-Njabini and Emali-Loitokitok Road with the assistance of the Arab Bank of Economic Development in Africa. Continuation of procurement of a contractor to start the tarmacking of Wote-Makindu Road with financial support from the OPEC and Arab Bank of Economic Development in Africa. Commencement of the procurement process for services of reconstruction of Mai Mahiu-Naivasha-Lanet Road with financial support from the European Union. Completion of procurement and commencement of construction of the Mtito-Andei-Sultan Hamud Road as part of the northern corridor with financial support from the European Union. Procurement of construction services on strengthening and widening of the Narok-Mai Mahiu Road with the financial support from KfW of Germany and AFD of France. Completion, design and part of the construction of rehabilitation of the Maji ya Chumvi-Miritini section of the Nairobi-Mombasa Road with financial support from the World Bank.

Mr. Speaker, Sir, among other donors who were giving the Government financial support are the Japanese Government; for construction of Athi and Ikutha bridges and the Peoples Republic of China for bitumenization of Kipsiga-Serem-Shamakhokho-Road. In support of the mentioned projects and programmes, the Government of Kenya will contribute Kshs249 million as counterpart funds and utilise a further Kshs899,056,000 for construction and rehabilitation of roads such as Kisii-Chemosit, Ziwani-Moi's Bridge and Mumias-Busia Roads, to mention a few of them.

*[Mr. Speaker left the Chair]*

*[Mr. Deputy Speaker took the Chair]*

Mr. Deputy Speaker, Sir, my Ministry recognises that the factors that have contributed to the poor road network in the past have been attributed to incomplete documentation used for awarding contracts, lack of effective contract supervision leading to the construction of poor quality roads and lack of routine maintenance. In order to address these shortcomings, my Ministry has in the last two years continued to root out these malpractices and stern measures are already being taken against contractors and Government officials who compromise on quality and standard of works. My Ministry is also taking measures to restore transparency, professionalism, accountability and discipline amongst its staff through enforcing professional ethics, code of regulations and stern adherence to

procurement and accounting rules and regulations.

Mr. Deputy Speaker, Sir, other measures include enforcing strictly the use of economic project appraisal methods, improving the auditing and accounting for Road Maintenance funds, putting in place stringent and financial and technical criteria to ensure that only those contractors or consultants who can deliver are considered when awarding tenders. Strengthening the road works inspectorate to ensure that resources allocated for road construction and maintenance are consistently applied to the purposes for which they were intended, and that use of those resources is efficient and transparent.

Mr. Deputy Speaker, Sir, turning to building and Government housing issues, my Ministry has been implementing the new housing policy for Public Service which introduced enhanced house allowance rates and charging of market rents for Public Service housing with effect from 1st July, 2001 and phasing out of lease housing for public servants. I am happy to report to this House that with the commencement of the charging of market rents for Public Service housing with effect from 1st July, 2001, my Ministry has managed to collect a total of Kshs550,714,367.25 in form of revenue from public servants occupying Government houses.

During the second part of 2001/2002 Fiscal Year, the Ministry has also handed back to the landlords all the leased houses with the exception of those occupied by constitutional office holders and presidential appointees. With the introduction of the market rate rents, some public servants opted to take advantage of the enhanced house allowance and decided to move into their houses or to cheaper and cost-saving accommodation. This exodus resulted in a number of Government houses falling vacant. Consequently, my Ministry has utilised the services of contracted private security firms to ensure that all vacant Government houses are properly secured. These services will continue to be utilised during this financial year and a budgetary provision of Kshs90 million has been provided for the purpose.

Mr. Deputy Speaker, Sir, the Minister for Finance, in his Speech for 2002/2003 Financial Year, stated that the Government plans to sell non-institutional Government houses from which it expects to realise a total of Kshs2 billion as one way of off-setting the Budget deficit. My Ministry is working closely with the relevant authorities and other stakeholders to ensure that the proposed sale will be done transparently and competitively so that those interested are given equal opportunity and that the Government gets maximum returns from the intended disposal. The proposed sale will, however, exclude all Government houses which are occupied by personnel providing essential services. These include the constitutional office holders, presidential appointees, magistrates, disciplined personnel, health institutions, Government training institutions and research organisations.

My Ministry is also responsible for all housing and housing policy matters and the National Secretariat for Human Settlement whose priorities are as follows; to oversee the approval of national housing policy, establishment of building centres to enhance training and dissemination of information on low cost building materials and appropriate technologies, continuous upgrading of slum areas and informal settlements, review of the building by-laws and planning regulations and facilitate research and building materials technologies.

Mr. Deputy Speaker, Sir, Kenya is a member of the United Nations (UN) and will, therefore, continue to contribute to the UN, Habitat and Human Settlement Foundation. To meet her share of obligation to Shelter Afrique, Kshs33,362,769 will be required as our contribution to the two institutions. Improvement of housing for the country's population has been the concern of the Government since Independence. Housing and infrastructure of acceptable standards and affordable costs when combined with essential services afford dignity, security and privacy to the individual, family and the community. Besides these social functions, housing is good investment contributing both directly and indirectly to employment generation, raising of income, improved health and increased productivity of the labour force. Development of housing and related facilities entail utilisation of scarce resources such as land, building materials, labour and finance. Efficient utilisation of these scarce resources requires formulation of an effective housing policy which sets out goals and objectives for all the actors in the entire housing delivery system.

The first comprehensive housing policy for Kenya was initiated in 1966 as Sessional Paper No.5. I am happy to report that the Sessional Paper on National Housing Policy has been tabled in this august House for consideration. It is my hope that the Paper will be discussed during this current session. The draft housing policy identifies the problems and challenges in housing delivery and addresses issues posed by urbanisation, increasing poverty and escalating cost of housing. The policy encourages mobilization of resources for housing development, increased research on building materials and construction techniques, upgrading of slums and informal settlement, effective land use, planning and administration and other impediments like legislative and institutional framework and proposes continuous review and harmonisation of various legislation for effective housing delivery.

Building development projects comprise sizeable components within the construction industry, in terms of creation of wealth and employment, provision of shelter as well as consumption of industrial products like cement and paints, to mention just but a few. Over the years, the Government has been carrying out construction programmes, completing the activities of other participants, notably the private sector, NGOs, religious organisations as well as our

development partners. Most of the facilities which have been constructed are geared towards support in health, education and agricultural sectors and accommodation for Government services.

In line with the current policy towards poverty reduction, my Ministry is now concentrating on completion of a few core projects to enhance their completion rate, funding few projects which will have direct and immediate contribution towards poverty alleviation, scaling down large projects which require substantial amounts to complete and termination of stalled projects with a view to completing the more viable ones through smaller packages or phases.

I am, therefore, seeking the authority of this House to spend Kshs262,180,470 for materials, research and testing, architectural services, electrical and mechanical services, structural engineering services and contractual management of Government building projects. I am also seeking the authority of this House to spend a further Kshs35,000,701 for development of middle-level technical skills in road and building sectors as well as promotion of level-based technology in road construction and maintenance.

Overall, I am seeking the authority of this House to spend a total of Kshs15,832,093,194 to enable me undertake and implement the roads and building programmes and projects under Vote 13 - Ministry of Roads and Public Works. The amount is less by Kshs2,033,651,733 when compared to Kshs17,855,744,927 which was allocated to the Ministry in the just concluded financial year.

Mr. Deputy Speaker, Sir, I beg to move.

**The Minister for Lands and Settlement** (Mr. Ngala): Mr. Deputy Speaker, Sir, I rise to support Vote 13 - Ministry of Roads and Works. I would like to thank the Minister for the manner in which he has moved this Vote. This has been a well-delivered speech. I would like to say that I am also very grateful that I had an opportunity to serve in this Ministry for a while. The Ministry has got many departments which the Minister has pointed out. All these departments are headed by very competent officers in the Ministry. I believe that with the kind of officers the Ministry has, it is capable of delivering good services to this country. The Ministry has been structured in such a way that it is able to deliver services in the entire Republic. I believe that the kind of work that the Ministry does now is to ensure that the road network in this country is expanded and maintained. It is through maintenance of the road network in this country that many people can get services that they are looking for.

The Ministry has many functions, but one of the areas which is of great importance to everybody is the road network. This is because people believe in the transportation of goods and provision of services. Therefore, the main focus is on our roads. Even when I was the Minister in that Ministry, I realised that most people were concerned about the road network in this country.

Mr. Deputy Speaker, Sir, I want to say that Kenya is one of the countries that have got manageable and passable road networks that enable one to travel from one region to another. We must be grateful for this particular position we are in as a country. As we move around, especially when we go to attend functions in various parts of the country, we do see how our road network has been put together countrywide. We have several areas where we have tarmacked roads; some kilometres have been murramed and so on. All these facilitate the movement of goods and services.

Mr. Deputy Speaker, Sir, I know there is a lot of interest in the activities that have been undertaken by the road network in this country by the Ministry of Roads and Public Works. I want to commend those donors who have come a long way in helping the Government through the Ministry of Roads and Public Works, in ensuring that we achieve certain targets in our efforts to make our roads passable. The Minister has mentioned a few donors and I want to commend them for coming into this country handy to help and ensure that our road network is supported. I think we will get more supporters, well-wishers and more donors who will continue supporting us in improving our roads.

Mr. Deputy Speaker, Sir, as I speak, I am supposed to benefit from the Ministry of Roads and Public Works. I have a constituency which should benefit from this particular Ministry. I want to thank the Ministry for what it is doing in certain areas within my constituency. We have a road that is now being constructed by Bridgestone Construction Company and we are looking forward to a day when this road will be done to standard. We are all looking forward to that because we also need to move our goods and services within the area. We have been waiting for a long time to get this particular road in position, and this is the road from Mariakani-Pemba-Ganze to Kilifi. This is a very important road and I want to thank the Ministry for allocating almost Kshs200 million for the construction of this road. As I speak now, some good work is going on, although it needs to be speeded up. We have had discussions with the Minister and his team to make sure that, that particular road is completed in good time.

There are new concepts that have been introduced in the Ministry where local people have been given small contracts in order for them to construct some of these roads. This is very good because it helps our small contractors to earn some money and also get challenged where their capacity can be measured to make sure that they also do a fair job on the road that they have been given. It is good for it targets the local contractors being given these particular jobs because we need them to improve and to show the Ministry their capacity of doing a good job.

Mr. Deputy Speaker, Sir, we are also grateful for the idea and concept of Constituency Roads Fund. In some instances, this money has done fantastic work on improving the roads by gravelling and dressing them up and making the necessary repairs where they have had problems. So, the Constituency Roads Fund is very important for the improvement of our roads as it is being dished to the constituencies; it will help immensely the situation of the roads.

Mr. Deputy Speaker, Sir, we want also to make sure that the main trunk roads, for example, Nairobi-Mombasa--- We are very grateful for the job that has been done on the Nairobi-Mombasa Road. It was a poorly registered road during the *El Nino* induced rains when we had problems. But now we have the remaining sections which needs to be done. Due to heavy traffic towards Mombasa City, it is high time some development was made to ensure that the section between Mombasa and Mariakani is made a dual carriageway. We have a lot of traffic on this road and it delays the smooth movement of people in that particular section.

I know there was a time when these ideas were being hatched out; that we were going to have a dual carriageway between Mombasa and Mariakani in order to make it possible for the traffic within that particular area to move much more smoothly and to accommodate---

Mr. Deputy Speaker, Sir, Mombasa City is getting congested with heavy traffic. We want to see a possibility of decongesting that City. We can only achieve it by making sure that the roads from Mariakani to Kaloleni and Mavueni are bitumenized because these roads have been in that condition for a long time while we have made special appeals for this road. It passes through my colleague, Mr. Keah's constituency, and mine and, therefore, both of us are concerned about it and it is mostly on a sedimentary rock.

I am also concerned about the road from Mombasa to Malindi; there is a particular section which is poorly done. As I speak, I am sure the Minister is aware of that particular section of the road which needs to be repaired. The Coast Province is now as a tourist haven and we need our tourist---

**Mr. Muite:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to talk about a section of the Mombasa-Malindi Road without actually saying that it passes through his constituency, and it is a very bad section of the road? Let him tell the Minister so!

**The Minister for Lands and Settlement** (Mr. Ngala): Mr. Deputy Speaker, Sir, the hon. Member should not put words in my mouth.

**Mr. Deputy Speaker:** There is no difference in referring to it as "that road" instead of saying that it is in Kilifi.

Proceed!

**The Minister for Lands and Settlement** (Mr. Ngala): Mr. Deputy Speaker, Sir, I did say that "the road from Mombasa to Malindi!" When you go to Malindi, you pass through Kilifi definitely.

So, I will leave it at that. The Minister, who is a good friend of mine, is particularly aware of a section when approaching Kilifi Town, and this is a section, which the hon. Member is referring to--- I am sure the Minister has been there; he visited that section and he knows what I am talking about. I am merely emphasising the point that, that section is in an area which we want the Ministry to take care of because we need to have smooth movement of goods and services within that area.

Mr. Deputy Speaker, Sir, I think the department that constructs bridges within the Ministry is an important section, and we want to say that, the kind of bridges that, have been constructed---

With those remarks, I beg to second.

*(Question proposed)*

**Mr. Mwiraria:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to the Vote of the Ministry of Roads and Public Works. I rise to support the Motion.

In supporting the Motion, I would like to make a few general observations on the Ministry's major function; which is the construction of roads. First and foremost, let me say that our biggest problem in Kenya today, in the section of road construction is maintenance. We build many roads up to tarmac standards, but we do not maintain them. We seem to have forgotten the English saying that: "A stitch in time saves nine." There is no point of constructing roads to tarmac standards, if we cannot maintain them.

In Meru, for example, perhaps, the worst example in the Republic of Kenya, the roads have not been maintained.

On the Meru-Maua Road, there is a section of two kilometres where the Ministry has ripped off the tarmac surface because the road had become so bad that it was impassable. The Meru-Nanyuki road was destroyed by the *El Nino* rain; it still remains almost impassable. The question of the Meru-Embu Road is very strange. Road maintenance seems to vary from one district to another. Does the Ministry not have standards to which a tarmac road should be maintained? In Meru Central District, for some strange reasons, the roads engineer seems to think that he can repair a

tarmac road by filling up potholes with quarry waste. Consequently, when the rain falls, the foundations are destroyed. Unless the Ministry is careful, in a few years' time, it will have to re-construct what was one of the best-built roads in Kenya. So, I appeal to the Ministry to have a maintenance programme for all tarmac roads in the country and ensure that roads are maintained on a regular basis, and as soon as they show signs of weakness. We should not wait until we have to put up a new road.

Mr. Deputy Speaker, Sir, any road's durability is dependent on the kind of drainage system that has been put in place. Apparently, the Ministry does not seem to bother about drainage systems any more. When road engineers remember to put in place drainage systems, they sometimes direct the drainage into people's shambas. So, once one realises that rain water will wash away all the crops from one's shamba, one goes to the particular spot and blocks the drainage. Consequently, the water flows back onto the road, which gets washed away very quickly. Even in municipalities, where there used to be proper drainage systems, when people put up houses, they block the drainage systems. So, the roads also get destroyed. I would, therefore, appeal to the Ministry to pay attention to the drainage systems of roads.

My third point is that I would like to appeal to the Minister to, at least, have reasonable costs of construction and road maintenance. We have had the benefit of having Constituency Roads Fund. However, in some places, simple grading of a road costs Kshs50,000 per kilometre. If you look at the work done, you are left wondering whether really the roads engineer did his work or the money was put into good use. So, I appeal to the Ministry Headquarters to have a rough idea of such costs. I understand that the maintenance of some sections of a road may cost more than others, depending on whether they are badly broken and whether they require a drainage system. In some cases, simple grading of a road costs Kshs50,000 per kilometre. Really, I do not believe that we are getting value for money.

Let me now turn to specific projects in my constituency. The Kenya Urban Infrastructure Transport Programme (KUTIP) in Meru Municipality stalled, as it did in other municipalities. The Minister informed me in this House that the World Bank had stopped the financing of the project until the issue of the corruption that involved some World Bank and Kenyan experts was resolved. We know that the World Bank expert involved was sacked and penalised. What happened to our experts who were involved? When will the project resume?

People in agricultural areas depend so much on good roads to move their produce to the market, and Meru Central District is no exception. The most important feeder road in Meru Central District has not received any attention except for a 12-kilometre stretch, which has been done up to all-weather standards during the last 20 years. We would not be asking for too much if we insist that the Meru-Mikinduri-Maua Road be tarmacked, the Meru-Githongo-Kionyo-Chogoria Road, which goes through the heart of the tea growing zone in Meru, be tarmacked, and that the Meru-Giaki-Marimanti-Chiakariga Road, which links Tharaka with the rest of Meruland, be repaired to a level that would pose less trouble.

Mr. Temporary Deputy Speaker, Sir, my last point relates to the minor ungraded roads, which lead to the coffee and tea factories, thereby serving the real *mwanauchi*. In many instances, these roads are without bridges. Therefore, I appeal that the Ministry specifically sets aside some money which can be made available to assist *wanauchi*, who are building bridges on their own. The Ministry can, at least, help them in planning. In my constituency, there are several bridges which have been built by *wanauchi* using old motorcar chassis. They went ahead and built walls using stone, but they cannot complete the bridge. What is required in terms of financial assistance is so little. I am sure that if financial assistance is accorded to them, it will help.

There are several bridges in my constituency where children get washed away as they go to school every time we have rains. Although I have reported this to the district roads engineer, nothing has been done. But I would plead that it becomes Government policy that a certain amount of money is set aside for the construction of bridges which need not necessarily be used by lorries, but rather by light vehicles, across fast-moving streams, particularly in Mount Kenya area, to save the lives of many children and grown ups who lose their lives as they cross the rivers when they are full of water.

With those few remarks, I beg to support.

**Mr. Sambu:** Thank you, Mr. Deputy Speaker, Sir. I want to make a few comments on this Vote. First, the Ministry has sought Kshs15.8 billion. What is this money for? What is the money for when all roads, even new roads which are less than one year old, are worn out?

We have many examples of such roads. This Kshs15.8 billion will come from the taxpayer through the Fuel Levy Fund and other taxes and will be thrown down the drain. In Kenya, to tarmac a kilometre of road costs Kshs10 million when contractors in our neighbouring countries, which are further inland from our port, charge no more than Kshs5 million. In this Ministry, money is set aside not for the sake of constructing roads, but for the sake of feeding some people in various ranks from the districts to the top. Money set aside to construct and repair roads in the districts does not belong to Kenyans. It belongs to the District Roads Engineer and the District Works Officer. In Nandi District, this money belongs to a Mr. Masika, whose rank I do not know.

We have the Kenya Roads Board Act which stipulates very clearly that there shall be a District Roads Committee account separate from the District Treasury account. For example, in Nandi District, that account is controlled by the District Roads Engineer, the District Works Officer and the District Accountant, who are the signatories. I even confirmed this yesterday. When I asked them who gave them the power to control this account when the Kenya Roads Board Act is very clear about the account, they told me that I could go to hell and I also told them to go to the same place. I want to make it clear to the Minister that I will be going to Kapsabet with my youths and we shall take care of this matter.

Why should we tax Kenyans Kshs15 billion and give it to contractors, many of whom are Indians and who bank the money abroad? In Kenya, tarmacking a kilometre of road costs Kshs10 million and Kshs8 million to recarpet the same. In other countries, it cost an average of Kshs2 million to recarpet a kilometre of road and an average of Kshs5 million to build a kilometre of a new road, including the earthworks. This is a pity. It is sad. I thank God that maybe in a few month's time, we shall have a change of guard so that Kenyans can be spared from excessive taxation and corruption.

In Nandi District, Mosop Constituency in particular, there is not a single tarmac road. This is one of the most fertile areas in the Republic. Nandi District is the second largest producer of tea. We pay taxes, but the money is never utilised in the area. It belongs to the District Roads Engineer, the District Works Officer, Mr. Masika, and the outgoing District Commissioner, Mr. Titus Ngoyoni. I would like to ask the Minister to tell us how much it costs to fill the potholes on the road between Mosoriot and Kapsabet areas. We were told that this cost Kshs3.6 million.

I want to request you not to use this road when you are going to Kisumu City because your car will be worn out. Kshs3.6 million has been spent and all the potholes are there. When you talk to the District Accountant, he tells you that his officers are qualified. These officers know nothing. During the day of judgement, they shall pay dearly for their misdeeds. I am a bitter man because our people pay taxes and get nothing in return.

A contractor was paid Kshs3.6 million and did not mix a single tank of bitumen with ballast. What is happening now between Mosoriot and Kapsabet is that school-going children have left school to go and put soil on the potholes so that motorists may pay them a few shillings, yet a contractor has been paid Kshs3.6 million to do this road. The District Roads Officer in Kapsabet, a Mr. Khazensi, is an unfortunate man. He told me that he does not know the contractor who was awarded this contract. How can you fail to know a contractor whom you have paid Kshs3.6 million? This is why I am saying that even the Kshs15.8 billion will go down the drain. If a District Roads Engineer does not know the contractor whom he has paid Kshs3.6 million, then how will the Permanent Secretary even know where the Kshs15.8 billion will go to? I would rather Kenyans do without this Ministry until we have a new Constitution in place, which will guarantee that local authorities will control their resources. As long as these resources are controlled from the Headquarters, they are not meant for Kenyans, but for a few people who misappropriate the money.

If you travel through Timboroa Road, you will find that it was very well done by a German company. Maybe this company was not susceptible to corruption. But overloading by motorists is wearing the road out. There is a weighbridge on the road, but you will find a lorry, or a trailer, literally digging out the bitumen as it climbs the hill. The rear wheels, which are driven by the engine, literally dig out the bitumen because of excessive weight. The wheels literally sink into the tarmac. This is a pity.

Mr. Deputy Speaker, Sir, we are told that a department of this Ministry is supposed to check on materials. What materials do we pay Kshs10 million for? Officers in the Materials Department do nothing. I do not know which universities they went to, but I think the universities they went to only taught them how to differentiate between a Kshs1,000-note from a Kshs500-note when offered by a contractor. That is the only thing they know. So, what materials do they check? All the materials that are supplied in the morning are released in the afternoon.

So, what does this department do? This is a pity. Why should we give this Ministry Kshs15.8 billion to be misappropriated?

Finally, I want to tell the Minister that there is nothing wrong that the Nandi people did to this Government. We thought that we only wronged the British Government, against whom we fought. We fought the British Government, but voted for this system. Nandi District is the second largest producer of tea in the country, but does not have a single kilometre of tarmac road.

With those few remarks, I beg to oppose the Motion.

**Mr. Muite:** Mr. Deputy Speaker, Sir, the issue of roads is, of course, very important to the economy of any country. The ability to move goods and people from one place to the other is a very essential component if the economy of any nation is going to grow. So, this is a very important Ministry as far as the road network in the whole country is concerned. One of the major shortcomings in the past, and I hope we are coming to a new dawn, has been that the decision to tarmac roads has not been made on merit. It is not made on the basis of density of the population or on the basis of what goods you are going to move along that road. It is made on the basis of political consideration

and patronage because somebody wants to please somebody. Really, we cannot even blame the Minister, his Permanent Secretary or his engineers. These decisions are made somewhere higher up. They are instructed on what roads to tarmack and, therefore, you introduce that patronage. The other component of patronage is corruption because, even as you dictate what road is to be tarmacked, then you dictate which contractor is going to tarmack that road and at what cost.

Mr. Deputy Speaker, Sir, if you go through the Estimates of Development Expenditure, for example, with regard to Kiambu District, you will find that the allocation for the district has actually gone to one constituency called Kiambaa. Why? Because there is a potential KANU candidate there and he is the one who has decided which roads within Kiambaa are going to be tarmacked, which contractor and at what cost. I took the predecessor of my friend, hon. W. C. Morogo who is here, Eng. Kiptoon to Kikuyu to show him the Thogoto-Gikambura-Karai-Thigio Road that goes all the way up to Limuru. We stopped at each of the shopping centres. This is a road that serves a densely-populated area and the last time a few kilometres of that road were tarmacked was in 1980 because President Moi wanted to do patronage to his then friend, Mr. Njonjo, and we are grateful that a few kilometres were tarmacked.

*(Prof. Anyang'-Nyong'o entered the Chamber without bowing to the Chair)*

**Mr. Deputy Speaker:** Order, Prof. Anyang-Nyong'o! Could you bow to the Chair?

*(Prof. Anyang'-Nyong'o bowed to the Chair)*

**Mr. Muite:** Mr. Deputy Speaker, Sir, as soon as their friendship ended, the Government took tractors there and actually dug up that tarmac.

**Mr. Munyasia:** On a point of order, Mr. Deputy Speaker, Sir. Did you see Prof. Anyang'-Nyong'o bow to the Chair when he was moving between you and hon. Muite as we usually do? He just walked straight into the Chamber! Should he not be asked to go and bow?

**Mr. Deputy Speaker:** It seems you were not in this Chamber because I ordered him to come back and do it properly.

Proceed!

**Mr. Muite:** Mr. Deputy Speaker, Sir, so that tarmac was dug up. I took hon. Kiptoon who was then the Minister for Roads and Public Works. We went round and, at each shopping centre, we held a meeting and he promised the people of Kikuyu that that road would be tarmacked. That was two and a half years ago and I do want to acknowledge that the current Minister agreed when I went to see him in his office that it is not the person who was promising, but it was the Government. It was the office and the institution which were promising.

Mr. Deputy Speaker, Sir, I would like to appeal to the Minister, through you that, that promise by the Government be honoured. To date, it has not been honoured and I would like to appeal that it should be honoured now. Let that road be tarmacked. The only other road that I know, which is crying out for tarmacking like that one in Kikuyu, is the one connecting Taita-Taveta District to Tanzania.

Mr. Deputy Speaker, Sir, I was embarrassed the other day when I drove from the Tanzanian side where there is beautiful tarmac road. However, when you come to the Kenyan side it is embarrassing because you find over 60 huge trucks on the Kenyan side waiting there. What East African Community are we talking about unless we can facilitate the movement of goods and services between the two countries? That is another road really that should be tarmacked.

Mr. Deputy Speaker, Sir, I also want to say that one of the most impressive pieces of legislation we passed here was the Kenya Roads Board because it gives a participatory approach to the management of these funds and we should widen that approach even in respect of which road is going to be tarmacked. The people in a particular area should be heard. Their priority should be the priority of the Government. That participatory approach is very important. You should involve the locals, county councils and the Members of Parliament.

It is the people who know which road is most important in a particular area. What did we do? We sat here and went to this seminar at Safari Park Hotel and drafted the Kenya Roads Board Bill that to some extent allowed the participation of the people at the grassroots in deciding what roads are to be murramed and that sort of thing.

Mr. Deputy Speaker, Sir, then as soon as that piece of legislation was enacted by this Parliament, the Chief Executive started complaining; asking how Members of Parliament can sit on these District Roads Committees. He further complained that they are not part of the Executive and they cannot implement such policies and yet we have a situation here where the entire Cabinet and the Assistant Ministers are part of the Legislature. So, that argument that the separation of duties between Parliament and the Executive was being blurred because Members of Parliament are

sitting on these committees has no basis in law. As soon as the President made that criticism, within a few days one man called John Haroun Mwau was in court filing a court injunction. There is no case pending and so there is no question of any *sub judice*. We are entitled to criticise a judgment like that one. A judgment was given actually making it nearly impossible for these District Road Committees to operate.

Mr. Deputy Speaker, Sir, if it was you, me or another person going to the courts, the judge would have told you: "You have no *locus standi*", but in the case of John Haroun Mwau the issue did not arise. He even got an injunction *ex parte*. These are some of the judgments that are bringing the Judiciary to a head-on collision with Parliament. These are some of the decisions that are making the Judiciary fall into disrepute and to be seen actually as a Judiciary being used by the Executive to achieve political wishes. So, we do want to appeal also to the Executive and to the Judiciary to bear in mind the aspirations of a particular people when they are passing judgements. A judgement that does not accord with common sense, a judgement that does not have the respect of the men and women in the streets brings the Judiciary into disrepute. So, in supporting this important Motion for this important Ministry, I want the Ministry to bear these issues in mind. They kept quiet. They did not fight that as vigorously as they should have fought it and I do hope that they will get ways and means of strengthening the roads committees.

Mr. Deputy Speaker, Sir, I have one final point. If you visit Ivory Coast which is in the middle of the tropical rain belt, you will find roads that are very fine, but what you notice is the quality of the drainage system. Even here, we have a good example of our neighbour Uganda. If you travel to the western part of Uganda and they do have more rainfall than we do in Kenya, what will strike you is the quality of the drainage system. You cannot spend money constructing a road unless you attend to the drainage system. You do not have to be an engineer to realise that. So, any time we are going to spend more money constructing and tarmacking these roads, let the Minister instruct his engineers and the contractors that drainage is critical. Drainage must be an integral part of the construction of these roads and when you construct them then you must spend some money in maintaining and opening those drainages systems.

Mr. Deputy Speaker, Sir, if you travel along Thika Road the drainage is blocked and we have unemployment. It will cost next to nothing if you actually employed men and women and there are plenty of them in this country, to unclog the drainage on a regular basis so that when the rains come that rain water does not flood and spoil the roads. I have taken the District Roads Engineer to see the Nairobi-Nakuru Highway that you constructed on the turn-off to Kikuyu Constituency because again there are potholes near the flyover to the turn-off to Kikuyu and he has confirmed first that the design was faulty because the diameter of the drainage was very small. So, it is not able to carry the rain water and the tarmac has been washed away and the Ministry goes and returns the tarmac and then when it rains again it is washed away. So, this issue of drainage is critical.

I beg to support.

**The Assistant Minister for Transport and Communications (Mr. Keah):** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I support the Motion that the Minister should be allowed to spend the funds that he has asked for, for purposes of making sure that we have a road system that is good for our economy.

I want to begin by thanking the Ministry for what we have received, particularly in the constituency. It is good to acknowledge and appreciate that fact. I want to thank the Ministry for the funds provided for the repairs of Road C107; the Mariakani-Mavueni Road, after the *El Nino* devastation. Admittedly, it took four years to do so. The only pity there is, is that, when the funds were allocated, the portion that had been damaged by the *El Nino* rains was identified. But after four years, the road had been eroded so much and the contractor only did the portion that had been eroded by the *El Nino* rains and left the one that had been subsequently eroded after three years of waiting. This made the work look so shoddy that the people started complaining, asking why one portion of the road was done while the other one was left out. I would like to appeal that in future, such anomalies should not recur so that the workmanship becomes excellent. We should not repair one patch of the road and leave out the other damaged one. I think it is not right at all to do that.

Mr. Deputy Speaker, Sir, I want to enjoin my colleague, Mr. Ngala, who requested the Government to avail funds for the construction of the Mariakani-Tsangatsini-Bamba-Mavueni-Kilifi Road. Certainly, that road will empower the people economically when it is opened up. But I want to urge that the contractor is just too slow, and even the quality of the murrum being applied is poor. I have written to the Ministry, complaining about the quality of the murrum being applied. When it rains, it becomes muddy. It is actually pure mud, and yet I am told that, that type of murrum was approved by the engineers involved. I would like the Minister and his team to look at the murrum being applied between Mariakani-Mnyenzi and Tsangatsini because, in my view, as a layman, it is definitely substandard.

Mr. Deputy Speaker, Sir, also, I want now to join my colleague with regard to professionalism in the Ministry. We have so many qualified engineers, but the quality of workmanship and the supervisory works on some of the roads being done leaves a lot to be desired. I would like to appeal that when a road is being done, the issue of

drainage must be addressed and I have heard it said by my colleague. I want to repeat that those of us who are not engineers would like to see drainage systems in place. When I was growing up and the roads used to be maintained by the county councils, there used to be a furrow dug out into the shamba after every five to ten metres. Today, the caterpillar makes a small trench and when it rains, the water sinks there and it devastates the road. Even I, as a layman, know that, that is wrong. Why does the Ministry permit such workmanship to continue?

I want to congratulate the Ministry for allowing small-scale contractors to do our roads. Those roads are done by people in colleges and they are doing a fantastic job. They do it manually and you have 30 to 40 people on a stretch of road. They raise it up and do the drainage. It is strange enough that those people do the drainage and the road then becomes passable over a long period of time. I want to appeal that money for maintenance of such roads should be provided. I would like to recommend that a road be divided into sections and each section is given to individuals residing along that road. I am sure these people will be proud to maintain the road. When a coconut tree or a tree falls, he will be the first to go and ensure that, that portion of the road is properly maintained. I have in mind rural roads. I find this very useful and it will cost the Ministry less money to maintain those roads.

Mr. Deputy Speaker, Sir, the portion between Bachuma Gate and Miritini needs to be done urgently. That is the gateway from the port of Mombasa. It is also the entry into the port. It is really shameful that, that portion of the road, particularly around Mazeras and Mariakani, is absolutely deplorable. Since the *El Nino* phenomenon, they have been patching it up but we wonder what is really happening. It ought to be properly tarmacked.

I want to introduce a certain subject again. If we do not have funds from the World Bank, let us build, operate and transfer (BOT). I want to recommend very strongly that we should, today, adopt this policy of build, operate and transfer. We would rather commission a private contractor to build a dual carriageway between Nairobi and Mombasa, the road from Dongo Kundu down to the South Coast; from Mombasa to Malindi, and from Mariakani, Kaloleni to Mavueni, on a BOT basis rather than waiting for the World Bank, which will never give us money. I would like the Ministry to seriously consider bringing up a Sessional Paper on this issue.

Let us encourage the BOT policy because the Government budget does not have the capacity to do all these roads. In 15 to 20 years' time, we will have at least a road that has been done which our children and grandchildren will utilise, rather than wait for the World Bank and European Union to give us aid. It is the same World Bank who will require survey studies. They have been studying those roads for ten years and the funding is not forthcoming. This is very disheartening. I specifically want to appeal for the tarmacking of Road C107, which is Mariakani-Kaloleni-Mavueni Road. This road has been surveyed, approved and prioritised for the last 35 years, but, unfortunately, it has never been tarmacked. I am appealing to the Minister and his colleagues within the Ministry to look into this issue. They know this road very well and it is high it was tarmacked.

May I also suggest at this juncture that officers within the district should be able to know which roads have been badly damaged by floods and things like that. For example, last week, we had a spate of heavy rains. Three culverts were washed away on the Kwamateni-Mutengo-Migumomiri Road which is in my Kaloleni Constituency. This road supplies food to schools and to the people, and yet nobody is aware of the damage caused on it by the rain. The District Engineer does not even know about it. Somebody somewhere ought to know that there is a problem there. I would like to appeal that the District Engineers should be travelling regularly to inspect roads and find out which ones are bad.

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

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I rise to support this Vote of the Ministry of Roads and Public Works. Before that, I would like to congratulate my dear friend, Mathias Keah, for a very well delivered speech. I assure you that when the NAK forms the Government, you shall be the Minister for Roads and Public Works.

One of the things that is really disastrous in this country is the state of rural access roads. Rural access roads are the nerve centre of the rural economy. Women taking fish to the market use these roads. Men transporting fish on bicycles from Lake Victoria to all parts of Nyanza use these roads. When people die and we take them home to bury them, we use these roads. The Government should be, first and foremost, sensitive to rural access roads. Sometime ago, in the 1970s or 1980s, we received some money from the Dutch Government to support rural access roads. This money was poorly managed by this Government and that support was withdrawn. Subsequently, the maintenance of rural access roads completely collapsed.

In many ways, the rural access roads were so well built that they have withstood many years of negligence, and they are still somehow passable by the Grace of God, during the dry season. In the rainy season, rural access roads are in a pathetic state of disrepair. There are places where culverts exist, but they are so dangerous that if you go over them, you will sink. Where culverts previously existed, people have devised their own roads by creating by-passes. I am saying this because rural access roads are also the source of employment for many people. The road gangs that used to maintain the rural access roads that are no longer in existence also lost employment. I would appeal to the Minister for Roads and Public Works to think very carefully on the need, not only to put sufficient money towards

rehabilitating rural access roads, but to revive the original concept of rural access roads where people living in the neighbourhood of rural access roads were given one kilometre or half a kilometre of road to maintain and they did a good job. Kenyans are good workers. They take pride when they are given work and they do it with a lot of commitment. When you remove that from them just because you are running the Government poorly, you are stealing everything. You are even stealing the capital. This is what is called rude governance and not just bad governance because you are being rude to your own people. There is no need of talking to the Minister for Roads and Public Works when there are no roads where the people live. You try to impress us with a few tarmacked highways, but you do not even maintain them. If you look at the number of accidents on our roads, you will find that Kenya is leading in accidents per capita in the whole of the Commonwealth countries. This is nothing to be proud of. When you do not maintain the major tarmacked roads and ignore and neglect rural access roads, what is the reason for your existence as a Ministry? You should all go home and retire ahead of time. You should not come here to think of a budget and even speak about it. I would urge this Ministry that the next time you come to this Parliament - and I hope you will come to this Parliament under NAK Government - if you do not shape up, you will wake up.

The main international highways in this country are a shame. The other day we had just left a friend of ours in Voi, Philip Wamba, the son of Prof. Wamba, who was a visitor to Kenya, driving his Pajero to Mombasa and he died just outside Voi because of the state of our roads. The Mombasa-Nairobi Road must be made a dual carriageway for two reasons.

One, Mombasa is a major international port, and two, the Coast is a major tourist destination. Any visitor coming from Nairobi and wanting to enjoy the scenery between here and the Coast, who takes road transport, will decide never to return to this country the moment they reach Athi River. It is a nightmare from here to Athi River. It is better to travel to Thika because it is a dual carriageway. Where is the sense in making a dual carriageway from here to Thika and you cannot even make one from Nairobi to Athi River, where you have a major cement factory? I do not understand that logic of yours. Apart from that, the road should be a dual carriageway, all the way from Nairobi to Busia.

If you try to travel from Kisumu to Maseno, you will give up your journey halfway because of a man called Hayer Bishan Singh, who this Government loves for no obvious reason. Any time there is a contract in that part of the world, it is awarded to Hayer Bishan Singh. He specialises in doing jobs halfway. He is given contracts because the Government knows he will do any job halfway. He constructed this road from Kisumu to Muhoroni. You should see that road. It is pathetic! At one time, Mr. Kones, who was the then Minister for Roads and Public Works, went and inspected that road and he was angry. The next day he was fired. Why do you fire somebody who says the right thing? I do not understand this Government. The moment you speak the truth, you are fired. What kind of creatures are these? People are dying on that road!

The road from Kisumu to Maseno, before you reach Busia, was constructed by Hayer Bishan Singh. He removed all the tarmac between Daraja Mbili and Lela. While Everybody is now breathing dust, Hayer Bishan Singh is sitting in his office in Kisumu, waiting for this Government to give him the next contract, I do not know to construct what. If you try travelling to Maseno from Yala, it is a nightmare. There are "Moi" holes all over the place! I do not understand why they call themselves the Ministry of Roads and Public Works. We in that part of the world do not know the Ministry of Roads and Public Works; we know it as the Ministry of Roads and "Public Shit." This is terrible!

**Mr. Otula:** On a point of information, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! There is no such thing!

Proceed, Prof. Anyang'-Nyong'o!

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, further, we should think of security on our roads. In civilised societies, dual carriageways and major interstate highways have lights. They have telephones somewhere. They have what they call highway patrols. These things are not difficult to finance. We have the Fuel Levy Fund. You can budget and have highway patrols, lights on highways and telephones, so that our people are secure. Security is a first responsibility of any civilised Government on the face of the earth. That is *usalama kwa wananchi*. But in this country, something called security was forgotten a long time ago. There is no planning with security in it.

So, I would like to advise this Government to provide lights in cities, towns and so on. It should also provide dual carriageways, and interstate highways should have lights, telephones and highway patrols. What we have are just highway roadblocks and our police have learnt the word "roadblock" to be real roadblock. You reach there and you will find spikes. You do not even know where to pass. They are so damned tight. They are real blocks. This is a terrible mentality; that, in their wish to provide security, they block the movement of commerce, trade and the people.

In my own constituency, the road from Maseno to Kombewa, through Owanga Road to Akado, is a major road that should have been tarmacked many years ago.

**Mr. Ayoki:** On a point of order, Mr. Speaker, Sir. Is Prof. Anyang'-Nyong'o right to say that he has a constituency? Which one is this?

*(Laughter)*

**Mr. Deputy Speaker:** Order! If he lives there, what does he call it?

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, perhaps, the House would like to know that Mr. Ayoki exists in that constituency in "parentheses." I hope that he understands that I also live there.

This road from Maseno to Kombewa---

**Mr. Kamolleh:** On a point of order, Mr. Deputy Speaker, Sir. Is Prof. Anyang'-Nyong'o in order to say that one hon. Member exists only in parentheses? That means that he does not live; he only exists in "parentheses."

**Mr. Deputy Speaker:** Order! Mr. Kamolleh, I would advise you to go and learn more English, away from here.

**Mr. Kamolleh:** Mr. Deputy Speaker, Sir, I speak English.

**Mr. Deputy Speaker:** Order! You speak English with Digo thoughts or grammar, not English with English grammar.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, let me conclude. That road needs to be tarmacked because in 1984, if I remember well, there was a budget for it, but it was never tarmacked. I would like the Ministry of Roads and Public Works to revisit the road from Maseno to Kombewa to Owang'a Road to Akado and find out why it has never been tarmacked to this very day, when there was a budget for it in 1984 to be tarmacked.

Finally, from Daraja Mbili to Kiboswa---

**Mr. Deputy Speaker:** Prof. Anyang'-Nyong'o, your time is over.

**Mr. Mbela:** Thank you, Mr. Deputy Speaker, Sir, for giving me the chance to contribute to this Vote. First of all, I want to take the opportunity to congratulate the Minister for the able way in which he moved the Vote. Although consultations were a bit loud, I took the trouble to listen to him.

I want to say that the management of roads seemed to have been reformed, and in some way, democratised. I remember that it was not until December 1999 when, with the former Minister for Roads and Public Works, Eng. Kiptoon, we sat and went through the Kenya Roads Board (KRB) Bill as it was then. We came to a lot of changes, that I can confidently - since I have the chance of presiding over the Departmental Committee on Energy, Communications and Public Works - say that a lot of work is now being done, particularly in the rural areas, as a result of that Act having come into force. Until that time came, 85 per cent of the funds for construction of roads and even maintenance were being spent on roads west of Nairobi, and I did a research on that. That had gone on for a good 15 years. The research that we did showed that the roads west of Nairobi were the ones which were being given attention as if there was no Kenya to the east of Nairobi.

The good thing about the KRB Act is that it created an opportunity for 16 per cent of the Road Maintenance Levy funds to be made available to the 210 constituencies equally, and this is where some very good work is being done. First, it has revolutionised the work. The people's representatives in form of hon. Members and councillors are constantly consulted on priorities, and they have a say on which road is attended to first. Again, they also have a say regarding the conflict between the machines and labour. The rural folk who have got some very serious poverty problems, and where employment is a major problem, have benefitted a great deal through the KRB Act with its 16 per cent. What is eagerly awaited is the 24 per cent under the Act which is supposed to go or to be shared out equitably between the 70 districts in Kenya. At the time of implementing the Act, there were a lot of other bills which were pending and commitments that had to be honoured. But these have to come to an end at some stage. They cannot go on indefinitely.

I am pleased that after discussions with the Minister, as a Committee, he assured us that Kshs200 million will this year be made available to 28 of the districts which have been in the past not been attended to. The KRB Act created three agencies, one of them being the roads department within the Ministry, the KWS and the District Roads Committees (DRCs). The DRC has an advantage in that it brings everybody within the district together, to be able to have discussions and supervise the money that is available for constructing roads in that particular district. Until that money came, we had some of the roads being constructed by the Ministry of Local Government. In our own experience in the Committee, we found that the Ministry of Local Government was extremely reckless in the manner in which they were spending money.

You will recall that the Museum Road in Nairobi, less than 200 metres, where Kshs238 million was spent in just doing that particular section--- If you move around, you will also find a lot of uncompleted roads and huge Government resources were spent on them, and yet the job was not properly done. The proof of that is a lot of potholes which are presently found on the roads.

The Kenya Roads Board Act does not give the authority to either the Ministry of Roads and Public Works or the Roads Board itself to create other additional agencies. Any money that is sent to the Ministry of Local Government

is being sent there against the law. Funds which are not being properly supervised should not be wasted by being sent to the Ministry of Local Government. There is adequate provision under the District Roads Committee for that money to be sent to the Committee, particularly, because there are elected representatives at the Committees; there will be proper supervision, and the roads will be done.

I would also like to appeal to the Minister to attend to roads within my district. When we had the *El Nino* rains, most of the roads were washed into the Indian Ocean. We had landslides, and because of the poor drainage, many roads disappeared. There is the first road that was done in the district; Road D538, which should have been tarmacked a long time ago or, at least, if it is not possible to tarmac it, it is very crucial to murrum it so as to give service to the people.

I would also like to thank the Minister for the work that has been done on Taveta Road. The Mwatate-Taveta Road, being an international road, has been on the drawing board since 1972. There was a time money was even spent to survey it in preparation for a contractor to do the road. Unfortunately, that was not done, and every time money was made available, there were new priorities west of Nairobi, which came up and nothing was done. It is the only international road which has murrum. The murrum that has been put on it right now grossly under-estimated the amount of traffic that goes through the road.

It is important that the Minister urgently finds money to be able to tarmac that road between the Tanzanian border and Mwatate, because it is wearing out extremely fast.

Mr. Deputy Speaker, Sir, there is also the other aspect about the road which makes it extremely dangerous. Between Mwatate and Taveta, you cross the railway line 11 times, which makes it extremely dangerous in the sense that you have to be always on the look out to be able to avoid any accidents with the trains.

I would also like to commend the Minister for the initiative he has taken in training small contractors to carry out maintenance works on the small roads in the rural areas. They are doing a fantastic job. The only trouble is that, since they are always short of money, the moment they are given a big cheque, there is the temptation to assume that they now have money and they forget to pay the labourers. The result is, these labourers are perpetually camping outside the offices of the District Roads Engineer or the DC to see how they can get payment for the work done. It is important that they are vetted, and the District Roads Engineers and the senior officers in the Ministry attend to the issue of the people who are not paid. They go for these jobs because they have no other way of surviving, and it is important that after they have done some work, they are quickly paid so that they can have a chance of maintaining their families. I hope that the issue of the 24 per cent will not be delayed unnecessarily.

I beg to support.

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, I begin from the premise that Kenya has got some of the worst roads. In various countries I have been to, even those that are much poorer than Kenya; for example, Mozambique and Burkina Faso, they do not seem to have as bad roads as we have in this country. But I also take it from the premise that the highest causes of deaths in this country are road accidents. They even exceed those who die of HIV/AIDS and malaria. I also take it further that those road accidents are caused due to corruption, but perhaps more importantly, due to the poor state of the roads. This is the seriousness with which I want to contribute to the matter before the House.

Mr. Deputy Speaker, Sir, I am obliged to laud the Ministry, being a Member of the Roads Committee. Normally, they give us explanations that look like they are acceptable. I would like to support Mr. Mbela that the Ministry of Local Government is not supposed to take money that is supposed to be used for roads because the KRB Act does not recognise it as one of the agents. Even in those instances the Committee has summoned it, it has either failed to turn up or failed to give satisfactory explanations. It is in that regard that I would like to laud the Ministry's staff for attempting to give what appears to be acceptable in terms of road usage.

Mr. Deputy Speaker, Sir, I must register my concern that whereas in its wisdom this House resolved that each constituency should get Kshs5 million for rural roads, that is normally hampered in terms of delays in remitting money. We are informed that the money which the KRB Act says should go directly to KRB, understandably goes through the Treasury. I hope the Ministry has taken the necessary measures, or is going to liaise with other Ministries, to make sure that the money goes directly to KRB because that is what this House has directed. Although we know this Government ignores what the House resolves, we hope in this particular instance it will respect it, that once the Fuel Levy is collected, it goes directly from KRA to KRB without going through any other intermediary.

Apart from being responsible for the delay, perhaps in transmitting money to the districts or the constituencies, probably this is how money ends up going to the Ministry of Local Government, whereas it is not supposed to go there.

Mr. Deputy Speaker, Sir, I would like to take issue with failure of the Ministry to pay attention to roads in my district, particularly roads C18 and C19. Whereas we have been told that Mr. Kones was sacked when he visited a certain road, Eng. Kiptoon was also sacked when he visited the Kopany-Karungu Road where the Government has lost a lot of money despite the recommendations of the DDC that the contractor should not have been paid, and the road

should not have been handed over until the work was redone. The Minister was personally there, and he verified that this job was substandard, but he was sacked a day or two later after coming from our district. We are hoping that this is not going to be the---

**Mr. Keynan:** On a point of order, Mr. Deputy Speaker, Sir. The hon. Member seems to be privy to very important information when he says that two Ministers were sacked after visiting certain roads. Could he elaborate that allegation?

**Mr. Deputy Speaker:** Mr. Keynan, I have not got your point of order.

**Mr. Keynan:** Mr. Deputy Speaker, Sir, is it in order for Dr. Ochuodho to claim that two Ministers from the Ministry of Roads and Public Works were dismissed for visiting certain roads, while we know that it is the prerogative of the President to appoint and sack Ministers?

**Mr. Deputy Speaker:** Order, Mr. Keynan! You are also just expressing an opinion, that this is the prerogative of the President, but you do not know why they were sacked. So, when Dr. Ochuodho expresses an opinion which is not derogatory to anybody, I think he is in order.

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, if my friend learnt to remain on this side---

**Mr. Deputy Speaker:** Order! Proceed with your contribution!

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, I am also concerned that on this particular road C18, there is a bridge that has been talked about in this House known as Agedo Bridge. That bridge was swept away, and about a year ago the Minister promised to make money available to have it done, but to date, some resemblance of work is being done on it, but it is not what we expected would be done on a bridge on a major road. I would like to appeal to the Minister to take immediate action to make that road passable.

Mr. Deputy Speaker, Sir, I must take issue by recognising that what we are discussing is the Kshs8 billion Fuel Levy. When the Fuel Levy was introduced, Kenyans used to pay a tax called road licence. They continue to pay that tax through the road licence. My understanding of the Fuel Levy was that the road users needed to pay it for the maintenance of the roads. I think the Government needs to justify to Kenyans why it must continue to double-tax them. Now that we have the Fuel Levy, I think the Minister should recommend to his counterparts that the road licence, as a tax, should be withdrawn because it does not make sense. Otherwise, we are double-taxing Kenyans for the same reason. I think the Government, by not realising that there was a way of taxing road users, introduced the Fuel Levy. But now that we have it, I think we should withdraw the other tax.

Mr. Deputy Speaker, Sir, I also must register my concern at the length of guarantee period that we give to our road contractors. Kenya is, perhaps, as far as I know, the only country that asks for a one-year guarantee when a new road is constructed. The Departmental Committee on Energy, Communications and Public Works was privileged to visit a number of countries recently, and one of them was Australia. We learnt that they have, at least, a 15-year guarantee period where, if a road is damaged, the contractor must come back and re-do the work. Why are we so lenient to those contractors? Is it because of the Kshs5 million they pay for a plate of dinner at KANU functions? Is that why we are so lenient to the contractors? I want to urge the Minister to recommend that a longer period of time be required---

**Mr. Kamolleh:** On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member speaking of Kshs5 billion or Kshs5 million for one to come to KANU functions? Could he substantiate that allegation or withdraw?

**Mr. Deputy Speaker:** Order! It is you who is not in order! The power to decide who is in and out of order does not reside there. It resides here! Now, if you want to stand on a point of order - let me repeat, hopefully this time, for the last time - the Member on the Floor must have breached one of our Standing Orders, or he is so disorderly that you feel you should bring it to the attention of the Chair!

*(Mr. Kamolleh interjected)*

Order, Mr. Kamolleh!

**An hon. Member:** Throw him out!

**Mr. Deputy Speaker:** That is precisely what I am going to do! I want you to move from the precincts of Parliament for the rest of today's sitting!

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir---

**Mr. Deputy Speaker:** Order! There is still a stranger in the House!

*(Mr. Kamolleh withdrew from the Chamber)*

Proceed, Dr. Ochuodho!

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, thank you for that protection. It is no secret that when KANU has its functions and dinners, people pay as much as Kshs5 million per plate, and a good number of those people happen to be road contractors. But perhaps more importantly, I am concerned about the sale of Government houses---

**The Minister for Roads and Public Works (Mr. W.C. Morogo):** On a point of order, Mr. Deputy Speaker, Sir. Could the hon. Member tell us how Kshs5 million paid for dinner relates to roads?

**Mr. Deputy Speaker:** Order, Mr. Minister! You are asking a question! What is your point of order!

**The Minister for Roads and Public Works (Mr. W.C. Morogo):** Mr. Deputy Speaker, Sir, what I am asking is: Is the hon. Member in order to become grossly irrelevant? We are discussing the Vote for the Ministry of Roads and Public Works, and he is bringing in the idea of people dining happily out there? What is wrong with somebody being happy with paying Kshs5,000 or Kshs5 million for a plate of food which he enjoys most?

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, I sympathise with the Minister---

**Mr. Deputy Speaker:** Order, both of you! Mr. Minister, you are going to have an opportunity to reply. Really, it is out of order for you to be taking Members' time when they are contributing. You have already contributed! Proceed, Dr. Ochuodho, but having said that, you must be relevant!

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, my final point is with regard to the plan to sell Government houses. I recognise housing falls under the Ministry. Personally, I think it is a wrong idea and concept. I am hoping that the Ministry is going to put it on hold. Although somebody from the other side of the House said that they should plan, regardless of what the World Bank and the International Monetary Fund (IMF) gives us, I want to tell them that when the National Alliance of Kenya (NAK) takes over the Government at the end of the year, that money is going to flow in. So, we will have those roads done.

With those few remarks, I support the Motion.

**Mr. Angwenyi:** Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to contribute to this important Motion. The level of development of infrastructure in any country reflects the development of that country. Where infrastructure has not been developed; or if it is developed but not well maintained, it shows clearly that, that country has not developed; or if it has developed, it is deteriorating!

Mr. Deputy Speaker, Sir, I am proud to be associated with the Roads Board Act, as a Member of the Committee of the House concerned. I wish we had enacted a law to cover water, health facilities and electricity. That is because by enacting that Act, we have empowered our people throughout the country. There is some specific amount of money that goes to every constituency in the country. They have opened up our rural areas. The Kshs5 million was hitherto, before the enactment of the Act, not available to any part of this country.

Like my Chairman said, all the money was being spent to the west of Nairobi and east of Kericho. The other parts of Kenya, right from Trans Mara to Mt. Elgon, Kapenguria and Lokichoggio were not being considered. The other parts, right from Lunga Lunga to Mandera were not being considered. But now, that small amount of money trickles to those areas, which were, otherwise, remote!

Mr. Deputy Speaker, Sir, we needed to put together all the areas that are covered by the infrastructure and put them in one Ministry, so that they can be coordinated centrally from one point. Right now, the *El Nino* Emergency Roads Programme is in the Office of the President. It is being managed by, of all the people, Mr. Shariff Nassir. You can imagine! Mr. Nassir does not know how a square looks like! The KUTIP funds were given to the Ministry of Local Government. At that time, it was being presided over by a very extravagant and mischievous Minister! He could spend Kshs238 million on 200 metres of road, in a country where we do not have that kind of money to distribute to our districts!

We also had funds for Local Authorities Transfer Fund (LATF) which were dished out to local authorities for infrastructure development, but they were never used for that purpose. I sometimes wonder where our Head of State collects all those Ministers from, who cannot perform a single duty for which they have been appointed!

Mr. Deputy Speaker, Sir, we do have main sources of funds for our roads network. We have got budgetary allocations, Fuel Levy, donor funding, cess, licences and fees. The Fuel Levy is very well spent, except for one aspect; the aspect of giving some of those funds to the Ministry of Local Government! I wish all that money--- In fact, the Act says that, that money should not be channelled to that Ministry. I hope the Ministry, from now henceforth, will not send a single penny to that corrupt Ministry. It is the Ministry of garbage, potholes and corruption! Since February this year, the Ministry of Local Government has paid two blacklisted contractors an amount of Kshs3.8 billion as pending bills. But they did not even tarmac any single road in this country. Even if they did it, it was a halfway done and in a shoddy manner. This Ministry is a conduit for the embezzlement of public resources---

**Mr. Deputy Speaker:** Order! Mr. Angwenyi, look at the Motion before us. It is on Vote 13, Ministry of Roads and Public Works!

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, we are talking about Government resources. This Government

taxes our people to maintain our roads and provide other services in this country. So, it is not fair for the Government to tax Kenyans and then use a Ministry to siphon all that money by awarding contracts to corrupt contractors. That amount of money could have been used to pay teachers their contentious salary increment and, probably, we could not have the current crisis of teachers going on strike. Therefore, teachers' salaries should be considered as pending bills and be paid as a matter of priority, instead of paying dukawallahs. It is a shame even that money is being used to campaign for certain individuals. I do not want this Government to tax me and use the same money to campaign against me.

Mr. Deputy Speaker, Sir, the Ministry has done a very commendable job given the circumstances under which they operate. I commend the Minister for that. We all know to run this Ministry is a very difficult task, given the meagre resources allocated to them. Even if the Minister has survived for such a long time in that Ministry, I am sure he has been sitting on fire. We should commend the Ministry, especially for the way they distributed 15 per cent of fuel levy funds to our constituencies. They also distributed 24 per cent of fuel levy funds to the 30 new districts which they had not included in their budget.

I am concerned about the amount of money allocated to the maintenance of roads in our national parks and game reserves. This country can develop much faster if we develop infrastructure in those areas. In fact, we would develop faster if we directed our resources towards tourism than we could if we concentrated much of our resources in the agricultural sector. The amount allocated to those areas is not utilised appropriately. If it were utilised appropriately, the Mai Mahiu to Mara Game Reserve Road would have been tarmacked. I would urge the Minister to make sure roads leading to tourist attraction areas are tarmacked. He should make sure that blacklisted contractors are not given any more contracts. If they will be given any contracts, then the Government should not tax our people.

Mr. Deputy Speaker, Sir, we should strengthen the maintenance department in the Ministry so that our roads do not develop craters. If there is a pothole, let it be sealed quickly so that we avoid accidents and damages to our vehicles. We would like to have a good road network in this country.

Mr. Deputy Speaker, Sir, there are some roads which have been in the Ministry's books year in, year out; for example, Katito-Kendu Bay-Homa Bay Road and also, the Kisii-Chemosit Road which is normally done three months before each general elections. It was done in 1992 and 1997 and it is being done now, three months to elections. It is being murramed; presumably it will be tarmacked. But when the elections are over, it is abandoned to wait for another five years. This Ministry has got a very good Minister and professionals. Could they ensure that when they decide to tarmac a road, they finish it instead of abandoning it?

Could the Minister make sure that Kisii-Chemosit Road is tarmacked? Another road which should be considered is Nakuru-Mau Narok Road. That road has been in the Ministry's books for many years. Mr. Mbela has talked about a road connecting Kenya and Tanzania. It has been in the Ministry's books year in, year out. New roads have been identified and tarmacked, leaving this important road in very bad condition.

Finally, Mr. Deputy Speaker, Sir, we must look at our housing policy. When we attained Independence, there were programmes in place to enable public servants own decent houses. But it looks like those programmes have been reversed. Now the Government is disposing of every Government property, including public toilets. Public toilets are being dished out to the greedy, or the so-called private developers. This Parliament must stop this. Why should we pay house allowances to our public servants when we can provide them with decent houses? Why do we want to dispose of our assets? Could the Ministry empower the National Housing Corporation (NHC) and the Housing Finance Corporation of Kenya (HFCK) so that they can provide decent houses to Kenyans at affordable credit? Currently, the HFCK is being managed by Wazungus instead of Africans. Those Wazungus are charging Kenyans high interest rates and penalties. It is very hard for Kenyans to own houses through a mortgage scheme.

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

**Mr. Munyasia:** Mr. Deputy Speaker, Sir, thank you very much for giving me the chance. From the onset, I would like to support this Motion. The Ministry has been doing some good job, especially with the fuel levy funds. They have done a good job in my constituency and I am grateful for that. But I have also got serious things to point out, which I hope they will improve on.

The Minister talked about the Road Maintenance Unit. I do not know whether this particular unit exists in Western Province or not. Sometime back, we used to have these units at the district level. But if you look at the roads in Western Province, you will notice that they are in very bad condition. You wonder whether there is a Government. If the maintenance unit does not see that, then there must be something wrong with them.

In the past, we used to take 20 minutes to drive from Kakamega to Webuye. Currently, it takes you two hours to drive to Webuye Town because the road is in a poor state. What is the Road Maintenance Unit doing? Are they just watching our roads deteriorating? Do they expect funds from the World Bank? Do they want to get evidence from the officers that, indeed, that road is in a very poor state? Roads within Bungoma Town are in a pathetic state. There was a time when Bungoma Municipal Council tried to murram them, but the Ministry officials told them it was not their

responsibility to murrum those roads. Why does the Ministry not repair those roads?

If you look at the Bungoma-Kimilil Road, especially around river Kuywa, it is so bad. It is a black spot where many of our people have lost their lives. There are no road signs. So, you cannot know when you are approaching the bridge. It is a pity that this Ministry is doing nothing about it. I would like to urge the Minister to make sure that all road maintenance units in the country are functional. The Bungoma-Malava Road is now a corrugated road. It continues to get worse at a place called Bwena and Amogoro. Again, nothing is being done.

I was surprised that the Minister told this House that one of the roads completed using the fuel money is the Kisumu-Yala Road.

I was on that road a few weeks ago and found out that it has not even reached Maseno. The road has been done up to Kisumu. So, it is strange if it is recorded as having been completed.

Mr. Deputy Speaker, Sir, there is an international road between Chwele and Lwakhakha, which is an international market through which goods to Eastern Uganda and Sudan pass. As I speak here now, the stores for wheat and other goods which are exported from Kenya to Eastern Uganda and Sudan are empty and they have been closed down. This is because that road has not been done. There was a time when a certain contractor - one of these con men - was awarded that contract and he did not do anything. To make matters worse, a bridge collapsed and they replaced it with a *mabati* bridge, which cannot sustain heavy vehicles which used to pass along that road. So, our trade with Eastern Uganda has got to be re-directed through Malaba and this has "killed" Lwakhakha Market. So, I would like to appeal to the Minister, as other hon. Members have done, to consider tarmacking the international roads which connect us with other countries. This is because that is what will improve or sustain our trade with other countries.

There is a trend in Bungoma District, and I do not know whether it happens in other areas, where the Ministry appears to have surrendered ownership of road reserves. In Bungoma District, many of the murrum roads have all their reserves taken by people who plant eucalyptus trees. These are huge trees which interfere with visibility and this can cause accidents. You cannot drive fast on these roads because you cannot see what comes ahead. If these road reserves had been cleared and only short crops, for example, beans--- If the Ministry would like to be generous and allow farmers to use road reserves, then let them grow short crops, for example, *wimbi*, groundnuts and vegetables. They should not plant eucalyptus trees. So, the Ministry should re-take ownership of its road reserves.

*[Mr. Deputy Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, there was mention of the Government intending to sell Government houses. There is a scandal in Bungoma District. There are many small houses which house clerks and junior officers of the Government. These families have been staying in these houses for many years and they were prepared to buy them when the Government was ready to sell them, even if it was at market price, as it is said, although we doubt if it will put that into effect. But all of a sudden, the tenants of Government houses in Bungoma District have just found some rich fellows fencing those areas. So, they find themselves being fenced in. Who are the new owners of some of those houses? We do understand that it is two DCs, namely, the former DC and the current one, who have taken over most of these houses. Of course, these houses are also going to who-is-who in KANU in Bungoma District. So, a few of those former KANU heavy-weights have taken over those houses. I would like to appeal to the Minister to give the first priority to those tenants who have stayed in those houses for the past ten or so years, because they are willing to buy them. They have requested us to appeal to the Minister to give them the first priority, which I have done.

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

**The Assistant Minister for Labour and Human Resource Development** (Mr. Chanzu): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this very important Vote. I would also like to join my colleagues in congratulating the Minister, the Permanent Secretary and the entire staff. All of us have noted that, at least, the Minister takes time to listen to the requests we put across to the Ministry. The Permanent Secretary also does the same.

I would like to point out one or two aspects. In my constituency, we have Mngovo Bridge, which gave us a hard time. But I am happy to inform this House that we opened this bridge yesterday. It cost the Ministry Kshs3 million and it can now be used. I would like to emphasize again that the Ministry plays a very important role. One of the major roles the Ministry plays is to open up the country and make communication possible and easy. The Ministry also provides houses to its employees and maintains them. Therefore, the Ministry plays a very important role in our society. In the recent past, we have had reforms.

I would like to say that the major reforms which have taken place in this country are found in the sector which

affects this Ministry.

We have the Constituency Roads Committees at the constituency level, and within a very short time, they have played a very important role. The only important aspect that we would like to address now is how to manage the changes which have been introduced because various groups are participating. My observation has been that some of the Ministry officials have not understood this concept. It is important that they understand that when we came up with the Kenya Roads Board, the District Roads Committees and Constituency Roads Committees, the intention was for everybody, as a stakeholder, to participate. Decisions should not be made by one group or an individual. A decision, which affects disbursement of funds, procurement of materials *et cetera* should not be made by one group or an individual. This is because one of the main objective of coming up with these reforms was to alleviate poverty. We have had incidents where materials are accessed from very far, from where work is supposed to be done. This is contrary to what the intention is. The intention is that if there are road works going on in a certain place, and we have got murrum in that area, it should be procured from there. If there is cement and labour, it should be procured from that area so that we can help alleviate poverty in those areas where the money is intended to be spent. So, I would like to propose that, that be looked into from the administrative point of view at the Ministry level, and where mistakes are made, they be rectified.

Mr. Temporary Deputy Speaker, Sir, maintenance of roads and even Government houses is very important. There are two burials taking place in my constituency today, which arose from road accidents which took place last week due to potholes. I know the police have also a role to play in looking after the conduct of *matatu* drivers and other road users, but I think we had better make the aspect of road use clear. With regard to potholes, the road between Kisumu and Kakamega, at Kebege, where this accident took place, we have had many people killed, as the vehicles try to overtake and then the drivers find potholes in front of them. So, in trying to avoid those potholes, the vehicle veers off the road.

Mr. Deputy Speaker, Sir, yesterday, I witnessed a very serious accident where three people died again between Majengo and Luanda Road because of potholes. Again, a *matatu* was overtaking and there was a ditch in front. When the driver tried to avoid that ditch, the vehicle overturned and three people were killed instantly. So, I would like the Ministry to address such incidents very seriously.

With regard to the issue of road markings and signs, it is not okay on the roads in that area. In the evenings, when you drive in areas where there is fog, sometimes you find it very difficult to see whether you are still on the road or not, because of lack of road markings and signs. I think these markings and signs should be put back in place. We have very good specifications in the Ministry of Roads and Public Works. The officers should re-visit these specifications and have them put in place as there were before, for the safety of our people.

Mr. Temporary Deputy Speaker, Sir, there are housing projects which were started by the Ministry of Roads and Public Works, and some of which are incomplete at various stages. One very notable example, and which I think is almost getting forgotten, is the housing scheme in Nairobi West. I think this was a place where foundations were just started and all those foundations are now being buried under the ground. The Ministry should look into that and see what to do because money has already been sunk into that project and, we cannot just ignore it.

Mr. Temporary Deputy Speaker, Sir, we also used to have the concept of low-cost housing, which is not there today. I think it should be revived and if it is there, it should be revitalised because, when we talk about poverty reduction or eradication, we are saying that we must provide what is affordable to our people. It is only through this new concept that our people can have affordable accommodation.

Mr. Temporary Deputy Speaker, Sir, there was mention of rural access roads. I would also like to urge the Ministry that, if the labour-intensive schemes, which were there for rural access roads, are no longer there now, I think it is important that they get re-started so that, we can also create employment opportunities through them and hence help eradicate poverty.

Mr. Temporary Deputy Speaker, Sir, if we have to be industrialised by the year 2020, as it has been envisaged, we need to have sufficient funds and well trained personnel to manage our infrastructural services, particularly on roads, and that would go a long way to assisting industrialise our country by the year 2020.

With those few remarks, I beg to support.

**Mr. Kihoro:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Motion on this Vote. I stand to support the Motion and thank the Minister for what he has done during his tenure as Minister for Roads and Public Works.

The road in Nyeri Town Constituency has been built and it is a highway road. The job has been done well, and I immensely thank the Minister for the work in respect of that road. We had been subjected to a death trap, and there was no way of avoiding it. But now, we are driving our cars safely and we are spared the agony of potholes. Also, there is human traffic living around which has benefited by using that road.

In 1989, I moved a Motion in this House in respect of the question of the disposal of Government houses.

That Motion was adopted by this Parliament, that no more Government houses should be sold until and unless the Government develops a housing policy in respect of the previous users of those houses; the public servants who have been using them. I do understand that the resolution of this House has been overtaken and many of the houses have been disposed of. I think it is important that the Minister complies with the resolutions of this House and stops the sale of those houses, and also retracts and recovers them from those people who might have bought them illegally. Government houses have been built for a long time in this country; maybe, for the last 20 years, we have not built any new residential houses. It is important, therefore, that before any more houses are developed, the Government comes up with a Paper on housing policy.

When the Minister was making his contribution in respect of this Vote, he did talk about the Paper that has been tabled before this House. It is important that before it is debated and accepted, rejected or amended by this House, the Government stops the pre-emptive approach to this issue and decides that the houses should not be disposed of. We actually do need houses! Let this greed about privatisation stop at the borders of this country because even in America, Britain and Europe, Government houses have not been disposed of. It is important that houses which have been built previously, during the colonial and Independence period, are preserved because there are people still serving in the public service, and the Government remains a major employer in this country. In so far as I can see ahead, the Government remains a major employer in this country. There are certain services in this country that must be delivered by people who are comfortable and staying in well-built houses, without the bother of paying very huge rents, and yet the houses are there.

When I went to Botswana in the year 2000, I found the Government of Botswana, a country with a population of only 1.7 million, still building houses. They can still do it because the houses are necessary! A public servant who comes from a house that is spacious and well taken care of, is a public servant who will discharge his work properly. But give that public servant an opportunity of building a house in Mathare, where there is no water, sanitation facilities and the roads do not exist, and before he settles down in the office to do any job, after arriving at 8.00 a.m., it is already 10.00 a.m. Before the sun sets, he starts going home at 4.00 p.m. because there are problems all over. This is a point that must be emphasised! A good Government must go with good public housing policies and that is what I believe must be in that Paper, and it is very important that these houses are left there.

Mr. Temporary Deputy Speaker, Sir, in 1977, when I was a valuer in the Ministry of Lands and Settlement, I visited many of these houses, from Nyanza to the Coast Province. By the time I moved out, in 1999, only about 800 houses had been sold and we still had a housing stock of about 3,500 residential houses. It was still there, and was important. When the valuation was done, the Government set up a sinking fund based on the replacement of the houses at the end of their functional value, which should be after about 80 years. Normally, the functional period of a stone house is estimated at 80 years. It is believed that after this period of time, the house will become old and the services from it will be poor. In this case, the Government set up a sinking fund with which to replace the houses after 80 years. This was a good policy which was put in place to ensure that we have an effective Public Service to be proud of, and whose members would not revolt. We do not want rebellion by teachers and other public servants. We want a settled Public Service. That is the only way of ensuring that we have a good Public Service.

Mr. Temporary Deputy Speaker, Sir, there are houses currently being occupied by military officers. Are they also going to be sold because of this craze about disposing of Government houses? Is the Government going to dispose of houses in police lines? Are houses currently being occupied by subordinate staff in Eastlands going to be disposed of? Where does the Government intend to start and end? It is important for the Minister to answer these questions. We want a housing policy which will ensure that public servants who earn low salaries are housed. Probably, public servants in this category hold onto their jobs because they are properly housed. If these houses are sold, there could be a rebellion which might spread to cover the entire Public Service. Many might say that they cannot even afford transport to work.

Is the Government going to sell its godowns and workshops? Is it going to have a policy of only renting public buildings? What about the commercial buildings housing public offices? Is the Government going to sell them? It is important that a Sessional Paper is brought before the House to be properly analysed, so that we can adopt a policy which will ensure that, eventually, we will have infrastructure that can be inherited by the next Government. Even if KANU remains in power after the next general election, I will not mind. What is important is for us to look into the welfare of the public servant. The public servant who survived the retrenchment programme that was implemented recently has got to survive.

I am aware of a Government house which was disposed of in Machakos and rented immediately to the Government. The matter was published all over by the Press. Why should one dispose of a Government house and then, the following day, rent the same house from the new owner? That is a bogus situation. Why should you rent a house from somebody who bought it from the Government the previous day and then pay him three times the rent you were previously paying to the Government? What protection does one have for Government funds when one

formulates and executes such a policy?

Physical planning is very important. So, it must also be covered in the policy paper we are asking for. There used to be a policy through which Nairobi houses were built. There used to be areas of the City where services were minimal. In areas with low population density, such as Kileleshwa and Lavington, even the piping for electricity and water services used to be of low intensity, because the services covered fewer people. However, these days, because physical planning has gone crazy, even low density areas have become high density areas. That is why we now have frequent water shortages and power blackouts. The Sessional Paper being sought will be very important in terms of clarifying the Government policy in respect of this matter.

Mr. Temporary Deputy Speaker, Kshs8.4 billion from the Fuel Levy Fund has been incorporated in this Vote. From the public kitty, the Ministry is demanding only Kshs500 million. Otherwise, Kshs8.4 billion will be realised from the Fuel Levy Fund. In May, 2002, about Kshs6.2 billion was paid out from the Fuel Levy Fund in respect of work which was challenged by every hon. Member of this House. Fifty-one contractors were paid, in respect of pending bills, Kshs6.2 billion. I understand that some of the work was said to have been done in Nyeri Town. I stay in my constituency; I have not seen any work done.

Some of the civil servants who were retrenched in September, 2000, were promised a package of Kshs240,000, but they were paid only Kshs40,000. The balance of Kshs200,000 is still pending. So, the Kshs6.2 billion that was paid out in respect of pending bills would have served a better purpose. When I met some of the retrenched civil servants in Nyeri Town in early September, 2002, they told me that they had not been paid the balance of their retrenchment package of Kshs200,000. The 669 former civil servants from that area would have been paid Kshs133 million, but the Government has not made any effort to pay them.

The Government has paid M/s Kirinyaga Construction Company Limited Kshs2.2 billion in respect of pending bills. It has paid an individual so much money and ignored 670 former civil servants the balance of their retrenchment package, despite the fact that the money was included in the Budget for the year 2000. To date, they have not been paid their outstanding balance of Kshs133 million. Had they been paid, these people would have used the money to pay school fees for their children and construct houses for their families. Before they were retrenched, they were living in Government houses.

With those remarks, I beg to support.

**Mr. Odoyo:** Mr. Temporary Deputy Speaker, Sir, let me start my contribution by saying that the 5 per cent allocation of the national Budget to the Ministry of Roads and Public Works is inadequate. The Ministry needs at least 10 per cent of the national Budget. The Kshs15 billion that has been allocated to the Ministry is only 5 per cent of the national Budget, which is totally inadequate. The Minister should have asked for Kshs30 billion rather than Kshs15 billion. So, whichever way one looks at it, it is a no-win situation for the Ministry in view of the demand for roads countrywide. If one were to take the trouble of examining the Questions brought to this House, one would realise that about 40 per cent of them are about roads which were ruined by the last *El Nino* rains, and yet the Ministry has been allocated a paltry 5 per cent of the national Budget.

Be that as it may, I would like to go a step further and analyse how that allocation has been used. A study by the Institute of Economic Affairs shows that over the last seven years, the Ministry of Roads and Public Works has allocated 52 per cent of its budget to the Rift Valley Province only. Perhaps it is now time to ask why the rest of the provinces in the country have been allocated an average of only 6 per cent of the budget on roads. It is perhaps reasonable to ask whether this biased allocation of resources in favour of the Rift Valley Province has been done for economic or political reasons. What is the basis of allocating 52 per cent of the country's budget on roads to the Rift Valley Province alone? Is it political, or is it purely because there are some favoured contractors who happen to be stationed in that province?

Mr. Temporary Deputy Speaker, Sir, the national Budget on roads has even been misused in terms of the cost of road construction per kilometre. In this country, the cost of road construction per kilometre is the highest in the region in terms of quality. While the Ministry has endeavoured to show us variables in Tanzania, Uganda and other countries, the quality of the work done shows that we have been paying the highest rate in the whole world. In this country, when a contractor is required to construct a road to a depth of six inches, he constructs it to a depth of only 1.125 inches, and then saves a lot of money in terms of the material that would have been used on that road. The money is then pocketed by such greedy contractors, which is subsequently shared out with corrupt civil servants, who have continued to misuse their positions by not carrying out the technical audits they are required to. I will not belabour the issue of corruption, but I want to say that this Ministry and the Traffic Department are the most corrupt institutions in the world. Other hon. Members have talked about this, and so I will not belabour that point.

But, perhaps, this Ministry has been working against many other Government projects. Instead of supporting other Government projects, the Ministry has been going against them. I will give a case in point. There was an initiative by the Government to improve rural health sanitation. A rural health centre is built in the middle of Nyakach

Constituency, yet there is no access road. Nobody has done anything about the rural access roads. Do you know how many expectant mothers and infants have died on the way to the rural health centres because there were no rural access roads? Children who could have become future presidents of this country have died on the way to hospital because the rural access roads have not been maintained by the Ministry.

Mr. Temporary Deputy Speaker, Sir, in addition, national projects, for example, the Sondu Miriu Hydro Electric Power Project in Nyakach Constituency, have stalled. We signed an agreement stating that the Government would provide an access road to Sondu Miriu Project. The area from Katitu to Kendu Bay is totally inaccessible. The Katitu-Kendu Bay Road is totally inaccessible. The supply of materials to the Sondu Miriu Project is being hampered and that is one of the reasons why the Japanese Government continues to do a slow turn in funding the project.

The district water supply was put at Awasi, yet the Awasi/Katitu Road has not been implemented despite being tendered for the last two years. This year, the project has been tendered again and we shall wait to evaluate and see whether funds were put into the hands of some greedy bureaucrats, who try to use technical means to pocket Government funds through fictitious deliveries and unsubstantiated expenses.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to say something about the District Roads Boards. I wish to record my disappointment with the technical audit of roads. Many people speak about funds and few speak about the technical audit of roads. For example, a road that was gravelled towards the end of the last financial year, for instance in May, 2002, is being gravelled again in August at the Ministry's rate. The Ministry has specified the rate of gravelling one kilometre of road. The contractor is paid in May and in August, he is paid to gravel the same road at the same rate. Who checks these things? Is there a technical audit? The Minister for Roads and Public Works is a great Minister and a good friend of mine. The Permanent Secretary in the Ministry is also a very humble man, but we begin to wonder how much leeway this Ministry has in providing the infrastructure that is required in this country.

I want to touch on the Minister's budget. Out of Kshs15 billion, Kshs10 billion is for Recurrent Expenditure and only Kshs5 billion is for Development Expenditure. The Minister expects 80 per cent of Kshs5 billion to come from outside the country. I think we all know what has happened and we must caution the Ministry to find a way out of the poor infrastructure. There have been no new roads built in this country except retarmacking the old ones. The few roads that have been built, have been built in the Rift Valley Province alone. I have two roads in Nyakach Constituency that appear in books as having been tarmacked, yet they have not been tarmacked. Who pocketed this money? I need answers to these questions because we have a situation where bureaucrats hide behind technical jargons. We have long lists of technical engineering terms, where funds are hidden and these funds eventually end up in the pockets of bureaucrats rather than in the intended use.

Mr. Temporary Deputy Speaker, Sir, Kshs8.4 billion will come from the Appropriations-In-Aid and the Road Maintenance Levy, and an audit of that money should be tabled in this House. That amount of money is too much to be left in the hands of bureaucrats and without the full oversight of this House. The rural access roads programme died a long time ago, yet 80 per cent of our people do not need tarmac roads. They need rural access roads. What exactly is the Ministry doing to revive the rural access roads programme? There was a lot of hope in the Roads 2000 Programme. The programme has also "died". Experiments were done in a few districts, but the technical and financial audits of the performance and the success of the programme are questionable. Perhaps, a full redesign of the Roads 2000 Programme might help this country.

Finally, I want to talk about housing. I am a former civil servant. One of the benefits of being a civil servant is that you get a good house. But the Head of the Public Service and this Ministry have told us that now civil servants should pay market rates of rents for the Government houses. You have less than Kshs550 million, yet you have spent Kshs90 million of that money to renovate the empty houses. What a terrible situation? This is improper. We must house our civil servants because they do not get market rate salaries.

With those few remarks, I beg to support this meagre allocation.

**Mr. Mwalulu:** Mr. Temporary Deputy Speaker, Sir, until a few months ago, rural access roads in my constituency were impassable and during the rainy season, communication would be paralysed. But with the help of the Fuel Levy Fund, communication is no longer paralysed in Taveta Constituency.

However, I would like to add that a better job would have been done if the 24 per cent Fuel Levy Fund was released, so that instead of doing patch work, on the rural access roads, full tarmacking could be done. Currently, we are doing patch work which leads to a situation where you have to keep re-doing the roads over and over again. I think that with the release of the 24 per cent of the Fuel Levy Fund funds, these roads could be done comprehensively and a longer period would be taken before we go back to re-do them.

I want to go straight to the Taveta/Mwatate Road. A song has been sang since 1972 that this road, being a Class A Road, deserves to be tarmacked. But for some strange reasons, this road has remained murramed for a whole generation. However, I would like to thank the Ministry of Roads and Public Works for murraming it, but the people of Taveta Constituency are saying that this is too little, too late. This is a Class A Road and the Minister, who is seated

in front of me, knows that it deserved to be tarmacked because of the heavy traffic that uses it. Even with the recent tarmacking of the road, a problem has developed, which is very worrying. Too heavy vehicles which pass through this road have worn it out to a level of it being almost impassable, only three months since it was murramed. Trucks from Tanzania ferrying timber to Mombasa have been overloading that road and this situation can be controlled. During our District Roads Committee (DRC) meetings, a point has been made over and over again, that we need mobile weighbridges to check those vehicles from wearing out that road. However, whenever that is discussed, it is not implemented. I am from the constituency and I saw those trucks still using that road with their heavy loads. Lives are being lost on that road because smaller passenger cars that pass on that road are involved in accidents almost everyday, and a lot of losses are being incurred.

Mr. Temporary Deputy Speaker, Sir, the point I am making is this: That this is an international road that connects Kenya to Tanzania and even to the Central African countries. Given the money that can be made out of this road and since we are talking about industrialisation by the year 2020, this Government must start tarmacking this road. It is a shame because if you travel from Voi up to the Tanzanian border, you feel ashamed because the contrast between that section of the road and the Tanzanian side is too drastic, and we keep bragging that we are the most developed country in this region. What kind of developed country that cannot tarmac an international road? When the Minister rises to respond to this Motion, that must be a point to emphasise on; that this road must be tarmacked.

Mr. Temporary Deputy Speaker, Sir, having said that, let me also point out that the Nairobi-Mombasa Road, which I mostly use, is a killer road and we all know this. When travelling from Voi to Mtito-Andei, one can even sleep on the steering wheel because the road is very smooth. It is very clearly demarcated, but from Mtito-Andei to Sultan Hamud especially at night, it is a very high risk road. While travelling on that road, after every two kilometres, you see trucks rolled on this side and that side because the road is narrow and that is what technical officers call lack of shoulders. So, if you are pushed this way by a truck, you just go to the bush. We must stop to think how many valuable lives have been lost on that road. How much traffic which would have used that road does not do so? So, I do not see why we should take so long before improving our international roads. That must be done and when the Minister responds, I think he should not just respond but give a commitment as to when this road will be tarmacked, and tarmacked to the international standards it deserves.

Mr. Temporary Deputy Speaker, Sir, having said that, I want to say that good quality road network has a direct bearing on security. I come from an area where tourism is very important, but if you travel through the Tsavo National Park roads, you will be lucky if you emerge from the other side without your car breaking down. There are very poor roads inside those national parks, and yet we are saying tourism is a leading income earner in this country. If that is the case, why not improve roads inside those national parks, especially those of Tsavo National Park? Is it true that we still value tourism in this country and are we serious about improving income from tourism if we cannot improve roads? Talking about roads and insecurity, bandits have been terrorising people inside those national parks, partly because the roads are impassable and very poor. Bandits take advantage of poor roads to ambush cars and hijack them and, therefore, scare off tourists. Something must be done about that.

Mr. Temporary Deputy Speaker, Sir, let me say that communication in Taveta is paralysed. Apart from the roads which have been improved a little bit, something must be done about telecommunication and I am saying this because there must be interdependence between roads, transport and communication. It is very strange that in Taveta, people know of President Mkapa even better than President Moi, and if you ask the people of Taveta the Cabinet line-up of Tanzania, they will tell you. The reason for this is that a television set in Taveta clearly receives Tanzanian television programmes. What is KBC doing?

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

**Mr. Otula:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. I must thank the Minister very much for bringing up this particular Motion which is actually the base of our people in the rural and urban areas.

Mr. Temporary Deputy Speaker, Sir, I hope we have all the departmental heads here who are assisting the Minister to take note of the comments being given by the Members who are contributing to this particular Motion. I would urge them that these comments are very important and will lead them to succeed in whatever things they are doing on the roads. One very important thing that has actually destroyed the roads in the rural areas and in this particular country, is corruption and misappropriation of funds. In the past, this House has been giving money to the Ministry, but in most cases no work was actually done on the ground, until the year 2000 when we came up with the Kenya Roads Board Act to help distribute money to different constituencies. At the moment, you can be able to see that something is going on, on the ground.

Mr. Temporary Deputy Speaker, Sir, on the ground, you find that very good work plans are always drawn, but in most cases, you find that the work plans which are sent to the headquarters are not done according to the way they are drawn. I would, maybe, request the Minister to check on the work plans which are given to the headquarters,

to find out if the work is actually done on the ground. Some district engineers are very good in drawing good work plans, but when you get to the ground, you find that they are not able to complete the work as drawn in the work plans.

Mr. Temporary Deputy Speaker, Sir, one of my colleague has talked about drainage. This is a real disease which has affected the development of roads in this country. You will find that money had been given and the road had been done, but because of the poor drainage, when the rain falls, the roads, normally, get destroyed within a very short period. I would wish to express to the Ministry that the most important thing that must be done is to work on the drainage so that if the road is done, the water can get its way down the drainage without destroying or washing away the roads. Without that, I am sorry we are going to spend money year in, year out, but very little work or development will be noticed on our roads.

Mr. Temporary Deputy Speaker, Sir, contractors have played a negative role on our roads. You will find that most contractors who are awarded contracts do not do the work satisfactorily. In most case, shoddy work is done. I would request the Ministry to revert to giving the DDCs the responsibility of awarding tenders to the contractors after having vetted them. At the moment, you will find that contracts are given at the Ministry headquarters without taking into consideration whether that particular contractor is able to do a good job. For example, there is a contractor who did the Oyugis-Kendu Bay Road. A lot of money was paid to the contractor, but if you go to that road now, it is completely impassable. The Ministry should be able to look into this. Also, the Katito-Kendu Bay Road was tarmacked recently, but you would opt to use a murrum road than use it.

So, the contractors who are awarded tenders should be dealt with at the DDC level so that, if something is going wrong, the DDCs can take appropriate action. For example, the *El Nino* Programme was placed under the Office of the President, and our engineers were not even allowed to supervise the people who got contracts to do our roads. A shoddy job was done on these roads and nobody was ready to answer any queries. We tried to consult with the DDCs and nothing was done. Taxpayers' money was paid to these particular contractors. If there is such a programme, our district engineers should be given the responsibility to supervise and ascertain that good work is done so that if there is anything wrong, then the DDCs can put the district engineers to task over such issues.

Mr. Temporary Deputy Speaker, Sir, I do not know the plans the Minister has, but you will find that our districts do not have machines to be used on our roads. So, in most cases, you will find that engineers use the little money that is given to them to contract those machines and they cannot go far in their work. The Ministry should provide good working machines to be stationed at the districts where, if money is provided, it can be used to make culverts and fuel vehicles so that roads can be done. We have employees of the Ministry in the districts, but in most cases, you will find that they do nothing because they do not have the machines to use. Sometimes, roads are graded and where murrum is required, nothing is done because we do not have vehicles to be used to murrum these particular areas. According to the Act, it was agreed that 24 per cent of the fuel levy was supposed to be sent to the constituencies to build new roads. I do not know what the Minister will say in his response to whatever we are saying here. This money has not been given to any constituency. It is important that new roads be opened and money is normally earmarked for this. Once funds are available, this should be done, and a follow-up should be done so that new roads are constructed.

Roadblocks along our roads are a menace. Police normally mount roadblocks and this has been a major cause of destruction of our roads. You will find a roadblock being put in a certain spot on the road for a whole year. Heavy vehicles park by the side of the road and you will find that in the end our roads are damaged. The police should find a way of mounting their roadblocks in different parts of the roads to ensure that they do not remain at one particular point which results in destruction of our roads.

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

**Mr. Mboko:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Vote of the Ministry of Roads and Public Works. From the onset, I sympathise with the Minister. I say so because the money allocated to the Ministry is not adequate to cover the areas of concern especially the infrastructure of this country which will enable us to improve our economy. The Kenya Roads Board (KRB) which was created by an Act of this Parliament, is facing difficulties. Instead of the fuel levy that is collected from oil companies being channelled directly to the KRB, it goes to the Kenya Revenue Authority, which takes the money back to the Treasury for later remittance to the KRB. This delays the remittance of money to the DRCs. Why this conflict? Why is this money being collected by the KRA not going to the KRB? Why must it go back to the Ministry of Finance before being brought back later? What is the problem? We need efficiency. There is no development in any country which lacks efficiency.

We can see what the DRCs that we created can do. It is high time the Government increased its funding to DRCs to improve the road networks in the districts. Every constituency should now be proud of having good access roads. In fact, we have now resorted to using human labour because of lack of equipment. This is to ensure that we build good roads with proper drainage systems, which are more durable than graded roads. The Minister should direct his officers to ensure that our road network is improved from the grassroot level to the highways.

There is a department in the Ministry called the Supplies Branch which is the Government purchasing office. The Government buys its supplies from one store. At the Supplies Branch, who holds the majority of supplies? It is the Asians! Some of these Asians just front for powerful individuals in this Government. You will find an African businessman who has an interest in the Supplies Branch is not even considered for these supplies. The law is in place, but when an African entrepreneur competes with an Asian or a white man for business, there is a 10 per cent difference bias. But the officer in charge of the Supplies Branch does not consider all these, hence locking out our entrepreneurs from supplying goods to the Government. This is an area which must be checked and improved so that an African feels that he or she is serving his or her own Government. But you will find the Asians who have been supplying us with materials since Independence are the same Asians supplying us today. That man who was supplying the Coat of Arms from 1963 still supplies them even today. The same man who was supplying the national flags to the Government in 1963 still does so. Why is that so? Why can we not be considerate of our own people? Why can we not give our own people incentives so that they become good business people? Even the supply of small things like ink for writing is from an Asian. We must check this.

Turning to buildings in Nairobi here and other capital centres - in the deep commercial centres in this country - when the Government wants to establish an office and it does not have an office in that particular area, it rents one of these buildings. It rents an office in these buildings, maybe, for a particular department. But in the rural areas, when a mwananchi contributes money to put up a DO's office, or a house, or a hospital or a health centre, that goes to the Government and there are no returns. Time has come when wananchi should get some levy from Government buildings which are housing Government departments and have been put up by wananchi. This is because the Government has to expand with their buildings and furniture. We have put up even law courts and remand homes, and the Government is paying nothing. But if that building was hired in Nairobi, a Mhindi somewhere would be collecting some rent from the Government. The Minister should address that issue adequately. I was surprised the other day when the PS directed that teachers who were living in school houses be evicted. Which houses has the Ministry of Education, Science and Technology put up in any school? Why should we evict our own people from our own houses? Those are community-based houses and nobody should interfere with the teachers.

Mr. Temporary Deputy Speaker, Sir, there are so many categories of vehicles in Government. In the four-wheel drive category, there are the Land Rovers, Land Cruisers and Pajeros. It becomes very difficult to service these vehicles. Why can the Government not have one category or model of vehicles to enable them have uniform spare parts, which can be accounted for? You find that in the same Ministry, the PS drives a Pajero, while the Minister drives a Land Cruiser. Why should this happen? In some instances, there are Mercedes Benz cars and Volvos as luxury vehicles. Why can we not have one model of vehicles in order to efficiently maintain them? In the same category, there is the Toyota, Hyundai, Mahindra and many other brands of vehicles. Why should the Government do this? We must have a particular uniform category of vehicles in Government departments. It is only through the categorization of vehicles that we shall be able to maintain the fleet of vehicles that are found in the Government.

With those remarks, I beg to support.

**Mr. Kimeto:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute. I would like to thank the Minister for bringing this Motion that concerns the roads of this country.

Mr. Temporary Deputy Speaker, Sir, all the contributions of hon. Members must be noted in order to improve the poor standard of roads in this country. Every hon. Member who has contributed here must be taken very seriously to enable this country run smoothly. We do not just want to talk here, and yet nothing is implemented. It is important that those facts are known and are implemented.

At the moment, there is a Government allocation of Kshs5 million to every constituency. Some of this money is not used properly. The money is being mismanaged. Sometimes it does not go to the Constituency Roads Fund. We do not want this money to be misused by engineers and the Ministry of Roads and Public Works officers in the constituency. Every hon. Member of Parliament should be given a letter authorising him to oversee the use of that money in the constituency. The award of contracts should be left to the constituents. This will assist in the maintenance of roads in every constituency in this Republic.

Mr. Temporary Deputy Speaker, Sir, money spent to purchase culverts appears to be more than the money used to produce them. Whenever the culverts are being made, hon. Members of Parliament must be there in order to know how much cement and sand is used, and the total cost. We do not want this money to be misused. These are the measures that will assist this country.

Mr. Temporary Deputy Speaker, Sir, when it comes to award of contracts, you will find some contactors leaving the work halfway and then they go to ask for money from the engineers. This is very sad. If it were possible, we would even not come to Parliament in order to go and see whether this money is being utilised well. The Minister

should instruct the officers not to use this money without the knowledge of the hon. Members of Parliament. The road from Mai Mahiu to Mau Narok is impassable. It is completely worn out. It is now becoming a murrum road, and yet it was a tarmac road. The Minister should visit this area and see it for himself. That is an agricultural area, and at the same time, there is the Mara Game Reserve which generates money for this country.

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Muturi): Hon. Members, it is now time for interruption of business. The House is, therefore, adjourned until Wednesday, 2nd October, at 9.00 a.m. Mr. Kimeto will have a further five more minutes to contribute.

The House rose at 6.30 p.m.